

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART II, FLORIDA STATUTES
AS AMENDED DUE TO PROJECT SCOPE CHANGE
and continued to December 12, 2014 meeting of the Commission**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Samantha Hotel Suites

Address: 235 30th Street and 240 31st Street, Miami Beach, FL (the two properties to be unified)

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Robert S. Fine, Esq

Applicant's Address: Greenberg Traurig, PA, 333 SE 2nd Avenue, Suite 4400, Miami Beach, FL

Applicant's Telephone: (305) 579-0826 **FAX:** (305) 961-5826

Applicant's E-mail Address: FineR@gtlaw.com

Relationship to Owner: Legal counsel

Owner's/Tenant's Name: 3031 SJ Realty. LLC

Owner's Address: 143 East 30th Street, B-1, New York, NY 10016

Owner's Telephone: _____ **FAX** _____

Owner's E-mail Address: Jacob@GPSRealtyNYC.com

Signature of Owner: /s/ Robert S. Fine, Esq., AIA, as counsel for Owner

3. Please check one of the following:

New construction.

Addition to a building or facility.

Alteration to an existing building or facility.

Historical preservation (addition).

Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

Currently two, back to back, 2-story historic apartment buildings. Project is to join the two buildings with a small one story connector that will contain the hotel's lobby and front desk. The project will contain of approximately 10,640 square feet.

5. Project Construction Cost (Provide cost for new construction, the addition, or the

alteration): _The hardship basis for this request for waiver is not based on cost hardship but on the grounds of technical infeasibility and historic preservation. However, the current cost estimate for the project is \$500,000.

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

This application has been filed with the Commission instead of with the State Historic Preservation Office ("SHPO") because, while part of the hardship grounds for this waiver request is grounded in historic preservation considerations, another part is based on technical infeasibility. While the SHPO has jurisdiction to grant the relief sought when the underlying basis is preservation of the historic character of the building, it does not have jurisdiction to grant relief when the basis is technical infeasibility. The Commission, on the other hand, has jurisdiction to grant waivers on the various grounds set forth in this application.

7. Requirements requested to be waived. Please reference the applicable section of Florida

law. Only Florida-specific accessibility requirements may be waived.

Issue

1: Section 553.509, Florida Statutes and Section 201.1.1 of the Florida Building Code, Accessibility Volume, 2010 edition (a/k/a the 2012 Florida Accessibility Code for Building Construction)(“FAC”)(and as incorporated into other sections of the FAC).

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

The structure of the historic building will not handle the loads necessary to be added to the buildings to be able to provide vertical accessibility to all levels (the second level, in particular) of the building while maintaining the size of visible historic structural elements. At the ground level, raising the walkway to eliminate the step at guest room entrances would adversely impact the historic character of the building and create water intrusion issues.

Substantial financial costs will be incurred by the owner if the waiver is denied.

If the waiver is denied, then 1/2 of the proposed guest rooms (12 out of the total 24) will not be approved for occupancy.

The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

The hardship is not based on cost but on structural feasibility, i.e., technical infeasibility and historic preservation considerations. The cantilevered second floor catwalk corridors were not designed to carry the weight of an additional 3 1/2” inches of concrete to eliminate the steps at the guest room doors so an elevator to the second level would not provide access into any of the guest rooms. Raising the elevation of the ground floor corridor would negatively impact the historic character of the Samantha and create water intrusion issues.

9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical

accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. The hardship in this application is not based on cost. It is based on structural and technical infeasibility in an historic structure, and historic preservation considerations. Therefore, cost estimates are not being provided because they are (1) inapplicable and (2) there is not a technically feasible solution that can be cost-estimated.

10. Licensed Design Professional: Where a licensed design has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

The Samantha Hotel Suites is a project taking two identical, back-to-back, 2-story historic apartment buildings and joining them by constructing a connecting structure in the rear setbacks of the respective buildings to create a single hotel structure. The project currently has an application pending before the Miami Beach Historic Preservation Board for a Certificate of Appropriateness and variances to approve the project and addition while maintaining the historic designation. (The subject buildings are currently designated as contributing structures in the Collins Waterfront Historic District, falling within the definitions of *qualified historic building* in Section 106.5 of the FAC and Section 106.5 of the 2010 ADA Standards, respectively.)

Typical of the era and locale in which the two existing buildings were constructed, the guest rooms are accessed by “catwalk” type exterior corridors that are either at ground level or reached by the existing exterior stairs. Also typical of the original architecture is a condition where the bottoms of the guest rooms’ entrance doors (and correspondingly, the guest rooms finished floor elevations) are raised above the level of the catwalk by several inches (in this case approximately 4 inches) to prevent water intrusion during storm events. To provide vertical accessibility to the guest room floor levels of the second floor would require floating 3 1/2” of concrete over the entirety of the catwalk which would add a structural load that the existing exterior structure cannot withstand. Adding supporting columns would be unacceptable due to historic preservation considerations. To provide vertical accessibility to the first floor guest rooms’ floor level would require the same. While the structural concern is not the same for the first floor, so doing would modify the exterior of the historic structures and also result in a modified building elevation where the first floor is inconsistent with the second floor adversely impacting the historic character of the building. In addition, raising the catwalk elevations to match the guest rooms would create water intrusion problems because this type of historic architecture provided (and still provides) protection from the wind-blown rain so typical of the South Florida climate by using a stepped entrance to prevent water from entering into the guest rooms.

The new structure being constructed to connect the two buildings is one story and will contain just the hotel lobby and front desk, and an accessible restroom for the lobby and desk clerk. Any amenities of the hotel will be accessible and located on an accessible route.



WESLEY ART CASTELLANOS

Signature

Printed Name

Phone number 786.218.5335

(SEAL)



CERTIFICATION OF APPLICANT:

I hereby declare that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 8 day of November , 2014

/s/ Robert S. Fine, Esq., AIA

Signature

Robert S. Fine, Esq., AIA, Counsel for the Owner

Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEAMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

a. Section 553.509, Florida Statutes and Section 201.1.1 of the Florida Building Code, Accessibility Volume, 2010 edition

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes No Cost of Construction _____

Comments/Recommendation _____

Jurisdiction: City of Miami Beach

Building Official or Designee _____

Signature

Printed Name

Certification Number

Telephone/FAX

Email Address

Address: _____

Samantha Hotel

235 30 St. Miami Beach, FL 33140 - Folio: 02-3226-001-1270

- Folio: 02-3226-001-1260

Historic Preservation Board Submittal First Submittal

30 October / 2014

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ARCHITECTURAL DRAWING LIST

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X-X BACK COVERSHEET



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MIAMI BEACH, FL 33139

Tel: 786.218.5335

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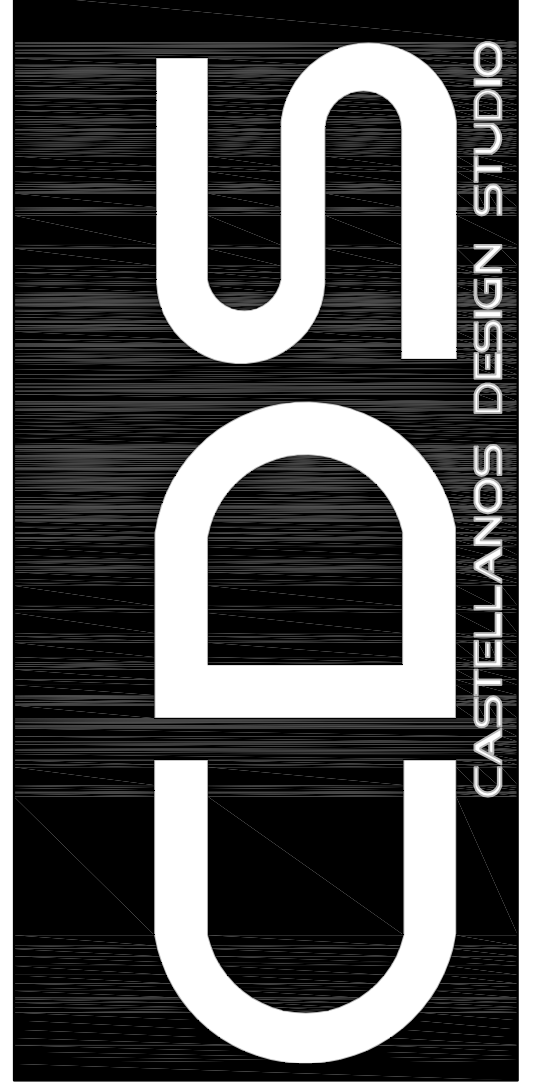
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A0-0

CLIENT :

Samantha Hotel Suites

235 30th St. Folio:02-3226-001-1270
Miami Beach, FL 33140



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MIAMI BEACH, FL 33139
Tel: 786.218.5335
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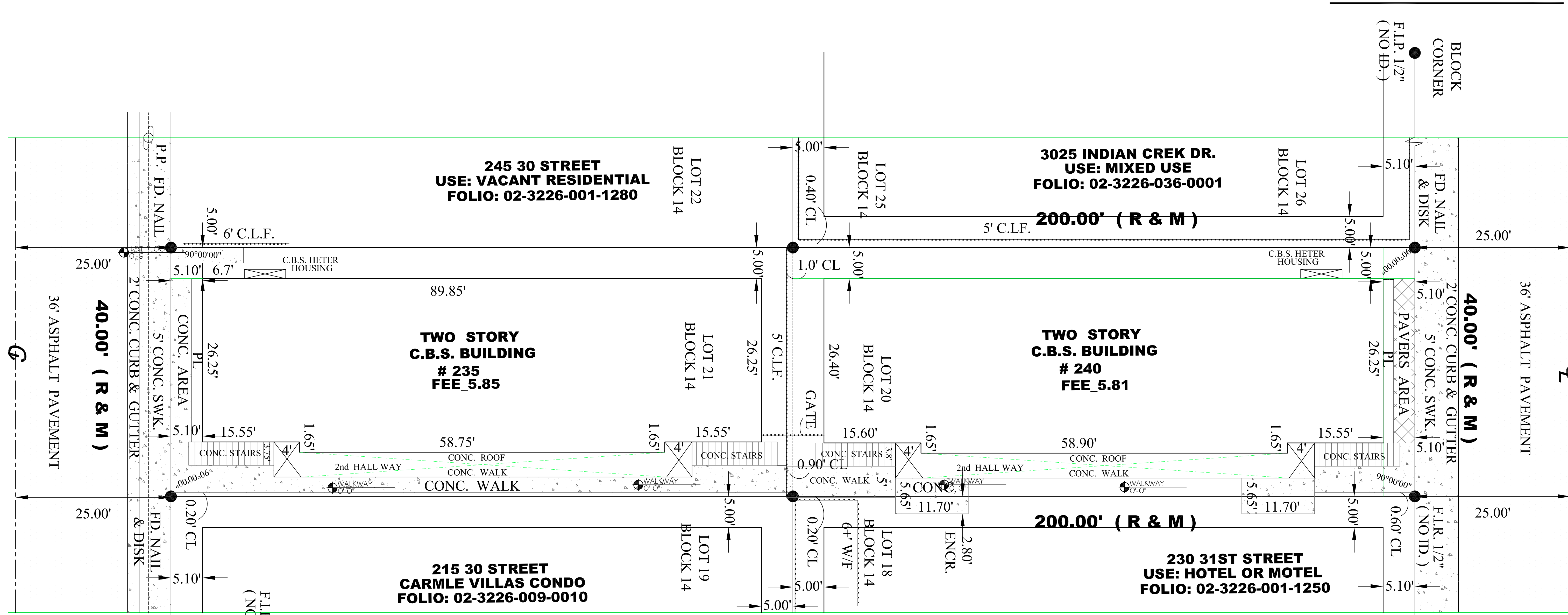
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PROJECT NO : 2014-07

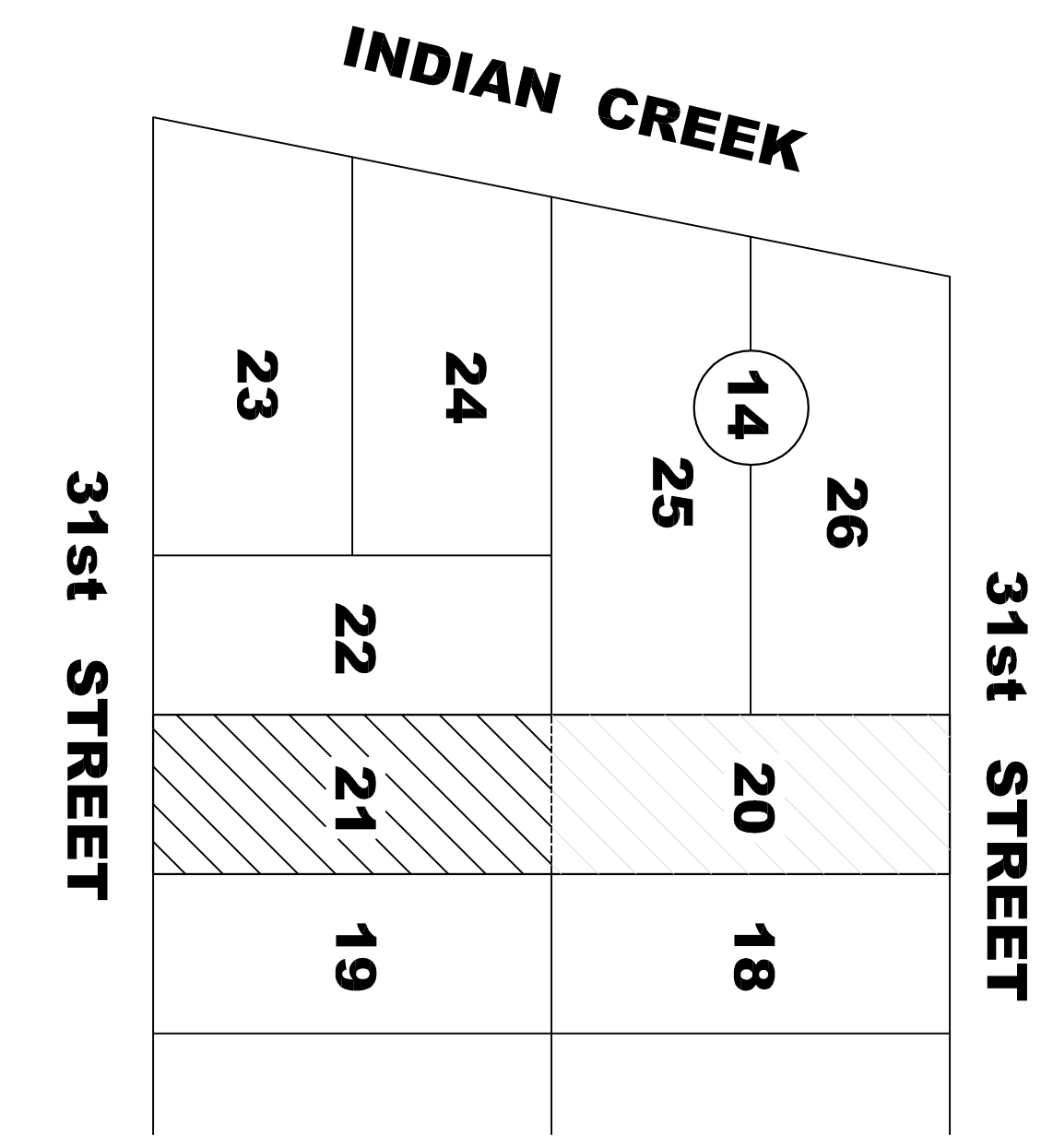
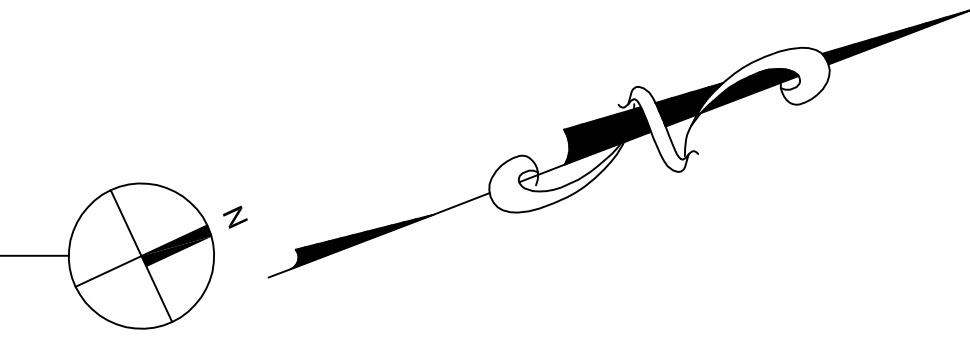
EXISTING ARCHITECTURAL SITE PLAN

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DRAWN BY :
SCALE: AS NOTED
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AS-1



1 EXISTING ARCHITECTURAL SITE PLAN
SCALE : 1/8" = 1'-0"



235 30 STREET



LOCATION PLAN
SCALE : NTS

CLIENT :
Samantha Hotel Suites
 235 30th St. Folio:02-3226-001-1270
 Miami Beach, FL 33140



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 MIAMI BEACH, FL 33139
 Tel: 786.218.5335
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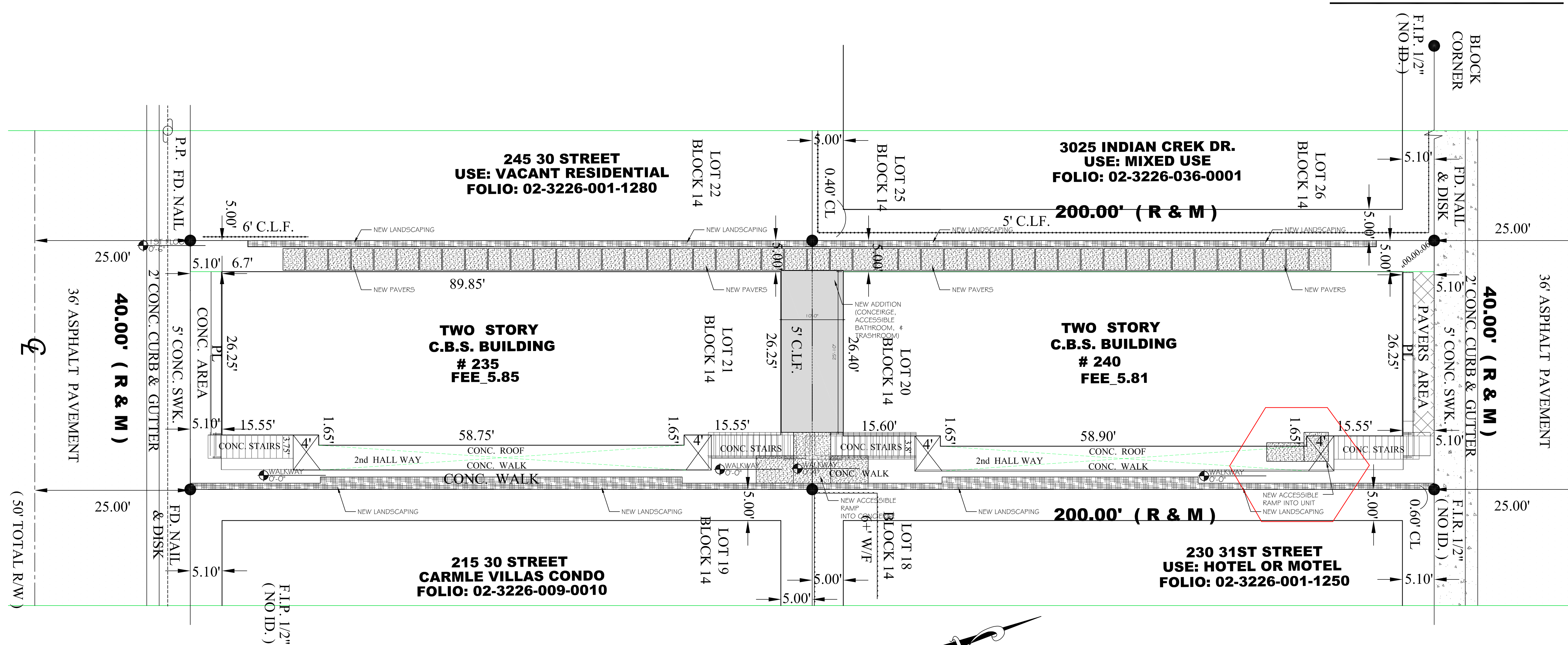
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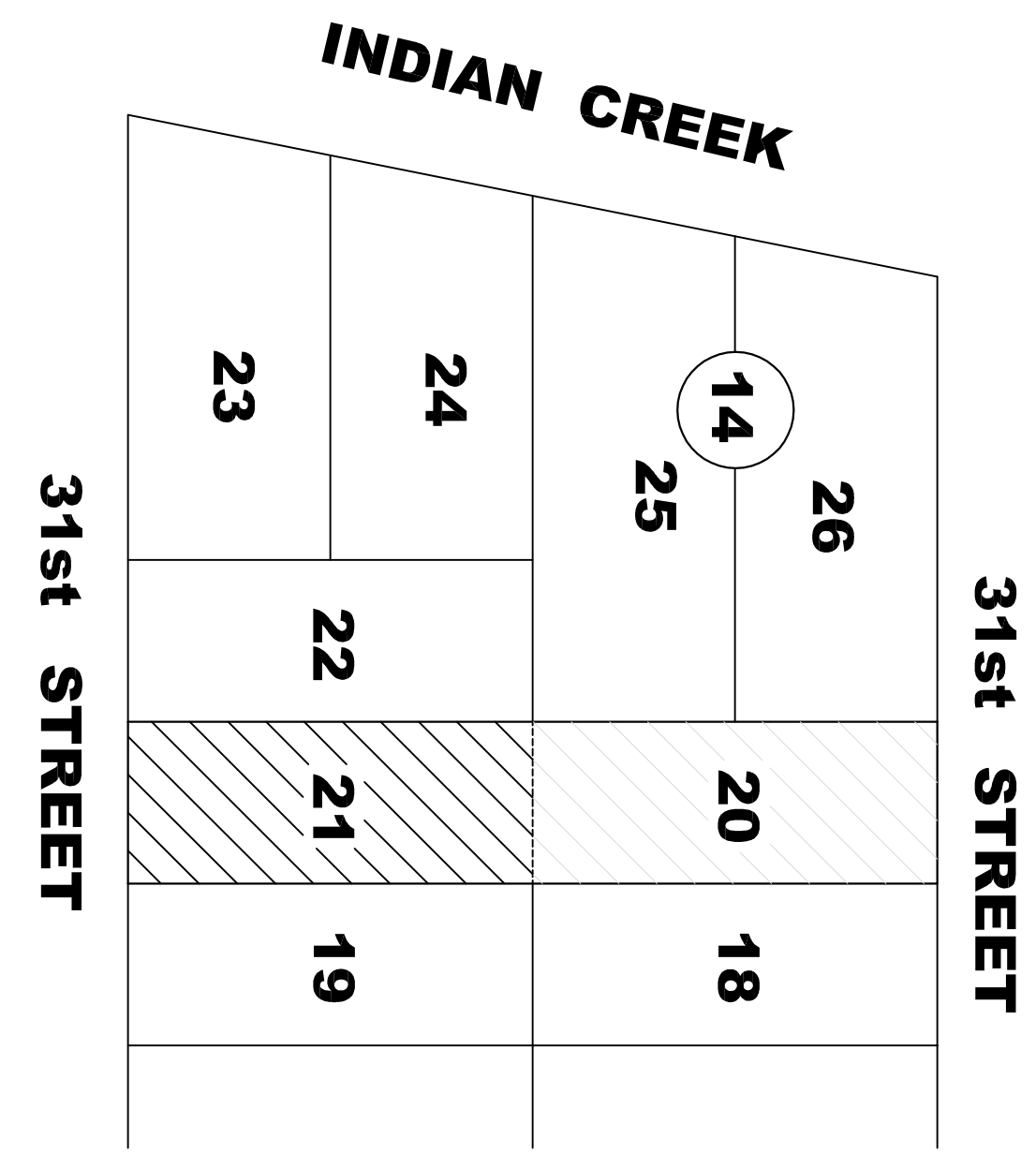
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PROPOSED ARCHITECTURAL SITE PLAN

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 SCALE: AS NOTED
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1 PROPOSED ARCHITECTURAL SITE PLAN
 SCALE : 1/8" = 1'-0"



LOCATION PLAN
 SCALE : NTS

PER BUILDING
 City of Miami Beach
 Ordinance Section 142.216
 Development Regulations Zone
 Maximum Floor Area Ratio (2.0)
 Net Lot Area 4,000 sf (40' X 100')
 RM-2
 Maximum FAR 8,000 sf
 Maximum Height 50'-0"
 Maximum Stories 5 stories
 Parking (0.5 spaces/unit)

AREA TABULATION (FAR)		
SF:	Area + New	= FAR
Grnd Fl:	5,099 + 258	= 5,357 sf
2nd Fl:	5,283 + 0	= 5,283 sf
Total:		10,640 s.f.

BOTH BUILDINGS
 Maximum FAR 16,000 sf

CALCULATION FOR RENOVATION AND ADDITION	
Proposed SF for both Buildings	
Ground Floor	= 5,099 s.f.
2nd Floor	= 5,283 s.f.
New Ground. Fl. Addition	= 258 s.f.
Total Proposed s.f.	=10,640 s.f.

CLIENT :

Samantha Hotel Suites

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 Miami Beach, FL 33140



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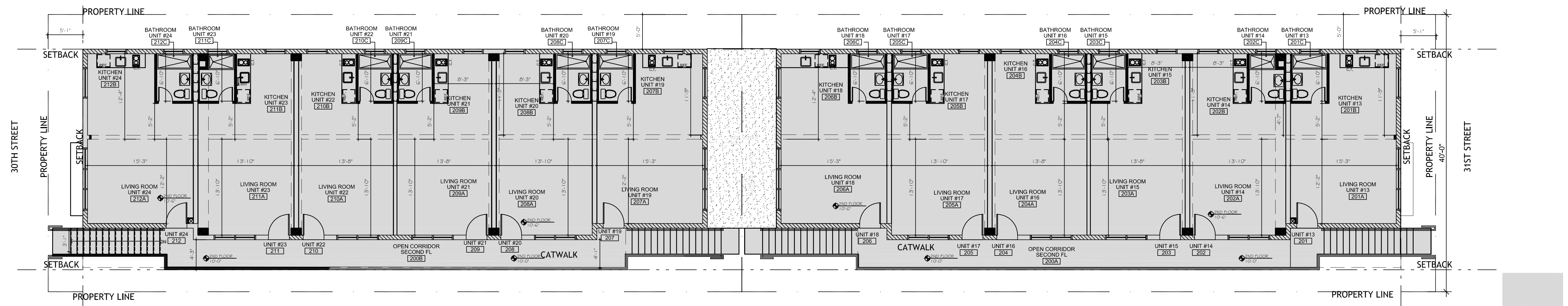
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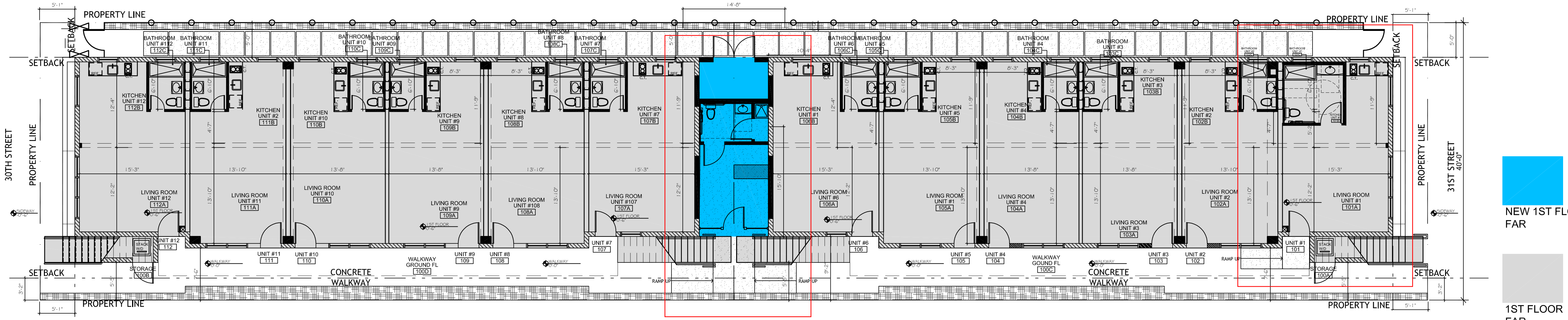
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FLOOR AREA RATIOS

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2 2ND FLOOR
 SCALE: 1/8" = 1'-0"



1 1ST FLOOR
 SCALE: 1/8" = 1'-0"

2ND FLOOR FAR

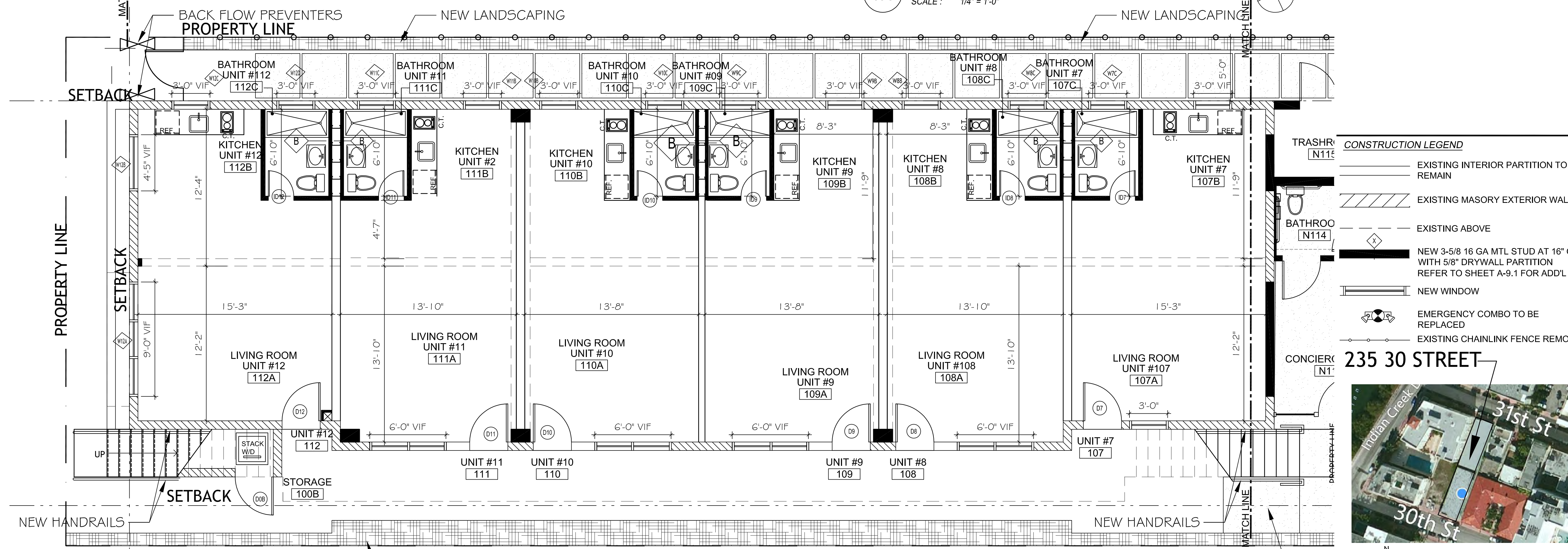
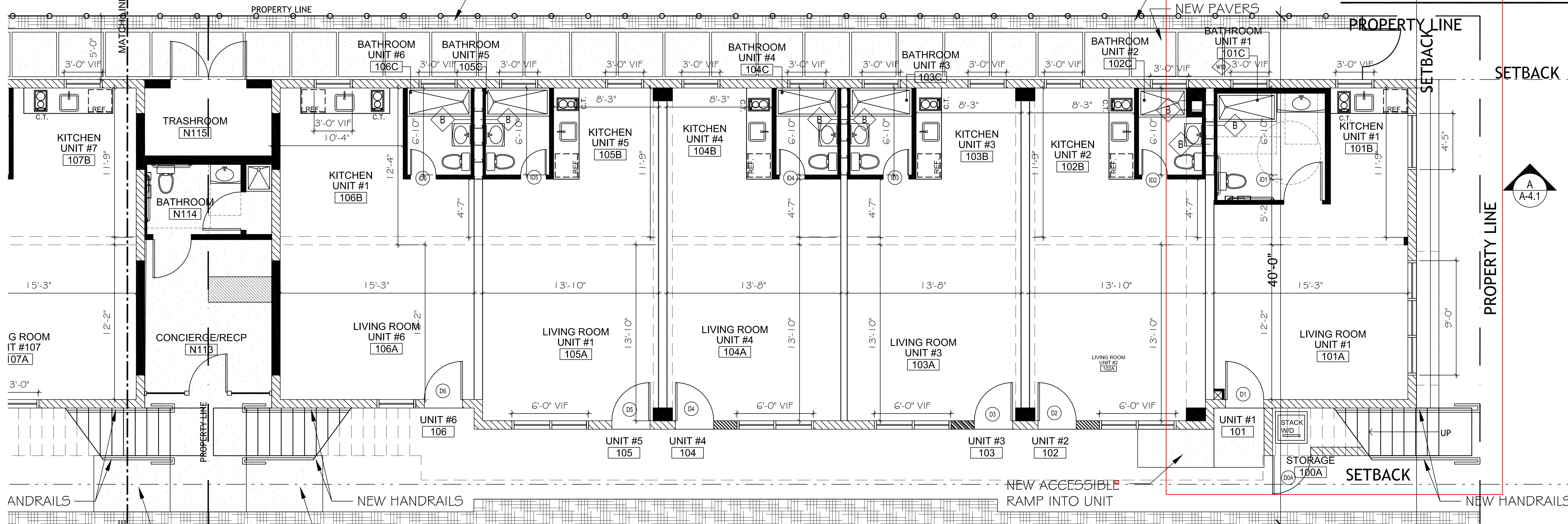
NEW 1ST FLOOR FAR

1ST FLOOR FAR

W LANDSCAPING

NEW LANDSCAPING

NEW LANDSCAPING
NEW PAVERS



CONSTRUCTION LEGEND

- EXISTING INTERIOR PARTITION TO REMAIN
- EXISTING MASONRY EXTERIOR WALL
- EXISTING ABOVE
- NEW 3-5/8 16 GA MTL STUD AT 16" O.C. WITH 5/8" DRYWALL PARTITION REFER TO SHEET A-9.1 FOR ADD'L INFO
- NEW WINDOW
- EMERGENCY COMBO TO BE REPLACED
- EXISTING CHAINLINK FENCE REMOVED

CLIENT :

Samantha Hotel Suites

235 30th St. Folio:02-3226-001-1270
Miami Beach, FL 33140



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LOCATION PLAN
SCALE: NTS

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PROJECT NO : 2014-07

**PROPOSED PLANS
GROUND FLOOR**

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Samantha Hotel Suites

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Miami Beach, FL 33140



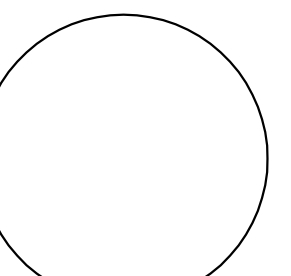
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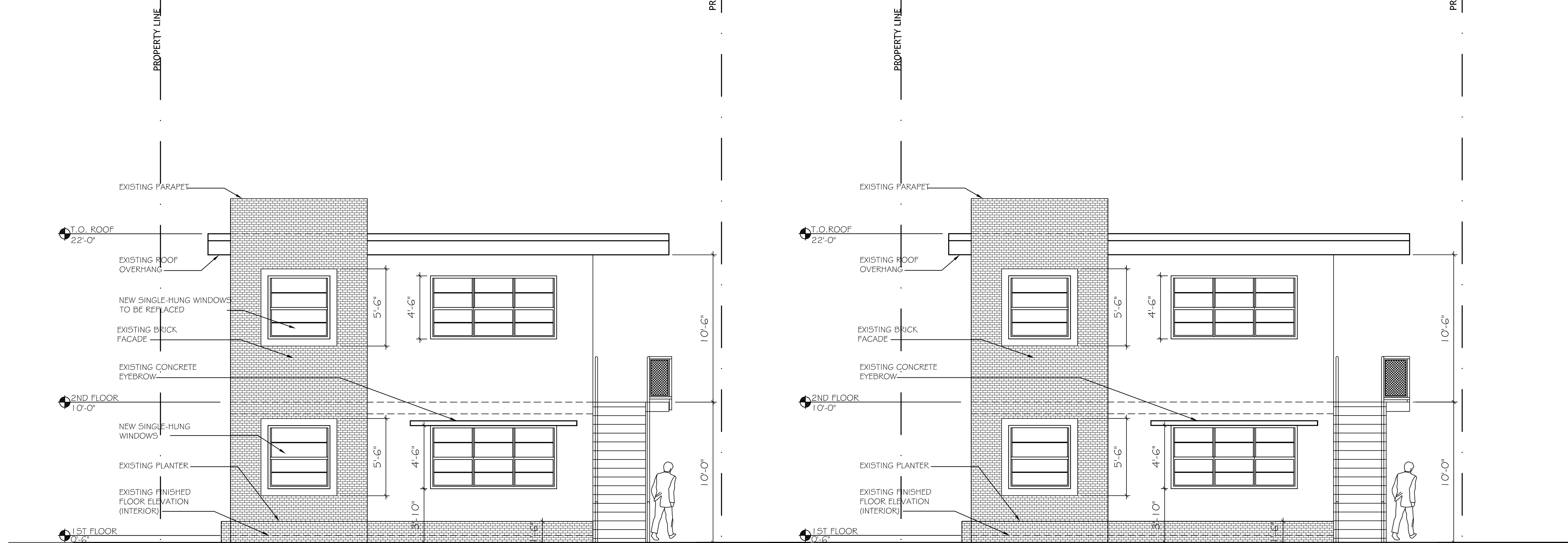
SEAL :



WESLEY ART CASTELLANOS
FLORIDA ARCHITECT LICENSE AR 96133
PROJECT NO : 2014-07

PROPOSED & EXISTING SOUTH ELEVATIONS

CHECKED BY : WC SHEET NO :
DRAWN BY :
SCALE : AS NOTED **A-5.1**
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B PROPOSED ELEVATION
SCALE : 1/4" = 1'-0"

A EXISTING ELEVATION
SCALE : 1/4" = 1'-0"



2 EXISTING PHOTO
SCALE : N.T.S.

NGVD 1929 = 5.81' ELEVATION @ 0'-0"



2 EXISTING PHOTO
SCALE: N.T.S.

CLIENT :
Samantha Hotel Suites
235 30th St. Folio:02-3226-001-1270
Miami Beach, FL 33140



407 LINCOLN ROAD, SUITE 2C
MIAMI BEACH, FL 33139
Tel: 786.218.5335
License #AA 26002467

WWW.CASTELLANOSDESIGN.COM

No.	DATE	ISSUED / REVISED
1	13 MAY/14	M.B.P&Z, HPB COMMENTS
2	29 MAY/14	M.B.P&Z, BOA COMMENTS
3	18 JUN/14	M.B.P&Z COMMENTS
4	30 JUN/14	FIRE PREVENTION REVIEW
5	1 AUG/14	M.B. BOARD SUBMITTALS
6	8 AUG/14	M.B. P&Z, BOA COMMENTS
7	13 AUG/14	ISSUED FOR PERMITTING
8	30 AUG/14	ISSUED FOR STAGE I REVIEW
9	2 SEP/14	M.B. BOARD SUBMITTAL
10	18 SEP/14	M.B. BOARD SUBMITTAL
11	28 OCT/14	M.B. BOARD SUBMITTAL - HPB
12		
13		
14		
15		

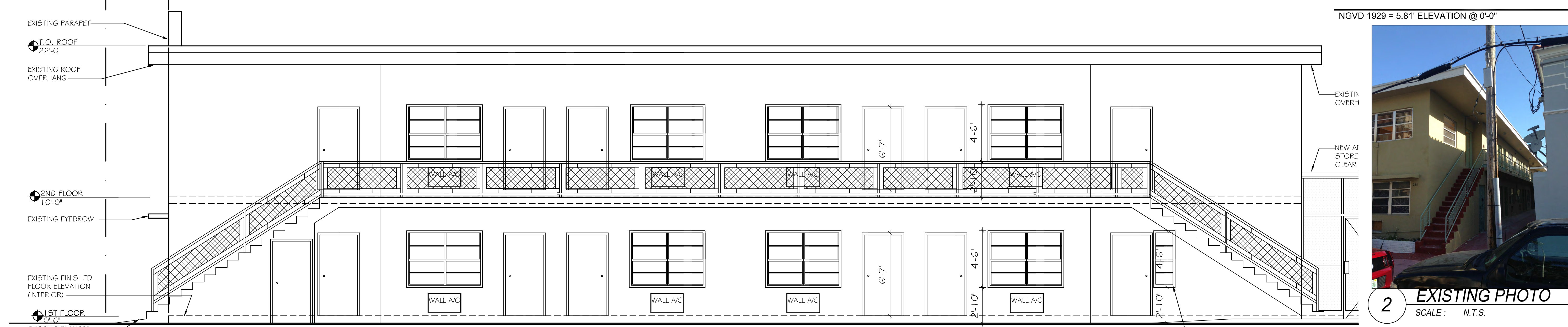
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SEAL :

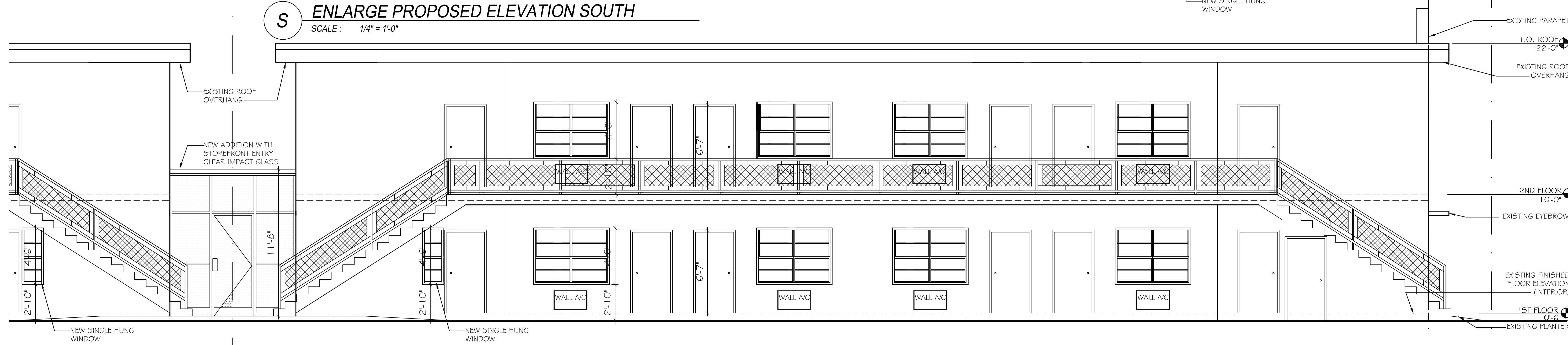
WESLEY ART CASTELLANOS
FLORIDA ARCHITECT LICENSE AR 96133

PROJECT NO : 2014-07
EXISTING & PROPOSED EAST ELEVATIONS

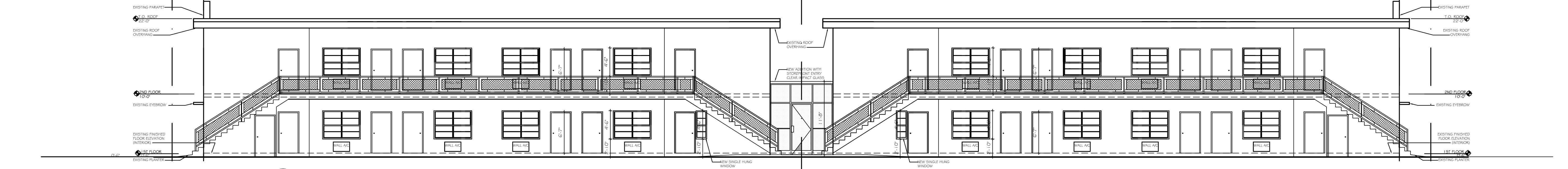
CHECKED BY : WC SHEET NO :
DRAWN BY :
SCALE : AS NOTED **A-5.4**
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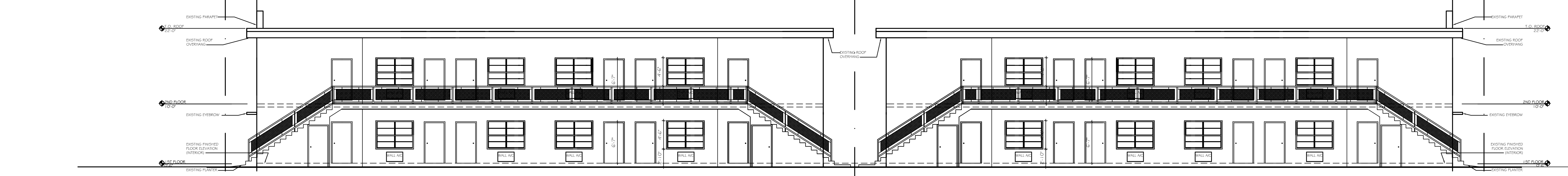
S ENLARGE PROPOSED ELEVATION SOUTH
SCALE: 1/4" = 1'-0"



N ENLARGE PROPOSED ELEVATION NORTH
SCALE: 1/4" = 1'-0"



B PROPOSED LONGITUDINAL ELEVATION
SCALE: 1/8" = 1'-0"



A EXISTING LONGITUDINAL ELEVATION
SCALE: 1/8" = 1'-0"

