

opportunity to answer questions and /or give a short presentation **not to exceed 15 minutes**. The Commission will consider all information and the Council's recommendation before voting on the waiver.

This application is available in alternate formats upon request.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

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: Madewell

Address: 714 Lincoln Road

Miami Beach, FL 33139

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: Michael Henry

Applicant's Address: 770 Broadway, 10th Floor

New York, NY 10003

Applicant's Telephone: (212) 209-9063

Fax: (212) 209-2510

Applicant's E-mail Address: Mike.Henry@jcrew.com

Relationship to Owner:

Owner's Name: Seven Hundred Realty Group

Owner's Address: 15499 West Dixie Hwy, North Miami Beach, FL 33162

Owner's Telephone: (305) 216-4324

Fax:

Owner's E-mail Address: Jay@USACommercial-Residential.net

Signature of Owner:



Contact Person: Fran Rittner

Contact Person's Telephone: (305) 945-4100

E-mail Address: Franr@azblds.com

This application is available in alternate formats upon request.

Form No. 2001-01

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.)

Existing retail space within an existing two-story building situated at 714 Lincoln Road. The Madewell retail space is a one-story volume with an existing mezzanine.

Net Square Footage:

Ground Floor = 2,679 SF

Mezzanine level = 422 SF

No change to Use and Occupancy Retail Store - Mercantile group 'M'

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

Cost of Alteration: \$250,000.00

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.

After submitting plans for building permit under application #B1101638 with the Miami Building Department, we received comments back requiring vertical accessibility by means of an elevator to the existing mezzanine level within our space. The mezzanine is an existing 422 SF space with an existing non-code compliant stair for access. We have removed the existing stair and replaced it with a new code compliant stair. Madewell is providing identical use and merchandise at the mezzanine level as on the main floor. Therefore, we believe that since the mezzanine is existing and the function of the mezzanine space identical to that of the main floor, the necessity for an elevator to access the mezzanine is excessive. Due to these reasons, the Miami Beach Building Department has recommended we file for a waiver with the Florida Building Commission.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue 1: FBC Code Section: FS 553.509 Vertical accessibility to all levels must be provided

Exception #1 of section 11-4.1.3 states:

"Elevators are not required in facilities that are less than three stories or have less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider, or another type of facility as determined by the U.S. Attorney General."

As previously stated above, the proposed Madewell retail store will occupy the ground floor and mezzanine level only of an existing two-story structure. Since the functions and merchandise of the primary ground floor space is duplicated on the mezzanine level and less than three stories, we believe this qualifies us for meeting the requirements of exception #1 as outlined above and respectfully request reconsideration.

The square footage of the primary areas is as follows:

1,705 SF ground floor sales

74 SF ground floor fitting room (includes 1 accessible fitting room)

343 SF mezzanine level sales

79 SF mezzanine level fitting room

422 SF total mezzanine level

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.

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

Please see enclosed documentation

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.

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. Please see enclosed documentation

10. **Licensed Design Professional:** Where a licensed design professional 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.

We believe that the waiver is necessary and just based on the following two reasons:

1. The mezzanine is existing and was previously approved under a separate application without the requirement of vertical accessibility by means of an elevator.
2. The mezzanine is less than 15% of the overall store square footage.

Furthermore, it is economically infeasible to provide an elevator within the space without incurring substantial financial costs and we respectfully request reconsideration by the Florida Building Commission.

Signature: _____



Printed Name: **Thomas Howell**

Phone number: (212) 647.0011

(SEAL)

CERTIFICATION OF APPLICANT:

I hereby swear or affirm 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 3 day of MAY, 2011

Signature 

Printed Name: Michael Henry (Jcrew)

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

for which the majority of the Accessibility Advisory Council recommended approval, and the Florida Building Commission granted a waiver of one or more accessibility requirements in Final Order No. _____.

I hereby swear or affirm that the above information to the best of my knowledge is true and correct.

Dated this 3 day of MAY, 20 11

[Handwritten Signature]
Signature

MICHAEL HEARNEY
Printed Name

Providing false information to the Florida Building Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.



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. Florida statutes 553.509 Vertical Accessibility to all levels requirement./

2007 FBC 11-4.1.6(1) (k)(iii)

b. _____

c. _____

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: \$1,052,130.00 (Total Cost of Construction for the last three years including \$253,000.00 is the cost of the proposed project)

Comments/Recommendation: We recommend that the vertical accessibility requirement be waived since the building is less than three stories as included in Exemption 11-4.1.6(k)(i)

Jurisdiction City Of Miami Beach

Building Official or Designee Gladys N. Salas, PE (B.O. Designee)

Signature

Gladys N. Salas, PE

Printed Name

PX0001401

Certification Number

305-673-7610 ext. 6888/ 786-394-4087

Telephone/FAX

Address: 1700 Convention Center Dr. Miami Beach, FL 33139, 2ND Floor.



Dugan Building Company

1001 N. W. 10th Street
Miami, Florida 33136

June 27, 2011

Proposal

Howell Belanger Castelli Architects, PC
122 W 27th Street
New York, NY 10001
Tel: (212) 647-0011
ATTN: Matthew Dresser

RE: Madewell
714 Lincoln Road, Miami Beach, FL 33139
Elevator to Mezzanine

We are please to present the following proposal to provide all the necessary labor, material and equipment as required to provide and install all elevator work per SK-1, the Schindler Elevator plan provided, and as noted below including but not necessarily limited to:

Permitting

1. Apply for and secure all permits and inspections as required from the state and local AHJ
2. Provide close out documents

Store Prep

1. Rework existing Sales floor fixtures as requires
2. Prepare sales floor area with temporary walls (studs and plywood) and plastic protection as required to provide safe work area
3. Relocate cash wrap

Demolition

1. Remove wood floor and misc finished items as necessary for new construction
2. Saw-cut and remove concrete floor approximately 12' x 15' feet in order to provide work area for elevator pit walls
3. Excavate, remove and dispose of approximately 40 yards of sub-grade materials for new elevator pit

Concrete

1. Prep and pour new elevator pit pad with sump pit (approx 8' x 9')
2. Provide and install keyway and water stop
3. Form, prep and pour approximately 26 lineal feet of 4 foot high poured wall (3 sides)
4. Remove forms
5. Backfill and compact perimeter of foundation
6. Dowel rod and rebar existing structural slab and new poured wall
7. Re-pour structural slab

Masonry

1. Provide and install 3 sides of masonry walls approximately 9' x 8' x 9'
2. Masonry walls to be approximately 16 feet high.
3. Attach new masonry to existing demising walls

Steel

1. Provide and install hoist beam
2. Provide and install base plates
3. Provide and install wall plates for elevator track
4. Provide and install pit ladder

5. Provide and install steel angle at threshold for new elevator
6. Remove section of existing railing as required and finish end

Framing and drywall

1. Provide and install furring and drywall around perimeter of new masonry walls
2. Tape and finish to level 4 finishes

Carpentry

1. Provide misc. blocking for wood trim
2. Provide blocking for fixture supports
3. Provide and install base and trim at first and second floor

Paint

1. Paint all new walls and trim
2. Repaint reworked steel railing on second level
3. Paint as required to blend existing walls after completion and removal of temporary protection

Flooring

1. Rework existing wood floor as required on first and second floor
2. Provide and install elevator flooring

Plumbing

1. Provide and install sump pump
2. Provide and install discharge line to mop sink

Electrical

1. Provide and install Power for new elevator equipment
2. Provide and install power for pit light, general power and sump
3. Rework power in existing area
4. Rework and tie-in Fire alarm
5. Provide conduit for elevator phone

Additional


1. Cost includes 10 weeks of full time on site supervision
2. Due to the narrow width of the store, we expect to need the store to be closed for a minimum of 4 weeks to allow for demolition, concrete and masonry
3. We have quoted the project using a similar Schindler Elevator product. The one quoted has a one foot deeper elevator pit but does not require a bore hole. Additionally, we have quoted the elevator system that does not require a separate machine room.

The above work to be performed for the sum of (\$194,120.) One Hundred Ninety Four Thousand One Hundred Twenty Dollars.

Not Included

1. Any and all work as required to relocate cash wrap, associated power and low voltage if required to accommodate new store lay-out
2. Reworking of the demising wall structural pier
3. Engineering design or fees for structural slab
4. Actual Permit Fees
5. Utility Fees
6. Any additional work or fees not specifically mentioned above
7. Sales and use tax

Signed


John S Dugan
President

Accepted

J Crew
Construction Department



ATLANTIC
INSTALLATIONS

LEWIS ATLANTIC INSTALLATIONS, LLC
 OFF (770)720-0543
 FAX (770)720-2869
 1202 MORGAN RD.
 CANTON, GA 30115

(770)720-0543
 atlanticinstallations@windstream.net

Estimate

DATE	ESTIMATE #
06/28/2011	1241
EXP. DATE	
	07/28/2011

ADDRESS
Howell Belanger Castelli Architects,PC 122 W 27th street New York, NY 10001 USA

Date	Activity	Quantity	Rate	Amount
06/28/2011	Furnish and install the architectural,mechanical,and electrical work as required to install the elevator shaft and the mechanical room as indicated on sketch SK-1 and per Shindler cut sheet listed as hydraulic elevator plans and details, dated 06/16/2011. Location: Madewell,714 Lincoln Road Miami Beach,FL 33139	1	156,000.00	156,000.00
06/28/2011	Alternate add: provide all Shindler elevator work as part of the work of this contract.	1	53,000.00	53,000.00
06/28/2011	Work includes concrete saw cutting, new concrete, excavation, masonry,steel, misc. carpentry, paint, flooring repairs, plumbing and electrical. Full time supervision included.			
06/28/2011	Exclusions: Permits, store protection, night work and utilities			
06/28/2011	Assumptions: This quote is based on the assumption that the store will be closed for a sufficient length of time, that we can perform all structural work.			
			TOTAL	\$209,000.00

THANK YOU FOR YOUR BUSINESS!

Accepted By: _____

Accepted Date: _____

HOWELL BELANGER CASTELLI ARCHITECTS
122 West 27th Street
4th Floor
New York, New York 10001

212.647.0011
fax 647.0022
HBC ARCH.com



June 28, 2011

Attn: FLORIDA BUILDING COMMISSION
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Madewell
714 Lincoln Road
Miami Beach, Florida 33139
Building Permit #B1101638

To Whom It May Concern;

With reference to the above property and Building Permit #B1101638, we received comments from the Miami Beach Building Department requiring vertical accessibility by means of an elevator to an existing mezzanine level within our space. We were also informed by the Miami Building Department that a waiver could be applied for and obtained through the Florida Building Commission. Due to the conditions outlined below, we respectfully request reconsideration for the provision of an elevator by the Florida Building Commission.

To summarize; we believe our permit warrants the necessity for the waiver based upon the following reasons:

1. The mezzanine is an existing building element with an existing stair opening.
2. The use and function on the primary ground floor space is duplicated on the mezzanine level.
3. The existing mezzanine accounts for less than 14% of the overall store square footage.
4. The installation of an elevator to the existing mezzanine space would present substantial financial difficulty to the Owner.

Madewell is a high-end clothing retailer specializing in woman's jeans and is an affiliate of the J.Crew franchise. The existing Madewell retail space is a one-story volume with an existing mezzanine within an existing two-story building. The mezzanine is an existing space comprised of 422 square feet and is accessible by means of an existing non-code compliant stair. Since taking tenure of the space, we have removed the existing non-code compliant stair and replaced it with a new code-compliant stair. Please see the enclosed photos for your reference.

Madewell is proposing the identical use and function at the existing mezzanine level as on the ground floor. The existing mezzanine level will offer the sale of merchandise and additional fitting rooms. All public services available throughout the retail space, i.e. accessible fitting rooms, cash registers, toilets, and drinking fountains are housed on the ground floor.

The existing mezzanine accounts for less than 14% of the entire retail space.

Net Square Footage Breakdown:

Ground Floor = 2,705 sf

Mezzanine level = 422 sf

Total Net Square Footage = 3,127 sf

Mezzanine accounts for 13.5% of entire retail space = $422 \text{ sf} / 3,127 \text{ sf} = 0.1349 * 100 = 13.49\%$

No change to existing Use and Occupancy - Retail Store - Mercantile group 'M'

Madewell
714 Lincoln Road
Miami Beach, Florida 33139
Page 2 of 2

The installation of an elevator to the existing mezzanine space would present substantial financial difficulty to the Owner. We have obtained two proposals from qualified contractors for the installation of an elevator to the mezzanine. The proposals, enclosed herein for your reference, average a cost of \$201,560.00. This estimate does not include for loss of sales profit to the Owner to be assumed during the construction and installation of said elevator. The estimated construction cost for the entire retail space is estimated at \$250,000.00 thus making the cost of providing an elevator infeasible and in excess of the construction cost by 124%.

Based on our conditions as outlined herein, we believe that an elevator is excessive and warrants the necessity for the waiver and we respectfully request reconsideration.

Please contact me if you have any questions or comments, thank you.

HOWELL BELANGER CASTELLI ARCHITECTS, PC



Thomas Howell, AIA

cc: Michael Henry, Jerew

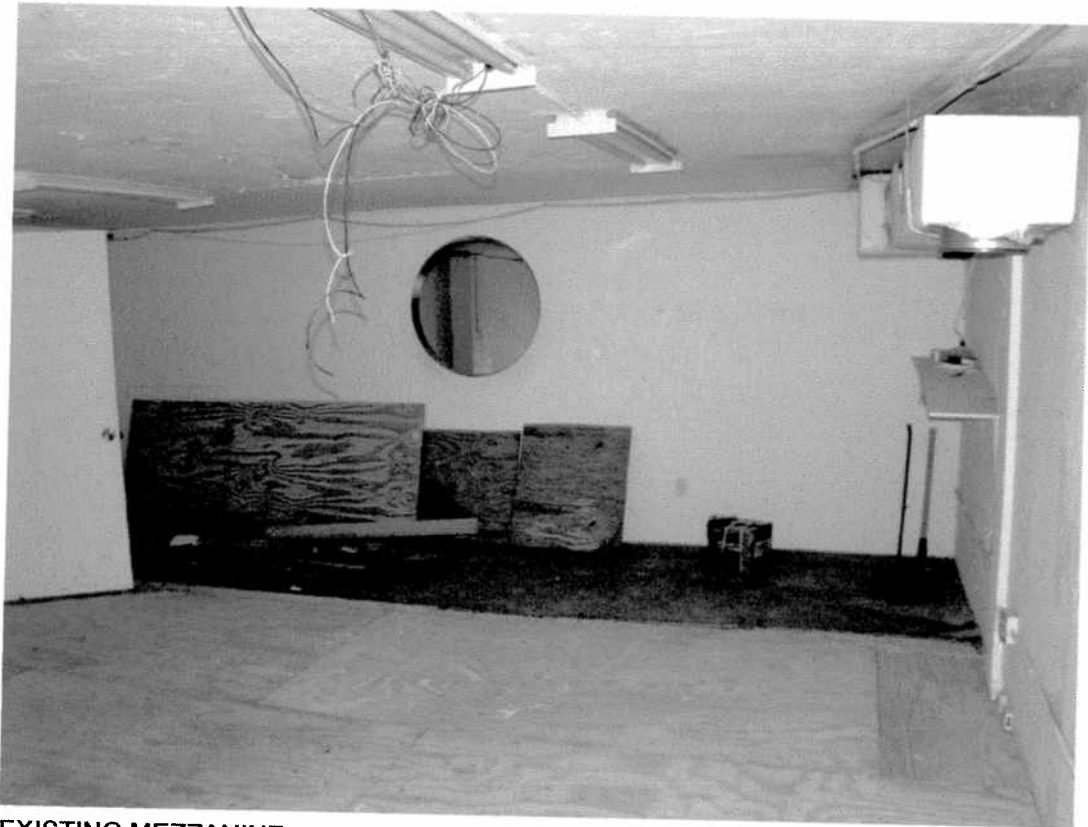
Encl: Photos
Contractors Proposals
Drawings



EXISTING MEZZANINE FRONT OF STORE



EXISTING MEZZANINE



EXISTING MEZZANINE



EXISTING MEZZANINE STAIR