

## SOHO BEACH HOUSE

Issue: Vertical accessibility to accessory living space above a suite on the second floor of a hotel.

Analysis: The project is an historic building located in a designated district which is undergoing a \$28 million alteration and addition of a new tower. The hotel contains 44 hotel rooms, three of which will be accessible after the construction work is complete. The alteration on the second floor will convert the western guest room to storage space while keeping the original eastern guest room and removing a non-historical addition, restoring original balcony space. The applicant also proposes to open a void above the eastern guest room, converting it and the attendant balcony into accessory living space for the hotel suite above on the third floor. No estimates of the cost to make the area accessible were submitted.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to the newly created living space in an historic hotel, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

**Waiver Criteria:** There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

**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:        Soho Beach House

Address:        4385 Collins Avenue, Miami Beach, FL

**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, P.A., 1221 Brickell Avenue, Miami, Florida 33131

Applicant's Telephone:        305-579-0826

Fax:        305-961-5826

Applicant's E-mail Address:        [finer@gtlaw.com](mailto:finer@gtlaw.com)

Relationship to Owner:        Legal counsel

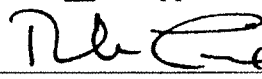
Owner's Name:        Ryder Properties

Owner's Address:        41 East 60<sup>th</sup> Street, 6<sup>th</sup> Floor, NY, NY 10021

Owner's Telephone:        212-486-4444

Fax \_\_\_\_\_

Owner's E-mail Address:        c/o Applicant

Signature of Owner:         as counsel for owner

Contact Person: James Lloyd

Contact Person's Telephone:        305-343-8642

E-mail Address: [lloyd9250@bellsouth.net](mailto:lloyd9250@bellsouth.net)

This application is available in alternate formats upon request.

Form No. 2001-01

MIA 179587950v3 4/12/2007

**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.)

Hotel (44 rooms); Resident dwelling (23 units)

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**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$28 million including tower addition

**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.

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

**Issue**

1: \_\_§ 553.509, Florida Statutes; § 11-4.1.6(1)(k)(iii), Florida Building Code : Vertical accessibility to a small area of the second level.

**Issue**

2: \_\_\_\_\_  
\_\_\_\_\_

**Issue**

3: \_\_\_\_\_  
\_\_\_\_\_

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.

\_\_See architect's letter.

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

\_\_\_ See architect's letter

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.

\_\_ See estimates attached

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. See estimates attached.

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b. \_\_\_\_\_

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c. \_\_\_\_\_

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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.

\_\_\_\_ Please see architect's letter, attached hereto.

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\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

**Phone number** \_\_\_\_\_

**(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 13 day of April, 20 07

  
\_\_\_\_\_  
Signature

Robert S. Fine  
\_\_\_\_\_  
Printed Name

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.

# **EXHIBIT A**

**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. \_\_\_\_\_

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 \_\_\_\_\_

**Comments/Recommendation** \_\_\_\_\_

\_\_\_\_\_

Jurisdiction \_\_\_\_\_

Building Official or Designee \_\_\_\_\_

Signature

Printed Name

Certification Number

Telephone/FAX

Address: \_\_\_\_\_

\_\_\_\_\_



# **EXHIBIT B**

The Sovereign Hotel is a contributing structure in the John F. Collins Waterfront Historic District of Miami Beach, Florida. Located at 4385 Collins Avenue, it was designed by architect Roy France and built in 1941. France designed the building so that the second floor was divided into two by the double height lobby. The north side of the second floor had most of the square footage, whereas the south side was only a narrow sliver of space, originally used as two guest rooms sharing an emergency egress stair. In our renovation and restoration of the building, we are re-configuring the western guest room to become a storage space whilst keeping the original eastern guest room intact and removing a non-historical addition, restoring an original balcony space.

The renovation also proposes to open up a void above the eastern guest room, converting it and the attendant balcony space into accessory living space to the hotel suite above on the third floor. The lower floor already has an egress stair, but to provide vertical accessibility from the floor above would create severe spatial problems. As we have shown, adding a wheelchair lift into the small double height space renders the lower floor space unusable by blocking the egress route.

Adding an elevator north of the mezzanine line would encroach into the lobby space, destroying the historical character of the space. The lobby, which contains original terrazzo floors and plaster moldings, is a protected interior space. During our application for renovation, Miami Beach's Historic Preservation Board required us to remove a non-historical stair, which exists in the lobby today.

The project has three fully accessible rooms already planned.

As a result, we respectfully request that providing vertical accessibility to that part of the unit on the second floor be waived as providing a lift would either ruin the spatiality of the unit in one of the two possible configurations, or conflict with the historical character and integrity of the building in the other.



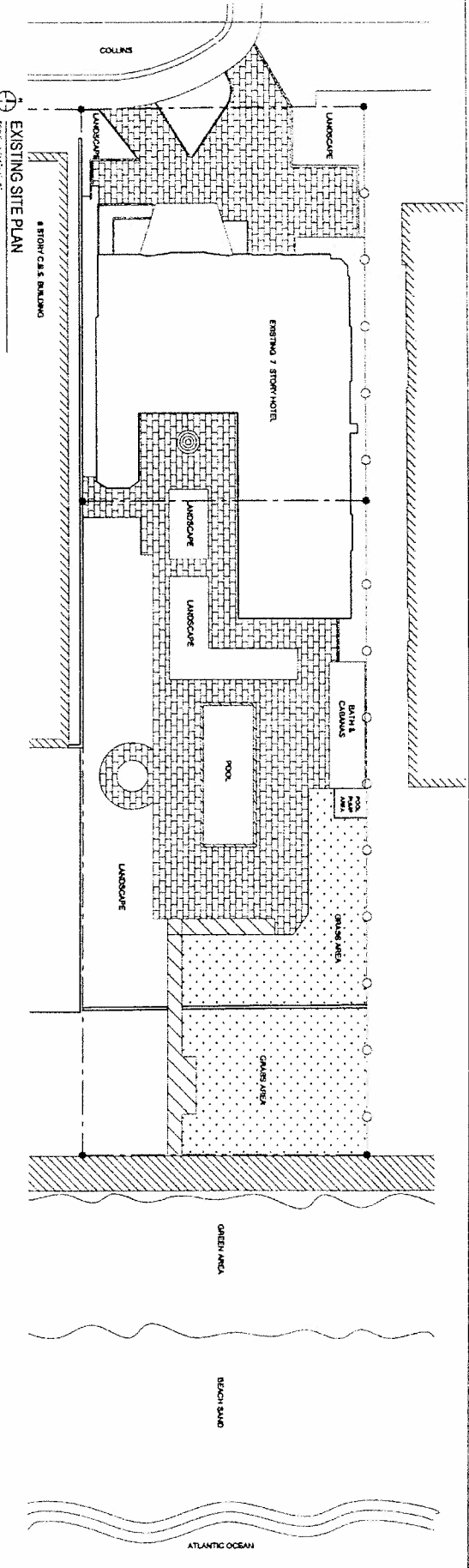
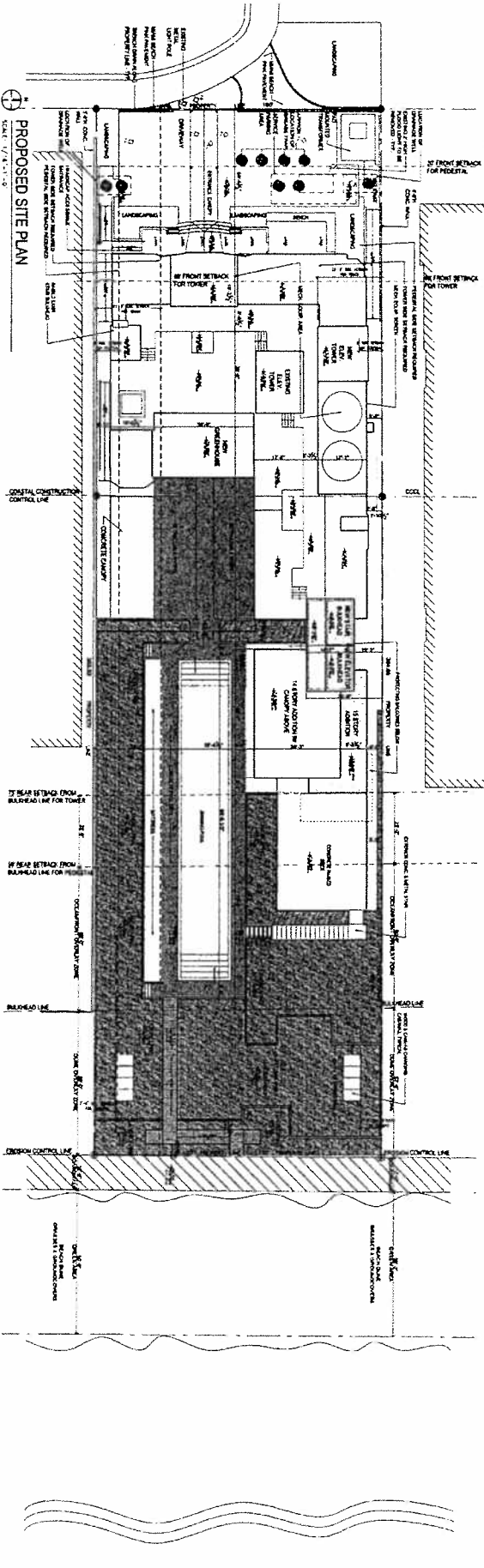
ALLAN T. SHULMAN ARCHITECT, P.A.

# **EXHIBIT C**

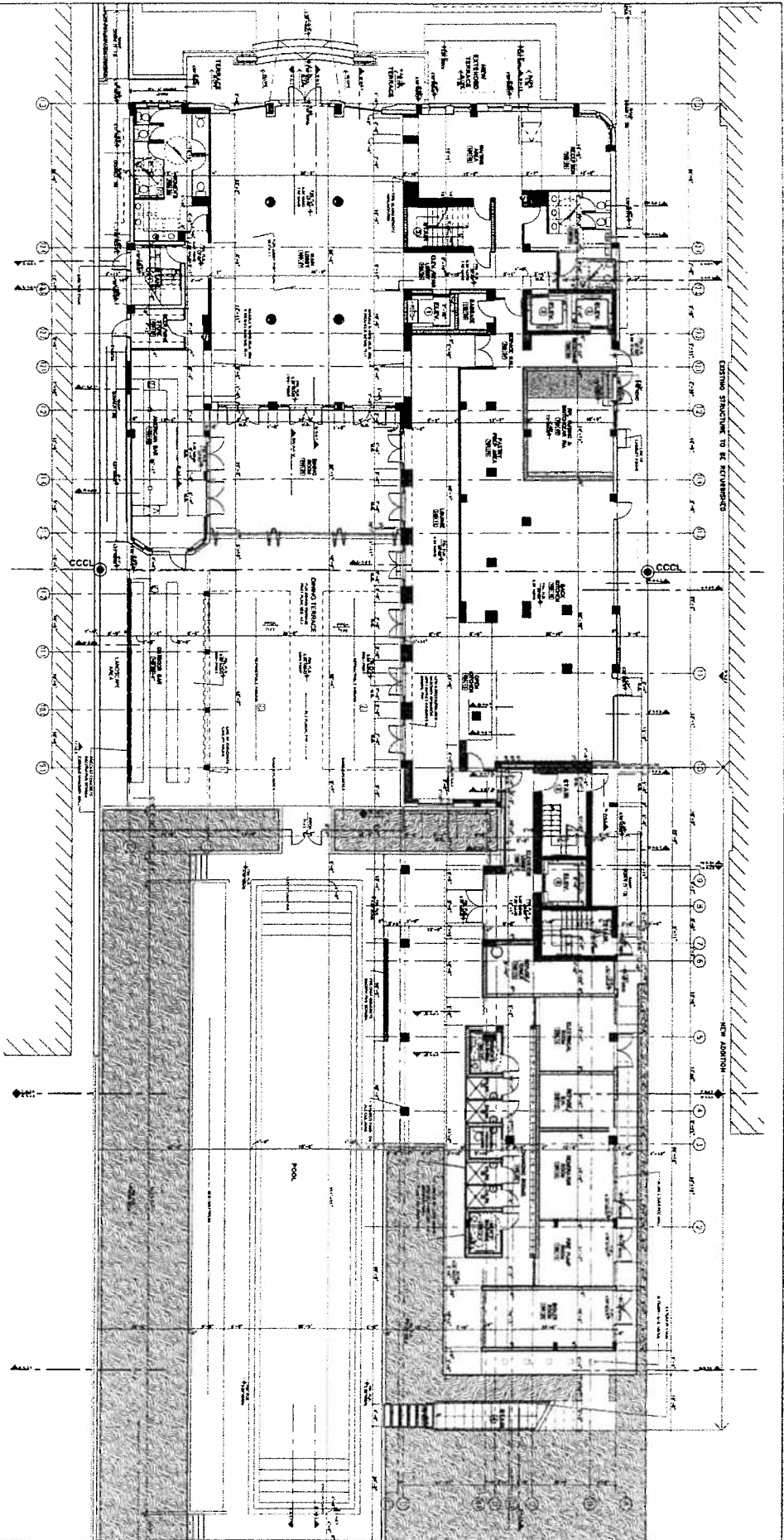


ALLAN T. SHULMAN ARCHITECT, P.A.  
 400 WEST 125TH STREET, SUITE 201, LINDEN, N.J. 07036  
 TEL: 908.528.8888 FAX: 908.528.8889

SOHO BEACH HOUSE  
 300 COLLIER ROAD, SUITE 201, LINDEN, N.J. 07036  
 RENOVATION AND ADDITION  
 08/10/2010  
 SHEET NO. G-1.4  
 DATE: 08/10/2010



|                           |   |
|---------------------------|---|
| DATE: 08/10/2010          | SCALE: 1/8" = 1'-0"                                       |
| SHEET NO. G-1.4           | DATE: 08/10/2010  |
| PROJECT: SOHO BEACH HOUSE | LOCATION: 300 COLLIER ROAD, SUITE 201, LINDEN, N.J. 07036 |
| CLIENT: [REDACTED]        | ARCHITECT: ALLAN T. SHULMAN ARCHITECT, P.A.               |

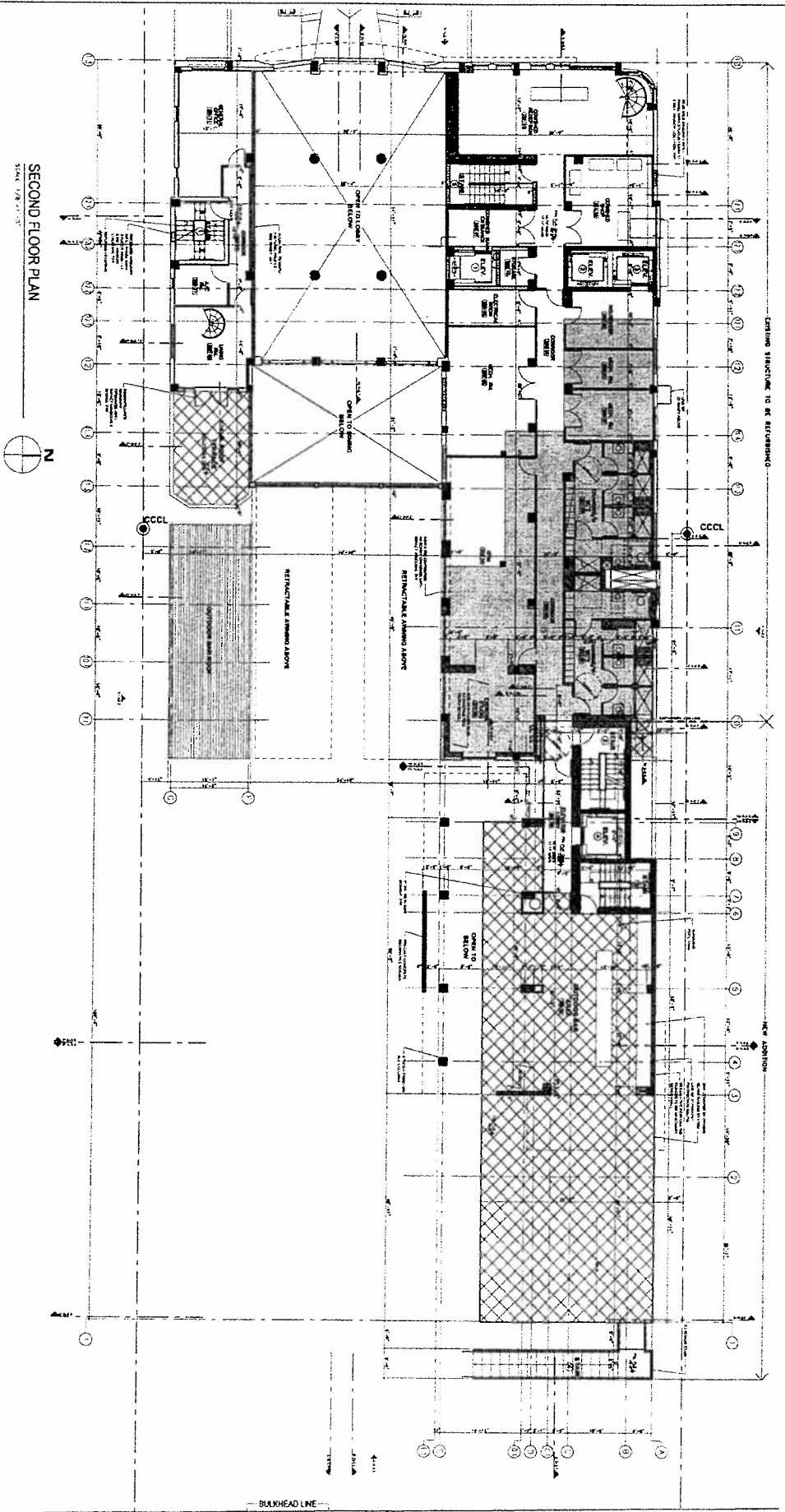


FIRST FLOOR PLAN  
SCALE 1/8" = 1'-0"

ALLAN T. SHULMAN ARCHITECT, P.A.  
 100 WEST STREET, SPACE 67, NEW YORK, N.Y. 10012  
 TEL: 212-693-8888 FAX: 212-693-8818

SOHO BEACH HOUSE  
 145 WEST 10TH STREET, NEW YORK, N.Y. 10011  
 RENOVATION AND ADDITION  
 DATE: 08.15.07

|           |         |
|-----------|---------|
| 7/17/2008 | FINAL   |
| A-1.1     | REVISED |
| 08.15.07  | DATE    |

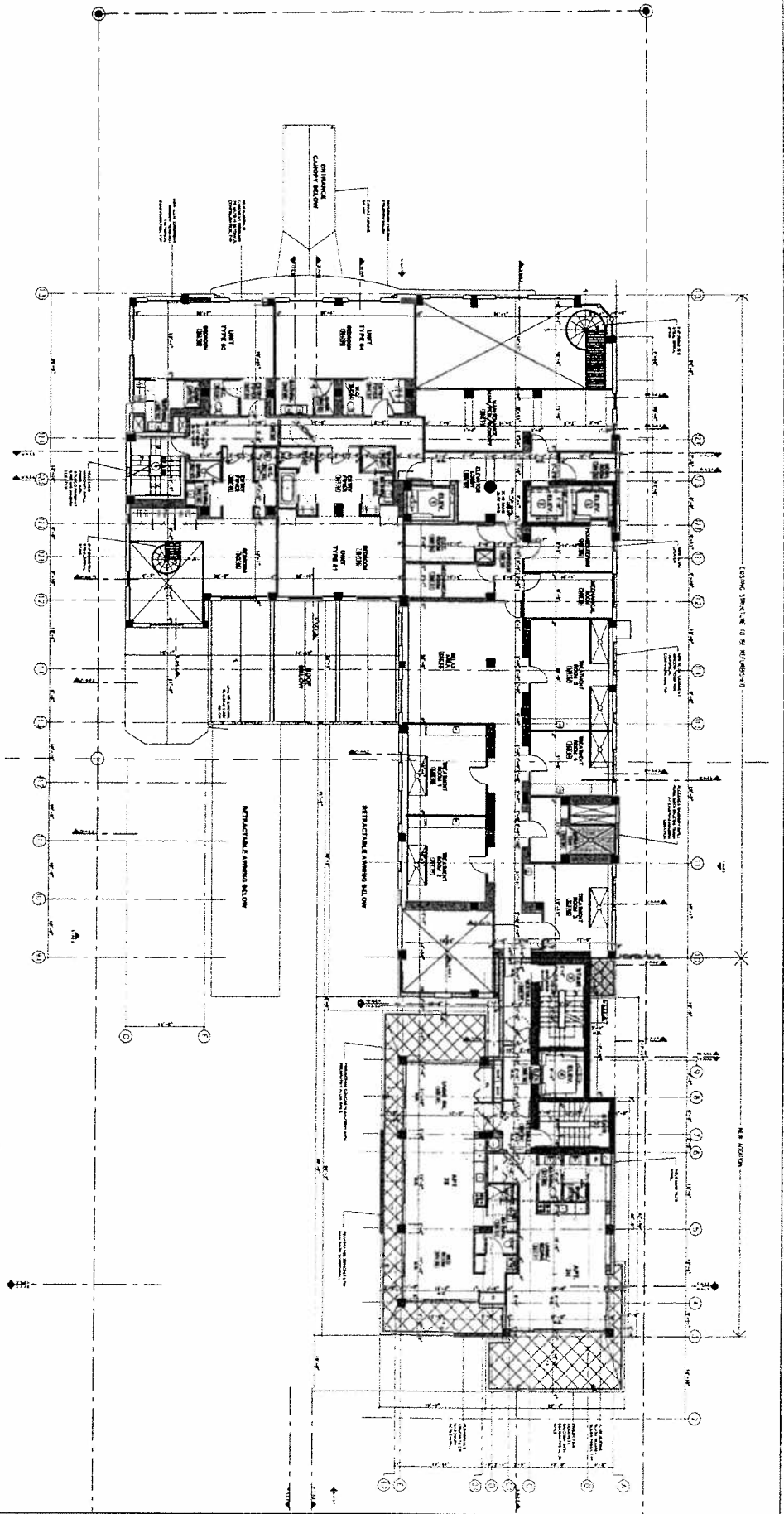


SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

ALLAN T. SHULMAN ARCHITECT, P.A.  
 (INCORPORATED)  
 1000 WEST STREET, SUITE 201, LAKELAND, FL 33707  
 TEL: 352.948.8000 FAX: 352.948.0170

SOHO BEACH HOUSE  
 435 COLONS AVENUE, PALM BEACH, FL 33406  
 JOB NO. 6006  
 RENOVATION AND ADDITION  
 01/10/07

CONSTRUCTION  
 A-1.2  
 01/10/07

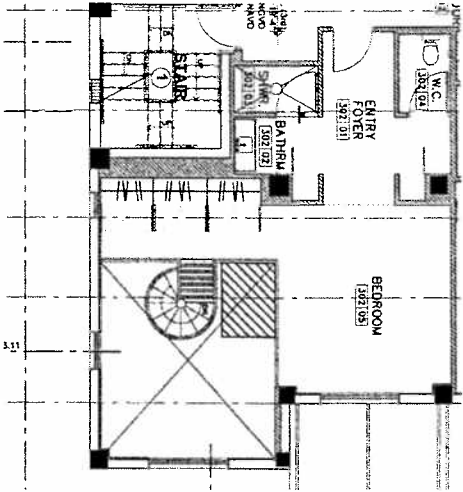


3RD FLOOR PLAN  
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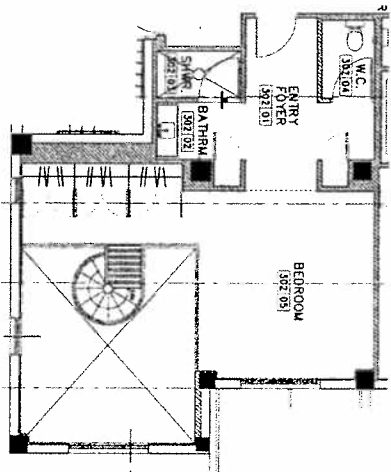
ALLAN T. SHULMAN ARCHITECT, P.A.  
500 WEST STREET, SUITE 200, NEW YORK, NY 10014  
TEL: 212-691-1000 FAX: 212-691-1001

SOHO BEACH HOUSE  
150 SOUTH AVENUE, SUITE 200, NEW YORK, NY 10014  
RENOVATION AND ADDITION  
ARCHITECTURAL PLAN

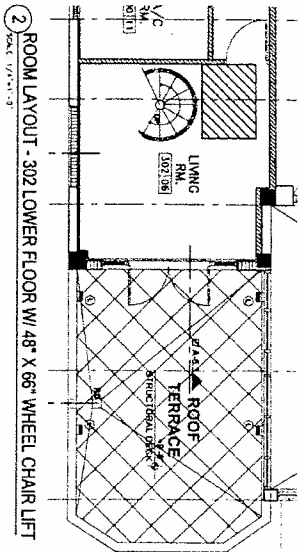
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A-1.3  
04.10.07



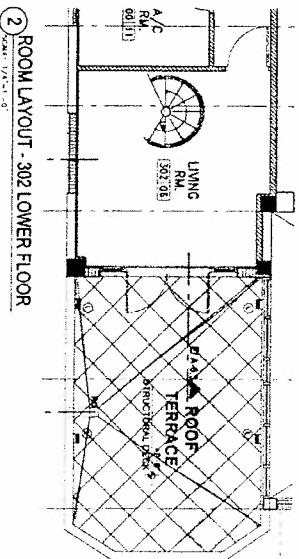
1 ROOM LAYOUT - 302 UPPER FLOOR W/ 48" X 66" WHEEL CHAIR LIFT  
Scale: 1/8" = 1'-0"



1 ROOM LAYOUT - 302 UPPER FLOOR  
Scale: 1/8" = 1'-0"



2 ROOM LAYOUT - 302 LOWER FLOOR W/ 48" X 66" WHEEL CHAIR LIFT  
Scale: 1/8" = 1'-0"



2 ROOM LAYOUT - 302 LOWER FLOOR  
Scale: 1/8" = 1'-0"



ALLAN T. SHULMAN ARCHITECT, P.A.  
404 WEST 14TH STREET, SUITE 404, NEW YORK, NY 10011  
TEL: 212-693-1234 FAX: 212-693-1235

SOHO BEACH HOUSE  
401 COLEMAN AVENUE, MANHATTAN, N.Y. 10013  
RENOVATION AND ADDITION  
ARCHITECTURAL DESIGN

NO. 0001 011  
A4.6  
04.18.07



# **EXHIBIT D**