

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.

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)

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.

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.

b. _____

c. _____

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.

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.

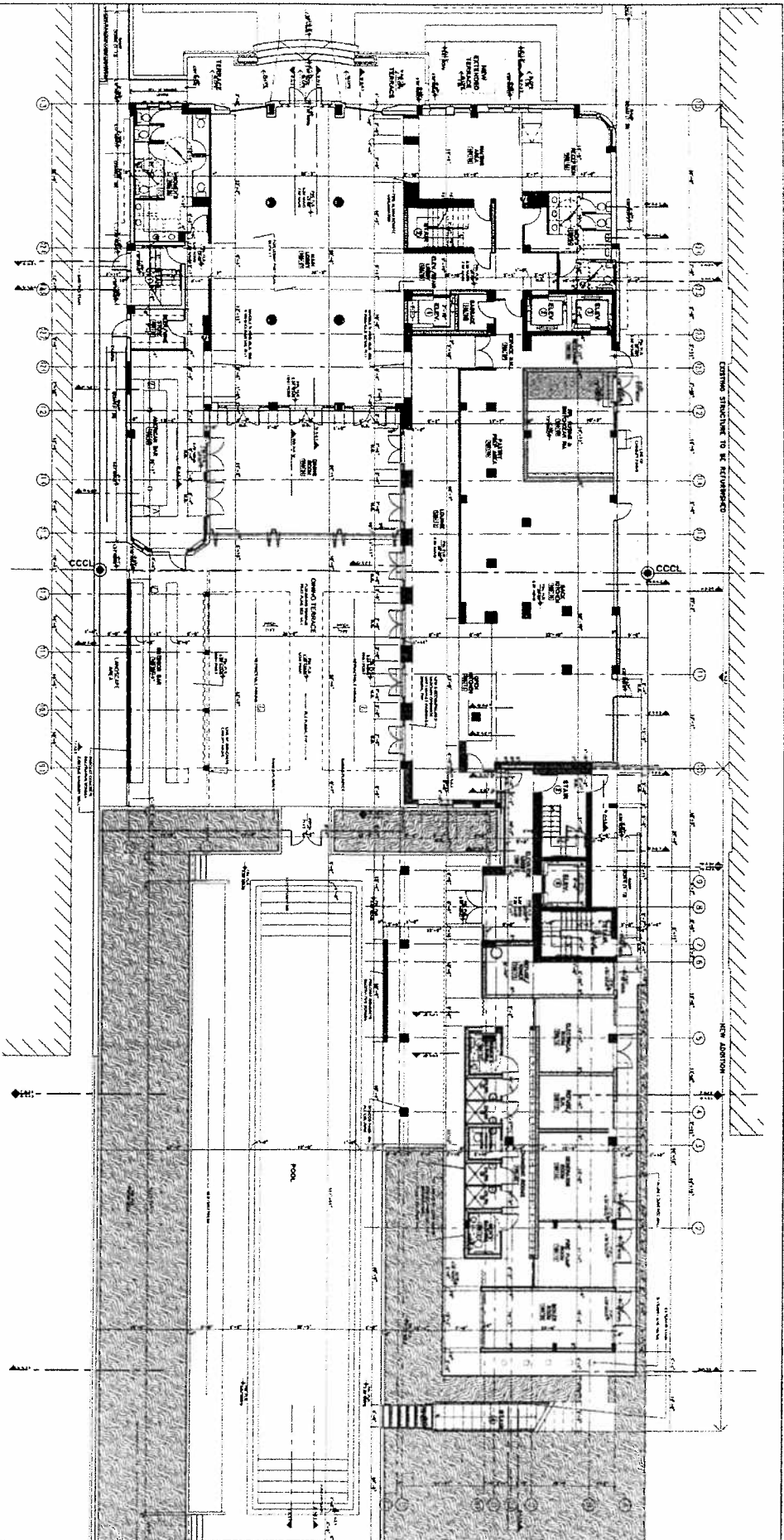
The project has three fully accessible rooms already planned.

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



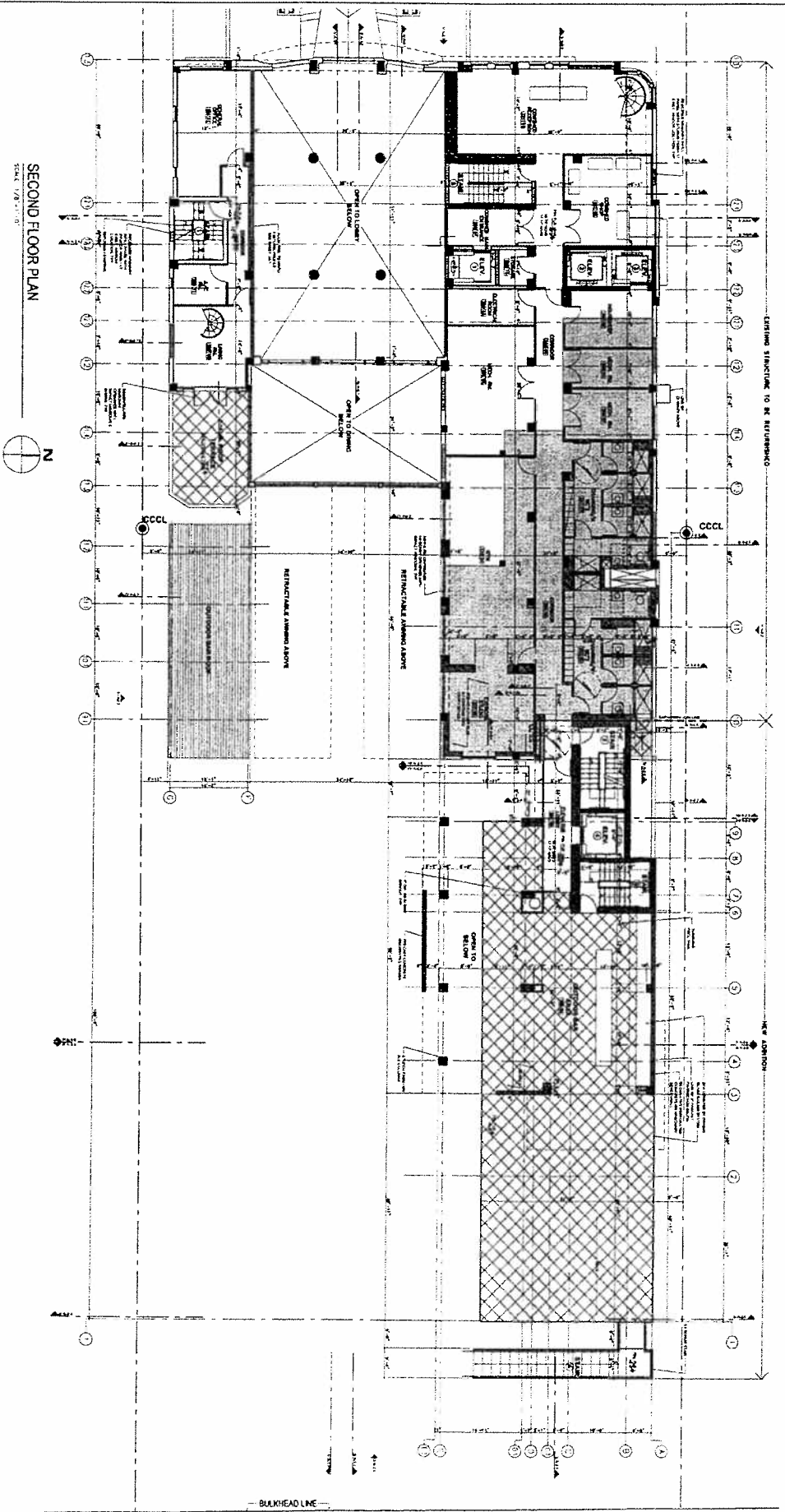
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



ALLAN T. SHULMAN ARCHITECT, P.A.
 646 WEST 11TH STREET, SUITE 201
 NEW YORK, NY 10014
 TEL: 212-691-1000 FAX: 212-691-1001

SOHO BEACH HOUSE
 430 WEST 11TH STREET, SUITE 201
 NEW YORK, NY 10014
 RENOVATION AND ADDITION
 MASTER PLAN SHEET

FIRST FLOOR PLAN
 A-1.1
 04.10.07



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

ALLAN T. SHULMAN ARCHITECT, P.A.
 100 WEST STREET, SUITE 27, LINDEN, N.J. 07037
 (908) 427-1100
 TEL: 908-427-1100 FAX: 908-427-1101

SOHO BEACH HOUSE
 145 COLLEGE AVENUE, MIAMI BEACH, FL 33140
 JOB NO. 0005
 RENOVATION AND ADDITION
 11/2007

REVISIONS
 A-1.2
 11/2007

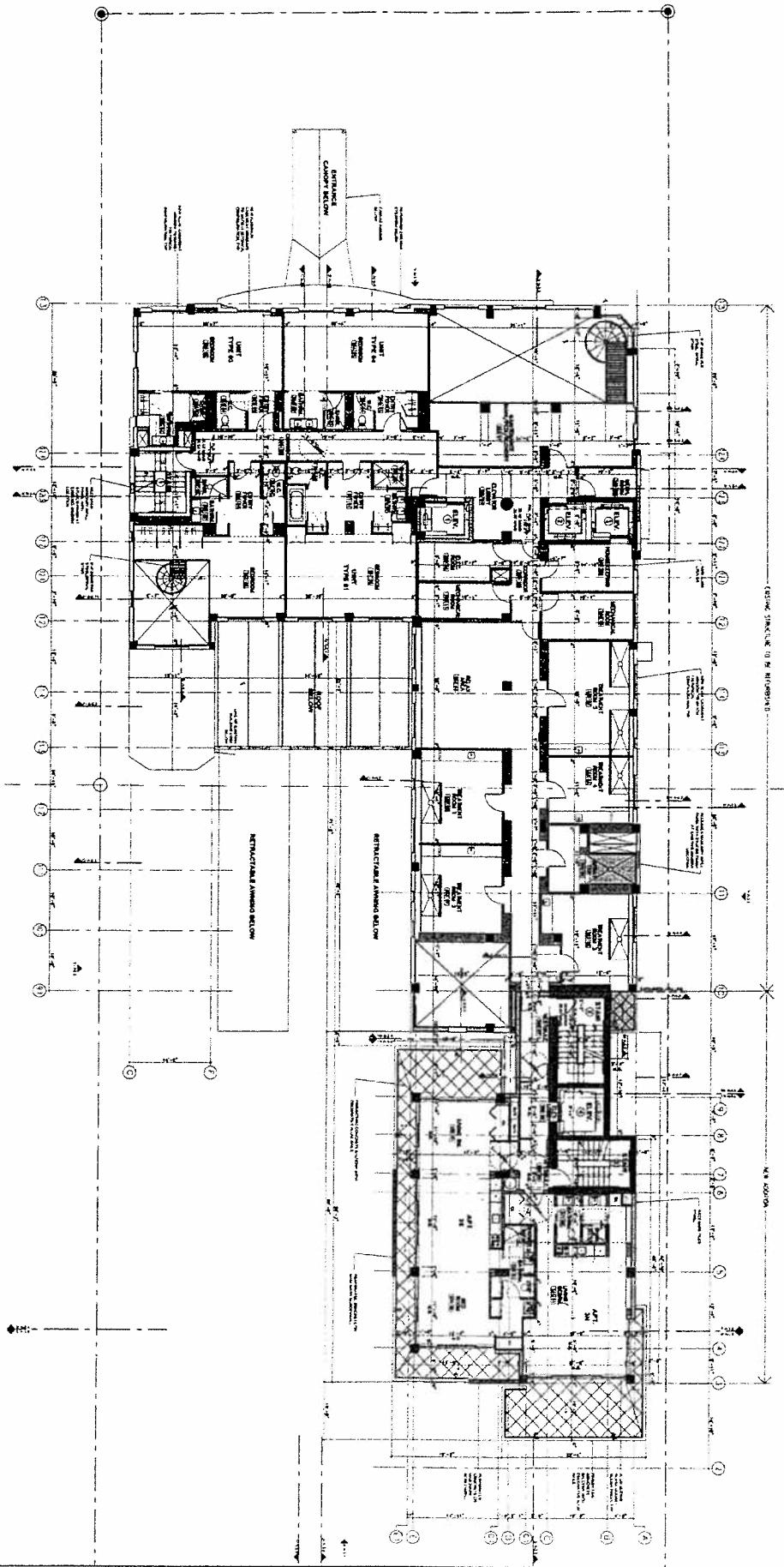


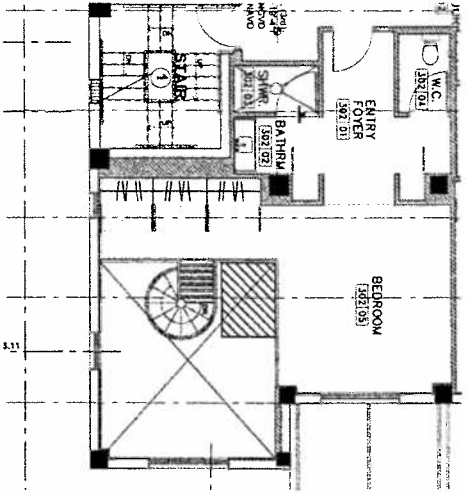
ALLAN T. SHULMAN ARCHITECT, P.A.
 100 SOUTH STREET, SUITE 201, NEW YORK, N.Y. 10038
 TEL: 212-691-1000 FAX: 212-691-1001

SOHO BEACH HOUSE
 140 COULSTON PLACE, NEW YORK, N.Y. 10014
 RENOVATION AND ADDITION
 ARCHITECTURAL DRAWING

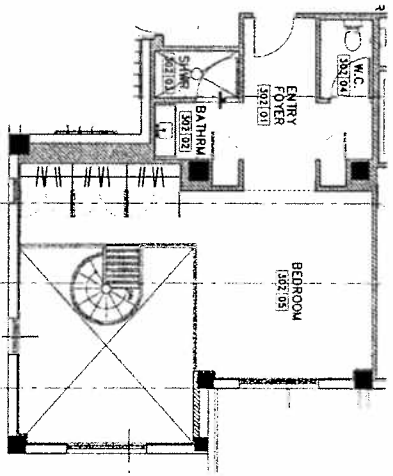
1 - 3RD FLOOR PLAN
A-1.3
 04.10.07

3RD FLOOR PLAN
 SCALE: 1/8" = 1'-0"

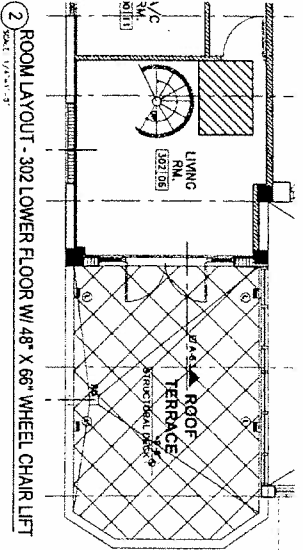




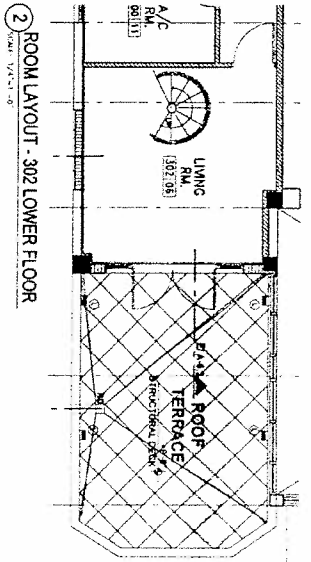
1 ROOM LAYOUT - 302 UPPER FLOOR W/ 48' X 66' WHEEL CHAIR LIFT
SCALE: 1/8" = 1'-0"



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.
440 BOWEN
100 W. 4TH STREET, SUITE 201, MANHATTAN, NY 10014
TEL: 212.465.0008 FAX: 212.465.0115

SOHO BEACH HOUSE
430 COLEMAN AVENUE, MANHATTAN, NY 10013
RENOVATION AND ADDITION
MANHATTAN, NY 10013

NO. 201
A4.6
04.18.07

EXHIBIT D



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. www.miamibeachfl.gov

PLANNING DEPARTMENT
Tel: 305-673-7550, Fax: 305-673-7559

May 4, 2007

State of Florida Building Commission and Accessibility Advisory Council
Department of Community Affairs, Office of Codes and Standards
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

Re: 4385 Collins Avenue - The Sovereign Hotel

Dear Sir/Madam:


The City of Miami Beach Historic Preservation Board has approved a Certificate of Appropriateness for the substantial renovation and restoration of the above noted hotel complex. Constructed in 1941 by noted Miami Beach architect Roy France, the subject structure is classified as contributing in the City's Historic Properties Database, and is located in the Collins Waterfront Local Historic District.

The applicant is proposing a complete renovation of the existing Sovereign Hotel, including the replacement of all windows and doors and restoration of the lobby. A portion of the northeast corner of the building will be demolished, in order to allow the construction of a new stair tower, which will service the new 14-story tower addition. The Board and the Planning Department are supportive of the changes to the existing structure reflected in the application. Even with the changes proposed, the existing building will still maintain its historic status, as it will be substantially rehabilitated.

In addition to these significant exterior features, the subject structure also contains architecturally significant public interior spaces, which are protected under the Historic Preservation section of the City Code. Any new elevator or lift structure proposed for the exterior of the existing structure, in order to access the subject interior unit, would substantially impact the architectural and historic character of the building.

Because the applicant is only seeking relief as to one single unit, and the remainder of the building is otherwise fully ADA and "Florida Accessibility Code" accessible, the Planning Department, on behalf of the Historic Preservation Board, supports the waiver request.

If you have any questions relative to the historic significance of the existing structure, or you need additional information, please do not hesitate to contact me.

Sincerely,

Thomas R. Mooney, AICP
Design & Preservation Manager

TRM:tm
F:\PLAN\5ALLIGEN_CORRIEXTERNAL\TM-SHPO SOVEREIGN.DOC

We are committed to providing excellent public service to all who live, work and play in our vibrant, tropical, historic community.