

## **GREYSTONE HOTEL**

**Issue:** Vertical accessibility to all levels of a hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all levels of a hotel located in the Miami Beach Historic Ocean District. Two areas must be addressed. The first is from the main lobby up seven risers to the first floor. The second is providing access from the lobby area to the second and third floors. Because of the historic nature of the lobby, significantly modifying the steps would damage its significance and not be permitted. Furthermore, a stair lift from the lobby to the first floor would be technically infeasible because insufficient space is available and any such device would encroach on the means of egress. It would also be technically infeasible to provide access to the second and third floors via the existing elevator shaft which is smaller than the mandatory 48" x 48". A custom elevator would be prohibitively expensive and would not meet the National Elevator Code for a commercial facility. The project cost is \$88,100; however, the applicant is not claiming disproportionate cost as the basis of the waiver. It is because of technical infeasibility.

### **Project Progress:**

The project is under design and construction.

### **Items to be Waived:**

Vertical accessibility to all levels, 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:** \_\_\_\_\_ Greystone Hotel \_\_\_\_\_

**Address:** \_\_\_ 1920 Collins Avenue, 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:** \_\_\_ Robert S. Fine, Esq., AIA  
\_\_\_\_\_

**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

**Relationship to Owner:** \_\_\_\_\_ Legal Counsel

**Owner's Name:** \_\_\_ Setai South Beach, Inc.

**Owner's Address:** \_\_\_ c/o Robert S. Fine, Greenberg Traurig, P.A. (legal counsel)

**Owner's Telephone:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**Owner's E-mail Address:** \_\_\_\_\_

**Signature of Owner:** \_\_\_\_\_

**Contact Person:** \_\_\_ Robert S. Fine, Esq.

**Contact Person's Telephone:** 305-579-0826 \_\_\_\_\_ **E-mail Address:** finer@gtlaw.com

This application is available in alternate formats upon request.

**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 use. Building will contain a small number of hotel rooms, and offices for the operation of the Greystone Hotel and related hotel across the street.

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**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \_\_\_\_\_ \$88,100.00 for areas on upper levels containing primary functions. \_\_\_\_\_

**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.

\_The proposed use of the building has changed since construction commenced.

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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)(f) ; Vertical accessibility from the lobby level to the raised first floor.

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**Issue**

2: \_\_\_\_\_ § 553.509, Florida Statutes; 11-4.1.6 (1)(f) ; Vertical accessibility from the lobby level to the second and third floors.

**Issue**

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

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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.

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

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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.

Where applicable. Costs to provide vertical accessibility provided under separate cover.

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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. Provided under separate cover.

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b. 

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c. 

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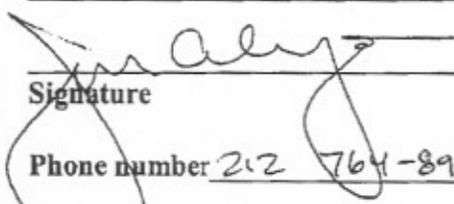
10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

The historic Greystone Hotel located at 1920 Collins Avenue in the historic Miami Beach Art Deco District is the subject of this application for Waiver of Vertical Accessibility Requirements. There are two such issues in this application. The first involves providing vertical accessibility from the main lobby level up 7 risers to the first floor. The second issue is in regard to providing vertical accessibility from the lobby level to the second and third floors.

Without substantially altering the historic lobby of the Greystone (which would clearly threaten or destroy the historic character of the building) the only means of providing vertical accessibility from the lobby level to the raised first floor is by inclined lift. Unfortunately, due to the width of the stair, such a lift would unacceptably encroach this required means of egress. I have confirmed this both with a private fire protection engineering consultant and the fire marshal having jurisdiction. As such, it is my professional opinion that providing such a lift at this location would be technically infeasible.

Regarding providing access to the second and third floors, there is an existing elevator shaft that has not been in operation since prior to 1988 (it may be much earlier than that however, that is as far back as I have been able to research). The shaft is not sufficiently large to provide an elevator with a car of even 48" x 48" clear, or equivalent. Constructing a new larger shaft would likely be, in my opinion, technically infeasible but even if it were possible, expanding the shaft would require a significant alteration to the historic lobby. A much less expensive, but not inexpensive option would be to have a custom elevator car created that would fit in the existing shaft. Such a car, however, would not provide a minimum 48" x 48" clear or equivalent floor space. In addition, the cost to provide this undersized car would greatly exceed 20% of the cost of the alterations to the upper floors.

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Juan Alayo

Signature Printed Name

Phone number 212 764-8990

(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 10 day of February, 20 05

  
Signature

ROBERT S. FURE  
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.

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/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. FS Section 553.509 Vertical Accessibility to all levels requirement. \_\_\_\_\_
- 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 \$200,000.00

Comments/Recommendation: We recommend that the waiver be granted with the condition that vertical accessibility requirement be met to the extent that is not technically infeasible since the alteration was commenced without a building permit. The building inspector issued a notice of violation/stop work order for doing work without permit.

Jurisdiction: City of Miami Beach

Building Official: \_\_\_\_\_

Signature

Hamid Dolikhani/ Richard McConachie  
Printed Name

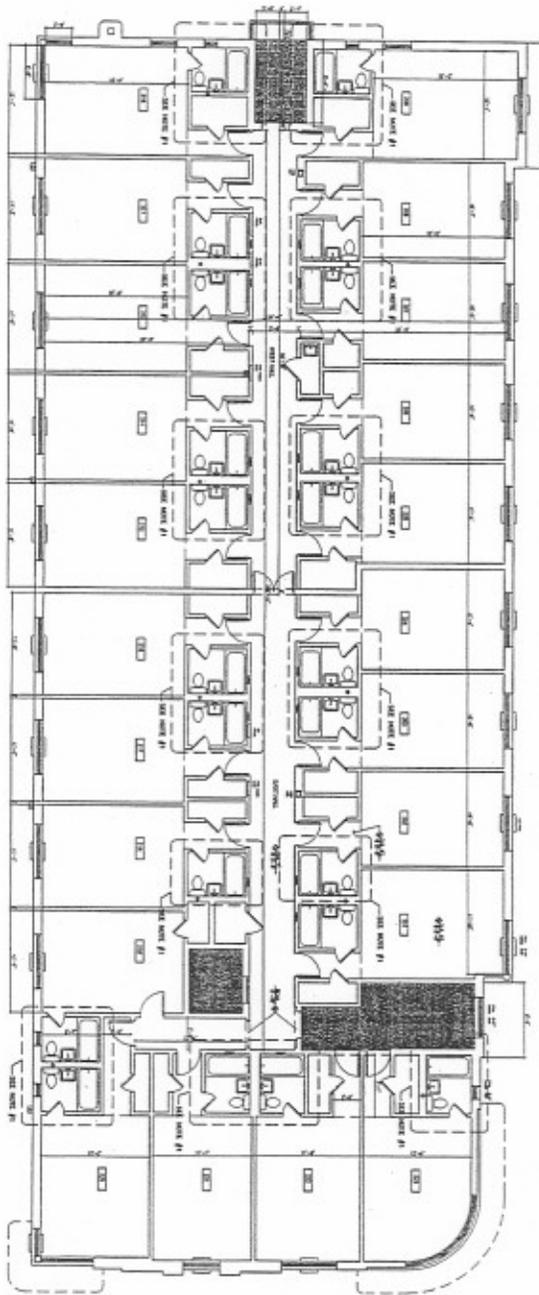
BU00000853/ BU00000774  
Certification Number

(305) 673-7000 Ext 6753 / (305) 535-7513  
Telephone/Fax

1700 Convention Center Drive, 2<sup>nd</sup> Floor, Miami Beach, FL 33139  
Address

Address: 1920 Collins Av.  
Miami Beach, FL 33139





20TH STREET

COLLINS AVENUE

1. ROOMS ARE TO BE USED AS OFFICES  
 2. ALL ROOMS ARE TO BE FURNISHED  
 3. ALL ROOMS ARE TO BE HEATED  
 4. ALL ROOMS ARE TO BE VENTILATED  
 5. ALL ROOMS ARE TO BE LIGHTED  
 6. ALL ROOMS ARE TO BE CLEANED  
 7. ALL ROOMS ARE TO BE MAINTAINED  
 8. ALL ROOMS ARE TO BE REPAIRED  
 9. ALL ROOMS ARE TO BE INSURED  
 10. ALL ROOMS ARE TO BE PROTECTED

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

DATE: 11/15/11  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES

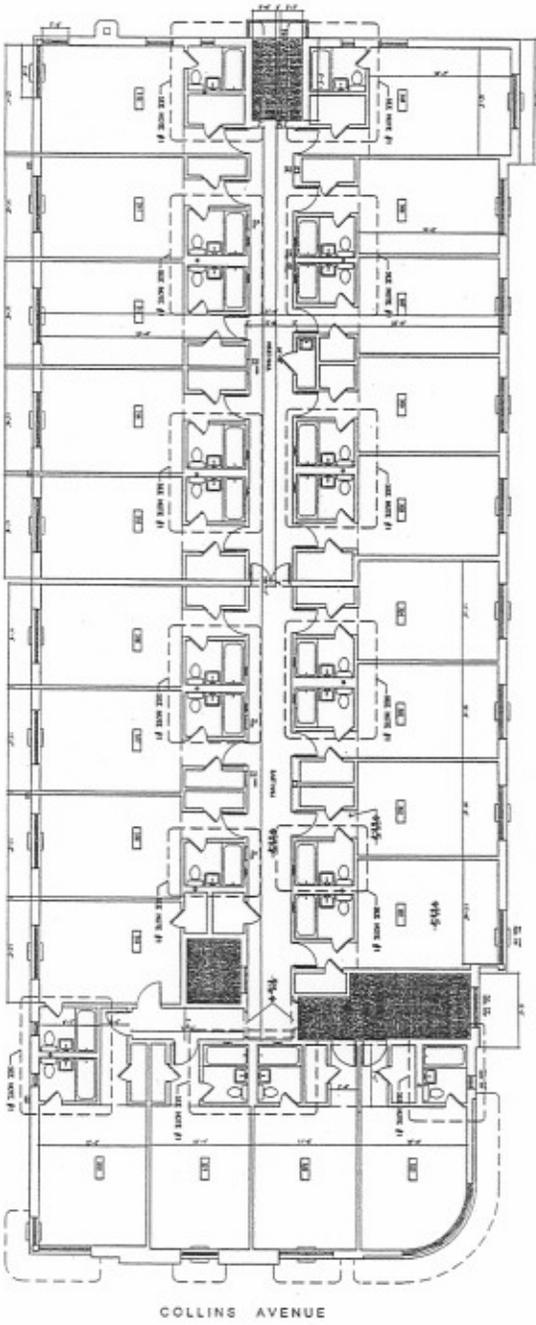
---	WALL
---	DOOR
---	WINDOW
---	ELEVATOR
---	STAIR
---	TOILET
---	RESTROOM
---	OFFICE
---	CONFERENCE ROOM
---	RECEPTION
---	STORAGE
---	UTILITY
---	MECHANICAL
---	ELECTRICAL
---	PLUMBING
---	PAINT
---	FINISH

**Building Owner:**  
 Graystone Hall  
 1800 Collins Avenue, Room 200  
 Miami Beach, FL 33139  
 Phone: (305) 555-1111  
 Fax: (305) 555-1111  
**Architect:**  
 J. J. Jones  
 1800 Collins Avenue, Room 200  
 Miami Beach, FL 33139  
 Phone: (305) 555-1111  
 Fax: (305) 555-1111

**Graystone Hall**  
 1800 Collins Avenue, Room 200  
 Miami Beach, FL 33139

Project No.	11-001
Sheet No.	A1.02
Date	11/15/11
Scale	3/8" = 1'-0"

SECOND FLOOR PLAN



20TH STREET

COLLING AVENUE

- NOTE
1. FINISHES LISTED IN THE NOTES ARE TO BE USED UNLESS OTHERWISE NOTED.
  2. SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF FINISHES.
  3. SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF MATERIALS.

THIRD FLOOR PLAN  
Scale: 1/8" = 1'-0"

DATE: 01/11/11  
DRAWN BY: J. J. JONES

NOTES

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF FINISHES.

ALL MATERIALS SHALL BE AS SHOWN IN THE ARCHITECT'S NOTES.

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF MATERIALS.

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF FINISHES.

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF MATERIALS.

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF FINISHES.

SEE THE ARCHITECT'S NOTES FOR A COMPLETE LIST OF MATERIALS.

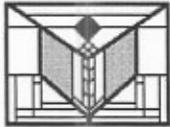
Building Owner:  
The City of Dallas  
1500 Commerce Street, Suite 1000  
Dallas, Texas 75201  
Phone: (214) 670-1000  
Fax: (214) 670-1000

Architect:  
J. J. Jones & Associates, Inc.  
1500 Commerce Street, Suite 1000  
Dallas, Texas 75201  
Phone: (214) 670-1000  
Fax: (214) 670-1000

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1500 Commerce Street, Suite 1000  
Dallas, Texas 75201

THIRD FLOOR PLAN

DATE	01/11/11
SCALE	1/8" = 1'-0"
PROJECT	A1103
REV	01



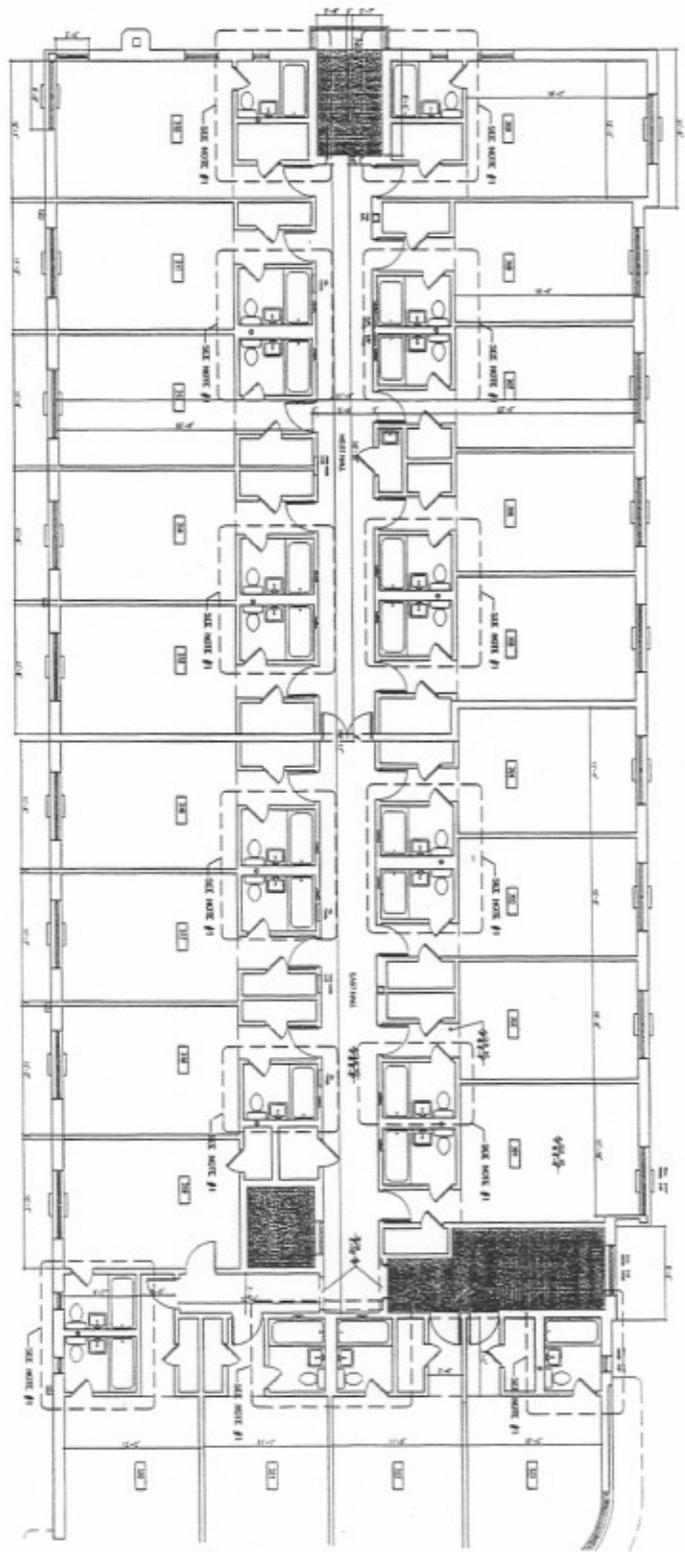
Mary-Kathryn  
Smith/DCA/FLEOC  
04/21/2005 09:26 AM

To finer@gtlaw.com  
cc  
bcc Mo.Madani@dca.state.fl.us Richard.Shine@dca.state.fl.us  
Subject Greystone Hotel

Robert, this waiver application is still deficient in that I have no estimates, nor a review by the local building department. Although we have no statutory authority to make the building official's review mandatory, you must submit the estimates so I can complete the analysis. If I don't receive the estimates today, I have no choice but to defer review of this application again. Please let me know if you have any questions. MK

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

20TH STREET

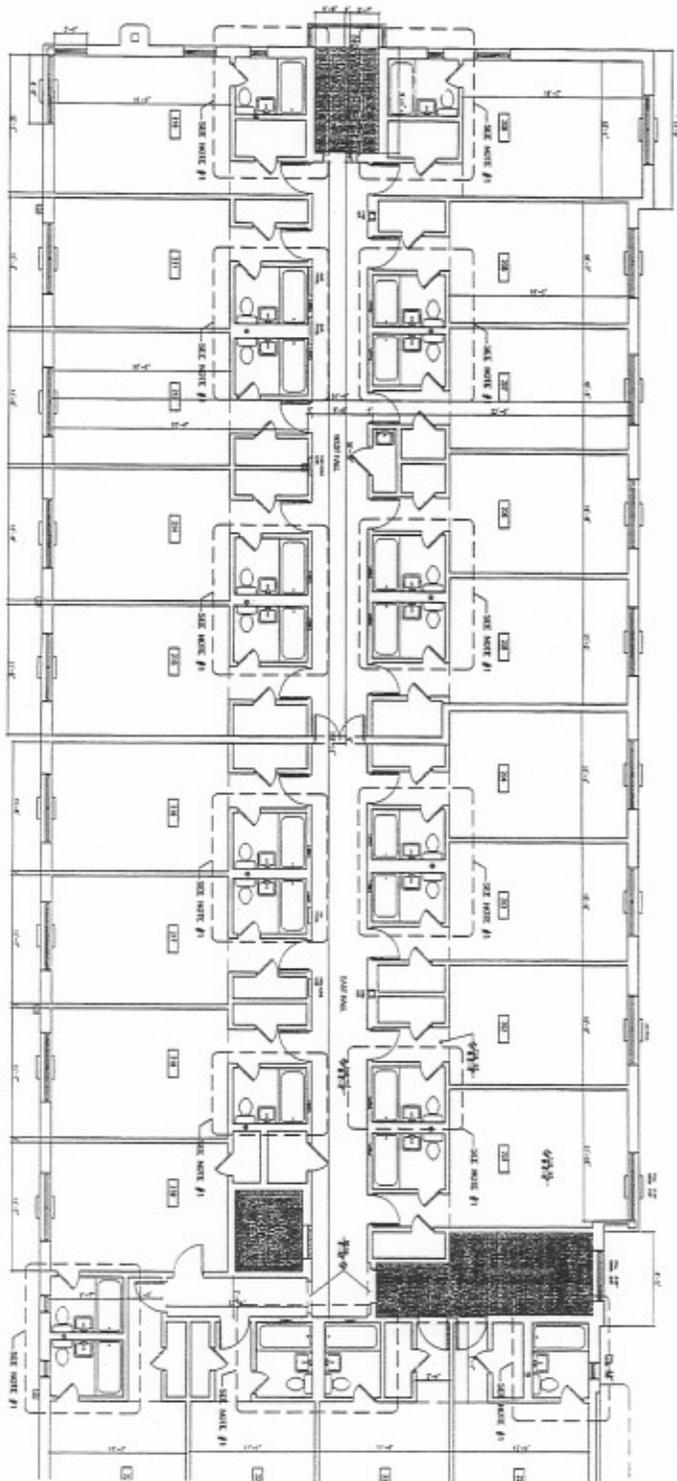


- NOTE
- 1. REFERENCE EXISTING FLOOR PLAN AND SPECIFICATIONS FOR ALL WORK.
  - 2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS.

1" = 12'-0"

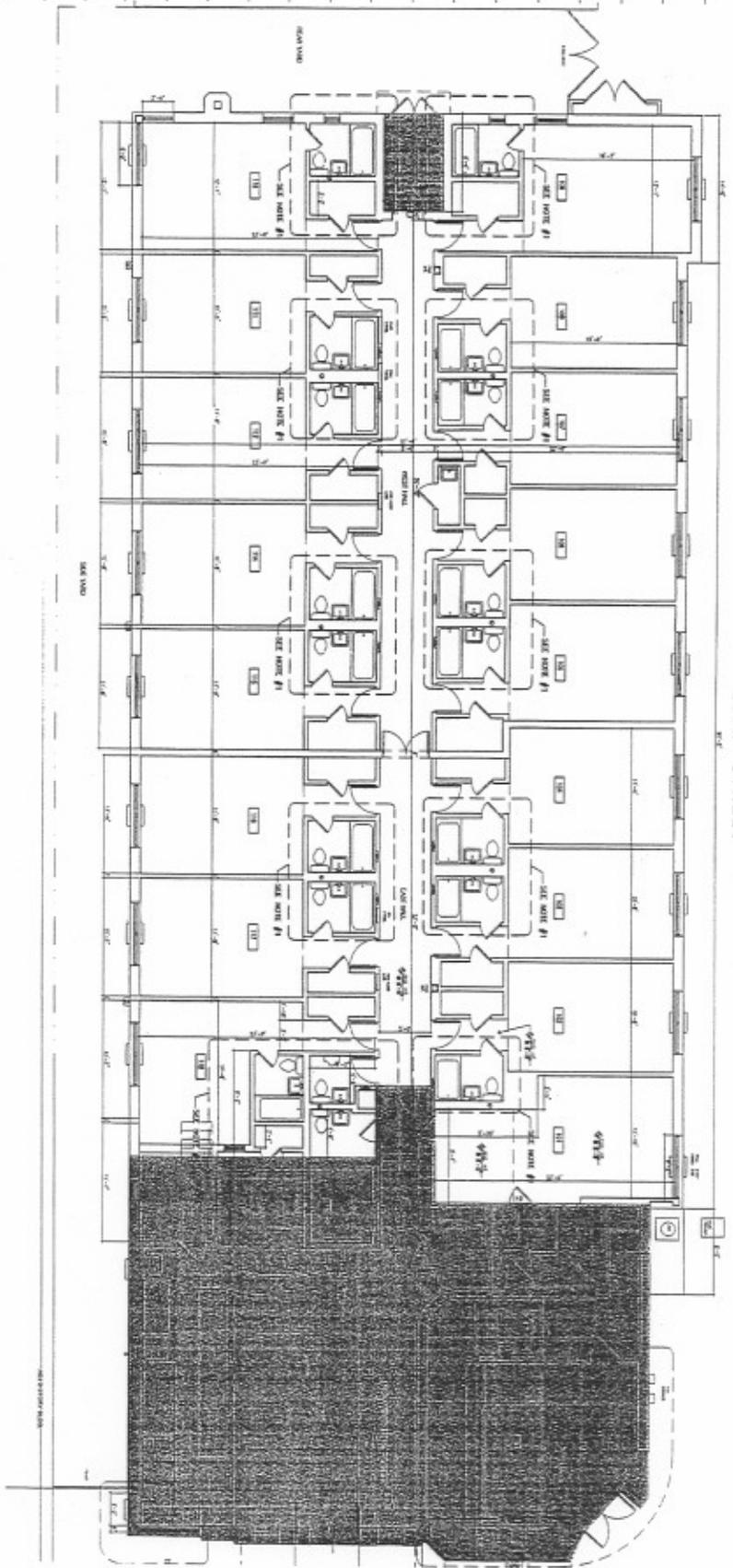
THRUOUT SCALE

20TH STREET



- NOTE
1. FINISHES EXISTING FOR THIS UNIT. NEW FINISHES TO BE DETERMINED BY THE ARCHITECT AND CONTRACTOR IN ROOMS.
  2. FINISHES INDICATED ON SHADING AREA.

20TH STREET



- NOTES
1. SEE ALL EXISTING CONDITIONS IN THE FIELD.
  2. REMOVE EXISTING WALLS, PARTITION WALLS, AND CEILING CASING IN UNITS.
  3. NO WORK PROPOSED ON SHADDED AREA.

FIRST FLOOR PLAN  
Scale: 3/8" = 1'-0"