

**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: The Wave Hotel (in the historic Lord Balfour Hotel building)

Address: 350 Ocean Drive, 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, PA, 333 Avenue of the Americas, Miami, FL 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: Green Comet, LLC

Owner's Address: 350 Ocean Drive, Miami Beach, FL

Owner's Telephone: c/o Contact Person FAX c/o Contact Person

Owner's E-mail Address: c/o Contact person

Signature of Owner:  / MANAGER

Contact Person: Robert S. Fine, Esq., AIA

Contact Person's Telephone: 305-579-0826 E-mail Address: finer@gtlaw.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.)

Historic Art Deco hotel located in south Miami Beach.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Approximately \$1,700,000 conceptual budget

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, Fla. Stat. (Vertical Accessibility); § 11-4.1.6(1)(k)(iii), Florida Building Code (2007).

Issue

2: __ § 11-4.10.9, Florida Building Code, Elevator door clear opening.

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.

Because of the existing conditions in this historic structure, it is technically infeasible to provide vertical accessibility to the levels that do not currently have vertical accessibility in the building. The elevator door is a significant historical element and may not be modified.

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

If the waiver is denied, then one hotel guest room level and the basement will not be usable/occupiable subjecting the owner to extreme financial hardship.

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. Not applicable. The hardship bases for this application are technical infeasibility and historic preservation considerations.

b. _____

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 Lord Balfour Hotel building is a qualified historic structure under Title III of the Americans with Disabilities Act and the Florida Accessibility Code that is located in south Miami Beach. As is typical in many "South Beach" historic structures, the lowest guest room floor is raised several stair risers above the main lobby level. Also typical of this typology is that the elevator in the building provides access to the upper guest room floors but not the raised first floor (referred to as second floor on the drawings).

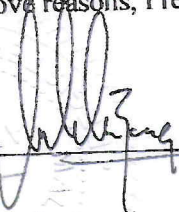
The stair from the lobby level to the first guest room level is five feet wide. Because the minimum clear width for a required means of egress is 44 inches, and the fire marshal considers the encroaching width of a platform lift into a means of egress to be the open dimension of the lift (which can be no less than 30 inches in width for the platform itself), the lift cannot be approved.

The stair from the lobby to the basement is narrower than the stair to the first floor guest rooms at 3 feet 10 inches wide. The stair is sandwiched between two shear walls, one of which is the rear wall of the elevator shaft. Because of the same "encroachment of a required means of egress" issue, providing vertical accessibility to the basement is technically infeasible.

The elevator door is a sculptural historic element which may not be modified (photograph is being provided). It provides a clear opening of 34 inches where the code requires 36 inches. This is, however, wider than the 32 inch minimum clear opening required of other doors. For this item, we are only seeking a waiver of the Florida requirement for vertical accessibility not the federal requirement as the project will resolve the federal requirement as necessary under the ADA regulations.

For the above reasons, I respectfully request that this waiver request be granted.

Signature



Printed Name

Marcia Brey

Phone number

305.206.3114

(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 27 day of October, 2011

Robert S. Fine, Esq., AIA (as counsel to owner and project)

Signature



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 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: _____

350 Ocean Drive - Hotel Lord Balfour
GUESTROOMS RENOVATION

MIAMI BEACH, FL 33139

State of Florida, Department of Building
Professional Seal
License No. AB69424
Professional Engineer
10000 Collins Avenue, Suite 1001
Miami Beach, FL 33154

Scale



350 Ocean Drive
Miami Beach, FL 33139
305.866.1111

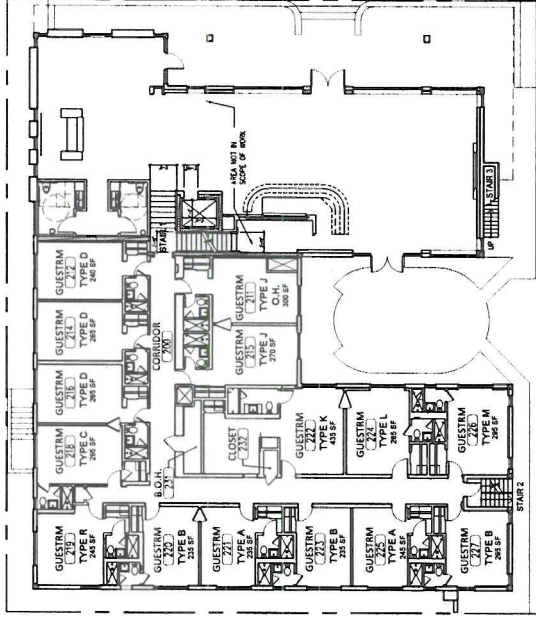
No. Issue Date

PERMIT SET 2016.12.20.2017

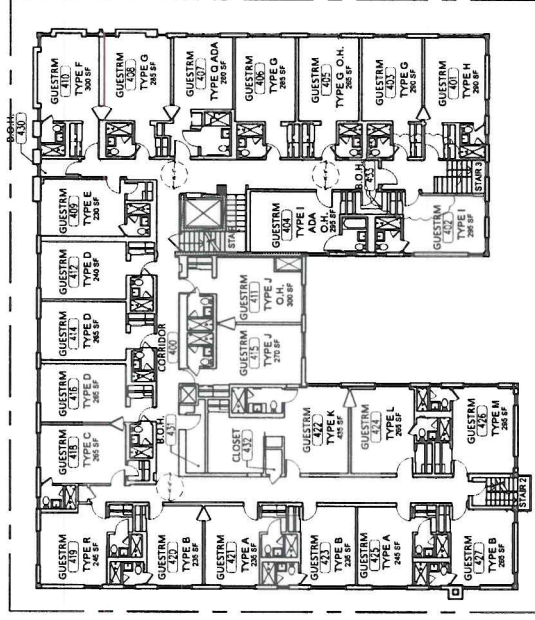
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Reviewed by

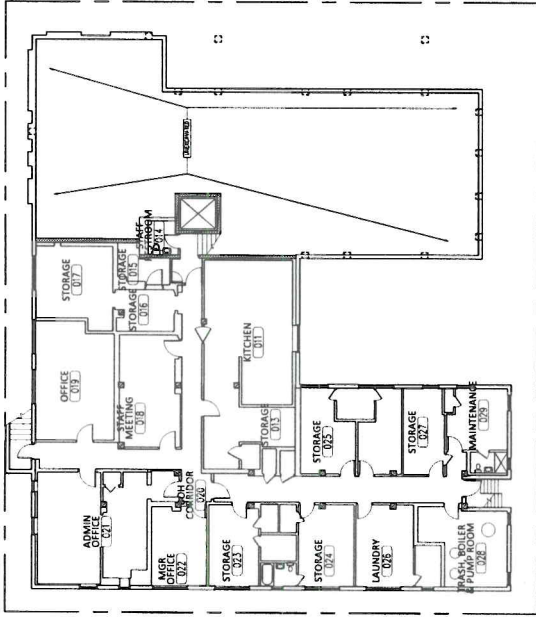
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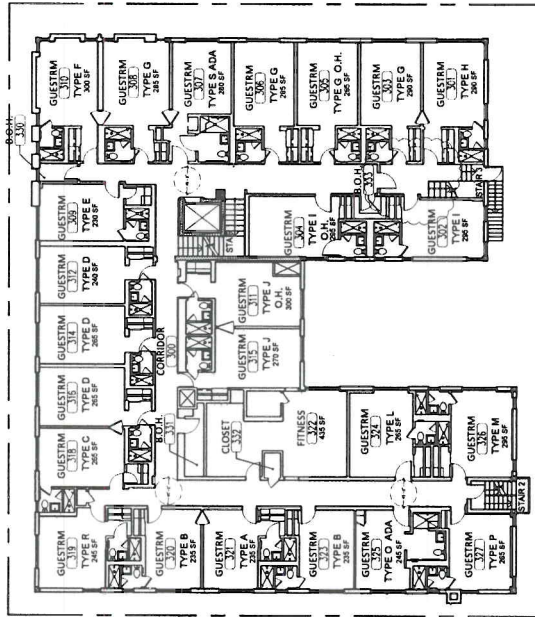
3F FLOOR PLAN - GROUND/SECOND LEVEL
3/32"=1'-0"



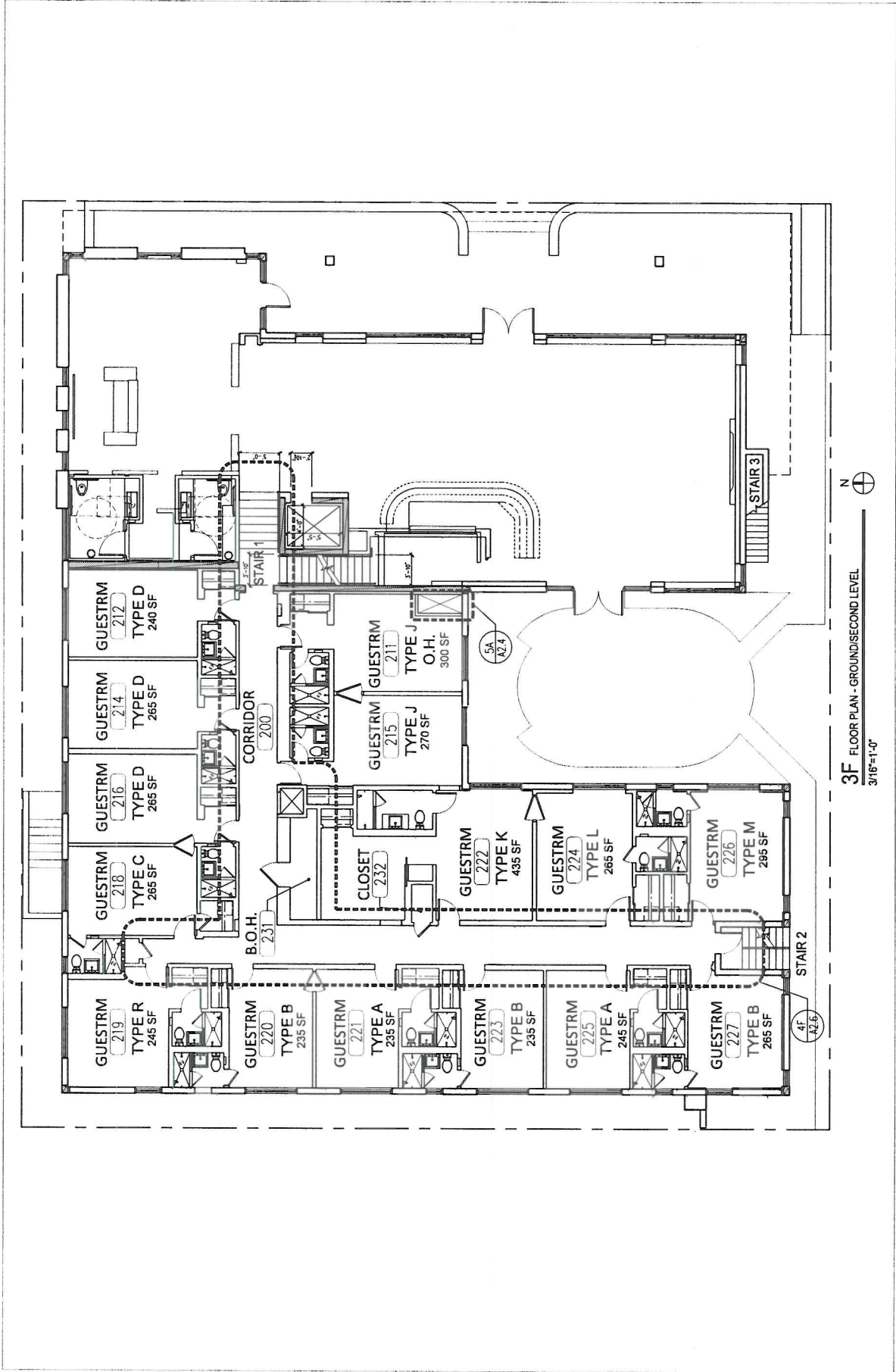
3B FLOOR PLAN - FOURTH LEVEL
3/32"=1'-0"



3B FLOOR PLAN - BASEMENT LEVEL
3/32"=1'-0"



5B FLOOR PLAN - THIRD LEVEL
3/32"=1'-0"



3F FLOOR PLAN - GROUND/SECOND LEVEL
 3/16"=1'-0"







In Case of Fire
Evacuate and Get Off Escalator



Fire Exit