

## **SUPERSTEIN BUILDING**

**Issue:** Vertical accessibility to all floors of an apartment/hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all three floors of a building containing an apartment and 11 hotel units. There are three separate entrances to the building and the owner plans to provide accessibility to the first floor via ramp at the northeast entrance. The first floor contains the lobby, the accessible guest room and a guest room for the hearing impaired. According to the applicant, making the other floors accessible would destroy the historic character of the building since three exterior elevators would need to be provided in addition to the existing stairwells serving the second and third floors. The building is located in the historic Art Deco district.

### **Project Progress:**

The project is in plan review.

**Items to be Waived:** Vertical accessibility to the second and third floors, 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.

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: Superstein Building

Address: 350 Euclid Ave, 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: Anthony Leon

Applicant's Address: 4300 Biscayne Boulevard G4 Miami, FL 33137

Applicant's Telephone: 305-438-9377 FAX: 305-438-9377

Applicant's E-mail Address: 3dtony@bellsouth.net

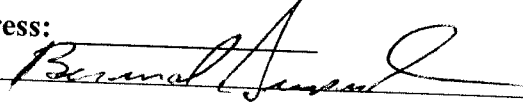
Relationship to Owner: Architect

Owner's Name: Bernard Superstein

Owner's Address: P.O. Box 190203 Miami Beach, FL 33139

Owner's Telephone: 305.534.1109 / 305.815.8786 FAX \_\_\_\_\_

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

Signature of Owner: 

Contact Person: Anthony Leon (Architect)

Contact Person's Telephone: 305 583 1026 E-mail Address: 3dtony@bellsouth.net

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.)

2 Story 7,662 S.F. Apartment/Hotel

1 Apartment Unit

11 Hotel Units

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

**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 City of Miami Beach Building Department has reviewed the plans for Change of Use from Apartments to Hotel / Apartments and require vertical accessibility to all hotel units on all levels or a waiver from FBC

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

**Issue**

1: Vertical accessibility to all Public Areas Florida Statute 553.509

**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.

An accessible route (ramp) will be provided from the public right of way to the Hotel Lobby, Unit 1 (the wheelchair accessible unit) and Unit 2 (the hearing impaired unit). The original design of the building is such that there are three separate entrances and three separate stairwells. In order to provide vertical accessibility to all the units on all levels we would have to provide three separate exterior elevator shafts in the courtyard of this historic building. Such an addition would destroy the historic character of the building and the courtyard.

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

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. NA

---

---

b.

---

---

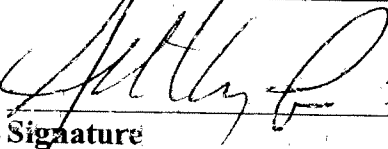
c.

---

---

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.

The City of Miami Beach Building Department will not approve such an addition to a registered historic building within the National Historic Art Deco District



3.10.10

Anthony Leon

Signature

Printed Name

Phone number 305-438-9377

(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 17 day of FEBRUARY, 2010

[Handwritten Signature]  
Signature

ANTHONY LEON  
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.

September 8, 2009

Bureau of Historic Preservation  
Division of Historical Resources  
500 South Bronough Street  
Tallahassee, FI 32399-0250  
Attn: Phillip Wisely  
(805-245-6333)

Re:  
350 Euclid Avenue  
Miami Beach, Florida

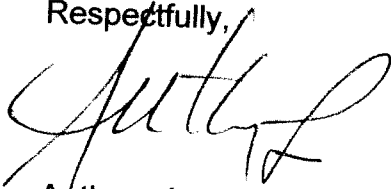
### STATEMENT OF ACCESSIBILITY DEFICIENCIES

This property is a 2 story stucco building located in the National Historic Art Deco District in Miami Beach FI. It was built as an Apartment House in 1939, the Architect was L. Murray Dixon. The first floor is raised about 20" off the ground and is not wheelchair accessible. It was built without elevators and there is no wheelchair accessibility to the second floor.

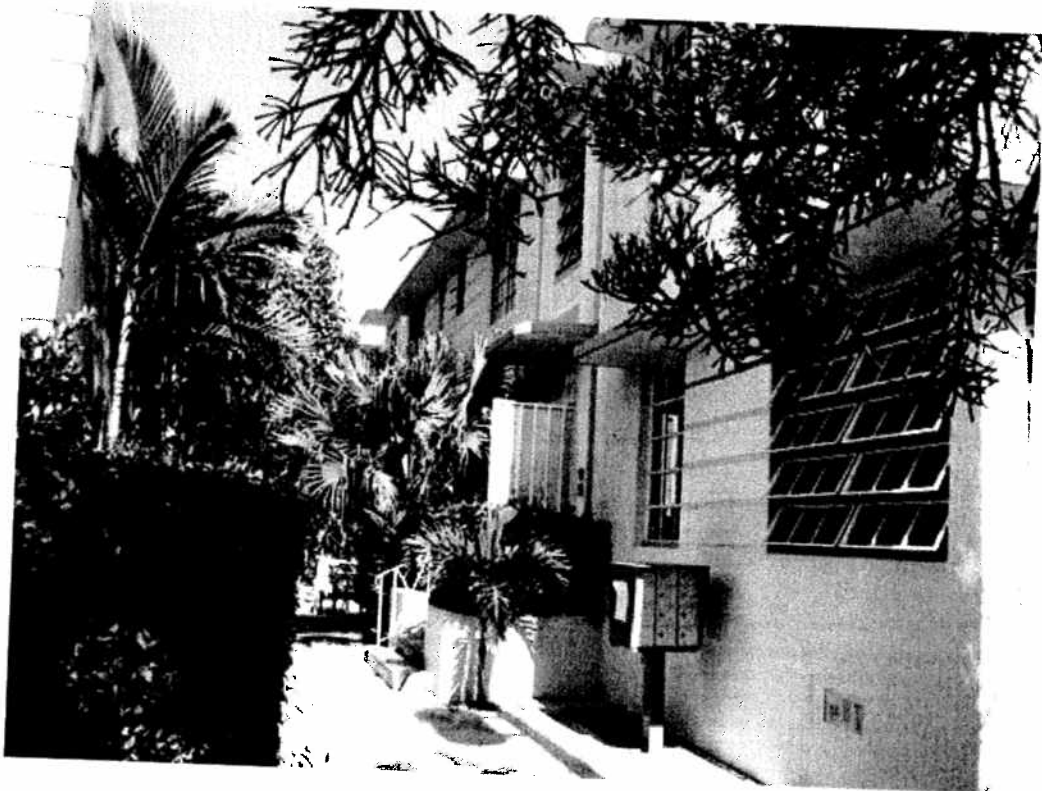
We are providing Vertical Accessibility to a portion of the first floor by means of an exterior ramp on the NE corner of the building. Complete vertical accessibility was deemed impractical as the building has three separate pairs of stairs which would each require an elevator.

We feel that the vertical bulk associated with three large elevator shafts would negatively affect the simple nature of the original Art Deco design. Three elevator shafts would be imposing elements in the small intimate Entry Court. We have included an architectural drawing (See B1) that shows how the addition of three exterior elevator shafts would impact the historic character of this building.

Respectfully,

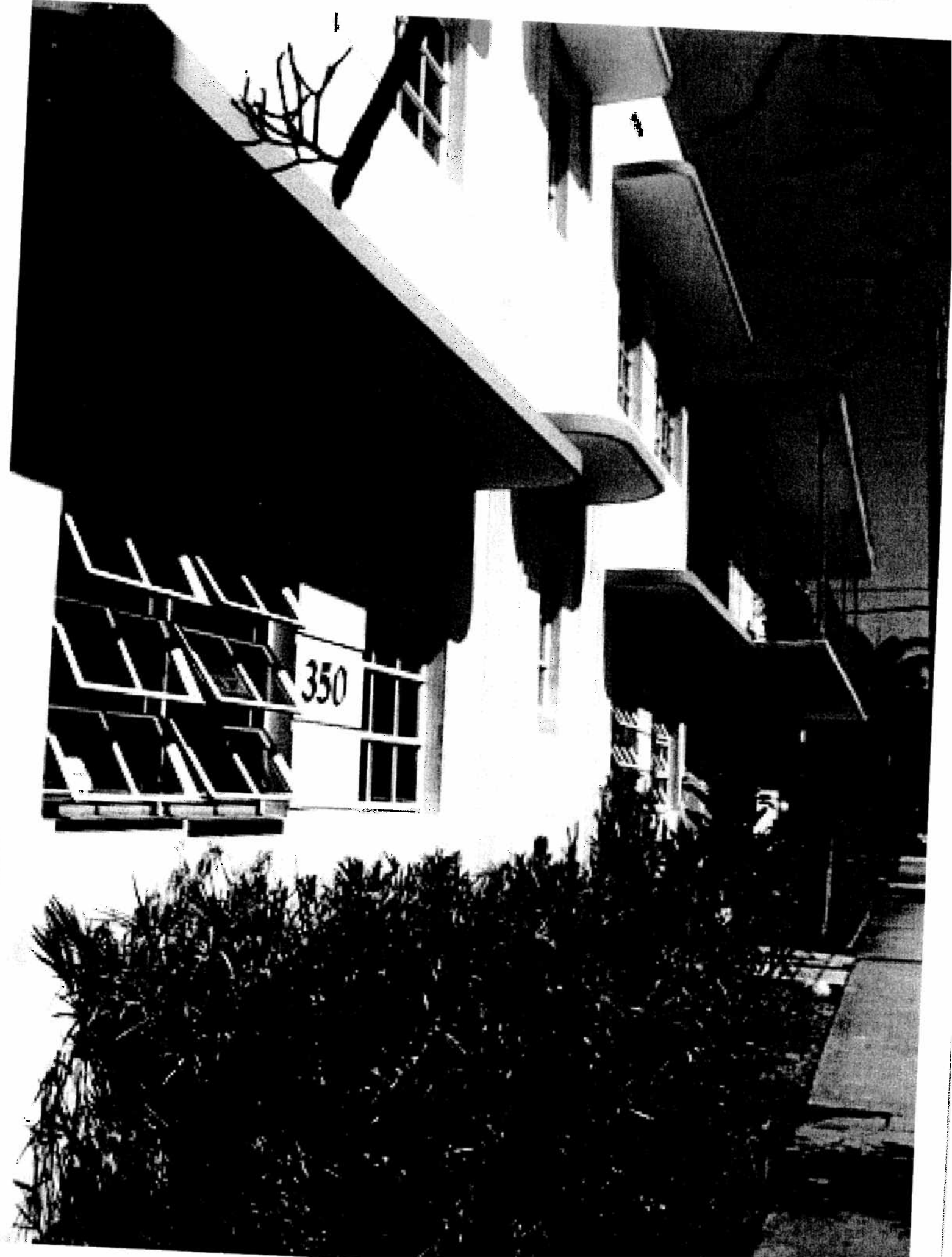


Anthony Leon, AIA  
President, 3Design, Inc

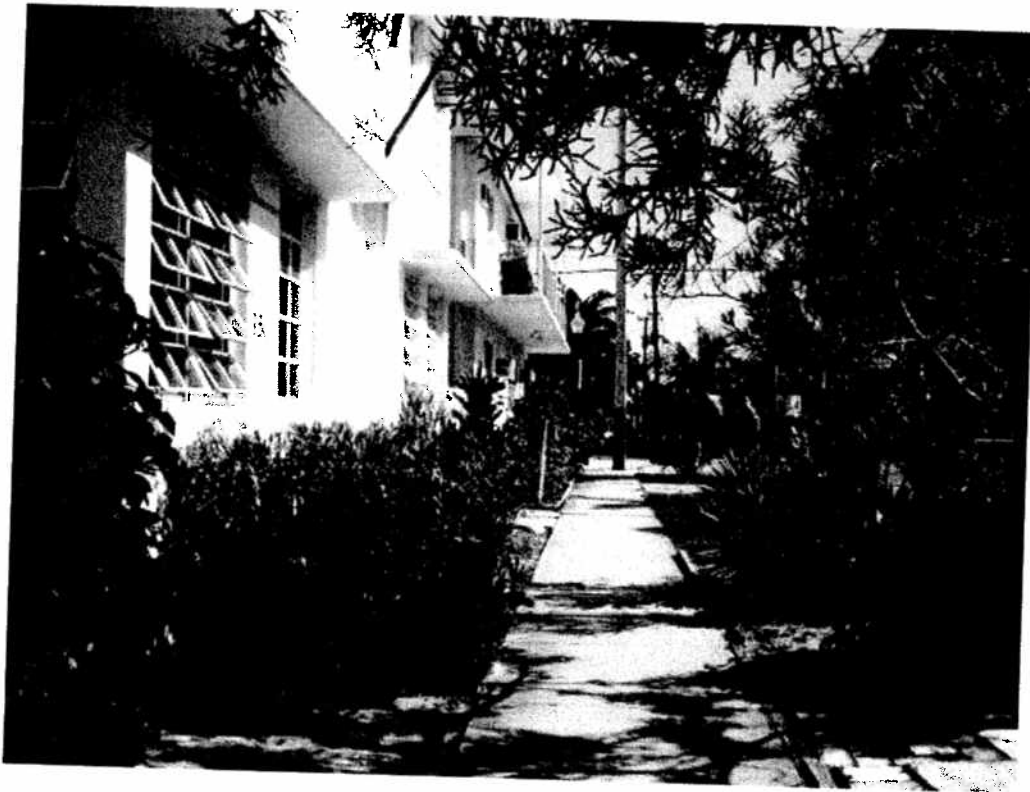






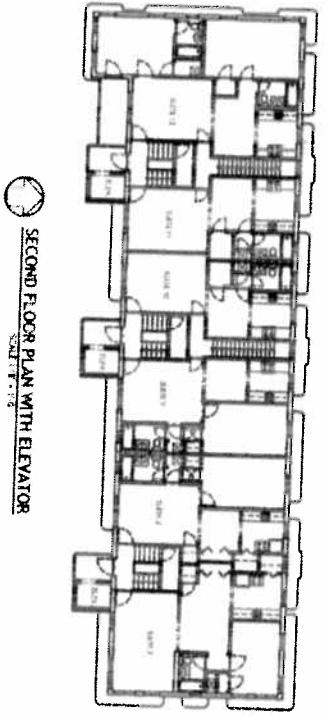
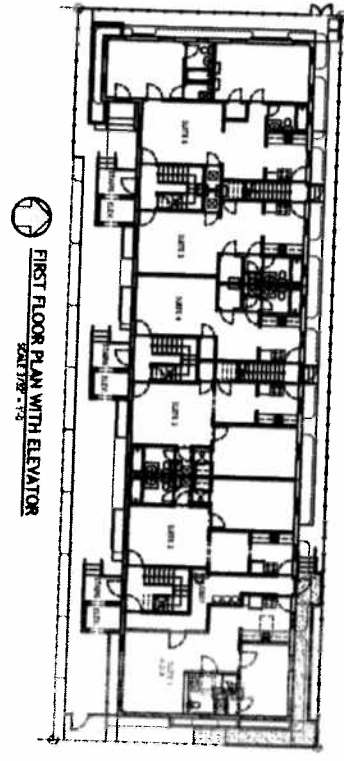
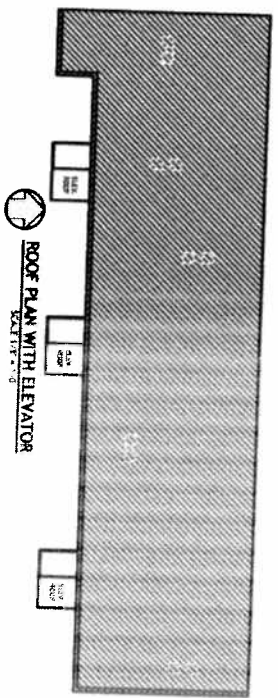
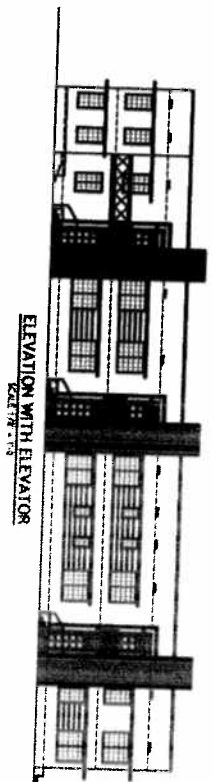
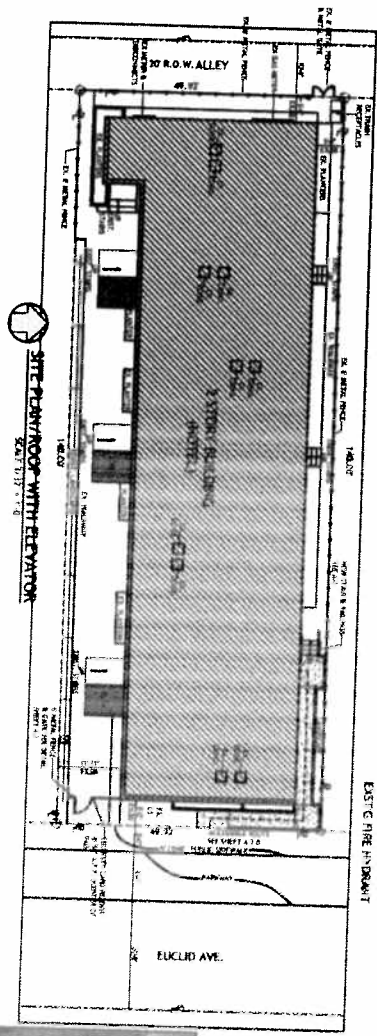












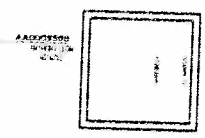
THIS SHEET IS NOT A PART OF THIS PERMIT  
(Only for A.D.A. waiver)

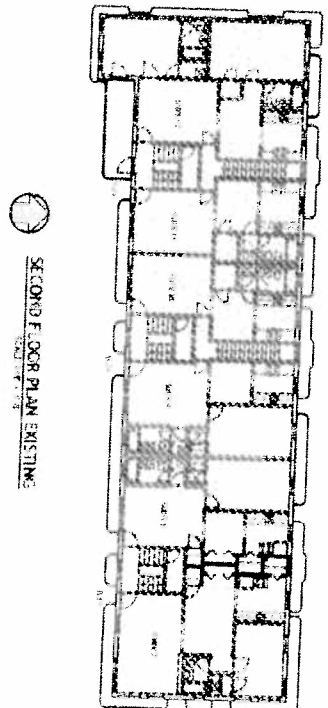
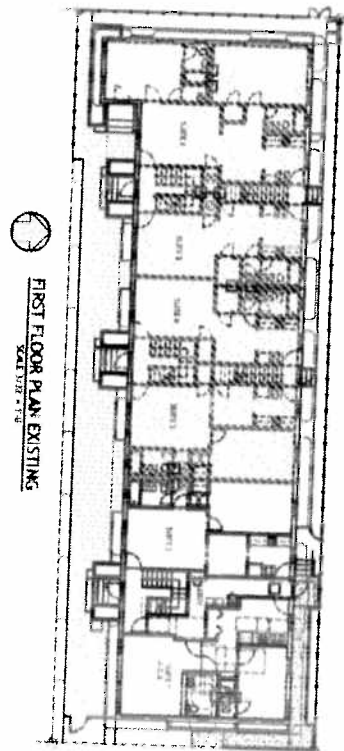
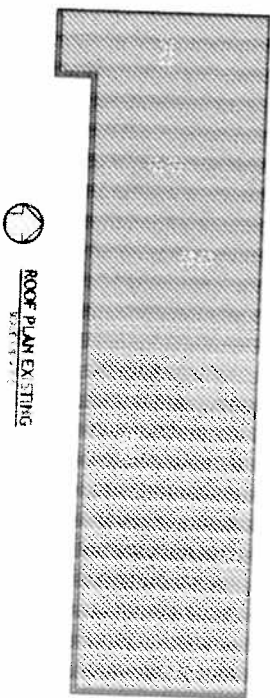
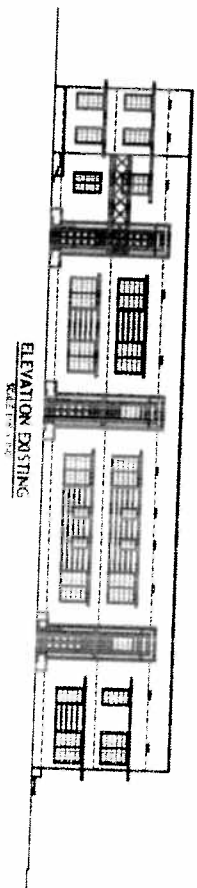
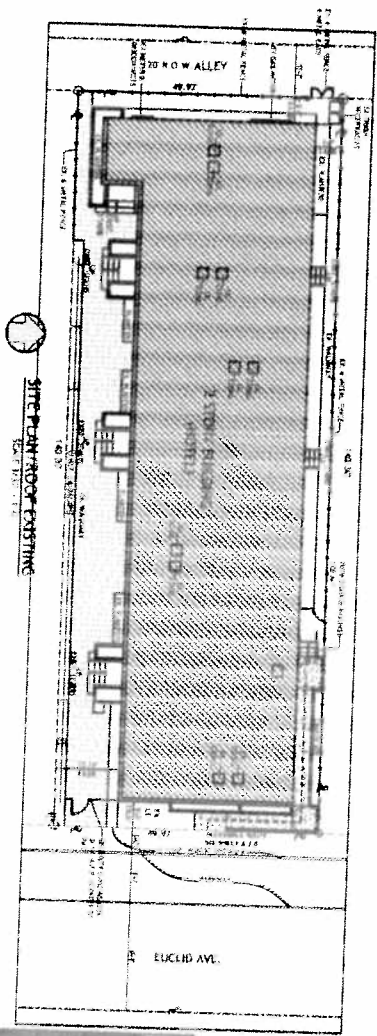
B-1.0

INTERIOR REMODELING  
BERNARD SUPERSTEIN  
790 EUCLID AVE  
MIAMI, FL 33129



3 DESIGN ARCHITECTURE  
4400 Brantley Blvd #204 Miami, FL 33137  
P: 305.336.2577 F: 305.336.2174





**B-2.0**

INTERIOR RENOVATING  
**BERNARD SUPERSTEIN**  
PHYSICIAN  
ORLANDO, FL 32839



**3 DESIGN**  
ARCHITECTURE

PHOTO COURTESY WITH PHOTOCREATIVE.COM  
© 2010 PHOTOCREATIVE.COM

