



December 27, 2021

Florida DBPR
Florida Building Commission
2601 Blair Stone Road
Tallahassee Florida 32399

ARCHITECTURE
Commercial
& Residential

RE: **Versace / Casa Casuarina Hotel, 1116 Ocean Drive, Miami Beach, FL 33139**

To the Members of the Accessibility Advisory Council and the Florida Building Commission:

Interior
Architecture
& Design

Please be advised that, as the architect for this project, I concur with the responses made by the accessibility consultant, Larry M. Schneider AIA that has been hired by the owner to assist in this waiver process as it relates to the responses to the following items in the application Waiver# 549-RO:

Urban
Renovation

Item 8 - Construction Status
Item 9 - Requirements to be Waived
Item 10 - Grounds for the Waiver

Architectural
Design of
Children's
Environments

That the requirement to be waived is the requirement from Florida State Statute 553.509 Vertical Accessibility which states that this part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards require an elevator to be installed in such building, structure, or facility . . .

Development
Consulting

See Section 202.5 Alterations to Qualified Historic Buildings and Facilities within the Florida Accessibility Code for Building Construction which states that alterations to a qualified historic building or facility shall comply with 202.3 and 202.4.

2310 Hollywood Blvd.

Hollywood

Florida 33020

Tel: 954.925.9292

EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply.

Fax: 954.925.6292

email:
mail@sklarchitect.com

WEBSITE:

www.sklarchitect.com

Advisory 202.5 Alterations to Qualified Historic Buildings and Facilities Exception. State Historic Preservation Officers are State appointed officials who carry out certain responsibilities under the National Historic Preservation Act. State Historic Preservation Officers consult with Federal and State agencies, local governments, and private entities on providing access and protecting significant elements of qualified historic buildings and facilities. There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should

AA 0002849

IB 0000894

NCARB CERTIFIED



Ari Sklar, A.I.A.
Oscar Sklar, A.I.A.


consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted. Public entities have an additional obligation to achieve program accessibility under the Department of Justice ADA regulations. See 28 CFR 35.150. These regulations require public entities that operate historic preservation programs to give priority to methods that provide physical access to individuals with disabilities. If alterations to a qualified historic building or facility to achieve program accessibility would threaten or destroy the historic significance of the building or facility, fundamentally alter the program, or result in undue financial or administrative burdens, the Department of Justice ADA regulations allow alternative methods to be used to achieve program accessibility. In the case of historic preservation programs, such as an historic house museum, alternative methods include using audio-visual materials to depict portions of the house that cannot otherwise be made accessible. In the case of other qualified historic properties, such as an historic government office building, alternative methods include relocating programs and services to accessible locations. The Department of Justice ADA regulations also allow public entities to use alternative methods when altering qualified historic buildings or facilities in the rare situations where the State Historic Preservation Officer determines that it is not feasible to provide physical access using the exceptions permitted in Section 202.5 without threatening or destroying the historic significance of the building or facility. See 28 CFR 35.151(d).

Under Title III requirements section 36.405 Alterations: Historic preservation states the following:

- (a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq) or are designated as historic under State or local law, shall comply to the maximum extent feasible with this part.
- (b) If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to the requirements of subpart C of this part.

We thank you for your time and consideration of this application.

Sincerely,



Ari L. Sklar, AIA, NCARB
Fla Lic # AR14173
President, SKLARchitecture