

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF HISTORICAL RESOURCES

November 4, 2002

EXHIBIT
B

Mr. Charles Benson
Charles H. Benson & Associates Architects P.A.
260 95th Street, Suite 210
Surfside, Florida 33150

RE: The Martha, 747 4th Street, Miami Beach

Dear Mr. Benson:

At your request on behalf of the owners of The Martha, we reviewed this property pursuant to the procedures set forth in 4.1.7 (2) (b) of Appendix A to 28 CFR Part 36, Americans with Disabilities Act Accessibility Guidelines (ADAAG) and equivalent procedures implementing Sections 553.501-553.513, Florida Statutes. This review is based on information provided in drawings, photographs and letters you submitted to this office dated October 1, and 21, 2002

It is the opinion of this office that compliance with ADAAG 4.1.6 Accessible Buildings: Alterations and the technical provisions of ADAAG, including those for routes or entrances, will threaten or destroy the historic significance of The Martha, a qualified historic property:

It is our understanding that all tenant spaces within The Martha are located above the sidewalk and lobby levels and that local authorities have previously approved the full building renovation without vertical accessibility.

Based on the information provided, it does not appear possible to comply with minimum requirements for vertical accessibility into the lobby or the tenant spaces from the outside without encroaching on the public right-of-way in the front or rear, or threatening or destroying the historic significance of the front or side façades, each considered character-defining features.

In addition, vertical accessibility to all tenant spaces within the building does not appear possible without extensive, if not complete, demolition of the interior lobby and stairs and expansion of circulation areas into the tenant spaces. This would threaten or destroy the historic configuration

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office Archaeological Research Historic Preservation Historical Museums
(850) 245-6300 • FAX: 245-6435 (850) 245-6444 • FAX: 245-6436 (850) 245-6333 • FAX: 245-6437 (850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office St. Augustine Regional Office Tampa Regional Office
(561) 279-1475 • FAX: 279-1476 (904) 825-5045 • FAX: 825-5044 (813) 272-3843 • FAX: 272-2340

Mr. Charles Benson
November 4, 2002
Page Two

of the interior lobby, also considered a character-defining feature. Requiring substantial demolition to achieve vertical accessibility within the interior when the interior cannot be made accessible from the outside seems unreasonable especially when such demolition might be considered "technically infeasible" pursuant to Section 4.1.6 (1)(j) of Americans with Disabilities Act Accessibility Guidelines.

It is the recommendation of this office that alternative methods of accesses to the public accommodations provided within the building be used pursuant to 28 (CFR) Part 36 Subsection D Paragraph 36.405(b) included by reference in Section 553.503, Florida Statutes.

Examples of alternative means of access for commercial activities may include, but are not limited to, such things as providing curb service, providing service off-site at an accessible location, providing off-site pick-up and delivery, providing services via mail or internet, or other innovative solutions.

It is our understanding that accessibility within the tenant space currently being renovated will be provided to the maximum extent feasible.

Please direct questions concerning this review to Phillip Wisley, staff architect, at (850) 245-6333.

Sincerely,



Janet Snyder Matthews, Ph.D.
State Historic Preservation Officer

JSM/pw