

09-08-2023

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

RE: Statement on Orchidea Hotel and Restaurant Project Vertical
Accessibility

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

Please be advised that, as the architect for this project, I concur with the
responses made by the accessibility consultant, Larry M. Schneider AIA who
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#: 640-RO.

Item 8 - Construction Status

Item 9 - Requirements to be Waived.

Item 10 - Grounds for the Waiver

The requirement to be waived is the requirement from Florida State Statute
553.509 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, except as noted within that section and
pursuant to Florida State Statute 553.512 which states that if an applicant for
a waiver demonstrates economic hardship in accordance with 28 CFR
36.403(f)(1), a waiver shall be granted.

Furthermore, section 202.4.1 and 202.4.2 of the Florida Accessibility Code for
Building Construction clarifies the requirements as it relates to the
requirements for disproportionate costs as well as the federal regulations
under Part III of the Americans with Disabilities Act, Public Law 101-336, 28
CFR Part 36 - Nondiscrimination on the Basis of Disability by Public
Accommodations and in Commercial Facilities section 36.403(f)(1)(f)
Disproportionality.

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

Sincerely,

Ari L. Sklar - AIA, NCARB

President

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NCARB CERTIFIED



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