

## MINUTES

### Accessibility Advisory Council

July 9, 2001

The Florida Building Commission's Accessibility Advisory Council came to order at 9:40 A.M. at the Rosen Plaza Hotel on International Drive on July 9, 2001. Members present were: Bunny Armstrong, Neil Melick, J. R. Harding, Andrea Williamson and Pam Dorwarth. Also present were Mary Kathryn Smith, Kathy Butler and Commissioner Diana Richardson.

**Election of Officers:** Mr. Long suggested that the election take place after the Council considered action on the waiver applications, and that in the interim, Ms. Armstrong, as senior Council member, serve as Acting Chairman. There being no objections, Ms. Armstrong assumed the Chair.

Rick Dixon, Executive Director of the Florida Building Commission, requested permission to address the Council. He stated that the Commission wished to facilitate greater communication between it and the Council members and Chairman Raul Rodriguez appointed Commissioner Diana Richardson as a liaison between the two groups. The Commission also will meet jointly with the Council to hear the Council's recommendations on waivers, and Mr. Dixon asked that if it appeared a recommendation was to be for denial, that final discussion be held in abeyance until the joint review could be conducted.

**Review of the Minutes:** Mr. Long moved to defer reviewing the minutes until after consideration of the waiver applications. Following a second by Mr. Harding, the vote of the Council was unanimous in favor of the motion.

#### **Review and Recommendations on Applications for Waiver from the Accessibility Code.**

#### **BETHUNE COOKMAN COLLEGE PERFORMING ARTS AUDITORIUM:**

Ms. Armstrong recognized Mr. Tarlee Brown and Mr. Scot Iseman, who represented the applicant, which requested a waiver from providing vertical accessibility to all rows of seats in a new, \$17,250,000 auditorium with a seating capacity of 2,500. Seats have been dispersed throughout the auditorium, including both orchestra and balcony level, and include an accessible box. The applicant indicated it is not practical or feasible to provide accessibility to every row; however, each section in the facility will have a designated wheelchair accessible space. As required by the state code, 20 accessible seating locations have been identified, which exceeds the ADAAG requirement for 26. Mr. Iseman confirmed that each designated seat will have an accompanying companion seat as well. Following discussion, Mr. Long moved to defer action until it could be determined where accessible aisle seating will be located. Mr. Melick seconded the motion, and the vote of the Council was as follows: Aye: Armstrong, Melick, Long, Harding and Williamson. Nay: Dorwarth.

## **TROPICANA JUICE PROCESSING FACILITY**

Ms. Armstrong recognized Mr. Steve Lezman and Mr. Nick Psaltis who represented the applicant which requested a waiver from providing vertical accessibility to a 1,183 square foot mezzanine in a new, \$1,200,000 juice processing facility. The primary function in the 10,028 square foot building is to facilitate processing fruit into juice which is done using a series of machines to ensure quality control, by daily maintenance, cleaning and constant monitoring of the equipment. The mezzanine in question contains an office, electrical room, break room and locker room. All accessible toilets are located on the first floor. The applicant stated that the building is part of a large industrial area and would have preferred to locate the mezzanine functions on the first floor, but was constrained by the proximity of adjacent buildings. The architect estimated that it would cost an additional \$50,000-75,000 to install an elevator in the facility. Approximately 2,000 employees are located on contiguous sites in buildings that are accessible. Mr. Melick pointed out the exception in the code to the vertical accessibility requirement and stated the project appeared to be eligible. Mr. Long moved to recommend granting the waiver because the area in question will have five or fewer employees and it is not open to the public. Following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion.

## **TERRAZZA**

Ms. Sherry Klein was present to represent the applicant which requested a waiver from providing vertical accessibility to the second floor of a restaurant. The building previously housed a restaurant and only minor cosmetic changes, e.g. finishes, are being done to modify it for the new tenant. The building previously underwent an alteration in 1997; however, the building official indicated the rooftop addition may have taken place without permits. Official records give no indication that permits pertaining to the rooftop terrace were obtained. At the time of the addition, toilet facilities were constructed that do not meet code requirements. The applicant indicated that installation of an elevator would cost approximately \$40,000, and to alter the toilets for compliance could cost an additional \$12,000. During discussion it was noted that the Commission has no authority to waive code requirements pertaining to the second floor toilets.

Mr. Melick moved to recommend deferring action for vertical accessibility and to dismiss the request regarding the toilets for lack of jurisdiction. Following a second by Mr. Long, the vote of the Council was unanimous in favor of it.

## **PAUL J. SHERRICK**

The applicant, Mr. Paul Sherrick was present to address the waiver application. He requested a waiver from providing vertical accessibility to a 2,700 square foot second floor in a 9,600 square foot warehouse. The second floor will be divided into office space to be used by six employees, as well as storage, a break room and a conference room. The applicant indicated that the cost of the project is \$60,000, and an estimate states it will cost an additional \$19,885 to provide an exterior, enclosed lift. No construction work is being done on the first floor, which is presently a vacant warehouse. Mr.

Sherrick plans to lease the warehouse portion of the building as a separate tenant space. Dr. Harding asked about the possibility of relocating the offices to the first floor from the second and was advised that the first floor will be rented to a tenant. Dr. Harding moved to defer further discussion, and following a second by Mr. Melick, the vote of the Council was unanimous in favor of the motion.

### **1878 TAVERN AND GRILLE**

Ms. Armstrong recognized Jack and Carol McCune, who requested a waiver from providing vertical accessibility to the second floor of a restaurant. The building is located in a historic district, but it is not listed on either the State or National Directory of Historic Places. The building was previously used as a restaurant, and the current tenant is renovating it to continue being used as a restaurant. Existing toilet rooms on the first floor did not comply with the code, but in the course of the renovation, an additional unisex toilet room was added. The project will cost approximately \$40,000, and the applicant submitted estimates that it would cost from \$12,000 to \$29,485, depending on device installed, to provide vertical accessibility. Please note: A new bar is being constructed on the first floor, but the plans show no indication that a portion of it is to be lowered. The building official is aware of the deficiency and will ensure that the bar complies. Mr. Long moved to recommend granting the waiver for period of 18 during which, the applicant is to pursue the appropriate review by the Historic Preservation Officer. Dr. Harding seconded the motion and the vote of the Council was unanimous in favor of it.

### **LITTLE RIVER DAY CARE**

Mr. Mark Menovsky was present to represent the applicant, which requested a waiver from mounting water closets, lavatories and grab bars at the heights specified in the Florida Accessibility Code for Building Construction, and proposes mounting the fixtures at the heights in the pending ADAAG Accessibility Guidelines for Children. The project is new, will contain 5,200 square feet and will cost \$402,000. The size of the four children's toilet rooms would be the same as if they were constructed for use by the general public. The five other toilet rooms onsite will be accessible per the FACBC. Cost is not a factor for this project, since it costs the same to mount fixtures that are accessible to children as for other public facilities. Note: Lavatory mounting heights for children aged two to four are only recommendations in the proposed standard; however, the proposed 24" height falls within the recommended range.

Dr. Harding moved to recommend granting the waiver as requested. He was seconded by Mr. Melick, and the vote of the Council was unanimous in favor of the motion.

### **MAIN STREET PIER REBUILD**

Ms. Armstrong recognized Ms. Theresa Doan, who requested a time extension of a waiver granted August 21, 2001. The historic pier and boardwalk are in the process of being renovated, and the applicant applied to be allowed to proceed with Phase I of the project, which consisted of interior renovations, including installation of accessible restrooms and a new garbage room, remodeling the fishing area and redoing the air conditioning system, without installing a ramp from the seawall to the

pier. The ramp will be constructed as a component of Phase II. Subsequent to the issuance of the waiver, the pier was damaged by a hurricane. The City of Daytona Beach has agreed to purchase the pier and boardwalk from the applicant, but will not take possession until the hurricane damage has been repaired using proceeds from an insurance settlement. Phase II of the project will be done under the auspices of the City, which plans to reconfigure access to the pier, including an accessible ramp. Because the pier is part of an overall redevelopment plan, if the ramp were constructed in conjunction with the repair, it would be removed when Phase II begins, since the City plans to change the path of travel from its present location. The original waiver will expire on August 21, 2001 which predates the time the overall renovation is scheduled to begin. Dr. Harding moved to recommend granting the waiver for a two year period, and following a second by Ms. Dorwarth, the vote of the Council was as follows: Aye: Armstrong, Melick, Dorwarth, Harding and Williamson. Nay: Long.

### **ST. JOHN VIANNEY SCHOOL**

Mr. Bruce Blackman represented the applicant which requested a waiver from mounting water closets, lavatories, grab bars and toilet paper dispensers at the height specified in the Florida Accessibility Code for Building Construction. The project is a three classroom addition to an existing school, and the toilets are intended for use by three and four year old children. The applicant states the toilets have been designed using the "kiddie code" developed by the Florida Department of Education. Mr. Long moved to recommend granting the waiver, provided the children's toilets are designed and built in accordance with the proposed ADAAG standards for children. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

The Council recessed from 12:20 P.M. until 1:30 P.M. Dr. Harding was not present when the Council reconvened, but joined it in progress.

### **OFFICE AND SHOPS AT 200 FIRST STREET**

Mr. Edward Jones and Ms. Emilie Christensen were present to address the Council. The applicant requested a waiver from providing vertical accessibility to a 376 square foot loft used as an annex in a children's clothing store. The building had previously been used as a lumber warehouse and was converted to house a coffee shop, offices and retail stores. The total project cost is \$1,000,000, and the applicant submitted estimates that it would cost from \$28,640 to \$31,550 to install a lift to the area. The loft is new, and is used to display children's clothing in an upscale shop. Mr. Melick moved to defer further discussion, and following second by Mr. Long, the vote of the Council was unanimous in favor of it.

### **THE DENUNZIO BUILDING**

Ms. Armstrong recognized Mr. Art Denunzio and Mr. Callum Gibb who represented the applicant. The applicant requested a waiver from providing vertical accessibility to the second floor of a building that is being converted from an apartment to office use. The applicant stated that in order to obtain a permit for a change of use, the proposal was reviewed by the local board which has representatives

from each discipline in the building department. The board concluded that very little work must be done that would entail an expense to the owner. However, the existing toilet room on the second floor is not accessible, and to upgrade it would cost \$9,396. Extensive work must be done to the existing stairwell, and to undertake demolition and installation of an elevator would be costly. Estimates were provided of \$81,070 and \$78,258 respectively. The building cannot support an alternative method of vertical accessibility because of the existing stairwell width. Mr. Long moved to recommend dismissing the request pertaining to the second floor toilets for lack of jurisdiction. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor of the motion. Dr. Harding moved to recommend granting the waiver for vertical accessibility to the second floor, and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of it.

### **PARROT JUNGLE AND GARDENS AT WATSON ISLAND**

Mr. Larry Schneider represented the applicant which requested a waiver from providing vertical accessibility to all rows of seats in three venues at an entertainment complex - the Jungle Theater, Serpentarium and the Parrot Bowl. Live shows and demonstrations will be held at each facility, and seating is planned in three bleacher assemblies. The Jungle Theater will provide seats for 800 patrons, with wheelchair accessible seats located at the front and rear. The Serpentarium will seat 500 persons and also provides wheelchair seating in the front and rear of the facility. In the 1,200 occupant Parrot Bowl, accessibility is provided at the front, middle level and rear of the bleacher system. The project is new, and estimated to cost \$47,000,000; however, the applicant stated that it is not feasible to provide vertical accessibility to every row of a set of bleachers and public safety was a concern. The Council concurred to address each issue separately. Mr. Melick moved to recommend granting the waiver for the Serpentarium, provided the seats on the lowest level are moved to the center of the row. Ms. Dorwarth seconded the motion, and the vote of the Council was unanimous in favor of it. Following discussion regarding the Jungle Bowl, Mr. Melick moved to defer further discussion to allow the applicant the opportunity to readdress the design and consider providing accessible seats in the center rows of bleachers. Following a second by Mr. Long, the vote of the Council was as follows: Aye: Armstrong, Williamson, Long and Melick. Nay: Dorwarth and Harding. Ms Dorwarth moved to recommend granting the waiver for the Parrot Bowl, as submitted, and following a second by Mr. Melick, the vote of the Council was unanimous in favor thereof.

### **THE DIXIE STAMPEDE**

Mr. Chuck Foster represented the applicant which requested a waiver from providing vertical accessibility to all levels of seating in a new, \$10,000,000 dinner theater. The facility is designed to have the 1,200 patrons assemble in a "pre-show" arena where a short, abbreviated performance is held, then moving all people at the same time into the main arena. The "pre-show" arena is designed to have 900 accessible seats on the first level and 95 accessible seats in the upper area. According to the applicant, sight lines and maneuvering space for servers in the main arena dictates that each of the five levels is three feet above the one below. The entire upper row accommodating 134 people is wheelchair accessible. The project was redesigned to provide accessible seating in the fourth row in the main arena. Mr. Long moved to recommend granting the waiver, and following a second by Dr.

Harding, the vote of the Council was unanimous in favor of it.

### **GRILLWORKS**

Ms. Armstrong recognized Mr. Michael Curcio who represented the applicant, which requested a waiver from providing vertical accessibility to the second floor of a mixed use building. The area will be used as a small restaurant with less than 2,000 square feet with both fixed counter seating and tables. Five feet of the counter will be constructed 36 inches from the finish floor. The project cost is \$115,000, and to provide an enclosed, exterior lift will be an additional \$25,000. It is not structurally possible to provide an interior stair lift because the staircase width will not accommodate the device. Placing the lift outdoors will result in the loss of at least one parking space. Mr. Curcio stated he is a tenant in the building and does not have control of the property. He requested a waiver for a 24 month period to negotiate with the property owner to install some means of vertical accessibility. Dr. Harding moved to grant the waiver for a 24 month period and was seconded by Mr. Long. Mr Melick offered an amendment that would limit the scope of the extension to Mr. Curcio only, and if another tenant assumed the space, it would be null and void. Dr. Harding and Mr. Long accepted the amendment, and the vote of the Council was unanimous in favor of the motion.

### **COPIER DEPOT, INC.:**

There was no one present representing the applicant, which requested a waiver from providing vertical accessibility to a 3,348 square foot mezzanine currently used for storage. The project involves converting 1, 209 square feet of the mezzanine to office and ancillary and retaining the remainder of the mezzanine as a storage facility. According to the application, there are duplicate offices on the accessible ground floor in which the public may come to do business. The alteration will cost \$8,000, and the applicant states it will cost an additional \$65,000 to install an elevator to the area. The application had been deferred from the previous meeting to allow the applicant the opportunity to research different types of vertical accessibility. Mr. Melick moved to recommend denying the request, and following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

### **MASTER'S TITLE SERVICES, INC.**

No one was present to represent the applicant, which requested a waiver from providing vertical accessibility to a 2,360 square foot addition to an office building that will be used for offices and file storage. The applicant indicates that the cost of construction is \$196,000 and it would cost an additional \$45,000 to install an elevator. Please note: The configuration of the toilet rooms do not permit a turnaround space. Mr. Long moved to dismiss the waiver for the toilet rooms and was seconded by Dr. Harding. The vote of the Council was unanimous in favor of the motion. Ms. Dorwarth moved to recommend denying the request pertaining to vertical accessibility, and following a second by Mr. Long, the vote of the Council was unanimous in favor of it.

### **SANDBAR RESTAURANT AND GRILL**

No representative of the applicant was present..The applicant requested a waiver from providing vertical accessibility to a 375 square foot addition, 135 square feet of which will be used as an office and the remainder for seating approximately 8 restaurant patrons. The project will cost \$200,000, and the applicant submitted estimates that it would cost an additional \$20,000-25,000 for an elevator (LULA) or \$12,000-15,000 for an inclined wheelchair lift. The original plans provided for a stairglide lift, which the building official would not accept because of the width of the existing staircase. Mr. Long moved to recommend denying the request, and after a second by Ms. Dorwarth, the vote of the Council was unanimous.

### **ELECTION OF OFFICERS**

During the election proceedings, Ms. Butler conducted the meeting. She stated the floor was open for nominations for Chairman. Mr. Melick nominated Ms. Armstrong, and Ms. Dorwarth nominated Mr. Melick. Ms. Armstrong was elected to the office of Chairman. Ms. Dorwarth nominated Mr. Melick as Vice Chairman, and there were no further nominations. Mr. Melick was elected Vice Chairman.

### **REVIEW OF THE MINUTES OF THE MAY 17, 2001 MEETING**

Following brief discussion, staff was asked to review the tapes of the meeting to confirm recommendations regarding two waivers located in Gainesville that were considered at that meeting. Mr. Melick moved to defer action on the minutes until the commentary can be confirmed. Mr. Long seconded the motion and the vote of the Council was unanimous in favor of it.

There being no further business to come before the Council, the meeting adjourned at 3:40 P.M.