

**FLORIDA BUILDING COMMISSION
ACCESSIBILITY ADVISORY COUNCIL
March 1, 2004**

Chairman Neil Melick called the meeting of the Accessibility Advisory Council to order at 9:05 A.M. at the Rosen Plaza Hotel in Orlando, Florida. Members present were Chairman Melick, J. R. Harding, Andrea Williamson, Johnny Long and Pam Dorwarth.

Review of the Minutes of the January 12, 2004 Meeting. Dr. Harding moved to approve the minutes to include a statement during discussion of the Hialeah Fire Station #3 that it was based on approval of the use of the UFAS standards. Mr. Long seconded the motion and the vote of the Council was unanimous in favor thereof.

Review of Applications for Waivers from Accessibility Requirements:

Playpen South, 23101 South Dixie Highway, Miami, Florida: Chairman Melick recognized Mr. Teddy Montoto who represented the applicant, which requested a waiver from providing vertical accessibility to a performing stage in an adult nightclub. The facility underwent a \$1,200 alteration, but work was done without obtaining a permit. Mr. Montoto contended that the building is compliant; however, Section 11.3.1.1(3) requires all work areas to be designed so that an individual with a disability can approach, enter and exit the area. He submitted additional estimates to substantiate the cost of making the area accessible. Dr. Harding moved to recommend approving the request because of demonstrated financial hardship. Ms. Dorwarth seconded the motion and the vote of the Council was as follows: Aye: Melick, Harding, Williamson and Dorwarth. Nay: Long.

Flagler Holding Group Building, 4218 N. W. 2nd Avenue, Miami, Florida: Mr. Robert Fine represented the applicant, which requested a waiver from providing vertical accessibility to the second floor of an office building undergoing a \$164,000 alteration. Other than vertical accessibility, the alteration included work done to create a new accessible toilet room, a janitor's closet and enlarging the entrance door to provide accessible maneuvering space. He submitted an estimate indicating it would cost an additional \$33,024 to install a lift to the second floor, which he said would be disproportionate to the cost of the alteration. Following discussion of which items may be included when calculating the twenty percent disproportionate cost, Dr. Harding moved to recommend denying the request since hardship had not been adequately demonstrated. Mr. Long seconded the motion and the vote of the Council was unanimous in favor of it.

Mister Tango Dinner Theater, 58-64 N. E. 7th Street, Miami, Florida: Chairman Melick recognized Ruben Kot who stated the project is two warehouses that have been connected to form one large facility. One building with 6,000 square feet is being renovated to provide office and storage and the other is being converted for use as a dinner theater. There is an elevator in the building for vertical accessibility to the second

floor. In the dinner theater, a mezzanine is accessible via elevator to the first level, and Mr. Kot said the applicant plans to install three additional raised levels that will not be wheelchair accessible. The mezzanine contains 120 non-fixed seats, 60 of which are accessible. The project will cost \$940,000, but the issue was technical infeasibility rather than financial hardship, as he stated no equipment could be obtained that was suitable for the project. Dr. Harding moved to recommend granting the request based on technical infeasibility. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor thereof.

Sunset Harbor Marina, 1928 Purdy Avenue, Miami Beach, Florida: Mr. Joshua Entin represented the applicant, which requested a waiver from providing vertical accessibility to an 802 square foot office located on the second floor of a building undergoing a \$22,600 alteration. Activities occurring in the office include supervising the private marina and monitoring weather and communications systems. He submitted estimates that it would cost an additional \$74,300 to \$78,900 to install a LULA to reach the second floor and would be disproportionate to the cost of the alteration. Mr. Entin pointed out that there is an intercom communications system that would allow a person with a disability to notify the harbormaster or other employee of the need for assistance. Dr. Harding moved to recommend granting the waiver provided a covering is placed over the intercom for protection during inclement weather. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

New Commercial Business, Marina at 210 Treasure Harbor Drive, Islamorada, Florida: Chairman Melick recognized Ms. Pam Anderson who requested a waiver from providing vertical accessibility to the 1,254 square foot second floor containing an office and storage area in a new two story building estimated to cost \$200,000. The first floor will be accessible and will have a trip coordination room, office, chart room and accessible toilet room. The project is being permitted in two phases and the first floor is presently under construction, allowing the applicant to facilitate resolution of the vertical accessibility issue before proceeding with construction of the second level. The building office supplied a statement that all public service associated with the small, 5-slip marine can be obtained on the accessible first floor. Estimates of \$75,398 and \$39,957 were submitted for mechanical equipment to provide vertical accessibility. Mr. Long moved to recommend granting the request as the second level is not open to the public and five or fewer employees will be working in the area. Ms. Williamson seconded the motion, and the vote of the Council was unanimous in favor thereof.

Cadet Hotel, 1701 James Avenue, Miami Beach, Florida: Dr. Vilma Biaggi represented the applicant, which requested a waiver from providing vertical accessibility to the upper levels of a hotel, constructed in 1941, that is undergoing a \$68,860 alteration. The project included finish work to walls and floors as well as removing two walls between guest rooms to provide larger accessible rooms. Full compliance with the code would involve major demolition work to the entrance of the building as well as terrazzo floors in the lobby and removal of the lobby bar. According to the City of Miami Beach Planning Department, these features are protected by the Historic Preservation section of

the City Code and damage to them would significantly impair the historic significance of the building. Dr. Biaggi submitted estimates of \$37,500, not including additional installation costs, and \$26,000 as the cost of providing vertical accessibility. Mr. Long moved to recommend granting the request because of financial hardship, and following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

Cinemaworld Theaters West Park at Hunter's Creek, Orlando, Florida:

Chairman Melick recognized Mr. Larry Schneider who represented the applicant, which requested a waiver from providing vertical accessibility to all rows of seats in a new, \$4,700,000 16-screen movie theater. Accessible wheelchair seating with companion seats were designed in accordance with the required numbers in the Florida Accessibility Code. Mr. Schneider submitted an estimate that it would cost an additional \$90,000 per theater to make each row accessible. All seating locations are planned for the center zone of each theater. Dr. Harding moved to recommend granting the request, provided the owner submit updated floor plans depicting revised accessible seating in theaters, B, E, G, H, K, N and to provide the required numbers of companion seating. Also, Mr. Schneider agreed to move two accessible locations in theaters B, E, G, H, K and N along with the required companion seating to the row immediately in front of the other locations at the same level. In all theaters, the accessible seats will be moved from the end to the next interior seat with the companion seating provided on the ends. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

Mansion, a Night Club, 1235 Washington Avenue, Miami Beach, Florida:

Mr. Robert Fine represented the applicant which requested a waiver from providing vertical accessibility to all levels of a night club located in a building designated as a historic structure in the Miami Art Deco District. It was originally constructed in the 1930's and has three floors – the main first floor, second floor balcony and third floor private office/lounge. The second floor consists of multiple tiers that wrap around the sidewalls and also serve as exit stairs to the main first floor. Mr. Fine stated that many of the historic design elements are also functional for life safety purposes. A means of egress from the second floor balcony to the first floor is through a series of staggered balconies, each with a different elevation in height. He said it is technically infeasible to place vertical accessibility to all staggered balconies from the first floor because any obstructions would block the means of egress and substantially reduce the balconies' use. The project will cost \$136,000 for alterations to the second level, inclusive of items that are not part of the primary function area and \$29,950 for alterations to the third level. Mr. Fine submitted an estimate that indicated the total cost to install a three-stop elevator would be \$218,908. Dr. Harding moved to recommend granting the request due to financial hardship and following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale. No one was present to represent the applicant, which requested a waiver from providing vertical accessibility to the second floor of a 2,992 square foot addition to an airplane hangar. The first floor contains one office and a storage warehouse while the second floor has 9 offices and a reception area. According to the application, the building meets the criteria

for an exception and stated that only five people will be working on the second floor, which is not open to the public. The project will cost \$450,000 and the application stated it would cost an additional \$40,000 for vertical accessibility. Mr. Long moved to recommend denying the request, since no hardship was demonstrated. The application had previously been deferred and the applicant had submitted no additional information for consideration. Dr. Harding 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 11:50 A.M.