

**FLORIDA BUILDING COMMISSION
ACCESSIBILITY ADVISORY COUNCIL**

January 12, 2004

9:00 A.M.

Chairman Neil Melick called the meeting of the Accessibility Advisory Council to order at 9:00 A.M. at the Rosen Plaza Hotel in Orlando, Florida. Members present were Chairman Melick, Johnny Long, Barbara Page and Andrea Williamson. Staff present were Barbara Clampett and Richard Shine.

Review of the Minutes of the November 17, 2003 Meeting: Following a motion and second, the vote of the Council was unanimous in favor of approving the minutes as written.

Review of Applications for Waivers from Accessibility Code Requirements.

World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale: Mr. J. Gary Brown represented the applicant who 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 applicant, the building meets the criteria for an exception and stated that only five people will be working in the second floor, which is not open to the public. The cost of the project is \$450,000, and the application states it would cost an additional \$40,000 to provide vertical accessibility. Because of lack of demonstration of financial and extreme hardship, the Council voted unanimously to recommend denying the request.

Playpen South, 23101 South Dixie Highway, Miami: Chairman Melick recognized Mr. Teddy L. Montoto who represented the applicant. The applicant requested a waiver from providing vertical accessibility to a performing stage in an adult night club. The facility underwent a \$1,200 alteration, but work was done without obtaining a permit. He contended that the building is compliance; however, Section 11-3.1(3) requires that all work areas be designed so that an individual with a disability can approach, enter an exit the area. Following discussion, the Council unanimously voted to defer action on the request to allow the applicant additional time to provide further information including plans, drawings, verification of the cost of alterations for the past three years and two estimates identifying the cost to install vertical accessibility.

Holiday Inn Indigo Lakes, 2620 International Speedway Boulevard, Daytona Beach: Mr. Bob Earwood represented the applicant which requested a waiver from providing vertical accessibility to the second floor of a 179 room hotel that is undergoing a \$750,000 alteration. According to the applicant, alterations include upgrades to the lobby area and modifying public toilet facilities to be accessible. The application states that 7-8 guest rooms on the first floor will also be converted to make them accessible. An estimate was provided that it would cost an additional \$175,000-\$225,000 to install a

passenger elevator, and that a stair lift is not feasible because of handrail design and lobby configuration. Following a motion and a second, the Council unanimously recommended approving the waiver provided no certificate of occupancy is issued until at least five sleeping rooms are fully accessible, two additional sleeping rooms are fully accessible with roll in showers and five additional sleeping rooms have auxiliary visual alarms.

Sunsouth Place Renovations, 530 Meridian Avenue, Miami Beach: Chairman Melick recognized Mr. Ira Giller who requested a waiver from providing vertical accessibility to the upper second and third floors of a hotel that was originally constructed circa 1930. It will continue to operate as a hotel, with rooms being primarily offered for formerly homeless persons. The project will cost \$1,000,000-\$1,500,000 and will be financed by a six member lending consortium. The applicant previously obtained documentation from the State Historic Preservation Officer stating that installing an elevator in the lobby area would damage the historic significance of the building. Estimates have also been submitted that it would cost approximately \$229,227 to construct an elevator to the upper floors. Following brief discussion, the Council unanimously voted to recommend approving the request based on demonstration of extreme hardship.

Belen Jesuit Preparatory School, 500 S. W. 127th Avenue, Miami. Mr Carlos Barquin represented the applicant, which requested a waiver from providing vertical accessibility to the addition of a pressbox located above the top row of bleachers at an athletic field. The project will cost \$35,000 to construct the 240 square foot pressbox plus an additional 100 square foot deck used for filming events. According to the applicant, the facility will be used by the home coach, the visiting coach and one assistant. The applicant indicated it would cost an additional \$100,000 to provide an elevator to serve the area. The Council concluded that although the project appeared to meet the exception for allowing inaccessible areas with five or fewer people that are not open to the public, a waiver was necessary because the project is open to members of the public. Following a vote and second, the Council unanimously voted to recommend approving the waiver based on demonstration of unnecessary, unreasonable and extreme financial hardship.

City of Hialeah Fire Station #3, 900 West 49th Street, Hialeah: The applicant was represented by Ms. Melissa Negrón. The City requested a waiver from providing accessible toilet facilities in the portion of the fire station used as living quarters for the firefighters. The building will be used as a central facility to provide emergency services in the community, and accessible toilet facilities are provided in the portion of the building open to the public. This project was designed in accordance with UFAS, rather than ADAAG. UFAS classifies fire stations differently than ADAAG and specifies that it is to be applied to “all areas for which the intended use will require public accesses or which may result in employment of physically handicapped persons.” The applicant contends that the Florida code is not applicable since state law prohibits anyone with a mobility impairment from working as a firefighter. The local building official could have accepted the UFAS standards, but referred the issue to the Council and Commission for

review. Following discussion, the Council unanimously voted to recommend approval of the request based on demonstration of unnecessary and extreme financial hardship.

City of Hialeah Fire Station #2, 4200 East 8th Avenue, Hialeah: Ms. Melissa Negrón represented the applicant, which requested a waiver from providing accessible toilet facilities in the portion of the fire station used as living quarters for the firefighters. The building will be used as a central facility to provide emergency services in the community, and accessible toilet facilities are provided in the portion of the building open to the public. This project was designed in accordance with UFAS, rather than ADAAG. UFAS classifies fire stations differently than ADAAG and specifies that it is to be applied to “all areas for which the intended use will require public accesses or which may result in employment of physically handicapped persons.” The applicant contends that the Florida code is not applicable since state law prohibits anyone with a mobility impairment from working as a firefighter. The local building official could have accepted the UFAS standards, but referred the issue to the Council and Commission for review. Following a motion and second, the Council unanimously voted to recommend approving the requested based on demonstration of unnecessary and extreme financial hardship.

Hollywood Regal Cinemas, 2800 Oakwood Boulevard, Hollywood: Chairman Melick recognized Mr. Lawrence Corley who represented the which requested a waiver from providing vertical accessibility to all rows of seats in an 18 screen movie theater complex that is undergoing a \$1,000,000 alteration. The project was previously reviewed by the Council and the Commission and a waiver was granted based on the design submitted at that time; however, the scope of the work has changed and it is necessary to revisit the issue. An estimate was submitted indicating it would cost an additional \$720,000 to provide vertical access to all rows of seats in each theater. The Council voted unanimously to recommend granting the request, provided the approved seating meet all other Florida code requirements.

Cobb 16 Theater, Lake Victoria Garden Avenue, West Palm Beach: Mr. Rodney Sartain represented the applicant which requested a waiver from providing vertical accessibility to all rows of seats in a new, \$6,000,000 16-screen movie theater complex. Seats are provided in more than one location in each theater; however, in Theaters 7, 10, 1, 16, 8 and 9 the federal code has been met, but the design proposes one seat fewer in each theater than required by Florida law. An estimate was provided stipulating that it would cost an additional \$750,000 to make each row of each theater vertically accessible. Following discussion, the Council voted unanimously to recommend granting the waiver provided the owner provide the required six accessible seats in theaters 7 and 10 and adjust, where necessary, the location of seats to provide equivalent accessible viewing positions when accessible seats are located in two adjacent rows.

Berggren Building, 1505 20th Street, Vero Beach: Chairman Melick recognized Mr. Matthew Gore as the owner’s representative. The applicant requested a waiver from providing vertical accessibility to the second floor of an existing office building

undergoing a \$79,058 alteration. The occupant of the second floor is an answering service which employs 8 permanent employees and potentially 2 to 3 others during peak operations. An estimate was submitted indicating it would cost an additional \$29,500 to install a lift, which would be disproportionate to the cost of construction. Following a motion and second, the Council voted unanimously to recommend granting the waiver based on demonstration of disproportionate cost provided the applicant voluntarily provides one accessible work station on the first floor in a room measuring approximately twelve by twenty feet.

City of Miami Fire Rescue Station #1, 144 N. E. 5th Street, Miami: Chief Tomas L. Flores represented the applicant which requested a waiver from providing vertical accessibility to the second floor of an existing, two-story fire station that is undergoing a \$2,250,000 alteration. The building is a Title II facility, but since it is existing, compliance with the code may be met via program accessibility. All operational functions in the second floor are only necessary for use by the firefighters, who by state law, may have no mobility impairments. An accessible public entrance is provided to the lobby/receiving area of the building, which also contains an accessible public toilet room. According to the applicant, it is structurally impossible to install an elevator because the existing structural supporting members of the building are pre-stressed concrete and cannot be severed. Placing the elevator at the rear of the facility would not be possible because of proximity to the fuel tank for the emergency generator. Following brief discussion, the Council unanimously recommended approving the waiver because of the structural and technical infeasibility of installing vertical accessibility to the second floor living quarters of the fire station.

Flagler Holding Group Building, 4128 N. E. 2nd Avenue, Miami: Chairman Melick recognized Mr. Robert S. Fine as the applicant's representative. The applicant is 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 includes work done to create a new, accessible toilet room, a janitor's closet and enlarging the entrance door to provide accessible maneuvering space. An estimate was submitted indicating it would cost an additional \$33,024 to install a lift to the second floor, which the applicant contended is disproportionate to the cost of construction. Following discussion, the Council voted unanimously to recommend deferring further action on the application to allow the applicant additional time to provide a second cost estimate for vertical accessibility and to provide Commission legal counsel additional time to research legal issues identified in the application for waiver.

Mt. Sinai Missionary Baptist Church, 5200 West South Street, Orlando: Mr. Thomas F. Griffin represented the applicant which requested a waiver from mounting toilets and lavatories at the heights specified for adults in four new classrooms to be used by five year old children in a 10,905 square foot addition to an existing 15,410 square foot classroom building. The applicant wishes to use the proposed ADAAG Guidelines for Children's Facilities. Toilets accessible by adults are available in the existing building. Following a motion and second, the Council voted unanimously to recommend granting the request.

Courthouse Center Interior Alterations, 175 Northwest 1st Avenue, Miami:

Mr. James W. Pierson represented the applicant which requested a waiver from providing vertical accessibility to judge's benches in a judicial facility undergoing a \$1,000,000 alteration. The project will take place in two phases, the first of which is the 24th and 30th floors, including construction of a new jury courtroom and related facilities on the 30th floor. The courtroom on the 30th floor will include installation of a permanent wheelchair lift to the judge's bench, and when the second phase is completed, six smaller courtrooms on the 28th and 29th floors will have access to a new, portable wheelchair lift for the judge's benches in those areas. According to the applicant, it would cost an additional \$360,000 to provide lifts to each of the six small courtroom benches. Following discussion, the Council unanimously voted that no waiver is necessary as the applicant's project qualifies for an exception. However, since the building official required action by the Commission, the Council unanimously recommended that the waiver be granted based on unnecessary financial hardship.

City of Miami Byron Carlyle Theater, 500 71 Street, Miami Beach: Chairman Melick recognized Mr. Larry M. Schneider as the applicant's representative. The applicant is requested a waiver from providing vertical accessibility to all rows of seats in a facility being converted from a movie theater to a performing arts center. The project is undergoing a \$1,700,000 alteration and the applicant proposes providing the required accessible seating at the front of the theater and additional wheelchair seating on the mezzanine. It is estimated that a wheelchair lift will cost \$25,000. Following a motion and second, the Council unanimously recommended that the waiver be granted based on the extreme hardship of installing a means of vertical accessibility to all rows in the mezzanine level, with the condition that the mezzanine accessible seats meet the required turning radius provisions of the code.

There being no further business to come before the Council, the meeting was adjourned.