

**ACCESSIBILITY ADVISORY COUNCIL
TELECONFERENCE MEETING FROM TALLAHASSEE
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**AUGUST 2, 2022
2:00 P.M.**

Minutes

ACCESSIBILITY ADVISORY COUNCIL PRESENT:

Joe Del Vecchio, Chairman
Stan De Aranzeta
Allison Klein

Sila Miller
Paul Edward Viksne
Beth Meyer

ACCESSIBILITY ADVISORY COUNCIL NOT PRESENT:

STAFF PRESENT:

Mo Madani
Justin Vogel
Marlita Peters
Chip Sellers

Sabrina Evans
Jim Hammers
Robert Benbow

Welcome:

Time: 2:00 p.m.

Ms. Peters welcomed everyone to the teleconference meeting of the Accessibility Advisory Council.

Roll Call

Ms. Peters performed roll call for the Council. A quorum was determined with 5 members present at roll call.

Agenda Approval:

Mr. Viksne entered a motion to approve the agenda for today's meeting as posted. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Approval of the minutes from May 25, 2022:

Mr. Del Vecchio entered a motion to approve the minutes from May 25, 2022, as posted. Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Commission's Action on June 2022 Waiver Applications:

Mr. Madani informed the committee that the Commission's actions with regards to waiver 559 was to conditionally approve the waiver for vertical accessibility to the roof deck based on the historic nature of the property, with approval being conditioned on the applicant getting the local building official to examine the stairway for code compliance.

Application for waiver from Accessibility Requirements:

Ms. Beth Meyer joined the meeting, making the quorum 6 members present.

- 1) The Retreat Salon & Spa Suites - Waiver 580 - 9116 Cypress Green Drive, Jacksonville 32256 - Issue:** Vertical accessibility to the second floor.

Mr. Sellers presented the waiver request with staff analysis and staff recommendation.

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to the second floor of an existing building with a floor area of 7,474 square feet. The existing building will be a salon and spa. The scope of work is to reconfigure the interior partitions of the existing building. According to the applicant, the first floor will be fully accessible and will provide for dedicated suite at no additional cost for the second floor beauticians to use for customers who cannot access the second floor. The project cost is \$124,647 for the alteration. The alteration will consist of interior framing, electrical, plumbing, new finishes and fixtures. The applicant has submitted

two cost estimates of \$65,253 and \$59,483 for a lift. The applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Mr. Del Vecchio entered a motion to grant the waiver on the grounds of economic hardship. Ms. Klein seconded the motion. The motion was passed unanimously with a vote of 6 to 0.

- 2) **GPI Tenant Improvements - Waiver 506 – 1590 Village Square Boulevard, Tallahassee 32309 – Issue:** Vertical accessibility to the bottom floor.

Staff:

Mr. Sellers presented the waiver request with staff analysis and staff recommendation.

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to the bottom floor of an existing office building with a floor area of 5,350 square feet. The existing building is fully accessible on the top floor. The bottom floor is accessed by interior stairs or a steeply sloped sidewalk. The scope of work is to reconfigure the interior partitions. The project cost is \$116,038 for the alteration. The alteration will consist of interior framing, electrical, plumbing, new finishes and fixtures. The applicant has submitted three cost estimates of \$71,640 for an elevator, \$47,928 for a lift and \$44,102 for an ADA compliant walkway. The applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Mr. Viksne entered a motion to grant the waiver on the grounds of economic hardship. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 6 to 0.

- 3) **Swim Tech Gainesville – Waiver 581 – 7010 NW 23rd Way B, Gainesville 32653 – Issue:** Vertical accessibility to the swim spa.

Staff:

Mr. Sellers presented the waiver request with staff analysis and staff recommendation.

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to the swim spa of a gym with a floor area of 3,500 square feet. The proposed swim spa is a special purpose pool which has been added to an existing Swim Tech Gainesville facility. According to the applicant, Swim Tech Gainesville, LLC, is a business classified as a “private club” under the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)), and which would ordinarily be exempt from accessibility requirements under the Americans with Disabilities Act Title III. However, pursuant to section 553.505, Florida Statutes and section 101.1.3 of the 7th Edition (2020) Florida Building Code – Accessibility, the facility in question, including the special purpose pool, fall within the scope of the Florida Accessibility Code (FAC) and are subject to the Florida specific requirements of the FAC.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of economic hardship.

Council:

Ms. Miller asked a question.

Mr. David Huelsman, Swim Tech Gainesville, provided a comment.

Mr. Chip Sellers provided an answer to Ms. Miller’s question.

Motion:

Ms. Meyer entered a motion to deny the wavier. Ms. Miller seconded the motion.

Staff:

Mr. Vogel provided a legal statement stating that pursuant to s. 553.512, F.S., if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F. R. s 36.403(f)(1), a waiver shall be granted.

Motion Continued:

Ms. Miller withdrew her second.

Ms. Meyers stands on her motion.

Mr. Del Vecchio seconded the motion. The motion failed with a vote of 3 to 3.

Mr. Vogel provided a legal statement.

Ms. Kliein stated she is opposition to the waiver.

**4) The Vestcor Companies, Inc. – Waiver 577 – 1649 Atlantic Blvd, Jacksonville 32207
– Issue: vertical accessibility to the second floor.**

Mr. Sellers presented the waiver request with staff analysis and staff recommendation.

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office building with a floor area of 6,553 square feet. The design professional stated that all functions that exist on the second floor can be found on the ground floor for equal access. The project cost is \$576,122 for the alteration with \$118,415 towards accessibility. The alteration will consist of interior framing, electrical, plumbing, HVAC, windows, doors, new finishes and fixtures. The applicant has submitted two cost estimates of \$159,816 and \$ 158,705 for a lift and the associated cost for installing the lift. The applicant alleges substantial financial costs will be incurred by the owner if the waiver is denied.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of economic hardship.

Staff:

Mr. Del Veccio asked Mr. Chip Sellers a question.

Mr. Sellers provided an answer to Mr. Del Veccio's question.

Motion:

Mr. Viksne entered a motion to grant the wavier on the grounds of economic hardship. Ms. Miller seconded the motion. The motion passed unanimously with a vote of 6 to 0.

Additional Comments for Waiver 581:

Ms. Peters asked Ms. Myers if she has any additional comments for Mr. Vogel on Waiver 581.

Ms. Myers provided comments to Mr. Vogel.

Mr. Vogel provided a legal statement.

Ms. Myers provided a comment.

Mr. Madani provided a comment.

Ms. Klein provided a comment.

Mr. Del Vecchio provided a comment.

Mr. David Huelsman, Swim Tech Gainesville, provided a comment.

Other Council Business:

None

Public Comment:

None

Member and Staff Comment:

Mr. Del Vecchio thanked the members of the council and staff for their work.

Adjourn:

There being no further business before the Council, Ms. Peters adjourned the meeting at 2:34 p.m.