

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL  
February 24, 2003**

Chairman Neil Melick called the meeting of the Council to order at 10:05 A.M. at the Trade Winds Island Grand Resort Hotel at St. Petersburg Beach. Members present were: Chairman Melick, J. R. Harding, Pam Dorwarth, Johnny Long and Andrea Williamson. Staff present were Mary Kathryn Smith and Tim Dennis.

**Action on the Minutes of the January 13, 2003 Meeting:**

Chairman Melick asked if there were any corrections or additions to the minutes. Dr. Harding moved to approve the minutes, as written and following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

**Review of Applications for Waiver from Accessibility Code Requirements:**

**Crispin, Porter, Bogusky Office Interiors, 3390 Grand Avenue, #380 Streets of Mayfair, Coral Gables:** Chairman Melick recognized David Schopp and Juan Riesco representing the applicant, which requested a waiver from providing vertical accessibility to all rows of an eight row open display area within an office. Mr. Riesco stated the use of the area had been modified as it was originally designed for a theater type setting and now would be used for communication/display functions. The project is a \$1,800,000 alteration to the 40,000 square foot third floor of an existing office building. No estimates of the cost was provided and the applicant advised the Council that cost is not the issue, rather it is structurally impracticable to make each row accessible. An elevated guardrail is proposed that would prohibit access by any person, whether disabled or not. Chairman Melick commented that persons with low level vision could be prohibited from seeing any of the materials being displayed. Mr. Long moved to recommend denying the request since no hardship was demonstrated, and that it is discriminatory toward people with many types of disabilities. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor of it.

**Jacksonville Museum of Modern Art, 333 North Laura Street, Jacksonville:**

No applicant was present and Chairman Melick stated the Council would review the request later in the meeting.

**Palm Beach Atlantic University School of Pharmacy, 901 South Flagler Drive, West Palm Beach:** Carson Wright represented the applicant which requested a waiver from providing vertical accessibility to all rows of seats to the 228 seat lecture hall of a new, \$5,200,000, 4-story education building. The proposed plan indicated that the lecture hall may be partitioned into three separate 76 seat classrooms or opened to one large 228 seat facility. Each lecture hall has planned 8 wheelchair accessible seating locations, while the code requires 4; however, the plan will be modified to also include 4 additional adjacent companion seats. Cost is not the issue as structural impracticability prevents expanding the footprint of the building to allow construction or additional ramps

or lifts. Mr. Long suggested moving the accessible seats from the first and third seats from the ends or the rows to the second and fourth and installing retractable arms on all end seats. Dr. Harding moved to recommend approving the request, provided the plan is modified to incorporate Mr. Long's suggestions. The recommended approval was based on technical infeasibility. Ms. Dorwarth seconded the motion, and the vote of the Council was unanimous in favor of it.

**City of Okeechobee, 55 S. E. Third Avenue, Okeechobee:** Chairman Melick recognized Chief Keith Tomey, who represented the applicant. The City requested a waiver from providing vertical accessibility to the second floor of an existing, two story municipal building undergoing a \$368,000 alteration. The second floor was previously occupied by the Police Department while the first floor contains the City personnel offices and Fire Department. The city plans to renovate the second floor for use as a dormitory/living quarters for state certified firefighters and EMTs. Chief Tomey provided an estimate that it would cost an additional \$32,000 for the elevator equipment only, not including installation costs. Discussion followed regarding the building's status as a Title II facility that requires either an elevator or program access to services offered on the second floor. Mr. Long pointed out that the toilets shown on the second floor plans are not accessible, as required by code. Ms. Williamson moved to recommend denying the request, based on lack of technical hardship, no demonstration of disproportionate cost and the building's status as a Title II entity. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor thereof.

**Beachside Seafood, 120 South 3<sup>rd</sup> Street, Jacksonville Beach:** Bill and Christine Barnett requested a waiver from providing vertical accessibility to a new, 1,000 square foot rooftop dining area at a seafood market and sandwich shop. The building was constructed in 1954 and is being renovated to provide additional dining facilities, new accessible counters and new accessible toilets. Mr. Barnett stated site constraints prohibit adding additional seating on the first floor, necessitating expansion to the upper level. The project will cost \$65,000 and estimates for lifts were submitted for \$22,980, \$21,480 and \$17,390 respectively. Mr. Barnett stated the City of Jacksonville Beach will allow the deck to be used only for dining purposes and providing live entertainment is prohibited. Mr. Long moved to recommend approving the request based on economic hardship and that the same services will be provided on the accessible level. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

**Firehouse 4, 1000 South Miami Avenue, Miami, Florida:** Chairman Melick recognized Robert Fine representing the applicant, which requested a waiver from providing vertical accessibility to the second floor of an existing restaurant that is undergoing an alteration. The building was originally constructed and used as a firehouse and is now considered historic. The project was estimated to cost \$325,000 and the contractor estimated it would cost an additional \$108,000 to install an elevator, \$38,000 for the equipment and the remainder for demolition, electrical work and structural modifications. Mr. Fine said lifts had been considered, but the existing stairways are not wide enough to permit such use and maintain required egress passage. Mr. Fine requested that the application be amended to also include an elevation change from the

outdoor seating area into the main dining room on the second floor. Mr. Long moved to recommend granting the request with respect to vertical accessibility between the first and second floors based on financial hardship. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion. Chairman Melick passed the gavel to Dr. Harding and moved to recommend granting the request for a waiver, to the extent it is required, from vertical accessibility requirements from the outdoor dining area to the main level on the second floor. Mr. Long seconded the motion, and the vote of the Council was unanimous in favor thereof. Dr. Harding returned the gavel to Chairman Melick.

**Maya Magazine, 419 Michigan Avenue, Miami Beach:** Ms. Ana Laura Riveroli represented the applicant, which requested a waiver from providing vertical accessibility to the second floor of a building being converted from apartments to a single tenant office building. The first floor is fully accessible and functions performed on the second floor are duplicated on the first. The renovation will cost \$74,000 and estimates for elevators of \$31,900 and \$32,400 were submitted. The building has 1,900 square feet per floor and thus, would not require a full passenger elevator. Mr. Long moved to recommend approving the request based on financial hardship, and following a second by Ms. Dorwarth, the vote of the council was unanimous.

**Jacksonville Museum of Modern Art, 333 Laura Street, Jacksonville:** No applicant was present. The applicant requested a waiver from providing vertical accessibility to all but the front row of a 140 seat auditorium in an art museum. Although the code requires five wheelchair seating locations, eight are planned for the building. The project will cost \$4,150,000 and is an alteration to an existing, historic building. When the project is complete, it will house the permanent art collection, traveling exhibitions, art education classrooms, a museum shop, café and theater. The application stated structural constraints prohibit placing a lift to all the upper rows of seats. The only possible method of reaching the seats would be by means of an inclined platform lift. Estimates were provided indicating it would cost from \$26,000-32,000 to do so; however, installing the lift would not permit installation of a required handrail. Mr. Long moved to recommend denying the request since no hardship was demonstrated. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

Dr. Harding said he would ask the Accessibility TAC to follow Senate Bill 574 and House Bill 518 as they pertain to elevators.

There being no further business to come before the Council, the meeting adjourned at 12:35 P.M.