

**ACCESSIBILITY ADVISORY COUNCIL
TELECONFERENCE MEETING FROM TALLAHASSEE**
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**NOVEMBER 22, 2024
2:00 P.M.**

Minutes

ACCESSIBILITY ADVISORY COUNCIL PRESENT:

Joe Del Vecchio, Chairman
Stan De Aranzeta
Allison Klein
Lois Darlene Laibl-Crowe

Beth Meyer
Sila Miller
Paul Edward Viksne

STAFF PRESENT:

Marlita Peters
Sabrina Evans
Jim Hammers
Alan Burke

Mo Madani
Chip Sellers
Justin Vogel

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 7 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 7 to 0.

Approval of the minutes from October 8, 2024:

Mr. Viksne entered a motion to approve the minutes from October 8, 2024, as posted. Ms. Laibl-Crowe seconded the motion. The motion passed unanimously with a vote of 7 to 0.

Commission's Action on 2024 Waiver Applications:

Mr. Madani informed the committee that the Commission actions were similar with the Council's recommendations with exception to Waiver 671, where the Commission went with staff's recommendation.

Discussion:

Ms. Klein asked the staff a question.

Mr. Madani provided an answer to Ms. Klein's question.

Application for waiver from Accessibility Requirements:

- 1) **Jefferson 761 745 LLC - Waiver 694** – 761 Jefferson Ave, Miami Beach 33139 **ISSUE:**
Vertical Accessibility to the First Floor.

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

Analysis:

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the first floor of a historic two-story multifamily building "Evans Kiamesha Apartments" built in 1936 with 8,104 square feet. The proposed rehabilitative work includes façade repairs, roof replacement, window replacements, interior repairs, and reconfiguring the floor plan to create 12 apartment units. A unit on the first floor would be designated as an ADA unit and the only ways

to access the unit would be via stairs on the main façade and rear of the building. A ramp or lift would be needed to provide vertical access from grade to the first floor. According to the Florida Department of State, the Evans Kiamesha Apartments is listed in the National Register of Historic Places as a contributing historic structure, and full compliance with the requirements for vertical accessibility would threaten or destroy the historic significance of the Evans Kiamesha Apartments. In fact, it is infeasible to build a ramp without expanding the entrance and removing the character-defining eyebrow and transom above the front door. The rear staircase is also too small and steep to accommodate a lift or a ramp. The applicant has provided documentation confirming the historic significance of the property.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility to the extent it has been made necessary on the basis that the project in question falls outside the scope of chapter 553, part II, Florida Statutes, and the Florida Building Code, Accessibility, 8th Edition (2023), and vertical accessibility to the first floor of the structure is therefore not required.

Discussion:

Ms. Klein asked the staff a question.

Mr. Vogel provided an answer.

Ms. Klein provided a comment.

Mr. Madani provided more feedback to Ms. Klein's question.

Ms. Klein provided a comment.

Mr. Del Vecchio provided a suggestion to table Waiver 694.

Motion:

Ms. Miller entered a motion to recommend denying the request for waiver for vertical accessibility since the said request is outside the scope of the FBC, Accessibility and the Council has no standing regarding this issue. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 7 to 0.

2) Dennis Rodrigo Figueroa -Waiver 696- 382 Miracle Mile, Coral Gables 33134 ISSUE:

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 a two-story restaurant with 3,400 square feet. The second floor will be used as overflow for the restaurant when the downstairs is at full capacity. The second floor was used as a storage space. The proposed alteration will consist of making the bathrooms ADA-compliant, drywall, paint, cabinetry, flooring and plumbing. The architect for the project stated that the existing building structural limitations and spatial constraints prevent any viable option for installation of a lift or elevator. The physical limitations of the stairwell along with the surrounding wall are incompatible with the installation of a lift. Installing a lift would necessitate major structural modifications to both interior walls adjacent to the seating booths and the external walls, which houses essential mechanical systems, including heating and plumbing. An elevator option would require construction through critical areas such as the kitchen and bathroom facilities, which would compromise life safety standards and technical integrity, as well as infringe upon essential functionality. Further, the architect stated, to ensure accessibility, substantial measures have been taken on the ground floor. All amenities, including ADA-compliant restrooms, seating, tables, and circulation pathways, are fully compliant with ADA guidelines. Additionally, all services provided on the upper floor are equally available on the first floor, ensuring that all patrons have access to the same offerings. The applicant alleges that the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Staff Recommendation:

Staff recommends granting the request for waiver for vertical accessibility on the grounds of technical infeasibility.

Public Comment:

Dennis Figueroa, Owner, stated he had no comments for the Council, and he was there to answer any questions.

Motion:

Ms. Laibl-Crowe entered a motion to recommend granting the request for waiver for vertical accessibility on the grounds of technical infeasibility. Ms. Klein seconded the motion. The motion passed unanimously with a vote of 7 to 0.

3) 283 Royal Poinciana Way Office Building -Waiver 665- 283 Royal Poinciana Way, Palm Beach 33480 ISSUE:

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 with 11,640 square feet. The building in question is an existing two-story apartment building. The applicant is proposing to convert the existing apartment(s) to a business occupancy [business office]. The proposed alteration will consist of renovating four existing apartments to provide a business office, replacement of doors and windows, removal of existing kitchens, and the reconfiguration of interior partitions. The project cost is \$486,151 for the alteration with \$98,173 towards accessibility. The applicant has submitted two cost estimates of \$43,538 and \$55,759 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.

Presenter:

Larry Schneider noted that the Commission has historically granted waivers that were made necessary by local misapplication of the law in order to assist petitioners in progressing with their projects.

Staff:

Mr. Seller provided a comment.

Mr. Madani provided a comment.

Mr. Schneider provided a comment.

Motion:

Mr. Viksne entered a motion to recommend granting the request for waiver for vertical accessibility on the grounds of economic hardship. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 7 to 0.

Other Council Business:

None

Public Comment:

Larry Schneider provided several comments.

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Member and Staff Comment:

None

Adjourn:

There being no further business before the Council, Ms. Peters adjourned the meeting at 2:38 p.m.