

MAGIC CITY CASINO

Issue: Vertical accessibility to all rows of stadium style seating.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a stadium facility at an existing dog track that is being converted to a casino with dog racing facilities. The stadium has been designed so that accessible seating is located on both the lower and upper concourses. Although difficult to determine from the plan size, all required companion seating is provided. Wheelchair and companion seats on the upper level are under the covered overhang.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all rows in a stadium, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

Waiver Criteria: There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Magic City Casino

Address: 450 NW 37th Avenue, Miami Florida 33125

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Larry M. Schneider, AIA

Applicant's Address: 9319 NW 48 Doral Terrace, Miami, Florida 33178

Applicant's Telephone: 786-336-1984 **FAX:** 786-336-1985

Applicant's E-mail Address: Larry@LMSArch.net

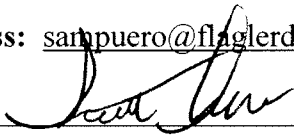
Relationship to Owner: Accessibility Consultant

Owner's Name: Flagler West Associates c/o Ms. Susy Ampuero

Owner's Address: 401 NW 38th Court, Miami Florida 33126

Owner's Telephone: 305-649-3000 **FAX** _____

Owner's E-mail Address: sampuero@flaglerdogs.com

Signature of Owner: 

Contact Person: Larry M. Schneider AIA

Contact Person's Telephone: 786-3361984 **E-mail Address:** Larry@LMSArch.net

This application is available in alternate formats upon request.

Form No. 2001-01

3. Please check one of the following:

New construction.

Addition to a building or facility.

Alteration to an existing building or facility.

Historical preservation (addition).

Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

The project is an existing dog track that is being renovated to become a casino facility with a dog racing track.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$ Estimated Project Budget is \$18,000,000

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

NA

7. Requirements requested to be waived. Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue: Compliance with Section 553.509 Florida State Statutes

1:553.509 Vertical accessibility.--Nothing in sections 553.501-553.513 or the guidelines shall be **construed to relieve the owner** of any building, structure, or facility governed by those sections **from the duty to provide vertical accessibility to all levels** above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility,

8. Reason(s) for Waiver Request: The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

The issue of the requirement for vertical accessibility to all levels, as mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that - **Nothing in sections 553.501 - 553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.** However; we do not believe that this type of construction (stadium style seating for a sporting event) was contemplated by the legislation in the drafting and implementation of the law for vertical accessibility and that the statute itself would impose a hardship on the applicant that is unique to the situation and more specifically its use nor that they meant that **every level** of stadium style seating shall be made accessible. Stadium type seating is the standard for this type of venue. The industry, around the country, have been using section 4.33.3 Placement of Wheelchair Locations for proceeding with their designs. This section states that - **Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.** The design team and owner understands the concerns of the Accessibility Advisory Council and the Florida Building Commission and has designed the accessible seating locations for an existing facility or work towards accomplishing the requests/desires of the Council and the Commission as it relates to an existing facility. The concern is to strike a balance between the desires of the Council and the Commission and the construction process. It is financial impracticable to provide vertical accessibility to **EACH** level of the existing stadium style seating. This is due to the costs that would be required by the accessible design requirements of the FACBC and the ADA (e.g.: **They [the seating] shall adjoin an accessible route that also serves as a means of egress in case of emergency.**) You can not do this for each level and build stadium style seating that would provide a cost effective and usable solution to meet all of the Florida specific requirements relating to this issue. With this in mind the design team has worked towards providing the accessible seating in the existing lower concourse area and the existing upper concourse area. We have obtained the goal of accessible seating in two existing areas that provide a choice of seating that is accessible. The accessible seating is disbursed on either side with the applicable companion seating available. This project will comply with all of the other requirements of section 4.33 as it relates to this type of seating. We believe that this viable solution will meet the concerns and needs of all parties for this existing facility.

[X] Substantial financial costs will be incurred by the owner if the waiver is denied.

The issue of providing vertical accessibility to all levels of stadium style seating in a existing stadium seating facility is not technically feasible, is an extreme hardship and is unreasonable.

[X] The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

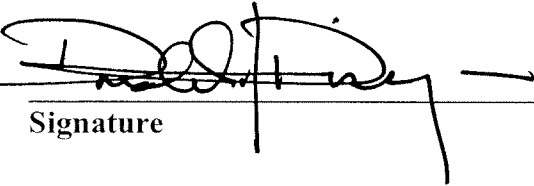
9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. _____

b. _____

10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

Under Florida State Statutes a waiver can be granted for one of the following reasons - a determination of unnecessary, unreasonable, or extreme hardship. We believe that we would qualify under an unreasonable, an extreme hardship and technically infeasible. We concur with the reasoning as so stated under item 8.



Signature

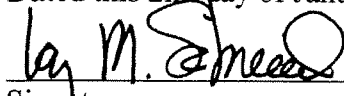
Don Dissinger
Printed Name

Phone number: 215-923-2020
(SEAL)

CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 2nd day of January, 2009



Signature

Larry M. Schneider AIA

Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

a. 553.509 Vertical accessibility.--Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility. Section 11-4.1.6(1)(k)(iii) of the FACBC.

b. _____

c. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes No Cost of Construction _____

Comments/Recommendation:

Jurisdiction Miami, Florida

Building Official or Designee _____

Signature

Printed Name

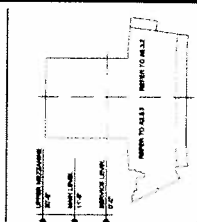
Certification Number

Telephone/FAX

Address: _____



DON DISMINGER FLICENSE NO. A8007863
 GENERAL NOTES
 1. SEE A2.1 FOR OVERALL ARCHITECTURAL BUILDING INFORMATION
 2. THE L.P.C. SHALL VERIFY ALL WORK FOR MEASUREMENTS, LOCATIONS AND
 EXTENTS OF WORK BEFORE COMMENCEMENT



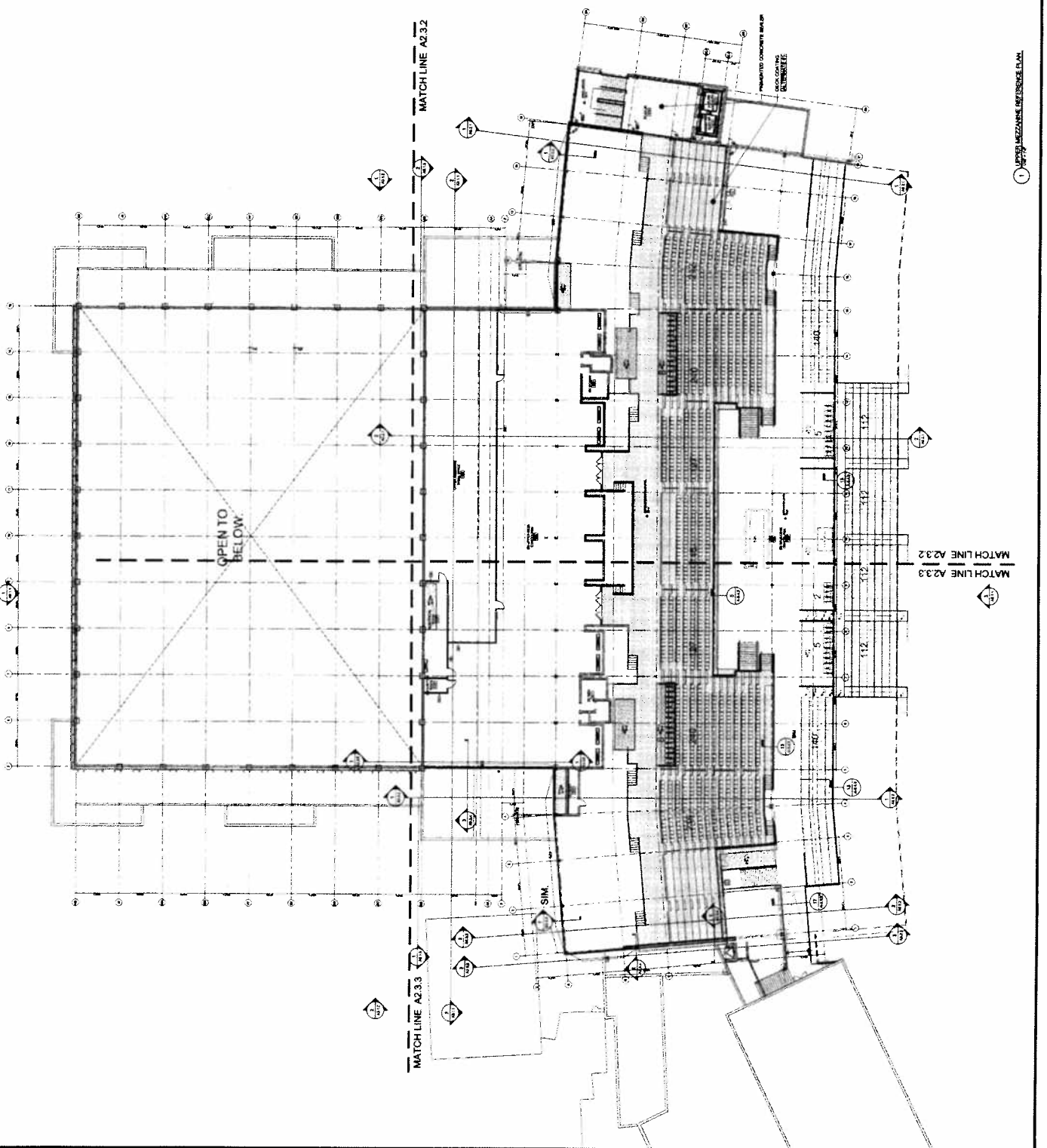
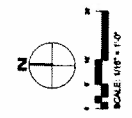
PROJECT NO.	1317108
DATE	04/11/12
PERMIT SET	DATE
NO.	1
DESCRIPTION	

Ewing Cole
 Architects
 10000 E. 1st Avenue, Suite 100
 Denver, CO 80231
 Phone: 303.755.1100
 Fax: 303.755.1101
 Website: www.ewingcole.com

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 10000 E. 1st Avenue, Suite 100
 Denver, CO 80231

PROJECT NO.	1317108
DATE	04/11/12
PERMIT SET	DATE
NO.	1
DESCRIPTION	

A-2.3
 UPPER MEZZANINE REVISION PLAN
 SCALE: 1/8" = 1'-0"



1 UPPER MEZZANINE REVISION PLAN
 SCALE: 1/8" = 1'-0"



DON DUBROWER FL LICENSE NO. A80017963
 PROJECT NAME
 DRAWING NO. 1000 AND SHEET A-3.2.1 (008)

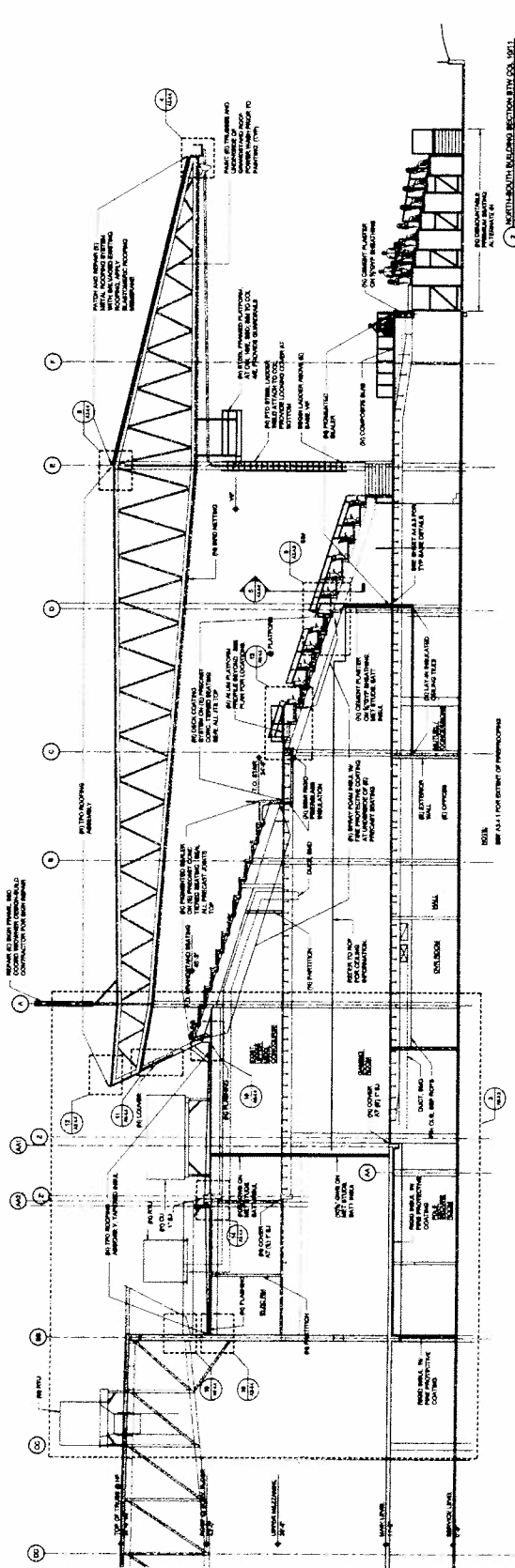
DATE	1/17/18
PROJECT NO.	1000
DESCRIPTION	1000
DATE	1/17/18

EwingCole
 Engineers
 Architects
 Planners
 Interiors
 Sustainability
 Construction

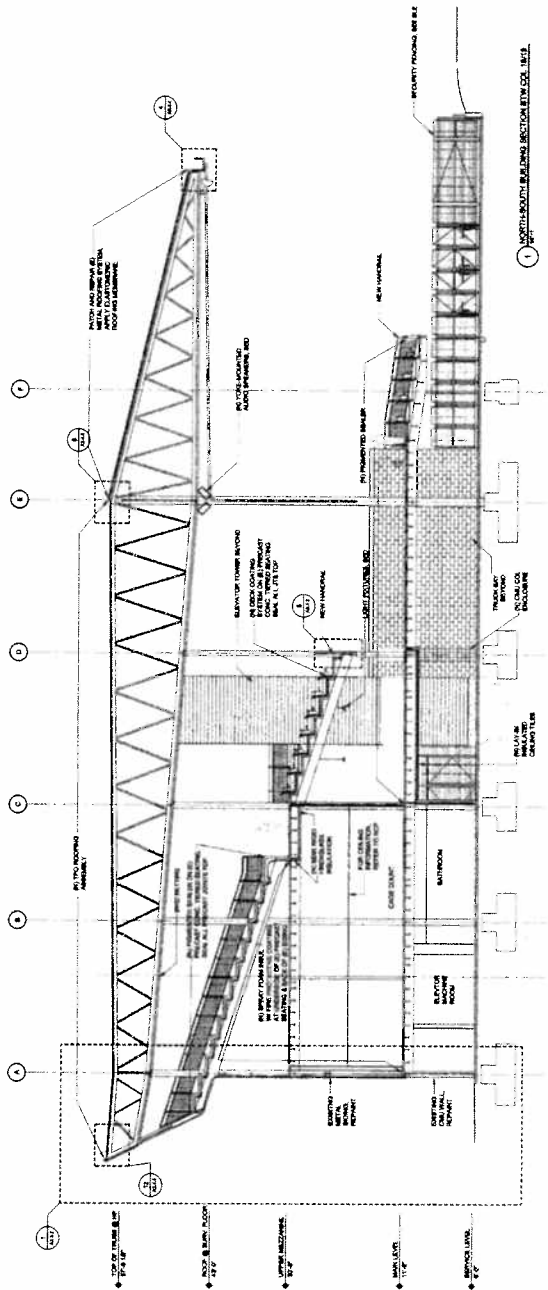
MAGIC CITY CASINO
 1000 SOUTH BROADWAY, SUITE 1000
 JACKSON, MISSISSIPPI 39201

DATE	1/17/18
PROJECT NO.	1000
DESCRIPTION	1000
DATE	1/17/18

A-3.2.1
 SHEET 10



1 NORTH-SOUTH BUILDING SECTION BY COL. 1000



1 NORTH-SOUTH BUILDING SECTION BY COL. 1000

