

BAYFRONT PARK AMPHITHEATER

Issue: Vertical accessibility to all rows of seats in an amphitheater.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all levels in an outdoor performance venue. The scope of the project includes removing the existing bench seats and replacing them with 2,884 individual fixed seats. Accessible seating locations are on the lower, middle and upper sections of the structure. Companion seats have been provided and the plans indicate that seats with required movable arm rests are planned. The plans do not indicate where the non-fixed VIP seats are located and whether accessible seats are planned for that area as well.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to all rows of seats in an amphitheater, 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.

This application is available in alternate formats upon request.

**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: Bayfront Park Amphitheater

Address: 401 Biscayne Boulevard, Miami, FL 33132

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: Michael Enoch (Vice President - Venue Design & Construction for Live Nation Worldwide, Inc.)

Applicant's Address: 9348 Civic Center Drive, Beverly Hills, CA 90210

Applicant's Telephone: 702.595.7616 **FAX:** 702.632.7669

Applicant's E-mail Address: michael.enoch@hob.com


Relationship to Owner: Operating manager/lessee

Owner's Name: City of Miami – Asset Management Division

Owner's Address: 444 SW 2nd Avenue, Miami, FL 33130

Owner's Telephone: 305.373.8780 **FAX:** 305.358.1211

Owner's E-mail Address: tschmand@miamigov.com

Signature of Owner:  for B.P.M.T. _____

Contact Person: Tim Schmand

Contact Person's Telephone: 305.373.8780 **E-mail Address:** tschmand@miamigov.com

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.)

An existing outdoor assembly (amphitheater) with: 2769 fixed seats (bench seating) and lawn seating for a total capacity of 10,000; a 2-story, 3312 SF back-of-house structure with dressing room and support; a 3570 SF outdoor stage; all within a 6-acre park.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):

Alteration costs to provide new rigging structure, new fixed seats, new bathrooms, and site improvements: approximately \$2 million

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.

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

Issue

1: Florida Statutes 553.509 and 2004 Florida Building Code Chapter 11-4.1.6.1.f: "...duty to provide vertical accessibility to all levels above and below occupiable grade level..."

Issue

2: _____

Issue

3: _____

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.

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

Providing vertical accessibility to all existing tiered rows with fixed seating (which was designed as such for sightline purposes) in an existing outdoor amphitheater is unreasonable.

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

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.

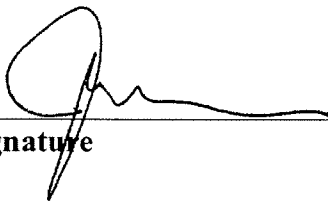
a. _____

b. _____

c. _____

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.

The alteration of the project consists of removing the existing bench seating and replacing them with 2884 individual fixed seats. Existing accessible paths will be maintained, while the quantity, distribution, and location of the accessible seating areas have been designed to be compliant. However, providing vertical accessibility to all existing tiered rows is unreasonable and unnecessary. The city of Miami building department (accessibility section) will require an accessibility waiver before issuing both a building permit and a certificate of occupancy.



Signature

JONATHAN CARDELLO
Printed Name

Phone number 305.482.8700

(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 29th day of December, 2098

Michael C. Enoch

Signature

MICHAEL ENOCH, VP DESIGN + CONSTRUCTION LIVE NATION

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. VERTICAL ACCESSIBILITY TO SECOND FLOOR ROOMS.
- 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 APPROVAL AS REQUESTED BY ARCHITECT.

Jurisdiction CITY OF MIAMI

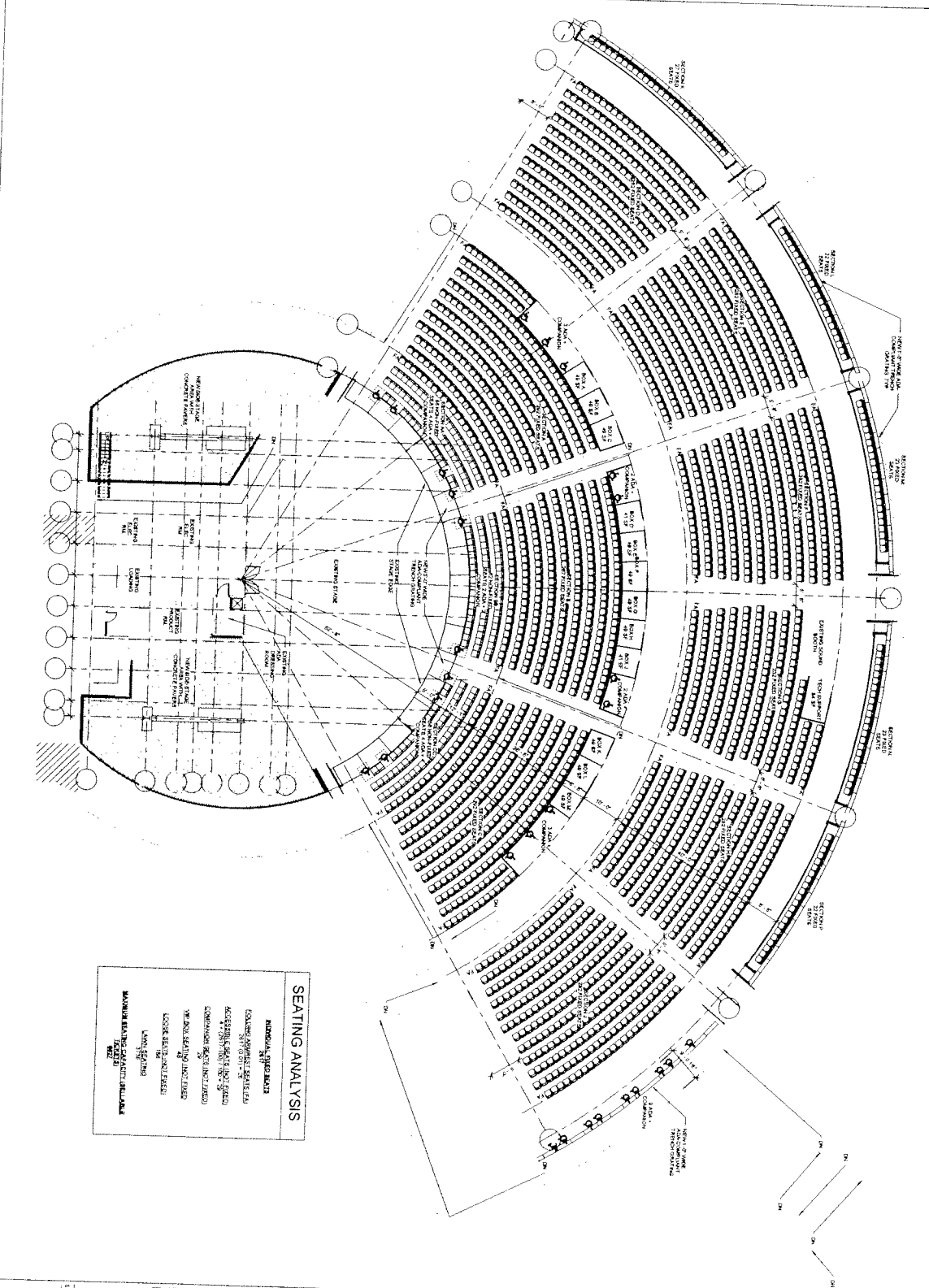
Building Official or Designee _____
Signature 

MARIANO V. FERNANDEZ
Printed Name

BU 689
Certification Number

(305) 416 1107 (305) 416 1060
Telephone/FAX

Address: 444 SW 2nd AVENUE
MIAMI FL 33130



SEATING ANALYSIS

ANALYSIS INFORMATION

EXISTING SEATING SYSTEM

PROPOSED SEATING SYSTEM

VIEWING CONE

SIGHT LINES

EYE LEVEL

CONCRETE WALL

CONCRETE PAVEMENT

PERFORMING SPACE

STAGE

BAYFRONT PARK AMPHITHEATER ALTERATION

NOV 15, 2011

ACCESSIBILITY WAIVER MEETING

DATE: _____

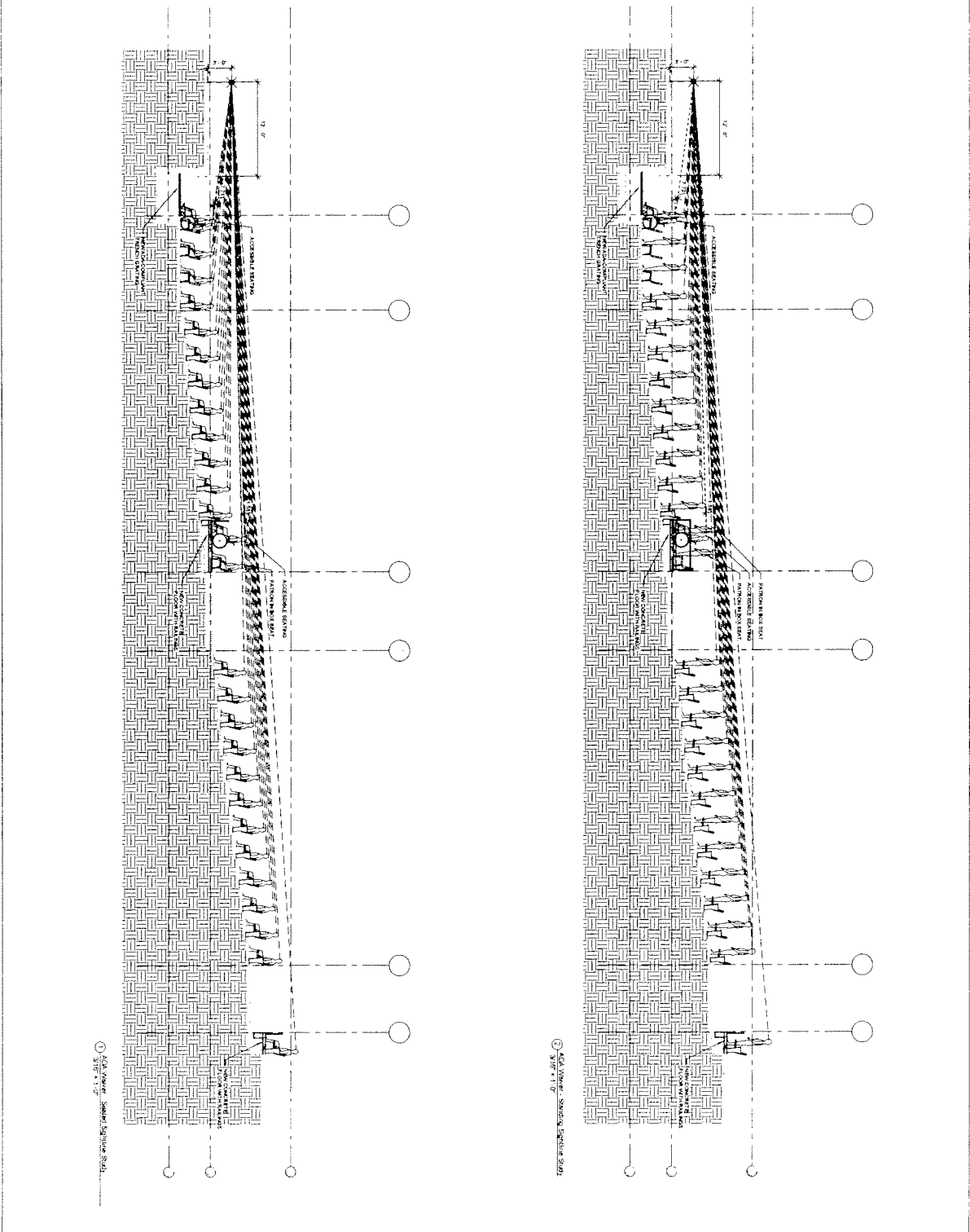
TIME: _____

LOCATION: _____

ADD Inc | 10000 Bayfront Ave, Suite 200
 Bayfront, Miami, FL 33139
 Tel: 305.441.1234 | Fax: 305.441.1235
 www.addinc.com

FIXED SEATING PLAN

WA002



BAYFRONT
PARK
AMPHITHEATER
ALTERATION
BY MICHAEL BRESLOW
NOVEMBER 2011

REVISION

NO.	DATE/TIME	BY

PROJECT
NO. _____ DESCRIPTION _____ DRAWN _____
DATE/TIME _____ BY _____
CHECKED BY _____
DATE TIME _____
SCALE _____
SHEET NO. _____ TOTAL _____
TITLE _____

ACCESSIBILITY
WAIVER MEETING

ADD Inc | Architecture + Urban Design
1110 Broadway, Suite 300
San Francisco, CA 94133
Tel: 415.774.2222
Fax: 415.774.2223
www.addinc.com

PROJECT NO. _____ TITLE _____
DATE TIME _____
SCALE _____
SHEET NO. _____ TOTAL _____

SIGHTLINE STUDY

SHEET NUMBER

WA003