

THE WOODS LASER TAG

Issue: Vertical accessibility to a mezzanine in a laser tag facility.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to a 450 square foot mezzanine in an 8,500 square foot facility. According to the applicant, it is not feasible to provide a lift to the area due to the hazards involved in operating a device in a low light, area with fog, loud noises and flashing lights. The applicant stated it would be hazardous to a wheelchair user as well as other players who must quickly dodge obstacles. Installation of a compliant ramp would require more than one third the available floor space and limit the game action. The applicant submitted statistics that it is not financially viable to offer a single level laser tag game because players seek out facilities with the most diverse playing areas and structural challenges.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to the mezzanine, 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: The Woods Laser Tag Ramps to Mezzanine

Address: 10930 West Colonial Drive, Ocoee, FL 34761

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: JJ Jennings and Jason Roy Gary

Applicant's Address: 10930 West Colonial Drive, Ocoee, FL 34761

Applicant's Telephone: 407-414-0723 **FAX:** 877-319-0429

Applicant's E-mail Address: bettervalue@yahoo.com

Relationship to Owner: Manager / Owner, respectfully

Owner's Name: Jason Roy Gary

Owner's Address: 2705 Shearwater Street, Clermont, FL 34711

Owner's Telephone: 352-241-7579 **FAX:** 877-319-0429

Owner's E-mail Address: jason@jasongary.com

Signature of Owner: _____

Contact Person: JJ Jennings

Contact Person's Telephone: 407-414-0723 **E-mail Address:** bettervalue@yahoo.com

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.)

Building Description: Commercial Strip Mall Leased Space with 8,500 sq ft of floor space and a single 450 sq ft mezzanine.

Use of Building: Building is used as a recreational / sports laser tag center.

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

Ramps in question to connect ground floor to mezzanine in laser tag arena were purchased from an existing laser tag center in Florida which was undergoing closure. Total cost for these ramps was \$5,800. The estimate for installation and transport of these ramps is \$1,950.

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*

Completed (purchased) ramps to be attached to existing mezzanine for vertical accessibility in the center to said mezzanine.

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

The City of Ocoee feels they cannot provide a waiver concerning ADA

accessibility. It is at their suggestion that we are coming before the State with this request.

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

Issue

1: Vertical Accessibility Florida Statues 553.509

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.

There are two options for providing vertical accessibility compliance: A Lift, or 1:12 ratio ramps.

1. A lift would be unsafe in a darkly light, fog filled, loud environment. Laser tag is a fast high-paced game, a lift would led to collisions, and endanger the participants. It is not possible to "pause" a game of laser tag and no laser tag software supports such a capability.
2. Compliant ramps would take up 33% of the laser tag arena and demean the spirit of the game. (see attached letter)

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

If the waiver were to be denied The Woods Laser Tag center (and owner) would sustain substantial financial costs. We would have to continue paying for storage of two massive ramps (\$200 / month) and would incur the loss of investment in those ramps (\$5,800). The center would have to continue to pay rent for a second level mezzanine that cannot be utilized for laser tag (\$558 / month).

Without a second level, the center's financial viability is in serious jeopardy. Already the trend in Florida (and the nation) is toward multi-level laser tag arenas. Just in the last two years, the majority of laser tag centers in Florida with a single level have been forced to close due to their inability to compete with other centers with multi-level arenas. The two closest centers to The Woods Laser Tag (11 miles and 21 miles) both have multi-level arenas and one is leveraging that fact in marketing against us. The owner rented the currently occupied space, containing the existing mezzanine, with the intent of using that space to provide for a second level.

This is a family owned business with very limited resources. The owners have invested all of their savings and borrowed additional funds to setup and build-out the center. Were the center to fail, not only would the owners lose their substantial (~\$300,000) investment, but also potential their home. (see attached letter)

[] 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.

We have made a diligent investigation into the means (and costs) of compliance with the code. It is simply impossible to provide compliant (1:12 ratio) ramps in our center while maintaining laser tag game play. We have also investigated a variety of lift options, but these require an environment which is not consistent with a laser tag game (dark, fog, loud noise). (see attached letter)

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.

Not applicable, 1:12 ramps, elevators, or lifts would not work in a laser tag arena due to reasons cited above.

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.

Not applicable

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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 3rd day of March, 20 10

Signature 

Printed Name Jason Roy Gary

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. 11-4.1.6(1)(a) No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration

b. 11-4.1.6(2) Alterations to an area containing a primary function. In addition to the requirements of Section 11-4.1.6(1), an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.

c. 11-4.1.6(3) Special technical provisions for alterations to existing buildings and facilities:

(a) Ramps. Curb ramps and interior or exterior ramps to be constructed on sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows:

(i) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches (152 mm).

(ii) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches (76 mm). A slope steeper than 1:8 is not allowed.

d. 11-4.8.4 Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

(1) The landing shall be at least as wide as the ramp run leading to it.

(2) All landings on ramps shall be not less than 60 inches (1524 mm) clear, and the bottom of each ramp shall have not less than 72 inches (1829 mm) of straight and level clearance.

(3) If ramps change direction at landings, the minimum landing size shall be 60 inches by 60 inches (1525 mm by 1525 mm).

(4) If a doorway is located at a landing, then the area in front of the doorway shall comply with Section 11-4.13.6.

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 \$77,000.00 per permit application


Comments/Recommendation: Regardless of the type of use, individuals with disabilities should be afforded the opportunity to participate in the use. The proprietors of The Woods Laser Tag make every effort to allow this. They have laid out the play area so that a wheelchair bound participant can maneuver the entire "battle" zone. When a child suffering with epilepsy wanted to use their facility, they turned off the strobe lights and increased the general lighting for that group. They have demonstrated their concern for our youth.

The owner feels that the use of the existing mezzanine as "the high ground" will enhance the experience for their players; however, to install code compliant ramps to this level (approximately 10 feet above finish floor) would dominate the area. Due to the speed of movement required to play the game the management expects a wheel chair bound participant to have a helper to maneuver them quickly through the pathways fast enough to compete with those without disability. They have proposed adding two ramps (see exhibit A1) which have a 3" rise in 12" except for the last 7' that has a 5 1/2" rise in 12" (see exhibit A2). I discussed with the owner that I would be supportive of the 3" rise in 12" if the "rise and run" were consistent for the ramps. Further assuming the helper would be obligatory, the size and spacing of the landing would be lessened.

I request the Honorable Commission review the proposed waiver and, if within the appropriate guidelines, grant the waiver for this use/site.

Jurisdiction City of Ocoee Building Division,

Building Official or Designee


Signature

James F. Washington
Printed Name

BU153
Certification Number

(407) 905-3155
Telephone/FAX

Address:

150 North Lakeshore Drive

Ocoee, Florida, 34761

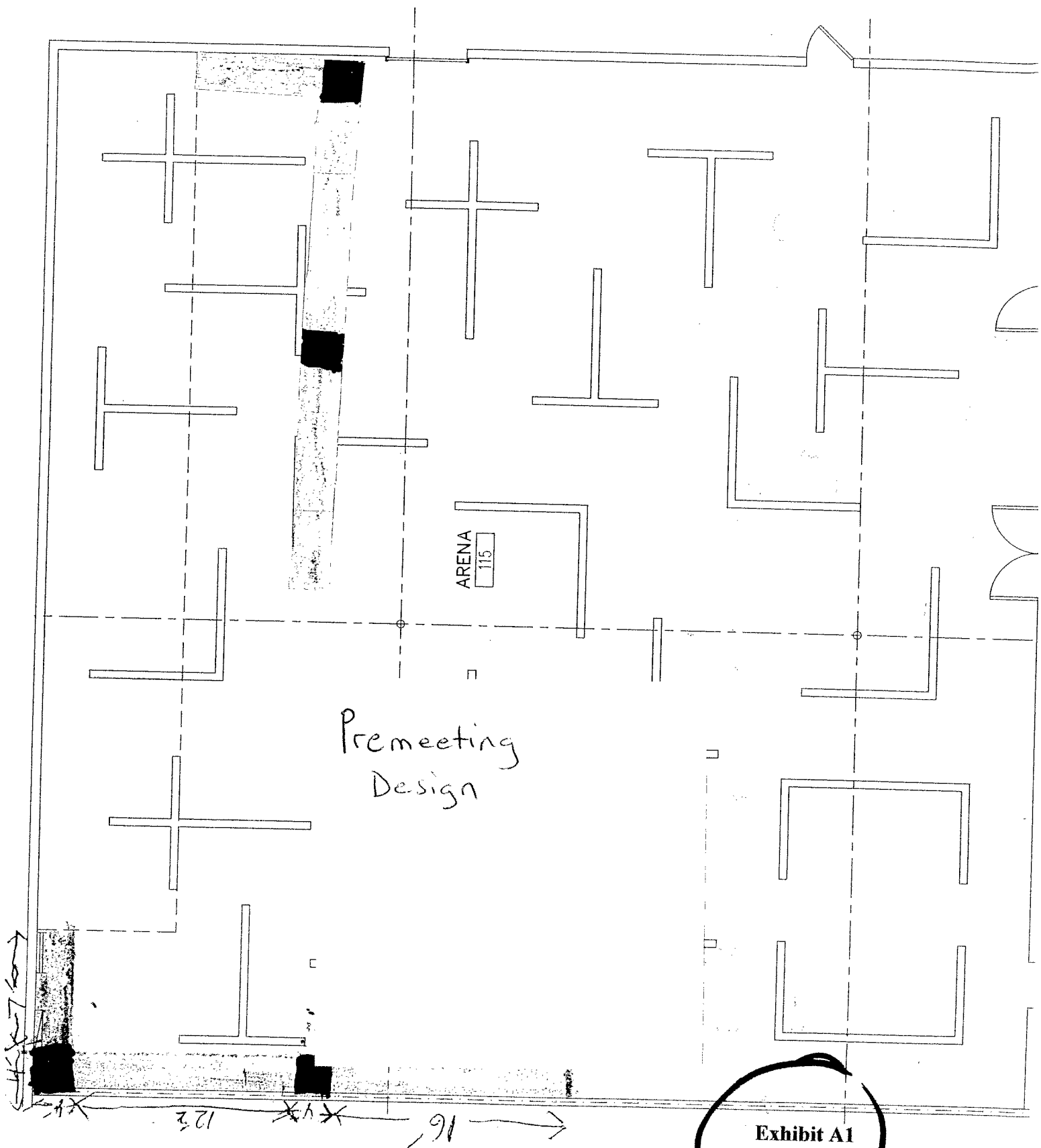
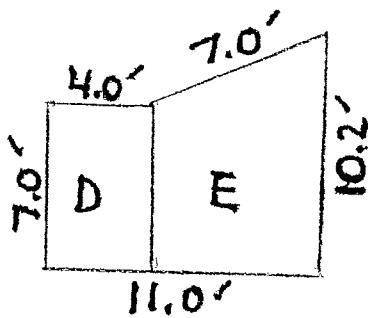
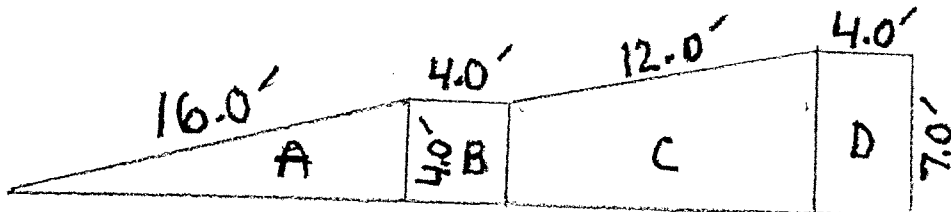


Exhibit A1



Premeeting
Design

Exhibit A2



The Woods Laser Tag

10930 West Colonial Drive

Ocoee, FL 34761

407.656.1700

www.lasertagorlando.com

To: Accessibility Advisory Council

Re: ADA Requirement for Ramps to Mezzanine at the Woods Laser Tag

Laser tag is a high-tech version of the child's game of tag with many new wrinkles. Players wear equipment that connects them to computers which manage the score of the game. It is a high-speed physical activity that requires players to react fast to stimuli and be able to maneuver in a maze based arena. It is akin to paintball, air-soft, and other simulated combat games.

In order to ensure the long-term interest and viability of the laser tag game, it is imperative that the laser tag game remain competitive and challenging to both new and repeat customers. Based on our extensive experience, we have determined that our laser tag arena must possess the following physical characteristics to sustain the attraction of the game and justify the sizeable capital investment per facility:

- The playing arena must have multi-level platforms with at minimum, 2 levels
- Ramps must be winding to allow players to protect themselves from being "tagged" by other players
- To maintain the key element of surprise, props and fixtures must be spaced a maximum of 36" apart and strategically positioned to force players to maneuver through many obstacles before reaching their opponents.
- Low light level with fog, loud noises, and sound effects must be provided

There are ten (10) active laser tag centers in Florida (Clermont, Destin, Clearwater, Lutz, Ocoee, Orlando, Orange Park, Pensacola, Tampa). Of these Florida laser tag centers, eight have two-level arenas with ramps (80% of all Florida centers). None of these centers has ramps which are vertical accessibility compliant (1:12 ratio). Four laser tag centers have closed in Florida during 2008-2009. Of these, all had single level arenas. Single level arenas are not competitive nor are they considered by the gaming public to be consistent with a good laser tag experience.

We are asking for a waiver of vertical accessibility for our fire sprinkled laser tag center so that we can access our existing mezzanine, such that we can have a two-level laser tag arena. We can do this while maintaining equivalent facilitation for all our customers.

REASONS FOR ACCESSIBILITY LIMITATIONS

In order to provide vertical accessibility to an elevated platform (our mezzanine), there are only two possible options open to us:

1. An open wheelchair lift which would pose a safety hazard to other players in the arena. It would also be impossible to use as these lifts require:
 - Clear visibility – Impossible during a laser tag game which is by definition played in a dark, black lit, fog filled, arena
 - Clear communication capabilities for loading – Impossible as a laser tag game is a loud full-immersion experience
 - Clear areas around the loading and unloading area – It would be impossible to provide such a clear area without stopping the game

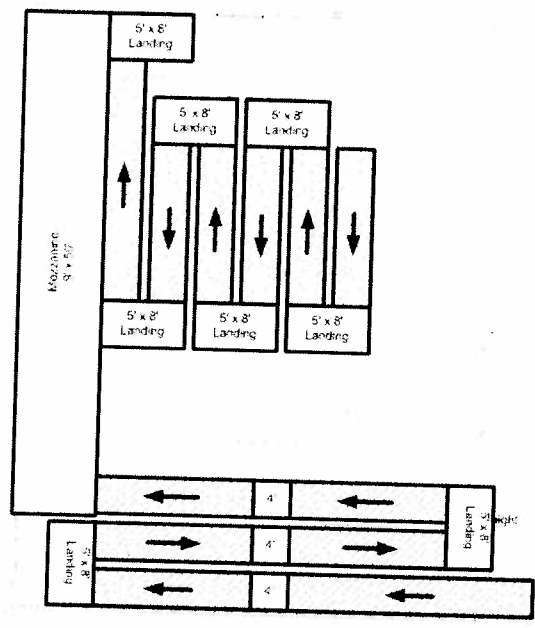
Note: According to the Laser Tag Association for these reasons above (and others) there is not a single laser tag center in the United States that uses a lift in their laser tag arena.

2. Two 121'2" long egress ramps with a 1:12 slope leading to the 10' 3" high mezzanine. One accessible ramp from the mezzanine is inadequate and poses a life safety hazard since it is critical that we provide players with a second means of egress in case one ramp is blocked by fire (this opinion is also shared by the City of Ocoee). It is technically infeasible to incorporate the long accessible ramps into our arena for the following reasons:

1. Floor Space Requirements

To comply with specifications for vertical accessibility ramps to the mezzanine platform (1:12 ratio), we would have to provide the following ramp system:

- Two accessible egress ramps with: 1:12 slope
- Ramp Length: 121' (not including 60" turning radius landings)
- Current Total Playing Arena Ground Floor Area: 4,338 sf
- % of Ground Floor Area Occupied by Ramps: ~33%
- We strongly feel that it is very unreasonable to expect us to occupy more than 1/3 of our entire playing arena with non-playing circulation space and still provide a long-term, viable and competitive amusement / sports facility.



Arena Today (without access to mezzanine via ramps)

Arena with ADA Compliant Ramps to access the mezzanine (note the almost 33% of floor space use)

2. Configuration Problems

Notwithstanding the exorbitant amount of floor space occupied by the accessible ramps, it would be technically infeasible to configure 282' linear feet of winding ramps within the 4,338 sf of playing arena without fundamentally altering the nature of the laser tag game. The extremely long accessible ramps will invariably produce a series of intertwined vertical circulation structures without any long-term recreational / sporting value. We also feel that disabled players would be subject to undue physical demands in utilizing 121' of ramps to access the mezzanine platform with very limited interaction with other players. Disabled players would invariably require assistance which would be impossible during a game whilst 30+ players are attempting to get into position and tag one another. (Note: Many disabled persons cannot navigate a slope of 1:12 for more than 30 ft, in this case they would have to navigate 120', twice).

3. Negative Impact on the Game

Furthermore, by adding two accessible ramps into the playing arena, the essence of our game will be negatively affected in the following manner:

- In order to accommodate the long accessible ramps, we feel that it would be difficult to avoid the creation of several dead end corridors to circumvent the large ramp structures. The current arena design intentionally omits any dead end corridors, since we firmly believe that these corridors prevent players from readily exiting the arena in case of an emergency. Furthermore, the object of the game is for

players to move freely throughout all sections of the arena so that they can maximize their score by hitting their opponents targets as often as possible;

- Players must be able to tag their opponents from various directions, levels and locations in the playing arena. The long winding ramp structures will effectively create large barriers where players do not have a clear view of their opponents and therefore, reduce the overall competitiveness of the game;
- To accommodate the accessible ramps, the ground floor of the playing arena would be effectively reduced to 2,954 sf which is below the minimum needed for the number of players the arena currently services. By reducing the size of the playing arena below the minimum, we feel that the long-term interest of the game will be seriously hindered since players will be able to quickly solve the intricacies of the game.

4. Safety Concerns

We feel that providing access to the elevated platforms will pose a major safety hazard to all players in the playing arena. The presence of disabled players in wheelchairs on ramps and elevated platforms in a dimly lit arena will significantly increase the potential for physical contact leading to serious injury with one or more players. Keep in mind that laser tag is a fast high-speed sport. As a responsible corporate citizen, it is our duty and obligation to minimize or eliminate all unsafe playing conditions, and we feel that by encouraging accessibility to the ramps and elevated platforms, it will invariably result in a large number of serious injuries to able and disabled players.

5. Financial Hardship

Ramps of the above configuration (or similar) would decrease the overall playing surface of the laser tag arena by at minimum 30% (most ramps are not playable as they are too narrow for hiding, etc.). To do so would reduce the number of players we could allow in the arena from 36 to 26 and consequently reduce our revenue potential to a level that would not be financially sustainable. With only 26 laser tag players able to play per game of laser tag the center would not be able to survive.

COMMITMENT TO EQUIVALENT FACILITATION

Regulatory references: ADA Appendix A to 28 CFR Part 36

III-7.2100 Equivalent facilitation

Departures are permitted from particular requirements where alternative designs and technologies will provide substantially equivalent or greater access to and usability of the facility.

Laser tag is a recreational activity that can be enjoyed by all, able and disabled. To ensure that equivalent facilitation is provided for all of The Woods Laser Tag's guests the facility's laser tag arena is constructed such

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that all of the arena play elements are located in the lower part of the arena, which is ADA compliant. Play elements include bases, targets, and other interactive elements which form a large portion of laser tag game-play.

In our current arena, no play element is located in an area that would make it inaccessible to a disabled guest. The design of the arena provides equivalent facilitation for all guests. There is no game-play advantage given to able guests via the inclusion of a second arena level. The second level simply allows The Woods Laser Tag to increase its playable space by utilizing the mezzanine. This will put The Woods Laser Tag in parity with other laser tag centers in Florida (almost all of which are multi-level) and increase its potential for survival in these challenging economic times.

We are a sponsor for Special Olympics and host activities for them in our laser tag arena. We also host, at our center, game play for disabled veterans (VFW) and other groups representing many of our disabled guests. We have had many disabled persons play in our center successfully, and have fun doing so.

We have also installed the capability to service our non-traditional disabled guests. For example, the laser tag arena at The Woods Laser Tag is capable, by a push of the operator's button, to disable blinking and flashing (strobe) lights so that we can accommodate epileptic guests (and we have done so on many occasions). This is just an example of the lengths we go to ensure that all of our guests enjoy themselves to the fullest in our center, regardless of their impairment or challenges.

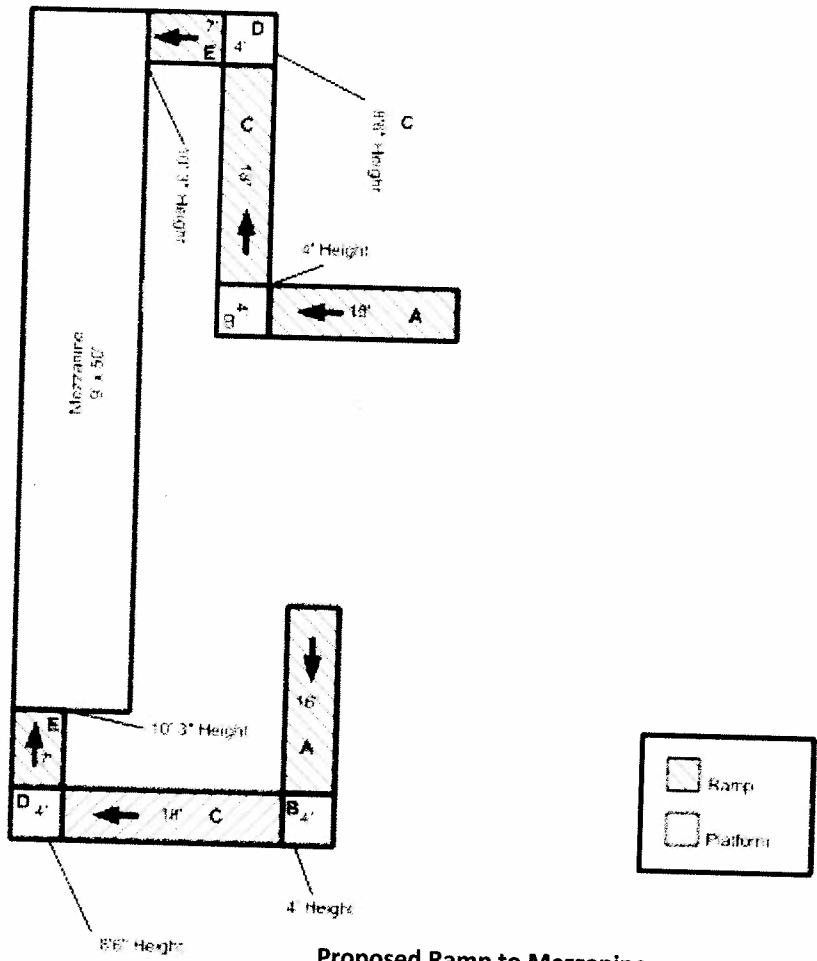
PROPOSED PLAN FOR RAMPS TO MEZZANINE

Our intent is to insert two ramps in the laser tag arena which will occupy a minimum amount of floor space and still provide access to the mezzanine. We have an existing mezzanine in our facility that is 9' x 50' for which we are paying rent. Its only current access to the floor is a ladder or via the use of a scissor lift.

We purchased two ramps from a closing laser tag center in Florida (in January, 2009) which have a ratio of 1:4 (one foot of rise for every four feet of liner ramp). These were ramps that were in use in a laser tag center in Coral Springs, Florida from 2007 – 2009. The ramps are broken into five sections (A-E) as labeled below.

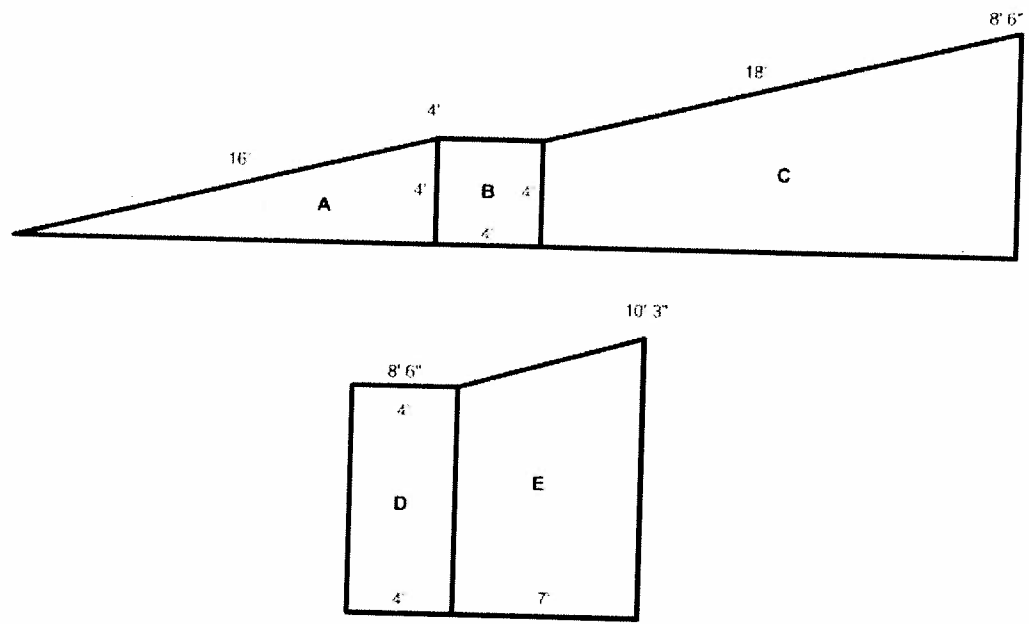
We will continue our support of equivalent facilitation. None of the play elements in the arena will be exclusive or have easier access to, by players using the ramps or mezzanine.

Our proposed deployment of these already built (and used) ramps in our laser tag center is as below:

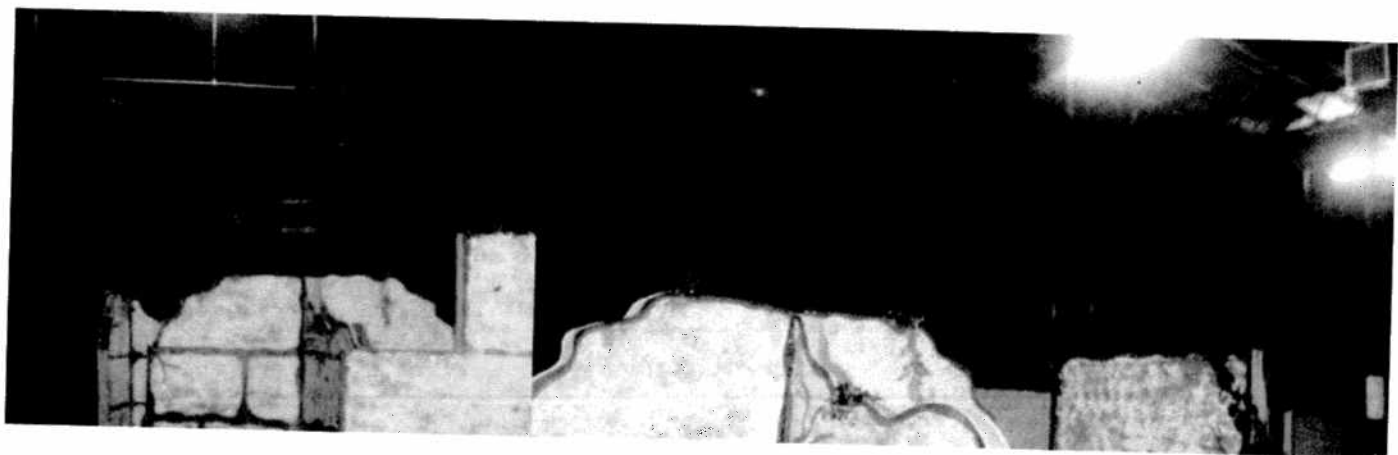


**Proposed Ramp to Mezzanine
Implementation (1:4 Ratio)**

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Existing Ramp Components Side View

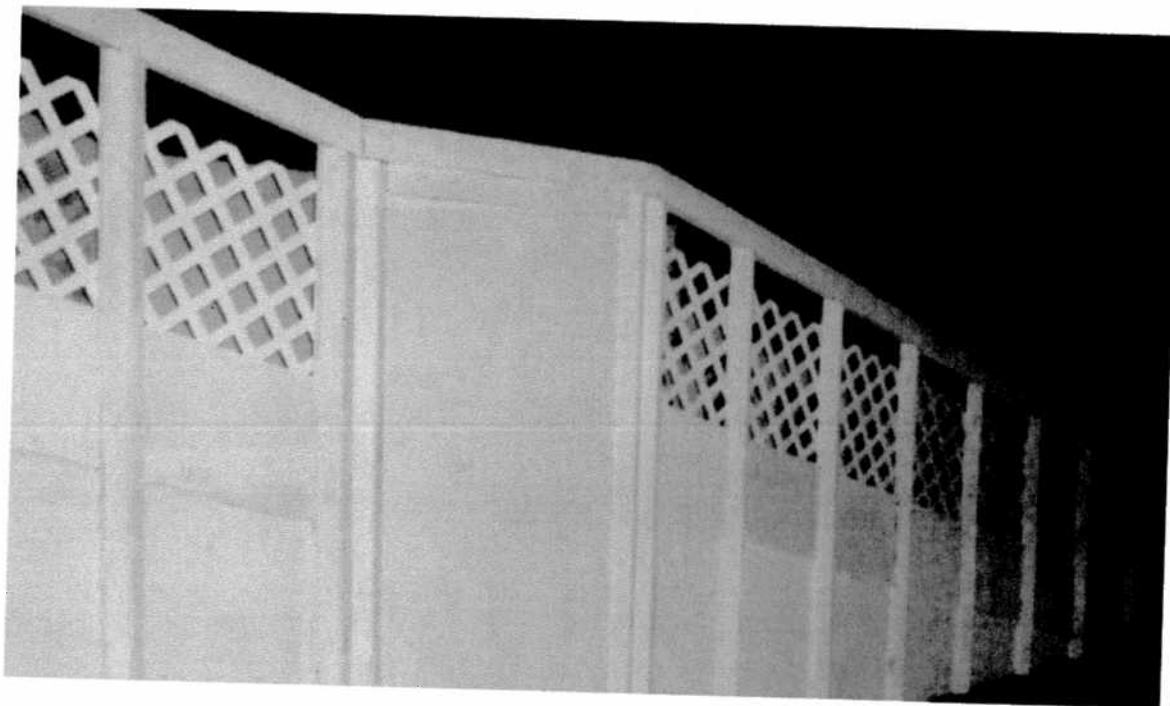


Existing Arena Mezzanine

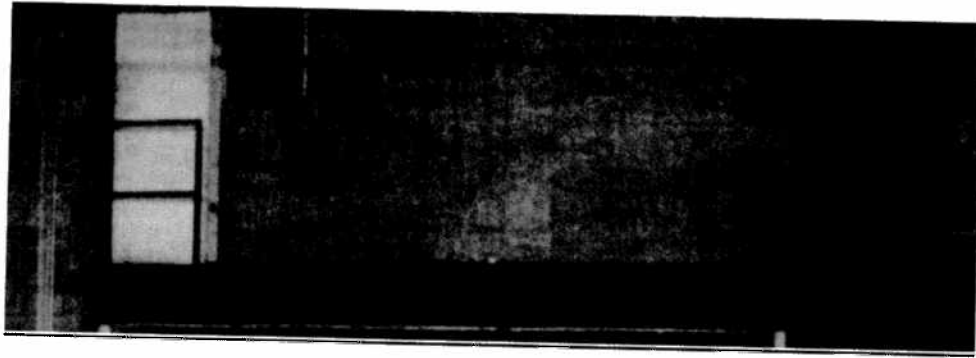
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Existing 1:4 Ramps



Existing 1:4 Ramps



Existing Arena Mezzanine



Under Structure of Existing Ramps

SUMMARY

For the reasons stated in this document, it is impossible for us to either utilize a lift or to build ramps that are vertical accessibility compliant (1:12 ratio). Vertical accessibility compliant ramps in our center would create a financial hardship and deteriorate game play to a point where the game would no longer be laser tag.

Unique Conditions

There are two options for providing vertical accessibility compliance: A Lift, or 1:12 ratio ramps.

1. A lift would be unsafe in a darkly light, fog filled, loud environment. Laser tag is a fast high-paced game, a lift would led to collisions, and endanger the participants. It is not possible to "pause" a game of laser tag and no laser tag software supports such a capability.
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This is a family owned business with very limited resources. The owners have invested all of their savings and borrowed additional funds to setup and build-out the center. Were the center to fail, not only would the owners lose their substantial (~\$300,000) investment, but also potential their home.

Diligent Investigation

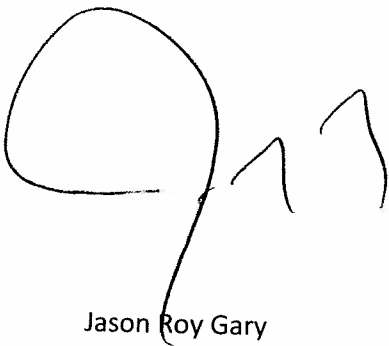
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The best option is the one proposed in this document; for The Woods Laser Tag to use the existing mezzanine and owned ramps to provide a second-level, whilst continuing to provide excellent equivalent facilitation on the first level of the arena.

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We ask the council to consider providing us a waiver which will allow us implement our proposal for the use of the ramps, which were in use in the State of Florida as part of a laser tag arena, as recently as 2008, that we already own and connecting them to the existing mezzanine.

Sincerely,

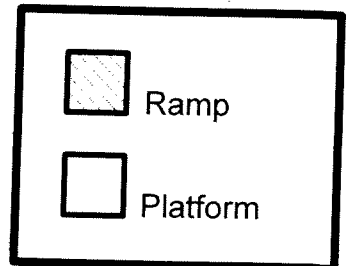
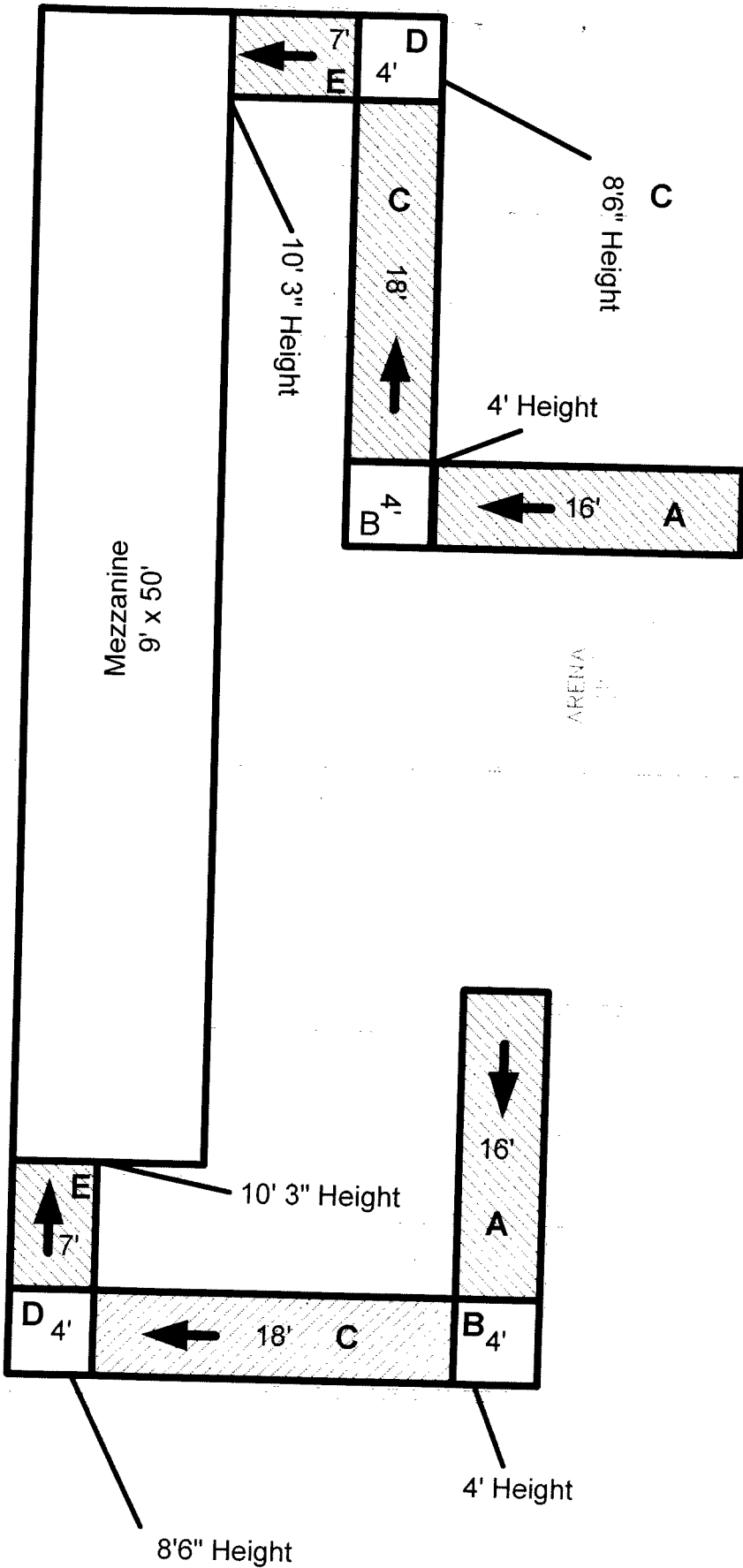
A handwritten signature in black ink, appearing to read "JRG", with a large circular flourish on the left side.

Jason Roy Gary

President, The Woods Laser Tag

The Woods Laser Tag Arena Ramps to Mezzanine

3-5-11



The Woods Laser Tag Arena Ramps Side View

