

RIVERTOWN COMMUNITY BALLFIELD UNIT I

Analysis:

The applicant is requesting a waiver from providing vertical accessibility to all rows of seating at four baseball fields. Each seat of bleachers will provide seating for approximately 80 people and the existing building at one field will have seating for no more than 100 persons. According to the applicant it is technically infeasible and unreasonable to require access to each row of the bleachers. The new project will cost \$4,500,000; however, disproportionate cost was not identified as a factor.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all rows of bleacher seating, 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: Rivertown Community Ballfield Unit 1, Phase 1

Address: 160 Swamp Oak Trail, St Johns, Florida

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

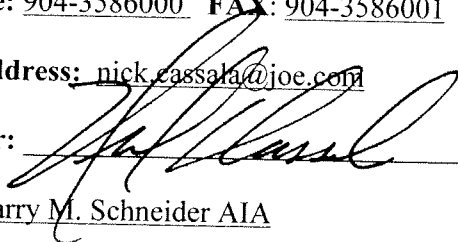
Owner's Name: Nick Cassala, North Florida President, The St. Joe Company

Owner's Address: 12724 Gran Bay Parkway West, Suite 150, Jacksonville, FL 32258

Owner's Telephone: 904-3586000 **FAX:** 904-3586001

Owner's E-mail Address: nick.cassala@joe.com

Signature of Owner: _____



Contact Person: Larry M. Schneider AIA

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

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 the construction of four baseball fields with bleacher type seating at each field. At each field there will be a seating area for approximately 80 people and at the field with the building located besides it there will be seating for no more than 100 people. The "stadium" building will incorporate mens and womens toilet rooms for use by the public.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$ 4,500,000

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.

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

The issue is the requirement to provide 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 (bleacher style seating at a baseball field) 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 this type of bleacher seating should be made accessible. Bleacher type seating is the standard for this type of use since baseball has been in existence. The industry, around the country, have been using section 4.33.3 Placement of Wheelchair Locations of the DOJ ADA Standards 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.** St Joe is aware of the specific requirements of the FACBC and the concerns of the Accessibility Advisory Council on this issue. The concern of the Developer is to strike a balance between the desires of the Council, the Commission and the construction process. It is financial impracticable to provide vertical accessibility to **EACH** level of this type of bleacher seating venue. 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 bleacher 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 Developer has reviewed design concepts for providing accessible seating areas and the proposed solution is a cost effective solution for the use and design of this type of bleacher seating. The accessible seating is being disbursed along the upper row of the bleacher seating area since the access to the bleacher seating is at this level. The bleacher seating then goes down to the field. It will provided accessible seating in a venue that addresses the concerns of the Council and responds to the needs of individuals with disabilities for this specific design solution. This project will comply with all of the other requirements of section 11-4.33 as it relates to this type of seating. We believe that this is a viable solution and will meet the concerns and needs of all parties.

[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 bleacher type seating is not technically feasible, is an extreme hardship on the project and is technically infeasible and unreasonable as allowed under the statute.

[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.

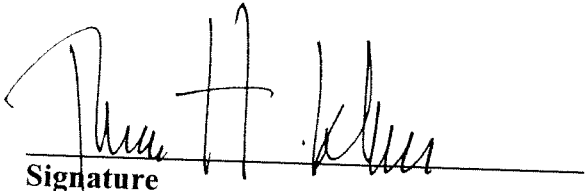
9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility 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 as being technically infeasible. We concur with the reasoning as so stated under item 8.


Signature

THOMAS H. WALSH
Printed Name

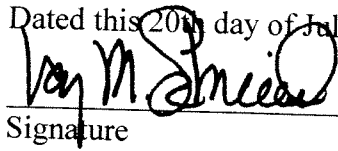
Phone number: 404-873-6730
(SEAL)



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 20th day of July, 2007



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. _____
- 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 _____

Building Official or Designee _____
Signature

Printed Name _____

Certification Number _____

Telephone/FAX _____

Address: _____

