

## **SOUTHRIDGE PARK**

**Issue:** Vertical accessibility to all rows of bleacher seating in a new, \$176,500 stadium. The project will have 1,464 seats and 20 wheelchair accessible seating areas have been designed, including companion seats, at the front of the bleacher system. The applicant stated it would be technically infeasible to provide access to every level of seats, is an extreme hardship to the local government and is unreasonable.

### **Project Progress:**

The project is under design.

### **Items to be Waived:**

Vertical accessibility to all rows of bleacher seats, 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:** Southridge Park

**Address:** 19355 SW 114 Avenue, Miami, 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

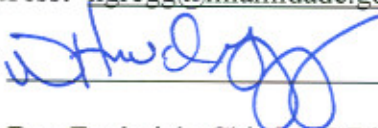
**Relationship to Owner:** Accessibility Consultant

**Owner's Name:** Miami-Dade County Parks and Recreation Department

**Owner's Address:** 275 NW 2<sup>nd</sup> Street, Miami, Florida

**Owner's Telephone:** 305-755-7877      **FAX** 305-755-7940

**Owner's E-mail Address:** hgregg@miamidade.gov

**Signature of Owner:** 

**Contact Person:** Mr. Don Frederick, Chief A/E Division

**Contact Person's Telephone:** 305-755-7809      **E-mail Address:** donaldf@miamidade.gov

**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 construction of bleacher type seating on one side of the sports field. The seating count for the new bleacher seating area will be 1,464 seats. There is existing bleacher seating on the other side of the field. This is an existing county park.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$ 176,500.00

**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 (bleacher seating) 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 bleacher type seating shall be made accessible. Bleacher type seating is the standard for this type of use since sports viewing has been in existence. 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 client is aware of the specific requirements of the FACBC and the concerns of the Accessibility Advisory Council on this issue. The concern of the County Parks Department 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 a 1464 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 Miami-Dade County Parks



Department has reviewed design concepts for providing accessible seating areas and the proposed solution is cost effective for the use and design of bleacher seating. The accessible seating is being disbursed among the areas of seating sections and it provides accessible seating in a venue that addresses the concerns of the Council and responds to the needs of individuals with disabilities for this use. 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.

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 Parks Department and is unreasonable.

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

Phone number: (305) 661-2070

(SEAL)

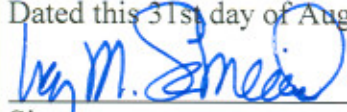
Robert E. Chisholm FAIA

Printed Name

**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 31st day of August, 2005

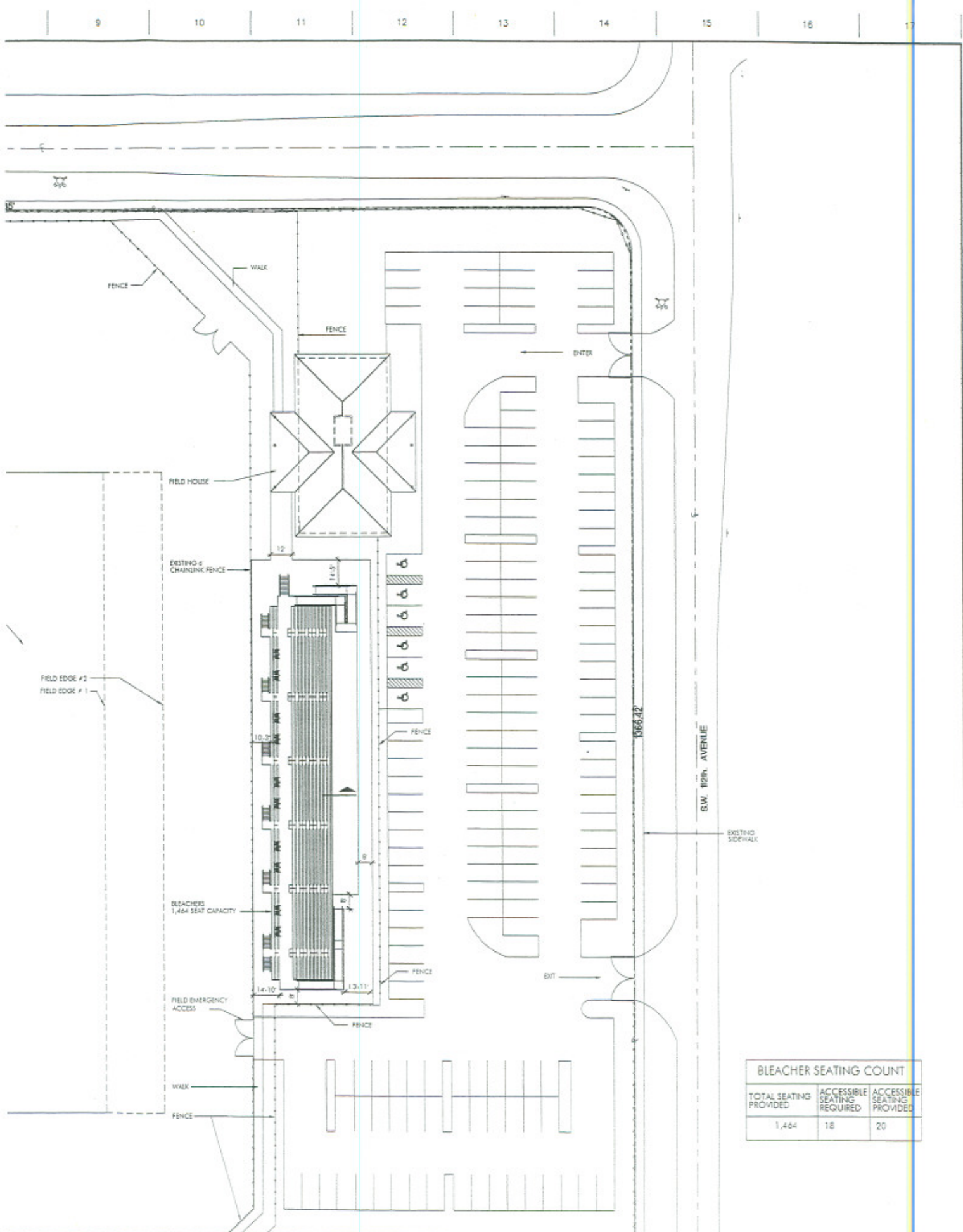


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Signature

Larry M. Schneider AIA

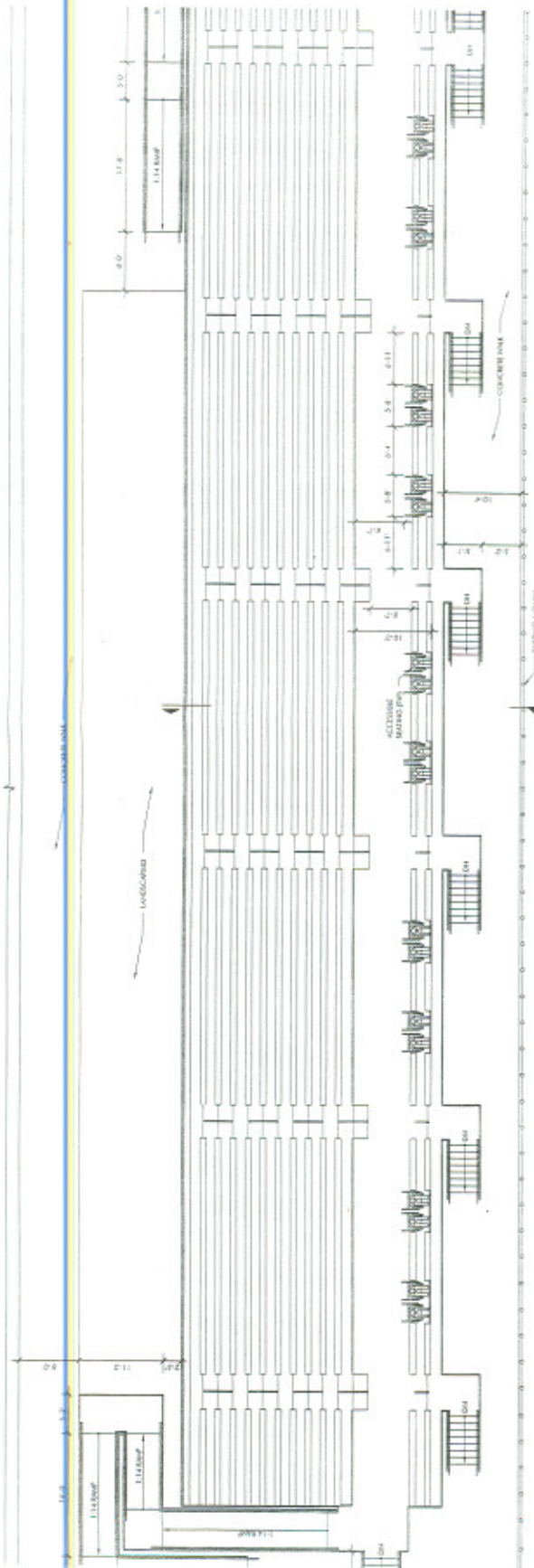
Printed Name

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.



BLEACHER SEATING COUNT		
TOTAL SEATING PROVIDED	ACCESSIBLE SEATING REQUIRED	ACCESSIBLE SEATING PROVIDED
1,464	18	20



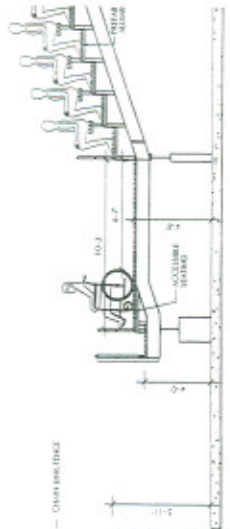


PLAN  
SCALE: 1/4" = 1'-0"

B  
ALL



A  
ALL  
FIELD SECTION  
SCALE: 1/4" = 1'-0"



B  
ALL  
BLEACHER SECTION  
SCALE: 1/4" = 1'-0"

BLEACHER SEATING COUNT	
TOTAL SEATING PROVIDED	ACCESSIBLE SEATING PROVIDED
1,664	18
	20

