

BREVARD COUNTY HIGH SCHOOL CCC GYMNASIUM BLEACHERS

Issue: Vertical accessibility to all rows of a retractable bleacher system.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a new, retractable bleacher system containing 1,558 seats. 24 wheelchair accessible seating areas are planned with adjacent companion seats on the first row of the bleachers on both sides. No estimates were provided as the applicant contends it is technically infeasible to make upper levels of the bleachers accessible because of the inherent engineering design in the system.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility to all rows of a bleacher system, 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: New Brevard County High School CCC (Gymnasium Bleacher Portion)
Address: 2335 Malabar Road, Palm Bay, Florida 32907

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: SCHENKELSHULTZ Architects (Joseph S. Toth A.I.A. Principal)
Applicant's Address: 200 East Robinson Street Suite 300 Orlando, Florida 32801
Applicant's Telephone: (407) 872-3322 **FAX:** (407) 872-3303

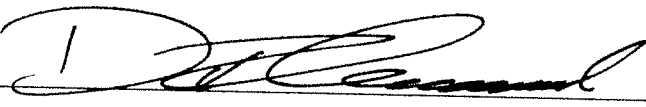
Applicant's E-mail Address: jstoth@schenkelshultz.com
Relationship to Owner: Architect for the new high school

Owner's Name: Dane Theodore, A.I.A. Director of facilities management services
School Board of Brevard County

Owner's Address: 2700 Judge Fran Jamieson Way, Viera, Florida 32940

Owner's Telephone: (321) 633-1000 Ext. 657 **FAX:** (321) 633-4646

Owner's E-mail Address: TheodoreD@brevard.k12.fl.us

Signature of Owner: 

Contact Person: Joseph S. Toth, A.I. A.
Contact Person's Telephone: cell (407) 473-2816 **E-mail Address:** jstoth@schenkelshultz.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.)

The new gymnasium is part of a complete new high school campus designed for 2243 students. The gymnasium building is a one story mixed use facility and is 48,681 square feet in size. This facility will have a full size basketball court with retractable bleacher seating for 1558 fixed seats. In addition, the building will also have a lobby, concessions, weight room, dance room, wrestling room, and PE and sports locker rooms, restrooms, showers, and training rooms.

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

The construction cost for the entire high school campus is \$64,650,000. The cost of the Gymnasium has not been broken out separately.

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.

The Florida Department of Education has mandated that "Accessibility shall be provided throughout in the Gym unless a waiver is obtained from the Florida Building Commission" Department of Community Affairs in their DOE mandatory letter to Brevard Public Schools of November 26, 2007.

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 SS553.501-553.513 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 of the requirements for vertical accessibility to all levels is mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that – Nothing in section 552.513 – 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.

Specifically, we request a waiver from the requirement above as it is technically infeasible to accommodate this requirement with a retractable bleacher system that is being planned for the new gymnasium. It appears that this type of seating arrangement (prefabricated retractable bleacher seating) was considered 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 intended that every level of a retractable bleacher system shall be made accessible. Retractable bleacher seating is an industry standard, nationwide, for high school athletic programs as a cost effective means of seating large groups of people for sporting events while allowing the flexibility of a large court surface areas for everyday athletic use.

Previous Gymnasium designs, as well as this one, have been using 2004 Florida Building Code Section 11-4.1.3 (19) to establish the minimum required count for the wheelchair locations. These areas are then sized in accordance with Section 11-4.33.2 Size of wheelchair locations. These locations are shown on the plan and are designated as accessible spaces. The locations are all located on accessible routes leading to exits. Because there are more than 300 occupants for the gymnasium, the wheelchair locations have been grouped in different areas. The anticipated bleacher seating accommodates 1,558 people. The required accessible spaces are 24 per FBC

Section 11-4.1.3 (19). 24 accessible wheelchair locations have been shown on the project drawings. All of the shown locations have the required companion seat next to the specified location. The wheelchair locations are all located on the major accessible route to the exit and are compliant with FBC 11-4.33.3 Placement of wheelchair locations. All surfaces are level and within the ADA requirements to the public way and are compliant with FBC 11-4.33.4 Surfaces.

It is the desire of the School Board of Brevard County to provide accessibility to all areas of the new gymnasium. This has been accomplished except where it is technically infeasible to do so at the retractable bleachers. The design that is presented is the best solution possible for the gymnasium seating for New Brevard County High School CCC.

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

Providing vertical accessibility to all levels of a retractable bleacher seating system is technically infeasible, is an extreme hardship and is unreasonable. Bleacher seating manufacturers have provided many items for their product to comply with building codes and to comply with as much of the ADA requirements, but none have incorporated vertical accessibility into their product lines.

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.

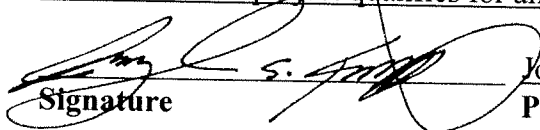
a. _____

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.

Under Florida State Statutes, a waiver can be granted for one of the following reasons: 1) a determination of unnecessary hardship, 2) an unreasonable hardship, or 3 an extreme hardship. I believe that this project qualifies for all three of the above hardships.

 Signature _____ Joseph S. Toth, AIA
Printed Name

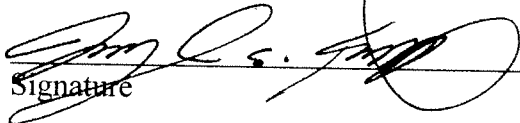
Phone number 407-872-3322

(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 EIGHTH day of SEPTEMBER, 2008

 Signature _____

Joseph S. Toth, 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.

Florida State Statute requires vertical accessibility to all levels. Under this situation, it is not economically feasible, nor practical and I support the attached waiver from the Statute.

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 _____
Recommend Approval

Jurisdiction School Board of Brevard County

Building Official or Designee

David W. Sterphone
Signature

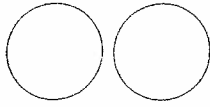
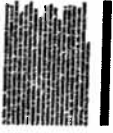
David W. Sterphone
Printed Name

BU 518
Certification Number

(321) 617-7792
Telephone/FAX

Address: 1254 South Florida Avenue, Rockledge, FL 32955

SCHENKEL SHULTZ
ARCHITECTS

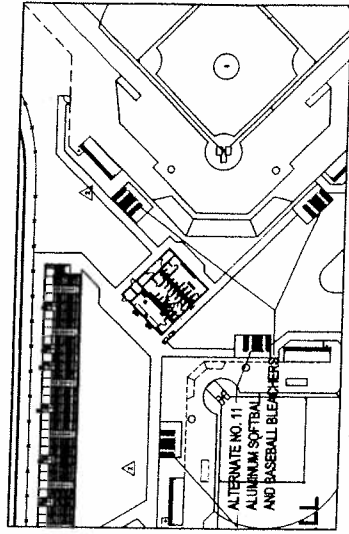
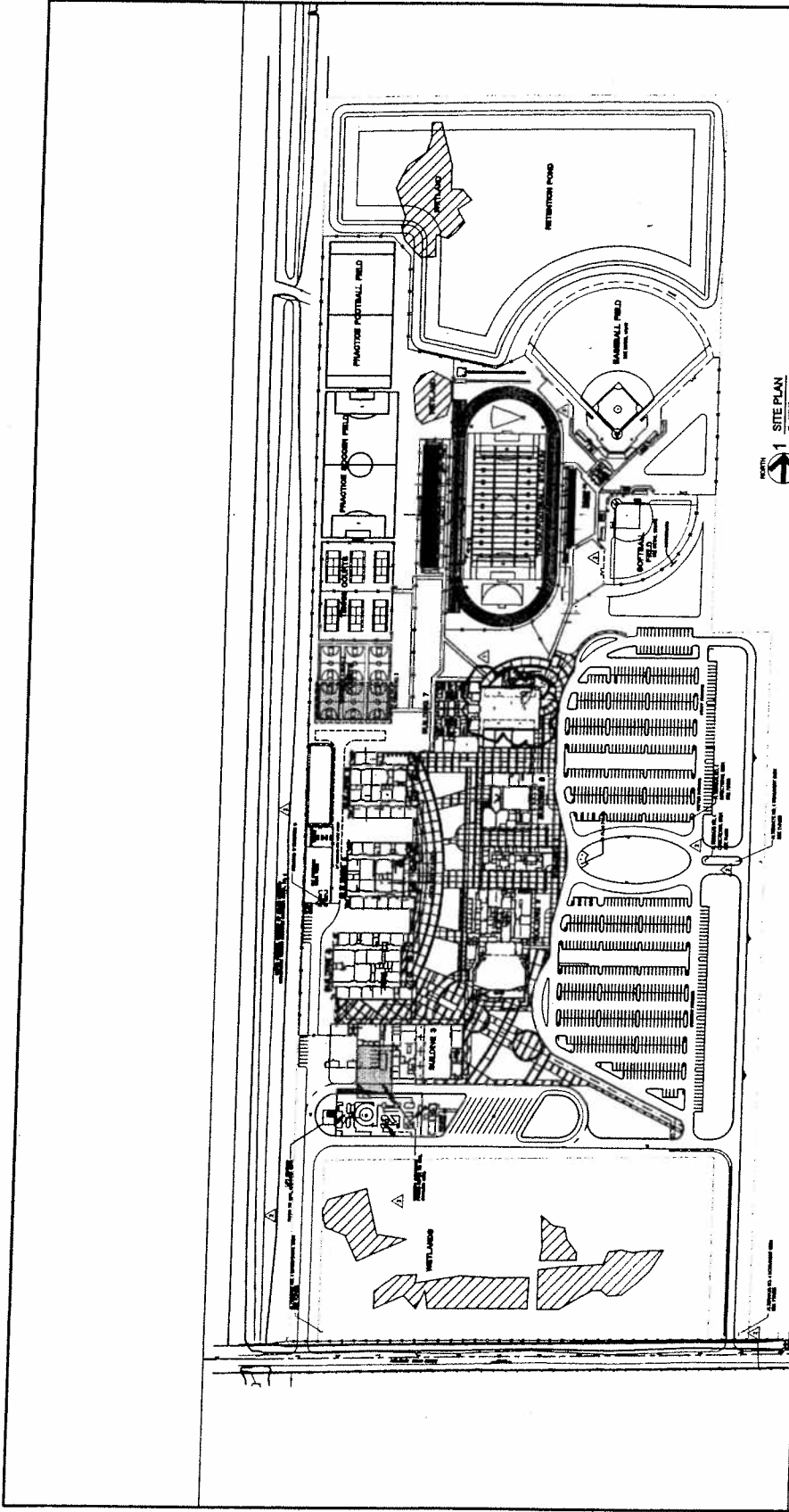


Brevard
High School
CCC
Palm Bay,
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for the School District
of Brevard County

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SCHENKEL-SHULTZ
 ARCHITECTS
 1000 N. W. 10th Street
 Ft. Lauderdale, FL 33304
 Phone: (305) 555-1111
 Fax: (305) 555-1112

DESIGNED BY: SCHENKEL-SHULTZ
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

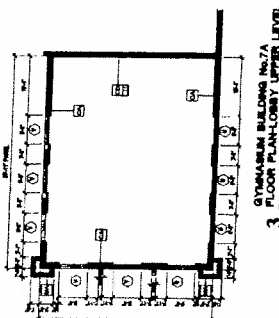
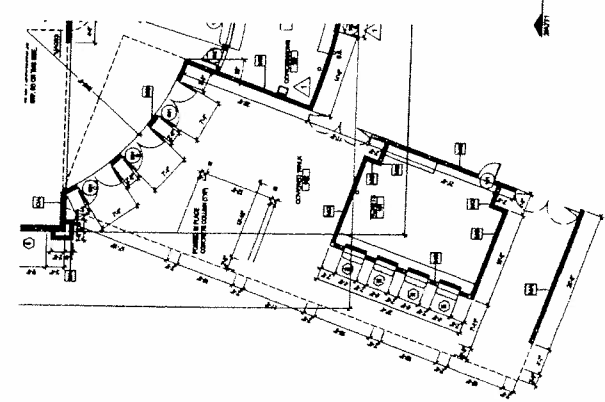
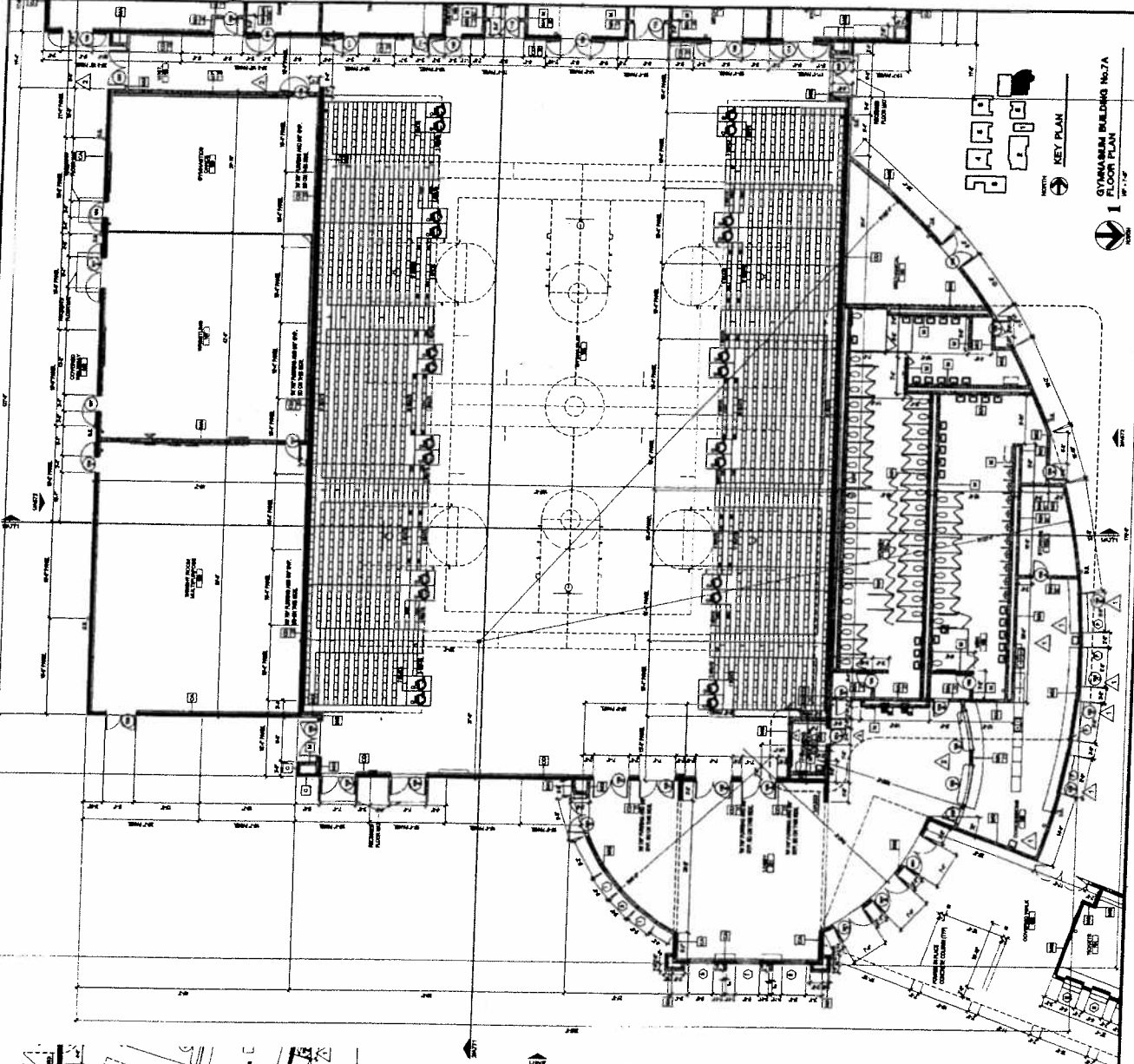
Code Compliance Office
 Plan Review & Permitting
 Approved Date: 12-15-17
 Approved As Shown (T-3)
 Reviewed By: Code Compliance
 Checked By: [Name]
 Date: 12-15-17
 Construction from documents with all physical codes

**Brevard
 High School
 CCC
 Palm Bay,
 Florida**

for the School District
 of Brevard County

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 Building No. 7A
 FLOOR PLAN

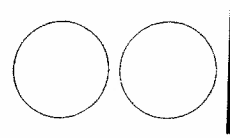


KEY PLAN
 GYMNASIUM BUILDING NO. 7A
 FLOOR PLAN
 1/8" = 1'-0"

SCHENKEL-SHELTZ ARCHITECTS

300 West ...
P.O. Box 10001
Tallahassee, FL 32301
Tel. 904.771.4322
Fax 904.771.4322
www.schenkel-sheultz.com

PROJ. NO. 2001-001
DATE: 08/20/01
DRAWN BY: J.S.
CHECKED BY: J.S.
SCALE: AS SHOWN



Brevard High School
CCC
Palm Bay,
Florida

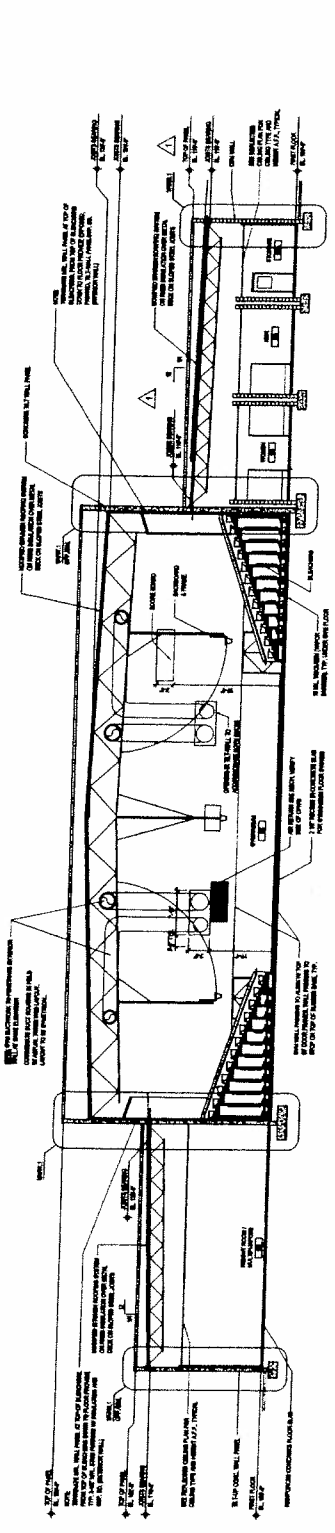
for the School District
of Brevard County

DATE: 08/20/01
BY: J.S.

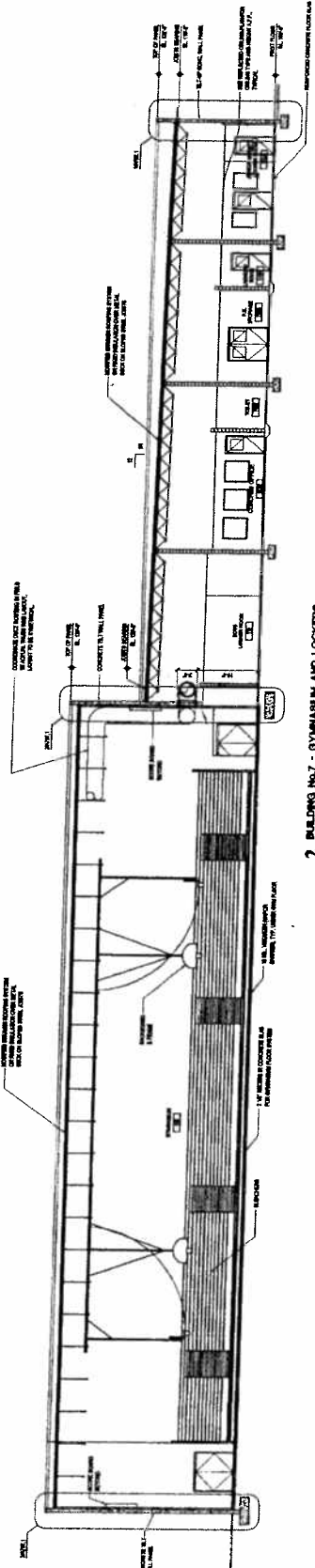
PROJECT NO. 2001-001
DATE: 08/20/01
DRAWN BY: J.S.
CHECKED BY: J.S.

OPERATIONS AND LOCKERS
BUILDING No. 7
ELECTRICAL SECTION

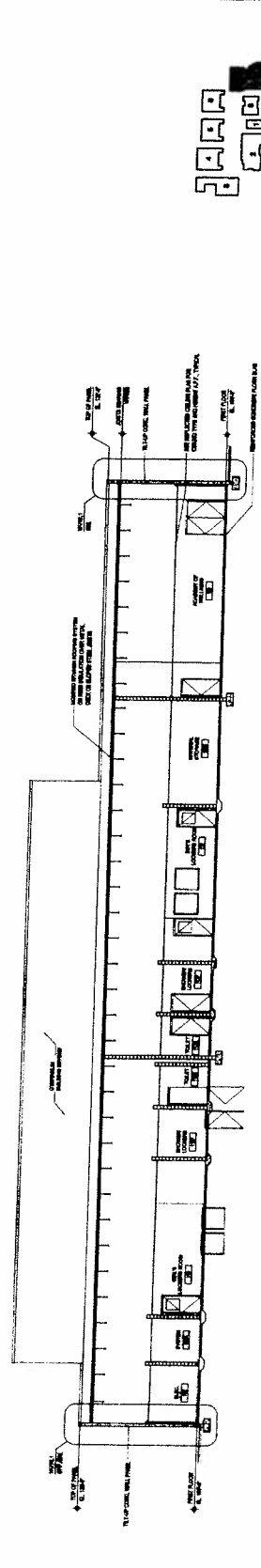
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1 BUILDING No. 7 - GYMNASIUM



2 BUILDING No. 7 - GYMNASIUM AND LOCKERS



3 BUILDING No. 7 - LOCKER ROOMS

