

RIVER TOWN BOAT HOUSE

Issue: Vertical accessibility to all rows of stadium seating.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seating located on a roof deck with stadium seating. The purpose of the deck is to allow restaurant patrons to view the St. Johns River and surrounding natural environment. Accessible seats will be provided at the top and bottom of the seats, and the applicant states it is technically infeasible to make the intervening rows accessible as well. The project will cost \$800,000, and no cost estimates were submitted since it is not an issue of economic hardship.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all rows of 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.

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: RiverTown Boat House

Address 3500 State Road 13 North
St. Augustine, FL 32259

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 Veazey

Applicant's Address: 240 St. Johns Golf Drive, St. Augustine, FL 32092

Applicant's Telephone: 904-940-8210 **FAX:** 904-823-8764

Applicant's E-mail Address: mike.veazey@joe.com

Relationship to Owner: Employee/Project Manager

Owner's Name: St. Joe Company

Owner's Address: 245 Riverside Avenue, Suite 500, Jacksonville, FL 32202

Owner's Telephone: 904-301-4200 **FAX:** 904-301-4201

Owner's E-mail Address: www.joe.com

Signature of Owner:  _____

Contact Person: Michael Veazey

Contact Person's Telephone: 904-940-8210 **E-mail Address:** mike.veazey@joe.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.)

2,800 sq. ft. single story boathouse with a roof deck on top and stadium seating overlooking the St. Johns River

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

\$800,000.00

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.

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 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 (stadium style 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 stadium style seating shall be made accessible. The design community 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.** Based upon the design, which is to be able to view the river, the Architect has provided the accessible seating, along with companion seating at the lower and upper levels. The concern of this design team is to strike a balance between the desires of the Council and the Commission and the construction process. It is financial impracticable to provide vertical accessibility to **EACH** level of stadium style seating. 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

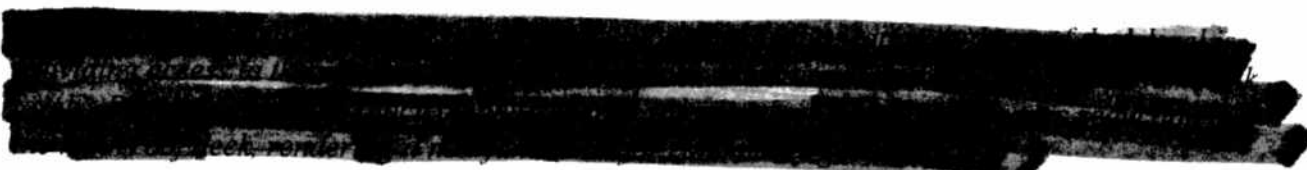
9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility 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.



RB Norcross . Robert B. Norcross

Signature

Printed Name

Phone number 904.224.1046

(SEAL)

RB Norcross
2.6.06

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 9th day of February, 2006

Michael Veazey
Signature

Michael Veazey
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. Vertical accessibility to all levels of seating. Statue 553.509 Florida Accessibility.

b. SO AS NOT TO HAVE TO PROVIDE ACCESSIBILITY AT EACH LEVEL OF SEATING

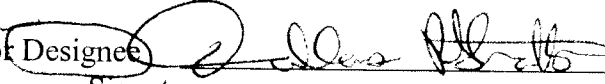
c. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction? NO, NO

[] Yes No Cost of Construction _____

Comments/Recommendation PROPOSED TO PROVIDE ACCESSIBILITY AT VERY TOP & AT VERY BOTTOM OF AREA WHICH WOULD MEET INTENT

Jurisdiction ST JOHN'S Co.

Building Official of Designee 
Signature

Dallas R Stratton
Printed Name

PLANS EXAMINER PX000000292
Certification Number

904-827-6836 / 904-827-6849
Telephone/FAX

Address: 4020 LEWIS SPEEDWAY, ST AUGUSTINE, FL, 32084



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2784 Wrights Rd, Suite 1032
Oviedo, FL 32765
Ph: 407-971-2507 Fx: 407-971-1618
www.accessibilitylifts.com

ACCESSIBILITY LIFTS, INC.

PROPOSAL & SALES AGREEMENT

DATE: 2/1/06

ATTN: Mike Veasy, St. Joe Co.

Re: Options for accessibility to the Riverfront Park Boat House upper deck level

Mike, as a Member of ASME Part 18 Platform Lift Committee for several years, a Registered Elevator Company in the State of Florida, and a specialist in accessibility since 1989, we assure you that each option we offer is code compliant and will serve your requirement to provide accessibility to the upper deck.

Option #1 (recommended) A vertical platform lift in a plexi and aluminum enclosure, hydraulic drive so there is always power, to 42" above the upper landing, with 42" upper landing gate, lower full height door, capacity 750#, 42" x 60" platform. \$25,500.

Work by others: concrete pad for lift, modification of upper rail to receive our gate, tieback support to stabilize lift, 120V power.

Option #2 (alternate) A stainless steel, folding inclined lift, with wrap around arms, fold down seat, emergency lowering, towered to stairs at the front or back, capacity 550#. \$52,500.

Work by others: 208V power, conduit from power to call sends.

NOTE: Pricing includes material, shipping, installation, Bureau of Elevator Safety permitting, and B.E.S inspection. *All commercial accessibility lifts require installation by a registered elevator company, such as ALL, and an inspection by a representative of the Bureau of Elevator Safety.*

AT THIS DATE, lead time 60 days for Bureau of Elevator Safety permitting process, concurrent with 6-8 weeks production/installation/inspection of product.

All materials are warranted to be as specified above. All work shall be completed in a workmanlike manner according to local industry standards and shall comply with all applicable building codes. Any alteration or deviation from the above specifications and/or "work by others" which requires or involves additional labor or materials must be requested in writing by the purchaser and will be performed by the Seller as an extra. The Purchaser agrees to pay the charges for such extras and such charges shall be in addition to the above contract price. **Storage charges that may**

Florida's premier accessibility contractor for commercial A.D.A. and residential applications

*Orlando - Tampa Bay - Jacksonville - Palm Beach - Miami
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February 2, 2006

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be incurred by A.L.I. due to delay of site readiness, as scheduled by the G.C. will back -charged. Additional installation time required by A.L.I. due to lack of site readiness may be back charged as well as site condition. A 7 day notice is required for installation.

If a clear accessible route to hoistway cannot be achieved, additional charges will occur.

QUOTES VALID FOR 60 DAYS: After acceptance, price remains valid only if goods are shipped within 180 days from acceptance. Any changes may affect the original quoted price.

TERMS:

- 50% deposit before release for production of this custom equipment,
- 40% material delivery/installation, before State inspection
- 10% at completion of successful State Elevator Department inspection/turnover.
- 10% cancellation fee after signed proposal received.

Material **WILL NOT** be released for production without deposit nor lift turned over without final payment unless special arrangement is negotiated with our corporate office.

WARRANTY:

One (1) year manufacturers warranty on parts. No labor is included 90 days after installation from installer or Seller. Warranty becomes effective the day of successful inspection by the Dept. of Elevator Safety.

OPTIONAL EXTENDED PARTS WARRANTY: Preventive Maintenance Agreement with Accessibility Lifts, Inc. includes 2 P.M. visits per year and extends parts warranty from the manufacturer for 5 years for free. Participation in this PM contract also waives the requirement for annual State Elevator Inspections, and provides a reduced service rate for call between P.M.'s. So there are free parts, reduced service rates, and 2 service visits, and no additional cost of state inspection for 5 years.

Price: \$500 per year, total \$2500.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Purchaser: _____ Date: _____

Submitted by: *Accessibility Lifts, Inc. rep: Jeanne Martin*

Thanks for the opportunity.

Check out our website for background about the company and other good information.

Accessibility Lifts, Inc.

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build stadium style seating that would provide a cost effective and usable solution to meet all of the Florida specific requirements relating to this issue. 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.

[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 stadium style seating is not technically feasible, is an extreme hardship and is unreasonable.

[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.

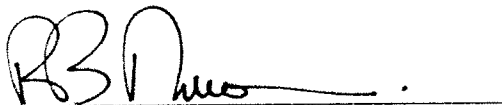
See attached proposal for a wheelchair lift.

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. See attached proposal for a wheelchair lift.

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 Robert B. Norcross

Robert B. Norcross
Printed Name

Phone number: 904-224-1046

(SEAL)