

## **TITUSVILLE. HIGH SCHOOL**

**Issue:** Vertical accessibility to all rows or stadium style seats in an auditorium

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in the upper level of a new, \$7,000,000 performing arts theater with a capacity of 666 persons. Accessible seats have been provided at the lower portion of the sloped section of the theater as well as both the upper and lower areas of the stadium-style upper level. The code requires 9 accessible seats and the applicant has planned to provide 10. Cost is not the issue and the applicant submits that it would be technically infeasible to make all the upper level seating fully accessible.

### **Project Progress:**

The project is in plan review.

### **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.

**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 Performing Arts Theatre

**Address:** Titusville High School  
150 Terrier Trail South  
Titusville, FL 32780-4735

**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:** 786-3361984      **FAX:** 786-3361985

**Applicant's E-mail Address:** Larry@LMSarch.net

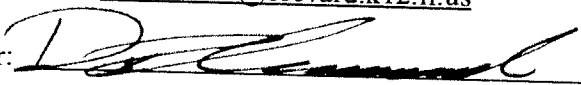
**Relationship to Owner:** Accessibility Consultant

**Owner's Name:** Dane Theodore, AIA, Director of Facilities Projects Management  
Brevard County School Board

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

**Owner's Telephone:** 321-6331000 Ext 657      **FAX:** 321-6334646

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

**Signature of Owner:** 

**Contact Person:** Larry M. Schneider

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

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.)

A performing arts theatre building which will part of an existing school campus to be constructed in Titusville, Florida. The theatre will seat 666 patrons. There will be two major seating areas; one on the main floor which is a sloped floor seating area and the second area which will be a tiered seating area.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$7,000,000.00

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.

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 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 (tiered style seating in a performing arts theater) 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 tiered style seating shall be made accessible. Tiered type seating is and has been the standard that the industry uses for performing arts theaters for non-sloped floor conditions. 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 concern of the client 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 tiered style seating in a performing arts theater. 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 tiered style 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 architects have worked towards providing the dispersed accessible seating in three areas - two areas of the lower sloped floor area, the forward and rear seating areas as well as providing accessible seating areas in the upper row of the tiered seating area. 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 the Council, the Commission and especially guests with mobility impairments.

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

The issue of providing vertical accessibility to all levels of tiered style seating in a theater is not technically feasible, is an extreme hardship 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.

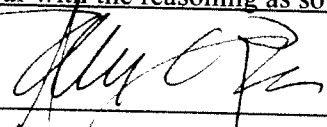
9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility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

  
\_\_\_\_\_  
Signature

John C. Zwick  
Printed Name

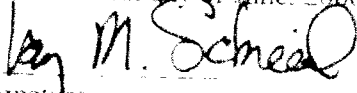
Phone number: 321-6318039

(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 1st day of June, 2006

  
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.

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 \_\_\_\_\_

Jurisdiction Brevard County School Board

Building Official or Designee David W. Sterphone  
Signature

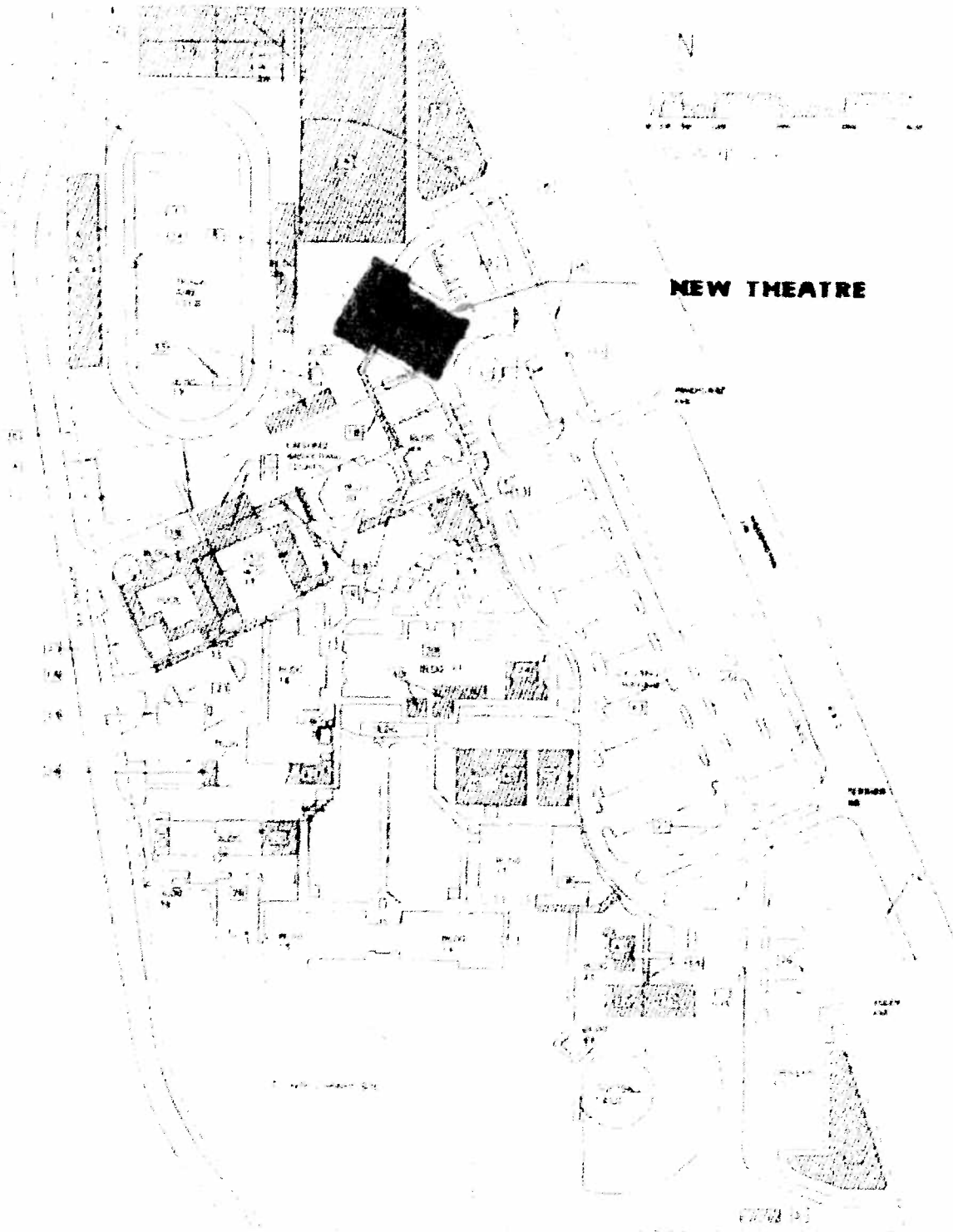
David W Sterphone  
Printed Name

BU 518  
Certification Number

321-612-7795  
Telephone/FAX

Address: 1254 South Florida Ave

Rockledge, FL 32955



TITUSVILLE H.S. SITE PLAN

END









**WATERLIPS 10"**

SEE PRELIMINARY REPORT  
 ALL DIMENSIONS ARE STRUCTURAL  
 UNLESS OTHERWISE SPECIFIED  
 ALL MATERIALS ARE TO BE APPROVED BY THE ARCHITECT  
 THROUGH THE ARCHITECT'S REPRESENTATIVE  
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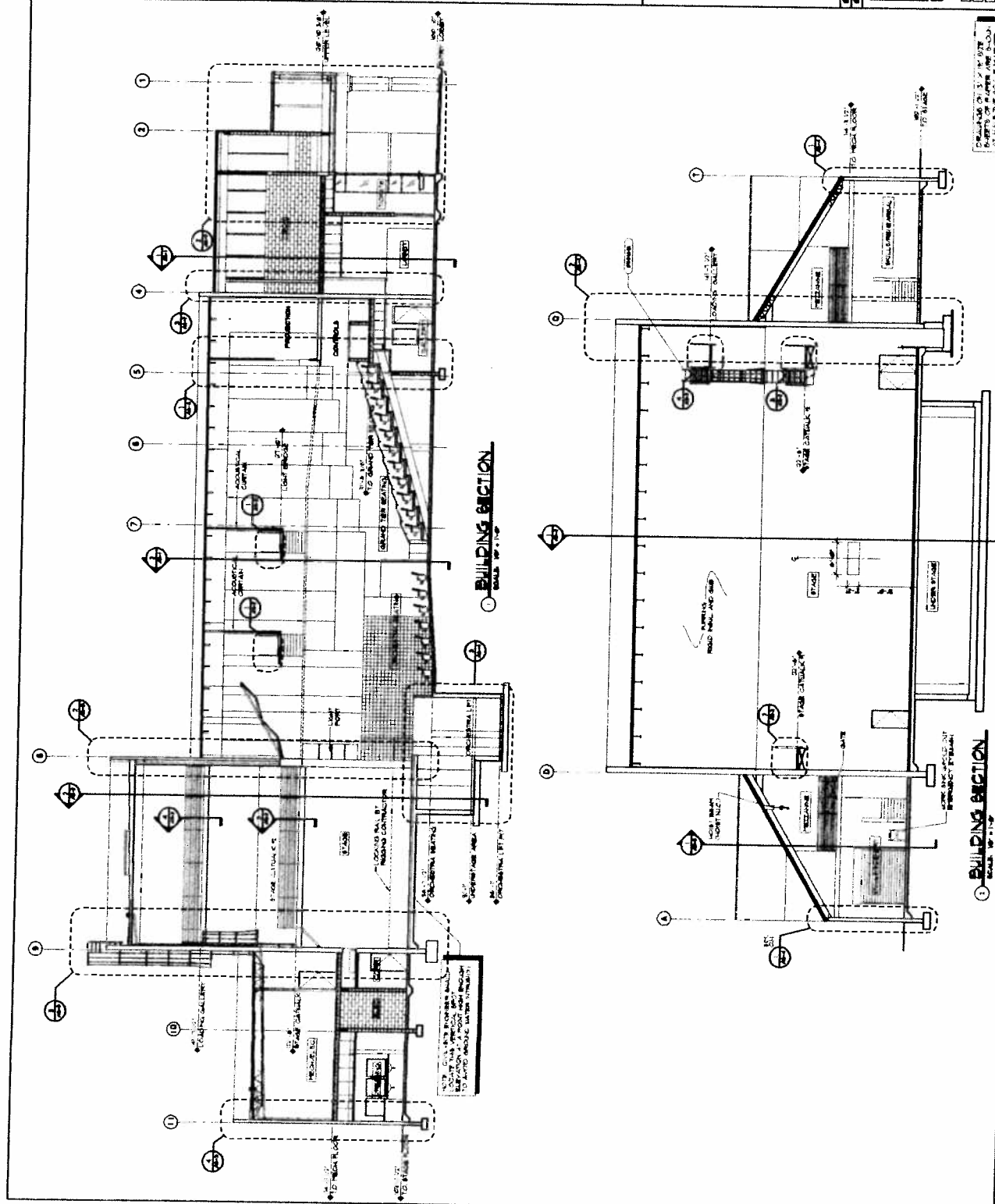
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