



From: SwimTech Gainesville
7010 NW 23rd Way B
Gainesville, FL

To: City of Gainesville Planning Department
Date: May 12th, 2022

RE: Permit Application BP-21-07737

Swim Tech Gainesville, LLC, is a business rightly classified as a “private club,” with meaningful conditions for membership, with operations controlled by the membership, and with a facility and activities open only to members and not to the public. This classification is established under the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)), and exempts Swim Tech Gainesville from accessibility requirements under the Americans with Disabilities Act Title III, prohibiting discrimination on the basis of disability in the activities of places of public accommodations.

Josh Schorr, Accessibility Specialist with the federal U.S. Access Board, has provided us with documentation (attached) indicating that Swim Tech Gainesville does not fall within the definition of a place of public accommodation as defined by the ADA and supporting its classification as an exempt private club. The following considerations have been established as the justification for classification as a private club:

- **The degree to which members control club operations**

Owners of the Swim Tech Gainesville are members and control club operations, membership, and facility access.

- **The selectivity of the membership process**

Swim Tech Gainesville is highly selective and only offers membership to only elite athletes, or those athletes wishing to obtain elite athlete status. Users of the facility must also be members of USA Swimming, USA Water Polo, USA Triathlon, or US Masters Swimming. Staff must also be members of one or more of these organizations.

- **Whether substantial membership fees are charged**

Swim Tech Gainesville does charge substantial membership fees for the elite training options at the facility.

- **Whether the organization is operated on a nonprofit basis**

Swim Tech Gainesville operates on a for-profit basis.

- **To what extent the facilities are open to the public**

Swim Tech Gainesville operates exclusively as a private facility that is only open to its membership, not open to the public, and does not host events that would be open to the general public.

- **To what extent the club receives public funding**

Swim Tech Gainesville receives no public funding.

- **Whether the club was created specifically to avoid compliance with civil rights laws**

Swim Tech Gainesville was created as a facility to train elite athletes who compete in aquatic sports in Gainesville, with coaching provided to members in a one-on-one (spa) or small-group (gym) setting, by appointment only. From its inception, Swim Tech Gainesville has always been a member-only facility with no access for the general public.

Swim Tech Gainesville has already received variances from the Florida Department of Health specifically because the spa and facility are not open to the public; a condition of this variance is that users can only be in the spa and facility when a certified coach is present, which is the model. A pool lift is present at the facility if a member did need assistance in and out of the pool.

Thank you for your time and consideration,

-David Huelsman
352-358-4272

References:

Josh Schorr (He/Him/His)
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