

BREVARD HIGH SCHOOL CCC AUDITORIUM

Issue: Vertical accessibility to all rows of seats in a high school auditorium.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a new, 869 seat auditorium. 15 wheelchair seating locations at the front and rear of the facility are planned, but not all accessible seating areas have an adjacent companion seat. Some accessible seats are also placed on the ends of the rows. No estimates have been provided as the applicant contends it is technically infeasible to make all rows accessible.

Project Progress:

The project is under construction.

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 Brevard County High School CCC (Auditorium 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

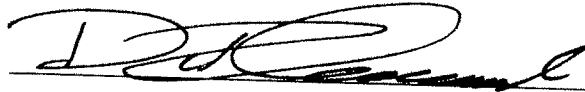
Owner's Name: Dane Theodore, A.I.A. Director of facilities management services
School Board of Brevard County

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 Auditorium building will be part of a new high school campus to be constructed in Palm Bay, Florida. The house will seat 869 patrons. The building is one floor with seating on a dished or sloped floor.

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

The construction cost for the entire high school campus is \$65,650,000. The cost of the Auditorium 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 the Auditorium 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.

We do not believe that this type of construction (accessible seating in every isle of an Auditorium) was contemplated by the legislation in the drafting and implementation of the law for vertical accessibility. The statute itself would impose a hardship on the applicant that is unique to this situation and more specifically its user. The Florida Building Code, in section 11-4.33.3 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.” Under the Exception in the same section it also states: “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.” It is financially impracticable to provide vertical accessibility to every aisle of seating in the Auditorium. With this in mind we have worked toward providing dispersed accessible seating in the front and rear areas of the Auditorium per FBC section 11-4.33.3 and its exception. 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.

This is due to the costs that would be required by the accessible design requirements of the FACBC and the ADA. In addition, the Auditorium would have to be much larger to accommodate the same number of seats, further increasing the construction cost.

[] 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.

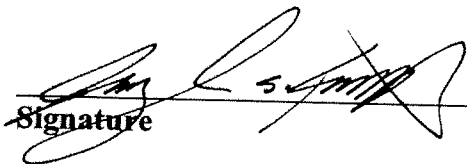
a. _____

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. We believe that this project would qualify 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, 20 08


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 accessibility to all levels. Under this situation, it is neither 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 Approval

Jurisdiction

School Board of Brevard County

Building Official or Designee

David W. Sterphone
Signature

David W. Sterphone
Printed Name

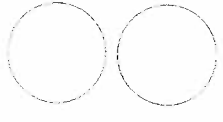
BU 518
Certification Number

(321) 617-7792
Telephone/FAX

Address:

1254 South Florida Avenue, Rockledge, FL 32955

ARCHITECTURAL
SITE PLAN



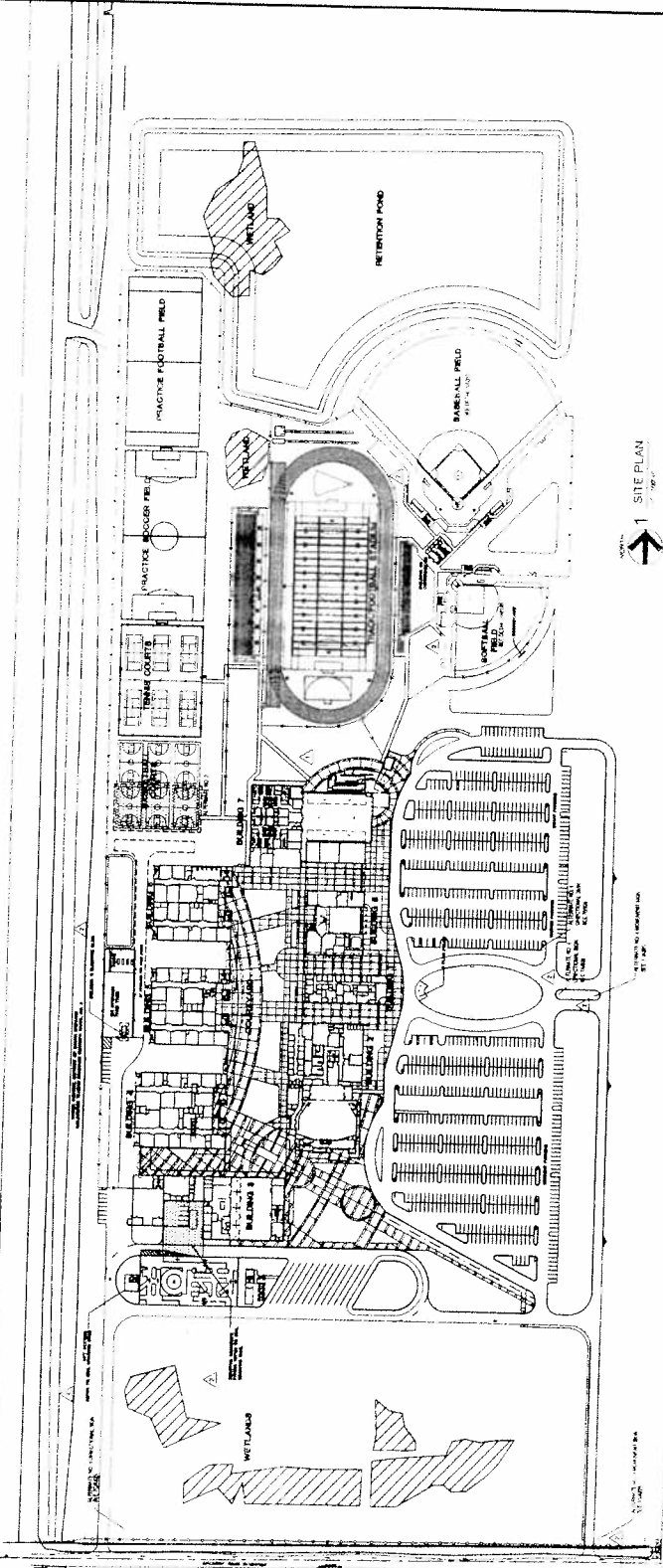
Brevard
High School
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Palm Bay,
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of Brevard County

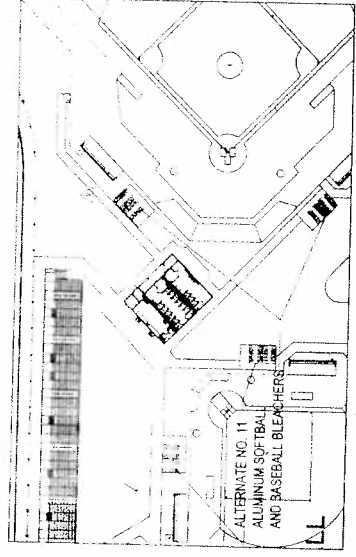
ARCHITECTURAL
SITE PLAN

ARCHITECTURAL
SITE PLAN

A010



1 SITE PLAN



2 ALTERNATE #11

SCHENKEL SPRLTZ
 ARCHITECTS
 200 West Orange Ave.
 Suite 300
 Winter, FL 32787
 Phone: 407.571.2322
 Fax: 407.571.2323
 www.schenkel-sprltz.com



Brevard
 High School
 CCC
 Palm Bay,
 Florida

for the School District
 of Brevard County

- A. 850' x 125'
- B. 850' x 125'
- C. 850' x 125'
- D. 850' x 125'

Project: Cultural/Auditorium
 Building No. 2
 FLOOR PLAN

A121

Code Compliance Office
 Palm Bay, Florida

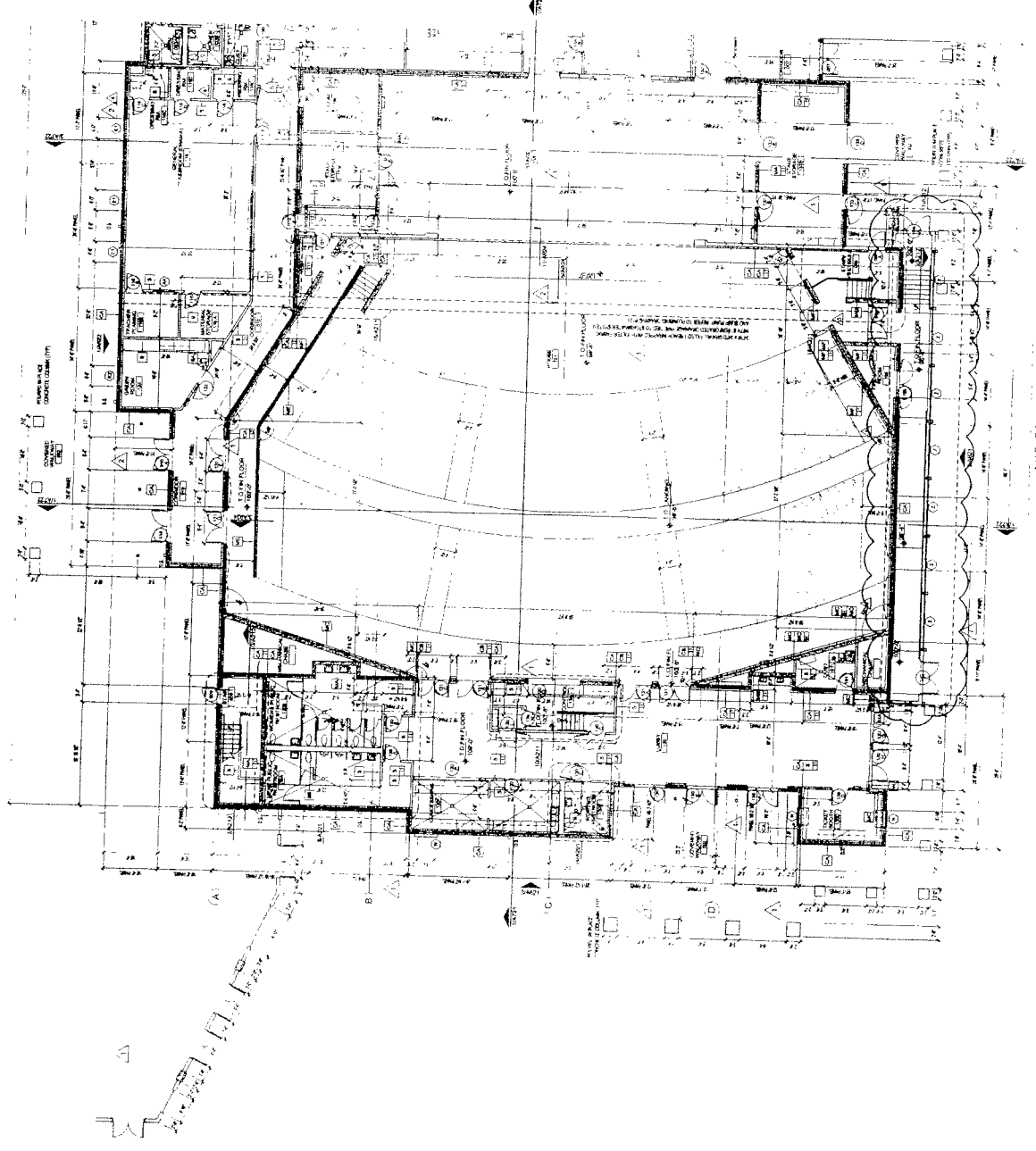
Approved For: [Signature]
 Date: [Date]

Reviewed By: [Signature]
 Date: [Date]



MUSIC/GUIDANCE/AUDITORIUM
 BUILDING NO. 2 - FLOOR PLAN

↑ NORTH
 ↑ KEY PLAN



AUDITORIUM
 ACCESSIBLE SEATING TABULATION

SEATING	100%
STAIRS	100%
TOTAL ACCESSIBLE SEATING	100%

SCHMELSHULZ
 ARCHITECTS
 100 West Orange Ave.
 Suite 1000
 Orlando, FL 32801
 407.841.1200
 www.schmelshulz.com

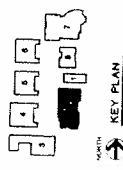


Brevard
 High School
 CCC
 Palm Bay,
 Florida

for the School District
 of Brevard County

City of Brevard
 Planning & Development
 1000 North US Highway 1
 Palm Bay, FL 32909
 321.329.2000

Scale: 1/8" = 1'-0"
 1/4" = 1'-0"



BUILDING SECTIONS
BUILDING NO. 2
A721

