

FIU PG5 CLASSROOM

Issue: Vertical accessibility to all rows of seats in two tiered classrooms.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in two new classrooms with 120 and 144 seats respectively. The front portion of the classroom, as well as the first level, are accessible. The students' work tables are fixed, but all seats are movable, so a wheelchair user could be accommodated anywhere in these areas. No estimates were submitted for the cost to provide vertical accessibility to all rows, since the applicant's position is that an unreasonable amount of floor space would be necessary, which would detract from the number of potential students served.

Project Progress:

The project is under design and construction.

Items to be Waived:

Vertical accessibility to all tiers 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: FIU PG5 / Classroom Fit-out

Address: Modesto A. Maidique Campus Miami, Florida

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: Pierce Goodwin Alexander & Linville (PGAL)

Applicant's Address: 791 Park of Commerce Blvd., Suite 400, Boca Raton, FL 33487

Applicant's Telephone: 561-988-4002 **FAX:** 561-988-3002

Applicant's E-mail Address: bphillips@pgal.com

Relationship to Owner: Architect

Owner's Name: Florida International University

Owner's Address: 11555 S.W. 17th Street CSC 251, Miami, FL 33199

Owner's Telephone: 305-348-4036 **FAX:** 305-348-4010

Owner's E-mail Address: delyadoa@fiu.edu

Signature of Owner:  2-22-10

Contact Person: Bruno Phillips, PGAL

Contact Person's Telephone: 561-988-4002 **E-mail Address:** bphillips@pgal.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.)

This classroom fit out project is located adjacent to the retail area of the Parking Garage 5 / Retail / Public Safety building, currently under construction, and located on the northeast side of the Modesto A. Maidique campus. The program will require approximately 10,200 gross square feet of classroom and support space. There will be three classrooms located only at ground level of the facility. Classroom 1 will be approximately 2,400 SF and seat up to 120 students on built-in tiered platforms. Classroom 2 will be approximately 3,100 SF and seat up to 144 students on built-in tiered platforms. Classroom 3 will be approximately 2,600 SF and seat up to 96 students in a flat-floor configuration. Universal design principles will be incorporated into the classroom spaces to maximize access to all persons. All entry levels to the classrooms are at grade. To support these facilities, mechanical, electrical and IT services, storage, and a video monitoring room will be required. There are also restrooms available to accommodate a physically challenged person in accordance with the Florida Accessibility Code.

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

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.

We are requesting a waiver for Vertical Accessibility to tiered levels within two spaces of the classroom project, which consist of one 144-seat and one 120-seat classroom with fixed tables. Both classrooms provide designated seats for people with disabilities, meeting Florida Accessibility Code section 11-4.33.3, Placement of Wheelchair Locations in Assembly Areas. Providing access and wheelchair seating to all tiered levels within these two classrooms, through

an accessible ramp or lift, would greatly reduce the floor area available for seating; would compromise sightlines of all the audience participants and the presentation at the front of the rooms and effect the demonstration and teaching environment.

Therefore, an efficient mode of compliance within the existing building cannot be found without impacting cost and the functional requirements of the two classrooms. We are bringing this issue to the Commission at this time because only the Commission can waive the Florida-Specific requirement.

7. Requirements requested to be waived. Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue

1: Florida Building Code Section 11-4.1.3 Paragraph 5 Vertical Accessibility

Issue

2: _____

Issue

3: _____

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 two tiered classrooms contain multiple rows of movable seats at fixed tables. The tiered classroom design responds to the student's ability to interact with the professor and the presentation of technology at the front of the room. The 7" maximum stepped tiers allow easy visibility, in both directions, from the presenter to the students and from the students to the presenter. Wheelchair seating can be accommodated at grade and at the first tier. Due to the use of movable seats and compliant fixed tables, the location of wheelchair is flexible within these two areas and can accommodate more than the required minimum percentage. Moreover, using a large accessible ramp, at a slope of 1:12, or lift to provide seating at varying heights will greatly

reduce the floor area available for seating; would compromise sightlines of audience participants and the presentation at the front of the rooms and ultimately effect the demonstration and teaching environment.

With the exception of some tiered rows of seating in these two classrooms due to the special requirements of the teaching and the building environment, we believe that the overall intent of FBC 11-4.1.3 (5) , providing vertical accessibility to all levels within the facility, has been achieved.

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

[] 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.

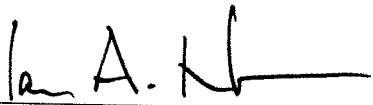
a. _____

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.

We have strived to provide equal access to all visitors, staff and students at this facility and meet the requirements and intent of the Florida Accessibility Code. We are requesting a waiver for Florida specific requirements 11-4.1.3 paragraph 5 Vertical Accessibility, which stipulates that "Vertical accessibility shall be provided to all levels above and below the occupiable grade level, regardless of whether the code requires an elevator to be installed in such a building, structure or facility...". We are providing accessibility to all building entries, all levels and all public and staff occupiable spaces. However, providing access and wheelchair seating to the intermediate tiered levels, within these two classrooms, through an accessible ramp or lifts would greatly reduce the floor area available for seating, and would compromise sightlines between the audience participants and the presentation at the front of the room. We cannot find an efficient mode of compliance that would not cause prohibitive space reductions. Therefore, we are requesting a waiver for Vertical Accessibility to tiered levels within the 144-seat and the 120-seat classroom with fixed tables and movable chairs. Both classrooms provide designated seats for people with disabilities meeting and exceeding Florida Accessibility Code section 11-4.33.3, Placement of Wheelchair Locations in Assembly areas.



Signature

IAN A. NESTLER

Printed Name

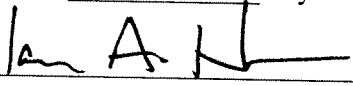
Phone number 561-988-4002

(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 22ND day of FEBRUARY, 2010


Signature

IAN A. NESTLER
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. This issue is being referred to the Florida Building Commission for waiver consideration of vertical accessibility to all levels above and below the occupiable grade level (FB Sec. 11-4.1.3) for the tiered classrooms indicated in the submitted plans.

b. _____

c. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

[] Yes [X] No Cost of Construction _____

Comments/Recommendation: It is recommended that a waiver be granted. Seating configuration is specific to the teaching method. Due to the required seating accommodation it would be impractical to provide accessibility to all tiered seating levels. Classrooms provide accessible seating locations at different lines of sight.

Jurisdiction: Florida International University

Building Official or Designee

Signature

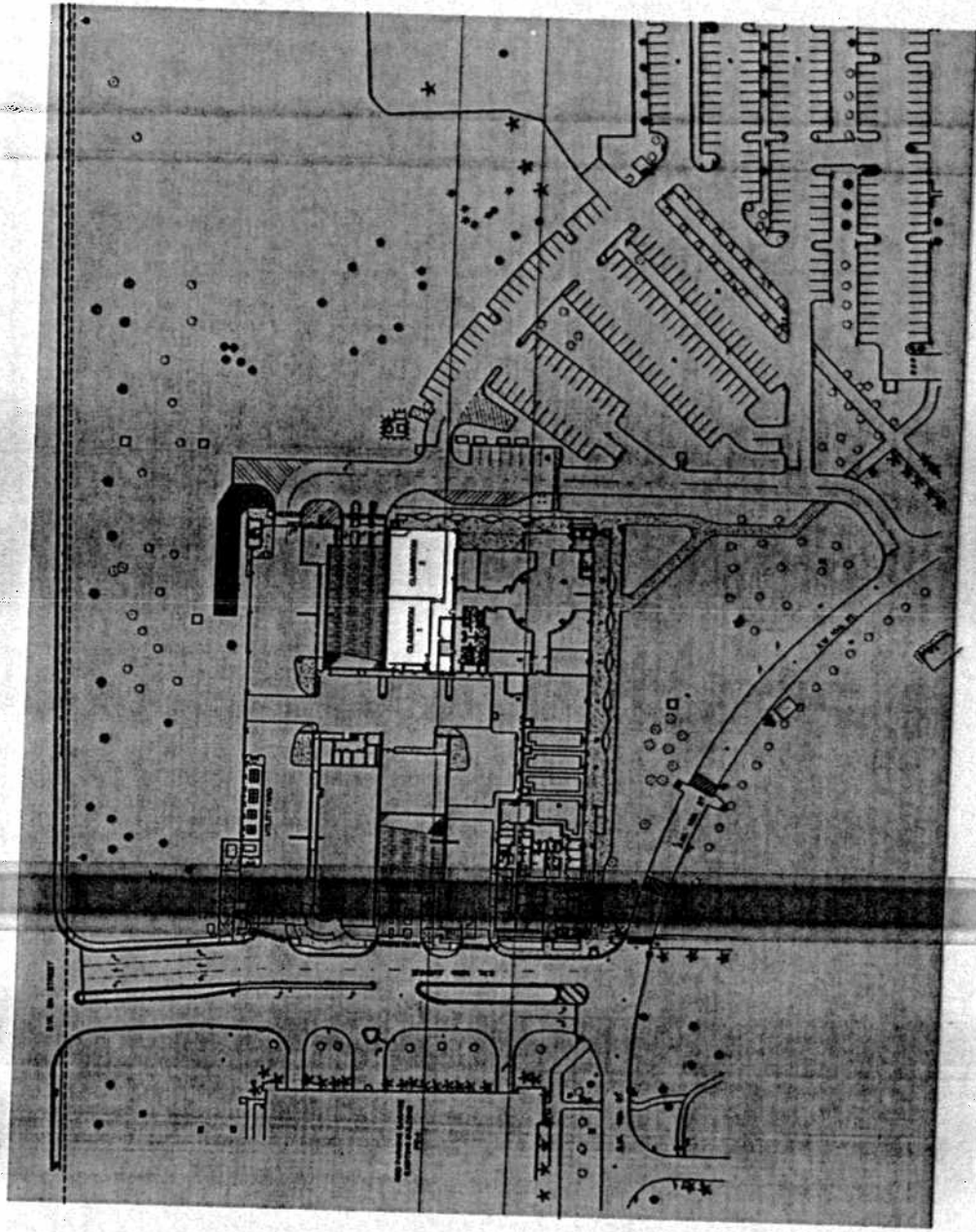
Printed Name

Certification Number

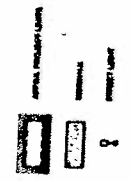
Telephone/FAX

Address:

1555 SW 17 STREET, MMC CSC 142A
MIAMI, FL. 33199

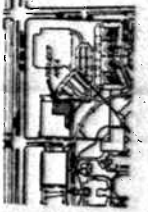


OVERALL SITE PLAN



LEGEND

1" = 30'



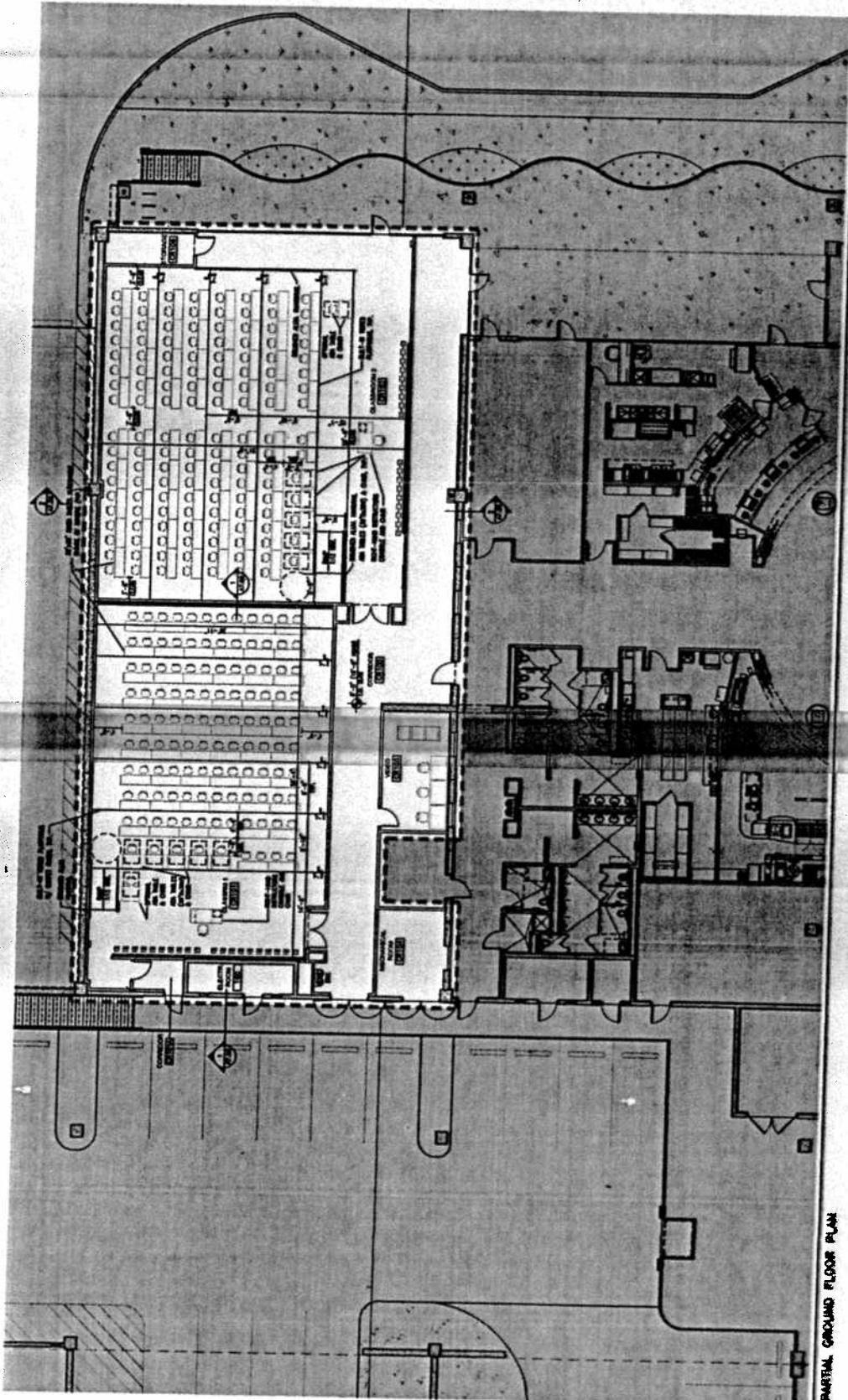
PROJECT LOCATION

N.T.S.

GENERAL NOTES

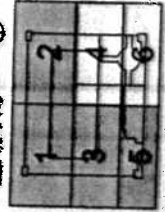
ORIGINAL
SITE PLAN

A1.00



PARTIAL GROUND FLOOR PLAN

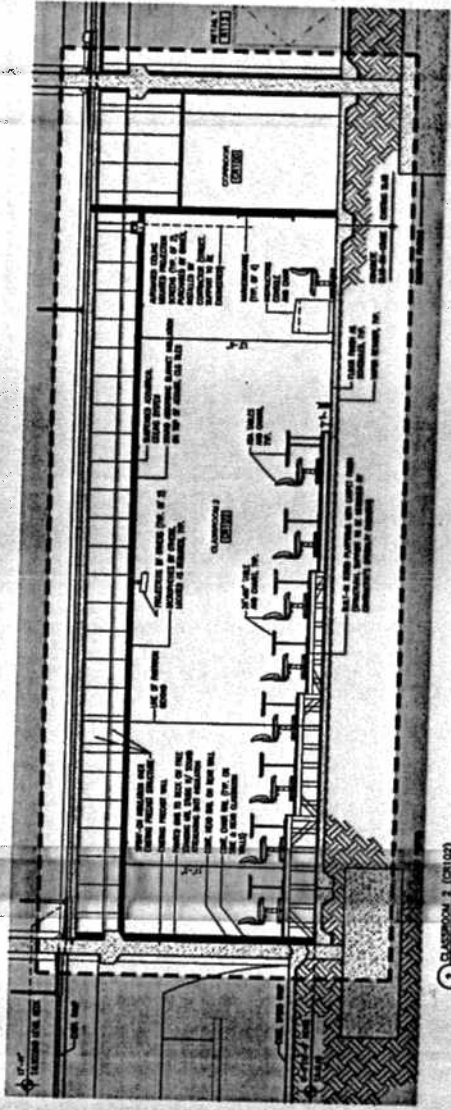
- LEGEND**
- EXISTING STRUCTURE
 - PROPOSED STRUCTURE
 - PARKING SPACE
 - PARKING GARAGE



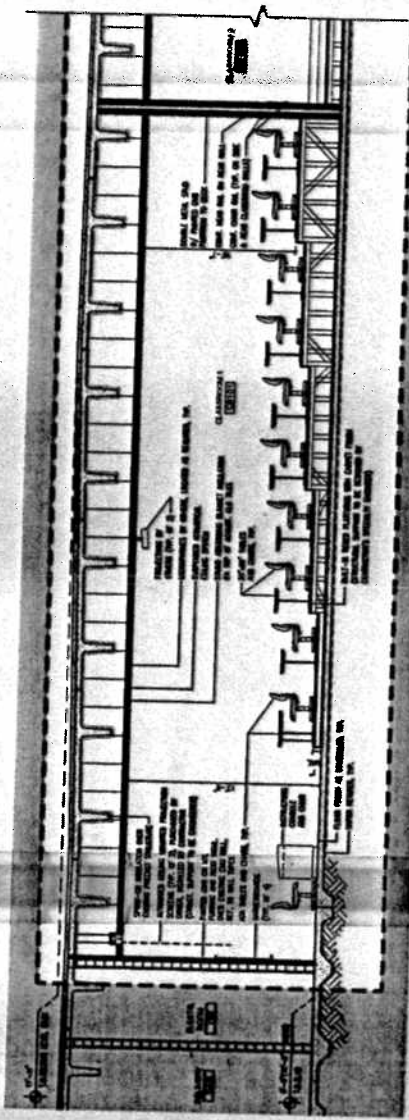
KEY PLAN

GENERAL NOTES

M.T.S.



CLASSROOM 2 (C2102)



CLASSROOM 1 (C2101)

CLASSROOMS 1 AND 2 SECTIONS



LEGEND

GENERAL NOTES

PROJECT LOCATION

N.T.S.

