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: Hollywood Public Safety Complex

Address: 707 South Ocean Drive, Hollywood Beach, 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: Larry M. Schneider, AIA

Applicant's Address: 4905 Midtown Lane - Suite 2313, Palm Beach Gardens, Florida 33418

Applicant's Telephone: <u>561-7996942</u> **FAX**: <u>561-7996943</u>

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

Relationship to Owner: Accessibility Consultant

Owner's Name: City of Hollywood c/o Bob Wertz

Owner's Address: 1621 North 14th Avenue, Hollywood, Florida 33022

Owner's Telephone: <u>954-9213930</u> FAX <u>954-9213491</u>

Owner's E-mail Address: BWERTZ@hollywoodfl.org

Signature of Owner:

Contact Person: Larry M. Schneider AIA

Contact Person's Telephone: 561-7996942 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:
[X] 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 project is a new Public Safety Complex/Fire Station for the City of Hollywood, Florida.
5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): <u>\$ Estimated Project Budget is \$ 7,000,000.00</u>
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 [X] Completed*
* Briefly explain why the request has now been referred to the Commission. The building department is questioning the issue of providing vertical accessibility to the apparatus bay.
7 Requirements requested to be waived. Please reference the applicable section of Florida

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.

[X] 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. Furthermore Florida State Statutes, section 553.512 states that the Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted.

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

The issue of providing vertical accessibility to the apparatus bay is technically infeasible and an undue hardship due to the following issues of meeting the required FEMA flood plain floor level criteria - The Hollywood Beach Public Safety Complex is located in an area that is subject to coastal storm surge and or flooding. Per FEMA requirements, habitable areas (floors) for new construction must begin above the established flood plain level. The existing street (grade) average elevation is 3.34' NGVD; The parking garage floor elevation is 5.20' NGVD and the floor elevation of the apparatus bay is 9.20' NGVD, which was determined per the requirements of the FEMA (Federal Emergency Management Agency) National Flood Insurance Program (Zone AE, BFE = 9.00). Because of the extremely tight site constraints, building access restrictions and the floor level flood elevation requirements access to a non-public accommodation area; the apparatus bay level would be an extreme hardship.

[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.

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.

<u>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 due to the applicable FEMA requirements for this project. We concur with the reasoning as so stated under item 8 and as outlined in our correspondence of August 20, 2012.</u>

Signature

Anderson W. Slocombe, AIA
Printed Name

Phone number: (561) 904 7503 (**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 August, 2012

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.



August 20, 2012

Department of Business and Professional Regulations Building Codes and Standards 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

Re:

Hollywood Beach Public Safety Complex - ADA Access to Apparatus bay

To whom it may concern:

This letter is in response to a question raised by the local AHJ regarding accessibility access to the Apparatus Bay floor level of the above referenced building and a request for a waiver to this area from Florida State Statute 553.509.

As designed, the Hollywood Beach Public Safety Complex project is designed to meet all aspects of the Florida Accessibility Code except for providing vertical accessibility to the Apparatus Bay. Access is provided to the first floor level main lobby entry area, the parking level and providing elevator access to the facilities second floor operations level.

The apparatus Bay of this fire station is not considered a place of public accommodation. It is our understanding that the apparatus bay at this facility will not be used for any public activities

The Hollywood Beach Public Safety Complex is located in an area that is subject to coastal storm surge and or flooding. Per FEMA requirements, habitable areas (floors) for new construction must begin above the established flood plain level. The existing street (grade) average elevation is 3.34' NGVD; The parking garage floor elevation is 5.20' NGVD and the floor elevation of the apparatus bay is 9.20' NGVD, which was determined per the requirements of the FEMA (Federal Emergency Management Agency) National Flood Insurance Program (Zone AE, BFE = 9.00). Because of the extremely tight site constraints, building access restrictions and the floor level flood elevation requirements, the apparatus bay level cannot be accessed by a pedestrian ramp meeting the applicable slope requirements for a ramp.

Thank you for your consideration in this matter.

Anderson Slocombe, AIA, NCARB Project Manager

Bob Wertz, Project Manager - City of Hollywood

Eric Busenbarrick, Fire Rescue Division Chief

Steve Groh, Architect/Project Manager - City of Hollywood. Scott Larson, Project Manager - Kaufman Lynn Construction

Thomas Orlowski, Vice President - CH2MHILL



April 20, 2012

Virgil Fernandez, Fire Chief City of Hollywood Department of Fire, Rescue and beach Safety 2741 Sterling Road Hollywood, FL 33312-6505

Re: Hollywood Beach Public Safety Complex - ADA Access to Apparatus bay

Dear Chief Fernandez:

This letter is in response to a question being raised regarding ADA access to the Apparatus Bay of the above referenced building.

Please note that this project is designed to meet all aspects of the Florida Accessibility Code, except for wheelchair access to the Apparatus Bay level. The apparatus Bay of a fire station is not generally considered a place for public accommodation. It is our understanding that the apparatus bay at this facility will not be used for public activities, i.e., tours, voting precinct, etc. Any public activities requiring the use of an apparatus bay will be accommodated at another

racinty. As designed, the Hollywood Beach Public Safety Complex has ADA access to the first floor level main lobby and parking level and elevator access to the entire second floor operations level, but not to the apparatus bay level due to flood plain floor elevation level requirements.

Based on the current floor elevation of the apparatus bay, which was set per the code requirements for minimum flood plain floor elevations, tight site constraints and building access restrictions, the apparatus bay level cannot be accessed by pedestrian ramps meeting maximum

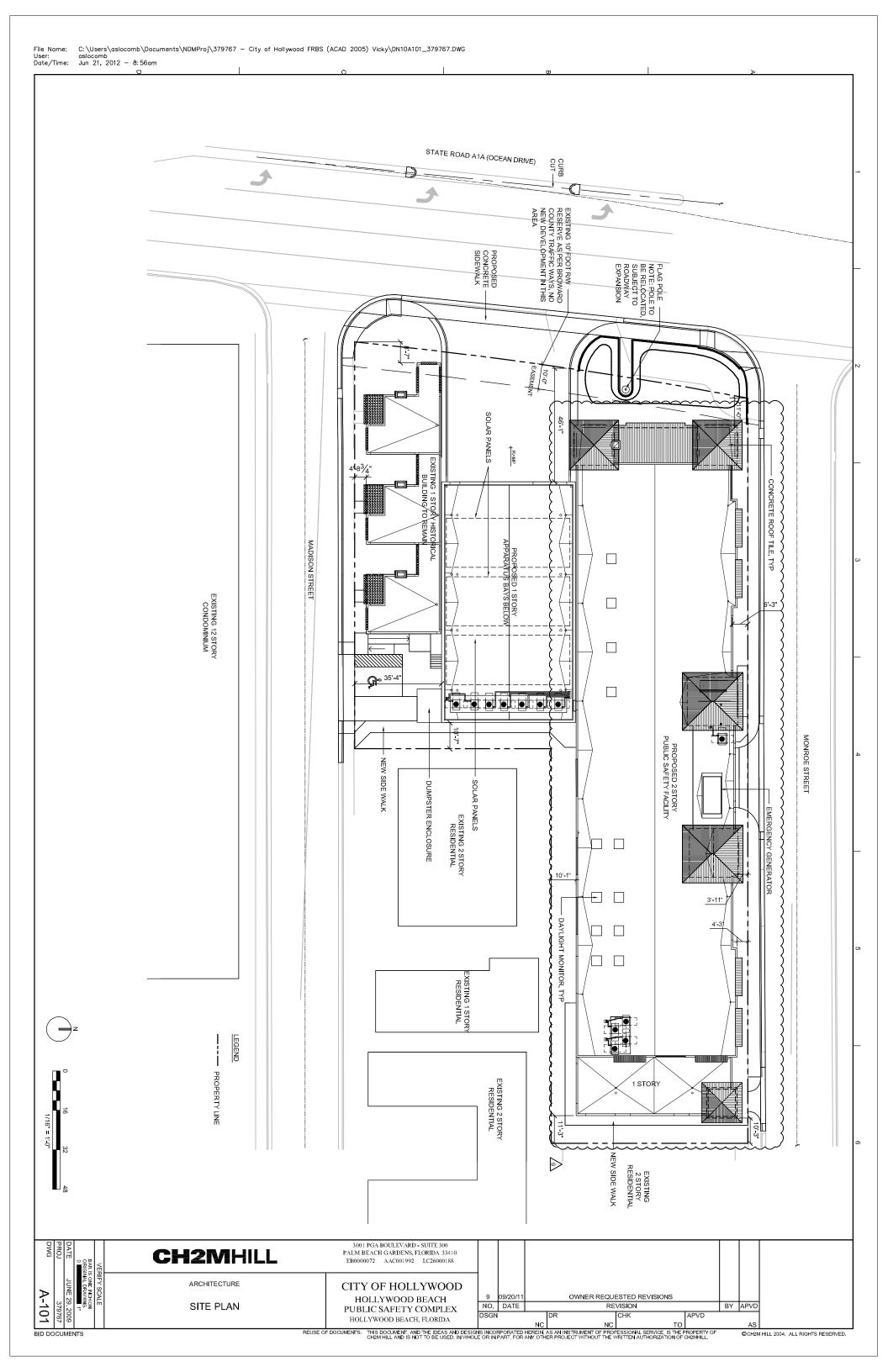
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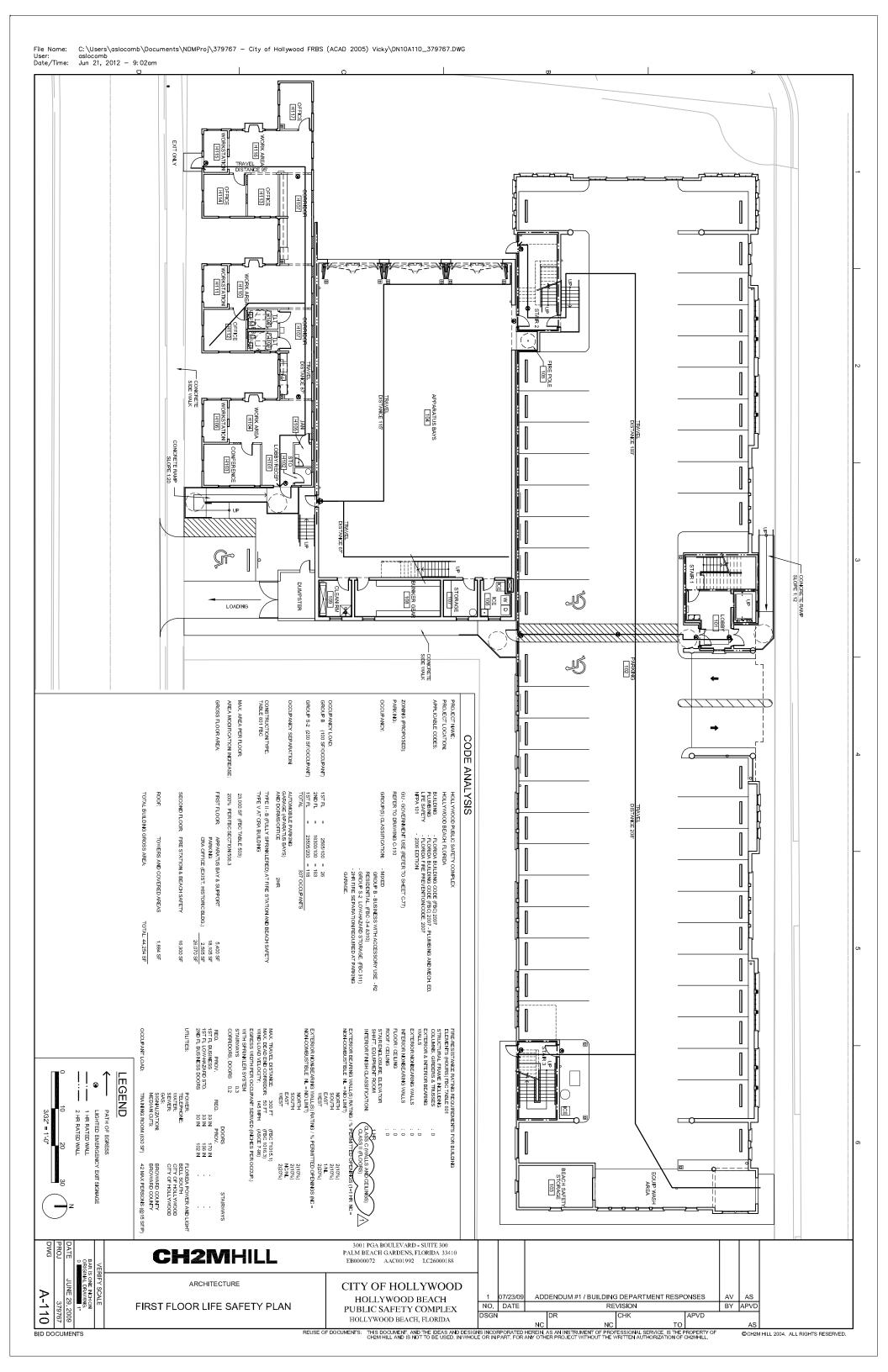
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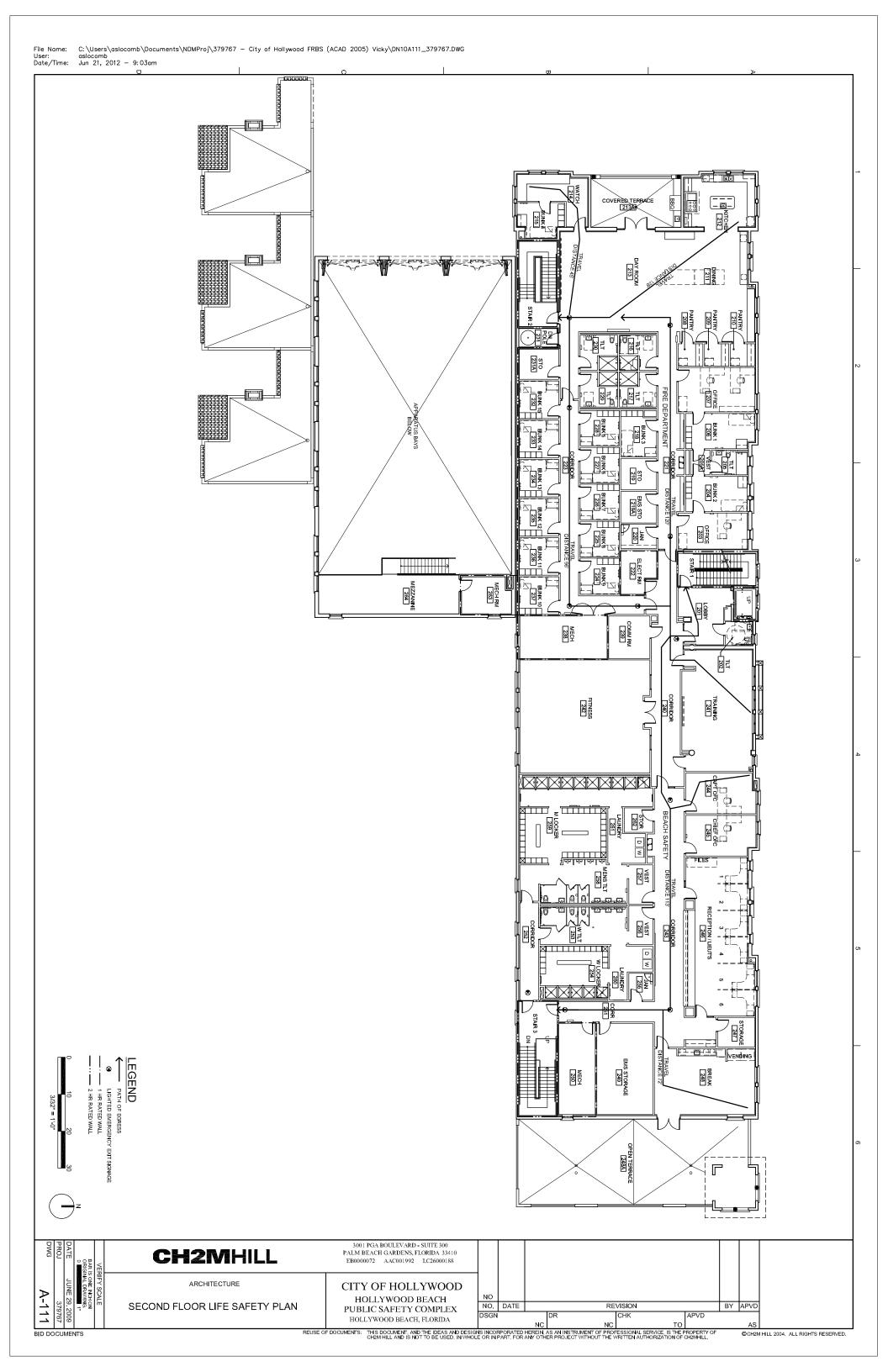
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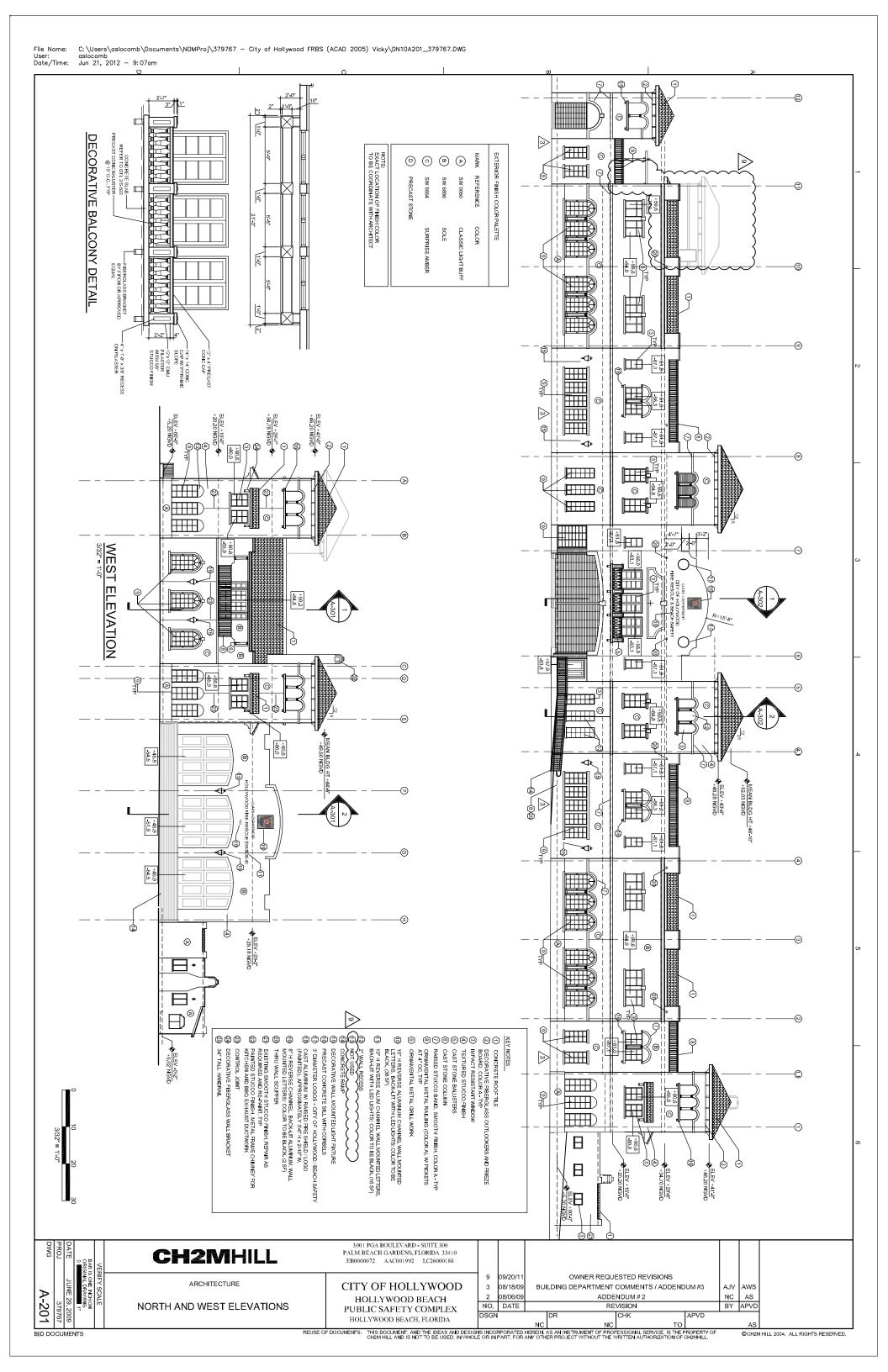
Anderson slocombe, AIA, NCARB Project Manager

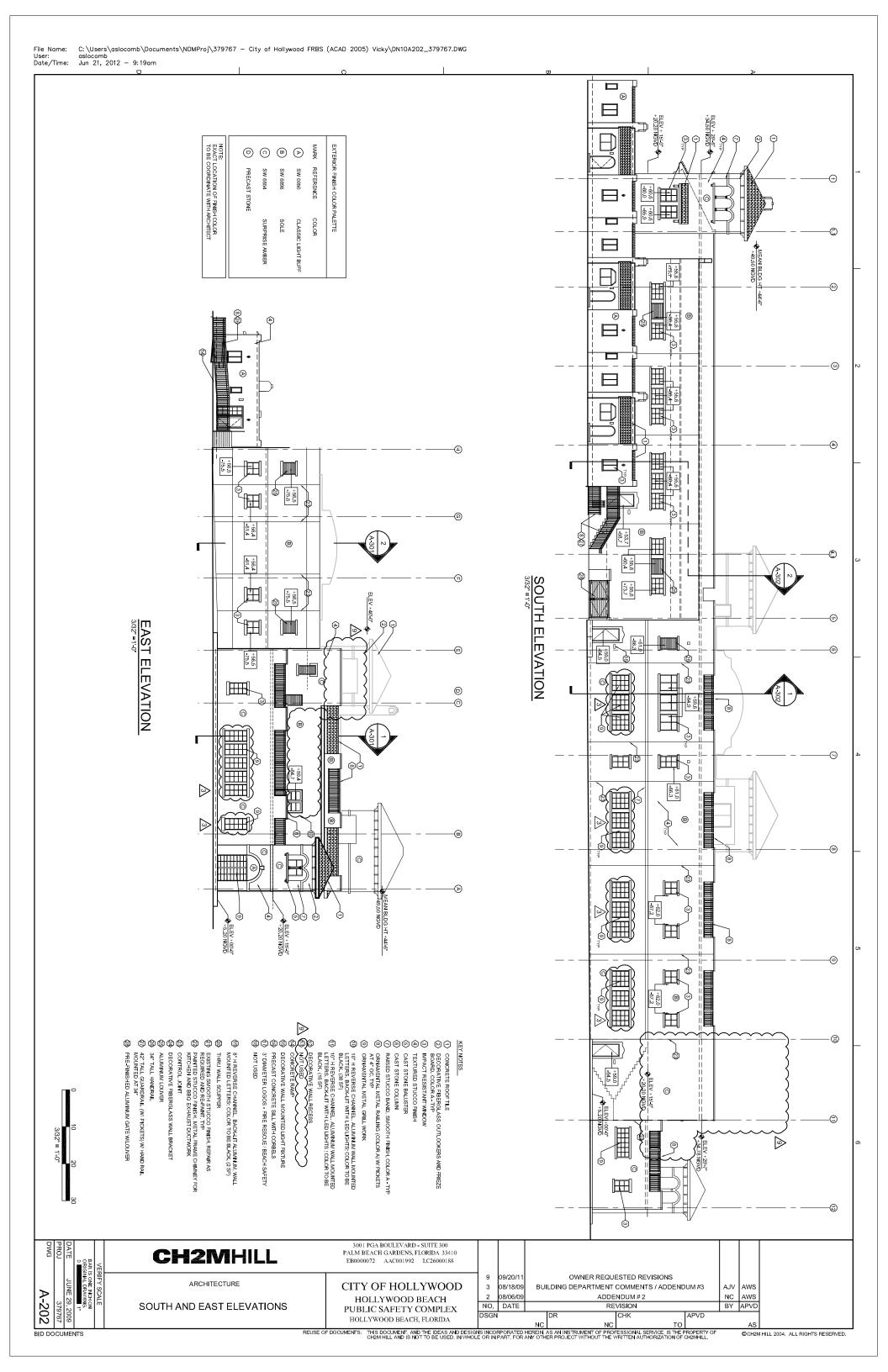
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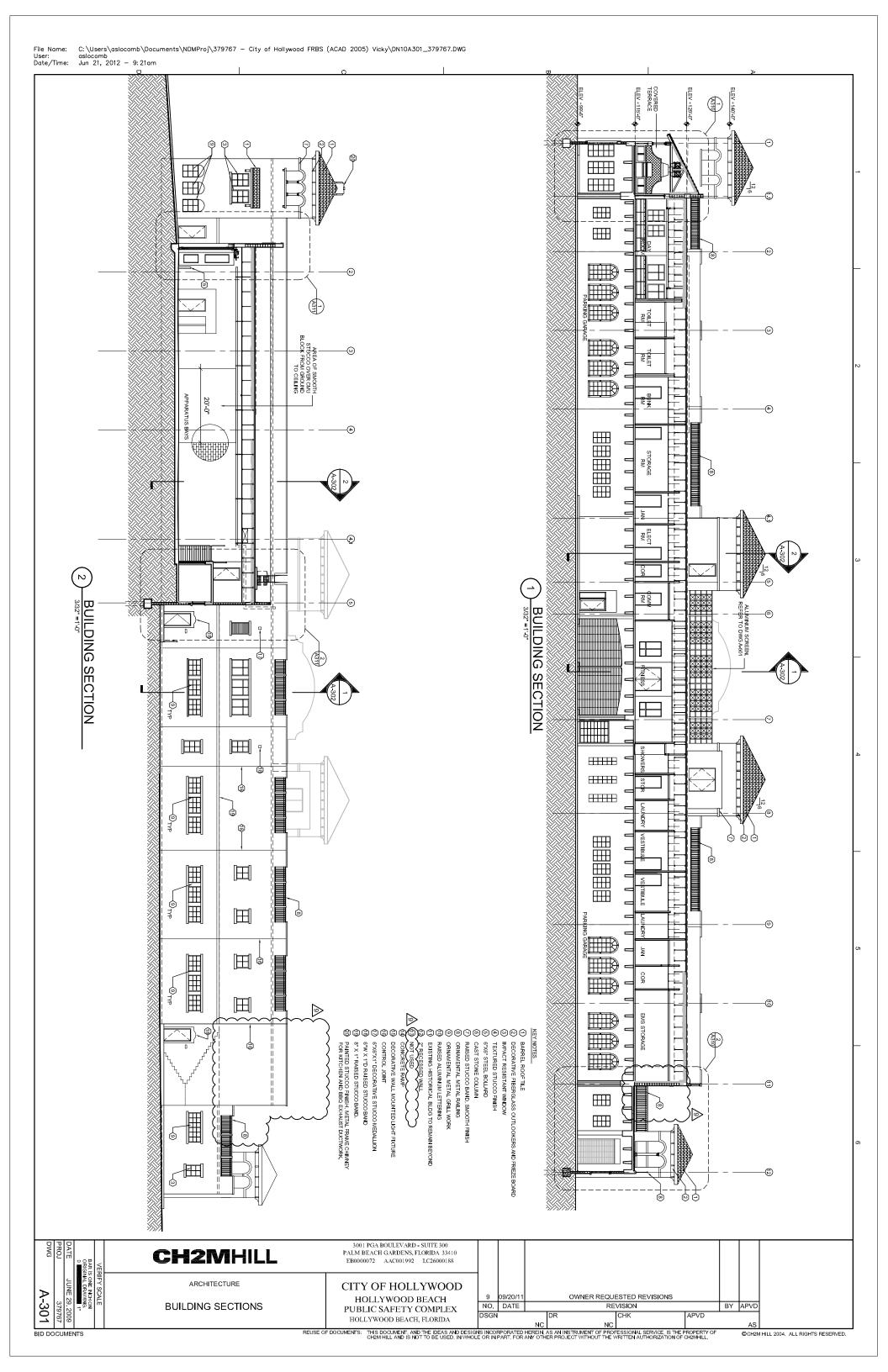


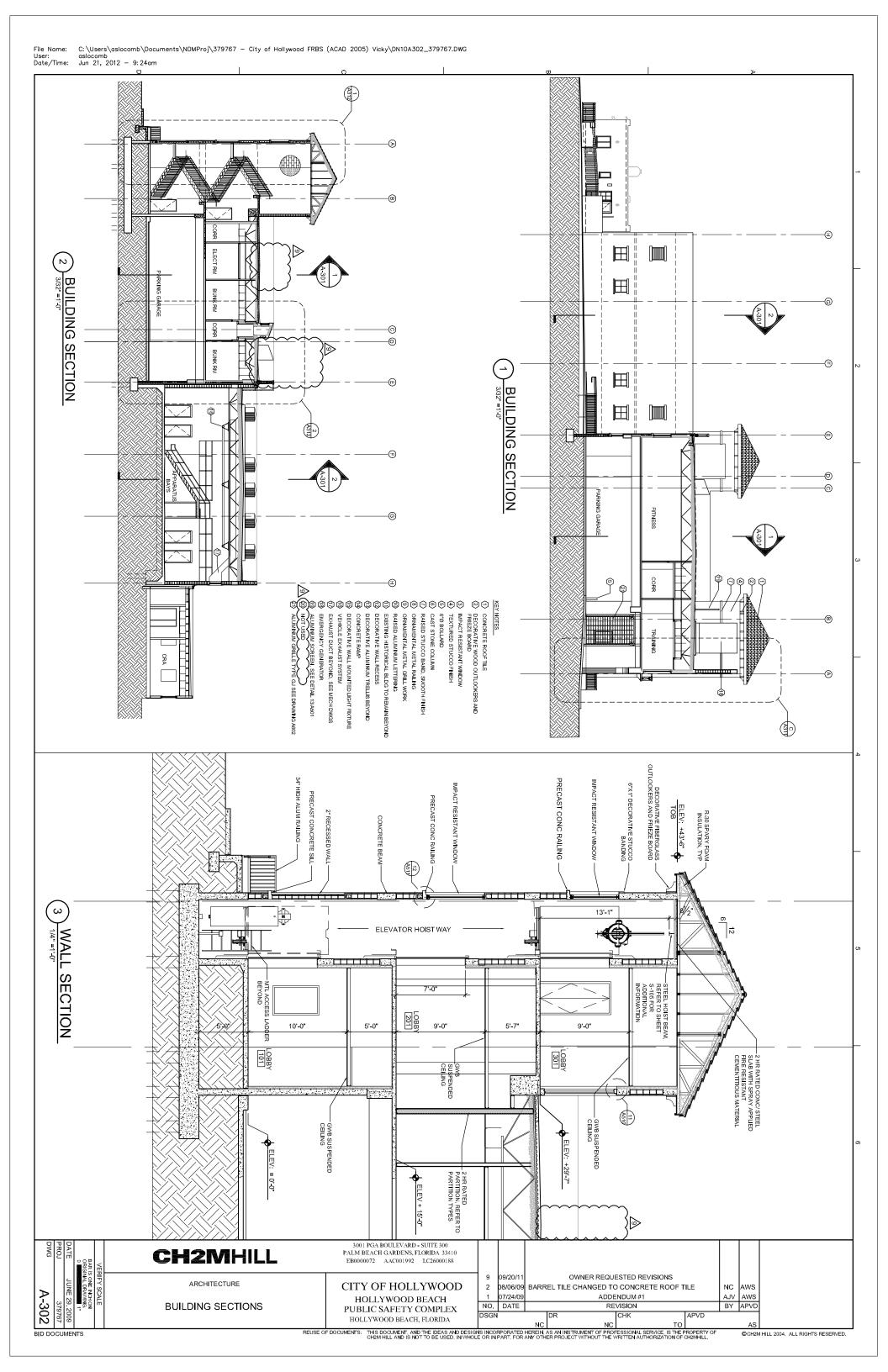
















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