



# CITY of HOLLYWOOD, FLORIDA

September 10, 2007

Paula Ford, Clerk for the Florida Building Commission  
 c/o Mo Madani, Planning Manager  
**FLORIDA BUILDING COMMISSION**  
 Florida Department of Community Affairs  
 Division of Housing and Community Development  
 Building Codes and Standards  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100

*DECLARATORY-DEC-179*  
**FILING AND ACKNOWLEDGEMENT**  
 FILED, on this date, with the designated  
 Clerk, receipt of which is hereby  
 acknowledged.

*Paula P. Ford 9/10/07*  
 Paula P. Ford  
 Commission Clerk  
 Date

**RE: PETITION FOR DECLARATORY STATEMENT BEFORE THE FLORIDA BUILDING COMMISSION RELATIVE TO SECTION 3109 OF THE FLORIDA BUILDING CODE**

Dear Mr. Madani:

On behalf of the City of Hollywood ("City"), I wish to thank you and the other staff members of the Florida Building Commission (the "Commission") for taking the time to meet with representatives of the City recently to discuss a proposed development of City-owned property on the beach and landside of the City's Historic Broadwalk. As you are aware, the Broadwalk is a 2.5 mile pedestrian promenade lined with shops. In connection with that development, the City, on behalf of itself and the project development partner, Ocean Village at Hollywood Beach, LLC ("Ocean Village"), is writing at this time to Petition the Commission to request issuance of a declaratory statement as explained below.

Ocean Village has leased from the City, for a period of 99 years, property located on the southeast corner of the intersection of Johnson Street and Ocean Drive in Hollywood. Pursuant to the applicable agreements, Ocean Village will construct a hotel with amenities, which will include commercial uses in space that extends wholly or partially seaward of the coastal construction control line. It is the proposed commercial use of this space that causes us to seek a declaratory statement, as any restriction thereof would result in a project design that would be inconsistent with the aesthetic and functional goals of this pedestrian-oriented historic area.

The application of Section 3109 of the Florida Building Code ("FBC") for construction of habitable structures which extend wholly or partially seaward of a coastal construction control line allows for creation of a space located below the lowest structural

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(954) 921-3435 • Fax (954) 921-3081 • [www.hollywoodfl.org](http://www.hollywoodfl.org)

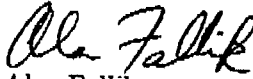
"An Equal Opportunity and Service Provider Agency"

Mo Madani  
 September 10, 2007  
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horizontal member (refer to Section 3109.3) and above the FEMA National Flood Insurance Program established base flood elevation (see enclosed diagram). This non-structural space may be fully enclosed following the provisions of Sections 3109.4.1 and 3109.4.2, FBC, which determine foundation and anchoring criteria and breakaway floor and wall construction criteria, respectively. As Section 3109, FBC, addresses structural design criteria only, we believe that commercial uses within this space would not be precluded under this code section, provided that the structure is built following the provisions listed above. The purpose of this letter is request a declaratory statement confirming that this interpretation is correct.

Thank you for your consideration of this request. I can be reached in association with this Petition at the letterhead address, via telephone at (954) 921-3435 or facsimile at (954) 921-3081.

Sincerely,

  
 Alan Fallik  
 Interim City Attorney

Enclosure

- cc: Cameron D. Benson, City Manager, City of Hollywood
- Gil Martinez, Executive Director, Hollywood Beach CRA
- Robert Rawls, Director, Building and Engineering Services, City of Hollywood
- Greg O'Hare, Chief Building Official, City of Hollywood
- Alan B. Koslow, Esq., Becker & Poliakoff, P.A.
- Bernard Zyscovich, AIA, Zyscovich, Inc.
- Christy J. Brush, Director, Coastal Systems International, Inc.
- Richard Dixon, DCA on behalf of the Commission
- Jim Richmond, Esq., Counsel for the Commission
- Mark Walsh, Ocean Village
- Billy Walsh, Ocean Village

**CITY OF HOLLYWOOD  
CITY ATTORNEY'S OFFICE**

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Hollywood, Florida 33020  
(954) 921-3435

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**\*\*\* FAX COVER SHEET \*\*\***

To: Paula Ford

Date: 9/10/07

Phone: \_\_\_\_\_

Fax No.: 850-414-8436

From: Alan Fallik

DOA07-DEC-199  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.  
Paula P. Ford 9/10/07  
Paula P. Ford  
Commission Clerk Date

Number of pages to follow: 3 (including cover)

Message: Please see attached Petition  
for Declaratory Statement

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL THIS OFFICE  
AS SOON AS POSSIBLE. THANK YOU.**