

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: Vapiano Restaurant
Address: 1221 Brickell Avenue
Miami, FL 33131

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: C. Chloe Keidaish, AIA
Applicant's Address: 3250 NE 1st Ave, Suite 305, Miami FL 33137
Applicant's Telephone: 305 439 3809 **FAX:** N/A
Applicant's E-mail Address: chloe@studioXarch.com
Relationship to Owner: Architect
Owner's Name: Vap Sunshine LLC
Owner's Address: 1470 Royal Palms Square Blvd, Fort Myers, FL 33913
Owner's Telephone: 239.939.2233 **FAX:** 239.939.0554
Owner's E-mail Address:
Signature of Owner: 
Contact Person: Todd Jarvis
Contact Person's Telephone: 703.371.1469 **E-mail Address:** t.jarvis@vapiano.com

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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 project is the interior fit-out of a new restaurant facility in an existing building located at 1221 Brickell Avenue in Miami, FL, 33131. The approximate total area of the restaurant interior is 5,308 SF, which includes 4,000 SF at the ground floor, 450 SF existing mezzanine, and a new mezzanine / second floor of 850 SF. The restaurant will provide a total of 258 seats – 226 of these seats will be located at ground level in an accessible space, and 32 seats will be provided in the existing mezzanine space.

A new mezzanine / second floor space will be constructed to provide a small office, a prep room, dry storage and an electrical room. The occupiable space is not open to the public and will house no more than 5 people.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): _____ \$800,000

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.

In a preliminary review of the Design Plans, the City of Miami Building Department has informed me that we will need to submit for a vertical accessibility waiver.

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

Issue

1: We are requesting a Vertical Accessibility Waiver for two mezzanine spaces in the restaurant. One mezzanine is an existing space and will be used for additional restaurant seating. The second mezzanine will be new construction and serves occupiable spaces that are not open to the public and house no more than 5 persons. The applicable code is listed below:

11-5.4 Dining areas. In new construction, all dining areas, including raised or sunken dining areas, loggias, and outdoor seating areas, shall be accessible. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and decor are provided in an accessible space usable by the general public and are not restricted to use by people with disabilities.

Exception: Nothing in this section shall be construed to relieve the owner of the duty to provide vertical accessibility to all levels above and below occupiable grade level, regardless of whether the code requires an elevator to be installed in such buildings, structures or facilities except: (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. Therefore, facilities subject to the ADA may be required to provide vertical access to areas otherwise exempt under Section 11-4.1.3(5), of the code.

11-4.1.3 Accessible buildings: new construction.

(5) One passenger elevator complying with Section 11-4.10 shall serve each level, including mezzanines, in all multistory buildings and facilities unless exempted below. If more than one elevator is provided, each full passenger elevator shall comply with Section 11-4.10.

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 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. However, as provided in Section 553.509, *Florida Statutes*, buildings, structures, and facilities must, at a minimum, comply with the requirements of ADAAG. Therefore, facilities subject to the ADA may be required to provide vertical access to areas otherwise exempt under Section 11-4.1.3(5)(3) of the code.

Exception 1: Elevators are not required in facilities that are less than three stories or that have less than 3,000 square feet (279 m²) per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider, or another type of facility as determined by the U.S. Attorney General. The elevator exemption set forth in this paragraph does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in Section 11-4.1.3. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then a toilet or bathing facility must be provided on the accessible ground floor. In new construction if a building or facility is eligible for this exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of Section 11-4.10 and shall serve each level in the building. A full passenger elevator that provides service from a garage to only one level of a building or facility is not required to serve other levels.

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 existing mezzanine space was originally built without an elevator and was previously used for restaurant seating by a former tenant. It would be awkward and difficult to provide an elevator for this space. The existing mezzanine space will provide only 32 of the 258 seats in the restaurant. The other 226 seats will be provided at ground level in an accessible space.

The new mezzanine / second floor space is being constructed to provide a small office, a prep room, dry storage and an electrical room. The occupiable space is not open to the public and will house no more than 5 people. The new mezzanine space is necessary to provide sufficient restaurant seating below.

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

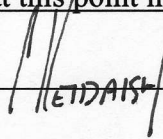
The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

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. Cost of elevator \$75,000

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.

I hereby certify that the information in this application to be true based on the level of design completed at this point in time.

Signature  Printed Name C. Chloe Keidaish, AIA / LEED AP

Phone number 305 439 3809

(SEAL) Florida AR 91264



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 27 day of April, 2011

Signature

Handwritten signature of C. Chloe Keidaish in black ink, written over a horizontal line. The signature is stylized and includes the name 'KEIDAISH'.

C. Chloe Keidaish, AIA / LEED AP

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. _____

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 No Cost of Construction _____

Comments/Recommendation _____

Jurisdiction _____

Building Official or Designee _____

Signature

Printed Name

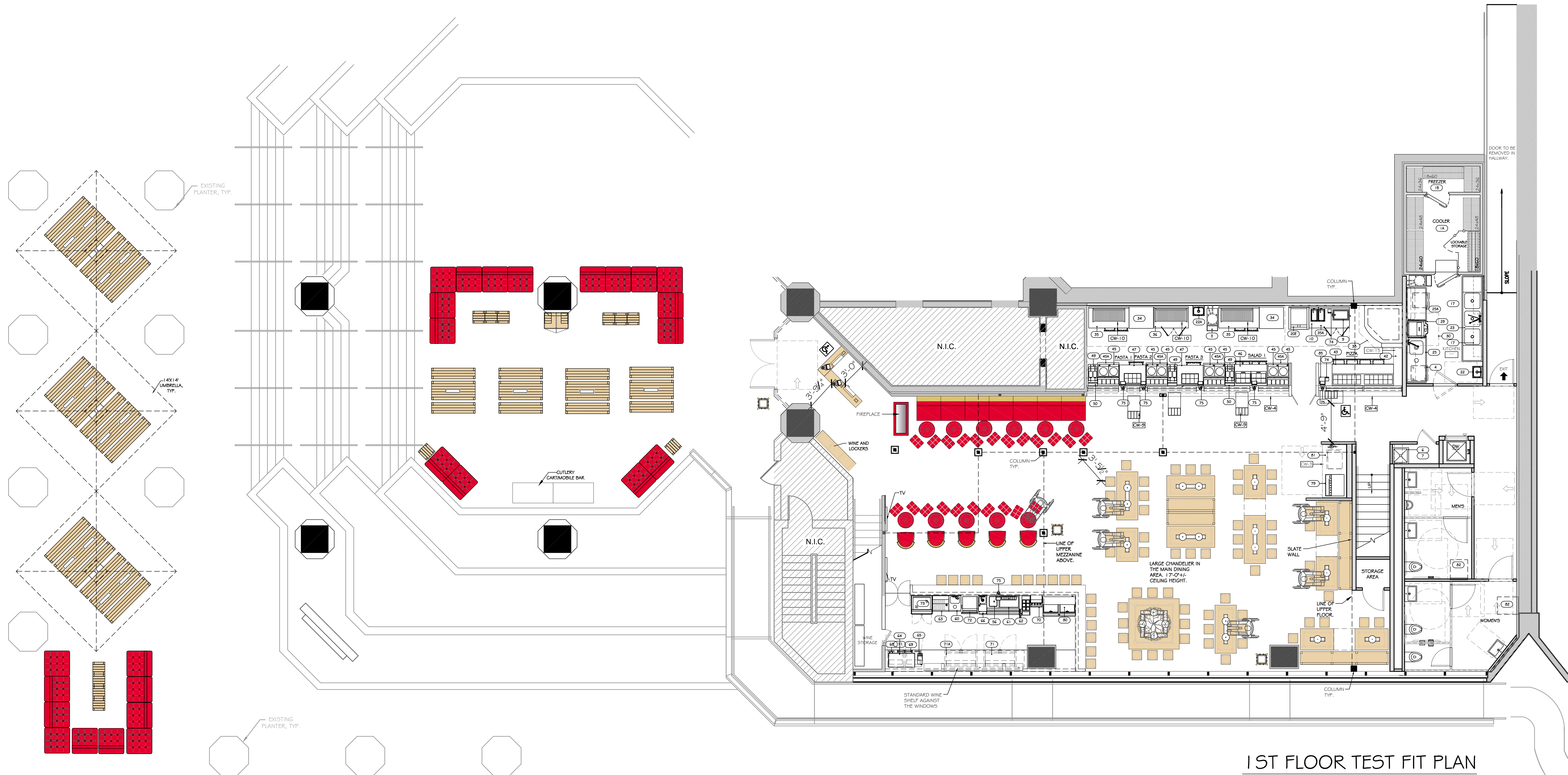
Certification Number

Telephone/FAX

Address: _____

TO BE PROVIDED AT A LATER TIME.

PRIOR TO FINAL BID, CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND IDENTIFY IN WRITING TO THE ARCHITECT ANY DISCREPANCIES OR CONFLICTS BETWEEN THE EXISTING AS-BUILT CONDITIONS AND THOSE SHOWN ON ALL CONSTRUCTION DOCUMENTS CONTAINED HEREIN. COMMENCEMENT OF WORK INDICATES THE CONTRACTOR'S ACCEPTANCE OF THE EXISTING CONDITIONS AND THE ASSUMPTION OF RESPONSIBILITY, INCLUDING ALL COSTS AND EXPENSES, FOR PROVIDING A FINISHED PRODUCT AS DESIGNED AND PERMITTED.
THE PLANS ARE STRICTLY THE PROPERTY OF ORIGINAL POINT, INC. AND ARE TO BE USED SOLELY FOR THIS PROJECT. ANY DISTRIBUTION OR USE FOR OTHER PURPOSES IS STRICTLY PROHIBITED. ANY DISTRIBUTOR OR USER OF THESE PLANS FOR ANY OTHER PURPOSE, WITHOUT CONSENT FROM CPI IN WRITING, DOES SO AT HIS/HER OWN RISK. ORIGINAL POINT, INC. IS NOT RESPONSIBLE FOR ANY SUCH USE. ORIGINAL POINT, INC. SHALL BE REMBURSED FOR A FULL DESIGN FEE.



1ST FLOOR TEST FIT PLAN

S.E. 13TH STREET

1ST FLOOR AREA:	4000 SF.
MEZZANINE AREA:	450 SF.
2ND FLOOR KITCH:	858 SF.
TOTAL AREA:	5308 SF.
SEAT COUNT:	
1ST FLOOR DINING AREA -	73
1ST FLOOR LOUNGE AREA -	39
BAR -	16
MEZZANINE DINING -	32
PATIO -	98
TOTAL	258

VAPIANO® PASTA | PIZZA | BAR

VAPIANO
1221 BRICKELL AVENUE
MIAMI, FLORIDA 33131

C. Chloe Keidaish, AIA
Florida R.A. 91264

REVISIONS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

DATE: 4.27.2011

SCALE: 3/16" = 1'-0"

DRAWN BY: CCK

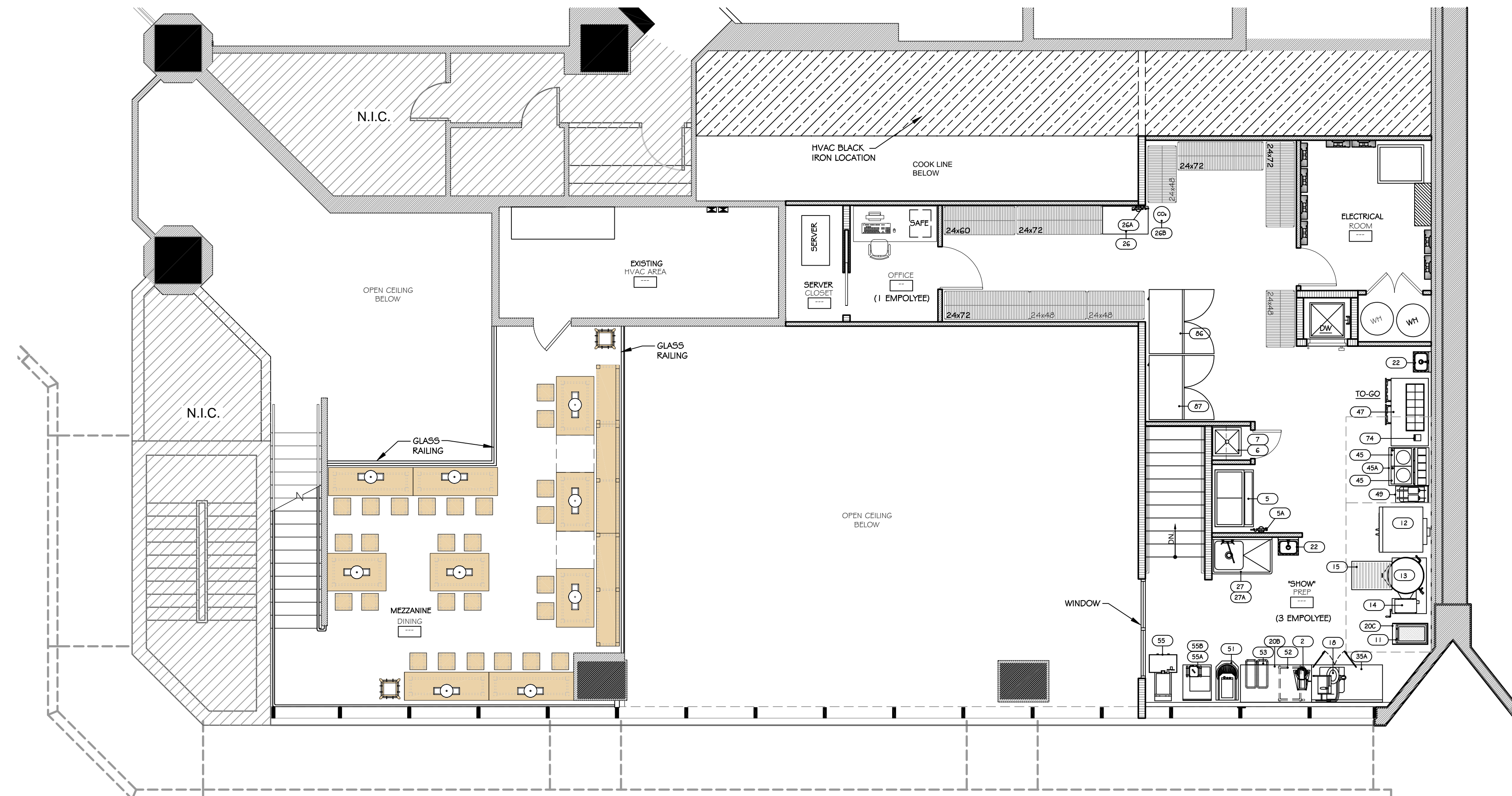
JOB # 1101-VAP-016

FIRST FLOOR

A-01

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KITCHEN EQUIPMENT SCHEDULE				
EQUIPMENT				
NO.	DESCRIPTION	QTY.	MANUFACTURER	MODEL NUMBER
1A	WALK-IN COOLER (REMOTE COOLED)	1	KOLPAK	CUSTOM
1B	WALK-IN FREEZER (REMOTE COOLED)	1	KOLPAK	CUSTOM
1C	BEVERAGE COOLER (REMOTE COOLED)	1	KOLPAK	CUSTOM
2	TABLE TOP MIXER	1	KITCHEN AID	
3	MOBILE WOK RACK	3	CUSTOM	SS CUSTOM
4	GLASS RACKS & DOLLY	2	CAMBRU	CD2020H
5	ICE MAKER W/ BIN (AIR COOLED)	1	HOSHIZAKI	IM-4550M11-8800
5A	WATER FILTER	1	EVERPURE	EV9324-2-1; COLDRINK 1-MC2
6	MOP SINK W/ FAUCET AND MOP HANGER	1	MOLDEN-STONE	MSB 2424
7	CHEMICAL STORAGE SHELF (ABOVE MOP SINK)	1	CENTAUR	EPOXY
8	DUNNAGE RACK	2	NEW AGE	2009
9	SOUP WELL	1	WELLS MANUFACTURING	SMPT
10	PANINNI	1	NUOVA SIMONELLI	P2L
11	DUAL INDUCTION UNIT	1	COOKTEK	MC3502F
12	CONVECTION OVEN, SINGLE-DECK, GAS	1	GARLAND	MCO-GS-10-S
13	TILTING KETTLE, 40-GALLON, GAS	1	CLEVELAND	KGL-40-T
14	SWING SPOUT FAUCET (ACCESSORY)	1	T&E	B200
15	TROUGH DRAIN	1	FAMOUS PLBG SUPPLY	
16	CONDENSATE HOOD #4	1	CAPTIVE AIRE	CUSTOM
17	SHELVING UNIT, WALL-MOUNTED, DOUBLE STACKED	2	METRO	SMART WALL
18	SLICER	1	BERKEL	K13A
19	DROP-IN HAND SINK W/ SPLASH GUARD	1	SELECT STAINLESS	CUSTOM
20A-20C	WORK TABLE, SEE PLAN FOR SIZES	SEE PLAN	SELECT STAINLESS	5L5SUB
21	DRY STORAGE SHELVING, SEE PLAN FOR SIZE	SEE PLAN	CENTAUR	EPOXY
22	HAND SINK	1	ADVANCE TABCO	7-PS-60
22A	HAND SINK	1	ADVANCE TABCO	7-PS-90
23	THREE COMPARTMENT SINK	1	SELECT STAINLESS	SEE PLAN FOR SIZES
24A	PRE-RINSE UNIT W/ FAUCET	1	T & S BRASS	B-0133-12-CR-B
24B	1/2" SPOUT FAUCET	1	T & S BRASS	B-157
25	SOILED DISHTABLE W/ SINK & OVER SHELF	1	SELECT STAINLESS	SEE PLAN FOR SIZES
25A	CLEAN DISHTABLE	1	SELECT STAINLESS	SEE PLAN FOR SIZES
26	BAG IN BOX	1	BY VENDOR	BY VENDOR
26A	WATER FILTER	1	EVERPURE	EV9328-02
26B	CO2 TANK	1	BY VENDOR	BY VENDOR
27	ONE COMPARTMENT PREP SINK	1	SELECT STAINLESS	SEE PLAN FOR SIZES
27A	FAUCET	1	T & S BRASS	B-0177
28	TROUGH DRAIN	1	FAMOUS PLBG SUPPLY	
29	WAREWASHER	1	ECOLAB	ES-2000
30	CONDENSATE HOOD #6	1	CAPTIVE AIRE	CUSTOM
31	POT RACKS	1	SELECT STAINLESS	SEE PLAN FOR SIZES
32	DISH DOLLY, NOT SHOWN	1	CAMBRU	
33	STAINLESS STEEL WALL SHELVING, SEE PLAN	1	SELECT STAINLESS	SEE PLAN FOR SIZES
34	REFRIGERATOR, AIR CURTAIN	1	RP1	SCA336R-II
35	REFRIGERATOR, WORKTOP	1	DELFIELD	18WCGOL
35A	REFRIGERATOR, WORKTOP	1	DELFIELD	18WCGOL
36	FREEZER, WORKTOP	1	DELFIELD	18SC37K
37	TRI-LEVEL PIZZA OVEN W/ STAND	1	CUPPONE	GS 990
38	PIZZA EXHAUST HOOD #5	1	CAPTIVE AIRE	CUSTOM
39	FIRE PROTECTION SYSTEM (TO BE FIELD LOCATED)	1	BY VENDOR	BY VENDOR
40	ENCLOSED BASE WORK TABLE W/ DOOR	1	SELECT STAINLESS	SEE PLAN FOR SIZES
40A	ENCLOSED BASE WORK TABLE W/ DOOR	1	SELECT STAINLESS	SEE PLAN FOR SIZES
41	NOT USED	1		
42	STAINLESS STEEL WORK BASE W/ MARBLE TOP	1	SELECT STAINLESS	SEE PLAN FOR SIZES
43	PIZZA MAKE TABLE, REFRIGERATED W/ MARBLE TOP	1	DELFIELD	18RC99R
44	EXHAUST HOOD #1	1	CAPTIVE AIRE	CUSTOM
44A	EXHAUST HOOD #2	1	CAPTIVE AIRE	CUSTOM
44B	EXHAUST HOOD #3	1	CAPTIVE AIRE	CUSTOM
45	WOK	1	COOKTEK	MWS000-200
45A	CUSTOM WOK STAND ON LEGS	1	SELECT STAINLESS	SS CUSTOM
46	SALAD PREP TABLE, REFRIGERATED	1	DELFIELD	D4460N-12
47	SALUCE AND SALAD STATION, REFRIGERATED	1	DELFIELD	18SC37K
47A	SALUCE AND SALAD STATION, REFRIGERATED W/ DRAWERS (TO-GO)	1	DELFIELD	18SC39B
48	GRIDDLE	1	STAR	72ATCHS
49	PASTA COOKER	1	ELECTROLUX	168746
50	PASTA COOKER STANDOFF	1	SELECT STAINLESS	SS CUSTOM
51	SPIRAL MIXER, MOUNTED ON DOLLY W/ ROLLERS	1	CUPPONE	SILEA 30K
52	DOUGH BOX DOLLY	1	CAMBRU	CD1826PDB-180
53	INCREMENT BIN	1	RUBBERMAID	3602-68-FROSAVE
54	LIQUOR STORAGE STEP	1	PERLICK	TS18L5
55	PASTA EXTRUDER	1	ROSITO BASANI	TR110
55A	RAVIOLI MAKER	1	ROSITO BASANI	PR30
55B	PASTA SHEETER	1	ROSITO BASANI	PR30
56	ICE WELL - DROP IN	1		
57	WALK-IN COOLER SHELVING, SEE PLAN FOR SIZES	SEE PLAN	NEW AGE	SEE PLAN FOR SIZE
58	STAINLESS STEEL BAR COUNTER	1	SELECT STAINLESS	SS CUSTOM
59	POWER PAK FOR BEER SYSTEM	1	PERLICK	44"
60	WET WASTE SINK W/ STRAINER	1	PERLICK	SCB-18-DW
61	COMBO ICE BIN W/ DRY WASTE CHUTE & SPEED RAIL	1	PERLICK	CB8-42R-CP10
61A	SPEED RAIL	1	PERLICK	SR-D30
62	SODA GUN & CHASE	1	PERLICK	SMB-4
63	RECESSED GLASS DRAIN BOARD	1	PERLICK	RDBA-24D
64	ESPRESSO MACHINE	1	LACINIBALI	M29-DT3
65	COFFEE GRINDER	1	LACINIBALI	MAGNUM
66	HAND SINK	1	PERLICK	BHSB-12
68	REFRIGERATOR, RED WINE W/ RED WINE THERMOSTAT	1	PERLICK	BB36-H
69	REFRIGERATOR, WHITE WINE W/ STANDARD THERMOSTAT	1	PERLICK	BB36-H
70	BEER TAP	1	PERLICK	BLC113-2
71	BACK BAR REFRIGERATOR W/ STAINLESS STEEL DOORS	1	PERLICK	BB60-H
71A	BACK BAR REFRIGERATOR W/ GLASS DOORS	1	PERLICK	BB60-H
72	GLASS WASHER	1	ECOLAB	OMEGA 5E
73	DESSERT DISPLAY CASE, COUNTER TOP, (DUAL PANE GLASS ON TOP & BOTTOM)	1	RP1	VICD2-27-RSQ-5C DUAL PANE GLASS
74	PRINTER	1	BY VENDOR	BY VENDOR
75	ORDER TERMINAL (NIXE) BY OWNER	1	BY VENDOR	BY VENDOR
76	EMPLOYEE LOCKERS	1	KELMAX	EL-6/15
77	WALK-IN FREEZER SHELVING, SEE PLAN FOR SIZES	SEE PLAN	CENTAUR	EPOXY
78	WINE SHELVING, SECURE	SEE PLAN	METRO	WB258C
79	SOON DISPENSER	1	CORNELIUS	INTRAFLEX PLUS 150BC
80	MUG FROSTER	1	PERLICK	FR48-SF2
81	ICE MACHINE (WATER COOLED)	1	FOLLETT	HCC 10DW15
82	BABY CHANGING STATION - RECESSED	1		
83	WATER FILTER	1	EVERPURE	EV9324-2-1; COLDRINK 1-MC2
84	MOBILE RACK	1	METRO	RD13N
85	PIZZA PAGER	1		
86	REACH IN FREEZER	1		
87	REACH IN COOLER	1		



MEZZANINE / 2ND FLOOR TEST FIT PLAN

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MEZZANINE AND SECOND FLOOR

A-02