

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART II, 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: Honda of Port Charlotte

Address: 1252 Tamiami Trail
 Port Charlotte, FL

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: Miguel Yelos San Martin

Applicant's Address: 1320 Ellsworth Industrial Blvd., Suite 100

Applicant's Telephone: (404) 249-4555 FAX:

Applicant's E-mail Address: Miguel@ysmdesign.com


Relationship to Owner: Architect

Owner's/Tenant's Name: David Conant/Honda of Port Charlotte

Owner's Address: 1252 Tamiami Trail, Port Charlotte, FL

Owner's Telephone: (562) 809-3732 FAX

Owner's E-mail Address: lstacy@thecargroup.com

Signature of Owner: 

3. Please check one of the following:

New construction.

Addition to a building or facility.

**Department of Business and Professional Regulation
FLORIDA BUILDING COMMISSION
1940 North Monroe Street
Tallahassee, Florida 32399-0772
Form FBC 2012-01
Request for Waiver**

NOTICE TO WAIVER APPLICANTS

Please make certain you comply with the following:

- ⌘ The person submitting the waiver request application as the Applicant **MUST** sign the application. Should you fail to do so, your application will be returned.
- ⌘ If a licensed design professional (architect or engineer) has designed the project, his or her comments **MUST** be included as a part of this application.
- ⌘ Be as explicit as possible. The more information provided to the Florida Building Commission, the more informed its decisions can be. If you are claiming financial hardship, please specify why and to what degree. Two estimates substantiating a claim for disproportionate cost must be included.
- ⌘ Petitioners are strongly advised to participate in the Council's conference call, webinar or onsite meeting for application review. Sometimes pertinent facts are inadvertently omitted, or information provided/presented in the Request for Waiver application is not clear. Your participation in the meetings to answer questions will enhance the possibility of the waiver being approved, since the Council and the Commission will receive the most complete information – from you. When we receive the completed application, we will send you a notice of the time, date, and place for both the Council and the Commission meetings.

Enclosed is a **List of Required Information** and the **Request for Waiver** application.

If you have any questions or would like additional information, please call the Codes and Standards Section at (850) 487-1824.

Please mail this application to the Department of Business and Professional Regulation at the address above. **Include a copy of the application, photos where appropriate and drawings or plans on a CD in PDF format. NOTE: Please do not send files in CAD format but rather provide the files in pdf format.**

This application is available in alternate formats upon request.

LIST OF REQUIRED INFORMATION:

1. X Drawings that will clearly present your project and that identify the issue(s) that relate to the waiver you are requesting. As a minimum, the following drawings must be submitted:
 - a. Project site plan if pertinent to the application
 - b. 24" x 36" minimum size drawings
 - c. Building/project sections (if necessary to assist in understanding the waiver request)
 - d. Enlarged floor plan(s) of the area in question

2. N/A When substantial financial cost of compliance is alleged, supporting cost estimates with quotes from at least two vendors or contractors and catalog information.

3. X If you feel photographs and/or renderings are necessary for your presentation, provide legible color copies of the photographs and/or renderings on the CD with the application and plans in jpeg, tif or pdf format.

4. X Please submit one hard copy of this application and attachments to the Florida Building Commission, Department of Business and Professional Regulation.

General Information:

- a. **Verbal Descriptions:** Presentations may be to sight or hearing impaired persons; visual presentations should consider adequate verbal and text descriptions of charts and pictures.

Your application will be reviewed by the Accessibility Advisory Council. You will have the opportunity to answer questions and/or make a short presentation **not to exceed 15 minutes**. The Council will provide recommendations to the Florida Building Commission. The Commission will review the application; where you will have another opportunity to answer questions and /or give a short presentation **not to exceed 15 minutes**. The Commission will consider all information and the Council's recommendation before voting on the waiver.

This application is available in alternate formats upon request.

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 existing 2 story building is currently operating as a Honda dealership that sells new and used as well as servicing Honda vehicles. The current facility is 19,646 SF on the ground floor and 3,875 SF on the second floor. The proposed remodel will add 4,618 SF to the ground floor and 1,692 SF to the second floor to bring the building up to current standards per Honda requirements. In addition to the added SF the building will get new exterior and interior finishes to be compliant With the Honda GEN 3 branding and image requirements.~~

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

The proposed construction budget is approximately \$1,000,000.00

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 preliminary review of the project by the plans examiner in Port Charlotte has indicated that the addition of an elevator is required by Florida Code (existing building does not have an elevator) to be compliant with current accessibility code. The Florida code is more stringent than the 2010 ADA requirement and the Florida code allows for a waiver by the State in this case. We are respectfully requesting that the Florida commission grant the waiver to be consistent with current ADA 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.

1: _____

Issue

2: None

Issue

3: None

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 building currently does not have an elevator and was constructed in 2003 without one. ~~The use will not change and the area in question is for employees only. The determination was made in 2003 not to require an elevator and the same conditions exist for this remodel.~~

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

This waiver is not requested for cost reasons. This installation would be detrimental to facility operations and security.

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.

See above regarding costs.

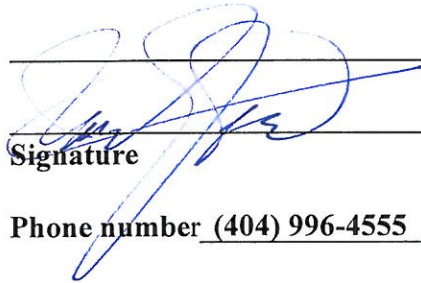
9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. **Not Applicable**

b. _____

c. _____

10. **Licensed Design Professional:** Where a licensed design 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.



Signature

Miguel Yelos San Martin

Printed Name

Phone number (404) 996-4555

(SEAL)

CERTIFICATION OF APPLICANT:

I hereby declare 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 2nd day of June, 2014

Signature

Miguel Yelos San Martin

Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEAMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.

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. 201.1 THE ISSUE IS REFERRED TO FL. BLDG COM BECAUSE OWNER WANTS TO TAKE EXCEPTION TO REQUIREMENT TO PROVIDE VERTICAL ACCESSIBILITY.
- b. IT IS THE INTERPRETATION OF LOCAL BLDG DEPT. VERTICAL ACCESSIBILITY IS REQUIRED PER THE FOLLOWING SECTIONS OF 2012 FL. ACCESS. CODE.
- c. 202.4 (Alterations Affecting Primary Function Area), 202.6 (Arch. Barnd Remod) 203.9 (Employee Work Area).

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 TO NOT REQUIRE VERTICAL ACCESSIBILITY IS TO ALLOW A NON-COMPLIANCE TO CONTINUE TO EXIST. AN APPLICATION FOR PERMIT NOT YET SUBMITTED. DWGS ATTACHED ARE SCHEMATIC. I HAVE SIGNED & DATED DWGS.

Jurisdiction PORT CHARLOTTE

Building Official or Designee David E Sipper
Signature

DAVID E SIPPER
Printed Name

AR0015238
Certification Number

941-764-4905
Telephone/FAX

david.sipper@charlottefl.com
Email Address

Address: CHARLOTTE Co. BLDG DEPT
18400 Murdock Cir. Port CHARLOTTE, FL. 33948

Certification of Licensed Design Professional for Replicated Designs to be Placed on Consent Agenda

Note: Fill out pages (All) only for cases in which design documents are duplicates of previously approved waivers and the project can be placed on a Consent Agenda.

I, Miguel Yelos San Martin, a licensed architect/engineer in the state of Florida, whose Florida license number is AR94639, hereby state as follows:

1. I am the architect/engineer of record for the project known as (name of project) Honda of Port Charlotte, for which the Owner seeks a waiver of one or more accessibility requirements in an application to which this Certification is attached.

2. I hereby certify that to the best of my knowledge and belief to the Florida Building Commission that the design documents for the (insert project described in paragraph 1 above) Honda of Port Charlotte are the same as the design documents previously submitted to the Commission and referenced in paragraph 3 below, except that the two projects are built or to be built on different parcels of land at different locations.

3. The licensed design professional of record (identify the licensed design professional of record), Miguel Yelos San Martin, prepared the design documents for the project known as Honda of Port Charlotte, for which the majority of the Accessibility Advisory Council recommended approval and the Commission granted a waiver of one or more accessibility requirements in Final Order No. _____.

Printed Name: Miguel Yelos San Martin Affix certification seal below:

Address: YSM Design, P.C.
1320 Ellsworth Industrial Blve., Suite A100
Atlanta, GA 30318

Telephone: (404) 249-4555

Fax: N/A

E-Mail Address: miguel@ysmdesign.com



1320 Ellsworth Industrial Blvd. Suite A100
Atlanta, Georgia 30318
t. 404-249-4555
f. 404-355-6394

Port Charlotte Honda

Elevator assessment

The Project

The project being submitted is a remodel and update of the existing Honda dealership site and building. The proposed project has been designed to update the facility and bring the franchise into compliance with the Honda corporate branding standards as well as updating the facility for Accessibility compliance. The existing building was modified to accommodate Honda in 2003 with a remodel of the existing building. The second floor is existing with no elevator prior to the 2003 remodel. The remodel was exclusively for the Honda dealership and the day to day operations of a standalone automotive dealership. The property is zoned for automotive use and is a type V-1 construction with automatic fire sprinklers.

The Building

The building footprint remains with the exception of an addition to the showroom area (expanded under the existing covered roof, a parts area expansion and the addition of the quick lube area next to the existing service portion of the building. The second floor is being expanded to accommodate the additional area needed for the business office and the current staff. The second floor expansion will be over the existing covered service drive and will incorporate an additional stair that leads directly to the exterior.

Automotive Use

This building is similar to many automotive facilities in that it is a singular building on a site with side yards on all four sides. Automotive facilities are uniquely characteristic in that they distinctly separate the customer areas from the staff areas for security, safety and operational reasons. This is not unique to this building of the Honda franchise. The building is divided into a variety of uses under the roof and are separated according to primary use and personnel.

Ground floor uses: The ground floor of the building incorporates showroom area for vehicle display and information, sales areas for staff and customers, sales support areas, service reception, customer amenities and restrooms. The ground floor also includes the service and parts functions that are staff related only and no customers have access. These areas include: Parts storage areas, technician areas, service stalls, detail areas and other vehicle service related functions.

Second floor uses: The second floor is strictly for employees of the dealership and is controlled in a manner that no customers will have access nor will they need to be on that level. The second floor has two main components which are the business offices and related uses for administration of the dealership and are accessed by ownership and staff related to the day to day operations of the business including administration, IT, payroll, management offices, restrooms, meeting room and

access to the staff break room. Additionally there is a separate portion of the second floor that is accessed by the service technicians and parts staff that includes, restrooms, lockers, parts storage and break room.

Second Floor Access

The access from the ground floor to the second floor is achieved by stairway from various locations based on staff access and location. The proposed project does not include the provision for an elevator (current building has no elevator) and the justification is as follows.

The second floor is currently and will continue to be an "Employee Work Area" only. The entire second floor including the stairs is considered for employees only and has controlled access for all employees.

Elevator Requirement

2012 Florida Accessibility Code and 2010 ADA Standards for Accessible Design

The existing building does not have an elevator for second floor access. The reason that this commercial building does not have an elevator is problematic for this exercise since the requirement is for the current code and this project. There are a variety of reasons why the second floor was constructed with elevator access but regardless the current conditions, codes and relation to this project should remain the focus. This situation however, is very common for automotive facilities where access is controlled and only administrative and employee areas are on the controlled level.

The 2012 Florida Accessibility Code shall govern the accessibility of this project and related issues. The Florida Code indicates in Chapter 1 that the Code has incorporated the DOJ regulations 28 CFR Part 35 and 36 which along with the 2004 ADAAG make up the 2010 ADA Standards for Accessible Design. Based on the 2010 ADA Standards for Accessible Design document 28 CFR Part 36 Subpart D- New Construction and alterations the section 36.404 Alterations: Elevator Exemption this proposed remodel is exempt from the requirement to have an elevator due to the fact the project is 2 stories.

"36.404 Alterations: Elevator exemption.

- *This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal.*

The 2010 Florida Code also indicates in section 201.1.1 That the ADA Standards referenced previously *"do not 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 standards require an elevator to be installed in such building. Structure or facility except for:*

(6) All employee areas as exempted by section 203.9

203.9 Employee Work Areas. Spaces and elements within employee work areas shall only be required to comply with 206.2.8, 207.1, and 215.3 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the employee work area. Employee work areas, or portions of employee work areas, other than raised courtroom stations, that are less than 300 square feet (28 m²) and elevated 7 inches (180 mm) or more above the finish floor or ground where the elevation is essential to the function of the space shall not be required to comply with these requirements or to be on an accessible route.

For this project the entire second floor is an employee work area with exception of the restrooms, break rooms and locker areas. The entire second floor has been designed to comply fully with the

2012 Florida Code. The only area of exemption is that of the requirement of the elevator for access to the work area. For the purposes of the elevator requirement the proposed floor plan, access and designed use is ALL for employees and no access for any public.

The Florida Code also has an advisory portion as a note to supplement the code section the advisory for 201.1 below indicates that the Florida requirement may be waived.

Advisory 201.1 Scope

These requirements are to be applied to all areas of a facility unless exempted, or where scoping limits the number of multiple elements required to be accessible. For example, not all medical care patient rooms are required to be accessible; those that are not required to be accessible are not required to comply with these requirements. However, common use and public use spaces such as recovery rooms, examination rooms, and cafeterias are not exempt from these requirements and must be accessible. Florida vertical accessibility requires all levels in all new buildings, structures and facilities and all altered areas of existing buildings, structures and facilities to be accessible to persons with disabilities. All new and altered areas must comply with the ADA Standards for Accessible Design including requirements for accessible routes. Where the ADA Standards do not require an accessible route to each and every level the Florida requirement may be waived down to the requirement of the ADA Standards.

This is an important note to the scope as it indicates that the Florida requirement may be waived down to the requirement of the ADA standards which in this case we are proposing that ALL requirements for the accessibility standards be met for the entire building including the second floor for persons with disabilities with the exception of the elevator.

Summary

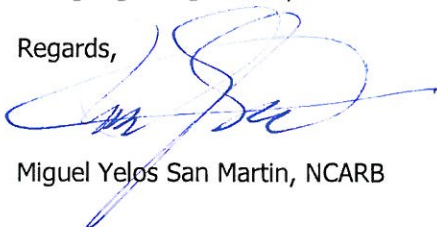
The proposed remodel does not have a new elevator as a part of the current design. The automotive use will keep this building automotive and the second floor will always be an employee work area only. As automotive architects we have done many new and remodeled facilities that do not use an elevator as a form of access to the second floor. Our clients know that they always have the option to add the elevator but depending on the market, size of facility, manufacturer requirements and facility layout the decision is a case by case basis. In new facilities we always try to incorporate the elevator but in the case of a remodel there are other factors involved.

In this case the existing building does not have an elevator and the infrastructure to accommodate such would prove difficult (space and power requirement) in addition to the added cost which effects the ability of the dealership so support the proposed improvements. We understand that while the ADA would not require an elevator (36.404) the Florida requirement (201.1.1) does not exempt the elevator it does allow for the employee work area to be exempt. Additionally, if the requirement is waived the project would still provide 100% accessible spaces for all areas including the second floor. It is not the intent of this design to relieve any accessible requirements in any area of the facility other than the addition of the elevator to the second floor areas.

We have provided a copy of the existing building as it is today, the proposed plan as approved by Honda and the Owners in an effort to request the elevator exemption for this project.

Please feel free to contact me to review as we sincerely appreciate the opportunity to have this dialog regarding this important review.

Regards,



Miguel Yelos San Martin, NCARB

Port Charlotte Honda