

Ultrafast Systems Elevator Waiver Justification

January 31 2018

SUMMARY

This building is an existing 2 story industrial prefabricated metal building with a highly reinforced second floor. We are requesting an elevator exemption based the following:

- FBC Chapter 2, 201.1.1 exception (3):
 - Occupiable spaces and rooms that are not open to the public and that house no more than five persons.
 - The Ultrafast facility is not open to the public. Whereas there are multiple Labs and Offices on the second floor each of the Labs and Offices none of them house more than 5 people, and there are equal facilities on the ground.
 - FBC Chapter 2, 206.2.3 exception 1:
 - The Ultrafast facility is less than 3 stories
- Sec.36.402 Alterations (c)

"to the maximum extent feasible," In the case of the ultrafast existing building it is structurally infeasible due to the heavily reinforced structural slab and heavily reinforced second floor (designed to accommodate multiple 2000 pound laser tables) and the metal buildings' purlins and cross bracing that would have to be penetrated. In addition, this internal invasive construction would cause undue hardship to Ultrafast in terms of work stoppage and loss of revenue.

FLORIDA BUILDING CODE — BUILDING, 6th EDITION (2017)

CHAPTER 2: SCOPING REQUIREMENTS

201 APPLICATION

201.1.1 Vertical accessibility. Sections 553.501-553.513, F.S., and the ADA Standards for Accessible Design 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:

(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.

Advisory 206.2.3 Multi-Story Buildings and Facilities. Spaces and elements located on a level not required to be served by an accessible route must fully comply with this code. While a mezzanine may be a change in level, it is not a story. If an accessible route is required to connect stories within a building or facility, the accessible route must serve all mezzanines.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exceptions.

Exceptions 1 – 7 are preempted by Florida vertical accessibility requirements of s.553.509, F.S., as incorporated in section 201.1.1. Florida requirements may be waived down to the ADA Standards requirements.

Note: The following Advisories on the Exceptions to 206.2.3 are provided for consideration when waiving Florida Vertical Accessibility requirements down to ADA Standards for Accessible Design.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exception 1. Note that Exception 1 as presented in the 2004 ADAAG must also comply with the elevator exemption criteria of 28

CFR 36.401(d). The elevator exemption is authorized by 28 CFR 36.401(d) and applies only to private entities governed by Title III but not to public entities governed by Title II and 28 CFR, Part 35. Note also that 28 CFR 36.401(d)(2) and (3) provide specific criteria expanding on the criteria of Exception 1 that must be considered in a waiver of Florida vertical accessibility.

2010 Standards: Titles II and III Department of Justice

ADA CHAPTER 2: SCOPING REQUIREMENTS AMERICANS WITH DISABILITIES ACT: SCOPING

206.2.3 Multi-Story Buildings and Facilities. At least one *accessible* route shall connect each *story* and *mezzanine* in multi-story buildings and facilities.

EXCEPTIONS: 1. In private buildings or facilities that are less than three stories or that have less than 3,000 square feet (279 m²) per story, an accessible route shall not be required to connect stories provided that the building or facility is not 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, an airport passenger terminal, or another type of facility as determined by the Attorney General.

Sec.36.402 Alterations.

(c) To the maximum extent feasible. The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

Sec.36.404 Alterations: Elevator exemption.

(a) 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.