

## **VILLAGES OF HOMESTEAD RSM**

**Issue:** Vertical accessibility to the entrance of a telephone switchgear building.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the entrance of a building that houses telephone equipment. The structure is undergoing a 748 square foot addition in a project that will cost \$550,000. No full time employees are located in the facility, but come to it periodically to calibrate machinery and respond to automated service signals. According to the applicant it is not feasible for individuals with mobility, sight or hearing impairments to do the technical jobs required and it is unreasonable to make a structure of this nature fully accessible.

### **Project Progress:**

The project is under design.

### **Items to be Waived:**

Vertical accessibility into the building, as required by Section 553.509, Florida Statutes.

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, 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.

**Waiver Criteria:** There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

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 AT&T Villages of Homestead RSM – Building Addition

Address 3180 North Canal Drive

Homestead, FL 33030

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 Kashmiry & Associates, Inc.

Applicant's Address 8777 San Jose Blvd., Bldg. C, Suite 401, Jacksonville, FL 32217

Applicant's Telephone (904) 739-2000 FAX (904) 739-4742

Applicant's E-Mail Address moekash@bellsouth.net

Relationship to Owner Engineer/Agent

Owner's Name AT&T, Mr. Alex Penton

Owner's Address 600 N.W. 79<sup>th</sup> Ave., Room 111, Miami, FL 33126

Owner's Telephone (305) 260-9018 FAX (305) 264-7584

Owner's E-Mail Address ap8064@att.com

Signature of Owner Alex Penton

Contact Person Mr. Alex Penton

Contact Person's Telephone (305) 260-9018 E-Mail Address ap8064@att.com

3. Please check on the 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.)

This facility does not serve the public except to provide dialtone for public use. This project is a 1<sup>st</sup> floor building addition (748 square feet) to an existing building (890 square feet) which was built in the late 1980's. The purpose of this project is to provide an area for the installation of new state-of-the-art telephone switching equipment and includes associated electrical and HVAC work. There are no operators or consumer personnel in the building.

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

\$550,000

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 not been referred to the Commission.

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

Issue:

1, It is requested the building be exempt from accessibility requirements.

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Issue

2. \_\_\_\_\_

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8. Reason(s) for Waiver Request: The Florida Building Commission may grant individual modifications of, or exceptions from the literal requirements upon a determination of unnecessary, unreasonable or extreme hardship, provided such waivers shall not violate accessibility laws and regulations. ~~waivers of Florida-specific accessibility requirements upon a determination of unnecessary 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. If an applicant for a waiver demonstrates economic hardship in accordance with 28 CFR s. 36.403(f)(1), a waiver shall be granted.

1. Reason(s) for Waiver Request:

- a) The use and purpose of the facility is to house telephone switching equipment. Typical of this type of telephone switching facility, the equipment includes a cable entrance facility, a main distribution frame, digital switching equipment, standby power/electrical generation and power plants providing DC power for the telephone system. In addition, there is a considerable amount of air conditioning equipment to maintain an appropriate environment (cooling and humidity control) for the digital equipment.
- b) The building is not a public facility and only employees that are trained to maintain or install the equipment are allowed in the building. The nature and configuration of this equipment is such that it cannot be installed or maintained by an employee with impairments. As such, employees with impairments are not assigned to this facility (or similar AT&T facilities) because they would be unable to perform their required duties. This particular facility usually has several employees who monitor and maintain the equipment and due to the critical nature of this operation, there are individuals who are on call 24 hours a day. This is

required for immediate response to any problems, as the primary goal of AT&T is to maintain dialtone service which is important not only to the consumer but critically important to Life Safety Service.

- c) The facility does NOT contain a primary function, as follows (per Definitions, Page 10 of the FAC):
- d) 'A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical Rooms, Boiler Rooms, Supply Storage Rooms, Employee Lounges or Locker Rooms, Janitorial Closets, Entrances, Corridors, and Restrooms are NOT areas containing a primary function.'

Since the facility is an "equipment" building it can, therefore, be considered a series of Mechanical Rooms along with other non-primary rooms.

- e) The facility is an equipment building dedicated solely for the purpose of providing telephone service and, as such, the facility is NOT a Place of Public Accommodation (per Definitions, Page 10 of the FAC).

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

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( ) 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.

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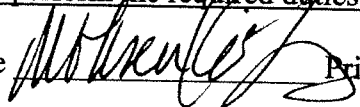
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9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift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

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_
- c. \_\_\_\_\_  
\_\_\_\_\_



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.

This issue in this matter deals with the question of applying the requirements of accessibility to equipment buildings. Having had a number of years' experience in this type of facility with this Owner, the undersigned believes it would serve no purpose to install accessibility features in an equipment facility where there is not public access nor are there any impaired personnel allowed to work in such facilities because they would be unable to perform the required duties.

Signature  Printed Name Mohsen Kashmiry, P.E.

Phone number (904) 739-2000


(SEAL)

  
4/10/00 

CERTIFICATION OF APPLICANT

I hereby swear or affirm that the applicable documents in support of this Request for Waiver at 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 10th day of April, 2008

  
\_\_\_\_\_  
Signature

Mohsen Kashmiry

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.



Alex Penton  
*Sr. Specialist – Design &  
Construction  
Corporate Real Estate*

AT&T Services, Inc.  
600 NW 79<sup>th</sup> Avenue  
Room 111  
Miami, Florida 33126

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F: 305-264-7584  
alex.a.penton@att.com  
www.att.com

March 24, 2008

Miami-Dade Permitting and Inspection Center (MDPIC)  
11805 SW 26 Street  
Miami, FL 33175

Attention: Plans Examiner

Reference: AT&T Villages of Homestead RSM  
Building Addition  
3180 North Canal Drive  
Homestead, FL 33030

Gentlemen,

The following is a brief description of AT&T's policy regarding the hiring and station of person with disabilities as it relates to the above referenced facility:

The Villages of Homestead RSM is what we term a "Remote Switch Module" building (a building which contains telephone switching equipment). Also, within these buildings is support equipment such as air conditioning/refrigeration equipment, standby engines, electrical switchgear, etc. The persons we hire to work in these facilities are required to maintain all of the equipment in these facilities and must meet certain physical standards. This involves responding to visual and audible alarms, climbing ladders to reach the top of equipment, performing maintenance on air conditioning equipment, engine, etc. Persons with disabilities that require the use of a wheelchair, or who cannot respond to visual and audible alarms cannot perform the required duties at these types of Remote Switch Module Building sites. If a person becomes disabled and can no longer meet these minimum physical criteria, or disabled persons are hired by AT&T, they are assigned to other AT&T facilities where accommodations for those disabled are already provided.

AT&T fully supports all equal opportunity and ADA laws. I hope this letter answers any questions you have. If you have any questions, feel free to give me a call at (305)-260-9018.

Sincerely,

Alex Penton



**AT&T – Villages of Homestead RSM – Building Addition**



**FRONT SIDE OF BUILDING (NORTH FACE)**



**RIGHT SIDE OF BUILDING (WEST FACE)**

**AT&T – Villages of Homestead RSM – Building Addition**



**RIGHT SIDE OF BUILDING FACING STREET**



**BACK SIDE OF BUILDING (SOUTH FACE)**

**AT&T – Villages of Homestead RSM – Building Addition**

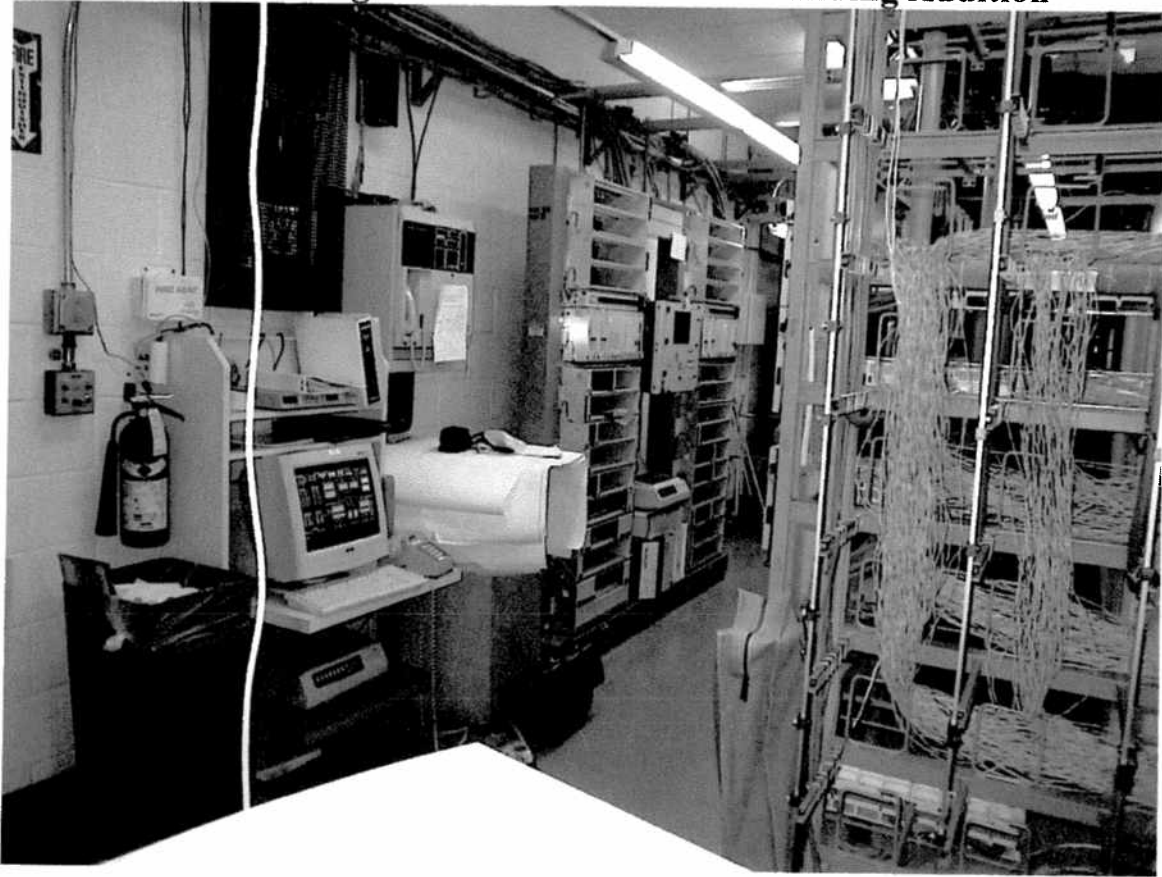


**VIEW OF GENERATOR FACING EAST**

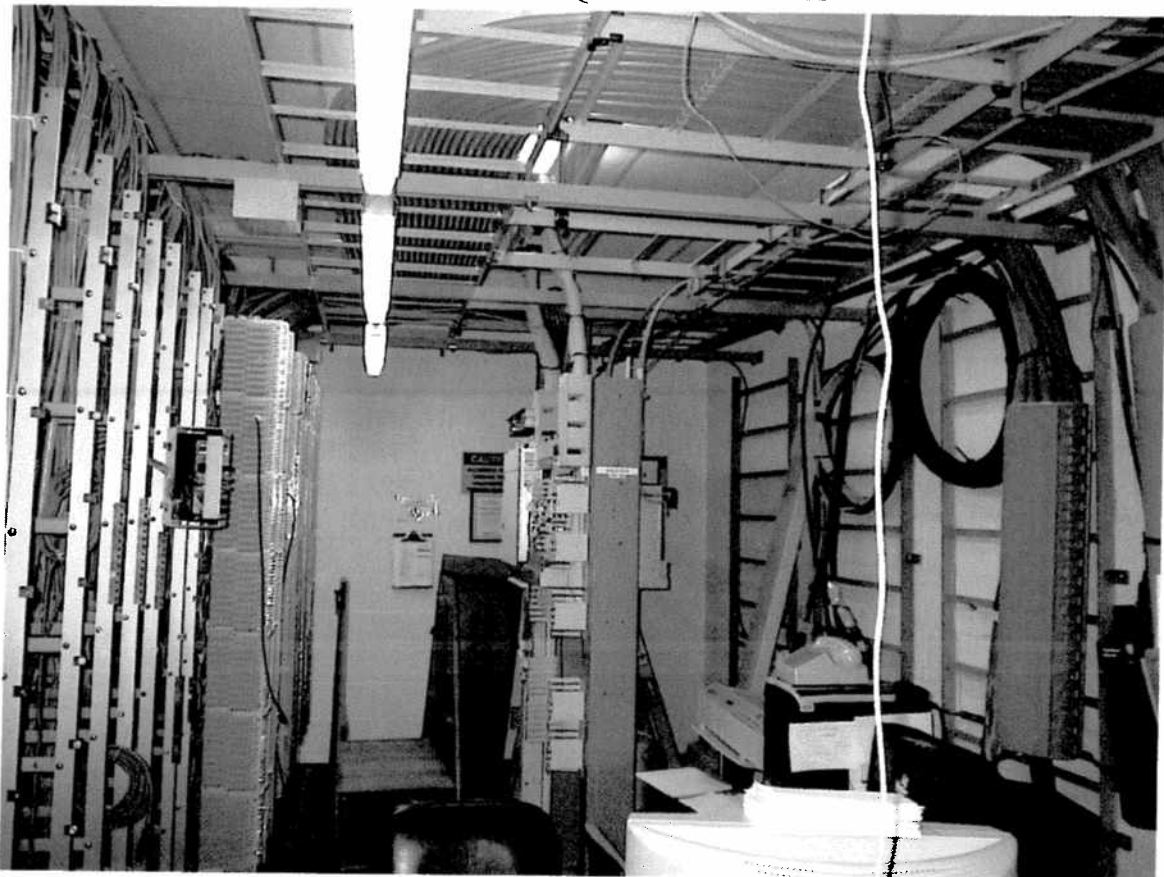


**LEFT SIDE OF BUILDING (EAST FACE)**

**AT&T – Villages of Homestead RSM – Building Addition**



TELEPHONE EQUIPMENT AREA



TELEPHONE EQUIPMENT



**AT&T – Villages of Homestead RSM – Building Addition**



TELEPHONE EQUIPMENT AREA

**AT&T – Villages of Homestead RSM – Building Addition**



TELEPHONE EQUIPMENT AREA

**AT&T – Villages of Homestead RSM – Building Addition**



TELEPHONE EQUIPMENT AREA