

10. Grounds for Waiver:

The hardship is caused by a set of conditions affecting the owner which does not affect owners in general:

The UPS Beacon Lakes Distribution Center is not a place of public accommodation, except for a very limited and tightly defined area which is not the subject of this application. The subject of this application is a new industrial-type facility that is designed and intended for the efficient sorting, processing, shipping and delivery of many thousands of packages of almost every size and shape every day. The Main Mezzanine is not conducive to persons with mobility impairments for the reasons discussed above, most importantly because of the nature of employment and activities that will take place on the Main Mezzanine. The level change for which a waiver is being requested near Complex 'A' is not in an area intended for the public, and there is already an accessible route for employees to access the main (dock level) floor area without utilizing a lift.

The requests for waiver from providing vertical accessibility from the main dock level area to Complexes 'E' and 'F', respectively, are due to the floor area the required shafts will take up impacting the circulation routes for the movement staff and vehicles transporting packages that are not conducive to the conveyor system which will impact the efficiency of the operation. Notwithstanding the above, however, it is UPS' policy not to discriminate on the basis of disability and is aware of its obligations under the ADA so it is proposing conditions to the waiver, if granted, to mitigate the effect of the waiver on persons with disabilities. These conditions will be provided in the design professional's statement.

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

The costs to UPS if the waiver is denied comes from a couple of different sources. For the means of vertical accessibility at Complex 'A' (from the public area to the dock level employee only area) and the LULA to the Main Mezzanine, outside of the installation cost, there is a cost to maintain the equipment. For equipment such as lifts and elevators, moving (being operated) is important to maintain the condition of the equipment. Because these two means of vertical accessibility are unlikely to be used (at all) because of where they provide access to, there is a heightened maintenance cost for equipment that is extremely unlikely to ever be used.

The costs for the two lifts or LULAs to Complex 'E' and 'F' are operational costs (of the business, not the lifts/LULAs themselves). Because of how packages that cannot go on the conveyor system are transported through the facility, additional obstructions on the routes employees and vehicles take slow down the process and efficiency of the system which increases the costs of operations of the business taking place in the facility. Notwithstanding the above,

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