

ACCESSIBILITY ADVISORY COUNCIL

GROUNDS FOR APPROVAL

- **Economic Hardship**

- Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
- If the 20% threshold is met, the waiver SHALL be granted.
- Does not apply to new construction.
 - Fit-outs/Build-outs are considered new construction

- **Historic Nature**

- Has the applicant provided documentation of the historic significance of the building?
- Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
- Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**

- Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?
 - Has the applicant provided comments from a licensed design professional?
 - Would have to rebuild, demolish, encroach on property lines, etc.

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UPS Beacon Lakes - WAV # 109

Issue: Vertical accessibility to complex “A”, complex “E”, complex “F” and to the Main Mezzanine.

Project Type: New Construction

Project Progress: N/A

Compliance estimate + Amount spent on accessible features: N/A

Project Construction Cost + Construction Cost Over Past 3 Years: \$18,000,000.00

Economic Hardship Threshold: N/A

Applicant alleges the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to Complex “A”, Complex “E”, Complex “F” and to the Main Mezzanine. This construction project consists of the building of a new 2 story 110,561 sf industrial UPS package processing facility. The project construction budget is 18,000,000 and the applicant noted that the hardship basis of this application is not based on financial considerations. According to the applicant, the Main Mezzanine is not conducive to persons with mobility impairments because of the nature of employment and activities that will take place on the Main Mezzanine. The applicant has also provided job description documentation describing the essential job functions of positions in this area such as debuggers and baggers who may lift bags weighing up to seventy pounds.(For more information on job descriptions please see uploaded documents entitled “Type of Facility” and “Jobdescriptions”) The applicant alleges that in Complex “A” there is a ramp in close proximity to provide vertical accessibility to the dock height level but it is on the exterior of the building outside of entrance to the street level entrance to the public area. In addition, the requests for waiver from providing vertical accessibility from the main dock level area to Complexes “E” and “F” are due to the floor area the required shafts will take up impacting the circulation routes for the movement of staff and vehicles transporting packages that are not conducive to the conveyor system which will impact the efficiency of the operation. According to the applicant’s registered design professional, the facility can operate with one or both lifts in place if the waiver is denied. However, the efficiency of moving irregular packages could be significantly affected. He also noted that UPS would also provide the necessary infrastructure for where the lifts would be required in case an employee became injured or a disabled employee is hired so that a lift or lifts could be easily installed. The applicant requesting a waiver based on a condition or set of conditions affecting the owner that does not affect owners in general.

Uploaded Documents:

1. Licensed Design Professional Statement
2. Proposed Construction Plans
3. 2 Lift Cost Estimates for Compliance

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4. Grounds For Waiver Letter
5. Facility Description
6. Requirements to be Waived Letter
7. Job Descriptions

STAFF RECOMMENDATION:

Staff recommends two options in regards to this waiver application:

Option #1: Staff recommends denying the request for waiver on the grounds of this being a new construction project.

Option #2: Staff recommends conditionally granting the waiver on the grounds that it would be unnecessary and unreasonable to require vertical accessibility to Complex "E," Complex "F," and to the main mezzanine and that the conditions be provided as part of the design to allow for future installation of vertical accessibility to these areas.

Items to be waived:

Vertical accessibility to the structure, as required by section 553.509, Florida Statutes.

553.509 Vertical accessibility. This part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part 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:

- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
 - (b) 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
 - (c) 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.
 - (d) Theaters, concert halls, and stadiums, or other large assembly areas that have stadium-style seating or tiered seating if ss. 221 and 802 of the standards are met.
 - (e) All play and recreation areas if the requirements of chapter 10 of the standards are met.
 - (f) All employee areas as exempted in s. 203.9 of the standards.
 - (g) Facilities, sites, and spaces exempted by s. 203 of the standards.
- (2) However, buildings, structures, and facilities must, as a minimum, comply with the Americans with Disabilities Act Standards for Accessible Design.

206.2.4 Spaces and Elements. At least one accessible route shall connect accessible building or

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facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path unless exempted by 206.2.3 Exceptions 1 through 7.

- 402.2 Components Accessible routes shall consist of one or more of the following components: Walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4 and 208.3.1.

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.

MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of _____.
 - Economic Hardship
 - Historic Nature
 - Technical Infeasibility

- I move to recommend that the Florida Building Commission deny this application.
 - No rationale necessary.

- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to _____:
 - Submit requested information
 - Contact building official or building department
 - Etc.