

COBB THEATRES AT OLD HYDE PARK VILLAGE

Issue: Vertical accessibility to all rows of seats in a multi-screen movie theater complex.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in an existing movie theater complex that is being converted from having a sloped floor to stadium seating. In addition to installing the rows of seats, a 1,334 square foot full service kitchen is being installed. The project will cost \$1,850,000, and estimates of \$52,200-\$54,400 per theater (\$313,200-\$326,400 total) were submitted to provide vertical accessibility. Note: Not all required wheelchair seating locations are shown on the plans; the seats are not dispersed and not all required companion seating is a component of the design.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all rows of seats, 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: Cobb Theatres at Old Hyde Park Village

Address: 1609 W. Swann Avenue; Tampa, Florida 33606

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: David W. Breedlove

Applicant's Address: 1909 Courtney Drive; Birmingham, AL 35209

Applicant's Telephone: (205) 879-5458 **FAX:** (205) 8795460

Applicant's E-mail Address: dwbarch@bellsouth.net

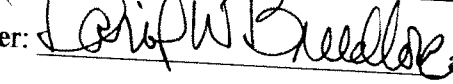
Relationship to Owner: Consultant/Agent

Owner's Name: Cobb Theatres

Owner's Address: 2000-B Southbridge Parkway; Suite 100; Birmingham, AL 35209

Owner's Telephone: (205) 802-1110 **FAX:** (205) 802-7771

Owner's E-mail Address: dwbarch@bellsouth.net

Signature of Owner:  as Agent and Architect for Cobb Theatres

Contact Person: David W. Breedlove

Contact Person's Telephone: (205) 879-5458 **E-mail Address:** dwbarch@bellsouth.net

This application is available in alternate formats upon request.
Form No. 2001-01

3. Please check one 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.)

Existing sloped floor multi-plex movie theatre conversion to stadium style tiered seating with interior cosmetic renovations and the addition of a full service kitchen.

Existing Square Footage = 25,558 s.f.

Proposed New Square Footage = 1,334 s.f.

Proposed Existing and New Square Footage = 26,892 s.f.

One story building.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$1,850,000.00

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.

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

Issue

1: See Attachment "A"

Issue

2: _____

Issue

3: _____

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.

See Attachment "A"

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

See Attachment "B1" and "B2"

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.

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. The following is the estimated cost impact for this multi-plex theatre to comply with section 553.509 of the Florida Statutes. Six (6) lifts required ($6 \times 52,200 = \$313,200.00$). See attachment "B1" and "B2".

b. Also between 15% and 30% of the seats (depending on the house size) will be displaced by the installation of lifts.

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.

WAIVER IS NECESSARY DUE TO CONSTRAINTS OF EXISTING
CONDITIONS, CONSTRUCTION COSTS AND FEASIBILITY OF PROJECT.

David W. Breedlove
Signature

DAVID W. BREEDLOVE
Printed Name

Phone number (205) 879-5458

(SEAL)

David W. Breedlove

10-23-08

CERTIFICATION OF APPLICANT:

I hereby swear or affirm 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 16TH day of OCTOBER, 2008

David W. Breedlove
Signature

DAVID W. BREEDLOVE
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.

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. THE PLANS SUBMITTED PROVIDE FOR STADIUM SEATING
- b. THE PLANS DO NOT PROVIDE VERTICAL ACCESSIBILITY-SECTION 11.4.1.6(1) f
- c. THE ACCOMPANYING PLANS ARE THE SAME AS THOSE SUBMITTED FOR REVIEW

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 ALL INFORMATION IN THE APPLICATION IS TRUE AND ACCURATE. A WAIVER IS RECOMMENDED

Jurisdiction CITY OF TAMPA

Building Official or Designee

Signature

MARCEL ZAMBRANO

Printed Name

MARCEL ZAMBRANO

Certification Number

PX 862

Telephone/FAX

813.274.3143

Address:

1400 NORTH BOULEVARD, TAMPA FL 33607

City of Tampa Code The following requirements shall be reviewed. <input type="checkbox"/> Wind Borne Debris <input type="checkbox"/> FBC Chapter 8 <input type="checkbox"/> Threshold <input type="checkbox"/> Product A <input type="checkbox"/> Foundation <input type="checkbox"/> Floor Zone <input type="checkbox"/> A Zone <input type="checkbox"/> V Zone REVISIONS _____ FT. _____ FT. _____ INCHES
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The Florida State Statutes Section 553.509 *Vertical Accessibility* states that "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 for the duty to provide vertical accessibility to all levels above and below the habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility." The stadium seating concept is one relatively new to the movie theatre industry; therefore, it is commonly believed that this type of building construction was not anticipated during the drafting of legislation for vertical accessibility or that it was meant to mean that every level or platform of stadium seating may be made accessible. The design industry has relied on Section 4.33.3 Placement of Wheelchair Locations for direction during the design process. This section states:

"Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair user. **EXCEPTION:** accessible viewing positions may be clustered for bleachers, balconies and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress."

It is the design industry's desire and duty to incorporate the findings and wishes of the Council and Board with sound and practical construction methods. However it is impossible to provide vertical accessibility to each level of stadium seating due: 1) to the high cost and 2) to the requirements of the ADA Section 4.33.3 which states "they (stadium seating) shall adjoin an accessible route that also serves as a means of egress in case of emergency" It is impractical to achieve this in a stadium seating movie theatre and accommodate the needs of all patrons. We have therefore established the goal of locating accessible seating to within 0% to 20% of the center of each house achieving a dispersed pattern and providing for companion seating as well as achieving comparable sight lines. Having complied with the remaining requirements of Section 4.33.3; it is our belief that this compromise is an acceptable solution to the concerns of all patrons.



ATTACHMENT "B1"

October 14, 2008

David W. Breedlove, Architect
1909 Courtney Drive
Homewood, AL 35209

Attn: David Breedlove

Subject: Cobb Theatre Renovations
Old Hyde Park Village

Dear David:

We have received the plans for the subject project. We estimate that it will cost approximately \$52,200 per screen to install lifts in each theatre. This cost would include all associated structural and electrical required to install the lifts.

We hope this information is helpful. If you have any questions or need additional information, please do not hesitate to call.

Yours very truly,

BLALOCK BUILDING COMPANY, INC.

Steven A. Blalock
President

SAB/ba



**The Parkes
Companies, Inc.**

105 Reynolds Drive / Franklin, TN 37064-2926 / 615-595-2400 / 615-595-2475 Fax / www.parkescompanies.com



ATTACHMENT "B2"

October 14, 2008

Mr. David Breedlove
David W. Breedlove, Architect
1909 Courtney Drive
Homewood, AL 35209

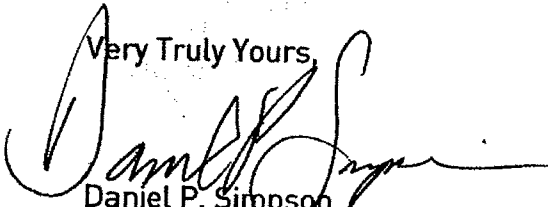
RE: Cobb Theater Renovations At Old Hyde Park Village
Tampa, Florida

Dear Mr. Breedlove,

We have received the plans for the project referenced above. We estimate that it will cost approximately \$54,600.00 per screen to install lifts in each auditorium. The noted cost includes all structural and electrical required for the installation of the lifts.

We hope this information is helpful. If you have any questions or need additional information, please do not hesitate to call.

Very Truly Yours,

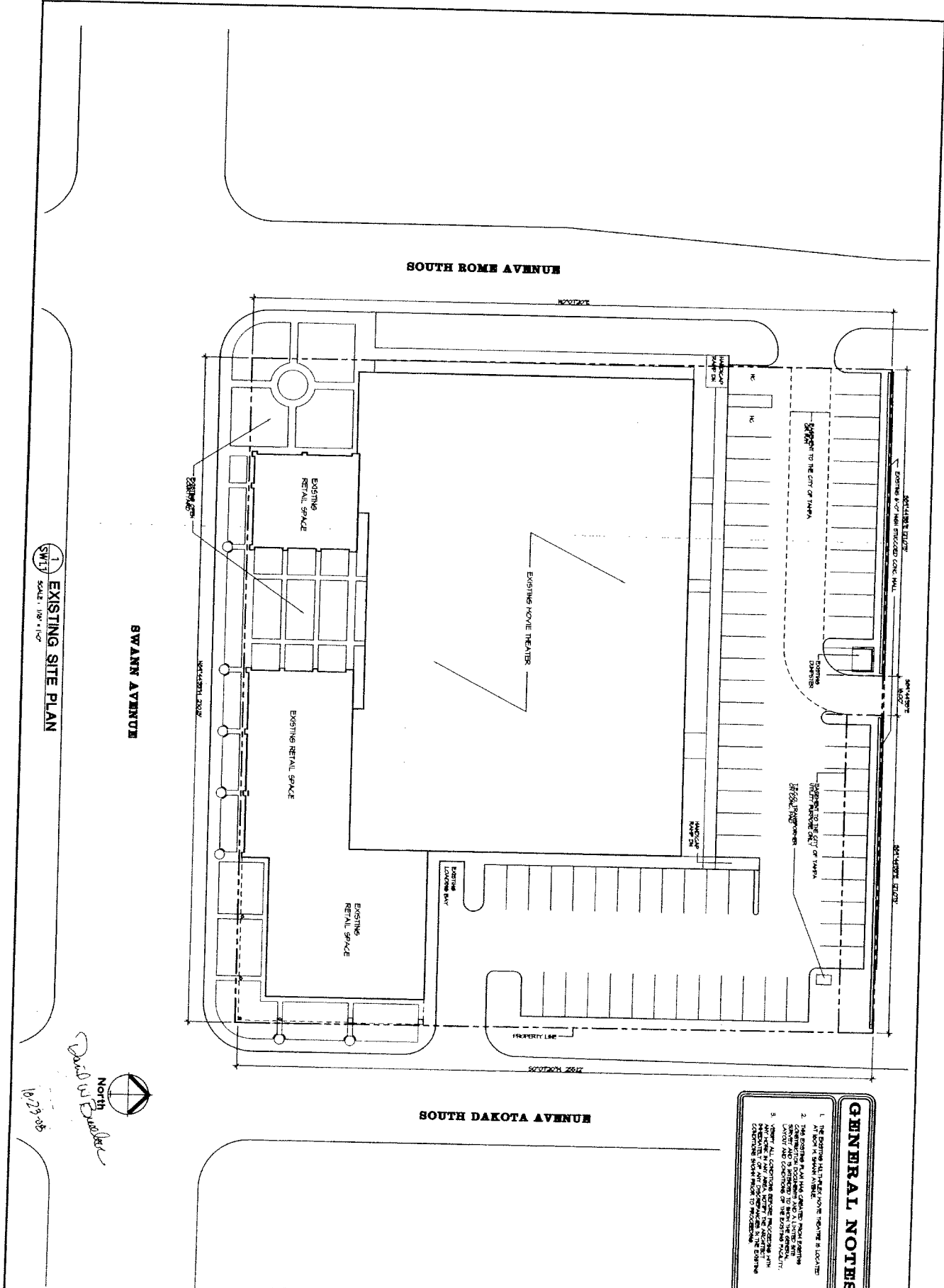


Daniel P. Simpson
Project Manager



Building Solutions, From the Ground Up!

Parkes Development Group, LLC
Parkes Construction
SiteSolutions
Resource Realty, LLC
Frontrunner Software, LLC



1
SW1
EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

SWANN AVENUE

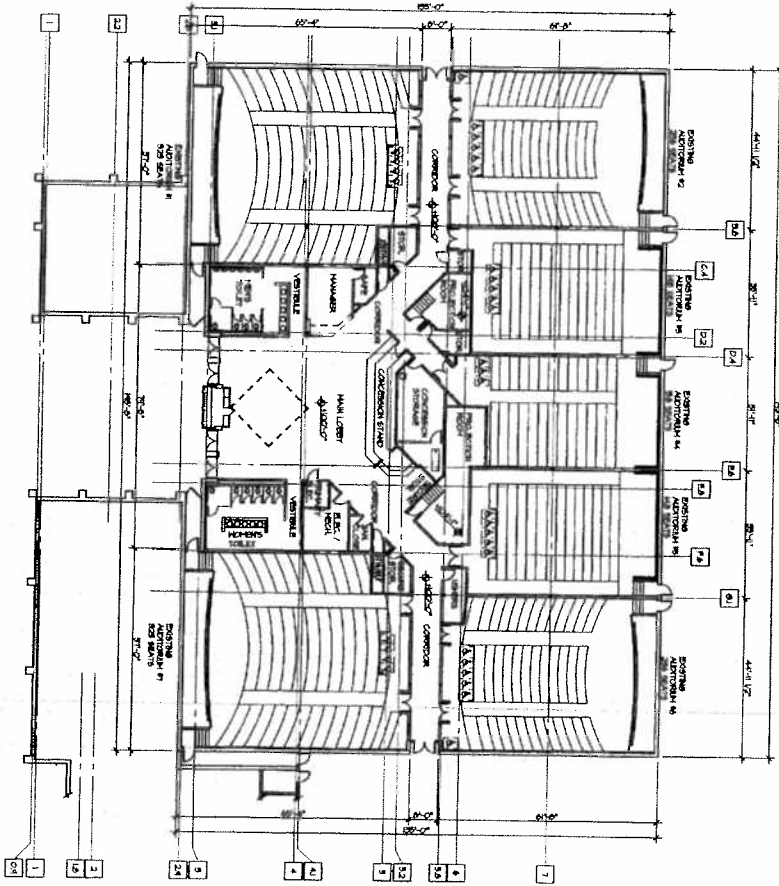
SOUTH ROME AVENUE

SOUTH DAKOTA AVENUE

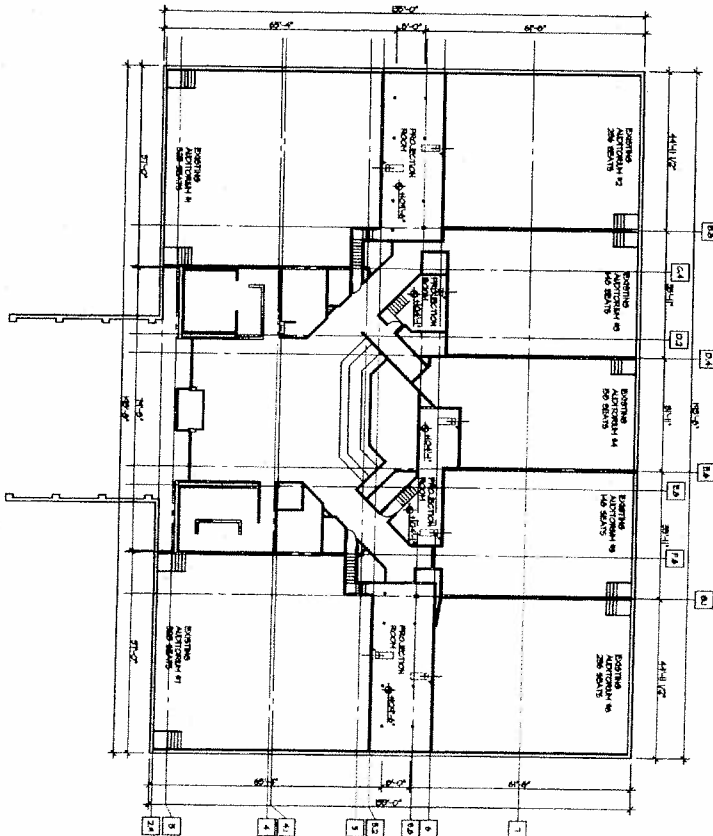
North
David W. Breedlove
10/29/08

- GENERAL NOTES**
1. THE EXISTING MULTISCREEN MOVIE THEATER IS LOCATED AT 1101 N. SWANN AVENUE.
 2. CONSTRUCTION SHALL BE LIMITED TO THE EXISTING DRIVEWAY AND TO ADDITION TO THE EXISTING DRIVEWAY.
 3. EXISTING ALL CONDITIONS BEFORE THE EXISTING DRIVEWAY SHALL BE MAINTAINED AND NOT TO BE DISTURBED.
 4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE EXISTING DRIVEWAY.
 5. EXISTING DRIVEWAY SHALL BE MAINTAINED AND NOT TO BE DISTURBED.

ACCESSIBILITY WAIVER APPLICATION



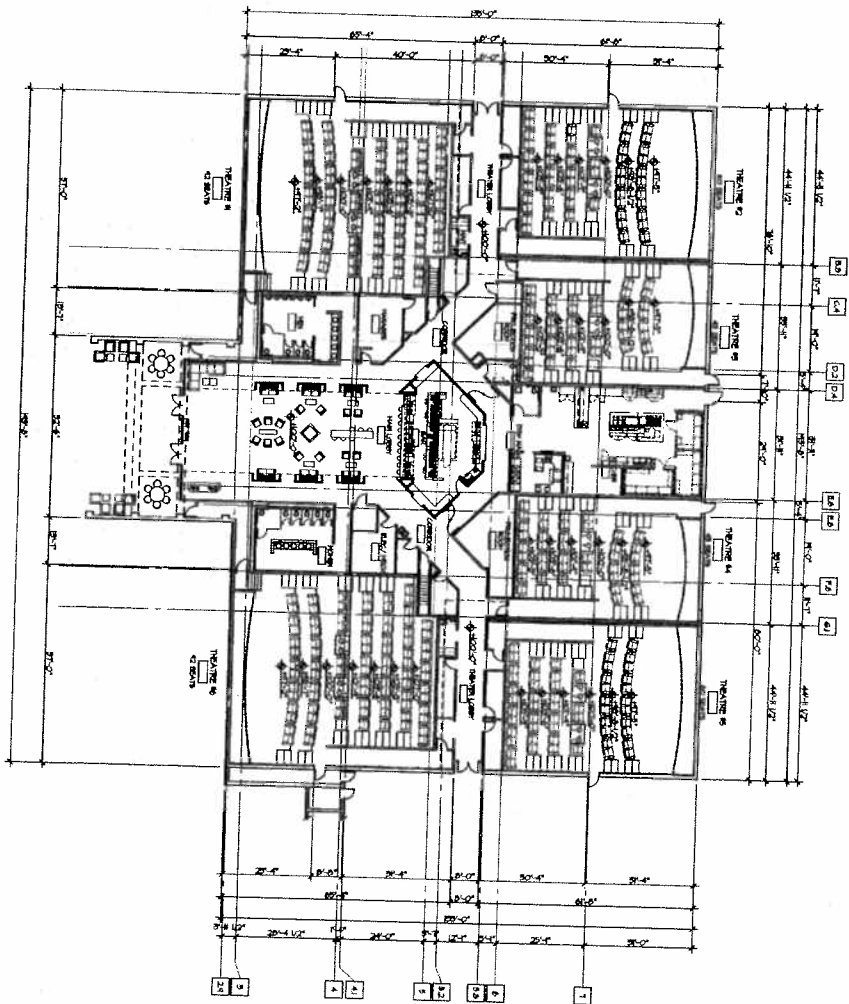
1 EXISTING OVERALL MAIN LEVEL PLAN
SCALE: 1/8" = 1'-0"



2 EXISTING OVERALL PROJECTION LEVEL PLAN
SCALE: 1/8" = 1'-0"

David W. Breedlove
02/28/08

ACCESSIBILITY WAIVER APPLICATION

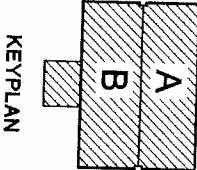


1
A11
SCALE: 1/8" = 1'-0"

PROPOSED OVERALL MAIN LEVEL PLAN



David Breedlove
10/23/08



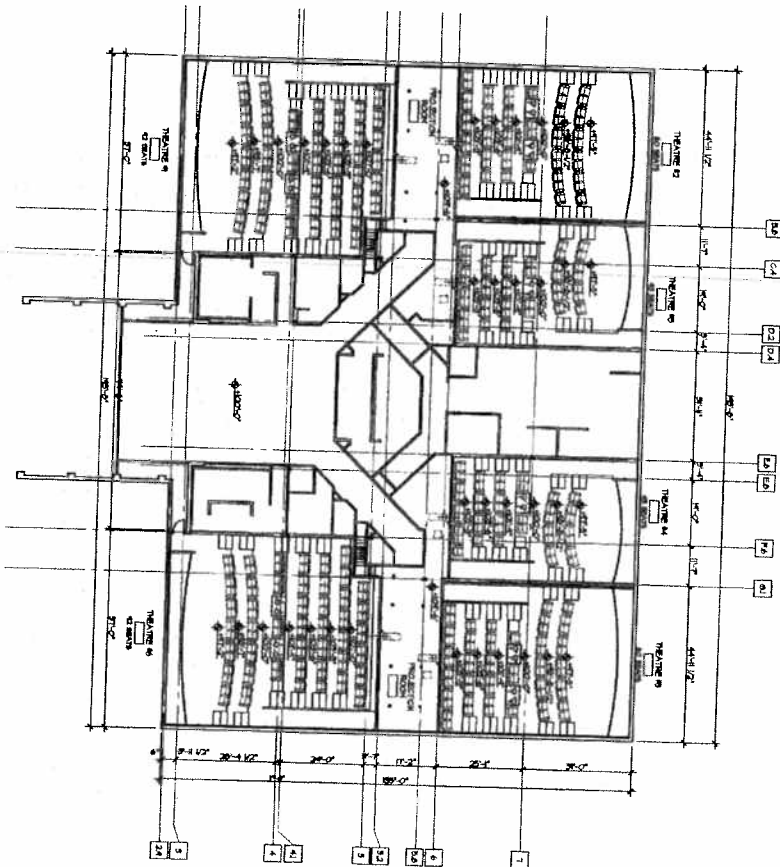
Theatre Seating Matrix

THEATRE	SEATS	1st SEATER	TOTAL	PRICED
THEATRE A	54 SEATS	1100 SEATER	54	54
THEATRE B	54 SEATS	1100 SEATER	54	54
THEATRE C	54 SEATS	1100 SEATER	54	54
THEATRE D	54 SEATS	1100 SEATER	54	54
THEATRE E	54 SEATS	1100 SEATER	54	54
TOTAL SEATING	270 SEATS	5500 SEATER	270	270

Project Data

DISTRICT NUMBER	1
TOTAL SEATING	270
DISTRICT SEATING	54
DISTRICT SEATING FOOTPRINT	22,000 SQ. FT.
TOTAL SEATING FOOTPRINT	110,000 SQ. FT.
PRICE/SEAT RATIO	400 SQ. FT. PER PERSON

ACCESSIBILITY WAIVER APPLICATION

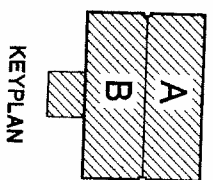


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David M. Bunker

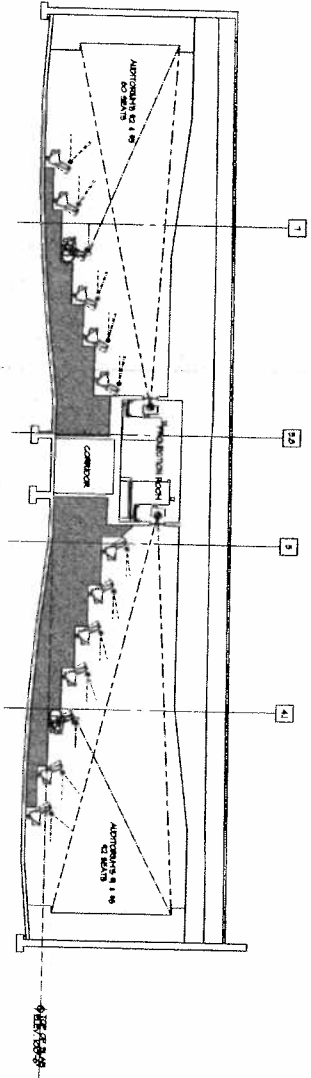
10.23.08



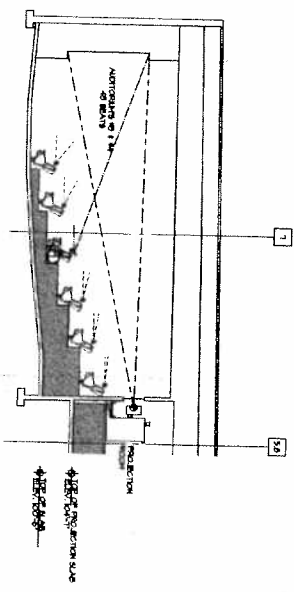
Theatre Seating Matrix			
THEATRE	SEATING	NO. SEATING	TOTAL
THEATRE #1	600 SEATING	100 SEATING	700 SEATING
THEATRE #2	500 SEATING	100 SEATING	600 SEATING
THEATRE #3	400 SEATING	100 SEATING	500 SEATING
THEATRE #4	300 SEATING	100 SEATING	400 SEATING
THEATRE #5	200 SEATING	100 SEATING	300 SEATING
THEATRE #6	100 SEATING	100 SEATING	200 SEATING
THEATRE #7	100 SEATING	100 SEATING	200 SEATING
THEATRE #8	100 SEATING	100 SEATING	200 SEATING
THEATRE #9	100 SEATING	100 SEATING	200 SEATING
THEATRE #10	100 SEATING	100 SEATING	200 SEATING

Project Data	
SEATING SYSTEM	912 SEATING
TOTAL SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING
SEATING SEATING	912 SEATING

ACCESSIBILITY WAIVER APPLICATION



1 CROSS SECTION
SCALE: 1/8" = 1'-0"



2 CROSS SECTION
SCALE: 1/8" = 1'-0"

David W. Breedlove
10-23-08

ACCESSIBILITY WAIVER APPLICATION

A4.2



OLD HYDE PARK VILLAGE
TAMPA

10-16-08
06-041

CROSS SECTION



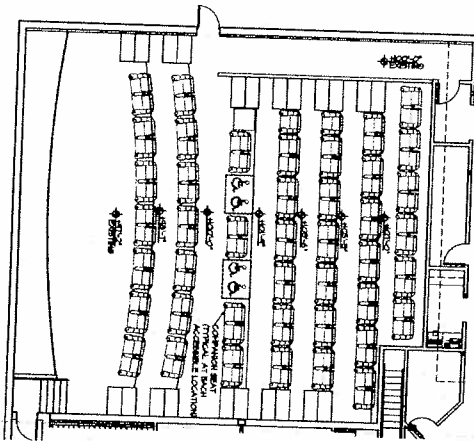
DAVID W. BREEDLOVE - ARCHITECT

1001 COURTESY DRIVE BRIMSBAH, ALABAMA 35201

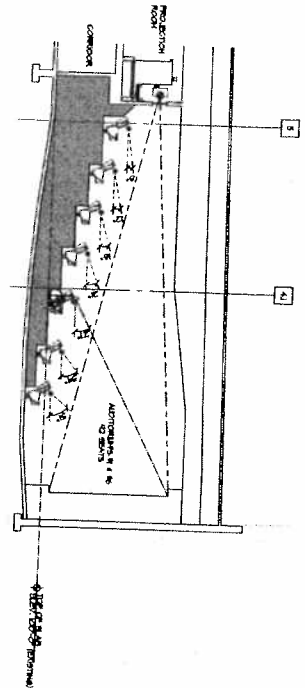
OFFICE # 205-874-5458
FAX # 205-879-5460
E-mail: dwbarchitect@aol.com



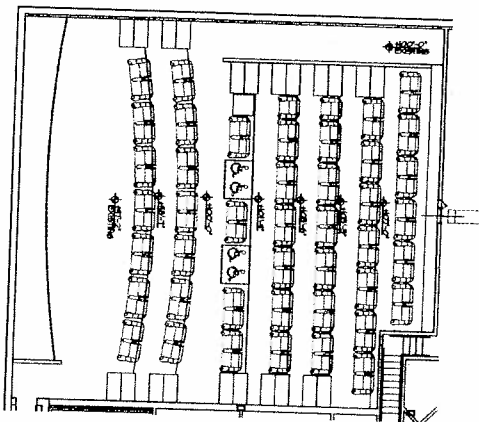
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MAIN LEVEL FLOOR PLAN



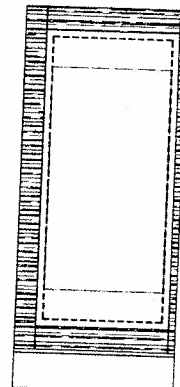
A
A7.1
SCALE: 1/8" = 1'-0"
THEATRE CROSS SECTION



2
A7.1
SCALE: 1/8" = 1'-0"
UPPER LEVEL FLOOR PLAN



B
A7.1
SCALE: 1/8" = 1'-0"
SCREEN ELEVATION



David W. Breedlove
10-27-08

ACCESSIBILITY WAIVER APPLICATION

A7.1



OLD HYDE PARK VILLAGE
TAMPA

FLORIDA

10-16-08

08-941

THEATRE AUDITORIUM'S #1 & #6 PLANS AND SECTION

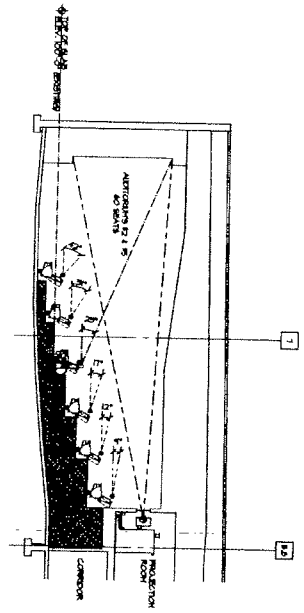


DAVID W. BREEDLOVE - ARCHITECT

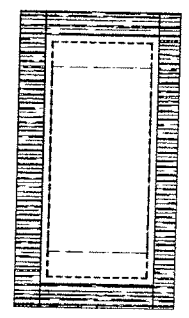
1008 COURTNEY DRIVE, DOWNSBORO, ALABAMA 36624

OFFICE # 205-678-5400
FAX # 205-678-5400
E-mail: dbreedlove@earthlink.net

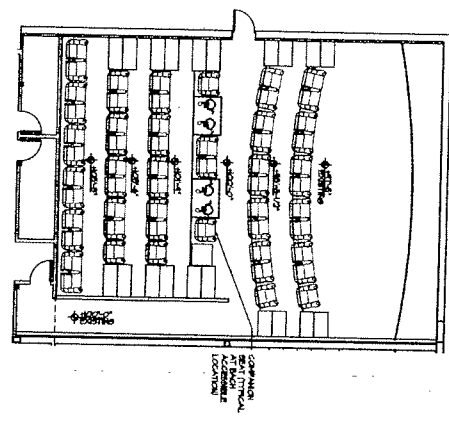




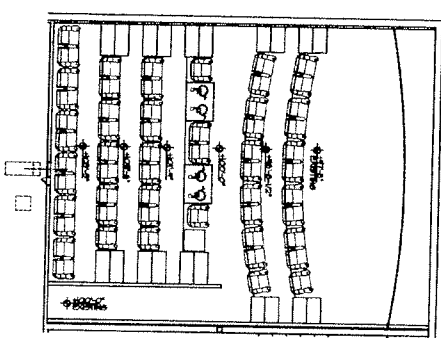
A
THEATRE CROSS SECTION
SCALE: 1/8" = 1'-0"



B
SCREEN ELEVATION
SCALE: 1/8" = 1'-0"



1
MAIN LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

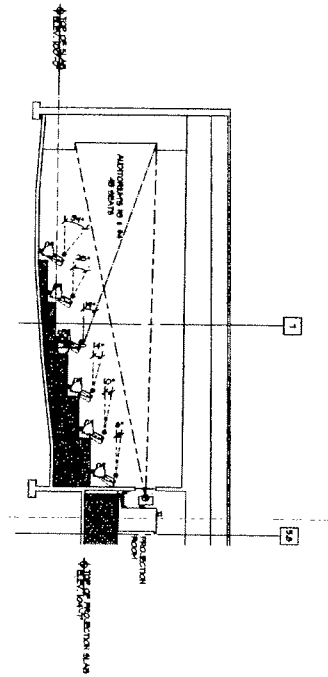


2
UPPER LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

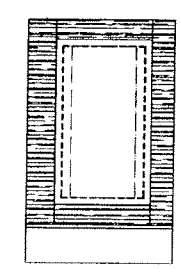
David Breedlove

10-25-08

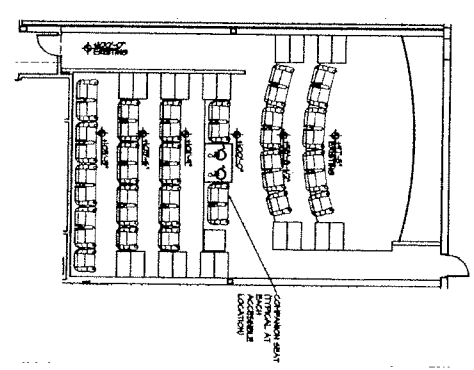
ACCESSIBILITY WAIVER APPLICATION



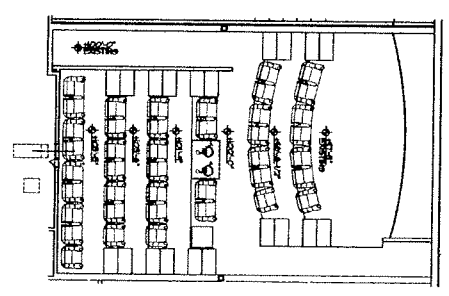
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B
A7.3
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1
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2
A7.3
SCALE: 1/8" = 1'-0"

David W. Breedlove
10-23-98

ACCESSIBILITY WAIVER APPLICATION