TOWNCENTER 12

Issue: Vertical accessibility to all rows of seats in a 12 screen movie complex.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to a rows of stadium style seating in a new, $4,000,000 12 screen movie theater complex. The application also requests a waiver from vertical accessibility to the projection booth which is exempt. In addition to stating that it is technically infeasible to make all rows of seats fully accessible, estimates were submitted for $96,000 and $55,000 plus the shaft. It is also estimated that installation of the lifts would result in the loss of three seats per theater and $800 revenue per day. In each theater, one additional accessible seat and companion seat must be provided, and in Theaters 6 and 7, three additional seats are necessary.

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 more than five persons, including, but not limited to equipment control room 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 recommendations will be presented to the Florida Building Commission. You will have opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, each meeting. The Commission will consider all information presented and the Council recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Towncenter 12
Address: 1820 Town Center Boulevard
Fleming Island, FL 32003

2. Name of Applicant. If other than the owner, please indicate relationship of applicant owner and written authorization by owner in space provided:

Applicant's Name: Mike Dyer of APW Architects
Applicant's Address: 1401 West Morehead St. Charlotte
Applicant's Telephone: (704) 379-1979 FAX: (704) 379-1920
Applicant's E-mail Address: mdyer@apwarchitects.com
Relationship to Owner: Architect
Owner's Name: Towncenter Forum Theatre
Owner's Address: 1590 Island Lane, suite 28
Owner's Telephone: (904) 215-7575 FAX
Owner's E-mail Address:
Signature of Owner: [Signature]
Contact Person: Tim Cohen
Contact Person's Telephone: (704) 560-5708 E-mail Address: tcohen@ac...
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 use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

42,000 s.f. 12-plex movie theatre with stadium seating and a projection me

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

$4 million +/- t.b.d. by bid

6. Project Status: Please check the phase of construction that best describes your project 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.

It is the applicants understanding that all movie theatres with stadium seating and a projection booth must be reviewed by 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: Section 553.509 Florida Statutes and
   Section 11-4.1.3 (5) exception 3 F.B.

**Issue**

2: Vertical Accessibility to ALL levels above grade level

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**Issue**

3: ________________

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8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waiver of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable hardship. Please describe how this project meets the following hardship criteria and 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.

   *It is not feasible to make all levels of stadium seats accessible.*

- [X] Substantial financial costs will be incurred by the owner if the waiver is denied.

   *Lifts or an elevator to the projection mezzanine will add cost and square footage.*

- [ ] The owner has made a **diligent investigation** into the costs of compliance with the code and cannot find an efficient mode of compliance. Provide detailed cost estimates and...
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. Flitchbaugh inclined lift = $8000 + per auditorium PLUS you'd lose 3 seats
   each row = $800 per auditorium per
   of lost revenue

b. Thyssen Krupp passenger elevator = $55,000 installed plus shaft cost plus additional

10. Licensed Design Professional: Where a licensed design professional has design project, his or her comments MUST be included and certified by signature and affixing of her professional seal. The comments must include the reason(s) why the waiver is necessary.

   comments in sections 8 & 9 above

   [Signature]  [Michael L. Dyer]

   Phone number (704) 379-1919

   (SEAL)
CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiv attached for review by the Florida Building Commission and that all statements made in application are to the best of my knowledge true and correct.

Dated this 7 day of November, 2007

Signature

Michael L. Dyer

Printed Name

By signing this application, the applicant represents that the information in it is true, accurate 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. Pro false information to the Commission is punishable as a misdemeanor under Section 77 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 here 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. F.B.C. Section 11-4.1.3 (5) exception 3

b. 

c. 

Has there been any permitted construction activity on this building during the past three years? so, what was the cost of construction?

[ ] Yes [X] No Cost of Construction

Comments/Recommendation All ADA Accessibility provided, the

I recommend approval.

Jurisdiction Clay County

Building Official or Designee Thomas A. Martinson

Signature

Thomas A. Martinson

Printed Name

Certification Number

BU-131

904-269-6308 / 904-269-6360

Telephone/FAX

Address: P.O. Box 7  Green Cove Springs, Fl. 3204

http://www.dca.state.fl.us/fbc/commission/FBC_1207/Acc_Adv_Council/13_TownCenter/...  1/14/2008
Prices for Public Building
Butler Wheelchair Lift

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Price</th>
</tr>
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<tbody>
<tr>
<td>1 - Electrical Contact on Power Unit Cover</td>
<td>79.00</td>
</tr>
<tr>
<td>2 - 42 inch High Side Guards (safety glass 1/4 in. Lucite)</td>
<td>1300.00</td>
</tr>
<tr>
<td>1 - 42 inch High Gate (safety glass 1/8 in.) Aluminum</td>
<td>650.00</td>
</tr>
<tr>
<td>1 - Interlock Ball Switch (edwards No. 45)</td>
<td>82.00</td>
</tr>
<tr>
<td>2 - Hand Rail on sides</td>
<td></td>
</tr>
<tr>
<td>1 - Emergency Stop Switch (squad D-900 1 ARU + 9001)</td>
<td>121.00</td>
</tr>
<tr>
<td>1 - Alarm Horn (mallory 60 62A an)</td>
<td>88.00</td>
</tr>
<tr>
<td>1 - Flinchbaugh Rocker Switch</td>
<td></td>
</tr>
<tr>
<td>1 - Door Pull (stanley cd 479 zinc)</td>
<td>104.00</td>
</tr>
<tr>
<td>1 - Gate Lock electric door opener (edwards 151-65)</td>
<td>89.20</td>
</tr>
<tr>
<td>2 - Silencing Assembly for interlock (edwards sr-1)</td>
<td>165.00</td>
</tr>
<tr>
<td>2 - Spring Hinges for Gate (stanley #2060 3½ x 3½)</td>
<td>33.00</td>
</tr>
<tr>
<td>1 - Flinchbaugh Gate Latch with release</td>
<td>27.50</td>
</tr>
<tr>
<td>2 - 6 Inch High Side Guards</td>
<td>140.00</td>
</tr>
<tr>
<td>1 - Automatic Side Ramp opposite Power Unit ONLY</td>
<td>575.00</td>
</tr>
<tr>
<td>2 - 42 Inch High Side Guard (metal enclosed)</td>
<td>950.00</td>
</tr>
<tr>
<td>1 - 36 Inch High Grab Rail on Platform</td>
<td>175.00</td>
</tr>
<tr>
<td>1 - Fold Down Seat on Platform</td>
<td>365.00</td>
</tr>
<tr>
<td>1 - 36 Inch High Side Guard (metal enclosed)</td>
<td>385.00</td>
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</table>

Mushroom Button Kit Class 9001 Type R-21 Red 2 1/4 Dia.
Adaptor Class 9001 Type K-54 Square D
BUTLER WHEELCHAIR LIFT

Price List

Effective September 1, 1993

<table>
<thead>
<tr>
<th>Suggested List Price</th>
<th>Dir. Disc.</th>
<th>Dealer's Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7517.00</td>
<td>$2519.00</td>
<td>$5048.00</td>
</tr>
</tbody>
</table>

**BUTLER WHEELCHAIR LIFT (Standard Indoor Unit)**

**NOTE:** Standard units limited to stairway lengths of 18 feet measuring from edge of top of landing to lower floor level, and widths of 40 inch clearance.

**ADDITIONAL FEATURES**

Price per foot over standard stairway length
- $32.95
- Discount: $27.62
- Net Price: $55.33

Price per inch over 40" width stairway
- $37.26
- Discount: $12.41
- Net Price: $24.85

SPECIAL length platform
- $379.34
- Discount: $253.02
- Net Price: $573.16

RETRACTABLE END RAMP & GUARD
(Automatically folds upward as platform moves off lower level)
- $567.40
- Discount: $188.95
- Net Price: $378.46

STANDARD Keyed Controls (one located on power unit cover, one on platform and one at top of landing)
- $246.43
- Discount: $164.3

RELOCATED Keyed Controls - such as wall mounted - EACH
- $125.02
- Discount: $63.39

Keyed Control ON PLATFORM ONLY
- $52.89
- Discount: $35.28

Power Unit Drive Extension for thru wall drives
- $490.68
- Discount: $327.51

RELOCATED power unit setup
- $2272.05
- Discount: $1515.40

**SPECIAL CONTROLS, SPECIAAL GUARDS, etc.** PRICED UPON REQUEST

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Prices are LESS installation, F.O.B., York, Pennsylvania

TERMS: 50% deposit with order and balance on delivery

THE FLINCHBAUGH CO., INC.
390 Everts Lane
YORK, PA 17403

http://www.dca.state.fl.us/fbc/commission/FBC_1207/Acc_Adv_Council/13_TownCenter/... 1/14/2008
Tim Cohen

From: Garrett, Ben [ben.garrett@thyssenkrupp.com]
Sent: Monday, November 05, 2007 12:13 PM
To: Tim Cohen
Subject: RE: elevator cost estimate

Per our discussion, a budget price for a 2 stop elevator with standard finishes and features, ADA compliant adjacent machine room, installed in Jacksonville, FL is $55,000.00.

Please let me know if I can provide drawings and specs for your use.

Regards,

Ben Garrett

ThyssenKrupp Elevator Corporation
6942 Philips Pkwy. Dr. S.
Jacksonville, FL 32256
tel. (904) 260-4656 fax (904) 260-3608
ben.garrett@thyssenkrupp.com

-----Original Message-----
From: Tim Cohen [mailto:T Cohen@ADW Architects.com]
Sent: Monday, November 05, 2007 11:41 AM
To: Garrett, Ben
Subject: elevator cost estimate

I just need a ball park cost for standard passenger elevator to get wheelchairs up to a mezzanine above slab on grade. Thank you.
ThyssenKrupp Elevator
Americas Business Unit

FEB - Construction No. 012.01.26

From: Steve Kran
To: Konrad

Subject: Eastridge - Concord, NC

Please see this letter to confirm our proposal of $26,000.00 to furnish and install ART (1) Regius, 9'2" x 92" cab, 92" x 92" car doors (1) per floor. Our proposal is based on the Work Scope Description of Equipment sheet and the Work By Others sheet (if applicable). Our price includes all the labor and materials necessary to install the equipment to your specifications. Our price excludes North Carolina State Tax.

We will supply the following items:

1. ARCHITECT'S PLAN
2. Our parts list record (1) 420.00 to 17.00 elevator. Other brothers dimensions are be 1/2" W x 1/2" D. Depth is 5.00". Other conditions are (1) 20" x 40" floor to (2) 10" floor.
3. We need 6 pieces per floor through a fixed Disconnect at the same dimension as paragraph 1 in order to start installation. This means we must have a door and another piece at this time.
4. Items not specified are priced as ATR standard. No specifications were provided at time of quotation.
5. We are providing an ADP-4000 type part system (1). No building will be required.
6. Items outside our scope of work remain the responsibility of others. In the event that the elevator (1) fails operation due to work by others, a change order shall be submitted.
7. Inspections to be performed during the regular work hours of the trade only. No inspections have been scheduled for mechanics or mechanics.
8. Contractor agrees that in the event the project is delayed due to an fault of Installer/Contractor, Contractor shall remain. Installer for any additional
9. Contractor agrees to be responsible for a timely inspection of the work.
10. Schedules not meeting could result in no warranty by both parties.
11. Pricing subject to change after 30 days.

Specifications:
1. 32' DR1C 4000 71.57% power factor.
2. 500,000 lbs.

http://www.dca.state.fl.us/fbc/commission/FBC_1207/Acc_Adv_Council/13_TownCenter/... 1/14/2008
Paragraphs 13 through 16 refer to essential regulations: proper electrical connections are made with conductors to ensure integrity and safety. The document advises that these connections must be secure and properly insulated to prevent electrical fires.

Sections 17 through 20 discuss the importance of using licensed contractors for electrical work. The regulations highlight the need for contractors to be registered and certified to ensure the safety and reliability of electrical installations.

Paragraphs 21 through 24 emphasize the significance of proper installation of concrete foundations, emphasizing the need for adequate support and stability.

Sections 25 through 28 outline the responsibilities of property owners in maintaining electrical systems. It stresses the importance of regular inspections and repairs to prevent electrical hazards.

Paragraphs 29 through 32 address the need for proper electrical design and planning, with a focus on ensuring that electrical systems are compatible with the overall structure of the building.

Sections 33 through 36 provide guidance on the use of electrical equipment, highlighting the importance of selecting equipment that meets safety standards.

Paragraphs 37 through 40 discuss the enforcement of regulations, with a focus on the role of inspectors in ensuring compliance.

Sections 41 through 44 outline the penalties for non-compliance, emphasizing the legal consequences for violating electrical regulations.

Paragraphs 45 through 48 provide a summary of the key points, reinforcing the importance of adhering to electrical regulations to prevent accidents and ensure safety.