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 all 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 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.
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: 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 to owner and written authorization by owner in space provided:

Applicant's Name: Mike Dyer of ADW Architects
Applicant's Address: 1401 West Morehead St. Charlotte, NC
Applicant's Telephone: (704) 379-1919  FAX: (704) 379-1920
Applicant's E-mail Address: mdyer@adwarchitects.com
Relationship to Owner: Architect

Owner's Name: Towncenter Forum Theatre, LLC
Owner's Address: 1590 Island Lane, suite 28 Fleming Island
Owner's Telephone: (904) 215-7575  FAX
Owner's E-mail Address: jw@bellsouth.net
Signature of Owner: [Signature]

Contact Person: Tim Cohen
Contact Person's Telephone: (704) 560-5708  E-mail Address: tcohen@adwarchitects.com
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.)

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

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

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

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.

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.C.

**Issue** Vertical Accessibility to ALL levels above grade level

2:  

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**Issue**

3:  

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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.

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

- [✓] 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, 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. Flitchbaugh inclined lift = $8000 per auditorium PLUS you'd lose 3 seats in each row = $800 per auditorium per day of lost revenue

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

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.

    **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 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 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 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. 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? If so, what was the cost of construction?

[ ] Yes [X] No Cost of Construction

**Comments/Recommendation:** ALL AOA ACCESSIBILITY PROVIDED, THEREFORE, I RECOMMEND APPROVAL.

Jurisdiction **Clay County**

Building Official or Designee 

Signature **Thomas A. Martinson**

Printed Name **BU-131**

Certification Number

904-269-6308 / 904-269-6360

Telephone/FAX

Address: **P.O. Box 7 Green Cove Springs, Fl. 32043**
<table>
<thead>
<tr>
<th>Item Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Electrical Contact on Power Unit Cover</td>
<td>1</td>
<td>79.00</td>
</tr>
<tr>
<td>2 - 42 inch High Side Guards(safety glass &amp; in.Lucite</td>
<td>1</td>
<td>130.00</td>
</tr>
<tr>
<td>1 - 42 inch High Gate ( safety glass, in. )</td>
<td>1</td>
<td>65.00</td>
</tr>
<tr>
<td>1 - Interlock Ball Switch( edwards No. 45 )</td>
<td>1</td>
<td>82.00</td>
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<tr>
<td>2 - Hand Rail on sides</td>
<td>1</td>
<td>192.50</td>
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<tr>
<td>1 - Emergency Stop Switch ( squard D-900 1 KRU + 9001)</td>
<td>1</td>
<td>121.00</td>
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<tr>
<td>1 - Alarm Horn(mallory eo 628 an)</td>
<td>1</td>
<td>88.00</td>
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<tr>
<td>1 - Flinchbaugh Rocker Switch</td>
<td>1</td>
<td>104.00</td>
</tr>
<tr>
<td>1 - Door Pull(stanley cd 479 zinc)</td>
<td>1</td>
<td>10.14</td>
</tr>
<tr>
<td>1 - Gate Latch electric door opener(edwards151-65)</td>
<td>1</td>
<td>165.00</td>
</tr>
<tr>
<td>2 - Silencing Assembly for interlock(edwards sr-1)</td>
<td>2</td>
<td>89.20</td>
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<tr>
<td>2 - Spring Hinges for Gate(stanley#2060 3½x9½)</td>
<td>2</td>
<td>33.00</td>
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<tr>
<td>1 - Flinchbaugh Gate Latch with release</td>
<td>1</td>
<td>27.50</td>
</tr>
<tr>
<td>2 - 6 Inch High Side Guards</td>
<td>2</td>
<td>140.00</td>
</tr>
<tr>
<td>1 - Automatic Side Ramp opposite Power Unit ONLY</td>
<td>1</td>
<td>575.00</td>
</tr>
<tr>
<td>2 - 42 Inch High Side Guard (metal enclosed)</td>
<td>2</td>
<td>950.00</td>
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<tr>
<td>1 - 36 Inch High Grab Rail on Platform</td>
<td>1</td>
<td>175.00</td>
</tr>
<tr>
<td>1 - Fold Down Seat on Platform</td>
<td>1</td>
<td>365.00</td>
</tr>
<tr>
<td>1 - 36 Inch High Side Guard(metal enclosed)</td>
<td>1</td>
<td>385.00</td>
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</table>

Mushroom Button Kit  Class 9001 Type R-21  Red 2½ 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. 33-1/3%</th>
<th>Dealer's Net Price</th>
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<tbody>
<tr>
<td>BUTLER WHEELCHAIR LIFT (Standard Indoor-Unit)</td>
<td>$787.00</td>
<td>$2519.00</td>
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</table>

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

ADDITIONAL FEATURES

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
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</thead>
<tbody>
<tr>
<td>Price per foot over standard stairway length</td>
<td>$32.75</td>
<td>$27.62</td>
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<tr>
<td>Price per inch over 40&quot; width stairway</td>
<td>$37.26</td>
<td>$12.41</td>
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<tr>
<td>SPECIAL length platform</td>
<td>$379.34</td>
<td>$126.32</td>
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</table>

RETRACTABLE END RAMP & GUARD
(Automatically folds upward as platform moves off lower level)

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$567.41</td>
<td>$188.95</td>
<td>$378.46</td>
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</tbody>
</table>

STANDARD Keyed Controls (one located on power unit cover, one on platform and one at top of landing)

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$246.43</td>
<td>$71.80</td>
<td>$164.33</td>
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</tbody>
</table>

REMOTELY Located keyd Controls - such as wall mounted - EACH

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$125.02</td>
<td>$41.63</td>
<td>$83.39</td>
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</tbody>
</table>

Keyed Control ON PLATFORM ONLY

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<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$52.69</td>
<td>$17.61</td>
<td>$35.28</td>
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</tbody>
</table>

Power Unit Drive Extension for thru wall drives

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$490.68</td>
<td>$163.17</td>
<td>$327.51</td>
</tr>
</tbody>
</table>

REMOTELY LOCATED power unit setups

<table>
<thead>
<tr>
<th>List Price</th>
<th>Discount</th>
<th>Net Price</th>
</tr>
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<tbody>
<tr>
<td>$2272.05</td>
<td>$750.57</td>
<td>$1515.48</td>
</tr>
</tbody>
</table>

SPECIAL CONTROLS, SPECIA GUARDS, etc. PRICED UPON REQUEST

Prizes are LESS installation, F.O.B., York, Pennsylvania
TERMS: 50% deposit with order and balance on delivery

THE FLINCHBAUGH CO., INC.
390 Efferts Lane
YORK, PA 17403
PHONE: (717) 854-7720, 1-800 226-24115
FAX: (717) 843-7385
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, with 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:TCohen@ADWArchitects.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 at 19'-4" above slab on grade. Thank you.
ThyssenKrupp Elevator
Americas Business Unit

FAX – Quotation No. 012-01A

To: Brian Cox
Kaneberg Construction Company, Inc.
(919) 333-0746

From: Karen Meyers

Subject: Chas Building – Coral NC

Date: September 12, 2007

Please use this letter to confirm our quotation of $36,392.00 for furnish and install ONE (1) ThyssenKrupp Schindler (T) elevator (1) per floor. Our price (1) is based on the attached Work Scope/Description of Equipment sheet and the Work By Obama sheet (1) when applicable. Our price includes all the labor and materials necessary to install this equipment in accordance to governing code. Our price excludes North Carolina State Sales Tax.

We подробно ниже:

1. IMPORTANT: Our quote is based on one (1) 3,000 lb. capacity hydraulic elevator. Elevator dimensions to be 34" W x 88" D. Pit depth to be 36" with 12" of clear combined space (finished floor to top of hoistway).
2. The usual 5 phase power through a fused disconnect of the same characteristics as permanent power in order to install equipment. This means we must also have a dead bus and main switch at this time.
3. Items not specified are priced at T $9 standard. No specifications were provided at time of quotation.
4. We are providing one (1) T $9 through pass system(s). No stringing will be required.
5. Items not included in scope of work remain the responsibility of others. In the event that the elevator(s) fail inspection due to work by others, a change order shall be issued to cover the cost for re-inspection.
6. Installation to be performed during the regular work hours of the week only. No premiums have been included for overtime or weekends.
7. Contractor agrees that on the event the project is delayed due to no fault of ThyssenKrupp, Contractor agrees to advance Inductors for any additional costs, which may include modification fees, as well as any labor costs incurred as set forth by the International Union of Elevator Constructors (IUEC).
8. Contract terms and conditions to be negotiated at a later date.
9. ThyssenKrupp delivers under FOB (9) Waco automatic square price.
10. Schedule not binding until agreed to in writing by both parties.
11. Prevailing wage subject to change after 30 days.

PLEASE NOTE: Exact labor hours for installation are approximately 3 weeks for shores, 10-12 weeks for installation, 1 week for shipping, and approximately 3 weeks for installation.

Thank you for your cooperation.

Best regards,

Karen Meyers

Work Scope / Description of Equipment

NUMBER OF CARTS:
1

CONTROLS:
Hydraulic

CAPACITY:
3,000 lb.

SPEED:
100 F.P.M. full load up

OPERATION:
ThyssenKrupp Elevator

9028 Waco Road, Suite 107
Waco, TX 76710

Phone: (254) 759-1900
Fax: (254) 759-7439

Visit us on the web at: thyssenkruppusa.com

Karen Meyers

1
CARDDA (dr. winds)

TRIPPLE

LOCATE

ORIOLES

MACHINERY ROOM LOCATION

HEATWORK/FRAMING

fixtures, and aluminum sills

DOOR CORRICATION

ERASES/REPLACE

stainless steel door, 
66

treaded set
by others

SPECIAL REQUIREMENTS

three (3) months

Independent Source, A.D.A

TELEPHONE

12 W 66 D

PAINTWORK

5.6 D jot / 12.4 Crown

NEW INSTALLATION COSTING BUILDING WORK NOT INCLUDED

This proposal does not include the following work, and is conditional on the proper performance of each work by the General Contractor or other Subcontractors.

- All electrical wiring, properly covered and enclosed, and including a set of proper depth provided with comfort, cover, and outlet, where applicable, and under framing. Provision of set (s), galvanized wire, adequate for the electrical equipment, including floor, outlets, fixtures, and room lighting, ventilation, and heat to maintain the room at an ambient temperature between 50° and 80° Fahrenheit, non-condensing. Adequate lighting, heating, and ventilation for all equipment, including support for goods and tools. Adequate heating of interior spaces to prevent deterioration during winter construction. When required, electricians of suitable location shall be provided for goods and tool support.

- It is agreed that if the work as listed is incompletely or unsatisfactorily completed or disturbed in any manner at the job site, you will cause any work to be done and remove the materials at the job site, and that you will not make any changes or modifications to the job site unless such changes or modifications are approved in writing by BOCM. Any costs of such changes or modifications shall be charged to the project.

- All substructure angles (where applicable), including steel angles where required, and all anchors (of all angles are not supplied by BOCM Contractors) and the painting of all steel rails, doors faces, and windows shall be provided. Provision of frames for installation of windows, frames, and doors shall be provided. Provision and installation of window frames, doors, and anchors is the responsibility of the contractor.
Sections a [block note for signed features]. Structural steel floor slabs with extensions to leave larger of requested or tenancy rules and code for freight elevator including fourth
beginning of these items.

Suitable connections from the power main to each controller and signal equipment feeder as required, including securing several brackets and fixed equipment showrooms switchboard
and NEC Wiring to controllers for hoistway area, NEC Articles 682, 51 and 53 and 54. Electric power without charge for construction, testing, and adjusting of the same characteristics as permanent power. A means to automatically disconnect the main line and the emergency power supply to the elevators prior to the application of water (sheet
steel) in the machine room will be furnished by the elevator contractor. The means shall not be self-extinguishing. Wiring shall be covered from wet safety panel to any other water's
contact to elevator machine room or suitable connections to building. The contractor shall provide temporary 
200 VAC 30 amp range phase balanced with disconnect for each traction elevator in machine room and within 20% of the machine room for hydraulic elevators at the time of the test for temporary operation of each platform. A rough
phase balanced disconnect is to be provided for HVAC equipment as machine room.

Heat and steam supply shown at elevated delivery on each floor, machine room, and hoistway, where applicable, until normally given dry contact cam disconnect at a properly
marked terminal on the elevator controller. Telephone connections to the elevator controller (must be dedicated be unseasoned at least in days). One additional phone line per group of
elevator for diagnostic capabilities with the designated controller.

Emergency power supply with automatic time delay transfer switch and auxiliary contacts with wiring to the designated elevator controller. Electrical wiring connections between
machine room, service, and emergency power pursuant to be provided by others. Any permanent required safety provisions not directly involved for elevator installation. All
piping, except as otherwise specified, temporary of elevator service necessary to completion and acceptance of complete installation. Furnishing, installing, and maintaining of the
required fire rating of elevator hoistway walls, excluding the penetration of fire wall by elevator fixtures herein, is not the responsibility of the elevator contractor. Furnishing and
installation of finished is by others.

Costs for General Contractor to provide a heated general area, property used from the elevator controller(s) to the primary building power.

Remote wiring to outside shown here is requested by the Safety Code for Elevators and Escalators (ASA 10.1) where applicable.

Costs for additional requirements of the elevator equipment by code authorities after the initial inspection faster due to items that are the responsibility of the Contractor, or for
requesting others requiring equipment specified by others.

The contractor agrees to provide a key, secure area adjacent to each elevator hoistway at ground level for storage of the elevator equipment at the time of delivery. Adequate storage
and space to be provided. A fee of $200 per piece will be charged for off-site storage along with a 20% charge for additional handling and re-transportation of storage on site cannot be provided. Any relocation of the equipment as directed by the contractor after the initial delivery will be at contractor's expense.

The contractor agrees to provide, at no additional cost, a means to heat elevator equipment as needed.

Contractor's own switchgear not to be provided. Contractor will coordinate with main building.

All existing equipment removed by IC shall become exclusive property of company.

A 100' x 30', or otherwise indicated on shop drawings, on the floor for each hoist, properly located from the building lines. (If not installed) with adequate anchors
and space for module and drive equipment. Access to main power supply within 10' of each hoist for field installation. Removal of all dirt and debris accumulated during removal of the hoist, to be the General Contractor. Painting and other finishing of black and other paint as indicated.

Signage. Kneeler's Contractor shall be held responsible for water supply through each hoist regardless of specifications.