

COBB THEATER PREMIUM AT DOLPHIN MALL

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

Analysis: The applicant was previously granted a waiver for this premium, five theater movie complex, and during the course of the construction process, Theater 5 (previously Theater 4) has had the number of seats reduced from 125 to 96. The current review is limited to this theater, as all others are being constructed as submitted. All required accessible seats with companion seating are provided.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all levels, 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: Cobb Theatre – PREMIUM – at Dolphin Mall [Revision Theatre House #5]

Address: 11471 NW 12th Street

Miami, Florida 33172

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: Joseph L. Sweeney w/CTSM Architects, Inc.

Applicant's Address: 530 Beacon Parkway West Suite 900 Birmingham, AL 35209

Applicant's Telephone: (205) 443-3720 FAX: (205) 443-3790

Applicant's E-mail Address: jsweeney@ctsmarchitects.com

Relationship to Owner: Architect for Theatres

Owner's Name: Cobb Theatres LLC

Owner's Address: 2100 A South Bridge Parkway Suite 325; Birmingham, AL 35209

Owner's Telephone: (205) 802-7766 FAX (205) 802-7771

Owner's E-mail Address: _____

Signature of Owner: _____ *as Agent and Architect for Cobb Theatres, LLC*

Contact Person: Joe Sweeney or Lawrence L. Corley

Contact Person's Telephone: (205) 443-3720 E-mail Address: jsweeney@ctsmarchitects.com
lcorley@ctsmarchitects.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.)

Multi-Screen Movie Theatre One Story 20,000 +/- square feet
Group "A" Assembly

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

\$ 2.4 million

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.

The Project has already received an approved waiver from the Commission in December, 2006. During the construction process, the seat count in Theatre #5 (formerly submitted as Theatre #4) has been reduced from over 100 seats (125) to less than 100 seats (96). We wish to provide 4 H/C seat locations in lieu of the 5 H/C seat locations, which will meet the Florida Building Code requirements.

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 11-4.1.3 Accessible Buildings (19) Assembly Areas. We request approval to change Theatre House #5 from 125 seat assembly with 5 H/C seats to 96 seat assembly with 4 H/C seats.

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.

Wish to avoid providing more H/C seats than required by Code, to allow all H/C companion seats maximum width and comfort within a restricted space.

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

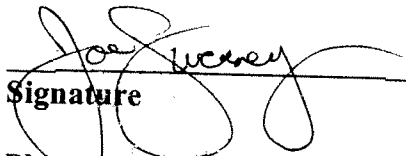
The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

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. Not Applicable

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.

The Waiver is requested to allow the Theatre House #5 to meet the minimum requirements of the Code, because of Construction changes which reduced the theatre capacity.


Signature

Joseph L. Sweeney
Printed Name

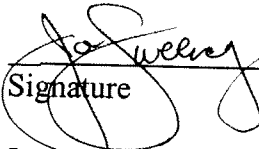
Phone number (205) 443-3720

(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 26 day of February 2008


Signature

Joseph L. Sweeney
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.

**4.33 ASSEMBLY AREAS
STAFF WAIVER ANALYSIS**

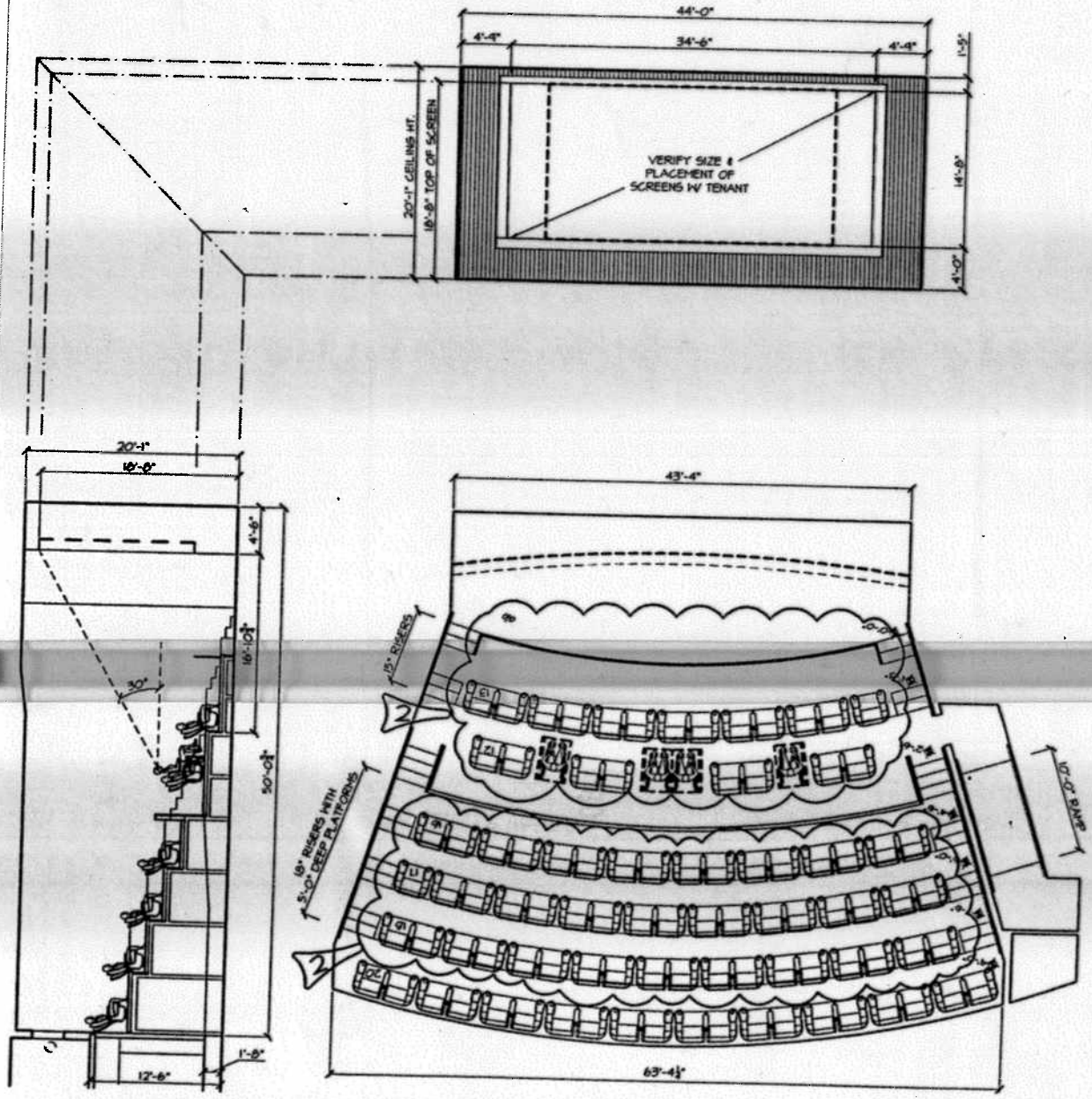
Name of Assembly: Cobb Theatres – PREMIUM – at Dolphin Mall New Alteration Addition

Auditorium Category	Auditorium numbers in the category	Wheelchair spaces per auditorium			Companion seating provided? Y/N	Number of wheelchair spaces provided in:		
		Provided	FL requires	ADA requires		Front Zone A	Middle Zone B	Back Zone C
A. Fixed Seats 51 to 100	Houses 1, 2, 3, 4,5	4	4	4	Yes	0	4	0
B. Fixed Seats 101 – 200		—	5	4	—	0	5	0
C. Fixed Seats 201 to 300	N/A	—	6	4	—	—	—	—
D. Fixed Seats 301 to 400	N/A	—	7	6	—	—	—	—
E. Fixed Seats 401 to 500	N/A	—	8	6	—	—	—	—
F. Fixed Seats 501 to 600	N/A	—	9	7	—	—	—	—
G. Fixed Seats 601 and up	N/A	—	—	—	—	—	—	—

Wheelchair spaces required: FL 51 to 100 -- 4 + 1 for every 100 fraction. ADAAG 51 to 300 -- 4; 301 to 500 -- 6 + 1 for every 100 or fraction. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location.

In theatres seating 150 or more, 50% of wheelchair spaces should be located in zone B (sweet spot) as per Charette 2-10-98.

ANY EXPLANATIONS:



THEATER HOUSE TYPE 'C1'

SCALE : 1/16" = 1'-0"

96 SEATS IN 1 THEATER HOUSE



Corley Timothy Sweeney McCormac

February 26, 2008

Ms. Mary Katherine Smith
Department of Community Affairs
Codes & Standards Section
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Re: Cobb Theatre – Premium @ Dolphin Mall
Miami, Florida
CTSM No. 1801

Dear Ms. Smith:

We have the above referenced project currently under Construction. This project did receive approval from the Florida Building Commission during the December, 2006 hearings. However, during the construction process the seating quantity within our Theatre No. 5 (formerly was Theatre #4) has changed from 125 seats which included 5 accessible seat locations to 96 seats which include 4 accessible locations. This change in seating was driven by an increase in all of the chair sizes as requested by the Owner – Cobb Theatres.

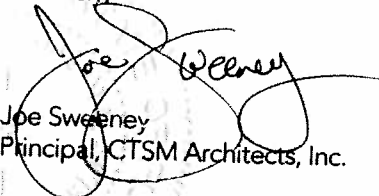
We would like to request the Board's approval in providing 4 accessible wheelchair locations in lieu of the 5 accessible wheelchair locations originally approved in that the new seat count will be less than 100 seats within this theatre house.

May I respectfully request that the attached cover form along with the required documents be accepted for submission of the Cobb Theatre – Premium @ Dolphin Mall, for the March 2008 hearings.

I have signed the application letter as Architect for the submission, and do not plan to be at the Hearings in Tampa unless you feel that there will be an issue with this waiver request.

Please let us know if you need any more information at this time. Thank you for your assistance with this submission.

Sincerely,



Joe Sweeney
Principal, CTSM Architects, Inc.

CC: Lawrence Corley
Bobby Cobb

Attachments: Florida Accessibility Waiver Forms, Drawings 8½"x 11", Transparencies and Disk

C T S M A R C H I T E C T S , I N C .
ARCHITECTURE INTERIOR DESIGN MASTER PLANNING CONSULTING
530 BEACON PARKWAY W. / SUITE 900 / BIRMINGHAM, ALABAMA 35209
T 205.443.3720 F 205.443.3790 W ctsmarchitects.com