

THE FILLMORE MIAMI BEACH AT THE JACKIE GLEASON THEATER

Issue: Vertical accessibility to all rows of seating in a theater.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of exiting seats in a theater undergoing a \$1.5 million alteration. According to the applicant, all portions of the altered area have been made fully accessible, and although no estimates were submitted, the applicant contends that it would be disproportionate to the cost of the alteration to make all tiered seating accessible.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to all rows of seating, 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: *The Fillmore Miami Beach at the Jackie Gleason Theater*

Address: *1700 Washington Avenue, Miami Beach, FL 33139*

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: *John Ahrens (Live Nation National Design Director – Venues)*

Applicant's Address: *4255 Meridian Parkway, Aurora, IL 60504*

Applicant's Telephone: *630-566-6223* **FAX:** *630-566-6166*

Applicant's E-mail Address: *johnahrens@livenation.com*

Relationship to Owner: *Operating Manager/ Lessee*

Owner's Name: *City of Miami Beach*

Owner's Address: *1700 Convention Center Drive, Miami Beach, FL 33139*

Owner's Telephone: *305-673-7010* **FAX:** *305-673-7782*

Owner's E-mail Address: *hildafernandez@miamibeachfl.gov*

Signature of Owner: *Hilda Dr. Fernandez*

Contact Person: *Gladys Salas*

Contact Person's Telephone: *305/673-7000 x6888*

Contact Person's E-mail Address: *GladysSalas@miamibeachfl.gov*

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.)

130,000 SF multi-purpose performing arts center theater with 2700-seat auditorium and flytower stage, front-of-house lobbies and support, and full back-of-house support.

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

Alteration costs: approximately \$1.5 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.

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

Issue

1: *Florida statutes 553.509 / 2004 FBC 11-4.1.6.1.f: "...duty to provide vertical accessibility to all levels above and below occupiable grade level..."*

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.

Providing vertical accessibility to all existing tiered rows with fixed seating (which was designed as such for sightline purposes) in an existing theater is unreasonable.

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.

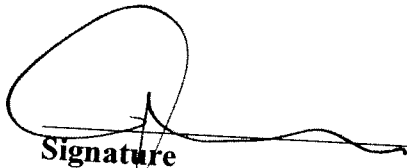
a. _____

b. _____

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.

The alteration portion of the project is fully accessible and compliant. However, providing vertical accessibility to all existing rows of seats (which were designed and built over 20 years ago, using the conventional method of tiered/stepped rows to achieve proper sightlines) which are outside of our scope of work, is unreasonable and unnecessary. The city of Miami Beach building department (accessibility section) will require an accessibility waiver before issuing both a building permit and a certificate of occupancy.


Signature

JONATHAN W. CARDELLI
Printed Name


Phone number 305.482.8700

(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 16TH day of JULY, 2007


Signature

JOHN AHRENS (FOR LIVE NATION)
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. Florida statutes 553.509 Vertical Accessibility to all levels requirement. / 2004 FBC 11-4.1.6.1.f
- 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 No

Cost of Construction: \$ 833,762.00

Comments/Recommendation We recommend that the waiver be granted. Provide vertical accessibility to all levels will exceed the 20% of the cost of construction of \$150,000.00 . The altered area has vertical accessibility to all levels. In addition, in previous renovations removal of architectural barriers has been done to the building.

Jurisdiction City Of Miami Beach

Building Official or Designee

Gladys N. Salas
Signature

Gladys N. Salas, PE
Printed Name

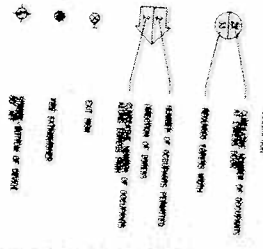
PX0001401

Certification Number

305-673-7610 ext. 6888/ 786-394-4087
Telephone/FAX

Address: 1700 Convention Center Dr. Miami Beach, FL 33139, 2ND Floor.

LIFE SAFETY LEGEND



MINIMUM INTERIOR FINISH CLASSIFICATION
(F.B.C. TABLE 802.5)

ROOM	FINISH	CLASSIFICATION
EXIT DOOR	EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR	EXIT DOOR

TRAVEL DISTANCE, OPEN EXIT DOOR, EXIT AND MEANS OF EGRESS WIDTH
(F.B.C. 103.4.7 & N.F.P.A. 132.5.6)

ROOM	TRAVEL DISTANCE	OPEN EXIT DOOR	EXIT AND MEANS OF EGRESS WIDTH
EXIT DOOR	EXIT DOOR	EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR	EXIT DOOR	EXIT DOOR

MINIMUM CLEARANCE OCCUPANCY
(F.B.C. TABLE 1004.12 & N.F.P.A. 131.71.2)

ROOM	MINIMUM CLEARANCE OCCUPANCY
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

LARGEST WIDTH PER OCCUPANT SEATED
(F.B.C. TABLE 1003.1 & N.F.P.A. TABLE 132.5.2)

ROOM	LARGEST WIDTH PER OCCUPANT SEATED
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

ACCESSIBLE SEATING
(F.B.C. 114.13.119)

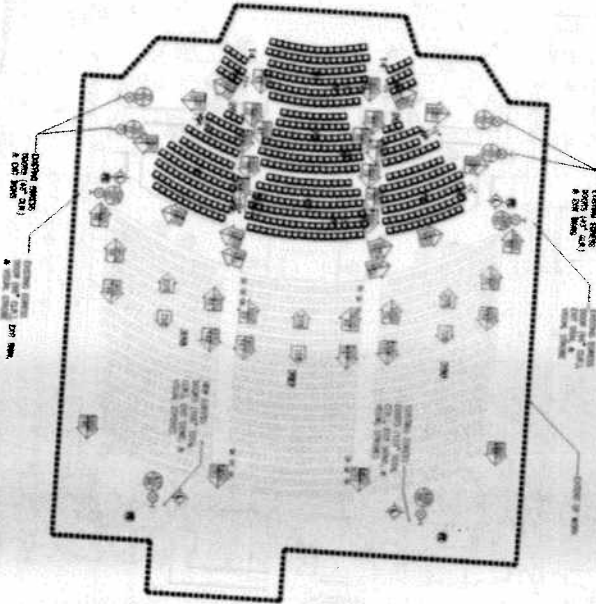
ROOM	ACCESSIBLE SEATING
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

FIXED SEATS WITH REQUIRABLE OR FOLDING ARMRESTS
(F.B.C. 114.13.119.6)

ROOM	FIXED SEATS WITH REQUIRABLE OR FOLDING ARMRESTS
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

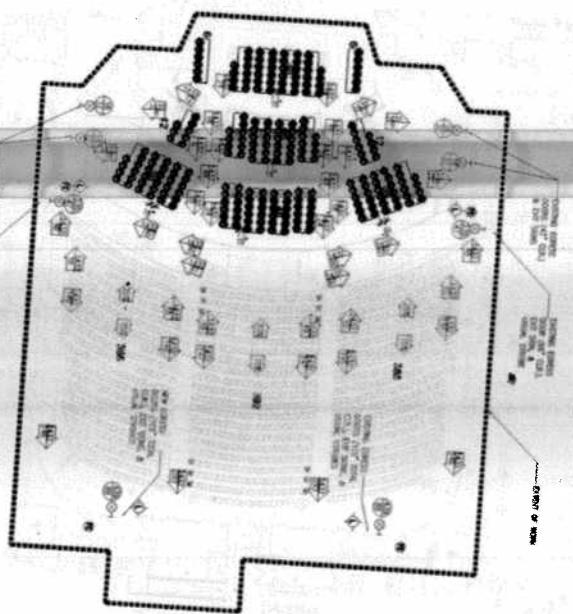
2) LOOSE CHAIR CONCENTRATION: Total Occupancy Count = 1692

NOTE: 1) LOOSE SEATS TO BE FASTENED TOGETHER IN GROUPS NOT LESS THAN THREE AND MORE THAN SEVEN (FROM VUL. 104.2.3.3).
 2) SEAT ASSESSMENT WIDTH IS 17" AND (AREA 132.5.5.2) WHICH SHALL BE INCREASED BY 0.5" FOR EVERY 17" OR FRACTION THEREOF NOT BE REQUIRED TO EXCEED 27" (AREA 132.5.5.4).



1) CABINET TABLE (12'-0" x 7'-0") SEATING CONCENTRATION: Total Occupancy Count: 1432

NOTE: 1) SEE ACCESSIBLE SEATING AND (AREA 132.5.5.2) WHICH SHALL BE INCREASED BY 0.5" FOR EVERY 17" OR FRACTION THEREOF NOT BE REQUIRED TO EXCEED 27" (AREA 132.5.5.4).



THE FILLMORE
Miami Beach at the
JACKIE GLEASON
THEATER
1700 Washington Boulevard
Miami Beach, Florida 33139



ACCESSIBILITY WAIVER RESTROOM

ROOM	ACCESSIBILITY WAIVER RESTROOM
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

ADD INCH

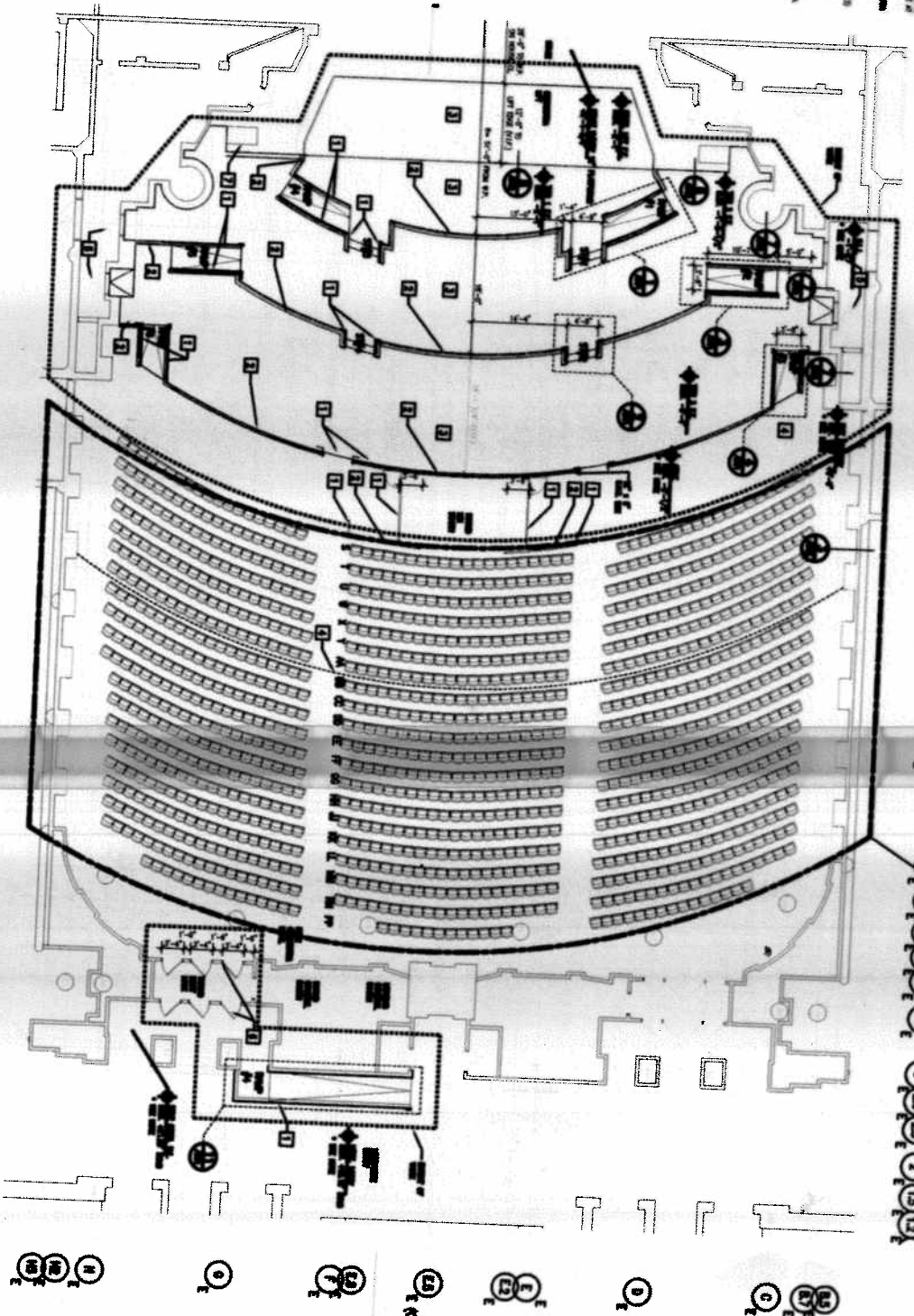
DESCRIPTION	ADD INCH
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

AS BUILT

DESCRIPTION	AS BUILT
EXIT DOOR	EXIT DOOR
EXIT DOOR	EXIT DOOR

LS-102

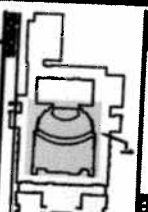
1. THESE SEATING CHAIRS ARE TO BE PLACED IN THE THEATER SEATING AREA AS SHOWN ON THIS PLAN.
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1. SEATING PLAN AT PROPOSED LEVEL

THESE SEATING CHAIRS ARE TO BE PLACED IN THE THEATER SEATING AREA AS SHOWN ON THIS PLAN.
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THE FILLMORE
 Miami Beach at the
JACKIE GLEASON
THEATER
 1200 Broadway, Miami Beach, Florida 33139



ACCESSIBILITY
WAIVER NOTING



ADD INC.
 Architectural Firm Name

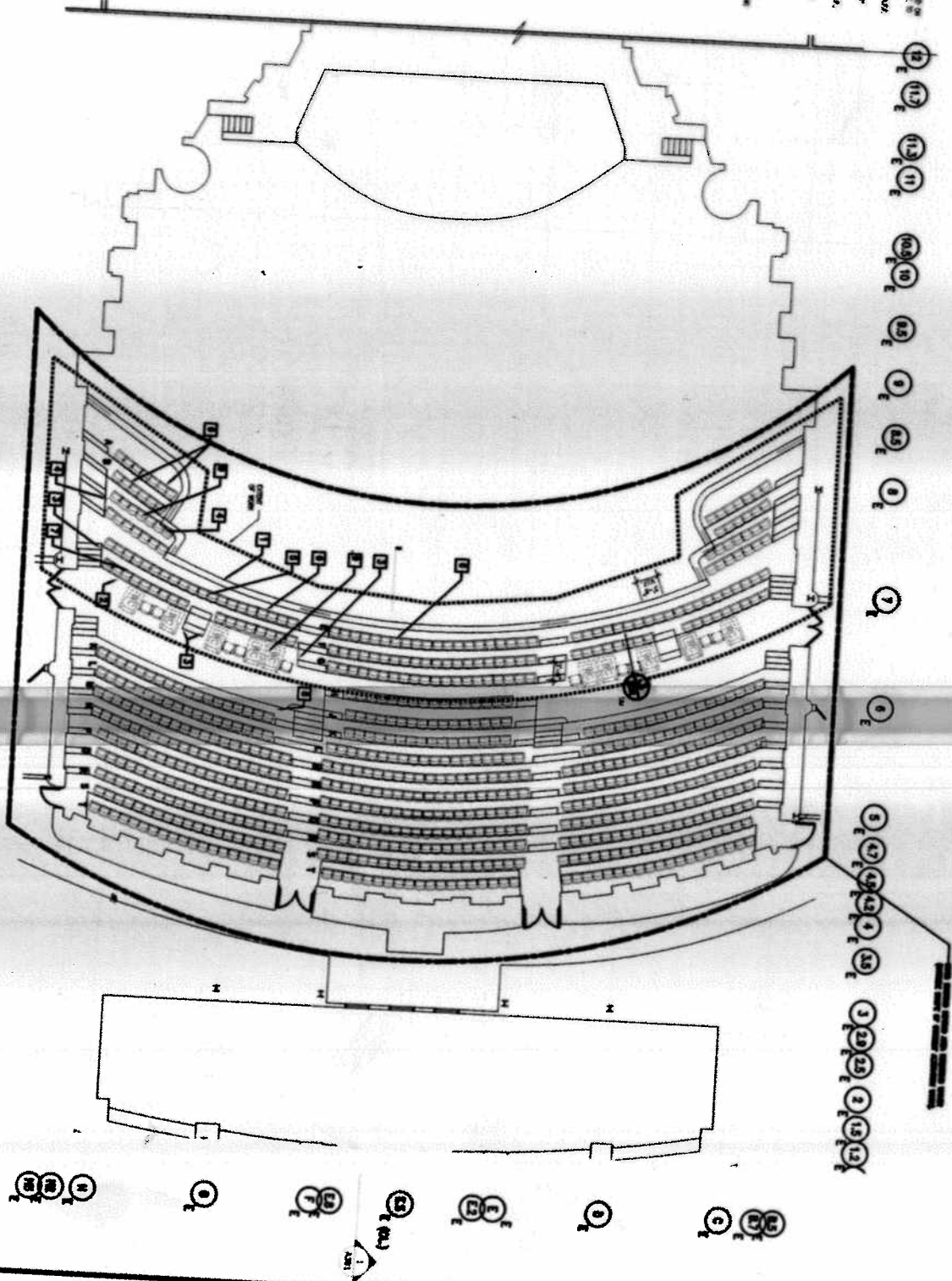
The Building Plan
 No. 12345
 Date: 1/1/2020
 Project: THE FILLMORE
 1200 Broadway, Miami Beach, Florida 33139

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1	SEATING CHAIR	1000	EA	100000
2	STAGE EQUIPMENT	50	EA	50000
3	STAGE EQUIPMENT	50	EA	50000
4	STAGE EQUIPMENT	50	EA	50000
5	STAGE EQUIPMENT	50	EA	50000

GROUND FLOOR
PROPOSED PLAN

A-201

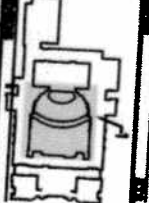
- 1. THE FILLMORE THEATER SEATING PLAN IS TO BE USED FOR THE SEATING PLAN OF THE THEATER FOR THE PROPOSED FILM SCREENING.
- 2. THE SEATING PLAN IS TO BE USED FOR THE SEATING PLAN OF THE THEATER FOR THE PROPOSED FILM SCREENING.
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- 7. THE SEATING PLAN IS TO BE USED FOR THE SEATING PLAN OF THE THEATER FOR THE PROPOSED FILM SCREENING.
- 8. THE SEATING PLAN IS TO BE USED FOR THE SEATING PLAN OF THE THEATER FOR THE PROPOSED FILM SCREENING.



1. SEATING PLAN AT BALCONY LEVEL

NOTE: THE SEATING PLAN IS TO BE USED FOR THE SEATING PLAN OF THE THEATER FOR THE PROPOSED FILM SCREENING.

THE FILLMORE
Miami Beach at the
JACKIE GLEASON
THEATER



ACCESSIBILITY
WAVEN MEETING



ADD ENG

DATE	DESCRIPTION
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT
01/15/2012	ISSUED FOR PERMIT

BALCONY FLOOR
PROPOSED PLAN