

CINEMA WORLD AT VERO BEACH

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

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seating in an existing, 11-screen movie theater that is being converted from sloped seating to rows of stadium style seats. The project will cost \$1,750,000, and the applicant indicated it would cost an additional \$473,000 to make each row accessible. The plans indicate that accessible seating and companion seats have been provided as required, in more than one area of each theater.

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: Cinema World at Vero Beach, Florida

Address: 940 14th Lane; Vero Beach, Florida 32960

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, Alabama 35209

Applicant's Telephone: (205) 879-5458 **FAX:** (205) 879-5460

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

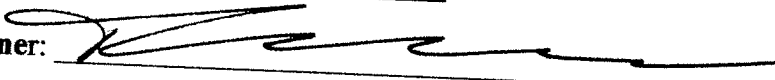
Relationship to Owner: Consultant/Agent

Owner's Name: Cinema World

Owner's Address: 936 16th Place; Unit 2; Vero Beach, Florida 32960

Owner's Telephone: (772) 978-7188 **FAX:** (772) 978-7187

Owner's E-mail Address: rickstarrsr@aol.com

Signature of Owner: 

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

Existing Square Footage = 38,152

Proposed New Square Footage = 381

One Story Building

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): ___\$1,750,000

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" (one page)

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. 11 lifts required (11 x \$43,000 = \$473,000). 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.

Signature David W. Breedlove Printed Name DAVID W. BREEDLOVE
Phone number (205) 879-5458

(SEAL)

David W Breedlove

07-17-07

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 17th day of July, 2007

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. Applicant is requesting waiver for vertical accessibility to all levels, FBC-Bldg section 11-4.1.6(A), prior to ~~commencing~~ permit application.
- b. I believe to the best of my knowledge that the information
- c. submitted with this waiver request is true and accurate.

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 No objection to waiver request provided
accessible seating is provided at more than 1 level

Jurisdiction Indian River County

Building Official or Designee Peter H. McLeod 7-18-07
Signature

PETER H. McLEOD
Printed Name

PX525
Certification Number

(772) 226 1921
Telephone/FAX

Address: Indian River Co. Bldg Div.
1840 25TH ST.
Vero Beach, FL 32960

The Florida State Statues 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 site 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 disbursed 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"

July 13, 2007

David W. Breedlove
1909 Courtney Dr.
Homewood, AL 35209

Re: CinemaWorld – Vero Beach Theatre Renovations Vero Beach, Florida

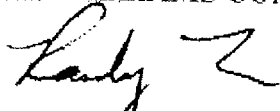
Dear David:

We have received the plans for the project referenced above. We estimate that it will cost approximately \$43,000 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.

Sincerely,

M.H. WILLIAMS CONSTRUCTION GROUP, INC.



Randy Trout
Vice President of Operations

cc: File

RT/cd



Gary C. Wyatt
GENERAL CONTRACTOR, LLC

ATTACHMENT "B2"

July 13, 2007

Mr. David Breedlove
Rodney L. Sartain Architects
19090 Courtney Drive
Homewood, AL 35209

Re: *Cinema World-Vero Beach Theatre Renovations*

Dear David,

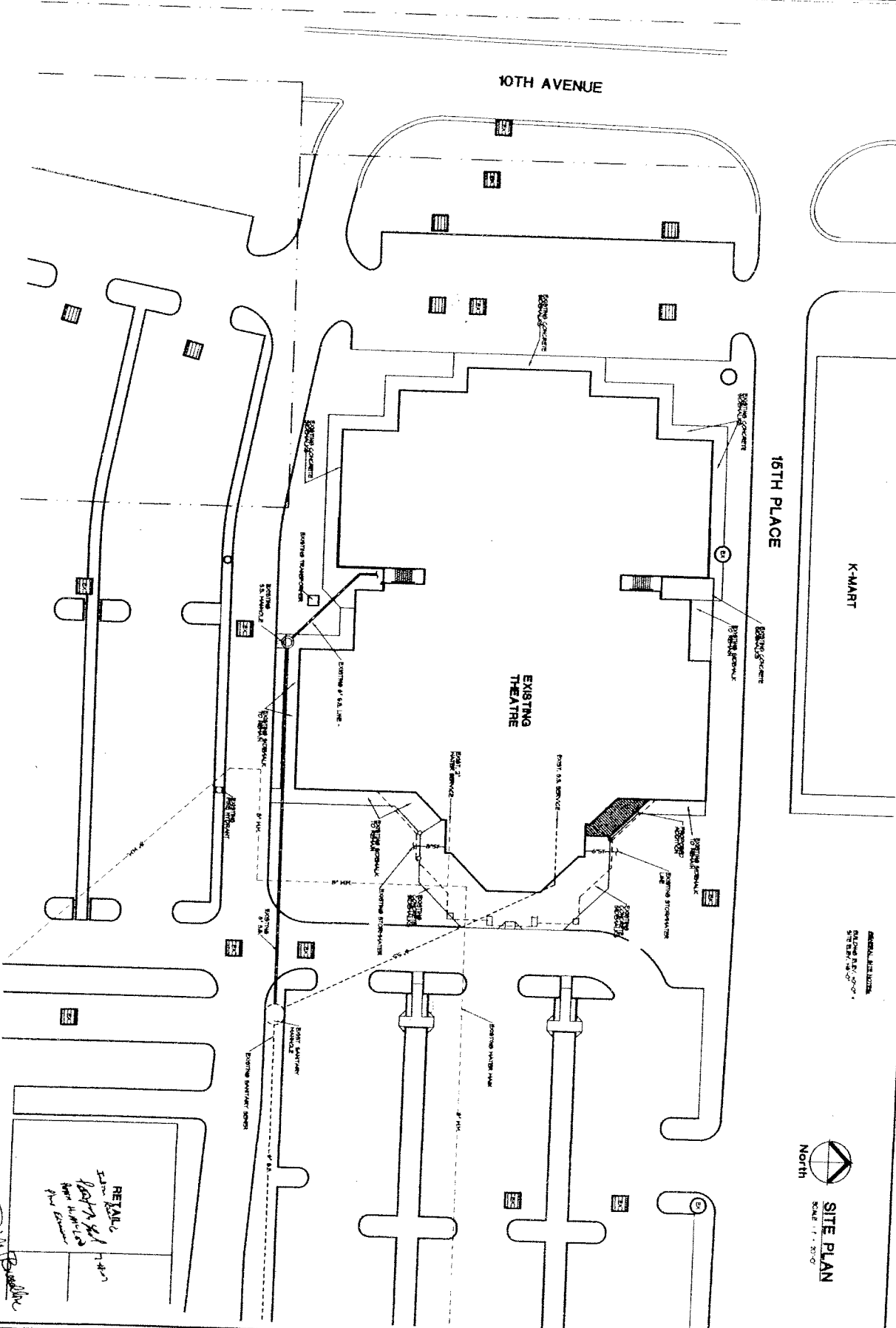
We have received the plans for the project referenced above. We estimate that it will cost approximately \$52,200 per screen to install lifts in each theatre. This cost would include all associated structural and electrical required to install the lifts.

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

Yours truly,

Mark L. David
Vice President

MLD/tb



RETAIL
 1000 sq ft
 1000 sq ft
 1000 sq ft
 1000 sq ft
 1000 sq ft

07/11/07

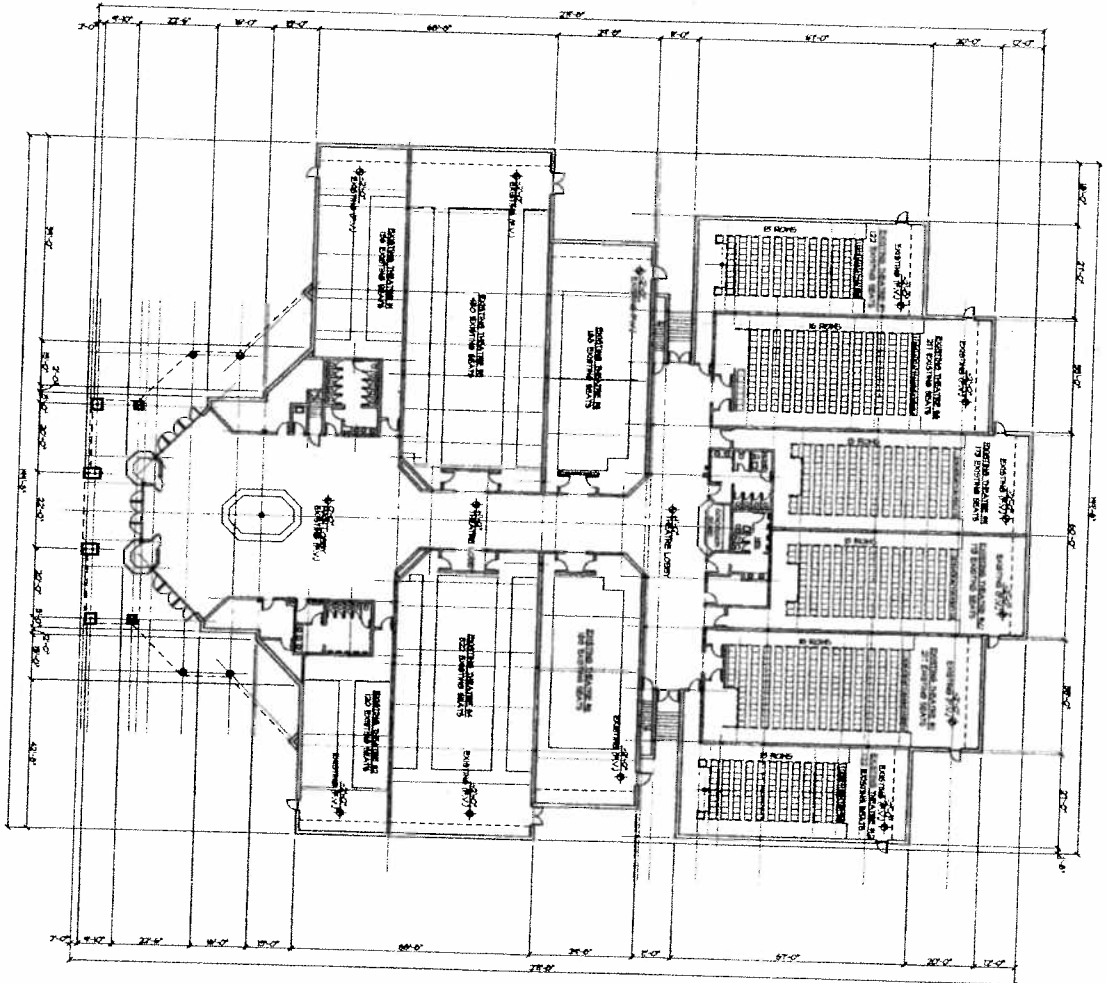
RETAIL USE ONLY
 ALLOWED PER 2004
 STRC 2004-01



SITE PLAN
 SCALE 1" = 20'-0"



OVERALL EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

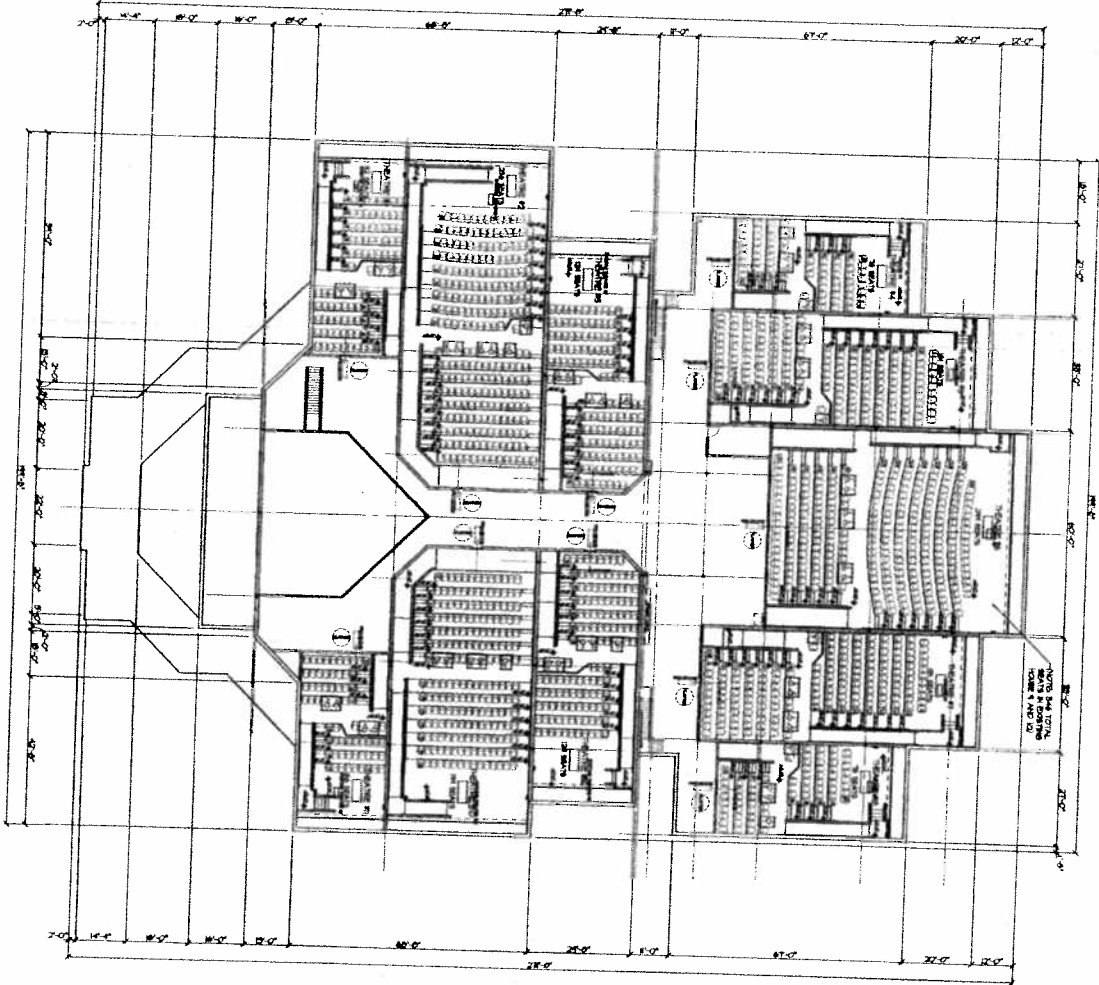


Existing Project Data	
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DRAWN BY	MURK
CHECKED BY	DAVID W. BREEDLOVE
PROJECT NAME	VERO BEACH STADIUM SEATING CONVERSION
PROJECT NO.	4-26-07
PROJECT ADDR.	VERO BEACH, FLORIDA
PROJECT PHONE	888-873-3200
PROJECT FAX	888-873-3200
PROJECT EMAIL	DAVID@DWBREEDLOVE.COM
PROJECT WEBSITE	WWW.DWBREEDLOVE.COM
PROJECT URL	WWW.DWBREEDLOVE.COM

David W. Breedlove
6/17/07



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



NOTE: SEATING
AREAS & ISLANDS
SHOWN IN RED

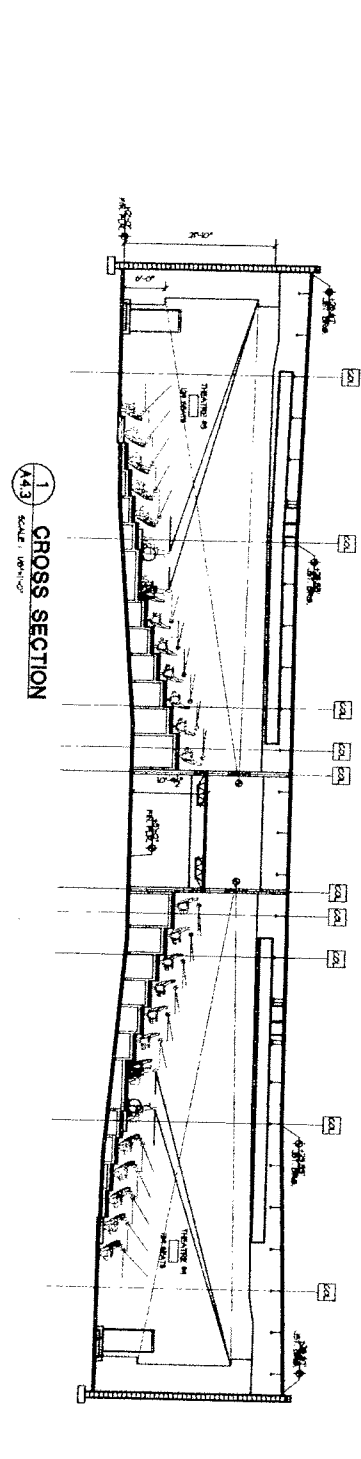
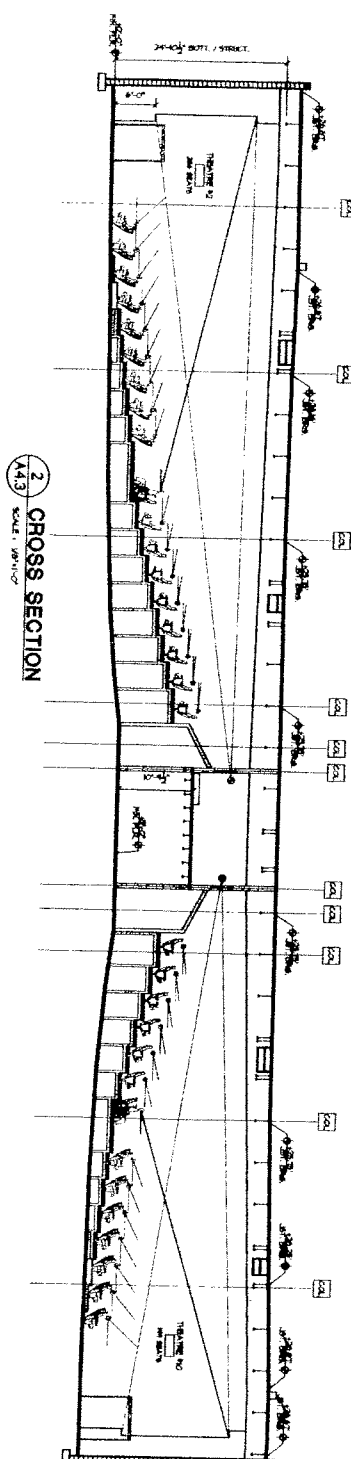
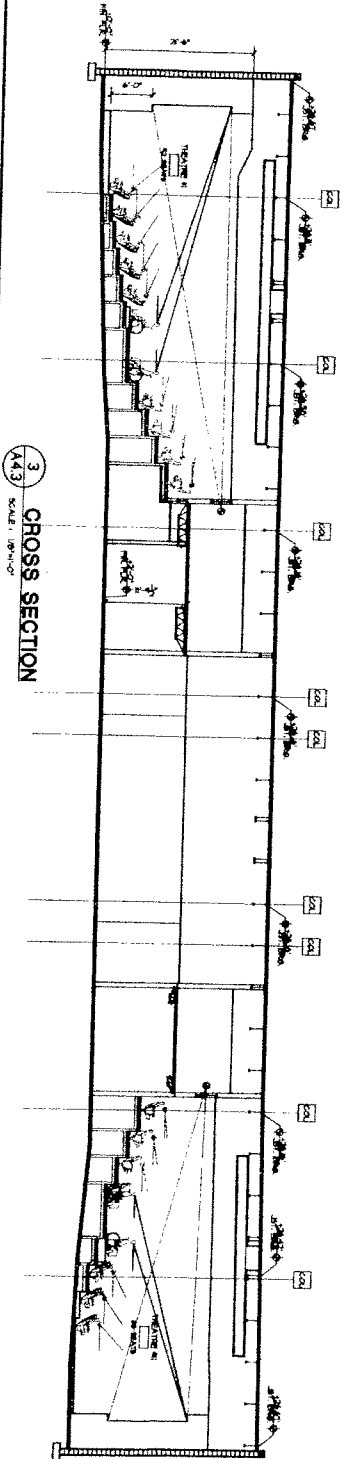
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THEATRE #2	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #3	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #4	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #5	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #6	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #7	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #8	100 SEATING	100 SEATING	100 SEATING	100 SEATING
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THEATRE #11	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #12	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #13	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #14	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #15	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #16	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #17	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #18	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #19	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #20	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #21	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #22	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #23	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #24	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #25	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #26	100 SEATING	100 SEATING	100 SEATING	100 SEATING
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THEATRE #49	100 SEATING	100 SEATING	100 SEATING	100 SEATING
THEATRE #50	100 SEATING	100 SEATING	100 SEATING	100 SEATING

Project Data	
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TOTAL SEATING	100
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SEATING AREA	100,000 SQ. FT.
SEATING DENSITY	1.00 SEATS/SQ. FT.
PROPOSED SEATING	100
PROPOSED AREA	100,000 SQ. FT.
PROPOSED SEATING DENSITY	1.00 SEATS/SQ. FT.

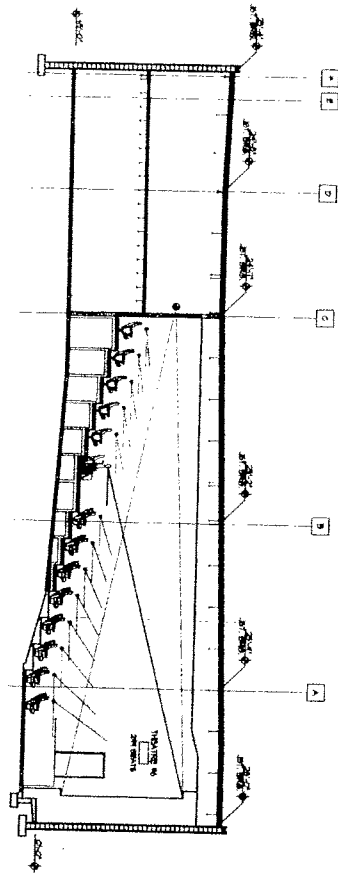


01-1-07

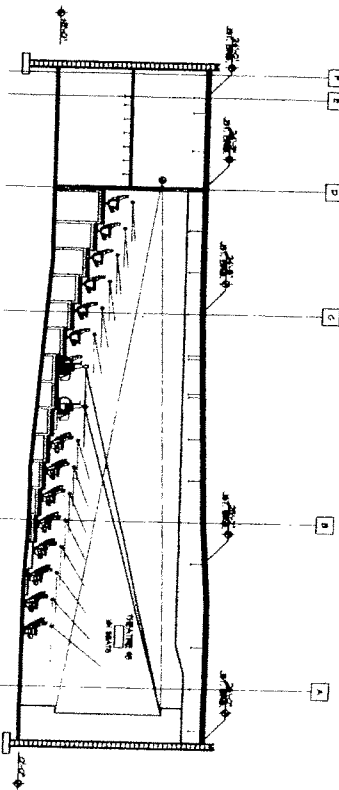




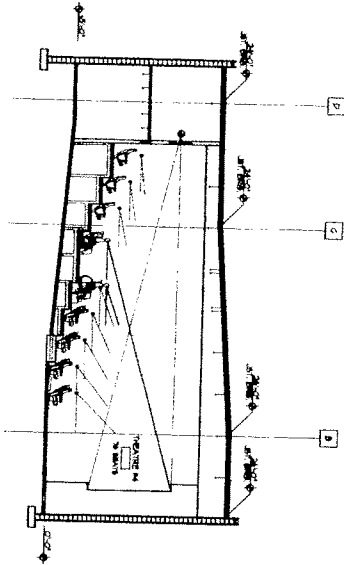
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 [Signature]



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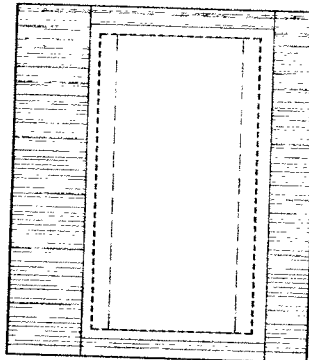
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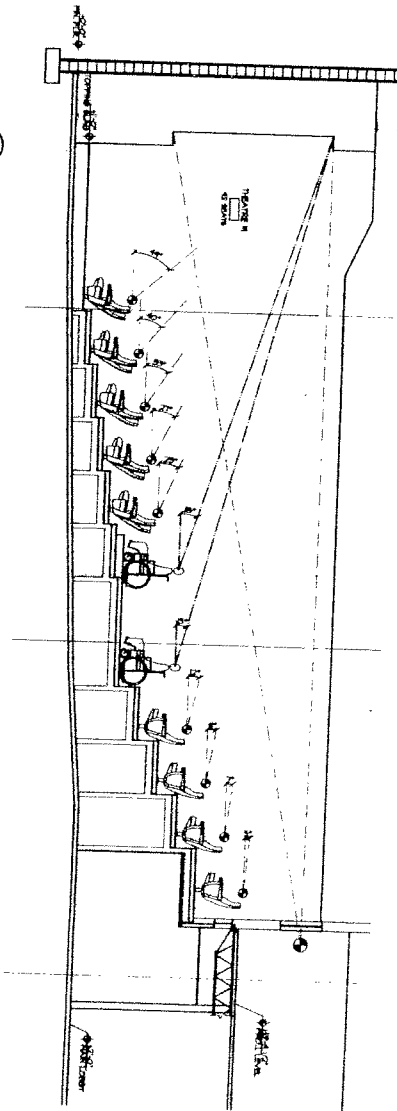
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01.17.07

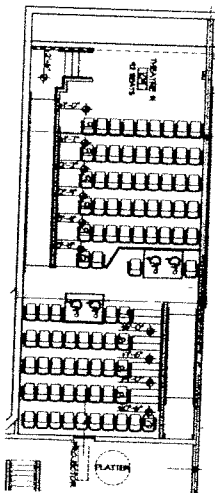




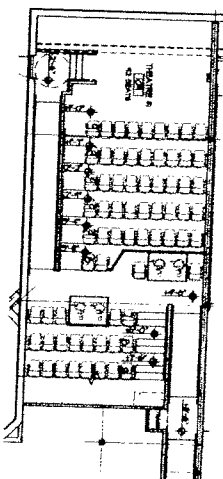
8 SCREEN ELEVATION
SCALE: 1/8"=1'-0"



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



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



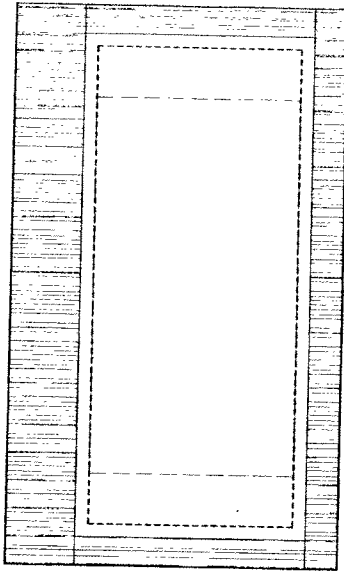
1 MAIN FLOOR PLAN
SCALE: 1/8"=1'-0"

07/17/07
David Breedlove

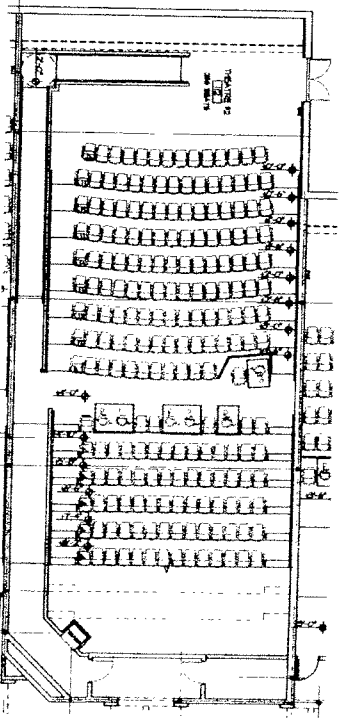
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As Shown
Total

after 1/27/07

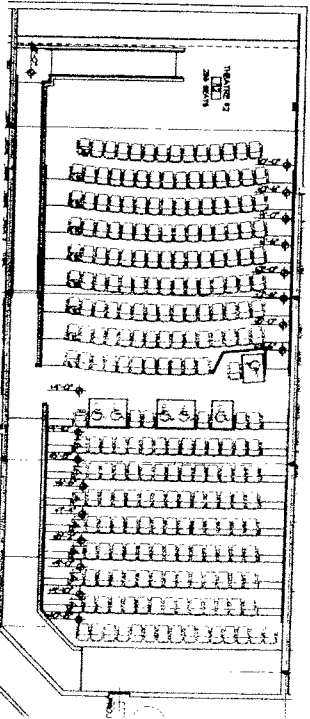
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SCREEN ELEVATION
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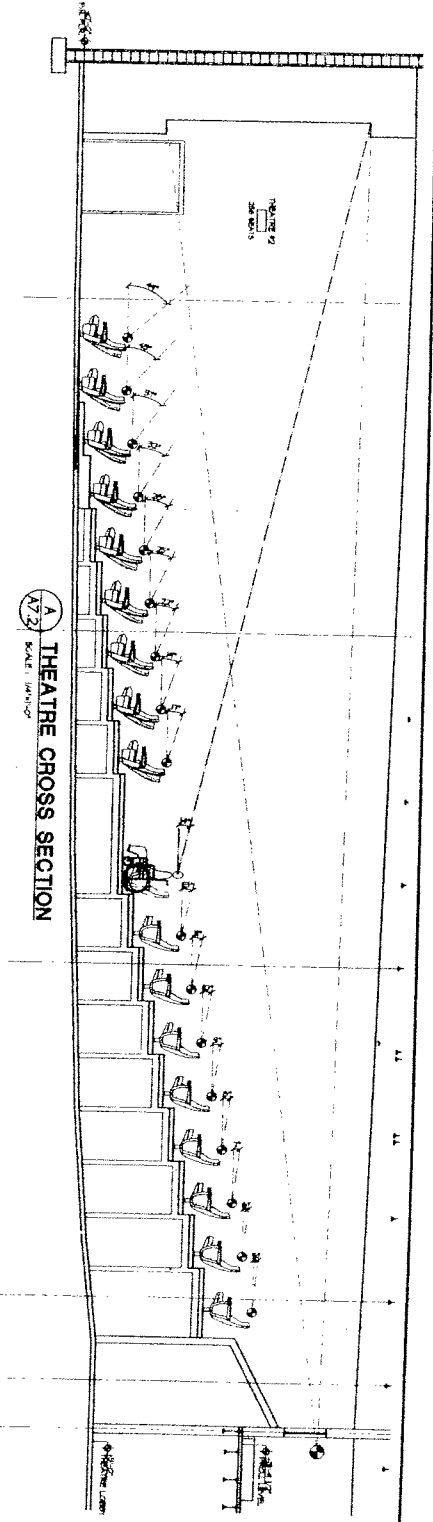
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2
A7.2
UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



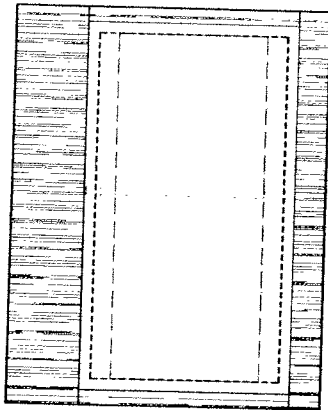
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THEATRE CROSS SECTION
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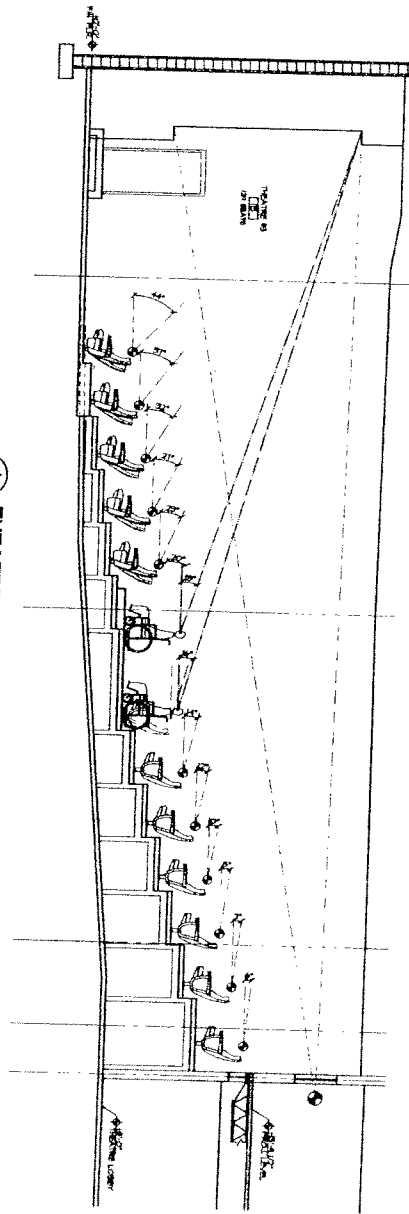
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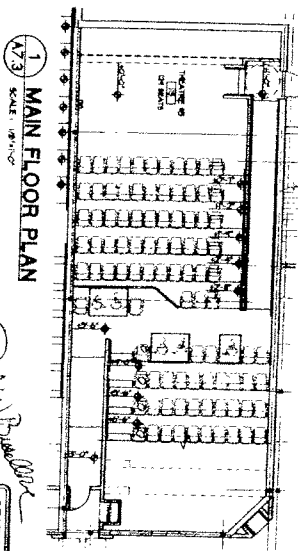
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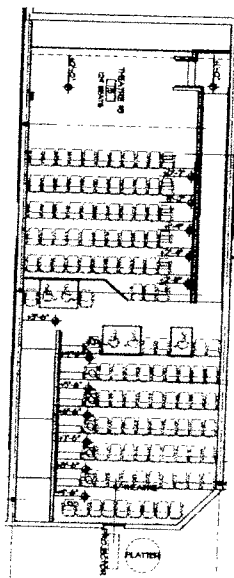
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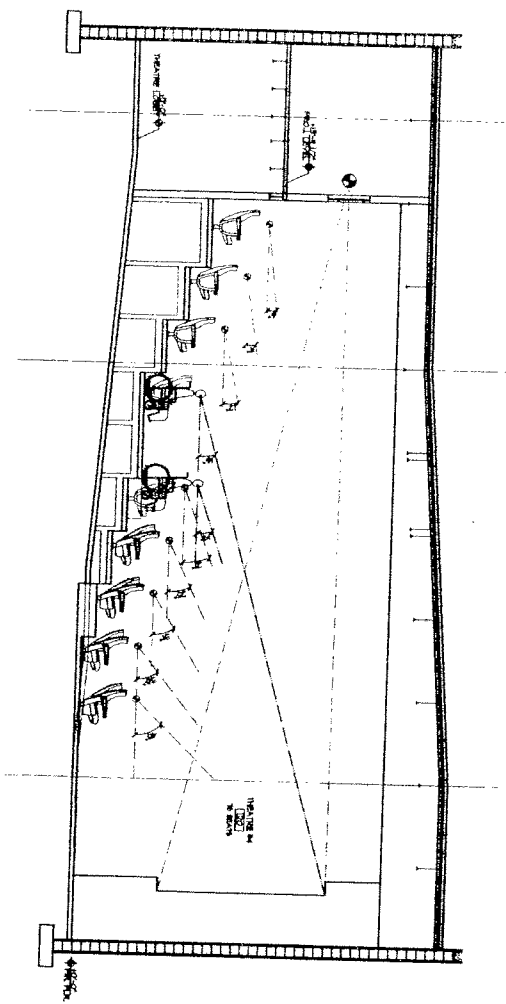


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A7.3
UPPER LEVEL FLOOR PLAN
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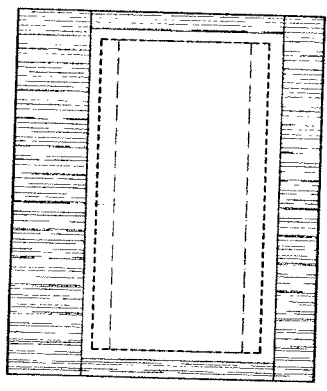


BEATING POINT
DATE CHANGED
BY
DATE
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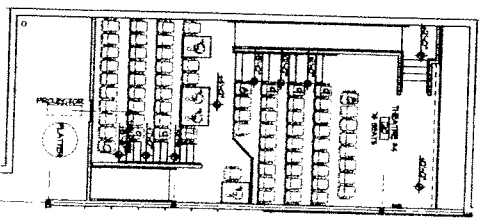




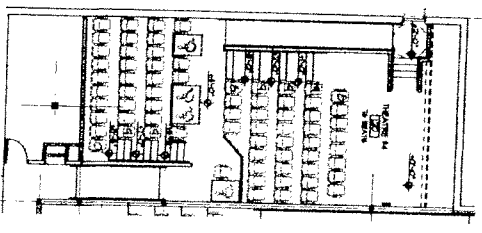
THEATRE CROSS SECTION
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SCREEN ELEVATION
SCALE: 1/8" = 1'-0"



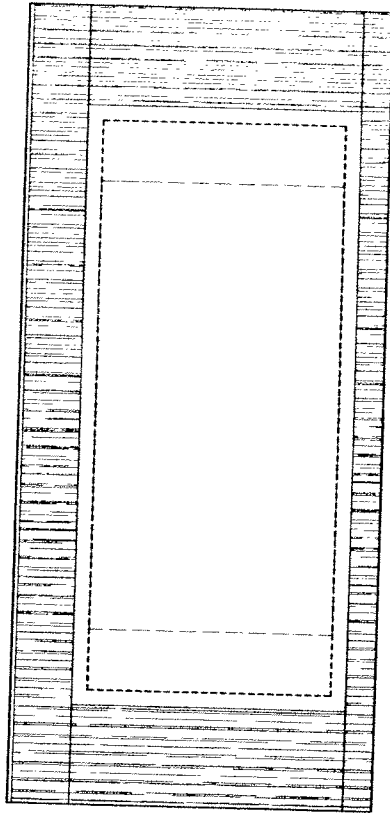
UPPER LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"



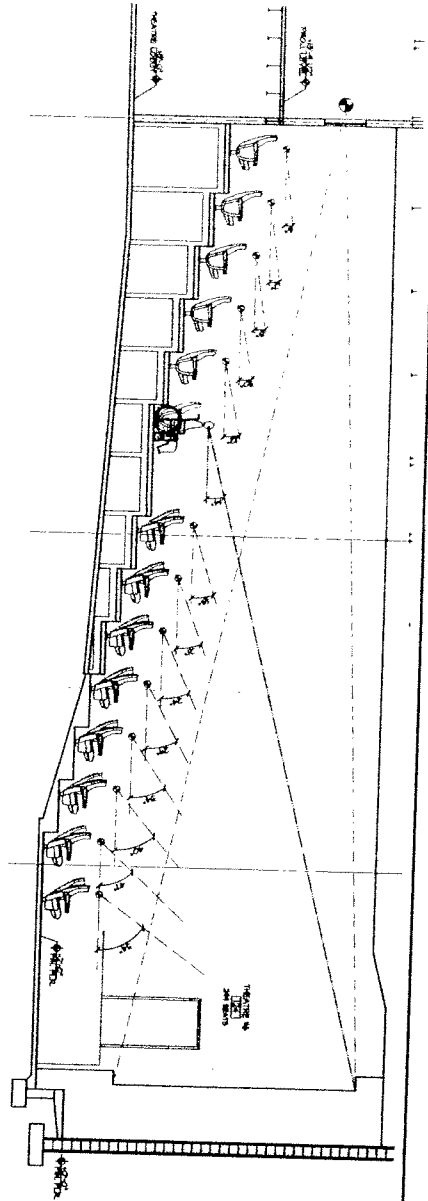
MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

SEATING COUNT

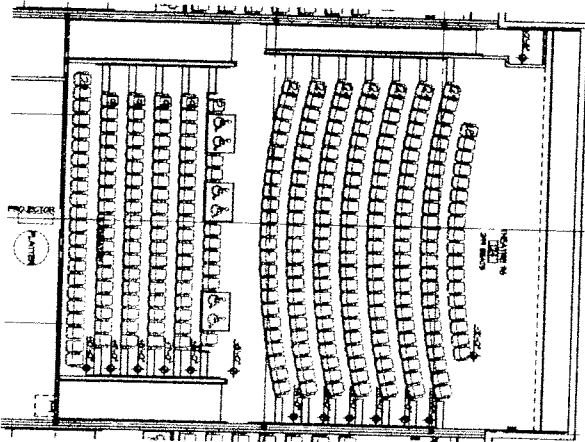
7.000	7.000
1.000	1.000
8.000	8.000
1.000	1.000
9.000	9.000
1.000	1.000
10.000	10.000
1.000	1.000
11.000	11.000
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1.000	1.000
19.000	19.000
1.000	1.000
20.000	20.000
1.000	1.000
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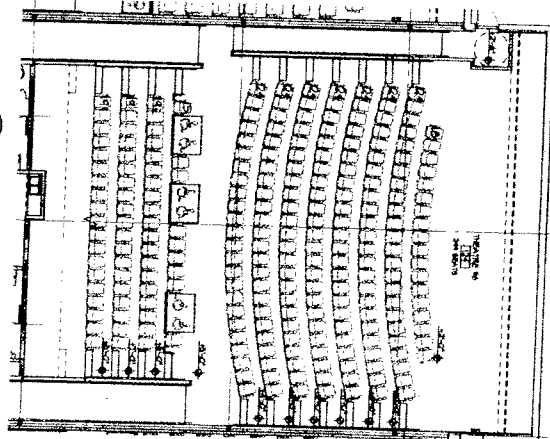
B
A7.6
SCREEN ELEVATION
SCALE: 1/8"=1'-0"



A
A7.6
THEATRE CROSS SECTION
SCALE: 1/8"=1'-0"



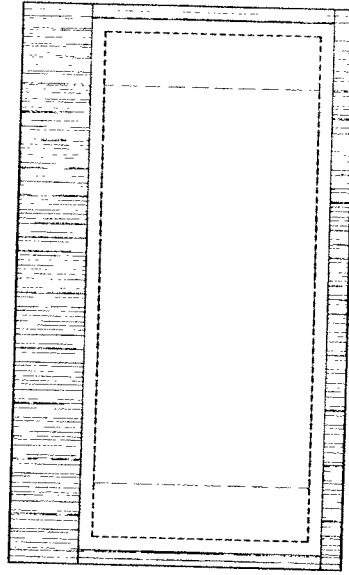
2
A7.6
UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



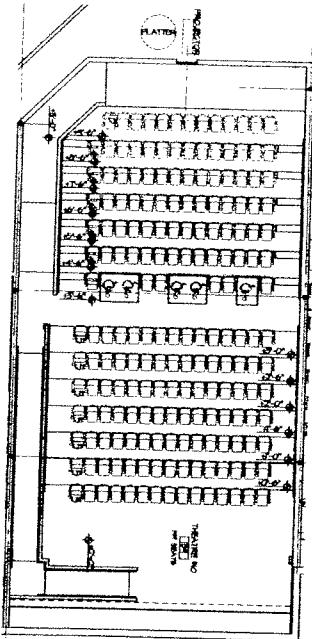
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A7.6
MAIN FLOOR PLAN
SCALE: 1/8"=1'-0"

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07-701
SEATING COUNT:
200 CHAIRS
100 STALLS
300 TOTAL

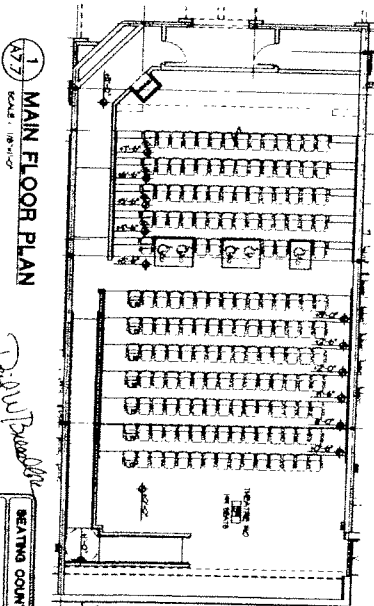




B
A7.7
SCREEN ELEVATION
SCALE: 1/8"=1'-0"



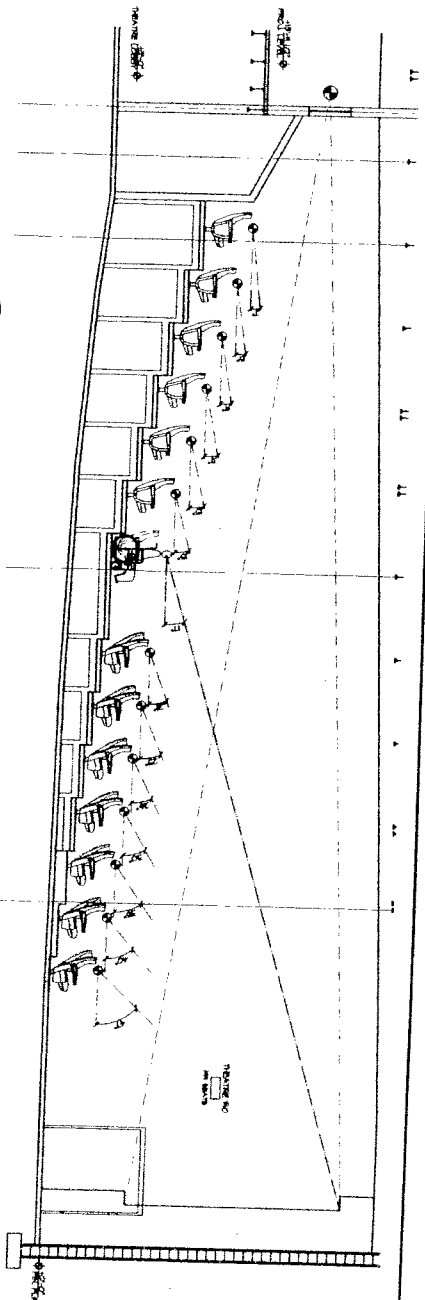
2
A7.7
UPPER LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"



1
A7.7
MAIN FLOOR PLAN
SCALE: 1/8"=1'-0"

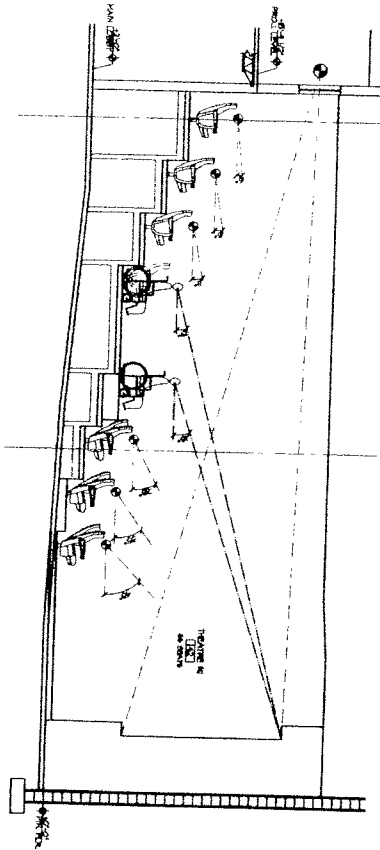
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07/16/07

SEATING COUNT
NO. OF SEATS
TOTAL



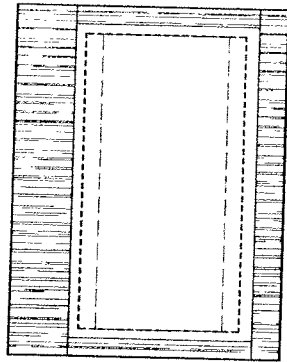
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A7.7
THEATRE ELEVATION
SCALE: 1/8"=1'-0"





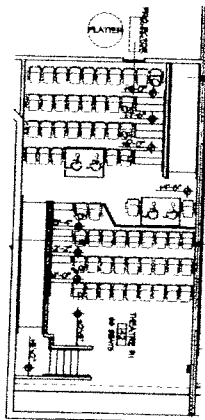
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A7.8
SCALE: 1/4"=1'-0"

THEATRE ELEVATIONS



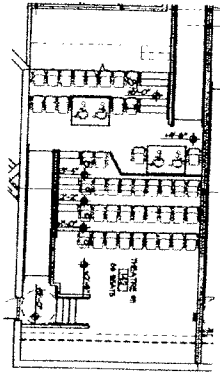
B
A7.8
SCALE: 1/4"=1'-0"

SCREEN ELEVATION



2
A7.8
SCALE: 1/4"=1'-0"

UPPER LEVEL FLOOR PLAN



1
A7.8
SCALE: 1/4"=1'-0"

MAIN FLOOR PLAN

David Breedlove
6/17/07

DATE	BY	REVISION
07/17/07	DB	1.0

