

## **MUVICO THEATERS – COCOWALK**

**Issue:** Vertical accessibility to all rows of seats in a stadium type movie theater.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in an existing 16 theater complex that is being reduced to 8 screens. The theaters range from 48 to 151 seats and all required wheelchair locations with companion seating have been provided. No wheelchair seating is on the end of a row in any theater. The project will cost \$4,000,000 and according to the applicant it is technically infeasible to make every row in each theater accessible, nor is it cost effective.

### **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:** Muvico Theaters – Cocowalk – Coconut Grove, Florida  
**Address:** 3015 Grand Avenue, Coconut Grove, Florida 33133

**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:** Larry M. Schneider, AIA

**Applicant's Address:** 9319 NW 48 Doral Terrace, Miami, Florida 33178

**Applicant's Telephone:** 786-336-1984      **FAX:** 786-336-1985

**Applicant's E-mail Address:** Larry@LMSArch.net

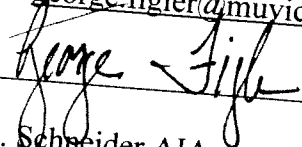
**Relationship to Owner:** Accessibility Consultant

**Owner's Name:** Muvico Entertainment, LLC.- George Figler, Director of Design and Construction

**Owner's Address:** 3101 North Federal Highway - 6<sup>th</sup> Floor, Ft. Lauderdale, Florida

**Owner's Telephone:** 954-5646550      **FAX** 954-5646553

**Owner's E-mail Address:** george.figler@muyico.com

**Signature of Owner:** 

**Contact Person:** Larry M. Schneider AIA

**Contact Person's Telephone:** 786-3361984      **E-mail Address:** Larry@LMSArch.net

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.)

The project is a eight screen cinema with stadium style seating with theater seating ranges from 43, 49, 81, 131 and 135 seats. This is an existing facility in which there are 16 theaters of which eight of them are going to be removed and eight existing theaters are to be altered per the drawings submitted.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$ Estimated Project Budget is \$4,000,000

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.

NA

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

**Issue:** Compliance with Section 553.509 Florida State Statutes

**1:553.509 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,

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.

The issue of the requirement for vertical accessibility to all levels, as mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section 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 from 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.** However, we do not believe that this type of construction (stadium style seating in a movie theater) was contemplated by the legislation in the drafting and implementation of the law for vertical accessibility and that the statute itself would impose a hardship on the applicant that is unique to the situation and more specifically its use nor that they meant that **every level** of stadium style seating shall be made accessible. The concept of stadium type seating is the current standard that the movie theater industry is using for all new theater designs. The industry, around the country, have been using section 4.33.3 Placement of Wheelchair Locations for proceeding with their designs. This section states that - **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 sight 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 users. 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.** Muvico has listened to (The Theater Design Charette) and has adjusted their designs to work towards accomplishing the requests/desires of the Council and the Commission. The concern of the industry is to strike a balance between the desires of the Council and the Commission and the construction process. It is financial impracticable to provide vertical accessibility to **EACH** level of stadium style seating in a movie theater. This is due to the costs that would be required by the accessible design requirements of the FACBC and the ADA (e.g.: **They [the seating] shall adjoin an accessible route that also serves as a means of egress in case of emergency.**) You can not do this for each level and build stadium style seating that would provide a cost effective and usable solution to meet all of the Florida specific requirements relating to this issue. With this in mind Muvico has worked towards providing the accessible seating in the first row of the start of the stadium seating (at the crossover aisle); with this row providing a viewing angle of 15 to 30 degrees depending on the size of the movie house. We have obtained the goal of accessible seating in an area with an acceptable viewing angle by locating the accessible seating along the crossover aisle which is on a raised position. The accessible seating is disbursed on either side with the applicable companion seating available. This project will comply with all of the other requirements of section 4.33 as it relates to this type of seating. We believe that this viable solution will meet the concerns and needs of all parties.

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

The issue of providing vertical accessibility to all levels of stadium style seating in a movie theater is not technically feasible, is an extreme hardship and is unreasonable.

[X] 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.

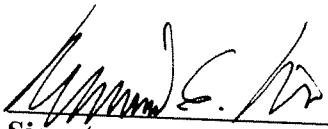
9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. \_\_\_\_\_

b. \_\_\_\_\_

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.

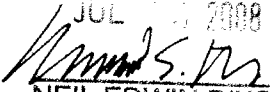
Under Florida State Statutes a waiver can be granted for one of the following reasons - a determination of unnecessary, unreasonable, or extreme hardship. We believe that we would qualify under an unreasonable, an extreme hardship and technically infeasible. We concur with the reasoning as so stated under item 8.

  
\_\_\_\_\_  
Signature

NEIL E. DIXON  
\_\_\_\_\_  
Printed Name

Phone number: 954.523.3300  
(SEAL)

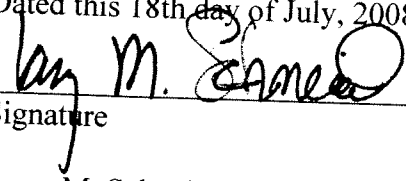
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AN ORIGINAL SIGNATURE AND  
A RAISED EMBOSSED  
ARCHITECT SEAL

JUL 11 2008  
  
NEIL EDWIN DIXON  
FLORIDA ARCHITECT  
No. AR 0013519

**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 18th day of July, 2008

  
\_\_\_\_\_  
Signature

Larry M. Schneider AIA

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. 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. Section 11-4.1.6(1)(k)(iii) of the FACBC.

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 \_\_\_\_\_

**Comments/Recommendation:**

\_\_\_\_\_  
\_\_\_\_\_

Jurisdiction Coconut Grove, Florida

Building Official or Designee

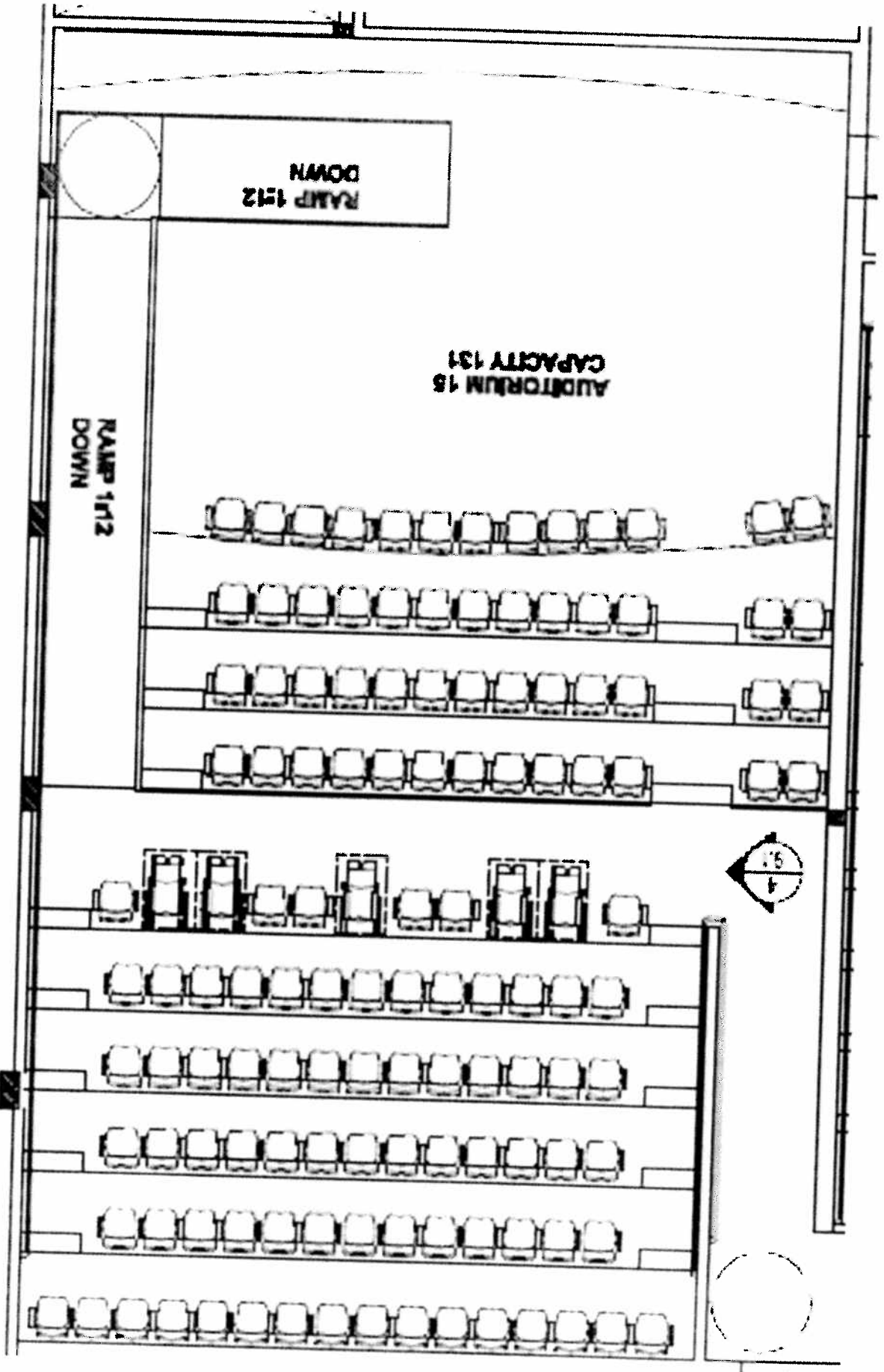
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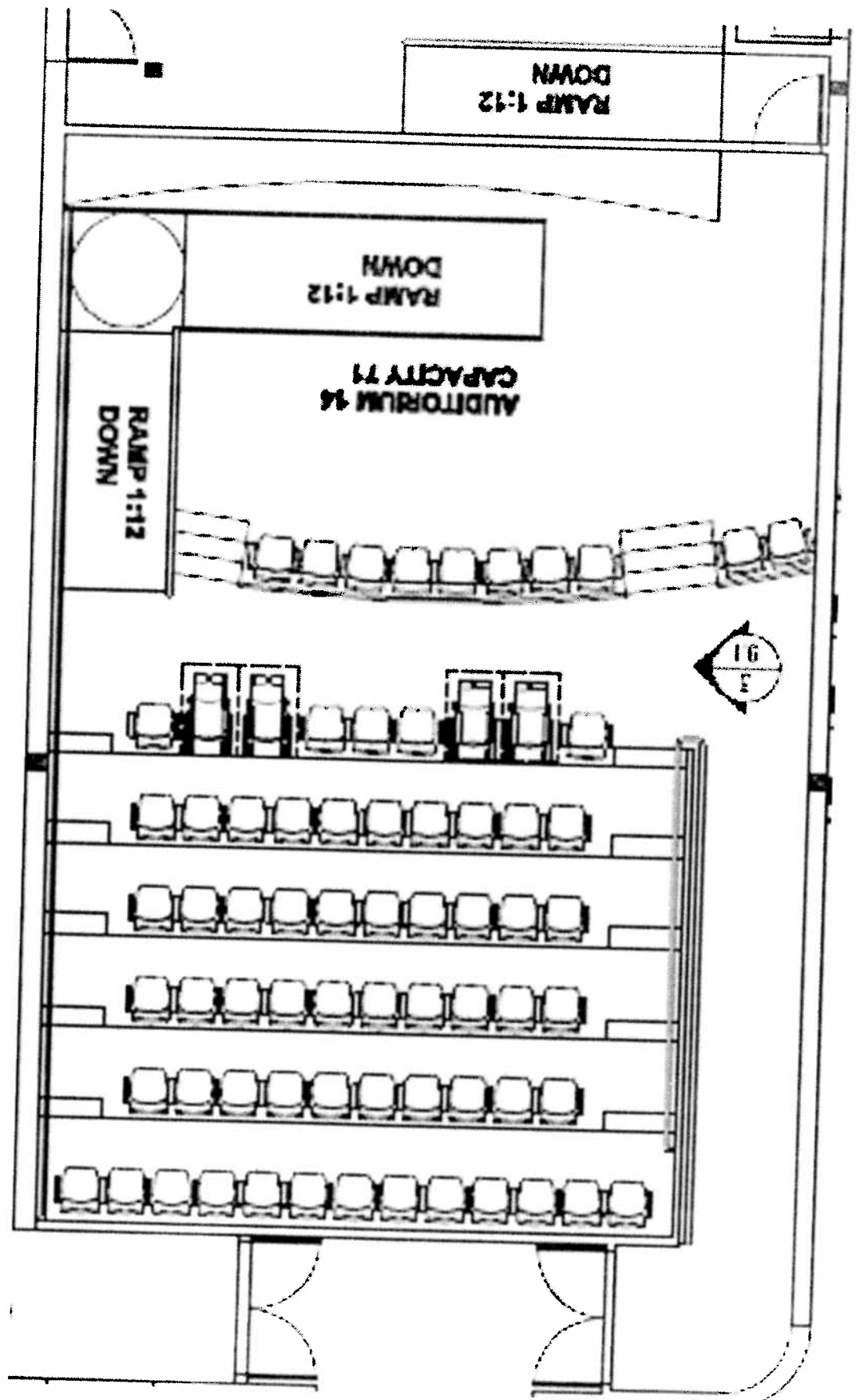
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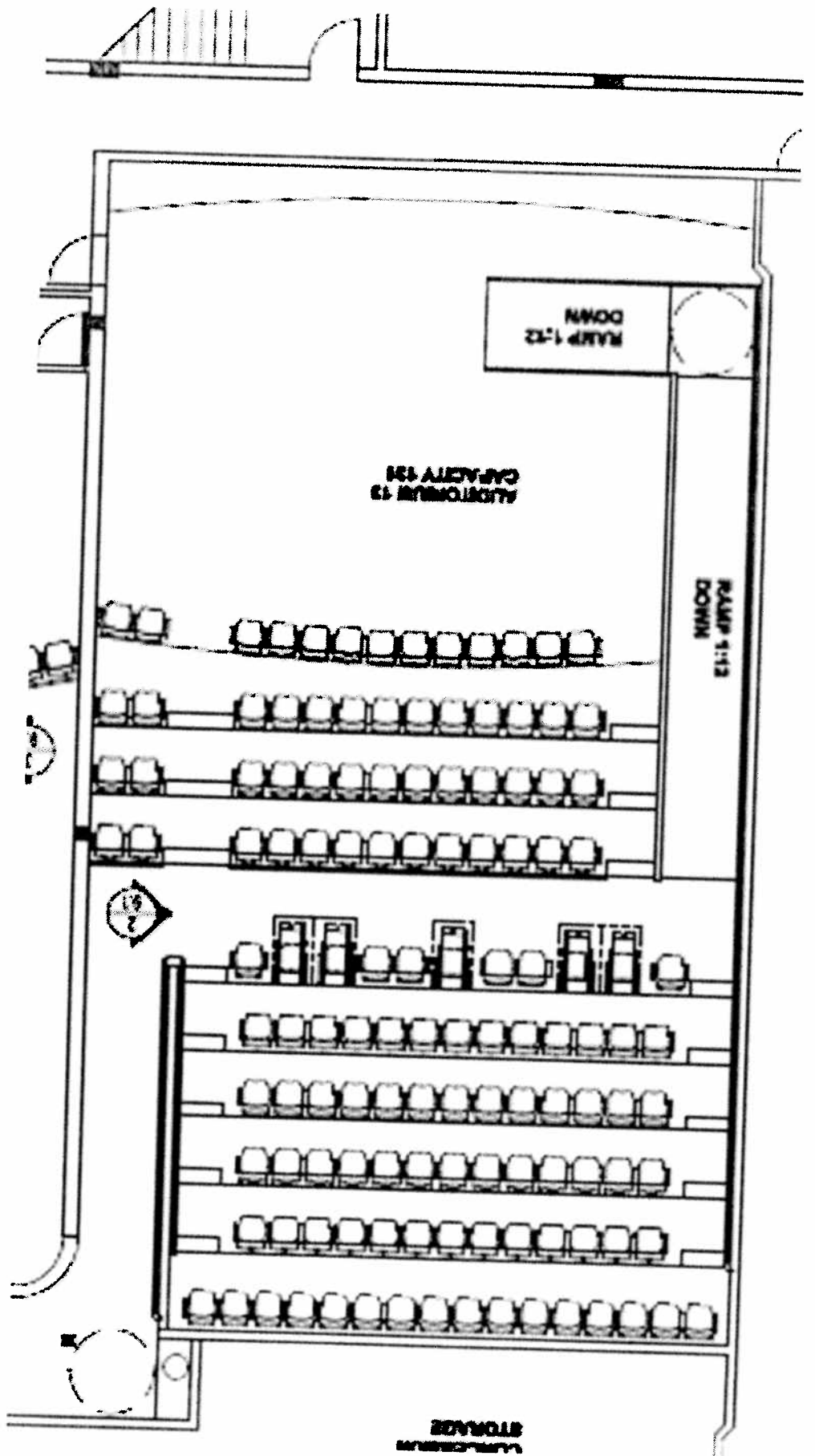
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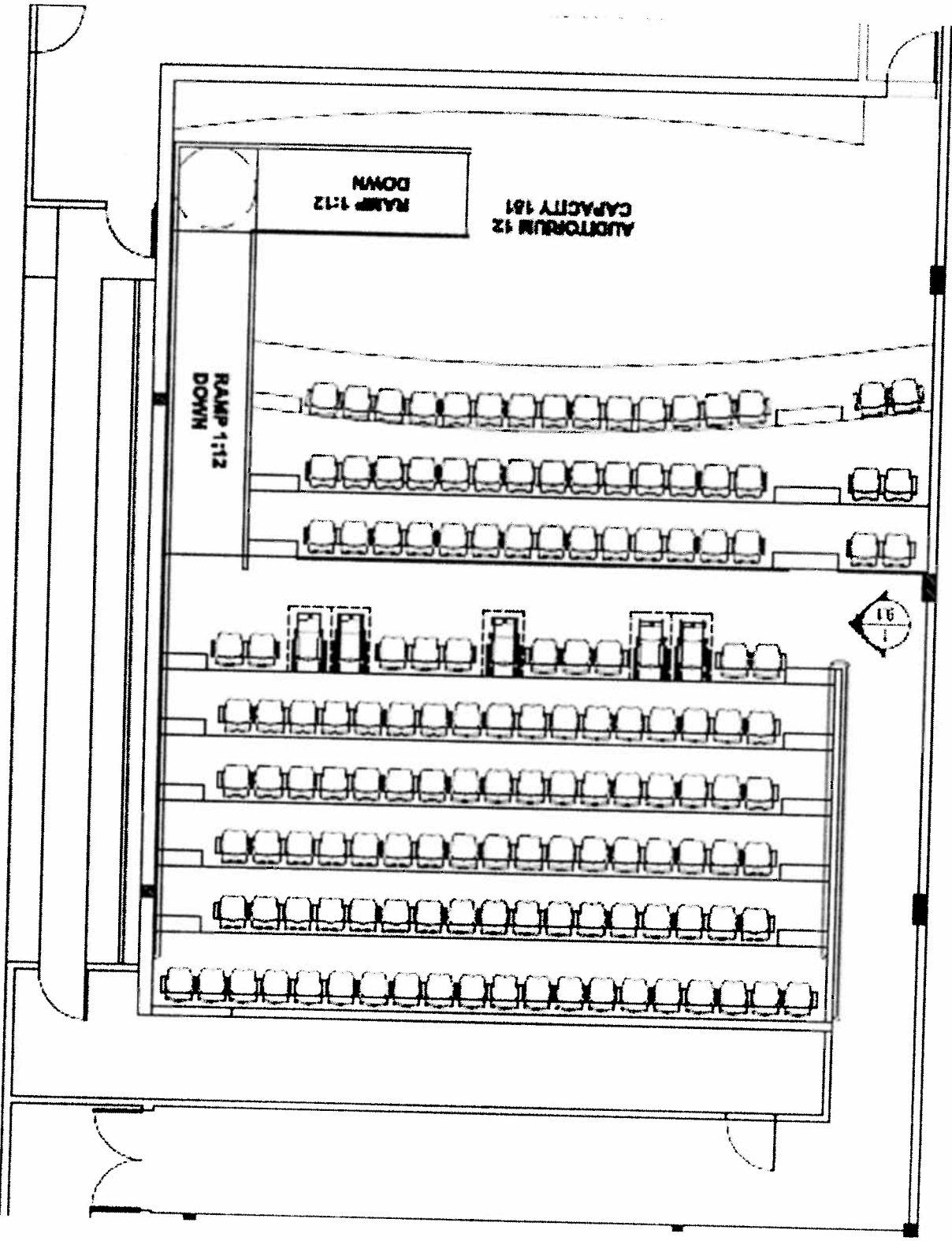
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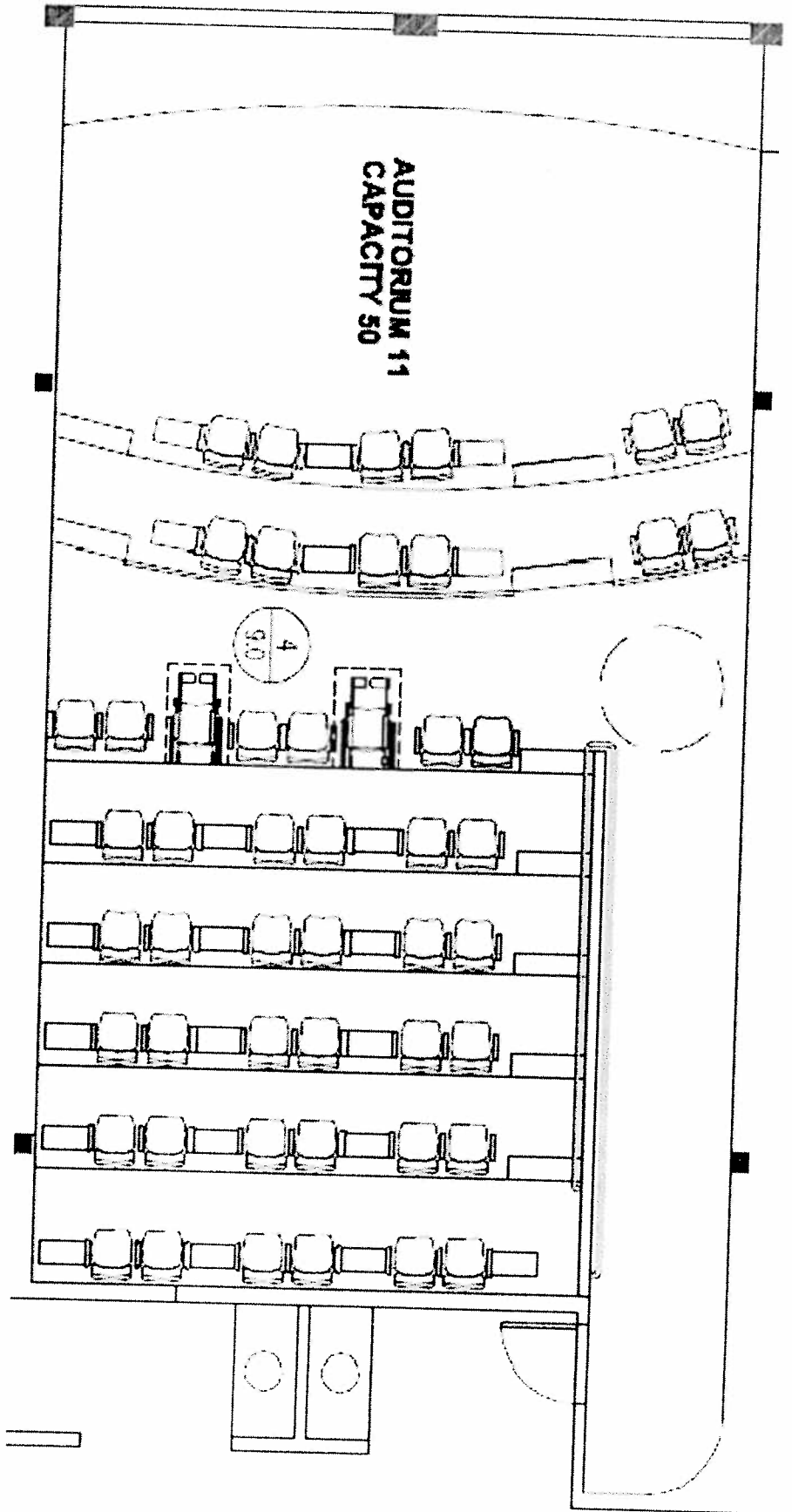


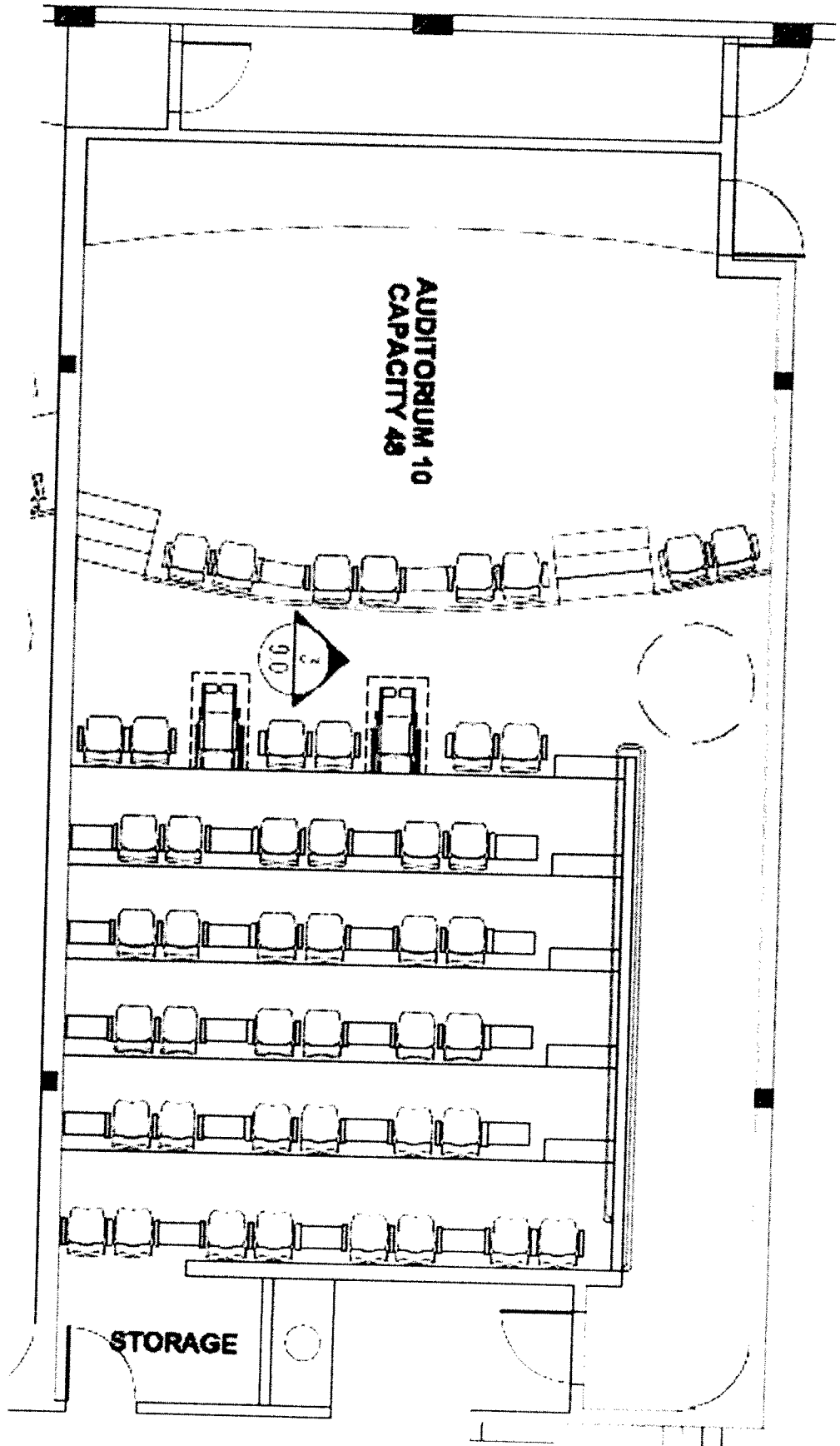








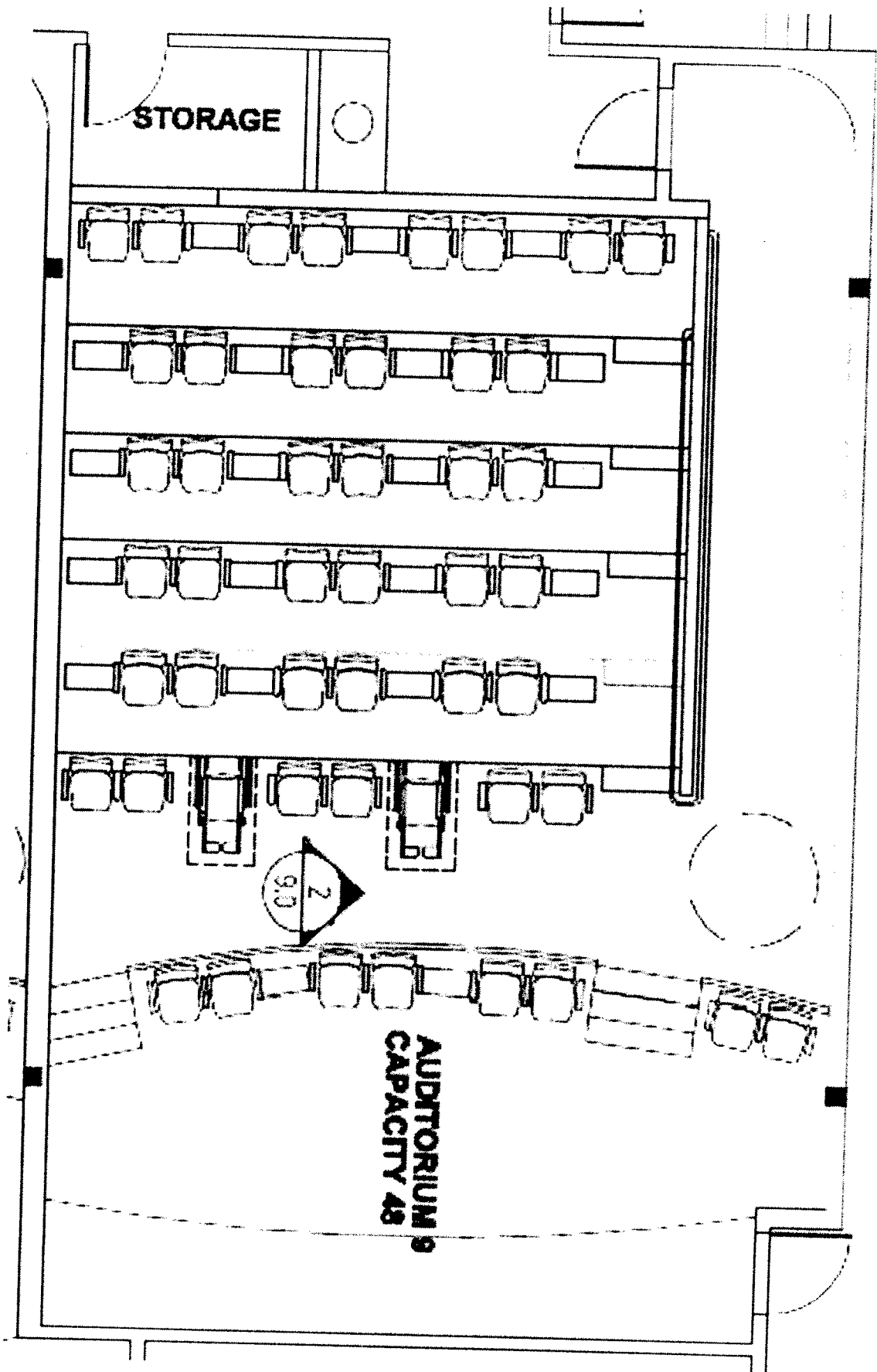




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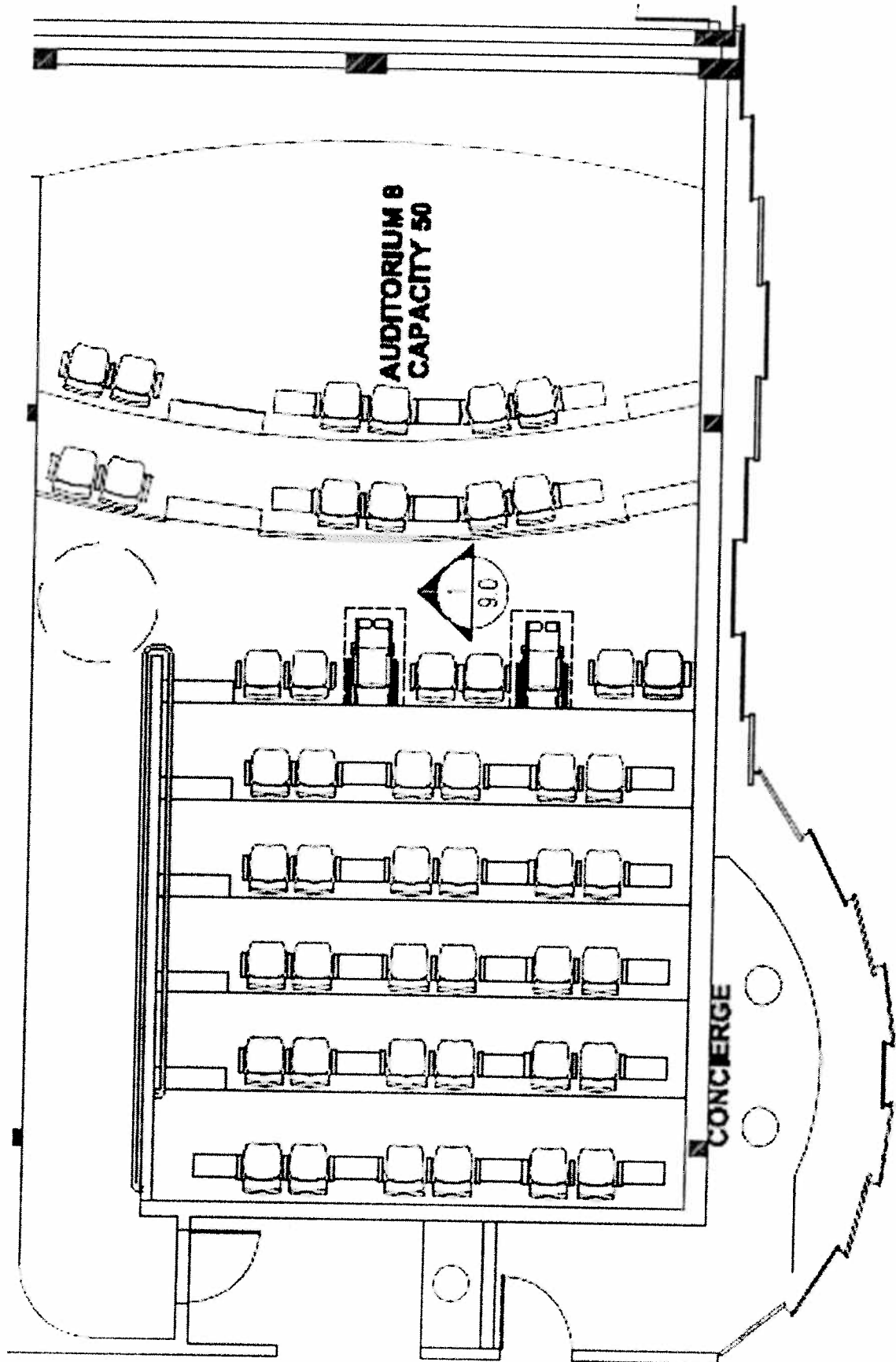
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STORAGE

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AUDITORIUM 9  
CAPACITY 48



AUDITORIUM B  
CAPACITY 50

CONCIERGE

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