

THE GALLERIA MOTION PICTURE THEATRES

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 seats in an alteration to an existing motion picture complex. The project contains 11 theaters ranging from a seating capacity of 75 to 236 patrons. With the exception of Auditorium B, which lacks one required accessible seat, all necessary wheelchair and companion seating is included in the design. Seats have not been dispersed throughout the theaters and all accessible seats are located in the front/central portion of the facility. The project will cost \$450,000 and although no estimates were submitted, the applicant stated it would cost an additional \$3,000,000 to make each row of seats accessible.

Project Progress:

The project is under construction.

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**

1. Name and address of project for which the waiver is requested.

Name Motion Picture Theatres, The Galleria

Address: 2111 Tamiami Trail South

Venice, Florida

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 Frank Family Theatres

Applicant's Address 6733 Black Horse Pike

Cardiff, New Jersey 18234

Applicant's Telephone 609 641 3595 **FAX:** 609 646 0131

Applicant's E-mail Address: _____

Relationship to Owner: Tenant

Owner's Name GPSC, Ltd.

Owner's Address: 333 Tamiami Trail South

Venice, Florida

Owner's Telephone 941 441 1300 **FAX** 941 441 1640

Owner's E-mail Address: _____

Signature of Owner: _____

Contact Person: Gary Scott

Contact Person's Telephone: 941 441 1470

E-mail Address _____

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.)

32,945 sq. ft. one storey Motion Picture Theatre consisting of eleven screens and ancillary spaces and with a 5,494 sq. ft. Projection booth on a mezzanine.

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

\$450,000.00

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.
Interpretation of the requirements for Accessible access all levels has been questioned.

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

Section 11-4.33.3 Placement of wheelchair locations
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 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.

application of SECTION 222.207, Florida Statutes. The applicant represents that the cost of providing vertical accessibility to each seating platform would add roughly \$3,000,000.00 to the cost of the project and would also result in a considerable reduction to the seating capacity of each auditorium.

- 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.

NA

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...

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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.

The Applicant represents that the Owner would face financial costs resulting in extreme financial hardship if required to make each row of the stadium seating accessible, as suggested by the literal application of Section 553.509, Florida Statutes. The applicant represents that the cost of providing vertical accessibility to each seating platform would add roughly \$3,000,000.00 to the cost of the project and would also result in a considerable reduction to the seating capacity of each auditorium.

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.

NA

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.

NA

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.

Wheelchair accessible spaces, along with the required companion seating have been placed in each auditorium at locations providing optimal sight lines. Accessible routes are provided to all means of egress from every auditorium.



Signature **Printed Name**

Mitchel Abramowitz

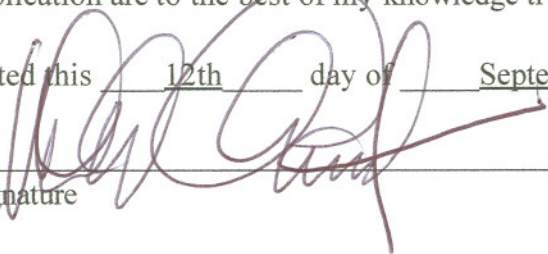
Phone number 215 368 9133

(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 12th day of September, 2005



Signature

Mitchel Abramowitz for Frank Family Theatres
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. The applicant is requesting a waiver of FBC Section 11-4.1.6(i)(k) which requires vertical accessibility to all levels.
- b. The applicant's design professional certifies that the owner would face extreme financial hardship if required to provide access to all levels.
- c. The applicant has provided a variety of accessible wheel chair seating choices with companion seating on an accessible route.

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 Recommend Approval

Jurisdiction Sarasota County

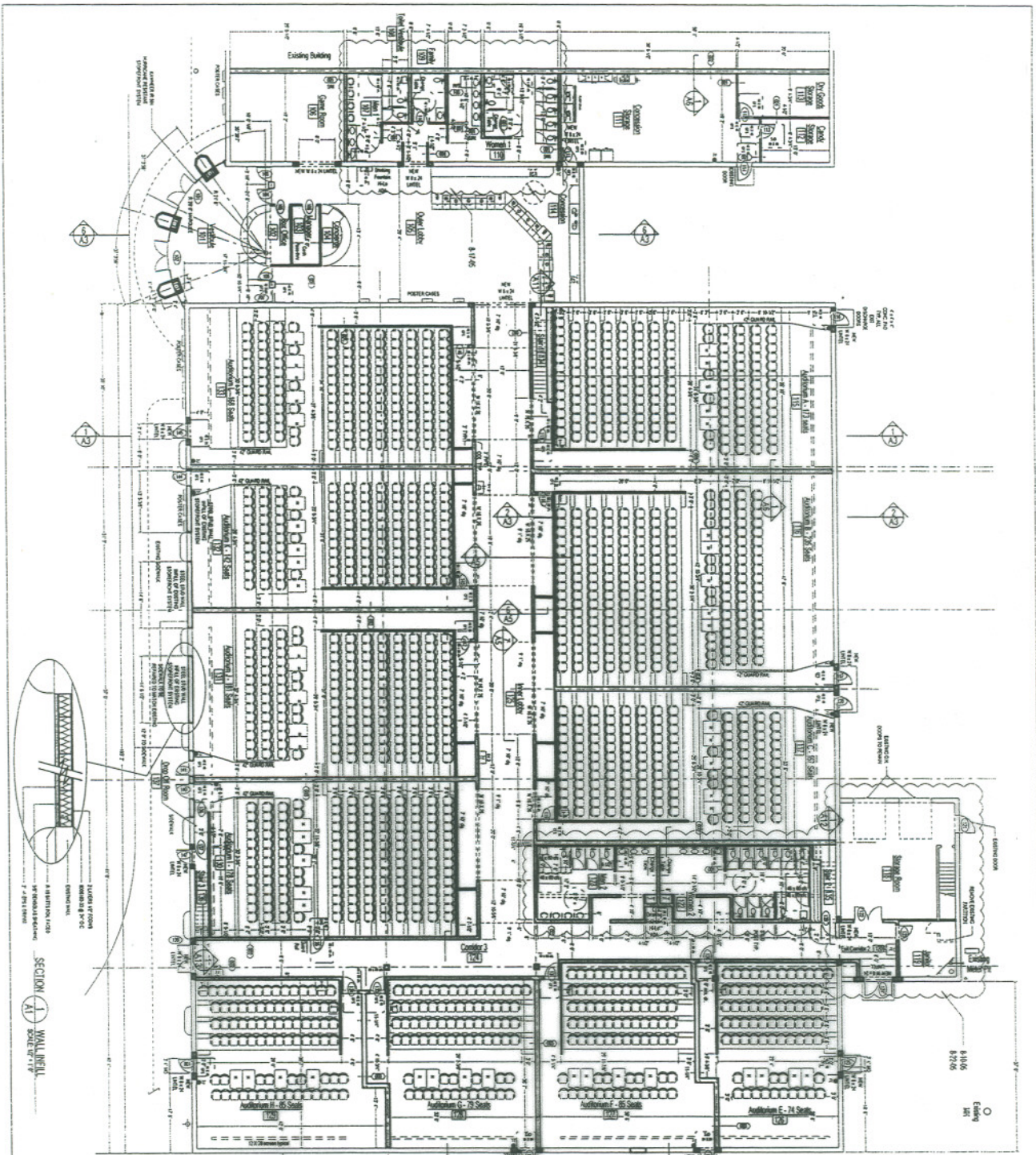
Building Official or Designee Paul E. Radauskas
Signature

PAUL E. RADAUSKAS CBO
Printed Name

BU-0000922
Certification Number

941-861-6637 941-861-6645
Telephone/FAX

Address: 1301 Cattlemen Road, Bldg. D
Sarasota FL 34232



NOTE: PRECAST CONCRETE LINTELS MAY BE SUBSTITUTED FOR STEEL LINTELS FOR MASSIGNY OPENINGS UP TO 8 FEET.

SECTION 1 WALL INSET SCALE 1/4" = 1'-0"

LEGEND:
 [Symbol] REINFORCED CONCRETE
 [Symbol] PRECAST CONCRETE
 [Symbol] METAL STUD WALL
 [Symbol] METAL STUD WALL WITH INTERIOR FINISH
 [Symbol] METAL STUD WALL WITH EXTERIOR FINISH
 [Symbol] METAL STUD WALL WITH INTERIOR AND EXTERIOR FINISH

7	ADD	ADD	ISSUED FOR CONSTRUCTION
6	ADD	ADD	DESIGN REVIEW BY P. GARDNER ON 12/2/04
5	ADD	ADD	GENERAL REVISIONS
4	ADD	ADD	GENERAL REVISIONS

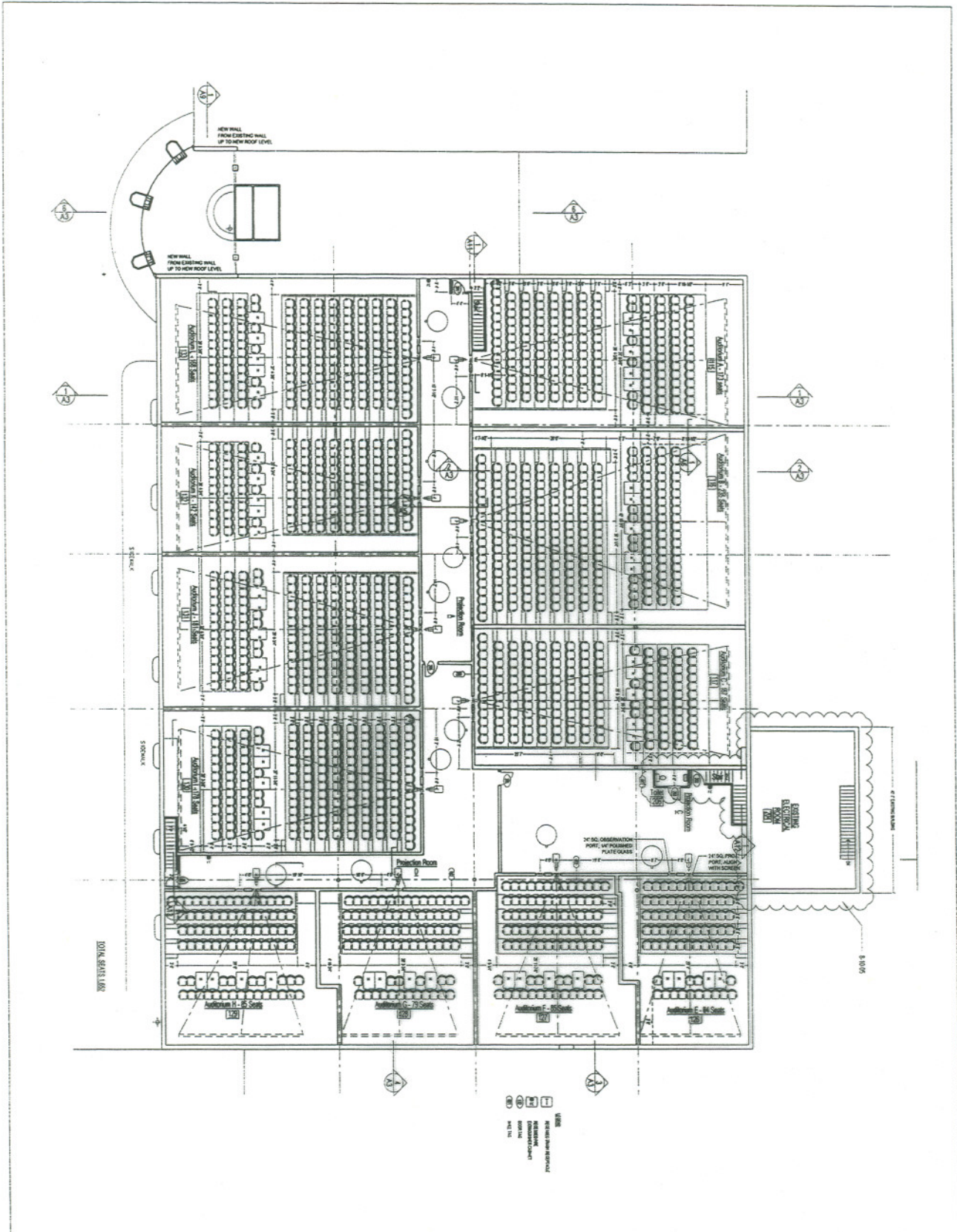
REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	12/04	MA	PERIOD REVIEW
2	03/05	MA	PERIOD REVIEW
3	04/05	MA	PERIOD REVIEW
4	04/05	MA	PERIOD REVIEW
5	04/05	MA	PERIOD REVIEW

PROJECT NO.	05A11
DATE	06/30/05
SCALE	1/8" = 1'-0"
DESIGNED BY	MA
CHECKED BY	MA
DATE	05/02/05
PROJECT	05/02/05

PROPOSED MULTIPLEX
 THE GALLERIA
 RT. 41, SARASOTA COUNTY, FL
 MAIN FLOOR PLAN

MICHEL ABRAMOWITZ, AIA
 40 WEST HART STREET, LANARUE, PA 15406-3015

MITCHEL ABRAMOWITZ, AIA
 Registered Architect
 40 WEST HART STREET, LANARUE, PA 15406-3015



DRAWING NO. 05A11 SHEET NO. A2	PROJECT NO. 05A11 DATE 6-28-95 SCALE 1/8" = 1'-0"	PROJECTING ARCHITECT MITCHEL ABRAMOWITZ, AIA Registered Architect 101 WEST MAIN STREET, LINDSEY, PA 15066 (215) 284-6111	PROPOSED MULTIPLEX THE GALLERIA RT. 41, SARASOTA COUNTY, FL PROJECTION ROOM & SEATING PLAN	1 100%	2 90%	3 80%	4 70%	5 60%	6 50%	7 40%	8 30%	9 20%	10 10%
				11 10%	12 10%	13 10%	14 10%	15 10%	16 10%	17 10%	18 10%	19 10%	20 10%