## DR. P. PHILLIPS ORLANDO PERFORMING ARTS CENTER

Issue: Vertical accessibility to all rows of seats in three tiered auditoriums.

**Analysis**: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in three new auditoriums in a \$240,000,000 performing arts facility. Accessible seating has been located at the top, center and middle sections of the theaters; however, in some cases, companion seats are not provided and the accessible seating is on the ends of the rows. The auditoriums have been designed in such a way that they can be reconfigured depending on the performance in each venue.

#### **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: Dr. P. Phillips Orlando Performing Arts Center

Address: Magnolia Ave, Orlando FL

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: Barton Myers, BMA Inc.

Applicant's Address: 1025 Westwood Boulevard, Los Angeles, CA 90024

**Applicant's Telephone**: 310.208.2227 **FAX**: 310.208.2207

Applicant's E-mail Address: b\_myers@bartonmyers.com

Relationship to Owner: Architect

Owner's Name: Dr. P. Phillips Orlando Performing Arts Center (Operator)

Owner's Address: 455 South Orange Avenue, Suite 400, Orlando FL 32801

Owner's Telephone: 407-839-0119

FAX 407-839-0116

Owner's E-mail Address kathy.ramsberger@orlandopac.org

Signature of Owner: The Manual Court

Contact Person: Michael Gross

Contact Person's Telephone: 407-839-0119 E-mail Address: michael.gross@hines.com

This application is available in alternate formats upon request.  Form No. 2001-01
3. Please check one of the following:
[X] New construction.
[ ] Addition to a building or facility.
[] Alteration to an existing building or facility.
[ ] Historical preservation (addition).
[ ] Historical preservation (alteration).
4. <b>Type of facility.</b> Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)
DPAC is a theater complex, with three performance venues, a shared atrium lobby, banquet room and support spaces.
5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):
<u>\$240,000,000.</u>
6. <b>Project Status:</b> Please check the phase of construction that best describes your project at the time of this application. Describe status.
[X] Under Design [] Under Construction*
[ ] In Plan Review [ ] Completed*
* Briefly explain why the request has now been referred to the Commission.

This is a multi-venue performance hall with tiered seating areas. Providing access to every seating level provides an undue hardship for this project. Accessible seating has been properly dispersed in all prices ranges and site lines but vertical access is impracticable to each and every row. We are asking the Commission to review our plans for accessible seating and allow the requirement for "vertical accessibility to all levels above and below the habitable grade level" to

be waived for this project.

7. Requirements requested to be waived. Please reference the applicable section of Florida
law. Only Florida-specific accessibility requirements may be waived.
Issue
1: The section of the FACBC that needs a waiver is 11-4.1.1 (5)(a) Wheelchair access to every level of the stepped seating in the three auditoriums cannot be provided.
Issue
2:
Issue
3:
8. <b>Reason(s) for Waiver Request:</b> The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable of extreme hardship. Please describe how this project meets the following hardship criterian Explain all that would apply for consideration of granting the waiver.
[X] The hardship is caused by a condition or set of conditions affecting the owner which does no affect owners in general.
This is a one of a kind facility, so it is difficult to compare to "owners in general." If compared to other similar performance halls, DPAC provides comparable access for seating wheel chairs.
$[\underline{\mathbf{X}}]$ Substantial financial costs will be incurred by the owner if the waiver is denied.
There is no practical way for wheelchair access to be provided to each stepped level of seating in the auditoriums. The seating rake is too steep for ramped access. There is not space available on the site to add ramps or lifts outside the theaters for wheelchair access to each step.

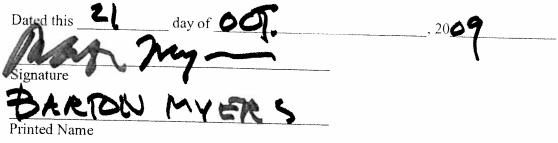
 $[\underline{\mathbf{X}}]$  The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

A true study of the cost implications for wheelchair access to each stepped level of seating cannot be done. The site constraints are too tight to create a design which would accommodate wheel chair seating at every row.

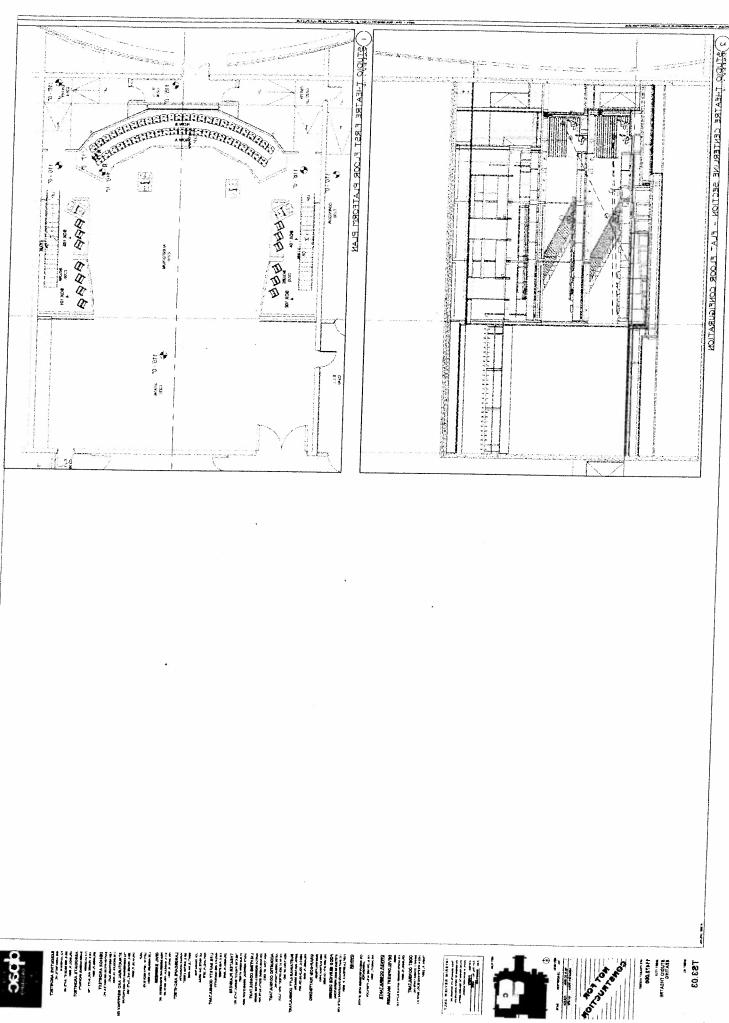
9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.
a. The project provides wheelchair accessible seating and companion seating in accordance with
Florida State Building Code and the federal ADA Design Guidelines. Current costs and design
include an accessible route to those seats. Elevators, ramps, corridors and chair lifts are included
in the budget.
b
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.
This is a multi-venue performance hall with tiered seating areas. Providing access to every
seating level provides an undue hardship for this project.
MAN BARTON MYERS
Signature Printed Name
Signature BARTON MYERS Printed Name  Phone number 310 208 6627
(SEAL)

### **CERTIFICATION OF APPLICANT:**

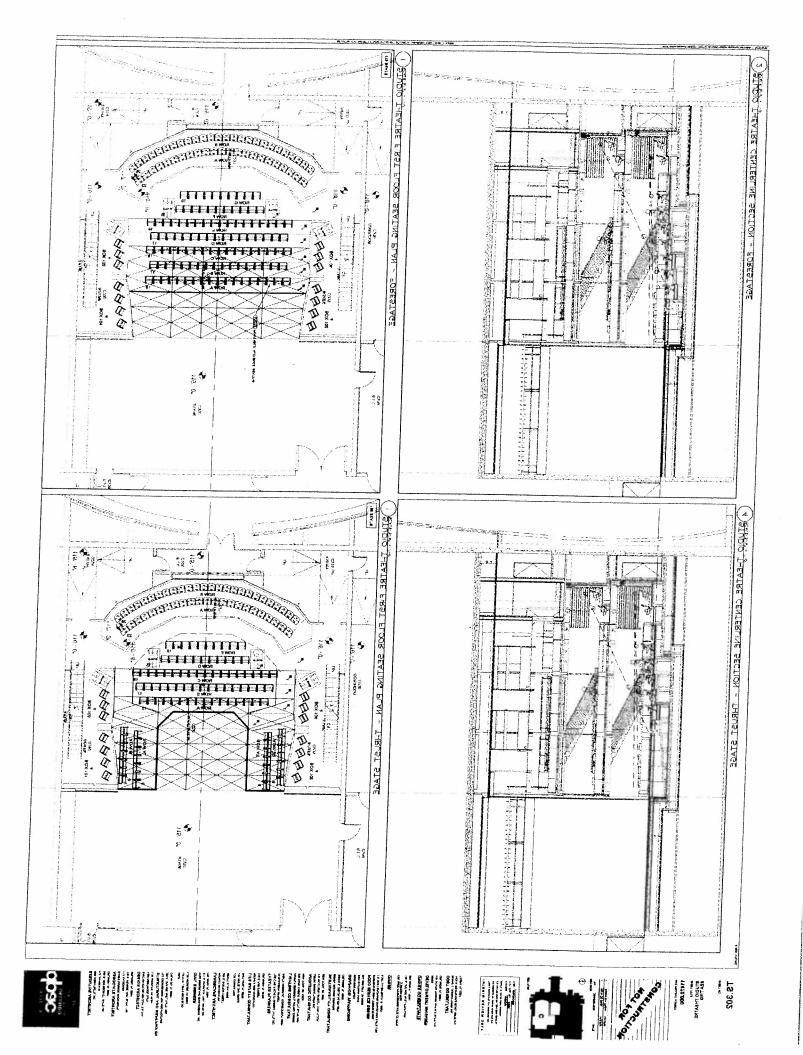
I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

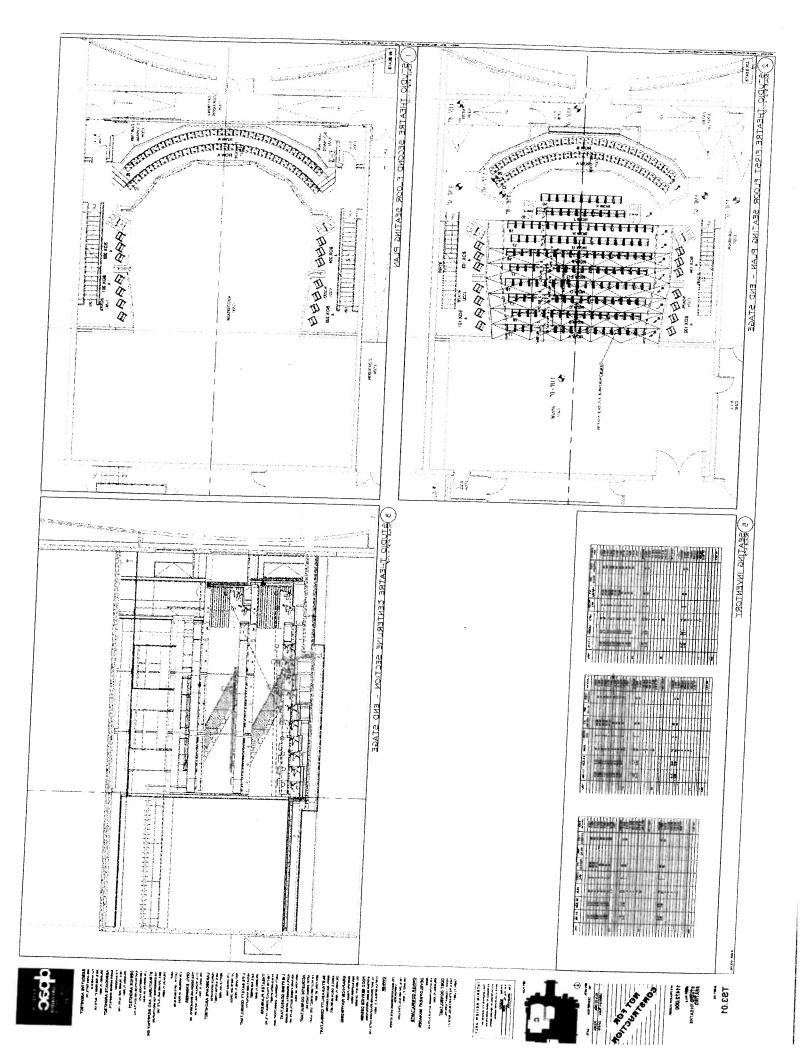


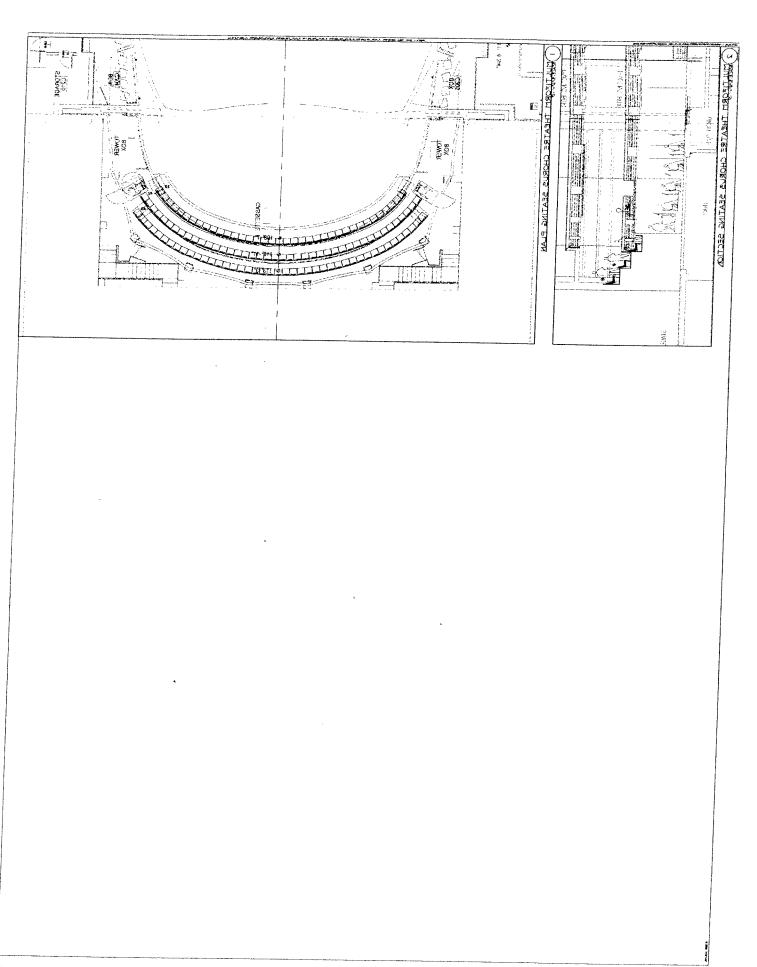
By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.



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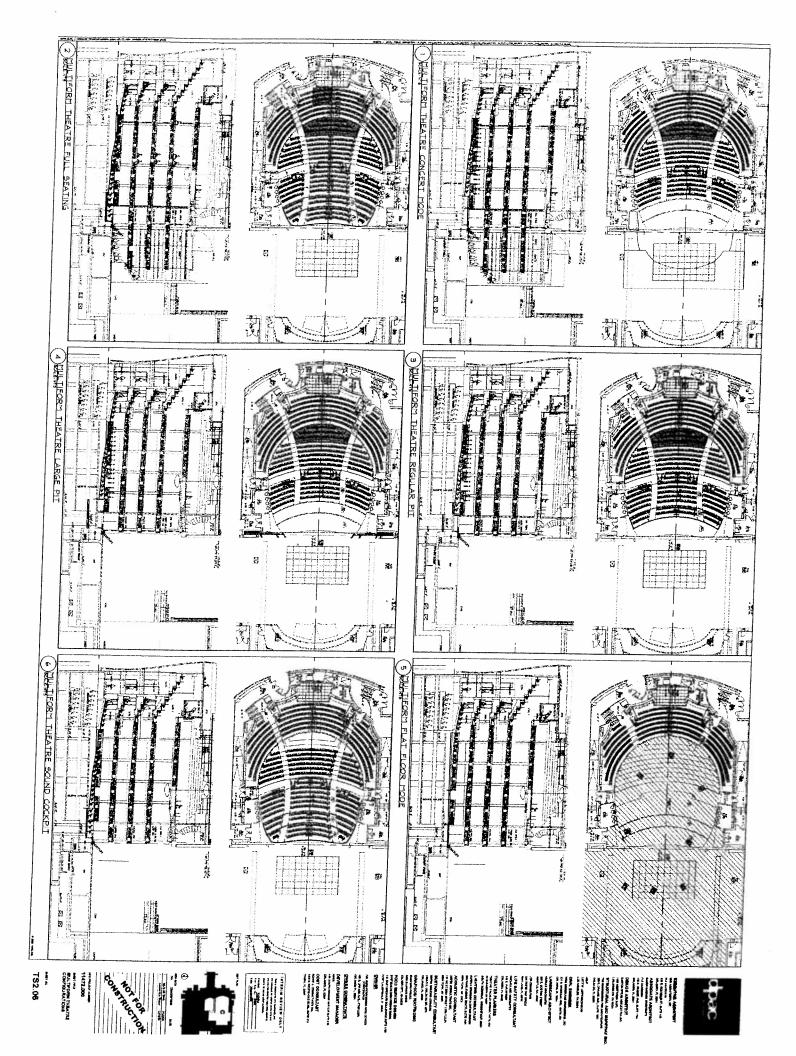
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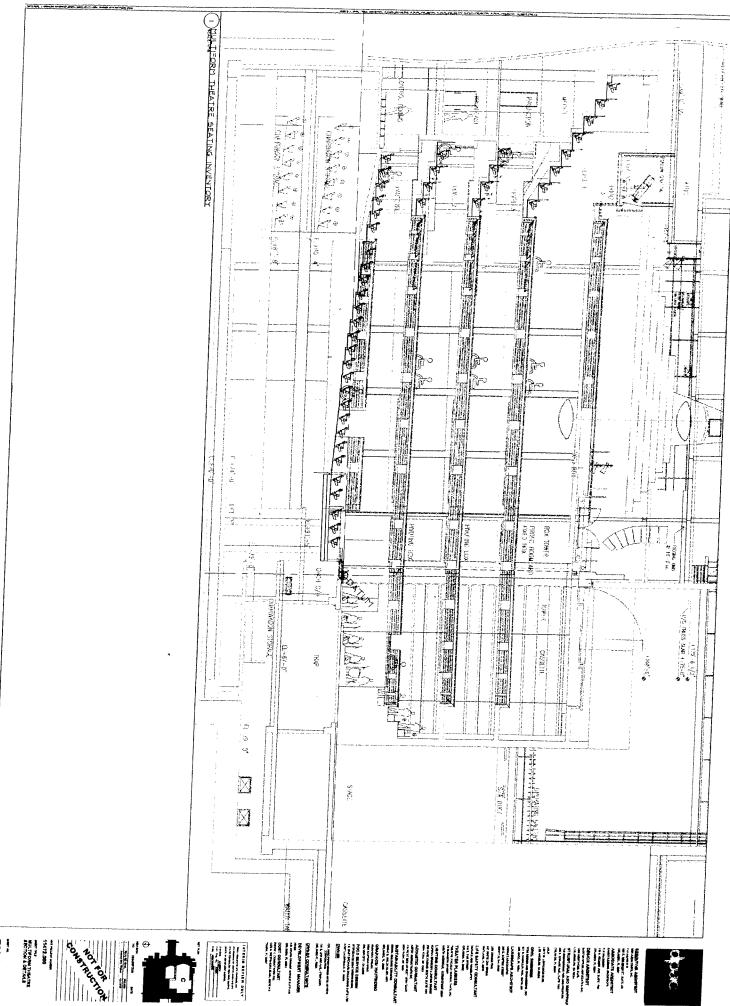




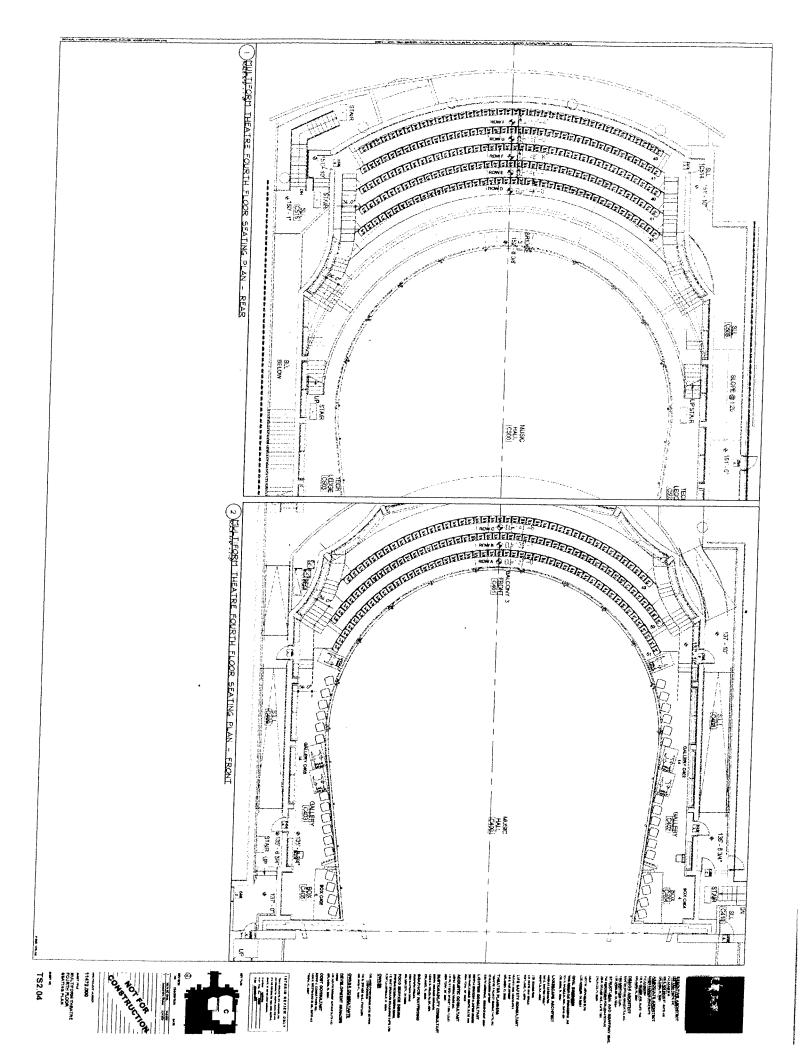
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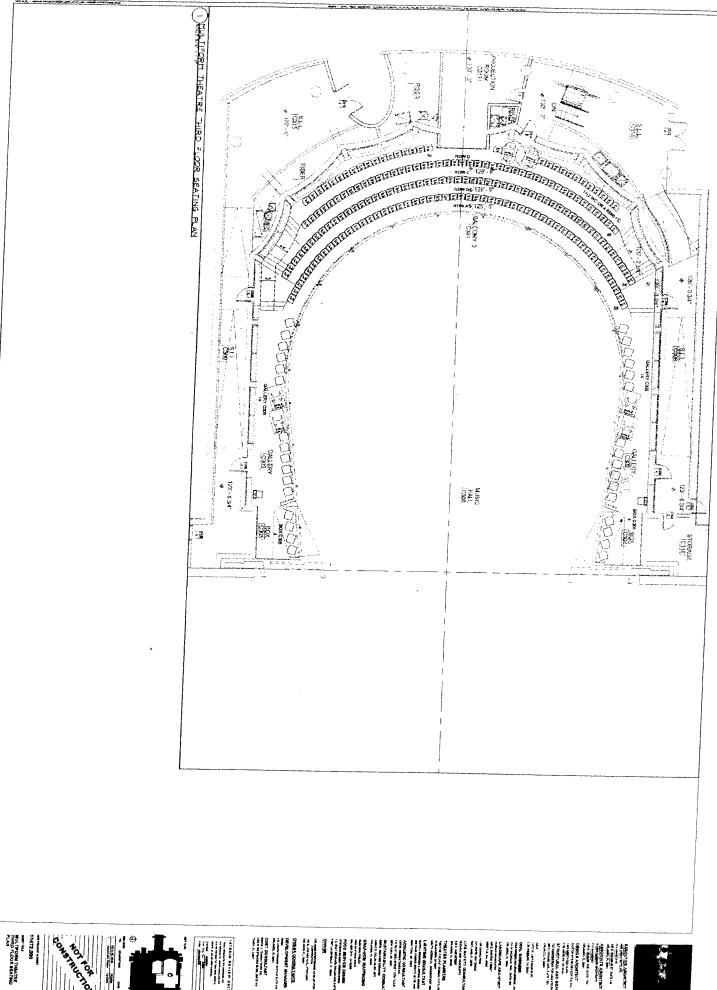
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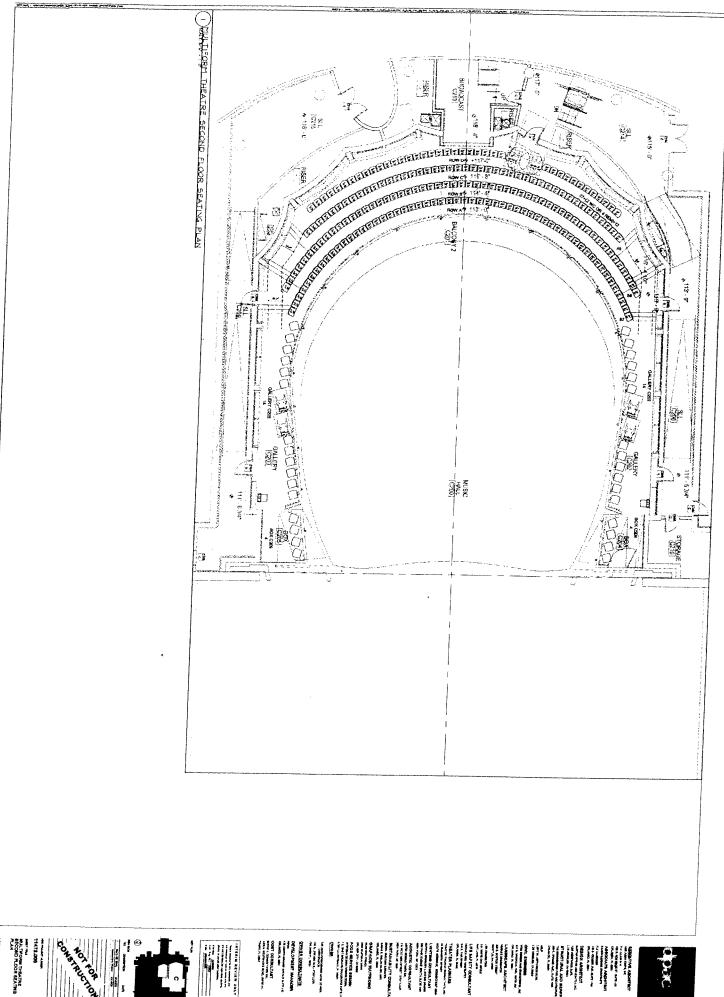












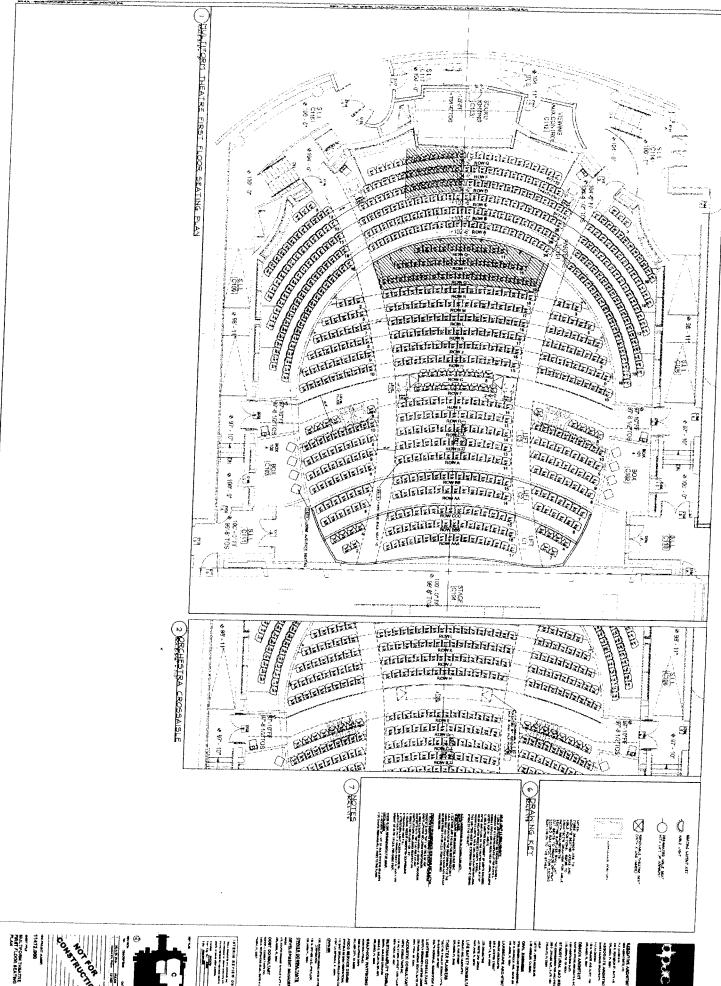












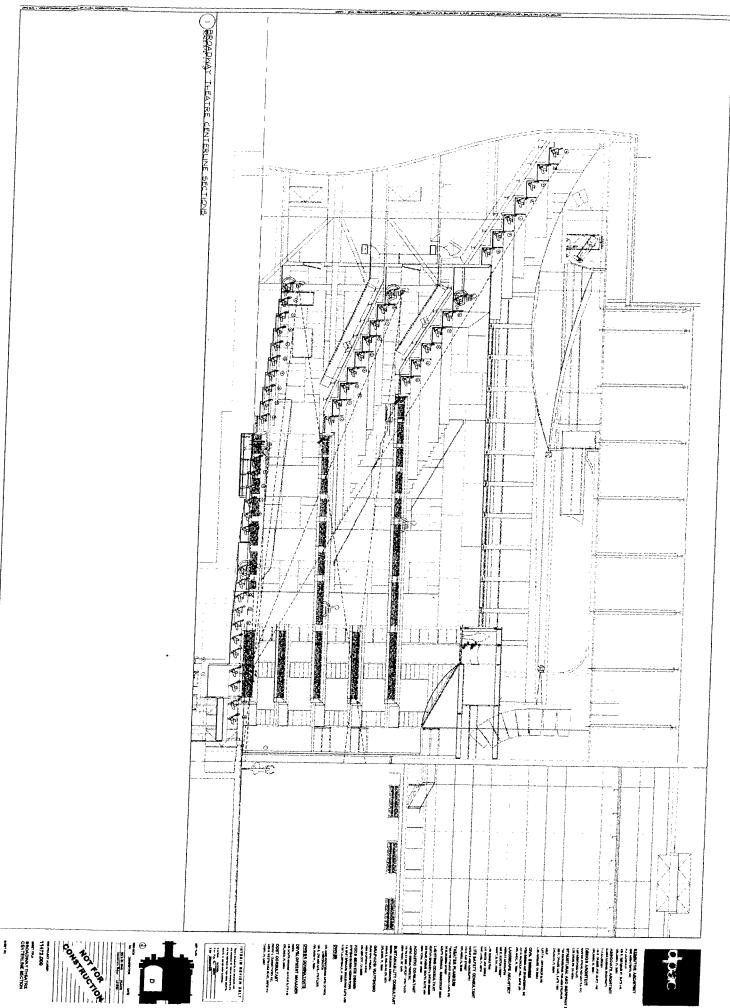
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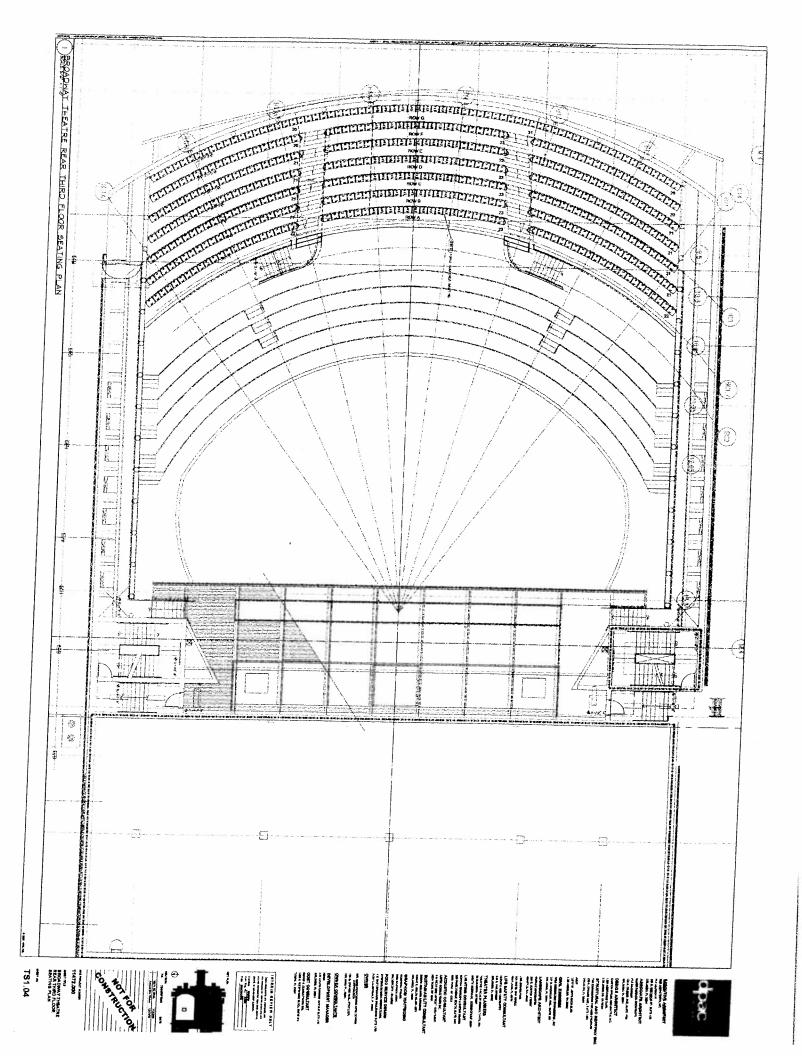


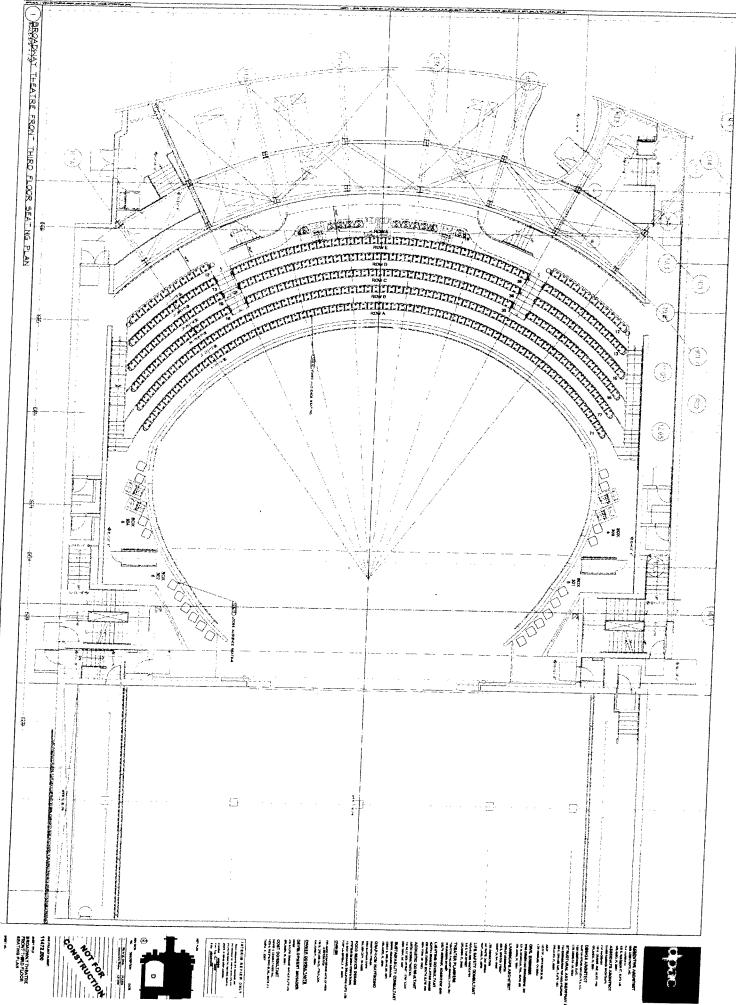


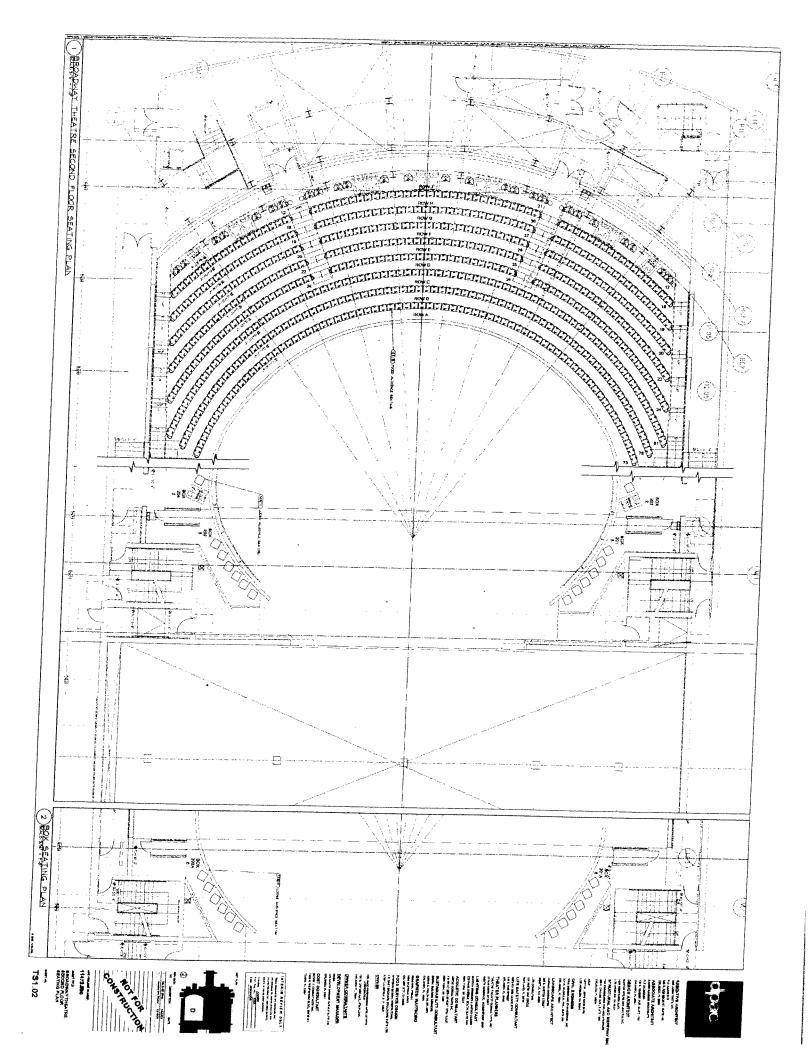


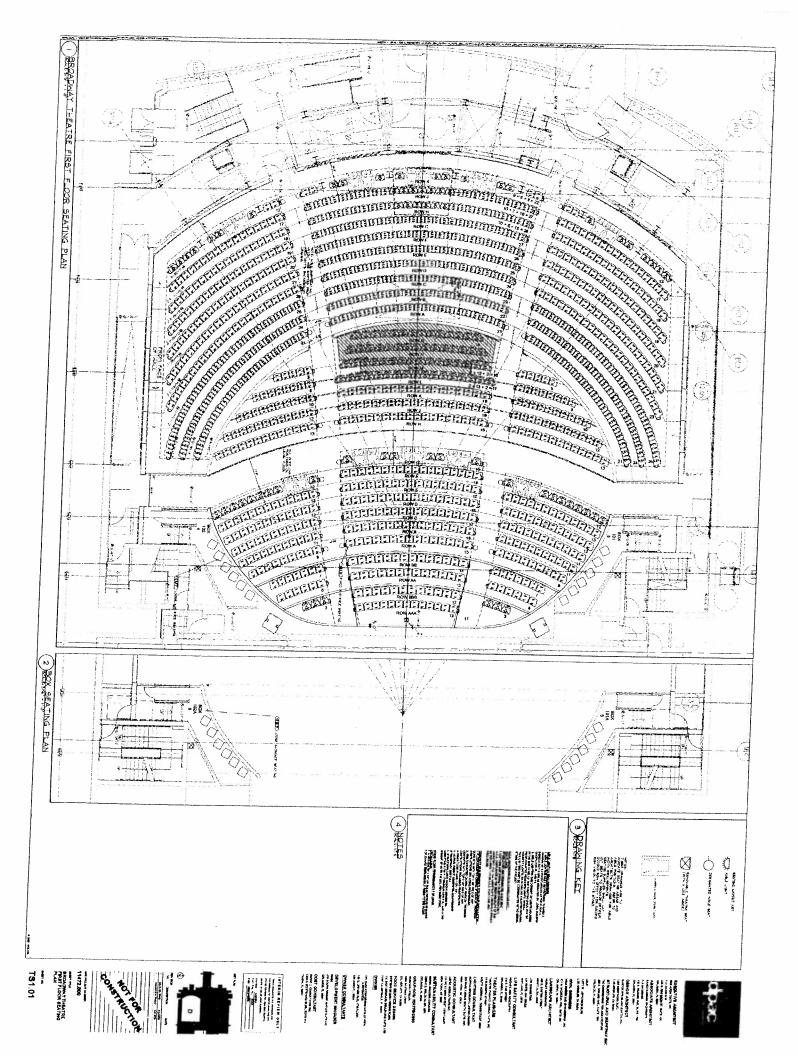


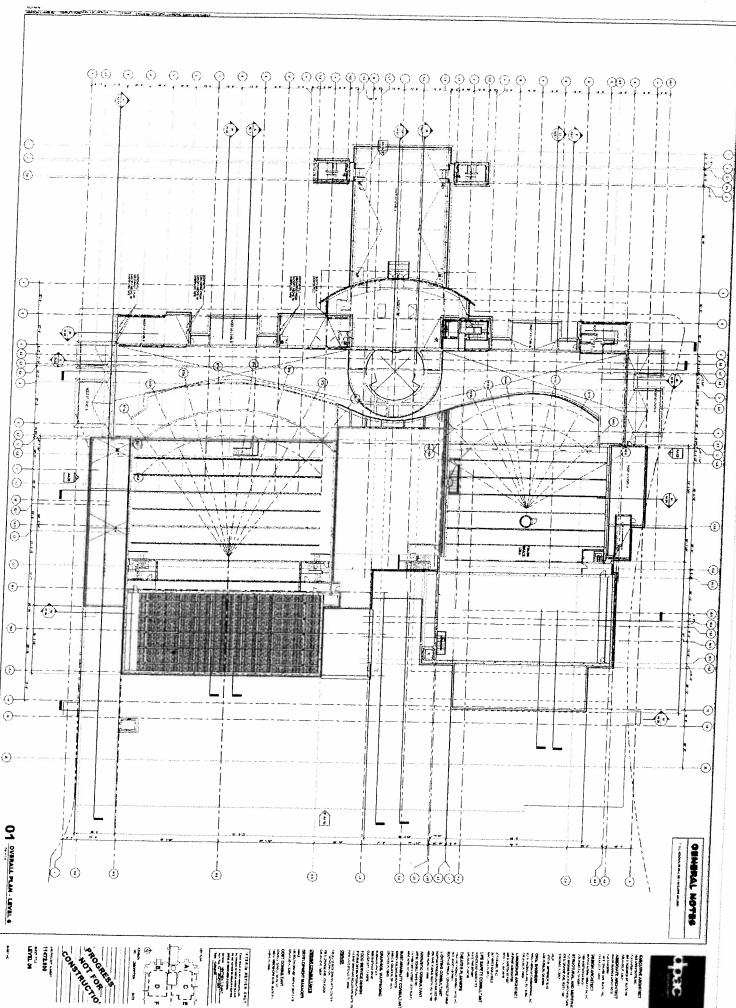


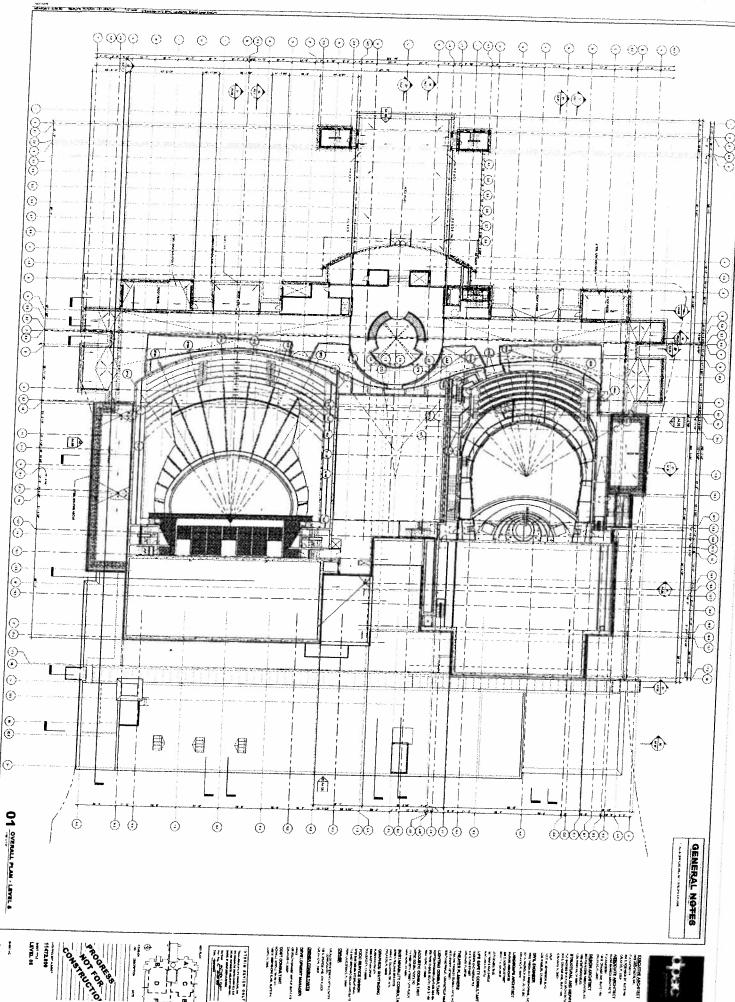


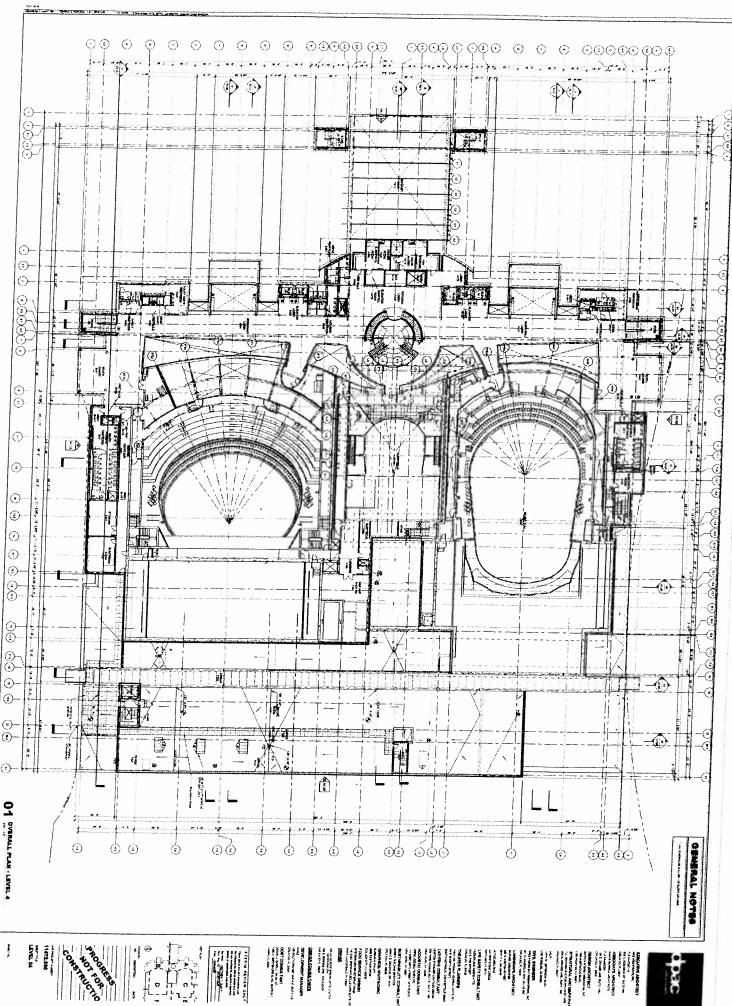


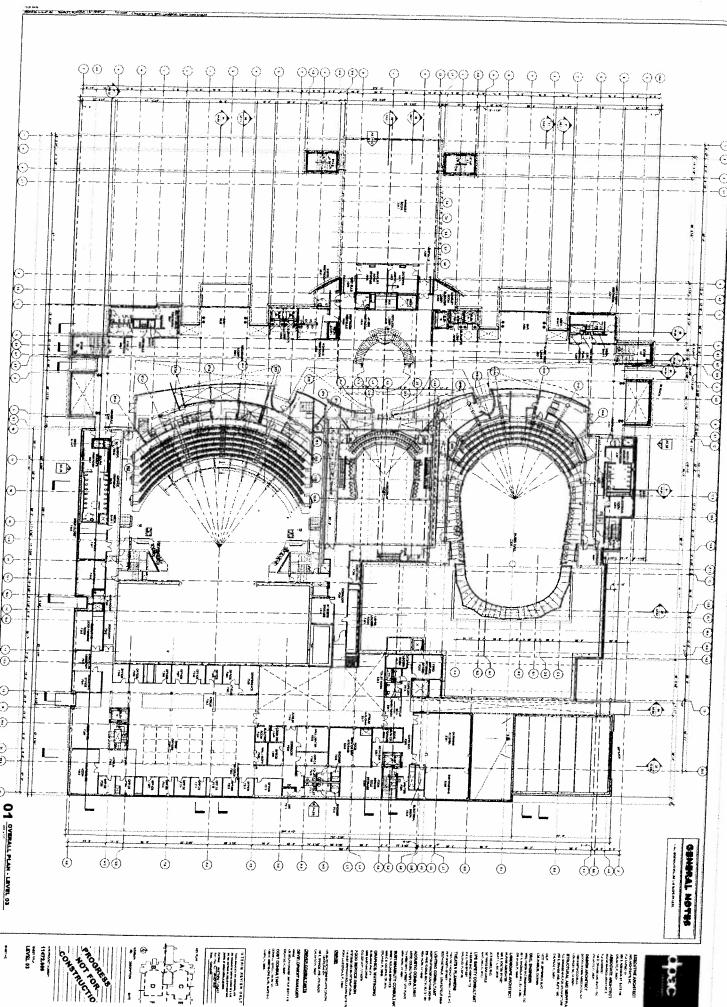




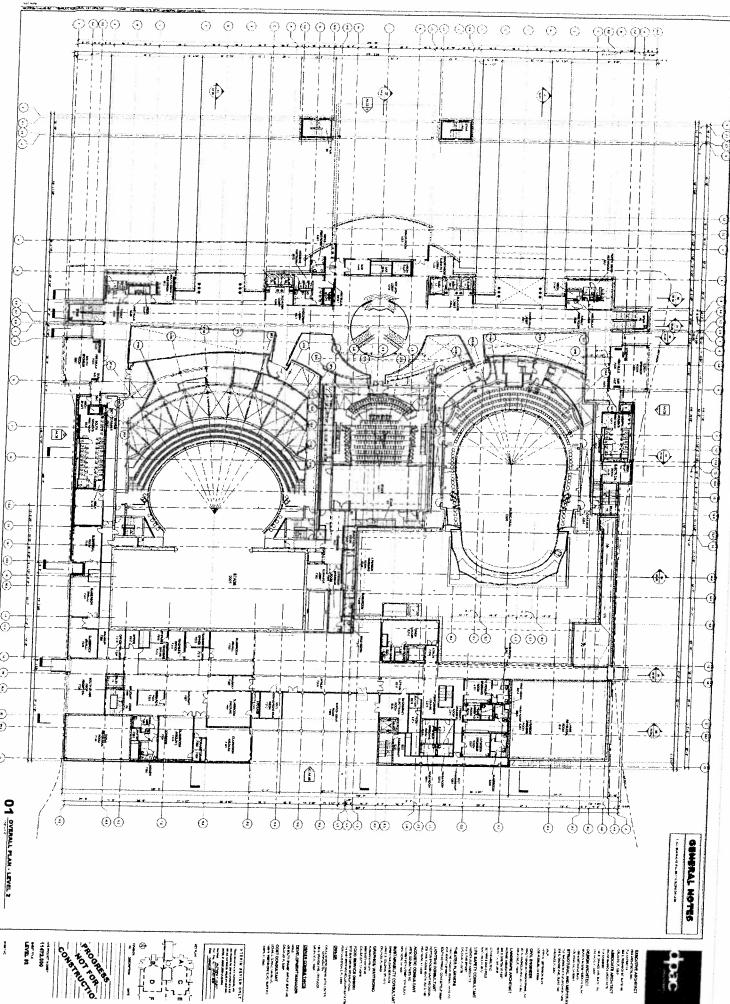




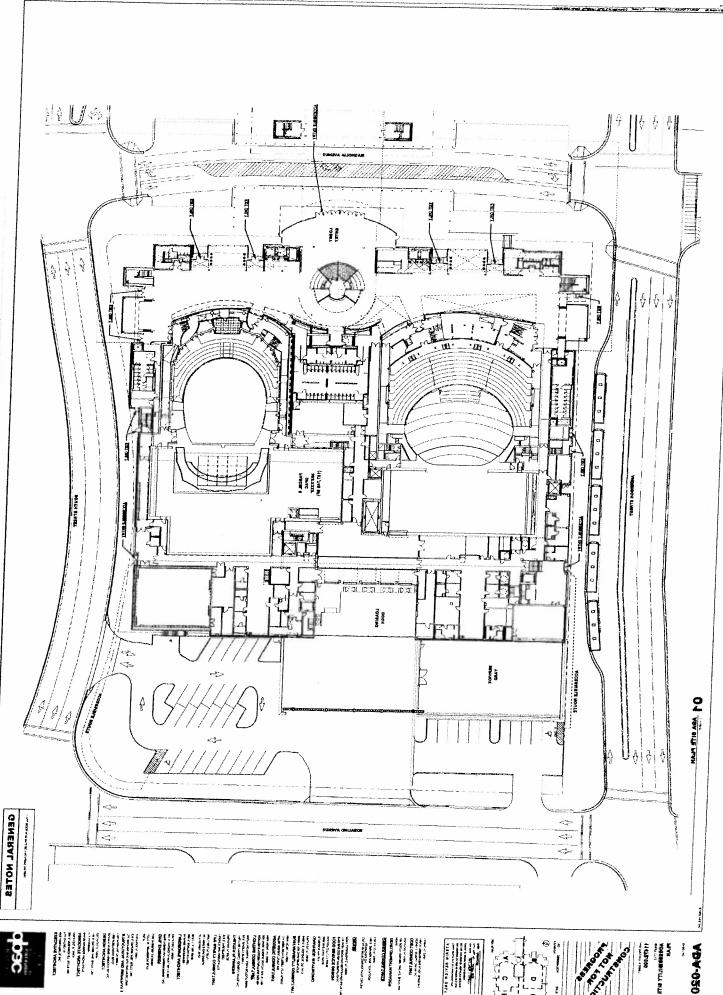


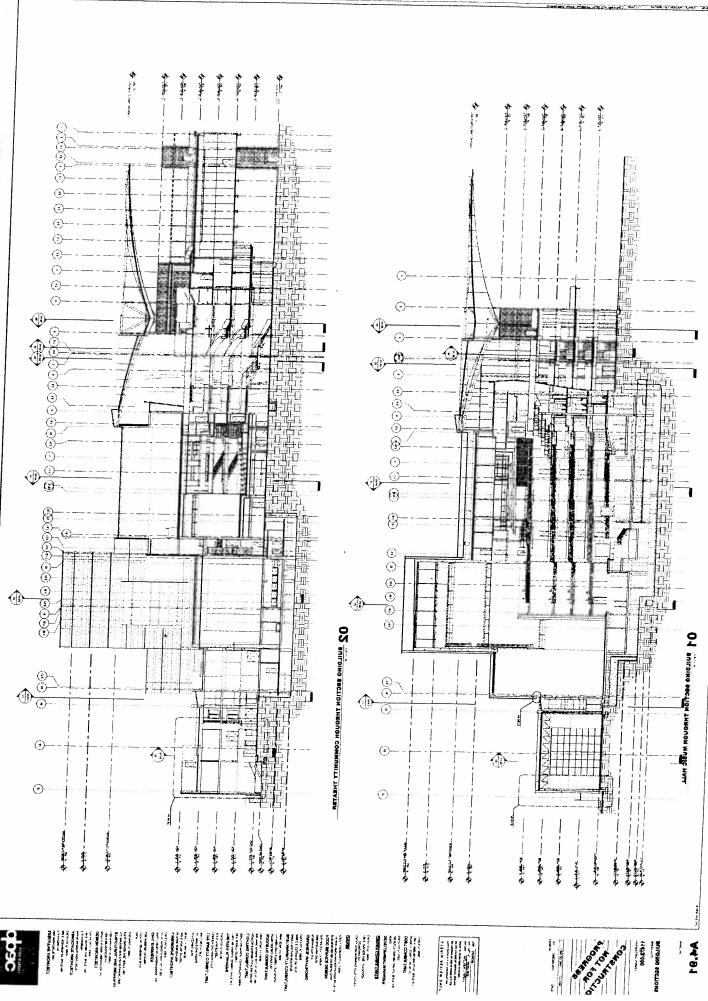


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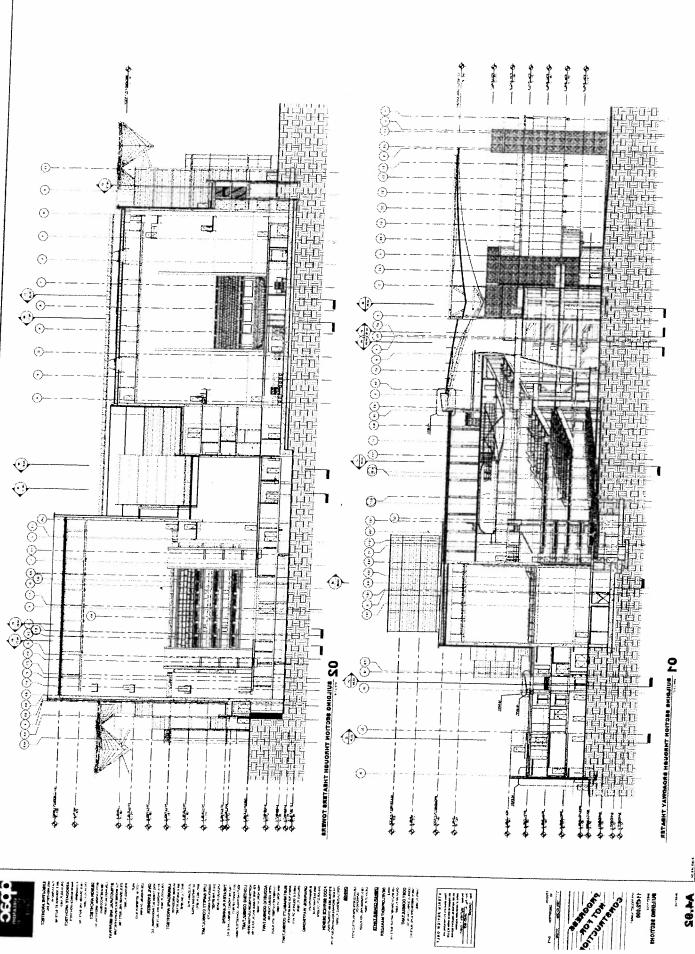


opac

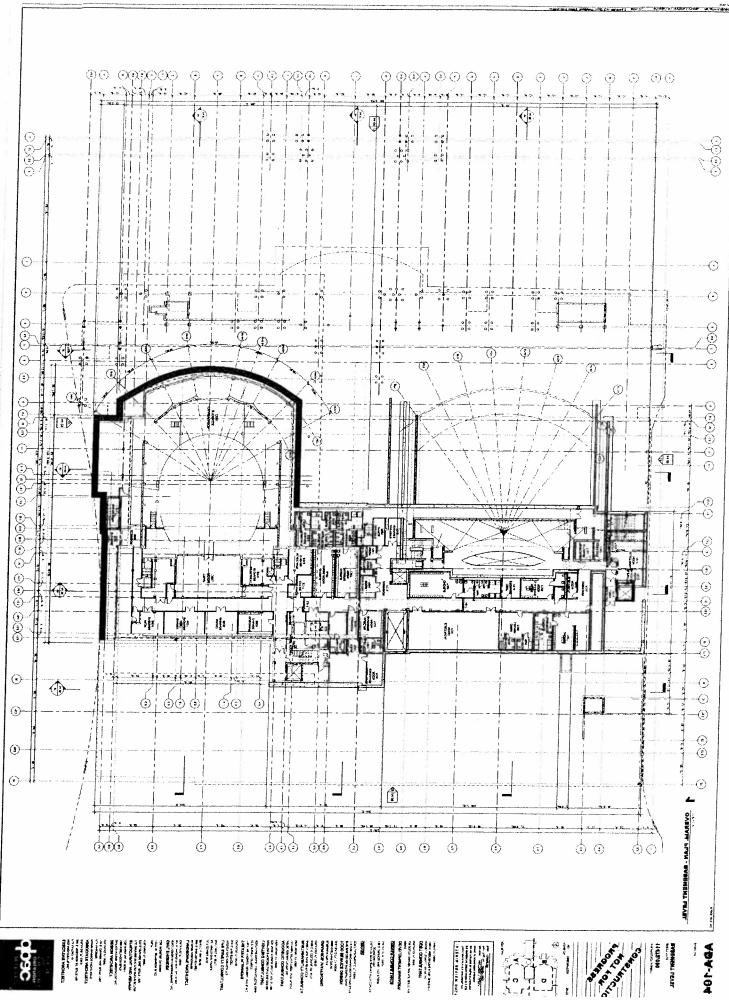


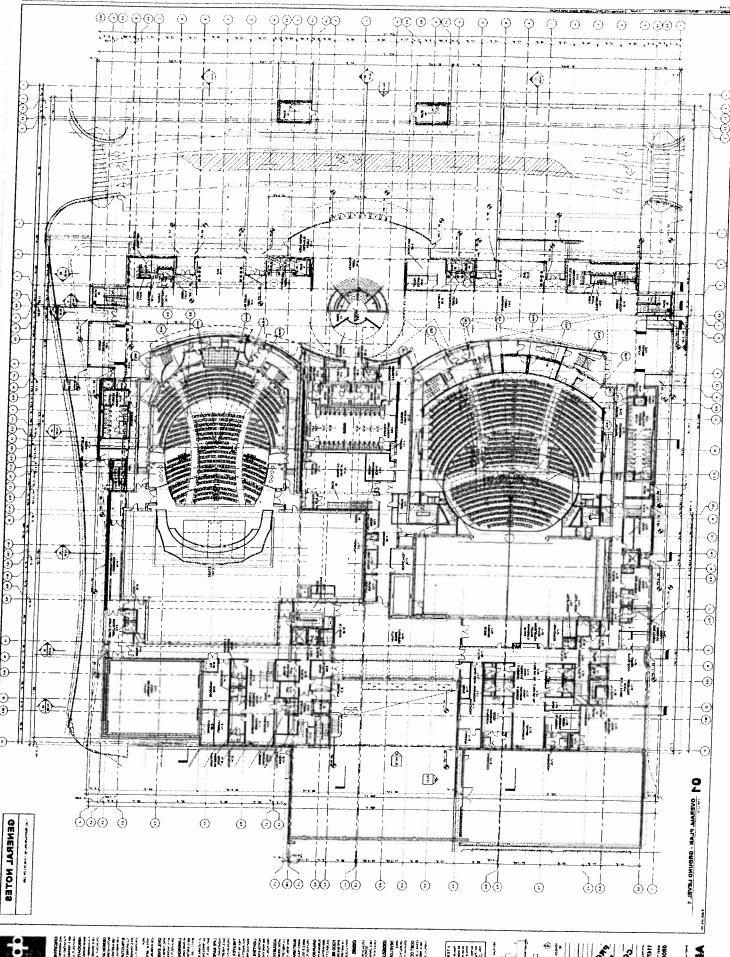


BOILLORG SECTIONS



MULTONG SECTIONS





1000

Appropries