

MUVICO BOYNTON BEACH 16

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 stadium seats in a new, \$7,155,000 16 theater movie complex. The project will consist of theaters ranging from an occupancy of 135 to 416 seats. In the smallest theaters, accessible seats are placed on the first tier of seats, not the immediate front of the theaters and in the larger theaters, dispersed in more than one area. According to the applicant, requiring all rows of seats to be accessible would constitute an unnecessary, unreasonable and extreme hardship. No cost estimates were submitted.

Project Progress:

The project is in plan review.

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 Boynton Beach 16

Address: 601 North Congress Avenue, Boynton Beach, 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: Larry M. Schneider, AIA

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

Applicant's Telephone: 786-3361984 **FAX:** 786-3361985

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

Relationship to Owner: Accessibility Consultant

Owner's Name: Muvico Entertainment, LLC.- George Figler Project Manager

Owner's Address: 3101 North Federal Highway - 6th Floor, Ft. Lauderdale, Florida

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

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

Signature of Owner: _____


Contact Person: Mr. George Figler

Contact Person's Telephone: 954-5646550 **E-mail Address:** george.figler@muvico.com

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.)

A 16 screen cinema with stadium style seating. Theater seating ranges from 135, 163, 245, 254, 327 and 416 seats.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$7,155,000.00

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.

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 design. 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 actually being row three or four back from the actual first row of the theater seating. It

has been our understanding that the considerations for the acceptance of a design solution would be to provide the accessible seating, not in row one, but to locate it in the area of rows three to five of the general seating. We have obtained that goal and have located the accessible seating along the cross over aisle which is on the first row of the stadium seating: giving it 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. _____

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.

JAMES ANDREONE

Signature

Printed Name

Phone number: (410) 962 0505

(SEAL)

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.

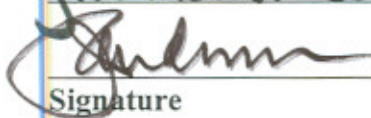
a. _____

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.

A waiver is necessary to avoid substantial financial cost being incurred by the owner.



Signature

JAMES P. ANDREONE

Printed Name

Phone number **410.962.0505**

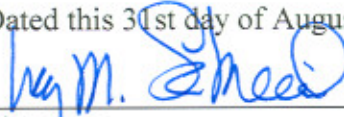
(SEAL)



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 30th day of August, 2005



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.



BOYNTON BEACH 16

BOYNTON BEACH, FLORIDA

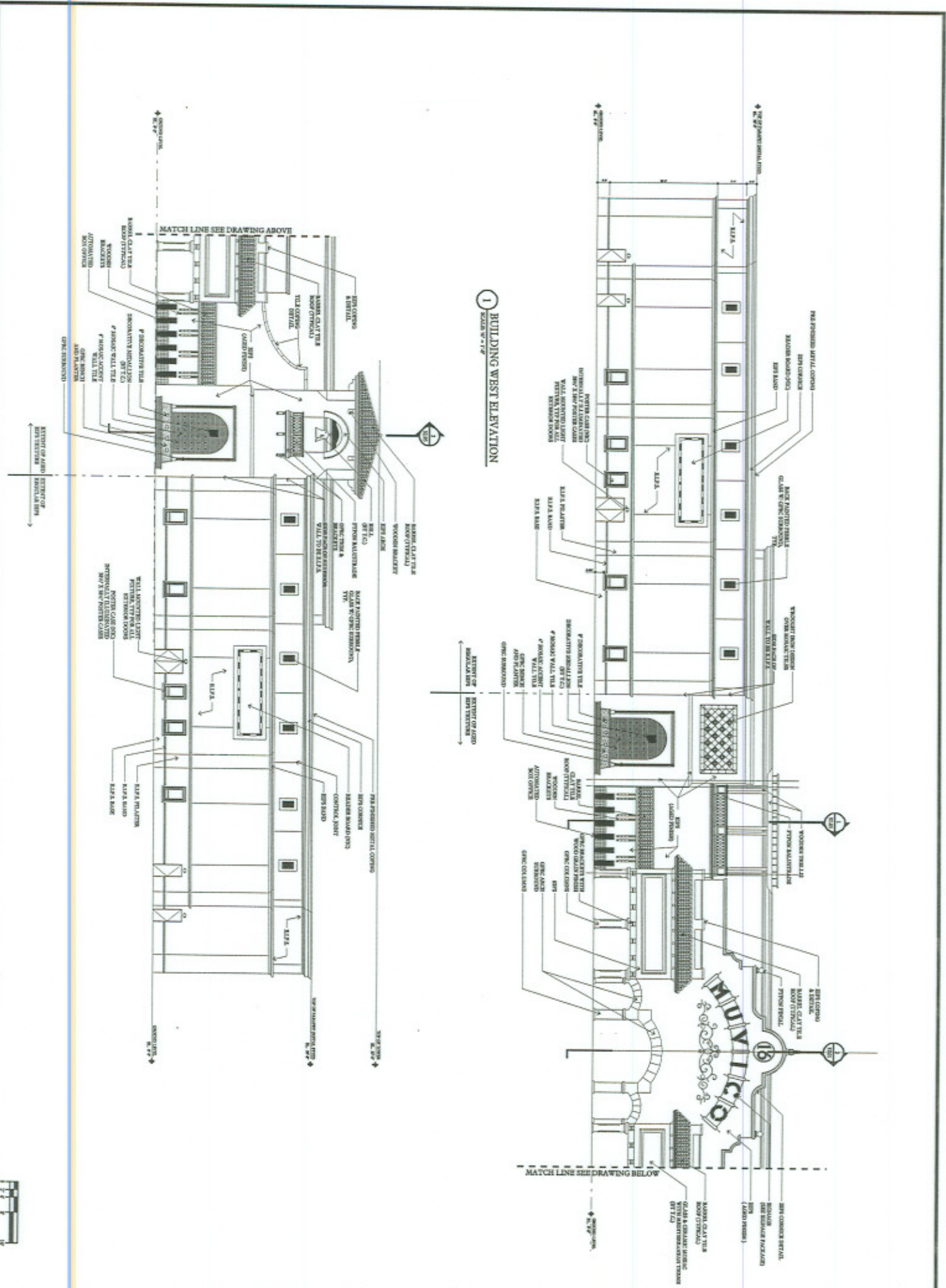
Owner

MUVICO THEATERS
3101 N. Federal Highway
6th Floor
Fort Lauderdale, Florida 33306-1042
Tel (954) 564-6550
Fax (954) 564-6553

ADA SUBMISSION
AUGUST 24, 2005

Designer / Architect

**Development Design
Group Incorporated**
7 Saint Paul Street
Baltimore, MD USA 21202
Tel 410-962-0505
Fax 410-783-0816



1 BUILDING WEST ELEVATION
SCALE: 1/4" = 1'-0"



DEVELOPMENT DESIGN GROUP INCORPORATED
 750 N. Palm Beach
 Palm Beach, Florida 33480
 Phone: 561-833-1100
 Fax: 561-833-1101

Architect
 The Design Group, Inc.
 1000 N. West 17th Street
 Ft. Lauderdale, FL 33304
 Phone: 754-561-1100
 Fax: 754-561-1101

Interior Designer
 Design Group
 1000 N. West 17th Street
 Ft. Lauderdale, FL 33304
 Phone: 754-561-1100
 Fax: 754-561-1101

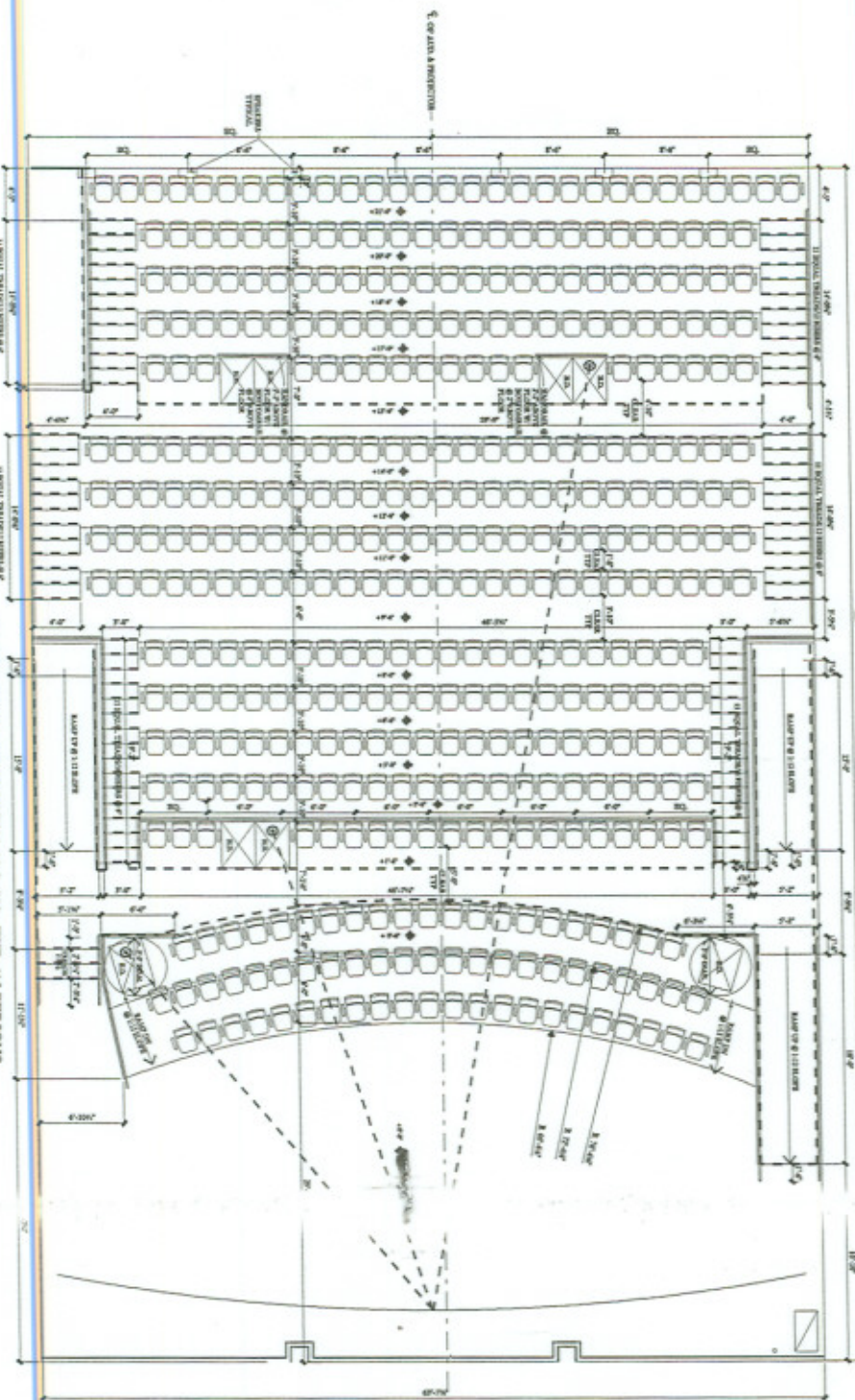
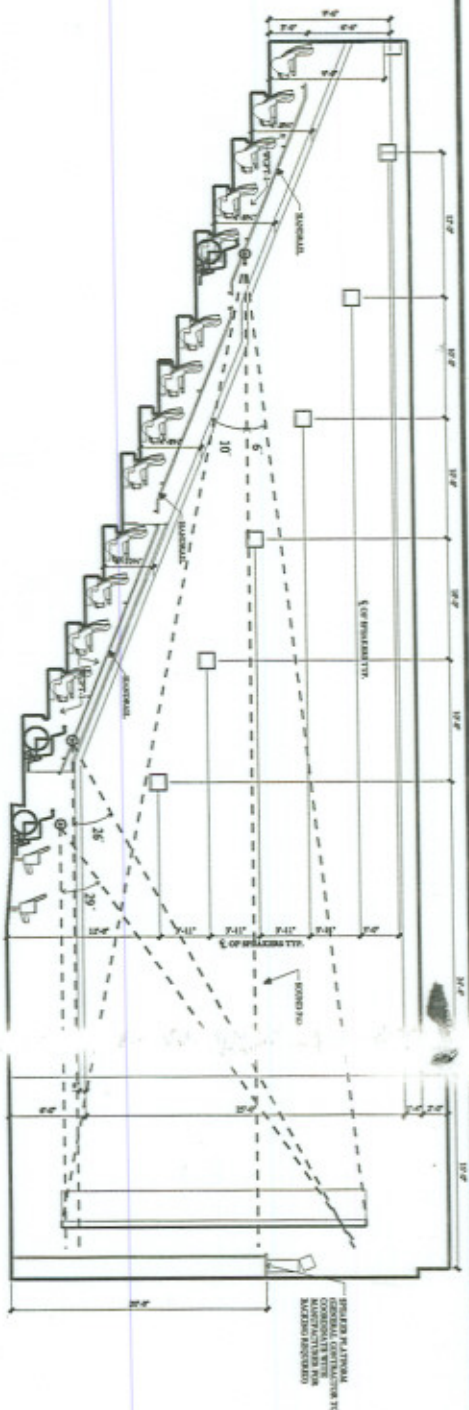
Structural Engineer
 M. J. Smith Corporation
 2001 N. West 17th Street
 Ft. Lauderdale, FL 33304
 Phone: 754-561-1100
 Fax: 754-561-1101

BOYNTON BEACH MUSEUM THEATRE
 BOYNTON BEACH, FLORIDA
 (16 SCREENS)

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY	10/15/88	JL	JL
2	REVISED	10/15/88	JL	JL
3	REVISED	10/15/88	JL	JL
4	REVISED	10/15/88	JL	JL
5	REVISED	10/15/88	JL	JL
6	REVISED	10/15/88	JL	JL
7	REVISED	10/15/88	JL	JL
8	REVISED	10/15/88	JL	JL
9	REVISED	10/15/88	JL	JL
10	REVISED	10/15/88	JL	JL

31.01
 BUILDING ELEVATIONS

AM STEINLETT



- NOTES:
1. CONSULT WITH SUBMITTALS, LABOR AND INSTALLATION WITH GENERAL CONTRACTOR TO BE DETERMINED BY ARCHITECT.
 2. CONSULT WITH SUBMITTALS, LABOR AND INSTALLATION WITH GENERAL CONTRACTOR TO BE DETERMINED BY ARCHITECT.
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 10. CONSULT WITH SUBMITTALS, LABOR AND INSTALLATION WITH GENERAL CONTRACTOR TO BE DETERMINED BY ARCHITECT.

1 ENLARGED AUDITORIUM #3 & #10 - TYP. 415 PERSONS
SCALE 1/4" = 1'-0"

2 SECTION @ AUDITORIUM #3 & #10 - TYP. 415 PERSONS
SCALE 1/4" = 1'-0"

36.08

ADN 36082114

BOYNTON BEACH

BOYNTON BEACH, FLORIDA

(16 SCREENS)

DESIGN GROUP

INCORPORATED

7500 Road Street

Boynton Beach, Florida 33435

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ARCHITECT

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ENGINEER

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