

PLAZA COLLINS 16 CINEMAS

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

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a new, \$7,000,000 16 theater movie complex. Where feasible, the project has been designed to provide accessible seating in more than one location and in no design are the seats at the extreme front of the theaters. Companion seats have been provided at each location. Estimates were submitted indicating it would cost an additional \$720,000 to install lifts in 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.

**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: Plaza Collina 16 Cinemas

Address: State Highway 50 & Lake Boulevard, Lake County, Clearmont, 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: Rodney L. Sartain

Applicant's Address: 1909 Courtney Drive, Birmingham, AL 35209

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

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

Relationship to Owner: Consultant/Agent

Owner's Name: Cobb Theatres

Owner's Address: 2100 A. Southbridge, Suite 325, Birmingham, AL 35209

Owner's Telephone: 205-8027766 **FAX:** 205-802-7771

Owner's E-mail Address: judy@cobbtheatres.com

Signature of Owner: _____

Contact Person: Rodney L. Sartain

Contact Person's Telephone: 205-879-5458 **E-mail Address:** rlsarch@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.)

Multi-Screen Movie Theatre

Type IV UNPROT. Group A-1 Assembly Large

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

\$7,000,000.00

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.

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 Attached page "A"

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 attached page "A"

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.

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 theatre to comply with Section 553.509 of the Florida Statutes.
- b. 16 lifts required (16 x \$45,000 = \$720,000.00) See attachment "B"
- c. Also between 15% and 30% of seats (depending on house size)...

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.

See section 7



Signature

David Breedlove

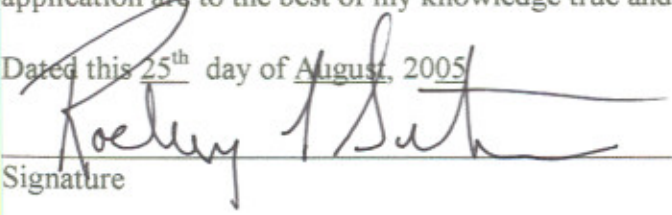
Printed Name

Phone number 205-879-5458

(SEAL)

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 25th day of August, 2005


Signature

Rodney L. Sartain

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.

Attachment "A"

The Florida State Statutes Section 553.509 VERTICAL ASSESSIBILITY 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 theater industry therefore it is commonly believed that this type of building construction was not anticipated during the drafting of legislation for vertical accessibility nor 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 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 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 industries 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 dispersed 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.



August 25, 2005

Mr. Rodney Sartain
1909 Courtney Drive
Birmingham, AL 35209

Re: Cobb 16 Cinemas
Clermont, Florida

Dear Rodney,

As per your request, we have completed a cost analysis to install the handicap lifts in each of the 16 theaters in the above referenced project. Inclusive of the lift and the associated work entailed to access each stadium riser, the cost per theater would approach \$45,000.00. Therefore, an overall budget of \$720,000.00 would be the impact on this project over and above the typical stadium seating costs.

If you have any questions or need any additional information, please feel free to call.

Sincerely,
HOAR CONSTRUCTION, LLC

A handwritten signature in black ink, appearing to read "Drew Mouron".

Drew Mouron
Project Manager

cc: xcc
file

Attachment "B-2"



Gary C. Wyatt
GENERAL CONTRACTOR, L.L.C.

August 25, 2005

Rodney L. Sartain Theatre Consultant
1909 Courtney Drive
Birmingham, AL 35209

FACSIMILE 879-5460

Attn: Rodney Sartain

Subject: Cobb 16 Cinemas
Clermont, FL

Dear Rodney:

We have received the plans for the project referenced above. We estimate that it will cost approximately \$43,500 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 very truly,

GARY C. WYATT
GENERAL CONTRACTOR, LLC

Steven A. Blalock
Director of Operations

SAB/ba

4527 Southlake Parkway
Birmingham, Alabama 35244
Telephone (205) 985-0121
FAX (205) 985-0197

Mailing Address
P.O. Box 360126
Birmingham, Alabama 35236-0126

139 Executive Circle, Suite 201
Daytona Beach, Florida 32114
Telephone (386) 226-3454
FAX (386) 226-3488



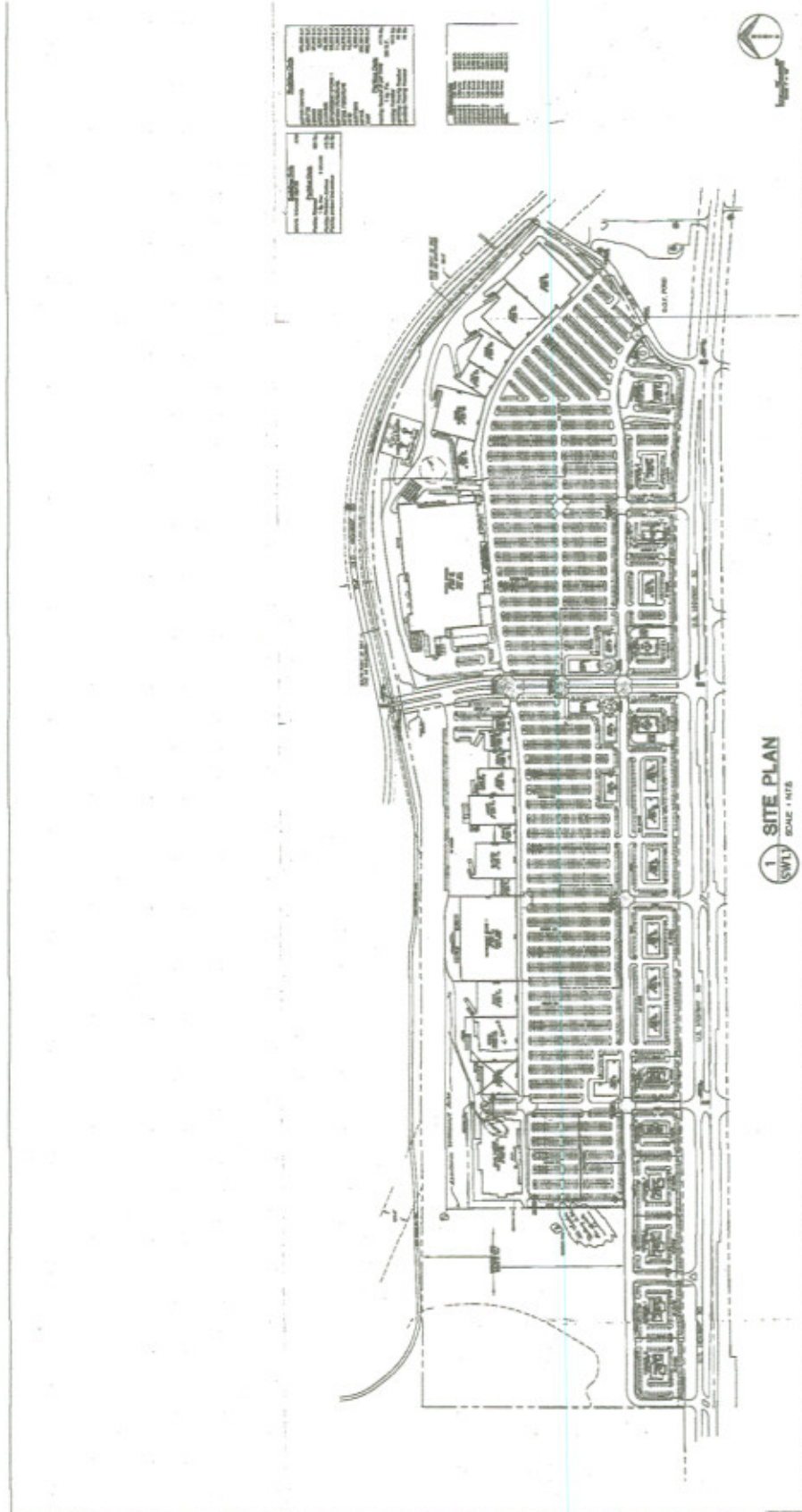
DAVID BREEKLOVE - ARCHITECT
 OFFICE & 205-978-9186
 1101 S. 20TH AVE. SUITE 100
 HOUSTON, TEXAS 77058

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 1101 S. 20TH AVE. SUITE 100
 HOUSTON, TEXAS 77058

SITE PLAN

05-548

Plaza Collins 16 Cinema
 ACCESSIBILITY WAIVER
 9-25-04





OFFICE & 205-978-4100
 FAX & 205-978-4100
 1100 CANTREY DR. HOENHOOD, ALABAMA 35009
 E-MAIL: DAVID@BREEDLOVE.COM

DAVID BREEDLOVE - ARCHITECT

MAIN LEVEL
 FLOOR PLAN

05-20-03

05-24-03

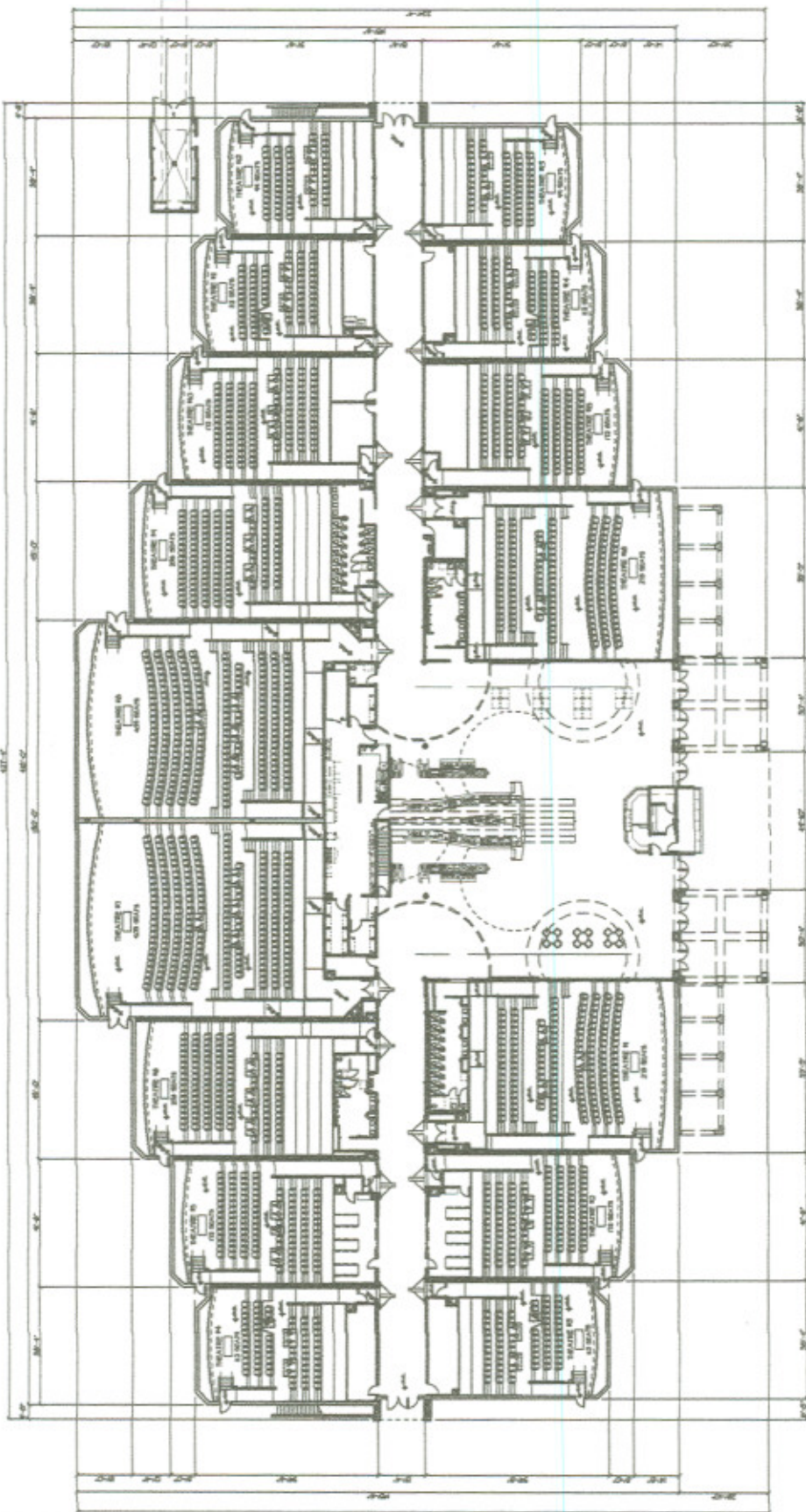
Plaza Collins 16 Cinemas
 ACCESSIBILITY WALKER
 Florida



AL1

Project Data

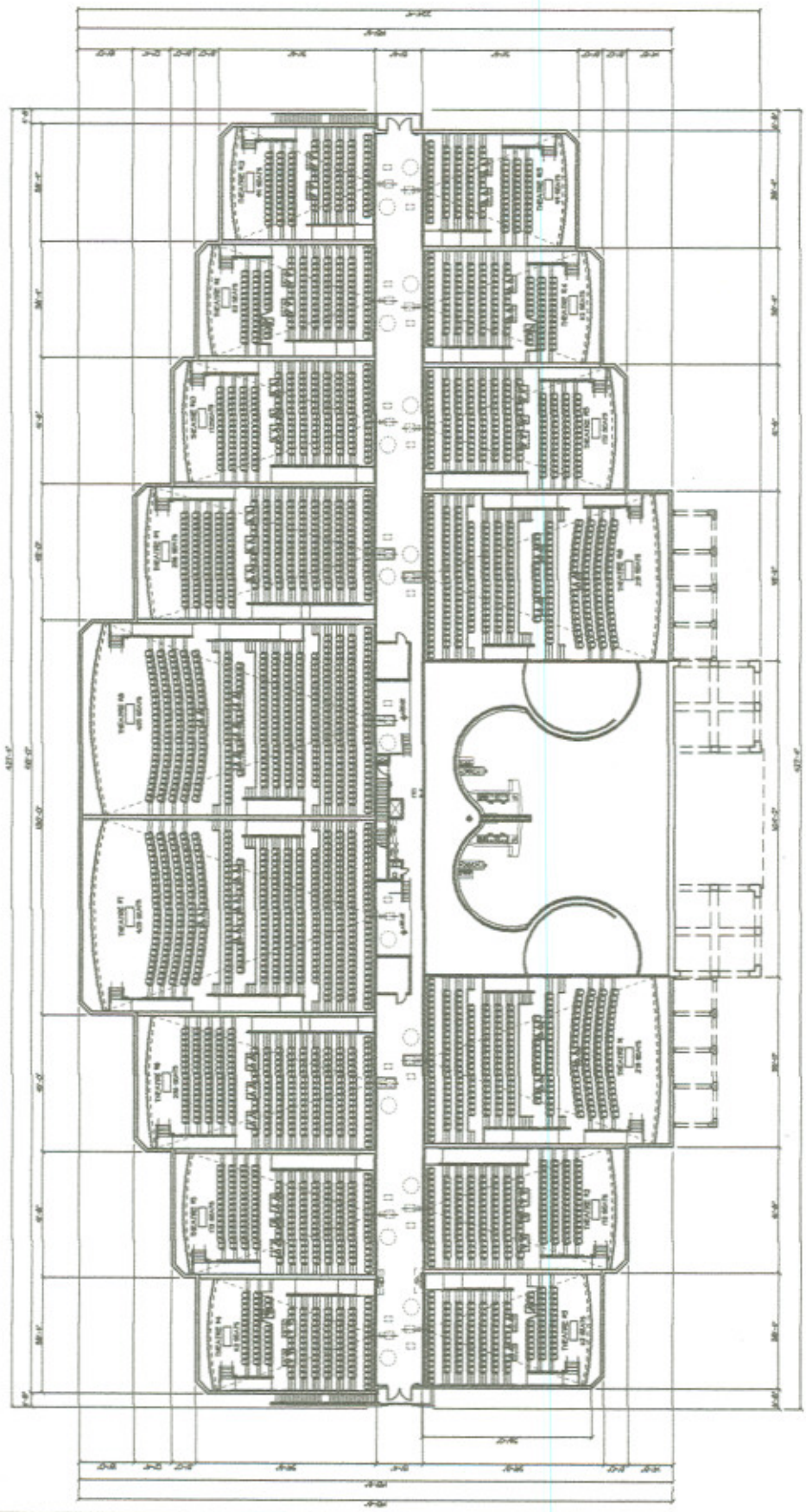
OWNER:	PLAZA COLLINS 16 CINEMAS
DATE:	05-20-03
SCALE:	1/4" = 1'-0"
PROJECT NO.:	05-20-03
PROJECT NAME:	PLAZA COLLINS 16 CINEMAS



1 MAIN LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"



Project Data	
NUMBER	18
DATE	09-21-01
SCALE	AS SHOWN
PROJECT NO.	01-548
PROJECT NAME	PLAZA COLLINS 18 CINEMA
PROJECT LOCATION	3015 N. FORT MONROE BLVD



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



DAVID BREKLOVE - ARCHITECT
 2015 S. UNIVERSITY BLVD
 SUITE 100, HOUSTON, TEXAS 77002

THEATRE AUDITORIUMS
 1 & 35

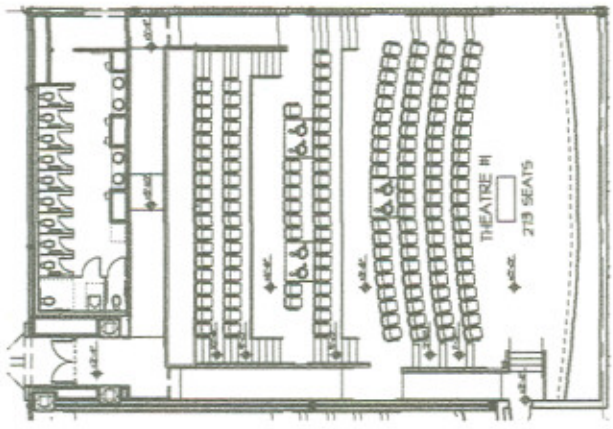


Plaza Collins & Chermans
 ACCESSIBILITY WAIVER
 8-21-01
 02-048

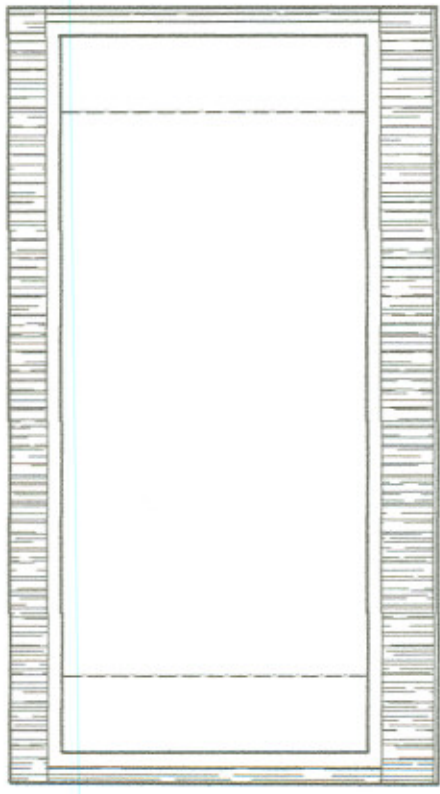
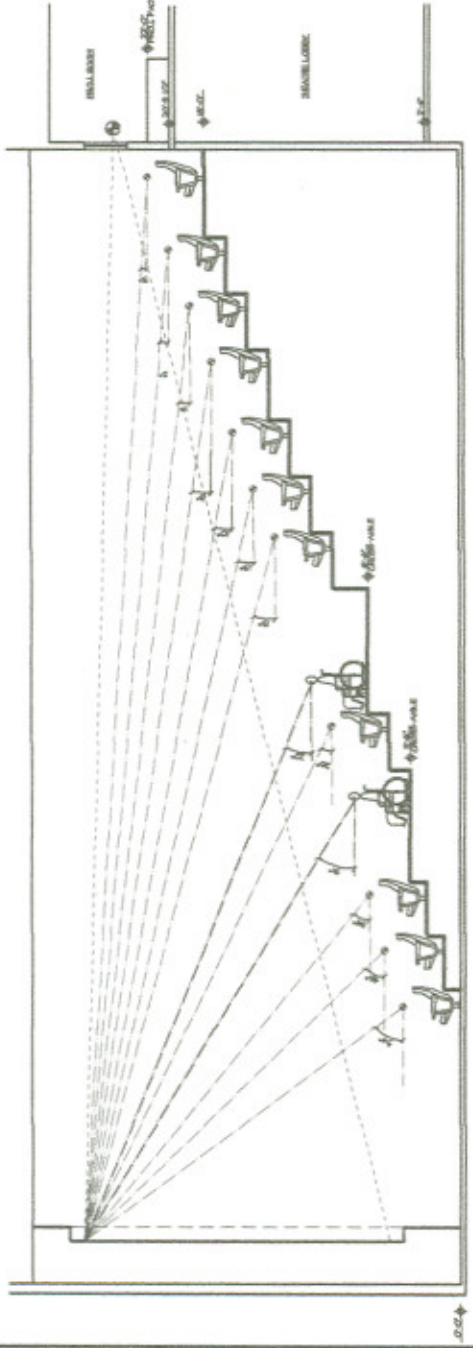


BEATING COUNT
 2015 LAMAR
 100 SPACES
 200 SEAT

A701



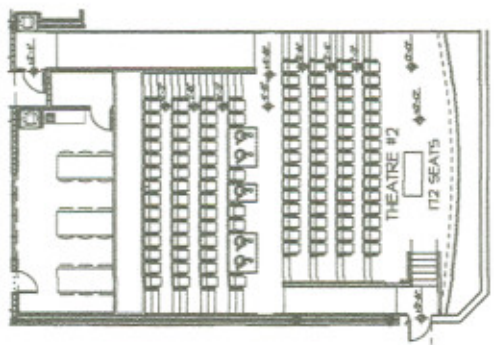
MAIN LEVEL THEATRE PLAN
 SCALE: 1/8" = 1'-0"



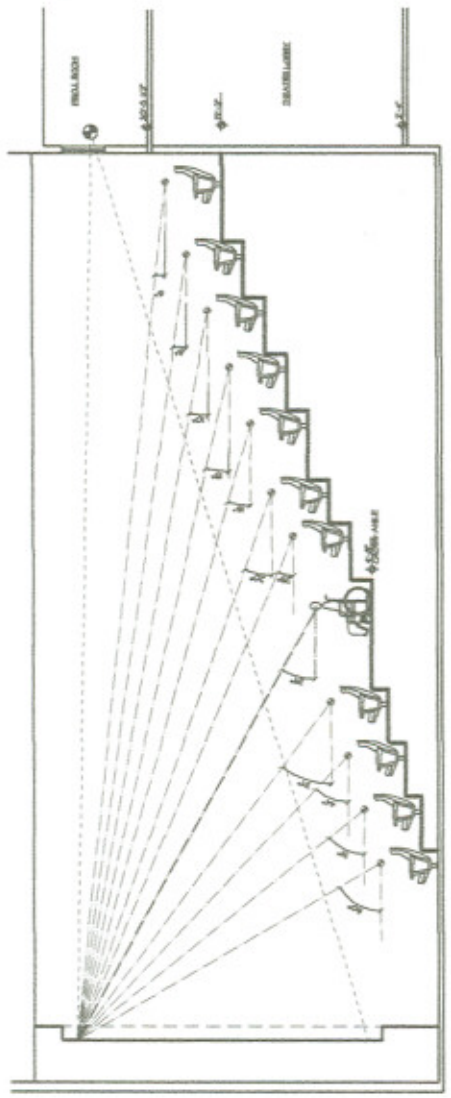


SEATING COUNT
172 SEATS
172 SEATS

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



A THEATRE CROSS SECTION
SCALE: 1/4" = 1'-0"



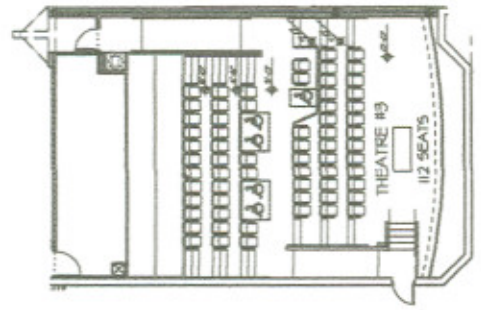
B SCREEN ELEVATION
SCALE: 1/8" = 1'-0"



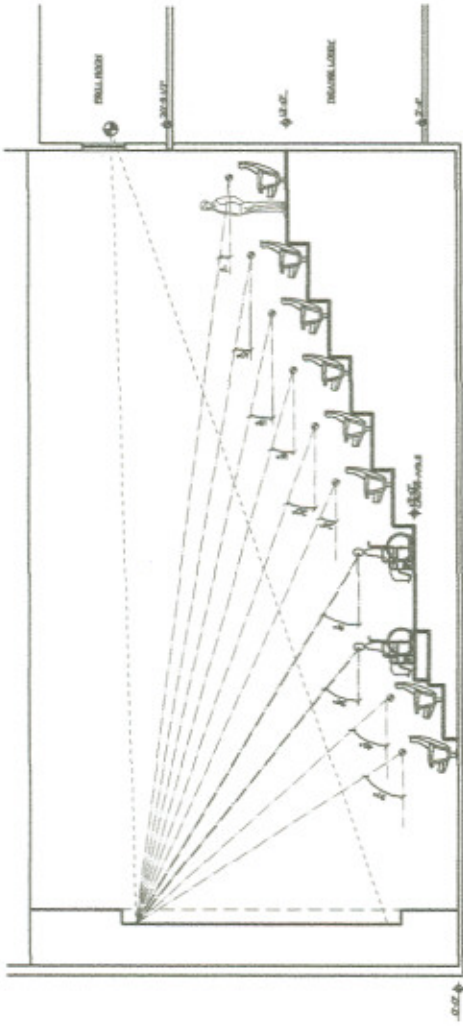


SEATING COUNT	
SEATING	117
STAIRS	0
TOTAL	117

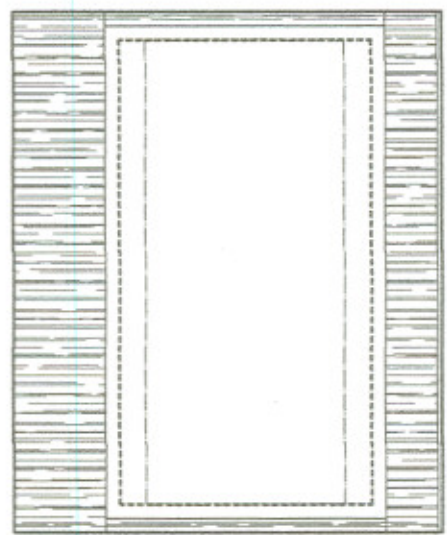
MAIN LEVEL THEATRE PLAN
SCALE: 1/8" = 1'-0"



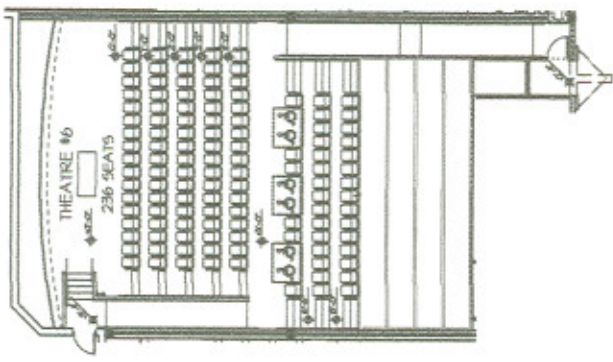
A THEATRE CROSS SECTION
SCALE: 1/4" = 1'-0"



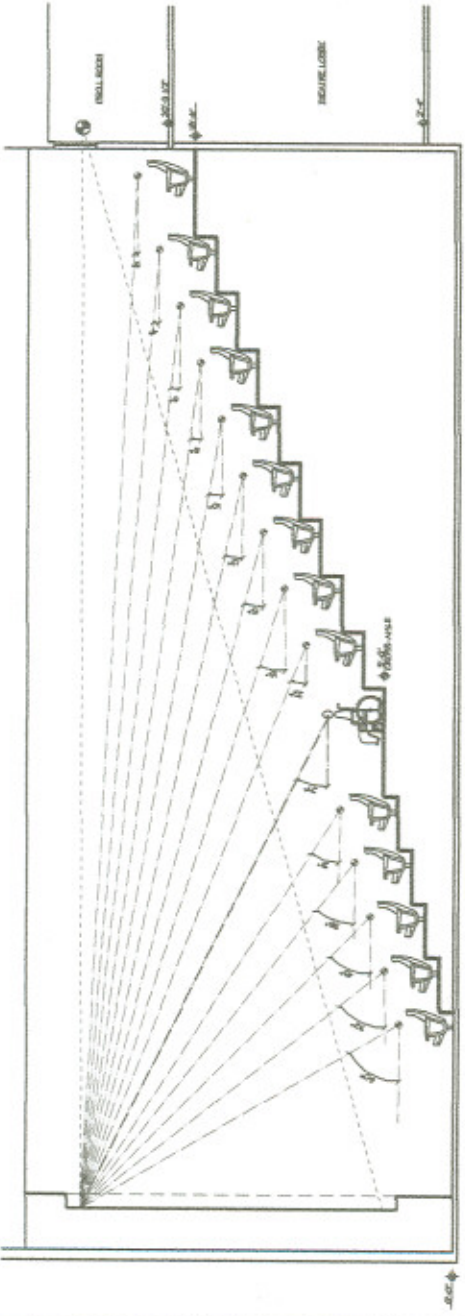
B SCREEN ELEVATION
SCALE: 1/4" = 1'-0"



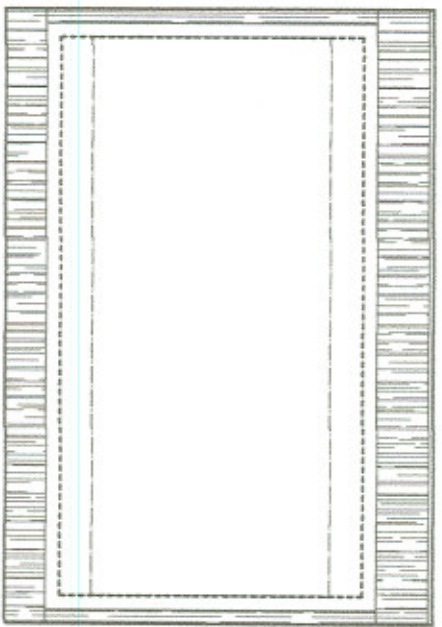
SEATING COURT
250 CHAIRS
8 THEATRE SEATERS
258 TOTAL



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

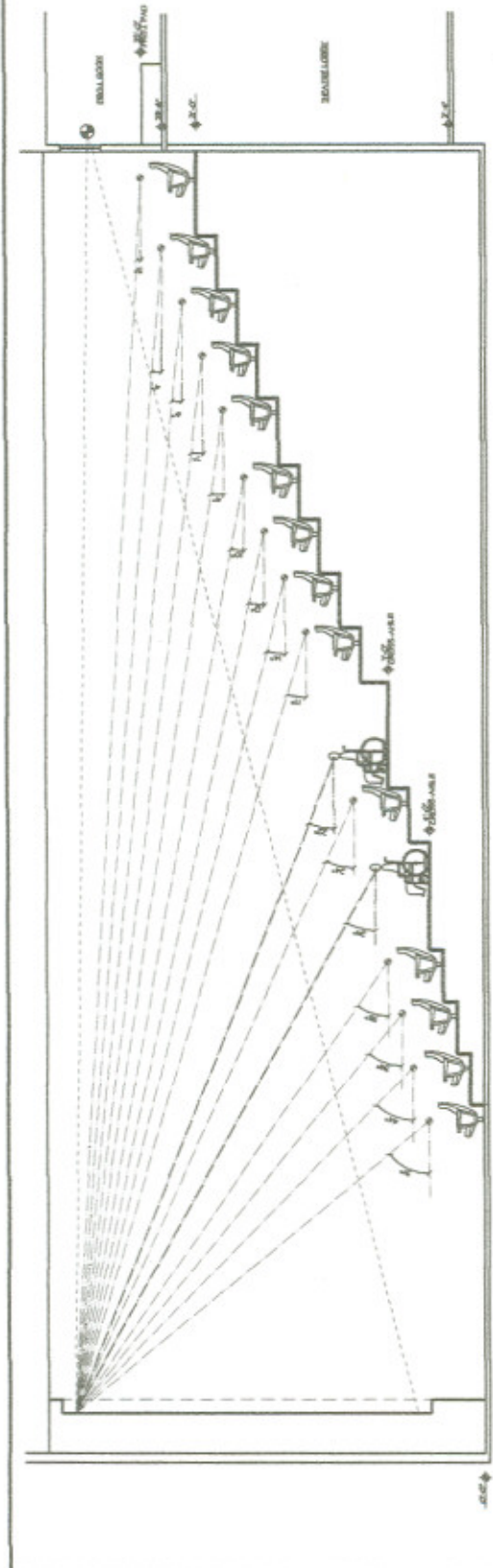


THEATRE CROSS SECTION
SCALE: 1/8" = 1'-0"

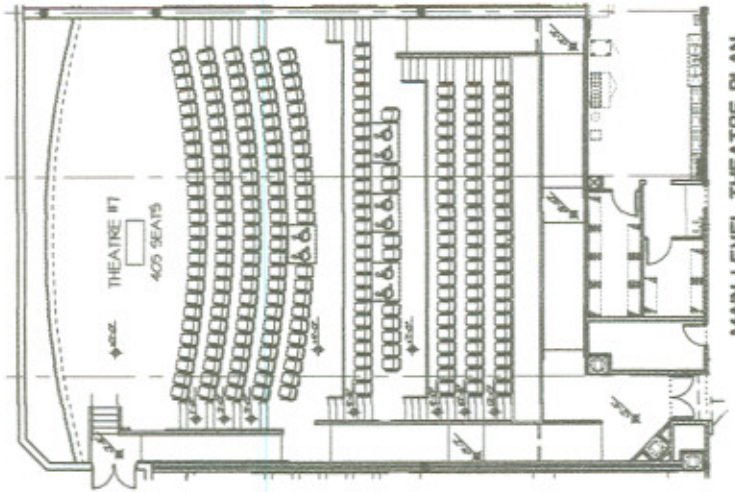


SCREEN ELEVATION
SCALE: 1/8" = 1'-0"

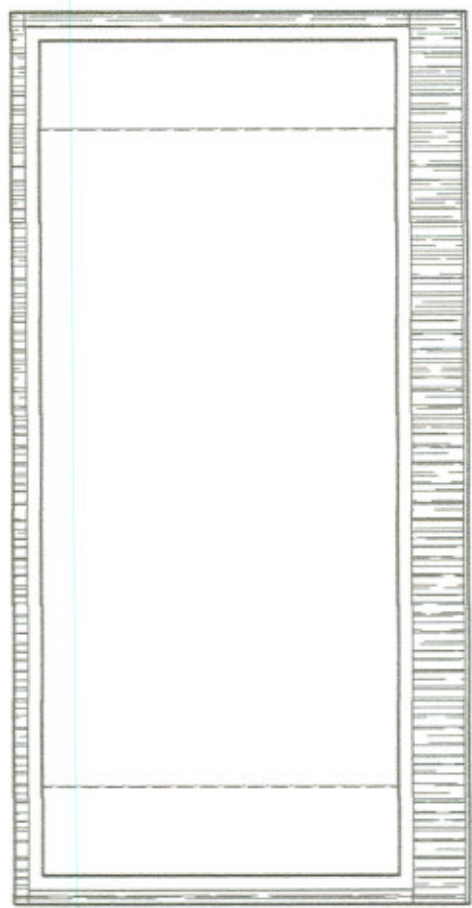
SEATING COUNT
 871 CHAIRS
 5100 SQUARE FEET
 1000 SEATS



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



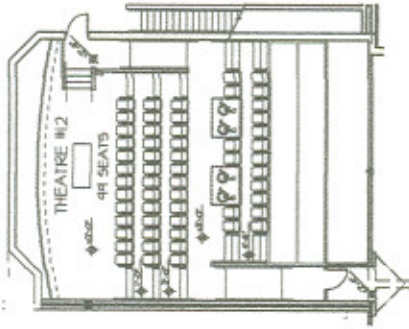
MAIN LEVEL THEATRE PLAN
 SCALE: 1/8" = 1'-0"



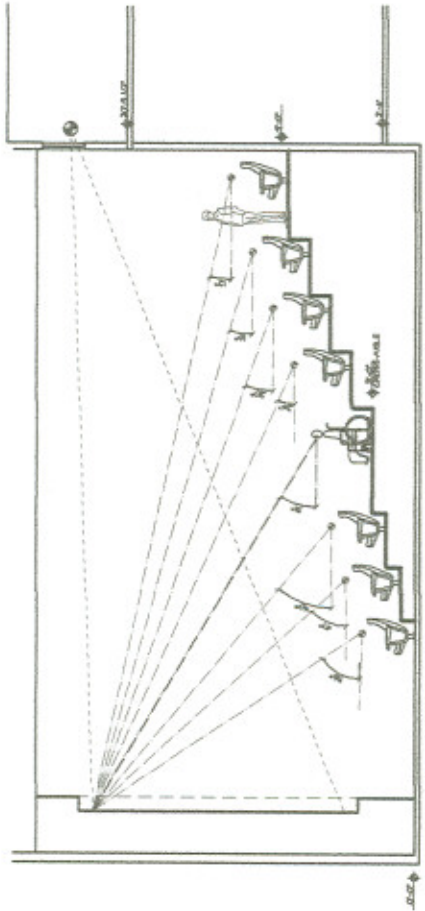
B SCREEN ELEVATION
 SCALE: 1/8" = 1'-0"



SEATING COUNT	
SEATING	49
STAIRS	2
TOTAL	51



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



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



2 SCREEN ELEVATION
SCALE: 1/4" = 1'-0"