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## Rheem Closes Three Upstairs Theaters to be ADA Compliant

*Partial closing reveals long-term challenge*

By Sophie Braccini



Michael Paul and Tessa Cunha by the broken lift, which is adorned with colorful notes reflecting donations that have been made to the repair fund. Photo Andy Scheck

Cliff Dochterman just wanted to do his job as the recent Moraga appointee to the Contra Costa County Advisory Council on Aging when he reported in a letter to the Town Council that the Rheem Theatre was in violation of the Americans with Disabilities Act (ADA). The second floor is not accessible to anyone unable to climb stairs, since the theater's lift is broken beyond repair.

His letter had immediate repercussions: Derek Zemrak, of the California Independent Film Festival Association which operates the theater, decided to close the three small upstairs theaters on Jan. 18.

Zemrak is working with the community to find a solution, but it looks likely that the Rheem will function with just one theater for at least two months. This means much less revenue and that all other programs, such as the classic film series and Green Rheem film nights, will be canceled until the upper floor can be re-opened.

"I am not arguing with what was said (by Dochterman)," said Zemrak, "but we had to protect ourselves." Zemrak indicated that a lawsuit had been filed earlier against the theater due to an ADA violation, even before the lift broke. "These regulations are hard to follow in old buildings," he said. "We changed counter height, provided access in the theaters, and we have been working with the state and the property owner to find solutions." The letter about the lift was the last straw.

This elevator had been a problem for a while and had already undergone repairs. "We spent \$10,000 to fix it last year, but when it failed again five weeks ago, the repair team said it was broken beyond repair," said Zemrak. Installing a new elevator will cost about \$30,000. "For this type of commercial building you need a custom-made elevator," he explained.

Mahesh Puri, owner of the building, said he was not ready to make that investment. "The rent from the theater does not even cover all my costs, such as the property tax," said Puri. "I cannot make this kind of investment." Compounding the problem for Zemrak is the term of the lease: there is only 14 months left, with no certainty with what the property owner will want to do next. "What we need is a long-term lease, at least seven or 10 years," he said.

The broken lift was just the one issue that brought the long-term survival of the Theatre to the public attention, when in fact town staff had already started working with Zemrak and Puri to find a solution.

"The independent theaters that continue to function, such as theaters in Larkspur and Modesto, are owned by the towns and are operated by a professional," said Zemrak. Moraga Town Manager Jill Keimach is familiar with the specificities of operating an independent movie theater; she was working with the city of El Cerrito when it purchased its theater in 2002 through a redevelopment agency.

"The town wants to help, and different options will be taken to Council in the next weeks," said Keimach. "We were also planning to start a conversation with the community, before the lift incident, and we intend to invite the residents to a meeting in February."

According to Zemrak, the Rheem's situation has improved, operating revenue covers costs but does not generate benefits. "In 2012 the box office increase in revenue from 2011 was over 7 percent; and the theater had a 16 percent increase in attendance, as well as a 23 percent increase in attendance at the November California Independent Film Festival," said Zemrak. "The theater has become a community resource, this partial closure comes at a very bad time."

In the short term, Zemrak believes that local fundraising efforts should allow the Rheem to solve the lift crisis. "If we can raise \$10,000 we can order the elevator and negotiate with the state to keep the theater open," he said. Two fundraising events have already been planned: an Oscar Night gala on Feb. 24, and this Friday, Jan. 18, Shelby's restaurant in Orinda will give 15 percent of its proceeds to the theater.

"Different people have reached out to ask what they could do to help," said Zemrak, citing a phone call from

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new Orinda Chamber President Sylvia Jorgensen. Dochterman wants to help, too, and said he would lead a fundraising effort, if asked. "I think this is something we can solve as a community," he said.

The conversation started during the town's Goal Setting session Jan. 12. Mayor Dave Trotter took the lead saying that the council and the town needed to think outside the box to find long-term viability options for the theater.

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