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31 FORE ST ADA and Maine Human Rights Act

Since Accessibility requirements in IBC 2009 Chapter 11 were replaced with the Maine Human Rights Act. As per Maine Human Rights Act Part 12, Chapter 337, Subchapter 4, §4582-C. Standards for multifamily and public housing constructed on or after September 1, 2012 this project is defined as a "Covered Multifamily Dwellings" section 1 subsection C states:

C. "Covered multifamily dwellings" means:

- (1) Buildings consisting of 4 or more units if such buildings have one or more elevators; and
 - (2) Ground floor units in other buildings consisting of 4 or more units that have no elevators.
- [2011, c. 613, §14 (NEW); 2011, c. 613, §29 (AFF).]

The proposed project does have a full sized commercial elevator however does not contain any ground floor units. The next applicable section 3 states:

A. The failure to design and construct covered multifamily dwellings subject to this section in such a manner that:

- (1) The public use and common use portions of the dwellings are readily accessible to and usable by people with physical or mental disabilities;
- (2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons in wheelchairs; and
- (3) All premises within the dwellings contain the following features of adaptive design:
 - (a) An accessible route into and through the dwelling;
 - (b) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (c) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (d) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space; [2011, c. 613, §14 (NEW); 2011, c. 613, §29 (AFF).]

The proposed project meets all Maine Human Rights act Requirements with a full sized commercial Elevator installed to service all floors of the building. Access to the elevator is through the garage which is accessible from the street. All public doors are sized at a minimum of 3'-0" wide to allow wheel chair accessibility, ADA 2010 requirement is 30" clear. All hallways meet the ADA 2010 width requirement of 3'-0" in and outside of each unit. All light switches, electrical outlets, thermostats and environmental controls will be installed at accessible heights as per ADA 2010. Reinforcements in bathroom walls to allow future installation of grab bars will be installed per the Maine Human Rights Act and ADA 2010. All kitchens will be designed to be wheel chair accessible as per the Maine Human Rights Act and ADA 2010.

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Subject: RE: ADA issues RE: Prelim review comments 31 Fore St

Good Morning, A couple of concerns on the ADA accessibility of the proposed project. I went to the site this morning and took some pitch measurements of the sidewalks around the site. On Fore St (The front street of the proposed project) has a pitch of around 1:6, legal ADA accessibility for a pitched slope is 1:12 (with a railing otherwise its 1:20), Technically a person in a wheel chair couldn't get to any entrance on Fore St based on these guidelines. The same issue exists on Waterville Street, a 1:8 pitch was measured and is also above the legal requirements. Unless the city of Portland is planning on re-grading the road, an ADA accessible approach is not possible to this site. The "Fair Housing Act Design Manual" states on page 14, part one "The Guidelines", requirement 1 states "

REQUIREMENT 1

Accessible Building Entrance on an Accessible Route: Covered multifamily dwellings must have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site.

With the public sidewalks not meeting ADA accessibility, we believe the bold faced line above applies and the existing sidewalk makes an accessible entrance impractical. With that being said, if/when a Handicapped person comes to visit the building it would have to be by vehicle and they would have to pull up/pull in to the proposed garage, where street level access to the elevator is located. To alleviate the concerns about the garage being a second class entrance we would change the man door located on Waterville street to a more approachable entrance, A glass door with a canopy above, and a possible buzzer or PA system installed. We are already in the process of articulating the lower garage level exterior with some windows and a possible material change based on the notes you provided yesterday. So the garage would be day-lit, heated and also artificially well lit. Since these condos are meant to be on the higher end, the garage was already planned to be more than just a dark cold space, but a well lit and heated space. I hope this alleviates some concerns on the ADA accessibility. Thanks and let me know of any comments on this proposal.

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