

A R C H I T E C T U R E

Accessibility Review for the Proposed Alterations to 415 Cumberland Avenue

415 Cumberland Avenue
Portland ME 04101

The building will be renovated to include 7 Apartments (R-2, Residential Use) located on the 2nd floor in the portion of the project on Cumberland Avenue, and located on the 2nd & 3rd floors in the portion of the project facing Forest Avenue. These Apartments will have 6 dedicated parking spaces in the Lower Level garage.

The 1st floor on Cumberland Avenue will remain office space (B, Business Use), and the small Lower Level space will remain Mercantile (M, Mercantile Use) and Garage (S-2, Storage Use).

For the purposes of clarity, and because different Accessibility codes apply, the Residential Use apartments and the Business Use offices will be reviewed separately.

Residential Use Apartments

1. MAINE HUMAN RIGHTS ACT

The project is not financed with public funds, nor does it have more than 20 units, and is therefore not “Public Housing” and Accessible Units are not required. (Maine Revised Statutes, 4582-C, 1. F, 2 and 3.B).

The cost of the alterations will not exceed 75% of the replacement cost of the completed facility and therefore cannot be considered to be “new construction.” For this reason the conditions pertaining to “Covered Multifamily Dwellings” do not apply, including the requirement for an accessible route into and through the building. (Maine Revised Statutes, 4582-C, 1. E, 2 and 3.A).

2. 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

The Apartments are not constructed by, on behalf of, or for the use of a Public Entity and therefore do not have to comply with the requirements of 2010 ADA. (Section 35.151 of 28 CFR Part 35, 35.151 b and Subpart D of 28 CFR Part 36, 36.402 b).

3. IEBC 2015, CHAPTER 7, SECTION 705, ALTERATIONS—LEVEL 1

Type B dwelling units required by Section 1107 of the IBC 2015 are not required to be provided in existing buildings (Section 705, 705.1 exception 3).

Type A accessible units are not required where there are less than 20 units (IBC 2015, 1107.6.2.2.1).

An Accessible entrance to dwelling units as required by IBC 2015 1105.1.7 is not required to dwelling units that are not required to be Accessible, Type A or Type B units (IBC 2015, 1105.1.7, exception). The dwelling units are not required to be Accessible, Type A or Type B — see Items 1-7 of this review.

4. IEBC 2015, CHAPTER 8, SECTION 806, ALTERATIONS—LEVEL 2

Required to comply with Section 705 (see item 3 above).

806.2 an accessible route shall be provided where a stair or escalator is added where none existed before. The stairs exist, but are being reconfigured to meet egress and life safety codes. An accessible route is not required.

5. IEBC 2015, CHAPTER 9, SECTION 906, ALTERATIONS—LEVEL 3

Not required to comply with Section 906 as the work area does not exceed 50% of the building area

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6. IEBC 2015, CHAPTER 10, CHANGE OF OCCUPANCY
1012.8 Accessibility.
1012.8.1 Partial Change in Occupancy requires compliance with Section 705 (see item 3 above), Section 806 (see item 4 above), and Section 906 , *if applicable*. Section 906 is not applicable (see item 5 above)—we have asked IBC technical services dept for a ruling on this and it was confirmed by Mr. John Gonzalez that, even though referred to in Chapter 10 of IEBC, if the work area is less than 50% of the building area, Section 906 does not apply.
1012.8.2 Complete Change in Occupancy does not apply as the entire building is not changing to Residential. Therefore an accessible entrance, an accessible route, and accessible parking is not required.
IBC 2015 1105.1.7 accessible entrance to dwelling units does not apply – see item 3 above.
7. THE FAIR HOUSING ACT
The Fair Housing Act does not apply to buildings built for first occupancy before March 1991.

Business Use Offices

8. 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
Alterations made to provide an accessible path of travel to the altered area will be deemed to be disproportionate where the cost exceeds 20% of the cost of the alteration to the primary function area. The cost of adding an accessible path of travel (elevator, ramps will be structurally and technically infeasible in this existing building) will far exceed 20% of the alterations to the office areas, which will basically be the provision of an accessible unisex toilet in the office areas. Therefore the accessible path of travel is not required. (Section 36.403 f of Subpart D of 28 CFR Part 36).
9. MAINE HUMAN RIGHTS ACT
Maine Revised Statutes, 4594-G, Public Accommodations or Commercial Facilities refers to the provisions of 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN Sections 36.401 to 36.406. see item 1 above.
10. IEBC 2015, CHAPTER 7, SECTION 705, ALTERATIONS—LEVEL 1
An accessible entrance and route to the primary function area is not required where the cost of providing the route exceeds 20% of the cost of the alteration to the primary function area. (705.1.1 and 705.2 exception 1).
11. IEBC 2015, CHAPTER 8, SECTION 806, ALTERATIONS—LEVEL 2
806.2 an accessible route shall be provided where a stair or escalator is added where none existed before. The stairs exist, but are being reconfigured to meet egress and life safety codes. An accessible route is not required.
12. IEBC 2015, CHAPTER 9, ALTERATIONS—LEVEL 3

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Not required to comply with Section 906 as the work area does not exceed 50% of the building area

13. IEBC 2015, CHAPTER 10, CHANGE OF OCCUPANCY

1012.8 Accessibility.

1012.8.1 Partial Change in Occupancy requires compliance with Section 705 (see item 3 above), Section 806 (see item 4 above), and Section 906, *if applicable*. (see item 5 & 6 above).

912.8.2 Complete Change in Occupancy does not apply as the entire building is not changing to Residential. Therefore an accessible entrance, an accessible route, and accessible parking is not required.

Based on the foregoing accessibility evaluation, the proposed alterations and change of occupancy meets all relevant code criteria. The altered building will not require accessible entrances or routes through the building.