



PORTLAND MAINE

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Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

October 1, 2007

Mary and Martin French
38 Codman Street
Portland, ME 04103

Re: 38 Codman St., CBL: 129-H-012001
Building Permit # 07-0755 – Change of Use - To add a daycare center in the basement
Legal Use: Residential Two Family
Zone: R3

Dear Mr. & Mrs. French:

It has come to the attention of this office that the building permit referenced above, issued on July 12, 2007, is insufficient to meet the standards set forth under the 2003 International Building Code (IBC), and 2003 National Fire Protection Association (NFPA 101 Life Safety) Code for the proposed change of use. The proposed use of the property of a two family dwelling with a day care center in the basement for up to 12 children falls under the more stringent requirements of the IBC. More specifically, this use falls under the Educational Group in the IBC because you propose to have more than five children older than 2-1/2 years of age. If you were to have more than five children under the age of 2-1/2, it would fall under the Institutional Group in the IBC, and would entail even more stringent requirements.

The IBC requirements for Educational Group uses include, but are not limited to the following:

- You must have a 2-hour fire separation between the two dwelling units in the building in accordance with section 302.3.2. It can be reduced to 1 hour where the building is equipped with an automatic sprinkler system.
- You must have an automatic sprinkler system throughout every portion of the building below the level of exit discharge in accordance with section 903.2.2(1). The exception to this is where every classroom has at least one exterior exit door at ground level. Whereas you propose to house your day care in the basement, you would be required to install an automatic sprinkler system in the basement in order to comply with the IBC.
- You cannot have winders in a means of egress according to section 1009.8.

- The headroom in the stairwells must be 80” throughout: in accordance with section 1009.2.
- The ceiling height must be 7’ -6”in accordance with section 1208.2.

In order to proceed with your proposed use as planned you must be able to comply, at a minimum, with the above-listed requirements.¹ If you are unable to do so, you may proceed with a modified plan that would bring you into a less stringent category.

If you were to limit the day care to five or fewer children, you would fall under the residential “R-3” group in the IBC and would not have to comply with the above-listed requirements. You could also avoid the above requirements by converting your house to a single-family house and limiting the day care to five or fewer children, as child care facilities with five or fewer children that are within a single-family home are permitted to comply with the *International Residential Code* (IRC). Both the R-3 Group and the IRC have requirements that must be met, but they are less stringent than the Educational and Institutional Groups in the IBC.

The Inspections Division is hereby suspending Building Permit # 07-0755 per Section 105.6 of the International Building Code as adopted by the City of Portland. You have the right to appeal this decision within ten (10) days from the date of this letter, per Chapter 6 Article II Section 6-18(A) Amendments to the International Building Code, Section 112.5, Appeals.

Please feel free to contact me for further information @ 874-8715.

Sincerely,

Jeanie Bourke
Inspection Services Division Director

Cc. Mary Costigan, Corporation Counsel, City of Portland
Lee Urban, Department Director
Suzanne Fox, DHS, Childcare Licensing
Jon Klages, State Fire Marshal
Tom Markley, CEO/Plan Reviewer
Marge Schmuckal, Zoning Administrator
Captain Greg Cass, Portland Fire Department

¹ Please note that in addition to the listed requirements of the IBC, you may also need to meet additional requirements of the NFPA Life Safety Code. For more information, please contact Captain Greg Cass of the Portland Fire Department at 874-8400.