

February 14, 2025

**Re: Page Park Code Compliance Review Memo
4623 N Park Avenue
Chevy Chase, MD 20815**

Julian,

We were retained to perform a code review for the Page Park project, located at 4623 N Park Avenue, Chevy Chase, Maryland by the Village of Friendship Heights. We observed the current site conditions on 12/23/24 and 01/24/25, reviewed the permit and construction documents submitted to the Montgomery County Department of Permitting Services, and reviewed limited images provided by Jedd Narsavage of the Park before and during construction.

Applicable codes to this project include: 2021 International Building Code, 2021 International Existing Building Code, and the Maryland Accessibility Code (COMAR 09.12.53). The Maryland Accessibility Code requires all State and local government owned buildings and facilities to comply with the Standards prescribed in Title II of the Americans with Disabilities Act (ADA) and 28 CFR (Code of Federal Regulations) 35.151 and the 2004 ADAAG (Americans with Disabilities Act Accessibility Guidelines) at 36 CFR Part 1191, Appendices B and D.

Based on our review of the improvements to the park and understanding of the relevant codes listed above, we identified the following code sections applicable to the Page Park project:

1. Per 28 CFR part 35.151(b), each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after 1/26/92. The path of travel requirements of CFR Section 35.151(b)(4) shall apply only to alterations undertaken solely for purposes other than to meet the program accessibility requirements of 28 CFR 35.150.
 - a. Since this project is not in response to meeting program accessibility requirements of 28 CFR 35.150, the code CFR Section 35.151(b)(4) shall apply.
2. Per 28 CFR 35.151(b)(4), An alteration that affects or could affect the usability of or access to an area of a facility that contains a “primary function” shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to an usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall construction. Per 28 CFR 35.151(b)(4)(i), a “primary function” is a major activity for which the activity is intended.
 - a. The primary functions of this site are seating areas and a play area. The main seating area is accessed by a path of travel that is not accessible (see below), and the play area is served by steps, which is not an accessible path of travel. The crushed stone pathways are new elements providing access in and out of the site, but are not accessible. The cost of making these pathways accessible from the onset would not add additional project costs.
3. Per 28 CFR 35.151(b)(4)(iii)(A), alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. Per 28 CFR 35.151(b)(4)(iii)(B)(1), costs that may be counted as expenditures required to provide an accessible path of travel may include costs associated with providing an accessible entrance and an accessible route to an altered area, for example, the cost of widening doorways or installing ramps.
 - a. In instances where “Disproportionality” applies, it should only include alterations to provide access to the primary function areas. The Maryland Accessibility Form that was previously completed includes costs

for all of the paving areas, where it should only include the costs for making an accessible path to the primary function areas.

4. Per ADA Section 106.5, an “addition” is defined as an expansion, extension or increased in the gross floor area of height of a building or facility. An “alteration” is defined as a change to a building or facility that affects or could affect the usability of the building facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.
 - a. Based on our understanding of the work that occurred, the pathway from the sidewalk has a new base, surface, shape and slope which would preclude this element from being defined as “altered.” It was fundamentally changed and should be considered new work. New steps, trellis, seating areas and play areas are considered additions and be considered new work. The crushed stone pathways are of a new base, surface, shape and slope than the previous mulch paths and should be considered new work.
5. Per ADA Section 202.3 and associated Advisory Note, where existing elements or spaces are altered, each altered element shall comply the applicable requirements of Chapter 2. Additionally, per 2021 IEBC 604, A Level 3 alteration is where the work area exceeds 50% of the building area.
 - a. Based on the work area exceeding 50% of the site area and included the regrading of the site, resurfacing of all existing paths and surfaces to remain, in addition to the new work; therefore all areas of the project should be subject to compliance with the Maryland Accessibility Code and associated ADA guidelines.
6. Per ADA Sections 206.2.1 and 206.2.2, within a site at least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.
 - a. The three main seating areas are distinct in use and as illustrated in the site plan: a lowered area plan south with a trellis and built-in bench, main flagstone seating area, and a play area. The new play area should comply with ADA Section 1008. Each unique site element should be made accessible to provide equal access.
7. Per ADA Section 304, Turning Space is required. At the termination of all pathways on the site, a turning space complying with this section is required that measures 60” in diameter or meets the T-Shaped Space requirements in ADA Section 304.3.2.
 - a. The cross slope and dimensions in these designated areas to be confirmed compliant. The owner should retain a civil surveyor to verify slopes and elevations across the site.
8. Per ADA Section 405.7 and 2021 IBC Section 1012.6 ramps shall have landings at the top and bottom of each ramp run.
 - a. The flagstone ramp into the site does not have a sufficient landing at the bottom of the ramp. Based on the property survey and wall check, the end of the ramp is partially located on the adjacent property at 4615 North Park Avenue. Any work on another property needs to be formally authorized by the adjacent property owner and permitted through Montgomery County.
9. Per ADA Section 403.3, the running slope of walking surfaces shall not be steeper than 1:20 and the cross slope of walking surfaces shall not be steeper than 1:48.
 - a. The crushed stone pathways may have a non-compliant cross slope and may be steeper than 1:20. If so, they are to be considered a ramp and meet provisions of ADA Section 405 and 2021 IBC 1012. The owner should retain a civil surveyor to verify slopes and elevations across the site.
10. Per ADA Section 405.9, edge protection is required on each side of ramp runs and landings which could include the extension of the ramp surface 12” beyond the inside face of the handrail per 405.9.1; or; a curb or barrier shall be provided that prevents the passage of a 4-inch diameter sphere per 405.9.2. This is not required on ramp landings where there is a vertical drop of 1/2" maximum within 10” horizontally of the minimum landing area specified in 405.7.
 - a. Railing shop drawings do not demonstrate compliance with this section. Due to inconsistent grading and erosion, this may become an area of non-compliance. The owner should retain a civil surveyor to verify slopes and elevations across the site.

11. Per ADA Advisory Section 504.4, visual contrast on tread nosings, or at the leading edges of treads without nosings should be considered, so that stair treads are more visible for people with low vision.
 - a. Due to the lack of site lighting and persistent shade, visual contrast on tread nosings should be considered.
12. Per ADA Section 504.6, stairs shall require handrails that comply with ADA Section 505. The stairs need to comply with ADA Section 504 and 2021 IBC Section 1011.
 - a. No handrails shown at stairs on north side of site, and the stair width has not been verified against the occupant load of the site. Due to the existing conditions and in-progress construction, the owner should retain a civil surveyor to verify slope and elevations across the site.
13. Per ADA Section 505.10 and 2021 IBC 1014.6, handrail gripping surfaces shall extend beyond and in the same direction of stair flights and ramp runs not less than 12" beyond the last riser or ramp run.
 - a. The steel shop drawing documentation does not accurately represent the location and compliance with this section.
14. Any permanent installed benches shall comply with ADA Section 903.
 - a. No specification data on the currently installed or planned installation of benches.
15. Per 2021 IBC 1014.9, stairways shall have intermediate handrails in such a manner that all portions of the stairway minimum width or required capacity are within 30 inches of a handrail.
 - a. The required width of railings based on the occupancy type has not been confirmed. If the egress width required is greater than 60", intermediate railings may be required. Due to the existing conditions and in-progress construction, the owner should retain a civil surveyor to verify the site in order area to determine compliance with this section.
16. Per 2021 IBC 1015.2, guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stair, ramps and landing that are located more than 30 inches measured vertically to the floor or grade below any point within 36" horizontally to the edge of the open side.
 - a. Due to inconsistent grading and erosion, this may become an area of non-compliance. The owner should retain a civil surveyor to verify the site in order area to determine compliance with this section.

Maryland Accessibility Form:

1. Serra Stone (Signed).pdf – Item #4. Circular Patios and Ramped Entrance Path @ \$185,000.
 - a. The circular patios should be removed from this price. The Ramped Entrance Path is what would apply to the 20% calculation. Contract shows 2,850 SF of new patio for the referenced line item per Jedd Narsavage email.
 - b. Based on scaling the provided site plan, the ramp comprises ~20% of the total area for the paved surfaces. 20% of \$185,000 is \$37,000.
 - c. Railings are shown at \$15,430 and could contribute to this number.
 - d. $\$37,000 + \$15,430 = \$52,430$. Total project cost is listed as \$851,560.
 - e. $20\% \text{ of } \$851,560 = \$170,312$ cost required to meet "Disproportionality"
 - f. Any additional items like stormwater, testing and other construction costs should be included in the total cost of the project.

Summary:

Compliance with federal laws and local building codes for construction projects is typically documented in Construction Documentation that has been developed by a Licensed Design Professional, with the assistance of a Licensed Site Surveyor and Civil Engineer. Documentation typically includes a list of all applicable codes for the local jurisdiction, standard drawings for accessibility and code compliance, and project-specific drawings that document the work in detail. Construction Documents developed for a project become a part of the Contract Documents in an executed agreement between the Owner and General Contractor. Contract Documents from the American Institute of Architects (AIA) are industry-standard documents used in most commercial construction projects and are used as a means to create a legally binding agreement for all parties involved in a construction project.

A Licensed Design Professional did not prepare the documents we reviewed. The building permit was not applied for or approved before the commencement of work. There is insufficient documentation for the project, with no project-specific

details, no references indicating limited work areas to show alterations vs. new work, and no reference to the building codes and federal laws applicable to this project.

In order to bring the Page Park redesign into compliance with the above referenced code sections, a Licensed Design Professional should be retained along with a licensed Civil Engineer and Surveyor to record precise site conditions in order to design and document any modifications required to bring the park into compliance with the applicable codes. The Construction Documents produced should become a part of the Contract Documents with a licensed Contractor to ensure that the design is built as-documented.

The Maryland Accessibility Form is applicable to alteration projects when the cost of alterations made to provide an accessible path to the altered area exceeds 20%. Based on the pricing information provided, the costs associated with re-building a ramp from North Park Avenue does not exceed 20% of the total cost of the project. This ramp is also not built to be compliant with the building code or accessibility guidelines as referenced above.

The purpose of the American Disabilities Act is to provide equitable access and opportunities for the public, and the associated scope and design regulations are minimum requirements. The Park should have been designed so that all elements would be compliant with the ADA Accessibility Guidelines and local building codes. These adjustments would not have added significant cost or scope, but would allow all areas of the Park to be usable by the public.

Thanks,

A handwritten signature in black ink, appearing to read 'AG', enclosed within a circular scribble. A long horizontal line extends from the right side of the signature.

Adam Greene, AIA

Please note that the information contained herein has been prepared utilizing client-provided information and reasonable code interpretations made by the Architect to the best of their ability and general knowledge. The Architect makes no guarantee as to the accuracy of this information subject to interpretation by local code officials. The entirety of the current version of the International Building Code, the current version of the Maryland Accessibility Code and any other codes required by Montgomery County and the State of Maryland, are applicable to this project above and beyond the items noted above. This memo is not comprehensive. As additional observations arise, we reserve the right to update this document.