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Sent: Tuesday, March 30, 2021 12:21 PM
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Subject: HP spaces and maneuverability

Brandon

A few questions from ZBA:

1 - Are you aware anything in state and federal regulations in regard to maneuverability out of HP spaces? - No specific language other than the “substantially equivalent” clause; see below after your question #3 for addition information on that.

2 - Do you know of cases where 6-points turns out of HP spaces are designed because a hammerhead could not be accommodated? Is it an industry practice to avoid these "6-point turn" designs for safety reasons? How common/uncommon, or simply not done. – We don't use this practice and really don't see it much in the review work we do, so would call it uncommon. That's not to say others don't do this, but just what we've done / seen in our experience.

3 - Is there any in writing in regard to this being an unsafe practice? - No specific language that we're aware of.

As referenced above, there is language in ADAAG about designs being “substantially equivalent”:

“103 Equivalent Facilitation

Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.”

So the question becomes whether the design of these spaces is substantially equivalent or greater than the other spaces provided in the facility. I would imagine arguments could be made for both sides of this issue, but ultimately if there ever was someone to challenge this design from an ADA standpoint, the developer would need to justify equivalency. So its ultimately their risk. The argument against equivalency would be the turning maneuvers necessary to access these spaces compared to the other spaces.

Hope this answers you questions; anything else please let me know. Thanks,

Thank you. Maria