

This electronic mail message is intended only for the person or entity to which it is addressed. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Any attachments are proprietary in nature and may only be used for the specified project. Any use, other than for the stated architectural purposes within the recipient's organization, is not authorized.



Please consider the environment before printing this email.

From: Jeanie Bourke [mailto:jmb@portlandmaine.gov]
Sent: Friday, March 25, 2016 1:02 PM
To: Nick Riedel <nriedel@chipman-design.com>
Cc: lrl@portlandmaine.gov; Robert Wiener <rwiener@portlandmaine.gov>; Deb Andrews <dga@portlandmaine.gov>
Subject: Re: Athleta_152 Middle Street_ADA

Hi Nick,

It sounds like you have exhausted all options to providing an accessible route at the entrance to the specific tenant space in this building. The 2010 ADA Guidelines do provide some exceptions if it is found to be technically infeasible, in both the alterations to existing buildings, Sec. 202.3, and to qualified historic buildings, Sec. 202.5.

This does not exempt compliance with other accessible features within the altered space, which I understand you will provide to the maximum extent feasible. You can proceed with the design for alterations of this space. Please provide a full code review and details for the new elements and justification for any noted exceptions.

Thanks,

Jeanie

*Jeanie Bourke
Code Enforcement Officer/Plan Reviewer*

City of Portland
Planning & Urban Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
(207)874-8715

On Fri, Mar 25, 2016 at 10:44 AM, Nick Riedel <nriedel@chipman-design.com> wrote:

Hi Jeanie,

I'm working on a tenant improvement for a new retail store, Athleta, at 152 middle street. I met with a few people from the building department at the beginning of the month regarding the ADA accessibility. Currently, the space is not accessible. We've looked at all possible options for either updating the front entry, or adding an additional accessible entry, but there doesn't seem to be any feasible solution. We could add a lift at the front entry, but the amount of work required would not be permitted by the Historical committee.

I believe you have an exception that would allow an existing space to be inaccessible as long as we show that there is no feasibly way to make it accessible. Before we get too far into the project, I wanted to make sure you will approve our plans without an accessible entry. I have attached photos of the existing entry, as well as the rear of the store/building, showing that due to the slope, our space is well above grade, making it impossible to add a rear entrance.

Please let me know how we should proceed to insure we meet the city's requirements.

Let me know if you have any questions.

Thanks,

Nick Riedel

Project Manager

Chipman Design Architecture

2700 South River Road, Suite 400

Des Plaines, IL 60018

T: [847.298.6900](tel:847.298.6900)

F: [847.298.6966](tel:847.298.6966)

nriedel@chipman-design.com

www.chipman-design.com

This electronic mail message is intended only for the person or entity to which it is addressed. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Any attachments are proprietary in nature and may only be used for the specified project. Any use, other than for the stated architectural purposes within the recipient's organization, is not authorized.



Please consider the environment before printing this email.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

 **noname.eml**
30K

Deb Andrews <dga@portlandmaine.gov>
To: Nick Riedel <nriedel@chipman-design.com>
Cc: Robert Wiener <rwiener@portlandmaine.gov>, Jeanie Bourke <jmb@portlandmaine.gov>

Tue, May 17, 2016 at 11:44 AM

Dear Nick,

Jeanie and I have discussed your question and we are quite certain that there is no need to get approval from the State Historic Preservation Officer in this case to approve an exception as regards ADA requirements. The City of Portland's

historic preservation program has been awarded "certified local government" status by the National Park Service, meaning that Portland's historic preservation ordinance and its review standards meet all federal requirements in terms of best preservation practices. As such, Portland has what amounts to "delegated authority" to make a determination regarding an exception.

The historic commercial structure at 152 Middle Street is located within a certified local historic district, the Portland Waterfront Historic District. The elevated front stairs of 152 Middle have been determined by this office to be an important character-defining feature of the building. This office has determined that it is not technically feasible to modify the front stairs to meet ADA requirements without threatening or destroying this important character-defining feature.

Feel free to contact me if you have any remaining questions.

Deb Andrews

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: Nick Riedel <nriedel@chipman-design.com>

To: "Jeanie Bourke" <jmb@portlandmaine.gov>

Cc: "lrl@portlandmaine.gov" <lrl@portlandmaine.gov>, "Robert Wiener" <rwiener@portlandmaine.gov>, "Deb Andrews" <dga@portlandmaine.gov>

Date: Mon, 28 Mar 2016 17:22:21 +0000

Subject: RE: Athleta_152 Middle Street_ADA

Hi Jeanie,

Thanks for the confirmation. After speaking with the ADA center, we will need to received confirmation from the State Historic Preservation Officer in order to verify we meet the exception. Should I reach out to them directly, or should this go through the City of Portland? I'm not sure what information should be presented (regarding the historical significance of the building) in order to confirm that the required upgrade could not be done "*without threatening or destroying the historic significance of the building or facility*"

Please let me know how I should proceed in order to confirm the exception with the State.

Thanks,

Nick Riedel

Project Manager

Chipman Design Architecture

2700 South River Road, Suite 400

Des Plaines, IL 60018

T: [847.298.6900](tel:847.298.6900)

F: [847.298.6966](tel:847.298.6966)

nriedel@chipman-design.com

www.chipman-design.com

This electronic mail message is intended only for the person or entity to which it is addressed. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Any attachments are proprietary in nature and may only be used for the specified project. Any use, other than for the stated architectural purposes within the recipient's organization, is not authorized.



Please consider the environment before printing this email.

From: Jeanie Bourke [mailto:jmb@portlandmaine.gov]
Sent: Friday, March 25, 2016 1:02 PM
To: Nick Riedel <nriedel@chipman-design.com>
Cc: lr@portlandmaine.gov; Robert Wiener <rwiener@portlandmaine.gov>; Deb Andrews <dga@portlandmaine.gov>
Subject: Re: Athleta_152 Middle Street_ADA

Hi Nick,

It sounds like you have exhausted all options to providing an accessible route at the entrance to the specific tenant space in this building. The 2010 ADA Guidelines do provide some exceptions if it is found to be technically infeasible, in both the alterations to existing buildings, Sec. 202.3, and to qualified historic buildings, Sec. 202.5.

This does not exempt compliance with other accessible features within the altered space, which I understand you will provide to the maximum extent feasible. You can proceed with the design for alterations of this space. Please provide a full code review and details for the new elements and justification for any noted exceptions.

Thanks,

Jeanie

Jeanie Bourke
Code Enforcement Officer/Plan Reviewer

City of Portland
Planning & Urban Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
[\(207\)874-8715](tel:(207)874-8715)

On Fri, Mar 25, 2016 at 10:44 AM, Nick Riedel <nriedel@chipman-design.com> wrote:

Hi Jeanie,

I'm working on a tenant improvement for a new retail store, Athleta, at 152 middle street. I met with a few people from the building department at the beginning of the month regarding the ADA accessibility. Currently, the space is not accessible. We've looked at all possible options for either updating the front entry, or adding an additional accessible entry, but there doesn't seem to be any feasible solution. We could add a lift at the front entry, but the amount of work required would not be permitted by the Historical committee.