

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 22 Free St.		Owner: Free St Associates		Phone: 772-6404		Permit No: 981113	
Owner Address: 5 Milk St Pld, ME 04101		Lessee/Buyer's Name: Guarantee Title		Phone:		BusinessName:	
Contractor Name: KIMBERLIN, Fore River Co.		Address: 5 Milk St Pld, ME 04101		Phone: 772-6404			
Past Use: Vacant/Was Restaurant		Proposed Use: Office		COST OF WORK: \$ 25,000.00		PERMIT FEE: \$ 145.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
				Signature: [Signature]		Signature:	
Proposed Project Description: Change Use/make int Reno - First Floor				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: [Signature] Date: 10/9/98			
Permit Taken By: MG		Date Applied For: 18 September 1998					



Zone:	CBL: 038-A_005
Zoning Approval:	
Special Zone or Reviews:	
<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Wetland	
<input type="checkbox"/> Flood Zone	
<input type="checkbox"/> Subdivision	
<input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	

Zoning Appeal	
<input type="checkbox"/> Variance	
<input type="checkbox"/> Miscellaneous	
<input type="checkbox"/> Conditional Use	
<input type="checkbox"/> Interpretation	
<input type="checkbox"/> Approved	
<input type="checkbox"/> Denied	

Historic Preservation	
<input type="checkbox"/> Not in District or Landmark	
<input type="checkbox"/> Does Not Require Review	
<input type="checkbox"/> Requires Review	

Action:	
<input type="checkbox"/> Approved	
<input type="checkbox"/> Approved with Conditions	
<input type="checkbox"/> Denied	

Date: _____

PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT ADDRESS: DATE: 21 September 1998 PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

CEO DISTRICT



LAND USE - ZONING REPORT

ADDRESS: 22 Free St DATE: 9/25/98
REASON FOR PERMIT: Change of use to Financial Services int. Pen.
BUILDING OWNER: Fore River Co. C-B-L: 38-A-5
PERMIT APPLICANT: Fore River Co.
APPROVED: With conditions DENIED: _____

#7

CONDITION(S) OF APPROVAL

1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment.
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of _____ units. Any change in this approved use shall require a separate permit application for review and approval.
- ⑦ Separate permits shall be required for any signage.
8. Separate permits shall be required for future decks and/or garage.
- ⑨ Other requirements of condition The will be a separate response to your letter with additional questions

Marge Schinuckal

Marge Schinuckal, Zoning Administrator,
Asst. Chief of Code Enforcement

**THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE
PERMIT IS ISSUED**

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf you or the property owner owes real estate or personal property taxes or user charges on ANY PROPERTY within the City, payment arrangements must be made before permits of any kind are accepted.**

Location/Address of Construction (include Portion of Building): <u>22 FREE ST. FIRST FLOOR</u>			
Total Square Footage of Proposed Structure <u>3,100 SQFT.</u>		Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Number Chart# <u>039</u> Block# <u>A</u> Lot# <u>005</u>		Owner: <u>FREE STREET ASSOC.</u>	Telephone#: <u>772-6404</u>
Owner's Address: <u>5 MILK ST.</u>		Lessee/Buyer's Name (If Applicable) <u>Guarantee Title</u>	Cost Of Work: <u>\$25,000</u> Fee: <u>\$145.00</u>
Proposed Project Description: (Please be as specific as possible) <u>INTERIOR RENOVATION FOR OFFICE USE. (WALLS PAINT CARPET) FIRST FLOOR</u>			
Contractor's Name, Address & Telephone <u>FORE RIVER CO., 5 MILK ST., PORTLAND</u> <u>04101</u> Rec'd By <u>772-6404</u>			
Current Use: <u>VACANT RESTAURANT</u>		Proposed Use: <u>OFFICE</u>	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

•All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.

•All plumbing must be conducted in compliance with the State of Maine Plumbing Code.

•All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.

•HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan 45

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

4) Building Plans

Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

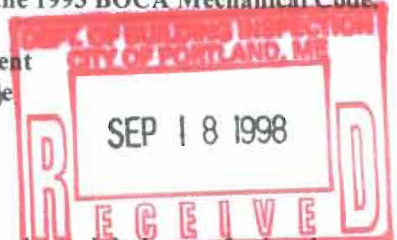
Certification

I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>[Signature]</u>	Date: <u>9/18/98</u>
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Building Permit Fee: \$25.00 for the 1st \$1000. cost plus \$5.00 per \$1,000.00 construction cost thereafter.

Additional Site review and related fees are attached on a separate addendum



September 21, 1998

Ms. Marge Schmuckal
Code Enforcement Division
City Hall
389 Congress Street
Portland, ME 14101

Re: Guaranty Title lease/22 Free Street/PAD

Dear Ms. Schmuckal,

Thank you for your phone call today regarding the applicability of Portland's Pedestrian Activity District guidelines to our request for a building permit at 22 Free Street for Guaranty Title Company which you correctly point out was most recently a restaurant (the former Sapporo Restaurant). At your request, I enclose a plan for the premises, including proposed uses within the premises as we understand them. I followed up on your question as to where the conference rooms will be located and have labeled them on the enclosed plan; all of one and part of the other conference room will be within the 40' PAD area. The tenant is in the mortgage lending business, but we are unaware of every use that will occur in the conference rooms and reception area, and under the lease, the tenant will not be required to allocate certain uses to certain portions of the premises; we are therefore unable to certify that during the term of the lease, only tellers and customer services will be located in the PAD area. The permitted use under the lease for the premises is as follows: "Use. Tenant shall use the Premises only for professional office space."

We are able to certify, however, that as is the case with most offices in the downtown area, nearly all on-site customer traffic will be pedestrian traffic, as is the case with other permitted uses in Section 14-217 (1) (a): (i) retail establishments; (ii) personal services; (iii) hotels; (iv) copying centers; (v) restaurants; (vi) drinking establishments; (vii) theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area; (viii) travel agencies; (ix) real estate sales; (x) visitor information services; (xi) museums; (xii) libraries; (xiii) banks, financial and other business services, provided that only tellers and customer services shall be located in this area; (xiv) municipal or county uses; (xv) galleries and studios for artists and craftspeople.

We also confirm that all services offered by the tenant will be open to the general public, which was not the case for a recent interpretive decision regarding the PAD. Our office was involved in the Interpretive Appeal by the Zoning Board of Appeals on May 9, 1996 regarding the lease of Peregrine Corporation to The Drop-in Center, which had also most recently been a restaurant. The issue in that appeal was whether the proposed private club use was consistent with PAD requirements. The "Appeal Agenda" for that item was as follows:

"116 Free Street, the Peregrine Corporation, lessee, request that the Board consider the interpretation of Section 14-217 to allow a community center for members only. B-3 Zone"

and the motion by the Board allowing the use granted the appeal "...to allow a community center for members only in the Pedestrian overlay area of a B-3 zone."

At that appeal, evidence was provided that the facility would not be open to the general public, but would be equivalent to a "private club;" evidence was also provided that substantially all traffic entering and exiting the premises, while not open to the public, would be pedestrian, and the argument was made and

accepted that because of this pedestrian activity on the street, the use qualified under Section 14-217 (b) (1) (xvi) ["Other uses..."], being substantially similar to retail, business and service establishments enumerated in subsections (i) through (xv). The fact that there would be foot traffic entering and exiting that private use was found to make the use substantially similar to what one might expect at the enumerated public uses, and the activity within the premises was found to be less important than the pedestrian comings and goings in the finding that the use qualified under subsection xvi. We respectfully submit that Guaranty Title Company's use, being open to the public and providing substantially similar foot traffic to enumerated uses, including most obviously personal services, travel agencies, real estate sales, more fully meets the same standard and that you should therefore find that the proposed use of Guaranty Title meets the requirements of the PAD.

Should you find otherwise, we would appreciate hearing from you orally as soon as you decide so we may request an Interpretive Appeal to preserve the faint possibility of locating this tenant at 22 Free Street. Since this use will require significant tenant improvement costs designed specifically for a service use such as this one, we will be unable to proceed if this use is found allowable only as an exception (because of past vacancy), rather than a permitted use, because to do so would preclude us from leasing to another service user with the existing finishes at the end of this user's lease term without first waiting out a six month vacancy. Thank you for your assistance. Please feel free to call with any questions or if we can supply you with additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter W. Quesada", with a stylized flourish at the end.

Peter W. Quesada

enclosure

(1) *Ground floor uses:*

- a. At least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone, including street level area within forty (40) feet of such frontage, shall be limited to the following uses:
 - i. Retail establishments as permitted in 14-217(a)(2)e;
 - ii. Personal services;
 - iii. Hotels;
 - iv. Copying centers;
 - v. Restaurants;
 - vi. Drinking establishments;
 - vii. Theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area;
 - viii. Travel agencies;
 - ix. Real estate sales;
 - x. Visitor information services;
 - xi. Museums;
 - xii. Libraries;
 - xiii. Banks, financial and other business services, provided that only tellers and customer services shall be located in this area;
 - xiv. Municipal or county uses;
 - xv. Galleries and studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silkscreeners;
 - xvi. Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity.

For those buildings which have frontage on more than one (1) street located within the PAD overlay zone, the street level area of each such frontage shall meet the above requirements.

- b. For those buildings which have forty (40) feet or less of frontage on a street within the PAD overlay zone, the above restrictions shall be reduced to fifty (50) percent of the frontage where required to accommodate a service entrance. For buildings which have frontage on more than one (1) street located within a PAD overlay zone, only one (1) such frontage shall be permitted to reduce the required retail area to fifty (50) percent of the frontage.
- c. In no event shall any required retail frontage area be used for any of the following:
 - i. Storage;
 - ii. Service entrances, including loading docks, dumpsters and compactors, except as provided in subsection b; or

September 24, 1998

Ms. Marge Schmuckal
Code Enforcement Division
City Hall
389 Congress Street
Portland, ME 14101

Re: Guaranty Title lease/22 Free Street/PAD

Dear Ms. Schmuckal,

Thank you for the information you provided Ric Quesada regarding our request for a building permit for the tenancy of Guaranty Title at 22 Free Street. As you know, a question has arisen regarding whether the tenant's proposed use meets the requirements of the City's "Pedestrian Activity District." Ric is out for a few days and I am trying to resolve this matter. Our lease with Guaranty Title would allow the tenant to occupy the premises for general office purposes. Ric and I understand that the PAD obstacle is that the two "conference rooms" would in your view preclude Guaranty Title's intended use unless the conference rooms are redesignated "customer service" areas, in which case Ric understands that the plan as submitted would meet the requirements of the PAD (I enclose a draft of what we understand such a resubmitted plan should look like). If the plan were resubmitted as shown on the enclosed, what restrictions would have to be imposed on the tenants use of these rooms during the term to assure that the actual use met the requirements of the PAD overlay? Would these restrictions have to be specified in the lease? If the use were to revert during the lease term to a use which you deemed to be a conference room rather than a customer service area, how would the City enforce the PAD requirement? Obviously an understanding of your requirements will be helpful as determine whether your required changes are feasible for the tenant and how they should be expressed in the lease. The tenant is very anxious to either be in business at this site or move into an alternate location promptly; therefore we would appreciate guidance from you as soon as you can conveniently provide it. Thank you for your assistance in this matter.

Sincerely,



Bruce Kistler

enclosure

BUILDING PERMIT REPORT

DATE: 9/29/98 ADDRESS: 22 Free St 038-A-005
 REASON FOR PERMIT: Renovation
 BUILDING OWNER: Free St Associates
 CONTRACTOR: Free River Co.
 PERMIT APPLICANT: _____
 USE GROUP B BOCA 1996 CONSTRUCTION TYPE 3B

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1, *17, *18, *19, *20, *28

1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
- 2.5 Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- 2.6 Foundations anchors shall be a minimum of 1 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6'o.c. between bolts. (Section 2305.17)
3. Precaution must be taken to protect concrete from freezing. Section 1908.0
4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
6. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
7. Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
8. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0)
9. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
10. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread, 7" maximum rise. (Section 1014.0)
 1. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8") 1014.4
 2. Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height

not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1018.6)

13. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. Section 1010.1
14. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.) Section 710.0
15. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Table 302.1.1
16. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 19. 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required) Section 920.3.2

17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. Section 921.0

18. The Fire Alarm System shall be maintained to NFPA #72 Standard.

19. The Sprinkler System shall maintained to NFPA #13 Standard.

20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)

21. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".

22. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code. (crawl spaces & attics)

24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.

25. All requirements must be met before a final Certificate of Occupancy is issued.

26. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).

27. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)


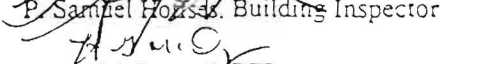
28. Please read and implement the attached Land Use-Zoning report requirements.

29.

30.

31.

32.


P. Samuel Hozzess, Building Inspector

cc: Lt. McDougall, PFD
Marge Schmuckal, Zoning Administrator

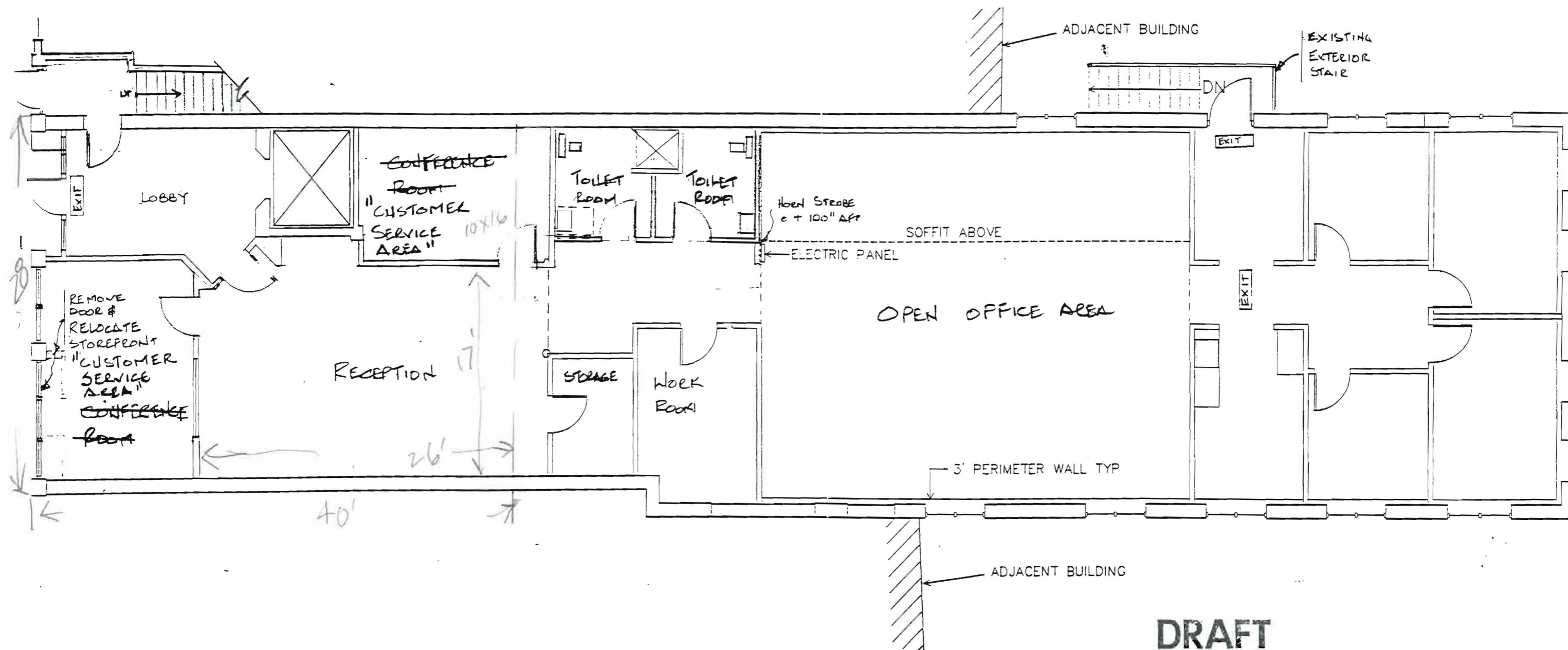
NOTE:

BLDG IS FULLY SPRINKLER

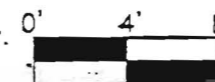
SPRINKLER WORK TO CONFORM TO NFPA 13

DRAFT

received
9/24/98



DRAFT



PARTIAL 1ST FLOOR PLAN
22 FREE ST., PORTLAND, ME

8-26-98

9-21-98 (ROOM LABELS)

9-24-98

CUSTOMER
SERVICE AREA
LABELS