

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND

# BUILDING PERMIT

This is to certify that J.B.BROWN & SONS – EL RAYO  
CANTINA

Located At 85 YORK ST

Job ID: 2012-05-4087-ALTCOMM

CBL: 040- C-025-001

has permission to Add a Seasonal 2 level Deck 600 sq ft on private property & a seasonal Food Service trailer beside the deck provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

\_\_\_\_\_  
**Fire Prevention Officer**

*JMB* 6/28/12  
\_\_\_\_\_  
**Code Enforcement Officer / Plan Reviewer**

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY  
PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, FAX: (207) 8716

Job No: 2012-05-4087-ALTCOMM	Date Applied: 5/25/2012	CBL: 040- C-025-001	
Location of Construction: 85 YORK ST	Owner Name: J.B. BROWN & SONS	Owner Address: PO BOX 207  PORTLAND, ME 04112	Phone:
Business Name: El Rayo Cantina	Contractor Name: Mark White	Contractor Address: Main St., Cornish, ME	Phone:  207-712-2833
Lessee/Buyer's Name: Tod Dana	Phone: 207-671-5566	Permit Type: BLDG - Building	Zone:  B-3
Past Use:  Restaurant	Proposed Use:  Same – Restaurant – install a seasonal deck for outdoor dining on private property – 16' x 16' & 15'8" x 22'6" w/seasonal food service trailer	Cost of Work: 4000.00  Fire Dept: 6/18/12 Signature: <i>Bjerk</i> (58)	CEO District:   Inspection: Use Group: A-2 Type: 5B IBC 2009 Signature: <i>JMP</i> 6/20/12
Proposed Project Description: Add Seasonal Deck 608.5 sq ft		Pedestrian Activities District (P.A.D.)	
Permit Taken By: <i>Lannie</i>		<b>Zoning Approval</b>	

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland <input type="checkbox"/> Wetlands <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan - Admin Action 2012-514 <input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM Date: <i>OK w/condition 6/6/12 ABM</i>	<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 Date:	<input checked="" type="checkbox"/> Not in Dist or Landmark <input type="checkbox"/> Does not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>ABM</i>

**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 provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

## BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

or email: [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov)

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**

Framing Only

Final Inspection

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Acting Director of Planning and Urban Development  
Gregory Mitchell

Job ID: 2012-05-4087-ALTCOMM

Located At: 85 YORK ST

CBL: 040- C-025-001

## **Conditions of Approval:**

### **Zoning**

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. This permit is approving the installation of the deck and the placement of the air stream trailer beside the deck for an additional seasonal, food service area.

### **Fire**

1. All construction shall comply with City Code Chapter 10.
2. Handrails are required on both sides of new stairs. Guards are required for walking surfaces more than 30 inches above the adjacent floor or ground level below.

### **Building**

1. Application approval based upon information provided by the applicant or design professional. Any deviation from approved plans requires separate review and approval prior to work.
2. Separate permits are required for plumbing and electrical installations
3. Permit approved based on the plans submitted and reviewed w/owner/ contractor, with additional information as agreed on and as noted on plans, including the following:
  - Both sets of steps to have graspable handrails
  - Step profile to have no nosing projection
  - A mid span joist support to be installed at every joist not bearing on the ground (100 lb load)
  - The 6"x6" beams shall have solid support to ground at the hanger connection locations



# General Building Permit Application

If 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: <u>85 YORK ST</u>		
Total Square Footage of Proposed Structure/Area <u>600 Sq. Ft.</u>	Square Footage of Lot	Number of Stories
Tax Assessor's Chart, Block & Lot Chart# <u>40</u> Block# <u>C</u> Lot# <u>25</u>	Applicant * <b>must</b> be owner, Lessee or Buyer* Name <u>SOL FOOD GROUP, LLC</u> Address <u>PO BOX 169</u> City, State & Zip <u>PORTLAND, 04112</u>	Telephone: <u>207-671-5566</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <u>J.B. BROWN + SONS</u> Address <u>PO BOX 207</u> City, State & Zip <u>PORTLAND 04112</u>	Cost Of Work: \$ <u>3400.-</u> C of O Fee: \$ _____ Total Fee: \$ <u>60</u>
<p>RECEIVED MAY 25 2012 City of Building Inspections City of Portland Maine</p>		
Current legal use (i.e. single family) <u>REST.</u> Number of Residential Units <u>—</u> If vacant, what was the previous use? <u>—</u> Proposed Specific use: <u>—</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>CONSTRUCT SEASONAL DECK FOR OUTDOOR SEATING. 16x16 15'4" x 22'6"</u>		
Contractor's name: <u>MARK WHITE</u> Address: <u>MAIN STREET</u> City, State & Zip <u>CORNISH, MAINE</u> Telephone: <u>207-712-2833</u> Who should we contact when the permit is ready: <u>Tod Dana</u> Telephone: <u>671-5566</u> Mailing address: <u>PO BOX 169 04112</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work 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: [Signature] Date: 5/25/12

This is not a permit; you may not commence ANY work until the permit is issued

# Sol Food Group, LLC

P.O. Box 169 \* Portland, Maine 04112

Email: [asiawest@aol.com](mailto:asiawest@aol.com)

May 25, 2012

City Of Portland  
389 Congress Street  
Portland, Maine 04101

Re: 85 York Street - Restaurant

To Whom It May Concern:

Enclosed is a building permit application for the following:

1. A seasonal deck made of pressure treated wood to be used for outdoor seating. The deck will be removed in October. Attachment #1 shows construction details and Attachment #2 shows placement on the building.

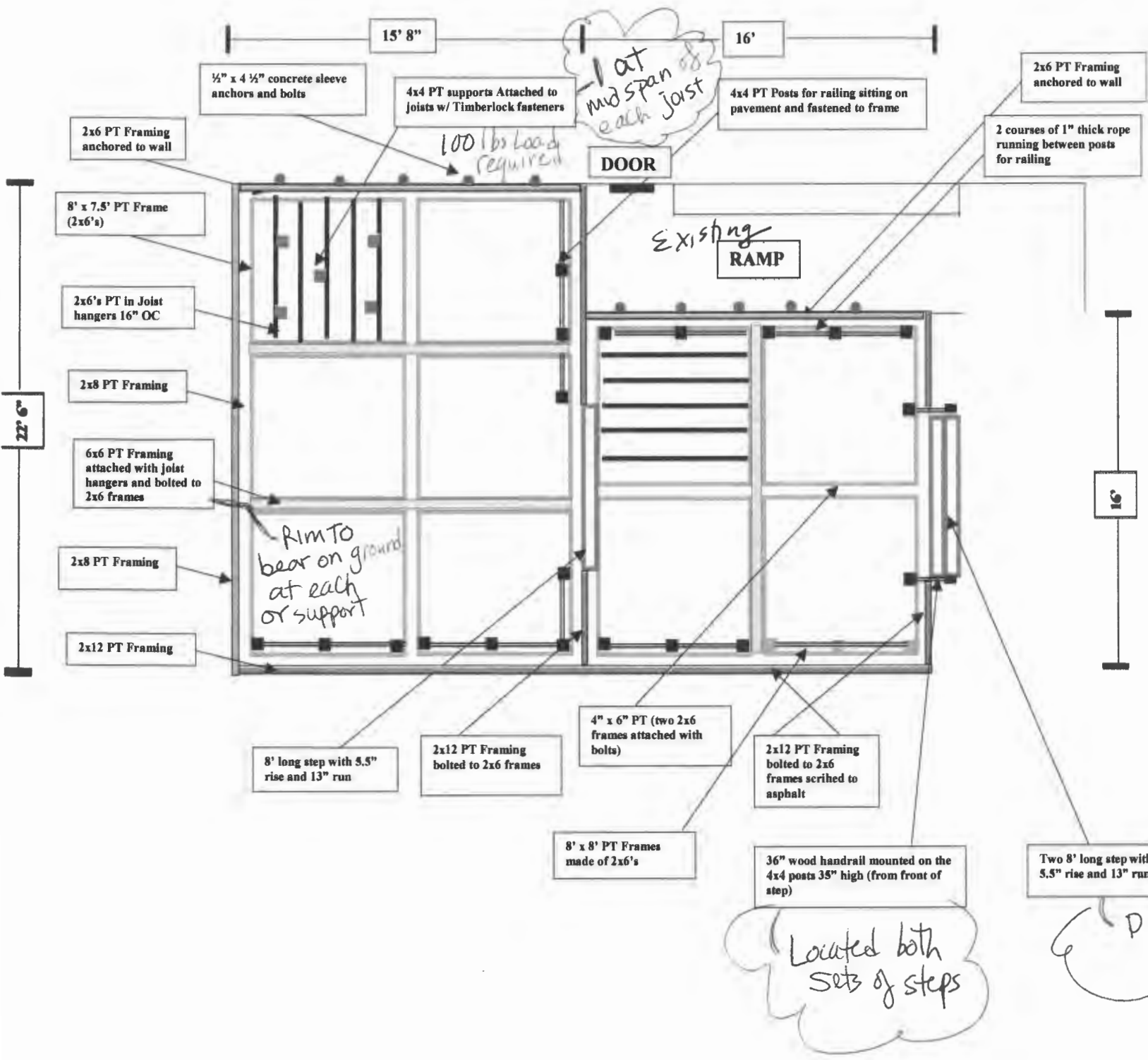
Let me know if I can provide anything further.

Regards,



671-5566

Attachment # 1





# Administrative Authorization Application

Portland, Maine

Planning and Urban Development Department, Planning Division

Sent e-mail 6/1/12  
left voice mess 6/5/12

2012 054089

PROJECT NAME: SEASONAL DECK

PROJECT ADDRESS: 85 YORK ST. CHART/BLOCK/LOT: 40-C-25

APPLICATION FEE: \_\_\_\_\_ (\$50.00)

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of the Proposal/Development)

CONSTRUCT SEASONAL DECK FOR OUTDOOR SEATING

### CONTACT INFORMATION:

#### OWNER/APPLICANT

Name: SOL FOOD GROUP, LLC

Address: PO BOX 169  
04112

Work #: 207.671.5566

Cell #: 4

Fax #: 207.775.0022

Home #: \_\_\_\_\_

E-mail: gsiawest@aol.com

#### CONSULTANT/AGENT

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home #: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Criteria for an Administrative Authorization: (see section 14-523(4) on pg .2 of this appl.)

#### Applicant's Assessment Y(yes), N(no), N/A

- |   |            |
|---|------------|
| a) Is the proposal within existing structures?                    | <u>NO</u>  |
| b) Are there any new buildings, additions, or demolitions?        | <u>NO</u>  |
| c) Is the footprint increase less than 500 sq. ft.?               | <u>NO</u>  |
| d) Are there any new curb cuts, driveways or parking areas?       | <u>NO</u>  |
| e) Are the curbs and sidewalks in sound condition?                | <u>YES</u> |
| f) Do the curbs and sidewalks comply with ADA?                    | <u>YES</u> |
| g) Is there any additional parking?                               | <u>NO</u>  |
| h) Is there an increase in traffic?                               | <u>NO</u>  |
| i) Are there any known stormwater problems?                       | <u>NO</u>  |
| j) Does sufficient property screening exist?                      | <u>YES</u> |
| k) Are there adequate utilities?                                  | <u>YES</u> |
| l) Are there any zoning violations?                               | <u>NO</u>  |
| m) Is an emergency generator located to minimize noise?           | <u>NO</u>  |
| n) Are there any noise, vibration, glare, fumes or other impacts? | <u>NO</u>  |

RECEIVED  
MAY 25 2012  
Dept. of Building Inspections  
City of Portland Maine

CK # 4300

Signature of Applicant: [Signature] Date: 5/25/12

**IMPORTANT NOTICE TO APPLICANT:** The granting of an Administrative Authorization to exempt a development from site plan review does not exempt this proposal from other required approvals or permits, nor is it an authorization for construction. You should first check with the Building Inspections Office, Room 315, City Hall (207)874-8703, to determine what other City permits, such as a building permit, will be required.



Seasonal Deck

85 York Street

**Criteria for an Administrative Authorizations:**  
(See Section 14-523 (4) on page 2 of this application)

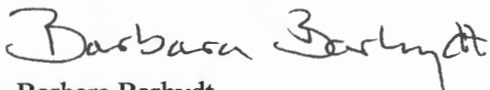
**Applicant's Assessment**  
Y(yes), N(no), N/A

**Planning Division**  
Use Only

a) Is the proposal within existing structures?	No	No
b) Are there any new buildings, additions, or demolitions?	No	No
c) Is the footprint increase less than 500 sq. ft.?	No	Temporary deck 512 sf
d) Are there any new curb cuts, driveways or parking areas?	No	No – 11 parking spaces are required and at least 11 will be maintained.
e) Are the curbs and sidewalks in sound condition?	Yes	yes
f) Do the curbs and sidewalks comply with ADA?	Yes	Yes
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No
i) Are there any known stormwater problems?	No	No
j) Does sufficient property screening exist?	Yes	Open paved area
k) Are there adequate utilities?	Yes	Yes
l) Are there any zoning violations?	No	No
m) Is an emergency generator located to minimize noise?	No	N/A
n) Are there any noise, vibration, glare, fumes or other impacts?	No	No

The Administrative Authorization for 85 York Street was approved by Barbara Barhydt, Development Review Services Manager on June 11, 2012 with the following condition(s) approval listed below:

1. The temporary deck will be removed at the end of each season.
2. The minimum parking spaces must be maintained when the deck is installed and in use.
3. **Standard Condition of Approval:** The applicant shall obtain all required City Permits, including building permits from the Inspection Division (874-8703) and any other permits required from the Department of Public Services (874-8801) prior to the start of any construction.



Barbara Barhydt  
Development Review Services Manager  
June 11, 2012

synthetic, or other readily destructible materials, and which are intended for one (1) person, one (1) usage only, then to be discarded.

*Stationary food vending unit* shall mean any vending unit from which food products are sold and which is licensed for one (1) location on private property and conducts all of its sales from that one (1) location.

*Tableware* shall mean all multi-use eating and drinking utensils, including flatware (knives, forks and spoons).

*Tavern* shall mean and include any food service establishment where malt liquor is sold.

*Temporary food service establishment* shall mean any food service establishment which operates for a temporary period of time in connection with a fair, carnival, circus, public exhibition or similar transitory gathering. There shall be two (2) types of temporary food service establishment licenses: One (1) shall be for those establishments that sell or serve unopened prepackaged food, with a license period not to exceed three (3) months, and the other license shall be for establishments that sell or serve either food that is not prepackaged or prepackaged food that is opened prior to its sale, including the opening of one (1) or more prepackaged items for the purpose of providing free samples, with a license period not to exceed two (2) weeks.

*Utensil* shall mean any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

*Wholesome* shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food. (Code 1968, § 905.2; Ord. No. 231-80, 12-22-80; Ord. No. 362-82, 1-4-82; Ord. No. 698-82, 6-9-82; Ord. No. 318-93, § 1, 6-9-93; Ord. No. 221-94, § 1, 2-23-94; Ord. No. 294-94, § 1, 5-16-94; Ord. No. 188-02/03, 4-7-03)

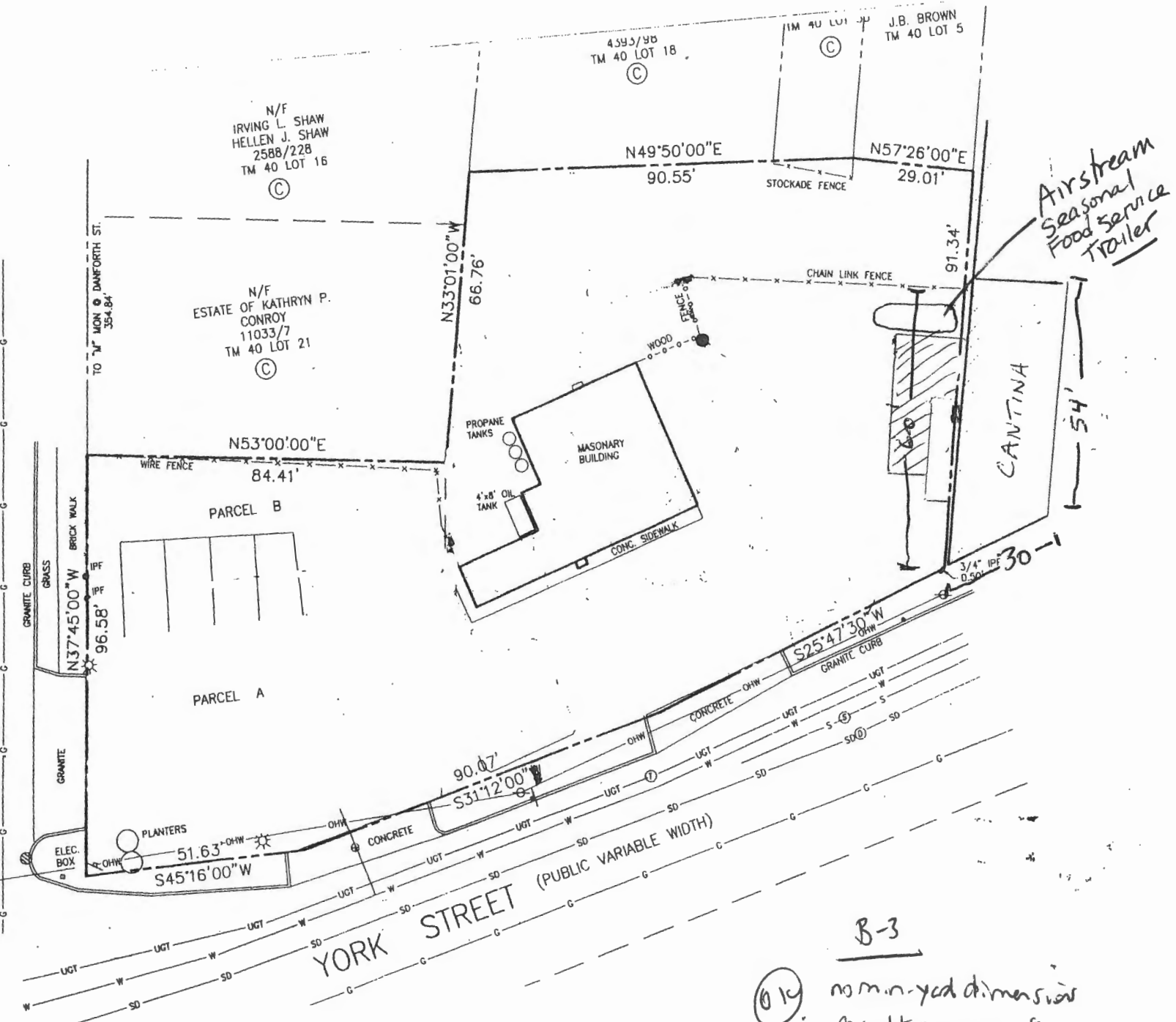
**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Sec. 11-17. Application to food prepared outside city.**

No person shall sell or bring into the city food prepared outside the city for sale by a food service establishment unless such food is prepared and handled in accordance with the requirements of this article. In determining whether such food is prepared or handled in accordance with the requirements of this

HIGH STREET  
(66' WIDE - PUBLIC)

TO CONGRESS STREET  
(ONE WAY TRAFFIC)



N/F  
IRVING L. SHAW  
HELLEN J. SHAW  
2588/228  
TM 40 LOT 16  
C

N/F  
ESTATE OF KATHRYN P.  
CONROY  
11033/7  
TM 40 LOT 21  
C

4593/98  
TM 40 LOT 18  
C

J.B. BROWN  
TM 40 LOT 5  
C

Airstream  
Seasonal  
Food Service  
Trailer

B-3

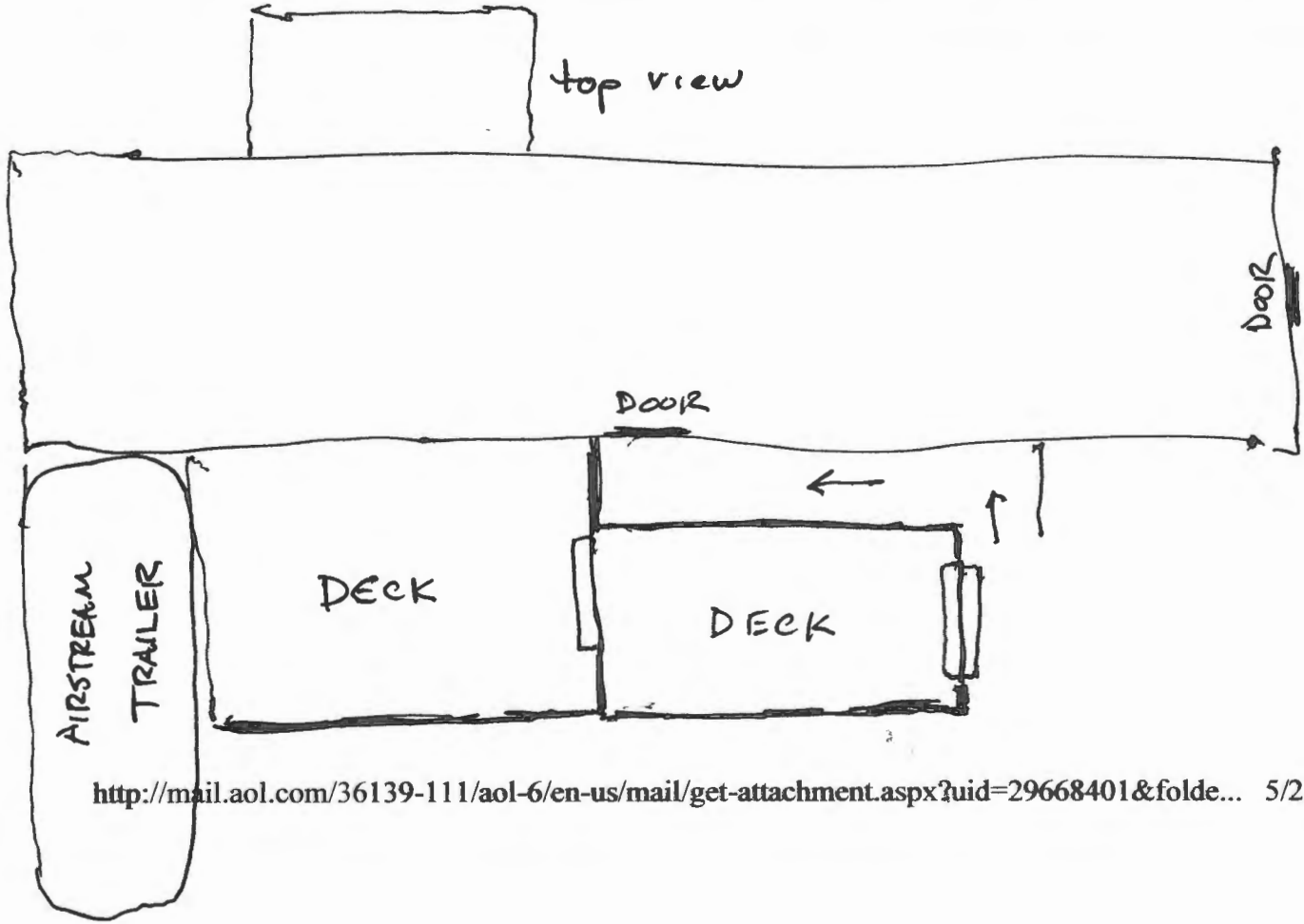
010

no min. yard dimensions  
max lot cover - 100%

# 85 York St.



# Attachment # 2







**From:** Tod <asiawest@aol.com>  
**To:** "amachado@portlandmaine.gov" <amachado@portlandmaine.gov>  
**Date:** 6/7/2012 10:01 AM  
**Subject:** Parking  
**Attachments:** photo.JPG; Part.002

Hi Anne. The first picture between 85 and 101 shows 8 spots, and there are 2 more not visible in the photo. The deck will take 4 of these.

The 2nd photo shows 11 spots between high street and the taqueria.

Please confirm that you received this.

Thanks Anne.

Tod





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/1/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cross Insurance-Portland 2331 Congress Street PO Box 567 Portland ME 04112	CONTACT NAME: Kasie Thornton	
	PHONE (A/C, No, Ext): (207) 780-1677	FAX (A/C, No): (207) 780-6377
	E-MAIL ADDRESS: kthornton@crossagency.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Peerless Insurance Co.	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

**COVERAGES** CERTIFICATE NUMBER: CL1182552538 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b>			CBP8786651	6/25/2011	6/25/2012	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COM/POP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Refer to policy for exclusionary endorsements and special provisions. Certificate Holder is an Additional Insured with respect to Commercial General Liability only.

re: 85 York St., Portland ME 04112

<b>CERTIFICATE HOLDER</b>	<b>CANCELLATION</b>
City of Portland 389 Congress Street Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE
	Kasie Thornton/RL3 <i>Kasie Thornton</i>

**J.B. Brown & Sons**  
**P.O. Box 207**  
**Portland, ME 04112-0207**  
**207-774-5908**  
**207-774-5908 (fax)**

April 30, 2012

Building Inspections Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Building Permit - 85 York Street (40-C-025)

To Whom It Concern,

J.B. Brown & Sons, the owner of 85 York Street, herby gives Sol Food Group, LLC and Tod Dana permission to obtain a building permit to construct a wooden deck outside the side entrance of 85 York Street and to install an awning and exterior signage on the building.

In addition and if necessary, Harborview, LLC, a solely owned entity of J.B. Brown & Sons, herby gives Sol Food Group, LLC the approval to encroach upon our adjacent 101 York Street property as part of its tenancy at 85 York Street.

Should you need additional information, please do not hesitate to contact me.

Sincerely,



Vincent P. Veroneau  
President