



Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 12/17/14

October 22, 2014

City of Portland
Inspections Division
C/O: Jeanie Bourke
Plan Reviewer/ Code Enforcement
389 Congress Street
Portland, Maine 04101

RE: 638 Congress Street
Permit #2014-02290

Dear Jeanie,

As requested, this letter is to provide you with a brief summary of the structural components of the proposed architectural elements of our project at 638 Congress Street (The Lafayette).

This seven story building is of masonry type exterior wall construction with a wood framed storefront system at the congress street commercial spaces. During Historic Preservation approval, it was determined that the most appealing way to add the intended features and interest to this street scape was by the projected elements you see submitted.

During our investigation of the existing construction it was determined by our structural engineer that the most efficient and cost effective way to support these elements was to integrate them into the existing wall system & building structure. Given the shallow member requirements the structural engineer has designed this system to be a cantilevered double 2x8 system extending into the existing tenant space entry soffits within each space. This allows proper bearing and support within the wall to allow a visually unsupported element at the exterior. Within the soffit and wall system new support hangers, anchors and braces will be installed to meet all necessary structural requirements as set forth by code.

Given this peculiar structural system and integration into the existing façade this element would meet the requirements of section 705.2 'Projections' of the 2009 IBC. Section 705.4 allows for the construction materials of projections to match those of the type of construction while section 1406 limits the use of combustible wall coverings, these projections would be wrapped completely with a flat seam metal roofing product. Our proposed architectural element extends four feet beyond our building façade and therefore four feet beyond the property and into the city right of way. This encroachment is limited by section 3202 to four feet for elements eight to fifteen feet above grade.



Given our proposal and the associated code requirements we feel we meet all of the applicable requests set forth. It is also our understanding that the City of Portland would require a Revocable License for elements within the cities right of way which the building owner would accept upon presentation.



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Should you have any additional questions, comments or concerns, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Provencal', written in a cursive style.

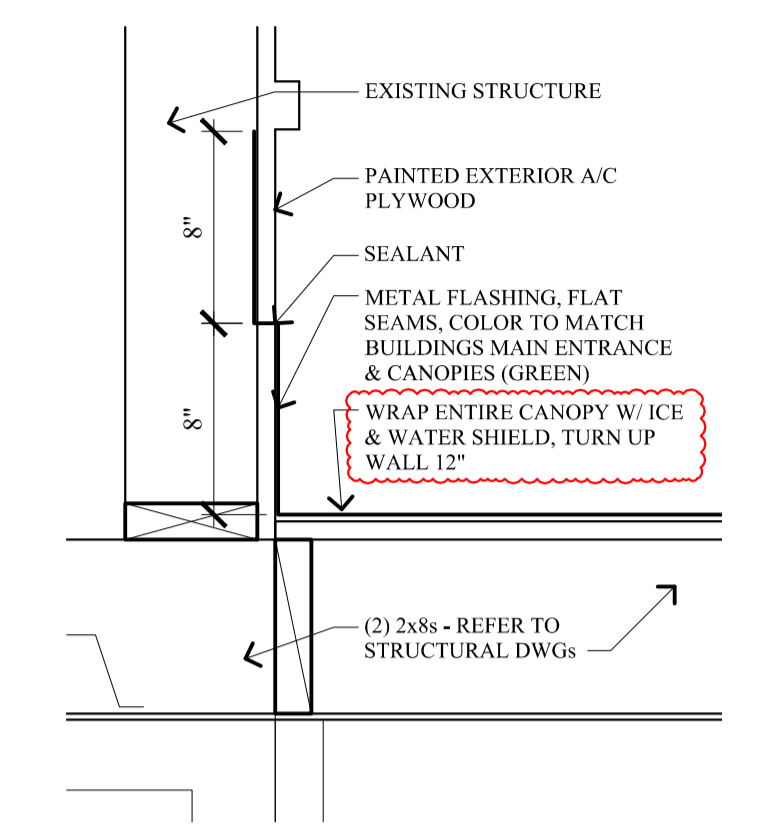
Matt Provencal, Assoc. AIA
Architectural Designer
Mark Mueller Architects



MARK MUELLER ARCHITECTS A.I.A.

100 Commercial Street
 Suite 205
 Portland, Maine 04101
 Phone: 207.774.9057
 Fax: 207.773.3851
 Email: rfm@muellerarchitects.com

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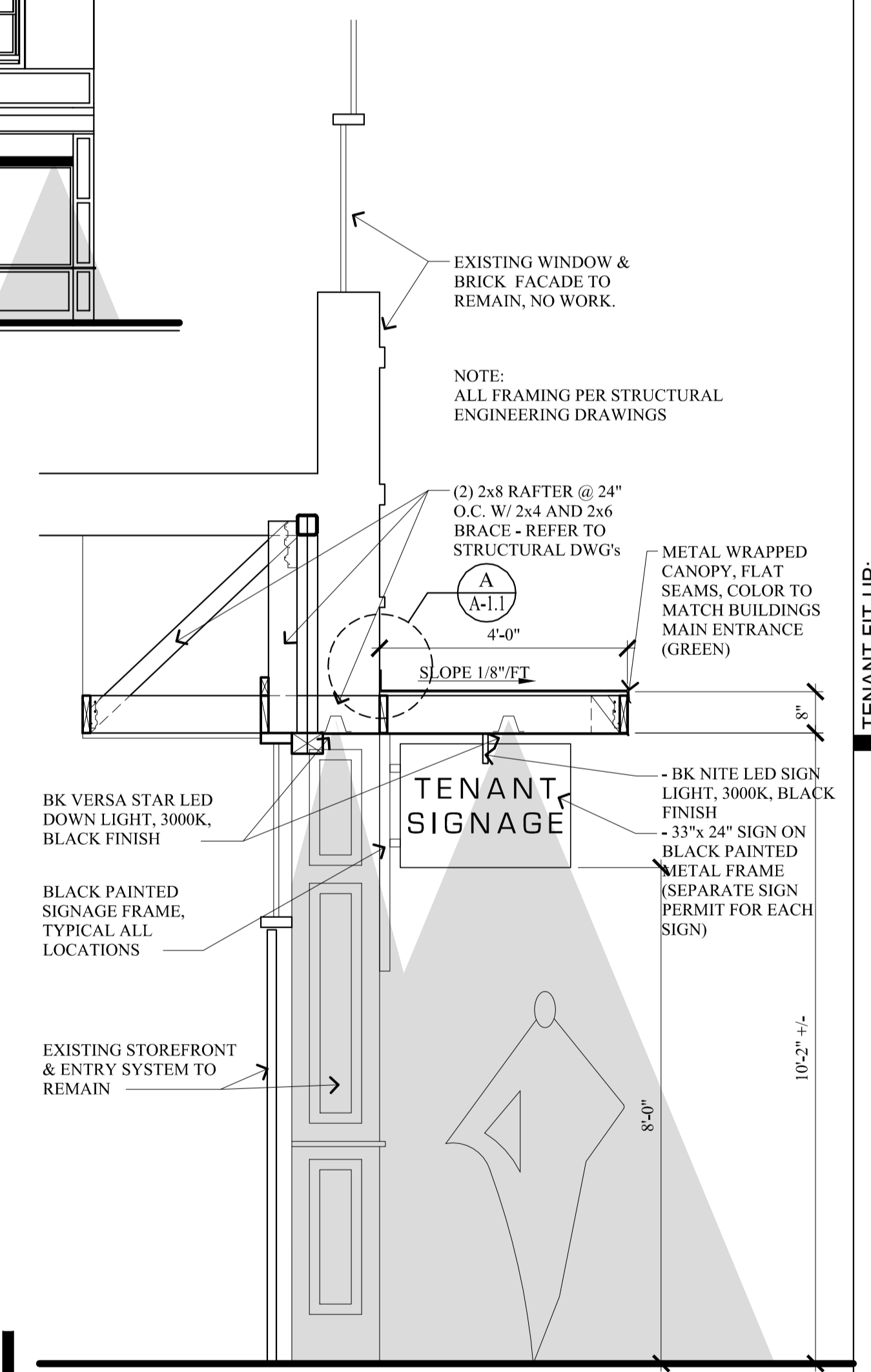


FLASHING DETAIL "A"
 SCALE: 1 1/2"=1'-0"

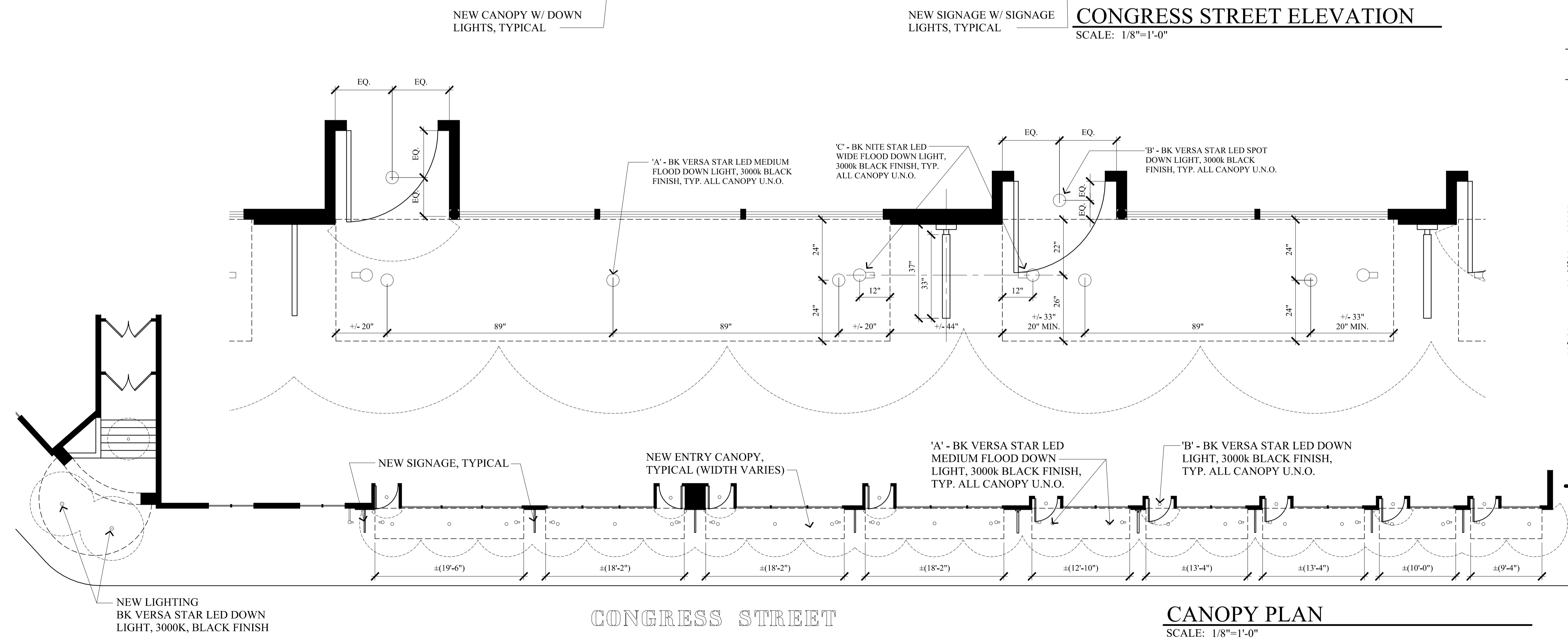
NEW CANOPY W/ DOWN LIGHTS, TYPICAL

NEW SIGNAGE W/ SIGNAGE LIGHTS, TYPICAL

CONGRESS STREET ELEVATION
 SCALE: 1/8"=1'-0"



SECTION
 SCALE: 1/2"=1'-0"



CANOPY PLAN
 SCALE: 1/8"=1'-0"

LAFAYETTE CANOPY RENOVATIONS
 CONGRESS STREET - PORTLAND, MAINE

TENANT FIT-UP:

BK VERSA STAR LED DOWN LIGHT, 3000K, BLACK FINISH
 BLACK PAINTED SIGNAGE FRAME, TYPICAL ALL LOCATIONS
 EXISTING STOREFRONT & ENTRY SYSTEM TO REMAIN

TENANT SIGNAGE
 BK NITE STAR LED SIGN LIGHT, 3000K, BLACK FINISH
 33"x 24" SIGN ON BLACK PAINTED METAL FRAME (SEPARATE SIGN PERMIT FOR EACH SIGN)

REVISIONS	DATE
	9/30/14
PROJECT	LAFAYETTE CANOPY RENOVATIONS
DRAWN BY	
CHECK BY	MM

REVISED: OCTOBER 09, 2014
 PERMIT SET: SEPTEMBER 30, 2014

A-11



PORTLAND MAINE

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Jeff Levine, AICP, Director
Director of Planning and Urban Development

Tammy Munson
Director, Inspections Division

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete permit application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my permit application and corresponding paperwork has been electronically delivered, I intend to **hand deliver** a payment method to the Inspections Office, Room 315, Portland City Hall.
- I intend to deliver a payment method through the U.S. Postal Service mail once my permit paperwork has been electronically delivered.

Applicant Signature: **Matt Provencal, Assoc. AIA**

Date: **September 29, 2014**

I have provided digital copies and sent them on:

Date: **September 29, 2014**

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.



LICENSE AGREEMENT

This License Agreement (“Agreement”) is entered into as of the 19th day of November, 2014, between the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the “City” or “Licensor”), and **638 CONGRESS STREET PARTNERS LLC** with a place of business in Portland, Maine and mailing address of 104 Grant Street, Portland, Maine 04101 its successors and assigns (hereinafter the “Licensee”), who hereby agree as follows:

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, a revocable license is hereby granted to Licensee to occupy portions of land and portions of airspace above land owned by the City and adjacent to property of Licensee located at 638 Congress Street described in a deed to Licensee recorded in the Cumberland County Registry of Deeds in Book 29354, Page 304 (“Licensee’s Property”), for the purpose of permitting the encroachment of overhangs over the City property (“encroachments”) to be located according to, and used as described in, Exhibit A attached hereto and made a part hereof (collectively the “Licensed Areas”), together with the right from time to time to bring upon the Licensed Areas and areas adjacent thereto workers, materials and machinery necessary for the use and enjoyment of the License granted herein. Occupancy of the Licensed Areas is subject to the following conditions:

1. All work performed upon and use of the Licensed Areas for the purposes set forth herein shall be at Licensee’s sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City’s property adjacent to the Licensed Areas related to the conduct of any work related to this License. Licensee agrees at its sole expense to restore any portion of the Licensed Areas and adjacent City property damaged by work conducted by Licensee related to this License to substantially its condition prior to such work, or as close to that condition as is reasonably practicable. Licensee, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable attorney’s fees, which arise out of Licensee’s use, or the use of others, of the City’s property as described above.

2. At all times during the Term of this License Agreement, Licensee, its agents and assigns, specifically including, but not limited to any condominium association as soon as any unit is transferred, shall exclusively be responsible for repairing, keeping and maintaining the Licensed Areas in a safe condition generally, by, among other things: ensuring prompt removal of, or otherwise eliminating snow and ice from all encroachments and in a manner that does not endanger pedestrians; preventing, by design and rules and supervision, objects stored or otherwise present on the encroachments from falling or being dropped or thrown onto the City’s sidewalk; repairing, replacing or removing all encroachments as necessary for public safety; taking any and all other measures necessary to protect pedestrians in the sidewalk from injury or other harm arising out of the presence of the encroachments.



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3. Licensee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this license. Licensee shall provide City with evidence of such insurance coverage and shall obtain an endorsement providing City with no less than ten (10) days notice prior to non-renewal or cancellation thereof. Such notice shall be sent to City of Portland, Corporation Counsel, 389 Congress Street, Portland, ME 04101. Failure of Licensee to procure or maintain such insurance coverage shall be an Event of Revocation as set forth in Section 4 below.

4. This license is assignable to any subsequent owners of the property and/or building located on the land described Cumberland County Registry of Deeds in Book 29354, Page 304; and the duties and obligations hereunder shall, in any event, run with the land and burden all subsequent owners holding rights to use any portion of the Licensed Areas

5. Subject to the provisions of Sections 5 and 6 hereof, this Agreement may be revoked six (6) months after receipt by the Licensee of written notice that an Event of Revocation has occurred, identifying such Event of Revocation, provided that such Event of Revocation is not cured within six (6) months after receipt of such notice by Licensee except as set forth in clause 3 below. "Event of Revocation" shall mean: 1) the building shown on the Site Plan fails to be constructed substantially in accordance with the Site Plan or any amendments thereto; 2) the building as shown on the Site Plan is destroyed, removed or otherwise thereafter ceases to exist on Licensee's Property and construction to rebuild said building has not begun within twelve (12) months of said destruction or removal, or 3) failure to maintain insurance as required under Section 2 above, and such failure is not remedied within thirty (30) days after written notice thereof. City acknowledges that Licensee may amend this Agreement, upon the written approval of the City, for the purpose of correcting and/or revising Exhibit A, to more accurately show the encroachments described above that are being licensed under this Agreement.

6. Any notice of an Event of Revocation delivered pursuant to Section 4 of this Agreement must be sent by certified mail, return receipt requested to the Licensee at the address for Licensee set forth above, or at such other address as the Licensee may provide to the City in writing from time to time. Copies of any notices sent to Licensee shall also be sent to:

7. Notwithstanding any other provision herein, in the event that a notice of an Event of Revocation is delivered pursuant to Section 4 hereof, any mortgagee of Licensee's Property shall be entitled to cure the matter set forth in such notice within the time frames set forth in Section 4 hereof, and the City agrees to accept such performance by any such mortgagee of Licensee's obligations hereunder. In addition, the City agrees to accept any cure of any Event of Revocation by any of Licensee's members.



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IN WITNESS WHEREOF, the City of Portland has caused this Revocable License to executed by Sheila Hill-Christian, its Acting City Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

By: Sheila Hill-Christian
Sheila Hill-Christian, its Acting City Manager
thereunto duly authorized

STATE OF MAINE
CUMBERLAND, ss

Nov. 20, 2014

PERSONALLY APPEARED the above-named Sheila Hill-Christian, Acting City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said City of Portland.

Before me,

Jennifer L. Thompson
Notary Public/Attorney at Law
Print name: Jennifer L. Thompson
My commission expires: _____

Seen and Agreed to by:
638 CONGRESS STREET PARTNERS, LLC

BY: Tom Watson
Tom Watson
its Managing Partner

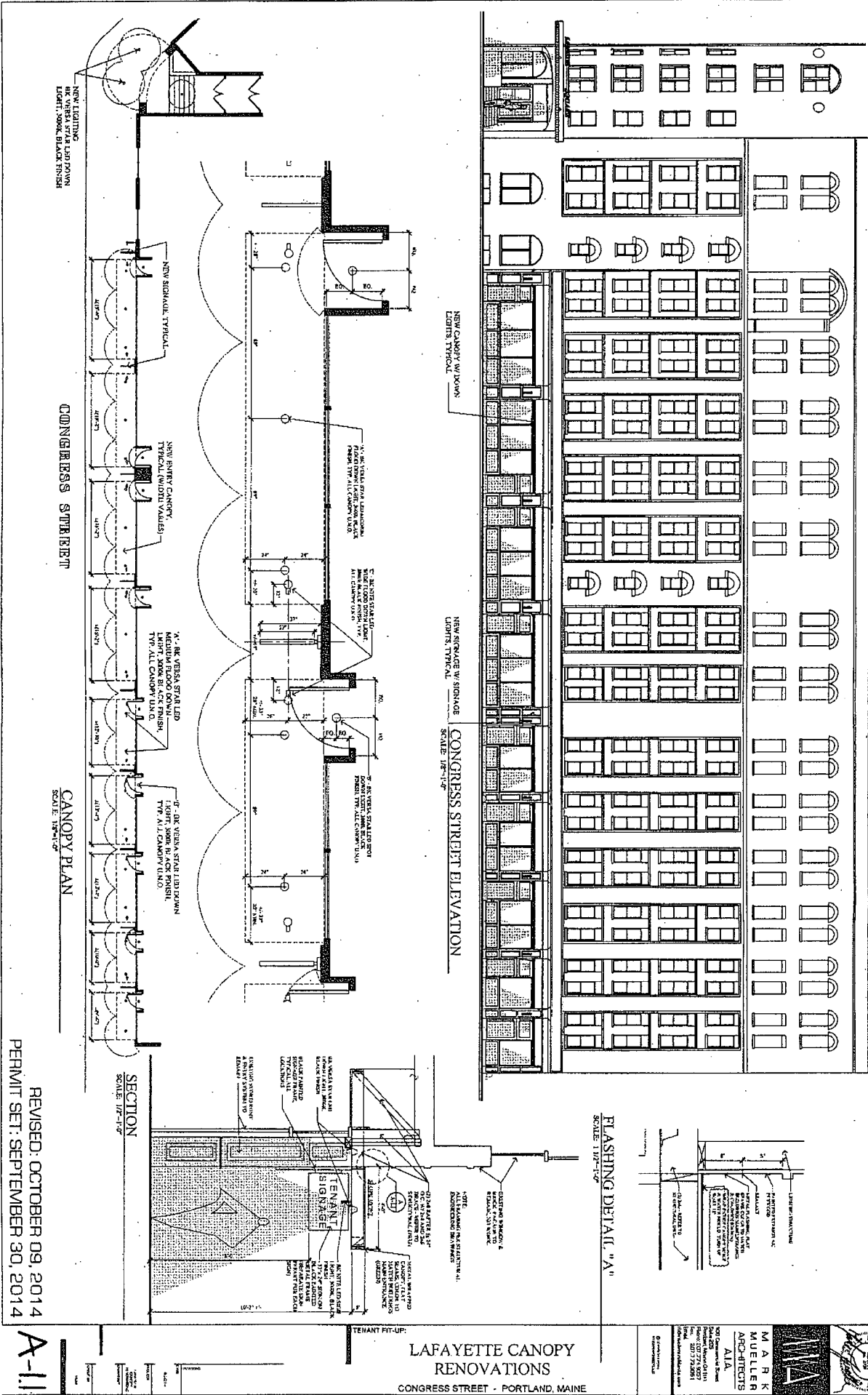


EXHIBIT A
TO
LICENSE AGREEMENT
City of Portland to
Licensed Areas

1. Architectural Sheet 'A-1.1 - Proposed Plans'



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REVISED: OCTOBER 09, 2014
PERMIT SET: SEPTEMBER 30, 2014

A-11

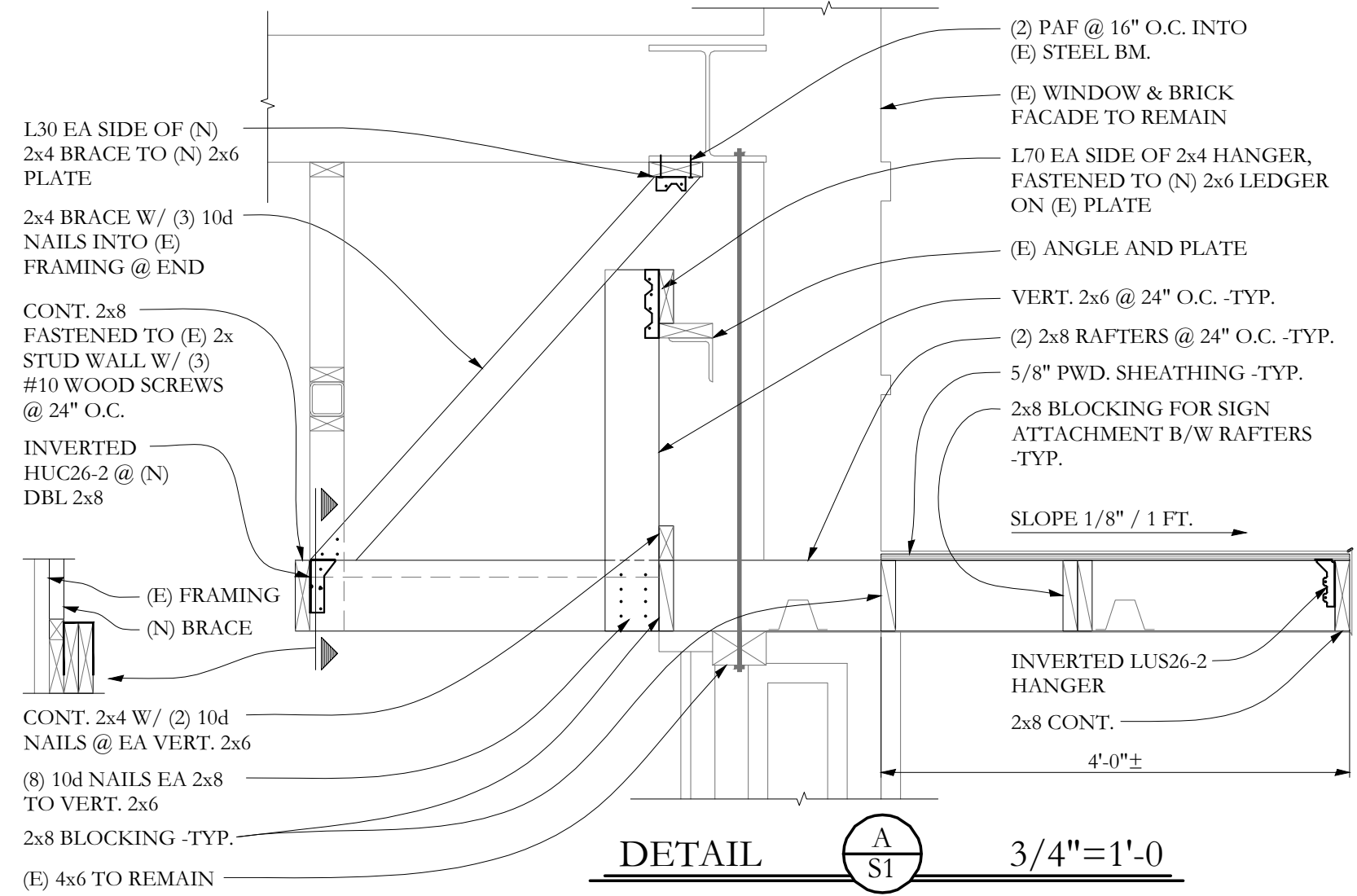
LAFAYETTE CANOPY RENOVATIONS
CONGRESS STREET - PORTLAND, MAINE


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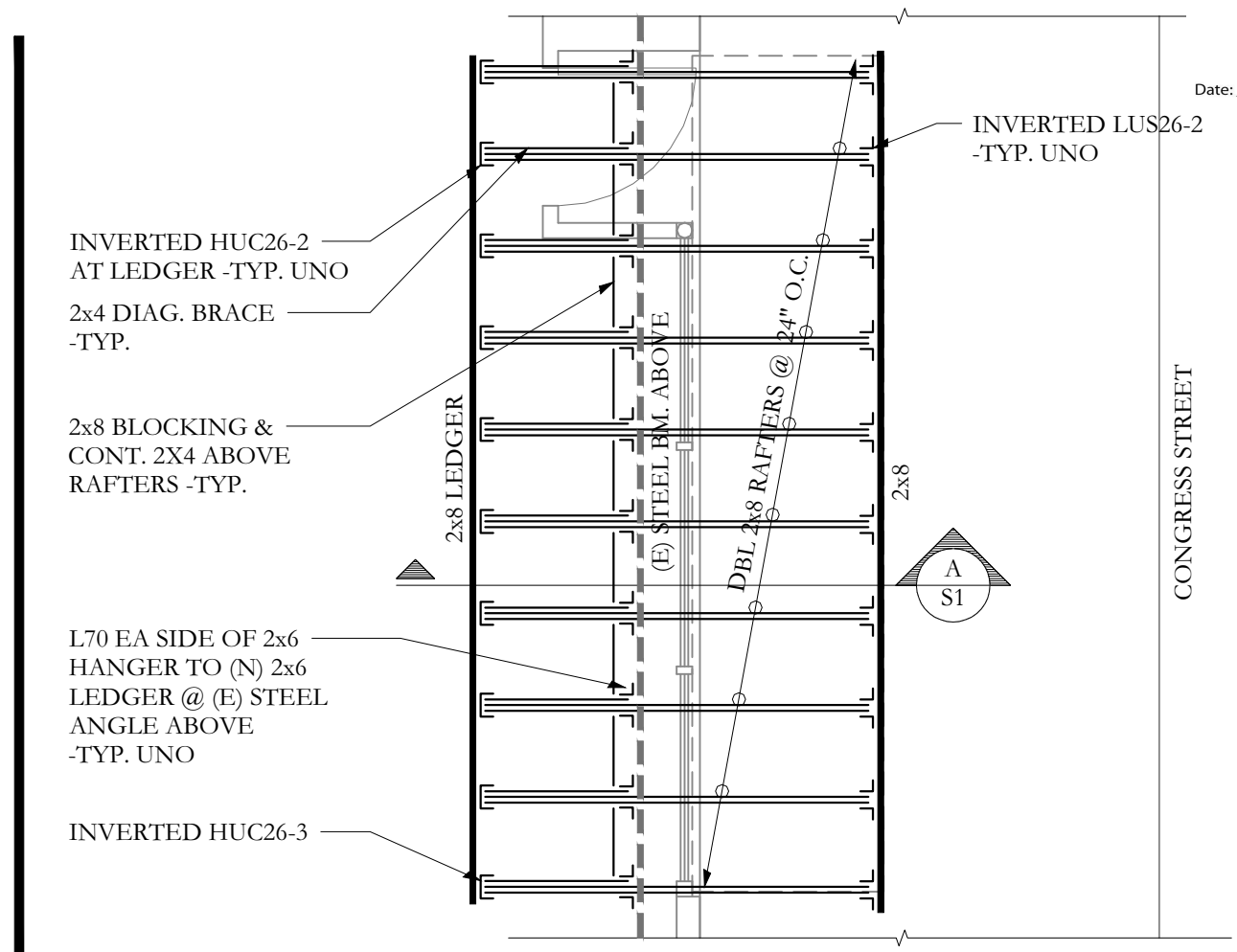
Received
Recorded Register of Deeds
Dec 15, 2014 03:09:02P
Cumberland County
Pamela E. Lovley



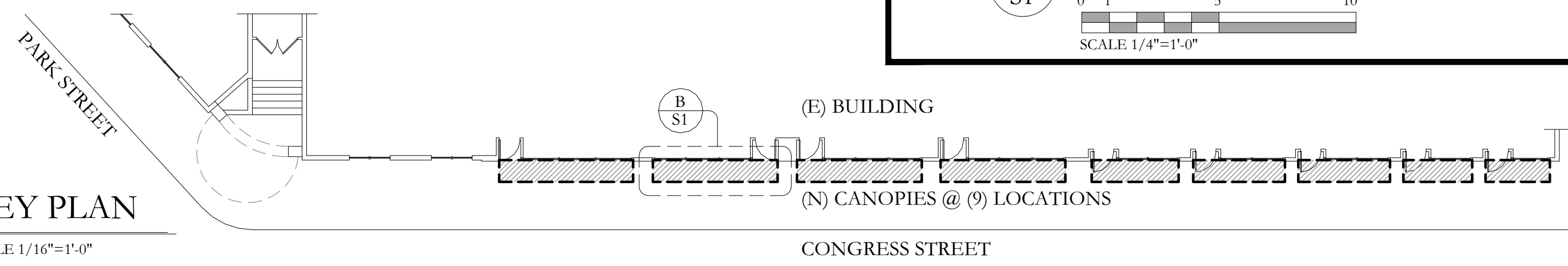
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DETAIL A
S1 3/4"=1'-0"



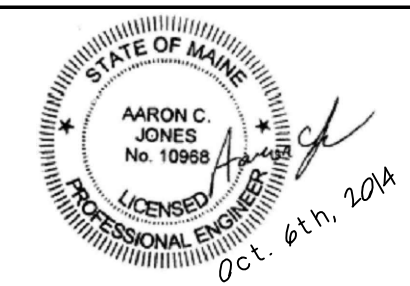
TYP. CANOPY FRAMING PLAN B
S1
0' 1' 5' 10'
SCALE 1/4"=1'-0"



KEY PLAN
SCALE 1/16"=1'-0"

Title: Typical Canopy Along Congress Street

Lafayette Square
Congress Street
Portland, ME



Scale: VARIES
Date: 09/29/14
Revised: 10/06/14

S1

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SI JOB# 14-0098