

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

Job No: 2011-05-1110-OSD	Date Applied: 5/13/2011	CBL: 046 - - D - 022 - 001 - - - - -	
Location of Construction: 649 CONGRESS ST	Owner Name: BAYSIDE MAINE LLC	Owner Address: 477 CONGRESS ST STE 1012 PORTLAND, ME - MAINE 04101	Phone:
Business Name: Local Sprouts Cooperative, Jonah Fertig	Contractor Name:	Contractor Address:	Phone: 615-9970
Lessee/Buyer's Name:	Phone:	Permit Type: OUTDOOR - Outdoor Seating	Zone: B-3
Past Use: Restaurant	Proposed Use: Same: Restaurant - to have outside dining	Cost of Work:	CEO District:
		Fire Dept: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A Signature:	Inspection: Use Group: Type: Signature:
Proposed Project Description: 649 Congress "Local Sprouts Coperative" - OSD		Pedestrian Activities District (P.A.D.)	
Permit Taken By: Lannie	Zoning Approval		

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 type="checkbox"/> Site Plan <input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM Date: <i>dk</i> <i>6/14/11</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:	<i>with</i> <input 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:

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	PHON

To: Jon Rioux
for Council action
on 6/6/11

State Street Ext., crossing over State Street Extension to Deering Oaks Park (bowling green pathway entrance), for a parade on Saturday, June 18, to begin at 12:30 p.m.

The use of Deering oaks Park (Park Avenue side of the Park) for Pride Festival from noon to 7:00 p.m. on Saturday, June 18th.

Street closings are included in the agenda backup material.

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Five affirmative votes are required for passage of the Consent Calendar.

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Applicant currently holds a Class III & IV License. Request to add Outdoor Dining on Public Property, to include 4 tables with 2 chairs at each for a total of 8 seats and 1 bench. New City License. Application filed 5-6-11.

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Applicant currently holds a Class III & IV (Wine & Beer License) Request to upgrade to a Class I Liquor License and add Outdoor Dining on public sidewalk, to include 4 tables with 2 chairs at each for a total of 8 seats. New City and State Licenses. Application filed 4-14-11.

Five affirmative votes are required for passage after public comment.

Job Summary Report
Job ID: 2011-05-1110-OSD

Report generated on Jun 14, 2011 9:28:03 AM

Structure Type Code	Structure Status Type	Square Footage	Estimated Value	Address
CONVERSION	6	0	645 CONGRESS STREET WEST	
Longitude	Latitude	GIS X	GIS Y	GIS Z
0	0	M		
				User Defined Property Value

Permit #: 20113645

Permit Data						
Location Id	Structure Description	Permit Status	Permit Description	Issue Date	Reissue Date	Expiration Date
7344	Local Sprouts Outside Dining	Initialized	Outside Dining 9 Chairs & 4 Tables 75 sq ft			
Inspection Details						
Inspection Id	Inspection Type	Inspection Result Status	Inspection Status Date	Scheduled Start Timestamp	Result Status Date	Final Inspection Flag
Fees Details						
Fee Code Description	Charge Amount	Permit Charge Adjustment	Permit Charge Adj Remark	Payment Date	Receipt Number	Payment Amount
Outside Dining Fees	\$80.00			5/19/11	3646	\$80.00
						Payment Adj Comment



HSV

Outdoor Dining 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.

<input checked="" type="checkbox"/> New Application for Outside Dining <input type="checkbox"/> Renewal Application for Outside Dining			City Clerk signature for liquor license approval: _____ or Pending Council Date <u>6/6/2011</u> <u>City Council</u>	
Location/Address of Outdoor Seating: <u>649 CONGRESS ST. PORTLAND, ME 04101</u>				
Total Square Footage of Proposed Seating Area ¹ <u>9042</u>			Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# <u>46</u> Block# <u>D</u> Lot# <u>22</u>		Phone#: <u>207-615-9970</u>	Owner: <u>LOCAL SPROUTS COOPERATIVE</u>	
Applicant * <u>must be owner or Lessee</u> Name: <u>LOCAL SPROUTS COOPERATIVE</u> Address: <u>649 CONGRESS ST.</u> City, State & Zip: <u>PORTLAND, ME 04101</u>		Lessee/Buyer's Name: (If Applicable)	Annual Fee: <u>\$80</u> Total Sq. Ft. Sq. Ft. Fee: <u>\$</u> Total Fee: <u>\$</u>	
Current use: <u>Restaurant</u>				
Business name: <u>LOCAL SPROUTS COOPERATIVE</u>				
Seating area dimensions: <u>5 x 18</u>				
How many chairs? <u>9</u> How many tables? <u>4</u>				
<input checked="" type="checkbox"/> Yes Alcohol is served. <input type="checkbox"/> No Alcohol being served.				
Who should we contact for the pre-inspection: <u>JONAH FERTIG</u>				
Mailing address: <u>649 CONGRESS ST. PORTLAND</u> Phone: <u>207-615-9970</u>				

RECEIVED
MAY 13 2011
Dept. of Building Inspections
City of Portland Maine

2860

Please submit all of the information outlined in the Outdoor Dining Application 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 visit us on-line at www.portlandmaine.gov, stop by the Building Inspections 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 of Applicant:

Date:

4-22-11

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee. **This is not a permit; you may not commence ANY work until the permit is issued.**

Handwritten signatures and initials at the bottom of the page.

Outdoor Seating for Local Sprouts Cafe, 649 Congress St. Portland, 04101

COPY

Congress St.

Tree 1
9' to tree

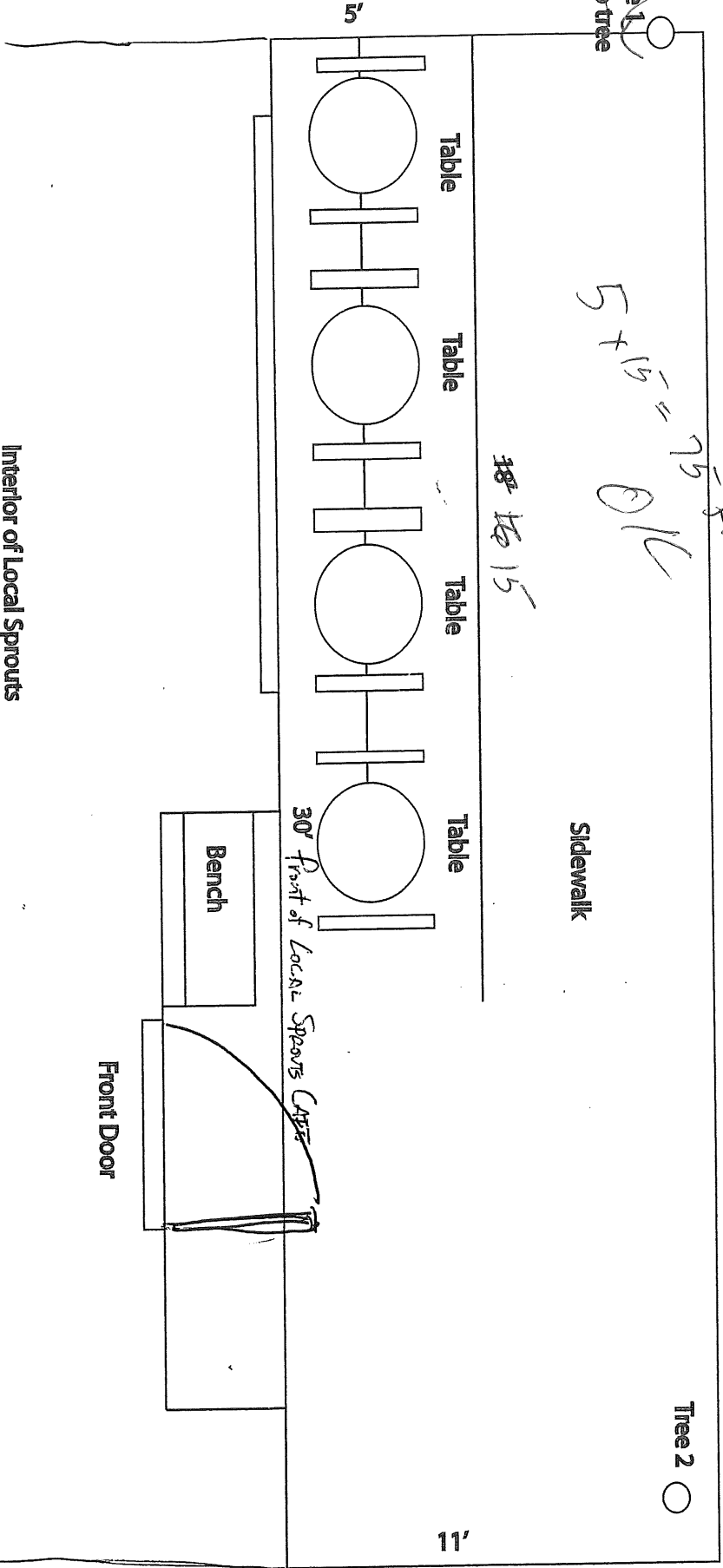
$5 + 15 = 20$
DK

18' to 15'

Sidewalk

Tree 2

11'



Interior of Local Sprouts



OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.

Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal. **The permit must be renewed each year.**

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

A plot plan is required and must include:

- A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
 - The dimensional setback from the sidewalk to the building
 - The location of the street, and if it's a corner lot, the intersecting streets
 - The sidewalk along with its width and curbing location
 - The location of the table and chair placement, including dimensions
- (NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

Additional Requirements:

- The permit holder is required to produce, at the time of submission, and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

All permits for outdoor dining are issued subject to the following conditions:

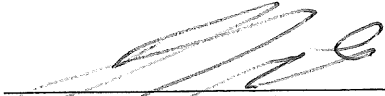
- The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.

CONTINUED —→

- The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from liter and debris.
- No food shall be prepared outside.
- If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signed and acknowledged:  Date: 4/26/11
 Printed name JONAH FERTIG
 Establishment LOCAL SPORTS CAFE
 Location 649 CONGRESS ST.

Outdoor Seating for Local Sprouts Cafe, 649 Congress St. Portland, 04101

Congress St.

Tree 1
9' to tree

Tree 2

18'

Sidewalk

11'

5'

Table

Table

Table

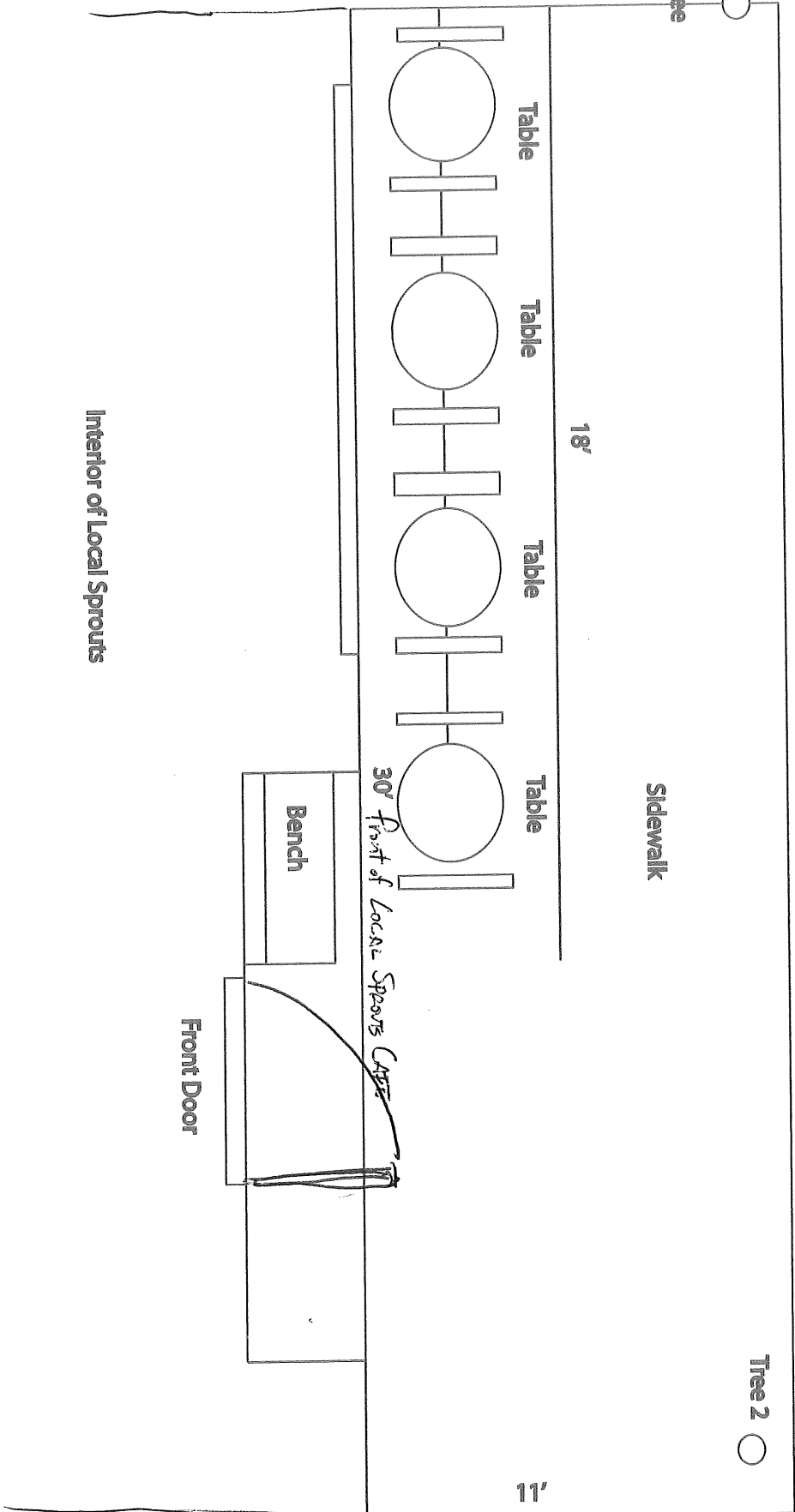
Table

30' Front of Local Sprouts Cafe

Bench

Front Door

Interior of Local Sprouts



ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/27/2011

PRODUCER 207.283.1486 FAX 207.283.4258
P&C Insurance
 260 Main St.
 P.O. Box 356
 Biddeford, ME 04005

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED **Local Sprouts Cafe, Inc.**
 649 Congress Street
 Portland, ME 04101

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Peerless Insurance Company	24198
INSURER B: Maine Employers Mutual Ins Co	11149
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	CBP3054086	03/22/2011	03/22/2012	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	<input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	1810093590	05/01/2011	05/01/2012	WC STATU-TORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$ 100,000
					E.L. DISEASE - EA EMPLOYEE \$ 100,000
					E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 As respects to General Liability, certificate holder and any other person is an Additional Insured when required by contract, agreement or permit.

CERTIFICATE HOLDER

City of Portland
 389 Congress Street
 Portland, ME 04101

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Andrea Todd

*Strengthening a Remarkable City,
Building a Community for Life*

PORTLAND MAINE

Inspections Division

389 Congress Street, RM 315
Portland, Maine 04101-3509

**Local Sprouts
Jonah Fertig
649 Congress
Portland, ME 04101**

**Outside Dining
\$150 Owed
RE: Local Sprouts Cooperative**

June 14, 2011

To: Jon Rivox
for Council action
on 6/6/11

State Street Ext., crossing over State Street Extension to Deering Oaks Park (bowling green pathway entrance), for a parade on Saturday, June 18, to begin at 12:30 p.m.

The use of Deering oaks Park (Park Avenue side of the Park) for Pride Festival from noon to 7:00 p.m. on Saturday, June 18th.

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Order Granting Municipal Officer's Approval of 164 BCG, LLC, d/b/a White Cap Grille, 164 Middle Street. Application for a Class I Liquor License with Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

New City and State License in space formerly known as Sebago Brewing Company. Outdoor Dining to include 12 tables with 2 chairs at each with a total of 24 seats. Application filed 4-28-11.

Five affirmative votes are required for passage after public comment.

**Order
(Tab)**

Order Granting Municipal Officer's Approval of Figa LLC, d/b/a Figa, 249 Congress Street. Request to add Outdoor Dining on both Public & Private Property. Sponsored by Katherine L. Jones, City Clerk.

Applicant currently holds a Class I License, request to add Outdoor Dining on both Public & Private Property. Private Property will include 4 tables with 4 chairs at each for a total of 16 chairs, Public Property will include 2 tables with 2 chairs at each with a total of 4 seats. New City License. Application filed on 5-16-11.

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Order Granting Municipal Officer's Approval of Nav Noeul, d/b/a Apsara Restaurant, 345 Fore Street. Application for a Class I Liquor License with Outdoor Dining on Public Property. Sponsored by Katherine L. Jones, City Clerk.

New City and State License in space formerly known as Restaurant Shima. Outdoor Dining to include 4 tables with 4 chairs at each for a total of 16 chairs.

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Order Granting Municipal Officer's Approval of 444 Pearl LLC, d/b/a The Pearl, 444 Fore Street. Change of Ownership, Application for Class A Lounge Liquor License. Entertainment with Dance. Sponsored by Katherine L. Jones, City Clerk.

New City and State License. Current owner holds a Class A Lounge Liquor License, Entertainment with Dance, in the Downtown Entertainment Overlay Zone. Application filed 5-9-11.

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