

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND BUILDING PERMIT



This is to certify that 188 STATE STREET LLC

Located At 188 STATE ST

Job ID: 2011-08-1903-CH OF USE

CBL: 055- E-039-001

has permission to <u>Change the Use from Retail bookstore to restaurant/lounge with tenant fit up, mezzanine storage only</u> 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** 

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: 2011-08-1903-CH OF USE	Date Applied: 8/5/2011		CBL: 055 E - 039 - 001			
Location of Construction: 188A STATE ST	Owner Name: * 188 STATE STREET	LLC	Owner Address: 56 ST LAWRENCE PORTLAND, ME -			Phone:
Business Name:	Contractor Name: Johnny Lomba		Contractor Addre 295 Brackett St	ess: reet, Portland, ME	04102	Phone: 920-7499
Lessee/Buyer's Name: J Squared, LLC- Johnny Lomba	Phone:		Permit Type: Change of use			Zone: B-3
Past Use: Retail –Cunningham Books	Proposed Use: Change of use from restaurant use with a		Cost of Work: \$5000.00 Fire Dept:	Approved w(c Denied N/A	conditions	CEO District: Inspection Use Group: Type: 38
Proposed Project Description Vacant space to Retail Bookstore			Signature: Pedestrian Activi	ities District (P.A.D.)		10C-2009 Signature: 3/16/12
Permit Taken By: Lannie				Zoning Approva	l .	
<ol> <li>This permit application of Applicant(s) from meetin Federal Rules.</li> <li>Building Permits do not septic or electrial work.</li> <li>Building permits are voie within six (6) months of False informatin may inv permit and stop all work</li> </ol>	ng applicable State and include plumbing, d if work is not started the date of issuance. validate a building	Special Zo Shorelan Wetlands Flood Zo Subdivis Site Plan Maj Date: D	s one ion	Zoning Appeal Variance Miscellaneous Conditional Use Interpretation Approved Spenied Date:	WýL Not in D Does not Requires Approve	ist or Landmark Require Review Review

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
<b>RESPONSIBLE PERSON IN CHARGE (</b>	OF WORK, TITLE	DATE	PHON

2-3-12 DWM Arshur 807-7693 Plumbos NTC, Backwake H-11-12 DWM BKL/Lt Wallace Johnny 712-0310 Fail 131dg, Elect, & FIRE. Bldg Provide: Arrsapon Veg. smk, Drywell under rear steps, Plumber to clarify plumbing correctmons. BUILDING PERMIT INSPECTION PROCEDURES Please call 874-8703 or 874-8693 (ONLY) or email: 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.

Close In Elec/Plmb/Frame prior to insulate or gyp

Certificate of Occupancy 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.

## 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.

lis Toric STATE STREET, PORTLAND, MAINE Location/Address of Construction: Number of Stories Total Square Footage of Proposed Structure/Area Square Footage of Lot Tax Assessor's Chart, Block & Lot Telephone: Applicant \*must be owner, Lessee or Buyer\* Block# Chart# Lot# Name J SQUARED, LLC / JOURNY LONGO Address 188 STATE STREET 206.9207 City, State & Zip Porrano, MF. 04101 Owner (if different from Applicant) Lessee/DBA (If Applicable) Cost Of L.F.K. (JSQUMED,UL) Work: \$ Name 188STATE ST., LLC Address 56 St. Lawrence ST. C of O Fee: \$ City, State & Zip Portano, ME. Total Fee: \$ Current legal use (i.e. single family) If vacant, what was the previous use? CUNNERAM BOOKS (BOKSTORE) Proposed Specific use: CLASS I - FSE Is property part of a subdivision? \_\_\_\_\_\_ If yes, please name \_\_\_\_\_ Project description: GENERAL COSMETIC RENOVATIONS, FRAME/FN allour IN MERRANING AREA (SEE ATTACHED), LIGHT DEMO. Contractor's name: JOMNNY LOMBA 295 BRALET STREET Address: City, State & Zip PORTLAND, MANE 04/102 Telephone 206.920.94 Who should we contact when the permit is ready: SAME AS ABOVE Telephone 206.920.74 188 STATE STREET, POLTIAN 6, ME. 14101 Mailing address: 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 <u>www.portlandmaine.gov</u>, 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.

Date: Signature: This is not a permit; you may not commence ANY work until the permit is issue

Revised 05-05-10





Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

Acting Director of Planning and Urban Development Gregory Mitchell

Job ID: 2011-08-1903-CH OF USE

Located At: 188 STATE ST

CBL: 055- E-039-001

## **Conditions of Approval:**

## Building

- 1. Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
- 2. Permit approved based on the plans submitted and reviewed w/owner/ contractor, with additional information as agreed on and as noted on plans.
- 3. THIS PERMIT APPROVES ALTERATIONS AND CHANGE OF USE FOR A NEW TENANT ASSEMBLY OCCUPANCY. THE CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL A CODE COMPLIANT MEANS OF EGRESS IS REVIEWED AND INSTALLED. AN AMENDMENT TO THIS PERMIT IS REQUIRED FOR THIS WORK. 2012-03-3505
- 1. All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2009 Section 713.
- 2. Equipment must be installed in compliance per the manufacturer's specifications
- 3. New cafe, restaurant, lounge, bar or retail establishment where food or drink is sold and/or prepared shall meet the requirements of the City and State Food Codes
- 4. Approval of City license is subject to health inspections per the Food Code.
- Separate permits are required for any electrical, plumbing, sprinkler, fire alarm, HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
- 6. Ventilation of this space is required per ASHRAE 62.2, 2007 edition
- The mezzanine is designated for storage only, no other occupancy allowed including office area.

## Fire

- 1. All construction shall comply with City Code Chapter 10.
- 2. The rear "storage room" is currently an unprotected vertical opening to the basement. It shall be enclosed and protected in accordance with the *Life Safety Code*.
- 3. This permit is being approved on the basis of the plans submitted. Any deviation from the plans would require amendments and approval.
- 4. The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.
- 5. A separate Fire Alarm Permit is required for new systems; or for work effecting more than 5 fire alarm devices; or replacement of a fire alarm panel with a different model.
- 6. Fire Alarm system shall be maintained. If system is to be off line over 4 hours a fire watch shall be in place. Dispatch notification required 874-8576.

- 7. A separate Suppression System Permit is required for all new suppression systems or sprinkler work effecting more than 20 heads.
- 8. Sprinkler protection shall be maintained. Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.
- 9. Installation of a sprinkler or fire alarm system requires a Knox Box to be installed per city ordinance.
- 10. Fire extinguishers are required per NFPA 10.
- 11. Occupancies with an occupant load of 100 persons or more require panic hardware on all doors serving as a means of egress.
- 12. Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit and on the same circuit as the lighting for the area they serve.
- 13. Commercial cooking shall comply with NFPA 96. Separate hood and hood suppression system permits are required.

## 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. Separate permits shall be required for any new signage.
- 3. ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.
- All outdoor seating is subject to adjustment at any time from the City's traffic engineer who ensures that the City sidewalk is open and cleared for pedestrian use. Separate permits are required for any outdoor seating.
- 5. This property shall remain a restaurant with the issuance of this permit and subsequent issuance of a certificate of occupancy. Any change of use shall require a separate permit application for review and approval.



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Receipts Details:

Tender Information: Check , BusinessName: JSQUARED LLC, Check Number: 1172 Tender Amount: 450.00

Receipt Header:

Cashier Id: gguertin Receipt Date: 3/16/2012 Receipt Number: 41810

**Receipt Details:** 

Referance ID:	5650	Fee Type:	BP-Constr
Receipt Number:	0	Payment	
		Date:	
Transaction	450.00	Charge	450.00
Amount:		Amount:	
Job ID: Job ID: 201	1-08-1903-CH OF USE - Retail to res	taurant w/tenant fit up	
Additional Commo	ents: 188 a State St.	1 m 11 m	

Thank You for your Payment!

#### COMMERCIAL LEASE

1. <u>PARTIES.</u> **188 STATE STREET, LLC**, a Maine limited liability company, with a mailing address of 56 St. Lawrence St., Portland, ME 04101 ("Landlord") hereby leases to JSquared, LLC, a Maine Limited Liability Company having an address of 188 State Street, Portland, Maine ("Tenant") and Tenant hereby leases from Landlord the Premises described in Section 2.

2. **PREMISES**. The Premises shall be deemed to contain 1800± square feet of usable space, as the same exist at present, and being shown generally on **Exhibit A**. The Premises are located on the first floor of the Building at 188 State Street, Portland, Maine, and are leased together with the right to use in common with others entitled thereto, any common utility services providing service to said leased Premises. There is no parking provided or associated with the Building. The leased Premises are accepted by Tenant in their "as is" condition. The land and Building at 188 State Street are herein called "Landlord's Property."

3. <u>TERM; 2 MONTH FIT UP PERIOD</u>. The term of this lease shall be for five (5) years and 16 days, commencing on June 14, 2011 (the "Commencement Date") and ending on June 30, 2016. Each consecutive 12 month period starting July 1, 2011, shall be a "Lease Year."

 <u>RENT</u>. Commencing on the opening of the business or August 14th, 2011, whichever comes first, (the "Rent Commencement Date"), the Tenant shall pay to the Landlord the following base rent: Lease Year(s) Annual Base Rent Monthly Rent

1 and 2	\$30,000.00	\$2,500.00
3	\$30,900.00	\$2,575.00
4	\$31,827.00	\$2,652.25
5	\$32,781.81	\$2,731.82

During the two month period from June 14, 2011, to August 13, 2011, Tenant shall use the Premises for the purposes of fitting out and completing the Tenant's Improvements described hereinafter. During such fit up period, Tenant shall be responsible to pay for all utilities and other similar costs used or incurred by Tenant; provided, however, that Tenant shall not be entitled to open for or to conduct business from the Premises, and if Tenant should desire to open sooner for business, it shall pay Base Rent and other charges at the same rate as set forth herein for the first Lease Year, pro-rated to such period from opening to the Commencement Date. For the first Lease Year, Tenant shall pay base rent, pro rata, at the rate set forth above for the period from August 14, 2011, or opening for business, through June 30, 2012.

Rent is payable in advance in equal monthly installments on the first day of each month during the term, said rent to be prorated for portions of a calendar month at the beginning or end of said term. All payments shall be made to Landlord at the address set forth above, or to such agent and at such place as Landlord shall from time to time in writing designate. If Tenant does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the terms of this Lease, and after expiration of applicable grace or cure periods, then Landlord, in addition to any other remedies it may have, may collect a late charge for each month or part thereof that Tenant fails to pay the amount due after the due date. The late charge shall be equal to four percent (4%) of the amount then due the Landlord.

5. **RENEWAL OPTION**. So long as Tenant is not currently in terminable default of this Lease at the time of renewal, Tenant shall have the option to renew this Lease for one (1) additional sequential term of three (3) years. In order to exercise Tenant's option, Tenant shall notify Landlord in writing by Certified or Registered Mail of its intention to exercise its option on or before twelve (12) months prior to the end of the then current term, said renewal to be upon the same terms and conditions set forth in this Lease except for base rent which shall be increased by 3% per annum during each year of the renewal term.

#### Exhibit C: Tenant's Improvements.

Construction -

- Install subfloor and commercial grade tile (VCT) in kitchen area and bar area.
- Construct a partial wall between kitchen area and seated area for privacy/separation purposes. This wall will also serve as a storage and service station for staff use.
- Construct bar top and base and affix to the floor in bar area with minimal impact to the existing flooring.
- Construct a banquette in front window (State Street) area.
- Repair/restore both existing restrooms to comply with federal/local code guidelines. In addition tenant will expand one (1) restroom to ADA specifications.
- Install an oven vent, to be affixed to the building's exterior as per federal/local code and historical preservation compliance.
- Expand the existing partial wall by the Pine Street exit to match the dimensions of the existing brick partial wall.
- Vault the ceiling in the kitchen area (remove a non-structural portion of the mezzanine).
- Paint the wood portions on the back of the property to comply with Historical Preservation Society requests.

Electrical -

- Install 2-4 ceiling lights above bar area.
- Install 1 ceiling light above banquette area.
- Install 1 ceiling light above kitchen area.
- Install 220v service in the bar area and kitchen area.

#### Plumbing -

- Install hot/cold service and drainage lines in the kitchen area and bar area.

#### Insulation -

- Insulate shared wall with Miyake premises

#### Carpeting -

- Remove carpeting at various locations throughout the Premises

#### Access to basement -

- Tenant to have the option to install direct stairs to basement at rear of Premises, with plans and specifications subject to Landlord's prior approval and in compliance with all applicable code and permit requirements.

#### EXHIBIT B

#### CERTIFICATE CONFIRMING LEASE COMMENCEMENT DATE

This Certificate Confirming the Lease Commencement Date is attached to and made a part of the Lease Agreement dated the  $l^{\mu\nu}$  day of June, 2011, by and between 188 State Street LLC, as Landlord, and [tenant], as Tenant.

The occupancy date is June  $\underline{14}$ , 2011.

The Lease commencement date is June  $\underline{14}$ , 2011.

The Rent Commencement Date is \_\_\_\_\_, 2011.

The Lease termination date is June 30°, 2016.

WITNESS:

LANDLORD:

188 State Street LLC, a Maine limited liability company By: Name: Beneuson Stephen Title:

WITNESS:

2.10

TENANT:

JSquared, LLC

By Lom3914 ame:

hawelliver . . Title: Member

### Jeanie Bourke - Fwd: 188 State Street Building Permit

From:	Tammy Munson
То:	Jeanie Bourke
Date:	2/22/2012 1:03 PM
Subject:	Fwd: 188 State Street Building Permit
Attachments:	188 State -Gen. Layout.pdf; 188 State -Kitchen Layout.pdf



Can you please call this guy in the am?

>>> Johnny Lomba <johnnylomba3@gmail.com> 2/22/2012 9:37 AM >>> Good morning Tammy!

We spoke briefly yesterday afternoon about this project. I have attached two (2) pdf files, showing the layout of the entire space as well as just the kitchen area. I believe you have the notes that Jeanie Bourke had made regarding specific concerns, which I will address now below.

1. Hand wash sink and prep sink in kitchen as well as prep table space concerns.

If you look at the kitchen layout pdf, you'll see that I have included the prep sink (labeled vegetable wash sink) to be located next to the 3-bay wash sink. As for the prep table, we are constructing that to my cooks dimensions so as to maximize the space they need as well as making it a workable size for ease of movement. The drawing I included on this layout was a rough estimate.

2. Mop sink.

On the general layout pdf, there is an area labeled "Stairs" in the top right portion of the layout, which is where the mop sink is to be located. This is the under stair closet which Jeanie is referencing in one of the next notes she has. It is enclosed in drywall and will only be used for this sink and general cleaning supplies.

3. Enclosure of the storage/basement vertical opening.

Also on the general layout pdf, this is labeled as "Storage Closet", and is located at the very top portion. The stairs are closed of and the door to this area will remain closed as we do not need access to this area.

4. Cost of work/fit up.

I was told, 3 weeks after filing my application for the building permit, that my labor cost and cost of fit up was incorrect. I can adjust this number, within reason, to satisfy any concerns your department may have. I had told Jeanie that since we were doing all the work ourselves, and building most of the furnishings for the place off-site, that my numbers may seem low. That is part of the reason for doing this project. As an owner/operator as well as the person responsible for most of the construction I don't have the same pay rate as the other people involved in the businesses construction, therefore saving myself money. Small businesses, in my opinion, benefit from this approach and my skill level is such that I can build a quality product for less.

And lastly, the the ceiling in the kitchen has been removed to the steel beams to accommodate the Type II hood

for the ovens and the wall in the mezzanine is at full height and is sheet rocked in 5/8" fire rated drywall. The mezzanine area will only be used to store dry goods (paper supplies) and excess wine inventory.

As you will note, the kitchen layout differs from the one on the general layout pdf. This is because after meeting with Jeanie I realized some things needed to be changed to comply with her requests. I thought I had emailed this change to her but have not found the draft of such. I had met with Jeanie a number of times as well as calling with questions, all of which were answered. Everyone in your department was very helpful given the workload you all have on a daily basis. I was frustrated by the fact that I waited until 3 weeks after I filed my application, only to hear that I had to make additional changes and particularly that my labor cost was too low. i felt that 3 weeks was too long an elapsed time to then find out this information, since I am doing all the construction and for me more than most, time is very crucial. However, I would love to meet with you as soon as possible a rectify all of this and your departments concerns. I have worked with the city many times and have a genuine respect for your department and the rest of the city's departments and also have a reputation for doing things by the book and right the first time, and I do pride myself on this.

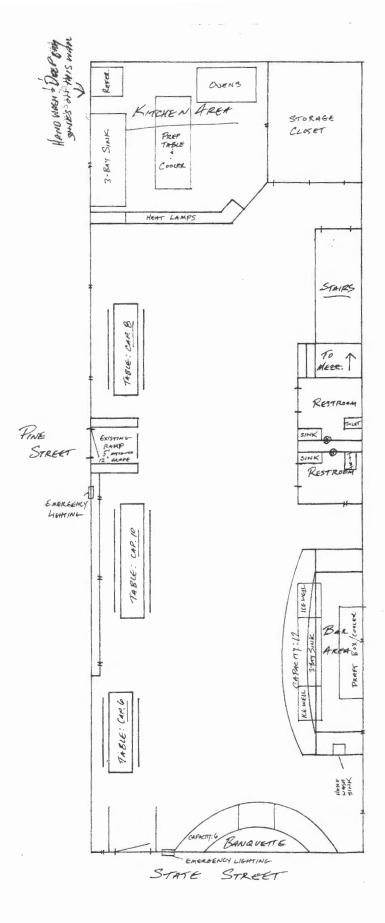
Thank you very much for your time and for the time your department has spent with me on all of this. I truly look forward to speaking with you and getting all of these things addressed. Take care.

Best,

Johnny Lomba

johnnylomba3@gmail.com cell: 206-920-7499 office: 899-3277 home: 766-0931







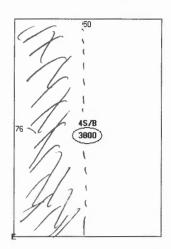
MAIN FLOOR - ELEVATION: STREET LEVEL SCALE: 1/4 = 1 FOOT 11= OUTLETS (ELECTRICAL) D= GFI

\* 1884 STATE STREET PORTLAND, MAINE

ENTIRE FLOOR IS SPRINKLED

188a Sabrie Sreet (C.C.F.K.) Parrano, Mane scale : 1/2 ° 2 Inor RECEIVED FT3222U12 Dent of Build Annual JOHNWY LOMBA 3@ GMA/L. COM Contact: Jogwy Const 206. 960. 7499 - 204 766.0931 - 4006 KNOWEN AREA HAND STORAGE SNELLES Pieza 1/2 WALL (WITH SHELVES) -145-SANDWICH COULD Paro Toroit RetriGERAR 3-Bay Died Suk Veretablic WASH SINK 14 5 7

## Page 1 of 1



Descriptor/Area A: 096 3800 sqft B: 034 1900 sqft C: 082 3800 sqft D: 031 1900 sqft E: ELEVATOR ELECTRIC PASNGR 525000 sqft F: 45/8 3800 sqft

2/23/2012



VERESABIE SANDWICH REFRIGERATOR WASA COOLER SINK PIZZA DUEN PREP 14 5 TABLE 3-BAY DISA SINK RECEIVED Dept of Building Inspections HAND MAP 12 7013 WASH SINK 1/2 WALL (WITH SHELVES) -145 \*188 STATE STREET - KITCHEN AREA CONTACT: JOHNNY LOMBA EMAIL: JOHNNY LOMBA3 COMAIL.COM \* Scare: 1/2" = 1 FOOT cell 206. 920. 7455

-	deinel Dessint
Or	riginal Receipt
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Received from	a pomba
Location of Work	139 Stare -
	70
Cost of Construction \$	Building Fee:
Permit Fee \$	Site Fee:
	Certificate of Occupancy Fee:
	Total: 195
Building (II ) Blumbing (I	Total:
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other	5) Electrical (I2) Site Plan (U2)
Other	
Other	5) Electrical (I2) Site Plan (U2)  Total Collected \$5
Other CBL: Check #: No work is to b	5) Electrical (I2) Site Plan (U2)
Other CBL: Check #: No work is to b	5) Electrical (I2) Site Plan (U2) Total Collected \$5 De started until permit issued.
Other CBL: Check #: No work is to b	5) Electrical (I2) Site Plan (U2) Total Collected \$5 De started until permit issued.
Other CBL: Check #: No work is to b Please keep ori	5) Electrical (I2) Site Plan (U2) Total Collected \$5 De started until permit issued.

