Inspections Division
Date: 12/30/13

Marge Schmuckal - Re: 501 Danforth Street

From: Chris Thompson <parallaxpartners@gmail.com>
To: Marge Schmuckal <MES@portlandmaine.gov>
Date: 12/30/2013 8:10 AM
Subject: Re: 501 Danforth Street
CC: "David O'Connell" <doconnell@portlandbuilders.com>, Bill Hopkins <hopkin...
Attachments: 501 Danforth zoning letter 3.30.10.pdf

12/30/13

Dear Marge,

Hope all is well and that you had a great holiday.

I am following up on your email to Dave O'Connell at Portland Builders dated 12/27/13 (below).

I apologize for any confusion around the 501-525 Danforth Street project.

I wanted to respond directly to the questions in your email to Mr. O'Connell.

The owner of the property is the same (501 Danforth, LLC).

There is no change of use, and no change at all from the original relationship between the accessory building and the office building -- we are simply looking to proceed with basic renovations to the 501 Danforth office building for these same tenants (affiliates of our group, as is the owner) who were listed and described in our March 30, 2010 letter (attached).

Please let me know if you have any questions or concerns, and do feel free to call me directly if you would like: 347-1614.

Thanks very much and I hope you have a happy New Year.

Chris

On Fri, Dec 27, 2013 at 12:12 PM, Marge Schmuckal <MES@portlandmaine.gov> wrote:

Hi Dave,
Is the owner of the property different than the lessee going into the principal building? If so, then there could be a complication. Storage buildings are not a listed principal use in the B-2b zone. Previously, the uses in that out building were accessory to the folks using the principal structure. It sounds like that might have changed. Can you give me some more specific information on this issue? It appears right now to be problematic.
Marge Schmuckal

>>> David O'Connell <doconnell@portlandbuilders.com> 12/27/2013 10:56 AM >>>

Happy New Year Marge, the building adjacent to 501 that you were inquiring about is a storage building for the owner of the property , please call if you have any further questions, regards Dave

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Dave O'Connell

Project Manager/Estimator

Portland Builders, Inc.

207/879-0118 office

207/772/8182 fax

207/712-2499 cell

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Do you really need to print this e-mail ? Think green...

Inspections Division
Date: 12/30/13

30 March 2010

Chris Thompson
PropSys, Inc.
55 Lisbon Street
Suite 2400
Lewiston ME 04240

Marge Schmuckal
Zoning Administrator
City of Portland
389 Congress Street
Portland ME 04101-3509

CC: Erick Giles, Planner, City of Portland
Steve Bushey, DeLuca-Hoffman Associates, Inc.

Dear Ms. Schmuckal,

We have reviewed your comments included in the Review Comments for Final Plan of March 26, 2010.

Thank you for your thorough analysis. We would like to offer the following response to your questions concerning our intended use of the existing historic building and the proposed use of the building to be constructed.

We plan to utilize the existing historic building, previously occupied by Sweetser Childrens' Services, as an office building. This is a permitted use under the B2b zone and is consistent with the existing use. The historic building will house the various companies owned and operated by our small group of partners. We intend to have several individual offices, a conference room, a lobby and reception desk, and other such spaces as befit a company that owns and operates a diverse range of businesses. Our affiliated companies, whose offices will be located in the primary building, are chiefly concerned with two key areas of enterprise:

1. Development and management of real estate: residential, health-care, hospitality, parking structures), include business consulting, investment, project management, and property/building maintenance.

2. Sports team ownership and philanthropic involvement: ownership interest in the Portland Red Claws D-League basketball team and involvement in related community events and initiatives; ownership of a NASCAR race team with a special focus on supporting NASCAR's diversity programming and its goals of introducing NASCAR involvement opportunities to women and minorities.

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We anticipate that, apart from the building tradesperson who will be primarily situated in the building to be constructed, of which more below, this office building will have as few as seven and not more than ten employees using the facility on a daily basis.

Though Sweetser's use of the building did include a highly specialized clinical facility, they used the building principally as offices (the entire upper level and much of the ground floor) as well, which is consistent with our proposed use.

As you know, this building was originally built to house the Portland Visitor's Bureau, and is a marvelous example of WPA architecture. The original detail and interior ornamentation of that building have been covered over, removed, and in some cases obliterated. One of the reasons for our interest in this property is that it represents an opportunity to restore some of the building's past historic grandeur. We worked diligently in concert with City staff and the Historic Preservation Board, from which we received a Certificate of Appropriateness on 3/17/2010, to design a new building to be built that would complement the historic building so that the two buildings' exteriors would mesh with one another and with the surrounding neighborhood.

We feel that our proposed primary use lines up squarely with the "General, business and professional offices" and "business services" as permitted uses in the B2b zone. In order to make the existing building viable for the breadth of our business activities, it is necessary for us to construct the additional building, some uses of which ("business services: building maintenance services" and "office of building tradesmen") are permitted under the B2b zone, and some of which will be accessory to the main office building. While these permitted and accessory activities are crucial to the proper functioning of the primary office building, they would not, given the nature of that building (and the uniqueness of its interior), be appropriate to house within it. Without these subsidiary uses in close proximity to the primary building, however, the office building could not, by itself, be sufficient to serve our business needs.

Regarding the "Office of building tradesmen" use, the building to be built will include an office, together with a work and tool storage area, for the building tradesman who we employ to do property maintenance for our various real estate holdings; the building will permit the additional use of this building for "building maintenance services." (In this sense, the building will house what are currently considered permitted uses: "Office of Building Tradesmen" and "building maintenance services; management and consulting services" under "Business Services" as defined in 14-47, in addition to housing uses considered accessory to the primary office building).

Section 14-404(a) defines "Accessory use" as: "A subordinate use of land or building which is customarily incidental to the main building or to the principal use of the land and which is located on the same lot with the principal building or use."

To the extent that some of the uses of the additional building to be built are in the "Accessory use" category, below is a list of those uses which we feel are "customarily incidental to the main building" and "to the principal use of the land" and so are

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legitimately, and in a manner consistent with the B2b zone, to be located in the building to be constructed.

Here are these incidental accessory uses together with explanations of how these relate to the primary professional activities that will be undertaken in the office building on the same site:

(a) One of our companies, PropSys, Inc., owns and manages hundreds of units of affordable housing across the state of Maine. By law we are required to store tenant files for several years, which we do both electronically and in hard-copy format. One of the functions of the building is to provide adequate space for this storage. While we will use a small portion of the office building to store the most current and actively referenced files, we do not feel that mass file storage, particularly of older (but still necessary) documents would be the highest and best use of the office building.

(b) For two decades we have owned and operated hotel properties in Maine and New Hampshire. In addition to a great volume of operational and marketing materials that have to stay on file, we store all construction documents, plans, and specifications for reference. We intend to store these in the building to be constructed.

(c) We are actively pursuing development opportunities, and managing construction of various projects (including one current hotel project in construction in New Hampshire now) and require space to store files and plans related to these activities. We intend to utilize the building to be constructed for this as well. For all of these three categories (a-c) it is important that these files and materials be within close proximity to the office building so that they can be accessed and consulted quickly when needed.

(d) For over a decade we have owned a NASCAR corporate business, whose office is to be headquartered in the primary office building. This company is the owner of the two motor coaches, which are used to house members of the race team at various speedways around the country. Equally important to the operation of the racing company, these vehicles also serve as venues in which to house marketing and promotional events for the racing team and its diversity programming. For meetings with prospective race team sponsors (which would occur in the primary office building), the building to be constructed will occasionally house one of the race team's show cars, together with team trophies and memorabilia, for viewing and as a necessary part of our marketing and promotional efforts.

(e) The building to be constructed would house work vehicles as may be necessary, owned by employees of the property maintenance

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company—typically not more than five, and normally fewer, such vehicles would be under cover at any given time.

Thank you for calling our attention to the inaccuracy on the site plan concerning the information shown on the Zoning analysis block. We will ensure that this is corrected on our revised plan.

The historic building's square footage by floor is as follows:

Basement: 1940 sf for storage
First floor: 2740 sf for office space
Second floor: 855 sf for office space

As concerns parking, it is our understanding of the requirements of the B2b zone that we have one space per 400 sf of office area, exclusive of the basement area not used for bulk storage. On this basis we have computed a parking requirement of 9 spaces for the primary building. We currently show 11 total spaces on the site plan, not including such parking as may be provided inside the building to be constructed.

We have also experienced difficulties in reading the current plan because of the "ghost" image of the previous plan underneath; this had been included in an effort to document the changes, but it can lead to confusion and we will correct this on our revised site plan so that it is clear.

Steve Bushey, PE, with DeLuca-Hoffman will provide under separate cover the documentation you requested concerning the decibel levels of the HVAC equipment. We do not anticipate that the relocation of the HVAC equipment will result in an increase in decibel levels. We are eager to ensure that we are good neighbors, which is to say quiet neighbors.

Mr. Bushey's response will also show that the site meets the requirement for impervious surface.

Currently we do not have any plans to add signage.

Again, we thank you for your questions. We hope that you will find that we have answered them fully and to your satisfaction.

Yours sincerely,

Chris Thompson
Vice President
PropSys, Inc.