

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

EVOLUTION PORTLAND PROPERTIES LLC/Flynn
Construction

Located at

65 WARREN AVE

PERMIT ID: 2014-00728 **ISSUE DATE:** 06/12/2014 **CBL:** 292 D014001

has permission to **New 10,080 sq ft steel building with 2,800 SF mezzanine and parking lot for Evo Rock and Fitness**

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 cloed-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 procured prior to occupancy.

/s/ Craig Messinger

Fire Official

/s/ Jeanie Bourke

Building Official

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

Approved Property Use - Zoning

health club/gymnasium use group -
Evolution Rock & fitness

Building Inspections

Use Group: A-3 **Type:** 2B
Assembly - Recreation Facility - Evo
Rock and Fitness
First Floor Occupant Load = 150
Mezzanine Occupant Load = 46
NFPA System (Required)
ENTIRE
MUBEC/IBC 2009

Fire Department

Classification:
Assembly
ENTIRE

City of Portland, Maine - Building or Use Permit

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

Permit No:

2014-00728

Date Applied For:

04/14/2014

CBL:

292 D014001

Proposed Use:

New structure for indoor rock climbing & fitness facility

Proposed Project Description:

New 10,080 sq ft steel building with 2,800 SF mezzanine and parking lot for Evo Rock and Fitness

Dept: Zoning **Status:** Approved w/Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 05/02/2014**Note:** **Ok to Issue:** **Conditions:**

- 1) Separate permits shall be required for any new signage.
- 2) When HVAC permits are applied for, they must show the dBAs emitted from the units to determine compliance with the maximum allowable noise allowances.

Dept: Building **Status:** Approved w/Conditions **Reviewer:** Jeanie Bourke **Approval Date:** 06/11/2014**Note:** **Ok to Issue:** **Conditions:**

- 1) 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.
- 2) A final special inspection report with sealed compliance letter shall be submitted prior to the final inspection or issuance of a certificate of occupancy. This report must demonstrate all deficiencies and corrective measures that were taken.
- 3) Per IBC Sec. 107.3.4.2, Deferred Submittals are required for portions of the design that have not been submitted. These plans, details and documents shall be submitted to the Inspections Office by the registered design professional in responsible charge. The work associated with these items shall not be performed prior to approval from the building official. THIS PERTAINS TO COMPLIANCE WITH THE IECC, ENERGY CODE TO SUBMIT THE COMCHECK CERTIFICATE FOR THE THERMAL ENVELOPE AND MEP SYSTEMS.
- 4) This permit is approved based upon information provided by the applicant or design professional. Any deviation from the final approved plans requires separate review and approval prior to work. A SEPARATE PERMIT IS REQUIRED FOR THE INSTALLATION OF THE CLIMBING WALL SYSTEMS. THESE PLANS SHALL INCLUDE THE LOCATION OF THE ACCESS DOORS TO THE SERVICE AREAS BEHIND THE WALLS, INCLUDING COMMON PATH OF TRAVEL EGRESS DIMENSIONS.

Dept: Fire **Status:** Approved w/Conditions **Reviewer:** Craig Messinger **Approval Date:** 06/11/2014**Note:** **Ok to Issue:** **Conditions:**

- 1) A copy of the required state sprinkler permit with RMS signoff shall be provided prior to the final inspection
- 2) Shall comply with NFPA 101, Chapter 12, New Assembly Occupancies.
- 3) All construction shall comply with City Code Chapter 10.
- 4) 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.
- 5) Application requires State Fire Marshal approval.
- 6) Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.
- 7) A sprinkler supervisory system shall be provided in accordance with NFPA 101, Life Safety Code, and NFPA 72, National Fire Alarm and Signaling Code. Sprinkler supervisory systems shall monitor for water flow and sprinkler supervisory signals via an approved fire alarm panel to central station. One smoke detector shall be located over the panel, a manual pull station located at the front door, and an audible water flow alarm provided.

PERMIT ID: 2014-00728

Located at: 65 WARREN AVE

CBL: 292 D014001

- 8) System acceptance and commissioning must be coordinated with alarm and suppression system contractors and the Fire Department. Call 874-8703 to schedule.
- 9) Installation shall be in accordance with the City of Portland Fire Department Regulations and NFPA 13 as published. A copy of the State Sprinkler permit with RMS date and signature and the Contractor's Material and Test Certificate for Aboveground Piping (NFPA 13 figure 24.1) shall be provided prior to scheduling of the final inspection.
- 10 A Knox Box is required.

Dept: DRC **Status:** Approved w/Conditions **Reviewer:** Philip DiPierro **Approval Date:** 05/08/2014

Note: **Ok to Issue:**

Conditions:

- 1) See site plan approval letter for Planning Department conditions of approval.



Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development Building Inspections Division



Location: 65 WARREN AVE

CBL: 292 D014001

Issued To: EVOLUTION PORTLAND PROPERTIES LLC

Issued Date: 03/03/2015

This is to certify that the building, premises, or part thereof, at the above location, built-altered-changed as to use under Building Permit No. 201400728 has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY ZONING

APPROVED OCCUPANCY BUILDING

health club/gymnasium use group -
Evolution Rock & fitness

Assembly - Recreation Facility - Evo Rock and Fitness
First Floor Occupant Load = 150
Mezzanine Occupant Load = 46
NFPA System (Required)
Use Group A-3
Type 2B
MUBEC/IBC 2009

LIMITING CONDITIONS:

Approved: /S/ Doug Morin

Inspector

Inspection Division Director

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.

comment Submitted 7/16/13

comment Submitted 7/18/13 City of Portland

comments Submitted 8/9/13 Development Review Application
Planning Division Transmittal Form

Application Number: 2013-163

Application Date: 07/01/2013

CBL: 292 D014001

Application Type: Level III Site Plan Under 50,000 sq f

Project Name: Evolution Rock and Fitness

Address: 65 WARREN AVE

Project Description: Proposed 13,000 sq. ft. bld. With associated parking and landscaping. Existing use of site is a paved parking lot.

Zoning: B4/R3

Other Required Reviews:

- Traffic Movement
- Storm Water
- Subdivision
- Site Location
- 14-403 Streets
- # Units _____
- Flood Plain
- Shoreland
- Design Review
- Housing Replacement
- Historic Preservation
- Other:
- # Lots _____
- # Unit _____

Distribution List:

Planner	Jean Fraser	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 7/10/2013

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-163
Date: 8/9/2013

Comments Submitted by: Marge Schmuckal/Zoning on 8/9/2013

I have reviewed the recent submissions concerning the parking analysis for both lots. I have accepted the analysis. Both lots are meeting the parking requirements for their respective lots.

Evolution Rock & Fitness is meeting the B-4 requirements. In addition to a building permit for the new building, separate permits are required for any new signs. Separate permits are required for HVAC systems that must comply with maximum sound limits. DBA levels must be submitted with the HVAC applications.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-163
Date: 7/16/2013

Comments Submitted by: Marge Schmuckal/Zoning on 7/16/2013

This project divides an existing lot into two lots. There is an existing parking lot where the newly proposed indoor rock climbing facility is to be built. The property is located in a B-4 Zone where health clubs and gymnasiums are listed as an allowed use. The proposed plans show that front, rear, and side setbacks are being met along with building height and impervious surface ratio of 80% and the floor area ratio. My counting of the number of parking spaces is 32 where 33 are required. One more parking space is required for the floor area shown.

At a pre-site plan meeting, it was relayed to the applicant that a full parking analysis would be required to show that the remainder property with an existing use met the required number of parking spaces. I saw no parking analysis included in the application. I need to be sure BOTH lots, new and old, are meeting the B-4 Zone requirements.

I will wait for the additional information to complete my review.

Marge Schmuckal
Zoning Administrator

SEBAGO

July 30, 2013
12406

Ms. Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Viewed
8/9/13

Evolution Rock and Fitness, LLC -Level III - Site Plan Application
Staff Review Comments, dated July 19, 2013

Dear Jean:

On behalf of Evolution Rock and Fitness, LLC. I am writing to respond to the staff review comments we received from you on July 19, 2013, regarding the Level III Site Plan Application for the proposed indoor rock climbing and fitness facility located at 65 Warren Avenue. The text of those comments are included in italics, followed by our response in bold text.

VI. ZONING ANALYSIS

The Zoning Administrator, Marge Schmuckal, has confirmed that the proposal meets zoning requirements. (Attachment 2). However, since the site was the overflow parking for the lot to the east (Lifestyle Fitness and owned by the current owner of the subject lot) she has requested further information to confirm that the remaining parking on the lot to the east is adequate or the use of that building (based on floor space, not on the particular use that may be occupying the building at this time);

"At a pre-site plan meeting, it was relayed to the applicant that a full parking analysis would be required to show that the remainder property with an existing use met the required number of parking spaces. I saw no parking analysis included in the application. I need to be sure BOTH lots, new and old, are meeting the B-4 Zone requirements." (Attachment 2)

It should be noted that the Traffic Engineering Reviewer has also commented on this question (see below).

We have prepared a parking analysis for the project and it is included with this submission. The parking study indicates that from aerial imagery that the building appears to be approximately 19,200 SF (Tax records indicate 18,900 SF) based on the current off street parking requirement of 1 space for each 400 SF floor area. The total required parking will be 48 spaces. The same aerial plane indicates that 69 formal spaces exist and that an additional 12-14 spaces exist for parking over gravel areas. This far exceeds the parking requirement for the existing health club.

OK

PROJECT DATA

The following information is required where applicable, in order complete the application.

Total Area of Site	83,199	sq. ft.
Proposed Total Disturbed Area of the Site	32,335	sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland		
Impervious Surface Area		
Impervious Area (Existing)	21,853	sq. ft.
Impervious Area (Proposed)	27,203	sq. ft.
Building Ground Floor Area and Total Floor Area		
Building Footprint (Existing)	N/A	sq. ft.
Building Footprint (Proposed)	13,000	sq. ft.
Floor Area (Existing)	N/A	sq. ft.
Floor Area (Proposed)	13,032	sq. ft.
Zoning		
Existing	B-4 COMMERCIAL CORRIDOR/R3 Residential	
Proposed, if applicable	N/A	
Land Use		
Existing	PAVED PARKING, LANDSCAPING, WOODS	
Proposed	BUILDING, PAVED PARKING, LANDSCAPING, WOODS	
Residential, if applicable		
Residential Units (Existing)	N/A	
Residential Units (Proposed)		
# Number of Lots (Proposed)		
Affordable Housing Units (Proposed)		
Efficiency Units (Proposed)		
One-Bedroom Units (Proposed)		
Two-Bedroom Units (Proposed)		
Three-Bedroom Units (Proposed)		
Parking Spaces		
Parking Spaces (Existing)	57	
Parking Spaces (Proposed)	33	
Handicapped Spaces (Proposed)	2	
Bicycle Parking Spaces		
Bicycle Spaces (Existing)	0	
Bicycle Spaces (Proposed)	4	
Estimated Cost of Project		

Exhibit 3Project Description

Evolution Rock & Fitness currently has executed a purchase and sale agreement for the property identified as 55 Warren Avenue in Portland. The parcel is identified as Lot 14; Block D on the City of Portland Tax Map 292 and is located in the B-4 Commercial Corridor Zone and the R3 Residential Zone. The parcel proposed for construction is currently an 83,289 SF parcel developed as a part of the former Lifestyle Fitness gym as a parking lot and is the second of two lots owned by Lifestyle Fitness. The applicant is proposing to construct an approximately 13,000 SF building with associated paved parking and landscaping. The proposed building will be situated over a portion of the existing paved parking area resulting in net new impervious area of 5,350 S.F.

The proposed construction involves the removal of a portion of the existing parking area and the construction of the proposed building. A portion of the undeveloped area on the northern portion of the parcel will be developed to support the project. The remainder of this area, to the rear of the lot, is vegetated with mixed woods and low to medium brush understory.

The project site is located within the headwaters of Capisic Brook. The Capisic Brook watershed is identified as an Urban Impaired Stream Watershed by the Maine Department of Environmental Protection. As the project will create only 5,350 SF of new impervious surface area it will not be subject to the MDEP Stormwater Permitting. The project will be required to meet the City of Portland's stormwater regulations for the new impervious surface area.

Utilities will be provided from existing services for sewer and water, which are provided for the existing building on site. All lighting will meet City standards for photometric measurements.

In 1997 a proposed building and parking expansion was proposed in this portion of the site. At that time the project was approved by the city, and the project received approval from the Army Corps of Engineers to fill 8,900 S.F. of wetlands. As this project was not constructed the wetlands were not filled. We have overlaid the 1997 wetland delineation line on the current project site and calculated wetland fill areas that appeared to be associated with enlarging the on-site detention basin and with the landscaped slope area on the northern portion of the expanded parking area. Prior to beginning this project we estimate approximately 3,317 sf of wetlands were filled. With the construction of this project we will impact an additional 845 s.f. of wetlands. The combined total wetland fill area is approximately 4,162 s.f., below the MDEP permitting threshold of 4,300 sf.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dudson
Bill Hall
Jack Soley

RECEIVED

AUG 21 2013

Dept. of Building Inspections
City of Portland Maine

August 19th, 2013

Hilary Harris
Evolution Rock & Fitness, LLC
PO Box 22
Concord, NH 03301

James Seymour
Sebago Technics
75 John Roberts Road
South Portland, ME 04106

Project Name: **Evolution Rock & Fitness: Indoor Rock Climbing and Fitness Facility**
Project ID: 2013-163 CBL: 292 D 014-001
Address: 65 Warren Avenue, Portland
Joint Applicants: Evolution Rock & Fitness, LLC
Planner: Jean Fraser

Dear Ms. Harris and Mr. Seymour:

On August 13th, 2013, the Planning Board considered the Level III Site Plan application for the proposed 13,032 sq. ft. single story building (with mezzanine), with 33 parking spaces and associated landscaping, for an Indoor Rock Climbing and Fitness Facility. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, and other regulations.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #35-13 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 5-0 (Boepple and O'Brien absent) to approve the application with the following waiver and conditions as presented below:

WAIVER

1. *Size of standard parking spaces*

The Planning Board voted 5-0 (Boepple and O'Brien absent) to waive the Technical Standard, Section 1.14, to allow one standard parking space, located on the site boundary, to be reduced by up to 2 feet in width for part of its length.

SITE PLAN REVIEW

The Planning Board voted 5-0 (Boepple and O'Brien absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That the applicant shall submit, for the City's Associate Corporation Counsel and Department of Public Services review and approval prior to the issuance of a building permit, final easement(s) and a maintenance agreement that allows for stormwater collection/discharge from this property to be managed on the property to the east of the subject property; and
- ii. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of a building permit, evidence of the applicant's financial and technical capacity; and

- iii. That the Site Plan and Landscaping Plan shall be revised and submitted for review and approval by the City Arborist and the Planning Authority prior to the issuance of a building permit; the revisions shall:
 - a) demarcate the final treeline approximately 30 feet to the rear of the building, and note on these plans that all trees to the north of this treeline shall be protected and preserved unless they present a hazard due to disease or storm damage, or are approved to be removed as part of a subsequent site plan approval; and
 - b) include enhanced landscape of islands, including at least 2 trees; and
 - c) consistently depict the pedestrian walkway along the east drive access and show it as ADA compliant; and
 - d) address CPTED objectives to maximize surveillance of walkways and parking areas.
- iv. That if during special events the parking demand exceeds the identified overflow supply (either from evidence of vehicles parking on Warren Avenue or vehicles parking in abutting parking areas not established as overflow parking sites), the applicant shall provide documentation to the Planning Authority that additional parking areas have been secured for future events; and
- v. That the applicant shall ensure that the contractor adheres to the submitted Construction Management Plan and maintains the sidewalk on Warren Avenue as open and safe for pedestrians to use at all times during construction; and
- vi. That the applicant shall contribute \$365 to the Capisic Brook water quality treatment program to address the required mitigation of project impacts; and
- vii. That the applicant shall address the Fire Prevention standards, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated August 1, 2013, to the satisfaction of the Fire Department prior to the issuance of a building permit; and
- viii. That the applicant shall submit, for review and approval by the Planning Authority, a photometric plan and supporting information to confirm the location of the lights (with an additional light on the west side of the building) and that the lighting levels for the parking lot and walkway areas meets the City's Technical Standards, with any deficiencies addressed by installation of additional lighting; all prior to the issuance of a Certificate of Occupancy; and
- ix. That the applicant shall submit a copy of the ability to serve (water supply and pressure) letter from the Portland Water District prior to the issuance of a building permit; and
- x. That separate reviews and permits are required for new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the B4 zone.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

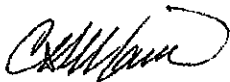
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Fire Prevention comments, Captain Chris Pirone e-mail of August 1, 2013
2. Planning Board Report #35-13
3. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File