

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

December 30, 2014

Paul F. Driscoll, Esq.
Norman, Hanson & DeTroy, LLC
Two Canal Plaza
P.O. Box 4600
Portland, ME 04112-4600

Re: One India Street, Tax Map 19-B-1, B-6 Eastern Waterfront Mixed Zone with a Historic Overlay Zone

Dear Mr. Driscoll:

This responds to the request made in your letter of December 9, 2014 on behalf of LRAR LLC for a zoning determination for the above-referenced parcel. The proposed lot at One India Street containing 9,373 square feet is shown on the attached plan prepared by John W. Swan, PLS, of Owen Haskell, Inc. entitled "Amended Condominium Plat, The Longfellow, A Condominium", dated September 26, 2014 and is part of the land depicted on City of Portland Tax Map 19-B-1 and comprises a portion of the land currently comprising the "Longfellow Condominium" (the "Condominium") as more particularly described below. The land that abuts the land currently comprising the "Condominium" is owned by LRAR LLC. The property is located in B-6 Eastern Waterfront Mixed Zone (Division 15.1 of the City's Land Use Ordinance). The Grand Trunk Railroad Building on the property is also located in the Portland Waterfront Historic District.

The "Condominium" consists of two Units within the former Grand Truck Railroad Building and was created by LRAR LLC pursuant to a Declaration of Condominium dated September 29, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24419, Page 122 (the "Declaration"). The September 26, 2014 Amended Condominium Plat referred to above will amend the "Condominium Parcel" shown on the Condominium Plat of the "Longfellow Condominium" recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 618 to reduce the size thereof. The lot currently comprising the Condominium was originally created as part of the waterfront development project by the City of Portland and State of Maine as shown on the subdivision plan recorded in the Registry of Deeds in Plan Book 193, Page 187. This latter plan was later amended as part of the Ocean Gateway project by the

City of Portland as shown on the subdivision plan recorded in the Registry of Deeds in Plan Book 204, Page 622. All plans are included in the City of Portland file record for this parcel.

On September 29, 2006, LRAR LLC conveyed Unit No. 1 in the "Condominium" to GSB Corporation by Quitclaim Deed with Covenant of that date recorded in the Registry of Deeds in Book 24420, Page 30. The sole remaining Unit in the "Condominium", Unit No. 2, is under contract for sale by LRAR LLC to GSB Corporation. LRAR LLC has represented in your letter on its behalf dated December 9, 2014 that GSB Corporation will utilize the two Units in the "Condominium" for all uses permitted in the Zone including, but not limited to, commercial office space. LRAR LLC will continue to own the adjacent (non-condominium) land shown on the Amended Condominium Plat referred to above, including the portion of the parcel currently comprising the "Condominium" that will be removed from the "Condominium" as a result of the reduction in the size of said parcel. LRAR LLC has further represented in your letter on its behalf dated December 9, 2014 that LRAR LLC will release all development rights reserved in the Declaration for the development of its adjacent land, including the right to declare and add new units to the condominium on the adjacent land. The release of the reserved development rights will occur as part of the closing transaction on the sale by LRAR LLC to GSB Corporation. All parking associated with GSB Corporation's use of the Units will be met by either on-site parking or by leasing parking spaces in the nearby Ocean Gateway Garage or in other available parking facilities. There is, however, no specific minimum number of parking spaces required for the Condominium by the land use ordinance except to maintain any existing parking spaces.

The City of Portland hereby confirms that there are no active or anticipated land-use complaints pending against the "Condominium". The City further confirms that the present use of the property is in compliance with all City of Portland land-use requirements, including those relating to zoning and subdivision. The City further confirms that the proposed reduction of the size of the parcel currently comprising the "Condominium" to conform to the Amended Condominium Plat referred to above prepared by Owen Haskell, Inc. from the size of the parcel shown on the subdivision plan recorded in the Registry of Deeds in Plan Book 204, Page 622 does not violate any applicable zoning, subdivision or land-use requirement of the City of Portland and will remain compliant with all City of Portland land-use ordinances, including those governing zoning and subdivisions.

Lastly, the Planning Division confirms that LRAR LLC does require approval of the amended plat pursuant to Section 14-496 (c) *Alterations to an Approved Plat*. The Director of Planning and Urban Development is authorized to sign an amended plat when the following criteria are met:

1. *The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area;*
2. *The alteration will not affect any street, alley, utility easement or drainage easement;*
3. *The alteration meets all of the minimum requirements of this article, article III of this chapter on zoning and other applicable state and local codes;*
4. *The alteration is approved by the public works authority and the fire department.*

Based upon the information provided, the review of the amended plan can be done administratively and will not require Portland Planning Board review for the reduction in the size of said parcel.

This zoning determination is given on the basis of representations set forth in your letter of December 9, 2014. Nothing contained in this letter shall prevent the City of Portland from enforcing any of its land-use ordinances applicable to the "Condominium".

Very truly yours,



Ann B. Machado
Acting Zoning Administrator
City Of Portland
207.874.8709
amachado@portlandmaine.gov