



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

November 3, 2015

Robert E. Stevens, Esq.
Curtis Thaxter
One Canal Plaza
Suite 1000
Portland, ME 04101

RE: Ocean Gateway Parking Garage, 167 Fore Street, Portland, ME (Map 20, Block F, Lot 1)
(the "Property")

Dear Mr. Stevens:

I am in receipt of your request for a determination letter concerning the Property. The Property is located in the B5b Urban Commercial Mixed Use Zone, and the current uses of the Property as a parking garage and retail space are permitted uses within this Zone¹. The building was approved as a 720 stall parking garage with retail space under permit #07-1013 with the condition that separate permits be applied for the tenant fit-ups for the retail use. The final certificate of occupancy that was issued on 12/16/2009 was for the 720 parking spaces in the garage area. There have been no permits applied for to fit up the retail spaces and therefore no certificates of occupancy issued for the retail use. The Property is consistent with the requirements for a B5b Zone, as set forth in the City of Portland Design Manual.

Based upon my recent review of the City's ordinances, to the best of my knowledge, I believe that the Property, as developed, conforms with all land use and development restrictions contained in these ordinances, including all applicable building, land use and subdivision regulations. To the best of my knowledge, I confirm that all appropriate and required City permits, licenses, and approvals have been provided for the current use of the Property. I am unaware of any pending or contemplated land use or zoning actions with respect to the Property, nor am I aware of any notices of violation that have been issued by our office in connection with the Property.

For your reference I have attached the temporary certificate of occupancy issued 6/30/2008 and the final certificate of occupancy issued 12/16/2009 for the 720 space parking garage. I have also

¹ According to Chapter 14 of the City of Portland Land Use Ordinance, Sec. 14-230.1, (a)6 states that "Retail and service establishments except convenience stores with gas pumps" are permitted uses. Sec. 14-230.1(a)13 states that "Off-street parking lots and garages except in the B-5 zoning district between Forest Avenue and Franklin Street surface parking lots shall be considered a conditional use."

attached the foundation permit (#061824) and the building permit (#071031) and the Zoning Approval Sheet for Site Plan 2006-0235.

If you have any questions regarding this matter, please feel free to contact me at (207) 874-8709.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Machado', with a long horizontal flourish extending to the right.

Ann Machado
Zoning Administrator
Planning & Urban Development
City of Portland, Maine