

April 18, 2018

VIA E-MAIL
AND REGULAR MAIL

Ms. Ann Machado
Zoning Administrator
City of Portland
389 Congress Street
Portland, ME 04101

Re: Housing Preservation and Replacement Ordinance

Dear Ann:

This office represents Thomas A. Toye, III, and his entity, Bayside III, LLC, which owns the building at 203 Oxford Street, where the City of Portland's homeless shelter is located.

As you may be aware, the City has been working with Tom and Morris Fisher at The Boulos Company on Tom's behalf, regarding possibly terminating its lease for the shelter and moving the shelter operations.

This has led us to consider whether a change in the building to a non-residential use would trigger any penalties under the Housing Preservation and Replacement Ordinance (Section 14-483 of the City Code).

Morris Fisher has been communicating with Jeff Levine regarding this issue. Jeff recently emailed Morris and stated that, after researching the language in the Ordinance, he "*would view the shelter as one "unit." That means that, unless the reuse were surface parking, it would not be subject to the replacement requirements of 14-483.*"

We are of course fully confident in Jeff's knowledge of the Ordinance, his analysis of the Ordinance, and his authority to make this determination as Director of the Planning and Urban Development Department. However, out of an abundance of caution, I write to ask you to confirm that Jeff's interpretation of Section 14-483 is correct, and that the Planning and Urban Development Department has sole authority to determine, as a factual matter, the applicability of Section 14-483 to a particular building, in this case, 203 Oxford Street.

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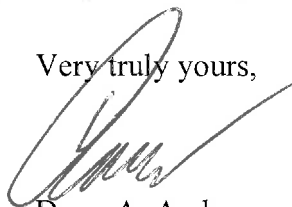
Ms. Ann Machado

April 18, 2018

Page 2

Please let me know if you need any further information from me. Thank you for your attention, and I look forward to hearing from you.

Very truly yours,



Drew A. Anderson

DAA/kgw

cc: Thomas A. Toye, III (via e-mail)
Morris Fisher (via e-mail)