



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

April 1, 2014

OneTen Exchange LLC

ATTN: Casey Prentice

PO Box 17919

Portland, ME 04112

RE: 110 Exchange Street – 032-H-001-001 (the "Property") – B-3 Zone with Historic Overlay and a Pedestrian District Overlay (PAD) Zone

Dear Mr. Prentice,

I am in receipt of your request for a determination letter concerning the Property. The Property is located in a B-3 Downtown Business Zone (the "B-3" Zone") with a Historic Overlay and a Pedestrian Overlay and a Downtown Entertainment Overlay. In the underlying B-3 Zone, certain residential, commercial and other uses are permitted.

The first floor of the Property is currently used for a restaurant, the second and third floors of the Property are currently used for office space and the fourth floor of the Property is currently used for residential. The current uses on the Property are permitted in the B-3 Zone. Currently there are certificates of occupancy for the restaurant on the first floor and for the single family residential on the fourth floor. Although no certificate of occupancy was found for the offices on the second and third floors, past permits in our microfiche show that office use permits have been issued in the past for those floors. Because the uses are prior to our Land Use Zoning Ordinance (which has a 1957 basis), there should be no concern for the lack of a certificate of occupancy for the second and third floors. The lack of a certificate of occupancy for the second and third floor is not considered a violation of the Land Use Zoning Ordinance. I am not aware of any proposed text changes to the Land Use Zoning Ordinance. I am not aware of any proposed zone changes to the Zoning Map that would affect the Property or its current use(s).

To the best of my knowledge, the Property, as developed, conforms with all land use and development restrictions contained in all of the City of Portland's Ordinances, including applicable building, land use and subdivision regulations, and all appropriate and required of Portland permits, licenses, and approvals have been provided for the current use and development of the Property.

I am unaware of any pending or contemplated land use or zoning actions with respect to the Property. If you have any questions or require additional information, please do not hesitate to contact me at 874-8695.

Very Truly Yours,


Marge Schmuckal, Zoning Administrator, City of Portland, Maine



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 110 EXCHANGE ST CBL 032 H001001

Issued to The Oneten Company Llc /Peter Noone Date of Issue 01/25/2011

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. 10-0458, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES
4th Floor

APPROVED OCCUPANCY
SCANNED
Residential Condo
Use Group R3
Type B
IBC-2003

Limiting Conditions: This is a change of use only permit and is not intended to certify building code compliance.

This certificate supersedes certificate issued

Approved: 1-25-11
(Date) [Signature]
Inspector

[Signature]
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 110 EXCHANGE ST CBL 032 H001001

Issued to The Oneten Company Llc /Jon Sampson Date of Issue 07/21/2009

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. 09-0025, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES
The Corner Room

APPROVED OCCUPANCY
Commercial Restaurant
Use Group A2
Type 3B
IBC 2003

Limiting Conditions: Occupant load: 80

This certificate supersedes
certificate issued 7/11/09

Approved:

7/21/09
(Date)

Joemie Burke
Inspector

Joemie Burke 7/22/09
Inspector of Buildings

CAPT. K. Sautter
07/22/09

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CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 110 EXCHANGE ST CBL 032 H001001

Issued to The Oneten Company Llc /Peter Noone Date of Issue 01/25/2011

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. 10-0458, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES
4th Floor

APPROVED OCCUPANCY
Residential Condo
Use Group R-3
Type 5B
IBC-2003

Limiting Conditions: This is a change of use only permit and is not intended to certify building code compliance.

This certificate supersedes
certificate issued

Approved:

1-25-11
.....
(Date)

.....
Inspector

.....
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

OneTen Exchange LLC
ATTN: Casey Prentice
PO Box 17919
Portland, ME 04112

March 11, 2014

VIA EMAIL & HAND DELIVERY

Marge Schmuckal
Zoning Administrator
City of Portland, Maine
389 Congress Street
Portland, ME 04101
Phone: 207.874.8695
Email: mes@portlandmaine.gov

RECEIVED
MAR 24 2014
Dept. of Building Inspections
City of Portland Maine

RE: 110 Exchange Street, Portland, Maine (the "Property")

Parcel ID: 032-H-001-001

Dear Marge,

OneTen Exchange LLC ("110 Exchange") is the prospective purchaser of the above-referenced Property. As part of the due diligence for the purchase, 110 Exchange is seeking confirmation regarding certain zoning information relating to the Property. As such, I am asking that you please confirm the statements made below by counter-signing at the bottom of this letter and returning it to me by email pdf to cwp@prenticehospitality.com. Please send me the original by regular mail.

The Property is located in the B3 Zone (the "B3 Zone"). In the B3 Zone, certain residential, commercial and other uses are permitted.

The first floor of the Property is currently used for a restaurant, the second and third floors of the Property are currently used for office space and the fourth floor of the Property is currently used for residential. The current uses on the Property are permitted in the B3 Zone and the existing certificate of occupancy for the Property permits the specific uses identified in the preceding sentence. There are currently no posted changes to the Ordinance nor are there any posted zoning map changes which would affect the Property or its current use.

The Property, as developed, conforms with all land use and development restrictions contained in all of the City of Portland's Ordinances, including applicable building, land use and subdivision regulations, and all appropriate and required City

of Portland permits, licenses, and approvals have been provided for the current use and development of the Property.

Please also confirm that you are unaware of any pending or contemplated land use or zoning actions with respect to the Property.

Of course, if you should have any questions or require additional information, please do not hesitate to contact me. Thank you in advance for your time and assistance.

Sincerely,

OneTen Exchange LLC



By: Casey Prentice, Manager

Seen and agreed to:

Code Enforcement Officer
City of Portland, ME

Date

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1872	Applicant: THE ONETEN COMPANY LLC
Project Name: 110 EXCHANGE ST	Location: 110 EXCHANGE ST
CBL: 032 H001001	Application Type: Determination Letter
Invoice Date: 03/24/2014	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
Total Current Fees:	+	\$150.00
Total Current Payments:	-	\$150.00
Amount Due Now:		\$0.00

CBL: 032 H001001
Bill to: THE ONETEN COMPANY LLC
 401 NORTH ACE # 307
 SAN RAFAEL, CA 94903

Application No: 0000-1872
Invoice Date: 03/24/2014
Invoice No: 44464
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

[Applications](#)

[Doing Business](#)

[Maps](#)

[Tax Relief](#)

[Tax Refl](#)

[Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL 032 H001001
Land Use Type OFFICE & BUSINESS SERVICE
 Verify legal use with Inspections Division
Property Location 110 EXCHANGE ST
Owner Information THE ONETEN COMPANY LLC
 401 NORTH ACE # 307
 SAN RAFAEL CA 94903
Book and Page 25587/251
Legal Description 32-H-1 EXCHANGE ST 106
 (CALLED 110)
 FEDERAL ST W 184-188
 2717 SF
Acres 0.0624

Current Assessed Valuation:

TAX ACCT NO.	4714	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$180,400.00	THE ONETEN COMPANY LLC
BUILDING VALUE	\$996,200.00	401 NORTH ACE # 307
NET TAXABLE - REAL ESTATE	\$1,176,600.00	SAN RAFAEL CA 94903
TAX AMOUNT	\$22,837.82	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built	1900
Style/Structure Type	DOWNTOWN ROW
# Units	1
Building Num/Name	1 - CORNER ROOM
Square Feet	13305

[View Sketch](#) [View Map](#) [View Picture](#)

Exterior/Interior Information:

Building 1

Levels	B1/B1
Size	2661
Use	SUPPORT AREA
Height	8
Heating	NONE
A/C	NONE

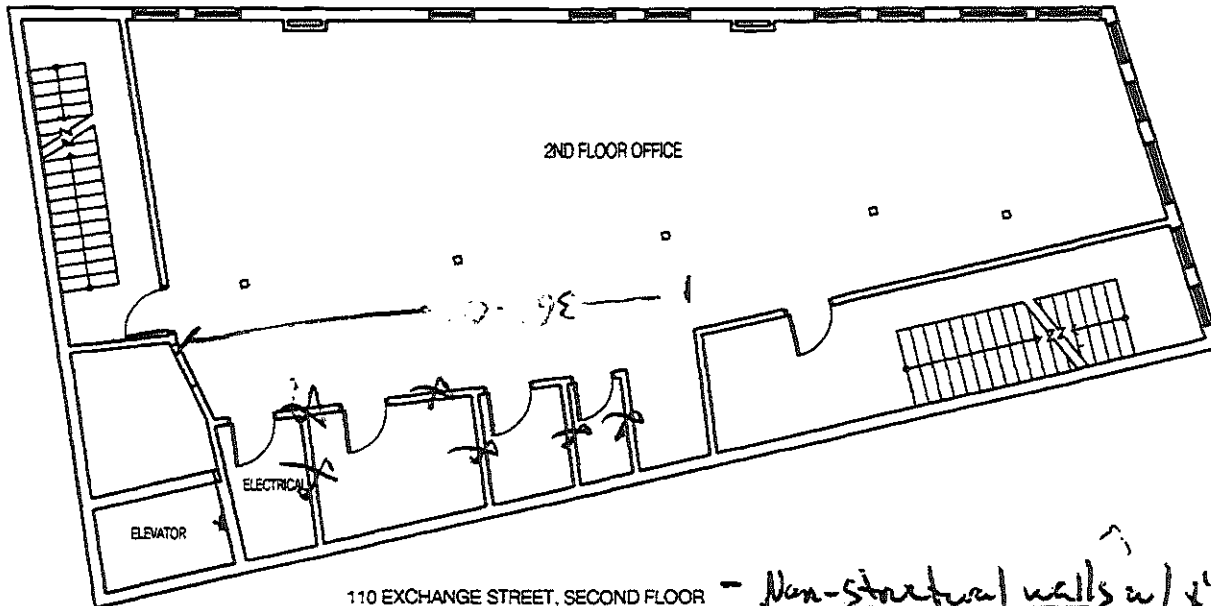
Building 1

Levels	01/01
Size	2661
Use	RESTAURANT
Height	2
Walls	BRICK/STONE
Heating	HW/STEAM
A/C	UNIT



#08-0888

FEDERAL STREET



EXCHANGE STREET

110 EXCHANGE STREET, SECOND FLOOR
1/8" = 1'-0"

- Non-structural walls w/ x's to be removed
- Ceilings remain - No Fire rock or fire blocking will be needed. Original plaster ceilings stay in place.

SHEET TITLE	PROJECT	DATE	PROJECT ADDRESS
SECOND FLOOR	110 EXCHANGE	08.01.08	

Propect Design
434 FORE STREET
PORTLAND, ME 04101
P 207.749.7400

DRAWING
A1.2

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0458	Issue Date:	CBL: 032 H001001
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Location of Construction: 110 EXCHANGE ST	Owner Name: THE ONETEN COMPANY LLC	Owner Address: 19 HANSON ST	Phone:
Business Name:	Contractor Name: Peter Noone	Contractor Address: 246 Main Street Westbrook	Phone: 2077490519
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-3

Past Use: Commercial - School - <i>4th floor</i>	Proposed Use: Residential Condo - Change of use <i>4th floor</i> from school to Condo / tenant fit-up	Permit Fee: \$395.00	Cost of Work: \$30,000.00	CEO District: 1
FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>w/conditions 5/19/10</i>		INSPECTION: Use Group: <i>R/A-2</i> Type: <i>IDBC-2003</i> Signature: <i>JMB 5/19/10</i>		

Proposed Project Description: Change of use from school to Condo / tenant fit-up - <i>4th floor</i> <i>1st Floor Restaurant - Comm Room</i>	PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____
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Permit Taken By: Idobson	Date Applied For: 05/03/2010	Zoning Approval	
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <i>approved w/conditions</i> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>JMB for MES 5/19/10</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input checked="" type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>JMB 5/19/10</i>
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PERMIT ISSUED

MAY 19 2010

City of Portland

CERTIFICATION

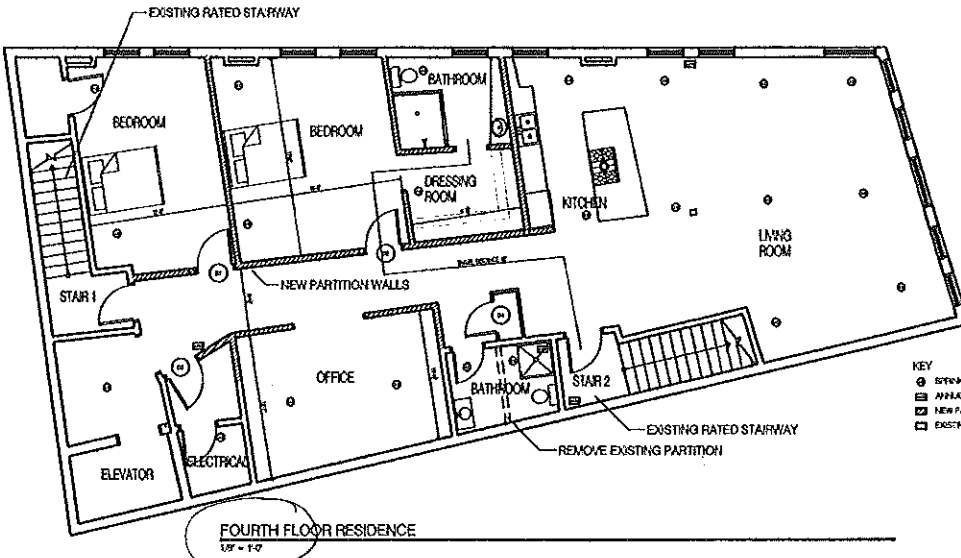
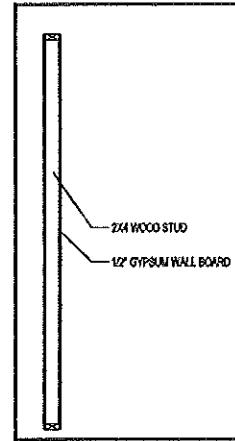
I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

4th Floor - RS

10-0450

DOOR AND FRAME SCHEDULE								
MARK	DOOR SIZE			MATERIAL	FRAME		FIRE RATING LABEL	NOTES
	WD	HGT	THK		MATERIAL	FINISH		
0	2'-0"	6'-0"	2"	SOLID CORE BRD	WOOD	W/	--	All in-kitchen doors are...
1	2'-0"	6'-0"	2"	SOLID CORE BRD	WOOD	W/	1/2	...
2	2'-0"	6'-0"	2"	SOLID CORE BRD	WOOD	W/	1/2	...
3	2'-0"	6'-0"	2"	SOLID CORE BRD	WOOD	W/	1/2	...
4	2'-0"	6'-0"	2"	SOLID CORE BRD	WOOD	W/	1/2	...



- KEY
- SPRINKLER HEAD
 - AIR RADIATOR
 - ▨ NEW PARTITION
 - ▤ EXISTING WALLS

SHEET TITLE
FOURTH FLOOR RESIDENCE
 PROJECT
110 EXCHANGE STREET

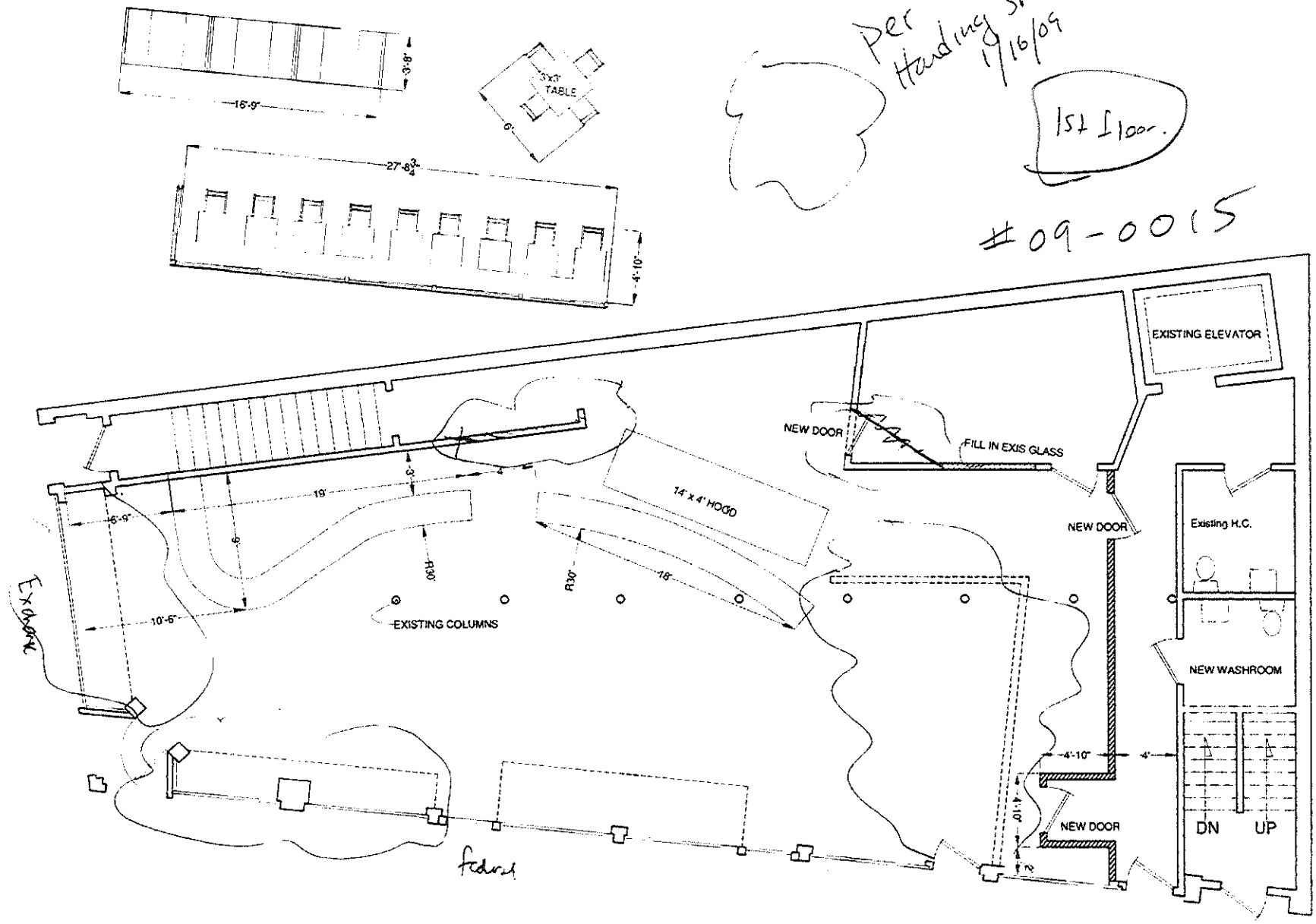
Prospect Design
 424 FORE STREET
 PORTLAND, ME 04103
 P 807.749.7400

A-1.4

Per Harding Smith
1/16/09

1st Floor.

#09-0015





CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 110 EXCHANGE ST CBL 032 H001001

Issued to The Oneten Company Llc /Jon Sampson Date of Issue 07/01/2009

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. 09-0025, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

POSITION OF BUILDING OR PREMISES

The Corner Room

APPROVED OCCUPANCY

Commercial Restaurant
Use Group A2
Type 3B
IBC 2003

Limiting Conditions:

Temporary occupancy for soft opening from 07/01/2009 until 07/17/2009.
Occupant load 80

This certificate supersedes
certificate issued

Approved:

07/01/09
(Date)

[Signature]
Inspector

[Signature]
Inspector of Buildings

Bill P.F.O
07/01/09

Notice: This certificate identifies initial use of building in question, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or issuer for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 110 EXCHANGE ST CBL 032 H001001

Issued to The Oneten Company Llc /Jon Sampson Date of Issue 07/21/2009

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PORTION OF BUILDING OR PREMISES
The Corner Room

APPROVED OCCUPANCY
Commercial Restaurant
Use Group A2
Type B
IBC 2003

Limiting Conditions: Occupant load: 80

This certificate supersedes certificate issued 7/1/09

Approved: 7/21/09 *Jonnie Bouke*
(Date) Inspector

James B. L. 7/22/09
Inspector of Buildings

MA. K. Hutchins
07/22/09

Notice: This certificate becomes null and void if not posted, and ought to be transferred from owner to owner when property changes hands. There will be a penalty to owner or lessee for one dollar.

City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 110 Exchange St		Owner: Malone, Mark & Joseph		Phone:		Permit No: 980151
Owner Address:		Lessee/Buyer's Name:		Business Name:		
Contractor Name: Dayton Properties		Address: 276 Brackett St Ptd, ME 04102		Phone: 879-7771		<div style="border: 2px solid black; padding: 5px; text-align: center;"> PERMIT ISSUED Permit Issued: 25 1998 CITY OF PORTLAND </div>
Past Use: Office/Retail		Proposed Use: Same		COST OF WORK: \$ 6,000.00 PERMIT FEE: \$ 50.00		
Proposed Project Description: Interior Renovations - First & Third Floors		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group <i>3M</i> Type <i>3B</i> Signature: <i>[Signature]</i>		Zoning: <i>B-3</i> CBL: 032-H-001 Zoning Approval: <i>12 ft to remain retail</i> Special Zone or Reviews: <input type="checkbox"/> Shoreland <i>OK</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Signature: _____ Date: _____		
Permit Taken By: Mary Gresik		Date Applied For: 20 February 1998				Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

PERMIT ISSUED WITH REQUIREMENTS

Approved for interior work only - applicant to submit detailed plans for structural work.

Date: *2/23/98*

DA

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT: *[Signature]* Greg Dayton ADDRESS: 276 Brackett St DATE: 20 February 1998 PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

CEO DISTRICT 2