



Planning & Urban Development Department

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

March 13, 2015

Mary E. Costigan
Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Re: 10 Exchange Street – 10 Exchange Properties, LLC – 032-I-012, 013 & 017 – the “Property” – B-3
Downtown Business Zone with a Historic Overlay Zone and a Downtown Entertainment Overlay Zone

Dear Ms. Costigan,

This letter is in response to your letter dated February 18, 2015 asking for a zoning determination for the property located at 10 Exchange Street.


Your questions pertain to the existing residential units on the third and fourth floors of the Property. Our records show that the legal use of the third floor is fourteen (14) dwelling units and the legal use of the fourth floor is thirteen (13) dwelling units.

In answer to your first question, converting the existing residential units on the third and fourth floors of the property to residential condominiums does not trigger subdivision. Converting residential units to residential condominiums is a change of ownership only; it does not constitute a change of use.

In answer to your second question, although the residential units on the third and fourth floors have been vacant for approximately six years, if they are being converted to residential condominiums, the owner must submit the condominium conversion permit application and pay the required fee.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,


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



PORTLAND MAINE

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Jeff Levine, AICP, Director
Director of Planning and Urban Development

Tammy Munson
Director, Inspections Division

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

Within 24-48 hours, upon receipt of an e-mailed invoice from Building Inspections, which signifies that my electronic permit application and corresponding paperwork have been received, determined complete, entered by an administrative representative, and assigned a permit number, I then have the following four (4) payment options:

- to provide an on-line electronic check or credit/debit card (we now accept American Express, Discover, VISA, and MasterCard) payment (along with applicable fees beginning July 1, 2014),
- call the Inspections Office at (207) 874-8703 and speak to an administrative representative to provide a credit/debit card payment over the phone,
- hand-deliver a payment method to the Inspections Office, Room 315, Portland City Hall,
- or deliver a payment method through the U.S. Postal Service, at the following address:

City of Portland
Inspections Division
389 Congress Street, Room 315
Portland, Maine 04101

Once my payment has been received, this then starts the review process of my permit. **After all approvals have been met and completed, I will then be issued my permit via e-mail.** No work shall be started until I have received my permit.

Applicant Signature: Jonathan Cohen Digitally signed by Jonathan Cohen
DN: cn=Jonathan Cohen, o=10 Exchange Street LLC, ou,
email=jcchen1@maine.rr.com, c=US
Date: 2016.10.17 08:30:40 -0400 Date: 10/17/2016

I have provided digital copies and sent them on: Jonathan Cohen Digitally signed by Jonathan Cohen
DN: cn=Jonathan Cohen, o=10 Exchange Street LLC,
ou, email=jcchen1@maine.rr.com, c=US
Date: 2016.10.17 08:31:16 -0400 Date: 10/17/2016

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.

Room 315 - 389 Congress Street- Portland, Maine 04101 (207) 874-8703 - Fax: 874-8716 - TTY: 874-8936



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Gregory A Mitchell
Acting Director of Planning and Urban Development

Marge Schmuckal
Zoning Administrator

CONDOMINIUM CONVERSION PERMIT APPLICATION

FEES: \$150 administrative fee and \$100 Certificate of Occupancy fee PER UNIT. There is an additional fee for any building alterations using normal permit fee structures.

Before and owner offers to convey a converted unit, a conversion permit shall be obtained. Condo Conversions are NOT a change of use. They are considered a change of ownership of building area, not land. Subdivision is not involved. Only the LEGAL number of dwelling units may be condominiumized. Any illegal units shall be removed or made legal by proper permitting.

The entire purpose of this ordinance is to protect existing residential tenants & to ensure that converted housing is safe and decent.

Notice of intent to convert: All tenants shall be given a specific notice of intent to convert their unit to a condominium, from the owner. This notice shall contain a specific offer and terms for the tenant to purchase their unit. The notice shall contain specific wording outlined within the Ordinance that notifies the tenants of irrevocable rights and how to contact the City of Portland. The tenant shall also be given a specific time for notice to vacate based upon the number of years that they have occupied their unit. The minimum notice to vacate is 120 day notice:

0-4 years =	120 days notice	7 years =	210 days notice	10 years =	300 days notice
5 years =	150 days notice	8 years =	240 days notice	11 years =	330 days notice
6 years =	180 days notice	9 years =	270 days notice	12+years=	360 days notice

Sixty days after their notice, the tenant has an exclusive, irrevocable option to purchase their own unit. During that time, the owner/developer may not convey, nor offer to convey, the unit to any other person. For the next 180 days, the owner/developer cannot offer a more favorable price or term to any other person unless the same terms are offered to the original tenant first.

Rent may not be altered during the official noticing period unless expressly provided in a pre-existing written lease.

The owner/developer shall post a copy of the issued permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.

Relocation payments: If the tenant does NOT purchase, the owner shall (before the tenant vacates) make a cash payment to the tenant in the amount of rent for the preceding two months ONLY if the tenant meets the current 80% of the low/moderate income rules adjusted for family size as given to the City of Portland by the Federal Government. Additionally, the developer shall provide other assistance to the tenant in the form of reasonable accommodations, referrals, and determining tenant eligibility.

Copies of your notice to each of your tenants MUST be attached to your permit application. NO permit will be issued without copies of the notices. If there are building vacancies, this office requires the reason why the unit is vacant, with the previous tenant's name, new address, and phone number to contact them.

PLEASE READ SPECIFIC ORDINANCE FOR EXACT INFORMATION



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address/Location of Construction: 10 EXCHANGE STREET 3RD AND 4TH FLOORS		
Total Square Footage of Proposed Structure: 20000		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 032-I-012,013 & 017	Applicant Name: 10 EXCHANGE STREET LLC Address PO BOX 910 City, State & Zip WESTBROOK, ME 04098-0910	Telephone: 2077760304 Email: JCOHEN1@MAINE.RR.COM
Lessee/Owner Name : 10 EXCHANGE PROPERTIES LLC (if different than applicant) Address: 10 EXCHANGE STREET City, State & Zip: PORTLAND, ME 04101 Telephone 2072331607 E-mail:	Contractor Name: (if different from Applicant) Address: City, State & Zip: Telephone E-mail:	Cost Of Work: \$ 4050.00 admin fee C of O Fee: \$ 2700.00 Historic Rev \$ 0.00 Total Fees : \$ 6750.00
Current use (i.e. single family) VACANT		
If vacant, what was the previous use? APARTMENTS 7 YEARS AGO		
Proposed Specific use: 27 CONDOMINIUMS		
Is property part of a subdivision? <u>NO</u> If yes, please name _____		
Project description: Convert 27 apartments to Condo 14 units 3rd floor and 13 units 4th floor		
Who should we contact when the permit is ready: JONATHAN COHEN		
Address: PO BOX 910		
City, State & Zip: WESTBROOK, ME 04098-0910		
E-mail Address: JCOHEN1@MAINE.RR.COM		
Telephone: 2077760304		

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature: Jonathan Cohen	<small>Digitally signed by Jonathan Cohen DN: cn=Jonathan Cohen, o=10 Exchange Street LLC, ou, email=jcohen1@maine.rr.com, c=US Date: 2016.10.17 08:42:40 -0400'</small>	Date: 10/17/16
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This is not a permit; you may not commence ANY work until the permit is issued.

SUBMIT WITH CONDOMINIUM CONVERSION PERMIT APPLICATION

PROJECT DATA:

ADDRESS: 10 EXCHANGE STREET

Chart/Block/Lot(CBL): 032-I-012,013 & 017

Number of legal dwelling unit in building: 27 14 on 3rd and 13 on 4th

Tenant Name	Tenant Telephone #	Occupancy Length	Date of Notice	Eligible for \$?
Unit 1: VACANT				
Unit 2: VACANT				
Unit 3: VACANT				
Unit 4: VACANT				
Unit 5: VACANT				
Unit 6: VACANT				
Unit 7: VACANT				
Unit 8: VACANT				
Unit 9: VACANT				
Unit 10: VACANT				

If more than 10 units, submit same information on all units on a separate piece of paper (or back of this one)

Length of time building owned by applicant: NOW

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical or HVAC permit? YES NO (check ONE)

Type and cost of building improvements, associated with this conversion, that do NOT require permits:

\$ _____ Exterior walls, windows, doors, roof

\$ _____ Insulation

\$ _____ Interior Cosmetics (walls/floors/hallways/refinishing, etc.)

\$ _____ OTHER (specify)

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Length of time building owned by applicant: NOW

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Type and cost of building improvements, associated with this conversion, that do NOT require permits:

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Unit 3: VACANT				
Unit 4: VACANT				
Unit 5: VACANT				
Unit 6: VACANT				
Unit 7: VACANT				

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