

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Mary E. Costigan
207 228-7147 direct
mcostigan@bernsteinshur.com

February 18, 2015

Ann Machado
Interim Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RECEIVED

FEB 20 2015

Dept. of Building Inspections
City of Portland Maine

Re: Zoning Determination Request

Dear Ann:

I am writing to request a zoning determination for property located at 10 Exchange Street. I have two specific questions for your consideration:

1. Does the creation of condominiums utilizing existing residential rental units trigger subdivision?
2. Does the conversion of existing apartments that have been vacant for six years require a condominium conversion permit?

Our client is proposing to purchase the third and fourth floors of 10 Exchange Street. The third floor contains fourteen dwelling units and the fourth floor contains thirteen units. All of the units are vacant and have been for approximately six years, following an order by the City that the units were not safe for habitation. The plan is to create 29 condominium units at 10 Exchange Street – the basement and first floor containing retail tenants would be condominium Unit 100, the second floor containing office tenants would be Unit 200, the third floor would be Units 300-313 and the fourth floor would be Units 400-412. After the condominium is created by the current owner, our client will purchase the third and fourth floors (Units 300-313 and 400-412). The existing layout and demising walls of all residential units on the 3rd and 4th floors will be retained. No additional units will be created and no units will be removed. It is our understanding that such a creation of condominiums utilizing existing units will not trigger subdivision review. The purpose of this letter is to confirm that understanding.

*1 unit 1st?
basement*

In addition, the application of the condominium conversion ordinance provision to 10 Exchange Street is unclear. The apartments are vacant and have been for approximately six years, following the City's order. There clearly can be no notice given to existing tenants or

February 18, 2015

Page 2 of 2

a requirement to offer a tenant the option to purchase. The remaining question is whether the current owner must obtain a conversion permit and pay a conversion fee prior to conveying the third and fourth floor condominium units to our client. Our client intends to rent the apartments on the third and fourth floors and has no plans to sell any of the individual units at any time in the near future.

We are therefore requesting a zoning determination on the above-listed questions. Thank you for your consideration. Please let me know if you have any questions.

Sincerely,



Mary E. Costigan

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2138	Applicant: 10 EXCHANGE PROPERTIES LLC
Project Name: 10 EXCHANGE ST	Location: 10 EXCHANGE ST
CBL: 032 I012001	Application Type: Determination Letter
Invoice Date: 02/20/2015	

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
	1	\$150.00
		<u>\$150.00</u>
Total Current Fees:	+	\$150.00
Total Current Payments:	-	\$150.00
Amount Due Now:		\$0.00

CBL 032 I012001
Bill To: 10 EXCHANGE PROPERTIES LLC
 PO BOX 4894
 PORTLAND, ME 04112

Application No: 0000-2138
Invoice Date: 02/20/2015
Invoice No: 48100
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/792/Permit-Status>

[Click Here to Pay On Line](#)