



PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

April 23, 2012

James N. Katsiaficas, Esq.
Perkins/Thompson
Attorneys and Counselors at Law
One Canal Plaza
P.O. Box 426
Portland, ME 04112

RE: 157 High Street – 037-E-007 (the “Property”) – B-3 Zone with a Downtown Entertainment Overlay Zone also with a Historic Overlay Zone and a Pedestrian Activity District (PAD) along the Congress Street entry

Dear Attorney Katsiaficas,

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 with a Downtown Entertainment Overlay Zone along with a Historic Overlay Zone and a Pedestrian Activity District (PAD) along the Congress Street entry.

The Property is properly zoned for its present and intended hotel, restaurant, drinking establishment and convention and meeting facilities uses as specifically permitted within the B-3 Zone.

To the best of my knowledge after researching our files, all the necessary City of Portland zoning, land use and planning permits and approvals have been obtained for the Property.

There are occupancy permits on file for the Property and its uses. Such Certificates of Occupancy have been previously submitted to you with past determination letters.

I am unaware of any current outstanding violations at the Property. To the best of my knowledge, there are no pending or contemplated City of Portland enforcement actions related to the Property.

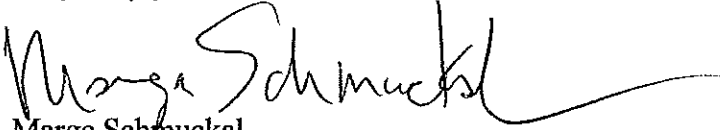
The Property was initially constructed in June of 1927. The earliest Zoning Ordinance I have is dated 1926. The Property at that time was located in a “G” General Business Zone. The 1926 Zoning Ordinance did not contain parking requirements for any zone. The microfiche also shows that a 13-story steel and concrete addition 35’6” x 58’6” was constructed on the Property in 1964. I have on file a Zoning Ordinance that is dated thru the end of 1969. At that time the Property was located within the B-3 Business Zone. Section 602.10D states: “No off-street parking shall be required in this zone.” My

research of the City records does not show any other work since 1964 that would necessitate a requirement of any off-street parking spaces. Therefore, I have determined that the City of Portland never required any off-street parking spaces for the Property. There is no requirement for any off-street parking spaces for the Property at this time.

I am aware of several legal nonconformities related to the Property. The roof sign was granted a waiver by the Planning Division and is legally nonconforming. Per the surveyor's note on an earlier submitted survey performed by John W. Swan of Owen Haskell, Inc., it is stated the maximum building and floor area for buildings greater than 125 feet in height is 25% instead of the actual 35%. The percentage coverage as state is legally nonconforming to this building and the Property. And finally, the Downtown Height Overlay map indicates that the Property may have several legal nonconformities related to height, such as the maximum street wall height of 90 feet. Any height violation as depicted by the Downtown Height Overlay map is considered to be legally nonconforming. At this time I am unaware of any other legally nonconforming Zoning requirements as they relate to the Property.

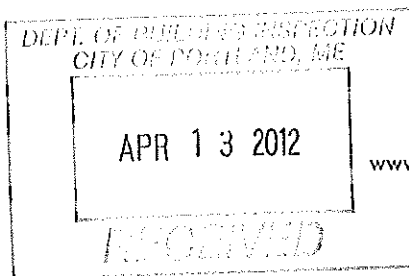
If you have any other questions regarding this matter, please feel free to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

April 12, 2012



PHILIP C. HUNT
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OF COUNSEL
DOUGLAS S. CARR

~
JOHN A. ORALDO
1956 - 2010

Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: Determination of Property Code, Zoning, Land Use and Planning Compliance

Dear Marge:

This Firm represents RB Portland LLC and its related affiliates in connection with the Eastland Park Hotel at 157 High Street, Chart/Block/Lot No. 037-E-7 (the "Property"). We have been asked to provide a land use opinion regarding the Property. In order to complete our opinion we need to gather some additional information, and specifically ask the following questions:

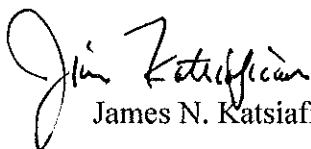
- (1) In what zoning district(s) is the Property located?
- (2) Is the Property properly zoned for its present and intended hotel, restaurant, drinking establishment and convention and meeting facilities uses?
- (3) Have all the necessary City of Portland code, zoning, land use and planning permits and approvals been obtained for this Property?
- (4) Is there a current occupancy permit for the Property and its uses?
- (5) Are there currently any outstanding City of Portland code, zoning or planning violations at the Property, and, if so, are there any pending or contemplated City of Portland enforcement actions related to the Property?
- (6) Are there any nonconforming or "grandfathered" structures, uses or conditions, including but not limited to off-street parking (discussed in your letter to me of January 27, 2011) and maximum horizontal building coverage at 125 feet or higher, on or at the Property?

A copy of a revised ALTA/ASCM Land Title Survey Plan by Owen Haskell, Inc. was previously provided for your review.

Marge Schmuckal, Zoning Administrator
April 12, 2012
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We understand that this request will be processed as a "Request for Zoning Determination" for which there is a \$150 fee; therefore, enclosed please find a check in the amount of \$150 payable to the "City of Portland, Maine." If you have any questions or concerns regarding this request, please do not hesitate to contact me. As always, thank you for your attention and assistance in this matter.

Sincerely,


James N. Katsiaficas

cc: Nicole F. Norman, Esq., RockBridge Capital, LLC
Adam D. Valente, RockBridge Capital, LLC



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Receipts Details:

Tender Information: Check , BusinessName: Perkins Thompson, PA, Check Number: 172175

Tender Amount: 150.00

Receipt Header:

Cashier Id: bsaucier

Receipt Date: 4/13/2012

Receipt Number: 42911

Receipt Details:

Referance ID:	375	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: Eastland Park Hotel			

Thank You for your Payment!