



## Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director*

*Ann Machado, Acting Zoning Administrator*

February 3, 2015

Beth Smith  
Bernstein Shur  
100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Re: One Portland Square and Two Portland Square – Rreef America Reit III Corp Z4 -038-B-001 and 038-B-002 – the “Properties” – B-3 Downtown Business Zone with a Downtown Entertainment Overlay Zone

Dear Ms. Smith,

I have received your request for a zoning determination as it relates to the historical parking requirements for One and Two Portland Square based on the original approvals for the two properties.

The Site Plan for One Portland Square was applied for in November of 1985 and approved in July of 1986. On July 28, 1986 P. Samuel Hoffses , Chief of Inspection Services issued a letter stating that the building permit (#00945) to construct One City Center had been issued subject to a list of requirements.

In 1988, Northland Realty, Inc. submitted a Site Plan for Two Portland Square. The Planning Department Report was submitted to the Planning Board on July 12, 1988. On page 1 of the report, the status of the Lower Parking Lot Site Plan was addressed. The Lower Parking lot is bounded by Fore, Center and Commercial Streets. With the review for One Portland Square, the Lower Parking Lot parking was granted temporary approval. Since the parking is “dedicated to the zoning needs for the parking of the Portland Square project, it requires review as a permanent lot”.

Page 6 and 7 of the Planning Board report addressed the parking needs for Two Portland Square. Staff recommended “659 total parking spaces be provided: 330 spaces for One Portland Square and 329 spaces for Two Portland Square”. The report goes on to say that “the total current parking count provided is 564 spaces therefore, the staff recommendation is that an additional 95 parking spaces be provided”. The 564 spaces were provided in the upper lot next to One and Two Portland Square and in the Lower Parking Lot between Fore Street and Commercial Street. See Master Plan Phase 2 (MP-2).

In the July 18, 1988 letter of approval from the Planning Board for Two Portland Square, motion #4 regarding the Two Portland Square site plan being in conformance with the site plan ordinance was passed by a 6-1 with the condition that the parking deficit of 95 parking spaces would be offset by a contribution of \$66,500 toward alternative public parking.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*

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In a letter from the Planning Board dated August 12, 1988, it stated that on August 11, 1988 the Planning Board had reconsidered the site plan approval for Two Portland Square. Under findings of fact the Board found that Portland Square Two has a total parking requirement of 329 spaces. The Board voted unanimously to approve the motion that the applicant was required to provide 329 parking spaces prior to the issuance of the certificate of occupancy. If the "deficit" spaces were provided by a lease agreement, the agreement had to be granted for a minimum of five years.

In conclusion, the original site plan approvals for One and Two Portland Square required a total of 659 total parking spaces (330 for One Portland Square and 329 for Two Portland Square) with 564 of the spaces being provided in the upper and lower lots and 95 spaces provided elsewhere potentially through a lease.

Please feel free to contact me if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado  
Acting Zoning Administrator  
Portland City Hall  
207.874.8709

Cc. file

# 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

Beth A. Smith  
(207) 228-7343 direct  
bsmith@bernsteinshur.com

January 5, 2015

Zoning Administration  
City of Portland  
389 Congress Street  
Room 315  
Portland, ME 04101

RECEIVED  
JAN 06 2015  
Dept. of Building Inspections  
City of Portland Maine

Re: Request for (Historical) Zoning Determination  
One & Two Portland Square  
Portland, Maine 04101  
CBL 038 B001

Dear Sir or Madam:

This is a request for a formal zoning determination on One & Two Portland Square, Portland, Maine (CBL 038 B001) as it relates to historical parking requirements for the two buildings. In other words, I am seeking a letter of determination that identifies and confirms how much parking was required *back when the initial approvals were issued for the two buildings*. I do not need a determination on the current parking requirements, except to the extent that the current parking requirements have any bearing on the minimum number of parking spaces that the owners are presently required to maintain for the two buildings as a zoning matter.

Enclosed please find a check in the amount of \$150.00 to cover the fee associated with this request. Thank you in advance for your assistance! Please call or e-mail with any questions.

Sincerely,



Beth A. Smith

Enclosure

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-2116	<b>Applicant:</b> RREEF AMERICA REIT III CORP
<b>Project Name:</b> 1 PORTLAND SQ	<b>Location:</b> 1 PORTLAND SQ
<b>CBL:</b> 038 B001001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 01/06/2015	

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

**Previous Balance** **\$0.00**

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

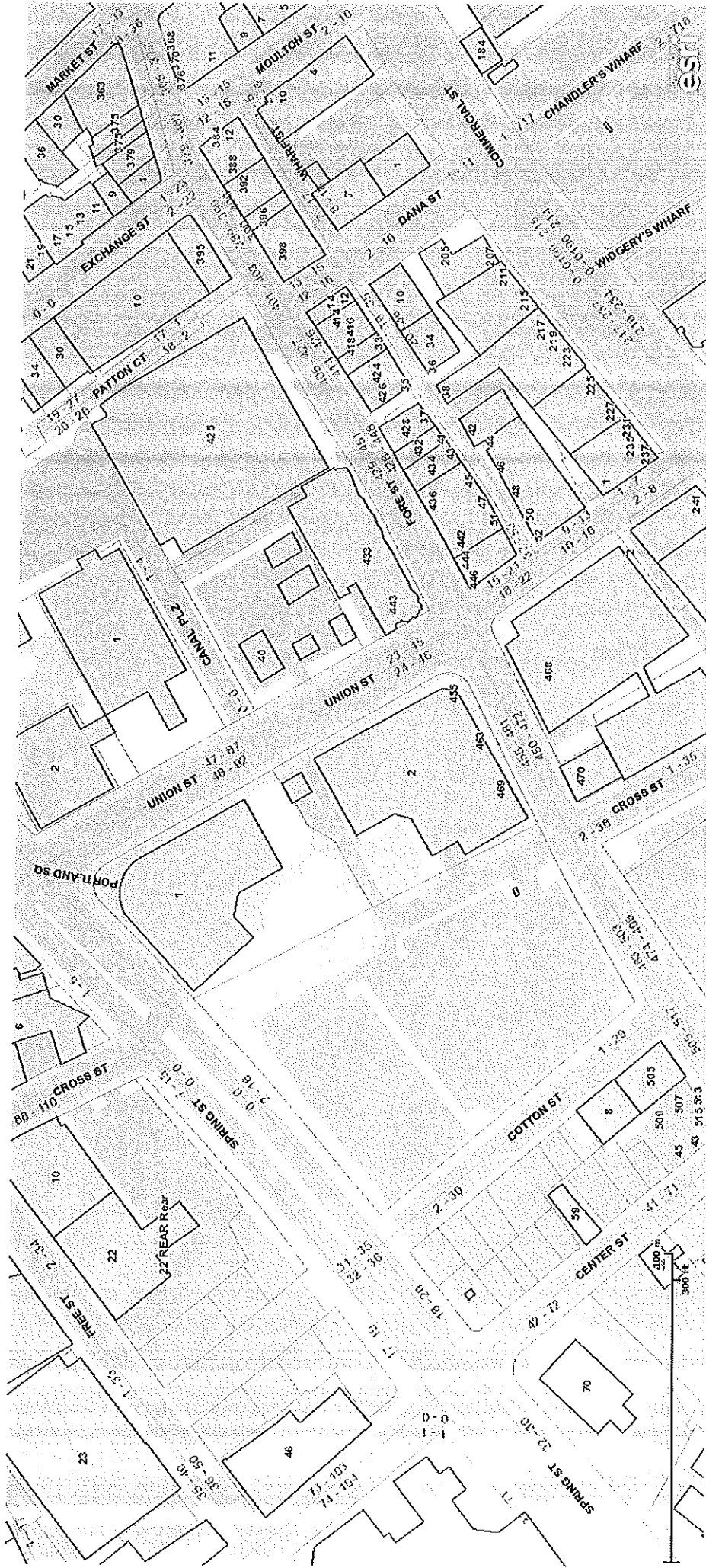
**CBL** 038 B001001  
**Bill To:** RREEF AMERICA REIT III CORP Z4  
 PO BOX 4900 DEPT 207  
 SCOTTSDALE , AZ 85261

**Application No:** 0000-2116  
**Invoice Date:** 01/06/2015  
**Invoice No:** 47703  
**Total Amt Due:** \$0.00  
**Payment Amount:**

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](#)**



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B-3	One Port Hood Saver	035-B-001	built 1987
	Two "	035-B-002	built 1989
	Parking lot	035-B-003	

**New Search!**

Parcel ID	Name and Mailing Address	Property Location	Land Use (Verify legal use with Inspections Division)
038 B001001	RREEF AMERICA REIT III CORP Z4 PO BOX 4900 DEPT 207 SCOTTSDALE AZ 85261	1 PORTLAND SQ	COMMERCIAL CONDOS
038 B001007	PS ONE REALTY LLC ONE CITY CENTER 4TH FLOOR PORTLAND ME 04101	1 PORTLAND SQ	COMMERCIAL CONDOS
038 B002001	RREEF AMERICA REIT III CORP Z4 PO BOX 4900 DEPT 207 SCOTTSDALE AZ 85261	2 PORTLAND SQ	OFFICE & BUSINESS SERVICE
038 B003001	RREEF AMERICA REIT III CORP Z4 PO BOX 4900 DEPT 207 SCOTTSDALE AZ 85261	481 FORE ST	PARKING LOTS

**New Search!**

built 1987