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Penny St. Louis Littell- Director of Planning and Urban Development Marge Schmuckal, Zoning Administrator June 16, 2009

> Dominion Due Diligence Group 4120 Cox Road Glen Allen, VA 23060 Attn: Lucy Scarberry

RE: Fallbrook Woods – 418 Ray Street – 400-D-23 & 402-I-1 & 403-F-1 – (the "Property") – R-3 Zone

To Dominion Due Diligence Group:

It is my understanding that the above-referenced applicant has applied for financing on the Property. To meet the financing requirements of the loan program, information regarding the Property's compliance with local zoning ordinances is necessary.

Please note the following:

The Property is zoned as an R-3 Residential Zone.

The Property was reviewed and approved by the Planning Board under a conditional use and subdivision and by Inspection Services under building codes. The Property met and conformed to all zoning requirements at that time. A copy of the final Certificate of Occupancy is attached. This office was not provided a current site plan to determined current zoning ordinance compliance. If the ordinance has changed since 1993 and the Property was made to be nonconforming by that change, the Property would be considered to be legally nonconforming.

Under the City of Portland's Land Use Ordinance 14-385, there is an allowance to rebuild a legal, nonconforming building within a year's time after it is destroyed by sudden or accidental acts. This section of the Ordinance applies to all areas and Zones within the City of Portland, Maine. A copy of this ordinance is attached.

At this time there are no pending or anticipated zoning legal actions concerning the Property.

Sincerely Marge Schmuckal

Zoning Administrator 6/16/04

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX:(207) 874-8716 - TTY:(207) 874-3936

CITY OF PORTLAND, MAINE Department of Building Inspection Certificate of Occupancy LOCATION 418 Ray St. Fallsrook, Inc. 12/21/93 Issued to Date of Issue 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.93/0264, 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 APPROVED OCCUPANCY entire 28-room boarding health care facility Limiting Conditions: This certificate supersedes certificate issued Approved: 12-21-1 Inspector an Inspector of Buildings (Date) 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 Land Use Code of Ordinances Chapter 14 Sec. 14-385 Rev.4-16-09 lawful nonconforming use in a structure not designed for a use permitted in the zone in which it is located shall not be changed to any use other than a use permitted in the zone in which the use is located or to any use other than a nonconforming use of a more restricted zone, as set forth in the following schedule, provided that in no such case shall any structural alterations be made in any building except those required by law, ordinance or other regulations:

- (a) In a business zone, from any use permitted in an industrial zone to any use permitted in a business zone.
- (b) In a B-1 zone, from any use permitted in a B-3 zone to any use permitted in a B-2 zone.
- (c) In a residence zone, from any use permitted in a B-2 zone to any use permitted in a B-1 zone.
- (d) In a residence zone, from any use permitted in any other residence zone to any use permitted in a more restricted residence zone. For the purpose of this subsection, an R-6 zone shall be deemed the least restricted and an R-2 zone shall be deemed the most restricted, with the intervening zones restricted in order of zone number.
 (Code 1968, § 602.17.D; Ord. No. 499-74, § 8, 8-19-74)

Sec. 14-385. Restoration or reconstruction within an existing

footprint of damaged nonconforming building or premises.

A nonconforming building, or building of nonconforming use, damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year of the initial damage where such damage is sudden and

City of Portland Code of Ordinances Sec. 14-386 accidental; or

Land Use Chapter 14 Rev.4-16-09

- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first.
- (e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual and may only apply the parking provisions of small residential lot development in the R-6 zone.
- (f) A nonconforming building located in the R-6 which is destroyed by fire, explosion, flood, riot, act of the enemy, or accident may be rebuilt under the small residential lot development provisions of the R-6 zone as if the lot were vacant as of January 1, 2005 and such reconstruction shall meet the setback requirements contained therein to the extent practicable; otherwise the building shall be reconstructed within the footprint of the previously existing building such that any nonconformity will not be enlarged.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure. (Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency; Ord. No.254-05/06, 6-5-06; Ord. No. 61-07/08, 10-1-07)

*Editor's note-Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

Sec. 14-386. Discontinuance of use of land for ninety days.

A nonconforming use of land where no buildings or only incidental or accessory buildings are employed together with such use shall not be changed to any other nonconforming use, and if such use is discontinued for a period of ninety (90) days, it shall not be reestablished. (Code 1968, § 602.17.G)





June 4, 2009

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

DEPT OF BUILD, NO PLAT CTION CITY OF F Æ JUN -5 2009

400-0-23

Dominion Due Diligence Group respectfully requests a Zoning Determination Letter for the following property, using the template provided, as applicable.

Fallbrook Woods 418 Ray Street Portland, ME PIN: 400 D023001

This information is needed for a HUD re-financing loan report. We are requesting the information on behalf of Love Funding Corporation. Please mail to Lucy Scarberry, Dominion Due Diligence Group, 4120 Cox Road, Glen Allen, VA 23060. If possible, please fax or email a copy first.

Thank you for your time,

Sincerely,

Lucy Scarberry Dominion Due Diligence Group Research Assistant 804-237-1899 (p) 757-257-0291 (f) 1.scarberry@d3g.biz

ZONING COMPLIANCE LETTER

From:	Name: Title: City Department:	
Re:	Property:	Fallbrook Woods
	Address: City, State	418 Ray Street
	Parcel ID#	400 D023001
It is out this pr	roperty. To meet	at the above-referenced applicant has applied for financing of the financing requirements of the loan program, information
regard	ing the property's co	mpliance with local zoning ordinances is necessary.
U		mpliance with local zoning ordinances is necessary. (choose what applies)
Please		(choose what applies)
Please	note the following: property is zoned as The property me	(choose what applies)
Please	note the following: property is zoned as <u>The property me</u> compliance, and <u>The property rep</u>	(choose what applies) :
Please	note the following: property is zoned as The property me compliance, and The property rep use restrictions, The property do	(choose what applies) : eets all of the current zoning requirements and is in can be completely rebuilt as is if destroyed. presents a legal non-conforming use under current zoning or

Printed Name, Title, Date

Enclosed: Zoning Map and Zoning Ordinance applicable to the site



CITY OF PORTLAND, MAINE Department of Building Inspections
Original Receipt
20 4 4
Received from Dr. proper Simple provide and the
Location of Work 112 Programment
Cost of Construction \$ Building Fee:
Permit Fee \$ Site Fee:
Certificate of Occupancy Fee:
Total:
Building (IL) Plumbing (I5) Electrical (I2) Site Plan (U2)
Other Zuning Der Knim ATION
CBL: 400-2-023
Check #: 2721 Total Collected \$ 150
No work is to be started until permit issued. Please keep original receipt for your records.
Taken by: Carporth.
WHITE - Applicant's Copy YELLOW - Office Copy PINK - Permit Copy

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.

Currei	nt Owner Inform Card Number Parcel ID Location Land Use	1 4 4	of 1 00 D023001 18 RAY ST ETAIL & PERSC	DNAL SERVICE	
	Owner Address	4	ALLBROOK INC 18 RAY ST ORTLAND ME 04	103	
	Book/Page Legal	4 R.	00-D-23 402-1 03-F-1 AY ST 418 49978	r-1	f
	Current Asse	ssed Valua	tion		
	Land \$305,600	Buildir \$3,086,4	-	Total \$3,392,000	
Building Info					
Bldg # 1	Year Built 1993	# Units 1	Bldg S 276		dentical Units 1
Total Acres 12.626	Total Buildings So 27600	q. Ft. Structu NURSING		Buildin FALLBRO	g Name OK WOODS
Exterior/Inte Section	erior Informatio Levels 01/01	Size Us	e RSING HOME		
H	eight Walls 9 FRAME		Heating HEAT PUMP NONE NONE NONE NONE NONE NONE	A/CENTI NON NON NON NON NON NON NON	RAL E E E E E
Building	Other Feature	s			
Line	Structure Type			Identi	cal Units
1 1	CANOPY - ONLY Sprinkler - Wet				1.1
Yard Improv	vements				
Year Built	Structure Type		:	Length or Sq. Ft.	# Units
199 3 1993	ASPHALT PARKING LIGHT - MERCURY	VAPOR, POLE		20000	1 6

389 Congress Street, 04101 Tel: (207) 874-8703 Location of Construction: Owner Name:			Owner Address:		400 D023001		
418 Ray St Fallbrook Inc			418 Ray St	MAR 0 3 200	207-878-0788		
Business Name: Contractor Name		•	Contractor Address:				
n/a TLC Homes I			PO Box 433 Wes		2078566060		
ILessee/Buyer's Name Phone: n/a n/a		1	Permit Type:		Zone:		
			Alterations - Mu	lti Family			
Past Use: Proposed Use:				Permit Fee:	Cost of Work:	CEO District:	
Ass	isted Living Facility	1 -	g Facility / Cut 3' x 3'	\$39.00	\$1,765.00	2	
		hole in wall ar		FIRE DEPT:	Approved INSP	ECTION:	
		window.		_	Denied Use C	Group: Type AVA	
						3/2/34	
						ATK-	
-	osed Project Description:					6 1/1/2	
Cut	3' x 3' hole in wall for glas	s window.			.MM7 Signa		
				PEDESTRIAN ACTIVITIÉS DISTRICT (P.A.D.)			
				Action: Appro	w/Conditions [] Denied		
				Signature:		Date:	
Регт	nit Taken By:	Date Applied For:		Zoning	Approval		
88		10/23/2003					
1.	This permit application d	bes not preclude the	•		ng Appeal	Historic Preservation	
	Applicant(s) from meetin	g applicable State and	Shoreland	Variance		Not in District or Landmark	
 Federal Rules. Building permits do not include plumbing, septic or electrical work. 		to lew.	vom 2				
		Wetland com	Miscellaneous		Does Not Require Review		
			Shoreland Wetland Flood Zone Wetland Subdivision	Conditional Use		Requires Review	
3. Building permits are void if work is not started			Flood Zone		onal Use	Keyulles Review	
within six (6) months of the date of issuance. False information may invalidate a building			Subdivision		tation	Approved	
	permit and stop all work.	5					
			Site Plan		ed	Approved w/Conditions	
						\frown	
			Maj Griden M	D Denied		Denied	
			Maj Orthon Ma				

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

.....

City of Portland, Maine - Buil	ding or Use Permit		Permit No:	Date Applied For:	CBL:
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207)	874-8716	03-1324	10/23/2003	400 D023001
Location of Construction:	Owner Name:	1	Owner Address:		Phone:
418 Ray St	Fallbrook Inc		418 Ray St		207-878-0788
Business Name:	Contractor Name:		Contractor Address:		Phone
n/a	TLC Homes Improvement		PO Box 433 Westb	rook	(207) 856-6060
Lessee/Buyer's Name	Phone:	h	Permit Type:		
n/a	n/a		Alterations - Multi	Family	
Proposed Use:		Propose	d Project Description:		
Assisted Living Facility / Cut 3' x 3' h window.	ole in wall and install glass	Cut 3'	x 3' hole in wall for	glass window.	
Dept:ZoningStatus:ANote:1)To remain a 28 room boarding car	pproved with Conditions re facility. This is not an allo		Marge Schmuckai		te: 11/04/2003 Ok to Issue: ☑
Dept: Building Status: A	pproved	Reviewer:	Mike Nugent	Approval Da	te: 03/02/2004
Note:					Ok to Issue: 🗹
1) Bob Cadigan from the Fire marsh	alls office oke'd this 3/2/03				
Dept:FireStatus:ANote:1)Application requires State Fire M	pproved with Conditions arshal approval.	Reviewer:	Lt. MacDougal	Approval Da	te: 11/04/2003 Ok to Issue: 🗹
Comments:					
11/6/2003-mjn: Spoke with Rich from with the owner.	the State Fire Marshall, will	l hold until t	hey have received t	his review. Had some	e discussions
2/10/2004-gg: Called Applicant, spok HOLD DRAW	e with Monique, she will cal	l fire marsha	ll again to move th	is permit forward. /	gg PERMIT IN

9 30264	300.00	-Ma Site Plan 100.09-2 Su	b Division lots 50.00-Com	ditional e Appeal
and the second sec	tej la l'her-r p'ans must accompany form.			
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and the second	Constant Son - Tri In (140(2 10to)) - Cond(1			(2.8 th
			<u> </u>	RESERVATION
ficare :	m boarting neulth care fac on 13.33 acres	1. Ceiling Joists Size: 2. Ceiling Strapping Size:		nater leadmark.
		3. Type Ceilings: 4. Jewalation Type	- opine mits	american.
3 Foundation Size:		Reofi	the reduction is	NINN.
6. Other	Const. Co 508 535-5636	Daller Size	Span Action: AST	ET ATT LOT SHORE
1 Sille Size: 7 Dearbor 2 Grater Size: Feabody,	rn Rd. Sills must be anchored.	Cold 3. Roof Covering Type		23 12
3. Laily Column Spacing:		Hanting	Number of Fire Places	ANT 2
8. Bridging Type:	Sist:	Type of Heat:	ten en an	
7. Other Material:		Corvice Estrace Statt	Smale Detector Required Yes	No
Esterio 431/93 Dumpster (Seeding 30-0112	1. Approval of soil test if rec 2. No. of Tube or Spowers	paired Yes	A CONTRACTOR OF THE OWNER OWNER OF THE OWNER
L Ne. wisdowe	30-0113 - United and the second	2. No. of Flushee	an a	Ling state
4. Hender Sines	30-0114	S. No. of Other Pixtures		
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		UC:01		·
		CONTINUED TO REVERSEST		- 15 S
	White Tax Assessor			

FAX



To: Lucy Scarberry Fax Number: (757) 257-0291 From: MArge Schmuelo Fax Number: Date: 6/16/09 Regarding: FALLBROOK Woods, PortLand, ME Total Number Of Pages Including Cover: Phone Number For Follow-Up:

Comments: I will send The Original in The Mil

City Of Portland, Maine Inspections Division Services 389 Congress St Room 315 Portland Me 04101-3509 Phone: (207) 874-8703 or (207)874-8693 Fax: (207) 874-8716 <u>http://www.portlandmaine.gov/</u>