

1. Legal Ad

Documents: [PB LGL AD 4-8-14.PDF](#)

2. Agenda For April 8, 2014

Documents: [AGENDA04082014.PDF](#)

3. Communication - USM Parking Mgmt. Plan

Documents: [COMMUNICATION - USM PARKING MANAGEMENT PLAN.PDF](#)

4. East Bayside

Documents: [E. BAYSIDE \(PB MEMO FROM 3-11-14\).PDF](#), [E. BAYSIDE \(PB MEMO\).PDF](#)

5. B-2 Text Amendments

Documents: [B2 TEXT AMENDMENT \(PB MEMO\).PDF](#)

6. ROS Map And Text Amendments

Documents: [ROS MAP AND TEXT AMENDMENT \(PB REPORT\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on April 8, 2014, City Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at both the workshop and public hearing.** The agenda includes the following items:

WORKSHOP – 4:30 p.m.

- i. R-6 to R-7 Map Amendment; East Bayside; Portland Housing Authority, Applicant, and the City of Portland. The Portland Housing Authority (PHA) and the Portland Housing Development Corporation (PHDC) have submitted an application to rezone the Housing Authority's properties in the East Bayside Neighborhood from Residential R-6 to Residential R-7. The proposed rezoning encompasses a total of 164 existing affordable housing units, including Bayside Terrace, Bayside East and Kennedy Park. The PHA map amendment includes the parcel at the corner of Boyd and Oxford Street where a proposed project called Bayside Anchor is being designed for 45 apartments and non-residential space for a Head Start program, community policing office, and PHA administrative offices. The City of Portland is also considering rezoning a larger area of East Bayside from R-6 to R-7 in the general vicinity of Washington Avenue, Congress Street, Franklin Street, Fox Street, Hammond Street and Gould St.
- ii. Text Amendments to the Community Business (B-2) Zone, City of Portland, Applicant. The Planning Board will consider text amendments to the B-2 zone which include, but are not limited to, listing the required dimensional standards in a chart, permitting a higher residential density for off-peninsula locations with active street fronts, and allowing multi-family dwellings as a permitted use regardless of the adjoining residential zone.

PUBLIC HEARING – 7:00 p.m.

- i. Recreation and Open Space (ROS) Map and Text Amendments for Downtown Squares, City of Portland, Applicant. On March 17, 2014, the City Council requested that the Planning Board consider rezoning Downtown Squares from the current designations to the Recreation Open Space (ROS) zone and to provide the Council with a recommendation by April 18th. The squares, plazas, and urban parks to be considered include, but are not limited to the following: Longfellow (at Congress and State); Bramhall (at Congress, Cumberland, and Deering); Boothby (Fore Street between Pearl and Market); Congress (at Congress and High); Monument (at Congress and Federal); Lobsterman (at Temple and Middle); Lincoln (at Congress, Pearl, Federal and Franklin); Bell Buoy (54-56 Commercial St.); and Tommy's Park and Post Office Park (at Exchange and Middle). ROS text amendments are proposed that amend the purpose statement, permitted uses, and dimensional standards.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

AGENDA PORTLAND PLANNING BOARD

The Portland Planning Board will hold a meeting on April 8, 2014, **City Council Chambers**, 2nd Floor, City Hall, 389 Congress Street.

Public comments will be taken at both meetings.

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ii. R-6 to R-7 Map Amendment; East Bayside; Portland Housing Authority, Applicant, and the City of Portland. The Portland Housing Authority (PHA) and the Portland Housing Development Corporation (PHDC) have submitted an application to rezone the Housing Authority's properties in the East Bayside Neighborhood from Residential R-6 to Residential R-7. The proposed rezoning encompasses a total of 164 existing affordable housing units, including Bayside Terrace, Bayside East and Kennedy Park. The PHA map amendment includes the parcel at the corner of Boyd and Oxford Street where a proposed project called Bayside Anchor is being designed for 45 apartments and non-residential space for a Head Start program, community policing office, and PHA administrative offices. The City of Portland is also considering rezoning a larger area of East Bayside from R-6 to R-7 in the general vicinity of Washington Avenue, Congress Street, Franklin Street, Fox Street, Hammond Street and Gould St.

PUBLIC HEARING – 7:00 p.m.

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATIONS AND REPORTS

3. REPORT OF ATTENDANCE AT THE FOLLOWING MEETINGS:

March 25, 2014

Workshop: Dean, Boepple, Dundon, Hall, Morrisette and Soley present; O'Brien absent.

Public Hearing: Dean, Boepple, Hall, Morrisette and Soley present; O'Brien and Dundon absent.

4. REPORT OF DECISIONS AT THE MEETING HELD ON MARCH 25, 2014:

i. Final Site Plan; Capisic Pond Enhancement Project; Capisic Pond Park; City of Portland, Applicant. Morrisette moved and Boepple seconded the motion. The Board voted unanimously 5-0 (Dundon and O'Brien absent) to approve the Level III site plan with five (5) conditions.

ii. Text Amendments for Conditional Use Standards – Section 14-474 (c) (2), City of Portland, Applicant. Morrisette moved and Boepple seconded the motion. The Board voted unanimously 5-0 (Dundon and O'Brien absent) to recommend adoption of the

proposed text amendments to Section 14-474, including the second option for paragraph C to the City Council.

5. NEW BUSINESS

i. Recreation and Open Space (ROS) Map and Text Amendments for Downtown Squares, City of Portland, Applicant. On March 17, 2014, the City Council requested that the Planning Board consider rezoning Downtown Squares from the current designations to the Recreation Open Space (ROS) zone and to provide the Council with a recommendation by April 18th. The squares, plazas, and urban parks to be considered include, but are not limited to the following: Longfellow (at Congress and State); Bramhall (at Congress, Cumberland, and Deering); Boothby (Fore Street between Pearl and Market); Congress (at Congress and High); Monument (at Congress and Federal); Lobsterman (at Temple and Middle); Lincoln (at Congress, Pearl, Federal and Franklin); Bell Buoy (54-56 Commercial St.); and Tommy's Park and Post Office Park (at Exchange and Middle). ROS text amendments are proposed that amend the purpose statement, permitted uses, and dimensional standards.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

Memorandum
Planning and Urban Development Department
Planning Division



To: Stuart O'Brien, Chair and Members of the Portland Planning Board

From: Barbara Barhydt, Development Review Services Manager

Date: April 3, 2014

Re: University of Southern Maine Management Plan

Meeting Date: April 8, 2014

Communication to the Planning Board re USM Parking Management Plan

The University of Southern Maine submitted their monitoring report for their parking management plan. The findings of the Gorrill-Palmer Consulting Engineers report indicate that the parking garage and on-campus surface parking are nearing capacity. It appears that on-street parking has increased and the use of the TenRide METRO tickets has decreased since the last count in 2012. Ridership of the USM shuttle remains roughly the same. Tom Errico and John Peverada raised a few questions regarding the plan, so staff met with Carol Potter, Adam Thibeault and Tom Gorrill on March 19th to discuss the conclusions of the monitoring report.

While there appears to be an increase in the parking demand, John Peverada has not received any complaints. The University does not have plans to increase parking on the campus. They noted that approximately 150 employee positions will be cut and some program areas will be eliminated in the upcoming budget year (news of lay-offs appeared in the news later that week). The University will also evaluate whether some of the garage and on-campus spaces are being used by people not associated with the University. In addition, the administration is looking at staggering class schedules by 30 minutes in order to avoid congestion at the exiting of the garage. Lastly, the University will continue to work with the City on its parking and submit their monitoring reports.

Tom Errico and John Peverada were satisfied with the points raised by the University and do not recommend any additional actions be taken at this time.



Memorandum
Planning and Urban Development Department
Planning Division

To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Richard Knowland, Senior Planner
Date: March 6, 2014
Re: Portland Housing Authority East Bayside Rezoning (R-6 to R-7)
Project #: #2014-013
Meeting Date: March 11, 2014

I. INTRODUCTION

A workshop has been scheduled to consider a proposal by the Portland Housing Authority and Portland Housing Development Corporation to rezone their residential property holdings in East Bayside from R-6 to R-7. These properties include Kennedy Park, Bayside Terrace, Bayside East, 47-49 Boyd Street and the proposed Bayside Anchor project. The impetus for the zone change is PHA's desire to provide additional infill development within their landholdings. PHA is referred in this memo as the applicants. After conducting a public hearing, the Board will be asked to make a recommendation to the City Council on the proposed map change.

Notice of the workshop consisted of the item appearing in the Portland Press Herald on 3-3-14 and 3-4-14. In addition, 271 notices were mailed to neighbors.

II. FINDINGS

Existing Zoning: R-6 (1,000 sf or 43 units per acre)
Proposed Zoning: R-7 (435 sf or 100 units per acre)
Land Area: 10.79 acres
Existing Dwelling Units: 164 units or 2,865 sf per dwelling unit
Bayside Anchor Proposal
Land Area: 20,147 sf
Dwelling Units: 45 units or 447 sf per dwelling unit
Total Dwelling Units: 209 units
Existing Parking Spaces: 183
Proposed Parking Spaces: 157

III. BAYSIDE ANCHOR PROPOSAL

PHA would like to construct a 45 unit multi-family building (Bayside Anchor) at the corner of Boyd Street and Oxford Street on the site of an existing parking lot. Attachment 6 includes a map of the PHA campus identifying the zone change area and the various housing developments within the campus. Attachment 7 details existing housing unit counts and residential density. The Bayside Anchor site is located within the PHA campus but will be owned and developed as a separate corporation thus the lot must have sufficient land to satisfy density requirements. The 20,147 sq. ft. lot would fall short of the R-6 density requirements for 45 housing units hence the request for an R-7. A conceptual site plan has been submitted and is shown as Attachment 5. The proposed building is anticipated to be 4 stories high.

Uses

In addition to residential uses the proposed building will feature Head Start, a neighborhood policing office and PHA administrative offices on the first floor. These uses will be relocated from an existing one story building on Boyd Street. The PHA offices appear to be accessory to the campus, the police office a municipal use (permitted) and Head Start (an accessory or conditional use). Applicant will need to provide specific information on these uses so that Marge Schmuckal (Zoning Administrator) may make a formal determination on the appropriate use classification.

Parking

The proposed development will occupy the site of an existing 26 space parking lot and therefore be dependent on other PHA off-street parking areas on their campus. Currently PHA has 201 parking spaces for 155 dwelling units or a ratio of 1.18 spaces per dwelling unit. See Attachment 8. With the Bayside Anchor housing project in place, PHA indicates they will have a total of 157 spaces or 0.78 parking spaces per unit. The PHA consultant team is in the process of undertaking a parking study to confirm the existing campus parking demand. Anecdotal information appears to indicate that the present PHA parking demand is well under one space per dwelling.

As an affordable housing development it qualifies under sec. 14-332.2(b), which provides for a reduced parking standard with review by the Planning Board. Under the provisions of sec. 14-333, parking for Bayside Anchor may take place at an off-site location but must be within 300 feet of the project. This provision allows the Planning Board to substitute for the Board of Appeal review if the Planning Board is already considering the project under development review. Applicant should provide documentation on the parking spaces intended to serve Bayside Anchor and their distance from the development site.

Scope of Map Change

Initially PHA requested a zone change for the Bayside Anchor site only. However upon further consideration and Planning Staff input, PHA has extended their zone change to include all their landholdings in East Bayside. The submission indicates the "R-7 zone will allow increased

flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood.”

The Bayside Anchor site needs an R-7 zoning designation since it does not meet R-6 setbacks, density, lot coverage and possibly open space requirements. The PHA campus as a whole is well under the R-6 density requirements but its development pattern is out of character with the surrounding residential neighborhoods in terms of building placement, orientation and layout. An R-7 designation will assist future PHA efforts to facilitate infill and redevelopment more in keeping with typical neighborhoods found on the peninsula.

Generally when a map change amendment is reviewed, the Board looks at it comprehensively and considers other adjacent areas that may be appropriate candidates for a similar rezoning. This may result in the Board considering and advertising a larger geographic area for the purposes of holding a public hearing, which can be reduced in scope when the Board formulates its recommendation to the City Council. Section VII of this memo includes a discussion of a larger zone change area (beyond the PHA proposal) that could be considered for the purpose of holding a public hearing.

Development Reviews

Assuming the zone change is approved, the development will be subject to Planning Board site plan and subdivision review. Depending on the Zoning Administrators interpretation of the Head Start use, a conditional use review (kindergarten) by the Board of Appeals may be required.

IV. COMPARISON of R-6 and R-7 ZONE

A chart comparing the R-6 with the R-7 is shown below. Generally the R-7 has more flexible dimensional requirements than the R-6 zone including density, minimum lot size, setbacks and height.

Zoning requirements for R-6 versus R-7 zones		
STANDARD	R-6	R-7
Purpose	Sec. 14-135. Purpose. The purpose of the R-6 residential zone is: (a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.	Sec. 14-141. Purpose. (excerpt) The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula,. . . . Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone . . .
Permitted Uses	Residential: Single and Two-family; Multifamily dwellings; Handicapped family unit; Single-family, multiple-component manufactured housing; Single-family single-component manufactured housing Other: Lodging house; Cemeteries; Parks; Accessory uses; Home occupation; Municipal uses; Special needs independent living units; Conversion into bed & breakfast; Hostels; Wind energy systems	Uses permitted in the R-6 Zone
RESIDENTIAL: *	R-6	R-7
Min. Lot Size	4,500 sf	None
Min. Street Frontage	40 feet	None
Min. Front Yard	10 feet	None
Min. Rear Yard	20 feet	5 feet
Side Yard	10 feet – 1 to 3 stories 12 feet – 4 stories 15 feet – 5 stories Side street: 10 feet	5 feet Side street: None
Structure Height	45 feet	50 feet

Max. Lot Coverage	40% for lots which contain 20 or more dwelling units 50% for lots which contain less than 20 units	100%
Min. area per dwelling unit	600 sf additional units 1,000 sf gross area 1,200 sf for each unit after first 3	435 sf gross area 400 sf habitable floor area
Open space ratio	20%	n/a
Parking	Off-street parking is required	Off-street parking is required

**All other uses in the R-7 Zone shall observe the requirements of the R-6 Zone (Sec.14-142 (a)6e)*

Residential Density

As previously indicated the R-7 provides more flexibility than the R-6 zone to address the opportunities of infill development including a higher residential density. A discussion on the context of density and neighborhoods is appropriate particularly since peninsula neighborhoods have far fewer people today than in the past.

Census Bureau data indicates that Portland's population reached its peak in 1950 with 77,634 people. Over a period of time population declined as growth in suburban areas drew people outside the City.

Attachment C is a map showing the density of people living in the City in 1950. The map indicates most Portland residents lived on the peninsula with a comparatively small number of people off-peninsula. This contrasts with present day where North Deering has the largest population of any neighborhood and 64 percent of the city's residents live off-peninsula. (1990 Census).

The latest Census count indicates Portland's population stands at 66,194 people (a 3 percent increase from 2000 to 2010) which is comparable to the population around World War I. Historically peninsula neighborhoods and housing were built with a higher density of people in mind. In earlier times, family sizes were larger thus there were more people per housing unit than present. Suburbanization and people having fewer children changed that. While the R-7 density is higher than the present R-6 density standard (see above) the fact remains there are now fewer people per unit occupying the City's housing stock. According to the 1950 Census the average Portland household (population per household) had 3.16 persons with several census tracts in Munjoy Hill having 3.43 persons per housing unit. Today the average household size in Portland is 2.07 (2010 Census). As we go back into time this disparity would likely increase. An R-7 designation may not necessarily translate into a significant increase in the total number of people living in a given residential building when compared to an earlier time in the neighborhood's history.

A review of the twelve R-7 rezonings listed in this report indicates only a couple projects that reached the maximum R-7 residential density and those required a conditional rezoning. R-7 zoning allows flexibility in building placement (more than the R-6) which may be more critical to developers than maximizing density to the R-7 limits. The R-7 does allow more density but there are other zoning provisions such as height, parking and setbacks that pose practical limits on density.

Clearly the automobile wasn't a factor at the turn of the 20th century but it is today. Automobile parking takes up space on a property occupying about 162 square feet for a standard parking space and up to 270 square feet in a formal parking lot with circulation factored in. Depending on the size of the site and number of units proposed, the amount of residual lot area available to accommodate parking may be limited. But there are other considerations. In an in-town location not everyone needs a car since public transportation is available and jobs, shopping and services are often within walking distance. The Planning Board is able to modify the normal one space per dwelling requirement in which parking demand is reduced through travel demand management programs, shared-use vehicles and other measures.

V. IMPLEMENTATION of R-7

Since the enactment of the R-7 zoning text in 1999 a number of R-7 map changes have been implemented on the peninsula. These rezonings and the subsequent housing developments provide a track record of how this zoning concept has worked. Generally these developments have been well received, contribute towards neighborhood revitalization, and blend in well with their surroundings.

The R-7 is a valuable tool to enhance infill development in a neighborhood. The present layout and pattern of residential development in many R-6 neighborhoods could not be replicated under the present R-6 zoning text. In many cases existing buildings constructed at the turn of the century (well before zoning) could not meet present day R-6 requirements such as minimum lot size, setbacks, lot coverage and density. It is precisely these building placement traits that contribute toward the physical character of a neighborhood. The R-7 on the other hand is more flexible which means building placement can reflect the traditional development pattern of a neighborhood.

Below is a list of R-7 rezonings. The column "Reason for Zone Change" refers to the reason why the developer sought out the more flexible provisions of the R-7 zone although there may be other considerations such as building placement that are not listed. Note several of these zone changes also included conditional zoning. Three of the R-7 rezonings have taken place in East Bayside including corner of Greenleaf and Monroe; corner of Smith and Oxford; corner of Cumberland and Anderson. The PHA proposal would be the largest R-7 rezoning to date.

Project	Land Area (sq. ft.)	Housing Units	Reason for Zone Change
Unity Village (Berman)	31,000	33	Density, setbacks
Greenleaf and Monroe (PROP)	10,833	9	Side yard and parking
Hanover (PROP)	3,820	3	Side yard and parking
Smith and E. Oxford (AVESTA)	14,790	20	Density
Cumberland/Anderson (PROP)	5,005	4	Parking, setback
Project	Land Area (sq. ft.)	Housing Units	Reason for Zone Change
Grant and Mellon (PROP)	18,980	16	???????
Valley and Gilmanton (AVESTA)	19,683	24	Density and parking
91 State Street (Butterfield)	8,548	10	Density and min. dwelling size
High on Danforth (CHOM)	7,656	30	Density and parking
66-68 High Street (CHOM)	23,797	38	Density and “lot coverage?”
Federal Street (Gan)	11,528	8	Parking, side yard
53 Danforth Street (Szanton)	16,470	43	Side yard, density, height,

VI. LAND USE POLICY

As stated the purpose of the R-7 Compact Urban Residential Overlay Zone is:

“To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties...”

Housing: Sustaining Portland’s Future contains several goals which are applicable to this proposed map amendment. Chief among them is *Policy #1 Ensure an Adequate and Diverse Supply of Housing for All* which states:

“Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.”

- Objective 1.a. Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied.
- Objective 1.b. A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
Encourage and support Portland Housing Authority to become active in development of more housing.
- Objective 1.c: Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
Encourage higher density multi-family developments and mixed-use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.

Objective 1.d: Increase Portland’s rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.

1.d.2 Evaluate and update current zoning, as needed, to eliminate barriers to the creation of rental housing . . .

Policy #5: Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the City as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

- *Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.*

VII. CONSIDERATION OF LARGER MAP AMENDMENT AREA

Generally when the Board reviews a map change, the Board looks beyond the applicant's proposal to consider other adjacent areas that may also be appropriate candidates for a rezoning. This may result in the Board considering a larger geographic for the purposes of holding a public hearing which can be reduced in scope when the Board formulates its recommendation.

For the Board's consideration staff has outlined additional land area the Board may want to consider for purposes of holding a public hearing. These areas are shown on Attachment A and identified as blocks 1 to 7. Generally the blocks about the PHA campus or "fill out" a block that has PHA properties which seems to be a logical extension of a rezoning. For background information a listing of land area, land use and number of housing units for each R-6 zoned lot in East Bayside (for non-PHA properties) has been provided on Attachment B. This data has been organized by block so information on lots considered for rezoning (blocks 1 to 7) can be reviewed as well as other East Bayside blocks/lots outside the proposed rezoning (blocks 8 to 17). Similar information on PHA owned properties is shown in a different format on Attachment 7.

The PHA proposal is to rezone their campus. Considering a larger area for rezoning may complicate the rezoning process. PHA has a fairly ambitious schedule for the zone change and site review process in order to take advantage of funding opportunities. The additional rezoning area is relatively modest in size but if during the workshop or public hearing these additional properties compromise this schedule, we may need to uncouple these properties from the PHA request and follow a different schedule.

NEXT STEPS

1. The Board should determine the geographic area of the rezoning for the purposes of holding a public hearing.
2. Schedule a public hearing.

ATTACHMENTS

Staff Attachments

- A. Map of Potential Non-PHA Properties to Consider for R-7 Rezoning
- B. East Bayside Lot Size, Use and Density by Block (Non-PHA Properties)
- C. Portland Density Map of 1950

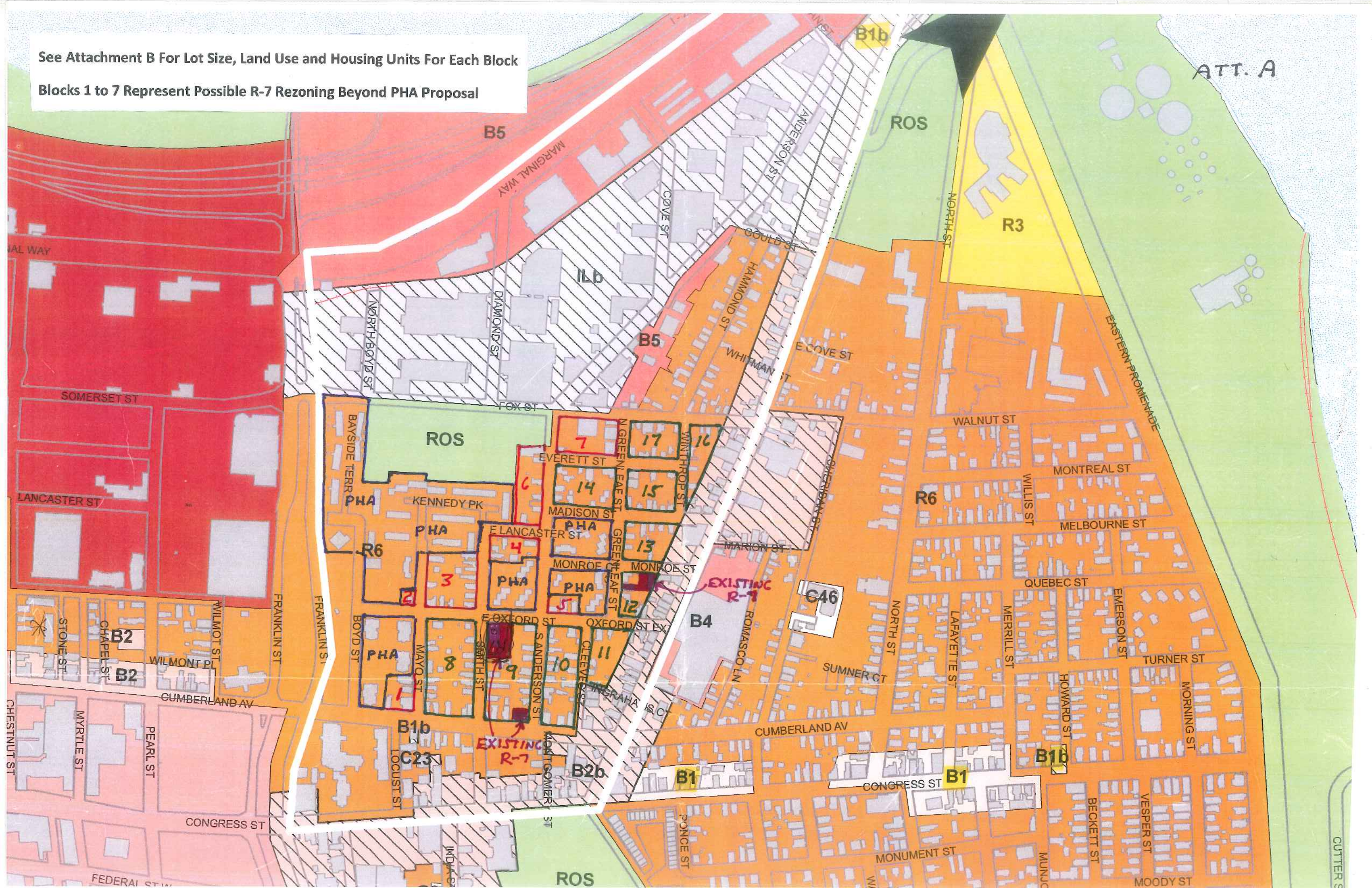
Application Submissions

- 1. Zone Change Application
- 2. Vicinity Map
- 3. List of PHA Properties to be Rezoned
- 4. Deeds (excerpt, remainder on file in Planning Offices)
- 5. Site Plan
- 6. Zone Change Map
- 7. PHA Campus Density
- 8. PHA Campus Parking Count
- 9. Bayside Anchor Ownership Info.
- 10. Neighborhood Meeting Notice (2-27-14)

See Attachment B For Lot Size, Land Use and Housing Units For Each Block

Blocks 1 to 7 Represent Possible R-7 Rezoning Beyond PHA Proposal

ATT. A



EAST BAYSIDE NON-PHA PROPERTIES BY BLOCK

Attachment B

CUMBERLAND-OXFORD-MAYO-BOYD BLOCK #1 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
165 Cumberland Ave. (2-6 Mayo St.)	22-H-26	4,200	12 (Ingraham House)
8-10 Mayo St.	22-H-28	1,815	2
12 Mayo St.	22-H-23	3,850	School (Owned by Charity)
171 Cumberland Ave.	22-H-24	3,080	Commercial
169 Cumberland Ave.	22-H-25	3,024	(Ingraham House)

OXFORD-BOYD-MAYO #2 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
36-40 Mayo St. (69-73 Oxford St.)	22-I-5, 6	4,340	1

OXFORD-MAYO-SMITH BLOCK #3 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
35-39 Mayo St. (65-67 E. Oxford St.)	22-I-19	2,600	3
41 Mayo St.	22-I-18	2,470	2
43 Mayo St.	22-I-14	2,692	Vacant
45 Mayo St.	22-I-13	2,886	Garage
49 Mayo St.	22-I-10	3,960	3
78 Smith St.	22-I-11	2,700	a
76 Smith St.	22-I-12	2,288	2
74 Smith St.	22-I-16	2,640	a
70 Smith St.	22-I-17	3,062	a
68 Smith St.	22-I-25	1,800	3
66 Smith St.	22-I-26	1,600	3
62 Smith St. (53-55 E. Oxford St.)	22-I-27	1,730	2
57 Oxford St.	22-I-22-24	3,641	Garage
61 R. Oxford St. (east)	22-I-15-28	4,353	Vacant

LANCASTER-SMITH-ANDERSON BLOCK #4 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
77 Smith St.	22-K-2	2,448	1
14-16 E. Lancaster St. (79-83 Smith St.)	22-K-20	3,408	1
10 E. Lancaster St.	22-K-3	3,907	2
2 E. Lancaster St./58-60 Anderson St.	22-K-4	5,266 Total for Both	1
6 E. Lancaster St. (58-60 Anderson St.)	22-K-4	0	1
12 E. Lancaster St.	22-K-1	2,192	1

OXFORD-ANDERSON-GREENLEAF-MONROE BLOCK #5 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
31 Oxford St.	13-B-8	3,200	3
27 Oxford St.	13-B-7	3,200	3
35 Oxford St. (37-41 Anderson St.)	13-B-6-13	2,895	3

ANDERSON-LANCASTER BY SOCCER FIELD BLOCK #6 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
74-76 Anderson St.	23-B-13-33	4,800	1
78 Anderson St.	23-B-11	1,500	Vacant
80-82 Anderson St.	23-B-7-9	5,700	2
86 Anderson St.	23-B-3	5,550	1
90 Anderson St.	23-B-32	6,080	City Building
1-7 Lancaster St./Anderson St.	23-B-21	8,400	1

FOX-ANDERSON-EVERETT-GREENLEAF #7

Address	CBL	Lot Area in Sq. Ft.	Housing Units
89-99 Anderson St. (Everett and Fox Sts.)	12-I-1	20,440	Commercial
29 Everett St.	12-K-5	2,920	Commercial
42-52 Greenleaf St.	12-I-2	11,592	15

CUMBERLAND-OXFORD-MAYO-SMITH BLOCK #8

Address	CBL	Lot Area in Sq. Ft.	Housing Units
5 Mayo St.	22-J-23	2,283	3
9 Mayo St.	22-J-19	2,390	2
11 Mayo St.	22-J-16	3,300	2
13 Mayo St.	22-J-12-15 (Unit 1)	9,460	1
13 Mayo St.	22-J-12-15 (Unit 2)	0	1
15 Mayo St.	22-J-12-15 (Unit 3)	0	1
21 Mayo St.	22-J-11	3,955	1
23 Mayo St.	22-J-8-0	4,286	1
66 Oxford St. (27-79 Mayo St.)	22-J-1-2-4-33 (Unit 1)	7,181	1
68 Oxford St. (27-79 Mayo St.)	22-J-1-24-33 (Unit 2)	0	1
52-58 Oxford St. (56-58 Smith St.)	22-J-5-6	5,743	1
48-52 Smith St.	22-J-7-10	5,419	2
44-46 Smith St.	22-J-13	3,182	2
42 Smith St.	22-J-14	3,495	2
38 Smith St.	22-J-18	3,002	2
36 Smith St.	22-J-21	3,002	3
32-34 Smith St.	22-J-20-22	4,156	1
149 Cumberland Ave. (Corner of Mayo St.)	22-J-29	1,700	4
151 Cumberland Ave.	22-J-28	2,156	3
155 Cumberland Ave.	22-J-26	3,569	3
151 Cumberland Ave.	22-J-28	2,156	3
153-155 Cumberland Ave.	22-J-27	3,283	Vacant

CUMBERLAND-OXFORD-SMITH-ANDERSON BLOCK #9

Address	CBL	Lot Area in Sq. Ft.	Housing Units
145-147 Cumberland Ave. (27-31 Smith St.)	22-L-17	3,180	4
141-143 Cumberland Ave.	22-L-18	2,790	3
139 Cumberland Ave. (2-6 S. Anderson St.)	22-L-19-20-21	4,870	4
8 Anderson St.	22-L-24	2,712	1
10-12 Anderson St.	22-L-15	2,995	1
14 Anderson St.	22-L-13	3,272	3
16-18 Anderson St.	22-L-12	3,635	3
20-22 Anderson St.	22-L-8-9	4,447	1
24-26 Anderson St.	22-L-7-25	3,676	3
28-32 Anderson St. (36-42 Oxford St.) Condo #1	22-L-4-22-23	0	1
28-32 Anderson St. (36-42 Oxford St.) Condo #2	22-L-4-22-23	0	1
28-32 Anderson St. (36-42 Oxford St.) Condo #3	22-L-4-22-23	0	1
33 Smith St.	22-L-16	4,000	3
35-37 Smith St.	22-L-14	5,643	4
39-41 Smith St.	22-L-11	4,900	2
43-45 Smith St.	22-L-10	5,000	2
47-55 Smith St. (48-50 Oxford St.)	22-L-1-2-3-6-26-27	14,600	20

CUMBERLAND-OXFORD-ANDERSON-CLEEVES BLOCK #10

Address	CBL	Lot Area in Sq. Ft.	Housing Units
119-121 Cumberland Ave. (2-6 Cleeve St.)	13-D-17	1,896	3
123 Cumberland Ave.	13-D-16	5,057	3
127 Cumberland Ave.	13-D-15	2,312	4
5 Anderson St.	13-D-14	1,512	Vacant
7-9 Anderson St.	13-D-13	2,075	3
11 Anderson St.	13-D-12	1,525	3
13-15 Anderson St.	13-D-10	1,025	3
17-19 Anderson St.	13-D-8	3,157	3
23 Anderson St.	13-D-6	2,450	2
25 Anderson St.	13-D-5	2,457	1
27 Anderson St.	13-D-3	2,531	1
34 Oxford St.	13-D-1	3,548	4
29-31 Anderson St.			
8-10 Cleeve St.	13-D-18	5,833	1
12-16 Cleeve St.	13-D-11	3,288	3
18-20 Cleeve St.	13-D-9	3,540	3
22-24 Cleeve St.	13-D-7	3,554	3
26-28 Cleeve St.	13-D-4	2,252	Vacant

OXFORD-CLEEVE BLOCK #11

Address	CBL	Lot Area in Sq. Ft.	Housing Units
15 Cleeve St.	13-E-17	3,039	1
17-19, 21 Cleeve St.	13-E-21	1,105	1
23 Cleeve St.	13-E-14	1,454	1
23-25 Cleeve St.	13-E-9	1,013	Vacant
25-31 Cleeve St.	13-E-1-8	6,996	3
18 Oxford St.	13-E-2	1,618	1

OXFORD-GREENLEAF-MONROE BLOCK #12

Address	CBL	Lot Area in Sq. Ft.	Housing Units
6-10 Monroe St.	13-C-4	2,523	2
12-14 Monroe St.	13-C-2	5,102	3
9-11 Greenleaf St.	13-C-15	3,258	3
15 Greenleaf St. (16-20 Monroe St.)	13-C-15	3,280	3
1-7 Greenleaf St. (13-15 Oxford St.)	13-C-8	4,113	1
5-7 Oxford St.	13-C-10	4,800	2
9-11 Oxford St.	13-C-9	5,161	1

GREENLEAF-MONROE-MADISON BLOCK #13

Address	CBL	Lot Area in Sq. Ft.	Housing Units
12-14 Madison St.	12-O-5	3,200	1
16 Madison St.	12-O-4	3,120	1
18 Madison St.	12-O-3	2,480	2
22 Madison St.	12-O-2	2,480	4
25-27 Greenleaf St. (24-26 Madison St.)	12-O-1	2,960	3
23 Greenleaf St.	12-O-11	1,800	2
21 Greenleaf St. (17-21 Greenleaf/17-21 Monroe Sts.)	13-A-1-2	5,644	1
13 Monroe St.	13-A-4	2,400	1
15 Monroe St.	13-A-3	2,400	Vacant

ANDERSON-MADISON-GREENLEAF-EVERETT BLOCK #14

Address	CBL	Lot Area in Sq. Ft.	Housing Units
26 Everett St.	12-L-3	4,800	Garage
30 Everett St.	12-L-2	2,384	1
40 Greenleaf St. (20-24 Everett St.)	12-L-4-5	3,710	3
34 Greenleaf St.	12-L-11	1,120	1
32 Greenleaf St.	12-L-12	1,120	1
37 Madison St.	12-L-10	2,400	1
39 Madison St.	12-L-9	2,400	Vacant
41 Madison St.	12-L-8	2,400	Vacant
43-45 Madison St.	12-L-13	1,800	1
71-73 Anderson St. (47 Madison St.)	12-L-12	1,424	1
77 Anderson St.	12-L-7	3,200	1
79 Anderson St.	12-L-6	3,224	1
83 Anderson St.	12-L-1	3,200	2

MADISON-GREENLEAF-EVERETT-WINTHROP BLOCK #15

Address	CBL	Lot Area in Sq. Ft.	Housing Units
13 Madison St.	12-M-10	2,409	1
15-17 Madison St.	12-M-9	2,400	1
19 Madison St.	12-M-8	2,395	1
21 Madison St.	12-M-7	3,120	1
23-25 Madison St.	12-M-6	2,725	1
31 Greenleaf St. (27 Madison St.)	12-M-5	2,865	2
37-41 Greenleaf St. (12-16 Everett St.)	12-M-10	6,370	7
8-10 Everett St.	12-M-2	3,200	1
12 Winthrop St. (2-6 Everett St.)	12-M-3	3,200	1
8-10 Winthrop St.	12-M-4	3,200	Vacant

FOX-WINTHROP-MADISON BLOCK #16

Address	CBL	Lot Area in Sq. Ft.	Housing Units
18 Fox St.	12-K-21	1,331	1
14-16 Fox St.	12-K-2	1,998	1
10-12 Fox St.	12-K-3	3,446	1
20-22 Fox St. (23-27 Winthrop St.)	12-K-1	2,795	Vacant
19 Winthrop St.	12-K-7	3,196	1
13-15 Winthrop St.	12-K-12-14	6,348	1
11 Winthrop St.	12-K-23	1,400	Vacant
9 Winthrop St.	12-K-16	2,245	1
7 Winthrop St.	12-K-17	2,201	Vacant
5 Winthrop St.	12-K-19	1,932	1

FOX-GREENLEAF-WINTHROP-EVERETT BLOCK #17

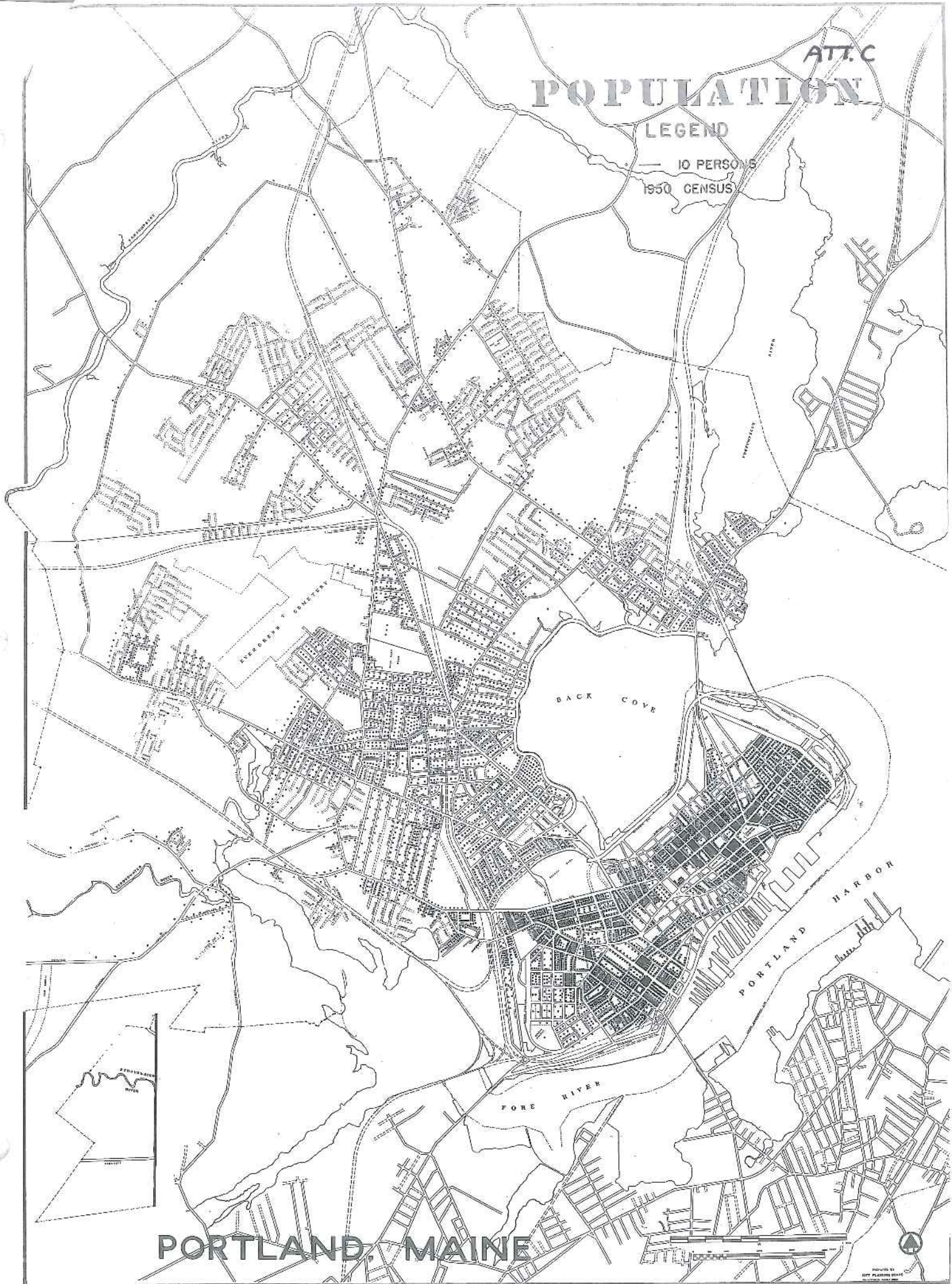
Address	CBL	Lot Area in Sq. Ft.	Housing Units
32 Fox St.	12-J-4-5	4,095	1
34-36 Fox St.	12-J-3	3,288	4
38 Fox St.	12-J-2	1,588	1
40 Fox St. (49-53 Greenleaf St.)	12-J-1	1,174	1
15 Everett St. (43-47 Greenleaf St.)	12-J-7	2,400	1
13 Everett St.	12-J-8	2,400	1
9-11 Everett St.	12-J-9	2,400	1
5 Everett St.	12-J-11	3,120	1
22 Winthrop St.	12-J-12	2,440	1
26-28 Winthrop St. (26 Fox St.)	12-J-6	2,080	1

ATT. C
POPULATION

LEGEND

— 10 PERSONS
1950 CENSUS

PORTLAND, MAINE





ATT 1-A

COMMISSIONERS

Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

Ms. Barbara Barhydt
Planning Division
City Hall 4th Floor
389 Congress Street
Portland, ME 04101

February 4, 2014

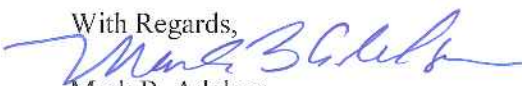
Dear Barbara,

On behalf of Portland Housing Authority and the Portland Housing Development Corporation we are pleased to submit this Application for a Zone Map Change associated with our properties in East Bayside. We are proposing the Portland Zoning Map be modified to shift our East Bayside properties which are currently in the R-6 Residential Zone District to the R-7 Residential Zone District. These properties include approximately 164 units of affordable rental apartments including our Public Housing developments of Bayside Terrace, Bayside East, and Kennedy Park, and the Development Corporation's property at 47-49 Boyd Street. The R-7 zone will allow increased flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood.

This change is also in response to a new project that we are proposing named Bayside Anchor, which is located at the corner of Boyd and Oxford Streets. This project will complement the existing PHA properties and contain 45 new residential apartments, along with non-residential space including a relocated Head Start program, a neighborhood policing office, and administrative offices for PHA. The proposed program does not fit within the R-6 Zoning requirements, and rather than request a Zone change just for this particular property it seems logical to look at a larger zone that encompasses much of the neighborhood.

Attached and made part of this Application are the signed Application Form, Application Fee, and supporting documents and exhibits. We welcome the opportunity to begin the discussion with the Planning Staff and Planning Board on this project and look forward to working closely with you as this proposal moves forward. Please contact myself or Patrick Carroll if you have any questions or need additional information.

With Regards,


Mark B. Adelson,
PHA Executive Director and PHDC President

Enc.

CC: Seth Parker, Avesta Housing
Brooks More, Avesta Housing
Jesse Thompson, Kaplan Thompson Architects
Patrick Carroll, Carroll Associates



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT ADDRESS: East Bayside Neighborhood - various parcels and addresses bounded by the following streets, Cumberland, Boyd, Fox, Mayo, Oxford, Smith, East Lancaster, Anderson, Monroe Court and Greenleaf.

CHART/BLOCK/LOT: See Attachment B- listing of affected properties

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Proposed change from R6 to R7 zoning to allow future renovation and infill development of residential properties currently controlled by Portland Housing Authority (PHA) and the Portland Housing Development Corp. (PHDC), which are co-applicants, including Bayside Terrace, Bayside East, Kennedy Park, 47-49 Boyd Street, and the proposed Bayside Anchor Project (currently under design).

CONTACT INFORMATION:

		Applicant's Contact for electronic plans	
		Name:	Patrick Carroll
		e-mail Address	pcarroll@carroll-assoc.com
		work #	207-772-1552
Applicant – must be owner, Lessee or Buyer		Applicant Contact Information	
Name: Mark Adelson		Work #	207-773-4753
Business Name, if applicable: Portland Housing Authority		Home#	
Address: 14 Baxter Boulevard		Cell #	Fax# 207-774-6471
Portland, ME 04101		e-mail: madelson@porthouse.org	
City/State : Zip Code:			
Owner – (if different from Applicant)		Owner Contact Information	
Name: Co-applicants: Portland Housing Authority and Portland Housing Development Corporation		Work #	
Address: Attn: Mark Adelson		Home#	
14 Baxter Boulevard		Cell #	Fax#
City/State : Portland, ME 04101 Zip Code:		e-mail:	
Agent/ Representative		Agent/Representative Contact information	
Name: Patrick Carroll		Work #	207-772-1552
Carroll Associates			207-329-8976
Address: 217 Commercial Street, Suite 200		Cell #	pcarroll@carroll-assoc.com
Portland, ME 04101		e-mail:	
City/State : Zip Code:			
Billing Information		Billing Information	
Name: Mark Adelson		Work #	207-773-4753
Portland Housing Authority		Cell #	Fax# 207-774-6471
Address: 14 Baxter Boulevard		e-mail: madelson@porthouse.org	
Portland, ME 04101			
City/State : Zip Code:			
Engineer		Engineer Contact Information	
Name: John Mahoney		Work #	207-772-2891
Ransom Consulting, Inc.		Cell #	207-831-6165 Fax# 207-772-3248
Address: 400 Commercial Street, Suite 404		e-mail: john.mahoney@ransomenv.com	
Portland, ME 04101			
City/State : Zip Code:			

Surveyor Name: Owen Haskell, Inc 390 US Route 1, Unit 10 Address: Falmouth, ME 04105 City/State : Zip Code:	Surveyor Contact Information Work # 207-774-0424 Cell # Fax# e-mail: jswan@owenhaskell.com
Architect Name: Jesse Thompson Kaplan Thompson Architects Address: 424 Fore Street Portland, ME 04101 City/State : Zip Code:	Architect Contact Information Work # 207-842-2888 Cell # Fax# e-mail: jesse@kaplanthompson.com
Attorney Name: Gary Vogel Drummond Woodsum Address: 84 Marginal Way Portland, ME 04101 City/State : Zip Code:	Attorney Contact Information Work # 207-253-0518 Cell # Fax# 207-772-3627 e-mail: gvogel@dwmlaw.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See Attachment C- Right Title and Interest

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.) See Attachment A

Existing Use: Describe the existing use of the subject property:

The properties are currently developed for rental apartments. A total of 164 dwelling units currently exist within the boundary area. Additionally, there are minor community based non-residential uses that occur on several parcels, including a Head Start program, Administrative Offices and Community Police Department Office. The properties in this neighborhood have been developed by PHA over the past 30+ years and provide affordable housing for a significant population in Portland.

Current Zoning Designation(s):

Properties are all currently zoned R-6 Residential

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The properties are proposed for rezoning from R-6 to R-7 to better provide for future development of new housing and renovation of existing facilities and apartments and better management of existing housing units. One project is currently proposed within the PHA holdings, Bayside Anchor, consists of new construction of 45 rental apartments and relocation of the Head Start, Portland Police, and PHA administrative offices proposed to be located on land at the corner of Oxford and Boyd Streets. Additional renovation and expansion projects will likely occur in these neighborhood over the next few years depending on availability of funding and tenant demand.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

See Attachment D, Bayside Anchor Conceptual Site Plan
Attachment E, Proposed Zone Map Boundary Change

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

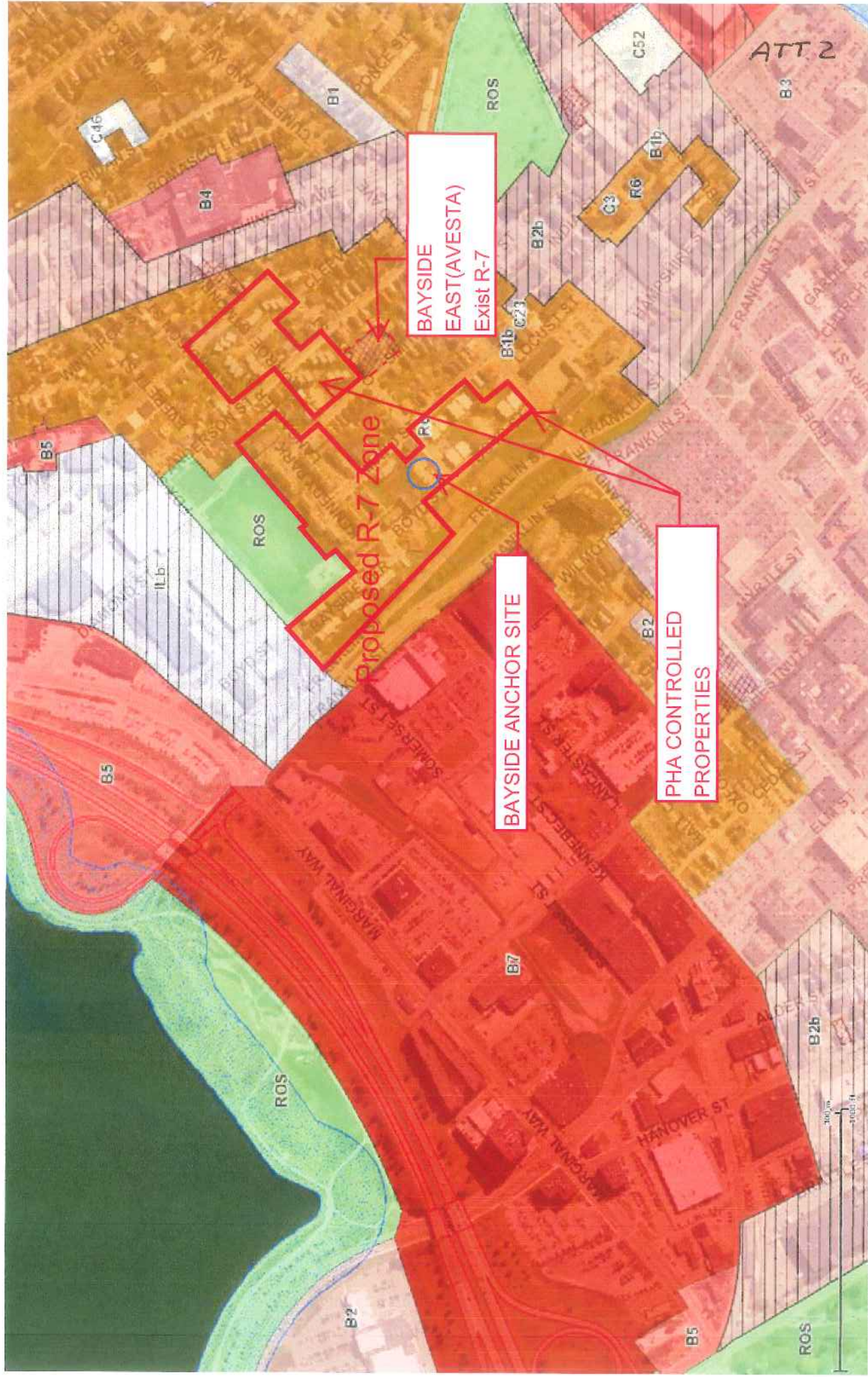
Zoning Map Amendment <u> X </u> \$2,000.00 (from <u> R6 </u> zone to <u> R7 </u> zone) Zoning Text Amendment <u> </u> \$2,000.00 (to Section 14- <u> </u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example) and language to be added is depicted as underline (example)) Combination Zoning Text Amendment and Zoning Map Amendment <u> </u> \$3,000.00 Conditional or Contract Zone <u> </u> \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	Fees Paid (office use) — — — —	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
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Signature of Applicant: 	Date: 2/4/14
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Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

Attachment
Vicinity Map



East Bayside Rezone Request
List of Affected Properties

The following properties are included in the proposed Rezone Request:

Bayside East

Map 12 R 001
Map 13 N 001
Map 13 B 001
Map 13 B 002
Map 22 H 001
Map 22 K 007

Bayside Terrace

Map 24 B 006
Map 24 B 008

Kennedy Park

Map 22 I 030
Map 23 B 030
Map 23 B 031

Other Properties

Map 22 I 001
Map 22 I 003
Map 22 I 004
Map 22 I 009
Map 22 F 001

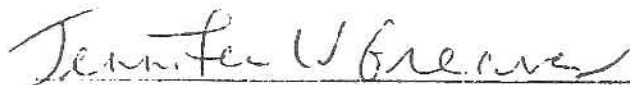
Warranty Deed

MOONSTONE PROPERTIES LLC, also known as Moonstone Properties, LLC, a Maine limited liability company with a mailing address of 661 Allen Avenue, Portland, ME 04103, for consideration paid, grants to **Portland Housing Development Corporation**, a Maine Corporation with a mailing address of 14 Baxter Boulevard, Portland, ME 04101, with **WARRANTY COVENANTS**, a certain parcel situated in the City of Portland, in the County of Cumberland, and State of Maine, bounded and described as follows, to wit:

See Attached Exhibit A

Meaning and intending to describe the same premises conveyed by Quitclaim Deed Without Covenant from Synergy Properties, LLC to Moonstone Properties, LLC dated and recorded November 15, 2012 in the Cumberland County Registry of Deeds in Book 30131, Page 245.

In Witness Whereof, the said Jennifer W. Greaves, in her capacity as Sole Manager and Member of Moonstone Properties LLC, has set forth her hand this 12th day of March, 2013.



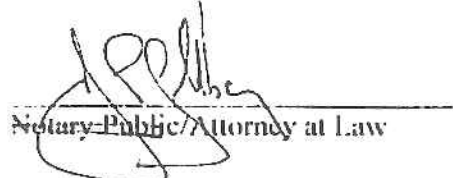
Jennifer W. Greaves, Sole Manager and Member
Moonstone Properties LLC
Duly Authorized Thereunto

STATE OF MAINE
CUMBERLAND, ss.

March 12, 2013

Then personally appeared the above-named Jennifer W. Greaves, in her capacity as sole member and manager of Moonstone Properties LLC and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of Moonstone Properties LLC.

Before me,


Notary Public/Attorney at Law

JONATHAN L. GOLDBEIL

MAINE REAL ESTATE TAX PAID

EXHIBIT A

47-49 Boyd Street, Portland, ME

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning at a point on the easterly side of Boyd Street, said point being situated one hundred thirty-five and fifty-eight hundredths (135.58) feet northerly from the intersection of said line of Boyd Street with the northerly line of Oxford Street; thence easterly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd line, so-called; thence northerly by said Boyd line fifty (50) feet, more or less, to a point; thence westerly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd Street; thence by said Boyd Street to the point begun at.

Also another certain lot or parcel of land with the buildings thereon, situated in said Portland, and bounded and described as follows:

Beginning at a stake in the northeasterly sideline of Boyd Street nineteen (19) feet from the house on Boyd Street formerly owned by Samuel H. Colesworthy and Joseph C. Colesworthy; thence running southeasterly along the said sideline of Boyd Street thirty (30) feet to land formerly of Samuel H. Colesworthy, being the northwesterly corner of the first parcel above; thence northeasterly along said first parcel above, formerly of said Colesworthy; thence by said Colesworthy land northwesterly thirty (30) feet to the other land formerly of said Colesworthy; thence sixty (60) feet to the point of beginning. Excepting and reserving however, that portion of said parcel conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, and recorded in the Cumberland County Registry of Deeds in Book 1720, Page 96.

Also another certain lot or parcel of land, situated in the rear of Boyd Street in said Portland, bounded and described as follows:

Beginning at the northeasterly corner of a lot of land conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, at a point on the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northeasterly on a prolongation of the southeasterly side of the premises conveyed by said Association to said Hooper by the aforementioned deed forty-eight (48) feet, more or less, to the northeasterly sideline of land of said Hooper; thence southeasterly along the northeasterly sideline of said Hooper's land fifteen (15) feet to a point in the southeasterly sideline of said Hooper's land; thence southwesterly along the last named bound forty-eight (48) feet, more or less, to the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northwesterly along said last named division line fifteen (15) feet, more or less, to the point of beginning.

Received
Recorded Register of Deeds
Mar 12, 2013 03:35:55P
Cumberland County
Famela E. Lovley

032817

43BOYD.QUI.DED.1
04.16.97

197

JUL -9

AM

M

31

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Portland a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by Portland Housing Authority, a quasi-municipal corporation of Portland, County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim to the said Portland Housing Authority, its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by Duane G. Kline, its duly authorized Director of Finance, this 16th day of April, 1997.

Henrik F. Paulson
Witness

CITY OF PORTLAND

By: Duane G. Kline
Director of Finance

STATE OF MAINE
CUMBERLAND, ss.

April 16, 1997

Personally appeared the above-named Duane G. Kline, in his capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

Henrik F. Paulson
Notary Public/Attorney at Law

Printed Name

JENNIFER L. BARCOCK
Notary Public, Maine
My Commission Expires 6-26-03

43BOYD.QUI.DED.1
04.16.97

SCHEDULE A

A certain lot or parcel of land known as Tax, Map and Lot 22-I-4 as shown on the maps of the Tax Assessor for the fiscal year 1997.

Meaning and intending to convey the interest acquired by the Grantor by virtue of a real estate tax lien filed in the Cumberland County Registry of Deeds on June 15, 1992 in Book 10118, Page 126; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 11, 1993 in Book 10756, Page 176; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 7, 1994 in Book 11473, Page 226; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 8, 1995 in Book 11952, Page 010; and a real estate tax lien filed in the Cumberland County Registry of Deeds on June 19, 1996 in Book 12570, Page 206.

RECEIVED
CLERK OF DEEDS

1997 JUN 20 PM 1:31

CUMBERLAND COUNTY

John B. O'Brien

4-15

VERRILL
&
DANA^{LLP}
Attorneys at Law

CHRISTOPHER J.W. COGGESHALL
PARTNER
ccoggeshall@verrilldana.com
Direct 207-253-4502

ONE PORTLAND SQUARE
PORTLAND, MAINE 04112-0586
207-774-4000 • FAX 207-774-7499
www.verrilldana.com

May 14, 2002

Peter A. Howe, Executive Director
Portland Housing Authority
14 Baxter Boulevard
Portland, Maine 04101

Re: Property Deeds

Dear Peter:

In accordance with your request, we have reviewed the records in the Cumberland County Registry of Deeds and identified the deeds by which Portland Housing Authority acquired property between 1968 and 1974.

Enclosed are copies of the following deeds which occurred during that period:

Kellogg Street, Portland, Maine

Book 3090, Page 105, from Antonio J. Amoroso, et al.
Book 3102, Page 397, from Charles A. Brown, et al.
Book 3112, Page 239, from Fay Avrech
Book 3112, Page 240, from Beatrice M. Star, et al.
Book 3120, Page 368, from Portland Renewal Authority (four parcels)

West End - Dermot Court, Clark Street, Danforth Street and Emery Street, Portland, Maine

Book 3176, Page 103, from Housing Opportunities, Inc. (Dermot Court and Clark Street)
Book 3198, Page 97, from F. D. Rich Housing Corp. (Danforth and Emery Streets)

East Deering Area, Portland, Maine

Book 3150, Page 101, from City of Portland (Cummings, Front and Presumpscot Streets)
Book 3196, Page 834, from Stirling Homex Corporation (Cummings, Front and Presumpscot Streets)
Book 3459, Page 186, from F. D. Rich Housing Corp. (Presumpscot and Sherwood Streets and Washington Avenue)

Peter A. Howe, Executive Director
May 14, 2002
Page 2

4-F

Forest Avenue and Maine Turnpike Area, Portland, Maine

Book 3280, Page 329, from F. D. Rich Housing Corp. (19.86 acres)

South of Cumberland Avenue, East of Franklin and West of Washington Avenue, Portland, Maine

Book 3129, Page 374, from Portland Renewal Authority (12 small parcels)

Book 3096, Page 206, from King E. Butland (Greenleaf Street)

Please give me a call if you have any questions.

Sincerely,

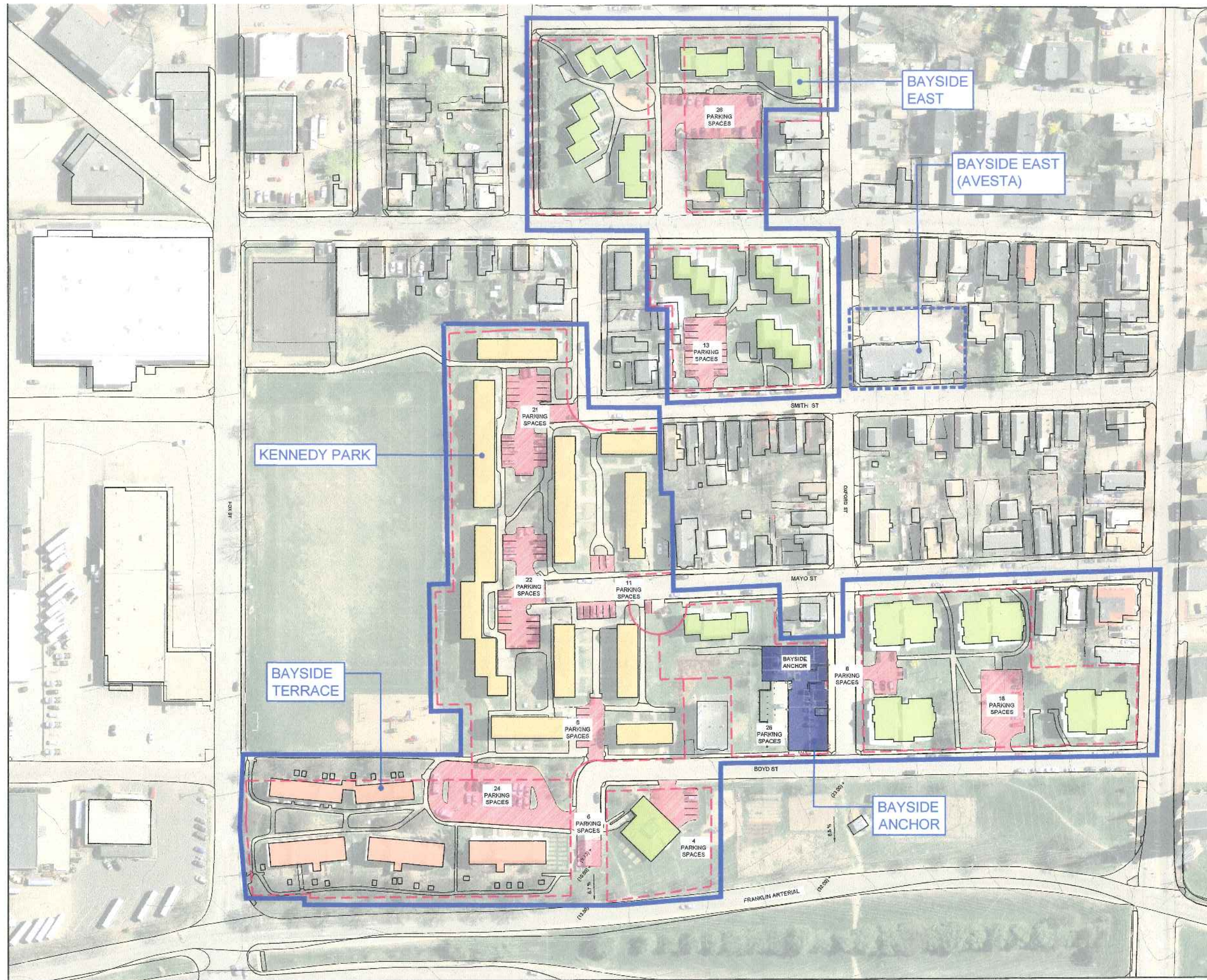


Christopher J.W. Coggeshall

CJWC:emp

Enclosures

P:\CJWC\LETTERS\Howe 051402.doc



LEGEND		ATT. 6
	EXISTING PARKING	
	KENNEDY PARK	
	BAYSIDE TERRACE	
	BAYSIDE EAST	
	BAYSIDE ANCHOR	
	PHA LAND HOLDINGS	



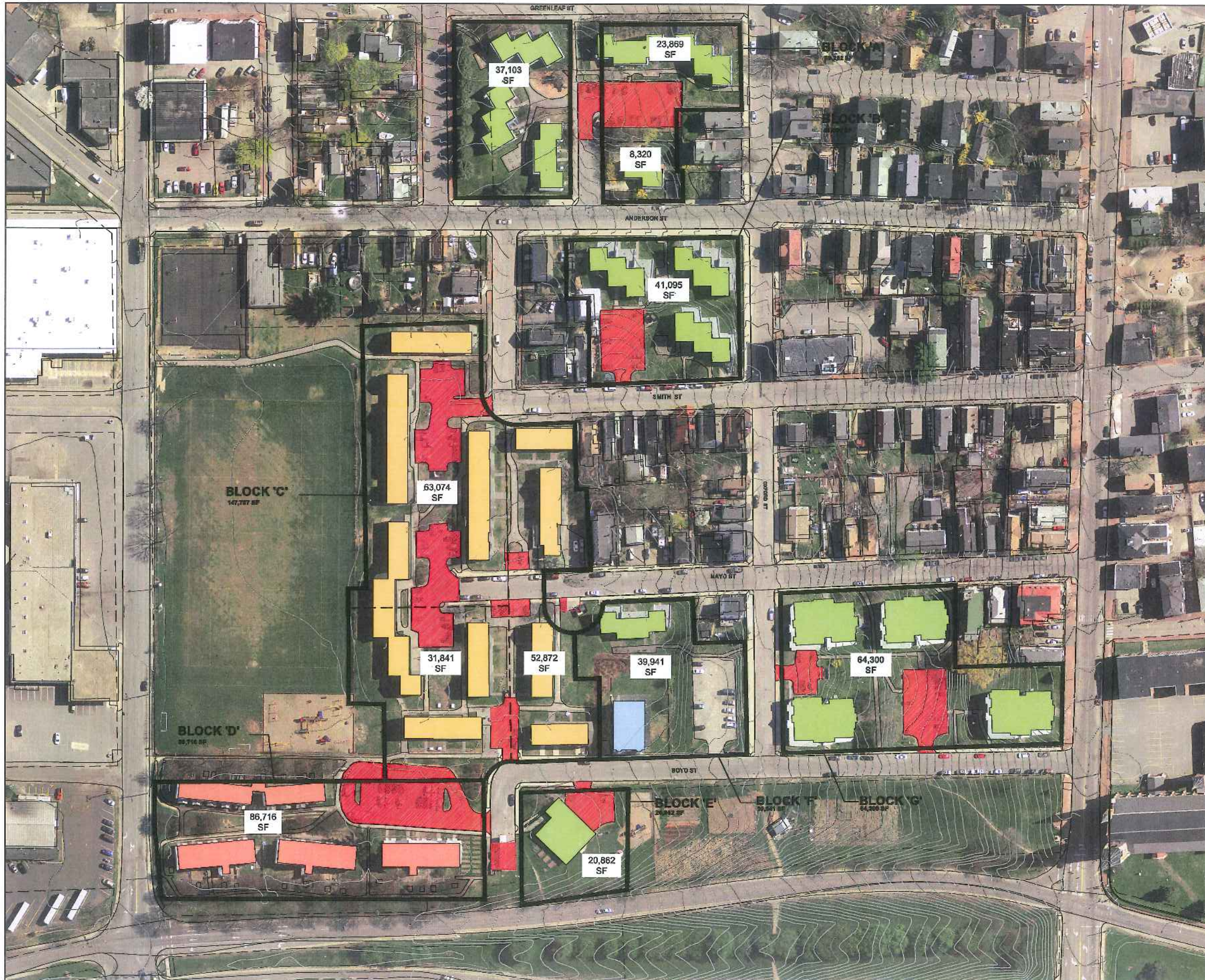
EAST BAYSIDE PROPERTIES

PROPOSED ZONE MAP CHANGE
OXFORD STREET, PORTLAND MAINE

ATTACHMENT 'E'

DATE: FEBRUARY 4, 2014 BY: CARROLL ASSOCIATES

0' 60' 120'



LEGEND

ATT 7

EXISTING PARKING

KENNEDY PARK

BAYSIDE TERRACE

BAYSIDE EAST

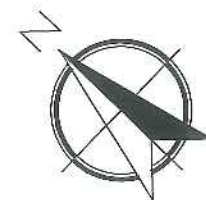
BAYSIDE ANCHOR

PHA OWNED

PHA LAND HOLDINGS

BLOCK	SQUARE FOOTAGE	ACRE	# OF UNITS	DENSITY (UNITS / AC)
A	69,292	1.59	25	15.72
B	41,095	0.94	17	18.02
C	147,787	3.39	45	13.26
D	86,716	1.99	24	12.06
E	20,862	0.48	0	0
F	39,941	0.92	13	14.18
G	64,300	1.48	40	27.10

* SQUARE FOOTAGE IS ACQUIRED FROM PORTLAND TAX MAPS WHEN EVER POSSIBLE, OTHERWISE DERIVED FROM GIS PARCEL DATA.



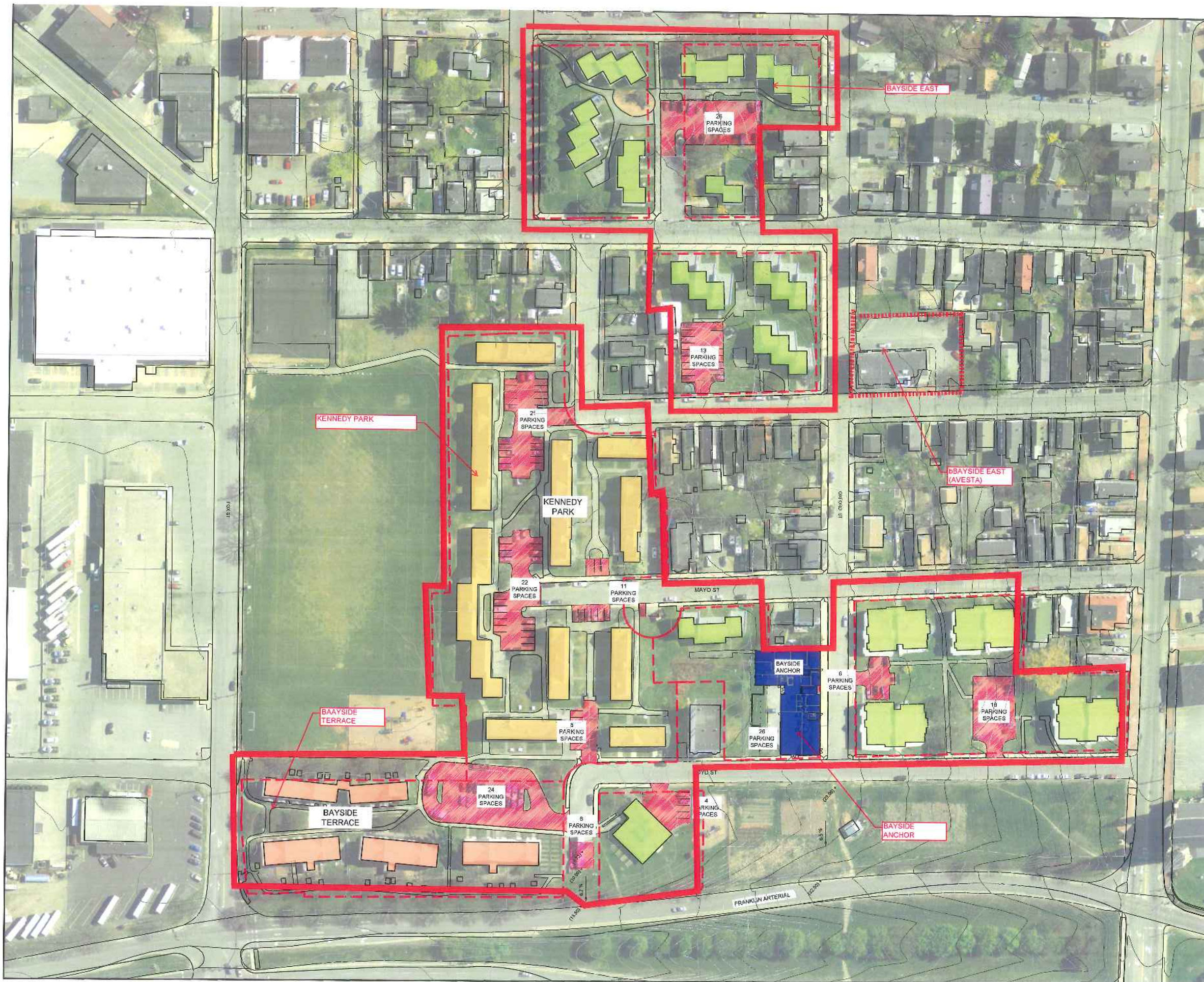
EAST BAYSIDE
PHA PROPERTIES

PROPOSED ZONE MAP CHANGE
OXFORD STREET, PORTLAND MAINE

EXISTING DENSITY

DATE: FEBRUARY 26, 2014 BY: CARROLL ASSOCIATES

0' 60' 120'



LEGEND *ATT 8*

	EXISTING PARKING
	KENNEDY PARK
	BAYSIDE TERRACE
	BAYSIDE EAST
	BAYSIDE ANCHOR
	PHA LAND HOLDINGS

PARKING COUNT	EX. DU	PROP. DU	EXISTING PARKING	PROPOSED PARKING
KENNEDY PARK	45	45	60	60
BAYSIDE TERRACE	24	24	30	30
BAYSIDE EAST	86	86	67	67
BAYSIDE E. OVERFLOW	/	/	26	0
BAYSIDE ANCHOR	0	46	0	0
TOTAL	155	201	183	157
Cars / Units			1.18	0.78

* Does not include on street parking

BAYSIDE ANCHOR

PHA PARKING COUNT
OSFORD STREET, PORTLAND MAINE

DATE: JANUARY 10, 2014 BY: CARROLL ASSOCIATES

ATT 9

Rick Knowland - RE: height of building

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "Rick Knowland" <RWK@portlandmaine.gov>
Date: 3/6/2014 3:42 PM
Subject: RE: height of building
CC: "Mark Adelson" <madelson@porthouse.org>, "Seth Parker" <SParker@avesta...>

Hi Rick,

The building will be 4 stories, height will not exceed 50 ft per R7 requirements. I believe a copy of the LIHTC submission that shows the intended massing was included in the rezone application, if you don't have it let me know and I will send it over.

Wrt your earlier ownership question, Bayside Anchor will be developed and owned by a separate LLC (required for all LIHTC Projects). Partners include the Portland Housing Development Corp and Avesta Housing. PHA has partnered with Avesta due to their successful experience in developing and managing LIHTC projects.

PHDC is a component corporation of PHA, established specifically for the purpose of developing additional affordable housing, and as such Bayside Anchor is considered part of the PHA "Affordable Housing" portfolio. Although BA is not public housing it will be located on land that is currently part of the PHA campus. So it doesn't expand the campus in terms of acreage. BA will initially be managed by Avesta. This is necessitated by the competition for MaineHousing's tax credit financing but within a short timeframe (three years) the management will be turned over to PHA.

I hope this answers your questions.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

 Please consider the environment before printing this email.



ATT. 10

COMMISSIONERS

Tom Valteau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

Neighborhood Meeting Invitation

February 10, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for **Rezoning of Portland Housing Authority land in the East Bayside Neighborhood from Residential R-6 to Residential R-7 Zone District**. The properties include all of Bayside Terrace, Bayside East, and Kennedy Park neighborhoods managed by Portland Housing Authority (PHA) located north of Franklin Street.

Meeting Location: PHA Kennedy Park Community Room, 58 Boyd Street
Meeting Date: Thursday, February 27, 2014
Meeting Time: 6:00 PM

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please contact:

Patrick Carroll
Carroll Associates
207-772-1552
pcarroll@carroll-assoc.com

Sincerely,

Applicant:

Portland Housing Authority
14 Baxter Boulevard
Portland, ME 04101

**Memorandum
Planning and Urban Development Department
Planning Division**



To: Stuart O'Brien, Chair and Members of the Portland Planning Board

From: Richard Knowland, Senior Planner

Date: April 4, 2014

Re: East Bayside Rezoning (R-6 to R-7)

Project #: #2014-013

Meeting Date: April 8, 2014

I. INTRODUCTION

The Portland Housing Authority (PHA) discussed a proposal to rezone their East Bayside campus from R-6 to R-7 at the March 11th workshop. The Board felt a follow-up workshop should be scheduled to consider the entire East Bayside R-6 for potential rezoning so that land use policy issues can be reviewed comprehensively rather than a piecemeal basis. Tuesday's workshop will focus on the larger existing R-6 zone in East Bayside within an area bounded by Washington Avenue, Congress Street, Franklin Street, Fox Street to Gould Street.

Notice of the workshop consisted of the item appearing in the Portland Press Herald on March 31st and April 1st. In addition, 547 notices were mailed to neighbors.

An updated East Bayside study area and zoning map; an excerpt of the Richard's Atlas (1914) for East Bayside; an aerial photo of East Bayside are shown as Attachments A, B and C, respectively. Applicant has submitted an updated map of PHA properties with residential density and parking.

A public hearing for the PHA zone change including the larger R-6 area has been scheduled for April 22, 2014. It was the consensus of the Board that the PHA process should continue on schedule and should not be delayed if the larger rezoning takes longer to review. If a recommendation for the larger zone change area cannot be formulated at the public hearing, we suggest the PHA recommendation be forwarded to the City Council. Additional Planning Board meetings can be scheduled to discuss the larger zone change as necessary.

II. MARCH 11, 2014 WORKSHOP MEMO

The March 11th Workshop Memo includes the following information which should be reviewed in context with Tuesday's discussion.

- PHA application and background info on zone change proposal
- Comparison chart of R-6 and R-7 zones
- Discussion of peninsula residential density
- Information on previous R-7 zoned sites
- Land use policy considerations
- Zoning map with lot and building footprints
- East Bayside properties listed by block indicating address, CBL, lot size and number of housing units

III. EAST BAYSIDE LAND USE CONSIDERATIONS

In assessing the entire East Bayside R-6 neighborhood a number of observations can be made regarding land use, housing, and development patterns.

Overview

The existing East Bayside R-6 is framed by a B-2b zone along Washington Avenue, a B-2b along Congress Street, Franklin Street, an I-Lb zone and B-5 zone between I-295 and the neighborhood as well as an R-OS zone (Fox Field).

The existing R-6 residential zone is almost entirely residential except for the Mayo Street Art facility (12 Mayo Street), City of Portland Recreation Services building (90 Anderson Street), Ingraham Volunteers (165 Cumberland Avenue) and Union Bagel (147 Cumberland Avenue). The Cathedral Church, Portland Adult Education facility (formerly Cathedral School) and Bayside Variety Store (166 Cumberland Avenue) are located between Cumberland Avenue and Congress Street. The Three G auto repair facility is located on the corner of Anderson, Fox and Everett Streets.

Neighborhood park facilities include Peppermint Park (playground), Bayside Playfield (4 acres with Fox Field, a playground and basketball courts) and Boyd Street open space (a 1.5 acre green area with a community garden). A new trail connecting Boyd Street to the Bayside Trail has been partially constructed and will be completed next year. Most residences are within a two or three block walk of park or open space facilities.

Three R-7 zones have been implemented to date in the neighborhood including the corner of Smith and Oxford Streets; corner of Greenleaf and Monroe Streets; and corner of Cumberland and Anderson Streets. See Attachment D for site photos.

East Bayside Lot Data

Attachment A from the March 11th workshop memo includes a map featuring city blocks numbered 1 to 16 for non-PHA parcels. These city block numbers correspond to charts shown on Attachment B (organized by blocks) which provide individual lot information including street address, lot area, land use and number of housing units.

A review of this data reveals most lots are relatively compact and significantly less than the R-6 minimum lot size of 4,500 sf. Most lots are occupied by single, two and three family residences. The charts indicate there are 8 four unit buildings in the neighborhood. Larger scale multi-family buildings are represented by four other properties having 7 unit, 12 unit, 15 unit and 20 unit buildings respectively. For the most part the neighborhood is composed of housing ranging from single family homes to triple deckers with an intermixing of larger residential buildings. [Note the charts have not been updated to include Hammond Street and blocks between Cumberland and Congress Street.]

Seventeen lots are listed as vacant or having a garage (with no other use) according to City Assessor records. Presumably these lots could be built on or combined with an adjacent parcel providing additional housing opportunities. The size of these parcels however reflects the general small lot size found in the neighborhood. The largest vacant parcel is only 4,800 sf in size while 13 of the lots are 2,400 sf or larger in size. There are no obvious oversized vacant non-PHA parcels that could serve as sites for larger size housing developments.

Although not a vacant lot, the non-conforming Three G auto repair facility (20,440 sf; corner of Fox and Anderson) is the largest underutilized non-PHA parcel in the neighborhood. See photo of property on Attachment E.

Neighborhood Development Pattern

The PHA campus is an anomaly in East Bayside as it doesn't fit the traditional building orientation, configuration or layout of the neighborhood. When the campus was created the traditional street grid was ignored and buildings were typically placed in a suburban layout pattern.

Ironically the 10.8 acre PHA campus is well under the R-6 density with just one dwelling unit per 2,865 sf of land area. As buildings are replaced over time (Kennedy Park buildings are 40 years old) there is an opportunity for new infill development to be designed in line with the traditional neighborhood. A first step in that direction is the proposed Bayside Anchor development featuring 45 units on 20,147 sf of land (447 sf per dwelling unit) which is close to the R-7 density of 443 sf per dwelling unit. The site of the existing Kennedy Park community center building has been mentioned as a potential opportunity for infill development.

The remainder of the East Bayside follows a traditional grid neighborhood pattern. While the ratio of building wall to street lot frontage may not be as high as some blocks on Munjoy Hill, the traditional neighborhood appears still intact except for a few vacant lots.

A closer review of Richard's Atlas (1914) reveals a denser neighborhood back then with generally more buildings per block than exists today. See Attachment B. The number varies by block but the Greenleaf-Madison-Winthrop-Everett block (#15) is the only block that appears to have the same number of buildings today as it did back then. The remainder of the block groups have experienced some reduction in the number of residential buildings over time (exclusive of the losses associated with the PHA blocks) which suggests some opportunities for infill development.

Change is inevitable in the life of a neighborhood. Past and present development patterns in East Bayside suggest potential for infill development whether by adding a unit or two to an existing building or newly constructed buildings. Context sensitive architectural designs as exemplified in the three R-7 zoned developments and reinforced by site plan design standards are an exponential advancement over designs of the 1960s and 1970s such as the original PHA buildings.

Attachment A shows the footprint of existing buildings which is helpful in understanding the neighborhood development pattern including the relationship of building mass to available land. To supplement this information we have included street view photos (Google) of individual streets to get a sense of building placement and mass, spatial relationship between buildings, streetscape, and other physical defining elements that may be helpful in the R-6/R-7 rezoning discussion. See Attachment F. As discussed in the previous memo much of Bayside could not be replicated under the present R-6. In many cases existing buildings constructed at the turn of the century (well before zoning) could not meet present day requirements such as minimum lot size, setbacks, lot coverage and density. This becomes apparent when reviewing the attached material.

The photos attempt to capture typical street level views that may not be apparent from an aerial photo or a building footprint map. These photos include non-PHA street blocks. The initial photos focus on the side streets off Cumberland Ave. including Mayo, Smith, Anderson and Cleaves to Oxford Street (Block #s 8 to 10). These blocks are generally longer than other East Bayside blocks and help "frame" the neighborhood given their proximity to Cumberland Avenue and Congress Street and the presence of civic and commercial uses associated with these streets. These images are included on Attachments F-1 to F-4.

Views of other streets are provided which hopefully capture a representative profile of the neighboring character.

IV. Neighborhood Meeting

Planning Staff held a neighborhood meeting in East Bayside on March 31st to discuss the larger R-6 to R-7 rezoning proposal. Notes from the meeting are shown as Attachment H. The predominant view expressed at the neighborhood meeting was that the R-7 density and lack of setbacks was viewed as incompatible with the existing development pattern in the neighborhood, and several residents expressed the opinion that they would not want

an adjoining lot to be developed so closely and at a scale exceeding their homes. At least one person did express support for the R-7 rezoning.

V. SUMMARY

There are a number of options the Board may want to consider in formulating a recommendation for the broader rezoning proposal for East Bayside.

1. Rezone all or a portion of the PHA campus.
2. Rezone areas covered by option 1 plus all of the “split” blocks that have PHA properties and non-PHA properties (labeled as blocks 1 to 7 and shown in red in the map prepared for the previous workshop including the Three G auto repair lot.)
3. Rezone areas covered by option 1 and 2 plus all or a portion of the remaining blocks in East Bayside. .

We will be providing additional analysis of existing lot development for Tuesday’s workshop.

The Board should also be aware that the Planning Office is working on amendments to the R-6 zone that will make it more conducive to development of the historical building types found in R-6 neighborhoods, including reductions in minimum lots size, setbacks, and other dimensional requirements. These changes are before the HCDC on April 9, and will likely be referred by HCDC to the Planning Board for further review and development, and a recommendation by the Board to the City Council. This process could take a few months to complete, likely this summer.

ATTACHMENTS

Staff Attachments

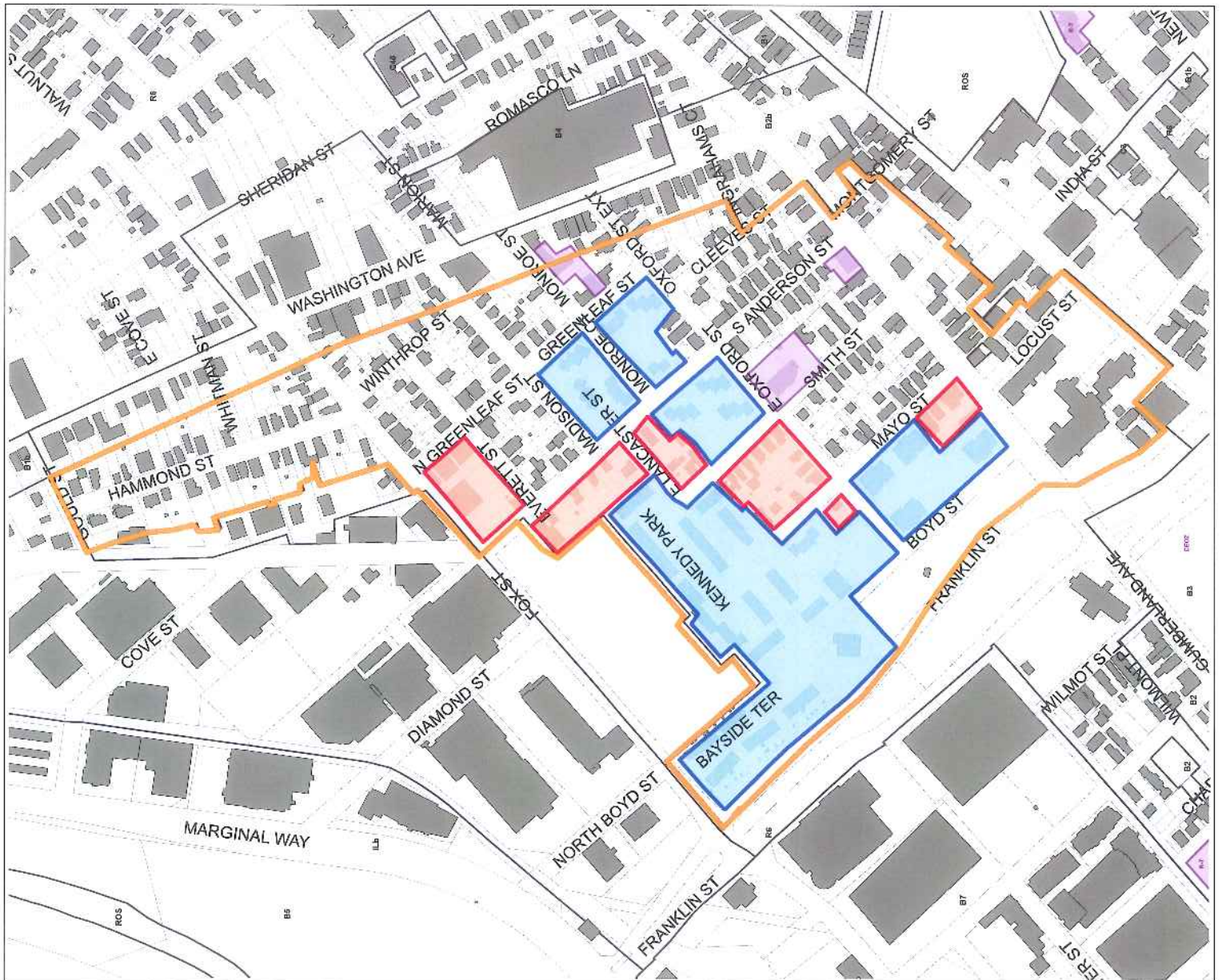
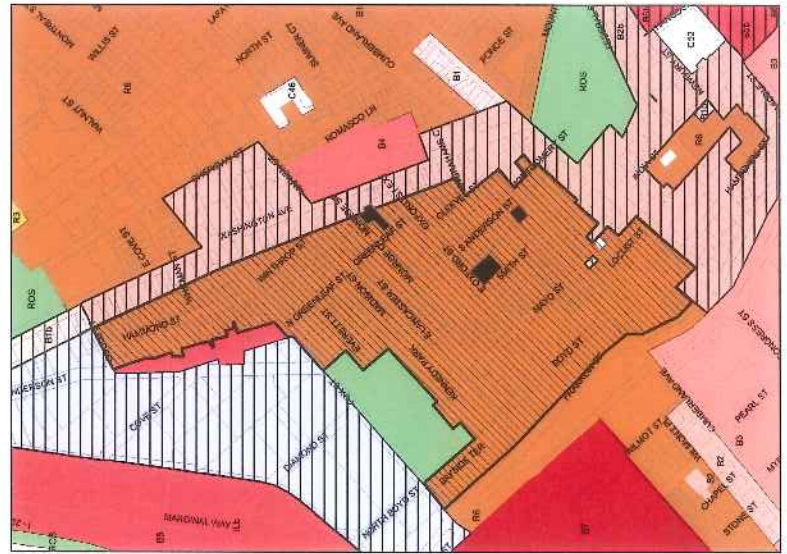
- A. East Bayside Map Area and Zoning Map
- B. Excerpt of Richard’s Atlas (1914) of East Bayside
- C. East Bayside Aerial Photo
- D. Photos of Existing R-7 Sites in East Bayside
- E. Photo of Three G property (Fox-Anderson-Everett)
- F. Views of Various East Bayside Streets
- G. Neighborhood Meeting Notes Held on March 31, 2014
- H. Written Public Comment

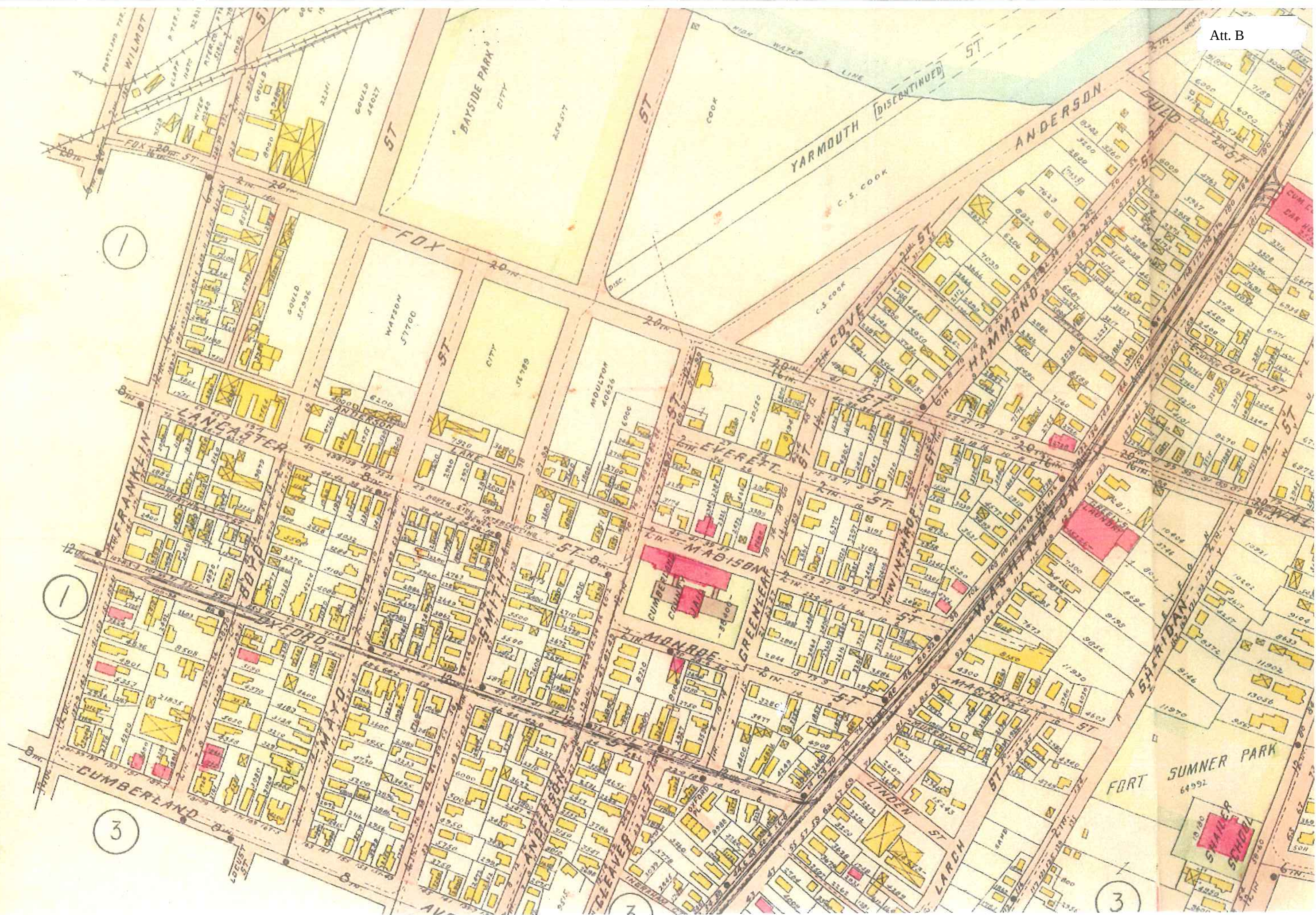
Applicant Submissions

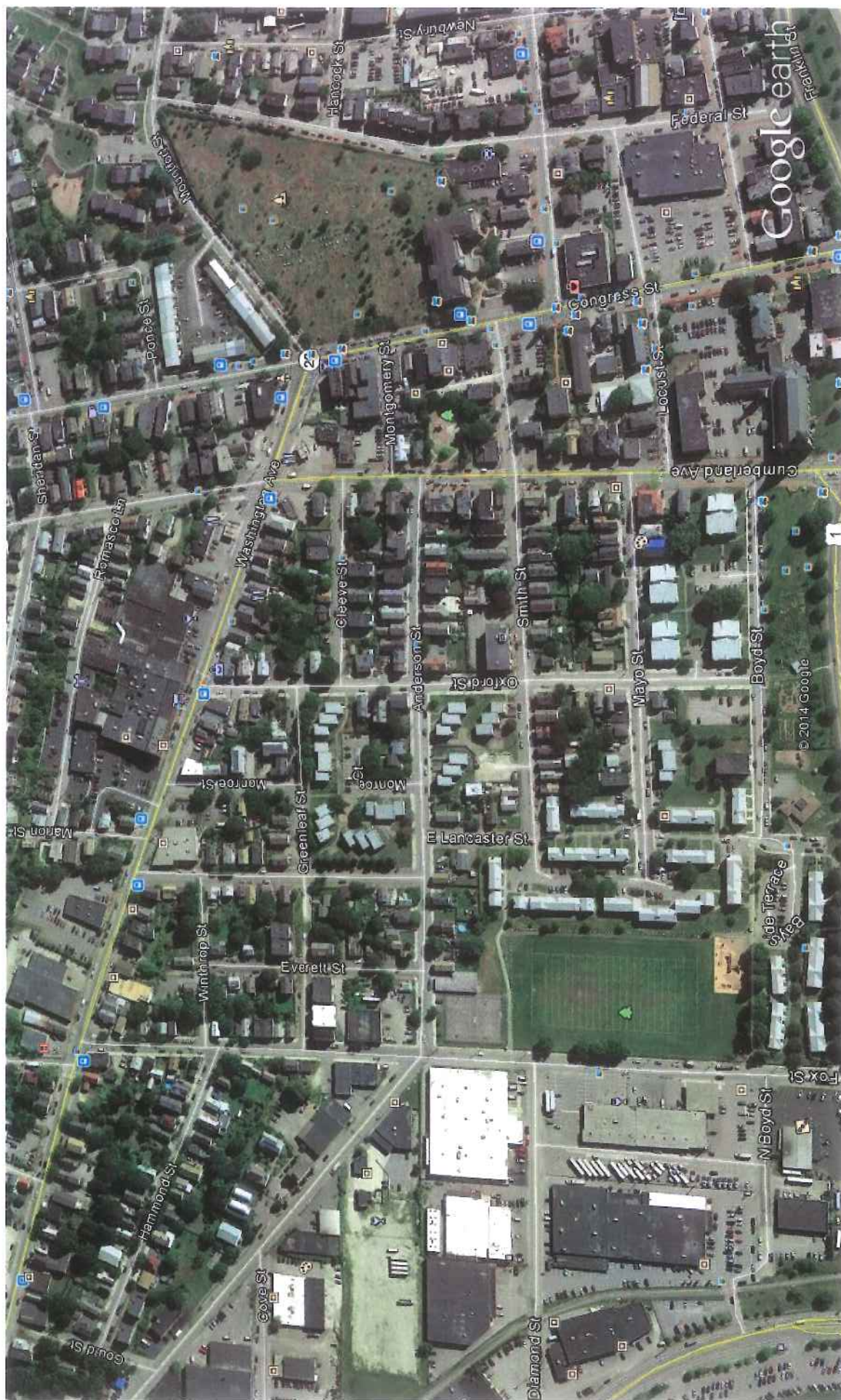
1. Updated PHA Campus Map with Residential Density and Parking

East Basyde Proposal to Rezone From Residential R-6 to Residential R-7

- Study Area
- Existing R-7
- Portland Housing Authority Parcels
- Adjacent Parcels
- Buildings
- Zone Lines







Google earth

feet
meters

1000

500





SMITH AND OXFORD
EXISTING R-7 ZONE



SMITH AND OXFORD
EXISTING R-7 ZONE



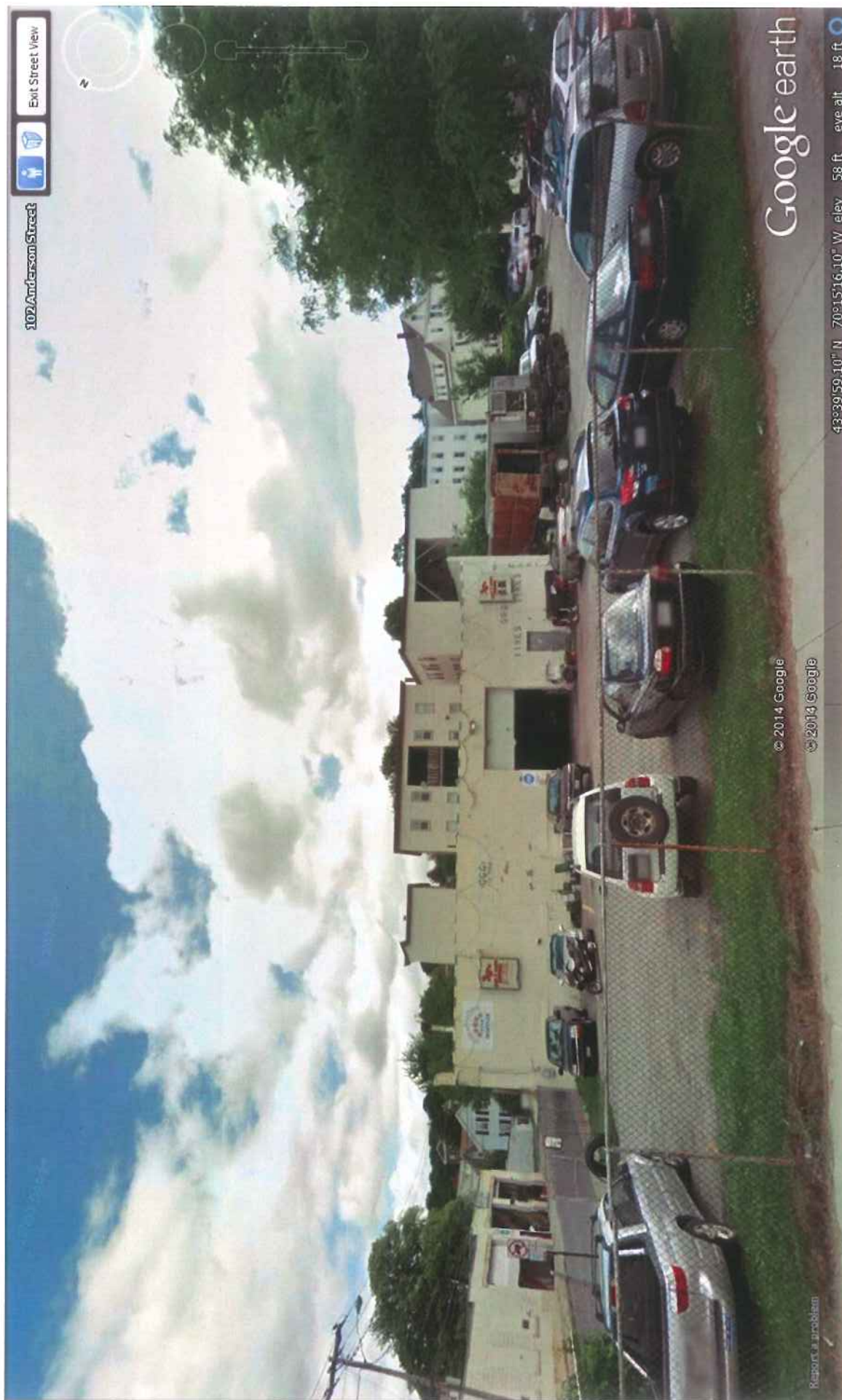
9 GREENLEAF STREET
EXISTING R-7 ZONE



14 MONROE STREET
EXISTING R-7 ZONE



CUMBERLAND AND ANDERSON
EXISTING R-7 ZONE



THREE G AUTO REPAIR SITE
FOX-ANDERSON-EVERETT



View of Mayo Street toward Cumberland Avenue



View of Mayo Street toward Cumberland Avenue



View of Smith Street from Cumberland Avenue



View of Smith Street toward Cumberland Avenue



View of Anderson Street at Oxford Street (looking toward Cumberland Avenue)



Anderson Street View at Cumberland Avenue looking toward Oxford Street
Site of existing R-7 zone



View of Cleeve Street at Cumberland Avenue toward Oxford Street



View of Greenleaf Street from Fox Street



Greenleaf Street View toward Oxford Street



View of Fox Street looking toward Washington Avenue



View of Fox Street toward Washington Avenue



View of Madison Street toward Washington Avenue



View of Hammond Street toward Gould Street

**R6/R7 Neighborhood Meeting Notes
PHA Community Room 6:00 – 7:30 PM**

Attendance Sheet

Alex Jaegerman	Portland Planning Department
Kevin Donoghue	City Councilor
Patrick Carroll	Carroll Associates
Mark Aldelson	Portland Housing Authority
Brooks More	Avesta Housing
Jesse Thompson	Kaplan Thompson Architects
Morgan Law	Kaplan Thompson Architects
Hope Chrupcala	86 Anderson Street
Michele Castner	86 Anderson Street
Cynthia Cochran	17 Hammond Street
Ellen Bailey	17 Hammond Street
Rebecca Leeman	23 Fox Street
Wendy West	23 Fox Street
Byron Davis	77 Anderson Street
Chris Teret	77 Anderson Street
Kathleen McKeon	53 Hammond Street
Megan Garaay	24 Cleeve Street
Erin Kelly	24 Cleeve Street
Chelsea Valentine	24 Cleeve Street
Even Carroll	5 Everett Street
Sasha Salzberg	5 Everett Street
Judith Ridge	190 Washington Avenue
Brendon O'Neil	105 Walnut Street
Jeff Levine	Portland Planning Board
Ben Chipman	5 Mayo Street

March 31, 2014
East Bayside Neighborhood Meeting

Kevin Donoghue: Introduction

Jeff Levine: Opening remarks to set context (Power Point Presentation)

Several Areas on the peninsula under consideration for R-7. Parkside, Parts of Libby town and East Bayside. We are also looking at zoning text in R-6 and R-7. Presented Housing Policy issues, including the housing affordability gap.

Rick Knowland: Presented the map of area under consideration for rezone from R-6 to R-7, and presented the differences between R-6 and R-7 and street view images of existing R-7 projects in the neighborhood.

Michelle Castner (Anderson Street): Asked about the auto repair garage site – If rezoned would garage be allowed?

Rick Knowland response: It is and would still be grandfathered.

Kevin Donoghue: Does housing stock resemble more of R-6 or R-7?

Rick Knowland response: Setbacks are R-7, height and density is R-6.

Judy Ridge (Washington Avenue): Lots of area was (used to be) industrial zone. Are they grandfathered?

Jeff Levine response: Most are grandfathered.

Ken Lord (Deering Street): Why 5' difference? How is height measured?

Rick Knowland response: Explained height measurement.

Chris Teret (Anderson Street): How would change to R-7 lead to more affordable housing? Concerned that the neighborhood will lose its affordable housing. New housing won't necessarily be affordable. Portland Housing is affordable; we don't want to lose existing affordable housing.

Jeff Levine response: New supply will offset demand even though new housing will charge what it can. The City is also looking ahead to consider zoning provisions to proceed but much housing is very expensive, driving market rate development. Most existing houses are much lower than 45 or 50 feet. The issue is how to encourage affordable housing types, but not producing just high end units.

Evan Carroll (5 Everett Street): Echoed Chris and Kevin's comments Likes more units in neighborhood and dense zoning. Would like to see R-7 for entire East Bayside, good idea by Planning Board and Department to look at that. How is affordability to be assured?

Keri Lord : Concerns about affordability of all new development in Portland, and size of some units. How can we regulate unit sizes? People with larger families, especially immigrants families, should not be pushed off peninsula. Lives in Parkside – Who is building 3 bedroom apartments? Parkside used to be more stable, people would stay longer. Now more transient, less stable. We need ample places for families to live – 2 babies now on Deering Street. Need affordable family size units.

Kathleen McKeon: Lives across from Hammond Street's 2 new tri-plexes. More attention to environmental conditions, especially after clear cut Jack path site.

Cynthia Cochran: RE: Hammond Street - you say those R-7's fit the neighborhood on Hammond Street and other locations where R-7 would not fit. These are established neighborhoods.

Byron Davis (Anderson/Madison Street): If R-7 is proposed in your neighborhood, would you have standing to object to proposed building next door?

Jeff Levine response: Site plan and design standards would apply.

Rebecca Leeman: Fox Street house has no setbacks or yard. I do not want that new development 5 feet from my house. Can't hang out in the yard. Parking requirements – Planning Board always gives waivers for parking.

Ellen Barley (Hammond Street): Has traffic concerns. This is not the 1950's. It is a different world. Corner of Fox and Washington is already dangerous. Already too congested and dangerous. More density will bring more traffic and more accidents, more dangerous conditions. Especially bad in the winter.

Megan Garay (Cleeve Street): Has a yard and driveway. She would not want to see more buildings with less space. The neighborhood needs setbacks. In winter conditions, no one shovels sidewalks. R-7 with minimum yards and frontage is not good.

Brendan O'Neil (Walnut Street): Does the Planning Department have data on parking utilization on the street? Also, projects that have not gone forward due to zoning that would go forward with R-7?

Jeff Levine response: We are getting parking data from Portland Housing Authority. Not aware of projects that have not gone forward. Usually developers move on when zoning won't work for them. No data on lost opportunities.

Kevin Donoghue: Framed as unaffordable city or concern about building envelope and protection of setbacks and sky exposure. E. Bayside has more sky than Munjoy Hill. Answers don't fit R-6/R-7 box. People do not like zero setbacks next door. How to protect open spaces and allow affordable housing.

Chris Teret: What is the process going forward where this decision will be made?

Jeff Levine response: Planning board will have another workshop or two then have a public hearing and recommendation to the City Council. Final decision rests with the City Council.

_____: Portland Housing Authority was the catalyst for this, then Planning Board was inspired to look at R-7 in larger area.

Brendan O'Neil: Clarified his question on what prompted the Board?

Ben Chipman (5 Mayo Street): What is R-6 density? Lots of 2-3 unit buildings. Could not rebuild if they were torn down.

Kevin Donoghue: Which aspects of the R-7 does Portland Housing Authority need?

Jesse Thompson: R-6 goes back many decades and does not allow much to be built, especially buildings that fit the older pattern of development. Especially need lower front yard to meet the street. Side yards get larger with height. Side yard needed relief. Height not so much. Area per dwelling unit is critical. 435 is more workable than 1,000. Minimum lot size 4,500 is rare but we meet that. In summary, Bayside anchor needs changes to area per dwelling unit and setbacks. (Front and sides in our care). R-6 zone can't make a good city building. Did not want or need 100% lot coverage.

_____: Why not rezone the entire peninsula?

_____: How many units are allowed in the R-6 versus R-7?

Jeff Levine response: For a 5,000 sq. ft. lot, 5 units, or 10-11 units in R-7.

_____: If inclusionary zoning goes forward, how many units would be affordable?

Jeff Levine response: Range from 1 in 6 to 1 in 12 or negotiable. Likely 1 in 10 units but still under development.

Keri Lord: The impetus for this is Portland Housing Authority, this is too broad. Parts should staff R-6, some to R-7. Would not want that Portland Housing Authority building next to her house. Need to re-think the peninsula and living on peninsula. Lots of 3 unit buildings in the neighborhood. What is wrong with that for East Bayside? Do we want tall new buildings? All

new buildings look like tenements, big buildings with flat roofs. Portland Housing Authority should get what they need but not rezone larger area. Preserve and respect existing neighborhood. What is wrong with 2 family house units and a nice back yard? Don't jeopardize _____ houses.

Michelle Castner (Anderson Street): Went to some neighbors houses to spread the word of this meeting. Renters don't get notices and they knew nothing about this. One neighbor works 3rd shift. Lots of folks who are concerned but cannot be here or don't get notice of meetings. I own my home but renters are concerned that their landlord will sell for development and they will be displaced after decades of living there. Premature to rezone large area. There is no vision. We do not need ½ million dollar condo's. Do this more thoughtfully and carefully.

Jeff Levine response: There is no database for renters. We try house social media. If people call, we will talk to them.

Kevin Donoghue: Notices to addresses not people. Homeowners in East Bayside are working class. Cost of housing construction and changes to R-6 zone are critical.

Michelle Castner: Any connection to Franklin Street planning process?

Jeff Levine response: Franklin Street will lead to a review of zoning allowing street edge. Possible TIF associated with _____ around Franklin Street.

_____: Will R-7 change property value? Property taxes?

Jeff Levine response: Assessor does not tax for maximum development capacity. Move about what current use is.

_____: Can Portland Housing Authority sell the land?

Mark Adelson response: Sale of property is controlled by the federal government.

_____: Suggestion to use community police to hand out meeting notices.

Meeting adjourned at 7:30 p.m.

Respectfully submitted: Alex Jaegerman

March 20, 2014

To City of Portland Planning Board and Planning Staff;

My name is Evan Carroll, I live at 5 Everett Street, and I am writing the in regards to the proposed R-7 rezone in East Bayside. I am a local architect conducting business in Portland and I am a commissioner for the Portland Housing Authority. I attended an East Bayside Neighborhood meeting on Tuesday, March 18th and I feel that many of my neighbors expressed sentiments similar to what I will express.

In this greater context, I am writing only on behalf of myself and my wife, Sasha Salzberg.

I am in support of zoning that allows more dense housing to be created in East Bayside. This is critical to the healthy growth of a city, and is also inevitable in East Bayside, given the market pressures on the Peninsula. I support denser housing because it will allow more people to live in close proximity to their jobs and their daily needs. I moved to East Bayside because it had the qualities of an urban neighborhood, including families. I love the mix of backgrounds in our neighborhood, and support the creation of more subsidized housing and more market-rate housing.

I also appreciate that the City has developed a comprehensive response to a specific and isolated rezoning request. This approach builds trust between the neighborhood and the City by setting a tone that everyone must play by the same rules. I would support a rezone of the entire residential area of East Bayside.

With my support I would also like to issue a challenge: I hope that as a city and a neighborhood we can find a way to make sure that newly created market rate living units continue support the variety of economic strata that already live in East Bayside; my particular focus is in young families. I challenge us all to plot a path that is an alternative to the housing trend that we have seen on Munjoy Hill.

I am not against the creation of high end units, I am in favor of the creation of living units for many demographics, including young families. The city has been building a brand: "Yes. Life's good here." This brand is based on the creativity of our citizens, our quality of life, and the relative affordability of living in Portland when compared to other cities in New England. I hope that we will also compare the affordability of our urban living to the suburban and rural communities directly around us. Otherwise, the growth of Portland could lead to an exodus of families and the end of the sustainable demographics that currently support our city.

I expect that a direct discussion of the cost of market-rate living units will be critical to the necessary success of the East Bayside R-7 re-zoning.

Thank you for your time.



Evan A. Carroll
5 Everett Street
Portland, Maine

Rick Knowland - Zoning in East Bayside

From: Melissa Hoskins <Melissa.Hoskins@opportunityalliance.org>
To: "rwk@portlandmaine.gov" <rwk@portlandmaine.gov>
Date: 4/3/2014 8:43 AM
Subject: Zoning in East Bayside

Dear Rick,

I am contacting you in regard to the zoning discussion in East Bayside. After attending the meeting in which a rezone of R-7 was discussed I feel strongly that the policy of "spot zoning" for this area should be upheld. I understand that it slows the process for developers because it requires that each exception to current zoning standards be considered on an individual basis. I am supportive of the changing face of our neighborhood and I think it is vital to the health and future wellbeing of this area that those currently living here are giving an opportunity to shape these changes. A rezone of R-7 would jeopardize this opportunity.

There is an overwhelming consensus among the residents here that a broad R-7 zoning change would be harmful to our community and potentially threaten the valued mix of low and median housing currently available in East Bayside. Further, the enabling larger structures on a grand scale would literally change the landscape of the neighborhood. I currently live across the street from Bayside East, a building built with acceptations to the current zoning standards. Though this particular structure, with its zero set back from the street and 5 story height is well placed, I would not be supportive of multiple structures of this size built without careful consideration and feedback from affected property abutters and other local residents. Buildings of this size literally block out the sun and affect the character of the space.

I am a home owner in East Bayside and a member of the East Bayside Neighborhood Organization and hope to continue to make this my residents for myself and my family for years to come. I hope that you will consider my voice in this decision. Thank you for your time and consideration.

Sincerely,

Melissa Hoskins

Together we'll build a stronger community.

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To the Members of the Planning Board:

April 3, 2014

The Portland Society for Architecture favors rezoning parts of East Bayside in order to allow construction that more closely approximates historic building patterns in that neighborhood and to allow flexibility in the use of smaller, otherwise nonconforming lots. Rezoning a sizeable contiguous area is preferable to the current practice of applying modifications on a lot-by-lot basis as individual projects are proposed. The Portland Housing Authority properties in East Bayside should also be included in the R-7 district.

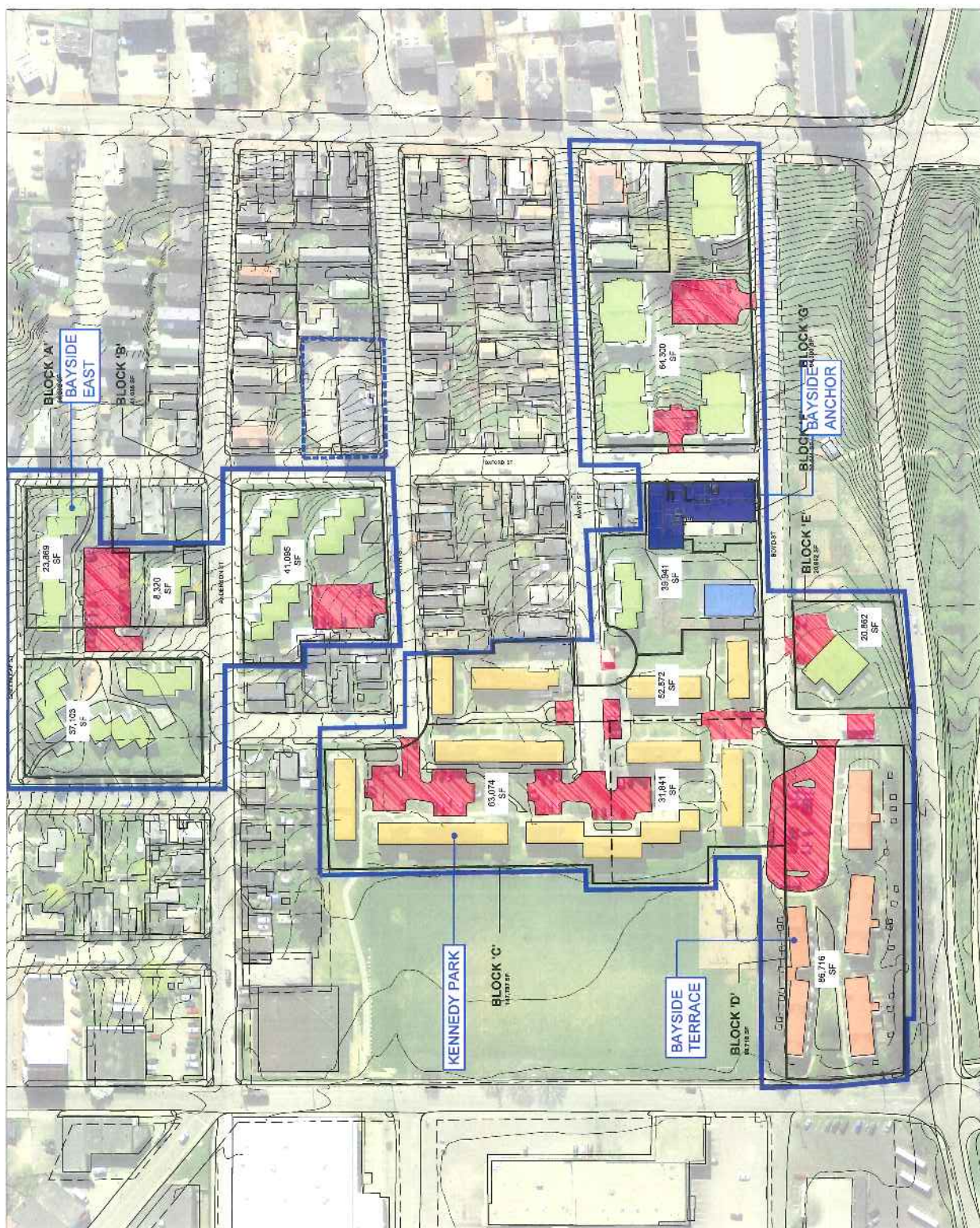
The R-6, as written, is not appropriate for any of the Peninsula locations where it is applied. It has building setbacks, minimum lot and dwelling unit sizes that stymie construction and do not reflect the existing neighborhood fabrics. The R-6 should be addressed soon, but waiting for a hypothetical future repair to R-6 will continue to discourage improvement in East Bayside at a time when the demand for housing at all income levels and sizes is high.

The current R-7 designation is not without flaws, but considering the currently available options for East Bayside, R-7 is the best overall fit. It allows a smaller land area per dwelling unit, more reasonable minimum dwelling unit sizes and it would permit the construction of 4 -story residential buildings.

Given the critical importance of creating affordable housing in Portland in coming years and the city's commitment to increasing density without compromising the quality of neighborhood life, it is fitting to rezone the East Bayside portion of the Peninsula to R-7. Our hope is that these new spaces will include a full range of unit sizes that will be affordable to a wide range of Portland residents.

Thank you.

The Portland Society for Architecture



Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

MEMORANDUM

TO: Chair and Members of the Portland Planning Board

FROM: Jeff Levine, Director of Planning & Urban Development

DATE: April 4, 2014

SUBJECT: B-2 Off Peninsula Residential Density Amendments

Attached is a set of draft amendments designed to encourage appropriately scaled and designed housing in the B-2 zoning districts. These amendments were reviewed by the Council's Housing and Community Development Committee at their last meeting and are now forwarded for your consideration.

These changes are designed to meet the Council's goal of encouraging housing development. Currently, you can develop housing consistent with the density allowed in the nearest residential zoning district, or you can develop housing at a density of one unit per 1,000 square feet of lot *if* the ground level is used for commercial purposes. The justification of this allowance is, I suspect, to encourage active street frontage in these business districts. However, we have found that the additional density is not sufficient to encourage housing development. In addition, we have realized that an active street presence is not only determined by commercial uses on the ground floor. In fact, the largest impediment to lively streetscapes is parking in the front of buildings.

For these reasons, we are recommending two primary changes in these amendments. The first is to lower the 1,000 square feet per unit requirement to 435 square feet per unit. This number is consistent with the requirement in the R-7 zoning district. The second is to change the requirement for street-level commercial space to a requirement that the front of the building not be used for parking. That change will provide more flexibility on the use of the ground levels of buildings, while also providing for an active street frontage on these buildings.

There were two other changes staff considered, but did not include in this draft. One was to lower the base requirement from that of the nearest residential zone to a set amount, such as one unit per 1,000 square feet of lot. The second was to keep a first floor commercial use requirement, but to limit it to the primary frontage of the building, and to further limit it to some percentage of that frontage. Other communities use percentages such as 50% or even 40% to ensure some active street frontage while allowing for other uses.

Attachment 1

**Proposed Amendments to B-2 Zone Re: Residential Density and
Format of Dimensional Standards**

Sec. 14-181. Purpose.

(a) B-2 Community Business Zone

The purpose of the B-2 community business zone is:

1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community.
2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.
4. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

(b) B-2b Community Business Zone

The B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists such as on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is

established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.

(c) B-2c Community Business Zone

To protect and enhance the quiet enjoyment of adjoining residential neighborhoods from the impacts of businesses that serve liquor and from other uses that are incompatible with adjoining neighborhoods due to noise.

(Ord. No. 293-88, 4-4-88; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, §2, 4-24-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 244-09/10, 6-21-10)

***Editor's Note:** Order No. 25, adopted 7-07-99, enacted an emergency 120-day moratorium on drive-through facilities on lots in B-2 Zone adjacent to lots with residential uses effective 7-07-99 through 11-1-99; Ord. No. 94A, adopted 11-01-99 extended the moratorium on said drive-through facilities through December 15, 1999.

Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:

(a) *Residential:*

1. Attached single-family and two-family dwellings;
2. Multi-family dwellings ~~are permitted when the nearest residential zone is R 4, R 5, R 6 or R 7. Multi-family dwellings are permitted in any structure with commercial uses in the first floor regardless of the nearest residential zone;~~
3. Handicapped family units;
4. Combined living/working spaces including, but not limited to, artist residences with studio space; and

(b) *Business:*

1. General, business and professional offices, as defined in section 14-47;
2. Personal services, as defined in section 14-47;
3. Offices of building tradesmen;
4. Retail establishments;
5. Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m.;
6. Drinking establishments, except that drinking establishment as defined in section 14-47, and bars as defined in section 14-217.5 (a)(1), shall not be permitted in the B-2c zone;
7. Billiard parlors;
8. Mortuaries or funeral homes;
9. Miscellaneous repair services, excluding motor vehicle repair services;
10. Communication studios or broadcast and receiving facilities;
11. Health clubs and gymnasiums;
12. Veterinary hospitals, but excluding outdoor kennels;
13. Theaters and performance halls;
14. Hotels or motels of less than one hundred fifty (150) rooms;
15. Dairies in existence as of November 15, 1999;
16. Bakeries in existence as of November 15, 1999;
17. Bakeries established after November 15, 1999, provided the bakeries include retail sales within the principal structures. Bakeries in the B-2b zone shall be no greater than seven thousand

(7,000) square feet in size;

18. Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section, only, "adjacent to" shall include uses across a street if within 100 feet of the subject lot boundary;
19. Drive-throughs associated with a permitted use in the B-2b zone, when accessory to a principal use located on the same lot, provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section, only, "adjacent to" shall include uses across a street if within 100 feet of the subject lot boundary.
20. Registered medical marijuana dispensaries.

(c) *Institutional*:

1. Long term, extended and intermediate care facility;
2. Clinics, as defined in section 14-47;
3. Places of assembly;
4. Kindergarten, elementary, middle and secondary schools;
5. College, university, trade schools; and
6. Municipal buildings and uses.

(d) *Other*:

1. Lodging houses;
2. Day care facilities or babysitting services;
3. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding;

4. Accessory uses, as provided in section 14-404;
5. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding. A bed and breakfast may include a meeting facility if the facility meets the following standards:
 - a. The meeting facility shall be limited to the following types of uses:
 - i. Private parties.
 - ii. Business meetings.
 - iii. Weddings.
 - iv. Receptions.
 - v. Seminars.
 - vi. Business and educational conferences.
 - b. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.
6. Studios for artists and craftspeople, provided that the area of such studios does not exceed four thousand (4000) square feet for each studio space.
7. Hostels, provided the applicant submits a site plan with and operations plan demonstrating compliance with the following conditions:
 - a. All applicable provisions of Article V of this chapter shall be met.
 - b. Parking shall be provided in compliance with Division 20 of this Article.
 - c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - d. The length of stay for transient guests shall not exceed fifteen (15) days out of

any sixty-day period.

- e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

8. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 293-88, 4-4-88; Ord. No. 39-96, § 2, 10-7-96; Ord. No. 125-97, § 6, 3-3-97; Ord. No. 164-97, § 2, 12-1-97; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 118-00, 11-20-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 244-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. 10 10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12; Ord. No. 41-12/13, 9-5-12)

Sec. 14-183. Conditional uses.

The following uses are permitted in the B-2, B-2b and B-2c zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) *Business.* Any of the following conditional uses, provided that, notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses:
 - 1. Major and minor auto service stations in the B-2 zone, only;
 - 2. Major or minor auto service stations in the B-2b zone in existence as of November 15, 1999;
 - 3. Car washes;
 - 4. Drive-throughs in the B-2 or B-2b zones which are adjacent to any residential use or zone, provided that, in the B-2b drive-throughs must be accessory to a principal use located on the same site;
 - 5. Automobile dealerships.

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.

b. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

6. Drive-throughs, where permitted, shall also specifically comply with the following conditions:

a. Location of Drive-throughs: Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any adjoining property located in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these

service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

- b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.
- c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.
- d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and
- e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.
- f. Hours of Operation: The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.

g. Conditions specific to major or minor auto service stations, car washes and automobile dealerships:

- i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual;
- ii. Car washes shall be designed to avoid the tracking of residual waters into the street.

(b) *Other:*

- 1. Printing and publishing establishments except as provided in subsection b. below;
- 2. Printing and publishing establishments in continuous operation at their current location since April 4, 1988, or earlier and which exceeded ten thousand (10,000) square feet of aggregate gross floor area at that time;
- 3. Wholesale distribution establishments; and
- 4. Research and development and related production establishments.

Uses listed in this paragraph (b) (other) 1, 3 and 4 shall be limited to ten thousand (10,000) square feet of aggregate gross floor area, and uses listed in this paragraph (b) (other) 1, 2, 3 and 4 shall be subject to the following conditions and standards in addition to the provision of section 14-474:

- a. Traffic circulation: The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be

visible from the street.

- b. Building and site design: The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual.
5. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 293-88, 4-4-88; Ord. No. 16-92, 6-15-92; Ord. No. 39-96, § 3, 10-7-96; Ord. No. 25, 7-07-99: emergency enactment of 120-day moratorium, effective 7/07/99 thru 11/04/99; Ord. No. 94A, 11-01-99: emergency enactment of 44-day extension of moratorium enacted on 7-07-99, effective date 11/01/99 thru 12/15/99; Ord. No. 94-99, 11-15-99; Ord. No. 151-03/04, 02-23-04; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 276 -09/10, 7-19-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 10 10/11, 8-2-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-184. Prohibited uses.

Uses not enumerated in sections 14-182 and 14-183 as either permitted uses or conditional uses are prohibited.

(Ord. No. 293-88, 4-4-88)

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses as permitted under sections 14-182(a) and (b) and newly constructed buildings with residential and non-residential uses shall meet the following requirements:

	<i>B-2 Entirely Residential</i>	<i>B-2 Not Entirely Residential</i>
<u>Minimum Lot Size</u>	<u>None</u>	<u>None in B-2b</u> <u>10,000 sf. in B-2 and B-2c</u> <u>10,000 sf. for intermediate, long term, or extended care facilities</u>
<u>Minimum Street Frontage</u>	<u>None</u>	<u>50 feet</u>
<u>Front Yard Setback Minimum</u>	<u>None</u>	<u>None</u>
<u>Rear Yard Setback Minimum</u>	<u>10 feet</u> <u>20 feet when abutting residential zone</u> <u>5 feet for accessory structures</u> <u>15 feet for portions of buildings over 45 feet in height</u>	<u>10 feet</u> <u>20 feet when abutting residential zone</u> <u>5 feet for accessory structures</u>
<u>Side Yard Minimum</u>	<u>5 feet</u> <u>20 feet when abutting residential zone</u> <u>5 feet for accessory structures</u> <u>15 feet for portions of buildings over 45 feet in height</u>	<u>None</u> <u>10 feet when abutting a residential zone or first floor residential use</u> <u>5 feet for accessory structures</u>
<u>Side Yard on side street¹</u>	<u>None</u>	<u>10 feet minimum on side yards along side streets</u> <u>10 feet maximum in B-2b zone except for newly constructed building on lot abutting 2 or more streets, for which one street front shall conform to the maximum front yard</u>
<u>Front Yard Maximum²</u>	<u>Average depth of abutting developed lots on each side or as set by Planning Board²</u> <u>No more than 10 feet in B-2b on-peninsula</u>	<u>Average depth of abutting developed lots on each side or as set by Planning Board²</u> <u>No more than 10 feet in B-2b on-peninsula</u>
<u>Pavement Setback</u>	<u>10 feet from side or rear yard lines abutting residential zones</u>	<u>None</u>

¹ Building additions do not have to meet this section.

² If lot has less than 40 feet of frontage and is more than 100 feet deep than 0. If existing structures are within 20 feet of the street or meet the front yard maximum, and remainder of lot has less than 40 feet of frontage, than 0. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by City arborist, and a combinations of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing.

<u>Height maximum</u>	45 feet in B-2 and B-2c <u>65 feet within 65 feet of Franklin St.</u>	45 feet in B-2 and B-2c zones 65 feet in B-2 and B-2c zones on lots >5 acres, provided that all setbacks increase by 1 foot for each foot of height over 45 50 feet in B-2b <u>65 feet within 65 feet of Franklin St.</u>	Formatted Table
<u>Maximum Impervious Surface Ratio</u>	None	80% in B-2 and B-2c 90% in B-2b	
<u>Minimum Lot Area per Dwelling Unit</u>	a. On-peninsula locations, as defined in section 14-47: 435 square feet b. Off-peninsula locations, as defined in section 14-47: Residential density requirements of the nearest adjacent residential zone shall apply except as provided for in (c) below. c. Exception for off-peninsula locations with active street fronts: For developments where the primary building face is within 10 feet of the property line fronting the largest abutting street, and for which there is no parking in the first 25 feet of depth of that street frontage, 435 square feet. Such developments will be subject to design review by the Planning Board to determine that the primary building face has an active connection to the streetscape through its design and use.	a. On-peninsula locations, as defined in section 14-47: 435 square feet b. Off-peninsula locations, as defined in section 14-47: Residential density requirements of the nearest adjacent residential zone shall apply except as provided for in (c) below. c. Exception for off-peninsula locations with active street fronts: For developments where the primary building face is within 10 feet of the property line fronting the largest abutting street, and for which there is no parking in the first 25 feet of depth of that street frontage, 435 square feet. Such developments will be subject to design review by the Planning Board to determine that the primary building face has an active connection to the streetscape through its design and use.	Formatted Table Formatted: Indent: Left: -0.01", First line: 0.01"

~~(a) Residential uses:~~

~~1. Minimum lot size: None.~~

~~2. Minimum street frontage: None.~~

~~3. Minimum yard dimensions:~~

- ~~a. Front yard: None.~~
- ~~b. Rear yard: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.~~
- ~~i. Accessory structures: Five (5) feet.~~
- ~~ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum stepback of fifteen (15) feet or an additional minimum setback of fifteen (15) feet.~~
- ~~c. Side yard: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.~~
- ~~i. Accessory structures: Five (5) feet.~~
- ~~ii. In cases where the height of a new building exceeds forty five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum stepback of fifteen (15) feet or an additional setback of fifteen (15) feet; provided however that this provision does not apply to buildings located within sixty five (65) feet of Franklin Street.~~
- ~~d. Side yard or rear yard on a street: None.~~
- ~~e. Maximum front yard: In the B-2, B-2b and B-2c zones; as provided for in section 14-185(b)(3)(a), except that the maximum front yard setback need not apply in the case of a development meeting one (1) or more of the following standards:~~
 - ~~i. The lot has less than forty (40) feet of continuous frontage and the lot has~~

~~a depth of more than one hundred (100) feet from the nearest street; or~~

~~ii. The structures on the lot meet the maximum front yard or are within twenty (20) feet of the street and the remainder of the lot has less than forty (40) feet of continuous street frontage.~~

~~f. *Pavement setback:* For lots adjacent to a residential zone, pavement shall be set back a minimum of ten (10) feet from the side and rear property lines adjacent to the residential zone.~~

~~4. *Maximum impervious surface ratio:* 90%.~~

~~5. *Maximum residential density:*~~

~~a. *On peninsula locations, as defined in section 14-47:* Four hundred and thirty-five (435) square feet of land area per dwelling unit.~~

~~b. *Off peninsula locations, as defined in section 14-47:*~~

~~i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi family dwellings above the first floor of commercial uses as provided in (ii) below.~~

~~ii. *Multi family dwellings above first floor commercial uses:* One thousand (1,000) square feet of land area per dwelling unit is required.~~

~~6. *Maximum structure height:*~~

~~a. *B-2 and B-2c zones:* Forty-five (45) feet.~~

~~b. *B-2b zone:* Forty-five (45) feet, except in the case of a building with a commercial~~

~~first floor and residential upper floors, where fifty (50) feet is allowed, and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed.~~

~~(b) Business and other non-residential uses:~~

~~1. Minimum lot size:~~

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~~a. Intermediate, long-term and extended care facilities: Ten thousand (10,000) square feet.~~

~~b. Other non-residential uses where permitted:~~

~~i. B-2 zone: Ten thousand (10,000) square feet.~~

~~ii. B-2b zone: None.~~

~~iii. B-2c zone: Ten thousand (10,000) square feet.~~

~~c. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.~~

~~2. Minimum street frontage: Fifty (50) feet.~~

~~3. Yard dimensions: (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum or maximum yard of another structure.)~~

~~Except as provided in subsection (5) below, the following setbacks are required:~~

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~~a. Front yard:~~

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~~i. Minimum front yard in B-2, B-2b and B-2c zones: None.~~

~~ii. Maximum front yard in the B-2 and B-2c zones: The maximum front yard setback shall not exceed the average depth of the front yard of the closest developed lots on either side of the lot in question unless the planning board or planning authority approves a modified setback pursuant to section 14-526(a)(27)(j). For purposes of this section a developed lot means a lot on which a principal structure has been erected.~~

~~iii. Maximum front yard in B-2b zone (on peninsula): The~~

~~maximum front yard setback shall either be: (1) ten feet; or (2) in cases where the average depth of the front yard of the nearest developed lots on either side of the lot in question is less than ten (10) feet, the front yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.~~

~~— In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.~~

~~iv. Maximum front yard in B-2b zone (off peninsula): None, except that the front yard setback shall not exceed the average depth of the front yards of the closes t developed lots on either side of the lot. A developed lot means a lot on which a principal structure has been erected. In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.~~

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~~Where the front yard setback exceeds ten (10) feet, however, a continuous, attractive, and pedestrian scaled edge treatment shall be constructed along the street(s) consisting of street trees spaced at not more than fifteen (15) feet on center, (which otherwise meet the requirements of city arborist) and a combination of the following:~~

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~~i. Landscaping of no less than four (4) feet in depth; and~~

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~~ii. Ornamental brick or stone walls; and/or~~

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~~iii. Ornamental fencing.~~

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~~The site shall otherwise meet the requirements of article V (Site Plan).~~

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~~— b. Rear yard:~~

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~~i. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or first floor residential use, twenty (20) feet is required.~~

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~~— ii. Accessory structures: Five (5) feet.~~

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~~— c. Side yard:~~

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~~— i. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, ten (10) feet is required.~~

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~~ii. Accessory structures: Five (5) feet.~~

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~~iii. Side yards on side streets (corner lot): In the B-2 and B-2c zone, a minimum of ten (10) feet. In the B-2b zone, a maximum of ten (10) feet except that for any newly constructed building on a lot abutting two (2) or more streets, the maximum side yard shall apply to one street or to the side street that forms a corner with a major street as provided for in the maximum front yard provisions of this section.~~

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~~(4) Minimum lot width: None.~~

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~~(5) Maximum structure height:~~

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~~a. B-2 and B-2c zones: Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the minimum setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty five (45) feet.~~

~~b. B-2b zone: Fifty (50) feet.~~

~~(6) Maximum impervious surface ratio: Eighty (80) percent in the B-2 and B-2c; Ninety (90%) percent in the B-2b.~~

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~~(c) Building additions: Building additions for residential and non-residential uses are not required to meet the maximum front yard setback for the maximum side yard on side street setback contained in this section.~~

(Ord. No. 293-88, 4-4-88; Ord. No. 52-96, § 2, 7-15-96; Ord. No. 94-99, 11-15-99; Ord. No. (Substitute)189-00, §3, 4-24-00; Ord. No. 151-03/04, 02/23/04; Ord. No. 244-09/10, 6-21-10; Ord. No. 41-12/13, 9-5-12)

Sec. 14-186. Other requirements.

All nonresidential uses in the B-2 and B-2b zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *Landscaping and screening:* The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Off-street parking and loading:* Off-street parking and loading are required by division 20 and division 21 of this article;
- (d) *Front yard parking:*

~~1. B-2 and B-2c zone:~~ There shall be no off-street parking in the front yard between the street line and the required minimum setback line in the B-2 and B-2c. Where existing buildings exceed the minimum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

~~2. B-2b zone (On peninsula):~~ There shall be no parking in the front yard between the street line and the required maximum setback line in the B-2b. Where existing buildings exceed the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

~~3. B-2b zone (Off peninsula):~~ Parking in the front yard between the street line and the required maximum setback line in the B-2b is discouraged. However, where parking in the front yard is permitted pursuant to §14-185I(1)I, a maximum of fifty percent (50%) of the total parking on the site may be located between the principal structure and the street.

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- (e) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage*: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. Vehicles or truck trailers with or without wheels shall not be used for on-site storage (1) except where such storage is located in a designated loading zone identified on an approved site plan; or (2) such storage is not visible from the street or adjacent residences during winter months and such storage area is identified on an approved site plan. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occurs more frequently than three (3) times a calendar year.
- (g) *Storage of vehicles*: Storage of vehicles is subject to the provisions of section 14-335.
- (h) *Shoreland and flood plain management regulations*: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96; Ord. No. 94-99, 11-15-99; Substitute Ord. No. 189-00, §4, 4-24-00; Ord. No. 151-03/04, 02/23/04)

Sec. 14-187. External effects.

Every use in a B-2, B-2b and B-2c zone shall be subject to the following requirements:

- (a) *Enclosed structure*: The use shall be operated within a completely enclosed structure except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) *Noise*: Except as provided in 14-183(1)(iii)(2) (relating to Drive-throughs), the volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five

(55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

- (c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 293-88, 4-4-88; Ord. No. 94-99, 11-15-99; Ord. No. 03/04, 02/23/04)

Sec. 14-188 - Sec. 14-195. Reserved.



PLANNING BOARD REPORT PORTLAND, MAINE

Rezoning of Portland's Urban Squares
Zoning Map Amendments to Recreation and Open Space Zone for Bramhall, Boothby,
Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommays',
Post Office, and Bell Buoy Parks
and
Text Amendments to the Recreation and Open Space Zone
City of Portland, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: April 8, 2014	Prepared by: Barbara Barhydt, Development Review Services Manager Date: April 2, 2014
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I. INTRODUCTION

On March 17, 2014, the City Council unanimously voted (8-0, Coyne absent) to request that the Planning Board review and recommend rezoning Portland's Urban Squares from the current underlying zoning to the Recreation Open Space (ROS) zone. The Council Request form states that the Council is seeking the Planning Board's recommendation for "...rezoning urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS")". The City Council is considering an amendment to the Parks Ordinance, thus the Council is requesting that the Planning Board complete its review prior to April 14, 2014. The Council Order and the Council Agenda request form are included as Attachments 1 and 2, respectively. The Planning Board held a workshop on the zoning map revisions and text amendments to the Recreation and Open Space Zone on March 25, 2014.

A total of 665 notices were sent to property owners within 500 feet of the urban squares and the legal ad appeared in the Portland Press Herald on March 17 and 18, which provided notice for the workshop and the public hearing.

II. RECREATION AND OPEN SPACE (ROS) MAP AMENDMENTS

Green Spaces, Blue Edges includes urban open spaces in its inventory of public lands (refer to section IV, Comprehensive Plan Analysis of this report). In general, the policy recommendations of the plan focus on the larger parks and facilities in the overall system and highlight the natural environment and environmental qualities of the City's open spaces. The plan does call for an integrated system that serves all residents throughout the city and includes implementation recommendations for physical improvements for the urban parks and plazas.

Downtown Vision addressed the range of urban open spaces that provide both passive and active recreation opportunities and the importance of the pedestrian links in the system for an integrated park system throughout Portland (refer to Section IV, Comprehensive Plan Analysis of this report). The open spaces are defined as urban parks, plazas, pocket parks, and linear parks. All of the sites under consideration to be rezoned are included within the

recommendations for open space in Downtown Vision and the site are all owned by the City of Portland.

The City Council requested that the Board provide a recommendation on “...rezoning urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space (“ROS”). The Planning Staff developed a list of parks and plazas on the peninsula in coordination with Department of Public Services and Corporation Counsel’s office for the Board’s consideration, based upon a list of parks presented at the Council meeting (Attachment 4). The chart below includes a list of the public open spaces under consideration, current zoning classifications, and whether the site has a historic designation or is within a historic district , if applicable.

Name of Open Space	Current Zone Classification	Historic District/Landscape
Bell Buoy Park	Waterfront Central Zone	NA
Boothby Square	Downtown Business B-3	Waterfront Historic District
Bramhall Square	Community Business B-2b	Congress Street Historic District
Longfellow Square	Downtown Business B-3	Congress Street Historic District
Congress Square	Downtown Business B-3	Congress Street Historic District
Lincoln Park	Downtown Business B-3	Individually Designated Historic Landscape and within Congress Street Historic District
Lobsterman’s Park	Downtown Business B-3	NA
Post Office Park	Downtown Business B-3	Waterfront Historic District
Tommy’s Park	Downtown Business B-3	Waterfront Historic District
Monument Square	Downtown Business B-3	Individually Designated and within Congress Street Historic District

The Planning staff did not include Andrews Square on Pine Street as it is at the tip of the intersection in front of a school converted to housing. There appeared to be insufficient land area to define an area for rezoning, but it is within an historic district. As noted at the workshop, there are small parks off the peninsula, which were not included in this proposal and focused on the urban squares on the peninsula. The City Council is evaluating open spaces throughout the City and in the near future will be seeking staff analysis and the Planning Board’s recommendations on the zoning designations for public open spaces off-peninsula, including those properties held or overseen by the Land Bank and Parks Commission. The time line for this comprehensive look at the City’s open space system has not yet been established.

Following are two vicinity maps that show the proposed map amendments for the peninsula. The majority of the public open spaces are along or near the Congress Street corridor with the other sites in the Old Port area. Individual maps for each of the proposed map amendments follows the vicinity maps.



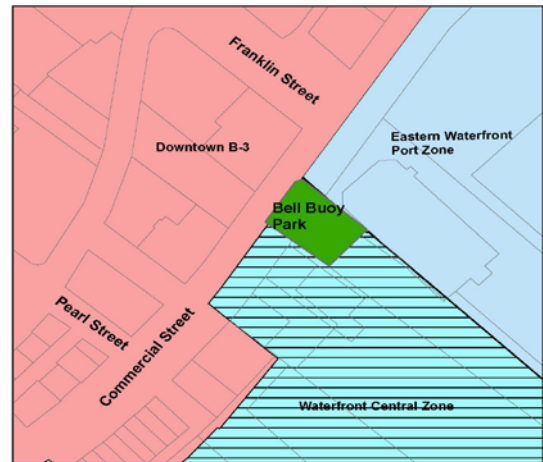
Bramhall, Longfellow and Congress Squares along Congress Street



Monument Square, Lobsterman Plaza, Lincoln Park, Tommy's Park, Post Office Park, Boothby Square and Bell Buoy Park.

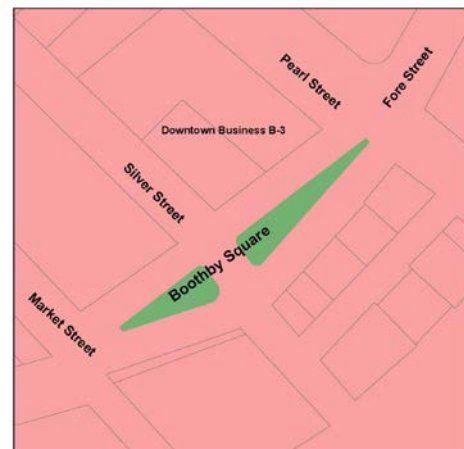
Proposed Individual Map Amendments

1. *Bell Buoy Park: Currently zoned Waterfront Central Zone (WCZ)*



Proposed Map Amendment to
Bell Buoy Park
Rezone from Waterfront Central Zone (WCZ)
to Recreation Open Space (ROS)

2. *Boothby Square – Currently zoned Downtown Business Zone (B-3)*



Proposed Map Amendments to
Boothby Square
Rezone from Downtown Business B-3 to
Recreation Open Space (ROS)

3. *Bramhall Square: Currently zoned Community Business Zone (B-2b)*



Proposed Map Amendment
Bramhall Square
Rezone from Community Business B-2b
to Recreation Open Space (ROS)

4. *Longfellow Square: Currently zoned Downtown Business Zone (B-3)*

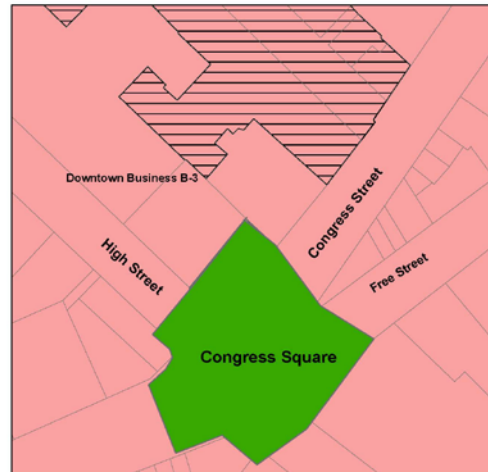
Please note that the Longfellow Square proposal includes areas on both sides of State Street, so the rezoning encompasses the intersection.



Proposed Map Amendment
Longfellow Square
Rezone from Downtown Business (B-3)
to Recreation Open Space (ROS)

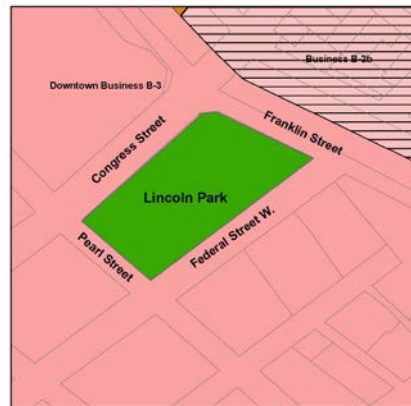
5. *Congress Square: Currently zoned Downtown Business Zone (B-3)*

Please note that the Congress Square proposal includes areas on both sides of the converging streets, so the rezoning encompasses the intersection. The Congress Square proposal incorporates 40 feet of plaza area along Congress Street, but it does not incorporate the area that is part of the purchase and sale agreement with Rockbridge.



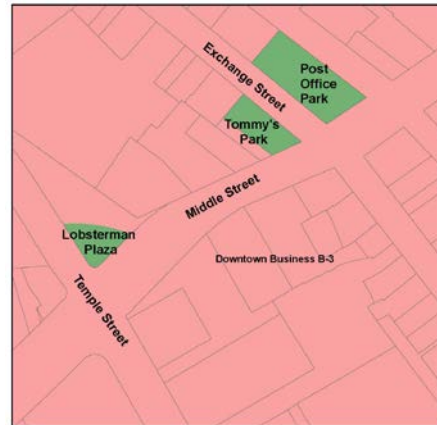
Proposed Map Amendment
Congress Square
Rezone from Downtown Business (B-3)
to Recreation Open Space (ROS)

6. *Lincoln Park: Currently zoned Downtown Business Zone (B-3)*



Proposed Map Amendment
Lincoln Park
Rezone from Downtown Business (B-3)
to Recreation Open Space (ROS)

7. 8. And 9. Lobsterman's Park, Tommy's Park and Post Office Park; Currently zoned Downtown Business Zone (B-3)



Proposed Map Amendments to Lobsterman Plaza, Tommy's Park and Post Office Park
Rezone from Downtown Business B-3 to Recreation Open Space (ROS)

10. Monument Square: Currently zoned Downtown Business Zone (B-3)



Proposed Map Amendments to Monument Square
Rezone from Downtown Business B-3 to Recreation Open Space (ROS)

III. RECREATION AND OPEN SPACE ZONE: TEXT AMENDMENTS

The proposed amendments to Division 8.5 R-OS Recreation and Open Space are summarized below and the complete text with proposed amendments is included as Attachment 5.

1. Purpose Statement:
 - a. The purpose section of the ROS zone (Sec. 14-153) has four purpose statements. A fifth statement is proposed, which is based upon one of the Open Space Goals from the Downtown Vision plan (refer to II b. above). At the workshop, the Planning Board asked for a definition of urban squares and parks. In Downtown Vision the overarching term used is open space, which is then articulated as urban parks, plazas and pocket parks (refer to Section IV, Comprehensive Plan). Since the proposed purpose statement included the overarching term open space system, which is consistent with the

Comprehensive Plan terminology, the staff retained the language presented at the workshop and did not create a proposed definition.

5. To develop an open space system throughout the Downtown, which provides the highest quality parks, plazas, and pedestrian environment.

- b. The ROS purpose statement also provides guidance on potential sites suitable for the ROS zone, which specifically identifies parcels over 2 acres. The staff proposal is to eliminate the 2 acre minimum, so that the ROS could apply to smaller parks throughout the City. This is consistent with recommendations for public improvements contained within Green Space, Blue Edges, and supports the Downtown Vision goal for an integrated open space system, including the full range of urban open spaces.

At the workshop, section b included at the end of the paragraph (b): and urban squares and plazas. Based upon the broader term of open space used in the Comprehensive Plan as defined in Downtown Vision and the intent to incorporate smaller parcels of public open space citywide, the staff has deleted the phrase “urban squares and plazas” from paragraph b;

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

2. Permitted Uses:

The permitted uses (Section 14-154) of the ROS zone list uses a through p. Examples of the uses include municipal parks, public open spaces, picnic areas, playgrounds and play lots; cemeteries; arboretums, golf courses, excluding miniature golf; boat landings, beaches and marinas for public use; and so on (refer to Attachment 5). Again, the broad term of public open space is used in this definition. The planning staff suggests that the term public open space is sufficient to encompass the range of urban open spaces identified in Downtown Vision; however the Planning Board may want to recommend further clarification.

The list of permitted uses does not include events, markets, festivals etc., and these events have been permitted in public open spaces throughout the city under the City’s licensing procedures. A new permitted use category is proposed as follows:

(q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

3. Space and Bulk Requirements:

There are two proposed amendments to the space and bulk requirements of the ROS zone. The first revision is to exempt public open spaces that are less than 2 acres and that are located on the peninsula from the space and bulk requirements. This is proposed as a substitute for the previous proposed language that exempted urban squares and plazas. The staff focused the exemption on the peninsula where open space in the urban center are intensively developed and did not propose this exemption

for off-peninsula locations that may be more sensitive to development due to environmental conditions or neighborhood context.

The second revision is to eliminate the 2 acre minimum lot size. All other requirements remain the same. The two revisions to Section 14-157 Space and bulk requirements are as follows (refer to Attachment 5 for complete text):

Revision 1

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

Revision 2

~~(d) — Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.~~

4. Development standards for recreation and open space zone.

The development standards for the Recreation and Open Space zone contain development standards to be met and the requirement that the proposals, "... will be reviewed by the Planning Board in conjunction with the site plan review." Currently, the development standards and Planning Board review would apply to parks with 2 acres or more of land area. In 2010, the site plan ordinance was updated and included revised thresholds for development, including provisions for park improvements.

An administrative review of a Level II site plan is required for the following park improvements:

Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square feet, excluding the rehabilitation or replacement in kind of existing facilities.

A Planning Board review of a Level III site plan is required for the following park improvements:

Park improvements consisting of new structures greater than 10,000 square feet and /or facilities encompassing an area of 20,000 square feet or greater, excluding the rehabilitation or replacement of existing facilities. Any park improvements including the provision of new nighttime outdoor lighting or sports, athletic or recreation facilities not previously illuminated.

The Planning Staff is recommending that the amendments eliminate the reference to the Planning Board review and cross reference the site plan ordinance, as applicable.

The Planning Board asked that the term regarding quality materials be defined. Based upon a review of the Comprehensive Plan, the staff is recommending adding and consistent with adopted city policies and master plans and revising the phrasing to list the objectives listed in Downtown Vision. The Board will want to consider with the proposed modification sufficiently addresses their concerns about defining quality materials. The proposed amendments are as follows:

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with~~ and shall be reviewed under the site plan ordinance review, as applicable:

- (a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

IV. COMPREHENSIVE PLAN POLICIES

The proposed zoning map amendments and the text amendments were presented At the Planning Board March 25, 2014 workshop. The Board sought more information about the Recreation and Open Space Zone, a definition of urban squares or urban open spaces, and clarity on the term quality materials. Green Spaces, Blue Edges and Downtown Vision are the two comprehensive plan documents relevant to the proposed zoning amendments are summarized below.

A. Green Spaces, Blue Edges

Green Spaces/Blue Edges was first prepared in 1994 and updated in 2002. In the inventory of open space, the plan include cemeteries, the golf course, open space (Fore River Sanctuary and adjoining environmentally sensitive lands), parks, playgrounds, sports center, squares, and schools. The squares listed include Longfellow Square, Congress Square, Monument Square, Boothby Square, Caldwell Square and Andrews Square. There are a number of parks listed on the peninsula, including Lincoln Park, Bramhall Park, Lobsterman Park, Tommy's Park and Post Office Park.

The three Guiding Principles of the Green Spaces, Blue Edges plan address neighborhoods, park management and the interconnected system. The guiding principles and relevant policies are excerpted below:

- Neighborhoods form the foundation of Green Spaces, Blue Edges. The plan exists to serve the health and enjoyment of neighborhood residents.
 - Neighborhoods should have open space focal points.
 - Recreation opportunities should be available for all ages and genders.
 - Neighborhood open space should be within walking distance.
 - Portland residents appreciate their park system.
- Parks and open spaces must be cared for under a sound management system driven by both environmental and human needs. (3 of 7 policies listed below)
 - Appropriate resources must be available for maintenance. The report advocated an increase in operating budget resources for park and facility maintenance.
 - Long-term open space and recreation needs must be defined to insure an adequate share of the ten-year capital improvement budget.
 - Public and private partnerships should be fostered to increase available resources and bolster stewardship of Portland's parks.
- The City and regional parks, open space, recreation and natural features comprise an environmental whole physically connected and interdependent.

- o Green Space, Blue Edges supported a greenbelt of linkage concept for the City's entire park system as a desirable and efficient way to organize and improve the park system.
- o Protection of natural resources as open space has an inherent value to the community beyond its aesthetic or recreation role.

One of the Goals of the Green Space, Blue Edges is as follows:

- Provide a wide range of recreation and open space opportunities to address the athletic, recreation, leisure, ecological, and scenic needs of Portland's diverse population.

Staff Comment: In general Green Spaces, Blue Edges addresses the natural environment, athletic facilities and the full range of recreational opportunities for Portland. It also seeks to support an interconnected system throughout the city. Urban open spaces are not defined nor have specific policy recommendations in the plan; however the public open spaces located on the peninsula are included in the inventory and recommendations for physical improvements to these open spaces are listed in the implementation section. While the policies do not define quality materials, the management policies address the need for adequate resources from multiple sources to support the long-term maintenance of park facilities.

B. Downtown Vision

Downtown Vision was adopted as part of the Comprehensive Plan in 1991. The plan addresses urban spaces in the chapter titled Open Space and Pedestrian Environment (chapter included as attachment 4). It defines a full range of existing open spaces in the Downtown including urban parks, plazas, pocket parks, entry plazas, gardens, and linear parks. Examples include Lincoln Park as an urban park; Monument and Congress Squares as plazas; and Tommy's Park as a pocket park. Downtown Vision also defines interior spaces such as atriums and through-block connections within buildings, as open spaces that promote pedestrian connections. The definitions are as follows:

1. Urban Park: Urban parks are large, predominantly natural, park-like gathering places in or near the Downtown, such as Lincoln Park and Deering Oaks Park.
2. Plaza. Plazas provide an opening in the dense urban fabric, functioning as an outdoor room where people gather to enjoy the quality of the space and to watch other people. Examples Downtown include Monument and Congress Squares and City Hall Plaza.
3. Pocket Park. Pocket parks are smaller open spaces generally framed by buildings and often the result of making creative use of space which remained following the demolition of another structure. Tommy's Park is such a pocket park.
4. Entry Plaza. Entry plazas are open spaces which generally emphasize entry circulation to a building, sometimes with or without landscaping or seating, such as the entrances to the Casco Bank Building and Maine Savings Plaza.
5. Garden Gardens are intimate, sheltered landscaped areas intended for quiet recreational pursuits such as reading, chess, and brown-bagging by individuals and small groups. An example is the Longfellow House Garden.
6. Interior Atrium. Interior atriums can be dramatic interior open spaces which provide sheltered access to shopping and dining activity during inclement

weather, as well as convenient through block passage. Examples include Once City Center.

7. Through-block Connection. Through-block connections facilitate the convenient movement of pedestrians by shortening walking distances between streets. These connections can be extremely valuable during winter months when the pedestrian wishes to minimize exposure to cold or inclement weather. These can be formal and provide access to multiple retail or service business, such as One Monument Way, or for the familiar Downtown pedestrian can be less formal and include passing through businesses which have entrances on two streets...
8. Linear Park. Linear Parks are open spaces which tend to follow an extended linear path either linking specific areas or serving as access to a series of amenities. Examples include the shoreway access route being extended along the central waterfront providing immediate access to a variety of harbor views and activities, the potential connections along abandoned rail lines in both the India Street and Bayside areas, and the Franklin Street Arterial which offers similar open space connection opportunities.
9. Pedestrian Sidewalk Linkages. Perhaps the most common of open spaces, sidewalks along public streets throughout the Downtown are vital open space connections linking other open spaces and various Downtown activities. These connections are also the critical lines of movement between the Downtown and its surrounding neighborhoods. Certain streets, because of the volume of pedestrian activity and because of adjacent cultural facilities, a concentration of businesses, other major open spaces, or important visitor attractions, have been identified as primary pedestrian linkages. Policies regarding ground-floor pedestrian uses, protection of view corridors affecting these linkages, and high levels of pedestrian amenity along these routes are put forward in this Downtown Vision. Examples of these linkages are Congress and Exchange Streets.

The chapter called Open Space and Pedestrian Environment in Downtown Vision includes the following two open space goals:

2. Encourage excellence in urban design and sensitivity to pedestrian scale and interest throughout the Downtown in the construction, renovation, and rehabilitation of streets, pedestrian ways, and open space.
3. Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully-designed to provide a comfortable, durable, accessible, readily maintainable, and aesthetically-pleasing environment.

Downtown Vision also includes a chapter titled “A Design Framework For Downtown”, which forms the basis for the B-3 Design Standards. Under the section “A Design Framework for Future Growth, the following subsection provides guidance on the type and quality of materials for open space and the pedestrian environment.

Designing for the Public Realm: Creating a Rich Urban Fabric

- d. Sidewalks, open spaces and pedestrian amenities: New development and City investments should contribute to the quality of the urban streetscape.

Brick sidewalks, or a combination of brick with granite or concrete sections are the standard for Downtown. Ornamental pedestrian lighting should be introduced throughout the downtown, with a thematic pedestrian lighting fixture to provide a sense of security, elegance, and vitality into the evening hours. A limited number of lighting standards should be established to provide continuity and identity for gradual distribution throughout the Downtown. Attractive street furniture including benches, bollards, planters and trash receptacles should be installed and maintained. The cylindrical trash receptacle has proved to be an acceptable standard, with the recently introduced “Ironsite” fixture a desirable option where resources permit. Street trees with guards and grates are a valuable contribution to the sidewalk environment. Plazas and pocket parks should be integrated within larger scale development. The location and design of such spaces should promote public use and tie into the Downtown open space network. Care should be taken not to disrupt significant streetwalls with plazas, where continuity of sidewalk, possibly widened, is more appropriate.

The goal from urban design chapter reflects the wording in the open space chapter:

- Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully designed to provide a comfortable, durable, accessible and aesthetically pleasing environment. Buildings fronting on pedestrian open space should be of high quality materials, of significant detail and interest to enhance the walking environment, and readily accessible from the pedestrian way.

Staff Comment: Downtown Vision defines the public open spaces on the peninsula and identifies the pedestrian network as components of Portland’s interconnected open space system, as referred to in Green Spaces, Blue Edges. The squares, plazas, and parks proposed for the map amendments to Recreation and Open Space (ROS) are the squares and urban open spaces listed in both plans, Downtown Vision and Green Spaces, Blue Edges.

The term quality material is used in the Open Space policies and the Urban Design chapter of Downtown Vision. The chapters state the improvements should be designed to provide a comfortable, durable, accessible and aesthetically pleasing environment. Since the adoption of Downtown Vision, Portland has adopted policies, master plans and the Congress Street Historic District, which address quality design for the Downtown. For example, the sidewalk material policy adopted by City Council specifies brick sidewalks on the peninsula and the Technical Manual identifies the type of street light fixtures required in Downtown neighborhoods. There are master plans for Spring Street and Congress Street that articulate streetscape improvements and the recent Rapid Bus Corridor study guides choices regarding street improvements and bus shelter facilities. The recently established Congress Street Historic District extends from Lincoln Park to Bramhall Square, thus exterior improvements on private and public property (including within the street right-of-way) require a certificate of appropriateness under the Historic Preservation Ordinance.

V. MOTIONS

1. Zone Map Amendments:

Based on the City Council's request to the Planning Board, the applicant's submission, analysis of the sites, public testimony, material and information in the Planning Board Report for the rezoning dated April 2, 2014, and other information, the Planning Board **[finds/does not find]** the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks to the Recreation and Open Space zone **[are/are not]** consistent with the Comprehensive Plan and **[recommends/does not recommend]** their adoption to the City Council.

2. Zoning Text Amendments to the Recreation and Open Space Zone:

Based on the City Council's request to the Planning Board, the applicant's submission, analysis of the sites, public testimony, material and information in the Planning Board Report for the text amendments dated April 2, 2014, and other information, the Planning Board **[finds/does not find]** the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone **[are/are not]** consistent with the Comprehensive Plan and **[recommends/does not recommend]** their adoption to the City Council.

Attachments:

1. Portland City Council Order #183, as passed
2. Portland City Council Agenda Request
3. List of Parks for the Council Meeting
4. Downtown Vision: Open Spaces and Pedestrian Environment
5. Proposed Text Amendments to Portland Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone

Order 183-13/14

Passage: 8-0 (Coyne absent) on 3/17/14

Effective 3/27/14

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER REFERRING TO THE PLANNING BOARD CONSIDERATION OF THE
REZONING OF PORTLAND'S URBAN SQUARES**

ORDERED, that the City Council requests that the Portland Planning Board review and recommend to the City Council the rezoning of City's urban squares to Recreation Open Space.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor and City Councilors

FROM: Danielle West-Chuhta

DATE: March 11, 2014

- 1) Council meeting at which action is requested:

Referral Order: March 17, 2014: refer to Planning Board

- 2) Can action be taken at a later date: _____ YES X NO

If not, why not: City Council wishes to act now to ask the Planning Board to review and finalize the rezoning of City urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS"). In order that this rezoning can be acted on at the same time the Council expects to consider an ordinance amendment concerning the Parks Ordinance, the Council also requests that the Planning Board complete its review prior to April 14, 2014.

- 3) This item is sponsored by: Mayor and City Council present at 3/10/14 City Council Workshop (If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE Review of urban squares in order to make sure the zoning for each such square is ROS.

II. REASON FOR SUBMISSION (What issue/problem will this address?)
To ensure that the zoning of urban squares is appropriately aligned with their current uses and the City's zoning ordinance.

III. INTENDED RESULT (How does it resolve the issue/problem?)
Refer the rezoning of the urban squares to the Planning Board.

IV. FINANCIAL IMPACT None.

V. STAFF ANALYSIS & RECOMMENDATION Agree that the rezoning of the City's urban squares should be reviewed by the Planning Board.

Approximate Park Acreages: Mainland Portland

East End	Acres
1812 Cemetery	(E. Prom.)
Adams School	1.5
Adams Street/Munjoy South PG	1
Bayside/Fox St. Playfield	4
Boyd St. Open Space	2
Cummings Community Ctr.	0.4
East End Beach	(E. Prom.)
Eastern Cemetery	5.3
Eastern Promenade	68.2
Fort Allen Park	9.33
Fort Sumner Park	1.25
Franklin St. Arterial	1
East End School (formerly Jack School)	5
Loring Memorial	(E. Prom.)
Marginal Way Lot/Festival	3.5
Peppermint Park/Smith St PG	0.5
Portland Observatory	0.1
Total Acres	103.08
Downtown	Acres
Bell Bouy Park	0.11
Boothby Square	0.11
City Hall Plaza	0.15
Congress Square	0.34
Free St. Park/Ford Mnt.	0.22
Lincoln Park	2.5
Lobsterman Plaza	0.34
Longfellow Square	0.25
Monument Square	0.65
Pleasant St. PG	0.5
Post Office Park	0.15
Preble St. Field	3.5
Stone St. PG	0.06
Tommy's Park	0.15
Total Acres	8.27
West End	Acres
Andrews Square	0.05
Bramhall Square	0.2
Clark St. PG	0.26
Deering Oaks	54
Fitzpatrick Stadium	7
Hadlock Field	5
Harbor View Park	2.5
King Middle School	2
McIntyre/Taylor St. Park	0.5
Reiche School	5
Tyng/Tate PG	0.25
Valley Street PG/OLA	2
Western Cemetery	12

Western Prom.	18.5
Total Acres	104
<i>Oakdale</i>	<i>Acres</i>
Bedford Park	0.52
Belmeade Park	0.25
Burrow's Park	0.25
Devonshire Park	0.3
Fessenden Park	0.46
Longfellow Park	0.34
Nathan Clifford School	1.53
Pedro Field/Oakleigh Park	1.26
Preble St. Field	3.5
Winslow Park	1.26
Total Acres	9.67
<i>Rosemont</i>	<i>Acres</i>
Caldwell Square	0.12
Capisic Park	1.1
Capisic Pond Park	18
Dougherty Field	12
Edward Street Cemetery	0.62
Fore River Park	2.1
Hobart St. Parcel	6.1
Thomas Square	0.46
Total Acres	40.5
<u>Deering Center</u>	<i>Acres</i>
Baxter Pines	5.9
Baxter Woods	30
Deering Memorial HS Complex	12
Evergreen Cemetery	239
Lincoln School	2.3
Longfellow School	1.1
Presumpscot Park (at Deering HS)	6.3
Total Acres	296.6
<i>Ocean Avenue</i>	<i>Acres</i>
Barrows/Sundial Park	0.53
Baxter Boulevard/Back Cove Park	33.36
Baxter School Playfield	5.63
George Street Cemetery	0.25
Heseltine Park	0.82
Payson Park	47.75
Trinity Park	0.1
Total Acres	88.44
<i>East Deering</i>	<i>Acres</i>
East Deering Cemetery	0.6
Martin's Point/School Dept.	1
Presumpscot School	5.4
Total Acres	7
<i>North Deering</i>	<u>Acres</u>
Auburn Street Open Space	???
Fobes Cemetery	0.2
Lyseth/Lyman Moore Field	18
Oatnuts Park	15
Ocean Ave Landfill/Quarry Run Dogpark	40

PATH School (PRVTC)	22.3
Pine Grove Park	6.5
Presumpscot River Preserve	60
University Park	8.6

Total Acres 170.6

<i>Riverton</i>	<u>Acres</u>
------------------------	---------------------

Bailey Cemetery	1.2
Letson's Purchase	29.25
Quaker Park	0.8
Reed School Warehouse Open Space	0.65
Riverside Golf Course	242
Riverton Park	19
Riverton School	20

Total Acres 312.9

<i>Nason's Corner</i>	<u>Acres</u>
------------------------------	---------------------

Hall School	12
Nason's Corner Park	1.8
Sagamore Village PG	???

Total Acres 13.8

<i>Stroudwater</i>	<u>Acres</u>
---------------------------	---------------------

Stroudwater Cemetery	1.22
Stroudwater Park	0.75
Stroudwater Park II (State-owned)	0.5

Total Acres 1.97

1156.8

**Total Acreage for All Parks on
Mainland Portland**

Total City Mainland Acres 11749.2

***OPEN SPACE AND PEDESTRIAN
ENVIRONMENT***

Introduction

Open space in Downtown Portland is made up of a variety of large and small publicly-accessible spaces, as well as the network of streets, sidewalks and through-block connections which tie these areas together and with other Downtown activities and neighborhoods. These open spaces form the gathering places where people downtown come together and interact. The livability of a city is mirrored in the character and quality of its parks and open spaces. Each of Portland's open spaces offers a respite from the buildings and urban hustle around it and a chance to step back and admire the streets, architecture, and general appearance of the City.

Where these public spaces promote human comfort and safety, accommodate and encourage diverse activities, and are located in relation to other activities and pedestrian circulation patterns, they should be full of people and exhibit the vitality and excitement of being Downtown. Downtown Portland is livable to the extent that these parks and pedestrian corridors are used and enjoyed.

Open spaces, including Lincoln Park, Monument, Longfellow and Boothby Squares, City Hall Plaza and nearby Deering Oaks Park contribute an historical context reflecting the growth of the City. These public open spaces reflect the tradition of open space planning which began with City Engineer William Goodwin, Mayor James Phinney Baxter, and the Olmsted Brothers at the turn of the century. More recent open spaces, including Canal Plaza and the plazas at Maine National Bank, Portland Square, and Maine Savings Bank have been incorporated within private development projects.

Connecting these various parks and plazas, the pedestrian sidewalk areas throughout the Downtown are important threads that tie this open space and building fabric together. Every sector of the Downtown economy demands a safe, pleasant and vibrant pedestrian environment to encourage retention and recruitment of businesses, employees, residents, customers and visitors.

Walkable City

The scale of the central business area and the relatively short distances between districts and activities Downtown allow at most a five-to-ten minute walk from any one point to another. Figure ___ provides a general sense of Downtown walking distances and average walking

time. This immediate accessibility encourages face to face interactions, browsing and lunchtime shopping, and the frequent use of parks, plazas and cultural amenities.

Figure ___: Walking Distances

A variety of studies from other cities suggest that the average person has a comfortable walking radius of between 900 and 1,300 feet - a range most of Downtown Portland's major employment and activity centers fall within. The Downtown Parking Study found that the average walking distance of a commuter parking in the Temple Street, Congress Square and Spring Street garages is a relatively short 1.6 blocks, or approximately 600 feet.

Distances which an individual is willing to walk, however, can increase or decrease in response to the pedestrian environment and are affected, too, by expectations and past-practices. Acceptable walking distances can be increased where sidewalks and parks are maintained, street-level activity both on the sidewalk and in the ground-floor uses of buildings are interesting and the character of building, paving, lighting and other elements are inviting. Acceptable walking distances decrease where significant gaps in pedestrian-level uses or a lack of activity or interest to the pedestrian occur, where sidewalks are poorly maintained or the street life uninviting.

In addition, varying weather conditions affect comfort and desirable distances on a day to day basis. The challenge facing the Downtown is to assure a street-level experience that is sufficiently inviting and interesting to

encourage walking and to overcome the automobile-oriented expectations of many who use the Downtown.

Existing Open Space

For a detailed inventory of existing Downtown open space, consult the Downtown Vision Technical Report #4: Urban Form, Open Space and Pedestrian Environment. The Downtown can be categorized into the following general types of public and private open space:

1. Urban Park. Urban parks are large, predominantly natural, park-like gathering places in or near the Downtown, such as Lincoln Park and Deering Oaks Park.
2. Plaza. Plazas provide an opening in the dense urban fabric, functioning as an outdoor room where people gather to enjoy the quality of the space and to watch other people. Examples Downtown include Monument and Congress Squares and City Hall Plaza.
3. Pocket Park. Pocket Parks are smaller open spaces generally framed by buildings and often the result of making creative use of space which remained following the demolition of another structure. Tommy's Park is such a pocket park.
4. Entry Plaza. Entry plazas are open spaces which generally emphasize entry circulation to a building, sometimes with or without landscaping or seating, such as the entrances to the Casco Bank Building and Maine Savings Plaza.
5. Garden. Gardens are intimate, sheltered landscaped areas intended for quiet recreational pursuits such as reading, chess, and brown-bagging by individuals and small groups. An example is the Longfellow House garden.
6. Interior Atrium. Interior Atriums can be dramatic interior open spaces which provide sheltered access to shopping and dining activity during inclement weather, as well as convenient through-block passage. Examples include the One City Center.
7. Through-block Connection. Through-block Connections facilitate the convenient movement of pedestrians by shortening walking distances between streets. These connections can be extremely valuable during winter months when the pedestrian wishes to minimize exposure to cold or inclement weather. These can be formal and provide access to multiple retail or service businesses, such as One Monument Way, or for the familiar Downtown pedestrian can be less formal and include passing

through businesses which have entrances on two streets, such as Porteous, Carroll Reed or Maine National Bank. These connections are enlivened by the merchandise and daily activity of the respective businesses and, in the case of Maine National Bank, by rotating exhibits of local artists which have been placed along the connection.

8. Linear Park. Linear Parks are open spaces which tend to follow an extended linear path either linking specific areas or serving as access to a series of amenities. Examples include the shoreway access route being extended along the central waterfront providing immediate access to a variety of harbor views and activities, the potential connections along abandoned rail lines in both the India Street and Bay-side areas, and the Franklin Street Arterial which offers similar open space connection opportunities.
9. Pedestrian Sidewalk Linkages. Perhaps the most common of open spaces, sidewalks along public streets throughout the Downtown are vital open space connections linking other open spaces and various Downtown activities. These connections are also the critical lines of movement between the Downtown and its surrounding neighborhoods. Certain streets, because of the volume of pedestrian activity and because of adjacent cultural facilities, a concentration of businesses, other major open spaces, or important visitor attractions, have been identified as primary pedestrian linkages. Policies regarding ground-floor pedestrian uses, protection of view corridors affecting these linkages, and high levels of pedestrian amenity along these routes are put forward in this Downtown Vision. Examples of these linkages are Congress and Exchange Streets.

Open Space Network

In a discussion of Downtown open space, two different perspectives are useful in developing policies which promote and enhance livability. The first perspective is "the big picture" of open space throughout the Downtown. Downtown Vision calls for the recognition and enhancement of a Downtown Open Space Network of distinctive individual plazas and parks connected through a network and hierarchy of sidewalk linkages and through-block connections. See Figure _____. Characterizing these open spaces in a network asserts that these spaces work together in a variety of ways to establish the character of the Downtown.

Existing individual open spaces have been inventoried and general recommendations for their improvement are identified in the policy discussion which follows. Specific recommendations for the establishment of new

individual open spaces are discussed as well. The placement of these open spaces and the placement of any additional open spaces must be in coordination with this open space network to assure a supporting relationship and to avoid redundancy and detrimental competition for pedestrian activity.

Linkages are designated based on the locations of principal open spaces and on preferred pedestrian connections between open spaces and from open spaces to other pedestrian activity centers. Where possible, pedestrian linkages are coordinated with existing view corridors, historic building resources, and key commercial and institutional uses. This plan for Downtown open space includes and enhances existing linkages, and also identifies specific additional linkages that are now important or will become important as other elements of Downtown Vision evolve.

The second perspective focuses on the individual park or plaza or other open space and improvements which are needed to make that open space successful. Commitment to a high quality Downtown pedestrian environment must include standards and guidelines addressing what makes

a successful open space and what makes a desirable and vibrant sidewalk setting. Appropriate guidance increases the likelihood that funding for park improvements will result in a usable and enjoyable park.

Open space is a benefit to both the general public and private development. Downtown is fortunate to have several privately-developed but publicly-accessible open spaces which enrich the pedestrian experience. The city must encourage the retention and enhancement of these private open spaces. With intensifying periods of fiscal austerity at the State and local levels in municipalities across the country, the private sector has recognized the benefits of open space and stepped forward in many communities to provide and maintain public spaces.

Figure ____: Downtown Open Space Network

Programming of Open Space

Much of what we enjoy in Portland's open spaces we come upon by chance, such as an encounter with an old friend, the opening of flowers on a warm spring day, the changing colors of autumn foliage, or simply the opportunity to sit back and watch people passing by. A street musician, mime or juggler, and even a haranguing preacher can provide entertainment and diversity.

Many people are also attracted to the Downtown and to particular open spaces by street festivals, craft fairs, and organized musical performances. Programming of activities and events within these open spaces is an important element of the managing and enhancing the Downtown. The crowds drawn into the Downtown for such events as the Old Port Festival, New Years Portland, and other annual events provide opportunities to promote the area's livability and Downtown retail and cultural economy. Cooperative efforts by the City, Intown Portland Exchange, Maine Arts, Inc., and other sponsors have made these events both popular and successful, and have brought added vitality to Downtown open spaces.

Somewhat more controversial is the shared use of open space by private vendors and sidewalk cafes. Vendors complement the lunch crowds by selling food, newspapers, and in other cities, flowers. Sidewalk cafes provide a relaxed setting in which to be served and watch city life go on around us. The seasonal sidewalk cafe helps to attract people to parks and sidewalk areas and, with proper management, can provide a high level of oversight and supervision. Consideration should be given to licensing public space for this purpose. Suitable responsibility for cleanliness and litter patrol should be part of any vendor or cafe licensing scheme. Vendors, while arguably competing with businesses facing higher overhead costs, do provide service to the public and help attract crowds of people. Encouraging and accommodating people, after all, is the point of an open space system.

OPEN SPACE POLICIES

Goals

1. Establish as a top priority the quality and character of the Downtown pedestrian environment in discussions of management, funding, maintenance, and amenity.
2. Encourage excellence in urban design and sensitivity to pedestrian scale and interest throughout the Downtown in the construction, renovation, and rehabilitation of streets, pedestrian ways, and open space.
3. Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully-designed to provide a comfortable, durable, accessible, readily maintainable, and aesthetically-pleasing environment.
4. Buildings fronting an open space play a vital role in the success of that open space. They should provide pedestrian-oriented uses and be of high-quality materials, significant detail and interest to enhance the walking environment, be readily accessible from the open space through frequent building entrances and window openings, and should not detract significantly from solar access to open space during hours of heavy use.

Policies

OS1 Open space. Adopt a comprehensive open space component of Downtown Vision with the following policies:

- a.) Link large and small open spaces within the Downtown by designating and enhancing specific priority sidewalks and through-block connections;
 - i. Priority sidewalk linkages

Several key streets serve as the most important pedestrian routes in the Downtown. Figure _____ illustrates the Downtown Open Space Network, highlighting primary sidewalk linkages. Most prominent of these are Congress Street linking Longfellow Square to Lincoln

Park, Exchange and Moulton Streets linking City Hall and Congress Street to the waterfront, and Middle Street linking Monument Square and the Old Port. These routes are fully developed and historically have received the greatest attention in pedestrian improvements. Additional important pedestrian routes in the Downtown are Free Street linking Congress Square with Monument Square and the Old Port and Fore Street linking Gorhams Corner with the Old Port. Portions of each of these streets are important pedestrian connections today and are fronted by sites which, over the next several years, will introduce substantial new development and building rehabilitation making these streets even more important.

Crosswalks along these priority routes are critical to smooth and safe pedestrian movement, and should be carefully located, well-defined, and clearly suggest a pedestrian presence.

These pedestrian routes must be continually and thoroughly maintained and a wide program of improvements including additional lighting and landscaping, amenities such as benches and trash receptacles, and informational and directional signage should be developed to enhance these areas.

Where possible, pedestrians should be protected from inclement weather by awnings, canopies and internal connections between buildings and streets. Heating elements within sidewalks along priority pedestrian areas should be evaluated as potential long-term improvements.

Special amenities such as public art and pedestrian route markers are encouraged to add to the special character of these streets. These streets also are the primary areas identified for mandatory ground floor pedestrian-oriented uses with the objective of actively reinforcing the pedestrian environment.

ii. Other sidewalk linkages

While this plan encourages substantial improvements to primary pedestrian linkages, every pedestrian way Downtown should receive attention. The many streets and sidewalks that weave together the primary linkages and provide access to businesses, institutions and parking areas are part of everyone's normal daily movement through the Downtown. As described in City Services, maintenance in these areas cannot be overemphasized.

iii. Through-block connections

Existing property owners and developers are encouraged to maintain and create through-block connections. The Downtown Urban Design Guidelines provide guidance for the design and placement of these important pedestrian connections.

- b) Integrate this open space system with nearby open space elements such as the shoreway access system, Deering Oaks, and other open space resources, and provide convenient and attractive pedestrian connections to surrounding neighborhoods;

With implementation of Downtown Vision and continued improvements in nearby neighborhoods, several additional streets become more important as pedestrian connections between growth areas, redevelopment areas and surrounding neighborhoods. Forest Avenue, High Street and State Street all offer excellent opportunities to tie the Downtown to Deering Oaks Park. Forest Avenue capitalizes on its role as a Gateway entrance into the Downtown and the presence of major cultural facilities (the Performing Arts Center and the YMCA). High Street links the cultural heart of the Downtown along an historic residential area to the Oaks. State Street links Longfellow Square and the Upper Congress Street area with the Oaks, again passing through an historic residential neighborhood.

Portland Street from Deering Oaks to Preble Street and Preble Street from Portland Street to Monument Square allow an important pedestrian connection between Deering Oaks and the Downtown along a route with a variety of redevelopment and rehabilitation opportunities. On a somewhat longer time frame, Chestnut Street connects redevelopment potential in the Bayside area, including a

possible major new open space, with the Downtown.

In an east-west direction, Spring Street, Middle Street, Congress Street and Cumberland Avenue provide important connections to the East and West End neighborhoods. Commercial Street provides connections for the Downtown in an east-west direction with the Shoreway Public Access system, including the improvements in place and envisioned along the central waterfront, as well as connecting along railroad rights-of-way to eventually complete a path around the perimeter of the peninsula.

Franklin Street should be improved to become an important pedestrian link and boulevard between Back Cove and the central waterfront (See policy OS 2(f.)).

- c) Examine the opportunity to develop new publicly-accessible open spaces within the Downtown and in perimeter areas around the Downtown;

In developing the Downtown Open Space Network, several locations have been identified which support the concept of open spaces along primary pedestrian routes and in areas that now have very little or no designated open space. The City should examine these potential sites, refine a development program based on the needs of the surrounding area and make plans for the acquisition, design and development of these open spaces.

i. High and Spring Street Park

Currently, a City-owned parking lot at the corner of High and Spring Streets offers an opportunity for re-use as a public park and playground along the Spring Street pedestrian linkage to the West End and at the edge of a residential neighborhood. This location also offers a corridor to the Harbor along High Street and the surrounding historic district. Demand for parking in this area should be evaluated and balanced with the opportunity for public open space.

ii. Shepley Park

In support of over 200 existing residences and potentially new residential units in the mid-block area bounded by Shepley, Brown and Oak Streets and Cumberland Avenue, a small public park would provide needed open space to this neighborhood. Coupled with other pe-

pedestrian improvements, such open space would enhance the character and quality of life in this residential area.

iii. Bayside Common

Open Space should be an integral part of an area development plan and program for the Bayside area. A framework of open space improvements including individual parks and pedestrian connections should be one of the tools used to establish a sense of organization for the entire area and provide amenity attracting private investment.

With a large parcel of railroad property sweeping through the Bayside area, an opportunity for a major public open space existings which could give focus to the entire area's redevelopment. Such an open space could separate automobile-related commercial development which might occur along Marginal Way, from intensive mixed-use office, retail and residential development on land moving up the slope toward Downtown. The City recognizes a need for publicly accessible open space capable of accommodating large crowds at events such as the Deering Oaks and Maine Arts Festivals. This area could provide open space specifically designed for City festivals in a centrally located and easily accessible area.

iv. India Street and Gorhams Corner

The perimeter areas of both India Street and Gorhams Corner currently have no designated public open space. Area Development Plans for these areas must outline opportunities for individual open spaces and pedestrian linkages.

- d) Develop a program to improve landscaping and pedestrian amenities throughout the Downtown, including enhancing accessible open spaces, providing street trees, planters, landscaping, ornamental lighting, public art (See Arts and Culture Policy 6) and street furnishings such as seating and trash receptacles;

In some areas, provision of benches or other amenities by private property owners which can be taken in at night could provide for active day-time use while avoiding potential evening or late-night problems. Care should be taken to assure that such amenities are consistent with an overall program for these items.

- e) Develop a comprehensive program of regular and emergency maintenance of pedestrian amenities (sidewalks, lighting, benches, trash receptacles, bus shelters, kiosks, etc.) and landscaping; (See City Services, Maintenance) and

- f) Encourage the enhancement of the open space system as a component of proposed new development.

Open space is an important element of the Downtown's infrastructure. New development within the Downtown should enhance the use and vitality of these areas. New buildings are encouraged through the Downtown Urban Design Guidelines and through mandatory ground floor pedestrian-oriented uses to add pedestrian activity to the individual parks and sidewalk connections. While added use enhances the safety and vitality of these areas, maintenance costs increase. The City should explore ways to encourage private development to contribute to the maintenance of the pedestrian environment, including a "Percent for Amenities" and an open space impact fee program.

OS2 Specific park improvement plans. Develop and implement specific park improvement plans for public and private parks throughout the Downtown.

Several prominent publicly-owned open spaces within the central Downtown area need substantial improvements. The following public open spaces need special attention:

- a) Congress Square Plaza - The original plan for Congress Square, which included an outdoor cafe and additional amenities, was only partially executed. Since its development, this plaza has suffered from a lack of carefully-programmed activity and maintenance. Congress Square Plaza demands a careful re-assessment of what role the Plaza can and does play in the life of Upper Congress Street, what design alterations are needed to attain that role, and what on-going maintenance and programming will assure the Plaza's continued use.
- b) Lincoln Park - One of the City's historic public parks, Lincoln Park was created following the Great Fire of 1866 as a precautionary fire break between the Downtown and Munjoy Hill. Through much of its history, the Park was the focal point of a strong residential neighborhood to the east and of a civic area dominated by public buildings to the west. As major roadway improvements along Franklin Street were implemented, and as a variety of other businesses and activities in the immediate

area changed or disappeared, activity, interest and attention to the Park disappeared as well. Over the last few years, renewed attention has been focused on the Park. The City has partially restored the centerpiece fountain, the Lincoln Square development proposal has made a commitment to make improvements within the Park, and Lincoln Park has been designated on the National Register of Historic Places.

Before further work is undertaken in Lincoln Park, the City should develop a comprehensive plan for the Park's historic rehabilitation, its adaptation for contemporary uses, and its on-going maintenance.

- c) Boothby Square - Located in the heart of the Old Port area, the City's Waterfront Historic District, Boothby Square was first developed at the turn of the century as a watering spot for horse drawn wagons hauling goods to Commercial Street. Over the years, this green space served as both a welcome public open space, and more recently as a dirt parking area used by patrons and service vehicles of the various surrounding businesses. Within the past year, the City has recovered the square as a public open space, resetting the curbing and installing posts around the perimeter to prohibit vehicular abuse, replanting grass throughout, and providing benches. The City is also pursuing reacquisition of the historic fountain which graced the park until 1946. A broader opportunity exists in this area of the Old Port to reconsider the entire Boothby Square area as bordered by the many buildings which front thereon. Before completing any additional long-term improvements in Boothby Square, the City should undertake a comprehensive plan for the rehabilitation of this area of the Old Port. Such a program might include sidewalk, pedestrian crosswalk and street improvements, street tree planting, ornamental lighting, benches and other pedestrian amenities.

View corridors leading to the waterfront and focused on the Custom House must also be considered. Any proposed facade improvements and new construction on each of two under-utilized lots will be reviewed under the Historic Preservation Ordinance standards.

- d) Post Office Park - Plans are currently underway to convert the existing parking lot at Exchange and Middle Streets to a public park. The City should move forward with completion and implementation of those plans.

- e) Tommy's Park - In coordination with improvements to plans for Post Office Park, the City has developed concept plans for the enhancement of Tommy's Park. Following completion of Post Office Park, the City should move forward with completion and implementation of those plans.
- f) Franklin Street Arterial - By its very form and presence, the Franklin Street Arterial is a major open space component of the Downtown. The Arterial serves as a major Gateway entrance to the Downtown and waterfront, and is an important view corridor. The City should undertake a comprehensive study of the opportunities presented by this linear area, considering the possibility for a richly-landscaped boulevard with pedestrian walkways and bicycle paths in addition to vehicular routes. This linear open space could tie the Downtown more closely to the waterfront, the pedestrian path along the Back Cove, and with multiple uses found along the east of the Arterial.

Several sites offer redevelopment opportunities directly abutting the Arterial. Their urban design plans should reinforce and contribute to those area's open space opportunities. While recognizing the importance of this route for moving traffic into and out of the Downtown, significant pedestrian needs including adequate and safe crosswalks must be met.

- g) Longfellow Square - The City, in cooperation with area property owners and tenants, should prepare a comprehensive plan for improvements to Longfellow Square. The plan should consider a reconfiguration of the plaza and pedestrian circulation patterns, landscaping and its impact on the visibility of the Longfellow monument, lighting and other pedestrian amenities.
- h) Waterfront - The City has developed plans for substantial improvements to the Maine State Pier (partially installed), a significant component of Portland's waterfront walkway system and an important destination relative to Downtown pedestrian amenities. Implementation of proposed open space amenities should move forward. The City should also consider expanding public access network along the waterfront for Downtown residents, employees, and visitors. Particularly extending connections between the Maine State Pier, the Carroll Block and incorporating the abandoned Canadian National Railway properties as open space between the Downtown and Eastern Promenade. Pedestrian connections to the west of the Million Dollar Bridge along West Commercial Street should also be strengthened, extending to

the Western Promenade Park, Harbor View Park, and the Fore River public access trail.

The City should examine developing a major public open space as part of redevelopment on the waterfront in the vicinity of Long Wharf immediately adjacent to the Downtown. Also, the City should look again at carefully integrating public access to the Fish Pier, which was originally part of the pier's plan. The entire waterfront and shoreway access system will soon have signage that will promote greater public use.

- i) Private Open Space - Private owners of publicly accessible open spaces must, with encouragement from the City, maintain and enhance those spaces. Substantial improvements have largely been completed for the Maine Savings Plaza including improved access into adjacent stores and the enhancement of a seating area through landscaping and improved visibility to the street. The Two Portland Square development has created a second plaza area adjacent to the Cross Street pedestrian and view corridor. The future success of this plaza depends upon a build-out of the overall Portland Square development that focuses pedestrian-oriented activities along these open space improvements, and avoids shadowing the space during critical-use periods.

The management and ownership of other Downtown open spaces, such as Canal Plaza, are encouraged to make a careful evaluation of these spaces, and implement improvements which will make these spaces more effective and desirable for active pedestrian use.

OS3 Winter Park Design. Too often parks and plazas are ignored or become an eyesore during winter months. Creative design features which result in parks and open spaces that are visually appealing during that half of the year are encouraged.

OS4 Urban design guidelines. Adopt Downtown Urban Design Guidelines which provide a frame of reference for the City and the development community when reviewing or bringing forward development proposals which are sensitive to the pedestrian and open space needs of the Downtown.

Guidelines are included as Addendum _____ and were developed as a part of this Downtown Vision and revised Downtown zoning. These Guidelines mandate the creation and maintenance of a high quality pedestrian environment. The Guidelines address the following:

1. Pedestrian relationship to buildings
2. Relationship to existing development
3. Sidewalk areas and open space
4. Landscaping, planters, and irrigation
5. Lighting
6. Hardscape, including paving and curbing
7. Pedestrian amenities including such details as benches, trash receptacles, bus shelters, kiosks, artwork and signage.

OSS Open Space Programming. Develop, as a component of a broader Downtown management program, an expanded and well-supported programming effort for the Downtown's diverse open spaces which attract and entertain visitors from the Greater Portland community on a year-round basis.

OS6 Historic open spaces. Integrate the City's concern for preservation and creative re-use of our historic resources with comprehensive planning and management of the Downtown.

In order to encourage the creative, appropriate rehabilitation of historic open space resources, the following steps are recommended:

- as a component of the Historic Preservation Design Manual, develop a clear discussion of guidelines for the rehabilitation of historic open spaces and of site features within historic districts and related to landmark properties;
- examine existing open spaces throughout the Downtown in order to evaluate the appropriateness of designating additional sites for coverage under the historic preservation ordinance; and
- undertake a study examining the potential use of financial incentives at the local, state, and federal levels as well as mechanisms at the local level which could provide incentive or assistance in the rehabilitation of historically significant open spaces.

OS7 Cafes and Vendors. Sidewalk and plaza cafes and street vendors help to enliven public open spaces, attract the public, and provide a measure of security and control. These uses should be encouraged where appropriate, with proper licensing and regulation to ensure that location, maintenance, character, and hours of operation are appropriate.

Open Space Implementation Action Chart

Recommendation	Timing			How		Implementing Body
	Adopt with Plan	Next 3 Years	3 to 10 Years	Ordinance	Program	
OS1 Open Space						
a. Linkages within Downtown	x	x			x	City
b. Linkages to other areas	x	x			x	City
c. New open space		x	x	x	x	City/Private
d. Provision of amenities	x	x	x	x	x	City/Private
e. Maintenance	x				x	City/Private
f. Private contribution	x			x	x	Private
OS2 Specific Park Improvements						
a. Congress Square Plaza		x			x	City
b. Lincoln Park		x			x	City
c. Boothby Square		x			x	City/Private
d. Post Office Park		x			x	City/Private
e. Tommy's Park		x			x	City
f. Franklin Street Arterial		x	x		x	City/State
g. Longfellow Square		x			x	City
h. Waterfront		x	x		x	City/Private
OS3 Winter Park Design	x				x	City/Private
OS4 Urban Design Standards and Guidelines	x			x	x	City
OS5 Open Space Programming	x	x			x	Manage/City
OS6 Historic Open Spaces	x	x		x	x	City
OS7 Cafes and Vendors						

DIVISION ~~A~~8.5. R-OS RECREATION AND OPEN SPACE ZONE

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect open space as a limited and valuable resource;
2. To permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans;
~~and~~
4. To provide a suitable location for large-scale regional sports and athletic facilities; and-
5. To develop an open space system throughout the Downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

(Ord. No. 232-81, § 602.7B.1, 11-16-81; Ord. No. 187-01/02, § 2, 4-17-02)

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

- (a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;
- (b) Cemeteries;

- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.
- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.
- (q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

(Ord. No. 232-81, § 602.7B.2, 11-16-81; Ord. No. 60-91, § 1, 8-5-91; Ord. No. 187-01/02, § 3, 4-17-02; Ord. No. 33-11/12, 1-18-12; Ord.No. 10-12/13, 7-16-12)

Sec. 14-155. Conditional uses.

The following uses are conditional uses in the recreation and open space zone, subject to approval by the board of appeals.

- (a) Accessory uses with structures or buildings of two thousand five hundred (2,500) square feet or more of floor area;
- (b) Other recreational facilities and uses that are open to the public;
- (c) Water pumping stations.
- (d) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
 - 1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - 4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 232-81, § 602.7B.3, 11-16-81; Ord. No. 67-89, § 1, 8-7-89; Ord. No. 60-91, § 2, 8-5-91; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-156. Standards for conditional uses.

In addition to the criteria listed in section 14-474(c), the board of appeals shall consider the following criteria when reviewing conditional uses specified in section 14-155(a), (b) and (c):

- (a) The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or city recreation and open space plan, including but

not limited to the state comprehensive outdoor recreation plan, as such plans may from time to time be created or revised.

- (b) Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.
- (c) Indoor recreation or nonrecreational uses shall serve a significant public purpose that cannot reasonably be accommodated outside of the recreation and open space zone.

(Ord. No. 232-81, § 602.7B.4, 11-16-81; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

- 1. Principal buildings or structures: Twelve (12) feet.
- 2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.~~

(e) *Maximum building height:* Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.

(f) *Maximum coverage of lot* by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:

1. Sewage treatment facilities: No limit on maximum coverage.

2. Sports complexes: Seventy-five (75) percent of lot area.

3. All other uses: Twenty-five (25) percent of lot area.

(g) *Maximum floor area ratio:* Five-tenths (0.5).

(Ord. No. 232-81, § 602.7B.5, 11-16-81; Ord. No. 67-89, § 2, 8-7-89; Ord. No. 205-93, 2-2-93; Ord. No. 187-01/02, § 4, 4-17-02)

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under~~ the site plan ordinancereview, as applicable:

(a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

(b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

- (c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.
- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) *Off-street parking*: Off-street parking is required as provided in divisio~~n~~ 20 (off-street parking) of this article.

(Ord. No. 232-81, § 602.7B.6, 11-16-81; Ord. No. 240-09/10, 6-21-10)