

1. Legal Ad

Documents: [PB LGL AD 9-9-14.PDF](#)

2. Agenda

Documents: [PB AGENDA 9-9-14.PDF](#)

3. 72 Bishop Street

Documents: [BISHOP ST. - 72 \(PB MEMO AND ATTACHMENTS\).PDF](#)

4. 777 Stevens Avenue

4.I. PB Report

Documents: [STEVENS AVE. - 777 \(PB REPORT\).PDF](#)

4.II. Staff Attachments

Documents: [STEVENS AVE. - 777 \(STAFF ATTACHMENTS\).PDF](#)

4.III. Applicants Submittal

Documents: [STEVENS AVE. - 777 \(APPLICANTS SUBMITTAL\).PDF](#)

4.IV. Plans

Documents: [STEVENS AVE. - 777 \(PLANS\).PDF](#)

5. 528 Commercial Street

Documents: [COMMERCIAL ST. - 460 \(PB REPORT AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on September 9, 2014, 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. 72 Bishop Street, B-2 Map Amendment; Avesta Housing, Applicant. The Board will consider a zoning map amendment by Avesta Housing to rezone the site to B-2 in order to develop 30 efficiency apartments. The 52,383 sq. ft. parcel is located within 3 zoning designations of Industrial I-M, Residential R-5 and Residential R-3. The Board will consider zoning options and whether to advertise a broader area for the map amendment.

Public Hearing – 7:00 p.m.

- i. 777 Stevens Avenue; Map and Text Amendment; Park Danforth; The Park Danforth, Applicant. The Board will consider a zoning map and text amendment by Park Danforth in order to expand their elderly housing programs and construct a building addition. The proposed map amendment is to rezone R-5 and B-2 portions of the block along Forest Avenue and Arbor Street to a new variation of the R-6 zone to be R-6A for large (4 acre sites) located off the peninsula. The text amendments include but are not limited to, proposed setbacks for taller buildings, setting a maximum building height at 55 feet for R-6A zones, and allow one parking space per unit in all R-6 zones. The proposed map amendments would cover the entire block bounded by Stevens Ave., Arbor St., Forest Ave. and Poland St. as well as the Deering Pavilion site located at 880 Forest Ave.
- ii. International Marine Terminal, 528 Commercial Street, Level III Site Plan, Maine Department of Transportation, Applicant. The Board will hold a public hearing on a proposal for design details of the safety wall along the Commercial Street frontage of the International Marine Terminal (IMT) at 460 Commercial Street. The Planning Board approved the site plan subject to conditions at the August 12, 2014 public hearing. One conditional approval was to finalize the design of this safety wall for Planning Board review and approval.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart G. O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley

AGENDA PORTLAND PLANNING BOARD

The Portland Planning Board will hold a meeting on August 26, 2014, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at both meetings.**

Workshop – 4:30 p.m.

- i. 72 Bishop Street, B-2 Map Amendment; Avesta Housing, Applicant. The Board will consider a zoning map amendment by Avesta Housing to rezone the site to B-2 in order to develop 30 efficiency apartments. The 52,383 sq. ft. parcel is located within 3 zoning designations of Industrial I-M, Residential R-5 and Residential R-3. The Board will consider zoning options and whether to advertise a broader area for the map amendment.

PUBLIC HEARING – 7:00 p.m.

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATIONS AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON AUGUST 26, 2014:

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

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

4. REPORT OF DECISIONS AT THE MEETING HELD ON AUGUST 26, 2014:

- i. 899 Riverside Street; Text Amendment; Spurwink, Applicant. Morrisette moved and Boepple seconded on the motion to recommend the Text Amendment to the City Council. The Board voted unanimously 6-0 (O'Brien absent).

5. NEW BUSINESS

- i. 777 Stevens Avenue; Map and Text Amendment; Park Danforth; The Park Danforth, Applicant. The Board will consider a zoning map and text amendment by Park Danforth in order to expand their elderly housing programs and construct a building addition. The proposed map amendment is to rezone R-5 and B-2 portions of the block along Forest Avenue and Arbor Street to a new variation of the R-6 zone to be R-6A for large (4 acre sites) located off the peninsula. The text amendments include but are not limited to, proposed setbacks for taller buildings, setting a maximum building height at 65 feet for R-6A zones, and allow one parking space per unit in all R-6 zones. The proposed map amendments would cover the entire block bounded by Stevens Ave., Arbor St., Forest Ave. and Poland St. as well as the Deering Pavilion site located at 880 Forest Ave.

- ii. International Marine Terminal, 528 Commercial Street, Level III Site Plan, Maine Department of Transportation, Applicant. The Board will hold a public hearing on a proposal for design details of the safety wall along the Commercial Street frontage of the International Marine Terminal (IMT) at 460 Commercial Street. The Planning Board approved the site plan subject to conditions at the August 12, 2014 public hearing. One conditional approval was to finalize the design of this safety wall for Planning Board review and approval.

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: Nell Donaldson, Planner, and Barbara Barhydt, Development Review Services Manager

Date: September 5, 2014

Re: Map Amendment for 72 Bishop Street, Bishop Street Apartments, Avesta Housing

Project #: 2014-110 CBL: 293 C002001

Meeting Date: September 9, 2014

I. INTRODUCTION

In mid-June, Avesta Housing submitted a zone change request for a 1.16 acre property at 72-78 Bishop Street. The site, which actually consists of two separate lots, is currently zoned Moderate Impact Industrial I-M, Residential R-3, and Residential R-5, and is developed with a single family home. Avesta proposes a change to Business B-2, arguing that this designation would best allow them to develop 30 efficiency units for chronically homeless individuals, using the Housing First approach employed for Logan Place and Florence House, on the site.

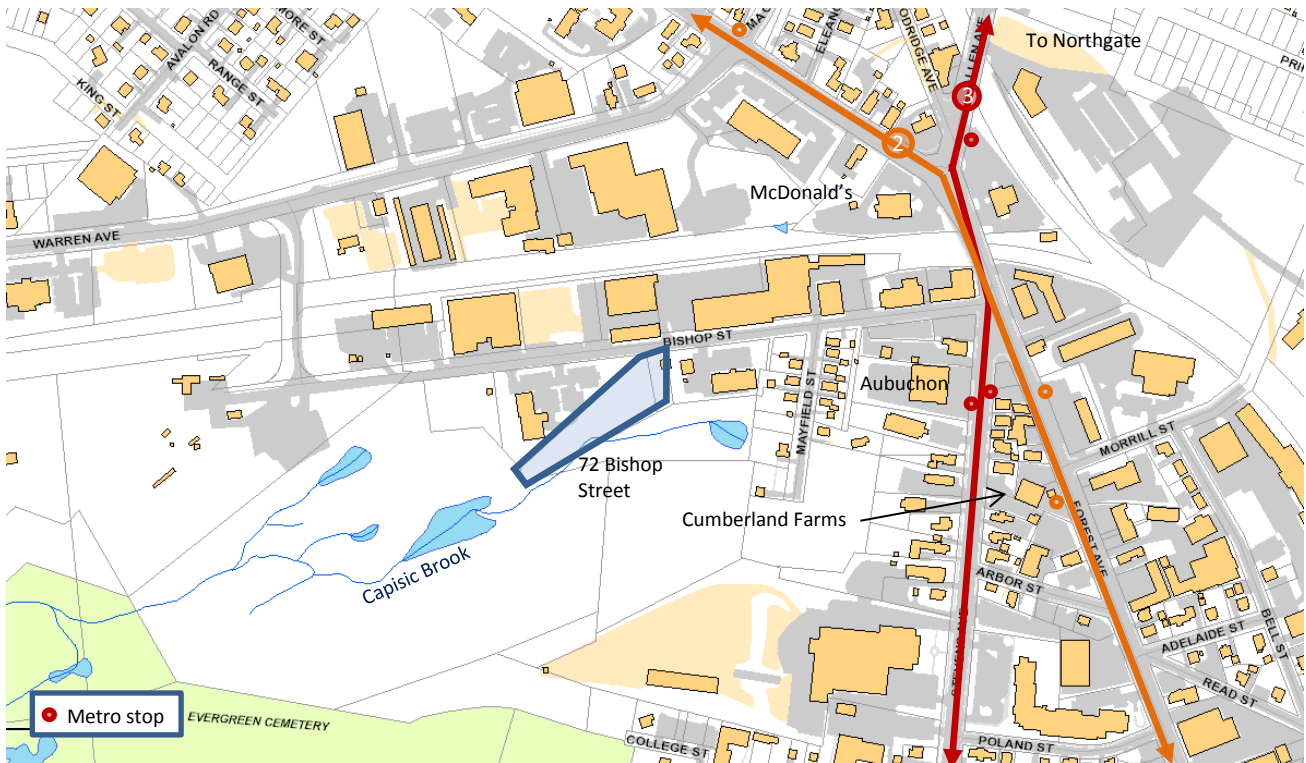
The Planning Board considered the proposal at previous workshops on July 8 and August 12. At the most recent of these workshops, residents and board members continued to raise outstanding questions on the proposed zone change. These included broad questions about the geographic extent of the proposed map amendment, including the treatment of several parcels owned by the University of New England at the west end of Bishop Street and possible environmental impacts associated with rezoning; the potential vehicular and pedestrian traffic implications of the zone change, particularly with respect to Morrill's Corner; and security around the Avesta proposal in particular. The board also left several more site-and zoning-specific questions regarding the dimensional requirements of the B-2 zone and possible designation as a B-2c zone unresolved. This workshop is intended to focus on these outstanding questions, and this memo provides additional information to the Board in this regard. The applicant will not be making a board presentation.

Public notice of the workshop appeared in the Portland Press Herald on September 1 and 2, 2014, was posted on the web site, and was sent by mail or e-mail to 156 property owners and interested citizens.

Applicant: Avesta Housing, Greg Payne
Property Owner: Hed Way Development
Consultant: Mitchell & Associates, Bob Metcalf

II. EXISTING CONDITIONS

As noted in previous board memos, Bishop Street extends from Forest Avenue at Morrill's Corner to Warren Avenue to the west (*Figure 1*). 72-78 Bishop Street lies on the south side of the street near its center. The site is currently occupied by a single-family home, with forested wetlands at the rear. Bishop Street currently hosts a variety of uses ranging from auto body shops to a dog grooming business, an investment advisor, a Masonic Hall, and a taxi company. The majority of the street is occupied by commercial and industrial uses.



Figures 1 & 2: 72 Bishop Street context (top) and site as it exists today (bottom)

The University of New England owns the Bishop Street Parking Lot at the west end of the street, as well as all of the undeveloped land south of Bishop Street. Existing uses, determined through a windshield survey, are shown in *Figure 3*, coded by assumed land use. Note that these land use determinations have not been verified with the Zoning Administrator.

In keeping with the mix of existing uses, Bishop Street hosts a mix of zoning designations (*Figure 3*). The majority of Bishop Street is zoned Industrial I-M (Moderate Impact) with an Industrial I-H (High Impact) zone that encompasses the former Pike Industry site at the westerly end of Bishop Street. The I-M zone abuts the railroad line north of Bishop Street and extends approximately 100 feet off Bishop Street to the south. Residential R-3 and R-5 zones are located to the south of the I-M zone. The majority of Mayfield Street is within the R-5 zone, but the residential buildings within approximately 100 feet of Bishop Street are within the I-M zone.

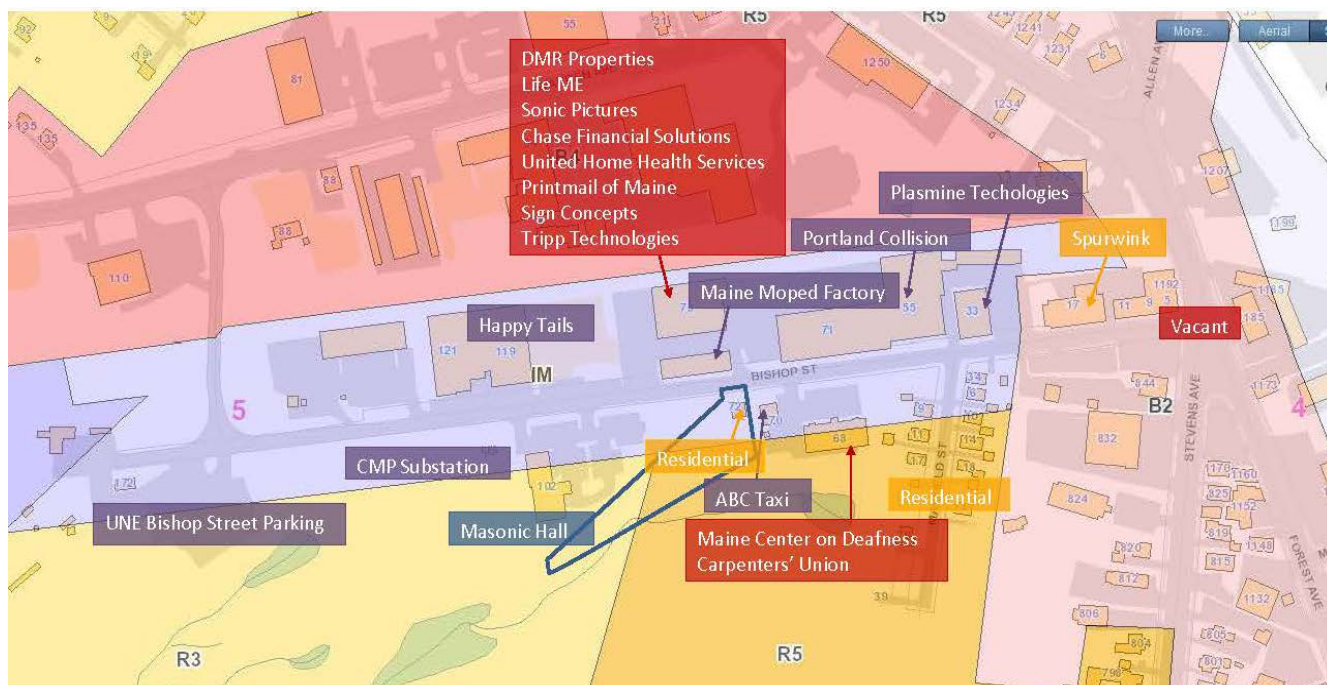


Figure 3: Existing Bishop Street uses and underlying zoning

III. PROPOSED B-2 ZONE – OUTSTANDING CONSIDERATIONS

Avesta Housing has requested a zone change to Business B-2 in order to allow them to develop 30 efficiency units in three stories for chronically homeless individuals on the 72 Bishop Street site. The original application suggested that the whole site might be rezoned as B-2. Due to the environmental constraints in the vicinity and concerns by some board members regarding extending the business zone into residential areas, staff requested further analysis on how much land area and configuration on the lot is needed to support the project. Prior to the last workshop, the applicant conducted a zoning analysis to determine the percentage of lot area which would require rezoning in order to allow the total number of desired units, assuming a rezoning to B-2 as requested. At this time, there are several outstanding questions about dimensional requirements under the B-2 zone which are integral to this calculation. There are also remaining questions about a potential B-2c designation.

Maximum Front Yard Setback

First and foremost, the B-2 zone includes a maximum front yard setback of 10 feet. The applicant has argued that, due to the shape of the lot, which has only 50 feet of frontage, and the off-street parking requirement, which necessitates a driveway, achieving this maximum front yard setback is not tenable. Instead, they have sited the building as close to the street as possible, and have indicated that they would, under site plan review, make the case that they have met the setback to “the maximum extent practicable” as permitted under the dimensional requirements of the B-2 zone.¹ At the August 12 workshop, staff interpreted the board’s comments to mean that, generally, board members would agree with this assessment.

¹ The front yard maximum in the B-2 is no more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable. If lot has less than 40 feet of frontage and is more than 100 feet deep then no maximum setback is required. 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, then no maximum setback is required. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street

Active Street Frontage

In a similar vein, as noted at the most recent Board workshop, the Board must consider whether the project meets the “active street frontage” standards under the B-2 zone in order to determine the land area to be rezoned. Under recent amendments, a density of 1 unit/1,500 SF is allowed by right in the B-2 zone. This density would permit the applicant to build the housing development as desired on the site. However, an increased density of 1 unit/435 SF of lot area is permitted so long as the first floor is occupied by a use with “active street frontage” per *Section 14-188*. If the development qualifies under the active street frontage provisions of the ordinance, then less of the lot would require rezoning in order to allow the proposed development. Applicable provisions from the land use code are as follows:

Section 14-185. Dimensional requirements (B-2 Zone)

Minimum lot Area per Dwelling Unit:

- a. Off-peninsula locations, as defined in Section 14-47: 1,600 square feet, except as provided for in (b) below.
- b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188 below; 435 square feet.

Section 14-188 (B-2 Zone)

Active street frontages: A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable as determined by the Planning Board or Planning Authority: the primary building façade shall be within ten feet of the front street line; there shall be no parking on the lot within 35 feet of the front street line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals, and the remaining minimum 75% shall have an average depth of a minimum of 20 feet for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

The applicant has indicated their intent to design a building which qualifies as an active street frontage; however, their conceptual plans show that, again, the building will not be within 10 feet of the street line. Instead, the building sits just over 20 feet from the property line. As noted above, the applicant has stated that, given the limited frontage of the site and the need for a driveway, siting the building within 10 feet of the property line is not physically possible.

At the August 12 workshop, Board members were equivocal about whether Avesta is meeting this build-to standard “to the maximum extent practicable” per the ordinance. The board should note that two of the objectives of the recent B-2 amendments regarding the active street frontage provision were to discourage first floor parking and encourage first floor residential uses. Both of these objectives are achieved in this proposal. As with the maximum front yard setback, ultimately, the decision regarding the active street frontage will be made at the time of site plan review. However, preliminary consideration is important at this time, as the question is central to the geographic extent of the zone change request.

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.

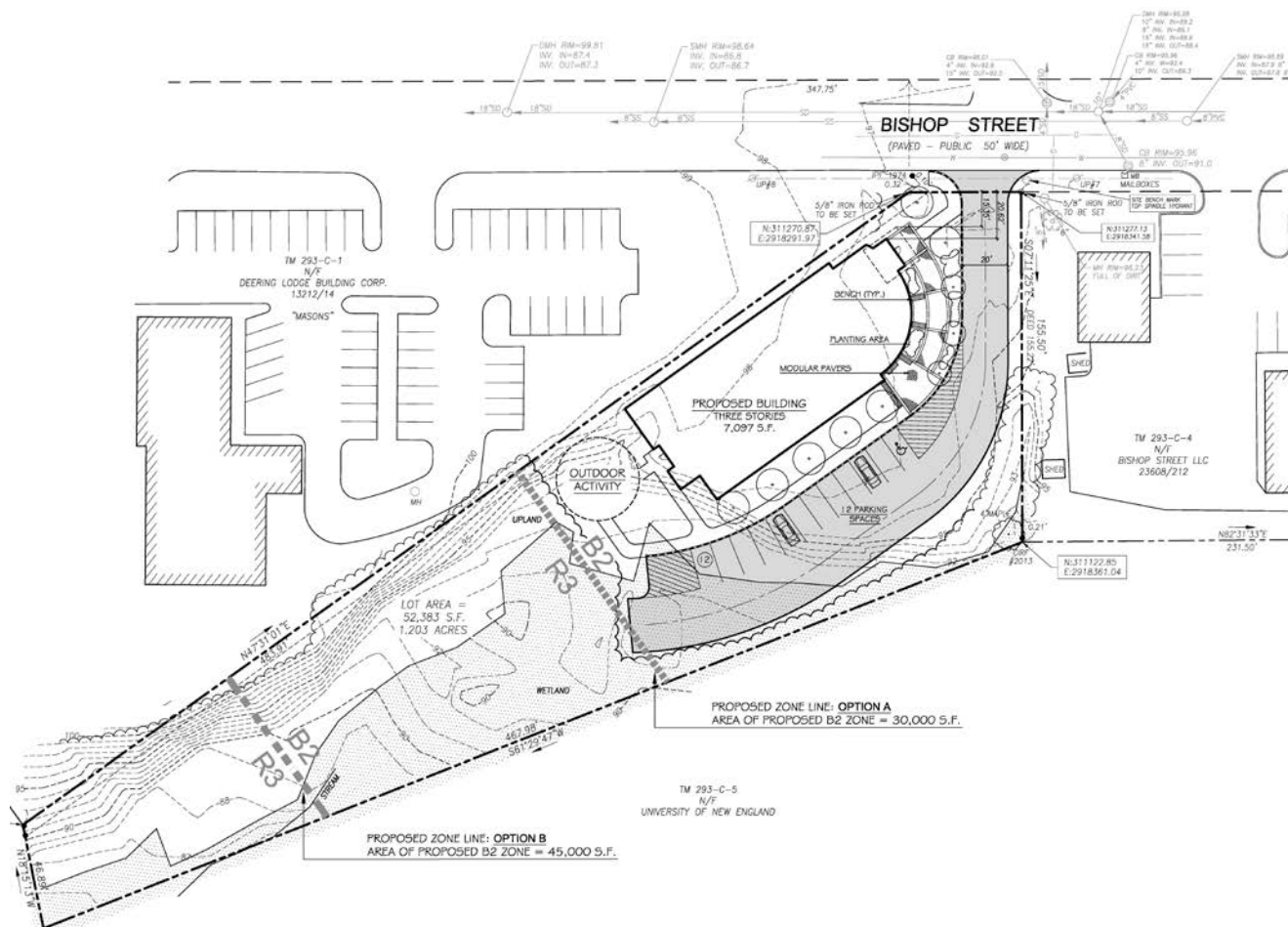


Figure 4: Concept Site Plan with Potential B-2 Zone Lines

Two zone lines are shown on the applicant's preliminary site plan, which appeared before the board on August 12 (Figure 4). Option A shows the potential zone line encompassing 30,000 square feet of B-2 area, which would be necessary if the project is deemed to have an active street frontage and is thus afforded the higher density. If the concept for the development is not meeting the active street frontage standards, then 1,500 square feet of land per dwelling unit is required. Option B depicts the zone line location in this instance, drawn to include 45,000 sf of B-2 zoned land. Staff recommends that the board consider Option A, given both the applicant's effort to meet the active street frontage provision and existing policy objectives pertaining to the protection of natural resources which are relevant to this proposal.

B-2c Designation

As discussed briefly during the August 12 workshop, the Board may also wish to further consider the designation of the site as a B-2c zone. After reviewing potential residential and lower-intensity business zones prior to the last workshop, the B-2 emerged as the lowest intensity zone which would allow both the residential density and height sought for the subject site. The B-2 zone has the additional benefit of accommodating existing uses east and west of the site and providing some consistency with the nearby B-2 zone on the east end of Bishop Street at Morrill's Corner. At the prior workshop, staff noted the existence of a B-2c zone along a portion of Forest Avenue near Woodford's Corner. The B-2c's only variation from the B-2 zone is that drinking establishments are not allowed. The purpose of the B-2c, as noted in the ordinance, is "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." Staff is seeking the board's guidance on this point.

IV. GEOGRAPHIC EXTENT OF PROPOSED AMENDMENT

At the August 12 workshop, board members and members of the public also raised questions relating to the geographic extent of the proposed zone change.

University of New England Parcels

The first of these questions centered on the University of New England's plans for the Bishop Street area, and whether UNE's property should be included under the proposed zone change request. UNE owns a significant amount of land both at the west end and immediately south of Bishop Street, portions of which are currently used for parking areas and recreational open space. In conversations with UNE's Assistant Vice President for Planning, Alan Thibeault, it became clear that the university is just beginning the master planning process for these parcels and its Portland campus. While the merits of a B-2 zoning were discussed, university representatives and city staff agreed that a more comprehensive approach to zoning for UNE's campus following the conclusion of the master planning process ultimately makes more sense. As such, the UNE parcels have not been further considered here.

Capisic Brook Watershed and Environmental Resources

The August 12 workshop also included some discussion of environmental impacts to the Capisic Brook watershed. Following the workshop, city staff, including Doug Roncarati, the city's Stormwater Program Coordinator, discussed concerns regarding water quality and environmental impacts at greater length. The city's *Capisic Brook Watershed Management Plan*, completed in 2012, cites results of a 2003 biological monitoring program on the Capisic Brook which determined that the east tributary of the Capisic, which roughly parallels Bishop Street here, had "a healthy macroinvertebrate community, good water quality, and adequate habitat" and met Class C water quality standards. It further noted that "[v]ariation in water quality at [the east tributary/Evergreen Cemetery monitoring station compared to downstream station] has been attributed to the differences in land use, especially the presence of impervious cover, and hence probable differences of NPS [non-point source] discharges into the brook..." (1-3). The Plan clearly invokes the need to manage land use in the watershed in an effort to maintain the health of the east tributary.

Similarly, a peer review conducted in 2007 by Call of the Wild Consulting and Environmental Services for the Gullivers Field area immediately south of Bishop Street notes that that site provides "very significant migratory passerine (songbird) stopover habitat for both the spring and fall migrations. In fact, this area is a premier destination site for spring birding because of the large variety of bird species and numbers." The review concludes, "this area is a well-documented, important ecological area in Portland that Call of the Wild recommends permanent protection [sic]..."

It should be noted that the applicant has met on several instances with Mr. Roncarati and with Maine DEP in an effort to anticipate and address wetland and environmental impact concerns. The city's Department of Public Services has clearly articulated the need to protect the Capisic watershed; however, it has not raised major concerns with the proposed map amendment.

In this vein, the board may wish to consider limiting the extent of the B-2 rezoning. *Figure 5* shows the proposed map amendment as most recently discussed at the August 12 board workshop under two approaches. Both approaches confine the rezoning to the south side of Bishop Street. Both exclude the UNE parcels and assume the end of Mayfield Street is rezoned to Residential R-5. Approach #1 would only rezone the area currently designated as I-M, except at 72 Bishop Street, where more land would be rezoned to B-2 in order to allow the Avesta development to proceed at the density allowed. Approach #2 would extend the rezoning to the rear of each of the lots currently under consideration. In addition to these two approaches, the applicant's two options for the 72 Bishop Street site itself, which relate to the active street frontage question, are also depicted on *Figure 5*.

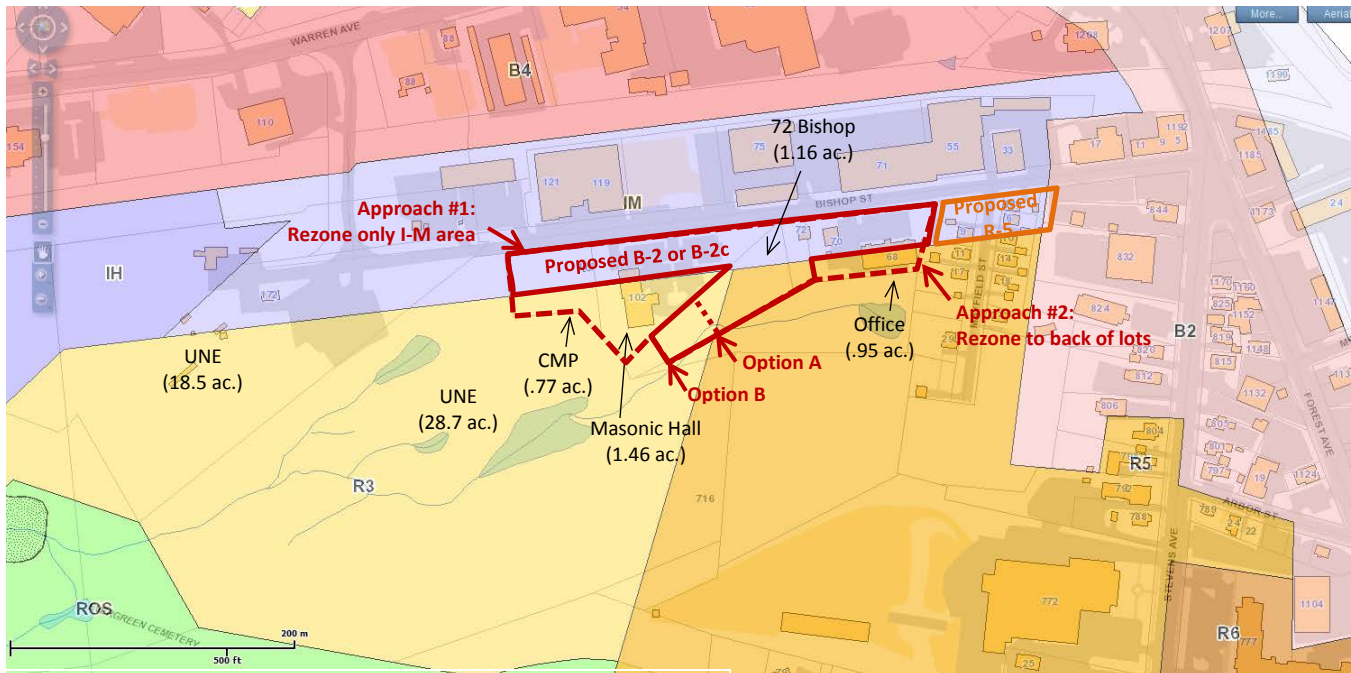


Figure 5: Potential Map Amendments: Approaches #1 and #2

V. POTENTIAL TRAFFIC GENERATION

At the August 12 Planning Board workshop, residents and board members raised concerns regarding the potential impacts of pedestrian and vehicular traffic under the proposed zone change, especially in light of existing capacity issues at Morrill's Corner. At the board's request, staff requested a comparative trip generation analysis on the part of Tom Errico, the city's consulting traffic engineer. This analysis was designed to show how potential trip generation might generally compare under the present-day and proposed future zoning. In order to achieve this, the analysis assumed worst-case-scenario buildout based on the existing and proposed zoning designations, calculated trip generation based on these scenarios, and compared these numbers across the potential zones.

The potential trip generation under the existing zoning scenario is calculated based solely on the current land area in the I-M zone as shown in Figure 5, including portions of parcels on the south side of Bishop Street from the existing B-2 zone at Morrill's Corner west to the CMP site. Two potential buildout scenarios are presented for the proposed zoning condition, designed to reflect the approaches described above. Under both the existing and proposed buildout scenarios, parcels are assumed to be built out to the maximum extent possible at the highest intensity potential land use (office under the I-M; office and retail under the B-2) based on permitted impervious surface ratios. Thus the trip generation estimates are highly conservative.

Table 1 shows trip generation estimates as developed by Mr. Errico. The table shows 7 more potential AM peak hour and 111 more potential PM peak hour trips under Approach #1 (where only the existing I-M area is rezoned) than under the existing zoning. Under Approach #2 (where the lots under consideration are rezoned in their entirety), Mr. Errico estimates 65 more potential AM peak hour and 198 more potential PM peak hour trips than in the buildout under the existing I-M zone.

Table 1: Traffic Generation Estimate During the AM and PM Peak Hours
Based in the Trip Generation Manual, Institute of Transportation Engineers, 9th Edition
(Retail Trips Reduced by 34% to reflect Pass-By Trips)

	Existing I-M Zone	Approach #2 Proposed B-2 Zone (re-zone to back of lot)	Difference Compared to Existing	Approach #1 Proposed B-2 Zone (re-zone only I-M Zone)	Difference Compared to Existing
Office SF	86,624 SF	95,563 SF		65,534 SF	
AM Peak Hour	171 vehicles	185 vehicles	+14	137 vehicles	-34
PM Peak Hour	163 vehicles	177 vehicles	+14	131 vehicles	-32
Retail SF	0	31,854 SF		21,845 SF	
AM Peak Hour	0	51 vehicles	+51	41 vehicles	+41
PM Peak Hour	0	184 vehicles	+184	143 vehicles	+143
<i>Total AM Peak Hour</i>	<i>171 vehicles</i>	<i>236 vehicles</i>	<i>+65</i>	<i>178 vehicles</i>	<i>+7</i>
<i>Total PM Peak Hour</i>	<i>163 vehicles</i>	<i>361 vehicles</i>	<i>+198</i>	<i>274 vehicles</i>	<i>+111</i>

Of these trip generation estimates, Mr. Errico writes,

As noted in the attached table, the change from I-M to B-2 does have the possibility to increase traffic. Please note the following:

- The key factor in this increase is the inclusion of a retail use. My assumption for the estimate is that the retail use would have shopping center type trip generating characteristics. This is likely a worst-case scenario and there could be other retail uses that generate less traffic.*
- The trip estimates noted in the attached table is the total traffic that would enter and exit the site. For retail uses (unlike office uses), not all traffic to the site is new to the area street system. Some traffic already exists on the system and is captured. According to national data, 34% of shopping center traffic may be “pass-by” type trips that are captured from existing traffic in the area. The volumes noted in the table have been reduced to reflect this adjustment.*
- The magnitude of the trip generation estimate is probably a worst-case scenario given the building areas assumed.*

Neighbors and board members were particularly concerned at the August 12 workshop regarding potential impacts to Morrill’s Corner. Of this, Mr. Errico writes,

Any added traffic in this area has the potential to impact traffic conditions at Morrill’s Corner. The intersection is currently near or over capacity and the nature of multiple streets intersecting Forest Avenue in close proximity complicates traffic mobility. In my professional opinion, both zoning options will have an impact. It is very difficult to predict the magnitude of the impact, without conducting detailed traffic analyses. My general opinion is that some mitigation will be warranted if significant traffic is added to Forest Avenue.

Regarding necessary pedestrian accommodations, Mr. Errico adds,

Multi-modal transportation considerations are an important element of understanding project impacts. In the case of the zone change, it is my professional opinion that a sidewalk systems, without gaps, should be provided between uses on Bishop Street and Forest Avenue. Morrill’s Corner currently can be a difficult environment for pedestrians. While basic pedestrians features (e.g. crosswalk, signal heads) are provided, upgrades are likely warranted to fully balance all

transportation user needs. It is my professional opinion that pedestrian upgrades would be required regardless of the zoning or development. I would note that the City has required for off-site mitigation improvements or monetary contributions and these are generally related to types of land uses and how they may impact conditions, so the level of mitigation will be related to traffic and pedestrian generating levels.

As previously noted, the applicant has offered to construct a sidewalk between their site and Morrill's Corner.

VI. SECURITY

In response to concerns from prospective neighbors at the last workshop, the applicant has provided a testimonial from Vernon Malloch of the Portland Police Department (*Attachment A*). This letter attests to the success of Logan Place on Frederick Street and to the lack of security issues at that site. Assistant Chief Malloch writes that "Logan Place has successfully served as a tested model with no significant impact on the surrounding neighborhood."

VII. COMPREHENSIVE PLAN ANALYSIS

In general terms, the housing element of the Comprehensive Plan includes many policies to support increasing the range of housing types in the city to serve all income levels. *Housing: Sustaining Portland's Future* highlights the need for supportive housing with a goal particularly targeted towards this housing type: "ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing, which offer appropriate supportive services." The housing plan recommends that the city should:

- *Increase the amount of supportive housing for persons with disabilities, the frail elderly, homeless families and individuals, and persons with other special needs that desire and need to live in an urban area where services are available*
- *Create enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters; and*
- *Encourage proposals from developers that will transition homeless families and individuals out of emergency shelters and transitional facilities into permanent housing, including single room occupancy (SRO) units*

In addition, the report of the city's Homelessness Prevention Task Force, issued in November 2012, includes recommendations designed to address the city's issues with homelessness, many of which apply here. Among these, the report recommends "a focus on providing appropriate permanent housing and support in the community for individuals, families, and youth as quickly as possible...Meeting this goal will...require constructing three new housing first units consisting of 35 units each and appropriate supports for people who are chronically homeless (4)." With respect to this action item, the Task Force set a target completion date of 2018 and charged Avesta Housing, the city, and Preble Street, among others, with the responsibility.

It should also be noted that, particularly with respect to the north end of Mayfield Street, the Comprehensive Plan also includes policies that seek to limit business expansion into residential zones. *Housing: Sustaining Portland's Future* notes the need to "protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses." The plan states that the city should "discourage demolition or conversion of residential properties for non-residential uses (18)."

Lastly, it is worth noting that the Comprehensive Plan supports the protection of natural resources. The city's vision, as enumerated in the Comprehensive Plan, includes protecting the natural environment, and the *Sustainable Portland* report establishes a goal related to "environmental stewardship through effective transportation and land use decision-making."

VIII. PUBLIC COMMENT

One additional public comment, received at the August 12 workshop, is attached (*Attachment 2*). This comment raises concerns regarding environmental impacts, traffic impacts, and the safety and scale of the Avesta proposal in particular. The letter also supports rezoning the end of Mayfield Street R-5.

IX. NEXT STEPS

- Provide guidance on outstanding questions related to the B-2 dimensional requirements and the B-2c designation
- Determine area to be advertised for map amendment
- Schedule hearing

X. ATTACHMENTS

Report Attachment

1. Traffic Engineer review (memo from Tom Errico, 9/3/14)
2. Letter from Janet Parker (8/12/14)

Applicant's Submittals

- A. Letter from Assistant Police Chief (Vernon Malloch, 7/11/14)

Plans

- Plan 1 Existing Conditions
- Plan 2 Site Plan
- Plan 3 Aerial Context Map
- Plan 4 Existing Conditions
- Plan 5 Concept Site Plan

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 9/3/2014 4:43 PM
Subject: 72 Bishop Street - Map Amendment

Nell - Per your request I have conducted a traffic evaluation of the implication of changing the zoning from I-M to B-2 with the primary focus on the difference in traffic generation. I have attached trip generation estimates conducted for two build-out scenarios based on assumptions provided by you. A summary of that evaluation as well as other comments are provided below.

- * As noted in the attached table, the change from I-M to B-2 does have the possibility to increase traffic. Please note the following:
 - o The key factor in this increase is the inclusion of a retail use. My assumption for the estimate is that the retail use would have shopping center type trip generating characteristics. This is likely a worst-case scenario and there could be other retail uses that generate less traffic.
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If you have any questions, please let me know.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
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"One Vision, One Company"

Please consider the environment before printing.

Traffic Generation Estimate During the AM and PM Peak Hours Based in the Trip Generation Manual, Institute of Transportation Engineers, 9th Edition (Retail Trips Reduced by 34% to reflect Pass-By Trips)					
	Existing I-M Zone	Proposed B-2 Zone (re-zone to back of lot)	Difference Compared to Existing	Proposed B-2 Zone (re-zone only I-M Zone)	Difference Compared to Existing
Office SF	86,624 SF	95,563 SF		65,534 SF	
AM Peak Hour	171 vehicles	185 vehicles	+14	137 vehicles	-34
PM Peak Hour	163 vehicles	177 vehicles	+14	131 vehicles	-32
Retail SF	0	31,854 SF		21,845 SF	
AM Peak Hour	0	51 vehicles	+51	41 vehicles	+41
PM Peak Hour	0	184 vehicles	+184	143 vehicles	+143
<i>Total AM Peak Hour</i>	<i>171 vehicles</i>	<i>236 vehicles</i>	<i>+65</i>	<i>178 vehicles</i>	<i>+7</i>
<i>Total PM Peak Hour</i>	<i>163 vehicles</i>	<i>361 vehicles</i>	<i>+198</i>	<i>274 vehicles</i>	<i>+111</i>

Janet Parker
9 Mayfield Street, Portland

August 12, 2014

Concerns about rezoning 72 Bishop Street for Avesta Housing

- Rezone all of Mayfield Street back to the residential use that it is.
 - Zoning as Business or Industrial uses will further isolate the current residential neighborhood.
- Environmental Concern – Morrill's Corner is the headwater of Capisic Brook, an impaired watershed. Any development in this area will further degrade it, development must be low-impact.
 - Excellent opportunity for stormwater management/green infrastructure.
 - Volume and quality of stormwater from Morrill's Corner assessed.
 - Excellent opportunity for a Greenway Gateway for recreational opportunities.
- TRAFFIC
 - Morrill's Corner does not allow for a left turn from either Forest Avenue outbound or Steven's Avenue – 'can't get there from here'. How to access?
 - Service Providers to Avesta clients: how many, how often, what types of vehicles, staff vehicles, emergency responders, estimate 3 providers/client x 30 clients = 90 additional vehicles – cumulative impact.
 - Bishop Street already has on-street parking, taxi traffic, pedestrian traffic and no sidewalks, poor snowplowing/maintenance, is there a speed limit, and drag racers-add to that wheelchairs and medically-compromised individuals – Very dangerous situation.
 - Bishop Street will need to be upgraded to accommodate heavier traffic.
 - Bus service is not easily accessible from this site, especially for medically-compromised clients.
- Unsafe, based on newspaper reports when the other facilities opened: people passed out in yards, on sidewalks, trespassing, urinating, vomiting, noise, etc. These are not 'recovering' people, these are active users, and that poses a safety concern for property and personal safety, theft, etc.
- Out of scale for the surrounding neighborhood: 3 stories is too large; no/minimal setbacks from Bishop Street and taxi garage, density of 30 people is too much.
- Not consistent with the Comprehensive Plan: does not 'seek to limit business expansion into residential zones', does not 'accommodate all income levels' by offering free housing paid for by middle/low income residents.
- B-2 uses are not compatible with residential neighborhood of Mayfield Street.

Suggested uses: Greenway Gateway to Evergreen Cemetery and trails; stormwater management and green infrastructure project opportunities; low-impact, low-density residential, small offices, perhaps affiliated with UNE;

Portland, Maine



Yes. Life's good here.

Portland Police Department

July 11, 2014

Jon Bradley
Associate Director
38 Preble Street
Portland, ME 04101

Sent via email to jbradley@preblestreet.org

Dear Mr. Bradley,

Today I write in support of the successful partnerships between Preble Street Resources and Avesta Housing in providing an exceptional model that offers staff and support to those in need here in Portland. I firmly believe this partnership has increased success rates and improved outcomes for our homeless population.

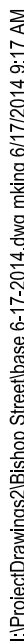
I understand there is a proposal forthcoming of a housing development opportunity near Morrill's Corner. In light of the process moving forward, I would like to illustrate that a similar development, Logan Place, has successfully served as a tested model with no significant impact on the surrounding neighborhood.

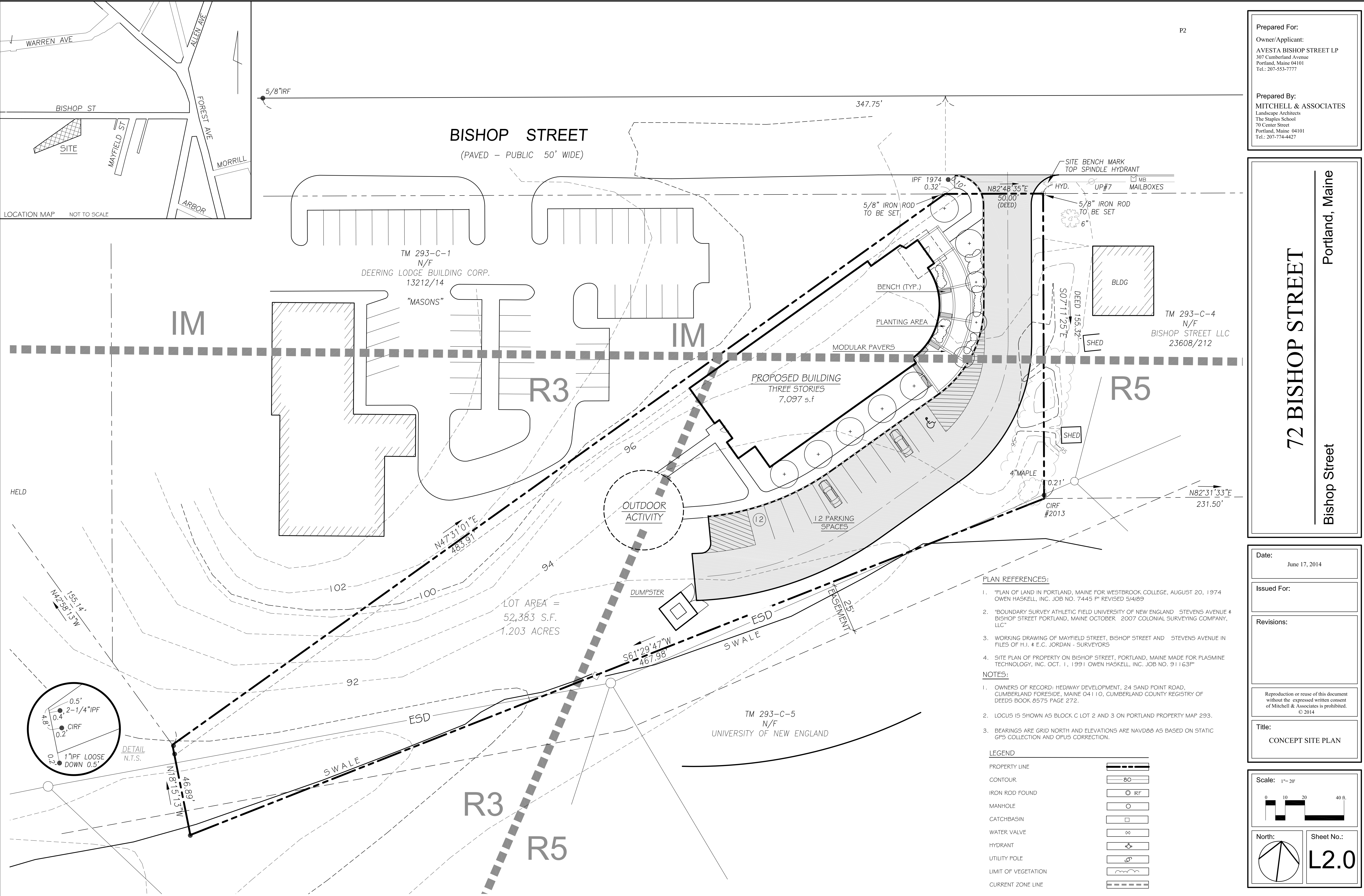
The Portland Police Department believes the working relationship between Preble Street Resources and Avesta Housing continues to provide a valuable service to Portland's homeless population, our visitors, families, friends and neighbors.

Sincerely,

A handwritten signature in black ink, appearing to read "VW Malloch".

Vernon W. Malloch
Assistant Chief of Police





Prepared For:
Owner/Applicant:
AVESTA BISHOP STREET LP
307 Cumberland Avenue
Portland, Maine 04101
Tel.: 207-553-7777

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel.: 207-774-4427

72 BISHOP STREET
Portland, Maine
Bishop Street

Date:
June 17, 2014

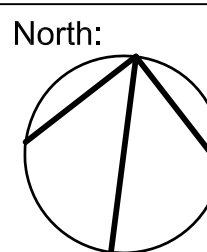
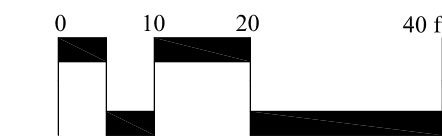
Issued For:

Revisions:

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Title:
CONCEPT SITE PLAN

Scale: 1"= 20'



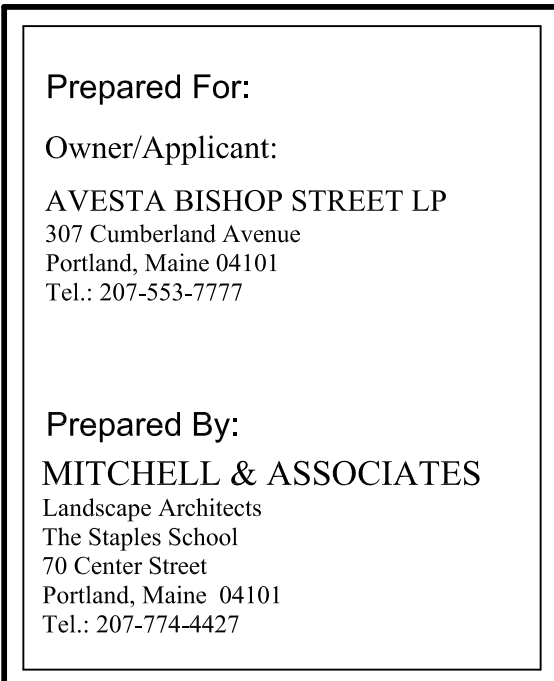
Sheet No.:
L2.0



BISHOP STREET CONTEXT MAP
NOT TO SCALE

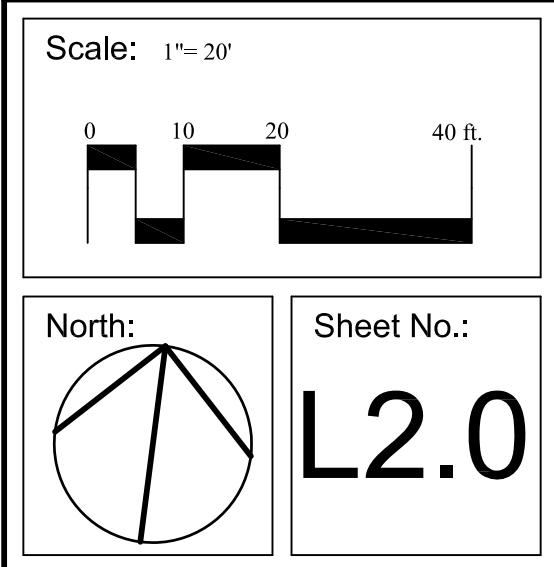


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72 BISHOP STREET

Bishop Street Portland, Maine

[illegible]



PLANNING BOARD REPORT PORTLAND, MAINE

R-6A Zoning Map Amendment and Text Amendments to Division 7, R-6 Residential Zone

Zoning Text and Map Amendment

Application #: 2014-114

The Park Danforth, Applicant

777 Stevens Avenue

Submitted to: Portland Planning Board:
Public Hearing Date: September 9, 2014

Prepared by: Shukria Wiar, Planner
Date: September 4, 2014

I. INTRODUCTION

The Park Danforth has submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue (refer to Applicant's submission). The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block (except for one lot, held under separate ownership) to the Residential R6 zone. The amendments are proposed to support the applicant's plans to develop independent housing for persons aged 55 and over on this site.

The Planning Board has held two workshops on this item on July 22, 2014 and August 12, 2014. At the time of the first workshop, the applicant was proposing text amendments to the definition section of the Zoning Ordinance for elderly independent housing, to increase the R-6 maximum building height for this specific type of housing, and to revise Division 20 to allow one space per unit for all R-6 zones. The applicant is proposing a building height of fifty-five (55) feet. The Planning staff had recommended several options at the workshop, including the R-7 zone, a conditional rezoning agreement and alternative text amendments to the R-6 zone. The Planning Board expressed interest in the idea of creating a new zone, Residential R-6A, for large scaled parcels.

At the second workshop, the Planning staff developed alternative options for the Board's consideration. These options were either create a new R-6A zone with accompanying text amendments or simply amend R-6 text. Both options included proposed text amendments to the parking requirements contained in Division 20, Off-Street Parking. On August 12th, the Planning Board members requested that the Planning staff advertise the proposed R-6A for the block bound by Forest, Arbor, Stevens and Poland and for the Deering Pavilion site (as recommended by staff). Carol Morrisette also asked the staff to review and recommend any revised dimensions for the new R-6A zone. In addition, the Board requested information on other potential sites that may qualify for the new R-6A zone, so background information is presented in this report. The Planning staff has also developed R-6A dimensional options for the Board's consideration.

The Table of Contents for this report is as follows:

I.	Introduction
II.	Project Data
III.	Background and Existing Conditions
IV.	Proposed Development
V.	Applicant's Proposal
VI.	Zoning Comparison

VII.	Alternative Zoning Map and Text Amendment
VIII.	Comprehensive Plan Analysis
IX.	Public Comments
X.	Planning Board Recommendations

II. PROJECT DATA FOR PARK DANFORTH

Existing Zoning: Residential R-6 and R-5, Business B-2
Existing Use: 124 apartments for the elderly and 36 assisted living studios of Park Danforth
Proposed Use: Residential Elderly Independent Living Units
Parcel Size: 4.12 acres

Residential Data:

- Existing Residential Units: 160 dwelling units in the existing building, 2 single families, one of which is vacant.
- Proposed Residential Units: 46 dwelling units
- Number of Units to be Demolished: two single family homes
- Number of Affordable Units: For the existing units- 70 are Section 8 housing and 36 market rate. The proposed units will be market rate.

Building Heights: Existing is 60' and Proposed is 55'

Parking Spaces:

- Existing: Approximately 65 spaces
- Proposed: 93 spaces (40 spaces in the garage and 53 surface parking).

Uses in Vicinity: Mixed commercial uses along Arbor Street, across the street on Stevens Avenue is the Maine State Armory and University of New England, on Poland Street there are residential use as well as offices, commercial uses along Forest Avenue.

Lots Proposed for Rezoning to R-6:

Park Danforth Lots: 146 C005001, 146 C006, 146 C007, 146 C008, 146 C010, 146 C009, 146 C011, 146 C012, and 146 C014. The lot for 24 Arbor Street is included in the rezone, CBL 146 C013 and is under a different ownership from Park Danforth.

Deering Pavilion Lot: 136 E005001, 137 H001001, and 142 G007004

III. EXISTING CONDITIONS AND ZONING

a. Background

The applicant, Park Danforth, is an elderly residential housing entity that has roots in the City for over 130 years and is a not-for-profit corporation. Park Danforth originally was located at the corner of Park and Danforth Streets, hence the name Park Danforth, and it was a "Mercantile Home for Aged Men". Due to financial pressures, Danforth sold its property to 75 State Street and moved to their current location at 777 Stevens Avenue in 1985 with seventy (70) Section 8 apartments and thirty-six (36) market rate residential apartments for the elderly. The facility expanded again in 1999 to provide eighteen (18) new apartments and thirty-six (36) Assisted Living studios. Currently the building consists of 124 apartments and 36 Assisted Living studios.

The assisted living units at Park Danforth were developed as a special needs independent living units, which are a permitted use in the R-6 zone. It is defined in R-6 as follows:

Special needs independent living units, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

The existing height of the current building is 65 feet, which is no longer permitted in the R-6 zone. Marge Schmuckal has confirmed that the building permit files note this was the permitted height at that time. The special needs independent living units (SNILU) are subject to the dimensional standards of the R-6 zone. The density provision does allow for a greater density for SNILUs as follows:

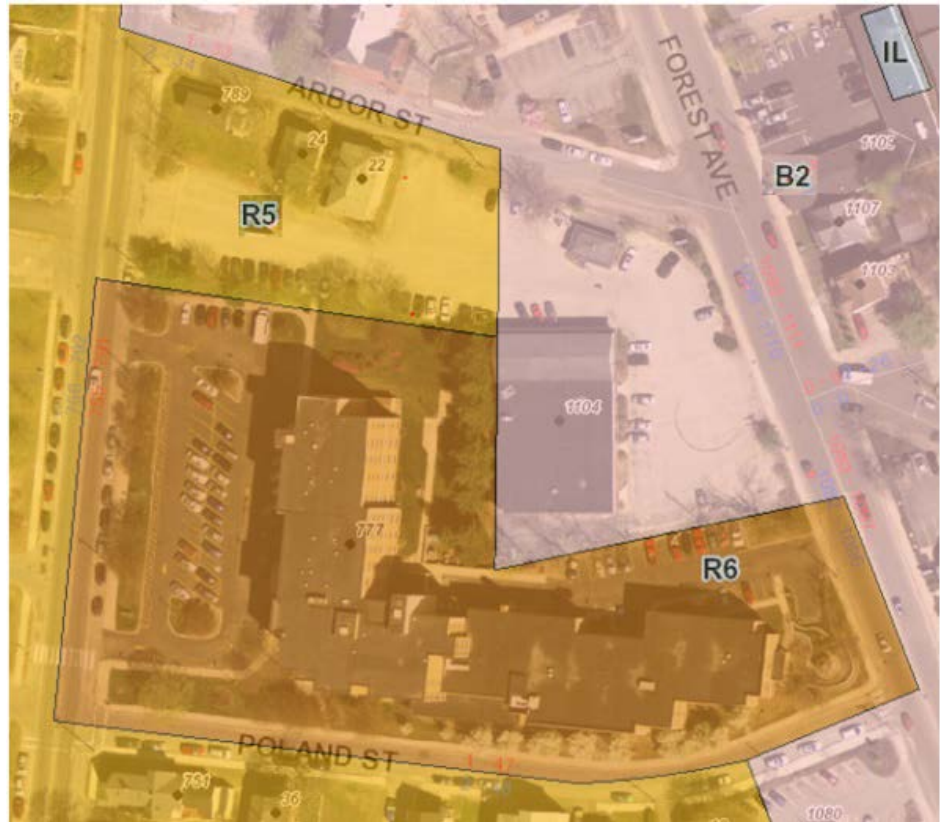
- a. Minimum area per dwelling unit: *One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.*

The proposed development is for market rate independent living units and is not proposed as a SNILU; thus the 20% density bonus would not apply.

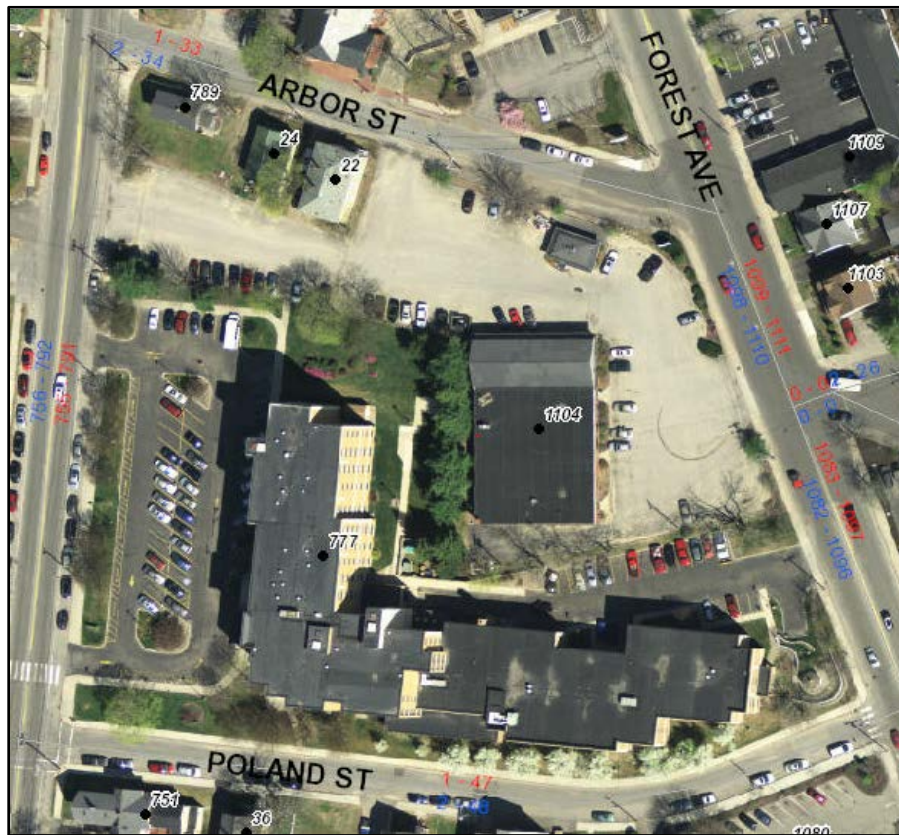
The Park Danforth has been in negotiation for the past five years with the adjacent parcels, so the site now consists of eight parcels. The recently acquired sites include the Goodwill properties along Forest and Stevens Avenues and two existing residential parcels along Arbor Street. The applicant owns the entire city block with the exception of one residential property at 24 Arbor Street. They are in discussions with the property owner to purchase the single-family home, however the discussions are on hold at this time.

b. Existing Zoning and Conditions

The zoning for this block is split between three zones. The existing building at 777 Stevens Avenue is zoned Residential R6. The properties at the corner of Stevens Avenue and Arbor Street, including 189 Stevens Avenue, 22 and 24 Arbor Street (24 Arbor Street is not included in the applicant's proposal) are presently zoned R5. The "Goodwill" facility and parcels are zoned Community Business B2 at 1104 Forest Avenue. The total parcel area of Park Danforth campus is 179,546 SF or 4.12 acres. The applicant explored developing the site under the current zoning designations, but there was a need for text amendments to B-2 for height and the limitations of R-5 zone were too restrictive. The applicant is seeking to have all of their holdings under one zone designation (see excerpt of Zoning map).



The Goodwill site has impervious area coverage of roughly 95% with two buildings and paved parking on a lot area of 60,798 SF (1.40 acres). There are two single-family homes (one is vacant) on Arbor Street. The single family home at 24 Arbor Street is occupied and under separate ownership. It is not part of the applicant's proposed map amendment. At the August 12th workshop, the Board suggested that the whole block be advertised for rezoning.



Aerial of the Park Danforth City Block

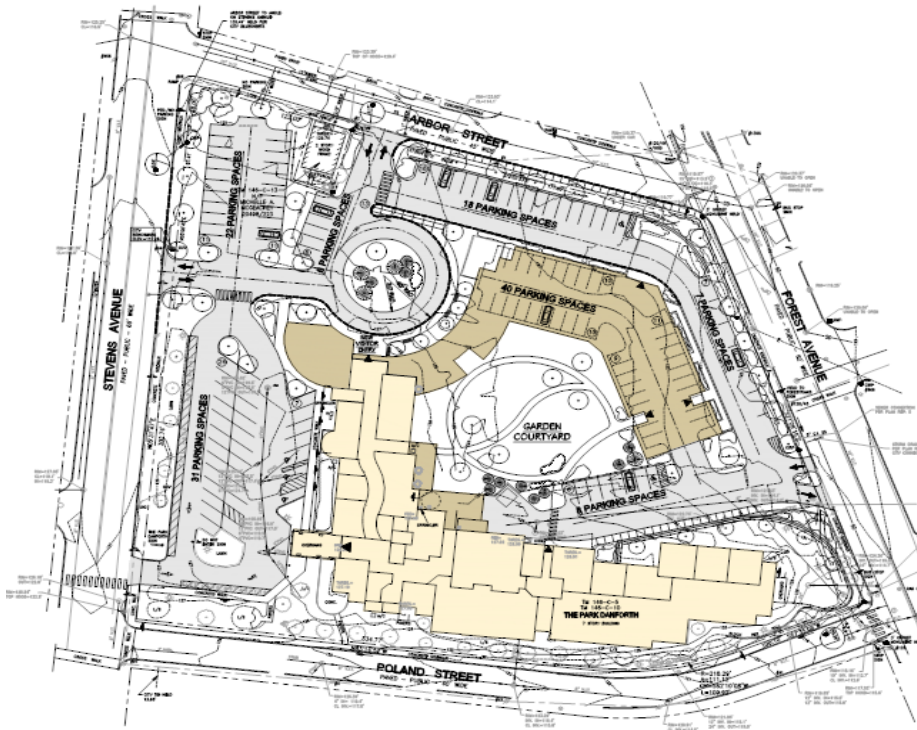
IV. PARK DANFORTH PROPOSED DEVELOPMENT

Park Danforth is developing a master plan for their campus at 777 Stevens Avenue. The total land area of the parcels making up the Park Danforth Campus is 179,546 SF or 4.12 acres. They would like to expand their current campus to provide for elderly housing that include “independent elderly housing” for a younger aging population. This includes people that do not need assistance with daily living but would like to be in an interactive senior community with amenities and services. The main population being targeted is 75 years of age and plus.

According to the applicant’s submission, the master plan will consist of open spaces, address the street presence, and provide for pedestrian and vehicular circulation and safety. Some of the vehicular circulation will remain one-way and exiting on an existing two-way drive which will be slightly modified. This two-way drive will also access the new parking and the visitor entry. The existing driveway serving the Goodwill Store will be removed on Forest Avenue. Having said this, there will be four curb cuts on the remaining streets: one on Arbor Street for visitor entrance and for the new building, one off Forest Avenue for service entrance and two on Stevens Avenue. The campus will include two interior courtyard gardens to provide safe and functional open space for the residents. Other site improvements include extensive landscaping and site features such as retaining wall and fencing.

The main building on the Park Danforth campus consists of a seven-story building along Stevens Avenue and a three-story building along Poland Street. Along with the newly acquired parcels, Park Danforth wants to build a new structure along Arbor Street and Forest Avenue. The new building will contain one level of underground parking for forty (40) cars and forty-six (46) new “Independent Living” units on the upper four floors. The total building area will be about 64,000 SF, not including the parking level.

The building will be four-stories along Forest Avenue and Arbor Streets with the interior of the building facing the existing Park Danforth building will be five-stories. The maximum proposed building height is proposed at approximately 55 feet. A building connection is proposed to connect the existing seven-story building with the new building at the new turn-around. According to the applicant the “building will feature varied window sizes, balconies,



and materials, to coordinate and complement the existing Park Danforth building”. Please refer to Attachment A for more details of the master plan for the campus.

Staff Development Review Comments:

The proposed development is subject to site plan and subdivision review. In a very preliminary review, the staff has recommended that the applicant consider further reducing the number of curb cuts and minimizing the pavement on the site. Tom Errico, Consulting Traffic Engineer, commented as follows on the concept plan (Attachment 3):

- The proposed project does not meet City standards in regard to the number of driveways provided. The

applicant should document specifically the purpose of each driveway as part of justifying a waiver from City standards. I would note that while the number of driveways has been reduced, I’m still concerned about access/egress conditions.

- Some of the driveways may not meet City corner clearance and spacing requirements and thus the applicant should provide information that support non-compliant conditions.
- The applicant will need to provide supporting information on the number of parking spaces provided on-site. I would suggest that the applicant conduct an existing parking demand study and use that information to document future parking needs.
- Sidewalk with curbing will be required for all property frontage areas.

In addition, David Margolis-Pineo submitted preliminary comments on the site plan on July 17th and those comments are included as (Attachment 4). The planning staff has recommended bringing the proposed addition closer to the corner or street. The applicant’s consultant has indicated that the change in grade on the site, the desire to have first floor parking for the addition, a terrace for the building addition, and the need for two-way circulation around the building, limits their ability to bring the building closer to the street.

V. PROPOSED ZONING TEXT AMENDMENTS

A. Proposed Text Amendments to Create R-6A Zone

In order to create the R-6A zone, the R-6 Residential Zone, Division 7, needs to be amended along with a new map designation. The potential text amendments include adding a new purpose statement, adjusting the maximum building height to 65 feet, establishing a minimum lot size and modifying the open space ratio to 20%.

a) Purpose Statement

An amendment to the purpose statement is proposed that is based upon the policies contained in Housing; Sustaining Portland’s Future, which is adopted as part of the Comprehensive Plan. Below is an excerpt of the revisions and the full text is included as Attachment 1.

DIVISION 7. R-6 and R-6A RESIDENTIAL ZONE

Section 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 the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

b) Amendment for Permitted Use title

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zones:

[No amendments proposed in the list of permitted or conditional uses.]

c) Amendment for Dimensional Standards—

At August 12, 2014 workshop, the Board asked the staff to look at the setback requirements contained within the R-6 zone and consider whether any adjustments should be considered. The staff compared the existing R-6 setbacks with the proposed setback in the current draft of the comprehensive update of the R-6 zone. Inserted below is a chart with the comparison and the proposed R-6A provisions. Please note that only the proposed changes for the R-6A zone recommended by the staff are shown in red. All R-6 zone dimensions apply unless otherwise stated in the R-6A zone.

Potential R6 and R6A Amendments to Dimensional Requirements			
<i>Residential Dimensional Requirements</i>	<i>Existing R6</i>	<i>Proposed R6</i>	<i>Proposed R6A</i>
Lot Size	4,500 sf	2,500 sf	4 acres
Min. Lot Area/ Dwelling Unit	1,000-1,200 sf	725 sf	1,000-1,200 sf
Street Frontage	40 feet	30 feet	40 feet
Front Yard Setback	10 Feet, or no more than average depths of adjacent front yard	5 Feet, or no more than average depths of adjacent front yard	10 feet
Rear Yard Setback	20 feet	10 feet	20 feet
Side Yard Setback	10-15 feet, variable by height	5 feet	Building up to 45 feet in height, 10 feet. Building over 45 feet, 15 feet
Side Yard on Side Street	10 feet	0 feet	10 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%	40-50%, variable by # of dwelling units/lot
Minimum Lot Width	40 feet	30 feet	40 feet
Maximum Height	45 feet	45 feet	65 feet
Landscaped Open Space	20-30%, variable by # of	20%	20%

	dwelling units/lot		
Parking	1 spaces/unit	1 spaces/unit, except none required for first 3 units	1 spaces/unit

Each amendment is summarized below along with the accompanying text amendments and the complete text is included as Attachment 1.

a. Minimum Lot Size

The Planning staff recommends that additional building height proposed for R-6A is more appropriate in campus settings, such as the Park Danforth, and Deering Pavilion. Therefore staff recommends an amendment, which sets a minimum lot size of four (4) acres.

Section 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- [a. Residential in the R-6: Forty-five hundred \(4,500\) square feet, except as provided for lots of record in section 14-433 \(lots of record and accessory structure setbacks for existing buildings\) of this article.](#)
- [b. Residential in the R-6A zone: Four \(4\) acres.](#)

b. Amendment for Dimensional Standards–Rear and Side Setbacks

The proposed adjustments for the R-6A zone reflect the current setbacks in the R-6 zone (refer to chart above). A comprehensive review of the R-6 zone is underway and the proposed revisions will be presented to the Planning Board in the fall. Based upon the larger scaled development that has been developed and is envisioned for the off-peninsula R-6A zone, the staff is recommending retaining some of the existing R-6 setback provisions for off-peninsula zone locations seems appropriate.

b. *Rear yard:*

- i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

c. *Side yard:*

- i. [Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred \(100\) square feet:](#)

Height of Structure Required Side Yard

1 story 10 feet

2 stories 10 feet

3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.
- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
- iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet. Principal structure height greater than forty-five (45): 15 feet.

c. Amendment for Dimensional Standards– Maximum Structure Height

The applicant requested that the maximum height be raised to 55 feet for the R-6A zone or in the original concept for elderly independent housing. At the last workshop, there appeared to be a consensus with the Planning Board to advertise the maximum height at 65 feet for the Board’s consideration. Currently, the R-6 height limit is 45 feet. The proposed increased building height would only apply in the R-6A zone, which is proposed for off-peninsula locations. For comparison, the maximum building heights for principal structures in off-peninsula residential is 35 feet for R-1, R-2, R-3 and R-5.

The maximum structure height in off-peninsula B-1 zones is 35 feet unless the zones abut an R-6 zone and then the maximum building height of the R-6 zone applies (currently that would be 45 feet). Proposed amendments to the B-1 zone are being drafted by the planning staff along with the pending R-6 amendments. Thus, the staff is recommending that this cross reference between B-1 and R-6 be clarified as part of the B-1 amendments. B-2 has a maximum building height of 45 feet except if the first floor is commercial and then the permitted height is 50 feet. Sixty-five feet is allowed in B-2 zones along the Franklin corridor or on five (5) acre sites.

In terms of existing context, the original building at Park Danforth is 65 feet and then a three story addition was constructed along Poland Street. William Scott, surveyor for the Department of Public Services, calculated the building heights for Deering Pavilion and Ricker Park. Ricker Park and Princeton on Back Cove (aka Forest Park) is below or meets the current R-6 building height regulations of 45 feet, whereas Park Danforth and Deering Pavilion exceed the current standards (see photos below). The following chart shows the three off-peninsula properties that are currently zoned R-6 with the land area, building height, and date of construction:

RESIDENTIAL HOUSING IN THE R-6 ZONE

Property	Acreage	Building Height in Feet	Year Built
Park Danforth	4.12	65	1984
Deering Pavilion	7.017	101.5	1973
Ricker's Park	4.89	34.5	1930
Princeton on Back Cove	8.65	24	1945

The Board will want to consider whether the 65 feet or the applicant's request for 55 feet is appropriate for the R-6A zone. Several years ago the Planning Board supported an R-5 text amendment for colleges and universities in the R-5 zone to go to 55 feet and adjusted setbacks through a conditional use review process. The proposed motion will provide the Board with the option to consider 55, 60 and 65 feet for the maximum building height.

7. *Maximum structure height*

a. *Maximum structure height R-6:*

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

b. *Maximum structure height R-6A:*

Principal and attached accessory structure: ~~Sixty~~~~Fifty~~-five (565) feet.

Accessory detached structure: Eighteen (18) feet.

d. Amendment for Open Space Ratio – Dimensional Standards

Modifying the open space ratio is recommended in order to encourage a more urban form of development, which is consistent with the R-6 zone, and to eliminate complexity in the regulations. The current open space ratio is based upon the number of units proposed for a development. Currently, 20% open space is required for projects with 20 units or less and 30% open space is required for projects with over 20 residential units. The proposed changes are to eliminate the variability of the ratio and apply 20% to all developments. This would apply to all R-6 development, not just R-6A.

8. *Open space ratio:*

- a. *Uses other than bed and breakfast. Twenty (20) percent. ~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~* This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

B. TEXT AMENDMENT TO DIVISION 20-PARKING REQUIREMENT

Lastly, there is a proposed text amendment to revise Division 20 Off-Street Parking Section 14-332. Currently, residential development off-peninsula requires two spaces per unit. The applicant is requesting the parking requirement be decreased from two parking spaces per unit to one parking space for R-6 zones. The proposed parking provision is reasonable for higher density residential developments, such as in the R-6 zone, and is appropriate for the proposed R-6A zone locations along public transportation corridors and near services. The proposed amendment to Division 20 is proposed as follows and the staff recommends this amendment:

3. For residential development on the peninsula (~~area defined as~~ southerly of I-295 and R-6 and R-6A zones:
 - a. One (1) space per unit;
 - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
 - c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

As noted at the last workshop, *Division 20 Off-Street Parking Section 14-332.2 (c)* allows the Planning Board to determine the required number of parking spaces of projects if unique conditions exist. According to the applicant's assessment of parking requirements for elderly housing conducted in communities surrounding Portland, they concluded that elderly independent living communities had fewer cars and required fewer parking spaces. The applicant is seeking certainty on the required parking number rather than deferring the determination to the time of development review.

VI. PROPOSED ZONING MAP AMENDMENTS

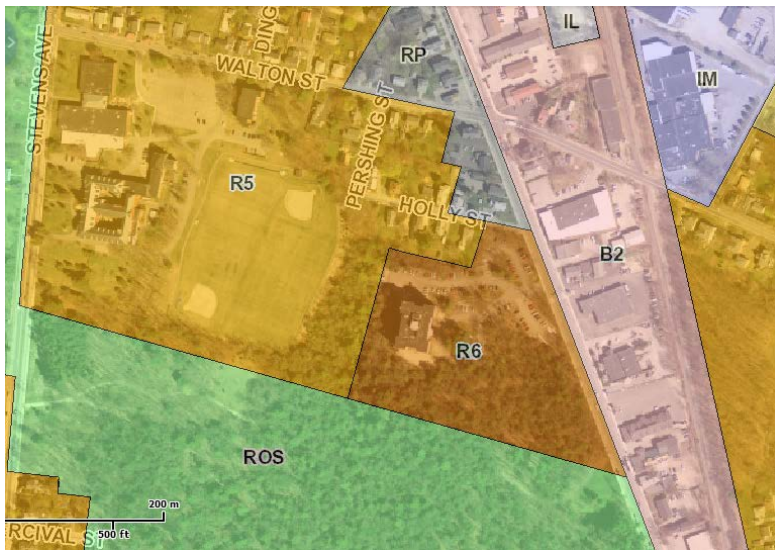
A. Existing R-6 Zones Off-Peninsula

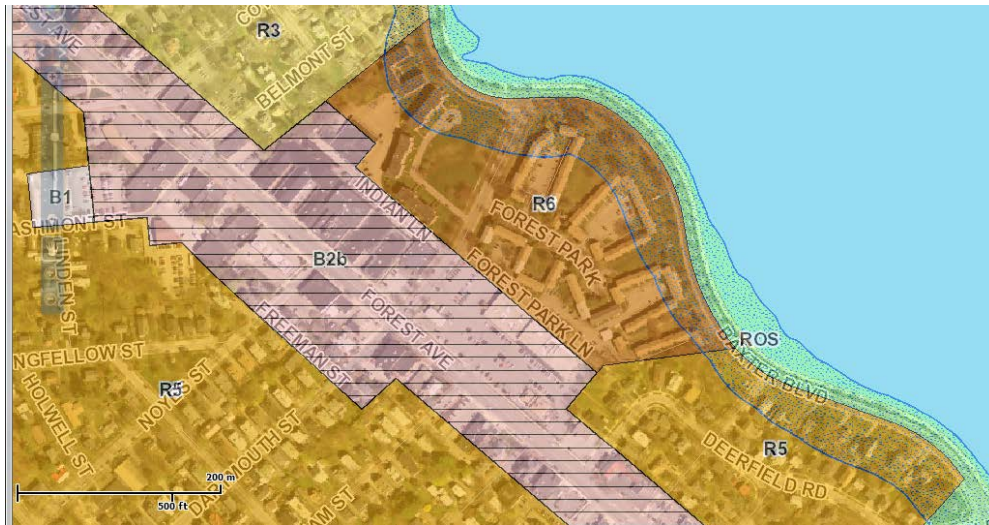
There are three areas off the peninsula that are currently zoned R-6. Those sites include 1) Park Danforth; 2) Deering Pavilion; and 3) Ricker Park and Princeton Back Cove (also referred to as Forest Park), off Dartmouth Street. The latter is not age-restricted housing. The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue. The site is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection and adjacent to Baxter Woods. Ricker Park is located overlooking Back Cove along Baxter Boulevard, which is a designated Historic Landscape. Excerpts of the current zoning map and photos of the respective sites are below.

Park Danforth Site, 777 Stevens Avenue



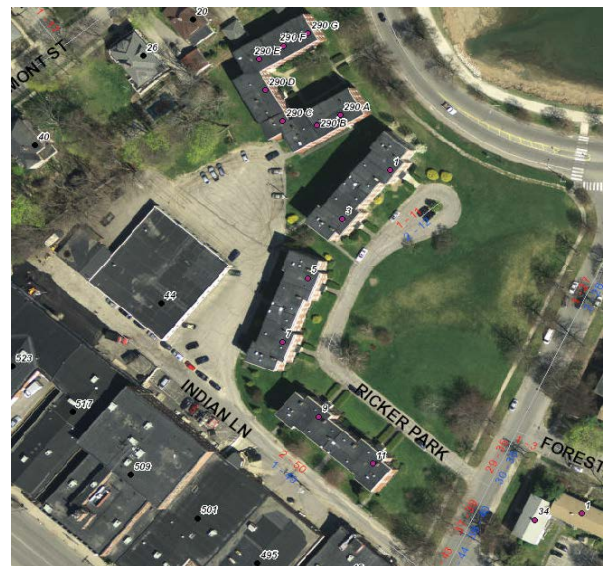
Deering Pavilion – 880 Forest Avenue, zoning map, aerial and photo taken from website.





Ricker Park- Princeton Back Cove (Forest Park) , zoning map, aerial and photo

Ricker's Park off of Forest Avenue- Picture taken from their website

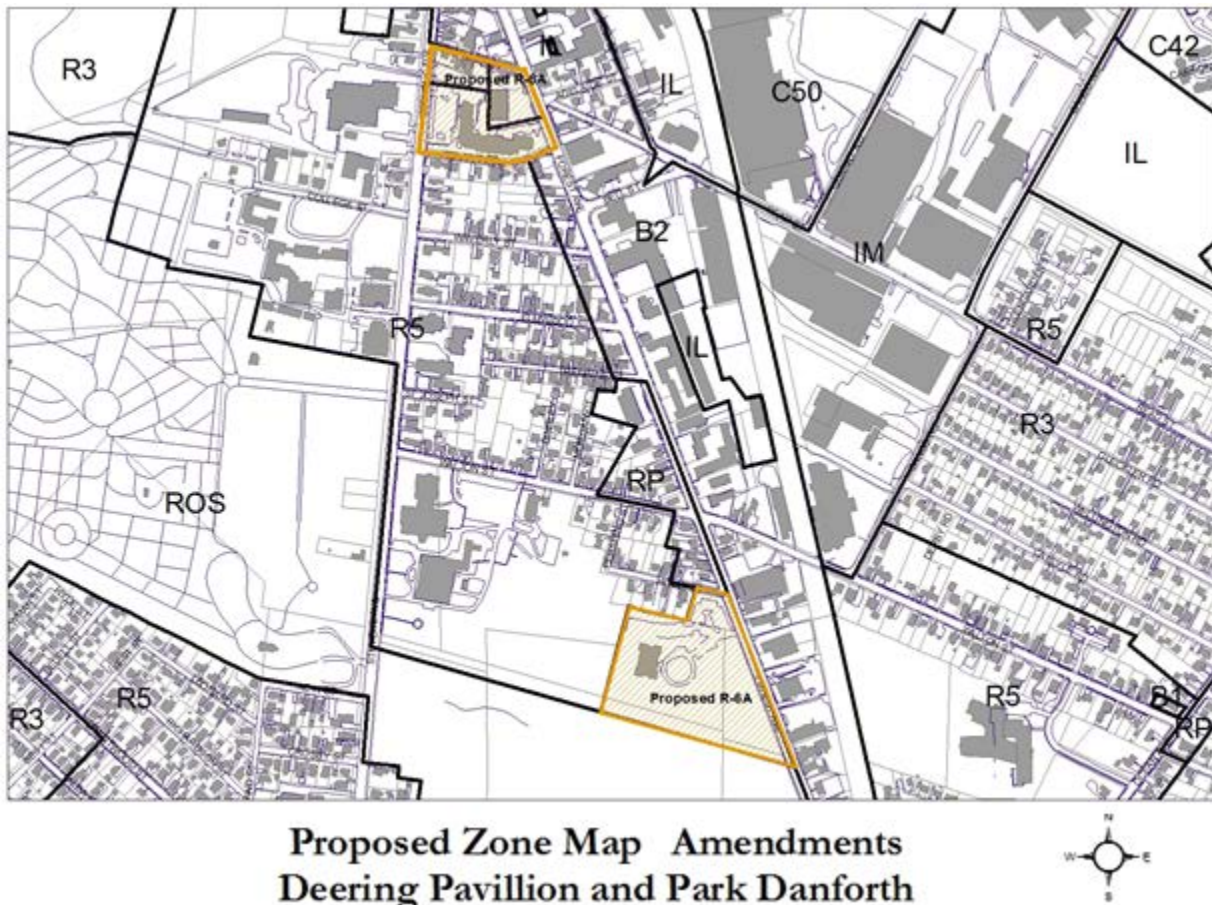


Princeton on Back Cove off of Forest Avenue- Picture taken from their website

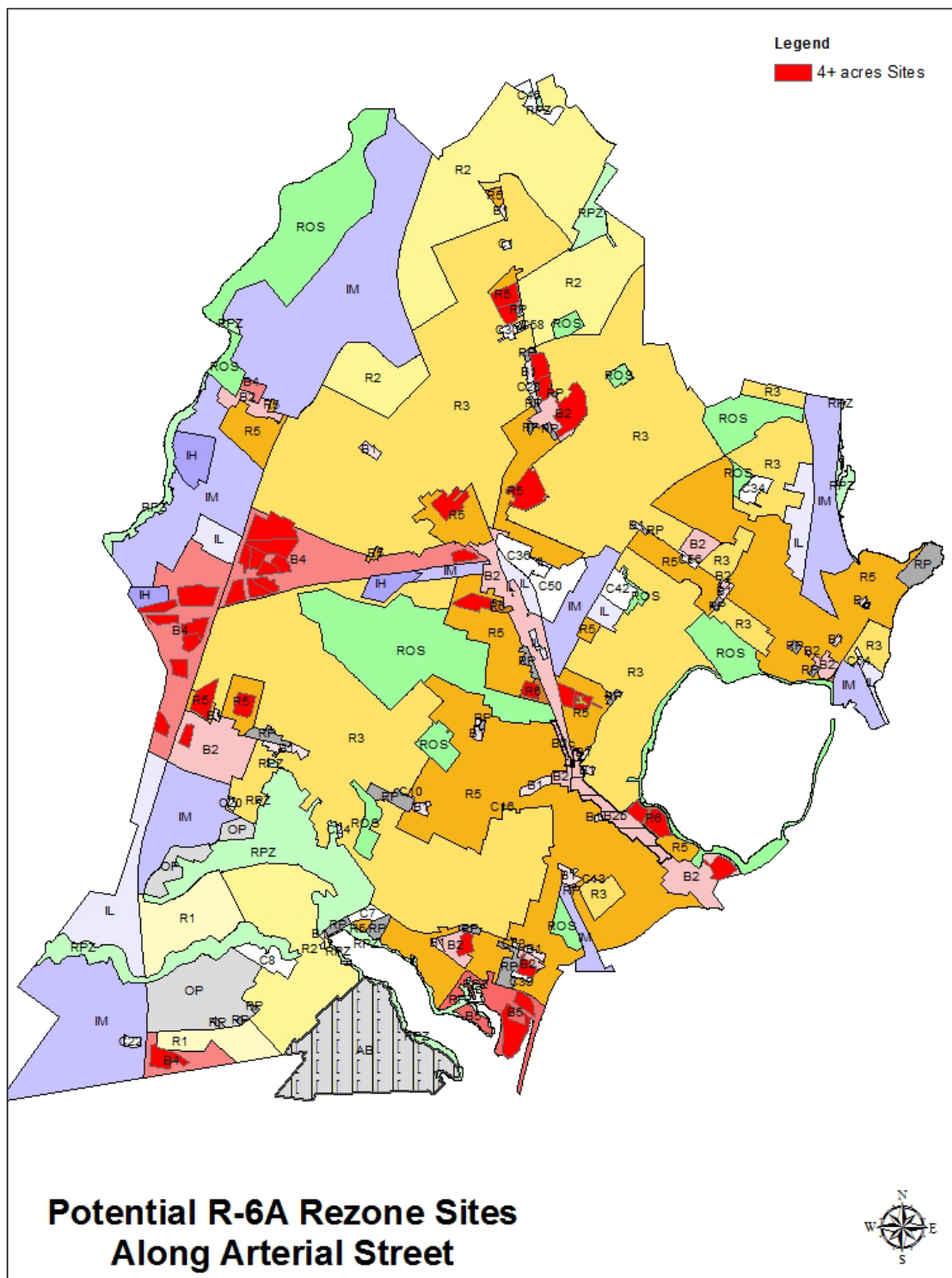


B. Proposed R-6A Map Amendment

The Planning Staff recommended that the Planning Board consider an R-6A map amendment for the Park Danforth block, including 24 Arbor Street, and the Deering Pavilion site, due to their location along arterials and the fact that their current structures exceed the R-6 zone maximum height requirements. The staff omitted Ricker Park and the Princeton on Back Cove (aka Forest Pines) from the proposed R-6A map amendment based upon the analysis that both of the residential developments meet or are below the current R-6 limitations for building height and it is located along a sensitive historic landscape. The proposed map amendments are shown below.



The Planning Board requested information on other potential sites that may be suitable for the R-6A zone. The Planning staff has created a GIS map that shows sites with four (4) or more acres of land and which are along arterial streets. This includes both vacant and developed sites. In running the query, large sites that are zoned ROS, RPZ, or Industrial were omitted. There are approximately fifty-one (51) off-peninsula parcels that fit into the category; these sites are in red on the map. Please see that following map:



VII. ZONING COMPARISON

At both of the workshops, the Planning Staff offered alternative amendments for the Planning Board to consider. Those options included R-6 text amendments and R-6A text amendments. The Planning Board requested a comparison chart of the existing and proposed zoning. Attachment 3 is a zoning chart with the purpose statements, permitted and conditional uses and the dimensional standards from that workshop.

VIII. COMPREHENSIVE PLAN ANALYSIS

At the workshop hearing, the Board requested that the planning staff further look into how this potential rezone is consistent with Portland's Comprehensive Plan. Goals and policies which are relevant to the proposed map amendment have been included below:

Portland Housing Goal: 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.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
 - viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- 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.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

Volume 2 Implementation

Housing Initiatives:

3. New Senior Citizen Housing: A variety of housing opportunities are needed to assist Portland's senior citizens, including subsidized apartments. (cites Peaks Island Housing)
Longer Term Actions – 4-10 years
 - (b) Update zoning to encourage neighborhood livability with higher density multi-family and innovative mixed use projects that are along major public transportation routes, near service areas, in redevelopment (underutilized) or infill area, locations near downtown and in business zones.

Robert Metcalf, Principal Architect with Mitchell Associates, provided the applicant's assessment of the proposed zoning map and text amendments and consistency with Portland's Comprehensive Plan (Attachment A). Mr. Metcalf cites relevant goals and policies from the following components of Portland Comprehensive Plan:

Housing: Sustaining Portland's Future; and
A Time of Change: Portland's Transportation Plan

IX. PUBLIC COMMENT

As of the writing of this memo, no public comment has been submitted to the Planning Authority concerning this proposal. The Planning staff has reached out to Deering Pavilion and spoke to Joanne Beam, Executive Director, about the proposed text and rezone amendments. She did not have any concerns about the amendments and thought it may be a positive impact on their property.

X. PLANNING BOARD RECOMMENDATIONS

On the basis of plans and materials submitted by the applicant, the policies of the R6 Residential, Portland's Comprehensive Plan, public comment, the information provided in public hearing on September 9, 2014 for the project #2014-114, and/or other findings as follows:

1. *Text Amendments to R-6 Residential Zone*

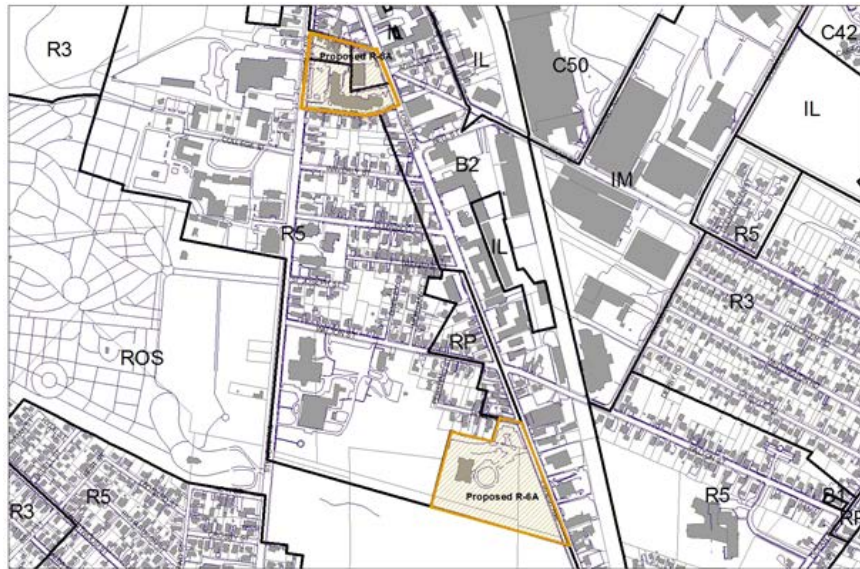
The Planning Board finds that the proposed text amendments to Division 7, R-6 Residential Zone as presented in Attachment 1 of this report, with the maximum building height of **[55 feet, 60 feet or 65 feet]** for Residential R-6A, and text amendments to Division 20, Off Street Parking, as presented in this report, **[are or are not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council approval of the zoning text amendments to Division 7, Residential R-6 zone, to create the R-6A zone and text amendments to Division 20, Off Street Parking .

2. *Map Amendment from R6 Residential, R5 Residential and B2 Business Community Zones to R6A Residential:*

The Planning Board finds that the proposed rezoning for the a property located at 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavilion) **[are or are not]** consistent with the Comprehensive Plan for the City of Portland and **[are or are not]** consistent with the policies of the R-6A Residential Zone, Division 7 of the Land Use Code; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council approval of the zoning map amendment for 777 Stevens Avenue and the surrounding city block between Forest and Steven Avenues and Poland and Arbor Streets, and the property at 880 Forest Avenue (Deering Pavilion) from R5 Residential, R6 Residential, and B2 Community Business Zones to R6A Residential Zone as presented in the map below.



**Proposed Zone Map Amendments
Deering Pavillion and Park Danforth**



ATTACHMENTS:

Staff Review Comments and Background Information

1. Division 7- R-6 Zone and R-6A amendments
2. Zoning Chart
3. Traffic Engineering Review (Tom Errico, T Y Lin), comments dated 7/17/2014
4. Department of Public Services Memo, David Margolis-Pineo, dated 7/17/2014

Public comments (none at the time PB Memo completed)

Applicant's Submittal

- A. Application
- B. Cover Letter
- C. Project Description
- D. Letter of Authorization
- E. Technical Capacity
- F. Right, Title and Interest (Warranty Deed)
- G. Maps
- H. Parking Requirements Comparison
- I. Definitions Comparison Plans

Plans

- P1. Conceptual Master Plan
- P2. Existing Conditions in Vicinity
- P3. Arbor Street Elevation
- P4. Forest Avenue Elevation

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONE*

***Editor's note--**Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.

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 the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
 (Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

The purpose of the R-6A residential zone is

(c) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zone:

(a) *Residential:*

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section article V (site plan) of this chapter shall be altered to include any additional dwelling unit within five (5) years

from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:
 - a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and
 - b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;
 - c. Parking shall be provided as required by division 20 of this article;
 - d. No open outside stairways or fire escapes above the ground floor shall be constructed;
 - e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
 - f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.
3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a

National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
 - d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) *Other:*

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building

shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).
9. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:
 - a. No more than ten (10) overnight transient guests shall be permitted in the facility at any one time.
 - b. All applicable provisions of Article V of this chapter shall be met.
 - c. Parking shall be provided in compliance with Division 20 of this Article.
 - d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
 - f. An owner, manager or operator shall live in the building as a permanent resident.
 - g. 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.

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

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97; Ord. No. 278-09/10, 7-19-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

***Editor's note--**Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Reserved.
2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
 - b. There shall be no open outside stairways or fire escapes above the ground floor.

- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (b) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) 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:
1. Elementary, middle, and secondary school except as otherwise provided in section 14-276.10;
 2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
 3. Intermediate care facility;
 4. Places of assembly;
 5. Hospital;

6. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of community halls:
 - i. The structure was in existence as of January 4, 2010.
 - ii. The structure was built for institutional or other non-residential uses;
 - iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its

not- for-profit purposes; and

iv. A parking management plan is submitted for review and approval by the planning board; and

f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

(c) *Other:*

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as

measured along the street line to the respective property lines.

- b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
 - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
 - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
 - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
 - f. Off-street parking is required as provided in division 20 (off-street parking) of this article.
- 3. Chancellery.
 - 4. Nursery school and kindergarten.
 - 5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
 - 6. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing

accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.

- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;

- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
 - iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
 - vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
7. 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.
- 8. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:
 - a. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.
 - b. All applicable provisions of Article V of this chapter shall be met.
 - c. Parking shall be provided in compliance with Division 20 of this Article.
 - d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
 - f. An owner, manager or operator shall live in the building as a permanent resident.
 - g. 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.

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

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 138-09/10, 1-20-10; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 and R-6A zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential in the R-6: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. ~~Reserved.~~ Residential in the R-6A: Four (4) acres.
- c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
- d. Intermediate care facility: One (1) acre.
- e. School: Thirty thousand (30,000) square feet.
- f. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.
- g. Municipal use: Forty-five hundred (4,500) square feet.
- h. Hospital: Two (2) acres.
- i. All other uses: Forty-five hundred (4,500) square feet.
- j. Lodging house: Four thousand five hundred (4,500) square feet.

- 2. a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the

case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

- b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
- c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
- d. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

3. *Minimum street frontage:* Forty (40) feet.

4. *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

ii. Detached accessory structures with a ground

coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

- iii Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

c. *Side yard:*

- i. Side yard in R-6: Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure Required Side Yard

1 story 10 feet

2 stories 10 feet

3 stories 10 feet

4 stories 12 feet

5 stories 15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

- iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

- iv. Side yard in R-6A: Principal structure height up to forty-five (45 feet): 10 feet.

Principal structure height greater than forty-five (45 feet): 15 feet.

d. *Side yard on side streets:*

i. Principal or accessory structures: Ten (10) feet.

5. *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

6. *Minimum lot width:* Forty (40) feet.

7. *Maximum structure height:*

a. Maximum structure height R-6: Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

—b. Maximum structure height in R-6A: Principal and attached accessory structure: Sixty-five (65) feet on off-peninsula parcels.

Accessory detached structure: Eighteen (18) feet.

8. *Open space ratio:*

a. *Uses other than bed and breakfast.* Twenty (20) percent ~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

b. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is

legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

9. A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
10. *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
11. *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

12. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size:* None

2. *Maximum lot size:* Ten thousand (10,000) square feet.

3. *Yard dimensions:*

a. *Front yard:*

No more than ten (10) feet.

b. *Rear yard:*

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.

c. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet

from the street.

4. *Minimum principal structure height:* Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.
5. *Maximum principal structure height:* Forty five (45) feet.
6. *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.
7. *Minimum lot width:* None.
8. *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99; §3, 3-15-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 21-04/05, 8-2-04, Ord. No. 145-04/05, 2-23-05; Ord. No. 254-05/06, 6-5-06; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 65-10/11, 10-18-10)

***Editor's note--**Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Sec. 14-140. Other requirements.

(a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(d) *Small residential lot development* shall conform to the site plan standards of §14-526.

(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 254-05/06, 6-5-06; Ord. No. 240-09/10, 6-21-10)

***Editor's note--**Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Table 1: Purposes

Zone		Purpose
R-5		To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-6		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 the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
R-7		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. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.
B-2 (Community Business)		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. 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. 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. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Uses			R-5	R-6	R-7	B-2/B-2b/B-2c
Permitted	Residential	Single-family and two-family dwellings	•	•	•	•
		Multi-family dwellings		•	•	•
		Handicapped family units	•	•	•	•
		Single-family single- or multiple-component manufactured housing	•	•	•	
		Combined living/working spaces				•
		Lodging houses		•	•	•
		PRUDs	•			
		Multiplex development	•			
	Institutional	Schools				•
		Clinics				•
		Places of assembly				•
		Long term, extended and intermediate care facilities				•
		Governmental buildings and uses/municipal uses	•	•		•
		College, university or trade schools				•
		Nursery schools, kindergartens				
		Day care facilities				•
	Business	General, business, & professional offices				•
		Personal services				•
		Business services				
		Offices of building tradespeople				•
		Retail establishments				•
		Restaurants				•
		Drinking establishments				• ⁴
		Billiard parlors				•
		Mortuaries or funeral homes				•
		Miscellaneous repair services				• ⁵
		Communication studios or broadcast and receiving facilities				•
		Health clubs and gymnasiums				•
		Veterinary hospitals				• ⁶
		Theaters				•
		Hotels				• ⁷
		Dairies and bakeries				•
		Drive-throughs when accessory to a principal use on the same lot				• ⁸
		Registered medical marijuana dispensaries				•
		Indoor recreation and family amusement establishments				
		Intermodal transportation facilities				
	Accessory	Accessory uses	•	•		•

		Agricultural uses, as defined				
		Cemeteries		•		
		Parks	•	•		
		Home occupation	•	•		
		Studios for artists and craftspeople				•
		Special needs independent living units	•	•		
		Bed and breakfasts				•
		Conversion into bed and breakfast		•		
		Hostels		•		•
		Wind energy systems	•	•		•
		Utility substations				•
		Warehousing and wholesaling				
		Low impact industrial uses				
		R&D and back office uses				
		Building contractors and construction/engineering services				
		Nurseries				
		Lumber yards				
		Commercial kitchens or other food preparation				
		Recycling & solid waste disposal facilities				
		Food processing				
		Correctional pre-release facilities				
		Tow lots				
		Beverage dealers				
Conditional		Municipal Uses				
	Residential	Sheltered care group homes	•	•		
		Additional accessory dwelling units	•			
		Alteration of non-residential structure to 3+ dwelling units	•			
		Conversion of multi-family structure to lodging house	•			
	Institutional	Schools	•	•		
		Long-term and extended care facilities	•	•		
		Intermediate care facility for 13 or more persons	•	•		
		Places of assembly	•	•		
		Hospitals	•	•		
		Nursery schools and kindergartens		•		
		Day care facilities	•	•		
		College, university, trade schools	•	•		
	Business	Major and minor auto service stations existing as of 1999				• ⁹
		Car washes				•
		Drive-throughs adjacent to residential uses or zones				• ¹⁰

	Other	Automobile dealerships				•
		Restaurants				
		Conversion into bed and breakfast (over 5 rooms)		•		
		Utility substations	•	•		
		Professional offices		•		
		Chancellery		•		
		Off-street parking	•	• ²		
		Temporary wind anemometer towers	•	•		•
		Hostels		•		
		Wind energy systems	•	•		•
		Printing and publishing establishments				•
		Wholesale distribution establishments				•
		Research and development and related production establishments				•
		Cemeteries				
		Raising of domestic animals				
		Day Care facilities				

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted

2 For passenger cars for uses permitted in the R-6 zone.

3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs

4 Except in B-2c

5 Excluding motor vehicle repair

6 Excluding outdoor kennels

7 Of less than 150 rooms

8 Permitted in B-2 or B-2b if not adjacent to residential use or zone

9 Permitted in B-2, & permitted in the B-2b if in existence since 1999

10 Permitted in B-2, & permitted in the B-2b if accessory

Minimum Requirements	R6	B2	R-5	R-7
a. Lot Size	a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Residential uses: None	Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.	
b. Street Frontage	40 ft	Residential uses: None	50 ft	None
c. Front Yard	10 ft	Residential uses: None	20 ft	
d. Rear Yard	Principal and attached accessory structures Twenty (20) feet. Detached accessory structures: Five (5) feet.	Residential uses: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.	20 ft	None
e. Side Yard	10-15 ft depending on structure height	Residential uses: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.	8-14 feet depending on structure height	5 ft
f. Maximum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	90 percent	40 percent	None
g. Open Space Ratio	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.			100%
h. Maximum Structure Height	45 ft	45 ft	35 feet	50 ft
i. Maximum Residential Density	a. <i>Minimum area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	Off- peninsula locations, as defined in the 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. <i>Multi-family dwellings above first floor commercial uses:</i> One thousand (1,000) square feet of land area per dwelling unit is required.	Three thousand (3,000) square feet, except as provided for a multiplex.	Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.

From: Tom Errico <thomas.errico@tylin.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 7/17/2014 11:32 AM
Subject: 777 Stevens Avenue - Preliminary Traffic Comments

Shukria - My preliminary traffic comments regarding the draft concept plan are noted below.

* The proposed project does not meet City standards in regard to the number of driveways provided. The applicant should document specifically the purpose of each driveway as part of justifying a waiver from City standards. I would note that while the number of driveways have been reduced, I'm still concerned about access/egress conditions.

* Some of the driveways may not meet City corner clearance and spacing requirements and thus the applicant should provide information that support non-compliant conditions.

* The applicant will need to provide supporting information on the number of parking spaces provided on-site. I would suggest that the applicant conduct an existing parking demand study and use that information to document future parking needs.

* Sidewalk with curbing will be required for all property frontage areas.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
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Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

MEMORANDUM

To: FILE
From: Shukria Wiar
Subject: Application ID: 2014-114
Date: 7/18/2014

Comments Submitted by: David Margolis-Pineo/Engineering DPS on 7/17/2014

July 17, 2014

Memo To:Shukria Wiar
Barbara Barhydt
From:David Margolis-Pineo
Re:Review Comments for 777 Stevens Ave

The Department of Public Services have the following preliminary comments for the above mentioned project.

- 1.The sidewalk material policy for this area is concrete. The applicant will be requested to install a concrete sidewalk with granite curbing for the entire length of Arbor St. There may be several existing sidewalk concrete panels which are damaged and may need replacing. We will work with the applicant to identify these locations. Since one existing curb cut is to closed, the applicant may wish to check the availability of stock piled granite curbing which the City may have available at a reasonable cost.
 - 2.A property survey will be required as defined in the application. Your surveyor, Owen and Haskell is familiar with the City's submittal requirements and this should not be an issue.
 - 3.The proposed driveway cut on Forest Ave is proposing an island encroaching the street right of way. This may or may not be desirable from a City standpoint.
 - 4.A sewer capacity approval will be required and project flows will need to be established.
 - 5.Utility and grading plans will be required.
 - 6.Stormwater treatment may be applicable for this project.
 7. The applicant is reminded that bike parking will be required.
- We have no further comments at this time.



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 re-zoning. 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: 777 Stevens Avenue, Portland

CHART/BLOCK/LOT: 146 C Lots 5 & 10, (new)146 C lots 6-9, 11, 12, 14

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Requesting a zone map amendment & zoning text amendment reflective of attached plans. Project to expand The Park Danforth campus to provide 46 elderly independent living housing units and site improvements.

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: Mitchell Associates e-mail Address rmetcalf@mitchellassociates.biz work # 207.774.4427
Applicant – must be owner, Lessee or Buyer Name: The Park Danforth-Denise Vachon, CEO Business Name, if applicable: Address: 777 Stevens Avenue City/State : Portland, ME Zip Code: 04103	Applicant Contact Information Work # 207.797.7710 Home# Cell # Fax# e-mail: vachon@parkdanforth.com
Owner – (if different from Applicant) Name: The Home for the Aged & HFA Forest Avenue Properties, LLC Address: 777 Stevens Avenue City/State : Portland, ME Zip Code: 04103	Owner Contact Information Work # Home# Cell # Fax# e-mail: vachon@parkdanforth.com
Agent/ Representative Name: Robert Metcalf/ Mitchell & Assoc. Address: 70 Center Street City/State : Portland, ME Zip Code: 04101	Agent/Representative Contact information Work # 207.774.4427 Cell # e-mail: rmetcalf@mitchellassociates.biz
Billing Information Name: The Park Danforth, Attn: Denise Vachon Address: 777 Stevens Avenue City/State : Portland, ME Zip Code: 04103	Billing Information Work # 207.797.7710 Cell # Fax# e-mail: vachon@parkdanforth.com
Engineer Name: N/A Address: City/State : Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:

Surveyor Name: Owen Haskell Surveyors, Inc. Address: 390 U.S. Rt 1, Unit 10 City/State : Falmouth, ME Zip Code: 04105	Surveyor Contact Information Work # 207.774.0424 Cell # Fax# e-mail: www.owenhaskell.com
Architect Name: Joan Eagleson Lavallee/Brensinger Architects Address: 155 Dow St. Suite 400 City/State : Manchester, NH Zip Code: 03101	Architect Contact Information Work # 603.622.5450 Cell # Fax# e-mail: joan.eagleson@lbpa.com
Attorney Name: Melissa Murphy-Perkins Thompson Address: 1 Canal Plaza City/State : Portland Zip Code: 04101	Attorney Contact Information Work # 207.774.2635 Cell # Fax# e-mail: mmurphy@perkinsthompson.com

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

See attached deeds.

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.)

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

See attached description.

Current Zoning Designation(s):

Business (B-2), Residential (R-5), Residential (R-6)

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.

See attached project narrative.

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.

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 ___ \$2,000.00 (from ___ zone to ___ zone)	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.
Zoning Text Amendment ___ \$2,000.00 (to Section 14- _____) (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 (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))	___	
Combination Zoning Text Amendment and Zoning Map Amendment <u>X</u> \$3,000.00	___	
Conditional or Contract Zone ___ \$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.)	___	

Signature of Applic 	Date: June 23, 2014
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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.



A Guide to Holding Neighborhood Meetings Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

In order to improve communication between development applicants and neighbors, the City of Portland requires applicants, proposing certain types of projects, to hold a neighborhood meeting.

What type of development proposal requires a neighborhood meeting?

Neighborhood meetings, organized and hosted by the applicant, are required for the following development proposals:

- Proposed zone changes, contract zones and zoning text amendments that would result in major development;
- Subdivisions of five or more units or lots; and
- Level III site plan proposals for preliminary or final site plans:
 - Portland's new site plan ordinance went into effect in August, 2010. It now includes provisions for preliminary and final plans. Neighborhood meetings are to be held three weeks after submitting a preliminary plan or within two weeks of submitting a final plan, if a preliminary plan was not submitted.

Who must be invited to a neighborhood meeting?

Property owners within 500 feet of the proposed development (1000 feet for proposed industrial subdivisions and zone changes) as well as those people on a list of interested citizens and neighborhood groups must be invited to the planned neighborhood meeting.

The Planning Division provides the mailing labels for the neighborhood meeting invitation. We require at least 48 hours notice to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

When and where must the neighborhood meeting be held?

The neighborhood meeting must be held within three weeks of submitting a preliminary site plan. If an applicant chooses only to submit a final site plan, then the neighborhood meeting must be held within two weeks of submitting the final plan and not less than seven days prior to the Planning Board public hearing.

The meeting should be held in the evening, during the week, at a convenient location within the Portland neighborhood surrounding the proposed site. Community meeting spaces at libraries, schools or other places of assembly are recommended. Neighborhood schools are usually available for evening meetings.

Meetings should not be held on the same day as scheduled Planning Board or City Council meetings. The City Council generally meets on the first and third Monday of each month and the Planning Board generally meets on the second and fourth Tuesday of each month; however additional meetings may be scheduled. An updated schedule may be found on the City's website: www.portlandmaine.gov

When must invitations be sent?

Invitations to a neighborhood meeting must be sent no less than ten days (to include weekends) prior to the neighborhood meeting. If the notice is for a final site plan, then the neighborhood meeting must be held no less than seven days (to include weekends) prior to the public hearing. Notices may be sent by regular mail and do not need to be sent by certified mail.

What information should the invitation include?

A recommended invitation format is included in this packet of material.

Sign-up Sheets and Meeting Minutes

At the meeting, the applicant must circulate a sign-up sheet for those in attendance. The applicant must also keep accurate minutes of the meeting.

After holding the neighborhood meeting, the applicant must submit the sign-up sheet and meeting minutes to the Planning Division. The meeting minutes and sign-up sheet will be attached to the Planning Board report. A public hearing will not be scheduled until the meeting minutes and sign-up sheet are submitted to the Planning Division.

Certification

Included with this packet is a Certification to be completed and signed by the applicant. The applicant is required to certify when the invitations were sent out.

Please call the Planning Division at 874-8721 or 874-8719 if you have any questions.

Attachments

1. Neighborhood Meeting Invitation Format
2. Neighborhood Meeting Certification

~Applicant/Consultant: Please include all of the information listed below in the notice sent to neighbors~

Neighborhood Meeting Invitation Format

Applicant/Consultant Letterhead

(Date)

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a (development proposal) located at (location/number and street address).

Meeting Location: _____

Meeting Date: _____

Meeting Time: _____

The City code requires that property owners within 500 feet 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 call (telephone number of applicant or consultant).

Sincerely,

(Applicant)

Note:

Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plans was not submit. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change and the residents on the "interested parties" list.

Signed,

_____ (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

June 30, 2014

Att. B and C

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

**Re: Park Danforth
777 Stevens Avenue
Request for Map Change
And Text Amendment**

Dear Barbara,

On behalf of The Park Danforth we are pleased to submit the following application for a zone map change and text amendments for the properties identified as Tax Map 146 Chart C Lots 6-9, 11, 12 & 14 situated between Stevens and Forest Avenues. The Park Danforth is an elderly residential housing entity that has been in existence for over 130 years in the city of Portland. The proposed map change and text amendments are being proposed to address an expanded housing program and site enhancement to offer a quality environment for an aging population.

History



The Park Danforth, a not-for-profit corporation, has been in existence for over a 130 years, evolving from the “Mercantile Home for Aged Men” located at the corner of Park and Danforth Streets. During the mid - 1970’s the facility model was expanded to provide a larger state-licensed and Medicaid supported residential care program coupled with internal subsidies as well. With financial pressures changing from both state reimbursements and increasing pressure for subsidies from its investments, The Park Danforth considered its options to continue its mission while remaining financially solvent. Making a bold move, The Park Danforth sold its program and property to 75 State Street – another strong not for profit provider – and moved its operations to the current 777 Stevens Avenue location in 1985 with 70 Section 8 apartments and 36 market rate residential apartments for the elderly in the mix. In 1999, to further its mission of service, The Park Danforth expanded the facility to provide 18 new apartments and 36 Assisted Living studios. The current makeup of The Park Danforth today consist of 124 apartments classified by the city as Special Needs Independent Living Units and 36 Assisted Living studios classified by the city as Intermediate Care units, 3 of which are licensed for double occupancy units.

Mission Statement

“The Park Danforth is a not-for-profit corporation dedicated to providing high quality housing and services to those 60 years of age or older. Our Mission is to provide housing and services to enhance a person’s quality of life, respect personal dignity, and accommodate the need for privacy and self-determination. In doing so, we aim to respond to the individual’s changing needs brought about through aging.”

Existing Conditions

Ms. Barbara Barhydt

The Park Danforth properties consist of 8 parcels identified on the Assessors maps as Map 146, Chart C, Lot's 5-12 & 14. Over the past 5 years, The Park Danforth has negotiated the purchase of the adjacent parcels that include the Goodwill properties along Forest Avenue extending to Stevens Avenue and two existing residential properties along Arbor Street and presently own an entire city block with the exception



of one residential property, 24 Arbor Street, identified as lot 13. They have been in discussions with the property owner to purchase however due to health issues discussions are temporally on hold. Further discussions will continue when appropriate.



The properties are bound by Stevens Avenue, Poland Street, Forest Avenue and Arbor Street. Of the existing property held by The Park Danforth, Map 146, lot 5 & 10 are presently zoned R6. Lots 6-9 and a portion of 14, held by The Park Danforth, are presently zoned R5 and Lots 11, 12 and a portion of 14, "Goodwill" operation, are zoned B2. Not included in the application is Lot 13, 24 Arbor Street, is also in the R5 zone. The total parcel area of The Park Danforth campus is 179,546 SF or 4.12 acres. The Goodwill site is almost entirely impervious (95% +/-) consisting of two buildings and paved parking, with a lot area of 60,798 +/-SF or 1.40 acres. Of the two Arbor Street properties acquired, one has an existing single family residence and the second parcel is presently vacant.

Ms. Barbara Barhydt

Proposed Map Change

The Park Danforth is currently developing a master development plan to expand their opportunities for providing elderly housing to include “independent elderly housing” for a younger aging population including those that do not require assistance with daily living but who are looking for housing that provides opportunities for an interactive senior community with amenities and services for their choosing. The target market is 75 years of age plus.

The map change request is intended to include the entire city block as an R6 to reach the density necessary to achieve a successful project. As indicated above, with exception of one residential property on Arbor Street, The Park Danforth owns all of the land within the city block. While the owners of the Arbor Street property have not been contacted to request a letter of support for reasons previously mentioned, they have been informed of The Park Danforth’s intentions. The requested change from the R5 to the R6 designation will have no adverse impact upon the remaining residence.

R5 (Residential) to R6 (Residential)

Chart 146	Block C	Lots	6-9 and portion of 14
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B2 to R6 (Residential)

Chart 146	Block C	Lots	11, 12 and portion of 14
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Proposed Development

The Park Danforth currently consist of a seven-story building along Stevens Avenue, and a three-story building along Poland Street. With the acquired parcels along Arbor Street and Forest Avenue, The Park Danforth seeks to build a new structure along Arbor Street and Forest Avenue comprised of 46 new “Independent Living” units on four and five floors with one level of underground parking for approximately 40 cars. The building will be approximately 64,000 SF. excluding the parking level, and 55 feet tall at its highest point.

The majority of the building will be four-stories along Forest Avenue and Arbor Streets with a five-story element at the corner. The interior of the building that faces the existing Park Danforth building will be five-stories. The new building will connect to the existing seven-story building with a one-story structure at the new turn-around. The building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building.

The proposed campus Master Plan addresses functional open spaces, provides an opportunity to enhance the street presence, address pedestrian and vehicular circulation and safety. The total land area of the parcels making up The Park Danforth Campus is 179,546 +/-SF or 4.12 acres. Current residents and emergency service vehicles will continue to access by the Stevens Avenue-Poland Street entry, circulation will remain as

Ms. Barbara Barhydt

one-way, exiting from a modified existing driveway that will be two-way, providing access to new parking and the new visitor entry. An existing curb cut along Forest Avenue serving the Goodwill is to be eliminated. A reconfigured drive on Arbor Street will be identified as the primary access to the new visitor entrance and for the proposed new elderly independent living units. The Forest Avenue service entrance will be modified to accommodate for enhanced open space garden court yards and to diminish the visual presence from Forest Avenue. Parking will be accommodated for by well distributed parking areas and proposed parking garage to minimize the presence of large areas of paved parking.

Site improvements will include enhanced street presence along Arbor Street and Forest Avenue through extensive plantings and site features including retaining walls, fencing, and lighting, buffering, and parking distributed in small lots. The campus will include two interior court yard gardens to provide safe and functional open space for the varied skill levels of the elderly resident population.

Conformance with Comprehensive Plan

The proposed expansion, density and target market support the goals set-forth in the City's Comprehensive Plan "Portland's Goals and Policies for the Future". The proposed expansion of The Park Danforth provides for the density and mix of housing opportunities identified in the following sections of the Comprehensive plan. The Park Danforth campus will provide for a strong transition between business community along Forest Avenue, with the residential community along Poland Street and the changing UNE campus along Stevens Avenue.

STATE GOAL A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

I. HOUSING: SUSTAINING PORTLAND'S FUTURE – Nov. 18, 2002

Goal

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.

Policies

- o Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity

Ms. Barbara Barhydt

to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.

- o Target Portland to achieve and maintain a 25% share of Cumberland County's population.
- o 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.
- o Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- o Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
- o Locate and design housing to reduce impacts on environmentally sensitive areas.
- o Design housing to use new technologies and materials that reduce costs and increase energy efficiency.

The expansion of Park Danforth will provide the opportunity, for an aging population, a choice for residents of Portland and Greater Portland to remain in the city and have access to services, transportation and cultural activities. The property is in the heart of a diverse vibrant university community that provides for life-long learning opportunities through adult education programs and UNE offerings. Shopping and services are within walking distance of the campus.

The proposed expansion will incorporate new building technologies and sustainability.

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Land Use and Transportation Link

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

- o Ensure that future growth does not foster auto dependency.

Ms. Barbara Barhydt

Transportation Policies

- o Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.
- o Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.

Public transportation is available along Stevens and Forest Avenue with bus stop locations on both street frontages. The property is within walking distance of neighborhood services.

STATE GOAL D. To encourage and promote affordable, decent housing opportunities for all Maine citizens:

I. HOUSING: SUSTAINING PORTLAND'S FUTURE- Nov.18, 2002

Goal

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.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - Affordable housing, including starter homes;
 - Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens;
 - Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
 - Higher density housing, such as row houses, small lots, reuse of nonresidential buildings, and mixed use buildings;
 - Housing development that encourages community, such as co-op housing;
 - Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- 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 higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- 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.
- Increase home ownership opportunities for all types of households and all income levels.

- o Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.
- o Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

The Park Danforth will provide a higher density of development and address a growing sector of population, providing for a much needed rental housing for the elderly.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

- o While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- o Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- o Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- o Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- o Ensure the integrity and economic value of Portland's neighborhoods.
- o Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- o Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

The Park Danforth provides an opportunity for affordable market rate elderly as well as subsidized (Section 8 HUD) housing for the aging population. A range of services provided supports the diverse needs of the aging elder population as needs increase, providing the opportunity for individuals to remain independent.

Campus improvements will enhance the character of the residential and university neighborhood providing street presence, incorporating green space and improved circulation.

To provide for the demand and growth of an aging population and maintain the sustainability of the Park Danforth Mission, the proposed master plan incorporates an expansion to include 46 elderly independent living housing units. The opportunity provided by controlling the majority of a city block, creates a campus that has a street presence along all frontages. The goal is to provide an opportunity for an active-wellness based community that provides for social interaction, functional outdoor green spaces, and addresses' security for a wide range of elderly skill levels.

Proposed Text Amendment

Presently the city land use ordinance does not define "Elderly Independent Living Housing". Elderly housing needs and housing opportunities have been changing significantly over the past 15 years or better to address a wider spectrum of elder housing needs. Currently, Elderly Independent Living (EIL) housing is interpreted as multifamily housing and equates to a much higher parking requirement. While the ordinance, Division 20 Off-Street Parking Section 14-332.2 (c) allows the Planning Board to determine the required number of parking spaces for projects of 50,000 SF or greater based upon a parking analysis submitted by an applicant. Establishing the required parking for EIL is crucial to the development of this expanded program offering before proceeding to developing plans for Site Plan approval.

As stated above, The Park Danforth is a not-for-profit corporation whose mission is to provide dignified and quality housing to serve an aging population. There is a significant financial and economic hardship associated with development of this property without having an acknowledged defined parking requirement to base a development program on. Based upon a market study and financial evaluation, the expansion, to be financially viable, must have a minimum of 46 dwelling units. The master plan, as presented, has been developed based upon that premise.

To address this, two text amendments are being proposed, one that defines "Independent Living Housing" and one that establishes the parking requirements for "Elderly Independent Living Housing". Based upon evaluation of industry standards and definitions we are proposing the following language to be added to Division 1 Section 14-47 Definitions:

- o ***Elderly Independent Living Housing; living units such as apartments, cottages, condominium units, multiplex housing, or single family unit, the occupancy of which is restricted to certain elderly residents. Elderly resident(s) must be 55 years of age or older, or in case of a couple, one who is 55 years or older, and do not require assistance with daily living activities or 24/7 skilled nursing. Such facilities may offer optional services to residents who desire them, such as dining services, basic housekeeping and laundry services, transportation to appointments, social programs and access to exercise equipment.***

Division 7. R6 Residential Zone

1. Amend Section 14-136. Permitted Uses, (a) Residential: to include ***Elderly Independent Living Housing*** as a permitted use as defined in Section 14-47.
2. Amend Section 14-139. Dimensional Requirements, (a) 7. Maximum structure height: to include ***Elderly Independent Living Housing: Fifty-five (55) feet.***

The Park Danforth as approved in 1982 is 65 feet tall, the addition along Poland Street is a 3 story addition with a scale that is more in keeping with the adjacent residential and mixed commercial uses. The proposed addition, provides for a transition between the existing 7 story building fronting on Stevens Avenue and mixed commercial scale uses along Arbor Street that include the former Ava Maria Gift Shop, former Arbor Street Fire Station, which is now offices, and the Po' Boys and Pickles sandwich shop. The side of the building closest to Arbor Street and Forest Avenue will be four stories with the 5 story element located at the midpoint and a 5 story section facing toward the interior courtyard. Forest Avenue is considered a rear yard and requires a 20 FT setback and Arbor Street is considered a side setback (side street) requiring a 15 FT setback. The setback along Forest Avenue is proposed to be 45 FT +/- and the setback along Arbor Street is proposed to be 55 FT +/-.

Division 20 Off-Street Parking

An assessment of parking requirements for Elderly Independent Living Housing was undertaken to identify parking requirements that would meet with the expectations of the program being developed. Communities surrounding Portland have defined elderly housing to address a sector of the population that is constantly changing. Review of the literature and parking requirements from several surrounding communities indicate that elderly independent living communities require fewer parking spaces due to need

for fewer cars. The average number for the intended population is 1 space per dwelling unit.

Portland is fortunate to have a public transit system that is currently looking to expand its role to provide services to the urban population providing more opportunities and reduce the need for automobiles. Based upon review of the industry literature and parking requirements in surrounding communities we are proposing the following amendment to Section 14-332. Uses requiring off-street parking.

*Section 14 -332 (a) Residential Structure 3. For residential development on the peninsula (area defined as southerly of I-295) **and including off-peninsula R6 zoned areas.***

There are only three areas zoned R6 off of the peninsula, they include the current Park Danforth campus, as permitted, Deering Pavilion (Forest Avenue) and Back Cove Apartments (off Forest Avenue). The R6 designation for both Deering Pavilion and Back Cove Apartments only encompass the entire properties.

The Park Danforth as well as Deering Pavilion provide housing for the aging population and both are on Metro bus routes. There is a Metro stop on both the Stevens and Forest Avenue frontages of The Park Danforth.

To support the parking requirement, the attached documentation has been provided:

- Parking requirements for elderly independent living for surrounding communities in the Greater Portland area,

Enclosed for your consideration are the following:

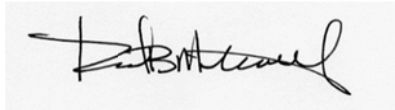
- Zone Map and Text Amendment Application
- Application Fee \$3,000
- Letter of Authorization
- Technical Capacity
- Right, Title or Interest- Deeds
- Context Map
- Portland Zoning Map
- Proposed Zone Change Map
- Surrounding Community Parking Requirements
- Boundary and Topographic Survey Plan (Existing Conditions)
- Concept Master Plan A
- Massing Concept Forest Avenue
- Massing Concept Arbor Street
- Preliminary Forest Avenue Building Elevation
- Preliminary Arbor Street Building Elevation

Ms. Barbara Barhydt

We look forward to the opportunity to meet with you and the Planning Board to discuss the application. Should you have any questions and or comments, please do not hesitate to contact me.

Sincerely

Mitchell & Associates

A handwritten signature in black ink, appearing to read "R. B. Metcalf", is displayed within a light gray rectangular box.

Robert B. Metcalf, Principal

Maine Licensed Landscape Architect

Enclosure

Cc Denise Vachon, CEO

William Shanahan

Melissa Murphy, Esq

Ron Norton

Joan Eagleson



June 12, 2014

City of Portland
Attention: Planning Department
389 Congress Street
Portland, ME 04101

RE: Letter of Authorization

To Whom It May Concern:

This letter authorizes Mr. Robert Metcalf or Mr. John Mitchell, Mitchell & Associates to act as an agent on behalf of The Park Danforth, 777 Stevens Avenue, Portland, Maine for submission on any and all application materials that relate to the zoning and site plan permitting application(s) for the proposed zone map, text amendment and Level III Site Plan application (s) with the City of Portland Planning department.

Sincerely,



Denise M. Vachon
Chief Executive Officer

DMV/smc



June 23, 2014

To: Interested Parties
 From: Denise M. Vachon, CEO
 Re: Statement of Technical Capability

The Park Danforth is a long-standing not-for-profit provider of housing and services to those 60 years of age and older, having served the greater Portland community since 1881. Once the Mercantile Home for Aged Men located at the corner of Park and Danforth Streets, The Park Danforth of today is located on Stevens Avenue and has evolved into a recognized leader in the field of aging services. Today, it provides a unique mix of federally-assisted and market rate housing, a combination that allows for and accommodates the changing financial conditions that some of its residents face. This financial safety net is the cornerstone of The Park Danforth's Mission. Additionally, Clark's Terrace at The Park Danforth, which opened its doors in 2000, offers Assisted Living studios and round-the-clock supports and services that create another safety net – one that provides for a higher level of catered service when living more independently is no longer practical or safe. All together these programs and offerings are the basis of the practice that embodies and manifests The Park Danforth's Mission "to provide high quality housing and services...(and to) accommodate changing needs brought about by aging."

The Park Danforth is governed by a 10-member volunteer Board of Trustees representing a variety of not-for-profit and proprietary businesses, as well as lending, investment and insurance businesses, health care and legal practices, and consumers. It is a single-site organization, with administrative offices embedded in the housing property and program. The Park Danforth currently serves 130 residents in 124 apartments, (70 of which are federally-assisted and available to eligible very-low and extremely-low income residents), and 36 residents in its Assisted Living program. It funds and provides approximately \$400,000 of unreimbursed services and supports to its residents each year. And, it is proud to employ 83 full- and part-time employees.

The Executive Team is made up of tenured and capable professionals:

- Denise Vachon, CEO has been the organization's leader since 1986, and successfully led the expansion project between 1997 to its completion in 2000, the Masonry remediation project completed in 2008, and is the licensed administrator for the organization's assisted living program.
- Robert Moore, CFO, has extensive background in marketing and business development, and has been on the team for more than two years.
- Lisa Noonan, COO, has been in a management position with the organization for fourteen years, and in this role for more than two years as well.

The Development Team is also seasoned. On the team are

- Lavallee Brensinger Architects (Manchester NH), regional leaders in the design and development of senior housing, health care and behavioral health environments.
- Mitchell & Associates, highly recognized and reputable landscape architects, engaged to support the property development and to assist in the City approval process.
- Ron Norton, President, CMCS (Construction Management Consulting Services). Mr. Norton is engaged to advise the Board of Trustees, its Committees and staff and to assist in the navigation of the development process as well, with a focus on value-based construction design and design options.
- Melissa Murphy, Perkins Thompson, is highly regarded in her work in Real Estate. She has served as Registered Agent for The Park Danforth for more than a decade, and is The Park Danforth's primary legal counsel on this project.
- The Board of Trustees is chaired by Catherine Lamson of MEMIC. Also in office are Michael Bevilacqua of John T Gorman Foundation, Erik Hayward of Libra Foundation and Dana Mitiguy of R.M. Davis, Inc. Chairing the Real Estate Committee is Bill Shanahan of Northern New England Housing Investment Fund.

Altogether, the history of this organization as a provider of elderly housing and services in this community speaks to its ability to develop and successfully administer this expansion and renovation. Its leadership is unified and committed to creating new housing and a revitalized environment that will respond to the changing needs of an elderly consumer, while remaining true and committed to its not-for-profit Mission and culture of service.

Thank you for your consideration.

Doc# 19676 Sk#30933 Pg: 330

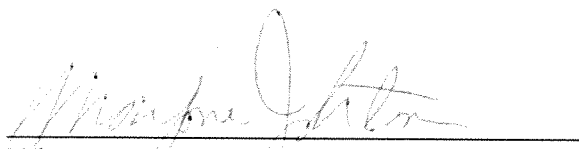
WARRANTY DEED

MAINE INVESTMENT PROPERTIES, LLC, a Maine limited liability company with a place of business at 1651 Broadway, South Portland, Maine 04106, for consideration paid, grants to **HOME FOR THE AGED**, a Maine non-profit corporation with a place of business at 777 Stevens Avenue, Portland, Maine 04103, with WARRANTY COVENANTS, the following described land in Portland, County of Cumberland, and State of Maine:

See Exhibit A attached hereto and made a part hereof

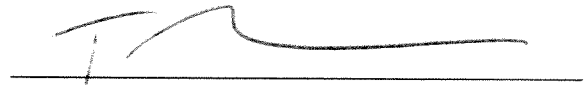
Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 5th day of August, 2013.



Witness

MAINE INVESTMENT PROPERTIES, LLC



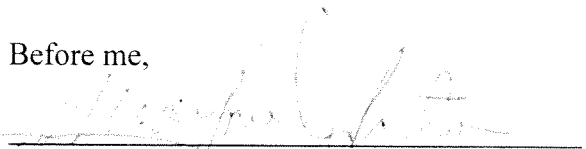
By: Timothy J. McGonagle
Its: Managing Member

State of Maine
County of Cumberland

August 8, 2013

Personally appeared before me Timothy J. McGonagle in his capacity as Managing Member for Maine Investment Properties, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,



Notary Public/Attorney at Law

Printed Name: Marjorie A. Johnston

My Commission Expires: September 30, 2018

MARJORIE A. JOHNSTON
Notary Public, Maine
My Commission Expires September 30, 2018

Doc# 49476 BK100913 Pg 331
EXHIBIT A

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

Commencing at a point on the southerly side of Arbor Street in said Portland at the northwesterly corner of land now or formerly of George H. Bangs; thence westerly along the said southerly side line of said Arbor Street fifty (50) feet to land now or formerly of William B. Barnett; thence southerly nearly at right angles to the southerly side line of Arbor Street, on line of said Barnett land, fifty-seven (57) feet to the Northerly side line of land now or formerly of D. Murphy heirs; thence easterly fifty (50) feet along the northerly side line of said Murphy land to land of said Bangs; thence northerly fifty-seven (57) feet along line of said Bangs land to the point of beginning.

Meaning and intending to convey the same property by deed from MECAP, LLC to Maine Investment Properties, LLC dated January 12, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29305, Page 210.

Received
Recorded Register of Deeds
Aug 15, 2013 01:31:26P
Cumberland County
Pamela E. Lovley

QUITCLAIM DEED
WITH COVENANT
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That **Sarah A. Meyer** of Portland, County of Cumberland and State of Maine, for consideration paid, grants to **Home for the Aged**, a Maine non-profit corporation, whose mailing address is 777 Stevens Avenue, Portland, Maine 04103, with QUITCLAIM COVENANT, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
27 of May, 2014.

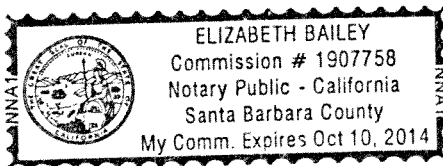
Witness

Sarah Meyer
Sarah A. Meyer

State of California
County of Santa Barbara

May 27 2014

Personally appeared before me the above named **Sarah A. Meyer** and acknowledged the foregoing instrument to be her free act and deed.



Elizabeth Bailey
Notary Public

EXHIBIT A

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

Beginning on said side of Stevens Avenue at the northwesterly corner of land formerly of Murphy;

Thence northerly on the easterly line of Stevens Avenue a distance of 48 feet to the southerly line of Arbor Street;

Thence easterly on the southerly line of Arbor Street a distance of 93 feet, more or less, to land conveyed by William B. Barnett to the Trustees of Maple Lodge of Good Templars by deed dated August 11, 1913 and recorded in Cumberland County Registry of Deeds in Book 916, Page 445 (the Grantor's deed contained a scrivener's error which mistakenly referenced the foregoing recording information as Book 916, Page 443);

Thence southerly by said Lodge land a distance of 48 feet, more or less, to said former Murphy land;

Thence westerly by said Murphy land to said Stevens Avenue at the point of beginning.

Meaning and intending to convey and hereby conveying the same premises conveyed to Sarah Meyer by deed of Stuart A. Anderson, Personal Representative of the Estate of Veronica M. Anderson dated March 19, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27660, Page 339.

STATUTORY WARRANTY DEED

AJS Family Limited Partnership, a Maine limited partnership, with a principal place of business in the City of South Portland, County of Cumberland and State of Maine, and **Robert L. Adam**, an individual, of Westbrook, County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

HFA Forest Avenue Properties, LLC, a Maine limited liability company with a principal place of business in the City of Portland, County of Cumberland and State of Maine, with a mailing address of 777 Stevens Avenue, Portland, Maine 04103,

A certain lot or parcel of land, with the buildings and improvements thereon, situated on the westerly side of Forest Avenue, southerly side of Arbor Street, and easterly side of Stevens Avenue, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the westerly side of Forest Avenue at the northeasterly corner of land conveyed by George D. Little to the City of Portland by deed dated June 3, 1908 and recorded in Cumberland County Registry of Deeds, in Book 826, Page 132; thence northerly by Forest Avenue two hundred one and one tenth (201.1) feet to Arbor Street; thence westerly by Arbor Street, two hundred sixteen and twenty-five hundredths (216.25) feet to the easterly corner of land conveyed by George B. Bangs to William B. Barnett by deed dated May 10, 1892, and recorded in said Registry of Deeds, in Book 590, Page 353, now or formerly of Grenier; thence South 34° 30' West by said former William Barnett land, fifty-eight and thirteen hundredths (58.13) feet to the southeasterly corner of said Barnett land; thence North 51° 30' West by said Barnett land and by land formerly of Wright, et al., later of Lowery, and by land now or formerly of Walter Barnett, one hundred sixty-two and sixty-five hundredths (162.65) feet to Stevens Avenue; thence southwesterly by Stevens Avenue, eighty-eight and 46/100 (88.46) feet to a monument; thence South 63° 45' East by land of Westbrook Junior College, two hundred forty-two and seven-tenths (242.7) feet to an iron; thence South 16° 15' West by Westbrook Junior College, one hundred sixty-nine and ninety-three hundredths (169.93) feet to land now or formerly of the City of Portland; thence northeasterly by said City of Portland land, two hundred twenty-one and 81/100 (221.81) feet to Forest Avenue at the point of beginning.

For Grantors' source of title, reference is made to the following deeds recorded at the Cumberland County Registry of Deeds:

- 1) Warranty Deed from Pine State Beef Company to Lloyd B. Wolf dated November 21, 1972, and recorded in Book 3329, Page 17;

MAINE REAL ESTATE TAX PAID

- 2) Warranty Deed from Lloyd B. Wolf to Lloyd B. Wolf and Robert L. Adam, dated February 3, 1986, and recorded in Book 7062, Page 48; and
- 3) Quitclaim Deed from Lloyd B. Wolf to AJS Family Limited Partnership (one-half interest) dated December 30, 1997, and recorded in Book 13529, Page 18.

IN WITNESS WHEREOF, the said AJS Family Limited Partnership, by and through its duly authorized General Partner, Lloyd B. Wolf, and Robert L. Adam, individually, have caused this instrument to be signed and sealed this 23rd day of April, 2012.

AJS Family Limited Partnership

[Signature]
[Signature]

By: [Signature]
Lloyd B. Wolf, its General Partner

[Signature]
Robert L. Adam

STATE OF MAINE
CUMBERLAND, SS.

Date: April 23, 2012

Then personally appeared the above-named LLOYD B. WOLF, General Partner of said AJS Family Limited Partnership as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited partnership.

Before me,

[Signature]
Attorney at Law/Notary Public
Melissa H. Murphy

STATE OF MAINE
CUMBERLAND, SS.

Date: April 23, 2012

Then personally appeared the above-named ROBERT L. ADAM and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Signature]
Attorney at Law/Notary Public
Melissa H. Murphy

Received
Recorded Register of Deeds
Apr 24, 2012 10:28:36A
Cumberland County
Pamela E. Lovley



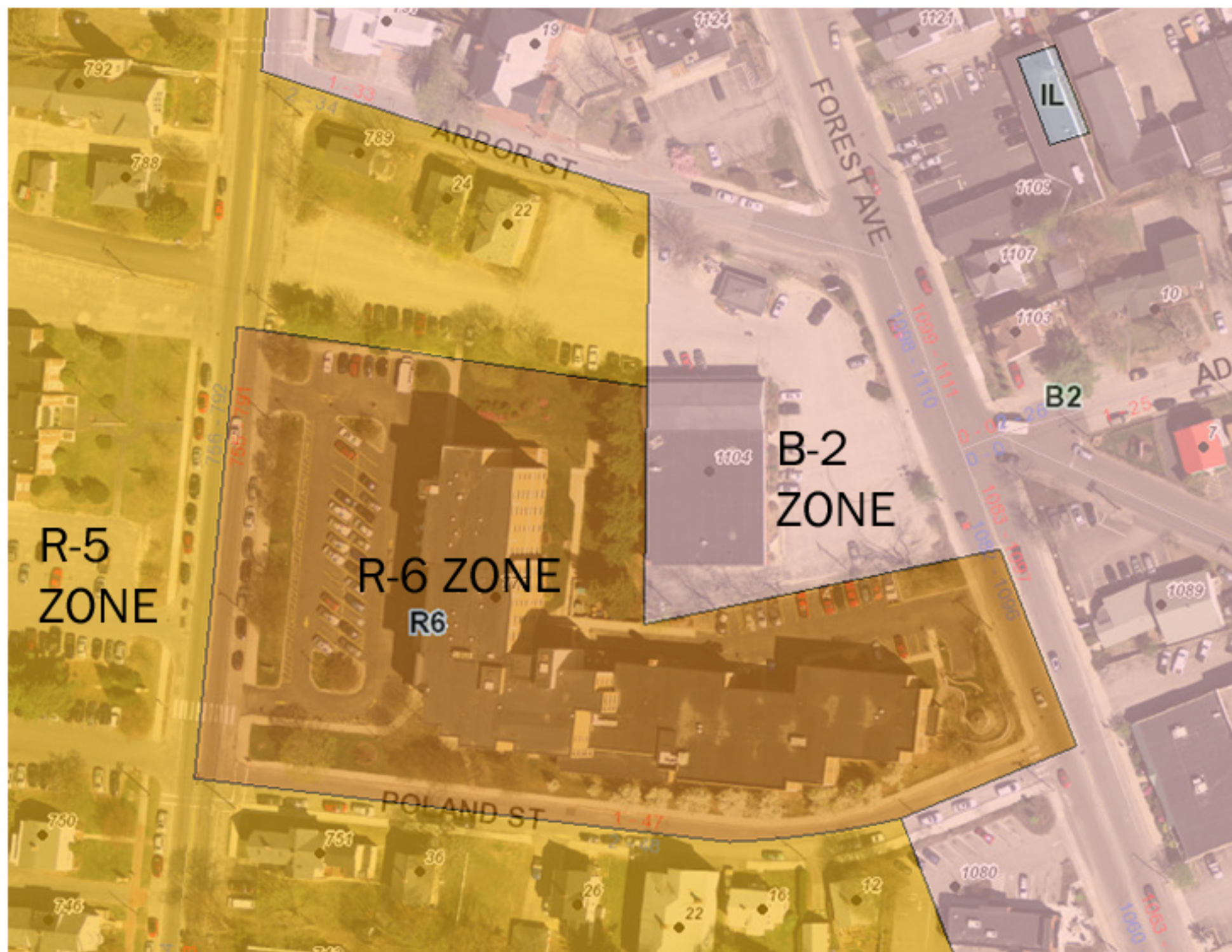
Single Family Residences

The Park Danforth

Context Map



City of Portland, Parcel Map



City of Portland, Zoning Map

ELDERLY HOUSING

PARKING REQUIRMENTS

TOWN	DEFINITION	PARKING REQUIREMENT
Augusta	Elderly Housing	1 space/dwelling unit
Kennebunk	Elderly Congregate Housing	1 parking space/ dwelling unit. + 1 space/employee at peak shift + 1 space/ 6 residential care units
Kittery	Elderly Housing	1.5 spaces/ dwelling unit w/ <2 bedrooms or 2 spaces/unit w/ 2+ bedrooms
Saco	Elderly Congregate Housing Elder Housing Facility-Limited Svc.	1 space/ 2 units 1 space/ 3 units
Wells	Congregate Housing	1 space/ housing unit plus 1 space for each 300 s.f. of office space
Portsmouth, New Hampshire	Elderly Housing (age-restricted)	1.25 spaces/dwelling unit

DEFINITIONS

Augusta Zoning

Elderly Housing: The city does not have a definition of Elderly housing.

TABLE 5.1.14-A SCHEDULE OF REQUIRED OFF-STREET PARKING

Land Use	Unit of Measure	Standard—# spaces
Residential:		
Single-family, efficiency, and multifamily	du (dwelling unit)	2.0/du
Elderly	du (dwelling unit)	1.0/du

Kennebunk Zoning Ordinance

Elderly Congregate Housing: A type of dwelling which is occupied by elderly persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and /or specialized shared service such as medical support services. By “elderly” persons is meant a person 60 years old or older, or a couple that constitutes a household and at least one of whom is 60 years or older at the time of entry into the facility or a disabled or handicapped person as established below. By “share community space” is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guest, and exercise rooms. By “shared dining facilities” is meant a room or rooms designed for serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An elderly congregate housing development shall include either or both of the following types of residential units:

- Dwelling units, as defined by this Ordinance, that is, single housekeeping units with living, sanitary, a and sleeping and permanent cooking facilities: and
- Residential care units, which do not meet the definition of a dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities.

Additionally, the term elderly congregate housing includes specialized facilities that provide long-term residential care, such that those designed specifically for persons with Alzheimer’s Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Elderly congregate housing is distinct from “convalescent or rest home or nursing home”, which is defined separately.

A person who meets the definition of “disabled” or “handicapped” as set forth in Section 501 (b) of the Housing Act of 1949, the Fair Housing Act, the Americans with Disabilities Act or the Rehabilitations Act of 1973, or in regulations issued by either the United States Department of Housing or Urban Development or the United States Department of Agriculture, Rural Development shall be deemed to meet the elderly congregate housing age requirements of this ordinance and may occupy dwelling units within such elderly congregate housing developments even if that person is not 60 years or older or is not part of a household with another member who is 60 years or older.

Parking Requirement: 1 space/dwelling unit + 1 space/employee at Peak shift + 1 space/6 residential care units

Kittery Zoning Ordinance

Elderly housing: means a residential use occupied principally by residents who are at least fifty-five (55) years of age (or in the case of a couple, at least one of whom is at least fifty-five) years of age) in which the accommodations are all dwelling units with private bathrooms and cooking facilities. Occupants of this residential use may also include handicapped individuals of any age. This housing does not provide a regular program of services to all of its residents although individual residents may arrange for the provision of services within the facility. Elderly housing includes very limited shared community space and shared dining and kitchen facilities but may include limited facilities for allied health services, social services, and personal services such as physical and occupational therapy, a beauty shop, recreational programs, elderly day care, and similar programs. The use of these facilities must be accessory to the primary residential use of the facility but may be open to nonresidents of the facility. Elderly housing does not include eldercare facilities that are typically referred to as independent living units, congregate care units, assisted living units, dementia or Alzheimer’s units, or hospice units, or a nursing care or convalescent care facility that provides nursing services.

Parking Requirement: 1.5 spaces/dwelling unit w/< 2bedrooms or 2 spaces > 2 bedrooms

Saco

Elder/Disability Housing Facility: A housing project or development that provides housing in dwelling units for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project does not provide a regular program of supportive services or meals to its residents but may include facilities for outside agencies or programs to provide services to residents. Disabled means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, and having a record of such a disability or are regarded as having such a disability. Elder/Disability Housing Facilities shall not average more than 1.5 bedrooms per unit.
(Amended 5/21/12)

Parking Requirement: 1 space per 2units

Elder/Disability Housing Facility –Limited Service:

A housing project that provides housing in dwelling units or other Accommodations such as suites or individual rooms for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project provides a regular program of supportive services and/or meals to some or all residents but does not provide twenty-four hour a day care or medical oversight. In addition to the residential facilities, the project may include common facilities to provide services to residents. This use may include facilities that are commonly referred to as retirement housing, congregate housing, or independent living centers that provide limited support services. Elder/Disability Housing Facilities –Limited Service shall not average more than 1.5 bedrooms per unit.

(Amended 5/21/12)

Parking Requirement: 1 space per three units

(d) Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal first floor use.

Parking Requirement: Multifamily residential restricted to elderly -1 space per two units

Wells ME, Zoning

Elderly Housing: Housing units intended for and occupied solely by persons 55 years of age or older or an elderly couple one of whom is 55 years of age or older. Elderly housing may have the same common amenities as congregate housing.

Parking Requirement: 1 space/housing unit plus 1 space for each 300 SF of office space

Portsmouth NH Zoning Ordinance

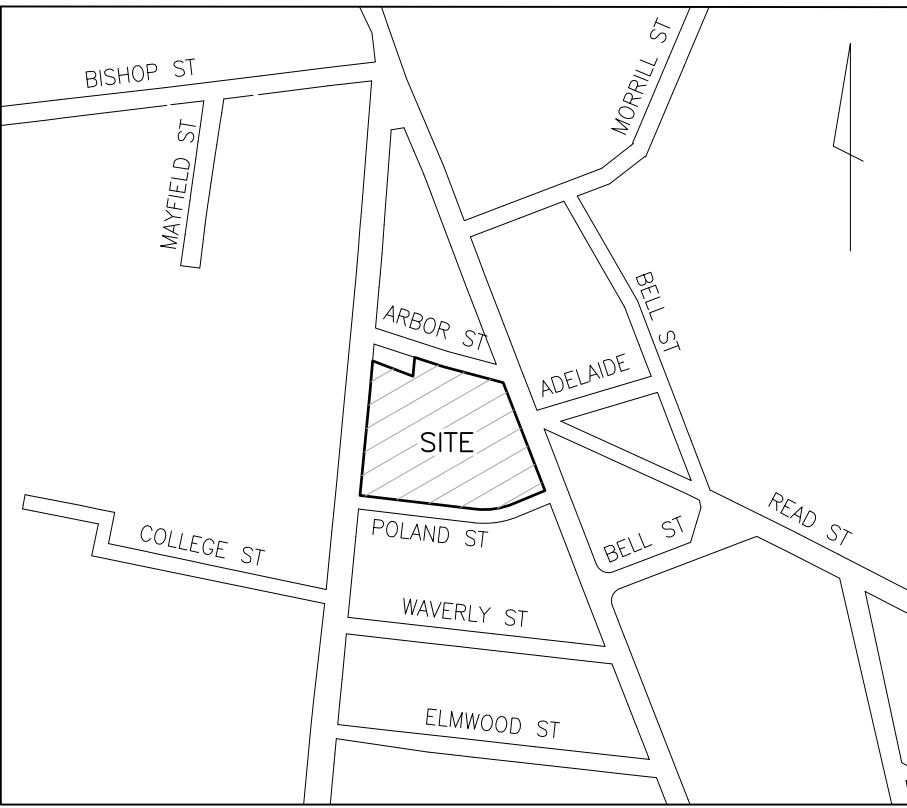
Age-restricted housing: A residential development consisting of independent dwelling units restricted to occupancy by persons at least 55 years old, which may contain limited social or recreational facilities or services for the residents but which do not include centralized dining and on-site medical services. (See also: assisted living facility; congregate care facility; continuing care retirement community.)

Independent living unit: A dwelling unit in a continuing care retirement community (CCRC), in which residents live independently while having access to all common facilities and services of the CCRC, but without the inclusive supportive services typically associated with Assisted Living or Skilled Nursing units

Continuing care retirement community (CCRC):

A residential development that provides multiple elements of senior adult living including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. A CCRC includes common dining, recreation and health facilities and other common areas; provides services such as medical, programmed social activities; and may include limited accessory retail and personal services. A CCRC is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as “housing for older persons” under state law.

Parking Requirement: (Age Restricted) 1.25 spaces/dwelling unit



LOCATION MAP
N.T.S.

Prepared For:
Owner:
Home For The Aged
777 Stevens Avenue
Portland, Maine 04103
Tel.: 207-797-7710

Applicant:
The Park Danforth
777 Stevens Avenue
Portland, Maine 04103
Tel.: 207-797-7710

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel.: 207-774-4427

The Park Danforth

Portland, Maine

Stevens Avenue

Date:
JUNE 24, 2014

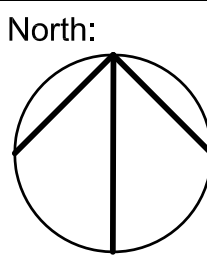
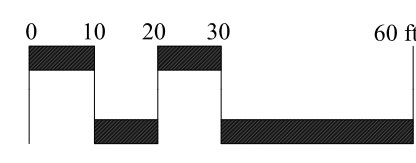
Issued For:

Revisions:

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Title:
CONCEPT
MASTER PLAN

Scale: 1"=30'

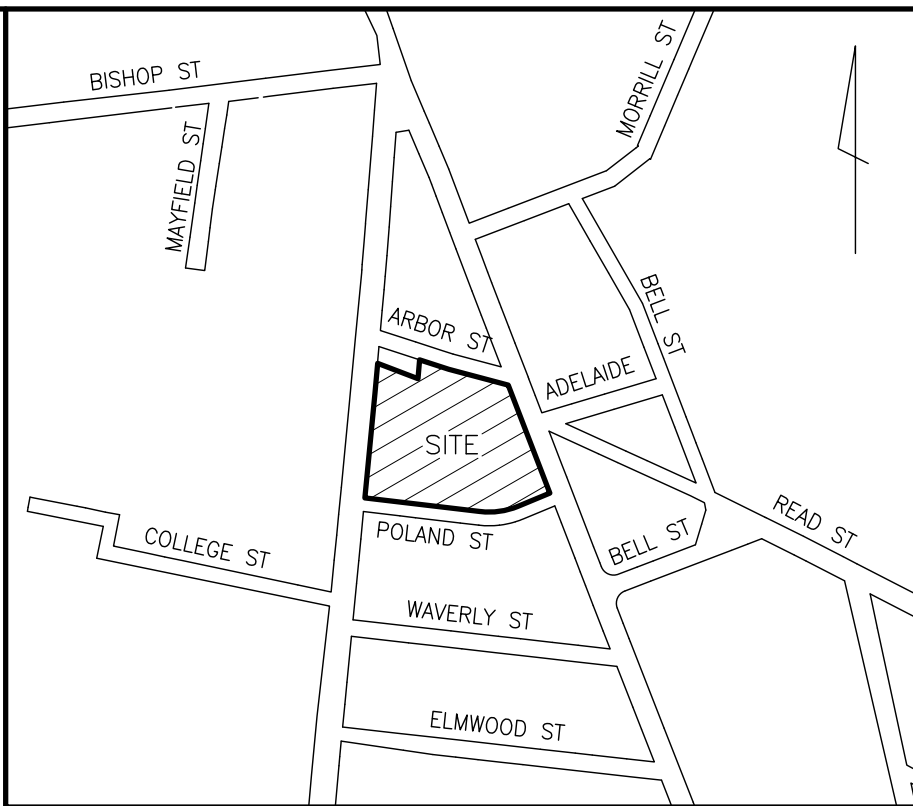


Sheet No.:
A





Plan 2



LOCATION MAP

N.T.S.

PLAN REFERENCES

- "PLAN OF PROPERTY IN PORTLAND, MAINE FOR DR. LLOYD B. WOLF AUG. 1973 H.J. & E.C. JORDAN - SURVEYORS"
- "PARK-DANFORTH CONDOMINIUM PLANS SITE PLAN HOUSING FOR THE ELDERLY, A CONDOMINIUM SITUATE AT: STEVENS AND FOREST AVENUES AT POLAND STREET, PORTLAND, CUMBERLAND, MAINE 12/7/83 LARRY SLAUGHTER -SURVEYOR" RECORDED IN PLAN BOOK 140 PAGE 37
- "THE PARK-DANFORTH CONDOMINIUM 777 STEVENS AVE PORTLAND, MAINE RECORDING PLAT 09-23-97 LAND USE CONSULTANTS, INC." RECORDED IN PLAN BOOK 197 PAGE 515
- BLUE BOOK SHEETS FOR STEVENS AVE., FOREST AVE., POLAND STREET, AND ARBOR STREET, FROM THE PORTLAND ENGINEERING DEPARTMENT
- "FOREST AVENUE DEVELOPMENT PORTLAND MAINE SITE PLAN MADE FOR HANNAFORD BROS. CO. SOUTH PORTLAND, MAINE" BY E.C. JORDAN CO. CONSULTING ENGINEERS DATED JAN 6 1986.

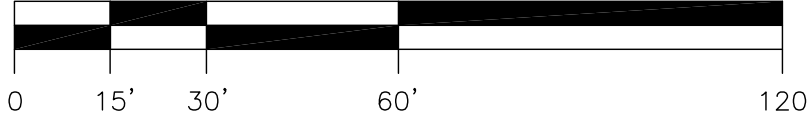
GENERAL NOTES

- OWNER OF RECORD:
HFA FOREST AVENUE PROPERTIES, LLC LOTS 146-C-6, 146-C-9, 146-C-11, 146-C-12, 146-C-14;
ALL IN BOOK 29524 PAGE 325
HOME FOR THE AGED LOTS 146-C-8 BOOK 30933 PAGE 330, 146-C-5, 146-C-10 BOOK 6354 PAGE 117.
- BEARINGS ARE BASED ON CITY DATUM, MAINE STATE PLANE WEST ZONE (NAD83).
- ELEVATIONS ARE ON CITY DATUM, BASED ON BENCH MARK AT 3' OFFSET MONUMENT UNDER COVER ON EASTERLY SIDE OF STEVENS AVENUE.
- THE LINES AROUND THE LAND OF MCGEACHEY ARE BASED ON THE DEED DIMENSIONS. THE DASHED LINES ARE AS SHOWN ON PLAN REFERENCE 1. A BOUNDARY AGREEMENT IS RECOMMENDED WITH MCGEACHEY AND MEYER.

LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- ELECTRIC/GAS METER
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- LIGHT POLE
- IRRIGATION CONTROL VALVE
- BOLLARD
- DECIDUOUS TREE
- CONIFEROUS TREE
- INTERIOR LOT LINE
- FENCE
- CURB
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- WATER LINE
- GAS LINE
- STORM DRAIN
- SANITARY SEWER
- 1' CONTOUR

GRAPHIC SCALE



UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE

JOHN C. SCHWANDA, PLS NO. 1252

BOUNDARY & TOPOGRAPHIC SURVEY

ON

STEVENS AVE., ARBOR ST., FOREST AVE. & POLAND ST.

PORTLAND, MAINE

MADE FOR

MITCHELL & ASSOCIATES

OWEN HASKELL, INC.

390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424

PROFESSIONAL LAND SURVEYORS

Drwn By	SDG	Date	Job No.
Trace By	JLW	JANUARY 2, 2014	2013-217P
Check By	JCS	Scale	Drwg. No.
Book No.	1123	1" = 30'	1



The Park Danforth

Proposed New Construction

Conceptual Elevation - Arbor Street

SCALE: NTS

06/23/14

LAVALLEE | BRENSINGER ARCHITECTS



The Park Danforth

Proposed New Construction

Conceptual Elevation - Forest Street

SCALE: NTS

06/23/14

LAVALLEE | BRENSINGER ARCHITECTS



PLANNING BOARD REPORT PORTLAND, MAINE

Portland International Marine Terminal Facility Expansion.
460 Commercial Street
Level III Site Plan – Condition of Approval
#2014-038
Maine Department of Transportation, Applicant

Submitted to: Portland Planning Board Public Hearing Date: September 9, 2014	Prepared by: Richard Knowland, Senior Planner Date: September 5, 2014 CBL: 59-A-1-3-4-7-8-11 59-A-2-5-6-9-10 (leased)
---	---

I. INTRODUCTION

The Planning Board approved an expansion of the Portland International Marine Terminal facility on July 8, 2014. The project received site plan and shoreland review approvals. Condition #3 of the site plan approval states:

That the applicant shall submit a revised plan for Planning Staff review and Planning Board approval of the concrete wall and barrier along Commercial Street.

Applicant has submitted a revised concrete wall design and requests Planning Board approval of this design to address the condition of approval.

144 notices were sent to area property owners. A legal ad of the public hearing appeared in the September 1 and September 2, 2014 editions of the Portland Press Herald.

II. BACKGROUND

The length (752 feet long) and height (4 feet high) of the concrete wall along the applicant's Commercial Street property frontage generated concern during the earlier site plan review process. The Maine Department of Transportation (MDOT) indicated the wall was needed as a safety barrier to protect vehicles and pedestrians on Commercial Street in case the "reach stacker" - the equipment that loads and unloads trains and tractor trailers - over ran an internal curb.

The configuration of the wall (equivalent to three city blocks) and the lack of space for landscaping between the wall and the street, posed significant aesthetic issues in a highly visible gateway location. After viewing some conceptual wall treatments at the public hearing, the Planning Board decided to make the final design of the wall treatment a condition of approval subject to review and approval by the Board. It was suggested at that meeting that the wall design treatment could be inspired by the site's relationship to the harbor, rail road, transportation, industrial uses or other character defining activities associated with this site or Commercial Street.

III. APPLICANT PROPOSAL

Applicant has revised the wall design and submitted a new proposal to address the July 8th condition of approval. See Attachments 1 to 3.

Application states: The specific details of the wall are: 750' in length, 4' in total height, with a 6' security fence sitting on a shelf/notch 12" below top of the wall (elevation 3') for a total height of 9' above Commercial Street. The wall will sit behind a 7" granite curb. The light poles will be spaced 48' O.C. and the fence panels will be spaced 8' O.C. dividing the space between the light poles into six, 8' sections. Each section will have a 2' height by 7' length with a smooth frame (plus or minus 2.5" on top and bottom and 6" on each side) recessed panel incorporated into it.

The theme of the proposed wall design is the site's past as a transportation and industrial center. The 1914 Richards Standard Atlas of the City of Portland served as the inspiration of that design. Using the maps from the atlas (roughly from the present day Fore River Bridge to Cassidy Point), Carroll Associates (project consultant) has created 5 representative images of the site incorporating Commercial Street, the adjacent harbor, rail road tracks and various industrial structures. The images were simplified for graphic clarity but capture the traditional layout patterns and shapes found on the site.

The five images will be reproduced on individual form liners. During construction the liners will form the images when the concrete wall is poured.

The five panels are presented with two options. Option one is a continuous pattern of the five panels along the entire wall while the second option provides the same continuous 5 panel pattern except that each 5 panel series is broken by two small (plain) panels centered on the site's light poles. The light poles are spaced at 48 foot intervals. An additional light pole has been added from the previous submission to provide proper spacing.

The project consultant prepared a life-size mock-up of an individual panel which was observed by Planning Staff at the site. We viewed the panel up-close as well as from the opposite side of Commercial Street. The width and depth of the recessed elements on the panel provide an image that can be easily seen from 50 feet away. The same mock-up will be available at the public hearing.

Summary

The original submission posed a variety of concerns with a near blank and undifferentiated wall panels with little or no visual interest extended along the equivalent of 3 city blocks. The new

proposal is an appropriate response to this design challenge in a gateway location. It achieves the goal of providing clear visual relief along the wall façade while providing a contextual design that captures the historic and character defining elements of this site. Two options have been provided for the Board's consideration. They are the identical series of images, except one has blank divider spaces between the 5 panels. Staff has reviewed the proposal and believes it is a responsive and well thought solution to address the blank wall issue. We very much like both options and don't have a strong collective preference for one over the other. If the Board does have a preference, please incorporate that choice in your motion.

III. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for application#2014-038 relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the revised plan, specifically **[Wall Option 1 (5 panels repeating continuously) or Wall Option 2 (5 panels , 2 blanks, repeating)]** as depicted in Attachment 3 Planning Report dated September 9, 2014, for the Commercial Street concrete wall (is/is not) in conformance with the site plan standards of the land use code and therefore addresses condition #3 of the July 8, 2014 site plan approval.

Attachments:

Staff Attachments:

A. Planning Board Approval Letter dated July 8, 2014

Applicant Submissions:

1. Carroll Assoc. Cover Letter dated August 22, 2014
2. Proposed Wall Panel Graphics Plan
3. Proposed Wall Patterning Plan
4. Site Layout Plan
5. Original Wall Treatment
6. Fence Detail
7. Light Fixture and Pole

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley

August 12, 2014

Mr. Joel Kittredge, Project Manager
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, #200
Portland, Maine 04101

Project Name: Portland International Marine
Address: 460 Commercial Street

Project ID: 2014-038
CBL: 59-A-1-3-4-7-8-11;
59-A-2-5-6-9-10 (leased)

Applicant: Maine Department of Transportation
Planner: Richard Knowland

Dear Mr. Kittredge:

On June 24, 2014 and July 8, 2014, the Planning Board considered the Portland International Marine Terminal facility expansion for the existing laydown and connecting corridor connection project. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance and Shoreland Zoning Regulations. The Planning Board voted to approve the application with the following waiver(s) and condition(s) as presented below.

WAIVERS

The Planning Board voted (5-0; Hall and Soley absent) to waive the following Technical Standards.

1. The Planning Board finds that two or more criteria for sidewalk waiver, specifically criteria 2 and 3, as provided under Sec. 14-506(b), are met and therefore waives the requirement for sidewalks along the southerly sideline of Commercial Street.
2. The Planning Board finds that two or more criteria for granite curbing waiver, specifically criteria 4 and 5, as provided under Sec. 14-506(b), are met and therefore waives the requirement for granite curbing along the southerly sideline of Commercial Street.
3. The Planning Board waives the Technical Standard for Driveway Design: Maximum driveway width, Section 1.7.1.4. for IMT, Nova Seafood and Graybar as specified on the plan due to the existing constrained circulation conditions for large trucks.

4. The Planning Board waives Technical Standard for flooding as provided under Section 5.III.4.E(2) due to the capacity of the receiving water (Fore River).
5. The Planning Board waives Technical Standard for Soil Infiltration Testing, Sec V, Appendix D.4.(a) based on known conditions on the site and controlled materials to be installed with construction.
6. The Planning Board waives Technical Standard for Landscape and Landscape Preservation for the following sections: Sec. 4.2 and 4.3 – Preservation of Significant Site Features and Existing Vegetation; Sec. 4.5 – Site Landscaping: Screening and Buffers, Industrial and Commercial and Sec. 4.6 – Street Trees. Commercial, industrial and industrial developments shall provide street trees 35 to 45 feet on center along City right-of-way.
7. The Planning Board waives Technical Standard for boundary survey under Sec. 13.2 Level I Site Alteration, II and III General Standards regarding incomplete utility information, incomplete topographic information, and scale drawn to no less than 1 inch to 50 feet.
8. The Planning Board waives Technical Standard for light fixture height under Sec. 12.2.7 of 30 feet by providing fixture heights of 34 feet for the concrete pad area and 35 feet for the container storage area.

SITE PLAN REVIEW

The Planning Board voted (6 to 0; Morrisette absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. That the applicant shall submit a revised site plan and other related material addressing the review comments of Tom Errico (Traffic Review Consultant) memo dated July 2, 2014.
2. That the applicant shall submit a snow storage plan to allow the City to use the IMT snow storage area for snow plowed by the City adjacent to the Commercial Street concrete wall so long as it does not interfere with IMT operations.
3. That the applicant shall submit a revised plan for Planning Staff review and Planning Board approval of the concrete wall and barrier along Commercial Street.
4. City Staff shall review and approve the submitted agreements (including cross agreements), easements, a revised site plan and other relevant documents confirming appropriate cross agreements and easements for access and utilities to service the New Yard property through the IMT site or evidence of rights of access over the additional land to be acquired from the rail road for City Staff review and approval.
5. That the applicant shall submit a revised site plan with sufficient details and dimensions to clarify design intent for Planning Staff review and approval.
6. That the lighting illumination levels shall not exceed the levels shown on the submitted plan and shall meet IESNA (Lighting for Exterior Environments RP-33-99) for the

proposed use. Lighting levels within the container area (S2 and S3 light poles) and security lights within the pad area (S1A and S1B light poles) shall operate at 50% light output levels unless the yard is actively being used. The remaining type S1A light poles within the concrete pad shall only be turned on when the pad area is actively being used.

SHORELAND REGULATIONS REVIEW

The Planning Board voted (6 to 0; Morrisette absent) that the plan is in conformance with the shoreland standards of the Land Use Code.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2014-038 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Final Sets of Plans** Seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting. (If applicable)
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Richard Knowland at (207) 874-8725.

Sincerely,



Stuart G. O'Brien, Chair
Portland Planning Board

Attachments:

2. Review Memo of Tom Errico (Traffic Review Engineer) dated July 2, 2014
3. Planning Board Report
4. City Code: Chapter 32
5. Sample Stormwater Maintenance Agreement [if applicable]
6. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pinco, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., T.Y. Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



ATT 1

August 22, 2014

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

**RE: Portland International Marine Terminal
Existing Laydown and Connecting Corridor Connection Project
Response to Condition of Approval #3 - Comm. Street Barrier Wall Façade Treatment**

Dear Barbara,

On behalf of the State of Maine Department of Transportation (MaineDOT), we are pleased to submit a design, for review with the Planning board, for the façade treatment of the proposed Commercial Street barrier wall. At the July 8, 2014 Planning Board meeting the project was approved with a number of conditions. Site Plan Review Condition #3 requested that the applicant work with the Planning Staff to approve a design and then come back to the Planning Board for Final Approval. This was requested due to the prominence of the wall, unique gateway location, and opportunity to treat the wall as a design opportunity. We would like to formally request to be placed on the next available agenda as we feel the wall façade design has been thoroughly vetted and the result is a very solid solution to this challenging feature.

As a refresher, the specific design details of the wall are: 750' in length, 4' in total height, with a 6' security fence sitting on a shelf/notch 12" below top of the wall (elevation 3') for a total height of 9' above Commercial Street. The wall will sit behind a 7" granite curb. The light poles will be spaced 48' O.C. and the fence panels will be spaced 8' O.C. dividing the space between the light poles into six, 8' sections. Each section will have a 2' height x 7' length with a smooth frame (+/-2.5" on top and bottom and 6" on each side) recessed panel incorporated into it.

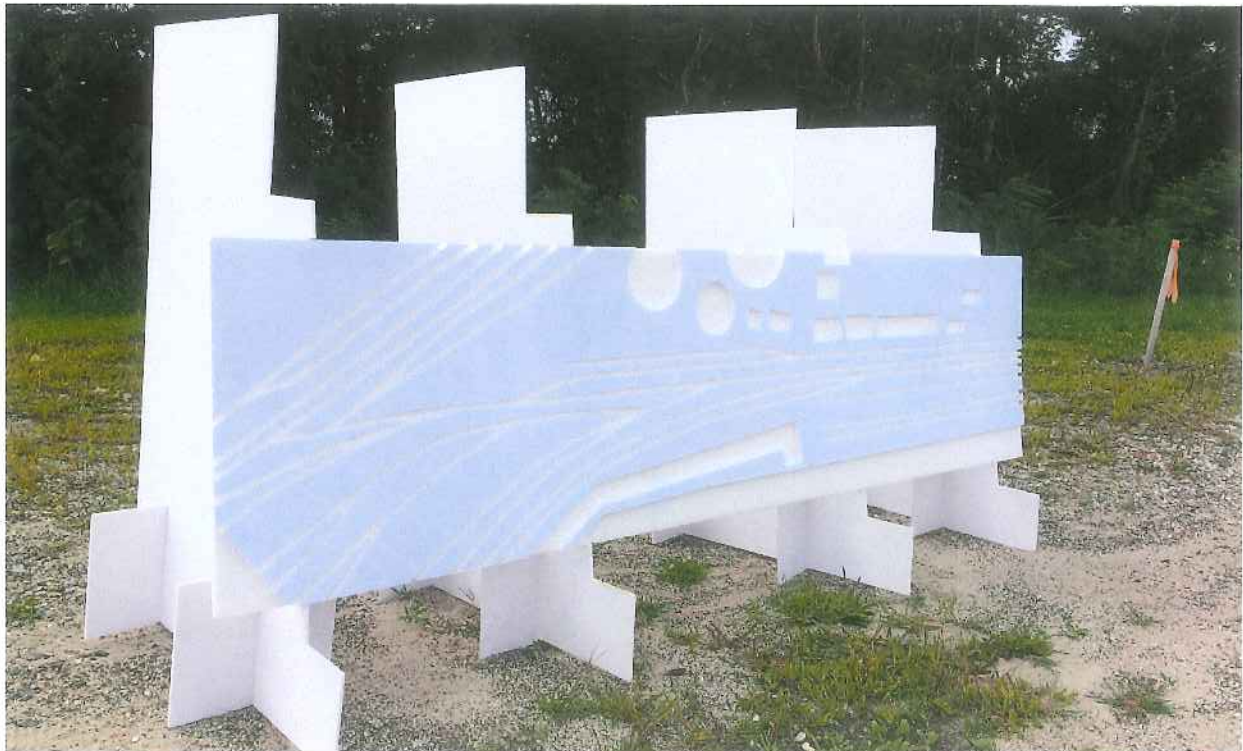
As you recall, on July 24, 2014 we meet with Planning Staff (Rick, Alex, and yourself) to present a number of wall façade treatment options, as requested by the Planning Board. The results of the meeting were positive and a unanimous decision was reached to proceed with a historical map concept. The historical map used as the inspiration for the design is the 1914 Richards Standard Atlas of the City of Portland. As it is today, Commercial Street was a very busy place from a business and transport standpoint 100 years ago. From the configurations of the multitude of rail lines, geometric building patterns/shapes, as well as the adjacent road network and Fore Rive, which all together present an inherent beauty and uniqueness to

Portland alone. The century old history of the area should not be forgotten but instead celebrated. When the map of this area is simplified it creates an image that is abstract in nature but can stand on its own with 100 years of history behind it.



Wall panel inspiration - 1914 Richards Standard Atlas of the City of Portland – Commercial Street

As discussed at the July 24th meeting we were to prepare a life size (full scale) mockup of the wall and panel so the content, composition, and scale could be reviewed on-site by the Planning Staff. On August 21, 2014 we met on-site with the Planning Staff to review the sample panel. Again the meeting was positive and a unanimous decision was reached to proceed with the design and request Final Approval from the Planning Board.



Life size mockup of the sample historical map panel on-site along Commercial Street

We have prepared five different panels spanning the 1914 Atlas of Commercial Street from the existing International Marine Terminal (IMT) west to Cassidy Point. See attached sheet (L-1.0) depicting the process of extracting and designing the five proposed panels from the atlas. It is

proposed that the five panels will be recessed into the wall telling the story of the project site's past through their unique abstract depiction. We have prepared two alternatives for review showing how the panels will be patterned on the wall. Option 1 is the five recessed panels repeating (1,2,3,4,5 repeat 1,2,3,4,5...) for the length of the wall. Option 2 is the five recessed panels centered between the light poles with two small blank recessed panels at both ends separating the map panels (1,2,3,4,5, two blank panels, repeat 1,2,3,4,5 two blank panels...). See attached sheet (L-2.0) depicting the two proposed patterns for review.

This submission consists of the following: one full size (24"x36") copy of the plans, one reduced size (11"x17") copy of the plans, and a CD with PDF files of the following plans for formal review:

1. Individual Wall Panel Graphics Plan
2. Wall Patterning Plan

At the next available Planning Board Meeting we will be prepared to present and discuss the historical map panel concept and content as well as the wall patterning and layout. We will bring with us the full scale mockup for review and discussion. We look forward to working with you, the Planning Department staff, and the Planning Board to review this design. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

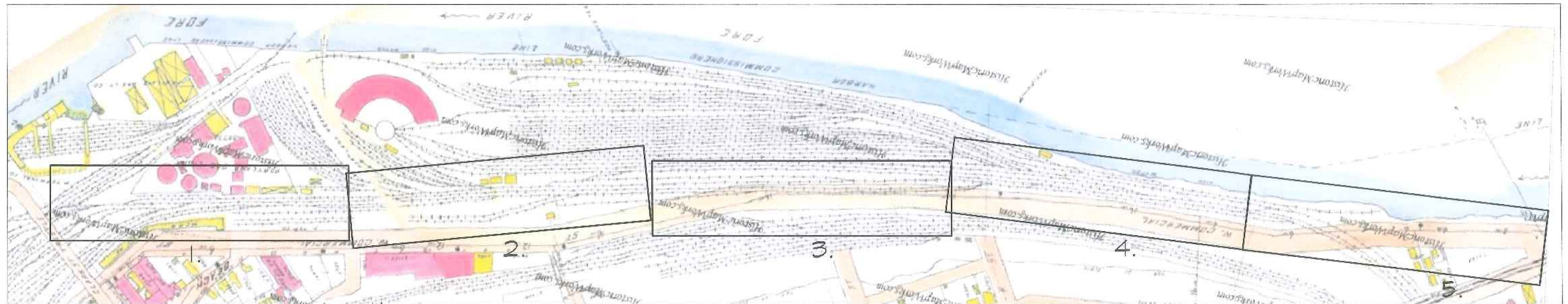
Sincerely,
CARROLL ASSOCIATES



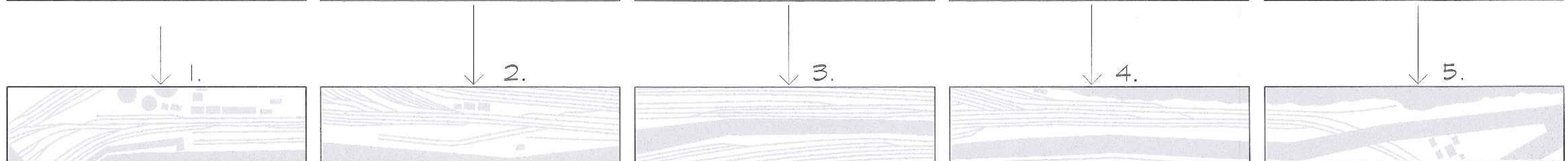
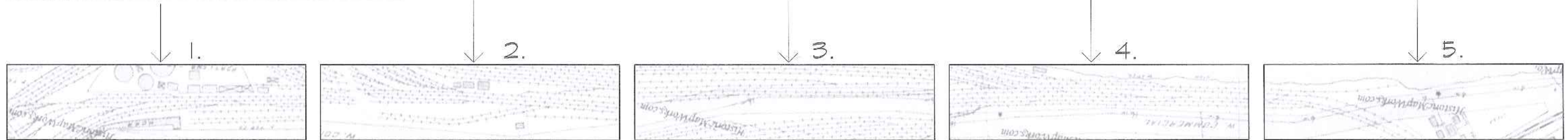
Patrick J. Carroll
Principal

Enc.

Cc: Joel Kittredge, MaineDOT
Craig Morin, HNTB

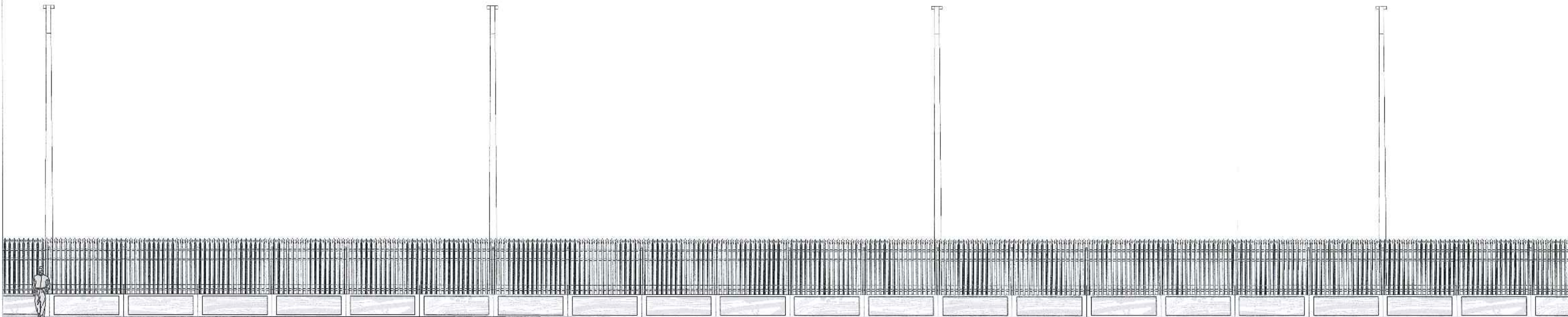


1914 ATLAS OF PORTLAND - COMMERCIAL STREET

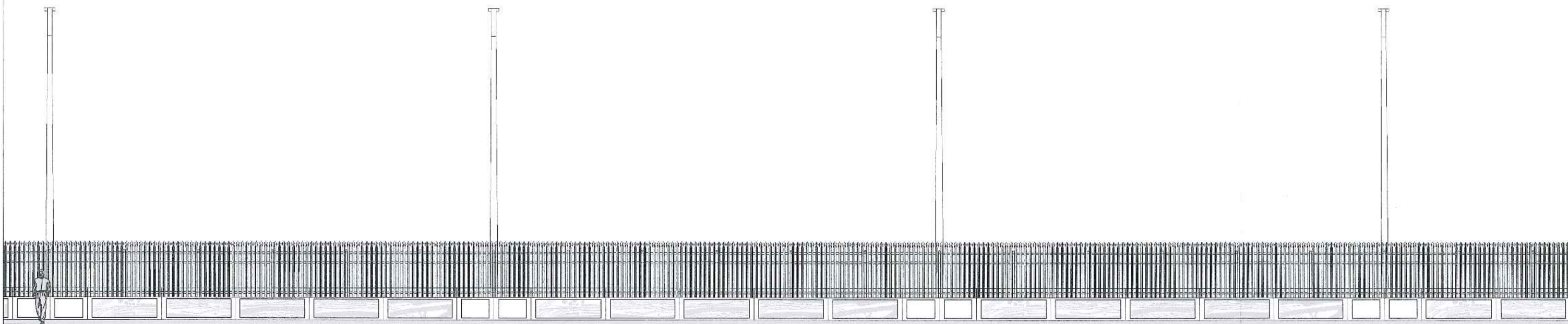


SIMPLIFIED PANELS FOR WALL

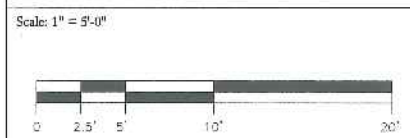
Scale: NOT TO SCALE		Prepared by: CARROLL ASSOCIATES Landscape Architects 217 Commercial Street Portland, Maine 04101 207.772.1552 pearroll@carroll-assoc.com	Prepared for: MAINE DEPT. OF TRANSPORTATION	Project: PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT	Drawing Title: INDIVIDUAL WALL PANEL GRAPHICS PLAN	Job Number: File: Date: 8-22-2014 Scale: NTS Drawing Number: L-1.0 © 2014 CARROLL ASSOCIATES
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WALL OPTION 1: 5 PANELS, REPEATING



WALL OPTION 2: 5 PANELS, TWO BLANKS, REPEATING



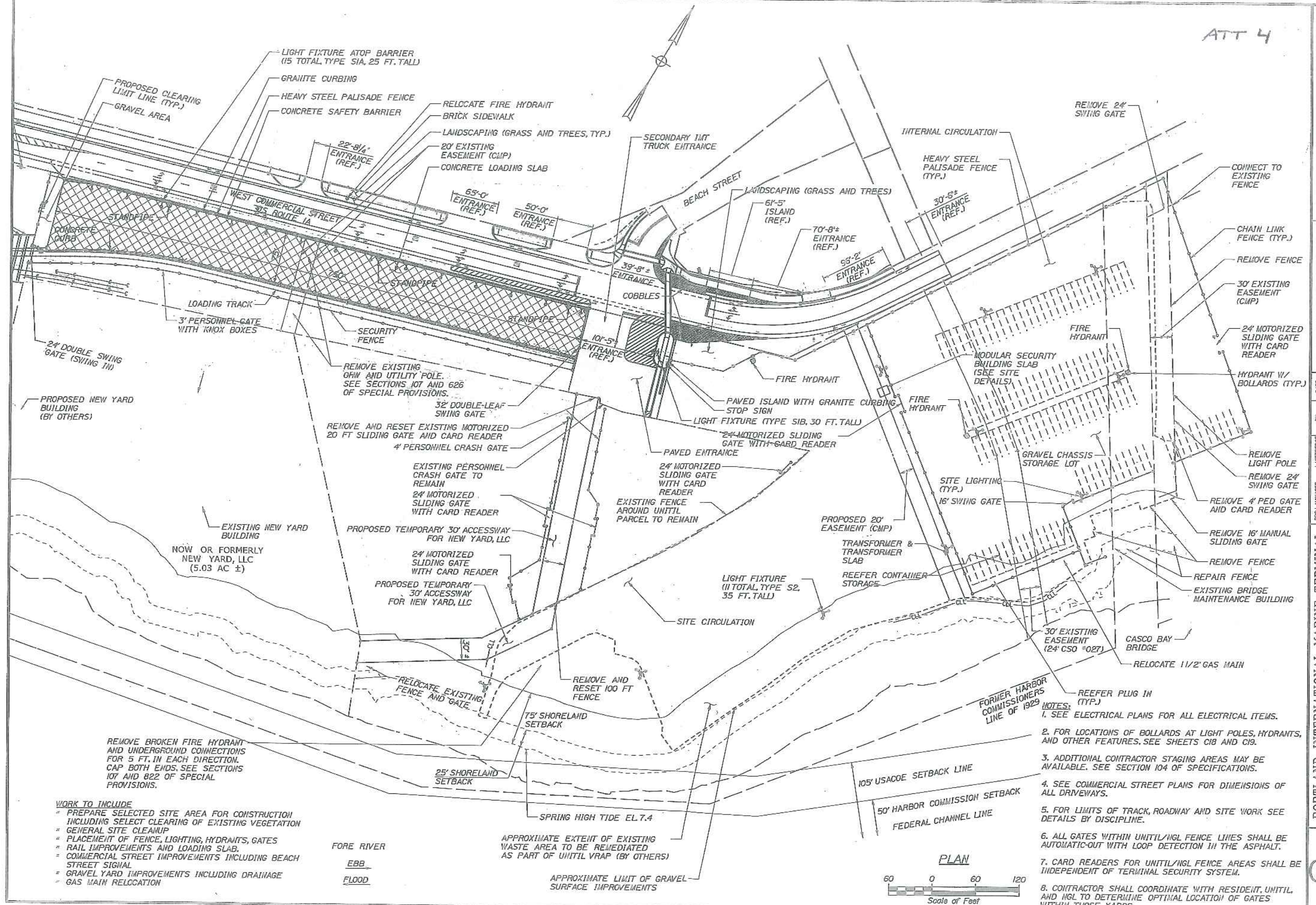
Prepared by:
CARROLL ASSOCIATES
Landscape Architects
217 Commercial Street Portland, Maine 04101
207.772.1552 pcs@carroll-associates.com

Prepared for:
**MAINE DEPT.
OF
TRANSPORTATION**

Project:
**PORTLAND INTERNATIONAL
MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING
CORRIDOR CONNECTION PROJECT**

Drawing Title:
**WALL
PATTERNING
PLAN**

Job Number:
File:
Date: 8-22-2014 Scale: 1"=5'-0"
Drawing Number:
L-2.0
© 2014 CARROLL ASSOCIATES



PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

General Description of the Project

- Provide Rail Connection to the Terminal
- Land Acquisition
- Internal Operations
- Project Components
- Infrastructure Improvements
- **Commercial Street Improvements**



ORIGINAL WALL TREATMENT

HNTB

COMMERCIAL STREET IMPROVEMENTS



ATT 5

PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

General Description of the Project

- Provide Rail Connection to the Terminal
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- Internal Operations
- Project Components
- Infrastructure Improvements
- **Commercial Street Improvements**



IMPASSE II[®]



HIGH SECURITY STEEL PALISADE FENCING

Maintaining a secure perimeter is your first line of defense against potential threats. Impasse II fence systems serve as a *visual deterrent backed with heavy steel components* that give a higher level of protection compared to the traditional chain link or architectural mesh fence alternatives. Impasse II is the *best choice for securing at risk facilities or protecting specific assets within a property.*

HNTB

COMMERCIAL STREET IMPROVEMENTS





Consistent with I.E.O. goals
& Green Glazes for better
light pollution reduction



Autobahn Series ATB2 Roadway Lighting

PRODUCT OVERVIEW



Applications:

Roadways
Off ramps
Residential streets
Parking lots

Features:

OPTICAL

Same Light: Performance is comparable to 200-400W HPS roadway luminaires.

White Light: Correlated color temperature - standard 4000K, 70 CRI minimum or optional 5000K, 65 CRI minimum.

Unique IP66 rated LED light engines provided 0% uplight and restrict backlight to within sidewalk depth, providing optimal application coverage and optimal pole spacing.

Available in Type II, III, IV, & V roadway distributions.

ELECTRICAL

Expected Life: LED light engines are rated >100,000 hours at 25°C, L70. Electronic driver has an expected life of 100,000 hours at a 20°C ambient.

Lower Energy: Saves an average of 40-50% over comparable HPS platforms.

Robust Surge Protection: Acuity's proprietary SPD provides IEEE/ANSI C62.41 Category C (10kV/5kA) level of protection.

MECHANICAL

Easy to Maintain: Includes standard AEL lineman-friendly features such as tool-less entry, tool-less NEMA photocontrol receptacle, terminal block and quick disconnects. Bubble level located inside the electrical compartment for easy leveling at installation.

Rugged die-cast aluminum housing is polyester powder-coated for durability and corrosion resistance. Rigorous five-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 1000 hours exposure to salt fog chamber (operated per ASTM B117). Optional Enhanced Corrosion Resistant finish (CR) increases the salt spray exposure to 5000 hours.

Four-bolt mast arm mount is adjustable for arms from 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter and provides a 3G vibration rating per ANSI C136.

Wildlife shield is cast into the housing (not a separate piece).

Die-cast trigger latch on doorframe allows for tool-less entry and enables easy and secure opening with one hand.

CONTROLS

NEMA photocontrol receptacle is standard; tool-less "lift and turn" receptacle.

Dimming version (available with DE and VE option) uses proprietary Acuity Brands components to enable continuous 0-10V dimming down to 10% output via the ROAM™ smart controls system (sold separately).

Photocontrol for solid-state lighting (available with PCSS and PCLL options) meets ANSI C136.10 criteria.

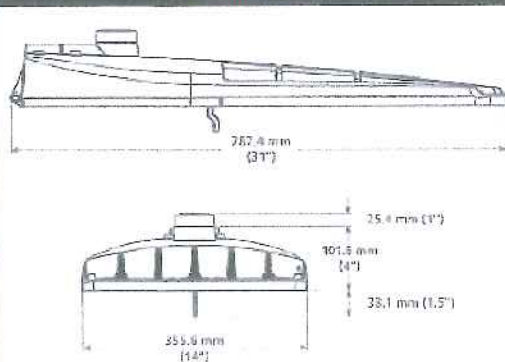
WARRANTY & STANDARDS

5 year limited warranty. Full warranty terms located at http://www.acuitybrands.com/Libraries/Terms_and_Conds/ABL_LED_Commerical_Outdoor.sflb.ashx

Rated for -40°C to 40°C ambient.

CSA Certified to U.S. and Canadian standards

DIMENSIONS



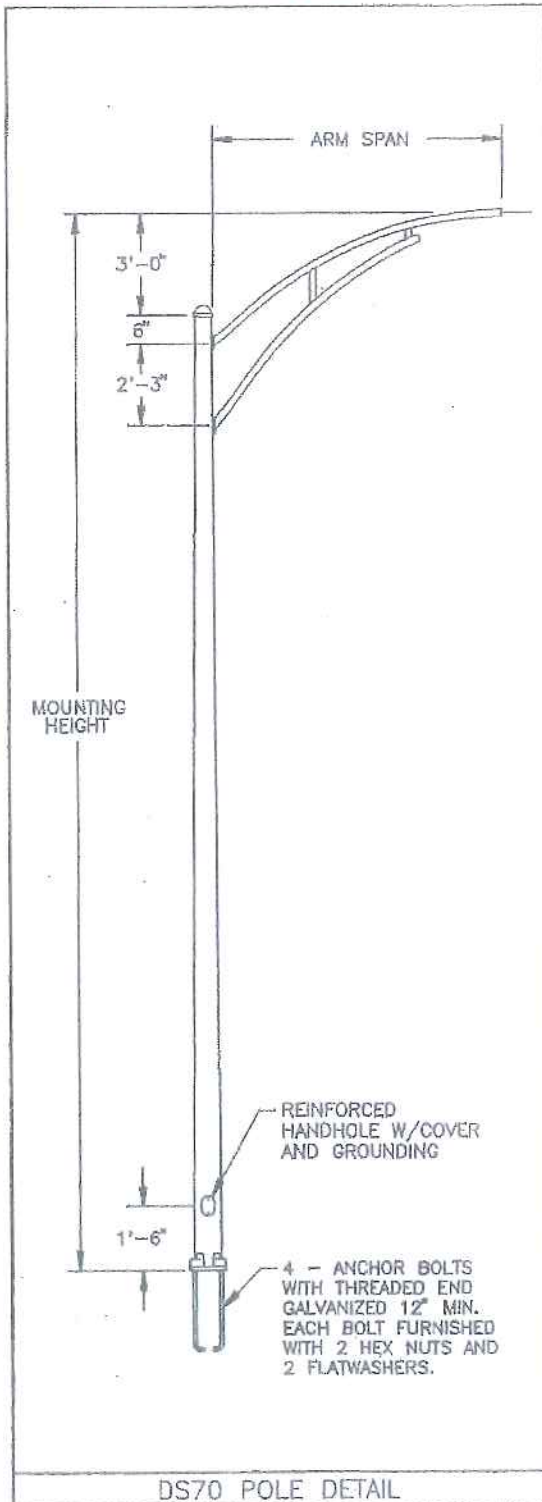
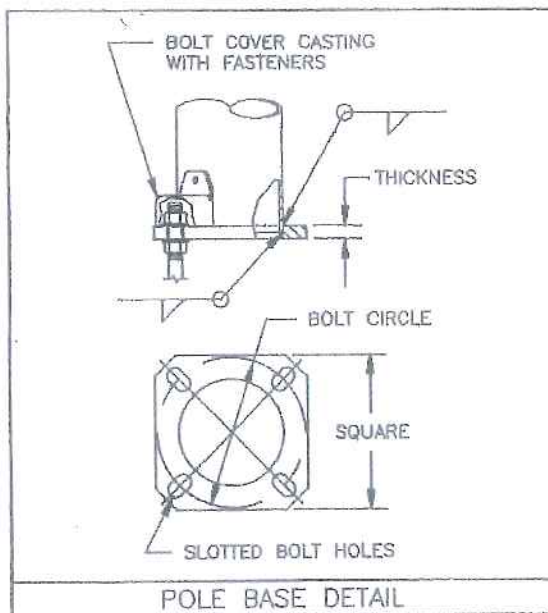
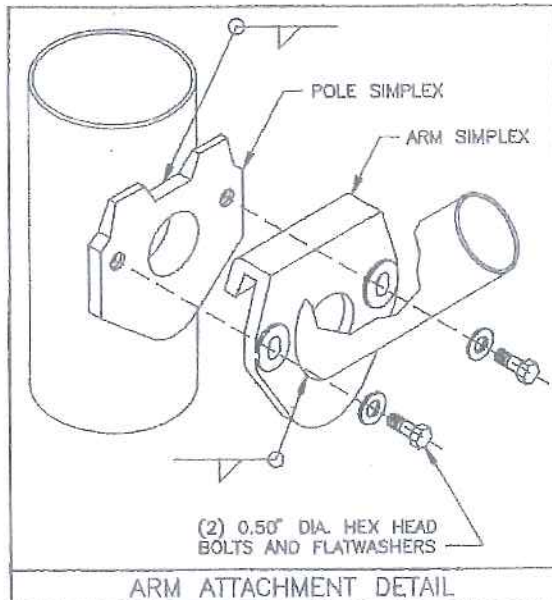
Effective Projected Area (EPA): The EPA for the ATB2 is .78 sq. ft.
Approx. Wt. = 21 lbs.

TYPE S1, TYPE S1A, AND TYPE S1B LIGHTING POLES

POLE TO BE PROVIDED WITH 12-FOOT
SINGLE ARM

TYPE S1 AND TYPE S1A: INSTALLED ON
RAMP FOUNDATION WALL

TYPE S1B: INSTALLED AT GRADE



TYPE S1 AND TYPE S1A: POLE HEIGHT = 25 FT.
BRACKET ARM HEIGHT = 3 FT. FOUNDATION BASE HEIGHT = 4 FT.
BREAKAWAY BASE HEIGHT = 8 INCHES
OVERALL HEIGHT = 32 FT - 8 IN

TYPE S1B: POLE HEIGHT = 30 FT BRACKET ARM HEIGHT = 3 FT.
BREAKAWAY BASE HEIGHT = 8 INCHES
OVERALL HEIGHT = 33 FT