

1. Legal Ad

Documents: [PB LGL AD 1-20-15.PDF](#)

2. Agenda

Documents: [PB AGENDA 1-20-15.PDF](#)

3. R-6 Text Amendments

3.I. PB Memo And Attachments

Documents: [R6 TEXT AMENDMENTS \(PB MEMO AND ATTACHMENTS\).PDF](#)

3.II. R6 Text Amendments (Public Comments)

Documents: [R6 TEXT AMENDMENTS \(PUBLIC COMMENTS\).PDF](#)

4. 1945 Congress Street

4.I. PB Memo And Attachments

Documents: [CONGRESS ST. - 1945 \(PB MEMO AND ATTACHMENTS\).PDF](#)

4.II. Congress St. - 1945 (Public Comment)

Documents: [CONGRESS ST. - 1945 \(PUBLIC COMMENT\).PDF](#)

4.III. Congress St. - 1945 (Additional Public Comments)

Documents: [CONGRESS ST. - 1945 \(ADDITIONAL PUBLIC COMMENT\).PDF](#)

5. India Street Sustainable Neighborhood Plan

5.I. India St. Sustainable Neigh. Plan

Documents: [INDIA STREET SUSTAINABLE NEIGH. PLAN \(MEMO AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, January 20, 2015, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at the public hearing.**

Workshop – 4:30 p.m.

- i. R-6 Text Amendments: The Board will consider proposed text amendments for a comprehensive update of the R-6 zone with an emphasis on revising required dimensional standards, permitting townhouse development on individual lots in the R-6 zone and revising parking standards.
- ii. Zoning Map Amendment from R-2 Residential to OP Office Park; 1945 Congress Street; Northland Enterprises, Applicant: The Board will hold a workshop to consider a zoning map amendment application by Northland Enterprises who are seeking the zone change in order to renovate the Elks building for use by the Elks and to develop 2 buildings. The new structure would include a 15,000 sq. ft. medical building; and a 35,300 sq. ft. general office building with associated parking on the site. Access to the site will be off the UNUM Park Drive, which connects to Congress Street at the International Parkway intersection.

Public Hearing – 7:30 p.m. (Note change in time)

- i. India Street Sustainable Neighborhood Plan, City of Portland, Applicant: The Planning Board will consider a proposed recommendation to City Council on the India Street Sustainable Neighborhood Plan as part of Portland's Comprehensive Plan. The Neighborhood Plan includes recommendations on a number topics, such as historic preservation, form of development, infrastructure and open space, economic development, and affordable housing. The Plan and background information may be found here: <http://www.portlandmaine.gov/1114/India-Street>

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

AGENDA PORTLAND PLANNING BOARD

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PUBLIC HEARING – 7:30 p.m.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON JANUARY 13, 2015:**
Workshop: All members present.
Public Hearing: All members present.
4. **REPORT OF DECISIONS AT THE FOLLOWING MEETINGS:
NOVEMBER 25, 2014:**
 - i. Conditional Use Application for a Used Car Dealership; 849 Forest Avenue; David Coppersmith, Applicant. Hall moved and Boepple seconded the motion to find the proposed conditional use consistent with the conditional use standards of Section 14-473 and Section 14-183 with three conditions of approval. Board voted 4-0, Dean, Morrisette and Soley absent. Hall moved and Dundon seconded the site plan application with eight (8) conditions of approval. Board voted 4-0, Dean, Morrisette, and Soley absent.
 - ii. Nomination of House Island as a Local Historic District; Portland's Historic Preservation Board, Applicant. Hall moved and Boepple seconded the motion to find the proposed designation is consistent with the criteria for designation in the Historic Preservation Ordinance (Section 14-

610 (a) and (b), Section 14-611) and is consistent with the Comprehensive Plan, thus the Planning Board recommends the designation of House Island as a Historic District to the City Council. The Board voted unanimously 4-0 (Dean, Morrisette and Soley absent).

JANUARY 13, 2015:

- i. Election of Officers: Morrisette moved and Dean seconded a motion for Stuart O'Brien to serve as Chair and Elizabeth Boepple to serve as Vice Chair. Board voted 7-0 to approve the election of officers.

5. NEW BUSINESS

- i. India Street Sustainable Neighborhood Plan, City of Portland, Applicant: The Planning Board will consider a proposed recommendation to City Council on the India Street Sustainable Neighborhood Plan as part of Portland's Comprehensive Plan. The Neighborhood Plan includes recommendations on a number of topics, such as historic preservation, form of development, infrastructure and open space, economic development, and affordable housing. The Plan and background information may be found here: <http://www.portlandmaine.gov/1114/India-Street>

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD



Memorandum
Planning and Urban Development Department
Planning Division

To: Chair O'Brien and Members of the Portland Planning Board
From: Christine Grimando, Senior Planner
Date: January 16, 2015
Re: R-6 Text Amendments
Meeting Date: January 20, 2015

I. Introduction

The Planning and Urban Development Department is proposing text amendments to the R-6 Residential Zone. These changes are primarily concerned with the dimensional requirements of the zone and parking standards. The provision for *small residential lot development*, enacted in 2005, is proposed for elimination. Changes are also proposed to clarify standards for lots of record. Finally, an important aspect of the changes is to convert the dimensional requirements from a descriptive listing to a table format, shortening and simplifying the overall text of the ordinance. The Planning Board has held two previous workshops on this topic, on October 28th and November 25th. Both memos and their attachments are included as Attachment 4 & 5, for reference, as well as a complete draft of the proposed changes in Attachment 1. The bulk of this memo focuses on areas of change since the November workshop.

II. Comprehensive Plan Policies

Numerous recommendations in Housing: Sustaining Portland's Future, support these text changes. Policy 1 indicates zoning should encourage all types of high quality and compatible housing to enhance neighborhoods, encourages high density, small lot infill, and allowing for a range of housing types. Policy 3 (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) recommends updating codes to encourage new residential development that: Offer diverse and quality living options; Encourages traditional neighborhood elements, Promotes a walkable city; Are Compatible with Portland's existing neighborhoods. It also recommends ensuring the integrity and economic value of Portland's neighborhoods, working to find productive uses for vacant and underutilized lots, and increasing density where appropriate to achieve neighborhood diversity.

III. Changes to the Text Amendments since November

- a. Cumulative Side Setbacks.

Five foot side setbacks are proposed for the R-6 zone. The dimensional standards proposed are made with the needs and viability of small lots in mind. Comments were made at previous meetings, by the public and by the Board, regarding the need for flexibility if small lots were to accommodate both a building and a driveway. Existing residential patterns in the R-6 zone show a preponderance of houses hugging one property

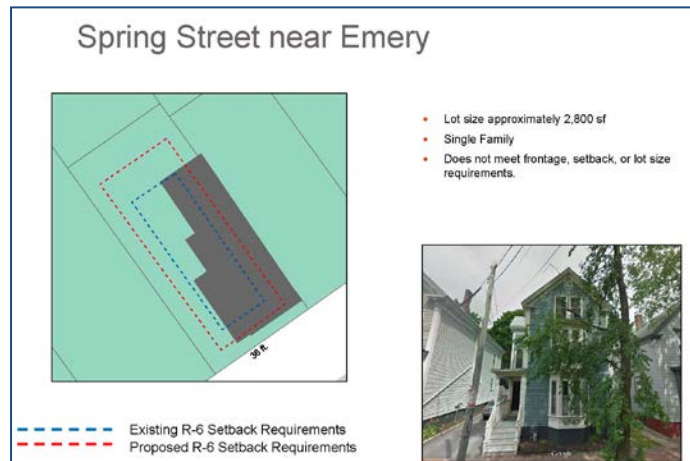


Figure 1

line, and a driveway along the other (Figure 1, a sketch to illustrate existing and proposed setbacks, shows this common existing non-conforming condition of a lot on Spring Street). To make this configuration a possibility in the future, the amendment now includes the following side setback requirement: *5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft. A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.*

b. Lodging House Minimum Lot Size

Currently the minimum lot size for a Lodging House is 4,500 square feet, the same minimum lot size as permitted for residential uses. When the initial draft amendment for a reduction of residential lot sizes was put forward, this number was made correspondingly smaller to maintain consistency between the Lodging House and the Residential use standard. In the previous month, the reduction in Lodging House lot size has been brought to staff's attention as a source of concern in several neighborhoods, and the standard has been adjusted back to the current 4,500 square feet.

c. Parking Standards

Planning Board and staff has received a great deal of public input and concern (in addition to some support) in regard to the proposed changes to the residential parking standards, which would exempt the first three residential units from providing parking. This is not a proposal for a prohibition on providing off-street parking, and we expect that a majority of proposals for new residential development will continue to incorporate off-street parking where feasible. The proposal is made in the hope it grants some flexibility for small lots that might otherwise be challenged to make lot dimensions work for a new structure and a new parking spaces, both. In light of the recent feedback received, an alternative proposal for amended parking standards is included (Attachment 2). Instead of the exemption from the first three spaces, the alternate standard states that *Where creation of a new driveway opening would result in the loss of on-street parking, no off-street parking is required for the first dwelling unit.*

Currently, a single dwelling unit in the R-6 zone is required to provide one parking space. New curb cuts can impact one, and sometimes more, on-street space (depending on the

location of the curb cut in relation to the spacing of existing on-street parking spaces). This alternative parking language is an exemption for the first required space where it would require a new driveway, and would not create a net gain in new parking. It is not a prohibition on new driveways or off-street parking, and grants some flexibility for small lots and new single family homes should they wish to take advantage of this exemption, with no net loss of parking.

In addition to this alternate parking amendment, Planning staff is proposing a change to the City Technical Manual, discussed in **III**, below. The two provisions in combination offer substantial flexibility in meeting required parking amounts. This will hopefully quell some of the public's concerns that a full exemption for the first three required parking spaces will dramatically and negatively impact on-street parking supply on the peninsula.

These two parking provisions – exemption from the first unit where a new driveway opening is required, and the exemption of the first three spaces - are for discussion at the January 20th workshop. If one is preferable to the Board, that version would be posted with rest of the R-6 amendments for the subsequent meeting.

d. Lot Mergers/Lots of Record

Changes to the definition of Lot, as well as to 14-433, *Lots of Record and accessory structure setbacks for existing buildings* are attached. Organizational, structural changes to the section are included, in addition to substantive changes to the section. These changes maintain minimum standards for existing non-conforming lots, both for contiguous lots under common ownership and individual lots, while granting them relief from meeting all current dimensional standards.

Under current zoning, contiguous lots of record under common ownership are interpreted as a single tract of land. By changing the dimensional standards to include smaller lot sizes and reduced setbacks, many of these previously unbuildable small lots will return to the pool of buildable property. To account for the inability of many existing lots to meet all dimensional standards - a lot that contains an existing building that does not meet existing setbacks, for instance, would not qualify as meeting all dimensional requirements, and would still merge with an adjacent lot under common ownership – such contiguous lots are only required to meet minimum lot size and frontage requirements to maintain their separate, buildable status. The changes to 14-433 states that *Contiguous lots of record under common ownership shall be deemed to be separate lots, provided that they either meet the minimum lot area and minimum frontage of the zone in which they are located, or the minimum applicable standards of 14-433 (a-d)*. In the R-6 this would mean contiguous lots under common ownership would need to be a minimum of 2,000 square feet in lot size, and have a minimum street frontage of 20 feet. Maintaining a basic standard of a small minimum lot size and minimum street frontage allows for small, nonconforming lots of record to function as buildable lots, without disqualifying them for the other possible dimensional non-conformities that may exist, such as existing buildings at lot lines.

IV. Technical Standards

In addition to this alternative, we are proposing an amendment to the City's Technical Manual for the addition of a Tandem Parking standard as a legitimate means to meet parking requirements. Tandem

parking is the placement of two or more vehicles in a row directly behind one another. Off-street parking often occurs in this way, with two or more parking spaces parked in tandem in a driveway. Recognizing tandem parking as a way to satisfy, in part or in whole, a residential parking requirement would grant additional parking flexibility, free up valuable land area, and potentially reduce construction costs. Many cities allow some measure of tandem parking to meet residential requirements, often with limits and conditions in regard to total number, dimensions, and qualifying zones. A sampling of places with tandem parking provisions in their codes includes: Berkeley, Boston, Burlington, Hoboken, Mankato, Miami, Nantucket, Phoenix, Providence, Salt Lake City, among others.

An amendment to the Technical Manual requires a dedicated public hearing by the Planning Board, distinct from the R-6 amendments. As this is a new topic, and an outgrowth of the R-6 amendment process, staff will bring a Technical Manual forward at the next available agenda to allow for up to three tandem parking spaces in a residential driveway, accompanied by minimum dimensional requirements. This will be a practical, valuable change, as well as one that respects existing development patterns and the constraints of small, urban lots.

V. Other Issues

a. Life Safety Codes

At the previous workshop it was asked if these reduced setbacks are consistent with Life Safety requirements. Zoning and building codes are distinct standards new development has to satisfy, and among possible others, depending on the location and extent of the change. Specifically, the question arose whether it was possible to have residential construction as close as the amendment would allow, and by extension whether a possible contradiction in requirements was being established. The applicable building codes allow for very close, as well as joined, residential construction. As buildings get closer together, the construction standards change in response to that proximity. A sample of standards from what is a large and complex set of building codes is below:

Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection (Sample)		
Exterior Wall Distance	Degree of Protection	Allowable Area for Openings
0-3 ft	Unprotected, Non-Sprinklered	None
	Unprotected, Sprinklered	None
	Protected	None
5-10 ft	Unprotected, Non-Sprinklered	10%
	Unprotected, Sprinklered	25%
	Protected	25%
15-20 ft	Unprotected, Non-Sprinklered	25%
	Unprotected, Sprinklered	75%
	Protected	75%
25-30 ft	Unprotected, Non-Sprinklered	70%
	Unprotected, Sprinklered	No Limit
	Protected	No Limit
<i>Source: 2009 International Building Code</i>		

Construction materials, sprinkling requirements, and allowable openings (windows and doors) on exterior walls, alter according to distance between buildings.

b. Affordable Housing.

The question of the relationship of the proposed zoning changes to affordable housing has been asked at recent workshops. To clarify this point, as it may come up at future meetings on the R-6 amendments, these text amendments don't include affordability requirements, or requirements that any housing be kept at specified affordability levels in perpetuity. The City recently had a housing study completed

(<http://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/1369?fileID=5581>), evaluating a range of tools and strategies to consider towards fostering greater housing affordability. Changing the requirements of the R-6 zone is one tool among many, and these changes do encourage housing affordability in allowing greater numbers of housing units to be created than is currently permitted, and by proposing to reduce parking requirements which impact affordability in both lowering total construction costs and in allowing more land to be dedicated to housing. By lowering the minimum lot size the possibility for small increments of development increases, and with it the potential for owner-occupied duplexes and triplexes. These changes support a diversity of housing choices, and with them the potential to add to the housing supply in a context that is consistent with the existing neighborhood patterns that would be impossible to replicate under the current zoning standards.

c. Parking Impacts

There is no comprehensive city-wide or peninsula-wide parking assessment of total usage of on-street spaces, or total parking need. In addition to supporting reducing parking requirements as one tool to assist in creating more affordable housing, the housing study recently completed by the Greater Portland Council of Governments also cites United States census data that shows that the percentage of households on-peninsula with 0-1 vehicles (77%) is far greater than the national average of 44%. Further insight into current trends can be found in several recent assessments for specific development proposals which have assessed the average need of the peninsula to be .48 spaces per apartment. Attachment 6 is an excerpt of traffic and parking analysis conducted by Gorrill-Palmer Consulting Engineers for a recently approved Avesta Housing project on Washington Avenue. It cites five other parking assessments done for the City. A similar question was raised for the Bayside Anchor project in East Bayside during its review in the summer of 2014, and similar conclusions were reached. Though parking space demand will vary across households, this assessment has been affirmed, and peer reviewed, in several recent studies that have accompanied development proposals to the Planning Board.

Support for reduced parking requirements extends to housing affordability considerations, but also to the topics of walkable communities, transit, sustainability and urban design. Below is a cursory sample listing of the many publications on this issue, from a variety of sources and disciplines, each emphasizing the value of reducing minimum parking requirements.

- Developing Parking Policies to Support Smart Growth in Local Jurisdictions: Best Practices. Wilbur Smith Associates, et al.
http://www.mtc.ca.gov/planning/smart_growth/parking/parking_study/April07/bestpractice_042307.pdf
- Parking Management Best Practices. Todd Litman (Book)
- Parking Requirement Impacts on Housing Affordability. Todd Litman, Victoria Transport Policy Institute. <http://www.vtpi.org/park-hou.pdf>

- Parking Spaces/Community Places: Finding the Balance through Smart Growth Solutions. US. Environmental Protection Agency.
<http://www.epa.gov/smartgrowth/pdf/EPAParkingSpaces06.pdf>
- Smart Growth Alternatives to Minimum Parking Requirements. Christopher V. Forinash, Adam Millard-Ball, Charlotte Dougherty and Jeffrey Tumlin (Book)
- Walkable City. Jeff Speck (Book)

d. Visuals of Proposed Changes

Tuesday's workshop will include a slideshow of the following visuals as they pertain to the R-6 zone: vacant lots, vacant lots 2,000 sf+, total non-conforming lots (according to minimum lot size) under current zoning and proposed, a density map, and analysis of the zoning changes as they relate to a section of Parkside.

VI. Next Steps

The January 20th workshop will be the third on the R-6 and related changes. We hope the Board feels this has been sufficient time dedicated to this topic, and that a public hearing can be scheduled on the proposed amendments.

VII. Attachments

1. Proposed Text Amendments to Portland Land Use Code, Div. 7, R-6 Residential Zone, 14-47, 14-332, 14-433.
2. Alternate Parking Text Amendment
3. Table of Existing and Proposed Dimensional requirements
4. October 28th Planning Board Memo
5. November 25th Planning Board Memo
6. Gorrill-Palmer Parking Analysis (excerpt from prior application)
7. Public Comment
 - PC1
 - PC2

Date of Draft: January 15, 2015

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

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.

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 zones:

(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;~~

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 zones shall meet or exceed the following minimum requirements:

Date of Draft: January 15, 2015

R-6 Dimensional Requirements	
Minimum Lot Size	Residential Uses: 2,000 sf, except that in R-6A the min. residential lot size is four (4) acres.
	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.
	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 2,000 sf
	Hospital: Two (2) acres
	Lodging house: 4,500 sf
	All other uses: 2,000 sf
Min. Lot Area/Dwelling Unit	725 s.f.
Min. Lot Area/Lodging House Rooming Unit & Min. Land Area per Intermediate Care Facility Resident	250 s.f.
Street Frontage	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	5 ft, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	Setbacks for swimming pools shall be as provided for in section 14 432 (swimming pools) of this article
Minimum Side Yard Setback for Principal and Accessory Structures	5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft. A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.
	Side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height, and 15 ft. for principal structures greater than 45 ft. in height.
Side Yard on Side Street	None
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. Does not apply to side yards on side streets.
Maximum Lot Coverage	60%
Minimum Lot Width	20 feet
Maximum Height	Principal and attached accessory structure: 45 ft, except that the max. principal and attached accessory structure height shall be 65 ft.
	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14 47.
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.
Maximum floor area for places of Assembly	On a collector or arterial road:
	Large: Not limited
	Medium: 4,500 s.f.
	Small: 2,250 s.f.
	Not on a collector or arterial road:
	Large: 4,500 s.f.
	Medium: 2,250 s.f.
	Small: 1,125 s.f.
Maximum Garage Opening	Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.

b. Townhouse Subdivisions

Subdivisions consisting of horizontally attached dwellings on

individual lots are not required to have side yards between such dwellings where a party wall condition will exist. Horizontally attached dwellings located within a single lot shall be required to meet the applicable side yard requirements at the external lot boundaries of the subdivision and internal lot boundaries between such dwellings that are not attached to each other. No minimum lot size, width shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each lot.

C. Single-family, two-family, and multi-family dwellings in existence as of (date of enactment) 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 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.

~~(a) Minimum lot size:~~

- ~~1. 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.~~
- ~~2. Reserved.~~
- ~~3. 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.~~
- ~~4. Intermediate care facility: One (1) acre.~~
- ~~5. School: Thirty thousand (30,000) square feet.~~
- ~~6. Places of assembly:~~

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

- ~~7. Municipal use: Forty-five hundred (4,500) square feet.~~
 - ~~8. Hospital: Two (2) acres.~~
 - ~~9. All other uses: Forty-five hundred (4,500) square feet.~~
 - ~~10. Lodging house: Four thousand five hundred (4,500) square feet.~~
- ~~(b)~~
- ~~1. 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.~~
 - ~~2. 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.~~
 - ~~3. Minimum land area per lodging house rooming unit: Two hundred fifty (250) square feet.~~
 - ~~4. 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.~~
- ~~(c) Minimum street frontage: Forty (40) feet.~~
- ~~(d) 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.)~~
- ~~1. 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.~~

~~2. Rear yard:~~

- ~~a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.~~
- ~~b. Detached accessory structures with a ground coverage of one hundred and forty four (144) square feet or less: Five (5) feet.~~
- ~~c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.~~

~~3. Side yard:~~

- ~~a. 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.~~

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

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

~~4. Side yard on side streets:~~

~~a. Principal or accessory structures: Ten (10) feet.~~

~~(c) 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.~~

~~(f) Minimum lot width: Fifty (50) feet.~~

~~(g) Maximum structure height:~~

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

~~Accessory detached structure: Eighteen (18) feet.~~

~~(h) Open space ratio:~~

~~1. 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.~~

~~2. 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.~~

~~(i) 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.~~

~~(j) 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.~~

~~(k) 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.

~~(l) 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.

~~(2) 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.~~

~~(a) Minimum lot size: None~~

~~(b) Maximum lot size: Ten thousand (10,000) square feet.~~

~~(c) Yard dimensions:~~

~~1. Front yard:~~

~~No more than ten (10) feet.~~

~~2. 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.~~

~~3. 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.~~

~~(d) 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.~~

~~(e) Maximum principal structure height: Forty five (45) feet.~~

~~(f) 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.~~

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

~~(h) Minimum land area per dwelling: Seven hundred and twenty five (725) square feet.~~

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, except that required parking for residential building additions shall be located on the same lot.

~~For small, vacant lots which meet, and are developed under, the dimensional standards of 14-139(2) above, the following off-street parking requirements shall apply:~~

~~1. One (1) parking space per dwelling unit is required and shall be located on the same lot; and~~

~~2. The technical and Design Standards for driveway design~~

Date of Draft: January 15, 2015

~~for one and two-family buildings (Section II, Traffic Design Standards and Guidelines) shall apply to projects with up to four units and with no more than four parking spaces;~~

(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 S14-526.~~

Amendments to Section 14-332, Parking

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction, two, (2) parking spaces for each dwelling unit, ~~plus one (1) additional parking space for every six (6) units or fraction thereof.~~
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68, 78, 88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (southerly of I-295 and Tukey's Bridge) and R-6 and R-6A zones.
 - a. One (1) space per unit except that no parking shall be required for the first three (3) units in the R-6 Residential Zone;
 - 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.

Amendments to Section 14-47. Definitions

~~Lot: Except when reference is made herein to a lot of record, a lot is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A parcel or area of land that is designated as an individual unit for use, development or ownership that is either a) a lot of record, recorded in the Cumberland County Registry of Deeds; or b) a combination of such lots of record; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.~~

Amendments to Section 14-433. Lots of record and accessory structure setbacks for existing buildings

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

1. Lots of Record.

Lots of record that meet the minimum standards provided below shall be considered buildable lots.

(a) ~~Notwithstanding any other language in this ordinance, Any lot~~Lots of record as of June 5, 1957, ~~may be considered a buildable lot in any residential zone provided the applicable yard dimensions can be met; and held under separate and distinct ownership from adjacent lots and provided that a minimum having a~~street frontage of forty (40) feet ~~can be met~~, or to which a means of access has been previously approved by the city council as provided elsewhere in this article; ~~r may be considered a buildable lot in any residential zone except as provided below for island residential zones, and provided such lots have with~~ a minimum lot size of five thousand (5,000) square feet, ~~except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, or the applicable minimum lot size and frontage in that zone, whichever is less provided that the applicable yard dimensions can be met.~~

(b) A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

(c)
(a) Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and

public water, in which case it shall have a minimum area of five thousand (5,000) square feet.

~~(b) —~~

(d) A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

(e) Contiguous lots of record under common ownership shall be deemed to be separate lots, provided that they either meet the minimum lot area and minimum frontage of the zone in which they are located, or the minimum applicable standards of 14-433 (a-d).

~~(c) —~~

2. Accessory Structures and Building Additions. Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met ~~provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:~~

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

(3).Conversion of Accessory Structures to Dwelling Units: Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

~~Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be~~

Date of Draft: January 15, 2015

~~considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.~~

~~(d) A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.~~

Date of Draft: January 15, 2015

Parking Amendment v 2

Amendments to Section 14-332, Parking

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) Residential structures:

1. For new construction, two, (2) parking spaces for each dwelling unit, ~~plus one (1) additional parking space for every six (6) units or fraction thereof.~~
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (southerly of I-295 and Tukey's Bridge) and R-6 and R-6A zones.

~~a.~~ a. One (1) space per unit;

†

- ~~bb.~~ bb. 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.

- ec. 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.

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

- (a) *IR-3, Island Residential Zone, Off-street parking:* Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.
- (b) *USM Overlay Zone, parking:* The parking requirements of section 14-332 (division 2) shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the planning board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the planning board may take into account such factors as:
 - 1. The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.
 - 2. The ratio of commuter students to resident students.

3. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
 4. Shared use of a single parking facility by two or more buildings when the peak parking demand period for such buildings do not overlap.
 5. Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.
 6. Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.
- (c) *Recreation open space zone:* Off-street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.
- (d) *Change of use in the B-2b zone:*
1. A change of use of 10,000 sq. ft. or less of floor area of a building or a portion of a building need not provide parking for non-residential uses, provided that if the number of existing parking spaces serving the site is less than the requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except:
 - a. To the extent necessary to meet the requirements of the Americans with Disability Act; or
 - b. To the extent it is a requirement or a condition of site plan review; or
 - c. To the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site

exceeds the parking requirements of this division for all uses on the site including the change of use.

2. A newly constructed building, a building addition or a change of the use of a building exceeding 10,000 sq. ft. of floor area, shall provide the parking required by this division.
- (e) *B-3 Zone*: No off-street parking is required for changes of use.
 - (f) *I-R1, Island Business Zone*: Off-street parking shall be required at twenty-five (25%) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, except that residential uses shall meet the full parking requirement.
 - (g) *B-5 Zone*: No off-street parking shall be required.
 - (h) *B-6 Eastern Waterfront Mixed Use Zone*: Off-street parking for all projects regardless of size shall be governed by 14-332.2(c) of this article.
 - (i) *B-7, Mixed Development District Zone*: Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.
 - (j) *Waterfront Zone parking requirements; Eastern Waterfront Port Zone; Waterfront Central Zone; Waterfront Port Development Zone; Waterfront Special Use Zone*: Off-street parking is required at fifty (50%) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.
 - (k) *R-6 Zone*: Where creation of a new driveway opening would result in the loss of on-street parking, no off-street parking is required for the first dwelling unit.

R-6 Existing and Proposed		
Dimensional Requirements	Existing	Proposed
Minimum Lot Size	Residential Uses: 4,500 sf	Residential Uses: 2,000 sf, except that in R-6A the min. residential lot size is four (4) acres.
	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.	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.
	Intermediate care facility: One (1) acre.	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 30,000 sf; Medium, 15,000 sf; Small, 7,500 sf.	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 4,500 sf	Municipal Use: 2,000 sf
	Hospital: Two (2) acres	Hospital: Two (2) acres
	Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: 4,500 sf
	All other uses: Forty-five hundred (4,500) square feet.	All other uses: 2,000 sf
Min. Lot Area/Dwelling Unit	Minimum land 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.	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
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.	
Street Frontage	40 feet	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	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.	5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft. A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.
		Side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height, and 15 ft. for principal structures greater than 45 ft. in height.
Minimum Rear Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Minimum Side Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	5 ft, except that side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height. And 15 ft. for principal structures greater than 45 ft. in height.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
	i. 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.	

R-6 Existing and Proposed		
<i>Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
	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.	
Side Yard on Side Street	10 feet	None
Structure Stepbacks		Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
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.	60%
Minimum Lot Width	50 feet	20 feet
Maximum Height	Principal and attached accessory structure: Forty-five (45) feet.	Principal and attached accessory structure: 45 ft, except that the max. principal and attached accessory structure height shall be 65 ft.
	Accessory detached structure: Eighteen (18) feet.	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	<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.	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14 47.
	<i>Bed and breakfasts.</i> 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 20% of the lot area. A bed and breakfast located on a lot that does not have at least 20% 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.	
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.	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.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>	<i>On a collector or arterial road:</i>
	Large: Not limited	Large: Not limited
	Medium: 4,500 sf	Medium: 4,500 s.f.
	Small: 2,250 sf	Small: 2,250 s.f.
	<i>Not on a collector or arterial road:</i>	<i>Not on a collector or arterial road:</i>
	Large: 4,500 sf	Large: 4,500 s.f.
	Medium: 2,250 sf	Medium: 2,250 s.f.
	Small: 1,125 sf	Small: 1,125 s.f.
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.
Date of Draft: December 16, 2014		



Memorandum
Planning and Urban Development Department
Planning Division

To: Chair O'Brien and Members of the Portland Planning Board
From: Christine Grimando, Senior Planner
Date: October 24, 2014
Re: R-6 Text Amendments
Meeting Date: October 28, 2014

I. Introduction

The Planning and Urban Development Department is proposing text amendments to the R-6 Residential Zone. These changes are primarily concerned with the dimensional requirements of the zone and parking standards. The provision for *small residential lot development*, enacted in 2005, is also proposed for elimination. An important aspect of the changes is to convert the dimensional requirements from a descriptive listing to a table format, shortening and simplifying the overall text of the ordinance. A summary of all proposed changes is included in V., below.

The objective of these changes is to allow for a pattern of development that provides for greater housing opportunities, enables infill development on small parcels, and to have standards in place that make it possible for new construction to be consistent with the historic pattern of development prevalent in the neighborhoods where R-6 is prevalent.

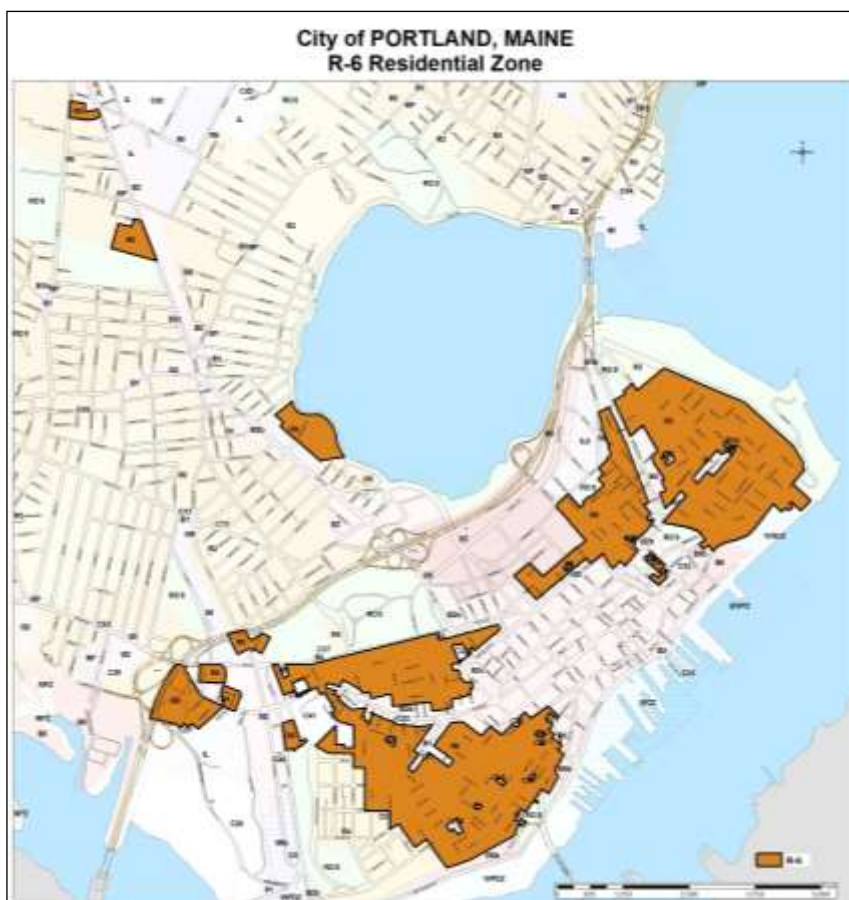


Figure 1

As the dominant on-peninsula residential zone, R-6 encompasses the majority of Munjoy Hill, Parkside, the West End, and portions of other neighborhoods. These neighborhoods, varied though they are, embody successful pre-war development patterns – patterns that are not mirrored in the current dimensional requirements of the R-6 zone. Though the pattern of the peninsula’s built environment is largely established, incremental changes to that pattern are ongoing, and the parameters of current zoning affect urban character today and into the future. It is hoped that these changes bring Portland’s zoning closer into alignment with desirable patterns of development than is currently the case, as well as offering greater flexibility to existing and future property owners. As an example of the disparity between development patterns and zoning requirements, the current minimum lot size of 4,500 square feet renders 71% of existing parcels non-conforming. Similarly, the current minimum front setback of ten feet does not reflect the predominant pattern of Portland’s residential neighborhoods, and if met or exceeded would produce a place of a significantly different urban character from the historic and much loved pattern there today.

On October 20th, City Council passed an amendment to the R-6 zone to incorporate zone R-6A. These changes are not yet incorporated into the first draft of the amendment before you, but will be integrated in future drafts. The absence of the R-6A changes does not substantively impact the draft you are reviewing for the October 29th workshop.

II. Purpose Statement for the R-6 and Land Use Policies

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, and (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.

This amendment will produce R-6 standards of greater consistency with the R-6 purpose statement than the current regulations.

III. Comprehensive Plan Policies

Numerous recommendations in Housing: Sustaining Portland’s Future, support these text changes. Policy 1 indicates zoning should encourage all types of high quality and compatible housing to enhance neighborhoods, encourages high density, small lot infill, and allowing for a range of housing types. Policy 3 (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) recommends updating codes to encourage new residential development that: Offer diverse and quality living options; Encourages traditional neighborhood elements, Promotes a walkable city; Are Compatible with Portland’s existing neighborhoods. It also recommends ensuring the integrity and economic value of Portland’s neighborhoods, working to find productive uses for vacant and underutilized lots, and increasing density where appropriate to achieve neighborhood diversity.

IV. City Council Goals.

These amendments are consistent with the City Council Common Goals and Objectives for 2014, which calls for zoning ordinance to allow for greater housing opportunities. A specific housing objective states: *Complete draft rewrites of the R-6, R-7 and B-2 portions of the zoning ordinance to allow for greater housing opportunities and present to Planning Board and Housing and Community Development Committee for review and*

recommendations to City Council.

V. Proposed Text Amendments

Table 1 includes all proposed dimensional changes, with brief discussion of other proposed text amendments to follow.

Table 1

R-6 Existing and Proposed		
Dimensional Requirements	Existing	Proposed
Minimum Lot Size	Residential Uses: 4,500 sf	Residential Uses: 2,000 sf
	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.	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.
	Intermediate care facility: One (1) acre.	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 30,000 sf; Medium, 15,000 sf; Small, 7,500 sf.	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 4,500 sf	Municipal Use: 2,000 sf
	Hospital: Two (2) acres	Hospital: Two (2) acres
	Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: Two thousand five hundred (2,500) s.f.
	All other uses: Forty-five hundred (4,500) square feet.	All other uses: Two thousand five hundred (2,000) s.f.
Min. Lot Area/Dwelling Unit	<i>Minimum land 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.	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f (Combine Lodging House Rooming Unit and Intermediate Care Facility Resident requirement)

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.	see above
Street Frontage	40 feet	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	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.	5 feet, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14 432 (swimming pools) of this article
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Minimum Side Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	5 feet, except that lots under common ownership may have a minimum of 0 feet on one side yard structures, provided a cumulative of 10 feet of side yard setbacks is provided.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	ii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:	
	<i>Height of Structure Required Side Yard</i>	
	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.	
Side Yard on Side Street	10 feet	0 feet
Structure Stepbacks		Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
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.	60%
Minimum Lot Width	50 feet	20 feet
Maximum Height	Principal and attached accessory structure: Forty-five (45) feet.	Principal and attached accessory structure: Forty-five (45) feet.
	Accessory detached structure: Eighteen (18) feet.	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	<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.	20%
	<i>Bed and breakfasts.</i> 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.	
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.	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.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>	<i>On a collector or arterial road:</i>
	Large: Not limited	Large: Not limited
	Medium: 4,500 sf	Medium: 4,500 sf
	Small: 2,250 sf	Small: 2,250 sf
	<i>Not on a collector or arterial road:</i>	<i>Not on a collector or arterial road:</i>
	Large: 4,500 sf	Large: 4,500 sf
	Medium: 2,250 sf	Medium: 2,250 sf
	Small: 1,125 sf	Small: 1,125 sf
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.

The changes are meant to simplify the ordinance, provide opportunities for additional housing construction, and allow for greater flexibility on lots. To that end the density standard, currently a variable 1,000 sf per dwelling unit for the first three units, and 1,200 sf per dwelling unit thereafter (36 units per acre) is being proposed to be changed to 725 sf per dwelling unit (60 units per acre). Minimum lot size is proposed to change from 4,500 sf to 2,000 sf, better matching the dense, small lot fabric of residential neighborhoods on the peninsula. Setbacks are reduced to also better match traditional building patterns, reducing the front setback from 10 feet to 5 feet. Side and rear setbacks are similarly reduced. The changes to lot coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing small additions, decks, or accessory structures to be built where they currently are not allowed, allowing greater flexibility for existing properties, and also allowing for the possibility of existing neighborhood patterns to be replicated.

Other significant changes include:

- A provision to allow townhouse style, horizontally attached dwelling units to occur through the elimination of the side setback (Sec. 14-139.b).

- The Small Residential Lot Development (current Sec. 14-139.2) is proposed to be eliminated. This standard is in place to allow for small, non-conforming lots to be developed, as the current minimum lot size renders so many small lots unbuildable. It is the goal of these changes to have a lot size sufficiently small as to eliminate the need for this provision.
- A maximum portion of the front façade has been set to 9 feet or 40 percent, so as not to have residential facades be disproportionately dominated by vehicle storage.
- Staff is proposing that the on-peninsula residential parking requirement be eliminated for the first three dwelling units. A duplex would have no parking requirement and a six unit building would be required to provide three spaces, for example. This change will better enable small lot development, allowing 1-4 unit structures such as the traditional triple decker on small lots (a well-distributed housing type in the R-6 neighborhoods), and greater viability for small scale, non-professional homebuilders.

VI. Public Process

Over the course of several months, staff met with each impacted neighborhood organization to discuss the proposed changes, on the following dates:

- June 11. West End Neighborhood Association
- June 16. Western Promenade Neighborhood Association
- July 7. St. John Valley Neighborhood Association
- July 14. Libbytown Neighborhood Association
- July 16. Parkside Neighborhood Association
- August 5. Bayside Neighborhood Association
- August 11. Munjoy Hill Neighborhood Association
- August 19. East Bayside Neighborhood Association

Though some of these standards have changed since their initial conception, the below summary of changes that were being considered was presented at each meeting (Table 2). The same table was distributed at each meeting so that every neighborhood organization had an opportunity to respond to a common proposal, with the caveat that some of the dimensions and details of the proposal were likely to alter. Planning staff also met with the Southern Maine Landlord Association, and numerous individuals who requested meetings on the topic.

Table 2

Potential R-6 Amendments to Dimensional Requirements		
<i>Residential Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

At these meetings, staff made a brief presentation on the reasons for rezoning, how the changes related to existing neighborhood contexts, and implications for future development. A sample of one of the packets distributed for the East Bayside Neighborhood Association meeting is included as Attachment 4. The packet included examples of nonconforming parcels, with sketches demonstrating the results of existing and proposed setbacks (see example in Figure 2) to illustrate the limitations in incongruity of existing dimensional requirements.



Figure 2

The feedback we received was lively and varied, and much of it was supportive. The overall goals of zoning standards that better align with historic and desired patterns of development, the need to allow for greater housing production, and greater flexibility for property owners on small lots were received well. Feedback on the details of the proposal was far from uniform or entirely positive, though, and there were several recurrent themes that emerged:

- *That five foot minimum side setbacks combined with a 45 foot height limit will create light and air impacts for adjacent properties.* In response, the text amendments were changed to include stepbacks of an additional five feet beyond rear and side yard requirements for portions of building above 35 feet.
- *That allowing higher densities in residential zones will hasten a loss of larger housing units and families that occupy them, including the conversion of single family homes and multi-bedroom apartments to 1-bedrooms and efficiencies.* There is an existing zoning provision that speaks to this concern, placing size limits on the conversion of existing buildings into additional dwelling units. Sec. 14-136.2 requires that the creation of new multifamily dwellings originating from the alteration of an existing residential structure not result in the creation of any new dwelling unit of less than 600 square feet of floor area, and shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area. This does not prohibit division of existing units, but it does aid in the retention of a varied housing stock.
- *That the proposed parking exemption for the first three units will have negative impacts on the livability of the impacted neighborhoods.* This has been by far the most contentious aspect of the proposed changes. It should be noted there has been some genuine support for this proposal, as well as some qualified support, but also, and in greater numbers, opposition. A number of the people we've met with were skeptical but constructively engaged with the topic, offering possible alternatives such as allowing this exemption for small developments/small parcels only, or requiring that one parking space be mandatory

and the next three exempted to insure that a driveway, and other informal uses of that space for off-street parking, were made possible. Staff does not believe this to be a drastic proposal, and it offers flexibility and the potential for reduced costs for small lot housing production. Any property developer feeling the need for more parking spaces would still have the option of providing them – this is not a prohibition on providing parking for the first three spaces. Nevertheless it is a topic of great import for the community member we've met with, and deserves careful consideration.

VII. Next Steps

- Staff to revise R-6 amendments according to Planning Board comments.
- Schedule a date for a follow-up workshop.

VIII. Attachments

1. Proposed Text Amendments to Portland Land Use Code, Div. 7, R-6 Residential Zone
 2. Proposed Text Amendments to Portland Land Use Code, Sections 14-332, 14-333, and 14-433.
 3. Table of Existing and Proposed Dimensional requirements
 4. EBNO Meeting Packet
-
5. Public Comment
PC1: Todd Alexander 7/10/2014
PC2: Ann Pringle 8/19/2014
PC3: Carolyn Young 8/21/2014
PC4: Jean Russo 10/10/2014
PC5: Ron Gan 10/20/2014
PC6: Donald Peterson 10/21/2014



Memorandum
Planning and Urban Development Department
Planning Division

To: Chair O'Brien and Members of the Portland Planning Board
From: Christine Grimando, Senior Planner
Date: November 21, 2014
Re: R-6 Text Amendments
Meeting Date: November 25, 2014

I. Introduction

The Planning and Urban Development Department is proposing text amendments to the R-6 Residential Zone. These changes are primarily concerned with the dimensional requirements of the zone and parking standards. The provision for *small residential lot development*, enacted in 2005, is also proposed for elimination. An important aspect of the changes is to convert the dimensional requirements from a descriptive listing to a table format, shortening and simplifying the overall text of the ordinance. A summary of all proposed changes is included in V., below.

The objective of these changes is to allow for a pattern of development that provides for greater housing opportunities, enables infill development on small parcels, and to have standards in place that make it possible for new construction to be consistent with the historic pattern of development prevalent in the neighborhoods where R-6 is prevalent.

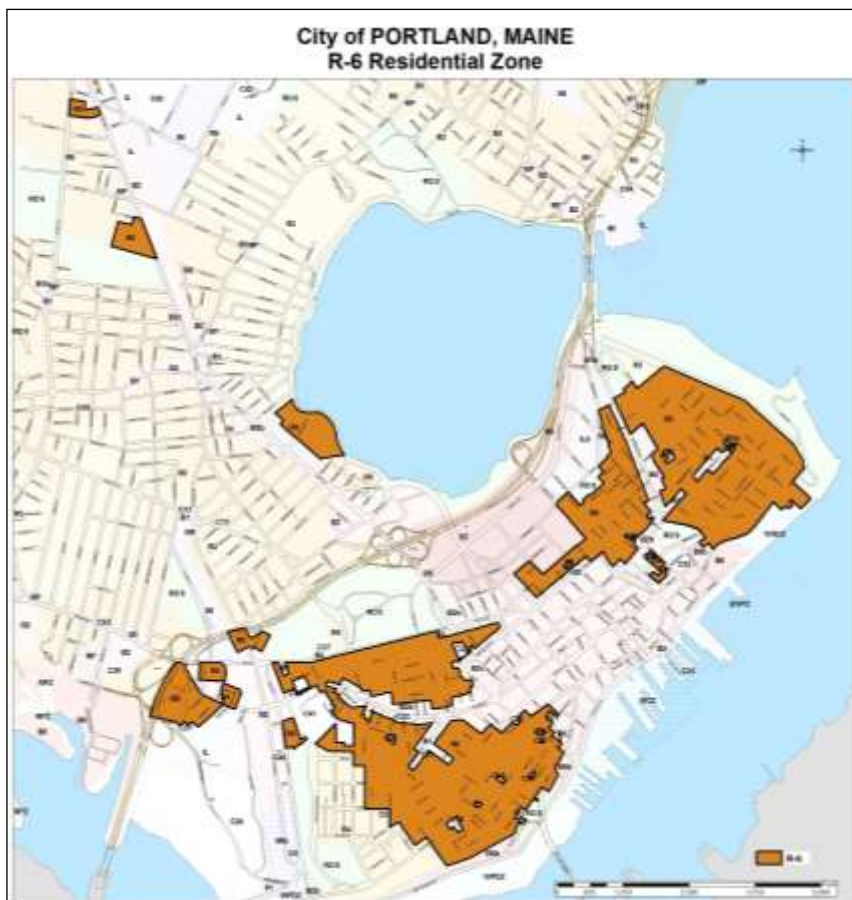


Figure 1

In Spring of 2014 the Planning Department proposed an extent of East Bayside be rezoned from R-6 to R-7, in response to repeated feedback that R-6 was not conducive to most new construction proposals. Staff at the time felt that rather than keep responding to R-7 rezoning requests, that R-7 could be more widely implemented in certain areas to preempt some applications for zone changes. Staff also discussed the fact that they were also looking into changes to the R-6 zone to make it a more viable zone to work within. After hearing much neighborhood concern about a widely expanded R-7, the Board endorsed a more circumscribed area of R-7. Feedback at that same meeting urged amending the R-6 before applying the R-7 with a broad brush. That feedback also led to the changes currently being reviewed. The R-6 zone as proposed allows greater flexibility and higher density than the existing zoning, but is still substantially more restrictive than the R-7 zone in terms of frontage, density, lot coverage (0 frontage requirement, 435 square feet of land area/dwelling unit, and 100% in the R-7 zone). These revisions to the R-6 zone are the results of that R-7 discussion.

As the dominant on-peninsula residential zone, R-6 encompasses the majority of Munjoy Hill, Parkside, the West End, and portions of other neighborhoods. These neighborhoods, varied though they are, embody successful pre-war development patterns – patterns that are not mirrored in the current dimensional requirements of the R-6 zone. Though the pattern of the peninsula's built environment is largely established, incremental changes to that pattern are ongoing, and the parameters of current zoning affect urban character today and into the future. It is hoped that these changes bring Portland's zoning closer into alignment with desirable patterns of development than is currently the case, as well as offering greater flexibility to existing and future property owners. As an example of the disparity between development patterns and zoning requirements, the current minimum lot size of 4,500 square feet renders 71% of existing parcels non-conforming. Similarly, the current minimum front setback of ten feet does not reflect the predominant pattern of Portland's residential neighborhoods, and if met or exceeded would produce a place of a significantly different urban character from the historic and much loved pattern there today. A minimum lot size of 2,000 square feet results in 86% of existing R-6 lots being conforming in the category of minimum lot size.

II. Purpose Statement for the R-6 and Land Use Policies

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, and (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.

This amendment will produce R-6 standards of greater consistency with the R-6 purpose statement than the current regulations.

III. Comprehensive Plan Policies

Numerous recommendations in Housing: Sustaining Portland's Future, support these text changes. Policy 1 indicates zoning should encourage all types of high quality and compatible housing to enhance neighborhoods, encourages high density, small lot infill, and allowing for a range of housing types. Policy 3 (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) recommends updating codes to encourage new residential development that: Offer diverse and quality living options; Encourages traditional neighborhood elements, Promotes a walkable city; Are Compatible with Portland's existing neighborhoods. It also recommends ensuring the integrity and economic value of Portland's neighborhoods, working to find productive uses for vacant and underutilized lots, and increasing density where appropriate to achieve

neighborhood diversity.

IV. City Council Goals.

These amendments are consistent with the City Council Common Goals and Objectives for 2014, which calls for zoning ordinance to allow for greater housing opportunities. A specific housing objective states: *Complete draft rewrites of the R-6, R-7 and B-2 portions of the zoning ordinance to allow for greater housing opportunities and present to Planning Board and Housing and Community Development Committee for review and recommendations to City Council.*

V. Proposed Text Amendments

Table 1 includes all proposed dimensional changes, with brief discussion of other proposed text amendments to follow.

Table 1

R-6 Existing and Proposed		
<i>Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Minimum Lot Size	Residential Uses: 4,500 sf	Residential Uses: 2,000 sf
	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.	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.
	Intermediate care facility: One (1) acre.	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 30,000 sf; Medium, 15,000 sf; Small, 7,500 sf.	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 4,500 sf	Municipal Use: 2,000 sf
	Hospital: Two (2) acres	Hospital: Two (2) acres
	Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: Two thousand five hundred (2,500) s.f.
	All other uses: Forty-five hundred (4,500) square feet.	All other uses: Two thousand five hundred (2,000) s.f.

Min. Lot Area/Dwelling Unit	<i>Minimum land 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.	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f (Combine Lodging House Rooming Unit and Intermediate Care Facility Resident requirement)
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.	see above
Street Frontage	40 feet	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	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.	5 feet, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14 432 (swimming pools) of this article
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Minimum Side Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	5 feet, except that lots under common ownership may have a minimum of 0 feet on one side yard structures, provided a cumulative of 10 feet of side yard setbacks is provided.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	ii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:	
	<i>Height of Structure Required Side Yard</i>	

	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.	
Side Yard on Side Street	10 feet	0 feet
Structure Stepbacks		Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
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.	60%
Minimum Lot Width	50 feet	20 feet
Maximum Height	Principal and attached accessory structure: Forty-five (45) feet.	Principal and attached accessory structure: Forty-five (45) feet.
	Accessory detached structure: Eighteen (18) feet.	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	<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.	20%

	<i>Bed and breakfasts.</i> 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.	
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.	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.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>	<i>On a collector or arterial road:</i>
	Large: Not limited	Large: Not limited
	Medium: 4,500 sf	Medium: 4,500 sf
	Small: 2,250 sf	Small: 2,250 sf
	<i>Not on a collector or arterial road:</i>	<i>Not on a collector or arterial road:</i>
	Large: 4,500 sf	Large: 4,500 sf
	Medium: 2,250 sf	Medium: 2,250 sf
	Small: 1,125 sf	Small: 1,125 sf
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.

The changes are meant to simplify the ordinance, provide opportunities for additional housing construction, and allow for greater flexibility on lots. To that end the density standard, currently a variable 1,000 sf per dwelling unit for the first three units, and 1,200 sf per dwelling unit thereafter (36 units per acre) is being proposed to be changed to 725 sf per dwelling unit (60 units per acre). Table 2 illustrates the implications of the proposed change to the density standard on three lot sizes. Minimum lot size is proposed to change from 4,500 sf to 2,000 sf, better matching the dense, small lot fabric of residential neighborhoods on the peninsula. Setbacks are reduced to also better match traditional building patterns, reducing the front setback from 10 feet to 5 feet. Side and rear setbacks are similarly reduced. The changes to lot

Table 2	Current R-6 Density (1000-1200 sf/du)	Proposed R-6 Density (725 sf/du)
2000 sf lot	2 units	2 units
3000 sf lot	3 units	4 units
4500 sf lot	4 units	6 units

coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing small additions, decks, or accessory structures to be built where they currently are not allowed, allowing greater flexibility for existing properties, and also allowing for the possibility of existing neighborhood patterns to be replicated.

Other significant changes include:

- A provision to allow townhouse style, horizontally attached dwelling units to occur through the elimination of the side setback (Sec. 14-139.b).
- The Small Residential Lot Development (current Sec. 14-139.2) is proposed to be eliminated. This standard is in place to allow for small, non-conforming lots to be developed, as the current minimum lot size renders so many small lots unbuildable. It is the goal of these changes to have a lot size sufficiently small as to eliminate the need for this provision.
- A maximum portion of the front façade has been set to 9 feet or 40 percent, so as not to have residential facades be disproportionately dominated by vehicle storage.
- Staff is proposing that the on-peninsula residential parking requirement be eliminated for the first three dwelling units. A duplex would have no parking requirement and a six unit building would be required to provide three spaces, for example. This change will better enable small lot development, allowing 1-4 unit structures such as the traditional triple decker on small lots (a well-distributed housing type in the R-6 neighborhoods), and greater viability for small scale, non-professional homebuilders.

There have been several minor changes since the October workshop:

- Recently enacted R-6A changes have been incorporated into the current draft amendment.
- The October draft amendment included variable side yard setbacks. These have been removed for a constant 5 foot side yard setback.
- There is a current provision in the R-6 use standards that requires existing residential structures to maintain a minimum size of 1,000 square feet of floor area when creating new units and also that a new unit in the structure not be less than 600 square feet of floor area. This has been moved from the use standards, Sec. 14-136, to the dimensional standards, 14-139, and has been substantively amended in two ways – 1) it currently applies only to multi-family residential, and is being proposed to also apply to single- and two-family residential, and 2) The applicability date of structures in existence as of 1987 (when the provision was first implemented) is being proposed to be updated to date of enactment of these changes.
- The Townhouse/horizontally attached dwelling unit language has been clarified. The intent is for this form of construction to be able to occur, which requires superseding side yard setbacks, and for them to be able to occur for individually owned units. The standard applies to subdivisions, which would begin under common ownership, and then be sold to individuals after approval.

VI. Public Process

Over the course of several months, staff met with each impacted neighborhood organization to discuss the proposed changes, on the following dates:

- June 11. West End Neighborhood Association
- June 16. Western Promenade Neighborhood Association
- July 7. St. John Valley Neighborhood Association
- July 14. Libbytown Neighborhood Association
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- August 11. Munjoy Hill Neighborhood Association
- August 19. East Bayside Neighborhood Association

Though some of these standards have changed since their initial conception, the below summary of changes that were being considered was presented at each meeting (Table 3). The same table was distributed at each meeting so that every neighborhood organization had an opportunity to respond to a common proposal, with the caveat that some of the dimensions and details of the proposal were likely to alter. Planning staff also met with the Southern Maine Landlord Association, and numerous individuals who requested meetings on the topic.

Table 3

Potential R-6 Amendments to Dimensional Requirements		
<i>Residential Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

At these meetings, staff made a brief presentation on the reasons for rezoning, how the changes related to existing neighborhood contexts, and implications for future development. A sample of one of the packets distributed for the East Bayside Neighborhood Association meeting was included at the October workshop. The packet included examples of nonconforming parcels, with sketches demonstrating the results of existing and proposed setbacks (see example in Figure 2) to illustrate the limitations in incongruity of existing dimensional requirements.



Figure 2

The feedback we received was lively and varied, and much of it was supportive. The overall goals of zoning standards that better align with historic and desired patterns of development, the need to allow for greater housing production, and greater flexibility for property owners on small lots were received well. Feedback on the details of the proposal was far from uniform or entirely positive, though, and there were several recurrent themes that emerged:

- *That five foot minimum side setbacks combined with a 45 foot height limit will create light and air impacts for adjacent properties.* In response, the text amendments were changed to include stepbacks of an additional five feet beyond rear and side yard requirements for portions of building above 35 feet.
- *That allowing higher densities in residential zones will hasten a loss of larger housing units and families that occupy them, including the conversion of single family homes and multi-bedroom apartments to 1-bedrooms and efficiencies.* There is an existing zoning provision that speaks to this concern, placing size limits on the conversion of existing buildings into additional dwelling units. Sec. 14-136.2 requires that the creation of new multifamily dwellings originating from the alteration of an existing residential structure not result in the creation of any new dwelling unit of less than 600 square feet of floor area, and shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area. This does not prohibit division of existing units, but it does aid in the retention of a varied housing stock.
- *That the proposed parking exemption for the first three units will have negative impacts on the livability of the impacted neighborhoods.* This has been by far the most contentious aspect of the proposed changes. It should be noted there has been some genuine support for this proposal, as well as some qualified support, but also, and in greater numbers, opposition. A number of the people we've met with were skeptical but constructively engaged with the topic, offering possible alternatives such as allowing this exemption for small developments/small parcels only, or requiring that one parking space be mandatory and the next three exempted to insure that a driveway, and other informal uses of that space for off-street parking, were made possible (this last would also allow for the possibility of more than one car parking in

tandem in a driveway – City regulations do not give credit to tandem parking spaces, but in practice driveways often hold multiple cars). Staff does not believe this to be a drastic proposal, and it offers flexibility and the potential for reduced costs for small lot housing production. Any property developer feeling the need for more parking spaces would still have the option of providing them – this is not a prohibition on providing parking for the first three spaces. Nevertheless it is a topic of great import for the community member we've met with, and deserves careful consideration.

Additional feedback has been received since the October workshop, and written comment is attached. Some issues/questions raised in the last month:

- Parking standards remain a concern.
- *What is the relationship of these changes to affordable housing?* These text amendments don't make any specific affordability proposals. By allowing for more housing to be constructed, both in overall allowed density, and in allowing for small lots to be built upon, the overall supply, and diversity of the housing supply will be added to.
- *Have these changes been brought forward at the request of developers?* These amendments are not at the request of a private developer, and will benefit individual property owners, and small, non-professional property developers as much as developers of larger scale projects.
- *How these changes will benefit, or not benefit a recent application for Sumner Court?* These amendments are not being influenced by that application, or future proposals for that property (substantive discussion of a specific application should be discussed at an advertised meeting for that application). Generally, the elimination of the Small Residential Lot provision adds greater predictability to development going forward. But introducing smaller minimum lot sizes and other reduced dimensional standards zone-wide, the need for the Small Residential Lot standard is eliminated and with it some very relaxed standards, such as no minimum lot size, and critically, no minimum street frontage requirement.
- Concern with the impact on neighborhood character of garage doors as part of a front façade. Staff's concern with this is why a maximum percentage of the front façade dedicated to garage doors is proposed. Without this standard, garage doors could dominate first floor frontages. Simultaneously, allowing some garage presence seems reasonable, and not detrimental if not the dominant street-level use.

VII. Non-conforming lot mergers

Staff indicated changes to these standards would be brought forward in November. They are not being brought forward just yet, though we are actively engaged in drafting alternatives to the current standards. These standards affect lots beyond the R-6 zone, and are complex enough to be considered as their own, freestanding amendment. The R-6 text amendments also do not require changes to the non-conforming lot merger provisions to be functional, positive changes to the current, ill-sized dimensional standards. Planning staff will present these changes in the near future as amendments brought forward in conjunction with the R-6 zone, or as a freestanding amendment, according to Board feedback and direction.

VIII. Next Steps

- Staff to revise R-6 amendments according to Planning Board comments.
- Schedule a date for a follow-up workshop or public hearing, as needed.

IX. At the November 25th meeting there'll be a selection of accompanying visuals presented.

X. Attachments

1. Proposed Text Amendments to Portland Land Use Code, Div. 7, R-6 Residential Zone
2. Proposed Text Amendments to Portland Land Use Code, Sections 14-332, and 14-433.

3. Table of Existing and Proposed Dimensional requirements

Public Comment

PC1, B. Vestal
PC2, A. Pringle
PC3, J. McManamy
PC4, Jack/Platt
PC5, PHA
PC6, K. Snyder
PC7, R. Yarnold
PC8, L. Davey
PC9, L. Parsons
PC10, JD Cowie
PC11, Z. Barowitz
PC12, B. Burwell
PC13, Z. Barowitz
PC14, JD. Cowie
PC14, G. Kuhlthau

Gorrill-Palmer Consulting Engineers, Inc.

Mr. Robert Metcalf
 March 26, 2014
 Page 3 of 4

on the safety of this intersection due to its low trip generation and the majority of the traffic will park off site.

Parking Assessment

The City ordinance suggests one parking space per housing unit which would result in the Applicant needing to provide a total of 18 spaces. Providing more parking than needed results in loss of open space and increases stormwater impacts, and underutilization of valuable urban land. At the same time, providing too little parking would have adverse impacts on residents and the surrounding neighborhood. The applicant's goal through the parking demand analysis process is to find the appropriate ratio of parking spaces. Our office has data suggesting actual parking demand will be well below one space per unit for affordable housing. To estimate the parking demand for the proposed project, Gorrill-Palmer Consulting Engineers, Inc. reviewed our files for relevant parking studies we have completed and determined that two were relevant to this project and are summarized below:

- Island View Apartments in Portland: This inventory was performed on July 12, 2004 from 6:00 to 9:00 PM. Island View Apartments is a 70-unit apartment building on the corner of Walnut and North Streets in Portland. It contains a total of 84 parking spaces, 29 of which are designated visitor parking only, and 2 of which are handicap. In the peak half-hour period, a maximum of 49 parking spaces were occupied. This translates to a demand of 0.70 parking spaces per dwelling unit.
- As part of studies for similar projects in the past, our office examined the parking occupancy of apartment buildings in downtown Portland with dedicated parking lots, either behind or within the building as part of another application. Our office completed parking occupancy counts from 10-11 PM (within the peak period, based on ITE and ULI data) at 53 Danforth Street, 645 Congress Street, and Walker Terrace (at the corner of Congress and Walker Street) on Tuesday, October 26, 2010. See summary below.
- In addition, we referenced the parking supply for Franklin Towers and Oak Street Lofts. Franklin Towers has 200 units, and based upon aerial data, a parking supply of 56 spaces. Oak Street Lofts has 37 units, and 16 parking spaces, although it should be noted that half of these spaces (eight) are for motorcycles. For the purposes of this letter, it is assumed that peak demand at both of these facilities is at 100 percent occupancy.

Based on the occupancy counts, the following parking demand was determined:

53 Danforth:	43 units, 29 spaces occupied	=	0.67 spaces/unit
645 Congress:	56 units, 28 spaces occupied	=	0.50 spaces/unit
Walker Terrace:	40 units, 20 spaces occupied	=	0.50 spaces/unit
Oak Street Lofts:	37 units, 16 spaces occupied*	=	0.43 spaces/unit
Franklin Towers:	200 units, 58 spaces occupied**	=	0.29 spaces/unit
AVERAGE:			0.48spaces/unit

*Assumes 100% occupancy at Oak Street.

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**** Assumes 58 spaces based upon aerial imagery, and 100% occupancy at Franklin Towers.**

This information indicates an average need for 0.48 spaces per apartment within the Portland Peninsula.

Based on the level of demand at the above referenced studies, it is the opinion of Gorrill Palmer that appropriate parking demand for the proposed 134 Washington Avenue Efficiencies is 0.70 spaces per unit, translating to a demand for 13 spaces. Of these 13 spaces, 2 would be provided on site and 11 off site through the City's in lieu fee process.

Our office completed an on street parking assessment within a 360 foot radius of the project on Monday March 24, 2014 at 11:30 PM. This radius is within a 2 minute walk to the site. This information showed there are 73 spaces available and 24 were occupied at that time, presumably by residents.

Closing

Please contact this office with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, PE, PTOE
Principal

November 24, 2014

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To the Members of the Planning Board,

PSA supports the Portland Planning Staff's effort to revise the R-6 zoning to better match our existing city patterns. It is a complex undertaking, but it will be a great benefit to our city. It will particularly benefit existing property owners, whose current homes are almost always non-conforming in some way or another and whose efforts to renovate typically become tangled in a maze of outdated regulations.

We also welcome the renewed desire we are all seeing for people to live on the peninsula of Portland again. When we consider that we have 10,000 fewer people living in Portland than in the 1950's, we are sure there is room in the R-6 for a few more new neighbors and a few new buildings.

PSA supports the following proposed changes:

- The focus on reducing the number of non-conforming existing buildings, so that our existing buildings may be improved without requiring variances and complex legal maneuvering.
- Minimum lot sizes and setbacks that better match the existing R-6, and reduce the number of non-conforming existing buildings.
- Clear tables of dimensional standards instead of lengthy descriptive paragraphs and greatly simplified & edited standards.
- The reduced land area per dwelling unit, which will allow renovated & new buildings that will better align with the existing patterns of our city.
- Specific measures to re-allow townhouse construction. The townhouses on Park St and Stratton Place are beautiful examples of how this housing type can fit into our city, we should allow more of this to flourish.
- We would prefer no minimum lot size instead of the proposed 2,500 SF lower limit. The successful R-6 Small Lot program had no minimum lot size, but instead allowed owners to determine if a lot was buildable through smart design and appropriate setbacks to existing buildings.
- More flexible car parking standards. We need creative solutions to transportation to be tested. Building owners will still supply as many car parking spaces as they desire for their residents, but not be mandated to use precious green space for car storage.

None of these proposed measures are untested in our city. The R-6 Small Lot Infill standard has been in place for many years now, and we have all now seen how new construction can fit into our neighborhoods with minimal conflict. These changes to the R-6 Zoning are critical to ensure that we do not freeze building improvements to such a point that we pull up the ladder behind us as our city becomes an increasingly desirable place to live.

A city with so much history can all too easily accept the status quo in the face of the challenges confronting us, but we are convinced that our creative residents will be able to figure out innovative solutions that will allow us to thrive if we give them the chance.

Thank you.

From: Barbara Barhydt
To: Grimando, Christine; Jaegerman, Alex
CC: Munson, Jennifer
Date: 11/30/2014 6:04 PM
Subject: Fwd: Proposal to amend R-6 Zoning

public comment for R-6

>>> Stephen Gaal <steve@gaal.com> Sunday, November 30, 2014 11:07 AM >>>
 Barbara,

Would you please distribute this email to all members of the planning board and the planning board staff? Thank you.

Dear Planning Board members and staff:

I attend the Planning Board workshop session on November 25 and both spoke and listened carefully at that meeting. Here is a summary of what I said:

"I am concerned about the scope and speed of change of the proposed R-6 zoning amendments.

At a meeting regarding the then proposed development of 118 Congress Street, I learned that the planning board supported an increase in the height of B-1 developments from 45' to 50' and required the developer to build to the sidewalk. I realize that this is a B-1 zone, but that zone is exactly one building deep in an otherwise residential area, and contributes to the feeling of living "downtown" as opposed to a residential area. Fortunately that development has created 19 parking spaces for 12 living units.

The Planning Board recently unanimously approved the contract zoning agreement for the St. Lawrence Arts Center which added a 400-seat regional performance venue and a 200-seat Promenade Room event center, with zero requirement for parking. In contrast, South Portland required 27 on-site parking spaces for a 5-seat theater in a very comparable neighborhood.

Now the R-6 amendment proposed will further increase density and would allow the first three parking spaces for three unit and above structures to be removed, further adding to our parking problem.

I think this proposal demands more thought and analysis. I have three specific questions in this regard:

1. How many additional living units would be possible with the proposed changes and how many additional automobiles would that potentially imply?
- 2 How many existing required parking spaces could be potentially removed by the proposed amendment forcing them to look for on-street parking?
3. Given the impact of questions 1 and 2, how many additional cars could potentially be looking for on-street parking in total?"

Then I listened carefully. Nearly every speaker who identified themselves as a resident of an R-6 neighborhood, with the exception of Mr. Alexander, raised serious concerns about the parking issue. The response from the Planning Board and staff was insightful, to put it politely. There was only one planning board member, an 18-year veteran of apartment living, who expressed any understanding of the parking issue. Mr. Hall, who lives on Peaks Island and probably does not have a parking issue, said that he would prefer NO REQUIREMENTS for parking at all. There were a number of comments by planning board members and staff about how hard it would be to get data to answer the questions that I and others raised.

Well, I am not sure why it would be so hard to make some reasonable "upper bound" estimates. But if the planning board and staff have no idea what the impact of these changes would be, and no plans to try to estimate them, what business do we have making such changes that could (or might not) have a very profound impact on the people living in R-6 neighborhoods? If making such changes absent some modeling of the impact is not reckless it is, at best, imprudent.

Finally, how many of the sitting planning board members actually live in an R-6 zone?

Respectfully,

Stephen Gaal
 Portland ME
 steve@gaal.com
 (603) 651-9183 mobile

Maine Voices: Zoning for Portland's older, urban neighborhoods should reflect reality

 [pressherald.com/2015/01/15/maine-voices-zoning-for-portlands-older-urban-neighborhoods-should-reflect-reality/](http://www.pressherald.com/2015/01/15/maine-voices-zoning-for-portlands-older-urban-neighborhoods-should-reflect-reality/)

By Kevin Donoghue

When I was a community planning and development student at the Muskie School of Public Service, among the more instructive assignments was for the class "Elements of Town Design," taught by Theo Holtwijk. He asked students to select a neighborhood we loved and assess its compliance with zoning.

Then living in the West End, I chose to assess Andrews Square, at Pine and West streets, in the R6 Urban Residential Zone – the same zoning that regulates most neighborhoods in both the West End and East End of Portland.

about the author

Kevin Donoghue represents District 1 on the Portland City Council and heads the council's Housing and Community Development Committee. A Munjoy Hill resident, he can be contacted at: kjdonoghue@portlandmaine.gov.

What I had found was no surprise to Holtwijk, but for me it served as nothing short of a revelation. Andrews Square, like nearly all of the great neighborhoods chosen by the students, was illegal. The buildings had too many units with too few parking spaces on lots that were far too small. Surprisingly, few of the buildings were too tall. Indeed, most were far short of the current limits.

Somehow, the zoning for our most beloved neighborhoods had evolved into a prescription for a future with taller buildings on larger lots with fewer, bigger units and more parking spaces, the construction costs and purchase prices of which ensured that little would be built – until now.

During the eight years that I have represented the East End on the Portland City Council, I have seen a sharp rise in housing costs and the arrival of a population willing to pay nearly any price to live in taller buildings on larger lots with fewer, bigger units with more parking spaces – a demand that developers are glad to fulfill, not least because it is what the zoning prescribes.

Meanwhile, those who would build middle-class homes reflective of the ones many of us live in must petition for variances known as contract zones, a risk that few will take.

What this zoning has yielded is not only exclusive but also alien to neighborhood context, as it has prevented many homeowners from making basic updates to nonconforming buildings. Indeed, all three members of the City Council residing in the R6 Urban Residential Zone live in buildings that would be illegal to construct today.

The three-unit building where my family lives is on a lot that is both too small and too narrow, as well as having too many units for its size. Complete with an illegal driveway that offers tandem parking, my building is also typical of Munjoy Hill.

It is difficult to understand what city planners had once found so objectionable about our homes. If we all love our neighborhoods, both their design and diversity, we really ought to legalize them.

On Tuesday, at [its next meeting](#), the Portland Planning Board will continue to review the R6 Urban Residential Zone, as requested by me and the other members of the City Council's Housing and Community Development Committee.

The board will also consider amendments that contain descriptions of the traditional urban development patterns actually found in our neighborhoods.

This means, among other things, lowering minimums for lot sizes and frontage requirements to reflect what's found on the ground.

It also means relaxing density limits to allow the most typical of traditional urban housing types: triple-deckers with driveways for three cars, rather than with surface parking lots for as many cars as would now be mandated by the zoning.

As I listened to public comment in October, at the last Planning Board meeting on this topic, I heard many of my neighbors express both an affinity for where they live as well as some alarm at recent trends in neighborhood development. On these matters, we are in complete agreement.

I also heard helpful criticism aimed at decoding and revealing our neighborhoods' essential DNA, including the intricate patterns between building height and side setbacks needed for driveways.

Nevertheless, misunderstanding persists about whether legalizing the neighborhoods we all love threatens our neighborhoods with perdition. Instead, I believe it may well promise their salvation.

From: "Christian MilNeil" <c.neal.milneil@gmail.com>

Date: Jan 20, 2015 10:06 AM

Subject: R6 comments

To: <kjdonoghue@gmail.com>, "Jeff Levine" <JLEVINE@portlandmaine.gov>

Cc:

Hi guys,

I've got a PHA finance committee meeting tonight so won't be able to attend the planning board workshop.

However, I'd like to speak in favor of the original proposed parking reform (the elimination of parking requirements for the first 3 units) and against the proposed compromise (which would only eliminate one parking space requirement for the first unit in the special case where a new curb cut would be required).

Given that the R6 zone, as your staff has noted, is characterized by small multi-unit buildings that *already* have their own driveways, the latter proposal would only apply in rare cases, wouldn't it? In other words, so many curb cuts already exist in the R6, this proposed "reform," as written, wouldn't actually do much good for anyone except for those who are building single-family homes on vacant lots – and this is a product that generally serves the highest end of the market.

This new proposal eliminates the ability of most small homeowners to add new in-law units on their existing properties. My wife and I, owners of a 2-unit at 45 Smith Street, have considered converting a little-used annex in the back of our building into a small studio apartment. But though we already have a 2-car driveway, the proposed parking amendments, as I read them, would make it illegal for us to create an affordable new rental unit, because the curb cut already exists. Although I suppose that we would be allowed to build a large new outbuilding in our front yard, call it a 2-car garage for the purposes of the permit, and simply rent it out as an apartment when the bureaucrats go home.

Our neighbor Amy, recently laid off from the Portland Public Schools, faces a similar situation. She has considered converting her existing one-car garage – which she uses for storage, not for car parking – into a rental apartment to help her cover her mortgage payments. Again, the proposed parking requirements would prohibit her from doing so. This is a real-world example of how the R6 parking requirements make it harder for car-free middle-class homeowners to remain in Portland.

These examples speak to the arbitrary nature of off-street parking requirements. The city may be able to force builders to construct spaces that theoretically *might* store automobiles, but look around these neighborhoods and you'll see that many residents just use their garages for other, more useful purposes. Those that own cars simply park them on the street where it's more convenient anyhow.

While I appreciate that the proposed 1-unit exemption makes new infill single-family homes more feasible in the R6, I'd like to observe that, given the scarcity of residential land on the peninsula's walkable real estate, we should also be encouraging 2- and 3-unit buildings, in order to give more families the opportunity to live here.

Moreover, a single-family home in most R6 zones is increasingly unaffordable to middle-income earners; I worry that the proposed standard will only benefit McMansion builders like the ones who are gutting older homes on Munjoy Hill. However, owner-occupied 2- and 3-family buildings allow greater opportunity for middle-class homeowners to afford real estate on the peninsula, by virtue of their potential for rental income.

If off-street parking in the R6 zone really is a problem (though recent studies done by the St. Lawrence Arts Center indicate that it probably isn't) then the zoning code is a fairly ridiculous, slow-moving way to address it. Instead, we should be holding city staff like John Peverada responsible for managing the public resource in a more sensible way.

Please share these comments with the planning board at tonight's workshop. Thanks very much.

>>> Ronald Gan <munjoyhillhomes@gmail.com> 1/19/2015 12:34 PM >>>

good morning Christine, i just realized that you are probably not in but figured I send my email now while things are fresh. In reading your narrative you really have captured the essence of what is needed and in many ways i could hear myself in your words.

I am very happy with the direction that this is going and while no one knows how much new development will take place, for the first time we will have many new options and I look forward to the new and creative housing that comes out of these changes.

I do have two comments for your consideration.

I think lot size is still too high. While I would prefer no minimum, there are still lots between 1500 and 1999 that are easily built on.

Also under the townhouse scenario, maybe I am not understanding it correctly but I would think it should be vertically separated since town homes are generally multi-floored units.

Again, this is very good work and I am greatly appreciative of you hearing me.

Respectfully.

Ron Gan



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair O'Brien and Members of the Portland Planning Board
From: Nell Donaldson, Planner
Date: January 16, 2014
Re: 1945 Congress Street Map Amendment
CBLs: 216-A-6, 217-A-1
Meeting Date: January 20, 2014

I. INTRODUCTION

Northland Enterprises, LLC has requested a zoning map amendment for a property at 1945 Congress Street in Stroudwater. The property is currently zoned Residential R-2 and is occupied by Elks Lodge #188. The applicant proposes to rezone the lot to Office Park (O-P) in order to allow the development of medical and general office buildings on the site.

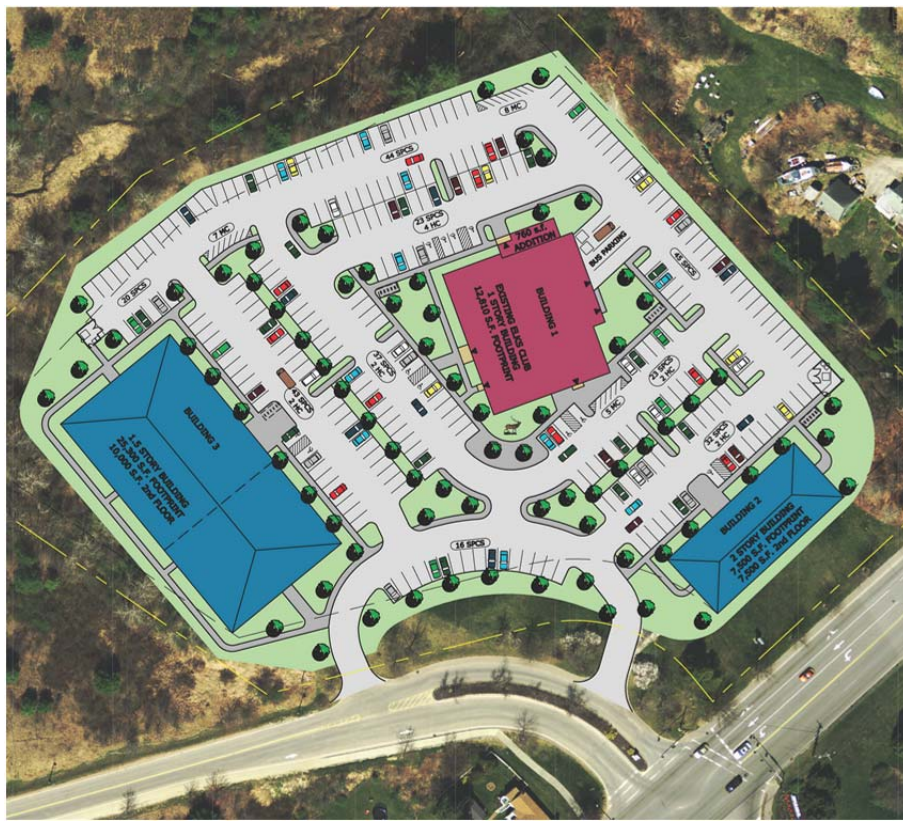
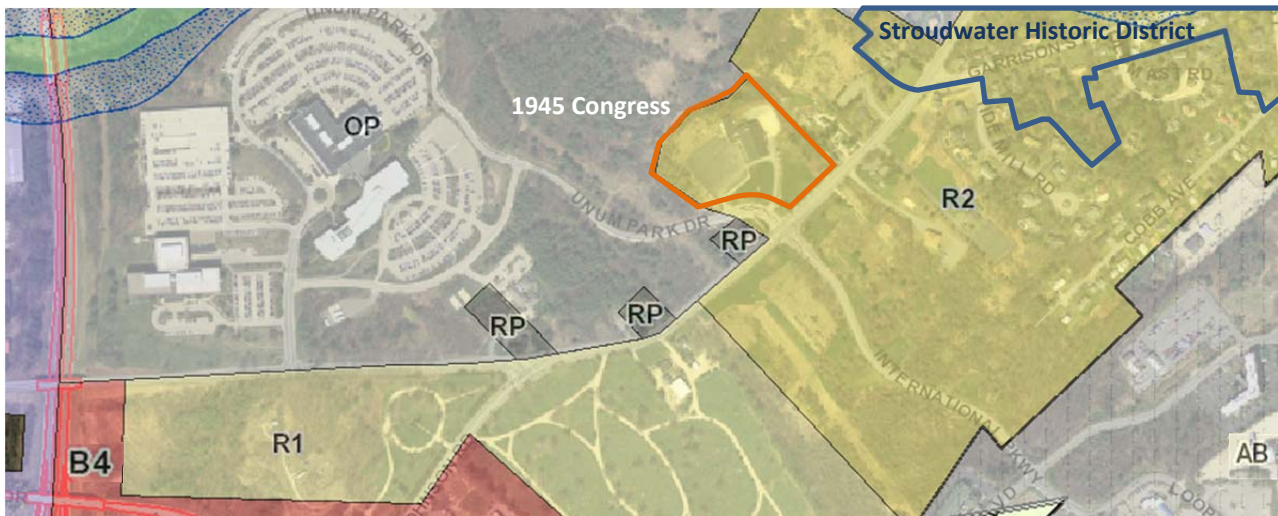
A legal ad for the planning board workshop on the proposal was posted on the city's web page and appeared in the *Portland Press Herald* on January 12 and 13, 2015. Notices were also sent to 70 property owners within 500 feet of the site and to the interested citizen list.

II. BACKGROUND

The 1945 Congress Street site is approximately 7 acres in size and has housed Lodge #188 of the Benevolent and Protective Order of Elks and their associated parking since the late 1960s. Although the site has frontage on Congress Street, access is from Unum Park Drive. Residential uses abut the site both to the northeast and southwest across Unum Park Drive. Unum lies directly to the west, the Jetport lies due south, several places of assembly sit across Congress Street to the east, and generally residential uses (predominantly single-family homes) can be found to the north and northeast.



Figure 1: 1945 Congress Street in context.



Figures 2 and 3: 1945 Congress Street, existing zoning (top) and conceptual plan under proposed zone change (bottom)

The site is currently zoned Residential R-2, as is the land to the south and east, which, again, is developed largely with single-family homes. The residential neighborhood around Garrison Street, within this R-2 zone, is nationally designated as the Stroudwater Historic District. A Residential R-1 zone can be found to the west south of Congress Street; this zone houses the Brooklawn and Temple Beth El cemeteries. The Unum site lies in the nearest Office Park (O-P) zone, to the immediate west of the site. Several small Residence-Professional (R-P) zones can also be found to the west on Congress Street. The R-P zone immediately west of 1945 Congress houses several

single family homes; the other R-P zones in this area generally house retail and personal service establishments in repurposed residential buildings.

It should be noted that the 1945 Congress site has been the subject of planning board deliberations as recently as 2012. At that time, Husson University proposed to develop the lot as part of their Southern Maine campus. In order to do so, they required a zoning text amendment to allow colleges, universities, and trade schools as conditional uses in the R-2 zone. Although the City Council adopted the text amendment, which went into effect in April of 2012, Husson ultimately elected to locate elsewhere, and the 1945 Congress site was never redeveloped.

III. PROPOSED MAP AMENDMENT

Current Zoning:	R-2 (Residential)		
Proposed Zoning:	O-P (Office Park)		
Current Uses:	Elks Lodge	Parcel Area:	304,892 SF (6.99 acres)
Proposed Uses:	Elks Lodge; medical office; general office	Area to be Rezoned:	304,892 SF (<i>to be confirmed</i>)

IV. ZONING ANALYSIS

Today, Northland Enterprises proposes to develop a 15,000 SF medical office building and a 35,300 SF general office building on the site, as well as renovate portions of the existing Elks Lodge for continued use by the Elks (*Figure 3, Attachment 1*). The existing R-2 zoning does not currently allow office uses either by right or conditionally; hence the zone change. The applicant has proposed a map amendment to change the zoning on the site to Office Park (O-P), the zone found immediately west of the site. For purposes of comparison, staff has also assessed the potential of the Residence-Professional (R-P) zone, since that zone permits the desired use and can be found in the immediate vicinity as well. The applicant has indicated their preference for the O-P zone, due to differences in the sign ordinance.

Purpose and Context

The existing R-2 zoning is designed for low-density, single-family residential development on large lots. Generally, R-2 zones are thus found in the city's outskirts. The city's only two R-2 zones are in Stroudwater and North Deering. Both of these zones contain many newer subdivisions, although, as noted previously, Stroudwater also houses a historic district.

The O-P zone is designed for a decidedly different type of use, the office park. As office parks typically develop on greenfield sites, the O-P zone is, like the R-2, often found near the city limits. There are three existing O-P zones in the city – the Unum site adjacent to 1945 Congress and two zones east of Rand Road just north of Unum. One of these is the site of the city's technology park. The other covers land owned by Iberdrola USA. It is not developed.

The R-P zone is designed for professional office uses which are located on or near major transportation corridors and are "compatible in scale" with surrounding residential development. The zone is also written to function as a "buffer" between residential and more intensive non-residential zones. R-P zones in the city have traditionally served as 'bookends' for commercial development on arterials, and thus can be found adjacent to business districts along outer Congress Street, Brighton Avenue, Washington Avenue, and Auburn Street. In these locations, they serve as an intermediary between adjacent business and residential zones. Existing R-P zones are generally smaller than R-2 or O-P zones and are often characterized by converted residential buildings, as is the case on outer Congress near the site.

Permitted Uses

The R-2 zone is decidedly oriented toward residential uses, with single-family detached residential units the primary residential use. Other uses deemed generally compatible with residential development, including municipal uses, parks, and agriculture, are also permitted by right. Conditional uses include places of assembly, schools, colleges, day cares and long-term care facilities, cemeteries and utility substations, among others. The existing Elks Lodge qualifies as a conditional use.

Table 1: Purposes

Existing R-2	O-P	R-P
To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.	To provide substantial areas for integrated development of professional offices in a park- or campus-like setting which are of the highest quality, are well designed and maintained and are compatible with their natural surroundings.	(a) To provide appropriate location[s] for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or (b) To serve as a transition or buffer zone between residential and more intensive nonresidential zones.

The O-P zone, in contrast, is designed for office parks, and thus professional offices and associated uses are permitted as part of an office park development by right. These associated uses could include day care facilities, research and development facilities, or printing and publishing facilities. High-tech manufacturing is permitted as a conditional use. Places of assembly are not permitted, meaning that the Elks Lodge would become a non-conforming use under this zoning designation. Ann Machado, in her review, has spoken to this issue. She writes,

The proposal is for a Map Amendment to change the zone for the property located at 1945 Congress Street from R-2 Residential to O-P Office Park Zone in order to build a 15,000 sf medical building and a 35,300 sf office building. These two proposed uses are permitted uses in the O-P zone. The Elks building is a conforming use in the R-2 zone as a place of assembly (fraternal organization). If the lot is changed to the O-P zone, the Elks building as a place of assembly would become a legal nonconforming use. The use could be maintained but the building could not be

Table 2: Permitted Uses

		R-2	O-P	R-P
Permitted	Single-family dwellings	•		Any residential use permitted in the abutting (or nearest) residential zone
	Handicapped family units	•		
	Single-family manufactured housing	•		
	Municipal uses	•		
	Parks	•		
	Agriculture	•		
	Home occupations	•		
	Day care facilities		• ¹	
	Research & development establishments		• ¹	
	Printing and publishing establishments		• ¹	
	Uses subordinate to office park		• ¹	
	Professional offices ²		• ¹	•
	Business services ³			•
	Adult day care services			•
	Mortuaries or funeral homes			•
	Utility substations			•
	Accessory uses	•		•
	Wind energy systems	•	• ¹	•
Conditional	Sheltered care group homes	•		
	Alteration or construction of dwelling for accessory unit	•		
	Schools	•		
	College, university, trade schools	•		
	Long-term and extended care facilities	•		
	Intermediate care facilities for 13+ persons	•		
	Places of assembly	•		
	Cemeteries	•		
	Utility substations	•		
	Day care facilities	•		•
	Temporary wind anemometer towers	•	•	•
	Wind energy systems	•	•	•
	High-technology manufacturing		•	
	Other office uses			•
	Any conditional uses permitted in abutting residential zones			•

¹ Permitted in an office park with a minimum gross area of at least 3 acres of land, consisting of either an Office Park PUD on one lot or a subdivision.

² Professional offices are defined in Section 14-47 as “the office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer, or similar professional.

³ Business services are defined in Section 14-47 as “establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services, and similar business.”

Table 3: Dimensional Requirements and Form

	R-2	O-P	R-P¹
Min. Lot Size	Residential: 10,000 SF Long-term, extended, intermediate care: 3 ac. School: 2 ac. Places of assembly: see code Municipal: 10,000 SF College, university, or trade school: 2 ac. Other: 10,000 SF For all, see note ²	1.5 ac.	6,000 SF
Min. Lot Area per D.U.	10,000 SF		
Min. Street Frontage	50 ft.	100 ft.	60 ft.
Min. Lot Width	80 ft.	150 ft.	60 ft.
Min. Front Yard	25 ft.	50 ft. ³	20 ft., except that front yard need not exceed avg. depth of adjacent yards ⁴
Min. Rear Yard	Principal or accessory >100 SF: 25 ft. Accessory detached <144 SF: 5 ft.	50 ft. ³	Principal: 20 ft. Accessory detached: 7 ft.
Min. Side Yard	Principal or accessory >100 SF: 1 story: 12 ft. ⁵ 1 1/2 stories: 12 ft. ⁵ 2 stories: 14 ft. ⁵ 2 1/2 stories: 16 ft. ⁵ Accessory detached <144 SF: 5 ft. Side yard on side street: 20 ft.	25 ft., except 40 ft. where side yard abuts residential zone or use ³	Principal: 1 story: 10 ft. 2 stories: 12 ft. 3+ stories: 14 ft. ⁶ Accessory detached: 7 ft. Side yard on side street: 1-2 stories: 15 ft. 3+ stories: 18 ft.
Max. Structure Height	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.	55 ft., except 75 ft. on lots or within office-park subdivisions > 50 ac. if each min. yard dimension is increased by 1 ft. for each 1 ft. of height > 55 ft.	45 ft., except where the lot abuts an R-6 residential zone, the maximum permitted height shall be the maximum permitted height of the R-6 zone.
Max. Floor Area	See note ⁷		See abutting or nearest residential zone. ⁸
Max. Lot Coverage	20%		
Max. Impervious		60%	See abutting or nearest residential zone. ⁹

¹ Residential uses permitted under section 14-147(a) shall meet the requirements of such abutting or nearest residential zone.

² Provided that for uses specified, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- d. Expansion onto land other than the lot on which the principal use is located of no more than 15% of the total contiguous land area of the existing use, or 1 acre, whichever is less, within any five-year period.

³ The Planning Board can reduce by up to 50% the minimum yard setback if another yard within the lot is correspondingly increased so that the combined minimum setbacks on all 4 sides equal 150 ft. If 2 or more buildings are located on 1 lot, only the requirements of the front, rear or side yards that adjoin any external property boundary must be met, provided a sufficient fire line is provided.

⁴ The front yard of a lot existing as of April 4, 1988, which lot is less than 100 ft. deep, need not be deeper than 10% of the depth of the lot.

⁵ The width of 1 side yard may be reduced 1 ft. for every ft. that the other side yard is increased, but no side yard shall be less than 12 ft. 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 24 ft., but in no case shall the resulting side yards be less than 12 ft.

⁶ The width of 1 side yard may be reduced 1 ft. for each ft. that the other side yard is increased, but no side yard shall be less than 7 ft.

⁷ Minimum/maximum gross floor area requirements exist for particular uses, which may include places of assembly; beds and breakfasts; and colleges, universities, and trade schools. See code.

⁸ Floor area ratios are as follows: R-1/R-2: .45; R-3: .55; R-4/R-5/R-5A/R-6: .65

⁹ Impervious surface ratios as follows: R-1/R-2: .6; R-3: .7; R-4/R-5/R-5A/R-6: .8

expanded and the nonconforming use would be abandoned if the use as a place of assembly is discontinued for twelve months. The existing lot meets the minimum gross area requirement of three acres for an office park and it meets the minimum street frontage of one hundred feet.

The R-P zone also permits professional offices and some associated uses by right, but these uses are not confined to an office park development and no minimum office development size applies. The R-P zone permits any residential use permitted in the nearest residential zone. Any conditional uses permitted in an abutting residential zone are also permitted in the R-P. This means that, under an R-P map amendment for the 1945 Congress site, the Elks Lodge would remain a conditional use.

Dimensional Requirements and Form

The dimensional requirements of the R-2 are generally written for relatively large lot, single-family homes or other uses which require large sites. Thus there are fairly large minimum lot sizes of 10,000 SF or more, depending on the use, and fairly significant setbacks as well. Maximum structure height is 35 feet and maximum lot coverage is 20%.

The O-P zone, in obvious contrast, is geared entirely toward office park development more likely to occur on greenfield sites. The O-P requires a planning board-approved master plan for all office park development, whether as part of a planned unit development or as a subdivision, and establishes review standards related to design, landscaping, preservation of natural features, traffic, lighting, and signs. The zone sets dimensional requirements more fitting of large scale, large lot office development. Thus all office development must occur on at least three acres of contiguous land, and there is a minimum lot size of 1.5 acres, a minimum street frontage of 100 feet, generous front and rear setbacks of 50 feet, and a side setback of 40 feet when, as in this case, a property abuts a residential zone. The height limits of the O-P are the most generous of the zones considered here at 55 feet by right. The maximum impervious surface is 60%. The O-P also includes performance standards related to noise, vibration, and smoke, among others.

The R-P zone in some ways splits the difference between the two other zones here. Originally written to accommodate residence-to-office conversions, its dimensional requirements, in some ways, reflect a residential zone. The minimum lot size is lower than either of the two other zones under consideration here; the front, rear, and side setbacks are fairly similar to the R-2 zone. In other ways, however, the R-P also facilitates traditional office development. The height allowance, 45 feet, is greater than the R-2 but less than the O-P. There is a maximum impervious surface ratio determined by the nearest residential zone. In this case, the maximum impervious surface ratio would be .6, significantly greater than the lot coverage permitted in the R-2. The R-P zone also includes performance standards comparable to the O-P zone. It should be noted that no master planning is required.

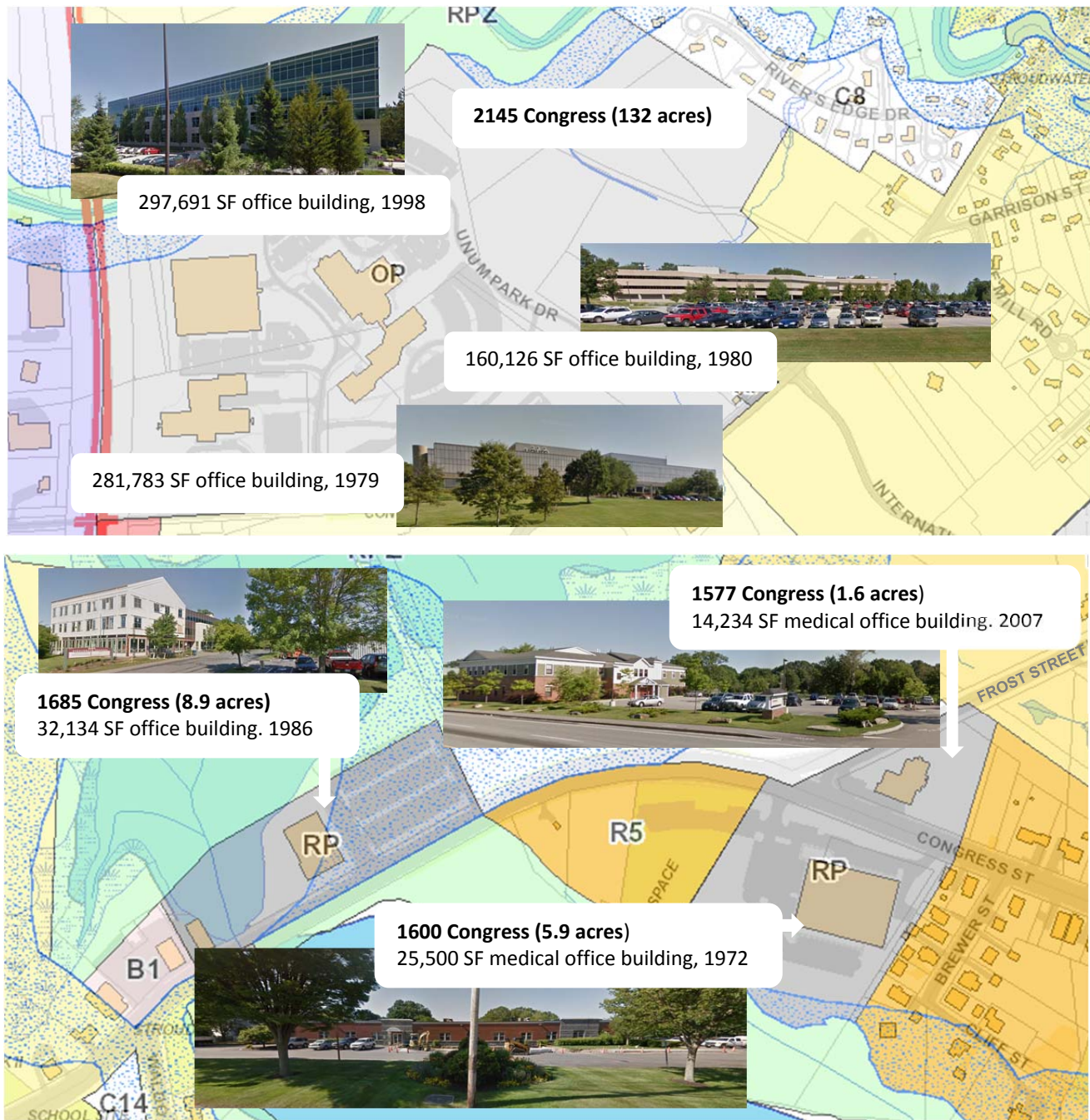
V. POTENTIAL BUILDOUT, EXAMPLES

Existing Residential R-2

Under the existing R-2 zoning, then, there is a fairly limited range of redevelopment opportunities for the 1945 Congress site. As a corner location on a high volume street, residential development may be unlikely. With a conditional use permit, the lot could be redeveloped as a school (as has been previously considered), or as a long-term, extended care or day care facility, among other uses. Regardless of the use, non-residential buildout would basically be limited by the maximum lot coverage regulation of 20%, with floor area further restricted by maximums which would apply in the case of a college or university (24,000 SF) or place of assembly (5,000 – 9,000 SF for small or medium places of assembly).

Proposed Office Park (O-P)

Under the proposed zone change to O-P, a different type of buildout is permitted. In addition to office, some more industrial uses, such as printing and publishing establishments and high-technology manufacturing, would be permitted either by right or as conditional uses. The potential buildout of the lot is more significant, with 60% maximum impervious and a height limit of 55 feet. It should be reiterated that a master plan would be required under the O-P designation. This would provide some opportunity to consider the site, including form and open space, in a comprehensive manner.



Figures 4 and 5: Example of existing development in an O-P zone (top) and an R-P zone (bottom)

In terms of examples, the city's only development in an existing O-P zone is at the Unum site directly adjacent to 1945 Congress. Altogether, the Unum property is approximately 132 acres in size, and contains three office buildings in an office park setting. These buildings cumulatively approach 750,000 SF of office space. There are also associated day care and parking facilities on site (Figure 4). As noted previously, there are two other O-P zones in the city, both off Rand Road. One is the site of the Portland Technology Park, which has some infrastructure, including a new road; a lot was recently put under contract. The other O-P site, separate from the Technology Park, is undeveloped.

Residence-Professional (R-P)

Under a zone change to R-P, perhaps the broadest array of uses would be permitted, including residential, professional office, and business services. Daycares, schools, places of assembly, and long-term care facilities would be permitted as conditional uses. The buildout of these uses would be tempered, much as they are in the O-P zone, by the .45 maximum floor area ratio and the 60% maximum impervious surface

limits established by the nearest residential zone. The height limit, at 45 feet, would be less than under the O-P. No master plan would be required.

Many of the city's existing R-P zones house converted residential buildings, as are found immediately west of the 1945 Congress site. There are also some examples of recent conventional office development in R-P zones, as can be found on Sewall Street, outer Congress at Frost Street, or at Martin's Point. At Frost Street, for example, there are several R-P zones of a size roughly similar to that which might be found at 1945 Congress. These house medical and general office buildings comparable to that envisioned by the applicant (Figure 5).

VI. POTENTIAL IMPACTS

Given the potential uses and the dimensional requirements, none of the uses permitted either by right or conditionally under the existing R-2 zoning would likely have exceptionally deleterious environmental effects. If granted a permit by the Planning Board, some of the R-2's conditional uses, including schools or day care facilities, could, however, come with traffic, light, and noise implications.

Environmental, noise, and traffic impacts are likely to be greater under a zone change to O-P or R-P, given the greater buildout allowed and the broader range of uses. The O-P does require a master plan which could help mitigate any detrimental impacts. Both the O-P and the R-P also include performance standards for some external effects.

Given the likely interest in the traffic implications of the proposed zone change, staff requested trip generation estimates from Tom Errico, the city's consulting traffic engineer, based on the worst case buildout scenario under each of the zoning designations considered here. It bears repeating that the numbers presented in Mr. Errico's analysis represent a worst case scenario; they assume office development under an O-P or R-P zoning designation that maximizes the building envelope within height, impervious surface, and floor area ratio limits. The estimates show that considerably more traffic could be generated under the R-P or O-P zoning than could be generated under a residential redevelopment of the existing site (as would be permitted by right under the existing R-2 zoning).

It should be noted that the R-2 zone numbers cited here do not reflect actual trip generation numbers from the existing Elks Lodge. The 2012 Husson application for an R-2 text amendment the site does include some trip generation estimates for the current Elks Lodge use, based not on counts but on trip generation ratios from the Institute of Transportation Engineers. At the time, Husson's traffic engineer estimated 55-70 trips to/from the site during the AM and PM peak hours. Review of the Elks website finds lodge hours from 9:30 a.m. to 9 p.m. and regular meetings on Monday nights at 7, suggesting that much of the existing traffic from the site would actually be off-peak. Anecdotally, there is some indication that most trips under the existing condition may occur once a week during daytime hours when a regular event is held at the lodge. For reference, there are approximately 200 parking spaces on site.

Mr. Errico writes,

I have conducted a preliminary trip generation analysis for the three development assumptions you have provided and the results are summarized in the following table. The trip generation estimates were computed for the Weekday AM and PM peak hours and were based on the Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.

Zone	Density	AM Peak Hour Traffic Volume Enter and Exiting	PM Peak Hour Traffic Volume Enter and Exiting
Existing R-2	14 Residential Units	10 Vehicles	14 Vehicles
Office Park (OP)	192,563 Square Feet of Office Space	302 Vehicles	288 Vehicles
Residence Professional (RP)	137,201 Square Feet of Office Space	214 Vehicles	204 Vehicles

In subsequent correspondence, Mr. Errico adds,

I would like to note that based upon the trip generation levels noted in my previous email, a comprehensive traffic impact study would be required to assess impacts to the area roadway system. Please note the following:

- *The Congress Street/International Parkway/UNUM Drive intersection will serve as the primary access point for any development. Use of this existing signalized intersection seems appropriate, but any development application would be required to assess the ability of this traffic signal to adequately accommodate the added traffic.*
- *The Congress Street/Johnson Road intersection seems to operate at an acceptable level of service, but review of conditions would be required.*

In this vein, it should be noted that the city is currently in the process of a design project for outer Congress Street near this area. The plans include the creation of a center turn lane on the stretch of Congress Street immediately east of the site. The turn lane will take the place of one of the existing eastbound lanes. Pedestrian, bicycle, and transit improvements are a central component of the plan. Mr. Errico writes,

The City recently implemented Phase I of the Outer Congress Street Streetscape Study with the intent of providing a balanced multi-modal transportation street. Phase I primarily reduced the number of travel lanes on certain sections of Congress Street between Steven Avenue and International Parkway/UNUM Drive. The City continues to review conditions and will be implementing Phase II of the Plan this year which will seek to enhance the inbound merge area east of International Parkway/UNUM Drive, add a crosswalk near Garrison Street, and implement pedestrian and transit improvements at Westbrook Street.

MaineDOT will be upgrading the traffic signal at the Congress Street/Westbrook Street intersection. This intersection currently experiences congestion problems, but it is unlikely any capacity enhancements will be possible given constraints.

VII. COMPREHENSIVE PLAN ANALYSIS

The applicant's submittal includes a narrative regarding the conformity of the proposed zone change with the comprehensive plan. The applicant states that the proposed map amendment will achieve smart growth and economic development objectives of the comprehensive plan by facilitating redevelopment of an existing developed site on a major arterial and a public transit route (Metro's Route #5) and by "providing jobs for construction workers, office employees, and support services" (*Attachment 2*). As the applicant notes, the site is currently developed as a place of assembly, so no residential or greenfield conversion would occur. The site has the added benefit of proximity to the Jetport and a location at a heavily-trafficked intersection, which lends logic to the concept of non-residential development. Lastly, the site is located in close proximity to other major employers, including the Jetport and Unum.

In terms of comprehensive plan policy to support the zone change, perhaps the most applicable is the policy from the city's 1988 *Community Commercial Policies and Land Use Plan* which explicitly makes "[p]romot[ing] new office park development of high quality in outlying areas for development seeking a suburban-style setting" a goal. In a similar vein, the city's *The 1993 Portland Transportation Plan* includes policies designed to "[e]ncourage businesses to locate in established employment centers, including Downtown, that are served by public transportation or that have the critical mass necessary to support alternative modes of transportation."

It should also be noted that there is policy in the comprehensive plan that seeks to focus office development in the downtown core; the "Office Economy" goals from the 1991 *Downtown Vision* plan include "[s]trengthen[ing] and enhanc[ing] the Downtown as the prominent professional office center of the State and northern New England." In a similar vein, the city's *Industry and Commerce Plan* from 1994 includes goals related to "preserv[ing], protect[ing], and strengthen[ing] neighborhoods" and "protect[ing]...residential zones."

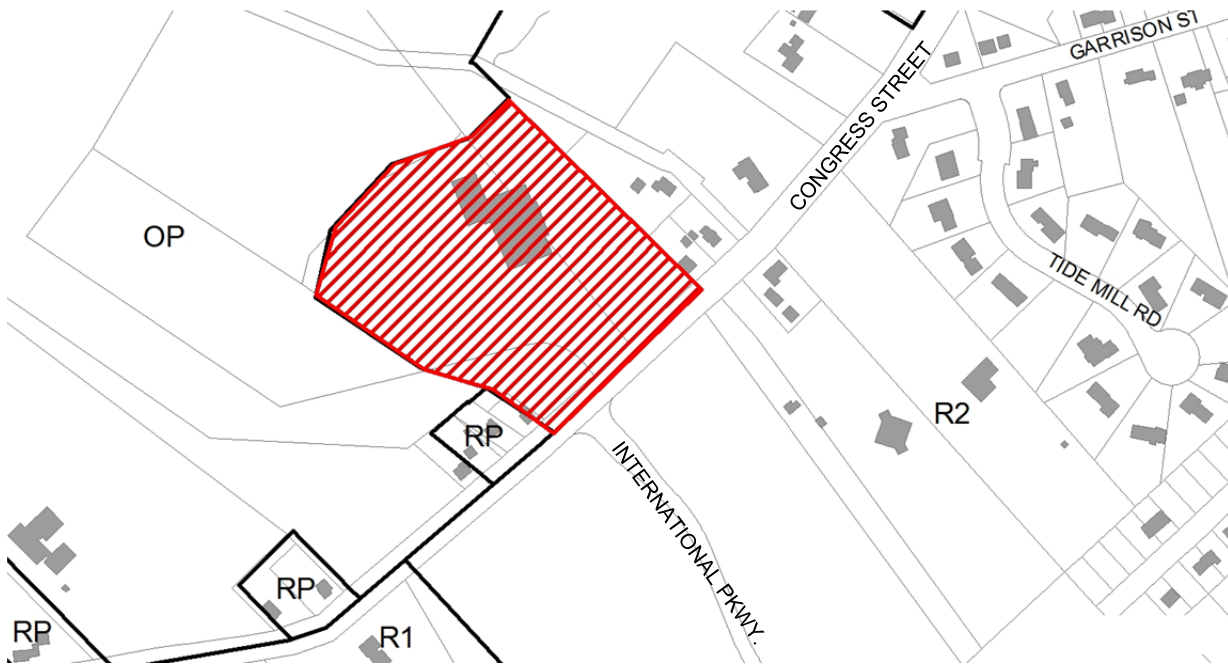


Figure 6: Area of proposed rezoning

VIII. PUBLIC COMMENT

As of the writing of this memo, the Planning Division had not received any public comments on the proposed zone change. However, the applicant held a neighborhood meeting on January 6, 2015. Comments at that meeting seemed to include questions about signs, parking requirements, stormwater management and environmental impacts, and lighting. Some neighbors expressed general opposition (*Attachment 3*).

IX. DISCUSSION ITEMS

In addition to discussing the merits of the rezoning with respect to the comprehensive plan, the board may wish to weigh in on alternative zoning designations. The applicant submitted a proposal for a map amendment from Residential R-2 to Office Park (O-P) and has indicated their preference for the O-P designation. For purposes of comparison, however, the R-P zone has been included in this analysis.

Likewise, as is often the case, the board may wish to discuss the geographic scope of the proposed map amendment. Here, it seems that there is ample logic for circumscribing any zone change, in that any expansion would involve further encroachment into the Residential R-2 zone. Rezoning the 1945 Congress site to O-P would involve simply extending the adjacent O-P zone to cover an additional property. A zone change to R-P for this lot alone would replicate a condition found in other parts of the city, including on outer Congress near the site, where R-P zones are fairly limited in geography. There is an adjacent R-P zone just across Unum Park Drive.

X. NEXT STEPS

- Provide initial feedback on zone change request
- Schedule a public hearing or a second workshop

XI. ATTACHMENTS

1. Applicant's submittal
2. Comprehensive plan narrative
3. Neighborhood meeting packet
4. Zoning administrator review (Comments from Ann Machado, 12/2/14)
5. Traffic engineer review (Comments from Tom Errico, 1/5/15 and 1/9/15)

November 21, 2014

Att. 1

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

RE: ELKS PROPERTY, ZONE CHANGE

Dear Barbara,

I would like to thank you and the City Staff Members that attended our meeting on Wednesday, for their input. Based on that starting point, on behalf of Northland Enterprises, Inc., we would like to continue our development process with a zone change. Attached is a revised zoning map that changes this property to Office Park (OP) from the existing Residential 2 (R2) designation. This will expand the OP District that currently encompasses the UNUM Development.

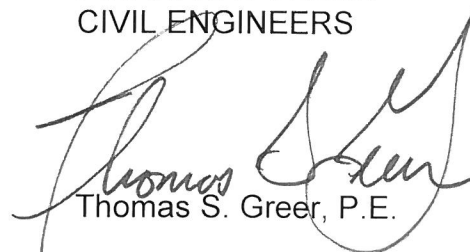
It is our understanding the Elks Club will be left as an existing non-conforming use. They will be allowed to shrink their footprint but not expand it.

Our goal is to get through the zone change and planning board approval process by April. We understand this is a tight time frame, but we do not want to loose track of that goal.

If you have any questions, please feel free to call. Thank you for your assistance.

Sincerely,

PINKHAM & GREER
CIVIL ENGINEERS



Thomas S. Greer, P.E.

cc: (1) David Lloyd, Josh Benthien, Rex Bell, Brad Fries, File

Enclosures

TSG/rjs



Zoning Map/Text Amendment/Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of 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. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours

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

PROJECT NAME: 1945 Congress Street

PROPOSED DEVELOPMENT ADDRESS:

1945 Congress Street

PROJECT DESCRIPTION:

The project renovates the Elks building and adds a 15,000 sq. ft medical building
and a 35,300 sq. ft. general office building.

CHART/BLOCK/LOT: 216-A-6 / 217-A-1

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Josh Benthien & Rex Bell Business Name, if applicable: Northland Enterprises, LLC Address: 17 South Street City/State : Portland, ME Zip Code: 04101	Applicant Contact Information Work # 207.780.0223 Home# Cell # Fax# e-mail: josh@northlandus.com rex@northlandus.com
Owner – (if different from Applicant) Name: Portland Lodge #188 BPOE of USA Address: 1945 Congress Street City/State : Portland, ME Zip Code: 04102	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Pinkham & Greer, Civil Engineers Name: Thomas S. Greer, P.E. Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Agent/Representative Contact information Work # 207.781.5242 Cell # e-mail: tgreer@pinkhamandgreer.com
Billing Information Josh Benthien & Rex Bell Name: Northland Enterprises, LLC Address: 17 South Street City/State : Portland, ME Zip Code: 04101	Billing Information Work # 207.780.0223 Cell # Fax# e-mail: josh@northlandus.com rex@northlandus.com

Engineer Pinkham & Greer Civil Engineers Name: Thomas S. Greer, P.E. Address: 28 Vannah Avenue City/State : Portland, ME Zip Code: 04103	Engineer Contact Information Work # 207.781.5242 Cell # Fax# 207.781.4245 e-mail: tgreer@pinkhamandgreer.com
Surveyor Maine Survey Consultants, Inc Name: Del Maxfield Address: PO Box 485 City/State : Harrison, ME Zip Code: 04040	Surveyor Contact Information Work # 207.583.6159 Cell # Fax# e-mail: dmaxfield@mainesurveyconsultants.com
Architect Archetype Architects Name: David Lloyd Address: 48 Union Wharf City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207.772.6022 Cell # Fax# e-mail: lloyd@archetypepepa.com
Attorney Murray, Plumb & Murry Name: Drew Anderson Address: PO Box 9785 City/State : Portland, ME Zip Code: 04104	Attorney Contact Information Work # 207.773.5651 Cell # Fax# e-mail: DAA@mpmlaw.com

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

We have a Purchase and Sales Agreement.

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:

The existing property is used by the Elks as a place of assembly.

Current Zoning Designation(s): Residential 2

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

The existing Elks use will continue. We are adding a general office use and
a medical office use.

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 FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

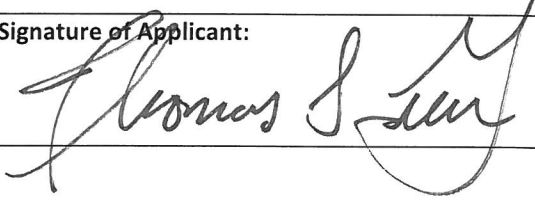
Zoning Map Amendment ☒ \$2,000.00 (from <u>R2</u> zone to <u>OP</u> zone) Zoning Text Amendment ☐ \$2,000.00 (to Section 14-_____) Combination Zoning Text Amendment and Zoning Map Amendment ☐ \$3,000.00 Conditional or Contract Zone ☐ \$3,000.00 (A conditional or contract rezoning map be requested by 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.)	The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) • Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
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APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. **The submission shall include the following materials:**
 - a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
 - b. 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.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: 	Date: 11/24/14
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**Northland Enterprises, LLC
17 South St, 3rd Flr
Portland, ME 04101**

(207) 780-0223

November 21, 2014

To Whom It May Concern

This letter is to inform you that Thomas S. Greer and his associates of Pinkham & Greer Civil Engineers in Portland are hereby authorized to represent Northland Enterprises, Inc. throughout the approval process of Elks Club in Portland, Maine.

This includes representing us with the City of Portland and Department of Environmental Protection, as well as any other State or local agencies who may become involved in the process.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal flourish extending to the right.

Mr. Josh Benthien

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Agreement, dated the 11th day of June, 2014 (the "Contract Date"), is between Portland Lodge No. 188, of the Benevolent and Protective Order of Elks of the United States of America ("Seller"), having a place of business at 1945 Congress Street, Portland, Maine, and Dr. Michael Bedecs having a place of business at 1375 Congress Street, Portland, ME and Northland Enterprises, LLC, or its permitted assignee (collectively, "Purchaser"), having a place of business at 17 South Street, 3rd floor, Portland, Maine 04101. The parties agree as follows:

1. Purchase and Sale of Property; Condominium Conversion.

(a) Subject to the terms and conditions set forth herein, Seller agrees to sell to Purchaser, and Purchaser agrees to purchase from Seller, the following described property owned by Seller (collectively, the "Property"):

- (i) That certain lot or parcel of real property known as 1945 Congress Street, Portland, Maine, being a portion of the property described in a deed from Elks Home, Portland, Maine, Lodge No. 188 Benevolent and Protective order of Elks to Seller, and recorded in the Cumberland County Registry of Deeds at Book 6157, Page 37, provided that the conveyance shall not include the retained portion of the Seller's building (being approximately 13,000 square feet of the total usable footprint of such building including the storage area) (the "Seller's Retained Building"). The property to be conveyed is generally identified on the Concept Plan attached to and made a part hereof as Exhibit A.
- (ii) A portion of the existing building on the real property shall be removed and demolished by Buyer and a new interior and exterior wall installed, with all of the foregoing in a manner acceptable to the parties as set forth in Section 5.1, and the configuration of the Seller's Retained Building to be as shown on the sketch plan attached to and made a part hereof as Exhibit B. All fixtures and improvements situated on the real property owned by Seller are to be retained by Seller and shall be part of Seller's Retained Building.
- (iii) For sake of clarity, Seller is retaining the Seller's Retained Building, an Elk statue and flag and flagpole as well as an Elks sign (such statue, flagpole and sign to be limited common elements under the condominium documents) to be located near Congress Street entrance at the general location designated on Exhibit C (such location to be subject to requirements that may be set out in any permits and approvals for the property and state and local sign ordinances), together with a pro rata

interest in the parking areas and common areas of the real property, all to be set forth in the condominium documents (more fully described below) to be prepared and recorded immediately following recording of the Deed (defined below). Purchaser agrees to cause a Maine Licensed Professional Surveyor to prepare and provide to Seller a metes and bounds description of the Property (including the property to be conveyed by Seller and the property to be retained) within ninety (90) days after the date the Lodge Approvals are obtained.

(b) Contemporaneously with the delivery and recording of the Deed, Purchaser shall cause to be recorded a Declaration of Condominium whereby the Property is converted to condominium ownership. The Condominium documents shall be prepared at Purchaser's cost and expense, shall be delivered in complete form to Seller on or before thirty (30) days after the Zoning Contingency expiration date and shall be subject to Seller's approval, not to be unreasonably withheld, delayed or conditioned. The Condominium documents shall, among other things, create a separate unit for the Seller's Retained Building ("Seller's Unit"), which shall include as limited common elements at a minimum the required number of parking spaces for Seller's Unit to satisfy all applicable zoning requirements, but at a minimum five (5) parking spaces per 1,000 square feet (Purchaser acknowledges, however, Seller's need for additional parking spaces on certain days and on weekends), and a pro-rata share of the common elements of the condominium, as well as provide a budget including anticipated condominium fees that will be due to the Condominium Association. Purchaser shall, as soon as practicable after the Closing and in consultation with Seller as to the schedule of work, perform the work necessary to reduce the size of the Seller's existing building to the Seller's Retained Building and erect a code-compliant exterior wall in form and substance acceptable to Seller as part of Seller's Unit. Purchaser shall also construct a new façade on all sides of Seller's Unit building and separate the utilities so that Seller's Unit is a separate and distinct Unit. Purchaser's work, the new building configuration and the location of the wall shall be more specifically identified in scope and cost as set forth in this Purchase and Sale Agreement (detail attached as Addendum #1).

Purchaser shall submit plans and specifications to Seller with respect to the foregoing work prior to submission to the City of Portland or its lender, which plans and specifications shall be subject to Seller's approval, not to be unreasonably withheld, delayed or conditioned. Purchaser will construct the improvements to Seller's Unit in accordance with the plans and specifications. Purchaser shall conduct such work in such a manner as to minimize as much as possible any disruption to Seller's use and enjoyment of Seller's Unit, in particular at times when any banquets, weddings, or similar revenue producing events are taking place. Work shall be conducted between the hours of 7:00 AM and 5:00 PM, Monday through Friday. Purchaser shall minimize any weekend or night construction activities, and if work is required during those times, Purchaser will notify Seller and to help minimize the impact to Seller's business, Seller's approval shall

be required prior to the performance of any such work. Without limiting the general nature of the foregoing, no blasting, pile driving or similarly loud work shall be performed on Tuesdays between 10:00 am and 4:30 pm [when bingo operates] or on weekends from Friday at 5:00 pm until Monday morning at 7:00 am.

c) Seller shall give Purchaser a right of first refusal to purchase Seller's Unit at Purchaser's option if at any time Seller decides to sell the Seller's Unit. Purchaser shall pay the amount set forth in any written offer made in a purchase and sale agreement Seller receives from a bona fide arms-length third party, minus a credit equal to an amount to be determined (either a dollar amount or a manner for calculating a dollar amount) by the parties in accordance with Section 5.1 of this Agreement ("Purchaser's Improvement Credit"). Without limiting the foregoing, Purchaser's Improvement Credit shall be calculated based upon the costs that Purchaser anticipates it shall pay for work on the common area infrastructure and other common area improvements to the Property, together with the cost of renovations to Seller's Retained Building including erection of new exterior wall and re-skinning of Seller's Retained Building, pro-rated based on the ownership interests allocated to Seller's Unit under the condominium documents. The dollar amount of Purchaser's Improvement Credit shall be reduced by equal 10% increments upon each anniversary of the date Purchaser's renovations to Seller's Retained Building are completed, with the manner of establishing such date to be determined by the parties in accordance with Section 5.1 of this Agreement (such date, the "Completion Date"), such that Purchaser's Improvement Credit shall be reduced to zero upon the tenth anniversary of the Completion Date. Seller and Purchaser agree to enter into a Right of First Refusal Agreement at the Closing in recordable form, containing terms and conditions reasonably satisfactory to the parties.

2. Purchase Price. The agreed purchase price for the Property is ~~One Million Two Hundred Fifty Thousand Dollars (\$1,250,000)~~ (the "Purchase Price"), payable as follows:

(a)(1) Fifty Thousand Dollars (\$50,000) has been paid into escrow prior to the date hereof, and an additional Fifty Thousand Dollars (\$50,000), for a total deposit of One Hundred Thousand Dollars (\$100,000.00) shall be paid within two (2) business days of the later to occur of (i) the Additional Contingencies Expiration Date (as defined in Paragraph 5.1) or (ii) the date the Lodge Approvals (as defined in Section 8(a)) are obtained, which amount shall be held by Malone Commercial Brokers ("Escrow Agent") as earnest money deposit hereunder and shall be applied as part payment of the purchase price (the "Deposit"). Purchaser may terminate this Agreement only based upon the grounds set forth below in paragraphs 5, 5.1 and 8, and only prior to the Zoning Contingency Expiration Date (defined below). Upon a timely, valid termination, the refundable portion of the Deposit shall be promptly returned to Purchaser. Nothing herein shall be deemed to limit Purchaser's right to terminate this Agreement pursuant to paragraph 6.

(a)(2)(i) Sixty (60) days after both the Lodge Approvals and UNUM Release as set forth in Paragraph 8 have been obtained (provided this Agreement has not been terminated in accordance with its terms by either party prior thereto), Five Thousand Dollars (\$5,000.00) of the Deposit shall become non-refundable notwithstanding anything in this Agreement to the contrary.

(ii) The remainder of the Deposit shall become non-refundable upon the Zoning Contingency Expiration Date (as defined below) provided this Agreement has not been terminated in accordance with its terms by either party prior thereto, and except for Seller's default under this Agreement or Seller's inability to convey title in accordance with Paragraph 4 of this Agreement; and

(b) The balance of the Purchase Price of \$1,150,000.00 shall be paid at the time of delivery of the deed in good certified or bank check(s), or by wire transfer.

The Deposit shall be placed in a non-interest-bearing escrow account.

3. Adjustments. Real estate taxes for the then current tax period shall be apportioned as of the day of closing under this Agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the Purchaser at the time of delivery of the Deed.

4. Conveyance: Title.

(a) Seller shall convey the Property to Purchaser by good and sufficient quitclaim deed with covenant (the "Deed"). Title to the Property shall be good and marketable and shall be free and clear of all liens and encumbrances except (i) zoning restrictions, building laws and land use matters, provided same do not prevent or unreasonably interfere with Purchaser's intended use and development of the Property; (ii) easements and restrictions of record; (iii) current taxes and assessments; (iv) any liens for municipal betterments assessed after the date of the Closing under this Agreement; and (v) any "Defects of Title" (defined below) as accepted or waived by Purchaser pursuant to Section 4(b).

(b) Purchaser shall notify Seller of any and all defects in title which are of record, or which would otherwise make Seller unable to give title to the Property as herein stipulated, including, without limitation as provided in Section 4(a) (any of which is called herein a "Defect of Title") within forty-five (45) days of the later to occur of the receipt of the Lodge Approvals or UNUM Release. With respect to the existence of any Defect of Title that does not exist on the date of this Agreement, but which arises prior to Closing, Purchaser shall notify Seller of any such Defect of Title which arises six (6) or more days prior to closing, at least five (5) days prior to closing, and any other defects

arising thereafter, on or prior to the Closing. If Purchaser notifies Seller of any Defects in Title, then the Seller shall use diligent efforts to remove any such Defects in Title (but shall not be required to expend in excess of \$10,000 to remove any such defect which shall be exclusive of any mortgages or liens which may be discharged by the payment of money only), in which event the time for performance hereof shall be extended for a period of time reasonably sufficient to permit the Seller to perform hereunder, not to exceed sixty (60) days in any event. Seller may also elect to use funds from the Closing under this Agreement to remove any Defects in Title, which shall be sufficient to correct such defects and satisfy its obligations under this paragraph. If such Defects of Title are not corrected or remedied as provided herein within such additional 60-day period, then Purchaser shall elect, either (i) to accept title to the Property subject to the uncured Defects of Title, or (ii) to terminate this Agreement, whereupon, notwithstanding Paragraph 2(a)(2)(ii) the entire Deposit, except for the \$5,000 described in Section 2(a)(2)(i) shall be returned to Purchaser and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement.

5. Due Diligence Period, Materials Delivered by Seller, Inspections and Right to Terminate.

(a) Seller shall provide to Purchaser copies of such surveys and plans, and engineering reports (including environmental reports, studies or evaluations) of the Property that Seller may have in its control or possession within seven (7) business days of the Contract Date.

(b) Purchaser and others whom Purchaser may designate may, at Purchaser's option and at its sole risk and expense, retain a person or persons to examine the Property and prepare mechanical, structural, environmental or physical reports of the Property, including without limitation surveying, conducting test borings, wetlands analysis, groundwater sampling, and in general conducting all other tests, analysis and studies of the Property which Purchaser deems prudent in connection with Purchaser's intended use and development of the Property. Purchaser and such designees shall have the right to enter the Property at all reasonable times during normal business hours with at least twenty four (24) hours prior notice to Seller to conduct such tests, studies and investigations. Purchaser shall not interrupt nor unreasonably interfere with Seller's business. Purchaser shall at its own expense restore the Property to its present condition, and agrees to hold Seller harmless and indemnify Seller from any loss or liability resulting from or arising out of the entrance by Purchaser, its agents, members, managers, officers, agents, subcontractors or employees upon the Property for the purposes set forth herein or for any other purpose, including, without limitation, any of their acts or omissions while on or about the Property, and this indemnity provision shall survive the Closing hereunder, or if the Closing does not occur, the termination of this Agreement.

All such inspections shall be done by qualified inspectors chosen and paid for by Purchaser.

(c) At any time on or prior to the date that is 30 days after the Contract Date (the "Due Diligence Period Expiration Date"), Purchaser shall have the right to terminate this Agreement if Purchaser determines, in its sole discretion, that it is not satisfied with (i) the material delivered to Purchaser pursuant to subsection (a) hereof; or (ii) any of the inspections set forth in subsection (b) above, by giving written notice to Seller on or before the end of the Due Diligence Expiration Date. If Purchaser timely gives notice of such dissatisfaction, then the Deposit shall be returned to Purchaser and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement. If Purchaser fails to give such written notice on or before the end of the Due Diligence Expiration Date, Purchaser shall be deemed to have waived its right to terminate this Agreement pursuant to this Section.

(d) Purchaser agrees that all information made available to Purchaser (all of which is referred to herein as "Confidential Information"), will be kept confidential and will be disclosed only to professional advisors engaged in connection with the proposed transaction. Purchaser agrees that it is Purchaser's responsibility to ensure that such advisors shall agree to and shall keep such information confidential. Any provisions herein to the contrary notwithstanding, the provisions of this Section 5(d) shall survive the Closing of this Agreement or if the Closing does not take place, the termination of this Agreement.

(e) For the purposes of this Section 5, the term "Property" shall be deemed to include Seller's Retained Building.

5.1 Seller and Purchaser Additional Contingencies. Seller and Purchaser agree that to expedite the execution of this Agreement, there are certain matters upon which the parties shall work to reach agreement within sixty (60) days of the Contract Date (the "Additional Contingencies Expiration Date") and if the parties are unable to reach such agreement, then either Purchaser or Seller may terminate this Agreement by notice in writing to the other party on or before the Additional Contingencies Expiration Date.

The matters which are to be agreed upon prior to the Additional Contingencies Expiration Date are:

1. The specifications of, and the work to be performed with respect to, the code compliant exterior wall and façade listed in Section 1(b) of the Agreement as well as the specific configuration of the Seller's Retained Building, including the location of the end of Seller's Retained Building;

2. The primary components of the condominium documents described in Section 1(b) of this Agreement, including, without limitation, the composition of ownership, voting and expenses (including the allocation of and responsibility for expenses with respect to buildings, the parking lot, common areas and limited common elements);
3. Purchaser's work schedule and limits on the same to accommodate Seller's business and event schedule;
4. The Right of First Refusal requested by Purchaser, including without limitation agreement on what a "bona fide arms-length third party" means and a mechanism to resolve any dispute over whether a party is a "bona fide arms-length party"; either a dollar amount or a manner for calculating the dollar amount of Purchaser's Improvement Credit; and the manner in which the Completion Date is to be established; and
5. The number of parking spaces to be allocated to Seller, or to which Seller has right to use, under the condominium documents or otherwise and their location.
6. The future retail uses of the Property.

6. Zoning and Land Use Contingency. Except to the extent expressly provided herein, including, without limitation, with respect to the non-refundable character of some of the Deposit as set forth in Section 2 of this Agreement, Purchaser's obligations under this Agreement are subject and conditioned upon the Purchaser's ability to obtain all required local, state and federal permits and approvals, including without limitation FAA approval if required (including expiration of all applicable appeal periods with no appeal having been made) to construct an additional 55,000 square feet (or more if zoning and permitting allow) of commercial space (including but not limited to office, retail (subject to agreement of the parties in accordance with Section 5.1) and medical office space) on the Property (in one or more newly constructed buildings), such approvals to be satisfactory to Purchaser in its sole discretion, within 180 days after the date the Lodge Approvals have been obtained (the "Zoning Contingency Expiration Date"). Such approvals shall include a change in zoning classification to an office park or "O-P" classification. All costs associated with permitting and approvals to be at Purchaser's sole expense. Seller agrees to cooperate and participate in the approval process by attending meetings or causing its legal counsel or other representatives to attend such meetings as shall be reasonably requested by Purchaser, at Seller's reasonable cost and expense (Seller recognizing that all such permits and approvals are to Seller's benefit as well). Seller shall not be required to incur any costs other than those associated with attending such meetings. Purchaser agrees to provide Seller with copies of its development plans and any concept plans, as they may be amended or revised during the permitting process, for Seller's review and approval, such approval not to be unreasonably withheld, delayed or conditioned. Seller's approval to any such development plans shall be deemed granted if Seller has not responded to a request for approval within twenty (20) business days from the date of Purchaser's submission to

Seller. In the event this permit and approval condition is not satisfied by the Zoning Contingency Expiration Date, and provided Purchaser is using diligent good faith efforts to satisfy same, Purchaser shall have the right to extend that deadline by up to an additional ninety (90) days by written notice of extension to Seller, in which event the Zoning Contingency Expiration Date shall be extended to include such 90 day period. If Purchaser for any reason has not obtained all required local, state and federal permits and approvals, including, without limitation site plan approval, and expiration of all applicable appeal periods with no appeal having been made, by the Zoning Contingency Expiration Date, then Purchaser may terminate this Agreement by written notice to Seller within such period (as it may be extended), whereupon the refundable portion of the Deposit shall be returned to Purchaser and this Agreement shall be of no further force and effect.

7. Purchaser's Financial Capacity. Purchaser shall provide to Seller by on or before fifteen (15) days after the Contract Date with documentation reasonably satisfactory to Seller regarding Purchaser's financial capability to pay the Purchase Price and fund the cost of construction as contemplated in this Agreement. If Seller is not reasonably satisfied with Purchaser's evidence of financial capability, then Seller shall have the right to terminate this Agreement, whereupon the Deposit shall be returned to Purchaser and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement.

8. Seller's Authority to Convey; Release of Right of First Refusal.

(a). Seller's obligations under this Agreement are subject and conditioned upon Seller (i) obtaining the consent and approval of the transaction described herein from the members of its Lodge (the "Members' Approval"), and (ii) the Elks Club's Grand Lodge ("the Grand Lodge Approval") (collectively the "Lodge Approvals"). Seller agrees to seek to obtain the Members' Approval within sixty (60) days from the Contract Date and agrees to seek to obtain Grand Lodge Approval within ninety (90) days from Contract Date, provided however that Seller shall have the option by notice to Purchaser to extend each of the Lodge Approval deadlines by up to thirty (30) additional days if it determines such extension to be necessary. If both Lodge Approvals are not obtained within ninety (90) days from the Contract Date (or within such longer period as Seller shall elect as set forth above), Seller and Purchaser shall have the right at any time thereafter to terminate this Agreement, whereupon the Deposit shall be immediately returned to Purchaser and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement.

(b). Seller's obligations under this Agreement are also subject to and conditioned upon Seller obtaining from UNUM a release of its Right of First Refusal (the "UNUM

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Release") within sixty (60) days from the Contract Date. If such Right of First Refusal is not obtained within such 60 day period, Seller and Purchaser shall have the right at any time thereafter to terminate this Agreement, whereupon the Deposit shall be immediately returned to Purchase and all obligations of the parties hereunder shall cease and neither party shall have any claim against the other by reason of this Agreement, except with respect to any provision hereof that expressly survives the termination of this Agreement.

(c). Intentionally Omitted.

9. Time for Performance; Delivery of Deed. The transfer of title (the "Closing") shall take place on a date that is thirty (30) days after the Zoning Contingency Expiration Date at ten a.m. at the offices of Murray, Plumb & Murray or at such other place as shall be mutually agreed to by Purchaser and Seller, unless extended as provided herein. TIME IS OF THE ESSENCE.

10. Use of Purchase Money to Clear Title. To enable the Seller to make conveyance as herein provided, the Seller may at the time of delivery of the Deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of the Deed.

11. Possession and Condition of Property. Full possession of the Property (subject to Seller's retained ownership and rights set forth herein, including, without limitation, under any condominium documents) free of all tenants and occupants (except for Seller and its members, employees, affiliates and the like) is to be delivered at Closing.

12. Representations.

(a) Seller represents, covenants and warrants to and agrees with Purchaser as follows:

(1) Seller is the current owner of the Property, and except for the approvals and releases that must be obtained as provided herein (including, without limitation, member approval) and to which its obligations hereunder are subject, has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Seller of its obligations hereunder will not conflict with, or result in breach of any regulation, order, judgment, injunction or decree of any court or governmental authority or any agreement or instrument to which Seller is a party or by which it is bound.

(2) There are no tenancies, occupancies or licenses affecting the Property, except as set forth explicitly in this Agreement.

(3) Intentionally Omitted.

(4) No work has been done on the Property which could give rise to any liens on the Property, except those for which Seller intends to pay in the ordinary course of business and no contracts are outstanding or in effect with respect to the doing of any such work except those for which Seller intends to pay in the ordinary course of business.

(5) To the best of Seller's knowledge there is no notice, suit, order, decree, claim, writ, injunction, or judgment relating to material violations of any laws, ordinances, codes, regulations or other requirements with respect to the Property (or any portion thereof) in, of or by any court or governmental authority having jurisdiction.

(6) To the best of Seller's knowledge there is no condemnation proceeding pending or threatened against any portion of the Property.

(7) During the period of Seller's ownership and to the best of Seller's knowledge prior to its ownership of the Property, there has been no leakage, seepage or other release or discharge of any hazardous waste or matter, toxic substance, pesticide or petroleum product or derivative on the Property. The Property has not been used during Seller's ownership, or to Seller's knowledge during any prior period of ownership, for the storage, collection or depositing, whether intentional or unintentional, of any hazardous waste, toxic substance, pesticide or petroleum product or derivative, except for an underground storage tank or to the extent oil or gas products have been stored for heating, cooking or other use by Seller. There are no underground storage tanks located at the Property that have not been removed or filled and Seller is not aware of any underground storage tanks at the Property placed there by Seller or anyone else that have not been removed or filled. If the existing underground storage tank(s) must be removed for any reason, Purchaser shall remove the tank at its cost and expense, but the cost of such removal shall be included in Purchaser's Improvement Credit.

(b) Purchaser represents, covenants and warrants to and agrees with Seller that Purchaser has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Purchaser of its obligations hereunder (i) have been duly authorized by all requisite organizational action; and (ii) will not conflict with, or result in a breach of, any of the terms, covenants and provisions of the by-laws or articles of

organization of Purchaser or any law or any regulation, order, judgment, writ, injunction or decree of any court or governmental authority, or any agreement or instrument to which Purchaser is a party or by which it is bound.

13. Affirmative Covenants of Seller. Seller agrees, pending closing, that:

(a) Unless disputed by Seller, Seller shall pay, when due, all taxes and assessments of every type or nature levied or assessed against the Property of which Seller has actual notice, and unless disputed by Seller, any claim, lien or encumbrance of which Seller has actual notice against the Property that might materially affect Seller's ability to fulfill its obligations hereunder. To the extent Seller disputes such a tax, assessment, claim, lien or encumbrance, Seller agrees to take reasonable steps to contest the same.

(b) Seller (i) shall not commit or suffer waste and (ii) shall comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and will not suffer or permit any violation thereof.

14. Broker's Commissions. If this transaction closes, Seller shall be responsible for the payment of a brokerage commission to Malone Commercial Brokers. Seller shall have no obligation to make any payment to the The Boulos Company which Purchaser agrees shall obtain any commission which it may claim solely from Malone Commercial Brokers. If either Seller or Purchaser have employed or engaged any other broker or agent in connection with this transaction or have incurred any other obligation, contingent or otherwise, for a broker's or finder's fee with respect to the matters provided for in this Agreement, the party incurring any such obligation shall be solely responsible therefor. Each party agrees to indemnify and hold the other party harmless from and against any and all costs, expenses, claims, losses or damages, including reasonable attorneys and paralegal fees, resulting from a violation of the representations, warranties and covenants set forth in this Section and this agreement to indemnify and hold harmless shall survive the Closing hereunder, or if the Closing does not occur, the termination of this Agreement.

15. Default.

(a) If Purchaser fails to perform its obligations as set forth in this Agreement, then Seller as its sole remedy at law or in equity shall be entitled to retain the Deposit as liquidated damages as a result of such failure to perform and this Agreement shall be deemed terminated. Purchaser acknowledges that Seller's damages because of Purchaser's failure to perform are difficult to ascertain and agree that the amount of the Deposit represents a reasonable estimate of the minimum amount of Seller's damages as a result thereof.

(b) If Seller fails to perform its obligations as set forth in this Agreement, Purchaser shall, in addition to its remedies in equity to which it is otherwise limited (including the right to specific performance), be entitled to receive the Deposit together with reimbursement for expenses incurred by Purchaser in obtaining the reports referred to in Paragraph 5 which shall not exceed \$5,000. Except for such reimbursement for expenses which shall not exceed \$5,000, Purchaser shall not be entitled to any damages of any kind whatsoever.

(c) In the event either Purchaser or Seller is alleged to have failed to perform its obligations hereunder, the party so claiming shall give notice in writing to the allegedly breaching party and the party shall have ten (10) days following the receipt of such notice in which to cure the alleged breach.

16. Purchaser's Conditions. The obligation of Purchaser to close under this Agreement is subject to the following conditions precedent:

(a) The representations and warranties of Seller shall be materially true in all respects, and Seller shall so certify, unless an event has occurred which makes such representation untrue, in which case Seller shall give notice of the same to Purchaser prior to closing.

(b) Seller shall have performed and complied with all the terms and conditions required by this Agreement to be performed and complied with by Seller at or prior to Closing.

17. Notice. Whenever notice is given or required to be given by either of the parties hereto to the other, it shall be deemed to have been given if in writing and mailed by certified or registered mail, return receipt requested, postage prepaid, or hand delivered, addressed to the parties at the address set forth in the first paragraph above or to such other address(es) as either party shall have last designated by like notice in writing. Copies of all notices to Purchaser shall be sent to Murray, Plumb & Murray, 75 Pearl Street, Portland, Maine 04101, Attention: Drew A. Anderson, Esq. Copies of all notices to Seller shall be sent to Exalted Ruler Timothy Smith, Elk's Lodge, Portland Lodge 188, 1945 Congress Street, Portland, Maine 04103, with a copy to counsel, William H. Leete, Jr., Esq., Leete & Lemieux, P.A., P.O. Box 7740, Portland, Maine 04112. All notices shall be effective upon hand delivery, receipt or two (2) business days after date of mailing, whichever first occurs. The respective attorneys for the parties are authorized to give and receive notices with the same effect as if given or received by the parties hereto.

18. Further Assurances. The parties agree that up to and after the date of Closing, they shall do such things and execute, acknowledge and deliver any and all

additional instruments, documents and materials as either party may reasonably request to fully effectuate the purposes of this Agreement.

19. Construction of Agreement. This instrument, executed in duplicate, is to be construed as a Maine contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the Seller and Purchaser. If two or more persons are named herein as Purchaser and Seller their obligations hereunder shall be joint and several. The captions are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it. This Agreement may not be recorded by Purchaser, and any such recording shall be deemed to automatically terminate this Agreement.

20. Risk of Loss. The risk of loss shall remain on Seller at all times until closing except for loss or damage to the extent either caused by or arising from the act or omission of Purchaser, its members, managers, officers, agents, subcontractors or employees.

21. Miscellaneous.

(a) Seller and Purchaser shall each pay their portion of the Maine State Transfer Tax.

(b) Seller hereby certifies that Seller is a resident of the State of Maine. Seller hereby acknowledges Purchaser's requirement to withhold 2½% of the purchase price pursuant to 36 M.R.S.A. §5250-A if Seller is not a resident of the State of Maine, unless Seller presents to Purchaser at closing a Certificate of Exemption or Certificate of Reduction from the State of Maine Bureau of Taxation.

(c) By signing this Contract, Purchaser acknowledges that Purchaser has been notified of the State of Maine's withholding tax requirement pursuant to 36 M.R.S.A. §5250-A.

(d) Seller hereby certifies that Seller is a resident of the United States of America and is not subject to the 10% withholding tax imposed upon "foreign persons" by Section 1445(a) of the Internal Revenue Code of 1954.

(e) This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, personal representatives, successors in interest and assigns. Purchaser shall be entitled to assign its right, title and interest herein to any limited liability company, partnership or other entity, whether now existing or hereafter

formed, controlled by, controlling or under common control with Purchaser or its principals. Any assignee shall expressly assume all of Purchaser's duties, obligations and liabilities hereunder. No such assignment shall release the named Purchaser from its obligations hereunder.

(f) It is understood and agreed that all understandings, agreements, warranties or representations, either oral or in writing, including without limitation any letters of intent or prior agreements, heretofore between the parties hereto are merged in and superseded by this Agreement, which document alone fully and completely expresses the parties' agreement with respect to the transactions covered hereby. This Agreement may not be modified in any manner except by a subsequent instrument in writing signed by Seller and Purchaser.

(g) This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be an original; but such counterparts shall constitute but one and the same instrument.

(h) If the date for performance of any obligation hereunder, or the giving of any notice hereunder, falls on a Saturday, Sunday or a legal holiday in the State of Maine, the period for such performance, or the giving of any notice hereunder, shall be extended to the next business day.

(i) This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Maine.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have executed this Agreement as a sealed instrument as of the date set forth below their respective signatures, to be effective as of the Contract Date.

SELLER:

Portland Lodge No. 188, of the Benevolent
and Protective Order of Elks of the United
States of America

Dated: June 9, 2014

By: *[Signature]* Exalted Ruler
[Signature] Trustee Chair

PURCHASER:

Northland Enterprises, LLC

Dated: June 11th 2014

By: *[Signature]*
Josh Bertner, MANAGER
Michael Bedecs
Dr. Michael Bedecs

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of the \$100,000.00 Deposit and a copy of this Agreement and agrees to hold, account for and deliver the Deposit in accordance with the terms of this Agreement.

Malone Commercial Brokers

By: _____

FIRST AMENDMENT TO REAL ESTATE PURCHASE AND SALE AGREEMENT

This Amendment to Purchase and Sale Agreement ("First Amendment") is dated as of August 5, 2014 by and between Portland Lodge No. 188, of the Benevolent and Protective Order of Elks of the United States of America (collectively "Seller"), having a place of business at 1945 Congress Street, Portland, Maine and Dr. Michael Bedecs, having a place of business at 1375 Congress Street, Portland, Maine and Northland Enterprises, LLC, and/or its assigns, having a place of business at 17 South Street, 3rd floor, Portland, Maine ("Buyer").

RECITALS

WHEREAS, Seller and Buyer entered into a certain Purchase and Sale Agreement dated as of June 11, 2014, (the "Purchase Agreement").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Paragraph 5.1 of the Purchase Agreement "Seller and Purchaser Additional Contingencies" is hereby amended so that the "Additional Contingencies Expiration Date" is hereby extended, up to and including September 30, 2014 and Buyer and Seller shall have until September 30, 2014 to agree upon all matters listed in Paragraph 5.1 or to exercise their right to terminate as set forth more fully in Paragraph 5.1.
2. The Purchase Agreement shall remain in full force and effect, except as expressly amended hereby. Without limiting the general nature of the foregoing, any paragraphs of the Purchase Agreement amended by this First Amendment, shall remain unchanged, except for the expressly stated amendments contained herein.

IN WITNESS WHEREOF, Seller and Buyer have executed this Amendment as of the date first set forth above.

SELLER:

Portland Lodge No. 188, of the Benevolent
and Protective Order of Elks of the United
States of America

By: _____

Name: Timothy Smith
Title: Exalted Ruler

REPLY:

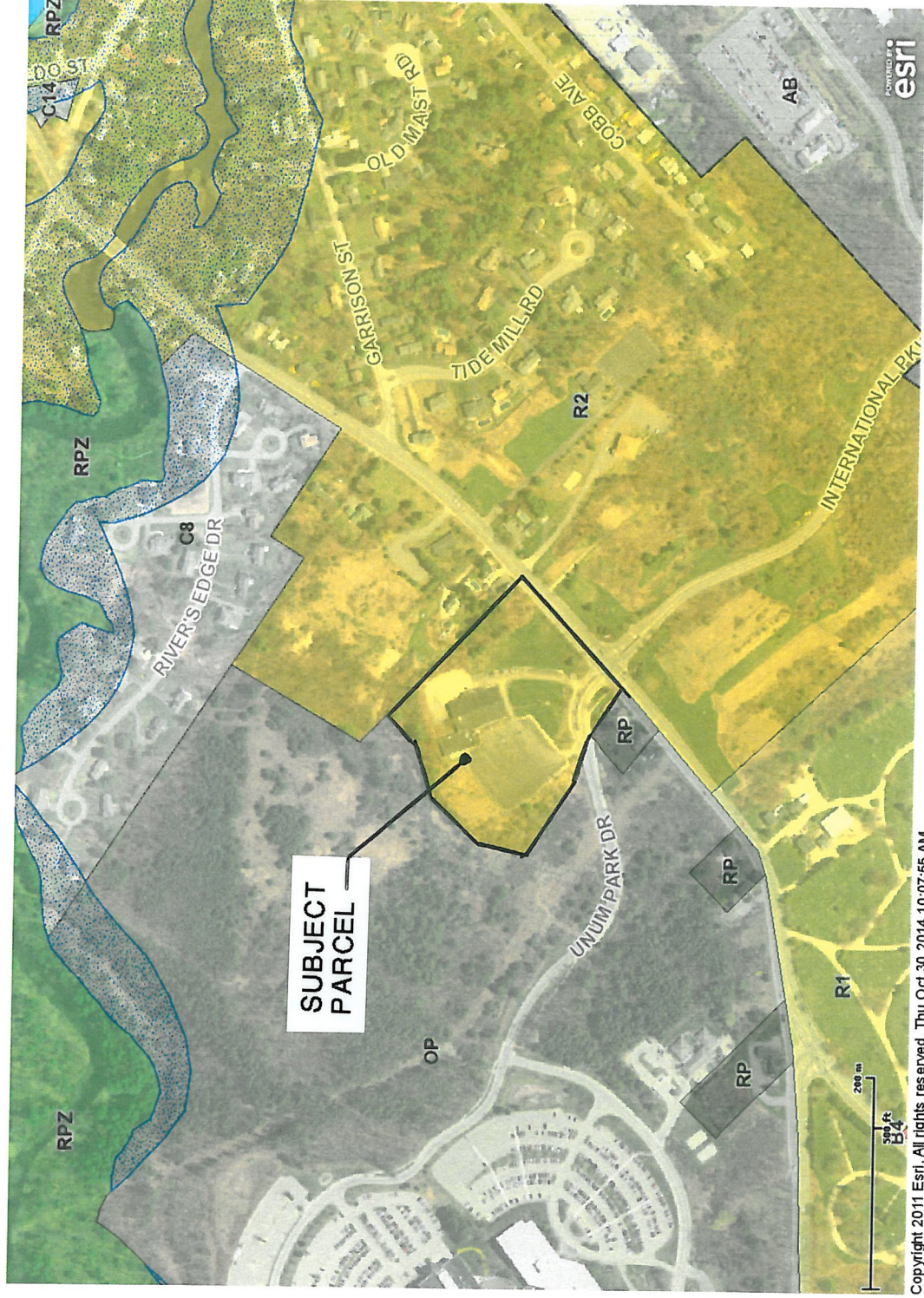
Northland Enterprises, LLC

by: 

Name: Rex Bell
Title: Partner


Dr. Michael Beddes

My Map

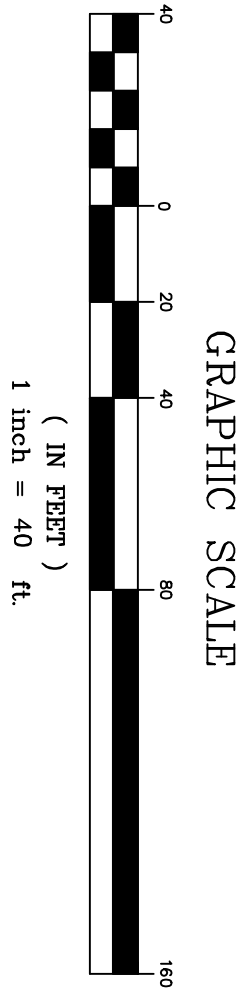




PARKING REQUIRED:
OFFICES, PROFESSIONAL AND PUBLIC BUILDINGS: 1 PARKING SPACE FOR EACH 400 SQUARE FEET OF FLOOR AREA (BUILDINGS 2 & 3)
PLACES OF ASSEMBLY (INCLUDES PRIVATE CLUB AND FRATERNAL HALLS...): 1 PARKING SPACE FOR EACH 125 SQUARE FEET OF FLOOR AREA USED FOR ASSEMBLY AREA (BUILDING 1)

CITY REQUIREMENT	TENANT REQUIREMENT	LCE/EXCLUSIVE USE	LCE LEGEND
BUILDING 1	54 SPACES	90 SPACES	77 SPACES
BUILDING 2	38 SPACES	75 SPACES	46 SPACES
BUILDING 3	89 SPACES	177 SPACES	65 SPACES
TOTALS:	181 SPACES	342 SPACES	

OVERALL PARKING PROVIDED:
STANDARD SPACES 283-9'x18' SPACES
HANDICAP ACCESSIBLE 12-8'x18' SPACES
MOTORORIZED 2-WHEEL 20-4'x8' SPACES



NOT FOR CONSTRUCTION

PINKHAM & GREER
CIVIL ENGINEERS

28 WYMAN AVE. PORTLAND, ME 04103
TEL: 207.781.5242 FAX: 207.781.4245

1945 CONGRESS STREET
ELKS LODGE, PORTLAND, MAINE

NORTHLAND ENTERPRISES, LLC
17 SOUTH STREET
PORTLAND, MAINE 04101

SCALE: AS SHOWN
DATE:
PROJECT: 13151

DRN BY: JDC
DESG BY: TSG
CHK BY:

REV.	DATE	DESCRIPTION

W90101 216-43-271-A1

03

SITE PLAN

Comprehensive Plan Compliance
1945 Congress Street
December 11, 2014
File: 13151

Att. 2

Goal: Expansion of the Office Park District (OP) to encompass the Elks Club, currently zoned, Residential 2 (R2). The current OP District covers the UNUM campus.

Existing Conditions: This is currently developed with a 23,127 sq. ft. building used by the Elks. It has open parking lots, lawn, and little landscaping. It is in need of updating. It is a non conformant grandfathered use in the R2 District.

Current Plan: This project will reduce the size of the Elks Club building, providing a fully refurbished exterior and parking. Interior renovations are planned as well. In addition to the Elks building, two new buildings will be added to the site. A 15,000 sq. ft. medical office building will be constructed along Congress Street and a 25,000 to 35,000 sq. ft. general office building will be added to the interior of the property. This project will bring the current site into conformance with current environmental standards.

In reviewing the Comprehensive Plan, this project will meet many of the goals established for this area of the Portland and Portland in general. This is accomplished with the zone change. Below are bullet points that speak to items in the Comprehensive Plan.

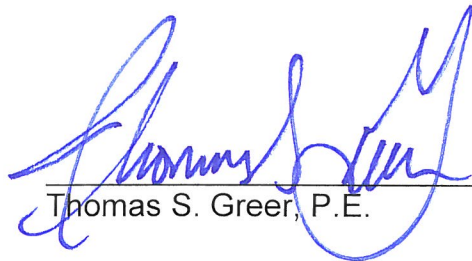
- Expanding the OP District to this site allows for redevelopment of the existing site minimizing the effects of sprawl.
- The rezone to OP allows clean industries and uses to use the site.
- The site is on a major arterial, minimizing impacts on residential neighborhoods.
- The site is on a bus route and will have bike racks that support alternate means of transportation.
- The OP will allow expansion of compatible uses to the current OP Zone that encompasses the UNUM campus.
- The existing developed site has no historic features that will be impacted by the expansion of the OP District.
- The expansion of the OP District will allow greater protection of the natural resources. The new project will have a fully compatible stormwater management system, improving the stormwater runoff quality. This protects wetlands, Stroudwater River, and Casco Bay.
- The rezone will encourage economic growth, providing jobs for construction workers, office employees, and support services.
- It does not impact current residential properties. No housing units are removed or rezoned with this map amendment to the OP.

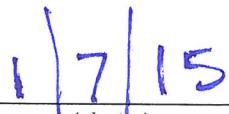
Neighborhood Meeting Certification

I, Thomas S. Greer, P.E., Pinkham & Greer, Civil Engineers hereby certify that a neighborhood meeting was held on January 5, 2015 at 1945 Congress Street at 5:00 pm.

I also certify that on December 22, 2014, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.



Thomas S. Greer, P.E.

(date)

Attached to this certification are:

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

**You are Invited to
a
Neighborhood Meeting**

December 22, 2014

Dear Neighbor:

The team at Northland Enterprises, LLC is working with the Elks' to create a new look and use of the site. The Elks' building will be downsized and renovated to give it a fresh look and become more functional for their use.

The additions to the site will include a 15,000 sq. ft. medical building along Congress Street and a 35,000 sq. ft. building along the UNUM side of the site. These changes will allow the site to be brought up to current environmental standards.

This meeting is for a Zone Change for the property. As part of the City's approval process, we will hold two public informational meetings which you are invited to attend. The first meeting will be:

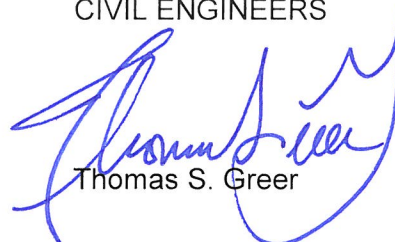
Meeting Location: 1945 Congress Street, the Elks Building
Meeting Date: Monday, January 5, 2015
Meeting Time: 5:00 pm

The City code requires that property owners within 500 feet of the proposed development and residents on the "interested parties list" be invited to participate in the neighborhood meeting. A sign in sheet will be circulated and minutes of the meeting will be taken. Both the sign up sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Tom Greer @ 207-781-5242.

Sincerely,

PINKHAM & GREER
CIVIL ENGINEERS



Thomas S. Greer

Applicant: Northland Enterprises, LLC (Josh Benthien & Rex Bell)
17 South Street
Portland, ME 04101

Owner: Portland Lodge #188 BPOE of USA
1945 Congress Street
Portland, ME 04102



NOT FOR CONSTRUCTION

03

SITE PLAN

1945 CONGRESS STREET
ELKS LODGE, PORTLAND, MAINE

NORTHLAND ENTERPRISES, LLC
17 SOUTH STREET
PORTLAND, MAINE 04101

SCALE: AS SHOWN DRN BY: JDC
DATE: DESG BY: TSG
PROJECT: 13151 CHK BY:

REV	DATE	DESCRIPTION

**PINKHAM & GREER
CIVIL ENGINEERS**

28 WINDY AVE, PORTLAND, ME, 04103
TEL: 207.781.5242 FAX: 207.781.4245

NEIGHBORHOOD MEETING ATTENDEE LIST

1945 Congress Street

January 5, 2015

TOM GREEN BIRKHAM & COLEEN 23 VAN HANAN AVE PORTLAND, ME.	DAN KOLOSKI (SVL PRESIDENT) 1296 WESTBROOK ST PORTLAND STROUDWATER VILLAGE ASSOCIATION @ GMAIL.COM
Tim Smith 1945 Congress St Portland ME.	Anita B Jones 33 Old Mast Rd. Portland, ME 04102
John R. Fox, UACM 2211 Congress St Portland, ME 04122	BILL LINNELL + JOYCE BANTHIER. 1905 CONGRESS ST PORTLAND, ME 04102
James Casterella 1967 Congress St Portland, ME 04102	Josh Benthien - Northland 9 Rocky Hill Road CAPE ELIZABETH, ME 04107
BRAD FRIES 17 South St, 3rd Fl Portland, ME 04101	REX BELL - NORTHLAND 4 WOOD ROAD CAPE ELIZABETH, ME 04107
Mary Joa Kimball 49 Vin dale St. Scarborough, ME 04074	CATHERINE ALEXANDER UNUM 2211 congress st Portland, ME 04122
PAT ADRIANCE 16 LONGFELLOW ROAD GORHAM, ME 04038	JOE Winschel 1945 Congress St Portland, ME
.RON ADRIANCE SAME AS ABOVE	MICHAEL ROGERS 66 RIVER'S EDGE DR PORTLAND
Dennis S. Rickett 20 Woodbury St. Portland, Me.	Joan & Sandy Boal 37 Old Mast Rd. Portland, Me.
Carol Burdick 794 Westbrook Scarborough ME 04074	ERIC GRIFFIN 42 PENRITH RD PORTLAND ME 04102

(A)

CAPT LINNELL @ YAHOO.COM

Neighborhood Meeting Summary
1945 Congress Street
January 5, 2015

The meeting started at 5:10pm and concluded around 5:45pm. It seemed to be well attended. The Attendance List is attached. Several people showed up during the meeting but did not sign in.

- A presentation by Thomas Greer was made highlighting the location of the project and noting the process for the zone change, the site plan and subdivision approvals. This is the first of two public information meeting to be held for this project.
- The features of the site were noted, including removing a section of the Elk's building, and renovating the remainder of the building. A new 15,000 sq. ft. medical office building will be constructed along Congress Street and a 25,000 to 35,000 sq. ft. building will be constructed on the west side of the existing parking lot.

In response to questions the following responses were made:

- The entrances to the site will remain in the same locations.
- A pylon sign will likely be placed out at the Congress Street entrance and some type of signage will be on the buildings. Way finding signs and parking signs will be throughout the parking fields.
- Bike racks, motorcycle, and scooter parking is provided and sidewalks for pedestrian connections are provided. No trail network is included.
- The parking meets or exceeds the City's requirements. On Tuesday's, Bingo at the Elk's will create the maximum demand. A parking study will be part of the submittals to the City.
- The site will have improved stormwater management. It will include treatment and flow control. A final selection of the treatment system has not been made.
- The site will have new lighting, meeting current standards. It will be computer controlled so it can be limited in the time it is on. It will be shielded and at lower levels than older parking lots. It will be LED lights.

The schedule for the project includes:

- Zone Change in the next 2 months.
- Site Plan and Subdivision Approval by May.

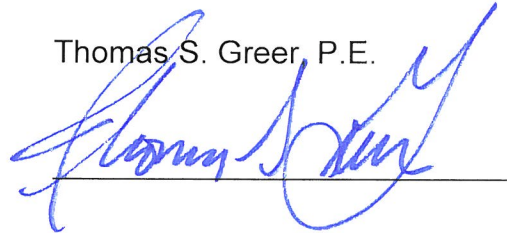
- Start Construction on the Elk's in June.
- Medical Building construction in June.

The general office building will be constructed when a tenant/owner is confirmed.

- The preliminary elevation views of the Elk's building and the general office building were shown. No drawings of the medical office were shown.
- Our neighbor, adjacent Congress Street, Bill Linnell, noted he was opposed to the project and thought a housing project would meet the Comprehensive Plan better. We noted we had sent a brief summary of how this project conforms to the Comprehensive Plan to the staff already. He will get a copy of that.
- There was general discussion about the bus route and if the rerouting of the line would impact this project. We did not think it would have much impact on the project.

The above summary of the meeting is respectfully prepared and submitted by:

Thomas S. Greer, P.E.



MEMORANDUM

To: FILE
From: Nell Donaldson
Subject: Application ID: 2014-227
Date: 12/17/2014

Comments Submitted by: Ann Machado/Zoning on 12/2/2014

The proposal is for a Map Amendment to change the zone for the property located at 1945 Congress Street from R-2 Residential to O-P Office Park Zone in order to build a 15,000 sf medical building and a 35,300 sf office building. These two proposed uses are permitted uses in the O-P zone. The Elks building is a conforming use in the R-2 zone as a place of assembly (fraternal organization). If the lot is changed to the O-P zone, the Elks building as a place of assembly would become a legal nonconforming use. The use could be maintained but the building could not be expanded and the nonconforming use would be abandoned if the use as a place of assembly is discontinued for twelve months. The existing lot meets the minimum gross area requirement of three acres for an office park and it meets the minimum street frontage of one hundred feet.

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 1/5/2015 10:07 AM
Subject: RE: Fwd: Office Development at Elks Lodge Site off Unum Drive

Hi Nell – I have conducted a preliminary trip generation analysis for the three development assumptions you have provided and the results are summarized in the following table. The trip generation estimates were computed for the Weekday AM and PM peak hours and were based on the Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.

<i>Zone</i>	<i>Density</i>	<i>AM Peak Hour Traffic Volume Enter and Exiting</i>	<i>PM Peak Hour Traffic Volume Enter and Exiting</i>
<i>Existing R-2</i>	<i>14 Residential Units</i>	<i>10 Vehicles</i>	<i>14 Vehicles</i>
<i>Office Park (OP)</i>	<i>192,563 Square Feet of Office Space</i>	<i>302 Vehicles</i>	<i>288 Vehicles</i>
<i>Residence Professional (RP)</i>	<i>137,201 Square Feet of Office Space</i>	<i>214 Vehicles</i>	<i>204 Vehicles</i>

If you have any questions or need additional information, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
 [T.Y. Lin International]T.Y. Lin International
 12 Northbrook Drive
 Falmouth, ME 04105
 207.781.4721 (main)
 207.347.4354 (direct)
 207.400.0719 (mobile)
 207.781.4753 (fax)
 thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
 Visit us online at www.tylin.com<http://www.tylin.com>
 Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 1/9/2015 3:51 PM
Subject: RE: Fwd: Office Development at Elks Lodge Site off Unum Drive

Hi Nell – I would like to note that based upon the trip generation levels noted in my previous email, a comprehensive traffic impact study would be required to assess impacts to the area roadway system. Please note the following:

- The Congress Street/International Parkway/UNUM Drive intersection will serve as the primary access point for any development. Use of this existing signalized intersection seems appropriate, but any development application would be required to access the ability of this traffic signal to adequately accommodate the added traffic.

- The City recently implemented Phase I of the Outer Congress Street Streetscape Study with the intent of providing a balanced multi-modal transportation street. Phase I primarily reduced the number of travel lanes on certain sections of Congress Street between Steven Avenue and International Parkway/UNUM Drive. The City continues to review conditions and will be implementing Phase II of the Plan this year which will seek to enhance the inbound merge area east of International Parkway/UNUM Drive, add a crosswalk near Garrison Street, and implement pedestrian and transit improvements at Westbrook Street.

- MaineDOT will be upgrading the traffic signal at the Congress Street/Westbrook Street intersection. This intersection currently experiences congestion problems, but it is unlikely any capacity enhancements will be possible given constraints.

- The Congress Street/Johnson Road intersection seems to operate at an acceptable level of service, but review of conditions would be required.

If you have any questions, please let me know.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
 [T.Y. Lin International] T.Y. Lin International
 12 Northbrook Drive
 Falmouth, ME 04105
 207.781.4721 (main)
 207.347.4354 (direct)
 207.400.0719 (mobile)
 207.781.4753 (fax)
 thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
 Visit us online at www.tylin.com<http://www.tylin.com>
 Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
 Sent: Monday, January 05, 2015 10:27 AM
 To: Tom Errico
 Subject: RE: Fwd: Office Development at Elks Lodge Site off Unum Drive

Great. Thanks, Tom. There are likely to be questions about impacts to operations on Congress Street and the light at Unum Park Drive. Can you make any general statements on that? Maybe alluding to existing trips generated by the Elks?

Tell me if I'm asking you to go too far out on a limb here!

Nell

Nell Donaldson
 City of Portland Planning Division
 389 Congress Street
 Portland, Maine 04101
 874-8723

hcd@portlandmaine.gov<mailto:hcd@portlandmaine.gov>

>>> Tom Errico <thomas.errico@tylin.com><mailto:thomas.errico@tylin.com>> 1/5/2015 9:54 AM >>>

Hi Nell – I have conducted a preliminary trip generation analysis for the three development assumptions you have provided and the results are

summarized in the following table. The trip generation estimates were computed for the Weekday AM and PM peak hours and were based on the Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.

Land Use Zone

Density

AM Peak Hour Traffic Volume Enter and Exiting

PM Peak Hour Traffic Volume Enter and Exiting

Existing R-2

14 Residential Units

10 Vehicles

14 Vehicles

Office Park (OP)

192,563 Square Feet of Office Space

302 Vehicles

288 Vehicles

Resource Protection (RP)

137,201 Square Feet of Office Space

214 Vehicles

204 Vehicles

If you have any questions or need additional information, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International] T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

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Please consider the environment before printing.

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Monday, January 05, 2015 8:22 AM
To: Tom Errico
Subject: RE: Fwd: Office Development at Elks Lodge Site off Unum Drive

Thanks, Tom. This is helpful.

I'm trying to get a draft of this memo to Barbara this week, as I'm out for some of next and the workshop is on the 20th. Can you take a look at those buildout calculations when you get a chance (attached again here) and let me know what you think in terms of a general comparison of trip generation?

Thanks, Tom.

Nell

>>> Tom Errico <thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>> 12/31/2014 3:59 PM >>>

Hi Nell – Attached is a concept plan set that is still evolving, so please note that it will be changing. Thanks and let me know if you have any questions.

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Wednesday, December 31, 2014 11:09 AM
To: Tom Errico
Subject: Re: Fwd: Office Development at Elks Lodge Site off Unum Drive

Thanks, Tom. I can't think of anything else in terms of development out there, but Barbara may know of something.

I'm looking forward to seeing the outer Congress plans when you get a chance. I didn't even realize anything was happening there.

Nell

>>> Tom Errico <thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>> 12/31/2014 9:48 AM >>>

Sent from my iPhone

Begin forwarded message:

From: "Diane W. Morabito" <mtrdwm@myfairpoint.net<mailto:mtrdwm@myfairpoint.net>>
Date: December 29, 2014, 1:09:18 PM EST
To: 'Barbara Barhydt' <BAB@portlandmaine.gov<mailto:BAB@portlandmaine.gov>>
Cc: Tom Errico <thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>>
Subject: Office Development at Elks Lodge Site off Unum Drive

Hi Barbara,

I am writing regarding the proposed medical and general offices at the Elks Lodge site off Unum Drive (off Congress Street). We are doing the traffic study and traffic permitting for the office development. Are there any other development projects approved but not constructed, or pending approval, that will impact Congress Avenue volumes in that area that I should consider in my traffic analysis?

As always, thanks for your assistance and Best Wishes for the New Year.

Diane

Diane W. Morabito, P.E. PTOE

President

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

(O) 207-582-5252

(M) 207-441-0703

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. --

January 14, 2015

David P. Silk
1187 Westbrook Street
Portland, ME 04102-1928

Ms. Helen Donaldson
Planning and Urban Development Department
City of Portland
389 Congress Street
Portland, ME 04101

RE Elks Club Property Zone Change Application, 1945 Congress Street

Dear Neil:

I live in the Stroudwater neighborhood and I am a member of the Stroudwater Village Association. I write in my own individual capacity to express my view as to why the Planning Board should not recommend to the City Council approval of Northland Enterprises, Inc.'s application to rezone the Elks Club property at 1945 Congress Street from R-2 to OP. Can you please forward this letter to the Board as part of the packet of information the Board is to receive on the applicant's proposal.

As an initial matter, in the applicant's material you were kind enough to send to me, I did not see anywhere the applicant's explanation on how the proposed zone change is consistent with the Comprehensive Plan. Unless and until the applicant attempts to explain how it's parcel specific zone change application is consistent with the Comprehensive Plan, and makes that information timely available to the public prior to any Planning Board meeting, the Board should defer hearing the proposal.

I am not aware of any proposed one parcel only zone change (as opposed to a large area with multiple parcels) that sought to change an existing and to be continued use on the property from legally conforming to legally nonconforming but that is what the applicant seeks here. The applicant represents that with the proposed parcel zone change the Elks Club will continue to be used as a place of

assembly. Application at 4. A place of assembly is a conditional use in the R-2 zone because it is viewed as typically harmonious with residential uses. Places of assembly are not permitted, either by right or as a conditional use, in the OP zone. I cannot think of any zoning justification for a parcel only zone change that has the effect of converting an existing and to be continued use from legally conforming to legally nonconforming. I am not aware of anywhere in the Comprehensive Plan where it is a planning goal of the City through a parcel only zone change to convert a legally conforming use that is to be continued to nonconforming. By definition if the change is approved, the City would be permitting a nonconforming use to continue. But the goal of zoning is to eliminate over time nonconforming uses, not to convert legal uses into to a use prohibited in the proposed zone. It cannot be consistent with the Comprehensive Plan to approve a parcel only zone change that makes an existing lawful use nonconforming.

Continuing on the issue of consistency with the Compressive Plan, the City has a very clear goal of creating more housing, all kinds of housing. As a R-2 zone, permitted uses include single family detached residential housing. The area of the City zoned R-2 is finite and located in the outlying areas (off of outer Auburn Street, outer Washington Ave, outer Allen Ave, outer Westbrook Street and outer Congress Street). Most of these streets are major traffic carrying arterials and have limited additional capacity for traffic.

The purpose of R-2 is to “provide for low-density residential development characterized by single-family home on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.” Looking at the zoning map one can see that much of the R-2 has been built out over the last twenty to thirty years consistent with the standards in the R-2. But some open areas remain including areas along outer Congress Street. I am not aware of any reason why the stated policy of the R-2 zone remains less vibrant today. In contrast to the applicant’s proposed multi-story professional office buildings, single family detached residential uses in these areas would cause less of an impact on already overburdened roads.

Conditional uses in the R-2 include places of assembly. In the R-2 over the last 30 years several places of assembly located to the R-2 zone. That can be seen on outer Congress Street (as well as outer Washington Ave., outer Allen Ave. and

outer Westbrook Street). On outer Congress Street there are two places of assembly (churches) located almost across the street from the Elks Club. When these places of assembly located to outer Congress Street they knew of the limited uses in the R-2 zone. Because of the limitation on use, they knew if they ever decide to sell, the market would be quite limited. That limitation on use has served the conditional uses quite well as the uses have been established in a residential zone in a manner consistent with the characteristics of the area. The two churches and the Elks Club are situated with significant open space facing Congress Street with the building to hold the assembly and parking set back quite a distance from Congress Street, all to preserve the open space characteristics of outer Congress Street and to be compatible with the permitted R-2 uses. The proposed zone change will destroy this balance.

A zone change should not be approved simply to accommodate the financial goals of a property owner especially when the owner developed the property aware of the limitations on use. Unlike the Williston West Church, the Elks Club building lacks any unique historical features. It is not a landmark structure and need not be preserved if its location interferes with the development of residential subdivision which means more housing for the City in an area zoned for housing.

Also relative to outer Congress Street, in the last 20 years two significant single family residential subdivisions (Tide Mills and River's Edge) have been built out directly off of Congress Street in very close proximity to the Elks Club as contemplated by the R-2 zone. River's Edge was built as a contract zone (conditional R-3) but is fully consistent with the policy and permitted uses in the R-2. They are both very close to Congress Street and are fully built out as there is a demand for single family detached housing within the City.

The Comprehensive Plan has as a goal of no net loss of housing for all development. That goal is incorporated into the Land Use Code. While there is no existing housing on the Elks Club property, changing the zone from R-2 to OP removes the land from the R-2 capable of being developed for residential housing. Residential uses are prohibited in the OP zone. Rezoning land to eliminate residential uses like removing dwelling units with no replacement of those units is clearly not consistent with the Comprehensive Plan's goal of creating more housing in the City.

While the Board is not acting on any site plan application at this time, the applicant's proposed site plan visual shows that the applicant is proposing two multi-story generic commercial/medical office buildings with lots of parking and nothing close to what meets the OP purposes and standards.

The purpose of the OP is to "provide substantial areas for integrated development of professional offices in a park-or campus-like setting which are of the highest quality, are well maintained and are compatible with their natural surroundings." One is hard pressed to see in the visual any park or campus like setting compatible with the natural surroundings. The 1945 Congress Street lot is not a "substantial area." If Board members are not familiar with an OP zone, they should ride by and through UNUM's campus. That will show that there is little if any parking visible from the street, significant natural features remain between the street and improvements, open space remains and is visible from the public way, trails and sidewalks are available, and the site clearly has a park or campus like feel. Compare UNUM's development to the OP policies and standard and you will see UNUM fits. The applicant's proposal absolutely does not.

In reality, the applicant's proposal is a run of the mill multi-story professional office structure that pretty much consumes most of the site. It is clearly not a campus. It clearly does not create a park like setting. Unlike the UNUM campus, and the places of assembly along outer Congress Street and near the site, one of the two proposed multi-story office buildings fronts immediately on Congress Street. It is not set back from Congress Street with an open space and natural vegetation buffer between the development and the street. It is not compatible with the natural surroundings and with the existing development pattern created by the nearby homes and places of assembly.

The OP standards call for a Master Plan of the office park that shall include a design relationship to the site to show integration of open space and the natural features. That integration "shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens and benches." None of that can be included on the proposed site given the proposed building envelopes and parking. One cannot shoehorn the features of an OP zone into this site and legitimately call what is proposed within the realm of what the OP zone envisions.

On the visual there are no internal sidewalks that take advantage of the “topography and natural features of the site.” There is a mass of parking being proposed right next to what will still be a R-2 zone with little preserved of the natural features. Because of the lack of a campus setting and retention of natural features, the proposed multi-story buildings will loom large over the abutting residential dwelling units. I see no buffer and screening of the type called for by the OP standards which shall be of a “dense and continuous nature and shall incorporate trees, shrubs, fencing, berms and related elements.” I do not see any preservation of natural features which includes existing vegetation. It appears it will be mostly paved over. To call this site suitable for OP designation based on the proposed plan is not possible.

In sum, it appears to me the only reason for the zone change is to accommodate the applicant and to maximize the financial return to the Elks Club. The proposed zone change permits broader uses, professional offices, which makes the land more valuable. But the standard to judge the merits of a zone change is not whether the owner, a place of assembly that is often a non-profit and not subject to property tax, should be able to maximize the return on its investment when the assembly loses critical mass. Otherwise we might as well not have zoning. Having located in the R-2 zone as a place of assembly the owners were on notice that permitted and conditional uses are quite limited. The zone should not be changed simply to broaden the market and/or increase the return for the owners.

Both Tide Mill and River’s Edge are successful residential subdivisions located on outer Congress Street on the same block as 1945 Congress. The purpose of the R-2 zone is to direct the placement of additional residential subdivisions in the area. That has occurred. There remains demand for single family detached residential housing in the City. Such development increases the population of the City which is also a goal of the Comprehensive Plan (helps reverse the urban flight). The land is clearly suitable for residential development as it is similar in kind and location to the land that has been recently developed for residential uses. The land should not be removed from the inventory of land available to serve that need simply to maximize the Elks Club’s return.

Throughout the City, many places of assembly are conditional uses in residential zones located on major arterials in zones that do not allow for office complexes or other commercial developments. As noted above see outer Washington Ave.,

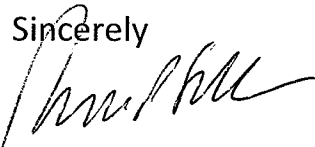
Allen Ave. and Westbrook Street for recent (last 30 years) examples of development of places of assembly in residential zones. Permitting those conditional uses in otherwise residential zones was not an invitation once the assembly's financial health changes to throw away the limitations on uses in the residential zones. When it purchased the 1945 Congress Street property and located to outer Congress Street, presumably the price the Elks Club paid recognized the then limitation on uses. There is nothing unfair or unwise here in affirming the value of the R-2 zone.

The R-2 zone was created consistent with the Comprehensive Plan. As stated in the overall purpose of the Land Use Ordinance, section 14-46: "This article is made with reasonable consideration, among other things, to the character of each zone and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community."

In light of the above, I respectfully request the Board vote not to recommend to the City Council the proposed parcel only zone change for 1945 Congress Street. It is entirely consistent with the Comprehensive Plan for the property to remain R-2 as it will conserve and stabilize the value of property and encourage the use of the property in the manner consistent with the R-2 zone.

Thanks for reading this letter and your service to the City.

Sincerely

A handwritten signature in black ink, appearing to read "David P. Silk", written in a cursive style.

David P. Silk

William S. Linnell & Joyce Gauthier, et al,
1905 Congress Street
Portland, ME 04102-1903

January 16, 2015

Mr. Alex Jaegerman
Director,
Planning and Urban Development Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: Elks Club Property Zone Change Application, 1945 Congress Street

Dear Alex:

In addition to the comments we sent along Wednesday, please distribute and post these comments describing our concerns regarding the proposed zoning change.

First: There have been comments suggesting that instead of changing the zoning to OP, that there may be interest in changing the zoning to R-P. We believe that R-P zoning would be equally inappropriate for this project, as the ordinance states that the purpose of the R-P zone is for low-intensity business use.

Section 14-146 of the code reads:

“The purposes of the R-P residence-professional zone are:

- (a) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (b) To serve as a transition or buffer zone between residential and more intensive nonresidential zones. “

This project, by no stretch of the imagination, can be legitimately called “low-intensity”. It actually calls for a high-intensity build out, traffic, and use of the property. Indeed, the submittal calls for 45,310 square feet of building footprint, with 137,201 square feet of office space. Further, nearly every available square inch of remaining land is to be paved, with capacity for some three hundred cars. The city’s traffic analysis estimates that during peak hours, traffic volume entering and leaving would be 214 cars *per hour* in the morning, and 204 cars *per hour* in the evening.

In reality, this project simply cannot be deemed low-intensity, and therefore it cannot meet the very definition of the purpose of the R-P zone. To vote in support of a change to R-P would be to declare open season on Portland’s zoning laws.

Second: The heavy traffic expected with this project, as mentioned above, would seriously compromise all the efforts, planning, and resources that the city has expended in traffic calming in this very location from Westbrook Street to the Airport. To add this onslaught of traffic to this area of limited additional capacity, would be at cross purposes to all that has been done, and is still planned. In stark contrast, keeping the lot zoned R-2 would have little increase in traffic.

Third: There are three churches in the area which may follow the Elks’ lead if these zoning changes are approved. Their membership could either increase or decline, resulting in their desire to sell, and apply for the same zoning changes as the Elks. The Planning Board, and particularly those who live near these churches would be faced with a dramatic change in the character of the neighborhood.

Fourth: As staff has noted in their comments on this project , (see Memorandum dated 1-16, section VII, Comprehensive Plan Analysis) the Comprehensive Plan calls for directing office development to the downtown area.

The Planning staff says, “It should also be noted that there is policy in the comprehensive plan that seeks to focus office development in the downtown core; the “Office Economy” goals from the 1991 Downtown Vision plan include “[s]trengthen[ing] and enhanc[ing] the Downtown as the prominent professional office center of the State and northern New England.” In a similar vein, the city’s Industry and Commerce Plan from 1994 includes goals related to “preserv[ing], protect[ing], and strengthen[ing] neighborhoods” and “protect[ing]...residential zones.”

The proposed plan to increase office development out of the downtown area is in direct contradiction to the Comprehensive Plan. For this reason also, the Planning Board should reject the zone change.

Fifth: I also note that the staff analysis of the Comprehensive Plan mentioned in section VII would benefit from more discussion of the Comprehensive Plan’s stated goals to create all kinds of housing. Page 43 of the Comprehensive Plan is devoted to housing goals, yet the staff analysis is practically silent on the issue. I quote at length from page 43 of the comprehensive Plan because it is unequivocally adamant about creating housing:

Page 43 reads, “. . . **Portland has a long history of planning for its housing needs and programs . . .**

I. HOUSING: SUSTAINING PORTLAND’S FUTURE- November 18, 2002

Overall Goal

Portland, as Maine’s largest city, will strive to provide a sufficient supply of quality housing commensurate with a manageable level of growth to sustain the city as a healthy urban center in which to live and work, and its position as a growing regional economic and service center.

The existing housing stock will be enhanced and preserved, **and a wide variety of housing will be designed and created** to support Portland’s continued economic development, insure the safety of its citizens, and **maintain its vibrant and stable neighborhoods**.

When seeking solutions to Portland’s housing needs and issues, the city will strive for innovation and creativity in the areas of urban design, **expenditure of its financial resources** , and **the use and reuse of land** and buildings to ensure that residential development fits within Portland’s unique living environment.

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.” (emphasis added)

It is hard to imagine that the Comprehensive Plan could be any clearer or stronger in calling for more housing. This imperative for more housing should be recognized by planning staff and Planning Board members, and applied in consideration of this proposal. The Elks Club proposal is 180 degrees contrary to the Comprehensive Plan.

Sixth: I would like to straighten out a disconnect in the staff report on the January 5th neighborhood meeting. In the Memorandum to the Planning Board dated January 16 , section VIII, “Public Comment,” the staff report states that

“Comments at that meeting seemed to include questions about signs, parking requirements, stormwater management and environmental impacts, and lighting. Some neighbors expressed general opposition (Attachment 3). (emphasis added)

Please contrast that assessment of “general opposition” with the developer’s report of the meeting:

“Our neighbor, adjacent Congress Street, Bill Linnell, noted he was opposed to the project and thought a housing project would meet the Comprehensive Plan better. We noted we had sent a brief summary of how this project conforms to the Comprehensive Plan to the staff already. He will get a copy of that.”

-I, the undersigned Bill Linnell, was the one who expressed opposition, speaking also for Joyce Gauthier, who was present, and Janet Burns, who was not. My opposition was specific in challenging the plan as “grossly inconsistent with the Comprehensive Plan.”

I would like those who read about that neighborhood meeting to know that from day one, I expressed, on behalf of myself, a neighbor across the street, and another abutter, an unambiguous challenge to the

proposal with respect to its inconsistency with the Comprehensive Plan, namely that the proposed zone change is grossly inconsistent with the clear, stated, unmistakable policy goal of creating more housing in the future. I compared the Comprehensive Plan's focus on housing to the new Meghan Trainor song "All About that Bass," saying that "the Comprehensive Plan is **all about housing**." I said further that 'When you remove land from R-2 to OP, you are eliminating the possibility for housing. The City's Comprehensive Plan is all about creating new housing—all kinds of housing, including single family. In fact, if you knock down an existing apartment building to be replaced with non-residential uses, the developer has to contribute money for replacement housing. In this instance, the City would be totally eliminating land zoned for housing, and changing it to a zone that does not allow for housing.'

In short, the neighborhood meeting included specific, pointed opposition to the proposal as it contradicts the Comprehensive Plan's mandate of creating more housing. I ask that this opposition be recorded in the staff's comments.

Finally: For all the reasons listed above, we continue to respectfully ask the Planning Board to recommend to the City Council that the proposed zoning changes be denied.

Sincerely,

William S. Linnell & Joyce Gauthier 1905 Congress Street

Janet Burns 1904 Congress Street

William S. Linnell, et al,
1905 Congress Street
Portland, ME 04102-1903

January 14, 2015

Ms. Helen Donaldson,
Planning and Urban Development Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: Elks Club Property Zone Change Application, 1945 Congress Street

Dear Ms. Donaldson:

We are abutters to the proposed development. We believe that, to be consistent with the City's stated goals, zoning ordinances, and the Comprehensive Plan, the Planning Board should not recommend to the Council their approval of Northland Enterprise's proposed zoning change from R-2 to OP. Please share this letter with the Planning Board so that they may read it before the workshop on the 20th.

First: Taking this land out of R-2 forever reduces the opportunity for more single-family housing which is a major city goal. This proposal is in total opposition to the Comprehensive Plan, and the purpose of the R-2 zone which is "To provide for low-density residential development in outlying areas of the city and along traffic corridors with limited additional traffic capacity."(Code of Ordinances Sec. 14-76) .

The Comprehensive Plan states that the housing goal is to "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." (page 43. Emphasis added.) To change the zoning would therefore be in direct contradiction to stated policies of providing housing including single family detached residential units, for the future. That goal is to help stop sprawl. Further, there is still an increasing demand for housing in the city; that has not changed, and neither have these policies.

Second: When the Elks bought this land, they knew there were limits to its uses, just as we did when we bought the abutting property. Instead of following the limitations of the zone in which they settled, they are asking the board to change the rules for maximum profit. They could follow the existing rules and develop the land for housing, which we would welcome, just as two fairly recent developments have done nearby, namely, at Rivers' Edge and Tide Mills. That would be consistent with current, established rules and policies. It's nice for developers to increase their profits, but their profits should not dictate public policy, nor circumvent the rules and reasons for zoning.

Third: The developer seems to want to create a brand new zone, where two different, mutually exclusive, zones can exist. The current zone allows for the Elks Club to exist (meeting places). But such meeting places are not allowed in the proposed OP zone. Yet the developer wants to change the zone AND keep the Elks Club there. It seems that this approach is asking too much of the Planning Board. It is certainly a radical notion, which would result in the back-door creation of a bizarre new zone.

Fourth: If approved, the proposal would be zoned OP, but would really just look like they stuck in a couple of office buildings, oversized for the area, and then paved the rest of the lot. A few scattered shrubs and a bike rack by no sense of the imagination meet the OP standards for a "park or campus like setting". This lot is not very big. Adding the needed elements such as open space, preserving natural features, trails, sidewalks, gardens, and setbacks with full buffering is not be possible given the size of the buildings they are trying to cram into this lot. To allow this project to proceed would be to ignore the intent and purpose of the OP zone.

Fifth: Traffic is already heavy on Congress Street. Adding more office buildings instead of single family homes would make traffic much worse, not better. The current zoning properly recognizes that single family homes work better on (repeated from above) "outlying areas of the city and long traffic corridors with limited additional traffic capacity." If there's a better example of an 'outlying traffic corridor with limited additional traffic capacity' than the area around 1945 Congress Street, we'd like to know what it is.

Sixth: No developer should be able to achieve, by Planning Board vote, what the City's ordinances and policies clearly don't allow. To create a bizarre new zone at the expense of the integrity of the zoning process would be a mistake. The developer would enjoy the windfall, and the tax base would admittedly increase from what it is today, but nearby and recent developments attest to the viability of neighborhood housing development on outer Congress Street, without sacrificing the protection of the zoning policies and process. Throwing two multi-story office buildings with an ocean of parking into the neighborhood will only lead to a deterioration of the neighborhood., a neighborhood that has been recently improved by the traffic movement changes and will be enhanced with the proposed cross walk at the end of Garrison Street and a lower speed limit. There is a neighborhood here even if you do not see it when you head out to SOPO to shop. The tax base can be increased without shortchanging the process.

Finally, for the above reasons, we ask that the Planning Board to vote not to recommend the proposed zoning change for 1945 Congress Street to the City Council.

Sincerely,

William S. Linnell & Joyce Gauthier 1905 Congress Street

Janet Burns 1904 Congress Street (diagonally across Congress Street from the site)

1/19/15

Dear Mr. Jaegerman,

I am a resident of the Stroudwater area and have been made aware of the Elks Club's application for a zoning change at their property on Outer Congress Street.

If the Elks succeed in their application, the zoning change proposed would have serious implications to the area and Stroudwater residents' way of life. Lack of a car warrants that I travel mostly by bus to and from work at the Jetport Plaza or downtown. In order to commute to work, I must cross Congress Street near the light just above Stroudwater Crossing in the wake of southbound (toward the Mall) traffic at a very busy time of the morning.

Should the Elks achieve their desired result, that traffic will increase substantially, particularly if they erect two professional office buildings (and keep the current Elks Club building) with space for up to 300 cars. If traffic is increased further, I'll never get across the street! I am in my late 50s, but I know some elderly who take the bus and must make that trek across the street. Since they cannot move very fast, they are taking their very lives into their hands.

This zoning change which would allow for two buildings as well as increased traffic (at high speeds, despite posted limits) would raise the risk level for accidents and loss of life. It would also fly in the face of traffic calming plans for the area. You cannot allow the construction of professional office buildings and expect to calm the increased traffic. Outer Congress Street is already a speedway!

I also find it disturbing that an area with lots of green space and lush growth right now, complementing the historic neighborhood it abuts, would be eliminated by further construction. That area is a welcome break to the eyes after one leaves behind dense residential area and approaches a busy commercial area at the other end (the airport, shopping centers, the Mall, etc.). It is relaxing to travel through that area right now and creates a calming effect on its own. New professional buildings will reduce the beauty of nature that exists there now, exacerbating traffic and increasing the number of drivers and therefore the level of tension already present in drivers anxious to get to work and eager to leave at the end of the day.

I understand the Elks Club's request will also violate the city's Comprehensive Plan. What was the point of the Plan if the City does not intend to enforce it? Portland has already come precariously close to doing that with the Midtown project, and were it not for some savvy and watchful citizens, the City just might have gotten away with pushing it past Portland residents.

Please pay attention to your own policies and consider the detrimental effect the Elks Club's proposal will have on the area. Do not allow them the ability to push this through.

Thank you for your attention.

Sincerely,
Lucie Tardif

13 Brewer Street
Portland

Helen Donaldson - Stroudwater Village Association Letter to Planning Board RE: 1945 Congress Street (Elks Club)

From: Stroudwater Village Association Board of Trustees
<stroudwatervillageassociation@gmail.com>
To: <hcd@portlandmaine.gov>
Date: 1/20/2015 11:49 AM
Subject: Stroudwater Village Association Letter to Planning Board RE: 1945 Congress Street (Elks Club)
CC: Edward Suslovic <edsuslovic@portlandmaine.gov>, Mike Murray <msm@portlan...

TO: Nell Donaldson, Planner, Planning Division
FROM: Stroudwater Village Association
RE: 1945 Congress Street. (Elks Club) rezoning request from Northland Enterprises
DATE: January 20, 2015

The Stroudwater Village Association requests a tabling of the zoning decision requested by Northland Enterprises for the Elks property at 1945 Congress Street until residents can understand more specifics about the proposed project and the wider implications for the neighborhood.

Specifically, we would like to invite the developers and city staff to present to area residents in person at the SVA's annual pancake breakfast event, to be held on Saturday, February 14th at 8:30-10:00AM at the Stroudwater Baptist Church. We suggest this event as we believe it will provide a good representative turnout from area residents, though another public meeting would also be possible.

Many neighborhood residents have reported to the SVA that they have only been recently made aware of the project, and those who have been made aware of it are very divided in their reactions.

Some residents have viewed the proposal as a general improvement to the existing site usage, even while expressing concerns about the details, building locations, aesthetics and environmental impact of the proposed development. Those residents expect to work with the developers to assuage their concerns before providing support to such a project.

Other residents, in clear opposition to the overall development, have expressed a preference for residential (as opposed to commercial) development on the site, referencing incompatibility with the residential nature of the neighborhood, increased traffic flows, impact on abutting property owners, that the current proposal does not comply with the City's Comprehensive Plan, as well as concern about setting precedent for other similar sites within our neighborhood.

In any case, it's clear that more information is needed in order for residents to assess the impact of this zoning change and project. As such, we request the decision be tabled until further information about the project can be provided.

-Dan Koloski, SVA President
On behalf of the Stroudwater Village Association

From: Joe Heasly <jheasly1@maine.m.com>
To: <hod@portlandmaine.gov>
CC: <stroudwatervillageassociation@gmail.com>, <captlinell@yahoo.com>, Carol...
Date: 1/19/2015 9:33 PM
Subject: 1945 Congress St (Elks Club) Proposal comment

Hello Ms Donaldson,

My wife and I live at 1832 Congress St, and have recently become aware of the Elks Club's proposal for their parcel at 1945 Congress St. We'd like to offer our thoughts on the project as we understand it, which is to create an 'office condominium' of three buildings (two new, one a smaller incarnation of the current Elks building) if the current R-2 zoning can be changed to OP.

We prefer that the parcel remain residential. There are two nearby 'assembly' uses on outer Congress St; we don't want a precedent set in this instance that would increase the pressure for non-residential uses bordering Stroudwater Village.

We are concerned about how this project will impact the traffic-calming efforts that the city has underway for this stretch of Congress St. Additional offices on the site will certainly generate a small but steady increase in the number of vehicles traveling to and from the site.

We'd like a chance to hear more from the Elks and their partners in this exercise about their plans. It may have gotten lost in the holiday shuffle, but I don't recall getting any notice of the neighborhood meeting that was apparently held recently. I understand that the Stroudwater Village Association has a community meeting coming up in February and that they are willing to host a meeting of the Elks, et al, with the community. Is it possible for the board to defer any decisions until that to happen before the board makes its decision?

We will not be able to attend the Board's workshop tomorrow afternoon, would you please convey our thoughts to the Board?

Finally, would you please added us to the 'interested parties' list for this project?

Thank you,
Joe Heasly
Carolyn Heasly
1832 Congress St

From: Joe Heasly <jheasly1@maine.rr.com>
To: <hod@portlandmaine.gov>
CC: <stroudwatervillageassociation@gmail.com>, <captinelli@yahoo.com>, Carol...
Date: 1/19/2015 8:33 PM
Subject: 1845 Congress St (Elks Club) Proposal comment

Hello Ms Donaldson,

My wife and I live at 1832 Congress St, and have recently become aware of the Elks Club's proposal for their parcel at 1845 Congress St. We'd like to offer our thoughts on the project as we understand it, which is to create an 'office condominium' of three buildings (two new, one a smaller incarnation of the current Elks building) if the current R-2 zoning can be changed to OP.

We prefer that the parcel remain residential. There are two nearby 'assembly' uses on outer Congress St; we don't want a precedent set in this instance that would increase the pressure for non-residential uses bordering Stroudwater Village.

We are concerned about how this project will impact the traffic-calming efforts that the city has underway for this stretch of Congress St. Additional offices on the site will certainly generate a small but steady increase in the number of vehicles traveling to and from the site.

We'd like a chance to hear more from the Elks and their partners in this exercise about their plans. It may have gotten lost in the holiday shuffle, but I don't recall getting any notice of the neighborhood meeting that was apparently held recently. I understand that the Stroudwater Village Association has a community meeting coming up in February and that they are willing to host a meeting of the Elks, et al, with the community. Is it possible for the board to defer any decisions until that to happen before the board makes its decision?

We will not be able to attend the Board's workshop tomorrow afternoon, would you please convey our thoughts to the Board?

Finally, would you please added us to the 'interested parties' list for this project?

Thank you,
Joe Heasly
Carolyn Heasly
1832 Congress St



To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Caitlin Cameron, Urban Designer, & Alex Jaegerman, Planning Division Director
Date: January 16, 2015
Re: India Street Sustainable Neighborhood Plan (ISSNP)
Meeting Date: January 20, 2015

This memo includes responses to two questions that were raised during the Planning Board workshops on the ISSNP and staff recommendations for moving forward.

Outstanding Questions and Concerns

Neighborhood Boundary

The study boundary for the India Street Neighborhood was defined through a process in 2012 that included dialogue and outreach on the part of the City and the India Street Neighborhood Association (ISNA). Then Senior Planner Bill Needleman and Planning Division Director Alex Jaegerman worked with the ISNA leadership to determine the exact line of the study area. The question has arisen due to the "overlap area" with the Eastern Waterfront Master Plan. The area in question is also part of the Downtown plan and is an appendage of the B-3 zone. In requesting consideration of the India Street neighborhood planning process, a key concern was expressed that this neighborhood has been planned around, but was never the central focus of a neighborhood or district planning effort. Therefore it was considered important to incorporate the full neighborhood into the geography of this planning initiative, including the areas at the edges previously considered in the Downtown or Eastern Waterfront plans.

On the ground, neighborhood boundaries are inevitably blurry lines. However, there are certain undeniable natural boundaries that define the India Street Neighborhood as either physical, visual, or experiential borders. Franklin Street is a clear physical line that divides this neighborhood from the downtown and Old Port due to its width and fast traffic. The waterfront is another logical edge that serves as an important gateway and "face" to the neighborhood. Mountfort Street, Washington Avenue, and the Eastern Cemetery create a perceptible transition between Munjoy Hill and the India Street Neighborhood and to come to that intersection, there is a distinct shift in topography and sense of place.

India Street is the key component of this neighborhood and how its boundary is defined – as the first street of the city, as the main street of the neighborhood, as a connecting spine from the waterfront to Congress Street. The India Street Neighborhood absolutely must be defined to include the entire length of India Street itself. The Plan hinges on India

Street as the neighborhood's main street and the identity and continuity of that street and the gateway it provides at each end are crucial.

History is another component of defining a neighborhood boundary. The neighborhood, and indeed the city, began with the first settlements on India and Fore Streets. When we consider the history of the India Street Neighborhood, it points us to an understanding of neighborhood edges and boundaries still evident. The built form and streets which stem from the development and sociological history of this place describes a neighborhood cohesiveness that can be observed when bearing this history in mind. This identity deserves to be cultivated rather than further fragmented.

As a mixed-use, urban neighborhood, it is not surprising to find different types of buildings and uses throughout the neighborhood boundary as defined. While the fabric and building type does vary, urban neighborhoods are and should continue to be heterogeneous. It is a fallacious argument to say that the existence of different block sizes or building types precludes defining this as one neighborhood – Bayside, the West End, and the Old Port, for example, have different scales of buildings, blocks, and mixed-uses. The Plan expresses this variety and diversity as an existing characteristic and condition that is positive and should be encouraged and allowed to continue in future built as well as economic development of the neighborhood.

Eastern Waterfront Master Plan Overlap

There have been several examples of overlap in Comprehensive Plan components. In the case of the proposed India Street Sustainable Neighborhood Plan, there is a physical overlap of boundaries with the current Eastern Waterfront Master Plan. However, in this case, staff recommends the more recent Comprehensive Plan component, the ISSNP, supersede and take precedence over the older Eastern Waterfront Master Plan if there is any conflict or overlap. The latest draft of the ISSNP includes the following sentence:

In those instances where the India Street Sustainable Neighborhood Plan overlaps with the Eastern Waterfront Master Plan, the India Street Sustainable Neighborhood Plan shall take precedence.

Recommended Next Steps for Planning Board:

Staff recommends the policy document – the India Street Sustainable Neighborhood Plan be recommended to City Council for adoption as part of the Comprehensive Plan. Subsequently, two of the implementation tools being developed as a result of this Plan – form-based code and a historic district – are under development and will be brought to the Planning Board beginning in February as a separate process. We recommend that a site walk occur vis a vis the Historic District and Form-based Code when the Planning Board takes up those two issues.

Attachments

- India Street Sustainable Neighborhood Plan - Revised

India Street Sustainable Neighborhood Plan

Portland, Maine

Revised Draft, January 2015



~~Part 1: The Plan~~

Portland Starts Here . . .



Vision for India Street (at Middle Street) Image Credit: Richardson & Associates, Saco, ME

[Insert City Council Order as Passed adopting plan]

Acknowledgments

The India Street Sustainable Neighborhood Plan has been a widely collaborative effort over the course of two years. This report was shaped and informed by many participants who deserve recognition for their efforts, including the India Street Neighborhood Association, Sustain Southern Maine, the India Street Neighborhood Advisory Committee and associated Working Groups, and of course, the community businesses, residents, workers, organizations, institutions, and developers. Especially critical to the formulation of this neighborhood plan is Hugh Nazon, president of the India Street Neighborhood Association. Without his ceaseless efforts to bring attention to the neighborhood, this Plan would not exist.

In 2013, Portland became a participating city in the Urban Sustainability Accelerator (USA) technical assistance grant through Portland State University, Oregon, which is funded through the Summit Foundation, Toulon School of Urban Studies and Planning, Institute for Sustainable Solution at Portland State University, and the participating cities. Special thanks to Robert Liberty for his enthusiastic support and valuable resources provided through the course of this program. Especially valuable was the consulting work of Michele Reeves, Civilis Consulting, Portland, Oregon.

The India Street Neighborhood Advisory Committee convened in the fall of 2013 to guide the neighborhood plan development. City Councilor Kevin Donoghue and neighborhood resident and emeritus professor at the Muskie School of Public Service Richard Barringer graciously offered their time as co-chairs to this Council-appointed committee. Nineteen members were appointed to this group with wide-ranging expertise and areas of insight; without their time and efforts this plan would not have reached its successful conclusion. Many active and enthusiastic members of the community volunteered to participate in Working Groups in order to brainstorm, strategize, and craft recommendations for the final plan. Many thanks again to all of these members of the India Street and greater Portland community who gave of their time and expertise to craft this plan.

Additional resources and support were provided by key neighborhood organizations. One central to this process was the Portland Society for Architecture which hosted meetings, provided professional advice and collaboration, and financial resources that were especially crucial in the City's participation in the USA technical assistance grant and the subsequent consulting services of Michele Reeves. The Maine Jewish Museum generously provided for the use of their facilities throughout the course of the planning process. Professor Yuseung Kim of USM's Muskie School of Public Service and the students in his Planning Workshops made significant contributions to our work with the creation of a 3d model of the neighborhood and the study, *Portland Starts Here: India Street Neighborhood Recommendations*, available at <http://www.portlandmaine.gov/1114/India-Street>

It must be noted that many dedicated City staff members orchestrated and ushered along this complex process. Recognition is due to Planning Division Director Alex Jaegerman, Senior Planner Bill Needelman (who has since become the Waterfront Coordinator), Urban Designer Caitlin Cameron, and Historic Preservation Program Manager Deb Andrews who led the effort. Additional support was provided by Mary Davis, Housing and Community Development Division Director, Nelle Hanig, Business Programs Manager, Bruce Hyman, Bicycle and Pedestrian Program Coordinator, and Doug Roncarati, Stormwater Program Coordinator.

India Street Neighborhood Advisory Committee

Richard Barringer, Co-Chair
Councilor Kevin Donoghue, Co-Chair
Hilary Bassett
Beth Boepple
Carol De Tine
Tom Federle
Bethany Field
Arthur Fink
Ani Helmick
Bobbi Keppel
Alan Kuniholm
Ethan Boxer Macomber
Joe Malone
Brandon Mazer
Linda Murnik
Hugh Nazor
Arlin Smith
Timothy Wilson
Kara Wooldrik

City Council

Michael Brennan, Mayor
Kevin Donoghue, District 1
David Marshall, District 2
Edward Suslovic, District 3
Justin Costa, District 4
David Brenerman, District 5
Jill Duson, At Large
Jon Hinck, At Large
Nicholas Mavodones, At Large

Planning Board

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

Historic Preservation Board

Rick Romano, Chair
Scott Benson, Vice Chair
Bruce Wood
Penny Pollard
John Turk
Ted Oldham
Julia Sheridan

Working Groups

Land Development/ Form-based code

Staff: Caitlin Cameron, Alex Jaegerman
Consultants: Stephanie Carver, GPCOG, and Ken Studtmann, Richardson & Associates
Elizabeth Boepple
Carol De Tine
Tom Federle
Arthur Fink
Alan Kuniholm
Brandon Mazer
Hugh Nazor
Jay Waterman

Historic Preservation

Staff: Deb Andrews
Consultant: Julie Larry, Turk Tracey & Larry Architects
Hilary Bassett
Pamela Cummings
Ed Gardner
Ani Helmick
Joe Malone
Linda Murnik

Infrastructure/ Landscape Planning

Staff: Caitlin Cameron
Jennifer Claster
Bobbi Keppel
Kara Wooldrik

Equity/ Housing

Staff: Mary Davis, Alex Jaegerman
Councilor Kevin Donoghue
Jill Danaher
Bethany Field
David Loranger
Ethan Boxer Macomber

Economy

Staff: Nelle Hanig, Alex Jaegerman
Consultant: Michele Reeves, Civilis Consulting
Richard Barringer
Rachelle Curran
Susie Kendeigh
Brandon Mazer
Hugh Nazor
Arlin Smith
Tim Wilson

City of Portland, Maine

Department of Planning and Urban Development

Jeff Levine, Department Head
Alex Jaegerman, Planning Division Director
Caitlin Cameron, Urban Designer
Deb Andrews, Historic Preservation Manager
Mary Davis, Housing and Community Development Division Director
Bruce Hyman, Bicycle and Pedestrian Program Coordinator

Department of Economic Development

Nelle Hanig, Business Programs Manager

Department of Public Works

Doug Roncarati, Stormwater Program Coordinator

Sustain Southern Maine

Rebecca Schaffner, Program Manager, GPCOG
Carol Morris, President, Morris Communications
Evan Richert, Town Planner, Richert Planning
Todd Richardson, Landscape Architect, Richardson & Associates

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G2. Good Quality Design

G3. Strong Neighborhood Identity that Builds on its Heritage

G4. Diversity

G5. Enhanced Mixed-Use Nature of Neighborhood

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VS2: A Neighborhood of Diverse Peoples

VS3: An Authentic Neighborhood True to its Heritage

VS4: A Fun, Industrious, Creative, Artisanal, and Prosperous Neighborhood

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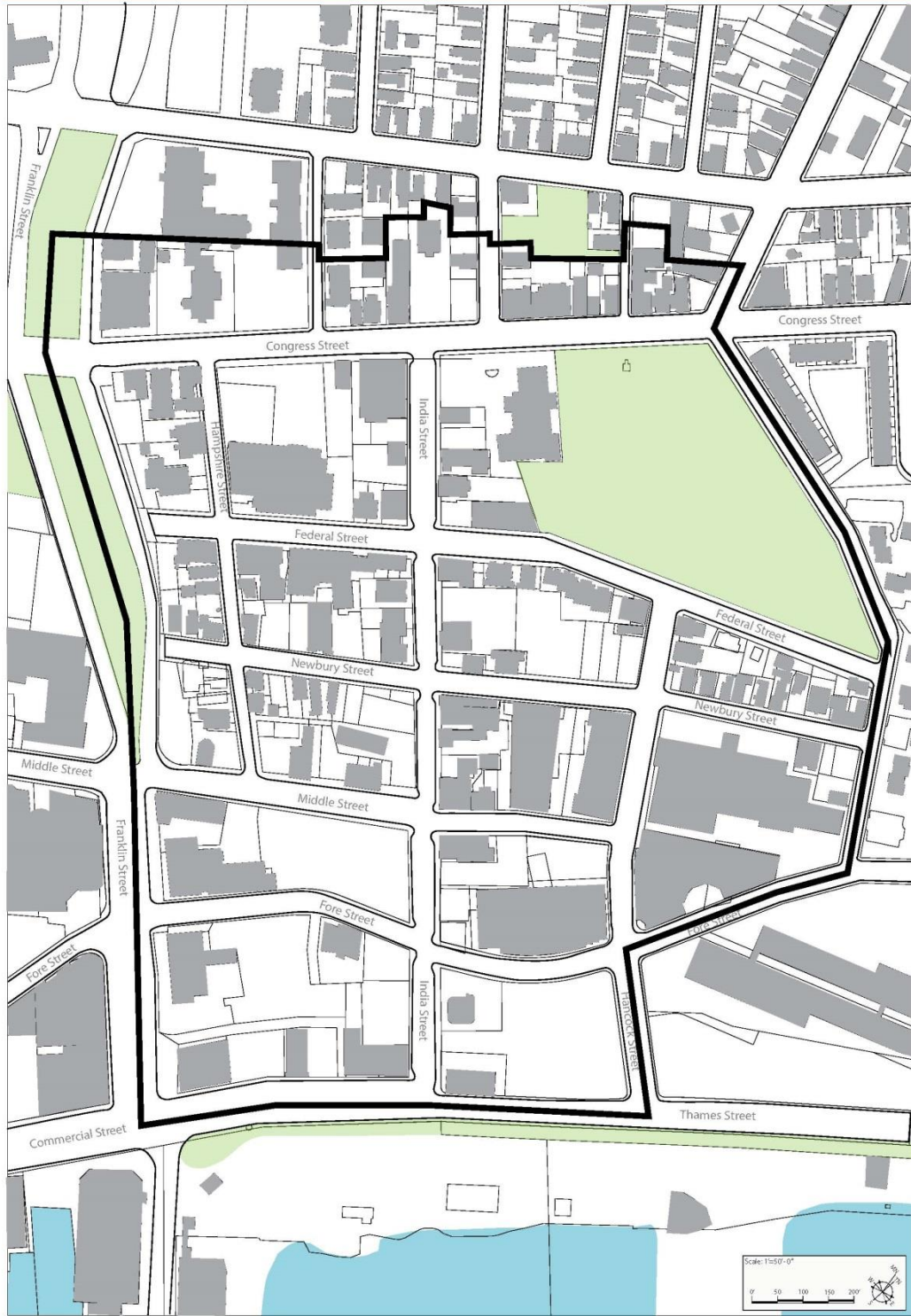
1. Strong Neighborhood Identity
2. Diversity of Residents
3. Neighborhood Heritage and Historic Preservation
4. Guided Growth
5. Form of Development
6. Mixed-Use Neighborhood
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In those instances where the India Street Sustainable Neighborhood Plan overlaps with the Eastern Waterfront Master Plan, the India Street Sustainable Neighborhood Plan shall take precedence.

STUDY AREA BOUNDARY

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE



INDIA STREET NEIGHBORHOOD BOUNDARY

Background – The Planning Process

The India Street neighborhood is situated on the burgeoning Portland peninsula, a beautiful waterside location nestled between the Old Port and Munjoy Hill. As explained below, this area was the nucleus of the birth of Portland as a colonial city, and the City has grown up around India Street. In the years following 2010, this area began to experience development as the recession gradually gave way to resurgent growth. Many large projects were proposed pre-recession that did not come to fruition, and several sizable projects – two hotels, a parking garage, and housing, to name a few – were constructed that began to change the face of this neighborhood. Heavily influenced by downtown and the waterfront, India Street emerged as a magnet for new development, and the community responded with a request for focused planning to guide the future of the area, lest the market forces bring about change that many observers and residents feared would be of a scale and character that does not reflect the community's aspirations.

Community leaders approached the City with this concern, that planning has focused all around this neighborhood, along the waterfront, and in the downtown, but not on this neighborhood as a distinct place, to explore its character and establish a vision for its growth and development. An effort to address the specific issue of building heights along India Street was considered by the Planning Board in June of 2012, and led to the recognition that a comprehensive planning initiative was the more appropriate approach to take. The Planning Office was charged with leading this effort, in partnership with the India Street Neighborhood Association. This planning process has proceeded in two phases.

The first phase began in earnest in January, 2013, with the selection of the India Street neighborhood as a *Center of Opportunity* within the Sustain Southern Maine (SSM) regional planning program, a consortium of Cumberland and York County communities that came together with funding from the U.S. Department of Housing & Urban Development to create a sustainable growth plan for the region. India Street was selected as a pilot community that represents opportunities for regional growth to occur in established urban centers as a strategy to combat sprawl and revitalize our city centers. With a small planning grant from SSM through the Greater Portland Council of Governments, we engaged with the India Street community to create a vision for the India Street neighborhood. Highlights of this effort included a Public Open House at the Jewish Heritage Museum in March, 2013, followed by a day-long workshop of three stakeholder small groups in April, 2013, to convert the ideas from the Open House in to neighborhood planning concepts. This input was then synthesized by the planning and consulting team into a series of reports and nine graphic products presenting an emergent neighborhood vision, form, transportation, street systems, landscape, and open space. These were presented in two public forums in June, and later in September, 2013.



Emerging Vision: Sustain Southern Maine Conceptual Plan - June, 2013

The fall of 2013 marked the transition from the visioning work aided by SSM, to the planning production phase marked by the collaboration with another technical assistance resource called the Urban Sustainability Accelerator (USA), a new program created to help mid-sized and smaller urban areas implement sustainability projects, to move their proposals from a concept to reality. This program was made possible through support of Portland State University's Toulan School of Urban Studies and Planning, the Institute for Sustainable Solutions, and a grant from the Summit Foundation. The timing of this technical resource coincided with our ongoing efforts to create a plan for India Street. In November, 2013 we established a stakeholder advisory committee, the India Street Neighborhood Advisory Committee (ISNAC) appointed by the City Council, along with other interested citizens to assist the Planning Office to complete the plan. ISNAC established five work groups to flesh out the plan: Housing & Equity; Land Development & Form-Based Code; Economic Development; Historic Preservation; and Infrastructure & Landscape. These Work Groups met continuously from January through July of 2014 to investigate issues and develop policy and implementation recommendations within their assigned areas. The majority of the substance of this plan is credited to the hard work of these citizen teams with their staff support. Each Work Group reported to the ISNAC on a monthly basis on their findings and recommendations.

The technical assistance through the USA program was ongoing during this period and helped inform the Work Groups in their areas of interest. Highlights include the three-day consulting visit from Michele Reeves, of Civilis Consultants, on February 11 – 13, 2014. Ms. Reeves generated a strong recognition of the stage of India Street's development, and the attributes that lend unique value to the economy of the neighborhood as well as its intrinsic character. True to form, on the night of her final presentation we experienced blizzard-like conditions, so many who could not be there in person viewed the video online. Other highlights included a week-long visitation from a University of California, Davis team headed by Professor Stephen Wheeler and three Landscape Architecture graduate students, who studied the neighborhood and issued a report in December, 2013, *Recommendations for a Sustainable Neighborhood Plan* that focused on environmental sustainability measures for India Street. Also during this intensive working period, we had the benefit of our own University of Southern Maine through Professors Yuseung Kim and Richard Barringer, whose Planning Workshop class produced a May, 2014 report, *Portland Starts Here*, which addresses place branding, economic development, and streetscape recommendations.

In summary, this process relied on our own in-house planning expertise, and the hard work of many very dedicated neighborhood stakeholders who volunteered countless hours to the task. We had some outside consulting and technical resources, where available and as needed, to round out and inform the effort. We are very pleased to convey this plan, which is a tangible product with realistic objectives grounded in an engaged community process.

Finally, several concurrent planning efforts will have direct but still undetermined impacts on the India Street neighborhood and this Plan.

Public Planning Processes:

- **The Franklin Street Redesign Phase II** is underway, the objective of which is to narrow the roadway, redesign intersections, and employ Complete Streets policies making the street safe and useable for all modes. The street will ideally take on a more active and urban character but the final results of this process remain to be determined. Considering the feedback received throughout the India Street planning process the neighborhood is most affected by the topics of connectivity and the reposition of the right-of-way. The Transportation Plan of the Comprehensive Plan states, “The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.” In keeping with the policy for an interconnected street network, the neighborhood would benefit from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely. If it is determined that no vehicular connection is to be provided at Federal or Newbury streets, remaining public space would be well-suited as a public open space. It is not likely that the neighborhood would be satisfied to have no additional connections to Franklin Street. ISNAC assumes the premise that the neighborhood (and city) would benefit most from increasing the development opportunities within the neighborhood. The neighborhood would also benefit from active, urban uses along Franklin Street. Priority locations for development opportunities include the blocks between Middle and Congress Streets.
- **Lincoln Park** is undergoing a master plan process with future restoration and improvements proposed. The park is a potential open space asset to the India Street neighborhood. Currently, there is a lack of connectivity between the neighborhood and the park and an absence of liveliness and activity. ISNAC supports solutions that balance expansion of Lincoln Park with opportunities for development along the India Street neighborhood edge at Franklin Street. The ISNAC advocates for improved connections between the neighborhood and park, especially pedestrian and bicycle.

Private Development Projects:

- **The Portland Company** complex is undergoing a master plan process with proposed significant redevelopment and adaptive reuse of the historic property. Details about the uses and forms are undetermined at the adoption of this plan. As a large neighboring property, what happens on that site will impact the India Street neighborhood, potentially increasing the resident population, office and amenities, and foot and vehicular traffic past and through India Street.
- **Munjoy South Townhouses** is a low-income housing development adjacent to the India Street neighborhood to the East. Developed post-war as part of a city redevelopment strategy, this complex may be redeveloped in the future. It is not known whether future development on this site will remain affordable housing and what form and density it will take. This development is one of the larger affordable housing developments near the India Street neighborhood; its size, proximity, and affordability impact the development of the neighborhood in terms of growth, services, and transportation needs.

Why a *Sustainable* Neighborhood Plan?

We have proposed this plan as a sustainable neighborhood plan. To understand this approach, it is necessary to review the sustainability principles of Community, Economy, and Environment. Since the City Council adopted the *Sustainable Portland Plan* in 2009, as part of our comprehensive plan, we have endeavored to use the sustainability model in planning and policy making. *Sustainable Portland* offered the final challenge to future policy makers:

“To become a sustainable community, the City of Portland must commit to a continuous process of self-assessment and adaptation. When faced with decisions, our City government, residents, institutions, and businesses should ask a series of questions:

- **Is this decision good for the environment, the economy, and the community?**
- **Is this good for the long-term?**

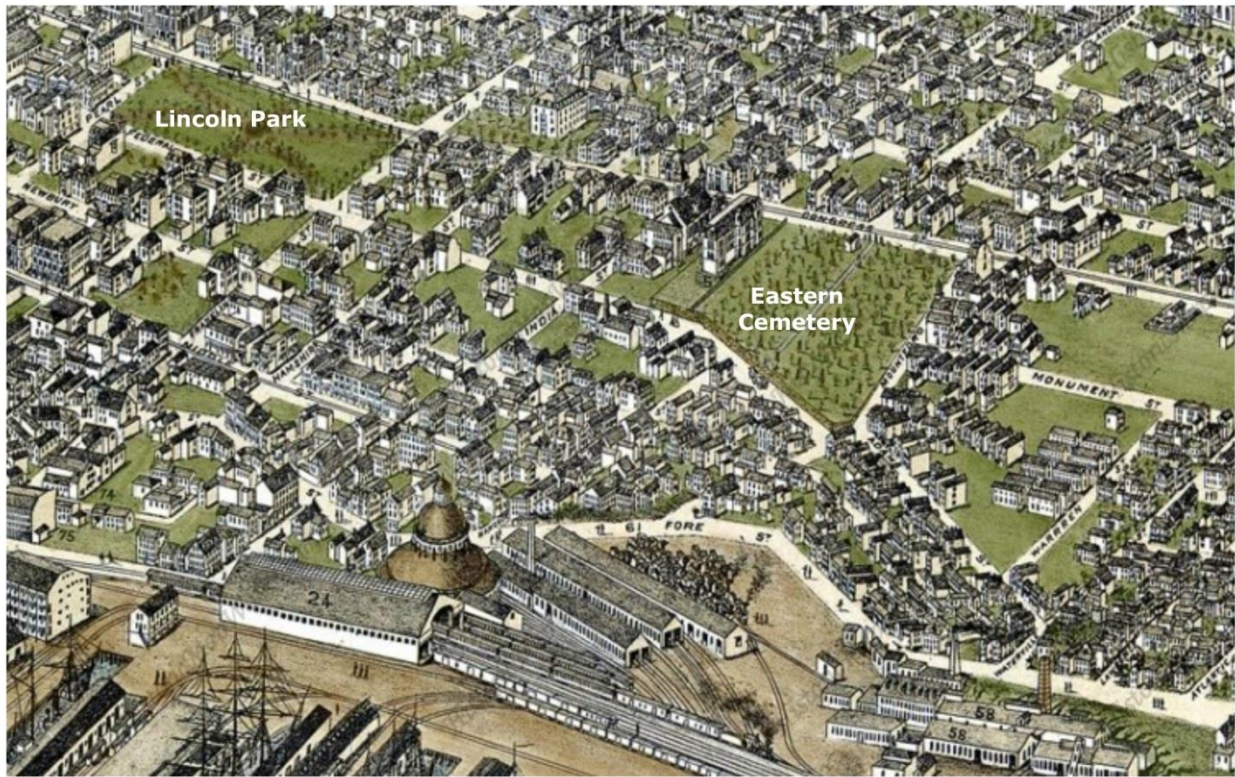
If the answers are “yes,” then the decision will move us toward becoming a more sustainable city.”

Sustainable Portland – Incorporating Sustainability into Everyday Decision Making City of Portland, 2009, Portland Comprehensive Plan

Sustainability principles are imbedded throughout this planning process and plan. We have incorporated the work by Sustain Southern Maine, which looks to urban neighborhood growth as vital to a sustainable region. We have had the technical assistance from the Urban Sustainability Accelerator, which, as the name suggests, seeks to promote sustainable practices in small cities across America. We have looked deep into the neighborhood itself, to examine what is needed to sustain a vibrant, healthy, prosperous future. We could call this a neighborhood development plan, or a neighborhood master plan, or comprehensive plan. The title could change, but the imperative to plan affirmatively for a healthy community, economy, and environment is paramount as we face the challenges and changes to come. This plan touches upon these three factors and presents a balanced set of recommendations that address each of them appropriately for this stage of development in this India Street neighborhood.

As a City Council-adopted neighborhood plan, the India Street Sustainable Neighborhood Plan becomes an adopted element of the city-wide Comprehensive Plan. A Comprehensive Plan is a long-range plan that provides a policy framework to guide municipal decisions. Portland has conducted numerous long-range planning activities that have produced a variety of components of the Comprehensive Plan, which include functional elements, such as the Transportation Plan, and strategic or geographic area plans, of which this plan is an example.

History – The India Street Neighborhood



India Street Neighborhood in 1871

India Street has the distinction of being the first street in Portland and the center of the city's earliest settlement. Although little remains from this early chapter in the area's history, the story of what followed is compelling and unlike any other neighborhood in the city. The India Street and waterfront area was the main commercial district of Portland prior to the Great Fire of 1866, when the core of the downtown moved to the Old Port. As early as the 1820's, the India Street Neighborhood was home to a large community of African Americans. Later, it became the point of entry and first home to many of the city's newly-arriving immigrant groups, including Irish, Italian, Jewish, and Scandinavian populations. The neighborhood was the hub of intermodal transportation where shipping and ferries, trains, and land transportation converged around the waterfront generating a center of activity. Newcomers found stability working as laborers on the city's waterfront, Grand Trunk Railroad, and nearby Portland Company. As they became established, each group made its mark on the area, building impressive



North School (1867)

churches and synagogues and launching a wide range of small businesses and institutions. Public health facilities, including a milk dispensary and medical school, were built on India Street to address the needs of the residents. North School, the largest elementary school in the state when it was built, responded to the transitional nature of the

neighborhood by offering occupational training and other innovative programs designed specifically to help the immigrant and first generation children it served.

The historic buildings that remain today tell the story of who lived here and how this neighborhood evolved and functioned. Landmark structures such as North School, the India Street Firehouse, and numerous churches and synagogues are very important to the story. So, too, are the modest wood frame houses owned by the founders of the Abyssinian Meeting House, the triple-deckers that housed immigrant families, and the small commercial structures that were built to serve the needs of a self-contained neighborhood. Just as the neighborhood's remaining historic structures provide tangible evidence of its history, they also establish the strong and appealing visual character of the area.



Abyssinian Meeting House (1828)

Since the mid-20th century, the neighborhood has lost a number of key landmarks, including the Grand Trunk Station and the house where Henry Wadsworth Longfellow was born, at the corner of Fore and Hancock streets. Once-dominant population groups have moved on to other parts of the city, leaving the neighborhood with just a few hundred households. Insensitive alterations to historic structures and the clearing of older buildings for surface parking lots and discordant new construction have diminished the character of the neighborhood. The most dramatic change, of course, was the construction of the Franklin Arterial, which entailed the removal of many homes and commercial structures at the western end of the neighborhood, and severed what had been a seamless transition to the downtown core. The removal of homes and construction of Munjoy South public housing on Mountfort Street created another abrupt boundary to the neighborhood where there previously had been none.



Franklin Arterial (1967) changes the neighborhood, creates disconnected conditions



A mix of different building types on Congress St

Notwithstanding these losses, the neighborhood retains numerous elements of its past that warrant recognition and preservation. This historic building fabric could also inform the scale and character of new development, which would result in a lively mix of new and old within a distinctive, human scale, mixed-use neighborhood.

An older, downtown adjacent neighborhood such as India Street has assets that significantly outweigh its challenges. In addition to the cultural significance of the historic neighborhood, today's market values historic architectural fabric that provides a human-scale foundation for future development. Significant parcels, including those formerly in industrial use, are vacant or underused and inviting for redevelopment. As an existing urban neighborhood, it enjoys a relatively complete infrastructure that is ripe to support revitalization. The historic street grid is walkable and

contributes both to quality of life and to market value for the land uses served by it. Multi-modal transportation services, both existing and potential, create choices for those who want to live or work in or to visit the neighborhood. This mixed-use neighborhood with proximity to downtown already has a core mix of residential and commercial uses, including long-standing uses that are well recognized and loved, and may serve as springboards to additional development. The most important characteristic of all, however, is the prevalence and importance of *people*; the neighborhood is the product of the people who have been here, past and present, and this plays a key role in shaping the future of the India Street neighborhood.

India Street Neighborhood Identity Past and Present



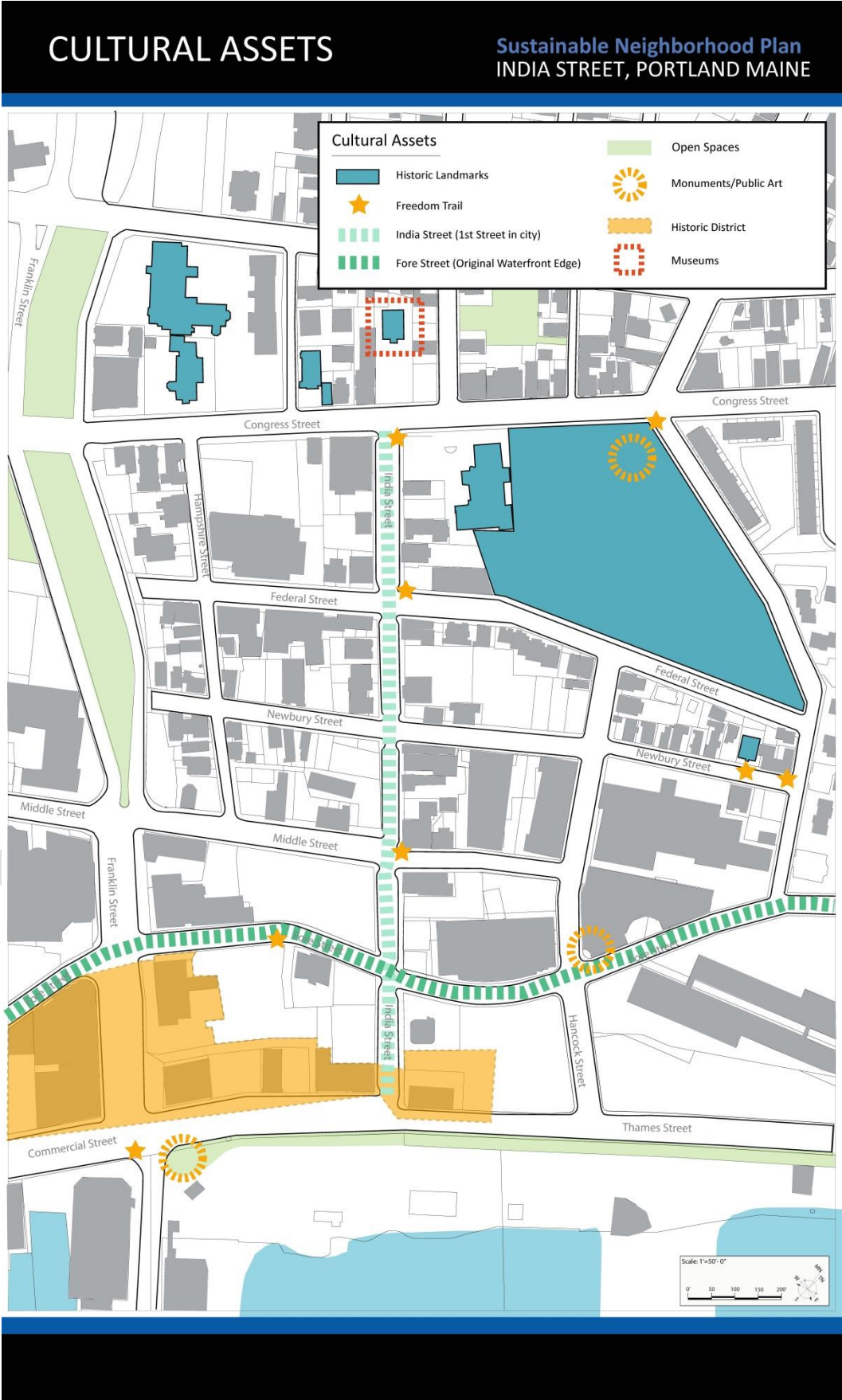
From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consulting, February 2014

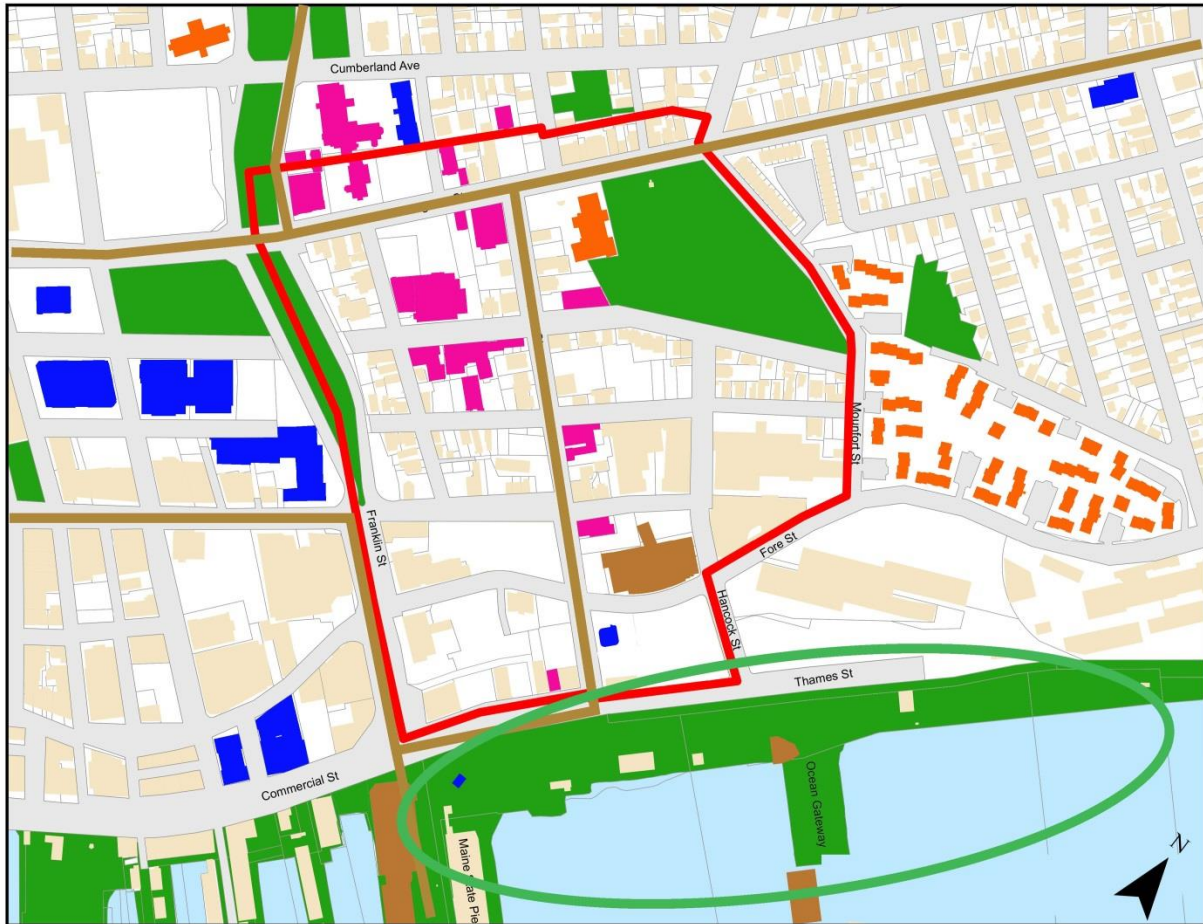
Assets to Build Upon

- **Cultural Heritage** – Portland starts here!
- **Historic** – Landmark buildings and a historic building fabric
- **Adjacent** – Waterfront, Residential neighborhoods, Downtown, Ferry and Cruise terminals
- **Shop Local** – Destination and landmark stores; Small, independent business and entrepreneurial culture; Truly mixed-use
- **Food Destination** – Many restaurants that draw people from all over the city and region
- **Accessible** – Walkable, bus connections, ample parking, good biking streets, ferry terminal
- **Geographic Advantage** – The neighborhood slopes to the waterfront, providing views
- **Development Possibilities** – Many development opportunities of varying scale

Challenges to Face

- **A Lack of Clear Identity** – The neighborhood lacks a clear identity and has never before been the subject of a neighborhood plan
- **The Constraints of Past Land Uses** – Industrial uses, many now defunct, were common in neighborhoods like this, with brownfield and clean-up costs associated with them
- **Scale of Development** – Large development sites have resulted in recent redevelopment that does not comport well with the desires of neighborhood residents and businesses, historic buildings, and neighborhood character in height or scale
- **Disconnected** – The neighborhood edges have been seriously altered and/or sealed off





Physical/Land Assets

- Waterfront (views and physical access)
- Parks and open space
 - Playgrounds – Peppermint Park, Adams Street
 - Public open spaces
 - Trails
 - Recreational facilities – Basketball at Adams Street
- Vacant Land – 21 parcels

Transportation & Mobility

- Bus Routes - 4 bus lines (1, 6, 7, and 8)
- Ocean Gateway Terminal
- Casco Bay Lines Terminal
- Parking Garages

Community, Health, and Resources

- Religious Institutions
- Community groups, Neighborhood Associations
- Advocacy groups and centers
- Clinics and counseling centers
- Community Meeting Spaces
- Hospitals, clinics, and health offices
- Grocery Stores

Local Institutions

- Schools, colleges, and universities
- Fire/Police and other emergency services
- Federal Agencies

Affordable Housing

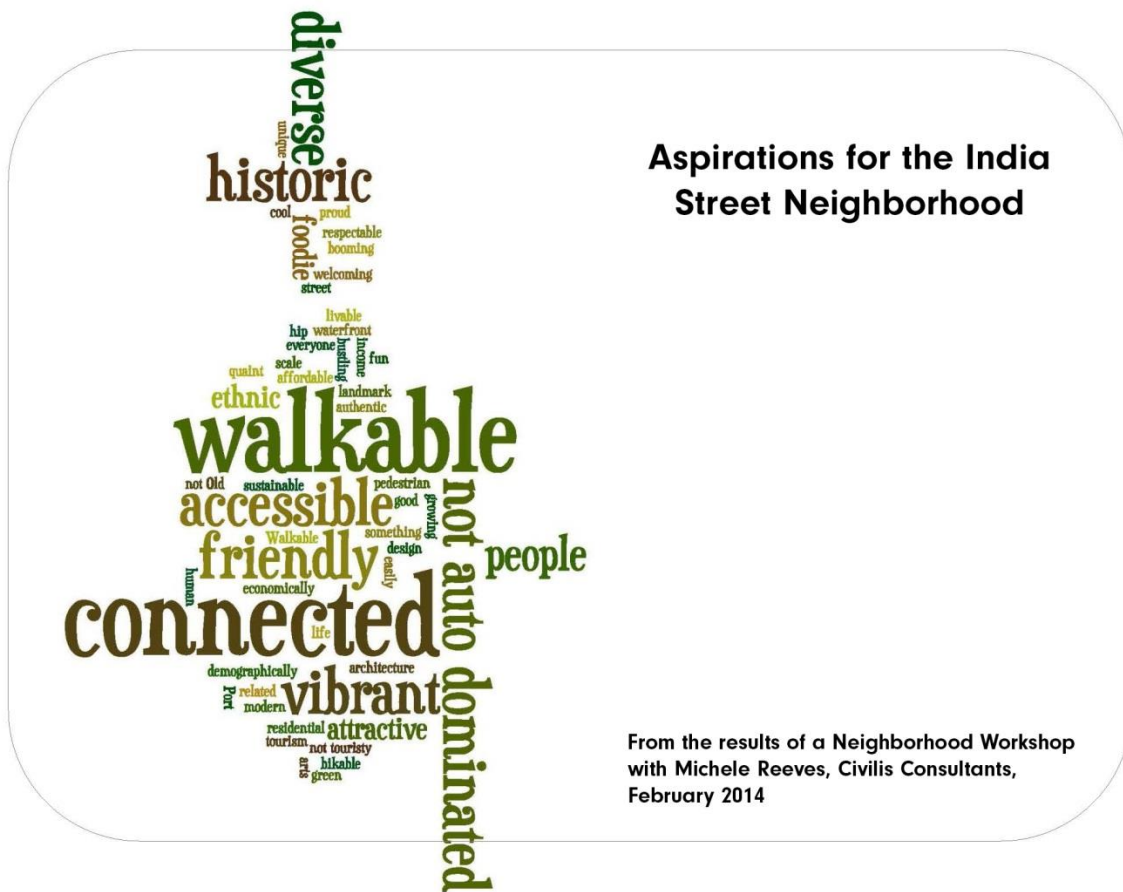
Assets in the India Street neighborhood and surrounds

Goals and Vision Statements

The India Street Sustainable Neighborhood Plan is framed by five Goals and six Vision Statements . . .

GOALS for the India Street Neighborhood

Vitality	Good Quality Design	Strong Neighborhood Identity that Builds on its Heritage	Diversity	Enhance Mixed-use Nature of Neighborhood
- The vision for the India Street neighborhood includes vibrant streets. Improvements to the street level environment, public realm, and open spaces will encourage and attract activity. - Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects. - Improving the connectivity (of all modes) to and from the neighborhood will elevate the "adjacent" status of the neighborhood by making it a destination. - A vital neighborhood also considers its future; the neighborhood seeks to reduce its vulnerability to climate change and embrace strategies that consider future quality of life including transportation, energy, and sea level rise. - Economic prosperity is a crucial part of neighborhood vitality - strategies around economic development are a high priority.	- People are attracted to neighborhoods with good quality design. This includes not only the materials and aesthetics of new development but also the street presence and longevity of a project. - Compatibility, especially in terms of building scale, is essential in a historic and mixed-used neighborhood such as this one. - In this neighborhood, good quality design also includes good quality rehabilitation of existing and historic buildings. - Infrastructure improvements shall be included in this goal - the public realm and streetscape are of equal importance to the quality of life as buildings are. Standards for high quality design shall also be held true for infrastructure changes or improvements.	- India Street was the first street in Portland and the neighborhood is rich in cultural history. These qualities are at the heart of the neighborhood identity and should be at the forefront of any strategy that deals with neighborhood character, objectives, relationships, or environment. - Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourists, and adjacent neighborhoods as a destination. - The historic fabric and landmarks tell a story about this neighborhood and are critically important to its identity.	- The India Street neighborhood has always hosted a diverse resident population. The neighborhood plan should encourage and maintain that diversity of residents (age, race, ethnicity, gender, family size, income, etc.) - Quality of life for a diverse population will include considerations such as food access, transportation choices, access to open space, and diversity of residential unit types and ownership models. - The built environment of the neighborhood is diverse; a dynamic urban neighborhood keeps a diverse mix of building types by including contemporary and historic buildings, and varying building scales.	- The India Street Neighborhood is truly a mixed-use neighborhood with residences, business, offices, hotels, retail, and restaurants. The neighborhood plan should allow this mixed-use nature of the neighborhood to continue and to expand. - New development and the built environment should continue to support and enhance mixed uses. - The neighborhood plan should especially support existing businesses and attract new businesses to the neighborhood, but especially those that provide services and amenities to neighborhood residents and workers.



Vision: Cultivating the Future of the India Street Neighborhood

Vision Statement 1: Sustainable Growth and Development - The India Street neighborhood is on the cusp of substantial growth and development that will firmly establish its place in the city and region for decades to come. It is poised for growth, and has chosen to shape that growth to its singular character and heritage. It is fitting that this neighborhood welcomes a share of the growth that is happening in greater Portland, given its adjacency to downtown and the waterfront, its walkability, its access to transit, its in-place infrastructure, and its strong mix of and

immediate proximity to housing, jobs, commerce, and services. Over the course of more than two years, this neighborhood has pulled together property owners, residents, and associated stakeholders and community members who care deeply about *how* this neighborhood will evolve and develop. This plan is the result of their efforts and hard work. It presents the vision, principles, and strategies to welcome the right form and shape of growth and development that will bring this transitioning neighborhood to maturity.



Vision Statement 2: A Neighborhood of Diverse Peoples – India Street is and always has been diverse, and we wish it to remain so. Histories of immigrant communities – landing here and gaining a foothold, and making their way in America – have left a durable imprint that we celebrate. Maintaining diversity means conscious efforts to welcome all kinds of new arrivals: whether they be move-up urbanists who can live anywhere and choose India Street for its location; or new arrivals continuing the traditional role of this neighborhood, welcoming new immigrants who above all need affordable housing and convenient access to jobs and services; young singles and small households who are embarking on adult life and value the social landscape and access to all that Portland has to offer; working families striving to live responsibly by choosing a compact urban neighborhood where one can afford to live and maintain a low carbon footprint; or an aging population wishing for an active life and access to Portland’s amenities, activities, restaurants, and services. Any and all of these are welcome to make India Street home, and become part of our community.

Vision Statement 3: An Authentic Neighborhood True to its Heritage –

Portland’s *first street* was India Street, and it is a point of pride and identity that this neighborhood set the stage for Portland’s growth and development. Vestiges of this history abound, from the religious institutions to the civic and industrial buildings, to the vernacular working class houses on Federal and Newbury and Hampshire streets. These features distinguish the neighborhood from others, adding to the mix of peninsula neighborhoods with a unique community fabric. This heritage creates a sense of responsibility to protect the traces of the past as well as positing a form and pattern for future growth that is recognizable as India Street. We invite development into our neighborhood, as it is essential to its vitality and to fill its voids, particularly in the southern section below Middle Street where there is much vacant land and surface parking. And we will insist that new development add to the indigenous structure of this neighborhood by demonstrating an incremental and varied street, lot, and block pattern. The scale of development may grow but the form must reflect the attributes that typify and reinforce the fabric of this neighborhood.



Vision Statement 4: A Fun, Industrious, Creative, Artisanal, and Prosperous Neighborhood

– The sidewalks are full of life and commerce. Within a five minute walk multiple food products are prepared, sold, consumed, and savored. Local businesses are mostly home grown and provide authenticity to the neighborhood - the regional brew house, the bakers, the textile and furniture designers, the grocers, the coffee houses, and restaurants. Amato's, one of Maine's few chain establishments, was founded here on India Street around 1902. We will build on this cluster of commercial activity on the core retail streets and create a continuous "trail of crumbs" for visitors and residents to follow from the Old Port and the waterfront, from Commercial Street to Congress Street. We expect that in this area all of the buildings and businesses will engage with the community both visually and functionally, that there will be a "conversation with the street," and people will enjoy being here and engaging in this dialogue.

Vision Statement 5: A Healthy, Connected, and Active Neighborhood

– The India Street Neighborhood provides opportunities for health and well-being ranging from health-related services to recreation amenities. Within a short walk are many recreation and open space assets: historic Lincoln Park; the Eastern Promenade Trail that caters to children, runners, bikers, strollers, bladders, boarders, and those just out for a scenic stroll; and a playground tucked into edge of Munjoy Hill off Mountfort Street. These gems are now somewhat hidden from view and access; but with some thoughtful interventions – including generous and well-designed

sidewalks and passageways, good lighting and streetscape furnishings, public art, and intuitive wayfinding strategies – we will embrace these assets and enlist them more fully into the life of the neighborhood. Street connectivity remains a fundamental challenge especially in connecting to and across Franklin Street for all modes, with a pedestrian and bicycle priority. Pedestrian connections throughout the neighborhood need improvements that will enable visitors and residents alike to feel comfortable navigating the area and accessing surrounding amenities.



Vision Statement 6: A Neighborhood of Strong Identity

– We have learned a lot about ourselves and our place within the larger community during this planning exploration of the India Street Neighborhood. Our heritage, our diversity, our industriousness, our unique physical character, and our location on Portland's marvelous peninsula all constitute the unique and authentic identity, charm, and spirit of this community. These qualities and characteristics contribute to our pride of place, sense of belonging, and conception of an exceptional community. *Portland Starts Here.* We celebrate this and all it implies. We will share this heritage and identity with the larger community, for us to enjoy, and for others to appreciate.

Thirteen Development Principles

1. Strong Neighborhood Identity

Portland starts here in the India Street neighborhood; the spirit of this place will be reflected in its identity and character, distinct from Old Port and the Downtown. The story of India Street is long and compelling; now is the time to tell and celebrate it.

The India Street Neighborhood presents a human-scale, downtown-adjacent neighborhood with commerce, light industry, authenticity, and community. What visitors and others are less aware of is its distinctive history – Portland’s first street and first neighborhood, early maritime connections, later industrial development, period architecture, religious and cultural diversity. The key principle here is to bring these unique characteristics and assets into closer connection and a cohesive neighborhood identity that will permeate the built environment as well as associated housing and business – all serving to strengthen and enhance the community.



2. Diversity of Residents

People are at the very heart of all that India Street Neighborhood is about. It is characterized by diversity, past and present, in all meanings of the word – race, ethnicity, age, religion, ability, household size, and socio/economic status. For the future, the India Street neighborhood will continue to be a place known for its authentic diversity; and diversity of residents and activities will be encouraged and maintained.

Two major factors contribute to neighborhood diversity: housing choice and affordability. The recent housing development trend in the neighborhood has been toward large condominium units, often catering to empty-nester couples and part-year residents. Left to themselves, market forces

alone will provide more of this housing type, while a balance of housing types is desired. The City is especially interested in development that will provide homes for families with children, and young, single workforce households. This should include rental units and a mix of efficiencies, one, two, and three-bedroom units. As the neighborhood residential base grows, so too will the *type* of housing remain varied. Affordability will likewise be considered in development and policy decisions.



3. Neighborhood Heritage and Historic Preservation

Unlike many other neighborhoods on the peninsula, the India Street neighborhood grew to become a strikingly diverse and self-contained neighborhood, with its own “main street,” houses of worship, institutional buildings, and workshop industries that provided employment for minority groups that populated the area. While the neighborhood has lost significant elements of its past, much remains to tell its compelling story. The historic buildings that remain not only tell the story about how this neighborhood has evolved and functioned, but also contribute significantly to its unique character, scale, and patterns.

Protecting and enhancing India Street’s historic building stock is essential if the area is to retain its authenticity and build a strong sense of place. Alterations to existing buildings, both historic and non-historic, will be carefully considered so the neighborhood’s character will not diminish over time. Infill construction will be a clear product of its own time, and respect established development patterns that characterize the neighborhood.

Opportunities to tell the neighborhood’s story, through interpretive signage or other means, will be fully explored and implemented. Understanding the history of the neighborhood will foster pride among local residents and businesses, and will enhance the visitor’s experience.

4. Mixed-Use Neighborhood

The India Street neighborhood is today truly a mixed-use neighborhood with residences, businesses, offices, hotels, retail, and restaurants. The neighborhood plan should allow the mixed-use nature of this neighborhood to continue and expand, with the goal of providing a fair and high quality of life for all manner of people.

Fostering a desirable and diverse neighborhood requires a certain level of services and neighborhood amenities. Important and interesting destinations, from places that supply necessities to those that supply entertainment, are within walking and bicycling distances. Real estate developments, policies, and economic development plans that maintain or grow the level of service and amenities for the neighborhood will be encouraged.

5. Vibrant Local Economy

Businesses are important to the success of a mixed-use neighborhood, and the vitality of the India Street Neighborhood economy impacts the city as a whole. The economic goals for the neighborhood are to grow employment opportunities and enhance economic vitality and sustainability.

The India Street neighborhood draws people who recognize and enjoy its unique character and heritage. Those who visit or live in the neighborhood appreciate its authenticity, local artisan retail and eating establishments, and diverse cultural history. Building on these strengths through communication of identity, concentration of commercial uses, protection of the historic and human-scaled built fabric, and stronger relationships within the neighborhood will attract greater numbers of visitors, residents, and businesses to the area and move the neighborhood towards its economic goals.

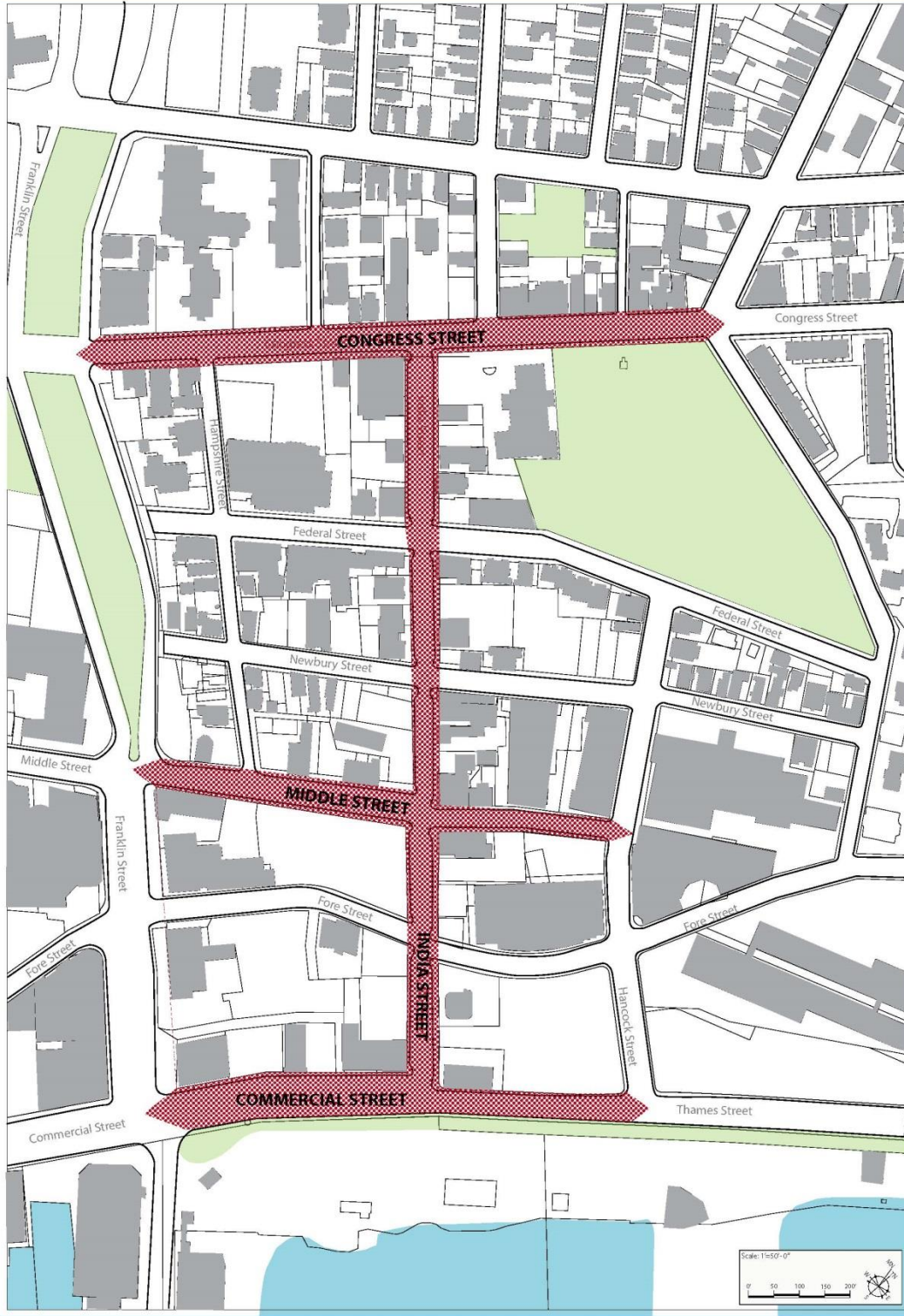
6. Retail Corridors

The India Street Neighborhood is home to destination food and retail businesses, among Portland's most popular. The beginnings of a retail corridor exist on India Street, the neighborhood's main street, as well as on Congress and Commercial streets, and commercial uses are dispersed across the neighborhood. The neighborhood's vitality will be heightened with more concentrated commercial activity – particularly restaurants and retail – along India and on Congress, Commercial, and Middle streets.

Commercial Street is a popular pedestrian route and entry into Portland for cruise ship and ferry passengers. Enticing people to the India Street Neighborhood will depend, in part, on creating a continuous "chain of crumbs" leading from Commercial up India Street. This will require a phased approach, focusing first on recruiting to India Street new retail shops and restaurants, from Commercial up to Middle streets; and then continuing this effort along India all the way to Congress Street. People attract more people; by concentrating retail to strategic corridors the streets become more active and boost economic vitality. This strategy for the neighborhood retail environment will strengthen existing businesses and attract more visitors, residents, and businesses.

RETAIL CORRIDORS

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE



RETAIL CORRIDOR CONCENTRATION

7. Guided Growth

The India Street neighborhood is an ideal place to target sustainable growth due to the availability of development sites and existing urban infrastructure. Sustainable growth is growth that occurs in an already-established urban neighborhood, taking advantage of existing infrastructure and services. In the case of India Street, the vision is also for residential growth that supports the neighborhood. The district will accommodate a reasonable share of regional growth over the next 25 years, based on its size and proximity to downtown; and gain critical mass that will support a diverse, vibrant, and mixed-use urban neighborhood. The neighborhood desires a healthy mix of uses. The type of growth will be primarily residential with a substantial increase in housing units; there is already an ample supply of hotels developed. Growth will also come from increased density of smaller units of development rather than increased height. All of this growth will only add to its activity and vitality, promoting it as a vibrant neighborhood center within Portland.

There are several areas in which this growth will be located. Due to availability and size of land, significant growth will occur on large redevelopment sites toward the waterfront. As an urban avenue, Franklin Street has valuable frontage along which new development will redefine the neighborhood's edge and contribute to its identity as a desirable residential/mixed-use district. Smaller infill developments will be strongly encouraged as a way to expand the capacity for neighborhood growth and test prospective housing unit types.

8. Form of Development

Neighborhood growth will carefully consider of form and scale, with an emphasis on "human scale" development and good quality design. Graduation of form will vary by location so that future new development is appropriate to its surrounding context. Within intact historic streets, form is modulated to approximate surrounding building forms. In larger blocks presently dominated by surface parking, new buildings will be scaled proportionately to allow larger buildings with mass and scale designed to achieve a human scale street presence, protection of street view corridors, and varied and permeable block faces. The intended outcome will be a harmonious composition of new and old buildings that fit well together to create a lively fabric of modern and traditional building forms.

The Importance of Form – The identity of a downtown adjacent neighborhood is dictated in large part by its scale and pedestrian-friendly design. Critical elements include¹:

- Relatively high residential density within a relatively small district, putting many people within walking distance of many activities and, for trips outside of the district, regular and reliable bus service with bus stops;

¹ These are drawn from the India Street Neighborhood workshop discussion, the City's design manual, and reference materials such as Ewing and Bartholomew, *Pedestrian- and Transit-Oriented Design* (2013).

- A fine-grained mix of uses – both horizontal and vertical – that invite a flow of people at different times of the day, seven days a week;
- A street pattern with pedestrian-scaled blocks. Longer blocks and larger buildings will be interrupted and made permeable by mid-block pedestrian ways, alleys, or streets;
- Continuous sidewalks designed with universal access and widths scaled to the pedestrian activity of the street, to allow two couples walking in opposite directions to comfortably pass each other;
- Strong street walls with development placed close to the property line at street frontage
- Street-oriented buildings, with commercial and mixed use buildings with “permeable” facades – front entrances and fenestration that relate to the street;
- Human-scale buildings – neither so tall as to block a pedestrian’s cone of vision at four stories, nor so horizontally large or dominated by a single use as to discourage the casual interaction between pedestrians and a mix of uses along the street.

9. Compassionate and Supportive Community

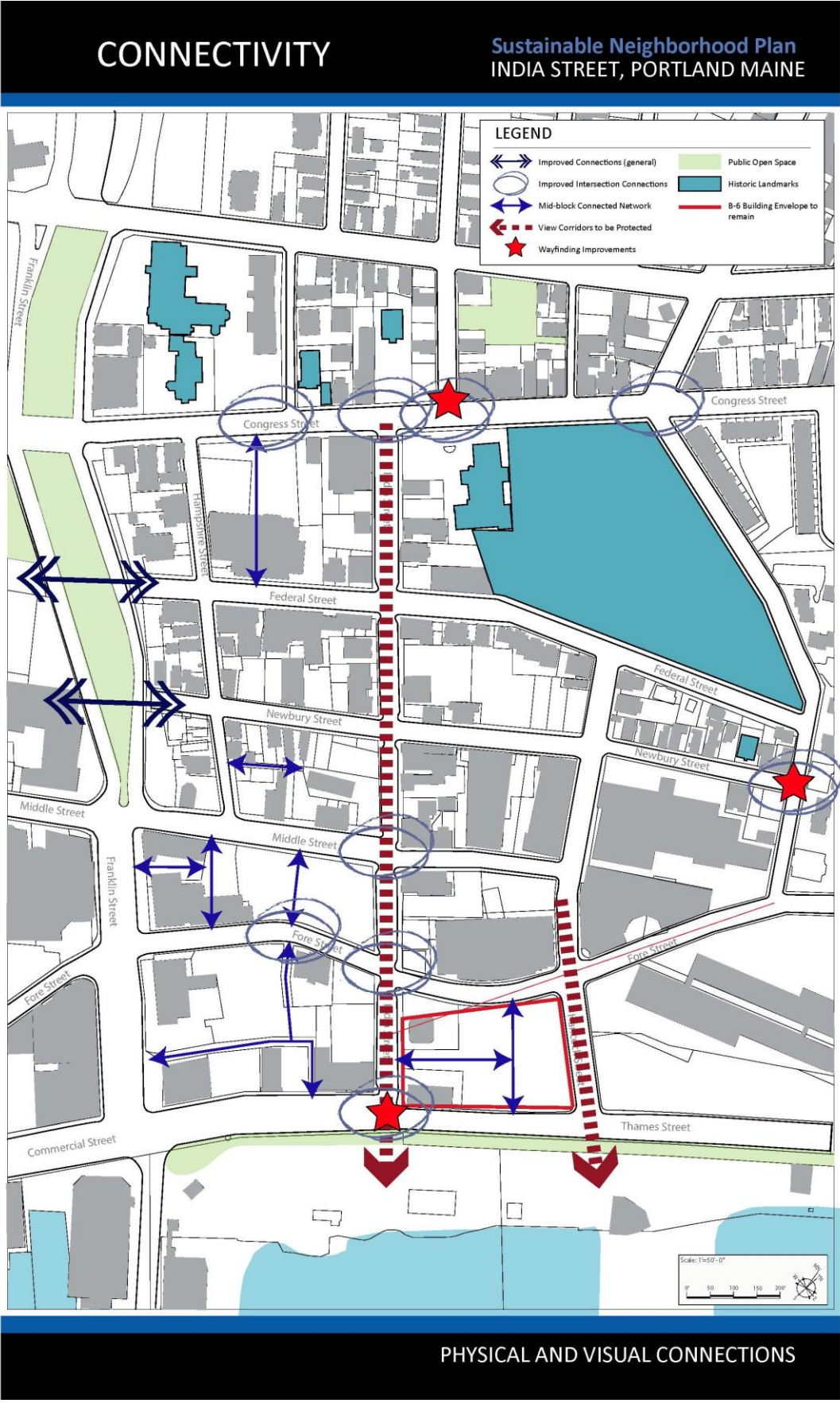
The India Street neighborhood continues a history of welcoming. A walk around the neighborhood reveals a plethora of services and resources ranging from immigrant and elderly services at Catholic Charities, resources for the homeless population at the Cathedral complex and Milestone, low-income housing for the elderly at North School, education opportunities at the Portland Adult Education building, and abundant medical and mental health practices. The compassionate and supportive nature of this neighborhood will be encouraged to prosper; it will continue to be a hospitable landing place for those seeking opportunity in Portland whether it be a new immigrant resident or a fledgling economic enterprise. Efforts to make it accessible with connectivity, transit, and streetscape improvements will go a long way to foster this kind of community.

10. Connected Neighborhood

A downtown-adjacent neighborhood that is disconnected from its downtown is an undervalued and underutilized asset. The *adjacent* nature of this neighborhood is both unique and full of potential. India Street abuts many wondrous assets and resources – residential neighborhoods, the downtown district, and the waterfront. *Connections* to these nearby assets and amenities are fundamental to its economic vitality and greater quality of life. Services and opportunities – from jobs to entertainment to governmental services – will be improved by strengthening the connectedness of the neighborhood. From the point of view of the India Street neighborhood, the redesign of Franklin Street is driven in large part by the desire to re-connect this neighborhood and the Downtown. The Transportation Plan of the Comprehensive Plan states, “The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.” Reconnecting dead-end streets and formalizing well-loved but informal connection points will help to knit the India Street neighborhood into the city.

The India Street neighborhood already has the fundamental characteristics of a walkable, bikeable neighborhood and the additional advantage of being a transportation hub. The combination of neighborhood adjacency and increased density reinforce the use of alternative transportation modes, reducing dependency on automobiles and allows for the relaxing of parking requirements. Improvements to the local street system, trail system, and transportation system will give priority to connectivity on multiple scales - connectivity to surrounding neighborhoods, connectivity to neighboring assets such as Lincoln Park and the waterfront, and connectivity within the neighborhood, itself. Emphasis will be on pedestrian, bicycle, and transit modes. The walkability of the neighborhood, proximity to jobs on the Portland peninsula, and the availability of bus service will reduce auto dependency. Increased density will support public transportation with shorter time intervals, which, in turn encourages use and viability of the transit system.

Visual connections, especially to the waterfront, are another important type of connection. Wherever possible, access to the waterfront – visual and physical – will be provided as a public amenity. New development will be conscientious of its relationship to the water; view corridors through public rights of way to the water will not be obstructed. Visibility to and from the neighborhood, across Franklin Street and from the water and Commercial Street, will contribute to the identity and presence of the neighborhood, serving to attract visitors as well as elevate the relationship of the neighborhood with the rest of the city.



11. Quality Infrastructure

The streetscape and landscape play an important role in supporting the neighborhood identity and affording a comfortable, inviting, and human-scaled environment. For infrastructure, emphasis will be placed on the experience one has travelling to and throughout the neighborhood, with Complete Streets as the adopted City strategy. The street grid and transportation infrastructure will be improved with priority given to pedestrian, bicycle, and transit modes. Strategies to improve the streetscape will include increased street trees and plantings, lighting, public restrooms, green infrastructure implementation, wider sidewalks and improved universal access in public right of ways, street furniture deployment, and a neighborhood-wide analysis to evaluate the potential to underground utilities. Neighborhood identity will be reinforced through streetscape design elements with particular priority on India Street which will include street trees, public art, unique and cohesive street furniture, pavement options that have a storytelling or identity component, and gateway elements signaling entrances to the neighborhood.

Vehicle parking, especially surface parking lots, will be de-emphasized. On-street parking, reduced off-street parking requirements, modest off-street lots, structured parking, and car-sharing services will all be needed to satisfy demand. In the India Street neighborhood, the recent structured parking with excess space (as of 2013) was created to relieve some of the constraint that might otherwise exist and to facilitate development of surrounding parcels. Use of shared parking and utility infrastructure strategies will be encouraged.

Finally, improvements to telecommunication infrastructure is crucial to making the India Street neighborhood and the city an attractive place to locate for residents and businesses who increasingly rely on internet access for quality of life and work.





12. Ample Recreation and Open Space

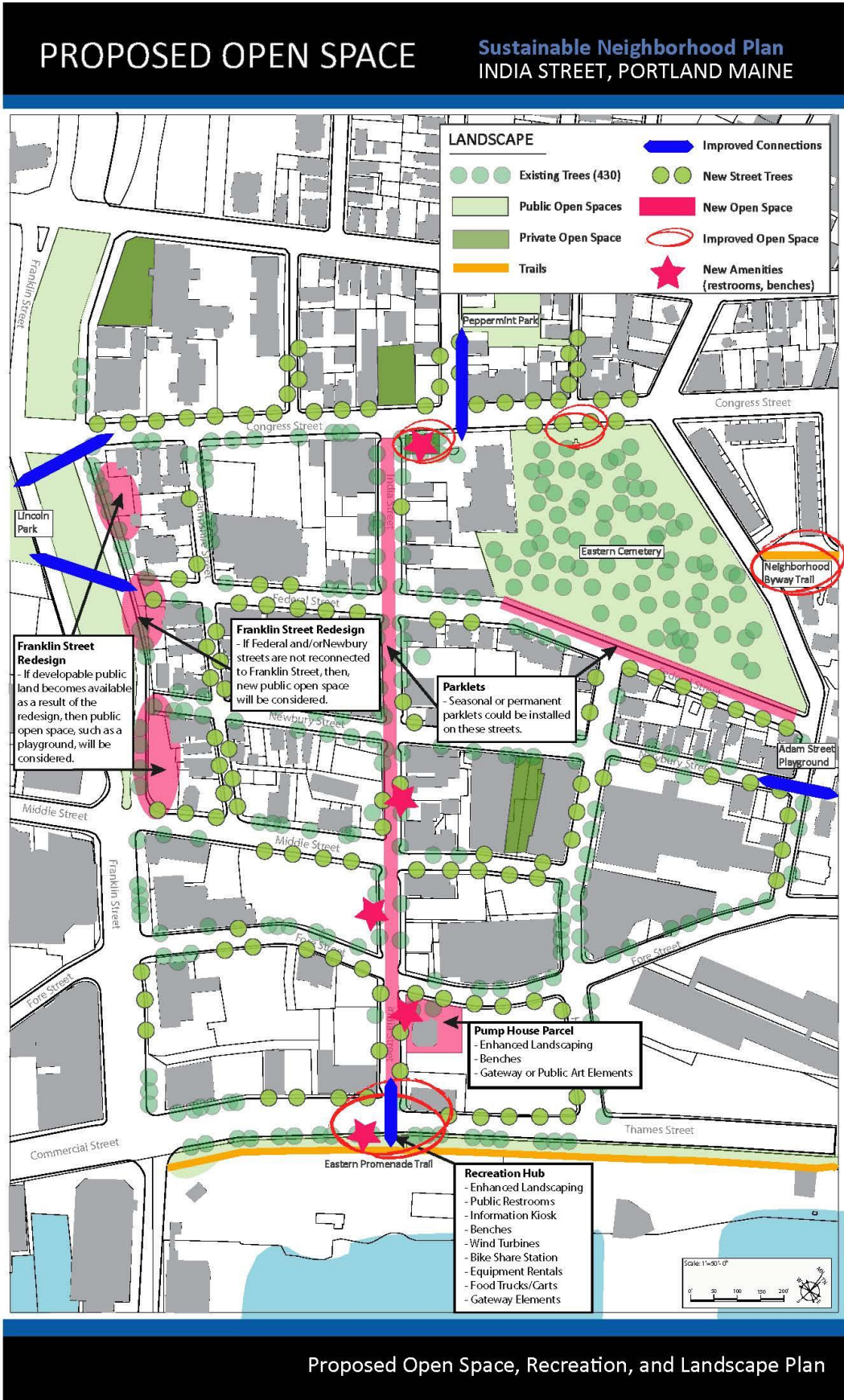
Open space is a most precious commodity in the small, urban India Street neighborhood. Open space amenities greatly enhance quality of life for residents and workers, make for a more attractive built environment, and create opportunities for community gathering and interaction. Every opportunity to improve or enhance public open spaces will be pursued. This principle addresses a guiding principle of the existing open space and recreation plan for the City of Portland, *Green Spaces, Blue Edges*:

Neighborhoods form the foundation of *Green Spaces, Blue Edges*. The plan exists to serve the health and enjoyment of the neighborhood residents.

- Neighborhoods should have open space focal points
- Recreational opportunities should be available for all ages and genders
- Neighborhood open space should be within walking distance
- Portland residents appreciate their park system

The neighborhood has three avenues to maximize the potential for open spaces of different types and uses: 1) Create new open spaces at the pumping station property, along Franklin Street, and at the foot of India Street, 2) Improve and maintain existing spaces (including private green spaces) within the neighborhood by implementing the Eastern Cemetery Master Plan, for example, and 3) Connect to surrounding open space amenities such as Lincoln Park, playgrounds in Peppermint Park and Adams Street, and the Eastern Promenade Trail.





13. Responsive to Climate Change

As a waterfront-adjacent district, climate change is especially compelling to the India Street neighborhood. Adapting to sea-level rise, reducing stormwater runoff, and mitigating heat island effect are especially important to address, as the neighborhood continues to develop and improve. Future plans for this district will consider such features as low-impact design in public and private development, reduction in impervious surfaces and subsequent opportunity to increase greenery and street trees, flexible ground floor designs, and treatment of roof surfaces to reduce heat island effect and solar reflectance. Incremental changes, including modifying structures and facilities on the water's edge to be more resilient to sea-level rise, will be pursued by both public and private interests. The future India Street neighborhood will be a model to demonstrate that planning for climate change is a benefit to residents', visitors', and workers' quality of life and the quality of the built environment.



Implementation Plan

In order to implement the policies laid out in the India Street Sustainable Neighborhood Plan, twelve **Critical Actions** have been drafted to form an Implementation Plan. Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each India Street Neighborhood Advisory Committee Working Group. These twelve Critical Actions are intended to guide the City in measures that can be taken to fulfill the Plan principles and meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process:

Specific
Measurable
Attainable
Realistic
Tangible

It is important to note that the Implementation Plan is meant to guide the City but will not be included in the Comprehensive Plan as policy. These initiatives, taken individually and collectively, will help the City to achieve the policies and objectives of this Plan, but each action will require individual review, consideration, and decision-making in light of the resources available and competing objectives of the City at the time. It is not expected that each item will proceed exactly as prescribed, but that these programs and initiatives, among others that might arise, will be considered in the implementation of this Plan. The creation of these Critical Actions ensures the policy document – the India Street Sustainable Neighborhood Plan – is translated into clear action and will have a beneficial, tangible impact.