1. Legal Ad

    Documents:

        PB LEGAL AD 5-8-18.PDF

2. Agenda

    Documents:

        PB AGENDA 5-8-18 (REVISED).PDF

3. Munjoy Hill Map And Text Amendments

3.I. Report And Attachments

    Documents:

        REPORT AND ATTACHMENTS.PDF

3.II. Public Comment Received After PB Public Hearing

    Documents:

        PC100 LISA MORRIS 5-8-18.PDF
        PC101 STEPHEN GAAL 5-8-18.PDF

3.III. Public Comment Since February 5, 2018

    Documents:

        PC1 TODD GROVE 2-20-18.PDF
        PC2 KAREN SNYDER 2-25-18.PDF
        PC3 JANET PARKS 2-23-18.PDF
        PC4 WAYNE VALZANIA 2-26-18.PDF
        PC5 JEAN RUSSO 2-26-18 (E. END FEEDBACK).PDF
        PC6 LAURA BALLADUR 2-26-18.PDF
        PC7 CARLE HENRY 2-26-18 (E. END FEEDBACK).PDF
        PC8 NINI MCMANAMY 2-27-18 (E. END FEEDBACK).PDF
        PC9 KAREN SNYDER 2-27-18 (E. END FEEDBACK).PDF
        PC10 N MCMANAMY 2-27-18.PDF
        PC11 PETER MURRAY 2-27-18.PDF
        PC12 ENOCH WENSTROM 2-27-18.PDF
        PC13 JOANN DOWE 2-27-18.PDF
        PC14 ELIZABETH MILLER AND DAVID BODY 2-28-18.PDF
        PC15 MURRAY 3-1-18.PDF
        PC16 SIVE NEILAN 3-2-18.PDF
        PC17 PA AG 3-4-18.PDF
        PC18 LAUREN REITER 3-16-18.PDF
        PC19 HILARY BASSETT 3-16-18.PDF
        PC20 BRYCE AVALLONE 3-18-18.PDF
        PC21 GAIL RINGEL 3-6-18.PDF
        PC22 MARCOS MILLER 3-7-18.PDF
        PC23 PAMELA DAY 3-8-18.PDF
        PC24 ELIZABETH STREETER 3-13-18.PDF
        PC25 TOM BLOOM 3-14-18.PDF

PC26 EJ KOCH 3-14-18.PDF
PC27 WAYNE VALZANIA 3-14-18.PDF
PC28 GAIL KUHLTHAU 3-20-18.PDF
PC29 MARK BURNS 3-19-18.PDF
PC30 LAUREN REITER 3-21-18.PDF
PC31 PETER MACOMBER 3-21-18.PDF
PC32 GRACE BRALEY 3-21-18.PDF
PC33 PETER MACOMBER 3-21-18.PDF
PC34 LISA AND PETER ADAMS 3-21-18.PDF
PC35 GRACE BRALEY 3-22-18.PDF
PC36 JUDY GEORGE 3-23-18.PDF
PC37 NANCY BRAIN 3-22-18.PDF
PC38 BARBARA VESTAL 3-23-18.PDF
PC39 DEBBIE MURRAY 3-23-18.PDF
PC40 CARLE HENRY 3-23-18.PDF
PC41 LAURIE HANLEY 3-23-18.PDF
PC42 PA AG 3-23-18.PDF
PC43 DOROTHY RODNEY 3-23-18.PDF
PC44 STEPHEN GAAL 3-25-18.PDF
PC45 MAGGIE WOLF 3-25-18.PDF
PC46 LAUREN REITER 3-26-18.PDF
PC47 KAREN HARRISON 3-27-18.PDF
PC48 CAROL CONNER 3-26-18.PDF
PC49 NINI MCMANAMY 3-29-18.PDF
PC50 NINI MCMANAMY 4-3-18.PDF
PC51 JOSHUA BASTON 4-3-18.PDF
PC52 NINI MCMANAMY 4-5-18.PDF
PC53 MUNJOY HILL CONSERVATION COLLABORATIVE 4-5-18.PDF
PC54 PETER MURRAY 4-9-18.PDF
PC55 PAMELA DAY 4-6-18.PDF
PC56 KAT PHILBIN 4-9-18.PDF
PC57 MUNJOY HILL CONSERVATIVE COLLABORATIVE 4-11-18.PDF
PC58 BARBARA VESTAL 4-11-18.PDF
PC59 GRACE BRALEY 4-13-18.PDF
PC60 MUNJOY HILL CONSERVATION COLLABORATIVE 4-13-18.PDF
PC61 MAGGIE W. 4-17-18.PDF
PC62 4-18-18.PDF
PC63 JILL DUSON 4-18-18.PDF
PC64 BARBARA VESTAL 4-16-18.PDF
PC65 JOCELYN OLSEN 4-26-18.PDF
PC66 DAN HALEY 4-11-18.PDF
PC67 MUNJOY HILL CONSERVATION COLLABORATIVE 4-27-18.PDF
PC68 JOSHUA BRODER 4-29-18.PDF
PC69 BARBARA VESTAL 4-27-18.PDF
PC70 MHNO 4-30-18.PDF
PC71 STEPHEN GAAL 4-30-18.PDF
PC72 PETER MURRAY 4-27-18.PDF
PC73 ELIZABETH MILLER 5-2-18.PDF
PC74 TIM WELLS 5-1-18.PDF
PC75 PAMELA DAY 5-2-18.PDF
PC76 BARBARA VESTAL 4-23-18.PDF
PC77 ANNA MEDINA 5-2-28.PDF
PC78 LINDA TYLER 5-3-18.PDF
PC79 EJ KOCH 5-3-18.PDF
PC80 BARBARA VESTAL 5-3-18.PDF
PC81 KAREN SNYDER 5-4-18.PDF
PC82 CAROL CONNOR 5-4-18.PDF
PC83 LIZ HAYS 5-4-18.PDF
PC84 MUNJOY HILL NEIGH. ASSOC. 5-4-18.PDF

PC85 EDWARD MOONEY 5-4-18.PDF
PC86 SALLY OLDHAM 5-4-18.PDF
PC87 GREATER PORTLAND LANDMARKS 5-4-18.PDF
PC88 KE SMITH 5-4-18.PDF
PC89 SUE YANDELL 5-4-18.PDF
PC90 LORI ROUNDS 5-4-18.PDF
PC91 DELENE PERLEY 5-5-18.PDF
PC92 DON HEAD 5-5-18.PDF
PC93 ELIZABETH STREETER 5-5-18.PDF
PC94 JERI LYNN SCHROEDER 5-5-18.PDF
PC95 BERRY MANTER 5-5-18.PDF
PC96 JULIE LARRY 5-7-18.PDF
PC97 FRANCINE ODONNELL 5-8-18.PDF
PC98 GEORGE RHEAULT 5-8-18.PDF
PC99 ERIC DEXTER 5-8-18.PDF

4. Article 30 - Affordable Housing Amendments

4.I. Report And Attachments

Documents:

AFFORDABLE HOUSING (REPORT WITH ATTACHMENTS).PDF

5. Section 14-403 Zoning Text Amendment

5.I. Report And Attachments

Documents:

14-403 (REPORT AND ATTACHMENTS).PDF
14-403 (PUBLIC COMMENTS).PDF

LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD - MEETING AGENDA

The Portland Planning Board will hold a meeting on Tuesday, May 8, 2018, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to planningboard@portlandmaine.gov

Workshop – 4:30 p.m.

i. Level III Subdivision and Site Plan; 178 Kennebec Street, Maine Workforce Housing, LLC, Applicant. (4:30-5:30 p.m. estimated time). The Board will hold a workshop to consider a proposal for the development of forty-six units of senior housing. All of the dwelling units will be one-bedroom apartments and 28 of the units will be affordable. Parking for 19 vehicles is also proposed. The site is in the Residential R-6 zone and is subject to review under the subdivision, site plan, and affordable housing ordinances.

ii. Land Use Code Text Amendments, Article II Planning Board, Article IV Subdivision, and Article V Site Plan, City of Portland, Applicant. (5:30-6:30 p.m. estimated time). The Planning Board will hold a workshop on proposed text amendments to the Land Use Code to bring the site plan ordinance into conformance with the subdivision ordinance, so that multi-family projects can be reviewed solely under the site plan ordinance. The proposed text amendments include, but are not limited to, neighborhood meeting requirements, applicability of site plan reviews, updated standards of review, and updated submission requirements.

Public Hearing – 7:00 p.m.

i. Munjoy Hill Map and Text Amendments, Design Manual Changes & Amendments to Nonconforming Use/Buildings and Space & Bulk Regulations Citywide; City of Portland, Applicant. (7:00-8:00 p.m. estimated time). The Board will hold a public hearing to consider a zoning map amendment and text amendments in the vicinity of the R-6 zone east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade. The purpose of the map and text amendments is to create an overlay district, the Munjoy Hill Neighborhood Conservation Overlay District, to implement new dimensional, design, and performance standards related to new construction and demolitions in the R-6 zone on Munjoy Hill. Included in the public hearing are text amendments, applicable city-wide, to divisions of the Zoning Ordinance relating to extensions of non-conforming buildings in Division 23 & Division 25. There will be a concurrent public hearing on proposed amendments to the City of Portland Design Manual, R-6 Infill Development Design Principles & Standards.

ii. Article 30 – Affordable Housing Amendments; City of Portland, Applicant. (8:00-9:00 p.m. estimated time) The Planning Board will hold a public hearing to consider proposed text amendments to Division 30 Affordable Housing Division of the Land Use Code. The text amendments include, but are not limited to (a) recommendations from the Housing Committee to require payment to the Housing Trust in the case of fractional units and make administrative changes to the ordinance; (b) proposals from the Mayor to increase the inclusionary requirement from 10% to 20% and lower the maximum income levels for inclusionary units from workforce levels to low-income levels; and (c) elimination or extension of the sunset clause in the ordinance.

iii. Zoning Text Amendment, Section 14-403. Street Access; Portland Corporation Counsel, Applicant. (9:00 estimated time) The Board will hold a public hearing on the proposed text amendments to replace the current Section 14-403. The amendments include, but are not limited to, clarifying a building or structure may only be constructed or moved on a lot or a dwelling added to a lot where the minimum street requirements are met for permanently paved and accepted streets (or island streets) and for streets to be upgraded in connection with development.

SEAN DUNDON, CHAIR – PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Sean Dundon, Chair
Brandon Mazer, Vice Chair
David Eaton
David Silk
Austin Smith
Maggie Stanley
Lisa Whited

AGENDA
PORTLAND PLANNING BOARD MEETING

The Portland Planning Board will hold a meeting on Tuesday, May 8, 2018, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to** planningboard@portlandmaine.gov

WORKSHOP – 4:30 p.m. – CANCELLED – Both items postponed

i. **This item is being postponed to Thursday, May 17th at 4:30 p.m.**
Level III Subdivision and Site Plan; 178 Kennebec Street, Subdivision and Site Plan for 46 units of senior housing, Maine Workforce Housing, LLC, Applicant.

ii. **This item is postponed**
Land Use Code Text Amendments, Article II Planning Board, Article IV Subdivision, and Article V Site Plan, City of Portland, Applicant.

PUBLIC HEARING – 7:00 p.m.

1. ROLL CALL AND DECLARATION OF QUORUM
2. COMMUNICATIONS AND REPORTS
3. REPORT OF ATTENDANCE AT THE MEETINGS HELD ON APRIL 24, 2018:

Workshop: Dundon (5:05 p.m. arrival), Mazer, Smith and Whited present. Eaton, Silk and Stanley recused for the first item. Eaton and Stanley attended second item and Silk was recused.

Public Hearing: Dundon, Mazer, Silk, Smith, Stanley and Whited present. Eaton recused for the first item and absent for the last 2 items.

4. REPORT OF DECISIONS AT THE MEETINGS HELD ON APRIL 24, 2018:

i. Level III Site Plan and Conditional Use; The Cedars; 630 Ocean Avenue; JHA Assisted Living, Inc.
Brandon moved and Stanley seconded a motion to approve the conditional use application for the Long-term Care Facility. Vote: 6-0, Eaton recused. Brandon moved and Stanley seconded a motion to approve the site plan application with six (6) conditions of approval. Vote: 6-0, Eaton recused. Brandon moved and Stanley seconded a motion to approve the Site Location of Development application for the Long-term Care Facility. Vote: 6-0, Eaton recused.

ii. Level III Subdivision and Site Plan, 5 unit building, 25 Monument Street, Monument Partners, LLC. Brandon moved and Stanley seconded a motion to grant the waiver to allow three compact spaces in the garage. Vote: 6-0, Eaton absent. Brandon moved and Stanley seconded a motion to approved the subdivision application with two (2) conditions of approval. Vote: 6-0, Eaton absent. Brandon moved and Stanley seconded a motion to approved the site plan application with eight (8) conditions of approval. Vote: 6-0, Eaton absent.

iii. Level III Site Plan; 415 Cumberland Avenue; Sam Reiche, representing 415 CA, LLC., Applicant. Brandon moved and Stanley seconded a motion to approved the subdivision application with one (1) condition of approval. Vote: 6-0, Eaton absent. Brandon moved and Stanley seconded a motion to approved the site plan application with six (6) conditions of approval. Vote: 6-0, Eaton absent.

5. NEW BUSINESS

i. Munjoy Hill Map and Text Amendments, Design Manual Changes & Amendments to Nonconforming Use/Buildings and Space & Bulk Regulations Citywide; City of Portland, Applicant. (7:00-8:00 p.m. estimated time). The Board will hold a public hearing to consider a zoning map amendment and text amendments in the vicinity of the R-6 zone east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade. The purpose of the map and text amendments is to create an overlay district, the Munjoy Hill Neighborhood Conservation Overlay District, to implement new dimensional, design, and performance standards related to new construction and demolitions in the R-6 zone on Munjoy Hill. Included in the public hearing are text amendments, applicable city-wide, to divisions of the Zoning Ordinance relating to extensions of non-conforming buildings in Division 23 & Division 25. There will be a concurrent public hearing on proposed amendments to the City of Portland Design Manual, R-6 Infill Development Design Principles & Standards.

ii. Article 30 – Affordable Housing Amendments; City of Portland, Applicant. (8:00-9:00 p.m. estimated time) The Planning Board will hold a public hearing to consider proposed text amendments to Division 30 Affordable Housing Division of the Land Use Code. The text amendments include, but are not limited to, (a) recommendations from the Housing Committee to require payment to the Housing Trust in the case of fractional units and make administrative changes to the ordinance; (b) proposals from the Mayor to increase the inclusionary requirement from 10% to 20% and lower the maximum income levels for inclusionary units from workforce levels to low-income levels; and (c) elimination or extension of the sunset clause in the ordinance.

iii. Zoning Text Amendment, Section 14-403. Street Access; Portland Corporation Counsel, Applicant. **This item will be tabled to Thursday, May 17th at 7:00 p.m.**

PLANNING BOARD REPORT
PORTLAND, MAINE

Munjoy Hill Neighborhood Conservation Overlay District and Related Land Use Amendments

Submitted to: Chair Dundon and Members of the Planning Board Public Hearing Date: May 8, 2018	Prepared by: Christine Grimando, Senior Planner Date: May 4, 2018

I. Introduction

Since December 18, 2017, there has been a 180-day moratorium on demolitions in the R-6 zone on Munjoy Hill in place, effective as of December 4, 2017. The text of the moratorium included a requirement for the implementation of interim zoning within 65 days of December 4th to govern development applications for the remaining 115 days of moratorium. Applications submitted prior to December 4th, prior approvals, and safety hazards were exempted. In response to this requirement the Council approved an Munjoy Hill Interim Planning Overlay District (IPOD). The enclosed amendments are intended to replace the interim standards upon the IPOD expiration.

On April 10th the Planning Board held a workshop on tools proposed to address recent development trends on Munjoy Hill, including the number and rate of demolitions and the compatibility of new construction with the existing fabric of the neighborhood. The workshop included review of a zoning map amendment and text amendments for the R-6 zone on Munjoy Hill; text amendments, applicable city-wide, to two divisions of the Zoning Ordinance relating to extensions of non-conforming buildings: Division 23, Nonconforming Use and Nonconforming Buildings, and Division 25, Space and Bulk Regulations and Exceptions; and proposed amendments to the City of Portland Design Manual, Appendix 7, R-6 Infill Development Design Principles & Standards, IV. Alternative Design Review. Together these amendments address scale and contextuality of new development, as well as rates of demolition. The public hearing materials include these same amendments, with revisions based on Planning Board feedback and public comment.

The map and text amendments that form section 14-140.5 of the Land Use Code create an overlay district, the Munjoy Hill Neighborhood Conservation Overlay District, to implement new dimensional, design, and performance standards related to new construction and demolitions in the area of the R-6 zone on Munjoy Hill. The proposed changes to Division 23, Division 25, and to the Design Manual support the intent of these changes.

An overview of the proposed amendments, as well as revisions since the April 10th workshop follows.

II. Moratorium Overview

The City Council held a first reading of the proposed moratorium on December 4th, a workshop on December 11th, and voted to approve it at a December 18th Public Hearing. The impetus for adoption was concern from some Munjoy Hill residents that the current residential development interest was resulting in an undue number of demolitions to existing structures, and infill development that was sometimes out of scale and character with existing neighborhood fabric. The moratorium was enacted to provide a temporary hiatus in development activity while the Department of Planning & Urban Development develops any necessary additional land use and design regulations to address both of these issues in the R-6 for Munjoy Hill. In addition, the moratorium will allow time for staff to conduct additional stakeholder outreach prior to making any recommendations.

The moratorium has two components:

1) The 180-day period beginning on December 4, 2017 during which no demolition permit applications may be accepted (demolition of 50% or more of the exterior surface and or/front façade of a structure).

2) An interim period beginning on December 4, 2017 and lasting for 65 days, during which no development applications, including Level I, Level II, or Level III site plans, shall be accepted, reviewed, or approved. The moratorium further states that in the interim period the Department of Planning and Urban Development shall develop an interim ordinance to govern development in the R-6 on Munjoy Hill for the remaining 115 days of the moratorium.

Exempted from the moratorium are:

- Demolition permit applications that were included as part of previous site plan approvals.
- Demolition due to the Building Authority determining a structure is dangerous to life or property (due to a condition that pre-dates the effective date of this Moratorium or is the result of fire, accidental catastrophic damage, or a natural disaster).
- New site plan applications that were submitted prior to December 4th.

III. IPOD Overview

The IPOD contained a number of dimensional and design departures from the underlying R-6 zoning (applied to the area shown on the inset map, including all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.), including changes to maximum height, setbacks, stepbacks, and treatment of appurtenances. Key elements include:

- Maximum height. Currently 45', the height standard was changed to a maximum of 35', except that developments of 3 or more units on lots over 2,000 sf were made to have a maximum of 45'. This is both consistent with patterns of development on Munjoy Hill, where three- and four-story buildings were traditionally multi-family buildings and provides more flexibility for housing that produces more residential dwellings.
- Setbacks. Minimum setbacks were increased, with additional distinctions made to vary setbacks for smaller lots and for buildings above and below 35'.
- Stepbacks. Stepback requirements were removed from sideyards.
- Rooftop appurtenances. Other than chimneys, rooftop appurtenances were no longer exempted from building height maximums.

The IPOD also includes design standards, such as requirements for roof forms common to Munjoy Hill, and

standards regarding parking placement and front façade design. Modified requirements are provided to give small lots additional flexibility in meeting the intent of these standards. Also included are limits on appurtenances, and quality building materials. Alternative Design Review, an option for review in the City's Design Manual, is not permitted for the duration of the IPOD. The full text of the IPOD is included in Attachment 4.

I. PROPOSED AMENDMENTS

Since implementation of the moratorium, Planning staff has continued to gather data, receive input, draw on national best practices, and assess conditions on Munjoy Hill. This includes reviewing potential applications under the IPOD, collecting data on common development patterns and architectural styles, and assessing the historic architectural fabric. Based on this activity, Staff is recommending a multi-pronged approach to replace the interim standards currently in place.

1. Munjoy Hill Neighborhood Conservation Overlay District

   The Munjoy Hill Neighborhood Conservation Overlay District (the District) is proposed for the R-6 zone on Munjoy Hill, containing dimensional, design and demolition standards. The full text of this zoning map and text amendments is included as Attachment 1. Building on the structure of the IPOD, it contains some significant changes and additions. Table 1 includes base zone R-6 dimensional requirements, superseding IPOD dimensional requirements, and the newly proposed. Key dimensional standards of the District include:

   - Maximum building height of 35' except that buildings with a maximum of 45' on lots over 2000 sf are permitted for developments of 3 dwelling units or more, and for those that include a minimum of one workforce housing unit for rent or for sale. The revised height standards, which in the base R-6 zone is 45' for all structures, is to more closely align with traditional patterns that included three and four-story buildings for multi-family building types, and the workforce housing provision provides greater flexibility for the provision of needed affordable housing. Where taller buildings are allowed, increased setbacks are proposed to mitigate the scale impact.
   - Rooftop appurtenances other than chimneys cannot exceed permitted heights, except that HVAC equipment is permitted up to 5' above permitted heights if adequately screened, set back from the building edge, integrated into building design, and not visible from a public right-of-way. Alternative energy equipment, such as that used for wind and solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. This introduces more flexibility for appurtenances than the IPOD allows for, while mitigating their visual impact, and not deterring use of alternative energy.
   - Parking placement and active first floor front façade standards remain in place, with additional language encouraging tandem parking spaces as an efficient and contextually appropriate use of lot area. Active living space is required for at least 50% of the front façade, and cannot include space dedicated exclusively to circulation, such as stairways, or to storage, such as garages.
   - The District includes requirements for simple, traditional roof forms, as shown in Figure 1, which illustrates roof forms permitted for buildings up to 35' in height. Flat roofs are

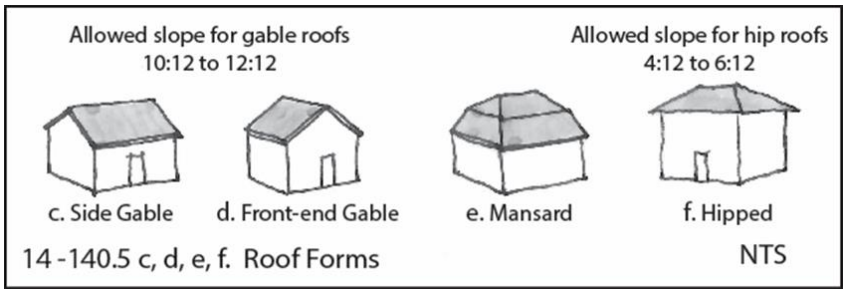


Figure 1

permitted for buildings above 35' in height, consistent with building types in the neighborhood.

Additional language and illustration regarding has been added (Figure 2), to further define contextually appropriate roof forms for the District.

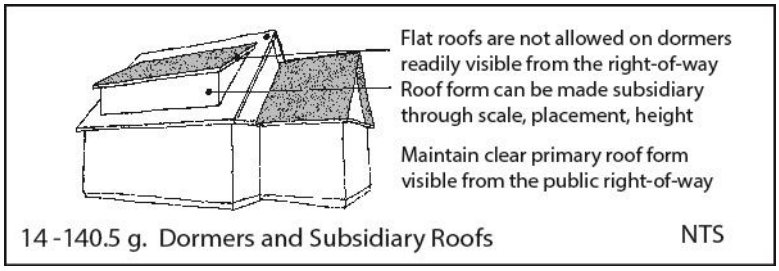


Figure 2

- Alternative Design Review is reintroduced as a review option in the District, but with the introduction of procedural and substantive changes. Alternative Design Review would be subject to discretionary review by the Historic Preservation Board. It also includes additional provisions for exemplary and compatible design, as well as consideration of affordable housing and green technologies. Re-introduction of Alternative Design Review is proposed in response to concerns heard since implementation of the IPOD that it offers needed flexibility in the design process. Reintroducing it in this way retains this design flexibility while increasing the responsibility of property owners and design professionals to meet the overall intent of design review for this area. Alternative Design Review for the District is framed as a privilege an applicant can seek for this design flexibility; applicants not seeking Alternative Design Review or not approved under it, must meet all of the Design Manual's design principles and standards for development in the R-6.

Table 1, Summary Dimensional Table

	Base R-6	IPOD	Proposed
Height Maximum	45'	35'; 45' for developments of 3 units or more on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.	35'; 45'for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit on lots over 2000 sf.
			Rooftop appurtenances other than chimneys shall not exceed maximum heights except HVAC equipment is permitted up to 5' above max. heights if out of view of public rights of way, set back, screened, and integrated into building design. Alternative energy equipment is permitted as regulated in Chap. 14.
Side Yard Setback Minimum	5', except a side yard in the R-6 zone may be reduced to zero, provided the cumulative side yard setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning.	Buildings of height up to 35': As per the underlying zoning.
		Buildings of 35' or more: 10' except one side may be reduced to 5' if the other sides in sum are increased by the same amount.	Buildings of 35' or more: 10' for all side yards, except that a side yard no less than 5' is permitted when consistent with built pattern, in which case a proportional increase in another side yard is required.
Structure Stepbacks	Portions of a structure above 35': no closer than 10' from the side property line and no closer than 15' from the rear property line when the line abuts a residential zone.	Stepback requirements in the underlying zoning shall not apply to side yards.	None
Side Yard Setback on a Side Street Minimum	None	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less.	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less. 0' demonstrated that reduced setbacks are needed to facilitate the provision of underground parking
Rear Yard Seback Minimum	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	As measured from a building: 20% of the maximum depth of a lot but no less than 10'.	As measured from a building: 20% of the maximum depth of a lot but no less than 10'.
		As measured from rear decks, porches, or similar unenclosed space: 7.5'	As measured from rear decks, porches, or similar unenclosed space: 7.5'
		As measured from accessory structures with a ground coverage of 144 square feet or less: 5'	As measured from accessory structures with a ground coverage of 144 square feet or less: 5'

2. Demolition Review

In addition to the proposed dimensional and design standards for new construction, the District includes demolition review standards for existing residences. Demolition bylaws which require a delay for proposed demolitions in order to allow time for local government and property owners to explore alternatives are a commonly employed land use tool. The proposed demolition requirements draw on national best practices,

tailored for Portland's particular needs. Concord, NH, Exeter, NH, Manchester, VT, Augusta, ME, and Lewiston, ME are just a few of the communities in Northern New England currently employing similar demolition reviews, and they are common tools in Massachusetts, Connecticut, California, and beyond.

Under the proposed demolition review, applications to demolish existing residences within the overlay would be subject to a delay of up to 18 months in order to consider alternatives to demolition. Before a building can be subject to a demolition delay, it would need to qualify as Preferably Preserved, determined to be in the public interest to be preserved if it meets several conditions: it was constructed prior to 1930, it is representative of a building type or architectural style of Munjoy Hill and it retains sufficient integrity of design, materials, condition and craftmanship to make adaptive reuse a viable option.

The 18-month stay is a maximum delay; the amendment includes provisions for arriving at mutually agreed to conclusions inside of the 18-month window. Demolition applications subject to a delay could move through the process in less than 18 months if the were building were to qualify for an exclusion, including:

a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district;
b) accessory structures with a ground coverage of 144 square feet or less;
c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and
d) buildings that have received a previous determination that they are not Preferably Preserved.

Demolition delay may also be removed from a building sooner if the Historic Preservation Board approves the design for a site. Determinations of Preferably Preserved may be appealed to the Historic Preservation Board. The ordinance also makes allowances for natural disaster or safety hazards. At the end of the delay period, if no other alternative to demolition has been agreed to, the applicant may demolish the building.

Applicable to buildings not in historic districts or otherwise designated, review of demolitions in the District is not intended to be a prohibition on demolition, but rather a pause to allow for consideration of alternatives, to encourage rehabilitation and renovation where possible, and to encourage excellence in replacement designs when demolition does occur.

3. Non-Conforming Building Extensions

Included is an amendment to 14-436, governing non-conforming building extensions (Attachment 2). As part of the public process for this project, this section, applicable to how lawfully non-conforming (they were conforming when constructed, and subsequently made nonconforming through a change in regulations) expansions may occur, was pointed out in public comments as one that could provide a disincentive to rehabilitation and alteration of existing buildings. The proposed revisions still restrict expansions on non-conforming buildings but propose simpler guidelines for how expansions may occur. Included are amendments to Division 23 (14-381, 14-382, and Division 25 (14-431), also concerning non-conformities, made for consistency. These amendments would apply city-wide. If not included for consideration now, they can be brought back again for Planning Board review as part of the overall Land Use Code rewrite (https://www.recodeportland.me/), but are timely for Munjoy Hill and substantively overlap with the District-specific amendments.

Currently, under 14-436, nonconforming structures nonconforming as to density (land area per dwelling unit) may expand but *the floor area of the expansion shall be limited to no more than 50 percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.*

For structures nonconforming as to minimum yard setbacks, the structure may expand but *the floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.*

In the former case, of expansions for buildings with lawfully nonconforming density, the expansion provisions have no direct physical correlation to the nonconformity. For example, a standard that was directly related to nonconforming density would not allow an increase in density, but it would not prohibit a building that meets all other dimensional standards on the lot from adding an addition entirely conforming in regard to lot coverage, setback, height and other applicable regulations. The blanket requirement for dormers, turrets or similar in both cases also has no correlation to the nonconformity or even to the design of the building be expanded. The requirement for the raising of the existing roof configuration is another element of the standard that strives to control design outside of the context of the design review standards. There is no discernable basis for the 50% v 80% limits between the two. In short, it's a disassociated from the aspects of non-conformity it's controlling for.

The amendments propose to replace these standards with four subsections applicable to dimensionally non-conforming buildings:

1) *No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.*
2) *No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.*
3) *Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.*
4) *A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:*
    a. *No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.*
    b. *Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.*

Under the revised regulations, a lot with a building that had a 1 foot front yard setback, instead of the required five, but had a clear 20 foot rear yard setback, would be free to construct a rear addition, provided no non-conformity was increased or created. The one aspect of expansion that may occur in the area of an existing non-conformity is addressed in 14-436.4, which allows a one-time, one-story vertical increase above the footprint of a portion of a building that does not meet current setbacks. No horizontal expansion beyond the setback incursion or worsening of the setback nonconformity, may occur. Any additions or renovations under these standards would be subject to any and all regulations a conforming structure

would be. Under the proposed revisions to 14-436, expansions of dimensionally non-conforming buildings are still circumscribed, but unlike the existing language, limits and allowances for expansions are directly linked to the aspect of their non-conformity.

II. DESIGN MANUAL

Changes are also proposed to the City of Portland Design Manual (Attachment 3), paralleling language within the Overlay that gives the Historic Preservation Board jurisdiction over Alternative Design Review within the Overlay. Currently review and approval of Alternative Design Review is determined by the review authority (as outlined in Sec. 14-523. Required Approvals and Applicability); generally, single- and two- family projects are reviewed and approved by Planning staff, and multi-family projects are reviewed and approved by the Planning Board with review comments and recommendations provided by Planning staff. In addition, there are proposed text changes to further clarify how neighborhood context should be considered in review, and to introduce consideration for design flexibility when projects include public benefits such as affordable units or green roofs.

III. HISTORIC PRESERVATION

In 2003 the City commissioned a historic resource survey of Munjoy Hill which Greater Portland Landmarks has recently updated. Findings to date show there are some areas of exceptional historic fabric in place, as well as some buildings on Munjoy Hill that might qualify as landmark buildings. No recommendations have been made about a potential district or districts in this area at this time, but staff is currently reviewing Greater Portland Landmarks findings, as well as hearing from residents and property owners their questions, concerns, and varied views.

IV. Comprehensive Plan Policies

There are numerous goals and strategies in *Portland's Plan 2030* with implications for the current planning initiatives on Munjoy Hill.

- The Historic Resources Policy Guide supports investment in existing buildings, as well as compatible infill construction: *Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.*

- The Housing Policy Guide supports a diverse and increased housing stock, recognizing this will necessarily involve new construction as well as investment in existing buildings: *Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.*

- The Housing Policy Guide also encourages quality, sustainable design: *Encourage quality, sustainable design in new housing development.*

- The Environment Policy Guide has much to say about building to high energy standards and encouraging alternative technologies for both new construction and rehabilitation of existing structures: *Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.*

- The plan also recognizes the environmental, health, economic, and civic importance of dense, walkable neighborhoods like those on Munjoy Hill in multiple sections, including Future Land Use, Environment, Housing (including the *Density by Design* callout, pg 49) and Vision. For instance, the Environment Policy Chapter states: *Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.*

- The Historic Resources Policy Guide includes a callout (p.28) that summarizes recent research on the potential environmental benefits of existing buildings.

Portland's Plan recognizes that a healthy, authentic city includes walkable, complete neighborhoods, and that these will include some combination of new construction, renovation of existing buildings, and in some areas, preservation. The proposed amendments seek to find a balance of these approaches for Munjoy Hill so that it may retain its key characteristics while it grows and changes.

V. Public Process

The proposals outlined below are the product of both detailed analysis that began in the summer of 2017 and continued into this month, as well as significant input since November. Two key events focused on the IPOD and what might follow it, were held this winter: the City has sponsored two community listening sessions, on Monday, February 26th and Saturday, March 24th, both at the East End Community School, to hear from residents and the interested public what their concerns and ideas for the neighborhood are. The sessions also provided an opportunity for Planning staff, in conjunction with Councilor Belinda Ray, to provide information on the IPOD, on Planning staff findings-to-date, and on potential planning tools.

Planning staff has also met with individual residents, small groups, and organizations such as Greater Portland Landmarks, on a continuous and frequent basis since this project began.

To supplement the valuable input received in person, and in writing, from concerned individuals and stakeholder groups, the Planning Division has analyzed quantitative and qualitative construction trends in the R-6 zone over the last several years. And, to further refine our quantitative data on the built environment on Munjoy Hill, a Planning Division intern was brought on this winter to do an in-person survey of all R-6 parcels on Munjoy Hill to assess building stories, setbacks, roof types, and in addition to other key data.

In addition to the City's public process, there have been numerous other meetings initiated by neighborhood groups, concerned property owners, Munjoy Hill Neighborhood Organization, and Greater Portland Landmarks, which Planning staff has been present at, as meeting attendees, whenever possible.

Planning staff has heard a wide range of feedback since the moratorium and the IPOD have been presented, and while they've developed these long-term tools. This includes concerns about the scale and mass of new construction, rate of demolitions, the role of design review, in addition to corresponding concerns about retaining flexibility in new construction, parking placement restrictions, and retaining sufficient dimensional standards to maintain development viability for small lots. Concerns about affordability, and allowances for designs that include alternative energy and innovative stormwater measures have been recurrent themes throughout the process.

VI. Discussion

Demolition delay: At the April workshop, several Board members expressed concern about the duration of 18 months for the delay of demolition applications. The text amendments before the Board still indicate 18 months, but the motions below (VIII) include a motion to reduce the delay duration if the Board wishes to lower it. Staff does not recommend significantly lowering it if the provision is to remain an effective tool for exploring alternatives to demolition. A large number of comments have come in support of the 18 month delay time.

Many public comments, in addition to supporting the 18 month delay period, have asked for public noticing and a public process for review of demolition. Staff considered these requests but feel the current proposed language is based on a national best practice and that the initial determination should remain at a staff level. This approach is a balance of considerations appropriate for demolition permits for buildings outside of historic districts or individual designations. In the proposed text amendment, notices and opportunity for public comment on demolition permits

will be available in the event an applicant appeals a determination of Preferably Preserved Building to the Historic Preservation Board or Historic Preservation Board review of alternative designs (Sec. 140.5.5.d. & g).

Historic Districts: There have been requests for action on Historic Districts concurrent with or shortly following the zoning amendment process. Consideration of a historic district or districts is distinct from the proposed map and text amendments as it draws on different data and research and will be the subject a distinct process that requires and deserves its own schedule. Staff is committed to initiating a process related possible designations on Munjoy Hill as soon as the zoning and moratorium process is resolved.

In addition, on Monday, May 7th, the Historic Preservation Program will host an informational session intended for owners of property in Portland's historic districts as well as anyone interested in learning more about the City's historic preservation program. The meeting will be at 6:30 PM, Merrill Rehearsal Hall. The meeting will not be specific to Munjoy Hill, but rather will offer an opportunity to learn more about local historic districts work, from the designation process to review of alterations of contributing buildings, to review standards for new construction in a district. City staff and members of the Historic Preservation Board will describe Portland's historic preservation program, provide examples of typical reviews and be available to answer questions.

Appurtenances: The proposed District allows for limited rooftop appurtenance placement above permitted heights with significant limits and new requirements. Public comment was received both in support of the full IPOD prohibitions, and for a return to base zoning allowances for appurtenances. The proposed amendments restrict the equipment height limit to 5' if adequately screened, set back from the building edge, integrated into building design, and not visible from a public right-of-way. Alternative energy equipment is also permitted, subject to placement and height regulations in Chapter 14. These changes allow greater flexibility than the IPOD does but preserves the intent and impetus for the initial prohibition by limiting their scale and aesthetic impact on the public realm.

Dimensional Standards: The proposed changes to the District dimensional standards intend to further two goals. First, the form and scale of new development and additions should reflect and be compatible with the established built pattern. Second, the scale of three or four-story buildings is mitigated and appropriately contextual. Three and four-story buildings are not out of place in the Munjoy Hill neighborhood. Observation and data collection show there is variation in building height and form from lot to lot and that three and four-story multi-family buildings already exist as part of the traditional fabric on Munjoy Hill. Traditionally, these taller buildings are multi-family buildings, such as a triple-decker with a flat roof – to create a similar built pattern in new construction, staff propose building heights above 35' and flat roofs should only be associated with multi-family buildings. The key to mitigating the scale impact of these taller buildings is in their form and the amount of open space buffer around the mass. In order to accomplish these goals, staff propose setbacks that increase in proportion with the increase in building height. Roof forms are another key component to a building's scale impact. Contextually, one and two-family buildings have gable, mansard, or hipped roofs while multi-family buildings often have flat roofs. For this reason, the District dimensional standards include regulation of roof form to more explicitly regulate building scale and form to correspond to type as found in the Munjoy Hill context. Staff feels that dimensional standards – a combination of height, setback, and roof form – are the most effective tool for creating new construction that meets these goals of contextual form and compatible scale.

Parking Placement: Demand for parking is a significant factor in the scale, form, and ground floor design of contemporary buildings. Staff proposes zoning regulation for parking that better reflects the established built pattern in the District by placing parking to the side and rear of the lot. Limits on garage openings and requirements for active living space are related standards. These amendments have implications on the scale and height of buildings as well as their street-facing character and activity. Since the workshop, based on feedback

regarding the underground parking and above-ground buildings, staff is proposing adding a relaxed side yard setback requirement when underground parking is provided. This change will accommodate underground parking – which has public benefits as compared to surface parking – by providing the ability to provide one foundation wall if needed for both the underground parking and the building.

Design Review: Staff feels the dimensional and design standards as proposed in the District are the most effective and predictable tool for addressing the concerns of new construction compatibility. In addition to the design implications of the revised dimensional standards of 140.5.3, a number of design standards have been incorporated into 140.5.4, such as traditional roof form requirements, newly added dormer standards, site design requirements, and changes to Alternative Design Review, which all have direct bearing on building design, in addition to the Design Manual, Appendix 7 required review for all projects.

Comments have come in requesting that additional design standards for the R-6 zone be incorporated directly into the overlay language to elevate their status during design review. Staff has looked closely at the relationship between design standards, site plan review, and zoning for Munjoy Hill. Several design standards have been included in the proposed overlay, including the requirements for parking location, roof types, rooftop appurtenance and – since the workshop – requirements for subsidiary roof lines. Staff feels that the remaining design standards should not be incorporated into the overlay language.

The Alternative Design Review process allows for flexibility when a property owner desires a more contemporary design. Staff proposes that Alternative Design Review should be conducted in a public meeting and by the Preservation Boardto increase the accountability of the project to respectfully and contextually introduce contemporary design into the traditional neighborhood. In addition, the proposed language would redefine Alternative Design Review as a privilege that applicants may be granted, granted with modifications, or not granted, at the determination of the Preservation Board. If the Alternative Design Review is not approved, an applicant is free to move forward with a project under the base design standards.

Some changes to the existing design standards are proposed at this time to clarify this process. Staff intends to revise the existing R-6 Design Standards in the near future to remove some of the especially strict standards that are incongruous with contemporary design practices. Together, these strategies will create a balance of predictability and flexibility for the existing neighborhood and the proposed new construction.

Non-Conforming Building Extensions: Staff has drafted these proposed revisions in response to comments that the current language encourages tearing down existing buildings because the ability to add on to them is significantly limited by existing language. Staff has drafted language that is clearer, more consistent, and more useful to property owners. Specifically, the revisions proposed would allow a one-time, one-story addition to a portion of a building that violates an existing setback. That change is far more likely to allow for appropriate additions to existing buildings than the current language, which limits extensions more significantly and in a way that is unlikely to be cost-effective for a home owner. These changes are proposed City-wide, as staff (a) feels they would be useful and appropriate everywhere in Portland where there are older buildings with nonconforming setbacks and (b) staff did not want to make the code more complex than it already is on this issue. The likelihood is that most of the homes that will take advantage of this clause are in the R-6 zone, especially on Munjoy Hill.

VII. Next Steps

Following Planning Board recommendations on the package of amendments before the Board on May 8th, they will be forwarded to the City Council for action on the amendments in early June. The review timeline is designed to

allow for implementation of new zoning requirements by the time the moratorium and the interim controls expire on June 5, 2018.

Exploration of potential historic districts in the area will be undertaken on an independent timeline, to allow for communication with the City Council, a full assessment of existing conditions, and further discussion with neighborhood property owners about the mechanics, benefits, and implications of a new historic district.

VIII. Motions for the Board to Consider

On the basis of information contained in the Planning Report and testimony presented at the public hearing, the Board finds:

Motion to amend Sec. 14-140.5.5.e, to reduce the demolition permit delay for a period not to exceed __ months.

The proposed Zoning map and text amendments that comprise the Munjoy Hill Neighborhood Conservation Overlay District (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approval of the proposed zoning amendments to the City Council.

The proposed Zoning text amendments to Division 23 (14-381, 14-382, and Division 25 (14-431, 14-436) regarding nonconforming building extensions (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approval of the proposed zoning amendments to the City Council.

The proposed text amendment to the City of Portland Design Manual, Appendix 7, Design Certification Program for R-6 Infill Development (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approve the proposed Designed Manual Amendments.

IX. Attachments

1. MHNCOD Amendments
2. Non-Conforming Building Extensions Zoning Amendments
3. City of Portland Design Manual Amendments
4. IPOD

PC1 – PC89 Public Comments

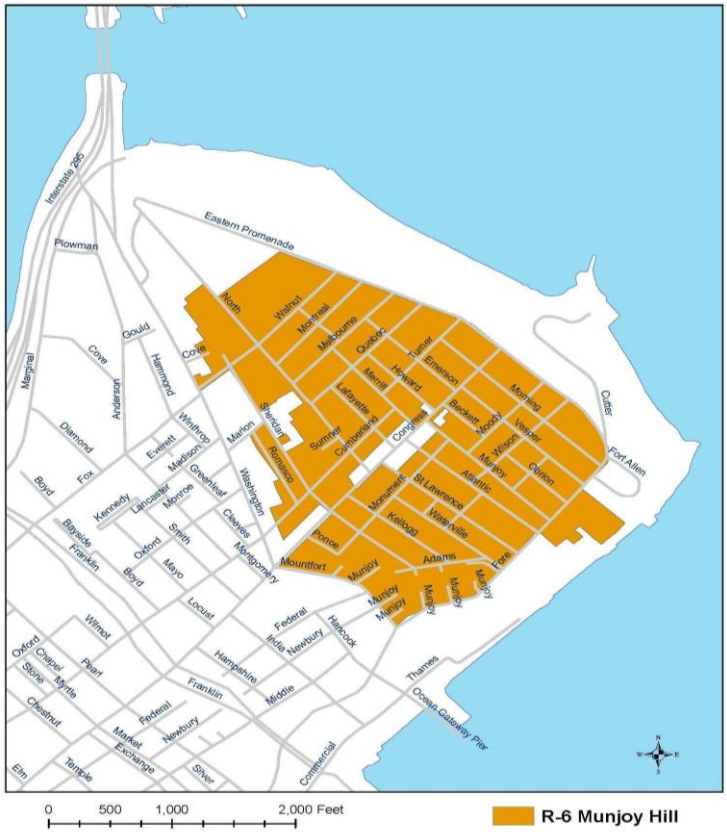
Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay District

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

1. Area of Effect

This District will apply in the highlighted area depicted on the map below and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

Diagram 14-140.5.a.: Munjoy Hill Neighborhood Conservation District Boundaries

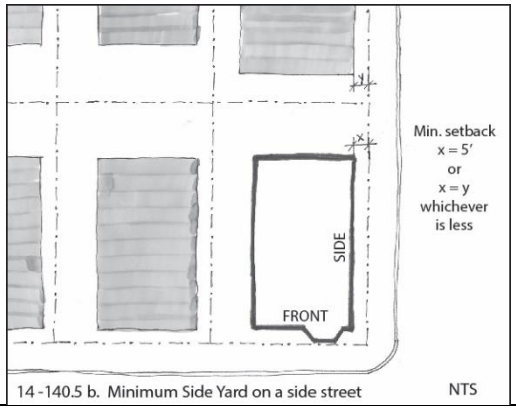


2. Effect of the District

In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6 zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section and other sections of Chapter 14, or the *City of Portland Design Manual* and *City of Portland Technical Manual,* the standards in this Section shall control.

3. Dimensional Standards

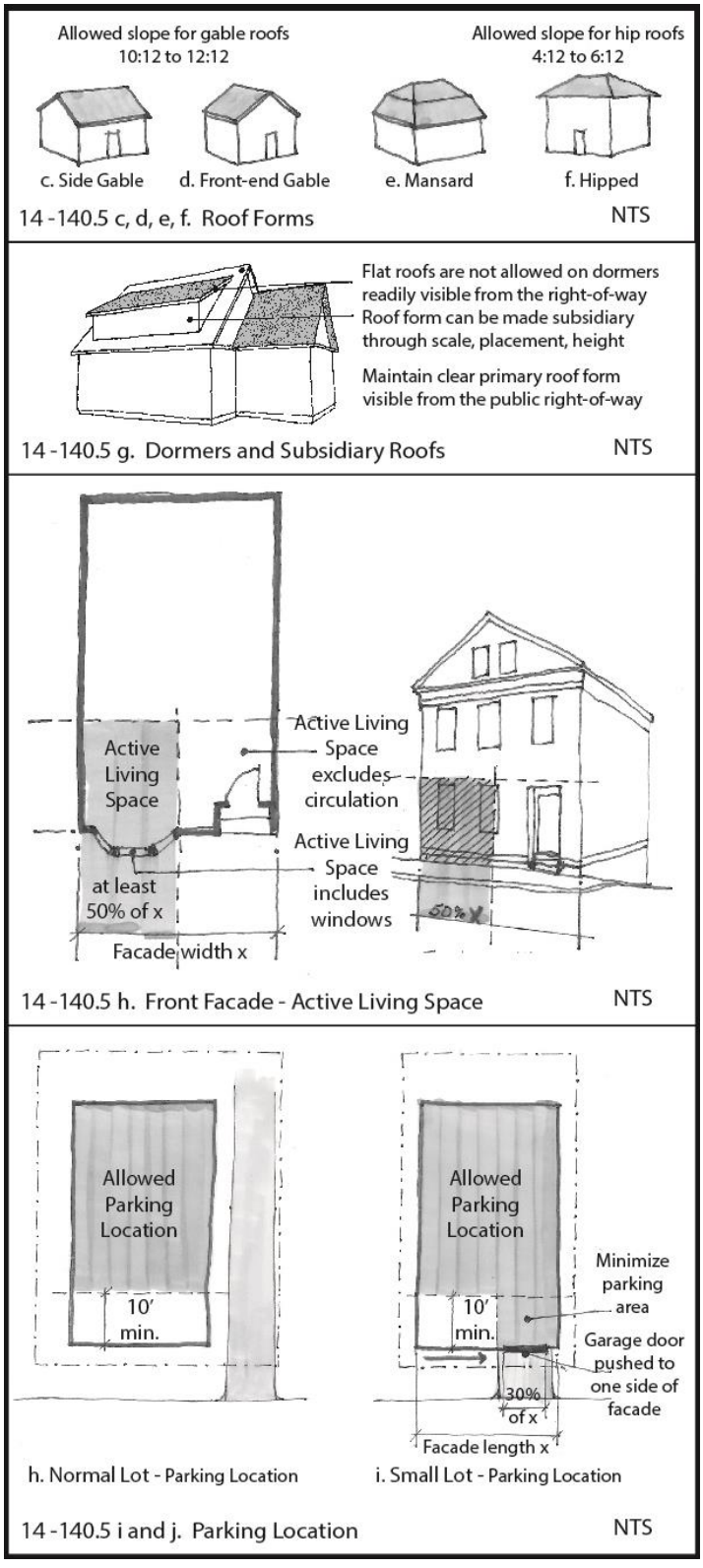
Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

Maximum Height	35’; 45’ for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one “workforce housing unit for rent” or “workforce housing unit for sale”, defined elsewhere in this ordinance, on lots over 2000 sf. This unit shall meet those definitions and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law. Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5’ above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5’ from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.
Minimum Side Yard Setback	Buildings of height up to 35’: As per the underlying zoning Buildings more than 35’: 10’ for all side yards, except that a side yard no less than 5’ is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
Stepbacks	None
Minimum Side Yard Setback on a side street	5’; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0’ when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking. 
Minimum Rear Yard Setback	Buildings of height up to 35’: 10’ Buildings more than 35’: 15’ As measured from rear decks, porches, or similar unenclosed space: 7.5’ As measured from accessory structures with a ground coverage of 144 square feet or less: 5’

4. Design Standards

(a) In addition, the following design standards shall supersede any conflicting standards:

1) All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f. This requirement may be modified through 4(b) below. Dormers and cross gables are allowed but where readily visible from the public right-of-way shall be clearly subsidiary to the primary roof form (see Diagram 14-140.5.g);
2) The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;
3) Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9'. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade (see Diagrams 14-140.5.i-j).



(b) Within the District, developments are only eligible for the R-6 "Alternative Design Review" as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:
   1) Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;
   2) Alternative Design Review does not permit waivers of the additional design requirements in section 4(a) above except as explicitly stated; and
   3) Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

5. Demolition Review

(a) The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

(b) Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

1. It was constructed prior to 1930;
2. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and
3. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

(c) Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district; (b) accessory

structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

(d) Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.

1. Determination of Preferably Preserved.
    a. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.
    b. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.
    c. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.
    d. Right to Appeal Planning Authority Determination: After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.
    e. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.
    f. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning Authority is not appealed, that determination shall be considered a final determination

upon lapse of the appeal period in d., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

(e) Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 18 months except as specified in (g) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

(f) Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.

(g) Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 18-month delay period. Examples of such proposals may include but are not limited to:

- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
- Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (i) below; or
- Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.

(h) Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.

(i) Enforcement:

1. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

2. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

Sec. 14-381. Continuation.

Any ~~lawful use of~~ building~~s~~, structure~~s~~, lots, or use,~~premises or parts thereof,~~ that were legally existing at the time of its creation ~~existing on June 5, 1957,~~ and made nonconforming by the provisions of this ~~article~~ ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ~~article~~ ordinance.~~or amendment thereto.~~

Sec. 14-382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

(a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

…

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, ~~—~~and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTION

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard.~~, but in no case shall any higher part~~

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~~of the building be closer to the property line than width or depth of yard required for that height.. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.~~

Sec. 14-436. Building extensions

Existing ~~non-residential and residential~~ principal ~~structures~~ buildings which are lawfully nonconforming as to dimensional requirements ~~any area and/or yard requirements~~ may be enlarged ~~within the existing footprint~~ subject to the following provisions:

1) No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.

2) No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.

3) Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.

4) A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

   a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.
   b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

~~(a) *For principal structures lawfully nonconforming as to*~~

~~*land area per dwelling unit as of July 19, 1988*: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) *For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback*: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

Proposed revisions May 8, 2018

Enacted 04-13-04
Revisions Approved 02-23-7

Design Certification Program
R-6 Infill Development
Design Principles & Standards

I. PURPOSE

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to add to and enhance the neighborhoods in which their projects are built.

New residential construction within Portland's compact R-6 zones should relate to the predominant character defining features of the neighborhood. The design of new development is critical, particularly elements such as the orientation and placement of a building on a site; relationship to the street; and mass, form and materials.

The *Design Certification Program* aims to insure that infill housing development makes a positive contribution to the City's neighborhoods. The intent is to ensure that infill housing is compatible with the neighborhood and meets a high standard of building design, while allowing for diversity of design.

Projects will be reviewed for consistency with *R-6 Infill Development Design Principles and Standards*. These principles and standards are interdependent and should be considered holistically. The applicant must demonstrate that a proposal is consistent with the Design Principles. The standards are time-honored ways of achieving the Principles. The City's Design Manual contains examples of buildings that are consistent with the aims of the Design Certification Program.

Unless otherwise indicated, the R-6 Design Principles and Standards shall apply to the front façade and those portions of the building that are readily visible from the public way.

Unless otherwise indicated, the R-6 Design Principles and Standards shall define "Neighborhood" as the buildings within a two block radius of the site. Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then buildings on the adjoining block shall also be considered. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site.

II. SUBMITTAL REQUIREMENTS

The applicant shall submit a site plan and building elevations in accordance with final application requirements of the Site Plan Ordinance (Sec. 14-525). In order to illustrate neighborhood context for a proposal, the applicant shall submit photographs or other visual tools to depict the buildings within a two block radius of the site in order to determine the building elements that contribute to and are compatible with the predominant character defining architectural features of the neighborhood.

Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required.

The Planning Authority may request that consideration be made of buildings in the neighborhood that are comparable in size, scale and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. The Planning Authority may determine the neighborhood to be greater than a two block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

Samples of the proposed exterior materials may be requested by the Planning Authority.

II. DESIGN PRINCIPLES AND STANDARDS

PRINCIPLE A ***Overall Context***

A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

Explanatory Note: The central idea behind good design in an established neighborhood is to reinforce positive features of the surrounding area, which provide its unique identity. To a large degree, the scale, mass, orientation, and articulation of an infill building should be compatible with that of the buildings that surround it.

Compatibility refers to the recognition of patterns and characteristics which exist in a given setting and the responsiveness of a new design with respect to these established patterns and characteristics. While there is no one specific solution for a given setting, there are a number of building characteristics which can be used to gauge visual compatibility of new residential construction in an existing neighborhood. These characteristics include design elements such as:

1. Scale and Form: height, massing, proportion of principal facades, roof shapes and scale of the architectural features of the structure.

2. Composition of Principal Facades: proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.

3. Relationship to the Street: walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood should serve as a basis for a design solution, which can reinforce the positive characteristics of the surrounding development patterns. On corner properties, where the architecture has a greater visual impact upon adjacent public spaces, both public facades will be evaluated with equal care.

STANDARD A-1 **Scale and Form** Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD A-2 **Composition of Principal Facades** Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.

STANDARD A-3 **Relationship to the Street** Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.

*PRINCIPLE B **Massing***

The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

Explanatory Note: Massing is a significant factor that contributes to the character of a building. The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. The massing of a building can be defined as the overall geometry (length, width, and height) of its perceived form. The overall height of the form (actual and perceived) as well as the geometry of its roof is of particular importance in defining the massing of a building.

STANDARD B-1 **Massing** The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius.

STANDARD B -2 **Roof Forms** Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.

STANDARD B -3 **Main Roofs and Subsidiary Roofs** The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. Where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) there shall not be more that two roof pitches or outlines overall.

STANDARD B-4 **Roof Pitch** Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.

STANDARD B-5 **Facade Articulation** Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way.

1. Gables or dormers.
2. Balconies.
3. Recessed entries.
4. Covered porches, covered entries or stoops.
5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.

STANDARD B-6 **Garages** Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.

PRINCIPLE C Orientation to the Street

The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

Explanatory Note: An important component of the neighborhood's character is the relation of dwellings to the sidewalk and the street. Design of dwellings can enhance the pedestrian friendliness and sociability of the streetscape while protecting the privacy of the residents' internal home life.

STANDARD C-1 **Entrances** Emphasize and orient the main entrance to the street. The main entrance of the structure shall either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building, at the primary street frontage.

STANDARD C-2 **Visual Privacy** Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; incorporating porches along the front side of the building façade design; or other measures.

STANDARD C-3 **Transition Spaces** Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.

PRINCIPLE D Proportion and Scale

Building proportions must be harmonious and individual building elements shall be human scaled.

Explanatory Note: Throughout the history of architecture certain proportions have become known as classical proportions which have endured as aesthetically pleasing regardless of the style of architecture or the culture of origin. Scale has to do with the size of the architectural components in relation to the overall building size, and also in relation to the predominant character defining architectural features of the neighborhood.

STANDARD D-1 **Windows** The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.

STANDARD D-2 **Fenestration** Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total

facade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.

STANDARD D-3 **Porches** When porches are attached to the front facade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front façade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to 5 feet provided that the square footage is increased to 60 square feet.

1. For porches and balconies that are required as open space amenities under Section 14-139(f), a porch or deck may have entries to two or more units provided that the required dimensions and square footage allocations are met.

PRINCIPLE E Balance

The building's façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

Explanatory Note: Balance refers to the composition of façade elements. Symmetry refers to the balanced distribution of equivalent forms and spaces about a common line (axis) or point (center). Overall symmetry refers to arrangements around an axis line that bisects the building façade equally. Local symmetry refers to arrangements around an axis line that focuses on a particular building element (e.g., a porch or bay window). A balanced façade composition generally employs overall or local symmetry.

Alignment refers to the position of building elements with each other and with the building form as determined by scale, mass, roofline, slopes, etc.

STANDARD E-1 **Window and Door Height** The majority of window's and door's head heights shall align along a common horizontal datum line.

STANDARD E-2: **Window and Door Alignment** The majority of windows shall stack so that centerlines of windows are in vertical alignment.

STANDARD E-3: **Symmetricality** Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building façade's centerline (overall symmetry) or around another discernable vertical axis line.

PRINCIPLE F Articulation

The design of the building is articulated to create a visually interesting and well composed residential façade.

Explanatory Note: Articulation refers to the manner in which the shapes, volumes, architectural elements and materials of a building's surface are differentiated yet work together. A well-composed building articulation adds visual interest and individual identity to a home while maintaining an overall composition.

STANDARD F-1 **Articulation** Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently on the facades visible from the public right of way.

STANDARD F-2 **Window Types** Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms..

STANDARD F-3 **Visual Cohesion** Excessive variations in siding material shall not be allowed if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.

STANDARD F-4 **Delineation between Floors** Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.

STANDARD F-5: **Porches, etc.** Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details. Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.

STANDARD F-6: **Main Entries** Main entries shall be emphasized and shall be integrated architecturally into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a combination of such features, so that the entry is oriented to the street.

STANDARD F-8: **Articulation** Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street.

1. Eaves and rakes shall have a minimum projection of 6 inches.

2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors.

3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches.

4. Pronounced and decorative cornices.

PRINCIPLE G Materials

Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 **Materials** Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD G-2 **Material and Façade Design** The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.

STANDARD G-3 **Chimneys** Chimneys shall be of brick, finished metal, stone or boxed-in and clad with materials to match the building.

STANDARD G-4 **Window Types** A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.

STANDARD G-5 **Patios and Plazas** Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.

IV. ALTERNATIVE DESIGN REVIEW (revised 5.8.18)

The Standards listed above are time-honored ways of achieving the Design Principles. With exceptional care, though, it is possible to apply a design approach that meets the Principles through alternatives that vary from the Standards, while maintaining and relating to the predominant character-defining architectural elements of the neighborhood, such as the building location on the site, its relationship to the street, and its mass, form, and materials. The guiding principle for nNew construction under the aAlternative dDesign rReview is toshould result in exemplary design and be compatible with the surrounding buildings in a two-block radius, in size, scale, materials and siting, but with consideration to building type, as well as the general character of the established neighborhood. The review authority may determine the

neighborhood to differ from a two-block radius, due to unique characteristics of a given site or proposal. In such case, the review authority shall determine the scope of the neighborhood.

In review, ~~S~~special attention shall be given to the existing building~~s forms~~ on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required. The review~~Planning A~~authority should ~~may request that consideration be made of~~ consider buildings in the neighborhood that are comparable in size, scale, type, and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The ~~Planning~~ review ~~A~~authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. In addition, when evaluating a proposed project, the review authority may grant design flexibility when social and environmental public benefits are proposed as part of the project. Examples include designs that accommodate sustainable design best practices, alternative energy sources, green roofs, or affordable housing units that may require a design character that varies from the predominant built patterns. The applicant shall provide documentation of the contextual characteristics as guidance for review.

~~The Planning Authority may determine the neighborhood to be greater than a two block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.~~

An applicant may propose an alternative design approach and request an Alternative Design Review Design Certificate. The Planning Authority under an Alternative Design Review may grant a Design Certificate to approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met. In the case of an Alternative Design Review within the Munjoy Hill Neighborhood Conservation Overlay District, the Historic Preservation Board shall be the review authority and may grant a Design Certificate provided all of the conditions listed below are met. ~~The Planning Authority or applicant may seek an advisory opinion from the Historic Preservation Board, prior to the Planning Authority issuing a Design Certificate.~~ The final decision whether to issue an Alternative Design Review Design Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board.

A. The proposed design is consistent with all of the Principle Statements.

B. The majority of the Standards within each Principle are met.

C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.

D. The design plan is prepared by an architect registered in the State of Maine.

(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.

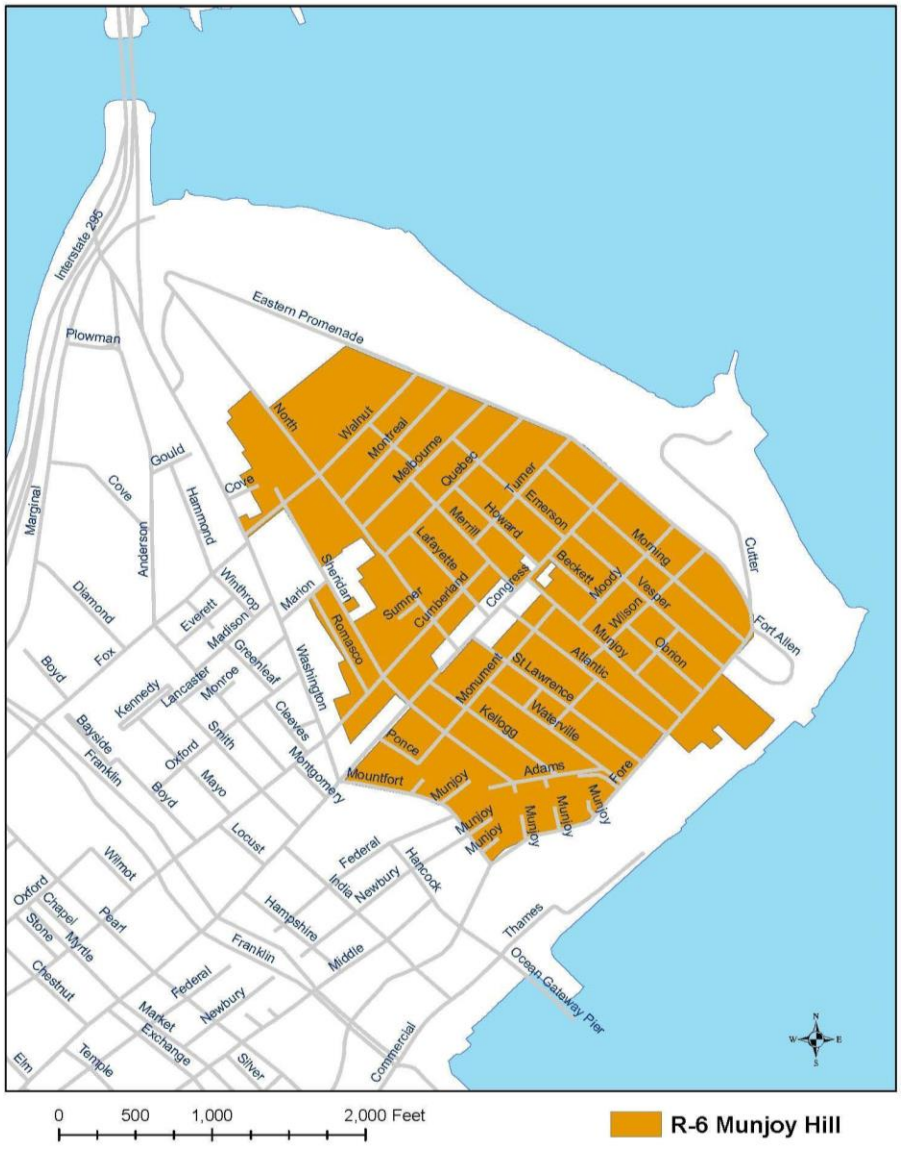
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 254-05/06, 6-5-06; Ord. No. 240-09/10, 6-21-10; Ord. 209-14/15, 5/4/2015)

Sec. 14-140.5. Munjoy Hill Interim Planning Overlay District (IPOD)

There shall be a Munjoy Hill Interim Planning Overlay District (the "District"). This District shall remain in effect until June 4, 2018, after which time it shall immediately expire on said date and this Section 14-140.5 shall be removed from the Code of Ordinances.

(a) **Area of Effect.** This District will apply in the highlighted area depicted on the map below and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

Diagram 14-140.5.a.: Munjoy Hill Interim Planning Overlay District Boundaries

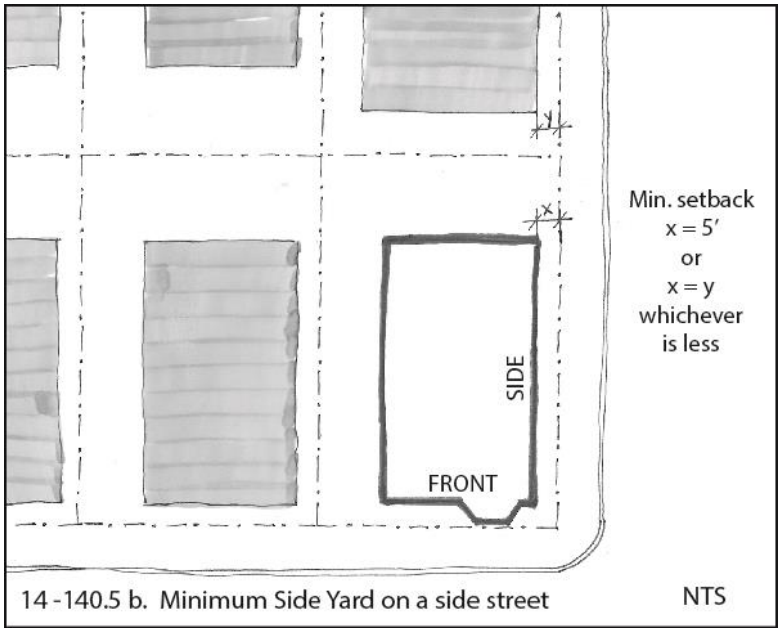


(b) **Effect of the District.** In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6, zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section and other sections of Chapter 14 or the *City of Portland Design Manual* and

City of Portland Technical Manual, the standards in this Section shall control.

(c) **Dimensional Standards.** Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

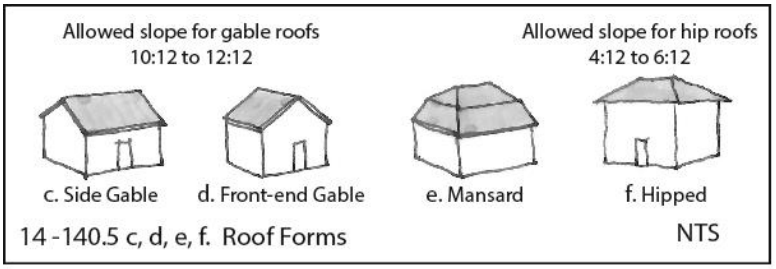
Maximum Height	35′; 45′for developments of 3 units or more on a lot over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.
Minimum Side Yard Setback	Buildings of height up to 35′: As per the underlying zoning Buildings of 35′ or more: 10′ except that one side may be reduced to 5′ if the other sides in sum are increased by the same amount.
Stepbacks	Stepback requirements in the underlying zoning shall not apply to side yards.
Minimum Side Yard Setback on a side street	5′; or the depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less.
Minimum Rear Yard Setback	As measured from a building: 20% of the maximum depth of a lot but no less than 10′. As measured from rear decks, porches, or similar unenclosed appurtenances: 7.5′ As measured from accessory structures with a ground coverage of 144 square feet or less: 5′



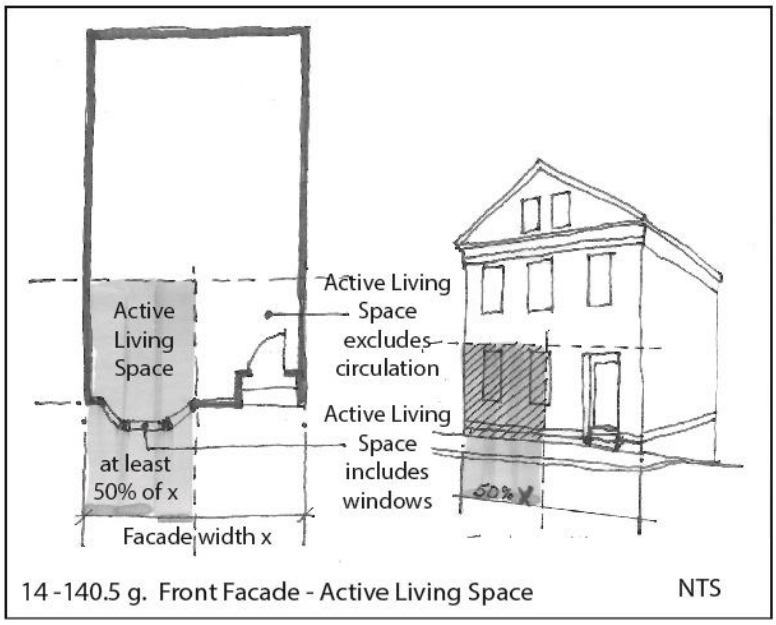
14-140.5 b. Minimum Side Yard on a side street

(d) Design Standards. Within the District, developments are not eligible for the "Alternative Design Review" process outlined in the *City of Portland Design Manual* for the R-6 zone. In addition, the following design standards shall supersede any conflicting standards:

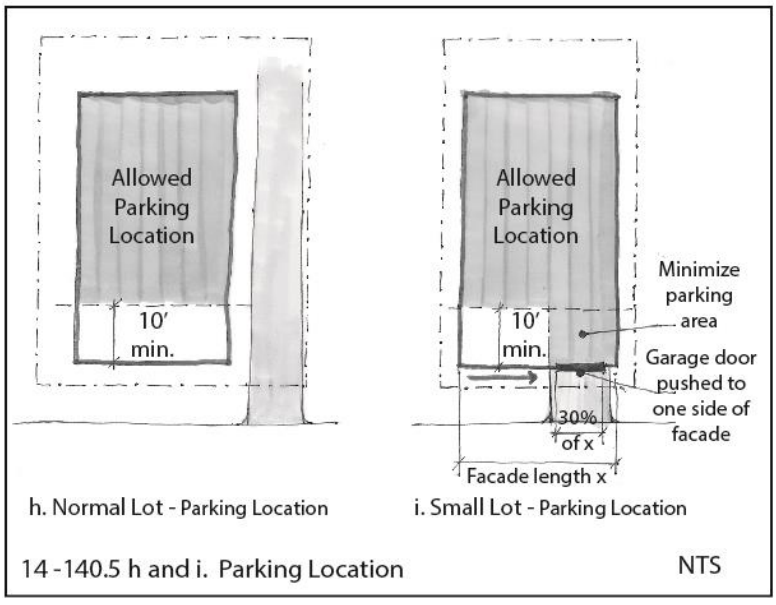
1. All buildings shall use traditional roof forms as illustrated in Diagrams 14-140.5.c-f. Flat roofs are only permitted in buildings of 3 or more units;



2. The first floor shall contain "active living space" with windows for at least 50% of the width of the front façade in total, as illustrated in Diagram 14-140.5.g. Active living space does not include circulation space;



3. Parking shall be located in the rear of a building, and



in no case within the front 10’ depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9 feet. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade. See Diagrams 14-140.5.h-i.;

4. Rooftop appurtenances other than chimneys shall be integrated into the design or placed out of view from public rights-of-way;

5. Building materials shall be high quality and of a scale consistent with traditional residential materials.

(e) **Severability**. To the extent any provision of this Section 14-140.5 is deemed invalid by a court of competent jurisdiction, the balance of this Section that shall remain shall be considered valid.

(Ord. No. 141-17/18, 2-5-2018)

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14-141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill housing development

Jeff Levine <jlevine@portlandmaine.gov> Tue, May 8, 2018 at 4:38 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

---------- Forwarded message ---------
From: Lisa Morris <lisa.morris@maine.edu>
Date: Tue, May 8, 2018 at 4:17 PM
Subject: Munjoy Hill housing development
To: Belinda Ray <bsr@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>

Hi Belinda, Hi Jeff

I can't come to planning board meeting tonight but I want to weigh in....I share the concerns of many Munjoy Hill residents and would like to see the City make some tweaks to the zoning and design standards. I'm not sure what I think of the historic conservation idea - it sounds too complicated for the Hill given its make-up of housing types - but I definitely think changes to set-backs and building to plot ratio and some design stipulations would be a really good idea. The oversized box-like condominium complexes - and, frankly, even some of the oversized nonconforming single family buildings - are really changing the look and feel of the neighborhood. Their design and size is decidedly unneighborly. Their over-size, flat facades and lack of porches make them look fortresses. The condo complex proposed for St. Lawrence is particularly awful going up on Merrill and Cumberland. I think those kinds of buildings belong on main thorough fares like Congress and India, not on smaller side streets where their size dwarfs everything else. I also support ways (incentives via tax breaks) that encourage rehabilitation of existing buildings where feasible, especially if its a multi-unit and owner-occupied. Too many multi-units with more affordable rentals units are being torn down and replaced with high-priced condos. We really want the Hill to remain a neighborhood where all types of people live, not just rich retirees and part-time residents.

After I read the notes from tonight's meeting, I'll probably have more information and more opinions ;)

Thanks.
Lisa
--
Lisa Morris, PhD
University of Southern Maine
lisa.morris@maine.edu
(207)-780-5036
--

Jeff Levine, AICP
Director
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389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 zoning changes and historic district designation

Jeff Levine <jlevine@portlandmaine.gov> Tue, May 8, 2018 at 5:55 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Stephen Gaal** <steve@gaal.com>
Date: Tue, May 8, 2018 at 4:42 PM
Subject: R-6 zoning changes and historic district designation
To: planningboard@portlandmaine.gov
Cc: Jeff Levine <jlevine@portlandmaine.gov>

To the Portland, ME Planning Board:

I had hoped to attend this evening's meeting and speak on the issue of zoning changes and historic district designation but I am unable to attend and wanted to communicate my feelings on the issues.

1. Although the proposed changes to R-6 zoning to correct the misstep of the 2015 changes is a step in the right direction, it does not go far enough. Demolitions are still too easy to do and the dimensional standards need to be amended so that the scale and mass of a project is in keeping with its neighbors when determining the maximum dimensions.
2. The alternative design review process needs to be strengthened and loopholes closed. I support review by the Historic Preservation Board.
3. I support an 18 month delay on demolitions that includes public notice and comment.
4. Whatever changes you are contemplating re non-conforming building expansion should be city-wide, not just Munjoy Hill. I know you want to increase density on the peninsula, particularly the East End, but there are many other neighborhoods that should also be included in any changes to increase density.
5. Finally, as a home owner in what is the proposed historic district overlay (176 Eastern Promenade), I strongly support the creation of such an historic district and would like to see a date certain for such a designation and to have the process begin now.

Thank you for including my thoughts in your decision making process.

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

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Strong concerns on East end R6 development plans

Jeff Levine <jlevine@portlandmaine.gov> Thu, Feb 22, 2018 at 9:13 AM
To: Christine Grimando <cdg@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

Are we keeping track of these comments? If not we should start a file of them.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Todd Grove** <Todd.Grove@accolade.com>
Date: Tue, Feb 20, 2018 at 1:32 PM
Subject: Strong concerns on East end R6 development plans
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "• Hilary Bassett, Executive Director of Greater Portland Landmarks" <hbassett@portlandlandmarks.org>

Good afternoon,

My home is located at 27 Lafayette St. As a property owner on Munjoy Hill, I am very concerned that the city will take restrictive and punitive measures against responsible development in the East End.

I was also a business/ property owner in the West End for more than a decade. I had first hand experience with the incredibly frustrating and restrictive procedures set up inside a “Historic District”. That would be disastrous for the East End – and ultimately the city of Portland.

We need affordable housing – and we need the growth and development that will help pay for the subsidization as well. We have a real opportunity to act – not react. You as our representatives need to create responsible and flexible guidelines that allow for the development of this neighborhood – without driving out the influx of new residents, investment and beautification that are critical to the evolution of our great city.

Please respond with links/ information that I can review prior to the next scheduled public session on IPOD and R6. Thank you.

Regards,

Todd Grove |

207-831-3453 |

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Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

Jeff Levine <jlevine@portlandmaine.gov> Mon, Feb 26, 2018 at 4:40 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Karen Snyder** <karsny@yahoo.com>
Date: Sun, Feb 25, 2018 at 4:22 PM
Subject: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018
To: Belinda Ray <bsr@portlandmaine.gov>
Cc: Jeff Levine <jlevine@portlandmaine.gov>

Dear Belinda,

It concerns (or frustrates) me that so many people that are NOT Munjoy Hill residents want their say as to how Munjoy Hill proceeds after the moratorium ends June 5, 2018. Whatever is approved after the Munjoy Hill moratorium, directly impacts our quality of life and sustainability to continue to live on Munjoy Hill.

Some examples of these developer/real estate people that are heavily promoting their opposition agenda are the following:

- At the Feb 7, 2018 MEREDA (Maine Real Estate/Development Assoc) forum regarding the Munjoy Hill moratorium, where approx. 62 of 70 participants were NOT residents of Munjoy Hill.
- Estimate that only 4 of PSA (Portland Society of Architects), are actual residents of Munjoy Hill.
- Benchmark Developer Tom Landry's oppositional emails who is not even a Munjoy Hill resident but a real estate developer is sending out misleading emails as shown below in a portion of his original email sent this past Friday 2/23/2018.

> ***Note: It is somewhat ironic that Tom Landry says he is a "preservationist" at heart but yet he is tearing down capes and carriage houses to put up incompatible/scale architecture amidst protest of surrounding property owners.***

My responses to Tom Landry's bullet points in email below are in blue.

****

"How Are You Impacted?

If you live on Munjoy Hill:

- **Your property value will decrease**. (Tom Landry)
  - **Decrease in an over-inflated market? This is not the NY Stock market future trading floor. How are property owners wanting to age in their homes suppose to with these recently accelerated property prices which will cause increased property taxes which in turn forces us to raise rents?**
    For example:
    - **My property value alone increased by 30% just in the last 3 years.**

    *** My neighbor was just offered 500K for his small house which is an increase of 338% of his original house cost. Note: He refused this offer. He wants to live in the neighborhood as he ages.**

- **Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing.** (Tom Landry)
  - **In the last 3 years in this Munjoy Hill development frenzy, there was only 1 property built that was "affordable" housing on Munjoy Hill and it was still out of reach for most Portlanders. (65 Munjoy)**
  - **In the last 3 years on Munjoy Hill, 27 housing units were removed due to tear-downs and replaced with 72 condos /8 single families in which all this new housing is out of reach for most Portlanders.**
  - **In reality, Short Term Rental like Airbnb has taken at least 6 times more rental units off the rental market than development.**

- **Any parking hassles you experience could get worse with less opportunities to build off-street parking.** (Tom Landry)
  - On Street parking has become more of a problem because people moving from suburbs into these Munjoy Hill luxury condos want to keep their 2 cars in a walkable city.
  - Curb cuts are not going to be restricted and will continue.

- **This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property.** (Tom Landry)
  - Property owners will continue to have to go through permitting and license application for remodel, renovate, and expansion no matter the condition of the property like they always have. The desire is to ensure what to be built after tear-downs reflect compatible and scale appropriate aarchitecture. Isn't that what a neighborhood and its neighbors are suppose to strive for?

In conclusion, Tom Landry's email appears to be nothing but scare tactics. We hope as your voting constituents, we have a priority voice than these real estate individuals that are not even Munjoy Hill residents and whom are only profiting off of the Munjoy Hill development because they have been allowed to. These developers given an inch will take a mile without consideration as to how it affects Munjoy Hill history, community, quality of life, and the sustainability to continue to live in our neighborhood.

Regards,

Karen Snyder
Munjoy Hill Resident

On Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:

View this email in your browser

Current Proposals Could Limit Munjoy Hill Property Owner Rights

Make Your Voice Heard Before Decisions Are Made

February 26th, 7-9pm
East End Community School

Dear Fellow Realtors,

Through my relationships working on the East End in Portland, I learned of efforts to reform R6 Zoning on the hill, and later to enact a historic

preservation district. Through my research and outreach, it became clear that those effected the most, the long-time area residents, had no idea this movement was well under way and the dramatic impact it would have on their lives. **It was on behalf of this less vocal significant majority that I got involved and now I ask you to as well.**

I am a preservationist at heart and truly appreciate the varied architecture of the East End. And like many of you, I'm also a long-time supporter of Greater Portland Landmarks.

All this said, I believe dramatic **changes to R6 zoning and designating the East End as a historic district are the wrong solutions** to address the concerns that sparked these efforts. **If you have clients buying or selling on the East End, you should care.**

See below for more information and please share with your clients! We are looked to as experts on this stuff, and I encourage you to make this your own and share widely. I will keep you informed as things further develop.

Thank you for your time!
Tom

What's Going On?

Responding to concerns from a group of Munjoy Hill residents, the City Council temporarily halted any tear-downs and placed restrictions on building on the Hill this past year. Since then, Greater Portland Landmarks has also proposed making the majority of the area a historic district. **Permanent changes to R6 zoning laws will be voted on by the City Council on June 4th, and NOW is the time to best influence this process.**

Why it's Important

If proposed changes are put in place, they would dramatically limit new developments and additional housing, and significantly restrict renovations to existing properties.

Preserving Portland's historic architecture is very important, but these

proposals go too far.

If passed they could lead to a **lowering of Munjoy Hill property values**, and **prevent property owners from making many renovations** needed to support contemporary living or even address safety concerns.

These changes, and namely the creation of a historic district, would negatively impact many of the long-term residents of Munjoy Hill. The families who remember the old Munjoy Hill, and have welcomed the revitalization, could see their property values slide. In contrast, many of the proponents moved in more recently, or are non-residents simply with a professional or general interest in preservation.

This process deserves better awareness and a mix of voices at the table.

How Are You Impacted?

If you live on Munjoy Hill:

- Your property value will decrease.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property.

If you DON'T live on Munjoy Hill:

- This process has had very limited public awareness, received little comment or input, and been driven by a very small group of people.
- This type of effort could spread and impact zoning rules across the city.

How to Get Involved

First and foremost, **attend and speak out at the** Listening Session **this coming Monday,** February 26th from 7-9PM at East End Community School. **This meeting is critical and is when city planning staff will take**

input before drafting edits.

Other ways to get involved:

- Attend the second session on Saturday, March 24th 11-1PM at East End Community School where final proposed changes will be presented by City Planning staff.

- Send your thoughts to:
  - Jeff Levine, City of Portland Director of Planning & UD jlevine@portlandmaine.gov
  - Belinda Ray, City Councilor District 1 (Munjoy Hill) bsr@portlandmaine.gov
  - The Mayor and all other City Councilors: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov
  - Hilary Bassett, Executive Director of Greater Portland Landmarks hbassett@portlandlandmarks.org

There is a group forming and a website will be created in the very near future to include more.

Want to change how you receive these emails?
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PC28

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

1 message

Jeff Levine <jlevine@portlandmaine.gov> Mon, Feb 26, 2018 at 4:41 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
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@portlandplan

---------- Forwarded message ----------
From: **Blue Pine** <bluepinepropertiesllc@gmail.com>
Date: Fri, Feb 23, 2018 at 4:12 PM
Subject: Current Proposals May Limit Munjoy Hill Property Owner Rights
To: Tom Landry <tomlandry@benchmarkmaine.com>
Cc: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov

Hi Tom,
I have all ready been impacted by out of control development and over inflated property values on Munjoy Hill.

As a Munjoy Hill long term resident, property owner, and landlord, it is essential that local residents should have a say in efforts to reform R-6 Zoning, create new demolition standards, and, yes, even possibly a Historic preservation district to preserve Munjoy Hill history before it is erased.

Regards,
Janet Parks
Blue Pine Properties, LLC

On Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:

tomlandry@benchmarkmaine.com

View this email in your browser

Current Proposals Could Limit Munjoy Hill Property Owner Rights

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February 26th, 7-9pm
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  - The Mayor and all other City Councilors: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov,

nmm@portlandmaine.gov, jduson@portlandmaine.gov

- Hilary Bassett, Executive Director of Greater Portland Landmarks
  hbassett@portlandlandmarks.org

There is a group forming and a website will be created in the very near future to include more.

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You can update your preferences or unsubscribe from this list.

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Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill - Moratorium and After

Jeff Levine <jlevine@portlandmaine.gov> Mon, Feb 26, 2018 at 4:45 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
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@portlandplan

---------- Forwarded message ----------
From: **Wayne Valzania** <Wayne@redhookdesignalliance.com>
Date: Mon, Feb 26, 2018 at 7:46 AM
Subject: Munjoy Hill - Moratorium and After
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov, jay.norris@munjoyhill.org
Cc: Karen Snyder <Karsny@yahoo.com>, Wayne Valzania <Wayne@redhookdesignalliance.com>, Carolyn Swartz <CarolynSwartz@gmail.com>

Hello,

Please find the attached letter, expressing our opinion and concerns on the Munjoy Hill moratorium issue. As residents of “The Hill”, our concerns are heartfelt, and community based. In many ways, what we are seeing as smaller, appropriately scaled dwellings are removed, and large proportionately incorrect condo stacks are being built by developers whose interests are dollar based, is a form of strip mining. The analogy that I see is that the impact of what is left behind is for the residents on Munjoy Hill to look at and live with after the profit has been taken and the developers have moved on.

As I have said in the past, I understand the need for higher density housing throughout greater Portland, but it should not be at the expense of losing the fabric of our neighborhoods.

Thank you for your service to the Portland community,

Wayne Valzania MS CPM

Red Hook Design LLC

27 Merrill Street

Portland, ME 04101

207.274.4918 - 860.248.5670

RedHookDesignAlliance.com

Munjoy Hill Moratorium and Development Issues.pdf
159K

RED HOOK DESIGN LLC
WOOD ÿ STEEL ÿ GLASS ÿ CONCRETE
www.redhookdesignalliance.com

5 February 2018

Re: Munjoy Hill Moratorium R6 Design Principles & Standards Demolition

From: Wayne Valzania, 27 Merrill Street, Portland 04101

To Members of the City Council and Interested Parties:

As an owner and resident of Munjoy Hill, I am writing to express my personal and professional concerns about disturbing trends in new builds on the Hill – particularly in structures that exhibit no regard for the scale or visual integrity that give this neighborhood its character and human appeal.

My wife, Carolyn Swartz, and I have chosen to commit to the time and expense of reclaiming old wooden house. At the same time, we recognize that some structures are beyond repair. Still, the decision of which structures to tear down and what rebuilds should look like cannot rest solely in the hands of developers.

While we admire some of the modern houses on The Hill, more recent - actual and proposed – structures appear to be in most flagrant violation to the character of the neighborhood. It happens that we are looking out at a cold, faceless multi-unit lacking even the humanizing features (front stairs, real front door, earth tone exterior) represented in the architectural drawings and renderings we were shown before construction began. The building also lacks many, if not all, of the architectural details promised during the workshops and hearings upon which variances, concessions, and approvals were based. We and our neighbors consider this unsightly building to be the developers' willful broken promise to the community.

As a professional builder, Munjoy Hill resident, and ardent supporter of the current moratorium, I would like to propose:

- Mass and scale in the permitting and approval of proposed new construction on Munjoy Hill must be guided, if not controlled, by the Planning Board - not left to the whim of developers driven primarily by return on investment. Original R-6 guidelines offered realistic principles around the development of multi-family dwellings. These could form the basis of an updated R-6, to include Planning Department improvements, such as roof appurtenances, based on IPOD recommendations.

- Elimination of the Alternate Design Review option in the Design Certification Program (R-6 Infill Development Design Principles & Standards) for the Munjoy Hill R-6 overlay.

- An end to easy acceptance of variances that depart from reasonable standards already in place.

- Design standards and demolition restrictions to be interpreted by a qualified board and enforceable through a designated Munjoy Hill Historic District Board or Association.
- Improvement of the substantive requirements and enforceability of the Design Certification Program, and the contained R-6 Design Principles and Standards, which apply to parts of Munjoy Hill that are neither Historic nor Neighborhood Conservation District. These standards should apply to lots both under *and over* 10,000 SF.

I hope that shared interests, intelligent foresight and collective wisdom will result in mindful guidelines for thoughtful development that will invigorate the neighborhood while preserving the value resulting from its ongoing character and appeal.

Thank you for your interest.

Concerned residents,

Wayne Valzania & Carolyn Swartz.
27 Merrill Street, Portland 207.274.4918

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov> Mon, Feb 26, 2018 at 4:40 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

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---------- Forwarded message ----------
From: **Jean Russo** <russo@maine.rr.com>
Date: Mon, Feb 26, 2018 at 3:35 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov

Jeff

I can't make the meeting tonight, but I am glad that something is being done about what is happening on Munjoy Hill. As a Realtor and a lifelong Portland resident (who grew up on India Street before it was fashionable), I am appalled at what is being done on India Street ("Little Italy" as we called it), and "the Hill". Many of the buildings being built have no architectural integrity at all - many look like shipping containers turned on their side. This might be the trend in New York, but it is not the New England architecture that we all love. These high rise condo buildings are ruining the neighborhood feel – and are displacing longtime Portland residents who can't afford the pricey homes and condos being built.

When the zone changes to the R-6 zone were implemented a few years ago, I voiced my objection to this to the City Council to no avail. How do you allow zero clearance? How does a homeowner even access the side of their building to do maintenance work without encroaching on the neighbor's land? The lot sizes are so small it forces the developer to build up to recoup the land cost. This has to stop. The zone restrictions need to be changed back to what they were a couple of years ago.

Thanks.

Jean Russo

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Re: Public Comment for 255 Diamond Avenue

1 message

Laura Balladur <lauraballadur@gmail.com> Tue, Feb 27, 2018 at 10:42 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Would it be ok to resend that? I made a couple of edits. Nothing substantively different, but it just reads better. If ok, here it is:

February 26, 2018

I'm writing to voice my concern about recent developments seen on Munjoy Hill. There has been an enormous amount of development on the Hill relative to the rest of the city. Such development drives up property prices at the cost of affordable housing. I urge the city to support demolition guidelines, dimension changes addressing change of scale and mass, and design standards. Furthermore, I strongly encourage the city to be proactive and create a Historic Preservation District for Munjoy Hill in order to preserve and protect its architecture and its history. Moreover, I see this Historic Preservation District designation as an important step in reducing the rampant speculation that is driving up property prices and creating a lack of affordable housing.

I have been a resident at 89 Walnut Street since 2004, bought my house in 2006. At the time, my house looked run-down and some of its architectural elements were hidden behind aluminum siding. But I saw in the house a piece of valuable history. Indeed, I found out that at one time the house was home to a cobbler and later a sailor, common working class folk who lived on the hill.

I have been concerned with the recent developments that have been occurring on the hill. The first one is of course right around the corner from my house, Munjoy Heights. When I went to the neighborhood meeting where Jonathan Culley and his team described the project, it was clear from one of the slides in the presentation (an artist rendering of the view from Walnut Street, with a New Englander adjacent to the project) that part of what they were selling was the idea of living in a quaint New Englander style neighborhood, admittedly without the issues that come when you live in 100+ year old homes with creaky floors and drafty windows. What was not clear from the presentation was an idea of the scope of the project. Correct me if I'm wrong, but I believe that Munjoy Heights can be seen from Alpha Centauri, no? At least from any point across the cove in Portland, look up to the hill and you can see this project that has forever marred and altered the topography of the hill. It is definitely way out of scope and dimension with its surrounding neighborhood. It has completely obliterated the scenic views of residents behind on North Street including the residents at the retirement community, and replaced their sweeping sunset vistas with views of industrial air conditioning units. Has anyone compensated those property owners for their homes' loss of value? Not to mention the fact that the luxury condos have gone up at the expense of the last forested batch of elm trees that lined the old Jack Path. I realize that elm trees don't pay taxes, but that is a shortsighted view; their value is worth so much more.x As far as I know, there is one elm left in the neighborhood. One.

I am also concerned with the proposed development on Washington Avenue, at the old Casale's lot. While I commend the general idea for the project, I am again concerned that it is following a newer pattern on Washington Avenue that tries to maximize profits and building height at the expense of older homes on the

slopes of the hill that form the basis of its architectural history. Several years ago, a neighbor of mine spoke up at at city meeting about a previous project at that same location. His view – an important part of his home's value - was going to be completely obliterated by that previous project. At the meeting, his remarks were rebuked as being "romantic." Are they romantic? Fast forward to an exchange a few months ago about this newer project on that same lot. The project developer wants to go up to 4 stories high, while most older buildings on Washington Avenue are 3 floor New Englanders. When someone suggested that the developers consider building one of those floors underground, their response was, well… "romantic": they wanted to maximize the view. Aha! Clearly the view has an economic impact, but for whom? This part I find particularly troubling. The developers had considered the impact of their 4 story building on the neighbors, and they put up the slide demonstrating this. The slide showed a cross-cut of the slope from Washington Ave to North Street. The **only** buildings shown were their project and… Munjoy Heights. They had, in effect, re-written the history of that slope and disregarded any other building. Their baseline to consider their building's impact was a project that is way out of scope and dimension with the whole neighborhood and was built four years ago. The adjacent houses on the slope built over 100 years no longer mattered; in fact, they no longer existed. When does this end?

I urge the city to move quickly and protect valuable architectural history that forms the basis of this beautiful town.

Sincerely,

Laura Balladur
89 Walnut Street

On Tue, Feb 27, 2018 at 8:35 AM, Jennifer Munson <jmy@portlandmaine.gov> wrote:

> Good Morning,
>
> Thank you for your e-mail. Your public comment will be included in the review and will become part of the public record.
>
> If you have any further questions, please contact me.
>
> Jennifer Munson, Office Manager
> Planning and Urban Development Department
> 4th Floor, 389 Congress Street
> Portland, ME 04101
> Phone: (207)874-8719
> Email: planningboard@portlandmaine.gov
>
> 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.

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: District 1 Listening Tour Comments

Jeff Levine <jlevine@portlandmaine.gov> Tue, Feb 27, 2018 at 10:35 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
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http://www.portlandmaine.gov/planning
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---------- Forwarded message ----------
From: **Carle Henry** <cdhenry3@yahoo.com>
Date: Mon, Feb 26, 2018 at 10:21 PM
Subject: District 1 Listening Tour Comments
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Good evening,

Tonight, at the East End School, I attended, with my wife, a listening session re the future of Munjoy Hill. Thank you for hosting the session.

While there was a lot of emotion from some folks tonight, I hope you agree that most people voiced, to applause, one common theme:

- don't affect us personally....from the first gentleman who spoke about his elderly relatives to the last woman who was new to the neighborhood, this moratorium is negatively affecting good and honest neighbors who are not activists (like MHNO) or 'outside developers'....they are citizens with hopes and dreams that are being negatively impacted due to an overreaction to a few of the repeat, loud neighborhood offenders (can you say 'soul of portland'?) by the council

As Jay Norris freely admitted tonight,

1. this all stemmed from the "vortex"/efforts to stop the Portland Company development (by him and a few people); and
2. despite many words to the opposite from elected folks to citizens tonight, he boldly announced that the East End will become a historical designated area 'it's gonna happen'

I'm afraid some on the council are being duped by the MHNO yet again. Since their failed attempt to stop the Portland Company development, many ex Soul of Portland (then Portland for Responsible Development) took over the MHNO. Under the veil of representing the hill, they audaciously and incorrectly speak on the behalf of the hill to the press, to the council and to anyone who will listen but they actually only carry the agenda of a few loud, emotional citizens. Please do not be fooled any longer.

Most of us have lived here a long time or moved here because of the diversity. Don't mess with it. As the first gentleman said tonight, we are getting squeezed from both ends. Taxes go up and now we are inhibited from selling in a free market.

If MHNO has its way, we will be under a historical designation soon. Which, as reported across the country and in the New York Times and other award winning papers, causes prices to go up, taxes to hike, long term locals to be priced out, diversity to decline, affordable housing to fall and a new class of upper level white folks to take over. Don't take it from me. Do the research - - it's been reported and documented by city-after-city across the country. While the audience pushing for the Historical labelling purport to support diversity, affordable housing, etc., they are either too ignorant to know they are causing the opposite effect or they know exactly what they are doing. Either way, do not allow this any longer.

Finally, and as I wrote prior to the moratorium being put into place, we have enough restrictions and process today. As the last speaker highlighted tonight, 9 pages of requirements exist today. The city is doing its job just fine.

As for those who are upset by a building that they do not find attractive or their resentment for people making $, they (and by default) you cannot define and dictate taste.

Truly, the City Council cannot take up a cause by a group of 10 people in any one neighborhood. We need you to focus on greater matters that affect the entire population and city (e.g., crime, education, homeless, business, etc.) Poor MHNO and friends don't like some of the new architecture - boo hoo. Do we live in a city or not? Our community is just fine. Please don't waste another tax $ chasing phantom issues by activist bullies and people with too much time on their hands.

Thank you and see you at the next event.

Carle Henry
Saint Lawrence Street

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demoliton

Jeff Levine <jlevine@portlandmaine.gov> Tue, Feb 27, 2018 at 10:35 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **nini mc manamy** <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 10:23 AM
Subject: Demoliton
To: JLEVINE@portlandmaine.gov

Hi Jeff. Really well organized presentation last night. Thanks. It's a lot of info for people to process, but Munjoy Hill residents are pretty motivated when it comes to defending their turf.
I would love to have a few minutes to talk with you about tools to reduce demolition. I really think the code has incentivized it, and reducing those incentives would solve a lot of problems up here.
Finally, I talked with Paul Stevens about the work the PSA is doing and I think that they will contribute an important piece, if they get it done in time. I am not personally convinced an HP District is workable on the Hill, but there are sections of the neighborhood where I think it would be accepted and respected. The idea of a local Conservation Commission gives me the willies and I think it is unsustainable.
Several of us noted the significant number of out of neighborhood realtors and developers that Tom Landry turned out for the meeting, who applauded loudly when people spoke against the HPD. I hope that you will take the results of the preference survey with that in mind. Perhaps at the next meeting people who are not neighborhood residents could be identified.

If you have time to talk, let me know.

Nini McManamy

Sent from my iPad

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Mortorium Listening Session Feedback

Jeff Levine <jlevine@portlandmaine.gov> Tue, Feb 27, 2018 at 3:53 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Karen Snyder** <karsny@yahoo.com>
Date: Tue, Feb 27, 2018 at 3:18 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback
To: Jeff Levine <jlevine@portlandmaine.gov>

I forgot to mention that this guy below owns 2 multi units on Munjoy Hill.

Karen

From: Karen Snyder <karsny@yahoo.com>
To: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Tuesday, February 27, 2018 2:59 PM
Subject: Fw: Munjoy Mortorium Listening Session Feedback

fyi...

I am getting feedback that residents were intimidated last night.....

This is a below example email...

Karen

----- Forwarded Message -----
From: e w <eenebw@hotmail.com>
To: Karen Snyder <karsny@yahoo.com>
Sent: Tuesday, February 27, 2018 2:50 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback

I will send a follow up email with my comment question.. I am not confortable standing up with a mic in front of that many people. I only recognized 3 people ..

Get Outlook for Android

From: Karen Snyder <karsny@yahoo.com>
Sent: Tuesday, February 27, 2018 2:34:21 PM
To: Jeff Levine
Cc: Belinda Ray; Pious Ali; Nicholas Mavodones; Justin Costa; Jill Duson; Caitlin Cameron; Ethan Strimling
Subject: Munjoy Mortorium Listening Session Feedback

Hi Jeff,

Thank you for holding the listening session last night. Your presentation, as always, was well done and very informative.

What are your thoughts on identifying in next Listening Session how many attending are Munjoy Hill residents?

I thought it was very clever of you to ask at the MEREDA forum participants this past 2/7/2018, who lived on Munjoy Hill in which it was identified that approx. 62 of 70 participants did not live on Munjoy Hill.

Even though the voting survey was fun and a unique approach, I wonder how the voting results are to be used when:
1) Not all residents were given clickers.
2) It wasn't identified how many people were residents versus non-residents which could misrepresent results.
3) The buildings shown were not from Munjoy Hill so can it be translated to Munjoy Hill development issues?
4) The buildings shown were not shown with other surrounding buildings in order to give scale and mass within context.

Additionally, I believe many Munjoy Hill residents were intimidated by the large crowd of non-residents to speak up.

Is there another method to obtain feedback and comments from Munjoy Hill residents so that they do not feel intimidated being surrounded by developers and real estate people?

Finally, the residents that did speak up appeared to provide consistent comment concerns that have been indicated in the past meetings: to stop the financial incentives for tear downs, inappropriate scale and massing, and ensure compatible design.

Below are the comments from people that I recorded last night.

Thanks for listening.

Regards,
Karen Snyder
Munjoy Hill Resident

#	Name	Street	Concern
1	Steve	East Prom	Something needs to be done on the potential of combining lots to build even bigger buildings. Was there any modeling done on R6?
2	Patrick & Kelly	Turner St	Have elderly aunts with alzehimers. Had to sell their houses to pay for care. Worried about house prices decreasing.
3	Older guy	Lafayette St	City needs to apply renovation and bulk standards to construction against teardown.
4	Ann Manganello	84 Quebect St	Wants to lift her house to put off a garage for her car.
5	Charlton Smith	Stroudwater	Against GPL and HPD. Lives in Stroudwater but restores houses in West and East end.
6	Nini McManamy	Willis	Suggestion to apply the renvotion footprint standard to the demolition footprint in current R6 Design
7	Albert Clooney?	Congress	What is the process for an HPD. Do we have a vote?
8	Stacy Mitchell	Atlantic	Financial incentive on tear downs so they can build bigger buildings.
9	Jay Norris	East Prom	Can we take this opportunity for small businesses?
10	Evan	East Bay Side-Everet	An architect and he is against an HPD
11	Lisa Keegan	PSA	An architect, proposing a design review board.
12	Will Kessler	76 Melbourne	Loves the open/green spaces and against 118 Congress scale and massing
13	Paul	37 Fessen Avenue	An architect who wants to see a design review board.
14	Elizabeth Miller	Waterville	Likes the diversity of buildings. Doesn't want to see a bell jar over the neighborhood
15	Berry Manter	Vesper	Some of the new architecture is "cheesy" and profit motivated. Developers need to build better buildings design context.
16	Sandy	??- Worked for Portland Press Herald?	Need to resepect the surrounding buildings. Soviet style architecture with these big boxes. Talked about Architecture charity
17	Martica	28 St. Lawrence	Worried about the scale and massing of 24 St. Lawrence. Concern of retaining walls from Waterville St.
18	Woman with glass	Emerson	Concerned about diversity, afforadable housing, change the inclusionary zoning. Apply to 5 buildings with no opt out and restrict Airbnb to owner occupied.
19	Hilary Bass	Morning	Explain GPL
20	Karen Snyder	Waterville	Valued the community. Neighbor was offered 500K to tear down with no structural issue. Not a NY stock exchange trading place. How can we age in place. Issue is 3 D's demolition, dimension (r-6) and Design.
21	New Woman Owne	47 Monument	There are 9 pages in the design standards. There are a lot of restrictions.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Listening Session - inquiry on comment

Jeff Levine <jlevine@portlandmaine.gov> Tue, Feb 27, 2018 at 3:55 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill.

Jeff Levine, AICP
Director
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@portlandplan

---------- Forwarded message ----------
From: **Jean McManamy** <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 3:19 PM
Subject: Re: Listening Session - inquiry on comment
To: Caitlin Cameron <ccameron@portlandmaine.gov>
Cc: "Levine, Jeff" <jlevine@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>

Thanks for following up. I was referring to the sections in the neighborhood of 14-436 which restrict bulk and spell out provisions for decks and setback waivers. I am convinced that Ch 14 incentivizes tear downs. It effectively makes the profits available from tear downs much greater than the profits from renovations. All of this hastens the conversion from rentals to condos, accelerates real estate price growth, and prices middle class home buyers who are not investors—we still have fixer upper buyers up here--out of the market. And by the way, real estate price growth is not particularly to our benefit—if we sold, we would need to buy a place to live, and the looming prospect of revaluation has everyone up here concerned about carrying costs increasing due to the runaway real estate market. Just another reason to shift development incentives away from the peninsula.

> On Feb 27, 2018, at 11:57 AM, Caitlin Cameron <ccameron@portlandmaine.gov> wrote:
>
> Ms. McManamy,
>
> last night at the Listening Session you mentioned "renovation standards" and we weren't quite sure which standards you meant. Could you clarify or send me a copy of what you were referring to that is different from the zoning or the design standards? Feel free to call me to discuss if that is easier.
>
> Thanks for the clarification,
>
> Caitlin
>
> --
> Caitlin Cameron, AICP, Associate AIA, LEED AP
> Urban Designer
> Planning & Urban Development Department
> 389 Congress Street
> Portland, ME 04101
> phone: (207) 874-8901
> email: ccameron@portlandmaine.gov
>
> 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.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Listening Session 2/26

Jeff Levine <jlevine@portlandmaine.gov> Tue, Feb 27, 2018 at 4:04 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Peter Murray** <pmurray@gwi.net>
Date: Tue, Feb 27, 2018 at 3:03 PM
Subject: Munjoy Hill Listening Session 2/26
To: Levine Jeff <jlevine@portlandmaine.gov>
Cc: "Murray Peter L." <pmurray@gwi.net>

Dear Jeff -

It was good to see you last night at the listening session on the Munjoy Hill zoning.

I was not able to stay for the comment session, but provided my comments to Belinda in writing beforehand.

Here they are for your consideration.

Dear Belinda -

Thanks for the heads-up on Monday's listening session.

Although I may be there at the beginning to listen to as much of the background presentation as possible, my comments on what we think are the issues follow in writing. Please feel free to give these as much currency as you think they deserve.

Original Residential Development on Munjoy Hill

Most residential development on Munjoy Hill followed the Great Fire of 1866 and continued into the early 20th century. Most houses from this era are one and two family frame dwellings built on small lots, generally under 10,000 square feet. In the early 20th century a number of "3-deckers" were added. Outside of schools, there were relatively few larger buildings. During and right after WWII some row-house developments were added on the East Hill. The 1960s and 70s saw the building of the Portland House and "Promenade East", large 10+ story apartment blocks and "Munjoy South" a subsidized housing project on the South Hill. All of these were more or less at odds with the traditional architecture of the Hill.

Although the Hill was a vibrant middle-class residential area up through the mid '40s, following WWII, the area deteriorated. Many single family and two family houses were converted into multiple apartments. Rents and maintenance sagged. Families who could afford it moved out. Drugs and crime moved in. By the 1970s the Hill was considered a substandard residential area with low rents, deteriorated properties and high crime.

Starting in the late 1990s and accelerating since then, the Hill has "come back" as a residential area, not so much for families, but for young professionals and for older "empty nesters". Many of the older properties have been rehabilitated and restored, single family houses have been built on empty lots, and a modest development of multi-family structures

has occurred. Property values have sharply risen, restaurants and shops have opened in the business areas, and the Hill has become one of Portland's premier residential areas. There have been a few subsidized "affordable housing" projects, the largest of which is on North Street at Walnut. There has not been any construction of unsubsidized "affordable" housing on the Hill (or, for that matter elsewhere in Portland) for a number of years because construction costs are too high to make such development economically viable.

The attractions of the Hill to its current residents are not only its proximity to Portland's downtown and its views both to the east and the west, but also it's amenity as a residential area, including the integrity of its 19th and early 20th century architectural fabric and feeling of neighborhood.

Up until 2015, land use and development on the Hill was mainly regulated by the R6 zoning ordinance. That ordinance included modest setback requirements for side and rear yards, height limitations to 45 feet, a requirement to provide off street parking, and reasonable lot coverage, square footage per unit, and minimum lot size. A special program permitted development on undersized lots subject to design criteria and some design oversight by the planning staff.

The 2015 Changes to the R-6.

In 2015 the Portland Planning Board and City Council adopted amendments in the R6 zoning ordinance aimed at "increased density" in Portland's already most dense residential area. It appears that this was based on the hope that some of the small vacant lots remaining on the Hill could be improved with affordable housing. Everything was loosened up. Side yards were reduced effectively to near zero, lot coverage was increased, lot area per unit was decreased, minimum lot size was decreased, and parking was no longer necessary for the first three units per lot.

The result of this was not any affordable housing. Construction costs continue to preclude construction of affordable housing without public subsidy. However certain developers were able to take advantage of the strong desire of retirees to live on the hill. They have built and are proposing to build higher end condo projects that take full advantage of the liberalized regulation and cram ungainly and oversized blocks on small Munjoy Hill lots. In many cases these projects are lucrative enough to justify purchasing existing affordable rental properties and tearing them down for the new condos. Lots that had originally been improved with one or two family houses (perhaps since subdivided into 3 or 4 apartments) are now crammed with 7 or even more condo units without adequate on site parking. Examples include 30 Merrill Street, the building on the corner of Waterville and Fore, 5 Cumberland Avenue (under construction), 7 Merrill (under construction), 24 St. Lawrance (proposal), 24 Monument (proposal), corner Willis and Montreal (proposal). In order to include as many units as possible, these structures typically push the envelope of the new R6, extending out to the sidewalk and going four stories up, sometimes with dead parking floors on the bottom, numb blocks that have nothing to do with the neighborhood into which they are shoehorned. Residents and property owners are dismayed by the possibility that the very amenity that attracted them to the Hill will be destroyed by heedless development of this kind of condo.

This state of affairs brought about the Moratorium. We will always be grateful to you for your work on this vital measure.

Where Do We Go from Here?

Here are my recommendations going forward:

1) Nothing we do will get any affordable housing built on the Hill (or anywhere else) as long as construction costs are what they are. The only affordable housing that will continue to exist on the Hill will be the existing aging housing stock that can still be rented at affordable rents. Some of this has been lost to demolitions by developers seeking to build high end condos under the liberalized R6.

2) The old R6 turns out to have been well suited to conditions on the Hill. It permitted reasonable development of the only kind of building that makes sense on these small lots - single and two family houses of the kind that are there now, with an occasional larger condo project on larger lots. Condo projects under the old R6 are less intrusive, have parking and a scale that suits the neighborhood.

3) The closer we can go back to the old R6 on the setbacks, lot coverage, lot size per unit, minimum lot size, parking, the better.

4) The quality of many Hill buildings and streetscapes justify a Historic District - precise contours to be determined. Here Landmarks can take a helpful leadership role.

5) The parts of the Hill not included in a historic district should have some design protection. One possibility is a conservation district, with less emphasis on historic authenticity, but a sensitivity to maintain scale, size, light and streetscape. The looser the R6 standards, the more important such a district would be. The district could have both special design requirements in the ordinance as well as a review board. Or it could be administered by the planning staff as was the case with the old R6 small lot program.

6) Demolitions of existing Hill structures, particularly those providing rental housing, should be regulated to some degree. Some possibilities include: a) requiring any replacement structure to include affordable units equal to those destroyed; b) limiting replacement structures to footprint of the structure demolished; c) providing a period of repose to permit others to come up with development alternatives to demolition, d) requiring a significant payment for each unit of affordable housing demolished.

The goal should be to facilitate development of the kind and scale that presently exists, including larger structures where the circumstances permit, but to discourage and prevent destructive over-development of the kind mentioned above.

Thanks for reading this. Please feel free to pass it on to whomever you think should have it. Debby and I are eager to be of what help we can in facilitating a transition from the current moratoria to regulation that will serve the neighborhood well for the present and future.

All best wishes,

PLM

Thanks!

PLM

Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Last night's munjoy hill meeting

Jeff Levine <jlevine@portlandmaine.gov> Wed, Feb 28, 2018 at 8:44 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **e w** <eenebw@hotmail.com>
Date: Tue, Feb 27, 2018 at 5:24 PM
Subject: Last night's munjoy hill meeting
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

I appreciate the city holding a listening session last night to Discuss Munjoy Hill. As a long term Munjoy Hill resident of 28 years, and Landlord of two 3 units, I was in attendance. However, I will be the first to comment I don't like to speak to a crowd that large so am hoping you will read my comments below. I should have taken the stage but couldn't LOL…

After learning about Becoming a Historic District, I truly hope that is the path for Munjoy Hill. My main concern about the area is we are losing the historic aspects of the hill each year by an alarming rate. One individual in particular spoke last night that to me represented what is wrong with the permissiveness of demolition and lack of respect for our New England architecture and heritage. Paraphrasing, this person proudly stated they loved the area and bought 47 Monument Street. Yet the property is not up to their standards so they want to do the right thing after they tear down this historic house by building something the neighbor will like. Well in my mind this IS the problem. The first issue is this is one of the older houses on Munjoy hill and for 150 years people have happily lived in it. Sure it needs renovation but the mind set for those from away is to get a greedy real estate agent, have them tell them just get rid of the junk and build something that is up to your standards . The second is this type of attitude is both destructive to the neighborhood morale and architecture. It Is kind of a veiled insult in that these people are too good to live in what many of us do currently. So with that being said, is that what the city wants for the hill? With this trend there will probably be an accelerated demolition of 20 homes a year. Soon there would no longer be any historic buildings left and with that goes the 'charm' that drew people here in the first place. I imagine in the case of 47 Monument street, the speaker will never find the caring neighborhood they are looking for and will leave after a few years. And oh by the way, yet another 1870 house was demolished vs. Rennovated.

A question I might ask is can the city find ways to focus more on the benefits of renovating and preserving Munjoy hill vs. destroying it? As stated, no one is advocating putting a glass in time over the hill. Even if that was something everyone wanted to do it is way too late for that. My opinion is we need to preserve what we can realizing some new thoughtful development is imminent. However, mass destruction because someone wants a mansion like 'back home' that is far superior to what the local people of munjoy hill live in seems to be the trend. When the hot market of Munjoy hill is over, real estate agents and developers will survive and will move on to the next market leaving behind junk 'new' ugly buildings where once stood a neighborhood of historic charm. This IS the reality of what is happening and why I hope Munjoy hill is considered as a historic district.

Control Destruction and Thoughtful Design would be a goal I would lhope we as a city would strive for.

Enoch Wenstrom

88 Beckett St #1

Portland

D.D.D.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill growth and change feedback

Jeff Levine <jlevine@portlandmaine.gov> Wed, Feb 28, 2018 at 8:53 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **JoAnn Dowe** <joythroughhealing@gmail.com>
Date: Tue, Feb 27, 2018 at 10:45 PM
Subject: Munjoy Hill growth and change feedback
To: jlevine@portlandmaine.gov
Cc: JoAnn Dowe <joythroughhealing@gmail.com>

Hello Jeff,

My name is JoAnn Dowe and I live at 28 Waterville St. I moved to Munjoy Hill in 2009 with my husband, Jim. The move was for both of us, a first experience living in a city neighborhood. When we first moved in, it felt very much like a quaint old time neighborhood with lots of interesting residents covering a wide demographic, interesting old historic homes and funky houses too, lively and vibrant, lots fo secret gardens, outbuildings, additions... so many chain link fences too, reminiscent of the past and what it was like on the hill. After fours years in this house together, Jim died after a late cancer diagnosis, a very deep and life-changing loss for me. ; (

I have to say that since I have been here, right from our beginning in 2009, I witnessed drastic changes to the landscape, with development speeding along at a crazy clip, propelled by the popularity of the hill as the trendy cool "place to be". In the neighborhood, I have seen many lovely old buildings knocked down, mostly replaced by "box style" condo complexes with first floor garages, 3 floors above, and big price tags. I have also watched a lot of the sweet younger people who were my neighbors move away, as properties change owners, undergo renovations and rents then hike up to unaffordable amounts for young people just starting out.

On my own street, I have lived through (not pleasant) a significant construction of a 4 story condo across the street from me, 29 Waterville. I have witnessed and experienced the impact of: the renovation of a large building at the top of the street into high end apartments, a major renovation of a formerly vacant building, a condo-izing of an apartment building on Monument Street at the top of Waterville, significant renovations of 3 of the 6 single families on Waterville Street, and the sad demolition of a really well kept, attractive, multifamily building at the bottom on Fore street to make a new "box style" condo complex. Another neighbor across from me down the hill a bit just sold his single family, after spending years renovating it top to bottom. I am so worried that the wrecking ball will be showing up soon. 24 St. Lawrence, hoping to demolish, lines up with my house, just one street over, and I would be witness to that sad destruction of another perfectly intact older building to make way for more building units. Some of my other neighborhood friends have made comments about the fact that if and when they sell, there house is going to get knocked down too. Its so sad.

Besides the detriment of constant construction with its noise, dust, blowing litter, and contractor vehicles parked everywhere, many times blocking the road, there is the end result of the building boom, which is more people, more cars, less street parking, and less character in the new buildings, not to mention the demise of some of the oldest most majestic trees in the neighborhood.

I feel that this quaint funky cool neighborhood, with all of it's history and ethnic diversity, that we were discovering in 2009

is changing so rapidly. Urban in-fill is filling it to the brim. The line of sight down my neighboring streets is so constricted now with each new box building at four stories high and extending right out to the sidewalk. It is feeling more and more claustrophobic and congested all the time to me. 58 Fore Street project is going to create a tunnel like feeling along Fore street if they build it out as proposed. I know as a planner that it is your job to create and plan development, but I think the growth rate and type of growth is drastically changing Munjoy Hill,and not for the better.

I also agree with comments from last night that many if not most of these new housing units, are extremely pricey, and not at all affordable to the average Maine resident, and are attracting wealthy baby-boomers from out of state that may not even be living here most of the time. I guess that will at least make for less cars on the street at least some of the time.

I would love to see some condo conversions that would work with the existing building footprint and style, and retain their character and history. I would like to see more trees saved, and more affordable units built. I would like to see more affordable rental units for people. I would like to see more greens cape too. It seems so many of these new projects have no garden space, only hardscape and pavement. I think the moratorium was a good move. I just hope that modifications to existing codes can be made that will save some of these lovely old buildings, consider the character of the hill and how to preserve it, and slow the rate of construction down.

Thanks,

JoAnn Dowe

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill concerns about proposed changes

Jeff Levine <jlevine@portlandmaine.gov> Wed, Feb 28, 2018 at 9:25 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **elizabeth** <elizabethmiller1953@hotmail.com>
Date: Wed, Feb 28, 2018 at 9:24 AM
Subject: Munjoy Hill concerns about proposed changes
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "Jay.Norris@MunjoyHill.org" <Jay.Norris@munjoyhill.org>, "munjoyhillconsvcoll@gmail.com" <munjoyhillconsvcoll@gmail.com>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>

We attended the February 26 "listening session." We very much appreciated the City's efforts to gather ideas about the Hill's future and how the City could/should guide this future. After much consideration, we offer the following advice:

Why we support a design review ordinance but not the creation of a historic district?

In addition to its proximity to the water, its breadth of architecture - pre-Civil War to 21st century - makes it a great place to live. The blossoming of contemporary architecture in the last ten years is a positive sign of the neighborhood's vibrancy and creativity. Given the decades of neglect, however, many structures have exceeded their useful life. We think it is unrealistic - and undesirable - to save everything. not all old buildings should be considered sacrosanct. Just as there are mediocre examples of contemporary architecture popping up on the Hill, there are mediocre examples of earlier periods. We believe it is important that the City support residential growth for all income levels. Encouraging contemporary design, whether in rehab or new construction, is essential. We hope that the Planning Department develops an approach that acknowledges that Munjoy Hill is a dynamic environment.

Perhaps this includes developing design requirements that ensure compatibility with its overall historic fabric. If so, these requirements should focus on mass and materials. Encourage creativity and innovation, but don't micromanage. We believe a zoning policy should encourage greater density, especially along the Congress Street spine and Washington Avenue. For example, height limits should be increased to at least five stories. With increased population, an added benefit could be (we hope) increased patronage of public transportation as well as attracting other essential services, such as a grocery store or bank branches.

We endorse the suggestion made at the February 26 "listening session" of lowering threshold for number of units at which developer must set aside for "affordable" or contribute to the City's affordable housing fund. We also support requiring all new development or substantial renovations (such as condo conversation) to provide one off-street parking space for each residential

unit. While it's desirable to have a garage entrance to the side, it should not be essential in light of many lots' narrowness. We recommend that the set back between buildings be a minimum of ten feet, but not necessarily in the front.

Historic district status requires that substantial repairs or alterations to the exterior must first receive the approval the City Preservation Board or staff. We believe this impinges on our property rights. We are apprehensive that historic district status would increase ongoing maintenance and renovation costs even as many owners of multi-family rentals struggle to keep rents affordable. Finally we see constrictions on future demolition as impinging on property owner's rights to maximize profit. For many people, property ownership is their single largest asset and an essential piece for long-term care planning.

The maxim, "first, do no harm" applies to the situation facing the City vis-a-vis Munjoy Hill. We hope that the City proceeds conservatively and cautiously in restricting new residential development on Munjoy Hill. There's another maxim: be careful what you wish for.

Sincerely,

Elizabeth Miller and David Body

46 Waterville Street #3

Portland, ME 04101

878-8604

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored “listening sessions” at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it’s a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole “Maine” life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70’s. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and hew homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrance St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the “human bus” leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland’s Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@gwi.net

207 653-5143 Cell

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill - Historic Preservation flexibility question

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 5, 2018 at 10:27 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
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Fax (207)756-8258
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---------- Forwarded message ----------
From: **Sadhbh Neilan** <sneilan@maine.rr.com>
Date: Fri, Mar 2, 2018 at 3:07 PM
Subject: Munjoy Hill - Historic Preservation flexibility question
To: jlevine@portlandmaine.gov

Is there a preservation plan that could identify individual properties, or streets, or parts of Munjoy Hill, versus an entire district being identified for preservation?

Thank you for taking the time to field this one!

Sive Neilan

--
Sadhbh ("Sive") Neilan
29 Emerson St, Apt. #3
Portland, ME 04101
Tel (207) 774-4219
    (207) 838-7719 cell
sneilan@maine.rr.com

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Listening Session 2/26

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 5, 2018 at 12:18 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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@portlandplan

---------- Forwarded message ----------
From: **Pa Ag** <pagopian1@yahoo.com>
Date: Sun, Mar 4, 2018 at 3:23 PM
Subject: Listening Session 2/26
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>, Nicholas Mavadonas <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Jay Norris <jay.norris@munjoyhill.org>

> Good afternoon, just wanted to touch base regarding the 1st Listening Session. It was a successful turnout due to everyone pitching in and getting the word out! I hope the next one is as well attended.
> Thank you for hosting and I look forward to the next one.
> The exercise was a great interactive tool, however I am not sure it hit the mark and was a TRUE reflection of the neighborhood's opinion. Many in the room were NOT residents. If you plan on using that technique at the next session to gather feedback I would strongly suggest that as an intro you ask the residents to identify themselves and use that opportunity to hand out the clickers first. That way the feedback would be a TRUE representation of Munjoy Hill.
> If you want a TRUE representation,
> which I think was the goal, residents should be given first consideration. Wouldn't you agree?
> I did not get a chance to speak (but was prepared) due to a few long dissertations presented by non residents at the very beginning of the public comments. Perhaps a two minute rule would be in order and appropriate. That would give more folks a chance to share their thoughts.
> I hope to speak at the next session but feel that I missed a golden opportunity.
> As all of you know many residents are alarmed and disturbed, to say the least by the number of demolitions that have transpired recently, and the type of buildings that have or potentially will replace them. So FIRST and foremost and eminently important but ignored in the IPOD is the need for:
> 1) DEMOLITION guidelines/standards to be implemented. This is imperative! The guidelines could mirror those already in place in the HP Ordinance. They are already in place and proven to work. Why reinvent the wheel?
> Also a need for:
> 2) DIMENSIONAL guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.
> 3) DESIGN & BUILDING standards and guidelines that eliminate the alternate design option and insure that the R-6 infill standards apply to lots over 10,000 SF. Standards that address quality construction. Let's build them to last. Consider offering incentives for energy conserving and environmentally sensitive "green buildings"
> Lastly but not least, whatever decisions that are made at the Council level which affect Munjoy Hill should be driven by the wishes of the RESIDENTS!
> See you on 3/24 😬
> Sincerely,
> Paula (for Portland) Guillemette Agopian ✌
>

>
> Sent from my iPhone

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: preliminary review

1 message

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 19, 2018 at 8:28 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Lauren Reiter** <laurenjreiter@yahoo.com>
Date: Fri, Mar 16, 2018 at 3:57 PM
Subject: Re: preliminary review
To: Christine Grimando <cdg@portlandmaine.gov>
Cc: Mark Burns <mark.burns@onsemi.com>, Alison Leavitt <aleavitt@wssa.com>, Ann Machado <amachado@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, Shukria Wiar <shukriaw@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Thank you for replying, Christine. I am following this review process quite closely -- as are my clients, who bought their property on Sheridan Street early in 2017 with the intention of demolishing the very derelict house on the property and building a new house that would conform to the zoning stipulations in place at that time. The current/temporary code in place for the IPOD is so limiting in terms of design, that they are very concerned that they will be forced into a building which would not reflect their intentions when they bought the property.

To share some of my opinions on what is now being considered for Munjoy Hill, I'd note the following:

The east end of Portland has its own special character, unique from other parts of downtown and the west end of Portland. Houses were built on much smaller lots in the East End, with a much more "cheek by jowl" approach to both construction and to building form. This is the true nature of Munjoy Hill: diversity.

All of us who have worked in this part of Portland have found buildings which were built using random and often under-sized framing systems and waste materials- to the point where one wonders how these buildings are still standing. These buildings are often beyond repair, and importantly often cannot be brought up to current energy or safety codes— never mind being high performance. Some buildings are truly not worth saving.

If Portland wants to revise its code, then surely a false historicism (e.g. steeply pitched roofs or pseudo-historic building entrances !!) should be of less concern than high performance matrices such as energy performance and storm water management. *Let Munjoy Hill be a leader in the use of vegetated roofs- not mansart roofs*!!

Furthermore, cars are an integral part of this urban landscape - for better or for worse— and to insist that cars be tucked behind buildings is not only inconsistent with existing patterns, but will only serve to increase the amount of paved area and decrease areas that could be used for yards and vegetation. This would be a disaster for stormwater management.

.....and one more thing... FLAT roofs have been a mainstay of the Portland architectural vocabulary FOREVER.

thank you for considering the above-noted opinions,
Lauren

Reiter Architecture & Design Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / *tel.* 207.359.2300
Portland office: 6 South St., Portland, ME 04101
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www.facebook.com/reiterarchitecture

On Thursday, March 15, 2018, 10:40:25 AM EDT, Christine Grimando <cdg@portlandmaine.gov> wrote:

Hi Lauren,

Applying now only makes sense if you plan on meeting the IPOD (interim) standards, as we would have to review an application submitted between now and June 4th under them. Since we don't know what the final standards will be, we can't review it against future regulations, either. We're aware the IPOD has added uncertainty for some projects, and we'll make every effort to review the project - and any other projects that have waited out this interim period - as quickly as we can.

I don't yet know which of the interim standards will be made permanent, but feel free to check-in between now and June. The City Council implements all zoning and land use code changes, but Planning staff will be making recommendations in the coming months.

Hope that helps.

Best,

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608
Portland's Plan 2030

On Thu, Mar 15, 2018 at 8:34 AM, Ann Machado <amachado@portlandmaine.gov> wrote:

> Lauren -
>
> Once again, sorry for my delay in responding. When the interim overlay zone expires in June, a revised R-6 zone will go into effect. I don't think that it will have the same requirements as the old R-6 zone. I would imagine that it would be similar to the interim requirements but I don't know. Christine Grimando in the Planning Division is overseeing the rewrite. I would reach out to her. Her email is cdg@portlandmaine.gov .
>
> Ann
>
> Ann Machado
> Zoning Administrator
> Permitting and Inspections Department
> City of Portland, Maine
> (207) 874-8709
>
> On Wed, Feb 21, 2018 at 5:01 PM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:
>
> > thanks Ann. My most pressing question at this point is: if a project is submitted that does not conform to the interim Munjoy Hill zoning regulations, will it automatically be thrown out? My concern is that waiting until June when the

permanent zoning
regs are to be enacted may mean that the project would not even get reviewed until late summer or fall at best. So I am wondering if, just to get a "place in line" if I should go ahead and submit our project which does not conform to the new temporary regs, but rather the previous regs, to get the process rolling.
I'm sure that you, at this point, would not dream of suggesting which of the new regs may actually become permanent (would you??). It's a nightmare for clients and architects: what to do, what to design.
thanks, Lauren

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On Wednesday, February 21, 2018, 4:17:51 PM EST, Ann Machado <amachado@portlandmaine.gov> wrote:

Lauren -

I'm sorry that I didn't get back to you sooner. We are experiencing such a high demand for our services by the public that It can take awhile to get back to people. Because of the high demand our supervisor has told us to try to answer any questions by email or telephone. If the questions can't be resolved then the last resort is to schedule a face to face meeting. Unfortunately I cannot do a preliminary review of your project. You can email me specific questions about the interim ordinance which I will answer. To get your project reviewed you will need to submit the New one and two family building permit / Level I Minor Residential Site Plan application.

Thanks.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

On Fri, Feb 9, 2018 at 8:33 AM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

> Ann, would you be willing to have a brief meeting with me to do a preliminary review of my project at 110 Sheridan St.? I just read the new Munjoy Hill section of R6 and have some specific questions, re the project that I am developing.
> I'm hoping you might be available to meet either Tuesday or Wednesday Feb 20-21st.
> thanks, Lauren
>
> **Reiter Architecture & Design**
> Lauren J. Reiter, RA, LEED AP
> laurenjreiter@yahoo.com
> *cell.* 917.502.2225 / *tel.* 207.359.2300
> *Portland office*: 6 South St., Portland, ME 04101
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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.

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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.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting March 22

1 message

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 19, 2018 at 8:29 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Hilary Bassett** <hbassett@portlandlandmarks.org>
Date: Fri, Mar 16, 2018 at 6:22 PM
Subject: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting March 22
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Deb Andrews <DGA@portlandmaine.gov>

Hi Jeff – We've attached comments for your consideration regarding the potential for historic districts and other elements related to the discussions of planning tools for Munjoy Hill. With the postponement of this week's meeting, we thought it would be best to get this information to you well in advance of the community listening session on Saturday, March 24th.

We also have confirmed with the Munjoy Hill Neighborhood Organization the new date of Thursday, March 22 from 6:30 – 8:30 pm at the East End School for the rescheduled program about the neighborhood history and the potential for historic districts on the Hill. Thanks so much for planning to attend this meeting, and have a good weekend!

Hilary

Hilary Bassett

Executive Director

Greater Portland Landmarks

207 774-5561 ext 101

hbassett@portlandlandmarks.org

www.portlandlandmarks.org

Greater Portland Landmarks Letter to Jeff Levine, City of Portland Planning Department 3/16/2018

Dear Jeff,

Greater Portland Landmarks appreciates the time and effort you and the Planning Department staff are spending in addressing the R6 zoning challenges within the Munjoy Hill neighborhood. In anticipation that your recommendations to the Planning Board will address dimensional standards, design standards, and substantive review of demolition requests we offer the following comments:

- Landmarks supports Dimensional Standards that respond to the existing context, scale and character of residential properties. Dimensional Standards should reflect the patterns generally found on the Hill that have created the existing diversity of housing types that offer housing opportunities for diverse households.

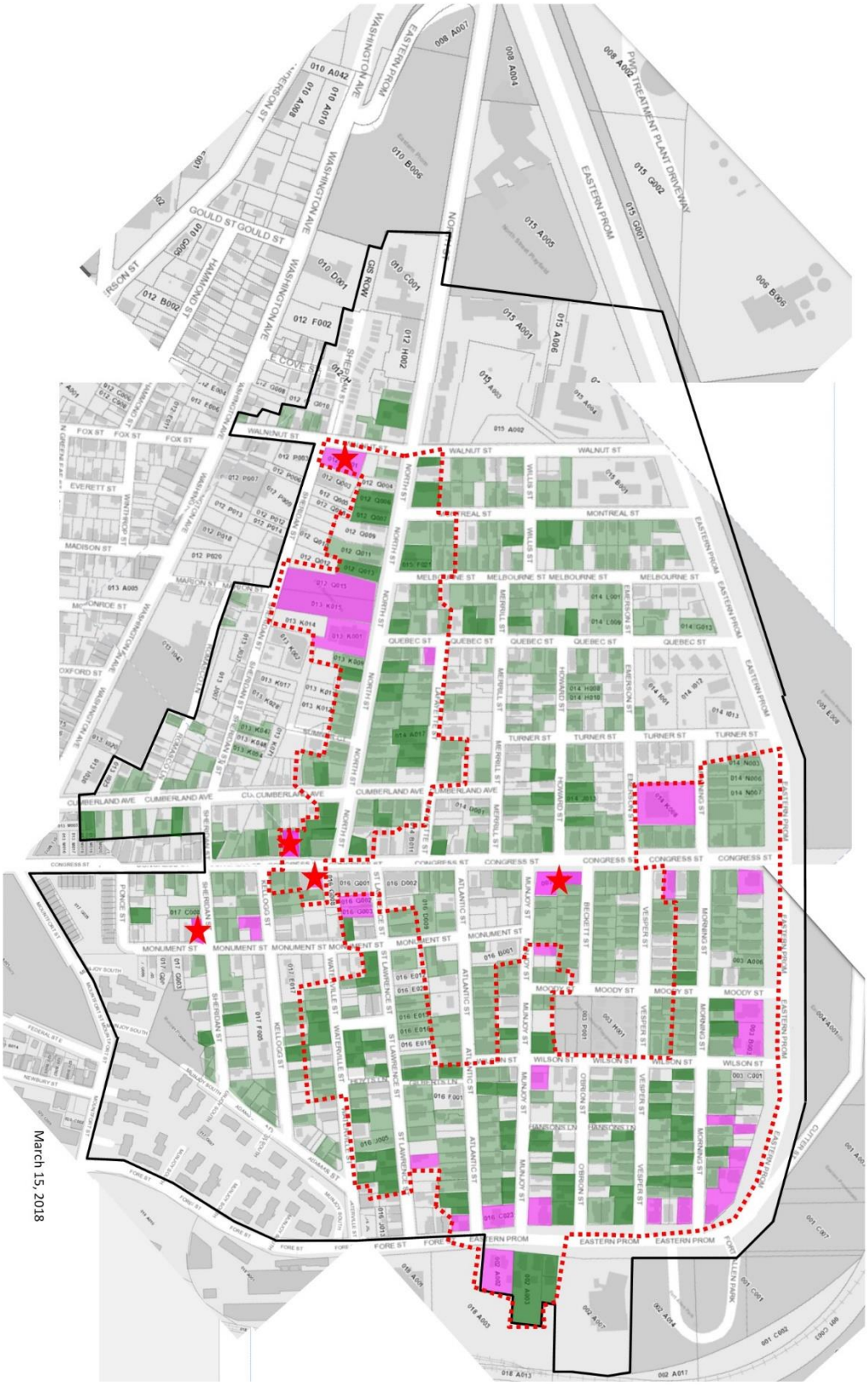
- Landmarks believes that Portland's Historic Preservation ordinance is a proven tool that addresses contextually-appropriate new construction and the conservation of historic neighborhood character through demolition review and the review of alterations to existing buildings. Some scope of individual and/or historic district designation is a reasonable response to achieving the goals of conserving this diverse, pedestrian-friendly, historic neighborhood and managing necessary change.

  Landmarks supports designation of two historic districts with boundaries focused on the Eastern Promenade and North Street as shown on the attached map. Each potential district contains resources that tell the story of the Munjoy Hill neighborhood's development over a broad period of time and retain significant levels of architectural integrity. In addition, we support a single multiple resource nomination for individual non-contiguous resources located outside the boundaries of these potential historic districts that would facilitate applications for individual designations by property owners.

- Landmarks believes that in the Munjoy Hill R6 zone, the existing design standards should be revised to be less prescriptive, with broadly overarching principles and no alternative design review. The revised design standards should be drafted and enforced in a manner to ensure that new construction on the Hill is compatible with the character and features that define the neighborhood and make the Hill a desirable place to live.

- Landmarks believes that in the Munjoy Hill R6 zone, a demolition review process with public notice, public comment and/or demolition delay would help to ensure that the demolition of a reusable building or resource with historic, architectural or community value does not occur.

We think these actions support the goals of Portland's Comprehensive Plan to identify, document, designate, and preserve Portland's historic resources and to stabilize and enhance historic areas by ensuring quality investment in existing structures and compatible infill development. Thank you for considering our views.



March 15, 2018

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R6 zoning issues

1 message

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 19, 2018 at 8:31 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Bryce Avallone** <bryce.avallone@gmail.com>
Date: Sun, Mar 18, 2018 at 3:45 PM
Subject: R6 zoning issues
To: jlevine@portlandmaine.gov

Hello,

I have owned the property at 33 Howard Street since 2001. It is a 4-unit rental property built in 1897. This building is approaching the end of its useful life. The apartments are very small, and have outdated floor plans with very small kitchens and no closet space. It has a hand-built foundation, which has settled causing some sloping floors. It no longer makes sense to invest money in upgrading this building. It is also flanked by two modern buildings, one built in 2009, and the other finishing construction this year.

In June of 2017, I employed Bild Architects, a local Portland design company, to help me design a new building for this site. We completed the block design, which used existing code to determine what could be built on the property, during the summer. We then continued with a design of the building, including elevations and floor plans. We are scheduled to have our preliminary meeting with the city during the first week of January 2018.

The moratorium on demolishing buildings, which was announced in December with no notice, caused the cancellation of my design meeting with the city. I am now in a situation where I have spent $30,000 on design work in good faith based on the current building codes, and I cannot submit them to the city. I had a contractor lined up for the spring, and now I need to cancel my project until after the moratorium.

I understand concerns about losing older buildings. I own a building on Pleasant Avenue that has been designated historic. It has a history with a prominent Portland family, has architectural significance, and has many period details. My property on Howard Street has none of these; it is simply old.

Any changes you propose will have a direct impact on my current designs, which were ready for review. I believe that because this design project is essentially complete, and we began the process in the summer of 2017, that we should be allowed to proceed with acquiring building permits and move forward with a new building at this site. It will be a major

improvement over a small, outdated building with no historical value. It will also be more in line with the buildings that surround it.

Thank you,

Bryce Avallone

Gail Ringel
34 Lafayette Street
Portland, ME 04101
tel: 617 504-5422
email: ringelgail@gmail.com

March 6, 2018

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Levine,

I am writing in reference to the current moratorium on "tear-downs" in the Munjoy Hill neighborhood and efforts to create more constructive guidelines for future development in this area of Portland. Like many of my neighbors, I have been alarmed by the pace and appearance of new construction on Munjoy Hill since 2015. I applaud efforts to eliminate the use of "alternative design" standards in evaluating proposed new construction. I would also urge the City to adopt new design criteria and a review process that will keep construction design and massing more in keeping with existing homes on the Hill.

In addition to concerns about new or drastically altered buildings on Munjoy Hill, I would like to call your attention to a serious by-product of all the new construction – the destruction of many mature trees that have been an important part of the streetscape here for decades. In addition to creating a leafy, green backdrop for the life of Munjoy Hill, our trees provide several essential ecological services to this neighborhood and the entire city. Large trees in urban settings can effectively lower extreme summer temperatures by as much as 10 degrees. They soak up rainwater as it runs off of buildings, sidewalks and streets, preventing harmful chemicals from washing into our sewer system and eventually Casco Bay. Trees also improve urban air quality, soaking up CO2 and releasing oxygen – a single mature tree can release enough oxygen in one year to support two people. For every 10% increase in the tree canopy, ozone is reduced by 3 – 7%. Research has shown a 60% reduction in particulates from car exhaust fumes on streets lined with trees. In a 2015 report, the U.S. Forest Service noted that, "Small particles, ozone, and other pollutants worsen chronic respiratory diseases such as asthma, bronchitis, emphysema, and chronic pulmonary obstructive disease (COPD) and can bring on acute cardiac and pulmonary incidents, possibly leading to premature death. These problems affect about 1 in 7 Americans middle-aged or older according to a new study from the Centers for Disease Control and Prevention."

As developers receive permission to take down old buildings on Munjoy Hill, the City does not appear to have protected mature trees along the streets on City property. Even when developers replace trees removed during construction, they are planting small specimens with trunks about 4 inches in diameter in place of mature trees, sometimes 25 – 30 feet or taller, with trunk diameters of more than 12 inches and considerable canopies that provide the full range of ecological benefits. According to the City's own records, more than a dozen mature trees have been removed on Munjoy Hill in just the last couple of years and many more are threatened by pending construction. While developers are removing trees to create unimpeded access to building sites, the city is losing air quality, water quality, and the ability to moderate extreme summer

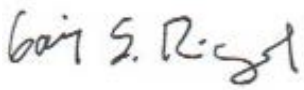
Gail Ringel
34 Lafayette Street
Portland, ME 04101
tel: 617 504-5422
email: ringelgail@gmail.com

temperatures. Pretending that these trees are at the end of their natural life span is disingenuous and not accurate; the Norway maples, oaks, and other shade trees typically have life spans of 150 - 250 years. Many of these trees are only about 50 years old. It is frustrating to watch the City stand by while a few ambitious developers enrich themselves at the cost of all of us.

Current mandated requirements for replacing trees amount to a small slap on the wrist to developers, a minor "cost of doing business". Our tree canopy is being destroyed, and it will be decades before any new plantings can make a meaningful contribution to the air quality and water quality of the City. I would urge you to review the extent of the damage already done and to strongly consider a complete and permanent moratorium on the killing of mature trees adjacent to construction projects on Munjoy Hill, regardless of new construction guidelines. Developers can work around existing trees – it just takes a bit of time and care to accomplish this. The City has a responsibility to all its citizens to protect the mature tree canopy and the biological environment, essential to our collective quality of life.

Thank you for considering this issue as you shape future zoning requirements for our City.

Sincerely,



Gail Ringel

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R6 input

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 7, 2018 at 1:22 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Markos Miller** <markossmiller@hotmail.com>
Date: Wed, Mar 7, 2018 at 9:02 AM
Subject: R6 input
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Jeff, Belinda, and supporting staff,

Thanks for hosting the Munjoy Hill R6 listening session last week. I appreciate all the work you all are doing for the City.
I'd be curious about what conclusions you are able to reach from the visual survey. I think these can be helpful tools.

I'm opting to submit my input via email as I did not think the forum was a satisfactory way to share my ideas.

My Big Issue:
I must push back on Jeff's assertion that this is not an issue about affordability. I completely disagree. Planning can and must address affordability. Mixed income communities are clearly a goal of this City (Comp Plan), and the free market is not providing this. There are many carrots and sticks the City can be using. And should be using. Otherwise, what's the point?

1. The 45' height bonus must be connected to providing 1 unit of affordable/workforce housing. Let the penthouse view subsidize a similarly sized unit- and prioritize families for these units.
2. Raise the IZ in lieu fee. If everyone is paying it then it is too cheap.
3. Prioritize housing fund for use in neighborhoods where $ is being generated.

Design

1. No more automobile entrances fronting the streets. These are creating dead streetscapes. The proposed 10' of "active space" is not enough- a dead hallway

while everyone zips up in the elevator from the garage. We need residences facing the streets.
2. That and limiting the 45' height are my big issues. I don't like some of the new buildings aesthetically, some of them I don't like because no one lives there- or Never see them. Weekenders, second homes, Air BnB... But other contemporary buildings are alright.
3. Historic District- I love the Hill and the texture of the neighborhood, but don't want to it to become some precious thing that we've trapped under glass. I see some defining architecture that maybe we should preserve, but I don't think this is a majority of the Hill. Any district should be very limited. Maybe designation of individual properties is a way to go. I don't see how an Historic district or conservation district would address my primary concern of preserving and strengthening a mixed-income income neighborhood. It probably does the opposite.
4. setbacks- necessary, but I'd like to see some flexibility and consideration of context of site.
5. tear downs- Portland could have a demolition fee. Demolition should not be away to avoid paying condo conversion fee.

Function

1. Housing for residence. We know we are gaining more units than residents. Fees for owners who are not using address as a primary residence.
2. Air BnB. I went on Craigslist to see how many long term rental 1 bedroom apts were listed for the Hill. Zero. I went on Air BnB and searched 1 bedroom's on Munjoy Hill. 150.

Process

1. Alternative Design Review- You mean if I don't want to meet all the standards I can take an alternative review track and show how I meet the standards I want to? ADR must be scrapped. Uniformity of process is important.

I fear the forum was just like most other debates- everyone defining their side, but a missed opportunity to find common ground and how to build upon that. I think the larger concern about "Character" is not just the massive boxes maxing out the R6 footprint, but rapidly (for Portland) changing demographics, and the transient nature of second homes/visitors/etc. So a design tool might get at the visual part of this, but not at the "people" stuff, and that's what I think is really valuable.

Finally, as a property owner I understand issues of property rights and nest eggs and such. But when someone gets up and complains that the value of the nest egg they have held onto for 10-20-30 years would be jeopardized by revisions to the R6 (I'm generally supportive of the current R6) they need to be called out. Those properties are going to be more valuable no matter what. The added value of the new R6 only came around 3 years ago, and no one bought on the Hill before that banking on R6 zoning changes that would further increase their value. So they might get their $600k instead of $750K. Zoning decisions should be about more than $; they should be about communities. At least that's what our Comp Plan claims.

Bests,

Markos

17 Atlantic St
Portland, ME
04101
(207) 807-2681

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Moratorium Listening Sessions

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 9, 2018 at 9:16 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
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http://www.portlandmaine.gov/planning
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---------- Forwarded message ----------
From: **Pamela Day** <pday2304@gmail.com>
Date: Thu, Mar 8, 2018 at 7:04 PM
Subject: Munjoy Moratorium Listening Sessions
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "ccameron@portlandmaine.gov" <ccameron@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>

Thank you for hosting Listening Sessions on the Munjoy Hill Moratorium and R-6 code revision. It is so important that Munjoy residents have an opportunity to share our concerns and hopes for the revised code. Since we were not able to attend the first Listening Session, we would like to submit the following comments.

We ask that the Council and Staff enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should guide decision making regarding demolitions in the Munjoy Hill R-6 Overlay. Further, the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Create DIMENSION guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.

Create a Munjoy Hill R-6 Overlay and use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish DESIGN & BUILDING standards and guidelines that:

- eliminate the Alternate Design Review as an option and

- insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

Thank you for your attention to our comments. We look forward to participating in the next Listening Session.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

207-461-1461

Sent from Mail for Windows 10

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 13, 2018 at 4:58 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
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@portlandplan

---------- Forwarded message ----------
From: **Elizabeth Streeter** <streeter.beth@gmail.com>
Date: Tue, Mar 13, 2018 at 3:59 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov, bre@portlandmaine.gov, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, kcook@portlandmaine.gov, Justin Costa <nmm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, jcosta@portlandmaine.com, Ethan Strimling <estrimling@portlandmaine.gov>, Munjoy HIll <info@munjoyhill.org>

I am a 12 year resident of Munjoy Hill and am very upset by what is happening here. I want very much for the City to consider this as a living neighborhood not a business deal to make. Of course people want to make money when they sell their houses, so they can afford to buy elsewhere. But to have so many people using this area as a commercial enterprise is causing it great harm. We are loosing green space and trees, beautiful old houses, and, as the buildings go higher and higher, the sky and light. We are losing a neighborhood, as condos with part timers take so much of our community. I overheard one such person saying that they have another home in a lower tax state where they can live for 6 plus months, in order to avoid the taxes here - just use us!

I live in an area where there is some very attractive new construction, some OK but out of scale and character construction, and some good remodeling. And there have been some tear downs of good or reclaimable houses that have been replaced with very ugly buildings that have poor design and completely cover the lot and take down trees to do so. I certainly don't object to well designed modern construction, but these out of scale buildings are not for a friendly neighborhood. No welcoming front doors or landscape or gardens! Soon will there be any "hidden gardens" for our loved and anticipated tour?

Some building sites make terrible neighbors! How long should it take to build? Do we have to have demolition sites in our neighborhood for months and months? They make our sidewalks unpassable and our parking spaces unusable. Are they not an attractive nuisance for kids?

And, of course, the new building is expensive. And as a result of that the "desirability" of the neighborhood is increasing and rents are skyrocketing! Many people can no longer afford to live here! Only the more affluent can move into what was a diverse, vibrant, interesting neighborhood. Speak to the people running the shops, the working people, who have to move or can't find housing here. What kind of a neighborhood do we want?

I want to ask for some standards. Standards on what can be demolished and how, standards on how big and wide and high the new construction can be, standards for design, and standards for the quality of the construction.

Thank you for your consideration.
I admire the City Council and all the hard work you do. I am continually amazed, when I go to meetings, at the breadth and depth of your investigations. I greatly appreciate your service.

Sincerely
Elizabeth Streeter

Concerns about Munjoy Hill development

From Tom Bloom
95 Walnut St
Portland ME

March 12, 2018

Greetings.

I am a resident of Munjoy Hill, bought my house at 95 Walnut St in the summer of 2013.

In the little over 4 years since then I have watched as a great change has come over the Hill. I am writing to express my fears of what this wave of change will easily bring.

The unique character of Munjoy Hill was what prompted me to look for three full years before finally finding my dream house when it became available. This character grew from the Hill's history of newcomers to Portland, mostly tradespeople, who built frame houses with recognizable similarity, peaked roofs, dormer windows, welcoming entrances set back from the sidewalks, small lots with simple yards; all derivative of colonial style, but still with infinite variety. From a distance the Hill had a distinct rhythm and comfortable feeling of popular neighborhood, all parts communicating with each other in a pleasant way.

In these past 4 years I have been shocked by the change in that character, as developers have rapidly exploited the remaining space, as well as the lax nature of restrictions and guidelines governing their projects. Overpriced luxury condos have squeezed into even the most improbable lots, driving up local costs, dominating visual space with garish colors, materials and scale, and rapidly destroying the very charm which attracted the development. A glaring example: From Back Cove, a look at the hill used to reveal its charm of randomly repeating variations on the original local style. Now there is a vivid horizontal gash on the western side, where the monstrosity of Munjoy Heights on West Sheridan street grins at the world with unrelieved horizontal lines, offensive orange colors, and not even a nod to landscaping, having obliterated the only native wooded space left on the hill. Prisons in Romania have more charm.

My own experience in the face of this development deserves mention:
At a meeting with the city on the proposed development on Washington Ave, (the old Casale lot), I was told that my objection to the loss of my precious view of Back Cove was "romantic", a view which was largely instrumental in my buying my house. Yet the promotion for the Munjoy Heights hill prominently advertised "The View". For whom is the aesthetic quality of a space "Romantic" and for whom "Profitable"?

The supremely ugly high-rises which stain the eastern Promenade and upper Walnut Street are older vivid examples of what unrestricted development has destroyed in the past.

I am writing to implore all authorities who have a vote in this expansion please to preserve what's left of the timeless historic character of the hill. To this end I encourage the establishing of Historic Preservation District status for Munjoy Hill. This would retard the exploiting of remaining space, restrict the tearing down of properties for pure profit, and dull the flagrant speculation which is massively driving up property values (NOT always a good thing!) and reducing the supply of affordable housing. It would create a forum for all residents to have a say in how our neighborhood progresses.

Right now Profit is the principal driving force in the Hill's development, and will stay that way unless responsible citizens take a stand together to preserve what is truly valuable in our neighborhood. The Historic Preservation District for Munjoy Hill is an important step in the right direction.

Thank you for your consideration.

Tom Bloom
95 Walnut St
Portland ME 04101
tombloom1@mac.com

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill development discussion - please read.

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 14, 2018 at 1:05 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill file.

Jeff Levine, AICP
Director
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Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **EJ Koch** <ejkoch@gmail.com>
Date: Wed, Mar 14, 2018 at 1:04 PM
Subject: Munjoy Hill development discussion - please read.
To: bsr@portlandmaine.gov, jlevine@portlandmaine.gov, jduson@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, estrimling@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, pali@portlandmaine.gov

Hello Belinda and others -

Attached is my letter with input on the current conversation about development on the Hill.

I hope you will act decisively to address my concerns which are shared by most Hill residents I speak with. I have written the City about Hill development in the past, and am writing again because I believe the time to address the issue is long overdue.

Thank you.

Erna Koch

79/81 Vesper St.
Portland

letter re MH development. Erna Koch.doc
8484K

ERNA KOCH
81 Vesper St., Portland, Maine 04101
Phone: 617-818-0882
E-Mail: *EJKoch@gmail.com*

March 14, 2018

Portland City Council members
Planning Staff
Mayor
389 Congress St.
Portland, Maine 04101

RE: The Future of Munjoy Hill

I'm the 30-year owner of a Munjoy Hill triple decker, and I'm writing to share my thoughts and wishes regarding the demolition and/or "redevelopment" of buildings and new construction on Munjoy hill. The thoughtless development on the Hill breaks my heart. With each new ugly building, I feel my neighborhood slips away to be replaced by new bland expensive condo developments. Why have we allowed that?

I am strongly in favor of creating an historic district that encompasses the Hill. By this I do not mean that in the hill must look like it looked in the 1800s, or even in the 1950s. However, the design and mass of most buildings built on lots on which a developer has demolished an existing structure, or "added" to existing buildings are of a mass and design that obviously does not fit with the neighborhood. If designating the Hill as an historic district is what it would take to address this, then I am fully on board with that. There is no reason I can think of that our traditionally working-class neighborhoods should be excluded from the designation of "historic."

Additionally, I believe it imperative that standards be developed and applied to determining what is candidate for demolition or "teardown." Many older buildings that could have feasibly been saved and renovated have been sacrificed for higher density condo housing. Ironically, once "redeveloped," much of this housing is then priced at the high end of the market, and many are bought by people who do not call Portland home for more than 4 months of the year. The developers do not live here, nor do most have any real connection with this community. In some, the quality of the work done to get a development up quickly is shoddy and will deteriorate more quickly over time.

Let's call this trend "predatory redevelopment." The kind of redevelopment I'm addressing has been supported by the planning board, and maybe indirectly by city Council, through the use of variances and other techniques, while cynically calling it "adding to housing stock." I would support regulation that ends "predatory redevelopment." Developers are not thinking about the feasibility of renovation or restoration of a building when they can tear it down and build bigger and more "new "units on a site, upon which he can make a larger profit. It is not our neighbors who are driving the teardown/new development wave. And likely, those individuals will never be our neighbors. Developer practices endorsed by the Planning Board have already changed the face of the hill, and if we do not take strong action now, predatory

redevelopment will continue to overtake this part of the city that we (and the many visitors to Portland) love. I want to live in a community I can still recognize.

From City of Portland October 2017 Annual Housing Report:

Outcome:

Since the zones were amended, approximately 65 units of new housing have been permitted or built in the B-1 and B-1 zones, 25 units of new housing in the B-2 zone, and 120 units of new housing in the R-6 zone.

120 units of "new" housing (!) on the Hill may obscure the fact that the vast majority of this is housing that will never be rental or "workforce" housing. Much of it was built without any regard for compatibility with existing structures, and has been sold to people who are not full time residents of Maine. Many of these "new units" stand vacant most months of the year.

Is it feasible to redevelop buildings that developers prefer to tear down? [YES] One of my vocations is rehabilitator of housing. I buy condemned/distressed buildings that need significant renovation, and I restore them as good quality rental housing. My last project was a 1200 square-foot single-family house that needed total replacement of electric and heating/plumbing systems, as well as structural, and significant cosmetic repair. The cost of that 2017 renovation was about $85,000. While the cost may be somewhat higher here, such an expense is certainly within the range of restoration feasibility. This suggests that most (and likely NO) buildings need be torn down on Munjoy Hill because they cannot be saved. A developer may not see sufficient profit for their purposes by doing thoughtful redevelopment, but many resident owners feel differently. Here are a couple examples of residents renovating buildings with consideration to maintaining consistency with the neighborhood:

Below: "Gut" renovation of two family house underway by owner (next door to upper picture):

These two houses on North Street have been somewhat enlarged and back decks added, yet don't disrupt the look of the area.

Around the corner from these, on Walnut Street, is one of the earlier egregious examples of predatory development blight – An enormous condo development. Although not fully pictured, the outsize mass of it is visible from the highway and below. It entirely blocks its neighbors' light and view, and is nothing like anything in that neighborhood.

Another “early” example of massive for profit development, dwarfing the observatory on Congress St.

What is the standard for determining a building is a “teardown?” After the first listening meeting, I took a walk on Montreal Street, and through that neighborhood. I was looking for the two "tear downs" on Montreal St. a developer was talking about at the meeting. He was fearful that he would not be allowed to tear them down and build on those lots. I looked hard and could find no houses on that street that would meet my description of a teardown.

While walking to and from Montreal Street, I was shocked at the numbers of massive and uncomplimentary buildings that already exist and that are now under construction. I took pictures of a few.

This building has nothing in common with its neighbors, and has shut out the light that could have entered one of them.

This one, on a corner lot, towers over its neighbors.

And another in process. It too will dwarf its neighbors.:

The following are in my neighborhood.

A formerly normal sized house that has been turned into a behemoth:

Across the street from it – condos still for sale. While this is not as huge as most, unlike the first part of the Adams School redevelopment, there apparently was no requirement that this building fit with its neighbors.

Boxes like this are cheaper to build.

Condominiums. Since I moved to my hill neighborhood, I've seen three waves of gentrification. The most recent has been conversion to condominiums of the majority of the three family buildings on my block – and probably the majority on the street. These condos have then been sold at a premium, most of them to people who don't live here, but occupy them 3 to 4 months of the year. When I go out on a winter evening, 50% or more of what were formerly fully occupied apartments are dark. Initially (in the late 70s, when I moved to my street), these buildings were occupied by large families, and later used for mostly owner-occupied rental housing.

If we are really serious about the "housing shortage," we should not be facilitating redevelopment for developer profit, but supporting residents and prospective residents to maintain the character of their buildings, and provide incentives to maintain and even expand the precious little rental housing we have left. If we had an inclusionary zoning ordinance with more juice, at least some of the necessary resources would be at our disposal.

Historic District composition. I want to echo the comments of other residents you've heard from, both at the listening session, and through other communication channels regarding specific actions to be taken to protect the character of our Hill neighborhoods. Despite the fact that Munjoy Hill was never a rich area – it provided "workforce housing" for many working class families working in the factories, city government, and industry in Portland, its character should be considered as important to preserve as that of the always-wealthy West End.

I think we should seriously consider a designated Munjoy Hill historic district board or association. I prefer that the definition of "qualified member" for the Board should mean that the Board or panel would include local construction professionals who are not condo developers, at least two historical experts, current Hill residents - and if we can recruit them, at least one individual who grew up on the hill. This group of people is largely unhappy with the trend here, but most have moved out and feel powerless to do anything to address it. That being said, in my experience these folks are realistic about change.

Standards The [Historic or Permitting] Board should set standards *based on feasibility of repair/renovation* for determination of a permissible "teardown," and reasonable design standards that balance the desires of the homeowner with the character of the neighborhood. Mass, appearance, and scale should be critical - far more important than they are now. Consideration of light, greenspace, and the burden on neighbors should be included (ensure that 10,000 sf lots and not smaller are eligible). The assumption should be that predatory development is not welcome on the Hill.
We've already taken our fair share.

Yours Truly,

/ Erna /

Erna Koch

PS:
Another, related topic:

These are awful, particularly the side yard setbacks, parking, and tiny lot size permitted.

Potential R-6 Amendments to Dimensional Requirements		
Residential Dimensional Requirements	***Existing***	***Proposed***
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 requried for first 3 units

Neighborhood livability is enhanced when there remain lots or spaces that are NOT occupied by housing - and that actually contribute to greenspace. To allow building on lots of 2500 sf as now appears to be allowed is not my idea of smart or wise development. Similarly, not requiring parking on these, on MUNJOY HILL (!!?!) for the “first 3 units” seems foolish and counterproductive, given the lack of adequate street parking on the Hill.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Response To Residents" For Responsible R-6 Reform

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 14, 2018 at 9:05 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Wayne Valzania** <Wayne@redhookdesignalliance.com>
Date: Wed, Mar 14, 2018 at 8:50 AM
Subject: Response To Residents" For Responsible R-6 Reform
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov
Cc: Wayne Valzania <Wayne@redhookdesignalliance.com>, jay.norris@munjoyhill.org, Karen Snyder <Karsny@yahoo.com>

Portland City Councilors

In response to the recently published article by Residents For Responsible R-6 Reform (https://www.responsibler6.com/our-view/) suggesting that densely packed high-rise condominiums are the housing solution for our Munjoy Hill neighborhoods, and for that matter, the peninsula.

As in all opinions, rationalization comes easiest to those drinking the cool-aid. As I read through "their view" the description of the homes ripe for tear-down describe almost every charming New England house that I have ever lived in, worked on, or restored, including a couple of beautiful historically significant houses in Portsmouth's Strawberry Banke. As one travels through and lives in the New England housing stock, it takes only appreciation of things real and hand wrought to counter most of their argument. The rest is typically a matter of simple math and accepted science and procedure. There are many methods and products used for encapsulation of lead paint, and the cost for asbestos remediation is pennies on the dollar compared to the cost and upheaval resulting from mass relocation of a general population of residents who are content to live where they do, in the houses they own. While owning and living in a one-hundred-year-old house that isn't dead plumb and level may seem primitive and contrary to the public good for some, I question the right of anyone or any organization to deem it in my best interest that they all be destroyed and replaced. It's interesting to note that the "Residents" For Responsible R-6 Reform" are typically developers who wouldn't reside on The Hill on a bet.

I'll close on the issue of setbacks. In the city (NYC), the solution “Residents For Responsible R-6 Reform” seek to set-back restriction is referred to as a party-wall, on the other side of which sits your neighbor. There are no windows, sunlight, fresh air, or breezes blowing across the bay in party-walls. Your view, if any, is of someone’s Lego block condo stack. You have lost the sense of sunrise and sunsets, a space for oxygen regenerating vegetation, and the ability to walk to your back yard without your shoulder being on someone else's property. While a three-foot setback isn't quite a party-

wall it is a close approximation. With space being nicked away with every iteration and variance of a deteriorating R-6, green space will continue to be lost in our neighborhood, resulting in a dense packed cityscape rather than green and vibrant neighborhood. Not acceptable !!!!!

As a Merrill Street Resident, I sincerely believe that if one were in fact seeking Responsible R-6 Reform that the goal would be to enhance and nourish the charm of Munjoy Hill rather than exploit and destroy it.

Thank you for considering my concerns,

Wayne

Wayne Valzania MS CPM

Red Hook Design LLC

27 Merrill Street

Portland, ME 04101

207.274.4918

RedHookDesignAlliance.com

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: MUNJOY HILL

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 20, 2018 at 12:31 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file

---------- Forwarded message ---------
From: Gail Kuhlthau <truenorth9@msn.com>
Date: Tue, Mar 20, 2018 at 12:05 PM
Subject: MUNJOY HILL
To: jlevine@portlandmaine.gov <jlevine@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, jduson@portlandmaine.gov <jduson@portlandmaine.gov>, pali@portlandmaine.gov <pali@portlandmaine.gov>, nmm@portlandmaine.gov <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov <bbatson@portlandmaine.gov>, sthibodeau@portlandmaine.gov <sthibodeau@portlandmaine.gov>, estrimling@portlandmaine.gov <estrimling@portlandmaine.gov>

Dear City Council Members:

I have been so disappointed in the building changes that are being allowed in my neighborhood, Munjoy Hill. Disappointed in the City for allowing these changes to happen and to the greedy developers who take advantage of a beautiful village to knock down perfectly fine homes to put up these hideous buildings, to accommodate the wealthy without even trying to fit in. Taking down beautiful old trees to squeeze more building area in and ruining the what makes Munjoy Hill the pleasant, enjoyable and attractive area it has been and why people live and visit here. Its not fair to the residents!! Or the people who come by and have commented negatively on the "new additions."

Please dont allow this to continue to change so as to take the soul from this unique part of Portland. Every section has their own (look) and ours is the old, the historic, the pretty little gardens weaving in and out, the beautiful old trees, the decorative homes, the sweeping views of the waterways and ferries, of our unique space. Please do not let that be destroyed by all these new huge square boxes being built. There has to be a compromise between progress and preserve.

Keep Munjoy Hill as the place we all know and love!!

The meetings between the City and the Residents were helpful. As you can see there are many people concerned, not to mention the people who are concerned that could not attend. Please "listen" to what the people want for their neighborhood. Its the right thing to do.

Thank you,
Gail L. Kuhlthau

--

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Leave the Pre-December 2017 R-6 criteria in place

1 message

Jeff Levine <jlevine@portlandmaine.gov> Mon, Mar 19, 2018 at 8:51 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
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---------- Forwarded message ----------
From: **Mark Burns** <Mark.Burns@onsemi.com>
Date: Mon, Mar 19, 2018 at 8:02 PM
Subject: Leave the Pre-December 2017 R-6 criteria in place
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>
Cc: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Lauren Reiter <laurenjreiter@yahoo.com>, Alison Leavitt <aleavitt@wssa.com>

Dear Belinda Ray,

Alison and I purchased 110 Sheridan Street in September of 2017. Our plan was to remove the existing derelict single family eye-sore and replace it with a modern, attractive, two family home that uses the latest building techniques to achieve a near zero energy consuming building. Our proposed roof lines are designed to both capture the sun's energy and convert to electricity as well as provide an open area for gardening given that the property is too small for much ground level gardening. The demolition moratorium and subsequent temporary building guidelines for the East End have derailed these plans and left us wondering how to recoup the inevitable losses we will take if forced to sell the property. Restrictive design guidelines will limit the property's marketability and force us to search outside of Portland to realize our goals.

We are long time residents of Portland and the surrounding towns with Alison having been born in Cape Elizabeth. We love the walk-ability and multi-cultural feel of our city. Our current West End home is solid and stately and too large for our needs now that the children have been launched. We briefly considered renovating it but quickly learned that its location in the historic district severely limits the re-design – better to pass the big beauty along to a younger family who will love its current form. Like many residents seeking a more progressive neighborhood, we looked to the East End where there are so many properties falling in on themselves, needing repair or replacement. The more modern houses like 59 Lafayette St & 71 Quebec St & 98 Sheridan St inspired our search. These newer designs add an eclectic and forward looking feel that is unavailable elsewhere in the city. During the property search, we saw alternative design features like flat roofs with gardens and plantings that make up for the limited acreage as well as an abundance of solar panels and passive solar awnings that support a more responsible approach to living in the 21st

century. These sightings shaped the design of the beautiful home now idling in the form of blueprints for 110 Sheridan Street.

The East End rejuvenation is not only forward-looking and more aligned with 21st century thinking, it has been ongoing for decades! There is no reference design to guide future buildings given the incredible variety of roof lines, windows, parking solutions, and exterior siding options that exist in homes throughout the neighborhoods of Munjoy Hill. Therefore, we implore the city officials to leave the R-6 criteria that existed prior to December 2017 in place. Those rules preserve green space and control size without impeding progress in areas of design.

Thank you!

Mark Burns and Alison Leavitt
125 Chadwick Street hopefully moving to 110 Sheridan Street in 2019

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill zoning

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 21, 2018 at 10:07 AM
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Lauren Reiter** <laurenjreiter@yahoo.com>
Date: Wed, Mar 21, 2018 at 9:39 AM
Subject: Munjoy Hill zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>

Dear Mr. Levine,

I attended the Munjoy Hill R6 Zoning meeting at East End Community School last night, at which you and other City officials were present.

My take-away from last night was quite different than what I expected. I did not hear the consistent anti-modernism that I thought was one of the drivers of the anti-development movement (even though there were a few of those comments). My sense is that flat roofs and modern facades are not the arch enemy of those opposing the new developments. I also don't think that taking down old, crummy buildings was really the chief concern either - but rather the size of what often replaces them.

What I heard was that overpowering building MASS was the real issue. And I have to say that I agree in a number of cases. There are a few new buildings that, to me, DO overpower their immediate neighborhoods. It seems that the zoning needs to be more nuanced in its mandate: that there are many side streets where the existing typology (regardless of style) is SMALL, and that it is not unreasonable to limit development on these streets to one-to-three family unit buildings. The larger, wider streets are more suitable for larger buildings, and I believe that there are numerous areas that would qualify, particularly edges and main thoroughfares.

The other concern that I think has merit is that entire ground floors of new buildings might be used only for parking; while, in my opinion, the pedestrian fabric has not been destroyed by the number of garage entries already built, one always has to think about zoning as "what if everyone did it?". So I think that proposing a ratio of occupied building to garage door - say 50% - is a practical solution that solves all of the issues, including the importance of having off-street parking in a city where snow is so frequent.

I hope that the Planning Dept. is willing to take a more nuanced view of all of these issues -- particularly the issue of historic designation and scale -- because I think that the diversity of the neighborhood really does demand something other than a one-shoe-fits-all kind of mandate.

Thank you for your attention to these opinions.

Sincerely,
Lauren Reiter

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / *tel.* 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 zoning on Munjoy Hill

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 21, 2018 at 1:43 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
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http://www.portlandmaine.gov/planning
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---------- Forwarded message ----------
From: **Peter Macomber** <pbm@macomber.com>
Date: Wed, Mar 21, 2018 at 1:30 PM
Subject: R-6 zoning on Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, jcosta@portlandmaine.gov, estrimling@portlandmaine.gov, info@munjoyhill.org

Dear Jeff, Planning Board members & City Councilors:

I was originally optimistic about the zoning changes introduced in 2015 because so many lots on Munjoy Hill were non-conforming, making it difficult for residents to make improvements to their property, and also so that smaller infill projects could be contemplated. The changes appeared to be a step in the right direction towards keeping the Hill a dynamic, growing community

But like many residents, I have become dismayed at the direction that development on the Hill seems to be taking since the new zoning was approved. While some projects have utilized the changes in a sensitive and thoughtful manner, other developments have aggressively maximized and exploited lot coverage, setback and other zoning changes, exploitations that seem to be driven largely by a profit motive. I think we are seeing the proverbial “unintended consequences”.

This is giving us structures that don’t integrate very well into the existing neighborhoods. Structures that present to the street a cold and aloof personality, with just garage doors and anonymous facades. Structures that take up as much volume of space as they can, crowding up to the adjacent buildings and overpowering them.

Not only that, much of the new development is targeted towards a luxury demographic with pricing that excludes the workforce population; a demographic that tends towards seasonal occupancy leaving us with dark windows during the dark months. This doesn’t jibe with the city’s goals of affordable housing and of ensuring that development integrates well into existing neighborhoods.

—-

Specifically, I think that many of the recommendations in the IPOD should be kept intact. Some may argue that they are too restrictive, but given the experience of the past 3 years, I’d venture that it’s far better to be more restrictive than permissive. Let’s try them out for a few years and see how well developers and residents cope with them. If all development stops or slows to a crawl – which I highly doubt – the city can relatively easily readjust to compensate.

For instance, the height specs in the IPOD are a good compromise between the desires of developers and residents. While a multi-unit building on a larger lot should be allowed to have the greater height of 45 feet in order to increase

density, a single or two-family residence height restriction of 35 feet will help to minimize the impacts of light and air on adjacent properties.

Also, it just makes sense to keep rooftop appurtenances within the same height allowances. While some may suggest that stepbacks will keep those items hidden from the street, surrounding neighbors in upper floors will be disadvantaged by appurtenances that will not only block their views, but also present an unattractive view of ugly mechanicals and stair towers.

I am ambivalent regarding the roof types in the IPOD. Perhaps that is a little too prescriptive and unnecessary. And regarding the juxtaposition of contemporary and existing architecture, I believe that even some ultra-modern design concepts and materials would work well on the Hill, adding to the variety and rhythm of the existing structures. That's part of what makes Munjoy Hill such an interesting place.

But a lot of what is going up now will likely be ridiculed in the future, as our children and grandchildren will ask, "What were they thinking back in those days? How could they allow those things to be built?"

—-

I am also feeling a little ambivalent about how to proceed regarding teardowns. While it's true that some of the buildings on the Hill are in bad enough condition to make it financially unfeasible to upgrade them, I find it sad that some sturdy buildings that were still in great shape have been torn down, and there are more of them on the chopping block. I'm not sure how something like this can be managed from a planning perspective given the existing development pressures.

I think that the time is fast approaching that an historic district designation makes sense for Munjoy Hill, and I am in favor of such a designation. Not to lock down and "bell jar" the Hill, but to ensure that future development is done with a sensitivity towards the existing neighborhoods, to ensure compatibility and to prevent unwarranted demolition of properties that contribute to the historical fabric of our community. I think there is already a large amount of community support for such a district, and once people become comfortable with how urban planning processes work within an historic district, there will be even more support. I hope that Greater Portland Landmarks can take the lead here.

—-

In closing, I'd like to express my appreciation for the good-faith efforts being made by all of the city staff, elected officials and the wide number of stakeholders in this process. I know it will be difficult to strike a good balance between diverse opinions and desires, and I look forward to seeing what recommendations the planning department puts forward.

Sincerely,
Peter Macomber
4 St. Lawrence Street

Portland needs to address affordable housing for moderate income people, but Munjoy Hill is not part of that solution. On March 20, people's opinions seemed to emphasize maintaining the feel of a medium-density neighborhood without adding maximum-size rectangular boxes that fill every foot of space with densely-packed condominiums. No one spoke in support of condominium construction.

One certainly should be supported in having their property rights, but there is serious resistance to anyone's right to pack in units for maximum profit.

R-6 zoning on Munjoy Hill

Peter Macomber <pbm@macomber.com> Mar 21, 2018 1:30 PM
Posted in group: **Planning Board**

Dear Jeff, Planning Board members & City Councilors:

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Sincerely,
Peter Macomber
4 St. Lawrence Street

MEMORANDUM

TO: Jeff Levine, Director, Planning and Urban Development; Christine Grimando, Senior Planner, Planning and Urban Development; Councilor Belinda Ray; The Planning Board

FROM: Peter and Lisa Adams, 49 Merrill Street, Portland

RE: Munjoy Hill R6 Regulations

We offer our view on the revisions to the R-6 regulations from what is perhaps a unique perspective. Munjoy Hill is both our home and the location of our Mount Joy LLC family-owned business that develops rental properties.

EXECUTIVE SUMMARY

The R-6 zoning regulations should strike a balance between the valid concern about overly-large and contextually inappropriate buildings taking over treasured Munjoy Hill neighborhoods and the city's stated desire for increased density. Thrown into the mix are business considerations related to development and new and existing residents' needs to create and improve homes they want to live in. The 2015 regulations, and perhaps their sometimes inadequate enforcement, have leaned too far in favor of density at the expense of the unique character of Munjoy Hill neighborhoods. The IPOD in an effort to recalibrate the balance has, in some respects, gone too far in the other direction or has created unintended consequences. In an effort to right the balance this memo proposes the following, discussed in detail below:

1. Redefine "Neighborhood" to reflect the fact that the current 2-block radius is often too large. Acknowledge that Munjoy Hill is actually a collection of many distinctive "micro-hoods." Give the Planning Board the power to both increase and decrease the area by which new construction should be judged for contextuality, etc.
2. Stop the "domino effect" in which a new large building in a "micro-hood" of smaller residences justifies the construction of the next large building, which in turn is relied on to construct a third large building, and so on, progressively and permanently changing the nature of that small residence "micro-hood."
3. Protect against the combination of lots in an area of small residence resulting in a very large building in a small residence "micro-hood."
4. Consider whether the IPOD rule that only buildings of 3+ units be 45' high is actually encouraging large tall buildings which have a more negative impact than a smaller 45' building.

5. Examine whether the existing Design Principles & Standards have been adequately enforced and how enforcement might be strengthened, including the possibility of a Design Review Panel.
6. Amend the Statement of Purpose of the R-6 zoning to include the need to protect existing housing stock and the character of neighborhoods not only from professional and commercial buildings, but also from large residential developments.
7. Reflect on the process through which the IPOD was adopted with an eye to whether adequate public notice was given in light of the significant property rights involved, and consider allowing property owners who purchased under the 2015 regulations a limited window of time to proceed under the 2015 regulations, minus the Alternative Design Review and perhaps restricted to empty lots.
8. Within one block of a B-1 zone, where parking is particularly challenging for both business patrons and residents on Munjoy Hill, loosen the restrictions on setbacks and/or garage doors on the front facade that make it difficult to get cars off the street and onto narrow lots. This will help both the businesses and the residents.
9. Revisit the ongoing need for residents to be able to modify nonconforming residences and revise the regulations to allow for additions that do not extend beyond the footprint of the home plus any bay or cantilever or other design element that is in keeping with the design of the building.

BACKGROUND

Our experience with renovating and building in the East End/Munjoy Hill includes the following, totaling five buildings and 17 units:

- A minimal rehab of an 1889 triple decker at 40 Emerson St, now three apartments
- A minimal rehab of an 1875 two-family house at 51 Merrill, now two apartments
- A change in use of a mid-1800's three-story brick building at 98 Washington Avenue from law offices to three apartments and two commercial units
- A "to-the-studs" rescue and renovation of 15-17 Merrill Street, a handsome mansard built in the late 1800's which had declined to a barely habitable condition and is now six safe and attractive apartments
- A 2010 renovation (ultimately a tear-down as the house revealed its structural deficiencies) of a 1 ½ story house at 49 Merrill Street to build our home

Our plans for future projects, both of which were discussed with Planning staff in March of 2017, include:

- Building on a 25' wide vacant lot next to our 15-17 Merrill Street building.
- Improving our own 49 Merrill Street home with a roughly 6' x 8' extension of the second floor to create a master bathroom.

We look at the proposed R-6 changes from the perspectives of a developer, a homeowner in the R-6 and as Munjoy Hill residents wishing the best for our neighborhood and the city as a whole. We offer general comments on the zoning changes and provide two real-world examples showing the impact, and what we believe to be unintended consequences, of the current IPOD on our own projects.

PROBLEMS AND PROPOSED SOLUTIONS

Please note that our proposals are based on a familiarity with the R-6 zoning resulting from our renovation and construction work in the R-6 over the past five years. We believe our suggestions are sound and workable, but recognize that planning experts would certainly need to fine-tune them.

1. What is a Neighborhood?

Within the first two sentences of the Design Principles and Standards, the all-important significance of the term "neighborhood" is made clear:

> All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to *add to and enhance the neighborhoods* in which their projects are built.
>
> New residential construction within Portland's compact R-6 zones should *relate to the predominant character defining features of the neighborhood*.

According to the existing Design Standards, "unless otherwise indicated, the R-6 Design principles and Standards shall define 'Neighborhood' as the buildings within a two block radius of the site." As one man noted at the City's first Listening Session on February 26, Munjoy Hill actually includes dozens of much smaller pockets of design, which I call "micro-hoods."

Our own second block of one and two-family homes on Merrill Street, similar to the third block, is vastly different from the first block that contains many large apartment buildings. We own one of the large apartment buildings, and so with no negative implications, we call this area of Merrill and Cumberland "Apartment Building Land."

The first block of Merrill Street looking toward Congress, "Apartment Building Land"

Merrill Street and Cumberland Ave intersection, "Apartment Building Land"

The second block of Merrill Street

The second and third blocks of Merrill Street: small residential, New England character

If the apartment and condominium buildings in the Merrill/Cumberland blocks are part of the standard by which development is judged on the second and third blocks of Merrill because they are within a two block radius, we will (continue to) lose the much treasured character of small one and two-family homes in our "micro-hood." If this happens across Munjoy Hill, many culturally and historically significant neighborhoods will be destroyed. It is also important to note that most of the houses pictured above are inhabited by long-term residents and renters. They provide exactly the kind of housing the City wishes to encourage.

It is also important to note that it is the smaller, human scaled, eclectic but cohesive, historic nature of the Munjoy Hill neighborhoods is what makes the East End such a desirable place to live. Both the residents and the City will lose a lot if we don't protect what makes Munjoy Hill special. And recognizing that a "neighborhood"

cannot be defined by rigid application of a two-block radius is an extremely important first step.

The Design Standards specifically provide for extending the definition of neighborhood:

> The Planning Authority may determine the neighborhood to be greater than a two-block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

There is nothing, however, about reducing the "neighborhood" below two blocks. Given that it is "Neighborhood" that drives the all-important context for a new building, we must allow for flexibility in the definition of neighborhood, recognizing that in fact, Munjoy Hill is made up of many different size neighborhoods, many of them "micro-hoods" that are well below a two-block radius.

Proposal: Revise the Design Standards to set the standard for Neighborhood at one block rather than two and give the Planning Authority the ability to both reduce and increase the scope of the Neighborhood. This should not apply only to Alternative Design Review, but for the whole of the Design Standards.

Alternative Proposal: create a map of "neighborhoods" in the Munjoy Hill R-6 based on the current buildings in place now. Those of us who live here know well the very different characters of Morning Street and Howard Street. Let us help you identify our "micro-hoods."

2. How to prevent a big building "Domino Effect" into small building areas?

Again using Merrill Street as an example because it is what we know best, the very large buildings in Apartment Building Land close to Congress Street were used to support the development of a large 6-unit condominium building at 30 Merrill. This is one of the buildings that created the stir in the neighborhood in which the developer used every square inch available under the zoning rules to build a maximum size, minimum cost structure that dominates its next-door neighbor.

30 Merrill Street project (left)

The developer and the City relied on the large buildings towards Congress Street as justification for allowing the replacement of a two-family cape with the 6-unit 45' structure. 30 Merrill now creates one side of the "boundary" between the very large-scale buildings towards Congress on Merrill and Cumberland and the small residences along Merrill Street towards Melbourne Street. As shown in the photos and the tax records below, the buildings along Merrill towards Melbourne are modest, mostly traditional, single and two-family homes (There are also two three-family buildings and a two-story artists studio.)

Merrill Street looking towards Congress from Quebec, north side

Merrill Street from Quebec St to Melbourne St, north side

014 C014006	BANNER PROPERTIES LLC 126 UNDERWOOD RD FALMOUTH ME 04105	30 MERRILL ST CONDO G	RESIDENTIAL CONDO
014 C012001	STONE GENE F BLIND 34 MERRILL ST PORTLAND ME 04101	34 MERRILL ST	SINGLE FAMILY
014 E015001	HUMPHREY BRENDA E 1150 BARCLAY TER WINSTON SALEM NC 27106	35 MERRILL ST	SINGLE FAMILY
014 E014001	SUMMERS ROBERT L 37 MERRILL ST PORTLAND ME 04101	37 MERRILL ST	TWO FAMILY
014 E013001	BONNVIE JAMIE L 41 MERRILL ST PORTLAND ME 04101	41 MERRILL ST	SINGLE FAMILY
014 C010001	DIBIASE JAMES JR & FRANCESCA P JTS 14 LARCHWOOD W SOUTH PORTLAND ME 04106	42 MERRILL ST	VACANT LAND
014 E011001	BLOCK MARTIN & STEPHANIE BLOCK JTS 43 MERRILL ST PORTLAND ME 04101	43 MERRILL ST	SINGLE FAMILY
014 E010001	KNOWLTON BRITT 45 MERRILL ST PORTLAND ME 04101	45 MERRILL ST	SINGLE FAMILY
014 C008001	CLEMENTS TYLER M & LILY K KING JTS 48 CENTRAL ST YARMOUTH ME 04096	46 MERRILL ST	VACANT LAND
014 E008001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY
014 E008001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY
014 C006001	GRAVES ELIZABETH S 41 SANDY TERR PORTLAND ME 04102	50 MERRILL ST	SINGLE FAMILY
014 E006001	MOUNT JOY LLC 49 MERRILL ST PORTLAND ME 04101	51 MERRILL ST	TWO FAMILY
014 E005001	ACIN DONNA J & THOMAS R ANDERSON JTS 55 MERRILL ST PORTLAND ME 04101	55 MERRILL ST	SINGLE FAMILY
014 E001001	DODGE CHARLES W H JR 104 CLARK ST PORTLAND ME 04102	57 MERRILL ST	TWO FAMILY
014 L021001	LATTANZI MARY KATHRYN TRUSTEE 1069 RIDGE RD BOWDOINHAM ME 04008	65 MERRILL ST	TWO FAMILY
014 L020001	MERRILL STREET RESTORATION LLC 40 PORTLAND PIER # 11 PORTLAND ME 04101	67 MERRILL ST	SINGLE FAMILY
014 L019001	DIBIASE JAMES JR & FRANCESCA P JTS 14 APPLEWOOD CIR SOUTH PORTLAND ME 04106	69 MERRILL ST	THREE FAMILY
014 M002001	BASS PETER L 30 DANFORTH ST # 213 PORTLAND ME 04101	70 MERRILL ST	OFFICE & BUSINESS SERVICE
014 L018001	SAMPSON JONATHAN STUART 73 MERRILL ST PORTLAND ME 04101	73 MERRILL ST	THREE FAMILY

City of Portland Tax Assessor Records as of March 20, 2018 for residences from #30 Merrill to the end of the street, #73 Merrill, demonstrating the predominantly single and two-family dwellings context of the Street. As the photos suggest and the tax records confirm most of these homes are from the mid to late 1800s.

The Merrill Street neighborhood, which includes multiple empty lots and small buildings vulnerable to tear down, very much needs protection against a parade of big buildings "domino-ing" down the street. The Domino Effect, defined as a cumulative effect produced when one event initiates a succession of similar events, in this context means that the construction of #30 Merrill, which relied on the large apartment buildings near Congress to justify its size and design, will in the future likely be used to justify another large building further down the street among the small residences. And that new large building, as well as 30 Merrill, will be used to justify a third large building, and a fourth and so on. The out-of-scale, contextually inappropriate buildings will be like dominoes tumbling down the street, each one relying on the ones before it. Pretty soon, empty lots and torn-down one and two-family homes will be replaced with large buildings that inalterably change the character of our neighborhood. Merrill Street is just one example. Other "micro-hoods" are also at risk that the current structure of the Design Standards creates a loophole in which one mistake leads to another. How can this be prevented?

Proposal: Add language in the Design Standards that recognizes the Domino Effect and gives the Planning Staff (or design review board if one is instituted) the ability to apply more stringent standards in this situation.

One possible approach might be to calculate the average height of structures (perhaps mass, too?) within 100 feet on either side of the boundary between "micro-hoods", and impose a height (and mass?) restriction on building in the smaller homes "micro-hood" that is the average of the two sides, with the exception that the height restriction can not be less than 35'.
A similar, or perhaps even more restrictive, calculation for mass seems important as well.

3. The problem of combining lots to allow larger structures

How can the Planning Department control the combination of small lots on which developers can build very large buildings? Not all combination of lots is bad, but the type of development allowed on them must be carefully examined. The combination of lots is fine where the resulting development is in keeping with the context of the Neighborhood. For example combining lots to put a large building in a "micro-hood" of other large buildings (like the "micro-hood" at the intersection of Cumberland and Merrill). However, by way of example, if the three small lots next to our house shown in the photo below (014-E010, 11 and 12), all with very small homes, were

purchased by a developer, a 6422' sq lot would result, which the formula of 750' sq of lot coverage per unit would allow a developer to build a 45' eight-unit building in place of this:

#41, ##43 and 45 Merrill Street

This would be the end of a charming "micro-hood" in our block of one and two family homes on Merrill between Turner and Quebec and continuing to Melbourne. We know that some developers would say these should all be torn down because they are substandard. They are wrong and we disagree. But if one or more of them were demolished and replaced with contextually appropriate buildings, so be it. But if all three came down, the lots combined and a large apartment or, more likely, condo building went up, that would be a terrible loss for our neighborhood and hopefully a concern to the those in the city who care about the Munjoy Hill neighborhoods.

In contrast, if in the area of the large multi-family buildings at the intersection of Cumberland and Merrill, one or more lots were combined in order to create a new, and possibly larger building in that micro-hood, such as adding #8 Merrill to the larger lot holding multiple apartment buildings, we would not feel concerned. We own a building and a lot in that "micro-hood" and recognize it as an area where large structures are within its context.

How can we address the significant risk of harm from the consolidating of lots in areas of small-scale housing and the construction of an out-of-scale building?

Proposal: Add language to the zoning regulations that recognizes specifically the potential for harm from the combination of lots in "micro-hoods" of smaller residences. Consider a limitation on the number of lots that can be combined or the total number of combined square feet that can be created in such "micro-hoods."

Proposal: Revise the Design Standards to (1) recognize the potential for inappropriately large buildings in areas of smaller residences as a result of combining lots, and (2) provide additional Standards to address this situation and/or require higher level of meeting the Standards in this situation.

Proposal: Apply a building height restriction formula similar the one above related to the domino effect.

4. The problem of height

Is the City unintentionally encouraging larger buildings on a lot if the only way to get to 45' (which builders and homeowners will almost always want to achieve any available views) is by creating three or more units? Does this encourage developers to go bigger in order to create more space that will make three or more saleable condos? Would we not prefer a smaller building that goes to 45' than a larger one? In walking through the neighborhoods of Munjoy Hill it is almost always the buildings that are both massive and tall that feel the most out of place and harmful to both the streetscape and neighbors.

This four-story building (granted in the B-1 but still relevant) at 121 Congress if not 45' certainly approaches it. However, even though it is quite a bit taller than its neighbors, it does not overwhelm them nor is it imposing to pedestrians. I believe that is largely because at 27' wide it is narrow. It also has good fenestration, articulation, entry design, etc. Under current development practices of building every allowable square inch, had the 121 Congress lot been larger, the building would almost certainly have had a larger footprint and at 45' would have a very different and detrimental impact of the building on the streetscape and neighbors. In short, in certain "micro-hoods" less mass is better when the building is very tall.

Proposal: Revise the regulations and design standards in such a way as to recognize that in many micro-hoods smaller rather than larger footprint buildings are better suited to rise to 45'.

5. Has the Planning Department and Planning Board been vigorously applying the Design Standards? Does it have the capacity to do so or do we need a Design Review Board to put teeth into the Design Standards?

In reviewing the Design Standards, it appears that there are already some fairly tough standards that, vigorously applied, could have solved some of the problems in development on the Hill under the 2015 regulations. However, in our experience contesting the design of one of the recent projects on the Hill and looking at several others that have been built, it seems that the staff is perhaps not empowered to strictly enforce what is already in place. The Alternative Design is certainly too liberal, and that may be one of the biggest problems. And it may be that the pressure on the City from developers is just too much for a Planning Department staff overwhelmed with work. Perhaps a professional design review panel is the solution.

Also, the acknowledgment in the December 6, 2017 memo to the Planning Board from Caitlin Cameron and Christin Grimando that developers are making changes to approved plans without applying for amendments or consulting City staff and "in some cases changes are irreversible and sometimes contribute to the lack of contextuality or sensitivity originally intended by the design standards" is disturbing. Although Ms. Grimando and Cameron point out that the city has some leverage, it seems that there is in some cases an apparent inability to hold developers responsible. From the outside looking in, it is hard to imagine not clamping down hard in such instances. Again, put teeth into the requirements.

Proposal: Tighten up the Design Standards where appropriate. Eliminate or tighten up the Alternative Design process. Give the staff more muscle to push back on developers when their designs do not meet the Standards. Consider adding a professional design review panel to the process. Get tough when developers make post- plan approval changes that don't follow the zoning ordinances or the design standards or any other applicable codes.

6. Amending the R-6 Statement of Purpose to include controlling residential development.

At present the introduction to the R-06 states its purpose as:

> 14-135 (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.

The disturbing development of the past few years has been residential, not professional or nonresidential. And the character of neighborhoods we seek to protect is not just its "residential" character.

Proposal: The 14-135 (a) statement of purpose should be amended to recognize the potential for the harmful impact that large residential developments can have on the character of a neighborhood. For example, the statement might read ". . . and to conserve the existing housing stock and character of neighborhoods by controlling the scale and external impacts of professional offices, other nonresidential uses, and large residential buildings."

7. Adequate Notice and Appearance of Fair Dealing in enactment of the IPOD

A certain number of parcels were purchased in the R-6 between 2015 and 2017 in reliance on the then-current zoning regulations. We recognize that property rights typically are subject to zoning changes. In the present situation, two things feel uncomfortable, however. First, for most of those who purchased under the 2015 regulations the advent of the IPOD came very quickly (and over a particularly busy holiday time of the year), catching many (including us) by surprise. It feels like there was not the kind of notice that one would expect for such a significant change and the time period from start to adoption of the IPOD seems short. Further, there is a potential for an appearance of impropriety in the exception created that allowed individuals who submitted incomplete applications before the effective date of the IPOD to develop under the 2015-17 rules. The policy of the Planning Department has always been that a complete application had to be submitted in order to get "stamped in." Certainly, had we been aware that this rule had been waived, we, too, could have gotten a pro-forma application in for our projects. There is a perception that only those with significant ongoing contact with the Planning Department managed to get in the door just under the December 4 deadline. This raises a question of fairness and whether it is perceived or real it seems important to point out.

Proposal: Consider giving owners who purchased during the effective period of the 2015-2017 regulations and who had the intention to develop those spaces, the chance to do so under those regulations. Perhaps limiting this exception to non-tear-down situations would be advisable. Interestingly, it would be a chance, with a very finite number of projects, for the Planning Department to vigorously exercise its full authority to control design using the 2015 rules. The Alternative Design option could be taken off the table. This could be a good learning experience to see what could be accomplished with stricter enforcement of the existing rules minus the Alternative Design Review.

THE IMPACT OF THE R-6 IPOD REGULATIONS ON 2 PROJECTS

The goal of the Planning Department, Planning Board and City Council in revising the R-6 zoning is not to satisfy the needs of individuals, rather to do what is best for a neighborhood as a whole. However, looking at the real life impact on particular projects can provide important insights. We explore below two real examples in which the IPOD regulations would have significant detrimental (and we believe unintended) impact. We hope these examples will help guide the Planning Department, Planning Board and City Council in crafting new R-6 regulations that both protect Munjoy Hill from the contextually insensitive and overly large building that has happened in the past several years while allowing positive growth and improvements to occur.

EXAMPLE 1: Building on a narrow vacant lot next to 15-17 Merrill will become extremely challenging due to the decreased flexibility in set backs.

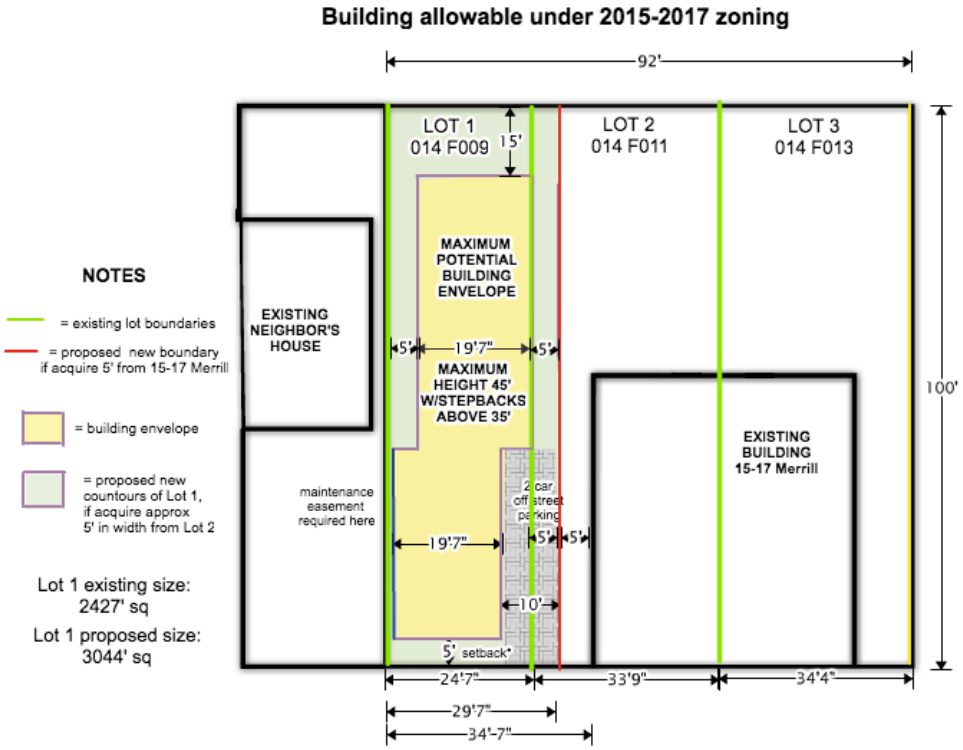
Our lot sits at the intersection of Cumberland Ave and Merrill Street in "Apartment Building Land." There are 10 or so large old and new apartment and condominium buildings within a few hundred foot radius of the lot. In addition, five new condominium projects under construction/renovation at 9 Merrill, 5 Merrill and 77 Congress are within 100' of the lot in question. It is among the densest concentration of large apartment buildings and condominiums on the Hill. If there is a "context" where a larger building is not only appropriate but called for on an empty lot, this is it.

The R-6 principles of infill provide:

> 14-135. The purpose of the R-6 residential zone is:. . . [i]n 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. (emphasis added)

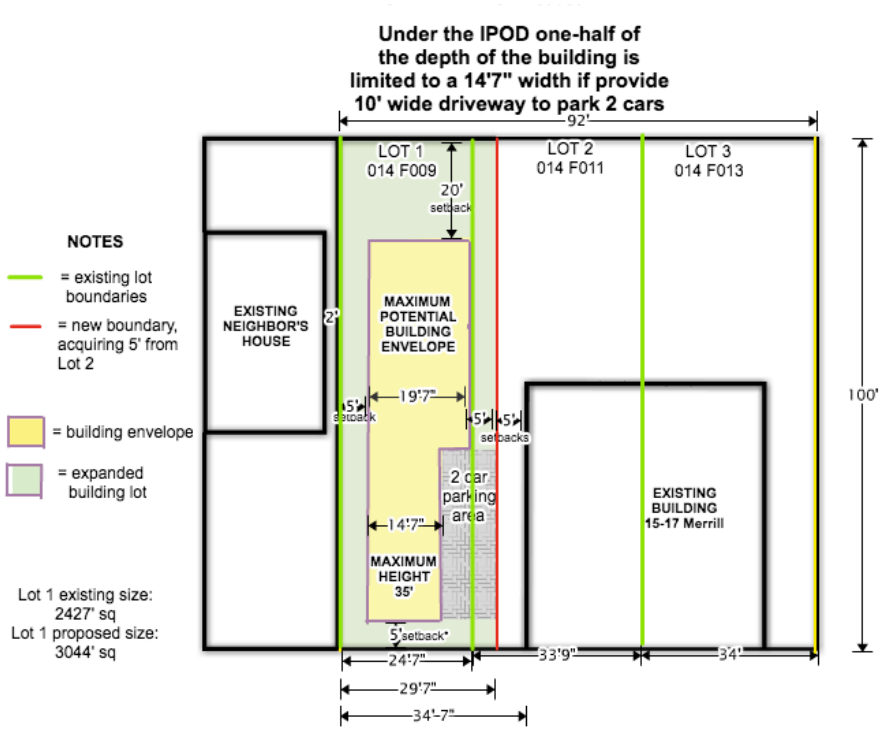
We understand the 14-135 statement of purpose to mean that the City encourages us to develop this narrow lot and we believe that Merrill Street will benefit from a consistent streetscape of housing rather than an empty lot with parked cars. However, at 30' wide* the IPOD makes it very difficult to build successfully. (*Our lot is currently slightly less than 25' wide, but with the hoped-for addition of 5' from the 15-17 Merrill lots will be roughly 30' wide.)

The following is a draft site plan using the hoped-for 30' width and complying with the 2015 – 2017 R-6 regulations.



Most pertinently, the 2015-2017 regulations allow the shifting of the building to one side to allow for a "tandem" two-car driveway (one car parked behind another). As explained below in the general commentary, it is very important to get cars off the street in this particular block due to the extra pressures on parking from the close-by Congress Street business. Please note that the shifting to the boundary is proposed in a way to allow easy access for life-safety and where it will have a lesser impact on the neighbor to the left.

The following is a draft site plan using the hoped-for 30' width and complying with what we believe we would be allowed under the IPOD.



Because the IPOD precludes sliding the building to the boundary of the property on one side), in order to provide parking for two cars and prevents providing parking inside the building due to restrictions on garage openings and % of living space at the front of the building we would have to cut into precious building space, leaving only a 14'7" wide buildable area for roughly one half of the depth of the building. This is not a workable width.

The Planning Board Report prepared by Christine Grimando on March 6, 2015 for the Board's March 10 public hearing (p. 9) specifically discussed "the need for flexibility if small lots were to accommodate both a building and a driveway," and states that "[e]xisting residential patterns in the R-6 show a preponderance of houses hugging one property line and a driveway along the other." To facilitate this configuration the 2015 rules allowed reducing a side yard to zero provided that the cumulative side yard setbacks are not less than 10 feet provided a maintenance easements was obtained when side setbacks are reduced. There is nothing about this need to accommodate both a building and driveway that has changed in the neighborhood, except that the need for parking has increased due the growing success of the businesses on Congress Street approximately 200' away. Particularly as one gets closer to Congress Street with its retail shops, restaurants and coffee shops the more difficult it is to find parking and the more important it is to have off street parking. Our lot sits in the first block of Merrill from Congress where cars parked by patrons of the Blue Spoon, Lolita and Rosemont and the half dozen other nearby businesses fill available parking spots. It is not only a challenge for residents, but is detrimental to the businesses if customers find it hard to park within a

reasonable distance of shops, restaurants and retail stores. The reduced street parking supports the idea of flexibility in side setbacks that will allow the continuation of the existing pattern of properties hugging property lines with driveways on the other side of the lot.

IPOD's expanded set back requirement is a response to the problem of overly large and insensitively designed buildings overpowering smaller traditional housing stock, which most everyone agrees is a problem. However, the IPOD's increased set backs makes development quite difficult when the context in fact asks for a larger building on a narrow lot. To eliminate the possibility for reduced setbacks when the surrounding properties can reasonably tolerate it and the narrow lot demands it is to throw the baby (intelligently designed narrow lot buildings) out with the bathwater (poorly designed and contextually inappropriate large structures permitted under the 2015 regulations).

Proposal: Make off-street parking achievable on lots of 30' or less in width in areas of the R-6 that are within a certain # of feet (or one block) of a B-1 zone by liberalizing the set-backs when needed for a driveway or by allowing a garage door on the façade of the building even if the required % of active living space is not met. Please note that the size of the lot is not the trigger, rather it is the width of the lot. A shallow wide lot is able to include a driveway. A narrow lot of any size cannot.

EXAMPLE 2: A roughly 6' x 8' addition to the second story of a single family home to accommodate a master bathroom may no longer be allowed due to the IPOD's inflexible side set backs.

We have drafted plans to add a master bathroom to our house at 49 Merrill Street by adding a second story area over an existing 1st floor pantry. The addition will be on the side of the house that sits on the boundary with the next-door neighbor at 51 Merrill Street, which we own and rent out. I was advised by Planning staff (pre-IPOD) that under the 2015–2017 regulations such an addition would be permissible so long as we obtained an easement. We set the project aside as we finished up the work on 15-17 Merrill. Now, our reading of the IPOD in conjunction with the 14-328 suggests that because our house is now nonconforming because it sits on the boundary (like every house on our block) such an expansion may not be permissible.

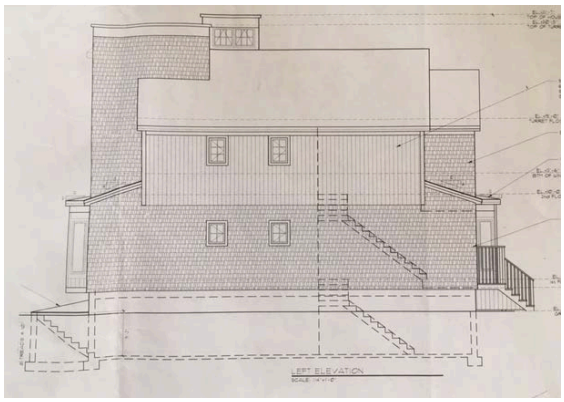
One of the purposes of the 2015 revisions was to provide residents of the R-6 with the opportunity to make improvements to their homes. The March 10, 2015 Planning Board Report (p. 8) explains the significance of the relaxation of some dimensional requirements for current residents:

> The changes to lot coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing

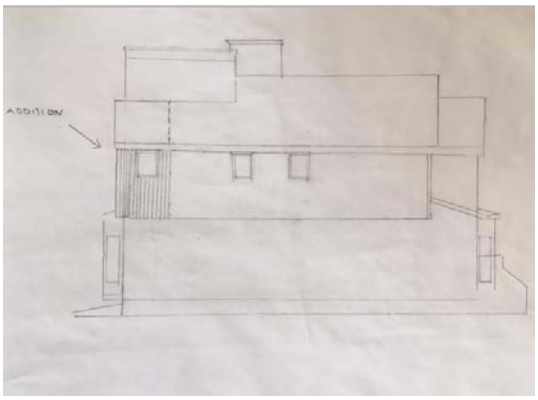
> small additions, decks, or accessory structures to be built where they are currently now allowed, allowing greater flexibility for existing properties and also allowing for the possibility of existing neighborhood patterns to be replicated.

To help understand the scope of what we hope to do we offer the following representations of the side of the building, which sits at the boundary, where the expansion would occur:

CURRENT:



PROPOSED:



The side neighbor's house (which we own) is more than 20' away from the proposed expansion. The expansion would fill the space above what is now a shed roof over our laundry/pantry and possibly cantilever into our backyard no further than the existing 3' deep back bay window. The cantilever is in keeping design-wise with both the bay windows on the front and back facades of the 1st floor and a cantilevered area on the second floor on the opposite side of the house. Due to the IPOD's rejection of the 0' side setback (previously allowable if the diminished setback footage was made up on the other side of the building), we are concerned that our building has become non-conforming and any addition would arguably increase the non-conformity in violation of 14–382(d):

> Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-382 Rev.2-4-13 14-602 nonconformity nor increase any existing nonconformity.

In this situation the IPOD, in an understandable effort to prevent large, out of scale buildings from towering over their smaller neighbors and depriving them from light and air, is preventing a small addition that would vastly improve our home and cause zero negative impact on the neighboring property. (As the owners of that

neighboring property we have absolutely no concern about diminishing that property's safety, livability or value.) This kind of improvement is to be encouraged, but we believe may no longer be possible for the "preponderance of houses [in the R-6] hugging one property line . . ." (March 10, 2015 Planning Board Report, p. 9) Surely there is a way to accomplish the dual goals of not letting a 45' building overpower a neighbor due (among other things) to inadequate setbacks and allowing a small addition to a single family home.

Proposal: For purposes of additions to homes that are nonconforming as to side setbacks, reinstate the 2015 flexibility in set backs that reflects the reality of so many homes on Munjoy Hill that sit on the property line.

Alternate Proposal: Provide that expansions of nonconforming buildings will be allowed not only within the shell of the existing building, but in the situation where the architectural design of the building is such that upper stories have non-required stepbacks then those upper stories may be expanded to the extent of the perimeter of the footprint of the building plus bays or cantilevers not exceeding 3' in depth if consistent with design elements found elsewhere in the building.

We apologize for the length of this document and appreciate your taking the time to wade through it. As we have learned in our real estate projects, however, the "devil is in the details!"

Thank you for spearheading a challenging community process to listen, learn and figure out the best path forward to protect, nurture and responsibly develop this precious area we call home.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: brief comment

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 8:25 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
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http://www.portlandmaine.gov/planning
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---------- Forwarded message ----------
From: **Grace Braley** <gbraley55@gmail.com>
Date: Thu, Mar 22, 2018 at 9:57 PM
Subject: brief comment
To: jlevine@portlandmaine.gov

To: Jeff Levine --You have been doing marathon work. Someone should be writing a documentary of Portland's journey here.

I don't want to take more time, so this is brief. Please don't go back to the higher roof; that allowance is one of the ugliest things emerging around Munjoy.

I have taken my friend to task for just wanting to tear down (builders generally find it much more agreeable to build new than to renovate, where you never know what you'll find next as a problem to solve). The argument is deeper than his convenience. They come up with so many arguments to support their conviction that almost all older properties are too worn down to be saved, and they don't want the expense. The neighborhood is not for the developers; it is for the residents.

Please keep that in mind while you are revising policy recommendations.

Please put the residents of this city ahead of the developers. They will find work. Residents may not find other neighborhoods.

Thanks, Grace

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: feedback about Munjoy Hill historical designations

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 8:25 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Judy George** <jgeorgemaine@hotmail.com>
Date: Fri, Mar 23, 2018 at 7:42 AM
Subject: feedback about Munjoy Hill historical designations
To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff. I saw you from a distance last night at the meeting at East End school. I can't attend Saturday's workshop but wanted to express my feelings and concerns for " the powers that be " .

I lived in a historic section of Memphis for many years, prior to moving to Maine. I honestly would never buy again in that designated type of zone. It is costly and cumbersome. I am sure I am in the minority from the comments last night, but I also share another concern.

David and I have had two buyers walk away from the sale of our lot on Romasco. One said he was afraid the city would prevent garage doors facing the street and the other person said " things are just to much in upheaval " right now with Portland and it's leadership. I also took 3 phone calls from investors from out of state, and ultimately they said " no thanks " when they followed us in the newspaper online.

I realize there will have to be some compromise, where no one person gets " everything ". But the sooner you can adopt policy, the better, I believe. And please do not eliminate garages facing the street in the new builds. I for one know street parking will devalue any condo or home.

So my vote is a solid no, I do not want a historical designation/overlay at all.

Sincerely,

Judy George

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Neighborhood

1 message

Jeff Levine <jlevine@portlandmaine.gov> Thu, Mar 22, 2018 at 4:55 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Nancy Brain** <nancybrain@gwi.net>
Date: Thu, Mar 22, 2018 at 4:49 PM
Subject: Munjoy Hill Neighborhood
To: jlevine@portlandmaine.gov

Dear Mr. Levine,

I am writing in strong support of establishing a historic district to protect the unique character of the Munjoy Hill neighborhood when the current building moratorium ends. I hope that such a district includes, but not necessarily be limited to, North Street, the Eastern Prom, Morning Street and St. Lawrence Street.

I am a resident of the East End and truly love how it's historic character informs and contributes to the vibrant neighborhood that it is today. I am most disturbed by the speed with which many of these buildings are being destroyed and replaced by buildings whose design failed to take into consideration their impact on the overall area. If we are not careful, I believe that we will soon have destroyed much of what makes this neighborhood special.

Sincerely,

Nancy Brain

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Post-Moratorium

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 10:11 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Fri, Mar 23, 2018 at 9:50 AM
Subject: R-6 Post-Moratorium
To: Deb Andrews <DGA@portlandmaine.gov>, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, Justin Costa <jcosta@portlandmaine.gov>, kcook@portlandmaine.gov, pali@portlandmaine.gov, Nicholas Mavadones <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>

Hello Mayor, Councilors and City Staff,

I am going to be out of town on Saturday, thus unable to attend the scheduled listening session. After attending various meetings, including the MHNO/Landmarks meeting last night, I would like to share these observations:

There is a significant problem on Munjoy Hill now because of the mismatch between the scale of the existing housing stock and what could theoretically be built if it were torn down and rebuilt to the maximums permitted by zoning. While not all of the problems can be traced directly to the 2015 zoning amendments, they certainly contributed to the speculation which seems to have taken hold of the Hill.

The split of opinions on this matter seems to come down to a difference in values between those who see the Hill as the next profit center and want to maximize their own profits VERSUS those of us who value Munjoy Hill as a vibrant community. The latter group spoke eloquently last night about the value of designing for eyes on the street, knowing their neighbors, bonding while walking the neighborhood, wanting to maintain socio-economic diversity, and treasuring the pedestrian scale of existing structures. I do not believe this represents misdirected nostalgia; to the contrary, it describes a sense of community that really exists to this day on the Hill, and was sufficient to motivate 150 people to turn out for a meeting about this issue on a work night.

The former group, who want to maximize profit, may be vocal and well-funded, but I hope that Portland's policy makers will not be swayed by their protestations. Their desire to maximize profit has created the current backlash by completely disregarding the neighborhood context, turning a blind eye to the street, substituting an automatic garage door clicker for a front stoop, designing to discourage interaction with their neighbors, and filling every available square foot with building, to the detriment of green space, light, and site permeability. Many of them construct with an eye only toward the short term, cutting corners on quality and durability, selling their units and being long gone from Portland by the time the problems start to arise in the structure and/or the tattered community fabric.

As some people commented last night, there is continuing concern about maintaining some kind of economic diversity on the Hill, and retaining a range of housing opportunities. One strategy for doing that is to restrict the demolition of buildings that could otherwise continue to provide housing. It is a disservice to the community as a whole for developers to tear down perfectly serviceable housing in order to replace it with new construction which will almost by definition be expensive.

I believe that in the entire IPOD area the demolition of structures should be prohibited if the structure is deemed "contributing" or a landmark by Greater Portland Landmarks' analysis (to be verified by the City). To implement this, the entire IPOD could be designated as an historic district for purposes of review of demolition permit requests, requiring the City to analyze the demolition request using the standards in the historic preservation ordinance. A landmark or contributing structure could only be demolished if the applicant could prove economic hardship under the ordinance definition or could prove that the structure should not have been categorized as "contributing" or "landmark" in the first instance.

In addition, a package of zoning amendments need to be adopted for the R-6 on Munjoy Hill, permanently reducing heights and increasing setbacks similar to the interim IPOD measures. In addition, some attention should be paid to revisiting how to measure height for various roof configurations. Depending upon orientation, a pitched roof can have the same impact on light, air and view as a flat roof, but is assessed as only as high as the midpoint of the slope. Does this make sense conceptually?

Even if amendments are made to the R-6 zoning ordinance, improvements to design review are required as well. In those areas that are eventually designated as a Munjoy Hill Historic District, the historic preservation ordinance will provide the necessary design review. But until that designation is in place, and for all of the areas not designated as part of an historic district, the R-6 Infill Design Review Standards need to be strengthened and enforced. The deletion of the alternative review option is important, but not necessarily sufficient. Perhaps the design community will have specific suggestions for how to give them sufficient "freedom of expression" while also including enough criteria to make sure that a new structure is respectful of its surroundings and contributes to the interaction that is critical to maintaining connection with the rest of the community.

Adopting an historic preservation district for at least a portion of Munjoy Hill makes sense. It should contribute to the continued vitality of Munjoy Hill in the same way that it has benefited the West End. I would personally support the moderate designation pattern presented by Landmarks (North Street axis; Eastern Prom wrapping into the south side of Congress Street). It should be noted that there are interim protections that are triggered by nomination. I would think the timing could work so that those interim protections could be put in place immediately before the moratorium ends.

Thank you for considering these ideas and for the effort that is being put into correcting the regulation of development on Munjoy Hill to preserve it as a vibrant community. The City needs to act boldly to get it right; timid measures will not be sufficient to reverse the threatened loss.

Regards,

Barbara Vestal

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: East End-

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 10:13 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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---------- Forwarded message ----------
From: **Debby Murray** <debbym@gwi.net>
Date: Fri, Mar 23, 2018 at 9:46 AM
Subject: East End-
To: jlevine@portlandmaine.gov

Good morning, Jeff,

I was reminded last night as this process comes to a close that I never sent the letter I sent to the councilors and the mayor to you.

In the time that has lapsed between the first listening session and now, I am becoming convinced that creating a historic district on the East End makes sense.

I have found that the process has been really good but from the standpoint of a resident, a bit intimidating. All those developers who claim to own property on the hill…well, sure they do, but they don't LIVE here. I often leave the meetings feeling that outsiders have come in to make a buck off my neighborhood.

So, here is my letter and I look forward to the final listening session tomorrow. For what it's worth, I support a historic district on Munjoy Hill. I support continuing the moratorium on demolition and putting some guidelines on height, garage location, setbacks and roof junk in the meantime.

Thanks for your work on this and for considering my opinion.

Debby Murray

East End.doc
24K

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored “listening sessions” at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it’s a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole “Maine” life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70’s. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and hew homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrance St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the “human bus” leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland’s Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@gwi.net

207 653-5143 Cell

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy: Historical Designation Question

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 11:50 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
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http://www.portlandmaine.gov/planning
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---------- Forwarded message ----------
From: **Carle Henry** <cdhenry3@yahoo.com>
Date: Fri, Mar 23, 2018 at 11:48 AM
Subject: Munjoy: Historical Designation Question
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>

Jeff,

My name is Carle Henry and I live on Saint Lawrence Street. My wife and I have seen you at all of the public hearings and look forward to Saturday's session.

After listening to many opinions on the matter and doing some research myself, I wanted to share our perspective with you.

From where I sit, I think the public is conflating two different topics

1. Some people don't like modern homes; and
2. Some people don't like large multi unit condo buildings (sub issue is demo to stand condos up)

As it relates to #1, boo hoo. One cannot regulate taste. If some are worried that the quality of some new homes is poor, that's yet another matter for your team and the 9 pages of requirements....has nothing to do with historical designation. Many homes on the hill are of poor quality (new and old)

As it relates to #2, creating historical districts across areas of the hill is overkill when the issue is really about addressing multi unit condos. Adding the designation is a serious overreach that will result in

- more pressure than ever on the city to build in other neighborhoods because building on the hill will quickly become more challenging (the city will put themselves into a corner & probably stifle growth)
- less affordable housing (city priority) on the hill which results in more affluent owners and less diversity
- the city having to fight off 5th Amendment/Takings Clause law suits

<u>How to address the concerns re condos</u>?

I'm not sure but alternatives exist without having to bring in the historic designation team that will unintentionally hurt many residents (added fees, more review processes with the city, etc.) Having only 1% of buildings demo'd in 2.5 years is not a problem that requires a fix.
<u>How did we get here</u>?

1. misuse of a moratorium (good for the park project last year but misused this time by BR) -
[the stories of those already impacted negatively by the moratorium are heartbreaking]

2. the mhno is using the concerns about condos to resurrect their NIMBY philosophy defined during the 'no on 2'/Soul of Portland days a few years ago (same people, same story but they've taken over the MHNO) - they do not represent the hill and should not act as activists pushing their agenda without regard for the gen'l population here but, while you can't fix that, you can acknowledge it and not fall for their tactics

Help the hill address the larger condo complex opportunities. Move away from impacting private homes and their owners, the citizens.

Thank you,

Carle Henry

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Zoning Changes

1 message

Jeff Levine <jlevine@portlandmaine.gov> Fri, Mar 23, 2018 at 5:18 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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@portlandplan

---------- Forwarded message ----------
From: **Laurie Hanley** <lbhanley@mac.com>
Date: Fri, Mar 23, 2018 at 5:10 PM
Subject: Munjoy Hill Zoning Changes
To: jlevine@portlandmaine.gov, bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov
Cc: info@munjoyhill.org

Hi all,

I am writing to give my support to making Munjoy Hill an historic district and adopting zoning that will preserve the integrity of the beautiful neighborhood on the hill. History abounds on Munjoy Hill from the historic homes, the cobblestone circle, Portland Observatory and the important cemetery. Clearly, this is an historic district that should be subject to careful review before it becomes like the India/Fore St explosion of development. Portland does not need to expand zoning to encourage investment like it needed to in years past. Development needs to be controlled so that we retain the historic charm of Munjoy Hill.

More specifically, I support the following:

1. Demolition Standards - Create new demolition/tear/down standards in the R-6 Infill Design Standards

2. Dimensional Standards that address scale & mass - Recommend going back to Pre-2015 R-6 or use IPOD R-6 change

3. Design & Building Standards that addresses compatible architecture which includes A) Elimination of Alternative Design Option, B) Ensure 10K sq ft lots apply to the R-6 Infill Design Stds

Thank you for your work and willingness to listen to public comment.

Sincerely,

Laurie Hanley

118 Congress St
Portland

Sent from my iPad

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demolition

1 message

Jeff Levine <jlevine@portlandmaine.gov> Sat, Mar 24, 2018 at 8:43 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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---------- Forwarded message ----------
From: **Pa Ag** <pagopian1@yahoo.com>
Date: Fri, Mar 23, 2018 at 8:44 PM
Subject: Demolition
To: Jeff Levine <jlevine@portlandmaine.gov>

I know it's TGIF and you have probably already thought of this but, if we had somewhat liberal but pragmatic guidelines included in the R-6 zone that included demolition policies to recognize benefits to the community in making a decision perhaps it could encourage diverse development in some instances. Just a thought and no need to respond. ✌

Sent from my iPhone

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year.

1 message

Jeff Levine <jlevine@portlandmaine.gov> Sat, Mar 24, 2018 at 8:41 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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---------- Forwarded message ----------
From: **Dorothy Rodney** <dorothy.rodney@yahoo.com>
Date: Fri, Mar 23, 2018 at 5:43 PM
Subject: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year.
To: "estrimlig@portandmaine.gov" <estrimlig@portandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "stiboea@portlandmaine.gov" <stiboea@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmane.gov" <pali@portlandmane.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>
Cc: "dorothy.rodney@yahoo.com" <dorothy.rodney@yahoo.com>

Dear Mayor and City Councilors,

I wanted to express my deepest concern regarding the regulations of our homes. I have owned my property for 41 years, and feel that the city is taking over the control of what we can and can't do to our home. We should be able to sell, demolish, renovate as we wish, and now there are restrictions. This is not fair! We are at retirement age, and we should not lose the value that we intended on getting if we wish to sell our home. We pay taxes, maintain our property, and this was our 'nest egg' for the future. Our family should not be jeopardized with this R-6 Reform!

Please take this major issue into consideration before making any final decisions! Also, residents need to know what's going at all time. The communication has been very poor notifying residents after meetings took place. Moving forward, I will be attending the meetings.

Thank you for your time in listening to my concerns.

Dorothy Rodney & Family

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Planning

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 27, 2018 at 8:49 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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@portlandplan

---------- Forwarded message ----------
From: **Stephen Gaal** <steve@gaal.com>
Date: Sun, Mar 25, 2018 at 12:27 PM
Subject: Munjoy Hill Planning
To: jlevine@portlandmaine.gov, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>
Cc: Wendy Gaal <wendy@gaal.com>

Dear Jeff and Belinda,

Thanks very much for the work both of you and the planning staff have put into the moratorium, the proposed changes to R-6 zoning and the consideration of an Historic District on the Hill. The interest in the subject has been great as evidenced by the attendance at the two listening sessions I attended and the MHNO meeting that featured Greater Portland Landmarks. I was unable to attend the ResponsibleR6 meeting on the 20th. Despite several attempts both in person and by email to get from that organization a list of their leaders and data that supports their claims, I have been unable to do so. Therefore I am not willing to give their claims any weight in my thoughts.

At the first listening session I stated that I asked, at the time of the R-6 revisions, if any “modeling” of the effects of these changes had been done by the planning board. I was told there had not. I requested that you do such modeling for any changes you now propose. I repeat that request. I think we could have avoided a lot of the issues we have seen if that analysis had been done.

My principal issues with the R-6 changes have been the ability of developers to demolish relatively small buildings and replace them with buildings of a larger footprint and significantly more mass due to reduced setbacks, relaxed height restrictions, and the building of “cubes” rather than the more traditional shapes. I think you are on the right track with the tentative proposals you laid out at the March 24th meeting.

Although everyone wants “affordable housing” on the Hill, as one gentleman stated, that horse has left not only the barn but is completely off the farm. MH is simply too attractive a location for those who can afford it to resist. Trying to stop that is likely trying to hold back the tide. You may be able to do it for a while but then you are overwhelmed, often in a catastrophic way. I think it is a fool’s errand and should not be a principal part of planning objectives.

I like the demolition delay proposal. If provides a cooling off period and a time for discussion without actually preventing someone from taking that route if they are sufficiently motivated.

I own and live in a building on the Eastern Prom that is identified by GPL as a “contributing building.” Next door is a non-contributing building. My biggest worry is that the building next door will be sold, demolished, and a 4-6 unit condo building will be built there that will overwhelm our property. I am counting on your R-6 zoning to prevent that from happening. I understand that the current building could be demolished under almost any scenario, but the replacement building should be of a scale consistent with its neighbors. I view an Historic District as the “icing on cake.” Zoning regulations are the first line of defense to make sure that we all behave in a neighborly way when we live in close

proximity to each other. The HD designation helps preserve the look and feel of the neighborhood. I have lived in a place with extremely strict historic preservation requirements. (It took two months and a public hearing to change the mail slot on my door.) I have also lived in a place that had no zoning at all. I strongly prefer the former to the latter. I would be very happy to have my home be included in an Historic District. I believe it would make for the preservation of the very nature of the area which we all value. I also think that over time it would likely increase rather than decrease property values. I also support the idea that the HD should include North Street and the eastern part of the Eastern Prom with some additional side streets as opposed to the entires Hill. I have lived in NYC, Chicago, San Francisco, Los Angeles and Boston. I can say from my own experience that these are, if not unique, fairly special areas of MH to preserve.

Finally, MH is not the only place to live in the city. I agree with the statements made by others that zoning changes allowing for increased density along off-Peninsula public transportation corridors should be considered.

I congratulate Jeff and Belinda for the thoughtful, respectful, calm, and measured listening posture you have both displayed at these meetings. Thank you.

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

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: “The point of modern propaganda isn’t only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth.”

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Munjoy Hill overlay

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 27, 2018 at 8:50 AM
To: Christine Grimando <cdg@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file and FYI.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Maggy W** <mswnola@gmail.com>
Date: Sun, Mar 25, 2018 at 2:39 PM
Subject: R-6 Munjoy Hill overlay
To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff,

First of all, thank you and your staff for all of the hard work preparing the excellent presentation yesterday and thank you also for attending all of the recent neighborhood meetings.

Some of my neighbors and I have been reviewing the presentation online and have a few questions we would like the opportunity to discuss with you. For example, I was very gratified and relieved to hear you mention the importance of the "Streetscapes" several times during your talk yesterday, but I don't see any mention of that in the actual presentation. I think this is one of the most important qualities of the neighborhood that many of us are wanting to protect, so I am interested in how the new guidelines may accomplish that.

Would there be a time this coming week, when a few of us could meet with you to discuss the staff proposals and to ask for some clarifications?

Thank you,

Maggy Wolf
28 Saint Lawrence

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 27, 2018 at 8:52 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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@portlandplan

---------- Forwarded message ----------
From: **Lauren Reiter** <laurenjreiter@yahoo.com>
Date: Mon, Mar 26, 2018 at 5:39 PM
Subject: Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Deb Andrews <dga@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Tom Landry <tomlandry@benchmarkmaine.com>, Timothy Wells <welmaurya@gmail.com>, Susan Grisanti <susan@tentenholdings.net>, Lori Rounds <lori.j.rounds@gmail.com>, Ann Machado <amachado@portlandmaine.gov>, Evan Carroll <evan@bildarchitecture.com>, Carl Henry <cdhenry3@yahoo.com>, Jesse & Elisabeth Thompson <jesse@kaplanthompson.com>, Amy Landry <alandry@benchmarkmaine.com>

Jeff, I'd like to thank you for the excellent presentation on Saturday morning and express an optimism that a reasonable set of revised/new zoning rules will emerge from this lengthy and thoughtful process. As I have already expressed, it seems to me that the overwhelming concern expressed by those that are nervous about new development is the **scale** of recent buildings. Perhaps it is wishful thinking, but I think that modern design is of less importance to most people than both bulk and a reasonable proportion of ground floor living space (vs. garage). To that end, I do hope that the emergent zoning rules allow for a versatility of expression, including roof-lines, windows, etc. -- as well as encouraging high-performance components.

I have one suggestion at this point, which is to have Deb Andrews do a presentation on the Historic Preservation Office's position on Munjoy Hill designations. Having spoken with Deb after the meeting, and reflecting on various comments made during the meeting, I sense that the City's positions on this subject are not well understood, and are much less "scary" than a lot of people (including myself) think.

As noted previously, I would be happy to participate in other round tables or other venues where allied professions can both listen and offer feedback.

best regards,
Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / *tel.* 207.359.2300

Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill proposed historic district designation

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 27, 2018 at 2:32 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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Portland, Maine 04101
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@portlandplan

---------- Forwarded message ----------
From: **Karen Harrison** <karen.harrison.me@gmail.com>
Date: Tue, Mar 27, 2018 at 2:30 PM
Subject: Munjoy Hill proposed historic district designation
To: jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>
Cc: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, Pious Ali <pali@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, hbassett@portlandlandmarks.org

Hello,

I have lived at 34 Munjoy Street (District 1) since 1993. I love my street, and I love my neighborhood, in which people are quick to help one another and respectful of differences. Over the years, I've seen my neighbors modify their houses in many different ways to make them more enjoyable, economical or useful. I like some of the changes and dislike others, but all of them represent people making the best decisions for their families.

I'm strongly opposed to any historic district designation for this neighborhood for these reasons:

- Historic designation restrictions on additions, renovations and demolitions will prevent people from making the best design and financial decisions for their families and their futures.

- Historic designation restrictions will reduce the energy and vitality of the neighborhood and discourage or prevent the use of high-quality, cost-saving contemporary materials and methods that reduce energy use, such as contemporary glazing products that look different than older glass.

- Historic designation restrictions have a disproportionate financial impact on people with fewer resources. This includes young people using "sweat equity" to fix up a dilapidated building, older people on fixed incomes, and good landlords who try to keep rents reasonable while maintaining their buildings for their tenants' safety and comfort.

- The historic district guidelines for renovations may not allow homeowners to conform to contemporary building safety standards, for example in the size of bedroom windows. This appears to be in conflict with Portland's current emphasis on tenant safety.

Some additional thoughts:

- Behavior can't be regulated through planning and zoning. Neighborhoods are better when people see each other coming and going – and I'd rather not look at garage doors when I'm walking around -- but if you allow garages to be built, locating them at the side or back of a building doesn't force people to interact with their neighbors if they typically leave and enter their residence through the garage.

- It's always unfortunate when someone loses the view from his or her home, but that happens everywhere, and that's why houses and apartments on Eastern Prom (or, for that matter, Central Park West) cost more. It's unreasonable to attempt to freeze all of the current views, many of which are enjoyed by residents whose buildings blocked others' views when they were built.

- It seems that 118 Congress Street has become the poster child for people who are upset about development on the Hill. But there are other ugly buildings on that side of Congress between Munjoy and St. Lawrence, such as the MHNO building at 92 and the bleakly utilitarian Cummings Center and fire station at 134. And 118, for all of its faults, includes street-level retail.

- At the community meeting on March 22, we watched a slide show on the history of development on the Hill. I'm pretty sure that around the turn of the last century, the people living in houses built 50-75 years earlier were horrified by the arrival of the apartment buildings now considered quaint and historic.

I respect the depth of knowledge and tremendous love for Portland's older buildings shown by the staff of Greater Portland Landmarks and the City's Historic Preservation team, but I'm afraid that "if you've got a hammer, every problem looks like a nail." I don't think that the problems presented by development in this neighborhood can be reasonably and fairly addressed by an historic district designation. I'd rather not live in a neighborhood of compulsory architectural styles, frozen during a random year when photographs happened to have been taken. I'd like to continue to live in a vibrant, energetic, live-and-let-live neighborhood.

Thanks for listening,
Karen Harrison

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill We the People Who Are the Community

1 message

Jeff Levine <jlevine@portlandmaine.gov> Wed, Mar 28, 2018 at 11:08 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Carol Connor** <balsamique@live.com>
Date: Mon, Mar 26, 2018 at 10:56 AM
Subject: Munjoy Hill We the People Who Are the Community
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Cc: Carol Connor <balsamique@live.com>, Candy Poore <moe4545@aol.com>

Dear Mayor and City Councilors,

As a longtime resident of Munjoy Hill I embrace and appreciate the history and culture of this unique and valuable asset. I own and occupy an 1880 cape that has been in my family since 1946. It is situated in a way that allows daily inspiration from the view of the Promenade and the Bay. I am an invested resident who wants to be heard and counted IN as supporting whatever zoning, regulation, moratorium or defining of historic preservation areas needs to occur to preserve the character, architecture and quintessential essence of the Hill.
In particular, I ask that you give first consideration to those of us who actually live on the hill rather than to those who wish to capitalize on its assets by destroying neighborhood homes that could in most cases be restored and lived in.

It is shocking and shameful that building permits have been issued that allow construction of structures that most assuredly are not “affordable or compatible with existing buildings, and do not improve or enrich community life. How did they pass the planning board’s scrutiny if the guidelines that monitor such construction were actually followed?
I learned in a recent community meeting that for new construction the planning board must consider the following within a 2 block radius : Architectural compatibility, Scale, Mass, Height? None of these aspects seem to have been considered with recent box style construction or with the 4 story condominium planned for Montreal St.

My Requests

- Extend the moratorium for one year
- Require the planning board to adhere to the guidelines that monitor construction including consideration for scae, mass and architectural compatibility…
- require the planning board to adhere to the stated R6 building guidelines and restrict the plans for constructing a 4 story condo at 33 Montreal St. THERE ARE NO 4 STORY BUILDINGS on Montreal St! It violates the guideline of scale.
- Strictly adhere to appurtenances being contained within the height limits NOT TO EXTEND ABOVE that limit
- Adopt Design and Building Standards that preserve the Architectural integrity of the Hill and require construction to be compatible with neighbors' dwellings. Eliminate the Alternative Design Option entirely
- Return zoning to pre 2015-R6 or IPOD R6 change.

Regards,

Carol M. Connor

12 Montreal St

Portland, Maine 04101

balsamique@live.com

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Thank you and suggestion

Jeff Levine <jlevine@portlandmaine.gov> Thu, Mar 29, 2018 at 3:13 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

---------- Forwarded message ---------
From: nini mc manamy <ninimaine@aol.com>
Date: Thu, Mar 29, 2018 at 1:39 PM
Subject: Thank you and suggestion
To: <JLEVINE@portlandmaine.gov>

Your presentation of March 24 is very, very helpful to the discussion about what is occurring on the Hill. Thank you.

I would like to suggest additional data that I think should be included: the replacement of rental housing by condominiums and/or short term rentals. Recently I have been carrying our petition around the Hill, and have been struck by the number of young couples who tell me they are being forced to move by rent increases or conversions. I think the ease of conversions is a significant piece of the picture. I would like to see some data on the numbers of new units by type of ownership, not just by number of bedrooms.

I also think the market may be topping out. I ran into a former coworker yesterday who is living in one of the burned buildings at the corner of Cumberland and Merrill. She remarked that she and her family are only able to live there because her husband works for the property management company—the other units are pricey and empty. There are other condo and apartment units that are simply not selling or renting on the north side of the Hill. A good thing, maybe, for the long term but no one wants empty housing. And unfortunately this puts more developable property at risk of very high end development.

Meanwhile, the conversations among neighbors have been interesting, varied, and I think very healthy for the neighborhood. Whether or not we agree.

Nini McManamy
Sent from my iPad
--

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Suggestions for the demolition piece R6 Overlay

Jeff Levine <jlevine@portlandmaine.gov> Tue, Apr 3, 2018 at 3:27 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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@portlandplan

---------- Forwarded message ----------
From: **nini mc manamy** <ninimaine@aol.com>
Date: Tue, Apr 3, 2018 at 2:33 PM
Subject: Suggestions for the demolition piece R6 Overlay
To: JLEVINE@portlandmaine.gov
Cc: Karine Snyder <karsny@yahoo.com>, tica1529@gmail.com, maggywolf440@bellsouth.net, "vestal@chesterandvestal.com" <vestal@chesterandvestal.com>, Peter Murray <pmurray@gwi.net>, Wayne@redhookdesignalliance.com, berrymanter@yahoo.com, mpetit417@gmail.com, pday2304@gmail.com, "rob@whittenarchitects.com" <rob@whittenarchitects.com>, "dirtgirl1@aol.com" <dirtgirl1@aol.com>, pagopian1@yahoo.com, Jean McManamy <ninimaine@aol.com>

Hi Jeff. Here is what the Munjoy Hill Conservation Collaborative would like to see included. We think the Somerville, MA, ordinance is close to what would work on the Hill. We think it is architecturally and demographically more similar to the Hill than, say, Cambridge or Newton. We don't envision Historic District protection for the whole Hill.

Here is the outline:

Who is covered: named contributing buildings 75 years of age or older

When protection kicks in: when property owner applies for a demolition permit, whether for renovation or replacement of a residential building, if 25% of the facade or square footage of a building is scheduled for demolition

How it works: property owner applies for the permit and staff determines
(Time limit, say 14 days) whether it is a covered building. Staff has discretion to initiate delay of one year and works with owner to explore renovation or sale to a preserving buyer; this triggers public notice. Staff can recommend demolition in the case of uninhabitability or economic hardship. Demolish or delay recommendations go to Planning Board and require a public hearing.

Resolution: occurs when demolition permit is issued or building permit is issued, or owner withdraws application. Needs to be accompanied by vigorous application of design standards in renovation or new construction; a design manual would be helpful.

We suspect that most demolition requests will eventually successful, but hope that this will slow the process and combined with more vigorous application of design standards plus some Historic Distric designation may encourage more preservation.

Nini McManamy
For the Munjoy Hill Conservation Collaborative

Sent from my iPad

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: East End zoning

Jeff Levine <jlevine@portlandmaine.gov> Wed, Apr 4, 2018 at 8:38 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Joshua Baston** <joshua.baston@gmail.com>
Date: Tue, Apr 3, 2018 at 7:05 PM
Subject: Re: East End zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: dga@portlandmaine.gov

Jeff, Deb,

I wanted to thank you for taking the time to meet with me today. I'm obviously pretty opposed to the historical designation and I appreciate your willingness to hear me out. I'm going to try and stay open minded through this process and hopefully you can be open to my concerns as well. I don't think there will be any solution that makes everyone happy but I'm confident there is one which can keep some of the character of the neighborhood while not being overly intrusive on individual property. We also need to be accommodating to new building materials, efficient building methods, and renewable energy technologies as Portland works towards being a sustainable leader in the face of climate change and sea level rise. I'll look forward to future discussion and I thank you again for the time.

Regards,

Josh

On Wed, Mar 28, 2018 at 7:00 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
> Jeff, that sounds great, I put Tuesday April 3 at 1:00 on my calendar. See you then
>
> On Wed, Mar 28, 2018 at 5:53 PM, Jeff Levine <jlevine@portlandmaine.gov> wrote:
> > Sure, happy to meet. Do you have time Tuesday, April 3? Maybe early afternoon would work for us, at 1?
> >
> > Jeff Levine, AICP
> > Director
> > Planning & Urban Development Department
> > 389 Congress Street 4th Floor
> > Portland, Maine 04101
> > Phone (207)874-8720
> > Fax (207)756-8258
> > http://www.portlandmaine.gov/planning
> > @portlandplan
> >
> > On Wed, Mar 28, 2018 at 2:31 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
> > > Hi Jeff,

I'm a property owner in the East End (42 Munjoy St.) and I was hoping I could come into the office for just a few min to speak with you about concerns I have about potentially adding historic zoning to this neighborhood. I attended the first public session but was unable to make the meeting this past Saturday. I appreciate the work you and your staff are doing and would love the chance to give some input. You can reach me via email or my cell phone - 595-2445. Thanks and I'll look forward to hearing from you.

Josh

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.

Letter in support of Munjoy Hill Rezoning

nini mc manamy <ninimaine@aol.com> Apr 5, 2018 4:17 PM
Posted in group: **Planning Board**

Dear Chair Dundon and members of the planning board:

Like many of my Munjoy Hill neighbors, I have been grateful for the city's responsiveness to dramatic changes in the fabric of my neighborhood. The unanticipated side effects of the 2015 rezoning in R6 have included demolishing of antique houses, loss of affordable housing, and dramatic increases in propoerty values which may causes spikes in property taxes when revaluation is complete.

The city's planning staff have done an outstanding job engaging residents, with very large turnouts at several meetings held at East End School. Among the excellent research done by planning staff is a survey of building types on the Hill. We learned we are mostly single family homes, and that the average building height on the north side of the Hill is less than two and a half stories. Many, if not most, of the two- and three-unit buildings on the Hill are also owner-occupied. We are more like Deering Center in home ownership and building size than we are like Parkside, and this social fabric is what makes Munjoy Hill a great place to live-not its proximity to downtown restaurants.

The proposed zoning changes presented in the neighborhood on March 24 are a good start, but more needs to be done. Specifically:

1. Mass and height: Newer bulky condominium buildings in most cases do not shelter the kind of family life typical of the Hill and take light and space from our yards. What yard space they have is usually paved over, and social activity occurs on private decks and balconies. This is done to maximize building mass and profits. **I respectfully request that you consider enforceable restrictions on building height and mass that reflect adjacent buildings, staying within the average existing building height and mass for a street or block. In addition, I request that your restore the previous lot coverage maximum of 40-50% with an exception for the "small lots". Finally, I request you restore the previous requirements for landscaping and greenspace.**

2. Historic Districts: to the two districts under consideration, I urge you to add two more. Too often we think of a Historic District as an opportunity to preserve the architect-designed homes of the wealthy. But Munjoy Hill has always been distinguished by its rich social fabric. **I urge you to add consideration of the black neighborhood centered on Lafayette St., which has been documented by Greater Portland Landmarks. Also, Montreal St, which housed the famed murder victim known as the Black Dahlia and a neighborhood speakeasy, but most importantly contains houses built in the 1800s which survived the Great Reservoir Flood of 1893.**

Thank you.

Nini McManamy
10 Willis St
Portland

Sent from my iPad

Petition to Planning Board from Munjoy Hill Conservation Collaborative Regarding Munjoy Hill Moratorium

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> Apr 5, 2018 1:32 PM
Posted in group: **Planning Board**

April 5, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are **386** petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,

Munjoy Hill Conservation Collaborative Members

Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Karen Snyder-72 Waterville St.
Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachment: *Cover Letter with signatures and Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20 (MHCCLetterPetition2PlanningBoard_20180405.pdf)*

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members,

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

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PETITION SIGNATURES: There are **386** petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,
Munjoy Hill Conservation Collaborative Members

Paula Agopian
98 Monument St.

Karen Snyder
72 Waterville St.

Maggy Wolf
28 St. Lawrence St.

Tica Douglas
11 Munjoy St.

Berry Manter
46 E. Promenade

Nini McManamy
10 Willis St.

Jayne Hurley
11 St. Lawrence St.

Pamela Day
25 Waterville St.

Peter Murray
104 North St.

Mary Casale
30 Waterville St.

Wayne Valzania
27 Merrill St.

Enoch Wenstrom
88 Bracket St.

Erna Koch
81 Vesper St.

Attachment: *Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20*

Petition: After Munjoy Hill Moratorium Ends June 2018

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   - **B)** Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   - **C)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
1	Amanda Powell		91 Vesper St #3 Portland, ME
2	Alison Godbout		90 Lincoln St Apt 2 Portland, M
3	Justine Denny		56 North St, Apt 203 Por
4	Erna Koch		81 Vesper St Pkd 04101
5	Collin McRann		79 Vesper Street 04101
6	Tania Briceno		79 Vesper St. 04101
7	Susan Inman		81A Vesper St. 04101
8	Steven Inman		81A Vesper St Portland 04101
9	John Fitches		83 Vesper St
10	Alex Corcoran		83 Vesper St
11	Ed Mooney		79 Vesper St
12	N. Lukas Miraglia		46 Kellogg St.
13	Jen Scaves		439 Cumberland Ave
14	Rachel Gips		77 Vesper St
15	Tim Friel		95 Morning St
16	Courtney Zorella		11 Moody St
17			
18			
19			
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	Name	Signature	Address
21	ENOCH WENSTROM	Enoch Wenstrom	88 Beckett #1
22	Gal Wenstrom		88 Beckett St. Portland
23	Colin Wilson		88 Beckett #2 Portland
24	Brian Pelletier		88 Beckett St #3 Portland
25	Amber Trosper	Amber Trosper	71 Beckett St. #2 Portland
26	Sam Lambert		85 Beckett St
27	Simon Ruch		85 Beckett St.
28	Catherine Waycott	Catherine Waycott	91 Beckett St
29	Carolann Murray	Carolann Murray	91 Beckett St
30	Faith Sheehan		95 Beckett St
31	Sarah H White	Sarah H White	44 Wellstone DR
32			
33	Elizabeth Mullin	Elizabeth Mullin	98 Beckett St
34	MARK WHITE		98 Beckett St.
35	PAUL RODRIGUE	Paul Rodrigue	
36			
37	Christine Leone	Christine Leone	2 Bixby Pines #3 Portland ME 04074
38	Amelia Labrecque		87 Munjoy St. #1 Portland
39	Benjamin Mason		62 Munjoy St
40	Heather Bruce		65 Wilson St
41	Carrie Ryba		49 Orion St #1
42	Jan-Willem Willemsen		52 Munjoy St
43	Rui Costa		95 Munjoy St
44			

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	Name	Signature	Address
45	Bryn Arbuckle		82 Beckett St #3
46	Eric Krohne		54 Moody St. Portland
47	JOE KLEVITT		74 Munjoy St.
48	Amy Spafford		72 Munjoy St
49	Jill Kaufman		66 Munjoy St. #2
50	Nina B.		26 wilson st
51	Deb Jahnel		20 Munjoy St
52			
53	Chandra E McLaughlin		
54	~~Martica Douglas~~		
55	Martica Douglas		11 Munjoy St.
56	Lisa Christian		27 Munjoy St.
57	Thomas Cassidy		58 W Ter #1
58	Kurt Drummond		33 Otis St #1
59	Andrea Summers		45 O'Brien St
60	JANE S. Rowe		45 Wilson Unit 4 Portland
61	Richard A Brawley		45 Wilson unit 4 Portland
62			
63	Deb Parish		42 Moody #3 Portland
64	LINCOLN PAINE		150 EASTERN PROM. PORTLAND
65	Allison Paine		150 Eastern Prom Portland
66	Ruth Freeman		64 Vesper St Portland
67	Cecilia Ziko		62 Vesper Portland
68	Joseph Nadeau		66 Congress St. Apt 3
69			

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	Name	Signature	Address
70	Kate Voyang	Kate	14
71	Karen Snyder	Karen Snyder	72 Waterville
72	SUE INSKEEP		51 MONUMENT
73	Sheila L. Hogan		43 Monument St.
74	Maria Hogan		43 Monument St
75	Gina Tangney		64 Saint Lawrence St
76	Logan Sheffield		71 Melbourne St
77	Andrew S. Ryer		105 Congress St, #3.
78	Lindsey Ryer		105 Congress St.
79	emily smith		46 Howard St Apt 7
80	Sarah Davies		100 Congress Street Apt 1
81	Doug Fillmore		172 E Prom
82	Tracy Tingley		57 St. Lawrence St #4
83	Keith LANE		73 Waterville St
84	Kaity Mahoney		72 Waterville St. #1
85	Brian Wells		72 Waterville St, #1
86	Cathleen Cassie		72 Waterville St #2
87	BENEDICT CASSIE		72 WATERVILLE ST #2
88	Simone Halstead		24 Emerson St
89	Alicia Tefft		13 Forest Park
90	Jeanine Bischoff		68 Quebec St.
91	Hannah Underwood		85 Vesper St.
92	Madison Corcoran		75 Congress St.
93	Kevin Brewster		68 Quebec St
94			

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	Name	Signature	Address
95	RICHARD STILLWELL		20 ST. LAWRENCE ST.
96	Carol L. Stillwell	Carol L. Stillwell	20 St. Lawrence St.
97	Mary Kathryn Connolly		102 North St. Portland
98	Thomas Doherty		102 North St Portland
99	Elyse Schwarzberg		102 North St Portland
100	Ryan Pierce		106 NORTH ST. PORTLAND, ME
101	Rita Pierce	Rita Pierce	
102	Laurie Hanley	Laurie Hanley	118 Congress St. #302 Portla
103	Judith Sobol		180 Falmouth ST #203
104	Solange Kellermann	Solange Kellermann	48 Howard St. Portland
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	Name	Signature	Address
120	Regina Langley		54 Turner St.
121	ALLAN HORNEMAN		58 Turner st.
122	Paul Grass		44 Howard St
123	Tracy Madigan		33 Harvard St
124			45 Emerson St
125	David Halstead		24 Emerson St.
126	Taylor Brassard		54 Turner Street
127	MICHAEL BRASSARD		54 TURNER ST
128	Stuart Lambert		36 Gilman ST 04102
129	Katelyn Kniffin		54 Turner St
130	charles Jackson		138 Pine St. apt #4 Portland ME 04102
131	Patrick Bartley		54 Turner St
132	Jessica Place		54 Turner St #1 Portland, ME
133	Dan Basley		54 Turner St #1 Portland ME
134	MARK W CASHIN		27 MORNING ST #4 PORTLAND, ME
135	Anna K Bolton		39 Merrill St. Portland, ME
136	Jacob Seabell		29 Emerson St Apt 1 ME
137			15 Munjoy Street #2
138	Sabeth Andajic-Oz		24 McCall St #5
139	CHARLOTTE KILEY		53 Turner ST
140	Colin Franklin		54 Turner st.
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145	Jayne Hurley	Jayne G Hurley	11 St. Lawrence St.
146	Peter MACOMBER		4 ST LAWRENCE ST
147	Pam Macomber	Margaret P. Macomb	4 St. Lawrence St
148	Jennifer Marrone		48 Monument St
149	Carlos Braceras	Carlos	35 St Lawrence St
150	Morgan McCormack		36 St Lawrence St
151	Mark K Holden	Mark K. Holden	37 St Lawrence St
152	Emma Cassat		57 St Laurence St
153	Stephen Benenson		56 St Lawrence St
154	DAVID KENNEDY		21 ST. LAWRENCE ST
155	Judith Lambert	Judith Lambert	61 St. Lawrence St
156	Kristen Lape	Kristen D Lape	71 St. Lawrence St.
157	Matthew Anderson		41 Monument St.
158	Melissa Mulkern		59 Saint Lawrence St
159	Eric Smith		57 St. Lawrence
160	LINH TUYETSKY		52 Atlantic St
161	Betsy Ellison	Betsy Ellison	23 Franklin
162	Katie Tagyland		44 St Lawrence
163	Maeve Wrenn		29 St. Lawrence St
164			
165	Cynthia I. Bartlett	Cynthia I Bartlett	16 St Lawrence St #2 Portland
166	Benjamin Acorn	Benjamin A	2 Atlantic St #2 Portland
167	[illegible]	Heather Abt	6 Atlantic St.
168	Bernard Moore - Boardman	Kathleen Riley	33 Atlantic St.
169	Bernard Moore		37 Atlantic St

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	Name	Signature	Address
170	Eric Wenstrom	Eric Wenstrom	78 Beckett St
171	Sarah Morneau	Sarah Morneau	83 Beckett St. #3 Portland, ME
172	Shelley Brann	Shelley Brann	81 Munjoy St #3
173	Samuel deFayette		83 Beckett St #2
174	Megan Sutherland		83 Beckett St. #1
175	[illegible]		25 Phillips Falmouth
176	Rebekah Crabtree		46 Vesper #1 portland me
177	Richard Santos		31 O'Brien
178	Emily Cushman		51 Moody St #3
179	Jarl Pedersen		76 Beckett St. #2
180	Emma Mish		54 Sheridan St #7
181	Jake Crane		119 Morning St Apt B
182	William M. Fondé		57 Beckett St #3
183	Ellen Fondé		19C Carleton Peninsula
184	Brendan Carpenter		166 F Washburn Ave
185	Jordan Moody		18 Florida Ave
186	[illegible]		60 Monument St #1
187	Peter Chase		31 Vesper St #1
188	Betty Hensley		39 Quebec St.
189			
190	Margaret Silsby	Margaret Silsby	45 Congress St.
191	[illegible]		58 Neal St
192	Josiah Bartl		496 Congress
193	[illegible]		228 Prospect St
194	Thomas Pratt		419 Cumberland

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195	Snjezana Holman		3 Munjoy South, Portland
196	Kendal Anderson		41 Waterville St. Portland ME
197	Kaven Gorman		41 Waterville St Apt 4
198	Michael C. Connolly		36 Waterville St. #4
199	Amy Stepp		23 Waterville St
200	Alison Schmitzler		23 Waterville St
201	Alison Kamar		73 Atlantic St.
202	John Mahaney		73 Atlantic St.
203	Joel Hall		40 Waterville St #2
204	Irez Braveras		35 of Lawrence st
205	Sam Deeran		646 Washington Ave
206			
207	Keith Pulsh		28 Waterville St
208	Pamela Day		25 Waterville St.
209	Bryan Fortin		40 Waterville St.
210	Nicoly Botti		40 Waterville St.
211	Deirdre Donegan		70 Waterville St.
212	Michael Pelt	Michael PELT	25 Waterville
213	Joan E. Britton		104 Winter St. Apt. 1
214	Joe Guglielmetti		44 Waterville St. Apt 1
215	Brett Solar		9 Waterville St 1C
216	Richard Caplan		
217	JoAnn Dowe		28 Waterville St
218			
219			

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	Name	Signature	Address
220	Dale B. Rand	Dale B. Rand	61 Melbourne Street
221	Anne M. Rand	Anne M Rand	6 Melbourne St.
222	Judah Tierney	Judah Tierney	10 Willis ST
223	Martin Steingasser	Martin Steingasser	10 Willis Street
224	Margaret Hillman	Margaret Hillman	9 Willis St
225	Santo Peter Dantelli	Santo Peter Dantelli	111 Congress Street
226	Shulamith Botham		80 Melbourne St
227	Thomas Pucino	Thom	80 melbourne st
228	SUSAN Shaw	Susan Shaw	26 Willis St. Portland
229	Carol Marie Connor	Carol M Connor	12 Montreal St
230	GEORGE H. LIBBY JR	George H Libby	16 MONTREAL ST
231	Douglas H Burnoa		16 MONTREAL ST
232	LIANE C BILLINGS	Liane C Billings	92 MONTREAL ST
233	Kevin Johannen	Kevin L Johannen	41 Montreal St.
234	Amy Bushell		48 Montreal St.
235	Deborah Cole	Deborah Cole	71 Walnut St
236	CHARLES C SUDBAY JR	Charles Sudbay	65 Melbourne St
237	Rita M Sudbay	Rita Sudbay	65 Melbourne St.
238	Ann Deutsch	Ann Deutsch	64 Melbourne St
239	Beth Patterson-Brackett	Beth Patterson-Brackett	52 Melbourne St
240	Joel Chapman	Joel Chapman	33 Melbourne ST
241	Marianne J. Chapman	Marianne J. Chapman	33 Melbourne St
242	David Brackett		52 melbourne ST
243	Sarah Egan		54 Walnut St
244	JEAN McMANAMY		10 Willis St

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245	MARCIE E YOUNG		53 Melbourne St Portland, Maine
246	James D. Bruce		69 Merrill St Portland, ME
247			41 Montreal St Portland
248	Megan E. Carroll		19 Melbourne #1 Portland
249	Lydia Savage		31 North St.
250	Lorrayne Carroll		65 Quebec St-Ptld, Me
251	Sammy Hargis		62 Melbourne St, Portland, Me
252	Barbara Linehan Smith		62 Melbourne St, Portland, Me
253	E Terrance Smith		65 Waterville St #2
254	Bennett Morris		65 Waterville St #2
255	Fanina Napier		89 Mornive St
256	Jane Boyer		73 Congress Street Apt 2
257	Jessica Hovey		73 Congress St.
258	KRIS JOHNSEN		29 Emerson St. #2
259	Shane Swenson		29 Emerson St. #2
260	Ian Swenson		87 Pine St, #2
261	Elizabeth Kloeck		52 Atlantic St #2
262	Sarah Demorest		71 Melbourne #2 1
263	Kelly Mascolo		71 Melbourne #1
264	Richard Salois		6 Climber Ln #1
265	Angel Medina		89 Vesper St. #3
266	Keith W. Welch		63 Melbourne St. #3
267	Conor M. Quinn		
268	-ee steven Clark		19 Montreal St apt 3
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   - **C)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
270	Kelly Tingley	Kelly Tingley	87 St. Lawrence St #4 Portland ME 04101
271	George Carhart		7 Lafayette St Portland ME 04101
272	Usahi Carhart	Usahi Carhart	7 Lafayette Street Portland ME 04101
273	Michaela Conner	Michaela Conner	27 Lafayette St. Portland
274	Debra Casey	Debra Casey	45 Quebec St Portland
275	MICHAEL FERGUSON		93 ATLANTIC ST # 1 PORTLAND
276	Sherri Hughes		93 Atlantic St. Portland
277	MARTICA SAWIN		28 ST. LAWRENCE PORTLAND
278	Maggy Wolf	Maggy Sawin	28 ST. LAWRENCE PORTLAND
279	Aaron Murray		40 St Lawrence "
280	Amanda Pouw		43 St Lawrence St 1B
281		Kngarvin@yahoo.com	19 Montreal ST Portland
282	Margaret J. Johnson	Margaret J. Johnson	30 Lafayette St
283	Elizabeth A. Steele	Elizabeth A Steele	66 Quebec St. Portland
284	Bruce Davis	Bruce Davis	45 Quebec St.
285	Peter L. Murray		104 North St.
286	Deborah D Murray		104 North St
287	Stuart Brown		63 Vesper St.
288	Jessica Wyllie		13 Emerson #305
289	Angela Adams Hamill		2 Atlantic St. Portland
290	SHERWOOD HAMILL		2 ATLANTIC ST PORTLAND
291	KARENELLEN M. SMITH		80 Quebec St Portland
292	Beth Snyder	Beth Snyder	81 North St. Portland
293	Chris Stewart		81 North St.

Petition: After Munjoy Hill Moratorium Ends June 2018

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	Name	Signature	Address
295	Kathleen M-Phillips	Kathleen M-Phillips	45 Eastern Prom 6J Port.
296	DEREK CAMPBELL	Derek Campbell	45 Eastern Prom 6J Port
297	SUSAN TURREEN	Susan Turreen	45 Eastern Prom 2ft 6K
298	Charlotte Fullam	Charlotte Fullam	45 Eastern Prom - 7-H
299	Sandra H Child	S H Child	43 Quebec St.
300	JAMES BOARD	James Board	23 ENERSON ST #3
301	Chatty E Sawyer	Chatty E Sawyer	45 EASTERN Prom APT 6C
302	Charles R. Sawyer	Charles R. Sawyer	45 Eastern Prom apt 6C
303	Sarah C. Mutty	Sarah C. Mutty	45 E. Promenade 3K
304	Jean Fields	Jean Fields	45 E. Prom. 1 64
305	Ryan Lowell		56 Merrill St.
306	Mary Mawhinney	Mary Mawhinney	50 Merrill St.
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	Name	Signature	Address
320	SANDRA FLANAGAN		13 WATERVILLE ST.
321	Amy Carole		39 Waterville St.
322	ANDREW COOPER		39 WATERVILLE ST
323	Sabrina Casale		45 Waterville
324	Carl D. Casale		45 Waterville St
325	KELLY BOURDEAU		17 Waterville St
326	LOIS C. BARTER		55 Kellogg St
327	MICHAEL J. CAVANAGH		39 Munjoy St
328	Dichne Britcano Cabrera		39 Munjoy St
329	Jerry Barlow		66 Waterville St
330	Enrique Britcano LaRosa		66 Waterville St
331	JOSEIM RAND		66 WATERVILLE ST.
332	MICHAEL BALZANO		29 BANCROFT ST
333	TOM BROKISH		43 MUNJOY ST.
334	Kelly Worster		52 Monument St #3
335	Amanda Guillemette		39 Waterville Street
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	Name	Signature	Address
345	John Hardy		11 Ponce St. Apt 1
346	Mary Caprow		55 Mountfort St
347	Tod Eiber		24 Sheridan St
348	Kristen Stogsdill		24 Sheridan St
349	Sarah Auffret		80 North St
350	KRISTINE HEITLER		11 Unit 2
351	[illegible]		151 North St.
352	Melissa Sweet		37 Saint Lawrence St
353	GAIL RINGEL		34 Lafayette St. Portland
354	TED HOWARD		6 St. Lawrence St
355	Charlotte Daniels		62 St Lawrence St
356	DON OGIER		145 North St.
357	Linda Tyler		52 Saint Lawrence St
358	Elena M. Schmidt		99 Atlantic St #3
359	Sarah Goan		54 Walnut St
360	MARY Roy		122 North St 04102
361	Louise Lora-Somlyo		77 Pine Str, # 1-5
362	Lynn Hallett		9 St. Lawrence
363	PATRICIA RYAN		60 Montreal St
364	Carol M. Connor		12 Montreal St
365	Judith Cutler		45 E Prom
366	Paul E. Cote		98 Monument St.
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	Name	Signature	Address
370	Mackenzie Marrie		287 State St. # Portland, ME 04101
371	Andrew Lamberth		105 Sherman St #1
372	Rashita McJunkin		23 Boynton St. #1 Portland ME 04102
373	Matthew Kennedy		23 Boynton St #1 Portland ME
374	WAYNE VALESWIND		27 MORRILL ST PORTLAND ME
375	Cakobin Swarte		27 MORRILL ST. PORTLAND ME
376	Elizabeth Fraser		81 Congress St Portland ME
377	Maureen Ray		81 Congress Portland
378	James Davis		29 MORRILL ST PORTLAND
379	Elizabeth Farmer		81 Quebec St #3 Portland
380	Britt Knowlton		45 Merrill St
381	Kevin Brewster		68 Quebec St
382	Donna Mair		55 Merrill St
383	Lise Illingworth	Lise Illingworth	50 Quebec St
384	Marianne O Malley Sampson		73 Merrill St. #1
385	Scott Rezazzi		73 Merrill St. #3
386	EVA Rose Coats	EVA Rose Coats	70 Merrill St. #4
387	Jan Piribeck		145 Anderson #8
388	Anne Mangano		84 Quebec St
389	Barbara Beckelman		118 Congress, #204
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	Name	Signature	Address
395	Amy T. Sweeney		100 Dole Dr. Portland, ME
396	Susan C mercier		54 Bartlett St Portland,
397	Holly Mitchell		154 Yale St Portland
398	Susan Seibe		61 Jeanne St Portland
399	CAROLV Jenkins		18 Stoneledge Drive, PORTLAND
400	Deboris Ahlin		12 Crestfield Terrace, Portland
401	EARL IRELAND, JR		199 Edwards Street
402	CAE COUSINS		94 Munjoy St
403			
404			73 Cumberland
405	Karen Hamilton		23 Vesper St
406	Barbara Goodbody		118 Congress #301
407	Ellen F. Bailey		17 Hammond St.
408			55 North St
409	Bonnie Coplon		9 Waterville St. #C
410	Cynthia Cochran		17 Hammond St
411	Pat C Tryon		1 St. Lawrence St., #3
412	Michael Coplon		9 Waterville St. #C
413	Julia Kirtland		234 Eastern Prom. #5
414	EDW W CHESTER		7 Fore St
415	Vana Carmona		105 North St #1
416	Nat Pendleton		66 Quebec St #3
417	Steven Goodman		89 Morning St
418	Jeffrey Winkler Smith		340 Eastern Prom #142
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	Name	Signature	Address
420	STEPHEN NEILAN		29 Emerson St #3
421	CHRIS AKERLIND		44 Monument St
422	Nicholas Hill		30 morning st
423	Kristin Jackson		14 Monument St
424	Matt Wellington		14 monument st.
425	Kate O'Rourke		102 Morning St. Apt 2
426	MINDY HEPLER		189 CONGRESS APT 2
427	Alex Vargas		189 Congress Apt 2
428	JILL BERICHANSKA		40 MELBOURNE ST
429	JAMES PLACENTINE		21 A Facta Pron
430	James Nilgard		21 Atlantic St
431	Sarah Auld		43 Munjoy St Portland
432	Nicole Elmore		49 Sheridan st. Portland
433	MAO DING		65 Munjoy St.
434	Gerald Shannon		73 Mountfort St.
435	Kasey Keller		28 Eastern Promenade Apt. 8 Portla
436	Leah Cross		73 Atlantic St Apt 2 Portl
437	WILLA WIRTH		49 Monument St. #3 PLND.
438	Meghan Powell		15 Munjoy St #1 Portland
439	Jenna Carlson		37 Kellogg St #3 Portland
440	Ryan Poag		119 Merrill St
441	NATHAN BAILEY		86 Quebec St.
442	CHARLIE FRAIR		62 ATLANTIC ST. 04101
443	Helen Lukacs		66 Cumberland Ave Apt 2
444	PETER O'DONNELL		17 MORNING ST. EAST

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	Name	Signature	Address
445	Mary Morse		208 Sheridan St
446	Robert Morse		208 Sheridan
447	Kae Barnes	Kae Barnes	23 Emerson #3
448	Kate Philbin	Kate Philbin	45 Eastern Prom #3
449	GAIL KUHLthau	Gail Kuhlthau	9 Adams St
450	STEPHEN GAAL	Stephen Gaal	176 Eastern Prom
451	Ann Cowie	Ann Cowie	32 North St. Ptl.
452	James Cowie	James Cowie	32 North St
453	MELISA BOIS	Mari Bois	53 MELBOURNE ST.
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	Name	Signature	Address
467	J.R. WHITTEN	J.R. Whitten	23 St. Lawrence St.
468	Lauren Peer	Lauren Peer	119 Congress #1
469	E. Streeter	Elizabeth C. Streeter	66 Quebec
470	J. Streeter	Donna Streeter	66 Quebec
471	Berry Manter		#6 E Prom
472	Jocelyn King		46 E. Prom
473	Marcie Lister		40 E. Prom, Apt B
474	Isabel Walsh	Isabel O. Walsh	32 Wilson St. #2
475	Evan Holliday	Evan Holliday	32 Wilson St. #2
476	MATT CAPON	Matt Capon	42 VESPER ST #2
477	Margaret Cummings	Margaret Cummings	32 Wilson St Apt 1
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Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill R-6 Recommendations

Jeff Levine <jlevine@portlandmaine.gov> Mon, Apr 9, 2018 at 8:38 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Peter Murray** <pmurray@gwi.net>
Date: Sat, Apr 7, 2018 at 10:58 AM
Subject: Munjoy Hill R-6 Recommendations
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Dropbox <pmurray@gwi.net>

Dear Jeff -

Here are my suggestions for your and your staff's consideration as your formulate your recommendations to the Planning Board for post-moratorium changes to the R-6. The intent of the recommendations is for the R6 to permit reasonable redevelopment of small Munjoy Hill lots at the same density at which they were originally developed - one or two-family homes - and to permit condo projects only on larger lots. This will tend to preserve the affordable housing stock we now have and protect the historic streetscapes and ambience of the neighborhood from oversized condominium boxes on small lots originally laid out for single family homes. The IPOD was a step in the right direction, but without some strengthening, might not be enough to contain this recent and unfortunate trend.

Thank you for your consideration of these recommendations and for your thoughtful concern for our neighborhood in the context of Portland's overall comprehensive plan.

Best wishes,

PLM
Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net

M-2-recommendations.docx
153K

Memorandum

To: Jeff Levine and Portland Planning staff
Fr: Peter L. Murray
Re: Revisions to the R-6 Zoning Ordinance – Munjoy Hill Overlay
Dt: April 6, 2018

As you finalize staff recommendations to the Planning Board, here are some thoughts and recommendations on revisions to the R-6 zoning ordinance.

1. The pre-2015 R-6 had meaningful setback, lot coverage and parking requirements with a special program for undersized lots that permitted development of single and two family homes on small lots, and larger projects on large lots. This worked well for the Hill.
2. The 2015 version of the R-6 relaxed dimensional requirements to such an extent that it became economically attractive to developers to acquire existing one and two family houses on small lots, tear down the houses, and over-improve the lots with four-story blocks of 4-7 condominium units to the serious deterioration of the character of the neighborhood.
3. The IPOD restrictions represent some improvement, but may not be sufficient to protect valuable existing housing stock and screen out over-size condominiums. Under the Ipod, a 3600 square foot lot laid out for a single family house could be over-redeveloped with a four story condo with a footprint of over 2000 square feet and total enclosed area of nearly 8,000 square feet, enough for four units plus common areas.
4. Returning to the dimensional standards of the pre 2015 R-6 would insure that development of conforming lots would be reasonable and that large condominium projects could only be built on relatively large parcels. Dimensional minima from the old R-6 that are particularly important are 10' side lot setbacks, 4500 square foot minimum lot size, 50% maximum lot coverage. In addition heights should be capped at 35 feet for buildings up to 3 units or on lots smaller than 4500 square feet, with 45 feet for buildings of more than three units on lots of more than 4500 square feet and with an additional 5-foot setback on each side and the front for everything above 35 feet. Rooftop appurtenances should be counted in the maximum height limits.
5. The R-6 dimensional minima should be accompanied by a small lot program that would permit otherwise undersized lots to be developed for one or two family houses under strict design guidelines.
6. There should be no "alternative design review" available on Munjoy Hill. All development should be subject to the Design Standards as developed and maintained by the Planning Department.
7. Demolitions of existing structures from the Hill's original building fabric should be subject to a process that requires a period of repose of up to 6 months to permit consideration of alternatives to demolition.
8. The Planning Department with the assistance of Greater Portland Landmarks and upon notice to the neighborhood should proceed promptly with the establishment of historic districts as recommended by Landmarks.

Thank you for your consideration of these suggestions.
PLM

Proposed revisions to R-6

Pamela Day <pday2304@gmail.com> Apr 6, 2018 6:35 PM
Posted in group: **Planning Board**

Members of the Planning Board:

We purchased our two-family home on Waterville Street in 2005. The property, an 1860 Greek Revival which survived the Great Fire, needed extensive rehabilitation. Over the years we have made significant improvements, including major work to shore up the foundation and rock walls, rid the property of vermin, make both units livable, and improve the grounds. We are proud to say that many who pass by our home remark upon its attractiveness and historic appeal.

We appreciate the efforts of the City Planning Staff in preparing the IPOD and the draft revised R-6 rules. These are a step in the right direction in preserving the historic character and livability of Munjoy Hill which has been threatened by outsized development since the 2015 zoning changes. In considering the proposed staff recommendations on April 10 we urge the Planning Board to enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should discourage demolition of homes with historic value and the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Ensure DIMENSION guidelines/standards properly regulate scale and mass of buildings in relation to their immediate surroundings.

Newer, bulky condominium buildings detract from the social interaction typical of the Hill and reduce light and space enjoyed by all residents from the street scape. The revised code should use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish and enforce DESIGN & BUILDING standards and guidelines that eliminate the Alternate Design Review as an option and insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

4) Create a Munjoy Hill Neighborhood Conservation Overlay District that provides additional protections to the Hill's historic neighborhoods, including matching side setbacks to the neighborhood when possible, discouraging additions on existing nonconforming buildings, and adding some flexibility for smaller lots.

Thank you for your consideration of our request.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

Sent from Mail for Windows 10

Google Groups

Munjoy Hill Zoning

Kate Philbin <kphilb3@gmail.com> Apr 9, 2018 9:52 PM
Posted in group: **Planning Board**

Planning Committee Members:

As a resident of the Eastern Promenade, I am writing to request that you support the following in order to preserve the character and history of this iconic Portland neighborhood:

1. Create new demolition standards in the R-6 infill design standards.

2. Support the R-6 zoning change by going back to pre -2015 R-6 or use the IPOD R-6 recommendation.

3. Mandate design and building standards that ensure compatible architecture, including:
a. eliminate the alternative design option.
b. ensure that 10,000 square foot lots apply to the R-6 infill design.
c. revise Munjoy Hill R-6 overlay with the IPOD design recommendations.

4. Create an historic preservation district for much of Munjoy Hill as presented by Portland Landmarks.

Thank you.

Kate Philbin 45 Eastern Promenade

Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratoirum

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> Apr 11, 2018 9:32 AM
Posted in group: **Planning and Urban Development**

April 11, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Department Recommendations In 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of **386 signatures gathered from residents** on Munjoy Hill requesting EFFECTIVE language for the following:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
   A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
   A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
   B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
   A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
   B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

1) **Language: (page 12)** (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.
2) **Language: (page 13)** (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.
3) **Language**: **(Page 14)** (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) **Rooftop Appurtenances -**
Language: (Page 3) -HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.
-Concern: HVACs will still be seen from road in different angles Additionally, The property owners NOT in public way such as aside or behind the

building should also be considered These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.
- Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) **Height Maximum**-

Language (Page 3): " or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 http://portlandmaine.gov/DocumentCenter/View/18101 which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annualy.

This language is so vague that it will not be enforceable as proven in other affordable polices.

- The small landloards such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hil. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) **Side Yard Setback Minimum**

Language: (**Page 3)** b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) **Language:** Missing Design Standard language to ensure that the design standard manual will be actually enforced.

-**Concern:** How to ensure that this design manual is legally and actually enforced? It is has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-**Proposal:** Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) **Language: (Page 26)** Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.

-**Concern:** How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservation Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) **Language**: **(Page 26)** The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) **Language: (Page 5)** There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.

Concern: - How are we assured it till be reviewed in a specific time frame? What are the interim controls during this time frame?

We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservation District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still un-informed about a Portland Historic Preservation District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservation Collaborative members
Karen Snyder-72 Waterville St.
Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachments:
MHCCLetterPetition2PlanningBoard_20180405.pdf
MHCCPetition_HPD_20180411.pdf

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members,

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are **386** petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,
Munjoy Hill Conservation Collaborative Members

Paula Agopian
98 Monument St.

Karen Snyder
72 Waterville St.

Maggy Wolf
28 St. Lawrence St.

Tica Douglas
11 Munjoy St.

Berry Manter
46 E. Promenade

Nini McManamy
10 Willis St.

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Pamela Day
25 Waterville St.

Peter Murray
104 North St.

Mary Casale
30 Waterville St.

Wayne Valzania
27 Merrill St.

Enoch Wenstrom
88 Bracket St.

Erna Koch
81 Vesper St.

Attachment: *Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20*

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
   - **A)** Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
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   - **A)** Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
   - **B)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
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   - **B)** Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   - **C)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
1	Amanda Powell		91 Vesper St #3 Portland, ME
2	Alison Godbout		90 Lincoln St Apt 2 Portland, M
3	Justine Denny		56 North St, Apt 203 Por
4	Erna Koch		81 Vesper St Pkd 04101
5	Collin McRann		79 Vesper Street 04101
6	Tania Briceno		79 Vesper St. 04101
7	Susan Inman		81A Vesper St. 04101
8	Steven Inman		81A Vesper St Portland 04101
9	John Fitches		83 Vesper St
10	Alex Corcoran		83 Vesper St
11	Ed Mooney		79 Vesper St
12	N. Lukas Miraglia		46 Kellogg St.
13	Jen Scaves		439 Cumberland Ave
14	Rachel Gips		77 Vesper St
15	Tim Friel		95 Morning St
16	Courtney Zorella		11 Moody St
17			
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	Name	Signature	Address
21	ENOCH WENSTROM	Enoch Wenstrom	88 Beckett #1
22	Gal Wenstrom		88 Beckett St. Portland
23	Colin Wilson		88 Beckett #2 Portland
24	Brian Pelletier		88 Beckett St #3 Portland
25	Amber Trosper	Amber Trosper	71 Beckett St. #2 Portland
26	Sam Lambert		85 Beckett St
27	Simon Ruch		85 Beckett St.
28	Catherine Waycott	Catherine Waycott	91 Beckett St
29	Carolann Murray	Carolann Murray	91 Beckett St
30	Faith Sheehan		95 Beckett St
31	Sarah H White	Sarah H White	44 Wellstone DR
32			
33	Elizabeth Mullin	Elizabeth Mullin	98 Beckett St
34	MARK WHITE		98 Beckett St.
35	PAUL RODRIGUE	Paul Rodrigue	
36			
37	Christine Leone	Christine Leone	2 Bixby Pines #3 Portland ME 04074
38	Amelia Labrecque		87 Munjoy St. #1 Portland
39	Benjamin Mason		62 Munjoy St
40	Heather Bruce		65 Wilson St
41	Carrie Ryba		49 Orion St #1
42	Jan-Willem Willemsen		52 Munjoy St
43	Rui Costa		95 Munjoy St
44			

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	Name	Signature	Address
45	Bryn Arbuckle		82 Beckett St #3
46	Eric Krohne		54 Moody St. Portland
47	JOE KLEVITT		74 Munjoy St.
48	Amy Spafford		72 Munjoy St
49	Jill Kaufman		66 Munjoy St. #2
50	Nina B.		26 wilson st
51	Deb Jahnel		20 Munjoy St
52			
53	Chandra E McLaughlin		
54	~~Martica Douglas~~		
55	Martica Douglas		11 Munjoy St.
56	Lisa Christian		27 Munjoy St.
57	Thomas Cassidy		58 W Ter #1
58	Kurt Drummond		33 Otis St #1
59	Andrea Summers		45 O'Brien St
60	JANE S. Rowe		45 Wilson Unit 4 Portland
61	Richard A Brawley		45 Wilson unit 4 Portland
62			
63	Deb Parish		42 Moody #3 Portland
64	LINCOLN PAINE		150 EASTERN PROM. PORTLAND
65	Allison Paine		150 Eastern Prom Portland
66	Ruth Freeman		64 Vesper St Portland
67	Cecilia Ziko		62 Vesper Portland
68	Joseph Nadeau		66 Congress St. Apt 3
69			

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	Name	Signature	Address
70	Kate Voyang	Kate	14
71	Karen Snyder	Karen Snyder	72 Waterville
72	SUE INSKEEP		51 MONUMENT
73	Sheila L. Hogan		43 Monument St.
74	Maria Hogan		43 Monument St
75	Gina Tangney		64 Saint Lawrence St
76	Logan Sheffield		71 Melbourne St
77	Andrew S. Ryer		105 Congress St, #3.
78	Lindsey Ryer		105 Congress St.
79	emily smith		46 Howard St Apt 7
80	Sarah Davies		100 Congress Street Apt 1
81	Doug Fillmore		172 E Prom
82	Tracy Tingley		57 St. Lawrence St #4
83	Keith LANE		73 Waterville St
84	Kaity Mahoney		72 Waterville St. #1
85	Brian Wells		72 Waterville St, #1
86	Cathleen Cassie		72 Waterville St #2
87	BENEDICT CASSIE		72 WATERVILLE ST #2
88	Simone Halstead		24 Emerson St
89	Alicia Tefft		13 Forest Park
90	Jeanine Bischoff		68 Quebec St.
91	Hannah Underwood		85 Vesper St.
92	Madison Corcoran		75 Congress St.
93	Kevin Brewster		68 Quebec St
94			

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	Name	Signature	Address
95	RICHARD STILLWELL		20 ST. LAWRENCE ST.
96	Carol L. Stillwell	Carol L. Stillwell	20 St. Lawrence St.
97	Mary Kathryn Connolly		102 North St. Portland
98	Thomas Doherty		102 North St Portland
99	Elyse Schwarzberg		102 North St Portland
100	Ryan Pierce		106 NORTH ST. PORTLAND, ME
101	Rita Pierce	Rita Pierce	
102	Laurie Hanley	Laurie Hanley	118 Congress St. #302 Portla
103	Judith Sobol		180 Falmouth ST #203
104	Solange Kellermann	Solange Kellermann	48 Howard St. Portland
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	Name	Signature	Address
120	Regina Langley		54 Turner St.
121	ALLAN HORNEMAN		58 Turner st.
122	Paul Grass		44 Howard St
123	Tracy Madigan		33 Harvard St
124			45 Emerson St
125	David Halstead		24 Emerson St.
126	Taylor Brassard		54 Turner Street
127	MICHAEL BRASSARD		54 TURNER ST
128	Stuart Lambert		36 Gilman ST 04102
129	Katelyn Kniffin		54 Turner St
130	charles Jackson		138 Pine St. apt #4 Portland ME 04102
131	Patrick Bartley		54 Turner St
132	Jessica Place		54 Turner St #1 Portland, ME
133	Dan Basley		54 Turner St #1 Portland ME
134	MARK W CASHIN		27 MORNING ST #4 PORTLAND, ME
135	Anna K Bolton		39 Merrill St. Portland, ME
136	Jacob Seabell		29 Emerson St Apt 1 ME
137			15 Munjoy Street #2
138	Sabeth Andajic-Oz		24 McCall St #5
139	CHARLOTTE KILEY		53 Turner ST
140	Colin Franklin		54 Turner st.
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	Name	Signature	Address
145	Jayne Hurley	Jayne G Hurley	11 St. Lawrence St.
146	Peter MACOMBER		4 ST LAWRENCE ST
147	Pam Macomber	Margaret P. Macomb	4 St. Lawrence St
148	Jennifer Marrone		48 Monument St
149	Carlos Braceras	Carlos	35 St Lawrence St
150	Morgan McCormack		36 St Lawrence St
151	Mark K Holden	Mark K. Holden	37 St Lawrence St
152	Emma Cassat		57 St Laurence St
153	Stephen Benenson		56 St Lawrence St
154	DAVID KENNEDY		21 ST. LAWRENCE ST
155	Judith Lambert	Judith Lambert	61 St. Lawrence St
156	Kristen Lape	Kristen D Lape	71 St. Lawrence St.
157	Matthew Anderson		41 Monument St.
158	Melissa Mulkern		59 Saint Lawrence St
159	Eric Smith		57 St. Lawrence
160	LINH TUYETSKY		52 Atlantic St
161	Betsy Ellison	Betsy Ellison	23 Franklin
162	Katie Tagyland		44 St Lawrence
163	Maeve Wrenn		29 St. Lawrence St
164			
165	Cynthia I. Bartlett	Cynthia I Bartlett	16 St Lawrence St #2 Portland
166	Benjamin Acorn	Benjamin A	2 Atlantic St #2 Portland
167	[illegible]	Heather Abt	6 Atlantic St.
168	Bernard Moore - Boardman	Kathleen Riley	33 Atlantic St.
169	Bernard Moore		37 Atlantic St

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   - **C)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
170	Eric Wenstrom	Eric Wenstrom	78 Beckett St
171	Sarah Morneau	Sarah Morneau	83 Beckett St. #3 Portland, ME
172	Shelley Brann	Shelley Brann	81 Munjoy St #3
173	Samuel deFayette		83 Beckett St #2
174	Megan Sutherland		83 Beckett St. #1
175	[illegible]		25 Phillips Falmouth
176	Rebekah Crabtree		46 Vesper #1 portland me
177	Richard Santos		31 O'Brien
178	Emily Cushman		51 Moody St #3
179	Jarl Pedersen		76 Beckett St. #2
180	Emma Mish		54 Sheridan St #7
181	Jake Crane		119 Morning St Apt B
182	William M. Fondé		57 Beckett St #3
183	Ellen Fondé		19C Carleton Peninsula
184	Brendan Carpenter		166 F Washburn Ave
185	Jordan Moody		18 Florida Ave
186	[illegible]		60 Monument St #1
187	Peter Chase		31 Vesper St #1
188	Betty Hensley		39 Quebec St.
189			
190	Margaret Silsby	Margaret Silsby	45 Congress St.
191	[illegible]		58 Neal St
192	Josiah Bartl		496 Congress
193	[illegible]		228 Prospect St
194	Thomas Pratt		419 Cumberland

Petition: After Munjoy Hill Moratorium Ends June 2018

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	Name	Signature	Address
195	Snjezana Holman		3 Munjoy South, Portland
196	Kendal Anderson		41 Waterville St. Portland ME
197	Kaven Gorman		41 Waterville St Apt 4
198	Michael C. Connolly		36 Waterville St. #4
199	Amy Stepp		23 Waterville St
200	Alison Schmitzler		23 Waterville St
201	Alison Kamar		73 Atlantic St.
202	John Mahaney		73 Atlantic St.
203	Joel Hall		40 Waterville St #2
204	Irez Braveras		35 of Lawrence st
205	Sam Deeran		646 Washington Ave
206			
207	Keith Pulsh		28 Waterville St
208	Pamela Day		25 Waterville St.
209	Bryan Fortin		40 Waterville St.
210	Nicoly Botti		40 Waterville St.
211	Deirdre Donegan		70 Waterville St.
212	Michael Pelt	Michael PELT	25 Waterville
213	Joan E. Britton		104 Winter St. Apt. 1
214	Joe Guglielmetti		44 Waterville St. Apt 1
215	Brett Solar		9 Waterville St 1C
216	Richard Caplan		
217	JoAnn Dowe		28 Waterville St
218			
219			

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	Name	Signature	Address
220	Dale B. Rand	Dale B. Rand	61 Melbourne Street
221	Anne M. Rand	Anne M Rand	6 Melbourne St.
222	Judah Tierney	Judah Tierney	10 Willis ST
223	Martin Steingasser	Martin Steingasser	10 Willis Street
224	Margaret Hillman	Margaret Hillman	9 Willis St
225	Santo Peter Dantelli	Santo Peter Dantelli	111 Congress Street
226	Shulamith Botham		80 Melbourne St
227	Thomas Pucino	Thom	80 melbourne st
228	SUSAN Shaw	Susan Shaw	26 Willis St. Portland
229	Carol Marie Connor	Carol M Connor	12 Montreal St
230	GEORGE H. LIBBY JR	George H Libby	16 MONTREAL ST
231	Douglas H Burnoa		16 MONTREAL ST
232	LIANE C BILLINGS	Liane C Billings	92 MONTREAL ST
233	Kevin Johannen	Kevin L Johannen	41 Montreal St.
234	Amy Bushell		48 Montreal St.
235	Deborah Cole	Deborah Cole	71 Walnut St
236	CHARLES C SUDBAY JR	Charles Sudbay	65 Melbourne St
237	Rita M Sudbay	Rita Sudbay	65 Melbourne St.
238	Ann Deutsch	Ann Deutsch	64 Melbourne St
239	Beth Patterson-Brackett	Beth Patterson-Brackett	52 Melbourne St
240	Joel Chapman	Joel Chapman	33 Melbourne ST
241	Marianne J. Chapman	Marianne J. Chapman	33 Melbourne St
242	David Brackett		52 melbourne ST
243	Sarah Egan		54 Walnut St
244	JEAN McMANAMY		10 Willis St

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	Name	Signature	Address
245	MARCIE E YOUNG		53 Melbourne St Portland, Maine
246	James D. Bruce		69 Merrill St Portland, ME
247			41 Montreal St Portland
248	Megan E. Carroll		19 Melbourne #1 Portland
249	Lydia Savage		31 North St.
250	Lorrayne Carroll		65 Quebec St-Ptld, Me
251	Sammy Hargis		62 Melbourne St, Portland, Me
252	Barbara Linehan Smith		62 Melbourne St, Portland, Me
253	E Terrance Smith		65 Waterville St #2
254	Bennett Morris		65 Waterville St #2
255	Fanina Napier		89 Mornive St
256	Jane Boyer		73 Congress Street Apt 2
257	Jessica Hovey		73 Congress St.
258	KRIS JOHNSEN		29 Emerson St. #2
259	Shane Swenson		29 Emerson St. #2
260	Ian Swenson		87 Pine St, #2
261	Elizabeth Kloeck		52 Atlantic St #2
262	Sarah Demorest		71 Melbourne #2 1
263	Kelly Mascolo		71 Melbourne #1
264	Richard Salois		6 Climber Ln #1
265	Angel Medina		89 Vesper St. #3
266	Keith W. Welch		63 Melbourne St. #3
267	Conor M. Quinn		
268	-ee steven Clark		19 Montreal St apt 3
269			

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	Name	Signature	Address
270	Kelly Tingley	Kelly Tingley	87 St. Lawrence St #4 Portland ME 04101
271	George Carhart		7 Lafayette St Portland ME 04101
272	Usahi Carhart	Usahi Carhart	7 Lafayette Street Portland ME 04101
273	Michaela Conner	Michaela Conner	27 Lafayette St. Portland
274	Debra Casey	Debra Casey	45 Quebec St Portland
275	MICHAEL FERGUSON		93 ATLANTIC ST # 1 PORTLAND
276	Sherri Hughes		93 Atlantic St. Portland
277	MARTICA SAWIN		28 ST. LAWRENCE PORTLAND
278	Maggy Wolf	Maggy Sawin	28 ST. LAWRENCE PORTLAND
279	Aaron Murray		40 St Lawrence "
280	Amanda Pouw		43 St Lawrence St 1B
281		Kngarvin@yahoo.com	19 Montreal ST Portland
282	Margaret J. Johnson	Margaret J. Johnson	30 Lafayette St
283	Elizabeth A. Steele	Elizabeth A Steele	66 Quebec St. Portland
284	Bruce Davis	Bruce Davis	45 Quebec St.
285	Peter L. Murray		104 North St.
286	Deborah D Murray		104 North St
287	Stuart Brown		63 Vesper St.
288	Jessica Wyllie		13 Emerson #305
289	Angela Adams Hamill		2 Atlantic St. Portland
290	SHERWOOD HAMILL		2 ATLANTIC ST PORTLAND
291	KARENELLEN M. SMITH		80 Quebec St Portland
292	Beth Snyder	Beth Snyder	81 North St. Portland
293	Chris Stewart		81 North St.

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	Name	Signature	Address
295	Kathleen M-Phillips	Kathleen M-Phillips	45 Eastern Prom 6J Port.
296	DEREK CAMPBELL	Derek Campbell	45 Eastern Prom 6J Port
297	SUSAN TURREEN	Susan Turreen	45 Eastern Prom 2ft 6K
298	Charlotte Fullam	Charlotte Fullam	45 Eastern Prom - 7-H
299	Sandra H Child	S H Child	43 Quebec St.
300	JAMES BOARD	James Board	23 ENERSON ST #3
301	Chatty E Sawyer	Chatty E Sawyer	45 EASTERN Prom APT 6C
302	Charles R. Sawyer	Charles R. Sawyer	45 Eastern Prom apt 6C
303	Sarah C. Mutty	Sarah C. Mutty	45 E. Promenade 3K
304	Jean Fields	Jean Fields	45 E. Prom. 1 64
305	Ryan Lowell		56 Merrill St.
306	Mary Mawhinney	Mary Mawhinney	50 Merrill St.
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	Name	Signature	Address
320	SANDRA FLANAGAN		13 WATERVILLE ST.
321	Amy Carole		39 Waterville St.
322	ANDREW COOPER		39 WATERVILLE ST
323	Sabrina Casale		45 Waterville
324	Carl D. Casale		45 Waterville St
325	KELLY BOURDEAU		17 Waterville St
326	LOIS C. BARTER		55 Kellogg St
327	MICHAEL J. CAVANAGH		39 Munjoy St
328	Dichne Britcano Cabrera		39 Munjoy St
329	Jerry Barlow		66 Waterville St
330	Enrique Britcano LaRosa		66 Waterville St
331	JOSEIM RAND		66 WATERVILLE ST.
332	MICHAEL BALZANO		29 BANCROFT ST
333	TOM BROKISH		43 MUNJOY ST.
334	Kelly Worster		52 Monument St #3
335	Amanda Guillemette		39 Waterville Street
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345	John Hardy		11 Ponce St. Apt 1
346	Mary Caprow		55 Mountfort St
347	Tod Eiber		24 Sheridan St
348	Kristen Stogsdill		24 Sheridan St
349	Sarah Auffret		80 North St
350	KRISTINE HEITLER		11 Unit 2
351	[illegible]		151 North St.
352	Melissa Sweet		37 Saint Lawrence St
353	GAIL RINGEL		34 Lafayette St. Portland
354	TED HOWARD		6 St. Lawrence St
355	Charlotte Daniels		62 St Lawrence St
356	DON OGIER		145 North St.
357	Linda Tyler		52 Saint Lawrence St
358	Elena M. Schmidt		99 Atlantic St #3
359	Sarah Goan		54 Walnut St
360	MARY Roy		122 North St 04102
361	Louise Lora-Somlyo		77 Pine Str, # 1-5
362	Lynn Hallett		9 St. Lawrence
363	PATRICIA RYAN		60 Montreal St
364	Carol M. Connor		12 Montreal St
365	Judith Cutler		45 E Prom
366	Paul E. Cote		98 Monument St.
367			
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370	Mackenzie Marrie		287 State St. # Portland, ME 04101
371	Andrew Lamberth		105 Sherman St #1
372	Rashita McJunkin		23 Boynton St. #1 Portland ME 04102
373	Matthew Kennedy		23 Boynton St #1 Portland ME
374	WAYNE VALESWIND		27 MORRILL ST PORTLAND ME
375	Cakobin Swarte		27 MORRILL ST. PORTLAND ME
376	Elizabeth Fraser		81 Congress St Portland ME
377	Maureen Ray		81 Congress Portland
378	James Davis		29 MORRILL ST PORTLAND
379	Elizabeth Farmer		81 Quebec St #3 Portland
380	Britt Knowlton		45 Merrill St
381	Kevin Brewster		68 Quebec St
382	Donna Mair		55 Merrill St
383	Lise Illingworth	Lise Illingworth	50 Quebec St
384	Marianne O Malley Sampson		73 Merrill St. #1
385	Scott Rezazzi		73 Merrill St. #3
386	EVA Rose Coats	EVA Rose Coats	70 Merrill St. #4
387	Jan Piribeck		145 Anderson #8
388	Anne Mangano		84 Quebec St
389	Barbara Beckelman		118 Congress, #204
390			
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395	Amy T. Sweeney		100 Dole Dr. Portland, ME
396	Susan C mercier		54 Bartlett St Portland,
397	Holly Mitchell		154 Yale St Portland
398	Susan Seibe		61 Jeanne St Portland
399	CAROLV Jenkins		18 Stoneledge Drive, PORTLAND
400	Deboris Ahlin		12 Crestfield Terrace, Portland
401	EARL IRELAND, JR		199 Edwards Street
402	CAE COUSINS		94 Munjoy St
403			
404			73 Cumberland
405	Karen Hamilton		23 Vesper St
406	Barbara Goodbody		118 Congress #301
407	Ellen F. Bailey		17 Hammond St.
408			55 North St
409	Bonnie Coplon		9 Waterville St. #C
410	Cynthia Cochran		17 Hammond St
411	Pat C Tryon		1 St. Lawrence St., #3
412	Michael Coplon		9 Waterville St. #C
413	Julia Kirtland		234 Eastern Prom. #5
414	EDW W CHESTER		7 Fore St
415	Vana Carmona		105 North St #1
416	Nat Pendleton		66 Quebec St #3
417	Steven Goodman		89 Morning St
418	Jeffrey Winkler Smith		340 Eastern Prom #142
419			

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420	STEPHEN NEILAN		29 Emerson St #3
421	CHRIS AKERLIND		44 Monument St
422	Nicholas Hill		30 morning st
423	Kristin Jackson		14 Monument St
424	Matt Wellington		14 monument st.
425	Kate O'Rourke		102 Morning St. Apt 2
426	MINDY HEPLER		189 CONGRESS APT 2
427	Alex Vargas		189 Congress Apt 2
428	JILL BERICHANSKA		40 MELBOURNE ST
429	JAMES PLACENTINE		21 A Facta Pron
430	James Nilgard		21 Atlantic St
431	Sarah Auld		43 Munjoy St Portland
432	Nicole Elmore		49 Sheridan st. Portland
433	MAO DING		65 Munjoy St.
434	Gerald Shannon		73 Mountfort St.
435	Kasey Keller		28 Eastern Promenade Apt. 8 Portla
436	Leah Cross		73 Atlantic St Apt 2 Portl
437	WILLA WIRTH		49 Monument St. #3 PLND.
438	Meghan Powell		15 Munjoy St #1 Portland
439	Jenna Carlson		37 Kellogg St #3 Portland
440	Ryan Poag		119 Merrill St
441	NATHAN BAILEY		86 Quebec St.
442	CHARLIE FRAIR		62 ATLANTIC ST. 04101
443	Helen Lukacs		66 Cumberland Ave Apt 2
444	PETER O'DONNELL		17 MORNING ST. EAST

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445	Mary Morse		208 Sheridan St
446	Robert Morse		208 Sheridan
447	Kae Barnes	Kae Barnes	23 Emerson #3
448	Kate Philbin	Kate Philbin	45 Eastern Prom #3
449	GAIL KUHLthau	Gail Kuhlthau	9 Adams St
450	STEPHEN GAAL	Stephen Gaal	176 Eastern Prom
451	Ann Cowie	Ann Cowie	32 North St. Ptl.
452	James Cowie	James Cowie	32 North St
453	MELISA BOIS	Mari Bois	53 MELBOURNE ST.
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Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
   - **A)** Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
   - **A)** Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
   - **B)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
   - **A)** Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
   - **B)** Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   - **C)** Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
467	J.R. WHITTEN	J.R. Whitten	23 St. Lawrence St.
468	Lauren Peer	Lauren Peer	119 Congress #1
469	E. Streeter	Elizabeth C. Streeter	66 Quebec
470	J. Streeter	Donna Streeter	66 Quebec
471	Berry Manter		#6 E Prom
472	Jocelyn King		46 E. Prom
473	Marcie Lister		40 E. Prom, Apt B
474	Isabel Walsh	Isabel O. Walsh	32 Wilson St. #2
475	Evan Holliday	Evan Holliday	32 Wilson St. #2
476	MATT CAPON	Matt Capon	42 VESPER ST #2
477	Margaret Cummings	Margaret Cummings	32 Wilson St Apt 1
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Munjoy Hill Conservation Collaborative- Historic Preservation District Petition

SHORT TERM Solution (Can easily be implemented by when the Moratorium Ends):

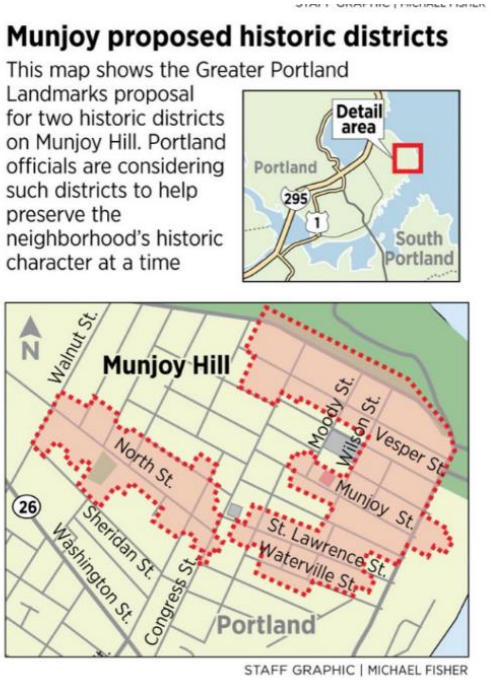
A) Include a nomination for a Historic Preservation district of a proposed geographic area in phase one with full designation of final districts in phase 2.

LONG TERM Solution (Can be started but is a longer process to implement):

A) Create a ***Historic Preservation District (HPD)*** for Munjoy Hill. Greater Portland Landmarks preliminary study indicates over 60% of Munjoy Hill buildings have "historic architecture integrity"

Source: http://www.portlandlandmarks.org/munjoy-hill

Suggested Preliminary Historic District could be below.



https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
1	Betty Manter		46 E Prom.
2	Jayne Hurley	Jayne Hurley	11 St. Lawrence St.
3	Zack Anchors		44 Waterville St #1
4	ENOCH WENSTROM	enoch wenstrom	88 BECKETT St #1
5	Elizabeth A Streeter	Elizabeth A. Streeter	66 Quebec St.
6	Stacy Mitchell	Stacy Mitchell	74 Atlantic St
7	George Carhart		7 Lafayette St
8	Barbara Vestal	Barbara Vestal	7 Fore St.
9	Pam Macomber	Pam Macomber	4 Saint Lawrence
10	PETER MACOMBER		"
11	Karen Snyder	Karen Snyder	72 Waterville St
12	PAULA AGOPIAN	Paula Agopian	98 monument St
13	KEITH LANE	Keith Lane	73 WATERVILLE ST
14	James Clouther		13 Fletcher St PH1
15	NANCY J. GUIGNARD	Mary J. Guignard	13 WATERVILLE ST
16	GAIL KUNCTHAU	Gail Kunczhau	9 Adams St PH2
17	JOANN DOWE	JW Dowe	28 Waterville St
18	Mark Hogan		41 Monument St.
19	Stephanie Hogan	SH	41 Monument ST.
20	Lindsey Ryo	Lyndsey Ryan	105 congress St.
21	Andrew J. Ryan	A. J. R.	105 Congress St.
22	Emily Smith		46 Howard St. Apt 1
23	Sarah Davies	Sarah Davies	100 congress Street Apt 2
24	Doug Fillmore		172 E. Prom
25	Tracy Tingley	Tracy Tingley	8 St. Lawrence St #4
26	Kelly Tingley	~~St. Lawrence St #4~~ Kelly Tingley	91 St. Lawrence St #4

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
27	ENOCH WENSTROM	Enoch Wenstrom	88 Beckett St #1
28	COLIN WINSOR		66 BECKETT St. #2
29	BRIAR Pelletier		88 Beckett #3
30	Simon Rucky		85 Beckett
31	Catherine Wagstaff	Catherine Wagstaff	91 Beckett #2
32	C Murray	Caroline Murray	91 Beckett #1
33	Sarah H. Waite	Sarah H. Waite	44 Wellington DR
34	Jan Markuska		52 Muddy Steet
35	Bryn Arbuckle		82 Beckett St #3
36	Jill Kaufman		66 Munjoy St. #2
37	Anna B		76 Watson St
38	Deb Tabue		26 Munjoy St
39	Maritca Douglas		11 Munjoy St.
40	Brian Weiss		72 Waterville St Apt 1
41	Kaitly Mahoney		72 Wakeville St #1
42	Cathleen Cassie		72 waterville St #2
43	BENEDICT CASSIE	BCC	72 WATERVILLE ST #2
44	Alicia Jeffs		13 Forest PARK
45	Jeanine Paschoff		68 Quebec St.
46	Hannah Underwood		85 Vesper St.
47	Kelin Brewste		68 Quebec St
48	Karen Hamilton		23 Vesper St
49	BARBARA Goodbody		118 Congress
50	Ellen J. Bailey	Ellen J. Bailey	17 Hammond St
51	Bonnie Cohen	Bonnie Cohen	9 Wakeville St 1-C
52	Michael Cohen		9 Wakeville St. 1-C
53	Pat C. Tryon		1 St. Lawrence St. B3
54	Mike Sylvester		159 Central Ave Peaks
55	Edwina Chester		7 Fore St Apt
56	Vana Carmona		105 North St #1
57	Nat Pendleton		86 Quebec St #1
58	Steven Goodman		89 Morning St.
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
93	ALLAN HORNEMAN		58 Turner Street
94	Paul Gregg		44 Howard St.
95	Alex J Thayer		48 Duncan St
96	Regina Langley		54 Turner St.
97	Taylor Brassard		54 Turner St.
98	MICHAEL BRASSARD		54 TURNER ST.
99	Stuart Lambert		36 Gilman ST
100	Katelyn Griffin		54 Turner St
101	Charles Jackson		138 pine st. apt #4 PORTLAND ME 04102
102	Patrick Bartley		54 Turner St
103	Jessica Place		54 Turner St #1 Portland, ME
104	MARK W. CASHIN		27 MORNING ST. #4 PORTLAND
105	Anna K Bolton		85 Merrill St. Portland
106	Jess Harrell		15 Munjoy Street #2
107	Sarah Anderson		27 Morning St #5
108	CHRISTINE KILLEY		52 TURNER ST.
109	Colin Franklin		54 Turner st.
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
126	MARK K. HOLDEN	Mark K. Holden	37 St Lawrence St 04101
127	SADHBH NEILAN	Sadhbh Neilan	29 Emerson #3
128	STACY MITCHELL	S Mitchell	74 Atlantic St #2
129	James Plagenhoef		21 Eastern Prom
130	Jacob Hebert		74 Atlantic St. #2
131	Jordan Guerette		58 Congress #3
132	Jason Walker		58 Congress #3
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

	Name	Signature	Address
126	MARK K. HOLDEN	Mark K Holden	37 St Lawrence St 04101
127	SADHBH NEILAN	Sadhbh Neilan	29 Emerson #3
128	STACY MITCHELL	Stacy Mitchell	74 Atlantic St #2
129	James Plagenhoef		21 Eastern Prom
130	Jacob Haberl		74 Atlantic St. #2
131	Jordan Guerette		58 Congress #3
132	Jason Walker		58 Congress #3
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Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Munjoy Hill Amendments

Jeff Levine <jlevine@portlandmaine.gov> Fri, Apr 13, 2018 at 10:52 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Wed, Apr 11, 2018 at 12:55 PM
Subject: R-6 Munjoy Hill Amendments
To: jlevine@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Jeff, Christine, Deb and Caitlin,

I write to follow up on one of my comments to the Planning Board yesterday. I do not understand what you are trying to accomplish with the proposed amendments to 14-436, and fear that as drafted you are about to open a can of worms on the entire City. I believe you are proposing this to make building extensions a viable alternative to demolition. But as drafted, I believe it is ill-considered, not well-targeted and has potential impacts well beyond that limited purpose.

My reading of the proposed amendments is that they would allow an owner with a nonconforming structure to expand the structure for the entire length of the rear yard or side yard (as applicable) so long as the structure did not encroach any more than the already non-conforming portion. Thus if a small porch, for example, encroached 7 feet into what would otherwise be a required 10 foot setback, with this amendment, the entire remainder of the building, for its entire distance along that plane and for the entire height allowed by zoning could be enlarged and extended out to the 3 foot plane.

This moves a far distance from the existing ordinance which would only allow a building extension vertically, WITHIN THE EXISTING FOOTPRINT of the structure. The amendment would allow extensions vertically and horizontally, and beyond the existing footprint, to square off the building to the furthest extent of the non-conformity.

As I stated to the Planning Board:

> I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. You should NOT take them up as part of this moratorium package. They are kind of stuck on at the end, as an afterthought, and have not been part of the discussion on Munjoy Hill. The proposed amendments would apply City-wide, not just in the R-6. As drafted, the amendments could make significant changes.
>
> The current ordinance only allows certain building extensions **WITHIN THE EXISTING BUILDING FOOTPRINT**. As drafted, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what it is proposing is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the % expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure.
>
> These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial. **Why should these Building Extension amendments be included in the R-6 IPOD moratorium package?**

It is one thing to allow reasonable expansions in a controlled and planful way as an alternative to demolition. Perhaps that could be included in the toolbox if somebody were to apply for a demolition permit; maybe there could be a process for discussion of an expansion that might be allowed if it met the design guidelines. The allowed extensions would be limited to a very specific context and would be done with design review. It is quite another to willy-nilly remove all of the limits on building extensions for all non-conforming structures as these amendments propose to do.

I hope you will take another look at this provision and either improve it to better accomplish your assumed purpose, or will delete this pending a separate and more measured analysis of the City-wide impacts.

Regards,

Barbara Vestal

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: on revisions to policies

Jeff Levine <jlevine@portlandmaine.gov> Fri, Apr 13, 2018 at 11:27 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Fax (207)756-8258
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@portlandplan

---------- Forwarded message ----------
From: **Grace Braley** <gbraley55@gmail.com>
Date: Fri, Apr 13, 2018 at 11:20 AM
Subject: on revisions to policies
To: jlevine@portlandmaine.gov

To Jeff Levine:

I am out of town and could not attend the meeting Tuesday, not sure if comment was being taken.

Having reviewed recent proposals, I have just a couple of comments.

Primarily, although we do need housing affordable to people with lower incomes,

1. *Letting the inclusion of housing people can afford affect the revised design standards for any part of Portland does not make sense. We can keep an aesthetically attractive city and increase the needed housing.*

The height of a building has nothing to do with "workforce" housing. [It is the rectangular building tops that pop up really ugly above the more common rooflines on Munjoy Hill.]

The attractiveness of a neighborhood should have no relationship to affordability.
It should certainly not compromise how design and construction are carried out.

There seem to be no resources offered to households with the 50% - 80% income population.
The population with incomes between 80% and 120% can afford what they need or want without any assistance or incentive.

Please do not make design standards a negotiable factor.

2. *There is another concern here that should be named. When a builder wants to put in high-priced condos, and with the designer, also wants to squeeze in one more unit for more dollars, is this not likely to force a design sacrifice on the character of neighborhood standards?*

Some of the contemporary designs are relatively attractive. I fear the risk of some sacrifice being made when the developer wants the gain from an extra unit or two. How do we deal with this?

OTHER:
As for economic hardship as a reason for demolition, this is confusing. Are there alternative methods for deriving a list of feasible reasons for demolition?

Also, although demolition gets me very anxious, I still wonder whether an 18-month stay is not a punitive time-frame?

Grace Braley

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratoirum

Jeff Levine <jlevine@portlandmaine.gov> Fri, Apr 13, 2018 at 1:52 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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@portlandplan

---------- Forwarded message ----------
From: **e w** <eenebw@hotmail.com>
Date: Fri, Apr 13, 2018 at 1:36 PM
Subject: RE: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratoirum
To: Jeff Levine <jlevine@portlandmaine.gov>, Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Cc: Pa Ag <pagopian1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mswnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@gwi.net>, martica douglas <tica1529@gmail.com>, Jayne Hurley <jhurley@cspinet.org>, Berry Manter <berrymanter@yahoo.com>, nini mc manamy <ninimaine@aol.com>, Pamela Day <pday2304@gmail.com>, Barbara Vestal <vestal@chesterandvestal.com>, Karen Snyder Yahoo <karsny@yahoo.com>

Jeff: Thank you for your comments and the opportunity to meet two Fridays ago. I can definitely appreciate your team's effort. Our team has also done an exhaustive, extensive effort for what we believe is in the best interest for the neighbor we live in. I 100% support Karen's great job in replying the concerns. In my experience, in the planning and negotiating environment, critique is a necessary part of the process of deriving a workable middle ground for all. With that being said, I do not think it is wrong for the group to suggest revisions to the plan drawn up by your team. The neighborhood, young and old, clearly wants the destruction of Munjoy hill to stop. It is going to be very disappointing to the neighborhood if this massive condo building trend continues after June. Many people are under the impression the city has stopped this destruction and mass scale condo building permanently.

Thank You

From: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Friday, April 13, 2018 12:02 PM
To: Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Cc: Pa Ag <pagopian1@yahoo.com>; Mary Westort Casale <dirtgirl1@aol.com>; Maggy W <mswnola@gmail.com>; Enoch Wenstrom <eenebw@gmail.com>; EJ Koch <ejkoch@gmail.com>; peter murray <pmurray@gwi.net>; martica douglas <tica1529@gmail.com>; Jayne Hurley <jhurley@cspinet.org>; Berry Manter <berrymanter@yahoo.com>; nini mc manamy <ninimaine@aol.com>; Pamela Day <pday2304@gmail.com>; Barbara Vestal <vestal@chesterandvestal.com>; Karen Snyder Yahoo <karsny@yahoo.com>
Subject: Re: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratoirum

Thanks for your comments and ongoing commitment to this process.

Reading through them, I think it might be helpful if we met so I can walk you through our recommended language and how it closely follows the outline from our March 24th presentation at the listening session. There are also some terms that we don't define in the overlay because they are already defined in the ordinance elsewhere (such as "Planning Authority") that I would be happy to go over with you. Similarly, the issue of lots over 10,000 sf. is perhaps misunderstood in that we have other design standards that apply to projects of that scale.

We have thought long and hard about the issues facing Munjoy Hill and how to balance varying perspectives on complex issues. We have devoted several staff members to this work, as well as bringing in an intern to do survey work, putting aside other major projects to make sure we do a good job on this one. I have been honest and open with you all along during the process and, as a result, find your comments to be a little harsh.

Let me know what times might work for us to meet and I will try to make something work in the next couple of weeks.

best,

Jeff

Jeff Levine, AICP
Director
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389 Congress Street 4th Floor

Portland, Maine 04101
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http://www.portlandmaine.gov/planning
@portlandplan

On Wed, Apr 11, 2018 at 9:32 AM, Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> wrote:

April 11, 2018
City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101
Re: Planning Department Recommendations In 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of **386 signatures gathered from residents** on Munjoy Hill requesting EFFECTIVE language for the following:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
   A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
   A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
   B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
   A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
   B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.
The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.
In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

1) **Language: (page 12)** (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.

2) **Language: (page 13)** (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.

3) **Language**: **(Page 14)** (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) **Rooftop Appurtenances -**
Language: (Page 3) -HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.
-Concern: HVACs will still be seen from road in different angles Additionally, The property owners NOT in public way such as aside or behind the building should also be considered These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.
- Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) **Height Maximum**-
Language (Page 3): " or for developments that include at least one workforce housing unit for rent or for sale.**"**
Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 http://portlandmaine.gov/DocumentCenter/View/18101 which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annualy.

This language is so vague that it will not be enforceable as proven in other affordable polices.
- The small landloards such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hil. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) **Side Yard Setback Minimum**
Language: (**Page 3)** b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.
Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.
Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) **Language:** Missing Design Standard language to ensure that the design standard manual will be actually enforced.
-**Concern:** How to ensure that this design manual is legally and actually enforced? It is has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.
-**Proposal:** Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) **Language: (Page 26)** Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.
-**Concern:** How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservation Board recommendations were ignored 2 years ago.
Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) **Language**: **(Page 26)** The Review Authority may determine the neighborhood scope radius.
Concern: There is no definition as to who makes up this Review Authority.
Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) **Language: (Page 5)** There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.
Concern: - How are we assured it till be reviewed in a specific time frame? What are the interim controls during this time frame?
We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.
Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.
We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.
Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.
https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservation District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still un-informed about a Portland Historic Preservation District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above
We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservation Collaborative members
Karen Snyder-72 Waterville St.
Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachments:
MHCCLetterPetition2PlanningBoard_20180405.pdf
MHCCPetition_HPD_20180411.pdf

Jeff Levine, AICP
Director
Planning & Urban Development Department
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Portland, Maine 04101
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Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

On Wed, Apr 11, 2018 at 9:32 AM, Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> wrote:

April 11, 2018
City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101
Re: Planning Department Recommendations In 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of **386 signatures gathered from residents** on Munjoy Hill requesting EFFECTIVE language for the following:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
   A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
   A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
   B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
   A) Eliminate the “Alternate Design Review” as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
   B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
   C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

1) **Language: (page 12)** (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.

2) **Language: (page 13)** (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.

3) **Language**: **(Page 14)** (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) **Rooftop Appurtenances -**
Language: (Page 3) -HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.
-Concern: HVACs will still be seen from road in different angles Additionally, The property owners NOT in public way such as aside or behind the building should also be considered These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.
- Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) **Height Maximum**-
Language (Page 3): " or for developments that include at least one workforce housing unit for rent or for sale.**"**
Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 http://portlandmaine.gov/DocumentCenter/View/18101 which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annualy.

This language is so vague that it will not be enforceable as proven in other affordable polices.
- The small landloards such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hil. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) **Side Yard Setback Minimum**
Language: (**Page 3)** b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.
Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.
Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) **Language:** Missing Design Standard language to ensure that the design standard manual will be actually enforced.
-**Concern:** How to ensure that this design manual is legally and actually enforced? It is has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-**Proposal:** Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) **Language: (Page 26)** Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.
-**Concern:** How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservation Board recommendations were ignored 2 years ago.
Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) **Language**: **(Page 26)** The Review Authority may determine the neighborhood scope radius.
Concern: There is no definition as to who makes up this Review Authority.
Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) **Language: (Page 5)** There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.
Concern: - How are we assured it till be reviewed in a specific time frame? What are the interim controls during this time frame? We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.
Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.
We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.
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In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above
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Respectfully,

Munjoy Hill Conservation Collaborative members
Karen Snyder-72 Waterville St.
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Attachments:
MHCCLetterPetition2PlanningBoard_20180405.pdf
MHCCPetition_HPD_20180411.pdf

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.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Questions for the city regarding Munjoy Hill/R-6 densification

Jeff Levine <jlevine@portlandmaine.gov> Wed, Apr 18, 2018 at 9:32 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Maggy W** <mswnola@gmail.com>
Date: Tue, Apr 17, 2018 at 1:02 PM
Subject: Questions for the city regarding Munjoy Hill/R-6 densification
To: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>, bbatson@portlandmaine.gov, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, nmm@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov

Hi Jeff and Jon,

I am a resident of Munjoy Hill and have been actively engaged in the ongoing efforts to protect this neighborhood from what many of us perceive as the rapid pace of development which is threatening its fabric, character and livability. In various meetings, we keep hearing the term "Densification" and that term is used to justify building heights and dimensions which seem to most residents as out of scale with the existing fabric. (for example, allowing building heights of 45' when currently only 17 out of over 700 buildings are currently that high and the few that are that high, other than recent structures, mostly have much larger setbacks than those allowed in the zoning language)

Although I have the utmost respect for, and gratitude to, the Planning Department which has been working incredibly hard on defining better zoning rules going forward, it seems we do keep running into this word "densification", which seems to be part of a city policy and also seems to present a recurring conflict with the residents; some of us may just be missing an important piece of the puzzle. I am sure that my questions will seem naive, but I think they are probably shared by a large proportion of the population.

So my primary question is, what are the city's specific goals for densification, especially on the peninsula? We all understand there is a critical need of workforce housing. But most of the building going on, especially on the peninsula, does nothing to provide housing for the working population. We seem to be getting thousands of hotel rooms and hundreds of luxury condos, which are largely being purchased by retirees, and frequently as second homes. Any time existing housing is torn down, we are losing the most affordable housing that can exist, given the prohibitive cost of building. Workforce housing cannot be the justification for these new buildings. Therefore am I correct in thinking the densification policy must be a strategy to help boost property tax base for the city budget? Does the city plan have numbers in mind for this? Since many residents are feeling that densification is a threat to the fabric and character of our neighborhoods, how much is needed? What kind of new revenues are projected from future development on the Hill?

We have heard it said that "Portland needs to grow". I actually have never heard any specific coherent explanation why this is inherently a good thing. How much will it cost to provide the new infrastructure required to support this growth? What kind of growth would be good for the city? I doubt that "more hotels" and "more luxury condos" make a viable growth strategy for the long term. These building do nothing to provide quality long-term jobs; rather they exacerbate the difference between the summer and year-round population, logistics which make it difficult to support the infrastructure and small businesses year round. So what kind of growth are we looking for and how do luxury condos and hotel rooms

support that growth?

These are not at all meant to be contentious questions, nor are they rhetorical! I am sincerely trying to educate myself on the strategy behind allowing the kind of development that seems to be threatening us on Munjoy Hill, on India Street, on the waterfront and in many other areas that make Portland the special place it is. Last year, the Planning department put an incredible amount of work into the 2017 Comprehensive Plan, but I honestly do not see that the type of development we are experiencing is consistent with most of the stated goals in this plan. So I am really in search of answers to my questions. How do these projects translate to fulfilling the Comprehensive Plan. I am not looking for platitudes like "Growth is good" or "change is difficult". I am seeking detailed answers on why and much these projects benefit the greater good. For example, I am also an active member of the Portland Climate Action Team, and if this development moved us any closer to the city's stated Clean Energy goal, I can certainly accept the greater common good. But the buildings that are being constructed currently are not generally incorporating state of the art "green" building technologies, especially when the Comp Plan cites research on p.34 that re-using existing buildings is far more energy efficient than tearing down and rebuilding even to much hugher green standards than are currently being used in Portland. If the answers to my questions are already available in the Comp Plan or other documents on the City's website, please help me find them; after 2 eye surgeries in the past year, my vision is still failing and I have a hard time reading huge amounts of fine print to find the relevant sections.

Thanks in advance for reading this email and for any answers to my questions, as well as for all of the incredible work the Planning Department has been doing to sort out the future direction of our great city.

Maggy Wolf
28 Saint Lawrence St.

List of R-6 Issues to discuss with Jeff Levine on 4/18. Good work, but still a major disconnect between what would be allowed by ordinance and the existing pattern of development. This creates incentives for speculation and teardowns rather than contributing to the stabilization of a vibrant and well-functioning neighborhood.

ISSUES:

1. **45' Height Limit is not compatible with much of Hill. This mismatch is not effectively controlled by design standards if zoning trumps design standards** – Have to be this way, or function of whether Council adopts the design standards? Can't they be equal requirements – can set up so applicant has to meet all? Otherwise 45' tall buildings essentially approved as of right if 3 units or 2 including affordable unit?

   If zoning has to trump design standards, is there a way to reduce the 45' height limit to make it more consistent with the surrounding neighborhood? Tie to average in certain radius? Tie to street width?

2. **Need to move forward on Historic District designation** – An essential part of maintaining the character and architectural history of Munjoy Hill. Need tentative identification of future historic districts, work plan and commitment to coming in with Eastern Prom and North Street historic districts, plus a multi-parcel designation for scattered landmark sites by a certain date.

3. **Need Interim Demolition Protections** in anticipated historic districts – to be effective, have to be interim protections against demolition for structures in areas identified as probable future historic districts. How can accomplish? 6 month extension prohibiting demolitions in those areas (using GPL boundaries) if identified as contributing or landmark by GPL (unless City reviews and determines not contributing to anticipated future district or landmark)

4. **Rationale for inclusion of building extensions provision?** - Seems to allow building extensions horizontally and vertically to maximum extent of non-conformity. Purpose? Unintended consequence? Should be limited to where demolition is otherwise proposed, to be considered as an option to make retention and building extension preferable to demolition? Or should be subject to review under design standards?

5. **Alternative design review process** – proposing only if HP approves? What other safeguards? Are there projects where HP will be recommending to PB? Will HP be final authority on compliance with design standards?

6. **Height bonus for "workforce housing" for rent or sale** – what is the enforcement mechanism? Any requirement that has to be occupied by/purchased by household meeting income limits? What is the applicable time period? Can be caretaker apartment for primarily single family house – gets height bonus to 45' with 2 units.

7. **Demolition standards**: determinations of non-significance, how significance determined, by whom; granted if Planning Authority fails to act within 30 days – why drafted this way?

8. **Rooftop appurtenances**: HVAC can be 5 feet above max height. Earlier proposal to be included in height. Rationale?

9. **Side yard setback minimum** – reducing below 10 feet if part of documented built pattern of the surrounding streetscape. Should there be a provision for "and the massing of the proposed structure is compatible with the massing and scale of structures on that streetscape"?

10. **Other issues?** Parking 10' setback: are circumstances where can be occupied by driveway, just not parking space?

11. **Setbacks and Lot Coverage**: Rationale for reduction from pre-2015 of rear setback (20' to 10'), side yard setback (10-15' to 5-10') and increase in maximum lot coverage (40-50% to 60%) is what? Valid to use measurements from existing structures when average height is only 2.4 stories and NO street (except Fore St) average building height in excess of 3 stories, but proposed setbacks and lot coverage would apply to 45' tall buildings?

12. **Package as proposed**: What design standards will apply post-June 5? PB to develop design standards over summer; will NEVER get adopted by City Council? Historic District plan is designation process to start late summer or fall with Council vote possibly late Fall 2018. "Interim controls would govern until decision made" starting when? Not until nomination by HP, correct? And that not until late summer.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: questions

Jeff Levine <jlevine@portlandmaine.gov> Wed, Apr 18, 2018 at 4:09 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
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Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Jill Duson** <jduson@portlandmaine.gov>
Date: Wed, Apr 18, 2018 at 4:07 PM
Subject: Re: questions
To: Grace Braley <gbraley55@gmail.com>
Cc: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

Thanks, for your note.

I confess that I am not sure where to start in response to your message.

The premise that the moratorium in question "was about the need for affordable housing", just doesn't connect. I think maybe the best starting point is to provide you a copy of the moratorium order.

http://www.portlandmaine.gov/documentcenter/view/18580

By copy of this message, I am also forwarding an FYI copy of your note to city staff for inclusion with the public comment received to date.

It is not too late to weigh in with your concerns and desires and impact the outcome of this review in the public hearings re: any recommendations.

On Wed, Apr 18, 2018, 9:02 AM Grace Braley <gbraley55@gmail.com> wrote:

> Jill, I think you know that an interest of mine is affordable housing.....as well as just a citizen's interest in having a city to feel what? happy and comfortable in?
>
> When I moved here, my real estate agent thought I might like Munjoy Hill, but I ended up deciding for across town -- Deering/Rosemont.
>
> Anyway I have been very interested in Munjoy. With its quirky history and all, it has been moving in a way to show off the attractiveness of its particular style and some historic architecture. It has become an attractive part of Portland....whether or not it always was.
>
> I thought the recent moratorium was to hold up development and consider whether to protect or defend some of the old neighborhood style and feel.
>
> I didn't know the moratorium was about the need for affordable housing, which can be addressed in other sectors of Portland.
>
> So, where would I find to read the moratorium to see what it says?

Also, to you, as housing chair, this is my concern:

If the purpose was to protect the character and personality of this particular Portland neighborhood,
then why would the proposed revised zoning codes give "rewards" to housing design that diminishes the quality of appearance
in exchange for an affordable unit apartment?

I feel like we were walking down a road the best we could -- the recent meetings were wrenching in how people expressed their frustration and
conflicts -- but it seemed mostly about protecting an attractive design in the neighborhood.

So, the bonus for a 45 foot high structure as a reward for an affordable unit feels like the whole thing got off track and the vehicle fell over the cliff.

After I listened to what was being said, and drove around the neighborhood (well, I go there, have friends there), it seemed to me that the
ugliest, most damaging design change wasn't the lot coverage or side requirements -- or even the contemporary designs because people have
rights to their style preferences --

what seems like the real ugly problem is the places where this big square extra ten feet -- to 45 -- sticks out over the top of all the rows of gable roofs.

Can't Portland protect the dignity of a neighborhood?

Grace

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Amendments

Jeff Levine <jlevine@portlandmaine.gov> Thu, Apr 19, 2018 at 10:30 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Not sure if I already sent this for the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
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---------- Forwarded message ----------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Mon, Apr 16, 2018 at 9:54 AM
Subject: R-6 Amendments
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Hello Jeff,

You have said that zoning trumps design guidelines in the R-6 zone. Does it have to be that way?

Are you saying that because it is anticipated that the R6 design guidelines will not be adopted by the Council, but rather will be completed and adopted by the Planning Board after the zoning amendments are adopted by the Council?

What if the R-6 design guidelines/standards were adopted by the City Council? Is it still your position that zoning would prevail over the design guidelines/standards, and that the PB would not be authorized to require something less than building to the maximum allowed by zoning if that were required to meet the design guidelines/standards?

If zoning trumps design guidelines, it seems to me that there is nothing to stop 45" tall 3-unit buildings being built in the middle of existing 2 story buildings, even though the design guidelines are set up to focus on the neighborhood context. Do you see that as a problem? Do you see any way around it?

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and e-mail.

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Historic District - NO

Jeff Levine <jlevine@portlandmaine.gov> Thu, Apr 26, 2018 at 11:58 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Jocelyn Olsen** <jocelynolsen@gmail.com>
Date: Mon, Apr 23, 2018 at 8:07 PM
Subject: Munjoy Hill Historic District - NO
To: jlevine@portlandmaine.gov, estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov, hbassett@portlandlandmarks.org

Just two weeks ago, with the Portland Press Herald article, I heard for the first time that the city is considering placing my home at 30-32 Vesper St. in a Historic District. I was shocked that this conversation had been going on for months without me even knowing or being able to participate in the discussion.

I have lived in my home for 8 years and would never knock it down or build an ugly box condo multi-unit in its place. I am a 5th generation Mainer whose great grandparents lived on Sheridan St. While I strongly support the city's efforts to maintain the identity of real estate on the Hill, I fear what a Historic District would do to my ability to maintain and update my home. I have a crumbling supporting wall in the basement that I have been saving up to fix, the windows all need to be replaced, I found roof shingles on the sidewalk the other day, the back decks are rotting, it goes on and on. And I would say my home is in much better shape than many around me. Why would anyone want to make it more difficult and expensive for us to take care of our properties? These are not the former mansions of the West End. They are 100+ year-old multi-unit apartment buildings that were not maintained for many decades when the Hill was not as nice as it is now.

I am as disgusted by the new buildings going up all over the city as anyone. But I wish you would all focus on controlling those buildings rather than interfering in my ability to take care of my home. You created this issue by changing the zoning and approving projects like the Portland Company. Now you want to impose more restrictions on me? It just doesn't make any sense. Not to mention the bizarre map that would impact some streets and not others.

I hope you will start talking to me and my neighbors as you make this decision since we will bear the brunt of it.

Thank you,
Jocelyn Olsen
32 Vesper St.
Portland ME 04101
(207)232-8482

Google Groups

Munjoy Hill

Daniel T. Haley Jr. <danielthaleyjr@gmail.com> Apr 11, 2018 10:23 AM
Posted in group: **Planning Board**

Good Morning, As an owner of a historical home on the Eastern Promenade and a not historical 4 family, as well as 6 other homes on the Promenade owned by family members, I am opposed to a historical or conservation district being established.

I do not see a problem with flat roofs as we have many 3 and 4 flats in the neighborhood to include one my grandfather built in the early 1900's.

Regards demolitions: These are private properties and for many the major asset in their estates. Not allowing them to be sold for the land value is similiar to taking a portion of their pensions or reducing the gifting to their heirs.

I have elaborated these points at the public hearings and as a 71 year resident and 5th generation "hill kid" I appreciate your consideration of my views.

Dan T. Haley, Jr.
140 Eastern Promenade

Google Groups

Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> Apr 27, 2018 8:27 AM
Posted in group: **Planning Board**

MUNJOY HILL CONSERVATION COLLABORATIVE
C/O 72 Waterville Street
Portland, Maine 04101

April 27, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Dear Planning Department Director Jeff Levine and Planning Board Members:

We appreciate the work that the Planning Staff has done over the last several months to produce the package of changes constituting the Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD) that is now before you. The Munjoy Hill Conservation Collaborative (MHCC) with 13 core team members and now over 300 supporters can support the Planning Department's recommendations if the following modifications are included:

1. **Demolition Review/ Demolition Delay Ordinance**

MHCC believes that there needs to be more parity so that the neighborhood is given a right to appeal a determination by the Planning Authority that a structure proposed for demolition is not "preferred for preservation." Just as the applicant for a demolition permit is allowed to appeal an adverse decision to the Historic Preservation Board, the neighbors should be allowed to appeal a non-delay determination by the Planning Authority to the Historic Preservation Board.

To give the neighbors a meaningful opportunity to be heard, we are proposing that the City post a sign at the property when it receives a demolition request, and also posts the information on that sign when the Planning Authority makes a determination as to whether the structure is or is not "preferred for preservation." Other towns in Maine provide this type of notice on the site itself, such as Biddeford and Saco. Postcard notice should be provided as well to those within a two-block radius of the structure.

This process should allow a public hearing process for the determination that a structure is or is not "preferred for preservation." It is anticipated that there would be no need or basis for a hearing on those structures that are clearly within an exception (e.g. built after 1930, outbuildings less than 144 square feet, etc.). However where there is more of a judgment call, the neighbors should be able to appeal the Planning Authority's determination to issue a demolition permit to the Historic Preservation Board within 30 days of the decision.

We also believe that there should be better definition of the terminology "preferred for preservation" (or whatever the operative terminology ultimately proves to be. It seems like it is in flux.) The text now only refers to architectural integrity. We believe the Planning Authority should consider its contribution to the predominant character-defining architectural features of the neighborhood, but should also recognize the provision of affordable or workforce housing as a valuable resource for the City. The criteria for that determination of "preferred for preservation" needs to be more fully articulated.

2. **Historic District Designation for Portion of the Munjoy Hill Overlay District.**

MHCC is in favor of the designation of two historic districts on Munjoy Hill, as recommended by Greater Portland Landmarks. Both the Eastern Promnade/Maritime Worker Housing District and the North Street District are important to preserving the essential character of Munjoy Hill, and are important tools for the Munjoy Hill Conservation District. We understand that work still needs to be done to determine the exact boundaries, but there seems to be general agreement on what constitutes the areas to be protected.

We request that the work plan accompanying the proposed Overlay Zone contain a specific plan and timeline for completing the reviewing and preparing the nominations for both Munjoy Hill Historic Districts. It is our understanding that Greater Portland Landmarks has already completed a lot of the initial inventory work in support of the designations. We believe it should be a goal for the Planning Department to complete the verification and analysis required for the initial district nominations by August 2018, so that the Historic Preservation Board, Planning Board and City Council review processes could be completed by the end of the year. These historic districts will give recognition to our architectural resources, which are equal to those which have long been protected in other parts of the City. In addition, designation will bring demolition protections and sensitive new construction review which are tailored for the historic context. It is important to proceed in a planful way, and not to delay adding these tools to the Munjoy Hill Neighborhood Conservation Overlay District.

3. **R-6 Dimensional Zoning Standards Relationship with R-6 Infill Development Design Principle & Standards**

Finally, MHCC is proposing that key design standards get incorporated into the R-6 zoning ordinance for the Munjoy Hill Overlay. The intent is that an applicant can only be approved for a building height if it can satisfy the design standards on scale and form, massing, and roof forms at that height. The zoning maximum heights will be just that – an absolute height above which no development may go. They will have to earn the right to build to that height be meeting the design standards, and can be restricted by the reviewing authority to only building to a lower height if that is the height which also allows the specific design standards to be met. We will leave it to the attorneys to draft the precise language, but strongly believe that the zoning ordinance dimensional maximums need to be tempered by these design standards; a proposed development needs to be able to meet both.

The Planning staff analysis found that the average structure on Munjoy Hill is 2.4 stories (roughly 25 feet). The zoning ordinance provides for 1- and 2-unit structures to have a maximum height of 35', and 3-unit and more structures to build to 45'. That extreme

mismatch between the existing scale of development and the maximum height allowed by zoning creates a huge incentive for existing structures to be demolished and replaced by structures that are grossly out of scale with the existing neighborhood.

Throughout the review process, the neighborhood has been told that the design standards are what will save this vibrant community from being overwhelmed by out-of-scale development. The design standards require new construction to relate to the existing context. They say that new construction needs to respect the predominant character-defining architectural features of the neighborhood, defined as the structures within a 2-block radius. However, we have watched as pending applications resist having to conform to the design standards, claiming either that it is a "gray area" as to which controls or that the City has no right to impose limits more stringent than zoning maximums.

In the current MHNCOD, the Planning Staff is proposing to clarify that there is a hierarchy where zoning provisions control over the design standards **UNLESS** the design standards are incorporated into the zoning provisions. Staff has proposed incorporating into zoning some concepts that are also addressed in the design standards. The MHCC believes it is critically important to also incorporate the three design standards addressing scale, form and mass into the zoning ordinance (Standards A-1, B-1 and B-2). The reason to do this is so that an owner can only build to maximum zoning dimensions if in doing so the owner is ALSO able to satisfy the critical design standards addressing scale, form and mass that ensure the building contributes to and is compatible with the immediate neighborhood. Incorporating these design standards into the zoning gives the reviewing authority the power to require something less than maximum height if the design standards cannot be satisfied at maximum height.

We hope the Planning Department and Planning Board accept the above proposed modifications which we believe are necessary to strike a healthy balance between development and existing Munjoy Hill residents in order to preserve what has made Munjoy Hill such a unique and vibrant neighborhood.

Respectfully,

Munjoy Hill Conservation Collaborative members
Karen Snyder-72 Waterville St.
Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Beckett St.
Erna Koch-81 Vesper St.

Attachment: MHCCLetter2PlanningDeptRecommendationChangeRequest_20180427.pdf

MUNJOY HILL CONSERVATION COLLABORATIVE
C/O 72 Waterville Street
Portland, Maine 04101

April 27, 2018

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scale, form and mass into the zoning ordinance (Standards A-1, B-1 and B-2). The reason to do this is so that an owner can only build to maximum zoning dimensions if in doing so the owner is ALSO able to satisfy the critical design standards addressing scale, form and mass that ensure the building contributes to and is compatible with the immediate neighborhood. Incorporating these design standards into the zoning gives the reviewing authority the power to require something less than maximum height if the design standards cannot be satisfied at maximum height.

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Erna Koch-81 Vesper St.

Written comments on Munjoy Hill neighborhood conservation overlay district

Joshua Broder <joshua.broder@gmail.com> Apr 29, 2018 8:35 PM
Posted in group: **Planning Board**

I'm a resident of Munjoy Hill at 96 St. Lawrence Street, along with my wife and two young children. We own our condo, which pre-dates the recent boom in condo construction. I also own a business and it's office condos located at 16 Middle Street.

I recently became aware of the effort on the Munjoy Hill neighborhood conservation overlay district.

I think it's a bad idea. Much of the older housing stock on Munjoy Hill was uninteresting and poorly constructed when it was built, and decades of economic hardship has left it poor shape, and in many places, a hodgepodge of design styles.

I think that there is a lot of concern about housing costs driving the effort to freeze the current state of housing units in place. There are several special properties on the hill that should be protected. A blanket district is a blunt instrument that will slow down much needed improvements, without much impact to housing costs. The harm seems to outweigh the good. Historic districts have been great for our city, it just does not seem appropriate in this case.

Respectfully,

Joshua Broder

Joshua.broder@gmail.com

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Overlay

Jeff Levine <jlevine@portlandmaine.gov> Fri, Apr 27, 2018 at 5:50 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Fri, Apr 27, 2018 at 4:35 PM
Subject: R-6 Overlay
To: jlevine@portlandmaine.gov
Cc: peter murray <pmurray@gwi.net>

Hello Jeff,

Thank you for meeting with Peter Murray and me this morning. I support the proposal Peter made for integrating selected design standards into the zoning ordinance, essentially by adding a performance standard to the dimensional requirements. It has the benefit of applying to all of the factors, not just height.

However if there is resistance to including the design standards in that way, I previously suggested using them to modify the maximum height limits. In retrospect I believe I was missing a few words to fully effectuate the intent. Please substitute the attached wording for what I submitted on Monday, April 23rd, shown in redline and clean form.

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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2 attachments

Munjoy Hill Proposed Amendment to max height rev 1 redline.docx
14K

Munjoy Hill Proposed Amendment to max height rev 1 .docx
13K

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: MHNO Response to R6 Overlay/Zone Changes

Jeff Levine <jlevine@portlandmaine.gov> Mon, Apr 30, 2018 at 9:23 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Munjoy Hill Neighborhood Organization Portland** <jay.norris@munjoyhill.org>
Date: Mon, Apr 30, 2018 at 8:51 AM
Subject: MHNO Response to R6 Overlay/Zone Changes
To: "Levine, Jeff" <jlevine@portlandmaine.gov>

Good morning Jeff,

Thank you for allowing us to squeeze this in this morning.

We didn't take this response lightly and I hope the effort reflects that. Some felt it too detailed too soon. Others that it wasn't enough. But the message you see is indeed unanimous in our appreciation to you and to the suggestions we make in good faith. We hope they will be considered.

Thank you again for welcoming us as part of the process and for the listening sessions. You must have set a record for something in that effort alone.

Best to you,
Jay

Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG

MHNO
MUNJOY HILL NEIGHBORHOOD ORGANIZATION

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MHNO Response R6 Overlay District.pdf
128K

The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Our Position on, Requests & Recommendations for Amendments to the Proposed R-6 Neighborhood Overlay District

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant.

We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District*, (*MHNCOD*). We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;
b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the

applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.

c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a "significant building" include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff's proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization
Board of Directors
April 30, 2018

Upcoming decision re zoning changes and historic district

Stephen Gaal <steve@gaal.com> Apr 30, 2018 4:18 PM
Posted in group: **Planning Board**

Dear Jeff,

I am writing to you again regarding my views on the impending zoning and historic district decisions. I have attached two photos taken this afternoon. The first is new construction on Morning Street across from #11. The second is new construction on Howard Street near Congress. The short form is I hope the regulations and historic district overlay will encourage construction like the Morning Street property and prevent construction like the Howard Street property.

I am very much in favor of an historic district, particularly if our home is included in it.

I hope to attend both the 5/7 meeting and the 5/8 meeting. Thank you.

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

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: “The point of modern propaganda isn’t only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth.”

MORNING STREET NEW CONSTRUCTION

HOWARD STREET NEW CONSTRUCTION

HOLDEN
BUILDING &
CARPENTRY
207-415-7388

Addition to Dimensional Standards

The following should be added at the end of the table located at subsection 3 “Dimensional Standards” of the Munjoy Hill Overlay District.

Building Mass and Scale	(1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the immediate neighborhood within two blocks of the building, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.

The purpose of this addition is to make it clear the compliance with the proportionate massing scale requirements included in the Design Standards is a positive requirement of the R6 overlay district and that compliance with the other dimensional standards alone is not enough if the building does not also comply with the building mass and scale requirements.

From: **elizabeth** <elizabethmiller1953@hotmail.com>
Date: Wed, May 2, 2018 at 8:45 AM
Subject: Munjoy Hill Conservation Overlay District - why?
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, James Dealaman <jdealaman@portlandmaine.gov>, "Jay.Norris@munjoyhill.org" <Jay.Norris@munjoyhill.org>

Thank you for considering all viewpoints on this issue. Elizabeth Miller and David Body, 46 Waterville Street, #3

If it ain't broke, why fix it? My concerns about the proposed Munjoy Hill conservation district and related design restrictions are not about the specifics of these proposals but about the assumption that there is a problem. The solutions proposed by Planning Staff are in search of a non-existent problem.

Is the problem loss of affordable housing? This proposal doesn't address that.

Is the problem skyrocketing real estate prices? That's a function of the market place. Rising interest rates should cool things off.

Is the problem gentrification? Again, that's a function of the market place.

Is the problem "too many" tear downs? Statistics don't bear this out.

I've attended meetings sponsored by Munjoy Hill neighborhood groups and the City of Portland Planning Department. I've chatted with neighbors and friends. There is hardly unanimity on the what the supposed problem is. I've heard concerns about affordable housing, about ugly design ("beauty is in the eye of the beholder"), gentrification and "those people."

Imagine if current efforts to stifle development had been in place a century ago. Munjoy Hill would be an underdeveloped tract of small wooden houses. No grandiose Victorians, no three-flats, none of the variety that people now claim is somehow sacrosanct. A glass bell jar is poised to descend on what has morphed from a place to move from to Portland's most desirable neighborhood. I urge you to stop, pause, reassess and do no harm.

When I moved to Portland in 1985, the joke then was "last one over, pull up the bridge." In thirty-three years of hoping to shed the "from away" label,

I've learned that there is too often a knee-jerk reaction to change triggered by new people and ideas, even when that change represents economic growth and cultural evolution. Is this same shortsightedness threatening to choke off the new vitality found in our neighborhood?

I've been a resident of Munjoy Hill since 2007 and so have personal experience with the wave of renovations and new construction. On Waterville Street, we've seen one tear down / new construction, two vacant lot / new construction and nine extensive renovations in the last several years. Note the ratio of tear-downs to renovations (1 out of 12 projects). All work was completed satisfactorily from a design viewpoint without the imposition of the constrictive measures that are being considered now. So I don't understand why these new measures are necessary. What is the problem?

If a city is to grow, its neighborhoods need to present a welcoming, dynamic environment. Stroll the streets of Munjoy Hill and you'll experience a wonderful layering up of Portland's history from pre-Civil War to 2018. Most common are the Victorians large and small as well as turn-of-the-century three flats. But the neighborhood is more, much more. Push your viewpoint past 1930 and you'll discover much of interest. Mid-20th century colonial-inspired garden apartments, typical of those built to house war workers. 1960s modulars on top of cement foundations. 1970s brutalistic public housing and high rises. It's all here. This latest wave of new construction is simply the next in a continuum. In no other neighborhood in Portland can you see such an intriguing array of contemporary architecture.

If anything, the City should be encouraging greater density, particularly along its major corridors, such as Congress Street and Washington Avenue. Development pressures being experienced on and off peninsula show that it's time to stop being a big town and grow into a real City.

Jeff, Tuck, Sean and other members of the Planning Board,

I recommend a few modifications to the proposed R6 Changes that were presented a few weeks ago for review and approval.

1. **Setbacks** - The current proposed setbacks will create a new set of problems that will have negative repercussions and lead to sub-optimal quality of new projects in terms of design and neighborhood fabric. I recommend side and rear setback provisions be changed in the following ways:

A. **Rear setbacks** should be modified to 15% of a lots' depth versus 20%. Minimums of 10' rear setback for buildings of 35' and 15' for buildings of 45'

B. **Side Setbacks** on lots less than 45' in width should continue to be allowed to have **zero setback** on one side and 10' (10' total) on the other side if the neighboring structure not closer than 15'. If the project includes underground parking a **zero setback a**nd 7' side could be allowed in projects with no surface parking or driveway is planned(situationally granted based on design and situation)

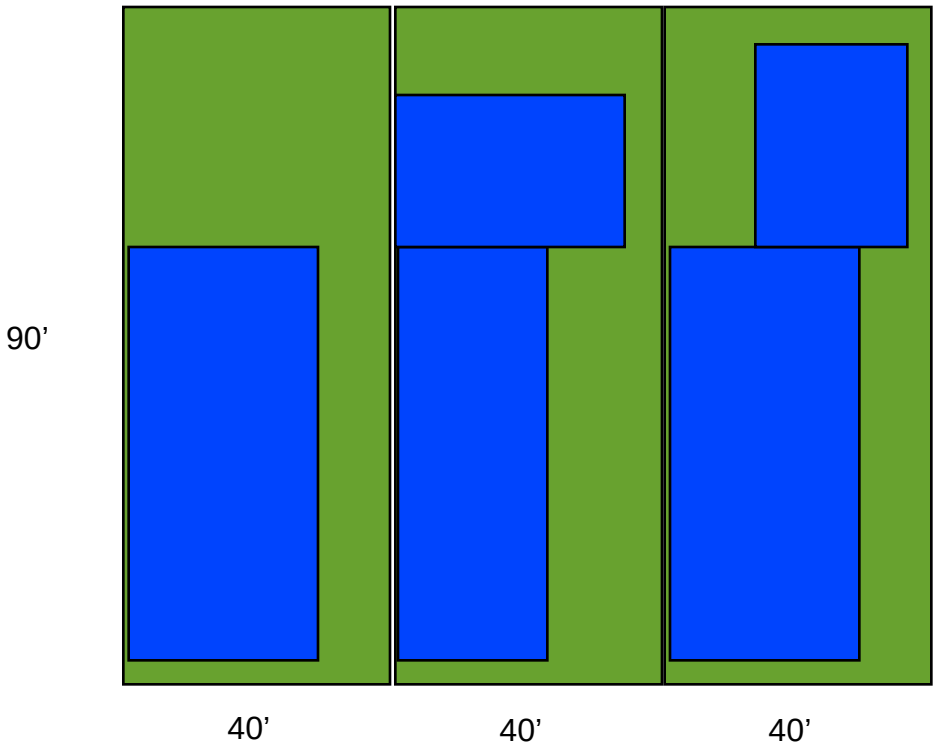
C. **Grandfathered Footprints** -Projects should be allowed to use current building footprints if:

1) The project increases the number of housing units over existing
2) Underground parking is included in the project
3) If affordable housing is required the units are actually offered versus being bought out

Current footprints often exist for very good reason and make much more sense in relation to neighboring buildings and to the slope or position of the lot than rules governing new construction allow. This wisdom that is embodied in many of the decisions for current structures' locations should not be discarded. When there is not flexibility allowed all stakeholders are actually negatively impacted. Additionally it can drive increased costs or odd, unusable pieces of land that is wasted in terms of utility. This simply does not make sense.

D. **Environmental Consideration** -Flexibility or leniency could be granted/considered for projects that include environmentally beneficial practices such as green roofs, solar power, highly efficient buildings, re-use of rainwater, storm water mitigation, etc.

E. **60% Lot Coverage** - I recommend a new provision be added to allow for more effective land use. *On lots where setbacks do not allow a building footprint to attain a 60% lot coverage the setbacks will be decided in conjunction with city staff and/or the Planning Board to allow for attainment of the 60% lot coverage.*



60% lot coverage can be achieved and managed in way that will provide buildings and neighborhoods with increased character and sense of place without limiting housing options. Allowing this flexibility will enhance the quality of design of the buildings and improve indoor space but also will improve outdoor space aesthetics. L shaped buildings help frame outdoor space and gardens for instance. But restrictive, inflexible rules will mean a loss of character, visual interest and meaningful sense of place.

2, **Building Expansion** - Existing buildings should be able to increase total SF by 100% to 120% versus the current 60%. This would act as a disincentive to tear downs. The current allowance of 60% is antiquated. If you have a 2 story house with a 700SF footprint you can add 840 SF or one floor. So practically you are going to add 700SF. Most people who buy a very expensive property on Munjoy Hill are not going to add a floor to an existing small footprint. It often doesn't make sense from a design or

aesthetic sense and will probably never make sense financially. Many of the homes on Munjoy hill have a small footprint and if an owner could add to the footprint and build up it would allow for other possibilities than simply tearing down a property. The current rules promote tear downs. This would also allow some single families to be converted to 2 or 3 units without putting very restrictive, artificial constraints to designing safe, functional floor plans and quality living spaces. Perhaps this applies to homes of certain small footprints of between 500 and 1350 SF and 2.5 stories or less.

The reasoning for modifying set-backs is multi-faceted:

1a. The current proposal of 20% rear setback coupled with the new side setbacks prohibits the full use of FAR (Floor Area Ratio) or lot coverage provisions of 60%. This has several implications. First, the creation of new housing units is going to decrease thus impacting the availability of housing, directly conflicting with the goals of increasing density that was a main driver of changing the R6 in the first place and is counter to Portland's Comprehensive Plan.

If you take a 40' by 90' lot of 3600 SF and apply the proposed set backs of:

Rear	18' which = 20%
Front	5'
Side 1	5'
Side 2	10'
FAR	2160 SF = 60% lot coverage
Actual	1675 SF= 46.5% according to proposed setbacks
Lost SF	485 SF

To understand how this will impact the development of multi-unit housing it is valuable to look at how space is used and the interior dimensions. These are based on a 40' by 90' lot which is actually larger than most lots on Munjoy Hill but the 40' width is one of, if not the most, common lot widths.

Lot SF	3600	
Allowable SF	2160	60% Lot Coverage (FAR)
Actual Allowable SF	1675	proposed setbacks 25' by 67'
18" Walls SF	267	
Egress 1	140	
Egress 2	140	
Entry way	25	
Elevator Shaft	80	
Interior SF/Floor	**1023**	**Usable living Interior SF**

This allows a footprint of 25' by 67' which equals a 1,675 SF footprint versus the 2160 SF that is allowed with a FAR of 60%. This means that the setbacks restrict the footprint by 485 SF. This will translate into some very harmful outcomes in terms of design and limiting the creation of new housing units. To achieve energy efficient homes wall thicknesses and roof thicknesses are increasing to achieve higher R-values and air-tightness. Wall thickness is increasing to 14" and 18" which significantly impacts interior floor area. Additionally, if a project wants to implement underground parking which is very beneficial to aesthetics, removing cars from street parking and improving street engagement a 25' wide structure will prevent this option in multi-units. In a multi-unit that is 4 stories plus underground parking (5 levels) will need to offer an elevator or significantly limit the number of people interested in purchasing the top units. Additionally the units will sell for considerably less. These consequences matter and impose practical limitations in terms of how a building is designed and constructed and again will prevent investment in better quality building practices such as adding more architectural detailing, using better, more robust and attractive exterior materials, etc. Additionally, these limitations will mean a rectangle is the only form that will be utilized because the FAR has already been decreased by 15%. They act as a disincentive to add bump-outs, interesting windows nooks and other designs that provide so much character to a building and neighborhood. Adding these interesting details would further cut into footprint SF that simply will not be financially feasible for a multi-unit project in the current environment. Another option that 30% or 40% of the side of a structure could have less side yard setback. This would allow for better utilization of the lot, not encroach upon neighbors and add design variation that would enhance the property and neighborhood.

I think it would be very helpful to understand land utilization for current structures on Munjoy Hill to fully appreciate the impact. Showing the FAR or lot coverage of current multi-units versus single family homes on lots between 2000 and 5000SF would be very helpful data to study. I quickly took a few random examples:

	Lot Size(SF)	Bldg Footprint(SF)	FAR (lot coverage)
49 Morning Street	5725	4350	76%
53 Morning Street	5778	3520	61%
79 Vesper Street	3200	1975	62%
92 Vesper Street	3146	1900	60.5%
47 Congress Street	3920	2250	57.4%
51 Congress Street	3960	2600	65.7%
19 North Street	2785	1455	52.2%
23 North Street	3200	1750	54.6%

When setbacks limit lot coverage below 60% it is going to reduce the development of multiunit projects. This is going to harm housing availability. Even though most of these new units will not be affordable housing the increased availability of housing units will add to supply and as supply increases there is price moderation. Additionally added housing stock leads to economic robustness, growth and stability on top of adding to city revenues. The implications of these setbacks is considerable.

Drawings would be incredible helpful but I simply don't have time to include them.

2a. I believe that it is beneficial to allow the city and property owners more flexibility about placement of additions and new construction to better fit the specific lot and to better fit in with respect to current adjacent buildings. Because Munjoy Hill is already a built environment and many lots are sloping, allowing flexibility in judgement on placement through a process of approval by professionals will yield the best results in improving, enhancing the current built environment. It will benefit neighbors and property owners alike.

3a. Decreasing the creation of housing units impacts the city budget. It is feasible that the current changes could result in the loss of 60 to 120 units of housing over the next 5-10 years. On average these units will contribute $10k to $12k in property taxes or $600K to $1.44 million annually to the city budget. I think the current shortfall in our school budget and not being able to afford the PSO to perform at the July 4th celebration highlights the need for Portland to increase revenues. It impacts the city's ability to pay current bonds, credit rating, the cost of borrowing, etc. etc.

4a. 15% is still an increase in rear setback over current rules but will have less damaging results in limiting design, density and potential loss of housing. 15% is more than adequate in protecting light access (mitigating shadowing), life safety access, fire spread, etc. and providing room for gardening, outdoor patios and the like.

5a. The side setbacks will mean that houses are closer together in many cases. Currently many homes on MH are built on the lot line with a driveway in between the homes. This was done to allow the maximum distance between homes on very narrow lots. So if someone chooses to tear down a home that is built in a neighborhood laid out this way they will now have to move the new home 5' closer to neighboring home. It will be out of balance. On one side it will have a 5' strip of land that is totally useless. The neighbor on one side will gain 5' of space and the neighbor on the other side will lose 5'. The property owner will have 5' of useless land and a very narrow 10' driveway. The driveway will not be able to be plowed without risk of damage to both houses. Snow removable will be difficult and while this may only be an inconvenience to younger people, older people or people who want to age in place will find this more than an inconvenience. It may also increase damage to cars from falling snow sliding off roofs. We must remember that the new rules make it more difficult to incorporate car storage into designs. While I personally feel it is beneficial for the city to promote underground parking and move us toward less reliance on automobiles we are in that awkward period where the city does not have the mass transportation alternatives or the mixed use neighborhoods that allow many people to walk to work and be willing to let go of their car. The city also does not have the money to overcome the transit limitations offered to residents and Federal funds look more likely to be cut than increased.

In summary the current proposals basically allow almost no discretion in design or development options. In fact, they promote only the building of rectangles and single family housing. While R6 rules allow for a FAR (Floor Area Ratio or lot coverage) of 60% this is unachievable on most lots because of the minimum required setbacks. Flexibility is key to balancing housing needs, design considerations, economic requirements and creating a great, livable neighborhood.

Thank you for your consideration,

Tim Wells

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov> Wed, May 2, 2018 at 11:20 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Pamela Day** <pday2304@gmail.com>
Date: Wed, May 2, 2018 at 10:58 AM
Subject: Munjoy Hill Neighborhood Conservation Overlay District
To: "Planningboard@portlandmaine.gov" <Planningboard@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org" <info@munjoyhill.org>

We appreciate the good work that has been done by Planning Staff to address the concerns that brought about the moratorium on Munjoy Hill. However, we are concerned that the proposed text amendments will not prevent continued speculation, unnecessary teardowns, and construction of more big box buildings that dwarf the streetscapes and further reduce affordable housing on the Hill.

We urge the Planning Board to amend the proposed codes as follows:

1: Strengthen the Demolition Language by:

a. Adding the requirement of public signage to announce proposed demolitions
b. Adding the requirement of a public hearing on proposed demolitions
c. Adding the requirement of affordable housing units to new construction
d. Providing the option for proactive Planning Department review of properties proposed for demolition to identify those with landmark/contributing status
e. Providing clarification and a description of the term, "preferable preservation"

2: Providing additional language to ensure that the Design Standards will be enforced so that more out-of-context and neighborhood dwarfing buildings are not built on the hill.

3: Providing a specific time line for proposed historic district designation, initially using the Greater Portland Landmarks two proposed districts.

Thank you for your consideration of these needed enhancements to the code revision. Without them we fear it will be business as usual.

Respectfully,

Pamela Day & Michael Petit

25 Waterville Street

Portland, Maine 04101

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov> Wed, May 2, 2018 at 11:41 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

I think I missed this one. For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Mon, Apr 23, 2018 at 11:52 AM
Subject: R-6 Munjoy Hill Neighborhood Conservation Overlay District
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>
Cc: "Martica S. Douglas" <tica1529@gmail.com>, Maggy W <mswnola@gmail.com>, peter murray <pmurray@gwi.net>, Karen S <karsny@yahoo.com>

Hello Jeff, Deb, Caitlin and Christine,

During a meeting with Jeff on April 18th, he stated his intent to make it clear in the proposed amendments that zoning will control over design review. He stated that if it is the intent to require a proposed development to meet both requirements, that the design standard language needs to be brought into the zoning ordinance and adopted by the City Council as part of the zoning ordinance.

We believe that it is critically important for proposed new development on Munjoy Hill to reflect and be harmonious with the context of the surrounding development. IA new structure should not be allowed to build to the zoning ordinance maximum height if that height is not compatible with the context.

Concerned citizens are being told that the design standards will be used to control the scale and impact of new development. But the design standards are not up to that task if they are, by definition, "trumped" by zoning maximums. That would tie the hands of Boards in applying design standards to critical issues of scale and mass.

The staff research found that the average building height on Munjoy Hill is 2.4 stories. A proposed maximum height limit of 45' is greatly out of scale with the existing intensity of development. If it is allowed to control, without a consideration of context, it encourages tear downs and rebuilding at a scale that is not respectful of or harmonious with its neighbors. That is not conducive to the vibrant neighborhood and community stability identified as a goal of the City.

To integrate the scale and massing standards of the design standards into the zoning ordinance, the Munjoy Hill Conservation Collaborative and I propose the following amendment to the zoning ordinance as currently proposed (with text changes underlined):

> Dimensional Standards
>
> Maximum Height: up to 35'; up to 45' for developments of 3 units or more on a lot over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale" with a permanent deed restriction as defined elsewhere in this ordinance**, provided that**, as to each building, the maximum height is allowed only if the building meets both of the following requirements: (1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the neighborhood, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.

This has the effect of pulling three design standards into the zoning ordinance so that being approved for maximum height is conditional upon also being able to meet these design standards. This proposed amendment is based upon the existing design standards, and merely repeats principles A and B and identifies how they are to be measured. If a city attorney recommends a less verbose way to achieve the same result, I am open to considering that.

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
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(207) 772-7426 - phone
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Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Moratorium request

Jeff Levine <jlevine@portlandmaine.gov> Wed, May 2, 2018 at 2:28 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **Anna Medina** <fruity.gemini@gmail.com>
Date: Wed, May 2, 2018 at 2:15 PM
Subject: Munjoy Hill Moratorium request
To:

Dear Planning Department and Planing Board,

As a resident of Munjoy Hill and a supporter of the MHCC (Munjoy Hill Conservation Collaborative), I would like to request the following for the Munjoy Hill Moritorium :

#1: Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
#2: Additional language to ensure that the design standards will be enforced so these big box buildings don't continue being built.
#3: Provide specific time line for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you,
Anna Medina
6 Cumberland Avenue, Portland, ME

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy HIll

Jeff Levine <jlevine@portlandmaine.gov> Thu, May 3, 2018 at 2:21 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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---------- Forwarded message ----------
From: **Linda Tyler** <ltyler8@gmail.com>
Date: Thu, May 3, 2018 at 2:16 PM
Subject: Munjoy HIll
To: jlevine@portlandmaine.gov

Please adopt:

#1: Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
#2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.
#3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you for your careful considerattion of these matters.

Linda P. Tyler
52 Saint Lawrence Street
Portland, ME 04101

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Planning Department Zoning proposal for Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov> Thu, May 3, 2018 at 2:53 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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---------- Forwarded message ----------
From: **EJ Koch** <ejkoch@gmail.com>
Date: Thu, May 3, 2018 at 2:52 PM
Subject: Planning Department Zoning proposal for Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>

Hello and thank you,

I support responsible and clear zoning regulation that will adequately preserve the historic character of Munjoy Hill. While the Hill has traditionally been a place where working people have lived and raised families, that historic character is rapidly being compromised by speculative development of "big box" condo-type housing. The housing thus added is far out of the financial reach of most Maine residents. It is opposed by most property owners and residents of Munjoy Hill for this reason, and because it is not compatible or consistent with the type, design, and scale of housing here.

The Planning Dept Recommendations are a good start, but are not yet specific enough to provide adequate protection for our neighborhoods, and clear guidance to redevelopers.

Specifically, I support measures, including but not limited to the following:

Stronger language regarding demolition incorporating:
a) addition of required public signage noticing teardown application,
b) addition of public hearing on each demolition proposal,
d) proactive review by the planning dept for landmark/contributing status on each,
e) Clarification and a clear description of "preferable preservation"

Specific design standards incorporated as part of the Zoning ordinance that ensure and clarify compatible scale/mass and architecture. Redevelopers should be clearly on notice of what is and is not permissible, without "discretionary" application of zoning. The design standards that have been in place recently have failed to accomplish these goals, and have led to erection of incongruous developments now permanently standing on the Hill.

Specific timeline for designation of proposed historic district(s) *initially* using the two districts outlined by Greater Portland Landmarks. (Fall 2018 or later)

Yours Truly,

Erna Koch

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

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CAITLIN ROSS WAHRER — *wahrer@chesterandvestal.com*

May 3, 2018

Chair Dundon and Members
Portland Planning Board
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members:

I continue to believe that the package before you does not go far enough to protect the existing Munjoy Hill neighborhood from being overwhelmed by out- of- scale new development. The treasured architectural and social fabric of Munjoy Hill is being threatened by a growing number of teardowns. Perfectly serviceable, compatible structures are being razed, to be replaced by oversized luxury housing. This is a significant threat to the neighborhood, and something that the City can and should fix.

Let us be clear. This is not simply market forces at work. The City set these destructive forces into action in 2015 with an ill-conceived package of R-6 zoning amendments. While billed as a means to encourage infill development on small, scattered vacant lots, the impact of the 2015 amendments was much broader. By not limiting the infill incentives to then-vacant lots (as the zoning had prior to 2015), it made almost every structure a potential target for demolition and new construction. To add even more incentive for demolition, it allows new structures to be constructed on the razed site that are almost twice as tall as most Munjoy Hill homes.

INTEGRATE DESIGN STANDARDS INTO THE ZONING ORDINANCE:

One way to slow the destruction is to limit the height of new construction to something that is compatible with the context of the immediate neighborhood. The design standards have been touted by the City as a way to make new construction respond to its context. In accordance with the design standards, scale and massing of proposed new construction is to be responsive to the predominant development patterns within a two block radius.

BUT at the same time as it is touting the sensitivity of the design standards, the staff's proposed draft contains the statement that the zoning will control over the design standards. This has the effect of granting maximum heights **as of right**, with the design standards left to affect only less important characteristics.

The only way to counteract this is to incorporate the most important design standards (those on scale and mass) into the zoning ordinance itself, and to require proposed development to meet both the key design standards and to be less than the dimensional caps. If a proposed development needs to reduce the scale and/or mass to be found to meet the design standards, then it should only be approved for that reduced scale or mass, not for the dimensional maximums otherwise allowed by zoning. In particular, the maximum heights have to be conditioned upon also meeting enforceable design standards so that, for example, a 4-story building may not be shoehorned into an area of 2-story homes. Design standards do absolutely nothing to control the out-of-scale growth if the ordinance is structured, as it is currently, so that zoning always "trumps" design standards.

ALTERNATE ACTION: ONLY ALLOW NEW CONSTRUCTION ON VACANT LOTS, NON-RESIDENTIAL LOTS, OR LOTS IN EXCESS OF 4,500 AS WE DID PRE-2015:

If the City is not willing or able to impose enforceable, contextual size limits as part of the zoning, then new construction on smaller lots (e.g., lots of less than 4,500 square feet) must be limited so that new construction is only allowed on lots which were already vacant as of January 1, 2018 or were in non-residential use as of January 1, 2018, as the zoning was structured prior to 2015. A return to the approach that existed pre-2015 at least relieves the pressure, now felt by every existing residential structure, to be razed to become a potential building site for a newly constructed building which can be built out to a much greater scale than the existing building.

ENDORSE AN 18-MONTH DEMOLITION DELAY, BUT MAKE THE PROCESS MORE TRANSPARENT AND ACKNOWLEDGE THE VALUE OF AFFORDABLE HOUSING:

The theory of an 18-month demolition delay for residential structures is good. It would be strengthened by a process that requires the owner to post required information if the owner applies for a demolition permit. Similarly, there should be a process which would allow neighbors and other interested parties to request a hearing in a timely manner should they disagree with a determination that a structure does not meet any of the exceptions but is not "preferably preserved." There should also be an acknowledgement that in addition to architectural/historic value, existing affordable housing is a public good that should be given consideration during the proposed demolition review process.

THE PLANNING BOARD AND CITY COUNCIL SHOULD ENDORSE PROCEEDING WITH TIMELY NOMINATION OF APPROPRIATE HISTORIC DISTRICTS ON MUNJOY HILL

For areas that qualify as historic districts, there are much better demolition protections and much better processes for review of new construction within an historic district than exist in non-districts. Parts of Munjoy Hill are every bit as architecturally valuable as other parts of the City, yet they have not yet been designated for historic preservation protections. Moreover, preserving existing historically-significant housing is likely to have the dual benefit of retaining important housing stock that is more affordable than any housing units that are likely to be created through unsubsidized new construction.

Much of the survey work has already been completed by Greater Portland Landmarks, subject to review by the City. The Planning Board and City Council should encourage staff to give priority in its work program to completing what needs to be done so that proper nominations may be initiated by early Fall. Delay in completing this work deprives these areas of interim protections which will attach once a formal nomination is initiated. Of course designations will need to proceed through the Historic Preservation Board, Planning Board and City Council, with due process at each level.

SET ASIDE PROPOSED AMENDMENTS TO BUILDING EXTENSIONS FOR LATER REVIEW.

I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. The proposed amendments would apply City-wide, not just in the R-6. As drafted, it seems like the amendments could make significant changes which have not really been discussed.

The current ordinance only allows certain building extensions within the existing building footprint. As drafted, as I read it, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what the proposed language would allow is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the % expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure. These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial.

CONCLUSION:

It goes against many of the core principles the City espouses – support for affordable housing, vibrant neighborhoods, and environmentally sustainable practices -- to set up the regulatory incentives to encourage perfectly serviceable workforce housing to be demolished and replaced by out-of-scale luxury units. The effect of the 2015 amendments was to make every structure in the R-6 zone expendable, and to make every lot of at least 2,000 square feet a potential building site for new construction, regardless of whether an existing residential structure would need to be razed. The incentives are further driven in the wrong direction by zoning dimensional limits that are much more generous than the existing pattern of development. Staff analysis found the average structure is 2.4 stories. The proposed zoning would allow 45 feet (4.5 stories) as of right for one unit plus a "workforce" unit, or for 3 units.

The regulatory incentives are all wrong. The City should be encouraging highly selective demolition and rebuilding where it won't harm the existing neighborhood and might strengthen the overall housing stock (e.g. post-1930s houses, non-residential structures, dangerous structures). But new construction should be restricted to a scale, mass and design that will enhance the neighborhood. And the City's primary focus, to be reinforced by zoning which only allows rebuilding at the scale and mass of existing development, should be on maintaining and rehabilitating the already existing housing stock, which is historic, compatible, reflective of patterns that emerged organically over time, and more affordable than any unsubsidized new construction.

Sincerely,

Barbara Vestal

Barbara A. Vestal

Changes Requested to Planning Dept Proposal for Munjoy Hill Overlay District

Karen Snyder <karsny@yahoo.com> May 4, 2018 9:01 AM
Posted in group: **Planning Board**

May 4, 2018

Portland Planning Department
Planning Board Chair and Members
389 Congress Street
Portland, ME 04101

Re: Changes Requested for R-6 Munjoy Hill Overlay District

Dear Planning Board Chair Dundon and Planning Board Members:

There is overwhelming amount of support and transparent evidence from the listening sessions, to Planning Board workshop, to the public comments sent to Planning Board, to petitions signed by Munjoy Hill Residents, and finally a **multi-group support** from **MHNO, Greater Portland Landmarks**, and the grassroots group **MHCC** (Munjoy Hill Conservation Collaborative), to ensure that there is balance between development and preservation of Munjoy Hill by the following recommended changes to the Planning Department proposal made at the 4/10 Planning Board workshop.

The proposed recommended changes to the R-6 Munjoy Hill Overlay District are the following:

1) Planning Board Needs To Ensure the Design Standards are Enforced
- The fact is the current design standard are not effectively enforced and certain developers/property owners are outrageously ignoring these design standards. Example: 24 St. Lawrence, 30 Merrill, 5 Cumberland, 25 Monument, etc.
- The only way to enforce these design standards is to insert them into the R-6 overlay zoning ordinance.
- Incorporate the language of compatible scale/mass into the zoning ordinance and to require developers to meet BOTH the key design standards and to be less than the dimensional caps.
-This specific language to incorporate into the design standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.

2) Planning Board Should Strengthen the Demolition Standard
a) Keep the 18 month demolition delay.
b) Require the owner to post required information if the owner applies for a demolition permit. Other Maine cities are doing this. Why not Portland?
c) There should be also a public hearing to allow neighbors and other interested parties to be notified if there a disagreement between not meeting the exceptions but yet not considered “preferably preserved”.
d) There should be a deed clause for real “affordable” housing and considerably lower than the AMI level which is currently < 80K/annual income. This current level excludes basically all Portlanders and their families and only rich retirees can “afford” this.
e) ***This specific language to incorporate into the demolition standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.***

3) Planning Board Should Endorse Proceeding in a Timely Manner a Munjoy Hill Historic District
- Unlike what the developers have said with only razing and profiteering in mind and most do not live on the Hill, Munjoy Hill does have much historic fabric and architecture that is needed to urgently be protected.
- Our neighborhood is being razed, TRUE affordable housing for working class/middle class is disappearing and NOT being replaced.
- Greater Portland Landmarks has done significant survey work and have initially proposed Munjoy Hill Historic Districts.

-There is also additional effort being made now to gather petition signatures from property owners in this proposed Munjoy Hill Historic District by Greater Portland Landmarks. Munjoy Hill Property Owners are now understanding that Munjoy Hill is needing additional protections.
-Both MHNO in letter sent this past Monday, 4/30/2018 and also Greater Portland Landmarks letter to Planning Board are advocating initially using Greater Portland Landmarks survey work and initiating Munjoy Hill Historic Districts by Fall 2018. In addition, MHCC letter sent on 4/27/2018 also aligns with MHNO and Greater Portland Landmarks.

4) Planning Board Should Make Additional Modifications to the R-6 Dimensions to the Overlay District

a) Min Side Yard Setback: No single side yard should be less than 5 feet.
b) Rear Yard Setback: Change back to 10 feet.
c) Height Maximum: Exclude the HVAC equipment to be above height maximum.
d) Height Maximum: Only Allow New Construction on vacant lots greater than 4,500 sq ft.
e) Structure Setbacks: Put back to pre-2015. Boxes are being built with no structure setbacks.

5) Planning Board Should Postpone the Amendments to 14-436 Building Extension Review

-There has been no study or previous effort to analyze the 14-436 Building Extension change ramifications.
- This would be a city-wide impact and not just Munjoy Hill Overlay.
- There is also no transparency as to who is advocating this amendment change without any due diligence efforts being made.
- As a result of the above concerns, this amendment change needs to be postponed.

In conclusion, the R-6 zoning changes made in 2015 completely goes against the supposed core principles of this City and the Comprehensive Plan which was to maintain affordable housing, vibrant neighborhoods, and environmental sustainable practices. In fact, it accelerated the exact opposite.

If the above proposed changes are not approved by Planning Board in next week's 5/8 Planning Board meeting, then it will be clear that the Planning Board is not serving the overall public good. It would be allowing Munjoy Hill neighborhood, community, and history to continue to be erased for a short term profit gain at the expense of Portland Munjoy Hill residents and future generations.

Regards,

Karen Snyder
72 Waterville St

Dear Planning Board Member, May 3, 2018

As a property owner and long time resident of Munjoy Hill, I am an invested stakeholder in the future of the neighborhood. Recent events here in the real estate developer's market have raised my concerns regarding the projected quality of life for the future of the Hill and its residents. The rampant "tear down and build a money-maker trend," has reached extraordinary proportions, threatening the very essence of the culture and community of the neighborhood. Destruction, in some cases, of soundly built and strong-standing buildings has been allowed, and sadly will continue after the moratorium ends. This practice needs close scrutiny and much more study to create a reasonable process that considers the demolition and construction within the context of historical significance and everyday neighborly life on the Hill.

I am appalled by some of the aesthetically deficient box style constructions, adorned with ice-cold corrugated metal, scrawny stick-like supports, crayola color discord, and no heartbeat at all. Dead boxes plopped offensively to the margin of long existing family homes and apartments. How many more little green growing spaces will be compromised? What about the bright sky, ample air space, broad views of the water, established trees, sunlight not shadow? What ordinance, judgement or persuasion has allowed the planning board to bypass sensible standards of design? What happened to the guidelines that require decision-makers to consider architectural compatibility...mass, scale, design? Those aspects of the design standards seem to have been ignored.

Munjoy Hill is a rich natural, cultural and historic resource, the very essence of which is illustrated in the many historic family homes, apartment houses, former school buildings, gardens, and public lands. It is a gem to be cared for, protected and shared for perpetuity. It should not be carved up, torn down and jammed to the limit with cold box buildings and over-sized condos casting shadows on their neighbors. Please consider the fragile balance between planned development and protecting the character of this unique community.

I support the The Top 3 Planning Dept Recommendation proposed changes that MHCC (Munjoy Hill Conservation Collaborative) and now MHNO are requesting, and ask that you do the same. They are as follows:

#1: Demolition Language needing to be strengthened by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?

,,

#2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.

#3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

.....

Regards,

Carol M. Connor
12 Montreal Street Portland, Maine 04101

Yes to R- 6 Zoning Recommendations of MHCC

Liz Hays <lizchays@gmail.com> May 4, 2018 9:44 AM
Posted in group: **Planning Board**

Dear City of Portland Planning Board

I am a new resident of Munjoy Hill, having bought a single family home in the R-6 zone one year ago. One reason I choose this area is because of the unique historic architectural character of the surrounding homes and businesses. This is what draws people to invest in this area. I am very concerned about the recent tear downs and the incongruent architecture that is being built to replace them. I do not want to see Munjoy Hill ruined by development that is short sighted and driven by profit without consideration of the the entire community that lives there.

This is why I am strongly encouraging you to vote in favor of the top three proposed changes requested by the Munjoy Hill Conservation Collaborative to the Planning Department recommendations. I also am in favor of moving in the direction of making R-6 zone an historic district.

Thank you for considering my request.

Liz Hays
107 North Street
Portland ME 04101

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill Neighborhood Org. Repsonse & Requests to Planning Board on Overlay Zone to R6

Munjoy Hill Neighborhood Organization Portland <jay.norris@munjoyhill.org> Fri, May 4, 2018 at 10:41 AM
To: Jennifer Munson <jmy@portlandmaine.gov>, planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

Good morning Jennifer & Councilors,

Please see the attached document submitted on behalf of the Munjoy Hill Neighborhood Organization. It represents our work, response, and requests regarding the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood.

We're deeply grateful to Jeff Levine, City staff and the council for the amount of work conducted, and over such a brief period of time.

We've worked with a wide cross-section of the community, even prior to the moratorium, and appreciate the Board's review and consideration for the recommendations we have here.

Thank you all again for all you've done in helping to protect and grow the Munjoy Hill community.

Best to all of you!

Jay Norris

MHNO
MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG

Click here to LIKE us on Facebook

Munjoy Hill Response R6 Overlay District.pdf
136K

The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

May 4, 2018

To the chairpersons and members of the City of Portland Planning Board; Sean Dundon, Chair; Brandon Mazer, Vice-Chair; Lisa Whited, Maggie Stanley, Austin Smith, David Eaton, David Silk

Dear Sean and Board members,

Attached herein is a brief response and position of the Munjoy Hill Neighborhood Organization relating to the matter of the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood. We submit this having conducted our own community outreach and having worked with Jeff Levine over the past several months in hopes of representing a cross section of the community.

In December, 2017, a small number of our members asked Councilor Belinda Ray to consider a moratorium on demolitions and site-plan permits in order for our community, the center of growth and gentrification within the Portland area, to "tap the brakes" on the rapid changes taking effect. We worked with our neighbors and the City to determine the best path forward while keeping all interests in mind as we did so. We were grateful for the pause the City Council granted, and for the amount of work Jeff and his staff have conducted and completed within such a brief period of time.

For several months, even prior to the moratorium, our organization has conducted outreach and public gatherings of community members to gauge their concerns, hopes and opinions surrounding both the development within our community, and how demolitions may be impacting the historic fabric of one of our area's most historic communities. During that time, we hosted discussions and public gatherings with architectural groups, private property owners, developers, community collaboratives, business owners and everyday people. The result of those conversations and outreach is reflected here, and we hope very much you will consider our response, and recommendations not solely as those of a neighborhood association, but as of an entire community that is diverse with varying opinions, but all with one common thread - the love and care for such a special neighborhood which belongs not only to us, but to all of Portland.

Thank you for the work you've conducted and for welcoming the feedback you've received from those across the City. We ask for your review and considerations of our recommendations when determining your final response to the Portland City Council.

Warmly,

Jay Norris, president
The Munjoy Hill Neighborhood Organization

The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

City of Portland Planning Board &
Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Our Position on, Requests & Recommendations for Amendments to the Proposed R-6 Neighborhood Overlay District

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant. We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District*, (*MHNCOD*). We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;

b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.

c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a "significant building" include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the

determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff's proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization
Board of Directors
April 30, 2018

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Preserving Munjoy Hill: a Citizen's Plea

Jeff Levine <jlevine@portlandmaine.gov> Fri, May 4, 2018 at 10:38 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Edward Fiske Mooney** <efmooney@syr.edu>
Date: Fri, May 4, 2018 at 10:37 AM
Subject: Preserving Munjoy Hill: a Citizen's Plea
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org" <info@munjoyhill.org>

Friday Morning well before Noon

Greetings to the Planning Commission,

I support zoning regulation that will preserve the historic character of Munjoy Hill, a character that is being eroded by speculative development of “big box” condo-type housing.

This new housing is out of financial reach for most Maine residents and destroys the turn-of-the-century feel of the streets and classic homes. The invasion of "Big Box" structures is a blight on the design and scale of housing here, and tilts the neighborhood toward "big money" residents.

We need a) stronger language regarding demolition, including public hearings on demolition requests; b) design standards that ensure compatible scale/mass new architecture, and c) a timeline for final "historic district" designations now under consideration.

I live on Munjoy Hill in a modest turn-of the-century condo and am of modest financial means. I love the neighborly feel of the blocks around me that seem slowly to be dominated by big box construction. This irrevocably alters the historic look and feel of this special landmark community.

Ed Mooney, PhD
77 Vesper Street

May 4, 2018

Portland Planning Board
City of Portland
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members,

Thank you for your efforts to maintain and protect the special qualities that make Munjoy Hill such a valuable part of our city. In the face of zoning changes in 2015 that have resulted in incentivizing tear downs of existing building stock and new construction of out of scale buildings containing high end condos unaffordable for most Hill residents, we appreciate your considering carefully how best to balance the City's goals of preserving historic areas of buildings that have architectural significance and tell the story of Portland's early development, with goals to provide affordable housing and to encourage new development in a manner that fits the context of the Hill.

We encourage you to recommend to the City Council to direct the Planning Department to initiate the historic designation process for the two historic districts identified by Greater Portland Landmarks. Both Landmarks and the City staff are deeply engaged in meetings with neighborhood stakeholders to provide education and information about the potential impact of such designations.

If designation reports for the two districts can be completed by the end of August, 2018, interim protections can be put in place, and designations should be completed by the end of December, 2018. These designations can help with maintaining affordable housing, addressing the City's goals of environmental sustainability and strengthening the brand of Portland that depends importantly on the historic character and ambiance of our City.

We support establishing an 18 month demolition delay that includes a process for public notice and public comment.

Additionally we urge you to discourage demolitions by amending the dimensional standards so that the scale, form and massing of a project's context is taken into account when determining the maximum dimensions allowed. Inserting language into the ordinance as is currently proposed that has the effect of granting maximum heights as of right with design standards as a secondary consideration, will result in

increased pressures for teardowns and in new structures that will likely be incompatible with the scale and mass of others in the neighborhood.

Finally, while we have had strong concerns about the results of reviews under the previous system of providing an Alternative Design Review option, the proposal to allow alternative design review with reviews conducted by the City's Historic Preservation Board seems a reasonable approach.

Thank you for considering these views as you make your recommendations to the City Council.

Sincerely,

Sally & Ted Oldham
25 Vaughan Street
Portland, ME 04102

May 4, 2018

To: Chair Sean Dundon, Planning Board Members and Planning Director Jeff Levine

Greater Portland Landmarks appreciates the work that the Planning Staff has done over the past several months to achieve a balance among preservation, renovation of existing buildings, and new construction so that Munjoy Hill may retain its key characteristics while it grows and changes.

1) Historic Designations on Munjoy Hill

To this end Greater Portland Landmarks requests that the Planning Board recommend and that the City Council direct the Planning Department to compile existing research and additional materials as needed in order to assemble historic district designation reports and initiate nomination of the following by September 1, 2018:

- a North Street Historic District
- an Eastern Promenade and Worker Housing Historic District
- a multiple resource nomination for historic buildings located outside the boundaries of the potential historic districts outlined above.

This timeline should allow designations to be completed by the City Council by the end of 2018.

Munjoy Hill's historic buildings are significant features of the neighborhood's streetscapes and help make the area a desirable and attractive place to live, work and play. It is necessary to preserve the character defining buildings that reflect the neighborhood's development over a broad period of time and the role the buildings' residents played in the social and cultural history of the neighborhood, before more of the Hill's historic identity is lost.

Historic preservation is a key part of the City's 2017 Comprehensive Plan. In addition, in many cases these historic buildings include existing affordable housing units and their preservation is an important means to meeting affordable housing needs on Munjoy Hill. Also, the preservation of these buildings and their embodied energy fulfills City Comprehensive Plan goals to adopt sustainable building and land use polices.

2) R-6 Dimensional Standards

The existing buildings in the neighborhood represent a range of scale and massing from one to four stories. Therefore, the subordination of the R-6 design standards to zoning dimensional standards as proposed by staff could result in buildings that meet the zoning ordinance for maximum height or set back, but are out of scale with the neighboring buildings. We believe that the maximum height standards as proposed will continue to be an incentive for demolition. Therefore, we urge the City to incorporate some of the design standards, especially those for scale, form and massing, into the dimensional standards of the zoning ordinance or that another means be incorporated to ensure that new designs are compatible with the neighborhood context.

We appreciate the portions of the current design standards that contain overarching principles in support of contextual new design on Munjoy Hill. We believe that the prescriptive standards are unnecessarily detailed and limiting. Revised design standards should focus on the high

level goal of allowing new construction that responds to and fits into the Hill's eclectic neighborhood context without dictating specific details.

3) Alternative Design Review
We support an Alternative Design Review only if it incorporates a public process that establishes the review authority as the Historic Preservation Board. The Historic Preservation Board has a proven track record of reviewing new residential construction for compatibility to its context, including the approval of modern designs.

4) Demolition Delay
We support the proposed 18-month demolition delay. While a demolition delay in the overlay zone is an important step to protect important neighborhood buildings, applications for demolition should require a public posting or signage on the site and a public hearing or public comment period so that the public may participate in the demolition decision process to prevent the demolition of a preferably preserved building with historic, architectural or community value.

5) Non-conforming Building Extensions
Lastly we urge the Planning Board to remove the language on non-conforming building extensions that would apply city wide until further study of the ramifications of these changes can be understood and to allow time for substantive public review and comment.

Thank you for considering our views.
Sincerely,

Hilary Bassett
Executive Director

GREATER PORTLAND LANDMARKS

Munjoy Hill for Munjoy Hill residents

KE Smith <kesmith328@gmail.com> May 4, 2018 11:57 AM
Posted in group: **Planning Board**

I am writing to ask you to please accept the changes that our Munjoy Hill Conservation Collaborative as well as the MHNO is suggesting.

I live on the corner of Quebec and Lafayette Streets in a house that is being considered for Historic Preservation, and I am all for it. In my thirteen years on the Hill, I have seen appalling changes. I am not against change itself, and I am not against modern architecture. But I am against willy-nilly tearing down of old houses and replacing them with unimaginative, soul killing monoliths. And I am against tiny green spaces being taken over by developers for so-called in-fill. At the moment, on Quebec, I can count three monoliths, disproportionate and ill-suited to the neighborhood, that are either sited on properties where older buildings were demolished or that took advantage of the R-6 zoning change that allowed tiny green spaces to be built on. On Lafayette there are two more.

What is particularly distressing about the Hill's takeover by developers is the dwindling of families with small children. They can no longer afford to stay here. When I first moved in, the single-family house next door was home to a family with four children. They moved, and a young couple moved in who eventually had three daughters. But when they sold, prices had soared, and the next residents were doctors. Now it's for sale again, and my fingers are crossed that it doesn't fall prey to the current trend of demolition and quick replacement.

We need specific design standards in the zoning ordinance, and developers need to be held accountable for following those standards. We need housing affordable for young families, and we need specific demolition procedures and strengthening of the language in the zoning. No more "discretionary" application of zoning!

Please consider the residents of Munjoy Hill when making your decisions.

K. E. Smith
80 Quebec St
Portland
207.232.6413

Sent from my iPad

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov> Fri, May 4, 2018 at 1:52 PM
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
http://www.portlandmaine.gov/planning
@portlandplan

---------- Forwarded message ----------
From: **Susan Yandell** <sueyandell@gmail.com>
Date: Fri, May 4, 2018 at 1:45 PM
Subject: Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, bsr@portlandmaine.gov

I am a property owner on Munjoy Hill next door to a proposed tear down. I'd like to express my support for the MHCC (Munjoy Hill Conservation Collaborative) initiative.

#1: ***Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?***
#2: ***Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.***
#3: ***Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.***

Many thanks,

Sue Yandell
51 Monument Street

Google Groups

Munjoy Hill Proposed Conservation Overlay District Comments

Lori Rounds <lori.j.rounds@gmail.com> May 4, 2018 4:14 PM
Posted in group: **Planning Board**

To the Portland City Planning Board, Mayor, City Council and Planning Department:

We want to thank Jeff Levine and his staff for their months of work spent researching housing activity and trends on Munjoy Hill, holding multiple public forums and meeting individually with residents to discuss R-6 changes and the impact of past and future demolition and building on Munjoy Hill.

We are directly impacted by the IPOD and the proposed permanent changes to R-6 rules via the Conservation Overlay District. We bought the one and a half story house at 47 Monument Street in November 2017. The house is old (circa 1870) but it is not historic. It has been neglected for many years, is derelict, and according to three contractors is structurally unsound and beyond repair. We intend to demolish the house and build a single family home in which we will reside. We have been caught up in the six-month demolition moratorium and are unable to apply for a demolition permit until after June 4.

In the meantime we are working to design a home that meets IPOD dimensional and design requirements, is energy efficient, meets all applicable building and life safety codes (including a sprinkler system), contributes to the fabric of the neighborhood and is intended for 21st century living. Unlike the current structure, there will be living space on the first floor with eyes on the street.

The proposed Munjoy Hill Conservation Overlay District Demolition Review rules add further delay and uncertainty and potentially cost to our plans to rebuild on the lot, and we know of at least one other property owner in a virtually identical situation with a derelict structure who seeks to demo and rebuild a single family home. We are concerned that the proposed Demolition Review rules focus on preserving and protecting historic buildings (“any building constructed before 1930 and determined to be significant based on association with historic persons or events, or architecturally significant”) but do not contain any language regarding the physical condition of properties such as structural integrity, compliance with post-19th century building and fire codes, and an assessment of functionality for current lifestyles.

Although data is not available, we suspect that many of the 13 demolitions that occurred on Munjoy Hill from 2015-2017 were of properties that had outlived their useful lives and were structurally and functionally obsolete. Any determination of Significance for Demolition Review must include criteria for evaluation of the physical integrity of the structure, fire and life safety conditions, and suitability for 21st century living. Although a structure may meet the broad “historic” criteria, the building frame, foundation and/or interior may be unsound and/or the structure may be functionally obsolete. The property owner should be able to decide if the costs and timeline to demolish and rebuild the structure (within code requirements) to meet the owner’s needs are preferable to the cost and timeline of rehabilitating the structure.

Additionally, the proposed demolition delay of up to 18 months is arbitrary and unreasonable and is in addition to the six months currently imposed by the moratorium, resulting in a potential delay of up to 24 months for certain property owners. There should be published, objective demolition review criteria with a reasonable timeline for evaluating the condition of properties requested to be demolished. Property owners should expect a timely review by City personnel, such as 15 days for non-significant buildings and 45 days for significant buildings. The proposed arbitrary and unreasonable 18 month delay is intended to discourage property owners from utilizing their property to the highest level if that utilization includes demolition. Let’s not forget that the majority of Munjoy Hill property owners include residents who live in their buildings and seek to contribute to and enhance the fabric and character of the neighborhood. Objective demolition review criteria and a reasonable timeline for City review are a sensible approach to addressing demolition and development on Munjoy Hill.

As for designating one or more Historic Preservation Districts on Munjoy Hill, there is a very vocal group of residents in favor of the HPD’s but that group does not represent the majority of property owners. There are many Munjoy Hill property owners who are not in favor of an HPD, and some property owners who are not aware of the push to designate sections of Munjoy Hill as an HPD. We appreciate that the City has planned an Historic District informational session on May 7th and hopefully many Munjoy Hill property owners will attend. Every property owner must know the proposed

HPD designation of their property and the pros and cons in order to make an informed decision on HPD, and to ensure that all voices are heard rather than just the loudest voices being heard.

Thank you for the opportunity to communicate our concerns.

Regards,

Lori Rounds
Tim Mayo
47 Monument Street

Google Groups

Munjoy Hill and plans

Delene Perley <deleneperley@gmail.com> May 5, 2018 10:20 AM
Posted in group: **Planning Board**

I live at the foot of Munjoy Hill and so appreciate the wonderful architecture of the hill as I explore its neighborhoods on my walks. Portland is attractive to people because of its heritage. I was on the Portland Freedom Trail Board, which shows you my commitment. If all the buildings turn into the uninspiring buildings that are going up around me, it will lose its attractiveness, history, livability and inspiration. Please do everything you can to preserve our town. We are trusting you to do the right thing: begin the historic designation, discourage demolitions, have reviews by the Historic Preservation Board, permit full discussion throughout the city about what we want to happen here BEFORE IT IS TOO LATE!! Look at what we have lost from the past. Don't let that happen again.

Delene Perley
Middle Street
Portland

Google Groups

MUNJOY HILL

Don Head <donhead66@gmail.com> May 5, 2018 10:30 AM
Posted in group: **Planning Board**

Mr. Dundon and colleagues:

As a resident of Munjoy Hill I have been very much in favor of the IPOD overlay to the Hill's R-6 zone. As you move toward making permanent changes I offer my thoughts on a few points.

I appreciate the reduced height limits and the phrasing on mass, scale, etc., but I think the exceptions to the height limits are unnecessary. Let's continue the chimneys only exception.

I am most troubled by the eighteen month demolition delay. This is an such an undue imposition on property owner rights that it borders on confiscation. Any process of review should be quick and simple, subject only to specific written rules. The public should not have a say on a property owner's wishes as to the use of his/her property.

Don Head
118 Congress Street

Google Groups

City's zoning change proposal

Elizabeth Streeter <streeter.beth@gmail.com> May 5, 2018 11:32 AM
Posted in group: **Planning Board**

Dear Mr. Dundon,

I live on Quebec Street on Munjoy Hill and I am appalled at the ugly, oversized buildings destroying the beauty, liveability and environment here. Trees, green spaces, and beautiful old buildings are being destroyed. My neighboring Merrill Street seems to be a “throw away” street! Have you walked the streets here? Do you see for yourself what is happening?

I completely agree with the Greater Portland Landmarks carefully, professionally examined points.

1. Begin the historic designation process.
2. Discourage demolitions - amend the dimensional standards so that the scale and mass of a project’s context is taken into account when determining the maximum dimensions allowed (remembering that just because one building is tall does not mean that all the buildings in the area should be tall, and block out light and views!)
3. Have an alternative design option with the reviews conducted by the Historic Preservation Board.
4. Have an 18 month demolition delay that includes public notice and comment (which should be listened to and influential).
5. Remove language on non-conforming building extensions that would apply citywide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

Thank you for your consideration to these points. I know that the job before you is difficult and I appreciate your serious, thoughtful, and sensitive examination of the issues.

Sincerely
Elizabeth Streeter

Google Groups

Construction planning

JERI SCHROEDER <jschroe2@maine.rr.com> May 7, 2018 7:41 AM
Posted in group: **Planning Board**

As a Munjoy Hill resident, I agree with responses that Munjoy Hill Neighborhood Association has commented on as follows:

- Recommend that the Planning Department begin the historic designation process.
- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.
- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.
- Support an 18 month demolition delay that includes public notice and comment.
- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

May I also recommend that the entire planning board read "The Biophilia Effect, A Scientific and Spiritual Exploration of the Healing Bond Between Humans and Nature by Clemens Arvay. Here is a quote that is so important to pay attention to: "**Biological Communication** *Plants communicate directly with our immune system and unconscious without us even needing to touch, much less swallow them. This fascination interaction between human and plant is hugely significant for medicine and psychotherapy and is just starting to be understood by science. It keeps us physically and mentally healthy and prevents illness. In the future, contact with plants has to play an important role in treating physical illness and mental disorders. There simply must not be clinics without a garden or access to a meadow and forest,* ***no new neighborhoods without vegetation and no cities without wilderness."***

And to add a mention of two areas of examples negating the above quote, the construction currently taking place near Ocean Gateway and the replacement condo construction that went up on the corner of Fore and Waterville street are not in consideration of the above quote in any way. The beautiful lawn/garden on Fore and Waterville was replaced by a 4 story building and roof drainage abutting the sidewalk. As person who walks by that on a regular basis, my body notices. And now there is another proposal for Shipyard to squeeze even more green space from the area. The city has lost or maybe never had a healthy human vision. My request is that you start to wake up and listen to local residents so that money and the interest of out of state

wealth stops trumping a healthy community and vibrant community on this beautiful peninsula.

Respectfully,
Jeri Schroeder

P.S. Since my husband and I purchased our building 20 some years ago, I plant beautiful flowers on every square inch of green space that we own. I cannot tell you how many folks have share their appreciation of this beauty and health add quality as they walk by.

Jeri Lynn Schroeder LCPC
jeris4765@gmail.com
www.jerilcpc.com
207-415-3733

Important, please note:

Never rely on email for urgent or sensitive communications or to cancel appointments. It is important to remember that email is not always timely or dependable and may not be secure. If you do not receive a reply within a day or two, please call me at 207-415-3733

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Google Groups

Preservation/Management of Munjoy Hill Development

Berry Manter <berrymanter@yahoo.com> May 5, 2018 6:32 AM
Posted in group: **Planning Board**

Dear members fo the Portland Planning Board, Jeff Levine and Belinda Ray.

I'm writing to express my concern regarding the trends on the currently vulnerable Munjoy Hill. Your responsibility in determining the future of one of Portland's oldest neighborhoods can't be underestimated. Thank you, in advance, for taking time to read this.

I had to look up the definition for "gentrification". Its happening here. Change and development of the hill is certain, and compels the need to wisely manage and keep the longterm picture vs. short term ephemeral gains in focus. Your decisions determine the face of Portland for centuries beyond our lifetime .

I have the right metaphor, I think, to put this into tangible size. It came to me this morning as I stepped out of my PJ's into yesterday's jeans — a daily uniform exchange similar to your own. Clothes and our homes are mirrors of us, each subject to whims of our culture, survival, fashion, identity. Each the vital indicator of an era. We pinpoint a date of a photo by the clothing worn or the details of architecture.

My mother born during the depression valued quality clothing and said a well made garment held its value and was money well spent. I still wear clothing she purchased in the 1940's, items a young working woman had stretched her budget to buy. She wore her timeless classics all her life. You cannot find the tailoring details or quality of material and construction in today's garments.

Our old working class New England architecture is also timeless, classic and enduring. The exterior details of trim, windows, porches and overhangs are nearly impossible to recreate today. Timbers from the bones of old buildings were harvested from old growth trees that no longer exist. While many old buildings are outwardly simple, a good architect can point at the precision of lines and pitch of a roof, the ascending and diminishing window size creating perception of height and lightness, the humble elegance of side lit front entries. Early residents took pride in their homes. It spoke of who lived inside.

Take time for this: stop and notice how you *feel* when you pass by our older properties with intentional placement on their lot, a sense of continuity within the context of their neighborhood, the intentional welcoming entry way, porch, gardens. Notice just which buildings in Portland the tourists capture on their smartphones as they wander about recording what brought them here. This is identity, a sense of place that makes Portland what it is. Too much of the new construction fails to honor this.

Return to the metaphor in clothing: How old are your clothes? Flash change fashion and inferior construction generate our current era of insatiable consumption and disposable clothing— the precise intention of an industry seeking cheap product and high profit. Bales of obsolete clothes are shipped to the third world. More lie compressed in landfills. The vintage pieces in my own closet hold their rich history and will live acquire more because someone sewed them to endure and I care enough to ensure they live on long beyond me.

This mirrors the trend in our housing stock here. The places developers insist need tearing down are actually still "young" when compared to the bloated cement board and synthetic covered boxes of questionable design and materials — how will this new construction stand the test of time? To what longterm environmental trade off?
Most importantly, ask yourself how you *feel* when you stand and really look at what's currently being built across the city, because this *feeling* is the vital test of human values and our culture. Does much of the new construction look like cheesy schlock? Does it mirror what's packed on the fashion clothing racks at the Mall?

I sincerely implore all of you to look favorably on granting sweeping protective historic districts across the Hill. Is the rash of new construction at the expense of one of Portland's oldest neighborhoods yet another Trojan horse of an "urban renewal" of our century? Will our grandchildren sigh and shake their heads just as we all currently do looking at the scheme of prior generations and the regretful distruction of the '60's? Please do not trade fleeting profit for centuries of regret. "New" is not necessarily better. The real cost of the losing Munjoy Hill's heritage is great. And, its in your hands.

Please, support the protection of the housing stock of Munjoy Hill as outlined and supported by MHNO (Munjoy Hill Neighborhood Assoc.), Greater Portland Landmarks, and MHCC(Munjoy Hill Conservation Collaborative).

Sincerely,

Berry Manter
46 Eastern Prom
Portland, ME 04101

Google Groups

May 8th public hearing on Munjoy Hill R-6 zoning

Julie Larry <jlarry@portlandlandmarks.org> May 7, 2018 4:51 PM
Posted in group: **Planning Board**

Jeff, Chair Dundon, and Members of the Planning Board,

After reviewing the report and attached materials posted by the city on May 5th Greater Portland Landmarks has a couple of additional questions and comments on the R-6 changes.

1) 14-140.5.5.(b). D*efinitions*

Reducing the number of definitions helps make the document clearer, but we were concerned about the removal of language defining a preferably preserved building as a building significant to social, cultural or other areas of history. The removal of this language also seems to be in conflict with 14-140.5.5.(d).f. *Final Determination of Preferably Preserved Building* where the "architectural, cultural, or social heritage of Munjoy Hill" would be considered in a final determination. Particularly in the absence of any historic districts on the hill to protect vernacular resources associated with minority communities or significant persons, we urge you to reintroduce language into a fourth bullet point within the definition of a *Preferably Preserved Building:*

4. It is associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of Munjoy Hill or the City of Portland.

2) 2) R-6 Infill Development Design Standards, Section IV Alternative Design Review

Does the use of "building type" or "type" in the first two paragraphs of the section refer to use (apartment house e.g.) or form (rowhouse e.g)?

3) 3) R-6 Infill Development Design Standards, Section IV Alternative Design Review

At the end of the fourth paragraph it states "The final decision whether to issue an Alternative Design Review Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board." The previous draft stated a HPB decision may not be appealed. What is the proposed appeals procedure for the HPB to reconsider a previous decision on whether to issue an Alternative Design Review Certificate?

Thank you.

Julie Larry

Director of Advocacy

Greater Portland Landmarks

93 High Street

Portland, ME 04101

207-774-5561 ext. 102

GREATER
PORTLAND
LANDMARKS

attn Sean Dundon - Munjoy Hill

Francine O'Donnell <maineviews@gmail.com> May 8, 2018 7:39 AM
Posted in group: **Planning Board**

Sean et al...
Enough is enough. It's time the planning board takes a solid stance and protects the beautiful historic architecture of Munjoy Hill. It's a travesty to see perfectly good homes being demolished to make room for pricey 'modern' structures devoid of character and dwarfing the neighborhood homes that have made Munjoy Hill so special for generations.
The precedent was set with the obnoxious 118 Congress that should serve as a symbol for all that is NOT in keeping with the character of the neighborhood.
I encourage you to pay thoughtful attention to the history & character of this once working class neighborhood. Preserve the architecture, adhere to height restrictions, encourage historic restoration and maintain the character & charm of Munjoy Hill.
My grandparents settled here in the early 20thc, I was born here, I live here now. The time for you to act to save the hill is now. Throughout my lifetime we've mourned the loss of structures like Union Station. Do what's right to ensure that the character of the hill remains and that we won't someday be lamenting about what once was.
Thank you for your thoughtful consideration and positive actions.
Francine O'Donnell

Public Comment re: proposed R-6 amendments

George Rheault <george.rheault@gmail.com> May 8, 2018 7:51 AM
Posted in group: **Planning Board**

I urge the Planning Board to vote no on the further downzoning of Munjoy Hill as reflected in the package of amendments that the planning staff has been facilitating since October.

The existing R-6 status quo should be allowed to stand for at least 5 years before it can be properly evaluated.

To do otherwise will not be looked at kindly by history.

Attached is a great example from May 2001 (from the now defunct Casco Bay Weekly) of when our City pushed past irrational NIMBY tendencies.

Let's show some spine again.

3 MAY 2001

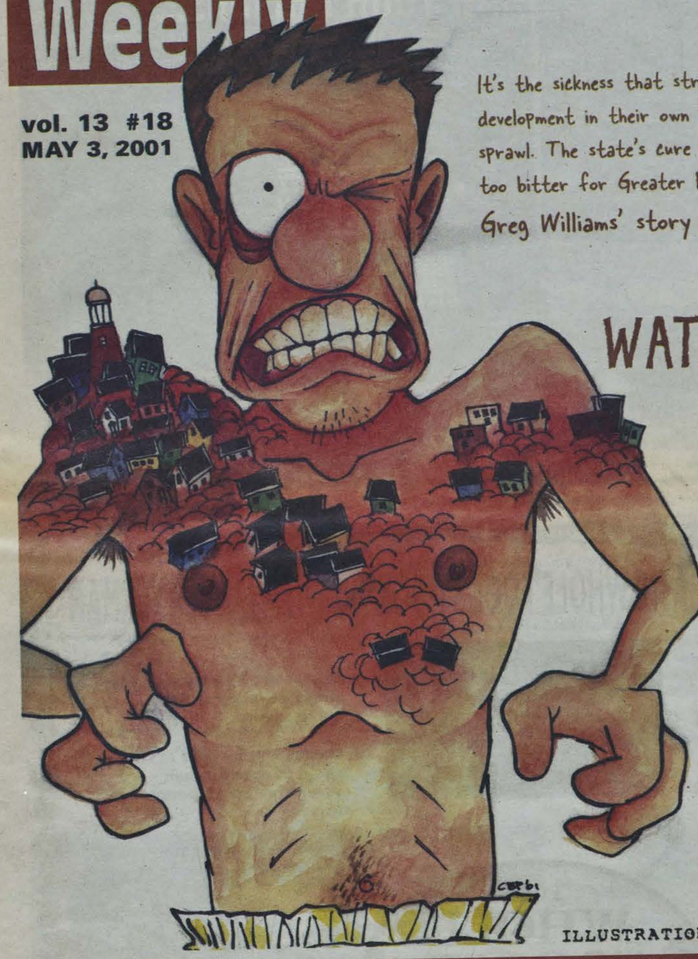
Casco Bay Weekly

greater portland's weekly journal of news, arts & opinion

cascobayweekly.com

FREE

vol. 13 #18
MAY 3, 2001



It's the sickness that strikes when neighbors oppose development in their own backyard and end up encouraging sprawl. The state's cure for this condition appears to be too bitter for Greater Portland residents to swallow.

Greg Williams' story starts on page 12

WATCH OUT, it's ... Munjoy Hill DISEASE!

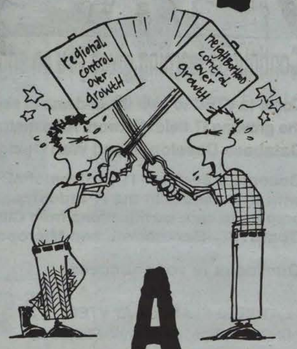
ILLUSTRATION/COREY PANDOLPH

Portland cop has ties to towing company page 8
Portland cops crack down on performance art page 10
Exposing circus elephants' so-called lives page 20

National Nurses Week Special Recruitment Section SEE PAGE 38

Watch out, it's ... Munjoy Hill DISEASE!

It's the sickness that strikes when neighbors oppose development in their own backyard and end up encouraging sprawl. The state's cure for this condition appears to be too bitter for Greater Portland residents to swallow.



ILLUSTRATIONS/
COREY PANDOLPH

GREG WILLIAMS

A plague has infected Portland, and it's spreading like a nasty rash from its point of origin in the city's East End into neighborhoods in surrounding towns and beyond.

It's called Munjoy Hill disease. It may be incurable.

The symptoms of this illness include a stubborn refusal to allow residential development to take place within the neighborhood's borders and the appearance of activists willing to go to extreme lengths to prevent such new construction.

The state of Maine is trying to stop the spread of Munjoy Hill disease because it exacerbates the unhealthy effects of another serious affliction: sprawl. Like a slow-moving, insidious bacteria, sprawl infects suburban and rural communities, gobbling up large tracts of farmland and scenic open space and leaving a haphazard pattern of single-family homes (often interspersed with strip malls and big-box stores) in its wake.

Sprawl's symptoms include increased traffic and higher taxes, as local governments try to cover the costs of extending sewer lines and building bigger schools in response to growth.

Meanwhile, sprawl literally sucks the life out of urban communities like Portland as it lures people away from the city. Among other problems, the corresponding drop in students attending public schools triggers a reaction in Augusta, where, following the school funding formula, lawmakers cut state education aid, forcing the city to raise taxes to make up the difference. In addition, the traffic that spreads like capillaries into the surrounding suburbs coalesces around Portland, particularly on weekday mornings, to create a frustrating condition: clogged arterials.

One of the ways to cure sprawl is to encourage denser development in urban and suburban centers, but with Munjoy Hill disease ravaging Portland and its symptoms showing up in nearby suburbs, this medicine is proving ineffective.

Nevertheless, State Planning Office director Evan Richert has been touting this idea, traveling around Maine trying to sell the public on his "smart growth" initiatives, which encourage municipalities to create self-contained neighborhoods with a high-density mix of residential and commercial development. But to Munjoy Hill residents like Nancy Guimond, it sounds like Richert is selling snake oil.

"I think we're crammed enough up here," said Guimond, who lives on Waterville Street.

Guimond's apartment sits next door to a vacant lot slated to become a five-story condominium complex with parking for 13 vehicles. She opposes the project on grounds it is out of character with the rest of the neighborhood, will create a parking dilemma and will result in the loss of her harbor view and ocean breezes. "We'll be sucking fumes," she said.

Guimond recognizes the conflict between the state's vision of denser urban living and her neighborhood's resistance to it, but in her opinion, if the city is going to have more housing, it should be someplace not quite so crowded.

"It's a funny clash. I think [state planners] should use a little more common sense," she said. "They want to have us living like rats in a maze. It's crazy."

Such attitudes make it tough for state planners to combat the spread of sprawl. Jaimey Caron, chair of the Portland Planning Board, said it's difficult to convince people to give up something personal for the betterment of the whole. In Caron's opinion, Munjoy Hill disease is "about getting your own way, not what's best for the overall community."

An outbreak of the illness recently flared up in Freeport, where residents forced the Town Council to reject a $50,000 grant from the state intended to create a kind of "smart growth" village — a compact neighborhood in which housing, schools and services would all be within walking distance. When the disease strikes the suburbs, it makes rural communities more susceptible to sprawl.

Though sprawl hasn't hit his community as hard as it has towns closer to Portland, Raymond Town Manager Don Willard said it's coming. According to Willard, taxes in Raymond are already going up, and the town's rural character is in jeopardy. Willard knows the consequences of unheeded sprawl. The dairy farm in Scarborough he grew up on has since been subdivided into house lots.

The latest census data bear witness to a dramatic population shift. From 1990 to 2000, Raymond grew nearly 30 percent. Scarborough and Falmouth saw population increases of over 35 percent. But Portland, with its housing shortage and outbreaks of Munjoy Hill disease, had no growth at all, actually losing a fraction of a percent.

In Windham, where the population grew by over 14 percent in the last decade, town planner George Dycio said the town is struggling to meet the increased demand for services such as police, fire, roads and schools, and is raising taxes as a result.

Dycio said Portland can help reduce the burden on towns like his by attracting more people, but he realizes that isn't happening due to the city's lack of affordable housing.

Anthony Dater, a consultant for the Greater Portland Council of Governments, said many neighborhood activists, who consider themselves progressive on development issues, are against sprawl — that is, until the solution falls in their backyard. "It's ironic," he said, "but it conforms to human nature."

Dater believes long-term education on the benefits of denser housing is the only way to fight Munjoy Hill disease.

It won't be an easy treatment to administer.

"People have it ingrained in them that spreading out is good," Richert said. "It's not all bad, but it has its costs."

Why should we care?

Strains of Munjoy Hill disease have appeared all over Portland. Residents of neighborhoods like Rosemont, Oakdale and Riverton have feuded with developers and city officials over building projects and mixed-use zoning in recent years.

Deb Keenan lives in Riverton, Portland's fastest growing neighborhood. Keenan doesn't think increasing the density of an already crowded city is a good idea. Furthermore, she wondered why Portlanders should even be concerned about growth in other towns. "What do we care about sprawl?" she asked.

Keenan said sprawl is an issue for the lesser-developed and faster-growing rural and suburban areas. Though she likes the idea of stacking apartments on top of businesses in areas like the Old Port, Keenan does not support the smart-growth cure in the more residential parts of the city.

"Is smart growth smart?" she said. "My belief is that it's not."

Keenan questioned the feasibility of the Unity Village project now under construction in Portland's Bayside neighborhood, which will create 33 units of affordable apartments on one small block. "It's a postage stamp piece of land," she said. "I wondered how they would fit so much housing there."

To Keenan, denser living translates into fire hazards, overcrowding and loss of open space. She wondered why city dwellers like herself, who value green space and

> People are against sprawl, but equally against density. What are you gonna do?"
>
> — Tom Kane, Portland city councilor

wildlife as much as those living in the country, should have to give that up to make life better in the suburbs.

Portland Mayor Cheryl Leeman has disagreed with Keenan on many issues, but they share some common ground in their suspicions about smart growth. Leeman called the state's efforts to stem sprawl "idealistic," and said greater density is not so great for the city. As she sees it, Portland already has traffic and parking problems, and for denser housing to be acceptable, major changes in societal behavior would have to be made. "People like their space," she said. "I am not sure the public is ready" for denser development.

City Councilor Tom Kane supports attracting more people to Portland by creating more housing within city limits, but realizes that in neighborhoods like Munjoy Hill, residents already feel crowded. Kane thinks once people move to a neighborhood, they like to keep it the way it is. "People are against sprawl, but equally against density," he said. "What are you gonna do?"

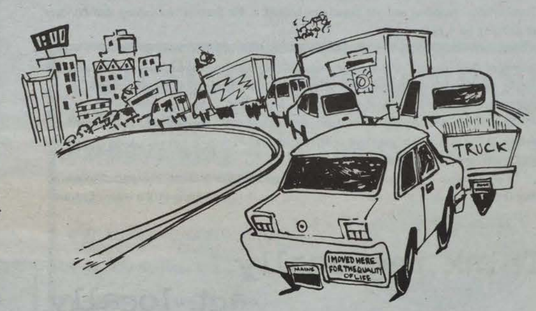
Big city life in Freeport

Munjoy Hill disease seems to be spread by people, who act as carriers of the disease when they move.

Sandy Campbell recently moved from Pownal — which, despite experiencing an 18 percent increase in population last decade, remains relatively rural — to West Freeport, a suburb of Portland she nevertheless refers to as "the city."

Her new apartment is near the rapidly developing area Freeport town planners had eyed for a smart-growth village — the dense, mixed-use project the state had offered Freeport grant money to develop, but which neighbors like Campbell opposed, ultimately forcing the town to turn down the cash. Campbell was against the project because of concerns about increased density and traffic, which predicted would cause a decline in her quality of life.

Though she understands the state's interest in creating affordable housing close to existing schools, stores and other services, Campbell couldn't help but feel "leery" about the development proposal. "People have a hard time dealing with change," she said. "People get angry because they're fearing the unknown .... These units are basically going to be in our backyards."



Regardless of the fears of residents, development will continue to take place. "We're not going to stop growing," said Freeport Town Councilor David Soley. "Doing nothing leads to uncontrolled growth."

In Soley's opinion, residents shouldn't oppose an idea without coming up with a better one. "We all need to chip in," he said, because sprawl "is a community-wide problem."

As Portland officials realized in the wake of the May 1 development referendum, residents need to be a part of the development process in order to accept changes in their neighborhoods.

Richard Berman, the developer of Unity Village, learned this the hard way when he tried to create a transportation/retail hub in Falmouth, near exit 10 of the Maine Turnpike, during the 1990s.

If developers don't design projects with the community's participation and support, they end up with "arrows in the ass," he said.

Town officials and residents subjected his plan to intense scrutiny, a process which ultimately resulted in a project that was less progressive than Berman envisioned. Gone from the final version was the housing (including units for elderly residents) and bus service to Portland.

"That is why developers don't do this shit," Berman said, referring to the arduous process he went through to get residents to accept his proposal. "I could have just done a Lowe's [big box store], but that makes me a sleazebag developer. I have to walk the talk."

Scarborough developers John and Elliott Chamberlain are trying to do just that, in hopes neighbors will approve of their plans for a smart-growth neighborhood in the town's Dunstan Corner area. They've held several public meetings on the project, including a day-long design workshop during which three teams of residents worked together to create visions of how the 150-acre lot should be developed.

The Chamberlains have built cookie-cutter subdivisions in the past, but want to try something different this time by including a variety of housing types, shops, a community center, biking trails

"We're not going to stop growing. Doing nothing leads to uncontrolled growth."
— David Soley, Freeport town councilor

and even a school in the development.

State planners like Richert are hoping their development will become Maine's first modern-day example of the cherished traditional neighborhood, similar to self-contained communities in Camden, Boothbay, Deering Center in Portland and Meetinghouse Hill in South Portland.

Ed Suslovic, a Portland real estate broker hired by the Chamberlains to head their neighborhood design project, said the state has been pushing the concept for the past four years, but, so far, has found no one to actually build such a neighborhood, let alone a community willing to accept it.

"We would like one truly smart-growth development in the ground," Suslovic said.

Mark Maroon, chair of the Scarborough Town Council, said he is intrigued by the Chamberlains' proposal and the principles behind it. He finds it "refreshing that builders are bringing back old ways."

But "refreshing" may not be enough. While town officials have, in Maroon's words, "embraced the concepts" of the Chamberlains' proposal, they haven't yet decided whether to take a crucial step to make the project feasible: suspending Scarborough's zoning requirement that sets a two-acre minimum for house lots in that area of town.

And there's still Munjoy Hill disease to contend with. Maroon said nearby residents have given the proposal a "cautious analysis," and noted there are always going to be those against any and all development.

"This example is a great test of what the state is talking about," he said. "No matter what the result is, [the proposal] is, in essence, the first litmus test of the issue of sprawl" in Maine.

Think regionally, act locally

Attacking Munjoy Hill disease on a project-by-project basis can help make progressive, smart-growth development more palatable to wary neighbors, but many believe a more aggressive approach is necessary to deal effectively with sprawl. For state officials, that means working not just locally, but regionally to solve the problem. Historically, that's been a difficult, if not impossible, task.

"We don't take a regional view. People need to see themselves as part of the whole, not as individuals. We're all in this together."
— Richard Berman, developer

"We don't take a regional view," Berman, the developer, said. "People need to see themselves as part of the whole, not as individuals. We're all in this together."

Mark Adelson, Portland's director of housing and neighborhood services, said regional planning among municipalities will be necessary to shape growth in Greater Portland and beyond. "Because there is no regional cooperation," he said, "it's kind of a free-for-all."

Most communities in the area are pushing for or have implemented growth limits, but such controls have the effect of forcing development into other, less-developed areas, thereby increasing sprawl. There is little indication that situation will be replaced by comprehensive planning anytime soon.

Windham's Dycio said regional zoning is a wonderful idea, but is unlikely, given many residents' wariness of any form of land control. And it may be too late. "It should've started in the 1940s or '50s," Dycio said. "It's hard to go back. I think there would be a revolt."

Dater of the Council of Governments agreed, saying planning for all of Greater Portland would be cheaper and more equitable, but it is not practical in Maine, where localism and individuality reign. Dater said the state has called on municipalities to implement regional planning, but has not pushed the issue because it's so "politically difficult." The Council of Governments does some regional planning, but focuses mainly on transportation issues.

Richard Farnsworth, a member of a 1998 state task force that studied centers of commercial activity and employment in Maine, is one of the few people who's optimistic about regional planning. As Farnsworth sees it, an effective regional governing body with representatives from each municipality makes sense.

Given that Portland supports hospitals (which pay no property taxes) and serves as a cultural hub used by residents of surrounding towns, Farnsworth is in favor of a taxation system that would allow Portland to share the financial burden it shoulders by hosting such services. Leveling the tax burden across the region, Farnsworth said, would make moving to rural towns less financially enticing to city dwellers.

Not surprisingly, that idea isn't popular in less developed towns.

"That sounds like a bad idea," Willard, Raymond's town manager, said. "It would be a difficult idea to sell."

More difficult, apparently, than convincing urban residents to accept more development in their neighborhoods so those in the country can keep their fields and trees and brooks.

For those who fear sprawl, opposition to that idea isn't just wrong — it's sick. And the diagnosis is Munjoy Hill disease.

Greg Williams can be e-mailed at gwmaine@maine.rr.com.

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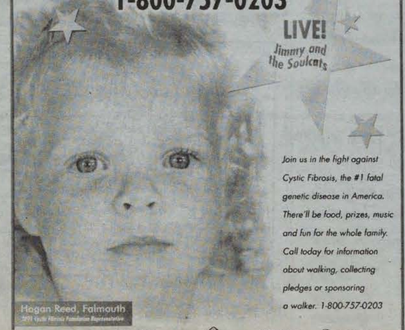
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Historic Preservation

Eric Dexter <edexter@herbery.com> May 8, 2018 12:31 PM
Posted in group: **Planning Board**

Sean

I'm certain you are seeing a lot on this, so apologies in advance. I'm writing to encourage the planning board to give significant consideration to historic preservation as it works to plan for the city. We just don't get two chances when a historic building is in the line. So much of what makes Portland a destination, is this careful, careful consideration.

Thanks,
Eric Dexter

The City's proposal does not begin the historic designation process. We need you to ask the planning board to:

- Recommend that the Planning Department begin the historic designation process.

The Planning Board Proposal still encourages demolitions by potentially allowing new buildings to be larger than their neighbors. We need you to urge the planning board to:

- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.

The City's proposal institutes a new process for alternative design review that includes approval by the Historic Preservation Board. We need you to tell the Planning Board that:

- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.

The City's demolition delay proposal allows for approval without public comment. We need you to tell the planning board that you:

- Support an 18 month demolition delay that includes public notice and comment.

The City's proposal allows for the expansion of non-conforming buildings through-out the city, not just on Munjoy Hill. We need you to ask the planning board to:

- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

PLANNING BOARD REPORT
PORTLAND, MAINE

LAND USE CODE TEXT AMENDMENTS – DIVISION 30. AFFORDABLE HOUSING

City of Portland, Applicant

Submitted to: Sean Dundon, Chair and Portland Planning Board Public Hearing Date: May 8, 2018	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 4, 2018

I. INTRODUCTION:

The Housing Committee and Mayor Strimling are asking the Planning Board to consider proposed amendments to Division 30. Affordable Housing of the Land Use Code and to make a recommendation to the City Council regarding the proposals. The proposed substantive changes to the ordinance include the following proposals:

- A proposal from staff to amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.
- A proposal from staff to amend the Inclusionary Zoning Ordinance to remove the sunset clause or to extend it by 2 years.
- A proposal from the Mayor to amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units from 10% to 20%.
- A proposal from the Mayor to amend the Inclusionary Zoning Ordinance to change the current workforce housing requirement to a low-income housing requirement.

In addition, the staff have proposed clarifying or housekeeping amendments. The staff amendments are outlined in Section III below and are contained in Attachment 1. The amendments proposed by Mayor Strimling are included in Attachment 2. A comparison chart of the proposed amendments recommended by the staff is included as Attachment 3. Mayor Strimling's November 29, 2017 memo is Attachment 4. The memos prepared by Victoria Volent, Housing Program Manager, for the Housing Committee on November 3, 2017 and November 21, 2017 are included as Attachments 5 and 6, respectively. The Planning Board held a workshop on this item on February 13, 2018.

The legal ad appeared on April 30 and May 1, 2018 in the Portland Press Herald and notices posted through the web page. At the time of writing this report, no written public comments have been received.

II. HISTORY OF DIVISION 30: AFFORDABLE HOUSING

Division 30 was first adopted in 2006 and has been modified over the past 11 years. Following is a brief chronology of Division 30.

A. December 2006: Division 30 was adopted by the City Council in 2006 and it was called Incentives for Affordable Housing. The new division of the Land Use code included definitions for affordable housing and provided incentives for affordable housing, such as reduced development review fees, reduced parking requirements, density bonuses between 5 and 25%, and an expedited review. Those incentives were used during the review of affordable housing projects; however, only a few units of affordable units were created within market-rate projects.

B. October 2015: A significant update of Division 30 was proposed and adopted in 2015, which changed the name to Affordable Housing. The incentives for affordable housing were retained and the inclusionary zoning requirements (14-487. Ensuring Workforce Housing) were created. In summary, the amendments include:

   a) A definition of affordable;
   b) Updated definitions of low income housing (affordable to a household earning 80% or less of Area Median Income (AMI)) and workforce housing units (affordable to a household earning 100% or less of AMI for rentals and 120% for home ownership);
   c) Required 10% of all residential projects with 10 or more units to provide affordable housing units as defined;
   d) Set a six-year sunset provision from passage;
   e) Established the minimum standards for meeting the Workforce Housing requirements; and
   f) Authorized regulations to further specify details for implementation.

C. March 2016: Amendments were adopted to clarify that projects that are subject to the inclusionary zoning provisions are also eligible for the affordable housing incentives.

D. September 2017: The amendments adopted in 2017 focused on strengthening the incentives for affordable housing in designated growth areas. Density bonuses were adjusted according to the percentage of low income housing and workforce housing units with the density bonuses ranging from 1.1 times the base allowed density to 2.5 within Business Zones, R-7 and Residence Professional Zones. Height bonuses between 10 and 25 feet and setback reductions are offered according to the percentages of low income and workforce units. Similarly, dimensional standards may be modified for Planned Residential Unit Development that provide at least 50% of the units as affordable housing. A neighborhood meeting is required prior to the submission of an application that intends to take advantage of the proposed incentives.

III. INCLUSIONARY ZONING DEVELOPMENT PROJECTS TO DATE

Since the adoption of the inclusionary zoning (IZ) provisions, the Planning Board has approved the development plans and conditional use IZ applications for sixteen projects (refer to chart on following page). The total number of units approved is 564 of which 120 are workforce units. The Portland Housing project on Boyd Street and the Avesta project on Cumberland Avenue, exceed the minimum percentage for affordable unit and thus all of their affordable units (a combined total of 90) are located on site. There are three projects proposing 7 on-site units and two projects that are proposing 4 off-site units. Six approved projects have opted to pay the fee in lieu prior to the issuance of a certificate of occupancy for an anticipated total of $1,266,250.

Currently, there are seven projects pending for Planning Board review that trigger the Inclusionary Zoning requirements (see chart). Those projects are proposed to generate 304 residential units with 125 workforce units on-site. The commitments from the other projects are yet to be determined.

Inclusionary Zoning Development Projects: December 2015 – March 2018

Address	Status	# of Units	Type	Workforce Units	On-Site	Off-Site	Fee-in-lieu
169 Newbury St (Luminato)	Completed	26	Condo	2	0	2	$0
65 Munjoy St (City Owned)	Completed	8	Condo	6	6	0	$0
443 Congress St	Under Construction	28	Apt	0	0	0	$280,000 *
62 India Street	Under Construction	29	Condo	0	0	0	$290,000
20 Thames St	Under Construction	28	Condo	0	0	0	$280,000
1 Joy Place	Under Construction	12	Condo	1	1	0	$0
70 Anderson St	Approved (2016)	10	Rental	1	1	0	$0
75 Chestnut St (Westerlea View)	Approved (2016)	54	Apt	5	5	0	$0
161 York St	Approved (2017)	11	Condo	0	0	0	$110,000
221 Congress St	Approved (2017)	17	Condo	0	0	0	$170,000
153-165 Sheridan St	Approved (2017)	19	Condo	1	1	0	$0
1700 Westbrook St (Stroudwater)	Approved (2017)	123	SF/Townhouse	12	12	0	$0
218-220 Washington St	Approved (2017)	45	Condo	0	0	0	$416,250
510 Cumberland (Avesta)	Approved (2017)	80	Rental	46	46	0	$0
58 Boyd St (PHA)	Approved (2017)	55	Rental	44	44	0	$0
583-605 Stevens Avenue **	Approved (2018)	109	Rental	66	66	0	$0
22 Hope Ave Subdivision (Brandy Ln)	Approved (2018)	16	SF Home	1	1	0	$0
56-60 Parris St (Parris Terrace)	Approved (2018)	23	Condo	2	2	0	$0
Subtotals		693		187	185	2	$1,266,250
Pending Projects- 2018							
383 Commercial St	Under Review	82	Condo	9	TBD	TBD	TBD
1844 Forest Ave	Under Review	16	Apt.	TBD	TBD	TBD	TBD
37 Front St (PHA)	Under Review	99	Rental	79	79	0	$0
56 Hampshire St	Under Review	28	Condo	TBD	TBD	TBD	TBD
300 Allen Avenue	Under Review	12	TBD	1	TBD	TBD	TBD
977 Brighton Avenue	Under Review	40	Rental	34	34	0	$0
Subtotal		1009					

* Fee-in-lieu collected on 12-19-17

** 40 units targeting households earning 50% AMI, 26 units targeting households earning 60% AMI. $625,000 in City HOME funds subsidized this project to increase affordability by lowering the income affordability from 100% AMI

At the Planning Board workshop, the Board asked what fiscal impact the Inclusionary Zoning Ordinance has had on the assessed value of property. Jeff Levine provided Christopher Huff, Portland Tax Assessor, with a list of affordable housing projects. Mr. Huff confirmed that none of the affordable housing projects have requested or filed for an abatement. In addition, he stated the following:

> [O]ur IZ ordinance would have a very small impact on a building/property valuation. For any apartment building with 10+ units, the income approach would be the most acceptable to derive an assessed value. Actual rents (or a Gross Rent Multiplier) would be used in calculating the annual income used in the income approach. The restricted rents of the inclusionary units would have a slight, negligible impact to this calculation. This would differ from project to project, making it difficult to determine any specific loss of value.

The Planning Board also asked for a summary of how the collected funds in the Housing Trust Fund have been allocated. Below is the table provided by Victoria Volent. She reports that the balance of the Housing Trust Fund is $913,501.54 and that the chart breaks down deposit and expenditure as of March 20, 2018.

DEPOSITS		**EXPENDITURES**	
Maine Medical Center 2002-2003	$318,580	Avesta Oak Street Lofts 2011	($380,585)
Sportsman's Grill 2002	$40,000	Housing First Pre-Development Grants 2014	($75,000)
Berlin City Auto 2009	$116,000	65 Hanover & 62 Alder Streets Feasibility 2015	($9,250)
Stop n Shop 2010	$289,250	65 Munjoy Street 2017	($175,000)
Rockbridge/Eastland Park 2012	$42,500	**Total Expenditures**	($639,835)
Riverwalk/Ocean Gateway 2012	$250,000		
118 Congress LLC 2012	$3,500		
Interest earned	$51,555.81		
91 & 97 Belfort St sale 2017	$86,423.99		
116 Upper A St., Peaks Island sale 2017	$78,526.74		
443 Congress St. fee-in-lieu (IZ) 2017	$280,000		
Total Deposits	$1,553,336.54	**Balance**	$913,501.54

Victoria Volent provided the following synopsis of the Trust Fund:

> As noted in the above chart, projects funded with Housing Trust Funds include the Avesta Oak Street Loft project which produced 37 efficiency units of rental housing affordable at 60% of the area median income (AMI) and below (including four units at 40% of AMI); 65 Munjoy Street which produced eight condominium units available for sale to households earning at or below 120% of AMI; Avesta's Huston Commons which produced 30 efficiency Housing First units; and Community Housing of Maine purchased a property on St. John Street which produced four Housing First units.

IV. PROPOSED AMENDMENTS AND POLICY DISCUSSION

The Housing Committee considered a range of potential amendments to Division 30, which were offered by Mayor Strimling and the planning staff. On November 29, 2017, the Committee voted (2-0) to forward to the planning board the committee's support to amend fractional fee payment when units are provided on site and to move other planning staff proposed changes, except for the sunset clause. The Housing Committee voted (2-0) to forward to the Planning Board the other items considered by the committee without a positive recommendation. The ordinance

with the staff recommendations is included as Attachment 1. The proposed amendments offered by Mayor Strimling are contained in Attachment 2. A comparison chart of the changes proposed the staff is included as Attachment 3. The staff has updated the draft in response to the Board's workshop comments. The proposed amendments from both the staff and the Mayor are summarized below and follow in sequence the sections of the ordinance.

A. Sec. 14-485. Definitions

- ***Affordable:*** The definition of affordable is proposed to be amended to clarify that condominium/HOA fees, mortgage insurance, other insurance and real estate taxes are included in the calculations for determining monthly housing expenses. The current language is vague and simply states that insurance and taxes will be taken into consideration. This is considered a housekeeping amendment to specify the eligible monthly housing expenses. **(Attachment 1, page 1)**

  Recommendation: Staff proposal and moved forward by Housing Committee

- ***Low Income housing unit for rent:*** The modifies the definition of low income housing for rent to specify that "the unit is rented to a household earning 80% or less of AMI. The proposed staff changes eliminate the statement that annual rent increases for the unit are limited in perpetuity by deed restriction or legal document. The replacement language states, "The requirements of (a) and (b) above are limited by deed restriction or other legally binding agreement for the applicable time required in this ordinance." Division 30 has time frames for workforce housing under 14-487 (e)7 of the standards (listed below) and there are separate timeframes for projects seeking incentives under the Affordable Housing ordinance. **(Attachment 1, page 1)**

  Recommendation: Staff proposal and moved forward by Housing Committee

- ***Low Income housing unit for sale***: The proposed text amendment raises the sale price that is affordable for a household from 80% to 100% or less of the HUD AMI. A provision is added that the unit is to be sold to a household earing 100% or less of AMI, and modifies the restrictions for all future sales to the length of time required in the code. **(Attachment 1, page 2)**

  Recommendation: Mayor Strimling proposed that future sales be affordable to those earning 100% of the AMI, which is the proposed figure.

  Housing Committee moved forward without a positive recommendation.

- ***Eligible project:*** The language is modified to allow a broader range of housing projects to be included. The proposal adds single-family or multi-family dwelling or subdivision consisting of a group of dwellings and not located in R-1 or R-2. It requires a low-income or workforce housing unit for rent or for sale to qualify under the eligible projects. This is offered as a housekeeping amendment to clarify the language, which currently, specifies at lease one low-income or workforce unit for rent or sale. **(Attachment 1, page 2)**

  Recommendation: Staff proposal and moved forward by Housing Committee

- ***Workforce housing unit for rent:*** The revisions are intended to clarify that the unit rent is considered affordable for households earning 100% or less of the AMI. The provision adds that the unit is to be rented to a household earning 100% or less of AMI and that the long-term restrictions are limited by deed restriction or other legally binding agreement for the time frame of this ordinance. **(Attachment 1, page 3)**

Recommendation: Staff proposal and moved forward by Housing Committee

- ***Workforce housing for sale:*** The housekeeping amendment to this definition is modified to state that the unit cost is affordable to households earning 120% or less of the HUD AMI, rather than the current language of less than. Again, it adds that the unit shall be sold to a household earning 120% or less and that requirements for future sales are limited by the deed restriction and legally binding agreement for the length of time of this ordiannce. (Attachment 1, page 3)

  Recommendation: Staff proposal and moved forward by Housing Committee

B. Sec. 14-487. Ensuring Workforce Housing

- *(b) Applicability/Conditional Use Requirement/Sunset.* The title is proposed to be simply Applicability. A housekeeping amendment is proposed to the applicability section to delete the line exempting Master Development Plans, Level III site plans, or comparable applications from being subject to this ordinance that were submitted prior to the effective date of the ordinance. (Attachment 1, page 4)

  Recommendation: Staff proposal and moved forward by the Housing Committee

- *(c) All Developments of Ten Units or More Conditional Uses/**Sunset***. The initial proposal by staff was to allow for an administrative review of all IZ applications within the India Street Form Based Code. The Planning Board questioned this approach at the workshop. The proposal before the Board would allow for a Conditional Use review of IZ applications administratively or by the Planning Board in accordance with the thresholds of site plan review. As Jeff Levine noted at the workshop, the overall intent of the Form Based Code was to provide an efficient and streamlined review process, thus this amendment is proposed. Projects within other zoning districts would continue to be reviewed by the Planning Board as an Inclusionary Zoning Conditional Use.

- (Attachment 1, page 4)

  Recommendation: Staff proposal and moved forward by the Housing Committee

- *(c) All Developments of Ten Units or More Conditional Uses/**Sunset***. The third amendment is to move the sunset provisions to this subparagraph. The staff is recommending that the six-year sunset provision be eliminated, which is scheduled to occur in 2021. The intent was to evaluate the effectiveness of the ordinance prior to the sunset date and then, the expiration date would be deleted or the entire section removed from this section. It is the Department's preference that this be eliminated as the provision creates uncertainty in the market as the date approaches and may influence developers to delay projects. The Council has the authority to revise or rescind ordinances at any time and this is the only section of City Code that has such a provision. At the workshop, the Planning Board questioned the elimination of the sunset provision and discussed extending the time frame. The staff has proposed a second option for the Board's consideration that would extend the sunset provision to September 30, 2024 (tracked and in bold on page 4 of Att. 1). The staff is seeking the Board's recommendation on their preferred option, an option suggested by some Board members at the workshop to extend the sunset provision for two years, and a third option to retain the current sunset provision.

As noted in Section III above, the Inclusionary Zoning requirements do not appear to have slowed housing development in Portland and has provided affordable units and funding. Victoria Volent's memos in Attachments 5 and 6 for further analysis. **(Attachment 1, page 4)**

Recommendation: Staff Proposal and moved forward by the Housing Committee without a positive recommendation.

- ***(d) Workforce Housing Minimum.*** The proposal from the Mayor is to change the workforce housing to low-income housing and set a minimum percentage of 20% of the units must be low income. Low-income housing is substituted for workforce housing throughout this section. The specific changes are contained in Section 14-487 (d). **(Attachment 2, page 3)**

  Recommendation: Mayor Strimling's proposal and moved forward by the Housing Committee without a positive recommendation

- ***(d) Workforce Housing Minimum.*** One of the four substantive changes proposed to the inclusionary zoning is to eliminate the ability to round down for on-site units and instead include provisions for fractional payments for IZ units. The current minimum requires 10% of the units to be Workforce housing units. If the units are proposed on-site, then the calculation of the required number of units can be rounded down. If a fee-in-lieu is chosen, the fee may not be rounded down and must account for the fractional cost of the 10% of all units. For example, a 19-unit project can meet the requirements by providing one unit on-site or paying the fee-in-lieu for 1.9 units. The proposal is to eliminate the option to round down, so a developer would have three options in the above example: 1) provide the additional unit for a total of 2 units; 2) create one unit and pay the fractional difference in a partial fee-in-lieu; or 3) pay the fee-in-lieu. Victoria Volent's memos in Attachments 5 and 6 for further analysis, specifically on the financial implications of this policy and research outlining approaches in other communities. **(Attachment 1, page 5)**

  Recommendation: Staff proposal and **forward** by the Housing Committee with a positive recommendation

- ***(d) Workforce Housing Minimum:*** Mayor Strimling's proposal is to change this section form Workforce Housing Minimum to Low-Income Housing Minimum and requiring that the inclusionary zoning requirement be increased from 10% to 20%. This revision is carried through this section. The changes are contained in Sec. 14.487(e) Standards subparagraphs 2, 3, 4, 5, and 7. **(Attachment 2, page 4)**.

  Recommendation: Mayor Strimling's proposal and moved forward by the Housing Committee without a positive recommendation

- ***(e) Standards:*** Under the standards for review for compliance with IZ, the staff proposes changes to the manner in which the bedroom count is calculated. It allows the staff to consider the actual number of bedrooms proposed or use every 400 square feet of each unit to determine the bedroom count. The present wording determines the number of bedrooms by counting every 400 square feet of floor space in a market unit. The proposed change would state that for the purposes of calculating the number of bedrooms in a development, every 400 feet in each unit will count as a bedroom, if the Planning

Authority determines this method is appropriate in lieu of counting actual bedrooms. **(Attachment 1, page 5)**

- Recommendation: Staff Proposal and moved forward by the Housing Committee

V. COMPREHENSIVE PLAN

Portland's Plan 2030 has the following housing goals, which support affordable housing initiatives. The specific goals are as follows:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.

The accompanying strategy states:

- Continue to implement best practices in workforce and affordable housing development such as the Housing Trust Fund, inclusionary zoning, and other tools.

The proposed amendments seek to further the city's goal to increase the overall supply of affordable housing. The intent is to promote the equitable the implementation of the inclusionary zoning ordinance through improved clarity in the regulations. Substantively, the proposal to eliminate the option to round down the required number of affordable units when housing is being provided effectively increases the number of units produced and/or increases the monetary contributions to the city for future projects.

VI. STAFF RECOMMENDATION

The staff recommends to the Planning Board that the proposed text amendments contained in Attachment 1 be found to be consistent with the Comprehensive Plan and to recommend adoption of the amendments to the City Council. The staff does not recommend the amendments proposed by Mayor Strimling and are contained in Attachment 2 at this time. Specifically, staff supports the change to charge a fee-in-lieu for fractional units, and continues to recommend eliminating the sunset provision. As an alternative to eliminating the sunset provision, staff would support extending it by two years as an indication of its current effectiveness.

VII. PROPOSED MOTION

Staff Recommended Amendments

On the basis of the material provided in this report, dated May 4, 2018, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed text amendments to Division 30, Affordable Housing of the Land Use Code., as presented in Attachment 1 with the option that the sunset provision be **[retained, eliminated, or extended]**, **[are or are not]** consistent with the Comprehensive Plan and **[recommends or does not recommend]** adoption of the proposed amendments to the City Council.

Mayor Strimling's Recommended Amendments

On the basis of the material provided in this report, dated May 4, 2018, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed text amendments to Division 30,

Affordable Housing of the Land Use Code., as presented in Attachment 2 and in addition to Attachment 1 , [are or are not] consistent with the Comprehensive Plan and [recommends or does not recommend] adoption of the proposed amendments to the City Council.

Attachments:

1. Proposed Text Amendments Proposed by Staff, Division, 30 Affordable Housing
2. Proposed Text Amendments Proposed by Mayor Strimling, Division, 30 Affordable Housing
3. Comparison Chart of Current Ordinance and Proposed Amendments
4. Memorandum, Mayor Strimling, November 29, 2017
5. Memorandum, Victoria Volent, Housing Program Manager, November 3, 2017
6. Memorandum, Victoria Volent, Housing Program Manager, November 21, 2017

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) ~~(a)~~ The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD);

(b) The unit is rented to a household earning 80% or less of AMI; and

(c~~b~~) ~~Annual rent increases for that unit are limited~~The requirements of (a) and (b) above are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. ~~to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size~~.

Low-income housing unit for sale means a dwelling unit for which:

(a) ~~(a)~~ The sale price is affordable to a household earning ~~80~~100% or less of ~~the HUD~~ AMI;

(b) The unit is sold to a household earning 100% or less of AMI; and

(c~~b~~) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement for ~~all~~ future sales ~~unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place~~for the applicable length of time in this ordinance.

Development fees means:

(a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and

~~(a)~~ (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings~~, as defined in section 14-47~~, and will not be located in an R-1 or R-2 zone;

(c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for

rent or ~~workforce housing for~~ sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit for which:

(a) ~~(a)~~ The rent is~~Is~~ affordable to a household earning 100% or less than ~~100%~~ of ~~HUD~~ AMI;

(b) The unit is rented to a household earning 100% or less of AMI; and

(~~b~~c) The requirements of (a) and (b) above are ~~Annual rent increases for that unit are~~ limited by deed restriction or other legally binding agreement~~.~~ for the applicable length of time in this ordinance.~~to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size~~.

Workforce housing unit for sale means a dwelling unit for which:

(a) ~~(a)~~ The purchase price is affordable to a household earning ~~at~~ 120% or less of ~~HUD~~ AMI;

(b) The unit is sold to a household earning 120% or less of AMI; and

(c) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement ~~for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size~~for the applicable length of time in this ordinance.

Sec. 14-486. Reduction of fees.

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability~~/Conditional Use Requirement/Sunset~~*. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~

(c) *All Developments of Ten Units or More Conditional Uses/**Sunset***. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.~~.~~

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

This section 14-487 shall be in effect until September 30, 2024, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.~~ The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.

(e) *Standards.*

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each ~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~the actual number of bedrooms in the unit is lower.~~

4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing

Replacement.

5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.

6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

(f) *Implementing Regulations*. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;

2. Situations where less than permanent affordability might be considered; and

3. Guidelines for meeting the requirement that off-site units be “in the same neighborhood”.

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

DIVISION 30. AFFORDABLE HOUSING

Sec.14-484. Purpose.

It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and

(b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

(a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and

(b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning ~~120~~ 100% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

(a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and

(b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone;

(c) That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

(a) Is affordable to a household earning less than 100% of HUD AMI; and

(b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

(a) The purchase price is affordable to a household at 120% of HUD AMI; and

(b) The resale price is limited by deed restriction or other

legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

(Ord. No. 98-06/07, 12-4-06; Ord. No. 84-08/09, 10-20-08; Ord. 82-15/16, 10-19-2015; Ord. No. 196-15/16, 3-21-2016)

Sec. 14-486. Reduction of fees.

Sec. 14-487. Ensuring Workforce Housing.

(a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

(b) *Applicability/Conditional Use Requirement/Sunset*. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

(c) *All Developments of Ten Units or More Conditional Uses*. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.

This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.

(d) ~~*Workforce*~~ *Low-Income Housing Minimum.* At least ~~ten~~ twenty percent (~~1~~20%) of the units in the project shall meet the definition of ~~workforce~~ low-income housing unit for sale or for rent. The number of units required is rounded down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.

(e) *Standards*.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

2. ~~Workforce~~ Low-income housing units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

3. ~~Workforce~~ Low-income units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ~~1~~20 percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower.

4. As an alternative to providing ~~workforce~~ low-income housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

5. ~~Workforce~~ Low-income housing units for sale, if converted to ~~workforce~~ low-income housing units for rent, shall become subject to the income limits and other requirements of such units.

6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent ~~workforce~~ low-income housing units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years

50%	20 years
100%	10 years

(f) *Implementing Regulations*. Regulations to further specify the details of this section shall be developed, including, but not limited to:

1. Specific methodology for income verification;

2. Situations where less than permanent affordability might be considered; and

3. Guidelines for meeting the requirement that off-site units be "in the same neighborhood".

(g) *Reporting to City Council.* In conjunction with the annual report on the Housing Trust, city planning staff shall annually report on developments subject to this section, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

Comparison Chart of Proposed Staff Recommendations Attachment 3	
Sec.14-484. Purpose. It is in the public interest to promote an adequate supply of affordable housing for the city's residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.	No Changes
Sec. 14-485. Definitions *Affordable* means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount. *Low-income housing unit for rent* means a dwelling unit for which: (a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.	**Sec. 14-485. Definitions.** *Affordable* means that the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount. *Low-income housing unit for rent* means a dwelling unit for which: (a) ~~(a)~~ The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); (b) The unit is rented to a household earning 80% or less of AMI; and (c~~b~~) ~~Annual rent increases for that unit are limited~~The requirements of (a) and (b) above are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement for the applicable length of time in this ordinance. ~~to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size~~.

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Development fees means: (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.	*Development fees* means: (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and ~~(a)~~(c) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.
Dwelling unit has the same meaning as that term is defined in section 14-47.	*Dwelling unit* has the same meaning as that term is defined in section 14-47.
Eligible project means a development project: (a) That is permissible under the provisions of this chapter in the zone in which it is proposed; (b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone; (c) That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of	*Eligible project* means a development project: (a) That is permissible under the provisions of this chapter in the zone in which it is proposed; (b) That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings ~~,as defined in section 14-47~~, and will not be located in an R-1 or R-2 zone; (c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for~~ sale, through new construction, substantial rehabilitation of existing structures, adaptive

existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing"). *Workforce housing unit for rent* means a dwelling unit which: (a) Is affordable to a household earning less than 100% of HUD AMI; and (b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size. *Workforce housing unit for sale* means a dwelling unit for which: (a) The purchase price is affordable to a household at 120% of HUD AMI; and (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.	reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and (d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing"). *Workforce housing unit for rent* means a dwelling unit for which: (a) ~~(a)~~ The rent is~~s~~ affordable to a household earning 100% or less than ~~100%~~ of ~~HUD~~ AMI; (b) The unit is rented to a household earning 100% or less of AMI; and (~~b~~c) The requirements of (a) and (b) above are ~~Annual rent increases for that unit are~~ limited by deed restriction or other legally binding agreement~~-~~ for the applicable length of time in this ordinance. ~~to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size~~. *Workforce housing unit for sale* means a dwelling unit for which: (a) ~~(a)~~ The purchase price is affordable to a household earning ~~at~~ 120% or less of ~~HUD~~ AMI; (b) The unit is sold to a household earning 120% or less of AMI; and (c) The requirements of (a) and (b) above are ~~The resale price is~~ limited by deed restriction or other legally binding agreement ~~for all future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size~~for the applicable length of time in this ordinance.
Sec. 14-486. Reduction of fees.	**Sec. 14-486. Reduction of fees.** No proposed amendments
Sec. 14-487. Ensuring Workforce Housing. (a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed	**Sec. 14-487. Ensuring Workforce Housing.** (a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the

in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.	public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.
(b) *Applicability/Conditional Use Requirement/Sunset*. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.	(b) *Applicability~~/Conditional Use Requirement/Sunset~~*. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. ~~This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.~~
(c) *All Developments of Ten Units or More Conditional Uses*. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487.	(c) *All Developments of Ten Units or More Conditional Uses/Sunset*. Notwithstanding any language to the contrary in Chapter 14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.~~-~~
This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.	~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~ **This section 14-487 shall be in effect until September 30, 2024, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.**
(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. The number of units required is rounded	(d) *Workforce Housing Minimum.* At least ten percent (10%) of the units in the project shall meet the definition of workforce housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (e)2. below, or~~

down to a whole number if providing units as per (e)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.	~~shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (e)3. below.~~ The project shall have the option of paying a partial fee-in-lieu as per (e)4 below for any fractional value or providing an additional unit on site.
(e) Standards. 1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations. 2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units. 3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be 10 percent of the total number of bedrooms in the development. For the purposes of this section, for every 400 square feet in a market rate unit will count as a bedroom if the actual number of bedrooms in the unit is lower. 4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. 5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units. 6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.	(e) *Standards.* 1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations. 2. Workforce units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units. 3. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each ~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~the actual number of bedrooms in the unit is lower.~~ 4. As an alternative to providing workforce housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. 5. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units. 6. If at least 33 percent of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

7. The term of affordability for the required 10 percent workforce units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 years

Portland, Maine Yes. Life's good here.

Office of the Mayor, Ethan K. Strimling

TO: Housing Committee, Councilor, Jill Duson, Chair; Councilors David Brenerman and Brian Batson
FROM: Ethan Strimling, Mayor
DATE: November 29, 2017

Inclusionary Zoning Changes

- Increase the percentage of units required from 10% to 20%
- Drop income eligibility levels from 120 to 100% AMI for home ownership and from 100 to 80% for rental
- Change AMI to Portland Median Income

The Lincoln Institute described the need for inclusionary zoning well: "skyrocketing housing prices push middle class and low-income residents far away from well-paying jobs, reliable transportation, good schools, and safe neighborhoods. Inclusionary housing alone will not solve our housing crisis, but it is one of the few bulwarks we have against the effects of gentrification." Indeed, more than 500 communities nationwide have adopted such ordinances.

And despite strong concerns expressed when this passed the council 7-2 in 2015, - "You're going to get less housing" and "Small developers will say, 'if the limit is 10, I'll do nine" - nothing could be further from the truth of what actually happened. In reality, Housing construction has continued at a solid pace with 195 units permitted in 2016 and 296 in 2017. Both years after the IZ was put in place, compared to 136 in 2014 (2015 is an odd year as it has a few huge projects permitted, like Federated, that have yet to be built).

However, despite the adoption of our own IZ ordinance two years ago, there is, as this committee is well aware, still an affordable housing crisis in Portland. And while the IZ ordinance has certainly not had a detrimental impact on housing development, it also has not seen the impact it could. Raising the percentage of low-income units required from the current 10% to 20% will better utilize this existing tool, and aggressively targeting lower-income percentages for homeownership and rentals will follow "best practices" from other communities, according to staff, to target those who benefit most.

A few quick facts on how our IZ compares to other communities:

- In a 2014 study of communities around the country with inclusionary zoning ordinances, about 77% used greater than 10% as the required set-aside, with 73% of municipalities at 15% or higher. Over half are at 20% or higher, the level I am requesting the committee consider today.
- Additionally, according to our planning staff, 80% and 100% affordability are considered "best practice."

A few quick facts on the affordability crisis:

- As we heard two weeks ago, 1200 people in Portland have applied to Avesta for housing, and they have only been able to help 100. Additionally, this morning I went to the new Avesta Project on Carleton Street, where they have brand new affordable units ranging from $500-$1000 a month. They already have 65 applications for the 37 units, and they aren't even open. They have closed the process.
- A third of all Portland owner-occupied households pay 30% or more of their income on housing and about half of rental households pay 30% or more.
- 74% of households are unable to afford the median home price in the city and 62% of renter households cannot afford the average two-bedroom apartment.
- For a house to be affordable at the median household income, the cost would need to be about $143,479. However, the median home price in Portland last year was $262,250, which requires an annual income of $80,110.
- Of the 976 homes sold in Portland in 2016, only 34 were considered affordable.
- About 43% of Portland renters and 29% of homeowners are considered to be living in poverty.
- The median renter household earns $31,028, meaning that affordable median rent is $776 a month. Unfortunately, the median rent for a two bedroom is almost $300 higher ($1,052). Nearly 62% of renter households cannot afford this.
- Median rents citywide averaged an increase of 7.2% from last year to this year, with vast differences between neighborhoods.

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 3, 2017

Subject: Proposed Amendments to the Inclusionary Zoning Ordinance and Review of Fee-in-lieu Payment

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Summary:

This memo contains two topics for review in regards to the City's Inclusionary Zoning Ordinance. The first topic item outlines two proposed staff amendments to the Inclusionary Zoning Ordinance. The second topic item is a review of the fee-in-lieu payment.

Topic One: Staff Amendments to the Inclusionary Zoning Ordinance

Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site.

A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation would be provided in the form of a proportional fee-in-lieu that is related to the cost of providing an affordable housing unit within the development project. The amendment would apply to on-site projects as the current ordinance allows developers to round the number of units down. This would address the concern that the requirement, while listed at 10%, can be as low as 5.25%.

For example, currently a 10-unit project and a 19-unit project may both meet their workforce housing requirements by providing one workforce unit on-site. No change is recommend for the 10-unit project (it would continue to meet the requirement by

providing one unit on site;) however, the 19-unit project would have to provide the unit on-site and also pay 90% of the fee-in-lieu (currently $92,250.) This is consistent with how many other communities handle proportional units.

OVERALL ESTIMATED COST/REVENUE: Approximately $10,250 per 10% of each fractional unit obligation.

Amend the Inclusionary Zoning Ordinance to remove the sunset clause.

Removing the sunset clause from the Inclusionary Zoning Ordinance would address the concern that this clause may result in land banking, especially as 2021 approaches. Given the need for housing production, staff recommends that the sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

The Mayor has two additional recommendations which are outlined in the attached July 18th Council Memo.

Topic Two: Review of the fee-in-lieu payment

Last month, staff presented the 2017 Housing Report to the Housing Committee. Section II. b. of the report presented the accomplishments of current City policies and initiatives in place to address issues of housing affordability and availability. While discussing the accomplishments of the Inclusionary Zoning Ordinance, the Housing Committee requested staff to prepare a separate report regarding how Portland and other municipalities determine an appropriate fee-in-lieu payment.

Background

In October 2015, the City Council approved amendments to the City's zoning ordinance mandating inclusionary zoning within all residential development projects of ten or more units. Section 14-487, Ensure Workforce Housing, requires all projects to make available a minimum of 10% of their units as workforce housing to eligible households. Developers also have the option of building units off-site within the same census block or paying a fee-in-lieu of some or all units into the City's Housing Trust Fund.

The fee for affordable units not provided was set at $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is $102,500 per unit.

Since adoption of Inclusionary Zoning, eleven qualifying residential or mixed-use projects proposed by private developers have been approved by the Planning Board as of October, 2017. From those eleven projects, 14 units of workforce housing are proposed, and five out of eleven developers chose to pay the fee-in-lieu into the City's Housing Trust Fund for a total of $1,266,250 (the actual funds will be deposited when the certificate of occupancy is requested).

Establishing a Fee-in-lieu Payment Amount

A March 5, 2015 staff memorandum to the Housing and Community Development entitled "*Proposed Inclusionary Zoning Ordinance- Next Steps*" noted:

> It is important to keep in mind that the fee-in-lieu is theoretically supposed to cover the cost of creating an affordable unit at the target income levels. While it is hard to find a specific number that meets that goal, we generally find that the cost of producing an affordable unit is about $125,000.

In Massachusetts the state's Department of Housing and Community Development recommends a fee-in-lieu "be determined as a per-unit cost as calculated from regional construction and sales report".

New Jersey and California also have state-wide inclusionary zoning policies. According to the National Housing Council, these two states and Massachusetts account for nearly 80% of all inclusionary zoning programs in the United States. New Jersey's fee-in-lieu requirement is $180,000 per unit, while California requires an "in-lieu fee that is reasonably related to the cost of providing the affordable unit forgone by the developer's election to pay the fee".

Examples from Other Communities

Some communities are moving away from the option of offering a fee-in-lieu option. Others are increasing their fee-in-lieu in recognition of their preference for on-site units.

Many use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

Some examples of fees-in-lieu from other municipalities are in the table below.

Municipality	**Fee-in-Lieu**
Boston, MA	$200,000- $380,000 per unit depending on location
Brookline, MA	Based on sales price ($175,000 for a typical 8-unit project, $341,250 for a typical 15-unit project)
Burlington VT	$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	$85,000
San Francisco, CA	$148,506-$521,431 per unit depending on the size of the market units ($366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Tirburon, CA	$275,000
Watertown, MA	$259,000-$399,000 depending on the size of the market rate

Development Costs Analysis

Housing and Community Development Division Staff analyzed development costs associated with sixteen affordable housing projects in Portland which received some type of subsidy from the City (HOME, CDBG, TIF, etc.) from 2000 to 2013. The analysis revealed the average development cost per unit was $192,664.

Conclusion

Portland, California, and Massachusetts each consider the per unit cost of producing a unit of affordable housing, given unique local circumstances (cost of land, need for infrastructure, current construction costs, etc.), when determining the fee-in-lieu. Staff recommends the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project.

However, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down –

the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Ethan Strimling, Mayor

DATE: July 18, 2017

SUBJECT: Amendments to Inclusionary Zoning Ordinance

SPONSOR: Ethan Strimling, Mayor
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading__7/24/17_____ Final Action__TBD____

Can action be taken at a later date: _x__ Yes ____ No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. ONE SENTENCE SUMMARY

Amendments are being proposed to Division 30 related to the Inclusionary Zoning ordinance, including proposals to increase the percentage required to 20% and lower the income maximums.

II. AGENDA DESCRIPTION

Submission of proposed changes to the Inclusionary Zoning ordinance in Chapter 14 Division 30, for referral to the Housing Committee. This submission includes changes proposed by the Mayor and other changes proposed by City Staff.

III. BACKGROUND

In October 2015, the City Council passed the City's inclusionary zoning ordinance in section 14-387. That ordinance was part of a package known as "Encourage and Ensure" that included significant density bonuses for housing production, and also the inclusionary requirement for larger developments. In summary, the current ordinance requires that all developments of 10 units or more include 10% of their units as affordable at 100% of Area Median Income (about $80,000 for a family of 4) if they are rentals, or at 120% of Area Median Income (about $96,000 for a family of 4) if they are for sale. The number of units is rounded down, so a development of between 10 and 19 units has to provide 1 affordable unit. Alternatively, a developer can pay a fee-in-lieu to the City's Housing Trust of $100,000 a unit (adjusted annually, currently $102,500.) That amount is not rounded down, so a 19-unit building would have to pay a fee-in-lieu of $194,750.

Since the ordinance went into effect, housing developments proposals have continued at a similar pace as prior to the ordinance. Attached is a list of projects that are subject to the ordinance and their proposed method of meeting its requirements. Developers have generally been cooperative with staff in thinking through how to meet its requirements, and have noted the flexibility of the ordinance as an asset. Note that some projects that opened after October 2015, such as the Hiawatha on Congress Street, were not subject to the ordinance as they applied for site plan approval prior to its effective date.

This item proposes to forward to the Housing Committee two sets of amendments. One set, proposed by the Mayor, would increase the percentage requirement in the ordinance to 20%, and also require that the units be affordable at low-income (80% of Area Median Income, or about $65,000 for a family of 4, if for rent; or 100% of Area Median income if for sale.)

The second set of amendments, proposed by staff, are primarily designed to fine tune the ordinance. They include some clarifications of definitions and corrections of scrivener's errors. Staff is also proposing that when units are provided on-site, a developer will have to pay a fee-in-lieu for a fractional unit as per the size of the project. In the 19-unit example above, if the 1 unit were provided on-site, the developer would also have to pay $90,250 into the Housing Trust. This would address the concern that the requirement, while listed as 10%, can be as low as 5.25%.

Finally, the existing ordinance includes a sunset clause that requires that it automatically expire in 2021. Staff has raised the concern that this clause may result in land banking, especially as 2021 approaches, by land owners hoping to sell their property with an inclusionary zoning requirement. Given the need for housing production, staff recommends that sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The goal is to increase production of low-income affordable housing and to implement the Council goal to: "Implement policies to capitalize the Housing Fund."

V. FINANCIAL IMPACT

None currently anticipated, but would be studied as part of the Housing Committee and Planning Board processes.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Staff has been monitoring the Inclusionary Zoning ordinance to determine its effectiveness to date. Generally, it has been working very well for what it was intended to accomplish. However, there are some relatively minor changes staff is recommending at this time to fine tune the ordinance. The Mayor's recommended changes would make the ordinance similar to those in Cambridge and Somerville, Massachusetts, which both recently increased their inclusionary requirement to 20%. The income levels recommended in the Mayor's changes are not unusual for Inclusionary Zoning ordinances nationally. At this point, staff recommends forwarding these proposed changes to the Housing Committee for further discussion.

VII. RECOMMENDATION

Referral to the Housing Committee and potentially Planning Board for recommendations to the full Council.

VIII. LIST ATTACHMENTS

Draft text amendments to Division 30
Income limits for 2017
Projects subject to Inclusionary Zoning to date

Prepared by: Jeff Levine
Date: July 18, 2017

Bean/agendarequestmemo/rev 1/23/2017

Order 14-17/18
Passage: 6-3 (Batson, Duson, and Ray) on 7/24/2017 Effective 8/3/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER REFERRING THE INCLUSIONARY ZONING AMENDMENTS TO THE HOUSING COMMITTEE

ORDERED, that the City Council hereby refers the proposed inclusionary zoning amendments, attached hereto, to the Housing Committee; and

BE IT FURTHER ORDERED, that the Housing Committee review the proposed ordinance and provide its final recommendation on this issue to the City Council.

DIVISION 30. AFFORDABLE HOUSING

...

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and

(b) Annual rent increases for that unit are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

(a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and

(b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit to an amount that is affordable to a household earning ~~120~~100 80% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

(a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and

(b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-
2 zone;

(c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for~~ sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

(a) Is affordable to a household earning 100% or less ~~than 100%~~ of HUD AMI; and

(b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

(a) The purchase price is affordable to a household earning ~~at~~ 120% or less of HUD AMI; and

(b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

...

Sec. 14-487. Ensuring Workforce Housing.

a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

b) Applicability~~/Conditional Use Requirement/Sunset~~. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter

14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case staff shall determine compliance with this section.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

~~*d) Workforce*~~*Low-Income Housing Minimum.* At least ~~ten~~ twenty percent (~~1~~20%) of the units in the project shall meet the definition of ~~workforce~~ low-income housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (c)3. below.~~The project shall have the option of paying a partial fee-in-lieu as per (c)3 below for the fractional value, or providing an additional unit on site.

e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

~~2.~~ ~~Workforce~~ Low-income housing units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

~~3.~~ ~~Workforce~~ Low-income units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ~~1~~20 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~if the actual number of~~

~~bedrooms in the unit is lower.~~

4. As an alternative to providing ~~workforce~~ low-income housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $~~100,000~~ 102,500 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

~~5.~~ ~~Workforce~~ Low-income housing units for sale, if converted to ~~workforce~~ low-income housing units for rent, shall become subject to the income limits and other requirements of such units.

6. If at least 33 percent of the units in a development are workforce or low-income housing units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required ~~1~~20 percent ~~workforce~~ low-income housing units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 ears

...

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 21, 2017

Subject: Inclusionary Zoning Review

The attached packet of information contains an outline of the four Inclusionary Zoning Housing Policy proposals for the Housing Committee's consideration. The proposals are:

- Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on site.
- Amend the Inclusionary Zoning Ordinance to remove the sunset clause.
- Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.
- Amend the Inclusionary Zoning Ordinance to lower the affordability income level.

Also included is a memo titled Inclusionary Zoning Review which assesses Inclusionary Zoning provisions for the Housing Committee's evaluation. The provisions for review are:

- Approach for setting Fees
- Affordability Terms
- Income Targeting
- Inclusionary Set Aside Percentages

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 21, 2017

Subject: Inclusionary Zoning Review

Introduction

On November 9, the Housing Committee received a memo from staff reviewing the City's fee-in-lieu payment option. The fee-in-lieu is theoretically meant to cover the cost of creating an affordable unit at the target income levels. Portland's fee-in-lieu is set at $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is $102,500 per unit. In the November 9 memo, staff recommended the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project. Per the request of Mayor Strimling, staff has prepared this memo to review the fee-in-lieu policy in other communities as well as a review as to why some communities are eliminating the fee-in-lieu option from their Inclusionary Zoning requirement.

Approaches for Setting Fees

By the end of 2016, of the 886 municipalities across 25 states and Washington D.C. that have adopted Inclusionary Zoning, generally one of four approaches is chosen when setting the fee-in-lieu option. Those options are as follows:

- *The funding gap or existing production cost method* - The in-lieu fee is based on the average amount that the public has historically invested to actually produce each additional off-site affordable unit. For example, if it generally costs $250,000 to build a new unit and qualified low-income buyers could generally afford $200,000, then the fee would be $50,000

- *The affordability gap or developer's opportunity cost method* - The in-lieu fee is based on the typical difference in price (or rent) between market rate and affordable units. For example, if a typical market rate home sold for $300,000 and the affordable price was $200,000 the fee would be $100,000.

- *Percent of overall development costs* – The in-lieu fee is set as a fixed percentage of estimated development costs calculated on a per square foot basis rather than by unit.

- *Full cost of unit development* – The in-lieu fee equals the most current total development cost.

Portland's Inclusionary Zoning ordinance incorporates the "affordability gap or developer's opportunity cost fee-in-lieu method.

Communities that adopted the "funding gap or existing production cost method" did not successfully attain the goal of creating affordable housing units. This method set fees so low that when they were collected, the total dollar amount was often insufficient to produce the same number of affordable units that would have been produced had developers opted to build the affordable units themselves. Additionally, with a low fee-in-lieu payment, developers were more inclined to select the fee-in-lieu option rather than build the unit as paying the fee was in their financial best interest.

The "affordability gap or developer's opportunity cost method" requires the determination of the developer's opportunity cost (i.e. what the developer gives up by selling or renting for less than market value). Once determined, communities can set the fee-in-lieu at a level that encourages either the creation of affordable on-site units, or encourages payment of the fee-in-lieu depending upon the communities' preference. When all other things being equal, the higher the fee above the developer's opportunity cost, the higher the chance the developer will choose to build units on-site. Developers of luxury units have a higher opportunity cost and thus a strong incentive to pay the fee-in-lieu because they stand to lose more by constructing affordable units on site (Massachusetts Association of Community Development Corporations, 2006)

The "percent of development costs method" equally impact smaller homes and larger, luxury homes. Municipalities set fees as a fixed percentage of estimated development

costs based on assumptions of profitability and prices. Subsequently, developers marketing their units at $1 million are proportionally impacted as the developer marketing their units at $250,000.

The "full cost of development method" is determined as a per-unit cost of development as calculated from regional construction and sales reports. The fee-in-lieu is indexed annually for accuracy.

Examples from Other Communities

Communities are moving away from offering a fee-in-lieu option. The report *Inclusionary Housing in the United States: Prevalence, Impact, and Practices* (2017) found of 886 jurisdictions studied, newer (2007 to 2017) Inclusionary Zoning ordinances were "less likely to use in-lieu fees as an option for developers to fulfill the program." Instead communities adopted or amended their ordinance eliminating the in-lieu option thus requiring developers to provide affordable housing on-site. At the same time other communities increased their fee-in-lieu in recognition of their preference for on-site units. And many now use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

New York City, Chicago, and San Diego do not permit a fee-in-lieu option to ensure developers actually create the affordable units rather than paying to get out of the obligation. San Francisco set a high fee designed to make creating the affordable unit on-site more attractive to developers.

Examples of fees-in-lieu from other municipalities are in the table below. As the vast majority of Inclusionary Zoning jurisdictions are located in New Jersey (45%) which has a fixed fee in-lieu of $180,000 per unit, Massachusetts (27%), and California (17%), many of the examples provided do include comparable communities located in Massachusetts.

Municipality	Fee-in-lieu
Boston, MA	$200,000- $380,000 per unit depending on location
Boulder, CO	Complex formula based on rental/ownership, size of the project, and percent of development cost
Brookline, MA	Based on sales price ($175,000 for a typical 8-unit project, $341,250 for a typical 15-unit project)
Burlington, VT	$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	$85,000
Framingham, MA	No longer permits fee-in-lieu
Haverhill, MA	15% of average fair market value of proposed dwelling units
Nashua, NH	Fee equivalent to the cost of constructing the dwelling unit
Newton, MA	12% on sale price for developments of 6 or less units
San Francisco, CA	$148,506-$521,431 per unit depending on the size of the market units ($366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Watertown, MA	$259,000-$399,000 depending on the size of the market rate
Waltham, MA	10% of the development cost

According to a 2013 study conducted by HUD (*Inclusionary Zoning and its Effect on Affordable Housing: Lessons from Two Counties*), examining the Inclusionary Zoning programs in the two "seasoned" counties of Montgomery County, Maryland and Fairfax County, Virginia, developers "considered clear requirements and consistent administration necessary. Developers who were interviewed stressed the importance of being able to plan, estimate costs, and accurately calculate their profit". The study also found that Inclusionary Zoning ordinances are "dynamic, rather than static, and change markedly over time."

Affordability Term

A recent national study found that more than 80 percent of inclusionary housing programs require units to remain affordable for at least 30 years, and one-third of those require 99-year or perpetual affordability (Hickey, Sturtevant, and Thaden 2014). The

Lincoln Institute of Land Policy noted "the overwhelming trend has been for inclusionary housing programs to adopt very long-term affordability periods, even programs with 30-year affordability restrictions frequently aim to preserve affordability in perpetuity by "resetting the clock" on each transaction and by maintaining the preemptive option to buy back the unit upon transfer. It is not entirely clear who benefits from shorter-term restrictions. For homeownership projects, a developer forced to sell units with 15-year restrictions faces the same economic cost as selling units with 99-year restrictions. For rental properties, the economics are a bit more complex. An investor might pay more for a property with rent restrictions that expire after 15 years than for one with 99-year restrictions, but the difference might be slight. In other words, the length of affordability makes a big difference to the long-term impact of the program but only a small difference on the front end" (Jacobus *Inclusionary Housing* 2015). Portland's affordability term is based on a sliding scale beginning with the longest term permitted under federal, state, local laws, and ordinances for the lowest percentage of workforce units provided, to a ten-year term for the highest percentage (100%) of workforce units provided.

Income Targeting

Income targeting is the term used to identify the population that will be served by Inclusionary Zoning. Inclusionary housing programs often target higher income levels than those targeted by federal housing programs (such as HUD's HOME program). Federal Housing programs are only eligible to fund the creation of low and very low-income housing. HOME funds must benefit rental households with income levels at or below 60% AMI, and homeownership households with income levels at or below 80% AMI. Portland has used its HOME funding to develop approximately 813 units of low-income housing through the allocation of approximately $7.1 million in funds since 2000. Funding aimed exclusively towards the creation of rental and ownership housing above HUD HOME guidelines does not exist. Portland's Inclusionary Zoning Ordinance targets those excluded households.

Successful Inclusionary Zoning policies target income groups that cannot find housing in the local market. To determine housing needs based on income, a comparison of Household Income (as reported by the U.S. Census) in Portland during 2010 and 2015

was conducted to determine which income group population has declined (i.e. a decline indicated an income group that cannot find housing) to which income group population has increased (i.e. an increase indicates an income group that can find housing).

For rental households, the income group with the greatest percentage decrease, at 3.0%, is households earning $5,000 to $9,999 per year. This income range falls within the poverty income level (defined by HUD), as do all but one other income group that experienced a percentage decrease in population. Rental households defined as low-income (80% AMI) to workforce-income (100%) also experienced a population decrease. Portland's Inclusionary Zoning targets rental households earning income levels at or below 100% AMI. The income group with the greatest percentage population increase is rental households earning $100,000 to $149,999 which increased by 2.6% from 2010 to 2015.

Renter Occupied Units

2010	(16,596)	
Income Level	Population	Percentage
Less than $5,000	800	4.9%
$5,000 to $9,999	2,094	12.6%
$10,000 to $14,999	1,887	11.3%
$15,000 to $19,999	1,404	8.5%
$20,000 to $24,999	1,406	8.5%
$25,000 to $34,999	2,217	13.4%
$35,000 to $49,999	2,758	16.6%
$50,000 to $74,999	2,416	14.6%
$75,000 to $99,999	1,074	6.5%
$100,000 to $149,999	400	2.4%
$150,000 or more	140	.8%

2015		(17,050)	Percentage
Income Level	Population	Percentage	Change
Less than $5,000	1,256	7.4%	2.5% increase
$5,000 to $9,999	1,641	9.6%	3.0% decrease
10,000 to $14,999	1,958	11.5%	.2% increase
$15,000 to $19,999	1,245	7.3%	1.2% decrease
$20,000 to $24,999	1,228	7.2%	1.3% decrease
$25,000 to $34,999	2,321	13.6%	.2% increase
$35,000 to $49,999	2,510	14.7%	1.9% decrease
$50,000 to $74,999	2,281	13.4%	1.2% decrease
$75,000 to $99,999	1,378	8.1%	1.6% increase
$100,000 to $149,999	860	5.0%	2.6% increase
$150,000 or more	372	2.2%	1.4% increase

For owner-occupied households, the income group with the greatest percentage decrease, at 2.1% is households earning $75,000 to $99,999 per year. This range falls within the upper end of households earning 100% AMI, and the lower end of households earning 120% AMI. Portland's Inclusionary Zoning targets owner-occupied households earning income levels at or below 120% AMI. The income group with the greatest percentage population growth is owner-occupied households earning $150,000 or more which grew by 4.4% from 2010 to 2015.

Owner Occupied Units

2010	(14,090)	
Income Level	Population	Percentage
Less than $5,000	178	1.3%
$5,000 to $9,999	155	1.1%
$10,000 to $14,999	374	2.7%
$15,000 to $19,999	290	2.1%
$20,000 to $24,999	495	3.5%
14090$25,000 to $34,999	1,049	7.4%
$35,000 to $49,999	1,674	11.9%
$50,000 to $74,999	3,022	21.4%
$75,000 to $99,999	2,813	19.9%
$100,000 to $149,999	2,627	18.7%
$150,000 or more	1,413	10%

2015		(13,069)	Percentage
Income Level	Population	Percentage	Change
Less than $5,000	272	2.1%	2.7% increase
$5,000 to $9,999	130	1.0%	.1% decrease
10,000 to $14,999	344	2.6%	.1% decrease
$15,000 to $19,999	375	2.9%	.8% increase
$20,000 to $24,999	427	3.3%	.2% decrease
$25,000 to $34,999	722	5.5%	1.9% decrease
$35,000 to $49,999	1,585	12.1%	.2% increase
$50,000 to $74,999	2,572	19.7%	.7% decrease
$75,000 to $99,999	2,325	17.8%	2.1% decrease
%100,000 to $149,999	2,439	18.7%	stable
$150,000 or more	1,878	14.4%	4.4% increase

"Ownership units typically cost developers relatively more to produce. While it would be possible to require that developers price ownership units so that they serve the same income group that is being served in rental housing, this would have a greater impact

on financial feasibility for ownership projects. Many cities have determined that allowing developers of ownership units to serve a higher-income group can reduce the burden of the program on ownership projects while still serving a real affordable-housing need" (2017 InclusionaryHousing.Org "The Set-Aside Requirement.") "The challenge presented by Homeownership Association dues is one reason many cities allow ownership units to serve a higher income group compared to rental units" (Cambridge Inclusionary Housing Study, 2016). Portland's income target for rental housing is 100% AMI and 120% AMI for ownership households.

Inclusionary Set Aside Percentage

The inclusionary set aside identifies the percentage of units that must meet affordable requirements in new developments. The percentage varies widely by locality but some communities allow developers to build fewer units if they serve a higher need population (i.e. households at the lower end of the income spectrum) conversely, higher set-asides percentages are associated with higher income targets. Aggressive inclusionary zoning has a high set aside percentage with low income level targets. Burlington, VT directs the highest percentage of set asides (up to 25%) on the most expensive developments. Portland's set aside is 10% of all developments of ten units or more.

Conclusion

The integrity of the fee-in-lieu option rests upon the assumption that the value of the fee is at least equal to the value of the subsidy required to build the forgone unit elsewhere. This logic asserts that the subsidy a developer pays for building an affordable unit is the financial loss the developer stands to bear from selling or renting the unit below its natural market rate *(Building Better: Recommendations for Boston's Inclusionary Development Policy*, 2006). Portland's Inclusionary Zoning ordinance incorporates the "affordability gap or developer's opportunity cost fee-in-lieu method which is based upon this assumption.

Staff reiterates the recommendation to the Housing Committee from November 9 that the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project. Additionally, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down – the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

Staff is not recommending any changes at this time to the affordability term sliding scale, the income targeting levels, or the inclusionary set aside percentage. The current scales, levels, and percentages provide developer incentives to increase the creation of affordable housing while striking a balance between aggressive affordable housing parameters and providing developers with flexibility on meeting the Inclusionary Zoning requirements.

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

To: Councilor Duson, Chair Housing Committee
Members of the Housing Committee

From: Victoria Volent, Housing Program Manager
Housing & Community Development Division

Date: November 3, 2017

Subject: Proposed Amendments to the Inclusionary Zoning Ordinance and Review of Fee-in-lieu Payment

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Summary:

This memo contains two topics for review in regards to the City's Inclusionary Zoning Ordinance. The first topic item outlines two proposed staff amendments to the Inclusionary Zoning Ordinance. The second topic item is a review of the fee-in-lieu payment.

Topic One: Staff Amendments to the Inclusionary Zoning Ordinance

Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site.

A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation would be provided in the form of a proportional fee-in-lieu that is related to the cost of providing an affordable housing unit within the development project. The amendment would apply to on-site projects as the current ordinance allows developers to round the number of units down. This would address the concern that the requirement, while listed at 10%, can be as low as 5.25%.

For example, currently a 10-unit project and a 19-unit project may both meet their workforce housing requirements by providing one workforce unit on-site. No change is recommend for the 10-unit project (it would continue to meet the requirement by

providing one unit on site;) however, the 19-unit project would have to provide the unit on-site and also pay 90% of the fee-in-lieu (currently $92,250.) This is consistent with how many other communities handle proportional units.

OVERALL ESTIMATED COST/REVENUE: Approximately $10,250 per 10% of each fractional unit obligation.

Amend the Inclusionary Zoning Ordinance to remove the sunset clause.

Removing the sunset clause from the Inclusionary Zoning Ordinance would address the concern that this clause may result in land banking, especially as 2021 approaches. Given the need for housing production, staff recommends that the sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

The Mayor has two additional recommendations which are outlined in the attached July 18th Council Memo.

Topic Two: Review of the fee-in-lieu payment

Last month, staff presented the 2017 Housing Report to the Housing Committee. Section II. b. of the report presented the accomplishments of current City policies and initiatives in place to address issues of housing affordability and availability. While discussing the accomplishments of the Inclusionary Zoning Ordinance, the Housing Committee requested staff to prepare a separate report regarding how Portland and other municipalities determine an appropriate fee-in-lieu payment.

Background

In October 2015, the City Council approved amendments to the City's zoning ordinance mandating inclusionary zoning within all residential development projects of ten or more units. Section 14-487, Ensure Workforce Housing, requires all projects to make available a minimum of 10% of their units as workforce housing to eligible households. Developers also have the option of building units off-site within the same census block or paying a fee-in-lieu of some or all units into the City's Housing Trust Fund.

The fee for affordable units not provided was set at $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The 2017 fee-in-lieu is $102,500 per unit.

Since adoption of Inclusionary Zoning, eleven qualifying residential or mixed-use projects proposed by private developers have been approved by the Planning Board as of October, 2017. From those eleven projects, 14 units of workforce housing are proposed, and five out of eleven developers chose to pay the fee-in-lieu into the City's Housing Trust Fund for a total of $1,266,250 (the actual funds will be deposited when the certificate of occupancy is requested).

Establishing a Fee-in-lieu Payment Amount

A March 5, 2015 staff memorandum to the Housing and Community Development entitled "*Proposed Inclusionary Zoning Ordinance- Next Steps*" noted:

> It is important to keep in mind that the fee-in-lieu is theoretically supposed to cover the cost of creating an affordable unit at the target income levels. While it is hard to find a specific number that meets that goal, we generally find that the cost of producing an affordable unit is about $125,000.

In Massachusetts the state's Department of Housing and Community Development recommends a fee-in-lieu "be determined as a per-unit cost as calculated from regional construction and sales report".

New Jersey and California also have state-wide inclusionary zoning policies. According to the National Housing Council, these two states and Massachusetts account for nearly 80% of all inclusionary zoning programs in the United States. New Jersey's fee-in-lieu requirement is $180,000 per unit, while California requires an "in-lieu fee that is reasonably related to the cost of providing the affordable unit forgone by the developer's election to pay the fee".

Examples from Other Communities

Some communities are moving away from the option of offering a fee-in-lieu option. Others are increasing their fee-in-lieu in recognition of their preference for on-site units.

Many use a formula to determine the fee-in-lieu based on factors such as the size of the market rate units, the size of the project, and even the location of the project within the municipality.

Some examples of fees-in-lieu from other municipalities are in the table below.

Municipality	**Fee-in-Lieu**
Boston, MA	$200,000- $380,000 per unit depending on location
Brookline, MA	Based on sales price ($175,000 for a typical 8-unit project, $341,250 for a typical 15-unit project)
Burlington VT	$100,000 in 2007, no longer permitted
Cambridge, MA	No longer permits fee-in-lieu
Chapel Hill, NC	$85,000
San Francisco, CA	$148,506-$521,431 per unit depending on the size of the market units ($366,369 for 2 BR)
Somerville, MA	Uses a complex formula based on location and unit types
Tirburon, CA	$275,000
Watertown, MA	$259,000-$399,000 depending on the size of the market rate

Development Costs Analysis

Housing and Community Development Division Staff analyzed development costs associated with sixteen affordable housing projects in Portland which received some type of subsidy from the City (HOME, CDBG, TIF, etc.) from 2000 to 2013. The analysis revealed the average development cost per unit was $192,664.

Conclusion

Portland, California, and Massachusetts each consider the per unit cost of producing a unit of affordable housing, given unique local circumstances (cost of land, need for infrastructure, current construction costs, etc.), when determining the fee-in-lieu. Staff recommends the fee-in-lieu continue to be related to the cost of providing an affordable housing unit within the development project.

However, staff recommends consideration be given to requiring that in cases where units are provided on-site – where the developer can round the number of units down –

the City consider adopting a best practice that the "fractional" unit be provided in the form of a proportional fee-in-lieu.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Ethan Strimling, Mayor

DATE: July 18, 2017

SUBJECT: Amendments to Inclusionary Zoning Ordinance

SPONSOR: Ethan Strimling, Mayor
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading__7/24/17_____ Final Action__TBD____

Can action be taken at a later date: _x__ Yes ____ No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. ONE SENTENCE SUMMARY

Amendments are being proposed to Division 30 related to the Inclusionary Zoning ordinance, including proposals to increase the percentage required to 20% and lower the income maximums.

II. AGENDA DESCRIPTION

Submission of proposed changes to the Inclusionary Zoning ordinance in Chapter 14 Division 30, for referral to the Housing Committee. This submission includes changes proposed by the Mayor and other changes proposed by City Staff.

III. BACKGROUND

In October 2015, the City Council passed the City's inclusionary zoning ordinance in section 14-387. That ordinance was part of a package known as "Encourage and Ensure" that included significant density bonuses for housing production, and also the inclusionary requirement for larger developments. In summary, the current ordinance requires that all developments of 10 units or more include 10% of their units as affordable at 100% of Area Median Income (about $80,000 for a family of 4) if they are rentals, or at 120% of Area Median Income (about $96,000 for a family of 4) if they are for sale. The number of units is rounded down, so a development of between 10 and 19 units has to provide 1 affordable unit. Alternatively, a developer can pay a fee-in-lieu to the City's Housing Trust of $100,000 a unit (adjusted annually, currently $102,500.) That amount is not rounded down, so a 19-unit building would have to pay a fee-in-lieu of $194,750.

Since the ordinance went into effect, housing developments proposals have continued at a similar pace as prior to the ordinance. Attached is a list of projects that are subject to the ordinance and their proposed method of meeting its requirements. Developers have generally been cooperative with staff in thinking through how to meet its requirements, and have noted the flexibility of the ordinance as an asset. Note that some projects that opened after October 2015, such as the Hiawatha on Congress Street, were not subject to the ordinance as they applied for site plan approval prior to its effective date.

This item proposes to forward to the Housing Committee two sets of amendments. One set, proposed by the Mayor, would increase the percentage requirement in the ordinance to 20%, and also require that the units be affordable at low-income (80% of Area Median Income, or about $65,000 for a family of 4, if for rent; or 100% of Area Median income if for sale.)

The second set of amendments, proposed by staff, are primarily designed to fine tune the ordinance. They include some clarifications of definitions and corrections of scrivener's errors. Staff is also proposing that when units are provided on-site, a developer will have to pay a fee-in-lieu for a fractional unit as per the size of the project. In the 19-unit example above, if the 1 unit were provided on-site, the developer would also have to pay $90,250 into the Housing Trust. This would address the concern that the requirement, while listed as 10%, can be as low as 5.25%.

Finally, the existing ordinance includes a sunset clause that requires that it automatically expire in 2021. Staff has raised the concern that this clause may result in land banking, especially as 2021 approaches, by land owners hoping to sell their property with an inclusionary zoning requirement. Given the need for housing production, staff recommends that sunset clause be removed, and that the City Council make any decision to amend or repeal the ordinance as they please without a set timeframe.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The goal is to increase production of low-income affordable housing and to implement the Council goal to: "Implement policies to capitalize the Housing Fund."

V. FINANCIAL IMPACT

None currently anticipated, but would be studied as part of the Housing Committee and Planning Board processes.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Staff has been monitoring the Inclusionary Zoning ordinance to determine its effectiveness to date. Generally, it has been working very well for what it was intended to accomplish. However, there are some relatively minor changes staff is recommending at this time to fine tune the ordinance. The Mayor's recommended changes would make the ordinance similar to those in Cambridge and Somerville, Massachusetts, which both recently increased their inclusionary requirement to 20%. The income levels recommended in the Mayor's changes are not unusual for Inclusionary Zoning ordinances nationally. At this point, staff recommends forwarding these proposed changes to the Housing Committee for further discussion.

VII. RECOMMENDATION

Referral to the Housing Committee and potentially Planning Board for recommendations to the full Council.

VIII. LIST ATTACHMENTS

Draft text amendments to Division 30
Income limits for 2017
Projects subject to Inclusionary Zoning to date

Prepared by: Jeff Levine
Date: July 18, 2017

Bean/agendarequestmemo/rev 1/23/2017

Order 14-17/18
Passage: 6-3 (Batson, Duson, and Ray) on 7/24/2017 Effective 8/3/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER REFERRING
THE INCLUSIONARY ZONING AMENDMENTS
TO THE HOUSING COMMITTEE

ORDERED, that the City Council hereby refers the proposed inclusionary zoning amendments, attached hereto, to the Housing Committee; and

BE IT FURTHER ORDERED, that the Housing Committee review the proposed ordinance and provide its final recommendation on this issue to the City Council.

DIVISION 30. AFFORDABLE HOUSING

...

Sec. 14-485. Definitions.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Low-income housing unit for rent means a dwelling unit for which:

(a) The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD); and

(b) Annual rent increases for that unit are limited ~~in perpetuity~~ by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Low-income housing unit for sale means a dwelling unit for which:

(a) The sale price is affordable to a household earning ~~80~~100% or less of the HUD AMI; and

(b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit to an amount that is affordable to a household earning ~~120~~100 80% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

(a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and

(b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-
2 zone;

(c) That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or ~~workforce housing for~~ sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project; and

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing").

Workforce housing unit for rent means a dwelling unit which:

(a) Is affordable to a household earning 100% or less ~~than 100%~~ of HUD AMI; and

(b) Annual rent increases for that unit are limited by deed restriction or other legally binding agreement to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Workforce housing unit for sale means a dwelling unit for which:

(a) The purchase price is affordable to a household earning ~~at~~ 120% or less of HUD AMI; and

(b) The resale price is limited by deed restriction or other legally binding agreement for ~~all~~ future sales of the unit, or a lesser term as permitted in regulations, to the percentage increase in the HUD Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

...

Sec. 14-487. Ensuring Workforce Housing.

a) *Purpose.* Based on the city's Comprehensive Plan and the housing study completed in 2015, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.

b) Applicability~~*/Conditional Use Requirement/Sunset*~~. This division shall apply to development projects that create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. This division shall not apply to projects that have submitted complete Master Development Plan, Level III Site Plan, or comparable applications to move forward prior to its effective date.

c) *All Developments of Ten Units or More Conditional Uses.* Notwithstanding any language to the contrary in Chapter

14, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section, 14-487 unless they are within the India Street Form Based Code district, in which case staff shall determine compliance with this section.

~~This section 14-487 shall be in effect for six years following its passage, at which time the overall effectiveness of this section shall be assessed by city planning staff or their agent and either this expiration date shall be deleted or the entire section shall be removed from the Code of Ordinances.~~

~~*d) Workforce*~~*Low-Income Housing Minimum.* At least ~~ten~~ twenty percent (~~1~~20%) of the units in the project shall meet the definition of ~~workforce~~ low-income housing unit for sale or for rent. ~~The number of units required is rounded down to a whole number if providing units as per (c)2. below, or shall include a fractional value in cases where a project prefers to pay a fee-in-lieu as per (c)3. below.~~The project shall have the option of paying a partial fee-in-lieu as per (c)3 below for the fractional value, or providing an additional unit on site.

e) Standards.

1. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.

~~2.~~ ~~Workforce~~ Low-income housing units are encouraged to be integrated with the rest of the development, should use a common entrance and should provide no indications from common areas that these units are workforce housing units.

~~3.~~ ~~Workforce~~ Low-income units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be ~~1~~20 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development~~this section~~, ~~for~~ every 400 square feet in each~~a~~ market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms. ~~if the actual number of~~

~~bedrooms in the unit is lower.~~

4. As an alternative to providing ~~workforce~~ low-income housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be $~~100,000~~ 102,500 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

~~5. Workforce~~ Low-income housing units for sale, if converted to ~~workforce~~ low-income housing units for rent, shall become subject to the income limits and other requirements of such units.

6. If at least 33 percent of the units in a development are workforce or low-income housing units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.

7. The term of affordability for the required ~~1~~20 percent ~~workforce~~ low-income housing units provided shall be defined as follows:

Percentage of Workforce Units Provided	Minimum Term of Affordability for Required Workforce Units
10%	Longest term permitted under federal, state and local laws and ordinances
25%	30 years
50%	20 years
100%	10 ears

...

PLANNING BOARD REPORT

PORTLAND, MAINE

LAND USE CODE TEXT AMENDMENTS – SECTION 14-403. STREET ACCESS

City of Portland, Applicant

Submitted to: Chair Sean Dundon and Portland Planning Board Public Hearing Date: May 8, 2018	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 4, 2018

I. INTRODUCTION:

Section 14-403 Street Access is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. It applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. The goals of the text amendments are to increase the predictability and clarity of Section 14-403 while managing the competing needs of new housing construction, sustainability of infrastructure and public safety. Maintenance of public roadways and related infrastructure is a significant expense for the City and one where our priority must be on addressing deferred maintenance and existing needs. As required by the Portland's Plan 2030, the city must try to find a balance between the sometimes competing needs of a sustainable, equitable, secure and connected community. The proposed amendments seek to achieve that balance by allowing development on undersized built streets that meet minimum standards for emergency services and to continue to require undeveloped streets to be improved to meet current city street standards. The substance of proposed amendments remains consistent with current policy, while seeking to simplify and clarify the regulations.

The legislative history and public purposes of the section are outlined in a memorandum prepared by Anne Torregrossa, Associate Corporation Counsel (Attachment 1). As stated in Anne Torregrossa's memo, "The City Manager and staff recognized the requirements in Sec 14-403 limited development even on City-accepted streets, and also that the section was complicated, difficult to apply, and duplicated many of the rules and requirements that are now part of the site plan review process." Staff members from Corporation Counsel, Public Works, Fire, Permitting and Inspections, and Planning collaborated on the proposed rewrite of Section 14-403 "...in an attempt to streamline and clarify the requirements of the section...."

The basic elements of the proposal are as follows:

1- Simplifies and clarifies the language in Section 14-403
2- Reduces the minimum width required for the construction of new dwelling units on permanently paved and accepted streets from 35' to 25' for one and two-unit structures and 28' for other buildings

A workshop on the proposed text amendments was held with the Planning Board on March 22, 2018 and the material was presented at the Council's Housing Committee on March 28, 2018. The City is seeking the Planning Board's recommendation to City Council regarding the proposed amendments.

II. NOTICE AND PUBLIC COMMENT

This item was noticed in the Legal Ad that appeared in the Portland Press Herald on April 30 and May 1, 2018. It was posted on the City's web page on April 26th and sent to interested citizens through Notify Me on that same date. The public comments received to date are included in the packet under public comment, PC1 – PC6. At the workshop, 5 members of the public spoke. Several questioned the proposed regulations that pertain to accepted streets. Other comments addressed the expense of putting in a street and how it negatively impacts the cost of creating single family housing. One person sought to have consistency for all street proposals and another asked about creative financing to facilitate the development of single family homes.

III. PROPOSED TEXT AMENDMENTS

The proposal is to replace the existing Section 14-403, Street Access, with a rewritten section. Please refer to Attachment 1 (Torregrossa memo) for a summary of the amendments and Attachment 2 for the proposed ordinance text. A comparison of the existing and proposed language is below.

Current Section 14-403 Language	Proposed Section 14-403 Language
a) *In general.* No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 14-47[1], except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any lot abutting such street shall, without compensation or claim for damages, and at his own cost and expense, first submit to the building authority (a) a deed from the owner of such lot conveying to the city all his right, title and interest in and to such street or any portion thereof; and (b) an agreement by	A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met. (a) *Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows: 1. For one- or two-family dwellings – 25'; 2. For all other buildings – 28'.

[1] Street: A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

such owner forever releasing the city from any and all claims for damages for the laying out and taking of such street and indemnifying the city against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the corporation counsel and to encumber and run with the land.	These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.
(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.	(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot: 1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code; 2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and 3. Obtain site plan approval for the work required under this subsection.
I *Exceptions.* The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible: Dingley Court; Morgan Court.	(c) *Other exceptions.* The building or structure is one of the following: 1. An accessory building; or 2. Part of a Planned Residential Unit Development.

IV. HOUSING COMMITTEE and PLANNING BOARD WORKSHOP COMMENTS

The Housing Committee met on March 28th to discuss the proposed amendments. The Committee is composed of Councilors Duson, Ali and Cook. Councilor Ray also attended the meeting. The Committee is seeking the Board's recommendation to be submitted to the City Council and the Committee is not forwarding a separate recommendation. The Housing Committee did request additional information from the staff, which includes:

a) Map of unaccepted streets and adjoining developable land;
b) Cost estimates if the City were to accept and improve those streets;
c) Any projects in recent history that have not moved forward because of the requirements in 14-403; and
d) Clarification of the projects in the chart of street extensions that are improved streets under 14-403 and those that are new subdivision streets.

These requests are addressed below under the staff analysis.

The Housing Committee also made specific requests for the Planning Board's consideration:

a) With respect to unaccepted streets, specifically consider the fairness of requiring one lot owner to pave the entire street, benefiting the remaining lot owners; and
b) With respect to accepted streets, consider the impact of the minimum width requirements

At the March 22 Planning Board workshop, the question was raised whether the addition of a dwelling unit to a lot, as proposed, is too restrictive. In general, the Board supported forwarding the proposed amendments for a public hearing.

V. STAFF ANALYSIS

A. Purpose of Section 14-403

The proposed text amendments are intended to simplify and clarify the language of Section 14-403 Street Access, which is contained within Division 24, Use Regulations and Exceptions of the Land Use Code. The section applies to both developed and undeveloped streets by establishing minimum street requirements to be met prior to obtaining building permits. There are built streets in Portland, particularly on the peninsula, that are narrow and do not meet city standards. There are also undeveloped streets, particularly off the peninsula, where property owners seek to develop. The proposed amendments address both situations by allowing development on undersized built streets that meet minimum standards for public safety access and continues to require undeveloped streets be improved to meet current city street standards. Staff members from Corporation Counsel, Public Works, Fire, Permitting and Inspections, and Planning collaborated on updating Section 14-403 to improve the clarity of the ordinance and retain the underlying public purposes of encouraging development were adequate public safety access is available without imposing significant new City expenses for street construction and maintenance. Again, the proposed text amendments seek to simplify and clarify Section 14-403, while retaining the substance of the current public policy.

B. Built Streets That Do Not Meet Standards

In terms of the specific amendments, subsection (a) address development on existing streets that are built, but do not meet today's standards. The current standards for a local street require a right-of-way width of 50 feet with a pavement width of 28 feet. There are streets, particularly on the peninsula and islands, that do not meet current dimensional standards and in some cases are inaccessible for emergency and public works vehicles. Recent development has occurred on some of these undersized streets, such as Tate and Oak Streets. During those reviews, staff members sought to ensure public safety with careful consideration of public safety access, parking regulations, and street improvements on a case by case basis.

The proposed text amendments are proposed to provide clearer and more transparent regulations for the built streets. The proposed revisions establish a minimum clear street width between curbs as follows:

> (d) The minimum clear width shall be as follows:
>
> 1. For one- or two-family dwellings – 25';
> 2. For all other buildings – 28'.
>
> These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

Again, the intent is to be transparent about the minimum clear widths required for development to occur on such street. At the workshop, Acting Fire Chief Keith Gautreau noted that safe and adequate public safety access is vital to serve each new unit on a substandard street. The proposed waiver is intended to allow for flexibility or fairness within the city's built infrastructure, where both the Fire Chief and Public Works Director find that public services and public safety access are not unreasonably impaired. Thus, new development may occur on existing undersized developed streets that meet minimum requirements or where services and access can be achieved without being unreasonably impaired. However, the burden of meeting these criteria will be on the developer. This approach should help to clarify the standards and avoid issues that had previously not always become apparent until site plan review began on a project and substantial funds were expended by the applicant; while at the same time, allowing for certain flexibility from the city.

C. Unimproved Streets for New Development

Subsection (b) addresses streets that are unimproved for new development. It requires the street to be improved to current street standards by the applicant, which is consistent with the City's current policy. The intent is to provide adequate access for city services, while not burdening the tax base with street construction costs. This includes building streets within right-of-ways where no improvements have been made or only dirt and gravel surfaces exist. Since the adoption of Sec 14-403 over 30 years ago, new development along undeveloped streets requires an applicant to bring the road up to standards from where the existing street pavement ends and along the full extent of lot frontage.

The Department of Public Works is preparing a map of paper streets, which is expected in time for the hearing.. Many, but not all, paper streets are located off-peninsula with numerous abutting lots (both vacant and developed lots). At the workshop, Mr. McGovern noted that his property was part of a subdivision recorded in 1916 and his home was built in 1918. He has a pending application to upgrade Hingham Street to city standards. Section 14-403 addresses unimproved streets or dedicated and undeveloped right-of-ways by requiring streets to be upgraded to city standards in order to construct a new home or add a dwelling unit.

The Department of Public Works is preparing cost estimates for street construction, which will be available for the public hearing. Street construction costs can be prohibitive, particularly for small scaled projects or If the length of the street to be improved is significant. While a log of inquiries is not maintained, there have been inquiries about street extensions for development that have not been brought forward.

In response to the Housing Committee's question as to the equity of the 14-403 as applied to unaccepted and improved streets we would like to clarify that the only time an owner is required to build out the roadway is when they propose constructing a new dwelling. There is also no prohibition on their obtaining contributions from abutting owners who will benefit from the road. The requirement is only that the road be brought up to the legal standards before any additional housing units are brought online. There is no question there is substantial inconsistency with how service provision and residential constructions on unaccepted streets has been managed in Portland over the last century; however, the goals here is minimize the perpetuation of these practices not incentivize them.

D. Review Process

Street extensions under 14-403 are reviewed administratively under the site plan ordinance as either a Level I or Level II application. The level of review is based upon the amount of impervious surface area that is being added. The standards of review are the same for both applications. Briefly, the review process requires a survey stamped by a licensed surveyor and engineered plans for the street meeting the City's technical standards. Portland's Technical Manual contains the engineering specifications for streets, sidewalks, public utility installations, and stormwater management (http://www.portlandmaine.gov/756/City-Codes-Ordinances-Regulations-Maps). Over the past five years there have been five approved street extensions that are summarized in Table 1 below. Two applications are currently undergoing review and are also listed on the table 1. To address the Housing Committee's question of how many streets were vacant versus some level of improvement, this chart has been updated with this information.

Table 2 on the following page lists single family subdivisions approved over the past 5 years. Skylark is a subdivision that had paper streets, but the lots and streets were reconfigured to meet current standards. The other subdivisions created new street right-of-ways and lots. Under Portland's Subdivision Ordinance, recording plats cannot be recorded without posting a performance guarantee for the street infrastructure work to be completed.

Table 1: Approved& Pending Street Extensions within Dedicated Right of Ways under 14-403

All approved applications had a 50 foot wide ROW and a 28 foot wide pavement width

Street Name	Street Length	Turn Around	Granite Curbs	Side-walks	Development	Initial Condition	Status
Hingham	357	yes	seeking waiver	seeking waiver	5 lots with frontage and 2 side yards	gravel and vacant	Pending Review
Florida Ave	165	no-gravel road beyond	seeking waiver	seeking waiver	2 property ownes for 2 sf lots	gravel	Pending Review
Pomeroy	200	yes	yes		Single Family	vacant	Built
Gertrude	93	no-gravel road beyond	yes	waived	Single Family	gravel	Built
Hillcrest	200	no-gravel road beyond	no- open drainage	waived	Single Family	gravel	Built
Pamela	585	no- linked existing Pamela & Alice St	yes	yes	10 Single Family House Lots	vacant	Built
Motley	94	no- gravel road beyond	no-open drainage	waived	2 Single Family House Lots	gravel	Built
Van Vechten	584	no - gravel road beyond	no-open drainage	waived	4 House Lots	gravel	Approved

Table 2	Approved Subdivisions with New Streets or Street Extensions						
	All approved applications had a 50 foot wide ROW and a 28 foot wide pavement width						
Sudvision Name	Street Name	Street Length	Turn Around	Granite Curbs	Side-walks	Development	Status
Skylark Subdivision-Phase I	Skylark Drive	530	yes	yes	one	Phase I: 7 sf lots & 1 existing vacant lot, plus existing home	Phase I complete
Knight Farm	Abner Lane	445	yes	yes	one side	8 sf lots & 1 existing house lot w/ house	Under Construction
Brandy Lane Subdivision	Brandy Lane	970	yes	yes	one side	16 sf lots	Approved
Stroudwater Preserve-Phase 1	(not named yet)	2,074	yes	yes	one-side	47 lots	Under Construction
Stroudwater Preserve-Phase 2	(not named yet)	2,325	No/connects to streets	yes	one side	48 lots	Approved
Stroudwater Preserve-Phase 3	private road- PRUD	800	cul-de-sac	no	one	25 townhouses	Approved

E. Waivers

Under the present version of Section 14-403, an applicant may seek to have the sidewalk waived, if the street is not a school walking route and the curbing may be waived by the Public Works Director. The proposed draft eliminates the waiver language within Section 14-403, and instead allows waivers to be considered using provisions already established under the City Code. In regard to sidewalks and curbs, Section 14-506 Modifications in the Subdivision Ordinance establishes waiver criteria applied during subdivision and site plan reviews. The waiver criteria for curbs and sidewalks are excerpted below.

Sidewalks-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

Curbing-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
2. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
3. The street has been rehabilitated without curbing in the last 60 months.
4. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

In no event shall the waiver have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose and policies of the land development plan relating to transportation and pedestrian infrastructure and the regulations of this article.

Lastly, the exceptions listed in subsection (c) of Section 14-403 for Morgan and Dingley Court. Both of these streets are improved and narrower than today's standards with development on the adjoining lots. The proposal is to remove these streets from the exception list and instead apply the new provisions for any further development on these streets. The proposed draft does exempt accessory buildings, such as garages and sheds, and Planned Residential Unit Developments (PRUD) from 14-403. PRUDs have separate requirements for the construction and maintenance of the private street network serving the development.

VI. COMPREHENSIVE PLAN

The central vision of Portland's Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic,

authentic and secure. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for housing production be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety.

Portland's Plan 2030 has three goals under the Facilities and Services section that are relevant to this policy initiative. The goals are:

- Use planning and fiscal management to sustainably maintain a high level of service for existing infrastructure and programs.
- Coordinate infrastructure planning and investments with areas of greatest anticipated growth.
- Provide public safety, emergency response, and emergency management facilities and services that can effectively meet the needs of all residents.

As support for these goals there are three strategies and accompany actions that address the proposed amendments:

- Provide services to all residents
  - Ensure transparency and access to City services and facilities for all residents.
  - Operate City facilities and services in an efficient and effective manner that is responsive to all segments of the community.
- Develop asset management plans
  - Develop long-range asset management plans for public facilities in order to ensure that our limited public funds are maintained and investing in strategically.
- Plan for Fiscal Stability
  - Keep tax rate increases manageable and provide predictability and stability in tax rate increases while supporting City services and a stable labor force.
  - Make fiscal stability a factor in land use planning by considering both public investments and potential gains in the City's tax base when planning for a sustainable future for the city, while recognizing that not all land use decisions will be driven by the fiscal impacts of the development produced.

The policies and strategies of the Comprehensive Plan support a fix-it first approach to the extensive infrastructure within Portland. Portland seeks to provide quality public services and public safety for all residents. Thus, creating new infrastructure within the city is intended to be carefully evaluated, so that investments are strategic, sustainable, and manageable for the long-term responsibility of the City. The proposed amendments to Section 14-403 are proposed to provide clear regulations for street access for

private development that can be maintained effectively by the City without overburdening the Departments of Public Works and Fire.

The comprehensive plan also contains goals to increase housing. Two of the goals state the following:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit notes and corridors as a means of supporting complete neighborhoods.

The need for housing and affordable housing is clear in Portland. Again, the City is seeking to encourage housing where there are concentrations of services, transit and community facilities. Generally, the 14-403 road extensions support single family development in lower density neighborhoods. While this addresses the preferences for some Portland residents, the City is emphasizing more strategic investments that support higher levels of housing construction. Thus, the proposed amendments allow for private investments to occur for low density housing development that again can be served efficiently by the City without overburdening the tax base.

VII. STAFF RECOMMENDATION

The Planning Staff recommend a positive recommendation for the proposed amendments, which are intended to be clear and transparent regulations to provide adequate street access and public services for new development.

VIII. PROPOSED MOTION

On the basis of the material provided in this report, dated May 4, 2018, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed text amendments to Division 24, Use Regulations and Exceptions of the Land Use Code., Section 14-403, Street Access, [are or are not] consistent with the Comprehensive Plan and [recommends or does not recommend] adoption of the proposed amendments to the City Council.

ATTACHMENTS:

1. Memorandum from Anne Torregrossa, Associate Corporation Counsel, March 5, Attachments to the memo include:
    1. Joe Gray memo, 1984
    2. Gary Wood memo, 2012
2. Proposed Text Amendments to Section 14-403

Public Comment

PC 1 Matt Power, 3-3-18
PC2 Victoria Morales with Attachment, 3-9-18
PC3 Liv Chase 3-11-18
PC4 Brent Adler 3-11-18
PC5 John McGovern 3-19-18
PC6 John McGovern 3-27-18
PC 7 Liv Chase 5-3-18
PC8 Brent Adler 5-3-18

MEMORANDUM

TO: City of Portland Planning Board
FROM: Anne M. Torregrossa, Associate Corporation Counsel
DATE: March 5, 2018
RE: Proposed changes to § 14-403

Section 14-403 has been in place for more than thirty years. Initially, it prohibited the construction of residential buildings on streets less than 35' in width. In 1984, however, the City Council added to § 14-403 to require that streets be brought up to standard before any building could be constructed. This included paving, curbing, sidewalks, and sewers. The 1984 changes were spurred by concerns about the significant costs to the City to upgrade these streets at taxpayer expense, and the danger that undersized or substandard streets posed to the provision of City services and the response of emergency vehicles. As described by the City's then-Director of Planning & Urban Development, development on unimproved streets "tends to create incessant demand for costly City-funded street improvements and also makes servicing of these areas by emergency and public safety vehicles extremely hazardous and uncertain." A copy of that memorandum is attached.

Even as recently as 2012, the City Council reaffirmed its commitment to ensuring that streets are safe before they can be built upon, and that developers bear the cost of their development. In 2012, the Zoning Board of Appeals ("ZBA") granted a hardship variance to a developer, exempting his project from the requirements of § 14-403. In response, the City Council amended § 14-473, which governs the ZBA's authority over variances, to eliminate that possibility. In a memo to the Planning Board addressing the reasons for eliminating this loophole, then-Corporation Counsel wrote that, "the decision sets the stage for variances that could defeat the purpose of Section 14-403 by leading to long paper streets with a number of homes or buildings being served by substandard streets and put the City in a difficult situation." That memo is also attached.

The City Manager and staff recognized that the requirements in § 14-403 limited development even on City-accepted streets, and also that the section was complicated, difficult to apply, and duplicated many of the rules and requirements that are now part of the site plan review process. In an attempt to streamline and clarify the requirements of that section, staff from the Planning Department, Fire Department, Department of Public Works, Permitting and Inspections Department, and Corporation Counsel collaborated on the attached proposed revision. The revision accomplishes the following:

1. Reduces the minimum width for permanently paved and accepted City streets from 35' to 25' for one- and two-family dwellings, and to 28' for other buildings. These widths may be further reduced with the determination of DPW and the Fire Department that ability of the City to provide services will not be impaired. This change makes the minimum required widths consistent with those provided for elsewhere in the Code and also provides flexibility where

2. Requires that all streets that are not accepted and paved, be upgraded and dedicated to the City. This is consistent with the previous version of § 14-403 but does remove many of the details from the ordinance, as they are all captured elsewhere, including the site plan review requirements and the technical standards. DPW has the ability under the technical standards to waive certain requirements, as appropriate.

3. Removes certain exceptions, including for Dingley Court, Morgan Court, and single-family dwellings that have been owned since November 19, 1984. These exceptions have been removed because they defeat the intent of the section to protect individuals who might want to build under those circumstances. Additionally, Dingley Court and Morgan Court appear to have been fully built, and there are few undeveloped lots remaining that have been in one ownership since 1984. Additionally, that provision had been abused by certain developers who simply "flipped" the house, rather than living there, as contemplated by the ordinance.

4. Retains the exceptions for island streets.

CITY OF PORTLAND, MAINE
MEMORANDUM

DATE: 9/17/84

TO: Stephen T. Honey, City Manager

FROM: Joseph E. Gray, Jr., Director of Planning & Urban Development

SUBJECT: Development on Unaccepted/Unimproved Streets

Please place the following item on the September 24th City Council Agenda:

Amendment to Portland City Code Chapter 14 (Land ~~UR~~ USE), Article III (Zoning) Section 14-403 (Street Access) Re: Required Street Improvements.

Statement of Fact

Planning and Public Works officials have been concerned for some time about the accelerating pace of development on unimproved streets and in legally grandfathered subdivisions. Such developments tends to create incessent demand for costly City-funded street improvements and also makes servicing of these areas by emergency and public safety vehicles extremely hazardous and uncertain.

In a related development, the Corporation Counsel recently determined that accepted streets which were abandoned between 1946 and 1976, and unaccepted streets which were dedicated before 1946, do not meet the Zoning Ordinance's requirements that buildable lots have frontage on an accepted or dedicated street. A copy of Mr. Lourie's opinion is attached for your reference.

Against this backdrop, a task force consisting of Planning, Public Works and Corporation Counsel staff has recommended enactment of the attached amendment dealing with development on unimproved streets. A summary of the amendment follows:

Legal Status of Streets

The first part of the amendment deals with the issue of "lapsed" and "abandoned" streets. The amendments would expressly reincorporate "lapsed" and "abandoned" streets into the category of buildable streets, provided that the property owner first gives to the City (1) a release and indemnification from and against all claims for damages in the event the City should decide to take the street by eminent domain, and (2) a release deed to any property rights he may have in the street.

Required Street Improvements

The remainder of the amendment deals with the issue of unimproved streets. The amendment would require that certain improvements be made in the following two instances as a condition precedent to development:

Improved but unpaved streets: For lots abutting an improved (i.e., in common and ordinary use) but unpaved portion of street, that portion which abuts the lot must be improved to public work's minimum roadway specifications (sidewalks and curbs not included).

Unimproved streets: For lots abutting an unimproved (i.e., not in common and ordinary use) portion of street, that portion which abuts the lot, and any portion between that portion and the nearest improved portion which is the principal access to the lot, must be improved to public work's minimum roadway specifications (sidewalks and curbs not included).

These Amendments were approved by the City Council Housing Committee at their meeting on September 12, 1984 by a vote of 3-0. The items are being sponsored by Councilor Abromson, Chairman of the Housing Committee.

Attachment 2

CITY OF PORTLAND

MEMORANDUM

TO: Mayor and Council

FROM: Gary Wood

DATE: August 21, 2012

RE: **Amendment to Portland City Code Chapter 14, Section 14-473 (Variances)**

This amendment contains two components. The first component amends Section 14-473 so that the limitation on the Board of Appeals authority to grant variances references the specific limitations already articulated in subparagraph (c)(4), as well as referencing subparagraph (c)(3). The omission of a reference to (c)(4) may have been an oversight. The reference to Paragraph (c)(3) in the current ordinance should be retained because there are some subsections contained within (c)(3) that make it clear that practical difficulty variances cannot be used in certain circumstances in the City's Shoreland Zone.

The second component of the amendment prohibits the Board of Appeals from granting variances from the standards set forth Section 14-403 by adding that section to subparagraph (c)(4).

"Paper" streets are rights of way designated on approved subdivision plans but never built to city standards or accepted by the City as city streets. The City has over 407 paper streets at this time that are shown on subdivisions recorded prior to September 29, 1987. Under state law the City has until September 29, 2017 to decide whether to continue the City's right to accept one or more of these streets or vacate the potential public rights in them. Current law also allows the Council to extend the deadline another 20 years.

Section 14-403 was created many years ago (see attached memo) to prevent individuals who own lots on paper streets from developing substandard access ways or driveway along the right-of-way beneath the paper street such that the City would end up with a number of residential units accessible only by driveways or private roads down which public safety vehicles might not safely pass and that the City might ultimately be asked to eventually take over and improve to City standards.

The section avoids that result by imposing a requirement on property owners who wish to build residential units along a paper street to build the road to city standards for the entire length of the individual's property abutting the paper street.

The requirement that the road be built along the entire length of the abutting property prevents a property owner from stopping the construction of a road built to city standards at that

point along his property where he has established enough road frontage to meet city road frontage requirements thus leaving a potential gap for the next abutting property owner should that person subsequently wish to also build a residential unit on their lot.

Although the City's Board of Appeals has for the most part refused to grant variances from Section 14-403 nothing in the current ordinance prevents them from doing that and on June 21, 2012 the Board did grant a variance from Section 14-403 requirements.

In granting that variance, the Board acted within its current authority in the ordinance and also in a situation in which a large number of residential units could not be built along the roadway because of its short length. However, this decision sets the stage for variances that could defeat the purpose of Section 14-403 by leading to long paper streets with a number of homes or buildings being served by substandard streets and put the City in a difficult situation.

In order to prevent developers or other property owners from taking advantage of the current authority in the ordinance to grant variances from Section 14-403 the proposed amendment has a retroactive date to the date upon which the Board of Appeals issued its decision. No additional applications have been filed since that decision seeking a variance from the Section 14-403 requirements although, there is one pending application that may be amended to do so.

Because the proposed amendment is to Chapter 14, it should be referred to the Planning Board for a recommendation back to the Council before the Council can act on it.

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) *Permanently paved and accepted streets or island streets*. The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25';

2. For all other buildings – 28'.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;

2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and

3. Obtain site plan approval for the work required under this subsection.

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or

2. Part of a Planned Residential Unit Development.

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Public Comments for March 13th Planning Meeting

Barbara Barhydt <bab@portlandmaine.gov> Sun, Mar 4, 2018 at 8:11 AM
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Public comment for 14-403.

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

---------- Forwarded message ----------
From: **Matt Power** <power.matt@yahoo.com>
Date: Sat, Mar 3, 2018 at 9:40 AM
Subject: Public Comments for March 13th Planning Meeting
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>

3-2-2018

Hello Barbara,

I've been corresponding with Kim Cook over the last week about the Portland ordinance that the planning board is taking up for comment on March 13th, section 14-403. I'm submitting my comments in writing below, because I am away on business on the 13th, and can't be there in person. Kim has been very kind to assist me and follow up on this matter.

Here are my public comments.

An Argument for Preventing "Ghost Lots" with 14-403

My partner and I own a parcell on Tarball Ave in the Riverton neighborhood, one of many so called paper streets in Portland. It's .6 acre lot on an unpaved road. Tarbell Ave has several homes on it, including one that is past us, on the end of the street, and another, at 119 Tarbell, that was built after the restrictive language in 14-403 was adopted in 1987 ***(see attached document)***. Many outbuildings have also been added after the ordinance. The street is plowed by the city, trash and recycling are picked up, street lights are serviced, electric, sewer and water are already at the street. To my understanding, on a paper street, none of these are supposed to be provided by the city (per the notes sent to the 119 Tarbell property). This rule is apparently not followed, and I'm glad—as are the many residents of Tarbell Ave.

We would like to be able to build a small home and garden-related outbuildings on our property, but we have been blocked by 14-403, because as it's written, we would have to widen, pave and add curbs to the entire dirt street, a huge expense we could not afford. This restrictive ordinance as its written makes no sense for streets like ours. A new home on the street would add little or no infrastructure burden, and bring in new taxes.

Under 14-403, public works can waive the curb requirement, but not the other street upgrades. This means the only recourse for property owners on paper roads wanting to build a home or even an outbuilding is to appeal the interpretation of the ordinance, with slim chance of success.

As you know, last year, Maine ordered municipalities to declare paper streets as city streets or revert them to abutting owners, but left a loophole that Portland took, buying them 20 more years of procrastination on paper streets. I understand why the city did it...paving all those streets would cost a fortune. But at the same time, the combination of this choice, and strict interpretation of 14-403, have effectively "locked out" properties like ours, which are ideally situated for small scale new construction.

As written, 14-403 is outdated. I assume the initial intent was to push the cost of street upgrades onto large scale developers, but unfortunately it has caught small landowners in its net, at a time when Portland needs new ways of adding housing. The ordinance needs to be relaxed to allow for common sense development. A street that is already serviced and occupied should not have "ghost lots" created by a heavy-handed ordinance.

Possible Solutions

1. Make street exceptions easier. There is currently one mechanism for building on a paper street. The street can be *declared an exception.* A few streets are on this short list, but my understanding is that adding a street requires a full council vote. Why not add some codified, basic criteria that supports an exception? If the street is occupied and serviced by the city already, for example, the exception process should be easier. Perhaps a simple appeal can redefine the street as a "De Facto City Street.: In other words, it's a city street in all but name, not subject to the same high level of upgrades, but much more flexible for landowners looking to build homes or outbuildings.

> I *Exceptions.* The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible:
>
> 1. Dingley Court;
>
> 2. Morgan Court.
>
> (Code 1968, § 602.18.B; Ord. No. 193-84, § 1, 11-19-84; Ord. No. 178-87, 11-2-87; Ord. No. 372-89, 3-20-89; Ord. No. 273-90, 3-19-90)

2. Allow for individual parcel appeals. Add language that allows for smaller residential projects to appeal the restrictive road requirements for paper streets. An appeal would not challenge the interpretation of this ordinance. It would challenge the application of the ordinance to specific lots on a street, based on the level of additional infrastructure costs.

3. Give public works more waivership options. At present, they can only waive the curb requirement. Give them the ability to waive road widening, storm drains, sidewalks, paving and other requirements if they don't see them as essential to current maintenance of a paper street. –excerpt from 14-403 below:

> (b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the

4. Add off-grid and tiny house options. Landowners who are willing to build a home that is low impact, supplies its own water, electricity and so on should be held to a less stringent infrastructure standard. Tiny homes are included in the Maine state building code now. They are also talked about on the now outdated City faq page about tiny homes:

"The city is actively looking at the issue of tiny houses and what role they might play in helping address our housing needs. The biggest challenge appears to be the state building code, which the city is required to utilize."

That challenge is **no longer an issue**. It's a good time to add some language opening the door to eco-friendly housing options that would allow Portland to live up to its goals of being a "green" place to live

Please consider these suggestions as you modify 14-403. Building in the city limits is the most sustainable kind of new development. Without changes to 14-403, the options for adding new housing stock over the next 20 years will be extremely limited, and the residents will be poorly served.

Thank you,

Matt Power

Portland

207-619-2713

Records for 119 Tarbell Ave-websized.pdf
4838K

PC2

Portland Maine | Yes. Google's good here.

Barbara Barhydt <bab@portlandmaine.gov>

March 13th PB workshop RE: proposed changes to 14-403

1 message

Victoria Morales <victoria@moraleslaw.me> Fri, Mar 9, 2018 at 2:29 PM
To: Barbara Barhydt <bab@portlandmaine.gov>, "sgo@portlandmaine.gov" <sgo@portlandmaine.gov>

Dear Planning Board Members and Planning Staff,

Please accept this email and attachment with additional suggestions to the proposed amendments to section 14-403 of the land use code.

I represent MTR, LLC, a small residential construction company interested in building homes that are between 1,400 and 1,600 square feet and are affordable for working middle class families. To further that goal, my client is looking at lots in Portland near schools and green space, and with frontage on streets acceptable to the City. Many undeveloped lots in the City are on gravel roads that have been dedicated for public travel many years ago through the recording of a subdivision plan (paper streets). The barrier to creating housing on many of these lots is the cost of building the road, including the subsurface infrastructure, drainage, and lighting that is currently required. Larger scale developers can often absorb these costs and role them into the return on the higher end product. That is not the same for smaller developers.

My goal in submitting these suggestions is to request that the Planning Board take a good look at the street and infrastructure standards in Chapter 25 and the Technical Manual, which present significant barriers to building residential housing in the City, particularly for building one single family home on a gravel road that already has other residential homes on it. Admittedly, the amendments I offer do not go far enough to unlock the potential for creating more housing on the many undeveloped lots in the City. However, my hope is that the Planning Board, staff, and DPW can gather and examine the data regarding the existing list of unaccepted roads, unpaved roads, and available lots to remove the barriers that exist today to meeting the goals of the Comprehensive Plan to create more much needed housing in the City.

Very truly yours,

Victoria

Victoria Morales, Esq.
Morales Law
Land Use and Government
Relations Counsel
188 State Street, Suite 3, Portland Maine 04101
207.216.0643
https://www.linkedin.com/in/victoria-morales-a69b7550

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Edits to proposed changes 14-403 v.11(1).docx
20K

Further suggested changes to the proposed amendments to 14-403 in red.

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) *Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25';

2. For all other buildings – 28'.

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) *Streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street between the lot and the nearest permanently paved and accepted City street by paving the existing travel way or the minimum clear width measurement as described above, as determined by the Public Works Authority, and meeting the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;

    i. The widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

2. Take all necessary steps under Chapter 25, Article III, Section 47 of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and

3. Obtain site plan approval for the work required under this subsection.

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or

2. Part of a Planned Residential Unit Development.

Street Acceptance – Portland Code, Chapter 25

Victoria's suggested changes in red

Sec. 25-47.

Acceptance of streets and ways dedicated for public travel prior to July 7, 1948. A street or way dedicated for public travel prior to July 7, 1948, including paper streets, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

(a) Minimum width. Such street or way shall have a minimum width of fifty (50) feet unless the owners of property adjoining the street or way shall convey to the city sufficient land to lay out a fifty (50) foot street; provided, however, that the Public Works and Planning Authority may allow the minimum clear width or less, as described in 14-403 when a fifty (50) foot street is impracticable.

Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) (change to: the minimum clear width standard in 14-403) feet.

(b) Recorded plan. A plan of the street or way shall have been recorded in the county registry of deeds prior to July 7, 1948.

(c) Petition by abutters. A majority of the abutters upon the street or way shall in writing, on a form to be prescribed by the public works authority, petition the city council to improve the street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this article, a majority of the abutters shall mean those abutters who own more than fifty (50) percent of the frontage, both in front-feet and in assessed value.

(d) Assessment of costs. When the street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on the street or way in the manner, and with the same right of appeal, provided in 23 M.R.S.A §§ 3601--3605.[1] (Code 1968, § 707.2) Cross reference(s)--Uniform procedure for collecting assessments,

---

[1] 23 M.R.S. §3601. Apportionment of damages or benefits

Whenever the city government lays out any new street or public way, or widens or otherwise alters or discontinues any street or way in a city, and decides that any persons or corporations are entitled to damage therefor, and estimates the amount thereof to each in the manner provided by law, it may apportion the damages so estimated and allowed, or such part thereof as to it seems just, upon the lots adjacent to and bounded on such street or way,

other than those for which damages are allowed, in such proportions as in its opinion such lots are benefited or made more valuable by such laying out or widening, alteration or discontinuance, not exceeding in case of any lot the amount of such benefit, but the whole assessment shall not exceed the damages so allowed. Before such assessment is made, notice shall be given to all persons interested of a hearing before said city government, at a time and place specified, which notice shall be published in some newspaper in said city at least one week before said hearing.

Google Groups

Planning Board Workshop- 3/13- Text amendment 14-403

Liv Chase <livchase@yahoo.com> Mar 11, 2018 3:39 PM

Posted in group: **Planning Board**

Dear Planning Board Members and Planning Staff,
Thank you for your time and attention in addressing section 14-403 of the City's land use code. This amendment directly effects me because I own 2 properties on accepted city streets that have a width less than 25'. Based on the history of 14-403 and the enforcement of this ordinance, the intention of this code is to address unaccepted city streets, i.e. paper streets. It is my understanding, no permit application or plan for development on an accepted city street was ever denied on the basis of street width, until recently.
The attached comments, attachments, and suggested amendment to 14-403 are to address 14-403 (a) for accepted city streets. Regardless of the prior interpretation, I hope you will agree that accepted city streets which already have city services and established widths, should not be part of this ordinance.
Regards,
Liv Chase
livchase@yahoo.com
207-522-4345

Section 14-403 was written and adopted in 1968. The interpretation of this code has always been that it applies to non-accepted city streets i.e. paper streets. This section of the land use code has had no bearing on accepted city streets in the past. The City of Portland zoning department has approved many projects on the Portland peninsula on streets which are less than 35' in width (Attachment D). Only recently has section 14-403 been read literally and enforced to deny permit applications on accepted city streets that are less than 35' in width. One of these permit applications is an application submitted in May 2017 to build a small 499sf single family house located at 47 Chapel Street. If the true intention of clarifying this code is related to the impact it will have on city services, please consider the following:

Why are we defining street access?
We are defining street access because it is relevant to fire and life safety.

Why would street width need to be defined for accepted city streets that are already built?
City Services
Accepted city streets already have city services, i.e. water/ sewer, plowing, general upkeep, ect. As property owned by the city, the city already holds the responsibility/cost for maintaining these streets.
Adding additional buildings to a street with city services does not unreasonably impair these services because these services are already in place.
Fire and Life Safety
Accepted city streets are wide enough to allow for the access of fire trucks and ambulances in the event of an emergency. Currently, all accepted city streets are wide enough for a fire truck to drive down (a fire truck is just under 10' in width). A brief conversation with the fire department revealed that the narrowest street for the fire truck is Oak Street. Even though the street width is 24.5 feet wide, cars are allowed to park on both sides of the street. This equals a clear width of 10.5 for the fire truck. Clear width for a fire truck to pass should take into account parked cars on the street (Attachment C)

City staff has expressed the need to simplify and clarify section 14-403. The clarification is that 14-403 is not intended for accepted city streets.

Other Points to Consider:

Accepted city streets on the peninsula have been streets since the 1800's. The peninsula is home to the highest density of building infrastructure in Portland. If there truly was a problem in regards to city services and life safety on accepted city streets, this would have been addressed 30 years ago when the code was revised.

This proposed text amendment will take away property owners rights. There are 53 streets on the peninsula that would be affected by this amendment (Attachment A and B)

It is understood that there is a need to regulate the creation of new city streets (Section 14-403 (b)) and adopt standards for these streets. NFPA 1 fire code determines a minimum clear width of 20 feet for a emergency access in the creation of new streets.

The proposed text amendment establishes an arbitrary street width that is not based on anything pertaining to fire and life safety. Additionally, it allows for this width to be reduced by approval of the fire chief and public works director. This makes the proposed text discretionary and vague. This opinion based flexibility would prove to be beneficial in connection with the development of new streets, but it adds no value to streets which are already defined as to width. Accepted city streets are already developed and most times, they can not be widened because existing infrastructure is built to the right of way.

The proposed text amendment adds more restrictions to 14-403

Current	**Proposed**
Streets with ROW less than 35'*	Streets less than 25' not including sidewalk*
Only for residential dwellings	All building regardless of use
Exception for frontage on another street	No exception
Only for new construction	Not specified (adding a unit could be within existing infrastructure)

*See Attachment E

14-403 is in direct conflict with the City's comprehensive plan. Vacant lots, that meet the minimum required lot size, have the potential to add more dwelling units and create higher densities. Further restriction of these vacant lots is not in line with the comprehensive plan.

Sec. 14-403. Street access.

A building or structure, intended for use as habitation, may only be constructed or moved on a lot, ~~or a dwelling unit added to a lot,~~ where one of the following is met.

(a) ~~*Permanently paved and accepted streets or island streets.* The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:~~

~~1. For one- or two-family dwellings – 25';~~

~~2. For all other buildings – 28'.~~

~~These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.~~

(a) Accepted city streets appearing on the official map of the city are exempt from this section of the land use code.

(b) Unaccepted city *streets to be upgraded in connection with development.* The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street between the lot and the nearest permanently paved and accepted City street by paving the existing travel way or the minimum clear width measurement as described above, as determined by the Public Works Authority, and meeting the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;

   i. The widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and

3. Obtain site plan approval for the work required under this subsection. Exception: The above guidelines may be

(c) *Other exceptions.* The building or structure is one of the following:

1. An accessory building; or

2. Part of a Planned Residential Unit Development.

street widths as measured from curb to curb

street name	street width (feet)		street name	street width (feet)
guilford court	10.3		bramhall place	21
horton place	11.7		myrtle street	21
chapel street	12.4		market street	21.1
russel street	12.5		summer street	21.4
joy place	13		alder street	22
tate street	13.8		forest street	22.3
throwbridge place	13.8		south street	23.1
fletcher street	14.7		winthrop street	23.1
maple street	15.3		may street	22.4
montgomery street	15.5		stetson court	22.5
marshall street	16		dow street	22.7
orange street	16		mountfort street	23.4
nye street	16.1		winter street	23.8
stone street	16.2		oak street	24.5
bond street	16.4		neal street	24.9
storer street	16.6		orchard street	25.5
stratton place	18.8		hampshire street	25.9
marion street	19.1		sheridan street	26.1
briggs street	19.4		howard street	26.2
romasco street	19.4		wilmot street	26.6
school street	19.6		clifford street	26.6
brown street	20.2		park street	26.8
locust street	20.8		emerson street	27.2
casco street	20.8		chestnut street	27.3
cedar street	20.9		carlton street	27.7
boynton street	20.9		gray street	27.9
			hammond street	27.9

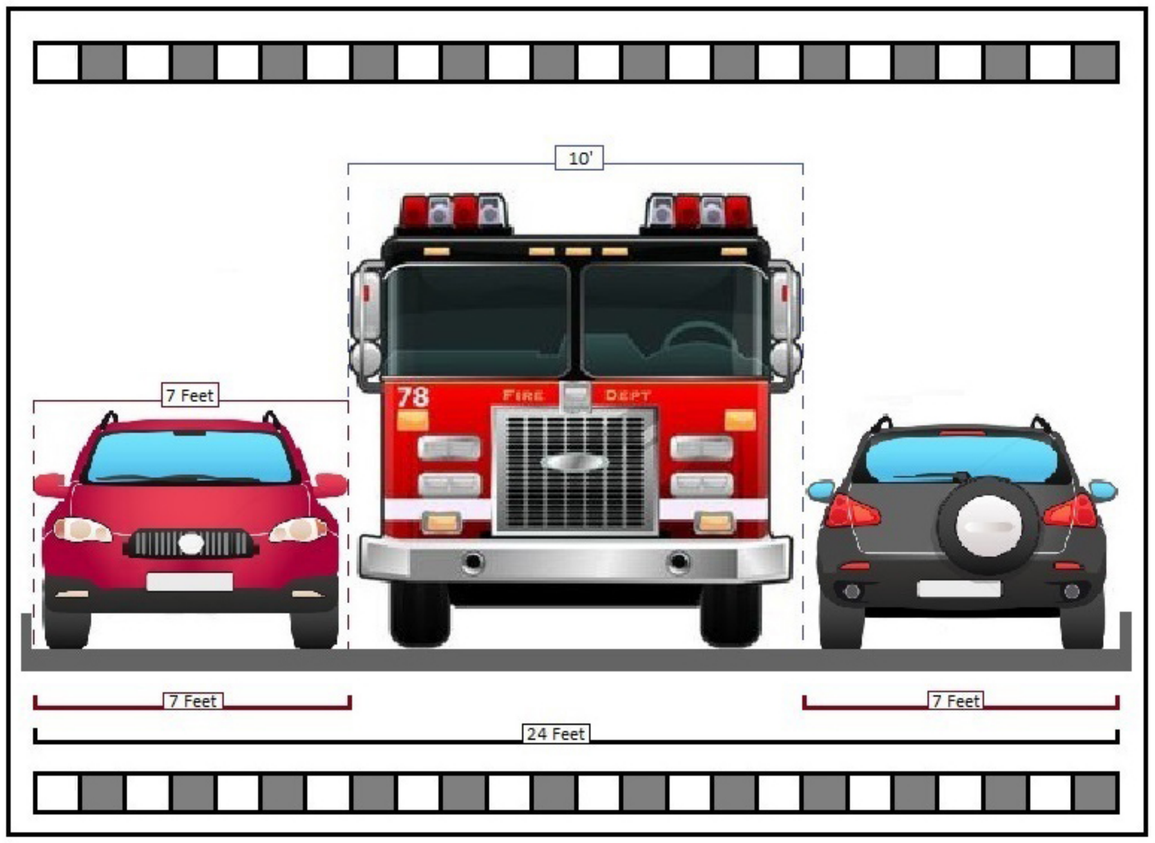
There are 41 streets that are less than 25' in width

ATTACHMENT B

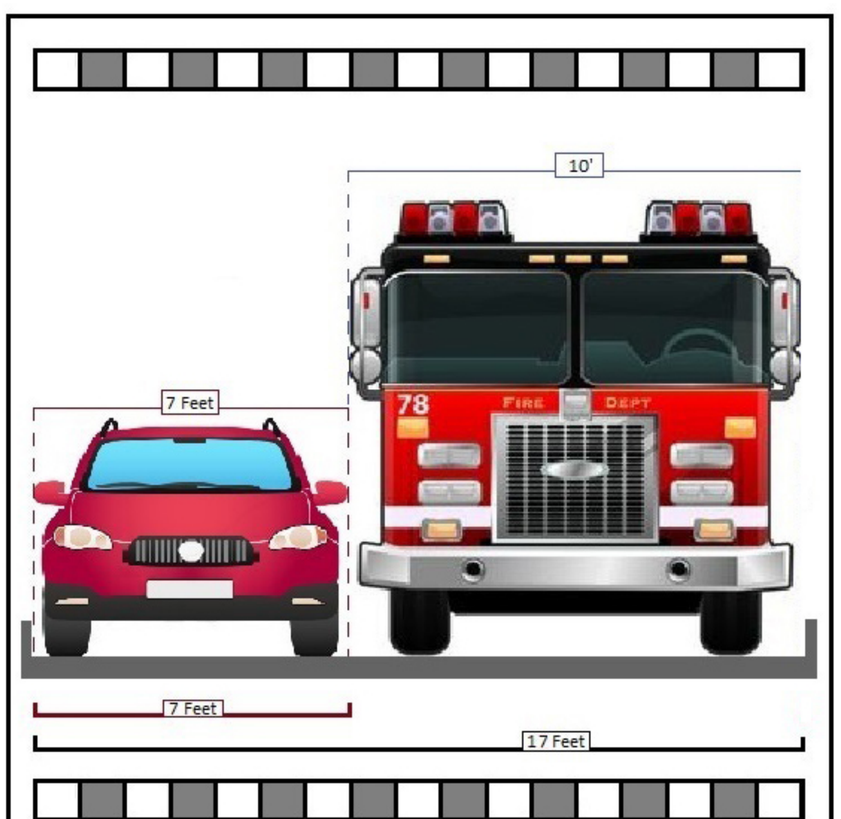
MAP OF THE PORTLAND PENNISULA

ATTACHMENT C

Fire and Life Safety-



Parking on both sides of the street



Parking on one side of the street

No parking on either side of the street

7 feet is the minimum width necessary for parallel parking space. The measurement was based on average vehicle widths and design standards for on-street (parallel) parking space in other municipalities, including the City of Chicago

ATTACHMENT D

72 Oak Street

Year Built: 2011
Use: 37 Units
Street Width: 24.5 feet

Parking on 2 sides =
clear width for fire truck 10.5 feet

50 Myrtle Street

Year Built: 2014
Use: Single Family
Street Width: 21 feet

Parking on 1 side =
clear width for fire truck 14 feet

5 Briggs Street

Year Built: 2016
Use: 3 units
Street Width: 19.4 feet

Parking on 1 side =
clear width for fire truck 12.4 feet

22 Tate Street

Year Built: 2016
Use: 8 Condominiums
Street Width: 13.8 feet

No on street parking =
clear width for fire truck 13.8 feet

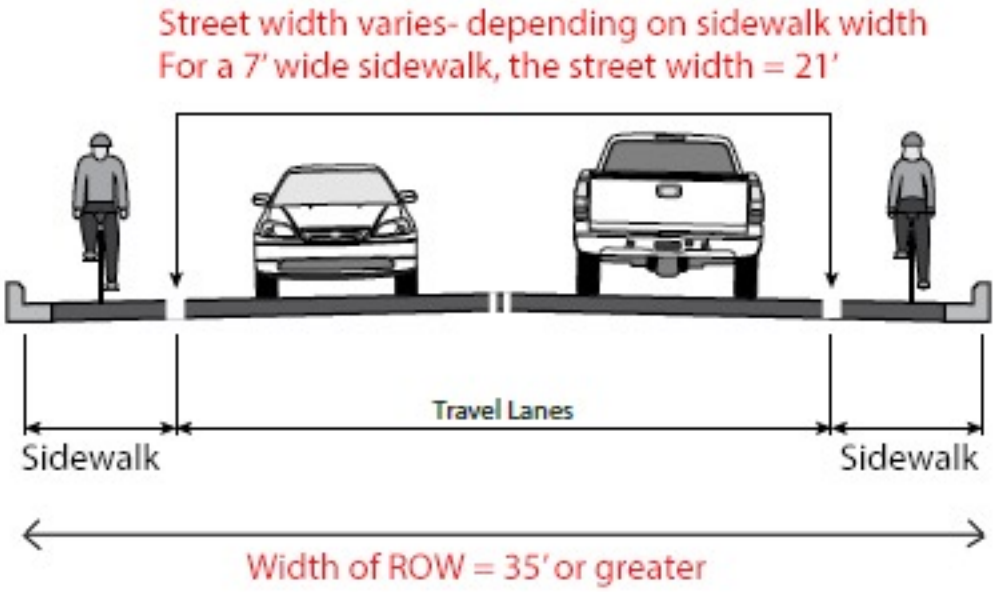
1 Joy Place

Year Built: Currently being reviewed for permit application
Proposed Use: 12 Condominiums
Street Width: 13 feet
Street Condition: Dirt Path

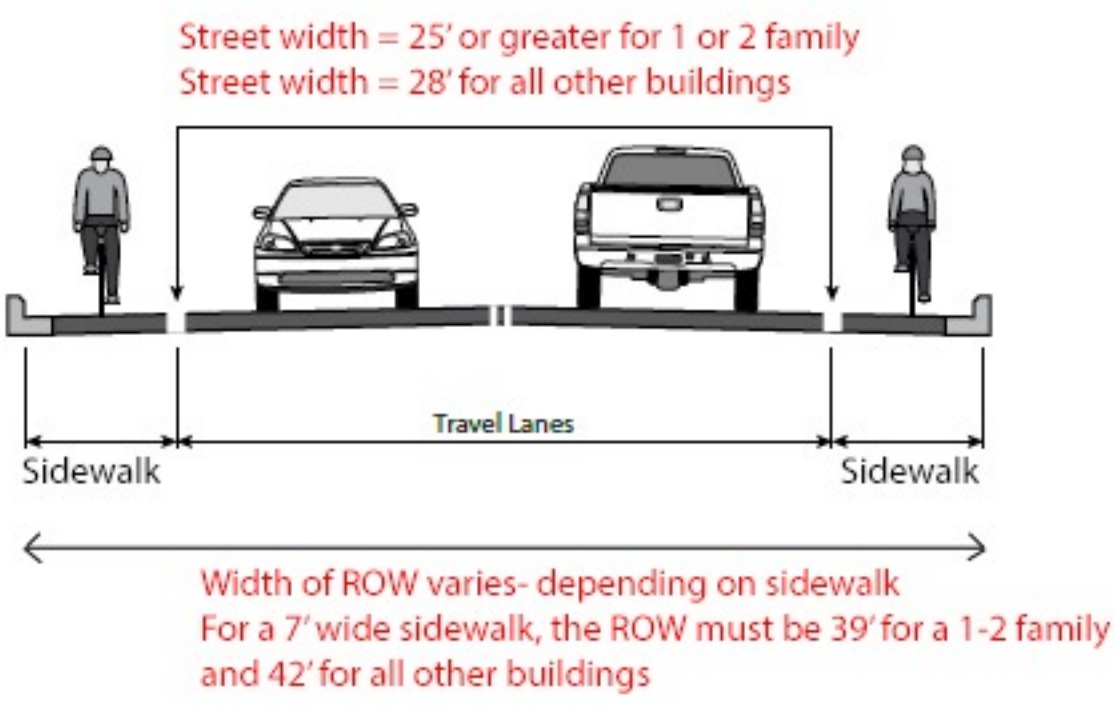
Fire truck access = ?

ATTACHMENT E

Current 14-403: "a street width less than 35'"



Proposed 14-403: "minimum clear width as measured from the edge of the pavement, excluding sidewalks"



To: Planning Board
3/11/2018
From: Brent Adler
47/49 Chapel Street

RE: Planning Board workshop comments text amendment 14-403

I would like to thank the hard work of Corporation Council and Planning Staff for bringing this text amendment before the planning board. I am happy to see that the proposed text amendment seeks to simplify and clarify issues with the code. Unfortunately, the language in the proposed section will prevent development on small city adopted streets and will allow for discretionary decisions by the Fire Chief and Public Works Director.

Subsection (a) will remove small scale development opportunities on functioning legally non conforming streets that currently have existing public services. 72 Oak Street and 22 Tate Street have working street widths of less than 13'. These two projects were large scale and prove to be a success (72 Oak is a 37 unit apartment building and 22 Tate is a 8 Unit condominium building), approved by the planning board with the support of Public Works and the Fire Department. I would like to provide these as examples of how peninsula streets that are narrow can still be functioning contributing streets to our city that deserve special attention, not to be treated as non buildable streets unable to provide new housing stock as the city grows and we adopt a new comprehensive plan. Public Works has the ability to service narrow streets today the same way they have been servicing their residents over the past 100 years. We have tools available in zoning to allow safe housing on narrow streets that will not negatively contribute to maintenance already provided under Public Works. As a City that has grown around these smalls streets why are we considering abandoning the potential they present for development? We can ask the following questions to help ease the challenges a narrow street presents to emergency and public works vehicles.

Square footage restrictions on the proposed development limited to 1000 sq feet
A larger set back from neighboring buildings
Limiting the height of the building to single level
The proximity of a fire hydrant to the proposed dwelling
Can a narrower street allow for higher density if the building is sprinkled according to NFPA
Parking on both sides or none
One way or two way
The smallest fire engine currently used by the City and its working width, Engine 31?
Do current structures exist on the street and have City Services

I would propose the following as an exception to subsection (a)

No Street width minimum on City approved adopted streets on the peninsula

I am in support of having 14-403 amended but I am not in support of the proposed changes. I am the owner of 47/49 Chapel Street, a lot with 3,450 square footage. A buildable lot with water, sewer, gas, and electric. On a street that is plowed during the winter and maintained by the city. This street is less than a block from the City Hall and services 6 existing houses. My application for a small 500 square foot single family is currently on hold for review with the City. My permit is awaiting denial based on the current interpretation of 14-403. If the proposed changes go through, my paved width being 12.4’ excluding sidewalks, will kick my application for review and approval to the Fire Chief and Public Works Director. If I do not have approval by these two departments my lot will become non-buildable. Meaning, for me, a regulatory taking. I am unable to pursue an appeal because of 14-473 in the land use code Section (c)4h. Please consider this text amendment an opportunity to allow small development on small streets and not an exclusionary effort for property owners and developers in my position.

For your information Joseph Gray Jr. Director of Planning and urban development on 10/31/84 has already defined unimproved streets. These streets identified on the peninsula should be the only streets considered under the proposed subsection (a) for non development. Please see attached

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CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Stephen T. Honey, City Manager

DATE: 10/31/84

FROM: Joseph E. Gray, Jr., Dir., Planning & Urban Development

SUBJECT: Council Request for Material on Unaccepted Streets

At the recent Council workshop on unaccepted streets, Council members asked that we prepare certain additional information for distribution to the Full Council. The material includes:

1) Building Permits

Sam Hoffses, Chief of Inspection Services, has reviewed our files and has determined that since January, 1981, 47 permits have been issued for housing on unaccepted streets. The Council should note that during 1984, 22 permits or almost half those issued, were during this year. This is an indication of the acceleration of development on these streets.

2) List of Unaccepted Streets/Neighborhood Breakdown

The Parks and Public Works Department has prepared a breakdown of unaccepted streets by neighborhoods. This list is enclosed.

3) Charts Used in Staff Presentation

At the request of the Council we have reduced to typing the charts used in staff presentation on unaccepted streets. There are four charts.

A) Issues Chart
B) Streets Glossary
C) Lapsed/Abondoned Streets
D) Unimproved Streets

"STREETS" GLOSSARY

DEDICATED: Offered to City as public street

ACCEPTED: Accepted by City as public street

LAPSED: Dedicated but not accepted within reasonable time (40+ years)

ABANDONED: Accepted but not maintained for 30 years (1946 - 1976)

IMPROVED: In actual existence (paved or unpaved)

UNIMPROVED: Not in actual existence ("paper")

Garden Lane	U
Park Street Court	U
Stratton Street	U
Tolman Place	U
Guilford Court	U
Hall Court	U
High Street Court	U
Nye Street	U

WEST END

Gilman Place	
Houlton Street	U
Spring Street Place	U
Trowbridge Place	U
West Street Court	U
	U

EAST END

Gilbert Lane	U
East Cove Street	U
Poplar Street	U
Sumner Court	U

PC5

Portland Maine | Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Section 14-403

Barbara Barhydt <bab@portlandmaine.gov> Mon, Mar 19, 2018 at 8:03 AM
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

Public comment

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

---------- Forwarded message ----------
From: **john mcgovern** <jtmcgovern1@gmail.com>
Date: Sat, Mar 17, 2018 at 9:30 PM
Subject: Section 14-403
To: bab@portlandmaine.gov

Hello Barbara.

My wife just brought to my attention that the city had a planned meeting on the thirteenth of March regarding changes to the city code section 14-403 on paper streets in the city of Portland. I am pleased to know that the meeting had been postponed do to inclement weather , as I would have missed it. As you know I have been working with the city on making the improvements to Hingham street , I am hoping the timing of this meeting will only have a positive effect on what I have been trying to accomplish on Hingham street. As you know we had a meeting at city hall with your self John Jennings David Brenerman myself and others. I had requested the meeting because of a paragraph in the city code that allows a resident of the city of Portland with a lot of record and being part of a subdivision recorded in the registry deeds , the allows them to petition the city to bare part of the cost of bringing the road up to the standards of the city of Portland. Although the meeting did not resolve the issue of who should bare the expense of these roads I moved forward on my own to make the improvements at my expense. At this point I have invested over nine thousand dollars of my own money in engineering cost and application fees and I am still waiting for the review process to be complete. In closing I would like to say that the city has a enormous untapped revenue of property tax resources by not working with city residents to improve these streets. If the city of Portland wants to be know as progressive pioneer in moving into the twenty first century it is time to be more aggressive in allowing the development of this untapped revenue stream. I do not think it is unreasonable for the city to take on some of the cost burden of these projects. I am strongly against any changes to 14-403 that would have a negative impact on future development of these valuable pieces of property.

Respectfully ,

John McGovern

Sent from my iPad

Portland Maine Yes. Google's good here.

Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Section 14-403

Barbara Barhydt <bab@portlandmaine.gov> Tue, Mar 27, 2018 at 7:57 PM
To: "Munson, Jennifer" <jmy@portlandmaine.gov>

public comment for 14-403.
Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

---------- Forwarded message ----------
From: **john mcgovern** <jtmcgovern1@gmail.com>
Date: Tue, Mar 27, 2018 at 7:47 PM
Subject: Re: Section 14-403
To: Barbara Barhydt <bab@portlandmaine.gov>

Hello Barbara.

After careful thought for the amendment allowing street minimum width to be narrowed to 25' for certain streets I have to oppose . It is my understanding from the public works department that the minimum finished street width is twenty eight feet no exceptions.
Allowing for some streets to be twenty five feet wide and yet forcing others to be twenty eight feet wide would put undo hardship on those that bear the extra expense.
Any change to the code in 14-403 should apply to all streets within the city regardless of there status. We need to set a minimum guideline and enforce the code as set forth.

Respectfully .

John McGovern

Thank you.

Sent from my iPad

On Mar 19, 2018, at 11:20 AM, john mcgovern <jtmcgovern1@gmail.com> wrote:

> Thank you, Barbara.
>
> John
>
> Sent from my iPhone
>
> On Mar 19, 2018, at 8:07 AM, Barbara Barhydt <bab@portlandmaine.gov> wrote:
>
> > Hello Mr. McGovern:
> >
> > I am including you e-mail as public comment for the Board. Here is the link to the City's website where the memo for the Board is located. http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_03222018-2356?html=true

This is a workshop agenda item and that meeting starts at 4:30. This is the second agenda item, but we may need to move this forward to be the first item.

Thank you for your comments.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

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> Respectfully ,
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> John McGovern
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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.

Google Groups

Planning Board Meeting- 5/8- Text amendment 14-403

Liv Chase <livchase@yahoo.com> May 3, 2018 5:32 PM

Posted in group: **Planning Board**

Dear Planning Board Members and Planning Staff,
Please see the attached comments for the Planning Board Meeting for May 8th, 2018 in regards to the text amendment for 14-403.
Regards,
Liv Chase
livchase@yahoo.com
207-522-4345

Dear Planning Staff,

I attended the Planning Board Workshop on March 22, 2018. At the workshop there was much discussion over the street width. The current re-write of 14-403 determines a street width as measured from curb to curb. This street width is not clearly defined to reflect a clear width. The clear width is the only factor when determining if a fire truck or ambulance can pass.

Interim Fire Chief Keith Gautreau spoke at the Planning Board Workshop and in his professional opinion, he determined that a width of 25' from curb to curb was wide enough regardless of parked cars on either side.

Parked cars can range in width, with the largest parked car 8.5 feet wide. Most vehicles are approximately 7 feet in width and this is the number that is most commonly used. A standard fire truck is just under 10' wide.

1) If fire and life safety are the reasons behind the clarification of 14-403, doesn't it make sense to clearly define the clear width in relationship to parked cars on the street? (the proposed added text does this- see attachment A and B)
2) Can planning staff and/or Mr. Gautreau explain how a street with width of 25' curb to curb that has parking on both sides, is more safe than a street that has a width of 11' with no parking on either side?

Thank you for your time.
Regards,
Liv Chase

ATTACHMENT A

Sec. 14-403. Street access.

A building or structure may only be constructed or moved on a lot, or a dwelling unit added to a lot, where one of the following is met.

(a) Permanently paved and accepted streets or island streets. The lot has the minimum required frontage on either (i) a permanently paved and accepted City street that meets the minimum clear paved width, measured from the edge of the pavement, excluding sidewalks, or (ii) on an existing street on an island in Casco Bay that meets the minimum clear built width, measured from the edges of the built street. The minimum clear width shall be as follows:

1. For one- or two-family dwellings – 25' for streets with parking on both sides;
   18' for streets with parking on one side
   11' for streets with no parking on either side

2. For all other buildings – 28' for streets with parking on both sides
   21' for streets with parking on one side
   14' for streets with no parking on either side

These widths may be reduced with the written approval of the Fire Chief, and the Public Works Director where, in their shared and final determination, the ability to provide City services will not be unreasonably impaired.

(b) Streets to be upgraded in connection with development. The owner or developer of the lot will do all of the following in connection with the development of that lot:

1. Upgrade the street, between the lot and the nearest permanently paved and accepted City street, to meet the standards adopted elsewhere in this Code, including those adopted by the public works authority and the planning authority pursuant to this Code;

2. Take all necessary steps under Chapter 25, Article III, of this Code to dedicate the upgraded portion of the street to the City for acceptance, including a waiver of any claim for damages resulting from the acceptance; and

3. Obtain site plan approval for the work required under this subsection.

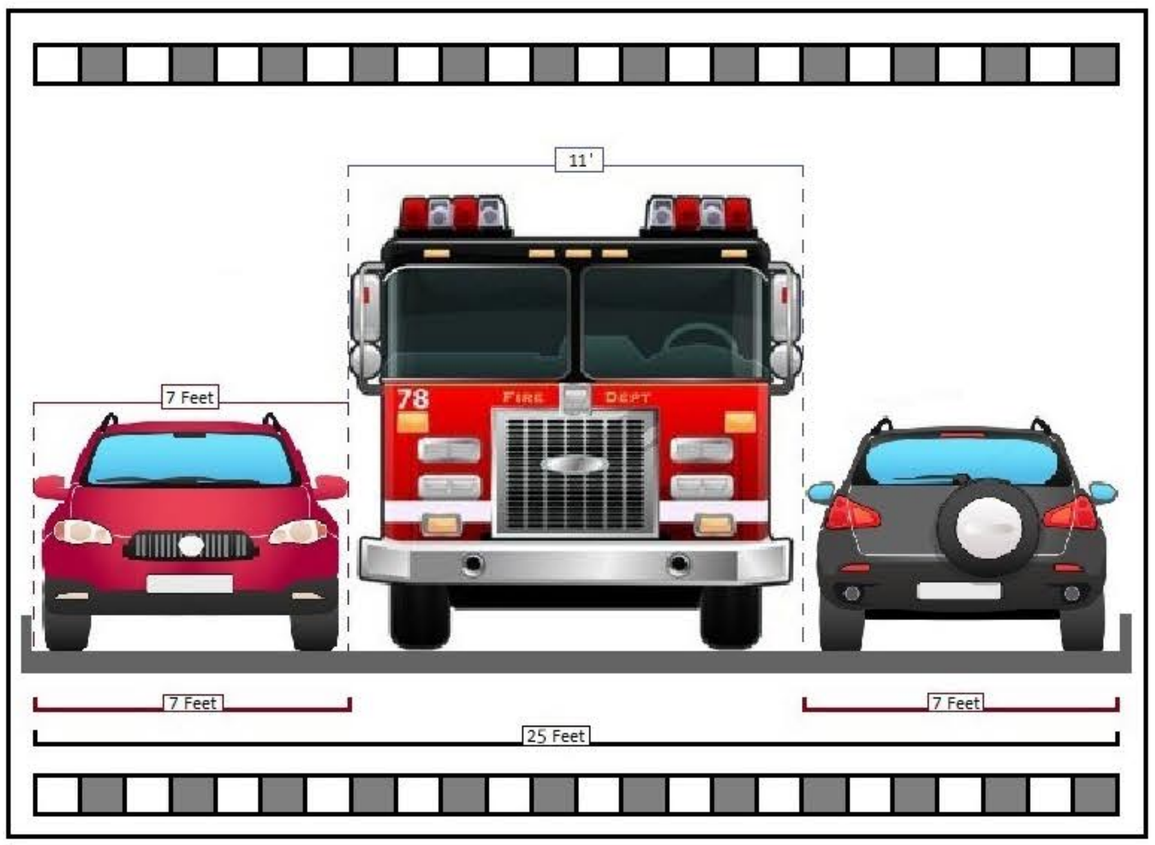
(c) Other exceptions. The building or structure is one of the following:

1. An accessory building; or

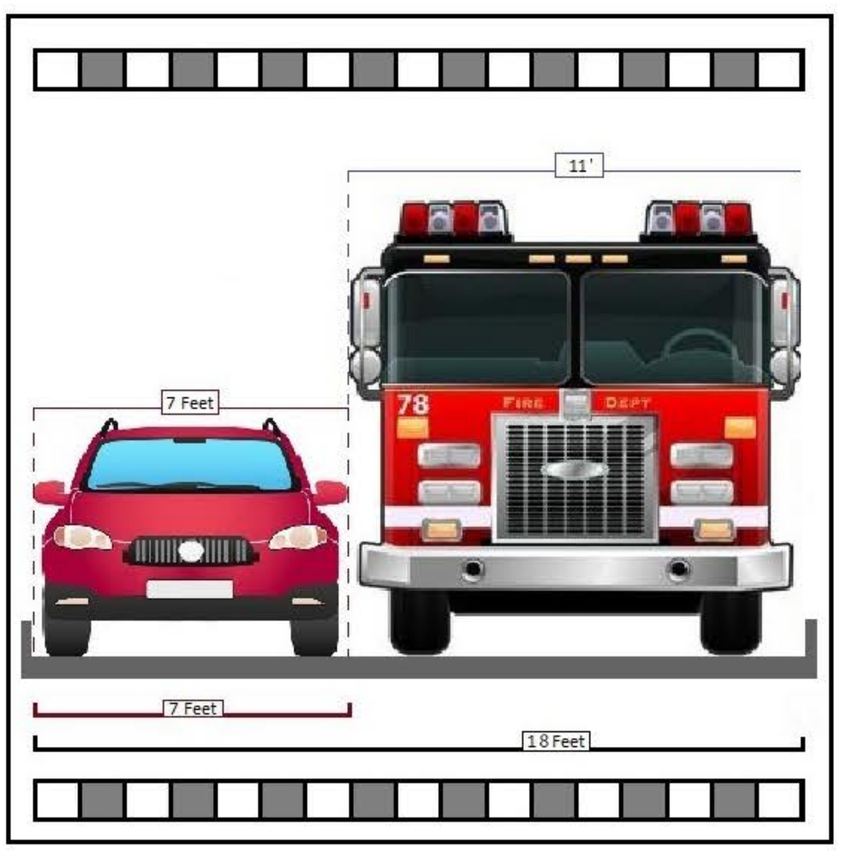
2. Part of a Planned Residential Unit Development.

ATTACHMENT B

Fire and Life Safety-



Parking on both sides of the street



Parking on one side of the street

No parking on either side of the street

7 feet is the minimum width necessary for parallel parking space.
The measurement was based on average vehicle widths and design standards for on-street (parallel) parking space in other municipalities, including the City of Chicago
9.9 feet is the width of most standard fire trucks

Planning Board Meeting Public Comment May 8th 2018

Text Amendment 14-403

Comments regarding **Section A** of this text amendment

Hello my name is Brent Adler, 47/49 Chapel Street. I attended the workshop meeting on March 22nd 2018.

I would like to thank staff for taking the time to improve this section of the land use code. I hope my comments and questions will help in determining that there is no need for Section A of this text amendment.

For your information Boston MA has a population of 687,584 people. Portland has a population of 67,067. I spoke with Michael Rooney of the Boston City Planning department and according to him there is no Code in the City of Boston that restricts the addition or development of any unit on a street that is narrow. Instead, the issue of safety is addressed by zoning ordinances that would allow for a deeper set back of a new building for better access of emergency vehicles. Boston has narrow streets like Portland and is a City in the United States.

Boston Fire department has the same fire truck as engine 31 of the Munjoy Hill Station, a Pierce Enforcer 1250/750. Training for the fire department to work on small accepted paved streets should be the solution to service urban infill and development on small accepted City streets, this would be a worthwhile investment for the future.

According to the discussion at the workshop on March 22 the amendment language clarifies our 35' ROW and adds individualized review on a case by case basis by experts in DPW and Fire for any submission of a unit or development on a street less than 25'. Adding units, whether its one 400 square foot or a 30 unit apartment building adds risk and stress onto emergency vehicles and Staff. It was also determined that City accepted streets are the responsibility of the City to maintain.

Up until now we favored the interpretation of 14-403 that the 35' rule did not apply to accepted City streets. I have given many examples, here are a couple more.

9 Romasco Lane- Planning board approved 4 unit in 2015 with a recent permit extension
Joy Place on the west end- condominium project approved in April 2018

It would be important to know how many permits have been denied based on 14-403 for City accepted Streets, this information would help to determine the current interpretation. Moving forward under the amendment we have clearly defined the paved width creating a moratorium

on streets less than 25’ and slowing urban infill and housing stock in the City. Blacklisting these streets as we develop the 2030 plan.

During the workshop, Chris Branch stated that accepted City streets are the responsibility of the City unlike unimproved non accepted City Street. How will DPW review an exception for a permit on a street less than 25’? Will he be basing his decision on the condition of the street, and if so wouldn't this be the responsibility of the CIty and not a condition of issuing an exception?

During the workshop Chief Gautreau stated that a fire trucks width is roughly 10’ wide but would need 16’ for the outriggers on a ladder truck. Does the fire department use a ladder truck on every call, and if not, what is the working room around a smaller pump truck used for single level access?

If we are going to leave these decision to the experts as Ms Torregrossa stated, why are we not giving them tools to make the decisions with. We have tools for staff during site plan and zoning review. Can we not make this more transparent and in the amendment start to clearly define what an exception would be? Let me give you an example of how my denial letter will read based on the current language of the amendment. My permit for Chapel street is ready for the expert review of the fire department and DPW. It has passed site plan review, design review, code review and zoning. This is what im expecting back from the DPW and the Fire chief when the amendment before you passes

Dear Mr Adler,

Thank you for your request for an exception of 14-403 section A. Unfortunately at this time we do not have the equipment, training, or resources to tend to emergencies at your proposed single family dwelling. This lot is serving the City just fine as a vacant non buildable lot.

Sincerely
DPW and Fire Chief

Ms Torregrossa stated that for each 2 bedroom unit there is up to 4 occupants that are added. And each one of these occupants add risk to the equation for emergency vehicles. Under this logic, in the India Street neighborhood where in a 2 block radius over the past 5 years over 200 2-3 bedroom units have been added, increasing the City occupants load at least 1000 people we should carefully consider if our current emergency response is satisfactory for all these new individuals. At what point will a new fire station be needed under the current logic of risk assessment? I do not see the risk on small City approved streets if the occupancy is managed, we know the stock and paved width of all our adopted streets here on the peninsula, this can be gathered through GIS. Why not take the smallest street, drive a fire truck down it and run a drill? I do not see the need to individualize review on small scale development. Can we not work

from the problem and see if it's possible to service the small streets first rather than declaring 25’ as the minimum. I am more optimistic about the abilities of our public services than declaring that it's impossible to drive down and put out a fire on a narrow street. There are rural roads in northern Maine that pose more of a problem than an urban City that is littered with Sprinkler Systems, building codes, Fire Hydrants and many fire stations. Can we not get some facts about our current equipment, how long are hoses, how many firefighters does it take to respond and extinguish a 400 square foot residential house that is sprinkled?

Finally, if it is the opinion of staff that its too risky to add occupants and services to city approved streets than there should be no reason why we cant add an exception for structures that do not require these level of services. I'm thinking structures such as garages, storage areas, green houses and beehives. Neither of which would need DPW. Thank you for your time.

Brent Adler