PLANNING BOARD

Tuesday, July 30, 2024 at 4:30 PM
Room 209 (2nd Floor of City Hall) and Zoom

MEMBERS
Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

The Planning Board invites the public to attend the meeting in person or Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board. Prior to the meeting, please check the Agenda Center https://www.portlandmaine.gov/602/Agendas-Minutes to view memos and reports which will be posted by the end of the day on the Friday before the Planning Board meeting. To submit written public comment on an agenda item, email planningboard@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Planning Board meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

REMOTE PARTICIPATION
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AGENDA:

WORKSHOP - 4:30 PM

i. ReCode Portland Zoning Amendments, City of Portland, Applicant. The Planning Board will hold a hybrid workshop to review proposed changes to the land use code under ReCode Phase II. More information on the draft changes can be found at www.recodeportland.me.

PUBLIC HEARING - 7:00 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON JULY 9, 2024

Workshop
165 Washington Avenue: Barker, Chann, Mazer, Silk and Smith present. Murphy and Stanley absent.
331 Cumberland Avenue: Barker, Chann, Mazer, and Smith, and present. Silk recused. Murphy and Stanley absent.

Public Hearing
9 Boyd Street: Chann, Mazer, Silk and Smith present. Barker recused. Murphy and Stanley absent.
235 Park Avenue: Barker, Chann, Mazer, Silk and Smith present. Murphy and Stanley absent.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON JULY 9, 2024

i. Major Site Plan; 9 Boyd Street; COMB Block Phase One, LP and Portland Housing Development Corporation, Co-Applicants. Smith motioned, and Chann seconded a motion to waive Technical Manual Sec. 1.10.3, to reduce the minimum requirement for a two-way driveway aisle from 24 feet, to 22 feet. Vote 4-0. Barker recused, Murphy and Stanley absent. Smith motioned, and Chann seconded a motion to approve the major site plan application. Vote 4-0. Barker recused, Murphy and Stanley absent.

ii. Major Site Plan; 235 Park Ave; Portland Sea Dogs, Applicant. Barker motioned, and Chann seconded a motion to approve the major site plan application. Vote 5-0. Murphy and Stanley absent. Barker motioned, and Chann seconded a motion to approve an impact fee modification, based upon the proposed substantial reduction in demand on capital facilities. Vote 5-0. Murphy and Stanley absent. Barker motioned, and Chann seconded a motion to adopt the draft approval letter as the Planning Board's decision, and authorize the Board Chair to sign the approval letter as drafted. Vote 5-0. Murphy and Stanley absent.

5. NEW BUSINESS

i. Historic Preservation Board Appeal; 42 Atlantic Street; LB Atlantic, LLC, Applicant; Joe Lewis, Appellant. The Planning Board will hold a hybrid public hearing to consider an appeal of the Historic Preservation Board's decision to issue a Certificate of Appropriateness for application HPBR-002814-2024; for the proposed 30-unit affordable housing project at 42 Atlantic Street. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number HPBR-002814-2024.

ii. Major Site Plan; 42 Atlantic Street; LB Atlantic, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a proposal to demolish an existing single-story structure and redevelop the property at 42 Atlantic Street with a new 4-story, multi-family building with 30 affordable dwelling units. The subject property totals 0.23 acres and is zoned R-6 Residential. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-002880-2024.

iii. Major Site Plan and Conditional Use; 1060 Westbrook Street; Giri Hotel Management, Applicant. The Planning Board will hold a hybrid public hearing to consider a proposal to construct a new three-story, 120-room Hyatt Studios Hotel, with 106-space surface parking lot at 1060 Westbrook Street. The subject property totals 4.03 acres, and is zoned AB Airport Business zone. A project and plan summary are available for viewing on the city's CSS Portal

(https://css.portlandmaine.gov/) by referencing Plan Number PL-002815-2024 and CU-002828-2024.

Planning Board Memorandum
Planning & Urban Development Department

To:	Chair Mazer & Members of the Planning Board
From:	Kevin Kraft, Director
	Nell Donaldson, Director of Special Projects
Date:	July 26, 2024
Re:	ReCode Phase II – Second Wave Changes to the Land Use Code + Zoning Map
Meeting Date:	July 30, 2024

I. INTRODUCTION

On July 30, the Planning Board will hold a second workshop on the "second wave" of draft changes to the land use code under ReCode Phase II, which were released in April 2024. This second wave includes revisions to the entire land use code and the zoning map. The Board previously met on June 5 to review the second wave; that meeting featured discussion on site plan thresholds, parking standards, heights, and map changes, among other topics. This second workshop will allow the Board an opportunity to review public feedback on the second wave to date, revisit those topics as necessary, and explore new topics that have surfaced through public engagement in the intervening time.

II. SECOND WAVE OF DRAFT CHANGES TO THE LAND USE CODE

In June of 2023, the City released the "first wave" of draft changes to the land use code under ReCode Phase II. These changes involved four core articles of the code (Definitions, Zones, Use Standards, and Dimensional Standards), which are fundamentally related and lay the foundation for much of the rest of the code. Altogether, over 110 people attended public forums held on the first wave and the City received over 350 written comments on the first wave changes. A summary of this feedback can be found online here and in *Attachment 1*.

After the close of the first wave public comment period in the fall of 2023, the process of reviewing public input, revising the first four core articles, and developing draft amendments to the remainder of the land use code and the zoning map began. The resulting "second wave" of draft changes are those under review here. Text edits are shown in *Attachments 2* and *3*. A draft zoning map can be found in *Attachment 4* and in an interactive format online. Guides to proposed changes can be found in *Attachment 5* and online here. A storymap description of the map changes is included here.

III. PUBLIC ENGAGEMENT

In April, the second wave of draft changes to the land use code under ReCode were released in both pdf and online commenting formats on the ReCode website (www.recodeportland.me/second-wave-changes), mirroring the approach used for the first wave changes. In addition, redlines of the text changes were published as pdfs and guides to each of the second wave articles were produced. The release was broadly publicized through the ReCode email list, the City's mailing lists, and social media. Staff appeared at MEREDA's spring conference to promote the second wave edits on May 15 and on GPCOG's Let's Connect podcast on May 23, and the *Portland Press Herald* published an article on the ReCode work on May 28.

On June 4 and 5, staff hosted a two-day ReCode Studio at One Canal Plaza. The event was structured in a gallery-style format, where the public could walk in, engage with ReCode materials in visual form, view a short film, explore the zoning map, and provide comments and markups on the draft edits to the land use code. Altogether, over 200 members of the public visited the ReCode Studio over the course of the two-

day event. The materials from the studio can be explored online here and are included as *Attachment 6*. The *Portland Press Herald*'s coverage of the event can be viewed here and a summary of written comments from the studio is included in *Attachment 7*.

On June 17, the Peaks Island Council hosted staff for a meeting on Peaks Island to review the second wave changes. Approximately 50 people attended the meeting, providing comments on a range of island zoning topics. Staff also appeared at Mechanics of the Built Environment event through the Portland Society for Architecture on July 21, again providing an opportunity for the public to engage with the second wave materials and provide feedback.

Since the release of the second wave of ReCode changes in April, the City has received over 550 written comments from 150 individual commenters on various aspects of the drafts via email, form submissions, the online document commenting platform Konveio, and the GIS-based map commenting platform on the ReCode website. Individual email and form submission comments (including those dating back to the start of ReCode Phase II) have been included as *Attachment 8*. These comments, plus comments on the second wave drafts received through Konveio and GIS, have been assembled and included in *Attachment 9*.

IV. TOPICS FOR THE BOARD TO CONSIDER

Since the release of the second wave edits, members of the public have provided a range of input reflecting a variety of perspectives on the proposed code changes. When viewed as a whole, several themes emerge, many of which have been the subject of conversation since the outset of ReCode. These themes are highlighted here as a framework for Board discussion. It should also be noted that comments received from Board members in the time since the first workshop have been included with responses in *Attachment 10*.

1 HOUSING

What's proposed in ReCode

Housing is a central topic in *Portland's Plan* and thus a central part of ReCode. The second wave drafts include a number of changes designed to create more opportunities for housing in various ways, depending on the context (*Figure 1*).

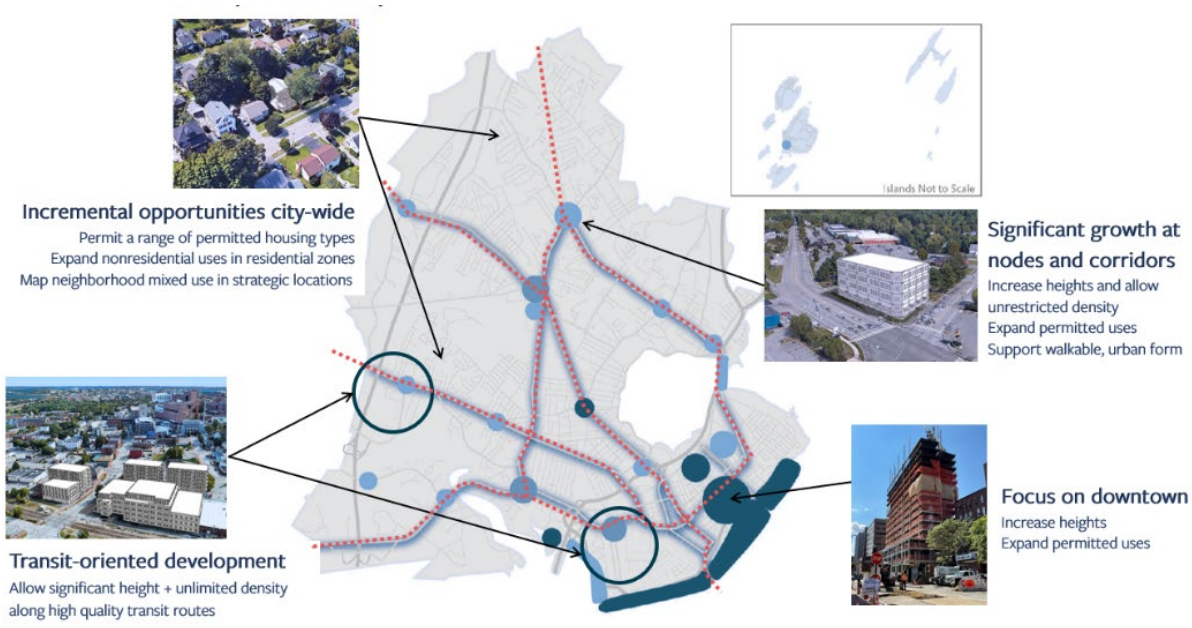


Figure 1: Core principles of ReCode

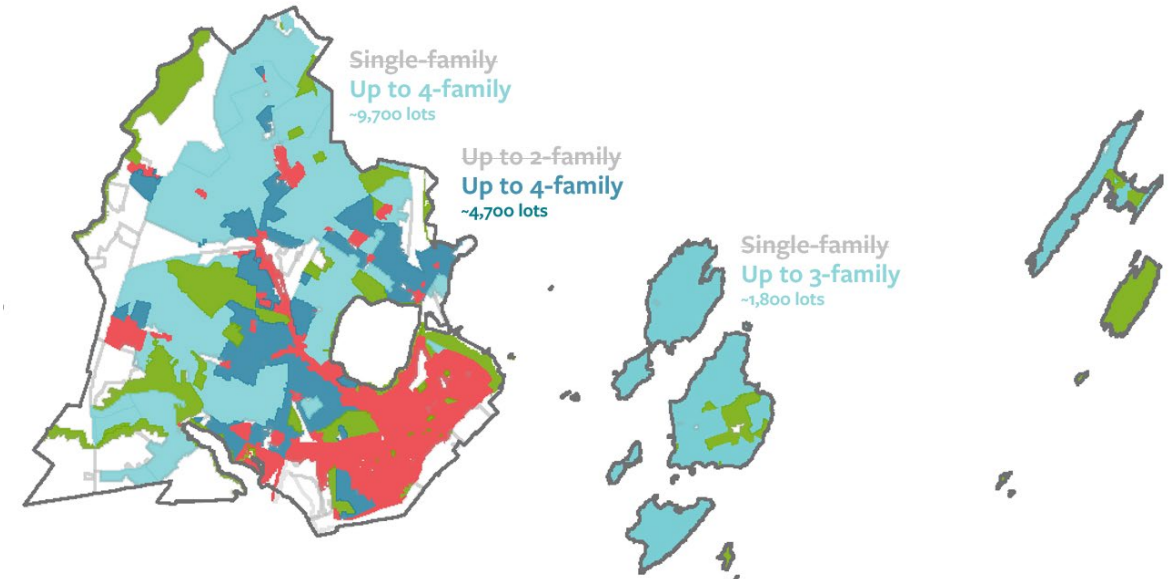


Figure 2: Use permissions before (in gray) and after (in color) LD 2003, with number of lots affected

<u>The drafts include changes to zone structure, use permissions, and dimensional standards within residential zones.</u>
In the second wave drafts, existing residential zones with similar forms and purpose statements are proposed to be consolidated, including the R-1 and R-2 (to make the new RN-1 zone). ReCode also proposes to expand denser residential zones like the RN-4 (the existing R-5) to areas of the city where the existing lot pattern is consistent with proposed standards, creating new opportunities for neighborhood residential development.

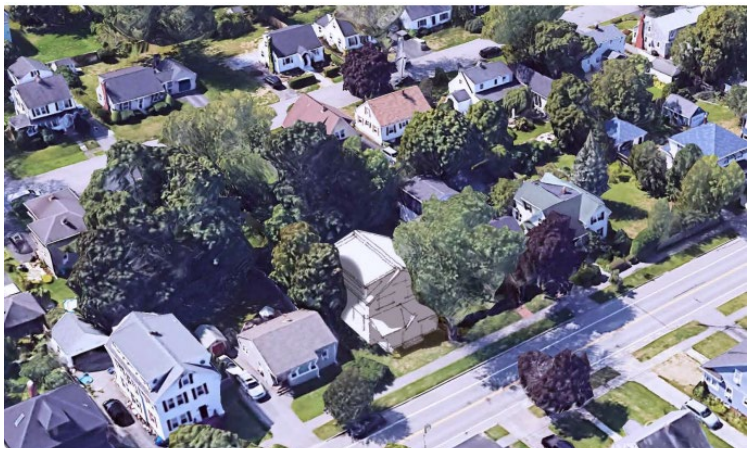


Figure 3: Potential infill development in the RN-4 under ReCode

Based on work adopted by the Council under LD 2003, the drafts before the Board permit up to four residential units on conforming lots in all mainland residential zones, and three units on all lots on the islands. This marks a significant shift from the pre-LD 2003 use permissions, opening up over 15,000 lots in the city that were previously limited to single- or two-family use (*Figure 2*).

The drafts also include changes to minimum lot sizes, street frontages, setbacks, and lot coverage within residential zones. These changes are targeted – they are not designed to radically reshape the existing built context, but are meant to support increments of additional housing within the existing lot and building framework (*Figure 3*). The dimensional standard that is proposed to change most significantly is lot coverage, a standard which was modified under LD 2003 to allow up to 60% for any lot in residential use within a residential zone, unless otherwise exceeded under existing zoning.

The drafts focus opportunities for significantly more housing in areas with the infrastructure to support it, in alignment with smart growth principles.

The drafts expand dimensional standards in mixed-use zones along key corridors and within nodes, allowing for the production of housing at scales that can take advantage of existing infrastructure and support further investments in transit service. Under the proposed changes, special provisions that limit height and density on corridors off-peninsula would be eliminated, maximum densities in mixed-use zones would be removed altogether, and heights would be increased in the B-1, B-2/B-2b, and B-3 zones. These changes would create significant new opportunities for housing (*Figure 4*).



Figure 4: Potential development in the B-2 zone at Allen's Corner under ReCode

What we've heard

Among all of the feedback generated by ReCode, housing is the most prevalent theme, with members of the public almost uniformly recognizing the need for more housing, but with disparate opinions about how best to achieve that goal. Feedback to date on the second wave has generally suggested further expanding the regulations to promote housing production. Common themes from the feedback include:

- Suggestions for more permissive use standards within residential zones, including ideas to:
    - Allow new multi-family construction (defined as 5+ units) and townhouses in traditionally lower-density residential zones such as the RN-2 (R-3)
    - Provide more flexibility around alternative development options, including ADUs (within front yards, with increased heights and more permissive floor area limits) and cottage courts (with rowhomes and unlimited number of structures)
    - Further expand revisions designed to create flexibility for construction on narrow and unaccepted city streets (Section 6.4.1)
- A desire for more permissive dimensional standards (including reduced setbacks and increased building lengths) within residential zones.
- Suggestions for additional mixed-use zoning.

Questions for the Board to consider

- Does the Board support the proposed use and dimensional changes to promote incremental, infill development in residential zones paired with more significant opportunities for housing in mixed-use zones? Should additional mapping of mixed-use zones be considered?

2 INDUSTRIAL ZONING

What's proposed in ReCode

With the exception of the mixed-use B-4 zone, the ReCode drafts do not suggest opening zones which have historically not allowed housing, such as the industrial zones, to residential uses. This approach is informed by both the policy of *Portland's Plan*, which supports a diverse economy including an industrial base, but also

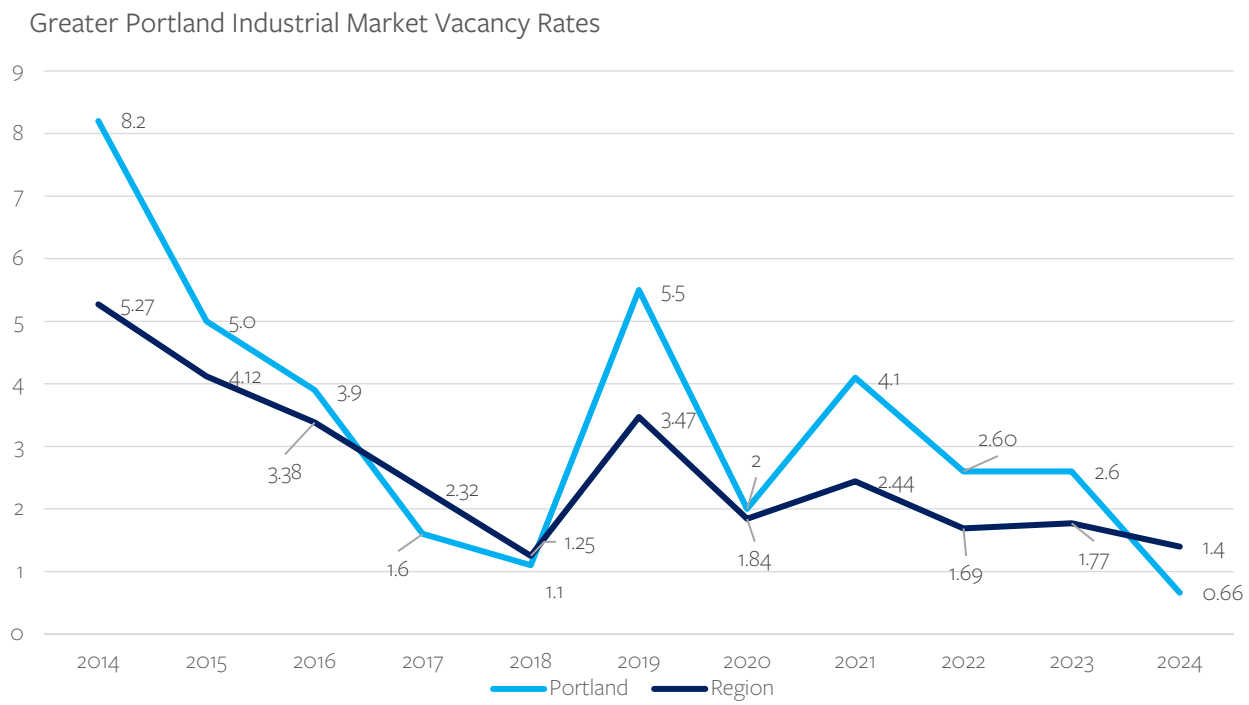


Figure 5: 2024 Southern Maine Industrial Market Survey | Dunham Group

data which shows an erosion in Portland's industrial land area over the past 10 years (the loss of more than 90 acres) and strong demand for industrial space within the Portland market; according to the Dunham Group's *2024 Southern Maine Industrial Market Survey*, Portland has a remarkably low 0.6% industrial vacancy rate, while the region has a vacancy rate of 1.4% overall (*Figure 5*). The report goes on to state:

> *"In simple terms, the lack of industrial supply in Southern Maine is detrimental to our economy."*

For this reason, aside from several selective map changes to transition undeveloped industrial areas to more permissive zoning, ReCode also generally proposes to retain industrial zoning in areas that can support and grow industrial/manufacturing and other job-generating uses. Many of these industrial areas have remained decidedly industrial. This has occurred in smaller pockets of the city not as accessible by public transit, farther from services and amenities, and closer to major transportation routes, including Riverside Street, Presumpscot Street, St. James Street, and the south end of St. John Street. Retaining areas of the city for businesses in the industrial sector, particularly those that rely on intensive trucking and loading operations, is important for the city's and region's overall economy. These businesses depend on limited siting options that have relatively easy access to transportation hubs such as I-95, I-295, railroads, the waterfront, and Jetport. Furthermore, these businesses rely on sites that are farther from residential neighborhoods, where there is less competition for land from other high-value uses, such as residential, where tenants are also more sensitive to noise, odors, and other impacts of industrial activities. Furthermore, industrial/manufacturing businesses generally require larger lots and blocks to accommodate large, flexible ground floor space for production, equipment, loading, storage, and wide column spacing as well as parking and truck maneuverability.





Figure 6: Micucci Wholesale (left) Allagash Brewery (right)





Figure 7: Richard Waltz Heating (left) Cozy Harbor Seafood (right)



Figure 8: Riverside Recycling Center

As Portland continues to grow and densify there are few remaining areas of the city that can accommodate the types of businesses that help keep the city running, such as manufacturing, wholesalers, landscape/tree companies, construction supply companies, roofing, processing waste, warehousing, breweries, recycling companies, last mile delivery services, food production, biotech firms, and many more. This approach is supported by *The Maine 2020-2029 Economic Development Strategy: The 2024 Reset*, which was released in March 2024. The report outlines several strategies to bolster Maine's economy, including leveraging the state's heritage industries, such as forestry, farming, and fishing to generate global products and practices driven by new technologies, AI, and data science. It also emphasizes potential growth in high-growth sectors like aerospace, AI, bio-based alternatives, and renewable energy while capitalizing on the "Made in Maine" brand. The ReCode strategy to retain and encourage industrial growth aligns and complements state goals

and Portland's vibrant, diverse economy. This includes the city's legacy working waterfront and fishing industries, as well as its institutions of higher education (Roux Institute, Maine College of Art & Design, University of Southern Maine, University of New England, Maine Law), bio-based industries, healthcare sector (MaineHealth, Northern Light Mercy), and dynamic creative arts and food sciences.

What we've heard

A number of public comments have focused on the concept of diversifying the range of uses within industrial zones, particularly for the benefit of new housing opportunities.

Questions for the Board to consider

- Does the Board support the approach of retaining industrial zones in pockets of the city to support a diversified economy?

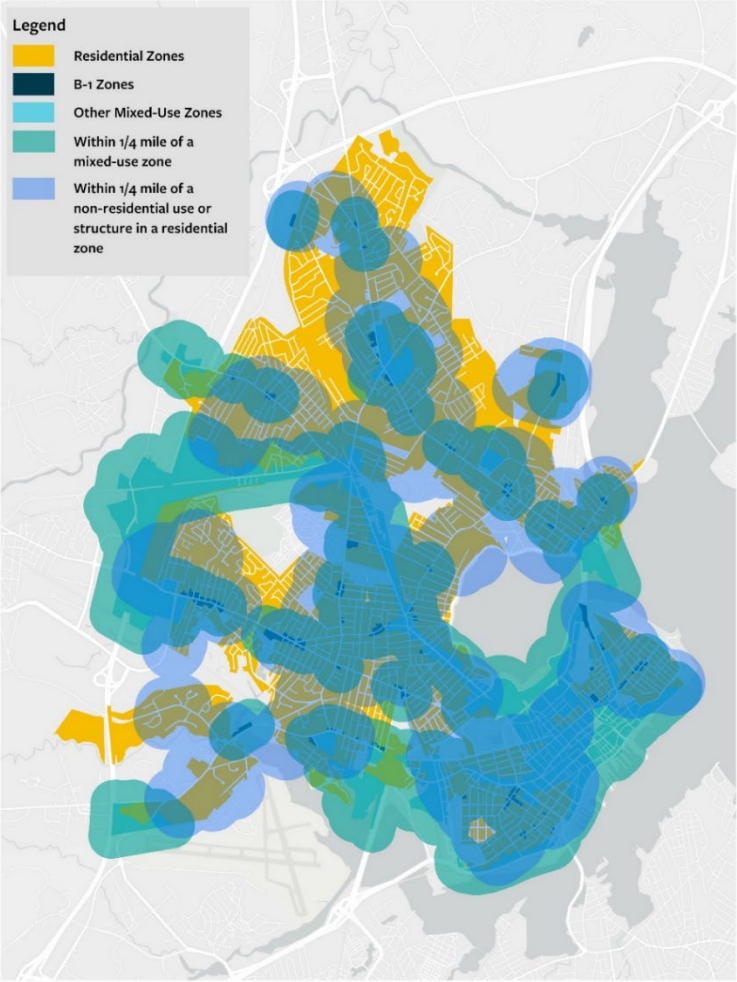


Figure 9: ¼ mile walkshed from proposed mixed-use zoning and potential nonresidential neighborhood reuse

3 NEIGHBORHOOD COMMERCIAL

What's proposed in ReCode

In alignment with *Portland's Plan* goals around complete neighborhoods (as well as climate goals and others), the second wave ReCode drafts propose both use and map changes that promote commercial uses that commonly serve as destinations close to and within residential areas. The drafts add new uses in residential zones, allow for the reactivation of existing nonresidential spaces in residential zones, and expand B-1 zoning to allow for more neighborhood-scale mixed-use near predominantly residential neighborhoods.

The approach employed in ReCode is based on the premise that planned growth of new commercial uses through a complete neighborhood lens can better capitalize on existing infrastructure than a scheme which might allow scattered commercial uses anywhere within a residential neighborhood. The proposed mapping of B-1 zones where there are existing (often nonconforming) nonresidential uses or the potential for new nonresidential uses at corners and intersections would create new B-1 zones in the West End, Libbytown, Munjoy Hill, Parkside, Riverton, North Deering, and East Deering. Neighborhood nonresidential reuse, which would be conditionally permitted across all residential zones under ReCode, would allow properties with existing

nonresidential buildings (e.g. a former church, corner store, or community hall) or existing nonresidential uses to be reused as small office, restaurant, retail, specialty food service, or studio. Collectively, these two strategies would put the vast majority of the city's residential zoning within a ¼ mile of a commercial opportunity (*Figure 9*). Additionally, restructured home occupation regulations would make it easier for property owners to open a business at home.

What we've heard

Similar to comments on housing, the push for additional opportunities for neighborhood commercial is a common theme in ReCode comments. For example, a number of commenters have suggested expanding use permissions to allow for new construction of small commercial uses across residential zones.

Questions for the Board to consider

- Is the proposed approach (creating additional B-1 zoning while allowing reuse of existing nonresidential structures in residential zones and creating flexibility for home occupations) enough to support complete neighborhoods?

4 TRANSIT-ORIENTED DEVELOPMENT

What's proposed in ReCode

The map and text changes proposed in the second wave of ReCode edits include two new Transit-Oriented Development zones, with dimensional standards (including heights of 80' – 125') and use permissions significant enough to support high-quality transit (*Figure 10*). These TOD zones have been drafted on the zoning map based on the *Gorham-Westbrook-Portland Rapid Transit Study*, which has identified the Brighton Avenue corridor as a future rapid transit alignment (*Figure 11*), as well as ongoing discussions about the future location of the Downeaster train station. Collectively, the two areas mapped TOD-1 on the draft zoning map total approximately 2 million SF (or 46 acres) in size, an area larger than the entirety of the city's Old Port.

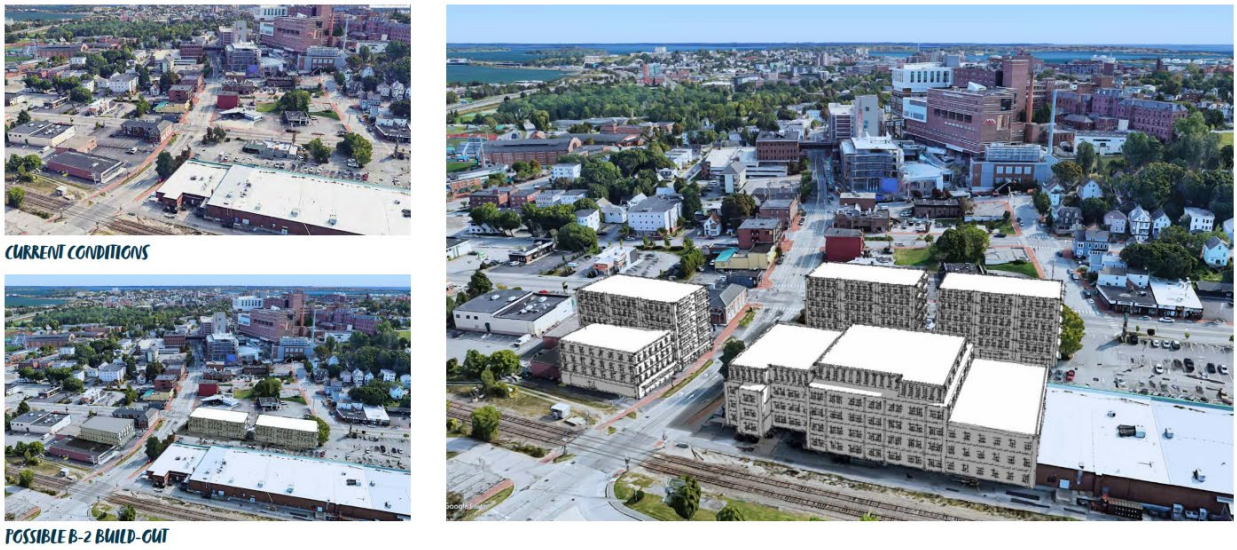
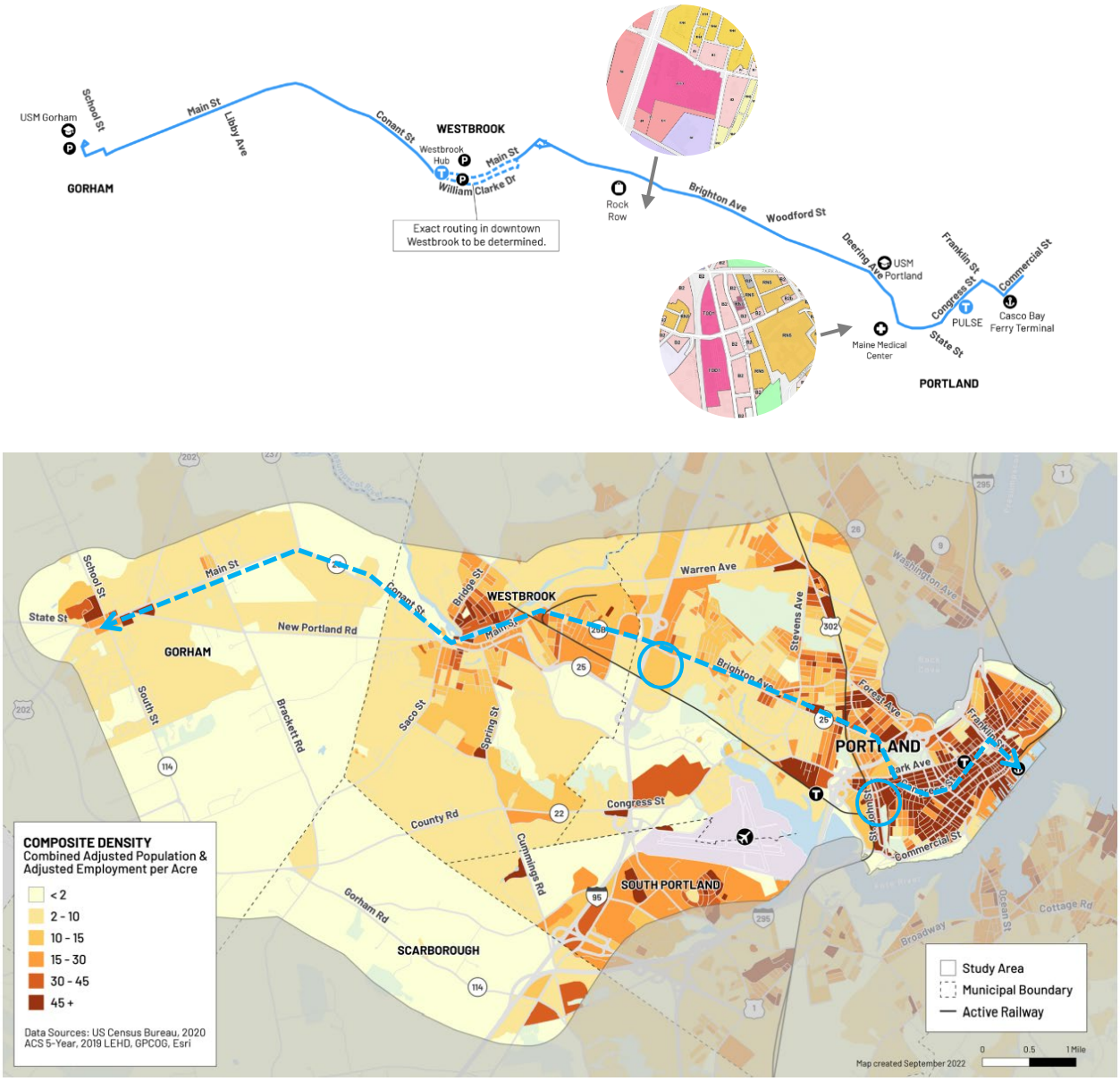


Figure 10: Potential buildout under the proposed TOD-1 zone



Figures 11 & 12: Preferred alignment for regional rapid transit and proposed TOD zones (top), overlaid with existing housing and employment density (Source: PACTS Gorham-Westbrook-Portland Rapid Transit Study)

It should be noted that, while TOD zones have been drafted into ReCode, all of the city's mixed-use zones are, in effect, "transit-oriented," in that they are designed to support an intensive mix of housing and jobs and an urban form that promotes walkability. The B-3 zone, for instance, is already successfully producing the highest housing and job density in the region (*Figure 12*).

What we've heard

While feedback on the inclusion of the TOD zones has generally been positive, the second wave comments, as with other topics, generally tend to encourage more aggressive use of this zoning tool. Members of the public have suggested mapping TOD onto the entirety of commercial corridors where bus lines exist across the city, for instance.

Questions for the Board to consider

- Is there sufficient TOD mapped? If not, how should other opportunities for TOD zoning be identified? Is a nodal approach to mapping sufficient, or should TOD zoning replace existing mixed-use zoning along the city's transit-served corridors?

5 PARKING

What's proposed in ReCode

Changes proposed within the off-street parking requirements in Article 18 (Off-Street Parking and Loading) eliminate off-street minimums, create parking maximums, and expand bicycle parking requirements. These changes are designed to allow the use of valuable real estate for buildings, rather than parking, to promote denser, more walkable new development that de-emphasizes the role of the automobile as the primary mode of transportation, and to allow for the de-coupling of housing and parking spaces, which can support the production of affordable units. As drafted, new uses and developments could opt to provide any amount of parking up to a designated maximum. Maximums could be exceeded by no more than 25% in certain cases, including where an applicant chooses to provide a percentage of the spaces for public use, or where a parking study supports an assertion that additional parking is appropriate.

What we've heard

Feedback on parking maximums has been mixed, with some expressing strong support and encouraging lower parking maximums, and others raising concerns about the impacts of new development with no associated parking.

Questions for the Board to consider

- Does the Board support the approach to elimination of parking minimums, and establishment of maximum parking requirements?

6 HEIGHT

What's proposed in ReCode

As discussed at the first workshop, the second wave draft of Article 7 (Dimensional Standards) includes some revisions to ensure parallel language around the rules of measurement for height calculations based on average grade and pre-development grade. These changes build on first wave edits that clarified and made these rules of measurement generally consistent. However, no fundamental changes to the rules for calculating height are proposed. As noted at the first workshop, changes were considered at length, after a review of potential alternative practices, including practices from peer cities.

The drafts include proposed increases to height permissions to encourage more mixed-use development primarily within mixed-use zones, based on feedback from builders, assessments of scale in the context of street width, as well as an analysis of local examples (*Attachment 11*) and peer cities. As noted above, heights are proposed to change:

- From 35' off-peninsula/45'-50' on-peninsula to 50' in all B-1 zones (*Figure 13*)
- From 45'-50' to 65' in the B-2/B-2b zone (*Figure 14*)
- From a maximum of 210' to a maximum of 325' in the B-3 zone, with new heights proposed along Congress Street, a secondary spine on Temple Street, and along Franklin Street



Figure 13: West End Place, 40-44 Pine Street (183-189 Brackett Street) / ~45', 4 stories (2015)



Figure 14: Hilton Garden Inn Downtown Waterfront, 65 Commercial Street / ~63', 6-stories (2003)

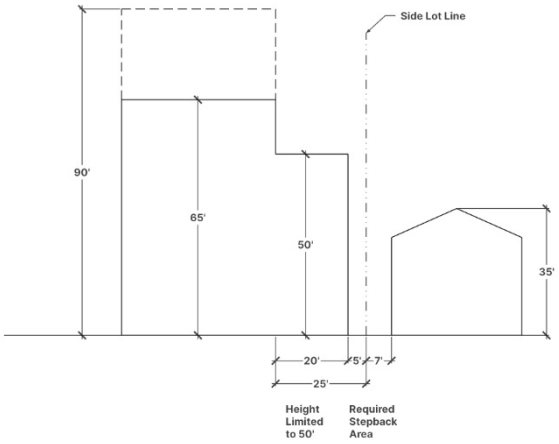


Figure 15: Proposed B-2 heights, with side stepbacks and potential affordable housing height bonus

What we've heard

On the topic of height, feedback has continued to press the question of height measurements (arguing for various methodologies), and has also raised specific questions on proposed heights, reflecting both support for increased height and concerns about height, the relationship to the historic built context downtown, and transitions between mixed-use zones and adjacent residential properties. The use of affordable housing height bonuses, which would allow 10'-25' on on top of proposed heights depending on the share of affordable units in a proposed building, has also emerged as a concern (*Figure 15*). It should be noted that these bonuses were developed as a means of addressing dimensional standards that generally limited height.

Questions for the Board to consider

- Does the Board support increases in heights as a means of encouraging more mixed-use development within mixed-use zones? If so, should affordable housing height bonuses be eliminated as a result of increasing base heights in all mixed-use zones to ensure more predictability?

7 ISLANDS

What's proposed in ReCode

Under ReCode, some changes are proposed to zone boundaries, uses, and dimensional standards in island zones, with the goals of simplifying the island

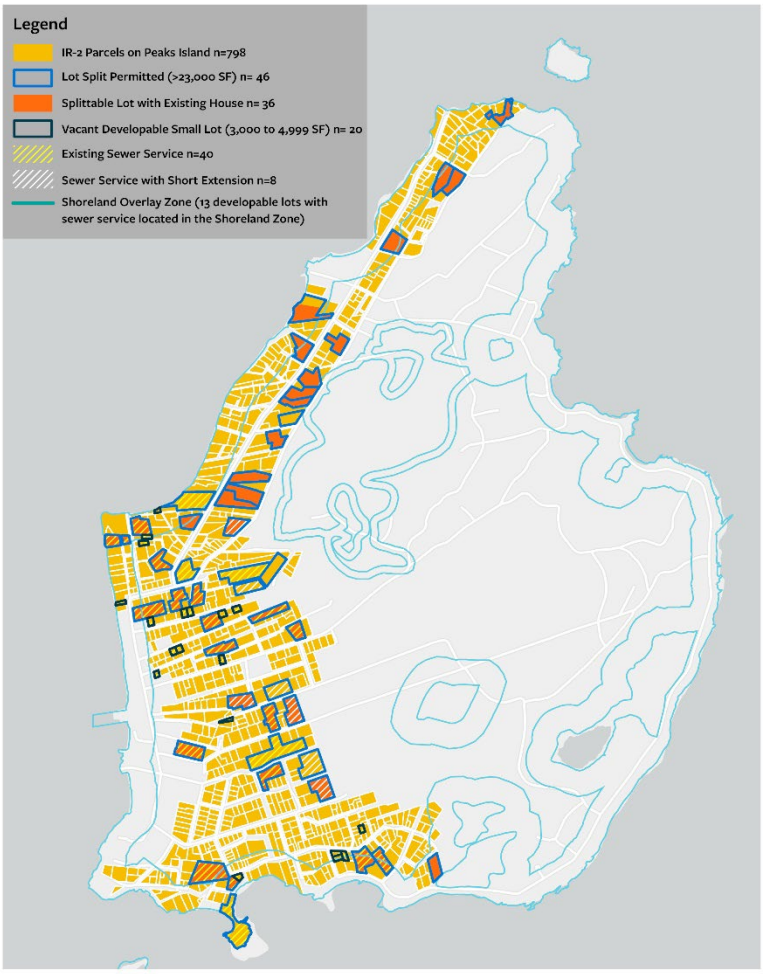


Figure 16: Potential for small lots under the proposed small island lot provisions for Peaks Island

zoning, allowing more flexibility for island businesses, and providing opportunities for additional increments of housing.

Map changes include the removal of the IR-3, the zoning designation used in concert with a conditional zoning agreement in the area of Ft. McKinley on Great Diamond Island, and adjustments to the I-B zone on Peaks Island to account for split lots, existing nonconforming nonresidential uses, as well as the potential for additional commercial space and small multi-family development on the island. It should be noted that staff is working with the Diamond Cove Homeowners' Association on amendments to the Diamond Cove conditional zoning agreement (CZA) to address all elements of the IR-3 zoning, and ultimately, the CZA will be shown on the final zoning map.

Use changes include the addition of neighborhood nonresidential reuse in the island residential zones, and general office, greenhouse/nursery, specialty food service, low-impact industrial, and child care uses within the I-B zone. In addition, four-family dwellings would be allowed by right within the I-B zone under ReCode, and conversion of existing structures to multi-family is proposed to be allowed as a conditional use. It should be noted that the LD 2003 use permissions, which allow three units by right on any lot on the islands, have also been integrated within the ReCode drafts.

Dimensional changes include the creation of small island lot provisions within the IR-2 on Peaks Island, based on long-standing parcel patterns, which would apply to existing lots less than the standard 20,000 SF minimum lot size but greater than 3,000 SF, including new small island lots created by single division that leaves a standard lot remaining. Existing and new residential uses on these lots would be subject to reduced street frontage and setback requirements, which would allow lot holders new flexibility in the case of additions or new construction. Maps depicting the extent of the IR-2 zone and existing sewer service show approximately 20 vacant lots that would qualify as buildable small lots within the IR-2 on Peaks Island, and approximately eight vacant lots that could be split to create a small lot under the proposed small lot standards (*Figure 16*).

What we've heard

There has been substantial feedback from island residents about the changes proposed for the island zoning. This feedback includes:

- Much discussion about the IR-2 small lot provisions on Peaks Island, including requests for more flexibility as well as concerns about the potential for more development under these provisions than the island can support. Commenters also raised concerns about development potential across the islands under the LD 2003 changes, particularly the allowance for three units on all lots and the 60% lot coverage provision.
- Suggestions to create additional flexibility for businesses within residential zones on the islands, potentially through home occupation provisions.
- Questions about split lots and the proposed changes to the I-B boundary on Peaks Island in particular, with particular concerns about the depth of the proposed I-B.

Questions for the Board to consider

- Should additional adjustments to the use permissions and dimensional standards be pursued within the island residential context?
- Should the approach to neighborhood commercial and complete neighborhoods be expanded through additional I-B zoning, the home occupation language, or special neighborhood nonresidential reuse provisions applicable to the islands only?

8 ZONING MAP

What's proposed in ReCode

The draft zoning map includes a number of structural changes, including a wholesale shift to parcel-based zoning (as opposed to 'floating' zones which may cross parcel boundaries) and the consolidation of several base zones. The map also includes adjustments to zoning boundaries to address nonconformities, both in terms of lot size and in terms of use. For example, the proposed map includes a number of areas which are currently in R-3 zoning but are proposed on the map as RN-4 (R-5), identified based on the prevalence of nonconforming lots. Similarly, there are numerous areas on the proposed map where a rezoning from residential to B-1 or I-B is proposed, based on the presence of an existing nonconforming nonresidential use. Lastly, the draft map reflects a number of policy-oriented changes, such as the addition of the TOD zones and the rezoning of key areas like Marginal Way east of Franklin Street, where additional height and mixed-use development can support the City's long-term vision for the area.

What we've heard

The proposed zoning map has been the source of a variety of comments, many of which focus on the rezoning of single parcels. However, there are some themes that emerge:

- Many commenters suggest additional mixed-use zoning, often in specific areas along corridors. Other commenters oppose changes to mixed-use zoning, often in the same areas.
- There are a number of comments suggesting more expansion of the RN-4 zone into areas that are currently R-3.

Questions for the Board to consider

- Should the map be modified to show more mixed-use zoning particularly in areas along major corridors or in nodes? Should higher density residential zones (RN) be expanded in off-peninsula neighborhoods?

9 ORGANIZATION AND SIMPLIFICATION

What's proposed in ReCode

ReCode proposes to consolidate existing residential and mixed-use zones, to streamline use and dimensional standards, to add clarity to definitions and measurement methodologies, and to include illustrations that elucidate some of its more complex concepts and approaches. Additionally, specific items within the code have been simplified, such as thresholds for review under site plan and historic preservation.

What we've heard

While there has been support for much of the consolidation proposed, some commenters continue to suggest additional measures to simplify the code. A number of comments suggest the consolidation of additional residential zones with similar purposes and dimensional standards, especially since the incorporation of the LD 2003 use permissions reduces the variation in uses across the residential zones. Other commenters have suggested ideas such as eliminating distinctions between all residential uses, and moving to an approach where a single use of "dwelling" would be allowed across the zones, subject to dimensional standards.

Questions for the board to consider

- Do the proposed reorganization and simplifications go far enough? If not, what additional changes should be considered? Should additional zone consolidation occur?

V. UPDATE ON HISTORIC PRESERVATION BOARD REVIEW

On May 29 and July 17, staff appeared before the Historic Preservation Board to review proposed changes related to the historic preservation ordinance. Materials for these workshops can be found here. Changes have also been shared with the Maine Historic Preservation Commission (MHPC), whose staff have provided comments that have informed the Board's review.

Over the course of two workshops, the Historic Preservation Board focused on many topics, including the criteria for historic designation, categories of designation, protections for National Register-listed properties, the relationship between the historic preservation review standards and the underlying zoning, the wording of the standards for review, thresholds for review, and the authority of the Board to review applications for Certificates of Economic Hardship. Following the second workshop on July 17, staff is revising the draft historic preservation ordinance to respond to the Board's, the public's, and the MHPC's feedback, with the goal of presenting a final draft to the Historic Preservation Board for review in early August. This revised draft will be shared with the Planning Board along with revisions to all other articles of the land use code at the time of public hearing.

VI. NEXT STEPS

Beginning in August, staff will formally close the public comment period on the second wave drafts and start the process of making final revisions, taking into account Board feedback, public feedback, and input from other City departments. Planning Board review of these final drafts is anticipated in the early fall.

ATTACHMENTS

1. ReCode First Wave comments
2. Second Wave Draft Land Use Code - Redline
3. Second Wave Draft Land Use code
4. Second Wave Draft Zoning Maps

5. Second Wave Article + Zone Guides
6. ReCode Studio Materials
7. ReCode Studio Summary
8. ReCode General Public Comment
9. Second Wave Comments To Date
10. Planning Board Comments and Responses
11. City of Portland Sample Heights

ReCode First Wave Comments

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Cheryl Leeman	08/11/2023	Email	1. Introductory Provisions	1.8.1 Meaning of words and terms	Section referencing to “undefined” terms (1.8 Rules of interpretation, Section 1.8.1 Meaning of word and terms if not stated are interpreted by common dictionary meaning or customary usage... To insure correct interpretation, terms to be defined should include definition of urban, urban compact development, on or near peninsula (on-peninsula south of I295 and on-peninsula north of I295), classification of streets (arterial, collector or local), Dwellings (Conservation and Cottage Court),	Not all terms are defined in the code. Many of these are generally used in the code, and their common definition can suffice.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	10. Waterfront	General	Ensure that the City’s waterfront zones continue to function effectively. To acknowledge and support prioritizing the mix of marine and non-marine uses in the EWPZ, while prioritizing the health and operational needs of the working waterfront, consider zoning text modifications that allow for the general public to more fully experience the area (see our proposed Zoning Text Amendment on page 1 [regarding rooftop uses]).	See proposed change in Article 7 to exempt decks and other surfaces (such as pedestal pavers) up to 18" in height from height limits.
Barbara Vestal	07/13/2023	Email	13. Site Plan	Design standards	The "first wave" is said to only address definitions, zones, uses and dimensional standards. The design standards appear in later sections -- particularly in the site plan and historic preservation sections. It is hard to tell from this first wave release where you are going with design review issues. Is it your intent to also remove the concepts of preserving neighborhood character and consistency with the neighborhood context from the design standards? If so, what do you envision the standards will be based on? Or is it the intent to remove design considerations entirely? I would be interested in your thoughts.	See Article 13, which continues to require compliance with the Design Manual, which will contain all of the city's design standards.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	13. Site Plan	Landscape preservation & planting standards	Landscape requirements should address all aspects of site development, from preservation to screening and buffering – Landscaping standards should be modified to include consideration of current landscaping on adjacent properties and consistency within an area of the City or neighborhood. Consideration should also be given to incentivizing techniques that can be used to support resiliency and flood mitigation.	See Article 13, noting that additional landscape standards have always and will continue to be held within the city's Technical Manual.
Avery Kamila	10/12/2023	Phone	13. Site Plan	Landscape preservation & planting standards	Tree preservation should be prioritized on redevelopment sites.	See Article 13, where tree preservation is proposed to be handled along with other significant natural resources as defined in Article 3. These site plan standards will be accompanied by a 'low-impact development' section of the Technical Manual, which will take a more holistic approach to natural resource protection.
Elizabeth Parsons	07/07/2023	Email	13. Site Plan	Landscape preservation & planting standards	Greetings from the West End and thank you for sending around the information on proposed changes to our land use code. Herewith a few observations and wonderings: Avery Yale Kamila’s comments (email dated 1 July 2023) were spot on and I offer a hearty “second” to everything said there, especially her point that the current times call for us to do things differently. For example, if planning proceeds under the assumption that our power grid will hold steady over the next several decades, this is a very risky proposition. Around the country we are already seeing power grid failures during periods of extreme heat and grids being targeted by violent political extremists. Add to that the complexity of mass conversion to renewables and we arrive back at the importance of tree canopy coverage. Trees have an ancient track record of providing cooling and calm. Our One Climate Future plan implicitly acknowledges this in multiple places: TLU 1.7; CR 2.2; CFR 2.5; CR 4; and CR 5. So it is of great concern to see that the ReCode revisions do not seem to take this into account when allowing new construction in the most densely populated and lowest income sections of the peninsula. While there has been a lot of talk about the disaster that Victor Gruen’s urban renewal effort created by destroying neighborhoods, there seems to be less talk about avoiding the other part of urban renewal's mistakes: constructing massive buildings without giving sufficient attention to physical and socio-economic contexts. How long will the anticipated new, dense developments be expected to last—20 years? 50 years? During the hottest week ever recorded around the world, it’s hard for me to imagine that conditions in urban heat islands even 10 years from now will be consistently stable. The irony here is that many residents of the peninsula’s most densely-treed sections already have options that poorer people lack for fleeing the heat. Now is the time to emphasize tree planting where trees are most lacking. Of course there are all sorts of regulations and tax/financing issues to consider when deciding what can and can’t be done in particular areas. But there are also developers doing good, thoughtful work in Portland whom I suspect would be open to brainstorming creative ways of incorporating more open/green space and trees in areas slated for dense construction. I wonder if they’ve been asked about this. Finally, a wondering about the revisions’ effects across the entire city: while the impetus to eliminate single-family zoning is laudable, we should anticipate that constructing multi-family dwellings and ADUs in areas where such were previously not possible will bring with it more tree felling on private properties. How will we be prepared to deal with this added stressor to an already stressed tree canopy? Assembling this document has undoubtedly been a monumental task perhaps made more onerous by soliciting citizen reactions. Nonetheless, I thank you for considering these comments.	See new climate resilience zoning elements in Articles 8 and 13, including standards related to high heat and stormwater.
GPL Advocacy Committee	12/14/23	Email	16. Historic Preservation		In add ition to locally designated historic districts and buildings, the Maine Historic Preservation Commission has designated neighborhoods and some individual buildings as eligible for the National Register of Historic Places. We feel strongly that design standards are important for these areas as well to ensure adjacent new construction will enhance the setting of those historic places. MHPC’s database, CARMA, is available on their website. We are also curious to learn if MHPC’s GIS layer could be added to the city’s GIS system, to flag any eligible buildings when a demolition or building permit application is made?	See Article 16, where some revisions have been made to language around work on National Register-eligible properties to provide additional clarity around process.
Connect Portland	07/19/2023	Email	17. Housing	Table 18-C Dimensional Bonuses for Affordable Housing	What affect does “housing bonuses” potentially have on proposed 65 height in the B-2 and B2b zones?	As drafted, height bonuses would apply as they do under the current ordinance.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	17. Housing	Table 18-C Dimensional Bonuses for Affordable Housing	Strongly encourage Table 18-C be revised to include height and setback bonuses for residential districts such as RN-5 so that affordable housing projects can have the tools they need to get enough floor area to support the density that's currently being promoted by the City and the State's new legislation under LD 2003, effective January 1, 2024.	No change is proposed to the basic structure of the height bonus language, which provides for height bonuses for affordable housing in mixed use zones, where greater height can be more seamlessly integrated, but generally not in residential zones.
Damon Yakovleff	08/04/2023	Email	17. Housing	Table 18-C Dimensional Bonuses for Affordable Housing	Related to this, please add clarifying information regarding the 2.5 times density bonus required by LD2003 to the recode website. It appears that this would apply in all areas except for the RN1 zone, since all these locations are served by public water and sewer and allow multifamily dwellings. The RN2 zone is a bit odd, in that it does not permit the 3 and 4 unit development required in growth zones but does allow for multifamily development. This ambiguity should be clarified.	See Council-adopted LD2003 amendments from December 2023.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	18. Off-Street Parking & Loading	Bicycle parking requirements	Require as much bicycle parking as we do car parking.	See revisions to Article 18, where off-street parking maximums are proposed.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	18. Off-Street Parking & Loading	Parking maximums	In peninsula zones the city should set parking maximums to the current parking minimums, with a few exceptions where the minimums are low like lodging houses and congregate care facilities.	See revisions to Article 18, where off-street parking maximums are proposed.
Christian Milneil	10/12/2023	Email	18. Off-Street Parking & Loading	Parking maximums	In a similar vein, I'd like the city to consider maximum off-street parking limits, especially in the new TOD zones and in the R6, R7, B1, B2, B3, and B7 zones – the zones where Metro provides bus service and mixed-use development is encouraged. Similar to how we've seen large single-family homes monopolize valuable land in transit-accessible neighborhoods, we've also seen, in recent years, high-end development projects with exorbitant off-street parking ratios in buildings that otherwise could have accommodated more productive uses (see, for instance, the latest iteration of the Portland Foreside development). Off-street parking is allowed, subsidized, and mandated everywhere else in Maine. But to meet our climate goals, Portland needs to build more neighborhoods where driving and car ownership are optional. Off-street parking takes up too much space and costs too much money in the service of undermining those goals. The City of Boston recently adopted maximum parking ratios for new development that are calculated as a function of access to transit, jobs, and services like grocery stores. While Boston does have a better transit system in general, the city's rules still apply in more suburban neighborhoods like West Roxbury and Hyde Park, where land uses and transit service are similar to Portland's (in those neighborhoods, developers can build, at most, 1 new off-street parking space per apartment). I encourage the City of Portland to consider a similar approach to help ensure that car-free households can still afford to live in our most transit-accessible neighborhoods.	See revisions to Article 18, where off-street parking maximums are proposed.
Cary Tyson	10/13/2023	Email	18. Off-Street Parking & Loading	Parking maximums	I'm reaching out in support of eliminating parking minimums as a part of ReCode.	See revisions to Article 18, where off-street parking maximums are proposed.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	18. Off-Street Parking & Loading	TDM requirements	Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within One Climate Future – There is also a need to update the TDM requirements so that consideration is given to the bigger picture of projects and activities within the City and not just the project requiring the TDM. There should be more consideration and collaboration given to what is going on with TDM as a whole.	See broader discussions about transportation demand in the city.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	18. Off-Street Parking & Loading	Transit-proximate exemption	No longer require a Transportation Demand Management plan to benefit from the transit proximity exception to parking minimums. Plans will still be required for very large developments as before, this just removes it as a condition for that exception.	See revisions to Article 18, where off-street parking maximums are proposed.
Cindy Park	07/15/2023	Email	19. Signs		3. Please tighten the restrictions on business signage. Two examples: a. the signage for the business called 'Continental' (Brighton and St John, new and not yet open for business) has lettering that is really too large for the neighborhood setting b. internally lighted signage like the lighted numbers '449' for 449 Forest Avenue, while grandfathered, can be effective without being so bright - the light is too bright for the neighborhood setting	Some changes are proposed to sign regulations in Article 19.
Betsey Remage-Healey	10/12/2023	Email	2. Administration		Re Sec.2.3,11.E.6, it currently deprives ONLY islanders of the right to appeal lot sizes. Not fair !	Revised drafts eliminate this language.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	3. Definitions	"Agriculture"	Consider revising the definition of "agriculture" to include modern agricultural activities - Adding to the definition of agriculture some urban agriculture concepts could include elements like rooftop gardens and amenities.	Agriculture definition has been revised to cover modern, urban ag concepts. Rooftop gardens and amenities would be accessory uses.
Will Savage	10/13/2023	Konveio	3. Definitions	"Approval"	an approval date with conditions.	Date is implied.
Heather Sanborn	06/30/2023	Konveio	3. Definitions	"Bar"	As written, this definition of "bar" is broad enough to encompass the definition of "tasting room." It should be narrowed to avoid confusion.	These are two separate uses, addressed and defined separately. One is only allowed as accessory (the tasting room).
Will Savage	10/13/2023	Konveio	3. Definitions	"Construction and engineering services"	Should this read General Office use so that it ties to the definition and land use table?	Revised drafts add the word 'general' to 'office' in this definition.
Jay	07/01/2023	Konveio	3. Definitions	"Drive-through features"	you should add language to differentiate between a drive thru where you have order boards and a pick up window. With mobile ordering and pick up windows, you can have another type of food operator that doesn't necessarily need a typical drive thru and can operate in other zones.	There is no need to differentiate between these uses, as they have the same fundamental operational issues, regardless of the presence of a menu-board.
Todd Morse	10/12/2023	Konveio	3. Definitions	"Dwelling unit"	In the past, this has been interpreted to mean that a dwelling unit can only have one kitchen facility. This interpretation seems overly restrictive and it is not made clear in the definition. I feel this definition should be updated to explicitly allow that. I think the distinction between dwelling units is really the degree of separation from other dwelling units (i.e. separate lockable entrances).	This is a matter of interpretation.
Amy Oberlin	10/11/2023	Konveio	3. Definitions	"Dwelling, townhouse"	Many typical implementations of a townhouse have multiple units stacked vertically, including townhouses proposed by the PHA. This definition requiring "each dwelling unit is located on a separate lot" would not allow the most common form of townhouses.	This definition is intended to distinguish the most typical townhouse form, which is one way of building housing.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Karen Snyder	08/12/2023	Konveio	3. Definitions	"Fill"	Why isn't it required that developers put fill that is of good quality rather than junk fill?	Quality of fill is handled through other regulations.
Wesley	10/11/2023	Konveio	3. Definitions	"Fill"	That is usually covered in statewide regulations/ best practice, specifically 2021 IBC CODE 1610.1. (however Maine currently uses 2015 IBC). But, why not change the wording?	The land use code refers to state regulations in many areas, rather than duplicating state requirements.
Heather Sanborn	06/30/2023	Konveio	3. Definitions	"Industrial, low-impact"	Given that alcohol production is specifically excluded from "specialty food" definition, it would make sense to specifically include it in "light industrial" if that is the intent (as I think it is).	Proposed low-impact industrial definition does not include specific uses, instead allowing some flexibility around interpretation. Alcohol production has always been a permitted sub-category of low-impact industrial per the city's land use code.
Brent Adler	07/17/2023	Form submission	3. Definitions	"Lodging house"	Another comment that I had was to clearly define the difference between a boarding house,halfway house, and sober house. As the code is defined now somebody can open a boarding house in R6 and run it as a halfway house or homeless shelter. We require certain kinds of social services and onsite professional management under a shelter and somebody could use the boarding house as a loop hole. This kind of management can lead to unsafe conditions in a R6 zone.	Lodging house is distinct from group home and shelter.
Liv Chase	07/26/2023	Email	3. Definitions	"Lodging house"	Under R-6 allowable uses: lodging houses should be excluded from this section or the definition of lodging house needs to be amended. Currently, the city is allowing housing of homeless residents and the operation of homeless shelters under this vague language in the land use code. The original intent of this section I believe was to accommodate b and b style housing. If the definition creates a decrease in value of the homes around it then it would make sense not to include this use under any residential zone. Drug trafficking, trespassing, and vandalism are all an outcome of this loophole that has impacted my property on the West end.	Lodging house is distinct from group home and shelter.
Liz Trice	10/11/2023	Konveio	3. Definitions	"Lodging house"	This needs to be clarified; I believe it's legal to rent out as many rooms in your home as desired without it being considered a lodging house.	Revised draft increases the number of rooming units within a lodging house to differentiate this use.
Wesley	10/11/2023	Konveio	3. Definitions	"Lodging house"	[Response to Liz Trice] Good callout here	Revised draft increases the number of rooming units within a lodging house to differentiate this use.
Twells	10/11/2023	Konveio	3. Definitions	"Lodging house"	[Response to Liz Trice] How would this impact co-living spaces? Many of which may have 8 bedrooms or so and which fit into neighborhoods very nicely. They are not the same as a lodging house.	Revised draft increases the number of rooming units within a lodging house to differentiate this use.
Wesley	10/11/2023	Konveio	3. Definitions	"Non-native invasive species of vegetation"	Is there a distinction between invasive plants that harm the overall ecosystem vs ones that outcompete a specific niche and leave the rest of the ecosystem relatively unchanged. from my limited understanding of this, it seems like it may be useful down the line for resource allocation.	No distinction in current ordinance.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	3. Definitions	"Pedestal paver system"	Add a new definition to Section 3 - Pedestal paver roof deck system: Flooring system consisting of pavers which are laid over a pedestal support (fixed or adjustable height) which raises the tiles or pavers off the existing surface to create a level, elevated deck.	See Article 7, where some changes have been made to the interpretation of height.
Todd Morse	10/11/2023	Konveio	3. Definitions	"Place of assembly"	Reducing this from 15 to 8 is needlessly restrictive. What is the motivation behind this change?	This reduction aligns with the adjustment to the definition of "family" from Phase I, which reduced the number of unrelated individuals in a "family" from 15 to 8.
Liz Trice	10/11/2023	Konveio	3. Definitions	"Place of assembly"	[Response to Todd Morse] 8 people seems extremely restrictive, even discriminatory; anyone can have a 50 people in their house for party; a small group of 8 would cause no trouble, and likely is a minority group.	This reduction aligns with the adjustment to the definition of "family" from Phase I, which reduced the number of unrelated individuals in a "family" from 15 to 8.
Ashley Keenan	10/11/2023	Konveio	3. Definitions	"Place of assembly"	This is a highly restrictive new intrusion on places of assembly, lowering the minimum number of congregants and restricting use standards to collector roads is a substantial burden on these places of worship and other assembly. I'm proud to attend a historic parish church which would not be allowed under this provision. I'm further worried that this would conflict with constitutional rights, and am concerned about the history of this provision in conjunction with the treatment of synagogues in Portland.	This reduction aligns with the adjustment to the definition of "family" from Phase I, which reduced the number of unrelated individuals in a "family" from 15 to 8.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Roadway"	This roadway definition overlaps with the definition of "street" (which is written more broadly to include all users), and should either be updated to specifically include both motorized and non-motorized users (cyclists) under the umbrella of "vehicular", or removed. Currently between the roadway and sidewalk definitions, cyclists have no clearly defined place within a public right-of-way.	Revised draft adds "or bicycle traffic" to this definition.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign copy"	"Copy" is specific to text in the context of signage. Definition name should be "Sign Content" based on the descriptive text.	The term 'copy' is generally preferred.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign, blade"	What defines "pedestrian scale" in this case? This duplicates the projecting sign definition, unless that is intended for vehicular traffic (in which case more specifics are needed for intended sign audiences)	The concept of 'pedestrian-scale' is reinforced in the area limits and illumination standards for blade signs.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign, cabinet"	This should be made less specific to transparent-faced panels. Cabinet signs are often no longer made with transparent acrylic front faces as described—so a broader definition would also include push-through text and solid sign faces, for example.	The definition uses the term 'translucent.' Revisions have been made to Table 19-E to ensure that illumination standards speak to 'halo' signs, and halo signs have been defined.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign, canopy"	Canopy and awning sign definitions overlap (the awning definition already includes "canopy"), and should be condensed into one category.	The revised draft removes the term 'canopy' from the awning sign definition.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign, single-color or two-color LED"	Why is this capped at two LED colors? For example, commonly-used faux-neon LED "OPEN" signs with a different color per letter would be non-compliant. This level of specificity is not needed, when illumination can be better regulated via the internal and external illumination definitions..	Allowing more than two colors begins to starts to create gray area with an electronic message sign.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign, window"	How far within a space would a sign or graphic need to be for it to fall under the definition of a window sign, if this covers anything exposed to public view through a window? Would a mural graphic on the rear wall of a restaurant be considered a window sign? This should be clarified to mean a sign intended primarily for viewing from outside the window, along with a maximum distance from the interior surface of the window (something in the 5 foot range seems reasonable).	A mural (artwork) is not a sign. It would have to contain sign copy for it to be considered a sign. Currently the definition of 'sign, window' states that the sign must be placed in or on a window, and Table 20-Q narrows what is considered a window sign exempt from area or number standards.
Kevin Parker	10/13/2023	Konveio	3. Definitions	"Sign"	This definition should be modified to exclude murals on building exteriors/windows, where the intent is entirely the art itself as an enhancement to the public space, and not as a sign in any way — or a separate definition should be added for public art/murals, to remove the ambiguity about which definition/regulations would be applicable.	The code does not regulate murals, but does regulate sign copy. For example, if a mural contains text or a logo fitting the definition of sign copy that area would be reviewed as a sign. The rest of the mural would not be reviewed.
Will Savage	10/13/2023	Konveio	3. Definitions	"Stormwater detention area"	Define Storm. 0.5" of rainfall or greater within a 24-hour period. Then go on to clarify that Stormwater Detention does not contain water 48 hours after the end of a Storm.	See *Technical Manual* for these types of technical details.
Will Savage	10/13/2023	Konveio	3. Definitions	"Structure"	Does not include retaining walls.	Drafts exempt retaining walls from setbacks in Article 7, but they are considered structures under state law, etc.
Cheryl Leeman	08/11/2023	Email	3. Definitions	Street types	NO classification of streets that identify arterials, connectors and local roads by recognized traffic standards.	These functional classifications are defined by the state and federal govenrment.
Connect Portland	07/19/2023	Email	3. Definitions	Various	Definitions includes definition of “on-peninsula and off-peninsula, where is the definition for “on or near peninsula”? No definitions for “arterials” vs corridors or other accepted street type designations? No definition for “urban neighborhoods”?	These terms are either defined elsewhere or used broadly in purpose statements and can be interpreted to carry their common meaning.
Tim Wells	10/12/2023	Konveio	5. Zones	5.2.2 Zone boundaries when uncertain	It might be helpful to add a definition of adjacent. I can see how this could be exploited in a legal case and the courts saying that there is not enough definition around "adjacent" and kick a decision back to the City. Someone will sue and say that a zone across a street is adjacent even though that is not what the City intends.	These terms appear in numerous places throughout the code - differentiating through definitions may unintentionally cause issues rather than resolving them. Language has been updated in various places to ensure that there is clarity around this reference, however.
Kevin Parker	10/13/2023	Konveio	5. Zones	6.6.2(C)3 Drive-throughs	[Response to Nathan Miller] Seconding this. Drive-thrus are fine in the suburbs where there's land to spare, but they have no place in a city, where land should be used for housing and pedestrian-focused commercial space. Plenty of people in cities around the world walk/bike/take transit to Dunkin and Starbucks, without wasting the space on drive-thru lanes.	The first wave changes limit drive-throughs considerably.
Connect Portland	07/19/2023	Email	5. Zones	Table 5-A: Zones	Zone Table 5A does not include Roux Institute at Northeastern University in the Overlay Zones.	Table 5-A does not include either of the two institution-specific IOZs, the MMC IOZ or Roux. The text of both of these is incorporated under the general language of the Institutional Overlay Zone.
Karen Snyder	08/12/2023	Konveio	5. Zones	Table 5-A: Zones	Why aren't these zones on page 24 directly linked to the actual purpose statements which are on page 27? This is very clunky and inefficient for the public to follow.	Tables exist in separate places in the code, as not all material can be consolidated into one place.
Winston Lumpkins	7/18/2023	Konveio	5. Zones	Table 5-B: Residential Zones	Single family homes are very expensive for the city (more street, sidewalk, water, sewer etc) while typically generating less tax revenue than multi unit buildings do, while being financially out of reach for many. They also tend to encourage a level of density that can't support public transportation, encouraging car use, which is bad for wildlife, children, people who can't drive, the environment and infrastructure: walking, e-bikes, bikes, scooters etc don't wear out the road and cause fatal crashes. Cars & their effect on infrastructure is super expensive for the taxpayer. Single family homes are expensive for everyone, inequitable, and should not be encouraged. This is a city; there is a lot of Maine that is not a city, but, this is a city.	The revised drafts continue to support a variety of housing types, particularly around transit.
Kevin Parker	10/13/2023	Konveio	5. Zones	Table 5-B: Residential Zones	[Response to Winston Lumpkins] This is so spot on. We need to stop zoning the majority of the city as a 1960's-era suburb—and all the associated harms that come along with that.	The revised drafts continue to support a variety of housing types, particularly around transit.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Liz Trice	10/11/2023	Konveio	5. Zones	Table 5-B: Residential Zones	It would be lovely to have more small businesses spread throughout neighborhoods like r3; I think neighborhood businesses should be allowed throughout.	Generally, the approach to create more opportunity for small scale, neighborhood commercial is through the addition of the neighborhood nonresidential reuse use category and through map changes.
Liz Trice	10/11/2023	Konveio	5. Zones	Table 5-B: Residential Zones	It would be nice to allow neighborhood businesses like small cafes, shops and restaurants with strict noise restrictions in R3 and other R zones.	Generally, the approach to create more opportunity for small scale, neighborhood commercial is through the addition of the neighborhood nonresidential reuse use category and through map changes.
Tim Wells	10/12/2023	Konveio	5. Zones	Table 5-B: Residential Zones	[Response to Liz Trice] Portland needs to loosen up restrictions on businesses. Saratoga Springs has done a very nice job of allowing neighborhood businesses. It doesn't harm the character of the neighborhood. It greatly enhances the character and livability. We are over-reacting to fear of possible, initial pushback. It is the right thing to do and will strengthen and improve the City.	Generally, the approach to create more opportunity for small scale, neighborhood commercial is through the addition of the neighborhood nonresidential reuse use category and through map changes.
Barbara Vestal	07/13/2023	Email	5. Zones	Table 5-B: Residential Zones	Asking just for myself, I can't help but notice that you have taken out the language in the purpose statement which (admittedly imperfectly) referred to conserving the existing housing stock, preserving the existing neighborhood character, and making new development consistent with the typical compact lot development found on the peninsula. Of course those are things that people living in the R-6 zone have typically valued. It would seem better to improve how they are referenced in the purpose statement rather than deleting them entirely. What was your thinking in making this change?	Many of the purpose statements have been revised with the idea that they should be parallel in structure. In revised drafts, language has been added to purpose statements to ensure that this intent is retained.
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	A few zones say they allow for "select nonresidential uses". Not sure exactly what this means but this code should go further to encourage mixed-use walkable neighborhoods.	Purpose statements have been revised to ensure that this language aligns with permitted uses.
Kellan	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	I can't see any purpose for either RN-1 or RN-2 to still exist. These are archaic zoning definitions that arbitrarily prohibit any sort of density, walkability, bike access, safety, or transit. Keeping these in existence will continue to raise housing costs and result in sprawl outside of Portland limits. The zoning definitions overall can be greatly simplified and modernized by eliminating RN-1 and RN-2 zoning.	R-1 and R-2 have been consolidated in drafts, but otherwise no residential consolidation is proposed.
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	It seems like these zones could be condensed/simplified. Why are 7 different residential zones needed for a small city?	R-1 and R-2 have been consolidated in drafts, but otherwise no residential consolidation is proposed.
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	Eliminate RN1 to allow for smaller lots and more housing density. Roll into RN2?	R-1 and R-2 have been consolidated in drafts, but otherwise no residential consolidation is proposed.
Kevin Parker	10/13/2023	Konveio	5. Zones	Table 5-B: Residential Zones	All of these should condensed into two zones, with the only difference being maximum building heights. Making zones contingent on proximity to existing transportation routes (which by definition would change if/when we get to a higher density that can support more robust public transit), differentiated between on-peninsula vs. off-peninsula, or at all concerned with 'compatibility' and 'context' will just perpetuate the status quo, which is obviously not working.	R-1 and R-2 have been consolidated in drafts, but otherwise no residential consolidation is proposed.
Jill Roland	08/06/2023	Email	5. Zones	Table 5-B: Residential Zones	Why not add the R1 and R2 zones - both higher income areas - to the process?	R-1 and R-2 have been consolidated in drafts, meaning both have been modified.
Cameron Thompson	07/19/2023	Konveio	5. Zones	Table 5-B: Residential Zones	In the zone purpose section there is no mention of climate resilience. Following the recommendations of One Climate Future zoning should consider climate risks when designating zones. In areas where there is a low risk of flooding the city should encourage higher density through zoning. Low density zoning should only be allowed in areas where the risk of flooding is high.	See proposed CFROZ in Article 8.
Nathan Miller	10/13/2023	Konveio	5. Zones	Table 5-B: Residential Zones	As I understand it the current R-3 zoning (here reclassified as RN-2) is the largest (by area) zoning designation in our city, making up almost 1/4 of the square footage of Portland. If we do not make more significant allowances to this zoning type than what is in this draft document this effort will have a muted impact. This zone type deserves significant scrutiny additional loosening of the restrictions.	The changes to use permissions adopted under LD 2003 significantly expand use permissions within this zone.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Nathan Miller	10/12/2023	Konveio	5. Zones	Table 5-B: Residential Zones	[Response to Emma Rubin] Agree, I don't see any reason we'd want to require lots this large for any portion of our city.	The drafts rely on a combination of zone consolidation, changes in use permissions, and additional flexibility within dimensional standards to create opportunities for more housing within residential zones.
Liz Trice	10/11/2023	Konveio	5. Zones	Table 5-B: Residential Zones	[Response to Kellan] Seems like we should just roll in R1 and R2 into R3	The existing R-3 pattern is generally distinct from the R-1 and R-2.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	5. Zones	Table 5-B: Residential Zones	Eliminate the R-4 zone and zone all land currently zoned R-4 as R-6.	The R-4 pattern is generally distinct from the R-6 pattern in terms of lot size, setbacks, etc. For this reason, it has been retained as a distinct zone. However, uses in the R-4 have been revised to more closely resemble the R-6.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	5. Zones	Table 5-B: Residential Zones	Eliminate the R-5 zone and zone all land currently zoned R-5 as R-6.	The R-5 pattern is generally distinct from the R-6 pattern in terms of lot size, setbacks, and uses. However, uses in the R-5 have been revised to more closely resemble the R-6.
Dela Murphy	08/19/2023	Konveio	5. Zones	Table 5-B: Residential Zones	The RN-1 and RN-2 zones are restrictive enough to still be considered exclusionary zoning. They should be eliminated. Perhaps RN-3 should be generalized to remove language about the Western Prom and instead be the starting point from a density perspective.	The RN-3 pattern is generally distinct from the RN-1 and RN-2, as it was written to apply to a particular on-peninsula neighborhood.
C.M.	07/03/2023	Konveio	5. Zones	Table 5-B: Residential Zones	are the "compatibility and context sensitivity" explained anywhere? many properties have vacant spaces and cannot be properly converted to multi-units, because many cannot conform to current building code or would be too cost prohibitive for small landlords. A few examples that come to mind are stair treads dimensions and requirement of fire sprinklers. Existing multi-unit properties however don't have to conform to such code but are allowed to operate simply by being "grand-fathered-in". Such dichotomy shows a lack of commitment to either safety or compatibility. Are there any plans to address this issue?	This comment pertains to building code/fire code.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	5. Zones	Table 5-B: Residential Zones	Eliminate the R-1 zone and zone all land currently zoned as R-1 as R-2.	Working drafts reflect this change.
Karen Snyder	08/12/2023	Konveio	5. Zones	Table 5-B: Residential Zones/RN-5	Planning Dept has removed the language in R6 now RN5 of "conserve the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use" What will happen? 1) As many houses as possible will continue to be demolished which is extremely environmentally detrimental and large non-descript buildings with luxury condo or subsidized housing will created with no ties to the neighborhood and not really be used for long term residential need. 2) Existing housing stock should be conserved and have an easier time to create more multi units without cost prohibitive improvements. For example, going from a 2 unit to a 3 unit should not require sprinkler systems when an existing 3 unit does not have to have a sprinkler system. 3) The R6 now RN5 zoning statement will also allow more commercial and/or non-residential businesses to easier be built in residential neighborhoods which instead should be focused on creating long term residential housing and not running non-residential businesses such as commercial businesses or professional office, sober houses or group homes. This takes away from long term residential housing units by allowing more commercial businesses within residential zones. Theoretically, a strip joint could be allowed to be located in a residential neighborhood with this type of vague language. 4) There is a mention of a minimum lot size of 2,000 sq ft without stating a maximum lot size which theoretically an entire block could be one parcel instead of multiple existing housing.	Many of the purpose statements have been revised with the idea that they should be parallel in structure. In revised drafts, language has been added to purpose statements to ensure that this intent is retained.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Karen Snyder	08/14/2023	Email	5. Zones	Table 5-B: Residential Zones/RN-5	How does the Planning Department think that Relaxing the Residential Neighborhood Zoning Language Will Ensure Long Term Residential Housing is Created? City of Portland Planning Department has loosened most of the residential zoning language specifically targeting yet again on-peninsula neighborhoods (RN-5 formerly R6). Specific examples of this are shown below. Example #1: The Gutting of RN-5 (formerly R6) Residential Neighborhood Purpose Statement. In Table 5-B: Residential Neighborhood Purpose Statement (page 27), of the following document link, First Wave Changes - Comments — ReCode Portland, the City of Portland Planning Department has specifically removed from the RN-5 (formerly R6) Residential Neighborhood Zone Purpose statement the following verbiage "conserve the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use" What will happen? Large non-descript buildings with luxury condo or subsidized housing will be created with no ties to the neighborhood and not really be used for long term residential need. The lack of importance now in conserving or incentivizing existing housing stock by having an easier time to create more multi units without cost prohibitive improvements. For example, going from a 2-unit to a 3-unit should not require sprinkler systems when an existing 3-unit does not have to have a sprinkler system. The proposed RN-5 (formerly R6) residential neighborhood zoning statement will allow more commercial and/or non-residential use businesses such as Bed &Breakfast/Hostels/Lodging homes which are all temporary transient housing businesses an easier time to be built in residential neighborhoods instead of focusing on long term residential housing to be built or created. There is a no mention of a maximum lot size but only a minimum lot size of 2,000 sq ft. Theoretically, an entire block could be combined into one parcel instead of multiple existing housing rather than people crammed in large and sterile, solid housing blocks like rats in a lab cage. Didn't the City learn during COVID that large buildings where people lived in close quarters are not livable in which people fled these cities where there was too much density and came to smaller cities such as Portland which are less dense?	Many of the purpose statements have been revised with the idea that they should be parallel in structure. In revised drafts, language has been added to purpose statements to ensure that this intent is retained.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	5. Zones	Table 5-B: Residential Zones/RN-5	2. THE PURPOSE STATEMENT FOR THE NEW RN-5 ZONE OMITS IMPORTANT CONCEPTS. In the purpose statement for the R-6/ New RN-5 zone, the proposed draft has deleted concepts that appear in the current purpose statement that refer to conserving the existing housing stock, preserving the existing neighborhood character, and making new development consistent with the typical compact lot development found on the peninsula. While perhaps imperfectly expressed in the current code, they identify concepts that are typically valued by residents. It would be better to improve the way they are referenced rather than removing them entirely. Staff has said that similar concepts now appear in proposed Table 5-B, with the introductory paragraph emphasizing “context sensitivity.” However, while statements about “standards encouraging compatibility and context sensitivity” do appear in the RN-2, RN-3 and RN-4 zones in the context of conversion of existing structures to higher density uses, that phrase does not appear anywhere in the RN-5 zone. Standards requiring compatibility and context sensitivity should be an integral part of the RN-5 purpose statement, and should apply to all new development as well as to the conversion of existing structures. Similarly rewritten design standards, long put on hold, need to be completed and adopted so that they are a meaningful part of the development review process. Design standards are an integral part of assessing compatibility and context sensitivity.	Many of the purpose statements have been revised with the idea that they should be parallel in structure. In revised drafts, language has been added to purpose statements to ensure that this intent is retained.
Winston	10/13/2023	Konveio	5. Zones	Table 5-B: Residential Zones/RN-5	[Response to Karen Snyder] I want to boost Point 2 & 4: Adding a unit to a 2 unit is a nearly in-surmountable issue, when almost all the Portland's naturally occurring affordable 2-5 unit housing was subdivided larger single family homes, with weird non-standard stairs and odd additions. None of it has sprinkler systems, isn't ADA accessible etc. I've NEVER seen a 3 unit building with a sprinkler. It's a perfectly safe, perfectly accessible unit, or *the street*.... I'm not sure how much we can actually get around that, but it's an issue to be acknowledged: 60 people die on the street in Portland every year... I doubt we have that many people falling down weird stairs.	This comment pertains to building code/fire code.
Cheryl Leeman	08/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	B-2 and B2-b consolidated yet are different in their purpose. The ReCode II recommendation states that the B2-b appears to be working well... the “gradients” in use B-2 zones appear to primarily address levels of commercial intensity and transitions to adjoining neighborhoods. As such, there is likely a need to maintain them.	B-2 and B-2b were not consolidated in the draft.
Connect Portland	07/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards?	B-2 and B-2b were not consolidated, although many of the use permissions and dimensional standards for these two zones are the same, both in the existing code and in the draft under
Cheryl Leeman	08/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Every Business Zone includes “residential” to encourage housing is in conflict with it stated purpose of providing for a mixture of commercial as their primary use.	Most mixed-use zones currently permit housing, with the exception of the B-4, and generally the policy goal within these zones has been to support a mix of uses, including residential, for quite some time.
Connect Portland	07/19/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Zone Purpose Statements where residential or mixture of residential in RN, Islands and B zones are reference does not clarify what type of permitted residential which are clearly spelled out in the RN1 to RN4 zones. The B-1 provides for residential uses but not in the language, page 5-7.	Purpose statements have been revised to ensure that this language aligns with permitted uses.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Evaluate and refine the City's mixed-use zones to ensure they support the city's thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City's vision for the future – To further encourage mixed-use redevelopment, support new development and redevelopment in areas of the City that can occur and is already happening. Incentives and support can be tax, economic, financial, or regulatory. We support simplifying the regulations in the B6 Zone. We encourage the City to require that the majority of a street fronting ground floor in any of the urban mixed-use zones be open to the public (hotel lobby, retail, etc.) to support active pedestrian/public uses.	These types of PAD principles have been integrated into many of the mixed use zones.
Kevin Parker	10/13/2023	Konveio	5. Zones	Table 5-D: Mixed-Use Zones	B1, B2, B2b, and B3 need to be combined into a single zone, broadly following the language in B1, but without being restricted to 'limited areas' or 'small scale'. A truly complete neighborhood with walking access to daily shopping/service needs means allowing for smaller dispersed groceries/markets throughout the city, along with a mixture of other goods/services, both integrated into residential neighborhoods—without being developed into "shopping centers", which are inherently car-oriented and a bad use of land in a city environment.	These zones vary widely in purpose and form.
Tim Wells	10/12/2023	Konveio	5. Zones	Table 5-E: TOD Zones	What is low, moderate and high density? How about: Low Density = or <12 DU per acre Moderate = or <44 DU per acre or requiring no more than 500 sf/du High = > 40 DU per acre with no sf requirement per du	Generally, these terms are not defined in ordinance in terms of specific ranges like these.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	5. Zones	Table 5-E: TOD Zones	Explore opportunities to encourage transit oriented development within appropriate areas of the city, in coordination with regional transit planning - Consider the idea of adopting a TOD ordinance that creates incentives (density, height bonuses, tax incentives) or requires certain types of development to meet specific criteria that is focused on TOD.	See TOD zones and associated map changes.
Connect Portland	07/11/2023	Email	5. Zones	Table 5-E: TOD Zones	Where will the Transit Oriented Development (TOD) be located? Define "urban neighborhood" and "on or near peninsula"? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn't the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula?	There is some overlap between the TOD zones and several of the mixed use zones, including the B-2b, which encourages a dense, urban form. The
Kevin Parker	10/13/2023	Konveio	5. Zones	Table 5-E: TOD Zones	All development in the city should be transit-oriented development. The language in these zones should be incorporated into the residential and mixed-used zones, and it's the city's responsibility to create a robust transit system (and non-motorized vehicular transportation) to encourages the resulting development.	Transit-supportive principles are generally integrated into many of the city's zones that are located proximate to transit.
Cameron Thompson	07/19/2023	Konveio	5. Zones	Table 5-H: Open Space Zones	OS-P purpose should include the acknowledgement of maintaining an open space for climate resilience, i.e. high risk flood areas.	Revised drafts reflect this concept.
Cheryl Leeman	08/11/2023	Email	5. Zones	Various	All Zone Purpose statements should be clearly defined as to what is or what is not permitted in the zone as opposed to open ended terms such as "on or near peninsula, select areas off-peninsula and along arterials. -RN-5 (R-6) includes new inserted text that states and "in select off-peninsula locations." -Inconsistencies in Zone Purpose Statements regarding type of "residential" or "mixture of residential" which are not clearly spelled out in every zone. -Transit Oriented Development (TOD) -1 is off-peninsula and -2 is on or near peninsula with no indication as to where and new zone is similar to the B2-b.	Purpose statements are not meant as a proxy for the use tables, where use permissions are described, but as more broad statements about each zone's intent.
Brent Adler	07/17/2023	Form submission	6. Use Standards	6.4.1	Hello. Thanks for all the work on this recode.. its been a long time! I had a couple things to comment on. What has been done for building on established city streets that are paved that are less than 25' wide. This was a section in the old code under chapter 14-403. This was updated a couple years ago but im concerned that the exception that is allowed to build is up to somebody's opinion. Can we not agree that these narrow streets in Portland are safe and should be allowed to have new buildings built on them. this will help with housing and density. Please remove the restriction on narrow streets to allow development.	See revisions to Section 6.4.1 to provide more flexibility in these situations while ensuring that there is adequate oversight related to life safety and access for basic services.
Liv Chase	07/26/2023	Email	6. Use Standards	6.4.1	Section 6.4.1- width of a street is no less than 35'. Amendment should contain the language that this requirement does not apply to accepted city streets. The original intent of this section was to make sure that existing paper streets were designed in a manner that was up to current fire code requirements. Preventing residential construction on accepted city streets that are already built on is not in line with the overall city goal of creating more affordable housing in areas that can accommodate development.	See revisions to Section 6.4.1 to provide more flexibility in these situations while ensuring that there is adequate oversight related to life safety and access for basic services.
Bob Rodney	9/12/2023	Email	6. Use Standards	6.4.1	Hello,my wife christine and I own two house lots at the dead end of Florida ave in portland.these house lots start where the hot top ends.there is one house after our lots built in the 1980s..and two homes directly Accross the dirt street from our lots.these home owners receive city services,such as trash pick up, snow plowing,mail, etc..christine and I know we need to upgrade the road before we build.my question is.on the recode for rezoning coming up, will our lots become buildable without upgrading?	See revisions to Section 6.4.1 to provide more flexibility in these situations while ensuring that there is adequate oversight related to life safety and access for basic services.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Andrew Schiller	07/21/2023	Email	6. Use Standards	6.4.1	The proposed language for width of streets has an implied assumption that the street is the same width along its length. Or at least for the segment of street upon which the subject lot fronts the street. This assumption appears to not always be true. Small pavement width variation exists. This does not pose a problem when pavement width is far wider than the proposed language guidelines. It does introduce ambiguity when the street has small pavement width variations that vary around the target width guidelines. This is the case for Bond Street, based on my measurements. The section to which I refer is 6.4.1 (A.1.a). Bond Street is over 20' in width (20' 2" of pavement width, from inside of curb to inside of opposite curb). But not uniformly along its length. Sometimes it is 19' 10", and so forth. Some variation. Should the language clarify that one rounds up to the nearest whole foot? Or conversely take the minimum width measured? The lot is at the corner of Bond and Orange. Clearly, as I get very close to the corner (directly in front of the lot) the streets are preparing to intersect and the pavement width increases further to perhaps 21' or 22'. But numerous feet back away from the intersection on Bond, and still in front of the lot in question, the pavement width measures over 20'. But a few feet further on and it measures 19' 10". Practically speaking, there is no safety or access difference between 20' 2" and 19' 10". So it is not a public safety issue. But the language leaves this ambiguity on where to measure and if to round to the nearest whole foot (up or down), or to use the minimum width found in front of the lot. Or simply round to the nearest whole foot for the minimum width found in front of the lot. Do you have any thoughts on this? Alternatively, this could be such a rare case that it is better to discuss it with the Fire Chief and/or the head of the DPW. I realize this falls squarely into the '90-10' rule of potentially an edge case! But I do want to be thoughtful and engage for clarity and balance the production of housing in Portland with safety. Thank you for thinking about this. In this case, if my measurements are correct, the street is over 20' wide in front of the lot. But not for all of the frontage. It is just a slight variation. But it does dip below 20'. For your consideration, since streets tend to be reasonably stable in width (although imperfectly so as in this case), I would think if the street is 20' or more wide as measured somewhere in front of the lot, that would meet the minimum width requirement. This is because, even if it dipped below, it is always just inches of difference and thus not a safety or access issue. This would allow the production of housing per the language and be in keeping with the intent to promote fire safety and unrestricted DPW access.	This is a matter of interpretation.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	6. Use Standards	6.4.1	Paper Roads - Though not addressed in the draft, the H&Z Committee is wondering if ReCode is planning to interface with the paper road determination process in any way.	This is a separate process.
Llz Trice	10/11/2023	Konveio	6. Use Standards	6.4.1(A)1	[Response to Jaime Parker] If 16' is the minimum needed by fire trucks, 16' should be our minimum street width.	No additional reduction in minimum width suggested, as draft adds significant flexibility to these provisions.
Jaime Parker	10/11/2023	Konveio	6. Use Standards	6.4.1(A)1	These width requirements seem excessively rigid. Will we be considering "skinny streets", Shared-streets, or other. more flexible street designs? IF 16' is an acceptable width on the islands, why wouldn't we consider it for neighborhoods with low-speed, low-volume conditions around the city?	See revisions to Section 6.4.1 to provide more flexibility in these situations while ensuring that there is adequate oversight related to life safety and access for basic services.
WB	10/11/2023	Konveio	6. Use Standards	6.4.1(B)	If you have a detached garage can you tear it down and add additional living units? Based on the principle structure code, it reads, you can not. This will not help get units built.	The changes to use permissions adopted under LD 2003 significantly expand use permissions within this zone.
Todd Morse	10/12/2023	Konveio	6. Use Standards	6.4.1(B)	This seems like it may be a violation of LD2003. The additional units lots are entitled to are not secondary, they are units that must have the same dimensional standards applied.	This language does not comply with LD 2003, so has been struck.
Emma Rubin	07/16/2023	Konveio	6. Use Standards	6.4.1(B) Number of structures on a lot	What counts as a principal structure? Can you have the main 1-,2-,3-,4- family dwelling and then also have an ADU? You should be able to.	Yes, ADUs are permitted as accessory structures within Article 6.
Cameron Thompson	07/16/2023	Konveio	6. Use Standards	6.4.12(A) Multi-family conversion standards	This seems overly strict to the point that multifamily dwellings are not practically allowed in these zones. How many existing buildings are there in these zones that could potentially be converted?	Restrictions in the RN-2 & RN-4 are from the existing code, and I-B currently limits MF to 4 units. 3-family and 4-family are new uses within these zones.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Connect Portland	07/11/2023	Email	6. Use Standards	6.4.12(A) Multi-family conversion standards	How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode?	The proposed drafts acknowledge the potential for standards that may incentivize tear-downs. If uses are permitted, tear-downs may occur. Generally speaking, the approach reflected in the draft changes is to allow for conversion from single-family to two-, three-, four-, or multi-family where the higher-density use is permitted within the zone, but to try to ensure that these conversions are achieved in a way that reflects the existing built context (i.e. the pattern of setbacks, heights, and design choices characteristic of the surrounding neighborhood). This is why the draft changes don't include drastic changes to residential dimensional standards.
Connect Portland	07/19/2023	Email	6. Use Standards	6.4.12(A) Multi-family conversion standards	Conversions 6.4.12, additions to “existing structures” in all RN zones. What does “existing structures” mean? All residential and nonresidential structures? Should ‘Conversions’ with sub categories for additions, residential and non-residential be added to the Use Standards Table?	This language has been struck as a result of use changes under LD 2003.
Peter Brandon	10/11/2023	Konveio	6. Use Standards	6.4.12(A)1 Multi-family use limitations	Why limit the opportunity for conversion to only non-residential buildings? Portland contains many large historic homes that already contribute to and match the character of neighborhoods that could easily hold 2-4 units with little to no exterior modification or neighborhood impact.	This language reflects existing policy, and would only apply to 'multi-family,' meaning buildings with 5+ units. Under recently adopted LD 2003 changes, up to four units would be allowed in the RN-2 and RN-4 as new construction or conversion of any type of building.
Ashley Keenan	10/11/2023	Konveio	6. Use Standards	6.4.12(A)1 Multi-family use limitations	It’s an unreasonable restriction on property rights, as well as a legacy of exclusionary and racist local regulations, to prevent the construction of multi-family homes in these zones - especially in a housing shortage.	Under recenlty adopted LD 2003 changes, up to four units would be allowed in all mainland residential zones, plus two ADUs.
Emma Rubin	07/16/2023	Konveio	6. Use Standards	6.4.12(B) Multi-family conversion standards	Why limit to 25% of existing? Seems strange that if you already have a big house you can expand way more than you could if you happened to have a tiny existing house on the same sized lot.	The 25% expansion limitation has been eliminated from the conversion standards.
Llz Trice	10/11/2023	Konveio	6. Use Standards	6.4.12(B) Multi-family conversion standards	[Response to Emma Rubin] agreed. Any expansion should allow whatever lot coverage is already legal. Otherwise you're just putting more restrictions on any attempts to build new housing.	The 25% expansion limitation has been eliminated from the conversion standards.
Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.4.12(B) Multi-family conversion standards	This is an arbitrary restriction that serves no purpose other than to restrict the construction of denser housing in existing neighborhoods. As others have said, as long as the size would otherwise be allowable within other parts of the code, there's no reason for this additional layer of restriction.	The 25% expansion limitation has been eliminated from the conversion standards.
WB	10/11/2023	Konveio	6. Use Standards	6.4.12(B)3 Multi-family conversion standards	Why have this wording? If housing cannot be built because of parking code specific locations, the city will not have the new units they need. Let the parking spots be placed where they fit best on the site plan. Not specified prior to the site and design plans.	It is the city's long-held policy direction to encourage parking to the side or rear of buildings. Parking is currently not required in many locations throughout city.
Llz Trice	10/11/2023	Konveio	6. Use Standards	6.4.12(B)3 Multi-family conversion standards	[Response to WB] agreed. Parking should never dictate whether housing can be built.	It is the city's long-held policy direction to encourage parking to the side or rear of buildings. Parking is currently not required in many locations throughout city.
Ashley Keenan	10/13/2023	Konveio	6. Use Standards	6.4.12(B)4 Multi-family conversion standards	The intent here is clear and sympathetic. But I've lived in studio apartments well below 500 feet, and if I hadn't had that option, I would've been homeless. It was cozy! I don't believe that Portland is at risk of tenement housing slumification, rather the opposite if anything - enforced luxury. If a unit is safe, who cares if it's small? That's our choice to live there, and sometimes its the difference between a warm bed and the street.	Language has been edited to eliminate unit sizes in conversion standards, but retain minimum size of structure for conversion.
Peter Brandon	10/11/2023	Konveio	6. Use Standards	6.4.12(B)5 Multi-family conversion standards	Why? Point 4 above would suggest you could have three studio apartments, or two 1 bedroom apartments in a 1,500 square foot envelope. Fail to see the point of this limitation.	Language has been edited to eliminate unit sizes in conversion standards, but retain minimum size of structure for conversion.
Ashley Keenan	10/12/2023	Konveio	6. Use Standards	6.4.12(B)5 Multi-family conversion standards	This is a redundant measure cluttering up the document. It should be removed.	Language has been edited to eliminate unit sizes in conversion standards, but retain minimum size of structure for conversion.
Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.4.13 Dwellings, townhouse	Why is there a restriction on minimum spacing between townhouses? We already have examples of contiguous townhouses in Portland (on Park Street and Danforth), and they're a more efficient use of land than most residential within the city.	The draft does not require 15 ft. between townhouses.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Cheryl Leeman	08/11/2023	Email	6. Use Standards	6.4.17 Group homes	Group home restriction that they can not be located within 500ft of another has been eliminated.	There is currently a lodging house separation requirement in the R-5 zone.
Will Savage	10/13/2023	Konveio	6. Use standards	6.4.21 Lodging houses	At almost 3x the room size the common area appears excessive. Are there national examples of best practices for the ratio between room and common area?	This language has been retained as a way to censure common space in buildings with very small living unit sizes
Cindy Park	07/15/2023	Email	6. Use Standards	6.4.23 Marijuana-related uses.	Please include some restrictions on density of cannabis businesses (as in, per square mile).	6.4.23 includes dispersal requirements as they exist today.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	6. Use Standards	6.4.26 Neighborhood Nonresidential Reuse	Under 6.4.26.A, does an “existing structure that is nonresidential in its current use” include a building that has a principal use of housing, but a subordinate use of commercial?	Clarified that this clause is related to principal uses.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	6. Use Standards	6.4.26 Neighborhood Nonresidential Reuse	When would the effective date be for locking in an existing neighborhood nonresidential reuse? Does this make it an “existing structure” under this section?	Effective date would be the date of ReCode Phase II adoption. Any nonresidential structure exisitng as of that date would be eligible for nonresidential reuse.
Rachel Conly	10/13/2023	Email	6. Use Standards	6.4.26 Neighborhood Nonresidential Reuse	I think this is a great idea, but the reality is there are few, if any, buildings on Peaks that would benefit fromthis change.	Revised drafts maintain neighborhood nonresidential reuse within island zones.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Why don't we include all first floor retail and non-nuisance (thinking WFH folks, art studios, barbers, etc) business as part of the zone?	Many of these uses are covered under Section 6.6.2(E) as home occupations.
Nathan	07/25/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	[Response to Amy Oberlin & Winston Lumpkins re neighborhood nonresidential reuse.] Agree with the sentiments above. The summary of Recode II progress made it sound like it would be significantly easier to introduce small scale commercial into our purely residential neighborhoods, but this language is far too restrictive. We don't just want to allow buildings originally built to be non-residental to open a business in them, we want to encourage NEW neighborhood amenity business to pop up. I like the allowance for no parking spots however.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Amy Oberlin	06/30/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Despite touting the "new use" of neighborhood nonresidential reuse, this section appears to rule out all new neighborhood businesses. Was this the intent?	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides flexibility that allows new businesses in residential zones in certain circumstances.
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	[Response to Amy Oberlin re neighborhood nonresidential reuse] This seems really problematic. It seemed like more might be allowed above.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides flexibility that allows new businesses in residential zones in certain circumstances.
Karen Snyder	08/14/2023	Email	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Example #3: Inconsistent and Unclear All the Different Non-Residental Use Businesses Allowed in the Residential Zones This is strange and not clear. In Section 6.4.26 -Neighborhood Non-residential Reuse (page 52), in the following document link First Wave Changes - Comments — ReCode Portland, it lists additional non-residential use commercial businesses such as: general offices < 5,000 sqft, general services < 5,000 sq ft, restaurants, retail < 5,000 sq ft, specialty foods, studios for arts that can be opened up within residential neighborhoods without listing these commercial/non-residential reuse businesses on page 36 of Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones. What will happen? It needs to be clear in Table 6-A (page 36) all the differing types of commercial and non-residential use businesses that are allowed in residential neighborhoods and how far apart these non-residential use businesses can be located between each other. All these different business types can potentially overwhelm residential neighborhoods with commercial and non-residential use businesses rather than long term residents.	Structure of the tables makes integrating of these uses challenging. Instead, they have been consolidated as 'neighborhood non-residential reuse,' with use standards to govern the way that these uses are allowed to occur.

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Karen Snyder	08/12/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	This is strange and not clear. In Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones it shows what non-residential uses are allowed in the different residential zones but NONE of the general offices, service, restaurants, retail listed in this 6.4.26 section (page 52) nare included in Table 6-A which is on page 36 of this document. Therefore, it needs to be clear in Table 6-A which residential zones allow these nonresidential uses.... of General offices, services, restaurants, retail, etc.. It also needs to be clear how many of these non-residential uses are the allowed in residential neighborhoods and how far apart they are from each other. What will happen? Again, it is really NOT considered a complete neighborhood when non-residential uses could remove long term residential housing units and overwhelm residential neighborhoods.	The neighborhood nonresidential reuse category is meant to allow the use of nonresidential structures for nonresidential uses within residential zones. It does not allow nonresidential uses writ large.
Todd Morse	10/11/2023	Konveio	6. Use Standards	6.4.26(A) Neighborhood nonresidential reuse	Specific calendar dates should never be in a land use code. People should not have to do historical research to know what they are allowed to build on a given piece of land. I am pretty familiar with available city data sources and reasonably well informed about land use but I could not find a single unified data source to figure out which lots this would apply to. This just creates nonconforming lots by another name, but it is ambiguous if the rules of nonconforming lots apply.	Dates have generally been removed from the code where possible.
Ashley Keenan	10/11/2023	Konveio	6. Use Standards	6.4.26(A) Neighborhood nonresidential reuse	An outrageous false name for a nothingburger of a use.	Neighborhood nonresidential use will allow some flexibility for non-conforming uses in locations that currently have none.
Tom Bander	10/11/2023	Konveio	6. Use Standards	6.4.26(A) Neighborhood nonresidential reuse	[Response to Amy Oberlin, Winston Lumpkins, & Nathan re neighborhood nonresidential reuse.] Completely agree. Neighborhood nonresidential reuse is a huge benefit to this project and should be allowed much more broadly, not restricted to those that currently exist. Look no further than the amazing amenities on Congress St on Munjoy Hill. These businesses make neighborhoods more walkable and pleasant to live in!	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Tom Bander	10/11/2023	Konveio	6. Use Standards	6.4.26(B) Neighborhood nonresidential reuse	Completely agree, we should allow small scale businesses in every residential zone (cafes, small shops, coffee shops).	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Todd Morse	10/11/2023	Konveio	6. Use Standards	6.4.26(B) Neighborhood nonresidential reuse	From what I have been able to observe this will apply to a tiny number of lots and it will be difficult for people to even know which lots this will apply to so they know where to open a neighborhood business. Their placement is also determined by what made sense decades ago, before zoning was in place preventing them from being built. They may not be the best places for businesses to be today. I would be very surprised if this is ever used, which is a shame because the top-level summary of these changes advertises "create opportunities for neighborhood scale business". This is one of only four "Big Takeaways" listed on the site when really it is an extremely minor change. We should allow small scale neighborhood businesses everywhere people live. We can add limits so they are on the first floor, and are small, to control impact.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.4.26(B) Neighborhood nonresidential reuse	It's not clear if either general 'retail' or specialty food services'. specifically includes grocers. Having walkable access to small scale grocers/food markets would be one of the main benefits of a zoning change like this—to allow daily necessities to be available in each neighborhood, without everyone in the city traveling to/from large, suburban-style grocery stores. Only utilizing the tiny handful of existing non-residential buildings around the city for an overly-restrictive set of uses makes this a change in name only.	Retail would include grocers.
Todd Morse	10/13/2023	Konveio	6. Use Standards	6.4.30(A) Places of assembly	This is unnecessarily restrictive. Places of assembly have traditionally always been integrated into the residential neighborhood of the people assembling. The majority of our current religious buildings are in residential areas and this pattern makes sense. This requirement will dramatically reduce the number of possible parcels that can accommodate this use. This also feels designed to address the recent controversy around the Chabad house on Pomeroy Street. If that is the case, we should have a public conversation about the motivation behind this change and it's knock on effects. Though the situation was controversial, what they did was ultimately allowed. Neighbors are often frustrated by nearby development and the idea behind having zoning rules is to arbitrate those disputes. If you do something that was allowed, and by doing it, trigger a subtle change of the rules, it brings the reliability of those rules into question.	Collector and arterial roads are currently often the locations of places of assembly within residential neighborhoods.
Todd Morse	10/11/2023	Konveio	6. Use Standards	6.4.30(A) Places of assembly	Specific calendar dates should never be in a land use code. People should not have to do historical research to know what they are allowed to build on a given piece of land. This just creates nonconforming lots by another name, but it is ambiguous if the rules of nonconforming lots apply.	Dates have generally been removed from the code where possible.
Alan Thibeault	12/1/23	Email	6. Use Standards	6.4.31(B)	In regards to revisions noted in section 6.4.31.B Post-Secondary Schools, that now states in “In any residential zone, a new post-secondary school or an expansion on an existing post-secondary school shall not cause displacement or conversion of existing residential uses”. This is in contrast with the deleted version on page 6-39, which stated “The proposed use shall not cause significant displacement or conversion of residential uses as of June 1, 1983, or July 15 in the IR1 and IR2 zones, or thereafter.”This revision is too restrictive and the word “significant” should be reinserted in the proposed text. I can see a situation where we might acquire a residential property and need to convert it to another institutional use, which would be prohibited under the new text. We actually surround three residential properties that could never be repurposed should we ever acquire them. If this is considered in the greater context and we have added a residential facility to accommodate 100 students, this would be overly restrictive and not allow for any growth.	Policy direction has been to move toward IOZs for institutions, which can speak directly to this type of situation, taking into account the long-term growth plans of an institution.
Will Savage	10/13/2023	Konveio	6. Use Standards	6.4.8 Campgrounds	Not allowing recreational vehicles seems outdated. How about a limit on length instead, such as 24 ft and under.	This is language from the existing code.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	6.5.5 Limitations on conditional use approvals	Changed Limitations on Conditional Use from 6 months to 5 years	This language was changed to three years, as six months is a short time to establish a new use, especially if paired with a site plan review.

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Alan Thibeault	12/1/23	Email	6. Use Standards	6.5.6(F)8	A second concern is related to section 6.5.6.F.8 Institutional Uses, which currently reads:8. In the case of a post-secondary school within the R-5 zone and not including the USM Overlay Zone, such school may build principal structures to a height of 55 feet if the following standards can be met: a. Minimum lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street. b. Minimum setback between buildings on-site: 20 feet. c. Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use. d. The area between the structure and adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer thebuilding and effects thereof (i.e. noise, light, etc.) from abutting properties. UNE lobbied to have this exemption inserted into the code and feel we would be extremely limited in our ability to construct institutional style buildings without it. Our Pharmacy, Oral Health Center and new Medical School buildings wereonly able to be constructed because of this clause.	Policy direction has been to move toward IOZs for institutions, which can speak directly to this type of situation, taking into account the long-term growth plans of an institution.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	6. Use Standards	6.6.2	Remove the ban on renting out a room in your house if you've added a new bathroom or kitchen in the last two years.	This language was removed in the first wave.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	6. Use Standards	6.6.2	Allow renting up to four rooms per dwelling unit instead of two.	This language was removed in the first wave.
Sherida Perrin	10/6/2023	Email	6. Use Standards	6.6.2(A) ADUs	My partner and I live in a 484 sq. ft. house, we also have a 160 sq. ft. utility shed(old garage). Our lot size is 5634 sq. ft. We have been thinking & dreaming about possibly building an ADU on our property, where our shed is now, or having an ADU built somewhere else on our property. We would like to eventually have a year-round rental unit to help provide local affordable housing in Portland, and also to help with paying off our current mortgage. I have read through the RECODE materials, and I'm unsure if we would even be able to have an ADU built based on the Residential Neighborhood Zone Dimensional Standards Lot Area minimum for RN-3 of 6000 sq. ft.? If you know of anyone that could answer my question, and possibly walk us through the process, it would be greatly appreciated.	ADU standards are located within Article 6.
Ken Madore	10/06/2023	Form Submission	6. Use Standards	6.6.2(A) ADUs	Reaching out as I am not able to find zoning and/or regulations for accessory dwelling units in the new RN-4 zone. I own a property that includes 2 garages and additional square footage above the minumum lot requirement for this zone of 5,000sf (lot is approximately 8,000sf with 2 driveways so looking at creative options for possible ADU and/or increased building envelope Re: 12 Kenilworth St	ADU standards are located within Article 6.
Cindy Park	07/15/2023	Email	6. Use Standards	6.6.2(A) ADUs	Please consider allowing ADUs that meet square footage requirements to use grandfathered setbacks (ie. replacing an existing structure like an old garage) *without* needing to fit within the current structure's footprint - or alternatively, at least only ONE of the grandfathered setbacks (side or rear).	Revised draft includes changes to setbacks for ADUs to allow additional flexibility.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.6.2(A) ADUs	These rules are subjective thus giving abutters and other busy bodies room to slow down the approval process in creating sorely needed new housing.	This language is meant to acknowledge that ADUs may be close to property lines in nonconforming structures, with some height.
WB	10/11/2023	Konveio	6. Use Standards	6.6.2(A) ADUs	Section 6.4.12 [mulit-family standards] is limiting two zones to push them into ADU's. Then, you restrict ADU's. If you don't allow home owners scale when building, the changes you're making will not be financially feasible for non multiplex developers and fewer units will be built. What is the number of new units the city is hoping to build after these changes?	This seems to be referring to the multi-family limitations in RN-2 and RN-4, which are carried over from the current code. ADUs are broadly allowed.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.6.2(A)10 ADUs	Similar comment as 6 [see reference to comment re full remodel] - this makes multi-stage building much more difficult to legally do and will add large financial burdens on small owners looking to upgrade the complete property.	Revised draft modifies language to allow more flexibility around construction of ADUs.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(A)10 ADUs	What if you have a one story house that wants to add an ADU over a garage? That may be a very likely scenario that would prevent a otherwise efficient use of space that reduces impermeable surfaces. I consider this a design standard that may not fit into every every neighborhood. Please reconsider.	Revised draft modifies language to allow more flexibility around construction of ADUs.
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.6.2(A)4 ADUs	Does this mean that you couldn't immediately being renting out a new ADU as a longterm rental unit?	The revised draft eliminates this provision.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.6.2(A)4 ADUs	Why are we making it harder to create more rental units?	The revised draft eliminates this provision.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(A)4 ADUs	I think this is okay, but the other commentator has a point about this provision being another barrier to rental housing production. I can see how this rule would fit well in a suburban community, but that's not the Portland I like to think of in the future. (I live in a single-family zone and would love to have greater density).	The revised draft eliminates this provision.
Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.6.2(A)4 ADUs	This would prevent the landlord of a single family home from building ADUs as additional rental units on the property. Presumably this is the city trying to curb the construction of dedicated Airbnb units, but that regulation can be accomplished elsewhere, without creating this unnecessary barrier on adding much-needed housing units.	The revised draft eliminates this provision.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.6.2(A)6 ADUs	How will this be enforced? What happens if the owners are planning to do a full remodel of the property and need a place to store everything before they build a bigger primary home?	The revised draft eliminates this provision, but adds dimensional standards that are meant to allow flexibility while reinforcing the accessory nature of ADUs.

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Nathan Miller	10/12/2023	Konveio	6. Use Standards	6.6.2(A)6 ADUs	[Resposne to Lucas Ankhartz] "significantly visible" is doing a lot of work in this item. I assume it's not defined (don't feel like paging back to the definitions), but seems to arbitrary. Let's not add ambiguous, easy to argue over language.	The revised draft eliminates this provision, but adds dimensional standards that are meant to allow flexibility while reinforcing the accessory nature of ADUs.
Lucas Ankhartz	09/11/2023	Konveio	6. Use Standards	6.6.2(A)7 ADUs	This will force many families in creating LLC's and other financial/legal instruments to maintain compliance which will make ownership even harder to track.	The revised draft eliminates this provision.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(A)7 ADUs	What is the deed restriction supposed to accomplish? What other cities have this rule? This rule will increase the costs of developing an ADU as now the homeowner will need legal assistance to understand the implications, draft and record the deed restriction. In addition, many homeowners will be reluctant to to basically create a stain in their deed record. What if in the future the city allows multifamily and neighbors are able to develop and sell condos? We need to think 50 years ahead and the deed is forever. Please strike this out. Let's make developing ADUs easier.	The revised draft eliminates this provision.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(C) Drive-throughs	Let's move away from the 80's and get rid of the drive throughs and not allow them anywhere. Do you want to live in a neighborhood with a drive-through? I don't. The B-2 and B-4 zones are right next to residential zones. There is no transition, so let's make the city more conducive to walking. After all, does Portland's climate action plan support cars idling in line?	First wave changes limit drive-throughs.
Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.6.2(C) Drive-throughs	[Response to Smith] Seconding this. Drive-thrus are fine in the suburbs, but have no place in the busiest, densest city in the state.	First wave changes limit drive-throughs.
Tom Bander	10/11/2023	Konveio	6. Use Standards	6.6.2(C)2 Drive-throughs	Dates should not be used, needlessly confusing	The inclusion of a date here is a way to allow a limited number of existing drive-throughs to remain.
Todd Morse	10/11/2023	Konveio	6. Use Standards	6.6.2(C)2 Drive-throughs	Specific calendar dates should never be in a land use code. People should not have to do historical research to know what they are allowed to build on a given piece of land. This just creates nonconforming lots by another name, but it is ambiguous if the rules of nonconforming lots apply. Why not just remove drive throughs entirely? The existing drive throughs will still be able to operate as non conforming structures.	The inclusion of a date here is a way to allow a limited number of existing drive-throughs to remain.
Ashley Keenan	10/11/2023	Konveio	6. Use Standards	6.6.2(C)2 Drive-throughs	Drive-throughs should be heavily restricted in the city, but a carve-out should be make for walk-up windows.	Walk-up windows are not addressed in the code and likely don't need to be. Could occur as an accessory use where associated with a permitted principal use.
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.6.2(C)3 Drive-throughs	Drive throughs are dangerous for Pedestrians, and encourage anti social habits, like driving instead of walking for short errands that could be better done on foot. Pickup windows should of course be allowed, as they're safe and accessible for all modes of transport.	First wave changes limit drive-throughs.
Nathan Miller	10/12/2023	Konveio	6. Use Standards	6.6.2(C)3 Drive-throughs	[Response to Jay] I'm in favor of limiting drive throughs because they inherently favor vehicular traffic (duh) and pedestrian access is often no more than an afterthought, plus pedestrians frequently have to cross both a busy entrance and exit for these businesses, they are set back from the curb, etc. Just sets us up for sprawl and not density and line ups of idling vehicles.	First wave changes limit drive-throughs.
Jay	07/01/2023	Konveio	6. Use Standards	6.6.2(C)3 Drive-throughs	This is a general comment for the all the B districts that don't allow drive thrus for food/coffee. One reason this was changed(and still allowed for a pharmacy or bank) was the thought that the higher retail rents could potentially help with more housing above. If I can get the same rent from a food operator why not allow it? If the drive thru works let them do it. Only allowing drive thrus in certain zones is shortsighted and actually increases traffic since people will travel further to go through those drive thrus. Covid taught us that drive thrus are essential. We all want our Dunkin or Starbucks in the morning and will drive to get it.	The first wave drafts reflect a new policy direction to limit drive-throughs, which are typically suburban in form and can create challenges for vehicles, bikes, and pedestrians. The limited allowances for drive throughs are tailored to the nature and form of the city's zones.
Heather Sanborn	06/30/2023	Konveio	6. Use Standards	6.6.2(G) Tasting rooms	I honestly don't know what this means any more. I would think that the intent is to continue to allow the kind of foods that our breweries (and/or their food truck partners) are currently offering? "Full course meal" isn't a definition that I really understand at this point.	Revised language to refer to 'full meal,' which aligns with language from the state.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(I) Wind energy generation	Honestly, I would love to have a neighbor install one in their front yard to show commitment to renewable energy. Pavement and parked cars are less visually appealing. Let's think about making making it easier to implement out climate action goals.	The front yard prohbitiion reflects concerns about pedestrian experience in the right-of-way and to some extent, safety.
Smith	9/27/2023	Konveio	6. Use Standards	6.6.2(I)3 Wind energy generation	Is 25 feet not high enough if one needs to harness wind power? Perhaps ask the sustainability office to look into this…	25 feet is a common standard for accessory systems in a residential or low intensity mixed-use setting.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	6. Use Standards	6.7 Temporary Uses	A comprehensive set of temporary uses should be addressed in the Code - Temporary events should not only be modified but also more inclusive. The Temporary Event language in the Eastern Waterfront Port Zone is something that could be modified to focus on the whole Zoning District along with the City owned Ocean Gateway.	The first wave drafts added broad language re temporary uses.

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Kevin Parker	10/13/2023	Konveio	6. Use Standards	6.8.6 Historic resources	[Response to Kellan] Agree with Kellan on this. I can personally attest that Historic Preservation prevented the conversion of our building's condo units from gas boilers to heat pumps. This should be added to the code as an exception from Historic Preservation's oversight ability. There's no sense keeping perfectly-preserved buildings in a world destroyed by climate disaster.	Draft changes to Article 17 provide additional clarity on the review of these types of installations.
Karen Snyder	08/12/2023	Konveio	6. Use Standards	6.8.6 Historic resources	[Response to Kellan] Unhinged Historical Commission? Firstly, it is called the Historic Preservation Board and this unsubstantiated claim that the HPB demands single pane windows and ban installing air heat pumps is unsubstantiated. There are plenty of solar panels and heat pumps installed in the HDs. There are also plenty of single pane windows outside HD so maybe focus on that rather than these hysterical claims about HPB.	Revised drafts include some changes to the historic preservation ordinance in Article 16.
Kellan	07/16/2023	Konveio	6. Use Standards	6.8.6 Historic resources	Suggest expressly prohibiting the historical commission from making rules that substantially hinder improving building energy efficiency. The historical commission has become unhinged in its demands that all windows remain as single pane and its forbidding of the installation of air source heat pumps.	This reference has been eliminated from Article 6.
Tim Wells	10/12/2023	Konveio	6. Use Standards	6.8.7 Landscaping and screening	[Response to Karen Snyder] There are screening requirements. The City is inconsistent in requiring them across zones. But maybe it should be more conditional. Some projects should not be required to install as no one can see the mechanicals on the roofs. But in other places they can be seen by everyone. Like all the developments on Commercial or Fore that the neighborhoods and offices and people on the street can see. It doesn't make sense. A SF home can install a heatpump on the side of the house and it doesn't need to be screened. This is much uglier than rooftop mechanicals which most people cannot see. Why? This can add unneccesary costs but it is wildly inconsistent and doesn't really achieve much for the City.	See changes to landscaping standards under Article 13.
Karen Snyder	08/12/2023	Konveio	6. Use Standards	6.8.7 Landscaping and screening	There does NOT seem to be any landscaping or screen requirements for residential zones RN1 to RN7. Apparently, Planning Dept wants hot, urban and sterile microclimates within residential neighborhoods with no trees or vegetation while allowing large air handling units being installed on the flat roofs with no screening requirements on these modern clunky condo buildings being built.	The performance standards related to landscaping and screening have not been modified. Related standards under site plan review have been changed. See Article 13.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	6.8.7 Landscaping and screening	Landscape and screening changes do not address residential or the recommendations in ReCode II for a stated need to evaluate and revise for consistency and clarity.	The performance standards related to landscaping and screening have not been modified. Related standards under site plan review will be revised in that article.
kmsimp1	07/07/2023	Konveio	6. Use Standards	6.8.8 Noise	"Maintenance Activities" don't seem to be defined elsewhere in the document. Any commercial company not providing one-time construction services (E.G. landscapers) should be subject to the same noise standards as any other activity. Exempting lawn care from noise restrictions and allowing unlimited noise pollution creates significant externalities on the city as a whole. Exempting these activities that also generate enormous levels of air pollution is a direct contradiction of the cities one-climate future pledge.	Exempting these types of activities is typical in most noise/nuisance codes.
Avery Kamila	10/12/2023	Phone	6. Use Standards	6.8.8 Noise	How would noise impacts to residential properties be measured? Are the standards equitable? Are residential properties within a mixed-use zones subject to higher noise thresholds than residential uses in residential zones? This is an equity issue. All residential uses should be afforded the same noise limits as a basic matter of public health.	Noise standards have been revised such that all noise from uses in B zones is measured at the lot line, not at the boundary of the nearest residential zone.
Jonas Eule	07/03/2023	Form submission	6. Use Standards	6.8.8 Noise	Hello. I am wondering if there is anything in these phases pertaining to noise pollution emmiting from in particular Maine Craft Distilling on Washington ave. I also have some questions about sound ordinances and decibel levels.	Some minor changes to noise standards are proposed.
Tim Wells	10/11/2023	Konveio	6. Use Standards	In general	[Response to Jaime Parker] Agree that connectivity has to be considered. Not sure it should be required except in large developments which brings up the questions of how it is defined. But an important point.	Site plan and subdivision standards currently speak to this.
Markos Miller	10/7/23	Email	6. Use Standards	In general	I'm really happy to see the ReCode work is re-emerging for public input. I miss the committee format of pre-pandemic, but appreciate the recent effort to reconnect with the public. this is important work. I just wanted to offer a few comments. On the recent 9/27 virtual public forum one staff member commented that a fair amount of the public response was that the recommendations had gone to far, while another significant amount of the responses were that the recommendations had not gone far enough, and thus the recommendations must be about right. I think that is a good way to think about political efforts- especially when all parties are at the table and able to see that they are getting some wins, and the other parties are some wins, but these wins are balanced, and come with some losses. However, ReCode is not merely a political exercise- it is setting policy to reach Comp Plan goals that have already been established through a comprehensive public engagement process and a political process. The question now should not be what kind of city (zoning-wise) we want to be, but how do we best become the city envisioned in the approved and adopted Comp Plan. Setting a goal, but creating a path/policy that only gets us half way there, is not successful policy. My first comment is that there has been very little reference back to the Comp Plan, and this weakens the position of the recode process. The Comp Plan is visionary, solid, and based in a transparent, broadly supported process. It is foundational to all the ReCode work; ReCode should always be presented in the context of the Comp Plan- the WHY has already been decided, we just need to be reminded. The discussion is HOW we achieve these goals. 2nd comment- I applaud the general move towards more density. This is necessary for more housing, for walkable communities, transit, everything people say they want. However, the high end of the recommendations satisfies only the bare minimum needed to support better transit, neighborhood businesses, and thus, walkable neighborhoods. This means we will never reach those goals- because only in the maximum build out scenario can it be achieved, and we will never have maximum build out. The recommendations must present a plausible path to reaching our goals. I don't know if it's 30%, 50%, build out, or what, but it's not 100%. So, please, be more ambitious with policy that encourages more housing.	The draft changes to the code increase opportunities for housing and mixed use in significant ways in both residential and mixed-use zones.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	6. Use Standards	In general	The Code should address additional creative uses not currently listed - We offer support for the idea of “creative uses” not currently listed including but not limited to roof top gardens, roof decks, food and beverage offerings at marinas, etc.	These are generally accessory uses.
Todd Morse	10/09/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Adding new categories for three and four family dwellings adds complexity to the code and limits housing potential. We have dimensional standards in place that will control the impact of buildings and naturally constrain the number of units in certain zones. We should not be constraining numbers of units in entire zones.	3- and 4-family are mid-scale housing types that have historically had a place in the city. Including these uses explicitly will help create broader opportunities for them.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Ashley Keenan	10/11/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	The introduction of 3- and 4-unit uses is plainly a construction to comply with LD2003 while changing as little as possible otherwise. There is no meaningful distinction between a 4-unit and 5-unit use, it's an overly burdensome and unjustified restriction to apply.	3- and 4-family are mid-scale housing types that have historically had a place in the city. Including these uses explicitly will help create broader opportunities for them.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City's residential zones – Consider a diversity of housing types for all Zones, but when doing so, also think about transportation options that serve each zone and a variety of transportation choices that are and can be offered.	The ReCode drafts include changes designed to support a variety of housing types.
Cameron Thompson	08/15/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	[Response to Karen Snyder] The definition for lodging home is on page 9 and matches that of the current code. The current code allows lodging homes in R5, so the recode is more strict and I agree less equitable. They should at least be allowed in RN-4. Lodging homes and SROs are an affordable option for individuals who are struggling with finding housing. They are not necessarily sober homes though they can be. Your comments imply that individuals struggling with housing are also individuals struggling with substance abuse, and they imply that neither demographic deserve housing in our communities. I and I believe many others disagree with your sentiment. We are in the middle of a housing crisis effecting all demographics and in this recode we need to expand and encourage affordable housing options.	Lodging houses are currently permitted as a conditional use in the R-5 only as conversions and with significant restrictions. Added similar langauge to apply to the RN-5.
Phyllis Guevin	07/18/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	No outside gardens should be allowed.We all know they attract critters and rats.They should only be permitted within a structure.Enough said.	Many gardens exist as a customary and incidental accessory use to residential. Supporting gardens and the food economy is reflected in the comprehensive plan.
Emma Rubin	07/16/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Light business use that would benefit residents like small grocers, bakeries, coffee shops, food service etc. should be allowed in residential neighborhoods. Let's make it easier to walk to things!	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Allow small, low-impact, first-floor commercial uses in all residential zones as well as low- and medium-impact industrial zones. Some examples of uses that will be allowed, on the ground floor: restaurants, small retail, and clinics. Some examples of what will not be allowed: bed and breakfasts, marijuana retail stores, bars, adult business establishments, and auto service stations.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Encourage allowing additional uses within the RN-5 such as office and small retail uses on the ground floor that have a similar (or less) impact than allowable uses in the B-1 zone with similar performance standards such as hours of operation. This provision does not compete with housing, but rather it encourages complete neighborhoods where certain goods and services can be accessed by foot or bike, while promoting mixed-use smart growth development.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse category will help to address some need for neighborhood businesses. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See B-1 mapping.
Will Savage	10/13/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Include General Office as an allowable use.	Offices are currently allowed in a limited capacity as a home occupation.
Will Savage	10/13/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Include" Office Use"	Offices are currently allowed in a limited capacity as a home occupation.
Jim Wolf	07/18/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	While the old R3 zone seems to be allowing more development at a lesser density, the R2 lots remain significantly larger. Is there a explanation for this. I own land at the end of Tucker Avenue where the upper part of Tucker is R3 while the lower is R2. Is the an explanation as to why the old 2 zone is not being made the same as the upper part of Tucker	R-1 and R-2 were consolidated as part of the first wave changes. R-2 lot size has not been modified.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Create a new use called "coliving buildings" that is similar to lodging houses with the crucial difference of allowing separated common spaces. Ensure that the total amount of space available to each resident with the new configuration conforms to the standards for lodging houses.	Revised draft to eliminate requirement that lodging house kitchens be available to 'all residents.'
Cameron Thompson	07/20/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	According to definitions section the accessory level are those roof top versions less than 1000 sqft. Minor are those 1000-10000 sq ft Make it clear that accessory solar is also allowed	See 6.6.2(H). This is where solar as accessory is discussed.
Gabe Zappia	07/25/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	I watched your video and I understand how you are consolidating the zones. No mention was made about how the allowed uses are changing. Are there any allowed use changes expected for the RN-2 (formerly R3) zones?	See additional changes as described in companion materials.
Sam Lebel	11/6/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	The current R-3 zone allows for ground-up construction of multifamily under the PRUD when you hit the min lot size of 3acres. Because the PRUD is being eliminated under ReCode, an R-3 lot that is currently 3+ acres today and is eligible formultifamily development via the PRUD will no longer be able to build new multifamily projects. I do appreciate the 1,200SF density for CU multifamily in R-3 (renovation of existing nonresidential building); however, I think these conversionswill be relatively rare and as such, would advocate for perhaps a less dense option with ground-up new multifamily beinga permitted by-right land use in the R-3, otherwise, in a sense this zoning district is going backwards in the pursuit ofhousing for the larger lots.	See alternative development scenarios under Article 7.
Jim Wolf	07/17/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	I also would be curious to know if the zoning map is being altered. In the case of my land on Tucker/Newell it is currently in the R-2 zone, however, via Tucker half the road is R-3. Shouldn't the area have a consistent zone?	See map changes.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Removed Planned Residential Unit Development, (PRUDs) and Small Lot Development which have worked well to increase density more in keeping with historical pattern of neighborhoods,	Small lot development standards in the R-5 have been rolled into base standards for the RN-4. Removed PRUDs, and replaced with new alternative development scenarios, as PRUDs are historically fairly inconsistent with neighborhood fabric.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Demolition of existing structures NOT addressed as a prohibition to achieve proposed changes.	The drafts do no generally prohibit demolition.
Karen Snyder	08/12/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Example #2: Allowing an Easier Time for More Commerical Business/Non-Residential Use Businesses in RN-5 (formerly R6) Rather than Focusing on Long Term Residential Housing. In Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones (page 36), in following document link First Wave Changes - Comments — ReCode Portland, Planning Dept is relaxing how many commercial business and non-residential use businesses can be allowed in residential neighborhoods. For example: 1) Planning Department thinks it is okay to only allow most non-residential use businesses such as: bed&breakfasts, hostels and lodging houses (aka sober houses in RN-5(formerly R6) to RN-7 but yet NOT allow them in the other residential zones of RN-1 to RN-4. How is this fair and equitable? The "Lodging House" definition on Page 9 of document states: " A house, building, or portion thereof containing two or more rooming units, as well as common area, and providing individuals on not less than a monthly basis for compensation". From my understanding, Lodging housing (aka Sober houses) are considered temporary housing for people (Note: They don't even have to be Maine residents). This type of housing is considered transient and "non-residential use" business (besides also the Bed/Breakfasts and Hostels) will only remove more long-term residential housing units within the RN-5 (formerly R6) to RN-7 residential neighborhoods. Let us be very clear, long-term residents do NOT want to live next to transient housing such as: lodging houses, sober houses, bed& breakfasts or hostels. Long-term residents want to live in stable residential neighborhoods where there is an actual residential community and not a transient community which are less safe. 2) In addition, currently, there is no transparency to easily identify in the land use code what residential properties are currently being used as non-residential use businesses such as lodging/sober houses or group homes. Note: There have been at least manually identified over 20 lodging/sober houses within residential neighborhoods without notifying residents that this type of transient housing businesses is actually operating in residential neighborhoods. 3) It also needs to be clear how many and how far apart these commercial businesses and non-residential use businesses are allowed in residential neighborhoods. For example, the Planning Department has removed restrictions that group homes cannot be located within 500 ft of each other. What will happen? Not only Airbnbs are unregulated but now the City of Portland will allow an unlimited amount of non-residential use businesses with no restrictions to the number of Bed&Breakfasts, hostels, and lodging houses that can operate in residential neighborhoods. Consequently, with no restrictions, these types of non-residential businesses can overwhelm a residential neighborhood and remove long term residential housing units rather than ensuring there is enough long-term residential housing being built or created.	The first wave drafts generally reflect existing use permissions with respect to these uses in the R-6.
Karen Snyder	08/12/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	In Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones below are the following concerning an inequitable observation: 1) There are being proposed a substantial increase of "non-residential uses" being allowed in RN5 (formerly R6) than previously allowed in R6. For example, Bed and Breakfast, Hostels and Lodging Housings will ONLY allowed in RN5 (formerly R6) to RN-7. However, there is no clear definition of what lodging houses actually consist of within this document. From my understanding, Lodging housing (aka Sober houses) are considered temporary housing and a non-residential use (besides Bed and Breakfasts and Hostels) which removes long term residential housing units within the RN5-RN7 residential neighborhoods. Currently, there is no way to identify in the land use code what properties are currently being used as non-residential uses of Bed/Breakfast, Hostels, or lodging/sober houses. Note: There have been at least manually identified over 20 lodging sober houses within residential neighborhoods without even notifying abutters that this type of housing is being installed. 2) It also is NOT fair and equitable to allow these type of non-residential uses in RN-5 to RN-7 but yet NOT allow them in the other residential Zones of RN1-RN4. How is this "fair and equitable"? 3) The Planning Dept also removed the 500 ft rule so these types of non-residential uses can proliferate within RN5-R7 residential neighborhoods taking away from long term residential housing needs. What will happen? Consequently, this is NOT considered a complete neighborhood when non-residential uses could remove long term residential housing units rather than ensuring there is enough long term residential housing being built or created.	The first wave drafts generally reflect existing use permissions with respect to these uses in the R-6.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Combine multi-family, multiplex, two-family, and single-family dwelling uses into a single use (dwellings) and allow that new use anywhere the old uses were allowed, with the exception of island zones. For the island zones, create a new use “Island Dwellings” which are limited to single-family dwellings and apply them wherever single-family dwellings were allowed in island zones to preserve existing standards.	This would be a way of simplifying use standards, but would preclude some of the nuance between uses in the existing residential zoning that ReCode tries to maintain.
Peter Brandon	10/11/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	I feel these should be condensed to "Residential Dwellings (1-4 Units)" and allowed in all zones. As another commenter posted, there is no shortage of dimensional standards and other red tape that will protect the character of neighborhoods. There's a lot of talk in this recode effort about improving housing availability but this just looks like more of the same but with more complicated language.	This would be a way of simplifying use standards, but would preclude some of the nuance between uses in the existing residential zoning that ReCode tries to maintain.
Jim Wolf	07/17/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	It does not appear from reading that a great deal is being done to stimulate development in the current R-2 zone. If I am reading correctly the lot size is remaining the same and the only change is duplex construction will be allowed. In contrast, in the R-3 zone not only are duplexes being allowed, the density for multi development is much less restrictive.	Under recenlty adopted LD 2003 changes, up to four units would be allowed in all mainland residential zones, plus two ADUs.
Damon Yakovleff	08/04/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Based on my reading of the proposed changes, it appears that the new RN1, and possibly the RN2 zones, are not considered the "growth area" because they do not allow 4 or more units. I would suggest that the "growth area" should be defined as "anywhere in mainland Portland served by public water and sewer'. All of these locations should be zoned for medium to high residential densities. Separate considerations for the islands make sense.	Under recenlty adopted LD 2003 changes, up to four units would be allowed in all mainland residential zones, plus two ADUs.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Removed from current Use Standard Table is Off-street parking as Conditional use “to insure compatibility with the immediate neighborhood.”	Under the drafts, off-street parking would no longer be permitted as a principal use within residential zones. This is in keeping with policy direction both on parking and on housing creation.
Connect Portland	07/19/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Have PRUDs been eliminated?	Yes.
PIC	1/9/24	Email	6. Use Standards	Table 6-B: Uses in Island Zones	The PIC opted not to put forward detailed recommendations for use permissions for now, as it is a complex issue that weneed to spend further time on. As you all know, this is certainly something that the community is interested in, as there areunique complexities to running businesses on Peaks Island.	General comment.

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Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Light industrial zoning + I-B + allowable uses - One of the most widely discussed zoning issues in all of our discussions is the need for more commercial space. Property values are so high and our business district so small (and filled with residential homes) that it is nearly impossible to start a legal business on Peaks. - In the next phase of ReCode, serious consideration needs to be given toward establishment of a light industrial zone and expansion or alteration of the current I-B zone. Our H&Z Committee recommends looking at land adjacent to the Transfer Station. - Is there consideration to open up allowable uses of IR1 or IR2 at all to allow for more mixed used zoning?	See some proposed changes in zone boundaries under mapping.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Sewer - Are there any concerns about how many new housing units the current sewer system can support? - Do you know when the Planning Department/Public Works are looking at another phase of sewer extension on Peaks?	There are concerns about the adequacy of infrastructure on the islands, which is part of the reason that they are defined as outside the 'designated growth area' and permitted uses are limited.
Tanya	7/18/2023	Konveio	6. Use Standards	Table 6-B: Uses in Island Zones	Shouldn't there be studios for artists and craftspeople allowed in IR-1 and IR-2 zones? At least studios that create minimal noise and/or smells	These uses have been added in revised drafts.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Multi-family units + LD2003 - Was there consideration to allow multi-family units in IR2 or IR1? Or at least up to four-units? - This was discussed at the last PIC meeting and there was not any pushback to idea of allowing more multi-families. The reality is that the limiting factors of property values and available land on Peaks mean we are very unlikely to see a surge in building even with new zoning allowances. The character of the island is not in danger. - How is LD2003 being dealt with here? Is there a reason the multi-family allowance of the state bill is not being extended to Peaks?	Under recenlty adopted LD 2003 changes, up to three units would be allowed in all island residential zones, plus two ADUs.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Two family allowance: - The H&Z committee and the PIC unanimously support island-wide two family allowance. This would increase housing choices, for renting and home ownership, and would not alter the character of the island. We have found widespread support for this throughout the community— including unanimous support of community members who attended the last two PIC meetings.	Under recenlty adopted LD 2003 changes, up to three units would be allowed in all island residential zones, plus two ADUs. These have been integrated into the adopted code and are reflected in the revised drafts.
Laura Glendening	10/17/2023	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Regarding the PIC recommendation for a multi-units in all residential areas this committee recommends further investigation as the survey results did not show support for this allowance.	Under recenlty adopted LD 2003 changes, up to three units would be allowed in all island residential zones, plus two ADUs. These have been integrated into the adopted code and are reflected in the revised drafts.
Joe Walsh	10/13/2023	Email	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	B-4 Zone Draft: I am highly supportive of allowing multi-family development in this zone. I am a property owner in a B-4 zone on Warren Ave and there is so much vacant land out here that could be housing, and would be suitable for large apartment buildings. And having no setbacks opens lots more possibilities. What is the proposed minimum area/du? Again, I bring up the question of missing middle housing. Large apartment complexes will certainly be built if this change passes. But how about 4-plexes on the smaller lots in this zone? What can the City do to encourage this type of housing?	First wave drafts modified use permissions to allow more housing within the B-4 zone.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	RP zones added “residential” as permitted use whereas in the current language it states, “any residential use permitted in the nearest residential zone.”	Provisions that refer to 'nearest residential zone' were eliminated in the first wave drafts in favor of clearer, more direct language.
Julie Dubofsky	08/17/2023	Form submission	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	I would also like to suggest that Emergency Shelters and Residential Care Facilities (small) be permitted/conditional in RN-4 due to the presence of a fixed route transit service on Stevens and Brighton Ave, or to consider adding them as permitted/conditional uses to the B-1 Neighborhood Business zone allow for families experiencing homelessness to be sheltered (allowed in B-2) near their schools and services. Smaller facilities have a better chance of facing less NIMBY opposition, and would support the city's greater efforts in Housing First adoption and opportunities for new housing development with social service providers. Thank you very much for your consideration and the extensive work to marry land uses with all the policy efforts of the city.	Revised drafts add small residential care facilities as a permitted use within the B-1, and to allow large and small in the B-4. Housing first projects have historically simply been permitted as multi-family housing.
Joe Walsh	10/13/2023	Email	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	B-1 Zone draft - Our City needs more of this type of Zone. Why not eliminate the single-family as a possibility in this zone? I would assume B-1 zones would be surrounded by RN-4, RN-5 and in some areas RN-1 & RN-2 zones - so to allow single family to be built by right in B-1 seems redundant.	Revised drafts eliminate single- and two-family as permitted uses in these zones.
Jaime Parker	10/11/2023	Konveio	6. Use Standards	Table 6-G: Uses in Open Space Zones	Trails, Byways, neighborhood connections. Paved or unpaved.	These are generally not treated as principal land uses.
Ryan Johnson	07/14/2023	Konveio	6. Use Standards	Table formatting/key	Suggest incorporating this key on the table itself for easier reference.	The revised drafts make this change.
Llz Trice	10/11/2023	Konveio	6. Use Standards		Seems like we should be able to have fewer than 6 business zones.	Some consolidation of mixed-use zones has been proposed.
Jaime Parker	10/11/2023	Konveio	6. Use Standards		Trails, Byways, neighborhood connections, pocket-parks, street-side tiny parks and associated amenities (benches, signs and maps, artistic or landscape features should be an allowed "use" in all zones. ALL new development should support connectivity and outdoor social spaces, and connections to and through developments should be required, or if an exception is made, there should be a commenserate improvement to nearby connectivity via bicycle and pedestrian infrastructure, trails, etc....	Under drafts, parks would be allowed in almost every zone. Trails, byways, benches, etc. are generally treated more like site amenities or infrastructure improvements that might be required under subdivision or site plan.
Karen Snyder	08/12/2023	Konveio	7. Dimensional Standards	7.2 "Average grade"	This is a confusing definition. Is average grade connected to pre-development grade? It assumes a structure is in the lot. What if it is an empty lot? How can an average grade be calculated if there is no structure in the lot?	Both the 'pre-development grade' and 'average grade' definitions refer to structures, since both definitions are central to calculations of height, which is only relevant to structures.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	7.2 "Height"	Propose that the City consider, as a resiliency measure, allowing developers to convert height restrictions in feet to a maximum number of stories. This change would allow for the increase in floor to floor height of lower floors (thereby providing mitigation from the impacts of flooding) and encourage the thoughtful placement of mechanicals without negatively impacting uses and floors above. To qualify for additional height, a project should be required to demonstrate that the extra height is used for resiliency measures. The City could consider requiring that certain other sustainable development practices be met as well.	See Article 8, where the draft Coastal Flood Resilience Overlay Zone proposes to allow some additional height where DFE affects first floor elevation.
Robert O'Brien	10/06/2023	Email	7. Dimensional Standards	7.2 "Height"	The HP board has at least twice in recent times run into building height limitations for pitched roofs, which ends up making the building look squat as a result. The first example I have was new construction on Danforth Street. This preceeded my time on the HP board, but as you can see the new building on the right had a lower height allowance than both of its historic abutters. I heard the HP board at the time recommended the pitch of the roof should be steeper to match its abutters but City height limits prevented that so it needed to stay squat. It looks a little silly. The second example is a Munjoy Hill attic conversion to living space proposal that's come up recently. In order to accomodate head-heights in the new living spaces, dormers need to be added, reducing the slope of the roof. It would make sense to raise the pitch of the roof to maintain the proportions of the house, but the house runs up against the building height limits. The project would be so much improved if the building's proportions could be retained after this renovation, and all it would take is another few feet to make it right. (This project won't be affected by ReCode, but it's an example that's likely to come up again in the future). --> My idea is allowing a roof pitch to exceed buidling height limits (below an additional 5'? 8'?) if the project is subject to design review (by staff or board) and the height allowance best serves the composition of the building (as opposed to the programmatic desires of the applicant -- I don't want to turn this into a pent house grab). Maybe there's another way to approach it. But it's too bad we've run into a couple of these honest examples that could have benefitted from a couple feet of flexibility.	The preferred approach is for applicants to design projects to meet existing height standards as well as design standards.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	7.2 "Height"	If a building is on a hill where one side is at sidewalk level, allow height to be measured from that sidewalk instead of the average height of the lot.	The ReCode drafts generally maintain the existing approach to measuring height, but add some clarity around how to measure grade.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	7. Dimensional Standards	7.2 "Height"	3. HEIGHT REGULATION IS NOT IMPROVED; HEIGHTS SHOULD BE MEASURED FROM PRE-DEVELOPMENT GRADE. Measurement of heights in Portland has been problematic for at least a decade. Rather than fixing the source of the controversy, the proposed draft further embeds the misguided approach. For both the islands and mainland, dimensional height limits should be applied from pre-development grade as existed as of a certain date, such as January 1, 2000. Instead, the proposed draft imposes absolutely no limits upon a developer importing fill or otherwise proposing to alter the site prior to calculating allocable height. That makes the height limits de facto non-existent and defeats the reason for having height limits in the first place. Similarly, the proposed draft does not adequately define the point of measurement; applied details such as planters should not be treated as if they are a foundation.	The ReCode drafts generally maintain the existing approach to measuring height, but add some clarity around how to measure grade.
GPL Advocacy Committee	12/10/23	Email	7. Dimensional Standards	7.2 "Height"	We feel strongly that the definition and/or rules of measurement for building height should be measured from predevelopment grade, to ensure that no development can game the system and achieve a height vastly out of scale with its neighbors. We referenced the Bangor LUC language as an example of another Maine community's handling of this issue: "Height is measured from the vertical distance from the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof to the average grade adjoining the building footprint prior to construction."	The ReCode drafts generally maintain the existing approach to measuring height, but add some clarity around how to measure grade.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	7. Dimensional Standards	7.2 "Height"	4. THERE SHOULD BE A CAP ON HOW MUCH GAIN CAN BE REALIZED FROM AVERAGING GRADE. The code needs to recognize that a high percentage of the sites in Portland that remain to be built upon are on steeply sloped land. In the last several years some buildings have been proposed or built on these steeply sloped sites, which take maximum advantage of grade averaging and produce buildings that are greatly out of scale with their context. These buildings should serve as cautionary examples and the proposed code should be adjusted to establish a maximum amount of height above the lowest grade that can be picked up by averaging grade, such as 4 feet. A cap like that will further context sensitivity from both the uphill and downhill perspectives.	The ReCode drafts modified the rule of measurement to ensure measurement at regular intervals, which will help to standardize the methodology.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	7. Dimensional Standards	7.2 "Height"	5. PORTLAND'S CODE NEEDS TO INCORPORATE A METHODOLOGY FOR MEASURING GRADE THAT IS CONSISTENT WITH STANDARD ENGINEERING PRACTICES AND IS NOT AS VULNERABLE TO MANIPULATION BY APPLICANTS. The proposed definition of "grade, average" proposes minor improvements over current, but the methodology is incomplete. "Foundation" is not operationalized. Using the perimeter of the building as the element to be measured allows for heights to be "gamed" by proposing a building that is heavily crenelated or repeatedly indented on the highest part of a site, giving extra weight to that part of the perimeter. A more standard methodology for measuring grade is in order.	The ReCode drafts modified the rule of measurement to ensure measurement at regular intervals, which will help to standardize the methodology.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Mary Costigan	10/11/2023	Email	7. Dimensional Standards	7.2 "Height"	Sun Life was recently denied approval of a proposed rooftop occupancy due, in part, to the City's determination that their proposed paver system was a "structure" above the height limitation that was not on the list of approved rooftop appurtenances in the Code. We did request an amendment to add paver systems to the list for ReCode, but it appears that it did not make it into the draft. We are therefore writing to ask that it be added to the list of rooftop appurtenances. With the growing popularity of rooftop occupancy, we believe it is important for the City to consider amendments to its allowed list of appurtenances in order to allow for occupancy. Many rooftops are sloped for drainage and therefore need to have a flooring surface that is on adjustable pavers to create a level walking surface. The paver system, just like tiles laid directly on the surface are simply additional roofing material and do not add any significant height to a structure. Rather, they create an even, safe surface to walk on. Finally, because of the popularity of rooftop occupancy, the issue of what types of structures can go on the roof to support the occupancy is likely to continue. It seems logical that shade structures, attached furnishings, and other accessory structures associated with rooftop occupancy should also be allowed as appurtenances, provided they do not exceed the height of the penthouse or other approved parapet for screening rooftop mechanical systems. We have drafted the following amendments for your consideration. Section 7.7.1. Height E. Exceptions for Rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, deck railings or guards, pedestal paver roof deck systems, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Shade structures, attached furnishings, and other appurtenances associated with rooftop occupancy may also be erected above the height limitations provided they do not exceed the height of the rooftop penthouse or other approved parapet for screening of rooftop mechanical systems. . Add a new definition to Section 3: Pedestal paver roof deck system: flooring system consisting of pavers which are laid over a pedestal support (fixed or adjustable height) which raises the tiles or pavers off the existing surface to create a level, elevated deck.	The revised drafts include changes to the height exceptions for rooftop appurtenances to include pedestal paver systems up to 18" and other similar furnishings that support rooftop occupancy while maintaining the effect of the established height limit.
Karen Snyder	08/12/2023	Konveio	7. Dimensional Standards	7.2 "Height"	Why is Planning Dept using a pre-development grade for the Islands but a confusing "average" grade for calculating the height of a building?	This has been the long-standing approach to calculating height within the land use code.
Amy Oberlin	10/11/2023	Konveio	7. Dimensional Standards	7.2 "Landscaped open space ratio"	Green roofs are expensive to construct -- there should be a benefit in terms of counting towards some fraction of landscaped open space to incentivize them.	Green roofs are incentivized elsewhere in the code and related regulations (e.g. within stormwater management requirements).
Karen Snyder	08/12/2023	Konveio	7. Dimensional Standards	7.2 "Landscaped open space ratio"	There is no clear definition what landscaped actually consists of. Does it mean planting pollinators or yard scaping with perennials? Does it mean adding trees, etc.	Open space' is defined in Article 3 as 'land and water areas designed and reserved for use as active or passive recreation areas or for preservation purposes,' and landscaped would carry its common meaning. The rule of measurement does specify some things that do not qualify as landscaped open space.
Connect Portland	07/11/2023	Email	7. Dimensional Standards	7.4 Alternative Development Options	New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables?	As written, these options don't apply across all zones, and they have not been added to the use tables, as these options don't represent 'uses' per se, but more a change in dimensional standards. Because the dimensional standards for these alternative options are complex, they lend themselves to text, rather than a table.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	7.4 Alternative Residential Development Options	Would the City consider Private Roads to meet the City Frontage requirements? Given the goals of this section, and potentially elsewhere, it may be advantageous for the City (and Developer) to construct a private street to provide access, utilities, stormwater, street frontage, etc while not being constrained to 50' ROW widths and technical standards. The ownership and maintenance of the private roadway would be the responsibility of a homeowner's association.	Revised drafts refer to frontage on a 'private way' as well as a street.
Jaime Parker	10/11/2023	Konveio	7. Dimensional Standards	7.4.1(D) Conservation residential development	Considering Conservation or Open Space related to development, there should be a requirement for permanent public access and connectivity from the development to, and through the open space.	This is a conveyance option, but has not been added as a requirement.
Nathan Miller	10/12/2023	Email	7. Dimensional Standards	7.4.2(D) Cottage court development	Why limit this to 25%? Cottage courts sound amazing, why wouldn't we allow an entire cottage court development that is nothing but duplex units (meeting the other requirements), to help reduce per-unit costs and increase energy efficiency (shared walls)?	Cottage court is a way to do more units on a lot with some relief on minimum lot size, meaning that buildings by nature will be smaller. This form is not meant to replace multi-family.

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Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	7. Dimensional Standards	7.4.2(D) Cottage court development	Cottage Court zoning - We have heard broad interest in Cottage Court zoning on Peaks. This could aid in our desperate need for year-round rental housing, while preserving adequate open spaces. ADUs are already of course not allowed to rented short-term on Peaks. This was also supported unanimously by the PIC and H&Z committee.	The revised drafts add cottage courts as a development option within the IR-2 zone.
Betsey Remage-Healey	10/12/2023	Email	7. Dimensional Standards	7.4.2(D) Cottage court development	Why isn't cottage court zoning proposed for IR1 or IR2 ? Surely an important option for small/tiny house clusters. I believe a number of islanders have requested this.	The revised drafts add cottage courts as a development option within the IR-2 zone.
Nathaniel Ferguson	10/11/2023	Konveio	7. Dimensional Standards	7.5.2(A) Pedestrian passage required	This standard for "pedestrian access" is counterproductive. The current street grid is already sufficient for providing pedestrian access. This requirement would reduce the buildable lot area when a sidewalk is added to a street. Parking lots should also not count as a factor requiring pedestrian passage. Importantly, this standard does not allow for walking through the actual building to count as pedestrian passage. Because of this, both the Cross Insurance Arena and City Hall would not comply with this standard. Also, for mid-block connectivity, many existing streets in Portland have more than 300 feet of continuous storefronts, but since they are separate (touching) buildings, they would not be subject to this standard. Please remove this entire standard.	The revised drafts modify this requirement to allow some flexibility.
Publius Portland	07/09/2023	Form submission	7. Dimensional Standards	7.7 Space and bulk exceptions	You should permit the planning board to waive the "step-back" requirements in the RN-5 Zone in the event the lot is an "in-fill" and a finding that there is no material adverse visual impact from the waiver. There are several lots in the current R-6 that could and should be built to 45 feet tall and would fit appropriately in the neighborhood, and requiring the step-back adds construction complexity for very little value.	Stepbacks have generally been successful in mitigating height and mass.
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	7.7.1(E) Height exceptions (rooftop appurtenances)	How can decking to build a deck not be included? How can the City allow deck railings and guards but not allow the deck itself? Why are decks not allowed on a rooftop? What problem is this solving? Who is deciding that roof decks are immoral or harmful? If the City doesn't want roof decks just say they are not allowed. It is very misleading to allow deck railings, which suggests that a building may have a roof deck, but not allow the actual decking itself. This is not making the code clear, conscise, easy to understand. When the decking is below the parapet does it really impact the neighborhood or neighbors? The answer is obviously no. So who thought this one up? Who is making the judgement that roof decks are bad? Roof decks are outdoor space. On multi-unit buildings, where people are using 435 sf or 725 sf of land per home, not 5000 or 10,000sf, and giving up a huge yard for their own personal use, the City is trying to restrict flexibility to create outdoor space. Effectively penalizing people who live in multi-home buildings. Encouraging single-family home purchase and suburban development patterns by making more urban neighborhoods less appealing. Why? How does this conform with the stated aspirations in the Comprehensive Plan? How is this equitable? How does this help address the issues of affordability and availability of homes? Why would decking that isn't even visible and doesn't add height to a building not be allowed? Especially after COVID and the lockdowns, where we learned that people need balconies and safe, private outdoor space would we be ignoring these lessons? I am not sure what the impetus is for this ommission to effectively disallow roof top decks. Especially when more height is needed to meet the challenges of climate change and reducing floor to ceiling heights is moving in the exact opposite direction of where we need to be heading. Baffling!!	The revised drafts include changes to the height exceptions for rooftop appurtenances to include pedestal paver systems up to 18" and other similar furnishings that support rooftop occupancy while maintaining the effect of the established height limit.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	7.7.1(E) Height exceptions (rooftop appurtenances)	Exceptions for Rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, deck railings or guards, pedestal paver roof deck systems, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Rooftop pools and associated infrastruture, shade structures, unenclosed structures, attached furnishings and other appurtenances associated with rooftop occupancy may also be erected above the height limitations provided they do not exceed the height of the rooftop penthouse or other approved parapet for screening of rooftop mechanical systems.	The revised drafts include changes to the height exceptions for rooftop appurtenances to include pedestal paver systems up to 18" and other similar furnishings that support rooftop occupancy while maintaining the effect of the established height limit.
Rachel Conly	07/13/2023	Email	7. Dimensional Standards	7.7.3(A)	1. In section 7.7.3.A "Small Island Lots". Can you please clarify if this section is ONLY applicable to development on vacant lots, and not applicable to existing non-conforming previously developed small lots in IR-2? For instance, is it possible to apply the new dimensional standards to a remodel/addition in the IR-2 zone for properties that are less 20,000 SF? Or, can a previously existing single family in the IR-2 be converted into a 2 family?	Revised drafts reorganize this language to clarify that the standards would be applicable to both existing residential lots and to vacant lots in certain cases.
PIC	1/8/24	Email	7. Dimensional Standards	7.7.3(A)	The PIC voted unanimously in favor of recommending a 2,500 sq ft lot size for small island allowance. Our Housing &Zoning committee supported us in this decision as well. In examining lot sizes throughout the most dense year-roundresidential streets on the island, we see 2,500 sq ft as reasonable in keeping with the current neighborhood lay-outs. Itwould not bring all lots into conformity, as there are many under 2,000 sq ft, but it would make some progress there, aswell.	The revised drafts establish a 3,000 SF minimum lot size for small island lots.
Will Savage	10/13/2023	Konveio	7. Dimensional Standards	7.7.4(A) Setbacks	Taller bulkheads (>24") should be considered.	Based on experience, most bulkheads meet this standard.
Rachel Conly	10/13/2023	Email	7. Dimensional Standards	Accessory structures	Following the current ADU regulations on Peaks, I would also like to see other accessory structures, whichbenefit the health and well being of people and the planet, be exempt from lot coverage requirements.Things such as greenhouses, sheds (for bikes and gardening, we don't have garages out here, and mostpeople don't have basements), and porches (covered and uncovered) should be allowed to improve thehealth and well being of occupants. I would also argue that artist spaces and home offices should fall intothis category. In addition to removing the barrier of lot coverage restrictions, I would also like to see thesetback requirements either removed, or radically changed for these particular uses. Most properties cannot add any of these accessory structures legally to the lot. This includes ADUs. While the ADU regulationsremoved lot coverage requirements, most IR-2 properties (which includes a population of people that couldreally use extra income and age in place) are still unable to add ADUs due to the setback restrictions. Thelots in IR-2 are very small!!!	Revised drafts reduce setbacks for detached accessory structures (and small island lots), and increase the lot coverage to 60%, as adopted under LD 2003.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	Accessory structures	A comprehensive set of accessory structures and uses should be clearly defined within the Code – This should include temporary accessory structures that could be renewed with certain time intervals.	The first wave drafts include new language for accessory uses and structures.

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Joe Walsh	10/13/2023	Email	7. Dimensional Standards	Building code	What can the city do to encourage triplexes and four-plexes? Often, these projects don't get built because of sprinkler requirements, min lot sizes and setbacks. If I understand correctly, some of the sprinkler requirements are set at the state level, but I hope we are doing all we can to lessen/streamline this particular burden wherever possible. I know we have to be conscious of safety, but there are diminishing returns at some point and safety needs to be balanced with cost.	Under recenlty adopted LD 2003 changes, up to four units would be allowed in all mainland residential zones, plus two ADUs.
Nate Howes	08/09/2023	Form submission	7. Dimensional Standards	Downtown height map	The block at the NE corner of Cumberland and Elm is under-zoned (85' max height) compared to the block on the NW corner of Elm and Cumberland (105' max height), especially given its location immediately across the street from the Metro transit hub. Portland should be prioritizing density along busy corridors like this in the core of the downtown peninsula. The 105' height overlay should be applied on the NE corner block.	Revised height map includes chane sin this area.
Ashley Keenan	10/13/2023	Konveio	7. Dimensional Standards	Downtown height map	The fact that this map is the only one available leads me to believe that the focus is, as ever, on trying to manhattanize the peninsula instead of encouraging reasonable middle-density housing across the city. We don't need skyscrapers, especially in our regulatory environment. We need the city as a whole to be brought up to parity with the most lovable neighborhoods in the city. Completely wrong-headed approach. I understand that the perception is that we peninsulars are less likely to object, but this poverty of confidence can't be allowed any further to choke our city. I wish a fraction of the effort here was put into upzoning the mainland.	The comprehensive plan supports additional development downtown, close to jobs and services, as the center of the region and an element of a smart growth approach.
Michael Erickson	11/21/21	Email	7. Dimensional Standards	Downtown height map	My name is Mike Erickson and I am the General Manager of Holiday Inn By The Bay (88 Spring St). I recently learned that the city is considering increasing some downtown height limits, and I am writing in hopes of having our parcel included in said height increase. This increase would allow us to activate our rooftop and open a great space to enjoy views of Casco Bay. We hope to add to the city's food and drink scene by making our space available to both visitors and locals while operating in our existing footprint. Please let me know if there are any more formal steps I can take to support this, or if you have any questions for me.	The revised drafts include changes to the height exceptions for rooftop appurtenances to include pedestal paver systems up to 18" and other similar furnishings that support rooftop occupancy while maintaining the effect of the established height limit.
Ashley Keenan	10/13/2023	Konveio	7. Dimensional Standards	Figure 7-J: Tower stepback	As I mentioned elsewhere, stepbacks are aesthetic preference that are often presumed to be architecturally insignificant. This isn't the case. Each stepback requires significantly more load-bearing elements than would otherwise be necessary from an engineering point of view. The reduction in square footage, then, is even greater than it at first appears, not to mention the additional cost of construction. If we must have stepbacks, it should be at most a single stepback, and at a generous height.	Stepbacks have generally been successful in mitigating height and mass.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	General	Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment – Regulatory incentive (density bonuses and/or height increases), Tax (TIFs), economic, financial (grant programs, support for infrastructure) should be considered for projects that include a mix of uses and prioritize walkability.	The principles of mixed use and walkability are fundamentally supported through the standards of the mixed-use zones.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	Heights	Encourage taller height limits across most zoning districts. This recommendation is due to the new average grade calculation. While the new definition/calculation does provide a more consistent measurement and makes sense from a policy standpoint, it will likely result in lower average grade planes, and thus shorter buildings. The recommendation for taller heights is also being made because of the need for housing and the limited horizontal space available on most lots available for multifamily development.	See proposed changes to height limits within the downtown height map.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	Resiliency	Evaluate dimensional standards and uses permitted throughout the city in the context of risk and resilience. Developing regulatory incentives and requirements for projects in low risk and high risk areas should be differentiated. Resiliency overlay zones should be flexible and dynamic due to and consider flood zones, stormwater and heat islands. Including flood tolerant landscaping, requiring utility systems to be flood resistant are examples of some regulatory options.	See Article 8, where the draft Coastal Flood Resilience Overlay Zone proposes to address flood risk due to sea level rise and storm events.
Joe Walsh	10/13/2023	Email	7. Dimensional Standards	Setbacks	I'm very much in support of reducing setbacks wherever possible and glad to see it happening in several zones with these changes - it's frustrating to see good lots go unused, or gentle increases in density not happen, because of a few feet of setback. Particularly, excessive front setbacks, which are detrimental to a human-scale streetscape.	Setbacks have been modified in drafts to provide flexibility.
GPL Advocacy Committee	12/12/23	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Two recent planning initiatives, Portland's Plan 2030 and One Climate Future, identify sustainability as a key goal and priority for the city's future. We are concerned that the more permissive dimensional standards may, as the city experienced on Munjoy Hill after the 2015 zoning changes, unintentionally encourage teardowns and exacerbate the loss of diverse affordable housing options in the city's residential neighborhoods. Teardowns also have adverse environmental effects, including increased solid waste and energy impacts that do not support the City's sustainability goals.	The ReCode drafts generally do not prohibit tear downs, as the comprehensive plan acknowledges a future of change.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Building Length	6. THE PROPOSED RN-5 75' BUILDING LENGTH DIMENSIONAL STANDARD IS INADEQUATE TO ADDRESS THE SCALE OF NEW BUILDINGS. The new building length dimensional standard is inadequate to control the scale of new construction. In 2020, the peninsula neighborhoods proposed approaching context sensitivity through regulating lot consolidation in order to retain a development pattern typical of compact lot development. In the alternative, they proposed that lots could be purchased by a common owner but proposed that the maximum dimensional requirements would be established by the maximum that could have been built upon the separate, non-merged lots of record. While this 75' maximum building length restriction may attempt to get at a similar problem, 75' is too big for the Munjoy Hill neighborhood context. 50' would be more in keeping with a typical building size. Similarly, the definition does not specify that a setback would be required between two or more such buildings. Theoretically, a technical break of one foot would suffice under the proposed definition. That is not sufficient. To be contextually appropriate, a full setback on each side of the midline should be required for each building even if they are on a single large lot under common ownership.	Revised drafts reduce the maximum building length in the RN-5 to 60' and eliminate the maximum building length in the RN-7.
PHA (c/o Sarah Tatarczuk)	10/12/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Building length	Maximum Building Length in RN-5 and RN-7 set at 75' • IMPACT/EFFECT: This new requirement would severely hinder – and potentially cripple – future mid-rise multifamily development in these zones. Affordable projects would be particularly harmed because they depend on economies of scale gained from multifamily's efficient construction approach and dense use of land. Buildings would need to be significantly smaller and shorter to comply, thereby losing those efficiencies. This regulation would have disallowed many valuable multifamily buildings that were recently built. PHA's new developments in East Bayside have been well over the proposed 75' building length standard, including Bayside Anchor (±144') and Solterra Apartments (±135'). The result of this regulation would be fewer affordable projects and significantly fewer affordable units built in the RN-5 and RN-7 districts. • RECOMMENDATION: A standard of 75' is unrealistically short and arbitrary. We recommend the City eliminate all Maximum Building Length requirements for affordable multifamily projects. If this standard must remain, we encourage the City to a) create an exception process for affordable housing projects; b) significantly increase Max Building Length standards; and/or c) remove this requirement from ReCode and include it in the Design Manual.	Revised drafts reduce the maximum building length to 60' in the RN-5, which generally has a finer-grained lot and building pattern, and eliminate the maximum building length in the RN-7.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Building length	Strongly encourage increasing or eliminating the max 75' building length in the RN-5. This is a new dimensional standard and would negatively affect certain projects (especially those with a high ratio of lot frontage to lot depth) causing either a smaller building and thus less housing units, or would require the developer to build two buildings on one lot, which would be cost prohibitive in many cases because it is much less efficient to build 2 buildings vs 1. Instead, rely on the measures already in place such as stepbacks, height limits, and the City's Design Standards to guide the appropriate scale and massing. Ultimately, this new standard will result in less housing units being constructed, while creating a nonconforming condition for a multitude of projects that have already been constructed.	Revised drafts reduce the maximum building length to 60' in the RN-5, which generally has a finer-grained lot and building pattern, and eliminate the maximum building length in the RN-7.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
MHNO (c/o Barbara Vestal)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Building Length	7. THERE IS INSUFFICIENT ATTENTION PAID TO WHAT THE LAND USE CODE CAN DO TO RETAIN EXISTING HOUSING AND/OR MAKE AFFORDABLE HOUSING MORE LIKELY. So far, the sections of the proposed changes to the land use code seem to focus on new construction. More attention needs to be paid to how the land use code can foster and incentivize retention of existing housing because that is where the "missing middle", "naturally occurring affordable housing" and "workforce housing" is typically found. New construction will be expensive, and frequently in Portland the new "luxury housing" that is built is a second (or more) residence for a non-resident. The creation of luxury housing is unlikely to result in "trickle-down housing" in the Portland market which will be available to middle income residents. Perhaps the rewrite of the section on non-conforming structures will identify some opportunities for the repurposing of formerly non-residential structures into residential uses, or the retention of existing housing with upgrades or additional units which can be part of addressing the shortage of affordable housing. In addition, more attention needs to be paid to how building heights and other dimensional standards can incentivize workforce housing. The (now repealed) Munjoy Hill Neighborhood Conservation Overly Zone contained some height differentiations that should be studied for possible inclusion in the proposed ReCode changes. Instead of allowing 45 feet as of right (as proposed in ReCode II), in the MHNCOZ at least one workforce unit had to be included to increase allowable height from 35' to 45'. This was too generous; it should have required a percentage like 25% rather than a single unit to qualify for the height bonus. The other dimensional requirements should be studied to see what other workforce housing incentives can be incorporated. Perhaps lot area per multi-family unit (725 SF/unit) could be reduced if all units (or a certain high percentage) were workforce housing. But any adjustments to dimensional standards also need to be coupled with intensive scrutiny of the standards for what qualifies as workforce housing. For example, for proposed workforce condominium units, the ordinance should ban the practice of monthly condominium fees being assessed on a per capita basis. Instead, monthly condominium fees should be regulated so they reflect that the workforce unit is smaller, in a less desirable location, has different appliances or finishes, etc., as applicable. It defeats the intent unless the monthly carrying costs are affordable.	The ReCode drafts create more opportunity for housing across the city, including in downtown Portland and in off-peninsula residential zones. This approach should help relieve some pressure on the zones that have historically seen most demand. The drafts generally allow conversion of existing residential and non-residential structures into higher-density residential uses. Per the changes adopted under LD 2003, the workforce and affordable housing density bonuses in Article 17 have been expanded to all mainland zones where residential is allowed.
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Building length (RN-5)	Why should a building be limited to 75 feet? Look at historic homes around Portland, Maine and the Northeast. Many are 100 or 120 feet long and built 100 or 200 years ago. This puts a limit for underground parking, for multi-home buildings to 6 or maybe 7 on each side. This limits the attractiveness of multi-home living. We are in a period of transition, both in terms of reducing dependence on cars and on the stigma for families to live in apartments and condos. But to make a walkable neighborhood where businesses can survive and to combat climate change we cannot continue to put up barriers to multi-home projects. 1 parking space per unit is still going to be a minimum expectation for years to come. Because we don't have walkable neighborhoods yet. Underground parking is much preferable to surface parking. It allows for more homes and doesn't add to heat-sink and to impermeable surface. It should be accomodated not discouraged. Restrictions like this prevent the City from meeting climate and livability goals. It encourages single family, suburban type living and development patterns. Exactly the opposite of where we need to be heading. Why? If there is a limit, it should be no less than 95'. Same applies for width. It needs to accomodate 18" wall thickness, 20' each side for parking and the 24' aisle width so 67' for parking. Then let the architects, engineers and developers make the right decisions for the situation. Let the PB make exceptions if there needs to be compromise on lowering requirements for say aisle width. This flexibility will improve the quality of design and building.	Revised drafts reduce the maximum building length to 60' in the RN-5, which generally has a finer-grained lot and building pattern, and eliminate the maximum building length in the RN-7.
James Pratt	10/12/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Corner side setback	After looking over the proposed edits, it appears you are making the Side Setback, corner more restrictive than it was previously. The new standards list a dimension or the depth of abutting lot, whichever is greater. The old table listed a dimension or the depth of the front yard directly abutting the lot. Am I understanding this correctly? Won't this potentially make many new nonconforming structures? If something was previously allowed to be built to the depth of abutting front yard but these new rules require a greater setback, you have essentially reduced the use of the property. As an owner of a corner lot in Portland, it concerns me that you are making tighter restrictions to corner lots when I thought part of the point of recode is to make more sensible rules and reduce non-conformance. Why shouldn't the minimum setback of a corner lot still be determined by the depth of the front yard abutting the lot? Shouldn't it be reworded to read a set dimension or the depth of adjacent front yard, whichever is less?	This was an error. Revised drafts change this language to refer to 'whichever is less.'
Emma Rubin	07/16/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Corner side setbacks	Setbacks for RN-1 and RN-2 should be 10ft to be consistent with RN-3 and RN-4 and allow for more ADU development/housing density.	These zones currently require 20' or average depth of abutting yard. A reduction to 15' or the average will allow some flexibility while maintaining some of the existing lot and building pattern.
Joe Walsh	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	Missing Middle Housing: I'm so happy to see the inclusion of duplexes and tri-plexes in many of these zones. I haven't seen the lot area per dwelling unit requirements, but I would submit that they need to be set such that at least a duplex is possible by-right on any lot where a single-family can be built. So in RN-3, for example, with a min lot size of 6,000 SF, lot area per DU ought to be no more than 3,000SF. It ought to be even lower if we really want to encourage the building of triplexes and four-plexes. Given the cost of construction and land, I see duplexes as a key element of solving the housing crisis.	As structured, single- to four-family residential would be subject to no density standard, just a minimum lot size.
John Voyer	08/16/2023	Form submission	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	I attended the Open House in the Library and went home and looked over the draft Recode. I may be overthinking what I see in Table 7-A, but it appears that there is an ambiguity for Zone RN-2. It says that only one- and two-family housing is allowed, but then, under "Multi-family," the table indicates that for RN-2 there is a minimum size of 1,200 SF per unit. At a minimum RN-2 lot size of 6,500 SF, that would come out to potentially 5 units on an RN-2 lot (6,500 SF/2,00SF = 5 +/-).	Multi-family as adaptive reuse is currently allowed in the R-3/RN-2 as a conditional use. This density standard is necessary to address that situation.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	Eliminate Lot area per dwelling unit and lot area per rooming unit dimensional standards.	The ReCode drafts essentially take this approach with single- to four-family dwellings in residential zones and all residential use types in mixed-use zones, where no density standard would be applied. The density standard has been retained in residential zones where multi-family (5+) is allowed.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Christian Milneil	10/12/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	My first request is that the City consider minimum density thresholds – e.g. a minimum of 1 housing unit per 2000 square feet of built gross floor area – for the R-6 and R-7 zones. In the past decade, I've witnessed a number of previously-affordable rental properties on the peninsula converted from multifamily to single-family. This is not an appropriate land use for the peninsula: we shouldn't allow high-wealth households to hoard real estate and reduce housing opportunities in some of Maine's only walkable neighborhoods. While the city has made a lot of positive progress on reforming zoning to make affordable housing practical under the zoning code (at least on the peninsula), we're increasingly finding that the bigger barriers, now, are financial. The high real estate costs of property acquisition, which are driven upwards by the high end of the market, make building new housing impractical for low- and middle-income price points, even if it's otherwise allowed under the zoning code. There are plenty of residential zones in Maine – pretty much all of them – where high-income people can build 3000 square-foot McMansions. So there's no good reason to permit them in the R6 and R7 zones, especially when we consider that those McMansions block other people from living here.	The ReCode drafts make some significant changes around residential use permissions and dimensional standards across the city. Whether additional, much more significant changes are necessary in the future will depend on the success of these current efforts.
Twells	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density (RN-3)	Why would we not reduce this to 5000 sf. Portland is a city not a suburb.	The ReCode drafts include significant changes to use permissions while largely respecting existing lot and development patterns. Portland's minimum lot sizes are significantly smaller than many surrounding communities.
Liz Trice	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density (RN-3)	I don't see any reason to not have a 500 sf coffee shop on a 2,000 sf lot	The RN-3 is a residential zone. There is opportunity within the RN-3 as drafted for neighborhood non-residential reuse, as well as new commercial opportunities in newly mapped B zones.
Twells	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density (RN-5)	This should be reduced to 500 sf/du to allow a 4 unit on a 2000sf lot.	The drafts would allow 4 units as a 4-family on a 2,000 SF lot.
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Detached accessory structure height (RN-4)	Why couldn't this be increased to 25' if the structure is 15' off the property line? Wouldn't this add to the design flexibility and value of ADUs making them more attractive w/out harming neighbors?	See above re ADUs. The revised drafts added flexibility for ADUs over existing structures, but otherwise new detached accessory structures would be subject to a height limit of 18', which bears a relationship to their reduced setbacks.
Liz Trice	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	[Response to Todd Morse] front setbacks don't make any sense. It would be better to build ADUs in front yards as it's very expensive to run utilities to a back yard, and most front yards are useless spaces. People tend to hang out and garden in their back yards. I also think the artificial lack of diversity of setbacks is kind of creepy.	Front setbacks have been maintained as a regulatory tool.
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	How would these apply in a greenfield setting, or where there are no adjacent front yards?	See rules of measurement in Section 7.2, which establish minimum setbacks in cases where there are no lots available for averaging.
Twells	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	[Response to Todd Morse] Too large front setback. Forces the house to be built towards the middle of the parcel reducing future flexibility.	Setbacks have been modified in drafts to provide flexibility.
Todd Morse	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	Setbacks are barriers to housing and creating pleasant walkable places, they should be universally reduced. This makes current setbacks even stickier.	Setbacks have been modified where the context supports it to allow more flexibility.
Todd Morse	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	Changing setbacks to be entirely determined by neighbors is needlessly complicated and leads to weird scenarios where you can theoretically lose some of your setback based on what your neighbors chose. It seems like it will make measuring more of a challenge as well.	The draft approach is to use the context to inform the setbacks, which is a fairly common practice.
WB	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	The Oakdale, Libbytown neighborhoods have an assortment of front setbacks, with very little consistency. The 20 foot setback in the RN-4 zone is a waste. Especially if you're not allowed to use it for parking spaces because of the codes specific to side and rear parking.	The drafts do not propose a 20' front setback in the RN-4.
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	"+/- 5 feet" This is confusing and needs some clarity here or in the preceding definition of setback averaging. e.g. If the average is 15 feet, does that mean the actual setback is 10 or 20 feet?	The revised drafts clarify this language.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks	Allow people to reduce their own setbacks if they have unanimous agreement from their neighbors.	This approach would be difficult to administer.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Twells	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Front setbacks (RN-2)	This should just be 5 feet. The average of adjacent leaves too much to be questioned and to be challenged in court. It adds requirements to Staff. Make it simple.	The draft approach is to use the context to inform the setbacks, which is a fairly common practice.
Damon Yakovleff	08/04/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/General	Generally speaking, I'd suggest that all the dimensional requirements should be relaxed in all zones and density increased. For example, there's no need for a 5 ft. setback for 250sf accessory structures - this can be reduced to 3', etc.	Accessory setbacks have generally been maintained, with some revisions to create flexibility in the case of ADUs.
Connect Portland	07/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/General	The ReCode II evaluation in the 'overview" of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed?	Neighborhoods in the city vary. The drafts address some variation in form by proposing context-based dimensional standards (see setbacks, for instance).
Connect Portland	07/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/General	How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city's neighborhoods to make Portland a more "equitable" city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the 'straight-face test' for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom.	The revised drafts integrate the recently adopted LD 2003 changes, which broadly permit additional housing in residential zones across the city.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height	Allow a little bit more height per floor by looking at all height standards, calculating the number of allowed floors. Based on the allowed number of floors add slightly more height per floor to allow for more insulation between floors.	Height in residential zones has not historically been the point of most pressure. Changes to heights in mixed-use zones are proposed.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height	Increase height minimums in R-5, R-5a, and R-3 zones to allow for four stories instead of three.	Height in residential zones has not historically been the point of most pressure. Changes to heights in mixed-use zones are proposed.
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height	These heights are set by old, outdated thinking and a focus on single family homes. They do not take into consideration adaptations in building design and building methods, in response to climate change. Building entries may need to be a few feet higher to adapt to heavy rainfalls and flash flooding, building walls, floors and roofs are much thicker for insulation values, structural design flexibility, noise mitigation and higher floors to allow for more natural light in multi-home buildings. 45' doesn't allow for 4 floors in a well-designed, resilient, adaptable, high-performing multi-home building. Allowances need to be made. An extra 4-5' needs to be added when a building is built to certain performance standards. Not for the sake of extra height or another floor but to make buildings that are more livable, more sustainable and more resilient. It has no negative impact on the neighborhood, its character but it matters greatly to the people choosing to live in these homes, adoption by families desiring to live in multi-home buildings, creating walkable neighborhoods and fighting climate change. It is an easy and necessary change. So increase the height but limit the floors.	Height in residential zones has not historically been the point of most pressure. Changes to heights in mixed-use zones are proposed.
PHA (c/o Sarah Tatarczuk)	10/12/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height stepback	2) Height Stepback in RN-5 and RN-7 above 35' • IMPACT/EFFECT: This new requirement would harm the financial feasibility of 4-story or taller buildings and significantly raise the cost of mid-rise multifamily development. Efficient multifamily construction depends on "stacking" units so floor plans are consistent vertically throughout building, as well as minimizing unnecessary envelope detailing. Typical affordable multifamily construction targets 4-6 story buildings for cost and construction efficiency reasons. This change to height stepbacks would interrupt "stacking" on buildings with 4-6 stories, thereby complicating simple building envelopes and increasing design and construction costs at a time when affordable housing resources are scarce and construction costs are rising rapidly. PHA's Bayside Anchor (4-stories) and Solterra Apartments (6-stories) were only financially feasible because there were no required height stepbacks. The result of this regulation would be fewer affordable homes built in the RN-5 and RN-7 districts. • RECOMMENDATION: We recommend the City eliminate all Height Stepback requirements for affordable multifamily projects. If this standard must remain, we encourage the City to a) create an exception process for affordable housing projects and/or b) significantly increase the height at which the stepback standard is triggered.	This is an existing dimensional standard within the R-6 (RN-5). In the R-7 (RN-7), height has been increased from 50' to 65'. Stepbacks were added with that change to address the potential for sheer buildings.
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height stepback (RN-7)	Why add this provision? What problem does it solve? The extra costs and potential problems with water leaks associated doesn't make sense. Let architects, engineers and developers figure this out.	In the R-7 (RN-7), height has been increased from 50' to 65'. Stepbacks were added with that change to address the potential for sheer buildings.
Ashley Keenan	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height stepbacks	Stepbacks are extremely inefficient from an engineering standpoint, requiring more load-bearing elements to absorb the staggered weight. This is an outdated aesthetic preference.	This is an existing dimensional standard within the R-6 (RN-5). In the R-7 (RN-7), height has been increased from 50' to 65'. Stepbacks were added with that change to address the potential for sheer buildings.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Nathaniel Ferguson	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Landscaped open space ratios	Why are landscaped open space ratios being added to lower density residential zones that were not present in the prior version of the land use code? I don't think lawns should be required by law.	Impervious surface ratio is used within the existing code in some zones; landscaped open space is used in others. Restricting unbuilt impervious and requiring lower-impact development is a city policy goal.
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Only decrease in lot size of any significance is in the R-5 (RN-4) from 6,000sf to 5,000sf with addition of three and four family dwellings including conversions.	The ReCode drafts include significant changes to use permissions while largely respecting existing lot and development patterns. Portland's minimum lot sizes are significantly smaller than many surrounding communities.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Cut all existing lot area minimums in residential zones except those in the R-6 zone in half, allowing all existing lots to be split. In cases where the lot area per dwelling unit is identical to the minimum lot size it serves as a de-facto minimum lot size so it is also reduced to match the new minimum lot size. Lot width is also divided by slightly more than halfway to allow for splitting. Street frontage minimums are reduced to 20 ft across the board to allow for a configuration where you split the back of your lot and allow access to the street via a thin path or driveway.	The ReCode drafts include significant changes to use permissions while largely respecting existing lot and development patterns. Portland's minimum lot sizes are significantly smaller than many surrounding communities.
Joe Walsh	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Lot sizes: I'm happy to see the 15,000 SF minimum of R1 be eliminated as part of this zone's merging with R-2. Why not make RN-2 and RN-3 lot sizes both 6,000SF - why 500sf more for RN-2? Just thinking about streamlining, and maybe it gently opens the possibility for a bit more density.	The ReCode drafts include significant changes to use permissions while largely respecting existing lot and development patterns. Portland's minimum lot sizes are significantly smaller than many surrounding communities.
Ryan Johnson	07/14/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area (RN-6)	Lot area requirement for RN-6 is way too high - unless you mean "1,200/unit and a minimum of 40,000sf" - clarify	Drafts have been revised to clarify 1,200 SF and a minimum of 40KSF.
Liz Trice	45210	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area (RN-6)	[Response to Ryan Johnson] this is very confusing; why couldn't you build a 5 story tower of 500 sf units on a 3,000 sf lot?	Drafts have been revised to clarify 1,200 SF and a minimum of 40KSF.
Karen Snyder	07/12/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage	The Lower R zones should have higher density lot coverage.	Lot coverage is a way to control the amount of a lot that is covered by building. Current maximum lot coverages in the R-1 and R-2 are 20%. Per the recently adopted LD 2003 changes, lot coverage for residential uses in mainland and island residential zones has been increased to 60%.
Ryan Johnson	07/14/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage	Is this total lot coverage (i.e. impervious surface) or just building coverage? Likely too low across the board if total lot coverage.	Lot coverage is defined as the area covered by building footprint.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage	Increase all lot coverage minimums in residential zones except those in the R-6 zone. Increases are designed to gently increase coverage as zones increase in density.	Per the recently adopted LD 2003 changes, lot coverage for residential uses in mainland and island residential zones has been increased to 60%.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage	Encourage increasing the 30% allowable Lot Coverage in the RN-6 (previous R-5a) to promote housing over parking	Per the recently adopted LD 2003 changes, lot coverage for residential uses in mainland and island residential zones has been increased to 60%.
PHA (c/o Sarah Tatarczuk)	10/12/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage	4) Max Lot Coverage of 60% in RN-5 and RN-7; and 40% in RN-4 • IMPACT/EFFECT: This Lot Coverage Max would restrict dense development of walkable neighborhoods, especially in East Bayside and at Sagamore Village. This would severely crimp a multifamily project's ability to utilize the entire parcel for affordable housing construction. In lieu of building more homes, this regulation would likely push developers to build more surface parking lots on the unused land and no net decrease in impervious area would occur. This regulation would likely result in fewer affordable homes built and increased vehicular surface parking, and would not necessarily decrease stormwater runoff. • RECOMMENDATION: We recommend the City eliminate all Lot Coverage requirements for affordable multifamily buildings in RN-5, RN-7 and RN-4 districts. If these standards must remain, we encourage City to a) create an exception process for affordable housing projects; b) significantly increase max lot coverage percentages; and/or c) remove this requirement from ReCode and include it in the Design Manual or Technical Manual. We also encourage the City to handle stormwater management via calculations and not through limits on lot coverage.	Per the recently adopted LD 2003 changes, lot coverage for residential uses in mainland and island residential zones has been increased to 60%. The revised drafts propose a lot coverage of 100% in the RN-7.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage (RN-5)	Strongly encourage increasing the 60% allowable Lot Coverage (which includes all structures on a lot including sheds/decks/balconies) in the RN-5 (previous R-6) to promote housing over parking. Stormwater management will still be held to the same standard and the allowable impervious area would not change. This revision would simply result in more housing.	60% is the existing lot coverage in the R-6. This standard has been retained in light of other city goals, but the drafts increase the lot coverage in the RN-7 to 100%.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Tim Wells	10/13/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot coverage (RN-5)	60% lot coverage is less than was historically allowed. Many of the older buildings covered 65% to 80% of the lot. People love that historical building pattern. If green roofs are used, multi-home buildings should be able to utilize 70-75% of the lot on lots less than 10,000sf.	60% is the existing lot coverage in the R-6. This standard has been retained in light of other city goals, but the drafts increase the lot coverage in the RN-7 to 100%.
Todd Morse	10/11/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Rear setback (detached accessory structures)	These limits should be expanded to include larger detached accessories (such as all conforming ADUs).	Accessory setbacks have generally been maintained, with some revisions to create flexibility in the case of ADUs.
GPL Advocacy Committee	12/11/23	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Setbacks	The proposed front setback language of “average of adjacent front yards, +/- 5 feet”, along with extra height allowances has the potential to exacerbate the feeling of a new dwelling being out of context. We suggest some additional language, for example “ FFront setbacks for new structures that exceed the height of adjacent structures by 15% or more shall be 5 feet or the average setback of adjacent structures, whichever is greater.”	The draft approach is to use the context to inform the setbacks, which is a fairly common practice.
Urbanist Coalition Portland (c/o Todd Morse)	10/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Setbacks	Make small reductions to front and side setbacks in all residential zones.	The drafts suggest small changes in setbacks.
Acorn Engineering (c/o Will Savage)	10/13/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Setbacks + Lot coverage	Encourage reducing the 10’ rear setback in the RN-5 to 5’ in tandem with an increased lot coverage allowance.	10' is the existing rear setback in the R-6/RN-5.
Karen Snyder	07/12/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Side setbacks	How is it that majority of R zones have minimum side setback corners except for RN-5 (formerly R6)? How livable besides fair and equitable is this for long term residents living in RN-5 (formerly R6)?	Currently no side setback required on side street, so this reflects existing policy.
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Side setbacks	My understanding is that RN-4 is replacing the current R5 zone, which includes the R5 small lots (see CITY OF PORTLAND LAND USE CODE | 7-5). This new dimensional standard is more strict than the previous one for the R5 small lots. Minimum setback is 7 ft and "The width of one side setback may be reduced 1 ft. for every foot that the other side yard is correspondingly increased, but no side yard shall be less than 4 ft. in width." This proposal is more strict than the previous codes and that runs counter to the set goal of relaxing dimensional standards.	Revised drafts modify the setbacks to 7' with some flexibility.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Lot coverage: We looked at a few streets in IR2 as examples, and the draft numbers are still low enough that a considerable amount of homes would still be non-conforming, seemingly the majority of many blocks in IR1 and IR2. - Is there consideration for raising the allowable lot coverage, given that it would not change the current feel of neighborhoods? - At the least, for non-island small lots, can an additional percentage be granted when quality of life enhancements” such as unenclosed porches, deck, greenhouses, and tool sheds?	LD 2003 has resulted in modified lot coverage for residential uses.
Rachel Conly	10/13/2023	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	The proposed changes are a nice gesture, but not impactful. Many of the lots in the IR-2 zone are very, verysmall (2,500SF, 3,000SF, 4,000 SF). The “small island lot” idea is great in concept, but not really helping. Ithink we need a bigger change on setbacks and a bigger change on lot coverage. The IR-2 Zone is not toodissimilar from other residential neighborhoods that border downtown. The IR-2 is more like Munjoy Hill, theWest End, or parts of Deering. It is a residential neighborhood that houses people who work in Portland.The proposed 30% lot coverage is not enough to make an impact. If I use my own house as an example(1,200 SF, story and a half cottage), which is on a 4,200 SF lot (larger than several of my neighbors), Iwould only be able to add about 80SF of footprint based on lot coverage and even less if I am to meet thesetbacks. I have no room for a shed, porch, ADU, etc… At minimum, I would like to see the allowable lotcoverage increase to 35% (like Deering) or more ideal, up to 60% (like Munjoy Hill). I use my house as anexample because I know it best. I believe it is representative of the majority of my neighbors in the IR-2zone.	The revised drafts modify small island lot standards to reduce lot size, setbacks, and other dimensional standards.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Lot area: We support the spirit of the small island lot, but wonder about its proposed size. - How many more lots would become available if the lot size is reduced to 3,500 sq ft? Or 3,000 sq ft? - Is ReCode considering any provisions that would ensure these new lots would be developed for owner-occupied use (not short-term rentals)? Or is this something the City Council would have to legislate?	The revised drafts reduce the size of small island lots to 3,000 SF. No provisions are considered here regarding short-term rentals. Those regulations are in Chapter 6 of the COP Code of Ordinances.
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Major changes to Business zones with elimination of density limits to encourage residential urban compact, high-intensity development with increased heights from 45ft to 65ft. (B-2 are major parcels of land abutting neighborhoods such as Shaw's, Hannafords, Northport, Allen Avenue intersection, Ocean Avenue, former Rainbow Mall on Washington Avenue, Congress Street, Forest Avenue, Woodfords/Morrills Corners and St. John Street). NOTE: Does not reference “density bonuses”that will impact the height (perhaps a footnote).	Changes to height and density within mixed-use zones are based on policy guidance focused on placing jobs and housing near transit.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Removed distinction from Dimensional Standards between on-peninsula and off-peninsula in B-1, B-2 and B2-b zones. There should be a softer approach to transitioning urban, compact development that abut highly residential areas.	Draft dimensional standards acknowledge transitions to residential using modified setbacks, stepbacks, and height. Allowing more to happen within these mixed-use zones off-peninsula supports policy objectives around both complete neighborhoods and placing concentrations of people and jobs near transit.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Consider opportunities to refine height controls within the Land Use Code's mixed-use zones – Instead of just thinking about refining height controls, think about where additional density and height makes sense for the urban fabric and walkability of the City and allow flexibility for certain types of projects or projects that meet specific requirements.	Revised drafts allow additional height in locations that align with city goals.
Richard Marino	08/14/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Regarding the recoding of Portland I would like to make several comments and suggestions. I believe many of the recommendations are fine. Especially in respect to ADUs. My biggest concern is the increase in height and density in B1. As an abutter in a R6 neighbor zone it will dramatically affect my residence. I and my neighbors were prepared to live under the current situation. In our particular development of Munjoy Heights we have 29 townhomes on 68000 square feet. If the proposed changes go thru our neighbor at 165 Washington Avenue could develop most of 70,000 square feet to a height of 50 feet. It probably would in effect be a building of 5 stories as opposed to 4 stories. All of this without any input from the people it affects most. From an aesthetic perspective and density perspective this is too much. I understand the need for more housing in Portland. There has to be a balance between the citizens that live in the city and the community of special interests that will gain financially from development. I do have a recommendation for B1 as it pertains to 165 Washington Ave. I can't speak to other areas in the B1 zone. I would suggest a height of 40 feet (average existing grade for a benchmark as suggested in the recode). I would also recommend an increase in height up to a maximum of 60 feet as long as it does not increase the net total of square feet. Any increase on part of a building would be offset by a decrease on other parts to maintain the 40 foot average. This could make the building more interesting by getting away from the monolithic boxes that are being built now. This would give the developer an opportunity do develop 260,000+ square feet.	The city's policy guidance supports additional density and growth in zones like the B-1 as a way to encourage housing, mixed-use, and complete neighborhoods. Regarding height, the long-standing practice has been to measure height to a single point for ease of administration. Stepbacks help to achieve some of variation in form.
PHA (c/o Sarah Tatarczuk)	10/12/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height stepback	3) Height Maximum in B-2 district at 50' when within 25' of RN-4 • IMPACT/EFFECT: This regulation would limit the future development potential in certain corridors. In particular, PHA is concerned this would curtail future affordable housing projects at Sagamore Village along Brighton Ave., which we anticipate will be rezoned to B-2. This location is adjacent to a major corridor with existing infrastructure and transit available and could support redevelopment with increased density of new affordable apartments. The result of this regulation may be somewhat fewer new affordable homes built at Sagamore Village and elsewhere within the B-2 district. • RECOMMENDATION: We recommend that the City eliminate the height restriction in the B-2 when abutting within 25' of RN-4 for affordable multifamily projects, or allow for an exception for affordable housing projects.	These stepbacks are designed to help manage the transitions between increased height in mixed-use zones and adjacent residential neighborhoods.
Portland Foreside (c/o Mary McCrann)	10/13/2023	Email	8. Overlays	MHNCO	Consider the continued applicability of the Land Use Code's overlay zones – Consider eliminating the Munjoy Hill Neighborhood Conservation Overlay Zone now that the Munjoy Hill Historic District has been adopted.	This zone was eliminated by prior Council action.
Virginie Stanley	10/18/23	Email	N/A	In general/miscellaneous	Just a question do you happen to know when the Recode might go into effect, or is it so political that it is [hard to say.]	Adoption will depend on the public, Planning Board, and Council review process.
Rhonda Berg	11/14/23	Email	N/A	In general/miscellaneous	When will new set-back and lot size rules go in to effect? Our lot is in the IR-1 zone. The public sewer stops one house short of ours. 7 houses all with bigger lots could benefit from public sewer on Pleasant Avenue. Is there any plan to extend it? Would it make a difference if the property owners say they are willing to add ADUs should the be able to hook-up to the sewer? Thank you.	Adoption will depend on the public, Planning Board, and Council review process.
Phyllis Guevin	08/11/2023	Form submission	N/A	In general/miscellaneous	Could you please provide the traffic studies that should coincide with any city growth considerations .We need to limit the number of people in our city to avoid adding more traffic until road widening,overpasses,and extensive planning for more cars which our current roads cannot handle as they ave not been widened since the forties.Let's concentrate on comfortable ,safe ,wide roadways to accommodate auto traffic while keeping population growth in the city at a minimum.There is a great need for population growth in northern maine to fill vacant jobs.We can make bike trails in the woods and parks to keep our roads safe for car travel the most practical mode of transportation in our wintry state.Iam not in favor of taller buildings due to blocking our views.Again overcrowding residential lots is not [sic]	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
Karen Snyder	08/14/2023	Email	N/A	In general/miscellaneous	Recode Phase 2- First Wave Question #1: How is the City of Portland Planning Department Ensuring that a Socioeconomic Diversity of Long-Term Residential Housing will be built especially for the "Missing Middle"? There is no factual evidence that the Planning Department proposed Recode Phase 2 First Wave recommendations will ensure that long term residential housing will be created especially for the "missing middle" or even to protect existing working- and middle-class housing stock. Proof of this is the failed 2015 R6 zoning change recommendations made by City of Portland Planning Department which primarily targeted Munjoy Hill. For example, Between 2016 to 2020, it is estimated that over 50 apartment rentals were removed from 19 demolitions to be replaced with over 100 luxury housing units mostly part-time housing with only 1 laughable "affordable" housing project at 65 Munjoy St which consisted of 8 housing units where people have to be making 120% of AMI which is approx $80,000/ annual income for a single person. The biggest consequence of the 2015 R6 Zoning change which primarily affected Munjoy Hill were: (1) the increase of luxury condos and luxury single family homes, (2) an accelerated property value assessments of existing housing stock with the highest avg property tax increase of 40% in the city, and (3) the price gouging and accelerated rents on existing rental units, and (4) the rampant increase in Airbnbs as the City continues to ignore enforcing the illegally operated Airbnbs These above consequences have caused Munjoy Hill to NOT be a complete neighborhood but a transient place where long-term residents have decreased with an increase of property investors and temporary residents made up of part time luxury condo owners and Airbnb's dragging their suitcases through the streets. What will happen? These proposals will only motivate developers to continue to demolish in order to either create property investment luxury housing for the wealthy and/or subsidized low-income housing and push out even more middle-class tenants and property owners similar to what happened with the 2015 R6 zoning changes which resulted primarily in a proliferation of luxury condos and a reduction of long-term residents on Munjoy Hill.	Changes to residential uses and dimensional standards city-wide will help to create opportunities for additional housing across neighborhoods, some of which will represent small increments and some of which are likely to be more significant. Altogether, these changes should help create opportunities for 'naturally-occurring' affordable housing, in addition to housing at other price points.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Karen Snyder	08/14/2023	Email	N/A	In general/miscellaneous	Ultimately, it appears the City of Portland Planning Department does not want actual long-term residents but a "Disney Land" city where the housing density is for property investment use and to cater to commercial and non-residential business owners. Long term Portland residents need to realize the City of Portland is registered as a corporation in which policies are NOT meant to ensure long term residential housing and long-term residents but instead policies are created to favor businesses that cater to property investors, real estate, tourists, wealthy, non-profits and restaurant industries at the expense of long-term residents and the environment	Changes to residential uses and dimensional standards city-wide will help to create opportunities for additional housing across neighborhoods, some of which will represent small increments and some of which are likely to be more significant. Altogether, these changes should help create opportunities for 'naturally-occurring' affordable housing, in addition to housing at other price points.
Karen Snyder	08/14/2023	Email	N/A	In general/miscellaneous	Unfortunately, until the City of Portland Planning Dept can prove otherwise, this Recode Phase 2 First wave proposals will once again cause Munjoy Hill and possibly other residential neighborhoods to become more of temporary enclaves for the wealthy and/or subsidized housing while continue to pushout even more working- and middle-class long term residential property owners by continued unfair and inequitable property tax increases which will be passed to their tenants without protecting or ensuring long term residential housing is being created especially for the missing middle.	Changes to residential uses and dimensional standards city-wide will help to create opportunities for additional housing across neighborhoods, some of which will represent small increments and some of which are likely to be more significant. Altogether, these changes should help create opportunities for
David Lehman	10/19/2023	Email	N/A	In general/miscellaneous	I hope you are doing well. My wife and I moved to Maine last June for my Residency training at Maine Medical Center, and we were surprised by how difficult it was to find affordable housing. After having seven offers on different homes in the greater Portland area rejected we were extremely lucky to purchase a home in north Westbrook. Since that time I have been thinking about others that are in a similar situation that weren't as lucky. I strongly want to help create opportunities for others that simply cannot due to lack of inventory in the market. I have been looking for land to create an affordable housing subdivision with the goal being to create a community of 1-2 bedroom homes with 800-1200 sqft per home in an effort to help as many as possible. I have talked with 50+ young medical trainee's and nurses who are currently renting who would do anything to have the chance to buy a home. Would a project like this be feasible for the property at 4 Oramel Ave? Are there zoning restrictions? If so, how can I participate in advocating for changing zoning laws? Or, are there other areas that you know of that would be able to accommodate a subdivision like this?	Drafts include use and dimensional changes designed to support many additiona housing typologies.
Gabriel Ruffin	08/14/2023	Email	N/A	In general/miscellaneous	I haven't learned much about the changes that the City of Portland is making to the zoning laws, but from what I understand I am in support of the new changes. I really appreciate the changes to areas that were previously single-family-zoning exclusive to allow for double-family residents. I also appreciate the addition of Transit-Oriented-Development zones, one of the places in which I believe Portland has the most room for improvement. I believe the addition of more complex family housing into our existing neighborhoods will help all Portland residents with walkability, rent control, and quality of life. The current state of many of the "Single-Family" zoned spaces in Portland are being rented out, sometimes to upwards of 3 different tenants. With spaces zoned for additional residents to begin with, we may find that the price of some of these Attic and Basement 1-bedroom apartments will adjust to a new market normal, helping all Portland renters, esp. low-income folks. This effect is even greater when designing and zoning for multiple-family-zoning above 3 or 4 families, and so I am in favor of the City of Portland zoning additional space for those developments. With changes such as these on the horizon, I think Portland could be stepping towards a brighter, more affordable, easily walkable future.	Revised drafts generally continue to support many of these concepts.
Robert Kahn	09/05/2023	Form submission	N/A	In general/miscellaneous	My comment and concern is that the city puts a lot of time and resources into the zoning code and then ignores zoning when a large development proposal comes before it. This happens time and again. Height limit was exceeded at the apartment building under construction behind the Congress St post office. For what reason? That building is way out of scale with the surrounding buildings. With the mega-project at the base of Munjoy Hill, the developers have submitted one plan which they ignore and do what they want and as they please. Who's watching? Will there be any meaningful enforcement? Yet, if homeowners request a small allowance to building or zoning codes, they are hit over the head with the code books.	The land use code applies to all development in the City of Portland.
Tim Wells	10/13/2023	Konveio	N/A	In general/miscellaneous	A lot of really good work has been done to make this document more usable. Kudos to staff for all that work. It is obvious that a lot of thought and discussion has taken place. I believe there is room for improvement to more aggressively address urgent challenges like climate change, livability and affordability and availability of a multitude of home choices. Re-writing zoning code is a rare event having last been done 55 years ago. The stakes are high. So comments, by definition, are suggesting change and may have a tone of criticism but this process of collaboration is a healthy back and forth to seek clarity for the reasons behind decisions in the spirit of improving outcomes for Portland.	Revised drafts continue to fine-tune changes meant to address these types of comments.
Laura Glendening	10/17/2023	Email	N/A	In general/miscellaneous	Are you aware of an official Housing Needs Assessment for Peaks Island that has been completed recently? Our committee is interested in seeing a needs assessment for the Island.	Assessments of housing needs are always welcome.
GPL Advocacy Committee	12/15/23	Email	N/A	In general/miscellaneous	Although we have identified several areas of concern above, we also have areas of the proposed land use code revisions that we support. We support proposed dimensional changes that build upon the characteristics of Portland's neighborhood's that were of necessity built close to a variety of destinations, including public transit. We believe neighborhoods like those off Brighton, Washington, and Forest Avenues are good models for a more transit-oriented city. These neighborhoods contain examples of multi-family and mixed-use buildings that support the city's goals to create opportunities for a variety of housing types and denser neighborhoods. We also support proposed changes that would permit commercial uses at strategic locations in residential neighborhoods to recreate the historic mix of land uses that organically developed in Portland's neighborhoods in the late 19th and early 20th centuries.	The revised drafts continue to support a variety of housing types, particularly around transit, as well as neighborhood scale commercial. See also map changes proposed under the 'second wave' of ReCode changes.
Liz Trice	10/11/2023	Konveio	N/A	In general/miscellaneous	Good job cutting it down; I think it needs another pass to reduce # of words by another 50%. There are so many special exceptions.	One of ReCode's major goals is to cimplify the code.
Laura Glendening	10/17/2023	Email	N/A	In general/miscellaneous	What is the City's position regarding limiting short term rentals such as Airbnbs? It seems as if short term rentals have had a negative influence on available housing stock on the island – as homes once owner occupied year-round are now being purchased for the business of short term rentals.	Short-term rentals are regulated under Chapter 6 of the City's Code of Ordinances, the building code.
PIC	1/11/24	Email	N/A	In general/miscellaneous	This is obviously a major issue on the island, and one with a great diversity of opinions, as the Casco Bay Islands are theonly part of the city that has effectively no regulation of STRs. After a great deal of community lobbying, the PIC has madea commitment to examining this issue closely through a new committee. There is interest among the Housing & ZoningCommittee for ReCode to take a look at STRs on the island, however the PIC's approach may end up leading straight tocity council and the ordinance revision process.	Short-term rentals are regulated under Chapter 6 of the City's Code of Ordinances, the building code.
Phyllis Guevin	08/15/2023	Form submission	N/A	In general/miscellaneous	Everything I just read is counter to what native Portlanders want,seniors need,and the Maine climate requires,I.e.,improved and widened roadways with removal of bike lanes and decreasing unnecessary streetparking.This is a foolish idea and will be voted down.	The comprehensive plan supports additional, walkable growth.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
GPL Advocacy Committee	12/10/23	Email	N/A	In general/miscellaneous	While much of the conversation has been on how the proposed changes might catalyze new construction, equally important to us is how the new rules will 'legalize' non-conforming historic buildings, especially in older neighborhoods off the peninsula. The land use code should incentivize retention of existing residential structures, in furtherance of sustainability and protection of local fabric. In those limited circumstances when new construction is appropriate in older neighborhoods (vacant lots, non-residential structures, non-contributing structures) our concern is that new construction should not just fill the permitted building envelope, but should integrate into the existing fabric, even if it is larger in height or mass. The design standards, their focus on the examination of context, and their application will be crucial to facilitating that integration. We look forward to seeing the updated design standards manual in the new year and hope they will be brought forth for adoption in tandem with the land use code. We also feel strongly that referencing the design standards explicitly within the dimensional standards section will be important to alert any developer or building owner that both sets of standards must be met. We agree with the statement in the Camiros' Recode Phase II Land Use Code Evaluation Report "Further, it can include thinking carefully about the design and context of development in Portland, helping to ensure that the essential historic fabric of the city remains intact and that — though architectural styles may vary — new development remains authentic to the local character and complementary to the Portland vernacular." We also agree with the goals of encouraging "compatibility and context sensitivity" which are referenced in the draft residential neighborhoods purpose statements. But we find that that those concepts are only partially operationalized in the current draft and note that they are particularly absent int the proposed RN-5 zone. As noted above, an essential part of the operationalization requires finalizing the updated design standards and incorporating them into the land use code by appropriate references stating that a proposed development must meet both zoning dimensional standards and the design standards.	The dimensional standards proposed under ReCode are not generally designed to radically reshape the built environment, but to allow a degree of flexibility and change that acknowledges that additional housing and mixed-use are goals of the comprehensive plan. The drafts allow conversions and adaptive reuse as well as new construction.
PIC	1/12/24	Email	N/A	In general/miscellaneous	It is unlikely that there is a higher density of unresolved paper roads anywhere else in the city than there is on Peaks, dueto convoluted decades of city planning (...unplanning, deplanning, replanning...) and the intersection of shoreline access.This is a critical issue to many islanders and one the PIC is continuing to look at. As it intersects with the PlanningDept's work, do keep us in loop.	The legal status of paper streets is a larger city issue. However, Article 6 does address policy around the construction of roads within paper streets for the purposes of building on adjacent lots. These provisions have been revised under RECode.
George Katilus	10/11/2023	Email	N/A	In general/miscellaneous	I am a resident of North Deering off of Allen's Corner. I think Allen's and Morril's need serious revitalization. At their current state, they provide little to no value to the dense population surrounding the immediate areas. Instead, I feel as these areas are only oriented towards the vehicle traffic that passes through. I wish there could somehow be a redirection of traffic to reduce congestion in the area; more locally owned small businesses, stores, restraints, and cafes; increased priority to pedestrians (it is a scary, ugly, loud place to walk); a reduction and prevention of any more drive-thorough fast food chains and overall a more community-oriented approach to development with mixed use-multi-story buildings. In short; I would see protected bike lanes, transit, walkability, greenery, and local business that makes this area attractive to residents rather than a dangerous, congested thoroughfare serving only those passing by.	The zoning is related to this issues. The revised drafts, when coupled with proposed map changes, are designed to provide more opportunities for pedestrian-oriented mixed-use in areas like these.
Peaks Councilors & Housing + Zoning Subcommittee	10/10/2023	Email	N/A	In general/miscellaneous	Sprinklers - This may be too minute for ReCode to touch, but currently there is a rule that if you touch over 50% of a building you must put in sprinklers. Could this requirement be exempted for some island homes? Such systems make either city supplied water or a well with a pump necessary, which isn't possible in all situations on Peaks. This makes it impossible for many homes to be renovated without an astronomical expense, leading to only wealthy buyers being able to make the numbers work.	This is a building code issue.
Kellan	07/16/2023	Konveio	N/A	Map	The existing zoning map has too many business deserts. The new map needs to allow for more small scale low impact businesses (~ < 1200 sqft) to operate within these large exclusively residential zones. Any carveouts that happen to have been grandfathered in as B-1 are wildly popular with residents who by and large would prefer to walk to businesses when given the option.	Policy goals around complete neighborhoods and access to neighborhood business has been address through the creation of a neighborhood nonresidential reuse category and through additional B-1 mapping.
Patrick Hess	08/09/2023	Form submission	N/A	Map	Oxford St in West Bayside offers good opportunities for infill development, especially of much-needed housing, close to transit, services, and amenities on peninsula. The zoning however is inconsistent. For example, between Chestnut and the block between Cedar and Elm, the City should consider rezoning to extend the adjacent B7 found along Oxford east of Chestnut.	See map changes released under the 'second wave' of ReCode edits.
David Eaton	1/24/24	Email	N/A	Map	I am working with a developer on a multi unit apartment project on Saunders Street near Woodfords Corner. The current zoning is B-2, except the parcel is partially split into the R-5 zone. With what we know about ReCode, thepotential to add up to 15 units to this 30 unit project with the proposed new 65' height limits, is affected by the newrequirement for a 50 foot setback from the zoning boundary for floors above 45', which would prohibit about half of theadditional units if the zoning line is not moved to the property line. Will situations such as this be addressed in the zoningmap boundaries as part of recode? Should we be seeking a map amendment in the meantime? You can call me at 841-5894 if you would like to talk about it.	See map changes, which have resovled many split lots.
Rachel Conly	10/13/2023	Email	N/A	Map	I know that revised maps have not yet been proposed, however, I want to also take this opportunity to makea comment about the IB Zone on Peaks Island. Business development is nearly impossible out here as aresult of the geographic location of the IB zone which comprises mostly waterfront properties. The propertyvalues are far too high for most small scale entrepreneurs. I think allowing accessory structures (and uses)in the IR-2 as noted above could help, but I also think expansion of this zone is needed. The non-residentialreuse proposal would not have much impact out here, if at all.	Some limited expansion of the I-B proposed under map changes.
PIC	1/10/24	Email	N/A	Map	While the PIC has not deeply investigated this topic yet, our Housing & Zoning Committee has suggested the PlanningDepartment look at light industrial zoning by the Transfer Station with the creation of a city-owned parking area in thesame area that will allow for the permitted parking of industrial vehicles.	No light industrial is proposed on the islands at this time.
Sheila Mayberry	08/16/2023	Email	N/A	Process	I am writing to you today to share my impressions of the Open House I attended lastnight at Lyseth. The Recode Portland presentation was difficult to watch and ingest for avariety of reasons. The information presented in the powerpoint was too tiny and denseto even read. The man presenting the information spoke quickly and used too muchplanning board jargon. The overall leader of the workshop was not responsive to theattendees in the room. She was dismissive and she lacked a willingness to listen to therequests of the people in attendance. Overall it felt like the goal was to just go throughthe motions to say there had been public input. In addition, the Open House was poorlypublicised which honestly appears to have been intentional. Code proposals of this magnitude need to involve all stakeholders throughout the city inorder to have a true understanding of the impact on homeowners in everyneighborhood. Transparency in this process appears to be lacking which will only lead topoor overall results. I encourage you to revisit the way information is being disseminated to the public andimprove the transparency of this process.	Additional 'zone guides' were developed following the open houses to help provide some guidance on the proposed 'first wave' drafts.

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Julie Dubofsky	08/16/2023	Form submission	N/A	Process	My apologies for not getting to drop a comment - I blame my toddler - but I meant to relay a positive comment on the extensive work and excellent website. I brought my parents along and in case they don't relay their feedback, I wanted to jot it down. 1. Zoning is intimidating - Maybe a poster or a Zoning 101 video to add to the videos on the Resources page and something at the workshops to help the general audience understand. 2. "What's it mean to me?" - I bet everyone is asking for a map showing the zone changes. I did nudge a stranger to pick up the binder of the existing code to look at the use changes, but maybe a sign being as blunt as that to help someone see what it means for their neighborhood would help. 3. "they're banning single-family homes" - just because you don't understand something, doesn't make it stupid, which is what I should've said to the lady who called all this work stupid because they're "urbanizing the city." She lived by the elementary school and even my mom's efforts to point out that their neighborhood had lots of types of housing, didn't relieve the fear this neighbor expressed. So maybe something showing the changes to the dimensional standards in the more suburban (nay, ruralish) areas might help relieve some of those fears? Excellent work overall and excited to see "residential neighborhoods" and the new uses - the neighborhood non-residential reuse category especially. Visuals of existing contexts and landscapes, by corridor, node or zone, is always helpful to illustrate changes across audiences. Hate to suggest the CNU transect, but even Portland has one and there are great local illustrators who may be interested in showing it (see Maine Needs' recent drawing contest as an example).	Additional 'zone guides' were developed following the open houses to help provide some guidance on the proposed 'first wave' drafts. See zone guides at www.recodeportland.me.
Mary McCrann	07/06/2023	Email	N/A	Process	What is the timeframe currently for accepting public comment on the First Wave of Recode? Also, what is the schedule/timeframe for the project moving forward? When are other phases coming out? When will you go to the Planning Board?	Adoption will depend on the public, Planning Board, and Council review process.
Jim Wolf	07/12/2023	Form submission	N/A	Process	Do you know when the city plans to enact the recode. Thank you	Adoption will depend on the public, Planning Board, and Council review process.
Holly Perry	09/03/2023	Form submission	N/A	Process	Hello, when does the City anticipate these changes being released and officially adopted into the Land Use Code? Thanks!	Adoption will depend on the public, Planning Board, and Council review process.
WPNA via Anne Pringle	08/08/2023	Email	N/A	Process	On March 9, 2015, the WPNA sent a formal letter (below) expressing concerns about the then-proposed (later-enacted) density changes to the R-6. On its face, it made sense to conform zoning to the then-existing development pattern, which would not have been allowed under the existing zoning. Unfortunately, we believe that the "unintended consequences" we foresaw have come to pass on Munjoy Hill. And now, it appears that the density proposals in ReCode II might follow the same approach and thwart the policy objective that failed on Munjoy Hill – to produce more affordable housing. Before going forward with the public review process, we formally urge that you slow the process down and take stock of what has happened on Munjoy Hill since the density was change. These questions must be answered: ~~How many existing units were demolished? What was the location and assessed value of each of those units? At the then-assessed value, were these units considered "affordable"? ~~How many new units were created, either on cleared land or vacant land? What was the sale price of each unit created? ~~How many "affordable units" were created on Munjoy Hill? How many units were affordable to "the missing middle" vs. subsidized housing? ~~If developers opted out of creating the required affordable units, how much money was contributed to the Duson Housing Fund? How many "affordable" units, in aggregate, would those donations have created in this expensive construction market? ~~Was there a net loss of affordable units on Munjoy hill? ReCode II could produce very significant and unintended changes in Portland's housing stock and affect the composition of its residential neighborhoods, as the R-6 changes sis on Munjoy Hill. Let's take time to "get it right".	Changes to residential uses and dimensional standards city-wide will help to create opportunities for additional housing across neighborhoods, some of which will represent small increments and some of which are likely to be more significant, some of which may occur as conversions and some of which may result from new construction. Altogether as a whole, these changes should help create opportunities for 'naturally-occurring' affordable housing, in addition to housing at other price points.
Laura Glendening	07/11/2023	Email	N/A	Process	In the community meeting we see the need for your department to highlight: How the draft ReCode changes zoning on Peaks Island. How the draft ReCode will assist with the development of affordable housing. And to hear from the community the zoning needs on the island, to allow for community input in the development of the new Land Use Code.	These topics were discussed at the Peaks Island open house.
Phyllis Guevin	07/18/2023	Email	N/A	Process	This video is useless. I want to read about any changes and their legality word fir word in a written document.I learned nothing from the useless video and could not read for myself the tiny print.Also why is the code being changed and who authorized it and for what purpose?I hope nit to jam more housing in Portland.we need wider roads,overpasses,more traffic lanes and a comp,etc traffic oriented restructuring of the city and a moratorium on any more people settling in Portland.It's way overcrowded.I know.I was born and raised here and little has been done to manage traffic except paint ridiculous lines.we need a new engineer team brought in from other cities that are truly growing their roadways while limiting overcrowding.The bollards have to go.they are a driving impediment and dangerous distraction.Roads are built for cars and sidewalks for pedestrians.Hire a new engineering team first and foremost!Lets get Portland driver friendly.Thank you.email me the documents and the info I requested.Phyllis Guevin.	The city's comprehensive plan supports additional growth.
Priscilla Doucette	08/14/2023	Form submission	N/A	Process	Could you give me a brief summary of the proposed changes for zoning are free.	See zone guides at www.recodeportland.me.
Connect Portland	07/11/2023	Email	N/A	Process	A meeting was organized for housing developer "stackholders" on ReCode. Will there be similar meetings for affected neighborhood resident "stackholders" in order to engage the community for their feedback on ReCode?	In-person events were held in mid-August, and a virtual event in mid-September. Staff has also met with various groups upon their request throughout the fall and winter.
Connect Portland	07/14/2023	Email	N/A	Process	Thank you, Nell. What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?	Join the ReCode mailing list here: www.recodeportland.me/contact-us
Damon Yakovleff	08/04/2023	Email	N/A	Process	Generally speaking, please work to include more information about how Portland is complying with LD2003 on the recode website. Look to relax dimensional requirements. And also clear up ambiguity with the RN2 zone, and provisions around the 2.5x density bonus.	LD 2003 changes were adopted by the City Council in late 2023. More information can be found on the ReCode website: www.recodeportland.me
Damon Yakovleff	08/04/2023	Email	N/A	Process	I have a few questions regarding how the changes interact with the requirements in LD2003. Specifically, it seems that the "growth area" is a key consideration. It is not clear exactly where the growth area is located. Please make sure this is clearly identified in the website.	LD 2003 changes were adopted by the City Council in late 2023. More information can be found on the ReCode website: www.recodeportland.me

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
Cheryl Leeman	08/11/2023	Email	N/A	Process	More public engagement is needed! Although there have been videos and there are 3 planned Open Houses, it is not enough. There should be more outreach to neighborhood groups and additional forums in the neighborhoods affected by an urban planning approach to land use codes with sweeping changes that in some cases does not appear to "respond to each areas context." And it is unfortunate that the Planning Board will not have the benefit of public comment from these forums for their Workshop.	More public engagement will occur during the review of the 'second wave' of edits.
Leslie Hart	08/13/2023	Email	N/A	Process	As a Portland resident, I am writing to encourage you to slow down the rapid-fire rush to approve Recode Phase 2 until all constituents have ample time to review and comment upon the sweeping changes in this proposal and their potential negative impacts on the city. Many of the Recode Phase 2 elements fly in the face of the City's Portland Plan 2030 adopted by the City Council in June 2017. Specifically the comprehensive Portland Plan, developed with input from city-wide stakeholders, recognizes Portland's built environment and natural environment are inseparable in any consideration of sustainable quality of place The Portland Plan calls for creation of complete neighborhoods by improving livability while retaining the key characteristics that make neighborhoods unique maintaining and enhancing the uniqueness and integrity of our neighborhoods maintaining our character through preservation, innovation, and excellence in design for the built environment developing land use policies which support complete neighborhoods Yet the Recode Phase 2 plan would do away with conserving the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use permit increased height from 45ft to 65ft or 50ft if there is first floor commercial use in the B-2b zone along Washington Avenue & Bayside reduce set-backs so that the amount of trees and plantings would be left to a developer and might well be minimal not make Portland any more equitable or affordable not facilitate the type of housing and business Portland residents desire The Portland Plan also acknowledges that Diverse forums for community engagement will remain essential to a strong civil society. Yet three rushed meetings crammed back-to-back in three days hardly constitutes adequate and diverse forums for community engagement. Please provide more time and opportunities for the public to engage. And please respect the vision for Portland that was established in 2017 by the Planning Board, the City Council, Office of the City Manager, all under the leadership of Project Manager Christine Grimando.	More public engagement will occur during the review of the 'second wave' of edits.
Karen Snyder	08/14/2023	Email	N/A	Process	Question #3-Recode 2 First Wave: Recode II First Wave Public Feedback Time is Charade of Public Engagement and is Nothing but Theater. City of Portland Planning Department headed by Planning Director, Christine Grimando, and Special Project Director, Helen "Nell" Donaldson, claim they want public feedback prior to going to Planning Board workshop is disingenuous. Below is the City of Portland Planning Dept timeline for Recode Phase 2 First Wave public feedback. Friday, 6/23/2023 - Email from City of Portland Planning Dept announcing their proposals for Recode Phase 2 First Wave Changes Wednesday, 8/16/2023 - Planning Dept Open House on Recode Phase 2 11am - 1pm Portland Public Library 5pm-7pm Lyseth Elementary School Library Thursday, 8/17/2023 - Planning Dept Open House on Recode Phase 11am-1pm - Peaks Island Library Thursday, 8/17/2023 Planning Dept Planning Board First Recode Phase 2 Workshop (Same Day as Last Public Open House Meeting, How can Planning Dept incorporate any public feedback changes in a day?) Hybrid Planning Board ReCode Meeting • City of Portland Meetings & Agenda Portal • CivicClerk What will happen? This above public feedback timeline only proves that the City of Portland Planning Department is only wanting to "tick the boxes" by quickly holding public feedback meetings in the summer when they know residents are not engaged at inconvenient times and inconvenient places then immediately holding the first Planning Board Recode Phase 2 First Wave the same week in order to slip by as much as possible passed Portland residents.	More public engagement will occur during the review of the 'second wave' of edits.
Steve Whorf	07/01/2023	Konveio	N/A	Process	Suggest directly linking the headline of the zoning section of the document to an interactive map that tells you the zone and immediately links to the description and rules applicable to that zone.	More interaction between the web-based version of the code and the zoning map is a goal coming out of ReCode.
Anne Pringle	07/09/2023	Email	N/A	Process	In the text below, you note that emails comments are welcome and that in-person meetings will be held "during thesummer". I SRONGLY urge you to push the public process out to September. We are now well into the summer andmany people will be away and/or on vacation in August. "The City" will be roundly criticized for, after two+ years ofdevelopment, putting these very important changes out for public process at the worst possible time.	Public engagement on the 'first wave' edits continued into the fall.
Amy Oberlin	06/30/2023	Konveio	N/A	Process	Where is the accompanying map of the new zones? It is impossible to evaluate what effect these proposed changes will have without it, particularly in regard to brand new zones like TOD.	See map changes released under the 'second wave' of ReCode edits.
Amy Oberlin	6/30/2023	Form submission	N/A	Process	Will you be releasing an updated zoning map to show where these new zones will be located and how the existing zones have changed? It's hard to evaluate these potential changes without knowing where they will apply.	See map changes released under the 'second wave' of ReCode edits.
Rob Foster	07/03/2023	Email	N/A	Process	Hi - I'm looking over the most recent recode changes. Is there an updated zoning map that shows where the new transit-oriented development zones will be?	See map changes released under the 'second wave' of ReCode edits.
Virginie Stanley	07/05/2023	Email	N/A	Process	Thank you for sending out a draft of the Portland Recode. One item is confusing. It looks like R-5 is changing to RN-5, R-5a is changing to RN-6, R-6 what does this change into? R-6a is changing to RN-7. Do you have an updated zoning map showing where the Transit-Oriented Development Zone is located?	See map changes released under the 'second wave' of ReCode edits.
Rachel Conly	07/13/2023	Email	N/A	Process	I do not see any proposed island maps for reshaping the existing zoning boundaries. Should I assume that the boundaries are not changing?	See map changes released under the 'second wave' of ReCode edits.
Kimberly MacDonald	07/18/2023	Email	N/A	Process	The ReCode Portland first wave changes page on the website state that the zones look different—some new, some consolidated and the names of the zones have shifted (ex R-3 to RN-2). However, I can't find a map of the new zones on the website. Where have they consolidated, changed or been added? Can you direct me to a link to the proposed new zoning maps so that I can view how the zones have been changed/re-defined?	See map changes released under the 'second wave' of ReCode edits.

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Laura Glendening	10/17/2023	Email	N/A	Process	When will ReCode be publishing draft maps and will City owned shoreline access land and pathways be a part of this?	See map changes released under the 'second wave' of ReCode edits.
MHNO (c/o Barbara Vestal)	10/11/2023	Email	N/A	Process	1. THE PIECEMEAL APPROACH OF RECODE II IS A BARRIER TO MEANINGFUL CITIZEN PARTICIPATION. It is difficult for citizens to meaningfully participate in the ReCode II drafting process because the "First Wave" is only definitions, zones, uses and dimensional standards. We are "in the weeds" without any context. There are no maps, no development review standards, and the rest of the land use code is missing. Without a draft of the entire land use code document, it is difficult to tell what is intended by staff and the consultant for later sections. We will need the ability to go back and comment on the "First Wave" once later sections are released. It needs to be an iterative process.	The 'second wave' includes the sum total of the changes proposed, so that they can be viewed in their totality.
Cheryl Leeman	08/12/2023	Email	N/A	Process	NO analysis of impact of these changes regarding traffic, parking, environment, infrastructure and city resources. Studies show that "urbanization" can cause environmental and economic strain of land and people.	The ReCode work is a direct response to comprehensive plan goals around housing, economic development, and smart growth.
Barbara Vestal	07/04/2023	Form submission	N/A	Process	As an initial matter, I need help with a couple of inconsistencies to make sure I am reviewing the right thing. Your cover intro says that you have (in my opinion confusingly and unnecessarily) re numbered the residential zones so the old R-6 is now RN-5. But the purpose statements redline in Table 5-B shows old R-6 as new RN-6 (not RN-5). Maybe the problem is with the redlining. The uses in the chart for RN-6 seem to omit things that I would expect to see. Is there a map showing what the bulk of Munjoy Hill will be designated so I can confirm it that way? RN-5 or RN-6? Are you wedded to the idea of renumbering the zones? It would seem to be much less confusing to merge R-1 and R-2 into a new RN-1, skip RN-2 and just keep the same numbering as now -- with a RN in front of it if you prefer -- for zones 3, 4, 5, 6 and 7, with R-5a/R6a to be RN-6a.	The revised drafts maintain the numbering approach. While the transition may be challenging, it will take a short time for people to adapt to the new convention.
GPL Advocacy Committee	12/13/23	Email	N/A	Process	The zoning guides and additional graphics in the proposed sections are very useful for helping citizens understand the proposed changes. We feel strongly that modeling the proposed changes in various zones, as was done during the FBC changes in the India Street neighborhood, would also be helpful for those that don't follow zoning as closely as city staff and those in the development community.	The zone guides attempt to help visualize some of the changes proposed.
Barbara Vestal	07/13/2023	Email	N/A	Process	Similarly the design standards seem to have stalled out from the 2020 or 2021 overhaul. What is the intent with regard to revisions to the design standards?	This work will progress in parallel to ReCode.
Cheryl Leeman	08/11/2023	Email	Process	In general	Use/and Dimensional Tables do not include all the proposed changes – confusing as there are changes in the text but not included in the Use Table Examples; Conversions for Non-residential and Residential, Conservation and Cottage Court Developments and no footnote references in the Use Table that corresponds with the Dimensional Table	The tables can only fit so much text, so choices have been made about how to organize content within both tables and other sections of the code.

DATE	OPEN HOUSE	ARTICLE	TOPIC	COMMENT	RESPONSE
8/16/2023	Downtown	14. Site Plan	Landscape preservation & planting standards	Need to incorporate trees/landscaping when 100% lot coverage allowed.	See 'second wave' edits to the site plan ordinance.
8/16/2023	Downtown	3. Definitions	"Dwelling, townhouse"	Dwelling, townhouse requires each unit be on separate lot so no units can be above other units? Is this compliant with LD2003?	This definition is intended to distinguish the townhouse form, which is just one way of building housing. Vertical stacking would be permitted under the multi-family defition.
8/16/2023	Downtown	5. Zones	Table 5-E: TOD Zones	Light rail down Congress or Cumberland.	This is a transportation-related comment.
8/16/2023	Downtown	5. Zones	Table 5-E: TOD Zones	The entire peninsula should be zoned TOD-2	See map changes released under the 'second wave' of ReCode edits.
8/16/2023	Downtown	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Neighborhood non-residential reuse has the right idea for supporting neighborhood businesses. Would love to see it extended beyond “reuse” to apply to all structures.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	Downtown	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Non-residential reuse seems too restrictive and hard/laborious to back up. I own a 3-unit on Cumberland Ave. First floor is a business and has been a business for 70+ years. This is R-6 so business use is grandfathered. The structure was originally built for residential use. There is wallpaper behind the storefront windows. One year of vacancy terminates this use. This is not good. Need to better support and encourage neighborhood scale businesses.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	Downtown	6. Use Standards	6.7 Temporary uses	[Like most] temporary uses!	The revised drafts continue to include a section regarding temporary uses.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	If you want to control business in residential areas, how about limiting businesses that do not provide goods and services to the neighborhoods or are blank storefronts.	B-1 uses attempt to distinguish between larger market retail and smaller, neighborhood scale retail.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Can clinics be allowed in multi-family residential properties? Portland Housing Authority has a great partnership with Greater Portland Health at our projects, including Sagamore Village, Riverton Park, Franklin Towers and hopefully more. Health is housing (and vice versa). We need the ability to provide basic healthcare services to our residents on-site.	Currently would be allowed in an incidental, accessory capacity.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Multi-family – this should be broken into mid and large scale. 5-25 units is different than 100 units and should have more places in the city.	Currently, the code defines multi-family as 3+ units. Moving to 5+ allows the code to capture a new increment of mid-scale housing that can be easiliy integrated into many existing neighborhood contexts.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Should make it easier to build middle-density buildings (5-10 units or so). Shouldn’t group 5+ units into only the highest density zones.	Currently, the code defines multi-family as 3+ units. Moving to 5+ allows the code to capture a new increment of mid-scale housing that can be easiliy integrated into many existing neighborhood contexts.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Need to catch mid-density housing types better. Small scale multi-family (5-20) is different than 100 units. Something of this scale needs to be called out.	Currently, the code defines multi-family as 3+ units. Moving to 5+ allows the code to capture a new increment of mid-scale housing that can be easiliy integrated into many existing neighborhood contexts. Over 5 units, scale is addressed through height and form.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Separation of Munjoy Hill from Washington Avenue especially by East End School and park does not reflect residential/commercial use by residents.	The B-2b zone on Washington Avenue allows a range of neighborhood- and larger scale businesses that can serve both small and larger catchment areas.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	[Like most] added market gardens.	The revised drafts continue to include 'market gardens' as a use.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	How do we get “complete neighborhoods” when neighborhood business is only allowed in places where the non-residential use structure already exists?	Generally, the approach to create more opportunity for small scale, neighborhood commercial is through neighborhood nonresidential reuse + mapping of more B-1.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Protect & encourage neighborhood business in residential areas.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Allow residential buildings to be used for retail as long as the building can be converted back.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Places of assembly should be permitted for multi-family properties especially in RN-4 through RN-7. Needed to provide resident services to low-income residents in affordable projects.	Places of assembly are listed as conditional uses in the RN zones.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Kill the PRUDS!	PRUDs have been eliminated in the drafts.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	We need the “corner store” allowable in all zones and all buildings.	See map changes released under the 'second wave' of ReCode edits.

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8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Allow all buildings constructed or modified for commercial use to be used for commercial.	See neighborhood non-residential reuse provisions.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	RN-2 - concerned about converting single-family dwellings to multi-family.	The drafts would not allow multi-family as a permitted use within the RN-2, except as affordable housing or adaptive reuse of existing non-residential buildings, as is permitted under the existing code.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Encourage the creation of more housing through renovation and new construction.	The ReCode changes allow new residential uses to occur in both ways.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	Allow more multi-family, especially small ones.	The ReCode edits create more opportunity for 3-, 4-, and multi-family.
8/16/2023	Downtown	6. Use Standards	Table 6-A: Uses in Residential Zones	RN-5 – will all of this just lead to more teardowns?	There is no prohibition on tear-downs proposed within the base zoning.
8/16/2023	Downtown	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	118 Congress St. got height bonuses and 1st floor retail with community support.	The revised drafts maintain the B-1 zoning, which supports mixed-use with first floor retail.
8/16/2023	Downtown	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	These storefronts are dead – e banking and showroom for high-end condo interior design. Not food, not stuff the neighborhood needs.	The revised drafts maintain the B-1 zoning, which supports mixed-use with first floor retail.
8/16/2023	Downtown	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	B-1 and B-2 should allow at least 4 units of density. No need to stop at 2! (+1)	More than four units are currently permitted within these zones.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Frontage"	Do we define frontage and encourage or demand that buildings face the street and provide primary entrance to the street?	Street frontage is defined in Section 7.2. Many design standards within the Design Manual reinforce the concept of the principal entrance facing the street.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Height"	Height – how will measurement work with punch outs?	Drafts modify the rule of measurement to standardize the methodology and ensure measurement at regular intervals.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Height"	Height measurements need to be refined to reflect new building methods and climate change and noise isolation.	Revised drafts include some changes in permitted heights, particularly within the mixed-use context.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Height"	For grade measurement it should be measured from the front façade on the street and not points around foundation.	The drafts simplify and clarify the existing height rule of measurement.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Height"	Grade should be based on street experience.	The drafts simplify and clarify the existing height rule of measurement.
8/16/2023	Downtown	7. Dimensional Standards	7.2 "Height"	Heights on mainland should be measured from pre-development topography.	The drafts simplify the rule of measurement for height.
8/16/2023	Downtown	7. Dimensional Standards	7.4 Alternative Residential Development Options	Cottage courts only allow 25% two-family structures, [the] rest must be single. Remove this requirement! Does it comply with LD2003?	Conforming lots would be eligible for units under LD 2003 provisions. Cottage courts would provide an alternative way to develop these units.
8/16/2023	Downtown	7. Dimensional Standards	7.4 Alternative Residential Development Options	[Like most] cottage courts.	The revised drafts continue to include cottage courts as an alternative development typology.
8/16/2023	Downtown	7. Dimensional Standards	7.6 Towers	Do not like the 10,000 sf maximum floor plate for towers, current (small) towers barely fit.	This language has been maintained in revised drafts.
8/16/2023	Downtown	7. Dimensional Standards	7.6 Towers	10,000 floor plate is too limiting.	This language has been maintained in revised drafts.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	RN-5 needs standards for compatibility and context sensitivity.	Dimensional standards have been modified in small ways to promote context sensitivity. See height standards adapted from the MHNCO.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	[Like most] integrity of built environment in R-6.	The ReCode drafts, including the recently-adopted LD 2003 changes, expand the residential uses permitted in residential zones, particularly the lower-density residential zones, while largely respecting existing lot and development patterns.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	Max lot sizes are too small in some zones. ReCode seems to aim to permit density that would be bare minimum for walkable 10 min. neighborhoods where basic goods and services are available to neighborhoods	The drafts do not include maximum lot sizes. The ReCode approach is generally to allow more units without dramatically altering the existing buildng pattern.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Height	Max. height limits seem too low. (City desperately needs to increase housing supply?)	Some RN heights have been adjusted (e.g. the RN-7). Others have been kept at 35', which is common in residential zoning.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Lots should not have to be any bigger than 5,000 sf in any part of the city.	The ReCode approach is generally to allow more units without dramatically altering the existing lot and buildng pattern.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Setbacks	Update setback to allow addition to homes on smaller lots to keep families in the community that need a little more space.	The drafts include some modifications to setbacks to allow more flexibility around addition.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-A: Residential Zone Dimensional Standards/Building length	RN-5 – consider lot merger controls instead of building length to deal with scale and mass.	Length of buildings along street frontage is the impact that is at concern here; the standards have been written to address this impact.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	We failed on Eastern Waterfront redevelopment. Smaller lots encourage human scale and architectural variety. No more block-sized buildings and no more stupid street names like Freedom Way and Thames.	Changes proposed in Article 7, including new rules of measurement, are designed to help manage scale and form.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	What is the character of Bayside?	Under the ReCode drafts, the existing B-7 zone would be removed and the B-7 would be rezoned to B-3, the downtown zone.

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8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Also, the draft standards would reduce developable area when sidewalks are extended to a lot. Leads to bad incentives for walkability.	Revised drafts increase lot coverage for small island lots to 60%, as adopted under LD 2003.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Building length	Building length restrictions – the problem isn't that buildings are too long, the problem is that they are too far apart.	Building length limits are meant to reinforce finer-grained contexts.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Building length	Building lengths – will these make PHA properties non-conforming? Should there be a carveout for affordable housing? Lot coverage may also be an issue. Make affordable housing bonuses across all zones, match LD2003.	Revised drafts reduce the maximum building length in the RN-5 to 60' and eliminate the maximum building length in the RN-7.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Concerned about change in height in B-2b.	Drafts include changes to heights within mixed-use zones as a way to promote mixed-use, housing, and people and jobs near transit corridors, in alignment with the comprehensive plan.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Lot coverage	For sustainability and equity, all zones, but particularly the downtown zones, need more trees, greenery and open space. Instead of 100% lot coverage how about 99%? Or some other way to	Street trees are required, as is stormwater infrastructure.
8/16/2023	Downtown	7. Dimensional Standards	Table 7-D: TOD Zone Dimensional Standards/Building length	Max. building lengths in TOD-1 zones are way too small. 75 ft. should be 200 ft. (+1)	Revised drafts adjust building lengths.
8/16/2023	Downtown	N/A	In general	Support waterfront industrial uses (fishing, marine repair, etc.)	Drafts include few changes to existing waterfront zoning.
8/16/2023	Downtown	N/A	In general	Bayside – need to plan with sensitivity to existing neighbors (single-family homes) in Bayside. Development (height, views, parking) can change the neighborhood and push out the little houses, trees.	Under the ReCode drafts, the existing B-7 zone would be removed and the B-7 would be rezoned to B-3, the downtown zone. Areas of Bayside which are currently zoned R-6 and B-2b would remain under those zoning designations (or their equivalents).
8/16/2023	Downtown	N/A	In general	Expand Metro for young and old.	This is a transportation-related comment.
8/16/2023	Downtown	N/A	In general	Parkside cannot expand land.	General comment.
8/16/2023	Downtown	N/A	In general	Old Port retail is failing.	General comment.
8/16/2023	Downtown	N/A	In general	Marketing waterfront is important.	General comment.
8/16/2023	Downtown	N/A	In general	[Like most] more permissive dimensional standards.	The revised drafts maintain the approach of allowing more flexibility around dimensional standards in ways that generally match the existing context, particularly in residential zones.
8/16/2023	Downtown	N/A	In general	[Like most] more permissive [dimensional standards].	The revised drafts maintain the approach of allowing more flexibility around dimensional standards in ways that generally match the existing context, particularly in residential zones.
8/16/2023	Downtown	N/A	In general	[Dimensional standards] better support integrity of built environment.	The revised drafts maintain the approach of allowing more flexibility around dimensional standards in ways that generally match the existing context, particularly in residential zones.
8/16/2023	Downtown	N/A	In general	[Like most] anti-sprawl.	The ReCode drafts generally support additional density across the city, as well as in transit nodes and along transit corridors, which aligns with smart growth goals.
8/16/2023	Downtown	N/A	In general	Not aggressive enough to address pressing challenges. Need for housing affordability and climate change.	Revised drafts create new opportunities for housing city-wide and include new regulatory responses to sea level rise and climate change.
8/16/2023	Downtown	N/A	Map	In R-6, some businesses are grandfathered in current R zones. Long-standing business uses are threatened with tenant turnover. Should be B zones (ie. Cumberland, Franklin, and Washington).	See map changes released under the 'second wave' of ReCode edits.
8/16/2023	Downtown	N/A	Map	Look at area behind Moran's Market on Forest Avenue for more B-1, B-2 or RN.	See map changes released under the 'second wave' of ReCode edits.
8/16/2023	Downtown	N/A	Organization	Have the [dimensional standards] terms and language been vetted with legal counsel for clarity to avoid future lawsuits? Clarity for builders and property owners.	Corporation Counsel has reviewed drafts.
8/16/2023	Downtown	N/A	Organization	[Like most] consolidated terms.	The ReCode drafts streamline use categories and terms.
8/16/2023	Downtown	N/A	Organization	[Like most] streamlined presentation [of uses]. (+1)	The revised draft maintains this approach.
8/16/2023	Downtown	N/A	Process	Geared to interests of developers over residents.	General comment.
8/16/2023	Downtown	N/A	Process	The staff did a very nice job!	General comment.
8/16/2023	Downtown	N/A	Process	Additional ways to engage the public.	Review of 'second wave' will include additional opportunities for public engagement.
8/16/2023	Downtown	N/A	Process	I think it would be useful to include old standards next to new standards.	See zone guides at www.recodeportland.me.

DATE	OPEN HOUSE	ARTICLE	TOPIC	COMMENT	RESPONSE
8/16/2023	Downtown	N/A	Process	Process [is] rushed.	The public engagement on the 'first wave' continued throughout the summer and into the fall. The review of the 'second wave' of changes will also involve many opportunities for the public to engage.
8/16/2023	Downtown	N/A	Process	Why was there no opportunity for public comment? After hearing 'presentation' hard to see how it relates to the needs and desires of current Portland workforce?	There was a long public comment period for the 'first wave' of ReCode edits. A similar process will occur for the 'second wave.'
8/16/2023	Downtown		Map	B-2b zone from 295 to Congress along Washington Avenue does not reflect Munjoy Hill neighborhood – walking, green space. Should be rezoned	The map changes released under the 'second wave' of ReCode edits retain this area as B-2b.
8/16/2023	N. Deering	3. Definitions	"Place of assembly"	Place of assembly at 8? Too restrictive. (+1)	8 persons aligns with the adjustment to the definition of family in the code from Phase I, which reduced the number of unrelated individuals in a family from 15 to 8. .
8/16/2023	N. Deering	4. Nonconformities	Lots of record	RN-2 – 6,500 sf – what about lots that are below that minimum? Make nonconformity provisions refer to "legal when created."	The revised drafts modify this language.
8/16/2023	N. Deering	4. Nonconformities	Lots of record	Lots of record to 1957? Go away with that date!	The revised drafts modify this language.
8/16/2023	N. Deering	5. Zones	Table 5-B: Residential Zones	I like the changes for R1 and R2.	The revised drafts continue to propose consolidating these two existing zones.
8/16/2023	N. Deering	5. Zones	Table 5-B: Residential Zones	[Like most] R1 + R2. ♡	The revised drafts continue to propose consolidating these two existing zones.
8/16/2023	N. Deering	5. Zones	Table 5-B: Residential Zones	R-4 should be R-6. (It is mansions only.)	The R-4 zone has been maintained as the RN-3.
8/16/2023	N. Deering	5. Zones	Table 5-B: Residential Zones	R-5 should be R-6.	The R-5 zone has been maintained as the RN-4, with some geographic expansion. See map changes.
8/16/2023	N. Deering	5. Zones	Table 5-B: Residential Zones	RN-3 talks about Western Promenade but it also covers a lot of residential Portland?	The RN-3 is generally confined to the West End.
8/16/2023	N. Deering	5. Zones	Table 5-D: Mixed-Use Zones	[Concerned about] B-2 and B-2b consolidation.	These have been maintained as distinct zones.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	[Like most] added TODs.	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	I like TOD zones.	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	Love the ideas of TODs!	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	[Like most] TOD Zones.	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	No need for TOD.	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	[Like most] TOD at Allen's Corner!	The revised drafts continue to include TOD zones. See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	5. Zones	Table 5-E: TOD Zones	[Like most] height near transit!	The ReCode drafts generally place most height in mixed-use zones and TOD zones, which are designed to be applied near transit.
8/16/2023	N. Deering	6. Use Standards	6.4.12(A) Multi-family conversion standards	Multi-family reuse in RN-2 shouldn't be limited to non-residential. What about massive old Victorians? (+1)	The multi-family reuse language in the RN-2 is based on the existing code. Under the adopted LD 2003 changes, 4 new units would be allowed on a conforming lot in this zone.
8/16/2023	N. Deering	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	"Reuse" is arbitrary and limiting. (+1)(+1)	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	N. Deering	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Reuse is conditional downgrade from B-1b. (+1)	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances. Other neighborhood business needs are addressed within the B-1, B-2 or other zones located nearby to residential zones. See related map changes.
8/16/2023	N. Deering	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Look at non-residential reuse in RN-2. Why can't a non- residential be reused as a 3-family or 4-family?	This would be allowed under the recently adopted LD 2003 changes.
8/16/2023	N. Deering	6. Use Standards	6.6.2	I am concerned that the deed restriction requirement will hinder the development of ADUs. Please strike out 6.6.2.A.7. See AARP's model ADU ordinances/best practices.	This language has been eliminated in the revised drafts.
8/16/2023	N. Deering	6. Use Standards	Table 6-A: Uses in Residential Zones	No hotels in residential neighborhoods.	Hotels' are not permitted within residential zones.
8/16/2023	N. Deering	6. Use Standards	Table 6-A: Uses in Residential Zones	Ban religious buildings.	Places of assembly are broadly permitted.
8/16/2023	N. Deering	6. Use Standards	Table 6-A: Uses in Residential Zones	Want small businesses in new construction. (+1)	See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	7. Dimensional Standards	7.2 "Blank wall"	Please clarify that "blank wall" doesn't include side elevations.	The draft rules of measurement state that this standard is 'measured along a street frontage.'
8/16/2023	N. Deering	7. Dimensional Standards	7.4 Alternative Residential Development Options	[Like most] cottage courts!	The revised drafts continue to include cottage courts as an alternative development typology.

DATE	OPEN HOUSE	ARTICLE	TOPIC	COMMENT	RESPONSE
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	Still arbitrary density limits in R- zones. Why not higher?	The ReCode approach is generally to allow more units without dramatically altering the existing buildng pattern.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Density	Need to delete dimensional standards for 3- and 4-units in RN-1 and RN-2 in dimensional table.	The revised drafts align permitted uses and dimensional standards.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Desity	Don't limit number of units. Let dimensions control.	ReCode changes use a combination of use, density, and bulk controls to address housing potential. This is consistent with existing approach to residential zoning and the approach used in many communities throughout the country.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Lot minimums still too big.	The ReCode approach is generally to allow more units without dramatically altering the existing lot and buildng pattern.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Lot area	Lot sizes too big.	The ReCode approach is generally to allow more units without dramatically altering the existing lot and buildng pattern.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards/Setbacks	Setbacks too high.	The drafts include some modifications to setbacks to allow more flexibility around addition.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Additional height in B-2b is extremely useful in allowing modular to be an option since it has a 2x unusable premium space (1" – 10" typical vs. 12" for stick built).	Drafts include changes to heights within mixed-use zones as a way to promote mixed-use, housing, and people and jobs near transit corridors, in alignment with the comprehensive plan.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	[Concerned] about increasing height from 45 ft. to 65 ft. [in B-2/B-2b].	Drafts include changes to heights within mixed-use zones as a way to promote mixed-use, housing, and people and jobs near transit corridors, in alignment with the comprehensive plan.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Need more height at the corner of Elm and Cumberland (105').	Drafts include changes to heights within mixed-use zones as a way to promote mixed-use, housing, and people and jobs near transit corridors, in alignment with the comprehensive plan.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Advocating for more height on corner of Elm and Cumberland. Increase from 85' to 105'.	Drafts include changes to heights within mixed-use zones as a way to promote mixed-use, housing, and people and jobs near transit corridors, in alignment with the comprehensive plan.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Excited for the new height maximums.	The revise drafts include some modifications to permitted heights.
8/16/2023	N. Deering	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Heights along Franklin should relate to width of new Franklin Street.	The drafts increase heights along the Bayside portion of Franklin. More work could be done under future Franklin Street planning effort.
8/16/2023	N. Deering	N/A	In general	Need evaluation of potential impacts [of use changes]!	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	How many people can the city manage?	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	[Concerned about] impacts of urbanization (noise pollution, increased traffic, environmental, stress on city resources).	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	Too aggressive - urbanization of off-peninsula.	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	Infrastructure – our roads, sewer, water and all other systems are not keeping up with the growth.	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	More homes, town houses, condos on smaller lots means more traffic, pollution and depletion of natural resources. The continual state of global warming is devastating to our neighborhoods, our ocean, lakes, rivers, air. We will become like Florida or any other state. That is not why we live in Maine.	Changes to encourage more housing are based on policy guidance from the Council-adopted comprehensive plan, which set a growth target.
8/16/2023	N. Deering	N/A	In general	The transition between zones – if homes abut commercial land, we need greater and larger buffer zones of green, trees and nature to protect the homes. Airport area is perfect example of noise, air pollution and more with little protection from further expansion.	Drafts address mixed-use to residential transitions within dimensional standards.
8/16/2023	N. Deering	N/A	In general	Yes to more housing! Yes to ability to build 2 or more units per lot! Yes to higher density!	The ReCode drafts generally support additional density.
8/16/2023	N. Deering	N/A	In general	[Concerned about] unintended consequences.	General comment.
8/16/2023	N. Deering	N/A	In general	Love market gardens.	The revised drafts maintain 'market gardens' as a use.
8/16/2023	N. Deering	N/A	In general	[Concerned about] some of the language in the text.	General comment.

DATE	OPEN HOUSE	ARTICLE	TOPIC	COMMENT	RESPONSE
8/16/2023	N. Deering	N/A	In general	[Concerned about] on-/off-peninsula??	Drafts remove some of the on-/off-peninsula distinctions in zones like the B-2 within the existing land use code, reflecting the policy goal of additional growth in mixed-use zones off-peninsula.
8/16/2023	N. Deering	N/A	In general	What type of structures are allowed in each zone?	See use and dimensional tables in Articles 6 and 7.
8/16/2023	N. Deering	N/A	In general	Does not address affordable housing.	The drafts promote housing writ large, and include revisions to Article 17 (Housing).
8/16/2023	N. Deering	N/A	In general	I would like to see discussion of affordable housing.	The drafts promote housing writ large, and include revisions to Article 17 (Housing).
8/16/2023	N. Deering	N/A	Map	Please look at parcels that awkwardly split zones and choose one (ex. Washington Ave. and Hammond St.	See map changes released under the 'second wave' of ReCode edits, which generally address split lots.
8/16/2023	N. Deering	N/A	Map	Westminster Edgeworth plat - move R-3 to R-5.	See map changes released under the 'second wave' of ReCode edits.
8/16/2023	N. Deering	N/A	Organization	[Like most] clarity [in definitions].	General comment.
8/16/2023	N. Deering	N/A	Organization	[Like most] easy to read.	General comment.
8/16/2023	N. Deering	N/A	Organization	Consolidated and clarity is good. Could go further.	General comment.
8/16/2023	N. Deering	N/A	Organization	Clickable links in PDF of code TOC [Table of Contents].	General comment.
8/16/2023	N. Deering	N/A	Process	Process!	General comment.
8/16/2023	N. Deering	N/A	Process	What if non-english speaking members came tonight? A verbal presentation of each article presented on picture boards and opportunity for questions. Hard to understand the language on the boards.	The public engagement on the 'first wave' continued throughout the summer and into the fall. The review of the 'second wave' of changes will also involve many opportunities for the public to engage and will focus on providing what is very technical material in a variety of forms.
8/16/2023	N. Deering	N/A	Process	I appreciate that the city is going to hold more meetings and opportunity for more information, clarification, and question and answer periods. It is crucial to us residents – especially since we do not get to vote on this.	The public engagement on the 'first wave' continued throughout the summer and into the fall. The review of the 'second wave' of changes will also involve many opportunities for the public to engage.
8/16/2023	N. Deering	N/A	Process	Tables do not match up with proposed changes.	General comment.
8/16/2023	N. Deering	N/A	Process	It would be helpful to have comparison charts (What you can do now, what will change).	See zone guides at www.recodeportland.me.
8/16/2023	N. Deering	N/A	Process	We need to have comparison tables and charts not just recode charts.	See zone guides at www.recodeportland.me.
8/16/2023	N. Deering	N/A	Process	Zoning changes not equitable across the city.	The draft changes affect all zones, trying to create opportunities for housing and small businesses, as well as other changes that meet comprehensive goals, across the city.
8/16/2023	N. Deering	N/A	Process	Process – do neighborhood meetings everywhere.	The engagement on the 'first wave' of changes included meetings with all neighborhood associations that requested them.
8/17/2023	Peaks Island	2. Administration	Variances	Get rid of current clause that declares that no lot size variances can be granted in IR-1 or IR-2.	Revised drafts eliminate this language.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	More information on “lodging or boarding” houses on Peaks Island please.	Lodging houses' are a use defined in Article 3, with use standards in Article 6.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Need opportunities for neighborhood non-residential.	New neighborhood businesses are not currently allowed within residential areas. The neighborhood nonresidential reuse provides new flexibility that allows them in certain circumstances.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Nonconforming lots – open up to place of assembly.	Nonconforming lots are subject to the use regulations of the zone in which they lie. See Article 4.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Consider low-impact industrial as a permitted use (support, landscapers, truck parking.	Revised drafts add low-impact industrial as a permitted use in the I-B zone.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Clarify ways artists can have functional studios (with sales) in IR-1 and IR-2.	Revised drafts add studios as a permitted use in island zones.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Want more flexibility for density for affordable housing – duplexes?	The recently adopted LD 2003 changes allow up to three units on conforming lots in island zones.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	[Concerned about] flexibility for IR-2 uses -access units.	The recently adopted LD 2003 changes allow up to three units on conforming lots in island zones.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	[Concerned about] flexibility for IR-2 zone - ADUs, increase density.	The recently adopted LD 2003 changes allow up to three units on conforming lots in island zones.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Would like even more flexibility to allow for greater density on island.	The recently adopted LD 2003 changes allow up to three units on conforming lots in island zones.
8/17/2023	Peaks Island	6. Use Standards	Table 6-B: Uses in Island Zones	Revisit permitting 2-family conversion on the island.	The recently adopted LD 2003 changes allow up to three units on conforming lots in island zones.

DATE	OPEN HOUSE	ARTICLE	TOPIC	COMMENT	RESPONSE
8/17/2023	Peaks Island	7. Dimensional Standards	7.4 Alternative Residential Development Options	Allow cottage courts on Peaks.	The revised drafts add cottage courts as a development option within the IR-2 zone.
8/17/2023	Peaks Island	7. Dimensional Standards	7.4 Alternative Residential Development Options	Add IR-1 and IR-2 to permission for “cottage court” development.	The revised drafts add cottage courts as a development option within the IR-2 zone.
8/17/2023	Peaks Island	7. Dimensional Standards	7.4 Alternative Residential Development Options	Cottage courts should be allowable on islands also.	The revised drafts add cottage courts as a development option within the IR-2 zone.
8/17/2023	Peaks Island	7. Dimensional Standards	7.7.4(A) Setback exceptions	Space/bulk exceptions (e.g., entry porch provision) – consider adding similar language for other types of spaces.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Minimum lot size for residential is still too big.	Revised drafts reduce the small island lot size to 3,000 SF.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Reduce minimum lot size in IR-2 for small island lots.	Revised drafts reduce the small island lot size to 3,000 SF.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Reduce minimum lot size in IR-2 for small island lots to 3,000.	Revised drafts reduce the small island lot size to 3,000 SF.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Is 4,000 small enough for small lot provision?	Revised drafts reduce the small island lot size to 3,000 SF.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Nonconforming lots – minimum lot sizes in IR-1 and IR-2 are still too small.	Second wave' drafts include some changes to rules around nonconforming lots, with the aim of simplifying and allowing more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	IR-2 small island lots – sewer not likely. What uses might be allowed. Note: They adjoin an unused – 50’ wide paper road. Could the paper road somehow influence how the lots (15 sf total) be used?	The existing approach has generally been maintained in the 'second wave' drafts.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Small island provisions in IR-2 – open to non-residential?	These are meant as a tool for residential development within a residential zone. I-B provides opportunities for non-residential.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	What about a non-residential structure on a “small island lot”?	These are meant as a tool for residential development within a residential zone. I-B provides opportunities for non-residential.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	IR-2 small lot (5,000 sf) could be put on sewer. Could an alternate use be a historical society building? If so, what parking would be required, if any?	These are meant as a tool for residential development within a residential zone. I-B provides opportunities for non-residential.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Lot coverage	Increase lot coverage under small lot provisions.	Revised drafts increase lot coverage for small island lots to 60%, as adopted under LD 2003.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	Consider reducing setbacks on land parcels that border “undevelopable land” like PILP land or wetlands.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	Side setbacks and rear setbacks on small lots – consider provisions to allow trading one side for other.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	Accessory structure setbacks are too large.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	10 ft. setbacks for accessory structure in IR-2 is too big.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	ADU setbacks are too large.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards/Setbacks	Accessory building side setbacks under small lot – reduce like the mainland.	Revised drafts include some changes around setbacks to allow more flexibility.
8/17/2023	Peaks Island	N/A	In general	Values are changing.	General comment.
8/17/2023	Peaks Island	N/A	In general	Allow building on paper streets.	See section 6.4.1.
8/17/2023	Peaks Island	N/A	In general	Integrate with the legal department a public forum on paper roads and development vs. conservation.	This conversation would occur outside of the ReCode process.
8/16/2023		7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Prefer Temple Street to be consistent 325’.	See some revisions to downtown height map.

1 INTRODUCTORY PROVISIONS

1.1 TITLE

The title of this chapter of the City of Portland Code of Ordinances is the City of Portland Land Use Code and is referred to as the City of Portland Land Use Code or the Land Use Code.

1.2 ZONING MAP

The City of Portland zoning map is incorporated by reference.

1.3 PURPOSE

The intent of the Land Use Code is to protect the health, safety, and general welfare of the residents of Portland, consistent with the City's Comprehensive Plan, through standards that govern the orderly and compatible use of land, the form and mass of buildings, and the relationship of development to the public realm, Portland's open spaces, and the environment.

1.4 APPLICABILITY

This Land Use Code applies to all land, uses, and structures within the corporate limits of the City of Portland. No building or structure shall be erected, structurally altered, enlarged, repaired, moved, rebuilt, or used, and no land shall be sold, leased, conveyed, used, developed, or altered except in conformity with the provisions of this Land Use Code.

1.5 ENFORCEMENT

1.5.1 Enforcement

The Building Authority and/or a City of Portland Code Enforcement Officer is authorized to institute or cause to be instituted by the Corporation Counsel in the name of the City any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the Land Use Code.

1.5.2 Violations

Any person being the owner or occupant of, having control of, or having the use of any building or premises or part thereof, who violates any of the provisions of this Land Use Code, shall be guilty of an offense and subject to the penalties and remedies provided in Chapter 1, Section 1-15 of the City of Portland Code of Ordinances and 30-A M.R.S. § 4452.

1.6 RELATIONSHIP WITH OTHER LAWS

1.6.1 Federal and state law

Where conditions, standards, or requirements imposed by any provision of this Land Use Code are found to be inconsistent with a provision listed in the law or regulations of the State of Maine or federal government, the more restrictive provision shall control.

1.6.2 City of Portland Land Use Code

If any provision of this Land Use Code contains an actual, implied, or apparent conflict with another provision of this code, the more restrictive provision shall control.

1.6.3 Fair Housing accommodation

The City of Portland may make reasonable modifications to the requirements of the Land Use Code to accommodate the needs of persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

1.6.4 Comprehensive Plan

The City's adopted Comprehensive Plan serves as the basic policy guide for this Land Use Code. Amendments to this Land Use Code shall be generally consistent with the current adopted Comprehensive Plan.

1.6.5 Current versions and citations

All references to other regulations or manuals in this Land Use Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Land Use Code requirements for compliance are no longer in effect.

1.6.6 Private agreement

This Land Use Code does not nullify any private agreement or covenant. However, where this code is more restrictive than a private agreement or covenant, this code controls. The City does not enforce private agreements.

1.7 DELEGATION OF AUTHORITY

Whenever a provision requires the head of a department to perform an act or duty, that provision will be interpreted as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

1.8 RULES OF INTERPRETATION

1.8.1 Meaning of words and terms

All words and terms shall have the meanings shown in Article 3, unless otherwise expressly stated. For words or terms not specifically defined in this Land Use Code, they are interpreted by their common dictionary meaning or customary usage consistent with their context.

1.8.2 Graphics and illustrations

Graphics and illustrations are included to illustrate the intent of the text. In the case of a conflict between the text and any graphic or illustration, the text ~~controls.~~shall control.

1.8.3 Lists and examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as", or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

1.8.4 Time

When a number of days is specified as a period from a certain day within which or after or before which an act is authorized or required to be completed, time is computed as the number of calendar days excluding the calendar day when the act is authorized or required to be completed. Business days shall be interpreted as days on which the City of Portland is open for business.

1.8.5 Obligatory terms and conjunctions

The terms in the text of the Land Use Code shall be interpreted in accordance with the following rules of construction:

A. The terms "must", "shall", ~~or~~and "will" are mandatory terms that express a requirement or impose an obligation.

B. The terms "must not", "shall not", "will not", and "may not" express a prohibition.

C. The term "should" expresses a recommendation or suggestion and does not express a requirement or imposition.

D. The term "may" is permissive and does not express a requirement or imposition.

E. The conjunction "and" indicates that all connected words or provisions apply.

F. The conjunction "or" indicates that the connected words or provisions may apply singly or in any combination.

G. The conjunction "either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

1.8.6 Gender

Words denoting one gender apply to all genders.

1.8.7 Abbreviations

Building Authority. Either the Department of Permitting and Inspections, its director, or their designee.

Council. The Portland City Council.

Planning Authority. Either the Department of Planning and Urban Development, its director, or their designee.

Public Works Authority. Either the Department of Public Works, its director, or their designee.

1.9 SUCCESSIVE APPLICATIONS

Whenever any application, appeal, or other request filed pursuant to this Land Use Code has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one year of such denial unless, in the opinion of the authority or board before which it is brought, there has been a substantial change in circumstance or substantial new evidence is available.

1.10 AMENDMENTS

1.10.1 Authority

The City Council may amend this Land Use Code and the zoning map incorporated herein.

1.10.2 Procedure

A. An application for a text or zoning map amendment shall be filed with the Planning Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The fee for text or zoning map amendment applications may be waived or reduced by the Planning Authority in the case of an application submitted by a governmental body or where an applicant can establish financial hardship. If a text or zoning map amendment application is withdrawn by an applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of half of the amount of the application fee will be made to the applicant by the City provided that all costs incurred by the City have been paid in full by the applicant.

B. Once it is determined that the application is complete, the Planning Authority shall give a dated receipt to the applicant and, in the case of a map amendment, shall notify, by mail, all property owners within the limits of the proposed zoning map amendment and all property owners 500 feet beyond said area~~, except that for map amendments to a site~~

~~located within industrial zone designations the notice range shall be 1,000 feet.~~. The notice hereunder shall include a brief description of the application, the address or location of the property involved, and contact information where additional information may be obtained. The cost of noticing shall be charged to the applicant.

C. A private applicant for a map amendment that would permit a development subject to major site plan review shall conduct neighborhood outreach according to the provisions for neighborhood meetings under Article 14.

D. The Planning Authority shall review the application against the standards of this article and make a recommendation to the Planning Board.

E. The Planning Board shall hold a public hearing in accordance with the provisions of Article 2 and make a recommendation to adopt, adopt with modifications, or not adopt the proposed map or text amendment, and forward the recommendation to the City Council.

F. The City Council shall review the proposed amendment and determine whether and how to amend the Land Use Code or zoning map.

1.10.3 Review fees

The applicant shall pay a fee to cover the professional and administrative costs for review and analysis associated with the amendment, including but not limited to planning, legal, engineering, or other services. The fee shall be based on the hours of review and processing time and the prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant.

1.10.4 Review standards

Except as otherwise required by law, amendments to the City's Land Use Code shall be pursuant to and consistent with the Comprehensive Plan.

1.11 TRANSITION RULES

A permitted use established prior to the effective date of the Land Use Code that is now classified as a conditional use shall be deemed a lawful conditional use. Any subsequent addition, enlargement, or expansion of that use shall conform to the procedural and substantive requirements for conditional uses in Article 6. A permitted or conditional use established prior to the effective date of this Code that is now classified as a prohibited use shall be deemed a nonconforming use and is controlled by the provisions of Article 4.

2 ADMINISTRATION

2.1 PLANNING BOARD

2.1.1 Composition

There shall be a Planning Board of seven members. Members of the Planning Board shall be residents of the city and shall not be officers or employees of the City. Members shall serve without compensation.

2.1.2 Appointments

A. Terms. The members of the Planning Board shall be appointed by the City Council for terms of three years. Such members shall serve until their successors are duly appointed and qualified. Such terms shall be staggered so that the terms of not more than three members shall expire in any calendar year; providing, however, such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.

B. Vacancies. Permanent vacancies on the Planning Board shall be filled by the City Council, in the same manner as other appointments hereunder, for the unexpired term of the former member.

2.1.3 Removal of members

Any member of the Planning Board may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.1.4 Officers

A. Chair. The members of the Planning Board shall annually elect one of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. The chair may administer oaths.

B. Vice chair. The members of the Planning Board shall annually elect one of their number as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Planning Board.

C. Pro tempore officers. In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.1.5 Committees

The chair of the Planning Board shall assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report. The board shall adopt such rules as it shall deem appropriate to govern the organization and operation of its committees. Committee

meetings deliberative in nature shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq.

2.1.6 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Planning Board without a quorum, consisting of four members, being present. The vote of ~~at least four~~a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

2.1.7 Conflicts

No member of the Planning Board shall participate in the hearing or disposition of any matter in which ~~he or she has~~they have an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

2.1.8 Meetings and procedures

A. Meetings. Regular meetings of the Planning Board shall be held at the call of the chair or as provided by rule of the board. Special meetings may be called by the chair or any four members of the Board or at the request of the City Council.

1. *Workshops.* Workshops of the Planning Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Director of the Department of Planning & Urban Development, their staff, an applicant, or others. These meetings will be open for public comment according to the rules of the Planning Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq. shall be informational only and shall not result in final decisions on any matter.
2. *Public hearings.* Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Planning Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.

B. Notice. The Planning Authority shall give notice of the time and place of public workshops and hearings, including a brief description of the application(s) to be considered, as follows:

1. *Site plan and subdivision.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 10 calendar days prior to the workshop or hearing. Notice shall also be sent by regular United States mail at least 10 calendar days in advance of the workshop or hearing date to the applicant, the owner(s) of the subject property, and all owners of property located within 500 feet of the subject property~~, except that~~

~~for subdivisions within industrial zones the notice range shall be 1,000 feet.~~ .

2. *Land Use Code or zoning map amendment*. Notice of public hearing shall be publicly posted in the municipal office at least 13 days before the public hearing on such application. In addition, notice of said public hearing must be published at least two times in a newspaper of general circulation in the City of Portland. The date of the first publication must be at least 12 days prior to any public hearing and the date of the second publication must be at least seven days prior to the public hearing. For map amendments, notice shall be sent by regular United States mail to at least 13 calendar days in advance of any workshop or hearing date to all property owners within the area proposed for rezoning and all property owners 500 feet beyond said area, except that rezoning to industrial zone designations the notice range shall be 1,000 feet.
3. *Contract or conditional zoning*. Notice of public hearing shall be posted in the City Clerk's office at least 13 days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

The cost of noticing shall be charged to the applicant.

C. **Procedures.** The Planning Board shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the Planning Authority and with the City Clerk. Any and all rule changes shall be placed on a City Council public agenda as a communication requiring a public hearing. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.1.8(A)(1), all meetings, hearings, and deliberations of the Planning Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing may be required by the Planning Board to be given under oath.

D. **Keeping of records.** The Director of the Department of Planning & Urban Development shall designate a member of their staff who shall attend all Planning Board proceedings. The staff shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member on every question, or their absence or failure to vote, and shall maintain the permanent records and decisions of all Board meetings, hearings, and proceedings and all correspondence of the Board, as required by statute. Such records shall be public records

open to inspection during working hours upon reasonable notice.

2.1.9 Record and decisions

A. Record. The minutes of the staff, and the transcript if one is made, and all exhibits, papers, applications, and requests filed in any proceeding before the Planning Board and the decision of the Board shall constitute the record.

B. Decision. Every final decision of the Planning Board and every recommendation of the Planning Board to the City Council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The Planning Authority shall ~~mail~~provide notice of any decision of the Planning Board to the applicant.

2.1.10 Jurisdiction and authority

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the City and in accordance therewith, the Planning Board shall have the following jurisdiction and authority:

A. To prepare and recommend a Comprehensive Plan to the City Council.

B. To prepare and recommend to the City Council changes in and amendments to the Comprehensive Plan.

C. To aid and assist the City Council and departments and agencies of the City in implementing general plans and in planning, developing, and completing specific projects.

D. To hear, review, and approve, conditionally approve, or deny ~~master development plans and~~ major site plans.

E. To hear, review, and approve, conditionally approve, or deny applications for subdivision approval.

F. To hear, review, and approve or deny applications for conditional uses ~~listed~~as specified in Article 6.

G. To hear, review, and offer its recommendations to the City Council on applications for amendments to, or revisions of, this Land Use Code.

H. To review and offer its recommendations to the City Council on certain public projects.

I. To review and approve, conditionally approve, or disapprove site plans for regulated projects in shoreland areas.

J. To prepare and offer its recommendations to the City Council with regard to the City's annual Capital Improvement Program.

K. Upon reasonable request, to make its special knowledge and expertise available to any official, department, board, or agency of the city, county, state, or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region, including request from the City Council to review proposed developments in which the developer does not have the right, title, or interest in all the property necessary for the proposed development because some or all of that property is owned by the City.

L. To make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as seem desirable.

M. To employ or contract with such experts and other assistants as may be necessary or convenient to carry out its duties hereunder

and to pay for their services and for such other expenses as may be necessary and proper, provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes by the City Council.

N. To hear, review, and offer its recommendations to the City Council on petitions for street vacations and discontinuances.

O. To hear, review, and decide appeals where it is alleged there is an error in any decision, requirement, or determination made by the Planning Authority.

P. To approve, following a public hearing and at the recommendation of the Public Works Authority and the Planning Authority, *Technical Manual* and *Design Manual* standards, provided that such standards shall be additional to and consistent with the provisions of this Land Use Code, necessary and reasonable, and in accordance with sound engineering and urban design practice.

2.1.11 Administrative appeals

A. Application procedures. An appeal may be taken to the Planning Board by any person affected by a final decision of the Planning Authority except as provided elsewhere in this Land Use Code. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning Authority. A payment of a nonrefundable filing fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany each application. The Planning Authority shall forthwith transmit to the Planning Board all of the papers constituting the record upon which the action appealed from was taken.

B. Public hearing. A public hearing shall be set, advertised and conducted by the Planning Board in accordance with the provisions of this article.

C. Action. Within 30 days following the close of the public hearing, the Planning Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the state. The failure of the board to act within 30 days shall be deemed a denial of the appeal unless mutually extended in writing by the appellant and the board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.

D. Conditions and limitations. Any right granted by the reviewing board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.1.12 Planning Board appeals

An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the Board is limited to the making of a recommendation.

2.2 HISTORIC PRESERVATION BOARD

2.2.1 Composition

The Historic Preservation Board shall consist of seven voting members who shall serve without compensation. Members shall not be officers or employees of the City. Members shall have demonstrated interest, knowledge, ability,

experience, or expertise in restoration, rehabilitation, or neighborhood conservation or revitalization and shall be residents of the city.

2.2.2 Appointments

A. Terms. Members shall be appointed by the Council for terms of three years. Appointments shall be staggered so that the terms of not more than three members expire in any calendar year. Members may serve for three consecutive three-year terms.

B. Vacancies. Vacancies on the Historic Preservation Board shall be filled within 60 days. However, every member shall continue in office after expiration of the term until a successor has been appointed. Vacancies on the Historic Preservation Board shall be filled for the unexpired term of the former member.

2.2.3 Removal of members

Members may be removed for cause by the Council. Cause shall include, but is not limited to, the failure to attend meetings without good cause. Any member proposed to be removed shall be given written notice and an opportunity to be heard prior to final action.

2.2.4 Officers

A. Election and terms. Officers of the Historic Preservation Board shall consist of a chair and vice chair. Officers shall be elected by the Historic Preservation Board and shall serve a term of one year and shall be eligible for re-election.

B. Chair. The chair shall preside at all meetings and hearings and fulfill the customary functions of that office.

C. Vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Historic Preservation Board.

D. Pro tempore officers. In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.2.5 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Historic Preservation Board without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not less exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of the adjournment.

~~2.2.5~~2.2.6 Conflicts

No member of the Historic Preservation Board shall participate in the hearing or disposition of any matter in which ~~he or she has an interest~~they have

an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

~~2.2.6~~2.2.7 Meetings and procedures

A. Meetings. Regular meetings of the Historic Preservation Board shall be held no less frequently than monthly. Special meetings may be called by the chair ~~or~~, any four members of the board, or at the request of the ~~chair of the~~ Planning Board or City Council.

1. *Workshops.* Workshops of the Historic Preservation Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Director of the Department of Planning & Urban Development, their staff, an applicant, or others. These meetings will be open for public comment according to the rules of the Historic Preservation Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq., shall be informational only and shall not result in final decisions on any matter.
2. *Public hearings.* Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Historic Preservation Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.

B. Notice. The Planning Authority shall give notice of the time and place of Historic Preservation Board public workshops and hearings, including a brief description of the application(s) to be considered, as follows:

1. *Landmark ~~or~~, historic district, or historic landscape district nomination.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 10 calendar days prior to ~~the~~any workshop or hearing. Notice shall be sent by regular United States mail ~~at least 10 calendar days in advance of the workshop or hearing date~~ to the applicant and to the owner(s) of the subject property or properties at least 10 calendar days in advance of any workshop or hearing date.
2. *Certificate of Appropriateness review.* Notice shall be given to all property owners within 100 feet of the property at least seven days prior to the date of the workshop or public hearing.
3. *Major site plan review.* For alteration or new construction that is classified as a major site plan under Article ~~14~~13, notice shall be given to all property owners within 500 feet of the property at least seven days prior to the date of the workshop or hearing.
4. The cost of noticing shall be charged to the applicant.

C. Procedures. The Historic Preservation Board may adopt procedural rules for the conduct of its business not inconsistent with ~~this article, including the creation~~the statutes of ~~a subcommittee structure to enhance efficiency in consideration of~~

~~Historic Preservation Board business. Such rules shall be filed with~~ the ~~Planning Authority~~state and ~~with the City Clerk. All such rules shall be subject to veto~~this article. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of ~~such~~the date of filing~~. The initial~~ with the City Clerk. No rules change shall take effect ~~when filed, subject to veto as provided above. Amendments to the rules shall take effect upon expiration of said veto~~until that time period~~. Any rule may be~~ has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.2.7, all meetings, hearings, and deliberations of the Historic Preservation Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing may be required by the Historic Preservation Board to be given under oath.

~~2.2.7~~2.2.8 Record and decisions

A. Record. The ~~Director of the Department of Planning & Urban Development or their designated~~ minutes of the staff ~~representative shall attend~~, and the transcript if one is made, and all exhibits, papers, applications, and requests filed in any proceeding before the Historic Preservation Board ~~meetings. The staff shall provide for the keeping of tape recordings or~~ and the decision of the Board shall constitute the record.

~~minutes of the proceedings~~**Decision.** Every final decision of the Historic Preservation Board~~, showing the vote of each member on every question or their absence or failure to vote, and shall maintain the records and decisions of all meetings, hearings, and proceedings and all correspondence of the Historic Preservation Board. Copies of permanent records shall be filed with the City Clerk. Staff shall publish~~ and ~~distribute copies of the records, reports, and decisions~~ every recommendation of the Historic Preservation Board to ~~Historic Preservation Board members and to others upon approval of the Historic Preservation Board.~~

~~**B.** No final action shall be taken by the Historic Preservation Board which could in any manner deprive or restrict the owner of a property in its use, alteration, maintenance, disposition, or demolition until such owner either has knowledge of the proceeding or is sent notice offering opportunity to be heard. This paragraph shall not affect the interim protection provisions of Section 17.6.~~

~~**C.** Every recommendation or recommended decision of the Historic Preservation Board~~the Planning Board or City Council shall include written findings of fact, and shall specify the reason or reasons for such ~~action.~~

~~**D.**~~**B.** ~~Staff shall mail~~ decision or recommendation. The Planning Authority shall provide notice of any ~~final determination or recommendation~~decision of the Historic Preservation Board to the applicant ~~and property owner(s).~~.

~~2.2.8 Responsibilities~~

2.2.9 Jurisdiction and authority

The Historic Preservation Board shall have the following ~~responsibilities~~jurisdiction and authority:

A. To conduct or administer an ongoing survey to identify historically, culturally, architecturally, and archaeologically significant areas, sites, structures, and objects.

~~**B.**~~ To review ~~all~~ areas, sites, structures, and objects ~~listed in the National Register of Historic Places, including the boundaries of areas so listed, and~~nominated for local historic designation, and to make recommendations to the Planning Board and City Council for ~~the~~their designation ~~of those areas, sites, structures, and objects~~ as ~~local~~ landmarks ~~or~~, historic districts~~.~~

~~**C.** To investigate and recommend to the Planning Board and City Council the designation of areas, sites, structures, and objects not listed in the National Register of Historic Places as local landmarks and~~, and historic landscape districts ~~and to make recommendations to the Planning Board concerning sites, structures, and objects that have contributing significance or are intrusions within nominated or designated districts.~~

~~**D.** To keep and make available to the public a register of all areas, sites, structures, and objects that have been designated as landmarks or districts, including all information required as part of each designation.~~

~~**E.** Upon request, to advise and assist owners of landmarks and property, sites, structures, or objects within districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse and for procedures for inclusion on other registers of significant areas, sites, structures, and objects, including the National Register of Historic Places.~~

~~**F.**~~**B.** ~~To recommend to the Planning Board the nomination of areas, sites, structures, and objects to the National Register of Historic Places or to any State of Maine Register of Historic Places that may be established~~as applicable.

~~**G.**~~**C.** To participate in the Certified Local Government Program of the National Historic Preservation Act Amendments of 1980 and the Maine Historic Preservation Commission, and carry out any responsibilities delegated to it under that program, including review and comment on any National Register nominations submitted to the Historic Preservation Board.

~~**H.** To seek funding for which the City of Portland is eligible through the Certified Local Government Program to assist in local preservation projects, including projects undertaken by local non-profit organizations.~~

~~**I.** To, upon request by the City Council, participate in any review of federal actions or undertakings pursuant to Section 106 of the National Historic Preservation Act, attend informational and educational programs sponsored by the Maine Historic Preservation Commission, and prepare an annual report of the activities of the Historic Preservation Board.~~

~~**J.** To inform and educate the citizens of Portland concerning the cultural, historic, architectural, and archeological heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets and by sponsoring programs and seminars.~~

~~**K.**~~**D.** To hold ~~meetings~~workshops and public hearings to review applications for certificates of appropriateness affecting ~~proposed or~~historically designated ~~landmarks and~~

~~districts~~properties and to ~~recommend approval~~approve or ~~disapproval of~~deny certificates of appropriateness.

~~L.~~E. To ~~provide testimony to the Board of Appeals in connection with any application~~review applications for ~~a Certificate~~ certificates of economic hardship and to issue or deny certificates of economic hardship.

F. To develop design guidelines affecting landmarks or districts ~~for review and approval by~~ .

~~M.~~ To assist the Planning Board~~.~~

~~N. To advise the Planning Board as to recommendations on any preservation or conservation easements that the City of Portland may have or be offered as a gift or otherwise.~~

~~O. To advise the Planning Board as to the administration of such gifts, grants, and money as may be appropriated for the purposes of this article upon authorization and approval by the City Council.~~

~~P. To provide comment, as appropriate, to the Planning Board and/or City Council on matters pertaining to historic preservation in Portland.~~

~~Q. To confer recognition upon the owners of landmarks or properties, sites, structures, or objects within districts by means of certificates, plaques, or markers.~~

~~R.~~G. ~~To assist the Planning Board~~ and City Council in the development of a preservation component in the Comprehensive Plan of the City of Portland.

H. ~~To periodically review the Land Use Code and~~ To make recommendations to the Planning Board concerning any amendments to the Land Use Code appropriate for the protection and continued use of ~~landmarks or~~ historically-designated properties~~, sites, structures, or objects~~.

I. As requested, to provide comment, recommendations, or testimony to the Planning Board or City Council on matters pertaining to historic preservation in Portland.

~~2.2.9~~2.2.10 Administrative appeals

A. **Application procedures.** An appeal may be taken to the Historic Preservation Board by any person affected by a decision of the Planning Authority relative to Article ~~17~~16. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning Authority. A payment of a nonrefundable filing fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany the application. The Planning Authority shall forthwith transmit to the Historic Preservation Board all of the papers constituting the record upon which the action appealed from was taken.

B. **Standard of review.** The standard of review for appeals pursuant to this section shall be de novo. The appellant shall bear the burden of proof.

B. **Public hearing.** A public hearing shall be set, advertised, and conducted by the Historic Preservation Board in accordance with the provisions of this article.

C. **Action.** Within 30 days following the close of the public hearing, the Historic Preservation Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the

state. The failure of the board to act within 30 days shall be deemed a denial of the appeal unless mutually extended in writing by the appellant and the Board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.

D. **Conditions and limitations.** Any right granted by the board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

~~2.2.10~~2.2.11 Historic Preservation Board appeal

A. **Historic Preservation Board decision.** An appeal from any final decision of the Historic Preservation Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the Planning Board, adhering to the requirements of Subsection 2.1.11 of this article.

B. The Planning Board shall deny the appeal unless it finds that the action of the Historic Preservation board was arbitrary or capricious or was not based on substantial evidence. Review by the Planning Board under this subsection is intended to be appellate in nature. Except where the Planning Board determines that injustice would result, the Planning Board shall determine the appeal without considering any facts or arguments which were not presented to the Historic Preservation Board. Where the Planning Board finds it necessary to consider such new evidence in order to do substantial justice, it shall remand the matter to the Historic Preservation Board for further consideration, unless it determines that the resulting delay is likely to result in undue hardship to the applicant.

C. **Planning Board decision. T**he Planning Board's decision on an appeal from a decision of the Historic Preservation Board shall be final with respect to the application or matter initially presented to the Historic Preservation Board. An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the board is limited to the making of a recommendation.

2.3 ZONING BOARD OF APPEALS

2.3.1 Composition

There shall be a Board of Appeals of seven members. Members of the Board shall be residents of the city and shall not be officers or employees of the City or any of its agencies or departments. Members shall serve without compensation.

2.3.2 Appointments

A. **Terms.** The members of the Board of Appeals shall be appointed by the City Council for terms of three years. Terms shall be staggered so that the terms of no more than three members shall expire in any calendar year. Such members shall serve until their successors are duly elected and qualified provided, however, that such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.

B. Vacancies. Permanent vacancies on the Board of Appeals shall be filled by the City Council, in the same manner as other appointments under this article, for the unexpired term of a former member whose place has become vacant.

2.3.3 Removal of members

Any member of the Board of Appeals may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.3.4 Officers

A. Chair. The members of the Board of Appeals shall annually elect one of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. In the absence of the chair, the secretary shall act as chair and shall have all the powers of the chair.

B. Secretary. The members of the Board of Appeals shall annually elect one of their number as secretary. The secretary shall fulfill the duties provided by statute and this article and have such other duties as may be provided by the rules of the board.

C. Pro tempore officers. In the absence of both the chair and the secretary, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the secretary's absence. In the absence of the secretary, or when the secretary is serving as chair, the board shall elect a secretary pro tempore from among its number and the secretary pro tempore shall have all the powers of the secretary during the secretary's absence or service as chair.

2.3.5 Quorum and necessary vote

No business shall be transacted by the Board of Appeals without a quorum, consisting of four members, being present. The concurring vote of at least four members of the board shall be necessary to grant any request or application or to sustain any appeal. ~~Any matter that receives fewer than four votes shall be deemed to have been denied.~~ The vote of a majority of the members present shall be necessary to authorize any action by the board.

2.3.6 Conflicts

No member of the Board of Appeals shall participate in the hearing or disposition of any matter in which ~~he or she has~~they have an interest. Any question of whether a member has a conflict of interest sufficient to disqualify ~~him or her~~them shall be decided by a majority vote of the members, except the member who is being challenged. Where such a vote results in a tie, the challenged member shall be deemed disqualified.

2.3.7 Meetings and procedures

A. Staff. The Building Authority or their designee shall serve as staff to the Board of Appeals.

B. Meetings. Regular meetings of the Board of Appeals shall be held at the call of the chair or as provided by the rules of the board. Special meetings shall be called by the chair at the request of any two members of the board or at the request of the City Council. All meetings and hearings of the board shall be open to the public. For all matters properly brought before the Board of Appeals, the board shall select a reasonable time and place for a public hearing

following the submission of the subject application.

C. Notice. The Building Authority shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven days in advance of the hearing date by regular United States mail. Notices shall be given to each of the following as specified:

1. In all cases, to the petitioner.
2. In all cases, to all residents of the city by publication in a newspaper of general circulation in the city at least once, not more than 30 nor less than five days before the date of the hearing, and by mail to the applicant.
3. In the case of hearings relating to zoning appeals, a variance, or a conditional use, to the Planning Board and City Council by reasonable means.
4. In the case of hearings relating to a variance request from the provisions of Article 11, the application and all supporting information supplied by the applicant shall be forwarded to the State of Maine ~~Commission of the~~ Department of Environmental Protection at least 20 days prior to action by the board. Any comments received from the Commissioner or their designee prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
5. In the case of hearings related to a variance or conditional use, by mail to the owners of all the property within 500 feet of such parcel or tract.
6. In the case of hearings related to all other appeals, by mail to the owners of property directly abutting, and directly across a street or alley from the subject property.
7. For purposes of this subsection, the owners of property shall be considered to be the parties listed by the ~~Assessor's~~Assessor's Department as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the board.
8. The cost of noticing shall be charged to the applicant.

D. Procedures. The Board of Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the City Clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by this article, may be waived by the board upon good cause being shown.

1. *Conduct of hearings.*
   a. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the Board shall exclude irrelevant, immaterial and unduly repetitious evidence.

b. The applicant and any abutter or similar person with standing shall in addition have the right to present witnesses on their own behalf and offer rebuttal evidence, to cross examine all witnesses testifying in opposition to their position through the chair, and to examine and introduce any documents produced at the hearing.

2. All other matters pertaining to the conduct of hearings shall be governed by the provisions of the relevant state statutes, this article, and the rules promulgated by the Board of Appeals.

2.3.8 Records and decisions

A. Record. The recording of testimony, if any, and all exhibits, papers, applications, and requests filed in any proceeding before the Board of Appeals and the decision of the board shall constitute the record.

B. Decision. Every decision of the Board of Appeals shall include findings of the fact, shall refer to the evidence in the record and the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief. The Building Authority shall hand deliver or mail a copy of the decision to the applicant, the Planning Board, and City Council within seven days of such decision, and shall also file the decision with the City Clerk.

2.3.9 Jurisdiction and authority

The Board of Appeals shall have the following jurisdiction and authority:

A. To hear and decide appeals from the granting or denial of any permit required by Chapter 6, Article ~~II~~11, or Chapter 10 of the City of Portland Code of Ordinances.

B. To hear and decide appeals from any decision or order made by the Building Authority pursuant to the provisions of this Land Use Code or any other chapter of the City of Portland Code of Ordinances, except that decisions relating to enforcement of the Shoreland Zone provisions of this chapter may not be appealed to the Board of Appeals and may only be appealed directly to Superior Court in accordance with M.R. Civ. P. 80B and 30-A M.R.S. §§ 2691 & 4483.

C. To review interpretations of the Zoning Administrator or their designee, except that decisions on such interpretations shall be advisory only and shall not be appealable.

D. To hear and grant or deny applications for variances from the terms of this Land Use Code, including but not limited to terms related to use; dwelling unit conversion; space and bulk, such as lot size, density, and setbacks; parking; loading; and signs.

E. To hear and grant or deny applications for conditional uses, as specified in Article 6.

2.3.10 Administrative appeals

A. Application procedures. Application for any appeal to the board shall be submitted to the Building Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in

such form as prescribed by the Building Authority.

B. Public hearing. A public hearing shall be set, advertised and conducted by the Board of Appeals in accordance with Subsection 2.3.7.

C. Standard of review. The standard of review for appeals pursuant to Subsections 2.3.9(A), (B), and (C) shall be de novo. The appellant shall bear the burden of proof.

D. Conditions and limitations on rights granted by appeal. Any right granted by the Board of Appeals on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.3.11 Variances

A. Application procedures

1. Application for a variance shall be submitted to the Building Authority. A payment of a nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form as prescribed by the Building Authority.
2. A public hearing shall be set, advertised, and conducted by the Board of Appeals in accordance with Subsection 2.3.7.
3. All decisions by the board shall be rendered in a manner and form not inconsistent with the statutes of this state.
4. When a decision affects property located within the Shoreland Overlay Zone, the Zoning Board of Appeals shall cause written notice of its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven days of the board's decision.

B. Undue hardship variance. An undue hardship variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his or her property would cause undue hardship. The words "undue hardship" as used in this subsection mean the following:

1. The land in question cannot yield a reasonable return unless a variance is granted.
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. The granting of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the applicant or prior owner.

C. Disability variance

1. *By the Board of Appeals.* Notwithstanding the provisions of subsection (B) above, the board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures

necessary for access to or egress from the dwelling" shall include railing, wall, or roof systems necessary for the safety or effectiveness of the structure. For the purpose of this subsection, a disability has the same meaning as a physical or mental disability under 5 M.R.S. § 4553.

2. *By the Building Authority*. Notwithstanding the provisions of subsections (B) and (C(1)) above, the Building Authority may issue a permit to the owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability.

D. Practical difficulty variance. Notwithstanding the provisions of subsections (B) and (C) above, the Board of Appeals may grant a variance from the dimensional standards of this Land Use Code that relate to lot area, lot coverage, frontage, and setback requirements when strict application of these standards would both preclude a permitted use of the property and result in significant economic injury to the applicant. Significant economic injury shall mean that the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land. In granting a practical difficulty variance, all of the following conditions must be found to exist:

1. The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood.
2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.
3. The practical difficulty is not the result of action taken by the applicant or a prior owner.
4. No other feasible alternative is available to the applicant, except a variance.
5. The granting of a variance will not have an unreasonably adverse effect on the natural environment.
6. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S. § 435, nor within a Shoreland Zone or flood hazard area, as defined in this Land Use Code.

E. Specified variances prohibited

~~1. No use permitted in medium- and high-density residential zones shall be permitted in low-density residential zones. No use permitted in mixed-use or office zones shall be permitted in any residential zone. No use permitted in industrial and airport zones shall be permitted in any mixed-use, office, or residential zone. No use permitted in residential zones shall be permitted in any industrial or airport zone. The general use categories are listed below:~~

~~a. Low-density residential: IR-1, IR-2, IR-3, R-1, R-2, R-3.~~

~~b. Medium- and high-density residential: R-4, R-5/R-5a, R-6/R-6a.~~

~~c. Mixed-Use/Office: B-1/B-1b, B-2/B-2b/B-2c, B-3/B-3b/B-3c, B-4, B-5/B-5b, B-6, B-7, I-B, R-P, O-P.~~

~~d. Industrial: I-L/I-Lb, I-M/I-Ma/I-Mb, I-H/I-Hb, A-B.~~

~~2.~~1. A variance may only be granted with respect to the generally applicable space and bulk requirements of the zone in which the property is located and not from any provision that allows a deviation from those requirements.

~~3.~~2. No variance shall be granted which would permit the creation of a lot or parcel that cannot be developed in compliance with the zoning, subdivision, and other regulations applicable thereto.

~~4.~~3. No variance shall be granted which would result in a use or development of the lot or parcel in question which would not be in harmony with the general purpose and intent of this Land Use Code or the Comprehensive Plan; which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property or improvement permitted in the vicinity; or which would materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase congestion in the public streets, increase the danger of flood or fire, or endanger the public safety.

~~5.~~4. No variance shall be granted which would be greater than the minimum variance necessary to relieve the undue hardship or the hardship of the applicant.

~~6. No variance shall be granted from the minimum lot sizes set forth in Subsection 4.3.1 for lots in the IR-1 and IR-2 zones.~~

~~7. No variance shall be granted from the requirements in Subsection 6.4.1.~~

F. Conditions on variances; variances less than requested. Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening, and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

G. Limitations on variances. No variance permitting the erection or alteration of a building shall be valid for a period longer than two years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than two years, unless an occupancy permit is issued and a use commenced within such period.

H. Recording of variances. No variance shall be valid unless, within 90 days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S. § 4353(5).

2.3.12 Violations

In addition to any other remedies available, the Board of Appeals after notice and hearing may revoke any variance or other relief granted under this section when the provisions of this chapter or the conditions under which the relief was granted have not been complied with.

~~**2.3.13 Appeals**~~

2.3.13 Reconsideration

The Board of Appeals may reconsider any decision within 45 days of its decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

2.3.14 Appeals

Any aggrieved party may take an appeal, within 45 days of the vote of the original decision, from any final decision of the Board of Appeals ~~may be taken by any aggrieved party~~ to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S. §§ 2691 & 4483., except as otherwise specifically provided in this article.

3 DEFINITIONS

~~**Accessory dwelling unit.** A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.~~

Adjacent grade (within the floodplain). For the purposes of calculating floor elevation in areas of special flood hazard, the natural elevation of the ground surface prior to the construction next to the proposed wall of a structure.

Adult business establishment. Any business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

A. Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in Chapter 4 of the City of Portland Code of Ordinances; or

B. Customarily, meaning more often than an average of one calendar week during any calendar month of operation, exhibits motion pictures or displays any other visual representation described or advertised as being "X rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or

C. Is adjudged to be in violation of 17 M.R.S. §§ 2911, 2912.

Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses (including utilities such as electric, heat, water, sewer, and/or trash that the household pays separately from rent) or must pay in ~~monthly~~ownership cost (including but not limited to 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.

After-hours entertainment license. Any of the music, dancing, and special entertainment licenses required or authorized by Chapter 4, Article III of the City of Portland Code of Ordinances.

Agriculture. Land and associated structures used for the growing of crops and raising of domesticated animals to provide food and other products for sale, personal consumption, donation, and/or educational purposes. Agriculture includes single-family dwellings and any additional dwellings that are accessory to the principal use of agriculture. Agriculture also includes farmstands used to sell crops grown on the premises.

Airport. Land, water, or any human-made object or facility located thereon, which is used or intended to be used for landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airports may include airport administration, terminals, carrier operations, concessions, reservations and ticket sales, freight, repair and storage, fueling services, flying schools, car rental operations, and other associated uses.

Airport restricted access areas. Runways, taxiways, and other areas of an airport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not.

Alley. Any way designed primarily for vehicular and pedestrian or utility access to the back or side of premises otherwise abutting on a street, except driveways unless officially designated otherwise.

Animal-related services. Establishments principally for the training or boarding of animals. Such uses shall not include veterinary services.

Approval. An affirmative decision on an application, including an approval with conditions.

Appurtenance. A device or structure not designed for human occupancy and attached to the exterior of a building.

Area of shallow flooding. Area designated AO and AH zone on the Flood Insurance Rate Map (FIRM) with a 1 % or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the ~~flood plain~~floodplain having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.

Auto service station. A business selling fuel for vehicles and propane, or providing services specific to charging electric vehicles, or providing motor vehicle repairs including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities. Such businesses may also include car-washes and/or vacuums.

Bar. Any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full ~~course~~ meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Base flood. The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).

Basement. Area of building that includes a floor that is subgrade (below ground level) on all sides.

Bed and breakfast. A detached dwelling that contains no more than nine guest rooms; is used to provide or offer overnight accommodation for transient guests; has an owner, manager, or operator living in the building as a permanent resident; does not provide cooking facilities in any of the guest rooms; and ~~does not provide meals other than breakfast, which shall be offered only to overnight guests.~~provides meals on-site.

Beverage container redemption center. A facility established with the primary purpose of accepting empty beverage containers from consumers and paying or otherwise providing the refund value of such containers.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without damage to the elevated portion of the building or supporting foundation system.

Building. A roofed and walled structure built for permanent use.

Building, accessory. A detached roofed and walled structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.

Building addition. Any increase to footprint, floor area, or volume of an existing building.

Building alteration. A change or rearrangement in the structural supports, exterior appearance, or removal of features otherwise affecting the exterior appearance of a building.

Buildings, attached. Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.

Building, principal. The main roofed and walled structure on a lot having the predominant area, extent, and/or use. A lot may have more than one principal building. When a garage is attached to the principal building in a substantial manner as by an enclosed area with roof or common wall, it shall be considered as a part of the principal building.

Child care center. Per 22 M.R.S. §8301-A(1-A)(A), a child care center is a house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

Child care facility, small. Per 22 M.R.S. §8301-A(1-A)(E), a small child care facility is a house or other place, not the residence of the operator, in which a person maintains or otherwise carries out a regularly scheduled program, for any part of a day, providing care and protection for 3 to 12 children between 6 weeks and 12 years of age.

Clinic. Any establishment where patients are examined and treated by one or more health care providers, such as, but not limited to, physicians, dentists, psychologists, or social workers. Clinics may include laboratory services and facilities for ambulatory or outpatient surgical procedures.

Coastal AE Zone. The portion of the coastal high hazard area~~. The~~ with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal high hazard area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity ~~waters,~~

~~including but not limited to, hurricane wave wash~~wave action from storms or ~~tsunamis. The area is~~seismic sources. Coastal high hazard areas are designated ~~on the flood insurance rate map~~ as Zone ~~V1 30.~~VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

Coastal wetland. All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial vessel. Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.

Common circulation drives. Private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the Waterfront Central Zone providing access from/to the public street network.

Communication studio. A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

Community hall. A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. A community hall may also be referred to as a neighborhood center.

Condominium. Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560 et seq., or its equivalent, as it may from time to time be amended.

Construction and engineering services. Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. Construction and engineering services with no storage of equipment, vehicles, machinery, and/or materials are considered general office uses.

Containment wall. Wall surrounding all sides of an above ground tank to contain any spills or leaks.

Critical systems. Mechanical, electrical, plumbing, fire protection, life safety, and communication systems required for the uninterrupted and safe operation and occupancy of a building.

Cultural facility. A facility open to the public, providing access to cultural exhibits and activities including but not limited to museums, cultural or

historical centers, non-commercial galleries. A cultural facility may include accessory services such as, but not limited to, retail sales of related items.

Disturbed area. All land areas of a site that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a site. Construction equipment movement, laydown areas, parking for a site, and tree removal is considered disturbed area. Disturbed area does not include routine maintenance but does include redevelopment and new impervious area. Replacement of a building is not considered routine maintenance and is therefore considered disturbed area.

Drive-through. A facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

Drive-through features. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

~~**Dwelling unit.** One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.~~

Dwelling, four-family. A single building containing four dwelling units.

Dwelling, live/work. A principal structure that combines a dwelling unit with a permitted commercial use that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Code. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling, multi-family. A single building containing five or more dwelling units.

Dwelling, multi-family conversion. A single building containing five or more dwelling units, converted from an existing dwelling of four or fewer units, or an existing structure in nonresidential use.

Dwelling, single-family. A single building containing one dwelling unit.

Dwelling, three-family. A single building containing three dwelling units.

Dwelling, townhouse. A structure consisting of two or more dwelling units, the interior of which is configured in a manner such that dwelling units are attached horizontally, separated by a party wall, and each dwelling unit is located on a separate lot with a separate exterior entrance.

Dwelling, two-family. A single building containing two dwelling units.

Dwelling unit. One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.

Dwelling unit, accessory. A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.

Earth-moving activity. Any removal or placement, excavation, filling, stockpiling, or grading of soil, earth, loam, sand, gravel, rock, and other mineral deposits.

Easement. A right, privilege, or liberty which one has in land owned by another for some special and definite purpose.

Elevation certificate. An official form (FEMA form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Emergency operations. Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter. A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

Entrance, principal. A main point of access for pedestrians into a building. Buildings may have more than one principal entrance.

Essential services. The construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection, or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Façade. An exterior building wall, from grade to the top of the parapet or eaves. A facade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation.

Façade, blank. A building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

Family. One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit.

Family child care provider. Per 22 M.R.S. §8301-A(1-A)(C), a family child care provider is a person

who provides day care in that person's home on a regular basis, for consideration, for children under 13 years of age who are not the children of the provider or who are not residing in the provider's home.

Farmstand. A temporary structure, used for the sale of food or non-food crops grown on the premises.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling.

Fixture, fully shielded. A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Flag. A fabric sheet of square, rectangular, or triangular shape having no enclosing or supporting framework that is typically mounted on a pole.

Flood or flooding.

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along a shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood boundary and floodway map. The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.

Flood elevation study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood insurance rate map. The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but

not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.

~~**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high water mark to the upland limit of the flood plain.~~

Floodway encroachment lines. The lines marking the limits of floodways on federal, state, and local floodplain maps.

Foundation. The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

Forested wetland. A freshwater wetland dominated by woody vegetation that is six meters (approximately 20 feet) tall or taller.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Freshwater wetland. Freshwater swamps, marshes, bogs, and/or similar areas which are both: Of ten or more contiguous acres or of less than ten contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten acres or of less than ten acres that is depicted on the Shoreland Zoning map. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

~~**Forested wetland.** A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.~~

Functionally-dependent use (within the floodplain). A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage/yard sale. A temporary event held on residential property, during which the owner or occupant offers used personal items, such as clothing, furniture, and household goods, for sale to the public.

General office. An office for the conducting or managing of a business or the practice of a profession, including that of a licensed health care provider, so long as such office does not include laboratory services and facilities for ambulatory surgical procedures. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services.

General services. Establishment primarily engaged in rendering frequent or recurring services to persons or business on a fee basis, including but not limited to banks, health clubs, laundries, beauty shops, barber shops, nail salons, electronics repair shops, and the like.

Greenhouse/nursery (retail). An establishment where flowers, shrubbery, trees, and other horticultural and floricultural products are propagated and sold, which may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, bulk materials such as mulch, straw, and stone, and other related items for sale.

Green roof. A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane.

Group home. A housing facility for 9 to 12 persons with disabilities that is approved, authorized, certified, or licensed by the State.

Hazard tree. A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and

any other developed area where people frequently gather and linger.

Helistop. An area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.

Highest Astronomical Tide. The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch, or NTDE.

Historic rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Hospital. An institution providing health services, primarily on an inpatient basis, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hostel. An overnight lodging facility for transient guests that provides sleeping rooms and common spaces for cooking. A hostel shall not be used as an emergency shelter.

Hotel. A commercial facility that provides sleeping accommodation for a fee and customary lodging services. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Impervious surface. Area covered with low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

Impound lot. A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

Industrial, high-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial, and lower-impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting,

and odors. High-impact industrial includes fish-waste processing.

Industrial, low-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from previously prepared material, where such activities are conducted wholly within an enclosed building. Low-impact industrial uses do not include the processing of raw materials or salvaging operations. Low-impact industrial uses are generally compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses.

Kitchen facilities. Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

Laboratory and research facility. A building or group of buildings used for the purpose of conducting research, investigation, testing, and experimentation in any field of science, medicine, or technology and including facilities such as but not limited to administrative offices, laboratories, and service or machine shops to serve the facility. Laboratory and research facilities do not include manufacturing of products for sale.

Limit of Moderate Wave Action (LiMWA). The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally-established datum. For purposes of the floodplain ordinance, an elevation established for a specific site to which other elevation at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lodging house. A house, building or portion thereof containing ~~two~~five or more rooming units, as well as common areas, and providing such units to individuals on not less than a monthly basis for compensation.

Lodging house common areas. Portions of a lodging house which are available for use by ~~all~~ residents of the lodging house. Lodging house common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as lodging house common areas.

Lot. ~~A~~A lawfully created parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a) ~~a parcel or area of land that is~~ separately described in a deed or on a plan recorded in the Cumberland County

Registry of Deeds; b) a contiguous combination of such lots under common ownership and designated as one unit for development; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

Lot, through. A lot that fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot, flag. A lot platted so that the main building site area (the "flag") is set back from the street on which it fronts, and includes an access strip (the "pole") connecting the main building site with the street.

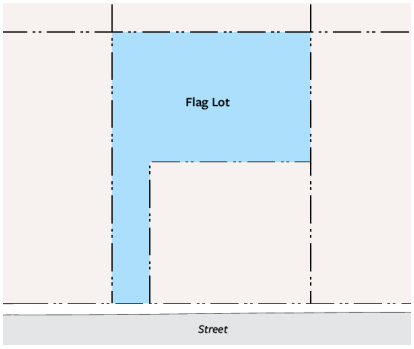

FIGURE 3-A: FLAG LOT

~~**Lot of record.** A nonconforming parcel or area of land that: a) is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds as of the date designated in the relevant provision of this chapter and b) conformed to the requirements of this chapter as of the date designated in the relevant provision of this chapter.~~

Lowest floor~~.~~ (within the floodplain). The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of ~~this division~~Article 12.

Low-income household. A household having an income not exceeding 80% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Low-income housing unit for rent. 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).

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Low-income housing unit for sale. A dwelling unit for which:

A. The sale price is affordable to a household earning 100% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

B. The unit is sold to a household earning 100% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Manufactured housing. A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

B. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Marijuana, cultivation facility. A cultivation facility required to be licensed pursuant to 28-B M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings, and marijuana seeds, for use or sale.

Marijuana, manufacturing facility. A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

Marijuana, plant canopy. As defined by 28-B M.R.S. § 102.

Marijuana product. As defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marijuana, registered dispensary. A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

Marijuana, registered patient. As defined by 22 M.R.S. § 2422.

Marijuana retail store. A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants, and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. ~~A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet.~~ A marijuana retail store shall not include a registered dispensary.

Marijuana, small-scale caregiver. A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

Marijuana testing facility. A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marina. A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Market garden. An area of land or a facility, managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. Market gardens may be located outdoors or fully enclosed within a permanent building. Market gardens do not include the cultivation of marijuana.

Mean high tide. The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.

Mean sea level~~.~~ (within the floodplain). For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on the City's FIRM are referenced.

Mid-block permeability. A continuous, open-air corridor at least 20' in width that physically or visually connects two streets or public rights-of-way and provides a break in the street wall. The corridor must be unobstructed and open to the sky.

Moderate-income household. A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

National Geodetic Vertical Datum (NGVD). The national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea

level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Neighborhood nonresidential reuse. Select nonresidential uses located within a residential neighborhood to serve nearby residents, and occupying a structure which is nonresidential in its original construction and/or current principal use.

Non-commercial vessel berthing. The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be included in the calculation of the number of linear feet under this use category:

A. Space used principally for sale or repair of vessels.

B. Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten consecutive days while the primary commercial vessel tenant is conducting its business or trade.

~~**Non-native invasive species of vegetation.** Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.~~

Nonconforming lot. A lot which, at the effective date of adoption or amendment of this Code, does not meet the minimum lot area or minimum street frontage requirements of the zone in which it is located.

Nonconforming structure. A structure which does not meet applicable dimensional requirements but which is allowed solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Nonconforming use. Use of buildings, structures, or land which is not allowed in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Normal high-water line (non-tidal waters). That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

North American Vertical Datum (NAVD). The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

Office park. A development of one or more buildings designed to accommodate offices, laboratory and research facilities, high-tech manufacturing, and similar uses with no outdoor storage. An office park may also include hotels,

medical/dental offices, and supportive commercial uses for the primary convenience of office park workers and visitors, including limited retail, general services, financial institutions, child care centers and small child care facilities, and restaurants.

Off-peninsula. All land located north of I-295.

100-year flood. See base flood.

On-peninsula. All land located south of I-295.

Open space. Land and water areas designed and reserved for use as active or passive recreation areas or for preservation purposes.

Open space, public. Open space maintained for the use of the general public. Public open space may include parks, plazas, and public seating areas.

Outlet stream. Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Owner. Any person that has any interest, legal or beneficial, in any parcel or lot.

Park. ~~A~~A noncommercial public facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, golf courses, gymnasiums, ~~football~~playing fields, ~~soccer fields, basketball courts, tennis~~ courts, dog parks, skateboard parks, pools, community gardens, marinas, sports complexes, and passive recreation areas. Parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheaters, accessory services such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Party wall. Any partition wall common to two adjacent or attached buildings.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, temporary. Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Place of assembly. A building or portion of a building used as a community hall, private club, fraternal organization, or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, private club or non-profit social and recreational facility, or place of religious assembly where ~~8~~eight or fewer people, not including the permanent residents of a single-family dwelling, assemble. A place of assembly may include accessory uses, such as childcare facilities or preschools, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms.

Post-secondary school. A facility for post-secondary higher learning that grants associate or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Post-secondary schools may also include additional uses as part of

the principal use, such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, preschool facilities, and similar uses.

Private club or non-profit social and recreational facility. A private club or nonprofit social and recreational facility is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare, or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this Land Use Code and other applicable codes and ordinances.

Real estate project sales office/model unit. A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

Recent ~~flood plain~~floodplain soils. Recent ~~flood plain~~floodplain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial. Charles, Cornish, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, and Winooski.

Recreational vehicle. A vehicle that is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

C. Designed to be self-propelled or permanently towable by a motor vehicle; and,

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation and amusement centers. Facilities equipped for the conduct of sports or indoor leisure time recreation activities. Such facilities may limit admission either to members or to persons paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums.

Recycling facility. A facility engaged exclusively in the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

Residential care facility (small). A facility which provides, on a regular basis, medical or non-medical care and services for up to 12 individuals~~.~~ in separate dwelling or rooming units. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Residential care facility (large). A facility which provides, on a regular basis, medical or non-medical care and services for 13 or more individuals~~.~~ in

separate dwelling or rooming units. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Restaurant. Any food service establishment with indoor seating capacity for ten or more patrons.

Retail. Any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, or food service establishment with indoor seating capacity for nine or fewer patrons. Retail shall not include gasoline, diesel, or propane fuel sales.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Riprap. Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

Roadway. That portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular or bicycle traffic.

Rooming unit. One or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes by an individual or a family, but not designed for food preparation. In a suite of rooms, each room that provides sleeping accommodation shall be counted as one rooming unit for the purpose of this chapter.

Sapling. A tree species that is less than two inches in diameter at four and one half feet above ground level.

Sea Level Rise-Base Flood Elevation (SLR-BFE). 13 feet NAVD88, or the predicted height of flood waters that may occur as the result of a 100 year storm in conjunction with 3.9 feet of base sea level rise.

Sea Level Rise-Design Flood Elevation (SLR-DFE). The minimum elevation required for a finished ground floor level in the Coastal Flood Resilience Overlay Zone (CFROZ).

Sea Level Rise-Design Flood Elevation - Critical (SLR-DFE-C). The SLR-DFE for all critical uses, including the critical systems serving those uses.

Sea Level Rise-Design Flood Elevation – Non-critical (SLR-DFE-NC). The SLR-DFE for non-critical uses, including the critical systems serving those uses.

Seedling. A young tree species that is less than four and one half feet in height above ground level.

Self-storage facility. A facility for the storage of personal property, where individual renters control and access individual storage spaces. Self-storage facilities may be designed with individual storage spaces located within a fully enclosed, climate controlled building, with individual storage spaces accessed from the outdoors, or with a combination of storage spaces. Administrative offices for the facility, and retail sales of related items, such as moving supplies may be included.

Sexually explicit. The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17 A M.R.S. § 251.

Shore frontage. The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Sidewalk. That portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, animated. Flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind.

Sign, awning. Any sign that is part of or attached to an awning~~, canopy, or other fabric, plastic, or structural protective cover~~ over a door, entrance, window, storefront, or outdoor service area.

Sign, A-Frame. A pedestrian-oriented self-supporting sign that is not permanently affixed to a structure or the ground.

Sign, bandit. Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this article.

Sign, blade. A permanent, pedestrian-scaled sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch, or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

Sign, building identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, building-mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure.

Sign, bus shelter. As specified in 23 M.R.S.~~A.~~ §1908-A, any outdoor sign visible to the traveling public from public right-of-way that is affixed to a publicly-owned bus shelter operated by a transit agency.

Sign, cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that

contains the lighting fixtures which illuminate the sign face from behind.

Sign, canopy. A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

Sign, center identification. A sign identifying the name of a building, office park, or shopping center only.

Sign, changeable copy. A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign. For the purposes of this article, a sign whose message changes more than eight times per day is considered an animated sign and not a changeable copy sign.

Sign, directional. A sign erected to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, direct illumination. Illumination resulting from light emitted directly from ~~a~~an exposed light bulb or light fixture, and not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

Sign, directory. A permanent sign which provides information in a list, roster, or directory format.

Sign, Electronic Message. A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, externally-illuminated. A sign whose illumination is reflected from its source by the sign surface to the viewer's eye, the source of light not being visible to the viewer. (See Section 19.7.3(C).)

Sign, feather banner. A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole to fly freely.

Sign, freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, fuel pump topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

Sign, individual letter. A cut-out or etched letter or logo which is individually mounted on a building wall or freestanding sign.

Sign, internally illuminated. Any sign in which the source of light is entirely enclosed or backlit (halo) within the sign and not directly visible.

Sign, landmark. A permanent sign indicating individual historic landmarks, local historic districts, or otherwise determined by the City to have attained a high degree of community, cultural, aesthetic, or historic significance.

Sign, logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business, product, or organization.

Sign, marquee. A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

Sign, monument. A permanent freestanding sign with a solid base that is at least 60% the width of the sign face.

Sign, off-premise. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use, or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, permanent. A sign ~~constructed of durable materials and~~ intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, pole. An elevated permanent sign typically supported by one or two poles, posts, or columns that do not meet the base width requirements for a monument sign.

Sign, projecting. A permanent sign that is attached to and extends perpendicular from a building from the wall.

Sign, service island canopy. A permanent sign mounted on or under a service island canopy, including on a fascia.

Sign, single-color or two-color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, ″open″ or ″closed″ signs, time and temperature″ signs, or signs indicating the number of available spaces in a parking garage.

Sign, temporary. A sign ~~constructed of paper, cloth, or similar expendable material,~~ which is intended for a ~~definite and~~ limited period of display and which is designed to be moved easily and is not permanently affixed to a structure, sign area, or window.

Sign, wall. A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

Sign, wall banner. A temporary sign constructed of cloth, bunting, plastic, paper, or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, window. A permanent or temporary sign posted, painted, placed, or affixed in or on a

window, or otherwise exposed to public view through a window.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on a wire frame used, for example, for advertising by local businesses or by election campaigns.

Sign, Yard, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Sign, Yard, Type III. A temporary large sign mounted on two posts installed securely in the ground.

Sign copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign substructure. The supports, uprights, bracing and/or framework of a sign.

Site. All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Social service center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar access. Space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar energy system. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems shall include the following:

A. **Solar energy system, accessory.** A system as defined above, where power generation is incidental to a principal use. Accessory solar energy systems include building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area.
B. **Solar energy system, minor.** A system as defined above, between 1,000 and 9,999 square feet in area, where power generation is considered a principal use. Minor solar energy systems may take the form of either a building-mounted or roof-mounted solar array or a ground-mounted system.

C. **Solar energy system, major.** A system as defined above, of 10,000 square feet or more in area, where power generation is considered a principal use. Major solar energy systems may take the form of either a building-mounted or roof-mounted solar array, or a ground-mounted system.

Solar energy system, building-integrated. A solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar energy system, ground-mounted. Also known as free-standing solar energy systems, a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Solar energy system, roof-mounted. A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solid waste disposal facility. A solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Sounds, impulse. Sound events characterized by brief excursions of sound pressure, each with a duration of less than 1 second.

Sounds, tonal. Sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

Special Flood Hazard Area. See area of special flood hazard.

Specialty food service. A business that specializes in the sale of certain food products and/or the on-site production of items, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Specialty food service does not include production of alcohol.

Sports complex. One or more facilities located on the same parcel of land where athletic events are held.

Stadium. A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock, or other mineral deposits upon a site for the purpose of storage, warehousing, or reserving for future use.

~~**Storm-damaged tree.** A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.~~

Stormwater retention area. A pond or basin used for the permanent storage of stormwater runoff.

Stormwater detention area. A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Stream. A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the Shoreland Zone of another water body or wetland. When a stream meets the Shoreland Zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

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.

Street, cul-de-sac or dead end. A street with only one outlet.

Street line. The line of demarcation between private property and a street.

Structure. Anything temporarily or permanently located, built, constructed, or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind or anything located, built, constructed, or erected on or in the ground or on another structure. The term includes ~~structures temporarily or permanently located, such as~~ decks~~,~~ ~~patios,~~ and satellite dishes. Structure does not include fences, poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors~~. Outside of~~ or subsurface wastewater disposal systems. Inside the Shoreland Zone, patios and at-grade walkways shall ~~not~~ be considered structures.

Structure, accessory. A structure on a lot that is incidental and subordinate in area, extent, and/or use to the principal structure on the lot. A lot may have more than one accessory structure.

Structure, principal. The main structure on a lot having the predominant area, extent, or use. A lot may have more than one principal structure.

Studios for artists and craftspeople. A facility for the production of arts and crafts products such as paintings, sculpture, or other arts, or the practice of arts such as music or dance, or the production of custom, hand-crafted, or limited production of products such as furniture, wood, clay, and metal products, publications, and similar low-impact arts and crafts activities.

Subdivision. As defined in 30 A M.R.S. § 4401 and 4402.

Tasting room. A facility for the sampling of beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food.

Telecommunication tower. Radio masts or tower structures built primarily to hold telecommunication antennas.

Temporary contractor's office and contractor's yard. A short-term, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary outdoor sales. Temporary uses, which may include temporary structures where goods are sold, such as but not limited to arts and crafts fairs, flea markets, rummage sales, consignment auctions, and holiday sales such as Christmas tree lots and pumpkin sales lots. Temporary outdoor sales does not include garage/yard sales, or outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary outdoor storage container. Temporary self-storage containers, delivered to a residence or business for the purpose of storing items, and subsequently picked up and stored at an off-site location until scheduled for retrieval.

Tenant. Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Theater or performance hall. Any establishment devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tidal waters. All waters affected by tidal action during the highest annual tide.

Transient guest. A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than 15 days out of any 60-day period.

Tree. A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at four and one half feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

Tree, feature mature. A tree that meets at least one of the following criteria:

A. Any tree that is on the Register of Big Trees promulgated by the Maine Department of Agriculture, Conservation & Forestry (the "Big Tree List")

B. Certain trees 24" in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist

C. Ornamental trees 12" in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist

D. Rare tree specimen to include either a tree species classified as rare or endangered at either the state or federal level, and/or stands

of native trees that are rare or threatened as identified by the City Arborist.

Tree, ornamental. Any tree, shrub, or other plant grown primarily for decorative purposes and whose mature height can be expected to be between three feet and 25 feet.

Tree, shade. Any tree, evergreen or deciduous, planted primarily for its high crown of foliage and whose mature height can be expected to exceed 25 feet.

Tree, storm-damaged. A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Tree, street. Tree planted in the public right-of-way and/or private roadway.

Tributary stream. A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Upland edge of a wetland. The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest ~~annual~~astronomical tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied, or for which it is occupied, maintained, rented, or leased.

Utility substation. Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a utility.

Vegetation. All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

Vegetation, climate resilient northeast native. Plants identified as native to the northeast as identified by the Northeast Regional Invasive Species & Climate Changes (RISCC) Network or a Maine licensed landscape architect.

Vegetation, Maine native. Vegetation including grass seed mixtures, identified as native to Maine from lists maintained by the U.S. Department of Agriculture Hardiness Zones by the Maine Cooperative Extension, Wild Seed Project, Regional Soil and Water Conservation District, Maine YardScaping Program, or a Maine licensed landscape architect.

Vegetation, non-native invasive species. Species of vegetation listed by the Maine Department of Agriculture, Conservation, and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Veterinary services. An establishment for the treatment of animals, where animals may be boarded during their convalescence

Very low-income household. A household having an income not exceeding 50% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Warehousing and distribution facility. The storage of goods, wares, and merchandise in a warehouse from which distribution occurs. May include wholesale use, but not retail or direct sales to consumers. Warehousing and distribution facilities do not include self-storage facilities.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands (outside of shoreland zones). Those areas which have two or more of the following:

A. A water table at or near the surface during the growing season;

B. Very poorly drained soils, including Sebago mucky peat; or

C. Obligate wetland vegetation.

Very poorly drained soils and obligate wetland vegetation shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1986).

Wind energy system. A system of components that converts the kinetic energy of the wind into electrical or mechanical power. A wind energy system comprises all necessary components including turbines, energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use. Wind energy systems shall include the following:

A. **Wind energy system, accessory:** A system as defined above, where power generation is incidental to a principal use. Accessory wind energy systems include roof-mounted systems, and ground-mounted systems less than 45 feet in height.

B. **Wind energy system, minor:** A system as defined above, where power generation is considered a principal use. Minor wind energy systems are ground-mounted systems

measuring between 45 feet and 85 feet in height.

C. **Wind energy system, major:** A system as defined above, where power generation is considered a principal use. Major wind energy systems are ground-mounted systems measuring between 85 feet and 160 feet in height.

Wholesale. Sale for resale, not for direct consumption.

Workforce housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less than of AMI.
B. The unit is rented to a household earning 80% or less of AMI.
C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale. A dwelling unit for which:

A. The purchase price is affordable to a household earning 80% or less of AMI.
B. The unit is sold to a household earning 80% or less of AMI.
C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

4 NONCONFORMING USES, STRUCTURES, & LOTS

~~4.1 CONTINUATION~~

4.1 IN GENERAL

4.1.1 Continuation

Any building, structure, ~~lots~~lot, or use~~,~~ that ~~was~~ legally ~~existing~~existed at the time of its creation and has been made nonconforming by the provisions of this Land Use Code or any subsequent amendment ~~thereto~~hereto may be continued ~~although such building, structure, lot, or use does not conform with~~, subject to the provisions of this article, so long as it remains otherwise legal.

4.1.2 Burden on property owner

The burden of establishing the legality of a nonconformity under the provisions of this Land Use Code~~.~~ is the responsibility of the property owner or operator of the nonconforming use, lot, building, or structure. Based upon the evidence presented, the Planning Authority or their designee shall make a determination of the validity of the nonconforming status.

4.1.3 Unlawful use, lot, building, or structure

Any use lot, building, or structure established or constructed in violation prior to the effective date of this Land Use Code shall not be regarded as lawfully nonconforming, and is not entitled to any rights established within this Section.

4.1.4 Safety regulations

All police power regulations enacted to promote public health, safety, and welfare, including but not limited to all building, fire, and health codes, shall apply to nonconformities.

4.2 NONCONFORMING USES

4.2.1 ~~Increase in~~Expansion of nonconforming use

~~A.~~ A ~~structure whose use is wholly~~ nonconforming use of a structure or land shall not be ~~altered so as to increase~~expanded or increased in intensity. Expansion shall include any addition, extension, or enlargement that increases the cubical content ~~or the extent of nonconformity, except as provided for in (C), below.~~

~~B. A nonconforming use on premises outside of a building shall not be extended or allowed to occupy additional land area.~~

~~No alterations, modifications, or additions shall be made so as to increase the cubical content or the degree~~ of ~~nonconforming use, nor shall~~ any structure devoted entirely to a nonconforming use ~~be extended~~, and any extension or relocation of a nonconforming use to any other ~~part of a~~ structure, ~~unless~~portion of floor area, or land area currently not occupied by such ~~extension~~nonconforming use. This provision shall not apply in the case of expansion of a nonconforming use ~~is~~ solely for the purpose of bringing the use into compliance with health or safety codes, or to correct a condition which is determined by the Board of Appeals to constitute a health or safety problem. ~~In either case, the~~Any such expansion shall be limited to the minimum necessary to accomplish that purpose. Except as expressly provided herein, any ~~alteration, modification~~expansion, extension, or ~~addition~~enlargement permitted under this subsection shall be in compliance with all other applicable sections of this Land Use Code. Nothing

within this subsection shall be construed to permit an increase in the number of units in a building which is nonconforming as to the number of dwelling units or will become nonconforming as a result of such alteration, modification, or addition.

4.2.2 Change of nonconforming use

A. A nonconforming use shall only be changed to use that is permitted in the zone in which the use is located. When a nonconforming use has been changed, in whole or in part, to a permitted use, ~~it~~the whole or part that conforms shall not thereafter be changed back to any ~~non-permitted use. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use is terminated and a permitted use is commenced and continued for a period of seven days.~~ nonconforming use.

~~A.~~**B.** Any change of use in violation of this article shall be deemed to be an abandonment of the lawfully ~~existing~~ nonconforming use. ~~A lawful nonconforming use shall not be changed to any use other than a use permitted in the zone in which the use is located or to any use other than a nonconforming use of a more restricted zone, as set forth in the following schedule, provided that in no such case shall any structural alterations be made in any building except those required by law, ordinance, or other regulations:~~

~~**A.** In a mixed-use zone, from any use permitted in an industrial zone to any use permitted in a mixed-use zone.~~

~~**B.** In a B-1/B-1b zone, from any use permitted in a B-3 zone to any use permitted in a B-2 zone.~~

~~**C.** In a residential zone, from any use permitted in a B-2 zone to any use permitted in a B-1/B-1b zone.~~

~~**D.** In a residential zone, from any use permitted in any other residential zone to any use permitted in a more restrictive residence zone. For the purpose of this subsection, an R-6 zone shall be deemed the least restrictive and an R-1 zone shall be deemed the most restrictive, with the intervening zones restricted in order of zone number.~~

4.2.3 Discontinuance of nonconforming use ~~of land~~

~~A~~If a lawfully nonconforming use ~~of land where no buildings or only incidental or accessory buildings are employed together with such use shall not be changed to any other nonconforming use, and if such use~~ is discontinued for a period of ~~90 days, it shall not be reestablished.~~

~~4.2.4 Discontinuance of use of property~~

~~If a legally nonconforming nonresidential use is discontinued for a period of 12 months or if a legally nonconforming residential use is discontinued for a period of 24 months~~one year, such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this ~~article.~~Land Use Code. A nonconforming use of land which is incidental or accessory to ~~such~~a principal nonconforming use shall be considered ~~as being~~ discontinued at the same time as the nonconforming principal use ~~of the structure~~. In cases of foreclosure or similar situations involving a ~~legally~~lawfully nonconforming use, the ~~Planning~~Building Authority shall be authorized to extend the aforementioned period up to an

additional five years provided that the extension is for good cause and the minimum length considered necessary to resume the ~~legally nonconforming use of the structure. If the Planning Authority extends the period for resuming the nonconforming use, any associated existing nonconformities of structures and land shall also be extended. For buildings in the Shoreland Zone, state regulations may also govern and provide for a shorter period of time for nonconforming properties.~~lawfully nonconforming use.

4.3 NONCONFORMING LOTS

~~4.3.1~~ **Lots ~~of record~~**

~~4.3.1 A lot of record that has been held~~ in separate ownership

~~**E.**~~ A vacant nonconforming lot held under separate and distinct ownership ~~from adjoining lots as of the relevant date below~~ shall be considered a buildable lot ~~if it meets the following minimum standards:~~

~~A lot of record as of June 5, 1957 may be considered a buildable lot in the R-1, R-2, R-3, R-4, R-5, R-5a, or R-6 zones~~ provided that~~: a) the applicable setback dimensions can be met; b) the lot has a~~ all provisions of this Land Use Code except minimum lot area and minimum street frontage ~~of 40 feet or the applicable street frontage of the zone, whichever is less; and c) the lot has a minimum lot size of 5,000 square feet or the applicable minimum lot size of the zone, whichever is less~~can be met.

~~1. A lot of record as of June 5, 1984 may be considered a buildable lot in the R-1, R-2, R-3, R-4, R-5, R-5a, or R-6 zones provided that the applicable setback dimensions can be met.~~

~~2. A lot of record as of July 15, 1985 may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable setback dimensions can be met and provided further that a lot in the IR-1 zone has a minimum lot area of 10,000 square feet and a lot in the IR-2 zone has a minimum lot area of 6,500 square feet unless the lot is served by both public sewer and public water, in which case the lot has a minimum area of 5,000 square feet.~~

~~**F.** A lot of record that has been held in common ownership with any adjoining lot(s) at any point after the relevant date below shall be considered a buildable lot only if: 1) none of the lot(s) are in the Shoreland Zone; 2) any existing structure meets, or will be modified to meet, the applicable setback dimensions; and 3) it meets the following minimum standards:~~

~~1. A lot of record as of June 5, 1957 may be considered a buildable lot in the R-1, R-2, R-3, R-4, R-5, R-5A, or R-6 zones provided that: a) the applicable setback dimensions can be met; b) the lot has a minimum street frontage of 40 feet or the applicable street frontage of the zone, whichever is less; and c) the lot has a minimum lot size of 5,000 square feet or the applicable minimum lot size of the zone, whichever is less.~~

~~2. A lot of record as of June 5, 1984 may be considered a buildable lot in the R-1, R-2, R-3, R-4, R-5, R-5A, or R-6 zones provided that the applicable setback dimensions can be met.~~

~~3. So long as the setbacks are met, any nonconformities of structures and buildings, existing prior to June 5, 1957, on developed lots of record shall be~~

~~considered lawfully existing nonconformities.~~

4.3.2 Lots in common ownership

Adjoining nonconforming lots in common ownership as of [effective date] shall be considered as one lot and shall not again be divided except in conformance with the provisions of this Land Use Code.

4.4 NONCONFORMING BUILDINGS/STRUCTURES

4.4.1. Restoration or reconstruction

~~G. A lawful nonconforming nonresidential structure may be maintained, repaired, or reconstructed in kind within a one-year period or within a two-year period for a lawful nonconforming residential structure, but no alterations, modifications, or additions shall be made to it, except as provided in Subsections 4.4.2 and 4.4.3.~~

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

1. The restoration or reconstruction is of a ~~building~~structure which is lawfully nonconforming only as to ~~lot area,~~ setbacks~~,~~ or any other dimensional requirements.
2. Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and where no alterations, modifications, or additions will be made except as provided in this article and as permitted in Subsections 4.4.~~2~~1 and 4.4.~~3~~2.
3. Restoration or reconstruction is commenced within ~~one year for a nonconforming nonresidential structure, or~~ two years ~~for a nonconforming residential structure,~~ of the initial damage where such damage is sudden and accidental, or, in the case of decay, of the demolition of the structure or commencement of restoration or reconstruction, and is diligently pursued to completion without expiration of permits. ~~For buildings in the Shoreland Zone, state regulations may also govern~~
4. In cases of foreclosure or similar situations involving a lawfully nonconforming structure, the Building Authority shall be authorized to extend the aforementioned period up to an additional five years provided that the extension is for good cause and ~~provide for a shorter period for restoration~~the minimum length considered necessary to maintain, repair, or ~~reconstruction of~~reconstruct the lawfully nonconforming ~~structures~~structure.
5. Where a structure is located within the Coastal Flood Resilience Overlay Zone, such structure may be restored or reconstructed, but must meet the established standards of the CFROZ.

~~Restoration or reconstruction necessitated by decay must be commenced within one year of the demolition of the building and diligently pursued to completion without expiration of permits.~~

~~3. Any reconstruction, under this provision, in the R-6 zone on a lot with 10,000 square~~

~~feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the City of Portland *Design Manual.*~~

~~**4.4.2. Alteration or modification**~~

4.4.2. Alteration or ~~modification~~extensions

A. Alterations. Structural alterations may be made to a ~~building~~structure which is lawfully nonconforming ~~as to 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~~ only where at least one of the following apply:

1. The alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with the ~~building, and would~~protection of public safety.

2. The alteration will eliminate the nonconformity.

~~1.~~3. The alteration will not create any new nonconformity ~~nor~~and will not increase the degree of any existing nonconformity~~, except as provided elsewhere in this article and as permitted under Subsection 4.4.3. This subsection shall not apply to buildings located within the Shoreland Zone 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 4.4.5.~~.

~~**4.4.3. Building extensions**~~

~~**A.**~~**B. Extensions.** Existing principal ~~**buildings**~~structures which are lawfully nonconforming as to dimensional requirements may be enlarged or extended subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity ~~of a lot, use, or structure~~, except as provided in (~~D~~3) below.

2. No modification to an existing nonconforming building shall create new ~~noncompliance~~nonconformity with any provision of this Land Use Code.

~~**H.** Existing buildings that are lawfully nonconforming as to required minimum setbacks may be vertically or horizontally expanded provided that the area of expansion meets all current dimensional requirements, except as provided in (D) below.~~

3. ~~A vertical expansion~~A one-time increase of one additional story above a portion of a building that is lawfully nonconforming as to minimum setbacks may be permitted ~~a one-time increase of one additional story~~ provided that:

a. No portion of the expansion horizontally extends beyond the nonconforming 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 setback.

~~**4.4.4. Enclosure of porches in required setbacks**~~

c. The vertical expansion meets applicable maximum height requirements.

4. Any ~~open~~covered porch existing ~~with a roof over the same~~ on June 5, 1957, which does not meet minimum setback requirements may be enclosed, provided that the majority of the enclosure consists of glass.

C. **Relocation.** A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same lot unless relocation would make the structure conforming. A nonconforming structure may be relocated to another lot only if the structure conforms to all regulations of the zone to which it is relocated.

4.4.3. Nonconformity as to required build-to zone and ~~encroaching upon any setback~~ building length

As of the effective date of this Land Use Code, when an existing structure does not conform to the required ~~by this chapter may be enclosed if the major portion of the enclosure is of glass.~~build-to zone, build-to percentage, maximum building length, or building length as a percentage of street frontage for the applicable zone, the structure shall be deemed exempt from that standard. Such structure may be altered or expanded without having to conform to the applicable standard(s) until the structure's building footprint is expanded by 50% or more. If expansions to the structure occur incrementally, building footprint shall be calculated as the sum of all expansions occurring after the effective date of this Land Use Code. Once the existing structure is demolished, this deemed conforming status shall become null and void.

~~**4.4.5. Expansions in the Shoreland Zone**~~

~~A nonconforming structure may be added to or expanded if such addition or expansion does not increase the nonconformity of the structure and is in accordance with the following provisions:~~

~~**I.** After January 1, 1989, if any portion of a structure is less than the required setback from the normal high water line of a water body or tributary stream or the upland edge of a wetland that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of this subsection, and is less than the required setback from a water body, tributary stream, or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.~~

~~**J.** Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by Building Authority, basing its decision the criteria specified in (C) below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with (A) above, and the foundation does not cause the structure to be elevated by more than three additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

~~K. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of the relocation conforms to all setback requirements to the greatest practical extent as determined by the Building Authority, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law, the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with state law, such rules, and all applicable chapters of the City of Portland Code of Ordinances. In no event shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback requirements to the greatest practical extent, the Building Authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of septic system and other on site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback are in order to relocate a structure, the Building Authority shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:~~

~~4. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.~~

~~5. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.~~

~~6. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.~~

~~L. Buildings in existence on January 1, 1989, and located in the Shoreland Zone may be expanded once during the lifetime of the structure up to 25 feet toward a freshwater wetland or tributary stream, provided that a minimum setback of 40 feet is maintained and that the existing floor area or volume is not increased by more than 30%, and shall not create any undue environmental impact or flood-prone condition.~~

~~4.4.6.~~4.4.4. Nonconformity as to number of dwelling units

~~M.~~A. **Purpose.** The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable

provisions of the Land Use Code may be recognized as legal, nonconforming uses.

~~N.~~B. **Application.** Application for validation of such nonconforming dwelling units shall be on a form provided by the Building Authority, and ~~will~~ shall be accompanied by:

1. An application fee as established by the City Council to cover administrative costs.
2. A plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways, and any other significant feature.
3. A floor plan for each unit in the dwelling, whether or not it is the subject of the application.

~~B.~~C. **Eligibility.** In order for a nonconforming dwelling unit to be validated by administrative action of the Building Authority as authorized herein, the Building Authority must find, based on competent evidence, supported by public records, that:

~~4.~~1. The nonconforming dwelling units were either in existence on April 1, 2005, or the structure in which they are located was originally designed to accommodate more than the number of such units presently in use.

~~5.~~2. The applicant neither constructed nor established the nonconforming dwelling units.

~~6.~~3. The nonconforming dwelling units comply with or can be made to comply with current standards of Chapter 10 of the City of Portland Code of Ordinances, including the National Fire Protection Association Life Safety Code and the National Fire Protection Association 1: Fire Prevention Code, as amended.

~~7.~~4. Each of the nonconforming dwelling units complies with, or can be made to comply with, provisions of the Chapter 6 of the City of Portland Code of Ordinances, as amended, including, but not limited to, the minimum standards for space and occupancy, the minimum plumbing standards, and the minimum ventilation standards.

~~8. The structure containing the nonconforming dwelling units is located in the R-3, R-4, R-5/R-5a, R-6/R-6a, R-7, B-1/B-1b, B-2/B-2b/B-2c, or IS-FBC zones.~~

~~9.~~5. In the absence of legally competent evidence, supported by records (such as, but not limited to, Assessor's records, purchase and sale agreements, affidavits, deeds, mortgages, as well as reliable secondary sources), that the conditions of (C)(1), (2), (3), (4), or (5) above can be met, the Building Authority may not approve the application, but shall advise the applicant that the matter may be appealed to the Board of Appeals.

~~C.~~D. **Notice to abutters.** Upon receipt of a completed application, the Building Authority shall~~will~~ provide the owners of abutting properties and the owners of property situated within 300 feet of the structure notice of the application, along with a notice that they may object to the Building Authority's acting on the application and require the applicant to appeal to the Board of Appeals. The notice shall advise the abutters and owners of property within 300 feet that any objection must be submitted in writing to the Building Authority

within 10 days of the date of the notice sent to them. The failure of any property owner to receive the notice described above shall not invalidate any action by the Building Authority. The Building Authority shall promptly notify the applicant of receipt of the objection, that the Building Authority is without authority to proceed, and advise the applicant that, within 30 days from receipt of the letter, an application may be filed to have the matter reviewed by the Board of Appeals as a conditional use.

~~D.~~E. **Approval of application.** The Building Authority may approve the application, provided that the evidence presented satisfies all of the requirements of this subsection and provided that no abutter nor person entitled to notice has requested that the application be referred to the Board of Appeals, instead of the Building Authority. Upon approval of the application, final inspection by the Building Authority certifying the units as in compliance with all applicable codes, and receipt of an inspection fee as established by the City Council for each nonconforming dwelling unit which has been recognized as a lawful, nonconforming use, the Building Authority shall~~will~~ issue a certificate of occupancy.

~~E.~~F. **Disapproval of application.** In the event the application is not approved by the Building Authority or in the event of a timely objection filed by a person qualified herein to file such an objection, the applicant, within 30 days from the decision of the Building Authority or objection, may appeal the matter to the Board of Appeals as a conditional use.

~~F.~~G. **Action by Board of Appeals.** The Board of Appeals shall treat applications filed under this subsection as an application for a conditional use, applying the standards applicable to conditional uses under Section 6.5 as well as the requirements of this subsection.

~~G.~~H. **Dimensional and parking requirements.** In making decisions under this subsection, neither the Building Authority nor the Board of Appeals shall apply the dimensional or parking requirements which would otherwise apply in the zones where the nonconforming dwelling units are situated.

~~H.~~I. **Exclusions.** The provisions of this subsection shall not apply to rooming units, but shall apply to efficiency apartments under Chapter 6 of the City of Portland Code of Ordinances. The Board of Appeals is without jurisdiction to grant any relief (including, but not limited to, variances) which would recognize the particular dwelling units which are the subject of this subsection as legal, nonconforming uses, except in strict compliance with each requirement of this subsection.

~~I.~~J. **Prior judicial and administrative action.** Decisions of any court or administrative body, including but not limited to, the Building Authority, the Planning Board, or the Board of Appeals, made prior to the effective date of this subsection and which addressed the number of nonconforming dwelling units in a particular structure, will not bar relief under this subsection.

5 ZONES

5.1 ESTABLISHMENT OF ZONES

To carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A shall be shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.

B. Unless otherwise shown, lines within blocks less than 200 feet wide bisect the block, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.

C. ~~The depictions~~Depiction of the Shoreland zone ~~and Stream Protection zone~~ on the zoning map ~~are~~is illustrative of the general location of such ~~zones~~zone. The actual boundaries ~~of these zones~~ shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the

TABLE 5-A: ZONES

Residential Neighborhood	RN-1, RN-2, RN-3, RN-4, RN-5, RN-6, RN-7
Island	IR-1, IR-2 I-B Island Business
Mixed-Use	B-1 Neighborhood Business B-2 and B-2b Community Business B-3 Downtown Business B-4 Commercial Corridor B-5 Urban Commercial B-6 Eastern Waterfront
Transit-Oriented	TOD-1 Transit Neighborhood TOD-2 Transit Center
Office	O Office R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact ~~Industrial~~ I-M and I-Mb Moderate ~~-~~Impact~~-Industrial~~ I-H High ~~-~~Impact~~-Industrial~~ A-B Airport Business
Open Space	OS-R Recreation and Open Space OS-P Open Space Preservation
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Coastal Flood Resilience Overlay Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Island Transfer Station Overlay Pedestrian Activities District Overlay ~~Stream Protection Overlay~~ University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management

same as the location of the boundary of the zoning
map, the measurement shall control, unless the zoning map indicates that the zone boundary shall follow an existing property line.

5.2.3 Extension of zone lines

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the use provisions of this Land Use Code for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has at least 20 feet of street frontage in the less restrictive zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residential zone, no frontage on a street other than the principal business street in the less restrictive zone may be taken into consideration in connection with the right herein granted. This subsection shall only apply with respect to use provisions.

5.3 CONDITIONAL OR CONTRACT ZONING

5.3.1 Authority and purpose

Pursuant to 30-A M.R.S.§ 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.2 Hearing

The Planning Board shall conduct a public hearing in accordance with Section 2.1.8 prior to any property being rezoned under this section.

5.3.3 Conditions and restrictions

Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

- **A.** Limitations on the number and types of uses permitted.
- **B.** Restrictions on the scale and density of development.
- **C.** Specifications for the design and layout of buildings and other improvements.
- **D.** Schedules for commencement and completion of construction.
- **E.** Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.
- **F.** Preservation of open space and buffers, and protection of natural areas and historic sites.
- **G.** Contributions toward the provision of municipal services required by the development.

H. Provisions for enforcement and remedies for breach of any condition or restriction.

5.3.4 Amendments

Except as expressly modified in any contract or conditional rezoning agreement, the use and occupancy of any property within the City of Portland used or occupied pursuant to a contract or conditional rezoning agreement otherwise shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

5.3.5 Enforcement

Notwithstanding language in any contract or conditional zoning to the contrary, any violation of a conditional or contract zone shall be enforced pursuant to 30-A M.R.S. § 4452, as may be amended from time to time, or in any other manner available by law. No alleged violation of a contract or conditional rezoning may be prosecuted until the City has delivered written notice of the alleged violation(s) to the owner or operator of the property that is subject to the contract or conditional rezoning and given the owner or operator an opportunity to cure the violation(s) within 30 days of receipt of the notice. In addition, if such an enforcement action should result in a finding that the terms of the conditional or contract zone have been violated, then the City may act to modify or rescind the conditional or contract zone and to rezone the property.

5.4 BASE ZONE PURPOSE STATEMENTS

Base zone purpose statements shall be as established in Tables 5-B to 5-H.



TABLE 5-B: RESIDENTIAL NEIGHBORHOOD ZONE PURPOSE STATEMENTS

The residential neighborhood zones are intended to reflect the varied character and development patterns of Portland's residential neighborhoods, and to promote new residential development that increases housing diversity and choice within the City, in alignment with the City's priorities and vision for the future. Development within the residential zones should thoughtfully respond to each area's context, including elements such as the ~~existing street~~urban grid, pedestrian and bike connectivity, and access to transit and open space. Standards for each zone have been tailored to address building form and encourage context sensitivity ~~within the City's varied neighborhoods.~~ , while allowing for a range of permitted dwelling types.

RN-1	To provide for a residential ~~development~~neighborhood environment predominantly characterized by ~~a mixture of single-family and two-family homes~~dwellings on ~~large~~ lots of at least 10,000 square feet. Select nonresidential uses may also be permitted in the RN-1 zone.
RN-2	To provide for a residential ~~development~~neighborhood environment predominantly characterized by ~~a mixture of single-family and two-family homes~~dwellings on lots of at least 6,500 square feet. Conversion of existing nonresidential structures to multi-family dwellings is ~~also~~ permitted within the RN-2 zone, subject to standards encouraging compatibility and context sensitivity~~.~~ to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-2 zone.
RN-3	To provide for a residential neighborhood environment that acknowledges the unique character of the Western Promenade while accommodating ~~a mixture of single-family, two-family, three-family, and four-family~~ dwellings on lots of at least 6,000 square feet. Construction of new multi-family dwellings at moderate densities is allowed, as-is conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity~~.~~ to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-3 zone.
RN-4	To provide for a residential neighborhood environment predominantly characterized by ~~a mixture of single-family, two-family, three-family, and four-family~~ dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is ~~also~~ permitted within the RN-4 zone, subject to standards encouraging compatibility and context sensitivity~~.~~ to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-4 zone.
RN-5	To provide areas of the city, on the peninsula and in select off-peninsula locations in alignment with major public transportation routes and near service areas, for a residential neighborhood environment of ~~mixed-residential dwelling types. The RN-5 zone permits a broad range of housing options to accommodate the diverse needs and preferences of Portland's residents and households, including single-family, two-family, three-family, and four-family homes.~~dwellings on lots of at least 2,000 square feet~~, as well as.~~ Townhouse and multi-family dwellings ~~at a range of densities.~~are also permitted, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-5 zone.
RN-6	To accommodate existing areas of the city characterized by a residential neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as generally taller building heights. Select nonresidential uses may also be permitted in the RN-6 zone.
RN-7	To provide areas of the city, predominantly on the peninsula, for a dense residential neighborhood environment of townhouse and multi-family dwellings. Select nonresidential uses may also be permitted in the RN-7 zone.



TABLE 5-C: ISLAND ZONE PURPOSE STATEMENTS

IR-1	To provide for a low-intensity environment characterized by ~~single-family~~residential, recreational, and rural uses on Portland's islands. Standards for the IR-1 zone are intended to preserve and protect the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only low-intensity development in areas lacking adequate public facilities and services. Select nonresidential uses may also be permitted in the IR-1 zone.
IR-2	To provide for a residential neighborhood environment ~~of single-family dwellings~~ on Portland's islands in areas with adequate public services. Expansion or extension of IR-2 zoning should be limited, generally focused toward areas adjacent to existing IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, whether soils in the area are adequate for subsurface water disposal, or whether public sewers are available. Select nonresidential uses may also be permitted in the IR-2 zone.
I-B	To provide limited areas on Portland's islands for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. The I-B zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Standards for the I-B zone may vary by location, dependent upon the availability of public water and sewer resources.

TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

B-1	To provide limited areas that support a small scale, pedestrian-friendly, mixed-use environment, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. The B-1 zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. The zone encourages both vertical and horizontal mixed-use, such as a commercial first floor with residential uses above, combined retail/office uses in a multi-story structure (vertical), or commercial uses mixed with three-family, four-family, townhouse, and multi-family structures across the face of a block (horizontal). Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.
B-2	To provide locations for a mixture of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. The B-2 zone's multi-modal orientation accommodates all modes of transportation, and the standards of the zone require that development relate to surrounding neighborhoods by design, orientation, and circulation patterns. The zone encourages mixed-use development, and provides locations for moderate to high-density housing, including three-family, four-family, townhouse, and multi-family structures in urban neighborhoods along arterials.
B-2b	To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-3	To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown, including three-family, four-family, townhouse, and multi-family structures to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.
B-4	To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing- including three-family, four-family,

TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

	townhouse, and multi-family structures. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation.
B-5	To provide areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and a broad range of residential option, is encouraged. The B- 5 zone is characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of existing land and buildings. It is anticipated that the dense, mixed-uses of the B-5 zone will rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.
B-6	To establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a broad range of both residential and commercial uses to achieve 24-hour urban vitality, and shared use of parking infrastructure as recommended in the *Eastern Waterfront Master Plan* for redevelopment. The B-6 zone promotes a mixed-use development pattern envisioned for urban land on Portland's peninsula.



TABLE 5-E: TRANSIT-ORIENTED DEVELOPMENT ZONE PURPOSE STATEMENTS

TOD-1	To provide for and encourage the development of moderate to high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a dense, pedestrian-scale built environment and a range of uses that encourage walking, bicycling, and use of public transit at advantageous locations within the City's off-peninsula neighborhoods.
TOD-2	To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.

TABLE 5-F: OFFICE ZONE PURPOSE STATEMENTS

O	To provide areas for the creation of low-intensity office uses, allowed as either independent uses, or integrated into a park- or campus-like setting. Standards of the O zone encourage office and related uses which are of the highest quality, are well-designed and maintained, and are compatible with their natural surroundings.
R-P	To provide locations for the development and operation of low-intensity residential, business, and commercial uses, compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or to serve as a transition or buffer zone between residential and more intensive nonresidential zones.

TABLE 5-G: INDUSTRIAL AND AIRPORT ZONE PURPOSE STATEMENTS

I-L & I-Lb	To provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. The I-Lb zone is typically located on the peninsula.
I-M & I-Mb	To provide zones in areas of the city in which low- and moderate-impact industries and transportation-related uses will coexist. I-M zones are located on arterials or collectors. The I-Mb zone is typically located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The purpose of the I-M and I-Mb industrial zones is also to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on ~~city wide~~citywide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses.
I-H	To provide areas suitable for higher impact industrial uses than are permitted in other industrial zones, and other uses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zone is intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zone is separated from other nonindustrial uses as well as natural or constructed features. High-impact industrial uses will be of a higher intensity, with a greater lot coverage than the other zones.
A-B	To provide an area for the development of airport-related enterprises. Uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.



TABLE 5-H: OPEN SPACE ZONE PURPOSE STATEMENTS

OS-R	To provide for the reasonable use of open space, while simultaneously preserving and protecting its inherent characteristics to assure its continued availability for public use as scenic and recreation area; to provide a suitable location for large-scale regional sports and athletic facilities; and to develop an open space system throughout the city which provides the highest quality parks, plazas, and pedestrian environment. The OS-R zone may include parcels of public property and private property legally restricted from intensive use or development through deed, covenant, or otherwise.
OS-P	To preserve and protect open space as a limited and valuable resource, and to further the City of Portland's goals related to climate adaptation and resiliency. The OS-P zone prioritizes preservation and protection of Portland's critical conservation and natural resource areas. Very limited development may be allowed for sustainable energy generation, passive recreation and educational purposes, but must be compatible with and cause little impact to these areas.



6 USE STANDARDS

6.1 APPLICABILITY

6.1.1. In general

A. The use of buildings, structures, private property, and City-owned property are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

B. All uses shall comply with any applicable federal and state requirements, and any additional applicable federal, state, county, and/or city ordinances.

C. All uses shall comply with any supplemental use standards in Section 6.4 as applicable. Use standards address specific impacts, design or siting standards, and/or additional regulations outside of this Code.

6.2 DETERMINATION OF USE

6.2.1 Use tables

A. Tables 6-A to 6-G shall determine if a use is permitted (●), conditional (◐), or not permitted ( ) as a principal use within a zone. Where a use is listed as both permitted and conditional (●/◐), determination shall be based on the nature of such use as described in the use standards of Section 6.4. Unless otherwise noted, where a use is listed in terms of square footage, square footage figures shall correspond to the total square footage of the use as indicated.

B. Certain uses within Tables 6-A to 6-G shall meet required use standards listed in Section 6.4. A reference is provided in the "Use Standards" column the tables. In the case of conflict of required standards (i.e., a cross reference is missing from the table, the numbering of standards has changed but not updated in the Table, etc.), the use standards in Section 6.4 control.

6.2.2 Unlisted uses

A. Uses not expressly listed as permitted or conditional in Tables 6-A to 6-G are prohibited as principal uses except that a use may be permitted subject to meeting the following performance-based standards:

1. The proposed use is consistent with the purposes of the zone.
2. The proposed use is closely related to a permitted or conditional use in terms of character, scale, and external impacts.
3. The buildings and structures associated with the proposed use are designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts.

B. The review authority shall determine whether the uses not listed as permitted or conditional uses meet the above standards. If it is determined that the use does not meet the above criteria, it shall not be permitted.

C. The review authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a permitted or conditional use.



6.2.3 Multiple uses

A lot may contain more than one principal use, providing each use is allowed within the zone. Each principal use shall be permitted separately. ~~However, a lot used for a single-family dwelling, two-family dwelling, three-family dwelling, or four-family dwelling shall only be permitted one principal use.~~ In certain cases, uses are defined in Article 3 to include accessory uses that provide necessary support or are functionally integrated into the principal use.

6.2.4 Uses operated in an enclosed structure

A. In all mixed-use, office, and industrial zones, uses shall be operated within a completely enclosed structure, except for those customarily operated in open air.

B. In the mixed-use zones, open air activities shall be those licensed by the City.

6.2.5 Uses in zones not listed

A. Use permissions for certain zones within this Code are not included in Tables 6-A to 6-G, but are addressed separately as follows:

1. Use permissions for overlay zones are found in Article 8.
2. Use permissions for the India Street Form-Based Code (IS-FBC) zone are found in Article 9.
3. Use permissions for the waterfront zones are found in Article 10.

6.3 CHANGE OF USE

A change of use from one use in Tables 6-A to 6-G to another is governed by the requirements of the new use. The use of any part of any building, structure, or property shall not be changed to any other use, whether principal or accessory and whether alterations in the building, structure, or property are involved or not, until a permit and certificate of occupancy authorizing such change of use has first been secured from the Building Authority in accordance with Chapter 6 of the City of Portland Code of Ordinances.

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TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL NEIGHBORHOOD ZONES

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	Use Standards
Residential	Single-family dwellings	●	●	●	●	●			
	Two-family dwellings	●	●	●	●	●			
	Three-family dwellings	●	●	●	●	●			
	Four-family dwellings	●	●	●	●	●			
	Townhouse dwellings					●		●	6.4.13
	Multi-family dwellings		◐	●	◐	●	●	●	6.4.12
	Group homes	◐	◐	◐	◐	◐	◐	◐	6.4.17
	Lodging houses				◐	◐●	●	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	◐	◐	◐	◐	◐	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	◐	◐	◐	◐	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	◐	◐	◐	◐	◐	◐	◐	6.4.30
	Post-secondary schools				◐	◐	◐	◐	6.4.31
	Residential care facilities (small)	◐	◐	◐	◐	◐	◐	◐	6.4.35
	Residential care facilities(large)	◐	◐	◐	◐	◐	◐	◐	
Comm.	Bed and breakfasts					●/◐	●/◐	●/◐	6.4.7
	Hostels					●/◐	●/◐	●/◐	6.4.18
	Market gardens	◐	◐	◐	◐	◐	◐	◐	6.4.25
	Neighborhood nonresidential reuse	◐	◐	◐	◐	◐	◐	◐	6.4.26
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	◐	◐	◐	◐	◐	◐	◐	6.4.39

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards



TABLE 6-B: PERMITTED AND CONDITIONAL USES IN ISLAND ZONES

		IR-1	IR-2	I-B	Use Standards
Residential	Single-family dwellings	●	●	●	
	Two-family dwellings	●	●	●	
	Three-family dwellings	●	●	●	
	Four-family dwellings			●	
	Multi-family dwellings			◐	6.4.12
	Lodging houses		◐	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	●	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	
	Governmental uses	●	●	●	
	Places of assembly	◐	◐	●	6.4.30
Commercial / Service	Auto service stations			◐	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	6.4.15
	General services			●	
	Greenhouse/nursery (retail)			◐	6.4.16
	Hotels			◐	6.4.19
	Neighborhood nonresidential reuse	◐	◐		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
Other	Agriculture	●			6.4.3
	Boathouses and storehouses for fishing equipment	●	●	●	
	Campgrounds	◐			6.4.8
	Cemeteries	◐	◐		
	Low-impact industrial			●	
	Marinas			●	
	Parks and open spaces	●	●	●	
	Solar energy system (minor)	●	●	●	6.4.38
	Studios for artists and craftspeople	●	●	●	
	Utility substations	◐	◐	◐	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

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TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
	~~Three-family dwellings~~	●	●					
	~~Two-family dwellings~~	●	●					
Residential	Three-family dwellings	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●		6.4.21
Institutional	Child care centers + small child care facilities	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●		
	Cultural facilities			●		●	●	
	Elementary, middle, and secondary schools	●	●	●		●	●	
	Emergency shelters			◐	◐	◐		6.4.14
	Governmental uses	●	●	●	●	●		
	Places of assembly	●	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	●	6.4.31
	Residential care facilities (small)	●	●	●	●	●	●	6.4.35
	Residential care facilities (large)		●	●	●	●	●	
Commercial / Service	Adult business establishments			●				6.4.2
	Auto, boat, and related dealerships		◐		●			6.4.5
	Auto service stations		◐		●			
	Bars		●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		●	◐	
	Funeral homes		●		●			
	General offices	●	●	●	●	●	●	6.4.15, 6.4.10
	General services	●	●	●	●	●	●	
	Greenhouse/nursery (retail)		◐		◐			
	Hostels	●		●		●		6.4.18, 6.4.10
	Hotels		●	●	●	●	●	6.4.19
	Marijuana retail store		●/◐	●	●			6.4.23
	Market gardens	●	●	●	●	●	●	6.4.25, 6.4.10
	Recreation and amusement centers				●	●		

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards



TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Commercial/Service	Registered marijuana dispensary		●/◐	●	●			6.4.23
	Restaurants	●	●	●	●	●	●	6.4.34, 6.4.10
	Retail	●	●	●	●	●	●	6.4.36, 6.4.10
	Small-scale marijuana caregiver		●	●	●			6.4.23
	Specialty food service	●	●	●	●	●	●	6.4.10
	Theaters and performance halls		●	●	●	●	●	
	Veterinary services		●		●			
Industrial	Animal-related services				●			
	Communication studios		●	●	●	●	●	
	Dairies		●		●			6.4.11
	Impound lots				●			6.4.20
	Intermodal transportation facilities					●	●	
	Laboratory and research facilities		◐	◐	●	◐	◐	
	Low-impact industrial	●	●	●	●	●	●	6.4.22
	Marijuana testing facilities				●			6.4.23
	Marijuana manufacturing facilities				●			
	Marijuana cultivation facilities (<7,000 SF plant canopy)				●			
	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facilities				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution				●			6.4.40
Other	Marine uses					●	●	6.4.24
	Off-street parking			●/◐		●	◐	6.4.27
	Parks and open spaces	●	●	●	●	●	●	
	Social service centers		◐	◐	◐	◐	◐	
	Solar energy system (minor)	●	●	●	●	●	●	6.4.38
	Solar energy system (major)				◐			
	Utility substations	●	●	●	●	●	●	6.4.39
	Wind energy system (minor)		◐	◐	◐	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.~~75~~ of this Code.

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TABLE 6-D: PERMITTED AND CONDITIONAL USES IN TRANSIT-ORIENTED DEVELOPMENT ZONES

		TOD-1	TOD-2	Use Standards
Res.	Townhouse dwellings	●	●	6.4.13
	Multi-family dwellings	●	●	6.4.12
	Live/work dwellings	●	●	
	Lodging houses	●	●	6.4.21
Institutional	Child care centers + small child care facilities	●	●	6.4.9
	Clinics	●	●	
	Cultural facilities		●	
	Elementary, middle, and secondary schools	●	●	
	Emergency shelters	◐	◐	6.4.14
	Governmental uses	●	●	
	Places of assembly	●	●	6.4.30
	Post-secondary schools		●	6.4.31
	Residential care facilities, small	●	●	6.4.35
	Residential care facilities, large	●	●	
Commercial / Service	Bars	●	●	6.4.6
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	
	Hostels		●	6.4.18
	Hotels		●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls		●	
	Veterinary services	●	●	
Indust.	Communication studios	●	●	
	Studios for artists and craftspeople	●	●	
	Low impact industrial	●	●	6.4.22
Other	Parks and open spaces	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy system (minor)	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards



TABLE 6-E: PERMITTED AND CONDITIONAL USES IN OFFICE PARK & RESIDENCE PROFESSIONAL ZONES

		O	R-P	Use Standards
Residential	Single-family dwellings		●	
	Two-family dwellings		●	
	Three-family dwellings		●	
	Four-family dwellings		●	
	Townhouse dwellings		●	6.4.13
	Group homes		◐	6.4.17
	Multi-family dwellings		◐	6.4.12
Institutional	Child care centers + small child care facilities	●	◐	6.4.9
	Elementary, middle, and secondary schools		◐	
	Governmental uses	●	●	
	Places of assembly		◐	6.4.30
	Residential care facilities, small		◐	6.4.35
	Residential care facilities, large		◐	
Comm.	Funeral homes		●	
	General offices	●	●	
	Neighborhood nonresidential reuse		◐	6.4.26
	Office parks	●		6.4.28
	Specialty food service		●	
Indust.	Laboratory and research facilities	●		
	Printing and publishing	●		6.4.32
	Studios for artists and craftspeople		●	
Other	Cemeteries		●	
	Parks and open space	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations		●	6.4.39
	Wind energy system (minor)	◐		6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

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TABLE 6-F: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Institutional	Airports				●	
	Child care centers + small child care facilities	●	●			6.4.9
	Emergency shelters	◐	◐	◐		
	Places of assembly	●				6.4.30
Commercial / Service	Bars				●	6.4.6
	General offices	●	●			6.4.15
	General services				●	
	Hotels				●	
	Market gardens	●				6.4.25
	Recreation and amusement centers	●	●			
	Restaurants				●	
	Self-storage facility		●	●		6.4.37
	Specialty food service	●	●			
	Veterinary services	●	●	●		
Industrial	Animal-related services	●	●	●		6.4.4
	Auto service station	●	●	●	●	6.4.5
	Construction & engineering services	●	●	●		
	Dairies	●	●	●		
	Food & seafood processing, packing, and distribution		●	●		
	High-impact industrial uses			●		
	Impound lots		●	●		6.4.20
	Intermodal transportation facilities	●	●	●		
	Laboratory and research facilities	●	●	●		
	Low-impact industrial	●	●	●		6.4.22
	Lumber yards	●	●	●		
	Marijuana cultivation facility (<2,000 SF plant canopy)	●	●	●		6.4.23
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	●		
	Marijuana cultivation facility (>7,000 SF plant canopy)			●		
	Marijuana manufacturing facility	●	●	●		
	Marijuana testing facility	●	●	●		
	Printing and publishing	●	●	●		
	Recycling facilities		●	●		6.4.33



Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-F (CONT.): PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Indust.	Solid waste disposal facilities		●	●		6.4.33
	Studios for artists and craftspeople	●	●			
	Warehousing and distribution facilities	●	●	●		6.4.40
Other	Off-street parking				●	
	Social service centers	◐	◐	◐		
	Solar energy system (minor)	●	●	●	●	6.4.38
	Solar energy system (major)		●	●	◐	
	Telecommunication towers (ground-mounted)		●	●		
	Utility substations	●	●	●		6.4.39
	Wind energy system (minor)	◐	●	●	●	6.4.41
	Wind energy system (major)		●	●	◐	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.

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TABLE 6-G: PERMITTED AND CONDITIONAL USES IN OPEN SPACE ZONES

		OS-R[1]	OS-P	Use Standards
Other	Cemeteries	●		
	Cultural facilities	◐		
	Marinas	●		
	Parks and open space	●	●	6.4.29
	Solar energy system (minor)	◐		6.4.38, 6.5.6
	Solar energy system (major)	◐		
	Sports complexes	◐		6.5.6
	Stadiums	◐		6.5.6
	Utility substations	●/◐		6.4.39, 6.5.6
	Wharves, piers, docks, and landing ramps	●	◐	
	Wind energy system (minor)	◐		6.4.41, 6.5.6

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

6.4 SUPPLEMENTAL USE STANDARDS

These standards shall apply to the following uses as indicated in Tables 6-A to 6-G, whether permitted or conditional. Where a use is allowed as conditional, these standards apply in addition to the general conditional use standards in Section 6.5.

6.4.1 In general

A. Street access. A building or structure may only be constructed on or moved onto a lot, or a dwelling unit added to a lot, if one of the following conditions is met. These standards apply to all buildings and structures unless specifically exempted by this section.

1. **Existing, accepted streets.**
   - **a.** The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.
   - **b.** The lot meets minimum street frontage requirements on an accepted or continued street on an island in Casco Bay that meets a minimum width of 16 feet, measured from the edge of the pavement, or from the edge of the built surface if unpaved.
   - **c.** The required minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Director or their designee(s) jointly determine that meeting the minimum width is impracticable and the City's ability to provide services will not be

unreasonably impaired by a reduction in width.

2. **Streets to be improved in connection with development.** The owner or developer of a lot that is not located on an existing, accepted (or in the case of the islands, continued) street that meets the minimum criteria established above shall improve the street in accordance with the following.
   a. The street, between the lot and the nearest existing, accepted City street and including the frontage of the lot itself, shall be improved to meet the standards adopted elsewhere in this Code, including those adopted by the Public Works Authority and the Planning Authority. In the case of a corner lot, this shall apply to the frontage of the lot from which access is taken.
   b. The street may be improved to an alternative standard if the Fire Chief and the Public Works Director or their designee(s) jointly determine that:
      i. Meeting the standards adopted elsewhere in this Code is impracticable;
      ii. There is limited potential for further development on the street or for further connections to the City's existing street network; and
      iii. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.
   c. The owner or developer shall take all necessary steps under Chapter 25, Article III, of the City Code to dedicate the improved portion of the street to the City for acceptance. This shall include provision of a waiver of any claim for damages that may result from acceptance.
3. **Exceptions.** On lots with an existing, inhabited structure or structures on an unaccepted City street, the following buildings and structures are exempt from the requirements of this subsection.
   a. Accessory buildings not intended for habitation.
   b. The addition of one accessory dwelling unit within an existing single-family dwelling.

~~**B. Number of structures on a lot**~~

~~4. Lots used for single-family, two-family, three-family, and four-family dwellings are limited to one principal structure per lot unless such dwellings are part of a cottage court development.~~

~~5. For all other uses, there may be more than one principal structure on a lot, but all structures shall comply with all standards of the zone.~~

~~**6.4.2 Additional residential use permissions**~~

~~**A.** In island zones: Up to three units are permitted on any lawfully conforming lot. Such units shall comply with all dimensional requirements of the underlying zone except lot coverage and lot area per dwelling unit requirements. This exception shall not allow a lot to exceed 60% lot coverage unless permitted by the underlying zone.~~



B. ~~In mainland zones where residential is a permitted or conditional use: Up to four units are permitted on any lawfully conforming lot. Such units shall comply with all dimensional requirements of the underlying zone except lot coverage and lot area per dwelling unit requirements. This exception shall not allow a lot to exceed 60% lot coverage unless permitted by the underlying zone.~~

C. ~~Units created under this section 6.4.2 shall not be considered accessory dwelling units under Section 6.6.2(A).~~

6.4.2 Adult business establishments

A. Adult business establishments shall be located at least 1,000 feet from any other adult business establishment, and at least 500 feet from any residential zone, as measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the other use or zone is located, without regard to intervening structures or objects.

B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

6.4.3 Agriculture

A. No animals shall be kept on any lot less than three acres or closer than 100 feet to any street or lot line, except domesticated chickens as regulated in Chapter 5 of the City of Portland Code of Ordinances.

B. Raising of domesticated animals as a component of any agricultural use shall not create any odor, noise, health, or safety hazards, or other nuisance to neighboring properties.

C. Raising of pigs or reptiles is not permitted.

6.4.4 Animal-related services

A. In the B-4, I-L and I-Lb zones, animal-related services may not include kennel or boarding facilities.

B. No animal-related service may include outdoor kennel facilities.

C. Any exterior training and exercise areas shall be located in a side or rear yard only, and shall be completely fenced.

D. Exterior training and exercise areas are not permitted within 200 feet of a residential zone.

6.4.5 Automobile, boat, and related dealerships and auto service stations

A. Automobile, boat, and related dealerships shall not be allowed in the B2-b zone.

B. In the B-2b zone, auto service stations shall only be permitted as an expansion of an auto service station in existence as of 11/15/1999.

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

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

E. A landscaped buffer, no less than five feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist

Commented [A1]: Editor's note: This language (shown in green strikethrough) was adopted by Portland City Council in December of 2023. It is recommended that this section be deleted, as these changes have been incorporated into the use tables above, as well as into the standards of Article 7.



of a variety of plantings in accordance with the City of Portland *Technical Manual*.

F. Car washes shall be designed to avoid the tracking of residual waters into the street.

6.4.6 Bars

A. In the B-6 zone, no bars located east of Waterville Street shall be permitted within 50 feet of Fore Street.

6.4.7 Bed and breakfasts

A. Bed and breakfasts in the RN-5, RN-6, and RN-7 zones are allowed only as conversions of residential structures existing as of 3/3/1997. Such uses are a permitted use if they contain four or fewer guest rooms, and a conditional use if they contain five to nine guest rooms.

B. In the RN-5, RN-6, and RN-7 zones, the minimum lot area for bed and breakfasts shall be 2,000 square feet for the first three guest rooms and 500 square feet for each additional guest room.

C. In the I-B zone, bed and breakfasts are permitted on Peaks Island only. The minimum lot area for bed and breakfasts shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a bed and breakfast in the I-B zone shall require 10,000 square feet of lot area per guest room.

6.4.8 Campgrounds

A. Campgrounds shall not include recreational vehicles.

B. No tent shall be located within 75 feet of the perimeter of site.

C. The land area of the campground shall not be less than the equivalent of 5,000 square feet of land area per tent site exclusive of the roadway network.

6.4.9 Child care centers and small child care facilities

A. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

B. Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.

C. In residential and island residential zones, the following additional standards apply:

1. Outdoor play areas shall be located in the side or rear yards only, and shall be screened from adjacent properties by a fence or wall at least 48 inches in height.
2. A 10-foot-wide landscaped buffer shall be required between the fence and the adjacent property line, and shall be established in accordance with the landscaping standards of the City's *Technical Manual*.
3. The minimum lot area for a child care center shall be 20,000 square feet.

6.4.10 Commercial and service uses in the B-1 zone

A. Commercial and service uses in the B-1 zone shall be permitted provided that such uses generate less than 100 peak hour vehicle trips per 2,000 square feet of floor area and less than 100 peak hour vehicle trips in total.



B. No beverage container redemption centers shall be permitted.

6.4.11 Dairies

In the B-2 and B-2b zones, dairies are permitted only if an expansion of an existing dairy.

6.4.12 Dwellings, multi-family

A. Use limitations

1. In the RN-2 and RN-4 zones, multi-family dwellings are allowed only as conversions of existing nonresidential structures.

2. In the I-B zone, multi-family dwellings are allowed only as conversions of existing residential or nonresidential structures.

~~**3.** In the B-1 zone, multi-family dwellings shall be permitted above the ground floor only.~~

B. Conversion standards

~~**4.** In all RN zones, the IR-1, and the IR-2 zone, additions to existing structures being converted to multi-family dwellings shall be limited to a gross floor area equal to or less than 25% of the total existing floor area at the time of conversion. This 25% shall include any additions to the structure completed within a period of 5 years prior to the conversion.~~

1. No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.

~~**1.**~~**2.** Exterior stairways or fire escapes above the ground floor may be constructed during conversion of an existing structure, provided that no exterior stairways shall be visible from a public right-of-way, not including alleys.

~~**2.**~~**3.** Any new off-street parking provided for multi-family conversion of existing residential structures shall be located to the side or rear of the structure.

~~**3.** No multi-family conversion is permitted which results in any dwelling unit having less than the minimum habitable floor area required below:~~

~~**a.** Studio: 500 square feet~~

~~**b.** One bedroom: 650 square feet~~

~~**c.** Two bedroom: 800 square feet~~

~~**d.** Three bedroom: 950 square feet~~

~~**e.** Four bedroom: 1,100 square feet~~

~~**f.** Five bedroom: 1,250 square feet~~

~~**4.1.** No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.~~

6.4.13 Dwellings, townhouse

A. For townhouse dwellings, interior side setback requirements do not apply to the interior side yard where the party wall for the structure is located. Such requirements only apply to end units without an attached party wall.

B. There shall be a minimum separation of 15 feet between exterior sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings shall be 30 feet. Driveways and parking areas may be located within this minimum separation area.

6.4.14 Emergency shelters

A. In the B-3 zone, no emergency shelters shall be permitted north of Oxford Street.

B. The facility shall provide adequate space for conducting security searches and other assessments.



C. The facility shall be designed with a centralized shelter operations office on each level providing sightlines to sleeping areas.

D. A management plan adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.

E. Adequate access to and from fixed route transit service shall be provided. The facility shall be within a ¼ mile of fixed route transit service, or shall be within ½ mile of fixed route transit service and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.

F. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.

G. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.

H. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

General offices and general services

A. General office and general service uses in the I-B and B-1 zones are limited to a maximum of 5,000 square feet of gross floor area.

B. General office uses in the I-L and I-Lb zones shall be limited to those involving minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.

6.4.15 Greenhouse/nursery (retail)

A. In the I-B zone, the indoor display of retail goods and point of sale area shall be limited to a maximum of 1,000 square feet.

6.4.16 Group homes

A. Group homes shall be subject to the minimum lot area requirements for nonresidential uses.

B. A group home shall not be located within 500 feet of another, as measured along street lines to the respective property lines.

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

6.4.17 Hostels

A. An operations plan shall be submitted demonstrating that:

1. No unaccompanied minors under the age of 18 shall be permitted in the facility.
2. The length of stay for transient guests shall not exceed 15 days within any 60-day period.

B. In the RN-5, RN-6, and RN-7 zones, hostels are permitted if for no more than 10 overnight

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transient guests, and conditional if for between 11 and 20 overnight transient guests. No more than 20 overnight transient guests shall be permitted.

C. In the B-1 zone, no more than 20 overnight transient guests shall be permitted.

6.4.18 Hotels

A. Hotels in the I-B zone are limited to a maximum of 50 guest rooms.

B. The minimum gross floor area for hotels in the I-B zone shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a hotel in the I-B zone shall require 10,000 square feet of lot area per guest room.

C. Hotels in the B-6 zone are limited to a maximum of 150 guest rooms.

6.4.19 Impound lots

Impound lots shall be at least 300 feet from any residential zone or lawfully conforming residential use.

6.4.20 Lodging houses

A. In the RN-4 and RN-5 zones, lodging houses are allowed only as conversions of existing two-family, three-family, four-family, or multi-family residential structures, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.

~~A.~~B. Lodging houses shall be subject to the minimum lot area requirements for nonresidential uses.

~~B.~~C. Individual rooming units in a lodging house shall be a minimum of 70 square feet in area.

~~C.~~D. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.

~~D.~~E. Lodging houses, except for lodging houses located in the IR-2 and I-B zones, shall contain common areas for use by ~~all~~ residents, including a kitchen. A kitchen need not be available as a part of the common areas where all meals are provided on a daily basis.

~~E.~~F. In the IR-2 and I-B zones, lodging houses are allowed with ~~greater than two, but~~ no more than nine rooming units. When not served by public water and sewer, lodging houses shall require 10,000 square feet of lot area per rooming unit.

6.4.21 Low-impact industrial

A. Low-impact industrial in the B-1, B-2b, B-3, and B-6 zones is limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-6 zone, no brew pubs or microbreweries east of Waterville Street shall be permitted within 50 feet of Fore Street.

C. When a low-impact industrial use is located in any mixed -use zone, the following standards apply:

1. All circulation and maneuvering, including loading, unloading, and turnaround areas, must be located on site. No maneuvering, loading, or unloading may happen in the right-of-way.
2. Truck loading, unloading, and access shall be located in the rear or interior side yard where possible.
3. Shared infrastructure shall be utilized to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public



transportation facilities, and driveways~~, shall be utilized~~.

6.4.22 Marijuana-related uses

A. The following standards apply to the following marijuana-related uses:

1. Marijuana cultivation facilities.

2. Marijuana manufacturing facilities.

3. Marijuana retail stores.

4. Marijuana testing facilities.

5. Small-scale marijuana caregivers.

6. Registered dispensaries.

B. Location criteria

1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store, or registered dispensary may be located within 500 feet of a pre-existing public school, private school, or a public preschool program, as defined by 20-A M.R.S. § 1. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the public school, private school, or public preschool program is located, without regard to intervening structures or objects.

2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of any residential zone. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the residential zone is located, without regard to intervening structures or objects.

C. Marijuana retail stores and registered marijuana dispensaries shall be permitted uses in the B-2 zone, and conditional uses in the B-2b zone.

D. Marijuana retail stores and registered dispensaries may not exceed a maximum gross floor area of 2,000 square feet.

~~D.~~E. For purposes of this ordinance, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing, or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and City license.

6.4.23 Marine uses

A. In the B-5 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; marine repair services and machine shops; shipbuilding and facilities for the construction, maintenance, and repair of vessels; marine museums and aquariums; boat repair yards; boat storage; and seafood processing, packing, and distribution for human consumption.

B. In the B-6 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; and underground marine fuel storage provided that such storage shall be used solely for the purpose of fueling vessels.

6.4.24 Market garden



A. Market gardens may be located outdoors or fully enclosed within a permanent building, subject to the following:

1. Outdoor market gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. The keeping of livestock, chickens or other poultry, and apiaries are prohibited.
3. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.
4. Accessory structures, including but not limited to a shed or utility building necessary for the use's operation may be allowed for the storage of tools and materials. All accessory structures shall be located a minimum of five feet from any lot line.
5. Farmstands are permitted, and are limited to sales of items grown at the site. Farmstands shall be removed during the time of the year when the use is not in operation. Only one farmstand is permitted per market garden.
6. When located in a fully enclosed permanent building, market gardens may include all of the forms of cultivation and production allowed for outdoor market gardens, as well as hydroponics, aquaponics, myco-culture, and other similar indoor crop-production techniques.
7. Market gardens within a fully enclosed permanent building may include an area within the building for sales of items grown at the site. Such sales area may occupy no more than 15% of the floor area devoted to the principal use.

B. In the B-3, B-5, and B-6 zones, market gardens shall only be permitted within an enclosed structure.

6.4.25 Neighborhood nonresidential reuse

A. Neighborhood nonresidential reuse is only allowed within existing structures that are nonresidential in their original construction and/or current principal use as of <<the effective date>> of this Code.

B. The following nonresidential uses are permitted within a neighborhood nonresidential reuse. The initial conditional use approval for the neighborhood nonresidential reuse may specify one or more uses under the list below. A modification of the conditional use approval is required for a change to any of the uses below which were not specified in the initial or subsequent conditional use approval.

1. General offices <5,000 square feet
2. General services <5,000 square feet
3. Restaurants
4. Retail <5,000 square feet
5. Specialty food services
6. Studios for artists and craftspeople

C. No off-street parking is required for a neighborhood nonresidential reuse.

D. Drive-through facilities are prohibited for any neighborhood nonresidential reuse.

6.4.26 Off-street parking

A. In the B-3 zone, structured parking is a permitted use. Surface parking within the B-3 zone shall be allowed as a conditional use.



B. Surface parking in the B-3 and B-6 zones is subject to the following standards:

1. Surface parking lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking on site.

2. All surface parking areas, including parking aisles, shall be located a minimum of 35 feet from any street. This 35-foot setback shall not apply to access drives oriented perpendicularly to a street.

C. In the B-3, B-5, and B-6 zones, structured parking is subject to the following standards:

1. Parking structures shall incorporate ground-floor retail space or other non-parking and active use space along all street frontages. Such retail or active space shall maintain a minimum depth of 30 feet from all street-facing façades of the structure.

2. The Planning Board may waive the requirement for ground-floor retail or other non-parking and active use space upon demonstration that the project meets at least one of the following criteria:

a. The applicant demonstrates that steepness of grade or the character of the adjacent street does not support retail or other non-parking and active use space.

b. The ground floor of the garage is set back a minimum of 35 feet from the street right-of-way, and its design does not serve as an impediment for the development of space between the structure and the right-of-way for retail or other non-parking and active use in the future. Any such space located between the structure and the right-of-way shall not be used for surface parking.

c. The applicant demonstrates, to the satisfaction of the Planning Board, that market support for ground floor retail or other non-parking active uses does not currently exist. In such cases, the structure of the garage shall be designed to accommodate such spaces in the future as follows:

i. On the ground floor of a structure, a minimum of 30 feet in depth, measured from the façade of the structure, shall be designed to accommodate retail or active uses in the future.

ii. Such space shall maintain a minimum height of 12 feet from finished floor to finished ceiling. Where a parking structure fronts on more than one public street, and where there is an existing change in grade elevation of over 5% across the footprint of the garage, this requirement only applies to the frontage facing the street with higher traffic volumes.

iii. The applicant must demonstrate that the design of the parking structure anticipates the future development of utilities and circulation necessary to support non-parking active uses.

3. In cases where the Planning Board waives the requirement for ground-floor retail or other non-parking and active use space, garages shall be designed to enhance the

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pedestrian experience and disguise the parking use to the greatest extent possible. Use of traditional storefront design concepts and traditional building materials is encouraged.

6.4.27 Office parks

A. Office parks shall have a minimum gross area of three acres of contiguous land, and may be developed with multiple buildings on a single lot under common ownership, or as a coordinated development on multiple parcels under unified control or management.

B. Office park development proposals shall include a master plan of the office park, which shall include the following:

1. The location of the building(s) on the site.
2. The location of infrastructure on the site.
3. The location of all common areas and landscape buffers.
4. Identification of traffic circulation patterns, traffic controls, and parking areas, including demonstration that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.
5. Identification of internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.
6. Building elevation drawings which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.
7. The location and style of lighting to be used in the development.
8. Identification and description of all proposed signage.
9. A description of phasing and timing of the development.
10. A description of any proposed private development restrictions.
11. Delineation of the subdivision of land, if proposed as a coordinated development on multiple parcels.
12. Any other information necessary and sufficient to ensure compliance with the standards in this subsection.

C. Office parks shall include a landscape program that meets the following standards.

1. All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained.
2. To soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by the site plan or subdivision ordinance.
3. Landscape buffers shall be provided to screen areas abutting a residential zone or use, and to screen parking lots and driveways from public view. The buffer shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms, and related elements deemed necessary.

D. Office parks shall consider and be sensitive to the need to preserve natural features on site. Natural features include, but are not limited to existing vegetation, ~~flood plains~~floodplains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands.



E. All light fixtures shall be hooded or shielded so that the light shines downward.

6.4.28 Parks and open spaces

In the OS-P zone, parks and open spaces shall be limited to passive recreational use, including but not limited to trails and paths for pedestrians and bicyclists, and areas for fishing, hiking, wildlife management and conservation activities. Parks and open spaces in the OS-P zone may also include structures for educational, scientific, or nature interpretation purposes totaling no more than 10,000 square feet in floor area.

6.4.29 Places of assembly

A. In all RN zones, construction of a new principal building as a place of assembly is permitted only on lots with frontage on collector or arterial roads. Places of assembly are allowed on streets of any classification as adaptive reuse of existing structures that are nonresidential in their original construction and/or current use as of ~~<<~~the effective date~~>>~~ of this Code.

B. Places of assembly in the B-1, I-L, and I-Lb zones are limited to 10,000 square feet or less in gross floor area.

6.4.30 Post-secondary schools

A. In any residential zone, expansion of existing post-secondary schools onto land other than the lot(s) on which the principal use is located shall be subject to a determination that the proposed use cannot be reasonably accommodated on the existing lot(s) through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.

B. In any residential zone, a new post-secondary school or expansion of an existing post-secondary school shall not cause displacement or conversion of existing residential uses.

6.4.31 Printing and publishing

Printing and publishing in the B-3, B-5, B-6, and O zones is limited to a maximum of 10,000 square feet in gross floor area, unless an expansion of a printing and publishing establishment greater than 10,000 square feet and in existence as of 4/4/1988.

6.4.32 Recycling and solid waste disposal facilities

Within the I-M/I-Mb zone, recycling and solid waste disposal facilities are permitted within an enclosed structure only.

6.4.33 Restaurants

A. In the B-1 zone, restaurants are limited to a maximum of 2,000 square feet in gross floor area, shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m. Food service and consumption shall be the primary function.

B. In the B-6 zone, restaurants located east of Waterville Street within 50 feet of Fore Street shall be limited in hours of operation to between 5 a.m. and 11 p.m. each day, and food service and consumption shall be the primary function of the restaurant.

6.4.34 Residential care facilities



In the residential zones, large residential care facilities shall require a minimum lot area of 20,000 square feet.

6.4.35 Retail

A. In the I-B zone, retail uses are limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-1 zone, retail uses are limited to a maximum of 5,000 square feet in gross floor area, and shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m.

C. Retail in the B-3 and B-5 zones shall not include wholesale or bulk purchase sales of lumber and construction supplies, truck rental establishments, sales, rental, and repair of heavy equipment, or wholesale establishments, including establishments where membership is required.

6.4.36 Self-storage facility

A. Storage units shall not be used for residential occupancy or business.

B. Plumbing connections shall not be permitted in self-storage units.

C. The following additional standards apply to self-storage facilities with units accessed directly from the outdoors:

1. Outdoor self-storage facilities shall be oriented so that storage unit access doors do not face the public right-of-way.
2. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles shall be located in the rear yard.
3. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
4. If storage areas for recreational vehicles are provided, they shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings shall be placed inside the fence oriented toward the interior of the lot.

6.4.37 Solar energy systems (major and minor)

A. In general

1. All solar energy systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
2. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
3. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

B. Ground-mounted solar energy systems

1. Ground-mounted solar energy systems are only permitted in the B-4, I-L, I-Lb, I-M, I-Mb, I-H, and A-B zones.



2. Ground-mounted solar energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.
3. Layout and fencing for ground-mounted systems shall be integrated with existing landscape and minimize removal of vegetation to the extent possible.
4. Minor ground-mounted solar energy systems shall be located a minimum 50 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
5. Major ground-mounted solar energy systems shall be located at least 75 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
6. The absolute height of any ground-mounted solar energy system shall be no more than 20 feet above the ground as measured from the base of the support.
7. The following components of a ground-mounted solar energy system shall be counted as impervious in the calculation of landscaped open space ratio:
    a. Foundation systems, typically consisting of driven piles, monopoles, or helical screws with or without small concrete collars or weighted ballast.
    b. All mechanical equipment of the solar energy system, including maximum horizontal extents of any concrete pad or any pad mounted structure for batteries, switchboard, transformers, or storage cells.
    c. Paved access roads servicing the solar energy system.

C. Roof-mounted solar energy systems

1. Roof-mounted solar energy systems are not included in the calculation of maximum structure height.
2. Solar energy systems mounted on flat roofs shall meet the following standards:
    a. In residential and R-P zones, solar energy systems mounted on flat roofs are limited to a height of 5 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
    b. In B-4 and industrial zones, flat roof-mounted systems are not subject to limitations on height, or to a required setback.
    c. In all other zones, solar energy systems mounted on flat roofs are limited to a height of 8 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
3. Solar energy systems mounted on pitched roofs shall meet the following standards:
    a. Solar energy systems on pitched roofs shall be mounted with a maximum distance of one foot between the surface of the roof to the highest point of the system.
    b. Solar energy systems on pitched roofs shall be installed parallel to the roof surface on which they are mounted.
    c. Solar energy systems on pitched roofs may not extend higher than the

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highest point of the roof surface upon which they are mounted.

6.4.38 Utility substations

A. Utility substations shall be as small in size as practicable, and shall be set back a minimum of 35 feet from any right-of-way, not including limited-access roads.

B. Substations shall be suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood. The remainder of the lot not occupied by the utility substation and its related access shall be designed and designated for future development.

C. In the OS-R zone, sewage pumping and treatment facilities shall be permitted. Water pumping stations shall be treated as a conditional use and subject to the additional standards of subsection 6.5.6.

6.4.39 Warehousing and distribution facilities

A. Warehousing and distribution facilities in the I-L and I-Lb zones are limited to a maximum of 10,000 square feet in gross floor area.

B. No outdoor storage is permitted as a component of warehousing and distribution in the B-4 and I-L/I-lb zones.

6.4.40 Wind energy systems (major and minor)

A. General

1. All wind energy generation equipment shall be approved under a certification program approved by the U.S. Department of Energy.

2. Wind energy systems, including foundations and support structures, electrical connections, control equipment, and associated site improvements shall be designed, engineered, and installed to comply with all applicable local, state, and federal construction and electrical regulations and Federal Aviation Administration regulations. Applicable state and local approvals shall be obtained prior to installation of any wind energy system.

3. All on-site electrical wiring associated with the proposed wind energy system shall be located within the tower/pole/supporting structure or underground. Above ground on-site connections near substations or to the electric grid shall be allowed.

4. Wind energy systems shall be designed to avoid electromagnetic interference with the transmission or reception of radio, telephone, television, microwave, navigational, or similar signals to neighboring areas.

B. Setbacks

1. Minor ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.

2. Major ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.5 times the total height of the system, measured from the base of the system to

the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.

C. Height

1. Ground-mounted wind energy systems are limited to a maximum height of 65 feet in the B-2/B-2b, B-5, and B-6 zones.
2. All moving components of a ground-mounted wind energy system shall be a minimum of 12 feet from ground level or accessible surface.

D. Siting and placement

1. No wind energy system shall be located within 250 feet of any significant wildlife habitat, as defined by the Maine Department of Environmental Protection/Maine Department of Inland Fisheries and Wildlife under provisions of the Natural Resources Protection Act (38 M.R.S. § 480 et seq.) including wildlife habitat for species appearing on the official state and federal list of endangered or threatened animal species.
2. For all major and minor wind energy systems, or any system over 100kW, evidence shall be provided that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Area Program have been notified of the location, height, and design of the proposed wind energy system at least three weeks prior to any final determination under this subsection. Any comments received therefrom shall be addressed to the satisfaction of these state authorities prior to any final determination under this provision.
3. The support structure (e.g. tower, pole) for ground-mounted wind generating systems shall not be climbable for a minimum height of 12 feet above the surrounding ground level. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
4. The use of guy wires is discouraged. If required, they shall be located away from pedestrian routes/access points and marked with visible, reflective, colored objects, such as flags, reflectors, or tape, which shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
5. Ground-mounted wind energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.

E. Illumination and signs

1. No part of the system may be illuminated, except as required by the Federal Aviation Administration (FAA) or other authorities for safety and security purposes. Where lighting is required, it shall be at the lowest intensity allowable with fixtures shielded and directed to minimize glare and visibility from the ground.
2. There shall be no signs, advertisements, flags, or decorative items on a wind energy system or any associated facilities, except for the manufacturer's/installer's/owner's identification (not exceeding one square



feet in size), appropriate warning signs, or lights if required by the FAA.

6.5 CONDITIONAL USES

6.5.1 Conditional use review procedure

A. Review authority. The Zoning Board of Appeals shall review all conditional use applications, with the exception that the Planning Board shall review all conditional use applications associated with projects that are otherwise before the Planning Board.

B. Application. Applications for conditional use review shall be submitted to the Building Authority for all Zoning Board of Appeals reviews and the Planning Authority for all Planning Board reviews. A nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the review authority.

C. Public hearing. A public hearing shall be set, advertised, and conducted by the review authority in accordance with Article 2 of this Land Use Code.

D. Action. Within 30 days following the close of the public hearing, the review authority shall render its decision, in a manner and form specified by Article 2 of this chapter, approving the conditional use, approving the conditional use subject to conditions as specified in Subsection 6.5.3, or denying it. The failure of the review authority to act within 30 days shall be deemed ~~an approval~~a denial of the conditional use, unless such time period is mutually extended in writing by the applicant and the review authority. Within five days of such decision or the expiration of such period, the Building Authority or Planning Authority shall mail notice of such decision or failure to act to the applicant and, if a conditional use is authorized, list therein any and all conditions imposed by the review authority.

6.5.2 General conditional use standards

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

A. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

B. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

C. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.



D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-G and Section 6.4.

6.5.3 Conditions on conditional use approvals

The review authority may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use. Violation of such conditions shall be a violation of this article.

6.5.4 Effect of issuance of a conditional use approval

The approval of a conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing. and processing of applications for any permits or approvals which may be required by the City of Portland Code of Ordinances, including but not limited to a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

6.5.5 Limitations on conditional use approvals

No conditional use approval shall be valid for a period longer than three years from the date of approval, unless the conditional use has commenced or a building permit is issued and construction has begun within that period and is thereafter diligently pursued to completion, provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed and the two year period is not exceeded thereby. A conditional use approval shall be deemed to authorize only the particular use for which it was issued and such approval shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of 12 consecutive months or more.

6.5.6 Supplemental standards for certain conditional uses in the OS-R zone

In addition to general conditional use standards and supplemental use standards, the following standards shall apply to sports complexes, stadiums, solar energy systems, water pumping stations, wind energy systems, and accessory uses within structures of 2,500 square feet or more within the OS-R zone:

A. The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or City recreation and open space plan, including but not limited to the state *Comprehensive Outdoor Recreation Plan*, as such plans may from time to time be created or revised.

B. Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.

C. Indoor recreation or nonrecreational uses in the OS-R zone shall serve a significant public purpose that cannot reasonably be accommodated outside of the OS-R zone.

6.6 ACCESSORY USES

6.6.1 In general

A. Accessory uses shall be permitted in conjunction with permitted or conditional principal uses. Accessory uses shall be:

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1. Customarily found in association with the principal use.
2. Generally consistent with the impacts of the principal use.
3. Secondary in nature, clearly incidental and subordinate to the principal use in terms of area and function.
4. Located on the same lot as the principal use unless otherwise permitted.
5. Consistent with the intent of the zone.

B. No accessory use or uses within a building shall occupy more than a combined total of 25% of the floor area of the principal building, with the exception of required off-street parking, unless otherwise provided in Subsection 6.6.2 below. In the case of multi-tenant buildings, this standard shall apply separately to each leased portion of the principal building.

C. No accessory use or uses not within a building shall occupy more than a combined total of 25% of the unbuilt lot area, or of the required rear yard area, with the exception of off-street parking or as otherwise provided in Subsection 6.6.2.

6.6.2 Standards for specific accessory uses

A. Accessory Dwelling Units (ADUs)

1. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal residential uses.
2. ADUs shall be permitted as new detached accessory structures, building additions, or within existing lawfully conforming or nonconforming structures. However, the addition of an ADU may in no way increase the degree of nonconformity of any structure.
3. Up to two ADUs shall be permitted per qualifying property.
4. ~~At the time of an ADU's initial construction or legal creation, the owner(s) of the property on which the accessory dwelling unit is created shall occupy at least one of the dwelling units, with the exception of legally nonconforming lots on Peaks Island.~~
5. ~~On Peaks Island, neither the accessory unit(s) nor principal unit shall be used for short-term rentals as defined under Chapter 6, Section 150.1 of the City of Portland Code of Ordinances.~~
6. ~~When an ADU is significantly visible from public ways, the building design shall be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s).~~
7. ~~The developer of an ADU shall record a deed restriction requiring that the ADU and at least one other non-accessory unit on-site remain under common ownership.~~
8. ~~ADUs shall comply with all dimensional requirements of the underlying zone, with the exception of lot coverage and minimum lot area requirements.~~
9. Under circumstances where an existing nonconforming structure is converted to an ADU, the design of the ADU shall take into consideration to the extent practicable the privacy of adjacent properties.
10. An ADU shall be limited to a gross floor area of 2/3 of the gross floor area of the largest principal unit on the lot. ~~In no circumstance shall the height of detached ADUs on a lot exceed the height of the~~

~~principal structure. Additionally,~~ The aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the principal structure.

6. ADUs shall be exempt from maximum lot coverage and minimum lot area per dwelling unit requirements.
7. Detached ADUs shall be limited to a maximum height of 18 feet, unless constructed as a vertical addition to an existing garage, in which case the height of the structure shall be limited to 25 feet.
8. Detached ADUs shall not be subject to side and rear setbacks for detached accessory structures as established in Article 7. Rather, detached ADUs shall maintain a minimum setback of 5 feet from all side lot lines, and 10 feet from the rear lot line.
9. Detached ADUs shall not be permitted between a principal structure and a front lot line.

B. Antennas, discs, transmitting and receiving equipment. Building-mounted antennas, discs, and other transmitting and receiving equipment shall be:

1. No taller than 15 feet above the highest structural steel of the building roof.
2. Setback no less than 15 feet from the building perimeter.
3. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

C. Drive-throughs

1. Drive-throughs shall be permitted as an accessory use in the B-4 zone.
2. Drive-throughs shall be permitted as conditional accessory uses in the B-2 zone only if a drive-through was located on the site as of <<the effective date>> ~~.~~ of this Code.
3. In all other zones, drive-throughs shall be prohibited.
4. Drive-throughs shall be subject to the following review standards:
   a. All components of a drive-through, including, but not limited to, signs, stacking lanes, menu/order boards, trash receptacles, and service windows shall be located to the side or rear of the principal building where practicable, except where such placement will be detrimental to an adjacent residential zone or use, and shall be located a minimum of 40 feet from any adjoining property in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall be located a minimum of 25 feet from a right-of-way.
   b. The site shall have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
   c. Any speakers, intercom systems, or other audible means of communication shall not play pre-recorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by drive-through services

or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line.

d. Site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in the City of Portland *Technical Manual*.

e. Where automobiles may queue, waiting for drive-through services, their impacts shall be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, and noise. As deemed necessary by the review authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts.

f. Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

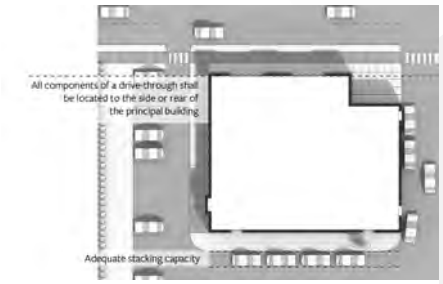

FIGURE 6-A: DRIVE-THROUGH SITING

D. Heliports. A heliport shall be designed and constructed in accordance with all federal and state regulations.

E. Home occupations

1. A home occupation shall be incidental to the residential use of a dwelling, and shall not change the essential residential character of the dwelling.

2. No interior or exterior alterations that are inconsistent with the residential use and character of the building shall be permitted. With the exception of a permitted sign, there shall be no evidence visible from the exterior of the premises that the property is used in any way other than as a dwelling. No display of products shall be visible from the exterior of the premises.

3. Exterior signs shall be limited to one non-illuminated sign not exceeding a total area of two square feet. Such sign must be affixed to the building, and may not project more than one foot from the façade of the building.

4. The home occupation and all related activity, including any storage, equipment, and display of products shall be conducted



entirely within a principal building or accessory structure. This does not apply to the home occupation of licensed family childcare provider, which may include outdoor space needed to meet state licensing requirements.

5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, biohazardous, or other restricted materials shall be used or stored as a component of a home occupation.
6. No home occupation shall include dispensing of medication from the dwelling.
7. The home occupation shall not produce any perceptible noise, vibration, heat, smoke, odor, electrical interference, dust or other particulate matter, or other nuisance effects in excess of that normally associated with residential use.
8. A home occupation shall be limited to residents of the dwelling and no more than two nonresident employees on the premises.
9. The home occupation shall not create vehicular or pedestrian traffic in greater volumes than average for a residential neighborhood. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
10. Any clients or business-related visitors shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
11. The storage of semi-trucks, trailers, or heavy equipment such as construction or landscaping equipment used in a commercial business, is prohibited.
12. Repair and service of any vehicles, any type of heavy machinery, or any type of engine, is prohibited. Repair of small electronics or appliances is allowed.
13. Rental services, where products for rent are stored on-site and customers visit the residence to pick-up and return products, are prohibited.
14. A family childcare provider as a home occupation shall not be subject to floor area limitations for an accessory use, but shall be limited to the care of not more than six children plus two children after school and shall have no nonresidential employees.
15. Businesses with no employees, no customers, and no external impacts are not considered home-occupations for the purposes of this subsection, and are exempt from its provisions. Remote work is also not considered a home occupation, and is exempt from these provisions.

F. **Makers' markets in the IL-b zone.** Makers' markets, including periodic or seasonal sale of handcrafted and limited production products for final consumption, which may include prepared or raw foods, shall be permitted as an accessory use in the IL-b zone, provided that:

1. Such sales are located within a lawfully conforming principal permitted use.
2. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use.
3. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively.
4. Such products are produced or permitted to be produced in the IL/IL-b zone.

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5. Such products are sold by the producer of the product or their designee.

G. Tasting rooms in industrial zones. Tasting rooms shall be permitted as accessory uses on the premises of facilities where beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food are produced, provided that:

1. Service of food in the facility is limited to that which does not constitute a full ~~course~~ meal.
2. No more than 10% of the beverage menu in tasting rooms accessory to beverage production or 10% of the food menu in tasting rooms accessory to food production is produced or manufactured off-site.
3. Tasting rooms shall not be subject to the limitations on the use of unbuilt lot or yard area in Subsection 6.6.1(C).

H. Solar energy generation

1. Building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area shall be permitted as accessory uses within all zones except ~~the Stream Protection zone and~~ within cemeteries.
2. All accessory solar energy systems are subject to the following conditions:
   - **a.** All systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
   - **b.** Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
   - **c.** Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
   - **d.** Ground-mounted accessory solar energy systems shall be located in side or rear yards only, and shall be subject to all dimensional standards for detached accessory structures within Article 7 unless otherwise specified.
   - **e.** Building-mounted or roof-mounted accessory solar energy systems are not included in the calculation of maximum structure height, but must meet the following standards:
     - **i.** Systems installed on pitched roofs shall be installed parallel to the roof surface on which they are mounted, and may project a maximum of one foot from the surface of the roof to the highest point of the system. Systems may not extend higher than the highest point of the roof surface on which they are mounted.
     - **ii.** Systems installed on flat roofs must be set back a minimum of one foot for each foot of system height. Systems are limited to a height of five feet above the surface of the roof in all residential zones, 15 feet in the B-4 zone and industrial zones, and eight feet in all other zones.



l. **Wind energy generation.** Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones ~~except the Stream Protection zone.~~ Accessory wind energy systems are subject to the following standards:

1. Accessory wind energy systems shall comply with all general use standards for wind energy systems as stated under Subsection 6.4.41.A of this article.
2. Properties shall be limited to one ground-mounted accessory wind energy system and two roof-mounted accessory wind energy systems.
3. The maximum height of a ground-mounted accessory wind energy system is 25 feet in all RN zones, the R-P zone, the B-1 zone, and all island zones. In all other zones, the maximum height shall be the maximum height allowed within the zone or 45 feet, whichever is less.
4. The maximum height of any roof-mounted accessory wind energy system is 15 feet above the height of such structure. Roof-mounted systems are not included in the calculation of maximum structure height.
5. Roof-mounted accessory wind energy systems shall be set back from any edge of the building upon which they are mounted by a distance equal to or greater than the total height of the system, measured from the roof surface at the point of attachment to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
6. Ground-mounted accessory wind energy systems shall be setback from property lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
7. Ground-mounted accessory wind energy systems shall be located within the rear yard only and shall be sited to maximize existing vegetative or other screening from nearby residential buildings and public ways. The location shall minimize changes to existing topography and natural vegetation which would result from construction or maintenance of the system.

6.7 TEMPORARY USES

6.7.1 In general

Temporary uses may be permitted ~~from time to time~~ as determined by the Planning Authority or Building Authority. Temporary uses on private property shall comply with the standards of this section, as well as regulations pertaining to temporary uses contained elsewhere in the City of Portland Code of Ordinances. All temporary uses require a temporary use permit ~~(reference to be inserted)~~ unless specifically cited as exempt. A temporary use permit may be issued for additional temporary uses not specifically listed per Subsection 6.7.2.G below. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.



6.7.2 Standards for specific temporary uses

A. Farmstand

1. A farmstand for the sale of food or non-food crops grown only on the premises is permitted, and shall be exempt from temporary use permit requirements.
2. In the island zones, such stand may include the sale of agricultural products produced on the premises or the sale of fish or shellfish caught by the occupant of the premises.
3. Acceptable stands are a portable table or cart, and cannot exceed an area of 200 square feet.
4. Farmstands are permitted for no more than 180 days per calendar year, and shall be removed when not in use.
5. ~~Applicants may submit for a subsequent temporary use permit one calendar year from the issuance of their last permit for this purpose.~~
6. ~~5.~~ Farmstands must be set back from all public rights-of-way a distance of no less than 15 feet.

B. Garage/yard sale

1. A garage/yard sale is permitted as a temporary use on residential property, and shall be exempt from temporary use permit requirements.
2. Garage/yard sales are limited to no more than six days per calendar year.

C. Real estate project sales office or model unit

1. A real estate sales office/model unit(s) is allowed for a residential development.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
3. ~~3.~~ The temporary use permit shall be valid for the life of the residential development project~~, to be verified by open permits.~~
4. ~~4.~~ 3. . The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit within the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
5. ~~5.~~ 4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

D. Temporary contractor's yard

1. A temporary contractor's yard is allowed incidental to a construction project.
2. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
3. The temporary contractor's yard shall be removed within 30 days of the completion of construction, and the premises shall be restored to their pre-construction state.
4. Temporary contractor's yards shall be screened on all sides by a fence a minimum of six feet in height to a maximum of eight feet in height. Fencing shall not be required on shared lot lines if the abutting lot contains a fence or other barrier that prohibits entry onto the lot.

E. Temporary outdoor sales

1. Temporary outdoor sales in residential zones are limited to those events conducted by and located on the premises of a place of assembly, an elementary, middle, or secondary school, or a post-



secondary school~~.~~, and shall be exempt from temporary use permit requirements.

2. Time limits shall be as follows:
   - ~~f.~~a. Time limitations apply to the lot, not the operator of the use.
   - ~~g.~~b. Temporary outdoor sales events in residential zones are limited to three events per calendar year, with a maximum of either three consecutive days, or two consecutive weekends. A minimum of 30 days between events is required.
   - ~~h.~~c. Temporary outdoor sales events in nonresidential zones are limited to four events per calendar year, with a maximum duration of five days per event, and a minimum of 30 days between events.
   - ~~i.~~d. Temporary outdoor sales events for seasonal sales, such as Christmas ~~tree lots and pumpkin patches~~trees or pumpkins, are limited to four events per calendar year, with a maximum of 30 days per event~~,~~ and a minimum of 30 days between events.
   - ~~j.~~e. Temporary outdoor sales events in any nonresidential zone must be located a minimum of 125 feet from a residential zone.

F. Temporary outdoor storage containers. ~~The use of an outdoor storage container is limited to a maximum of 90 days per calendar year.~~ The use of an outdoor storage container is limited to a maximum of 90 days per calendar year, and shall be exempt from temporary use permit requirements.

G. Additional temporary uses. In addition to the temporary uses listed above, a temporary use permit may be issued by the Planning Authority or Building Authority for other temporary uses that are substantially similar to a temporary use listed above. A permit may be issued if the Authority determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The time limit of such temporary use will be determined and approved as part of the temporary use permit.

6.8 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section, unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case the more restrictive standard shall apply.

6.8.1 Development in the OS-R and OS-P zones

All development in the Open Space zones shall comply with the following development standards:

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

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

C. Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.



D. Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.

E. Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.

F. The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.

6.8.2 Discharges

No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Public Health Authority or by the Public Works Authority. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24 of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24.

6.8.3 Electromagnetic interference

In any industrial zone, there shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference.

6.8.4 Exterior lighting

All exterior lighting shall be designed and installed with full cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties in accordance with the City of Portland *Technical Manual*.

~~6.8.5 Heat, glare, radiation~~

~~Heat, glare, or radiation shall be imperceptible without instruments at lot boundaries and shall not present a safety hazard.~~

~~6.8.6 Historic resources~~

~~The exterior design of proposed or renovated structures located within historic districts shall be subject to the historic preservation provisions of Article 17. The exterior design of proposed or renovated structures located adjacent to historic districts or historic resources shall be subject to historic preservation requirements of Article 14.~~

~~6.8.7~~6.8.5 Landscaping and screening

A. In all mixed-use and TOD zones, the O zone, the R-P zone, and the A-B zone outside of restricted access areas, sites shall be landscaped to screen parking and accessory site elements, including storage and solid waste receptacles, from the right-of-way, public open space, or abutting residential zones.

B. In the I-H zone, where a front yard abuts an arterial or a major collector street, it shall be landscaped. Rear yards, side yards, and the perimeter of any parking area for greater than 15 vehicles shall be landscaped if visible from a right-of-way, public open space, or residential zone.

~~6.8.8~~6.8.6 Noise



TABLE 6-H: NOISE STANDARDS

Zone	Daytime/Evening (7 a.m.-9 p.m.)	Night (9 p.m.-7 a.m.)
I-B	60 dBA	55 dBA
R-P	55 dBA	55 dBA
O	60 dBA	60 dBA
B-1	55 dBA	55 dBA
B-2/B-2b	60 dBA	55 dBA
B-3	60 dBA	55 dBA
B-4	65 dBA	60 dBA
B-5, B-6	60 dBA	50 dBA
I-L/I-Lb	60 dBA	50 dBA
I-M/I-Mb	70 dBA	55 dBA
I-H	75 dBA	55 dBA
A-B	**60.** BA	60 dBA

A. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities.

B. The maximum permissible sound level of any continuous, regular, or frequent source of sound produced by an activity shall be as shown in Table 6-I.

C. Sound shall be measured as follows:

1. For noise generated by a use in the ~~B-4, B-5, B-6,~~ I-L/I-Lb, I-M/I-Mb, and I-H zones, sound shall be measured at or within the boundaries of the nearest residential zone.

2. For noise generated by a use in the B-1, B-2/B-2b, B-3, B-4, B-5, B-6, I-B, R-P, O, and A-B zones, sound shall be measured at lot boundaries.

D. Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body.

E. Wind energy systems. Where the underlying zone is residential and does not specify sound requirements, or where the system will be within 100 feet of a residential zone, sound

generated by the wind energy system shall not exceed 45 decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and 50 decibels on the A scale between 7:00 a.m. and 9:00 p.m., as measured at the nearest property line in accordance with this provision and technical standards set out in the City of Portland *Technical Manual*. Audible sound levels of wind energy systems shall include sounds generated in all conditions including low and high winds (furling, yawing, and flutter) and power outages (freewheeling).

F. Exemptions

1. Noises created by construction and maintenance activities between 7:00 a.m. and 9:00 p.m. are exempt from the maximum permissible sound levels set forth in Table 6-H.

2. The following uses and activities shall also be exempt from the requirements of Table 6-H:

a. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

b. Traffic noise on public roads or noise created by aircraft and railroads.

c. Noise created by refuse and solid waste collection.

d. Emergency construction or repair work by public utilities, at any hour.

e. Noise created by any recreational activities which are permitted by law



and for which a license or permit has been granted by the City, including but not limited to concerts, parades, sporting events, and fireworks displays.

~~6.8.9~~6.8.7 Odor

~~Any condition or operation which results in the creation of~~It shall be a violation of this article to create an odor nuisance.

An odor nuisance shall be considered to exist when 10 confirmed complaints relating to odors of such intensity and character as to be detrimental to the public health and welfare~~, or which interferes unreasonably with the comfort of the public,~~ occur in an area within two separate 24-hour periods. The 10 confirmed complaints must ~~be removed, stopped, or modified so as to remove the odor. It shall be a violation of this article to create an odor nuisance~~originate from 10 different households in a residential zone, or from 10 different individuals in a commercial or industrial zone.

~~6.8.10~~6.8.8 Exterior stairways

A. No open exterior stairways or fire escapes shall be constructed above the ground floor unless specifically allowed within this Code.

B. The Building Authority may permit exterior stairways on single- and two-family buildings. Such stairways shall have minimal visual impact upon the building and shall be located to the rear.

~~6.8.12 Relocation of displaced residents~~

~~In the B-3 zone, any development which results in the displacement of residents of dwelling units currently located on the development site shall meet the requirements of Section 18.5.~~

C. The Building Authority may permit the installation of an exterior egress stair or an upgrade of an existing exterior fire escape or an existing egress stair for a conforming or lawfully nonconforming dwelling unit existing as of January 5, 1998, if such egress is required to meet current fire or other life safety codes, provided that the owner demonstrates to the Building Authority that:

1. There is no practical and economically reasonable way to provide such egress within the interior of the building, as demonstrated by the submission of detailed floor plans showing the projected cost of and the impact on the existing dwelling from an interior stair.
2. The stairway and associated landings and other building fixtures are designed and will be constructed to have a minimal visual impact upon the building, especially as viewed from any public way or public open space, as demonstrated by photographs of the front and any other affected facades of the building and plans or drawings of the proposed egress stairs.

~~6.8.11~~6.8.9 Outdoor storage

Outdoor storage shall comply with the requirements of Table 6-I.

~~6.8.13~~6.8.10 Smoke and dust

~~Smoke shall not be emitted at a density exceeding the opacity level designated in Table 6-J, as classified in Method 9 (~~Visible emissions~~) of the Opacity Evaluation System of the U.S.~~ from a direct or fugitive emission source may not exceed an



opacity of 20% for more than 2.5 minutes in any half-hour period. All visible emissions must comply with the standards of the Maine Department of Environmental Protection ~~Agency~~.

~~6.8.14~~6.8.11 Storage and repair of vehicles

A. In all residential zones, all island zones, the R-P zone, and the B-3 zone, only one unregistered motor vehicle may be stored outside, for a period not exceeding 30 days.

B. In all other mixed-use zones, storage of unregistered motor vehicles for more than 10 days, and outdoor storage of used automobile tires shall be prohibited.

C. No partially dismantled, wrecked, or junked vehicles shall be stored outdoors. This provision does not apply to vehicles undergoing repair.

D. All vehicle repair facilities shall be screened along interior side and rear lot lines by a landscaped buffer or solid fence a minimum of five feet in height.



TABLE 6-I: OUTDOOR STORAGE STANDARDS	B-1	B-2 B-2b	B-3	O	RP	A-B	B-4	B-5	B-6	I-L I-Lb	I-M I-Mb	I-H
There shall be no outdoor storage except for fully enclosed receptacles for solid waste disposal.	●		●	●	●			●	●			
All outdoor storage must be located a minimum of 20 feet from any lot line. However, when abutting a residential zone, all outdoor storage must be located a minimum of 100 feet from a lot line abutting such zone.		●				●	●			●	●	●
Outdoor storage areas must be designed and maintained so as to prevent the accumulation of debris and standing water that can attract insects and vermin. All outdoor storage areas shall employ measures to prevent displacement of materials and windblown dust or particulates, including the use of windbreaks, tarps, or other coverings to protect stored materials from the elements.		●				●	●			●	●	●
No outdoor storage shall be permitted in the front setback, except for storage for plant and tree nurseries or lumber yards if listed as a permitted use. All such storage located in the front setback shall consist of live plant materials or lumber products. No aggregate materials, machinery, or other materials or products shall be stored in the front setback.		●				●	●					
All outdoor storage shall be suitably screened from the public way and abutting properties by a landscaped buffer or solid fence at least five feet in height. This does not apply to storage of materials allowed in the front setback for plant and tree nurseries or lumber yards.		●				●	●					
Exterior lighting of outdoor storage areas shall not exceed that which is necessary for security purposes.	●	●	●	●	●	●	●	●	●	●	●	●

~~6.8.15~~6.8.12 Waste disposal

A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored outdoors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones except for the industrial zones, such containers or receptacles shall be within designated, screened areas. In industrial zones and the B-4 zone, outdoor storage of refuse, debris, or previously used materials awaiting reuse shall either be in an appropriate container or located within a designated, screened area.

B. Containers or receptacles shall not leak or otherwise permit liquids or solids to escape from the container or be transferred beyond lot boundaries by natural causes or forces. Areas attracting large numbers of insects or vermin are prohibited.

C. Where food processing is permitted, all food processing waste shall be stored within a completely enclosed structure. If not

refrigerated, such waste shall be removed from the site in an enclosed container within 48 hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

~~6.8.16~~6.8.13 Vibration

A. In any mixed-use zone, the O, and the R-P zones, vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

B. In all industrial zones, any use creating earthshaking vibrations, with the exception of airports, shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one inch, as measured by a vibrograph or similar instrument at the property boundaries.

6.8.14 Entertainment businesses in the B-3 and WCZ zones

A. In the B-3 and WCZ zones, a business with an entertainment license as required or authorized by Chapter 4, Section 4-51(a) of the City of Portland Code of Ordinance shall be considered an entertainment business for the purposes of this section, and may not be located within 100 feet of another entertainment business, as measured along or across public ways from the main entrance or entrances of each. This dispersal requirement shall not apply to entertainment businesses that do not allow amplified entertainment.

1. Any entertainment business located in the B-3 or WCZ zones on or before January 3, 2006 shall not be required to comply with this dispersal requirement. If located within 100 feet of another entertainment business, such business shall be considered a lawfully nonconforming use subject to the standards of Article 4 of this Code. Any such business shall continue to be considered an entertainment business for the purpose of administering this dispersal requirement for a new or relocating entertainment business in the B-3 and WCZ zones.

2. Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks, or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purposes of this section.

3. Following a hearing held pursuant to Chapter 15, Section 15-10 of the City of Portland Code of Ordinances, the City Clerk may impose conditions on the food service license of any entertainment business in the B-3 and WCZ zones that operates between 1:00 a.m. and 4:00 a.m. to maintain or improve public safety. Such conditions may be imposed following a written recommendation from the Portland Police Department that such



conditions are necessary. The City Clerk's decision may be appealed to the City Manager pursuant to Chapter 15, Section 15-9 of the City of Portland Code of Ordinances. Nothing in this section shall be construed to limit the City Clerk's authority in Chapter 15 to deny, suspend, or revoke any license pursuant to the standards and process in that chapter.

7 DIMENSIONAL STANDARDS

7.1 APPLICABILITY

Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

7.2 RULES OF MEASUREMENT

Blank wall area. The horizontal linear dimension of contiguous building façade, measured along a street frontage, that does not contain fenestration, doors, change in wall plane, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

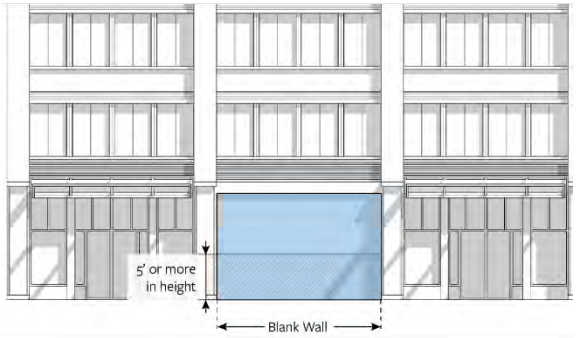

FIGURE 7-A: BLANK WALL AREA

Footprint. The lot area contained within the outermost perimeter of the building envelope including cantilevered portions of the building, projections, and porches, decks, and similar attached structures integral to the building and contributing to its mass, but excluding roof overhangs less than two feet in depth.

Building length. The linear dimension of a building façade, measured along a street frontage. Passageways, breezeways, and similar building connections are included in the calculation of total building length. On sites with multiple buildings, building length shall only be measured on buildings abutting a street frontage.

Build-to percentage. The percentage of the building façade that must be located within a build-to zone. Façade articulation meeting the standards of this Code, such as window or wall recesses and projections, are included as part of the required build-to percentage even when they are recessed beyond the build-to zone. Plazas, outdoor dining, and other public open space features that are bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. ~~Ramping necessary to meet required design flood elevation (DFE) is also considered to meet the build-to percentage.~~ Build-to percentage is calculated as a ratio of the total building length of a principal structure, not street frontage.

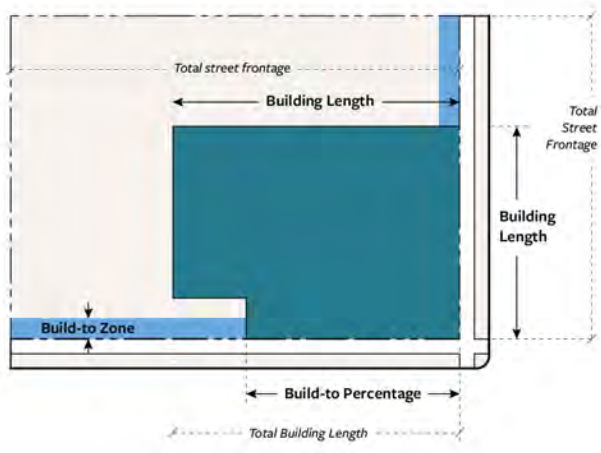

FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

Build-to Zone (BTZ). The area on a lot, measured perpendicular to the front and/or corner side lot line, where all or a portion of the applicable façade of a structure must be located, measured as minimum and maximum range from the lot line. Placement of a building at a build-to zone must not violate corner clearance requirements.

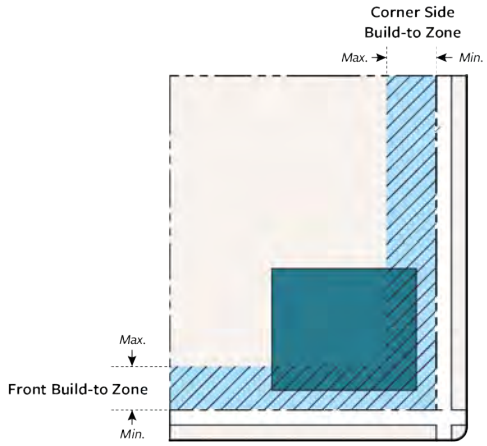

FIGURE 7-C: BUILD-TO ZONE

Floor area. The total floor space enclosed by exterior or standard fire walls and roof of a building, exclusive of vent shafts and courts.

Grade, pre-development. ~~Average grade~~The average of elevation measurements, existing ~~on~~as of October 1, 2000,~~ determined by measuring the elevation~~ at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure~~ and calculating the average.~~. Measurements shall be taken at the foundation of the structure where it meets the grade.

Grade, average. The average of elevation measurements at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure. Measurements shall be taken at the foundation of the structure~~.~~ where it meets the grade.

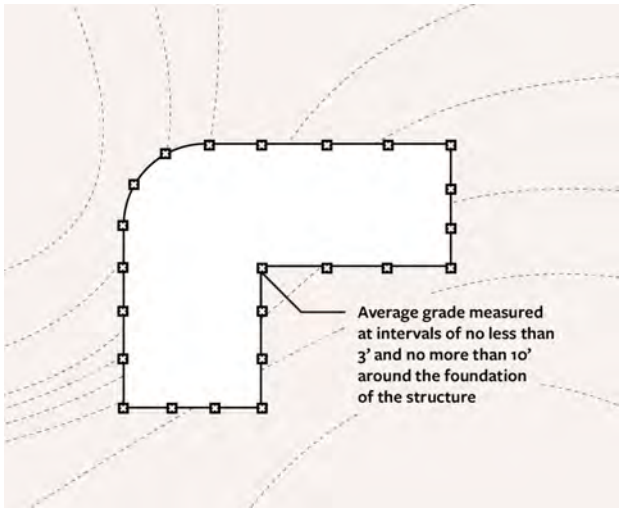

FIGURE 7-D: AVERAGE GRADE

Height. The vertical measurement from average grade, or the pre-development grade on the islands, to the highest point of a structure. For buildings, height shall be measured to the roof beams in flat roofs, to the highest point of the roof beams or the highest point on the deck of mansard roofs, to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

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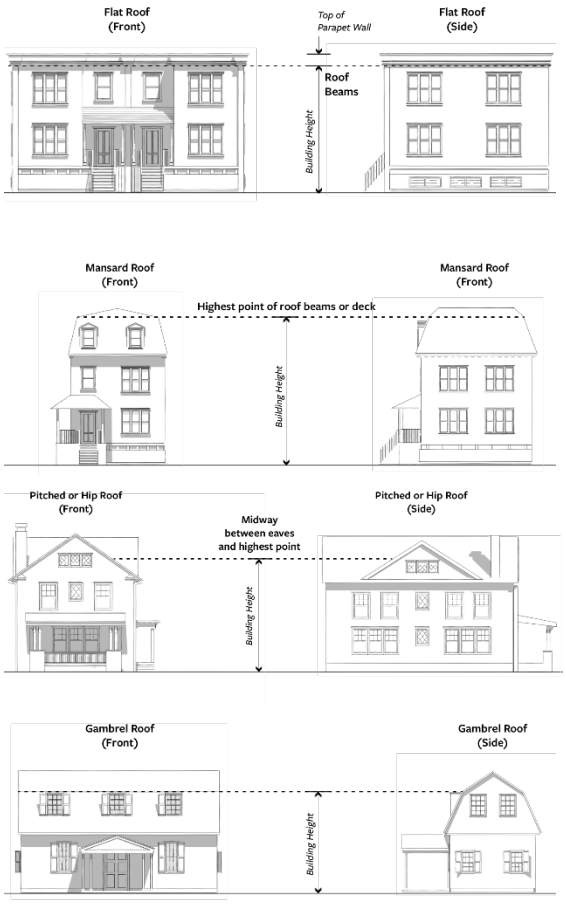

FIGURE 7-E: BUILDING HEIGHT MEASUREMENT

Landscaped open space ratio. The proportion of lot area covered by landscaped open space, calculated by dividing the total landscaped open space area by the lot area. For the purposes of this measurement, landscaped open space shall not include green roofs or structured or engineered surfaces.

Lot area. The area of a lot enclosed within the boundary lines of a lot. For townhouse dwellings, the minimum lot area per dwelling unit applies to the overall townhouse development and not to individual lots underlying townhouse dwelling units. On flag lots, no part of the "pole" connecting the main building area to the street shall be calculated as lot area.

Lot coverage. The proportion of lot area covered by building footprint and the footprint of accessory detached structures.

Lot line. A line of record bounding a parcel or area of land that is designated as an individual unit for use, development, or ownership.

Lot line, corner side. The lot line perpendicular or approximately perpendicular to the front lot line and the longer lot line abutting the street on a corner lot.

Lot line, front. The lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shorter lot line abutting the street. In the case of a through lot, both lot lines separating a lot from a street right-of-way are considered front lot lines.

Lot line, interior side. Any lot line that is not a front, rear, or corner side lot line and abuts an adjacent lot.

Lot line, rear. The lot line opposite and most distant from the front lot line. In cases where a lot has multiple lot lines that meet this definition, each of those lines shall be considered a rear lot line for the purposes of applying setback and other dimensional requirements. In the case of triangular or similar irregularly shaped lots, the rear lot line shall be established as a line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

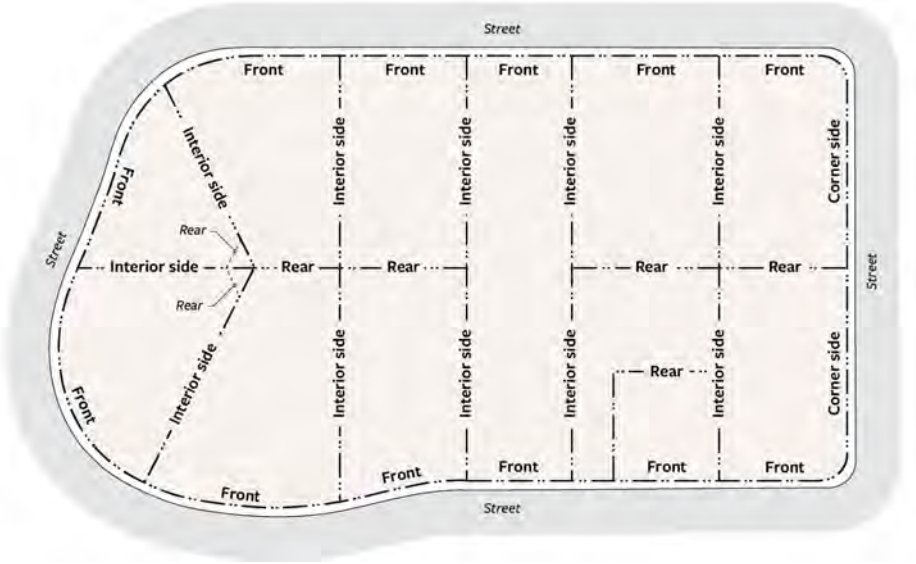

FIGURE 7-F: LOT LINES

Setback. The required minimum distance a structure shall be located from a lot line, which is open, unoccupied and unobstructed except as otherwise permitted in this code of ordinances. A setback is located along the applicable lot line for the minimum depth specified by the zone in which such lot is located, and may be equal to or lesser than a yard. Setbacks do not apply to fences, retaining walls, raised garden beds and other similar structures.

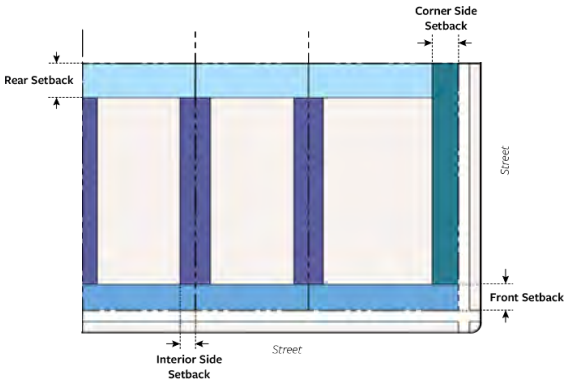

FIGURE 7-G: SETBACKS

Setback, corner side. A setback along the corner side lot line, extending from the front setback to the rear lot line, the depth of which shall be measured perpendicular to the corner side lot line.

Setback, front. A setback along the front lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the front lot line. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For through lots, the front setback shall be applied on both street frontages unless the lot is in a residential district, in which case one frontage shall meet the front setback requirement and the other shall meet the rear setback requirement. In the case of lots without frontage on a street, the property line that parallels the nearest developed street shall be considered the front. Where front yard averaging is required to determine the front setback, the average is based upon the two adjacent lots on

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either side, or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback shall be that of the adjacent lot. Where no lots are available for averaging, the front setback shall be a minimum of 20 feet in the RN-2~~, RN-3,~~ and RN-~~4~~3 zones, a minimum of 15 feet in the RN-4 zone, and a minimum of five feet in the RN-5, I-B, and R-P zones.

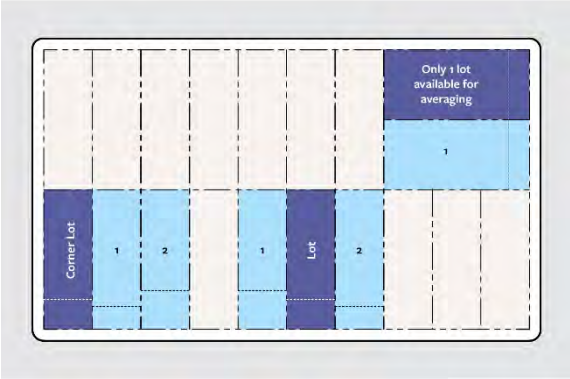


FIGURE 7-H: SETBACK AVERAGING

Setback, rear. A setback along the rear lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the rear lot line.

Setback, side. A setback along a side lot line extending from the front lot line to the rear lot line, the depth of which shall be measured perpendicular to the side lot line. For townhouse dwellings, side setback requirements are only applicable to end units, not to any side sharing a party wall.

Stepback. A space on a lot which is required by this article to be maintained open, unoccupied, and unobstructed, measured between lot lines and any structure, that occurs at a prescribed height above the ground. Stepbacks shall apply to all attached accessory structures, including the minimum necessary housing of elevators, stairways, tanks fans, or other building operating equipment not intended for human occupancy.

Story. That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it. A story which exceeds 18 feet in height shall be counted as two stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Street frontage. The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

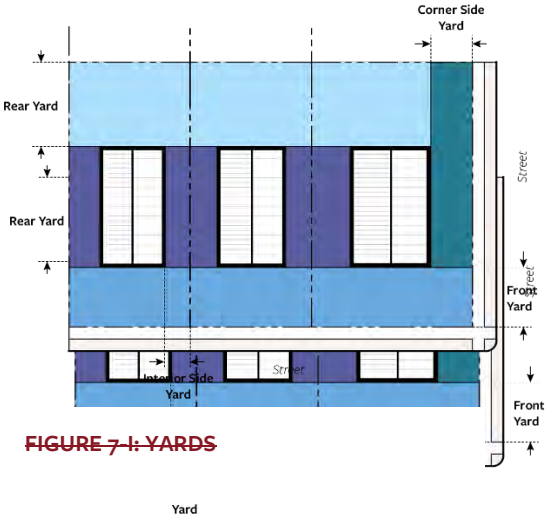
Yard. The area of a lot between a lot line and a principal structure, measured as the horizontal distance between a specified lot line and a principal structure.

Yard, corner side. A yard along the corner side lot line, extending from the front yard to the rear lot line, measured between the corner side lot line and a principal structure.

Yard, front. A yard along the front lot line, extending between side lot lines, measured between the front lot line and a principal structure. On flag lots, the front yard is measured from the rear lot

line of the lot that separates the flag portion of the lot from the street, and a principal structure.

Yard, rear. A yard along the rear lot line, extending between side lot lines or a side lot line and a corner side yard, measured between the rear lot line and a principal structure.



~~FIGURE 7-I: YARDS~~

FIGURE 7-I: YARDS

Yard, side. A yard along the side lot line, extending from the front yard to the rear yard, measured between the side lot line and a principal structure.

7.3 DIMENSIONAL STANDARDS

Tables 7-A to 7-G shall establish the dimensional standards for each zone. Certain uses may be subject to additional standards per Section 6.4.

TABLE 7-A: RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Lot area (min.)	**Single-family**	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Two-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Three-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Four-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Townhouse	--	--	--	--	1,500 SF/unit	--	1,200 SF/unit
	Multi-family	--	1,200 SF/unit	1,200SF/unit	1,200 SF/unit	725 SF/unit	~~40,000 SF +~~1,200 SF/unit, minimum of 40,000 SF	435 SF/unit
	Nonresidential	10,000 SF	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF
Street frontage (min.)		50 ft.	40 ft.	40 ft.	40 ft.	20 ft. , except 15 ft./unit for townhouse	50 ft.	20 ft., except 15 ft./unit for townhouse
	~~**Single-family**~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~--~~	~~--~~
	~~**Two-family**~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~--~~	~~--~~
	~~**Three-family**~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~--~~	~~--~~
	~~**Four-family**~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~--~~	~~--~~
	~~**Townhouse**~~	~~--~~	~~--~~	~~--~~	~~--~~	~~15 ft./unit~~	~~--~~	~~15 ft./unit~~
	~~**Multi-family**~~	~~--~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~50 ft.~~	~~20 ft.~~
	~~**Nonresidential**~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~	~~40 ft.~~	~~20 ft.~~	~~50 ft.~~	~~20 ft.~~
	Front setback (min.)	20 ft. or the average of adjacent front yards	Average of adjacent front yards ~~+/-~~ 5 ft.	Average of adjacent front yards ~~+/-~~ 5 ft.	Average of adjacent front yards ~~+/-~~ 5 ft.	Average of adjacent front yards ~~+/-~~ 5 ft.	25 ft.	--
Rear setback (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	25 ft.	25 ft.	20 ft.	20 ft.	10 ft.	25 ft.	5 ft.
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	12 ft.	8 ft.	8 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 16 ft.	~~8~~7 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than ~~16~~14 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.*	25 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.*
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.

TABLE 7-A (CONT.): RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Side setback, corner (min.)	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is ~~greater~~less	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is ~~greater~~less	10 ft, or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is ~~greater~~less	10 ft, or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is ~~greater~~less	--	25 ft.	--
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map or the Fort Sumner Park Height Overlay)	35 ft.	35 ft.	35 ft.	35 ft.	~~1-2 dwelling units: 35 ft.~~ 35 ft., except 45 ft. for buildings with 3 or more dwelling units~~:~~ ~~45 ft.~~	55 ft.	65 ft.
Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Height stepback (min.) (Above 35 ft. unless otherwise indicated)	--	--	--	--	Interior Side: 10 ft. Rear: 15 ft.	--	Building heights above 45 ft.: Front: 5 ft. Interior Side: 10ft. Rear: 15 ft.
Building length (max.) (Multi-family + Nonresidential uses)	--	--	--	--	60 ft.	180 ft.	--
~~**Lot coverage** (max.)~~	~~35%~~	~~35%~~	~~40%~~	~~40%~~	~~60%~~	~~30%~~	~~60%~~
Lot coverage (max.) — **Residential uses**	60%	60%	60%	60%	60%	60%	100%
Lot coverage (max.) — **Nonresidential uses**	25%	35%	50%	50%	60%	50%	100%
~~**Landscaped open space ratio** (min.)~~	~~65%~~	~~50%~~	~~50%~~	~~50%~~	~~20%~~	~~50%~~	~~20%~~
Landscaped open space ratio (min.) — **Residential uses**	30%	30%	30%	30%	30%	30%	--
Landscaped open space ratio (min.) — **Nonresidential uses**	65%	50%	30%	30%	20%	30%	--

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Width of garage opening on front façade (max.)	--	--	--	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.

~~[1] A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.~~

TABLE 7-B: ISLAND ZONE DIMENSIONAL STANDARDS

		IR-1	IR-2	I-B Served by Public Water & Sewer	I-B Not Served by Public Water & Sewer
Lot area (min.)	**Single-family**	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except ~~43~~,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Two-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except ~~43~~,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Three-family	~~—~~40,000 SF, except 60,000 SF if not served by public water	~~—~~20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Four-family	--	--	5,000 SF	20,000 SF
	Multi-family	--	--	1,200 SF/unit	5,000 SF/unit
	Nonresidential	40,000 SF	20,000 SF	None	20,000 SF
	Street frontage (min.)	100 ft.	50 ft., except 30 ft. if a small island lot per subsection 7.6.3	40 ft.	40 ft.
	~~**Single-family**~~	~~100 ft.~~	~~50 ft., except 40 ft. if a small island lot per subsection 7.7.3~~	~~40 ft.~~	~~40 ft.~~
	~~**Two-family**~~	~~100 ft.~~	~~50 ft., except 40 ft. if a small island lot per subsection 7.7.3~~	~~40 ft.~~	~~40 ft.~~
	~~**Three-family**~~	~~--~~	~~--~~	~~40 ft.~~	~~60 ft.~~
	~~**Four-family**~~	~~--~~	~~--~~	~~40 ft.~~	~~60 ft.~~
	~~**Multi-family**~~	~~--~~	~~--~~	~~40 ft.~~	~~60 ft.~~
	~~**Nonresidential**~~	~~100 ft.~~	~~50 ft.~~	~~40 ft.~~	~~40 ft.~~
	Front setback (min.)	20 ft.	20 ft. or the average of adjacent front yards, whichever is less	Average of adjacent front yards ~~+/-~~ 5 ft.	Average of adjacent front yards ~~+/-~~ 5 ft.
Rear setback (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	30 ft.	25 ft., except ~~20~~10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	5 ft.	~~10ft.~~ 5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	20 ft.	12 ft., except ~~10~~5 ft. if a small island lot per subsection 7.6.3 Small island lots may reduce one side setback to no less than 3 ft.	10 ft.	10 ft.

			provided that the cumulative side yards are not less than 10 ft.		
	Detached accessory (<250 SF footprint)	5 ft.	~~10 ft.~~ 5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
	Side setback, corner (min.)	20 ft.	12 ft., except 10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
	Structure height (max.)	35 ft.	35 ft. Little Diamond Island: 27 ft.	35 ft.	35 ft.
	Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.
	~~**Lot coverage** (max.)~~	~~20%~~	~~20%, except 30% if a small island lot per subsection 7.7.3~~	~~50%~~	~~50%~~
Lot coverage (max.)	**Residential uses**	60%	60%	60%	60%
	Nonresidential uses	20%	20%	50%	50%
	~~**Landscaped open space ratio** (min.)~~	~~70%~~	~~70%~~	~~35%~~	~~45%~~
Landscaped open space ratio (min.)	**Residential uses**	30%	30%	30%	30%
	Nonresidential uses	70%	70%	35%	45%

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6[1]
Lot area (min.)	--	--	--	10,000 SF	--	--
~~**Residential**~~	~~—~~	~~—~~	~~—~~	~~10,000 SF~~	~~—~~	~~—~~
~~**Nonresidential** (Including mixed-use)~~	~~—~~	~~—~~	~~—~~	~~10,000 SF~~	~~—~~	~~—~~
Street frontage (min.)	20 ft.	--	--	60 ft.	--	--
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	5,000 SF	--	--	--	--	--
Build-to zone	0–5 ft.	0–10 ft.	0-5 ft.	0-20 ft.	0-10 ft.	0-10 ft.
Build-to percentage (min.)	100%	100%	100%	50%	80%	80%
Building length as a percentage of street frontage (min.)	--	B-2: None B-2b: Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	--	60%	70%
Blank wall area (max.)	20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.
Rear setback (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	--	None, except 20 ft. if abutting a lot in a residential zone	--	--

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6[1]
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	--	None, except 10 ft. if abutting a lot in a residential zone	--	--
Structure height (max.)	50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. for any portion of a structure within 25 ft. of RN-1, RN-2, RN-3, or RN-4 zone	See City of Portland Height Map	65 ft.	65 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Height stepback (min.) (Above 35 ft. when abutting a lot in an RN-1, RN-2, or RN-3, or RN-4 zone)	Side: 10 ft. Rear: 15 ft.	Building heights above 45' Side: 5 ft. Rear: 25 ft.	See City of Portland Height Map, and Tower Rules in Section 7.5.3	--	--	--
Landscaped open space ratio (min.)	--	B-2: 10% B-2b: None	--	20%	--	--

[1] In the case of a conflict with the B-6 Building Height and Building Envelopes Map, the map shall control.

TABLE 7-D: TRANSIT-ORIENTED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	TOD-1	TOD-2
Lot area (min.)	--	--
Street frontage (min.)	--	--
Build-to zone	0-10 ft.	0-5 ft.
Build-to percentage (min.)	100%	100%
Building length as a percentage of street frontage (min.)	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	80%
Blank wall area (max.)	20 ft.	20 ft.
Rear setback (min.)	None, except 20 ft. if abutting a lot in a residential zone	None, except 20 ft. if abutting a lot in a residential zone
Side setback, interior (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone
Structure height (min./max.)	Max. 80 ft.	Min. 35 ft.

(Unless otherwise governed by the City of Portland Height Map)		Max. 125 ft.
Height stepback (min.) (Above 45 ft. when abutting a lot in an RN-1, RN-2, RN-3, or RN-4 zone)	Side: 15 ft. Rear: 25 ft.	Front: 15 ft. Side: 15 ft. Rear: 25 ft.
Building length (max.) (Multi-family + Nonresidential uses)	~~75~~ 100 ft.	~~—~~100 ft.
Landscaped open space ratio (min.)	10%	--

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TABLE 7-E: OFFICE PARK AND RESIDENTIAL PROFESSIONAL ZONE DIMENSIONAL STANDARDS

		O	R-P
Lot area (min.)	**Single-family**	--	6,000 SF
	Two-family	--	6,000 SF
	Three-family	--	6,000 SF
	Four-family	--	6,000 SF
	Townhouse	--	3,000 SF/unit
	Multi-family	--	~~3,000~~1,200 SF/unit
	Nonresidential	10,000 SF, except 3 ac. for an office park	6,000 SF
Street frontage (min.)		40 ft., except 100 ft. for an office park	40 ft.
Gross floor area (max.) (Nonresidential uses)		--	5,000 SF
Front setback (min.)		15 ft., except 50 ft. for an office park	Average of adjacent front yards ~~+/-~~ 5 ft.
Rear setback (min.)		20 ft., except 50 ft. for an office park	20 ft.
Side setback, interior (min.)		15 ft., except 25 ft. for an office park, or 40 ft. where an office park abuts a residential zone	10 ft., except that a side setback may be reduced to not less than 5' provided that the cumulative side yards are not less than 20 ft.
Side setback, corner (min.)		15 ft., except 50 ft. for an office park	10 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)		45 ft., except 55 ft. for an office park, or 75 ft., including rooftop appurtenances, on lots within office parks which are greater than 50 ac. if each minimum setback is increased by 1 ft. for each 1 ft. of height above 55 ft.	45 ft.
Lot coverage (max.)		60%	60%
Landscaped open space ratio (min.)		30%, except 40% for an office park	20%

TABLE 7-F: INDUSTRIAL AND AIRPORT ZONE DIMENSIONAL STANDARDS

	I-L	I-Lb	I-M	I-Mb	I-H	A-B
Lot area (min.)	--	--	--	--	--	20,000 SF
Street frontage (min.)	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Setback from street (min.)	15 ft.	--	15 ft.	--	25 ft.	None, except 20' if property has frontage on Westbrook St.
Rear setback (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 50 ft. if abutting residential zone[1]
Side setback, interior (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 25 ft. if abutting residential zone
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft., except 45 ft. within 100 ft. of a residential zone
Landscaped open space ratio (min.)	35%	--	15%	--	15%	--

[1] No structure may extend beyond the building line established for any runway or taxiway. If provided, rear and side yards must not be less than 5 ft. in width.

TABLE 7-G: OPEN SPACE ZONE DIMENSIONAL STANDARDS

	OS-R[1]	OS-P
Lot area (min.)	--	20,000 SF
Front setback (min.)	20 ft.	25 ft.
Rear setback (min.)	~~20 ft.~~ 20 ft., except none if abutting a parcel in the OS-R or OS-P zone	50 ft.
Side setback, interior (min.)	~~10 ft.~~ 10 ft., except none if abutting a parcel in the OS-R or OS-P zone	10 ft.
Side setback, corner (min.)	10 ft.	20 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	45 ft.	35 ft.
Lot coverage (max.)	25%	10%
Landscaped open space ratio (min.)	75%, except 25% for sports complexes and stadiums, and none for sewage treatment facilities	90%

[1] Public open spaces less than 2 ac. and on the peninsula are not required to meet the OS-R dimensional standards.



7.4 ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The following alternative residential development options are available within certain zones as indicated. These alternative residential development options are intended to provide creative opportunities for residential development by modifying standards within certain zones to allow for a variety of densities and site designs. Alternative residential development options may not be combined.

7.4.1 Conservation residential development

A. A conservation residential development permits a reduction in minimum lot area in exchange for provision of common open space, allowing for the efficient use of land and preservation of Portland's natural resources.

B. Conservation residential development is permitted in the RN-1, RN-2, IR-1, and IR-2 zones.

C. A conservation residential development shall be a minimum of two acres in area.

D. A conservation residential development shall be designed to prioritize the preservation of important natural features such as streams, wetlands, stands of mature trees, and critical wildlife habitats. Development shall minimize impacts on the natural environment by carefully laying out structures, streets, and other infrastructure, including buffer zones to protect and connect existing natural areas on site.

E. Development standards

1. Site layout

a. All lots within a conservation residential development shall have frontage on a street, private way, or common open space within the development.

b. The maximum number of lots permitted within a conservation development shall be determined by the total acreage of the site divided by the applicable minimum residential lot area requirement of the underlying zone.

c. All lots within the conservation residential development shall meet the dimensional requirements of the underlying zone with the exception of the following:

i. Minimum lot area and street frontage may be reduced by no more than 50%.

ii. Maximum lot coverage and minimum landscaped open space ratio requirements do not apply to lots of 5,000 square feet or less in lot area.

iii. A minimum side setback of five feet applies to all lots within a conservation residential development unless otherwise specified below.

iv. A minimum corner side setback of ten feet applies to all corner lots within a conservation residential development unless otherwise specified below.

v. Front and rear setbacks may be reduced by 50% for all lots within the conservation residential

development, unless otherwise specified below.

vi. Where a lot within the conservation residential development abuts adjacent property, minimum side and rear setbacks are required in accordance with the standards of the underlying zone.

vii. Where a lot within the conservation residential development abuts a street at the perimeter of the development, minimum front setback and minimum street frontage is required in accordance with the standards of the underlying zone.

2. **Common open space**

a. In addition to any open space otherwise required by this code, 30% of the total site area of a conservation residential development shall comprise common open space. Common open space shall be designed as follows:

i. Required common open space shall maintain a minimum width of at least 30 feet in any direction.

ii. Common open space may be improved for recreational use, or left in a natural state. If improved for recreational use, no more than 10% of the common open space shall comprise impervious surfaces.

iii. No more than 50% of the required common open space shall be covered by water.

iv. Structures located within any common open space shall be accessory to any recreational use of the space.

b. Common open space may be conveyed as follows:

i. To the City of Portland.

ii. To a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property; assuring the availability of real property for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

iii. To one or more homeowner's associations.

c. Common open space associated with a conservation residential development shall not be sold, and has no future development rights.

7.4.2 Cottage court residential development

A. A cottage court residential development allows for small lot residential development in a manner that coordinates dwelling types and common open space into a cohesive whole, maintained in shared stewardship by residents.



B. Cottage court residential development is allowed in the RN-1, RN-2, RN-3, RN-4, and ~~RN-4~~IR-2 zones.

C. A cottage court residential development may be designed as dwellings on individual lots, or as multiple dwellings on a lot in common ownership.

D. Use limitations

1. Only single-family and two-family dwellings are permitted within a cottage court residential development.

2. No more than 25% of the residential ~~building~~ structures in a cottage court development shall be two-family dwellings.

3. Accessory dwelling units are not permitted within a cottage court residential development.

4. Buildings for common facilities for use by the residents, such as laundry facilities, communal kitchens, and common rooms, are also permitted.

E. Development standards

1. A cottage court residential development shall contain a minimum of four residential structures.

2. The maximum number of residential structures within a cottage court development is 12. When cottage court residential development is occurring on multiple adjacent development sites, the maximum number of residential structures within all development sites is 24.

3. All standards of the underlying zone apply, with the following exceptions:

~~**a.**~~ **a.** In the RN-1, RN-2, RN-3, and RN-4 zones, the minimum total lot area required for a cottage court residential development is calculated as 50% of the cumulative lot area required for all proposed dwellings under the base zoning district.

~~**b**~~**b.** In the IR-2 zone, the minimum total lot area required for a cottage court residential development is calculated as 3,000 square feet per dwelling, for all proposed dwellings.

c. Individual lots within a cottage court residential development are exempt from the standards of the underlying zone for lot area, street frontage, setbacks, lot coverage, and landscaped open space ratio. However, ~~all such~~ standards for street frontage, setbacks, lot coverage, and landscaped open space ratio apply to the cottage court residential development as a whole.

4. All residential structures within a cottage court shall front onto a street or a common open space.

5. Common open space areas within cottage court residential developments shall meet the following standards:

a. Required common open space shall be provided at a ratio of 300 square feet per dwelling unit, or 3,000 square feet, whichever is greater.

b. Required common open space shall be provided in the form of a centrally located, contiguous open space. Such open space shall maintain a minimum dimension of 30 feet in width, and shall front on a public street.

c. A maximum of 30% of the common open space shall be hardscape.

d. Required off-street parking may be provided on individual development sites for each residential structure within the cottage court, or in a shared parking area serving multiple residential structures. Common parking areas shall contain no more than ten spaces each and must be screened from abutting lots that are not part of the development. Parking shall not be located between principal structures and the street, or within any required common area.

F. Small unit bonus

1. Cottage court residential developments may be eligible for a development bonus in exchange for construction of small dwelling units as described in this section.

2. To be eligible, all dwelling units, including any dwelling units achieved through the bonus, shall be 800 square feet or less in floor area.

3. Bonus

a. The number of residential structures able to be developed as part of the overall cottage court residential development may be increased by 35%, but shall not exceed three bonus residential structures.

b. Residential structures achieved through the bonus shall meet the development standards of the cottage court development as set forth in item E above.

c. Residential structures achieved through the bonus are not included in the calculation of minimum total lot area required for the overall cottage court development, and do not count toward the maximum number of units in the development.

7.5 SUPPLEMENTAL DIMENSIONAL STANDARDS

7.5.1 Corner clearance

No shrub, wall, fence, sign, or pile of material higher than 3 1/2 feet above the lowest elevation at the curbline shall be permitted on a corner lot within the area of a triangle formed by a line connecting the curblines of the intersecting streets at points 25 feet from the corner, unless said obstruction is reviewed by the Public Works Authority and found not to be a traffic or public safety hazard.

7.5.2 Pedestrian passage required

A. Where a nonresidential or mixed-use building exceeds 300 feet in length along a public right-of-way, and abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a ~~parking lot,~~ public park, or other public open space on the side of the building opposite the street frontage, a pedestrian passage is required to provide a break in the ground-floor façade and facilitate mid-block connectivity. Such passage shall meet the following standards:

1. ~~General requirements~~

~~a.~~ Passages shall be designed to accommodate pedestrians. Vehicular



access and circulation shall not be allowed as a component of a passage.

~~b~~2. Passages shall be a minimum of 30 feet in width and 20 feet in height and shall be located within the middle third of the building, measured along the frontage.

~~c.~~ 3. Ground floor uses shall be oriented toward the passage, including public entrances.

4. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.

5. Passages shall be designed to maintain views from one end through to the other.

~~d~~6. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.

~~e~~7. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.

~~f~~8. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.

~~2. Passages in~~B. Where a nonresidential ~~and~~or mixed-use ~~buildings~~

~~a. Ground floor uses shall be oriented toward the passage, including public entrances.~~

~~b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.~~

~~3. Passages in residential buildings~~

~~a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.~~

~~b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.~~

~~c. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage~~

~~B.~~ Where a building exceeds 300 feet in length along a public right-of-way, but does not abut two parallel frontages with pedestrian facilities as specified in item A above, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   ~~b. For nonresidential and mixed-use buildings,~~ b. Ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas,

landscaping, lighting, decorative elements, and public art.

e. For the purposes of any build-to zone requirement, a building recess meeting these standards is considered part of the building façade that meets such requirement.

~~**7.5.3 Supplemental dimensional standards for specific structures**~~

~~**A. Fences**~~

~~In residential zones, no wall or fence within 15 feet of the street shall be more than four feet in height, unless said fence is located in the side or rear yard.~~

~~**B. Swimming pools**~~

~~Outdoor swimming pools as accessory uses shall be subject to the following dimensional standards:~~

~~**1.** No swimming pool shall be sited in the front yard.~~

~~**2.** No part of any swimming pool shall be located closer than 10 feet from the principal structure, nor closer than 10 feet from side or rear lot lines.~~

~~7.6~~**C.** Where another means of meeting the City's connectivity goals may be preferable to providing a pedestrian passage as specified in this subsection, the Planning Board or Planning Authority may waive these requirements and approve an alternative design.

7.5.3 Towers

A. ~~**7.6.1**~~ **Purpose and applicability.**

~~**A.**~~ Portions of buildings extending above a height of 125 feet shall be considered towers, and are subject to additional standards to ensure their design minimizes encroachment into view corridors, ensures adequate provision of light and air to adjacent streets, trails, and open spaces, and enhances the visual richness and aesthetic appeal of the Portland skyline.

B. ~~**7.6.2**~~ **Stepback required**

1. ~~**A.**~~ Portions of buildings higher than 125 feet shall be stepped back a minimum of 30 feet from any street or public open space, with the following exceptions:

a. ~~**1.**~~ Structures subject to standards that require a stepback below 125 feet in height shall be exempt from providing additional stepback above 125 feet. This exemption applies regardless of the dimension of the required stepback at lower building heights.

b. ~~**2.**~~ Structures that voluntarily achieve a total stepback, below 105 feet in height of 20 feet or greater from any street or public open space, with at least one stepback occurring between 35 and 65 feet in height. No individual stepback used to meet this standard shall be less than ten feet in depth.

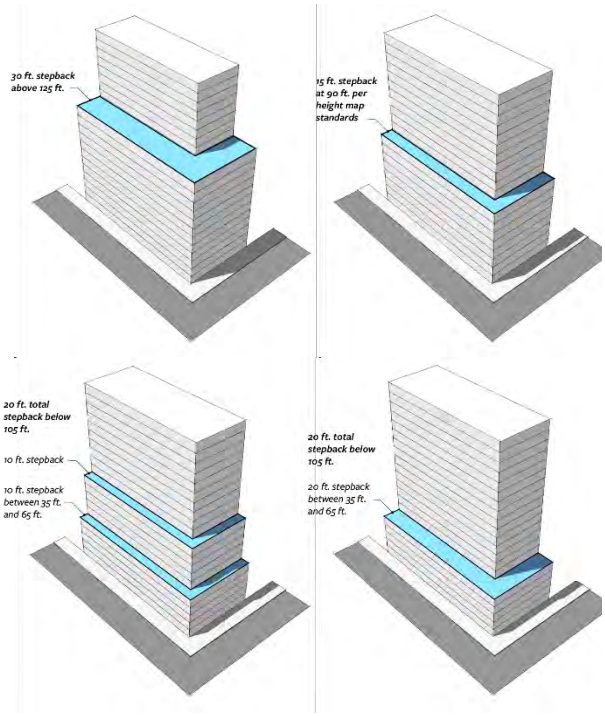

FIGURE 7-J: TOWER STEPBACK

2. ~~B.~~ Structures with multiple façades abutting a street or public open space are subject to the following:
   a. ~~1.~~ Structures with two façades subject to the required stepback must meet the standard as established in paragraph (A) above for both façades.
   b. ~~2.~~ Structures with three façades subject to the required stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The third façade shall either meet the standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the street frontage.
   c. ~~3.~~ Structures with four or more façades subject to the required stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The remaining building façades shall either meet the standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the street frontages.
3. ~~C.~~ The Planning Board shall have the authority to waive one or more of the required stepbacks provided that one of the following conditions is met:
   a. ~~1.~~ The depth of the building lot precludes a building having an average minimum lot depth dimension of 170 feet.
   b. ~~2.~~ The proposed building has an architecturally significant design that is articulated to avoid a monolithic appearance and emphasizes slender, vertically-oriented proportions while employing a variety of scales, materials, fenestration, and massing to assure a rich, visually interesting experience as viewed within the context of the downtown skyline and

provide visual interest and human scale at the pedestrian level.

4. ~~D.~~ In the event that the Planning Board grants a waiver for one or more of the required stepbacks, the Board may require the applicant to mitigate the impacts of the waiver by requiring any or all of the following conditions:
   a. ~~1.~~ Along all public street frontages and public open spaces, all buildings (regardless of height) shall maintain a pedestrian scale through the use of building elements at the street level as listed in this standard along no less than 60% of the building's horizontal length.
   b. ~~2.~~ Along all public street frontages and public open space for the building(s) over 125 feet, a canopy, awning, or similar permanent architectural feature to provide pedestrian protection and wind mitigation shall be provided within the first 35 feet of height.
   c. ~~3.~~ The applicant shall demonstrate that building design elements and location will reasonably mitigate downdraft effects of the proposed building or buildings.

~~7.6.3.~~ **Tower floor plates**

C.~~A.~~. To minimize shadow and wind impacts, loss of views, and to allow for the passage of light and air into interior spaces, those portions of a building above 125 feet in height are limited to a maximum floor plate of 10,000 square feet.

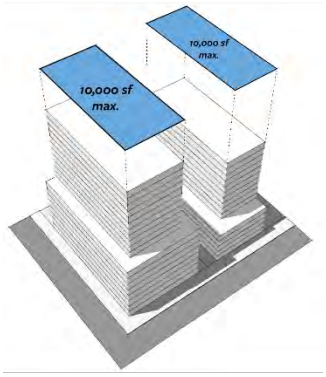

FIGURE 7-K: TOWER FLOOR PLATES

D. ~~7.6.4~~ **Tower separation.** In order to preserve view corridors and to maintain a varied skyline, the following tower separation requirements apply~~.~~:
1. ~~A.~~ All portions of buildings above 125 in height shall provide a minimum of 35 feet of setback from side and rear lot lines when abutting another tower.
2. ~~B.~~ Towers within a single development site shall be separated to avoid the appearance of a tall, solid block massing ~~as follows:~~.
3. ~~1.~~ All portions of buildings above 125 feet in height shall be separated a minimum distance of 75 feet, measured parallel to any applicable street frontage.
4. ~~C.~~ On development sites of 500 feet or greater as measured parallel to Marginal Way, the aggregate building façade widths above 85 feet shall not exceed 50% of the total development site distance parallel to

Marginal Way. Buildings over 125 feet in height that are being reviewed as separate phases ~~of a master development plan~~ shall be entitled to meet the 50% building requirement in aggregate for all such buildings over 125 feet in height ~~in the master development plan~~, provided that view corridors are retained as each phase is built.

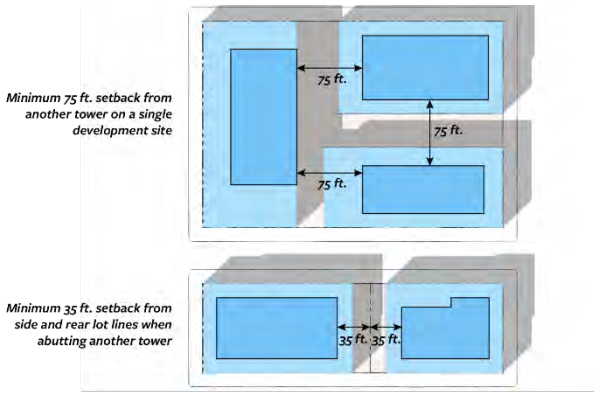

FIGURE 7-L: TOWER SEPARATION

E. ~~7.6.5~~ Architectural cap allowance

1. ~~**A.**~~ A tower may extend up to 40 feet above the designated height limit for the purpose of enclosing rooftop appurtenances, and providing a distinctive architectural cap that adds visual interest to the Portland skyline. This does not apply to towers in the B-3 zone located north of Cumberland Avenue.

2. ~~**B.**~~ No habitable floor area shall be created within the building envelope provided by an architectural cap, unless the following standards are met:

a. ~~1.~~ A minimum of 50% of such habitable floor area is devoted exclusively to one or more uses open to the public, such as a restaurant, atrium, or viewing area.

b. ~~2.~~ The primary design intent and expression of the architectural cap shall determine whether additional floor area is created. Such floor area should be clearly incidental to the design expression, rather than a continuation of floor plates found below the architectural cap.

7.5.4 Supplemental dimensional standards for specific structures

A. Fences. In residential zones, no wall or fence within 15 feet of the street shall be more than four feet in height, unless said fence is located in the side or rear yard.

B. Swimming pools. Outdoor swimming pools as accessory uses shall be subject to the following dimensional standards:

1. No swimming pool shall be sited in the front yard.

2. No part of any swimming pool shall be located closer than 10 feet from the principal structure, nor closer than 10 feet from side or rear lot lines.

7.6 SPACE AND BULK EXCEPTIONS

7.~~7~~6.1 Height

A. Exceptions to minimum height requirements in any zone. Minimum height requirements in any zone shall not apply to the following:

1. Accessory building components and structures such as truck loading docks,

covered parking, mechanical equipment enclosures and refrigeration units.

2. Information kiosks, ticketing booths, parking attendant booths, or bank remote teller facilities.
3. Structures accessory to parks or plazas.
4. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures, and other similar structures.

B. **Exceptions to minimum height requirements in the B-3 zone.** Minimum height provisions as depicted on the City of Portland Height Map shall not apply to:

1. Additions to buildings existing as of June 4, 2007 provided that the cumulative additions since June 4, 2007 do not exceed 10% of the building footprint on June 4, 2007, except building additions on those portions of the lot located closer to the street line than the building footprint existing as of June 4, 2007 shall not be included in this 10% limitation.
2. Buildings or building additions of less than 2,500 square feet footprint, on lots or available building sites of less than 3,000 square feet.

C. **Exceptions to minimum height requirements in the B-6 zone.** Minimum height provisions as depicted on the B-6 Building Height Overlay and Building Envelopes map shall not apply to:

1. Buildings located in the area east of ~~the Fore Street Connector.~~Freedom Way.
2. Parking garages.
3. Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 do not exceed 25% of the building footprint on December 8, 2004, except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of December 8, 2004.
4. Buildings or building additions of less than 2,000 square feet footprint on lots or available building sites of less than 2,000 square feet.

D. **Exception for public art.** Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the public art collection pursuant to Article 2~~0~~1 shall not be subject to the height limitations within the underlying zone.

E. **Exceptions for rooftop appurtenances.** Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, access vestibules, tanks, fans, or other building operating equipment not intended for human occupancy, pedestal paver systems and decks up to 18 inches in height above the surface of the roof, deck railings or guards, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Unenclosed shade structures covering up to 200 square feet in floor area, and other appurtenances associated with rooftop occupancy may be



erected to a height not exceed ten feet above the surface of the roof.

F. Exception for telecommunication towers. Where permitted, ground-mounted telecommunication towers may be erected above the height limitations within the underlying zone.

G. Exception for accessory structures integral to principal uses in the I-L, I-Lb, I-M, I-Mb, and I-H zones. Where an accessory structure is integral to the operation of a principal use in the I-L, I-Lb, I-M, I-Mb, or I-H zone, such structure shall not be subject to the height maximums for the zone. Such accessory structures may include smokestacks, chimneys, cooling towers, water towers, and similar features.

7.~~7~~6.2 Minimum building length as a percentage of street frontage

A. Additions to existing buildings

1. In the B-2b, additions to buildings existing as of ~~<<~~the effective date~~>>~~ of this Code that do not cumulatively exceed 50% of the building footprint as of ~~<<~~the effective date~~>>~~ of this Code are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.
2. In the B-3, B-5, B-6, TOD-1, and TOD-2 zones, additions to buildings existing as of ~~<<~~the effective date~~>>~~ of this Code that do not cumulatively exceed 25% of the building footprint as of ~~<<~~the effective date~~>>~~ of this Code are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.

B. In the B-6 zone. Buildings located in the area east of ~~the Fore Street Connector~~Freedom Way shall be exempt from the minimum building length requirement.

C. Lots with multiple street frontages. Where a minimum building length as a percentage of street frontage applies to a lot with multiple street frontages, the street with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages, the second frontage shall meet a reduced standard of 40%. If there are more than two frontages, there is no minimum requirement for any frontage beyond the two with the highest traffic volumes.

7.~~7~~6.3 Lot area

A. Small island lots. ~~To address residentially zoned areas on Peaks Island that were developed as small lots, the following standards shall apply. These standards apply only to lots in the IR-2 zone on Peaks Island.~~

1. Existing developed and undeveloped lots in the IR-2 zone on Peaks Island that do not meet the 20,000 square foot minimum lot area standard ~~and are in residential use~~ as of ~~<<~~the effective date~~>>~~ of this Code shall be deemed to be small island lots, subject to modified lot area, street frontage, setback, and lot coverage requirements for residential uses. These standards apply only to lots in the IR-2 zone on Peaks Island.

2. The standards for small island lots ~~may be used for single-family and two-family~~shall apply to existing residential uses ~~only.~~

~~3. A single-family or two-family dwelling may be built using~~as well as new residential development on qualifying lots. The small island lot ~~dimensional requirements~~standards shall not apply to lots in nonresidential use or to nonresidential development in ~~accordance with~~ the ~~following:~~IR-2 zone.

3. A new dwelling may be built on a~~.~~ small island lot subject to modified dimensional standards, provided that the lot is currently vacant, ~~is~~in residential use, used exclusively for parking, or contains structure(s) not used for residential purposes.

~~b. The lot has been~~ 4. New small island lots may only be created ~~from~~by a single lot division of ~~a developed~~an existing lot~~, and results in a lot meeting the small island lot dimensional requirements~~, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional small island lots is prohibited.

5. Lots created as part of a cottage court development in the IR-2 zone shall not be considered small island lots, and shall be subject to the standards for cottage court development.

B. Residential lots not served by public sewers. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S. § 4807 et seq., or the applicable minimum lot area, whichever is larger.

7.~~7~~6.4 Setbacks

A. Permitted encroachments into required setback areas~~.~~

1. Any setback may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed 50 square feet nor the projection from the building exceed six feet. A basement bulkhead of similar size, but not more than 24 inches in height, is also permitted. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may encroach into any required setback a distance of not more than two feet.
2. Ground-mounted and building-mounted mechanical equipment may encroach into a required side or rear setback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters. This allowance does not include window-mounted or through-the-wall air conditioning units.

B. Build-to zone exceptions

1. Limited access roads are not considered street frontages for the purposes of build-to zone requirements, and are exempt from build-to zone standards.
2. Build-to zone requirements shall not apply to utility substations, alternative energy



installations, and secondary building components such as truck loading docks, mechanical equipment enclosures, and refrigeration units.

3. The Planning Board or Planning Authority may approve a different front setback or build-to zone for irregularly shaped lots provided the front setback or build-to zone is met to the maximum extent practicable.
   a. In the mixed-use and transit-oriented development zones, where buildings are set back more than 10 feet from a lot line abutting a street, or in the B-4 zone where buildings are set back more than 20 feet from a lot line abutting a street, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by the City arborist, and a combination of landscaping no less than four feet deep, ornamental brick or stone walls, or ornamental fencing.
4. In the B-3 zone, the Planning Board may require or approve an alternative build-to zone to comply with the design standards of Article 13~~4~~ and the City of Portland Design Manual.
5. Where build-to zone requirements apply to a lot with multiple street frontages, the two streets with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages and a corner, buildings shall be sited at the street corner and both frontages shall meet the required build-to zone. In the case of a lot with three or more street frontages encompassing two or more corners, buildings shall be ~~cited~~sited at the corners, and the two streets with the highest traffic volume shall meet the established standard. Build-to zone requirements shall not apply to any frontage beyond the two with the highest traffic volumes.
6. In the B-6 zone, build-to zone requirements do not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the City of Portland Height Map. Buildings located in the area east of ~~the Fore Street Connector shall~~Freedom Wayshall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.
7. Build-to zone requirements shall not apply to additions to existing buildings as follows:
   a. Build-to zone requirements shall not apply to vertical additions to existing

buildings to meet minimum height requirements.

b. In the B-1, B-2, and B-2b zones, build to zone requirements shall not apply to additions to buildings existing as of ~~<<~~the effective date~~>>~~ of this Code that do not cumulatively exceed 50% of the building footprint as ~~of~~ ~~<<~~the effective date~~>>~~ of this Code. However, any such additions shall increase conformity with the standards to the extent practicable.

c. In the B-4, B-5, B-6, TOD-1, and TOD-2 zones, build to zone requirements shall not apply to additions to buildings existing as of ~~<<~~the effective date~~>>~~ of this Code that do not cumulatively exceed 25% of the building footprint as of ~~<<~~the effective date~~>>~~ of this Code. However, any such additions shall increase conformity with the standards to the extent practicable.

C. Minimum setback exceptions for nonconforming lots ~~of record~~

1. In the case of a nonconforming lot ~~of record~~ existing as of June 5, 1957 in the RN-1, RN-2, RN-3, RN-4, and RN-5 zones and less than 100 feet deep, the front setback need not be deeper than 20% of the depth of the lot.

2. In the case of a nonconforming lot ~~of record~~ existing as of June 5, 1957 in a residential zone, the required side setback for principal structures may be reduced in order to provide a buildable width of up to 24 feet as follows:

a. RN-1: No side setback shall be reduced to less than 10 feet.

b. RN-2, RN-3: No side setback shall be reduced to less than 5 feet.

c. RN-4: One side setback may be reduced to ~~0~~zero feet, provided the other shall be reduced to not less than 5 feet. A permanent maintenance easement a minimum of 5 feet in width shall be provided on the parcel adjacent to the lot line with the ~~0 feet~~zero foot setback.

7.~~7~~6.5 Stepbacks

A. Permitted encroachments into required stepbacks~~.~~

1. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may project into any required stepback a distance of not more than two feet.

2. Building mounted mechanical equipment may encroach into a required stepback by no more than 50% of the width of such required stepback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment.

~~7.~~7.6.6 Street frontage

In the IR-1 and IR-2 zones, a lot ~~of record~~ that is buildable pursuant to Subsection 4.3.1 and lots created after July 15, 1985, which are not part of a



subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of 16 feet and a minimum travel width of eight feet except that an easement or right-of-way providing access for three or more lots or providing the only means of access to a parcel or parcels of three acres or more, shall meet the construction requirements of Chapter 25, Article III of the City of Portland Code of Ordinances. In the IR-1 zone, such easement or right-of-way shall conform to the requirements contained within the City of Portland Technical Manual. In the IR-2 zone, such easement or right-of-way shall be a minimum of 32 feet wide. Such easement or right-of-way shall be sufficient to permit municipal service delivery.

7.~~7~~6.7 Additions to and/or relocations of designated historic structures

Additions to and/or relocations of designated historic structures or structures determined by the Historic Preservation Board to be eligible for such determination shall not be required to meet minimum building height, or minimum building length standards.

Portland, ME

Height Map

Max. Height (ft)

- 35 ft
- 45 ft
- 55 ft
- 65 ft
- 85 ft
- 105 ft
- 125 ft
- 180 ft
- 250 ft
- 325 ft

Maximum Street Wall Height(ft)

- 50' max. street wall height with 15' stepback
- 90' max. street wall height with 15' stepback
- 50' max. street wall height with 30' stepback
- 90' max. street wall height with 30' stepback

Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30 ft.) are acceptable.

No new construction of any building shall be less than 35 ft. in height within 50 ft. of any street frontage. See Land Use Code for exceptions.

Maximum street wall height within the B-3 zone is 65 ft. unless otherwise noted.

Boundary offsets are from street centerline unless otherwise noted.

No rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above. shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

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See B-6 Building Height Overlay & Building Envelopes Map

Thompson's Point

Commercial/Danforth

100' offset

50' offset from parcel line

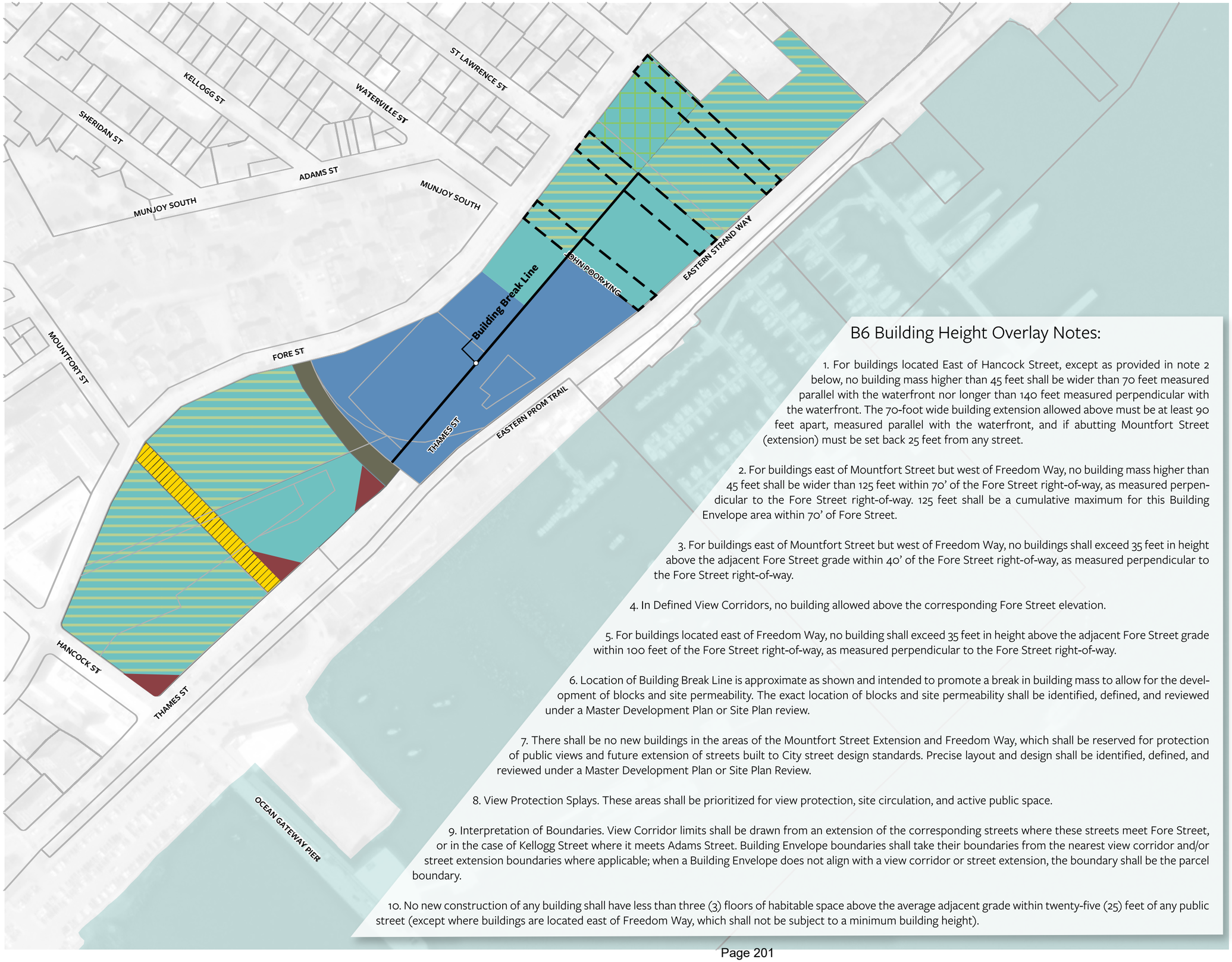
40' offset from parcel line

65' offset from parcel line

30' offset from parcel line

Portland, ME

B-6 Building Height Overlay & Building Envelopes Map



35 ft max

45 ft max

45 ft max with 55 ft extentions

45 ft max with 65 ft extentions

Monfort Street Extension

View Corridor

Freedom Way

View Protection Splays

B6 Building Height Overlay Notes:

1. For buildings located East of Hancock Street, except as provided in note 2 below, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70-foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.

2. For buildings east of Mountfort Street but west of Freedom Way, no building mass higher than 45 feet shall be wider than 125 feet within 70' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way. 125 feet shall be a cumulative maximum for this Building Envelope area within 70' of Fore Street.

3. For buildings east of Mountfort Street but west of Freedom Way, no buildings shall exceed 35 feet in height above the adjacent Fore Street grade within 40' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.

4. In Defined View Corridors, no building allowed above the corresponding Fore Street elevation.

5. For buildings located east of Freedom Way, no building shall exceed 35 feet in height above the adjacent Fore Street grade within 100 feet of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.

6. Location of Building Break Line is approximate as shown and intended to promote a break in building mass to allow for the development of blocks and site permeability. The exact location of blocks and site permeability shall be identified, defined, and reviewed under a Master Development Plan or Site Plan review.

7. There shall be no new buildings in the areas of the Mountfort Street Extension and Freedom Way, which shall be reserved for protection of public views and future extension of streets built to City street design standards. Precise layout and design shall be identified, defined, and reviewed under a Master Development Plan or Site Plan Review.

8. View Protection Splays. These areas shall be prioritized for view protection, site circulation, and active public space.

9. Interpretation of Boundaries. View Corridor limits shall be drawn from an extension of the corresponding streets where these streets meet Fore Street, or in the case of Kellogg Street where it meets Adams Street. Building Envelope boundaries shall take their boundaries from the nearest view corridor and/or street extension boundaries where applicable; when a Building Envelope does not align with a view corridor or street extension, the boundary shall be the parcel boundary.

10. No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty-five (25) feet of any public street (except where buildings are located east of Freedom Way, which shall not be subject to a minimum building height).

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City of portland

8 OVERLAY ZONES

~~8.1 COMPACT URBAN RESIDENTIAL OVERLAY (R-7)~~

8.1 ~~8.1.1~~ COASTAL FLOOD RESILIENCE OVERLAY ZONE (CFROZ)

8.1.1 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* and housing plans of the City of Portland. Suitable sites 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 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 *New Vision for Bayside* plan, other peninsula R-6 locations characterized by moderate- to high-density multi-family housing in a form and density exceeding that allowed in the R-6 zone and where infill development opportunities exist, and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to apply the R-7 Overlay Zone through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.~~

TABLE 8-A: R-7 DIMENSIONAL STANDARDS		
Lot area (min.)		None
Street frontage (min.)		None
Setbacks (min.)	**Front**	None
	Rear and side	5 ft.
	Side yard on side street	None
Lot coverage (max.)		100%
Lot area per dwelling unit (min.)		435 SF
Structure height (max.)		50 ft.
Dwelling unit size (min.)		400 SF

~~8.1.2 Permitted Uses~~

~~Permitted uses in the R-7 Compact Urban Residential Overlay Zone shall be the uses permitted in the R-6 zone.~~

~~8.1.3 Dimensional standards~~

~~Residential uses shall comply with the dimensional requirements in Table 8-A. All other uses in the R-7 zone shall observe the dimensional requirements of the R-6 zone.~~

~~8.1.4 Design standards~~

~~Residential development shall be reviewed by the Planning Board under Article 14. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences~~

~~should include design elements that enhance the streetscape and address the street.~~

~~**A.** Porches and bays should face the street.~~

~~**B.** Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.~~

~~**C.** The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood.~~

~~**D.** The facade shall be varied and articulated to provide visual interest to pedestrians.~~

~~**E.** The design shall reinforce the public realm of the public open space, sidewalks, and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details.~~

~~**F.** The design shall provide visual and acoustical privacy between units.~~

~~**G.** The design shall maximize natural light and ventilation within units.~~

~~8.2 DOWNTOWN ENTERTAINMENT OVERLAY~~

~~8.2.1 Purpose~~

~~The purpose of the Downtown Entertainment Overlay Zone is to regulate the location of businesses with entertainment licenses in order to maintain and improve public safety and the quality of life of Portland residents by preventing an over-concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other. These problems include large late-night crowds within which fights and assaults, disorderly conduct and other breaches of the peace occur and that are difficult to effectively police and that expose not only innocent bystanders but also police officers to danger and personal injury.~~

The purpose of the Coastal Flood Resilience Overlay Zone (CFROZ) is to protect persons and structures from the adverse effects of sea level rise and storm surge associated with climate change by:

A. Advancing adaptation strategies for long-term resilience.

B. Complementing public realm resilience measures by guiding development on private property.

C. Mitigating flood risks in a way that is specific to Portland's unique hydrological conditions and affected uses, particularly in areas that are not currently recognized as flood zones but are vulnerable to future sea level rise.

D. Providing a balanced framework in which flood protection requirements are proportional to the vulnerability and risks of various occupancies.

8.1.2 Applicability

~~For the purposes of this section, the Downtown Entertainment Overlay Zone includes and is defined by the boundaries of the following zones as shown on the Downtown Entertainment Overlay Zone map: the B-3, B-3c, and WCZ zones. Any~~ The provisions of the CFROZ shall apply to property ~~that lies partly~~or proposed projects wholly or partially within the ~~Downtown Entertainment~~boundaries of the Coastal Flood Resilience Overlay Zone ~~shall be subject to the regulations of the overlay.~~

~~8.2.2 Dispersal requirement~~

~~A business with an entertainment license~~ as ~~required or authorized by Chapter 4, Section 4-51(a) of~~depicted on the City of Portland ~~Code of Ordinances~~Zoning Map. However, property or proposed projects within the ~~Downtown Entertainment Overlay Zone may not be~~ CFROZ boundary that are also located wholly or partially within ~~100~~special flood hazard areas with a BFE of 13 feet ~~of another business with an entertainment license, as measured along or across public ways from the main entrance or entrances of each.~~

~~8.2.3 Exemption~~

~~A business with an entertainment license located~~ or higher as defined in ~~the Downtown Entertainment Overlay Zone on or before January 3, 2006 shall not have to comply with the requirements of this section and if located within 100 feet of another licensee shall be considered a nonconforming use controlled by~~ Article ~~4. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under Subsection 8.2.3 for a new or relocating entertainment business in the Downtown Entertainment Overlay Zone.~~12 shall be exempt from the provisions of the CFROZ.

~~FIGURE 8-A: FORT SUMNER PARK OVERLAY PERMISSIBLE HEIGHT~~

~~H. A business with an entertainment license that does not allow amplified entertainment shall not have to comply with the dispersal requirement of Subsection 8.2.3.~~

~~8.2.4 Separate business entities~~

~~Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks, or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purpose of this section.~~

~~8.2.5 Conditions~~

~~Following a hearing held pursuant to Chapter 15, Section 15-10 of the City of Portland Code of Ordinances, the City Clerk may impose conditions to maintain or improve public safety on the food service license of any business in the Downtown Entertainment Overlay Zone that operates between 1:00 a.m. and 4:00 a.m., following a written recommendation from the Portland Police Department that such conditions are necessary. The City Clerk's decision may be appealed to the City Manager pursuant to Chapter 15, Section 15-9 of the City of Portland Code of Ordinances. Nothing in this section shall be construed to limit the City Clerk's authority in Chapter 15 to deny, suspend, or revoke any license pursuant to the standards and process in that chapter.~~

8.1.3 Relationship to underlying zoning

The CFROZ constitutes an overlay zone. The provisions of the underlying zoning, as they may be amended from time to time, continue to apply, except as expressly superseded by this Section. Where conflicts exist between this Section and the remainder of this Code, the more restrictive provision shall govern.

8.1.4 Use classifications

A. For the purposes of this Section, uses in the CFROZ shall be classified as follows:

1. *Critical uses.* Critical uses generally include residential, governmental, educational, medical, emergency, and related high-risk uses.

2. *Non-critical uses.* Non-critical uses generally include retail, restaurant, commercial, and related medium-risk uses.

3. *Exempt uses.* Exempt uses generally include low risk and low occupancy uses such as parking, construction yards, and storage.

B. Table 8-A shall determine whether a use is classified as critical, non-critical, or exempt. For uses not listed in Table 8-A, the Building Authority or the Planning Authority shall determine the classification based upon the most nearly comparable land use. Water-dependent uses shall be considered exempt.

C. All accessory uses shall be considered non-critical, with the following exceptions:

1. Accessory dwelling units

2. Child care centers and small child care facilities greater than 1,000 square feet in floor area.

3. Clinics greater than 1,000 square feet in floor area.

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Residential	Single-family dwellings	●		
	Two-family dwellings	●		
	Three-family dwellings	●		
	Four-family dwellings	●		
	Townhouse dwellings	●		
	Multi-family dwellings	●		
	Live/work dwellings	●		
	Group homes	●		
	Lodging houses	●		
Institutional	Child care centers + small child care facilities	●		
	Clinics	●		
	Cultural facilities	●		
	Elementary, middle, and secondary schools	●		
	Emergency shelters	●		
	Governmental uses	●		
	Hospitals	●		
	Places of assembly	●		
	Post-secondary schools	●		
	Residential care facilities (small)	●		
	Residential care facilities (large)	●		
Commercial	Adult business establishments		●	
	Animal-related services		●	
	Auto, boat, and related dealerships		●	
	Auto service stations			●
	Bars		●	
	Bed and breakfasts	●		
	Exhibition, meeting, and convention halls		●	
	Funeral homes		●	
	General offices		●	
	General services		●	
	Greenhouse/Nursery, retail			●
	Hostels	●		
	Hotels	●		
	Marijuana retail store		●	
	Market garden			●

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Commercial	Neighborhood nonresidential reuse		●	
	Office park		●	
	Recreation and amusement centers		●	
	Registered marijuana dispensary		●	
	Restaurants		●	
	Retail		●	
	Small-scale marijuana caregiver		●	
	Specialty food service		●	
	Theaters and performance halls		●	
	Veterinary services		●	
Industrial	Communication studios		●	
	Construction & engineering services		●	
	Dairies			●
	Fish waste processing		●	
	Food & seafood processing, packing, and distribution		●	
	High-impact industrial uses		●	
	Impound lots			●
	Intermodal transportation facilities		●	
	Laboratory and research facilities		●	
	Low-impact industrial		●	
	Lumber yards			●
	Marijuana cultivation facility (<2,000 SF plant canopy)			●
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	
	Marijuana cultivation facility (>7,000 SF plant canopy)		●	
	Marijuana manufacturing facilities		●	
	Marijuana testing facilities		●	
	Printing and publishing		●	
	Recycling facilities			●
	Self-storage		●	
	Solid waste disposal facilities			●
	Studios for artists and craftspeople		●	
	Telecommunication towers (ground-mounted)			●
	Warehousing and distribution		●	

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Other	Agriculture			●
	Boathouses and storehouses for fishing equipment			●
	Campgrounds			●
	Cemeteries			●
	Marinas and yacht clubs			●
	Marine uses			●
	Off-street parking			●
	Parks and open spaces			●
	Social service centers	●		
	Solar energy system (minor)			●
	Solar energy system (major)			●
	Utility substations	●		
	Wharves, piers, docks, and landing ramps			●
	Wind energy system (minor)			●
	Wind energy system (major)			●

8.1.5 Projects subject to the standards of the CFROZ

A. Any development located within the established boundary of the CFROZ, and which meets the thresholds listed below, shall be subject to the standards of the CFROZ.

1. All new construction containing a critical use or uses.
2. New construction of greater than 1,000 square feet containing non-critical uses only.
3. Any addition of greater than 1,000 square feet containing critical or non-critical uses.

B. Where a change of use occurs within the CFROZ, all portions of a building containing a critical use and the critical systems supporting such use shall meet the CFROZ standards. Changes of use to non-critical uses shall not require compliance with the CFROZ standards.

C. Structures within the CFROZ that are 50,000 square feet or greater in gross floor area and undergoing substantial improvement are required to meet the CFROZ standards when they contain a critical use or uses. For the purposes of this subsection, substantial improvement shall be as defined in Article 12.

8.1.6 Use and dimensional requirements

A. Sea level rise design flood elevation (SLR-DFE). The required SLR-DFE shall be determined by use classification. For mixed-use developments that contain uses in different classifications sharing a ground floor, each use shall be addressed independently.

1. *Critical uses.* The SLR-DFE for all critical uses (SLR-DFE-C), including the critical systems serving such uses, shall be a minimum of one foot above SLR-BFE, as defined in Article 3. In a proposed project containing critical uses, the following building and site elements are permitted to be located below the SLR-DFE:
   a. Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
   b. Parking.
   c. Storage.
   d. Flood protection equipment.
2. *Non-critical uses.* The SLR-DFE for non-critical uses (SLR-DFE-NC), including the critical systems serving those uses, shall be no lower than two feet below SLR-BFE, as defined in Article 3. The minimum elevation of the underside of the beams supporting the second floor in a multi-story building, or the roof in a one-story building, shall be no less than 13 feet above SLR-BFE. In a proposed project containing non-critical uses, the following building and site elements are permitted to be located below SLR-DFE:
   a. Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
   b. Parking.
   c. Storage.
   d. Flood protection equipment.
3. *Exempt uses.* Exempt uses shall not be subject to dimensional requirements with respect to SLR-BFE.

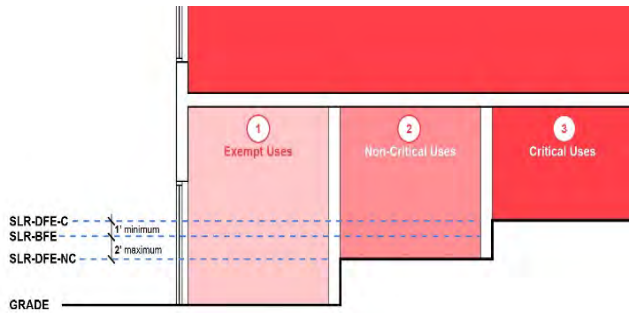


FIGURE 8-A: CFROZ USE CLASSIFICATIONS AND DESIGN FLOOD ELEVATION

B. **Building height.** Within the CFROZ, if a proposed project contains principal critical or non-critical uses on the ground floor, height shall be measured from the SLR-DFE or from average grade, whichever is higher.

C. **Exemptions for required ramping and stairs.** Ramping and stairs necessary to meet any required SLR-DFE may be included within the calculation of area required to meet landscaped open space ratio requirements, and shall not be included within the calculation of lot coverage. Ramping and stairs necessary to meet any required SLR-DFE may be located in any required front setback, interior or corner side setback, or rear setback, and in cases where build-to requirements apply, shall be considered to meet the build-to percentage.

D. **Hazardous materials.** Any hazardous materials shall be fully contained and elevated a minimum of two feet above SLR-DFE.

~~8.3~~8.2 FORT SUMNER PARK HEIGHT OVERLAY

~~8.3.1 Applicability~~

8.2.1 Purpose

The purpose of the Fort Sumner Park Height Overlay is ~~established~~ to protect the public interest by limiting the impact of development on the

quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park. ~~There is established~~

8.2.2 Applicability

A key apex point is established in Fort Sumner Park at 43° 40' 2.3359" N. 70° 15' 4.3687" W . The Fort Sumner Park Height Overlay includes all land within 200 feet~~, or the R-6 zone boundary, whichever is closer,~~ to the west of this key apex point ~~that is located closer to the middle line~~as indicated on the City of ~~Sheridan Street than said apex point.~~ Portland Zoning Map.

~~8.2.1~~8.2.3 Standards

Notwithstanding any other section of this Land Use Code, development in the Fort Sumner Park Height Overlay shall be subject to the following additional provisions:

A. The top of structures, including rooftop appurtenances, within the overlay shall not exceed the baseline vertical height of the apex point (160.27' City of Portland Datum (Mean Tide)). For each 25' radially away from the apex point, the vertical height permitted in the overlay is reduced by 1 foot. (See Figure 8-~~A~~B.)

B. The minimum building setback from the park property shall be 15 feet.

~~8.2.2~~8.2.4 Review process

Any project within the Fort Sumner Park Overlay shall go before the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Fort Sumner Park.

~~8.4 HELISTOP OVERLAY~~

~~8.4.1 Purpose~~

~~The intent of the Helistop Overlay is to allow for helicopter landing areas on individual sites in addition to those uses permitted in the underlying zone. The purpose of this zone is to protect the public health and safety by allowing helicopters serving medical needs to land in certain areas, while protecting surrounding areas from any negative effects associated with such a use.~~

~~8.4.2 Helistop standards~~

~~**A.** High volume helistops (more than five landings per month)~~

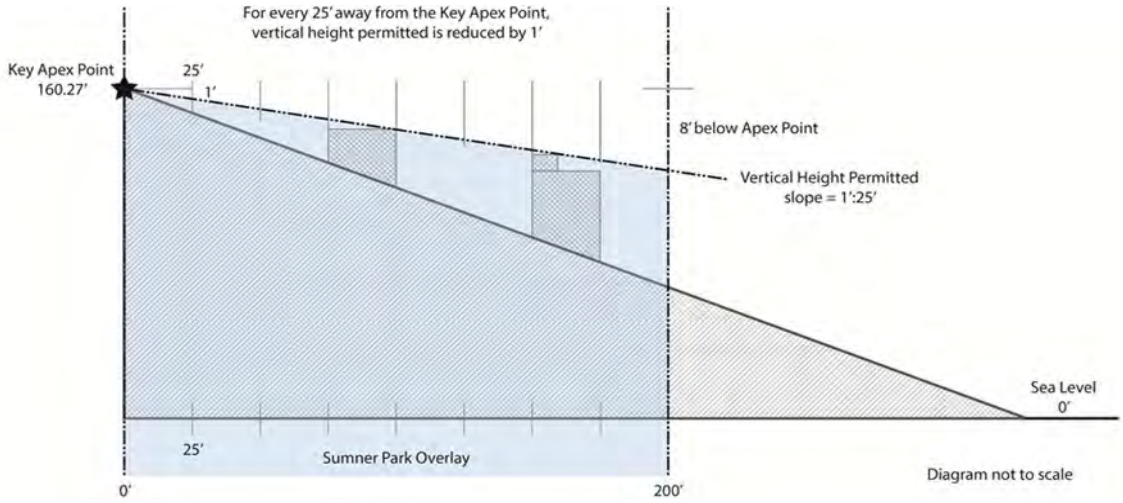


FIGURE 8-B: FORT SUMNER PARK OVERLAY PERMISSIBLE HEIGHT

1. All take-off, landing, and parking areas shall be surfaced with grass or with a dust-proof material.
2. Each landing pad shall be set back at least 200 feet from any residence, school or church. Each landing pad shall be set back at least 50 feet from any commercial or industrial structure. All setbacks shall be measured from the edge of the landing pad.
3. The area in which a landing pad is located shall be enclosed by a fence or other barrier of not less than three feet in height or shall be secured by a locked gate, as approved by the Fire Department.
4. All high-volume helistops shall be subject to review under Article 14.

B. Low volume helistops (five or fewer landings per month)

1. All low volume helistops shall be subject to approval by the Building Authority and the Fire Department.

8.58.3 INSTITUTIONAL OVERLAY (IOZ)

8.3.1 Purpose

The Institutional Overlay Zone (IOZ) designation provides a regulatory mechanismtool available to the city's five major medical and higher education campuses where an improvedalternative regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

A. Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow.

B. Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level.

C. Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions.

D. Support the formation and continuation of mutually beneficial public-private cooperation.

E. Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods.

F. Reflect Comprehensive Plan and other policy objectives.

G. Provide a consistent regulatory approach to alltool for Portland's major institutions which allows unique regulatory requirements that includes the flexibility required to balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

8.3.2 Location and applicability

The city's five major medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The eligible institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the three major academic institutions of University of Southern Maine and University of New England, and The Roux Institute at Northeastern University, their successors and assigns. Designation as an IOZ is the

~~preferred mechanism where the eligible institution's proposed development is inconsistent with the existing~~Use of an Institutional Overlay Zone is encouraged for these institutions, particularly where proposed future development may be inconsistent with current base zoning.

8.3.3 Establishment

A. Application for an Institutional Overlay Zone. Where ~~the~~an eligible institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

1. An Institutional Development Plan (IDP) in accordance with Subsection 8.~~5~~3.4.
2. A regulatory framework in accordance with Subsection 8.~~5.5 that would, when and~~3.5. If adopted, ~~be~~this framework shall serve as the text and map amendment to the City's Land Use Code and zoning map.

B. Required public involvement. At least two neighborhood meetings shall be required~~.~~ to establish designation as an IOZ. The first shall be held prior to the formal submission of a zone change application ~~for an Institutional Overlay Zone~~, and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and should solicit feedback to inform the ~~development of the~~ Institutional Development Plan (IDP) and regulatory framework proposed. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates, and shall maintain written records of the meetings.

C. Required scoping meeting. The eligible institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and regulatory framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and regulatory framework will vary in detail and focus depending on the eligible institution and its ~~particular~~ context. The content requirements in Subsections 8.~~5~~3.4 and 8.~~5~~3.5 and the recorded comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the eligible institution.

D. Reviewing authority. The Planning Board shall review the zone change application, including the IDP and regulatory framework. At least one public workshop and a public hearing before the Planning Board are required. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying regulatory framework as an amendment to the City's Code of Ordinances.

E. Future institutional development. All new development ~~by the eligible institution within the boundary of the IOZ~~ shall be compliant with the established IOZ and accompanying regulatory framework~~.~~. It shall also be consistent with the IDP, consistent with the Comprehensive Plan, and shall meet applicable site plan standards, unless such standards are

superseded by the regulatory framework. Any ~~use/~~development proposed by ~~the~~an eligible institution outside the established IOZ boundary ~~that complies with the zoning for permitted uses in that location~~ shall be reviewed under the standards of ~~that~~the applicable zone~~. Any use/development proposed by an eligible institution outside of the IOZ boundary that~~ , unless such development is proposed in a residential zone and is functionally related to the operations within the IOZ, in which case it shall be addressed by the IDP and require an amendment to the IDP~~.~~ as applicable.

8.3.4 Institutional Development Plan (IDP)

A. Purpose. Any use conducted by an eligible institution and any construction by an eligible institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ~~ordinance~~ section. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services, and to measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed regulatory framework and ~~frames~~informs subsequent site plan review(s).

B. Planning horizon. An IDP shall provide the City and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the eligible institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more). However, the specific planning horizons for each institution will be determined as part of the IDP approval process.

C. Content. The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required scoping meeting:

1. Context information, including:
   - **a.** The institution's adopted mission, vision, or purpose statement.
   - **b.** A summary of relevant baseline data on the institution, including:
     - **i.** A neighborhood context plan.
     - **ii.** An inventory of current programs and services.
     - **iii.** A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time.
     - **iv.** An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking).
     - **v.** An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.
   - **c.** A summary of the baseline characteristics of the existing campus and context of the institution, based

on identified study areas, including:

i. A summary of existing resources, such as historic, open space, and natural resources.

ii. A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization.

iii. A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues.

iv. Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.

d. A summary of public involvement in the development of the IDP, including major areas of public concern.

2. Assessment of future institutional growth and change, including:

a. A description of institutional needs and areas of future institutional growth and change, with:

i. A projected census of users (e.g., enrollment /employment/patient/ visitor figures and anticipated variations over time).

ii. Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus.

iii. A development plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.

b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the regulatory framework, including:

i. Transportation and access, with:

a) An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan.

b) An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety.

c) A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed

mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.

ii. Environment, with:

a) An analysis of potential cumulative impacts on natural resources and open spaces.

b) An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant.

c) An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.

iii. Infrastructure, with:

a) An analysis of projected public utility demand and the capacity of associated infrastructure.

b) An analysis of projected public safety needs and projected impacts to the capacity of these services.

c) An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

iv. Design, with:

a) An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources.

b) An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context.

c) An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development.

d) A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to



the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

v. Neighborhood engagement, with:

a) A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability.

b) A property management framework that identifies the institution's process for handling operational property issues with neighbors.

c) Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods.

d) A set of construction management principles to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

D. Standards of review. The IDP shall:

1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board.

2. Reflect the issues/topics identified in the required public process.

3. Demonstrate consistency with the City's Comprehensive Plan and the purpose of this ordinance.

4. Demonstrate how the property ownership, proposed growth, and requested regulatory framework relate to the institution's mission.

5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands.

6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.

7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated.

8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated.

9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric.

10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities.

11. Anticipate future off-site improvements that

would support the integration of the institution into the community and city-wide infrastructure.

12. Conform with the standards of Article ~~17~~16 for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within 100 feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity.
13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

E. Approval. Upon finding that an eligible institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

F. Monitoring. The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments.

G. Amendments. An approved IDP shall guide campus development unless and until amended. If at any time the eligible institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

8.3.5 Regulatory framework

A. Purpose. The regulatory framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and zoning map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

B. Applicability. The regulatory framework shall apply only to properties that are within the IOZ boundary and to which the eligible institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the regulatory framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the eligible institution shall continue to be governed by the regulations of the underlying zoning designation.

C. Uses. Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.

D. Content. The regulatory framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the ~~particular~~ issues associated with the institution and its neighborhoods. The regulatory framework should be succinct and use tables and graphics ~~as possible~~ to address the following, if applicable:

1. *Zoning boundary of the IOZ.* The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's zoning map).
2. *Phasing and schedules.* Requirements that relate to ~~particular~~ proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan).
3. *Uses.* Clarification, as necessary, on permitted uses.
4. *Dimensional requirements.* Graphics, sketches, or standards, including details for transition zones within the IOZ boundary.
5. *Transportation.* Elements such as Transportation Demand Management Plan (TDM) trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements.
6. *Environment.* The approach to the inclusion of open space and preservation of environmentally-sensitive areas.
7. *Mitigation measures.* The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection.
8. *Design.* Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity.
9. *Neighborhood integration.* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
10. *Monitoring.* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

E. Standards of review~~:~~. The regulatory framework shall:

1. Be consistent with the Comprehensive Plan and the Institutional Development Plan.
2. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews.
3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement.
4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

F. Approval/adoption. The Planning Board shall review the proposed regulatory framework against the standards of review and make a

recommendation on the institution's IOZ designation and regulatory framework to the City Council for adoption as part of this Land Use Code.

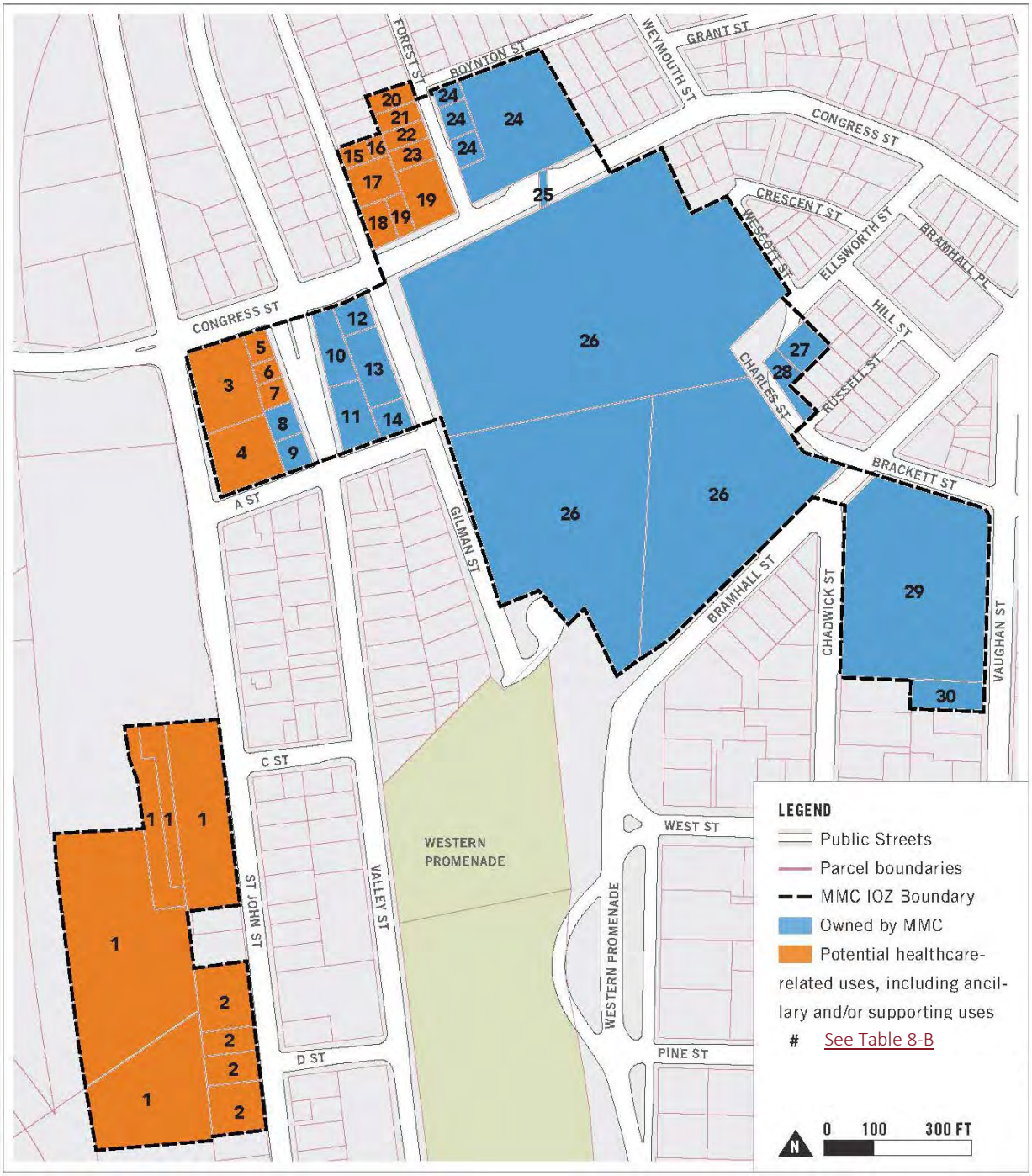
G. Amendments. A regulatory framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a regulatory framework and/or IOZ boundary may be brought forth by the City or eligible institution. Proposed amendments to the IOZ boundary or regulatory framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

8.3.6 Maine Medical Center Institutional Overlay Zone Regulatory Framework

A. Applicability. All development proposed by Maine Medical Center (MMC) within the boundary of the MMC Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by MMC within the IOZ unless amended by the Portland City Council upon formal application of MMC. The MMC Institutional Overlay Zone shall have the boundaries depicted in Figure 8-~~B, below~~C, and shall include the properties listed in Table 8-**B**.

B. Updates and amendments. It is intended that the IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, MMC shall identify any updates to the IDP which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhoods which affect MMC, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

1. Minor amendments that impact phasing of the long-term development blocks or change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. In addition to consistency with the objectives of the IDP, review of phasing and development program amendments shall focus on integration with the campus and impacts on transportation or infrastructure. This review may occur simultaneously with the site plan review of an anticipated project.
2. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
   a. A change to the regulatory framework is required.
   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community



Note: Refer to Table 8-C for a list of permitted uses.

FIGURE 8-~~B~~C: MMC IOZ BOUNDARY



TABLE 8-B: LIST OF PROPERTIES INCLUDED IN THE MMC IOZ

Map#	Legal Description	Address	Acreage	Ownership
1	64-A-2-8-9-11/74-A-7/75-A-6	222 St John St.	4.6516	Owned by others
2	68-D-1-3-13-14-16	180 St John St.	0.9494	Owned by others
3	65-G-1	950 Congress St.	0.4628	Owned by others
4	64-B-1	275 St John St.	0.4163	Owned by others
5	65-G-2	942 Congress St.	0.0659	Owned by others
6	65-G-3	940 Congress St.	0.0482	Owned by others
7	65-G-4	274 Valley St.	0.0667	Owned by others
8	65-G-5	268-270 Valley St.	0.0978	MMC
9	64-B-2	262-266 Valley St.	0.0895	MMC
10	65-H-1	932 Congress St.	0.1864	MMC
11	65-H-9	261 Valley St.	0.2185	MMC
12	65-H-2	930 Congress St.	0.1040	MMC
13	65-H-5	52 Gilman St.	0.2384	MMC
14	65-H-8	44 Gilman St.	0.1128	MMC
15	65-E-22	85 Gilman St.	0.0565	Owned by others
16	65-E-32	85 Gilman St.	0.0282	Owned by others
17	65-E-24	81 Gilman St.	0.1653	Owned by others
18	65-E-28	919 Congress St.	0.1059	Owned by others
19	65-E-29-30	909 Congress St.	0.3233	Owned by others
20	65-E-19	22 Forest St.	0.0826	Owned by others
21	65-E-21	18 Forest St.	0.0831	Owned by others
22	65-E-23	14 Forest St.	0.0826	Owned by others
23	65-E-25	12 Forest St.	0.0883	Owned by others
24	53-I-1-2-3-12	887 Congress St.	1.3400	MMC
25	53-X-1	Congress St. Pedestrian Walkway	---	MMC
26	53-D-7/54-H-1/64-C-1	22 Bramhall St.	12.563	MMC
27	54-C-6	34 Ellsworth St.	0.1341	MMC
28	54-C-10	40 Ellsworth St.	0.1155	MMC
29	54-I-1	308 Brackett St.	2.5200	MMC
30	63-B-8	214 Vaughan St.	0.1983	MMC

Notes:

Properties owned by MMC are listed under MMC or MMC Realty Corp.

MMC will not extend its functionally-related Bramhall campus hospital operations beyond the boundary of the IOZ within the City of Portland without further amendment to the IDP. This includes any expansion of functionally-related operations that displace residential uses outside of the IOZ boundary. A functional relationship is defined as uses or activities that are traditionally or customarily linked to the day-to-day operations of the MMC Bramhall Campus that would relocate a significant proportion of the total employee population or activities.

design, lighting).

~~d.~~c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and infrastructure plan intent identified in the IDP.

3. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
   a. A change to the regulatory framework is required.
   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).
   c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and infrastructure plan intent identified in the IDP.
4. Annual monitoring reports will be submitted for MMC's Transportation Demand Management (TDM) Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan.

C. **Uses.** In addition to the uses permitted in the underlying zone, the uses in Table 8-**C** are permitted as a matter of right. In recognition that MMC is part of a mixed-use area of the city, with important existing services and businesses that serve the local and wider community, healthcare facility development fronting onto Congress Street and St. John Street shall activate the public realm, to the extent able, with uses such as service and retail/restaurant, landscaping, active building entrances, pocket parks, etc., on the ground or other publicly accessible level, consistent with the design intent contained in the approved IDP. In areas identified in the IDP as "Priority zone for commercially oriented/retail uses," usable ground floor retail, restaurant, or

TABLE 8-C: PERMITTED USES

Healthcare facilities, including but not limited to the following ancillary and/or supporting uses:

- Hospital
- Medical Office/Clinic
- Laboratory Center / Services
- Research and Development (R&D) Laboratory or Facility
- Educational Facility / Conference Center
- Administrative / Business Office
- Accessory Service or Trade Uses
- Guest House
- Multi-family Housing for Healthcare Staff and Students
- Rehab / Skilled Nursing Facility
- Retail
- Restaurant/Cafe
- Employee Service Amenities
- Day Care Center
- Fitness Center or Gymnasium
- Parking Lot or Garage
- Bicycle Storage
- Heliport
- Antenna Station
- Outdoor use areas, such as green areas, parks, gardens, art installations, and other active and passive non-commercial recreation spaces

comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled "Street activation through location of windows, entrances, etc.," usable ground floor retail, restaurant, or community-oriented use is encouraged to the extent practicable. Such uses, where constructed or facilitated as part of a healthcare related development, are expressly permitted whether ancillary or supporting the healthcare facility or not, and shall be open and welcoming to the general public in addition to employees or visitors of MMC.

D. Dimensional requirements. The MMC Institutional Overlay Zone shall have the dimensional requirements listed in Table 8-D and depicted in Figures 8-C and 8-D.

E. Design. New buildings within the IOZ shall adhere to the Design Guidelines set forth in Chapter 5: Design of the IDP and the site plan standards of Article ~~14~~13.

F. Signs

1. At the time of first site plan review following IDP approval, a unified campus-wide signage plan shall be submitted for review and approval by the Planning Authority. Any update to such plan due to a change in name or logo shall not require amendment to the IDP.
2. Signs shall be designed in accordance with the campus-wide signage plan. All signs shall be designed in proportion and character with building facades and adjacent street typology. All signs shall be coordinated with the building and landscaping design and be constructed of appropriate permanent, high quality materials and finishes.

G. Transportation

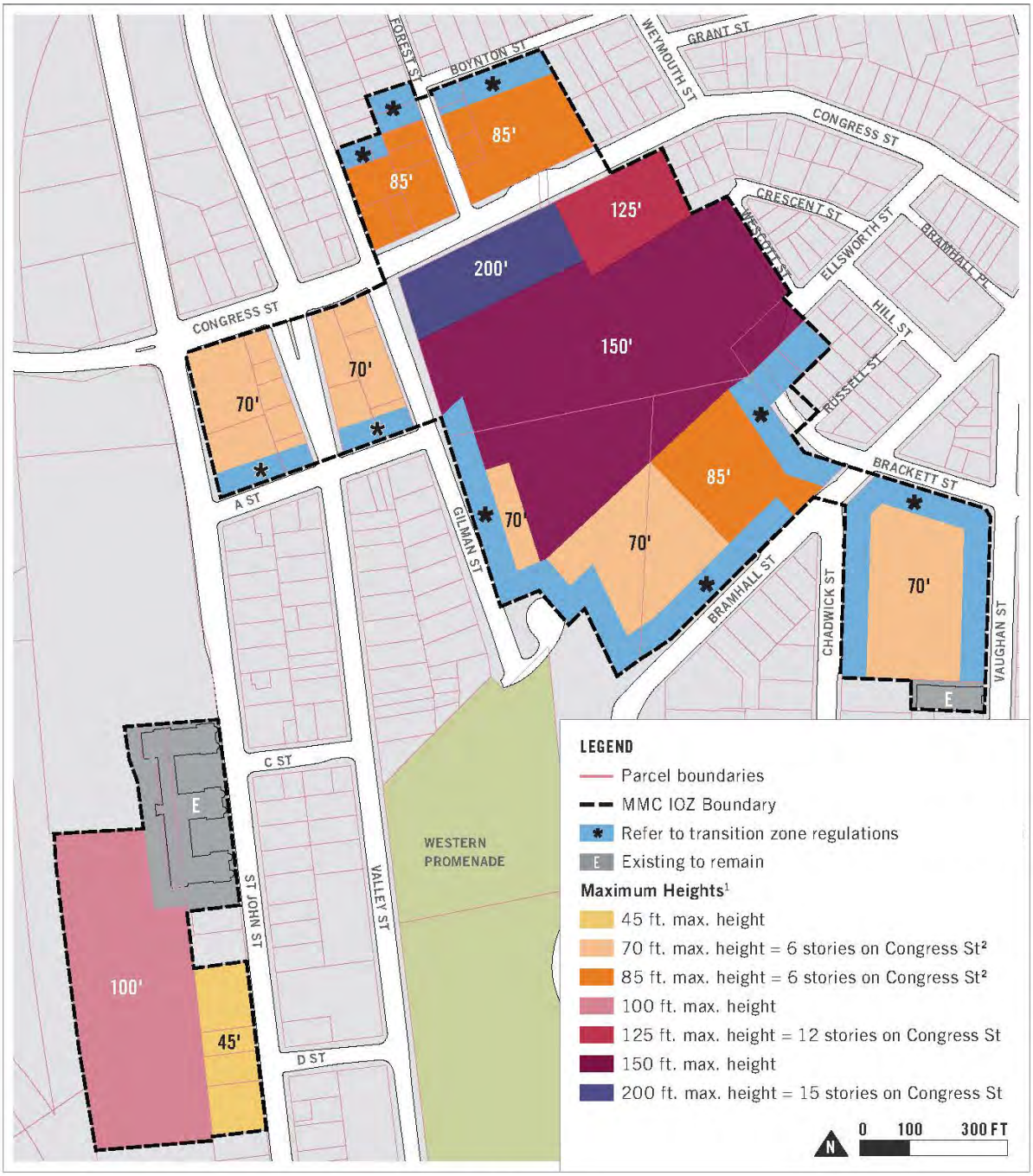
1. *Transportation Demand Management* (*TDM*)
   a. At the time of the first site plan review following IDP approval, MMC shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved Institutional Development Plan. The TDM Plan may be phased into short-, mid-, and long-term actions to allow for progressive implementation over time.
   b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from MMC by employees and visitors.
   c. The TDM Plan shall establish parking and trip reduction targets associated with the short-term (0-2 years), mid-term (2-5 years), and the long-term (5+ years), as well as a data collection plan.
2. *Parking*. Parking requirements in the IOZ shall be established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand and supply. The parking demand study shall determine parking requirements and shall be sufficient to alleviate parking pressure on surrounding neighborhoods. Parking studies developed by MMC shall integrate parking and trip reduction achievements and data contained in the TDM Plan.

Environment. Development proposed by MMC shall be designed to integrate with the

TABLE 8-D: MMC IOZ DIMENSIONAL REQUIREMENTS

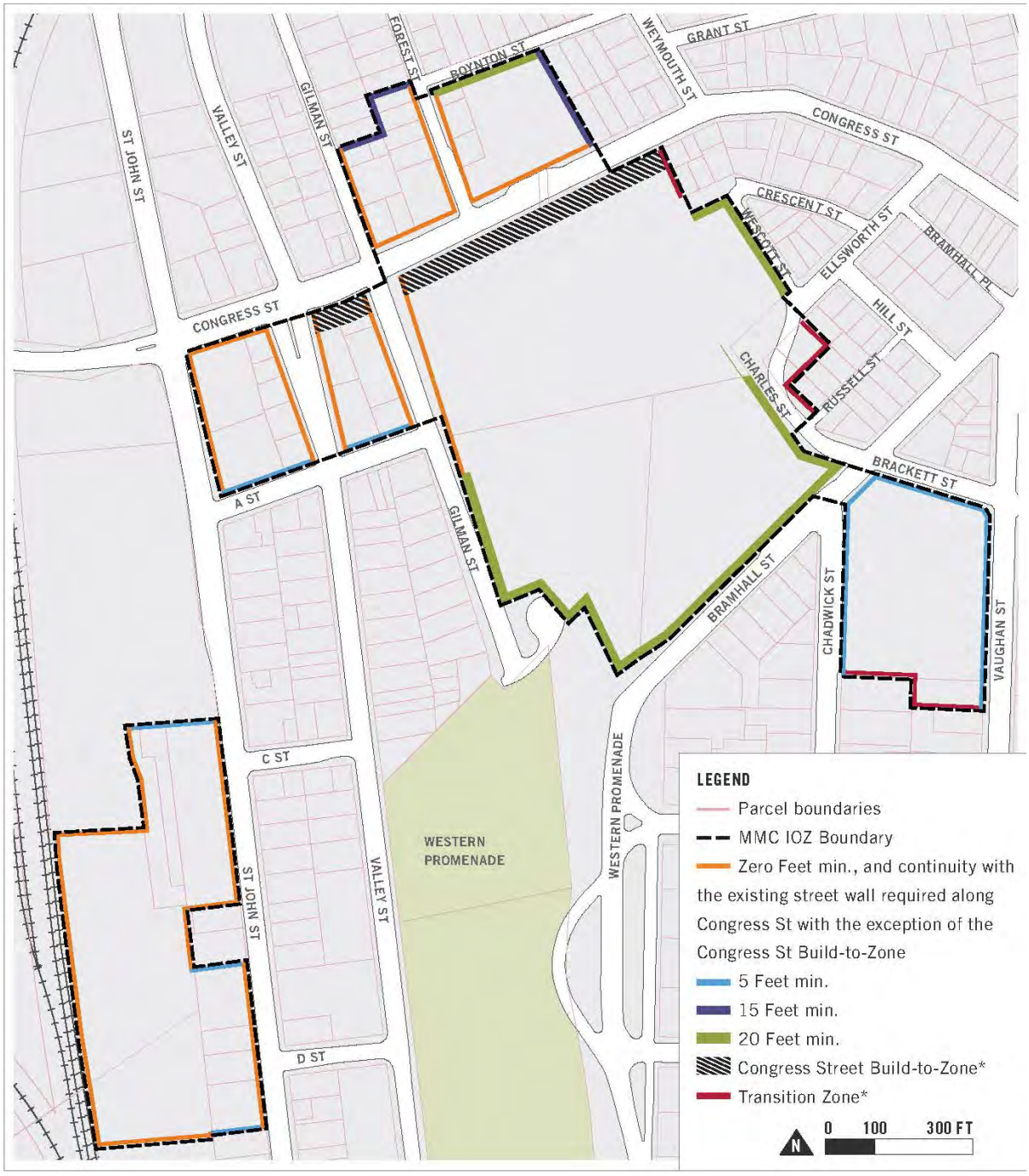
Building heights (max.)	Max. building heights for new buildings within the IOZ shall be governed by the Maximum Building Heights Map in Figure 8-D, or by the transition zones clause of this table for those buildings located in transition zones. Refer to IDP "Chapter 5. Design" for methodology on determining heights.
Building heights (min.)	Three stories, except in transition zones, where the minimum building height shall be two stories. Minimum building heights shall not apply to building awnings, associated kiosks, pavilions or similar building components.
Building length (max.)	Length of proposed parking garage at 222 St John St shall not exceed 500 feet as measured roughly parallel to St John St.
Building setbacks (min.)	Minimum building setbacks shall be governed by the Minimum Setbacks Map in Figure 8-E. Additional requirements are listed in the transition zones and Congress Street build-to zone sections of this table.
Congress Street build-to zone[1]	A build-to zone is identified for some properties that abut Congress Street. See Minimum Setbacks Map in Figure 8-E for the location of build-to zone. i. The Congress Street build-to zone extends between 0 to 40 feet from the right-of-way boundary. ii. Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located within the build-to zone.
Transition zones	Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential zone or a historic-designated district. See Maximum Building Heights Map in Figure 8-D for location of transition zones. i. Transition zones shall extend 50 feet into the parcel from the parcel boundary. ii. Transition zones that abut a Residential zone with or without an intervening public right-of-way shall have a maximum height limit that matches the maximum height permitted within that Residential zone. iii. In areas where the IOZ abuts a residential zone without an intervening public right-of-way, minimum side and rear yard requirements of the abutting residential zone apply within the IOZ boundary, unless noted otherwise in Minimum Setbacks Map in Figure 8-E.

[1]A "build-to zone" is the area on the lot where all or a portion of the street-facing building facade must be located, measured as a minimum and max. yard (setback) range from the public right-of-way boundary.



Notes: 1. Minimum building heights also apply. Refer to Table 8-D.
2. For buildings with residential use above the ground floor, the following height maximums apply: 70 ft. maximum height = 7 stories, and 85 ft. maximum height = 8 stories.

FIGURE 8-D: MAXIMUM BUILDING HEIGHTS



***** Refer to Table 8-D Dimensional Requirements

FIGURE 8-E: MINIMUM SETBACKS

surrounding context, including open space and pedestrian networks and infrastructure.

H. Mitigation measures. MMC shall mitigate site plan impacts to off-premise infrastructure in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of MMC development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.

I. Neighborhood integration and engagement

1. For the purpose of keeping surrounding residential areas appraised of its future development plans, and to address any neighborhood issues related to the operations of the MMC Bramhall campus, MMC shall adhere to the ongoing community engagement principles identified in the approved Institutional Development Plan.
2. MMC shall conduct ongoing community engagement, including the formation of a Neighborhood Advisory Committee comprised of representatives of MMC, the Parkside neighborhood, the West End neighborhood, the Western Promenade Neighborhood Association, the St. John Valley neighborhood, the Libbytown neighborhood, and the City.

J. Construction management

1. At the time of site plan review, MMC shall submit a construction management plan substantially in accordance with those construction management principles identified in the approved Institutional Development Plan for review and approval by the Planning Authority.
2. The construction management plan shall include a construction schedule, as well as strategies for managing neighborhood communication and noise, air quality, traffic, and parking impacts associated with the construction as set forth on the construction management template developed by the City and attached and incorporated to the IDP as Appendix A.

K. Other requirements

1. *Helipad.* ~~MMC~~Proposed changes to MMC's helipads, including changes to preferred flight routes, shall be ~~governed~~reviewed and approved by the ~~provisions of the Helistop Overlay Zone~~Planning Authority in accordance with the ~~following exceptions:~~approved Institutional Development Plan.
   - ~~**a.** Setback requirements of Subsection 8.4.2(A)(2).~~
   - ~~**b.** Fencing requirements of Subsection 8.4.2(A)(3).~~
2. *Snow ban parking.* When the City of Portland declares a snow parking ban, MMC shall make parking available to neighbors in a designated parking area on or near its campus upon the following condition: Due to the patterns of patient flow in the hospital, the hours of snow ban parking for registered vehicles during an announced City of Portland snow parking bans are 6:00 p.m. until 6:00 ~~p~~a.m. Vehicles that are not moved out of these parking areas by the applicable time each morning are subject to towing at the owner's expense.
3. *Healthy communities.* Recognizing that a stable residential and commercial environment is key to the health of any

neighborhood, MMC commits to supporting its existing and future neighbors in the St. John Valley, Parkside, West End, Western Prom, and Libbytown neighborhoods. Accordingly, MMC shall implement and participate in the healthy communities programs as described below.

a. Caring Community Grants. MMC shall develop an annual grant program with available funds of up to $30,000. Goals, priorities, eligibility requirements, program guidelines, and allocation approach will be developed by the MMC Neighborhood Advisory Committee, as described in Chapter 6 of the IDP approved on September 26, 2017. Neighborhood associations or other entities located or operating in the St. John Valley, Parkside, West End, Western Promenade, and Libbytown neighborhoods may apply for grant funding relating to the following initiatives:

- **i.** Neighborhood investment and Infrastructure: Focused on creating strong, safe, accessible and vibrant neighborhoods.
- **ii.** Quality of life: Focused on improving access to recreation, arts or cultural experiences in the neighborhoods.
- **iii.** Diversity and inclusion: Focused on fostering the building of relationships and understanding among diverse groups, including capacity building and outreach activities.
- **iv.** Public Safety: Focused on supporting public safety programs through training programs, equipment or other means in the neighborhoods.
- **v.** Environmental sustainability: Focused on preventing waste, increasing recycling or supporting other programs that work to improve the environment.

b. Healthy Neighborhoods Program. MMC shall initiate and adopt a memorandum of understanding (MOU) by and between the MMC, the City of Portland, an identified Community Housing Development Organization and any other community partners that may be identified later establishing a Healthy Neighborhoods program. Such a program shall be designed to fund and execute housing and community improvement and development programs in St. John Valley and the other neighborhoods surrounding MMC's Bramhall Campus.

8.3.7 The Roux Institute at Northeastern University Overlay Zone Regulatory Framework

A. Applicability. All development proposed by the Roux Institute at Northeastern University ("Roux Institute") within the boundary of the Roux Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such



FIGURE 8-F: ROUX INSTITUTIONAL OVERLAY ZONE BOUNDARY

standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by the Roux Institute within the IOZ unless amended by the Portland City Council upon formal application of the Roux Institute. The Roux Institutional Overlay Zone shall have the boundaries depicted below and shall include the approximately thirteen-acre property located at 1 Bean Pot Circle and identified as parcels 447-A001 and A002 in the City's assessing records.

B. Phasing and monitoring

1. The Roux Institute campus will be developed in phases, as set forth in the IDP. The IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, any updates to the IDP shall be identified which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhood which affect the campus, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

2. At completion of each phase, the Roux Institute campus shall have the appearance of a complete and comprehensive design. Permanent and meaningful public space shall be established in the first phase to ensure public benefit. Interim conditions shall be designed for a pleasant pedestrian experience through planting, lighting, wayfinding, graphics, artwork, or ornamental fencing to provide screening, buffers, and enhancement. Interim areas of the site which are not actively used for parking or construction staging will be appropriately landscaped or accommodate gathering on lawns or other aesthetically hardened spaces.

3. Minor amendments that change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. This review may occur simultaneously with the site plan review of a proposed project.

4. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
   a. A change to the regulatory framework is required.
   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).
   c. A change in approach to parking, transportation, neighborhood engagement or design is inconsistent with the objectives of the IDP, resulting in a modification to the applicable objectives.
5. Review of major amendments may occur simultaneously with the site plan review of the proposed project.

C. Uses

1. The Roux Institute **c**ampus will encompass a variety of uses to support the mission of the ~~Roux Institute to spur innovation, build talent, and drive economic growth. Partnerships with industry, academia, and government are essential components of the institute's success.~~Institute. Campus uses will include classrooms and laboratories, housing, faculty offices, dining areas, convening spaces, fitness centers, retail facilities, entrepreneurial spaces, light manufacturing, incubator space, research and design facilities, hotel, and office space. The mixture of uses ~~on the campus will~~is intended to support collaboration with private industry, other institutions, and community organizations~~, which is essential to the Roux Institute's approach to learning through integrated research, student work opportunities, and entrepreneurial endeavors. Hotel rooms will cater to prospective students, faculty and staff, visiting lecturers, specialists, and business partner guests, providing multiple opportunities for informal and unplanned interactions and collaboration that would otherwise not be available if staying in a hotel miles away from campus.~~. A range of rental housing options will ~~foster community and~~ provide on-site opportunities for students, faculty, staff, and their families~~. These units will ease~~, easing some of the housing pressure and traffic that might otherwise result from new residents attracted to Portland by the institute. Housing units not occupied by residents affiliated with the Roux Institute may be made available to the public to further assist in easing the housing pressure.
2. ~~Recognizing the community value of a larger waterfront parcel in close proximity to a primary bike and pedestrian trail system,~~ The Roux Institute campus will be designed to include ~~those~~ uses that will welcome ~~the~~ neighbors to the campus, including publicly available open space, waterfront access, recreational opportunities, restaurant, dining, small neighborhood grocery, and/or other limited retail options. ~~These uses will provide a means for serving the residents and other users of the campus, as well as welcoming the neighborhood to foster connectivity and community engagement, activating the~~

~~TABLE 8-F: DIMENSIONAL REQUIREMENTS~~

~~Building heights (max.)~~	~~Maximum building heights for new principal buildings in the IOZ shall be governed by the Roux IOZ Height Map (Figure 8-F)~~

3. ~~public realm, and reducing dependence on automobiles.~~
4. In addition to the uses permitted in the underlying zone, ~~the~~laboratory and research facilities, low-impact industrial uses ~~in Table 8-E,~~ and high-tech manufacturing shall also be permitted as a matter of right in all buildings that are located within the IOZ and on land owned or leased by the Roux Institute. ~~In recognition that the Roux Institute is a graduate-level educational and research institution with a number of corporate partners, and in recognition of its location outside of the downtown, the uses in Table 8-E and many that are permitted in the underlying zone, such as multi-family housing, hotels, offices and retail, are ancillary to and support the vision and mission of the institution. In addition,~~ Ground floor retail, restaurant, or comparable community-oriented uses that provide services to local residents, students, faculty and staff shall be ~~provided. Such uses are~~ expressly permitted whether ancillary to or supporting the educational institution, and shall be open and welcoming to the general public ~~in addition to students, faculty, staff, or visitors of the Roux Institute~~.
5. Within the boundary of the IOZ, hotels shall be limited as follows:
   a. No more than one hotel shall be located in the IOZ.
   b. The hotel shall contain no more than 130 rooms.
   c. The hotel shall be no more than eight stories in height, not including structured parking. There shall be no more than two levels of above grade structured parking beneath the first floor of the hotel. Nothing herein is intended to preclude the co-location of hotel use and structured parking on one or more levels of the hotel.

~~TABLE 8-E: PERMITTED USES~~

- ~~Laboratory and research facilities~~
- ~~Low-impact industrial (>10,000 SF)~~
- ~~High-tech manufacturing~~

D. Dimensional requirements

1. *Applicability.* All principal buildings and structures located within the IOZ and located on land owned or leased by the Roux Institute shall be subject to the dimensional requirements of the underlying zone, except where modified by the provisions of this section.
2. *Rules of measurement*
   a. Publicly accessible corridor: A corridor accessible to the general public that is open to the sky or enclosed with a minimum width of 20 feet. Enclosed portions of publicly accessible corridors shall have a minimum height of 30 feet.
   b. Street wall: Within the Roux IOZ the term "street wall" shall mean a wall or portion of a wall that includes the principal entry to a building facing a street, public right-of-way, major pedestrian access routes, or open spaces. Orientation of the principal entry to a building shall be determined

by the applicant.

3. *Maximum building heights.* Maximum building heights for new principal buildings in the IOZ shall be governed by the Roux IOZ Height Map (Figure 8-G).

~~3.~~4. *Minimum and maximum street wall heights.* New principal buildings in the IOZ shall rise to a minimum street wall height of 45 feet and may rise to a maximum street wall height of 105 feet.

~~4.~~5. *Stepback requirements*. At a height not lower than the minimum street wall height or higher than the maximum street wall height, a stepback with a minimum depth of at least 10 feet shall be provided. Required stepbacks shall only apply to a building's street wall.

~~5.~~6. *Building length requirements*

a. For buildings with a length greater than 250 feet, a continuous, publicly accessible corridor that connects two streets, public rights-of-way, major pedestrian access routes, or open spaces shall be provided, with the precise location to be identified, defined, and reviewed under site plan review. Building length shall be measured at grade in a straight line between the outer corners of the designated street wall.

b. Publicly accessible corridors need not be linear and may have necessary grade changes.

c. Any building wall situated along a publicly accessible corridor shall be designed to provide sufficient architectural and graphic amenities to provide visual interest, transparency between interior activities and pedestrian activity, or active uses and relate the building, and its use to passersby.

d. Publicly accessible corridors shall:

i. Include pedestrian amenities such as benches and other seating;

ii. Be illuminated to levels that are adequate but not excessive for the safety, comfort, and conveniences of occupants and users of the site, and

iii. Provide access to the public during regular operating hours of the institute.

e. The Roux Institute may close off public access to a publicly accessible corridor during special events or when determined necessary by the institute for security or public safety purposes.

~~6.~~7. *Transitions and buffers*

a. The campus is surrounded by existing buffers, with I-295 to the west, state-owned vacant parcels to the north, the rail corridor and marine business to the east, and Casco Bay to the south. In addition to the existing buffers, development shall further ease the transition to and from the campus ~~through the design methods in areas shown on Figure 8-G.~~.

b. Public open space will ease transition from the smaller scale of Sherwood Street. A transition onto the campus will also be accomplished through thoughtful façade design at the pedestrian level. Potential nuisance features like dumpsters, air handlers, and parking will be appropriately screened. Buildings will avoid blank walls to respect the adjacent neighborhood and facilitate a sense of permeability and welcome.

c. The shoreline transition area between the buildings and the water will serve as meaningful public open space. Building facades facing the water will be considered public-facing, with views designed for interest from the water and Eastern Promenade Trail.

d. The transition area between the campus and I-295 contains a height limitation of 75 feet along the edge and between the highway and the B&M Cannery Building, preserving the



~~FIGURE 8-G: TRANSITION AREAS AND BUFFERS~~

historic view of the building from the highway and easing the transition to the greater allowable building heights in the center of campus.

e. The transition area along the edge of the campus adjacent to the rail corridor also contains a height limitation of 75 feet along the edge of the property closest to the residential neighborhood, further easing the transition to the greater allowable building heights at the center of campus, mitigating shadow impacts to adjacent properties.

E. Transportation

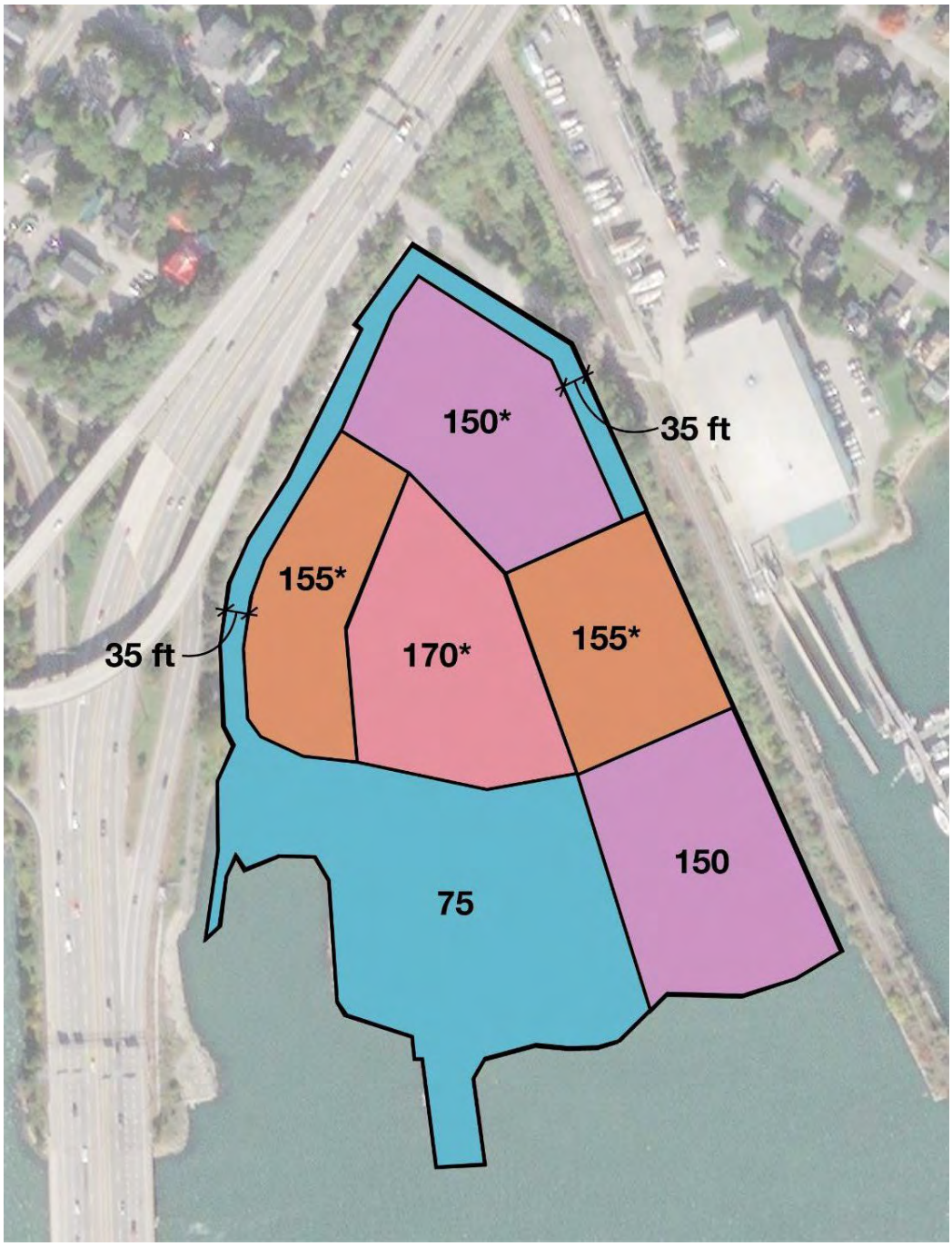
1. *Transportation demand management* (*TDM*)

a. At the time of the first site plan review following IDP approval, the developer shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved IDP. The TDM Plan may be phased into short-, mid-, and long term actions to allow for progressive implementation over time.

b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from the Roux Institute campus by students, faculty, staff, institutional partners, and visitors.

c. The TDM Plan shall establish parking, mode share, and trip reduction targets associated with each phase of development, as well as a data collection plan.

d. Annual monitoring reports will be submitted for the TDM Plan. TDM



Notes:

1. *: Above height of 75 feet, no building floorplate shall exceed 35,000 square feet.
2. Above height of 50 feet, no two buildings shall be closer than 40 feet apart.
3. Building heights for buildings that span two or more height zones shall be measured by calculating the highest point (as defined in the Land Use Code) of that portion of the building within a particular height zone. If the roof is sloped, height is measured at the midpoint of that portion of the slope located within the particular height zone.

FIGURE 8-G: HEIGHT OVERLAY MAP

monitoring reports shall include a summary of progress towards targets established in the TDM Plan. If deficiencies are identified, they will be resolved in accordance with the site plan approval.

2. *Traffic movement permit* (*TMP*)
   a. Any development that will generate over 100 passenger car equivalents will trigger TMP review which will determine applicable mitigation for that development program. There are contributions anticipated to area-wide elements to support trip reduction targets, such as contribution to the development of shared use path infrastructure and support for additional transit service to the campus. The TMP review may consider an individual site plan or may cover more than one site plan. Each of the TMP submissions and review will continue to contemplate capacity for multimodal connections to continue to reduce automobile trips.
   b. Mode shares and trip reduction targets have been identified in the IDP and will be updated and modified with each TMP submission as necessary.
3. *Bicycle and pedestrian access and safety*
   a. A Transportation, Access, and Circulation Plan has been provided in the IDP. At the time of the first site plan review, the developer shall submit an updated Plan. Where possible, the bicycle and pedestrian access routes shall connect to established bicycle and/or pedestrian facilities. The developer shall look to establish new bicycle and pedestrian bicycle and/or pedestrian facilities where feasible.
   b. The site and building design shall not prohibit the enhancement of transit service to and from the site.
   c. Bicycle, pedestrian, transit, and motorized vehicular facilities proposed to and from the site shall provide sufficient capacity and allow for safe connections for modes of transportation.
   d. Sherwood Street shall be improved to accommodate bicycles and pedestrians within the existing right-of-way. Separate sidewalks and bicycle lanes shall be provided where feasible.
4. *Parking*. Parking requirements in the IOZ, including but not limited to parking ratios, shall be established at the time of site plan review for each phase of development based on a parking study that includes a campus-wide analysis of demand and supply. Parking studies shall integrate parking and trip reduction achievements and data contained in the TDM Plan. Parking requirements shall be determined in accordance with the requirements in the Land Use Code in effect at the time of site plan review.
5. *Circulation*
   a. The campus shall contain a bike and pedestrian circulation network which includes a perimeter access loop, an internal system of pathways and a major campus "promenade" which will link campus developments, the upland, and the waterfront.

b. The perimeter access path for bicycle and pedestrians will serve to connect the campus to primary site entry points from the community and provide a continuous recreational loop. Where appropriate, the perimeter access path will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections. Where possible, building facades will respond to the perimeter access path for views into the building and periodic activation to building entrances.

c. Internal campus circulation pathways will connect major open spaces, buildings entrances, and outdoor plazas to create a network of multiple pathways including the perimeter access path. Pathways will be located along or oriented toward facades that have active programs, architectural articulation, appropriately scaled entrances, and windows. Pathways will avoid traveling along stretches of undifferentiated or blank facades back doors or service areas. Pathways will be generally lower-velocity systems than the access loop. Where appropriate, the internal campus circulation pathways will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections.

d. The campus promenade will serve as a major organizing feature connecting the upland and the water and providing access to open spaces, allowing views of the principal campus of buildings, and connecting to the internal campus circulation pathways and perimeter access path. The promenade will be enhanced by lighting, wayfinding, landscape buffers, and open spaces. Viewsheds and topography along the promenade will emphasize the Roux Institute and Burnham & Morrill (B&M) Cannery Building, pier, and other principal buildings and spaces.

F. Environment

1. The IOZ shall contain a minimum of three acres of public open space designed to enhance waterfront access and provide bicycle/pedestrian network connectivity. This open space requirement shall be met at the completion of construction of the first site plan approval and shall be maintained at all phases of development. The three acres need not be contiguous and may be provided in new and/or different locations following completion of development phases. The public open space shall be meaningful space, functioning as recreation areas, social gathering spaces, or natural buffers. The method of assuring public access to the public open space shall be determined at site plan review.

2. A Sustainability and Resilience Charter will be created by the Roux Institute for the campus. The charter shall contain sustainability goals related to development categories such as energy, water, transportation, equity, and resilience and may be revised over time in response to



evolving technology and industry standards. The charter will require all development on the campus to utilize critical components of industry standard benchmarking systems such as LEED, SITES, WELL, ILFI, and Passive House. The charter will be submitted to the Planning Authority prior to submission of the first site plan application. Proposed site plans shall be consistent with the goals outlined in the charter.

3. Development shall utilize lighting designs required for safety and comfort and that minimize impact to the night sky in accordance with light pollution reduction standards in ANSI/ASHRAE/IESNA 90.1-2007 or its most current edition.
4. Development shall be carried out in such a way as to minimize the impacts of sea level rise, protecting infrastructure and site features by designing to a minimum of 2-feet above the Base Flood Elevation (BFE) as shown on the most current FEMA Flood Insurance Rate Map.
5. The shoreline edge and immediate adjacent upland shall be protected through shoreline armoring and vegetation to prevent erosion and enhance natural resource protection. Work in coastal wetlands and significant wildlife habitats (as defined by the Maine Department of Environmental Protection) will be minimized to the maximum extent practicable and shall comply with all applicable local, state and federal permitting requirements in effect at the time.
6. Design of exterior building envelopes will be in developed in conjunction with the American Bird Conservancy and Cornell Ornithology Lab standards to mitigate bird strikes to the extent practicable.

G. Mitigation measures

1. Site plan impacts to off-premise infrastructure shall be mitigated in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of the development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.
2. Impacts to natural resources shall be mitigated in accordance with local, state and federal permitting standards in effect at the time.

H. Design

1. *Introduction and intent.* New development in the IOZ shall adhere to the following design guidelines and the site plan standards of the City of Portland. All new development shall be designed to create a visual connection with the goal of achieving a cohesive campus appearance with a strong identity and sense of place.

   New development may be contemporary and forward looking in architectural style, but shall be informed by or responsive to the iconic B&M Cannery Building as an example of Portland's unique legacy of innovation, adaptation and durability. Reference to the Cannery Building specifically and in general to the early 20th century industrial factory building type

may inform the architectural principles of highly functional yet articulated human-centered facades and details, a combination of local and innovative materials, use of natural daylighting, high degree of flexibility and scalability and capacity for long service life. New development shall be characterized by excellence in architectural design, craftsmanship, materials, streetscape, resilience, sustainability and landscape improvements, signage, and lighting appropriate for a campus development on a coastal site. These principles and standards are intended to regulate the future build out of the Roux Institute campus while ensuring that new development is sensitive to adjacent residential neighborhoods and commercial areas and successfully integrates the existing site into the public realm while establishing a global beacon for thought leadership in artificial intelligence, computer and data sciences, digital engineering, and advanced life sciences.

2. *Standards*

a. Waterfront

i. The waterfront will be publicly accessible to provide a variety of open spaces throughout all phases of development that foster social interaction.

ii. New principal buildings on the waterfront shall include a publicly accessible entrance to interior public space, if provided, from the waterfront side and upland side of the building along an anticipated desire line. Said interior public space, if provided, may be closed to the public during special events, outside normal operation hours, and when necessary for security or public safety purposes.

b. Cohesive campus

i. The overall composition and experience of the campus will be considered for cohesive identity from approaches along I-295 and views from the East Deering neighborhood.

c. Historic preservation

i. Buildings, site development, circulation, and open space will respect the B&M Cannery Building, a designated historic landmark.

d. Connectivity

i. Prioritize the bicycle and pedestrian circulation network on campus while providing connectivity for auto, public transit, service and emergency vehicles at each development phase.

ii. Surface parking lots shall be located to the maximum extent practicable toward the rear or side of a building not occupied by a principal entry to a building facing a street, public right-of-way, major pedestrian access routes, open space, and/or the waterfront.

e. Open space



i. Open space will be publicly accessible to provide multiple functions for recreation, social gathering, and buffers that integrate within the overall composition and experience of the campus at each development phase.

f. Sustainable practice

i. Buildings and site development will incorporate sustainable technologies in building design, orientation, energy production, and sensitivity to natural resources at each development phase.

g. Resilience

i. Buildings and site development will incorporate resilience strategies to account for flooding, severe weather events, and integration of publicly accessible spaces at each development phase.

h. Building design

i. Building façade materials will be of high quality, durable to the marine climate and contribute to an attractive public realm. The first 35 feet of building height shall complement the pedestrian character in materiality, transparency, and detailing.

ii. Rooftop appurtenances will be incorporated, screened, and set back from roof edges to reduce visual impact from the surrounding neighborhood.

i. Building entrances

i. Building entrances will include prominent facades and be oriented toward, located adjacent to, or accessible from rights-of-way, major pedestrian access routes, or open spaces.

j. Mitigation of impacts

i. Buildings and site development will endeavor to minimize potential negative impacts related to shadows, wind, noise, heat, glare, lighting, contaminants, and the environment.

l. Neighborhood integration

1. *Neighborhood engagement*

a. For the purposes of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the Roux Institute campus, the Roux Institute shall adhere to the ongoing neighborhood engagement principles identified in the IDP.

b. Ongoing community engagement shall be conducted, including the continuation of neighborhood forums and maintenance of the Roux Institute campus website.

c. A Community Advisory Group shall be created for the purpose of sharing information on project development, planning, and seeking input. To the extent practicable, the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering

Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood, a tenant representative from Portland Housing Authority's Washington Gardens and Front Street developments, recreation, parks and trails, including the Friends of Payson Park, from sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community.

d. A designated community contact shall be engaged to be the point of contact for providing information to the neighborhood and receiving feedback.

2. *Construction management.* At the time of site plan review, Northeastern University shall submit a Construction Management Plan substantially in accordance with the construction management principles identified in the Institutional Development Plan for review and approval by the Planning Authority.

J. Historic preservation

1. *Historic preservation review.* The B&M Cannery Building has been designated as a local historic landmark. The area of designation includes the B&M Cannery Building, as well as the area of the former Codfish Building and pier. The Historic Preservation Board's review of activity within the site of the former Codfish Building and pier is limited to review of any activity that would require a Certificate of Appropriateness that is proposed on a newly constructed pier. A Certificate of Appropriateness will not be required for the demolition of the Codfish Building or construction of a new pier and related infrastructure, including future alterations to the pier structure.

2. *Required interpretive elements.* Northeastern University shall include interpretive element(s) on top of or within the surface of the new pier that convey the history and significance of the Codfish Building. Prior to construction of said elements, the University shall submit the proposal to the Historic Preservation Board for its review and approval. The interpretive elements shall be designed in a manner that does not interfere with the use and functionality of the pier as a marine passenger facility and for water access by the Roux Institute and the public.

3. *100-foot review exemption.* The B&M Cannery Building is exempt from Subsection ~~14~~13.6.4(E)(2) for review of development within 100 feet of a landmark.

~~8.6~~8.4 ISLAND TRANSFER STATION OVERLAY

8.4.1 Purpose

The purpose of the Island Transfer Station Overlay Zone is to establish a location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties.

8.4.2 Permitted uses

A. Municipal solid waste facilities, including

compactors and storage bins, provided that the compactor shall be located within a fully enclosed structure.

B. Recycling facilities, provided that all recycling areas shall be buffered and screened from neighboring properties.

C. Municipal garages, material storage, and parking for vehicles.

D. Maintenance of municipal vehicles and equipment.

E. Minor wind energy systems co-located with public industrial or utility facilities, subject to the applicable standards ~~of Subsection~~within Article 6~~.4.18~~.

8.4.3 Conditions

Requirements for setbacks and any operational limitations shall be established as part of the conditional rezoning process.

~~8.7~~8.5 PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

~~The following restrictions shall apply in the , which shall include street frontages as delineated on the Overlay Zone map.~~

~~8.7.1 Permitted uses~~

~~**F.** At least 75% of the street level frontage of a building on a street located within the PAD Overlay Zone must be occupied, and, at minimum, the floor area to be occupied shall be 75% of the street level frontage multiplied by a 20 foot depth, by:~~

~~**1.** Retail as permitted in the B-3 zone.~~

8.5.1 Purpose and applicability

The purpose of the Pedestrian Activities District

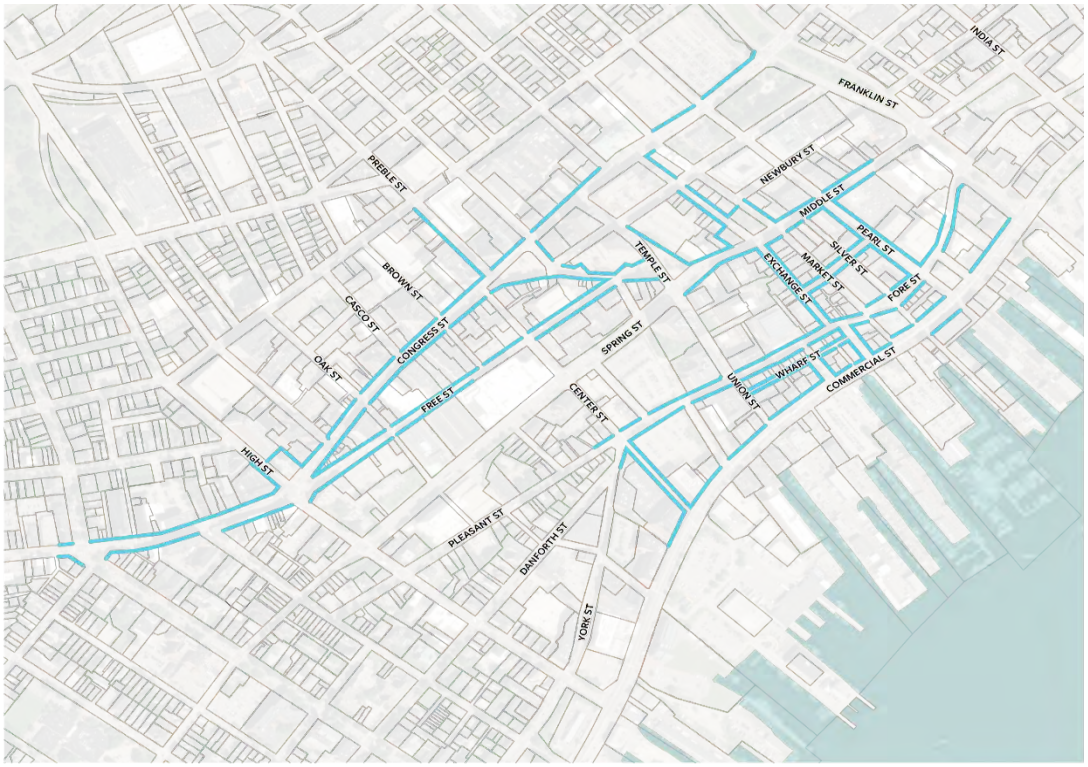


FIGURE 8-H: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

(PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section.

8.5.2 Use restrictions

A. Within the PAD Overlay Zone, a minimum of 75% of the street level frontage, measured as a percentage of total building length excluding areas of vehicular and pedestrian egress, and any mechanical or electrical equipment rooms servicing the building, shall consist of the uses specified below. Such uses shall occupy a minimum of 40 feet in depth, measured from the street facing façade of the building.

1. Bars

2. Cultural facilities

~~**2.**~~**3.** General services~~.~~

4. Governmental uses

~~**3.**~~**5.** Hotels~~.~~

~~**4. Restaurants as permitted in the B-3 zone.**~~

~~**5. Bars.**~~

6. Low-impact industrial, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.

7. Restaurants, including food preparation areas visually oriented toward the street.

8. Retail

9. Specialty food services, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.

10. Studios for artists and craftspeople.

~~**6.**~~**11.** Theaters and performance halls, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within ~~this~~the required active use area.

~~**7. Cultural facilities.**~~

~~**8. Governmental uses.**~~

~~**9. Studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers, and silk screeners.**~~

~~**10.**~~**12.** Other uses ~~where~~may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use ~~will not differ~~is substantially ~~from~~similar to a ~~required ground floor retail~~ use ~~in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates~~listed above and will generate pedestrian interest and activity.

B. First floor windows shall be transparent with uses visible from the public right-of-way.

~~**6.**~~**C.** For ~~those~~ buildings ~~which~~that have frontage on more than one street located within the PAD overlay zone, the ~~street level area of each such frontage shall meet the above~~ above requirements apply to each frontage.

In no event shall any required active use area be used for storage or service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.5.4.

~~8.5.1~~8.5.3 Conditional uses

Any use permitted in the B-3 ~~and B-3b~~ zone may be authorized as a conditional use subject to the floor area and transparency requirements of Subsection 8.~~7.1~~5.2, provided that the Planning Authority shall be substituted for the Board of Appeals as the reviewing authority. Such uses shall meet the

general conditional use standards of Section 6.5.2, and the following conditions and standards:

~~H.~~ The applicant ~~can~~shall prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms) that the space has been actively marketed, and, in the case of new construction, available for permitted uses in the PAD Overlay Zone for a period of six months and that it has been unable to market the space for a permitted use in accordance with Subsection 8.~~7.1.~~

A. ~~The approval of any conditional use under this subsection shall be for the specific tenant proposed for the conditional use approval and shall not run with the space to subsequent tenants. A conditional use approval shall expire at the end of each tenant's use, and a new approval shall be required for new tenants. However, where a conditional use has been approved under this subsection and the term of the effected tenancy is five years or less, the tenant may sublet the area for the approved conditional use which approval may run with said lease but may not be extended without review by the Planning Authority.~~5.2.

B. The Planning Authority may impose reasonable conditions concerning the design, appearance, use, and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.

C. Notwithstanding the above, the Planning Authority may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

~~D. The Planning Board shall adopt rules and regulations governing the Planning Authority's review of an applicant's marketing efforts under this subsection.~~

~~8.7.2 Prohibited uses~~

~~In no event shall any required retail frontage area be used for any of the following:~~

~~E. Storage.~~

~~F. Service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.7.4.~~

~~G. Food preparation areas, unless such preparation areas are visually oriented toward pedestrians on streets located within a PAD Overlay Zone.~~

~~8.5.2~~8.5.4 Exceptions

For ~~those~~ buildings ~~which~~that have 40 feet or less of frontage on a street within the PAD Overlay Zone, the ground floor area requirements for permitted uses under Subsection 8.~~7.1~~5.2 shall be reduced to 50% of the frontage where required to accommodate a service entrance. For buildings ~~which~~that have frontage on more than one street located within a PAD Overlay Zone, only one such frontage shall be permitted to reduce the required ~~retail~~active use area to 50% of the frontage.

~~8.8 STREAM PROTECTION OVERLAY (S-P)~~

~~8.5.3 Purpose~~

~~The purpose of the Stream Protection Overlay Zone is to preserve and protect significant streams outside of the Shoreland Zone by providing a buffer from land development activities in order to~~

~~conserve stream channel capacity and to minimize siltation and stream bank erosion.~~

~~8.5.4 Applicability~~

~~The Stream Protection Overlay Zone includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream as shown on the City of Portland zoning map. These standards apply only to areas within the Stream Protection Overlay Zone. Streams within the Shoreland Zone are subject to the provisions of Article 11.~~

~~8.5.5 Development standards~~

~~**A. Minimum building setback from normal high-water line of stream:** 75 feet. Notwithstanding this requirement, when a lot is a lot of record under Subsection 4.3.1 or cannot otherwise meet the setback requirement of this subsection due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of 28 feet, provided that the setback is not reduced to less than 40 feet. Structures in existence on June 15, 1992 may be expanded once during the lifetime of the structure up to 25 feet toward a stream or tributary stream, provided that the setback is not reduced to less than forty 40 feet and the floor area or volume is not increased by more than 30%.~~

~~**B. Filling of material.** Filling of material within a Stream Protection Zone shall require site plan review under the provisions of Article 14.~~

~~**C. Minimum parking setback from normal high-water line of stream:** 75 feet. Notwithstanding this requirement, the Planning Board may reduce the parking setback where the required setback cannot be met to the least extent necessary, provided that such setback shall not be less than the setback of the principal structure from the stream.~~

~~8.9~~8.6 ~~-~~UNIVERSITY OF SOUTHERN MAINE OVERLAY

8.6.1 Purpose

The intention of the University of Southern Maine Overlay Zone is to establish an overlay zone in which an existing university campus can be continued and reasonably expanded within defined boundaries, in addition to those uses permitted in the underlying zone or zones. The purpose of this section is to recognize the unique qualities of a university campus while at the same time protecting the value and integrity of established neighborhoods.

8.6.2 Location and applicability

The University of Southern Maine Overlay Zone is intended to encompass and define the University of Southern Maine campus west of Forest Avenue. Properties in the University of Southern Maine Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by this section.

8.6.3 Permitted uses

A. In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, post-secondary schools and university uses are permitted in the University of Southern Maine Overlay Zone, including, but not limited to:

1. Classrooms.
2. Laboratory and research facilities.

3. Student unions.
4. Dining halls.
5. Bookstores.
6. Auditoriums.
7. Concert and lecture halls.
8. Gymnasiums.
9. Libraries.
10. Outdoor use areas, such as "quads", greens, parks, gardens, art installations, and other active and passive noncommercial recreation spaces.
11. Faculty and student housing.
12. Parking lots and garages.
13. Community meeting spaces.
14. Administrative and faculty offices.
15. Transportation facilities.
16. Maintenance facilities.
17. Utility buildings.
18. Student health services.
19. Daycare facilities, nursery schools ~~and kindergartens operated in conjunction with university programs or serving students, faculty or employees of the university and their families, with associated outside play areas.~~, and kindergartens.
20. Other buildings, structures and uses customarily incidental to a university.

B. On lots fronting on Chamberlain Avenue and Exeter Street, university uses shall be limited to faculty housing, graduate student housing, faculty offices ~~and administrative offices, and buildings containing such uses shall be designed and maintained so as to complement the residential character of the street as required in Subsection 8.9.9,~~ and administrative offices.

~~**C.** No change of use permit shall be required for any of the above uses in actual existence as of the date of enactment of the University of Southern Maine Overlay Zone.~~

8.6.4 ~~Conditional~~ uses

The following uses are permitted as provided in Section 6.5:

~~**D.**~~**A.** Minor wind energy systems, subject to the standards of subsection 6.4.~~18~~41.

8.6.5 Dimensional requirements

University buildings and structures shall be subject to the dimensional requirements of the underlying zone, except as follows:

A. Minimum setbacks. Minimum setbacks shall be the same as in the underlying zone, except as shown on the University Campus Overlay Setback Map, incorporated herein by reference. Side and rear setbacks shall not be required between buildings on contiguous lots owned by the university on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required setbacks in the underlying zones are provided.

B. Maximum building height. Maximum building height shall be the same as in the underlying zone, except as shown on the University Campus Overlay Height Map, incorporated herein by reference.

C. Minimum building height. All new freestanding buildings in height zone B and height zone C must be built to a height of at least 35 feet or designed and constructed so that they can be expanded to 35 feet or higher. As used in this paragraph, the term "new freestanding building" means any building which is not an addition to or expansion of a building which existed on the date of

enactment of the University of Southern Maine Overlay Zone. Minimum building height provisions shall not apply to maintenance facilities, utility buildings, information kiosks, additions to and/or relocations of designated historic structures, and transportation facilities, including bus shelters, parking attendant booths, and other similar structures.

D. Maximum impervious surface ratio. A maximum of 66% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be impervious.

E. Maximum coverage by buildings. 40% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be covered by building footprint.

8.6.6 Parking

The amount of parking required for any university building or building addition shall be determined by the Planning Board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the Planning Board may take into account such factors as:

A. The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.

B. The ratio of commuter students to resident students.

C. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

D. Shared use of a single parking facility by two or more buildings when the peak parking demand period for such buildings do not overlap.

E. Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.

F. Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

8.6.7 Loading

The amount of loading area required for any university building shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all contiguous lots owned by the university as one lot. In determining the amount of loading space required for any university building, the Planning Board may take into account such factors as:

A. The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.

B. Shared use of a single loading facility by two or more buildings.

C. Impacts of the loading area on adjacent uses outside the University of Southern Maine Overlay Zone.

8.6.8 Signage

Signs shall comply with the requirements of Article ~~20~~19, except as those regulations are modified or augmented below:

A. Signs shall be designed in accordance with signage standards promulgated by the university, providing for a unified and ADA-compliant campus-wide system for identification, orientation, and regulatory signage.

B. Banners are allowed as follows:

1. Generic banners containing the logo and colors of the university, used for decorative purposes.
2. Banners used for advertising university events, which can be displayed for a maximum of four weeks prior to and one week following the event.

8.6.9 Design principles and standards

All development in the University of Southern Maine Overlay Zone is subject to the requirements contained within the City of Portland *Design Manual*.

~~**8.6.10 Campus housing**~~

~~For any development requiring major site plan review, the university shall submit to the Planning Board a campus housing analysis. The analysis shall include a description of housing demand and supply at the time of the application, a projection of housing demand expected to arise from the proposed development and/or as a result of program changes anticipated to occur concurrently with the proposed development, and a description of how the university intends to meet any increased housing demand through on-campus housing, off-campus housing developed by the university, and/or off-campus housing developed by others.~~

~~**8.6.11 Required review for change of use, additions, and renovations**~~

~~In the case of properties fronting Chamberlain Avenue, Exeter Street, and the northerly side of Bedford Street from Surrender Street to Deering Avenue, minor site plan review shall be required of all changes of use and all building additions and renovations affecting an area equivalent to 25% or more of the existing floor area of a structure, unless major site plan review is otherwise required under Article 14.~~

~~8.10~~8.7 WAYNFLETE SCHOOL OVERLAY

8.7.1 Purpose

The intent of this section is to establish a Waynflete School Overlay Zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this section, the term "Waynflete School" includes any successor institution that operates as a private day school.

8.7.2 Location and applicability

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School's principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone

except as specifically modified by this section.

8.7.3 Subdistricts

The Waynflete School Overlay Zone consists of two subdistricts. Except where otherwise specified in this Section 8.~~10~~7, all provisions of this Waynflete School Overlay Zone apply in both subdistricts. The subdistricts, as shown on the Waynflete School Overlay Zone subdistrict map, incorporated herein by reference, are as follows:

A. The Campus Core subdistrict defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and bulk regulations designed to accommodate school uses.

B. The Campus Edge subdistrict is intended to preserve residential character along the streets bordering the campus by limiting the amount of residential space which can be converted to school uses, by maintaining a number of dwelling units within the subdistrict which equals the number of dwelling units existing in the subdistrict at the time of enactment of this Overlay Zone, and by encouraging mixed-use buildings along the street frontages. The space and bulk regulations of the ~~R-4~~RN-3 zone continue to apply within the Campus Edge subdistrict.

8.7.4 Permitted uses

In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, the following uses are permitted in the Waynflete School Overlay Zone:

A. School uses. Elementary, middle and secondary school uses including, but not limited to, the following:

1. Classrooms.
2. Laboratory facilities.
3. Dining halls.
4. Auditoriums.
5. Concert and lecture halls.
6. Gymnasiums.
7. Libraries.
8. Outdoor use areas, such as "quads", greens, parks, gardens, art installations, and other active and passive recreation spaces.
9. Parking lots and structures.
10. Community meeting spaces.
11. Administrative and faculty offices.
12. Transportation facilities.
13. Maintenance facilities.
14. Utility buildings.
15. Student health services.
16. Bookstores.
17. Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school.

B. Residential uses. Faculty or staff housing, which shall be considered a residential use, and not a school use, for all purposes under this overlay zone.

8.7.5 Prohibited uses

A. Boarding schools.
B. Dormitories.

8.7.6 Residential conversions prohibited

A. Conversions of existing residential buildings within the Waynflete School Overlay zone shall be prohibited.

B. The existing houses at 11 Fletcher Street, 3 Storer Street, 305 Danforth Street, and 299 Danforth Street shall not be relocated from



their locations existing as of January 20, 2010. This provision shall not apply to garages.

C. At no time shall the number of dwelling units within the Waynflete School Overlay Zone be reduced below four (the number existing at the time of enactment of this Overlay Zone).

8.7.7 Dimensional requirements

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable dimensional requirements of the underlying zones, except as follows:

A. Minimum setbacks shall be the same as in the underlying zone, except that side and rear setbacks shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.

B. Minimum street frontage shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.

C. Maximum coverage by buildings shall be the same as in the underlying zone, except that in the Campus Core subdistrict the maximum coverage by buildings shall be 40% and all the land within the Campus Core subdistrict owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.

8.7.8 Parking

The amount of parking required for any change of use, new building, or building addition within the zone shall be determined during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide Transportation Demand Management Plan (TDM), and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. Any existing parking management or TDM plan approved as part of a previous approval shall remain in effect until revised or updated pursuant to this section. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the Planning Authority or the Planning Board may take into account such factors as:

A. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

B. Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.

C. Development and implementation of a parking management plan which discourages on-street parking.

D. Development and implementation of a TDM plan subject to the review and approval of the Planning Authority or the Planning Board. The TDM plan shall employee elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters, alternative transportation information sharing, and other such strategies that reduce single

occupancy vehicle trips to and from Waynflete school. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland *Technical Manual*.

8.7.9 Loading

The amount of loading area required for any building within the Waynflete School Overlay Zone shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay zone, the Planning Board may take into account such factors as:

A. The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in central facilities, provided no single location is overburdened with loading facilities.

B. Shared use of a single loading facility by two or more buildings.

C. Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

8.7.10 Signage

Signs shall comply with the requirements of Article ~~20~~19.

8.7.11 Restrictions

Notwithstanding the conditional use provisions for institutional uses within the ~~R-4~~RN-3 or ~~R-6~~RN-5 zones, Waynflete School cannot locate a school use listed in Subsection 8.~~10~~7.4 on any lot in the ~~R-4~~RN-3 or ~~R-6~~RN-5 zones outside the boundaries of the Waynflete School Overlay Zone that was occupied by a residential use or structure on or after January 20, 2010. This restriction does not prevent Waynflete School from seeking a conditional use permit for a school use, where otherwise allowed by the zoning regulations, on lots outside the Waynflete School Overlay Zone that were not occupied by a residential use or structure on or after January 20, 2010.

9 FORM-BASED ZONES

9.1 INDIA STREET FORM-BASED ZONE

9.1.1 Purpose

The India Street Form-Based Code is different than traditional zoning, placing the primary emphasis on a building's physical form and its relationship to the street, and de-emphasizing land use. The intent of the India Street Form-Based Code Zone is to establish a zone that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas. The goal of the India Street Form-Based Code is the creation and preservation of an active and human-scale public realm and the reinforcement of existing neighborhood character through good ~~street space~~streetscape design. The components of the form-based code include the guiding principles, Regulating Plan, subdistricts, general development standards, dimensional requirements, building design standards, diagrams, and definitions.

9.1.2 General guiding principles

The general guiding principles set forth here shall be applicable to all subdistricts within the India Street Form-Based Code Zone:

A. The street is a coherent space, with consistent building and streetscape character on both sides of the street. This agreement of buildings and streetscape across the street contributes to a clear public space and district identity.

B. The street wall is visually well defined. Land should be clearly public or private. Buildings contribute to the vital and safe public space while providing a clear boundary to the private, protected realm.

C. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality. Inactive edges, vehicle storage, garbage, and mechanical equipment should be kept away from the street. Shared infrastructure, to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.

D. Buildings are designed for the urban environment. Buildings must be designed for the urban situation within the subdistrict which often includes mixed-uses. Buildings are positioned near the street and facades are oriented to the street.

E. Respect historic character. If a property is within the India Street Historic District, Article 16~~7~~ is applicable. New construction, building additions, or alterations in the India Street Historic District shall reflect and complement the character-defining features and elements of the existing historic development to which it is visually related.

9.1.3 Applicability

A. The requirements set forth in this Section 9.1 shall apply to all new development, primary and accessory structures, including building additions within the India Street Form-Based Code Zone as designated on the India Street Regulating Plan.

B. A ~~partial~~ waiver of the requirements listed below may be granted if it can be demonstrated to the satisfaction of the

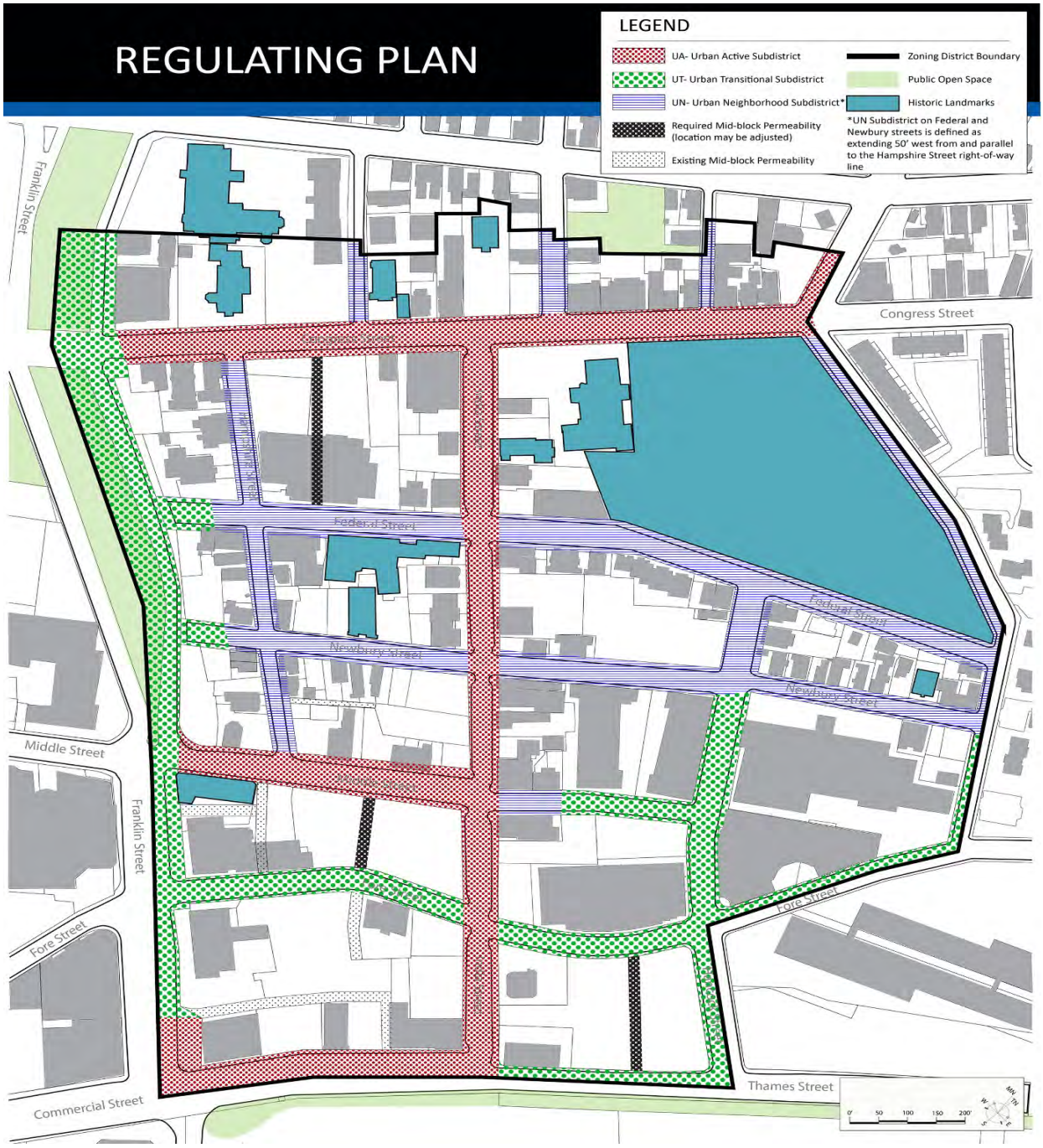


FIGURE 9-A: IS-FBC REGULATING PLAN

Planning Authority that the requirements in Subsection 9.1.3(C) below have been met:

1. Building orientation.
2. Blank façade length (max.).
3. Fenestration, ground floor facade area.
4. Building entry frequency, orientation, or elevation.
5. Garage door setback or width.
6. Additional building length – ground floor partition or module requirements.

C. A ~~partial~~ waiver request must meet the following requirements:

1. The intent of the IS-FBC ~~zone~~Zone as stated in Subsections 9.1.1 and 9.1.8.
2. Be the least adjustment necessary to satisfy the practical, programmatic, or functional needs of the proposed development.
3. At least one of the following applies:
   - **a.** The proposed zoning alternative better achieves the zone and subdistrict intent.
   - **b.** The zone or subdistrict intent will not be met by applying the requirement in this particular circumstance.
   - **c.** There is a legal or practical necessity or unique conditions.
   - **d.** Unique site factors make the zoning requirement impractical or cost prohibitive.

9.1.4 Establishment of subdistricts

The India Street Form-Based Code Zone as shown on the Regulating Plan is divided into three subdistricts:

A. Urban Neighborhood (UN) Subdistrict.
B. Urban Transitional (UT) Subdistrict.
C. Urban Active (UA) Subdistrict.

9.1.5 Regulating Plan

The Regulating Plan shows the location of the zone boundary and subdistricts subject to regulation by the IS-FBC ~~zone~~Zone.

~~9.1.6 Definitions~~

~~Terms used throughout this India Street Form-Based Code Zone may be defined in Article 3 or in Article 7. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in this section and those in Article 3, Article 7, or any other local land use ordinances, rules, or regulations, those of this India Street Form-Based Code Zone shall take precedence. For reference, terms are illustrated in Figure 9-B.~~

~~**Building, accessory.** A detached structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.~~

~~**Building addition.** Any increase to footprint or volume of an existing structure.~~

~~**Building, principal**. The main structure(s) on a lot having the predominant area and extent, and/or use. A lot may have more than one principal building.~~

~~**Buildings, attached**. Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.~~

~~**Building Design Standard (BDS).** The basic design parameters governing building form, including~~

intent, guidelines, and standards for architectural elements such as proportion, articulation, fenestration, entries, roof lines, and materials.

Elevation. An exterior wall of a building not along a frontage line.

Entrance, principal. The main point of access for pedestrians into a building. A building may have more than one principal entrance.

Façade. Any exterior wall of a structure exposed to public view from a public right-of-way.

Façade, blank. A building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

Green roof. A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane. The vegetated area of a green roof may be considered pervious for zoning impervious calculations.

Mid-block permeability. A continuous, open-air corridor at least 20' in width that connects two streets or public rights-of-way and physically provides a break in the street wall. The corridor must be unobstructed and open to the sky for the majority of its length.

Party wall. Any partition wall common to two adjacent or attached buildings.

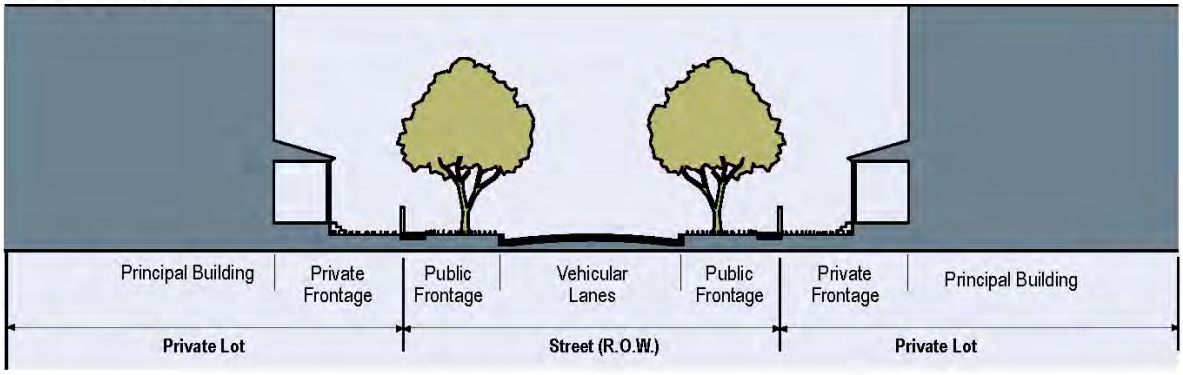
Regulating plan. A zoning map that shows the boundary of the area and subdistricts subject to regulation by the India Street Form-Based Code.

Stepback. A building setback of a specified distance measured from the ground floor building face that occurs at a prescribed number of stories or height above the ground and excludes the minimum necessary housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy.

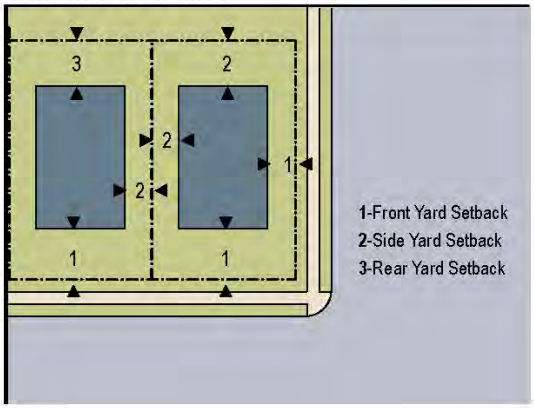
Yard, side. A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure. On corner lots, non-frontage yards shall be considered side yards.

Zero lot line. The location of a structure on a lot such that one or more of the structure sides rests directly on a lot line.

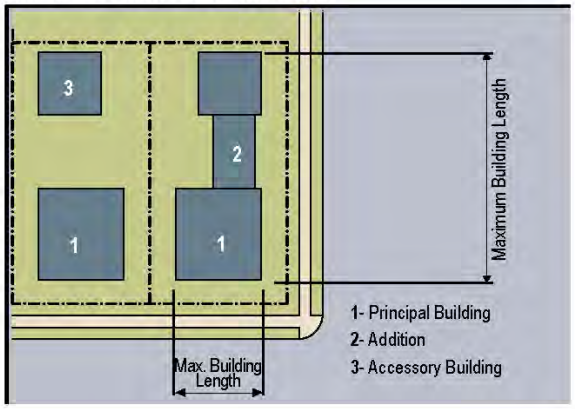
STREETS & FRONTAGES



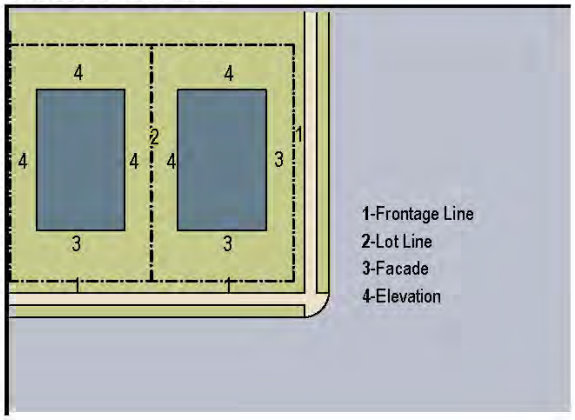
SETBACK DESIGNATIONS



BUILDING - PRINCIPAL & ACCESSORY



FRONTAGE & LOT LINES



~~FIGURE 9-B: IS-FBC TERMS ILLUSTRATED~~

~~9.1.7~~9.1.6 General development standards

A. Prohibited uses

1. Correctional pre-release facilities.
2. Funeral homes.
3. Drive-through facilities.
4. High-impact industrial uses.
5. Auto service stations.
6. Truck terminals.
7. Recycling and solid waste disposal services.
8. Storage and parking facilities for Class 1 flammable and combustible liquids (having an aggregate total of more than 100 gallons) but excluding storage that is part of a motorized vehicle or pleasure craft facility.

B. Performance standards. All uses permitted within this Article 9 shall conform to the mixed-use and B-2/B-2b zone performance standards established in Section 6.8. Where no zone is specified in Section 6.8, the performance standard applies.

~~B.~~C. Siting standards

1. *Mid-block permeability*
   - **a.** On lots with frontage on two streets roughly parallel to Commercial/Thames Street, for each and every 200 feet in street line length of lot, a full break between structures of at least 20 feet in width shall be provided roughly perpendicular to Commercial/Thames Street and within the middle third of the applicable street frontage. (See Figure 9-~~G~~F.)
   - **b.** Is encouraged in any location that connects existing public or private alleys, passages, or streets.
   - ~~alleys, passages, or streets.~~
   - **c.** Any development providing mid-block permeability with public access in the form of a continuous path of travel with a minimum clear width of 10 feet between two streets is eligible for one additional story of up to 12 feet in height under the provisions of Subsection 9.1.~~7(C~~6(D). Public access shall be defined through a legal agreement such as an easement or license.
   - **d.** ~~Refer to Regulating Plan for identified required~~For locations where mid-block permeability ~~locations~~is required, refer to the Regulating Plan.
2. *Frontage requirements*
   - **a.** Minimum street frontage: 30 feet
   - **b.** Building length measurement shall not include porches, decks, or balconies

TABLE 9-A: ADDITIONAL BUILDING LENGTH

Subdistrict	Attached Buildings	Ground Floor Partitions	Massing Variation	Structured Parking Exception
UN	~~unlimited~~Unlimited run	Not allowed	Not allowed	Not allowed
UT	~~unlimited~~Unlimited run	200 ft. max. length; 2 modules	200 ft. max. length	200 ft. max. length
UA	~~unlimited~~Unlimited run	150 ft. max. length; 3 modules	Not allowed	150 ft. max. length



that are appended to the principal structure.

c. In the case of a corner lot or lot bounded by at least three streets, maximum building lengths may not be exceeded in order to meet front yard setbacks.

d. Additional building length is allowed beyond the maximum building length under the following circumstances and according to Table 9-A:

i. Attached buildings: An unlimited number of attached buildings having up to 30 feet of street-facing building length is allowed. A party wall condition is required at least every 30 feet and for the entire height of each building. (See Table 9-A Additional Building Length – Attached Buildings.)

ii. Ground floor partitions: Additional building length is permitted with the provision of ground floor partitions where the following conditions are met. (See Table 9-A Additional Building Length – Ground Floor Partitions.):

a) Partitions must extend from the facade at least 2/3rds of the building depth.

b) Partitions must be architecturally expressed on the building exterior.

c) Each module created by partition must have at least one functional, street-facing entry.

d) Modules created by partition shall be sized to have reasonable function and proportion in relation to overall building length.

e) In the UA subdistrict, number of modules are required based on building length. In a building with a length greater than 50 feet but less than 100 feet, at least two modules are required. In a building with a length greater than 100 feet but less than or equal to 150 feet, at least three modules are required.

f) Massing Variation: Additional building length is permitted where at least 30% and up to 40% of the total façade building length is set back at least 20 feet. (See Table 9-A Additional Building Length – Massing Variation.)

g) Structured Parking Exception: Additional

TABLE 9-B: WALL/FENCE DIMENSIONAL REQUIREMENTS

Location	Height	Visual Permeability
Within front yard	6 ft. max.	Required above 2 ft. from sidewalk grade
Side or rear yard	8 ft. max.	n/a

building length for one facade without partition walls is allowed for the use of ground-level structured parking.

3. *Setbacks*
   a. Lots with a street frontage of less than 35 feet are exempt from providing side yards but only where required yard is perpendicular to the frontage that is less than 35 feet.
   b. Where new construction or building additions create a side yard of less than five feet, a maintenance easement is required where a combination of the side yard and party wall condition will exist, but shall be required to meet the applicable side setbacks at the external and internal subdivision lot boundaries between buildings that are not attached to each other.
4. *Landscaping and screening*
   a. Surface parking areas shall be screened from view from sidewalks, public rights-of-way, and public open spaces using landscaping, walls, fencing, or a combination thereof.
   b. Walls and fences shall meet the dimensional requirements in Table 9-B.

easement must be at least five feet. Party wall conditions are exempt from providing a maintenance easement. Corner lots may only apply the side yard reduction to one required side yard.

   c. Building facades within 10 feet of a corner are exempt from setback requirements in order to allow special corner architectural treatments.

~~**TABLE 9-B: WALL/FENCE DIMENSIONAL REQUIREMENTS**~~

~~Location~~	~~Height~~	~~Visual Permeability~~
~~Within front yard~~	~~6 ft. max.~~	~~Required above 2 ft. from sidewalk grade~~
~~Side or rear yard~~	~~8 ft. max.~~	~~n/a~~

   d. Subdivision developments consisting of horizontally attached buildings on individual lots are not required to have side yards between buildings where a

5. *Building additions*
   ~~a. Building additions which exceed the footprint of the existing building to which it is an addition or which exceeds 50,000 square feet shall be subject to major site plan review.~~
   ~~b. Exemptions~~
      ~~i. A building addition may not cause the building to exceed the maximum building length requirement except in the case that the building addition is located between a street frontage and an existing building with a legally non-conforming length. In such an instance, a building addition length may match but not exceed the legally non-conforming length of the existing~~

TABLE 9-C: HEIGHT BONUSES

Subdistrict	Pre-Bonus Height (max.)	Mid-Block Permeability[1]	~~Residential Density~~	Green Roof	~~Affordable Housing~~	Height With Bonus (max.)	Bonus Floor Stepback[2] (min.)
UN	45 ft. and 4 stories	n/a	~~n/a~~	n/a	~~1 story up to 12 ft.~~	57 ft. up to 5 stories	15 ft.
UT	65 ft. and 6 stories	1 story up to 12 ft.	~~1 story up to 12 ft.~~	1 story up to 12 ft.	~~1 story up to 12 ft.~~	77 ft. up to 7 stories	15 ft.
UA (Congress Street and Commercial Street only)	50 ft. and 4 stories	1 story up to 12 ft.	~~1 story up to 12 ft.~~	1 story up to 12 ft.	~~1 story up to 12 ft.~~	62 ft. up to 5 stories	15 ft.

[1] Must be publicly accessible in the form of a continuous path with a minimum clear width of 10 feet.
[2] Measured from the ground floor building edge facing any public right-of-way.

~~building to which it is an addition. (See Figure 9-G.)~~

~~ii.~~ Building additions are exempt from story minimums or maximums in order to match existing building in number of stories. All other subdistrict height standards shall apply including height minimum and maximums in feet.

for a height bonus. For lots with multiple frontages where a frontage faces an ineligible street, bonus story must be stepped back at least 35 feet from ineligible street line. (See Subsection 9.1.8(D).)

b. Only one height bonus may be applied per structure.

2. Affordable housing projects shall be subject to the affordable housing bonus provisions of Subsection 17.2.2.

~~2.~~3. One additional story of up to 12 feet in height is allowed ~~if one of the following provisions is met:~~

~~**a.** For residential development with residential density equal to or greater than 150 dwelling units per acre (density may be achieved with the bonus floor).~~

~~For~~for any development providing a green roof, where:

i. At least 50% of the cumulative lot area is pervious.

~~C.~~D. Height standards

1. *Height bonus applicability*

a. If a frontage faces a UT street, UN street, or allowed UA street according to Table 9-C, then the portion of the building facing that street is eligible

ii. At least 50% of the cumulative roof area is a green roof. Green roof area may be applied towards the 50% lot area requirement. Maintenance shall be assured by a maintenance plan and maintenance agreement approved by the Planning Authority.

~~b. For residential development where 20% of the units meet the definition of either "Workforce Housing Unit for Sale" or "Low income Housing Unit for Rent" as per Article 3.~~

~~D.~~E. Parking standards

1. Parking shall be provided as per Article 1~~8~~9.

~~2. Structured parking must meet the Building Design Standard for structured parking. (See City of Portland *Design Manual*.)~~

~~3.~~2. In the case of a building addition, non-conforming existing surface parking may remain. In the case of new construction, surface parking must be brought into conformance with IS-FBC standards.

~~9.1.8~~9.1.7 Subdistrict dimensional requirements

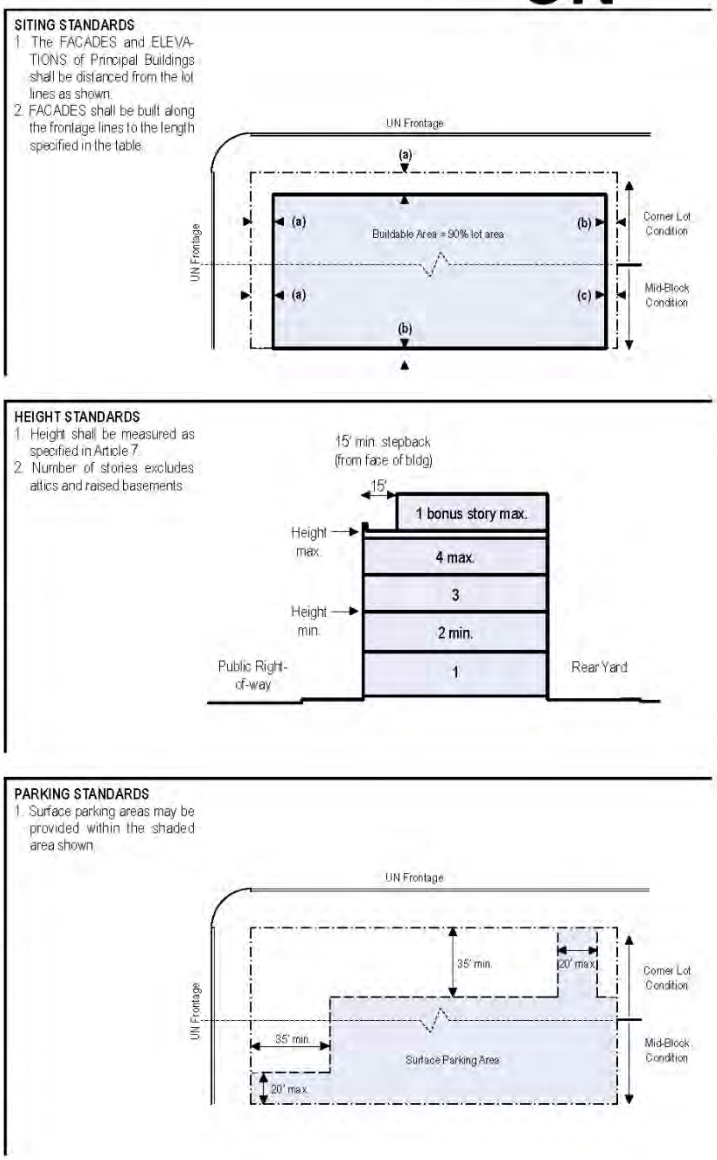
A. Urban Neighborhood (UN) subdistrict

The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

UN

SITING STANDARDS	
Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length - Principal facade	50' max.
Building Length - Secondary fac.	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	not allowed
Massing Variation	not allowed
Structured Parking Exception	not allowed
SETBACKS	
Principal Building	
(a) Front Yard	5' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard*	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 35'
Principal Entries	
Orientation	any orientation allowed
Elevated Stoop (> 1 step)	allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	25', at least 2 stories
Building Height Max.	45', up to 4 stories
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' min. setback from street
Within Side Yard	20' max in width per lot; may not exceed 50% of frontage length
Garage at frontage (attached or detached)	
Garage Door Setback (min)	5'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit
Notes and Exceptions	

* Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)



B. Urban Transitional (UT) subdistrict

The intent of this subdistrict is to encourage higher density, mixed-use building types that accommodate any use. Building frontages are a mix of activity level, have larger footprints, and the most flexibility of height and scale. Building ground floor spaces tend to accommodate flexible and changing uses with frontage types including doorways, forecourts, arcades, and storefronts. The streetscape may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks and stepbacks providing relief from large building masses.

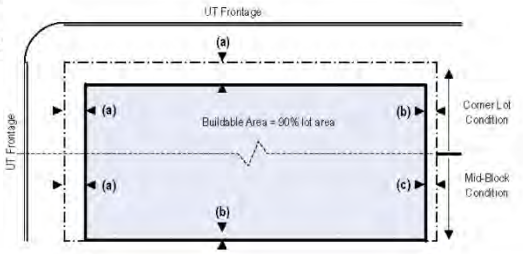
UT

SITING STANDARDS

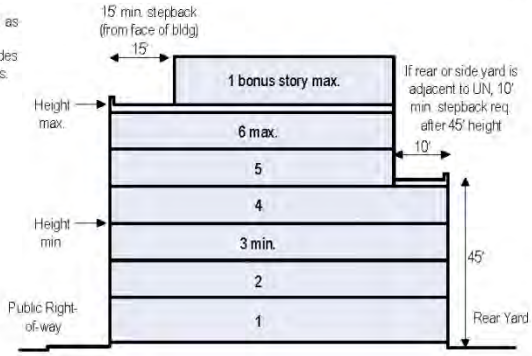
Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length	100' max.
BLANK FACADE length (max)	30'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	200' max., 2 modules
Massing Variation	200' max.
Structured Parking Exception	200' max.
SETBACKS	
Principal Building	
(a) Front Yard	10' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard*	10' min. - May be reduced provided that the cumulative side yards are not less than 20'
(c) Rear Yard	10' min.
(d) STEPBACK (adjacent to UN)	10' min. stepback after 45' height
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 95'
Principal Entries	
Orientation	any allowed
Elevated Stoop (>1 step)	allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	3 stories
Building Height Max.	65', up to 6 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' min. setback from street
Garage at frontage (attached or detached)	
Garage Door Setback (min)	10'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit
Notes and Exceptions	

* Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)

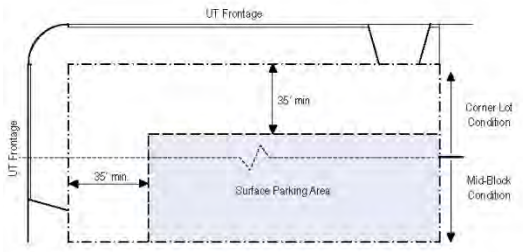
SITING STANDARDS
1. The FACADES and ELEVATIONS of Principal Structures shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



HEIGHT STANDARDS
1. Height shall be measured as specified in Article 7.
2. Number of stories excludes attics and raised basements.



PARKING STANDARDS
1. Surface parking areas may be provided within the shaded area as shown.



C. Urban Active (UA) subdistrict

The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.

UA

SITING STANDARDS

Orientation - Principal Frontage	face a UA street
Lot Coverage	90% max

FRONTAGE REQUIREMENTS

Building Length	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	150' max., up to 3 modules
Massing Variation	not allowed
Structured Parking Exception	150' max.
Fenestration, ground floor	60-90% (see BDS) facade area

SETBACKS

Principal Building	
(a) Front Yard*	5' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard**	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 40'
Principal Entries	
Orientation	at least 1 facing UA street or corner
Elevated Stoop (>1 step)	not allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	3 stories
Building Height Max.	50', up to 4 stories
Accessory Building	
Building Height Max.	25'

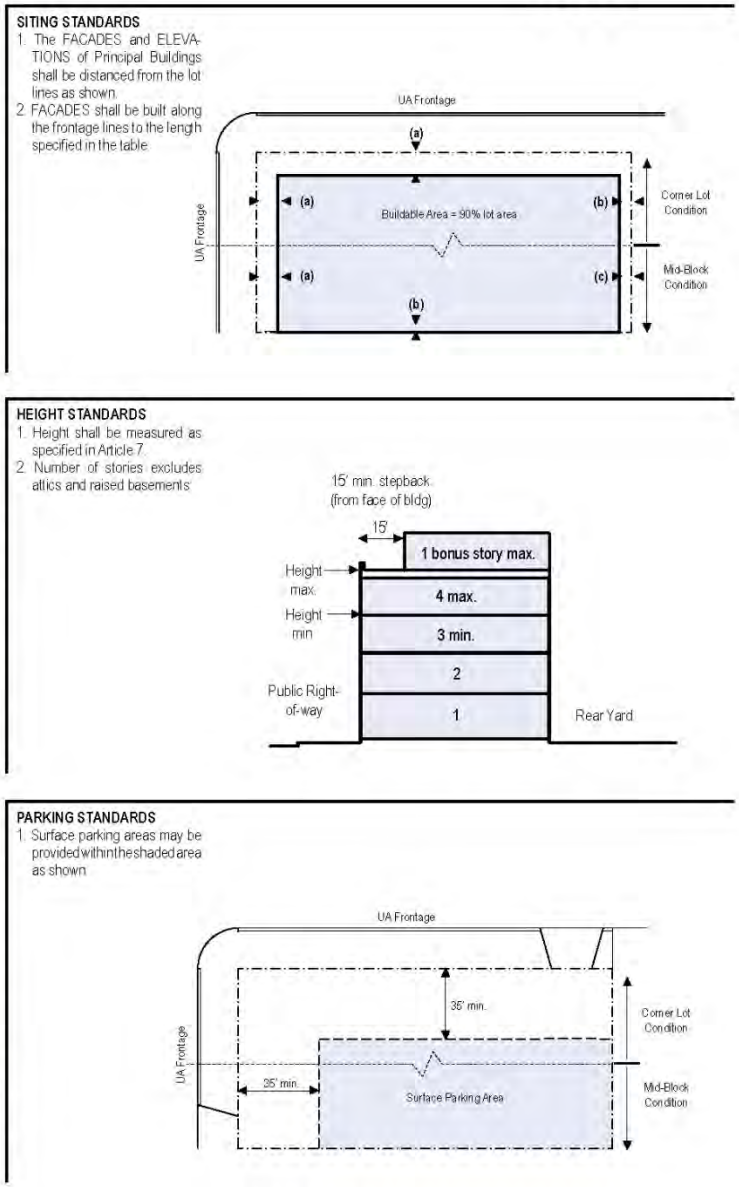
PARKING STANDARDS

Surface Parking Location	35' from street
Garage at frontage (attached or detached)	
Garage Door Setback	20' min. from street
Garage Door Opening (max)	n/a

Notes and Exceptions

* Up to 10'0" max. front yard setback is allowed if ground plane at frontage is a continuation of the accessible public right-of-way

** Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)



D. Corner conditions

For corner lots where two subdistricts intersect at a street corner, the dimensional requirements and building design standards of the "dominant" subdistrict shall apply 35 feet deep into the lot measured from the dominant lot line along its associated street frontage or public ways including required mid-block permeability. Otherwise, dimensional requirements shall be according to the subdistrict onto which the building façade faces.

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard (1st Lot Layer)	according to subdistrict
(b) Side Yard	according to subdistrict

Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UT INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

UN INTERSECTS UN

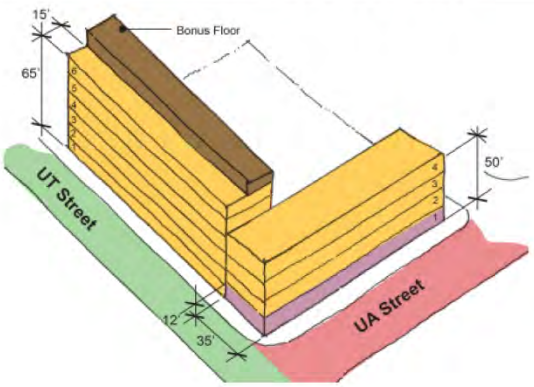
Building Length maximums:	
Principal Frontage	30' max.
Secondary Frontage	50' max.

Notes and Exceptions

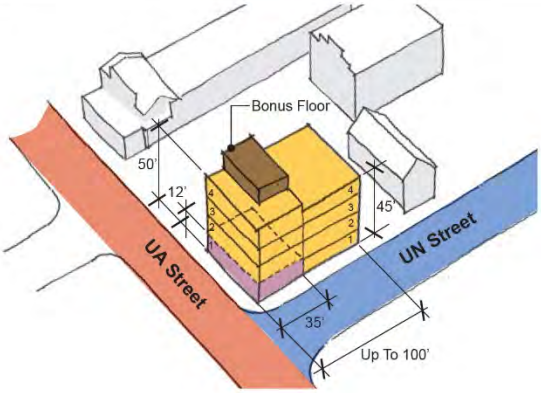
* Does not have to correspond to legal building address

CORNER

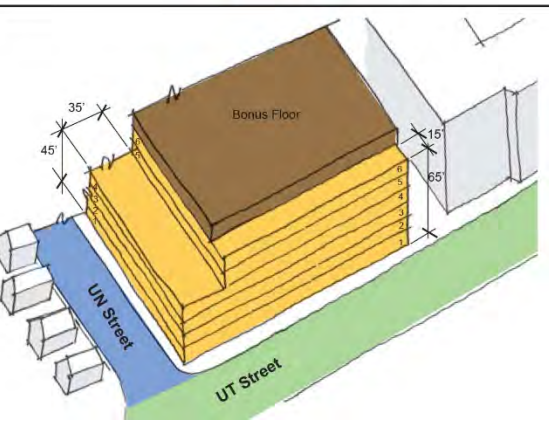
UA INTERSECTS UT
(example only)



UA INTERSECTS UN
(example only)

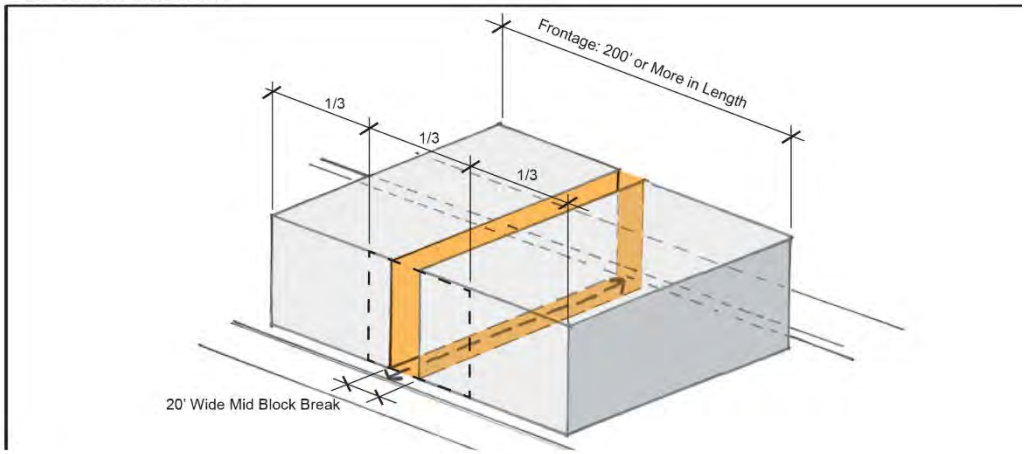


UT INTERSECTS UN
(example only)

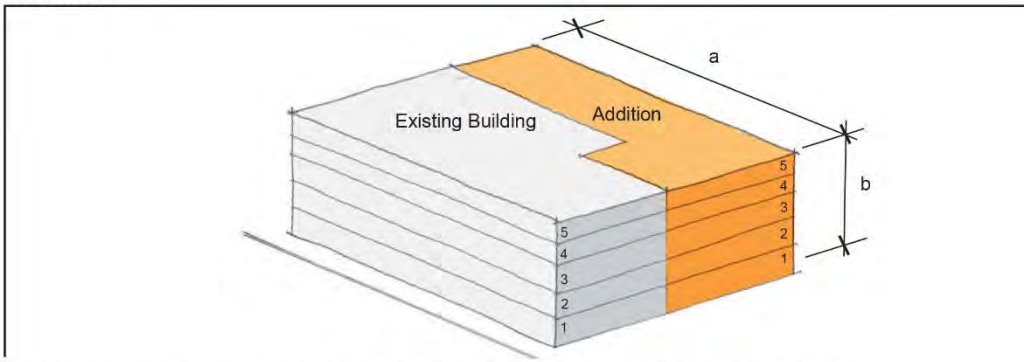


DRAFT

MID-BLOCK PERMEABILITY



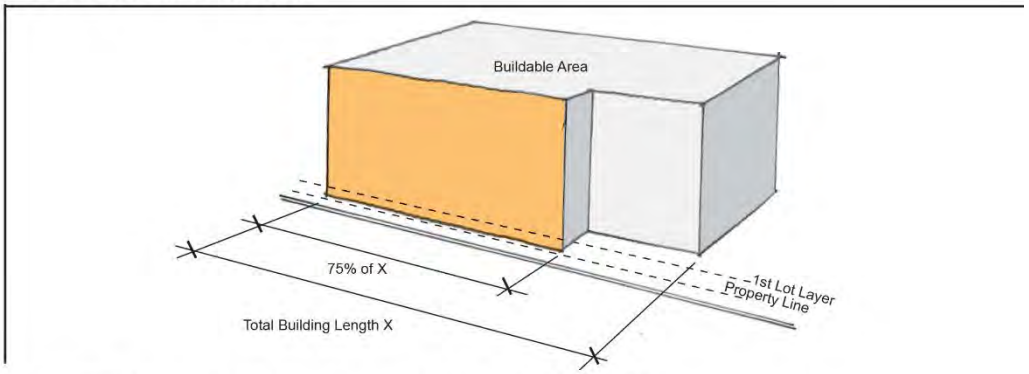
ADDITION



a - Addition length may match but not exceed the length of existing building to which it is an addition. All other Subdistrict Dimensional Requirements apply.

b - Addition height may match existing building in number and height of stories. All other Subdistrict Height Standards apply.

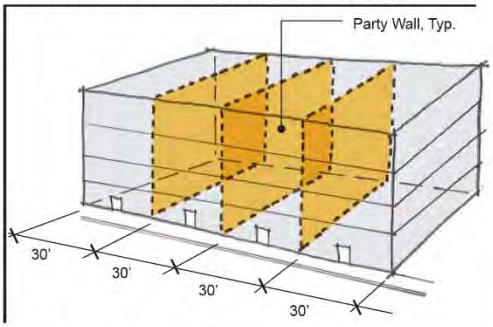
BUILDING LENGTH - 1st LOT LAYER



At least 75% of the total building length must be within the 1st LOT LAYER.

FIGURE 9-~~GF~~F: DIMENSIONAL REQUIREMENTS ILLUSTRATED

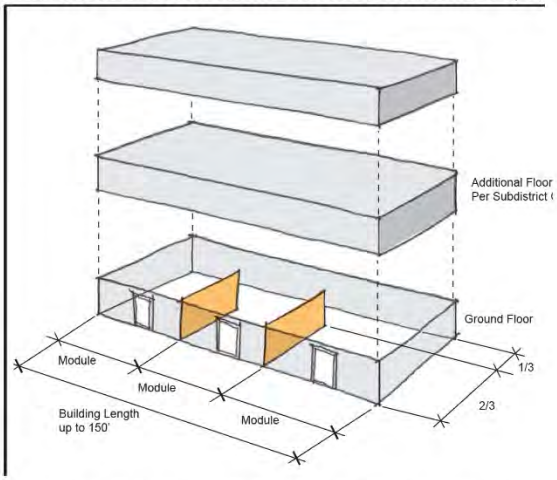
ADDITIONAL BUILDING LENGTH - ATTACHED BUILDINGS



An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed.

A PARTY WALL condition is required at least every 30' and for the entire height of each building.

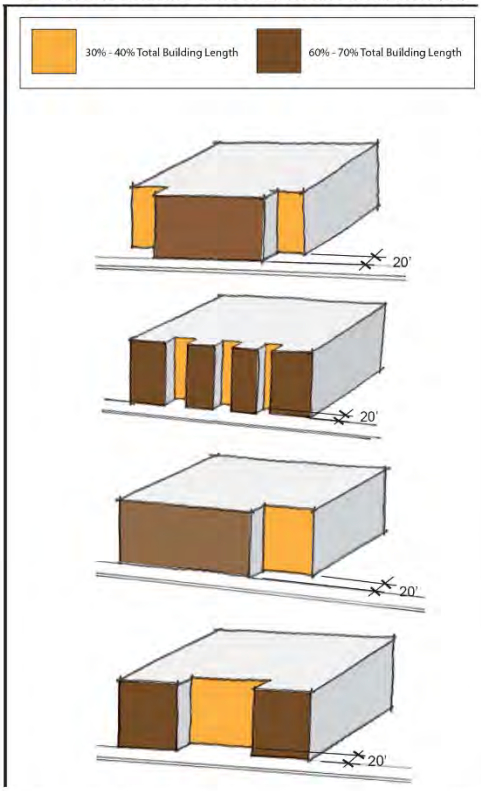
ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UA)



Additional Building Length is permitted up to 150' with the provision of a least two Ground Floor Partitions

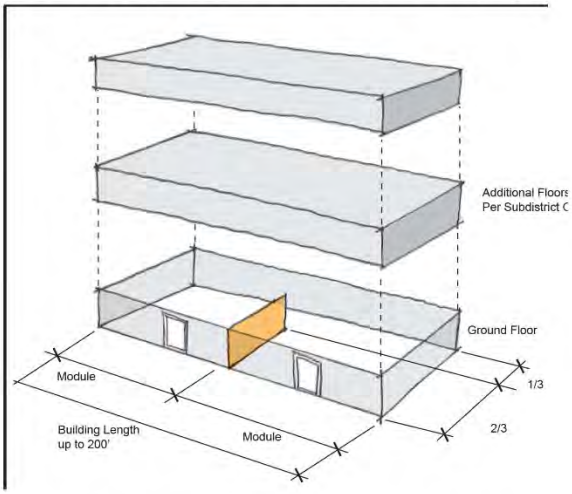
See General Development Standards and BDS for additional requirements.

ADDITIONAL BUILDING LENGTH - MASSING VARIATION (UT)



Additional building length is permitted where at least 30% and up to 40% of the total building length is setback to the 3rd LOT LAYER (20').

ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UT)



Additional Building Length is permitted up to 200' with the provision of at least one Ground Floor Partition.

See General Development Standards and the BDS for additional requirements.

~~FIGURE 9-G (CONT.): DIMENSIONAL REQUIREMENTS ILLUSTRATED~~

Additional building length is permitted where at least 30% and up to 40% of the total building length is setback to the 3rd LOT LAYER (20').

FIGURE 9-F (CONT.): DIMENSIONAL REQUIREMENTS ILLUSTRATED



10 WATERFRONT ZONES

10.1 IN GENERAL

Portland's waterfront zones were developed to support a wide range of industries unique to the city's maritime environment that rely upon access to the working waterfront. Competing demands for limited access require a more exhaustive use list, specialized performance standards, and a unique set of dimensional restrictions that are unlike those of other zones. Given this high degree of specialization, Article 10 should generally be viewed in isolation from other articles within the Land Use Code, with the exception of waterfront-specific definitions, listed within Article 3. Uses listed within this Article may typically be considered part of a larger generic use category as defined within Article 3. These specific ~~to Article 10 may feature some degree of~~ uses are listed only for the purposes of this Article, and do not indicate whether such uses are permitted or conditional in any other zone. In the case of any overlap or conflict with ~~other~~uses defined ~~uses allowed~~ elsewhere within ~~the city. However, in such instances~~this Code, the use as referenced within this article shall control~~.~~ within the waterfront zones.

10.2 EASTERN WATERFRONT PORT ZONE (EWPZ)

10.2.1 Purpose

A. The Eastern Waterfront Port Zone is created to ~~nurture~~support deepwater-dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

B. The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

C. The primary use of the deep-water resources ~~must~~shall be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

D. Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater-dependent uses to complement the marine passenger industry and to support the maintenance and repair of

pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

1. The first priority of this zone is to protect and ~~nurture~~support existing and potential deepwater-dependent uses (those uses requiring a minimum of 15 feet of water depth).
2. The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

10.2.2 No adverse impact on marine uses

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water-dependent component of a development will have an impermissible adverse impact if it will result in any one or more of the following:

A. The proposed use will displace an existing water-dependent use.

B. The proposed use will reduce existing commercial vessel berthing space.

C. The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

D. The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.2.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.2.2, the following uses are permitted in the Eastern Waterfront Port Zone:

A. Marine passenger

1. Intermodal marine passenger facilities.
2. Cruise ship home port and port-of-call berthing and support.
3. International and domestic ferries.

B. Marine commercial

1. Transient and long-term commercial berthing.
2. Marine-related warehousing.
3. Marine-related construction, manufacturing, fabrication, salvage, and repair.
4. Storage and repair of fishing equipment.
5. Ship and other marine vessel construction, building, servicing, and repair.
6. Boat and marine equipment storage.
7. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis.
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries.



10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.
11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.
12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, ~~and~~ naval architects, ~~and~~ seafood brokers, and marina guest amenities.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

~~*Editor's Note - On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of Subsection 10.2.4.~~

2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
   a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
   b. No temporary event may continue for more than 14 days of continuous operation.
   c. Any temporary event that anticipates more than 5,000 people in attendance on any single day ~~must~~shall provide and be subject to a parking management plan. The parking management plan ~~must~~shall be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.
3. Festivals subject to City license.
4. Street vendors licensed pursuant to Chapter 19 of the City of Portland Code of Ordinances.

D. Public

1. Fire, police, and emergency services.
2. Governmental agency emergency operations/crisis centers.
3. Research, military and visiting attraction vessel berthing.
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

E. Other

1. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

10.2.4 Conditional uses

A. The ~~following~~ uses identified in Section 10.2.4(C) below shall be ~~permitted~~allowed as conditional uses in the Eastern Waterfront Port Zone, ~~provided that,~~ subject to the standards of

Section 6.5 of this Code, with the following exceptions:

1. Notwithstanding Subsection 6.5.1, or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority~~, and provided further that~~ .
2. In addition to the provisions of Subsection 6.5.2, such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below.

~~F.~~B. Conditional use standards

1. *Marine compatibility.* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by Subsection 10.2.8(M) and (N).
2. *Parking and traffic circulation.* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the Planning Board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways, and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

~~G.~~C. Conditional uses

1. *Marine*
   - **a.** Marine products, wholesaling, and retailing.
   - **b.** Ice-making services.
   - **c.** Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight.
   - **d.** Marine educational facilities.
   - **e.** Seafood retailing, wholesaling, packaging, and shipping.
   - **f.** Seafood processing for human consumption, subject to the performance standards applicable to the I-L zone as listed in Section 6.8.
   - **g.** Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater-dependent vessels accessing existing or potential deepwater berthing.
   - **h.** Fish byproducts processing, provided that:
     - **i.** Any fish byproducts processing facility has a valid rendering facility license under Chapter 12 of the Portland City Code of Ordinances.
     - **ii.** Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the

odor limitation performance standards of the IM zone in Subsection 6.8.~~10~~7.

iii. The processing other material wastes or byproducts shall not be deemed a lawful accessory use permitted herein.

2. *Commercial*

a. Structured parking available to the general public.

b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006.

c. Passenger support services supporting a marine passenger use listed under Subsection 10.2.3(A). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principal associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:

i. Retail.

ii. Restaurants/food service other than street vendors.

iii. Retail service.

iv. Passenger information services.

d. A restaurant or food service establishment associated with a marine office supporting a marina use listed under Subsection 10.2.3(B)11 under the following conditions:

i. The restaurant or food service establishment shall be accessible to the public during businesses hours.

ii. The restaurant or food service establishment shall not operate between the hours of 11 p.m. and 6 a.m.

iii. Any structures associated with a restaurant or food service establishment use shall be setback a minimum of two feet from the Eastern Promenade Trail.

iv. Exterior portions of a restaurant or food service establishment shall be generally open to the sky except that they may have trees, lights, lighting stanchions, pergolas, and temporary sun control devices such as umbrellas and shade sails.

v. Exterior portions of a restaurant or food service establishment shall be designed to allow passersby to see into the space from the Eastern Promenade Trail.

vi. Activities associated with a restaurant or food service establishment including but not limited to access, circulation, dumpsters, exterior storage or loading, deliveries, signage, and other structures shall not adversely interfere or impede areas accessible to the public or public ways including the Eastern Promenade Trail.

3. *Industrial.* The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in Section 6.8 in addition to the performance standards of Subsection 10.2.8. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

a. Non-marine-related warehousing in structures existing as of September 18, 2006.

b. Facilities for combined marine and general construction.

c. ~~Low impact~~ Industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

4. *Public*

a. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:

i. The facility is located more than 100 feet from the water's edge.

ii. The facility occupies no more than 50 square feet of structure above ground.

iii. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine-related uses, including but not limited to parking, travel ways, and/or storage.

iv. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

b. Maritime museums, limited to 5,000 square feet of ground floor footprint.

5. ~~*Editor's Note –~~ *Parking for non-marine uses.* On-site parking for non-marine commercial and industrial uses ~~are permitted~~is allowed as a conditional ~~uses~~use subject to the following ~~provisions.~~ :

a. ~~*Parking for non-marine uses.*~~ Notwithstanding ~~Subsection 19.1.6~~Article 18 and Article ~~14~~13 of this Land Use Code, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by Subsections 10.2.3 and 10.2.4 which are or may be located on the subject property. (See editor's note below.) The remainder of parking required, if any, for such non-marine uses shall be provided off-site.

b. ~~*Editor's Note –~~ For the purposes of this section, vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject

property, or on a comparable property.

~~H.~~D. The following ~~use~~uses shall be permitted only upon the issuance of a conditional use permit subject to the provisions of Section 6.5, and any special provisions, standards, or requirements specified below:

1. Wind energy systems.
2. Solar energy systems.

10.2.5 Prohibited uses

Uses, whether floating or fixed to land, ~~which~~that are not enumerated in Subsections 10.2.3 or 10.2.4 as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

A. Residential uses.

B. Amusement/theme parks.

C. Bulk freight facilities.

D. On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

10.2.6 Contract or conditional rezoning

In addition to those marine and non-marine uses authorized in Subsections 10.2.3 and 10.2.4, an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of Subsection 10.2.2, the performance standards of Subsection 10.2.8, the applicable standards of contract/conditional rezoning contained in Section 5.3, and conforms to the following requirements:

A. Standards for contract or conditional rezoning:

1. All non-marine uses ~~are either~~shall be those permitted or conditionally permitted in the B-5 zone, and ~~are~~ not specifically prohibited in Subsection 10.2.5 above. Any hotel, inn, or other similar transient lodging establishment proposed ~~must~~shall be located landward of the spring tide line and westerly of the extension of the India Street right-of-way.
2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least 50% of one or more marine uses set forth in Subsections 10.2.3 and 10.2.4. ~~Note: the~~ Circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the ~~50% provision above.~~required 50%.
3. The development is consistent with the Comprehensive Plan, and without the non-marine use component ~~authorized herein~~proposed, the site could not otherwise support an economically viable water-dependent use.
4. The project's public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.
5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create

significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns.

6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in Subsections 10.2.3 and 10.2.4 and that said use is not abandoned after the project is developed.

B. Notwithstanding ~~Subsection 10.2.8(H) and~~the off-street parking standards of Article ~~14~~13, all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions Subsection 10.2.4(C)(5). Additionally, the total amount of parking shall be established by the City Council in the conditional or contract rezoning agreement after consideration of the Planning Board's recommendation ~~on the same~~.

10.2.7 Dimensional requirements.

In addition to the generally applicable provisions of ~~Section~~Article ~~7.5~~ of this Land Use Code, lots in the EWPZ shall be subject to the following requirements:

A. Minimum lot size: None

B. Minimum frontage: None

C. Minimum yard dimensions:

1. *Front setback:* None
2. *Side setback:* None
3. *Rear setback:* None
4. *Setback from pier line:* Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3(B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, outdoor seating associated with a restaurant or food service establishment, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or other~~ non water-dependent uses, or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

D. Maximum impervious surface: 100%

E. Maximum building height: 45 feet, except as follows:

1. For purposes of this subsection only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and floating vessels shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to air traffic.
2. Rooftop appurtenances may exceed the maximum height ~~limits~~limit of 45 feet providing that their design and placement is either fully screened or integrated into the architecture of the structure on which they sit.

3. The applicant ~~must~~shall provide a determination from the Federal Aviation Administration that structures and equipment in excess of 45 feet will not exceed the applicable height guidelines for the runway approach and will not create a conclusive evidence that the proposed development will not create a hazard.

10.2.8 Performance standards

Development in the Eastern Waterfront Port Zone shall comply with the following standards:

A. Outdoor storage of materials. Outdoor storage of commodities and materials accessory to normal conduct of business shall be entirely contained, including runoff contaminants and residual material, within a designated area.

B. Noise

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the EWPZ between the hours of 7:00 p.m. and 7:00 a.m. from facilities or operations commenced on or after July 1, 1988, shall not exceed 55 decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices, and maritime navigation signals.
2. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).
3. In addition to the sound level standards otherwise established, facilities or operations established or built in the EWPZ on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one second.

C. Vibration. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

D. Federal and state environmental regulations. All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this code are more stringent.

E. Discharges into harbor areas. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and state environmental statutes and ~~regulations~~regXulations regarding wastewater discharges.

F. Storage of vehicles. Storage of any unregistered automotive vehicle on the premises for more than 10 days shall not be permitted.

G. Landfill of docking and berthing areas. Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 471-478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

H. Off-street parking and loading. Off-street parking and loading ~~is subject to provisions as provided in~~within the waterfront zoning districts shall be exempt from the standards of Article ~~19~~18.

I. Shoreland and ~~Flood Plain~~Floodplain Management regulations. Any lot or a portion of a lot located in a Shoreland Zone as identified on the City zoning map or in a flood hazard area shall be subject to the requirements of Articles 11 and 12.

J. Lighting. All lighting on the site shall be shielded such that direct light sources shall not interfere with vessels transiting the harbor, nor have an unreasonable adverse impact on adjacent residential zones, and shall be compliant with the site lighting standards of the City of Portland *Technical Manual*.

K. Signs. Signs shall be permitted as set forth in Article ~~20~~19.

L. Storage of pollutants and oily wastes. On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

M. Compatibility of non-marine uses with marine uses. Non-marine uses, structures, and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage, and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

N. Functional utility of piers and access to the water's edge. All development, whether for marine or non-marine uses, ~~must~~shall anticipate current and future needs of water-dependent uses to functionally access the

water's edge for the transfer of goods, materials, and passengers between berthed vessels and land bound vehicles. Provisions for the storage and movement of goods, materials, and passengers ~~must~~shall be designed into all waterside development and internal circulation routes ~~must~~shall be maintained or otherwise provided as an element of any development.

10.3 WATERFRONT CENTRAL ZONE (WCZ)

10.3.1 Purpose

A. The Waterfront Central Zone was created to protect and ~~nurture~~support water-dependent and marine-related ~~support~~ uses ~~so that they may grow and prosper in the~~to ensure their present and ~~into the~~ future ~~in an environment and area dedicated to this purpose.~~viability as key features of Portland's waterfront. The Waterfront Central Zone recognizes the following ~~priority~~hierarchy of uses ~~is recognized~~:

1. The first priority of this zone is to protect and ~~nurture~~support existing and potential water-dependent uses in a setting that ~~enforces~~ensures their continued economic viability.
2. The second priority is to encourage other marine and marine-related support uses ~~so long as~~provided they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of ~~the~~ marine infrastructure.

B. Water-dependent and marine-related support uses ~~by their nature have~~ include unique activities and operational needs ~~that are unique to this area and are~~ not shared by other commercial and industrial uses in the city. ~~These~~The first and second priority uses ~~and related activities~~established in the WCZ may result in noise, odor, dust, hours of operation, parking~~,~~ and traffic patterns, and traffic control needs that are necessary for the convenient and successful conduct of such uses. ~~Other uses may not be compatible with these types of effects.~~ Other specified uses are permitted in the Waterfront Central Zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses ~~must~~shall be, and are assumed to be, aware of the impacts associated with marine uses and therefore ~~must~~shall accept and be tolerant of them. Other specified uses in the zone shall accommodate ~~to those patterns and~~the needs of ~~the~~ higher priority uses ~~so long as~~ ~~those~~established in this section, provided such higher priority uses are not detrimental to public health and safety, and ~~the higher priority activities~~ are conducted in accordance with ~~sound practices or~~best practices customary in the trade.

C. Commercial Street is recognized as an important economic center for the city and region. Marine-compatible uses are encouraged to locate and grow along Commercial Street, while higher priority water-dependent and marine uses are protected on the waterfront.

~~10.3.2 Definitions~~

~~For the purposes of the Waterfront Central Zone only, the following terms shall have the following definitions:~~

~~**Common circulation drives.** Private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the Waterfront Central Zone providing access from/to the public street network.~~

~~**Lot.** Any abutting property under common ownership.~~

10.3.2 Commercial Street ~~Overlay Zone (CSOZ).~~Subdistrict

A. Purpose. The Commercial Street ~~Overlay Zone (CSOZ~~Subdistrict (CSSD) is a portion of the Waterfront Central Zone~~, as described below,~~ where new and existing development may be occupied with 100% non-marine ~~use tenants~~uses, as listed ~~under~~within Subsection 10.3.3(B~~), subject to the standards and use limitations provided in Subsection 10.3.7(B).~~).

~~A.~~**B. Geographic limits.** The geographic limits of the ~~CSOZ~~CSSD are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established 125 feet south of the southerly sideline of Commercial Street and modified as follows:

1. The seaward limit of the ~~CSOZ~~CSSD extends to a line 300 feet south of the southerly sideline of Commercial Street in the area between the easterly and westerly sideline of Long Wharf. Additionally, all areas subject to this provision are set back landward at least 25 feet from the average high tide line of Portland Harbor and associated coastal wetlands.
2. Where the 125 foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leaves 75% or more of the building within the ~~CSOZ~~CSSD, the entire building shall be considered included in the ~~CSOZ~~CSSD. All offset distances are measured horizontally.

~~B.~~**C. Demonstration of location.** All applicants for development within the ~~CSOZ~~CSSD are responsible for demonstrating their location within ~~CSOZ~~the CSSD according to the findings of a site specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the ~~CSOZ~~CSSD shall be shown on all site plans and subdivision plats for proposed development within the ~~CSOZ.~~ CSSD.

~~**On-site.** That portion of any lot included within or directly impacted by a proposed development.~~

10.3.3 Permitted uses

~~Subject to a determination that the proposed use meets the standards of Subsection 10.3.7, as applicable,~~ The following uses ~~listed under Subsection 10.3.3(A), (B), (C), and (D)~~ are permitted ~~anywhere in~~within the Waterfront Central Zone. ~~Uses listed under Subsection 10.3.3(E) are only permitted in the CSOZ.~~

A. Marine

1. Marine products wholesaling, distribution and retailing.
2. Marine repair services and machine shops.
3. Tugboat, fireboat, pilot boat and similar services.

4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.
5. Marine industrial welding and fabricating.
6. Shipbuilding and facilities for construction, maintenance, and repair of vessels.
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing, and water taxis.
8. Cargo handling facilities, including docking, loading, and related storage.
9. Boat repair yards.
10. Boat storage facilities, excluding rack storage facilities (Boat rack storage facilities are included as a conditional use).
11. Seafood processing and retailing.
12. Seafood packing and packaging.
13. Seafood loading and seafood distribution.
14. Fabrication, storage, and repair of fishing equipment.
15. Ice-making services.
16. Facilities for marine construction and salvage.
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.
18. Fabrication of marine-related goods.
19. Fishing and commercial vessel berthing.
20. Non-commercial berthing of a maximum of 50 linear feet per pier. A non-commercial berth may not displace a commercial berth. Parking for any non-commercial berthing is subject to the provisions of Subsection 10.3.9(G).
21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers.
22. Public landings.
23. Marine research, education, and laboratory facilities.
24. Bait sales and processing.
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.
26. Commercial parking for water-dependent use business owners and employees.

B. Non-marine commercial and industrial uses.

~~Non-marine uses permitted by this subsection are subject to the standards listed in Subsection 10.3.7.~~

1. Professional, business, government, and general offices, except for offices for health care practitioners or health clinics which are only permitted in the ~~CSOZ~~CSSD.
2. Cabinet and carpentry shops, studios for artists and crafts people.
3. Intermodal transportation facilities.
4. Cold storage facilities.
5. Commercial kitchens.
6. Outside accessory activities.

C. Public

1. Landscaped pedestrian parks, plazas, and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

D. Other

1. Interior accessory uses customarily incidental and subordinate to the location, function, and operation of permitted uses.

, such as food service establishments, newsstands, and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of ~~a use set forth in Subsections 10.3.3(A)(1), (7), (11) or (22); such uses do not exceed 2,000 square feet in total floor area of the building, or 25% of the total floor area of the building, whichever is less, and each individual accessory use does not exceed 1,000 square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of Subsection 10.3.7(A).~~the following principal uses:

a. ~~Interior meeting or classroom space accessory to uses permitted in Subsection 10.3.3(A)(23) may be rented out for meeting use by~~ Marine products wholesaling, distribution and retailing.

b. Commercial marine~~-related or non-marine related groups or organizations, or the general public, and such~~ transport and excursion services, including ferries, captained charter services, sport fishing, and water taxis.

c. Seafood processing and retailing.

d. Public landings.

2. Individual accessory uses shall not ~~be subject to the limitations contained in (B) above, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed 3~~exceed 1,000 square feet in ~~total~~ floor area~~ per building, or 15% of the total~~, and all accessory uses shall not exceed 2,000 square feet in floor area~~ per~~, or 25% of the total floor area of the building, whichever is less. Such accessory uses shall provide goods or services that are supportive of the principal use and its clientele.

E. Uses permitted only within the Commercial Street ~~Overlay Zone (CSOZ).~~ ~~Uses permitted by this subsection are subject to the standards listed in Subsection 10.3.7(B).~~ **Subdistrict**

1. Retail and service establishments, including craft and specialty shops.

2. Restaurants, provided that full ~~course~~ meal ~~food~~ service ~~and consumption~~ shall be the primary function of the restaurant, and full ~~course~~ meal service shall be continued up until the hours of closing.

3. Banking services without drive-up ~~services~~facilities.

4. Museums and art galleries.

5. Street vendors licensed pursuant to Chapter 19.

6. Offices of health care practitioners or health care clinics.

7. Personal service establishments.

10.3.4 Conditional ~~use~~uses

The uses ~~listed herein~~identified in below shall be ~~permitted~~allowed as conditional uses in the Waterfront Central Zone, ~~provided that, notwithstanding Section~~subject to the standards below, as well as applicable standards within Article 6~~.5, or~~ of this Code. Notwithstanding any other provision of this Code, the Planning Board shall be



substituted for the Board of Appeals as the review authority~~, and further provided that in addition to the provisions of Subsection 6.5.2, they shall also meet the applicable Waterfront Central Zone development standards in Subsection 10.3.7~~.

A. Commercial marine conditional uses

1. Fish by-products processing, provided that:
   - **a.** Any fish by-products processing facility has a valid rendering facility license under Chapter 12 of the City of Portland Code of Ordinances.
   - **b.** Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of ~~the I-M zone~~Section 6.8.7.
   - **c.** The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.
2. Boat rack storage facilities, provided that:
   - ~~**a.** Parking shall be provided for 100% of the demand generated by the use (nothwithstanding Subsection 10.3.9(G), and such parking shall be provided off-site, in another zone permitting such use.~~
   - **a.** No parking for the use is provided on-site.
   - **b.** Boat rack structures shall not exceed 10,000 square feet of building footprint.

B. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage, and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:

1. The facility is located more than 100 feet from the water's edge.
2. The facility occupies no more than 50 square feet of structure above ground.
3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage.
4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

C. Wind energy systems~~.~~

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10.3.5 Prohibited uses

Uses which are not enumerated in either Subsections 10.3.3 or 10.3.4 as permitted or conditional uses are prohibited. Uses enumerated in Subsection 10.3.3(E) shall be considered prohibited uses outside of the ~~CSOZ.~~Commercial Street Subdistrict. Those uses that are prohibited shall include, without limitation:

A. Residential uses.

B. Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals, or boatels.

C. Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use.

D. Drinking establishments, private clubs, or non-profit social and recreational clubs.

E. Ground mounted telecommunication towers, antennas, and/or disks.

F. Drive-up services for any use other than a permitted ~~use listed under Subsections 10.3.3(A) or 10.3.4(A)(1).~~marine use, not including boat rack storage facilities.

G. Auto service stations.

H. Laundry and dry-cleaning services.

I. Convenience stores with gas pumps.

J. Commercial parking for non-marine uses.

10.3.6 Dimensional requirements

In addition to the generally applicable provisions of ~~Section~~Article ~~7.5~~ 7 of this Land Use Code, lots in the Waterfront Central Zone shall be subject to the following requirements:

A. Minimum lot size: None

B. Minimum frontage along Commercial Street: 75 feet

~~**C. Minimum lot width within the CSOZ:** 50 feet measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ.~~

~~D.~~C. Minimum yard dimensions:

1. *Front setback:* None
2. *Side setback:* None
3. *Rear setback:* None
4. *Setback from pier edge:* Notwithstanding the above requirements, a minimum first-floor setback of 10 feet from the edge of any pier, wharf, or bulkhead shall be required for any structure, exclusive of structurally necessary posts supporting upper floors, and deck-mounted equipment for loading and unloading vessels. The edge of any pier, wharf, or bulkhead shall include any attached apron(s). Floats, rafts, and/or barges not structurally integral to the pier, wharf, or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

~~E.~~D. Maximum lot coverage: 100%

~~F.~~E. Maximum building height: 50 feet. Except as provided ~~in (H)~~ below, a structure in the Waterfront Central Zone shall provide no more than three habitable floors~~, however, typical~~. Rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.

~~G.~~F. Minimum ground floor clearance: Any new building proposed to be larger than 300 square feet and located more than 35 feet from the southerly sideline of Commercial Street shall provide no less than 15 feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than 300 square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

~~H.~~G. ~~New~~ Non-marine use building exception for ~~usable~~habitable floors and minimum ground floor clearance: ~~Notwithstanding provisions (F) and (G) above, for new~~For newly constructed non-marine use buildings ~~permitted~~ within the ~~CSOZ~~Commercial Street Subdistrict, four ~~usable~~habitable floors are allowed, and ground floor clearance minimums ~~do~~shall not apply.

10.3.7 Development standards

A. Standards for non-marine uses located outside of the ~~CSOZ.~~ Commercial Street

Subdistrict. Non-marine uses ~~listed above in Subsection 10.3.3(B) and 10.3.4(B) that are~~ located outside of the ~~CSOZ~~CSSD shall be subject to the ~~performance standards listed in Subsection 10.3.9 as well as the~~ following ~~standards:~~:

1. *55% marine use required on ground floors.* At least 55% of the leasable ground floor area of all buildings on a lot ~~(defined in Subsection 10.3.2 above),~~ shall be occupied by marine uses~~, as listed under Subsection 10.3.3(A) or 10.3.4(A)(1).~~.
2. *55% marine use required for all open areas.* After subtracting areas used for common circulation drives ~~(defined in Subsection 10.3.2 above),~~ at least 55% of ~~unbuilt~~the remaining area ~~(meaning area~~of the lot not occupied by a building~~) on the lot, when calculated using the aggregate of all such unbuilt areas,~~ shall be occupied by marine uses ~~as listed under Subsection 10.3.3(A) or 10.3.4(A)1.~~, not including boat rack storage facilities.
3. *Ground floor vacancies and change of occupancy offered to water-dependent/marine uses.* Ground floor vacant space and areas proposed for a change of occupant outside of the ~~CSOZ~~CSSD shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
   a. ~~Ground floor vacancy and change of occupant outside of the CSOZ advertised to marine users: In~~On any lot or portion of a lot outside of the ~~CSOZ~~CSSD, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, ~~must~~shall be made available to new marine occupants. Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a 180-day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins.) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the ~~CSOZ.)~~ CSSD.) The property owner may stop advertising sooner than the end of the 180-day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.
   b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the Planning Authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map

shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner ~~must~~shall indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.

c. Prior to changes of occupancy and/or as part of applications for new development outside of the ~~CSOZ~~CSSD, the property owner or applicant shall provide proof of compliance with the requirements of this section as a condition of approval.

4. *Pier or bulkhead edge reserved for marine uses.* Notwithstanding any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing ~~pursuant to Subsection 10.3.3(A)(20),~~ all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least 10 feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses ~~as defined in Subsection 10.3.3(A) or 10.3.4(A).~~ Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

B. **~~CSOZ~~Commercial Street Subdistrict standards.** Non-marine uses ~~listed under Subsections 10.3.3(B), 10.3.3(E) and 10.3.4 located within~~ in the ~~CSOZ, as defined in Subsection 10.3.2,~~CSSD shall be subject to the ~~performance standards listed in Subsection 10.3.9 as well as~~ the following standards:

1. *Vessel access.* Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Subsection 10.3.9.

2. *Maximum setback for new development on lots with 75 or more feet of Commercial Street frontage.* Any new non-marine development constructed subject to this provision which is located on a lot with 75 or more feet of frontage along the Commercial Street right-of-way shall be located with its front façade no further than 35 from the southerly sideline of the Commercial Street right-of-way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street. Non-marine development subject to this provision on lots with fewer than 75 feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the



maximum setback provisions established herein.

3. *Investment in marine infrastructure*. All applicants for site plan review or a change of use permit for non-marine development in the ~~CSOZ~~CSSD are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed $250,000. The value of the investment shall be not less than 5% of total project costs over $250,000 for constructing non-marine space and associated site improvements in the ~~CSOZ.~~ CSSD. Required investment may occur by one or both of the following methods:
   a. Direct investment in marine infrastructure located on the same lot: Investment shall be for the benefit of marine uses ~~listed in Subsection 10.3.3(A)~~ within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the Planning Authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.
   b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the City's Waterfront Loan and Investment Fund.

10.3.8 No contract or conditional rezoning permitted

~~C. This section is intended to accomplish goals from *Portland's Plan* 2030. Specifically, these changes will:~~

~~1. Prioritize and promote Portland's unique mix of water-dependent, marine-related and compatible non-marine uses.~~

~~2. Recognize and reinforce the respective roles of the Eastern, Central, and Western Waterfronts.~~

~~3. Celebrate, promote, and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.~~

A. ~~In light of these goals and the significance of the Central Waterfront to the City's future,~~ No contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

10.3.9 Performance standards

~~All uses in the Waterfront Central Zone shall comply with the following standards:~~



A. **Outdoor storage of materials.** Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of 45 feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

B. **Noise.** The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Waterfront Central Zone shall not exceed 75 decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).

C. **Vibration.** Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

D. **Discharges into harbor areas.** No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and state environmental statutes and regulations regarding wastewater discharges.

E. **Storage of vehicles.** Storage of any unregistered automotive vehicle on the premises for more than 60 days shall not be permitted.

F. **Landfill of docking and berthing areas.** Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

G. **Off-street parking and loading.** ~~No~~ Off-street parking ~~or~~and loading within the waterfront zoning districts shall be ~~required~~

~~under~~exempt from the standards of Article ~~19~~18.

H. Lighting. All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

I. Storage of pollutants and oily wastes. On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

J. Urban design. Construction of new structures located within 35 feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the City fish pier shall conform to the guidelines set forth in ~~the Downtown Urban~~theCity of Portland Design ~~Guidelines~~Manual, unless such structures are also located within 100 feet of the water. Such structures that are also located within 100 feet of the water shall conform to the extent practicable to the ~~Downtown Urban~~City of Portland Design ~~Guidelines~~Manual.

K. Pier and wharf expansions. In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the Waterfront Central Zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

L. Public view protection

1. Any new development in the Waterfront Central Zone shall perform a public view impact analysis for review and approval by the Planning Board or Planning Authority as a condition of site plan approval. The analysis shall:

a. Demonstrate the project's adherence to the ~~Portland~~ View Corridor Protection Plan ~~(~~within the City of Portland ~~Comprehensive Plan, 2002)~~Design Manual to the extent practicable.

b. Promote the public's visual access to the water through sensitive building placement.

2. The Planning Board or Planning Authority shall find at a minimum that the proposed development:

a. Retains street corridor views as extended across Commercial Street from the Portland peninsula.

b. Retains panoramic views of the water from Commercial Street to the extent practicable.

c. Where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

M. Operations and access management plan

1. Any new development, including changes of use or expansion of uses in the Waterfront Central Zone, shall submit a scaled plan and accompanying narrative that demonstrates waterfront access and functional accommodation for water-

dependent uses. ~~In accordance with *Portland's Plan 2030,*~~ The plan shall demonstrate consistency with the hierarchy of waterfront uses, as further detailed in Subsection 10.3.1, with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

2. The plan shall, at a minimum, illustrate the following information:
   a. Location of all existing and proposed structures, rights-of-way, common circulation drives ~~as defined in Subsection 10.3.2~~, access-ways, sidewalks, pier edges, floats, and docks, showing the entire lot in the context of its respective pier.
   b. Existing and proposed off-street parking, labeled with associated uses.
   c. Facilities for the loading and unloading of goods and materials.
   d. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating, and on-site waste management.
   e. Signage showing parking use, wayfinding, and posted operational restrictions.
   f. Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner.
3. The operations and access management plan shall be reviewed by the Planning Authority.
4. In addition to the information above, the plan shall demonstrate compliance with the following standards:
   a. Off-street parking is subject to the limitations described in Subsection 10.3.7 (A)("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
   b. Proposals for new non-marine parking, accessory to an otherwise permitted use in the WCZ, shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.
   c. Off-street parking, loading facilities, and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m. Any such shared parking arrangements shall be documented in the operations and

access management narrative described above, and clearly signed on-site.

d. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

e. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.

f. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes ~~must~~shall be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

g. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

10.4 WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

10.4.1 Purpose

Transport of goods by water to and from Portland is an important component of both the local and regional ~~economy. This commerce is dependent upon land with direct access to the dredged deep-water channel of the Fore River and Portland Harbor.~~ economies. As such, the Port of Portland is integral to the City's economic, cultural and fiscal health. ~~This zone exists to ensure the continued viability of the Port of Portland. Uses in~~ The Waterfront Port Development Zone~~, while governed~~ (WPDZ) aims to support the ongoing success of the Port by ~~the similar performance standards as other industrial zones,~~regulating the development of land directly connected to the dredged deep-water channel of the Fore River and Portland Harbor. Activities within the WPDZ are primarily limited to those ~~uses which are dependent upon~~requiring deep water access and ~~which contribute~~contributing to port ~~activity~~operations. Non-marine ~~activity~~activities may be ~~allowed to the extent it will~~permitted if they do not ~~have any adverse impact on~~adversely affect marine uses.

10.4.2 No adverse impact on marine uses

No use shall be permitted~~, approved or established~~ in ~~this zone~~the WPDZ if it will have an ~~impermissible~~ adverse impact on future marine development. A proposed development ~~will~~is deemed to have an ~~impermissible~~ adverse impact if it will result in any one or more of the following:

A. The proposed ~~non-water-dependent~~ use will displace an existing water-dependent use.

B. The proposed use will reduce existing commercial vessel berthing space.

C. The proposed ~~nonwater-dependent~~ use~~,~~ and any associated structure~~,~~(s) or ~~activities,~~site elements including but not limited to access, circulation, parking, dumpsters, exterior storage, or loading facilities, ~~and other structures,~~ will unreasonably interfere with the activities and operation of existing

water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

D. The siting of a proposed ~~nonwater-dependent~~ use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.4.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.4.2, the uses in Table 10-A are permitted (●) or conditional (◐) in the Waterfront Port Development Zone.

10.4.4 Conditional use standards

Conditional uses shall be permitted in the Waterfront Port Development Zone~~,~~ provided that~~,~~ notwithstanding Section 6.5 or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority. In addition to the provisions of Section 6.5, such uses ~~will~~shall:

A. Not impede or preclude existing or potential water-dependent development on other lots.

B. Allow for adequate access to the water.

C. Be compatible with water-dependent and marine uses.

D. Operationally support one or more water-dependent use(s), or be located in a building or structure that is physically adaptable or relocatable to make way for future development of water-dependent uses.

E. Meet any additional performance and dimensional standards set forth below.

10.4.5 Prohibited uses

Uses which are not enumerated in Table 10-A as permitted or conditional uses are prohibited. Those uses that are prohibited shall include, without limitation:

A. Residential uses.

B. Hotels~~,~~ or motels, or boatels.

C. Auditoriums, civic centers, convention centers, or other meeting facilities.

D. Restaurants and ~~drinking establishments~~bars.

E. Marinas, including marina associated boat storage facilities.

F. Truck terminals.

TABLE 10-A: WPDZ PERMITTED AND CONDITIONAL USES

Marine	Marine repair services and machine shops	●
	Tugboat, fireboat, pilot boat, and similar services	●
	Harbor and marine supplies and services and ship supply, such as fueling and bunkering of vessels	●
	Shipbuilding and facilities for construction, maintenance, and repair of vessels	●/◐[1]
	Marine cargo handling facilities, including docking, loading and related storage	●/◐[1]
	Boat repair yards	●/◐[1]
	Facilities for marine construction and salvage	●/◐[1]
	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	●
	Marine retail and wholesale sales, including yacht brokerage	◐
	Boat storage facilities	●/◐[1]
	Seafood processing	◐



TABLE 10-A: WPDZ PERMITTED AND CONDITIONAL USES

	Seafood packing and packaging	◐
	Fabrication, storage, and repair of fishing equipment	◐
	Ice-making services	◐
	Fabrication of marine-related goods	◐
	Fish by-products processing, provided that any fish by-product processing facility has a valid rendering facility license under Chapter 12 and the processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.	◐
	Commercial berthing	●
Industrial	Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service	●/◐[1]
Industrial	Marine cargo container and chassis maintenance and repair	●
Industrial	Facilities for combined marine and general construction	◐[1]
Industrial	Cold storage facility, warehousing, and storage of goods which are awaiting shipment via cargo carriers	◐[1]
Industrial	Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards of the I-M zone	◐
Public	Public uses including pedestrian and bicycle trails	●
Public	Utility substations, including sewage collection and pumping stations, water pumping stations, transfer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than 100 feet from the water.	◐
Other	Off-street parking lots, excluding parking structures	◐
Other	Accessory uses customarily incidental and subordinate to the location, function, and operation of permitted uses[2]	●
Other	Minor solar energy systems	●
Other	Minor wind energy systems	◐

[1] Uses that may be located in buildings that exceed the maximum permitted height. Uses marked ●/◐ will be considered permitted uses when occupying buildings with a maximum height equal to or less than the maximum applicable height allowable under the permitted use dimensional standards, and conditional ~~Uses~~uses when above that height.

[2] Food service establishments, including food trucks and other similar retail and service support uses shall only be permitted as accessory uses if ~~all such uses do not exceed 2,000 SF in total floor area of the building and~~ each individual use does not exceed 1,000 SF in ~~total~~ floor area, and the total of all such uses does not exceed 2,000 SF in floor area ~~of the building~~; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.

TABLE 10-B: WPDZ DIMENSIONAL REQUIREMENTS

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
Setbacks (min.)	N/A	N/A
Lot size (min.)	N/A	5 acres, limited to 1 building greater than the maximum applicable height allowed under the permitted use dimensional standards.
Setback from pier line, wharf, or bulkhead (including any attached aprons)(min.)[1]	5 ft.	5 ft.



TABLE 10-B: WPDZ DIMENSIONAL REQUIREMENTS

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
Lot coverage (max.)	50% east of a line projected due south from the centerline intersections of W. Commercial Street and the easterly most Cassidy Point Drive.	
	100% west of a line projected due south from the centerline intersections of W. Commercial Street and the easterly most Cassidy Point Drive.	
Building height (inclusive of roof forms and rooftop appurtenances)(max.)[2]	55 ft. east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge.	60 ft. west of the Casco Bay Bridge[7], except as follows: 75 ft. in the area east of a line projected due south from the centerline intersections of W. Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge, on lots 5 contiguous acres or larger. [4] 130 ft. for bulk storage[3] facilities west of the projection of the westerly most Cassidy Point Drive segment.
	60 ft. west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.	
	In no case may any ~~permitted~~ heights exceed 50ft within 100ft of W.Commercial Street and all area of the WPDZ east of the Casco Bay Bridge. [5]	
Building length (max.)[6]	450 ft.	450 ft.
		300 ft. within 100ft of W. Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.
	300 ft. within 100 ft. of W. Commercial Street and all ~~area~~areas of the WPDZ east of the Casco Bay Bridge.	300 ft. for buildings or portions of buildings exceeding the maximum applicable height allowed under the permitted use dimensional standards.

[1] The setback area may be used for activities related to the principal uses in the structure, but shall not be used for off-street parking.
[2] Buildings and/or structures shall be limited to an absolute height measured from average grade with no portion of the structural roof system or roof top appurtenances exceeding the limits set forth under Table 10-B with the exception of moveable elements or connection devices as listed under Subsection 10.4.7
[3] Bulk storage dedicated to materials delivered or awaiting transportation to a site by waterborne transportation.
[4] A projection of the street centerline shall consist of an extension of the centerline to the water side boundary of the WPDZ.
[5] Height limitations east of the Casco Bay Bridge are intended to protect vistas of the harbor from public open space.
[6] As measured by a line parallel with the southern edge of the West Commercial Street right-of-way.
[7] Only those conditional uses so designated in Note 1 of the Waterfront Port Development Zone Use Table 10-A may be located in buildings taller than 60 ft.

10.4.6 Dimensional requirements

In addition to the generally applicable provisions of ~~Section~~Article 7.~~5~~ of this Land Use Code, lots in the Waterfront Port Development Zone shall be subject to the requirements of Table 10-B.



10.4.7 Additional bulk, height, and location standards.

A. ~~For structures exceeding~~Moveable elements or connection devices may exceed the maximum ~~applicable~~ height ~~allowed under~~limits set forth in Table 10-B, subject to the ~~permitted use dimensional standards~~following:

1. Moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation.

2. The applicant ~~must~~shall provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.

3. For each lot, at least one view corridor of at least 90 feet in width shall be left unbuilt to preserve a clear line of sight between West Commercial Street and the water.

10.4.8 Performance standards

Proposals in the Waterfront Port Development Zone that qualify for site plan review shall submit, in addition to site plan submission requirements (if applicable), an impact mitigation narrative summarizing how the project meets the applicable performance standards. All uses in the Waterfront Port Development Zone shall comply with the following standards:

A. Outdoor storage of materials. Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of 45 feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

B. Noise.

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Waterfront Port Development Zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed 55 decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

2. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous

duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).

3. In addition to the sound level standards otherwise established, facilities or operations established or built in the Waterfront Port Development Zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one second.

C. **Vibration.** Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

D. **Federal and state environmental regulations.** All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Land Use Code are more stringent.

E. **Discharges into harbor areas.** No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and state environmental statutes and regulations regarding wastewater discharges.

F. **Storage of vehicles.** Storage of any unregistered automotive vehicle on the premises for more than 60 days shall not be permitted.

G. **Landfill of docking and berthing areas.** Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 471 through 478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in accordance with the provisions of this Land Use Code and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

H. **Off-street parking.** Off-street parking ~~is required as provided in~~and loading within the waterfront zoning districts shall be exempt from the standards of Article ~~19.~~18.

I. **Shoreland and ~~Flood Plain~~Floodplain Management regulations.** Any lot or portion of a lot located in a Shoreland Zone as identified on the City zoning map or in a flood

hazard area shall be subject to the requirements of Articles 11 and 12.

J. Lighting. All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

K. Signs. Signs shall be permitted as set forth in Article ~~20~~19.

L. Storage of pollutants and oily wastes. On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

~~**M. Compatibility of non-marine uses with marine uses.** Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.~~

~~**N. Design.** Design and visual character shall:~~

~~**1.** In building design, including placement and screening of mechanical equipment, take into consideration long views to minimize negative visual impact and provide visual interest, and architecturally integrate exposed industrial systems and equipment where practical.~~

~~**2.** Organize massing to emphasize certain parts of the building such as entries, corners, or different uses.~~

~~**3.** Treat all facades, including the roof, with equal level of detail and articulation.~~

~~**4.** Vary and articulate building facades to add scale and avoid large monotonous walls. Treatments such as texture, color, material changes, or shadow lines or murals must be used to add visual interest and avoid dull, flat, repetitive facades.~~

~~**5.** Use a scaling or articulation element such as stepback, canopy, or fenestration as required for any street facing façade within 50 feet of West Commercial Street.~~

~~**O.**~~**M.**

11 SHORELAND OVERLAY ZONE

11.1 PURPOSE

The purpose of this article is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures, and land uses; conserve shore cover and visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas.

11.2 APPLICABILITY

A. This article applies to all land areas, uses, structures, and land use activities in all zones of the city within:

1. 250 feet, horizontal distance, of the normal high-water line of any river.
2. 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal actions.
3. 250 feet, horizontal distance, of the upland edge of a freshwater wetland.
4. 75 feet, horizontal distance, of the normal high-water line of a stream.

B. This article also applies to any structure built on, over or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body, meaning for the purposes of this article any river or stream, or within a wetland.

C. For the purposes of this article, wetlands shall include coastal and freshwater wetlands as defined in Article 3.

~~**A.** The regulations and controls of this article apply to all land areas, uses, structures, and land use activities cited within this subsection in all zones of the city.~~

D. The Shoreland Overlay Zone shall include a Resource Protection subdistrict, which shall consist of areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This subdistrict shall include the following areas when they occur within the limits of the shoreland overlay, except that areas which are currently developed need not be included:

1. Floodplains along rivers defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This zone shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
2. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
3. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.



4. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

11.3 REVIEW PROCEDURE

11.3.1 Review authority

Development activities within the Shoreland Overlay Zone ~~are~~shall be reviewed by the Building Authority and/or the reviewing authority designated under Article 13 of this Land Use Code for compliance with the requirements ~~of Section 11.4. Submission~~and standards of ~~plans~~this article.

11.3.2 Review procedure

A. Every applicant for ~~such development activity~~a site plan or building permit within the Shoreland Overlay shall submit a written application, including a scaled plan, on a form provided by the review authority. Plans shall be prepared by qualified professionals, based upon a boundary survey.

B. ~~Use Specific~~ All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications shall include preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Building Authority, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

11.4 LAND USE STANDARDS

11.4.1 Principal and accessory structures

A. Setbacks

1. All principal and accessory structures shall be set back at least 75 feet horizontal distance from the normal high-water line of ~~water bodies,~~a river, stream, or tributary stream, or the upland edge of a wetland ~~or associated tributary streams~~ within ~~a~~the Shoreland Overlay Zone, except that in the following zones the setback shall be as indicated below:
   a. *B-3, B-5~~/B-5b~~, I-L on-peninsula, and I-M on-peninsula:* 25 feet.
   b. *I-B, WCZ, WPDZ, EWPZ:* No setback required. However, pier edge setbacks shall apply in the EWPZ, the WCZ, and the WPDZ.
2. For principal structures, setback measurements shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey, as adopted on the City of Portland zoning map.

B. ~~Notwithstanding this requirement, when a lot is a lot of record as defined in Subsection 4.3.1 or cannot otherwise meet the setback~~

~~requirement of this subsection due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of 28 feet, provided that the setback is not reduced to less than 40 feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to 25 feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than 40 feet and the floor area or volume is not increased by more than 30%. In no event shall the setback from a coastal wetland be reduced to less than 75 feet, except as set forth in Subsection 11.4.1(A), above.~~

3. In all cases, accessory detached structures of less than 100 square feet of floor area shall be permitted with no setback, provided that such structures shall be used only for the storage of fish, bait, and related equipment. No setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity, nor to other water-dependent uses.

~~**C.** The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.~~

4. Notwithstanding the requirements of this section, stairways or similar structures may be allowed with a permit from the Building Authority to provide shoreline access in areas of steep slopes or unstable soils, provided that:

a. The structure is limited to a maximum of four feet in width.

b. The structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, unless permitted by the Department of Environmental Protection pursuant to 38 M.R.S. § 480 C.

c. The applicant demonstrates that no reasonable access alternative exists on the property.

B. Finished floor elevation. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

C. Non-vegetated lot area.

1. With the exception of the EWPZ, WCZ, WPDZ, B-3, B-5, B-6, I-B, I-L (on-peninsula), and I-M zones (on-peninsula), non-vegetated surfaces shall not exceed a total of 20% of the portion of the lot located within the Shoreland Overlay Zone. This limitation does not apply to public boat launching facilities regardless of the zone in which the facility is located.

2. For the purposes of this article, non-vegetated surfaces shall include, but are not limited to structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are



not counted as non-vegetated surfaces for lots existing on March 24, 1990 and in continuous existence since that date.

11.4.2 Piers, docks, wharves, bridges, ~~and~~ other structures and uses extending over or below the normal high-water line of a water body or within a wetland, and shoreline stabilization

A. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body is allowed on a single lot, with the exception that this provision shall not apply in the WCZ, EWPZ, WPDZ, B-5, and I-B zones.

~~**A.**~~**B.** Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

~~**B.**~~**C.** The location shall not interfere with existing developed or natural beach areas.

~~**C.**~~**D.** The facility shall be located so as to minimize adverse effects on fisheries.

~~**D.**~~**E.** The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with surrounding character and uses.

~~**E.**~~**F.** New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the National Resources Protection Act, 38 M.R.S. § 480-C. Permits may also be required from the Army Corps of Engineers and Board of Harbor Commissioners if located in navigable waters.

G. ~~Except in the WCZ, EWPZ, WPDZ, and I-B zones,~~ New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the review authority that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

~~**F.**~~**H.** No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. Where such a structure is permitted under this subsection, such structures shall not exceed 20 feet in height above the pier, wharf, dock, or other structure. This subsection shall not apply in the WCZ, EWPZ, WPDZ, B-5, and I-B zones.

I. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

~~**G.**~~**J.** No existing structures built on, over or abutting a pier, dock, wharf, or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

K. Vegetation may be removed in excess of the standards in Subsection 11.4.3(A) of this article in order to conduct shoreline stabilization of an eroding shoreline, provided that approval is obtained from the review authority. Construction equipment must access the shoreline by barge when feasible as determined by the review authority. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the

stabilization project is complete the construction equipment accessway must be restored to its pre-development state. Revegetation must occur in accordance with Subsection 11.4.3(C).

TABLE 11-A: SHORELAND TREE STAND RATING SYSTEM

Diameter (at 4½ ft. above ground level)	Points
2 in. - <4 in.	1
4 in. - <8 in.	2
8 in. - <12 in.	4
12 in. or greater	8

11.4.3 Vegetation and clearing

A. Clearing or removal of vegetation

~~B. In all shoreland areas in Resource Protection Zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.~~

1. The clearing or removal of vegetation standards of this subsection shall not apply to the following zones: EWPZ, WCZ, WPDZ, B-3, B-5~~/B-5b~~, B-6, A-B~~-7~~, I-L (on-peninsula), and I-M zones (on-peninsula).
2. The clearing or removal of vegetation standards of this subsection shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas in these locations shall be limited to the minimum amount necessary.
3. In the Resource Protection subdistrict, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in the underlying zone.

~~3.~~4. Other than cutting or removal of vegetation as provided for in this subsection, timber harvesting shall not be permitted. For purposes of this subsection, timber harvesting is defined as the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland Overlay Zone on a lot that has less than two acres within the Shoreland Overlay Zone shall not be considered timber harvesting. Cutting or removal of such trees shall be regulated pursuant to this subsection.

~~4.~~5. For purposes of this subsection, vegetation is defined as all live trees, shrubs, and other plants including without limitation, trees both over and under ~~4~~four inches in diameter, measured at ~~4 ½~~four and one half feet above ground level.

~~5.~~6. In all areas other than the Resource Protection ~~Zone~~subdistrict, a buffer strip of vegetation shall be preserved, except where clearance is required for development of permitted uses, within a strip of land extending 75 feet, horizontal distance, from the normal high-water ~~or upland edge~~line of a ~~coastal wetland,~~ river, stream, or tributary stream, or the upland edge of a coastal wetland or freshwater wetland within ~~a~~the Shoreland Overlay Zone, in accordance with the following:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy or other existing

vegetation if a forested canopy is not ~~presented~~present as measured from the outer limits of the tree or shrub crown. Notwithstanding this limitation, a single footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this subsection, a "well distributed stand of trees" adjacent to a water body, tributary stream or wetland shall be defined as maintaining a minimum rating score of 16 or more in any 25-foot by 50-foot rectangle area as determined by the rating system in Table 11-A. The following shall govern in applying the point system in Table 11-A:

i. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

ii. Each successive plot must be adjacent to, but not overlap a previous plot.

iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this ordinance.

iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this ordinance.

v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

7. For the purposes of this subsection, "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at ~~4 ½~~four and one half feet above ground level for each 25-foot by 50-foot rectangular area. If five samplings do not exist, no woody stems less than two inches in diameter can be removed until five samplings have been recruited into the plot. Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter, measured at ~~4 ½~~four and one half feet above ground level may be removed in any ten-year period.

8. In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide a footpath or other permitted uses as described in this subsection.

9. Pruning of tree branches on the bottom one third of the tree is allowed.

10. In order to maintain a buffer strip of vegetation when the removal of storm damaged~~, diseased, unsafe~~ or ~~dead~~hazard trees results in the creation of cleared openings exceeding 250 square feet, these openings shall be replanted with native tree species in accordance with Subsection 11.4.3(D) unless existing new tree growth is present.

11. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Subsection 11.4.3(A)6.

~~**11.**~~**12.** Selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured at ~~4 1/2~~four and one half feet above ground level, shall be allowed within any ten-year period at distances greater than 75 feet, horizontal distance, from the normal high-water line of any ~~other water body,~~ river, stream, or tributary stream, or the upland edge of a wetland~~, except to allow for the development of permitted uses~~. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate 25% percent of the lot area within the Shoreland Overlay Zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the Shoreland Overlay Zone, including the buffer area.

~~**12.**~~**13.** Legally existing nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this article.

~~**13.**~~**14.** Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this subsection.

B. Exemptions to clearing and vegetation removal requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Subsection 11.4.3(A), provided that all other applicable requirements of this article are met, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of Subsection 11.4.3(A) apply:

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback

requirements of section 11.4.1 are not applicable;

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Subsection 11.4.14 are complied with;
5. The removal of vegetation associated with the construction of an approved new or replacement subsurface wastewater disposal system;
6. The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site that is part of a state or federal brownfields program or a Voluntary Response Action Program pursuant 38 M.R.S. section 343-E, and that is located along a coastal wetland or a river.
7. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
   a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
   b. Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and
   c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
8. The removal of vegetation associated with emergency response activities conducted by the Maine Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

C. **Revegetation requirements.** When revegetation is required in response to violations of the vegetation standards set forth in Subsection 11.4.3(A), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
   a. All trees and saplings removed must be replaced with native noninvasive species;
   b. Replacement vegetation must at a minimum consist of saplings;
   c. If more than three trees or saplings are planted, then at least three different species shall be used;
   d. No one species shall make up 50% or more of the number of trees and saplings planted;
   e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
   f. A survival rate of at least 80% of planted trees or saplings is required for a minimum five year period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
   a. All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
   b. Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
   c. If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
   d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
   e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
   a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
   b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
   c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.

D. Hazard trees, storm-damaged trees, and dead tree removal

1. The standards of this subsection shall not apply to the following zones: EWPZ, WCZ, WPDZ, A-B, B-3, B-5, B-6, I-L (on-peninsula), and I-M zones (on-peninsula). In these zones, hazard trees, storm-damaged trees, and dead trees may be removed without restriction and without consultation with the Building Authority and City Arborist.
2. In all other areas, hazard trees in the Shoreland Overlay Zone may be removed without a permit after consultation with the Building Authority and City Arborist if the following requirements are met:
   a. Within the shoreline buffer required under Subsection 11.4.3(A)6, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at four and one half feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no less than two inches in diameter. Stumps may not be removed.
   b. Outside of the shoreline buffer, when the removal of hazard trees exceeds 40 percent of the volume of trees four inches or more in diameter, measured at four and a half feet above ground level in any 10 year period, and/or results in cleared openings exceeding 25% of the lot area within the Shoreland Overlay Zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at four and one half feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be

at least two inches in diameter, measured at four and one half feet above the ground level.

c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

d. The Building Authority or City Arborist may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland Zone.

e. The Building Authority or City Arborist may require more than a one–for-one replacement for hazard trees removed that exceed eight inches in diameter measured at four and one half feet above the ground level.

3. Storm-damaged trees in the Shoreland Overlay Zone may be removed without a permit after consultation with the Building Authority or City Arborist if the following requirements are met:

a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

ii. Stumps from the storm-damaged trees may not be removed;

iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third of the tree; and

iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at four and one half feet above the ground level in any 10 year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

~~11.4.3~~11.4.4 Erosion and sedimentation control

A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection and the City of Portland *Technical Manual*. The plan shall be submitted to the ~~Building~~review authority for approval and shall include, where applicable, provisions for:

1. Mulching and revegetation of disturbed soil.

2. Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.

3. Permanent stabilization structures such as retaining walls or riprap.

B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed ground area at every phase of construction shall be minimized to reduce the potential for erosion.

D. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of initial exposure. The following standards shall also be met:

1. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.

2. Anchoring the mulch with netting, peg, and twine or other suitable method may be required to maintain the mulch cover.

3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales, and/or silt fences.

E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in accordance with the City of Portland *Technical Manual*.

F. When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary

to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

~~11.4.4~~11.4.5 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, either during or after construction. Proposed uses requiring subsurface wastewater disposal and commercial or industrial development or other similar intensive land uses shall require a soils report based on an on-site investigation and prepared by state certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

~~11.4.5~~11.4.6 Water quality

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

~~11.4.6~~11.4.7 Archaeological sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Department of Planning and Urban Development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action being taken by the ~~Planning~~review authority. The ~~Planning~~review authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of Article ~~17~~16 of this chapter.

~~11.4.7~~11.4.8 Installation of public utility service

No public utility of any kind shall install services to any new structure located in the Shoreland Overlay Zone unless written authorization attesting to the validity and currency of all local permits required under this Code has been issued by the ~~appropriate municipal authorities.~~Building Authority. Following installation of service, the public utility shall ~~forward the~~provide written ~~authorization~~documentation to the ~~appropriate municipal authorities, indicating~~Building Authority that installation has been completed.

~~11.4.8~~11.4.9 Essential services

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

B. The installation of essential services, other than road-side distribution lines and within existing service corridors, is not allowed in a Resource Protection subdistrict or ~~Stream Protection Zone~~within 75 feet of the normal high-water line of a stream, except to provide services to a permitted use within the underlying zone, or where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

~~B.~~**C.** Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

~~11.4.9~~11.4.10 Roads and driveways

A. Roads and driveways shall be setback a minimum of 75 feet from the normal high-water ~~or~~ line of a river, stream, or tributary stream, or upland edge of a coastal ~~wetland,~~or freshwater wetland~~, river or tributary stream~~ within a Shoreland Overlay Zone, except:

1. In the EWPZ, WCZ, WPDZ, B-3, B-5~~/B-5b~~, I-L (on-peninsula) and I-M (on-peninsula~~)~~), roads and driveways shall be setback as established for structures in those zones as specified in Subsection 11.4.1(A).

2. If no other reasonable alternative exists, the ~~Planning Board~~review authority may reduce the road and/or driveway setback requirement to no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream, or wetland.

3. On slopes greater than 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each five percent increase in slope above 20%.

4. Subsection 11.4.10(A) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Subsection 11.4.10 except for that portion of the road or driveway necessary for direct access to the structure.

B. Existing public roads may be expanded within the legal road right of way regardless of their setback from a waterbody, tributary stream, or wetland.

C. New roads and driveways are prohibited in a Resource Protection ~~Zone~~subdistrict except that the ~~Planning Board~~review authority may grant ~~a permit~~approval to construct a road or

driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the ~~Planning Board~~review authority in a Resource Protection ~~Zone~~subdistrict, upon a finding that no reasonable alternative route or location is available outside the district. When a roadway or driveway is permitted in a Resource Protection ~~Zone~~subdistrict, the road and/or driveway shall be setback as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of wetland.

TABLE 11-B: DRAINAGE SPACING

Grade (%)	Spacing
0-2	250 ft.
3-5	200-135 ft.
6-10	100-80 ft.
11-15	80-60 ft.
16-20	60-45 ft.
21+	40 ft.

D. Road and driveways banks shall be no steeper than slope of two horizontal to one vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection 11.4.4.

E. Road and driveway grades shall be no greater than 10% except segments of less than 200 feet.

F. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope~~,~~ in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

G. Ditch relief (cross drainage) culverts, drainage dips, and water turnout shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

1. Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in Table 11-B.
2. Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
3. On sections having slopes greater than ten 10%, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.
4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
5. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.



~~11.4.10~~11.4.11 Parking areas

Parking areas shall be set back a minimum of 75 feet from the normal high-water ~~or~~ line of a river, stream, or tributary stream, or the upland edge of a coastal wetland~~,~~ or freshwater wetland~~, river, or tributary stream~~ within ~~a~~the Shoreland Overlay Zone except:

A. In the EWPZ, WCZ, WPDZ, B-3, B-5~~/B-5b~~, I-L, and I-M zones, parking setbacks shall be as established for structures in those zones, as specified in Subsection 11.4.1(A).

B. Where the ~~Planning Board~~review authority finds that no other reasonable alternative exists further from the shoreline or tributary stream, the ~~board~~review authority may reduce the parking setback requirement to no less than 50 feet in the ~~R~~ OS-R and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

C. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, or wetland, and where feasible, to retain all runoff on site.

~~11.4.11~~11.4.12 Septic waste disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

A. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.

B. A holding tank is not allowed for a first-time residential use in the Shoreland Overlay Zone.

~~11.4.12~~11.4.13 Stormwater runoff

All new construction and development shall be designed to be in compliance with the City of Portland *Technical Manual* to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

~~11.4.13~~11.4.14 Agriculture

A. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S. §§ 4201-4209).

B. Manure shall not be stored or stockpiled within 75 feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland Overlay Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.

C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland Overlay Zone shall require a conservation plan to be filed with the Planning Authority.



D. There shall be no new tilling of soil within 75 feet, horizontal distance, from water bodies and coastal wetlands or within 25 feet, horizontal distance, of tributary streams and freshwater wetlands when such new tilling, by itself or combined with all other contiguous tillage, shall exceed 40,000 square feet in surface area. Operations in existence on the effective date of this section and not in conformance with these provisions may be maintained but shall not be expanded. When the new tilling, by itself or combined with all other contiguous tillage, shall total 40,000 square feet or less, the tillage shall be set back a minimum of 25 feet from all water bodies, tributary streams, or wetlands.

E. Newly established livestock grazing areas shall not be permitted within 75 feet, horizontal distance, of water bodies and coastal wetlands or within 25 feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the Planning Authority.

11.5 SUPPLEMENTAL SITE PLAN STANDARDS

11.5.1 Site plan standards

The Planning Board or Planning Authority shall approve a site plan located within a Shoreland Overlay Zone if it finds that the following standards, in addition to the standards set forth in Article ~~14~~13, are met:

A. The proposal will maintain safe and healthful conditions.

B. The proposal will not result in water pollution, erosion, or sedimentation to surface waters.

C. The proposal will adequately provide for the disposal of all wastewater.

D. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

E. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

F. The proposal will protect archaeological and historic resources.

G. The proposal will not adversely affect existing commercial fishing or maritime activities.

H. The proposal will avoid problems associated with ~~flood plain~~floodplain development and use.

I. The proposal is in conformance with the standards set forth in this article.

11.6 NONCONFORMING STRUCTURES

11.6.1 Expansions

A. For the purposes of this section, an expansion of a structure shall mean an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses.

B. For the purposes of this section, footprint shall mean the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

C. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or

wetland setback requirements contained in Subsection 11.4.1. A nonconforming structure may be added to or expanded after obtaining a permit from the Building Authority if such addition or expansion does not increase the nonconformity of the structure and is in accordance with 1 and 2 below.

1. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

2. Notwithstanding subsection (1) above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Subsection 11.6.1 due to an increase in the nonconformity. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than the height allowed by the underlying district, 15 feet or the height of the existing structure, whichever is greater.

3. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Subsection 11.6.1(C) or Subsection 11.6.1(C)1, above.

a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than the height allowed by the underlying district, 20 feet or the height of the existing structure, whichever is greater.

b. In addition to the limitations in subsection (a) above, for structures that are legally nonconforming due to their location within the Resource Protection subdistrict when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint

for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection subdistrict was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than the height allowed by the underlying zone, 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Subsection 11.6.1(C)2 and Subsection 11.6.1(C)3.a, above.

4. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland Overlay Zone boundary and evidence of approval by the Building Authority.

11.6.2 Foundations

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Building Authority, basing its decision on the criteria specified in Subsection 11.6.3.

11.6.3 Relocation

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Building Authority, and provided that if the structure is not connected to a public sewer system, the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said rules and further provided that the relocation meets the following standards:

A. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

B. In determining whether the building relocation meets the setback to the greatest practical extent, the Building Authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

C. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Building Authority shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Subsection

11.4.3(C). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

11.6.4 Reconstruction or replacement

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged, or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction, or removal may be reconstructed or replaced provided that a permit is obtained within two years of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Building Authority in accordance with the purposes of this ordinance and the following standards:

A. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Subsection 11.6.1 above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location.

B. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

C. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection 11.6.3(C).

D. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the

Building Authority within one year of such damage, destruction, or removal.

E. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Building Authority shall consider, in addition to the criteria in Subsection 11.6.4(A) through (D) above, the physical condition and type of foundation present, if any.

11.6.5 Elevation of structures in flood hazard areas

The height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to three feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This subsection applies to structures that:

A. Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and,

B. Are located in an area of special flood hazard.

12 FLOODPLAIN MANAGEMENT

12.1 PURPOSE

Certain areas of the City of Portland, Maine are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, ~~T~~the City of Portland, Maine~~,~~ has chosen to become a participating community in the National Flood Insurance Program and agrees~~elects~~ to comply with the ~~42 USC Section 4001 et seq.~~ requirements of the National Flood Insurance Act of 1968 (P.L. 90-448), as amended from time to time an as delineated in this article. It is the intent of the City of Portland to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The National Flood Insurance Program, established in the aforesaid act, provides that areas of the city having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This article establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the city. The purposes of this article are to reduce future flood risks and losses, protect against financial and human loss resulting from flood disasters, and to control the placement of structures, construction materials, and methods used to minimize potential property damage due to flooding. The City of Portland has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S. § 2001-3007, 4352, 4401-4407, and Title 38 M.R.S. § 440.

12.2 APPLICABILITY

This article applies to all land areas, uses, structures, and land use activities lying in the special flood hazard areas, Zones A, AE, AO, AH, and VE, as identified by the Federal Emergency Management Agency in a report entitled *Flood Insurance Study - ~~City of Portland,~~Cumberland County, Maine~~, County of Cumberland~~*, with accompanying "Flood Insurance Rate Map," dated ~~July 17, 1986~~June 20, 2024. This *Flood Insurance Study* with accompanying maps, and any subsequent amendments thereto, including Letters of Map Revision approved by FEMA, is hereby adopted by reference and declared to be a part of this Land Use Code.

12.3 ~~DEFINITIONS~~STRUCTURE AND DEVELOPMENT TYPES

~~**Area of special flood hazard.** The land in the having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.~~

~~**Base flood.** The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).~~

~~**Coastal high hazard area.** The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1 30.~~

~~**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration to, or addition to any buildings or other structures, mining, dredging,~~

~~filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.~~

~~**Flood boundary and floodway map.** The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.~~

~~**Flood insurance rate map.** The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.~~

~~**Floodproofing.** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.~~

~~**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high-water mark to the upland limit of the flood plain.~~

~~**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.~~

~~**Mean high tide.** The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.~~

~~**Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the city's FIRM are referenced.~~

~~**Structure.**~~

12.3.1 Structure types

A. For the purposes of this article, structure shall mean ~~A~~a walled and roofed building. ~~A~~ ~~, including a~~ gas or liquid storage tank~~,~~ that is principally above ground~~, or manufactured housing. "Principally above ground," as used above, means either that at least 2/3 of its floor to ceiling height is above the average adjoining ground level, or at least 51% of the actual cash value of the structure, less land value, is above ground~~ is also a structure.

B. Accessory structure shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

C. The following types of structures shall have the following meanings:

1. *Agricultural structure.* Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.

Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

2. *Elevated building*. A non-basement building that is:

a. Built, in the case of a building in Zones A, AE, AO, or AH, so that the top of the elevated floor, or in the case of a building in Zones VE or Coastal AE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,

b. Adequately anchored to not impair the structural integrity of the building during a flood of up to two feet above the magnitude of the base flood.

In the case of Zones A, AE, AO, or AH, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Subsection 12.4.5(N) In the case of Zones VE or Coastal AE, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of subsection 12.4.5(R)(2)(c)(iii).

3. *Historic structure*. Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a Maine state inventory of historic places at such time that one is created; or,

d. Designated as a local landmark or identified as a contributing property under Article 17.

4. *Manufactured home*. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

5. *Manufactured home park or subdivision*. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Existing manufactured home park or subdivision shall mean a manufactured home park or subdivision that was recorded in the deed registry prior to July 17, 1986.

12.3.2 Development classifications

A. **Development.** Any human-made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

B. **New construction.** Structures for which the "start of construction" commenced on or after July 17, 1986 and includes any subsequent improvements to such structures. For purposes of this article, start of construction shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

C. **Minor development.** All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided in subsection 12.4.5(L), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers

D. **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

E. **Substantial improvement.** Any ~~repair~~, reconstruction, rehabilitation, addition, ~~to~~ or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure ~~either~~ before ~~the improvement or repair is started~~start of construction of the improvements. This term includes structures which have incurred substantial damage, regardless of the actual work performed. ~~or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of~~

~~any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~ The term does not, however, include:

1. A ~~a~~ny project for improvement of a structure to correct existing violations~~comply with existing~~ of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum~~solely~~ necessary to assure safe living conditions. ~~or~~

~~1.~~2. ~~for a~~Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals. ~~listed on the National Register of Historic Places or a state inventory of historic places.~~

12.4 FLOOD HAZARD DEVELOPMENT PERMIT

12.4.1 Permit required

A. The Zoning Administrator shall be designated as the local floodplain administrator. The floodplain administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

~~A.~~B. Before any construction or other development as defined Subsection 12.3.2, including the placement of manufactured homes, begins within any areas of special flood hazard, a Flood Hazard Development Permit shall be obtained from the Building Authority, except as established in Section 12.5. This permit shall be required prior to issuance of a building permit, if one is required, and shall be in addition to any other permit, site plan, and subdivision review which may be required pursuant to the codes and ordinances of the City of Portland. If only a site plan is required for a development, the Flood Hazard Development Permit shall be obtained prior to approval of the site plan.

12.4.2 Filing of application

The application for a Flood Hazard Development Permit shall be submitted in writing to the Building Authority and shall include the following:

A. A final site plan, where applicable, showing information as required by Article 14.

B. A final subdivision plat, where applicable, providing information as required in Article 15. ~~For any development which does not meet the minimum threshold as a development requiring site plan review, the following information shall be provided:~~

C. The name, address, and phone number of the applicant, owner, and contractor.

D. A map with address indicating the location of the development site.

E. A ~~site~~ plan showing the location of existing and proposed development, including but not limited to specific dimensions of existing and proposed structure(s), wastewater disposal facilities, water supply facilities, areas to be ~~developed~~cut and filled, and the dimensions of the lot.

F. A statement of the intended use of any structure and/or ~~other~~ development.

G. A statement of the cost of the development including all materials and labor.

H. A statement of the type of wastewater disposal system proposed.

I. Specification of dimensions of the proposed structure and/or development.

J. For new construction and substantial improvements, t~~T~~he elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum for Zone A only, of the:

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:

a. ~~i~~In Zones ~~A1-30,~~ AE, AO, AH, ~~V1-30~~, and VE from data contained in the *Flood Insurance Study — ~~City of Portland,~~ Cumberland County, Maine*~~,~~ ~~or~~

~~a.~~b. ~~in Zone A, to be the elevation of the ground at the intersection of the flood plain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building~~In Zone A:~~.~~

i. From any base flood elevation data from federal, state, or ~~o~~other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Subsection 12.4.5(M) and 12.4.4.(B)4, or

~~i.~~ii. In the absence of all data described in Subsection 12.4.2(J)(1)(b)(i), information to demonstrate that the structure shall meet the elevation requirement in Subsections 12.4.5(H)(4)(b), 12.4.5(I)(4)(b), or 12.4.5(J)(4)(b).

2. Highest and lowest grades at the site adjacent to the walls of the proposed building.

3. Lowest floor, including basement, and whether or not such structures contain a basement.

4. Lowest machinery and equipment servicing the building.

~~4.~~5. Level, in the case of nonresidential structures only, to which the structure will be floodproofed.

K. For new construction and substantial improvements, ~~A~~a description of an elevation reference point established on the site of all new developments ~~or substantially improved structures~~ for which elevation standards apply as required in Subsection 12.4.5.

L. For new construction and substantial improvements, a written certification by:

1. A professional land surveyor that the grade elevations shown on the application are accurate.

~~1.~~2. A professional land surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate~~Either an elevation certificate (FEMA Form 81-31, 03/97, as amended) completed by a professional land surveyor, registered professional engineer, or architect, or, for nonresidential structures to be floodproofed, a floodproofing certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate.~~

M. For new construction and substantial improvements, the following ~~C~~certifications as required in Subsection 12.4.5 by a registered professional engineer or architect ~~that structures meet the review standards of Subsection 12.4.5.~~ :

1. A floodproofing certificate (FEMA form FF-206-FY-22-153, as amended) to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of Subsection 12.4.5(I); and other applicable standards of Subsection 12.4.5.
2. A V-Zone Certificate to verify that the construction in coastal high hazard areas, Zones VE and Coastal AE, will meet the criteria of Subsection 12.4.5(R); and other applicable standards in Subsection 12.4.5.
3. A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Subsection 12.4.5(N)(2)(a)

N. A certified statement from a registered professional engineer or architect that bridges will meet the standards of Subsection 12.4.5(O)

O. A certified statement from a registered professional engineer or architect that containment walls will meet the standards of Subsection 12.4.5(P).

~~N.~~P. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

~~O.~~Q. A statement of construction plans describing in detail how each applicable development standard in Subsection 12.4.5 will be met.

~~P.~~R. Cross section(s) of the site acceptable to the Public Works Authority.

12.4.3 Fee

A nonrefundable Flood Hazard Development Permit fee as established by the City Council for all minor development and for all new construction and substantial improvements shall be paid to the Building Authority, and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the City submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for issuance of a stop work order. An expert shall not be hired by the City at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

12.4.4 Review procedure

A. Upon determination by the Building Authority that an application is complete, the Building Authority shall coordinate review of the application by the City to assure that proposed developments are reasonably safe from flooding. No permit shall be issued until the Building Authority finds that the development proposal is in compliance with the standards of this article. Compliance with the provisions of this article shall be required prior to beginning any development as defined herein.

B. The Building Authority shall, when reviewing subdivisions under Article 15 and other proposed developments that require review under Article 14 or federal law, state law, or local ordinances or regulations and all projects on five or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals include base flood elevations, flood boundaries and, in a river~~av~~ine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with Subsection 12.4.5 of this article. Such requirement shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement. The construction requirement shall also be clearly stated on any map, plat, or plan as part of the approval process.

~~B.~~**C.** In the review of all Flood Hazard Development Permit applications for compliance with the standards herein:

1. The Building Authority shall utilize:

a. ~~t~~The base flood and floodway data contained in the *Flood Insurance Study – Cumberland County, Maine,* as described in Section 12.2.

b. In special flood hazard areas where base flood elevation and floodway data are not provided in the above cited study, the ~~Planning~~ Building Authority~~, or Planning Board as appropriate,~~ shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other ~~reasonably reliable~~technical sources, including information obtained pursuant to Subsection 12.4.2(J)(1)(b)(i), 12.4.5(M), and 12.4.4(B)(4), in order to administer this article.

~~a.~~**c.** When a base flood elevation is established in a Zone A by methods outlined in Section 12.4.2(J)(1)(b)(ii), that data shall be submitted to the Maine Floodplain Management Program.

2. The Building Authority shall make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 12.2.

~~6.~~**3.** Prior to approval of issuance of the Flood Hazard Development Permit, the Building

Authority shall determine that all necessary permits have been obtained from those federal, state, and local authorities from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1343~~4~~34 as may be amended from time to time), provided, however, that conditional approval may be granted pending proof of receipt of any required permits, but no Flood Hazard Development Permit shall be finally issued until proof of issuance of all such other permits is received by the Building Authority.

~~7.~~4. The Building Authority shall notify adjacent municipalities, the Maine Department of Environmental Protection and the Maine Floodplain Management Program, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

5. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permit applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 12.~~6~~ 7 of this article, and copies of elevation certificates, floodproofing certificates, certificates of compliance, and certifications of design standards required under the provisions of Sections 12.4 and 12.~~5~~6.

12.4.5 Review standards

All development in areas of special flood hazard shall meet the following standards:

A. All development. All development shall:

1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Use construction materials that are resistant to flood damage.
3. Use construction methods and practices that will minimize flood damage.
4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Altered or relocated watercourses. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner

that no reduction occurs in the flood carrying capacity of the watercourse.

~~F.~~

F. **Utilities.** New construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A, AE, AO, and AH shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.
2. Zone VE shall meet the requirements of Subsection 12.4.5(R)(2)(a).

G. **Physical changes to the natural landscape.** Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a professional engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
   a. If the professional engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
   b. If the professional engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than six months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

~~G.~~H. **Residential.** New construction or substantial improvement of any residential structure located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map, or

b. At least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated:

a. T~~t~~o at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(J)(1)(b)(i)~~D~~)(~~2~~), 12.4.4(~~B~~C)(~~4~~), or 12.4.4(~~C~~B)(~~1~~4), or~~.~~

~~a.~~**b.** In the absence of all data described above, to at least two feet above the highest adjacent grade to the structure.

~~4.~~**5.** Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~H.~~**I. Nonresidential.** New construction or substantial improvement of any nonresidential structure located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. Be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water~~.~~;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy~~.~~; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2(~~G~~M)(N), and (O) and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map~~;~~; or

b. At least three feet if no depth number is specified~~;~~; or

c. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this subsection and floodproofing standards of Subsection 12.4.5(~~G~~I).

4. Zone A shall have the lowest floor (including basement) elevated:

a. T~~t~~o at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(~~D~~K)(12)(b)(i), 12.4.4(~~B~~C)(~~4~~), 12.4.4(~~C~~B)(~~1~~4); or~~.~~

b. In the absence of all data described in Subsection 12.4.5(I)(4)(a), to at least two feet above the highest adjacent grade to the structure, or

~~**a.**~~**c.** Together with attendant utility and sanitary facilities, be floodproofed to two feet above the base elevation established in Subsection 12.4.5(I)(4)(a) or (b) above and meet the floodproofing standards of Subsection 12.4.5(I)(1)(a), (b), and (c).

~~**4.**~~**5.** Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~**I.**~~**J. Manufactured homes.** New or substantially improved manufactured homes located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall:

a. Be elevated ~~on a permanent foundation~~ such that the lowest floor is at least two feet above the base flood elevation~~.~~;

~~**a.**~~**b.** Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and

~~**b.**~~**c.** Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

i. Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side).

ii. Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map, or

b. At least three feet if no depth number is specified, and

c. Meet the anchoring requirements of Subsection 12.4.5(~~H~~J)(1)(~~b~~c).

4. Zone A shall:

a. Be elevated on a permanent foundation, as described in Subsection 12.4.5(J)(1)(b), such that the lowest floor (including basement of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Subsection ~~12.4.2(D)(2),~~

12.4.2(J)(1)(b)(i), 12.4.4(~~B~~C)~~(4)~~, or 12.4.4(~~C~~B)(~~1~~4), or~~.~~

~~a.~~**b.** In the absence of all data described in Section 12.4.5(J)(4)(a), to at least two feet above the highest adjacent grade to the structure, and

~~b.~~**c.** Meet the anchoring requirements of Subsection 12.4.~~4~~5(J~~B~~)(~~2~~1)(c).

5. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~J.~~**K. Recreational vehicles.** Recreational vehicles located within:

1. Zones A, AE, AO, ~~A1-30,~~ and AH~~, and AE~~ shall either:

a. Be on the site for fewer than 180 consecutive days~~,~~; ~~or~~and

b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions, or~~.~~

~~b.~~**c.** Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Subsection 12.4.5(J)(1).

2. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of either Subsection 12.4.5(~~H~~K)(1)(a) and~~,~~ ~~12.4.5(I)(1)~~(b), or 12.4.5(~~P~~R).

L. Accessory structures. New construction or substantial improvement of accessory structures, as defined in Subsection 12.3.1, shall be exempt from the elevation criteria required Subsections 12.4.5(H) and (I) if all other requirements of Subsection 12.4.5 and all the following requirements are met.

1. Accessory structures located within Zones A~~1-30~~, AE, AO, AH~~, and A~~ shall ~~be exempt from the elevation criteria required in Subsection 12.4.5(F) and 12.4.5(G) if all other requirements of Subsection 12.4.5 and all the following requirements are met. Accessory structures shall~~:

a. Meet the requirements of Subsection 12.4.5(A)(1) to (4) as applicable.

~~1. Be 500 square feet or less and have a value less than $3,000.~~

b. Be limited in size to a one-story two-car garage.

~~a.~~**c.** Have unfinished interiors and not be used for human habitation.

~~b.~~**d.** Have hydraulic openings, as specified in Subsection 12.4.5(~~L~~N)(2), in at least two different walls of the accessory structure.

~~c.~~**e.** Be located outside the floodway.

~~d.~~**f.** When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters and be placed further from the source of flooding than is the primary structure.

g. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

h. Be located outside the Coastal AE Zone.

2. Accessory structures in Zones VE and Coastal A shall meet the requirements of Subsection 12.4.5(R).

~~K.~~M. **Floodways**

1. In Zone~~s A1-30 and~~ AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway~~in ravine areas, for which a regulatory floodway is~~ designated on the ~~community's~~ Flood Insurance Rate Map ~~or flood boundary and floodway map,~~ unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the c~~ommuni~~ity during the occurrence of the base flood discharge.
2. In Zones A~~1-30~~ and AE riverine areas~~,~~ for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in (3) below, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. Will not increase the water surface elevation of the base flood more than one foot at any point within the ~~community~~city.
   b. Is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping. ~~Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study — Guidelines and Specifications for Study Contractors* (FEMA 37/January 1995, as amended).~~
3. In Zones A~~1-30,~~ and AE~~, and A~~ riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of (2) above.

~~L.~~N. ~~**Enclosed areas below the lowest floor**~~**Hydraulic openings/flood vents.** New construction or substantial improvement of any structure in Zones A~~1-30~~, AE, AO, and AH~~, and A~~ that meets the development standards of Subsection 12.4.5, including the elevation requirements of Subsection 12.4.5(H~~F~~), (~~G~~I), or (J~~H~~) and is elevated on posts, columns, piers, piles, ~~"stilts,"~~ or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not basements as defined in Article 3.

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
   a. Be engineered and certified by a registered professional engineer or architect, or
   b. Meet or exceed the following minimum criteria:
      i. A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area~~.~~;
      ii. The bottom of all openings shall be below the base flood elevation and no higher than ~~one~~two f~~oo~~eet above the lowest grade.
      iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means.
3. The enclosed area shall not be used for human habitation.
4. The enclosed areas are usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

~~M.~~O. **Bridges.** New construction or substantial improvement of any bridge in Zones A~~1-30~~, AE, AO, AH, ~~A, V1-30,~~ and VE shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two feet above the base flood elevation.
2. A registered professional engineer shall certify that:
   a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Subsection 12.4.5(~~K~~M).
   b. The foundation and superstructure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

~~N.~~P. **Containment walls.** New construction or substantial improvement of any containment wall shall meet the following requirements by zone:

1. Zones A, ~~A1-30,~~ AE, AO, AH, ~~V1-30,~~ and VE shall:
   a. H~~h~~ave the containment wall elevated to at least two feet above the base flood elevation;
   b. ~~,h~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy~~, and~~.
   ~~a.~~c. ~~b~~Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2.(M), (N), and (O).

2. Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide flood water away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

a. ~~a~~At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map~~;~~, or

b. ~~a~~At least three feet if no depth number is specified, and

~~a.~~c. Shall meet the requirements of Subsection 12.4.5(P)(1)(b) and (c). ~~.~~

~~3. Zone A shall have the containment wall elevated to at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(D)(2), 12.4.4(B)(4), or 12.4.4(C)(1).~~

~~O.~~Q. **Wharves, piers, and docks.** New construction or substantial improvement of wharves, piers, and docks are permitted in ~~Zones A, A1-30, AE, AO, AH, V1-30, and VE, in~~ and over water and seaward of the mean high tide if the following requirements are met:

1. In Zones A, AE, AO, and AH, w~~W~~harves, piers, and docks shall comply with all applicable local, state, and federal regulations, or~~.~~

2. In Zone VE, ~~Commercial~~ wharves, piers, and docks ~~involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' Shore Protection Manual.~~shall have a registered professional engineer develop or review the structural design, specifications, and plans for construction.

~~P.~~R. **Coastal floodplains**

1. All new construction located within Zones ~~A1-30,~~ AE~~, A, V1-30,~~ and VE shall ~~comply with all applicable local, state, and federal regulations~~be located landward of the reach of mean high tide except as provided in Subsection 12.4.5(R)(6)..

2. New construction or substantial improvement of any structure located within Zones ~~V1-30 or~~ VE or Coastal AE shall:

a. Have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

~~a.~~b. ~~b~~Be elevated on posts or columns such that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to

two feet above the base flood elevation.

ii. The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

iii. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

c. ~~New construction or substantial improvement of any structure located within Zones V1-30 or VE shall h~~Have the space below the lowest floor:

i. Free of obstructions, or

ii. Constructed with open wood lattice work~~,~~ or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns, or

iii. Constructed with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

d. Require ~~A~~a registered professional engineer or architect ~~shall~~ to:

i. ~~d~~Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual* (FEMA-55~~/February, 1986~~).

ii. ~~A registered professional engineer or architect shall c~~Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Subsections 12.4.5(R~~P~~)(2)(b), (c), and (d)~~ and (3)~~.

3. The use of fill for structural support in Zones ~~V1-30 and~~ VE and Coastal AE is prohibited.

4. Human alteration of sand dunes within Zones ~~V1-30 and~~ VE and Coastal AE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

5. The ~~enclosed areas~~area below the lowest floor may be used solely for parking vehicles, building access, and storage.

6. Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Subsection 12.4.5(~~I~~G) only ~~upon~~ if ~~r~~reviewed and approved as a conditional use ~~al~~ by the ~~Planning Authority or Planning Board~~Zoning Board of Appeals, as provided in Section 12.5, and if all the following requirements of Subsections 12.4.5(A), (~~K~~M), and (~~L~~N) are met:

a. The conditional use shall be limited to low value structures such as metal or

wood sheds 200 square feet or less and shall not exceed more than one story.

b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

d. The structure shall have unfinished interiors and shall not be used for human habitation.

e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to two-feet above the base flood elevation.

f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the special flood hazard area. If a flood hazard permit application is granted, the applicant shall be notified in writing that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.4.6 Permit

A. Upon determination that the development or substantial improvement plan is in compliance with this article, the Building Authority shall issue one of the following Flood Hazard Development Permits based on the type of development:

1. *Two-part Flood Hazard Development Permit for elevated structures.* Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" ~~second~~ elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor~~, registered professional engineer or architect~~ based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Subsections 12.4.5(~~F~~H), (~~G~~I), (~~H~~J), or (~~P~~R). Following review of the elevation certificate data, which shall take place within 72 hours of receipt of the application, or as soon as practicable thereafter, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project.

2. *Flood Hazard Development Permit for floodproofing of nonresidential structures.* This permit shall apply for nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of Subsection 12.4.5(~~I~~G)(1). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect.

3. *Flood Hazard Development Permit for minor development*. This permit shall apply for all other development and building permits that are not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. This includes, but is not limited to: accessory structures as provided for in Subsection 12.4.5(~~J~~L), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures, and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

B. For development that requires review and approval as a conditional use, as provided for in this article, the Flood Hazard Development Permit application shall be acted upon by the Zoning Board of Appeals as required under Section 12.5.

12.5 CONDITIONAL USE REVIEW

12.5.1. Review authority

The Zoning Board of Appeals shall hear and approve, approve with conditions, or disapprove all applications for conditional uses provided for in this article. An applicant informed by the Building Authority that a conditional use approval is required shall file an application for the permit with the Zoning Board of Appeals.

12.5.2 Review procedure

A. The Flood Hazard Development Permit application with additional information attached addressing how each of the conditional use criteria specified in this article will be satisfied may serve as the application for the conditional use review.

B. Before deciding any application, the Zoning Board of Appeals shall hold a public hearing on the application within thirty days of their receipt of the application.

C. If the Zoning Board of Appeals finds that the application satisfies all relevant requirements of this article, the Zoning Board of Appeals must approve the application or approve with conditions within 45 days of the date of the public hearing.

D. A conditional use approval issued under the provisions of this article shall expire if the work or change involved is not commenced within 180 days of the approval by the Zoning Board of Appeals.

E. The applicant shall be notified by the Zoning Board of Appeals in writing over the signature of the Chair of the Board of Appeals that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.5.3 Expansion of conditional uses

No existing building or use of premises may be expanded or enlarged without approval under this section if that building or use was stablished or constructed under a previous conditional use approval or if it is a building or use which would require a conditional use approval if being newly-established or constructed under this article.

~~12.5~~12.6 CERTIFICATE OF COMPLIANCE

A. A certificate of compliance shall be signed by the Building Authority stating that a structure is in compliance with all of the provisions of this article.

B. No land in an area of special flood hazard shall be occupied or used in violation of this article, and no structure in such an area which is developed or substantially improved shall be occupied until a ~~Certificate~~ certificate of ~~C~~compliance is issued by the Building Authority. Said ~~C~~certificate of ~~C~~compliance shall be issued only after the Building Authority has received all permits and certificates from the applicant as required by this article.

C. For new construction or substantial improvement of any elevated structure, the applicant shall submit to the Building Authority:

1. An elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor for compliance with Subsection 12.4.5(H), (I), (J), or (R).

2. For structures in Zones ~~V1-30 and~~ VE and Coastal AE~~and for floodproofed structures~~, a written certification by a registered professional engineer or architect shall be provided to the Building Authority stating that the design and methods of construction used are in compliance with the applicable provisions of Subsection 12.4.5(R)(2)(b), (c), and (d).

D. The applicant shall submit written notification to the Building Authority that the development is complete and complies with the provisions of this article.

~~A.~~E. Within ~~3~~10 working days, the Building Authority shall review the elevation certificate (FEMA form FF-206-FY-22-152) and the applicant's written notification and, upon determination that the development conforms with the provisions of this article, shall issue a certificate of compliance.

~~12.6~~12.7 VARIANCES AND APPEALS

12.7.1 Authority

A. The Board of Appeals of the City of Portland may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made, or failure to act, in the administration or enforcement of the provisions of this article.

~~A.~~B. The Board of Appeals may authorize variances, meaning the granting of relief ~~-~~from the provisions of this article, as authorized in Subsection 2.3.11 except:

1. As otherwise expressly provided in Subsection 2.3.11(E).

2. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

12.7.2 Standards

Subsection 2.3.11 notwithstanding, variances from the requirements of this article shall be granted only upon:

A. A showing of good and sufficient cause.

B. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, or public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

C. A showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances.

D. A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:

1. That the land in question cannot yield a reasonable return unless a variance is granted.

2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

3. That the granting of a variance will not alter the essential character of the locality.

4. That the hardship is not the result of action taken by the applicant or a prior owner.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.

12.7.3 Standards for specific variances

A. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally-dependent use provided that:

1. The criteria in Subsection 12.7.2 and 12.4.5(M) are met.

2. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

~~**A.**~~**B.** Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

1. The development meets the criteria of Subsection 12.7~~6~~.2.

2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

~~**B.**~~**C.** Variances may be issued for new construction~~,~~ and substantial improvement~~s, or other development for the conduct of a functionally dependent use~~ of agricultural structures being used for the conduct of agricultural uses provided that:

1. The development meets the criteria of Subsection 12.7.2~~6~~ and Subsection 12.4.5 are met.

2. The development meets the criteria of Subsection 12.4.5(M) and (N).

~~**2.** The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~

12.7.4 Notice to applicants

Any applicant who meets the criteria of ~~this section~~Subsections 12.7.2 and 12.7.3(A), (B), or (C) shall be notified by the Board of Appeals in writing with the signature of the Chair of the Board of Appeals that:

A. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage.

B. Such construction below the base flood level increases risks to life and property.

C. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

~~B. The above Subsections 12.6.4(A)(1), (2), and (3) shall be included with or on all applications for a variance hereunder, as well as the following statements:~~

~~1. The applicant understands and is fully aware of all of the risks inherent in the use of land subject to flooding and understands and agrees that they are fully assuming any potential or actual liability resulting therefrom. Applicant agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use the land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain. Applicant further understands and agrees that the City has no responsibility therefore, and in the event a variance is granted to applicant, applicant agrees to inform any purchaser, assignee, or other transferee of applicant of the existence of said variance and of this agreement.~~

~~2. Applicant shall signify in writing that they have read, understands, and agrees to all of the stipulations in this Subsections 12.6.4(A) and (B).~~

12.7.5 Record of variances

The Board of Appeals shall submit to the Building Authority a report of all variance actions, including justification for the granting of the variance and an authorization for the Building Authority to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

12.7.6 Appeal procedure

A. An administrative appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after receipt of a written decision of the Building Authority.

B. Upon being notified of an appeal, the Building Authority shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

C. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

D. The person filing the appeal shall have the burden of proof.

E. The Board of Appeals shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.

F. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

~~12.7~~12.8 RECORDS & REPORTING

A. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permits issued, certificates of compliance and data relevant thereto, including reports of the Board of Appeals on variances granted hereunder.

B. The Building Authority shall be responsible for filing such annual reports regarding participation in the National Flood Insurance Program as may be required by FEMA. Said annual reports shall include, but not be limited to, a report on implementation of this article and on any variances granted hereunder. A copy of such annual reports shall also be sent to the Maine Floodplain Management Program.

~~12.8~~12.9 PENALTIES

It shall be the duty of the Building Authority to enforce the provisions of this ordinance pursuant to Title 30-A M.R.S. § 4452. The penalties contained in Title 30-A M.R.S. § 4452 shall apply to any violation of this ordinance. In addition to any other actions, the Building Authority, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

A. The name of the property owner and address or legal description of the property sufficient to confirm its identity and location.

B. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance.

C. A clear statement that the public body making the declaration has authority to do so and a citation to that authority. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance.

D. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

12.10 DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.



13 RESOURCE PROTECTION ZONE

13.1 USE

No building shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in a Resource Protection Zone except for the following uses:

A. Non-intensive recreational uses not requiring structures, such as fishing and hiking.
B. Motorized and non-motorized vehicular traffic on existing roads, trails, and rails, as appropriate.
C. Bikeways, pedestrian trails, and walkways.
D. Fire prevention activities.
E. Wildlife management activities.
F. Soil and water conservation activities.
G. Surveying and natural resource analysis.
H. Emergency operations as defined in Article 3.
I. Harvesting of wild crops.
J. Nonresidential structures for educational, scientific, or nature interpretation purposes, containing a maximum floor area of not more than 10,000 square feet.
K. Public and private parks and recreational areas, including one or more structures containing a total maximum floor area of not more than 10,000 square feet.
L. Permanent and temporary piers, docks, wharves, bridges and uses projecting into water bodies, as allowed in Subsection 11.4.2.
M. Storehouses for fishermen's gear.
N. Essential services as defined in Article 3 accessory to the uses permitted herein.
O. Signs, as allowed in Article 20.
P. Road construction, in accordance with the provisions of Section 11.4.
Q. Parking facilities for uses permitted under this section.
R. Landfill and other earth-moving activity, as allowed in Subsection 11.4.4.

13.2 DIMENSIONAL REQUIREMENTS

No building or structure shall be erected, altered, enlarged, rebuilt, or used in a Resource Protection Zone which does not comply with the following requirements:

TABLE 13-A: RPZ DIMENSIONAL STANDARDS

Lot area (min.)		20,000 SF
Lot width (min.)		100 ft.
Lot frontage on street or shoreline (min.)		100 ft.
Front setback (min.)		25 ft.
Rear setback (min.)		75 ft.[1]
Side setback (min.)	**Principal**	15 ft.
	Accessory	5 ft.
Side setback on side street (min.)		20 ft.
Shoreline setback (min.)		75 ft.[2]
Structure height (max.)	**Principal**	2 stories or 25 ft.
	Accessory	1 story or 15 ft.
Building area (max.)		10% of lot area[3]

[1] Does not apply to boathouses or storehouses for fishing gear.
[2] Does not apply to permitted piers, docks, wharves, breakwaters, causeways, bridges, boathouses, and storehouses for fishing gear.
[3] For principal building or group of buildings.

13.3 OFF-STREET PARKING

Any off-street parking in a Resource Protection Zone is required as provided in Article 19.

13.4 SHORELAND AND FLOOD PLAIN MANAGEMENT REGULATIONS

Any lot or portion of a lot located in a Shoreland Zone as identified on the City zoning map or in a flood hazard area shall be subject to the requirements of Articles 11 and 12.



~~14~~13 SITE PLAN

13.1 PURPOSE

Pursuant to Portland's Comprehensive Plan, this article advances the vision for a sustainable city with shared goals for the environment, community, and economy. This article complements the zoning and subdivision regulations of this Land Use Code.

13.2 APPLICABILITY

13.2.1 Site plan approval required

A. All development meeting the thresholds of Table ~~14~~13-A shall require site plan approval prior to commencing any work or undertaking any alteration or improvement of the site.

B. A final, approved site plan is a prerequisite to issuance of building, street opening, or certificate of occupancy permits for development subject to the provisions of this article. No such permit shall be issued until such permit is determined to be consistent with the final, approved site plan and any conditions of approval. In the event of any inconsistency between the approved site plan and any permit issued, the approved site plan shall control, provided, however, site plan approval shall not excuse failure to meet any independent requirement of any other law or ordinance. Neither the acceptance of any application nor any determination or approval hereunder shall authorize the issuance of a permit under Chapter 6 of the City of Portland Code of Ordinances for any use which would violate the provisions of Articles 6, 7, 8, 9 and ~~7~~10 of this Land Use Code.

13.2.2 Exceptions

A. The Planning Authority may grant written authorization for the release of a demolition or interior building permit for a development subject to this article upon written request of the applicant describing the extent of proposed work~~.~~, provided that final plans have been submitted by the applicant. Any exterior demolition requires a performance guarantee for site stabilization.

B. The Planning Authority may grant written authorization for advanced site work, provided that final plans have been submitted by the applicant. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and a determination by the Planning Authority that the request is reasonable, time is imperative, and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided as part of the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits. Advanced site work shall require a performance guarantee.

13.3 PROJECT CLASSIFICATION

13.3.1 Site plan ~~classifications~~

The Planning Authority shall classify each development proposal as a major or minor site plan application according to the classifications in Table ~~14~~13-A. The Planning Authority may, due to the ~~scope or~~ anticipated impacts of a project, classify any project a review level higher than otherwise indicated in Table ~~14~~13-A.



~~Master development~~

13.3.2 Phased site plan

An applicant may elect to submit a ~~master development~~phased site plan application for a large, multi-phase development program consisting of multiple buildings and site improvements on a site of one acre or more of total land area which is designed ~~as a cohesive and integrated whole. The master development plan option shall not apply in residential zones, except for institutional, multi-family, congregate care, and intermediate, extended, and long-term care uses in the R-5a and R-6a zones.~~to be cohesive and integrated within the surrounding context.

~~A. A master development plan approval, including an approval of waivers, establishes the general parameters for the development, including the general development program, massing, open space plan, and infrastructure plan. A master development plan approval shall not be construed as final authorization of the development. Approval shall confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval for as long as the master development plan~~

TABLE 13-B: REVIEW AND APPROVAL AUTHORITY

Plan Classification	Review Authority
Minor	Planning Authority
Major	Planning Board

TABLE ~~14~~13-A: SITE PLAN CLASSIFICATIONS

	~~Minor[1]~~Minor	Major
New construction or ~~additions[2]~~additions[1]	Single- ~~or two~~to four-family ~~structures~~development ~~500~~1,000 – 10,000 SF ~~500~~1,000 – 20,000 SF in industrial zones ~~500~~1,000 – 50,000 SF in TOD zones and IS-FBC zone	Multi-family development of ~~3~~five or more ~~units[3,4]~~ units > 10,000 SF > 20,000 SF in industrial zones > 50,000 SF in TOD zones and IS-FBC zone
~~Stripping, grading, grubbing, filling, or excavation~~Creation of disturbed area	1,000 SF - 3 ac.	> 3 ac.
Site alterations	Alteration of watercourse or wetland	
Creation of impervious surface	1,000 SF – 1 ac.	> 1 ac.
Construction or paving of ~~existing~~ parking	5 – ~~7~~25 parking spaces	> ~~7~~25 vehicles
~~Construction of structures[5] in the Shoreland Zone~~	~~Rehabilitation, reconstruction or new construction~~	
Change of ~~use[6]~~use[2]	10,000 – 20,000 SF	> 20,000 SF
~~Other~~	~~Auto service station~~	~~Development with drive-through facilities~~

~~[1] For purposes of fee assignment and submission requirements, the minor application includes two exceptions: "minor residential" and "low-impact site development." See Section 16 of the *Technical Manual* for more information.~~

[2] Includes cumulative expansion of building floor area within a three-year period.

~~[3] Includes any division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, approval remains valid, including permissible extensions if granted. Subsequent site plan approvals shall be required.~~

13.4 REVIEW AND APPROVAL AUTHORITY

The review and approval authority for site plans ~~and master development plans~~ shall be determined based on the classification of the project as shown in Table ~~14~~13-B. At any point in the review process, the applicant may request that Planning Authority reclassify the application to the next highest review level.

13.5 REVIEW PROCEDURES

13.5.1 Pre-application meeting

Applicants for site plan ~~or master development plan~~ review are encouraged to schedule a pre-application meeting. The purpose of this meeting is to familiarize the applicant with the City of Portland, site plan submittal requirements, review procedures, and applicable review standards. A pre-application meeting shall not confer pending proceeding status under Title 1 ~~MRSA~~M.R.S. § 302. No decisions relative to the plan shall be made at the pre-application meeting, nor shall any advice or information provided by the City be construed as a decision.

13.5.2 Application, plans, and submittals

All applicants shall submit a site plan ~~or master development plan~~ application to the Planning Authority in such form as prescribed by the Planning Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs ~~and costs of a hearing~~, shall accompany each application.

~~TABLE 14-B: REVIEW AND APPROVAL AUTHORITY~~

~~Plan Classification~~	~~Review Authority~~
~~Minor~~	~~Planning Authority~~
~~Major~~	~~Planning Board~~
~~Master Development Plan~~	~~Planning Board~~

13.5.3 Staff completion check

A. The Planning Authority shall determ

B. ine whether the application, plans, and submittals meet the submittal requirements of the *Technical Manual.* If the application is deemed incomplete or not in compliance with Articles 6, 7, 8, 9, or ~~7~~10, the Planning Authority shall inform the applicant in writing of the finding and the additional plans or submittals required to complete the application. A review of the application will not be conducted until the application is found complete.

C. Once the application is determined to be complete, receipt of application notices shall be sent to all property owners within 500 feet of the subject property lines~~, unless the Planning Authority, in its discretion, chooses to notice a larger area and incur the additional expense for the expanded notification. Notices shall be sent~~

TABLE 13-C: SITE PLAN REVIEW PROCEDURES

	Minor	Major	Public Notice Requirement
Pre-application meeting	◐	◐	
Site plan, application, plans, and submittals	●	●	
Staff completion check	●	●	●
Staff review	●	●	
Neighborhood outreach		●	●
Planning Board workshop		◐	●
Revised plans and submittals	●	●	
Final staff review & recommendation	●*	●	
Planning Board public hearing		●*	●

● Required ◐Recommended * Decision point: approve/approve with conditions/deny

~~to all others, including neighborhood organizations, as may be required by the Planning Authority~~.

13.5.4 Staff review

When the application is determined to be complete, the plans and submittals shall be reviewed by the Planning Authority and other departments of the City of Portland as appropriate against the review standards of this article. If the application qualifies as a minor site plan review and is determined to meet all applicable standards of this article, the Planning Authority shall approve the application. Otherwise, written comments from reviewers shall be provided to the applicant~~ and~~. Written comments shall include a staff recommendation to ~~either~~ provide a revised plan and submittals, schedule a Planning Board workshop, or schedule a public hearing.

13.5.5 Neighborhood ~~meeting~~outreach

Applicants for major site plan ~~and master development plan~~ review shall conduct ~~at least one~~neighborhood outreach, either through neighborhood meeting(s) or another method approved by the Planning Authority, in accordance with the following:

A. Timing and location. The ~~meeting~~neighborhood outreach shall be conducted ~~within 30 calendar days of an application being deemed complete and~~ no less than ~~seven~~21 calendar days before a public workshop or hearing. The ~~meeting~~outreach shall be ~~held at~~conducted in a ~~convenient location~~manner that is accessible to stakeholders within the City of Portland neighborhood ~~surrounding~~where the project is proposed~~ site~~. All costs associated with the neighborhood outreach shall be borne by the applicant.

B. Notice. The applicant shall mail notice to all property owners within 500 feet of the subject property ~~lines, and to all others, including neighborhood organizations, as may be required by the Planning Authority~~boundaries, at least 10 calendar days prior to the neighborhood ~~meeting~~outreach or event. The notice shall contain a brief description of the proposal and information about how to access the neighborhood outreach (e.g. the date, time, and place of the neighborhood meeting or event~~.~~ or other relevant information regarding approved forms of neighborhood outreach). A digital copy of the neighborhood notice shall be sent to the Planning Authority, which shall be distributed to the City's list of interested citizens.

C. ~~Meeting~~Outreach procedures

1. *Record of participants.* The applicant shall keep a record of neighborhood participants in the outreach. A copy of this record shall be submitted to the Planning Authority prior to final review.
2. *Record of presenters and/or representatives.* The applicant shall keep a record of all presenters and/or representatives of the applicant participating in the outreach.
3. *Content.* The neighborhood outreach shall include an explanation of the proposal and provide an opportunity for public questions and comment.
4. *Record of feedback.* The applicant shall keep a record of feedback generated through the neighborhood outreach. In addition to any comments, questions, data,

or other feedback collected, this record shall also include the start and end time(s) of the outreach and a list of the specific plans, documents, or drawings that were shared. A copy of this record shall be submitted to the Planning Authority prior to final review. Any other individual or entity also may submit comments on the neighborhood meeting to the Planning Authority.

13.5.6 Review costs

A. Applicants shall pay a fee to cover the review costs and administrative costs incurred by the City. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of City costs, and shall be invoiced periodically by the City.

B. No land use permits or applications of any kind shall be processed, reviewed or issued, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this article unless all charges due under this article have been paid and the developer is otherwise in compliance with the City Code of Ordinances.

13.5.7 Notice of public meeting

A. For all applications that are subject to Planning Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least ten days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is ~~knocked over~~obstructed, removed, or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

13.5.8 Planning Board workshop

~~Applicants for major site plan and master development plan review may request a workshop with the~~Where applicable, Planning Board~~. The workshop will~~ workshops shall be scheduled on a date that follows the neighborhood ~~meeting~~outreach and initial staff review. ~~The workshop~~Workshops shall be informational and shall not result in any formal approval or disapproval of the project. At ~~the~~a workshop, the Planning Board shall discuss the plans and submittals, consider the staff review with respect to the review standards of this article, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed.

13.5.9 Revised plans and submittals

~~All~~Where staff or Planning Board review has found that plans and submittals fail to comply with the review standards of this article, applicants shall provide revised plans and submittals to the Planning Authority. The Planning Authority shall determine whether the revised plans and submittals meet the submittal requirements of the City of Portland *Technical Manual*.



13.5.10 Final staff review and recommendation

When determined to be complete, the revised plans and submittals shall be reviewed by the Planning Authority and other City departments as appropriate against the review standards of this article. Written comments from reviewers shall be provided to the applicant. In the case of a major site ~~plan or master development~~ plan review, comments shall include a staff recommendation to either approve, approve with conditions, or deny the revised site plan and submittals. In the case of a minor site plan application, following staff review, the Planning Authority shall approve, approve with conditions, or deny the revised site plan application based on the review standards of this article.

13.5.11 Planning Board public hearing

Applicants for major site plan ~~or master development plan~~ review must appear before the Planning Board for a public hearing. The hearing shall be scheduled on a date that meets all public noticing requirements contained in Article 2. At the hearing, the Planning Board shall approve, approve with conditions, or deny an application, based upon the review standards of this article.

13.5.12 Lapse in application

A site ~~plan or master development~~ plan application must be diligently pursued from the date of submission. Notwithstanding the submission of a complete application, any applicant shall provide additional information, studies, or reports from qualified professionals when determined by the Planning Board or the Planning Authority to be reasonably necessary to make any of the determinations required by this article. Failure to submit required information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

13.6 SITE PLAN REVIEW STANDARDS

The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland *Technical Manual* ~~and~~, the City of Portland *Design Manual*, and the ~~criteria~~standards below.

13.6.1 Transportation standards

A. Impact on surrounding street systems. The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of vehicular, bicycle, pedestrian, and transit traffic will not:

1. Create or aggravate any significant hazard to safety on the surrounding street network.
2. Substantially increase congestion on any street ~~which is already at a level of service below Level "D"~~ without mitigation proportionate to the level of impact.

B. Access and circulation

1. *In general*
   - **a.** All development subject to this article shall provide safe and reasonable access and internal circulation for all users of the site and shall comply with the transportation systems and street design standards of the *Technical Manual*.
   - **b.** Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable,

with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.

~~b.~~c. Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings, and building entrances on the site.

~~c.~~d. Points of access and egress shall be located to avoid conflicts with turning movements and traffic flows.

~~d. The site must have stacking capacity for vehicles waiting to use these service features without impeding on-site vehicular circulation or creating hazards to vehicular circulation on adjoining streets.~~

~~2. *Loading and servicing.* All developments served by delivery or other service vehicles shall provide access that permits safe turning and backing for all vehicles that would service the development. Loading and servicing access shall not impede vehicle circulation, bicycle or pedestrian movements, or parking.~~

~~3.~~2. *Curb and sidewalks*

a. All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the *Technical Manual*.

b. Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City of Portland Code of Ordinances and the transportation systems and street design standards of the *Technical Manual*

c. An applicant may request a waiver from sidewalk installation requirements if they meet two or more applicable waiver criteria as listed below:

i. There is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site.

ii. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of pedestrian-oriented infrastructure.

iii. A safe alternative walking route is reasonably available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.

iv. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program (CIP) or has been funded through an earlier CIP or through other sources.

v. The street has been constructed or reconstructed without sidewalks within the last 24 months.

vi. 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.

d. An applicant may request a waiver from curb installation requirements if they meet two or more applicable waiver criteria as listed below:

i. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.

ii. The reconstruction of the street is specifically identified and approved in the first or second year of the current CIP or has been funded through an earlier CIP or through other sources.

iii. The street has been rehabilitated without curbing in the last 60 months and the proposed use and design of the site does not necessitate the installation of curbing.

iv. 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.

v. Runoff from the development site or within the street does not require curbing for stormwater management.

C. Public transit access

1. All residential development consisting of 20 or more dwelling units and all commercial and institutional developments of at least 20,000 square feet gross floor area shall provide a transit shelter adjacent to or within the public right-of-way along its frontage, or at a nearby high-volume transit stop without a transit shelter, when the following criteria are met:

a. The development is proposed along an existing public transit route on a principal or minor arterial roadway, as shown in the Federal Street Classification Map.

b. The nearest existing transit shelter on the route is more than ¼ mile from the site, measured along rights-of-way.

2. Transit facilities shall be connected to the public sidewalk system.

~~**3.**~~ All or some of this standard may be waived if the review authority determines ~~one or more of the following:~~

~~a. That some or all of the required improvements cannot reasonably be made due to site constraints and/or insufficient right-of-way width.~~

~~**4.**~~**3.** that the development is not anticipated to generate public transit usage due to particular characteristics of the development or proposed use.

D. Parking

1. *Vehicular parking*

~~**a.** All developments shall provide off-street~~Where provided, parking ~~in accordance with~~spaces and aisles shall

not be located in front and corner side yards, unless the ~~parking requirements of this Land Use Code.~~

~~**b.** Where a parking study is required, the City encourages Transportation Demand Management (TDM) strategies to be employed.~~

~~**c.**~~**a.** ~~Developments proposing to exceed minimum parking requirements by 10% or more must~~applicant can demonstrate ~~through a parking study~~ that site constraints preclude the location of parking elsewhere on the ~~amount of parking is appropriate for the proposed use of the site.~~site.

~~**d.**~~**b.** Where provided, parking spaces and aisles shall meet applicable dimensional standards as detailed in the transportation systems and street design standards of the *Technical Manual*.

c. Developments proposing to exceed the off-street parking maximums of Article 18 must demonstrate through a parking study that the amount of parking is appropriate for the proposed use of the site.

2. *Bicycle parking*

a. All development shall provide secure bicycle parking in accordance with the parking requirements of ~~this Land Use Code~~Article 18 and the transportation systems and street design standards of the *Technical Manual*.

b. Waiver: The review authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to particular site characteristics or proposed uses.

3. *Snow storage*

a. All developments shall include areas for snow storage or provide an acceptable snow removal plan.

b. Snow storage areas may not encroach on ~~areas designed to meet minimum parking requirements or on~~adjacent properties, public ways, and pedestrian walkways, and shall not be located where they would adversely impact the functionality of stormwater management systems. Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.

4. *Electric Vehicle (EV) charging*

a. All development shall ~~adhere to~~meet applicable EV standards as provided in Section 1 of the *Technical Manual*.

E. Transportation Demand Management (TDM)

1. The following types of development shall design and implement a Transportation Demand Management (TDM) plan:

~~**a.** All major site plan triggering development in the B-7 zone.~~

~~**b.**~~**a.** All commercial, institutional, or mixed-use developments of 50,000 square feet or more in total floor area.

~~**c.**~~**b.** All commercial or institutional uses designed to accommodate 100 or more employees or, for educational institutions, 100 or more students.

2. The TDM Plan shall comply with the standards for transportation ~~systems~~studies and ~~street design standards of~~plans as contained in the *Technical Manual*.

13.6.2 Environmental quality standards

A. Preservation of significant natural features

1. All development shall preserve and protect significant natural features by incorporating ~~them into site design.~~ the principles of Low-Impact Development (LID) in accordance with the LID standards of the *Technical Manual.*

2. Significant natural features shall ~~be defined~~include:

a. Waterbodies, including coastal and freshwater wetlands, great ponds, rivers, streams, or brooks, and significant vernal pools.

~~a. Community public water system primary protection areas and aquifers on islands in Casco Bay, as: identified in the City of Portland Island Groundwater Management Study and/or by the Maine Geological Survey.~~

b. Populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program~~.~~, and feature mature trees as defined in Article 3.

~~a.~~ Habitat for species appearing on the official state or federal list of endangered or threatened animal species~~.~~

c. and high and moderate value waterfowl and wading bird habitat, including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife.

~~b. Aquifers on islands in Casco Bay, as identified in the City of Portland Island Groundwater Management Study and/or by the Maine Geological Survey.~~

~~c. Waterbodies including wetlands, watercourses, significant vernal pools and floodplains.~~

~~1.~~ ~~Where areas set aside for preservation are part of a larger existing habitat block extending beyond the boundaries of the site, the contiguity of these features shall be preserved where possible.~~

~~2.~~3. ~~Waiver:~~ Where complete preservation of significant natural features substantially compromises development of the site as otherwise permitted by zoning, the review authority may reduce the requirement ~~to accommodate development~~in accordance with the LID standards of the *Technical Manual* provided that the applicant implements preservation measures to the extent practicable and demonstrates compliance with applicable state and federal regulations ~~and implements preservation measures to the extent practicable~~.

~~A. Landscape preservation~~

~~1. Site development shall be designed to incorporate, limit disturbance to, and limit removal of existing trees.~~

~~3.~~4. The site plan shall include adequate measures to protect ~~vegetation~~significant

natural features to be preserved from construction impacts, in accordance with the ~~landscaping and landscape preservation~~LID standards of the *Technical Manual*.

~~2. All development subject to zoning setbacks shall preserve a minimum of 30% of existing trees 10 inches DBH or greater within the required setback area unless trees are non-native invasive species, as identified in the landscaping and landscape preservation standards of the *Technical Manual*, or are deemed unsalvageable by the Portland City Arborist or their designee.~~

~~4. Waiver: Where the applicant can demonstrate that preservation of existing vegetation would compromise development of the site, the review authority may permit the substitution of landscaping in other areas of the site as described in Table 14-D and/or a financial contribution to the City of Portland Tree Fund for an amount proportionate to the cost of trees removed. Replacement trees shall be of a species identified on the City of Portland Recommended Tree List as described in the landscaping and landscape preservation standards of the *Technical Manual*.~~

~~5. Where the planting of replacement trees on the site is not feasible, the applicant shall contribute an amount proportionate to the cost of required replacement trees to the City of Portland Tree Fund, as described in the Landscaping and landscape preservation standards of the *Technical Manual*.~~

~~**TABLE 14-D: TREE REPLACEMENT REQUIREMENTS**~~

~~Size of Tree Removed~~	~~Replacement Requirement~~
~~10 – 16" DBH~~	~~1 tree~~
~~> 16" DBH~~	~~2 trees~~

B. Site landscaping and buffers

1. *On-site Landscaping*.

a. All development subject to ~~required zoning setbacks~~this article shall ~~include~~provide a minimum of one shade tree consisting of species identified on the City of Portland Recommended Tree list or six plantings ~~per 30 linear feet of all frontages as measured along the property line. A planting shall be~~, defined as one shrub, one ornamental grass, and/or three perennials~~.~~ ~~Required plantings may be installed anywhere on the site, including a green roof, if proposed, and may be planted~~, per 5,000 square feet of lot area in ~~any arrangement.~~ accordance with the landscaping standards of the *Technical Manual*.

~~a.~~b. Existing vegetation to be preserved on the site may be counted towards this requirement as described in the landscaping and landscape preservation standards of the *Technical Manual*.

c. Where site constraints prevent the planting of required shade trees or plantings at the development site, the reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.

2. *Buffers and screening*

a. Loading and servicing areas, trash and recycling areas, storage areas, and roof- and ground-mounted utility structures, except for renewable energy systems, shall be screened from view from public sidewalks, streets and adjacent properties by dense evergreen and deciduous landscaping, fencing, architectural screening products, masonry walls, building walls, or a combination thereof.

b. Where immediately visible from the right-of-way, surface parking areas shall be screened with dense evergreen and deciduous landscaping, fencing, or masonry wall in accordance with the landscaping standards of the *Technical Manual.*

~~**b.**~~**c.** For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet ~~wide~~in depth and six feet tall is required along the side abutting the residential zone. ~~Where site constraints prevent such a buffer from being established~~In cases where architectural fencing is used, the ~~width~~depth of the landscaped buffer may be reduced~~ but shall include architectural~~, so long as the fencing ~~of not less than~~is at least six feet ~~tall~~in height and a mix of evergreen and deciduous trees spaced no further than 20 feet apart is planted abutting the residential zone.

~~**c.**~~**d.** All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.

3. *Parking and vehicle display lot landscaping*

a. Developments with more than five parking spaces shall include at least ~~two trees (or~~ one tree ~~and three shrubs) per five parking spaces~~ for every 750 square feet of uncovered asphalt parking area (including drive aisles), planted in landscaped islands to screen, shade, and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as described in the landscaping ~~and landscape preservation~~ standards of the *Technical Manual.*

b. Landscaped islands shall be distributed so that uninterrupted pavement does not exceed forty parking spaces.

c. Where site constraints prevent implementation of all or a portion of required parking lot landscaping, as determined by the review authority, the ~~requirements may be all or partially waived and the applicant shall contribute an amount proportionate to the cost of required parking lot trees to the City of Portland Tree Fund~~reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.

4. *Non-vehicular hardscape.* All uncovered paving for non-vehicular use, including pathways and patios, must have a Solar Reflective Index (SRI) as described in the landscaping standards of the *Technical Manual.*

~~4.~~5. *Street trees*

a. All development shall include one street ~~trees in numbers and locations~~tree per 25-35 linear feet of frontage along a city right-of-way or private roadway as specified in the landscaping ~~and landscape preservation~~ standards of the *Technical Manual*. ~~Street trees are intended to benefit public spaces by providing green and natural elements that contribute to the streetscape and the urban forest ecosystem, provide health benefits, and increase the tree canopy to maximize shade and reduce energy use. Street trees shall be of a species identified on the City of Portland Recommended Tree List, unless otherwise approved by the City Arborist or his/her designee.~~ The provision of measures to enhance tree survival (such as raised planters, irrigation, and structural soils as recommended by the City Arborist) shall be required.

~~a.~~ Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the city right-of-way, the review authority may permit ~~the following to be counted towards the street tree requirement,~~an alternative subject to the landscaping standards ~~set out in~~of the *Technical Manual*~~:~~

~~i. The preservation of existing healthy trees that are six inches or more DBH on the site within twenty feet of the property line, and visible from the right-of-way.~~

~~ii. The planting of street trees on the site within 20 feet of the property line where visible from the right-of-way.~~

~~iii. The installation of other planted features in the right-of-way or within 10 feet of the right-of-way and visible from the right-of-way, which are documented to the satisfaction of the City Arborist and Planning Authority to meet the objectives of the street tree requirement.~~

~~iv. The planting of new street trees on public land or public facilities in the neighborhood where a reasonable chance of good health and longevity is documented.~~

~~v. Where other alternatives are not feasible, a contribution for each required street tree made to the City of Portland's Tree Fund. The contribution would primarily be for new trees in the neighborhood of the development, but would include an element of maintenance.~~

b. . Where the proposed development includes the removal of an existing street tree determined by the City Arborist to be a heritage or feature

mature tree, the applicant shall be required to contribute to the Tree Fund at the designated rate in the *Technical Manual* so that the total replacement cost is significantly higher than planting a new street tree/contributing for a new street tree.

C. Water quality, stormwater management, and erosion control

1. All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following:
   a. Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots.
   b. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot or City property following the improvement can be handled on the adjacent lot or City property without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot or City property.
   c. Any increase in volume or rate of stormwater draining from the lot into the City's ~~separated~~ storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.
2. All development shall comply with the stormwater management standards of the *Technical Manual*.
3. Development shall not pose a risk of groundwater contamination either during or post-construction, as described in the stormwater management and water supply standards of the *Technical Manual*.
4. Applicants shall demonstrate that subsurface and/or any adjacent slope conditions are suitable to support the development, and where determined necessary, shall prepare a geotechnical study to demonstrate that the development as designed will not adversely impact the development site or any abutting property. Soil surveys and/or geotechnical studies shall be prepared in accordance with the requirements of the *Technical Manual.*

13.6.3 Public infrastructure and community safety standards

A. Consistency with City master plans

1. All developments shall be designed so as to be consistent with City Council-approved master plans and facilities plans and with off-premises infrastructure.
2. The site plan shall include suitable easements, rights, and improvements to connect or continue off-premises public infrastructure as may be required by the review authority.

B. Public safety and fire prevention

1. All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the



security of public and private spaces and to reduce the potential for crime:

a. Natural surveillance that promotes visibility of public spaces and areas.

b. Access control that promotes authorized and/or appropriate access to the site.

c. Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.

2. All developments shall be designed to provide adequate emergency vehicle access to the site and comply with the Public Safety standards of the *Technical Manual*.

C. Public utilities

1. The development shall not overburden sanitary sewers and storm drains, water lines or supply, or other public infrastructure and utilities. Development shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities.

2. Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.

3. All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards of the *Technical Manual*.

4. All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of Chapter 24 of the City Code and the sanitary sewer and storm drain standards of the *Technical Manual*.

5. All residential development of 20 units or more, commercial development, and industrial development shall provide for the temporary storage and timely removal of all trash and recyclable materials including, at a minimum, paper, corrugated cardboard, plastics, and metals. Storage containers for recyclable materials shall be separated from trash containers. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets, and adjacent properties.

13.6.4 Site design standards

A. Massing, ventilation, wind, and ~~wind~~heat impact

1. The bulk, location, or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.

~~**2.** The bulk, location, or height of proposed buildings and structure shall minimize, to the extent feasible, any substantial diminution in the value or utility to~~

~~neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.~~

~~3.~~2. Development shall locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.

3. In developments or additions with an aggregate roof area greater than 2,000 square feet, measured horizontally, and, for residential projects, greater than nine residential units, a minimum of 75% of the roof area must meet the following "cool roof" Solar Reflective Index (SRI) standards:

   a. Roofs with a slope less than 2:12: SRI of 82+ (initial)/64+ (3-year aged)

   b. Roofs with a slope greater than 2:12: SRI of 25+ (initial)/25+ (3-year aged)

   Roof areas covered by shade structures with an SRI of 39+, including photovoltaic panels that shade the roof, area considered exempt from roof area calculations for the purposes of this standard.

B. **Shadow.** All development ~~outside the B-3, B-5, B-6 and B-7 zones~~over 65 feet in height shall be designed to avoid and/or mitigate the adverse impacts of shadows cast by new structures or building additions from falling on publicly accessible open space in accordance with the shadow standards of the *Technical Manual*.

C. **Snow and ice loading.** All development shall be designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or public ways.

D. **View corridors.** The massing, location, and height of development shall not substantially obstruct public view corridors identified in the ~~*Downtown Vision View Corridor Protection Plan.*~~ City of Portland *Design Manual.*

E. **Historic resources**

1. When ~~developments affect~~a development affects a designated ~~landmarks~~landmark or ~~li~~lies within a designated historic ~~districts~~district or historic landscape ~~districts~~district, such development shall be required to obtain a Certificate of Appropriateness under Article ~~17~~16.

2. When any part of a proposed development is within 100 feet of any designated landmark~~,~~ (except the B&M Cannery Building), historic district~~,~~ (except the India Street Historic District~~;~~), or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. ~~To aid the review authority in its deliberations, Historic Preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character-~~

~~defining elements and any established building patterns that characterize the context.~~

3. All development shall document and protect state or local archaeological resources known to exist or discovered on the site.

a. Protection ~~shall~~may include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.

b. Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City's historic preservation program and Maine Historic Preservation Commission. For resources of state significance, excavation and documentation shall be conducted by a qualified professional, in coordination with Maine Historic Preservation Commission. Local archeological resources may or may not be recognized by the Maine Historic Preservation Commission as significant and shall include the following:

i. Original seawall structure located landward of Commercial Street.

ii. Inactive historic family cemetery plots.

iii. Historic railroad beds including but not limited to the Portland-Lewiston interurban railroad.

iv. Original structure and/or landforms associated with the Cumberland and Oxford Canal.

v. Buried portions of colonial and post-colonial period structures or built features located on the Portland Peninsula predating the Great Fire of 1866.

vi. Pre-colonial occupation sites identified by shell middens or other evidence.

vii. Sites listed or eligible for listing on the National Register of Historic Places.

c. In order to preserve archeological resources, the review authority may waive standards listed in the City of Portland *Technical Manual* where necessary if it is determined that such a waiver would not jeopardize the health, safety, or welfare of the development's occupants, the public, or the natural environment.

F. Exterior lighting

1. *Site lighting*

a. All exterior site lighting shall be full cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties ~~and streets.~~. Illumination levels shall be adequate but not excessive for the safety, comfort, and convenience of occupants and users of the site, and shall conform to the lighting standards of the *Technical Manual*.

b. Where light from a proposed development may adversely impact adjacent residential properties, exterior lighting shall employ ~~house~~building-side shielding.

2. *Architectural and specialty lighting.*

a. Architectural and specialty lighting of such features as architectural details, monuments, public art, or other site features shall be designed to illuminate specific details or attributes only and shall meet the lighting standards of the *Technical Manual*.

b. Up-lighting by any method is prohibited except for public buildings and parklands; clock towers and steeples; landscape features; designated historic landmarks; flags of state, federal, or national jurisdictions; and public art. Such light fixtures, brackets, conduits, and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance with the lighting standards of the *Technical Manual*.

3. *Street lighting.* All development shall provide municipal street lighting adequate for the safety and comfort of pedestrians and motorists and, where applicable, conforming to specific lighting district requirements as specified in the street lighting standards of the *Technical Manual*.

G. Noise and vibration. All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable state and federal emissions requirements and shall be located to the interior of the site, away from abutting ~~residential~~ properties.

H. Signage and wayfinding

~~1. The size, scale, proportions, design, materials, placement, and source and intensity of illumination of all permanent building or freestanding signs shall be designed to complement the subject building and its immediate context, as follows:~~

~~a. Signage shall not conceal architectural features such as window sills, lintels or cornices from view.~~

~~b. Signs shall be designed and sized to fit the scale and proportions of the building and the feature or area of the building to which it is affixed.~~

~~c. Freestanding signs shall not adversely affect visibility at intersections or access drives.~~

~~d. Sign lighting shall be downwardly directed, internally illuminated and/or shielded to avoid glare and light spillover towards the sky.~~

~~e. Signs shall not be affixed to rooftop mechanicals, mechanical penthouses or other rooftop appurtenances unless those appurtenances have been screened and integrated into the architecture of the development.~~

~~2.~~1. On-site directional traffic signage may be provided to enable users to safely and easily navigate into, around and out of the site.

~~3.~~2. ~~Directional~~ Signage shall not adversely affect visibility at intersections on or off the site.

I. Design standards

1. Development of certain types and/or proposed in certain zones, as specified ~~below, are subject to~~in the City of Portland *Design Manual*, shall meet the design standards of the ~~City of Portland~~ *Design Manual* in order to ensure that building and site design contribute to and enhance the goals and policies for specific zones within the city. ~~The City of Portland design standards are listed in~~ The City of Portland *Design Manual*~~, which~~ is incorporated by reference as part of ~~the City of Portland~~this Land Use Code. ~~If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:~~

   ~~a. Development in the B-3, B-5, B-5b, and B-7 zones and in the B-6 and EWPZ zones shall be designed to support the development of dense, mixed-use neighborhoods with attractive, safe, and convenient street-level pedestrian environments. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.~~

   ~~b. Development in the R-P Residential Professional Zone, where there is a discernable architectural style or character to existing structures in the immediate vicinity in which the development is proposed, shall not be incongruous to that established style or character.~~

   ~~c. Development in the B-1/B-1b, B-2, and B-2b zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development.~~

   ~~d. Development in the University of Southern Maine (USM) Overlay Zone shall be designed to support a cohesive campus environment that integrates with and respects the residential character of surrounding neighborhoods.~~

   ~~e. Residential developments, as listed below, shall integrate with and respect the character of surrounding residential development in terms of architectural form, landscaping and open space, façade materials, roof pitch, massing, and height.~~

      ~~i. Planned Residential Unit Developments (PRUDS) in the R-3, R-5, and R-5a residential zones.~~

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ii. Multiple family and multiplex developments in the R-5 zone.

iii. Small residential lot development of single-family homes in the R-5 zone.

iv. All residential development in the R-6 zone.

v. Residential development of the following types: manufactured housing parks, two-family and multiple family housing not already specified above, special needs independent dwelling units, lodging houses, bed and breakfasts, and emergency shelters.

13.7 MASTER DEVELOPMENT PLAN REVIEW STANDARDS

The Planning Board shall not approve a master development plan unless the development proposal meets the review standards below.

14.7.1 In general

A. Integration with the surrounding context. A master development plan shall be designed to integrate with the surrounding context with respect to land use, architecture, open space and pedestrian networks, vehicular access and circulation, off-site public facilities and all other infrastructure.

B. Consistency with City plans. A master development plan shall be consistent with the objectives of this ordinance, consistent with the City's Comprehensive Plan, and consistent with City Council-approved master plans and facility plans for off-premise infrastructure.

14.7.2 Natural features and open space

A. Preservation of natural features. A master development plan shall locate buildings and improvements in a manner that considers the existing topography, provides usable open space, preserves significant natural features as defined in Subsection 14.6.2, and preserves existing trees to the maximum extent possible.

B. Provisions for open space. A master plan shall include provisions for the ownership and maintenance of usable open space as appropriate

14.7.3 Historic Preservation

A. A master development plan shall be developed so as to conform with standards for designated landmarks or for properties within designated historic districts or historic landscape districts as found in Article 17.

B. When proposed adjacent to or within 100 feet of a designated landmark, historic district, or historic landscape, the master development plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development.

14.7.4 Infrastructure

A. Adequacy of infrastructure capacity. A master development plan shall be designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the plan.

B. Continuation of street grid. A master development plan shall be designed to create a street grid pattern that reflects average city block sizes of the surrounding neighborhood.

~~14.7.5 Design~~

~~A. Creation of a cohesive identity.~~ ~~A master development plan shall be designed to create a cohesive identity through building scale, massing, and articulation; use of quality exterior materials and architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located.~~

2. If the development is located in a historic district or associated with a historic landmark, the standards of Article 16 shall supersede.

~~13.8~~13.7 WAIVERS

13.7.1 Waiver requests

An applicant for site plan review may request a waiver with respect to the submittal requirements or review standards of this article. If a waiver is requested, the applicant shall document the rationale for the waiver request within the application.

13.7.2 Waiver criteria

Except for where waiver criteria are provided for individual review standards, the review authority, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the submittal requirements or review standards of this article, may vary these regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent of this article.

~~13.9~~13.8 PHASING

~~13.8.1 Site plan~~

A major site plan may be divided into ~~up to three~~two or more phases. Each phase must be at least 20% of the total development and in addition, show the entire tract or parcel. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

~~13.8.2 Master development plan~~

~~An applicant proposing a master development plan is seeking approval for an overall concept of development that may subsequently be brought for site plan approval in two or more phases and in a phase sequence that extends beyond the timeframes allowed for site plan approvals. Site plans for each phase of a master development plan shall generally conform with the master development plan. For areas proposed as future development phases, the proposed interim conditions shall be managed and maintained to ensure stable, safe, and attractive site conditions. One or more phases of the master development plan may be reviewed as a site plan concurrently with the review and approval of the master development plan.~~

~~13.10~~13.9 CONDITIONS OF APPROVAL

Notwithstanding the review standards of this article, the review authority may impose any condition upon its approval of any site plan ~~or master development plan~~ to minimize or abate any adverse impact of the proposed development on the value

or utility of other private property, or public property or facilities, to the extent feasible; to bring the development into compliance with the review standards of this article; or to minimize any other adverse environmental effects of the proposed development.

~~13.11~~13.10 POST-APPROVAL PROCEDURES

~~13.10.1Advanced site work~~

~~No alterations shall be made to a site with a pending or approved site plan until:~~

~~A. The performance guarantee has been posted and final site plans have been submitted to the Planning Authority.~~

~~B. Written permission has been received from the Planning Authority. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and a determination by the Planning Authority that the request is reasonable, time is imperative, and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided with the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits.~~

~~13.10.2~~13.10.1 Final plans

Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage structures, and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public Works Authority and/or Planning Authority as field changes pursuant to Section ~~14.14.~~ 13.13. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to Section ~~14.14~~13.12.

~~13.10.3~~13.10.2 Performance and defect guarantees

The following performance and defect guarantee requirements shall apply:

A. Performance guarantee required. Following approval of site plan applications and prior to the issuance of a building permit, the developer shall post with the City a performance guarantee in the form and amount specified herein, specifying the completion of the required site plan improvements within two years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

B. Inspection fees. At the same time that the developer posts a performance guarantee, the developer shall also pay to the City an inspection fee as determined by the City Council. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.

C. ~~Minor residential development.~~ ~~All minor residential development, which for the purposes of this section shall be defined as single- or two-family development and any associated site improvements,~~**Single- and two-family development.** All single- and two-family development is exempt from performance

guarantee requirements except when those projects complete construction in the winter, and site work is incomplete due to weather conditions. A performance guarantee will then be required that is sufficient to complete the remaining site work as approved on the site plan. The performance guarantee must be reviewed and approved by the Planning Authority prior to the release of a certificate of occupancy. All ~~minor residential~~single- and two-family development is subject to inspection fees, as specified herein.

D. Performance guarantee amount

1. The performance guarantee shall be equal in value to 100% of the estimated cost of the required site improvements as shown on the approved site plans, as a condition of planning approval, as required in the City of Portland Code of Ordinances, and/or as required by the City of Portland *Technical Manual*.

2. The performance guarantee amount shall be estimated by the applicant or representative using the cost estimate spreadsheet provided by the City and shall be submitted for review and approval to the Planning Authority. Costs to be included in the estimate, and which shall be covered by the performance guarantee~~,~~ include ~~but are not limited to~~items such as: street and sidewalk improvements including street lights, monuments, curbing, ramps and detectible warning panels, and striping; earth work and grading; utilities infrastructure and connections including sewer, stormwater, and water service; exterior site lighting; erosion control measures as shown on the approved erosion and sedimentation control plan; open space and recreation amenities; and final site stabilization and landscaping.

3. The Planning Authority may waive all or any portion of this requirement if it determines that the ~~developer~~property owner has a proven record of satisfactory performance and sufficient financial capability or when the overall cost of the project fails to justify the administration of a performance guarantee.

E. Phased projects. If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

F. Advanced site work

1. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Planning Board approval.

2. On a case-by-case basis, permission for advanced site work may be granted by the ~~Director of~~ Planning ~~and Urban Development.~~Authority under Section 13.2.2(B). Such permission is solely within the discretion of the ~~Director of~~ Planning ~~and Urban Development and shall be granted only after submission of a written request setting forth the work proposed to be done on the site. Such written permission shall not be required when the~~

~~only work proposed is the digging of test pits~~Authority.

G. Acceptable forms of performance guarantee. The performance guarantee, in the amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

H. Performance guarantee reductions.

1. Up to three times during the construction of a project, upon request of the developer, a performance guarantee may be reduced by the value equal to the estimated cost of the completed improvements. In no case shall any performance guarantee be reduced by any line item on the cost estimate spreadsheet where improvements remain to be completed. Requests shall be submitted on the cost estimate spreadsheet for review and approval by the Planning Authority.
2. In no case shall any performance guarantee be reduced to an amount equal to or less than the required defect guarantee until all criteria set forth for converting to the defect guarantee have been met, as approved by the Planning Authority.

I. Extension of the performance guarantee. If the Planning Authority and/or the Public Works Authority has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City's satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the Planning Authority and/or the Public Works Authority.

J. Performance guarantee release/conversion to defect guarantee.

1. No performance guarantee shall be released until all fees generated by the project are paid to the City, including but not limited to engineering, inspection, and administrative fees. The guarantor shall not be released from the guarantee except and until authorized in writing by the Planning Authority.
2. For roadway extension projects, no performance guarantee shall be released until the Department of Public Works has performed a final inspection of the roadway and determined satisfactory completion of the required improvements. Additionally, no performance guarantee shall be released until the City is in receipt of a petition for street acceptance, deemed complete and satisfactory by Corporation Counsel and/or the

Department of Public Works. The petition for street acceptance must include a warranty deed (with metes and bounds description) to the property within each street of the subdivision or roadway extension and any other improvements intended for City maintenance.

3. Upon the satisfactory completion of the required site improvements and compliance with all conditions of approval including the submission of as-built drawings as applicable, the Planning Authority will authorize in writing, conversion to the defect guarantee. The defect guarantee shall be 10% of the original performance guarantee amount and shall remain in place for a period of one year. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the required site improvements. The Planning Authority may authorize the defect guarantee to be released at any time within the one-year period, provided all required site improvements have been constructed and in-place for one year or more and the workmanship and the durability of all materials has been inspected and confirmed to be satisfactory.

K. Acceptable forms of defect guarantee. The defect guarantee, 10% of the original performance guarantee amount approved by the Planning Department, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland finance department and shall be in conformance with the templates and forms made available by the City. If the defect guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until the criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

L. ~~Abandoned site.~~Use of the performance guarantee. In the event that a development site is abandoned or the site improvements do not meet City standards as approved in the site plan, the performance guarantee may be utilized to stabilize, secure, complete construction, and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading, and fencing.

~~13.10.4~~13.10.3 Inspection fee

At the same time that the developer posts a performance guarantee, the developer shall also pay to the City a site plan improvement inspection fee equal to two percent of the estimated costs of required site improvements for which a performance guarantee is to be posted. At the conclusion of the project, and before a temporary or permanent certificate of occupancy is issued, the developer shall pay to the City the balance of any inspection fees actually incurred by the City in its review of the project.

~~13.10.5~~13.10.4 As-built plans

Upon completion of a development (excluding ~~minor residential~~single- and ~~low impact site~~ two-family development and minor site work as ~~specified in Section 16 of~~determined by the

~~*Technical Manual*~~Planning Authority), the applicant shall submit the as-built plans as specified in the *Technical Manual*.

~~13.10.6~~13.10.5 Certificates of occupancy

No certificate of occupancy shall be issued to any portion of development where, in the opinion of the Planning Authority, the site conditions or work required to complete the development will endanger the health or safety of persons visiting or inhabiting the completed portion. Certificates of occupancy may be granted as follows:

A. Temporary certificates of occupancy

1. Notwithstanding any other provision of the Land Use Code, a certificate of occupancy may be issued for a development or portion of a development which has otherwise been completed in accordance with final site plan approval and all applicable provisions of this Land Use Code where the applicant submits a written request to the Planning Authority stating those improvements which remain to be completed, the reasons why such improvements have not been completed, and the cost and time to complete the remaining work. In no event shall any temporary or permanent certificate of occupancy be issued where:

a. Conditions exist which would justify denial of a certificate of occupancy under Chapter 6 of the City of Portland Code of Ordinances.

b. Required improvements to the City right-of-way remain to be completed by the developer.

c. ~~All~~ Access roads ~~and any other roads and,~~ driveways, and pedestrian access required for the building or building(s) for which the certificate(s) are requested have not been improved to a passable condition.

d. A remaining balance for fees incurred by the City exists.

e. The developer otherwise is in violation of the City Code of Ordinances.

2. Where a temporary certificate of occupancy is sought for a portion of any development prior to the completion of the entire development, the following standards shall be met, in addition to all applicable requirements set forth above, prior to the issuance of any certificate of occupancy:

a. Those parking areas required for the portion of the development for which a certificate of occupancy is sought shall be available for use. Alternative arrangements must be made on-site for parking for any periods during which such parking areas will not be available for use.

b. All foundation plantings and other landscaping required for the portion of a development for which a certificate of occupancy is sought shall be installed prior to the issuance of a certificate of occupancy. This requirement may only be waived where, in the opinion of the Public Works Authority, landscaping improvements cannot practically be completed due to seasonal weather conditions.

c. A performance guarantee shall be in place and in an amount sufficient to

cover all remaining required improvements and not less than 10% of the initial performance guarantee amount.

B. Final certificate of occupancy. All improvements which are not completed prior to the issuance of any temporary certificate of occupancy must be completed prior to the completion date specified in the performance guarantee or in the temporary certificate of occupancy, whichever occurs first, in order for a final certificate of occupancy to be issued by the City. Where any person accepts a temporary certificate of occupancy and does not complete the improvements as specified in the certificate, the City is authorized to enter upon such property itself or through its agents or contractors to complete such improvements with no liability therefore and may recover the costs thereof through the mechanic's lien procedure for the improvement of real property to the extent that the performance guarantee may be inadequate.

~~13.12~~13.11 EXPIRATION OF APPROVALS

13.11.1 Site plan

Site plans approved under this article shall expire ~~12 months~~three years from the date of approval unless development has been undertaken in accordance with the approved site plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of 12 months shall result in an expiration of the site plan. Approved amendments to a site plan shall have no effect on the expiration date, which is based upon the original date of approval.

13.11.2 ~~Master development~~ Phased site plan

~~Master development plans approved under this article shall expire six years from the date of approval if no~~ The applicant has three years to start site work or building construction ~~has commenced.~~

~~13.13 EXTENSION OF APPROVALS~~

~~13.11.3 In general~~

undertaken in accordance with the approved phased site plan and seven years to complete the project. Approved amendments shall have no effect on the expiration date, which is based upon the original date of approval. A phased site plan may be extended by the Planning Authority up to two years from date of expiration. Extension requests must be made in writing by the applicant prior to the expiration of the approval. ~~An extension may not be granted if changes to the City's zoning, subdivision, or site plan ordinance, the *Technical Manual* or the *Design Manual* would render the development nonconforming in any respect or significantly impact the approved site plan or master development plan as determined by the Planning Authority.~~

~~13.11.4~~13.11.3 In case of appeal

Where ~~the~~a site plan approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted extensions, beyond the expiration of said approval, where the applicant has exercised due diligence with respect to defending such appeal~~,~~ ~~which~~. Extensions shall not last beyond one year from entry of final judgment.

~~13.11.5 Site plan~~

~~Site plan approvals may be extended by the Planning Authority for up to three years from the date of approval.~~

~~13.11.6 Master development plan~~

~~Master development plan approvals may be extended by the Planning Authority up to two times, for up to two years from the date of expiration of the original master development plan approval.~~

~~13.14~~13.12 AMENDMENTS TO APPROVED PLANS

13.12.1 Field changes

Changes associated with unforeseen difficulties that arise during the course of construction and involving such technical detail as utility location and substitution of equivalent plantings shall be approved by the Public Works Authority and/or the Planning Authority. Field changes shall not involve substantial alteration of the approved plan or conditions imposed by the review authority.

13.12.2 Minor amendments

A. The Planning Authority is authorized to approve minor amendments to site plans ~~and master development plans.~~ An applicant may request a minor amendment to an approved site ~~plan or master development~~ plan by submitting a written statement of the proposed amendments and proposed amended plans to the Planning Authority. ~~Minor amendments:~~

A. Minor amendments:

1. Are generally consistent with the approved plan.
2. Do not substantially impact the layout of buildings and open space.
3. Do not ~~propose new~~significantly alter the program of proposed uses.

~~A. Do not increase building ground coverage, floor area ratio, or residential density.~~

4. Do not substantially change access, circulation, or infrastructure on or adjacent to the site.

~~B. Do not involve new waiver requests.~~

5. Do not otherwise meet thresholds for site plan review as described in Table 13-A.

~~5.~~6. Do not affect any condition or requirement of the Planning Board.

13.12.3 Major amendments

An applicant may request approval by the review authority of a major amendment to an approved site plan ~~or master development plan~~ by submitting an application for the amendment to the Planning Authority. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection ~~14.14.2. Review procedures shall follow those for major site plan review~~13.12.2.

~~13.15~~13.13 CONSISTENCY WITH APPROVED SITE PLANS

13.13.1 Sites to be developed and maintained as depicted

A. Sites shall be developed and maintained as depicted in the approved final site plan and the written submission of the applicant. Any deviations from an approved site plan, including, but not limited to, changes in topography, vegetation and impervious surfaces as shown on the final site plan or

alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation, and impervious surfaces shown on the site plan.

B. All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of this Land Use Code shall be in conformance with the approved final site plan or an amendment thereto under Section ~~14.14.~~ 13.12. The Planning Authority shall institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article.

13.13.2 Work pursuant to Chapter 24 or 25

Where work is required pursuant to the terms of Chapters 24 or 25 as part of an approval granted under this article, such work shall be accomplished in the sequence established by the Public Works Authority. Where the Public Works Authority determines that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of Chapters 24 and 25 of the City of Portland Code of Ordinances, a stop work order may be issued. Work shall recommence only after such order has been lifted by the Department of Public Works or the Building Authority on the basis of an approved mitigation plan or action by the developer.

13.13.3 After-the-fact review

Where construction, alteration, or modification to a site is performed without a valid site plan approval, an after-the-fact review shall be performed by the Planning Board or Planning Authority, as applicable.

~~13.16~~13.14 APPEALS

13.14.1 Minor site plan

When the Planning Authority has approved, approved with conditions, or disapproved a minor site plan, any person aggrieved may appeal the decision to the Planning Board within 30 calendar days of the date of the written decision of the Planning Authority. Upon the taking of such an appeal, the application shall be reviewed as a new application.

13.14.2 Minor site plan

When the Planning Board has approved, approved with conditions, or disapproved a major site plan, any person aggrieved or the City may appeal the decision to the Superior Court, pursuant to Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S §§ 2691 & 4483. Decisions of the Planning Board are final as of the date the written decision is issued.

~~15~~14 SUBDIVISIONS

14.1 PURPOSE

This article is adopted pursuant to the terms and provisions of 30-A M.R.S. § 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air, and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water, and other utilities and facilities; for the dedication to the City of land for streets, alleys, or other public purposes or the transfer to the City of easements or other rights or privileges; for the reservation for the City of land to be acquired for public facilities; and to protect public safety.

14.2 APPLICABILITY

14.2.1 Jurisdiction

A. This article shall govern each and every subdivision of land as defined under 30-A M.R.S. § 4401 and 4402 within the limits of the city unless specifically exempted under this article.

B. When application is made ~~for the resubdividing of~~to resubdivide a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.

14.2.2 Enforcement, conveyance, markers, and recording

A. No person may sell, lease, develop or build upon, or convey for consideration, offer or agree to sell, lease, develop or build upon, or convey for consideration any land in a subdivision unless the subdivision has been approved by the Planning Board, and unless a recording plat showing permanent marker locations at all lot corners has been recorded in the Cumberland County Registry of Deeds.

B. No subdivision plan shall be recorded by the Cumberland County Registry of Deeds which has not been approved as required by this article. Approval for the purpose of recording shall appear in writing on the recording plat.

C. No public utility, water district, sanitary district, or any utility company of any kind shall install services to any lot in a subdivision which has not received Planning Board approval.

D. Any person who sells, leases, develops or builds upon, or conveys for consideration any land in a subdivision which has not been approved as required by this article shall be ~~punished by a fine of not more than $500~~required to submit an after-the-fact subdivision application for each such occurrence. The City may institute proceedings to enjoin any violation of this section.

14.3 REVIEW PROCEDURES

14.3.1 Application

To obtain approval of a proposed subdivision the subdivider or applicant shall submit an application to the Planning Authority in such form as prescribed by the Planning Authority. The application shall meet the submission requirements of the City of Portland *Technical Manual,* including the provisions

for a subdivision plat for presentation to the Planning Board and public, all engineering data and plans necessary for the completion of the required improvements, supplemental submission items, a recording plat, and written submittals demonstrating compliance with the review criteria of this article. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application.

14.3.2 Receipt of application notice

A. When an application for subdivision is received or generated by the Planning Authority, it shall give a dated receipt to the applicant and shall notify, by mail, the following, where applicable.

1. All property owners within 500 feet of the proposed subdivision~~, except that for subdivisions within industrial zones, the notice range shall be 1,000 feet.~~.
2. The clerk and the reviewing authority of municipalities that abut or include any portion of a proposed subdivision.
3. A public drinking water supplier if the subdivision is within its source water protection area.

B. The notice hereunder shall include a brief description of the application, the address or location of the property involved and a telephone number at the City where additional information may be obtained. The cost of noticing shall be charged to the applicant.

14.3.3 Neighborhood ~~meeting~~outreach

An applicant for the subdivision of five or more lots shall conduct ~~a~~ neighborhood ~~meeting~~outreach according to the provisions of Subsection ~~14~~13.5.5.

14.3.4 Notice of public meeting

A. Prior to any Planning Board workshop or hearing on the subdivision application, the applicant shall be responsible for posting a notice of public meeting sign on the property where the subdivision is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least ten days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is ~~knocked over~~obstructed, removed, or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

14.3.5 Review costs

A. The subdivider shall pay a fee to cover the ~~engineering~~ review costs and administrative costs to be incurred by the City. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of City costs, and shall be invoiced periodically by the City.

B. No land use permits or applications of any kind shall be processed, reviewed, or issued, no signed subdivision plats shall be released or recorded, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this article unless all charges

due have been paid and the developer is otherwise in compliance with the City of Portland Code of Ordinances.

14.3.6 Timing of subdivision review

A. Within 30 days of receiving an application, staff shall notify the applicant in writing either that the application is complete or, if it is determined to be incomplete, the specific additional materials needed to make it a complete application. After the review authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

B. A public hearing shall be commenced within 30 days following the receipt of a complete subdivision application by the review authority. The Planning Board shall render its decision on any application submitted to it within 30 days of a public hearing or such other time as may be mutually agreed to by the Planning Board and the applicant.

14.3.7 Subdivision approval

The Planning Board shall approve, approve conditionally, or disapprove such subdivision application at a public hearing. If approved conditionally, the conditions and reasons shall be stated and given in writing to the subdivider and, if necessary, the Planning Board may require the subdivider to submit a revised subdivision plat. If the Planning Board should disapprove the subdivision plat, the reasons for such action shall be stated and given in writing to the subdivider, and the Planning Board may state the conditions under which the proposed subdivision would be approved.

~~14.3.8 Effect of subdivision approval~~

~~Receipt of the approved copy of the subdivision plat of the subdivider is not authorization that the developer may proceed with the construction of any improvements. No construction will proceed until the recording plat, meaning a completed subdivision plat in form for approval and recording, including all waivers and a surveyor's stamp, has been approved by the Planning Board and has been properly recorded as required in Subsections 15.3.9 and 15.3.10.~~

~~14.3.9 Recording plat approval~~

~~Consideration of the recording plat shall not take place until the subdivision plat is approved.~~

~~14.3.10~~14.3.8 Recording

A. Prior to the release of a signed, approved recording plat, all current charges due under this article shall be paid.

B. When the recording plat, meeting the requirements of the City of Portland *Technical Manual,* is approved, the subdivider shall pay the actual cost of recording and reproduction.

C. The recording plat shall be recorded in the office of the Cumberland County Registry of Deeds by the subdivider.

D. The registry book and page numbers shall be transcribed on one mylar copy of the recording plat to be sent to the Public Works Authority. Unless the subdivider ~~shall record his or her~~ records the approved recording plat within three years ~~after~~of the Planning ~~Board has approved~~Board's approval of the subdivision plat, the recording plat approval shall become null and void. The preceding sentence notwithstanding, if the Planning Board's initial approval of a subdivision is based in part upon

the granting of a waiver from any of the applicable subdivision ~~approval~~ standards, no such waiver shall be valid unless that fact ~~shall be~~is expressly noted on the face of the recording plat and ~~shall be noted~~ in a certificate~~, each of which~~. The recording plat and certificate shall conform to the requirements of 30-A M.R.S. § 4406, and ~~such~~both the recording plat ~~or such~~and certificate ~~or both of them are~~shall be recorded in the Cumberland County Registry of Deeds within two years of final subdivision approval.

~~14.3.11~~14.3.9 Sectional recordings

Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two or more sections for recording purposes subject to any conditions that the Board deems necessary in order to ~~insure~~ensure the orderly development of the plan. ~~The applicant may seek approval of and record~~ A sectional recording plat ~~with the Cumberland County Registry of Deeds only if the section constitutes~~shall constitute at least 20% of the total number of lots contained ~~in~~within the ~~approval plat~~approved subdivision, and, in addition, ~~shows~~shall show the entire tract or parcel~~.~~ being subdivided. For the purposes of this article, tract or parcel shall mean all contiguous land ~~in~~under the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof. In these circumstances, if the first section of the plat has been recorded within three years after Planning Board approval, ~~subdivision plat~~ approval of the remaining sections of the plat shall remain in effect for five years after Planning Board approval.

14.4 REVIEW STANDARDS

~~15~~14.4.1 Standards of review

Before granting approval, the Planning Board shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the ~~flood plains,~~floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal~~,~~; the slope of the land and its effect on effluents~~,~~; the availability of streams for disposal of effluents~~,~~; and ~~the~~ conformity ~~to~~with the applicable state and local health and water resources regulations.

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision.

C. Will not cause unreasonable burden on an existing water supply.

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

E. Will not cause unreasonable highway or public road congestion, or unsafe conditions with respect to use of ~~the highway~~highways or public roads that are existing or proposed.

F. Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized.

G. Will not cause an unreasonable burden on the ability of the City to dispose of solid waste and sewage if municipal services are to be utilized.

H. Will not have an undue adverse effect on ~~the scenic or~~ significant natural ~~beauty~~resources and other environmentally sensitive resources, as demonstrated by compliance with the Low-Impact Development standards of the ~~area, aesthetics~~City of Portland *Technical Manual*, historic sites~~, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the City, rare and irreplaceable natural areas~~, or any public rights for physical or visual access to the shoreline. For subdivisions within local historic districts, the Planning Board shall apply the standards of Subsection ~~17~~16.~~8~~7.3(C). The Planning Board may request that the Historic Preservation Board prepare an evaluation of the proposed subdivision based upon the standards of Subsection ~~17~~16.~~8~~7.3(C).

I. Is in conformance with the adopted Comprehensive Plan ~~or its successor~~.

J. The subdivider has adequate financial and technical capacity to meet the standards of this subsection.

K. Whenever situated, in whole or in part, within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

M. Is or is not in a flood prone area, based on the Federal Emergency Management Agency's flood boundary and floodway maps and flood insurance rate maps and/or the City of Portland Coastal Flood Resilience Overlay Zone, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision~~.~~, and/or the applicable SLR-DFE and SLR-BFE per Section 8.1. The proposed subdivision plan must include a condition of plan approval requiring that ~~principal~~ structures in the subdivision will be constructed in compliance with ~~their lowest floor, including the basement, at least one foot above~~ the ~~100-year flood elevation~~provisions of Section 8.1 and Article 12.

N. Will provide for adequate stormwater management as demonstrated by compliance with the stormwater standards of the City of Portland *Technical Manual*.

O. Will not have lots with a lot depth-to-shore frontage ratio greater than 5 to 1 if any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38 § 480-B.

P. For any proposed subdivision that crosses municipal boundaries, will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

14.5 TECHNICAL AND DEVELOPMENT STANDARDS

14.5.1 Technical standards

All subdivisions and associated improvements, excluding subdivisions exempted under Section ~~15~~14.12 of this article, shall, in addition to the criteria listed herein, adhere to all applicable standards of

the City of Portland *Technical Manual*, unless formally waived by the Planning Board.

14.5.2 Timing of subdivision improvements

The Department of Public Works shall establish the sequence in which work is to be accomplished. Where it is determined by the Public Works Authority that work has been completed prior to the receipt of all approvals required by this article, or which is out of sequence, or is not in compliance with the standards of this section and of Chapter 25, ~~the Director of Public Works or an inspector from~~ the Public Works Authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the ~~Director of Public Works or an inspector from the~~ Public Works Authority. Violation of the stop work order shall be considered an offense.

14.5.3 Subdivision names

Subdivision names for plats shall be subject to approval by the Planning Board and shall not duplicate the name of any plat already recorded.

14.5.4 Streets

A. All streets shall be platted along contour elevations which result in ~~minimum grades~~minimal grade changes and ensure the greatest visibility ~~whenever~~wherever practicable, with consideration given for anticipated use of the land. Street grades in all proposed subdivisions shall be subject to ~~the~~ approval ~~of~~by the Public Works Authority.

B. The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding tracts.

C. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets~~, which minimizes through traffic in residential neighborhoods.~~. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

~~**D.** The interconnection of new and existing streets is further subject to the following provisions to minimize and mitigate through traffic in residential neighborhoods:~~

~~**1.** Where a determination is made that a proposed street connection will result in substantial increases in traffic volume and speed on the effected public streets, the Planning Board may require appropriate traffic calming solutions as set forth in Chapter 28 of the City of Portland Code of Ordinances. The Public Works Authority may by regulation and amendment to the *Technical Manual* establish standards for determining what is a "substantial increase in traffic volume and speed."~~

~~**2.** In any circumstances where a street connection is allowed, the Planning Board may condition subdivision approval to require the developer to monitor future traffic patterns to determine whether, using existing traffic calming standards, new or additional traffic calming measures should be employed. The extent and design of traffic calming shall be determined by the Public Works Authority~~

~~to mitigate the post-development impact of connecting new and existing streets.~~

~~3. In cases where post-development monitoring shows that increased traffic volume and speed is such that further traffic calming would be insufficient to mitigate traffic negative impacts of through-traffic, the DPW may require that the connection be modified to exclude regular vehicular traffic, while retaining bicycle, pedestrian, and where needed, emergency vehicle connections. The Public Works Authority shall develop typical standards and specifications for bicycle, pedestrian, and emergency vehicle connections and/or turnarounds.~~

~~4. Where a determination is made by the Public Works Authority that a proposed street connection will result in substantial increases in traffic volume and speed on the affected public streets, the Planning Board may disallow a proposed street connection for vehicular purposes in favor of a connection for non-vehicular purposes in situations where a proposed residential street connection meets all of the following criteria:~~

~~a. The new street would result in the connection of two arterials.~~

~~b. The street would be located in a neighborhood where there is no existing public through-street network connecting the same arterials.~~

~~c. There is no likelihood that other public street connections will be developed in the future that would connect the arterials, whether because of topography limitations, existing development patterns, or other similar reason.~~

~~5. In circumstances where vehicular connections are disallowed, the Planning Board shall require that adequate right-of-way is reserved to permit the extension of the street for pedestrian, bicycle, emergency use, and potential vehicle connections as may develop in the future.~~

~~E.~~D. Reserve strips or spite strips for unspecified or unacceptable purposes are prohibited.

~~F.~~E. Street right-of-way widths shall be as provided in Chapter 25 of the City of Portland Code of Ordinances and the City of Portland *Technical Manual*. ~~However, private streets within PRUDs shall be exempt from the street right-of-way and roadway width requirements established in the City's *Technical Manual*, provided that no such street shall be accepted by the City unless it is first improved to City standards at the expense of those persons requesting the street acceptance. Private streets within a PRUD or a shall meet specifications established by the Public Works Authority.~~ All private streets shall be designed by a professional engineer and shall be built according to accepted engineering standards.

~~G.~~F. Proposed subdivisions along existing, or dedicated, or platted streets where rights-of-way are inadequate shall provide additional land to meet the minimum standards.

~~H.~~G. Streets shall not occupy more land than ~~needed~~is necessary to provide access, nor create unnecessary fragmentation of the subdivision into small blocks. ~~Streets will be designed to discourage outside traffic from traversing the development.~~

~~I.~~H. All dead-end streets shall provide for a cul-de-sac or, in the case of a dead-end street which will be extended, a temporary turn around at the end of the street, subject to the approval of the Public Works Authority.

~~J.~~I. Sidewalks shall be constructed on each side of each street in accordance with Chapter 25 of the City of Portland Code of Ordinances. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic~~, with preference given to interior walks away from streets in common open space in block interiors~~.

~~K.~~J. Curbs shall be constructed on each side of each street. The curbing shall be constructed as provided in Chapter 25 of the City of Portland Code of Ordinances.

~~L. Street names for all subdivisions shall appear on the subdivision plat and be subject to approval by the Planning Board.~~

14.5.5 Sewers and storm drains

A. All subdivisions shall be provided with adequate storm drain systems within the subdivision separate from any sanitary sewer system required in Chapter 25 of the City of Portland Code of Ordinances. The design of all sewers and storm drains shall be subject to approval by the Public Works Authority.

B. Any natural or manmade areas, systems or facilities designated for stormwater control purposes, and intended for City maintenance shall, except for detention or retention ponds or basins and regularly free flowing watercourses, be structurally enclosed in accordance with the standards of the Public Works Authority, and shall be dedicated with sufficient land for maintenance purposes. Warranty deeds to such areas shall be submitted for acceptance by the City Council at the same time as the acceptance of streets. All such areas as are not intended for City maintenance shall be permanently protected and maintained by private agreement, deed covenant or restriction, as appropriate, in form approved by the Corporation Counsel.

C. The subdivider shall be responsible for the construction of all sewers and storm drains including manholes, catch basins and any other appurtenances as may be deemed necessary by the Public Works Authority. All work shall be completed in accordance with the Department of Public Works specifications.

14.5.6 Blocks

A. A maximum block length of 800 feet, measured from the nearest street lines of intersecting streets, shall be observed except where, in the opinion of the Planning Board, conditions justify a departure from this standard. In general, block size should be the maximum, most consistent with the use and shape of the site and the convenience and safety of the occupants.

B. In blocks exceeding 800 feet in length, measured from the nearest street lines of intersecting streets, the Planning Board may require, where feasible, the reservation of a 20 foot wide easement to the City through the block to provide for the crossing of underground utilities and pedestrian traffic ~~where needed or desirable~~ and may further specify, at its discretion, that ~~a four foot wide paved~~an accessible foot path be included.

C. The length, width and shape of blocks shall be determined on the basis of:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot sizes, setbacks and dimensions.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.

~~**D.** Blocks with lots having double frontage on streets shall be avoided.~~

~~**E.**~~**D.** The foregoing dimensions may be adjusted by the Planning Board where type of use or topography requires such modification.

14.5.7 Lots

A. Lots shall conform to the provisions of Article 7 and all other relevant provisions of the City of Portland Code of Ordinances.

B. Where easements for public utilities, storm drains, or sanitary sewers are contemplated, the lot lines shall be located in such a manner as to facilitate construction of such facilities and the maintenance thereof.

C. Lots which are reserved or laid out for business, commercial, or industrial purposes shall have sufficient width and depth to accommodate the off-street parking and loading facilities ~~required for the type of use and development contemplated, as established in Article 19.~~ to be provided.

D. Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines).

14.5.8 Public open space

A. In all subdivisions, open space may be provided for parks, ~~recreational~~recreation, and other public ~~areas~~use. Where no public open space or recreational areas exist in close proximity to the subdivision, or where a lack of such areas in the subdivision would require its disapproval under Section ~~15~~14.4, the Planning Board may require provision of land for park or recreational purposes. Such lands may be designated for public or private ownership in accordance with the conditions stated in this subsection, subject to the approval of the Planning Board.

B. If a tract or parcel is intended for public ownership and is so designated on the subdivision plat, the acceptance of such land shall be first recommended by ~~the various~~appropriate City departments and the Planning Board, and sent to the City Council for final determination.

C. If a tract or parcel is designed or intended to be owned and used in common for recreational or other public or semi-public purposes, and such intent is so designated on the subdivision plat, appropriate documents in form approved by the Corporation Counsel shall be submitted to the Planning Board. Such documents shall clearly:

1. Set forth the nature of the permanent organization under which common ownership is to be established, including its purpose, how it shall be governed and administered, the provisions made for permanent care and maintenance of the common property for its share of the cost of administering and maintaining such common property.

2. Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

14.5.9 Access to shoreline

A. In all subdivisions having shore frontage ~~on the island of Casco Bay~~, existing legal rights of public access to the shoreline shall be preserved. The proposed street layout and circulation plan shall be suitably integrated with such existing public access in a manner that reasonably promotes the public use of such access. The proposed street layout and circulation plan shall also be designed to preserve any legal rights to any significant water views and scenic vistas from such rights-of-way.

B. In all subdivisions having any lots within the Shoreland Zone, legal rights of private access to waters shall, to the extent reasonably feasible, be established for the benefit of all lots within the subdivision not otherwise having such access.

14.5.10 Additional requirements for nonresidential subdivisions

All nonresidential subdivisions, meaning subdivisions not intended for human habitation, such as a commercial or industrial subdivision, must meet the following additional requirements, except as waived by the Planning Board ~~due to the commercial or industrial nature of the development:~~:

A. Proposed industrial parcels shall be suitable in area and dimensions to the commercial or industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type, weight, and volume of traffic anticipated to be generated.

C. The design and installation of public utilities, including water, sewers, and storm water drainage, shall be adequate to accommodate the anticipated usage.

D. Streets carrying truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

14.6 WAIVERS

14.6.1 Request for waivers

A waiver of plat requirements or technical standards shall be applied for in writing by the subdivider. The decision of the Planning Board on such request shall be final.

14.6.2 Waiver standards

A. Except for the requirements set forth in Subsection ~~15~~14.5.4 pertaining to the provision and construction of curbs and sidewalks, the Planning Board, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations, may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan and the regulations of this article.

B. Where the Planning Board or Planning Authority finds that, for each of the requirements listed in (1) and (2) below, two or more of the conditions exist with respect to compliance with the requirements set forth in Subsection ~~15~~14.5.4 pertaining to the provision

and construction of curbs and/or sidewalks, it may waive, in whole or in part, the regulations so that substantial justice may be done and the public interest secured.

1. *Sidewalks*
   - **a.** There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
   - **b.** There is no sidewalk in existence or expected within ~~1000~~1,000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
   - **c.** 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.
   - **d.** 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.
   - **e.** The street has been constructed or reconstructed without sidewalks within the last 24 months.
   - **f.** 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.
2. *Curbing*
   - **a.** The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
   - **b.** 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.
   - **c.** The street has been rehabilitated without curbing in the last 60 months.
   - **d.** 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.
   - **e.** Runoff from the development site or within the street does not require curbing for stormwater management.

C. 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 Comprehensive Plan relating to transportation and pedestrian infrastructure and the regulations of this article.

~~**D.** At its discretion, the Planning Authority may refer any petition for a waiver from the curb and sidewalk requirement to the Planning Board for decision.~~

~~14.6.3 Modifications for Planned Unit Developments~~

~~The standards and requirements of this article may be modified by the Planning Board in the case of a plan and program for a planned unit development which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation,~~

~~recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Plan.~~

~~14.6.4~~14.6.3 Modifications approved by Public Works

If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the project engineer and the Public Works Authority that unforeseen conditions make it necessary or preferable to modify the design of the required improvements, the Public Works Authority may authorize modifications provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the Planning Board.

~~14.6.5~~14.6.4 Conditions

In granting waivers and modifications, the Planning Board ~~and City Council~~ may require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirement so waived or modified.

14.7 GUARANTEES AND ASSOCIATED FEES

14.7.1 Performance guarantee required

Following subdivision approval and prior to the release of the signed recording plat, the subdivider shall post with the City a performance guarantee in the form and amount specified herein, specifying the completion of the required subdivision improvements within two years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

14.7.2 Inspection fees

At the same time that the developer posts a performance guarantee, the developer shall also pay to the City an inspection fee as determined by the City Council. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.

14.7.3 Establishing the performance guarantee amount

A. The performance guarantee shall be equal in value to 100% of the estimated cost of the required subdivision improvements as shown on the approved subdivision plat, as a condition of Planning Board approval, as required in the City of Portland Code of Ordinances, and/or as required by the City of Portland *Technical Manual*.

B. The performance guarantee amount shall be estimated by the applicant or representative on a form provided by the City and shall be submitted for review and approval to the Planning Authority. Costs to be included in the estimate, and which shall be covered by the performance guarantee~~,~~ include ~~but are not limited to:~~items such as street and sidewalk improvements including street lights, monuments, curbing, ramps, detectible warning panels, and striping; earth work and grading; utilities infrastructure and connections including sewer, stormwater, and water service; exterior site lighting; erosion control measures as shown on the approved erosion and sedimentation control plan; open space and

recreation amenities; and final site stabilization and landscaping.

C. The Planning Authority may waive all or any portion of this requirement if it determines that the subdivider has a proven record of satisfactory performance and sufficient financial capability.

14.7.4 Phased projects

If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

14.7.5 Advanced site work

On a case-by-case basis, permission for advanced site work may be granted by the Planning Authority. Such permission is solely within the discretion of the ~~Director of~~ Planning ~~and Urban Development and shall be granted only after submission of a written request setting forth the work proposed to be done on the site. Such written permission shall not be required when the only work proposed is the digging of test pits~~Authority.

14.7.6 Alterations to pending subdivisions

Alterations may be made to a site with a pending subdivision application if:

A. At minimum, a performance guarantee for the proposed site alterations has been posted and final plans have been submitted to the Planning Authority.

B. Written permission has been received from the Planning Authority ~~or his/her designee~~ that such site alterations may proceed pending subdivision approval. Such permission is solely within the discretion of the Planning Authority and shall be granted only after submission of a written request setting forth the work proposed to be done on the site. All such work shall be done in compliance with information provided with the subdivision application. An erosion control plan shall also be submitted when deemed necessary by the Planning Authority. Such written permission shall not be required when the only work proposed is the digging of test pits.

14.7.7 Acceptable forms for the performance guarantee

The performance guarantee, in the amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest-bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the Finance Director as to financial sufficiency and the Corporation Counsel as to proper form and legal sufficiency.

14.7.8 Reductions of the performance guarantee

A. Up to three times during the construction of a project, upon request of the subdivider, a performance guarantee may be reduced by the value equal to the estimated cost of the

completed improvements. In no case shall any performance guarantee be reduced by any line item on the cost estimate where improvements remain to be completed. Requests shall be submitted on a form provided by the City for review and approval by the Planning Authority.

B. In no case shall any performance guarantee be reduced to an amount equal to or less than the required defect guarantee until all criteria set forth for converting to the defect guarantee have been met, as approved by the Planning Authority.

14.7.9 Extension of the performance guarantee

If the Planning Authority and/or the Public Works Authority has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City's satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the Planning Authority and/or the Public Works Authority.

14.7.10 Release of the performance guarantee

A. No performance guarantee shall be released until all fees generated by the project are paid to the City, including but not limited to engineering, inspection, and administrative fees. The guarantor shall not be released from the guarantee except and until authorized in writing from the Planning Authority.

B. For subdivisions, no performance guarantee shall be released until the Public Works Authority has performed a final inspection of the roadway and determined satisfactory completion of the required improvements. Additionally, no performance guarantee shall be released until the City is in receipt of a petition for street acceptance, deemed complete and satisfactory by Corporation Counsel and/or the Public Works Authority. The petition for street acceptance must include a warranty deed (with metes and bounds description) to the property within each street of the subdivision or roadway extension and any other improvements intended for City maintenance.

C. Upon the satisfactory completion of the required site improvements and satisfactory compliance with all conditions of approval including the submission of as-built drawings as applicable, the Planning Authority shall authorize, in writing, conversion to the defect guarantee. The defect guarantee shall be 10% of the original performance guarantee amount and shall remain in place for a period of one year. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the required site improvements. The Planning Authority may authorize the defect guarantee to be released at any time within the one-year period, provided all required site improvements have been constructed and in-place for one year or more and the workmanship and the durability of all materials has been inspected and confirmed to be satisfactory.

14.7.11 Improvements required prior to release of guarantee

Prior to the release of the performance guarantee, the subdivider shall have completed the following improvements:

A. All streets shall be graded in conformity with the requirements set out in Section ~~15~~14.5 and in accordance with Chapter 25 of the City of Portland Code of Ordinances.

B. On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in Chapter 25 of the City of Portland Code of Ordinances.

C. Water, gas, sanitary sewer mains, and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.

D. Sidewalks and curbs shall be constructed as required in Section ~~15~~14.5.

E. Adequate storm drains shall be constructed subject to the provisions of Section ~~15~~14.5 and in accordance with the Public Works Authority specifications.

F. A total of two trees per lot~~, which~~ shall be street trees,~~ shall be~~ planted near the street line in full public view on private property, as directed by the City Arborist. Existing healthy trees may be credited toward this requirement, subject to the approval of the City Arborist.

G. Permanent markers shall be set as prescribed by the Public Works Authority.

H. All utility lines shall be placed underground unless otherwise approved by the Planning Board.

I. Street lighting shall be installed in accordance with the standards of the Public Works Authority.

J. A public water supply shall be installed subject to the approval of the Portland Water District.

K. Erosion control measures shall be taken both during and after construction in accordance with the standards of the Public Works Authority.

14.7.12 Acceptable forms for the defect guarantee

The defect guarantee, 10% of the original performance guarantee amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland finance department and shall be in conformance with the templates and forms made available by the City. If the defect guarantee is a deposit to the City, the City shall hold such funds in a noninterest-bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the Finance Director as to financial sufficiency and the Corporation Counsel as to proper form and legal sufficiency.

~~14.7.13 Abandoned site~~

14.7.13 Use of the performance guarantee

In the event that a development site is abandoned or the site improvements do not meet City standards as approved in the subdivision plat, the performance guarantee may be utilized to stabilize, secure, complete construction, and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading, and fencing.

14.8 CONSTRUCTION RECORDS AND INSPECTION

14.8.1 Inspection of construction

The ~~project engineer and~~ City ~~Engineer~~ shall have the right to enter and inspect the construction site during all phases of the project to ensure compliance with this article.

14.8.2 Required construction records

After approval of the subdivision plat and prior to the construction of any of the subdivision's public improvements, the subdivider shall supply the City Engineer with a complete set of engineering drawings showing all streets, sanitary sewers, and surface water drains, and all appurtenant work within the subdivision.

14.9 TRANSFER OF OWNERSHIP

The purchasing party or other succeeding owner of a subdivision for which a recording plat has received prior approval, but which has not yet been accepted by the City, shall assume full responsibility for completion of the subdivision's improvements until the subdivision street or streets are accepted by the City. The purchaser or other succeeding owner of an unaccepted subdivision shall be required to comply with all the provisions of this article as if he were the original subdivider, and shall become responsible for completing such improvements in the same manner as the original subdivider.

14.10 PLAT AMENDMENTS

The Planning Authority may approve alterations to an approved recording plat when all of the following conditions are met. Otherwise, a new subdivision plat must be submitted to the Planning Board:

A. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area.

B. The alteration will not affect any street, alley, utility easement or drainage easement.

C. The alteration meets all of the minimum requirements of this Land Use Code and other applicable state and local codes.

D. The alteration is approved by the Public Works Authority and the Fire Department.

Such approved alterations shall be properly recorded in the registry within 30 days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S. § 4406.

14.11 VACATION OF PLATS

Any such plat recorded, or any portion thereof, may be vacated with the consent of the City Council as follows:

A. At any time before the sale of any lot therein, by written instrument, signed by the City and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

B. At any time after the sale of any lot therein and by written instrument, signed by the City and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

C. Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the Cumberland County Registry of Deeds. The execution and recording of the

instrument described in (B) above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys, or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

14.12 EXEMPTIONS

14.12.1 Subdivisions prior to 1979

This article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions which have been legally recorded in the Registry of Deeds prior to June 6, 1979.

14.12.2 Division by demise, condemnation, order, or gift

A division accomplished by ~~devise~~demise; condemnation; order of court; gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of this article; or by transfer of any interest in land to the owner abutting thereon shall not be considered to create a lot or lots for purposes of this article.

14.13 APPEALS

An appeal from any final decision of the Planning Board regarding subdivision approval may be taken by the applicant or ~~his or her~~their authorized agent to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

~~16~~15 IMPACT FEES

15.1 PURPOSE

The purpose of this article is to ensure that new development in the City of Portland bears a proportional or reasonably-related share of the cost of new, expanded, or replacement infrastructure necessary to service that development through the payment of impact fees dedicated to funding improvements made necessary by development, or the construction of improvements as provided for herein. This ordinance is enacted pursuant to the authority of 30-A M.R.S. § 4354 and 30-A M.R.S. § 3001.

15.2 APPLICABILITY

The following shall be subject to impact fees, with the exception of municipal buildings, which shall be considered exempt:

A. Any new building or addition to existing buildings which results in net new residential dwelling units, nonresidential building square footage, or water/wastewater meters, and

B. Any change of use which results in a net increase in impact fee per Subsection ~~16~~15.3.6.

15.3.1

15.3 CALCULATION OF IMPACT FEE

In general

Impact fees shall be calculated based on the impact fee schedule in effect at the time of submittal of a complete application for a building permit.

15.3.2 Determination of use

The determination of the applicable land use category in the impact fee schedule shall be made by the Department of Permitting and Inspections with reference to the City of Portland's most recent *Impact Fee Study*. If the proposed development is of a type not listed in the impact fee schedule, then the impact fees applicable to the most nearly comparable type of land use listed in the impact fee schedule shall be used.

15.3.3 Mixed use development

In the event that there is more than one use within a building, impact fees shall be calculated separately for each use.

15.3.4 Redevelopment

In calculating the impact fee for a new building that involves the full or partial demolition of a building housing an existing, legally established use or uses, such new building shall be credited with an amount equal to the fee that would have been charged to the use or uses which occupied the structure at the time of demolition permit. If the impact fee calculation for the post-development condition is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee. The City shall not grant credits for demolitions for which a permit was issued more than 10 years prior to the complete application for a building permit.

15.3.5 Building additions

In calculating the impact fee for building additions, each developed property shall be credited with an amount equal to the fee that would have been charged to the existing use at the time of the addition of floor area. If the impact fee calculation for the post-development condition is greater than

the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee.

15.3.6 Changes of use

In calculating the impact fee for changes of use, each developed property shall be credited with an amount equal to the fee for the use in the highest fee category that has existed on the developed property within the previous 10 years. If the impact fee calculation for the proposed use is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the proposed use is less than the credit, then the applicant shall not be required to pay an impact fee.

15.4 ANNUAL ADJUSTMENT OF IMPACT FEE

To account for inflation, there shall be an automatic annual increase in the impact fee schedule reflected in this ordinance every January 1 based on the change in the construction cost index as published by *Engineering News Record*. The fee adjustment shall be calculated by dividing the index amount published on January 1 of the current year by the index amount published on January 1, 2018 and multiplying the resulting ratio by each fee amount. Annual adjustments shall be made available for public reference.

TABLE 15-A: PARKS & RECREATION AND TRANSPORTATION IMPACT FEE SCHEDULE[1]

Land Use Type	Unit of Measure	Parks/Recreation Impact Fee	Transportation Impact Fee
Single-family/Two-family	per unit	$1,126	$2,159
Multi-family	per unit	$752	$1,023
Retail/Service	per 1,000 SF GFA	$534	$8,248
Office	per 1,000 SF GFA	$677	$2,800
Industrial	per 1,000 SF GFA	$363	$1,130
Institutional	per 1,000 SF GFA	$645	$3,082
Hotel/Motel	per room	$875	$2,404

[1] Land use types included impact fee schedule correspond to those in the City's most recent *Impact Fee Study*.

TABLE 15-B: WASTEWATER IMPACT FEE SCHEDULE

Meter Size	Capacity Ratio	Impact Fee
⅝ inch	1.00	$1,886
¾ inch	1.50	$2,829
1 inch	2.50	$4,715
1 ½ inches	5.00	$9,430
2 inches	8.00	$15,088
3 inches	16.00	$30,176
6 inches	50.00	$94,300
8 inches	80.00	$150,880

15.5 MODIFICATION OF IMPACT FEES

15.5.1 Equivalent improvements

A. A required impact fee may be modified, in whole or in part, by ~~formal vote of the Planning Board in cases when an applicant is otherwise before the Planning Board, or by~~ the Planning Authority ~~in all other cases,~~ if the ~~reviewing~~Planning Authority finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to make infrastructure improvements for which the impact fee would be collected or an equivalent improvement approved by the reviewing authority, or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements for which the impact fee would be collected or an equivalent improvement.

B. Credit amounts shall be determined based on plans, details, and cost estimates for the proposed infrastructure improvements for which the credit is requested. Such plans, details, and cost estimates shall be prepared by a licensed professional engineer and submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates. On-site or immediately adjacent improvements providing direct service to a site as required under subdivision or site plan regulations shall not be considered eligible under this subsection.

15.5.2 Substantially-reduced demand

The Planning Board may by formal vote modify the payment of a required impact fee, in whole or in part, if it finds that documentation is provided to demonstrate that a proposed use will impose no or substantially-reduced demands on capital facilities for which impact fees have been adopted. Such documentation shall be prepared by a licensed professional engineer or other qualified professional and include a written analysis of the demand for capital facilities generated by the proposed use based on industry standards and the most recent *Impact Fee Study*. Documentation shall be submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates.

15.6 REDUCTION IN FEES FOR AFFORDABLE HOUSING

Any residential development including low-income or workforce housing units and qualifying as an eligible project under Subsection ~~18~~17.2.2 shall receive a reduction of fees in accordance with Subsection ~~18~~17.2.2.

15.7 COLLECTION OF IMPACT FEE

The City of Portland shall not issue any certificate of occupancy required under the Land Use Code until the applicant has paid any impact fees required by this ordinance.

15.8 SEGREGATION OF IMPACT FEES FROM GENERAL REVENUES

Impact fees collected pursuant to this ordinance shall be maintained in separate, non-lapsing impact fee accounts for each of the facilities for which impact fees are assessed, and shall be segregated from the City's general revenues. These accounts

shall be dedicated for funding of the improvements for which the fee is collected, as determined through the City's most recent *Impact Fee Study*. Funds from these accounts shall be distributed to City departments solely for the purpose of capital projects identified in the City of Portland's most recent *Impact Fee Study*.

15.9 USE OF IMPACT FEES

Impact fees collected by the City pursuant to this ordinance may be used only for financing facility improvements which the City Council, through the City of Portland's most recent *Impact Fee Study*, has determined are made necessary by new development. The City Council has determined that fees imposed by schedules in this ordinance are reasonably related to the demands created by new development. Impact fees collected pursuant to this ordinance shall be used exclusively for capital improvements, and the City of Portland shall expend funds collected from impact fees solely for the purposes for which they were collected.

15.10 REFUND OF UNUSED IMPACT FEES

Impact fees collected pursuant to this ordinance shall be used by the City according to the schedules for the completion of specific capital improvements as specified in the City of Portland's most recent *Impact Fee Study*, but in no event later than ten years after the date upon which the impact fee was collected. Any impact fees which are not so used and any impact fees collected which exceed the City's actual costs of implementing the infrastructure improvements for which such fees were collected shall be refunded. Refunds shall be paid to the owner of record of the property for which the impact fee was collected, determined as of the date the refund is made.

15.11 REVIEW AND REVISION

The impact fees established in this ordinance are based upon the best estimates of the costs of the construction of the facilities for which the fees are collected as determined through the City's most recent *Impact Fee Study*. The Council may, by amendments to this ordinance, change the amounts of the impact fees from time to time as warranted by new information or changed circumstances.

15.12 ADMINISTRATIVE RULES AND REGULATIONS

The Planning Board is hereby authorized to develop rules and regulations governing the administration of impact fees collected pursuant to this ordinance.

~~15.13 EFFECTIVE DATE~~

~~The provisions of this article shall apply to all building permit applications submitted following December 19, 2018, with the exception that any development for whom site plan approval has been granted as of December 19, 2018 shall be considered exempt. Master development plan approval prior to the effective date shall not confer exempt status.~~

~~16~~17 HISTORIC PRESERVATION

16.1 PURPOSE

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the City of Portland by ~~:~~

~~C~~creating a mechanism to identify, preserve, and enhance distinctive areas, sites, structures, and objects that have historic, cultural, architectural, and archaeological significance and establishing standards for the review of construction within and affecting designated historic properties to~~.~~

~~Providing a resource of information and expertise to help those interested in rehabilitation or new construction in a district or restoring a landmark.~~

~~Applying review standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.~~

~~Fostering civic pride in the city's history and development patterns as represented in such distinctive areas, sites, structures, and objects.~~

~~Protecting and enhancing neighborhood character.~~

~~Stabilizing and improving the values of designated properties and areas.~~

~~Protecting and enhancing the attractiveness of the city to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.~~

~~Fostering and encouraging~~ encourage preservation, restoration, ~~and~~ rehabilitation, and new construction that respects the historic, cultural, architectural, and archaeological significance of distinctive areas, sites, structures, and objects.

~~16.2 DEFINITIONS~~

~~**Alteration.** Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, reconstruction, demolition, or relocation of any structure or object, or any part of a structure or object.~~

~~**Certificate of Appropriateness.** A certificate issued by the Planning Authority evidencing approval of specific plans for alteration of a structure, site, or designated historic landscape or new construction on a site in accordance with this article.~~

~~**Certificate of Economic Hardship.** A certificate issued by the Planning Authority evidencing a hardship variance approved by the Zoning Board of Appeals in accordance with Article 2.~~

~~**Certificate of Non-Applicability.** A certificate issued by the Planning Authority evidencing a determination that specific plans for alteration of a structure, site, or designated historic landscape or new construction on a site do not require approval under this Article.~~

~~**Contributing.** A classification applied to a site, structure, or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district.~~

~~**Demolition.** Any act or process that partially or totally destroys a structure or object.~~

District. A historic district or historic landscape district.

Historic district. A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Historic landscape district. A geographically definable area possessing a significant concentration, linkage, or continuity of landscape components which are united by human use and past events or aesthetically by design, plan or physical development.

Historic Resources Design Manual. A manual including guidelines for meeting historic preservation ordinance review standards and other information.

Landmark. Any property, site, structure, or object of particular historic, architectural, or archaeological significance to Portland, the State of Maine and/or the United States relating to its cultural, social, economic, political, or architectural heritage, or which is associated with historic persons, important events or themes in local, state, or national history.

New construction. The adding to a structure by an addition, the erection or placement of any new structure on a lot or property, or the comprehensive redesign/renovation of an existing structure.

Noncontributing. A classification applied to a site, structure, object, or portion thereof, within a historic district signifying that: 1) it does not contribute generally to the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district; 2) was built within 50 years of the date of district designation unless otherwise designated in the historic resources inventory; or 3) where the location, design, setting, materials, workmanship, and association have been so altered or have so deteriorated that the overall integrity of the site, structure, or object has been irretrievably lost. A portion of an otherwise contributing or landmark structure may be determined by the Historic Preservation Board to be non-contributing if it meets one or more of the above conditions.

Object. Anything constructed, fabricated, or created, the use of which does not require permanent or semi-permanent location on or in the ground.

Ordinary maintenance. Acts of maintenance or repair which do not include a change in the design, material, or outer appearance of a structure, including without limitation repainting, replacement of materials or windows of the same scale, texture and color, and landscaping other than within an historic landscape district.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic

materials and features rather than the extensive replacement and new construction.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural value.

Relocation. Any removal or relocation of a structure on its site or to another site.

Restoration. The act or process of accurately depicting the form, features, and character of the property as it appeared at a particular period of time by means of the removal of features from other period in its history and reconstruction of missing features from the restoration period.

Site. The location of a significant event, an archaeological site, a landscape or traditional cultural property, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

16.3 ADMINISTRATIVE PROCEDURES

16.2.1 Costs

A. Any project may be subject to fees as established by the City Council to cover administrative costs and the costs of Historic Preservation Board review. Applicants shall also pay a fee to cover the professional and administrative costs for analysis associated with project review, including but not limited to planning, legal, or other services. The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant.

B.A. Every applicant shall bear the entire expense of giving notice by mail and publication in accordance with this article.

C.A. No Certificate of Appropriateness, building, demolition, or other permit shall issue until all current charges due under this article have been paid. The balance of any remaining review and administrative costs invoiced or incurred after a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent certificate of occupancy.

16.2.216.2.1 Notice of public meeting

A. For all Certificate of Appropriateness applications that are subject to Historic Preservation Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B.A. The sign shall be posted at least 10 days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C.A. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D.A. In the event that a required notice of public meeting sign is knocked over or made illegible,

~~it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.~~

~~16.2.3 Notices and public comment~~

~~A. Except as provided in Subsection 17.7.5, notice of proceedings upon any application for a Certificate of Appropriateness shall be given only when the proposed activity otherwise constitutes major site plan. Notice of such proceedings also shall be furnished to any persons interested in historic preservation who have registered with the Planning Authority, and to the Historic Preservation Board and/or the Planning Board when the proceeding is pending before a different body. The failure to give any notice required by this article shall not affect the validity of any action taken.~~

~~B. The Historic Preservation Board, the Planning Board, the Board of Appeals, and the City Council shall each invite public comment at a public meeting in accordance with their respective rules, prior to any final action being taken under this article.~~

~~C. The Planning Authority shall advise the Historic Preservation Board and the Planning Board of any demolition permit application received by the Planning Authority as to structures or objects that have been classified as noncontributing within nominated or designated districts, but there shall be no Historic Preservation Board review of such permit applications.~~

~~16.4~~16.2 ~~CATEGORIES AND CRITERIA FOR~~ HISTORIC DESIGNATIONS

16.2.1 Categories of historic designations

A. **Landmark.** A discrete site, structure, or object and any associated area found to have particular or individual significance or prominence. Landmarks may be in or outside of historic districts or historic landscape districts.

B. **Historic district.** A geographically defined area possessing a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by design, plan, or physical development. The defined area may comprise individual elements separated geographically but linked by association or history.

C. **Historic landscape district.** A geographically defined area possessing a significant concentration, linkage, or continuity of natural or man-made landscape components which are united by past events, or aesthetically by design, plan or physical development. The defined area shall be owned in its entirety by a unit of federal, state, or local government, or any combination of such ownership at the time of nomination.

16.2.2 ~~Minimum c~~Criteria for designation

A. ~~The Historic Preservation Board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an~~Any area, site, structure, or object nominated for historic designation ~~by ordinance as a landmark or district~~must be found to demonstrate at least one of the following:

1. *Significant aspect of heritage.* ~~Its v~~Value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

2. *Significant events or activities.* ~~Its l~~Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.
3. *Significant persons.* I~~ts i~~dentification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.
4. *Significant architecture.* ~~Its e~~Exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.
5. *Significant designer.* ~~Its i~~dentification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States.
6. *Significant theme.* ~~Its r~~Representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous.

~~B. In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it which creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. A historic district can comprise both individually distinctive historic resources and historic resources that may lack individual distinction but which contribute to the significance and visual character of the district as a whole.~~

~~C. In the case of a nominated historic landscape district, the Historic Preservation Board shall also consider its significance as a geological, natural, or designed landscape associated with the development, heritage, or culture of the City of Portland, State of Maine, New England region, or the United States.~~

~~D. The Planning Board and City Council shall apply the criteria of (A), (B), and (C) above as well as historic preservation goals included in the Comprehensive Plan, but shall also consider the effect of such designation on other aspects of the Comprehensive Plan of the City.~~

~~16.2.3 Integrity of landmarks and historic districts~~

B. Any nominated area, site, structure, or object must also be found to retain ~~area, structure, or object that meets the criteria in Section 17.4.1 must also have~~ sufficient integrity of location, design, ~~condition,~~ materials, and workmanship to ~~make it worthy of preservation or restoration~~convey its significance with respect to the applicable criteria as defined in Subsection 16.2.2.

~~16.2.4 Designation of historic landscape districts~~

~~An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state, or local government, or any combination of such ownership.~~

C. The Planning Board and City Council shall also consider the effect of the proposed historic designation within the framework of the ~~apply the criteria of (A), (B), and (C) above as well as historic preservation goals included in the~~ Comprehensive Plan when making a recommendation or decision on a nomination.~~; but shall also consider the effect of such designation on other aspects of the Comprehensive Plan of the City.~~

16.2.3 Classifications within historic designations

A. The sites, structures, or objects within a nominated historic designation may be classified as contributing or noncontributing.

B. A contributing classification shall only be applied to an area, site, structure, or object which:

1. Were built at least 50 years prior to the date of district designation, or were built within a period of significance specified in the designation application;
2. Are found to have a relationship with or physically embody the qualities that give the historic designation cultural, historic, architectural, or archaeological significance as embodied in the minimum criteria specified in the designation report; and
3. Retain sufficient integrity to communicate that significance as defined in Subsection 16.2.2(B).

C. If an area, site, structure, or object does not meet the above it will be categorized as noncontributing.

~~16.5~~16.3 NOMINATION, CONSIDERATION, AND HISTORIC DESIGNATION

16.3.1 Procedure

The provisions of this section shall govern the nomination, consideration, and designation of landmarks, historic districts, and historic landscape districts.

16.3.2 ~~Initiation of n~~Nomination of a historic designation

A. Nomination of a historic designation ~~n area, site, structure, or object for consideration of designation as a landmark, historic district, or historic landscape district~~ shall be submitted to the Planning Authority. Nominations shall include the following information ~~by the following~~:

1. A statement of how the proposed historic designation meets the criteria under Subsection 16.2.2.
2. A map showing the location and proposed boundaries of the historic designation.
3. A draft list of the constituent sites, structures, or objects, indicating their degree of cultural, historic, architectural, or archaeological significance and their classification as contributing, noncontributing, or landmark within the proposed historic designation.

B. Nominations may be initiated by the following:

1. Any two members of the Historic Preservation Board on their own initiative, by written notice to the Planning Authority, or

~~1.~~2. The Planning Authority, or

~~2.~~3. In the case of a landmark, ~~By written petition of any~~one or more owners of the affected property, ~~in the case of a landmark,~~ or

~~3.~~4. In the case of a historic district or historic landscape district, ~~By written petition of~~ one or more owners of an affected property ~~in the case of a district~~, provided a minimum of two members of the Historic Preservation Board ~~must~~ sponsor the nomination~~petition~~.

C. In the case of a nomination initiated or sponsored by the Historic Preservation Board, such nomination may be made verbally at a Historic Preservation Board meeting or via signed, written statement to the Planning Authority. ~~A nomination shall be completed and filed with the Planning Authority with all required signatures for the nomination to be pending.~~

D. Upon nomination, the Planning Authority shall notify the owner(s) ~~or owners~~ of the subject property or properties. ~~nomination and shall transmit the nomination to the Historic Preservation Board for its preliminary consideration at a scheduled meeting, which in no event shall be held later than 60 days following nomination.~~

~~E.~~A. ~~If documentation and analysis that is necessary for the consideration of a given designation has not been provided at the time of nomination, such documentation shall be completed prior to further consideration by the Historic Preservation Board of the nominated landmark, district, or historic landscape.~~

~~F. At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the Historic Preservation Board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the Historic Preservation Board that the structure is eligible for a permit shall be conclusive.~~

16.3.3 ~~Notification of nomination and public hearing~~Historic Preservation Board review and recommendation

~~A.~~ A public hearing on the nomination shall be held by the Historic Preservation Board following ~~one or more~~a ~~preliminary~~ workshop~~s of the Historic Preservation Board~~,~~.~~

A. ~~The hearing shall be~~ conducted in accordance with procedures adopted by the Historic Preservation Board. In the case of additional workshops, these shall be agreed to by the Historic Preservation Board and the nominators.

B. The Historic Preservation Board shall consider all testimony or evidence relating to the designation criteria in Subsection ~~17.4~~16.2.2 from any person who makes written submissions or appears at the public hearing. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in Subsection ~~17.4~~16.2.2.

C. If the Historic Preservation Board finds that documentation and analysis ~~that is~~ necessary for the consideration of the nomination~~a given~~

~~designation~~ has not been provided ~~at the time~~ s part of the nomination, such documentation shall be provided~~completed~~ prior to further consideration by the Historic Preservation Board ~~of the nominated landmark, district, or historic landscape.~~

~~16.3.4 Recommendation by Historic Preservation Board~~

~~C.~~ ~~Within 45 days f~~Following the close of the public hearing, the Historic Preservation Board shall make recommendation to the City Council in the case of a landmark, or to the Planning Board in the case of a historic district or historic landscape district, ~~upon the evidence~~ as to whether the area, site, structure, or object ~~nominated landmark or district~~ meets the criteria for designation in Subsection ~~17.4~~16.2.2. Such recommendation shall be ~~approved by at least four members of the Historic Preservation Board and shall be~~ accompanied by a report ~~to the City Council and/or Planning Board~~ containing ~~the following information:~~

D. findings by the Historic Preservation Board as to whether the criteria in Subsection 16.2.2 for historic designation have been met, as well as any recommended changes to the scope of the nominated historic designation.

~~Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.~~

~~Explanation of the integrity or lack of integrity of a nominated landmark or historic district.~~

~~Proposed design guidelines for review of alteration or construction may be recommended. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of complying with Section 17.8.~~

~~Relationship of the nominated landmark or district to the ongoing effort by the Historic Preservation Board to identify and nominate areas, sites, structures, and objects that meet the criteria for designation.~~

~~A map showing the location of the nominated landmark and/or the boundaries of the nominated district.~~

~~A list, including the address, of every site, structure, and object in each nominated historic district indicating their degree of cultural, historic, architectural, or archaeological significance by classification as a landmark, contributing, or noncontributing.~~

~~Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four members, the item shall automatically be tabled to the next regularly scheduled meeting.~~

~~Notification of Historic Preservation Board recommendation~~

~~The recommendation of the Historic Preservation Board, including a copy of the report, shall be transmitted to the City Council in the case of a landmark and to the Planning Board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within 14 days following adoption of the recommendation and report.~~

~~If the recommendation of the Historic Preservation Board is that the property or district not be designated, the nomination process shall terminate and no new nomination~~

~~shall be submitted for the identical property or area for a period of one year from the date of termination, except upon a showing of substantial and material newly discovered information.~~

~~16.3.5~~16.3.4 ~~Determination by~~ Planning Board review and recommendation

~~A.~~ The Planning Board shall hold a public hearing to review the nomination and recommendation ~~, upon receipt of a recommendation and a report~~ from the Historic Preservation Board ~~concerning nomination~~ of a historic district or historic landscape district~~, may hold one or more workshops pursuant to the provisions of Article 2.~~ The Board may hold one or more workshops prior to the public hearing. ~~After review of the Historic Preservation Board recommendation and report, the Planning Board shall hold a public hearing.~~

A.

B. All meetings, hearings, and deliberations of the Planning Board to consider the recommendation and report of the Historic Preservation Board shall be held in conformity with Article 2.

~~C.~~ The Planning Board may request that the chair of the Historic Preservation Board, or a member designated by the chair, ~~to~~ appear at a~~ny~~ meeting~~, hearing or deliberation~~ to explain ~~any~~ the recommendation or report.

C.

~~D. A public hearing shall be scheduled within 30 days of the Planning Board's final workshop. At the conclusion of~~Following the close of the public hearing, the Planning Board shall make a recommendation to the City Council upon the evidence as to ~~its final determination including written findings as to~~ whether the nominat~~ed district~~ion meets the criteria for designation in Subsection ~~17.4~~16.2.2. Such recommendation ~~A copy of the determination of the Planning Board shall be sent by regular mail to all owners within a nominated district within 14 days following the determination.~~

~~E.~~

~~F. Planning Board recommendation to City Council~~

D. ~~The recommendation of the Planning Board regarding a nominated district shall be filed with the City Clerk within 14 days. It~~ shall be accompanied by:

1. ~~a copy of t~~The report ~~and recommendation~~ of the Historic Preservation Board.
2. Findings by the Planning Board as to whether the criteria in Subsection 16.2.2 for historic designation have been met, as well as any recommended changes to the scope of the nominated historic designation.

~~1. , including any specific proposed design guidelines applicable to the nominated landmark or district. The recommendation of the Planning Board may include proposed changes in other City ordinances, policies, infrastructure, or recommendations with respect to the Comprehensive Plan of the City relating to the proposed designation.~~

~~16.3.6~~16.3.5 ~~Action by~~ City Council consideration

~~A. Within 60 days after the filing of a Planning Board recommendation, or~~Following the receipt of a Historic Preservation Board

recommendation in the case of a landmark nomination, or Planning Board recommendation in the case of a historic district or historic landscape district nomination, ~~on the nomination with the City Clerk pursuant to Section 17.5.6,~~ the City Council shall approve ~~designate the landmark or district~~ or reject the historic designation. ~~Any designation may include specific design guidelines for the designated landmark or district.~~

A. The designating order shall include a map of the location and boundaries of the historic designation.

B. ~~D~~Designation ~~of a district~~ shall be accompanied by a list, including the address, of ~~every~~ sites, structures, and objects in the historic designation~~district~~. ~~Every~~ ~~S~~sites, structures, or objects may ~~shall~~ be assigned a classification of landmark, contributing, or noncontributing~~, indicating their degree of cultural, historic, architectural, or archaeological significance~~ under Subsection 16.2.3.

~~B. This list may be amended thereafter by the City Council upon recommendation from the Historic Preservation Board and Planning Board under the same procedures as set forth above. Where there are no express findings by the City Council in the designation ordinance, there shall be a presumption that the City Council found that all requirements of Section 17.4 were met.~~

~~C. Notice of the proposed action of the City Council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to City Council action.~~

~~D.~~C. Notice of City Council action ~~to the same persons~~ shall be sent to all owners of or within the boundaries of a historic designation within ~~14~~30 days following the City Council action. ~~A copy of each designation and any design guidelines shall be sent to the Planning Board, the Historic Preservation Board, and the Planning Authority.~~

~~E.~~D. A ~~complete schedule~~record of the historic designation, maps of the historic designation boundary, and copies of all application materials and reports~~all landmarks and districts, including design guidelines and a listing of landmark and contributing structures,~~ shall be maintained by the Planning Authority and ~~shall~~ be made available to the public online ~~or for public inspection and copying~~and during ordinary business hours.

16.3.6 Designation

A. Upon designation, all sites, structures, and objects within the boundary of the historic designation shall be subject to the provision of this article.

~~A.~~B. Demolition, including any act or process that totally destroys any landmark or contributing structure or object, shall be prohibited, with the exception of:

1. ~~This article shall not apply to a~~Any structure or object which has been ordered demolished by the municipal officers or a court, in accordance with 17 M.R.S. §~~-~~ 2851 et seq., its equivalent, as it may be amended from time to time, or ~~to~~
2. A~~a~~ny structure or object which has been partially destroyed and is determined by the Planning Authority to represent an immediate hazard to the public health or

safety, which hazard cannot be abated by reasonable measures specified by the Planning Authority, including without limitation securing apertures and/or erecting fencing.

3. Any structure or object which is the subject of a certificate of economic hardship under Section 16.8.

16.3.7 Amendment or rescission of designation

A. Amendment shall be defined as a change to the historic designation boundary or reclassification of a site, structure, or object as contributing or non-contributing in its entirety.

B. Rescission shall be defined as the complete removal of a historic designation.

C. Amendment or rescission of any historic designation shall be upon the request of a person or persons authorized to nominate the property or properties affected as set forth in Subsection 16.3.2, or upon request of the City Council.

~~A.~~D. Amendment or rescission ~~, and~~ shall follow the procedure set forth in Section ~~17.5~~16.3 for designation. ~~The City Council may rescind or amend a designation only after all of these procedures have been followed.~~ The standards for rescission or amendment ~~applied by the Historic Preservation Board, Planning Board, and City Council~~ shall be limited to those provided in S~~ubs~~ection 16.2~~s 17.4.1(A) and (B) and Subsection 17.4.2. Amendments may include reclassification of a portion of a contributing property to noncontributing status, refinement or correction of design guidelines, maps, and other parts of any designation~~.

16.3.8 Presumption of contributing classification

A. Where the designation classifies an area or site as contributing, but does not specify the classification of a structure or object in the area or on the site, there shall be a presumption that the structure or object is contributing, unless:

1. Documentation can be provided to the Planning Authority that a structure or object was constructed within 50 years of or after the date of historic designation, or after the stated period of significance, or

~~2.~~ The Historic Preservation Board holds a public hearing and finds that the structure or object has been substantially altered within 50 years of or after the date of historic designation, or after the stated period of significance.

~~16.3.8 Time limits~~

~~If any time limit in the nomination and designation process as provided in Sections 17.4 or 17.5 is not met, the validity of any designation and the interim protection provided by Section 17.6 shall not be affected, provided the Historic Preservation Board, Planning Board or City Council announce the delay and the basis for such in a public meeting, as well as the date to which the matter will be rescheduled.~~

~~16.6~~16.4 INTERIM PROTECTION FOR ~~NOMINATIONS~~NOMINATED HISTORIC DESIGNATIONS ~~RESOURCES~~

16.4.1 ~~Nominated landmarks and districts~~Minimum maintenance

From the time of nomination until the City Council ~~Historic Preservation Board~~ acts upon such nomination or the nomination is withdrawn, all

areas, sites, structures, and objects ~~or area~~ nominated but not yet designated ~~as a landmark or district~~ shall be subject to ~~all of~~ the provisions of Sections 1~~7~~6.9 ~~and 17.10~~ governing ~~demolition and~~ minimum maintenance, to the same extent as if designated. ~~Upon final action of the Historic Preservation Board recommending designation, the site, structure, object, or area nominated shall be subject to all of the protections of this article until a final decision on designation by the City Council becomes effective. If the City Council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of Sections 17.9 and 17.10 of this article.~~

A.

~~A. Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a Certificate of Appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending and which has received substantive review by the Planning Board prior to nomination shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under Article 14 and Article 15 of the Land Use Code.~~

16.4.2 Protection from demolition

From the time of nomination until the City Council acts upon such nomination or the nomination is withdrawn, all demolition permit applications for any area, site, structure, or object nominated but not yet designated shall be denied unless the owner has received a certificate of economic hardship under Section 16.8.

~~16.7~~16.5 PROTECTIONS FOR PROPERTIES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

A. Upon receipt of notice from the National Park Service or the Maine Historic Preservation Commission ~~to the City~~ that a property or area has been listed o~~i~~n the ~~n~~National ~~r~~Register of Historic Places or has been determined to be eligible for listing on the National Register, the City shall deny any demolition permit application for any structure or object within the listed property or area unless:

1. The owner has received a certificate of economic hardship under Section 16.8, or
2. The Historic Preservation Board has held a public hearing at the request of the owner and found that the structure or object in question does not have sufficient integrity for historic designation using Subsection 16.2.2 as the standard for review, or
3. Documentation is provided from the Maine Historic Preservation Commission that the structure or object in question has been removed from the National Register of Historic Places, no longer retains sufficient integrity to remain listed on the National Register of Historic Places, or an existing determination of eligibility is no longer valid, or

~~1.~~ The City Council has held a public hearing at the request of the owner and determined that demolition of the structure or object is consistent with the goals of the Comprehensive Plan. ~~after the adoption of this article, a nomination shall be deemed submitted to the Historic Preservation Board for designation of such property or area as a landmark, historic~~

~~district, or historic landscape district under this article, and the procedures of Section 17.6 shall be applicable thereto.~~

~~2.~~

~~3. Properties eligible for listing on national register or for local designation~~

~~4. A Certificate of Economic Hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which has been determined by the Maine Historic Preservation Commission as eligible for listing in the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which has been determined to be eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the Planning Authority, which may refer such a determination to the Historic Preservation Board, and by the Board of Appeals if an appeal is taken. Upon determination of eligibility, the structure so determined shall also be subject to the provisions of Section 17.10 until a final decision by the City Council on designation becomes effective. If the City Council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of Sections 17.9 and 17.10 of this article.~~

~~5.~~4.

~~16.8~~16.6 REVIEW PROCESS FOR CERTIFICATES OF APPROPRIATENESS ~~AND NON-APPLICABILITY~~

16.6.1 ~~Certificate of Appropriateness~~Applicability

~~Except as provided in Subsections 17.7.2 and 17.7.3, a~~A certificate of appropriateness shall be required prior to the issuance of any permit authorizing new construction, additions, exterior alterations, site alterations, signage, or the relocation of structures affecting any property within the boundaries of a landmark, historic district, or historic landscape district as identified in Table 16-A. Notwithstanding the above, the following activities shall be considered exempt:~~before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites, or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work~~:

~~A.~~ ~~Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:~~

~~a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings, and cornices.~~

~~b. Moving of structures or objects on the same site or to another site.~~

~~c. Construction of rooftop additions or decks.~~

~~d. Alteration of accessory structures such as garages.~~

~~e. Porch replacement or new construction of porches.~~

~~f. Installation of exterior access stairs.~~

~~g. Window or door replacement requiring enlargement of openings.~~

~~h. Installation of antennas and satellite receiving dishes.~~

~~i. Installation of solar collectors.~~

~~4. Any exterior alteration that does not require a building permit but which involves any one of the following activities:~~

~~a. Installation or replacement of either roofing or gutters where the roofing or gutters are a significant and integral feature of the structure including, but not limited to, mansard roofs, cupola roofs, ornamental slate roof features, and built in gutter systems and the installation or replacement of siding.~~

~~b. Window and door replacement whether or not it requires enlargement of openings.~~

~~c. Masonry work including, without limitation, tuckpointing, sandblasting, chemical cleaning.~~

~~d. Site features other than vegetation including, without limitation, fencing, walls, paving, and grading. However, required review for alterations to cemeteries designated under this article shall not include review of alterations to headstones made for the purpose of recognition of additional decedents or installation of grave markers and/or tombs.~~

~~e. Streetscape and pedestrian improvements within historic districts, including but not limited to installation of pedestrian lighting, alteration to road or intersection alignment, installation of public signage (other than public safety related signage.~~

~~f. Landscaping within an historic landscape district.~~

~~g. Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings or architectural lighting.~~

~~h. Exterior utilities including mechanical, HVAC, plumbing, and electrical, where placed on elevations readily visible from a public way.~~

~~5. Installation or alteration of any exterior sign.~~

~~6. Any relocation of a landmark or contributing structure within a district.~~

~~B. There shall be a rebuttable presumption that all structures within a district shall be contributing unless the designation report and Historic Resources Inventory expressly identifies otherwise. Where the Planning Authority or the owner believes that the identification is erroneous, the Historic Preservation Board shall determine whether the structure is noncontributing.~~

~~16.6.2 Exceptions to requirement of Certificate of Appropriateness~~

~~A Certificate of Appropriateness is not required:~~

~~A. Where a Certificate of Non-Applicability has been issued within the previous 12 months.~~

A. ~~Where the w~~Work consist~~ings~~ solely of ordinary maintenance, being acts of upkeep or repair which do not include a change in the design, material, or outer appearance of a site structure, or object, such as repainting of previously painted surfaces or in-kind replacement of materials or plantings. ~~and/or restoration, provided that there is no substitution of materials or alteration of architectural details.~~

B. W~~here the w~~ork consists~~ing~~ solely of emergency repair of a temporary nature.

C. Work approved under a valid~~here a~~ certificate of economic hardship.~~ has been issued and remains valid.~~

D. ~~In the case of either alteration of a structure (other than a landmark) or of new construction within a district, a Certificate of Appropriateness shall not be required~~Work where the Planning Authority determines that the proposed exterior changes~~ to a structure~~ are not readily visible at pedestrian heights from any public way or public open space. ~~Where a Certificate of Appropriateness is required for such changes, it shall be limited to those portions of the structure or structures so visible.~~

~~D.~~E. Installation of new public artworks approved or acquired through the City of Portland Public Art Program.

~~E.~~F. Changes in plantings or vegetation outside of historic landscape districts and minor changes in plantings or vegetation within historic landscape districts.

~~F.~~G. Alterations to existing grave markers or tombs made for the purpose of recognizing additional decedents or installation of grave markers or tombs recognizing new interments within an existing cemetery.

~~G.~~H. Work in City rights-of-way.

~~H.~~I. Roof-mounted solar energy systems.

J. Installation of temporary structures or objects for a period of less than eight consecutive months, unless such installation otherwise meets a threshold for review established in Table 16-A.

K. Demolition of non-contributing structures or objects.

L. Relocation of non-contributing structures to a site outside any historic designation boundary.

~~16.6.3~~16.6.2 ~~Alterations or new construction within historic landscape districts~~Review classifications

A. Applications shall be subject to administrative or Historic Preservation Board review according to the classifications in Table 16-A.

B. The Planning Authority may, due to the scope or anticipated impacts of a project, reclassify an administrative review to a Historic Preservation Board review.

C. At any point in the review process, an applicant may request that the Planning Authority reclassify the application from administrative to Historic Preservation Board review.

TABLE 16-A: HISTORIC PRESERVATION REVIEW CLASSIFICATIONS

		Administrative Review	Board Review
New construction and additions		≤ 500 SF	> 500 SF
Dormer additions[1]		Affecting ≤ 40% of roof area (in SF)	Affecting > 40% of roof area (in SF)
Alterations to contributing structures or objects[2]	Minor alterations	All	--
	Major alterations	≤ 25% of any façade, or where work is based on clear documentation of the historic appearance	> 25% of any facade
	Minor alterations	All	--

Alterations to noncontributing structures or objects[2]	**Major alterations**	≤ 40% of any facade	> 40% of any facade
	Site alterations[3]	All	--
	Signage	All	--
	Relocation of structures[4]	≤ 500 SF	> 500 SF

[1] Dormer additions include any increase in building volume which does not interrupt the ridges, eaves, or rakes of an existing structure.
[2] Minor alterations include small or routine changes such as required by building code or modern convenience which result in minimal change in exterior appearance of an existing structure. Major alterations include changes to existing or introduction of new details or features which affect the scale, form, proportion of openings, ratio of solid to void, rhythm or placement of entrances, color or texture of materials, or relationship to the street of an existing structure or object.
[3] Site alterations include the construction of permanent features such as fences and retaining walls, regrading, hardscaping, the installation of exterior utilities.
[4] Relocations include the moving of a structure or object on its site or to another site within any historic designation boundary.

~~A certificate of appropriateness shall be obtained before any site alteration or new construction within a historic landscape district may be undertaken, except where a certificate of non-applicability has been issued or where construction or alteration is pursuant to a master plan approved by a prior certificate of appropriateness within five years of commencement and where the master plan is sufficiently detailed to guide the specific work~~

16.6.3 Historic Preservation pre-application meeting

Applicants are encouraged to schedule a Historic Preservation pre-application meeting with the Planning Authority prior to applying for a Certificate of Appropriateness. The purpose of this meeting is to familiarize the applicant with the City of Portland Historic Preservation submittal requirements, applicable review criteria and standards, and to confirm the level of review required. A pre-application meeting does not confer pending proceeding status under Title 1 MRSA 302. No decisions relative to the application shall be made at the pre-application meeting, nor shall any advice or information provided by the Planning Authority be construed as a decision.

16.6.4 Applications ~~for Certificate of Appropriateness~~

Application for a certificate of appropriateness shall be made on a form prepared by the City and ~~shall be~~ submitted to the Planning Authority along with the applicable fee. Upon receipt of an application and fee, the Planning Authority shall determine whether the application is complete and the level of review required per Table 16-A. ~~The Planning Authority shall determine whether the scope, nature, or scale of the proposed project requires review by the Historic Preservation Board or whether it is a minor or routine project that is appropriately reviewed at the administrative level.~~

~~If the Planning Authority determines that the project should be reviewed by the Historic Preservation Board, the item shall be scheduled for the next available Historic Preservation Board meeting, provided that the notice requirements of this article can be met prior to that meeting. The Planning Authority shall transmit a copy of the~~

~~complete application to the Historic Preservation Board at least four days prior to their next scheduled meeting. The Planning Authority shall not issue or act upon the application until the Historic Preservation Board has completed its review and approval process. An application for a Certificate of Appropriateness shall be treated as an application for a Certificate of Economic Hardship under Section 17.9 whenever the Historic Preservation Board or the Planning Board, as applicable, determines that the proposed alteration includes any demolition which would:~~

~~Have the effect of causing the structure to no longer meet the criteria for designation of Section 17.4, or~~

~~Materially impair the significance and integrity of the structure.~~

~~Where a determination under (B) above is made by the Historic Preservation Board, the Planning Board shall review that decision as a preliminary matter, whether the Historic Preservation Board has taken final action with respect to the application or not. Upon any final determination that an application for a Certificate of Appropriateness is required to be treated as an application for a Certificate of Economic Hardship, no further action shall be taken with respect to the application until that certificate is applied for and is granted.~~

~~Where the applicant has done work or caused work to be done on a structure or a property for which a Certificate of Appropriateness is sought and such work is either not done in compliance with an approval received under this article or was performed without the approvals required under this article, no application for such structure or property shall be considered by the Planning Authority or by the Historic Preservation Board until the work done without approval is brought into compliance with the requirements of this article. The Historic Preservation Board may waive this requirement if the Historic Preservation Board determines that the work does not alter the essential character of the structure or district and one or more of the following standards are also met:~~

~~The work was needed to bring a building into conformance with any building or safety code.~~

~~The applicant can demonstrate a good faith belief that necessary approvals had been received for the work at issue prior to the commencement of the work.~~

~~The applicant can demonstrate a good faith belief that the work done was not subject to review under this article.~~

~~Review of any application by the Planning Authority or by the Historic Preservation Board shall not constitute waiver of any future claims by the City concerning violations and shall not stop the City from prosecuting any violation.~~

16.6.5 Costs

~~An~~All projects ~~may~~shall be subject to fees as established by the City Council to cover the administrative costs ~~and the costs of Historic Preservation Board~~ review. Applicants ~~shall~~are also required to pay ~~a~~ fees to cover the professional and administrative costs for analysis associated with project review, including but not limited to planning, legal, or other services as needed. ~~The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant. Every applicant shall bear the entire expense of giving notice by mail and publication in accordance with this article.~~

~~16.6.5~~16.6.6 Lapse in application

~~Once a completed~~An application for a certificate of appropriateness ~~has been submitted, it~~ shall be diligently pursued from the date of submission. Applicants shall provide additional information as requested by the Planning Authority or Historic Preservation Board when determined to be reasonably necessary to make any determination required by this article. Failure of an applicant to provide a response to the request for additional information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void. ~~attend two or more Historic Preservation Board meetings at which an application is scheduled for review shall cause the application to expire and to be deemed null and void, unless the Planning Authority determines that good cause is shown for the failure to attend. Where good cause is shown for a failure to attend, the Historic Preservation Board shall table an application to a date mutually agreed upon in writing.~~

~~In determining the existence of the circumstances specified in this article, the Historic Preservation Board, Planning Board, or Board of Appeals may require such additional documentation or evidence as they may respectively determine to be necessary, including plans, drawings, and elevations, and notwithstanding any time limit for action or decision specified in this article, it may continue a proceeding for such additional time as it reasonably takes an applicant or any other party to comply with the request for additional relevant documentation or evidence and may draw a negative inference with regard to the content of any material evidence not produced upon reasonable request.~~

~~Prior to issuance of any Certificate of Appropriateness, any applicant shall demonstrate sufficient right, title, or interest in the property, technical capacity, and financial capacity to complete any change proposed to be undertaken under the Certificate of Appropriateness, upon reasonable request of the Planning Authority. If the Planning Authority determines that the applicant has failed or refused to demonstrate an ability to complete the proposed activity, it shall refer the issuance to the Planning Board which shall make a final determination as to whether the applicant has demonstrated a sufficient capability to complete the proposed activity. Notwithstanding any other provision of this article, the Historic Preservation Board or Planning Board may include reasonable conditions, including the provision of adequate financial security, to ensure that actions taken under a Certificate of Appropriateness will be successfully prosecuted to completion, as approved, in a timely manner.~~

16.6.7 Administrative r~~R~~eview ~~process for Certificate of Appropriateness~~

~~The process for review of an application for a Certificate of Appropriateness shall be as follows, except to the extent specifically provided elsewhere in this Section 17.7:~~

~~**For administrative-level reviews.**~~ An application for a certificate of appropriateness ~~for installation or alteration of any exterior sign; minor or routine alterations; and temporary alterations, construction, or improvements~~subject to administrative review shall be reviewed by the Planning Authority for compliance with the standards of Section ~~17.8~~16.7. The Planning Authority may request revised plans and submittals necessary to determine compliance. The Planning Authority shall approve the

application, approve the application with conditions, or deny the application. ~~and the *Historic Resources Design Manual*. Where staff determines that such an application meets these requirements, the Certificate of Appropriateness shall be issued by staff without presentation to the Historic Preservation Board for approval. Staff shall provide the Historic Preservation Board with written notice of staff approvals on a quarterly basis.~~

~~If staff approves an application with conditions, the applicant may request review by the Historic Preservation Board. The application shall then be subject to review by the Historic Preservation Board pursuant to Subsection 17.7.5(B).~~
~~Staff may elect to forward to the board an application found by staff to meet review standards but for which board confirmation is sought. The application shall be placed upon the next consent agenda of the Historic Preservation Board. Any member of the Historic Preservation Board may remove an application from the consent agenda for the purpose of giving it a public hearing.~~
~~If the Planning Authority determines that the application does not meet the requirements of Section 17.8 and the *Historic Resources Design Manual*, the application shall be scheduled for review by the Historic Preservation Board pursuant to Subsection 17.7.5(B), unless the applicant withdraws the application.~~
~~For purposes of this subsection only, temporary is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one 30-day period each year. Minor or routine alterations are defined as incidental changes or additions to a building, site features, or exterior utilities which require building permits but will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the opinion of the Planning Authority, such change shall alter the historic character of the building or site.~~

16.6.8 Historic Preservation Board review

A. ~~**For Historic Preservation Board-level reviews.**~~ An application for a certificate of appropriateness subject to Historic Preservation Board review shall be reviewed by the Historic Preservation Board for compliance with the standards of Section 16.7. The Planning Authority may request revised plans and submittals necessary to determine compliance with Section 16.7 prior to ~~The Planning Authority shall review the application and prepare a report for the Historic Preservation Board's consideration which addresses the proposed project's compliance with the review standards in Section 17.8. The Planning Authority may~~ schedule~~ing a Historic Preservation Board one or more preliminary~~ workshop~~s on the application prior to a~~ or public hearing.

B. The Planning Authority shall schedule the project for review at a workshop or public hearing on a date that meets public noticing requirements and prepare a report for the Historic Preservation Board's consideration which addresses the proposed project's compliance with the review standards in Section 16.7.

C. In the case of applications being reviewed at a workshop or workshops prior to the public hearing, they shall be informational and not result in any formal approval or disapproval of the project. At a workshop, the Historic

Preservation Board shall review the plans and submittals, consider the staff review with respect to the review standards of this article, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed.

~~A.~~ At a hearing, the Historic Preservation Board shall approve, approve with conditions, or deny the application based on the applicable review standards of Section 16.7. Should the Historic Preservation Board deny an application,

~~B. Following any preliminary workshop(s) and upon determination by the Historic Preservation Board that the application is complete, the application shall be scheduled for a public hearing at the next available meeting of the Historic Preservation Board which allows for adequate notice.~~

~~C. Following a public hearing, the Historic Preservation Board shall make a decision on the application.~~

D. ~~The Historic Preservation Board~~ it shall enter findings of fact concerning the relationship between the application and the applicable standards of Section ~~17.8~~ 16.7 within 60 days of the close of the public hearing. ~~immediately following a denial or conditional approval of any Certificate of Appropriateness.~~ Written notice of the determination of ~~staff or~~ the Historic Preservation Board on the application, including a copy of the findings of fact, shall be sent by regular mail to the applicant.

~~I.~~

16.6.9 Review process involving major site plans

~~**Review process involving major site plans.** The process for review of an application for alteration or new construction that is also a major site plan as defined in Article 14 shall be as follows:~~

Site plan review by the Planning Board and certificate of appropriateness~~historic preservation~~ review by the Planning Authority or Historic Preservation Board shall, to the extent feasible, proceed concurrently. Any proposed major site plan required to obtain a certificate of appropriateness under this article shall be exempt from the design standards included in Article 13~~4~~, and shall comply with the applicable design standards of Section 16.7~~listed within Article 17~~.

~~Upon receipt of the application for a Certificate of Appropriateness, the Planning Authority shall review the application and schedule a workshop for preliminary review by the Historic Preservation Board. The Planning Authority shall prepare an analysis of the application based upon the standards in Section 17.8 for consideration at the workshop. Additional workshops may be scheduled by the Historic Preservation Board with the consent of the applicant.~~

~~Following preliminary workshop(s) and upon determination by the Historic Preservation Board that the application is complete, the Historic Preservation Board shall conduct a public hearing and make a final decision on the application.~~

~~If the Historic Preservation Board finds that the application meets the applicable standards of Section 17.8, it shall issue a Certificate of Appropriateness, with or without conditions. If the action by the Historic Preservation Board is a denial or conditional approval, the Historic Preservation Board shall make findings of fact concerning the relationship between the application and the applicable standards of Section 17.8.~~

~~Written notice of the determination of the Historic Preservation Board on the application, including a copy of the findings of fact, if any, shall be sent by regular mail to the applicant within 14 days following its determination.~~

16.6.10 Notice of public meeting

A. For all ~~C~~certificate of ~~A~~appropriateness applications that are subject to Historic Preservation Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least 10 days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is knocked over or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

16.6.11 Conditions of approval

The Planning Authority or Historic Preservation Board may impose conditions upon its approval of any certificate of appropriateness to bring the application into compliance with the review standards of this article.

16.6.12 Issuance of certificate of appropriateness

A. The Planning Authority shall issue the certificate of appropriateness ~~within 14 days~~ following approval or approval with conditions by the Planning Authority or ~~proposed affirmative decision by~~ the Historic Preservation Board ~~becoming final~~.

~~B.~~ No ~~C~~certificate of ~~A~~appropriateness, building, demolition, or other permit shall issue until all current charges due under this article have been paid. The balance of any remaining review and administrative costs invoiced or incurred after a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent certificate of occupancy.

B.

C. Prior to issuance of any Certificate of Appropriateness, ~~any~~the applicant shall demonstrate sufficient right, title, or interest in the property, technical capacity, and financial capacity to complete any change proposed to be undertaken under the Certificate of Appropriateness, upon reasonable request of the Planning Authority.

16.6.13 Expiration of approvals

A. Unless work authorized by a certificate of appropriateness ~~shall be~~is commenced or a building permit for the same is issued within three years~~six months~~ of the initial date of issuance of the certificate of appropriateness, the certificate of appropriateness shall expire and shall become null and void. ~~The Planning Authority may approve additional extensions of this six-month period, not to exceed a total of two years, provided that a written request for~~

~~extension is received prior to the expiration date of the Certificate of Appropriateness~~.

B. When the approved work also requires a site plan approval under Article 13, the expiration of the certificate of appropriateness shall be concurrent with the site plan expiration.

~~A.~~C. In the event of litigation arising out of the granting of a certificate of appropriateness, the certificate shall remain valid until one year after the entry of final judgment in the litigation or until the end of the three~~wo~~-year period, whichever is later.

~~C. An approval shall expire and become null and void upon the expiration of the authorization for the work, or for the development, under the applicable provisions of Chapter 6 of this Code of Ordinances or Articles 14 or 15.~~

~~16.6.13Certificate of Non-Applicability~~

~~A. The Planning Authority shall issue a Certificate of Non-Applicability as to property subject to this article when requested to do so when:~~

~~1. The Planning Authority determines that none of the proposed work requires a Certificate of Appropriateness.~~

~~2. The Planning Authority determines that all of the proposed work is ordinary maintenance, restoration, or a combination thereof.~~

~~3. In the case of the alteration of a structure other than a landmark or of new construction within a district, where the Planning Authority determines that the proposed exterior changes to a structure are not readily visible at pedestrian heights from any public way. Where a Certificate of Appropriateness is required for such changes, a Certificate of Non-Applicability shall be issued upon request for those portions of the structure or structures not visible at such heights, provided, however, this paragraph shall not apply to alteration of a landmark or to any demolition.~~

~~4. After any appeal where the Historic Preservation Board, Planning Board or any court determines that paragraphs (1), (2) or (3) of this subsection are applicable.~~

~~B. The Planning Authority shall act upon any application for a Certificate of Non-Applicability within 14 days of receiving a complete written description of all work to be undertaken.~~

16.6.14 Amendments ~~to approved certificates of appropriateness~~

A. An applicant may apply for an amendment to a certificate of appropriateness by submitting an amendment application that includes a written statement of the proposed amendment, proposed amended plans, and related submittals to the Planning Authority.~~If at any time before or during work approved under the procedures set forth in this Section 17.7 the applicant requests minor amendments to approved work,~~

B. T~~t~~he Planning Authority is authorized to~~may~~ approve ~~such~~ minor amendments under the procedures set forth in Subsection ~~17.7.5~~16.6.7, provided that the proposed~~such~~ amendments:

1. Are generally consistent with the approved plans.
2. Meet all the applicable standards for review set forth in Section 16.7.
3. Do not modify the work such that Historic Preservation Board review would otherwise be required per Table 16-A.

~~1.~~4. Do not affect ~~will not result in a waiver or substantial alteration of the approval or~~ any condition or requirement of the Historic Preservation Board~~attached to the approval~~. ~~The applicant shall supply a written statement of the proposed amendment and amended plans or drawings to the Planning Authority. The decision of the Planning Authority as to whether an amendment may be reviewed under this subsection shall be final.~~

C. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection 16.6.14(B). Review procedures shall follow those for a certificate of appropriateness Historic Preservation Board review.

~~16.6.15Review process for demolition of landmarks or contributing structures within a district~~

~~A. Any applicant seeking demolition of a landmark or contributing structure must apply for a Certificate of Economic Hardship to the Board of Appeals in accordance with Section 17.9 of this article. Said application must be approved by the Board of Appeals before a demolition permit can be issued.~~

~~B. Any applicant seeking demolition of a noncontributing building as defined in this article may apply directly for a demolition permit without receiving approval from the Historic Preservation Board or a Certificate of Economic Hardship from the Board of Appeals.~~

~~C. Any applicant seeking demolition of a portion of a contributing or landmark structure may request that the Historic Preservation Board make a determination as to whether such portion of the structure is noncontributing based on the definition of that classification contained in this article. If the board determines the portion to be noncontributing, the applicant may apply directly for a demolition permit.~~

~~16.9~~16.7 STANDARDS FOR REVIEW OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

16.7.1 *Historic Resources Design Manual*

A. The ~~Historic Preservation Board may provide further guidance on how to meet the~~ standards of this article are supplemented by~~in~~ the *Historic Resources Design Manual*. ~~, which shall supplement this article.~~ The *Historic Resources Design Manual* ~~may include but need not be limited to maps and descriptions of landmarks and districts, a listing of properties which have been determined to be eligible for listing on the national register or for local designation, a glossary of terms and architectural styles,~~ includes descriptions, guidelines, and illustrations of how the standards of this article will be interpreted~~, and all designation ordinances, reports, and design guidelines~~. All provisions of the *Historic Resources Design Manual* shall be consistent with the standards of this article ~~and any designation ordinance adopted hereunder~~.

~~B.~~ Amendments to the *Historic Resources Design Manual* shall be adopted by the Historic Preservation Board following a public hearing. ~~forwarded to the City Council as a communication and shall become effective 45 days from the date on which said amendments are sent to the City Council, unless the City~~

~~Council takes official action disapproving the amendments, in whole or in part, prior to the expiration of the 45-day period.~~

~~C.~~B. The *Historic Resources Design Manual* shall be maintained by the Planning Authority.

16.7.2 Standards for review of alteration

In considering an application ~~for a Certificate of Appropriateness~~ involving alteration, the ~~Historic Preservation Board and the Planning Board~~reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards ~~shall apply the following general standards, as further described in the *Historic Resources Design Manual,* and any design guidelines accompanying the specific designation~~:

A. **Compatible use.** In the case of a change of use of a property from its originally-intended purpose, e~~E~~very reasonable effort shall be made to ~~provide a compatible use for a property which requires~~ minimize the~~al~~ alteration of~~to~~ the character-defining features of the structure, object, or site and its environment as they relate to the original use ~~or to use a property for its originally intended purpose~~.

B. **Retain historic features.** The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. **Historical accuracy.** All sites, structures, and objects shall be recognized as products of their own time, place, and use. Alterations that have no historical basis or create a false sense of historical development, such as adding conjectural features or elements from other properties, shall be discouraged.

D. **Acquired significance.** Changes which may have taken place in the course of time are evidence of the history and development of a structure, object, or site and its environment. Changes that have acquired significance in their own right shall not be destroyed.

E. **Sensitive treatment.** Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object, or site shall be treated with sensitivity.

F. **Repair rather than replace.** Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture, and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

G. **Surface cleaning.** The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.

H. **Archaeological resources.** Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be

disturbed, mitigation measures shall be undertaken.

I. Contemporary design and differentiation. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

J. Reversibility. Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.

16.7.3 Standards for review of new construction

In considering an application ~~for a Certificate of Appropriateness~~ involving new construction, the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:~~Historic Preservation Board and the Planning Board shall apply the following general standards as may be applicable to the context of the proposed construction. The intent and application of the following standards are further described in the *Historic Resources Design Manual* and shall guide the board in its review~~.

A. Scale and form

1. *Height.* The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
2. *Width.* The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
3. *Proportion of principal facades.* The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.
4. *Roof shapes.* The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
5. *Scale of a structure.* The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
6. ~~*Applicability to Congress Street Historic District.* In the Congress Street Historic District, for new construction within the B-3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.~~ *Applicability of the underlying zoning.* The review standards above shall not supersede the dimensional requirements of the underlying zoning.
7. ~~*Applicability to India Street Historic District.* For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the~~

~~dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.~~

~~8.~~6. ~~*Applicability to the Portland Company Historic District.* For new construction within the Portland Company Historic District, the height requirements of the B-6 Building Height Overlay & Building Envelopes map shall be controlling and the Historic Preservation Board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.~~

B. Composition of principal facades

1. *Proportion of openings*. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.
2. *Rhythm of solids to voids in facades.* The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.
3. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.
4. *Relationship of materials.* The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.
5. *Signs.* Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the *Historic Resources Design Manual*.

C. Relationship to street

1. *Walls of continuity*. Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.
2. *Rhythm of spacing and structures on streets.* The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related.
3. *Directional expression of principal elevation*. A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.
4. *Streetscape, pedestrian improvements.* Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a

historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the *Historic Resources Design Manual*.

D. Other standards

1. *Compatible use.* In the case of a change of use of a property from its originally-intended purpose, e~~E~~very reasonable effort shall be made to ~~provide a compatible use for a property which requires~~ minim~~a~~ize the alteration ~~to~~of the character~~-~~defining features of the structure, object, or site and its environment ~~or to use a property for its originally intended purpose~~ as they relate to the original use.
2. *Distinguishing original character.* The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.
3. *Archeological resources.* Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
4. *Contemporary design.* Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.
5. *Additions.* Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

16.7.4 Standards for review of alterations to ~~or redesign of~~ noncontributing structures

~~A.~~ In considering an application for a certificate of appropriateness involving alteration(s) to a noncontributing structure, the ~~standards for review of alterations set forth in Subsection 17.8.2 shall apply as applicable. The~~ intent of the review shall be ~~to ensure no further erosion of any existing architectural character of the subject structure determined to be significant by the Planning Authority or Historic Preservation Board and, where practicable,~~ to guide projects toward a more compatible relationship with the surrounding context using .

~~B.~~A. ~~In considering an application for a Certificate of Appropriateness involving comprehensive redesign of a noncontributing structure,~~ the standards for review of construction set forth in Subsection ~~17.8.3~~16.7.3 ~~shall apply~~.

16.7.5 Standards for review of relocation

In ~~acting upon~~considering an application ~~for a Certificate of Appropriateness~~ involving relocation, the reviewing authority shall approve a certificate of appropriateness only upon finding that the

application meets the following standards~~the Historic Preservation Board and the Planning Board shall apply the following general standards and any design guidelines in the ordinance designating the landmark or district~~:

A. Whether the historic or urban design character and aesthetic interest of the structure or object contribute to its present setting.

B. If located within a district, whether there are definite plans for the area to be vacated and what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.

C. Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.

D. Whether the proposed relocation area is compatible with the cultural, historical or architectural character of the structure or object.

16.7.6 Standards for review of signage

In considering an application ~~for a Certificate of Appropriateness~~ involving the installation or modification of sign(s) the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:~~, including awning(s) which incorporate signage,~~

A. ~~s~~Signs shall be compatible with the subject building and its surrounding context ~~as detailed in the signage design guidelines included in the *Historic Resources Design Manual*~~.

B. Signs shall be installed in such a manner as to minimize damage to contributing structures or objects ~~historic resources~~.

~~A.~~C. If there is a conflict between this standard and the requirements of Article 19, the stricter standard shall apply.

~~16.10~~16.8 CERTIFICATE OF ECONOMIC HARDSHIP

16.8.1 Applicability

A. Any applicant who has received a denial under this article or is seeking demolition of a landmark or a contributing structure within a district may apply ~~make application~~ for a certificate of economic hardship from the ~~Board of Appeals~~Historic Preservation Board.

B. The application shall be submitted to the Planning Authority, together with the applicable fee. In the case of a denial, the application shall be submitted within 60 days of the denial.

~~C. The Planning Authority shall transmit a copy of the application to the Board of Appeals, with copies to the Planning Board and the Historic Preservation Board, within 14 days following receipt of a properly completed application.~~

16.8.2 Standard to be applied

A. The ~~Board of Appeals~~Historic Preservation Board shall approve an application for a certificate of economic hardship only upon a determination that the denial of ~~approval of~~ the proposed activity or ~~of~~ the proposed demolition will result in the loss of all reasonable use of the structure ~~as required by Subsections 17.9.5 and 17.9.7~~.

B. Where the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts of neglect of the owner or their predecessors in title under Section 16.9.

~~D. In applying this standard, the Board of Appeals shall consider among other things any evidence presented concerning the following:~~

~~1. Any opinions from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.~~

~~2. Any estimates of the cost of the proposed alteration, construction, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Planning Board for changes necessary for it to be approved.~~

~~3. Any estimates of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition, or removal; after any expenditures necessary to comply with the recommendations of the Planning Board for changes necessary for it to approve a Certificate of Appropriateness; and in the case of a proposed demolition, after renovation of the existing structure for continued use.~~

~~4. In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of any existing structures or objects.~~

16.8.3 Information to be supplied by applicant

A. The applicant shall submit by affidavit the following information, which shall constitute an application ~~for an application to be considered to be complete~~:

1. The assessed value of the property and/or the structure ~~in the case of a demolition~~ for the two most recent assessments.
2. Real property taxes paid for the previous two years.
3. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.

~~4. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years.~~

~~5.~~4. All appraisals obtained within the previous two years ~~by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or state that none were obtained~~.

~~6.~~5. All listings of the property for sale or rent, price asked and offers received~~, if any,~~ within the previous four years~~, or state that none were obtained.~~

~~7.~~6. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use~~, or a statement that none were obtained~~.

~~8.~~7. For income-producing property, itemized income and expense statements from the property for the previous two years.

8. Professional assessment from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation of historic buildings as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.

9. Estimate of the cost of the ~~proposed~~ alteration, construction, demolition, or removal proposed by the applicant.

10. ~~and an e~~Estimate of ~~any additional~~ cost that would be incurred to address findings of fact provided by the reviewing authority in issuing a denial of ~~comply with the recommendations of the Planning Board for changes necessary for it to approve~~ a certificate of appropriateness.

~~9.~~11. A statement of the minimum extent of work necessary to allow reasonable use of the structure.

~~10. Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.~~

B. In the event that the information required to be submitted by the applicant is not reasonably available or attainable, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

C. The Planning Authority may request that third-party reviewers with applicable expertise to review materials provided by the applicant and prepare a report on their analysis of the application materials. In these cases, the cost of the third-party review shall be charged to the applicant.

~~C.~~D. ~~Notwithstanding the submission of the above information, t~~The Historic Preservation Board ~~of Appeals~~ may require additional evidence or supporting materials to inform their decision on the application~~as provided in Subsection 17.7.4(G)~~.

16.8.4 ~~Public hearing~~Review

~~A.~~ The ~~Board of Appeals~~Historic Preservation Board shall hold a workshop or public hearing on the application within 30 days following receipt of ~~the~~a complete~~d~~ application ~~form~~. ~~Where the application requests the demolition of a landmark or a contributing structure within a district, the public hearing shall not be held less than 90 days following receipt of the completed application, unless the applicant makes a clear showing that the delay will result in undue hardship of a unique or exceptional character which could not reasonably be or have been avoided. Upon such a showing, the Planning Authority may waive all or any part of the 90-day period and schedule the hearing before the board. Undue hardship shall not include mere inconvenience or incidental financial loss. No such waiver shall be granted without the Planning Authority giving best practical notice to all persons entitled to notice of the hearing.~~

~~B. Where the application requests the demolition of a landmark or a contributing structure within a district, the Planning Authority shall promptly notify any persons interested in historic preservation, who have registered in writing with him or her, give notice by mail to all owners of property within 500 feet of the structure, and shall require that the applicant immediately place a notice, to be supplied by~~

~~the building official, in a prominent place on the structure and to maintain it there at all times during the pendency of the demolition application. The notice shall state that the structure has been proposed to be demolished by its owner and provide contact information for further information. The failure to give any notice required hereunder shall not affect the validity of any action taken by the Planning Authority or the Board of Appeals.~~

~~C. The Planning Board may provide a report or any other information, documentation or evidence or request the Historic Preservation Board to assist the Board of Appeals in considering the extent of variance necessary, an appropriate incentive plan, or reasonable condition to be imposed.~~

~~D. The Board of Appeals may continue a proceeding for such additional time as it reasonably takes an applicant, any other interested person, the Historic Preservation Board, or the Planning Board to comply with a request for additional information or evidence. The applicant shall be afforded the right to present rebuttal evidence.~~

~~E.~~A.

~~F. Determination by the Board of Appeals~~

~~G.~~B. The determination by the Historic Preservation Board ~~of Appeals~~ shall be made within 30~~45~~ days following close of the public hearing ~~and submission of all information, documentation, or evidence requested by the board~~. The determination shall be accompanied by findings of fact.

~~D. The Board of Appeals shall not grant approval of an application involving demolition unless the board determines, upon clear and convincing evidence, that one or more of the following circumstances apply:~~

~~1. The structure is not subject to this article.~~

~~2. Denial of a demolition permit would result in a hardship to the property owner so great that it would effectively deprive the owner of all reasonable use of the structure. The extent of any demolition permitted shall be limited to the amount necessary to allow reasonable use of the structure. Where the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts or neglect of the owner or his predecessors in title occurring in whole or in part after August 1, 1988.~~

~~16.8.5 Disapproval by Board of Appeals~~

~~If the determination of the Board of Appeals is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within five business days. The notice shall include a copy of the findings of fact and report.~~

~~16.8.6~~16.8.5 ~~Determination of no reasonable use~~Issuance

A. If the determination of the Historic Preservation Board ~~of Appeals~~ is that ~~the~~a denial of the certificate of appropriateness or the prohibition on demolition under subsection 16.3.6 has resulted in the ~~denial~~ loss of all reasonable use of the structure, ~~or the entire property in the case of new construction,~~ then the certificate of economic hardship shall be issued by the Planning Authority within ~~9~~30 days following the determination ~~unless during~~

~~that time the City Council approves an incentive plan pursuant to Subsection 17.9.8.~~

B. Certificates of economic hardship shall:

1. Limit the scope of work to the minimum extent necessary to allow reasonable use of the structure; and
2. Not allow for the beginning of any demolition work until the necessary approvals and permits have been attained to allow for the rehabilitation, alteration, or replacement of the structure.

C. Certificates of economic hardship shall be valid for a period of three years from the date of the determination by the Historic Preservation Board.

~~E. A copy of the determination of the Board of Appeals, together with the findings of fact, shall be mailed to the applicant and filed with the City Clerk, the Planning Board, and the Historic Preservation Board within 14 days following the determination of economic hardship.~~

~~F.~~ Certificates of e~~E~~conomic h~~H~~ardship shall not be transferable from the applicant to another subsequent owner of the same property.

~~16.8.7 Incentive plan~~

~~The purpose of an incentive plan is to provide a mechanism to allow a reasonable use without the demolition of the complete structure or important architectural elements. The Planning Board, in cooperation with the Historic Preservation Board and the owner, may prepare a report and recommend to the Board of Appeals an incentive plan to assure reasonable use of the structure. This incentive plan may include, but is not limited to, loans or grants from the City of Portland or other public or private sources; acquisition by purchase or eminent domain; building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation, or renovation; changes in applicable zoning regulations, including a transfer of development rights; or relaxation of the provisions of this article sufficient to allow reasonable use of the structure.~~

~~16.8.8 City Council consideration of incentive plan~~

~~A. Upon receipt of a report from the Board of Appeals recommending an incentive plan to assure reasonable use of the property, the City Council shall give prompt consideration to the determination of economic hardship and the report of the board, including the recommended incentive plan. The City Council shall approve or disapprove the incentive plan determined by the Board of Appeals to allow reasonable use of the structure within 90 days following the determination by the Board of Appeals.~~

~~B. A copy of the ordinance enacted by the City Council, together with the incentive plan, if any, shall be mailed to the applicant and transmitted to the Board of Appeals, the Planning Board, and the Historic Preservation Board within five business days following the enactment of the ordinance.~~

~~16.8.9 Issuance of Certificate of Economic Hardship~~

A. ~~Upon receipt by the Board of Appeals of a copy of City Council action disapproving an incentive plan, or upon failure of the City Council to act to either approve or disapprove an incentive plan within the time specified, the Board of Appeals shall approve a Certificate of Economic Hardship to the applicant within 30 days. The certificate may be subject to conditions~~

~~including design guidelines for subsequent new construction not inconsistent with the standards set forth in this article and the *Historic Resources Design Manual*. The Certificate of Economic Hardship shall be valid for a period of 120 days from approval by the Board of Appeals, except as provided in Subsection 17.9.7 where an incentive plan has been proposed. Certificates of Economic Hardship shall not be transferable from the applicant to another subsequent owner of the same property.~~

~~B. Upon presentation by the applicant of a valid Certificate of Economic Hardship to the Planning Authority, the Certificate of Appropriateness shall be issued to the applicant within 14 days.~~

~~16.11~~16.9 MAINTENANC~~E~~E

16.9.1 ~~-~~Preservation of protected structures

A. All landmarks~~,~~ and ~~all~~ contributing structures and objects~~located in an historic district,~~ shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person or persons who may have legal custody and control thereof:

1. Deteriorated or inadequate foundation which jeopardizes its structural integrity.
2. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity.
3. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardize its structural integrity.
4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split, or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity.
5. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity.
6. Lack of weather protection which jeopardizes the structural integrity of the walls, roofs, or foundation.

B. The owner or such other person shall repair such ~~building, object, or~~ structure or object within a specified period of receipt of a written order by the Planning Authority to correct defects or repairs to any structure or object as provided by (A) above, so that such structure or object shall be preserved and protected from further deterioration in accordance with the purposes of this article.

C. Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the Planning Authority for reasonable periods to allow the owner to secure financing, labor or materials.

~~16.12~~16.10 PENALTIES

16.10.1 Fines for violation

Failure to perform any act required by this article or performance of any act prohibited by this article or of any conditions or any certificate issued

hereunder shall constitute a violation and be subject to a fine as provided in 30 A M.R.S. §4452. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.

16.10.2 Withholding of future approvals

Where the applicant has done work or caused work to be done not ~~on a structure or a property for which a Certificate of Appropriateness is sought and such work is either not done~~ in compliance with an approval received under this article or ~~was performed~~ without the approvals required under this article, no new application for a certificate of appropriateness ~~such structure or property~~ shall be considered ~~by the Planning Authority or by the Historic Preservation Board~~for the site or structure associated with the violation until the work done without approval is brought into compliance with the requirements of this article. ~~The Historic Preservation Board may waive this requirement if the Historic Preservation Board determines that the work does not alter the essential character of the structure or district and one or more of the following standards are also met:~~

~~The work was needed to bring a building into conformance with any building or safety code.~~

~~The applicant can demonstrate a good faith belief that necessary approvals had been received for the work at issue prior to the commencement of the work.~~

~~The applicant can demonstrate a good faith belief that the work done was not subject to review under this article.~~

16.10.3 Additional penalties for willful violation or gross negligence

A. In addition to the penalties authorized by Subsections ~~17.11.1~~16.10.1 and 16.10.2, a violation which is intentional, or occurs through gross negligence, shall be subject to the following provisions:
   1. No permit shall be issued under Chapter 6 of this Code of Ordinances for any alteration or new construction affecting such property for a period of five years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Planning Authority that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.
   2. For a period of 25 years, any alteration or new construction on the property shall be subject to this article, whether or not any remaining structure or object on the property continues to have the cultural, historical, architectural, or archaeological character and integrity that caused it to be nominated or designated as a landmark or part of a district.
   3. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore, or replicate the structure or object on the property.

B. Paragraphs (A)(1) and (2) above shall not apply to violations which are limited to noncontributing structures.

~~16.10.4 Other remedies~~

~~Notwithstanding the provisions of Subsections 17.11.1 and 17.11.2, the City may institute appropriate~~

~~proceedings in law and equity to prevent or remedy any violation of this article.~~

~~16.10.5 Liberal construction of article~~

~~This article shall be liberally applied and construed to effectuate the purpose of preservation set forth in Section 17.1.~~

~~16.10.6 Exception for dangerous buildings~~

~~This article shall not apply to any structure which has been ordered demolished by the municipal officers or a court, in accordance with 17 M.R.S. § 2851 et seq., its equivalent, as it may be amended from time to time, or to any structure which has been partially destroyed and is determined by the Planning Authority to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures specified by the Planning Authority, including without limitation securing apertures and/or erecting fencing.~~

~~16.13~~16.11 APPEALS

The applicant, or any person who has participated in opposition to the application and demonstrates a particularized harm caused by the approval of any application associated with this article, may appeal that decision in accordance with Article 2.

~~18~~17 HOUSING

17.1 HOUSING PRESERVATION AND REPLACEMENT

17.1.1 Purpose

The purpose of the housing preservation and replacement ordinance is:

A. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups.

B. To limit the net loss of housing units in the city.

C. To preserve housing in zones where housing is permitted in the city for all residents in order to promote the health, safety, and welfare of its citizens.

17.1.2 Applicability

A. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall apply to the loss of three or more dwelling units in a five-year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002. For the purposes of this section, dwelling units shall be as defined in Article 3, but also include rooming units that people rent in or sleep in within lodging houses, dormitories, shelters, and sheltered care group homes.

B. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall also apply to proposals that result in the loss of fewer than three dwelling units which were legally registered residential use as of July 1, 2002 for the purposes of creating surface parking.

C. For the purposes of this section, loss of dwelling units shall mean the elimination or conversion to nonresidential use of a dwelling unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner's control, fire, natural disasters, or acts of war.

D. Determination of number of the dwelling units within a structure or structures and the number of units lost will be based on the records of the Building Authority indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the property for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and sworn affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

17.1.3 Exemptions

This section does not apply to:

A. Consolidation, elimination, or reconfiguration of one or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination, or reconfiguration, except as provided by (E) below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.

B. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority.

C. Legally nonconforming dwelling units existing in zones which no longer permit residential uses.

D. Property which has been ordered demolished by the City, pursuant to 17 M.R.S. § 2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.

E. Paragraph (A) above notwithstanding, the conversion to a nonresidential use of any dwelling units located on the ground floor of a building within a mixed-use zone.

17.1.4 Planning Authority approval required

Notwithstanding any other provision of this section, a proposal to demolish or to convert three or more dwelling units to a nonresidential use in a zone where such use is otherwise permitted must first obtain approval from the Planning Authority. In addition to any other requirements of the Land Use Code, the applicant must submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

17.1.5 Tenant notification requirements

Prior to elimination as a result of demolition or conversion to nonresidential use, the owner shall:

A. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to nonresidential use, as well as verification of compliance with tenant notice requirements of this subsection.

B. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than 90 days from the date of receipt of the notice to vacate the unit.

C. File proof of service of the notice with the Planning Authority.

17.1.6 Housing replacement requirements

A. The Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to nonresidential use.

B. This requirement may be satisfied in any one of the following ways, which may be used in combination:

1. *Construction of units.* The construction of housing units within a new structure or a new addition either on site or off-site.

2. *Residential conversion.* The conversion of a nonresidential building to residential use.

17.1.7 Replacement unit requirement

In addition to the foregoing, all replacement units built pursuant to Subsection ~~18~~17.1.6.B above shall:

A. Be located within the same United States census block group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed.

B. Not previously have been on the market as of the date of application.

C. Be situated within a development which has not been a candidate for site plan approval as of the date of the application.

D. Be comparable in size to the units replaced. For the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units to be replaced.

17.1.8 Contribution to the Housing Trust Fund

A. The applicant may meet the requirements of this housing replacement ordinance by depositing $50,000 for each dwelling unit into the City's Housing Trust Fund.

B. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the index") for January 1, 2003 year, and the numerator of which shall be the index for the same month in each subsequent year. In the event that the index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence, or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the index. If the index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the index, the base index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited for each rooming or dwelling unit.

17.1.9 Performance guarantee

Owners or affiliates must post a performance guarantee in the form of a letter of credit, or other security acceptable to the City attorney, in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to Subsection ~~18~~17.1.8. Such a performance guarantee shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this housing replacement ordinance do not have certificates of occupancy.

17.1.10 Partial waiver of replacement requirements

A. Any owner who has applied for site plan review for elimination or conversion to nonresidential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to 50% of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:

1. The proposed development is consistent with the Comprehensive Plan.
2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement, social benefits or job creation.
3. The applicant demonstrates with objective evidence that the imposition of the

requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop.

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.

B. The Zoning Board of Appeals must make positive findings on each of the four criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this subsection pursuant to the provisions of Article 2.

17.1.11 Effect of other City ordinances

A. Nothing in this section shall permit the demolition or conversion to nonresidential use of dwelling units in residential property protected by Article ~~17~~16, except as permitted by that ordinance.

B. A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

17.1.12 Appeals

Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.

17.2 AFFORDABLE HOUSING

17.2.1 Purpose

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. Therefore, the purpose of this section ~~therefore~~ is to offer incentives to developers to include units of affordable ~~and workforce~~ housing within development projects~~, thereby mitigating the impact of market rate housing construction, or~~ and to require the ~~demonstrated increase in~~ inclusion of affordable housing ~~needs resulting from the creation of new lower-income jobs, 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~~units in development projects in certain contexts. In so doing, this section will assist the city in meeting ~~the City's~~its comprehensive goals for affordable housing, in preventing 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.

17.2.2 Affordable housing incentives

A. Eligible projects. Under this subsection, eligible projects shall include any development project

1. That is permissible under the provisions of this Land Use Code in the zone in which it is proposed.
2. That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial alteration of existing structures, adaptive reuse or conversion of a nonresidential 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.

~~A.~~ **Reduction of fees.** Notwithstanding any other provision of this Land Use Code or Chapter 6 to the contrary, development fees ~~shall be reduced by the City for an eligible project in the manner described in Table 18-A.~~

~~B. Development fees shall include:~~

~~1.~~ , including site plan review and inspection fees~~.~~

~~2.~~ , subdivision review and inspection fees~~.~~

~~3. Impact~~, impact fees, administrative fees~~.~~

~~4. Administrative fees.~~

B. , and construction and permit fees as described in Chapter 6 of the City of Portland Code of Ordinances~~.~~, shall be reduced by the City for an eligible project in the manner described in Table 17-A.

TABLE ~~18~~17-A: AFFORDABLE HOUSING FEE REDUCTIONS

% of New Units That are Low-Income or Workforce	Development Fee Discount	Cost of Work (Building Permit) Fees
~~5% up to but not including 10%~~	~~5% reduction~~	~~$10.50 per $1,000~~
10% up to but not including 15%	10% reduction	$9.90 per $1,000
15% up to but not including 20%	15% reduction	$9.35 per $1,000
20% up to but not including 25%	20% reduction	$8.80 per $1,000
25% or more	25% reduction	$8.25 per $1,000

1. Development fees do not include any fees charged for review conducted by any party other than the City.

~~C. Eligible project shall mean a development project:~~

~~1. That is permissible under the provisions of this Land Use Code in the zone in which it is proposed.~~

~~2. That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, and will not be located in an R-1 or R-2 zone.~~

~~3. That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential 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.~~

~~4. Projects shall not be considered "eligible projects" solely because they are subject to Subsection 18.2.3.~~

C. Expedited review

1. The Planning Authority shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The Planning Authority may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review. The Planning Board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the Planning Board's jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the Planning Board shall promptly issue a decision on all such plans and applications before it for consideration.

D. Density and dimensional bonuses and reductions. Notwithstanding any other provision of this Land Use Code to the contrary, in order to encourage low-income and workforce units in areas prioritized for growth, eligible projects as defined under Subsection 17.2.2 may avail themselves of the following options:

1. *Density and dimensional bonuses.* The maximum number of units that would otherwise be allowed under this Land Use Code shall be increased for an eligible project in the manner described in Table 17-B, applicable where residential is allowed as a permitted or conditional use in mainland zones. Other dimensional bonuses related to height and setbacks shall only be applicable for eligible projects over 10 units in size within mixed-use, IS-FBC, RN-7, and R-P zones.
2. *Unit size.* In order to be eligible for this subsection, the low-income and workforce housing units must meet Subsections 17.2.3(C)(2), (3), and (4).
3. *Term of affordability.* Affordable units under this subsection shall be deed-restricted to remain affordable for 30 years or the longest term permitted under federal, state, and local laws, whichever is longer. Such deed restrictions shall be recorded in the Cumberland County Registry of Deeds.
4. *Required public process.* The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and processes for noticing as part of the *Technical Manual*.

~~17.2.2~~17.2.3 Ensuring workforce housing

TABLE 17-B: BONUSES FOR ELIGIBLE PROJECTS

% Low-income or Workforce Units	Density Permitted[1]	Additional Height Permitted[2]	Setback Reductions[3]
10-19%	1.1 x base	N/A	N/A
20-29%	1.25 x base	10 ft.	N/A
30-49%	1.3 x base	10 ft.	5 ft.
50-74%	2.5 x base	15 ft.	5 ft.
>75%	2.5 x base	25 ft.	10 ft.

[1] "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 SF. of land area.
[2] The maximum additional height permitted in the B-1 zone and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.
[3] Setback reductions are absolute reductions in front, side, and/or rear setback requirements. The maximum setback reductions in the B-1 and R-P zones shall be 5 ft.

~~C.~~A. **Purpose.** Based on the City's Comprehensive Plan and the City's 2015 housing study, 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 subsection 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.

~~D.~~B. **Applicability.** This subsection shall apply to ~~development projects~~site plan applications that create ten or more ~~net~~ new dwelling units for rent or for sale through new construction, substantial ~~rehabilitation~~alteration of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements~~, with the exception that projects using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds such as HOME or CDBG, other federal, state, or local housing program, or the Low-income Housing Tax Credit program, shall be considered exempt.~~. This subsection shall not apply to projects that otherwise meet or exceed the standards of 17.2.3(C).

~~E.~~C. **Standards.** Development projects subject to this subsection shall ~~be subject~~meet to the following requirements:

~~1. Notwithstanding any language to the contrary in this Land Use Code, 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 subsection, unless they are within the India Street Form-Based Code Zone, 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.~~

~~2.~~1. At least 25% of the units in the project shall meet the definition of workforce housing unit for sale or for rent as defined in Article 3. The project shall have the option of paying a partial fee-in-lieu as per (~~6~~5) below or providing an additional unit on-site for any fractional value.

~~3.~~2. Projects shall not be segmented ~~or phased~~ to avoid compliance with these provisions. In cases where projects are completed in phases~~, affordable~~ or consist of multiple residential buildings, workforce units ~~shall be~~may be consolidated into one or more buildings, so long as they are provided in proportion to the development of market rate units ~~unless otherwise permitted~~

~~through regulations.~~overall, the project is subject to a legally binding agreement approved by the City of Portland that ensures full compliance with the affordability requirements of Subsection 17.2.3 for the development as a whole, and the project is the subject of a single site plan application.

~~4.~~3. Workforce units must be integrated with the rest of the development, must use a common entrance~~, and~~ in the case of mixed market rate and workforce buildings, must provide no ~~indications~~indication from ~~common~~the exterior or from areas inside the respective buildings that these units are workforce housing units~~.~~, and must demonstrate general parity in unit design, finishes, and amenities between market and workforce units in the development. Applications shall include a narrative that addresses parity of workforce and market rate units, a description of workforce and market rate unit attributes and amenities, phasing if applicable, and integration into the respective building and site design.

~~5.~~4. Workforce units need not be the same size as other units in the development but the cumulative number of bedrooms in such units~~, either on- or off-site,~~ shall be no less than ~~10 percent~~25% of the total number of bedrooms in the development. ~~For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.~~

~~6.~~5. 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. The fee for affordable units not provided shall be $150,000 per unit, adjusted annually in the same way as the fee under Subsection ~~18~~17.1.8.

TABLE 17-C: MINIMUM TERM OF AFFORDABILITY FOR REQUIRED WORKFORCE UNITS

% of Workforce Units Provided	Minimum Term of Affordability
25%	30 years
50%	20 years
100%	10 years

~~7.~~6. 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.

~~8. If at least 33% 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.~~

~~9.~~7. The term of affordability for the required 25% workforce units provided shall be defined as shown in Table ~~18-B~~17-C.

~~F. Implementing regulations.~~ ~~Regulations to further specify the details of this subsection shall be developed, including, but not limited to:~~

8. ~~Specific methodology~~Projects shall be subject to an affordable housing agreement with the City of Portland, unless a project is otherwise subject to such an

~~TABLE 18-C: BONUSES FOR ELIGIBLE PROJECTS~~

~~% Low-income Units~~	~~% Work-force Units~~	~~Density Permitted[1]~~	~~Additional Height Permitted[2]~~	~~Setback Reductions[3]~~
~~10%~~	~~20%~~	~~1.1 x base~~	~~N/A~~	~~N/A~~
~~20%~~	~~40%~~	~~1.2 x base~~	~~10 ft.~~	~~N/A~~
~~30%~~	~~60%~~	~~1.3 x base~~	~~10 ft.~~	~~5 ft.~~
~~50%~~	~~100%~~	~~2.0 x base~~	~~15 ft.~~	~~5 ft.~~
~~75%~~	~~N/A~~	~~2.5 x base~~	~~25 ft.~~	~~10 ft.~~

~~[1] "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 SF. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.~~

~~[2] The maximum additional height permitted in the B-1/B-1b zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.~~

~~[3] Setback reductions are absolute reductions in front, side, and/or rear setback requirements. The maximum setback reductions in the B-1/B-1b and R-P zones shall be 5 ft.~~

~~TABLE 18-B: MINIMUM TERM OF AFFORDABILITY FOR REQUIRED WORKFORCE UNITS~~

~~% of Workforce Units Provided~~	~~Minimum Term of Affordability~~
~~25%~~	~~30 years~~
~~50%~~	~~20 years~~
~~100%~~	~~10 years~~

agreement requiring an equal or greater percentage of affordable units at an equal or lower income target level than required by this section.

D. Density and dimensional bonuses. Projects that are subject to this section shall be eligible for density and dimensional bonuses under Subsection 17.2.2(D).

~~G.~~E. Implementation guidance. The Housing & Economic Development Department shall provide guidance on income verification~~.~~ methods, affordable housing agreements, and subsequent monitoring requirements.

~~1. Situations where less than permanent affordability might be considered.~~

~~2. Guidelines for meeting the requirement that off-site units be "in the same neighborhood."~~

~~H.~~F. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this subsection, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this subsection in achieving its stated purpose.

~~17.2.3 Density and dimensional bonuses and reductions~~

~~Notwithstanding any other provision of this Land Use Code to the contrary, in order to encourage low-income and workforce units in designated growth areas, eligible projects as defined under Subsection 18.2.2 may avail themselves of the following options:~~

~~A. Density bonuses. The maximum number of units that would otherwise be allowed under this Land Use Code shall be increased for an eligible project in the manner described in Table 18-C, applicable in the B-1/B-1b, B-2/B-2b/B-2c, B-3/B-3b/B-3c, B-5, R-7, and R-P zones.~~

~~B. Planned Residential Unit Developments (PRUDs). In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize~~

~~the following dimensional bonuses and changes:~~

1. ~~Minimum lot area per dwelling unit is reduced by 50%.~~
2. ~~Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.~~
3. ~~Minimum building setbacks may be reduced to 10 feet.~~
4. ~~The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements.~~
5. ~~Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.~~
6. ~~The Planning Board's *Design Manual*, design standards, and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this subsection.~~

~~**C. Unit size and term of affordability.** In order to be eligible for this subsection, the low-income and workforce housing units must meet Subsections 18.2.3(C)(3), (4), and (5) and be affordable for the longest term permitted under federal, state, and local laws.~~

~~**D. Required public process.** The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and processes for noticing as part of the *Technical Manual*.~~

~~**E. Projects under 18.2.3.** Projects that are subject to Subsection 18.2.3 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project as defined under Subsection 18.2.2 is also subject to Subsection 18.2.3, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under Subsections 18.2.4(A) and (B) but not both.~~

17.2.4 Inclusionary zoning for hotel projects

A. Purpose. This subsection is based on City analysis, most specifically the analysis documented in the Greater Portland Council of Government study *Proposed Hotel Linkage Fee: Supportable Range* dated August 29, 2018, that finds that new hospitality developments create a need for new affordable housing. This need is the result of the fact that hospitality developments necessarily create a number of jobs that do not pay employees at a rate sufficient to allow those employees to afford market-rate housing in the City of Portland.

B. Hotel projects. For the purposes of this subsection, hotel projects shall include any hotel as defined in Article 3 consisting of 10 or more guest rooms for rent. Any expansion of



an existing hotel by 10 or more rooms within any five-year period will also be considered a hotel project.

C. Hotel projects conditional uses. Notwithstanding anything to the contrary in this Land Use Code, all hotel projects are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this Subsection ~~18~~17.2.5.

D. Low-income housing minimum. All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections ~~18~~17.2.3(C)(2), (3), ~~(4),~~ and (54) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.

E. Fee-in-lieu alternative. As an alternative to providing low-income housing units under Subsection ~~18~~17.2.5(D) above, a hotel project may pay a fee-in-lieu of $3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.

F. Annual adjustments. The amounts in Subsection ~~18~~17.2.5(E) above shall be adjusted annually in the same way as the fee under Section ~~18~~17.1.8.

G. ~~Regulations.~~ ~~The Planning Board may promulgate implementing regulations based on this subsection.~~**Implementation guidance.** The Housing & Economic Development Department shall provide guidance on income verification methods, affordable housing agreements, and subsequent monitoring requirements.

17.3 JILL C. DUSON HOUSING TRUST FUND

17.3.1 Purpose

The purpose of enacting this section is:

A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

B. To serve as a vehicle for addressing very low, low, and ~~median~~moderate income housing needs through a combination of funds as set out in this article.

17.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund" (Housing Trust Fund). Deposits into the fund shall include:

A. Contributions from the City's housing replacement ordinance under Subsection ~~18~~17.1.8.

B. In-lieu fees under Subsections ~~18~~17.2.3 and ~~18~~17.2.5.

C. Funds appropriated to be deposited into the fund by vote of the City Council.

D. Voluntary contributions of money or other liquid assets to the fund.

E. Any federal, state, or private grant or loan funds provided to the fund.

F. Interest from fund deposits and investments.

G. Repayments of loans made from the fund.

17.3.3 Management of the trust fund

The City Manager, or ~~his or her~~their designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

A. Maintaining the financial and other records of the Housing Trust Fund.

B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

17.3.4 Housing Trust Fund annual plan

A. Each fiscal year, the City Council shall adopt a Housing Trust Fund annual plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund annual plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the manager may propose as appropriate. The housing committee of the City Council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

B. The Housing Trust Fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.

C. Priority for the expenditure of funds collected pursuant to Section ~~18~~17.1 shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

17.3.5 Distribution and use of the Housing Trust Fund's assets

A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section ~~18~~17.1.

B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.

C. Funds shall not be used for City administrative expenses.

D. Funds shall not be used for property operating expenses or supporting services.

E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Portland, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical,

plumbing, building, or housing codes or zoning ordinances.

17.3.6 Term of affordability

A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.

B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the City of Portland.

C. The affordability restriction requirements described in this subsection shall run with the land and the City of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

17.4 CONDOMINIUM CONVERSION

17.4.1 Purpose

The purpose of this section is to regulate the conversion of rental housing to condominiums, to minimize the potential adverse impacts of such conversion on tenants, to ensure that such converted housing is safe and decent, and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.

17.4.2 Applicability

This section shall apply to the conversion of any rental unit to a condominium unit. For the purposes of this section, developer shall mean any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

17.4.3 Protection of tenants

A. **Notice of intent to convert.** A developer shall give to each tenant, meaning any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise, written notice of intent to convert at least one 120 days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four consecutive years, the notice period shall be increased by 30 additional days for each additional year, or fraction thereof, to a maximum of 240 additional days. The notice shall set forth specifically the rights of tenants under (A), (B), and (C) of this subsection and Subsection ~~18~~17.4.4, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place

to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Permitting & Inspections, City of Portland, 389 Congress Street, Portland, Maine 04101.

B. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within 120 days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

C. **Option to purchase.** For a 60-day period following the giving of notice as required in Subsection ~~18~~17.4.3(A), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the 60-day period, the developer may not convey or offer to convey the unit to any other person during the following 180 days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional 60-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

17.4.4 Relocation payments

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months, provided that this requirement shall not apply to any tenant whose gross income exceeds 80% of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in Subsection ~~18~~17.4.3. Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's

eligibility for relocation payments as provided herein.

17.4.5 Conversion permit

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Authority. The permit shall issue only upon receipt of a completed application therefore in a form to be devised for that purpose, payment of a fee of $25,000 per converted unit, to be adjusted annually in the same way as the fee under Chapter 14, Section ~~18~~17.1.8 of this code, at least $1,000 of which shall be appropriated to the Housing Safety Office for the administration and enforcement of the Rent Stabilization Ordinance, Chapter 6, Articles XII and XIII of this code, and the remainder of which shall be paid into the Jill C. Duson Housing Trust Fund, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of Chapter 6, Articles II, III, and V and Chapter 10, Article II of the City of Portland Code of Ordinances, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit and shall make copies available to prospective purchasers upon request.

17.4.6 Variation by agreement

No provision of or right conferred by this Section ~~18~~17.4 may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

17.5 RELOCATION OF DISPLACED TENANTS

17.5.1 Purpose

The purpose of this section is to encourage the retention of a diverse housing supply throughout the downtown and in areas readily accessible to the downtown, to ensure that persons displaced as the result of redevelopment of residential units to nonresidential uses within the B-3 Downtown Business zone are treated fairly and consistently, and to ensure that persons so displaced will be relocated at the reasonable expense of the developer to comparable housing at a location providing comparable access to services and amenities.

17.5.2 Notice and eligibility for relocation assistance

When a proposed development will result in the displacement of residents of an existing structure, the developer of the property shall give all tenants written notice as set forth below and shall provide relocation assistance as set forth below for any tenant whose gross income is 80% or less of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time the developer gives the tenant written notice of intent to cause removal of the residential unit. Such written notice shall be given to the tenant at least 120 days before the tenant shall be required to vacate the premises and shall contain the following statement:

> *The developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for*

relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101.

17.5.3 Relocation assistance for all tenants

The developer shall provide, upon demand, assistance to all tenants who will be displaced by the development in the form of referrals to other reasonable accommodations and in determining the tenants' eligibility for relocation payments as provided herein. The developer shall make relocation payments to eligible tenants in accordance with the schedule adopted by the City Council in Subsection ~~18~~17.5.4.

17.5.4 Schedule of relocation payments for eligible tenants

The developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months.

~~19~~18 OFF-STREET PARKING & LOADING

18.1 OFF-STREET PARKING

18.1.1 General

Off-street parking, either by means of structured or surface spaces, in addition to being a permitted principal use in certain zones, shall be considered as an accessory use when required or provided to serve principal uses. The provisions of this article shall apply to parking as an accessory use.

~~**18.1.2 Uses requiring off-street parking**~~

18.1.2 ~~Except as provided in Table 19-B and as provided elsewhere in this article, minimum off-street parking requirements shall be as provided in Table 19-A. For any use not listed in Table 19~~**No vehicle parking spaces required**

Off-street vehicle parking is not required. However, a Transportation Demand Management Plan is required for certain development actions and uses, per Section 13.6.1.

18.1.3 Vehicle parking maximums

Table 18-A establishes the maximum number of off-street parking spaces that may be provided for each designated use. In some cases, uses that are considered part of a larger generic use category may be listed with specified parking maximums. These specific uses are listed only for the purposes of this section, and do not indicate whether such uses are permitted or conditional within any zone. Certain uses listed within Table 18-A are not subject to parking maximums, and are indicated as such where applicable. For any use not listed in Table 18-A, the parking provisions for the most similar use, as determined by the Building Authority or the Planning Authority, shall apply.

A. Exemptions. The waterfront zones in Article 10 shall not be subject to parking maximums. In any zone, spaces reserved for the following shall not be included in the calculation of parking maximums:

1. Any required accessible parking spaces in compliance with the standards of the Americans with Disabilities Act (ADA).

2. EVSE-Installed charging spaces.

3. Pick-up and drop-off vehicle spaces, which shall be marked as reserved. Such spaces may accommodate ride-hailing vehicles, delivery driver vehicles, and safe internet purchase exchange.

B. Permission to exceed parking maximums.

1. A parking maximum may be exceeded by up to 25% if one or more of the following conditions are met:

a. 10% of the total parking spaces provided are available for public use 24 hours a day, seven days a week.

b. 20% of the total number of spaces are provided as shared spaces, available for public use from 8:00 a.m. to 6:00 p.m., Monday through Friday.

c. 20% of the total number of spaces are provided as shared spaces, available for public use from 6:00 p.m. to 8:00 a.m., seven days a week.

2. When public use spaces are provided in order to exceed a parking maximum, the following shall apply:

a. When located within a parking structure, public use spaces shall be located within the first two floors of the structure.

b. Signs shall be provided indicating the availability and location of public use spaces.

c. Shared spaces not available to the public 24 hours a day, seven days a week shall be clearly marked, indicating the hours of availability for public use.

3. A parking maximum may be exceeded without the provision of public use spaces if the findings of a parking study provided by the applicant demonstrate that the number of spaces is appropriate for the proposed use of the site.

~~18.1.3~~18.1.4 Rules of calculation

A. Basis of calculation. The maximum number of parking spaces allowed is calculated based upon the principal use or uses of the lot. When two or more principal uses or separate establishments are located on the same lot, the maximum number of spaces is the sum of the separate standards for each use.

~~A.~~**B. Floor area.** Unless otherwise stated, ~~all~~ square footage ~~based~~ for off-street parking standards shall be computed based on ~~the basis of~~ gross floor area ~~used or intended to be used for service to customers, patrons, clients, or patients. It need not include floors or parts of floors used principally for non-public purposes, such as bulk storage, cellar, or food preparation areas. These provisions notwithstanding, the "floor area" used as the basis for computing off-street parking requirements shall never be less than 80% of the total gross floor area.~~.

~~B.~~**C. Fractions.** Any fraction ~~greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will~~ shall be rounded down to the nearest whole number.

~~C. Multiple uses. When two or more principal uses or separate establishments are located within the same lot, off-street parking shall be provided for each principal use or separate establishment according to Table 19-A, unless joint use is approved under Subsection 19.1.5.~~

D. Accessory uses. Off-street parking shall not be calculated separately for accessory uses.

~~**TABLE 19-A: OFF-STREET PARKING MINIMUMS**~~

	~~Vehicular~~	~~Bicycle~~
~~**Single-, two-, or multi-family units**~~	~~1 space/ dwelling unit~~	~~2 spaces/5 units~~
~~**Lodging house**~~	~~1 space/5 rooming units[3]~~	
~~**Special needs independent dwelling unit**~~	~~1 space/4 dwelling units, plus 1 space/staff member normally present at any one time~~	
~~**Sheltered care group home**~~	~~1 space/2 employees~~	
~~**Congregate care facilities**~~	~~1 space/3 dwelling units~~	
~~**Emergency shelters**~~	~~1 space/2 employees~~	~~2 spaces/10 vehicle parking spaces for the first 100 vehicle spaces required, plus 1 space/20~~
~~**Long-term, extended care, and intermediate care facilities**~~	~~1 space/5 beds, plus 1 space/employee normally present during weekday morning shift~~	

Governmental uses	1 space/400 SF of floor area	vehicle parking spaces thereafter[4]
Hospitals and clinics	1 space/500 SF of floor area	
Places of assembly	1 space/150 SF of floor area used for assembly purposes[2]	
Preschool facilities	1 space/staff member normally present at any one time	
Schools	For students up to 15 years: 1 space/room used for instruction purposes	
	For students 16 years and older: 1 space/10 seats used for instruction purposes or, if no fixed seats, 1 space/100 SF used for instruction purposes	
Bed and breakfasts	1 space/2 guest rooms for first 4 guest rooms, plus 1 space/additional room thereafter[3]	
General offices	1 space/400 SF of floor area	
Hostels	1 space/8 beds or, if within ¼ mi. of a transit stop, 1 space/12 beds	
Hotels	1 space/4 guest rooms	
Retail	1 space/200 SF of first floor area in excess of 2,000 SF, plus 1 space/700 SF for each floor above	
Restaurants and bars	1 space/150 SF of floor area	
Theaters, performance halls, funeral homes	1 space/5 seats or, if no fixed seats, 1 space/100 SF of assembly space	
Industrial uses	1 space/1,000 SF of floor area in excess of 3,000 SF not including area catering to retail	

[1] Except in the R-5 zone, where the requirement shall be 1 space/2 rooming units.
[2] Except for neighborhood centers which primarily serve clientele from the surrounding neighborhood, where the parking requirement shall be 1/1,000 SF of floor area
[3] Except in the I-B zone, where no off-street parking shall be required for beds and breakfasts.
[4] Development with under 10 required vehicular parking spaces shall provide at least two bicycle parking spaces.

TABLE 19-B: CATEGORICAL EXCEPTIONS TO OFF-STREET PARKING MINIMUMS

Categorical Vehicular Exceptions	
Major site plans	The Planning Board shall establish the off-street parking requirement based on a parking study.
Affordable housing	2 spaces are required for every 3 units, except that the Planning Board may establish a less parking requirement regardless of the size of the structure.
Multi-family housing	The Planning Board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a Transportation Demand Management program, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.
Historic structures	No off-street parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required.[1]
Accessory Dwelling Units	No off-street parking shall be required.

Transit proximate development and uses	No off-street parking shall be required within ¼ mile of fixed route transit service. New uses or changes of use of more than 10,000 SF taking advantage of this exception shall be required to provide a Transportation Demand Management Plan if they use this provision in lieu of parking requirements.
Residential uses	No off-street parking shall be required for the first four dwelling units, not counting accessory dwelling units, except as otherwise specified herein.

Zone-Based Vehicular Exceptions

Residential	Nonresidential
IR-1/I-B	Off-street parking requirements for nonresidential uses shall be reduced by 75%.
IR-3	No off-street parking required.
R-OS	Off-street parking shall be adequate to serve projected employee and visitor needs.
B-2/B-2b/B-2c	For changes of use of 10,000 SF or less, no off-street parking shall be required for nonresidential uses.[2]
IS-FBC	No off-street parking required for first three dwelling units.For changes of use of 10,000 SF or less, no off-street parking shall be required for nonresidential uses.[2]
B-3	No off-street parking required for changes of use.
B-5	No off-street parking required.
B-6	Off-street parking requirement shall be determined based on a parking study.
B-7	Off-street parking requirement shall be determined based on a parking study.
Waterfront Zones	Off-street parking requirements shall be reduced by 50%. No off-street parking required in the WCZ.

[1] Exception applies for uses within any contributing structure in a local or national register historic district or locally-designated or national register landmark building under Article 17. However, parking may not be decreased from that existing on or servicing the lot on March 15, 1999 except to the extent necessary to meet the requirements of the Americans with Disabilities Act.

[2] If the number of existing parking spaces serving the site is less than the requirements of this article, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except to the extent necessary to meet the requirements of the Americans with Disability Act, to the extent it is a requirement or a condition of site plan review, or to the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site exceeds the parking requirements of this article for all uses on the site including the change of use. A newly constructed building, a building addition, or a change of the use of a building exceeding 10,000 SF of floor area, shall provide parking as required by this article.

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Adult business establishments	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Agriculture	No maximum	--
Airports	No maximum	--
Animal-related services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Auto, boat, and related dealerships	1 per 300 SF of indoor sales and display area + 6 per service bay	--
Auto service stations	1 per 250 SF of retail floor area + 4 per service bay	--
Bars	1 per 100 SF of indoor floor area + 1 per 300 SF of outdoor seating area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Bed and breakfasts	2 spaces + 1 per guest room	2 spaces
Boathouses and storehouses for fishing equipment	1 per 200 SF of floor area	--
Campgrounds	1.5 per campsite	--
Cemetery	1 per 100 SF of floor area (office and/or chapel/parlor)	--
Child care centers + small child care facilities	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Clinics	No maximum	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Communication studios	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Construction and engineering services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Cultural facilities	1 per 300 SF of floor area	1 per 2,000 SF of floor area
Dairies	1 per 300 SF of floor area	--
Dwelling, residential	2 spaces per dwelling unit	*Multi-family:* 1 per 2 dwelling units *Other:* none
Elementary, middle, and secondary schools	*Elementary/middle school:* 6 per classroom + 4 per office *High school:* 10 per classroom + 4 per office	1 per 2 classrooms
Emergency shelters	1 per 200 SF of office floor area	--

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Exhibition, meeting, and convention halls	1 per 20 persons at maximum capacity	1 per 100 persons at maximum capacity
Food and seafood processing, packing, and distribution	1 per 500 SF of floor area	--
Funeral homes	1 per 100 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
General offices	1 per 200 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
General services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Governmental uses	No maximum	--
Greenhouse/nursery (retail)	1 per 250 SF of indoor office/retail sales floor area + 1 per 10,000 SF of growing/stock area (indoor + outdoor)	--
Group home	1 per rooming unit	1 per 4 rooming units
High-impact industrial uses	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Hospitals	No maximum	1 per 100 beds
Hostels	1 per 4 beds	--
Hotels	1.5 per guest room	--
Impound lots	1 per 200 SF of office floor area	--
Intermodal transportation facilities	*Passenger facilities:* 1 per 500 SF of floor area *Freight facilities:* 1 per 200 SF of office floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Laboratory and research facilities	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Lodging house	1 per rooming unit	1 per 4 rooming units
Low impact industrial	1 per 200 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Lumber yards	1 per 200 SF of floor area	--
Marijuana cultivation facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Marijuana manufacturing facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
	additional floor area (excludes any outdoor storage area)	
Marijuana retail store	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Marijuana testing facilities	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Marinas	1 per 2 slips	--
Market gardens	1 per 250 SF of indoor office/retail sales floor area + 1 per 5,000 SF of growing area (indoor + outdoor)	--
Neighborhood nonresidential reuse	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Off-street parking	No maximum	--
Parks and open spaces	No maximum	Over 5,000 SF: 1 per 1,000 SF
Places of assembly	1 per 150 SF of floor area used for assembly purposes	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Post-secondary schools	4 per classroom + 4 per office + 1 per 2 students of maximum enrollment	1 per 10 students of maximum enrollment
Printing and publishing	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area	--
Recreation and amusement centers	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Recycling facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Registered marijuana dispensary	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Residential care facilities (large)	1.5 per dwelling unit or room	1 per 5 dwelling units or rooms
Residential care facilities (small)	2 per dwelling unit or room	1 per 4 dwelling units or rooms
Restaurants	1 per 100 SF of indoor floor area + 1 per 300 SF of outdoor seating area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Retail	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Self-storage facilities	1 per 25 storage units	--
Small-scale marijuana caregiver	*Residential dwelling:* No maximum *Commercial space:* 1 per 300 SF of floor area	--
Social service centers	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Solar energy system	1 per 200 SF of office floor area	--
Solid waste disposal facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Specialty food service	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Sports complexes	No maximum	Over 5,000 SF of floor indoor floor area: 1 per 1,500 SF of indoor floor area + 1 per 2,500 SF of outdoor area
Stadiums	1 per 15 seats	1 per 100 seats
Studios for artists and craftspeople	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Telecommunication towers (ground-mounted)	1 per tower	--
Theaters and performance halls	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Utility substations	1 per 200 SF of office floor area	--
Veterinary services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Warehousing and distribution	1 per 200 SF of office floor area + 1 per 25,000 SF of warehouse floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Wharves, piers, docks, and landing ramps	No maximum	--
Wind energy system	1 per 200 SF of office floor area + 1 per turbine	--

E. New construction. In the case of new construction, the minimum off-street parking requirements in Table 19-A shall be met.

F. Changes of use. In the case of changes of use, the only additional off-street parking required shall equal the difference between the parking required for the new use and the parking required for the existing use.

G. Building additions or alterations. In the case of additions or alterations which increase the number of units or square footage of a given use, the only additional off-street parking required shall equal the difference between the parking required for the use in the post-development condition and the parking required for the use in the pre-development condition.

18.1.4 Shared use vehicles

The required parking for multi-family residential buildings may be partially met through provision of shared-use vehicles, which are vehicles available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by a shared vehicle use.

18.1.5 Joint use

The joint use of a parking facility by two or more principal uses may be permitted where it is clearly demonstrated that the parking facility will substantially meet the intent of the off-street parking requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments.

18.1.6 Off-site parking

Required off-street parking shall be located on the same lot with the principal use, except as follows:

A. For uses in residential zones. Off-street parking may be located off-site upon an applicant demonstrating the following:

1. Off-street parking cannot reasonably be provided on the same lot with the principal use.
2. Off-site parking is proposed to be located no more than 300 feet from the principal use, measured along lines of public access.
3. The premises to be used for off-site parking are held, either under the same ownership or by lease, by the applicant. Evidence of such control, either by deed or lease, shall be provided.
4. The premises to be used for off-site parking have adequate parking supply to meet any parking required for existing uses on those premises.
5. The premises to be used for off-street parking are located in the same or less restrictive zone as that of the building or use served.

B. For uses in nonresidential zones. Off-street parking may be located off-site at a distance of no more than 100 feet from the principal use, measured along lines of public access. Off-street parking may be located further than 100 feet from the principal use provided the applicant demonstrates the following:

1. Off-site parking is proposed to be located no more than 1,500 feet from the principal use, measured along lines of public access.
2. The premises to be used for off-site parking are held, either under the same ownership or by lease, by the applicant. Evidence of such control shall be provided

~~by showing, at a minimum, a signed letter of intent, purchase and sale agreement, or option for sale or lease at the time of approval, and an executed deed or lease prior to issuance of any certificate of occupancy for review and approval by Corporation Counsel. Off-site parking leases shall be for a term of not less than five years with an option to renew.~~

~~3. The premises to be used for off-site parking have adequate parking supply to meet any parking required for existing uses on those premises.~~

~~18.1.7 Fee-in-lieu of parking~~

~~A. **Applicability.** Any development subject to site plan review shall either provide the required parking on- or off-site or pay a fee-in-lieu of parking of not less than $5,000 per space not provided. Fees shall be deposited into the Sustainable Transportation Fund, as established in Section 19.3 of this article. The fee shall be paid on or before the date upon which a certificate of occupancy is issued. Payment shall be secured by a bond at the time the amount of the fee is set.~~

~~B. **Annual adjustment.** The value of the fee shall be adjusted annually according to the *Engineering News Record* construction index as published on January 1st of the current calendar year. The fee adjustment shall be calculated by dividing the index amount published on January 1st of the current year by the index amount published on January 1, 2010 ($8,660), multiplied by the minimum fee amount of $5,000. The base fee, the adjustment index, or the calculation method may be otherwise amended by action of the City Council from time to time.~~

~~18.1.8 Location of vehicular parking~~

~~A. In general~~

~~4. Tandem vehicular parking shall be permitted for residential uses, and for developments where managed parking is part of an approved site plan.~~

~~Parking shall be prohibited in the front yard, which shall mean the open space between the street line and building, except for~~

18.1.5 Use of parking facilities

A. In general. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited, unless customarily incidental or accessory to a conforming principal use when located in an industrial zone.

B. Commercial vehicles

1. Residential and R-P zones

a. No commercial vehicle may be parked outdoors on a lot in a residential zone or the R-P zone, with the following exceptions:

i. Vehicles engaged in loading, unloading, or current work being performed on the premises.

ii. Commercial vehicles that are standard size passenger motor vehicles including but not limited to vans, sport utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, may be stored or parked outdoors overnight on lots in residential zones in a permitted parking area. Such permitted commercial vehicles may include

the logo of the commercial business painted on or applied to the vehicle.

b. All other commercial vehicles including but not limited to semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a lot in a residential zone.

2. All other zones

a. Commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be parked on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be maintained in operable condition.

b. No more than one commercial vehicle shall be parked outdoors on a lot in the B-1 zone.

c. No more than six commercial vehicles shall be parked outdoors on a lot in the B-2/B-2b zones.

18.1.6 Location of off-street vehicular parking spaces

A. Residential and R-P zones

1. *Residential uses*

a. Vehicular parking spaces shall be located to the side or rear of the principal structure, and shall not be located between the front building line and the front lot line. This does not apply to parking within driveways on lots containing single-~~ or two~~family, two-family, three-family, or four-family dwellings. ~~"Driveway," as used in this paragraph, shall not include any turnaround area.~~

b. ~~Where~~ Parking spaces may be located within a required interior side or rear setback. When more than six parking spaces are provided in an ~~existing front yard exceeds a maximum front~~ interior side or rear setback, a ~~maximum of 10% of~~fence not less than six feet in height shall be provided and maintained along the ~~total parking area provided on the site may be located~~ applicable lot line between such spaces and the adjoining lot.

2. *Nonresidential uses*

~~**b.**~~**a.** Vehicular parking spaces shall be located to the side or rear of the principal structure ~~and the street.~~, and shall not be located between the front building line and the front lot line.

~~**B. In residential zones**~~

~~**5.** Where off-street parking for six or fewer vehicles is required or provided, parking located within five feet of any lot line shall~~

be located 50 feet or greater from any street line, except for in the R-6 zone, and parking in allAll parking spaces provided for nonresidential uses in residential zones shall maintain the minimum front setback from any street line, except on a corner lot where parking shall maintain the side setback on a side street.

6. Where off-street parking for more than six vehicles is required or provided:

a.b. Parking for nonresidential uses shall be located a minimum of 25 feet or greater from any residential structure on an adjoining lot.

b. Where vehicles are to be or may be parked within a required setback:

c. Parking spaces may be located within a required interior side or rear setback. When spaces are located within a required interior side or rear setback, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

c.d. Where parking for a nonresidential use is located within 10 feet of any street, a continuous, permanently -anchored curb guard, at least five feet from the lot line, shall be provided between such off-street parking and thatthe lot line involved, the top of which shall be at least 20 inches in height so that bumpers of vehicles cannot project beyond its face..

i. Where such off-street parking abuts a lot in residential use or an unoccupied lot located in a residential zone, a fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

C. In mixed-use zones

B. Mixed use, transit-oriented, and office zones

1. Vehicular parking spaces shall not be located between the front building line and the front lot line. This does not apply to parking within driveways on lots containing three-family or four-family dwellings.

1. Where off-street parking for more than six vehicles is required orto be provided:

7.2. Where vehicles are to be or may be parked within 10 feet of any street line, a continuous, permanently -anchored curb guard, at least five feet from the lot line, shall be provided and maintained between such off-street parking and that part of the street line involved so that vehicle bumpers cannot project beyond its face toward the streetlot line involved., the top of which shall be at least 20 inches in height

a. Where such off-streetmore than six parking abutsspaces are provided, and such spaces abut a lot in a residential zone or in residential use, a fence, not less than 48 inchessix feet in height, shall be provided and maintained along the applicable lot line between such off-street parkingspaces and that part of the lot line involved.

2. In the B-7 zone, off-street surface parking shall be located 35 feet or greater from any street, except in the case of:

3. ~~A lot where 80% of~~ the ~~frontage has a building within 10 feet of that frontage.~~adjoining lot.
   ~~a. A lot where all or a portion of the 35-foot setback area had a gravel surface not exceeding 15,000 square feet as of 9/29/15 and the principal use served is in a building meeting the minimum height requirements of the Bayside Height Overlay or of 25,000 square feet or greater. In these cases, the total number of spaces within the 35-foot setback and elsewhere on site shall not exceed parking requirements. Parking within the 35-foot setback shall provide stormwater quality treatment.~~
   ~~b. The 35-foot setback requirement shall not apply to a driveway located perpendicular to the site.~~

C. ~~Off-street~~**Open space and industrial zones**
   1. Where off-street parking is to be provided within 10 feet of any street, a continuous, permanently anchored curb guard, at least five feet from the lot line, shall be provided between such off-street parking and the lot line involved, the top of which shall be at least 20 inches in height.
   2. Where more than six parking spaces are provided, and such spaces abut a lot in a residential zone, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

~~18.1.9~~18.1.7 Existing parking ~~restricted~~facilities

~~Off-street parking shall not include:~~
~~A. More than one commercial motor vehicle in any residential zone, the R-P zone, or the B-1/B-1b zones.~~
~~B. More than six commercial motor vehicles in the B-2/B-2b/B-2c zone.~~
~~C. Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal use when located in an industrial zone.~~
~~D. Notwithstanding Section 19.1.9(A), any truck body, commercial trailer, or similar commercial vehicles in any residential zone or the R-P zone.~~

A. As of the effective date of this Code, existing parking facilities that do not meet the requirements of Section 18.1, but were in conformance with the requirements of this Code at the time of their establishment, shall not be considered nonconforming with regard to the requirements of this Section.
B. Parking facilities existing as of the effective date of this Code that do not meet the requirements of Section 18.1 shall be brought into conformance when the following occurs:
   1. A new principal building is constructed on the site. This includes construction of a second or more principal buildings on a site with an existing building.
   2. An existing building is increased in building footprint square footage by 50% or more.

18.2 OFF-STREET LOADING

18.2.1 Uses requiring off-street loading

A. Off-street loading is not required in the B-6~~, B-7 or WCZ zones.~~ zone. In all other zones, the minimum off-street loading bays or loading berths shall be as ~~provided~~established in Table ~~19~~18-C. These minimum requirements shall be

~~TABLE 19-C: OFF-STREET LOADING REQUIREMENTS~~

~~Use and Size (Gross Floor Area)~~		~~Minimum Number of Bays or Berths~~
~~General offices and hotels (> 100,000 SF)~~		~~1~~
~~Retail and industrial~~	~~5,000 - 40,000 SF~~	~~1~~
	~~40,000 - 100,000 SF~~	~~2~~
	~~100,000 - 160,000 SF~~	~~3~~
	~~160,000 - 240,000 SF~~	~~4~~
	~~240,000 - 320,000 SF~~	~~5~~
	~~320,000 - 400,000 SF~~	~~6~~
	~~Each 90,000 over 460,000 SF~~	~~1 additional~~
~~Hospitals and intermediate, long-term, and extended care facilities~~		~~2 off-street loading areas shall be provided whereby one service area for ambulance and other emergency vehicles shall be separate from one service area accommodating supply vehicles, and whereby both off-street loading areas shall be separate from parking and entrance locations.~~

TABLE 18-C: OFF-STREET LOADING REQUIREMENTS

Use and Size (Gross Floor Area)		Minimum Number of Bays or Berths
General offices and hotels (> 100,000 SF)		1
Retail	20,000 - 100,000 SF	1
	100,001 – 200,000 SF	2
	> 200,000 SF	3
Industrial	10,000 - 40,000 SF	1
	40,001 - 100,000 SF	2
	> 100,000 SF	3

B. met and maintained in the case of new construction, alterations, and change of use.

C. In the case of multi-tenant buildings or mixed-use developments, required loading bays or berths are calculated on the basis of each individual tenant (for example, if only one retail tenant of a multi-tenant building is over 5,000 square feet, only one loading bay or berth is required; if all tenants are under 5,000 square feet, no loading is required.

18.2.2 Design of off-street loading

A. All off-street loading must be located on the same lot as the use served.

B. With the exception of the I-L/I-Lb, I-M/I-Mb, I-H, and A-B zones, no off-street loading is permitted in a front or corner side yard. Where possible, off-street loading should be located opposite any abutting residential zone lot line.

C. Each loading bay or berth shall ~~have~~be a minimum ~~dimensions~~ of ~~50~~ten feet ~~by~~in width and 25 feet in length, exclusive of aisle and

maneuvering space, and must maintain a minimum vertical clearance of 14 feet ~~and~~.

~~A.~~**D.** Bays or berths may be located either within a building or outside and adjoining an opening in the building, except that in the case of hospitals and ~~intermediate, long-term, and extended~~residential care facilities, the off-street loading area provided for ambulance and other emergency vehicles shall be exempt from the minimum dimensional requirement but shall be of sufficient width and depth to permit expeditious access and egress from the loading area.

~~Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.~~

18.2.3 Requirements for additional bays, alterations, or modifications

Any ~~additional~~ loading bays ~~which are~~ provided in ~~excess of~~addition to the ~~requirements of~~minimum required by this article, or any loading bays otherwise established shall meet the requirements of Subsection ~~19~~18.2.2, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of Subsection ~~19~~18.2.2 are met.

~~18.2.4 Nonconformity as to off-street loading~~

~~A building which is nonconforming as to the requirements for off-street loading shall not be enlarged or added to, unless off-street loading is provided sufficient to satisfy the requirements of Article 19 for both the addition or enlargement and the original building or structure.~~

~~18.3 SUSTAINABLE TRANSPORTATION FUND~~

~~18.3.1 Establishment~~

~~By act of the Portland City Council, the Sustainable Transportation Fund is hereby established.~~

~~18.3.2 Purpose~~

~~The purpose of the Sustainable Transportation Fund is to implement those provisions of the *Peninsula Transit Study Report and Action Plan*, as adopted by the Portland City Council on August 3, 2009, which recommended creation of a Sustainable Transportation Fund. The *Peninsula Transit Study Report and Action Plan* established a goal to reduce the number and impact of single-occupancy vehicle trips to and from the Portland Peninsula. Achieving this goal requires transportation choice for residents, businesses, and visitors. This ordinance establishes a funding source for broadening transportation choice and facilitating development with lower traffic impacts and reduced parking requirements. The mechanism and protocol for collecting fees and spending funds are consistent with state requirements for utilizing transportation-related impact fees.~~

~~18.3.3 Deposits and expenditures~~

~~A. **Deposits.** The City shall establish a Sustainable Transportation Fund to be set up as a separate account within the City. Deposits into the fund shall include:~~

1. 100% of the revenue generated by the fee in-lieu of parking program, as established in Subsection 19.1.7 of this article.
2. Funds appropriated for deposit into the fund by vote of the City Council.
3. Voluntary contributions of money or other liquid assets to the fund.
4. Any federal, state or private grant or loan funds provided to the fund.

B. **Accounting of deposits**. Funds from the fee in-lieu of parking program, as established in Subsection 19.1.7, shall be individually collected and accounted for by project and the geographic fee in-lieu of parking subdistrict in which it is located.

C. **Funds to be used within 10 years of deposit.** Funds collected under the fee in-lieu of parking ordinance shall be spent on eligible infrastructure and/or capital improvements or expenses within 10 years of the date of collection. Any funds which are not so utilized and which exceed the City's actual costs of implementing the infrastructure improvement or improvements for which such fees were collected shall be refunded. Refunds shall be paid to the owner of records of the property for which the funds were collected, determined as of the date the refund is made.

D. **Use of funds by subdistrict.** Funds collected under the fee in-lieu of parking ordinance shall be spent on permitted expenditures of the fund within the same geographic fee in-lieu of parking sub-district as the contributing project. However, for projects located within 250 feet of an abutting subdistrict, contributed fees can be used for eligible infrastructure projects in either abutting subdistrict.

E. **Permitted expenditures of the fund.** The Sustainable Transportation Fund may only be expended on the activities as described below:

1. Funds collected as fees in-lieu of parking shall be expended toward capital transportation improvements. Such capital improvements shall include but are not limited to the following:
   a. Parking infrastructure:
      i. Shared use, publicly accessible parking facilities.
      ii. Publicly accessible bicycle racks and bicycle parking shelters.
   b. Transit capital improvements and expenses:
      i. Bus shelters, bus turnouts, transit signage and other transit amenities.
      ii. Buses and transit vehicles.
      iii. Transit and transportation information systems.
      iv. Fixed guide way and/or rail transit systems.
   c. Pedestrian and bicycle infrastructure:
      v. Multi-use trails and non-vehicular transportation corridors.
      vi. Pedestrian infrastructure and amenities located on publicly accessible rights-of-way including but not limited to crosswalks, signalization, landscaping, street furniture, wayfinding signage, traffic calming, and lighting.
      vii. New public sidewalks and new bicycle lanes along publicly accessible rights-of-way or corridors where such facilities are not previously provided.

~~**d.** Other such improvements intended to enhance transportation choice and promote transit and non-automotive transport.~~

~~**2.** Funds collected or appropriated by means other than from a fee in lieu of parking may be used for any of the capital transportation improvements listed above, and for any of the following uses:~~

~~**a.** Transportation Demand Management program administration.~~

~~**b.** On- or off-peninsula transit and/or non-automotive transportation capital or operating expenses.~~

~~**c.** Transit and/or non-automotive transportation promotion and education material.~~

~~**d.** Other such programs or improvements intended to enhance transportation choice and promote transit and non-automotive transport for the City of Portland.~~

~~**F. Annual Sustainable Transportation Plan and appropriations schedule.** Annually, the City Manager shall submit to the City Council a recommended sustainable transportation plan and appropriations schedule, utilizing the revenues of the Sustainable Transportation Fund. The Transportation Committee of the City Council or such other committee as the council shall designate shall recommend and refer the plan and appropriations schedule to the City Council for action.~~

18.2.4 Existing structures

Structures existing as of the effective date of this Code that do not meet the requirements of Section 18.2 are not required to install loading spaces, and shall not be considered nonconforming with regard to the requirements of this Section. Such structures may expand their footprint or gross floor area, so long as the expansion is on the same lot, no additional lot area is added, and any existing off-street loading on the site is maintained. If the existing principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., an adjoining lot is purchased or leased), this exemption is no longer valid.



~~2019~~ SIGNS

19.1 PURPOSE

This article has been adopted to ensure that all signs installed in the city are compatible with the unique character and environment of the community through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this article is intended to:

A. Ensure that all signs are compatible with the unique character and environment of the City of Portland, and that they support the desired urban design and development patterns of the various zones, overlay zones, and historic areas within the city.

B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages.

C. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage.

D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained.

E. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape.

F. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

~~19.1. DEFINITIONS~~

~~**Sign.** A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.~~

~~**Sign, animated.** Flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind.~~

~~**Sign, awning.** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, storefront, or outdoor service area.~~

~~**Sign, A-Frame.** A pedestrian-oriented self-supporting sign that is not permanently affixed to a structure or the ground.~~

~~**Sign, bandit.** Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this article.~~

~~**Sign, blade.** A permanent, pedestrian-scaled sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch, or other overhead structure above a porch or~~

walkway and which is typically hung perpendicular to the wall of the building.

Sign, building identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, building-mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure.

Sign, bus shelter. As specified in 23 M.R.S.A. §1908-A, any outdoor sign visible to the traveling public from public right-of-way that is affixed to a publicly-owned bus shelter operated by a transit agency.

Sign, cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, canopy. A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

Sign, center identification. A sign identifying the name of a building, office park, or shopping center only.

Sign, changeable copy. A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign. For the purposes of this article, a sign whose message changes more than eight times per day is considered an animated sign and not a changeable copy sign.

Sign, directional. A sign erected to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, direct illumination. Illumination resulting from light emitted directly from a light bulb or light fixture, and not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

Sign, directory. A permanent sign which provides information in a list, roster, or directory format.

Sign, Electronic Message. A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, externally illuminated. A sign whose illumination is reflected from its source by the sign surface to the viewer's eye, the source of light not being visible to the viewer.

Sign, feather banner. A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole to fly freely.

Sign, freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, fuel pump topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

Sign, individual letter. A cut-out or etched letter or logo which is individually mounted on a building wall or freestanding sign.

Sign, internally illuminated. Any sign in which the source of light is entirely enclosed within the sign and not directly visible.

Sign, landmark. A permanent sign indicating individual historic landmarks, local historic districts, or otherwise determined by the City to have attained a high degree of community, cultural, aesthetic, or historic significance.

Sign, logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business, product, or organization.

Sign, marquee. A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

Sign, monument. A permanent freestanding sign with a solid base that is at least 60% the width of the sign face.

Sign, off-premise. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use, or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, pole. An elevated permanent sign typically supported by one or two poles, posts, or columns that do not meet the base width requirements for a monument sign.

Sign, projecting. A permanent sign that is attached to and extends perpendicular from a building from the wall.

Sign, service island canopy. A permanent sign mounted on or under a service island canopy, including on a fascia.

Sign, single-color or two-color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, "open" or "closed" signs, time

~~and temperature" signs, or signs indicating the number of available spaces in a parking garage.~~

~~**Sign, temporary.** A sign constructed of paper, cloth, or similar expendable material, which is intended for a definite and limited period of display and which is designed to be moved easily and is not permanently affixed to a structure, sign area, or window.~~

~~**Sign, wall.** A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.~~

~~**Sign, wall banner.** A temporary sign constructed of cloth, bunting, plastic, paper, or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.~~

~~**Sign, window.** A permanent or temporary sign posted, painted, placed, or affixed in or on a window, or otherwise exposed to public view through a window.~~

~~**Sign, Yard, Type I.** A small temporary sign typically constructed of corrugated plastic and supported on a wire frame used, for example, for advertising by local businesses or by election campaigns.~~

~~**Sign, Yard, Type II.** A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.~~

~~**Sign, Yard, Type III.** A temporary large sign mounted on two posts installed securely in the ground.~~

~~**Sign copy.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.~~

~~**Sign face.** The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.~~

~~**Sign substructure.** The supports, uprights, bracing and/or framework of a sign.~~

19.2 ~~–~~APPLICABILITY

19.2.1 Applicability

This article applies to all permanent and temporary signs within the city unless specifically exempted.

A. The provisions of this article shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this article. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

B. Nothing in this article shall be construed to prohibit a person from holding a sign while picketing or protesting on public property.

19.2.2 Substitutions and interpretations

This article is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be

substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or permit from the City, provided that the sign is otherwise permissible under this article. To the extent any provision of this subsection is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

19.2.3 Exemptions

The following signs are not regulated under this article and are not subject to the permitting requirements of Section ~~20.4~~19.3:

A. Numerals and letters identifying an address from the street to facilitate emergency response compliant with City requirements.

B. Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings.

C. Any sign, posting, notice, or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:

1. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense.
2. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements.
3. Traffic signs and signs at bus stops and in bus shelters.
4. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance.
5. Signs directing the public to points of interest.
6. Signs showing the location of public facilities.
7. Signs subject to the provisions of 23 M.R.S. § 1913-A.

D. Historic plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area.

E. Non-illuminated incidental signs which provide information including, but not limited to, credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of two square feet in sign area in the Residential Sign District and six square feet in sign area in all other sign districts.

F. Landmark signs.

G. Signs posted on a community bulletin board, not to exceed 11 inches by 17 inches.

H. Signs not readable from the public right-of-way, such as:

Signs or displays located entirely inside of a building and not visible from the building's exterior.

1. Signs intended to be readable from within a parking area but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
2. Signs located within City recreation facilities.
3. Signs that are an integral part of an allowed vending machine or similar facility located outside of a business.

I. Temporary signs placed within the public right-of-way, subject to the provisions of 23 M.R.S.~~A.~~ §1913-A.

J. Works of art that do not include sign copy or where sign copy is limited to no more than 10% of the total area of the artwork and the dimensional standards listed in Tables 19-G and 19-P.

19.3 REVIEW PROCEDURES

19.3.1 Review Authority

Table ~~20~~19-A establishes the final review authority for sign-related applications.

19.3.2 Applications and fees

A. Filing of applications. An application for a permanent or temporary sign permit must be submitted to the Building Authority on an application form or in accordance with the application specifications published by the Building Authority. Each application must be accompanied by the applicable fee, which shall be established by the City Council.

B. Review and approval

1. Following receipt of a complete application, the Building Authority shall review all sign permit applications and supporting documentation for compliance with the standards of this article.
2. The Building Authority shall either:
   - **a.** Issue the sign permit if the sign that is the subject of the application conforms to the requirements of this article, and also provided that any other required permits as determined by the Building Authority have been obtained, or
   - **b.** Deny the sign permit if the sign that is the subject of the application fails to conform to the requirements of this article. If the sign permit application is denied, the reason shall be stated in writing.

~~TABLE 20-A: REVIEW AUTHORITY~~

~~Application Type~~	~~Building Authority~~	~~Planning Authority – Historic Preservation~~
~~Sign permit~~	~~●~~	~~-~~
~~Signs in historic districts~~	~~●~~	~~●~~

19.3.3 Permanent sign permits

A. Sign permit required. A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this article. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate sign permit except as allowed in Subsection ~~20.7~~19.6.4. Exceptions to the requirement for a sign permit include the exemptions listed in Subsection ~~20.3~~19.2.3, as well as building-mounted directional signs, building-mounted directory signs, and window signs. Refer to Section ~~20.8~~19.7 for permanent sign standards that apply even when no sign permit is required. Any sign not authorized pursuant to this article is not allowed.

B. Assignment of permanent sign permits. A current and valid permanent sign permit issued under this article shall be freely assignable to a successor as owner of the property or operator of the premises. The assignment shall not require approval by the Building Authority.

C. **Expiration.** A permanent sign permit will expire and become null and void if the work authorized in compliance with the permit is not commenced within 180 days from the date of issuance of the permit, or if work is suspended or abandoned for a period of 180 days or more at any time after the work has commenced.

~~19.3.4 Temporary sign permits~~

~~D. Sign permit required. A temporary sign permit is required to display a temporary wall banner sign and an A-frame sign placed in the public right-of-way. All other temporary sign types do not require a sign permit.~~

~~E. Duration of temporary sign permit. A temporary sign permit for a wall banner is valid for 60 days from the date of issuance. There are no time limitations for A-frame signs installed in public right-of-way.~~

~~19.3.5~~19.3.4 Signs in historic districts

A. **Applicability.** The standards established in this subsection shall be applied within historic districts in addition to the standards otherwise established in this article.

B. **Review.** In addition to being subject to the other provisions of this article, all permanent signs proposed in historic districts must be reviewed for approval by the Planning Authority in accordance with the sign standards included in Subsection ~~17~~16.~~8~~7.6 as detailed in the *Historic Resources Design Manual*. If there is a conflict between the standards included in Article ~~17~~16 and the requirements of this article, the stricter shall apply.

~~19.3.6~~19.3.5 Appeals

Appeals of sign permit decisions are within the jurisdiction of the Zoning Board of Appeals.

19.4 SIGN DISTRICTS ESTABLISHED

Table ~~20~~19-B combines the zones established in Article 5 into sign districts based on similarity of use, building form, and character. For sign standards specific to overlay zones, see Article 8. If no sign standards exist within the overlay zone, the standards of the underlying zone shall apply.

19.5 GENERAL RESTRICTIONS FOR ALL SIGNS

19.5.1 Location restrictions

Except where specifically authorized in this article, signs may not be placed in the following locations:

A. **Public right-of-way.** Within, on, or projecting over public property, City rights-of-way, or waterways, except signs specifically authorized in this article.

TABLE 19-A: REVIEW AUTHORITY

Application Type	Building Authority	Planning Authority – Historic Preservation
Sign permit	●	-
Signs in historic districts	●	●

B. **Obstructing traffic signals.** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device.

C. **Obstructing intersection visibility.** At the intersections of streets or streets and driveways where the visual lines of sight for drivers of motor vehicles are obstructed. Signs shall observe corner clearance requirements as listed in Subsection 7.~~4~~5.1.



D. Ingress and egress. Areas allowing for ingress to or egress from any door, window, vent, exit way, or fire lane required by Chapter 6 of the City of Portland Code of Ordinances or Fire Department regulations currently in effect.

E. Landscape elements or utilities. Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way.

F. Off-premises. Off the premises of the business to which the commercial advertising sign refers, except as provided in ~~Section 20.9~~Table 19-X.

G. Roof-mounted. Mounted on the roof of a building or structure.

TABLE ~~20~~19-B: SIGN DISTRICTS ESTABLISHED

Sign District	Zones	Description
Residential Sign District	~~R~~RN-1 Residential Neighborhood Zone ~~R~~RN-2 Residential Neighborhood Zone ~~R~~RN-3 Residential Neighborhood Zone ~~R~~RN-4 Residential Neighborhood Zone ~~R~~RN-5~~/R-5a~~ Residential Neighborhood Zone ~~R~~RN-6~~/R-6a~~ Residential Neighborhood Zone RN-7 Residential Neighborhood Zone IR-1 Island Residential Zone IR-2 Island Residential Zone ~~IR-3 Island Residential Zone~~	These zones comprise the vast majority of residential land in Portland. Signage is limited in these zones, as a variety of sign types could detract from the desired residential character.
Small Mixed-Use Sign District	R-P Residence-Professional Zone B-1~~/B-1b~~ Neighborhood Business Zone B-~~2b & B-2c~~2 Community Business Zone IS-FBC UA, UN, and UT Zones I-B Island Business Zone O~~-P~~ Office ~~Park~~ Zone	These zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Large Mixed-Use Sign District	B-2 Community Business Zone B-4 Commercial Corridor Zone EWPZ Eastern Waterfront Port Zone	These zones comprise the major commercial centers in Portland and allow a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Downtown Sign District	B-3~~/B-3b/B-3c~~ Downtown Business Zone B-5~~/B-5b~~ Urban Commercial ~~Mixed-Use~~ Zone B-6 Eastern Waterfront ~~Mixed~~ Zone ~~B-7 Mixed Development Zone~~ WCZ Waterfront Central Zone	The downtown core zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for office, service, retail and mixed-uses in the downtown.
Industrial and Transportation Sign District	A-B Airport Business Zone I-L~~/I-Lb~~ Low-Impact Industrial Zone I-~~H/I-Hb~~M Moderate-Impact Industrial Zone I-~~M/I-Ma/I-Mb~~H High-Impact Industrial Zone	These zones allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.

TABLE ~~2019~~-B: SIGN DISTRICTS ESTABLISHED

	WPDZ ~~Water~~Waterfront Port Development Zone	
Open Space Sign District	~~R~~-OS-R Recreation and Open Space Zone ~~RPZ Resource Protection~~OS-P Open Space Preservation Zone	These zones prohibit most sign types, allowing only those necessary to provide information for primarily open space and recreation uses.

H. Storage containers and receptacles. On fuel tanks, storage containers, and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law.

19.5.2 Prohibited signs

Except as otherwise provided in this article, the following signs are prohibited:

A. Billboards.

B. Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse, or mislead traffic.

C. Bandit signs.

D. Signs or other devices that are inflatable or affected by the movement of the air or other atmospheric or mechanical means, including inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, and inflated characters used as signs, whether attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures, except as allowed in Section ~~20.9~~19.8.

E. Any sign which advertises a business no longer in existence or a product or service no longer being sold, except for landmark signs.

F. Any temporary sign, other than those signs allowed pursuant to Section ~~20.9~~19.8.

G. Any other signs not specifically allowed by the provisions of this article.

19.5.3 Display restrictions

Except as otherwise provided in this article, the following display features are prohibited:

A. Animated features which rotate, move, or give the appearance of moving by mechanical, wind, or other means. Barber poles no more than three feet in height and 10 inches in diameter and clocks are excepted from this restriction.

B. Sound, odor, or any particulate matter including bubbles, smoke, fog, confetti, or ashes.

C. Lighting devices with intermittent, flashing, rotating, blinking, or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights.

D. Search lights or laser light displays when used as attention-attracting devices.

E. Strings of lights used in connection with commercial premises, except when used for temporary lighting for decoration, and lights arranged in the shape of a product, arrow, or any commercial message.

19.6 GENERAL REQUIREMENTS FOR ALL SIGNS

19.6.1 Sign measurement

Sign area and height shall be measured as described in Tables ~~20~~19-C and ~~20~~19-D.

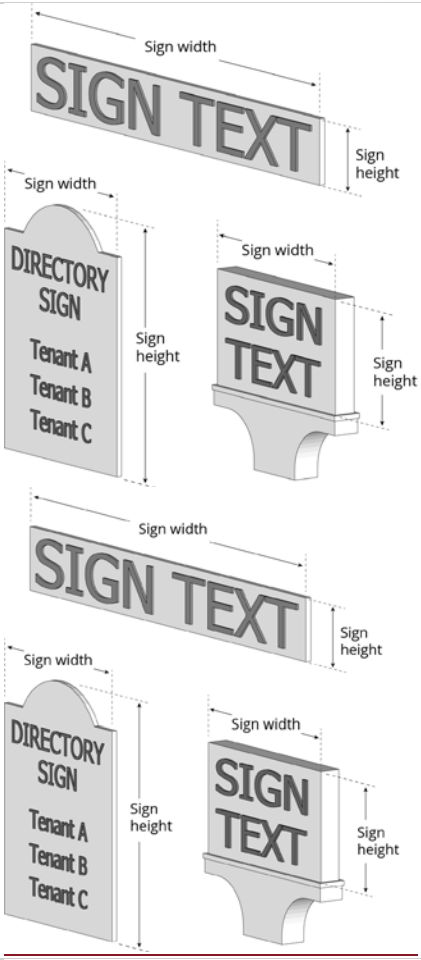
19.6.2 Computation of the number of signs

When determining the number of signs, a single sign shall be considered either enclosed within a single frame or composed of modular parts with identical frame elements designed to be joined together to form a single composite sign.

TABLE ~~20~~19-C: SIGN AREA MEASUREMENT

Signs on background panel

Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.



Signs as individual letters

Sign copy mounted as individual letters or graphics against a building surface that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the sign.



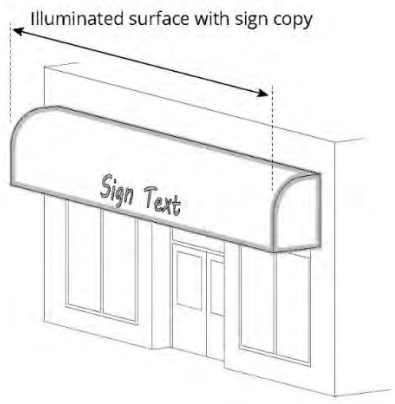
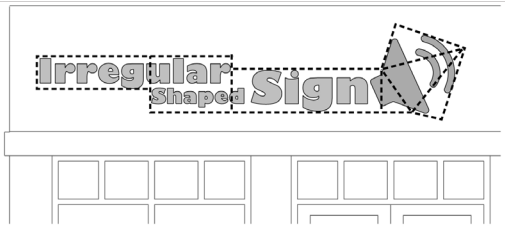
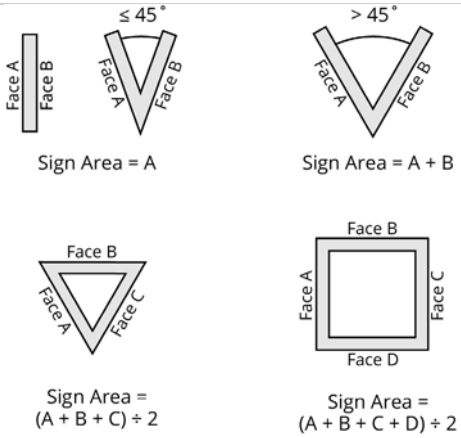
Signs on illuminated surface	Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.	

TABLE ~~2019~~-C (CONT.): SIGN AREA MEASUREMENT

Irregular-shaped signs	Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.	
Multi-face signs	For two-face signs, if the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is determined by the measurement of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces. For three- or four-face signs, the sign area is 50 percent of the sum of the areas of all sign faces.	

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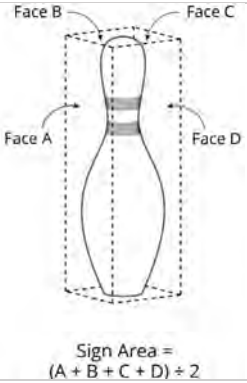
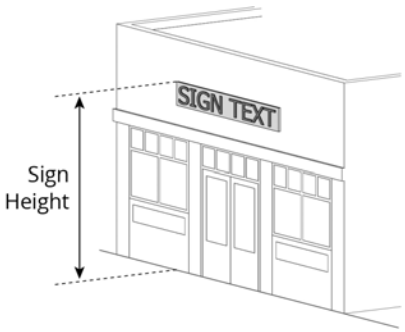
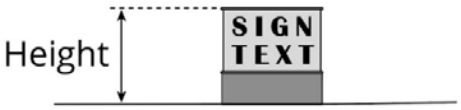
Spherical, free-form, or sculptural signs	Spherical, free-form, or sculptural signs are measured as 50% of the sum of the areas of the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.	

Note: Numerals and letters used to identify an address are not included in the determination of sign area.

TABLE ~~20~~19-D: SIGN HEIGHT MEASUREMENT

Building-mounted signs	The height of signs mounted on a building is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.	
Freestanding signs	Sign height is measured as the vertical distance from the finished grade at the base of a sign to the top of the sign exclusive of any filling, berming, mounding, or landscaping solely for the purpose of locating the sign and excluding decorative embellishments as permitted in Section ~~20.8~~19.7.	

19.6.3 Sign illumination

A. Sign illumination by sign district

1. Table ~~20~~19-E identifies the type of illumination permitted (●) or not permitted ( ) by sign district. All allowed permanent signs may also be non-illuminated. All permanent signs for single-family residences or duplexes and all temporary signs must be non-illuminated.
2. The illumination level of a sign must be reduced if the Building Authority determines the light output to be excessive. The Building Authority shall use the following criteria to determine if the illumination is excessive:
   - **a.** The amount of illumination is substantially greater than the illumination level of other nearby signs.
   - **b.** The sign's illumination interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign.
   - **c.** It directs glare toward streets or motorists.
   - **d.** It adversely impacts nearby residents or neighborhoods.
   - **e.** The illumination reduces the night time readability of the sign.

B. Internal illumination. To minimize glare, internally-illuminated signs must either be constructed with an opaque background and translucent text and symbols, or with a colored background. Backgrounds must not be white, off-white, light gray, cream, or yellow.

TABLE ~~20~~19-E: SIGN ILLUMINATION BY SIGN DISTRICT

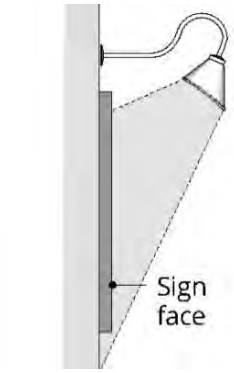
Sign District Name / Type of Illumination	External	Direct	Internal (Cabinet or Halo Sign)	Internal (Individual Letters /Logo)	Neon	Single or Two-Color LED	Electronic Message Signs
Residential Sign District	-- [1]			-- [1]			-- [1]
Small Mixed-Use Sign District	●	● [2]	● [3]	●	●	●	
Large Mixed-Use Sign District	●	●	●	●	●	●	●
Downtown Sign District	●	●	●	●	●	●	
Industrial and Transportation Sign District	●	●	●	●	●	●	● [4]
Open Space Sign District	●						

[1] Allowed for institutional uses only.
[2] Only allowed in B-1~~/~~, B-~~1b, B-2b/B-2c~~2, IS-FBC, and I-B zones.
[3] Only allowed in B-~~2b, B2-c,~~2 and OP zones.
[4] Only allowed in I-L, I-~~Lb, I-~~M, ~~I-Ma, I-Mb, I-H,~~ and I-~~Hb~~H zones.

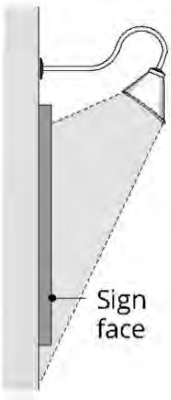
C. External illumination

1. Externally-illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.
2. The light source for externally-illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure ~~20~~19-A.

FIGURE 19-A: EXTERNAL ILLUMINATION



~~FIGURE 20-A: EXTERNAL ILLUMINATION~~



D. Direct illumination. All direct illumination must be turned off daily at the close of business or 10 p.m., whichever occurs last.

E. Neon. Exposed neon sign lighting must be turned off daily at the close of business or 10 p.m., whichever occurs last.

F. Single-color or two-color LED signs.

1. Single or two-color LED signs are exempt from the sign area limitations for window signs and building-mounted signs.
2. Single or two-color LED signs must be turned off daily at the close of business or 10 p.m., whichever occurs last.

G. Electronic Message Signs

1. One electronic message sign is allowed per lot.
2. Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic message signs may display changing messages provided that each message is displayed for no less than 30 seconds.
3. Electronic message signs must be equipped with photocell technology to control and vary the intensity of light output depending on the amount of ambient light that is present to prevent overly bright luminance at night. Automatic controls must limit night luminance to a maximum of 100 nits when the display is set to show maximum brightness in 100 percent full white mode.
4. The applicant shall provide a written certification from the sign manufacturer that the night time luminance has been factory pre-set not to exceed 100 nits as described in (3) above, and that this setting is protected from end-user modification by

password-protected software or other method as deemed appropriate by the Building Authority.

5. Electronic message signs must be turned off daily at the close of business or 10 p.m., whichever occurs first.

19.6.4 Changeable sign copy

Changeable sign copy must comply with the following standards:

A. Maximum area. The maximum area of changeable sign copy shall be limited to 50% of the total sign area, except for marquee signs. This does not apply to any signs required by law.

B. Sign design. The changeable sign copy must be an integral part of a permanent building-mounted or freestanding sign.

C. Illumination. Changeable sign copy may be non-illuminated or internally-illuminated.

19.6.5 Structure and installation

A. Authority. The construction of signs shall be enforced and administered by the Building Authority. All signs and advertising structures must be designed to comply with the provisions of this article and applicable provisions of Chapter 6 of the City of Portland Code of Ordinances and constructed to withstand wind loads, dead loads, and lateral forces.

B. Electrical features. Where electrical service is provided to freestanding signs or landscape wall signs, all such electrical service must be placed be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. An electrical permit shall be issued prior to installation of any new signs requiring electrical service.

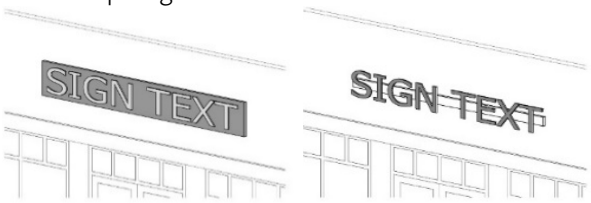
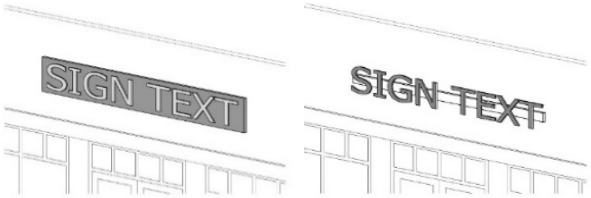


FIGURE 19-B: RACEWAY CABINET EXAMPLES

C. Raceway cabinets. Raceway cabinets, as illustrated in Figure ~~20~~19-B, shall only be used in building-mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business. A raceway cabinet is not a cabinet sign.



~~FIGURE 20-B: RACEWAY CABINET EXAMPLES~~

D. Materials. All permanent signs allowed by this article must be constructed of durable materials capable of withstanding continuous exposure to the elements and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

19.6.6 Sign maintenance



All signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land, in a condition or state of equivalent quality to which was approved or required by the City. All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable provisions of Chapter 6 of the City of Portland Code of Ordinances, and in conformance with this article. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out, or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this article.

19.7 STANDARDS FOR PERMANENT SIGNS

19.7.1 Permitted sign types by sign district

Table ~~20~~19-F establishes which sign types are permitted (●) or not permitted ( ) in each sign district. Any combination of allowed sign types may be used within a given sign district unless specifically prohibited.

19.7.2 Permanent building-mounted sign standards

The maximum total area for all building-mounted signs is established in Table ~~20~~19-G. The area of all building-mounted signs is included in the maximum total sign area, except when specifically exempted. All permanent building-mounted signs shall comply with the corresponding sign type standards provided in Tables ~~20~~19-H to ~~20~~19-Q.

19.7.3 Permanent freestanding sign standards

All permanent freestanding signs shall comply with the standards of Table ~~20~~19-R and the corresponding sign type standards established in Tables ~~20~~19-S to ~~20~~19-V. Unless specifically indicated, standards applicable within a sign district apply to single- and multi-tenant buildings. There is no setback requirement for permanent freestanding signs, provided that the sign is entirely located on the property where the sign is permitted, and the sign is located in compliance with Table ~~20~~19-F.



TABLE ~~2019~~-F: ALLOWED SIGN TYPES BY SIGN DISTRICT

	Sign Type	Residential Sign District [1]	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Building-Mounted	Awning Sign		●[2]	●	●	●	●
	Canopy Sign		●[2]	●	●	●	
	Blade Sign		●	●	●		
	Directional Sign		●[2]	●	●	●	●
	Directory Sign	●[3]	●	●	●	●	
	Marquee Sign			●	●		
	Projecting Sign		●[2]	●	●	●	
	Service Island Canopy Sign			●	●	●	
	Wall Sign	●	●	●	●	●	●
	Window Sign		●	●	●	●	●
Freestanding	Freestanding Directional Sign	●	●	●	●[4]	●	●
	Freestanding Directory Sign	●[3]	●	●	●[4]	●	●
	Monument Sign		●	●	●[5]	●	●
	Pole Sign			●	●[5]	●	●

[1] For institutional uses in residential zones, all permanent sign types are allowed except for the following: awning sign, blade sign, canopy sign, marquee sign, pole sign, projecting sign, service island canopy sign; and window sign.

[2] Not allowed in the R-P Zone.

[3] Not allowed in the ~~R~~RN-1, ~~R-2, R-4~~RN-3, IR-1, and IR-2 zones.

[4] Not allowed in the B-3 zone.

[5] In the B-3 and B-5 zones, freestanding signs are permitted only if the front façade of the building is set back a distance of at least 20 ft. from either of the front facades of abutting buildings. In the case of a multi-tenant building, the individual tenants' frontage must be set back a distance of at least 20 ft. from other tenant's frontages.

TABLE ~~2019~~-G: DIMENSIONAL STANDARDS FOR BUILDING-MOUNTED SIGNS BY SIGN DISTRICT

Sign District			Total Area for All Signs (per tenant or façade)	Number of Signs (max.)
Residential	Single-family lots		2 SF max.	1 per lot (either freestanding or building-mounted)
	~~PRUDs,~~ Multi-family lots		10 SF max.	1 per street frontage
	Institutional use in all residential zones		1.5 SF per linear foot of building façade where the sign is placed 150 SF max.	1 per street frontage, plus 2 additional
Small Mixed-Use	Single-tenant building		I-B zone: 1 SF per linear foot of building façade where the sign is placed; Max. 40 SF All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 100 SF per facade	1 per street frontage, plus 1 additional
	Multi-tenant building		1.5 SF per linear foot of building façade where the sign is placed 150 SF max. per tenant	1 per tenant[5,6], plus 1 additional for the building.
Large Mixed-Use	Single-tenant building		2 SF per linear foot of building façade where the sign is placed 200 SF max. per façade [1]	1 per street frontage, plus 2 additional
	Multi-tenant building		1.5 SF per linear foot of tenant façade where the sign is placed 150 SF max. per tenant	1 per tenant[6], plus 1 additional for the building.
Downtown	Single-tenant building		2 SF per linear foot of building façade where the sign is placed	1 per street frontage, plus 2 additional
	Multi-tenant building	Ground floor tenants	2 SF per linear foot of tenant frontage where the sign is placed	1 per tenant[5, 6]
		Building ID and upper floor tenants	5% of building wall area ~~where sign is placed~~ max. for all upper floor tenant signs place on a facade.	1 per tenant, plus 2 additional for the building
Industrial & Trans.	Single-tenant building		2 SF per linear foot of building façade where sign is placed 250 SF max.	1 per street frontage, plus 2 additional
	Multi-tenant building		2 SF per linear foot of tenant frontage where the sign is placed 200 SF max.	1 per tenant, plus 2 additional for the building
Open Space	Commercial signs/facility signs[2, 3]		1 SF per linear foot of building façade where the sign is placed 20 SF max.[4]	1 per use (either freestanding or building-mounted)
	Sign placement		The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, provided that at least 1 sign must be placed ~~above or associated with the building entry or tenant's building entry, in the case of a multi-tenant building.~~on the tenant facade.	

[1] Where a building features two principal entry facades facing parallel streets, each entry façade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the total area.
[2] Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.
[3] Building signs shall be visually related to the building on which they are located in terms of materials, color, scale, etc., as determined by the Building Authority.
[4] Product trademarks limited to 5 ~~percent~~% of total sign area.
[5] On the peninsula, each tenant may have two signs, provided that one sign is a blade sign and one sign is placed parallel to the building façade.
[6] If a tenant faces additional street frontages, one additional sign is allowed per frontage for that tenant.

TABLE ~~20~~19-H: STANDARDS FOR AWNING SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of awning width
Mounting height	~~7~~8 ft. min. from the bottom of the awning to the nearest grade or sidewalk 25 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. Awnings shall not project above, below, or beyond the edges of the face of the building wall or architectural element. ~~Sign width shall not be greater than 60% of the width of the awning face or valance on which it is displayed (if an awning is placed on multiple storefronts, each business is permitted signage no greater than 60% of the width of the storefront).~~ May project into public right-of-way with permit approval.
Valance height (max.)	6 in.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Illumination allowed under the awning.

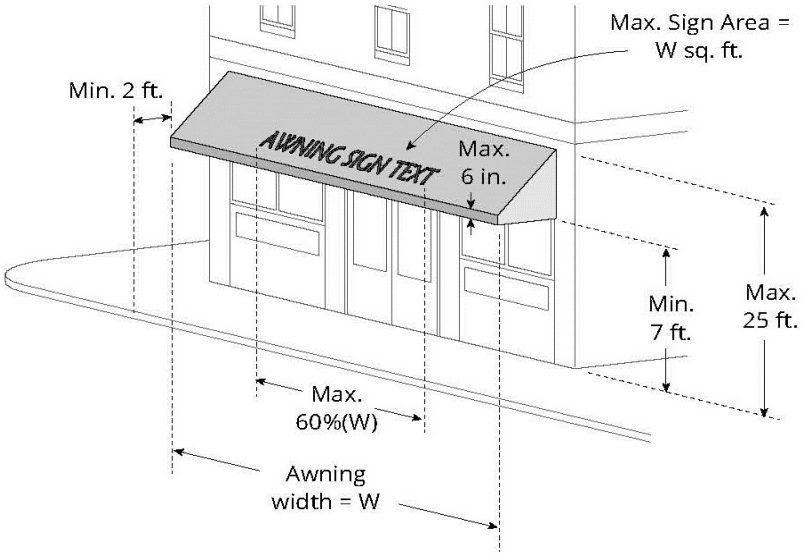


TABLE ~~2019~~-H: STANDARDS FOR AWNING SIGNS

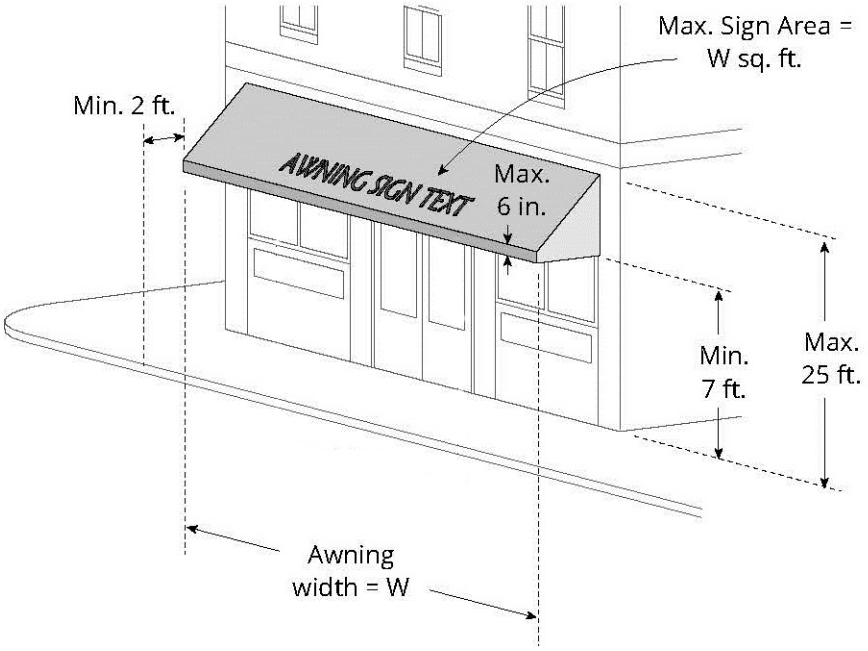
Standard	Requirements
	

TABLE ~~2019~~-I: STANDARDS FOR CANOPY SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of canopy width
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk 20 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. ~~Sign width shall not be greater than 60% of the width of the canopy on which it is displayed (if a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60% of the store width or tenant space).~~ May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination

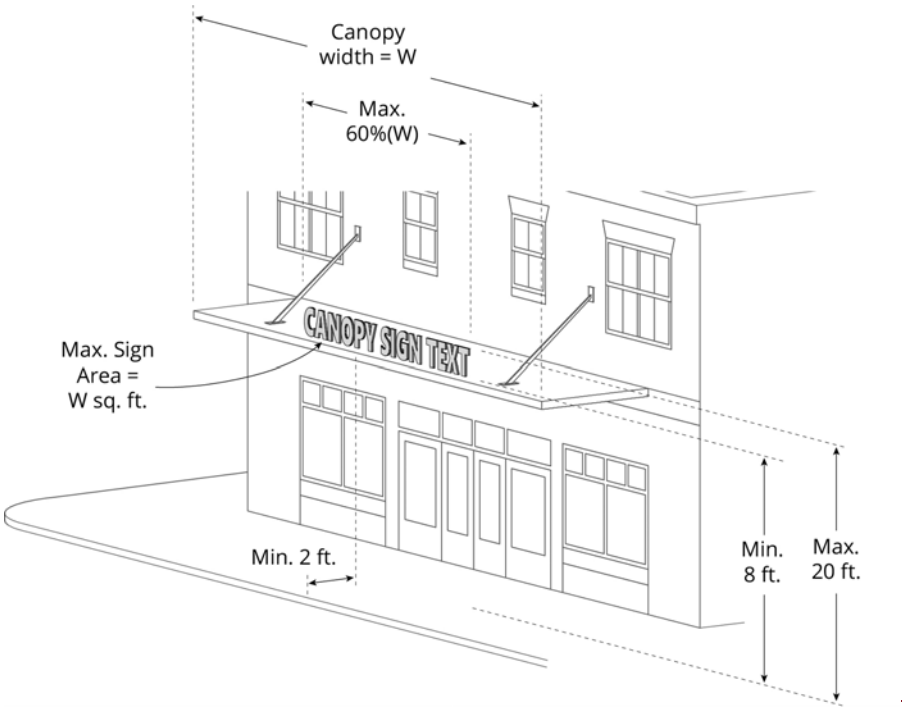


TABLE ~~20~~19-J: STANDARDS FOR BLADE SIGNS

Standard	Requirements
Sign area (max.)	~~12~~16 SF
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk Must be mounted perpendicular to the building face or corner of the building.
Sign placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located. May project into public right-of-way with permit approval.
Illumination	External illumination

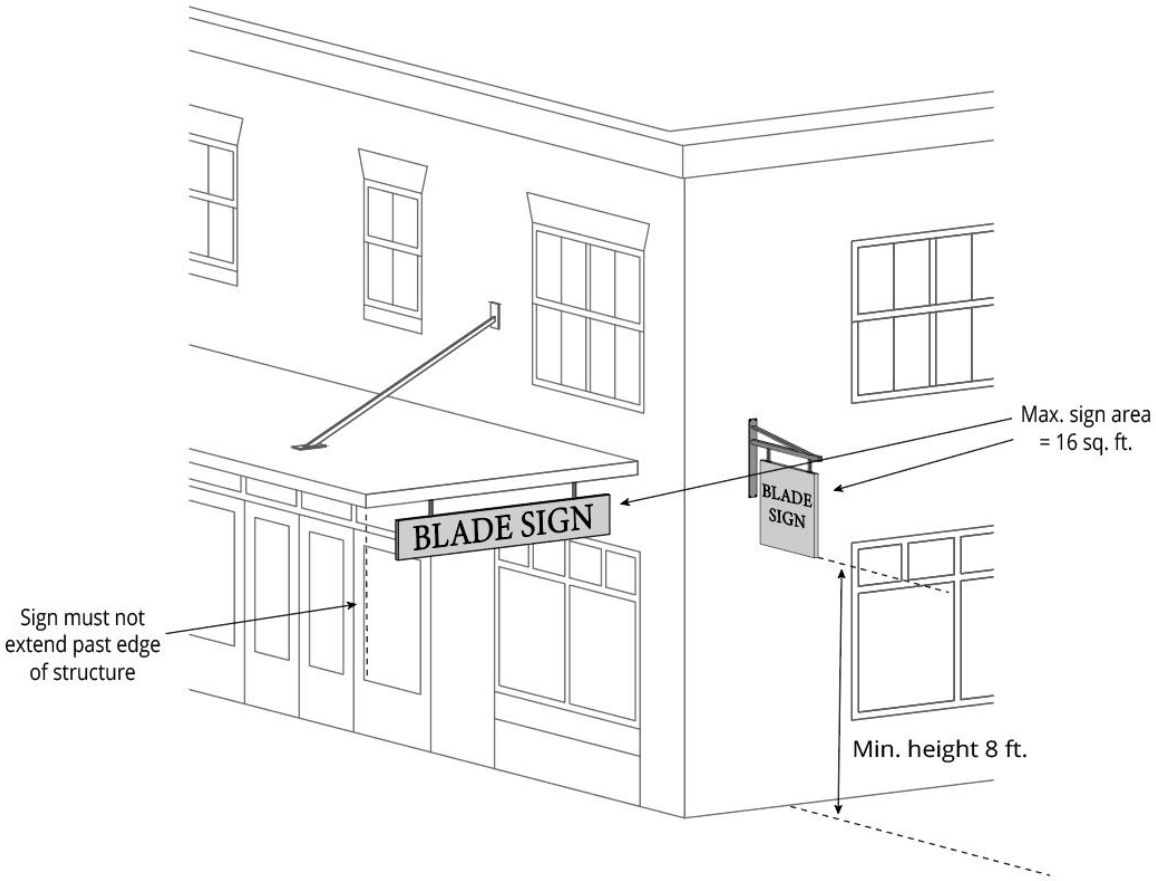


TABLE ~~20~~19-K: STANDARDS FOR DIRECTIONAL SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	6 ft. max. from nearest grade
Number of signs (max.)	1 ~~at each driveway~~per facade, drive-through lane, or alley, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	Internal illumination

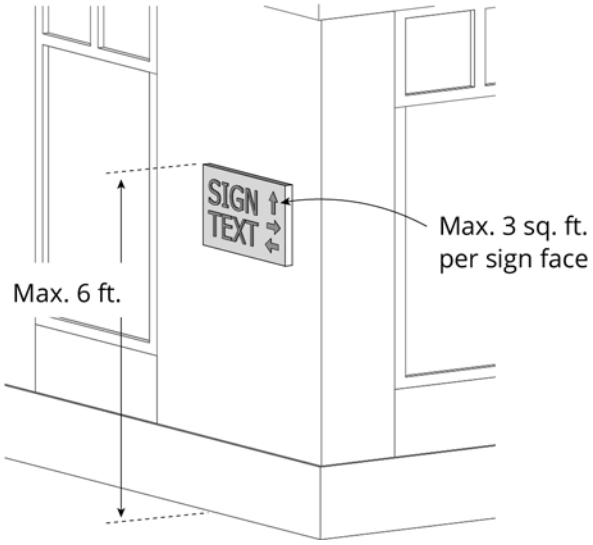


TABLE ~~20~~19-L: STANDARDS FOR DIRECTORY SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	1 SF per occupant of tenant space and 16 SF total max. (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	8 ft. max. from nearest grade
Number of signs (max.)	1 per primary building entrance (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	External illumination or internal illumination

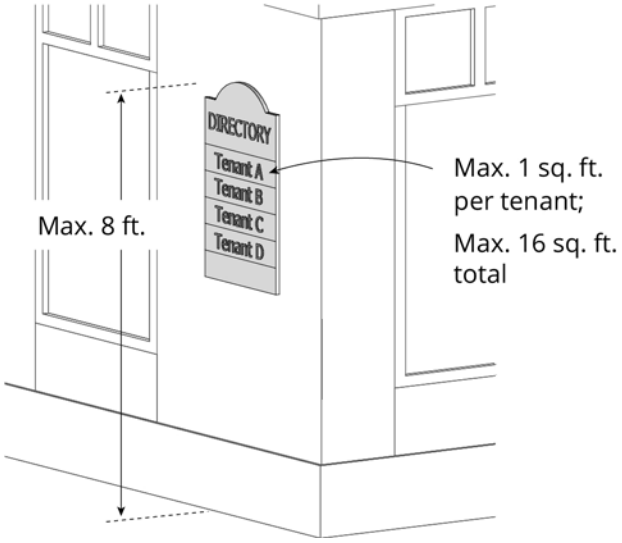


TABLE ~~20~~19-M: STANDARDS FOR MARQUEE SIGNS

Standard	Requirements
Sign area (max.)	1 SF to 1 linear foot of marquee width
Mounting height	12 ft. min. from the bottom of the marquee to the nearest grade or sidewalk
Number of signs (max.)	1 per business
Sign placement	May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination

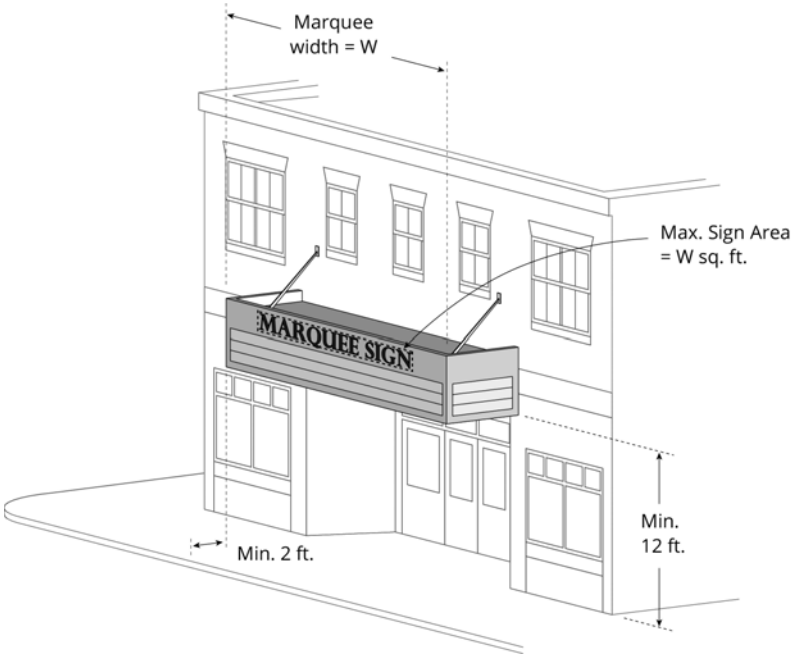


TABLE ~~20~~19-N: STANDARDS FOR PROJECTING SIGNS

Standard	Requirements
Sign area (max.)	~~24 SF~~ As provided in Table 19-G.
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk.
Sign placement	Only on the wall of a building. May project into public right-of-way with permit approval.
Number of signs (max.)	1 per business
Projection (max.)	4 ft. from the building wall to the outer edge of the sign
Illumination	External illumination, direct illumination, neon, or internal illumination of individual letters or graphics only.

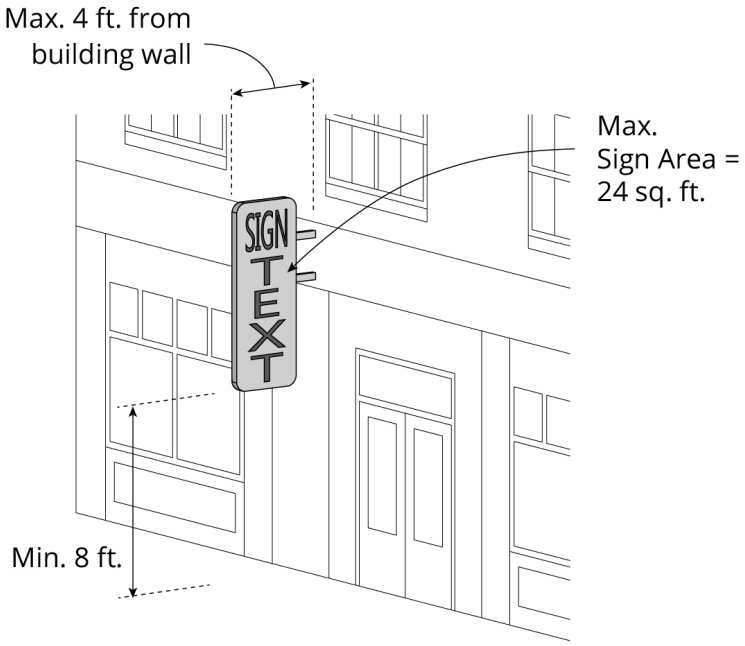


TABLE ~~2019~~-O: STANDARDS FOR SERVICE ISLAND CANOPY SIGNS

Standard	Requirements
Sign area (max.)	20 SF per sign
Number of signs (max.)	1 per canopy façade, not to exceed 2 signs total
Illumination	Internal illumination

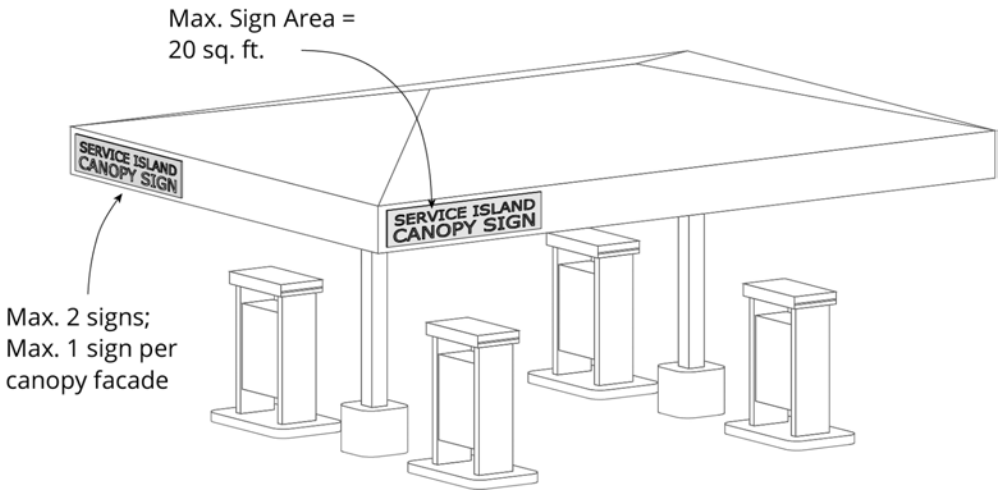


TABLE ~~20~~19-P: STANDARDS FOR WALL SIGNS

Standard	Requirements
Sign area (max.)	As provided in Table ~~20~~19-G
Number of signs (max.)	As provided in Table ~~20~~19-G
Illumination	External illumination, direct illumination, internal illumination, or neon
Special provisions	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. The allowable area for painted wall signs shall be increased by 10% over the normal allowable sign dimensions for the zone. Murals and exterior painting that contain sign copy are allowed without a permit provided the sign copy does not compromise more than 10% percent of the total area of the artwork, complies with any applicable requirements of Article 16, and meets the dimensional standards for a wall sign within the applicable sign district, including the maximum number of signs allowed in Table 19-G.

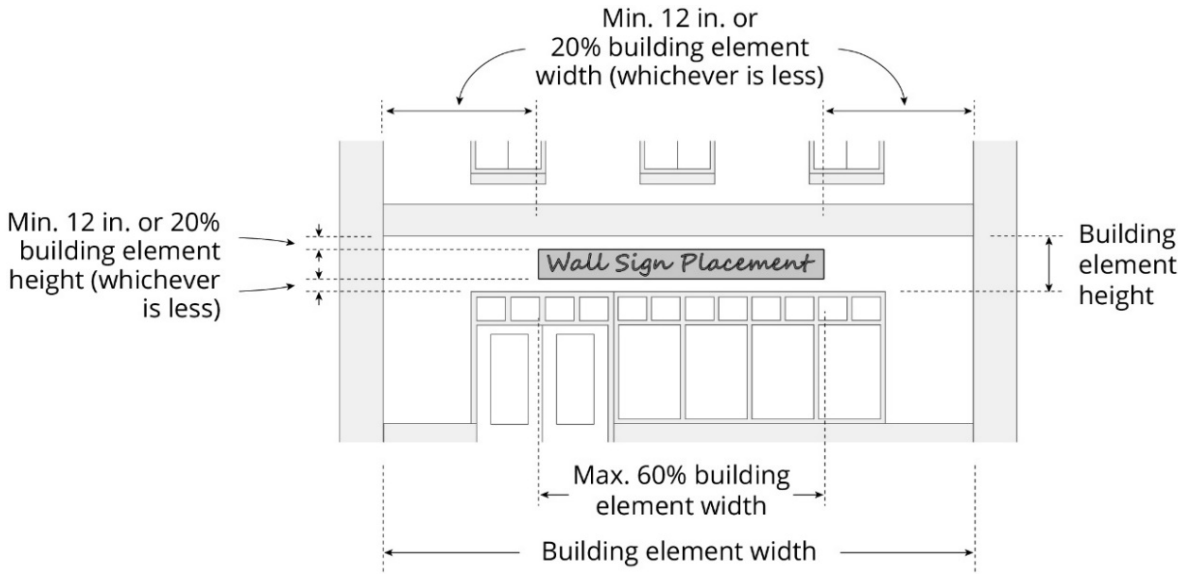
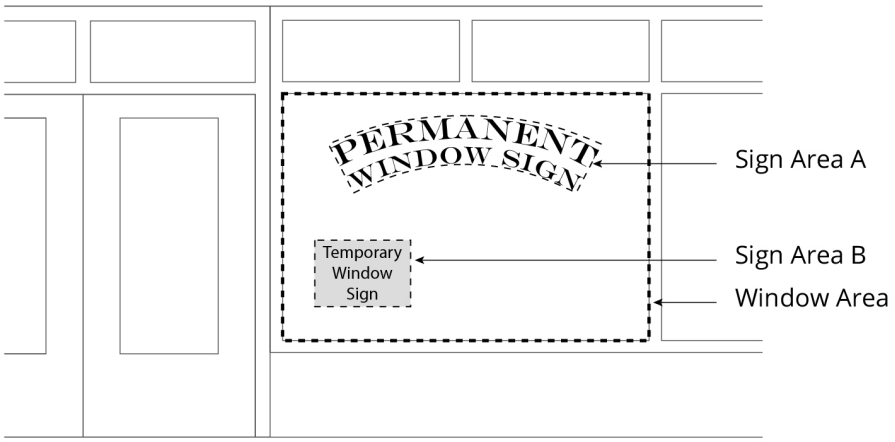


TABLE ~~2019~~-Q: STANDARDS FOR WINDOW SIGNS

Standard	Requirements
Sign area (max.)	Combined area of temporary and permanent window signs must not exceed 50% of the area of the window on which they are displayed. Painted window signs or perforated vinyl signs are included in this calculation. Excluded from the total allowed sign area for all building-mounted signs.
Sign placement	Must be mounted or displayed on the interior of the window. Allowed on 1st and 2nd story windows only.
Illumination	Neon or single- or two-color LED signs



Sign Area A + Sign Area B ≤ 50% Window Area

TABLE ~~2019~~-R: DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS BY SIGN DISTRICT

Sign District			Area (max.)	Height (max.)	Number of Signs
Residential		**Single-family lots**	2 SF	5 ft.	1 per lot (freestanding or building-mounted)
		~~PRUDs,~~ Multi-family lots	15 SF	5 ft.	1 per major vehicular entrance
	Institut-ional	Street frontage ≤ 100 ft.	15 SF	6 ft.	1 per frontage[1, 2]
		Street frontage 100 – 250 ft.	25 SF	8 ft.	1 per frontage[1, 2]
		Street frontage ≥ 250 ft.	50 SF	8 ft.	1 per frontage[1, 2]
Small Mixed-		**Single-tenant building**	32 SF	B-1/B-1b, B-2b/B-2c zones: 16 ft.	1 per lot[1]
	Multi-tenant building	< 1 acre lot	32 SF		
		1 – 2.5 acre lot	100 SF		

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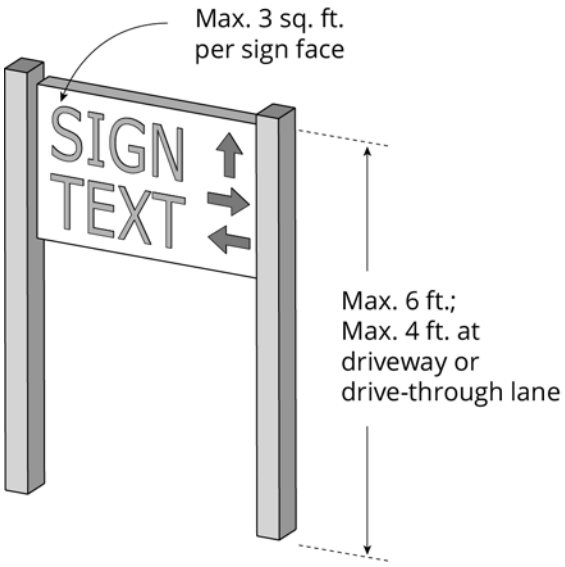
TABLE ~~20~~19-R: DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS BY SIGN DISTRICT

			> 2.5 acre lot	140 SF	In all other zones: 8 ft.	
		I-B Zone[3]		20 SF	10 ft.	1 per use
	OP zone		Center identification sign	50 SF	8 ft.	1 per major vehicular entrance
			Tenant sign	15 SF	5 ft.	1 per tenant[2]
Large Mixed-Use	**Single-tenant building**		Street frontage ≤ 200 ft.	65 SF	B-4 zone: 25 ft. In all other zones: 18 ft.	1 per lot[1]
			Street frontage > 200 ft.	100 SF		
	Multi-tenant building		< 1 acre lot	65 SF	B-4 zone: 25 ft. In all other zones: 18 ft.	1 per lot[1]
			1 - 2.5 acre lot	100 SF		
			> 2.5 acre lot	140 SF		
		Downtown		16 SF	6 ft.	1 per frontage[1]
Industrial & Transportation		**Single-tenant building**		35 SF	10 ft.	1 per lot[1]
		Multi-tenant building		~~70~~100 SF	~~15~~18 ft.	1 per lot[1]
	AB zone	**Single-tenant building**	Street frontage ≤ 200 ft.	32 SF	16 ft.	1 per lot[1]
			Street frontage > 200 ft.	65 SF	16 ft.	1 per lot[1]
		Multi-tenant building	< 1 acre	32 SF	16 ft.	1 per lot[1]
			1 - 2.5 acres	100 SF		
			≥ 2.5 acres	140 SF		
Open Space[4]		**Park identification signs**[5]		~~20~~30 SF	510 ft.	1 per major ~~vehicular~~park entrance
		All other signs[5]		16 SF[6]	8 ft.	1 per use (building-mounted or freestanding)

[1] Lots with multiple street frontages are allowed one freestanding sign for each frontage, provided that the signs are not concurrently visible from the public right-of-way.
[2] Where a lot contains more than one affiliated use or tenant, uses and tenants may be allocated space on a shared sign. Individual uses or tenants are not allowed to have individual freestanding signs.
[3] Only allowed for marine-related uses serving vessel traffic.
[4] Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.
[5] All signs must be integrated into existing landscape features or visually related to the materials, colors, scale, etc. of existing buildings as determined by the Building Authority.
[6] Product trademarks limited to 5% of total sign area.

TABLE ~~20~~19-S: STANDARDS FOR DIRECTIONAL SIGNS (FREESTANDING)[1]

Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 at each driveway or drive-through lane, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all freestanding signs)
Illumination	Internal illumination

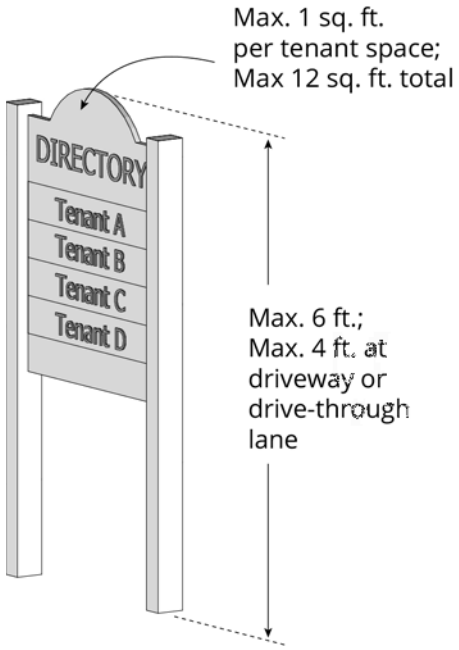


~~Table 20-T: Standards for Directory Signs (Freestanding)~~[1] The maximum sign area and height standards may be further limited by the standards established in Table 19-R.

TABLE 19-T: STANDARDS FOR DIRECTORY SIGNS (FREESTANDING)[1]

Standard	Requirements
Sign area (max.)	12 SF total

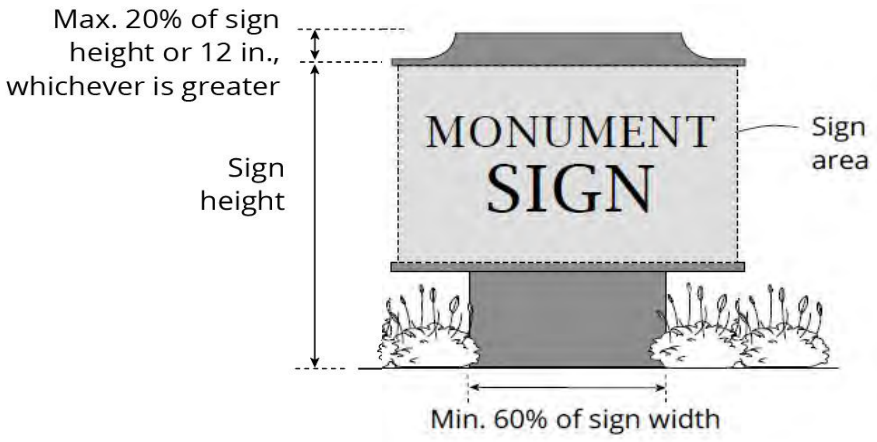
	1 SF max. per occupant or tenant space (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 per building (excluded from the total number of allowed signs for all freestanding signs)
Illumination	External illumination or internal illumination



~~Table 20-U: Standards for Monument Signs~~[1] The maximum sign area and height standards may be further limited by the standards established in Table 19-R.

TABLE 19-U: STANDARDS FOR MONUMENT SIGNS[1]

Standard	Sign District					
	Residential Sign District[2]	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	50 SF	50 SF	140 SF	50 SF	~~70~~100 SF	20 SF
Height (max.)	8 ft.	8 ft.	18 ft.	6 ft.	~~16~~18 ft.	5 ft.
Base width (~~max~~min.)	The base of a monument sign must be at least 60% of the width of the sign.					
Illumination	Non-illuminated, internal illumination, or external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.					
Special provisions for sign height	Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.					

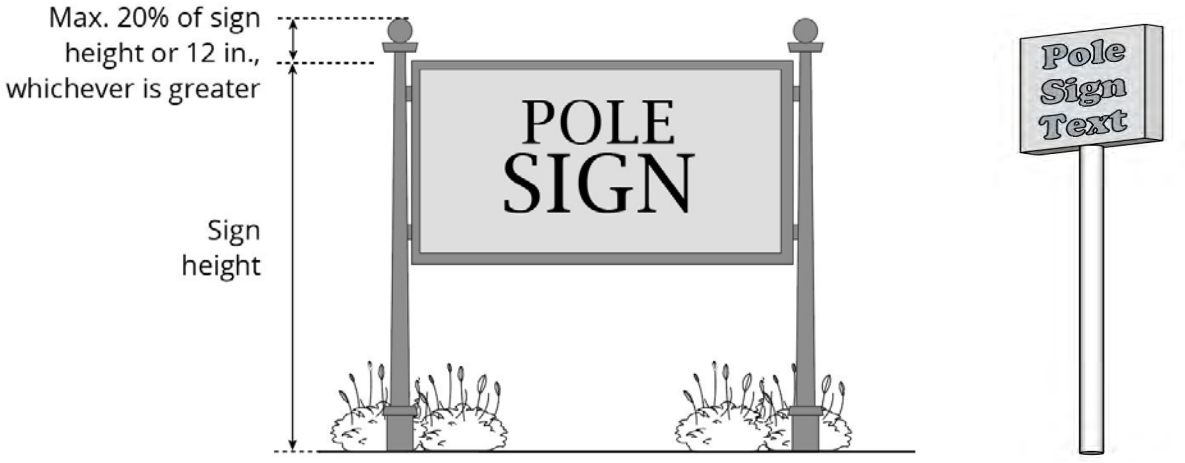


[1] The maximum sign area and sign height standards may be further limited by the standards established in Table ~~20~~19-R. If no value is included in the table ~~below~~above, then a monument sign is not allowed in that sign district

[2] Allowed for institutional uses in residential zones only.

TABLE ~~20~~19-V: STANDARDS FOR POLE SIGNS[1]

	Standard	Sign District					
		Residential Sign District	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	Signs ≤ 8 ft. High	~~15 SF~~ --	24 SF	24 SF	~~24~~18 SF	24 SF	20 SF
Height (max.)		~~5 ft.~~ --	8 ft.	8 ft.	6 ft.	8 ft.	8 ft.
Sign area (max.)	Signs 8 - 25 ft. high	--	140 SF	140 SF		140 SF	
Height (max.)		--	16 ft.	25 ft.		16 ft.	
Illumination		Non-illuminated or internal illumination Signs ≤ 8 ft. in height may have external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.					
Sign placement		Signs ≥ 8 ft. in height must have minimum 75 foot separation from other pole signs ≥ 8 ft. on the same side of the street.					
Sign height		Elements to enhance the design of a sign structure ≤ 8 ft. in height may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.					



1 The maximum sign area and sign height standards may be further limited by the standards established in Table ~~20~~19-R.

19.8 STANDARDS FOR TEMPORARY SIGNS

19.8.1 In general

Temporary signs are allowed only in compliance with the provisions of this section.

A. Information required for display. All temporary signs are required to display the name and address of the entity placing the sign, and the date the sign was erected.

B. Not included in permanent sign allowances. Temporary signs are not counted toward the maximum total sign area established in Section ~~20.8~~19.7.

C. General time, place, and manner restrictions. Unless specifically exempted by this section, temporary signs must be placed in compliance with Subsection ~~20.6~~19.5.1. Temporary signs must not be placed to create a hazard for pedestrian or vehicular traffic and must allow for a ~~4~~four-foot wide sidewalk to comply with the Americans with Disabilities Act.

D. Any form of illumination, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments such as balloons, ribbons, and loudspeakers are prohibited.

E. Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, and other exterior elements.

19.8.2 Temporary sign permits

A. Sign permit required. A temporary sign permit is required to display a temporary wall banner sign and an A-frame sign placed in the public right-of-way. All other temporary sign types do not require a sign permit.

B. Duration of temporary sign permit. A temporary sign permit for a wall banner is valid for 60 days from the date of issuance. There are no time limitations for A-frame signs installed in public right-of-way.

~~19.8.2~~19.8.3 Additional standards for temporary signs

All temporary signs shall comply with the standards of Tables ~~20~~19-W and ~~20~~19-X~~.~~

TABLE ~~2019~~-W: TEMPORARY SIGN STANDARDS BY SIGN DISTRICT

	Standard	Requirement
Residential	**Total area of all temporary signs at any one time** (max.)	16 SF per lot.
	Number of signs (max.)	Unlimited except that the total sign area must not exceed 16 SF
	Time limit (max.)	None
Construction	**Total area** (max.)	24 SF per banner Where multiple building-mounted banners are proposed, the total cumulative area of all banners shall not exceed 72 SF per facade.
	Time limit (max.)	Temporary banners may be placed on a construction site until construction is complete.
Other	**Total area of all temporary signs at any one time** (max.)	24 SF per tenant, with a total of max. 72 SF per lot (excludes the area of temporary window signs and permitted wall banner signs) Exception: In the Downtown Sign District and historic districts, max. 12 SF per tenant (excludes the area of temporary window signs and permitted wall banner signs)
	Number of signs (max.)	1 wall banner per tenant in a multi-tenant building. All other temporary sign types unlimited, except that the total sign area of all temporary signs (excludes the area of temporary window signs and permitted wall banner signs) must not exceed the total square footage provided above. Exception: In multi-tenant shopping centers or offices, max. 2 temporary wall banner signs per 150 linear feet of property frontage, not to exceed 24 SF combined.
	Time limit (max.)	60 days per temporary sign permit per Subsection 19.8.2, and up to 180 days per calendar year.

TABLE ~~20~~19-X: STANDARDS FOR TEMPORARY SIGN TYPES

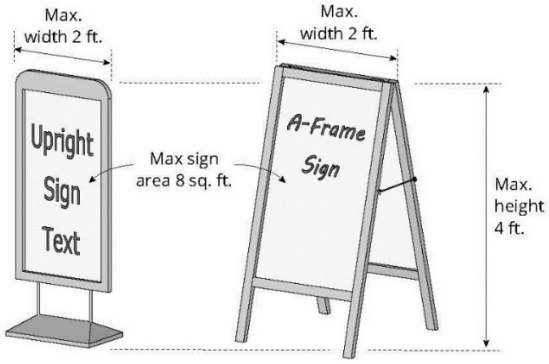
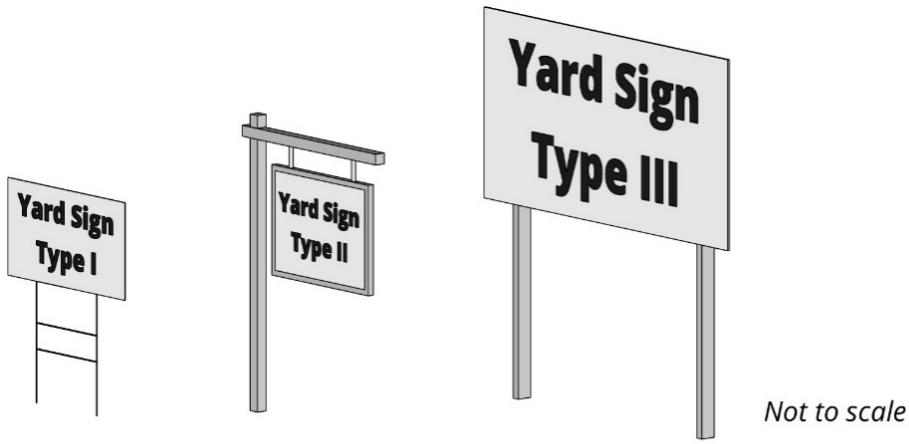
Temporary Sign Type[1]	Standard: Height	Width (max.)	Area (max.)	Other Requirements
	Min. 30 in. Max. 4 ft.	2 ft.	8 SF	Prohibited in residential zones~~.~~ except for institutional uses.. Must not be placed in public right-of-way except as permitted by the City. [3] If advertising a business, only permitted during regular business hours.
A-frame or upright sign[2]				
Wall banner			32 SF	Prohibited in residential zones except for institutional uses. Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner will be hung. Mounting height (max.)**:** 25 ft. to top of banner.



TABLE ~~2019~~-X (CONT.): STANDARDS FOR TEMPORARY SIGN TYPES

Temporary Sign Type[1]	Standard: Height (max.)	Standard: Width (max.)	Standard: Area (max.)	Other Requirements
Window sign			See End Note[4]	Mounting height (max.): Placed no higher than second story windows. Inside mounting required. Not included in the total sign area for all temporary signs.
Yard sign (Type I)	4 ft.	2 ft.	3 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type II)	6 ft.	2 ft.	4 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type III)	6 ft.	8 ft.	32 SF	Installation requirements: Installed securely in the ground.



[1] Other temporary sign types may be allowed (e.g. fuel pump topper signs; wrap around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.
[2] These signs may be used to identify businesses located down a wharf in the EWPZ and WCZ Zones that have no street frontage and where no other options for on-site permanent signage are available.
[3] A min. 4-foot wide pedestrian walkway must be maintained at all times.
[4] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 50% of the area of the window on or within which they are displayed.

19.9 NONCONFORMING SIGNS

19.9.1 Applicability

~~Maintenance.~~ Nonconforming signs may be maintained, expanded upon, and/or reduced only in accordance with the provisions of this section.

~~F. Continuation. All lawfully nonconforming signs may be continued, subject to this section.~~

~~6. Lawfully nonconforming permanent directional signs for existing nonconforming businesses that are established and operational in any residential zone may continue to be used subject to this section.~~

~~7. Lawfully nonconforming permanent signs for nonconforming uses established and operational in any residential zone may continue to be used subject to this section.~~

19.9.2 Removal or replacement of a nonconforming sign

Lawfully nonconforming signs must be made to conform or shall be removed if any of the following occurs, unless the improvements are required to achieve compliance with applicable federal, state, or local regulations, other than the provisions of this article, and the improvements do not require replacement of the nonconforming sign. In no event will the degree of nonconformity of any sign or type of signage on any lot be increased.

A. Major site plan review. Major site plan review is sought for any new structures or building additions on the site, except as provided in (E) below.

B. New building permit for rehabilitation. A building permit is sought for a rehabilitation of

a building where the value of the rehabilitation exceeds 50% of the assessed value of the building, or $100,000, whichever is less, provided that where rehabilitation is of a multi-tenant building, only the tenant or tenants whose building or area is being rehabilitated shall be required to come into conformance with this article.

C. **New sign permit.** An application is filed for a new sign permit in accordance with the following:

1. When an application is filed for a new building-mounted sign, all building-mounted signs on the lot must come into compliance with all requirements of this article for building signs~~.~~ including Table 19-G for building signs.
2. When an application is filed for a new freestanding sign, all freestanding signs on the lot must come into compliance with all requirements of this article for freestanding signs~~.~~ including Table 19-R for freestanding signs.

D. **Modification of sign.** A sign is modified in any way, except for routine maintenance or repair of sudden and accidental damage, or for a change in the message panel only, unless otherwise required to conform under this subsection. Repair of sudden and accidental damage will not include replacement of the entire sign, which is treated as a modification under this subsection. Letters on nonconforming signs designed for changeable messages may be changed without triggering the terms of this subsection as long as no other change is made to the sign. Replacement of an awning covering with substantially the same material and text is not considered a modification.

E. **Signs on multi-tenant properties.**

1. In the case of nonconforming freestanding shared signs for multi-tenant properties, signs may be added or modified to reflect a change in individual tenants without triggering the terms of this subsection, provided that the degree of nonconformity is not increased.
2. In the case of building signs on multi-tenant properties, this subsection shall apply only to the individual business tenant that is adding or modifying a sign or seeking major site plan review and shall not trigger the conformance requirement for other tenants' building signs.

F. **Abandoned or vacant site.** Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more, as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this ~~section~~subsection, rental payments or lease payments and taxes are not considered as a continued use. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of such sign by the owner of the property, ~~his or her~~their agent, or person having the beneficial use of the property, building, or structure upon which such sign or sign structure is erected within 30 days after written notification from

the ~~Planning~~Building Authority. If such sign(s) is (are) not removed within the 180-day period, enforcement action will be pursued consistent with Section ~~20.11~~19.10.

~~**19.9.3 Permanent directional signs in residential zones**~~

~~**G.** A lawfully existing business located in a residential zone is allowed an off-premise sign in the public right-of-way if it meets the following requirements:~~

~~8. The business is not a home occupation.~~

~~9. The business is not located within 500 feet of a major or minor arterial.~~

~~10. The off-premise sign will be no larger than 12 inches by 48 inches and complies with the requirements established in the *MDOT/MUTCD Standard Sign Manual.*~~

~~**H.** Such lawfully existing retail business may qualify for one two-sided or two one-sided off-premise signs that must be located within the public right-of-way of a major or minor arterial in a location determined safe by the City Traffic Engineer and upon the payment of an initial fee of $300, with an annual renewal fee of $30.~~

~~**I.** In the event the sign is damaged or destroyed, the replacement of the sign shall be the sole responsibility of the permittee. The permittee shall be required to obtain a permit for the replacement sign from the Planning Authority, after securing $400,000 insurance and naming the City of Portland as an additional insured.~~

~~19.9.4~~19.9.3 Nonconforming signs in residential zones

A. Lawfully-existing permanent signs for lawfully existing nonconforming uses in any residential zone may continue to be used.

B. If an application is filed for new or replacement building-mounted sign(s) for a lawfully-existing nonconforming use located in a residential zone, the building-mounted sign(s) must either be the same size and number as the lawfully existing building-mounted sign(s), or must comply with the standards established for the Small Mixed-Use Sign District in Table ~~20~~19-G, whichever is less. Sign types shall be limited to blade, directory, wall, and window signs. Illumination shall be limited to external illumination only.

C. If an application is filed for replacement freestanding sign(s) for a lawfully-existing nonconforming use located in a residential zone, the freestanding sign(s) must be the same size and number as the lawfully existing freestanding signs, or must comply with the standards established for the Small Mixed-Use Sign District in Table ~~20~~19-R, whichever is less. No new freestanding signs for a nonconforming use in a residential zone shall be permitted. Illumination shall be limited to external illumination only.

19.10 ENFORCEMENT

19.10.1 Authority

The requirements of this article shall be enforced by the Building Authority as stated in Article 1. The Building Authority has the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to public health, safety, or welfare.

19.10.2 Violations

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the City contrary to, or in violation of, any provision of this article. Any work commenced without a sign permit, or beyond the authorized scope of a sign permit constitutes a violation of this article and is grounds for the Building Authority to issue a correction notice and/or to stop all work on the sign until appropriate permits are obtained.

B. Permits issued for work commenced without a sign permit, or any work beyond the authorized scope of a sign permit shall be assessed double the required permit fees for the sign(s).

C. Failure to perform any act required by this article, failure to obtain any permit required, or the performance of any act prohibited by this article constitutes a violation and is subject to penalties as set forth in 30-A M.R.S. §4452.

D. Each day on which a violation exists will constitute a separate violation for purposes of this section.

~~21~~20 PUBLIC ART PROGRAM

~~21~~20.1 ESTABLISHMENT

It shall henceforth be the policy of the City to provide on an annual basis regular funding for the preservation, restoration, and enhancement of its public art collection. This article and the funding contemplated are in recognition of the fact that only by instituting a steady stream of funding for this effort and standing by that commitment, will the City over time be able to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in this city.

~~21~~20.2 PURPOSE

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the City of Portland by providing the means to fund the acquisition and care of art works by the City of Portland, which shall be the City's public art collection. The Public Art Program seeks to:

A. Care for and maintain the public art collection of the City of Portland by documenting, preserving, restoring, and repairing the collection.

B. Commission or acquire works of public art, and to seek donations of art work for the City's public art collection.

C. Provide curatorial expertise and project management for the care of Portland's public art collection.

D. Enhance and enrich the lives of the city's residents, visitors, and employees by incorporating the visual arts into public spaces.

E. Contribute to the city's civic pride and sense of identity.

F. Increase access to works of art for residents and visitors to the area.

G. Enhance Portland's growing reputation as a city which celebrates the arts.

H. Celebrate the multi-cultural and diverse character of Portland's communities with place-specific art.

I. Encourage collaboration between artists, landscape architects, urban planners, architects, engineers, and other designers.

~~21~~20.3 ~~DEFINITIONS~~APPLICABILITY

A. ~~Art work.~~ For the purposes of the Public Art Program, art work shall include the following:

1. Sculpture, statues, or monuments in any material or combination of materials.
2. Painting.
3. Graphic arts, printmaking, and drawing.
4. Photography.
5. Crafts in clay, fiber and textiles, wood, metal, plastics, glass, and other materials.
6. Mixed media, any combination of forms or media, including collage.
7. Functional art such as street furniture, as described in the *Guidelines for the Public Art Ordinance*.
8. Environmental art consisting of landforms and artistic landscape composition.

B. The following shall not be considered public art for the purposes of the Public Art Program:

1. Reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs, or other works of art.
2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect which are a traditional and typical element of architectural design.

3. Those elements generally considered to be conventional components of a landscape architectural design including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures, and planters except as allowed by (G) and (H) in the list of included art work above.
4. Art objects which are mass produced or of a standard design, such as playground sculpture or fountains, except pieces of historical significance to the city.
5. Directional or other functional elements, such as supergraphics, signage, color coding, and maps, except where sculptural pieces are used to define gateways in the city.
6. Electrical, water, or mechanical service for activation of the work.
7. Exhibitions and educational programs related to the work.
8. Performing arts.
9. Art that displays slogans, logos, mascots, or commercial advertising.

C. The public art collection~~.~~ shall include art objects that are owned by the City of Portland which are permanently installed in public, accessible locations. Permanent public art must be located in a public place with public visibility and impact, and shall have a permanence at least comparable to associated capital projects.

~~**Public art guidelines.** The regulations adopted by the committee and approved by the City Council which establish procedures to carry out the purpose of this article. The guidelines shall include but not be limited to criteria for selection of artists and art works, maintenance of a file of interested artists, procedures for artistic competitions, and requirements for the maintenance of works of art.~~

~~21~~20.4 FUNDING

~~21~~20.4.1 Establishment of Public Art Fund

The City shall establish a special revenue fund designated as the Public Art Fund in the City treasury from which expenditures may be made in accordance with this ordinance. The Public Art Fund shall contain a capital account to fund permanent public improvements in the form of the purchase, acquisition, or commission of new public art, or major restorations, and an operations and maintenance account. Authorized expenditures include, but are not limited to, associated site installation costs, such as lighting and landscaping, and costs associated with the commission, engineering, contract administration, unveiling, and dedication activities. Also authorized are expenditures associated with preservation, conservation, and repair of existing public art. Capital funds may come from any source, including the sale of general obligation bonds. The City's capital improvement program shall contain an annual appropriation for the Public Art Fund calculated in accordance with Subsection ~~21~~20.4.2. Funds for the operation and maintenance account may come from any source except bonds.

~~21~~20.4.2 City-funded projects

A percentage of the City's Capital Improvement Program (CIP) shall be calculated and appropriated annually to the Portland Public Art Fund. The annual appropriation shall be .5% of the total annual CIP. Nothing contained herein shall preclude funding the acquisition of art for municipal property in other ways.

~~21~~20.5 ADMINISTRATION

~~21~~20.5.1 Public Art Committee responsibilities

The City Public Art Program shall be administered by the Public Art Committee whose members shall be appointed by the City Council, and shall have the following responsibilities:

A. Develop an annual art plan for Portland which shall be presented to the City Council for approval.

B. Establish such guidelines as are necessary to carry out the purpose of this article. The guidelines shall include but not be limited to criteria for selection of artists and art work, maintenance of a file of interested artists, review criteria for proposed gifts of art work to the City, procedures for artistic competitions, and requirements for the maintenance of art work. Any and all guidelines or changes to guidelines shall be placed on a City Council agenda as a communication. The guidelines shall take effect 45 days after the date of placement on the council agenda, unless the City Council takes official action disapproving the guidelines, in whole or in part, prior to the expiration of the 45-day period. If a part of a guideline is vetoed, the remainder shall continue in effect. Any guideline adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.

C. Recommend to the City Council the expenditure of funds for the acquisition or commissioning of public art, for maintenance of public art, and for administration of this program.

D. Seek private donations of funds and/or works of art for the purposes of expanding the public art collection or the maintenance of the collection.

E. Oversee the maintenance, care, and repair of the public art collection.

F. Review the appropriateness of proposed public art which is intended to fulfill all or part of the contribution required by this article.

G. Review potential gifts of art to the City on City property, and assist in the development process of such gifts, in accordance with the *Guidelines for the Public Art Ordinance*.

H. Recommend appropriate locations and accessibility to the public for permanent art, with suggestion as to the type of art which is appropriate.

I. Solicit advice from arts professionals, the business community, and from local residents on the appropriateness of proposed art.

J. Recommend revisions to policies and guidelines for the improved implementation of this program.

K. Ensure that the use of funds collected under this program will increase the amount of art in the city that is available to the public.

~~21~~20.5.2 Public Art Committee structure

A. The Public Art Committee shall be composed of eleven voting members who are appointed by the City Council. The City Council shall appoint one of its members, the City Manager shall recommend a member, and Creative Portland shall recommend one of its members to serve on the Public Art Committee. The City Council shall appoint the remaining eight members who shall be volunteers and have interest and/or expertise in public art. Such experience may include, but shall not be limited to, education and experience as an architect, a landscape architect, a professional curator, a professional artist, and/or an art educator.

Persons appointed to the Public Art Committee must live or work in Portland and shall be appointed through the City's annual appointment process.

B. Each Public Art Committee member shall serve for a period of three years. The appointments shall be staggered so that three appointments terminate each year.

C. Whenever a vacancy shall occur, the vacancy shall be filled by the City Council.

D. The Public Art Committee shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Any and all rules or changes to rules shall be placed on a City Council agenda as a communication. The rule or rules shall take effect 45 days after the date of placement on the council agenda, unless the City Council takes official action disapproving the rules, in whole or in part, prior to the expiration of the 45-day period.

E. The members of the Public Art Committee shall annually elect one of their members as a chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their members as vice-chair.

22 REGULATION OF EXPLOSIVES

22.1 PURPOSE

The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

22.2 APPLICABILITY

This article shall apply to all blasting operations related to construction and development of real estate within the city. The City of Portland *Technical Manual* is incorporated into this article by reference. Standards listed in the *Technical Manual* shall be additional to the provisions of this article.

22.3 REVIEW PROCESS

22.3.1 Permit Required

No person may conduct blasting operations within the city without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in Chapter 10 of the City of Portland Code of Ordinances. Fees for this permit shall be as established by order of the City Council.

22.3.2 Application Requirements

Prior to the issuance of a permit the following information shall be submitted to the City:

A. A blasting plan shall be submitted by the applicant to the Planning Authority for all projects where more than 300 cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual*.

B. A blasting submittal shall be submitted to the Planning Authority where between 50 and 300 cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this article and of Section 3 of the City of Portland *Technical Manual*.

C. A blasting application shall be submitted to the Planning Authority where less than 50 cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than 50 cubic yards of material shall be removed are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and of Section 3 of the City of Portland *Technical Manual*.

D. A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the Planning Authority when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

22.4 STORAGE AND HANDLING

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine, and the National Fire Protection Association 1 Fire Prevention Code.

22.5 ENFORCEMENT

In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, or any other violation of this article, a stop work order may be issued on

all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the Planning Authority for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

22.6 PENALTIES

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

1st offense	$500
2nd offense	$1,000
Subsequent offenses	$1,000

22.7 NOTICE REQUIREMENTS

22.7.1 Basic noticing requirements

At least 10 days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

A. **Small blast (trench blast or under 50 cubic yards of rock removed).** All property owners within 250 feet of the perimeter of the blasting site.

B. **Medium blast (removal of 50-300 cubic yards of rock material).** All property owners within 500 feet of the perimeter of the blasting site.

C. **Large blast (removal of over 300 cubic yards of rock material).** All property owners within 600 feet of the perimeter of the blasting site.

22.7.2 Content of notice

Notice shall conform to the model notice contained in Section 3 of the City of Portland *Technical Manual* and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, the Planning Authority, and Fire Department where neighbors and property owners may request further information and notification.

22.7.3 Additional noticing requirements

A. For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in Section 3 of the City of Portland *Technical Manual*.

B. If blasting operations are to occur within 250 feet of any structure, additional notification requirements shall apply, as detailed in Section 3 of the City of Portland *Technical Manual*, in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.

22.8 HOURS OF BLASTING

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the Planning Authority. Requests for extension of hours of blasting must be submitted by the applicant in writing.

22.9 WAIVERS

Upon written request by the applicant, the Planning Authority, based on a positive recommendation by the Fire Department, may waive all or a portion of the blasting provisions of Section 3 of the City of Portland *Technical Manual*, provided that all waivers

~~are consistent with the purposes set forth in Section 22.1.~~

~~22.10 SUSPENSION OF BLASTING OPERATIONS~~

~~If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the Planning Authority or the Fire Chief or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.~~

1 INTRODUCTORY PROVISIONS

1.1 TITLE

The title of this chapter of the City of Portland Code of Ordinances is the City of Portland Land Use Code and is referred to as the City of Portland Land Use Code or the Land Use Code.

1.2 ZONING MAP

The City of Portland zoning map is incorporated by reference.

1.3 PURPOSE

The intent of the Land Use Code is to protect the health, safety, and general welfare of the residents of Portland, consistent with the City's Comprehensive Plan, through standards that govern the orderly and compatible use of land, the form and mass of buildings, and the relationship of development to the public realm, Portland's open spaces, and the environment.

1.4 APPLICABILITY

This Land Use Code applies to all land, uses, and structures within the corporate limits of the City of Portland. No building or structure shall be erected, structurally altered, enlarged, repaired, moved, rebuilt, or used, and no land shall be sold, leased, conveyed, used, developed, or altered except in conformity with the provisions of this Land Use Code.

1.5 ENFORCEMENT

1.5.1 Enforcement

The Building Authority and/or a City of Portland Code Enforcement Officer is authorized to institute or cause to be instituted by the Corporation Counsel in the name of the City any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the Land Use Code.

1.5.2 Violations

Any person being the owner or occupant of, having control of, or having the use of any building or premises or part thereof, who violates any of the provisions of this Land Use Code, shall be guilty of an offense and subject to the penalties and remedies provided in Chapter 1, Section 1-15 of the City of Portland Code of Ordinances and 30-A M.R.S. § 4452.

1.6 RELATIONSHIP WITH OTHER LAWS

1.6.1 Federal and state law

Where conditions, standards, or requirements imposed by any provision of this Land Use Code are found to be inconsistent with a provision listed in the law or regulations of the State of Maine or federal government, the more restrictive provision shall control.

1.6.2 City of Portland Land Use Code

If any provision of this Land Use Code contains an actual, implied, or apparent conflict with another provision of this code, the more restrictive provision shall control.

1.6.3 Fair Housing accommodation

The City of Portland may make reasonable modifications to the requirements of the Land Use Code to accommodate the needs of persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

1.6.4 Comprehensive Plan

The City's adopted Comprehensive Plan serves as the basic policy guide for this Land Use Code. Amendments to this Land Use Code shall be generally consistent with the current adopted Comprehensive Plan.

1.6.5 Current versions and citations

All references to other regulations or manuals in this Land Use Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Land Use Code requirements for compliance are no longer in effect.

1.6.6 Private agreement

This Land Use Code does not nullify any private agreement or covenant. However, where this code is more restrictive than a private agreement or covenant, this code controls. The City does not enforce private agreements.

1.7 DELEGATION OF AUTHORITY

Whenever a provision requires the head of a department to perform an act or duty, that provision will be interpreted as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

1.8 RULES OF INTERPRETATION

1.8.1 Meaning of words and terms

All words and terms shall have the meanings shown in Article 3, unless otherwise expressly stated. For words or terms not specifically defined in this Land Use Code, they are interpreted by their common dictionary meaning or customary usage consistent with their context.

1.8.2 Graphics and illustrations

Graphics and illustrations are included to illustrate the intent of the text. In the case of a conflict between the text and any graphic or illustration, the text shall control.

1.8.3 Lists and examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as", or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

1.8.4 Time

When a number of days is specified as a period from a certain day within which or after or before which an act is authorized or required to be completed, time is computed as the number of calendar days excluding the calendar day when the act is authorized or required to be completed. Business days shall be interpreted as days on which the City of Portland is open for business.

1.8.5 Obligatory terms and conjunctions

The terms in the text of the Land Use Code shall be interpreted in accordance with the following rules of construction:

A. The terms "must", "shall", and "will" are mandatory terms that express a requirement or impose an obligation.

B. The terms "must not", "shall not", "will not", and "may not" express a prohibition.

C. The term "should" expresses a recommendation or suggestion and does not express a requirement or imposition.

D. The term "may" is permissive and does not express a requirement or imposition.

E. The conjunction "and" indicates that all connected words or provisions apply.

F. The conjunction "or" indicates that the connected words or provisions may apply singly or in any combination.

G. The conjunction "either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

1.8.6 Gender

Words denoting one gender apply to all genders.

1.8.7 Abbreviations

Building Authority. Either the Department of Permitting and Inspections, its director, or their designee.

Council. The Portland City Council.

Planning Authority. Either the Department of Planning and Urban Development, its director, or their designee.

Public Works Authority. Either the Department of Public Works, its director, or their designee.

1.9 SUCCESSIVE APPLICATIONS

Whenever any application, appeal, or other request filed pursuant to this Land Use Code has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one year of such denial unless, in the opinion of the authority or board before which it is brought, there has been a substantial change in circumstance or substantial new evidence is available.

1.10 AMENDMENTS

1.10.1 Authority

The City Council may amend this Land Use Code and the zoning map incorporated herein.

1.10.2 Procedure

A. An application for a text or zoning map amendment shall be filed with the Planning Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The fee for text or zoning map amendment applications may be waived or reduced by the Planning Authority in the case of an application submitted by a governmental body or where an applicant can establish financial hardship. If a text or zoning map amendment application is withdrawn by an applicant prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of half of the amount of the application fee will be made to the applicant by the City provided that all costs incurred by the City have been paid in full by the applicant.

B. Once it is determined that the application is complete, the Planning Authority shall give a dated receipt to the applicant and, in the case of a map amendment, shall notify, by mail, all property owners within the limits of the proposed zoning map amendment and all property owners 500 feet beyond said area. The notice hereunder shall include a brief

description of the application, the address or location of the property involved, and contact information where additional information may be obtained. The cost of noticing shall be charged to the applicant.

C. A private applicant for a map amendment that would permit a development subject to major site plan review shall conduct neighborhood outreach according to the provisions for neighborhood meetings under Article 14.

D. The Planning Authority shall review the application against the standards of this article and make a recommendation to the Planning Board.

E. The Planning Board shall hold a public hearing in accordance with the provisions of Article 2 and make a recommendation to adopt, adopt with modifications, or not adopt the proposed map or text amendment, and forward the recommendation to the City Council.

F. The City Council shall review the proposed amendment and determine whether and how to amend the Land Use Code or zoning map.

1.10.3 Review fees

The applicant shall pay a fee to cover the professional and administrative costs for review and analysis associated with the amendment, including but not limited to planning, legal, engineering, or other services. The fee shall be based on the hours of review and processing time and the prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant.

1.10.4 Review standards

Except as otherwise required by law, amendments to the City's Land Use Code shall be pursuant to and consistent with the Comprehensive Plan.

1.11 TRANSITION RULES

A permitted use established prior to the effective date of the Land Use Code that is now classified as a conditional use shall be deemed a lawful conditional use. Any subsequent addition, enlargement, or expansion of that use shall conform to the procedural and substantive requirements for conditional uses in Article 6. A permitted or conditional use established prior to the effective date of this Code that is now classified as a prohibited use shall be deemed a nonconforming use and is controlled by the provisions of Article 4.

2 ADMINISTRATION

2.1 PLANNING BOARD

2.1.1 Composition

There shall be a Planning Board of seven members. Members of the Planning Board shall be residents of the city and shall not be officers or employees of the City. Members shall serve without compensation.

2.1.2 Appointments

A. Terms. The members of the Planning Board shall be appointed by the City Council for terms of three years. Such members shall serve until their successors are duly appointed and qualified. Such terms shall be staggered so that the terms of not more than three members shall expire in any calendar year; providing, however, such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.

B. Vacancies. Permanent vacancies on the Planning Board shall be filled by the City Council, in the same manner as other appointments hereunder, for the unexpired term of the former member.

2.1.3 Removal of members

Any member of the Planning Board may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.1.4 Officers

A. Chair. The members of the Planning Board shall annually elect one of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. The chair may administer oaths.

B. Vice chair. The members of the Planning Board shall annually elect one of their number as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Planning Board.

C. Pro tempore officers. In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.1.5 Committees

The chair of the Planning Board shall assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report. The board shall adopt such rules as it shall deem appropriate to govern the organization and operation of its committees. Committee

meetings deliberative in nature shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq.

2.1.6 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Planning Board without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

2.1.7 Conflicts

No member of the Planning Board shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

2.1.8 Meetings and procedures

A. Meetings. Regular meetings of the Planning Board shall be held at the call of the chair or as provided by rule of the board. Special meetings may be called by the chair or any four members of the Board or at the request of the City Council.

1. *Workshops.* Workshops of the Planning Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Director of the Department of Planning & Urban Development, their staff, an applicant, or others. These meetings will be open for public comment according to the rules of the Planning Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq. shall be informational only and shall not result in final decisions on any matter.
2. *Public hearings.* Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Planning Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.

B. Notice. The Planning Authority shall give notice of the time and place of public workshops and hearings, including a brief description of the application(s) to be considered, as follows:

1. *Site plan and subdivision.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 10 calendar days prior to the workshop or hearing. Notice shall also be sent by regular United States mail at least 10 calendar days in advance of the workshop or hearing date to the applicant, the owner(s) of the subject property, and all owners of property located within 500 feet of the subject property.
2. *Land Use Code or zoning map amendment.* Notice of public hearing shall be publicly

posted in the municipal office at least 13 days before the public hearing on such application. In addition, notice of said public hearing must be published at least two times in a newspaper of general circulation in the City of Portland. The date of the first publication must be at least 12 days prior to any public hearing and the date of the second publication must be at least seven days prior to the public hearing. For map amendments, notice shall be sent by regular United States mail to at least 13 calendar days in advance of any workshop or hearing date to all property owners within the area proposed for rezoning and all property owners 500 feet beyond said area, except that rezoning to industrial zone designations the notice range shall be 1,000 feet.

3. *Contract or conditional zoning.* Notice of public hearing shall be posted in the City Clerk's office at least 13 days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

The cost of noticing shall be charged to the applicant.

C. **Procedures.** The Planning Board shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the Planning Authority and with the City Clerk. Any and all rule changes shall be placed on a City Council public agenda as a communication requiring a public hearing. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.1.8(A)(1), all meetings, hearings, and deliberations of the Planning Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing may be required by the Planning Board to be given under oath.

D. **Keeping of records.** The Director of the Department of Planning & Urban Development shall designate a member of their staff who shall attend all Planning Board proceedings. The staff shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member on every question, or their absence or failure to vote, and shall maintain the permanent records and decisions of all Board meetings, hearings, and proceedings and all correspondence of the Board, as required by statute. Such records shall be public records open to inspection during working hours upon reasonable notice.

2.1.9 Record and decisions

A. **Record.** The minutes of the staff, and the transcript if one is made, and all exhibits,

papers, applications, and requests filed in any proceeding before the Planning Board and the decision of the Board shall constitute the record.

B. Decision. Every final decision of the Planning Board and every recommendation of the Planning Board to the City Council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The Planning Authority shall provide notice of any decision of the Planning Board to the applicant.

2.1.10 Jurisdiction and authority

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the City and in accordance therewith, the Planning Board shall have the following jurisdiction and authority:

A. To prepare and recommend a Comprehensive Plan to the City Council.

B. To prepare and recommend to the City Council changes in and amendments to the Comprehensive Plan.

C. To aid and assist the City Council and departments and agencies of the City in implementing general plans and in planning, developing, and completing specific projects.

D. To hear, review, and approve, conditionally approve, or deny major site plans.

E. To hear, review, and approve, conditionally approve, or deny applications for subdivision approval.

F. To hear, review, and approve or deny applications for conditional uses as specified in Article 6.

G. To hear, review, and offer its recommendations to the City Council on applications for amendments to, or revisions of, this Land Use Code.

H. To review and offer its recommendations to the City Council on certain public projects.

I. To review and approve, conditionally approve, or disapprove site plans for regulated projects in shoreland areas.

J. To prepare and offer its recommendations to the City Council with regard to the City's annual Capital Improvement Program.

K. Upon reasonable request, to make its special knowledge and expertise available to any official, department, board, or agency of the city, county, state, or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region, including request from the City Council to review proposed developments in which the developer does not have the right, title, or interest in all the property necessary for the proposed development because some or all of that property is owned by the City.

L. To make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as seem desirable.

M. To employ or contract with such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and for such other expenses as may be necessary and proper, provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes by the City Council.

N. To hear, review, and offer its recommendations to the City Council on petitions for street vacations and discontinuances.

O. To hear, review, and decide appeals where it is alleged there is an error in any decision, requirement, or determination made by the Planning Authority.

P. To approve, following a public hearing and at the recommendation of the Public Works Authority and the Planning Authority, *Technical Manual* and *Design Manual* standards, provided that such standards shall be additional to and consistent with the provisions of this Land Use Code, necessary and reasonable, and in accordance with sound engineering and urban design practice.

2.1.11 Administrative appeals

A. Application procedures. An appeal may be taken to the Planning Board by any person affected by a final decision of the Planning Authority except as provided elsewhere in this Land Use Code. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning Authority. A payment of a nonrefundable filing fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany each application. The Planning Authority shall forthwith transmit to the Planning Board all of the papers constituting the record upon which the action appealed from was taken.

B. Public hearing. A public hearing shall be set, advertised and conducted by the Planning Board in accordance with the provisions of this article.

C. Action. Within 30 days following the close of the public hearing, the Planning Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the state. The failure of the board to act within 30 days shall be deemed a denial of the appeal unless mutually extended in writing by the appellant and the board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.

D. Conditions and limitations. Any right granted by the reviewing board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.1.12 Planning Board appeals

An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the Board is limited to the making of a recommendation.

2.2 HISTORIC PRESERVATION BOARD

2.2.1 Composition

The Historic Preservation Board shall consist of seven voting members who shall serve without compensation. Members shall not be officers or employees of the City. Members shall have demonstrated interest, knowledge, ability, experience, or expertise in restoration, rehabilitation, or neighborhood conservation or revitalization and shall be residents of the city.

2.2.2 Appointments

A. Terms. Members shall be appointed by the Council for terms of three years. Appointments shall be staggered so that the terms of not more than three members expire in any

calendar year. Members may serve for three consecutive three-year terms.

B. **Vacancies.** Vacancies on the Historic Preservation Board shall be filled within 60 days. However, every member shall continue in office after expiration of the term until a successor has been appointed. Vacancies on the Historic Preservation Board shall be filled for the unexpired term of the former member.

2.2.3 Removal of members

Members may be removed for cause by the Council. Cause shall include, but is not limited to, the failure to attend meetings without good cause. Any member proposed to be removed shall be given written notice and an opportunity to be heard prior to final action.

2.2.4 Officers

A. **Election and terms.** Officers of the Historic Preservation Board shall consist of a chair and vice chair. Officers shall be elected by the Historic Preservation Board and shall serve a term of one year and shall be eligible for re-election.

B. **Chair.** The chair shall preside at all meetings and hearings and fulfill the customary functions of that office.

C. **Vice chair.** In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Historic Preservation Board.

D. **Pro tempore officers.** In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.2.5 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Historic Preservation Board without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not less exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of the adjournment.

2.2.6 Conflicts

No member of the Historic Preservation Board shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

2.2.7 Meetings and procedures

A. **Meetings.** Regular meetings of the Historic Preservation Board shall be held no less

frequently than monthly. Special meetings may be called by the chair, any four members of the board, or at the request of the Planning Board or City Council.

1. *Workshops.* Workshops of the Historic Preservation Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Director of the Department of Planning & Urban Development, their staff, an applicant, or others. These meetings will be open for public comment according to the rules of the Historic Preservation Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq., shall be informational only and shall not result in final decisions on any matter.
2. *Public hearings*. Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Historic Preservation Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.

B. Notice. The Planning Authority shall give notice of the time and place of Historic Preservation Board public workshops and hearings, including a brief description of the application(s) to be considered, as follows:

1. *Landmark, historic district, or historic landscape district nomination.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 10 calendar days prior to anythe workshop or hearing. Notice shall be sent by regular United States mail to the applicant and to the owner(s) of the subject property or properties at least 10 calendar days in advance of any workshop or hearing date.
2. *Certificate of Appropriateness review.* Notice shall be given to all property owners within 100 feet of the property at least seven days prior to the date of the workshop or public hearing.
3. *Major site plan review.* For alteration or new construction that is classified as a major site plan under Article 13, notice shall be given to all property owners within 500 feet of the property at least seven days prior to the date of the workshop or hearing.
4. The cost of noticing shall be charged to the applicant.

C. Procedures. The Historic Preservation Board may adopt procedural rules for the conduct of its business not inconsistent with the statutes of the state and this article. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.2.7, all meetings, hearings, and deliberations of the Historic Preservation Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing

may be required by the Historic Preservation Board to be given under oath.

2.2.8 Record and decisions

A. **Record.** The minutes of the staff, and the transcript if one is made, and all exhibits, papers, applications, and requests filed in any proceeding before the Historic Preservation Board and the decision of the Board shall constitute the record.

B. **Decision.** Every final decision of the Historic Preservation Board and every recommendation of the Historic Preservation Board to the Planning Board or City Council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The Planning Authority shall provide notice of any decision of the Historic Preservation Board to the applicant.

2.2.9 Jurisdiction and authority

The Historic Preservation Board shall have the following jurisdiction and authority:

A. To conduct or administer an ongoing survey to identify historically, culturally, architecturally, and archaeologically significant areas, sites, structures, and objects.

B. To review areas, sites, structures, and objects nominated for local historic designation, and to make recommendations to the Planning Board and City Council for their designation as landmarks, historic districts, and historic landscape districts as applicable.

C. To participate in the Certified Local Government Program of the National Historic Preservation Act Amendments of 1980 and the Maine Historic Preservation Commission, and carry out any responsibilities delegated to it under that program, including review and comment on any National Register nominations submitted to the Historic Preservation Board.

D. To hold workshops and public hearings to review applications for certificates of appropriateness affecting historically designated properties and to approve or deny certificates of appropriateness.

E. To review applications for certificates of economic hardship and to issue or deny certificates of economic hardship. To develop design guidelines affecting landmarks or districts.

F. To assist the Planning Board and City Council in the development of a preservation component in the Comprehensive Plan of the City of Portland.

G. To make recommendations to the Planning Board concerning any amendments to the Land Use Code appropriate for the protection and continued use of historically-designated properties.

H. As requested, to provide comment, recommendations, or testimony to the Planning Board or City Council on matters pertaining to historic preservation in Portland.

2.2.10 Administrative appeals

A. **Application procedures.** An appeal may be taken to the Historic Preservation Board by any person affected by a decision of the Planning Authority relative to Article 16. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning Authority. A payment of a nonrefundable filing

fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany the application. The Planning Authority shall forthwith transmit to the Historic Preservation Board all of the papers constituting the record upon which the action appealed from was taken.

B. Standard of review. The standard of review for appeals pursuant to this section shall be de novo. The appellant shall bear the burden of proof.

B. Public hearing. A public hearing shall be set, advertised, and conducted by the Historic Preservation Board in accordance with the provisions of this article.

C. Action. Within 30 days following the close of the public hearing, the Historic Preservation Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the state. The failure of the board to act within 30 days shall be deemed a denial of the appeal unless mutually extended in writing by the appellant and the Board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.

D. Conditions and limitations. Any right granted by the board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.2.11 Historic Preservation Board appeal

A. Historic Preservation Board decision. An appeal from any final decision of the Historic Preservation Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the Planning Board, adhering to the requirements of Subsection 2.1.11 of this article.

B. The Planning Board shall deny the appeal unless it finds that the action of the Historic Preservation board was arbitrary or capricious or was not based on substantial evidence. Review by the Planning Board under this subsection is intended to be appellate in nature. Except where the Planning Board determines that injustice would result, the Planning Board shall determine the appeal without considering any facts or arguments which were not presented to the Historic Preservation Board. Where the Planning Board finds it necessary to consider such new evidence in order to do substantial justice, it shall remand the matter to the Historic Preservation Board for further consideration, unless it determines that the resulting delay is likely to result in undue hardship to the applicant.

C. Planning Board decision. The Planning Board's decision on an appeal from a decision of the Historic Preservation Board shall be final with respect to the application or matter initially presented to the Historic Preservation Board. An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the board is limited to the making of a recommendation.

2.3 ZONING BOARD OF APPEALS

2.3.1 Composition

There shall be a Board of Appeals of seven members. Members of the Board shall be residents of the city and shall not be officers or employees of the City or any of its agencies or departments. Members shall serve without compensation.

2.3.2 Appointments

A. Terms. The members of the Board of Appeals shall be appointed by the City Council for terms of three years. Terms shall be staggered so that the terms of no more than three members shall expire in any calendar year. Such members shall serve until their successors are duly elected and qualified provided, however, that such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.

B. Vacancies. Permanent vacancies on the Board of Appeals shall be filled by the City Council, in the same manner as other appointments under this article, for the unexpired term of a former member whose place has become vacant.

2.3.3 Removal of members

Any member of the Board of Appeals may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.3.4 Officers

A. Chair. The members of the Board of Appeals shall annually elect one of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. In the absence of the chair, the secretary shall act as chair and shall have all the powers of the chair.

B. Secretary. The members of the Board of Appeals shall annually elect one of their number as secretary. The secretary shall fulfill the duties provided by statute and this article and have such other duties as may be provided by the rules of the board.

C. Pro tempore officers. In the absence of both the chair and the secretary, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the secretary's absence. In the absence of the secretary, or when the secretary is serving as chair, the board shall elect a secretary pro tempore from among its number and the secretary pro tempore shall have all the powers of the secretary during the secretary's absence or service as chair.

2.3.5 Quorum and necessary vote

No business shall be transacted by the Board of Appeals without a quorum, consisting of four members, being present. The concurring vote of at least four members of the board shall be necessary to grant any request or application or to sustain any appeal. The vote of a majority of the members present shall be necessary to authorize any action by the board.

2.3.6 Conflicts

No member of the Board of Appeals shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient to disqualify them shall be decided by a majority vote of the members, except the member

who is being challenged. Where such a vote results in a tie, the challenged member shall be deemed disqualified.

2.3.7 Meetings and procedures

A. Staff. The Building Authority or their designee shall serve as staff to the Board of Appeals.

B. Meetings. Regular meetings of the Board of Appeals shall be held at the call of the chair or as provided by the rules of the board. Special meetings shall be called by the chair at the request of any two members of the board or at the request of the City Council. All meetings and hearings of the board shall be open to the public. For all matters properly brought before the Board of Appeals, the board shall select a reasonable time and place for a public hearing following the submission of the subject application.

C. Notice. The Building Authority shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven days in advance of the hearing date by regular United States mail. Notices shall be given to each of the following as specified:

1. In all cases, to the petitioner.
2. In all cases, to all residents of the city by publication in a newspaper of general circulation in the city at least once, not more than 30 nor less than five days before the date of the hearing, and by mail to the applicant.
3. In the case of hearings relating to zoning appeals, a variance, or a conditional use, to the Planning Board and City Council by reasonable means.
4. In the case of hearings relating to a variance request from the provisions of Article 11, the application and all supporting information supplied by the applicant shall be forwarded to the State of Maine Department of Environmental Protection at least 20 days prior to action by the board. Any comments received from the Commissioner or their designee prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
5. In the case of hearings related to a variance or conditional use, by mail to the owners of all the property within 500 feet of such parcel or tract.
6. In the case of hearings related to all other appeals, by mail to the owners of property directly abutting, and directly across a street or alley from the subject property.
7. For purposes of this subsection, the owners of property shall be considered to be the parties listed by the Assessor's Department as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the board.
8. The cost of noticing shall be charged to the applicant.

D. Procedures. The Board of Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes

of the state and this article. Such rules shall be filed with the City Clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by this article, may be waived by the board upon good cause being shown.

1. *Conduct of hearings.*
   a. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the Board shall exclude irrelevant, immaterial and unduly repetitious evidence.
   b. The applicant and any abutter or similar person with standing shall in addition have the right to present witnesses on their own behalf and offer rebuttal evidence, to cross examine all witnesses testifying in opposition to their position through the chair, and to examine and introduce any documents produced at the hearing.
2. All other matters pertaining to the conduct of hearings shall be governed by the provisions of the relevant state statutes, this article, and the rules promulgated by the Board of Appeals.

2.3.8 Records and decisions

A. Record. The recording of testimony, if any, and all exhibits, papers, applications, and requests filed in any proceeding before the Board of Appeals and the decision of the board shall constitute the record.

B. Decision. Every decision of the Board of Appeals shall include findings of the fact, shall refer to the evidence in the record and the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief. The Building Authority shall hand deliver or mail a copy of the decision to the applicant, the Planning Board, and City Council within seven days of such decision, and shall also file the decision with the City Clerk.

2.3.9 Jurisdiction and authority

The Board of Appeals shall have the following jurisdiction and authority:

A. To hear and decide appeals from the granting or denial of any permit required by Chapter 6, Article 11, or Chapter 10 of the City of Portland Code of Ordinances.

B. To hear and decide appeals from any decision or order made by the Building Authority pursuant to the provisions of this Land Use Code or any other chapter of the City of Portland Code of Ordinances, except that decisions relating to enforcement of the Shoreland Zone provisions of this chapter may not be appealed to the Board of Appeals and may only be appealed directly to Superior Court in accordance with M.R. Civ. P. 80B and 30-A M.R.S. §§ 2691 & 4483.

C. To review interpretations of the Zoning Administrator or their designee, except that decisions on such interpretations shall be advisory only and shall not be appealable.

D. To hear and grant or deny applications for variances from the terms of this Land Use Code, including but not limited to terms related to use; dwelling unit conversion; space and bulk, such as lot size, density, and setbacks; parking; loading; and signs.

E. To hear and grant or deny applications for conditional uses, as specified in Article 6.

2.3.10 Administrative appeals

A. Application procedures. Application for any appeal to the board shall be submitted to the Building Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form as prescribed by the Building Authority.

B. Public hearing. A public hearing shall be set, advertised and conducted by the Board of Appeals in accordance with Subsection 2.3.7.

C. Standard of review. The standard of review for appeals pursuant to Subsections 2.3.9(A), (B), and (C) shall be de novo. The appellant shall bear the burden of proof.

D. Conditions and limitations on rights granted by appeal. Any right granted by the Board of Appeals on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.3.11 Variances

A. Application procedures

1. Application for a variance shall be submitted to the Building Authority. A payment of a nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form as prescribed by the Building Authority.

2. A public hearing shall be set, advertised, and conducted by the Board of Appeals in accordance with Subsection 2.3.7.

3. All decisions by the board shall be rendered in a manner and form not inconsistent with the statutes of this state.

4. When a decision affects property located within the Shoreland Overlay Zone, the Zoning Board of Appeals shall cause written notice of its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven days of the board's decision.

B. Undue hardship variance. An undue hardship variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his or her property would cause undue hardship. The words "undue hardship" as used in this subsection mean the following:

1. The land in question cannot yield a reasonable return unless a variance is granted.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

3. The granting of a variance will not alter the essential character of the locality.

4. The hardship is not the result of action taken by the applicant or prior owner.

C. Disability variance

1. *By the Board of Appeals.* Notwithstanding the provisions of subsection (B) above, the board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall, or roof systems necessary for the safety or effectiveness of the structure. For the purpose of this subsection, a disability has the same meaning as a physical or mental disability under 5 M.R.S. § 4553.
2. *By the Building Authority.* Notwithstanding the provisions of subsections (B) and (C(1)) above, the Building Authority may issue a permit to the owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability.

D. Practical difficulty variance. Notwithstanding the provisions of subsections (B) and (C) above, the Board of Appeals may grant a variance from the dimensional standards of this Land Use Code that relate to lot area, lot coverage, frontage, and setback requirements when strict application of these standards would both preclude a permitted use of the property and result in significant economic injury to the applicant. Significant economic injury shall mean that the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land. In granting a practical difficulty variance, all of the following conditions must be found to exist:

1. The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood.
2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.
3. The practical difficulty is not the result of action taken by the applicant or a prior owner.
4. No other feasible alternative is available to the applicant, except a variance.
5. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

6. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S. § 435, nor within a Shoreland Zone or flood hazard area, as defined in this Land Use Code.

E. Specified variances prohibited

1. A variance may only be granted with respect to the generally applicable space and bulk requirements of the zone in which the property is located and not from any provision that allows a deviation from those requirements.
2. No variance shall be granted which would permit the creation of a lot or parcel that cannot be developed in compliance with the zoning, subdivision, and other regulations applicable thereto.
3. No variance shall be granted which would result in a use or development of the lot or parcel in question which would not be in harmony with the general purpose and intent of this Land Use Code or the Comprehensive Plan; which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property or improvement permitted in the vicinity; or which would materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase congestion in the public streets, increase the danger of flood or fire, or endanger the public safety.
4. No variance shall be granted which would be greater than the minimum variance necessary to relieve the undue hardship or the hardship of the applicant.

F. Conditions on variances and variances less than requested. Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening, and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

G. Limitations on variances. No variance permitting the erection or alteration of a building shall be valid for a period longer than two years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than two years, unless an occupancy permit is issued and a use commenced within such period.

H. Recording of variances. No variance shall be valid unless, within 90 days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S. § 4353(5).

2.3.12 Violations

In addition to any other remedies available, the Board of Appeals after notice and hearing may revoke any variance or other relief granted under this section when the provisions of this chapter or the conditions under which the relief was granted have not been complied with.

2.3.13 Reconsideration

The Board of Appeals may reconsider any decision within 45 days of its decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

2.3.14 Appeals

Any aggrieved party may take an appeal, within 45 days of the vote of the original decision, from any final decision of the Board of Appeals to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S. §§ 2691 & 4483., except as otherwise specifically provided in this article.

3 DEFINITIONS

Adjacent grade (within the floodplain). For the purposes of calculating floor elevation in areas of special flood hazard, the natural elevation of the ground surface prior to the construction next to the proposed wall of a structure.

Adult business establishment. Any business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

A. Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in Chapter 4 of the City of Portland Code of Ordinances; or

B. Customarily, meaning more often than an average of one calendar week during any calendar month of operation, exhibits motion pictures or displays any other visual representation described or advertised as being "X rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or

C. Is adjudged to be in violation of 17 M.R.S. §§ 2911, 2912.

Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses (including utilities such as electric, heat, water, sewer, and/or trash that the household pays separately from rent) or must pay in ownership cost (including but not limited to mortgage payments, 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.

After-hours entertainment license. Any of the music, dancing, and special entertainment licenses required or authorized by Chapter 4, Article III of the City of Portland Code of Ordinances.

Agriculture. Land and associated structures used for the growing of crops and raising of domesticated animals to provide food and other products for sale, personal consumption, donation, and/or educational purposes. Agriculture includes single-family dwellings and any additional dwellings that are accessory to the principal use of agriculture. Agriculture also includes farmstands used to sell crops grown on the premises.

Airport. Land, water, or any human-made object or facility located thereon, which is used or intended to be used for landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airports may include airport administration, terminals, carrier operations, concessions, reservations and ticket sales, freight, repair and storage, fueling services, flying schools, car rental operations, and other associated uses.

Airport restricted access areas. Runways, taxiways, and other areas of an airport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not.

Alley. Any way designed primarily for vehicular and pedestrian or utility access to the back or side of

premises otherwise abutting on a street, except driveways unless officially designated otherwise.

Animal-related services. Establishments principally for the training or boarding of animals. Such uses shall not include veterinary services.

Approval. An affirmative decision on an application, including an approval with conditions.

Appurtenance. A device or structure not designed for human occupancy and attached to the exterior of a building.

Area of shallow flooding. Area designated AO and AH zone on the Flood Insurance Rate Map (FIRM) with a 1 % or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.

Auto service station. A business selling fuel for vehicles and propane, or providing services specific to charging electric vehicles, or providing motor vehicle repairs including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities. Such businesses may also include car-washes and/or vacuums.

Bar. Any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Base flood. The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).

Basement. Area of building that includes a floor that is subgrade (below ground level) on all sides.

Bed and breakfast. A detached dwelling that contains no more than nine guest rooms; is used to provide or offer overnight accommodation for transient guests; has an owner, manager, or operator living in the building as a permanent resident; does not provide cooking facilities in any of the guest rooms; and provides meals on-site.

Beverage container redemption center. A facility established with the primary purpose of accepting empty beverage containers from consumers and paying or otherwise providing the refund value of such containers.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without damage to the elevated portion of the building or supporting foundation system.

Building. A roofed and walled structure built for permanent use.

Building, accessory. A detached roofed and walled structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.

Building addition. Any increase to footprint, floor area, or volume of an existing building.

Building alteration. A change or rearrangement in the structural supports, exterior appearance, or removal of features otherwise affecting the exterior appearance of a building.

Buildings, attached. Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.

Building, principal. The main roofed and walled structure on a lot having the predominant area, extent, and/or use. A lot may have more than one principal building. When a garage is attached to the principal building in a substantial manner as by an enclosed area with roof or common wall, it shall be considered as a part of the principal building.

Child care center. Per 22 M.R.S. §8301-A(1-A)(A), a child care center is a house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

Child care facility, small. Per 22 M.R.S. §8301-A(1-A)(E), a small child care facility is a house or other place, not the residence of the operator, in which a person maintains or otherwise carries out a regularly scheduled program, for any part of a day, providing care and protection for 3 to 12 children between 6 weeks and 12 years of age.

Clinic. Any establishment where patients are examined and treated by one or more health care providers, such as, but not limited to, physicians, dentists, psychologists, or social workers. Clinics may include laboratory services and facilities for ambulatory or outpatient surgical procedures.

Coastal AE Zone. The portion of the coastal high hazard area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal high hazard area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are designated as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

Coastal wetland. All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or

estuarine habitat; and/or any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial vessel. Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.

Common circulation drives. Private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the Waterfront Central Zone providing access from/to the public street network.

Communication studio. A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

Community hall. A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. A community hall may also be referred to as a neighborhood center.

Condominium. Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560 et seq., or its equivalent, as it may from time to time be amended.

Construction and engineering services. Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. Construction and engineering services with no storage of equipment, vehicles, machinery, and/or materials are considered general office uses.

Containment wall. Wall surrounding all sides of an above ground tank to contain any spills or leaks.

Critical systems. Mechanical, electrical, plumbing, fire protection, life safety, and communication systems required for the uninterrupted and safe operation and occupancy of a building.

Cultural facility. A facility open to the public, providing access to cultural exhibits and activities including but not limited to museums, cultural or historical centers, non-commercial galleries. A cultural facility may include accessory services such as, but not limited to, retail sales of related items.

Disturbed area. All land areas of a site that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a site. Construction equipment movement, laydown areas, parking for a site, and tree removal is considered disturbed area. Disturbed area does not include routine maintenance but does include

redevelopment and new impervious area. Replacement of a building is not considered routine maintenance and is therefore considered disturbed area.

Drive-through. A facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

Drive-through features. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

Dwelling, four-family. A single building containing four dwelling units.

Dwelling, live/work. A principal structure that combines a dwelling unit with a permitted commercial use that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Code. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling, multi-family. A single building containing five or more dwelling units.

Dwelling, multi-family conversion. A single building containing five or more dwelling units, converted from an existing dwelling of four or fewer units, or an existing structure in nonresidential use.

Dwelling, single-family. A single building containing one dwelling unit.

Dwelling, three-family. A single building containing three dwelling units.

Dwelling, townhouse. A structure consisting of two or more dwelling units, the interior of which is configured in a manner such that dwelling units are attached horizontally, separated by a party wall, and each dwelling unit is located on a separate lot with a separate exterior entrance.

Dwelling, two-family. A single building containing two dwelling units.

Dwelling unit. One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.

Dwelling unit, accessory. A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.

Earth-moving activity. Any removal or placement, excavation, filling, stockpiling, or grading of soil, earth, loam, sand, gravel, rock, and other mineral deposits.

Easement. A right, privilege, or liberty which one has in land owned by another for some special and definite purpose.

Elevation certificate. An official form (FEMA form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Emergency operations. Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter. A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

Entrance, principal. A main point of access for pedestrians into a building. Buildings may have more than one principal entrance.

Essential services. The construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection, or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Façade. An exterior building wall, from grade to the top of the parapet or eaves. A facade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation.

Façade, blank. A building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

Family. One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit.

Family child care provider. Per 22 M.R.S. §8301-A(1-A)(C), a family child care provider is a person who provides day care in that person's home on a regular basis, for consideration, for children under 13 years of age who are not the children of the provider or who are not residing in the provider's home.

Farmstand. A temporary structure, used for the sale of food or non-food crops grown on the premises.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling.

Fixture, fully shielded. A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Flag. A fabric sheet of square, rectangular, or triangular shape having no enclosing or supporting framework that is typically mounted on a pole.

Flood or flooding.

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along a shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood boundary and floodway map. The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.

Flood elevation study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood insurance rate map. The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments to

structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.

Floodway encroachment lines. The lines marking the limits of floodways on federal, state, and local floodplain maps.

Foundation. The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

Forested wetland. A freshwater wetland dominated by woody vegetation that is six meters (approximately 20 feet) tall or taller.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Freshwater wetland. Freshwater swamps, marshes, bogs, and/or similar areas which are both: Of ten or more contiguous acres or of less than ten contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten acres or of less than ten acres that is depicted on the Shoreland Zoning map. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally-dependent use (within the floodplain). A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage/yard sale. A temporary event held on residential property, during which the owner or occupant offers used personal items, such as clothing, furniture, and household goods, for sale to the public.

General office. An office for the conducting or managing of a business or the practice of a profession, including that of a licensed health care provider, so long as such office does not include laboratory services and facilities for ambulatory surgical procedures. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services.

General services. Establishment primarily engaged in rendering frequent or recurring services to persons or business on a fee basis, including but not

limited to banks, health clubs, laundries, beauty shops, barber shops, nail salons, electronics repair shops, and the like.

Greenhouse/nursery (retail). An establishment where flowers, shrubbery, trees, and other horticultural and floricultural products are propagated and sold, which may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, bulk materials such as mulch, straw, and stone, and other related items for sale.

Green roof. A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane.

Group home. A housing facility for 9 to 12 persons with disabilities that is approved, authorized, certified, or licensed by the State.

Hazard tree. A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Helistop. An area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.

Highest Astronomical Tide. The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch, or NTDE.

Historic rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Hospital. An institution providing health services, primarily on an inpatient basis, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hostel. An overnight lodging facility for transient guests that provides sleeping rooms and common

spaces for cooking. A hostel shall not be used as an emergency shelter.

Hotel. A commercial facility that provides sleeping accommodation for a fee and customary lodging services. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Impervious surface. Area covered with low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

Impound lot. A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

Industrial, high-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial, and lower-impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting, and odors. High-impact industrial includes fish-waste processing.

Industrial, low-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from previously prepared material, where such activities are conducted wholly within an enclosed building. Low-impact industrial uses do not include the processing of raw materials or salvaging operations. Low-impact industrial uses are generally compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses.

Kitchen facilities. Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

Laboratory and research facility. A building or group of buildings used for the purpose of conducting research, investigation, testing, and experimentation in any field of science, medicine, or technology and including facilities such as but not limited to administrative offices, laboratories, and service or machine shops to serve the facility. Laboratory and research facilities do not include manufacturing of products for sale.

Limit of Moderate Wave Action (LiMWA). The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally-established datum. For purposes of the floodplain ordinance, an elevation established for a specific site to which other elevation at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lodging house. A house, building or portion thereof containing five or more rooming units, as well as common areas, and providing such units to individuals on not less than a monthly basis for compensation.

Lodging house common areas. Portions of a lodging house which are available for use by residents of the lodging house. Lodging house common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as lodging house common areas.

Lot. A lawfully created parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a) separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds; b) a contiguous combination of such lots under common ownership and designated as one unit for development; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

Lot, through. A lot that fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot, flag. A lot platted so that the main building site area (the "flag") is set back from the street on which it fronts, and includes an access strip (the "pole") connecting the main building site with the street.

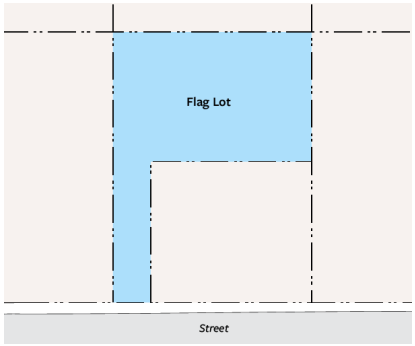


FIGURE 3-A: FLAG LOT

Lowest floor (within the floodplain). The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant

enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Article 12.

Low-income household. A household having an income not exceeding 80% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Low-income housing unit for rent. 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).

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Low-income housing unit for sale. A dwelling unit for which:

A. The sale price is affordable to a household earning 100% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

B. The unit is sold to a household earning 100% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Manufactured housing. A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction

and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

B. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Marijuana, cultivation facility. A cultivation facility required to be licensed pursuant to 28-B M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings, and marijuana seeds, for use or sale.

Marijuana, manufacturing facility. A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

Marijuana, plant canopy. As defined by 28-B M.R.S. § 102.

Marijuana product. As defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marijuana, registered dispensary. A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

Marijuana, registered patient. As defined by 22 M.R.S. § 2422.

Marijuana retail store. A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants, and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. A marijuana retail store shall not include a registered dispensary.

Marijuana, small-scale caregiver. A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

Marijuana testing facility. A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marina. A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Market garden. An area of land or a facility, managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both.

Market gardens may be located outdoors or fully enclosed within a permanent building. Market gardens do not include the cultivation of marijuana.

Mean high tide. The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.

Mean sea level (within the floodplain). For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on the City's FIRM are referenced.

Mid-block permeability. A continuous, open-air corridor at least 20' in width that physically or visually connects two streets or public rights-of-way and provides a break in the street wall. The corridor must be unobstructed and open to the sky.

Moderate-income household. A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

National Geodetic Vertical Datum (NGVD). The national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Neighborhood nonresidential reuse. Select nonresidential uses located within a residential neighborhood to serve nearby residents, and occupying a structure which is nonresidential in its original construction and/or current principal use.

Non-commercial vessel berthing. The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be included in the calculation of the number of linear feet under this use category:

A. Space used principally for sale or repair of vessels.

B. Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten consecutive days while the primary commercial vessel tenant is conducting its business or trade.

Nonconforming lot. A lot which, at the effective date of adoption or amendment of this Code, does not meet the minimum lot area or minimum street frontage requirements of the zone in which it is located.

Nonconforming structure. A structure which does not meet applicable dimensional requirements but which is allowed solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Nonconforming use. Use of buildings, structures, or land which is not allowed in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Normal high-water line (non-tidal waters). That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

North American Vertical Datum (NAVD). The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

Office park. A development of one or more buildings designed to accommodate offices, laboratory and research facilities, high-tech manufacturing, and similar uses with no outdoor storage. An office park may also include hotels, medical/dental offices, and supportive commercial uses for the primary convenience of office park workers and visitors, including limited retail, general services, financial institutions, child care centers and small child care facilities, and restaurants.

Off-peninsula. All land located north of I-295.

100-year flood. See base flood.

On-peninsula. All land located south of I-295.

Open space. Land and water areas designed and reserved for use as active or passive recreation areas or for preservation purposes.

Open space, public. Open space maintained for the use of the general public. Public open space may include parks, plazas, and public seating areas.

Outlet stream. Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Owner. Any person that has any interest, legal or beneficial, in any parcel or lot.

Park. A noncommercial public facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, golf courses, gymnasiums, playing fields, courts, dog parks, skateboard parks, pools, community gardens, marinas, sports complexes, and passive recreation areas. Parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheaters, accessory services such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Party wall. Any partition wall common to two adjacent or attached buildings.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, temporary. Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Place of assembly. A building or portion of a building used as a community hall, private club, fraternal organization, or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, private club or non-profit social and recreational facility, or place of religious assembly where eight or fewer people, not including the permanent residents of a single-family dwelling, assemble. A place of assembly may include accessory uses, such as childcare facilities or preschools, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms.

Post-secondary school. A facility for post-secondary higher learning that grants associate or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Post-secondary schools may also include additional uses as part of the principal use, such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, preschool facilities, and similar uses.

Private club or non-profit social and recreational facility. A private club or nonprofit social and recreational facility is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare, or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this Land Use Code and other applicable codes and ordinances.

Real estate project sales office/model unit. A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

Recent floodplain soils. Recent floodplain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial. Charles, Cornish, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, and Winooski.

Recreational Vehicle. A vehicle that is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

C. Designed to be self-propelled or permanently towable by a motor vehicle; and,

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation and amusement centers. Facilities equipped for the conduct of sports or indoor leisure time recreation activities. Such facilities may limit admission either to members or to persons

paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums.

Recycling facility. A facility engaged exclusively in the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. When not designated on the Flood Insurance Rate Map (FIRM), it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.

Relocation. The act or process of taking a structure or object and moving it from its current location or orientation to a new location or orientation.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Residential care facility (small). A facility which provides, on a regular basis, medical or non-medical care and services for up to 12 individuals in separate dwelling or rooming units. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Residential care facility (large). A facility which provides, on a regular basis, medical or non-medical care and services for 13 or more individuals in separate dwelling or rooming units. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Restaurant. Any food service establishment with indoor seating capacity for ten or more patrons.

Retail. Any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, or food service establishment with indoor seating capacity for nine or fewer patrons. Retail shall not include gasoline, diesel, or propane fuel sales.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Riprap. Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

Roadway. That portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular or bicycle traffic.

Rooming unit. One or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes by an individual or a family, but not designed for food preparation. In a suite of

rooms, each room that provides sleeping accommodation shall be counted as one rooming unit for the purpose of this chapter.

Sapling. A tree species that is less than two inches in diameter at four and one half feet above ground level.

Sea Level Rise-Base Flood Elevation (SLR-BFE). 13 feet NAVD88, or the predicted height of flood waters that may occur as the result of a 100 year storm in conjunction with 3.9 feet of base sea level rise.

Sea Level Rise-Design Flood Elevation (SLR-DFE). The minimum elevation required for a finished ground floor level in the Coastal Flood Resilience Overlay Zone (CFROZ).

Sea Level Rise-Design Flood Elevation - Critical (SLR-DFE-C). The SLR-DFE for all critical uses, including the critical systems serving those uses.

Sea Level Rise-Design Flood Elevation – Non-critical (SLR-DFE-NC). The SLR-DFE for non-critical uses, including the critical systems serving those uses.

Seedling. A young tree species that is less than four and one half feet in height above ground level.

Self-storage facility. A facility for the storage of personal property, where individual renters control and access individual storage spaces. Self-storage facilities may be designed with individual storage spaces located within a fully enclosed, climate controlled building, with individual storage spaces accessed from the outdoors, or with a combination of storage spaces. Administrative offices for the facility, and retail sales of related items, such as moving supplies may be included.

Sexually explicit. The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17 A M.R.S. § 251.

Shore frontage. The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Sidewalk. That portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, animated. Flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind.

Sign, awning. Any sign that is part of or attached to an awning over a door, entrance, window, storefront, or outdoor service area.

Sign, A-Frame. A pedestrian-oriented self-supporting sign that is not permanently affixed to a structure or the ground.

Sign, bandit. Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this article.

Sign, blade. A permanent, pedestrian-scaled sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch, or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

Sign, building identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, building-mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure.

Sign, bus shelter. As specified in 23 M.R.S. §1908-A, any outdoor sign visible to the traveling public from public right-of-way that is affixed to a publicly-owned bus shelter operated by a transit agency.

Sign, cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, canopy. A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

Sign, center identification. A sign identifying the name of a building, office park, or shopping center only.

Sign, changeable copy. A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign. For the purposes of this article, a sign whose message changes more than eight times per day is considered an animated sign and not a changeable copy sign.

Sign, directional. A sign erected to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, direct illumination. Illumination resulting from light emitted directly from an exposed light bulb or light fixture, and not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

Sign, directory. A permanent sign which provides information in a list, roster, or directory format.

Sign, Electronic Message. A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated

graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, externally-illuminated. A sign whose illumination is reflected from its source by the sign surface to the viewer's eye, the source of light not being visible to the viewer. (See Section 19.7.3(C).)

Sign, feather banner. A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole to fly freely.

Sign, freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, fuel pump topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

Sign, individual letter. A cut-out or etched letter or logo which is individually mounted on a building wall or freestanding sign.

Sign, internally illuminated. Any sign in which the source of light is entirely enclosed or backlit (halo) within the sign and not directly visible.

Sign, landmark. A permanent sign indicating individual historic landmarks, local historic districts, or otherwise determined by the City to have attained a high degree of community, cultural, aesthetic, or historic significance.

Sign, logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business, product, or organization.

Sign, marquee. A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

Sign, monument. A permanent freestanding sign with a solid base that is at least 60% the width of the sign face.

Sign, off-premise. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use, or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, permanent. A sign intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, pole. An elevated permanent sign typically supported by one or two poles, posts, or columns that do not meet the base width requirements for a monument sign.

Sign, projecting. A permanent sign that is attached to and extends perpendicular from a building from the wall.

Sign, service island canopy. A permanent sign mounted on or under a service island canopy, including on a fascia.

Sign, single-color or two-color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, ″open″ or ″closed″ signs, time and temperature″ signs, or signs indicating the number of available spaces in a parking garage.

Sign, temporary. A sign which is intended for a limited period of display and which is designed to be moved easily and is not permanently affixed to a structure, sign area, or window.

Sign, wall. A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

Sign, wall banner. A temporary sign constructed of cloth, bunting, plastic, paper, or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, window. A permanent or temporary sign posted, painted, placed, or affixed in or on a window, or otherwise exposed to public view through a window.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on a wire frame used, for example, for advertising by local businesses or by election campaigns.

Sign, Yard, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Sign, Yard, Type III. A temporary large sign mounted on two posts installed securely in the ground.

Sign copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign substructure. The supports, uprights, bracing and/or framework of a sign.

Site. All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Social service center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or

medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar access. Space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar energy system. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems shall include the following:

A. **Solar energy system, accessory.** A system as defined above, where power generation is incidental to a principal use. Accessory solar energy systems include building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area.
B. **Solar energy system, minor.** A system as defined above, between 1,000 and 9,999 square feet in area, where power generation is considered a principal use. Minor solar energy systems may take the form of either a building-mounted or roof-mounted solar array or a ground-mounted system.
C. **Solar energy system, major.** A system as defined above, of 10,000 square feet or more in area, where power generation is considered a principal use. Major solar energy systems may take the form of either a building-mounted or roof-mounted solar array, or a ground-mounted system.

Solar energy system, building-integrated. A solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar energy system, ground-mounted. Also known as free-standing solar energy systems, a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Solar energy system, roof-mounted. A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solid waste disposal facility. A solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Sounds, impulse. Sound events characterized by brief excursions of sound pressure, each with a duration of less than 1 second.

Sounds, tonal. Sound waves usually perceived as a hum or whine because their instantaneous sound

pressure varies essentially as a simple sinusoidal function of time.

Special Flood Hazard Area. See area of special flood hazard.

Specialty food service. A business that specializes in the sale of certain food products and/or the on-site production of items, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Specialty food service does not include production of alcohol.

Sports complex. One or more facilities located on the same parcel of land where athletic events are held.

Stadium. A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock, or other mineral deposits upon a site for the purpose of storage, warehousing, or reserving for future use.
Stormwater retention area. A pond or basin used for the permanent storage of stormwater runoff.

Stormwater detention area. A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Stream. A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the Shoreland Zone of another water body or wetland. When a stream meets the Shoreland Zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

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.

Street, cul-de-sac or dead end. A street with only one outlet.

Street line. The line of demarcation between private property and a street.

Structure. Anything temporarily or permanently located, built, constructed, or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind or anything located, built, constructed, or erected on or in the ground or on another structure. The term includes decks and satellite dishes. Structure does not include fences,

poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors or subsurface wastewater disposal systems. Inside the Shoreland Zone, patios and at-grade walkways shall be considered structures.

Structure, accessory. A structure on a lot that is incidental and subordinate in area, extent, and/or use to the principal structure on the lot. A lot may have more than one accessory structure.

Structure, principal. The main structure on a lot having the predominant area, extent, or use. A lot may have more than one principal structure.

Studios for artists and craftspeople. A facility for the production of arts and crafts products such as paintings, sculpture, or other arts, or the practice of arts such as music or dance, or the production of custom, hand-crafted, or limited production of products such as furniture, wood, clay, and metal products, publications, and similar low-impact arts and crafts activities.

Subdivision. As defined in 30 A M.R.S. § 4401 and 4402.

Tasting room. A facility for the sampling of beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food.

Telecommunication tower. Radio masts or tower structures built primarily to hold telecommunication antennas.

Temporary contractor's office and contractor's yard. A short-term, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary outdoor sales. Temporary uses, which may include temporary structures where goods are sold, such as but not limited to arts and crafts fairs, flea markets, rummage sales, consignment auctions, and holiday sales such as Christmas tree lots and pumpkin sales lots. Temporary outdoor sales does not include garage/yard sales, or outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary outdoor storage container. Temporary self-storage containers, delivered to a residence or business for the purpose of storing items, and subsequently picked up and stored at an off-site location until scheduled for retrieval.

Tenant. Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Theater or performance hall. Any establishment devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tidal waters. All waters affected by tidal action during the highest annual tide.

Transient guest. A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is

limited to no more than 15 days out of any 60-day period.

Tree. A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at four and one half feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

Tree, feature mature. A tree that meets at least one of the following criteria:

A. Any tree that is on the Register of Big Trees promulgated by the Maine Department of Agriculture, Conservation & Forestry (the "Big Tree List")

B. Certain trees 24" in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist

C. Ornamental trees 12" in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist

D. Rare tree specimen to include either a tree species classified as rare or endangered at either the state or federal level, and/or stands of native trees that are rare or threatened as identified by the City Arborist.

Tree, ornamental. Any tree, shrub, or other plant grown primarily for decorative purposes and whose mature height can be expected to be between three feet and 25 feet.

Tree, shade. Any tree, evergreen or deciduous, planted primarily for its high crown of foliage and whose mature height can be expected to exceed 25 feet.

Tree, storm-damaged. A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Tree, street. Tree planted in the public right-of-way and/or private roadway.

Tributary stream. A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Upland edge of a wetland. The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest astronomical tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied, or for which it is occupied, maintained, rented, or leased.

Utility substation. Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a utility.

Vegetation. All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

Vegetation, climate resilient northeast native. Plants identified as native to the northeast as identified by the Northeast Regional Invasive Species & Climate Changes (RISCC) Network or a Maine licensed landscape architect.

Vegetation, Maine native. Vegetation including grass seed mixtures, identified as native to Maine from lists maintained by the U.S. Department of Agriculture Hardiness Zones by the Maine Cooperative Extension, Wild Seed Project, Regional Soil and Water Conservation District, Maine YardScaping Program, or a Maine licensed landscape architect.

Vegetation, non-native invasive species. Species of vegetation listed by the Maine Department of Agriculture, Conservation, and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Veterinary services. An establishment for the treatment of animals, where animals may be boarded during their convalescence

Very low-income household. A household having an income not exceeding 50% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Warehousing and distribution facility. The storage of goods, wares, and merchandise in a warehouse from which distribution occurs. May include wholesale use, but not retail or direct sales to consumers. Warehousing and distribution facilities do not include self-storage facilities.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands (outside of shoreland zones). Those areas which have two or more of the following:

A. A water table at or near the surface during the growing season;

B. Very poorly drained soils, including Sebago mucky peat; or

C. Obligate wetland vegetation.

Very poorly drained soils and obligate wetland vegetation shall be as defined and illustrated in the United States Department of Interior, Fish and

Wildlife Service publication of Wetland Plants of the State of Maine (1986).

Wind energy system. A system of components that converts the kinetic energy of the wind into electrical or mechanical power. A wind energy system comprises all necessary components including turbines, energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use. Wind energy systems shall include the following:

A. **Wind energy system, accessory:** A system as defined above, where power generation is incidental to a principal use. Accessory wind energy systems include roof-mounted systems, and ground-mounted systems less than 45 feet in height.

B. **Wind energy system, minor:** A system as defined above, where power generation is considered a principal use. Minor wind energy systems are ground-mounted systems measuring between 45 feet and 85 feet in height.

C. **Wind energy system, major:** A system as defined above, where power generation is considered a principal use. Major wind energy systems are ground-mounted systems measuring between 85 feet and 160 feet in height.

Wholesale. Sale for resale, not for direct consumption.

Workforce housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less than of AMI.

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale. A dwelling unit for which:

A. The purchase price is affordable to a household earning 80% or less of AMI.

B. The unit is sold to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

4 NONCONFORMING USES, STRUCTURES, & LOTS

4.1 IN GENERAL

4.1.1 Continuation

Any building, structure, lot, or use that legally existed at the time of its creation and has been made nonconforming by the provisions of this Land Use Code or any subsequent amendment hereto may be continued, subject to the provisions of this article, so long as it remains otherwise legal.

4.1.2 Burden on property owner

The burden of establishing the legality of a nonconformity under the provisions of this Land Use Code is the responsibility of the property owner or operator of the nonconforming use, lot, building, or structure. Based upon the evidence presented, the Planning Authority or their designee will make a determination of the validity of the nonconforming status.

4.1.3 Unlawful use, lot, building, or structure

Any use lot, building, or structure established or constructed in violation prior to the effective date of this Land Use Code shall not be regarded as lawfully nonconforming, and is not entitled to any rights established within this Section.

4.1.4 Safety regulations

All police power regulations enacted to promote public health, safety, and welfare, including but not limited to all building, fire, and health codes, shall apply to nonconformities.

4.2 NONCONFORMING USES

4.2.1 Expansion of nonconforming use

A nonconforming use of a structure or land shall not be expanded or increased in intensity. Expansion shall include any addition, extension, or enlargement that increases the cubical content of any structure devoted entirely to a nonconforming use, and any extension or relocation of a nonconforming use to any other structure, portion of floor area, or land area currently not occupied by such nonconforming use. This provision shall not apply in the case of expansion of a nonconforming use solely for the purpose of bringing the use into compliance with health or safety codes, or to correct a condition which is determined by the Board of Appeals to constitute a health or safety problem. Any such expansion shall be limited to the minimum necessary to accomplish that purpose. Except as expressly provided herein, any expansion, extension, or enlargement permitted under this subsection shall be in compliance with all other applicable sections of this Land Use Code. Nothing within this subsection shall be construed to permit an increase in the number of units in a building which is nonconforming as to the number of dwelling units or will become nonconforming as a result of such alteration, modification, or addition.

4.2.2 Change of nonconforming use

A. A nonconforming use shall only be changed to use that is permitted in the zone in which the use is located. When a nonconforming use has been changed, in whole or in part, to a permitted use, the whole or part that conforms shall not thereafter be changed back to any nonconforming use.

B. Any change of use in violation of this article shall be deemed to be an abandonment of the lawfully nonconforming use.

4.2.3 Discontinuance of nonconforming use

If a lawfully nonconforming use is discontinued for a period of one year, such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this Land Use Code. A nonconforming use of land which is incidental or accessory to a principal nonconforming use shall be considered discontinued at the same time as the nonconforming principal use. In cases of foreclosure or similar situations involving a lawfully nonconforming use, the Building Authority shall be authorized to extend the aforementioned period up to an additional five years provided that the extension is for good cause and the minimum length considered necessary to resume the lawfully nonconforming use.

4.3 NONCONFORMING LOTS

4.3.1 Lots in separate ownership

A vacant nonconforming lot held under separate and distinct ownership shall be considered a buildable lot provided that all provisions of this Land Use Code except minimum lot area and minimum street frontage can be met.

4.3.2 Lots in common ownership

Adjoining nonconforming lots in common ownership as of [effective date] shall be considered as one lot and shall not again be divided except in conformance with the provisions of this Land Use Code.

4.4 NONCONFORMING BUILDINGS/STRUCTURES

4.4.1. Restoration or reconstruction

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

A. The restoration or reconstruction is of a structure which is lawfully nonconforming only as to setbacks or any other dimensional requirements.

B. Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and where no alterations, modifications, or additions will be made except as provided in this article and as permitted in Subsections 4.4.1 and 4.4.2.

C. Restoration or reconstruction is commenced within two years of the initial damage where such damage is sudden and accidental, or, in the case of decay, of the demolition of the structure or commencement of restoration or reconstruction, and is diligently pursued to completion without expiration of permits.

D. In cases of foreclosure or similar situations involving a lawfully nonconforming structure, the Building Authority shall be authorized to extend the aforementioned period up to an additional five years provided that the extension is for good cause and the minimum length considered necessary to maintain, repair, or reconstruct the lawfully nonconforming structure.

E. Where a structure is located within the Coastal Flood Resilience Overlay Zone, such structure may be restored or reconstructed, but must meet the established standards of the CFROZ.

4.4.2. Alteration or extensions

A. Alterations. Structural alterations may be made to a structure which is lawfully nonconforming only where at least one of the following apply:

1. The alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with the protection of public safety.
2. The alteration will eliminate the nonconformity.
3. The alteration will not create any new nonconformity and will not increase the degree of any existing nonconformity.

B. Extensions. Existing principal structures which are lawfully nonconforming as to dimensional requirements may be enlarged or extended subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity, except as provided in (3) below.
2. No modification to an existing nonconforming building shall create new nonconformity with any provision of this Land Use Code.
3. A one-time increase of one additional story above a portion of a building that is lawfully nonconforming as to minimum setbacks may be permitted provided that:
   a. No portion of the expansion horizontally extends beyond the nonconforming 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 setback.
   c. The vertical expansion meets applicable maximum height requirements.
4. Any covered porch existing on June 5, 1957 which does not meet minimum setback requirements may be enclosed, provided that the majority of the enclosure consists of glass.

C. Relocation. A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same lot unless relocation would make the structure conforming. A nonconforming structure may be relocated to another lot only if the structure conforms to all regulations of the zone to which it is relocated.

4.4.3. Nonconformity as to required build-to zone and building length

As of the effective date of this Land Use Code, when an existing structure does not conform to the required build-to zone, build-to percentage, maximum building length, or building length as a percentage of street frontage for the applicable zone, the structure shall be deemed exempt from that standard. Such structure may be altered or expanded without having to conform to the applicable standard(s) until the structure's building footprint is expanded by 50% or more. If expansions to the structure occur incrementally, building footprint shall be calculated as the sum of all expansions occurring after the effective date of this Land Use Code. Once the existing structure is demolished, this deemed conforming status shall become null and void.

4.4.4. Nonconformity as to number of dwelling units

A. Purpose. The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable provisions of the Land Use Code may be recognized as legal, nonconforming uses.

B. Application. Application for validation of such nonconforming dwelling units shall be on a form provided by the Building Authority, and shall be accompanied by:

1. An application fee as established by the City Council to cover administrative costs.
2. A plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways, and any other significant feature.
3. A floor plan for each unit in the dwelling, whether or not it is the subject of the application.

C. Eligibility. In order for a nonconforming dwelling unit to be validated by administrative action of the Building Authority as authorized herein, the Building Authority must find, based on competent evidence, supported by public records, that:

1. The nonconforming dwelling units were either in existence on April 1, 2005, or the structure in which they are located was originally designed to accommodate more than the number of such units presently in use.
2. The applicant neither constructed nor established the nonconforming dwelling units.
3. The nonconforming dwelling units comply with or can be made to comply with current standards of Chapter 10 of the City of Portland Code of Ordinances, including the National Fire Protection Association Life Safety Code and the National Fire Protection Association 1: Fire Prevention Code, as amended.
4. Each of the nonconforming dwelling units complies with, or can be made to comply with, provisions of the Chapter 6 of the City of Portland Code of Ordinances, as amended, including, but not limited to, the minimum standards for space and occupancy, the minimum plumbing standards, and the minimum ventilation standards.
5. In the absence of legally competent evidence, supported by records (such as, but not limited to, Assessor's records, purchase and sale agreements, affidavits, deeds, mortgages, as well as reliable secondary sources), that the conditions of (C)(1), (2), (3), (4), or (5) above can be met, the Building Authority may not approve the application, but shall advise the applicant that the matter may be appealed to the Board of Appeals.

D. Notice to abutters. Upon receipt of a completed application, the Building Authority shall provide the owners of abutting properties and the owners of property situated within 300 feet of the structure notice of the application, along with a notice that they may object to the Building Authority's acting on the application and require the applicant to appeal to the Board of Appeals. The notice shall advise the abutters and owners of property within 300

feet that any objection must be submitted in writing to the Building Authority within 10 days of the date of the notice sent to them. The failure of any property owner to receive the notice described above shall not invalidate any action by the Building Authority. The Building Authority shall promptly notify the applicant of receipt of the objection, that the Building Authority is without authority to proceed, and advise the applicant that, within 30 days from receipt of the letter, an application may be filed to have the matter reviewed by the Board of Appeals as a conditional use.

E. Approval of application. The Building Authority may approve the application, provided that the evidence presented satisfies all of the requirements of this subsection and provided that no abutter nor person entitled to notice has requested that the application be referred to the Board of Appeals, instead of the Building Authority. Upon approval of the application, final inspection by the Building Authority certifying the units as in compliance with all applicable codes, and receipt of an inspection fee as established by the City Council for each nonconforming dwelling unit which has been recognized as a lawful, nonconforming use, the Building Authority shall issue a certificate of occupancy.

F. Disapproval of application. In the event the application is not approved by the Building Authority or in the event of a timely objection filed by a person qualified herein to file such an objection, the applicant, within 30 days from the decision of the Building Authority or objection, may appeal the matter to the Board of Appeals as a conditional use.

G. Action by Board of Appeals. The Board of Appeals shall treat applications filed under this subsection as an application for a conditional use, applying the standards applicable to conditional uses under Section 6.5 as well as the requirements of this subsection.

H. Dimensional and parking requirements. In making decisions under this subsection, neither the Building Authority nor the Board of Appeals shall apply the dimensional or parking requirements which would otherwise apply in the zones where the nonconforming dwelling units are situated.

I. Exclusions. The provisions of this subsection shall not apply to rooming units, but shall apply to efficiency apartments under Chapter 6 of the City of Portland Code of Ordinances. The Board of Appeals is without jurisdiction to grant any relief (including, but not limited to, variances) which would recognize the particular dwelling units which are the subject of this subsection as legal, nonconforming uses, except in strict compliance with each requirement of this subsection.

J. Prior judicial and administrative action. Decisions of any court or administrative body, including but not limited to, the Building Authority, the Planning Board, or the Board of Appeals, made prior to the effective date of this subsection and which addressed the number of nonconforming dwelling units in a particular structure, will not bar relief under this subsection.

5 ZONES

5.1 ESTABLISHMENT OF ZONES

To carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A shall be shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.

B. Unless otherwise shown, lines within blocks less than 200 feet wide bisect the block, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.

C. Depiction of the Shoreland zone on the zoning map is illustrative of the general location of such zone. The actual boundaries shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential Neighborhood	RN-1, RN-2, RN-3, RN-4, RN-5, RN-6, RN-7
Island	IR-1, IR-2 I-B Island Business
Mixed-Use	B-1 Neighborhood Business B-2 and B-2b Community Business B-3 Downtown Business B-4 Commercial Corridor B-5 Urban Commercial B-6 Eastern Waterfront
Transit-Oriented	TOD-1 Transit Neighborhood TOD-2 Transit Center
Office	O Office R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact I-M and I-Mb Moderate Impact I-H High Impact A-B Airport Business
Open Space	OS-R Recreation and Open Space OS-P Open Space Preservation
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Coastal Flood Resilience Overlay Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Island Transfer Station Overlay Pedestrian Activities District Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management

map, the measurement shall control, unless the zoning map indicates that the zone boundary shall follow an existing property line.

5.2.3 Extension of zone lines

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the use provisions of this Land Use Code for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has at least 20 feet of street frontage in the less restrictive zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residential zone, no frontage on a street other than the principal business street in the less restrictive zone may be taken into consideration in connection with the right herein granted. This subsection shall only apply with respect to use provisions.

5.3 CONDITIONAL OR CONTRACT ZONING

5.3.1 Authority and purpose

Pursuant to 30-A M.R.S.§ 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.2 Hearing

The Planning Board shall conduct a public hearing in accordance with Section 2.1.8 prior to any property being rezoned under this section.

5.3.3 Conditions and restrictions

Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

A. Limitations on the number and types of uses permitted.

B. Restrictions on the scale and density of development.

C. Specifications for the design and layout of buildings and other improvements.

D. Schedules for commencement and completion of construction.

E. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.

F. Preservation of open space and buffers, and protection of natural areas and historic sites.

G. Contributions toward the provision of municipal services required by the development.

H. Provisions for enforcement and remedies for breach of any condition or restriction.

5.3.4 Amendments

Except as expressly modified in any contract or conditional rezoning agreement, the use and occupancy of any property within the City of Portland used or occupied pursuant to a contract or conditional rezoning agreement otherwise shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

5.3.5 Enforcement

Notwithstanding language in any contract or conditional zoning to the contrary, any violation of a conditional or contract zone shall be enforced pursuant to 30-A M.R.S. § 4452, as may be amended from time to time, or in any other manner available by law. No alleged violation of a contract or conditional rezoning may be prosecuted until the City has delivered written notice of the alleged violation(s) to the owner or operator of the property that is subject to the contract or conditional rezoning and given the owner or operator an opportunity to cure the violation(s) within 30 days of receipt of the notice. In addition, if such an enforcement action should result in a finding that the terms of the conditional or contract zone have been violated, then the City may act to modify or rescind the conditional or contract zone and to rezone the property.

5.4 BASE ZONE PURPOSE STATEMENTS

Base zone purpose statements shall be as established in Tables 5-B to 5-H.



TABLE 5-B: RESIDENTIAL NEIGHBORHOOD ZONE PURPOSE STATEMENTS

The residential neighborhood zones are intended to reflect the varied character and development patterns of Portland's residential neighborhoods, and to promote new residential development that increases housing diversity and choice within the City, in alignment with the City's priorities and vision for the future. Development within the residential zones should thoughtfully respond to each area's context, including elements such as the urban grid, pedestrian and bike connectivity, and access to transit and open space. Standards for each zone have been tailored to address building form and encourage context sensitivity, while allowing for a range of permitted dwelling types.

RN-1	To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 10,000 square feet. Select nonresidential uses may also be permitted in the RN-1 zone.
RN-2	To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 6,500 square feet. Conversion of existing nonresidential structures to multi-family dwellings is permitted within the RN-2 zone, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-2 zone.
RN-3	To provide for a residential neighborhood environment that acknowledges the unique character of the Western Promenade while accommodating dwellings on lots of at least 6,000 square feet. Construction of new multi-family dwellings at moderate densities is allowed, as-is conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-3 zone.
RN-4	To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is permitted within the RN-4 zone, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-4 zone.
RN-5	To provide areas of the city, on the peninsula and in select off-peninsula locations in alignment with major public transportation routes and near service areas, for a residential neighborhood environment of dwellings on lots of at least 2,000 square feet. Townhouse and multi-family dwellings are also permitted, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-5 zone.
RN-6	To accommodate existing areas of the city characterized by a residential neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as generally taller building heights. Select nonresidential uses may also be permitted in the RN-6 zone.
RN-7	To provide areas of the city, predominantly on the peninsula, for a dense residential neighborhood environment of townhouse and multi-family dwellings. Select nonresidential uses may also be permitted in the RN-7 zone.

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TABLE 5-C: ISLAND ZONE PURPOSE STATEMENTS

IR-1	To provide for a low-intensity environment characterized by residential, recreational, and rural uses on Portland's islands. Standards for the IR-1 zone are intended to preserve and protect the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only low-intensity development in areas lacking adequate public facilities and services. Select nonresidential uses may also be permitted in the IR-1 zone.
IR-2	To provide for a residential neighborhood environment on Portland's islands in areas with adequate public services. Expansion or extension of IR-2 zoning should be limited, generally focused toward areas adjacent to existing IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, whether soils in the area are adequate for subsurface water disposal, or whether public sewers are available. Select nonresidential uses may also be permitted in the IR-2 zone.
I-B	To provide limited areas on Portland's islands for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. The I-B zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Standards for the I-B zone may vary by location, dependent upon the availability of public water and sewer resources.



TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

B-1	To provide limited areas that support a small scale, pedestrian-friendly, mixed-use environment, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. The B-1 zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. The zone encourages both vertical and horizontal mixed-use, such as a commercial first floor with residential uses above, combined retail/office uses in a multi-story structure (vertical), or commercial uses mixed with three-family, four-family, townhouse, and multi-family structures across the face of a block (horizontal). Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.
B-2	To provide locations for a mixture of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. The B-2 zone's multi-modal orientation accommodates all modes of transportation, and the standards of the zone require that development relate to surrounding neighborhoods by design, orientation, and circulation patterns. The zone encourages mixed-use development, and provides locations for moderate to high-density housing, including three-family, four-family, townhouse, and multi-family structures in urban neighborhoods along arterials.
B-2b	To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-3	To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown, including three-family, four-family, townhouse, and multi-family structures to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.
B-4	To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing including three-family, four-family,

TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

	townhouse, and multi-family structures. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation.
B-5	To provide areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and a broad range of residential option, is encouraged. The B- 5 zone is characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of existing land and buildings. It is anticipated that the dense, mixed-uses of the B-5 zone will rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.
B-6	To establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a broad range of both residential and commercial uses to achieve 24-hour urban vitality, and shared use of parking infrastructure as recommended in the *Eastern Waterfront Master Plan* for redevelopment. The B-6 zone promotes a mixed-use development pattern envisioned for urban land on Portland's peninsula.



TABLE 5-E: TRANSIT-ORIENTED DEVELOPMENT ZONE PURPOSE STATEMENTS

TOD-1	To provide for and encourage the development of moderate to high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a dense, pedestrian-scale built environment and a range of uses that encourage walking, bicycling, and use of public transit at advantageous locations within the City's off-peninsula neighborhoods.
TOD-2	To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.

TABLE 5-F: OFFICE ZONE PURPOSE STATEMENTS

O	To provide areas for the creation of low-intensity office uses, allowed as either independent uses, or integrated into a park- or campus-like setting. Standards of the O zone encourage office and related uses which are of the highest quality, are well-designed and maintained, and are compatible with their natural surroundings.
R-P	To provide locations for the development and operation of low-intensity residential, business, and commercial uses, compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or to serve as a transition or buffer zone between residential and more intensive nonresidential zones.

TABLE 5-G: INDUSTRIAL AND AIRPORT ZONE PURPOSE STATEMENTS

I-L & I-Lb	To provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. The I-Lb zone is typically located on the peninsula.
I-M & I-Mb	To provide zones in areas of the city in which low- and moderate-impact industries and transportation-related uses will coexist. I-M zones are located on arterials or collectors. The I-Mb zone is typically located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The purpose of the I-M and I-Mb industrial zones is also to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses.
I-H	To provide areas suitable for higher impact industrial uses than are permitted in other industrial zones, and other uses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zone is intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zone is separated from other nonindustrial uses as well as natural or constructed features. High-impact industrial uses will be of a higher intensity, with a greater lot coverage than the other zones.
A-B	To provide an area for the development of airport-related enterprises. Uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.



TABLE 5-H: OPEN SPACE ZONE PURPOSE STATEMENTS

OS-R	To provide for the reasonable use of open space, while simultaneously preserving and protecting its inherent characteristics to assure its continued availability for public use as scenic and recreation area; to provide a suitable location for large-scale regional sports and athletic facilities; and to develop an open space system throughout the city which provides the highest quality parks, plazas, and pedestrian environment. The OS-R zone may include parcels of public property and private property legally restricted from intensive use or development through deed, covenant, or otherwise.
OS-P	To preserve and protect open space as a limited and valuable resource, and to further the City of Portland's goals related to climate adaptation and resiliency. The OS-P zone prioritizes preservation and protection of Portland's critical conservation and natural resource areas. Very limited development may be allowed for sustainable energy generation, passive recreation and educational purposes, but must be compatible with and cause little impact to these areas.

6 USE STANDARDS

6.1 APPLICABILITY

6.1.1. In general

A. The use of buildings, structures, private property, and City-owned property are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

B. All uses shall comply with any applicable federal and state requirements, and any additional applicable federal, state, county, and/or city ordinances.

C. All uses shall comply with any supplemental use standards in Section 6.4 as applicable. Use standards address specific impacts, design or siting standards, and/or additional regulations outside of this Code.

6.2 DETERMINATION OF USE

6.2.1 Use tables

A. Tables 6-A to 6-G shall determine if a use is permitted (●), conditional (◐), or not permitted ( ) as a principal use within a zone. Where a use is listed as both permitted and conditional (●/◐), determination shall be based on the nature of such use as described in the use standards of Section 6.4. Unless otherwise noted, where a use is listed in terms of square footage, square footage figures shall correspond to the total square footage of the use as indicated.

B. Certain uses within Tables 6-A to 6-G shall meet required use standards listed in Section 6.4. A reference is provided in the "Use Standards" column the tables. In the case of conflict of required standards (i.e., a cross reference is missing from the table, the numbering of standards has changed but not updated in the Table, etc.), the use standards in Section 6.4 control.

6.2.2 Unlisted uses

A. Uses not expressly listed as permitted or conditional in Tables 6-A to 6-G are prohibited as principal uses except that a use may be permitted subject to meeting the following performance-based standards:

1. The proposed use is consistent with the purposes of the zone.
2. The proposed use is closely related to a permitted or conditional use in terms of character, scale, and external impacts.
3. The buildings and structures associated with the proposed use are designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts.

B. The review authority shall determine whether the uses not listed as permitted or conditional uses meet the above standards. If it is determined that the use does not meet the above criteria, it shall not be permitted.

C. The review authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a permitted or conditional use.

6.2.3 Multiple uses

A lot may contain more than one principal use, providing each use is allowed within the zone. Each principal use shall be permitted separately. In certain cases, uses are defined in Article 3 to include accessory uses that provide necessary support or are functionally integrated into the principal use.

6.2.4 Uses operated in an enclosed structure

A. In all mixed-use, office, and industrial zones, uses shall be operated within a completely enclosed structure, except for those customarily operated in open air.

B. In the mixed-use zones, open air activities shall be those licensed by the City.

6.2.5 Uses in zones not listed

A. Use permissions for certain zones within this Code are not included in Tables 6-A to 6-G, but are addressed separately as follows:

1. Use permissions for overlay zones are found in Article 8.
2. Use permissions for the India Street Form-Based Code (IS-FBC) zone are found in Article 9.
3. Use permissions for the waterfront zones are found in Article 10.

6.3 CHANGE OF USE

A change of use from one use in Tables 6-A to 6-G to another is governed by the requirements of the new use. The use of any part of any building, structure, or property shall not be changed to any other use, whether principal or accessory and whether alterations in the building, structure, or property are involved or not, until a permit and certificate of occupancy authorizing such change of use has first been secured from the Building Authority in accordance with Chapter 6 of the City of Portland Code of Ordinances.

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL NEIGHBORHOOD ZONES

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	Use Standards
Residential	Single-family dwellings	●	●	●	●	●			
	Two-family dwellings	●	●	●	●	●			
	Three-family dwellings	●	●	●	●	●			
	Four-family dwellings	●	●	●	●	●			
	Townhouse dwellings					●		●	6.4.13
	Multi-family dwellings		◐	●	◐	●	●	●	6.4.12
	Group homes	◐	◐	◐	◐	◐	◐	◐	6.4.17
	Lodging houses				◐	◐	●	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	◐	◐	◐	◐	◐	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	◐	◐	◐	◐	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	◐	◐	◐	◐	◐	◐	◐	6.4.30
	Post-secondary schools				◐	◐	◐	◐	6.4.31
	Residential care facilities (small)	◐	◐	◐	◐	◐	◐	◐	6.4.35
	Residential care facilities(large)	◐	◐	◐	◐	◐	◐	◐	
Comm.	Bed and breakfasts					●/◐	●/◐	●/◐	6.4.7
	Hostels					●/◐	●/◐	●/◐	6.4.18
	Market gardens	◐	◐	◐	◐	◐	◐	◐	6.4.25
	Neighborhood nonresidential reuse	◐	◐	◐	◐	◐	◐	◐	6.4.26
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	◐	◐	◐	◐	◐	◐	◐	6.4.39

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-B: PERMITTED AND CONDITIONAL USES IN ISLAND ZONES

		IR-1	IR-2	I-B	Use Standards
Residential	Single-family dwellings	●	●	●	
	Two-family dwellings	●	●	●	
	Three-family dwellings	●	●	●	
	Four-family dwellings			●	
	Multi-family dwellings			◐	6.4.12
	Lodging houses		◐	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	●	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	
	Governmental uses	●	●	●	
	Places of assembly	◐	◐	●	6.4.30
Commercial / Service	Auto service stations			◐	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	6.4.15
	General services			●	
	Greenhouse/nursery (retail)			◐	6.4.16
	Hotels			◐	6.4.19
	Neighborhood nonresidential reuse	◐	◐		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
Other	Agriculture	●			6.4.3
	Boathouses and storehouses for fishing equipment	●	●	●	
	Campgrounds	◐			6.4.8
	Cemeteries	◐	◐		
	Low-impact industrial			●	
	Marinas			●	
	Parks and open spaces	●	●	●	
	Solar energy system (minor)	●	●	●	6.4.38
	Studios for artists and craftspeople	●	●	●	
	Utility substations	◐	◐	◐	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Residential	Three-family dwellings	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●		6.4.21
Institutional	Child care centers + small child care facilities	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●		
	Cultural facilities			●		●	●	
	Elementary, middle, and secondary schools	●	●	●		●	●	
	Emergency shelters			◐	◐	◐		6.4.14
	Governmental uses	●	●	●	●	●		
	Places of assembly	●	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	●	6.4.31
	Residential care facilities (small)	●	●	●	●	●	●	6.4.35
	Residential care facilities (large)		●	●	●	●	●	
Commercial / Service	Adult business establishments			●				6.4.2
	Auto, boat, and related dealerships		◐		●			6.4.5
	Auto service stations		◐		●			
	Bars		●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		●	◐	
	Funeral homes		●		●			
	General offices	●	●	●	●	●	●	6.4.15, 6.4.10
	General services	●	●	●	●	●	●	
	Greenhouse/nursery (retail)		◐		◐			
	Hostels	●		●		●		6.4.18, 6.4.10
	Hotels		●	●	●	●	●	6.4.19
	Marijuana retail store		●/◐	●	●			6.4.23
	Market gardens	●	●	●	●	●	●	6.4.25, 6.4.10
	Recreation and amusement centers				●	●		

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Commercial/Service	Registered marijuana dispensary		●/◐	●	●			6.4.23
	Restaurants	●	●	●	●	●	●	6.4.34, 6.4.10
	Retail	●	●	●	●	●	●	6.4.36, 6.4.10
	Small-scale marijuana caregiver		●	●	●			6.4.23
	Specialty food service	●	●	●	●	●	●	6.4.10
	Theaters and performance halls		●	●	●	●	●	
	Veterinary services		●		●			
Industrial	Animal-related services				●			
	Communication studios		●	●	●	●	●	
	Dairies		●		●			6.4.11
	Impound lots				●			6.4.20
	Intermodal transportation facilities					●	●	
	Laboratory and research facilities		◐	◐	●	◐	◐	
	Low-impact industrial	●	●	●	●	●	●	6.4.22
	Marijuana testing facilities				●			6.4.23
	Marijuana manufacturing facilities				●			
	Marijuana cultivation facilities (<7,000 SF plant canopy)				●			
	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facilities				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution				●			6.4.40
Other	Marine uses					●	●	6.4.24
	Off-street parking			●/◐		●	◐	6.4.27
	Parks and open spaces	●	●	●	●	●	●	
	Social service centers		◐	◐	◐	◐	◐	
	Solar energy system (minor)	●	●	●	●	●	●	6.4.38
	Solar energy system (major)				◐			
	Utility substations	●	●	●	●	●	●	6.4.39
	Wind energy system (minor)		◐	◐	◐	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.5 of this Code.



TABLE 6-D: PERMITTED AND CONDITIONAL USES IN TRANSIT-ORIENTED DEVELOPMENT ZONES

		TOD-1	TOD-2	Use Standards
Res.	Townhouse dwellings	●	●	6.4.13
	Multi-family dwellings	●	●	6.4.12
	Live/work dwellings	●	●	
	Lodging houses	●	●	6.4.21
Institutional	Child care centers + small child care facilities	●	●	6.4.9
	Clinics	●	●	
	Cultural facilities		●	
	Elementary, middle, and secondary schools	●	●	
	Emergency shelters	◐	◐	6.4.14
	Governmental uses	●	●	
	Places of assembly	●	●	6.4.30
	Post-secondary schools		●	6.4.31
	Residential care facilities, small	●	●	6.4.35
	Residential care facilities, large	●	●	
Commercial / Service	Bars	●	●	6.4.6
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	
	Hostels		●	6.4.18
	Hotels		●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls		●	
	Veterinary services	●	●	
Indust.	Communication studios	●	●	
	Studios for artists and craftspeople	●	●	
	Low impact industrial	●	●	6.4.22
Other	Parks and open spaces	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy system (minor)	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-E: PERMITTED AND CONDITIONAL USES IN OFFICE PARK & RESIDENCE PROFESSIONAL ZONES

		O	R-P	Use Standards
Residential	Single-family dwellings		●	
	Two-family dwellings		●	
	Three-family dwellings		●	
	Four-family dwellings		●	
	Townhouse dwellings		●	6.4.13
	Group homes		◐	6.4.17
	Multi-family dwellings		◐	6.4.12
Institutional	Child care centers + small child care facilities	●	◐	6.4.9
	Elementary, middle, and secondary schools		◐	
	Governmental uses	●	●	
	Places of assembly		◐	6.4.30
	Residential care facilities, small		◐	6.4.35
	Residential care facilities, large		◐	
Comm.	Funeral homes		●	
	General offices	●	●	
	Neighborhood nonresidential reuse		◐	6.4.26
	Office parks	●		6.4.28
	Specialty food service		●	
Indust.	Laboratory and research facilities	●		
	Printing and publishing	●		6.4.32
	Studios for artists and craftspeople		●	
Other	Cemeteries		●	
	Parks and open space	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations		●	6.4.39
	Wind energy system (minor)	◐		6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-F: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Institutional	Airports				●	
	Child care centers + small child care facilities	●	●			6.4.9
	Emergency shelters	◐	◐	◐		
	Places of assembly	●				6.4.30
Commercial / Service	Bars				●	6.4.6
	General offices	●	●			6.4.15
	General services				●	
	Hotels				●	
	Market gardens	●				6.4.25
	Recreation and amusement centers	●	●			
	Restaurants				●	
	Self-storage facility		●	●		6.4.37
	Specialty food service	●	●			
	Veterinary services	●	●	●		
Industrial	Animal-related services	●	●	●		6.4.4
	Auto service station	●	●	●	●	6.4.5
	Construction & engineering services	●	●	●		
	Dairies	●	●	●		
	Food & seafood processing, packing, and distribution		●	●		
	High-impact industrial uses			●		
	Impound lots		●	●		6.4.20
	Intermodal transportation facilities	●	●	●		
	Laboratory and research facilities	●	●	●		
	Low-impact industrial	●	●	●		6.4.22
	Lumber yards	●	●	●		
	Marijuana cultivation facility (<2,000 SF plant canopy)	●	●	●		6.4.23
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	●		
	Marijuana cultivation facility (>7,000 SF plant canopy)			●		
	Marijuana manufacturing facility	●	●	●		
	Marijuana testing facility	●	●	●		
	Printing and publishing	●	●	●		
	Recycling facilities		●	●		6.4.33

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

TABLE 6-F (CONT.): PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Indust.	Solid waste disposal facilities		●	●		6.4.33
	Studios for artists and craftspeople	●	●			
	Warehousing and distribution facilities	●	●	●		6.4.40
Other	Off-street parking				●	
	Social service centers	◐	◐	◐		
	Solar energy system (minor)	●	●	●	●	6.4.38
	Solar energy system (major)		●	●	◐	
	Telecommunication towers (ground-mounted)		●	●		
	Utility substations	●	●	●		6.4.39
	Wind energy system (minor)	◐	●	●	●	6.4.41
	Wind energy system (major)		●	●	◐	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.



TABLE 6-G: PERMITTED AND CONDITIONAL USES IN OPEN SPACE ZONES

		OS-R[1]	OS-P	Use Standards
Other	Cemeteries	●		
	Cultural facilities	◐		
	Marinas	●		
	Parks and open space	●	●	6.4.29
	Solar energy system (minor)	◐		6.4.38, 6.5.6
	Solar energy system (major)	◐		
	Sports complexes	◐		6.5.6
	Stadiums	◐		6.5.6
	Utility substations	●/◐		6.4.39, 6.5.6
	Wharves, piers, docks, and landing ramps	●	◐	
	Wind energy system (minor)	◐		6.4.41, 6.5.6

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

6.4 SUPPLEMENTAL USE STANDARDS

These standards shall apply to the following uses as indicated in Tables 6-A to 6-G, whether permitted or conditional. Where a use is allowed as conditional, these standards apply in addition to the general conditional use standards in Section 6.5.

6.4.1 In general

A. Street access. A building or structure may only be constructed on or moved onto a lot, or a dwelling unit added to a lot, if one of the following conditions is met. These standards apply to all buildings and structures unless specifically exempted by this section.

1. *Existing, accepted streets.*

a. The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.

b. The lot meets minimum street frontage requirements on an accepted or continued street on an island in Casco Bay that meets a minimum width of 16 feet, measured from the edge of the pavement, or from the edge of the built surface if unpaved.

c. The required minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Director or their designee(s) jointly determine that meeting the minimum width is impracticable and the City's ability to provide services will not be unreasonably impaired by a reduction in width.

2. *Streets to be improved in connection with development.* The owner or developer of a lot that is not located on an existing, accepted (or in the case of the islands, continued) street that meets the minimum criteria established above shall improve the street in accordance with the following.
   a. The street, between the lot and the nearest existing, accepted City street and including the frontage of the lot itself, shall be improved to meet the standards adopted elsewhere in this Code, including those adopted by the Public Works Authority and the Planning Authority. In the case of a corner lot, this shall apply to the frontage of the lot from which access is taken.
   b. The street may be improved to an alternative standard if the Fire Chief and the Public Works Director or their designee(s) jointly determine that:
      i. Meeting the standards adopted elsewhere in this Code is impracticable;
      ii. There is limited potential for further development on the street or for further connections to the City's existing street network; and
      iii. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.
   c. The owner or developer shall take all necessary steps under Chapter 25, Article III, of the City Code to dedicate the improved portion of the street to the City for acceptance. This shall include provision of a waiver of any claim for damages that may result from acceptance.
3. *Exceptions.* On lots with an existing, inhabited structure or structures on an unaccepted City street, the following buildings and structures are exempt from the requirements of this subsection.
   a. Accessory buildings not intended for habitation.
   b. The addition of one accessory dwelling unit within an existing single-family dwelling.

6.4.2 Adult business establishments

A. Adult business establishments shall be located at least 1,000 feet from any other adult business establishment, and at least 500 feet from any residential zone, as measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the other use or zone is located, without regard to intervening structures or objects.

B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

6.4.3 Agriculture

A. No animals shall be kept on any lot less than three acres or closer than 100 feet to any street or lot line, except domesticated chickens as regulated in Chapter 5 of the City of Portland Code of Ordinances.

B. Raising of domesticated animals as a component of any agricultural use shall not create any odor, noise, health, or safety

hazards, or other nuisance to neighboring properties.

C. Raising of pigs or reptiles is not permitted.

6.4.4 Animal-related services

A. In the B-4, I-L and I-Lb zones, animal-related services may not include kennel or boarding facilities.

B. No animal-related service may include outdoor kennel facilities.

C. Any exterior training and exercise areas shall be located in a side or rear yard only, and shall be completely fenced.

D. Exterior training and exercise areas are not permitted within 200 feet of a residential zone.

6.4.5 Automobile, boat, and related dealerships and auto service stations

A. Automobile, boat, and related dealerships shall not be allowed in the B2-b zone.

B. In the B-2b zone, auto service stations shall only be permitted as an expansion of an auto service station in existence as of 11/15/1999.

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

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

E. A landscaped buffer, no less than five feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland *Technical Manual*.

F. Car washes shall be designed to avoid the tracking of residual waters into the street.

6.4.6 Bars

A. In the B-6 zone, no bars located east of Waterville Street shall be permitted within 50 feet of Fore Street.

6.4.7 Bed and breakfasts

A. Bed and breakfasts in the RN-5, RN-6, and RN-7 zones are allowed only as conversions of residential structures existing as of 3/3/1997. Such uses are a permitted use if they contain four or fewer guest rooms, and a conditional use if they contain five to nine guest rooms.

B. In the RN-5, RN-6, and RN-7 zones, the minimum lot area for bed and breakfasts shall be 2,000 square feet for the first three guest rooms and 500 square feet for each additional guest room.

C. In the I-B zone, bed and breakfasts are permitted on Peaks Island only. The minimum lot area for bed and breakfasts shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a bed and breakfast in the I-B zone shall require 10,000 square feet of lot area per guest room.

6.4.8 Campgrounds

A. Campgrounds shall not include recreational vehicles.

B. No tent shall be located within 75 feet of the perimeter of site.

C. The land area of the campground shall not be less than the equivalent of 5,000 square feet of land area per tent site exclusive of the roadway network.

6.4.9 Child care centers and small child care facilities

A. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

B. Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.

C. In residential and island residential zones, the following additional standards apply:

1. Outdoor play areas shall be located in the side or rear yards only, and shall be screened from adjacent properties by a fence or wall at least 48 inches in height.
2. A 10-foot-wide landscaped buffer shall be required between the fence and the adjacent property line, and shall be established in accordance with the landscaping standards of the City's *Technical Manual*.
3. The minimum lot area for a child care center shall be 20,000 square feet.

6.4.10 Commercial and service uses in the B-1 zone

A. Commercial and service uses in the B-1 zone shall be permitted provided that such uses generate less than 100 peak hour vehicle trips per 2,000 square feet of floor area and less than 100 peak hour vehicle trips in total.

B. No beverage container redemption centers shall be permitted.

6.4.11 Dairies

In the B-2 and B-2b zones, dairies are permitted only if an expansion of an existing dairy.

6.4.12 Dwellings, multi-family

A. Use limitations

1. In the RN-2 and RN-4 zones, multi-family dwellings are allowed only as conversions of existing nonresidential structures.
2. In the I-B zone, multi-family dwellings are allowed only as conversions of existing residential or nonresidential structures.

B. Conversion standards

1. No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.
2. Exterior stairways or fire escapes above the ground floor may be constructed during conversion of an existing structure, provided that no exterior stairways shall be visible from a public right-of-way, not including alleys.
3. Any new off-street parking provided for multi-family conversion of existing residential structures shall be located to the side or rear of the structure.

6.4.13 Dwellings, townhouse

A. For townhouse dwellings, interior side setback requirements do not apply to the interior side yard where the party wall for the structure is located. Such requirements only apply to end units without an attached party wall.

B. There shall be a minimum separation of 15 feet between exterior sidewalls of townhouse

buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings shall be 30 feet. Driveways and parking areas may be located within this minimum separation area.

6.4.14 Emergency shelters

A. In the B-3 zone, no emergency shelters shall be permitted north of Oxford Street.

B. The facility shall provide adequate space for conducting security searches and other assessments.

C. The facility shall be designed with a centralized shelter operations office on each level providing sightlines to sleeping areas.

D. A management plan adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.

E. Adequate access to and from fixed route transit service shall be provided. The facility shall be within a ¼ mile of fixed route transit service, or shall be within ½ mile of fixed route transit service and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.

F. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.

G. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.

H. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

6.4.15 General offices and general services

A. General office and general service uses in the I-B and B-1 zones are limited to a maximum of 5,000 square feet of gross floor area.

B. General office uses in the I-L and I-Lb zones shall be limited to those involving minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.

6.4.16 Greenhouse/nursery (retail)

A. In the I-B zone, the indoor display of retail goods and point of sale area shall be limited to a maximum of 1,000 square feet.

6.4.17 Group homes

A. Group homes shall be subject to the minimum lot area requirements for nonresidential uses.

B. A group home shall not be located within 500 feet of another, as measured along street lines to the respective property lines.

C. The Board of Appeals or Planning Board may impose conditions upon a conditional use permit concerning the creation or operation of a group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or

alterations with the existing residential structure; and compatibility of new structures with the architectural character of the surrounding area.

6.4.18 Hostels

A. An operations plan shall be submitted demonstrating that:

1. No unaccompanied minors under the age of 18 shall be permitted in the facility.

2. The length of stay for transient guests shall not exceed 15 days within any 60-day period.

B. In the RN-5, RN-6, and RN-7 zones, hostels are permitted if for no more than 10 overnight transient guests, and conditional if for between 11 and 20 overnight transient guests. No more than 20 overnight transient guests shall be permitted.

C. In the B-1 zone, no more than 20 overnight transient guests shall be permitted.

6.4.19 Hotels

A. Hotels in the I-B zone are limited to a maximum of 50 guest rooms.

B. The minimum gross floor area for hotels in the I-B zone shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a hotel in the I-B zone shall require 10,000 square feet of lot area per guest room.

C. Hotels in the B-6 zone are limited to a maximum of 150 guest rooms.

6.4.20 Impound lots

Impound lots shall be at least 300 feet from any residential zone or lawfully conforming residential use.

6.4.21 Lodging houses

A. In the RN-4 and RN-5 zones, lodging houses are allowed only as conversions of existing two-family, three-family, four-family, or multi-family residential structures, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.

B. Lodging houses shall be subject to the minimum lot area requirements for nonresidential uses.

C. Individual rooming units in a lodging house shall be a minimum of 70 square feet in area.

D. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.

E. Lodging houses, except for lodging houses located in the IR-2 and I-B zones, shall contain common areas for use by residents, including a kitchen. A kitchen need not be available as a part of the common areas where all meals are provided on a daily basis.

F. In the IR-2 and I-B zones, lodging houses are allowed with no more than nine rooming units. When not served by public water and sewer, lodging houses shall require 10,000 square feet of lot area per rooming unit.

6.4.22 Low-impact industrial

A. Low-impact industrial in the B-1, B-2b, B-3, and B-6 zones is limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-6 zone, no brew pubs or microbreweries east of Waterville Street shall be permitted within 50 feet of Fore Street.

C. When a low-impact industrial use is located in any mixed-use zone, the following standards apply:

1. All circulation and maneuvering, including loading, unloading, and turnaround areas, must be located on site. No maneuvering, loading, or unloading may happen in the right-of-way.

2. Truck loading, unloading, and access shall be located in the rear or interior side yard where possible.

3. Shared infrastructure shall be utilized to the extent practicable, including but not limited to service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways.

6.4.23 Marijuana-related uses

A. The following standards apply to the following marijuana-related uses:

1. Marijuana cultivation facilities.

2. Marijuana manufacturing facilities.

3. Marijuana retail stores.

4. Marijuana testing facilities.

5. Small-scale marijuana caregivers.

6. Registered dispensaries.

B. Location criteria

1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store, or registered dispensary may be located within 500 feet of a pre-existing public school, private school, or a public preschool program, as defined by 20-A M.R.S. § 1. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the public school, private school, or public preschool program is located, without regard to intervening structures or objects.

2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of any residential zone. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the residential zone is located, without regard to intervening structures or objects.

C. Marijuana retail stores and registered marijuana dispensaries shall be permitted uses in the B-2 zone, and conditional uses in the B-2b zone.

D. Marijuana retail stores and registered dispensaries may not exceed a maximum gross floor area of 2,000 square feet.

E. For purposes of this ordinance, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing, or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and City license.

6.4.24 Marine uses

A. In the B-5 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; marine repair services and machine shops; shipbuilding and facilities for the construction, maintenance, and repair of vessels; marine museums and aquariums; boat repair yards; boat storage; and seafood processing, packing, and distribution for human consumption.

B. In the B-6 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; and underground marine fuel storage provided that such storage shall be used solely for the purpose of fueling vessels.

6.4.25 Market garden

A. Market gardens may be located outdoors or fully enclosed within a permanent building, subject to the following:

1. Outdoor market gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. The keeping of livestock, chickens or other poultry, and apiaries are prohibited.
3. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.
4. Accessory structures, including but not limited to a shed or utility building necessary for the use's operation may be allowed for the storage of tools and materials. All accessory structures shall be located a minimum of five feet from any lot line.
5. Farmstands are permitted, and are limited to sales of items grown at the site. Farmstands shall be removed during the time of the year when the use is not in operation. Only one farmstand is permitted per market garden.
6. When located in a fully enclosed permanent building, market gardens may include all of the forms of cultivation and production allowed for outdoor market gardens, as well as hydroponics, aquaponics, myco-culture, and other similar indoor crop-production techniques.
7. Market gardens within a fully enclosed permanent building may include an area within the building for sales of items grown at the site. Such sales area may occupy no more than 15% of the floor area devoted to the principal use.

B. In the B-3, B-5, and B-6 zones, market gardens shall only be permitted within an enclosed structure.

6.4.26 Neighborhood nonresidential reuse

A. Neighborhood nonresidential reuse is only allowed within existing structures that are nonresidential in their original construction and/or current principal use as of the effective date of this Code.

B. The following nonresidential uses are permitted within a neighborhood nonresidential reuse. The initial conditional use approval for the neighborhood nonresidential reuse may specify one or more uses under the list below. A modification of the conditional use approval is

required for a change to any of the uses below which were not specified in the initial or subsequent conditional use approval.

1. General offices <5,000 square feet
2. General services <5,000 square feet
3. Restaurants
4. Retail <5,000 square feet
5. Specialty food services
6. Studios for artists and craftspeople

C. No off-street parking is required for a neighborhood nonresidential reuse.

D. Drive-through facilities are prohibited for any neighborhood nonresidential reuse.

6.4.27 Off-street parking

A. In the B-3 zone, structured parking is a permitted use. Surface parking within the B-3 zone shall be allowed as a conditional use.

B. Surface parking in the B-3 and B-6 zones is subject to the following standards:

1. Surface parking lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking on site.
2. All surface parking areas, including parking aisles, shall be located a minimum of 35 feet from any street. This 35-foot setback shall not apply to access drives oriented perpendicularly to a street.

C. In the B-3, B-5, and B-6 zones, structured parking is subject to the following standards:

1. Parking structures shall incorporate ground-floor retail space or other non-parking and active use space along all street frontages. Such retail or active space shall maintain a minimum depth of 30 feet from all street-facing façades of the structure.
2. The Planning Board may waive the requirement for ground-floor retail or other non-parking and active use space upon demonstration that the project meets at least one of the following criteria:
   - **a.** The applicant demonstrates that steepness of grade or the character of the adjacent street does not support retail or other non-parking and active use space.
   - **b.** The ground floor of the garage is set back a minimum of 35 feet from the street right-of-way, and its design does not serve as an impediment for the development of space between the structure and the right-of-way for retail or other non-parking and active use in the future. Any such space located between the structure and the right-of-way shall not be used for surface parking.
   - **c.** The applicant demonstrates, to the satisfaction of the Planning Board, that market support for ground floor retail or other non-parking active uses does not currently exist. In such cases, the structure of the garage shall be designed to accommodate such spaces in the future as follows:
     - **i.** On the ground floor of a structure, a minimum of 30 feet in depth, measured from the façade of the structure, shall be designed to accommodate retail or active uses in the future.
     - **ii.** Such space shall maintain a minimum height of 12 feet from finished floor to finished ceiling.

Where a parking structure fronts on more than one public street, and where there is an existing change in grade elevation of over 5% across the footprint of the garage, this requirement only applies to the frontage facing the street with higher traffic volumes.

iii. The applicant must demonstrate that the design of the parking structure anticipates the future development of utilities and circulation necessary to support non-parking active uses.

3. In cases where the Planning Board waives the requirement for ground-floor retail or other non-parking and active use space, garages shall be designed to enhance the pedestrian experience and disguise the parking use to the greatest extent possible. Use of traditional storefront design concepts and traditional building materials is encouraged.

6.4.28 Office parks

A. Office parks shall have a minimum gross area of three acres of contiguous land, and may be developed with multiple buildings on a single lot under common ownership, or as a coordinated development on multiple parcels under unified control or management.

B. Office park development proposals shall include a master plan of the office park, which shall include the following:

1. The location of the building(s) on the site.
2. The location of infrastructure on the site.
3. The location of all common areas and landscape buffers.
4. Identification of traffic circulation patterns, traffic controls, and parking areas, including demonstration that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.
5. Identification of internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.
6. Building elevation drawings which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.
7. The location and style of lighting to be used in the development.
8. Identification and description of all proposed signage.
9. A description of phasing and timing of the development.
10. A description of any proposed private development restrictions.
11. Delineation of the subdivision of land, if proposed as a coordinated development on multiple parcels.
12. Any other information necessary and sufficient to ensure compliance with the standards in this subsection.

C. Office parks shall include a landscape program that meets the following standards.

1. All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained.
2. To soften the visual impact of large expanses of pavement in parking lots,

vegetation shall be planted or retained in islands or planting strips where required by the site plan or subdivision ordinance.

3. Landscape buffers shall be provided to screen areas abutting a residential zone or use, and to screen parking lots and driveways from public view. The buffer shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms, and related elements deemed necessary.

D. Office parks shall consider and be sensitive to the need to preserve natural features on site. Natural features include, but are not limited to existing vegetation, floodplains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands.

E. All light fixtures shall be hooded or shielded so that the light shines downward.

6.4.29 Parks and open spaces

In the OS-P zone, parks and open spaces shall be limited to passive recreational use, including but not limited to trails and paths for pedestrians and bicyclists, and areas for fishing, hiking, wildlife management and conservation activities. Parks and open spaces in the OS-P zone may also include structures for educational, scientific, or nature interpretation purposes totaling no more than 10,000 square feet in floor area.

6.4.30 Places of assembly

A. In all RN zones, construction of a new principal building as a place of assembly is permitted only on lots with frontage on collector or arterial roads. Places of assembly are allowed on streets of any classification as adaptive reuse of existing structures that are nonresidential in their original construction and/or current use as of the effective date of this Code.

B. Places of assembly in the B-1, I-L, and I-Lb zones are limited to 10,000 square feet or less in gross floor area.

6.4.31 Post-secondary schools

A. In any residential zone, expansion of existing post-secondary schools onto land other than the lot(s) on which the principal use is located shall be subject to a determination that the proposed use cannot be reasonably accommodated on the existing lot(s) through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.

B. In any residential zone, a new post-secondary school or expansion of an existing post-secondary school shall not cause displacement or conversion of existing residential uses.

6.4.32 Printing and publishing

Printing and publishing in the B-3, B-5, B-6, and O zones is limited to a maximum of 10,000 square feet in gross floor area, unless an expansion of a printing and publishing establishment greater than 10,000 square feet and in existence as of 4/4/1988.

6.4.33 Recycling and solid waste disposal facilities

Within the I-M/I-Mb zone, recycling and solid waste disposal facilities are permitted within an enclosed structure only.

6.4.34 Restaurants

A. In the B-1 zone, restaurants are limited to a maximum of 2,000 square feet in gross floor area, shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m. Food service and consumption shall be the primary function.

B. In the B-6 zone, restaurants located east of Waterville Street within 50 feet of Fore Street shall be limited in hours of operation to between 5 a.m. and 11 p.m. each day, and food service and consumption shall be the primary function of the restaurant.

6.4.35 Residential care facilities

In the residential zones, large residential care facilities shall require a minimum lot area of 20,000 square feet.

6.4.36 Retail

A. In the I-B zone, retail uses are limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-1 zone, retail uses are limited to a maximum of 5,000 square feet in gross floor area, and shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m.

C. Retail in the B-3 and B-5 zones shall not include wholesale or bulk purchase sales of lumber and construction supplies, truck rental establishments, sales, rental, and repair of heavy equipment, or wholesale establishments, including establishments where membership is required.

6.4.37 Self-storage facility

A. Storage units shall not be used for residential occupancy or business.

B. Plumbing connections shall not be permitted in self-storage units.

C. The following additional standards apply to self-storage facilities with units accessed directly from the outdoors:

1. Outdoor self-storage facilities shall be oriented so that storage unit access doors do not face the public right-of-way.
2. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles shall be located in the rear yard.
3. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
4. If storage areas for recreational vehicles are provided, they shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings shall be placed inside the fence oriented toward the interior of the lot.

6.4.38 Solar energy systems (major and minor)

A. In general

1. All solar energy systems shall meet the technical, safety, and maintenance

standards in the City of Portland *Technical Manual*.

2. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
3. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

B. Ground-mounted solar energy systems

1. Ground-mounted solar energy systems are only permitted in the B-4, I-L, I-Lb, I-M, I-Mb, I-H, and A-B zones.
2. Ground-mounted solar energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.
3. Layout and fencing for ground-mounted systems shall be integrated with existing landscape and minimize removal of vegetation to the extent possible.
4. Minor ground-mounted solar energy systems shall be located a minimum 50 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
5. Major ground-mounted solar energy systems shall be located at least 75 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
6. The absolute height of any ground-mounted solar energy system shall be no more than 20 feet above the ground as measured from the base of the support.
7. The following components of a ground-mounted solar energy system shall be counted as impervious in the calculation of landscaped open space ratio:
   a. Foundation systems, typically consisting of driven piles, monopoles, or helical screws with or without small concrete collars or weighted ballast.
   b. All mechanical equipment of the solar energy system, including maximum horizontal extents of any concrete pad or any pad mounted structure for batteries, switchboard, transformers, or storage cells.
   c. Paved access roads servicing the solar energy system.

C. Roof-mounted solar energy systems

1. Roof-mounted solar energy systems are not included in the calculation of maximum structure height.
2. Solar energy systems mounted on flat roofs shall meet the following standards:
   a. In residential and R-P zones, solar energy systems mounted on flat roofs are limited to a height of 5 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
   b. In B-4 and industrial zones, flat roof-mounted systems are not subject to limitations on height, or to a required setback.
   c. In all other zones, solar energy systems mounted on flat roofs are limited to a height of 8 feet above the surface of the roof upon which they

are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.

3. Solar energy systems mounted on pitched roofs shall meet the following standards:
   a. Solar energy systems on pitched roofs shall be mounted with a maximum distance of one foot between the surface of the roof to the highest point of the system.
   b. Solar energy systems on pitched roofs shall be installed parallel to the roof surface on which they are mounted.
   c. Solar energy systems on pitched roofs may not extend higher than the highest point of the roof surface upon which they are mounted.

6.4.39 Utility substations

A. Utility substations shall be as small in size as practicable, and shall be set back a minimum of 35 feet from any right-of-way, not including limited-access roads.

B. Substations shall be suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood. The remainder of the lot not occupied by the utility substation and its related access shall be designed and designated for future development.

C. In the OS-R zone, sewage pumping and treatment facilities shall be permitted. Water pumping stations shall be treated as a conditional use and subject to the additional standards of subsection 6.5.6.

6.4.40 Warehousing and distribution facilities

A. Warehousing and distribution facilities in the I-L and I-Lb zones are limited to a maximum of 10,000 square feet in gross floor area.

B. No outdoor storage is permitted as a component of warehousing and distribution in the B-4 and I-L/I-lb zones.

6.4.41 Wind energy systems (major and minor)

A. **General**

1. All wind energy generation equipment shall be approved under a certification program approved by the U.S. Department of Energy.
2. Wind energy systems, including foundations and support structures, electrical connections, control equipment, and associated site improvements shall be designed, engineered, and installed to comply with all applicable local, state, and federal construction and electrical regulations and Federal Aviation Administration regulations. Applicable state and local approvals shall be obtained prior to installation of any wind energy system.
3. All on-site electrical wiring associated with the proposed wind energy system shall be located within the tower/pole/supporting structure or underground. Above ground on-site connections near substations or to the electric grid shall be allowed.
4. Wind energy systems shall be designed to avoid electromagnetic interference with the transmission or reception of radio, telephone, television, microwave, navigational, or similar signals to neighboring areas.

B. Setbacks

1. Minor ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
2. Major ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.5 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.

C. Height

1. Ground-mounted wind energy systems are limited to a maximum height of 65 feet in the B-2/B-2b, B-5, and B-6 zones.
2. All moving components of a ground-mounted wind energy system shall be a minimum of 12 feet from ground level or accessible surface.

D. Siting and placement

1. No wind energy system shall be located within 250 feet of any significant wildlife habitat, as defined by the Maine Department of Environmental Protection/Maine Department of Inland Fisheries and Wildlife under provisions of the Natural Resources Protection Act (38 M.R.S. § 480 et seq.) including wildlife habitat for species appearing on the official state and federal list of endangered or threatened animal species.
2. For all major and minor wind energy systems, or any system over 100kW, evidence shall be provided that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Area Program have been notified of the location, height, and design of the proposed wind energy system at least three weeks prior to any final determination under this subsection. Any comments received therefrom shall be addressed to the satisfaction of these state authorities prior to any final determination under this provision.
3. The support structure (e.g. tower, pole) for ground-mounted wind generating systems shall not be climbable for a minimum height of 12 feet above the surrounding ground level. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
4. The use of guy wires is discouraged. If required, they shall be located away from pedestrian routes/access points and marked with visible, reflective, colored objects, such as flags, reflectors, or tape, which shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
5. Ground-mounted wind energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent

possible and shall be designed to minimize impacts on significant scenic views.

E. Illumination and signs

1. No part of the system may be illuminated, except as required by the Federal Aviation Administration (FAA) or other authorities for safety and security purposes. Where lighting is required, it shall be at the lowest intensity allowable with fixtures shielded and directed to minimize glare and visibility from the ground.
2. There shall be no signs, advertisements, flags, or decorative items on a wind energy system or any associated facilities, except for the manufacturer's/installer's/owner's identification (not exceeding one square feet in size), appropriate warning signs, or lights if required by the FAA.

6.5 CONDITIONAL USES

6.5.1 Conditional use review procedure

A. Review authority. The Zoning Board of Appeals shall review all conditional use applications, with the exception that the Planning Board shall review all conditional use applications associated with projects that are otherwise before the Planning Board.

B. Application. Applications for conditional use review shall be submitted to the Building Authority for all Zoning Board of Appeals reviews and the Planning Authority for all Planning Board reviews. A nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the review authority.

C. Public hearing. A public hearing shall be set, advertised, and conducted by the review authority in accordance with Article 2 of this Land Use Code.

D. Action. Within 30 days following the close of the public hearing, the review authority shall render its decision, in a manner and form specified by Article 2 of this chapter, approving the conditional use, approving the conditional use subject to conditions as specified in Subsection 6.5.3, or denying it. The failure of the review authority to act within 30 days shall be deemed a denial of the conditional use, unless such time period is mutually extended in writing by the applicant and the review authority. Within five days of such decision or the expiration of such period, the Building Authority or Planning Authority shall mail notice of such decision or failure to act to the applicant and, if a conditional use is authorized, list therein any and all conditions imposed by the review authority.

6.5.2 General conditional use standards

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

A. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces

required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

B. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

C. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-G and Section 6.4.

6.5.3 Conditions on conditional use approvals

The review authority may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use. Violation of such conditions shall be a violation of this article.

6.5.4 Effect of issuance of a conditional use approval

The approval of a conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing. and processing of applications for any permits or approvals which may be required by the City of Portland Code of Ordinances, including but not limited to a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

6.5.5 Limitations on conditional use approvals

No conditional use approval shall be valid for a period longer than three years from the date of approval, unless the conditional use has commenced or a building permit is issued and construction has begun within that period and is thereafter diligently pursued to completion, provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed and the two year period is not exceeded thereby. A conditional use approval shall be deemed to authorize only the particular use for which it was issued and such approval shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of 12 consecutive months or more.

6.5.6 Supplemental standards for certain conditional uses in the OS-R zone

In addition to general conditional use standards and supplemental use standards, the following standards shall apply to sports complexes, stadiums, solar energy systems, water pumping stations, wind energy systems, and accessory uses within structures of 2,500 square feet or more within the OS-R zone:

A. The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or City recreation and open space plan, including but not limited to the state *Comprehensive Outdoor Recreation Plan*, as

such plans may from time to time be created or revised.

B. Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.

C. Indoor recreation or nonrecreational uses in the OS-R zone shall serve a significant public purpose that cannot reasonably be accommodated outside of the OS-R zone.

6.6 ACCESSORY USES

6.6.1 In general

A. Accessory uses shall be permitted in conjunction with permitted or conditional principal uses. Accessory uses shall be:

1. Customarily found in association with the principal use.
2. Generally consistent with the impacts of the principal use.
3. Secondary in nature, clearly incidental and subordinate to the principal use in terms of area and function.
4. Located on the same lot as the principal use unless otherwise permitted.
5. Consistent with the intent of the zone.

B. No accessory use or uses within a building shall occupy more than a combined total of 25% of the floor area of the principal building, with the exception of required off-street parking, unless otherwise provided in Subsection 6.6.2 below. In the case of multi-tenant buildings, this standard shall apply separately to each leased portion of the principal building.

C. No accessory use or uses not within a building shall occupy more than a combined total of 25% of the unbuilt lot area, or of the required rear yard area, with the exception of off-street parking or as otherwise provided in Subsection 6.6.2.

6.6.2 Standards for specific accessory uses

A. Accessory Dwelling Units (ADUs)

1. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal residential uses.
2. ADUs shall be permitted as new detached accessory structures, building additions, or within existing lawfully conforming or nonconforming structures. However, the addition of an ADU may in no way increase the degree of nonconformity of any structure.
3. Up to two ADUs shall be permitted per qualifying property.
4. Under circumstances where an existing nonconforming structure is converted to an ADU, the design of the ADU shall take into consideration to the extent practicable the privacy of adjacent properties.
5. An ADU shall be limited to a gross floor area of 2/3 of the gross floor area of the largest principal unit on the lot. The aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the principal structure.
6. ADUs shall be exempt from maximum lot coverage and minimum lot area per dwelling unit requirements.
7. Detached ADUs shall be limited to a maximum height of 18 feet, unless constructed as a vertical addition to an existing garage, in which case the height of the structure shall be limited to 25 feet.

8. Detached ADUs shall not be subject to side and rear setbacks for detached accessory structures as established in Article 7. Rather, detached ADUs shall maintain a minimum setback of 5 feet from all side lot lines, and 10 feet from the rear lot line.
9. Detached ADUs shall not be permitted between a principal structure and a front lot line.

B. Antennas, discs, transmitting and receiving equipment. Building-mounted antennas, discs, and other transmitting and receiving equipment shall be:

1. No taller than 15 feet above the highest structural steel of the building roof.
2. Setback no less than 15 feet from the building perimeter.
3. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

C. Drive-throughs

1. Drive-throughs shall be permitted as an accessory use in the B-4 zone.
2. Drive-throughs shall be permitted as conditional accessory uses in the B-2 zone only if a drive-through was located on the site as of the effective date of this Code.
3. In all other zones, drive-throughs shall be prohibited.
4. Drive-throughs shall be subject to the following review standards:
   a. All components of a drive-through, including, but not limited to, signs, stacking lanes, menu/order boards, trash receptacles, and service windows shall be located to the side or rear of the principal building where practicable, except where such placement will be detrimental to an adjacent residential zone or use, and shall be located a minimum of 40 feet from any adjoining property in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall be located a minimum of 25 feet from a right-of-way.
   b. The site shall have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
   c. Any speakers, intercom systems, or other audible means of communication shall not play pre-recorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line.
   d. Site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in the City of Portland *Technical Manual*.
   e. Where automobiles may queue, waiting for drive-through services,

their impacts shall be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, and noise. As deemed necessary by the review authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts.

f. Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

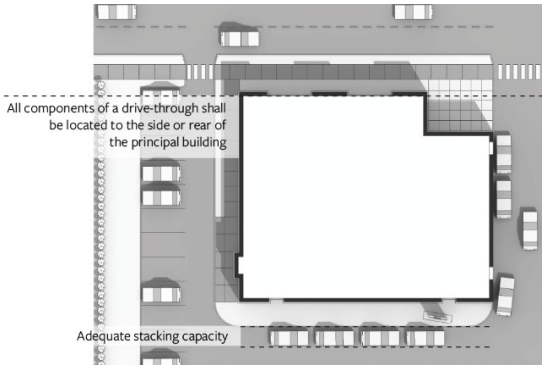

FIGURE 6-A: DRIVE-THROUGH SITING

D. Heliports. A heliport shall be designed and constructed in accordance with all federal and state regulations.

E. Home occupations

1. A home occupation shall be incidental to the residential use of a dwelling, and shall not change the essential residential character of the dwelling.

2. No interior or exterior alterations that are inconsistent with the residential use and character of the building shall be permitted. With the exception of a permitted sign, there shall be no evidence visible from the exterior of the premises that the property is used in any way other than as a dwelling. No display of products shall be visible from the exterior of the premises.

3. Exterior signs shall be limited to one non-illuminated sign not exceeding a total area of two square feet. Such sign must be affixed to the building, and may not project more than one foot from the façade of the building.

4. The home occupation and all related activity, including any storage, equipment, and display of products shall be conducted entirely within a principal building or accessory structure. This does not apply to the home occupation of licensed family childcare provider, which may include outdoor space needed to meet state licensing requirements.

5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, biohazardous, or other restricted materials shall be used or stored as a component of a home occupation.

6. No home occupation shall include dispensing of medication from the dwelling.

7. The home occupation shall not produce any perceptible noise, vibration, heat, smoke, odor, electrical interference, dust or other particulate matter, or other

nuisance effects in excess of that normally associated with residential use.

8. A home occupation shall be limited to residents of the dwelling and no more than two nonresident employees on the premises.
9. The home occupation shall not create vehicular or pedestrian traffic in greater volumes than average for a residential neighborhood. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
10. Any clients or business-related visitors shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
11. The storage of semi-trucks, trailers, or heavy equipment such as construction or landscaping equipment used in a commercial business, is prohibited.
12. Repair and service of any vehicles, any type of heavy machinery, or any type of engine, is prohibited. Repair of small electronics or appliances is allowed.
13. Rental services, where products for rent are stored on-site and customers visit the residence to pick-up and return products, are prohibited.
14. A family childcare provider as a home occupation shall not be subject to floor area limitations for an accessory use, but shall be limited to the care of not more than six children plus two children after school and shall have no nonresidential employees.
15. Businesses with no employees, no customers, and no external impacts are not considered home-occupations for the purposes of this subsection, and are exempt from its provisions. Remote work is also not considered a home occupation, and is exempt from these provisions.

F. Makers' markets in the IL-b zone. Makers' markets, including periodic or seasonal sale of handcrafted and limited production products for final consumption, which may include prepared or raw foods, shall be permitted as an accessory use in the IL-b zone, provided that:

1. Such sales are located within a lawfully conforming principal permitted use.
2. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use.
3. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively.
4. Such products are produced or permitted to be produced in the IL/IL-b zone.
5. Such products are sold by the producer of the product or their designee.

G. Tasting rooms in industrial zones. Tasting rooms shall be permitted as accessory uses on the premises of facilities where beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food are produced, provided that:

1. Service of food in the facility is limited to that which does not constitute a full meal.
2. No more than 10% of the beverage menu in tasting rooms accessory to beverage production or 10% of the food menu in tasting rooms accessory to food production is produced or manufactured off-site.

3. Tasting rooms shall not be subject to the limitations on the use of unbuilt lot or yard area in Subsection 6.6.1(C).

H. Solar energy generation

1. Building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area shall be permitted as accessory uses within all zones except within cemeteries.
2. All accessory solar energy systems are subject to the following conditions:
   a. All systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
   b. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
   c. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
   d. Ground-mounted accessory solar energy systems shall be located in side or rear yards only, and shall be subject to all dimensional standards for detached accessory structures within Article 7 unless otherwise specified.
   e. Building-mounted or roof-mounted accessory solar energy systems are not included in the calculation of maximum structure height, but must meet the following standards:
      i. Systems installed on pitched roofs shall be installed parallel to the roof surface on which they are mounted, and may project a maximum of one foot from the surface of the roof to the highest point of the system. Systems may not extend higher than the highest point of the roof surface on which they are mounted.
      ii. Systems installed on flat roofs must be set back a minimum of one foot for each foot of system height. Systems are limited to a height of five feet above the surface of the roof in all residential zones, 15 feet in the B-4 zone and industrial zones, and eight feet in all other zones.

I. Wind energy generation. Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones. Accessory wind energy systems are subject to the following standards:

1. Accessory wind energy systems shall comply with all general use standards for wind energy systems as stated under Subsection 6.4.41.A of this article.
2. Properties shall be limited to one ground-mounted accessory wind energy system and two roof-mounted accessory wind energy systems.
3. The maximum height of a ground-mounted accessory wind energy system is 25 feet in all RN zones, the R-P zone, the B-1 zone, and all island zones. In all other zones, the maximum height shall be the maximum

height allowed within the zone or 45 feet, whichever is less.

4. The maximum height of any roof-mounted accessory wind energy system is 15 feet above the height of such structure. Roof-mounted systems are not included in the calculation of maximum structure height.
5. Roof-mounted accessory wind energy systems shall be set back from any edge of the building upon which they are mounted by a distance equal to or greater than the total height of the system, measured from the roof surface at the point of attachment to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
6. Ground-mounted accessory wind energy systems shall be setback from property lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
7. Ground-mounted accessory wind energy systems shall be located within the rear yard only and shall be sited to maximize existing vegetative or other screening from nearby residential buildings and public ways. The location shall minimize changes to existing topography and natural vegetation which would result from construction or maintenance of the system.

6.7 TEMPORARY USES

6.7.1 In general

Temporary uses may be permitted as determined by the Planning Authority or Building Authority. Temporary uses on private property shall comply with the standards of this section, as well as regulations pertaining to temporary uses contained elsewhere in the City of Portland Code of Ordinances. All temporary uses require a temporary use permit unless specifically cited as exempt. A temporary use permit may be issued for additional temporary uses not specifically listed per Subsection 6.7.2.G below. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

6.7.2 Standards for specific temporary uses

A. Farmstand

1. A farmstand for the sale of food or non-food crops grown only on the premises is permitted, and shall be exempt from temporary use permit requirements.
2. In the island zones, such stand may include the sale of agricultural products produced on the premises or the sale of fish or shellfish caught by the occupant of the premises.
3. Acceptable stands are a portable table or cart, and cannot exceed an area of 200 square feet.
4. Farmstands are permitted for no more than 180 days per calendar year, and shall be removed when not in use.
5. Farmstands must be set back from all public rights-of-way a distance of no less than 15 feet.

B. Garage/yard sale

1. A garage/yard sale is permitted as a temporary use on residential property, and shall be exempt from temporary use permit requirements.
2. Garage/yard sales are limited to no more than six days per calendar year.

C. Real estate project sales office or model unit

1. A real estate sales office/model unit(s) is allowed for a residential development.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
3. The temporary use permit shall be valid for the life of the residential development project. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit within the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

D. Temporary contractor's yard

1. A temporary contractor's yard is allowed incidental to a construction project.
2. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
3. The temporary contractor's yard shall be removed within 30 days of the completion of construction, and the premises shall be restored to their pre-construction state.
4. Temporary contractor's yards shall be screened on all sides by a fence a minimum of six feet in height to a maximum of eight feet in height. Fencing shall not be required on shared lot lines if the abutting lot contains a fence or other barrier that prohibits entry onto the lot.

E. Temporary outdoor sales

1. Temporary outdoor sales in residential zones are limited to those events conducted by and located on the premises of a place of assembly, an elementary, middle, or secondary school, or a post-secondary school, and shall be exempt from temporary use permit requirements.
2. Time limits shall be as follows:
   a. Time limitations apply to the lot, not the operator of the use.
   b. Temporary outdoor sales events in residential zones are limited to three events per calendar year, with a maximum of either three consecutive days, or two consecutive weekends. A minimum of 30 days between events is required.
   c. Temporary outdoor sales events in nonresidential zones are limited to four events per calendar year, with a maximum duration of five days per event, and a minimum of 30 days between events.
   d. Temporary outdoor sales events for seasonal sales, such as Christmas trees or pumpkins, are limited to four events per calendar year, with a maximum of 30 days per event and a minimum of 30 days between events.

e. Temporary outdoor sales events in any nonresidential zone must be located a minimum of 125 feet from a residential zone.

F. Temporary outdoor storage containers The use of an outdoor storage container is limited to a maximum of 90 days per calendar year, and shall be exempt from temporary use permit requirements.

G. Additional temporary uses. In addition to the temporary uses listed above, a temporary use permit may be issued by the Planning Authority or Building Authority for other temporary uses that are substantially similar to a temporary use listed above. A permit may be issued if the Authority determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The time limit of such temporary use will be determined and approved as part of the temporary use permit.

6.8 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section, unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case the more restrictive standard shall apply.

6.8.1 Development in the OS-R and OS-P zones

All development in the Open Space zones shall comply with the following development standards:

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

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

C. Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

D. Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.

E. Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.

F. The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.

6.8.2 Discharges

No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Public Health Authority or by the Public Works Authority. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24 of the City of Portland Code of

Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24.

6.8.3 Electromagnetic interference

In any industrial zone, there shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference.

6.8.4 Exterior lighting

All exterior lighting shall be designed and installed with full cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties in accordance with the City of Portland *Technical Manual*.

6.8.5 Landscaping and screening

A. In all mixed-use and TOD zones, the O zone, the R-P zone, and the A-B zone outside of restricted access areas, sites shall be landscaped to screen parking and accessory site elements, including storage and solid waste receptacles, from the right-of-way, public open space, or abutting residential zones.

B. In the I-H zone, where a front yard abuts an arterial or a major collector street, it shall be landscaped. Rear yards, side yards, and the perimeter of any parking area for greater than 15 vehicles shall be landscaped if visible from a right-of-way, public open space, or residential zone.

6.8.6 Noise

A. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities.

B. The maximum permissible sound level of any continuous, regular, or frequent source of sound produced by an activity shall be as shown in Table 6-I.

C. Sound shall be measured as follows:

1. For noise generated by a use in the I-L/I-Lb, I-M/I-Mb, and I-H zones, sound shall be measured at or within the boundaries of the nearest residential zone.
2. For noise generated by a use in the B-1, B-2/B-2b, B-3, B-4, B-5, B-6, I-B, R-P, O, and A-B zones, sound shall be measured at lot boundaries.

D. Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body.

E. **Wind energy systems.** Where the underlying zone is residential and does not specify sound requirements, or where the system will be within 100 feet of a residential zone, sound

TABLE 6-H: NOISE STANDARDS

Zone	Daytime/Evening (7 a.m.-9 p.m.)	Night (9 p.m.-7 a.m.)
I-B	60 dBA	55 dBA
R-P	55 dBA	55 dBA
O	60 dBA	60 dBA
B-1	55 dBA	55 dBA
B-2/B-2b	60 dBA	55 dBA
B-3	60 dBA	55 dBA
B-4	65 dBA	60 dBA
B-5, B-6	60 dBA	50 dBA
I-L/I-Lb	60 dBA	50 dBA
I-M/I-Mb	70 dBA	55 dBA
I-H	75 dBA	55 dBA
A-B	**60.** BA	60 dBA

generated by the wind energy system shall not exceed 45 decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and 50 decibels on the A scale between 7:00 a.m. and 9:00 p.m., as measured at the nearest property line in accordance with this provision and technical standards set out in the City of Portland *Technical Manual*. Audible sound levels of wind energy systems shall include sounds generated in all conditions including low and high winds (furling, yawing, and flutter) and power outages (freewheeling).

F. Exemptions

1. Noises created by construction and maintenance activities between 7:00 a.m. and 9:00 p.m. are exempt from the maximum permissible sound levels set forth in Table 6-H.

2. The following uses and activities shall also be exempt from the requirements of Table 6-H:

a. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

b. Traffic noise on public roads or noise created by aircraft and railroads.

c. Noise created by refuse and solid waste collection.

d. Emergency construction or repair work by public utilities, at any hour.

e. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City, including but not limited to concerts, parades, sporting events, and fireworks displays.

6.8.7 Odor

It shall be a violation of this article to create an odor nuisance.

An odor nuisance shall be considered to exist when 10 confirmed complaints relating to odors of such intensity and character as to be detrimental to the public health and welfare occur in an area within two separate 24-hour periods. The 10 confirmed complaints must originate from 10 different households in a residential zone, or from 10 different individuals in a commercial or industrial zone.

6.8.8 Exterior stairways

A. No open exterior stairways or fire escapes shall be constructed above the ground floor unless specifically allowed within this Code.

B. The Building Authority may permit exterior stairways on single- and two-family buildings. Such stairways shall have minimal visual impact upon the building and shall be located to the rear.

C. The Building Authority may permit the installation of an exterior egress stair or an upgrade of an existing exterior fire escape or an existing egress stair for a conforming or lawfully nonconforming dwelling unit existing as of January 5, 1998, if such egress is required to meet current fire or other life safety codes, provided that the owner demonstrates to the Building Authority that:

1. There is no practical and economically reasonable way to provide such egress within the interior of the building, as demonstrated by the submission of detailed floor plans showing the projected

cost of and the impact on the existing dwelling from an interior stair.

2. The stairway and associated landings and other building fixtures are designed and will be constructed to have a minimal visual impact upon the building, especially as viewed from any public way or public open space, as demonstrated by photographs of the front and any other affected facades of the building and plans or drawings of the proposed egress stairs.

6.8.9 Outdoor storage

Outdoor storage shall comply with the requirements of Table 6-I.

6.8.10 Smoke and dust

Visible emissions from a direct or fugitive emission source may not exceed an opacity of 20% for more than 2.5 minutes in any half-hour period. All visible emissions must comply with the standards of the Maine Department of Environmental Protection.

6.8.11 Storage and repair of vehicles

A. In all residential zones, all island zones, the R-P zone, and the B-3 zone, only one unregistered motor vehicle may be stored outside, for a period not exceeding 30 days.

B. In all other mixed-use zones, storage of unregistered motor vehicles for more than 10 days, and outdoor storage of used automobile tires shall be prohibited.

C. No partially dismantled, wrecked, or junked vehicles shall be stored outdoors. This provision does not apply to vehicles undergoing repair.

D. All vehicle repair facilities shall be screened along interior side and rear lot lines by a landscaped buffer or solid fence a minimum of five feet in height.

TABLE 6-I: OUTDOOR STORAGE STANDARDS

	B-1	B-2/ B-2b	B-3	O	RP	A-B	B-4	B-5	B-6	I-L/ I-Lb	I-M/ I-Mb	I-H
There shall be no outdoor storage except for fully enclosed receptacles for solid waste disposal.	●		●	●	●			●	●			
All outdoor storage must be located a minimum of 20 feet from any lot line. However, when abutting a residential zone, all outdoor storage must be located a minimum of 100 feet from a lot line abutting such zone.		●				●	●			●	●	●
Outdoor storage areas must be designed and maintained so as to prevent the accumulation of debris and standing water that can attract insects and vermin. All outdoor storage areas shall employ measures to prevent displacement of materials and windblown dust or particulates, including the use of windbreaks, tarps, or other coverings to protect stored materials from the elements.		●				●	●			●	●	●
No outdoor storage shall be permitted in the front setback, except for storage for plant and tree nurseries or lumber yards if listed as a permitted use. All such storage located in the front setback shall consist of live plant materials or lumber products. No aggregate materials, machinery, or other materials or products shall be stored in the front setback.		●				●	●					
All outdoor storage shall be suitably screened from the public way and abutting properties by a landscaped buffer or solid fence at least five feet in height. This does not apply to storage of materials allowed in the front setback for plant and tree nurseries or lumber yards.		●				●	●					
Exterior lighting of outdoor storage areas shall not exceed that which is necessary for security purposes.	●	●	●	●	●	●	●	●	●	●	●	●

6.8.12 Waste disposal

A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored outdoors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones except for the industrial zones, such containers or receptacles shall be within designated, screened areas. In industrial zones and the B-4 zone, outdoor storage of refuse, debris, or previously used materials awaiting reuse shall either be in an appropriate container or located within a designated, screened area.

B. Containers or receptacles shall not leak or otherwise permit liquids or solids to escape from the container or be transferred beyond lot boundaries by natural causes or forces. Areas attracting large numbers of insects or vermin are prohibited.

C. Where food processing is permitted, all food processing waste shall be stored within a completely enclosed structure. If not refrigerated, such waste shall be removed from the site in an enclosed container within 48 hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

6.8.13 Vibration

A. In any mixed-use zone, the O, and the R-P zones, vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

B. In all industrial zones, any use creating earthshaking vibrations, with the exception of airports, shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one inch, as measured by a vibrograph or similar instrument at the property boundaries.

6.8.14 Entertainment businesses in the B-3 and WCZ zones

A. In the B-3 and WCZ zones, a business with an entertainment license as required or authorized by Chapter 4, Section 4-51(a) of the City of Portland Code of Ordinance shall be considered an entertainment business for the purposes of this section, and may not be located within 100 feet of another entertainment business, as measured along or across public ways from the main entrance or entrances of each. This dispersal requirement shall not apply to entertainment businesses that do not allow amplified entertainment.

1. Any entertainment business located in the B-3 or WCZ zones on or before January 3, 2006 shall not be required to comply with this dispersal requirement. If located within 100 feet of another entertainment business, such business shall be considered a lawfully nonconforming use subject to the standards of Article 4 of this Code. Any such business shall continue to be considered an entertainment business for the purpose of administering this dispersal requirement for a new or relocating entertainment business in the B-3 and WCZ zones.

2. Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks, or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purposes of this section.
3. Following a hearing held pursuant to Chapter 15, Section 15-10 of the City of Portland Code of Ordinances, the City Clerk may impose conditions on the food service license of any entertainment business in the B-3 and WCZ zones that operates between 1:00 a.m. and 4:00 a.m. to maintain or improve public safety. Such conditions may be imposed following a written recommendation from the Portland Police Department that such conditions are necessary. The City Clerk's decision may be appealed to the City Manager pursuant to Chapter 15, Section 15-9 of the City of Portland Code of Ordinances. Nothing in this section shall be construed to limit the City Clerk's authority in Chapter 15 to deny, suspend, or revoke any license pursuant to the standards and process in that chapter.

7 DIMENSIONAL STANDARDS

7.1 APPLICABILITY

Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

7.2 RULES OF MEASUREMENT

Blank wall area. The horizontal linear dimension of contiguous building façade, measured along a street frontage, that does not contain fenestration, doors, change in wall plane, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

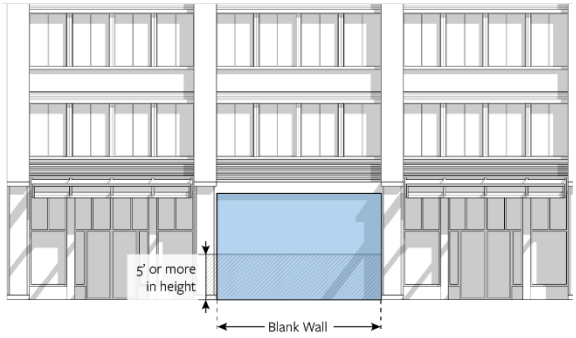

FIGURE 7-A: BLANK WALL AREA

Footprint. The lot area contained within the outermost perimeter of the building envelope including cantilevered portions of the building, projections, and porches, decks, and similar attached structures integral to the building and contributing to its mass, but excluding roof overhangs less than two feet in depth.

Building length. The linear dimension of a building façade, measured along a street frontage. Passageways, breezeways, and similar building connections are included in the calculation of total building length. On sites with multiple buildings, building length shall only be measured on buildings abutting a street frontage.

Build-to percentage. The percentage of the building façade that must be located within a build-to zone. Façade articulation meeting the standards of this Code, such as window or wall recesses and projections, are included as part of the required build-to percentage even when they are recessed beyond the build-to zone. Plazas, outdoor dining, and other public open space features that are bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated as a ratio of the total building length of a principal structure, not street frontage.

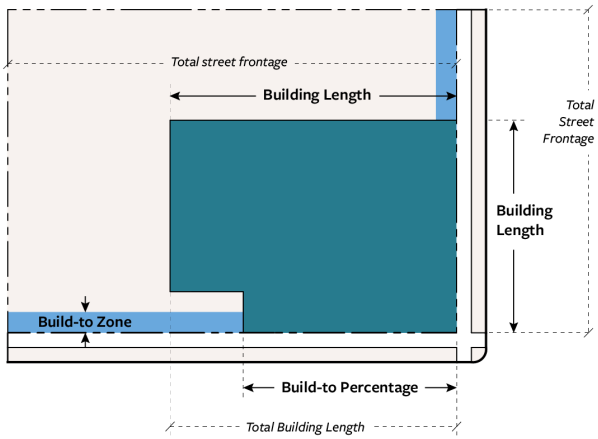

FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

Build-to Zone (BTZ). The area on a lot, measured perpendicular to the front and/or corner side lot line, where all or a portion of the applicable façade of a structure must be located, measured as minimum and maximum range from the lot line. Placement of a building at a build-to zone must not violate corner clearance requirements.

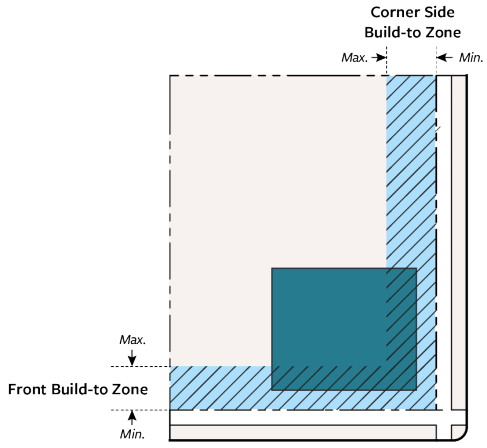

FIGURE 7-C: BUILD-TO ZONE

Floor area. The total floor space enclosed by exterior or standard fire walls and roof of a building, exclusive of vent shafts and courts.

Grade, pre-development. The average of elevation measurements, existing as of October 1, 2000, at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure. Measurements shall be taken at the foundation of the structure where it meets the grade.

Grade, average. The average of elevation measurements at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure. Measurements shall be taken at the foundation of the structure where it meets the grade.

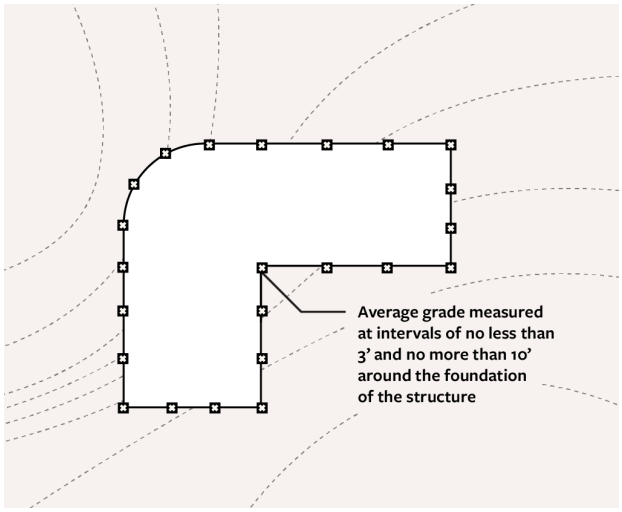

FIGURE 7-D: AVERAGE GRADE

Height. The vertical measurement from average grade, or the pre-development grade on the islands, to the highest point of a structure. For buildings, height shall be measured to the roof beams in flat roofs, to the highest point of the roof beams or the highest point on the deck of mansard roofs, to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

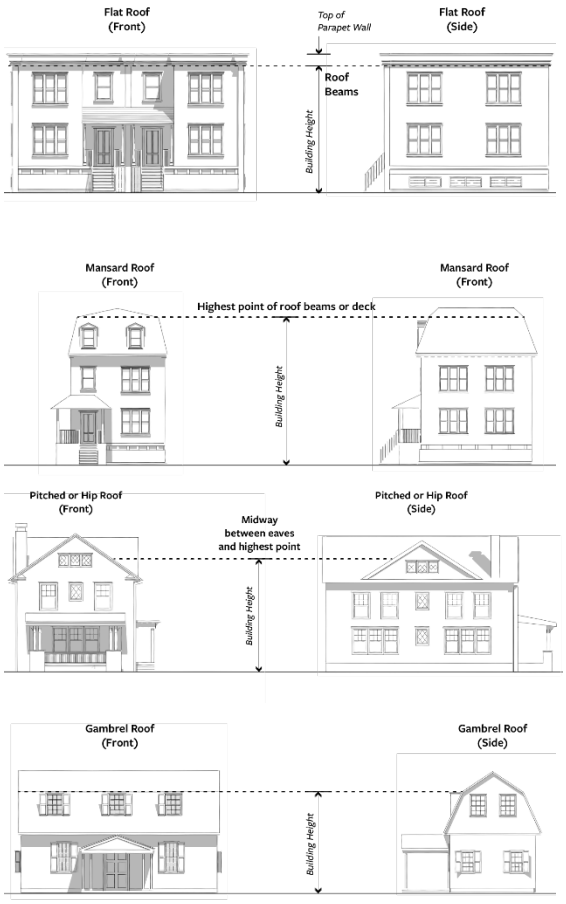

FIGURE 7-E: BUILDING HEIGHT MEASUREMENT

Landscaped open space ratio. The proportion of lot area covered by landscaped open space, calculated by dividing the total landscaped open space area by the lot area. For the purposes of this measurement, landscaped open space shall not include green roofs or structured or engineered surfaces.

Lot area. The area of a lot enclosed within the boundary lines of a lot. For townhouse dwellings, the minimum lot area per dwelling unit applies to the overall townhouse development and not to individual lots underlying townhouse dwelling units. On flag lots, no part of the "pole" connecting the main building area to the street shall be calculated as lot area.

Lot coverage. The proportion of lot area covered by building footprint and the footprint of accessory detached structures.

Lot line. A line of record bounding a parcel or area of land that is designated as an individual unit for use, development, or ownership.

Lot line, corner side. The lot line perpendicular or approximately perpendicular to the front lot line and the longer lot line abutting the street on a corner lot.

Lot line, front. The lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shorter lot line abutting the street. In the case of a through lot, both lot lines separating a lot from a street right-of-way are considered front lot lines.

Lot line, interior side. Any lot line that is not a front, rear, or corner side lot line and abuts an adjacent lot.

Lot line, rear. The lot line opposite and most distant from the front lot line. In cases where a lot has multiple lot lines that meet this definition, each of those lines shall be considered a rear lot line for the purposes of applying setback and other dimensional requirements. In the case of triangular or similar irregularly shaped lots, the rear lot line shall be established as a line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

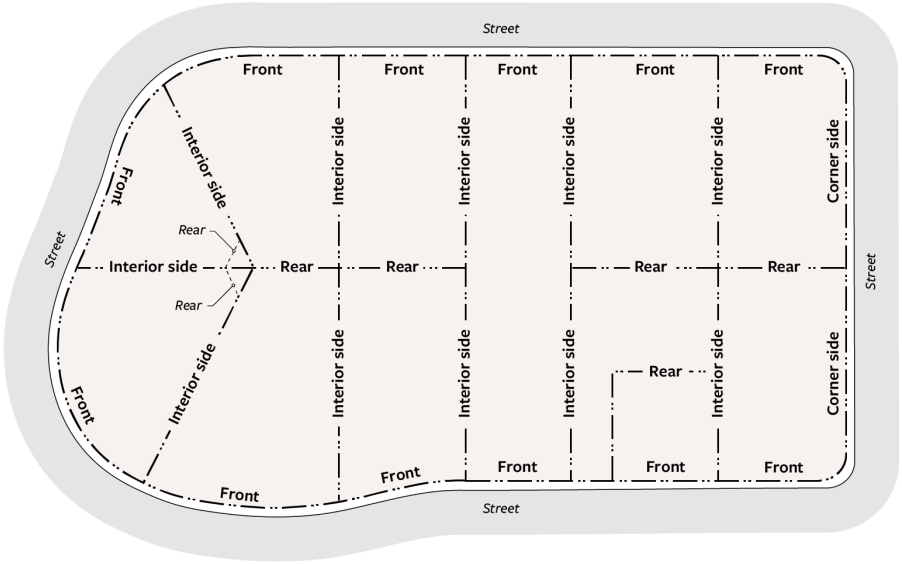

FIGURE 7-F: LOT LINES

Setback. The required minimum distance a structure shall be located from a lot line, which is open, unoccupied and unobstructed except as otherwise permitted in this code of ordinances. A setback is located along the applicable lot line for the minimum depth specified by the zone in which such lot is located, and may be equal to or lesser than a yard. Setbacks do not apply to fences, retaining walls, raised garden beds and other similar structures.

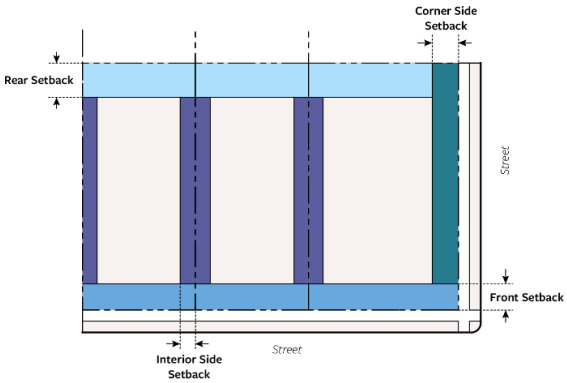

FIGURE 7-G: SETBACKS

Setback, corner side. A setback along the corner side lot line, extending from the front setback to the rear lot line, the depth of which shall be measured perpendicular to the corner side lot line.

Setback, front. A setback along the front lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the front lot line. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For through lots, the front setback shall be applied on both street frontages unless the lot is in a residential district, in which case one frontage shall meet the front setback requirement and the other shall meet the rear setback requirement. In the case of lots without frontage on a street, the property line that parallels the nearest developed street shall be considered the front. Where front yard averaging is required to determine the front setback, the average is based upon the two adjacent lots on

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either side, or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback shall be that of the adjacent lot. Where no lots are available for averaging, the front setback shall be a minimum of 20 feet in the RN-2 and RN-3 zones, a minimum of 15 feet in the RN-4 zone, and a minimum of five feet in the RN-5, I-B, and R-P zones.

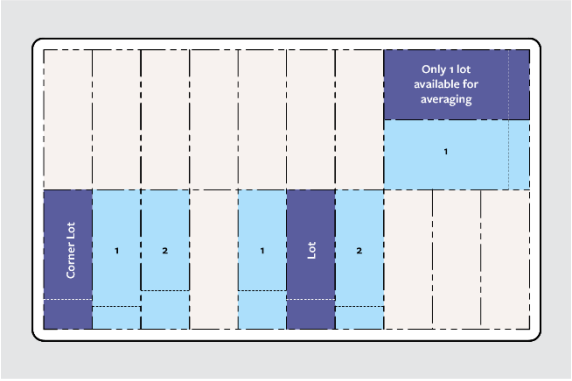

FIGURE 7-H: SETBACK AVERAGING

Setback, rear. A setback along the rear lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the rear lot line.

Setback, side. A setback along a side lot line extending from the front lot line to the rear lot line, the depth of which shall be measured perpendicular to the side lot line. For townhouse dwellings, side setback requirements are only applicable to end units, not to any side sharing a party wall.

Stepback. A space on a lot which is required by this article to be maintained open, unoccupied, and unobstructed, measured between lot lines and any structure, that occurs at a prescribed height above the ground. Stepbacks shall apply to all attached accessory structures, including the minimum necessary housing of elevators, stairways, tanks fans, or other building operating equipment not intended for human occupancy.

Story. That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it. A story which exceeds 18 feet in height shall be counted as two stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Street frontage. The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Yard. The area of a lot between a lot line and a principal structure, measured as the horizontal distance between a specified lot line and a principal structure.

Yard, corner side. A yard along the corner side lot line, extending from the front yard to the rear lot line, measured between the corner side lot line and a principal structure.

Yard, front. A yard along the front lot line, extending between side lot lines, measured between the front lot line and a principal structure. On flag lots, the front yard is measured from the rear lot

line of the lot that separates the flag portion of the lot from the street, and a principal structure.

Yard, rear. A yard along the rear lot line, extending between side lot lines or a side lot line and a corner side yard, measured between the rear lot line and a principal structure.

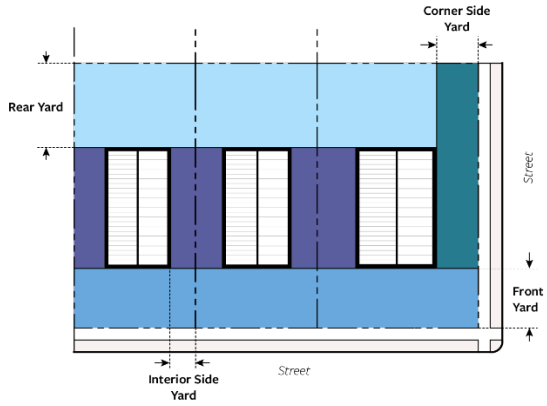

FIGURE 7-I: YARDS

Yard, side. A yard along the side lot line, extending from the front yard to the rear yard, measured between the side lot line and a principal structure.

7.3 DIMENSIONAL STANDARDS

Tables 7-A to 7-G shall establish the dimensional standards for each zone. Certain uses may be subject to additional standards per Section 6.4.

TABLE 7-A: RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Lot area (min.)	**Single-family**	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Two-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Three-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Four-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Townhouse	--	--	--	--	1,500 SF/unit	--	1,200 SF/unit
	Multi-family	--	1,200 SF/unit	1,200SF/unit	1,200 SF/unit	725 SF/unit	1,200 SF/unit, minimum of 40,000 SF	435 SF/unit
	Nonresidential	10,000 SF	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF
Street frontage (min.)		50 ft.	40 ft.	40 ft.	40 ft.	20 ft., except 15 ft./unit for townhouse	50 ft.	20 ft., except 15 ft./unit for townhouse
	Front setback (min.)	20 ft. or the average of adjacent front yards	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	25 ft.	--
Rear setback (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	25 ft.	25 ft.	20 ft.	20 ft.	10 ft.	25 ft.	5 ft.
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	12 ft.	8 ft.	8 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 16 ft.	7 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 14 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.	25 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.

TABLE 7-A (CONT.): RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Side setback, corner (min.)		15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	10 ft, or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	10 ft, or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	--	25 ft.	--
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map or the Fort Sumner Park Height Overlay)		35 ft.	35 ft.	35 ft.	35 ft.	35 ft., except 45 ft. for buildings with 3 or more dwelling units	55 ft.	65 ft.
Detached accessory structure height (max.)		18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Height stepback (min.) (Above 35 ft. unless otherwise indicated)		--	--	--	--	Interior Side: 10 ft. Rear: 15 ft.	--	Building heights above 45 ft.: Front: 5 ft. Interior Side: 10ft. Rear: 15 ft.
Building length (max.) (Multi-family + Nonresidential uses)		--	--	--	--	60 ft.	180 ft.	--
Lot coverage (max.)	**Residential uses**	60%	60%	60%	60%	60%	60%	100%
	Nonresidential uses	25%	35%	50%	50%	60%	50%	100%
Landscaped open space ratio (min.)	**Residential uses**	30%	30%	30%	30%	30%	30%	--
	Nonresidential uses	65%	50%	30%	30%	20%	30%	--
Width of garage opening on front façade (max.)		--	--	--	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.

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TABLE 7-B: ISLAND ZONE DIMENSIONAL STANDARDS

		IR-1	IR-2	I-B Served by Public Water & Sewer	I-B Not Served by Public Water & Sewer
Lot area (min.)	**Single-family**	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Two-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Three-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Four-family	--	--	5,000 SF	20,000 SF
	Multi-family	--	--	1,200 SF/unit	5,000 SF/unit
	Nonresidential	40,000 SF	20,000 SF	None	20,000 SF
Street frontage (min.)		100 ft.	50 ft., except 30 ft. if a small island lot per subsection 7.6.3	40 ft.	40 ft.
Front setback (min.)		20 ft.	20 ft. or the average of adjacent front yards, whichever is less	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.
Rear setback (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	30 ft.	25 ft., except 10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	20 ft.	12 ft., except 5 ft. if a small island lot per subsection 7.6.3 Small island lots may reduce one side setback to no less than 3 ft. provided that the cumulative side yards are not less than 10 ft.	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
Side setback, corner (min.)		20 ft.	12 ft., except 10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
Structure height (max.)		35 ft.	35 ft. Little Diamond Island: 27 ft.	35 ft.	35 ft.
Detached accessory structure height (max.)		18 ft.	18 ft.	18 ft.	18 ft.
Lot coverage (max.)	**Residential uses**	60%	60%	60%	60%
	Nonresidential uses	20%	20%	50%	50%
Landscaped open space ratio (min.)	**Residential uses**	30%	30%	30%	30%
	Nonresidential uses	70%	70%	35%	45%

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6[1]
Lot area (min.)	--	--	--	10,000 SF	--	--
Street frontage (min.)	20 ft.	--	--	60 ft.	--	--
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	5,000 SF	--	--	--	--	--
Build-to zone	0–5 ft.	0–10 ft.	0-5 ft.	0-20 ft.	0-10 ft.	0-10 ft.
Build-to percentage (min.)	100%	100%	100%	50%	80%	80%
Building length as a percentage of street frontage (min.)	--	B-2: None B-2b: Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	--	60%	70%
Blank wall area (max.)	20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.
Rear setback (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	--	None, except 20 ft. if abutting a lot in a residential zone	--	--
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	--	None, except 10 ft. if abutting a lot in a residential zone	--	--
Structure height (max.)	50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. for any portion of a structure within 25 ft. of RN-1, RN-2, RN-3, or RN-4 zone	See City of Portland Height Map	65 ft.	65 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Height stepback (min.) (Above 35 ft. when abutting a lot in an RN-1, RN-2, or RN-3, or RN-4 zone)	Side: 10 ft. Rear: 15 ft.	Building heights above 45' Side: 5 ft. Rear: 25 ft.	See City of Portland Height Map, and Tower Rules in Section 7.5.3	--	--	--
Landscaped open space ratio (min.)	--	B-2: 10% B-2b: None	--	20%	--	--

[1] In the case of a conflict with the B-6 Building Height and Building Envelopes Map, the map shall control.

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TABLE 7-D: TRANSIT-ORIENTED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	TOD-1	TOD-2
Lot area (min.)	--	--
Street frontage (min.)	--	--
Build-to zone	0-10 ft.	0-5 ft.
Build-to percentage (min.)	100%	100%
Building length as a percentage of street frontage (min.)	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	80%
Blank wall area (max.)	20 ft.	20 ft.
Rear setback (min.)	None, except 20 ft. if abutting a lot in a residential zone	None, except 20 ft. if abutting a lot in a residential zone
Side setback, interior (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone
Structure height (min./max.) (Unless otherwise governed by the City of Portland Height Map)	Max. 80 ft.	Min. 35 ft. Max. 125 ft.
Height stepback (min.) (Above 45 ft. when abutting a lot in an RN-1, RN-2, RN-3, or RN-4 zone)	Side: 15 ft. Rear: 25 ft.	Front: 15 ft. Side: 15 ft. Rear: 25 ft.
Building length (max.) (Multi-family + Nonresidential uses)	100 ft.	100 ft.
Landscaped open space ratio (min.)	10%	--

TABLE 7-E: OFFICE PARK AND RESIDENTIAL PROFESSIONAL ZONE DIMENSIONAL STANDARDS

		O	R-P
Lot area (min.)	**Single-family**	--	6,000 SF
	Two-family	--	6,000 SF
	Three-family	--	6,000 SF
	Four-family	--	6,000 SF
	Townhouse	--	3,000 SF/unit
	Multi-family	--	1,200 SF/unit
	Nonresidential	10,000 SF, except 3 ac. for an office park	6,000 SF
Street frontage (min.)		40 ft., except 100 ft. for an office park	40 ft.
Gross floor area (max.) (Nonresidential uses)		--	5,000 SF
Front setback (min.)		15 ft., except 50 ft. for an office park	Average of adjacent front yards - 5 ft.
Rear setback (min.)		20 ft., except 50 ft. for an office park	20 ft.
Side setback, interior (min.)		15 ft., except 25 ft. for an office park, or 40 ft. where an office park abuts a residential zone	10 ft., except that a side setback may be reduced to not less than 5' provided that the cumulative side yards are not less than 20 ft.
Side setback, corner (min.)		15 ft., except 50 ft. for an office park	10 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)		45 ft., except 55 ft. for an office park, or 75 ft., including rooftop appurtenances, on lots within office parks which are greater than 50 ac. if each minimum setback is increased by 1 ft. for each 1 ft. of height above 55 ft.	45 ft.
Lot coverage (max.)		60%	60%
Landscaped open space ratio (min.)		30%, except 40% for an office park	20%



TABLE 7-F: INDUSTRIAL AND AIRPORT ZONE DIMENSIONAL STANDARDS

	I-L	I-Lb	I-M	I-Mb	I-H	A-B
Lot area (min.)	--	--	--	--	--	20,000 SF
Street frontage (min.)	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Setback from street (min.)	15 ft.	--	15 ft.	--	25 ft.	None, except 20' if property has frontage on Westbrook St.
Rear setback (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 50 ft. if abutting residential zone[1]
Side setback, interior (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 25 ft. if abutting residential zone
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft., except 45 ft. within 100 ft. of a residential zone
Landscaped open space ratio (min.)	35%	--	15%	--	15%	--

[1] No structure may extend beyond the building line established for any runway or taxiway. If provided, rear and side yards must not be less than 5 ft. in width.

TABLE 7-G: OPEN SPACE ZONE DIMENSIONAL STANDARDS

	OS-R[1]	OS-P
Lot area (min.)	--	20,000 SF
Front setback (min.)	20 ft.	25 ft.
Rear setback (min.)	20 ft., except none if abutting a parcel in the OS-R or OS-P zone	50 ft.
Side setback, interior (min.)	10 ft., except none if abutting a parcel in the OS-R or OS-P zone	10 ft.
Side setback, corner (min.)	10 ft.	20 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	45 ft.	35 ft.
Lot coverage (max.)	25%	10%
Landscaped open space ratio (min.)	75%, except 25% for sports complexes and stadiums, and none for sewage treatment facilities	90%

[1] Public open spaces less than 2 ac. and on the peninsula are not required to meet the OS-R dimensional standards.

7.4 ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The following alternative residential development options are available within certain zones as indicated. These alternative residential development options are intended to provide creative opportunities for residential development by modifying standards within certain zones to allow for a variety of densities and site designs. Alternative residential development options may not be combined.

7.4.1 Conservation residential development

A. A conservation residential development permits a reduction in minimum lot area in exchange for provision of common open space, allowing for the efficient use of land and preservation of Portland's natural resources.

B. Conservation residential development is permitted in the RN-1, RN-2, IR-1, and IR-2 zones.

C. A conservation residential development shall be a minimum of two acres in area.

D. A conservation residential development shall be designed to prioritize the preservation of important natural features such as streams, wetlands, stands of mature trees, and critical wildlife habitats. Development shall minimize impacts on the natural environment by carefully laying out structures, streets, and other infrastructure, including buffer zones to protect and connect existing natural areas on site.

E. Development standards

1. *Site layout*

   a. All lots within a conservation residential development shall have frontage on a street, private way, or common open space within the development.

   b. The maximum number of lots permitted within a conservation development shall be determined by the total acreage of the site divided by the applicable minimum residential lot area requirement of the underlying zone.

   c. All lots within the conservation residential development shall meet the dimensional requirements of the underlying zone with the exception of the following:

      i. Minimum lot area and street frontage may be reduced by no more than 50%.

      ii. Maximum lot coverage and minimum landscaped open space ratio requirements do not apply to lots of 5,000 square feet or less in lot area.

      iii. A minimum side setback of five feet applies to all lots within a conservation residential development unless otherwise specified below.

      iv. A minimum corner side setback of ten feet applies to all corner lots within a conservation residential development unless otherwise specified below.

      v. Front and rear setbacks may be reduced by 50% for all lots within the conservation residential

development, unless otherwise specified below.

vi. Where a lot within the conservation residential development abuts adjacent property, minimum side and rear setbacks are required in accordance with the standards of the underlying zone.

vii. Where a lot within the conservation residential development abuts a street at the perimeter of the development, minimum front setback and minimum street frontage is required in accordance with the standards of the underlying zone.

2. *Common open space*

a. In addition to any open space otherwise required by this code, 30% of the total site area of a conservation residential development shall comprise common open space. Common open space shall be designed as follows:

i. Required common open space shall maintain a minimum width of at least 30 feet in any direction.

ii. Common open space may be improved for recreational use, or left in a natural state. If improved for recreational use, no more than 10% of the common open space shall comprise impervious surfaces.

iii. No more than 50% of the required common open space shall be covered by water.

iv. Structures located within any common open space shall be accessory to any recreational use of the space.

b. Common open space may be conveyed as follows:

i. To the City of Portland.

ii. To a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property; assuring the availability of real property for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

iii. To one or more homeowner's associations.

c. Common open space associated with a conservation residential development shall not be sold, and has no future development rights.

7.4.2 Cottage court residential development

A. A cottage court residential development allows for small lot residential development in a manner that coordinates dwelling types and common open space into a cohesive whole, maintained in shared stewardship by residents.

B. Cottage court residential development is allowed in the RN-1, RN-2, RN-3, RN-4, and IR-2 zones.

C. A cottage court residential development may be designed as dwellings on individual lots, or as multiple dwellings on a lot in common ownership.

D. Use limitations

1. Only single-family and two-family dwellings are permitted within a cottage court residential development.

2. No more than 25% of the residential structures in a cottage court development shall be two-family dwellings.

3. Accessory dwelling units are not permitted within a cottage court residential development.

4. Buildings for common facilities for use by the residents, such as laundry facilities, communal kitchens, and common rooms, are also permitted.

E. Development standards

1. A cottage court residential development shall contain a minimum of four residential structures.

2. The maximum number of residential structures within a cottage court development is 12. When cottage court residential development is occurring on multiple adjacent development sites, the maximum number of residential structures within all development sites is 24.

3. All standards of the underlying zone apply, with the following exceptions:

a. In the RN-1, RN-2, RN-3, and RN-4 zones, the minimum total lot area required for a cottage court residential development is calculated as 50% of the cumulative lot area required for all proposed dwellings under the base zoning district.

b. In the IR-2 zone, the minimum total lot area required for a cottage court residential development is calculated as 3,000 square feet per dwelling, for all proposed dwellings.

c. Individual lots within a cottage court residential development are exempt from the standards of the underlying zone for lot area, street frontage, setbacks, lot coverage, and landscaped open space ratio. However, standards for street frontage, setbacks, lot coverage, and landscaped open space ratio apply to the cottage court residential development as a whole.

4. All residential structures within a cottage court shall front onto a street or a common open space.

5. Common open space areas within cottage court residential developments shall meet the following standards:

a. Required common open space shall be provided at a ratio of 300 square feet per dwelling unit, or 3,000 square feet, whichever is greater.

b. Required common open space shall be provided in the form of a centrally located, contiguous open space. Such open space shall maintain a minimum dimension of 30 feet in width, and shall front on a public street.

c. A maximum of 30% of the common open space shall be hardscape.



d. Required off-street parking may be provided on individual development sites for each residential structure within the cottage court, or in a shared parking area serving multiple residential structures. Common parking areas shall contain no more than ten spaces each and must be screened from abutting lots that are not part of the development. Parking shall not be located between principal structures and the street, or within any required common area.

F. Small unit bonus

1. Cottage court residential developments may be eligible for a development bonus in exchange for construction of small dwelling units as described in this section.

2. To be eligible, all dwelling units, including any dwelling units achieved through the bonus, shall be 800 square feet or less in floor area.

3. *Bonus*

a. The number of residential structures able to be developed as part of the overall cottage court residential development may be increased by 35%, but shall not exceed three bonus residential structures.

b. Residential structures achieved through the bonus shall meet the development standards of the cottage court development as set forth in item E above.

c. Residential structures achieved through the bonus are not included in the calculation of minimum total lot area required for the overall cottage court development, and do not count toward the maximum number of units in the development.

7.5 SUPPLEMENTAL DIMENSIONAL STANDARDS

7.5.1 Corner clearance

No shrub, wall, fence, sign, or pile of material higher than 3 1/2 feet above the lowest elevation at the curbline shall be permitted on a corner lot within the area of a triangle formed by a line connecting the curblines of the intersecting streets at points 25 feet from the corner, unless said obstruction is reviewed by the Public Works Authority and found not to be a traffic or public safety hazard.

7.5.2 Pedestrian passage required

A. Where a nonresidential or mixed-use building exceeds 300 feet in length along a public right-of-way, and abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a public park, or other public open space on the side of the building opposite the street frontage, a pedestrian passage is required to provide a break in the ground-floor façade and facilitate mid-block connectivity. Such passage shall meet the following standards:

1. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.

2. Passages shall be a minimum of 30 feet in width and 20 feet in height and shall be located within the middle third of the building, measured along the frontage.

3. Ground floor uses shall be oriented toward the passage, including public entrances.
4. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.
5. Passages shall be designed to maintain views from one end through to the other.
6. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
7. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
8. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.

B. Where a nonresidential or mixed-use building exceeds 300 feet in length along a public right-of-way, but does not abut two parallel frontages with pedestrian facilities as specified in item A above, a break in the building massing is required as follows:

1. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
   a. The recess shall be located within the middle third of the building, measured along the frontage.
   b. Ground floor uses shall be oriented toward the recessed area, including public entrances.
   c. The recessed area is subject to all transparency requirements.
   d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.
   e. For the purposes of any build-to zone requirement, a building recess meeting these standards is considered part of the building façade that meets such requirement.

C. Where another means of meeting the City's connectivity goals may be preferable to providing a pedestrian passage as specified in this subsection, the Planning Board or Planning Authority may waive these requirements and approve an alternative design.

7.5.3 Towers

A. Purpose and applicability.

Portions of buildings extending above a height of 125 feet shall be considered towers, and are subject to additional standards to ensure their design minimizes encroachment into view corridors, ensures adequate provision of light and air to adjacent streets, trails, and open spaces, and enhances the visual richness and aesthetic appeal of the Portland skyline.

B. Stepback required

1. Portions of buildings higher than 125 feet shall be stepped back a minimum of 30

feet from any street or public open space, with the following exceptions:

a. Structures subject to standards that require a stepback below 125 feet in height shall be exempt from providing additional stepback above 125 feet. This exemption applies regardless of the dimension of the required stepback at lower building heights.

b. Structures that voluntarily achieve a total stepback, below 105 feet in height of 20 feet or greater from any street or public open space, with at least one stepback occurring between 35 and 65 feet in height. No individual stepback used to meet this standard shall be less than ten feet in depth.

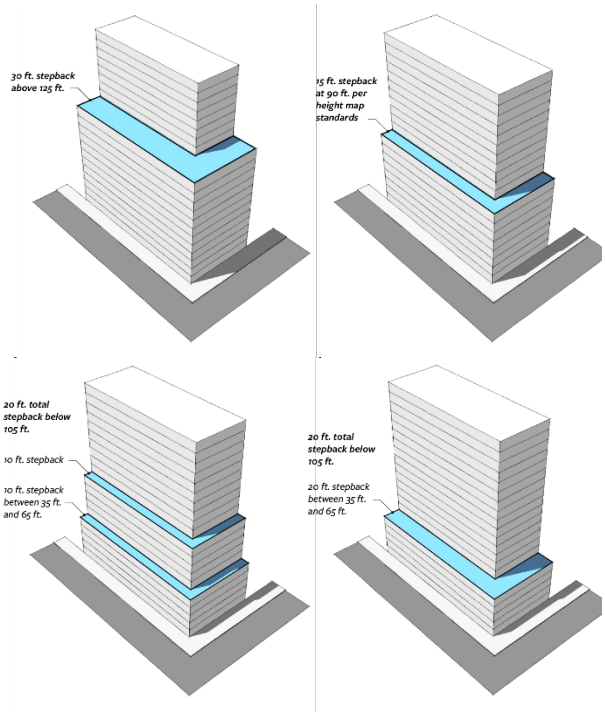

FIGURE 7-J: TOWER STEPBACK

2. Structures with multiple façades abutting a street or public open space are subject to the following:

a. Structures with two façades subject to the required stepback must meet the standard as established in paragraph (A) above for both façades.

b. Structures with three façades subject to the required stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The third façade shall either meet the standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the street frontage.

c. Structures with four or more façades subject to the required stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The remaining building façades shall either meet the standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the street frontages.

3. The Planning Board shall have the authority to waive one or more of the

required stepbacks provided that one of the following conditions is met:

a. The depth of the building lot precludes a building having an average minimum lot depth dimension of 170 feet.

b. The proposed building has an architecturally significant design that is articulated to avoid a monolithic appearance and emphasizes slender, vertically-oriented proportions while employing a variety of scales, materials, fenestration, and massing to assure a rich, visually interesting experience as viewed within the context of the downtown skyline and provide visual interest and human scale at the pedestrian level.

4. In the event that the Planning Board grants a waiver for one or more of the required stepbacks, the Board may require the applicant to mitigate the impacts of the waiver by requiring any or all of the following conditions:

a. Along all public street frontages and public open spaces, all buildings (regardless of height) shall maintain a pedestrian scale through the use of building elements at the street level as listed in this standard along no less than 60% of the building's horizontal length.

b. Along all public street frontages and public open space for the building(s) over 125 feet, a canopy, awning, or similar permanent architectural feature to provide pedestrian protection and wind mitigation shall be provided within the first 35 feet of height.

c. The applicant shall demonstrate that building design elements and location will reasonably mitigate downdraft effects of the proposed building or buildings.

C. Tower floor plates. To minimize shadow and wind impacts, loss of views, and to allow for the passage of light and air into interior spaces, those portions of a building above 125 feet in height are limited to a maximum floor plate of 10,000 square feet.

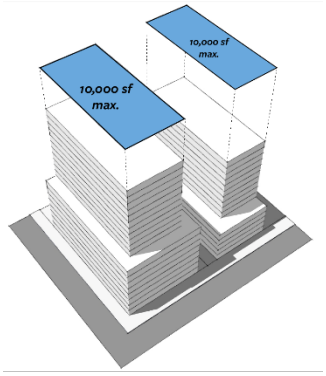

FIGURE 7-K: TOWER FLOOR PLATES

D. Tower separation. In order to preserve view corridors and to maintain a varied skyline, the following tower separation requirements apply:

1. All portions of buildings above 125 in height shall provide a minimum of 35 feet of setback from side and rear lot lines when abutting another tower.

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2. Towers within a single development site shall be separated to avoid the appearance of a tall, solid block massing.
3. All portions of buildings above 125 feet in height shall be separated a minimum distance of 75 feet, measured parallel to any applicable street frontage.
4. On development sites of 500 feet or greater as measured parallel to Marginal Way, the aggregate building façade widths above 85 feet shall not exceed 50% of the total development site distance parallel to Marginal Way. Buildings over 125 feet in height that are being reviewed as separate phases shall be entitled to meet the 50% building requirement in aggregate for all such buildings over 125 feet in height, provided that view corridors are retained as each phase is built.

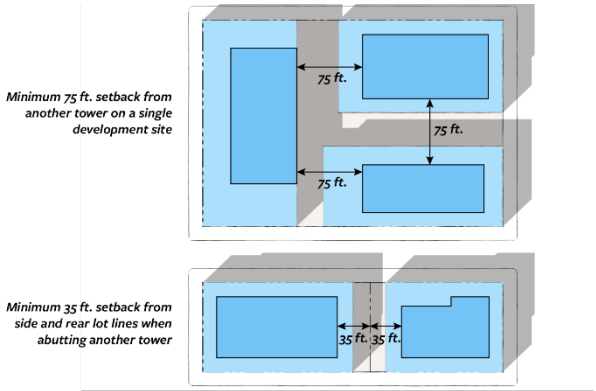

FIGURE 7-L: TOWER SEPARATION

E. Architectural cap allowance

1. A tower may extend up to 40 feet above the designated height limit for the purpose of enclosing rooftop appurtenances, and providing a distinctive architectural cap that adds visual interest to the Portland skyline. This does not apply to towers in the B-3 zone located north of Cumberland Avenue.
2. No habitable floor area shall be created within the building envelope provided by an architectural cap, unless the following standards are met:
   a. A minimum of 50% of such habitable floor area is devoted exclusively to one or more uses open to the public, such as a restaurant, atrium, or viewing area.
   b. The primary design intent and expression of the architectural cap shall determine whether additional floor area is created. Such floor area should be clearly incidental to the design expression, rather than a continuation of floor plates found below the architectural cap.

7.5.4 Supplemental dimensional standards for specific structures

A. Fences. In residential zones, no wall or fence within 15 feet of the street shall be more than four feet in height, unless said fence is located in the side or rear yard.

B. Swimming pools. Outdoor swimming pools as accessory uses shall be subject to the following dimensional standards:

1. No swimming pool shall be sited in the front yard.
2. No part of any swimming pool shall be located closer than 10 feet from the principal structure, nor closer than 10 feet from side or rear lot lines.

7.6 SPACE AND BULK EXCEPTIONS

7.6.1 Height

A. Exceptions to minimum height requirements in any zone. Minimum height requirements in any zone shall not apply to the following:

1. Accessory building components and structures such as truck loading docks, covered parking, mechanical equipment enclosures and refrigeration units.
2. Information kiosks, ticketing booths, parking attendant booths, or bank remote teller facilities.
3. Structures accessory to parks or plazas.
4. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures, and other similar structures.

B. Exceptions to minimum height requirements in the B-3 zone. Minimum height provisions as depicted on the City of Portland Height Map shall not apply to:

1. Additions to buildings existing as of June 4, 2007 provided that the cumulative additions since June 4, 2007 do not exceed 10% of the building footprint on June 4, 2007, except building additions on those portions of the lot located closer to the street line than the building footprint existing as of June 4, 2007 shall not be included in this 10% limitation.
2. Buildings or building additions of less than 2,500 square feet footprint, on lots or available building sites of less than 3,000 square feet.

C. Exceptions to minimum height requirements in the B-6 zone. Minimum height provisions as depicted on the B-6 Building Height Overlay and Building Envelopes map shall not apply to:

1. Buildings located in the area east of Freedom Way.
2. Parking garages.
3. Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 do not exceed 25% of the building footprint on December 8, 2004, except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of December 8, 2004.
4. Buildings or building additions of less than 2,000 square feet footprint on lots or available building sites of less than 2,000 square feet.

D. Exception for public art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the public art collection pursuant to Article 20 shall not be subject to the height limitations within the underlying zone.

E. Exceptions for rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, access vestibules, tanks, fans, or other building operating equipment not intended for human occupancy, pedestal paver systems and decks up to 18 inches in height above the surface of the roof, deck railings or



guards, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Unenclosed shade structures covering up to 200 square feet in floor area, and other appurtenances associated with rooftop occupancy may be erected to a height not exceed ten feet above the surface of the roof.

F. Exception for telecommunication towers. Where permitted, ground-mounted telecommunication towers may be erected above the height limitations within the underlying zone.

G. Exception for accessory structures integral to principal uses in the I-L, I-Lb, I-M, I-Mb, and I-H zones. Where an accessory structure is integral to the operation of a principal use in the I-L, I-Lb, I-M, I-Mb, or I-H zone, such structure shall not be subject to the height maximums for the zone. Such accessory structures may include smokestacks, chimneys, cooling towers, water towers, and similar features.

7.6.2 Minimum building length as a percentage of street frontage

A. Additions to existing buildings

1. In the B-2b, additions to buildings existing as of the effective date of this Code that do not cumulatively exceed 50% of the building footprint as of the effective date of this Code are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.
2. In the B-3, B-5, B-6, TOD-1, and TOD-2 zones, additions to buildings existing as of the effective date of this Code that do not cumulatively exceed 25% of the building footprint as of the effective date of this Code are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.

B. In the B-6 zone. Buildings located in the area east of Freedom Way shall be exempt from the minimum building length requirement.

C. Lots with multiple street frontages. Where a minimum building length as a percentage of street frontage applies to a lot with multiple street frontages, the street with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages, the second frontage shall meet a reduced standard of 40%. If there are more than two frontages, there is no minimum requirement for any frontage beyond the two with the highest traffic volumes.

7.6.3 Lot area

A. Small island lots

1. Existing developed and undeveloped lots in the IR-2 zone on Peaks Island that do not meet the 20,000 square foot minimum lot area standard as of the effective date of this Code shall be deemed to be small island lots, subject to modified lot area, street frontage, setback, and lot coverage requirements for residential uses. These standards apply only to lots in the IR-2 zone on Peaks Island.

2. The standards for small island lots shall apply to existing residential uses as well as new residential development on qualifying lots. The small island lot standards shall not apply to lots in nonresidential use or to nonresidential development in the IR-2 zone.
3. A new dwelling may be built on a small island lot subject to modified dimensional standards, provided that the lot is currently vacant, in residential use, used exclusively for parking, or contains structure(s) not used for residential purposes.
4. New small island lots may only be created by a single lot division of an existing lot, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional small island lots is prohibited.
5. Lots created as part of a cottage court development in the IR-2 zone shall not be considered small island lots, and shall be subject to the standards for cottage court development.

B. Residential lots not served by public sewers.

A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S. § 4807 et seq., or the applicable minimum lot area, whichever is larger.

7.6.4 Setbacks

A. Permitted encroachments into required setback areas

1. Any setback may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed 50 square feet nor the projection from the building exceed six feet. A basement bulkhead of similar size, but not more than 24 inches in height, is also permitted. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may encroach into any required setback a distance of not more than two feet.
2. Ground-mounted and building-mounted mechanical equipment may encroach into a required side or rear setback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters. This allowance does not include window-mounted or through-the-wall air conditioning units.

B. Build-to zone exceptions

1. Limited access roads are not considered street frontages for the purposes of build-to zone requirements, and are exempt from build-to zone standards.
2. Build-to zone requirements shall not apply to utility substations, alternative energy installations, and secondary building components such as truck loading docks,



mechanical equipment enclosures, and refrigeration units.

3. The Planning Board or Planning Authority may approve a different front setback or build-to zone for irregularly shaped lots provided the front setback or build-to zone is met to the maximum extent practicable.
4. In the mixed-use and transit-oriented development zones, where buildings are set back more than 10 feet from a lot line abutting a street, or in the B-4 zone where buildings are set back more than 20 feet from a lot line abutting a street, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by the City arborist, and a combination of landscaping no less than four feet deep, ornamental brick or stone walls, or ornamental fencing.
5. In the B-3 zone, the Planning Board may require or approve an alternative build-to zone to comply with the design standards of Article 13 and the City of Portland Design Manual.
6. Where build-to zone requirements apply to a lot with multiple street frontages, the two streets with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages and a corner, buildings shall be sited at the street corner and both frontages shall meet the required build-to zone. In the case of a lot with three or more street frontages encompassing two or more corners, buildings shall be sited at the corners, and the two streets with the highest traffic volume shall meet the established standard. Build-to zone requirements shall not apply to any frontage beyond the two with the highest traffic volumes.
7. In the B-6 zone, build-to zone requirements do not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the City of Portland Height Map. Buildings located in the area east of Freedom Wayshall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.
8. Build-to zone requirements shall not apply to additions to existing buildings as follows:
   a. Build-to zone requirements shall not apply to vertical additions to existing buildings to meet minimum height requirements.
   b. In the B-1, B-2, and B-2b zones, build to zone requirements shall not apply to additions to buildings existing as of the effective date of this Code that do

not cumulatively exceed 50% of the building footprint as the effective date of this Code. However, any such additions shall increase conformity with the standards to the extent practicable.

c. In the B-4, B-5, B-6, TOD-1, and TOD-2 zones, build to zone requirements shall not apply to additions to buildings existing as of the effective date of this Code that do not cumulatively exceed 25% of the building footprint as of the effective date of this Code. However, any such additions shall increase conformity with the standards to the extent practicable.

C. Minimum setback exceptions for nonconforming lots

1. In the case of a nonconforming lot existing as of June 5, 1957 in the RN-1, RN-2, RN-3, RN-4, and RN-5 zones and less than 100 feet deep, the front setback need not be deeper than 20% of the depth of the lot.

2. In the case of a nonconforming lot existing as of June 5, 1957 in a residential zone, the required side setback for principal structures may be reduced in order to provide a buildable width of up to 24 feet as follows:

a. RN-1: No side setback shall be reduced to less than 10 feet.

b. RN-2, RN-3: No side setback shall be reduced to less than 5 feet.

c. RN-4: One side setback may be reduced to zero feet, provided the other shall be reduced to not less than 5 feet. A permanent maintenance easement a minimum of 5 feet in width shall be provided on the parcel adjacent to the lot line with the zero foot setback.

7.6.5 Stepbacks

A. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may project into any required stepback a distance of not more than two feet.

B. Building mounted mechanical equipment may encroach into a required stepback by no more than 50% of the width of such required stepback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment.

7.6.6 Street frontage

In the IR-1 and IR-2 zones, a lot that is buildable pursuant to Subsection 4.3.1 and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of 16 feet and a minimum travel width of eight feet except that an easement or right-of-way providing access for three or more lots or providing the only means of access to a parcel or parcels of three acres or more, shall meet the construction requirements of Chapter 25, Article III of the City of Portland Code of Ordinances. In the IR-1 zone, such easement or right-of-way shall conform to the



requirements contained within the City of Portland Technical Manual. In the IR-2 zone, such easement or right-of-way shall be a minimum of 32 feet wide. Such easement or right-of-way shall be sufficient to permit municipal service delivery.

7.6.7 Additions to and/or relocations of designated historic structures

Additions to and/or relocations of designated historic structures or structures determined by the Historic Preservation Board to be eligible for such determination shall not be required to meet minimum building height, or minimum building length standards.

Portland, ME

Height Map

Max. Height (ft)

- 35 ft
- 45 ft
- 55 ft
- 65 ft
- 85 ft
- 105 ft
- 125 ft
- 180 ft
- 250 ft
- 325 ft

Maximum Street Wall Height(ft)

- 50' max. street wall height with 15' stepback
- 90' max. street wall height with 15' stepback
- 50' max. street wall height with 30' stepback
- 90' max. street wall height with 30' stepback

Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30 ft.) are acceptable.

No new construction of any building shall be less than 35 ft. in height within 50 ft. of any street frontage. See Land Use Code for exceptions.

Maximum street wall height within the B-3 zone is 65 ft. unless otherwise noted.

Boundary offsets are from street centerline unless otherwise noted.

No rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above. shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

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See B-6 Building Height Overlay & Building Envelopes Map

Thompson's Point

Commercial/Danforth

100' offset

50' offset from parcel line

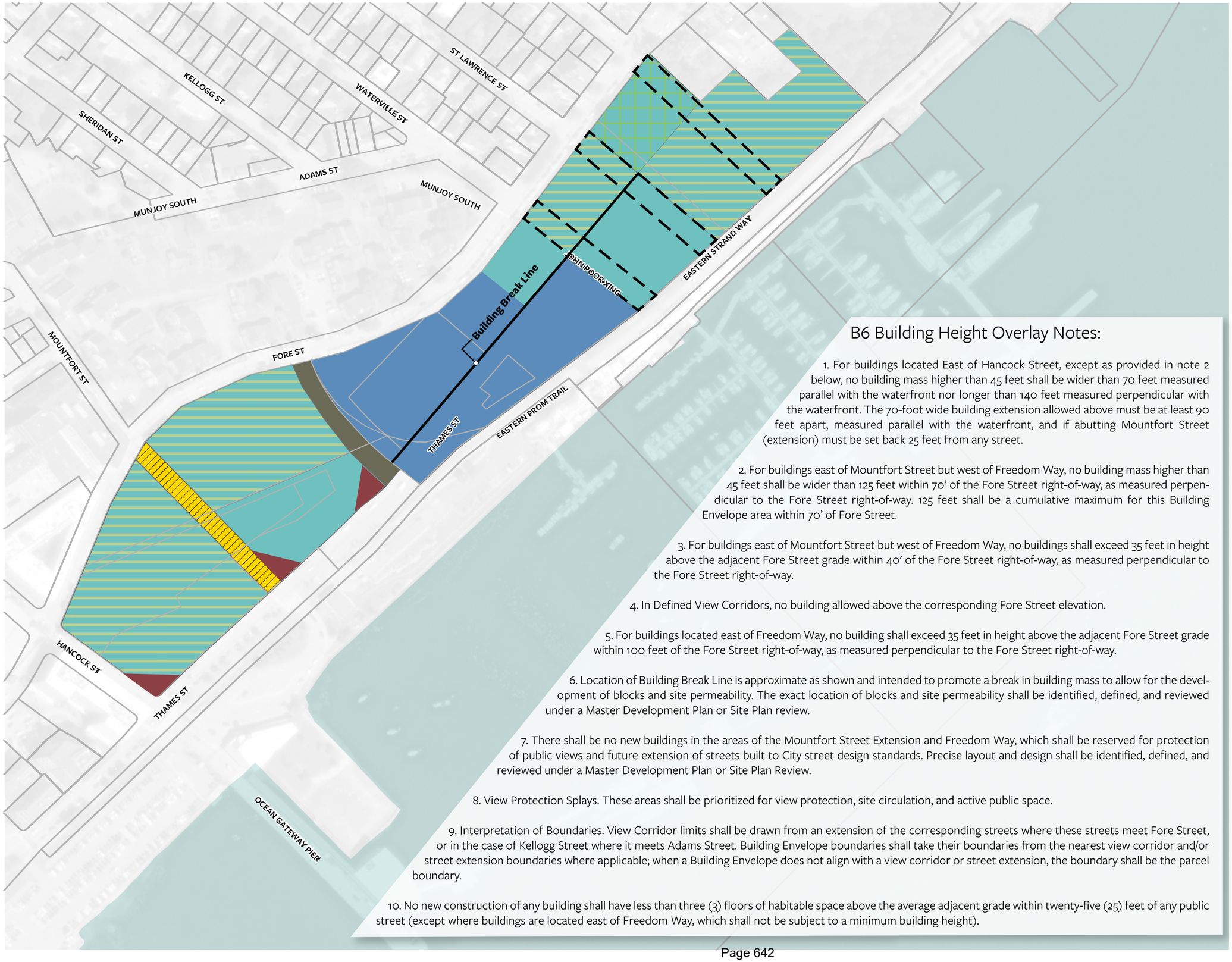
40' offset from parcel line

65' offset from parcel line

30' offset from parcel line

Portland, ME

B-6 Building Height Overlay & Building Envelopes Map



35 ft max

45 ft max

45 ft max with 55 ft extentions

45 ft max with 65 ft extentions

Monfort Street Extension

View Corridor

Freedom Way

View Protection Splays

B6 Building Height Overlay Notes:

1. For buildings located East of Hancock Street, except as provided in note 2 below, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70-foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.

2. For buildings east of Mountfort Street but west of Freedom Way, no building mass higher than 45 feet shall be wider than 125 feet within 70' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way. 125 feet shall be a cumulative maximum for this Building Envelope area within 70' of Fore Street.

3. For buildings east of Mountfort Street but west of Freedom Way, no buildings shall exceed 35 feet in height above the adjacent Fore Street grade within 40' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.

4. In Defined View Corridors, no building allowed above the corresponding Fore Street elevation.

5. For buildings located east of Freedom Way, no building shall exceed 35 feet in height above the adjacent Fore Street grade within 100 feet of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.

6. Location of Building Break Line is approximate as shown and intended to promote a break in building mass to allow for the development of blocks and site permeability. The exact location of blocks and site permeability shall be identified, defined, and reviewed under a Master Development Plan or Site Plan review.

7. There shall be no new buildings in the areas of the Mountfort Street Extension and Freedom Way, which shall be reserved for protection of public views and future extension of streets built to City street design standards. Precise layout and design shall be identified, defined, and reviewed under a Master Development Plan or Site Plan Review.

8. View Protection Splays. These areas shall be prioritized for view protection, site circulation, and active public space.

9. Interpretation of Boundaries. View Corridor limits shall be drawn from an extension of the corresponding streets where these streets meet Fore Street, or in the case of Kellogg Street where it meets Adams Street. Building Envelope boundaries shall take their boundaries from the nearest view corridor and/or street extension boundaries where applicable; when a Building Envelope does not align with a view corridor or street extension, the boundary shall be the parcel boundary.

10. No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty-five (25) feet of any public street (except where buildings are located east of Freedom Way, which shall not be subject to a minimum building height).

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City of portland

8 OVERLAY ZONES

8.1 COASTAL FLOOD RESILIENCE OVERLAY ZONE (CFROZ)

8.1.1 Purpose

The purpose of the Coastal Flood Resilience Overlay Zone (CFROZ) is to protect persons and structures from the adverse effects of sea level rise and storm surge associated with climate change by:

A. Advancing adaptation strategies for long-term resilience.

B. Complementing public realm resilience measures by guiding development on private property.

C. Mitigating flood risks in a way that is specific to Portland's unique hydrological conditions and affected uses, particularly in areas that are not currently recognized as flood zones but are vulnerable to future sea level rise.

D. Providing a balanced framework in which flood protection requirements are proportional to the vulnerability and risks of various occupancies.

8.1.2 Applicability

The provisions of the CFROZ shall apply to property or proposed projects wholly or partially within the boundaries of the Coastal Flood Resilience Overlay Zone as depicted on the City of Portland Zoning Map. However, property or proposed projects within the CFROZ boundary that are also located wholly or partially within special flood hazard areas with a BFE of 13 feet or higher as defined in Article 12 shall be exempt from the provisions of the CFROZ.

8.1.3 Relationship to underlying zoning

The CFROZ constitutes an overlay zone. The provisions of the underlying zoning, as they may be amended from time to time, continue to apply, except as expressly superseded by this Section. Where conflicts exist between this Section and the remainder of this Code, the more restrictive provision shall govern.

8.1.4 Use classifications

A. For the purposes of this Section, uses in the CFROZ shall be classified as follows:

1. *Critical uses.* Critical uses generally include residential, governmental, educational, medical, emergency, and related high-risk uses.
2. *Non-critical uses.* Non-critical uses generally include retail, restaurant, commercial, and related medium-risk uses.
3. *Exempt uses.* Exempt uses generally include low risk and low occupancy uses such as parking, construction yards, and storage.

B. Table 8-A shall determine whether a use is classified as critical, non-critical, or exempt. For uses not listed in Table 8-A, the Building Authority or the Planning Authority shall determine the classification based upon the most nearly comparable land use. Water-dependent uses shall be considered exempt.

C. All accessory uses shall be considered non-critical, with the following exceptions:

1. Accessory dwelling units.
2. Child care centers and small child care facilities greater than 1,000 square feet in floor area.
3. Clinics greater than 1,000 square feet in floor area.

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Residential	Single-family dwellings	●		
	Two-family dwellings	●		
	Three-family dwellings	●		
	Four-family dwellings	●		
	Townhouse dwellings	●		
	Multi-family dwellings	●		
	Live/work dwellings	●		
	Group homes	●		
	Lodging houses	●		
Institutional	Child care centers + small child care facilities	●		
	Clinics	●		
	Cultural facilities	●		
	Elementary, middle, and secondary schools	●		
	Emergency shelters	●		
	Governmental uses	●		
	Hospitals	●		
	Places of assembly	●		
	Post-secondary schools	●		
	Residential care facilities (small)	●		
	Residential care facilities (large)	●		
Commercial	Adult business establishments		●	
	Animal-related services		●	
	Auto, boat, and related dealerships		●	
	Auto service stations			●
	Bars		●	
	Bed and breakfasts	●		
	Exhibition, meeting, and convention halls		●	
	Funeral homes		●	
	General offices		●	
	General services		●	
	Greenhouse/Nursery, retail			●
	Hostels	●		
	Hotels	●		
	Marijuana retail store		●	
	Market garden			●

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TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Commercial	Neighborhood nonresidential reuse		●	
	Office park		●	
	Recreation and amusement centers		●	
	Registered marijuana dispensary		●	
	Restaurants		●	
	Retail		●	
	Small-scale marijuana caregiver		●	
	Specialty food service		●	
	Theaters and performance halls		●	
	Veterinary services		●	
Industrial	Communication studios		●	
	Construction & engineering services		●	
	Dairies			●
	Fish waste processing		●	
	Food & seafood processing, packing, and distribution		●	
	High-impact industrial uses		●	
	Impound lots			●
	Intermodal transportation facilities		●	
	Laboratory and research facilities		●	
	Low-impact industrial		●	
	Lumber yards			●
	Marijuana cultivation facility (<2,000 SF plant canopy)			●
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	
	Marijuana cultivation facility (>7,000 SF plant canopy)		●	
	Marijuana manufacturing facilities		●	
	Marijuana testing facilities		●	
	Printing and publishing		●	
	Recycling facilities			●
	Self-storage		●	
	Solid waste disposal facilities			●
	Studios for artists and craftspeople		●	
	Telecommunication towers (ground-mounted)			●
	Warehousing and distribution		●	

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Other	Agriculture			●
	Boathouses and storehouses for fishing equipment			●
	Campgrounds			●
	Cemeteries			●
	Marinas and yacht clubs			●
	Marine uses			●
	Off-street parking			●
	Parks and open spaces			●
	Social service centers	●		
	Solar energy system (minor)			●
	Solar energy system (major)			●
	Utility substations	●		
	Wharves, piers, docks, and landing ramps			●
	Wind energy system (minor)			●
	Wind energy system (major)			●

8.1.5 Projects subject to the standards of the CFROZ

A. Any development located within the established boundary of the CFROZ, and which meets the thresholds listed below, shall be subject to the standards of the CFROZ.

1. All new construction containing a critical use or uses.
2. New construction of greater than 1,000 square feet containing non-critical uses only.
3. Any addition of greater than 1,000 square feet containing critical or non-critical uses.

B. Where a change of use occurs within the CFROZ, all portions of a building containing a critical use and the critical systems supporting such use shall meet the CFROZ standards. Changes of use to non-critical uses shall not require compliance with the CFROZ standards.

C. Structures within the CFROZ that are 50,000 square feet or greater in gross floor area and undergoing substantial improvement are required to meet the CFROZ standards when they contain a critical use or uses. For the purposes of this subsection, substantial improvement shall be as defined in Article 12.

8.1.6 Use and dimensional requirements

A. Sea level rise design flood elevation (SLR-DFE). The required SLR-DFE shall be determined by use classification. For mixed-use developments that contain uses in different classifications sharing a ground floor, each use shall be addressed independently.

1. *Critical uses.* The SLR-DFE for all critical uses (SLR-DFE-C), including the critical systems serving such uses, shall be a minimum of one foot above SLR-BFE, as defined in Article 3. In a proposed project containing critical uses, the following building and site elements are permitted to be located below the SLR-DFE:
   - **a.** Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
   - **b.** Parking.
   - **c.** Storage.
   - **d.** Flood protection equipment.
2. *Non-critical uses.* The SLR-DFE for non-critical uses (SLR-DFE-NC), including the critical systems serving those uses, shall be no lower than two feet below SLR-BFE, as defined in Article 3. The minimum elevation of the underside of the beams supporting the second floor in a multi-story building, or the roof in a one-story building, shall be no less than 13 feet above SLR-BFE. In a proposed project containing non-critical uses, the following building and site elements are permitted to be located below SLR-DFE:
   - **a.** Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
   - **b.** Parking.
   - **c.** Storage.
   - **d.** Flood protection equipment.
3. *Exempt uses.* Exempt uses shall not be subject to dimensional requirements with respect to SLR-BFE.

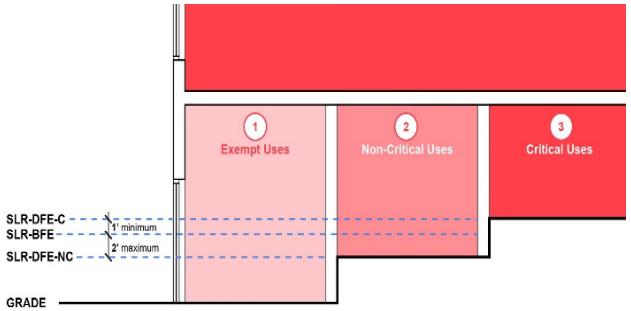


FIGURE 8-A: CFROZ USE CLASSIFICATIONS AND DESIGN FLOOD ELEVATION

- **B. Building height.** Within the CFROZ, if a proposed project contains principal critical or non-critical uses on the ground floor, height shall be measured from the SLR-DFE or from average grade, whichever is higher.
- **C. Exemptions for required ramping and stairs.** Ramping and stairs necessary to meet any required SLR-DFE may be included within the calculation of area required to meet landscaped open space ratio requirements, and shall not be included within the calculation of lot coverage. Ramping and stairs necessary to meet any required SLR-DFE may be located in any required front yard, interior or corner side yard, or rear yard, and in cases where build-to requirements apply, shall be considered to meet the build-to percentage.
- **D. Hazardous materials.** Any hazardous materials shall be fully contained and elevated a minimum of two feet above SLR-DFE.

8.2 FORT SUMNER PARK HEIGHT OVERLAY

8.2.1 Purpose

The purpose of the Fort Sumner Park Height Overlay is to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park.

8.2.2 Applicability

A key apex point is established in Fort Sumner Park at 43° 40' 2.3359" N. 70° 15' 4.3687" W . The Fort Sumner Park Height Overlay includes all land within 200 feet to the west of this key apex point as indicated on the City of Portland Zoning Map.

8.2.3 Standards

Notwithstanding any other section of this Land Use Code, development in the Fort Sumner Park Height Overlay shall be subject to the following additional provisions:

A. The top of structures, including rooftop appurtenances, within the overlay shall not exceed the baseline vertical height of the apex point (160.27' City of Portland Datum (Mean Tide)). For each 25' radially away from the apex point, the vertical height permitted in the overlay is reduced by 1 foot. (See Figure 8-B.)

B. The minimum building setback from the park property shall be 15 feet.

8.2.4 Review process

Any project within the Fort Sumner Park Overlay shall go before the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Fort Sumner Park.

8.3 INSTITUTIONAL OVERLAY (IOZ)

8.3.1 Purpose

The Institutional Overlay Zone (IOZ) provides a regulatory tool available to the city's major medical and higher education campuses where an alternative regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

A. Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and to sustain that role, these institutions need flexibility to change and grow.

B. Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level.

C. Ensure that institutional change and growth

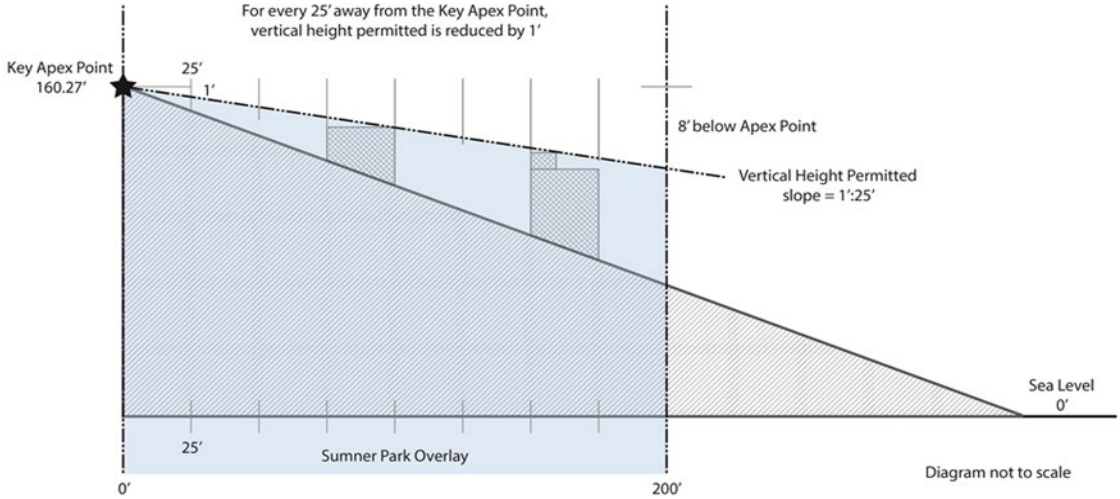


FIGURE 8-B: FORT SUMNER PARK OVERLAY PERMISSIBLE HEIGHT

both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions.

D. Support the formation and continuation of mutually beneficial public-private cooperation.

E. Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods.

F. Reflect Comprehensive Plan and other policy objectives.

G. Provide a regulatory tool for Portland's major institutions that includes the flexibility required to balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

8.3.2 Location and applicability

The city's major medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. Use of an Institutional Overlay Zone is encouraged for these institutions, particularly where proposed future development may be inconsistent with current base zoning.

8.3.3 Establishment

A. Application for an Institutional Overlay Zone. Where an eligible institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

1. An Institutional Development Plan (IDP) in accordance with Subsection 8.3.4.
2. A regulatory framework in accordance with Subsection 8.3.5. If adopted, this framework shall serve as the text and map amendment to the City's Land Use Code and zoning map.

B. Required public involvement. At least two neighborhood meetings shall be required to establish designation as an IOZ. The first shall be held prior to the formal submission of a zone change application, and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and should solicit feedback to inform the Institutional Development Plan (IDP) and regulatory framework proposed. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates, and shall maintain written records of the meetings.

C. Required scoping meeting. The eligible institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and regulatory framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and regulatory framework will vary in detail and focus depending on the eligible institution and its context. The content requirements in Subsections 8.3.4 and 8.3.5 and the recorded comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the eligible institution.

D. Reviewing authority. The Planning Board shall review the zone change application, including the IDP and regulatory framework. At least one

public workshop and a public hearing before the Planning Board are required. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying regulatory framework as an amendment to the City's Code of Ordinances.

E. Future institutional development. All new development shall be compliant with the established IOZ and accompanying regulatory framework. It shall also be consistent with the IDP, consistent with the Comprehensive Plan, and shall meet applicable site plan standards, unless such standards are superseded by the regulatory framework. Any development proposed by an eligible institution outside the established IOZ boundary shall be reviewed under the standards of the applicable zone , unless such development is proposed in a residential zone and is functionally related to the operations within the IOZ, in which case it shall be addressed by the IDP and require an amendment to the IDP as applicable.

8.3.4 Institutional Development Plan (IDP)

A. Purpose. Any use conducted by an eligible institution and any construction by an eligible institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this section. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services, and to measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed regulatory framework and informs subsequent site plan review(s).

B. Planning horizon. An IDP shall provide the City and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the eligible institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more). However, the specific planning horizons for each institution will be determined as part of the IDP approval process.

C. Content. The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required scoping meeting:

1. Context information, including:
   - **a.** The institution's adopted mission, vision, or purpose statement.
   - **b.** A summary of relevant baseline data on the institution, including:
     - **i.** A neighborhood context plan.
     - **ii.** An inventory of current programs and services.
     - **iii.** A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time.
     - **iv.** An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking).



v. An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.

c. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:

i. A summary of existing resources, such as historic, open space, and natural resources.

ii. A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization.

iii. A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues.

iv. Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.

d. A summary of public involvement in the development of the IDP, including major areas of public concern.

2. Assessment of future institutional growth and change, including:

a. A description of institutional needs and areas of future institutional growth and change, with:

i. A projected census of users (e.g., enrollment /employment/patient/ visitor figures and anticipated variations over time).

ii. Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus.

iii. A development plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.

b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the regulatory framework, including:

i. Transportation and access, with:

a) An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan.

b) An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety.

c) A transportation, access, and circulation plan,

representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.

ii. Environment, with:

a) An analysis of potential cumulative impacts on natural resources and open spaces.

b) An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant.

c) An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.

iii. Infrastructure, with:

a) An analysis of projected public utility demand and the capacity of associated infrastructure.

b) An analysis of projected public safety needs and projected impacts to the capacity of these services.

c) An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

iv. Design, with:

a) An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources.

b) An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context.

c) An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development.

d) A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

v. Neighborhood engagement, with:

a) A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability.

b) A property management framework that identifies the institution's process for handling operational property issues with neighbors.

c) Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods.

d) A set of construction management principles to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

D. Standards of review. The IDP shall:

1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board.

2. Reflect the issues/topics identified in the required public process.

3. Demonstrate consistency with the City's Comprehensive Plan and the purpose of this ordinance.

4. Demonstrate how the property ownership, proposed growth, and requested regulatory framework relate to the institution's mission.

5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands.

6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.

7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated.

8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated.
9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric.
10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities.
11. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure.
12. Conform with the standards of Article 16 for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within 100 feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity.
13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

E. Approval. Upon finding that an eligible institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

F. Monitoring. The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments.

G. Amendments. An approved IDP shall guide campus development unless and until amended. If at any time the eligible institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

8.3.5 Regulatory framework

A. Purpose. The regulatory framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and zoning map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

B. Applicability. The regulatory framework shall apply only to properties that are within the IOZ boundary and to which the eligible institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the regulatory framework and

the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the eligible institution shall continue to be governed by the regulations of the underlying zoning designation.

C. **Uses.** Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.

D. **Content.** The regulatory framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the issues associated with the institution and its neighborhoods. The regulatory framework should be succinct and use tables and graphics to address the following, if applicable:

1. *Zoning boundary of the IOZ.* The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's zoning map).
2. *Phasing and schedules.* Requirements that relate to proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan).
3. *Uses.* Clarification, as necessary, on permitted uses.
4. *Dimensional requirements.* Graphics, sketches, or standards, including details for transition zones within the IOZ boundary.
5. *Transportation.* Elements such as Transportation Demand Management Plan (TDM) trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements.
6. *Environment.* The approach to the inclusion of open space and preservation of environmentally-sensitive areas.
7. *Mitigation measures.* The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection.
8. *Design.* Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity.
9. *Neighborhood integration.* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
10. *Monitoring.* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

E. **Standards of review.** The regulatory framework shall:

1. Be consistent with the Comprehensive Plan and the Institutional Development Plan.
2. Provide a clear zoning framework, using

graphics and tables as appropriate, to apply to future site plan reviews.

3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement.
4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

F. Approval/adoption. The Planning Board shall review the proposed regulatory framework against the standards of review and make a recommendation on the institution's IOZ designation and regulatory framework to the City Council for adoption as part of this Land Use Code.

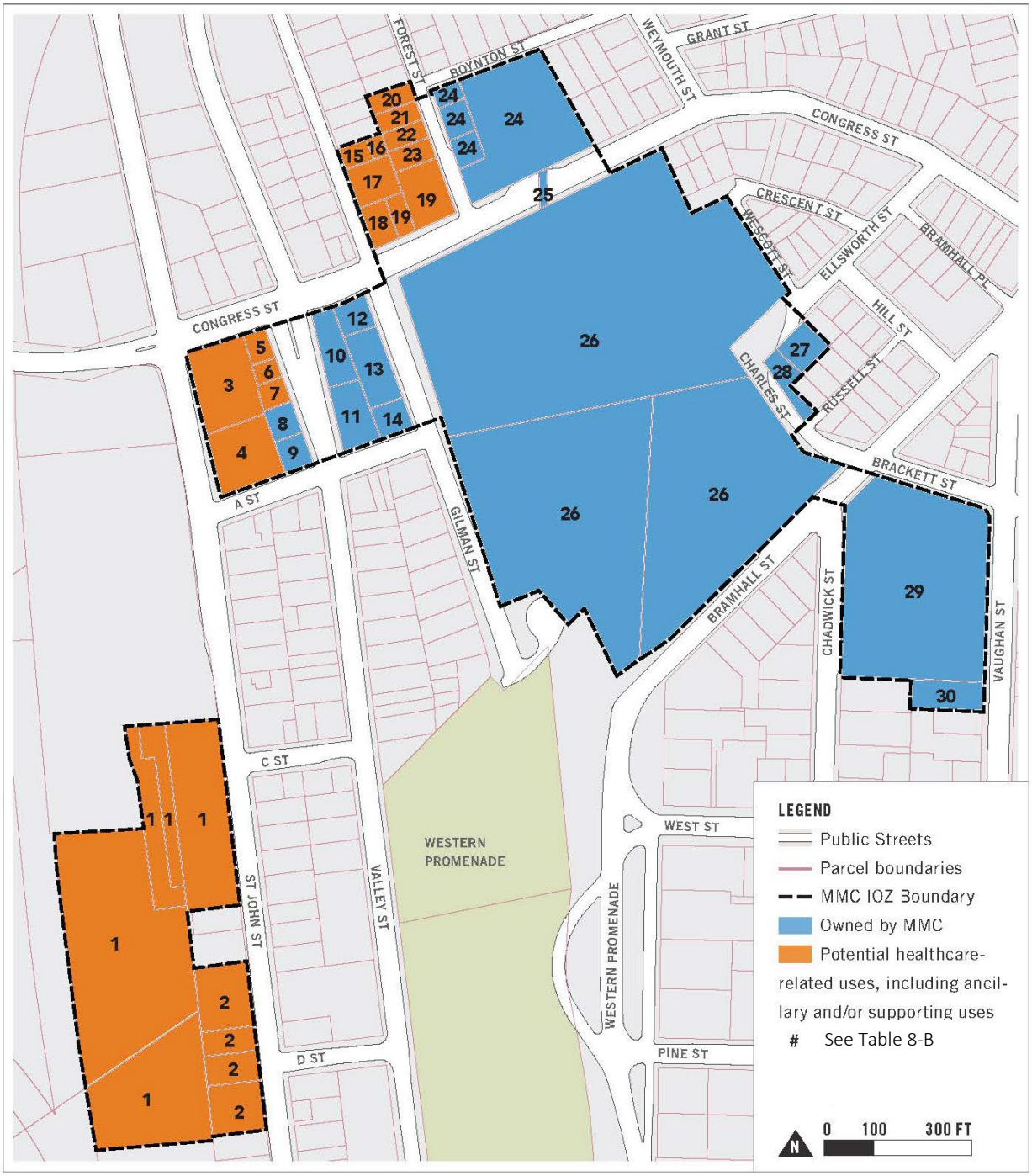
G. Amendments. A regulatory framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a regulatory framework and/or IOZ boundary may be brought forth by the City or eligible institution. Proposed amendments to the IOZ boundary or regulatory framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

8.3.6 Maine Medical Center Institutional Overlay Zone Regulatory Framework

A. Applicability. All development proposed by Maine Medical Center (MMC) within the boundary of the MMC Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by MMC within the IOZ unless amended by the Portland City Council upon formal application of MMC. The MMC Institutional Overlay Zone shall have the boundaries depicted in Figure 8-C, and shall include the properties listed in Table 8-B.

B. Updates and amendments. It is intended that the IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, MMC shall identify any updates to the IDP which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhoods which affect MMC, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

1. Minor amendments that impact phasing of the long-term development blocks or change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. In addition to consistency with the objectives of the IDP, review of phasing and development program amendments shall focus on integration with the campus and impacts on transportation or



Note: Refer to Table 8-C for a list of permitted uses.

FIGURE 8-C: MMC IOZ BOUNDARY



TABLE 8-B: LIST OF PROPERTIES INCLUDED IN THE MMC IOZ

Map#	Legal Description	Address	Acreage	Ownership
1	64-A-2-8-9-11/74-A-7/75-A-6	222 St John St.	4.6516	Owned by others
2	68-D-1-3-13-14-16	180 St John St.	0.9494	Owned by others
3	65-G-1	950 Congress St.	0.4628	Owned by others
4	64-B-1	275 St John St.	0.4163	Owned by others
5	65-G-2	942 Congress St.	0.0659	Owned by others
6	65-G-3	940 Congress St.	0.0482	Owned by others
7	65-G-4	274 Valley St.	0.0667	Owned by others
8	65-G-5	268-270 Valley St.	0.0978	MMC
9	64-B-2	262-266 Valley St.	0.0895	MMC
10	65-H-1	932 Congress St.	0.1864	MMC
11	65-H-9	261 Valley St.	0.2185	MMC
12	65-H-2	930 Congress St.	0.1040	MMC
13	65-H-5	52 Gilman St.	0.2384	MMC
14	65-H-8	44 Gilman St.	0.1128	MMC
15	65-E-22	85 Gilman St.	0.0565	Owned by others
16	65-E-32	85 Gilman St.	0.0282	Owned by others
17	65-E-24	81 Gilman St.	0.1653	Owned by others
18	65-E-28	919 Congress St.	0.1059	Owned by others
19	65-E-29-30	909 Congress St.	0.3233	Owned by others
20	65-E-19	22 Forest St.	0.0826	Owned by others
21	65-E-21	18 Forest St.	0.0831	Owned by others
22	65-E-23	14 Forest St.	0.0826	Owned by others
23	65-E-25	12 Forest St.	0.0883	Owned by others
24	53-I-1-2-3-12	887 Congress St.	1.3400	MMC
25	53-X-1	Congress St. Pedestrian Walkway	---	MMC
26	53-D-7/54-H-1/64-C-1	22 Bramhall St.	12.563	MMC
27	54-C-6	34 Ellsworth St.	0.1341	MMC
28	54-C-10	40 Ellsworth St.	0.1155	MMC
29	54-I-1	308 Brackett St.	2.5200	MMC
30	63-B-8	214 Vaughan St.	0.1983	MMC

Notes:

Properties owned by MMC are listed under MMC or MMC Realty Corp.

MMC will not extend its functionally-related Bramhall campus hospital operations beyond the boundary of the IOZ within the City of Portland without further amendment to the IDP. This includes any expansion of functionally-related operations that displace residential uses outside of the IOZ boundary. A functional relationship is defined as uses or activities that are traditionally or customarily linked to the day-to-day operations of the MMC Bramhall Campus that would relocate a significant proportion of the total employee population or activities.

infrastructure. This review may occur simultaneously with the site plan review of an anticipated project.

2. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
   a. A change to the regulatory framework is required.
   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).
   c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and infrastructure plan intent identified in the IDP.
3. Annual monitoring reports will be submitted for MMC's Transportation Demand Management (TDM) Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan.

C. **Uses.** In addition to the uses permitted in the underlying zone, the uses in Table 8-C are permitted as a matter of right. In recognition that MMC is part of a mixed-use area of the city, with important existing services and businesses that serve the local and wider community, healthcare facility development fronting onto Congress Street and St. John Street shall activate the public realm, to the extent able, with uses such as service and retail/restaurant, landscaping, active building entrances, pocket parks, etc., on the ground or other publicly accessible level, consistent with the design intent contained in the approved IDP. In areas identified in the IDP as "Priority zone for commercially oriented/retail uses," usable ground floor retail, restaurant, or comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled "Street

TABLE 8-C: PERMITTED USES

Healthcare facilities, including but not limited to the following ancillary and/or supporting uses:

- Hospital
- Medical Office/Clinic
- Laboratory Center / Services
- Research and Development (R&D) Laboratory or Facility
- Educational Facility / Conference Center
- Administrative / Business Office
- Accessory Service or Trade Uses
- Guest House
- Multi-family Housing for Healthcare Staff and Students
- Rehab / Skilled Nursing Facility
- Retail
- Restaurant/Cafe
- Employee Service Amenities
- Day Care Center
- Fitness Center or Gymnasium
- Parking Lot or Garage
- Bicycle Storage
- Heliport
- Antenna Station
- Outdoor use areas, such as green areas, parks, gardens, art installations, and other active and passive non-commercial recreation spaces

activation through location of windows, entrances, etc.," usable ground floor retail, restaurant, or community-oriented use is encouraged to the extent practicable. Such uses, where constructed or facilitated as part of a healthcare related development, are expressly permitted whether ancillary or supporting the healthcare facility or not, and shall be open and welcoming to the general public in addition to employees or visitors of MMC.

D. Dimensional requirements. The MMC Institutional Overlay Zone shall have the dimensional requirements listed in Table 8-**D** and depicted in Figures 8-C and 8-D.

E. Design. New buildings within the IOZ shall adhere to the Design Guidelines set forth in Chapter 5: Design of the IDP and the site plan standards of Article 13.

F. Signs

1. At the time of first site plan review following IDP approval, a unified campus-wide signage plan shall be submitted for review and approval by the Planning Authority. Any update to such plan due to a change in name or logo shall not require amendment to the IDP.

2. Signs shall be designed in accordance with the campus-wide signage plan. All signs shall be designed in proportion and character with building facades and adjacent street typology. All signs shall be coordinated with the building and landscaping design and be constructed of appropriate permanent, high quality materials and finishes.

G. Transportation

1. *Transportation Demand Management* (*TDM*)

a. At the time of the first site plan review following IDP approval, MMC shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved Institutional Development Plan. The TDM Plan may be phased into short-, mid-, and long-term actions to allow for progressive implementation over time.

b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from MMC by employees and visitors.

c. The TDM Plan shall establish parking and trip reduction targets associated with the short-term (0-2 years), mid-term (2-5 years), and the long-term (5+ years), as well as a data collection plan.

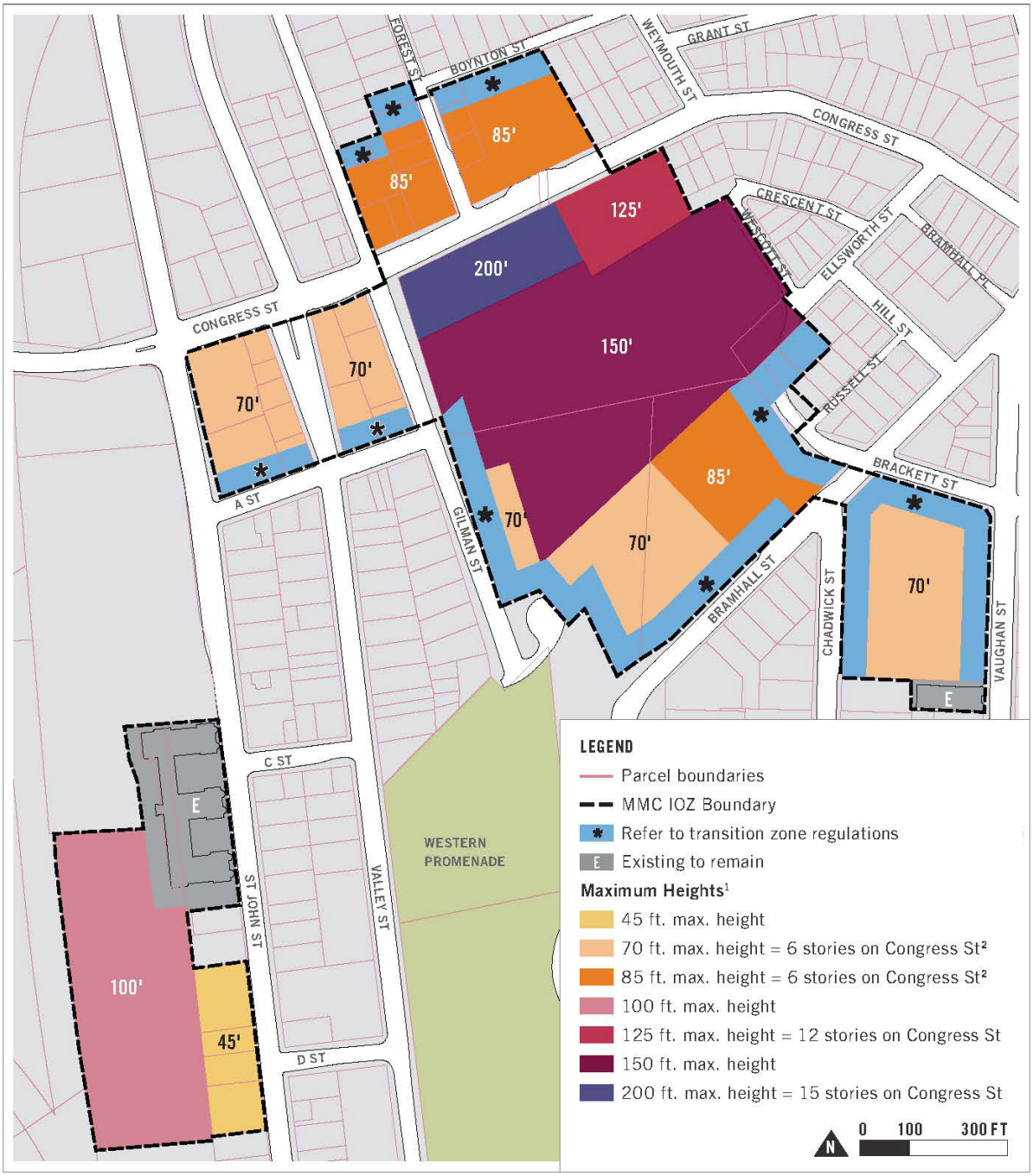
2. *Parking*. Parking requirements in the IOZ shall be established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand and supply. The parking demand study shall determine parking requirements and shall be sufficient to alleviate parking pressure on surrounding neighborhoods. Parking studies developed by MMC shall integrate parking and trip reduction achievements and data contained in the TDM Plan.

H. Environment. Development proposed by MMC shall be designed to integrate with the surrounding context, including open space and pedestrian networks and infrastructure.

TABLE 8-D: MMC IOZ DIMENSIONAL REQUIREMENTS

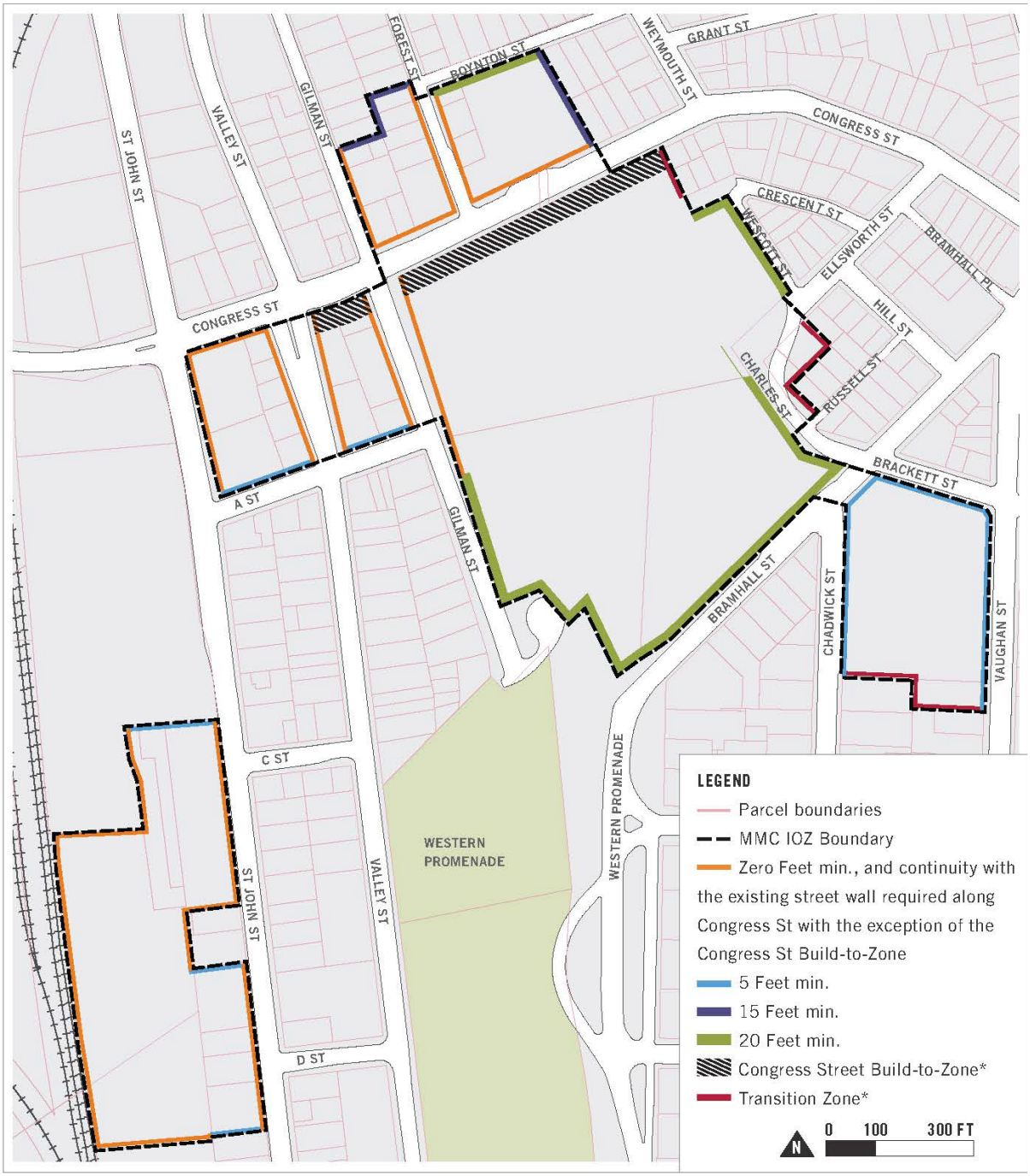
Building heights (max.)	Max. building heights for new buildings within the IOZ shall be governed by the Maximum Building Heights Map in Figure 8-D, or by the transition zones clause of this table for those buildings located in transition zones. Refer to IDP "Chapter 5. Design" for methodology on determining heights.
Building heights (min.)	Three stories, except in transition zones, where the minimum building height shall be two stories. Minimum building heights shall not apply to building awnings, associated kiosks, pavilions or similar building components.
Building length (max.)	Length of proposed parking garage at 222 St John St shall not exceed 500 feet as measured roughly parallel to St John St.
Building setbacks (min.)	Minimum building setbacks shall be governed by the Minimum Setbacks Map in Figure 8-E. Additional requirements are listed in the transition zones and Congress Street build-to zone sections of this table.
Congress Street build-to zone[1]	A build-to zone is identified for some properties that abut Congress Street. See Minimum Setbacks Map in Figure 8-E for the location of build-to zone. i. The Congress Street build-to zone extends between 0 to 40 feet from the right-of-way boundary. ii. Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located within the build-to zone.
Transition zones	Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential zone or a historic-designated district. See Maximum Building Heights Map in Figure 8-D for location of transition zones. i. Transition zones shall extend 50 feet into the parcel from the parcel boundary. ii. Transition zones that abut a Residential zone with or without an intervening public right-of-way shall have a maximum height limit that matches the maximum height permitted within that Residential zone. iii. In areas where the IOZ abuts a residential zone without an intervening public right-of-way, minimum side and rear yard requirements of the abutting residential zone apply within the IOZ boundary, unless noted otherwise in Minimum Setbacks Map in Figure 8-E.

[1]A "build-to zone" is the area on the lot where all or a portion of the street-facing building facade must be located, measured as a minimum and max. yard (setback) range from the public right-of-way boundary.



Notes: 1. Minimum building heights also apply. Refer to Table 8-D.
2. For buildings with residential use above the ground floor, the following height maximums apply:
70 ft. maximum height = 7 stories, and 85 ft. maximum height = 8 stories.

FIGURE 8-D: MAXIMUM BUILDING HEIGHTS



* Refer to Table 8-D Dimensional Requirements

FIGURE 8-E: MINIMUM SETBACKS

I. Mitigation measures. MMC shall mitigate site plan impacts to off-premise infrastructure in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of MMC development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.

J. Neighborhood integration and engagement

1. For the purpose of keeping surrounding residential areas appraised of its future development plans, and to address any neighborhood issues related to the operations of the MMC Bramhall campus, MMC shall adhere to the ongoing community engagement principles identified in the approved Institutional Development Plan.
2. MMC shall conduct ongoing community engagement, including the formation of a Neighborhood Advisory Committee comprised of representatives of MMC, the Parkside neighborhood, the West End neighborhood, the Western Promenade Neighborhood Association, the St. John Valley neighborhood, the Libbytown neighborhood, and the City.

K. Construction management

1. At the time of site plan review, MMC shall submit a construction management plan substantially in accordance with those construction management principles identified in the approved Institutional Development Plan for review and approval by the Planning Authority.
2. The construction management plan shall include a construction schedule, as well as strategies for managing neighborhood communication and noise, air quality, traffic, and parking impacts associated with the construction as set forth on the construction management template developed by the City and attached and incorporated to the IDP as Appendix A.

L. Other requirements

1. *Helipad.* Proposed changes to MMC's helipads, including changes to preferred flight routes, shall be reviewed and approved by the Planning Authority in accordance with the approved Institutional Development Plan.
2. *Snow ban parking.* When the City of Portland declares a snow parking ban, MMC shall make parking available to neighbors in a designated parking area on or near its campus upon the following condition: Due to the patterns of patient flow in the hospital, the hours of snow ban parking for registered vehicles during an announced City of Portland snow parking bans are 6:00 p.m. until 6:00 a.m. Vehicles that are not moved out of these parking areas by the applicable time each morning are subject to towing at the owner's expense.
3. *Healthy communities.* Recognizing that a stable residential and commercial environment is key to the health of any neighborhood, MMC commits to supporting its existing and future neighbors in the St. John Valley, Parkside, West End, Western Prom, and Libbytown neighborhoods. Accordingly, MMC shall implement and participate in the healthy

communities programs as described below.

a. Caring Community Grants. MMC shall develop an annual grant program with available funds of up to $30,000. Goals, priorities, eligibility requirements, program guidelines, and allocation approach will be developed by the MMC Neighborhood Advisory Committee, as described in Chapter 6 of the IDP approved on September 26, 2017. Neighborhood associations or other entities located or operating in the St. John Valley, Parkside, West End, Western Promenade, and Libbytown neighborhoods may apply for grant funding relating to the following initiatives:

- **i.** Neighborhood investment and Infrastructure: Focused on creating strong, safe, accessible and vibrant neighborhoods.
- **ii.** Quality of life: Focused on improving access to recreation, arts or cultural experiences in the neighborhoods.
- **iii.** Diversity and inclusion: Focused on fostering the building of relationships and understanding among diverse groups, including capacity building and outreach activities.
- **iv.** Public Safety: Focused on supporting public safety programs through training programs, equipment or other means in the neighborhoods.
- **v.** Environmental sustainability: Focused on preventing waste, increasing recycling or supporting other programs that work to improve the environment.

b. Healthy Neighborhoods Program. MMC shall initiate and adopt a memorandum of understanding (MOU) by and between the MMC, the City of Portland, an identified Community Housing Development Organization and any other community partners that may be identified later establishing a Healthy Neighborhoods program. Such a program shall be designed to fund and execute housing and community improvement and development programs in St. John Valley and the other neighborhoods surrounding MMC's Bramhall Campus.

8.3.7 The Roux Institute at Northeastern University Overlay Zone Regulatory Framework

A. Applicability. All development proposed by the Roux Institute at Northeastern University ("Roux Institute") within the boundary of the Roux Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by the Roux Institute within the IOZ unless amended by the Portland City Council upon



FIGURE 8-F: ROUX INSTITUTIONAL OVERLAY ZONE BOUNDARY

formal application of the Roux Institute. The Roux Institutional Overlay Zone shall have the boundaries depicted below and shall include the approximately thirteen-acre property located at 1 Bean Pot Circle and identified as parcels 447-A001 and A002 in the City's assessing records.

B. Phasing and monitoring

1. The Roux Institute campus will be developed in phases, as set forth in the IDP. The IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, any updates to the IDP shall be identified which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhood which affect the campus, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

2. At completion of each phase, the Roux Institute campus shall have the appearance of a complete and comprehensive design. Permanent and meaningful public space shall be established in the first phase to ensure public benefit. Interim conditions shall be designed for a pleasant pedestrian experience through planting, lighting, wayfinding, graphics, artwork, or ornamental fencing to provide screening, buffers, and enhancement. Interim areas of the site which are not actively used for parking or construction staging will be appropriately landscaped or accommodate gathering on lawns or other aesthetically hardened spaces.

3. Minor amendments that change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. This review may occur simultaneously with the site plan review of a proposed project.

4. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:

a. A change to the regulatory framework is required.

b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).

c. A change in approach to parking, transportation, neighborhood engagement or design is inconsistent with the objectives of the IDP, resulting in a modification to the applicable objectives.

5. Review of major amendments may occur simultaneously with the site plan review of the proposed project.

C. Uses

1. The Roux Institute **c**ampus will encompass a variety of uses to support the mission of the Institute. Campus uses will include classrooms and laboratories, housing, faculty offices, dining areas, convening spaces, fitness centers, retail facilities, entrepreneurial spaces, light manufacturing, incubator space, research and design facilities, hotel, and office space. The mixture of uses is intended to support collaboration with private industry, other institutions, and community organizations. A range of rental housing options will provide on-site opportunities for students, faculty, staff, and their families, easing some of the housing pressure and traffic that might otherwise result from new residents attracted to Portland by the institute. Housing units not occupied by residents affiliated with the Roux Institute may be made available to the public to further assist in easing the housing pressure.

2. The Roux Institute campus will be designed to include uses that will welcome neighbors to the campus, including publicly available open space, waterfront access, recreational opportunities, restaurant, dining, small neighborhood grocery, and/or other limited retail options.

3. In addition to the uses permitted in the underlying zone, laboratory and research facilities, low-impact industrial uses, and high-tech manufacturing shall also be permitted as a matter of right in all buildings that are located within the IOZ and on land owned or leased by the Roux Institute.

4. Ground floor retail, restaurant, or comparable community-oriented uses that provide services to local residents, students, faculty and staff shall be expressly permitted whether ancillary to or supporting the educational institution, and shall be open and welcoming to the general public.

5. Within the boundary of the IOZ, hotels shall be limited as follows:

a. No more than one hotel shall be located in the IOZ.

b. The hotel shall contain no more than 130 rooms.

c. The hotel shall be no more than eight stories in height, not including structured parking. There shall be no more than two levels of above grade structured parking beneath the first floor of the hotel. Nothing herein is

intended to preclude the co-location of hotel use and structured parking on one or more levels of the hotel.

D. Dimensional requirements

1. *Applicability.* All principal buildings and structures located within the IOZ and located on land owned or leased by the Roux Institute shall be subject to the dimensional requirements of the underlying zone, except where modified by the provisions of this section.

2. *Rules of measurement*

a. Publicly accessible corridor: A corridor accessible to the general public that is open to the sky or enclosed with a minimum width of 20 feet. Enclosed portions of publicly accessible corridors shall have a minimum height of 30 feet.

b. Street wall: Within the Roux IOZ the term "street wall" shall mean a wall or portion of a wall that includes the principal entry to a building facing a street, public right-of-way, major pedestrian access routes, or open spaces. Orientation of the principal entry to a building shall be determined by the applicant.

3. *Maximum building heights.* Maximum building heights for new principal buildings in the IOZ shall be governed by the Roux IOZ Height Map (Figure 8-G).

4. *Minimum and maximum street wall heights.* New principal buildings in the IOZ shall rise to a minimum street wall height of 45 feet and may rise to a maximum street wall height of 105 feet.

5. *Stepback requirements.* At a height not lower than the minimum street wall height or higher than the maximum street wall height, a stepback with a minimum depth of at least 10 feet shall be provided. Required stepbacks shall only apply to a building's street wall.

6. *Building length requirements*

a. For buildings with a length greater than 250 feet, a continuous, publicly accessible corridor that connects two streets, public rights-of-way, major pedestrian access routes, or open spaces shall be provided, with the precise location to be identified, defined, and reviewed under site plan review. Building length shall be measured at grade in a straight line between the outer corners of the designated street wall.

b. Publicly accessible corridors need not be linear and may have necessary grade changes.

c. Any building wall situated along a publicly accessible corridor shall be designed to provide sufficient architectural and graphic amenities to provide visual interest, transparency between interior activities and pedestrian activity, or active uses and relate the building, and its use to passersby.

d. Publicly accessible corridors shall:

i. Include pedestrian amenities such as benches and other seating;

ii. Be illuminated to levels that are adequate but not excessive for the safety, comfort, and conveniences of occupants and

users of the site, and

iii. Provide access to the public during regular operating hours of the institute.

e. The Roux Institute may close off public access to a publicly accessible corridor during special events or when determined necessary by the institute for security or public safety purposes.

7. *Transitions and buffers*

a. The campus is surrounded by existing buffers, with I-295 to the west, state-owned vacant parcels to the north, the rail corridor and marine business to the east, and Casco Bay to the south. In addition to the existing buffers, development shall further ease the transition to and from the campus.

b. Public open space will ease transition from the smaller scale of Sherwood Street. A transition onto the campus will also be accomplished through thoughtful façade design at the pedestrian level. Potential nuisance features like dumpsters, air handlers, and parking will be appropriately screened. Buildings will avoid blank walls to respect the adjacent neighborhood and facilitate a sense of permeability and welcome.

c. The shoreline transition area between the buildings and the water will serve as meaningful public open space. Building facades facing the water will be considered public-facing, with views designed for interest from the water and Eastern Promenade Trail.

d. The transition area between the campus and I-295 contains a height limitation of 75 feet along the edge and between the highway and the B&M Cannery Building, preserving the historic view of the building from the highway and easing the transition to the greater allowable building heights in the center of campus.

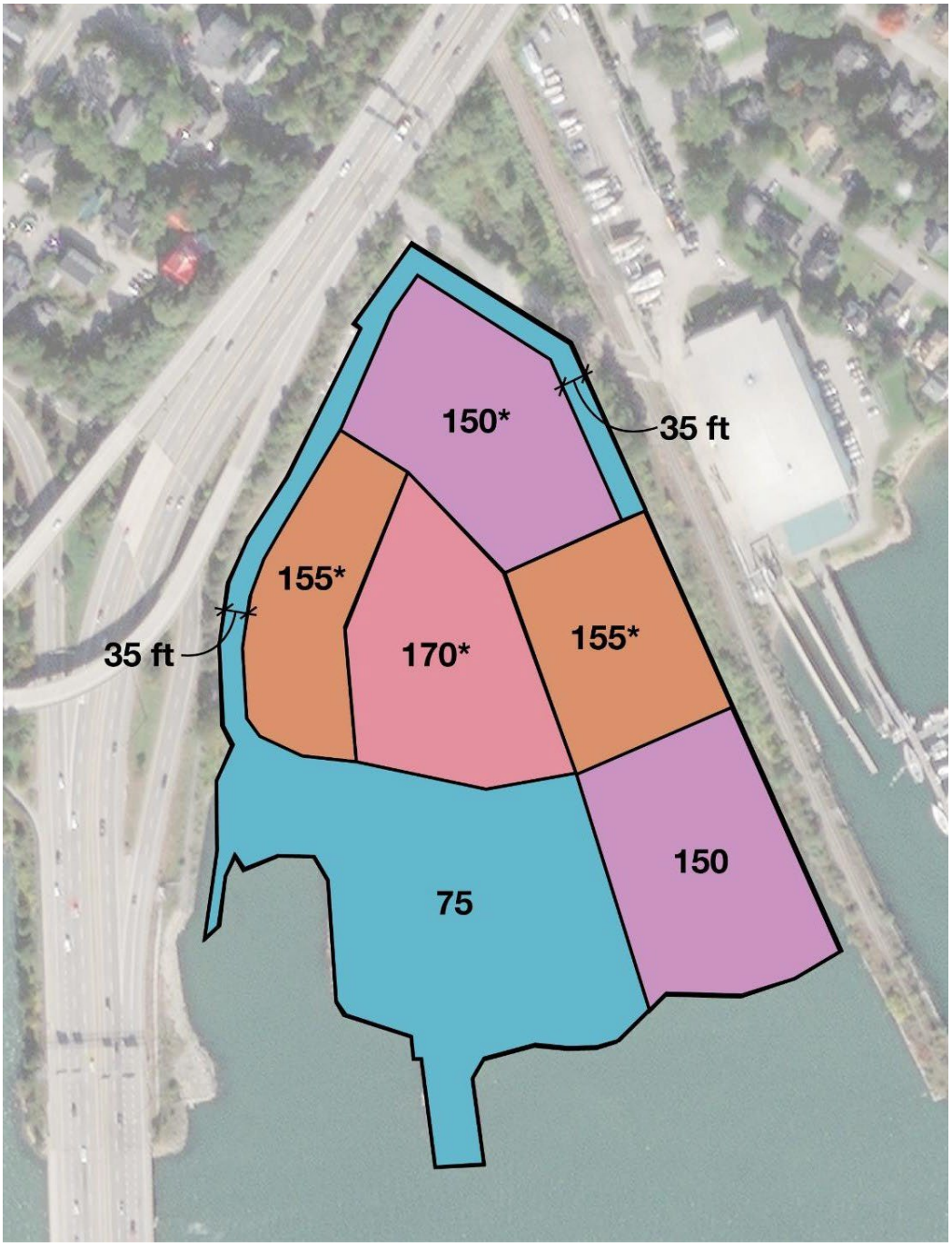
e. The transition area along the edge of the campus adjacent to the rail corridor also contains a height limitation of 75 feet along the edge of the property closest to the residential neighborhood, further easing the transition to the greater allowable building heights at the center of campus, mitigating shadow impacts to adjacent properties.

E. Transportation

1. *Transportation demand management (TDM)*

a. At the time of the first site plan review following IDP approval, the developer shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved IDP. The TDM Plan may be phased into short-, mid-, and long term actions to allow for progressive implementation over time.

b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from the Roux Institute campus



Notes:

1. *: Above height of 75 feet, no building floorplate shall exceed 35,000 square feet.
2. Above height of 50 feet, no two buildings shall be closer than 40 feet apart.
3. Building heights for buildings that span two or more height zones shall be measured by calculating the highest point (as defined in the Land Use Code) of that portion of the building within a particular height zone. If the roof is sloped, height is measured at the midpoint of that portion of the slope located within the particular height zone.

FIGURE 8-G: HEIGHT OVERLAY MAP

and from the Roux Institute campus by students, faculty, staff, institutional partners, and visitors.

c. The TDM Plan shall establish parking, mode share, and trip reduction targets associated with each phase of development, as well as a data collection plan.

d. Annual monitoring reports will be submitted for the TDM Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan. If deficiencies are identified, they will be resolved in accordance with the site plan approval.

2. *Traffic movement permit* (*TMP*)

a. Any development that will generate over 100 passenger car equivalents will trigger TMP review which will determine applicable mitigation for that development program. There are contributions anticipated to area-wide elements to support trip reduction targets, such as contribution to the development of shared use path infrastructure and support for additional transit service to the campus. The TMP review may consider an individual site plan or may cover more than one site plan. Each of the TMP submissions and review will continue to contemplate capacity for multimodal connections to continue to reduce automobile trips.

b. Mode shares and trip reduction targets have been identified in the IDP and will be updated and modified with each TMP submission as necessary.

3. *Bicycle and pedestrian access and safety*

a. A Transportation, Access, and Circulation Plan has been provided in the IDP. At the time of the first site plan review, the developer shall submit an updated Plan. Where possible, the bicycle and pedestrian access routes shall connect to established bicycle and/or pedestrian facilities. The developer shall look to establish new bicycle and pedestrian bicycle and/or pedestrian facilities where feasible.

b. The site and building design shall not prohibit the enhancement of transit service to and from the site.

c. Bicycle, pedestrian, transit, and motorized vehicular facilities proposed to and from the site shall provide sufficient capacity and allow for safe connections for modes of transportation.

d. Sherwood Street shall be improved to accommodate bicycles and pedestrians within the existing right-of-way. Separate sidewalks and bicycle lanes shall be provided where feasible.

4. *Parking.* Parking requirements in the IOZ, including but not limited to parking ratios, shall be established at the time of site plan review for each phase of development based on a parking study that includes a campus-wide analysis of demand and supply. Parking studies shall integrate parking and trip reduction achievements and data contained in the TDM Plan.

Parking requirements shall be determined in accordance with the requirements in the Land Use Code in effect at the time of site plan review.

5. *Circulation*
   a. The campus shall contain a bike and pedestrian circulation network which includes a perimeter access loop, an internal system of pathways and a major campus "promenade" which will link campus developments, the upland, and the waterfront.
   b. The perimeter access path for bicycle and pedestrians will serve to connect the campus to primary site entry points from the community and provide a continuous recreational loop. Where appropriate, the perimeter access path will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections. Where possible, building facades will respond to the perimeter access path for views into the building and periodic activation to building entrances.
   c. Internal campus circulation pathways will connect major open spaces, buildings entrances, and outdoor plazas to create a network of multiple pathways including the perimeter access path. Pathways will be located along or oriented toward facades that have active programs, architectural articulation, appropriately scaled entrances, and windows. Pathways will avoid traveling along stretches of undifferentiated or blank facades back doors or service areas. Pathways will be generally lower-velocity systems than the access loop. Where appropriate, the internal campus circulation pathways will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections.
   d. The campus promenade will serve as a major organizing feature connecting the upland and the water and providing access to open spaces, allowing views of the principal campus of buildings, and connecting to the internal campus circulation pathways and perimeter access path. The promenade will be enhanced by lighting, wayfinding, landscape buffers, and open spaces. Viewsheds and topography along the promenade will emphasize the Roux Institute and Burnham & Morrill (B&M) Cannery Building, pier, and other principal buildings and spaces.

F. Environment

1. The IOZ shall contain a minimum of three acres of public open space designed to enhance waterfront access and provide bicycle/pedestrian network connectivity. This open space requirement shall be met at the completion of construction of the first site plan approval and shall be maintained at all phases of development. The three acres need not be contiguous and may be provided in new and/or different locations following completion of development phases. The public open space shall be meaningful space,

functioning as recreation areas, social gathering spaces, or natural buffers. The method of assuring public access to the public open space shall be determined at site plan review.

2. A Sustainability and Resilience Charter will be created by the Roux Institute for the campus. The charter shall contain sustainability goals related to development categories such as energy, water, transportation, equity, and resilience and may be revised over time in response to evolving technology and industry standards. The charter will require all development on the campus to utilize critical components of industry standard benchmarking systems such as LEED, SITES, WELL, ILFI, and Passive House. The charter will be submitted to the Planning Authority prior to submission of the first site plan application. Proposed site plans shall be consistent with the goals outlined in the charter.
3. Development shall utilize lighting designs required for safety and comfort and that minimize impact to the night sky in accordance with light pollution reduction standards in ANSI/ASHRAE/IESNA 90.1-2007 or its most current edition.
4. Development shall be carried out in such a way as to minimize the impacts of sea level rise, protecting infrastructure and site features by designing to a minimum of 2-feet above the Base Flood Elevation (BFE) as shown on the most current FEMA Flood Insurance Rate Map.
5. The shoreline edge and immediate adjacent upland shall be protected through shoreline armoring and vegetation to prevent erosion and enhance natural resource protection. Work in coastal wetlands and significant wildlife habitats (as defined by the Maine Department of Environmental Protection) will be minimized to the maximum extent practicable and shall comply with all applicable local, state and federal permitting requirements in effect at the time.
6. Design of exterior building envelopes will be in developed in conjunction with the American Bird Conservancy and Cornell Ornithology Lab standards to mitigate bird strikes to the extent practicable.

G. Mitigation measures

1. Site plan impacts to off-premise infrastructure shall be mitigated in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of the development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.
2. Impacts to natural resources shall be mitigated in accordance with local, state and federal permitting standards in effect at the time.

H. Design

1. *Introduction and intent.* New development in the IOZ shall adhere to the following design guidelines and the site plan standards of the City of Portland. All new development shall be designed to create a visual connection with the goal of

achieving a cohesive campus appearance with a strong identity and sense of place. New development may be contemporary and forward looking in architectural style, but shall be informed by or responsive to the iconic B&M Cannery Building as an example of Portland's unique legacy of innovation, adaptation and durability. Reference to the Cannery Building specifically and in general to the early 20th century industrial factory building type may inform the architectural principles of highly functional yet articulated human-centered facades and details, a combination of local and innovative materials, use of natural daylighting, high degree of flexibility and scalability and capacity for long service life. New development shall be characterized by excellence in architectural design, craftsmanship, materials, streetscape, resilience, sustainability and landscape improvements, signage, and lighting appropriate for a campus development on a coastal site. These principles and standards are intended to regulate the future build out of the Roux Institute campus while ensuring that new development is sensitive to adjacent residential neighborhoods and commercial areas and successfully integrates the existing site into the public realm while establishing a global beacon for thought leadership in artificial intelligence, computer and data sciences, digital engineering, and advanced life sciences.

2. *Standards*

a. Waterfront

i. The waterfront will be publicly accessible to provide a variety of open spaces throughout all phases of development that foster social interaction.

ii. New principal buildings on the waterfront shall include a publicly accessible entrance to interior public space, if provided, from the waterfront side and upland side of the building along an anticipated desire line. Said interior public space, if provided, may be closed to the public during special events, outside normal operation hours, and when necessary for security or public safety purposes.

b. Cohesive campus

i. The overall composition and experience of the campus will be considered for cohesive identity from approaches along I-295 and views from the East Deering neighborhood.

c. Historic preservation

i. Buildings, site development, circulation, and open space will respect the B&M Cannery Building, a designated historic landmark.

d. Connectivity

i. Prioritize the bicycle and pedestrian circulation network on campus while providing connectivity for auto, public transit, service and emergency vehicles at each development

phase.

ii. Surface parking lots shall be located to the maximum extent practicable toward the rear or side of a building not occupied by a principal entry to a building facing a street, public right-of-way, major pedestrian access routes, open space, and/or the waterfront.

e. Open space

i. Open space will be publicly accessible to provide multiple functions for recreation, social gathering, and buffers that integrate within the overall composition and experience of the campus at each development phase.

f. Sustainable practice

i. Buildings and site development will incorporate sustainable technologies in building design, orientation, energy production, and sensitivity to natural resources at each development phase.

g. Resilience

i. Buildings and site development will incorporate resilience strategies to account for flooding, severe weather events, and integration of publicly accessible spaces at each development phase.

h. Building design

i. Building façade materials will be of high quality, durable to the marine climate and contribute to an attractive public realm. The first 35 feet of building height shall complement the pedestrian character in materiality, transparency, and detailing.

ii. Rooftop appurtenances will be incorporated, screened, and set back from roof edges to reduce visual impact from the surrounding neighborhood.

i. Building entrances

i. Building entrances will include prominent facades and be oriented toward, located adjacent to, or accessible from rights-of-way, major pedestrian access routes, or open spaces.

j. Mitigation of impacts

i. Buildings and site development will endeavor to minimize potential negative impacts related to shadows, wind, noise, heat, glare, lighting, contaminants, and the environment.

l. Neighborhood integration

1. *Neighborhood engagement*

a. For the purposes of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the Roux Institute campus, the Roux Institute shall adhere to the ongoing neighborhood engagement principles identified in the IDP.

b. Ongoing community engagement shall be conducted, including the

continuation of neighborhood forums and maintenance of the Roux Institute campus website.

c. A Community Advisory Group shall be created for the purpose of sharing information on project development, planning, and seeking input. To the extent practicable, the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood, a tenant representative from Portland Housing Authority's Washington Gardens and Front Street developments, recreation, parks and trails, including the Friends of Payson Park, from sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community.

d. A designated community contact shall be engaged to be the point of contact for providing information to the neighborhood and receiving feedback.

2. *Construction management.* At the time of site plan review, Northeastern University shall submit a Construction Management Plan substantially in accordance with the construction management principles identified in the Institutional Development Plan for review and approval by the Planning Authority.

J. Historic preservation

1. *Historic preservation review.* The B&M Cannery Building has been designated as a local historic landmark. The area of designation includes the B&M Cannery Building, as well as the area of the former Codfish Building and pier. The Historic Preservation Board's review of activity within the site of the former Codfish Building and pier is limited to review of any activity that would require a Certificate of Appropriateness that is proposed on a newly constructed pier. A Certificate of Appropriateness will not be required for the demolition of the Codfish Building or construction of a new pier and related infrastructure, including future alterations to the pier structure.

2. *Required interpretive elements.* Northeastern University shall include interpretive element(s) on top of or within the surface of the new pier that convey the history and significance of the Codfish Building. Prior to construction of said elements, the University shall submit the proposal to the Historic Preservation Board for its review and approval. The interpretive elements shall be designed in a manner that does not interfere with the use and functionality of the pier as a marine passenger facility and for water access by the Roux Institute and the public.

3. *100-foot review exemption.* The B&M Cannery Building is exempt from Subsection 13.6.4(E)(2) for review of development within 100 feet of a landmark.

8.4 ISLAND TRANSFER STATION OVERLAY

8.4.1 Purpose

The purpose of the Island Transfer Station Overlay Zone is to establish a location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties.

8.4.2 Permitted uses

A. Municipal solid waste facilities, including compactors and storage bins, provided that the compactor shall be located within a fully enclosed structure.

B. Recycling facilities, provided that all recycling areas shall be buffered and screened from neighboring properties.

C. Municipal garages, material storage, and parking for vehicles.

D. Maintenance of municipal vehicles and equipment.

E. Minor wind energy systems co-located with public industrial or utility facilities, subject to the applicable standards within Article 6.

8.4.3 Conditions

Requirements for setbacks and any operational limitations shall be established as part of the conditional rezoning process.

8.5 PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

8.5.1 Purpose and applicability

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the

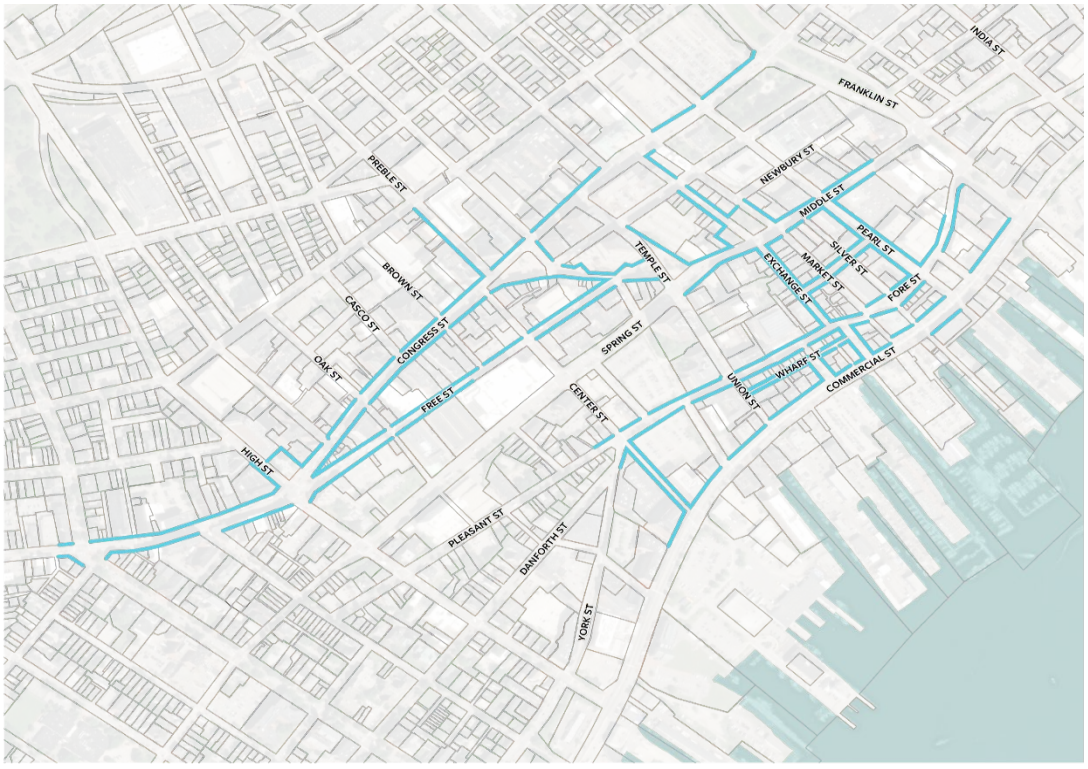


FIGURE 8-H: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section.

8.5.2 Use restrictions

A. Within the PAD Overlay Zone, a minimum of 75% of the street level frontage, measured as a percentage of total building length excluding areas of vehicular and pedestrian egress, and any mechanical or electrical equipment rooms servicing the building, shall consist of the uses specified below. Such uses shall occupy a minimum of 40 feet in depth, measured from the street facing façade of the building.

1. Bars
2. Cultural facilities
3. General services
4. Governmental uses
5. Hotels
6. Low-impact industrial, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.
7. Restaurants, including food preparation areas visually oriented toward the street.
8. Retail
9. Specialty food services, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.
10. Studios for artists and craftspeople.
11. Theaters and performance halls, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within the required active use area.
12. Other uses may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use is substantially similar to a use listed above and will generate pedestrian interest and activity.

B. First floor windows shall be transparent with uses visible from the public right-of-way.

C. For buildings that have frontage on more than one street located within the PAD overlay zone, the above requirements apply to each frontage. In no event shall any required active use area be used for storage or service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.5.4.

8.5.3 Conditional uses

Any use permitted in the B-3 zone may be authorized as a conditional use subject to the floor area and transparency requirements of Subsection 8.5.2, provided that the Planning Authority shall be substituted for the Board of Appeals as the reviewing authority. Such uses shall meet the general conditional use standards of Section 6.5.2, and the following conditions and standards:

A. The applicant shall prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms) that the space has been actively marketed, and, in the case of new construction, available for permitted uses in the PAD Overlay Zone for a period of six months and that it has been unable to market the space for a permitted use in accordance with Subsection 8.5.2.

B. The Planning Authority may impose reasonable conditions concerning the design, appearance,

use, and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.

C. Notwithstanding the above, the Planning Authority may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

8.5.4 Exceptions

For buildings that have 40 feet or less of frontage on a street within the PAD Overlay Zone, the ground floor area requirements for permitted uses under Subsection 8.**5.2** shall be reduced to 50% of the frontage where required to accommodate a service entrance. For buildings that have frontage on more than one street located within a PAD Overlay Zone, only one such frontage shall be permitted to reduce the required active use area to 50% of the frontage.

8.6 UNIVERSITY OF SOUTHERN MAINE OVERLAY

8.6.1 Purpose

The intention of the University of Southern Maine Overlay Zone is to establish an overlay zone in which an existing university campus can be continued and reasonably expanded within defined boundaries, in addition to those uses permitted in the underlying zone or zones. The purpose of this section is to recognize the unique qualities of a university campus while at the same time protecting the value and integrity of established neighborhoods.

8.6.2 Location and applicability

The University of Southern Maine Overlay Zone is intended to encompass and define the University of Southern Maine campus west of Forest Avenue. Properties in the University of Southern Maine Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by this section.

8.6.3 Permitted uses

A. In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, post-secondary schools and university uses are permitted in the University of Southern Maine Overlay Zone, including, but not limited to:

1. Classrooms.
2. Laboratory and research facilities.
3. Student unions.
4. Dining halls.
5. Bookstores.
6. Auditoriums.
7. Concert and lecture halls.
8. Gymnasiums.
9. Libraries.
10. Outdoor use areas, such as “quads”, greens, parks, gardens, art installations, and other active and passive noncommercial recreation spaces.
11. Faculty and student housing.
12. Parking lots and garages.
13. Community meeting spaces.
14. Administrative and faculty offices.
15. Transportation facilities.
16. Maintenance facilities.
17. Utility buildings.
18. Student health services.

19. Daycare facilities, nursery schools, and kindergartens.

20. Other buildings, structures and uses customarily incidental to a university.

B. On lots fronting on Chamberlain Avenue and Exeter Street, university uses shall be limited to faculty housing, graduate student housing, faculty offices, and administrative offices.

8.6.4 Conditional uses

The following uses are permitted as provided in Section 6.5:

A. Minor wind energy systems, subject to the standards of subsection 6.4.41.

8.6.5 Dimensional requirements

University buildings and structures shall be subject to the dimensional requirements of the underlying zone, except as follows:

A. Minimum setbacks. Minimum setbacks shall be the same as in the underlying zone, except as shown on the University Campus Overlay Setback Map, incorporated herein by reference. Side and rear setbacks shall not be required between buildings on contiguous lots owned by the university on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required setbacks in the underlying zones are provided.

B. Maximum building height. Maximum building height shall be the same as in the underlying zone, except as shown on the University Campus Overlay Height Map, incorporated herein by reference.

C. Minimum building height. All new freestanding buildings in height zone B and height zone C must be built to a height of at least 35 feet or designed and constructed so that they can be expanded to 35 feet or higher. As used in this paragraph, the term "new freestanding building" means any building which is not an addition to or expansion of a building which existed on the date of enactment of the University of Southern Maine Overlay Zone. Minimum building height provisions shall not apply to maintenance facilities, utility buildings, information kiosks, additions to and/or relocations of designated historic structures, and transportation facilities, including bus shelters, parking attendant booths, and other similar structures.

D. Maximum impervious surface ratio. A maximum of 66% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be impervious.

E. Maximum coverage by buildings. 40% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be covered by building footprint.

8.6.6 Parking

The amount of parking required for any university building or building addition shall be determined by the Planning Board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the Planning Board may take into account such factors as:

A. The availability of off-campus parking and shuttle transportation to and from such off-

campus facilities.

B. The ratio of commuter students to resident students.

C. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

D. Shared use of a single parking facility by two or more buildings when the peak parking demand period for such buildings do not overlap.

E. Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.

F. Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

8.6.7 Loading

The amount of loading area required for any university building shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all contiguous lots owned by the university as one lot. In determining the amount of loading space required for any university building, the Planning Board may take into account such factors as:

A. The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.

B. Shared use of a single loading facility by two or more buildings.

C. Impacts of the loading area on adjacent uses outside the University of Southern Maine Overlay Zone.

8.6.8 Signage

Signs shall comply with the requirements of Article 19, except as those regulations are modified or augmented below:

A. Signs shall be designed in accordance with signage standards promulgated by the university, providing for a unified and ADA-compliant campus-wide system for identification, orientation, and regulatory signage.

B. Banners are allowed as follows:

1. Generic banners containing the logo and colors of the university, used for decorative purposes.

2. Banners used for advertising university events, which can be displayed for a maximum of four weeks prior to and one week following the event.

8.6.9 Design principles and standards

All development in the University of Southern Maine Overlay Zone is subject to the requirements contained within the City of Portland *Design Manual*.

8.7 WAYNFLETE SCHOOL OVERLAY

8.7.1 Purpose

The intent of this section is to establish a Waynflete School Overlay Zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to

continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this section, the term "Waynflete School" includes any successor institution that operates as a private day school.

8.7.2 Location and applicability

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School's principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by this section.

8.7.3 Subdistricts

The Waynflete School Overlay Zone consists of two subdistricts. Except where otherwise specified in this Section 8.7, all provisions of this Waynflete School Overlay Zone apply in both subdistricts. The subdistricts, as shown on the Waynflete School Overlay Zone subdistrict map, incorporated herein by reference, are as follows:

A. The Campus Core subdistrict defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and bulk regulations designed to accommodate school uses.

B. The Campus Edge subdistrict is intended to preserve residential character along the streets bordering the campus by limiting the amount of residential space which can be converted to school uses, by maintaining a number of dwelling units within the subdistrict which equals the number of dwelling units existing in the subdistrict at the time of enactment of this Overlay Zone, and by encouraging mixed-use buildings along the street frontages. The space and bulk regulations of the RN-3 zone continue to apply within the Campus Edge subdistrict.

8.7.4 Permitted uses

In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, the following uses are permitted in the Waynflete School Overlay Zone:

A. **School uses.** Elementary, middle and secondary school uses including, but not limited to, the following:

1. Classrooms.
2. Laboratory facilities.
3. Dining halls.
4. Auditoriums.
5. Concert and lecture halls.
6. Gymnasiums.
7. Libraries.
8. Outdoor use areas, such as "quads", greens, parks, gardens, art installations, and other active and passive recreation spaces.
9. Parking lots and structures.
10. Community meeting spaces.
11. Administrative and faculty offices.
12. Transportation facilities.
13. Maintenance facilities.
14. Utility buildings.
15. Student health services.
16. Bookstores.
17. Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school.

B. **Residential uses.** Faculty or staff housing, which shall be considered a residential use, and

not a school use, for all purposes under this overlay zone.

8.7.5 Prohibited uses

A. Boarding schools.

B. Dormitories.

8.7.6 Residential conversions prohibited

A. Conversions of existing residential buildings within the Waynflete School Overlay zone shall be prohibited.

B. The existing houses at 11 Fletcher Street, 3 Storer Street, 305 Danforth Street, and 299 Danforth Street shall not be relocated from their locations existing as of January 20, 2010. This provision shall not apply to garages.

C. At no time shall the number of dwelling units within the Waynflete School Overlay Zone be reduced below four (the number existing at the time of enactment of this Overlay Zone).

8.7.7 Dimensional requirements

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable dimensional requirements of the underlying zones, except as follows:

A. Minimum setbacks shall be the same as in the underlying zone, except that side and rear setbacks shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.

B. Minimum street frontage shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.

C. Maximum coverage by buildings shall be the same as in the underlying zone, except that in the Campus Core subdistrict the maximum coverage by buildings shall be 40% and all the land within the Campus Core subdistrict owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.

8.7.8 Parking

The amount of parking required for any change of use, new building, or building addition within the zone shall be determined during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide Transportation Demand Management Plan (TDM), and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. Any existing parking management or TDM plan approved as part of a previous approval shall remain in effect until revised or updated pursuant to this section. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the Planning Authority or the Planning Board may take into account such factors as:

A. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

B. Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.

C. Development and implementation of a parking management plan which discourages on-street parking.

D. Development and implementation of a TDM plan subject to the review and approval of the Planning Authority or the Planning Board. The TDM plan shall employee elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters, alternative transportation information sharing, and other such strategies that reduce single occupancy vehicle trips to and from Waynflete school. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland *Technical Manual*.

8.7.9 Loading

The amount of loading area required for any building within the Waynflete School Overlay Zone shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay zone, the Planning Board may take into account such factors as:

A. The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in central facilities, provided no single location is overburdened with loading facilities.

B. Shared use of a single loading facility by two or more buildings.

C. Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

8.7.10 Signage

Signs shall comply with the requirements of Article 19.

8.7.11 Restrictions

Notwithstanding the conditional use provisions for institutional uses within the RN-3 or RN-5 zones, Waynflete School cannot locate a school use listed in Subsection 8.7.4 on any lot in the RN-3 or RN-5 zones outside the boundaries of the Waynflete School Overlay Zone that was occupied by a residential use or structure on or after January 20, 2010. This restriction does not prevent Waynflete School from seeking a conditional use permit for a school use, where otherwise allowed by the zoning regulations, on lots outside the Waynflete School Overlay Zone that were not occupied by a residential use or structure on or after January 20, 2010.



9 FORM-BASED ZONES

9.1 INDIA STREET FORM-BASED ZONE

9.1.1 Purpose

The India Street Form-Based Code is different than traditional zoning, placing the primary emphasis on a building's physical form and its relationship to the street, and de-emphasizing land use. The intent of the India Street Form-Based Code Zone is to establish a zone that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas. The goal of the India Street Form-Based Code is the creation and preservation of an active and human-scale public realm and the reinforcement of existing neighborhood character through good streetscape design. The components of the form-based code include the guiding principles, Regulating Plan, subdistricts, general development standards, dimensional requirements, building design standards, diagrams, and definitions.

9.1.2 General guiding principles

The general guiding principles set forth here shall be applicable to all subdistricts within the India Street Form-Based Code Zone:

A. The street is a coherent space, with consistent building and streetscape character on both sides of the street. This agreement of buildings and streetscape across the street contributes to a clear public space and district identity.

B. The street wall is visually well defined. Land should be clearly public or private. Buildings contribute to the vital and safe public space while providing a clear boundary to the private, protected realm.

C. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality. Inactive edges, vehicle storage, garbage, and mechanical equipment should be kept away from the street. Shared infrastructure, to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.

D. Buildings are designed for the urban environment. Buildings must be designed for the urban situation within the subdistrict which often includes mixed-uses. Buildings are positioned near the street and facades are oriented to the street.

E. Respect historic character. If a property is within the India Street Historic District, Article 16 is applicable. New construction, building additions, or alterations in the India Street Historic District shall reflect and complement the character-defining features and elements of the existing historic development to which it is visually related.

9.1.3 Applicability

A. The requirements set forth in this Section 9.1 shall apply to all new development, primary and accessory structures, including building additions within the India Street Form-Based Code Zone as designated on the India Street Regulating Plan.

B. A waiver of the requirements listed below may be granted if it can be demonstrated to the satisfaction of the

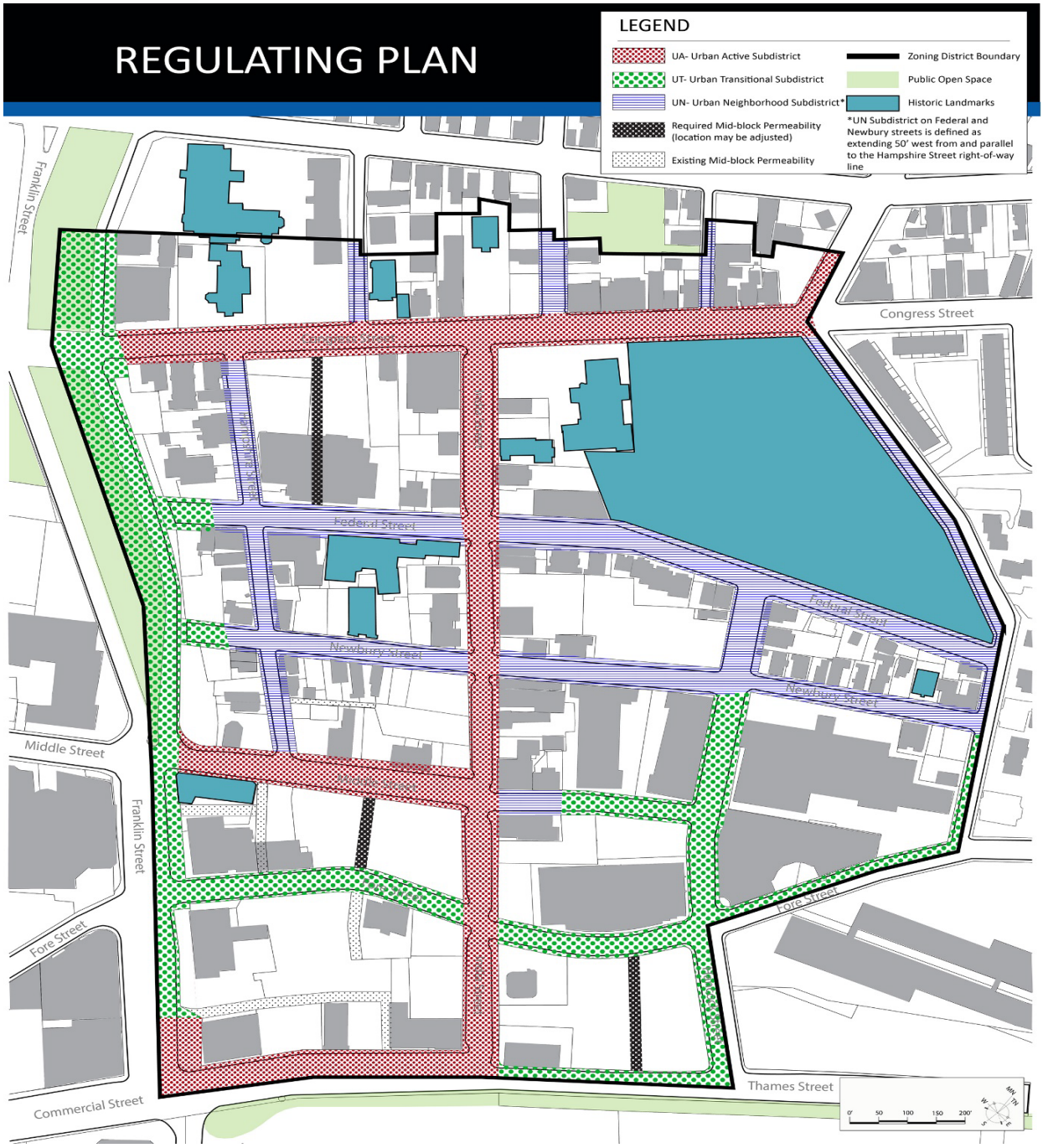


FIGURE 9-A: IS-FBC REGULATING PLAN

Planning Authority that the requirements in Subsection 9.1.3(C) below have been met:

1. Building orientation.
2. Blank façade length (max.).
3. Fenestration, ground floor facade area.
4. Building entry frequency, orientation, or elevation.
5. Garage door setback or width.
6. Additional building length – ground floor partition or module requirements.

C. A waiver request must meet the following requirements:

1. The intent of the IS-FBC Zone as stated in Subsections 9.1.1 and 9.1.8.
2. Be the least adjustment necessary to satisfy the practical, programmatic, or functional needs of the proposed development.
3. At least one of the following applies:
   - **a.** The proposed zoning alternative better achieves the zone and subdistrict intent.
   - **b.** The zone or subdistrict intent will not be met by applying the requirement in this particular circumstance.
   - **c.** There is a legal or practical necessity or unique conditions.
   - **d.** Unique site factors make the zoning requirement impractical or cost prohibitive.

9.1.4 Establishment of subdistricts

The India Street Form-Based Code Zone as shown on the Regulating Plan is divided into three subdistricts:

A. Urban Neighborhood (UN) Subdistrict.

B. Urban Transitional (UT) Subdistrict.

C. Urban Active (UA) Subdistrict.

9.1.5 Regulating Plan

The Regulating Plan shows the location of the zone boundary and subdistricts subject to regulation by the IS-FBC Zone.

9.1.6 General development standards

A. Prohibited uses

1. Correctional pre-release facilities.
2. Funeral homes.
3. Drive-through facilities.
4. High-impact industrial uses.
5. Auto service stations.
6. Truck terminals.
7. Recycling and solid waste disposal services.
8. Storage and parking facilities for Class 1 flammable and combustible liquids (having an aggregate total of more than 100 gallons) but excluding storage that is part of a motorized vehicle or pleasure craft facility.

B. Performance standards. All uses permitted within this Article 9 shall conform to the mixed-use and B-2/B-2b zone performance standards established in Section 6.8. Where no zone is specified, the performance standard applies.

C. Siting standards

1. *Mid-block permeability*
   - **a.** On lots with frontage on two streets roughly parallel to Commercial/Thames Street, for each and every 200 feet in street line length of lot, a full break between structures of at least 20 feet in width shall be provided roughly perpendicular to Commercial/Thames Street and within the middle third of the applicable street frontage. (See Figure 9-F.)

b. Is encouraged in any location that connects existing public or private alleys, passages, or streets.

c. Any development providing mid-block permeability with public access in the form of a continuous path of travel with a minimum clear width of 10 feet between two streets is eligible for one additional story of up to 12 feet in height under the provisions of Subsection 9.1.6(D). Public access shall be defined through a legal agreement such as an easement or license.

d. For locations where mid-block permeability is required, refer to the Regulating Plan.

2. *Frontage requirements*

a. Minimum street frontage: 30 feet

b. Building length measurement shall not include porches, decks, or balconies that are appended to the principal structure.

c. In the case of a corner lot or lot bounded by at least three streets, maximum building lengths may not be exceeded in order to meet front yard setbacks.

d. Additional building length is allowed beyond the maximum building length under the following circumstances and according to Table 9-A:

i. Attached buildings: An unlimited number of attached buildings having up to 30 feet of street-facing building length is allowed. A party wall condition is required at least every 30 feet and for the entire height of each building. (See Table 9-A Additional Building Length – Attached Buildings.)

ii. Ground floor partitions: Additional building length is permitted with the provision of ground floor partitions where the following conditions are met. (See Table 9-A Additional Building Length – Ground Floor Partitions.):

a) Partitions must extend from the facade at least 2/3rds of the building depth.

b) Partitions must be architecturally expressed on the building exterior.

c) Each module created by partition must have at least one functional, street-facing entry.

TABLE 9-A: ADDITIONAL BUILDING LENGTH

Subdistrict	Attached Buildings	Ground Floor Partitions	Massing Variation	Structured Parking Exception
UN	Unlimited run	Not allowed	Not allowed	Not allowed
UT	Unlimited run	200 ft. max. length; 2 modules	200 ft. max. length	200 ft. max. length
UA	Unlimited run	150 ft. max. length; 3 modules	Not allowed	150 ft. max. length

d) Modules created by partition shall be sized to have reasonable function and proportion in relation to overall building length.

e) In the UA subdistrict, number of modules are required based on building length. In a building with a length greater than 50 feet but less than 100 feet, at least two modules are required. In a building with a length greater than 100 feet but less than or equal to 150 feet, at least three modules are required.

f) Massing Variation: Additional building length is permitted where at least 30% and up to 40% of the total façade building length is set back at least 20 feet. (See Table 9-A Additional Building Length – Massing Variation.)

g) Structured Parking Exception: Additional building length for one facade without partition walls is allowed for the use of ground-level structured parking.

TABLE 9-B: WALL/FENCE DIMENSIONAL REQUIREMENTS

Location	Height	Visual Permeability
Within front yard	6 ft. max.	Required above 2 ft. from sidewalk grade
Side or rear yard	8 ft. max.	n/a

3. *Setbacks*

a. Lots with a street frontage of less than 35 feet are exempt from providing side yards but only where required yard is perpendicular to the frontage that is less than 35 feet.

b. Where new construction or building additions create a side yard of less than five feet, a maintenance easement is required where a combination of the side yard and easement must be at least five feet. Party wall conditions are exempt from providing a maintenance easement. Corner lots may only apply the side yard reduction to one required side yard.

c. Building facades within 10 feet of a corner are exempt from setback requirements in order to allow special corner architectural treatments.

d. Subdivision developments consisting of horizontally attached buildings on individual lots are not required to have side yards between buildings where a party wall condition will exist, but shall be required to meet the applicable side setbacks at the external and internal subdivision lot boundaries between buildings that are not attached to each other.

4. *Landscaping and screening*

a. Surface parking areas shall be screened from view from sidewalks, public rights-of-way, and public open spaces using landscaping, walls, fencing, or a combination thereof.

TABLE 9-C: HEIGHT BONUSES

Subdistrict	Pre-Bonus Height (max.)	Mid-Block Permeability[1]	Green Roof	Height With Bonus (max.)	Bonus Floor Stepback[2] (min.)
UN	45 ft. and 4 stories	n/a	n/a	57 ft. up to 5 stories	15 ft.
UT	65 ft. and 6 stories	1 story up to 12 ft.	1 story up to 12 ft.	77 ft. up to 7 stories	15 ft.
UA (Congress Street and Commercial Street only)	50 ft. and 4 stories	1 story up to 12 ft.	1 story up to 12 ft.	62 ft. up to 5 stories	15 ft.

[1] Must be publicly accessible in the form of a continuous path with a minimum clear width of 10 feet.
[2] Measured from the ground floor building edge facing any public right-of-way.

b. Walls and fences shall meet the dimensional requirements in Table 9-B.

5. *Building additions*

Building additions are exempt from story minimums or maximums in order to match existing building in number of stories. All other subdistrict height standards shall apply including height minimum and maximums in feet.

D. Height standards

1. *Height bonus applicability*

a. If a frontage faces a UT street, UN street, or allowed UA street according to Table 9-C, then the portion of the building facing that street is eligible for a height bonus. For lots with multiple frontages where a frontage faces an ineligible street, bonus story must be stepped back at least 35 feet from ineligible street line. (See Subsection 9.1.8(D).)

b. Only one height bonus may be applied per structure.

2. Affordable housing projects shall be subject to the affordable housing bonus provisions of Subsection 17.2.2.

3. One additional story of up to 12 feet in height is allowed for any development providing a green roof, where:

i. At least 50% of the cumulative lot area is pervious.

ii. At least 50% of the cumulative roof area is a green roof. Green roof area may be applied towards the 50% lot area requirement. Maintenance shall be assured by a maintenance plan and maintenance agreement approved by the Planning Authority.

E. Parking standards

1. Parking shall be provided as per Article 18.

2. In the case of a building addition, non-conforming existing surface parking may remain. In the case of new construction, surface parking must be brought into conformance with IS-FBC standards.

9.1.7 Subdistrict dimensional requirements

A. Urban Neighborhood (UN) subdistrict

The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

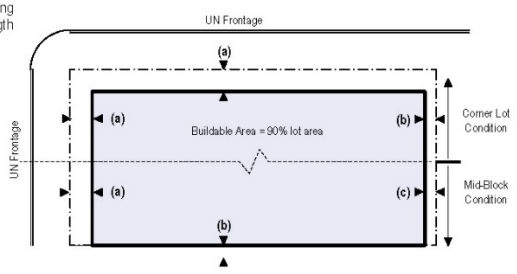
SITING STANDARDS	
Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length - Principal facade	50' max.
Building Length - Secondary fac.	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	not allowed
Massing Variation	not allowed
Structured Parking Exception	not allowed
SETBACKS	
Principal Building	
(a) Front Yard	5' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard*	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 35'
Principal Entries	
Orientation	any orientation allowed
Elevated Stoop (> 1 step)	allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	25', at least 2 stories
Building Height Max.	45', up to 4 stories
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' min. setback from street
Within Side Yard	20' max in width per lot; may not exceed 50% of frontage length
Garage at frontage (attached or detached)	
Garage Door Setback (min)	5'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit
Notes and Exceptions	

* Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)

UN

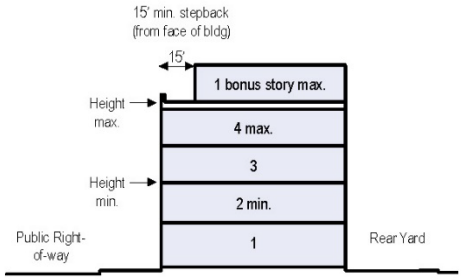
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



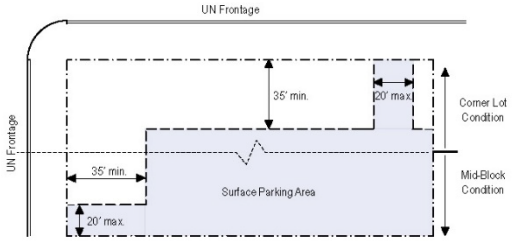
HEIGHT STANDARDS

1. Height shall be measured as specified in Article 7.
2. Number of stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area shown.



B. Urban Transitional (UT) subdistrict

The intent of this subdistrict is to encourage higher density, mixed-use building types that accommodate any use. Building frontages are a mix of activity level, have larger footprints, and the most flexibility of height and scale. Building ground floor spaces tend to accommodate flexible and changing uses with frontage types including doorways, forecourts, arcades, and storefronts. The streetscape may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks and stepbacks providing relief from large building masses.

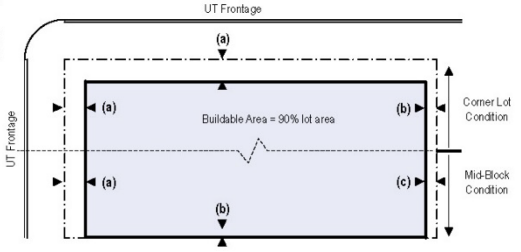
UT

SITING STANDARDS	
Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length	100' max.
BLANK FACADE length (max)	30'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	200' max., 2 modules
Massing Variation	200' max.
Structured Parking Exception	200' max.
SETBACKS	
Principal Building	
(a) Front Yard	10' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard*	10' min. - May be reduced provided that the cumulative side yards are not less than 20'
(c) Rear Yard	10' min.
(d) STEPBACK (adjacent to UN)	10' min. stepback after 45' height
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 95'
Principal Entries	
Orientation	any allowed
Elevated Stoop (>1 step)	allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	3 stories
Building Height Max.	65', up to 6 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' min. setback from street
Garage at frontage (attached or detached)	
Garage Door Setback (min)	10'
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit
Notes and Exceptions	

* Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)

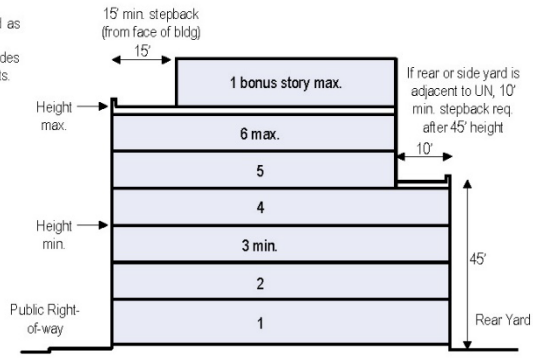
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Structures shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



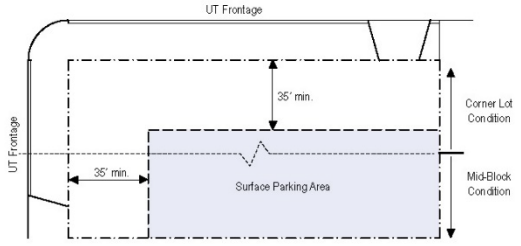
HEIGHT STANDARDS

1. Height shall be measured as specified in Article 7.
2. Number of stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area as shown.



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C. Urban Active (UA) subdistrict

The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.

UA

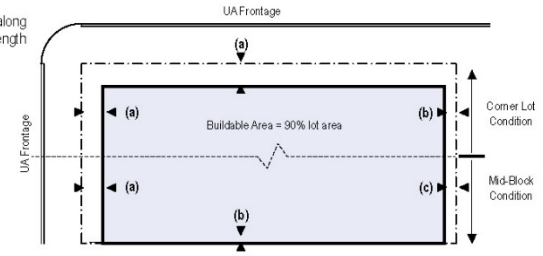
SITING STANDARDS	
Orientation - Principal Frontage	face a UA street
Lot Coverage	90% max
FRONTAGE REQUIREMENTS	
Building Length	50' max.
BLANK FACADE length (max)	15'
Additional Building Length	(see also Table 9-A)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	150' max., up to 3 modules
Massing Variation	not allowed
Structured Parking Exception	150' max.
Fenestration, ground floor	60-90% (see BDS) facade area
SETBACKS	
Principal Building	
(a) Front Yard*	5' max.
Setback Applicability (see Figure 9-G)	75% of total building length must meet front yard setback
(b) Side Yard**	5' min. - May be reduced provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building Front Yard	5' min.
Side Yard	5' min.
Rear Yard	5' min.
BUILDING ENTRIES (SEE ALSO BDS)	
Frequency at frontage	at least 40'
Principal Entries	
Orientation	at least 1 facing UA street or corner
Elevated Stoop (>1 step)	not allowed
HEIGHT STANDARDS	
Principal Building	
Building Height Min.	3 stories
Building Height Max.	50', up to 4 stories
Accessory Building	
Building Height Max.	25'
PARKING STANDARDS	
Surface Parking Location	35' from street
Garage at frontage (attached or detached)	
Garage Door Setback	20' min. from street
Garage Door Opening (max)	n/a
Notes and Exceptions	

* Up to 10'0" max. front yard setback is allowed if ground plane at frontage is a continuation of the accessible public right-of-way

** Reduced side yards and zero lot lines are allowed under certain conditions (see Subsection 9.1.7(B)(3) Setbacks)

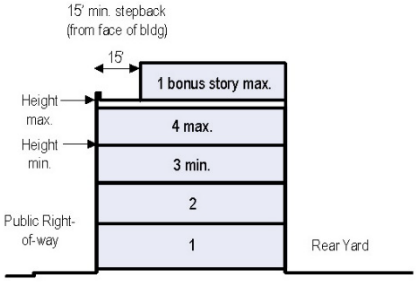
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



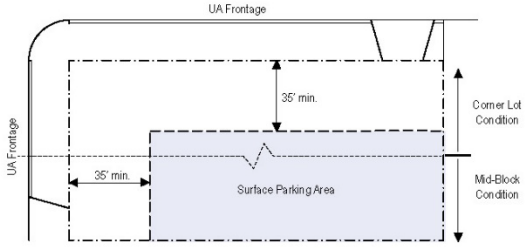
HEIGHT STANDARDS

1. Height shall be measured as specified in Article 7.
2. Number of stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the shaded area as shown.



D. Corner conditions

For corner lots where two subdistricts intersect at a street corner, the dimensional requirements and building design standards of the "dominant" subdistrict shall apply 35 feet deep into the lot measured from the dominant lot line along its associated street frontage or public ways including required mid-block permeability. Otherwise, dimensional requirements shall be according to the subdistrict onto which the building façade faces.

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard (1st Lot Layer)	according to subdistrict
(b) Side Yard	according to subdistrict

Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UT INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

UN INTERSECTS UN

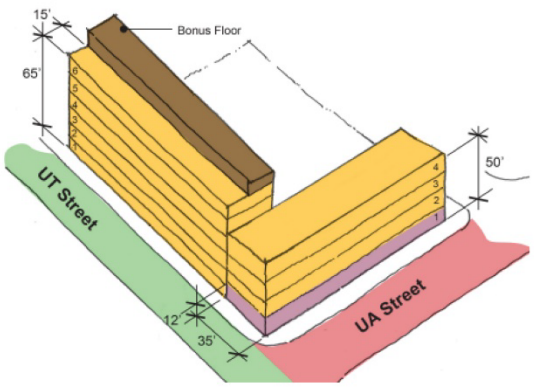
Building Length maximums:	
Principal Frontage	30' max.
Secondary Frontage	50' max.

Notes and Exceptions

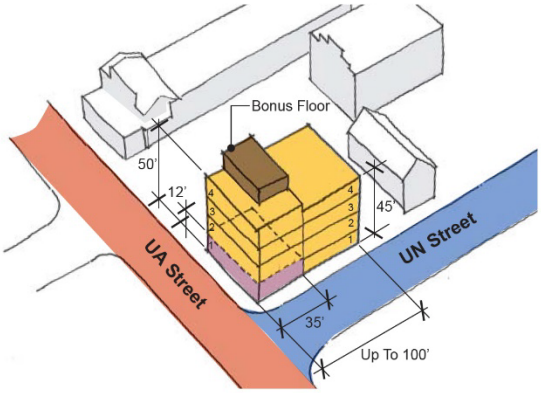
* Does not have to correspond to legal building address

CORNER

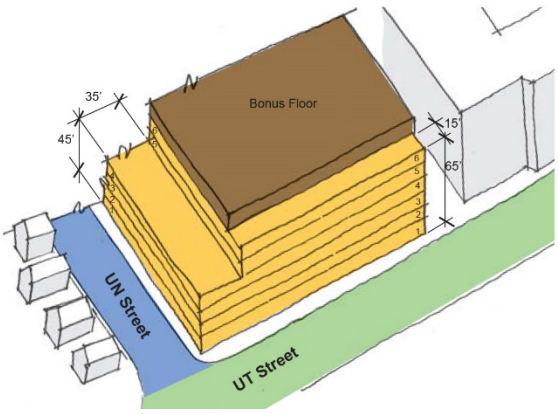
UA INTERSECTS UT
(example only)



UA INTERSECTS UN
(example only)



UT INTERSECTS UN
(example only)



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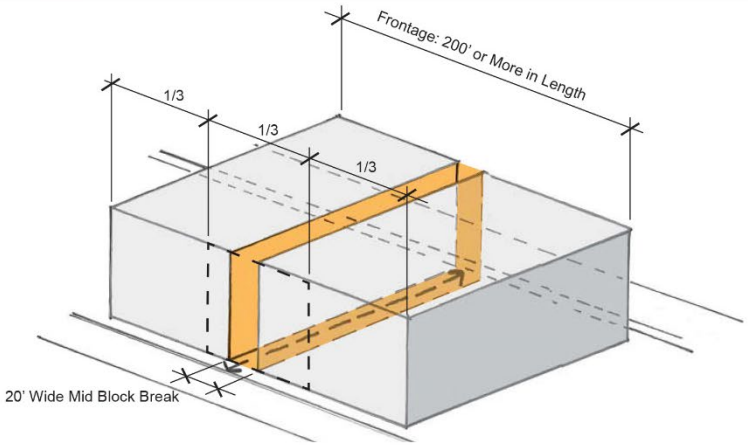
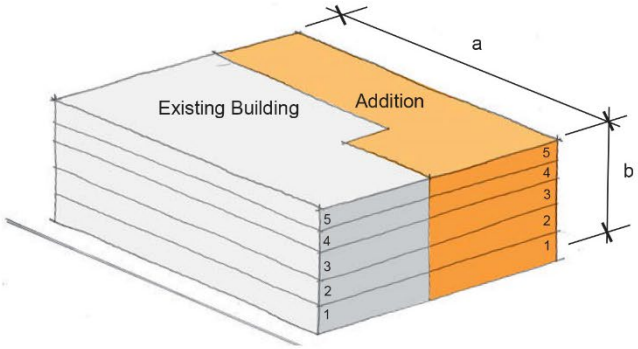
MID-BLOCK PERMEABILITY



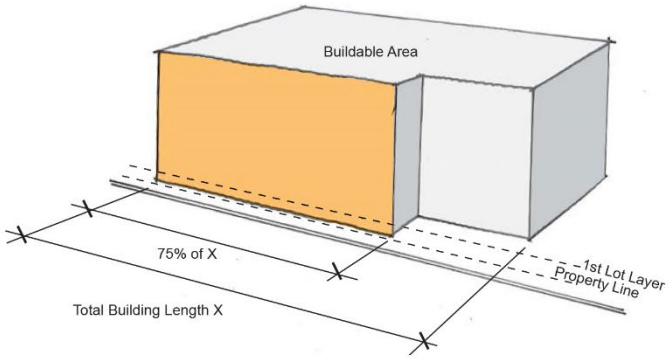
ADDITION



a - Addition length may match but not exceed the length of existing building to which it is an addition. All other Subdistrict Dimensional Requirements apply.

b - Addition height may match existing building in number and height of stories. All other Subdistrict Height Standards apply.

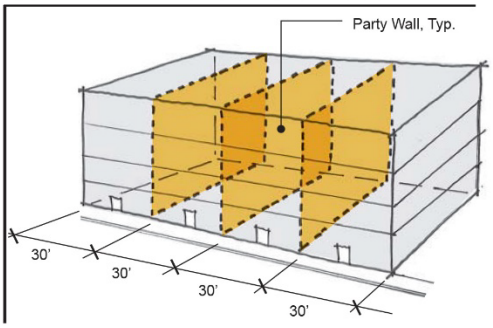
BUILDING LENGTH - 1st LOT LAYER



At least 75% of the total building length must be within the 1st LOT LAYER.

FIGURE 9-F: DIMENSIONAL REQUIREMENTS ILLUSTRATED

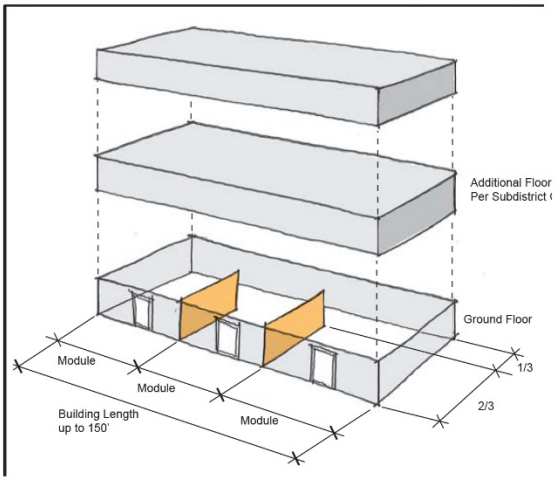
ADDITIONAL BUILDING LENGTH - ATTACHED BUILDINGS



An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed.

A PARTY WALL condition is required at least every 30' and for the entire height of each building.

ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UA)

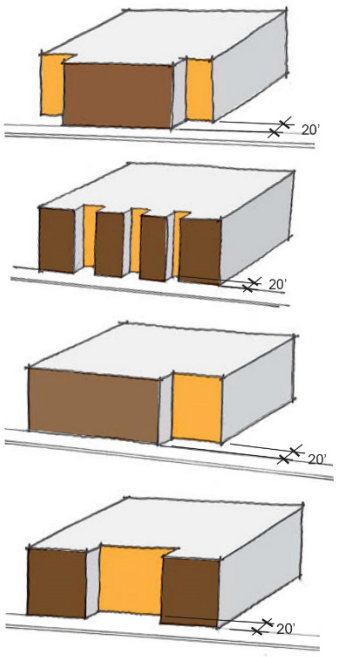


Additional Building Length is permitted up to 150' with the provision of a least two Ground Floor Partitions

See General Development Standards and BDS for additional requirements.

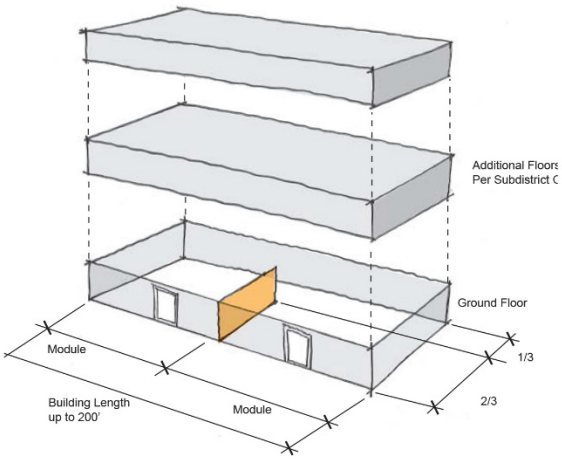
ADDITIONAL BUILDING LENGTH - MASSING VARIATION (UT)





Additional building length is permitted where at least 30% and up to 40% of the total building length is setback to the 3rd LOT LAYER (20').

ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UT)



Additional Building Length is permitted up to 200' with the provision of at least one Ground Floor Partition.

See General Development Standards and the BDS for additional requirements.

FIGURE 9-F (CONT.): DIMENSIONAL REQUIREMENTS ILLUSTRATED



10 WATERFRONT ZONES

10.1 IN GENERAL

Portland's waterfront zones were developed to support a wide range of industries unique to the city's maritime environment that rely upon access to the working waterfront. Competing demands for limited access require a more exhaustive use list, specialized performance standards, and a unique set of dimensional restrictions that are unlike those of other zones. Given this high degree of specialization, Article 10 should generally be viewed in isolation from other articles within the Land Use Code, with the exception of waterfront-specific definitions, listed within Article 3. Uses listed within this Article may typically be considered part of a larger generic use category as defined within Article 3. These specific uses are listed only for the purposes of this Article, and do not indicate whether such uses are permitted or conditional in any other zone. In the case of any overlap or conflict with uses defined elsewhere within this Code, the use as referenced within this article shall control within the waterfront zones.

10.2 EASTERN WATERFRONT PORT ZONE (EWPZ)

10.2.1 Purpose

A. The Eastern Waterfront Port Zone is created to support deepwater-dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

B. The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

C. The primary use of the deep-water resources shall be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

D. Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater-dependent uses to complement the marine passenger industry and to support the maintenance and repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:



1. The first priority of this zone is to protect and support existing and potential deepwater-dependent uses (those uses requiring a minimum of 15 feet of water depth).
2. The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

10.2.2 No adverse impact on marine uses

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water-dependent component of a development will have an impermissible adverse impact if it will result in any one or more of the following:

A. The proposed use will displace an existing water-dependent use.

B. The proposed use will reduce existing commercial vessel berthing space.

C. The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

D. The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.2.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.2.2, the following uses are permitted in the Eastern Waterfront Port Zone:

A. Marine passenger

1. Intermodal marine passenger facilities.
2. Cruise ship home port and port-of-call berthing and support.
3. International and domestic ferries.

B. Marine commercial

1. Transient and long-term commercial berthing.
2. Marine-related warehousing.
3. Marine-related construction, manufacturing, fabrication, salvage, and repair.
4. Storage and repair of fishing equipment.
5. Ship and other marine vessel construction, building, servicing, and repair.
6. Boat and marine equipment storage.
7. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis.
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries.
10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.
12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, naval architects, seafood brokers, and marina guest amenities.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.
2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
   a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
   b. No temporary event may continue for more than 14 days of continuous operation.
   c. Any temporary event that anticipates more than 5,000 people in attendance on any single day shall provide and be subject to a parking management plan. The parking management plan shall be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.
3. Festivals subject to City license.
4. Street vendors licensed pursuant to Chapter 19 of the City of Portland Code of Ordinances.

D. Public

1. Fire, police, and emergency services.
2. Governmental agency emergency operations/crisis centers.
3. Research, military and visiting attraction vessel berthing.
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

E. Other

1. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

10.2.4 Conditional uses

A. The uses identified in Section 10.2.4(C) below shall be allowed as conditional uses in the Eastern Waterfront Port Zone, subject to the standards of Section 6.5 of this Code, with the following exceptions:

1. Notwithstanding Subsection 6.5.1, or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority.
2. In addition to the provisions of Subsection 6.5.2, such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water,

are compatible with marine uses, and meet all additional standards set forth below.

B. Conditional use standards

1. *Marine compatibility.* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by Subsection 10.2.8(M) and (N).

2. *Parking and traffic circulation.* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the Planning Board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways, and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

C. Conditional uses

1. *Marine*

a. Marine products, wholesaling, and retailing.

b. Ice-making services.

c. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight.

d. Marine educational facilities.

e. Seafood retailing, wholesaling, packaging, and shipping.

f. Seafood processing for human consumption, subject to the performance standards applicable to the I-L zone as listed in Section 6.8.

g. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater-dependent vessels accessing existing or potential deepwater berthing.

h. Fish byproducts processing, provided that:

i. Any fish byproducts processing facility has a valid rendering facility license under Chapter 12 of the Portland City Code of Ordinances.

ii. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone in Subsection 6.8.7.

iii. The processing other material wastes or byproducts shall not be deemed a lawful accessory use permitted herein.

2. *Commercial*

a. Structured parking available to the general public.

b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006.

c. Passenger support services supporting a marine passenger use listed under Subsection 10.2.3(A). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principal associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:

i. Retail.
ii. Restaurants/food service other than street vendors.
iii. Retail service.
iv. Passenger information services.

d. A restaurant or food service establishment associated with a marine office supporting a marina use listed under 10.2.3(B)11 under the following conditions:

i. The restaurant or food service establishment shall be accessible to the public during businesses hours.

ii. The restaurant or food service establishment shall not operate between the hours of 11 p.m. and 6 a.m.

iii. Any structures associated with a restaurant or food service establishment use shall be setback a minimum of two feet from the Eastern Promenade Trail.

iv. Exterior portions of a restaurant or food service establishment shall be generally open to the sky except that they may have trees, lights, lighting stanchions, pergoals and temporary sun control devices such as umbrellas and shade sails.

v. Exterior portions of a restaurant or food service establishment shall be designed to allow passersby to see into the space from the Eastern Promenade Trail.

vi. Activities associated with a restaurant or food service establishment including but not limited to access, circulation, dumpsters, exterior storage or loading, deliveries, signage, and other structures shall not adversely interfere or impede areas accessible to the public or public ways including the Eastern Promenade Trail.

3. *Industrial.* The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in Section 6.8 in addition to the performance standards of Subsection 10.2.8. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

a. Non-marine-related warehousing in structures existing as of September 18, 2006.

b. Facilities for combined marine and general construction.

c. Industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

4. *Public*

a. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:

i. The facility is located more than 100 feet from the water's edge.

ii. The facility occupies no more than 50 square feet of structure above ground.

iii. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine-related uses, including but not limited to parking, travel ways, and/or storage.

iv. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

b. Maritime museums, limited to 5,000 square feet of ground floor footprint.

5. *Parking for non-marine uses.* On-site parking for non-marine commercial and industrial uses is allowed as a conditional use subject to the following:

a. Notwithstanding Article 18 and Article 13 of this Land Use Code, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by Subsections 10.2.3 and 10.2.4 which are or may be located on the subject property. (See editor's note below.) The remainder of parking required, if any, for such non-marine uses shall be provided off-site.

b. For the purposes of this section, vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property, or on a comparable property.

D. The following uses shall be permitted only upon the issuance of a conditional use permit subject to the provisions of Section 6.5, and any special provisions, standards, or requirements specified below:

1. Wind energy systems.

2. Solar energy systems.

10.2.5 Prohibited uses

Uses, whether floating or fixed to land, that are not enumerated in Subsections 10.2.3 or 10.2.4 as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

A. Residential uses.
B. Amusement/theme parks.
C. Bulk freight facilities.
D. On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

10.2.6 Contract or conditional rezoning

In addition to those marine and non-marine uses authorized in Subsections 10.2.3 and 10.2.4, an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of Subsection 10.2.2, the performance standards of Subsection 10.2.8, the applicable standards of contract/conditional rezoning contained in Section 5.3, and conforms to the following requirements:

A. Standards for contract or conditional rezoning:
  1. All non-marine uses shall be those permitted or conditionally permitted in the B-5 zone, and not specifically prohibited in Subsection 10.2.5 above. Any hotel, inn, or other similar transient lodging establishment proposed shall be located landward of the spring tide line and westerly of the extension of the India Street right-of-way.
  2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least 50% of one or more marine uses set forth in Subsections 10.2.3 and 10.2.4. Circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the required 50%.
  3. The development is consistent with the Comprehensive Plan, and without the non-marine use component proposed, the site could not otherwise support an economically viable water-dependent use.
  4. The project's public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.
  5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns.
  6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in Subsections 10.2.3 and 10.2.4 and that said use is not abandoned after the project is developed.

B. Notwithstanding the off-street parking standards of Article 13, all on-site parking constructed or used for non-marine uses allowed only by contract or conditional

rezoning shall be subject to the conditional use provisions Subsection 10.2.4(C)(5). Additionally, the total amount of parking shall be established by the City Council in the conditional or contract rezoning agreement after consideration of the Planning Board's recommendation.

10.2.7 Dimensional requirements.

In addition to the generally applicable provisions of Article 7 of this Land Use Code, lots in the EWPZ shall be subject to the following requirements:

A. Minimum lot size: None

B. Minimum frontage: None

C. Minimum yard dimensions:

1. *Front setback:* None
2. *Side setback:* None
3. *Rear setback:* None
4. *Setback from pier line:* Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3(B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, outdoor seating associated with a restaurant or food service establishment, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for non water-dependent uses, or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

D. Maximum impervious surface: 100%

E. Maximum building height: 45 feet, except as follows:

1. For purposes of this subsection only, moveable elements such as cranes and gantries, connection devices such as conveyors or bridges, and floating vessels shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to air traffic.
2. Rooftop appurtenances may exceed the maximum height limit of 45 feet providing that their design and placement is either fully screened or integrated into the architecture of the structure on which they sit.
3. The applicant shall provide a determination from the Federal Aviation Administration that structures and equipment in excess of 45 feet will not exceed the applicable height guidelines for the runway approach and will not create a conclusive evidence that the proposed development will not create a hazard.

10.2.8 Performance standards

Development in the Eastern Waterfront Port Zone shall comply with the following standards:

A. Outdoor storage of materials. Outdoor storage of commodities and materials accessory to normal conduct of business shall be entirely contained, including runoff

contaminants and residual material, within a designated area.

B. Noise

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the EWPZ between the hours of 7:00 p.m. and 7:00 a.m. from facilities or operations commenced on or after July 1, 1988, shall not exceed 55 decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices, and maritime navigation signals.

2. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).

3. In addition to the sound level standards otherwise established, facilities or operations established or built in the EWPZ on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one second.

C. Vibration. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

D. Federal and state environmental regulations. All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this code are more stringent.

E. Discharges into harbor areas. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and

state environmental statutes and regXulations regarding wastewater discharges.

F. **Storage of vehicles.** Storage of any unregistered automotive vehicle on the premises for more than 10 days shall not be permitted.

G. **Landfill of docking and berthing areas.** Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 471-478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

H. **Off-street parking and loading.** Off-street parking and loading within the waterfront zoning districts shall be exempt from the standards of Article 18.

I. **Shoreland and Floodplain Management regulations.** Any lot or a portion of a lot located in a Shoreland Zone as identified on the City zoning map or in a flood hazard area shall be subject to the requirements of Articles 11 and 12.

J. **Lighting.** All lighting on the site shall be shielded such that direct light sources shall not interfere with vessels transiting the harbor, nor have an unreasonable adverse impact on adjacent residential zones, and shall be compliant with the site lighting standards of the City of Portland *Technical Manual*.

K. **Signs.** Signs shall be permitted as set forth in Article 19.

L. **Storage of pollutants and oily wastes.** On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

M. **Compatibility of non-marine uses with marine uses.** Non-marine uses, structures, and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage, and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

N. **Functional utility of piers and access to the water's edge.** All development, whether for marine or non-marine uses, shall anticipate current and future needs of water-dependent uses to functionally access the water's edge for the transfer of goods, materials, and passengers between berthed vessels and land bound vehicles. Provisions for the storage and movement of goods, materials, and passengers shall be designed into all waterside development and internal circulation routes shall be maintained or otherwise provided as an element of any development.

10.3 WATERFRONT CENTRAL ZONE (WCZ)

10.3.1 Purpose

A. The Waterfront Central Zone was created to protect and support water-dependent and marine-related uses to ensure their present and future viability as key features of Portland's waterfront. The Waterfront Central Zone recognizes the following hierarchy of uses:

1. The first priority of this zone is to protect and support existing and potential



water-dependent uses in a setting that ensures their continued economic viability.

2. The second priority is to encourage other marine and marine-related support uses provided they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of marine infrastructure.

B. Water-dependent and marine-related support uses include unique activities and operational needs not shared by other commercial and industrial uses in the city. The first and second priority uses established in the WCZ may result in noise, odor, dust, hours of operation, parking and traffic patterns, and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other specified uses are permitted in the Waterfront Central Zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses shall be, and are assumed to be, aware of the impacts associated with marine uses and therefore shall accept and be tolerant of them. Other specified uses in the zone shall accommodate the needs of higher priority uses as established in this section, provided such higher priority uses are not detrimental to public health and safety, and are conducted in accordance with best practices customary in the trade.

C. Commercial Street is recognized as an important economic center for the city and region. Marine-compatible uses are encouraged to locate and grow along Commercial Street, while higher priority water-dependent and marine uses are protected on the waterfront.

10.3.2 Commercial Street Subdistrict

A. Purpose. The Commercial Street Subdistrict (CSSD) is a portion of the Waterfront Central Zone where new and existing development may be occupied with 100% non-marine uses, as listed within Subsection 10.3.3(B).

B. Geographic limits. The geographic limits of the CSSD are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established 125 feet south of the southerly sideline of Commercial Street and modified as follows:

1. The seaward limit of the CSSD extends to a line 300 feet south of the southerly sideline of Commercial Street in the area between the easterly and westerly sideline of Long Wharf. Additionally, all areas subject to this provision are set back landward at least 25 feet from the average high tide line of Portland Harbor and associated coastal wetlands.
2. Where the 125 foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leaves 75% or more of the building within the CSSD, the entire building shall be considered included in the CSSD. All offset distances are measured horizontally.

C. Demonstration of location. All applicants for development within the CSSD are responsible for demonstrating their location within the CSSD according to the findings of a site specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSSD shall be shown on all site plans and subdivision plats for proposed development within the CSSD.

10.3.3 Permitted uses

The following uses are permitted within the Waterfront Central Zone.

A. Marine

1. Marine products wholesaling, distribution and retailing.
2. Marine repair services and machine shops.
3. Tugboat, fireboat, pilot boat and similar services.
4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.
5. Marine industrial welding and fabricating.
6. Shipbuilding and facilities for construction, maintenance, and repair of vessels.
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing, and water taxis.
8. Cargo handling facilities, including docking, loading, and related storage.
9. Boat repair yards.
10. Boat storage facilities, excluding rack storage facilities (Boat rack storage facilities are included as a conditional use).
11. Seafood processing and retailing.
12. Seafood packing and packaging.
13. Seafood loading and seafood distribution.
14. Fabrication, storage, and repair of fishing equipment.
15. Ice-making services.
16. Facilities for marine construction and salvage.
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.
18. Fabrication of marine-related goods.
19. Fishing and commercial vessel berthing.
20. Non-commercial berthing of a maximum of 50 linear feet per pier. A non-commercial berth may not displace a commercial berth. Parking for any non-commercial berthing is subject to the provisions of Subsection 10.3.9(G).
21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers.
22. Public landings.
23. Marine research, education, and laboratory facilities.
24. Bait sales and processing.
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.
26. Commercial parking for water-dependent use business owners and employees.

B. Non-marine commercial and industrial uses.

1. Professional, business, government, and general offices, except for offices for health care practitioners or health clinics which are only permitted in the CSSD.



2. Cabinet and carpentry shops, studios for artists and crafts people.
3. Intermodal transportation facilities.
4. Cold storage facilities.
5. Commercial kitchens.
6. Outside accessory activities.

C. Public

1. Landscaped pedestrian parks, plazas, and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

D. Other

1. Interior accessory uses customarily incidental and subordinate to the location, function, and operation of permitted uses, such as food service establishments, newsstands, and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of the following principal uses:
   a. Marine products wholesaling, distribution and retailing.
   b. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing, and water taxis.
   c. Seafood processing and retailing.
   d. Public landings.
2. Individual accessory uses shall not exceed 1,000 square feet in floor area, and all accessory uses shall not exceed 2,000 square feet in floor area, or 25% of the total floor area of the building, whichever is less. Such accessory uses shall provide goods or services that are supportive of the principal use and its clientele.

E. Uses permitted only within the Commercial Street Subdistrict

1. Retail and service establishments, including craft and specialty shops.
2. Restaurants, provided that full meal service shall be the primary function of the restaurant, and full meal service shall be continued up until the hours of closing.
3. Banking services without drive-up facilities.
4. Museums and art galleries.
5. Street vendors licensed pursuant to Chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

10.3.4 Conditional uses

The uses identified in below shall be allowed as conditional uses in the Waterfront Central Zone, subject to the standards below, as well as applicable standards within Article 6 of this Code. Notwithstanding any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the review authority.

A. Commercial marine conditional uses

1. Fish by-products processing, provided that:
   a. Any fish by-products processing facility has a valid rendering facility license under Chapter 12 of the City of Portland Code of Ordinances.
   b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the

odor limitation performance standards of Section 6.8.7.

c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. Boat rack storage facilities, provided that:

a. No parking for the use is provided on-site.

b. Boat rack structures shall not exceed 10,000 square feet of building footprint.

B. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage, and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:

1. The facility is located more than 100 feet from the water's edge.

2. The facility occupies no more than 50 square feet of structure above ground.

3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage.

4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

C. Wind energy systems

10.3.5 Prohibited uses

Uses which are not enumerated in either Subsections 10.3.3 or 10.3.4 as permitted or conditional uses are prohibited. Uses enumerated in Subsection 10.3.3(E) shall be considered prohibited uses outside of the Commercial Street Subdistrict. Those uses that are prohibited shall include, without limitation:

A. Residential uses.

B. Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals, or boatels.

C. Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use.

D. Drinking establishments, private clubs, or non-profit social and recreational clubs.

E. Ground mounted telecommunication towers, antennas, and/or disks.

F. Drive-up services for any use other than a permitted marine use, not including boat rack storage facilities.

G. Auto service stations.

H. Laundry and dry-cleaning services.

I. Convenience stores with gas pumps.

J. Commercial parking for non-marine uses.

10.3.6 Dimensional requirements

In addition to the generally applicable provisions of Article 7 of this Land Use Code, lots in the Waterfront Central Zone shall be subject to the following requirements:

A. Minimum lot size: None

B. Minimum frontage along Commercial Street: 75 feet

C. Minimum yard dimensions:

1. *Front setback:* None

2. *Side setback:* None

3. *Rear setback:* None

4. *Setback from pier edge:* Notwithstanding the above requirements, a minimum first-floor setback of 10 feet from the edge of

any pier, wharf, or bulkhead shall be required for any structure, exclusive of structurally necessary posts supporting upper floors, and deck-mounted equipment for loading and unloading vessels. The edge of any pier, wharf, or bulkhead shall include any attached apron(s). Floats, rafts, and/or barges not structurally integral to the pier, wharf, or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

D. Maximum lot coverage: 100%

E. Maximum building height: 50 feet. Except as provided below, a structure in the Waterfront Central Zone shall provide no more than three habitable floors. Rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.

F. Minimum ground floor clearance: Any new building proposed to be larger than 300 square feet and located more than 35 feet from the southerly sideline of Commercial Street shall provide no less than 15 feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than 300 square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

G. Non-marine use building exception for habitable floors and minimum ground floor clearance: For newly constructed non-marine use buildings within the Commercial Street Subdistrict, four habitable floors are allowed, and ground floor clearance minimums shall not apply.

10.3.7 Development standards

A. Standards for non-marine uses located outside of the Commercial Street Subdistrict. Non-marine uses located outside of the CSSD shall be subject to the following:

1. *55% marine use required on ground floors.* At least 55% of the leasable ground floor area of all buildings on a lot shall be occupied by marine uses.

2. *55% marine use required for all open areas.* After subtracting areas used for common circulation drives, at least 55% of the remaining area of the lot not occupied by a building shall be occupied by marine uses, not including boat rack storage facilities.

3. *Ground floor vacancies and change of occupancy offered to water-dependent/marine uses.* Ground floor vacant space and areas proposed for a change of occupant outside of the CSSD shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.

a. On any lot or portion of a lot outside of the CSSD, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, shall be made available to new marine occupants. Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a 180-day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront

bulletins.) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the CSSD.) The property owner may stop advertising sooner than the end of the 180-day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.

b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the Planning Authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner shall indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.

c. Prior to changes of occupancy and/or as part of applications for new development outside of the CSSD, the property owner or applicant shall provide proof of compliance with the requirements of this section as a condition of approval.

4. *Pier or bulkhead edge reserved for marine uses.* Notwithstanding any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing, all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least 10 feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses. Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

B. Commercial Street Subdistrict standards. Non-marine uses in the CSSD shall be subject to the the following standards:

1. *Vessel access.* Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Subsection 10.3.9.

2. *Maximum setback for new development on lots with 75 or more feet of Commercial Street frontage.* Any new non-marine development constructed subject to this provision which is located on a lot with 75



or more feet of frontage along the Commercial Street right-of-way shall be located with its front façade no further than 35 from the southerly sideline of the Commercial Street right-of-way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street. Non-marine development subject to this provision on lots with fewer than 75 feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure*. All applicants for site plan review or a change of use permit for non-marine development in the CSSD are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed $250,000. The value of the investment shall be not less than 5% of total project costs over $250,000 for constructing non-marine space and associated site improvements in the CSSD. Required investment may occur by one or both of the following methods:

a. Direct investment in marine infrastructure located on the same lot: Investment shall be for the benefit of marine uses within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the Planning Authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the City's Waterfront Loan and Investment Fund.

10.3.8 No contract or conditional rezoning permitted

A. No contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

10.3.9 Performance standards

A. **Outdoor storage of materials.** Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of 45 feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

B. **Noise.** The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Waterfront Central Zone shall not exceed 75 decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).

C. **Vibration.** Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

D. **Discharges into harbor areas.** No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and state environmental statutes and regulations regarding wastewater discharges.

E. **Storage of vehicles.** Storage of any unregistered automotive vehicle on the premises for more than 60 days shall not be permitted.

F. **Landfill of docking and berthing areas.** Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

G. **Off-street parking and loading.** Off-street parking and loading within the waterfront zoning districts shall be exempt from the standards of Article 18.

H. Lighting. All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

I. Storage of pollutants and oily wastes. On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

J. Urban design. Construction of new structures located within 35 feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the City fish pier shall conform to the guidelines set forth in theCity of Portland Design Manual, unless such structures are also located within 100 feet of the water. Such structures that are also located within 100 feet of the water shall conform to the extent practicable to the City of Portland Design Manual.

K. Pier and wharf expansions. In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the Waterfront Central Zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

L. Public view protection

1. Any new development in the Waterfront Central Zone shall perform a public view impact analysis for review and approval by the Planning Board or Planning Authority as a condition of site plan approval. The analysis shall:
   - **a.** Demonstrate the project's adherence to the View Corridor Protection Plan within the City of Portland Design Manual to the extent practicable.
   - **b.** Promote the public's visual access to the water through sensitive building placement.
2. The Planning Board or Planning Authority shall find at a minimum that the proposed development:
   - **a.** Retains street corridor views as extended across Commercial Street from the Portland peninsula.
   - **b.** Retains panoramic views of the water from Commercial Street to the extent practicable.
   - **c.** Where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

M. Operations and access management plan

1. Any new development, including changes of use or expansion of uses in the Waterfront Central Zone, shall submit a scaled plan and accompanying narrative that demonstrates waterfront access and functional accommodation for water-dependent uses. The plan shall demonstrate consistency with the hierarchy of waterfront uses, as further detailed in Subsection 10.3.1, with non-marine and marine-related uses being subordinate in placement and disposition

to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

2. The plan shall, at a minimum, illustrate the following information:
   a. Location of all existing and proposed structures, rights-of-way, common circulation drives, access-ways, sidewalks, pier edges, floats, and docks, showing the entire lot in the context of its respective pier.
   b. Existing and proposed off-street parking, labeled with associated uses.
   c. Facilities for the loading and unloading of goods and materials.
   d. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating, and on-site waste management.
   e. Signage showing parking use, wayfinding, and posted operational restrictions.
   f. Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner.
3. The operations and access management plan shall be reviewed by the Planning Authority.
4. In addition to the information above, the plan shall demonstrate compliance with the following standards:
   a. Off-street parking is subject to the limitations described in Subsection 10.3.7 (A)("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
   b. Proposals for new non-marine parking, accessory to an otherwise permitted use in the WCZ, shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.
   c. Off-street parking, loading facilities, and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m. Any such shared parking arrangements shall be documented in the operations and access management narrative described above, and clearly signed on-site.
   d. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.



e. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.

f. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes shall be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

g. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

10.4 WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

10.4.1 Purpose

Transport of goods by water to and from Portland is an important component of both the local and regional economies. As such, the Port of Portland is integral to the City's economic, cultural and fiscal health. The Waterfront Port Development Zone (WPDZ) aims to support the ongoing success of the Port by regulating the development of land directly connected to the dredged deep-water channel of the Fore River and Portland Harbor. Activities within the WPDZ are primarily limited to those requiring deep water access and contributing to port operations. Non-marine activities may be permitted if they do not adversely affect marine uses.

10.4.2 No adverse impact on marine uses

No use shall be permitted in the WPDZ if it will have an adverse impact on future marine development. A proposed development is deemed to have an adverse impact if it will result in any one or more of the following:

A. The proposed use will displace an existing water-dependent use.

B. The proposed use will reduce existing commercial vessel berthing space.

C. The proposed use and any associated structure(s) or site elements including but not limited to access, circulation, parking, dumpsters, exterior storage, or loading facilities, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses.

D. The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.4.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.4.2, the uses in Table 10-A are permitted (●) or conditional (◐) in the Waterfront Port Development Zone.

10.4.4 Conditional use standards

Conditional uses shall be permitted in the Waterfront Port Development Zone provided that notwithstanding Section 6.5 or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority. In

addition to the provisions of Section 6.5, such uses shall:

A. Not impede or preclude existing or potential water-dependent development on other lots.

B. Allow for adequate access to the water.

C. Be compatible with water-dependent and marine uses.

D. Operationally support one or more water-dependent use(s), or be located in a building or structure that is physically adaptable or relocatable to make way for future development of water-dependent uses.

E. Meet any additional performance and dimensional standards set forth below.

Uses which are not enumerated in Table 10-A as permitted or conditional uses are prohibited. Those uses that are prohibited shall include, without limitation:

A. Residential uses.

B. Hotels or motels, or boatels.

C. Auditoriums, civic centers, convention centers, or other meeting facilities.

D. Restaurants and bars.

E. Marinas, including marina associated boat storage facilities.

F. Truck terminals.

10.4.5 Prohibited uses

TABLE 10-A: WPDZ PERMITTED AND CONDITIONAL USES

Marine	Marine repair services and machine shops	●
	Tugboat, fireboat, pilot boat, and similar services	●
	Harbor and marine supplies and services and ship supply, such as fueling and bunkering of vessels	●
	Shipbuilding and facilities for construction, maintenance, and repair of vessels	●/◐[1]
	Marine cargo handling facilities, including docking, loading and related storage	●/◐[1]
	Boat repair yards	●/◐[1]
	Facilities for marine construction and salvage	●/◐[1]
	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	●
	Marine retail and wholesale sales, including yacht brokerage	◐
	Boat storage facilities	●/◐[1]
	Seafood processing	◐
	Seafood packing and packaging	◐
	Fabrication, storage, and repair of fishing equipment	◐
	Ice-making services	◐
	Fabrication of marine-related goods	◐
	Fish by-products processing, provided that any fish by-product processing facility has a valid rendering facility license under Chapter 12 and the processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.	◐
	Commercial berthing	●
Industr-i-l	Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service	●/◐[1]
	Marine cargo container and chassis maintenance and repair	●

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TABLE 10-A: WPDZ PERMITTED AND CONDITIONAL USES

	Facilities for combined marine and general construction	◐[1]
	Cold storage facility, warehousing, and storage of goods which are awaiting shipment via cargo carriers	◐[1]
	Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards of the I-M zone	◐
Public	Public uses including pedestrian and bicycle trails	●
Public	Utility substations, including sewage collection and pumping stations, water pumping stations, transfer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than 100 feet from the water.	◐
Other	Off-street parking lots, excluding parking structures	◐
Other	Accessory uses customarily incidental and subordinate to the location, function, and operation of permitted uses[2]	●
Other	Minor solar energy systems	●
Other	Minor wind energy systems	◐

[1] Uses that may be located in buildings that exceed the maximum permitted height. Uses marked ●/◐ will be considered permitted uses when occupying buildings with a maximum height equal to or less than the maximum applicable height allowable under the permitted use dimensional standards, and conditional uses when above that height.

[2] Food service establishments, including food trucks and other similar retail and service support uses shall only be permitted as accessory uses if each individual use does not exceed 1,000 SF in floor area, and the total of all such uses does not exceed 2,000 SF in floor area; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.

TABLE 10-B: WPDZ DIMENSIONAL REQUIREMENTS

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
Setbacks (min.)	N/A	N/A
Lot size (min.)	N/A	5 acres, limited to 1 building greater than the maximum applicable height allowed under the permitted use dimensional standards.
Setback from pier line, wharf, or bulkhead (including any attached aprons)(min.)[1]	5 ft.	5 ft.
Lot coverage (max.)	50% east of a line projected due south from the centerline intersections of W. Commercial Street and the easterly most Cassidy Point Drive. 100% west of a line projected due south from the centerline intersections of W. Commercial Street and the easterly most Cassidy Point Drive.	
Building height (inclusive of roof forms and rooftop appurtenances)(max.)[2]	55 ft. east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge.	60 ft. west of the Casco Bay Bridge[7], except as follows: 75 ft. in the area east of a line projected due south from the centerline intersections of W.

TABLE 10-B: WPDZ DIMENSIONAL REQUIREMENTS

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
	60 ft. west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.	Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge, on lots 5 contiguous acres or larger. [4] 130 ft. for bulk storage[3] facilities west of the projection of the westerly most Cassidy Point Drive segment.
	In no case may any heights exceed 50ft within 100ft of W.Commercial Street and all area of the WPDZ east of the Casco Bay Bridge. [5]	
Building length (max.)[6]	450 ft.	450 ft.
		300 ft. within 100ft of W. Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.
	300 ft. within 100 ft. of W. Commercial Street and all areas of the WPDZ east of the Casco Bay Bridge.	300 ft. for buildings or portions of buildings exceeding the maximum applicable height allowed under the permitted use dimensional standards.

[1] The setback area may be used for activities related to the principal uses in the structure, but shall not be used for off-street parking.
[2] Buildings and/or structures shall be limited to an absolute height measured from average grade with no portion of the structural roof system or roof top appurtenances exceeding the limits set forth under Table 10-B with the exception of moveable elements or connection devices as listed under Subsection 10.4.7
[3] Bulk storage dedicated to materials delivered or awaiting transportation to a site by waterborne transportation.
[4] A projection of the street centerline shall consist of an extension of the centerline to the water side boundary of the WPDZ.
[5] Height limitations east of the Casco Bay Bridge are intended to protect vistas of the harbor from public open space.
[6] As measured by a line parallel with the southern edge of the West Commercial Street right-of-way.
[7] Only those conditional uses so designated in Note 1 of the Waterfront Port Development Zone Use Table 10-A may be located in buildings taller than 60 ft.

10.4.6 Dimensional requirements

In addition to the generally applicable provisions of Article 7 of this Land Use Code, lots in the Waterfront Port Development Zone shall be subject to the requirements of Table 10-B.

10.4.7 Additional bulk, height, and location standards.

A. Moveable elements or connection devices may exceed the maximum height limits set forth in Table 10-B, subject to the following:

1. Moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation.

2. The applicant shall provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.

3. For each lot, at least one view corridor of at least 90 feet in width shall be left unbuilt to preserve a clear line of sight between West Commercial Street and the water.

10.4.8 Performance standards

Proposals in the Waterfront Port Development Zone that qualify for site plan review shall submit, in addition to site plan submission requirements (if applicable), an impact mitigation narrative summarizing how the project meets the applicable performance standards. All uses in the Waterfront Port Development Zone shall comply with the following standards:

A. Outdoor storage of materials. Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of 45 feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

B. Noise.

1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Waterfront Port Development Zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed 55 decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.
2. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ1).
3. In addition to the sound level standards otherwise established, facilities or operations established or built in the Waterfront Port Development Zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one second.

C. Vibration. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities

aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

D. **Federal and state environmental regulations.** All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Land Use Code are more stringent.

E. **Discharges into harbor areas.** No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24, Article III of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24, Article II of the City of Portland Code of Ordinances and federal and state environmental statutes and regulations regarding wastewater discharges.

F. **Storage of vehicles.** Storage of any unregistered automotive vehicle on the premises for more than 60 days shall not be permitted.

G. **Landfill of docking and berthing areas.** Landfill of docking and berthing areas shall be governed by 38 M.R.S. § 471 through 478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the Department of Public Works and shall be accomplished in accordance with the provisions of this Land Use Code and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

H. **Off-street parking.** Off-street parking and loading within the waterfront zoning districts shall be exempt from the standards of Article 18.

I. **Shoreland and Floodplain Management regulations.** Any lot or portion of a lot located in a Shoreland Zone as identified on the City zoning map or in a flood hazard area shall be subject to the requirements of Articles 11 and 12.

J. **Lighting.** All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

K. **Signs.** Signs shall be permitted as set forth in Article 19.

L. **Storage of pollutants and oily wastes.** On-premises storage of pollutants and oily wastes shall not be permitted for more than 45 days.

M. **Compatibility of non-marine uses with marine uses.** Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.



11 SHORELAND OVERLAY ZONE

11.1 PURPOSE

The purpose of this article is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures, and land uses; conserve shore cover and visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas.

11.2 APPLICABILITY

A. This article applies to all land areas, uses, structures, and land use activities in all zones of the city within:

1. 250 feet, horizontal distance, of the normal high-water line of any river.
2. 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal actions.
3. 250 feet, horizontal distance, of the upland edge of a freshwater wetland.
4. 75 feet, horizontal distance, of the normal high-water line of a stream.

B. This article also applies to any structure built on, over or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body, meaning for the purposes of this article any river or stream, or within a wetland.

C. For the purposes of this article, wetlands shall include coastal and freshwater wetlands as defined in Article 3.

D. The Shoreland Overlay Zone shall include a Resource Protection subdistrict, which shall consist of areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This subdistrict shall include the following areas when they occur within the limits of the shoreland overlay, except that areas which are currently developed need not be included:

1. Floodplains along rivers defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This zone shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
2. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
3. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
4. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.



11.3 REVIEW PROCEDURE

11.3.1 Review authority

Development activities within the Shoreland Overlay Zone shall be reviewed by the Building Authority and/or the reviewing authority designated under Article 13 of this Land Use Code for compliance with the requirements and standards of this article.

11.3.2 Review procedure

A. Every applicant for a site plan or building permit within the Shoreland Overlay shall submit a written application, including a scaled plan, on a form provided by the review authority. Plans shall be prepared by qualified professionals, based upon a boundary survey.

B. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications shall include preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Building Authority, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

11.4 LAND USE STANDARDS

11.4.1 Principal and accessory structures

A. Setbacks

1. All principal and accessory structures shall be set back at least 75 feet horizontal distance from the normal high-water line of a river, stream, or tributary stream, or the upland edge of a wetland within the Shoreland Overlay Zone, except that in the following zones the setback shall be as indicated below:

a. *B-3, B-5, I-L on-peninsula, and I-M on-peninsula:* 25 feet.

b. *I-B, WCZ, WPDZ, EWPZ:* No setback required. However, pier edge setbacks shall apply in the EWPZ, the WCZ, and the WPDZ.

2. For principal structures, setback measurements shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey, as adopted on the City of Portland zoning map.

3. In all cases, accessory detached structures of less than 100 square feet of floor area shall be permitted with no setback, provided that such structures shall be used only for the storage of fish, bait, and related equipment. No setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity, nor to other water-dependent uses.

4. Notwithstanding the requirements of this section, stairways or similar structures may be allowed with a permit from the Building

Authority to provide shoreline access in areas of steep slopes or unstable soils, provided that:

a. The structure is limited to a maximum of four feet in width.

b. The structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, unless permitted by the Department of Environmental Protection pursuant to 38 M.R.S. § 480 C.

c. The applicant demonstrates that no reasonable access alternative exists on the property.

B. Finished floor elevation. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

C. Non-vegetated lot area.

1. With the exception of the EWPZ, WCZ, WPDZ, B-3, B-5, B-6, I-B, I-L (on-peninsula), and I-M zones (on-peninsula), non-vegetated surfaces shall not exceed a total of 20% of the portion of the lot located within the Shoreland Overlay Zone. This limitation does not apply to public boat launching facilities regardless of the zone in which the facility is located.

2. For the purposes of this article, non-vegetated surfaces shall include, but are not limited to structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces for lots existing on March 24, 1990 and in continuous existence since that date.

11.4.2 Piers, docks, wharves, bridges, other structures and uses extending over or below the normal high-water line of a water body or within a wetland, and shoreline stabilization

A. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body is allowed on a single lot, with the exception that this provision shall not apply in the WCZ, EWPZ, WPDZ, B-5, and I-B zones.

B. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

C. The location shall not interfere with existing developed or natural beach areas.

D. The facility shall be located so as to minimize adverse effects on fisheries.

E. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with surrounding character and uses.

F. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the National Resources Protection Act, 38 M.R.S. § 480-C. Permits may also be required from the Army Corps of Engineers and Board of Harbor Commissioners if located in navigable waters.

G. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the review authority that a temporary pier or dock is not feasible, and a

permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

H. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. Where such a structure is permitted under this subsection, such structures shall not exceed 20 feet in height above the pier, wharf, dock, or other structure. This subsection shall not apply in the WCZ, EWPZ, WPDZ, B-5, and I-B zones.

I. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

J. No existing structures built on, over or abutting a pier, dock, wharf, or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

K. Vegetation may be removed in excess of the standards in Subsection 11.4.3(A) of this article in order to conduct shoreline stabilization of an eroding shoreline, provided that approval is obtained from the review authority. Construction equipment must access the shoreline by barge when feasible as determined by the review authority. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored to its pre-development state. Revegetation must occur in accordance with Subsection 11.4.3(C).

11.4.3 Vegetation and clearing

A. Clearing or removal of vegetation

1. The clearing or removal of vegetation standards of this subsection shall not apply to the following zones: EWPZ, WCZ, WPDZ, B-3, B-5, B-6, A-B, I-L (on-peninsula), and I-M zones (on-peninsula).

2. The clearing or removal of vegetation standards of this subsection shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas in these locations shall be limited to the minimum amount necessary.

3. In the Resource Protection subdistrict, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in the underlying zone.

4. Other than cutting or removal of vegetation as provided for in this subsection, timber harvesting shall not be permitted. For purposes of this subsection, timber harvesting is defined as the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland Overlay Zone on a lot that has less than two acres within the Shoreland Overlay Zone shall not be considered timber harvesting. Cutting or removal of such trees shall be regulated pursuant to this subsection.

TABLE 11-A: SHORELAND TREE STAND RATING SYSTEM

Diameter (at 4½ ft. above ground level)	Points
2 in. - <4 in.	1
4 in. - <8 in.	2
8 in. - <12 in.	4
12 in. or greater	8

5. For purposes of this subsection, vegetation is defined as all live trees, shrubs, and other plants including without limitation, trees both over and under four inches in diameter, measured at four and one half feet above ground level.

6. In all areas other than the Resource Protection subdistrict, a buffer strip of vegetation shall be preserved, except where clearance is required for development of permitted uses, within a strip of land extending 75 feet, horizontal distance, from the normal high-water line of a river, stream, or tributary stream, or the upland edge of a coastal wetland or freshwater wetland within the Shoreland Overlay Zone, in accordance with the following:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy or other existing vegetation if a forested canopy is not present as measured from the outer limits of the tree or shrub crown. Notwithstanding this limitation, a single footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this subsection, a "well distributed stand of trees" adjacent to a water body, tributary stream or wetland shall be defined as maintaining a minimum rating score of 16 or more in any 25-foot by 50-foot rectangle area as determined by the rating system in Table 11-A. The following shall govern in applying the point system in Table 11-A:

i. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

ii. Each successive plot must be adjacent to, but not overlap a previous plot.

iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this ordinance.

iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this ordinance.

v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot

rectangular area may consist of trees greater than 12 inches in diameter.

7. For the purposes of this subsection, "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one half feet above ground level for each 25-foot by 50-foot rectangular area. If five samplings do not exist, no woody stems less than two inches in diameter can be removed until five samplings have been recruited into the plot. Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter, measured at four and one half feet above ground level may be removed in any ten-year period.
8. In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other groundcover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide a footpath or other permitted uses as described in this subsection.
9. Pruning of tree branches on the bottom one third of the tree is allowed.
10. In order to maintain a buffer strip of vegetation when the removal of storm damaged or hazard trees results in the creation of cleared openings exceeding 250 square feet, these openings shall be replanted with native tree species in accordance with Subsection 11.4.3(D) unless existing new tree growth is present.
11. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Subsection 11.4.3(A)6.
12. Selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured at four and one half feet above ground level, shall be allowed within any ten-year period at distances greater than 75 feet, horizontal distance, from the normal high-water line of any river, stream, or tributary stream, or the upland edge of a wetland. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate 25% percent of the lot area within the Shoreland Overlay Zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the Shoreland Overlay Zone, including the buffer area.
13. Legally existing nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this article.
14. Fields and other cleared openings which have reverted to primarily shrubs, trees, or

other woody vegetation shall be regulated under the provisions of this subsection.

B. Exemptions to clearing and vegetation removal requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Subsection 11.4.3(A), provided that all other applicable requirements of this article are met, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of Subsection 11.4.3(A) apply:

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 11.4.1 are not applicable;

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Subsection 11.4.14 are complied with;

5. The removal of vegetation associated with the construction of an approved new or replacement subsurface wastewater disposal system;

6. The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site that is part of a state or federal brownfields program or a Voluntary Response Action Program pursuant 38 M.R.S. section 343-E, and that is located along a coastal wetland or a river.

7. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

b. Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and

c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

8. The removal of vegetation associated with emergency response activities conducted by the Maine Department of

Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

C. Revegetation requirements. When revegetation is required in response to violations of the vegetation standards set forth in Subsection 11.4.3(A), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

4. Revegetation activities must meet the following requirements for trees and saplings:

- **a.** All trees and saplings removed must be replaced with native noninvasive species;
- **b.** Replacement vegetation must at a minimum consist of saplings;
- **c.** If more than three trees or saplings are planted, then at least three different species shall be used;
- **d.** No one species shall make up 50% or more of the number of trees and saplings planted;
- **e.** If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
- **f.** A survival rate of at least 80% of planted trees or saplings is required for a minimum five year period.

5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:

- **a.** All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive

species of woody vegetation and vegetation under three feet in height as applicable;

b. Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

c. If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;

d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and

e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.

D. Hazard trees, storm-damaged trees, and dead tree removal

1. The standards of this subsection shall not apply to the following zones: EWPZ, WCZ, WPDZ, A-B, B-3, B-5, B-6, I-L (on-peninsula), and I-M zones (on-peninsula). In these zones, hazard trees, storm-damaged trees, and dead trees may be removed without restriction and without consultation with the Building Authority and City Arborist.

2. In all other areas, hazard trees in the Shoreland Overlay Zone may be removed without a permit after consultation with the Building Authority and City Arborist if the following requirements are met:

a. Within the shoreline buffer required under Subsection 11.4.3(A)6, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at four and one half feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no

less than two inches in diameter. Stumps may not be removed.

b. Outside of the shoreline buffer, when the removal of hazard trees exceeds 40 percent of the volume of trees four inches or more in diameter, measured at four and a half feet above ground level in any 10 year period, and/or results in cleared openings exceeding 25% of the lot area within the Shoreland Overlay Zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at four and one half feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches in diameter, measured at four and one half feet above the ground level.

c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

d. The Building Authority or City Arborist may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland Zone.

e. The Building Authority or City Arborist may require more than a one–for-one replacement for hazard trees removed that exceed eight inches in diameter measured at four and one half feet above the ground level.

3. Storm-damaged trees in the Shoreland Overlay Zone may be removed without a permit after consultation with the Building Authority or City Arborist if the following requirements are met:

a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

ii. Stumps from the storm-damaged trees may not be removed;

iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third of the tree; and

iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one



seedling per every 80 square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at four and one half feet above the ground level in any 10 year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

11.4.4 Erosion and sedimentation control

A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection and the City of Portland *Technical Manual*. The plan shall be submitted to the review authority for approval and shall include, where applicable, provisions for:

1. Mulching and revegetation of disturbed soil.
2. Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.
3. Permanent stabilization structures such as retaining walls or riprap.

B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed ground area at every phase of construction shall be minimized to reduce the potential for erosion.

D. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of initial exposure. The following standards shall also be met:

1. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
2. Anchoring the mulch with netting, peg, and twine or other suitable method may be required to maintain the mulch cover.
3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales, and/or silt fences.

E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them.

Drainage ways shall be designed and constructed in accordance with the City of Portland *Technical Manual*.

F. When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

11.4.5 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, either during or after construction.

Proposed uses requiring subsurface wastewater disposal and commercial or industrial development or other similar intensive land uses shall require a soils report based on an on-site investigation and prepared by state certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

11.4.6 Water quality

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

11.4.7 Archaeological sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Department of Planning and Urban Development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action being taken by the review authority. The review authority shall consider comments received from

the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of Article 16 of this chapter.

11.4.8 Installation of public utility service

No public utility of any kind shall install services to any new structure located in the Shoreland Overlay Zone unless written authorization attesting to the validity and currency of all local permits required under this Code has been issued by the Building Authority. Following installation of service, the public utility shall provide written documentation to the Building Authority that installation has been completed.

11.4.9 Essential services

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

B. The installation of essential services, other than road-side distribution lines and within existing service corridors, is not allowed in a Resource Protection subdistrict or within 75 feet of the normal high-water line of a stream, except to provide services to a permitted use within the underlying zone, or where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

C. Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

11.4.10 Roads and driveways

A. Roads and driveways shall be setback a minimum of 75 feet from the normal high-water line of a river, stream, or tributary stream, or upland edge of a coastal or freshwater wetland within a Shoreland Overlay Zone, except:

1. In the EWPZ, WCZ, WPDZ, B-3, B-5, I-L (on-peninsula) and I-M (on-peninsula), roads and driveways shall be setback as established for structures in those zones as specified in Subsection 11.4.1(A).

2. If no other reasonable alternative exists, the review authority may reduce the road and/or driveway setback requirement to no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream, or wetland.

3. On slopes greater than 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each five percent increase in slope above 20%.

4. Subsection 11.4.10(A) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to

permitted structures within the setback area shall comply fully with the requirements of Subsection 11.4.10 except for that portion of the road or driveway necessary for direct access to the structure.

B. Existing public roads may be expanded within the legal road right of way regardless of their setback from a waterbody, tributary stream, or wetland.

C. New roads and driveways are prohibited in a Resource Protection subdistrict except that the review authority may grant approval to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the review authority in a Resource Protection subdistrict, upon a finding that no reasonable alternative route or location is available outside the district. When a roadway or driveway is permitted in a Resource Protection subdistrict, the road and/or driveway shall be setback as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of wetland.

D. Road and driveways banks shall be no steeper than slope of two horizontal to one vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection 11.4.4.

E. Road and driveway grades shall be no greater than 10% except segments of less than 200 feet.

F. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

G. Ditch relief (cross drainage) culverts, drainage dips, and water turnout shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

1. Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in Table 11-B.
2. Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
3. On sections having slopes greater than ten 10%, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.
4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
5. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a

regular basis to assure effective functioning.

TABLE 11-B: DRAINAGE SPACING

Grade (%)	Spacing
0-2	250 ft.
3-5	200-135 ft.
6-10	100-80 ft.
11-15	80-60 ft.
16-20	60-45 ft.
21+	40 ft.

11.4.11 Parking areas

Parking areas shall be set back a minimum of 75 feet from the normal high-water line of a river, stream, or tributary stream, or the upland edge of a coastal wetland or freshwater wetland within the Shoreland Overlay Zone except:

A. In the EWPZ, WCZ, WPDZ, B-3, B-5, I-L, and I-M zones, parking setbacks shall be as established for structures in those zones, as specified in Subsection 11.4.1(A).

B. Where the review authority finds that no other reasonable alternative exists further from the shoreline or tributary stream, the review authority may reduce the parking setback requirement to no less than 50 feet in the OS-R and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

C. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, or wetland, and where feasible, to retain all runoff on site.

11.4.12 Septic waste disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

A. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.

B. A holding tank is not allowed for a first-time residential use in the Shoreland Overlay Zone.

11.4.13 Stormwater runoff

All new construction and development shall be designed to be in compliance with the City of Portland *Technical Manual* to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

11.4.14 Agriculture

A. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S. §§ 4201-4209).

B. Manure shall not be stored or stockpiled within 75 feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland Overlay

Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.

C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland Overlay Zone shall require a conservation plan to be filed with the Planning Authority.

D. There shall be no new tilling of soil within 75 feet, horizontal distance, from water bodies and coastal wetlands or within 25 feet, horizontal distance, of tributary streams and freshwater wetlands when such new tilling, by itself or combined with all other contiguous tillage, shall exceed 40,000 square feet in surface area. Operations in existence on the effective date of this section and not in conformance with these provisions may be maintained but shall not be expanded. When the new tilling, by itself or combined with all other contiguous tillage, shall total 40,000 square feet or less, the tillage shall be set back a minimum of 25 feet from all water bodies, tributary streams, or wetlands.

E. Newly established livestock grazing areas shall not be permitted within 75 feet, horizontal distance, of water bodies and coastal wetlands or within 25 feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the Planning Authority.

11.5 SUPPLEMENTAL SITE PLAN STANDARDS

11.5.1 Site plan standards

The Planning Board or Planning Authority shall approve a site plan located within a Shoreland Overlay Zone if it finds that the following standards, in addition to the standards set forth in Article 13, are met:

A. The proposal will maintain safe and healthful conditions.

B. The proposal will not result in water pollution, erosion, or sedimentation to surface waters.

C. The proposal will adequately provide for the disposal of all wastewater.

D. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

E. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

F. The proposal will protect archaeological and historic resources.

G. The proposal will not adversely affect existing commercial fishing or maritime activities.

H. The proposal will avoid problems associated with floodplain development and use.

I. The proposal is in conformance with the standards set forth in this article.

11.6 NONCONFORMING STRUCTURES

11.6.1 Expansions

A. For the purposes of this section, an expansion of a structure shall mean an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses.

B. For the purposes of this section, footprint shall mean the entire area of ground covered by the structure(s) on a lot, including but not limited



to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

C. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Subsection 11.4.1. A nonconforming structure may be added to or expanded after obtaining a permit from the Building Authority if such addition or expansion does not increase the nonconformity of the structure and is in accordance with 1 and 2 below.

1. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

2. Notwithstanding subsection (1) above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Subsection 11.6.1 due to an increase in the nonconformity. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than the height allowed by the underlying district, 15 feet or the height of the existing structure, whichever is greater.

3. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Subsection 11.6.1(C) or Subsection 11.6.1(C)1, above.

a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than the height allowed by the underlying district, 20 feet or the height of the existing structure, whichever is greater.

b. In addition to the limitations in subsection (a) above, for structures that are legally nonconforming due to

their location within the Resource Protection subdistrict when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection subdistrict was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than the height allowed by the underlying zone, 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Subsection 11.6.1(C)2 and Subsection 11.6.1(C)3.a, above.

4. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland Overlay Zone boundary and evidence of approval by the Building Authority.

11.6.2 Foundations

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Building Authority, basing its decision on the criteria specified in Subsection 11.6.3.

11.6.3 Relocation

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Building Authority, and provided that if the structure is not connected to a public sewer system, the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said rules and further provided that the relocation meets the following standards:

A. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

B. In determining whether the building relocation meets the setback to the greatest practical extent, the Building Authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

C. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Building Authority shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Subsection 11.4.3(C). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

11.6.4 Reconstruction or replacement

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged, or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction, or removal may be reconstructed or replaced provided that a permit is obtained within two years of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Building Authority in accordance with the purposes of this ordinance and the following standards:

A. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Subsection 11.6.1 above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location.

B. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

C. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection 11.6.3(C).

D. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is

removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Building Authority within one year of such damage, destruction, or removal.

E. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Building Authority shall consider, in addition to the criteria in Subsection 11.6.4(A) through (D) above, the physical condition and type of foundation present, if any.

11.6.5 Elevation of structures in flood hazard areas

The height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to three feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This subsection applies to structures that:

A. Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and,

B. Are located in an area of special flood hazard.

12 FLOODPLAIN MANAGEMENT

12.1 PURPOSE

Certain areas of the City of Portland, Maine are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City of Portland, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-448), as amended from time to time an as delineated in this article. It is the intent of the City of Portland to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The National Flood Insurance Program, established in the aforesaid act, provides that areas of the city having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This article establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the city. The purposes of this article are to reduce future flood risks and losses, protect against financial and human loss resulting from flood disasters, and to control the placement of structures, construction materials, and methods used to minimize potential property damage due to flooding. The City of Portland has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S. § 2001-3007, 4352, 4401-4407, and Title 38 M.R.S. § 440.

12.2 APPLICABILITY

This article applies to all land areas, uses, structures, and land use activities lying in the special flood hazard areas, Zones A, AE, AO, AH, and VE, as identified by the Federal Emergency Management Agency in a report entitled *Flood Insurance Study - Cumberland County, Maine,* with accompanying "Flood Insurance Rate Map," dated June 20, 2024. This *Flood Insurance Study* with accompanying maps, and any subsequent amendments thereto, including Letters of Map Revision approved by FEMA, is hereby adopted by reference and declared to be a part of this Land Use Code.

12.3 STRUCTURE AND DEVELOPMENT TYPES

12.3.1 Structure types

A. For the purposes of this article, structure shall mean a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

B. Accessory structure shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

C. The following types of structures shall have the following meanings:

1. *Agricultural structure*. Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

2. *Elevated building*. A non-basement building that is:

a. Built, in the case of a building in Zones A, AE, AO, or AH, so that the top of the elevated floor, or in the case of a building in Zones VE or Coastal AE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,

b. Adequately anchored to not impair the structural integrity of the building during a flood of up to two feet above the magnitude of the base flood.

In the case of Zones A, AE, AO, or AH, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Subsection 12.4.5(N) In the case of Zones VE or Coastal AE, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of subsection 12.4.5(R)(2)(c)(iii).

3. *Historic structure.* Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a Maine state inventory of historic places at such time that one is created; or,

d. Designated as a local landmark or identified as a contributing property under Article 16.

4. *Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

5. *Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Existing manufactured home park or subdivision shall mean a manufactured home park or subdivision that was recorded in the deed registry prior to July 17, 1986.

12.3.2 Development classifications

A. Development. Any human-made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage

of equipment or materials; and the storage, deposition, or extraction of materials.

B. New construction. Structures for which the "start of construction" commenced on or after July 17, 1986 and includes any subsequent improvements to such structures. For purposes of this article, start of construction shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

C. Minor development. All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided in subsection 12.4.5(L), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers

D. Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

E. Substantial improvement. Any, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before start of construction of the improvements. This term includes structures which have incurred substantial damage, regardless of the actual work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued

designation as a historic structure, and a variance is obtained from the Zoning Board of Appeals.

12.4 FLOOD HAZARD DEVELOPMENT PERMIT

12.4.1 Permit required

A. The Zoning Administrator shall be designated as the local floodplain administrator. The floodplain administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

B. Before any construction or other development as defined Subsection 12.3.2, including the placement of manufactured homes, begins within any areas of special flood hazard, a Flood Hazard Development Permit shall be obtained from the Building Authority, except as established in Section 12.5. This permit shall be required prior to issuance of a building permit, if one is required, and shall be in addition to any other permit, site plan, and subdivision review which may be required pursuant to the codes and ordinances of the City of Portland. If only a site plan is required for a development, the Flood Hazard Development Permit shall be obtained prior to approval of the site plan.

12.4.2 Filing of application

The application for a Flood Hazard Development Permit shall be submitted in writing to the Building Authority and shall include the following:

A. A final site plan, where applicable, showing information as required by Article 13.

B. A final subdivision plat, where applicable, providing information as required in Article 14.

C. The name, address, and phone number of the applicant, owner, and contractor.

D. A map with address indicating the location of the development site.

E. A plan showing the location of existing and proposed development, including but not limited to specific dimensions of existing and proposed structure(s), wastewater disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot.

F. A statement of the intended use of any structure and/or development.

G. A statement of the cost of the development including all materials and labor.

H. A statement of the type of wastewater disposal system proposed.

I. Specification of dimensions of the proposed structure and/or development.

J. For new construction and substantial improvements, the elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum for Zone A only, of the:

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:

a. In Zones AE, AO, AH, , and VE from data contained in the *Flood Insurance Study — Cumberland County, Maine*.

b. In Zone A:

i. From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Subsection 12.4.5(M) and 12.4.4.(B)4, or

ii. In the absence of all data described in Subsection 12.4.2(J)(1)(b)(i), information to demonstrate that the structure shall meet the elevation requirement in Subsections 12.4.5(H)(4)(b), 12.4.5(I)(4)(b), or 12.4.5(J)(4)(b).

2. Highest and lowest grades at the site adjacent to the walls of the proposed building.
3. Lowest floor, including basement, and whether or not such structures contain a basement.
4. Lowest machinery and equipment servicing the building.
5. Level, in the case of nonresidential structures only, to which the structure will be floodproofed.

K. For new construction and substantial improvements, a description of an elevation reference point established on the site of all new developments for which elevation standards apply as required in Subsection 12.4.5.

L. For new construction and substantial improvements, a written certification by:

1. A professional land surveyor that the grade elevations shown on the application are accurate.
2. A professional land surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate

M. For new construction and substantial improvements, the following certifications as required in Subsection 12.4.5 by a registered professional engineer or architect:

1. A floodproofing certificate (FEMA form FF-206-FY-22-153, as amended) to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of Subsection 12.4.5(I); and other applicable standards of Subsection 12.4.5.
2. A V-Zone Certificate to verify that the construction in coastal high hazard areas, Zones VE and Coastal AE, will meet the criteria of Subsection 12.4.5(R); and other applicable standards in Subsection 12.4.5.
3. A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Subsection 12.4.5(N)(2)(a)

N. A certified statement from a registered professional engineer or architect that bridges will meet the standards of Subsection 12.4.5(O)

O. A certified statement from a registered professional engineer or architect that containment walls will meet the standards of Subsection 12.4.5(P).

P. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

Q. A statement of construction plans describing in detail how each applicable development standard in Subsection 12.4.5 will be met.

R. Cross section(s) of the site acceptable to the Public Works Authority.

12.4.3 Fee

A nonrefundable Flood Hazard Development Permit fee as established by the City Council for all minor development and for all new construction and substantial improvements shall be paid to the

Building Authority, and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the City submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for issuance of a stop work order. An expert shall not be hired by the City at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

12.4.4 Review procedure

A. Upon determination by the Building Authority that an application is complete, the Building Authority shall coordinate review of the application by the City to assure that proposed developments are reasonably safe from flooding. No permit shall be issued until the Building Authority finds that the development proposal is in compliance with the standards of this article. Compliance with the provisions of this article shall be required prior to beginning any development as defined herein.

B. The Building Authority shall, when reviewing subdivisions under Article 14 and other proposed developments that require review under Article 13 or federal law, state law, or local ordinances or regulations and all projects on five or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals include base flood elevations, flood boundaries and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with Subsection 12.4.5 of this article. Such requirement shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement. The construction requirement shall also be clearly stated on any map, plat, or plan as part of the approval process.

C. In the review of all Flood Hazard Development Permit applications for compliance with the standards herein:

1. The Building Authority shall utilize:

a. The base flood and floodway data contained in the *Flood Insurance*

Study – Cumberland County, Maine, as described in Section 12.2.

b. In special flood hazard areas where base flood elevation and floodway data are not provided in the above cited study, the Building Authority shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other technical sources, including information obtained pursuant to Subsection 12.4.2(J)(1)(b)(i), 12.4.5(M), and 12.4.4(B)(4), in order to administer this article.

c. When a base flood elevation is established in a Zone A by methods outlined in Section 12.4.2(J)(1)(b)(ii), that data shall be submitted to the Maine Floodplain Management Program.

2. The Building Authority shall make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 12.2.

3. Prior to approval of issuance of the Flood Hazard Development Permit, the Building Authority shall determine that all necessary permits have been obtained from those federal, state, and local authorities from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1344 as may be amended from time to time), provided, however, that conditional approval may be granted pending proof of receipt of any required permits, but no Flood Hazard Development Permit shall be finally issued until proof of issuance of all such other permits is received by the Building Authority.

4. The Building Authority shall notify adjacent municipalities, the Maine Department of Environmental Protection and the Maine Floodplain Management Program, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

5. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permit applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 12.7 of this article, and copies of elevation certificates, floodproofing certificates, certificates of compliance, and certifications of design standards required under the provisions of Sections 12.4 and 12.6.

12.4.5 Review standards

All development in areas of special flood hazard shall meet the following standards:

A. All development. All development shall:

1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Use construction materials that are resistant to flood damage.

3. Use construction methods and practices that will minimize flood damage.
4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Altered or relocated watercourses. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Utilities. New construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A, AE, AO, and AH shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.
2. Zone VE shall meet the requirements of Subsection 12.4.5(R)(2)(a).

G. Physical changes to the natural landscape. Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a professional engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
   a. If the professional engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
   b. If the professional engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is

completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than six months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. **Residential.** New construction or substantial improvement of any residential structure located within:

1. Zones AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the Flood Insurance Rate Map, or
   b. At least three feet if no depth number is specified.
4. Zone A shall have the lowest floor (including basement) elevated:
   a. To at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(J)(1)(b)(i))(), 12.4.4(C), or 12.4.4(B)(4), or
   b. In the absence of all data described above, to at least two feet above the highest adjacent grade to the structure.
5. Zones VE and Coastal AE shall meet the requirements of Subsection 12.4.5(R).

I. **Nonresidential.** New construction or substantial improvement of any nonresidential structure located within:

1. Zones AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. Be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
   c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2(M)(N), and (O) and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the Flood Insurance Rate Map; or
   b. At least three feet if no depth number is specified; or
   c. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this subsection and floodproofing standards of Subsection 12.4.5(I).
4. Zone A shall have the lowest floor (including basement) elevated:
   a. To at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(K)(1)(b)(i), 12.4.4(C), 12.4.4(B)(4); or
   b. In the absence of all data described in Subsection 12.4.5(I)(4)(a), to at least two feet above the highest adjacent grade to the structure, or
   c. Together with attendant utility and sanitary facilities, be floodproofed to two feet above the base elevation established in Subsection 12.4.5(I)(4)(a) or (b) above and meet the floodproofing standards of Subsection 12.4.5(I)(1)(a), (b), and (c).
5. Zones VE and Coastal AE shall meet the requirements of Subsection 12.4.5(R).

J. **Manufactured homes.** New or substantially improved manufactured homes located within:

1. Zones AE, AO, and AH shall:
   a. Be elevated such that the lowest floor is at least two feet above the base flood elevation;
   b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and
   c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      i. Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side).
      ii. Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
      iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
2. Zones AO and AH shall have adequate drainage paths around structures on

slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the Flood Insurance Rate Map, or
   b. At least three feet if no depth number is specified, and
   c. Meet the anchoring requirements of Subsection 12.4.5(J)(1)(c).
4. Zone A shall:
   a. Be elevated on a permanent foundation, as described in Subsection 12.4.5(J)(1)(b), such that the lowest floor (including basement of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Subsection 12.4.2(J)(1)(b)(i), 12.4.4(C), or 12.4.4(B)(4), or
   b. In the absence of all data described in Section 12.4.5(J)(4)(a), to at least two feet above the highest adjacent grade to the structure, and
   c. Meet the anchoring requirements of Subsection 12.4.5(J)(1)(c).
5. Zones VE and Coastal AE shall meet the requirements of Subsection 12.4.5(R).

K. **Recreational vehicles.** Recreational vehicles located within:
1. Zones A, AE, AO, and AH shall either:
   a. Be on the site for fewer than 180 consecutive days, and
   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions, or
   c. Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Subsection 12.4.5(J)(1).
2. Zones VE and Coastal AE shall meet the requirements of either Subsection 12.4.5(K)(1)(a) and(b), or 12.4.5(R).

L. **Accessory structures.** New construction or substantial improvement of accessory structures, as defined in Subsection 12.3.1, shall be exempt from the elevation criteria required Subsections 12.4.5(H) and (I) if all other requirements of Subsection 12.4.5 and all the following requirements are met.
1. Accessory structures located within Zones A, AE, AO, AH shall:
   a. Meet the requirements of Subsection 12.4.5(A)(1) to (4) as applicable.
   b. Be limited in size to a one-story two-car garage.
   c. Have unfinished interiors and not be used for human habitation.
   d. Have hydraulic openings, as specified in Subsection 12.4.5(N)(2), in at least two different walls of the accessory structure.
   e. Be located outside the floodway.
   f. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters and be placed further from the source of flooding than is the primary structure.

g. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

h. Be located outside the Coastal AE Zone.

2. Accessory structures in Zones VE and Coastal A shall meet the requirements of Subsection 12.4.5(R).

M. Floodways

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway designated on the Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the city during the occurrence of the base flood discharge.

2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in (3) below, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. Will not increase the water surface elevation of the base flood more than one foot at any point within the city.

b. Is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of (2) above.

N. Hydraulic openings/flood vents. New construction or substantial improvement of any structure in Zones A, AE, AO, and AH that meets the development standards of Subsection 12.4.5, including the elevation requirements of Subsection 12.4.5(H), (I), or (J) and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not basements as defined in Article 3.

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the

entry and exit of flood water. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered professional engineer or architect, or

b. Meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

ii. The bottom of all openings shall be below the base flood elevation and no higher than two feet above the lowest grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means.

3. The enclosed area shall not be used for human habitation.

4. The enclosed areas are usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

O. Bridges. New construction or substantial improvement of any bridge in Zones A, AE, AO, AH, and VE shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two feet above the base flood elevation.

2. A registered professional engineer shall certify that:

a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Subsection 12.4.5(M).

b. The foundation and superstructure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. Containment walls. New construction or substantial improvement of any containment wall shall meet the following requirements by zone:

1. Zones A, AE, AO, AH, and VE shall:

a. Have the containment wall elevated to at least two feet above the base flood elevation;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2(M), (N), and (O).

2. Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide flood water away from the proposed walls.
3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the Flood Insurance Rate Map, or
   b. At least three feet if no depth number is specified, and
   c. Shall meet the requirements of Subsection 12.4.5(P)(1)(b) and (c).

Q. **Wharves, piers, and docks.** New construction or substantial improvement of wharves, piers, and docks are permitted in and over water and seaward of the mean high tide if the following requirements are met:
1. In Zones A, AE, AO, and AH, wharves, piers, and docks shall comply with all applicable local, state, and federal regulations, or
2. In Zone VE, wharves, piers, and docks shall have a registered professional engineer develop or review the structural design, specifications, and plans for construction.

R. **Coastal floodplains**
1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Subsection 12.4.5(R)(6)..
2. New construction or substantial improvement of any structure located within Zones VE or Coastal AE shall:
   a. Have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.
   b. Be elevated on posts or columns such that:
      i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to two feet above the base flood elevation.
      ii. The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
      iii. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
   c. Have the space below the lowest floor:
      i. Free of obstructions, or
      ii. Constructed with open wood lattice work or insect screening intended to collapse under wind and water without causing collapse,

displacement, or other structural damage to the elevated portion of the building or supporting piles or columns, or

iii. Constructed with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

d. Require a registered professional engineer or architect to:

i. Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual* (FEMA-55).

ii. Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Subsections 12.4.5(R)(2)(b), (c), and (d).

3. The use of fill for structural support in Zones VE and Coastal AE is prohibited.

4. Human alteration of sand dunes within Zones VE and Coastal AE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

5. The area below the lowest floor may be used solely for parking vehicles, building access, and storage.

6. Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Subsection 12.4.5(I) only if reviewed and approved as a conditional use by the Zoning Board of Appeals, as provided in Section 12.5, and if all the following requirements of Subsections 12.4.5(A), (M), and (N) are met:

a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

d. The structure shall have unfinished interiors and shall not be used for human habitation.

e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to two-feet above the base flood elevation.

f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the special flood hazard area. If a flood hazard permit application is granted, the applicant shall be notified in writing that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.4.6 Permit

A. Upon determination that the development or substantial improvement plan is in compliance with this article, the Building Authority shall issue one of the following Flood Hazard Development Permits based on the type of development:

1. *Two-part Flood Hazard Development Permit for elevated structures*. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Subsections 12.4.5(H), (I), (J), or (R). Following review of the elevation certificate data, which shall take place within 72 hours of receipt of the application, or as soon as practicable thereafter, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project.

2. *Flood Hazard Development Permit for floodproofing of nonresidential structures*. This permit shall apply for nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of Subsection 12.4.5(I)(1). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect.

3. *Flood Hazard Development Permit for minor development*. This permit shall apply for all other development and building permits that are not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. This includes, but is not limited to: accessory structures as provided for in Subsection 12.4.5(L), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures, and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

B. For development that requires review and approval as a conditional use, as provided for in this article, the Flood Hazard Development Permit application shall be acted upon by the Zoning Board of Appeals as required under Section 12.5.

12.5 CONDITIONAL USE REVIEW

12.5.1. Review authority

The Zoning Board of Appeals shall hear and approve, approve with conditions, or disapprove all applications for conditional uses provided for in this article. An applicant informed by the Building Authority that a conditional use approval is required

shall file an application for the permit with the Zoning Board of Appeals.

12.5.2 Review procedure

A. The Flood Hazard Development Permit application with additional information attached addressing how each of the conditional use criteria specified in this article will be satisfied may serve as the application for the conditional use review.

B. Before deciding any application, the Zoning Board of Appeals shall hold a public hearing on the application within thirty days of their receipt of the application.

C. If the Zoning Board of Appeals finds that the application satisfies all relevant requirements of this article, the Zoning Board of Appeals must approve the application or approve with conditions within 45 days of the date of the public hearing.

D. A conditional use approval issued under the provisions of this article shall expire if the work or change involved is not commenced within 180 days of the approval by the Zoning Board of Appeals.

E. The applicant shall be notified by the Zoning Board of Appeals in writing over the signature of the Chair of the Board of Appeals that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.5.3 Expansion of conditional uses

No existing building or use of premises may be expanded or enlarged without approval under this section if that building or use was stablished or constructed under a previous conditional use approval or if it is a building or use which would require a conditional use approval if being newly-established or constructed under this article.

12.6 CERTIFICATE OF COMPLIANCE

A. A certificate of compliance shall be signed by the Building Authority stating that a structure is in compliance with all of the provisions of this article.

B. No land in an area of special flood hazard shall be occupied or used in violation of this article, and no structure in such an area which is developed or substantially improved shall be occupied until a certificate of compliance is issued by the Building Authority. Said certificate of compliance shall be issued only after the Building Authority has received all permits and certificates from the applicant as required by this article.

C. For new construction or substantial improvement of any elevated structure, the applicant shall submit to the Building Authority:

1. An elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor for compliance with Subsection 12.4.5(H), (I), (J), or (R).
2. For structures in Zones VE and Coastal AE, a written certification by a registered professional engineer or architect shall be provided to the Building Authority stating that the design and methods of construction used are in compliance with the applicable provisions of Subsection 12.4.5(R)(2)(b), (c), and (d).

D. The applicant shall submit written notification to the Building Authority that the development is complete and complies with the provisions of this article.

E. Within 10 working days, the Building Authority shall review the elevation certificate (FEMA form FF-206-FY-22-152) and the applicant's written notification and, upon determination that the development conforms with the provisions of this article, shall issue a certificate of compliance.

12.7 VARIANCES AND APPEALS

12.7.1 Authority

A. The Board of Appeals of the City of Portland may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made, or failure to act, in the administration or enforcement of the provisions of this article.

B. The Board of Appeals may authorize variances, meaning the granting of relief from the provisions of this article, as authorized in Subsection 2.3.11 except:

1. As otherwise expressly provided in Subsection 2.3.11(E).
2. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

12.7.2 Standards

Subsection 2.3.11 notwithstanding, variances from the requirements of this article shall be granted only upon:

A. A showing of good and sufficient cause.

B. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, or public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

C. A showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances.

D. A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:

1. That the land in question cannot yield a reasonable return unless a variance is granted.
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. That the granting of a variance will not alter the essential character of the locality.
4. That the hardship is not the result of action taken by the applicant or a prior owner.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.

12.7.3 Standards for specific variances

A. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally-dependent use provided that:

1. The criteria in Subsection 12.7.2 and 12.4.5(M) are met.
2. The structure or other development is protected by methods that minimize flood

damage during the base flood and create no additional threats to public safety.

B. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

1. The development meets the criteria of Subsection 12.7.2.
2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances may be issued for new construction and substantial improvement of agricultural structures being used for the conduct of agricultural uses provided that:

1. The development meets the criteria of Subsection 12.7.2 and Subsection 12.4.5 are met.
2. The development meets the criteria of Subsection 12.4.5(M) and (N).

12.7.4 Notice to applicants

Any applicant who meets the criteria of Subsections 12.7.2 and 12.7.3(A), (B), or (C) shall be notified by the Board of Appeals in writing with the signature of the Chair of the Board of Appeals that:

A. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage.

B. Such construction below the base flood level increases risks to life and property.

C. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

12.7.5 Record of variances

The Board of Appeals shall submit to the Building Authority a report of all variance actions, including justification for the granting of the variance and an authorization for the Building Authority to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

12.7.6 Appeal procedure

A. An administrative appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after receipt of a written decision of the Building Authority.

B. Upon being notified of an appeal, the Building Authority shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

C. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

D. The person filing the appeal shall have the burden of proof.

E. The Board of Appeals shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.

F. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

12.8 RECORDS & REPORTING

A. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permits issued, certificates of compliance and data relevant thereto, including reports of the Board of Appeals on variances granted hereunder.

B. The Building Authority shall be responsible for filing such annual reports regarding participation in the National Flood Insurance Program as may be required by FEMA. Said annual reports shall include, but not be limited to, a report on implementation of this article and on any variances granted hereunder. A copy of such annual reports shall also be sent to the Maine Floodplain Management Program.

12.9 PENALTIES

It shall be the duty of the Building Authority to enforce the provisions of this ordinance pursuant to Title 30-A M.R.S. § 4452. The penalties contained in Title 30-A M.R.S. § 4452 shall apply to any violation of this ordinance. In addition to any other actions, the Building Authority, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

A. The name of the property owner and address or legal description of the property sufficient to confirm its identity and location.

B. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance.

C. A clear statement that the public body making the declaration has authority to do so and a citation to that authority.

D. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance.A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

12.10 DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

13 SITE PLAN

13.1 PURPOSE

Pursuant to Portland's Comprehensive Plan, this article advances the vision for a sustainable city with shared goals for the environment, community, and economy. This article complements the zoning and subdivision regulations of this Land Use Code.

13.2 APPLICABILITY

13.2.1 Site plan approval required

A. All development meeting the thresholds of Table 13-A shall require site plan approval prior to commencing any work or undertaking any alteration or improvement of the site.

B. A final, approved site plan is a prerequisite to issuance of building, street opening, or certificate of occupancy permits for development subject to the provisions of this article. No such permit shall be issued until such permit is determined to be consistent with the final, approved site plan and any conditions of approval. In the event of any inconsistency between the approved site plan and any permit issued, the approved site plan shall control, provided, however, site plan approval shall not excuse failure to meet any independent requirement of any other law or ordinance. Neither the acceptance of any application nor any determination or approval hereunder shall authorize the issuance of a permit under Chapter 6 of the City of Portland Code of Ordinances for any use which would violate the provisions of Articles 6, 7, 8, 9 and 10 of this Land Use Code.

13.2.2 Exceptions

A. The Planning Authority may grant written authorization for the release of a demolition or interior building permit for a development subject to this article upon written request of the applicant describing the extent of proposed work, provided that final plans have been submitted by the applicant. Any exterior demolition requires a performance guarantee for site stabilization.

B. The Planning Authority may grant written authorization for advanced site work, provided that final plans have been submitted by the applicant. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and a determination by the Planning Authority that the request is reasonable, time is imperative, and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided as part of the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits. Advanced site work shall require a performance guarantee.

13.3 PROJECT CLASSIFICATION

13.3.1 Site plan

The Planning Authority shall classify each development proposal as a major or minor site plan application according to the classifications in Table 13-A. The Planning Authority may, due to the anticipated impacts of a project, classify any project a review level higher than otherwise indicated in Table 13-A.



SITE PLAN

TABLE 13-A: SITE PLAN CLASSIFICATIONS

	Minor	Major
New construction or additions[1]	Single- to four-family development 1,000 – 10,000 SF 1,000 – 20,000 SF in industrial zones 1,000 – 50,000 SF in TOD zones and IS-FBC zone	Multi-family development of five or more units > 10,000 SF > 20,000 SF in industrial zones > 50,000 SF in TOD zones and IS-FBC zone
Creation of disturbed area	1,000 SF - 3 ac.	> 3 ac.
Site alterations	Alteration of watercourse or wetland	
Creation of impervious surface	1,000 SF – 1 ac.	> 1 ac.
Construction or paving of parking	5 – 25 parking spaces	> 25 vehicles
Change of use[2]	10,000 – 20,000 SF	> 20,000 SF

[1] Includes cumulative expansion of building floor area within a three-year period.
[2] Includes any change in use of an existing building, whether or not alterations are involved, from any use in the following list to any other use on the list, with the exception that changes of use to residential shall be considered exempt: A) Industrial, (B) Residential, (C) Institutional, (D) Commercial/Service, (E) Water-dependent use and marine use.

13.3.2 Phased site plan

An applicant may elect to submit a phased site plan application for a large, multi-phase development program consisting of multiple buildings and site improvements on a site of one acre or more of total land area which is designed to be cohesive and integrated within the surrounding context.

13.4 REVIEW AND APPROVAL AUTHORITY

The review and approval authority for site plans shall be determined based on the classification of the project as shown in Table 13-B. At any point in the review process, the applicant may request that Planning Authority reclassify the application to the next highest review level.

TABLE 13-B: REVIEW AND APPROVAL AUTHORITY

Plan Classification	Review Authority
Minor	Planning Authority
Major	Planning Board

13.5 REVIEW PROCEDURES

13.5.1 Pre-application meeting

Applicants for site plan review are encouraged to schedule a pre-application meeting. The purpose of this meeting is to familiarize the applicant with the City of Portland, site plan submittal requirements, review procedures, and applicable review standards. A pre-application meeting shall not confer pending proceeding status under Title 1 M.R.S. § 302. No decisions relative to the plan shall be made at the

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pre-application meeting, nor shall any advice or information provided by the City be construed as a decision.

13.5.2 Application, plans, and submittals

All applicants shall submit a site plan application to the Planning Authority in such form as prescribed by the Planning Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs, shall accompany each application.

13.5.3 Staff completion check

A. The Planning Authority shall determine whether the application, plans, and submittals meet the submittal requirements of the *Technical Manual*. If the application is deemed incomplete or not in compliance with Articles 6, 7, 8, 9, or 10, the Planning Authority shall inform the applicant in writing of the finding and the additional plans or submittals required to complete the application. A review of the application will not be conducted until the application is found complete.

B. Once the application is determined to be complete, receipt of application notices shall be sent to all property owners within 500 feet of the subject property lines.

13.5.4 Staff review

When the application is determined to be complete, the plans and submittals shall be reviewed by the Planning Authority and other departments of the City of Portland as appropriate against the review standards of this article. If the application qualifies as a minor site plan review and is determined to meet all applicable standards of this article, the Planning Authority shall approve the application. Otherwise, written comments from reviewers shall be provided to the applicant. Written comments shall include a staff recommendation to provide a revised plan and submittals, schedule a Planning Board workshop, or schedule a public hearing.

13.5.5 Neighborhood outreach

Applicants for major site plan review shall conduct neighborhood outreach, either through neighborhood meeting(s) or another method

TABLE 13-C: SITE PLAN REVIEW PROCEDURES

	Minor	Major	Public Notice Requirement
Pre-application meeting	◐	◐	
Site plan, application, plans, and submittals	●	●	
Staff completion check	●	●	●
Staff review	●	●	
Neighborhood outreach		●	●
Planning Board workshop		◐	●
Revised plans and submittals	●	●	
Final staff review & recommendation	●*	●	
Planning Board public hearing		●*	●

● Required ◐Recommended * Decision point: approve/approve with conditions/deny

approved by the Planning Authority, in accordance with the following:

A. Timing and location. The neighborhood outreach shall be conducted no less than 21 calendar days before a public workshop or hearing. The outreach shall be conducted in a manner that is accessible to stakeholders within the City of Portland neighborhood where the project is proposed. All costs associated with the neighborhood outreach shall be borne by the applicant.

B. Notice. The applicant shall mail notice to all property owners within 500 feet of the subject property boundaries, at least 10 calendar days prior to the neighborhood outreach or event. The notice shall contain a brief description of the proposal and information about how to access the neighborhood outreach (e.g. the date, time, and place of the neighborhood meeting or event or other relevant information regarding approved forms of neighborhood outreach). A digital copy of the neighborhood notice shall be sent to the Planning Authority, which shall be distributed to the City's list of interested citizens.

C. Outreach procedures

1. *Record of participants.* The applicant shall keep a record of neighborhood participants in the outreach. A copy of this record shall be submitted to the Planning Authority prior to final review.
2. *Record of presenters and/or representatives.* The applicant shall keep a record of all presenters and/or representatives of the applicant participating in the outreach.
3. *Content.* The neighborhood outreach shall include an explanation of the proposal and provide an opportunity for public questions and comment.
4. *Record of feedback.* The applicant shall keep a record of feedback generated through the neighborhood outreach. In addition to any comments, questions, data, or other feedback collected, this record shall also include the start and end time(s) of the outreach and a list of the specific plans, documents, or drawings that were shared. A copy of this record shall be submitted to the Planning Authority prior to final review. Any other individual or entity also may submit comments on the neighborhood meeting to the Planning Authority.

13.5.6 Review costs

A. Applicants shall pay a fee to cover the review costs and administrative costs incurred by the City. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of City costs, and shall be invoiced periodically by the City.

B. No land use permits or applications of any kind shall be processed, reviewed or issued, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this article unless all charges due under this article have been paid and the developer is otherwise in compliance with the City Code of Ordinances.

13.5.7 Notice of public meeting

A. For all applications that are subject to Planning Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to

occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least ten days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is obstructed, removed, or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

13.5.8 Planning Board workshop

Where applicable, Planning Board workshops shall be scheduled on a date that follows the neighborhood outreach and initial staff review. Workshops shall be informational and shall not result in any formal approval or disapproval of the project. At a workshop, the Planning Board shall discuss the plans and submittals, consider the staff review with respect to the review standards of this article, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed.

13.5.9 Revised plans and submittals

Where staff or Planning Board review has found that plans and submittals fail to comply with the review standards of this article, applicants shall provide revised plans and submittals to the Planning Authority. The Planning Authority shall determine whether the revised plans and submittals meet the submittal requirements of the City of Portland *Technical Manual*.

13.5.10 Final staff review and recommendation

When determined to be complete, the revised plans and submittals shall be reviewed by the Planning Authority and other City departments as appropriate against the review standards of this article. Written comments from reviewers shall be provided to the applicant. In the case of a major site plan review, comments shall include a staff recommendation to either approve, approve with conditions, or deny the revised site plan and submittals. In the case of a minor site plan application, following staff review, the Planning Authority shall approve, approve with conditions, or deny the revised site plan application based on the review standards of this article.

13.5.11 Planning Board public hearing

Applicants for major site plan review must appear before the Planning Board for a public hearing. The hearing shall be scheduled on a date that meets all public noticing requirements contained in Article 2. At the hearing, the Planning Board shall approve, approve with conditions, or deny an application, based upon the review standards of this article.

13.5.12 Lapse in application

A site plan application must be diligently pursued from the date of submission. Notwithstanding the submission of a complete application, any applicant shall provide additional information, studies, or reports from qualified professionals when determined by the Planning Board or the Planning Authority to be reasonably necessary to make any of the determinations required by this article.

Failure to submit required information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

13.6 SITE PLAN REVIEW STANDARDS

The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland *Technical Manual,* the City of Portland *Design Manual,* and the standards below.

13.6.1 Transportation standards

A. Impact on surrounding street systems. The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of vehicular, bicycle, pedestrian, and transit traffic will not:

1. Create or aggravate any significant hazard to safety on the surrounding street network.
2. Substantially increase congestion on any street without mitigation proportionate to the level of impact.

B. Access and circulation

1. *In general*
   a. All development subject to this article shall provide safe and reasonable access and internal circulation for all users of the site and shall comply with the transportation systems and street design standards of the *Technical Manual*.
   b. Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.
   c. Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings, and building entrances on the site.
   d. Points of access and egress shall be located to avoid conflicts with turning movements and traffic flows.
2. *Curb and sidewalks*
   a. All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the *Technical Manual*.
   b. Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City of Portland Code of Ordinances and the transportation systems and street design standards of the *Technical Manual*
   c. An applicant may request a waiver from sidewalk installation requirements if they meet two or more applicable waiver criteria as listed below:

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i. There is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site.
ii. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of pedestrian-oriented infrastructure.
iii. A safe alternative walking route is reasonably available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
iv. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program (CIP) or has been funded through an earlier CIP or through other sources.
v. The street has been constructed or reconstructed without sidewalks within the last 24 months.
vi. 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.

d. An applicant may request a waiver from curb installation requirements if they meet two or more applicable waiver criteria as listed below:

i. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
ii. The reconstruction of the street is specifically identified and approved in the first or second year of the current CIP or has been funded through an earlier CIP or through other sources.
iii. The street has been rehabilitated without curbing in the last 60 months and the proposed use and design of the site does not necessitate the installation of curbing.
iv. 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.
v. Runoff from the development site or within the street does not require curbing for stormwater management.

C. Public transit access

1. All residential development consisting of 20 or more dwelling units and all commercial and institutional developments of at least 20,000 square feet gross floor area shall provide a transit shelter adjacent to or within the public right-of-way along its frontage, or at a nearby high-volume transit stop without a transit shelter, when the following criteria are met:

a. The development is proposed along an existing public transit route on a

principal or minor arterial roadway, as shown in the Federal Street Classification Map.

b. The nearest existing transit shelter on the route is more than ¼ mile from the site, measured along rights-of-way.

2. Transit facilities shall be connected to the public sidewalk system.

3. All or some of this standard may be waived if the review authority determines that the development is not anticipated to generate public transit usage due to particular characteristics of the development or proposed use.

D. Parking

1. *Vehicular parking*

a. Where provided, parking spaces and aisles shall not be located in front and corner side yards, unless the applicant can demonstrate that site constraints preclude the location of parking elsewhere on the site.

b. Where provided, parking spaces and aisles shall meet applicable dimensional standards as detailed in the transportation systems and street design standards of the *Technical Manual*.

c. Developments proposing to exceed the off-street parking maximums of Article 18 must demonstrate through a parking study that the amount of parking is appropriate for the proposed use of the site.

2. *Bicycle parking*

a. All development shall provide secure bicycle parking in accordance with the parking requirements of Article 18 and the transportation systems and street design standards of the *Technical Manual*.

b. Waiver: The review authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to particular site characteristics or proposed uses.

3. *Snow storage*

a. All developments shall include areas for snow storage or provide an acceptable snow removal plan.

b. Snow storage areas may not encroach on adjacent properties, public ways, and pedestrian walkways, and shall not be located where they would adversely impact the functionality of stormwater management systems. Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.

4. *Electric Vehicle (EV) charging*

a. All development shall meet applicable EV standards as provided in Section 1 of the *Technical Manual*.

E. Transportation Demand Management (TDM)

1. The following types of development shall design and implement a Transportation Demand Management (TDM) plan:

a. All commercial, institutional, or mixed-use developments of 50,000 square feet or more in total floor area.

b. All commercial or institutional uses designed to accommodate 100 or

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more employees or, for educational institutions, 100 or more students.

2. The TDM Plan shall comply with the standards for transportation studies and plans as contained in the *Technical Manual*.

13.6.2 Environmental quality standards

A. Preservation of significant natural features

1. All development shall preserve and protect significant natural features by incorporating the principles of Low-Impact Development (LID) in accordance with the LID standards of the *Technical Manual*.

2. Significant natural features shall include:

a. Waterbodies, including coastal and freshwater wetlands, great ponds, rivers, streams, or brooks, and significant vernal pools.

b. Populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program, and feature mature trees as defined in Article 3.

c. Habitat for species appearing on the official state or federal list of endangered or threatened animal species and high and moderate value waterfowl and wading bird habitat, including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife.

3. Where complete preservation of significant natural features substantially compromises development of the site as otherwise permitted by zoning, the review authority may reduce the requirement in accordance with the LID standards of the *Technical Manual* provided that the applicant implements preservation measures to the extent practicable and demonstrates compliance with applicable state and federal regulations.

4. The site plan shall include adequate measures to protect significant natural features to be preserved from construction impacts, in accordance with the LID standards of the *Technical Manual*.

B. Site landscaping and buffers

1. *On-site Landscaping.*

a. All development subject to this article shall provide a minimum of one shade tree consisting of species identified on the City of Portland Recommended Tree list or six plantings, defined as one shrub, one ornamental grass, and/or three perennials, per 5,000 square feet of lot area in accordance with the landscaping standards of the *Technical Manual*.

b. Existing vegetation to be preserved on the site may be counted towards this requirement as described in the landscaping and landscape preservation standards of the *Technical Manual*.

c. Where site constraints prevent the planting of required shade trees or plantings at the development site, the reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.

2. *Buffers and screening*

a. Loading and servicing areas, trash and recycling areas, storage areas, and

roof- and ground-mounted utility structures, except for renewable energy systems, shall be screened from view from public sidewalks, streets and adjacent properties by dense evergreen and deciduous landscaping, fencing, architectural screening products, masonry walls, building walls, or a combination thereof.

b. Where immediately visible from the right-of-way, surface parking areas shall be screened with dense evergreen and deciduous landscaping, fencing, or masonry wall in accordance with the landscaping standards of the *Technical Manual*.

c. For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone. In cases where architectural fencing is used, the depth of the landscaped buffer may be reduced, so long as the fencing is at least six feet in height and a mix of evergreen and deciduous trees spaced no further than 20 feet apart is planted abutting the residential zone.

d. All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.

3. *Parking and vehicle display lot landscaping*

a. Developments with more than five parking spaces shall include at least one tree for every 750 square feet of uncovered asphalt parking area (including drive aisles), planted in landscaped islands to screen, shade, and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as described in the landscaping standards of the *Technical Manual*.

b. Landscaped islands shall be distributed so that uninterrupted pavement does not exceed forty parking spaces.

c. Where site constraints prevent implementation of all or a portion of required parking lot landscaping, as determined by the review authority, the reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.

4. *Non-vehicular hardscape*. All uncovered paving for non-vehicular use, including pathways and patios, must have a Solar Reflective Index (SRI) as described in the landscaping standards of the *Technical Manual*.

5. *Street trees*

a. All development shall include one street tree per 25-35 linear feet of frontage along a city right-of-way or private roadway as specified in the landscaping standards of the *Technical Manual*. The provision of

measures to enhance tree survival (such as raised planters, irrigation, and structural soils as recommended by the City Arborist) shall be required.

b. Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the city right-of-way, the review authority may permit an alternative subject to the landscaping standards of the *Technical Manual*. Where the proposed development includes the removal of an existing street tree determined by the City Arborist to be a heritage or feature mature tree, the applicant shall be required to contribute to the Tree Fund at the designated rate in the *Technical Manual* so that the total replacement cost is significantly higher than planting a new street tree/contributing for a new street tree.

C. Water quality, stormwater management, and erosion control

1. All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following:

a. Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots.

b. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot or City property following the improvement can be handled on the adjacent lot or City property without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot or City property.

c. Any increase in volume or rate of stormwater draining from the lot into the City's storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

2. All development shall comply with the stormwater management standards of the *Technical Manual*.

3. Development shall not pose a risk of groundwater contamination either during or post-construction, as described in the stormwater management and water supply standards of the *Technical Manual*.

4. Applicants shall demonstrate that subsurface and/or any adjacent slope conditions are suitable to support the development, and where determined necessary, shall prepare a geotechnical study to demonstrate that the development as designed will not adversely impact the development site or any abutting property. Soil surveys and/or geotechnical studies shall be prepared in accordance with the requirements of the *Technical Manual*.

13.6.3 Public infrastructure and community safety standards

A. Consistency with City master plans

1. All developments shall be designed so as to be consistent with City Council-approved master plans and facilities plans and with off-premises infrastructure.
2. The site plan shall include suitable easements, rights, and improvements to connect or continue off-premises public infrastructure as may be required by the review authority.

B. Public safety and fire prevention

1. All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime:
   a. Natural surveillance that promotes visibility of public spaces and areas.
   b. Access control that promotes authorized and/or appropriate access to the site.
   c. Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.
2. All developments shall be designed to provide adequate emergency vehicle access to the site and comply with the Public Safety standards of the *Technical Manual*.

C. Public utilities

1. The development shall not overburden sanitary sewers and storm drains, water lines or supply, or other public infrastructure and utilities. Development shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities.
2. Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.
3. All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards of the *Technical Manual*.
4. All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of Chapter 24 of the City Code and the sanitary sewer and storm drain standards of the *Technical Manual*.
5. All residential development of 20 units or more, commercial development, and industrial development shall provide for the temporary storage and timely removal of all trash and recyclable materials including, at a minimum, paper, corrugated cardboard, plastics, and metals. Storage containers for recyclable materials shall be separated from trash containers. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets, and adjacent properties.

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13.6.4 Site design standards

A. Massing, ventilation, wind, and heat impact

1. The bulk, location, or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.
2. Development shall locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.
3. In developments or additions with an aggregate roof area greater than 2,000 square feet, measured horizontally, and, for residential projects, greater than nine residential units, a minimum of 75% of the roof area must meet the following "cool roof" Solar Reflective Index (SRI) standards:
   a. Roofs with a slope less than 2:12: SRI of 82+ (initial)/64+ (3-year aged)
   b. Roofs with a slope greater than 2:12: SRI of 25+ (initial)/25+ (3-year aged)

   Roof areas covered by shade structures with an SRI of 39+, including photovoltaic panels that shade the roof, area considered exempt from roof area calculations for the purposes of this standard.

B. Shadow. All development over 65 feet in height shall be designed to avoid and/or mitigate the adverse impacts of shadows cast by new structures or building additions from falling on publicly accessible open space in accordance with the shadow standards of the *Technical Manual*.

C. Snow and ice loading. All development shall be designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or public ways.

D. View corridors. The massing, location, and height of development shall not substantially obstruct public view corridors identified in the City of Portland *Design Manual*.

E. Historic resources

1. When a development affects a designated landmark or lies within a designated historic district or historic landscape district, such development shall be required to obtain a Certificate of Appropriateness under Article 16.
2. When any part of a proposed development is within 100 feet of any designated landmark (except the B&M Cannery Building), historic district (except the India Street Historic District), or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time.

3. All development shall document and protect state or local archaeological resources known to exist or discovered on the site.

a. Protection may include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.

b. Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City's historic preservation program and Maine Historic Preservation Commission. For resources of state significance, excavation and documentation shall be conducted by a qualified professional, in coordination with Maine Historic Preservation Commission. Local archeological resources may or may not be recognized by the Maine Historic Preservation Commission as significant and shall include the following:

i. Original seawall structure located landward of Commercial Street.

ii. Inactive historic family cemetery plots.

iii. Historic railroad beds including but not limited to the Portland-Lewiston interurban railroad.

iv. Original structure and/or landforms associated with the Cumberland and Oxford Canal.

v. Buried portions of colonial and post-colonial period structures or built features located on the Portland Peninsula predating the Great Fire of 1866.

vi. Pre-colonial occupation sites identified by shell middens or other evidence.

vii. Sites listed or eligible for listing on the National Register of Historic Places.

c. In order to preserve archeological resources, the review authority may waive standards listed in the City of Portland *Technical Manual* where necessary if it is determined that such a waiver would not jeopardize the health, safety, or welfare of the development's occupants, the public, or the natural environment.

F. Exterior lighting

1. *Site lighting*

a. All exterior site lighting shall be full cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties. Illumination levels shall be adequate but not excessive for the safety, comfort, and convenience of occupants and users of the site, and shall conform to the lighting standards of the *Technical Manual*.

b. Where light from a proposed development may adversely impact adjacent residential properties,

exterior lighting shall employ building-side shielding.

2. *Architectural and specialty lighting.*
   a. Architectural and specialty lighting of such features as architectural details, monuments, public art, or other site features shall be designed to illuminate specific details or attributes only and shall meet the lighting standards of the *Technical Manual*.
   b. Up-lighting by any method is prohibited except for public buildings and parklands; clock towers and steeples; landscape features; designated historic landmarks; flags of state, federal, or national jurisdictions; and public art. Such light fixtures, brackets, conduits, and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance with the lighting standards of the *Technical Manual*.
3. *Street lighting.* All development shall provide municipal street lighting adequate for the safety and comfort of pedestrians and motorists and, where applicable, conforming to specific lighting district requirements as specified in the street lighting standards of the *Technical Manual*.

G. Noise and vibration. All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable state and federal emissions requirements and shall be located to the interior of the site, away from abutting properties.

H. Signage and wayfinding

1. On-site directional traffic signage may be provided to enable users to safely and easily navigate into, around and out of the site.
2. Signage shall not adversely affect visibility at intersections on or off the site.

I. Design standards

1. Development of certain types and/or proposed in certain zones, as specified in the City of Portland *Design Manual*, shall meet the design standards of the *Design Manual* in order to ensure that building and site design contribute to and enhance the goals and policies for specific zones within the city. The City of Portland *Design Manual* is incorporated by reference as part of this Land Use Code.
2. If the development is located in a historic district or associated with a historic landmark, the standards of Article 16 shall supersede.

13.7 WAIVERS

13.7.1 Waiver requests

An applicant for site plan review may request a waiver with respect to the submittal requirements or review standards of this article. If a waiver is requested, the applicant shall document the rationale for the waiver request within the application.

13.7.2 Waiver criteria

Except for where waiver criteria are provided for individual review standards, the review authority, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the submittal requirements or review

standards of this article, may vary these regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent of this article.

13.8 PHASING

A major site plan may be divided into two or more phases. Each phase must be at least 20% of the total development and in addition, show the entire tract or parcel. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

13.9 CONDITIONS OF APPROVAL

Notwithstanding the review standards of this article, the review authority may impose any condition upon its approval of any site plan to minimize or abate any adverse impact of the proposed development on the value or utility of other private property, or public property or facilities, to the extent feasible; to bring the development into compliance with the review standards of this article; or to minimize any other adverse environmental effects of the proposed development.

13.10 POST-APPROVAL PROCEDURES

13.10.1 Final plans

Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage structures, and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public Works Authority and/or Planning Authority as field changes pursuant to Section 13.13. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to Section 13.12.

13.10.2 Performance and defect guarantees

The following performance and defect guarantee requirements shall apply:

A. Performance guarantee required. Following approval of site plan applications and prior to the issuance of a building permit, the developer shall post with the City a performance guarantee in the form and amount specified herein, specifying the completion of the required site plan improvements within two years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

B. Inspection fees. At the same time that the developer posts a performance guarantee, the developer shall also pay to the City an inspection fee as determined by the City Council. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.

C. Single- and two-family development. All single- and two-family development is exempt from performance guarantee requirements except when those projects complete construction in the winter, and site work is incomplete due to weather conditions. A performance guarantee will then be required that is sufficient to complete the remaining site work as approved on the site plan. The performance guarantee must be reviewed and

approved by the Planning Authority prior to the release of a certificate of occupancy. All single- and two-family development is subject to inspection fees, as specified herein.

D. Performance guarantee amount

1. The performance guarantee shall be equal in value to 100% of the estimated cost of the required site improvements as shown on the approved site plans, as a condition of planning approval, as required in the City of Portland Code of Ordinances, and/or as required by the City of Portland *Technical Manual*.

2. The performance guarantee amount shall be estimated by the applicant or representative using the cost estimate spreadsheet provided by the City and shall be submitted for review and approval to the Planning Authority. Costs to be included in the estimate, and which shall be covered by the performance guarantee include items such as: street and sidewalk improvements including street lights, monuments, curbing, ramps and detectible warning panels, and striping; earth work and grading; utilities infrastructure and connections including sewer, stormwater, and water service; exterior site lighting; erosion control measures as shown on the approved erosion and sedimentation control plan; open space and recreation amenities; and final site stabilization and landscaping.

3. The Planning Authority may waive all or any portion of this requirement if it determines that the property owner has a proven record of satisfactory performance and sufficient financial capability or when the overall cost of the project fails to justify the administration of a performance guarantee.

E. Phased projects. If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

F. Advanced site work

1. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Planning Board approval.

2. On a case-by-case basis, permission for advanced site work may be granted by the Planning Authority under Section 13.2.2(B). Such permission is solely within the discretion of the Planning Authority.

G. Acceptable forms of performance guarantee. The performance guarantee, in the amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial

sufficiency and the corporation counsel as to proper form and legal sufficiency.

H. Performance guarantee reductions.

1. Up to three times during the construction of a project, upon request of the developer, a performance guarantee may be reduced by the value equal to the estimated cost of the completed improvements. In no case shall any performance guarantee be reduced by any line item on the cost estimate spreadsheet where improvements remain to be completed. Requests shall be submitted on the cost estimate spreadsheet for review and approval by the Planning Authority.
2. In no case shall any performance guarantee be reduced to an amount equal to or less than the required defect guarantee until all criteria set forth for converting to the defect guarantee have been met, as approved by the Planning Authority.

I. Extension of the performance guarantee. If the Planning Authority and/or the Public Works Authority has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City's satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the Planning Authority and/or the Public Works Authority.

J. Performance guarantee release/conversion to defect guarantee.

1. No performance guarantee shall be released until all fees generated by the project are paid to the City, including but not limited to engineering, inspection, and administrative fees. The guarantor shall not be released from the guarantee except and until authorized in writing by the Planning Authority.
2. For roadway extension projects, no performance guarantee shall be released until the Department of Public Works has performed a final inspection of the roadway and determined satisfactory completion of the required improvements. Additionally, no performance guarantee shall be released until the City is in receipt of a petition for street acceptance, deemed complete and satisfactory by Corporation Counsel and/or the Department of Public Works. The petition for street acceptance must include a warranty deed (with metes and bounds description) to the property within each street of the subdivision or roadway extension and any other improvements intended for City maintenance.
3. Upon the satisfactory completion of the required site improvements and compliance with all conditions of approval including the submission of as-built drawings as applicable, the Planning Authority will authorize in writing, conversion to the defect guarantee. The defect guarantee shall be 10% of the original performance guarantee amount and shall remain in place for a period of

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one year. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the required site improvements. The Planning Authority may authorize the defect guarantee to be released at any time within the one-year period, provided all required site improvements have been constructed and in-place for one year or more and the workmanship and the durability of all materials has been inspected and confirmed to be satisfactory.

K. Acceptable forms of defect guarantee. The defect guarantee, 10% of the original performance guarantee amount approved by the Planning Department, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland finance department and shall be in conformance with the templates and forms made available by the City. If the defect guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until the criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

L. Use of the performance guarantee. In the event that a development site is abandoned or the site improvements do not meet City standards as approved in the site plan, the performance guarantee may be utilized to stabilize, secure, complete construction, and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading, and fencing.

13.10.3 Inspection fee

At the same time that the developer posts a performance guarantee, the developer shall also pay to the City a site plan improvement inspection fee equal to two percent of the estimated costs of required site improvements for which a performance guarantee is to be posted. At the conclusion of the project, and before a temporary or permanent certificate of occupancy is issued, the developer shall pay to the City the balance of any inspection fees actually incurred by the City in its review of the project.

13.10.4 As-built plans

Upon completion of a development (excluding single- and two-family development and minor site work as determined by the Planning Authority), the applicant shall submit the as-built plans as specified in the *Technical Manual*.

13.10.5 Certificates of occupancy

No certificate of occupancy shall be issued to any portion of development where, in the opinion of the Planning Authority, the site conditions or work required to complete the development will endanger the health or safety of persons visiting or inhabiting the completed portion. Certificates of occupancy may be granted as follows:

A. Temporary certificates of occupancy

1. Notwithstanding any other provision of the Land Use Code, a certificate of occupancy may be issued for a development or portion of a development which has otherwise been completed in accordance with final site plan approval and all

applicable provisions of this Land Use Code where the applicant submits a written request to the Planning Authority stating those improvements which remain to be completed, the reasons why such improvements have not been completed, and the cost and time to complete the remaining work. In no event shall any temporary or permanent certificate of occupancy be issued where:

a. Conditions exist which would justify denial of a certificate of occupancy under Chapter 6 of the City of Portland Code of Ordinances.

b. Required improvements to the City right-of-way remain to be completed by the developer.

c. Access roads, driveways, and pedestrian access required for the building or building(s) for which the certificate(s) are requested have not been improved to a passable condition.

d. A remaining balance for fees incurred by the City exists.

e. The developer otherwise is in violation of the City Code of Ordinances.

2. Where a temporary certificate of occupancy is sought for a portion of any development prior to the completion of the entire development, the following standards shall be met, in addition to all applicable requirements set forth above, prior to the issuance of any certificate of occupancy:

a. Those parking areas required for the portion of the development for which a certificate of occupancy is sought shall be available for use. Alternative arrangements must be made on-site for parking for any periods during which such parking areas will not be available for use.

b. All foundation plantings and other landscaping required for the portion of a development for which a certificate of occupancy is sought shall be installed prior to the issuance of a certificate of occupancy. This requirement may only be waived where, in the opinion of the Public Works Authority, landscaping improvements cannot practically be completed due to seasonal weather conditions.

c. A performance guarantee shall be in place and in an amount sufficient to cover all remaining required improvements and not less than 10% of the initial performance guarantee amount.

B. Final certificate of occupancy. All improvements which are not completed prior to the issuance of any temporary certificate of occupancy must be completed prior to the completion date specified in the performance guarantee or in the temporary certificate of occupancy, whichever occurs first, in order for a final certificate of occupancy to be issued by the City. Where any person accepts a temporary certificate of occupancy and does not complete the improvements as specified in the certificate, the City is authorized to enter upon such property itself or through its agents or contractors to complete such improvements with no liability therefore and may recover the

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costs thereof through the mechanic's lien procedure for the improvement of real property to the extent that the performance guarantee may be inadequate.

13.11 EXPIRATION OF APPROVALS

13.11.1 Site plan

Site plans approved under this article shall expire three years from the date of approval unless development has been undertaken in accordance with the approved site plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of 12 months shall result in an expiration of the site plan. Approved amendments to a site plan shall have no effect on the expiration date, which is based upon the original date of approval.

13.11.2 Phased site plan

The applicant has three years to start site work or building construction undertaken in accordance with the approved phased site plan and seven years to complete the project. Approved amendments shall have no effect on the expiration date, which is based upon the original date of approval. A phased site plan may be extended by the Planning Authority up to two years from date of expiration. Extension requests must be made in writing by the applicant prior to the expiration of the approval.

13.11.3 In case of appeal

Where a site plan approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted extensions, beyond the expiration of said approval, where the applicant has exercised due diligence with respect to defending such appeal. Extensions shall not last beyond one year from entry of final judgment.

13.12 AMENDMENTS TO APPROVED PLANS

13.12.1 Field changes

Changes associated with unforeseen difficulties that arise during the course of construction and involving such technical detail as utility location and substitution of equivalent plantings shall be approved by the Public Works Authority and/or the Planning Authority. Field changes shall not involve substantial alteration of the approved plan or conditions imposed by the review authority.

13.12.2 Minor amendments

A. The Planning Authority is authorized to approve minor amendments to site plans. An applicant may request a minor amendment to an approved site plan by submitting a written statement of the proposed amendments and proposed amended plans to the Planning Authority.

B. Minor amendments:

1. Are generally consistent with the approved plan.
2. Do not substantially impact the layout of buildings and open space.
3. Do not significantly alter the program of proposed uses.
4. Do not substantially change access, circulation, or infrastructure on or adjacent to the site.
5. Do not otherwise meet thresholds for site plan review as described in Table 13-A.
6. Do not affect any condition or requirement of the Planning Board.



13.12.3 Major amendments

An applicant may request approval by the review authority of a major amendment to an approved site plan by submitting an application for the amendment to the Planning Authority. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection 13.12.2.

13.13 CONSISTENCY WITH APPROVED SITE PLANS

13.13.1 Sites to be developed and maintained as depicted

A. Sites shall be developed and maintained as depicted in the approved final site plan and the written submission of the applicant. Any deviations from an approved site plan, including, but not limited to, changes in topography, vegetation and impervious surfaces as shown on the final site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation, and impervious surfaces shown on the site plan.

B. All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of this Land Use Code shall be in conformance with the approved final site plan or an amendment thereto under Section 13.12. The Planning Authority shall institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article.

13.13.2 Work pursuant to Chapter 24 or 25

Where work is required pursuant to the terms of Chapters 24 or 25 as part of an approval granted under this article, such work shall be accomplished in the sequence established by the Public Works Authority. Where the Public Works Authority determines that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of Chapters 24 and 25 of the City of Portland Code of Ordinances, a stop work order may be issued. Work shall recommence only after such order has been lifted by the Department of Public Works or the Building Authority on the basis of an approved mitigation plan or action by the developer.

13.13.3 After-the-fact review

Where construction, alteration, or modification to a site is performed without a valid site plan approval, an after-the-fact review shall be performed by the Planning Board or Planning Authority, as applicable.

13.14 APPEALS

13.14.1 Minor site plan

When the Planning Authority has approved, approved with conditions, or disapproved a minor site plan, any person aggrieved may appeal the decision to the Planning Board within 30 calendar days of the date of the written decision of the

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Planning Authority. Upon the taking of such an appeal, the application shall be reviewed as a new application.

13.14.2 Minor site plan

When the Planning Board has approved, approved with conditions, or disapproved a major site plan, any person aggrieved or the City may appeal the decision to the Superior Court, pursuant to Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S §§ 2691 & 4483. Decisions of the Planning Board are final as of the date the written decision is issued.

14 SUBDIVISIONS

14.1 PURPOSE

This article is adopted pursuant to the terms and provisions of 30-A M.R.S. § 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air, and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water, and other utilities and facilities; for the dedication to the City of land for streets, alleys, or other public purposes or the transfer to the City of easements or other rights or privileges; for the reservation for the City of land to be acquired for public facilities; and to protect public safety.

14.2 APPLICABILITY

14.2.1 Jurisdiction

A. This article shall govern each and every subdivision of land as defined under 30-A M.R.S. § 4401 and 4402 within the limits of the city unless specifically exempted under this article.

B. When application is made to resubdivide a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.

14.2.2 Enforcement, conveyance, markers, and recording

A. No person may sell, lease, develop or build upon, or convey for consideration, offer or agree to sell, lease, develop or build upon, or convey for consideration any land in a subdivision unless the subdivision has been approved by the Planning Board, and unless a recording plat showing permanent marker locations at all lot corners has been recorded in the Cumberland County Registry of Deeds.

B. No subdivision plan shall be recorded by the Cumberland County Registry of Deeds which has not been approved as required by this article. Approval for the purpose of recording shall appear in writing on the recording plat.

C. No public utility, water district, sanitary district, or any utility company of any kind shall install services to any lot in a subdivision which has not received Planning Board approval.

D. Any person who sells, leases, develops or builds upon, or conveys for consideration any land in a subdivision which has not been approved as required by this article shall be required to submit an after-the-fact subdivision application for each such occurrence. The City may institute proceedings to enjoin any violation of this section.

14.3 REVIEW PROCEDURES

14.3.1 Application

To obtain approval of a proposed subdivision the subdivider or applicant shall submit an application to the Planning Authority in such form as prescribed by the Planning Authority. The application shall meet the submission requirements of the City of Portland *Technical Manual,* including the provisions for a subdivision plat for presentation to the

Planning Board and public, all engineering data and plans necessary for the completion of the required improvements, supplemental submission items, a recording plat, and written submittals demonstrating compliance with the review criteria of this article. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application.

14.3.2 Receipt of application notice

A. When an application for subdivision is received or generated by the Planning Authority, it shall give a dated receipt to the applicant and shall notify, by mail, the following, where applicable.

1. All property owners within 500 feet of the proposed subdivision.
2. The clerk and the reviewing authority of municipalities that abut or include any portion of a proposed subdivision.
3. A public drinking water supplier if the subdivision is within its source water protection area.

B. The notice hereunder shall include a brief description of the application, the address or location of the property involved and a telephone number at the City where additional information may be obtained. The cost of noticing shall be charged to the applicant.

14.3.3 Neighborhood outreach

An applicant for the subdivision of five or more lots shall conduct neighborhood outreach according to the provisions of Subsection 13.5.5.

14.3.4 Notice of public meeting

A. Prior to any Planning Board workshop or hearing on the subdivision application, the applicant shall be responsible for posting a notice of public meeting sign on the property where the subdivision is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least ten days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is obstructed, removed, or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

14.3.5 Review costs

A. The subdivider shall pay a fee to cover the review costs and administrative costs to be incurred by the City. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of City costs, and shall be invoiced periodically by the City.

B. No land use permits or applications of any kind shall be processed, reviewed, or issued, no signed subdivision plats shall be released or recorded, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this article unless all charges due have been paid and the developer is otherwise in compliance with the City of Portland Code of Ordinances.

14.3.6 Timing of subdivision review

A. Within 30 days of receiving an application, staff shall notify the applicant in writing either that the application is complete or, if it is determined to be incomplete, the specific additional materials needed to make it a complete application. After the review authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

B. A public hearing shall be commenced within 30 days following the receipt of a complete subdivision application by the review authority. The Planning Board shall render its decision on any application submitted to it within 30 days of a public hearing or such other time as may be mutually agreed to by the Planning Board and the applicant.

14.3.7 Subdivision approval

The Planning Board shall approve, approve conditionally, or disapprove such subdivision application at a public hearing. If approved conditionally, the conditions and reasons shall be stated and given in writing to the subdivider and, if necessary, the Planning Board may require the subdivider to submit a revised subdivision plat. If the Planning Board should disapprove the subdivision plat, the reasons for such action shall be stated and given in writing to the subdivider, and the Planning Board may state the conditions under which the proposed subdivision would be approved.

14.3.8 Recording

A. Prior to the release of a signed, approved recording plat, all current charges due under this article shall be paid.

B. When the recording plat, meeting the requirements of the City of Portland *Technical Manual,* is approved, the subdivider shall pay the actual cost of recording and reproduction.

C. The recording plat shall be recorded in the office of the Cumberland County Registry of Deeds by the subdivider.

D. The registry book and page numbers shall be transcribed on one mylar copy of the recording plat to be sent to the Public Works Authority. Unless the subdivider records the approved recording plat within three years of the Planning Board's approval of the subdivision plat, the recording plat approval shall become null and void. The preceding sentence notwithstanding, if the Planning Board's initial approval of a subdivision is based in part upon the granting of a waiver from any of the applicable subdivision standards, no such waiver shall be valid unless that fact is expressly noted on the face of the recording plat and in a certificate. The recording plat and certificate shall conform to the requirements of 30-A M.R.S. § 4406, and both the recording plat and certificate shall be recorded in the Cumberland County Registry of Deeds within two years of final subdivision approval.

14.3.9 Sectional recordings

Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two or more sections for recording purposes subject to any conditions that the Board deems necessary in order to ensure the orderly development of the plan. A sectional recording plat shall constitute at least 20% of the total number of lots contained within the approved subdivision, and, in addition, shall show the entire tract or parcel

being subdivided. For the purposes of this article, tract or parcel shall mean all contiguous land under the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof. In these circumstances, if the first section of the plat has been recorded within three years after Planning Board approval, approval of the remaining sections of the plat shall remain in effect for five years after Planning Board approval.

14.4 REVIEW STANDARDS

14.4.1 Standards of review

Before granting approval, the Planning Board shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and conformity with the applicable state and local health and water resources regulations.

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision.

C. Will not cause unreasonable burden on an existing water supply.

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

E. Will not cause unreasonable highway or public road congestion, or unsafe conditions with respect to use of highways or public roads that are existing or proposed.

F. Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized.

G. Will not cause an unreasonable burden on the ability of the City to dispose of solid waste and sewage if municipal services are to be utilized.

H. Will not have an undue adverse effect on significant natural resources and other environmentally sensitive resources, as demonstrated by compliance with the Low-Impact Development standards of the City of Portland *Technical Manual,* historic sites, or any public rights for physical or visual access to the shoreline. For subdivisions within local historic districts, the Planning Board shall apply the standards of Subsection 16.7.3(C). The Planning Board may request that the Historic Preservation Board prepare an evaluation of the proposed subdivision based upon the standards of Subsection 16.7.3(C).

I. Is in conformance with the adopted Comprehensive Plan.

J. The subdivider has adequate financial and technical capacity to meet the standards of this subsection.

K. Whenever situated, in whole or in part, within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

M. Is or is not in a flood prone area, based on the Federal Emergency Management Agency's flood boundary and floodway maps and flood insurance rate maps and/or the City of Portland Coastal Flood Resilience Overlay Zone, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision, and/or the applicable SLR-DFE and SLR-BFE per Section 8.1. The proposed subdivision plan must include a condition of plan approval requiring that structures in the subdivision will be constructed in compliance with the provisions of Section 8.1 and Article 12.

N. Will provide for adequate stormwater management as demonstrated by compliance with the stormwater standards of the City of Portland *Technical Manual*.

O. Will not have lots with a lot depth-to-shore frontage ratio greater than 5 to 1 if any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38 § 480-B.

P. For any proposed subdivision that crosses municipal boundaries, will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

14.5 TECHNICAL AND DEVELOPMENT STANDARDS

14.5.1 Technical standards

All subdivisions and associated improvements, excluding subdivisions exempted under Section 14.12 of this article, shall, in addition to the criteria listed herein, adhere to all applicable standards of the City of Portland *Technical Manual*, unless formally waived by the Planning Board.

14.5.2 Timing of subdivision improvements

The Department of Public Works shall establish the sequence in which work is to be accomplished. Where it is determined by the Public Works Authority that work has been completed prior to the receipt of all approvals required by this article, or which is out of sequence, or is not in compliance with the standards of this section and of Chapter 25, the Public Works Authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the Public Works Authority. Violation of the stop work order shall be considered an offense.

14.5.3 Subdivision names

Subdivision names for plats shall be subject to approval by the Planning Board and shall not duplicate the name of any plat already recorded.

14.5.4 Streets

A. All streets shall be platted along contour elevations which result in minimal grade changes and ensure the greatest visibility wherever practicable, with consideration given for anticipated use of the land. Street grades in all proposed subdivisions shall be subject to approval by the Public Works Authority.

B. The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding tracts.

C. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

D. Reserve strips or spite strips for unspecified or unacceptable purposes are prohibited.

E. Street right-of-way widths shall be as provided in Chapter 25 of the City of Portland Code of Ordinances and the City of Portland *Technical Manual*. All private streets shall be designed by a professional engineer and shall be built according to accepted engineering standards.

F. Proposed subdivisions along existing, or dedicated, or platted streets where rights-of-way are inadequate shall provide additional land to meet the minimum standards.

G. Streets shall not occupy more land than is necessary to provide access, nor create unnecessary fragmentation of the subdivision into small blocks.

H. All dead-end streets shall provide for a cul-de-sac or, in the case of a dead-end street which will be extended, a temporary turn around at the end of the street, subject to the approval of the Public Works Authority.

I. Sidewalks shall be constructed on each side of each street in accordance with Chapter 25 of the City of Portland Code of Ordinances. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic.

J. Curbs shall be constructed on each side of each street. The curbing shall be constructed as provided in Chapter 25 of the City of Portland Code of Ordinances.

14.5.5 Sewers and storm drains

A. All subdivisions shall be provided with adequate storm drain systems within the subdivision separate from any sanitary sewer system required in Chapter 25 of the City of Portland Code of Ordinances. The design of all sewers and storm drains shall be subject to approval by the Public Works Authority.

B. Any natural or manmade areas, systems or facilities designated for stormwater control purposes, and intended for City maintenance shall, except for detention or retention ponds or basins and regularly free flowing watercourses, be structurally enclosed in accordance with the standards of the Public Works Authority, and shall be dedicated with sufficient land for maintenance purposes. Warranty deeds to such areas shall be submitted for acceptance by the City Council at the same time as the acceptance of streets. All such areas as are not intended for City maintenance shall be permanently protected and maintained by private agreement, deed covenant or restriction, as appropriate, in form approved by the Corporation Counsel.

C. The subdivider shall be responsible for the construction of all sewers and storm drains including manholes, catch basins and any other appurtenances as may be deemed necessary by the Public Works Authority. All work shall be completed in accordance with the Department of Public Works specifications.

14.5.6 Blocks

A. A maximum block length of 800 feet, measured from the nearest street lines of intersecting streets, shall be observed except where, in the opinion of the Planning Board, conditions justify a departure from this standard. In general, block size should be the maximum, most consistent with the use and shape of the site and the convenience and safety of the occupants.

B. In blocks exceeding 800 feet in length, measured from the nearest street lines of intersecting streets, the Planning Board may require, where feasible, the reservation of a 20 foot wide easement to the City through the block to provide for the crossing of underground utilities and pedestrian traffic and may further specify, at its discretion, that an accessible foot path be included.

C. The length, width and shape of blocks shall be determined on the basis of:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot sizes, setbacks and dimensions.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.

D. The foregoing dimensions may be adjusted by the Planning Board where type of use or topography requires such modification.

14.5.7 Lots

A. Lots shall conform to the provisions of Article 7 and all other relevant provisions of the City of Portland Code of Ordinances.

B. Where easements for public utilities, storm drains, or sanitary sewers are contemplated, the lot lines shall be located in such a manner as to facilitate construction of such facilities and the maintenance thereof.

C. Lots which are reserved or laid out for business, commercial, or industrial purposes shall have sufficient width and depth to accommodate the off-street parking and loading facilities to be provided.

D. Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines).

14.5.8 Public open space

A. In all subdivisions, open space may be provided for parks, recreation, and other public use. Where no public open space or recreational areas exist in close proximity to the subdivision, or where a lack of such areas in the subdivision would require its disapproval under Section 14.4, the Planning Board may require provision of land for park or recreational purposes. Such lands may be designated for public or private ownership in accordance with the conditions stated in this subsection, subject to the approval of the Planning Board.

B. If a tract or parcel is intended for public ownership and is so designated on the subdivision plat, the acceptance of such land shall be first recommended by appropriate City departments and the Planning Board, and sent to the City Council for final determination.

C. If a tract or parcel is designed or intended to be owned and used in common for recreational or other public or semi-public purposes, and such intent is so designated on the subdivision plat, appropriate documents in form approved by

the Corporation Counsel shall be submitted to the Planning Board. Such documents shall clearly:

1. Set forth the nature of the permanent organization under which common ownership is to be established, including its purpose, how it shall be governed and administered, the provisions made for permanent care and maintenance of the common property for its share of the cost of administering and maintaining such common property.
2. Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

14.5.9 Access to shoreline

A. In all subdivisions having shore frontage, existing legal rights of public access to the shoreline shall be preserved. The proposed street layout and circulation plan shall be suitably integrated with such existing public access in a manner that reasonably promotes the public use of such access. The proposed street layout and circulation plan shall also be designed to preserve any legal rights to any significant water views and scenic vistas from such rights-of-way.

B. In all subdivisions having any lots within the Shoreland Zone, legal rights of private access to waters shall, to the extent reasonably feasible, be established for the benefit of all lots within the subdivision not otherwise having such access.

14.5.10 Additional requirements for nonresidential subdivisions

All nonresidential subdivisions, meaning subdivisions not intended for human habitation, such as a commercial or industrial subdivision, must meet the following additional requirements, except as waived by the Planning Board:

A. Proposed industrial parcels shall be suitable in area and dimensions to the commercial or industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type, weight, and volume of traffic anticipated to be generated.

C. The design and installation of public utilities, including water, sewers, and storm water drainage, shall be adequate to accommodate the anticipated usage.

D. Streets carrying truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

14.6 WAIVERS

14.6.1 Request for waivers

A waiver of plat requirements or technical standards shall be applied for in writing by the subdivider. The decision of the Planning Board on such request shall be final.

14.6.2 Waiver standards

A. Except for the requirements set forth in Subsection 14.5.4 pertaining to the provision and construction of curbs and sidewalks, the Planning Board, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations, may vary the regulations so that substantial justice may be done and the public

interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan and the regulations of this article.

B. Where the Planning Board or Planning Authority finds that, for each of the requirements listed in (1) and (2) below, two or more of the conditions exist with respect to compliance with the requirements set forth in Subsection 14.5.4 pertaining to the provision and construction of curbs and/or sidewalks, it may waive, in whole or in part, the regulations so that substantial justice may be done and the public interest secured.

1. *Sidewalks*

a. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.

b. There is no sidewalk in existence or expected within 1,000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.

c. 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.

d. 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.

e. The street has been constructed or reconstructed without sidewalks within the last 24 months.

f. 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.

2. *Curbing*

a. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.

b. 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.

c. The street has been rehabilitated without curbing in the last 60 months.

d. 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.

e. Runoff from the development site or within the street does not require curbing for stormwater management.

C. 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 Comprehensive Plan relating to transportation and pedestrian infrastructure and the regulations of this article.

14.6.3 Modifications approved by Public Works

If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the project engineer and the Public Works Authority that unforeseen conditions make it necessary or preferable to modify the design of the required improvements, the Public Works Authority may authorize modifications provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the Planning Board.

14.6.4 Conditions

In granting waivers and modifications, the Planning Board may require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirement so waived or modified.

14.7 GUARANTEES AND ASSOCIATED FEES

14.7.1 Performance guarantee required

Following subdivision approval and prior to the release of the signed recording plat, the subdivider shall post with the City a performance guarantee in the form and amount specified herein, specifying the completion of the required subdivision improvements within two years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

14.7.2 Inspection fees

At the same time that the developer posts a performance guarantee, the developer shall also pay to the City an inspection fee as determined by the City Council. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.

14.7.3 Establishing the performance guarantee amount

A. The performance guarantee shall be equal in value to 100% of the estimated cost of the required subdivision improvements as shown on the approved subdivision plat, as a condition of Planning Board approval, as required in the City of Portland Code of Ordinances, and/or as required by the City of Portland *Technical Manual*.

B. The performance guarantee amount shall be estimated by the applicant or representative on a form provided by the City and shall be submitted for review and approval to the Planning Authority. Costs to be included in the estimate, and which shall be covered by the performance guarantee include items such as street and sidewalk improvements including street lights, monuments, curbing, ramps, detectible warning panels, and striping; earth work and grading; utilities infrastructure and connections including sewer, stormwater, and water service; exterior site lighting; erosion control measures as shown on the approved erosion and sedimentation control plan; open space and recreation amenities; and final site stabilization and landscaping.

C. The Planning Authority may waive all or any portion of this requirement if it determines that the subdivider has a proven record of satisfactory performance and sufficient financial capability.

14.7.4 Phased projects

If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

14.7.5 Advanced site work

On a case-by-case basis, permission for advanced site work may be granted by the Planning Authority. Such permission is solely within the discretion of the Planning Authority.

14.7.6 Alterations to pending subdivisions

Alterations may be made to a site with a pending subdivision application if:

A. At minimum, a performance guarantee for the proposed site alterations has been posted and final plans have been submitted to the Planning Authority.

B. Written permission has been received from the Planning Authority that such site alterations may proceed pending subdivision approval. Such permission is solely within the discretion of the Planning Authority and shall be granted only after submission of a written request setting forth the work proposed to be done on the site. All such work shall be done in compliance with information provided with the subdivision application. An erosion control plan shall also be submitted when deemed necessary by the Planning Authority. Such written permission shall not be required when the only work proposed is the digging of test pits.

14.7.7 Acceptable forms for the performance guarantee

The performance guarantee, in the amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest-bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the Finance Director as to financial sufficiency and the Corporation Counsel as to proper form and legal sufficiency.

14.7.8 Reductions of the performance guarantee

A. Up to three times during the construction of a project, upon request of the subdivider, a performance guarantee may be reduced by the value equal to the estimated cost of the completed improvements. In no case shall any performance guarantee be reduced by any line item on the cost estimate where improvements remain to be completed. Requests shall be submitted on a form provided by the City for review and approval by the Planning Authority.

B. In no case shall any performance guarantee be reduced to an amount equal to or less than the required defect guarantee until all criteria set forth for converting to the defect guarantee have been met, as approved by the Planning Authority.

14.7.9 Extension of the performance guarantee

If the Planning Authority and/or the Public Works Authority has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City's satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the Planning Authority and/or the Public Works Authority.

14.7.10 Release of the performance guarantee

A. No performance guarantee shall be released until all fees generated by the project are paid to the City, including but not limited to engineering, inspection, and administrative fees. The guarantor shall not be released from the guarantee except and until authorized in writing from the Planning Authority.

B. For subdivisions, no performance guarantee shall be released until the Public Works Authority has performed a final inspection of the roadway and determined satisfactory completion of the required improvements. Additionally, no performance guarantee shall be released until the City is in receipt of a petition for street acceptance, deemed complete and satisfactory by Corporation Counsel and/or the Public Works Authority. The petition for street acceptance must include a warranty deed (with metes and bounds description) to the property within each street of the subdivision or roadway extension and any other improvements intended for City maintenance.

C. Upon the satisfactory completion of the required site improvements and satisfactory compliance with all conditions of approval including the submission of as-built drawings as applicable, the Planning Authority shall authorize, in writing, conversion to the defect guarantee. The defect guarantee shall be 10% of the original performance guarantee amount and shall remain in place for a period of one year. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the required site improvements. The Planning Authority may authorize the defect guarantee to be released at any time within the one-year period, provided all required site improvements have been constructed and in-place for one year or more and the workmanship and the durability of all materials has been inspected and confirmed to be satisfactory.

14.7.11 Improvements required prior to release of guarantee

Prior to the release of the performance guarantee, the subdivider shall have completed the following improvements:

A. All streets shall be graded in conformity with the requirements set out in Section 14.5 and in accordance with Chapter 25 of the City of Portland Code of Ordinances.

B. On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in Chapter 25 of the City of Portland Code of Ordinances.

C. Water, gas, sanitary sewer mains, and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.

D. Sidewalks and curbs shall be constructed as required in Section 14.5.

E. Adequate storm drains shall be constructed subject to the provisions of Section 14.5 and in accordance with the Public Works Authority specifications.

F. A total of two trees per lot shall be street trees, planted near the street line in full public view on private property, as directed by the City Arborist. Existing healthy trees may be credited toward this requirement, subject to the approval of the City Arborist.

G. Permanent markers shall be set as prescribed by the Public Works Authority.

H. All utility lines shall be placed underground unless otherwise approved by the Planning Board.

I. Street lighting shall be installed in accordance with the standards of the Public Works Authority.

J. A public water supply shall be installed subject to the approval of the Portland Water District.

K. Erosion control measures shall be taken both during and after construction in accordance with the standards of the Public Works Authority.

14.7.12 Acceptable forms for the defect guarantee

The defect guarantee, 10% of the original performance guarantee amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland finance department and shall be in conformance with the templates and forms made available by the City. If the defect guarantee is a deposit to the City, the City shall hold such funds in a noninterest-bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the Finance Director as to financial sufficiency and the Corporation Counsel as to proper form and legal sufficiency.

14.7.13 Use of the performance guarantee

In the event that a development site is abandoned or the site improvements do not meet City standards as approved in the subdivision plat, the performance guarantee may be utilized to stabilize, secure, complete construction, and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading, and fencing.

14.8 CONSTRUCTION RECORDS AND INSPECTION

14.8.1 Inspection of construction

The City shall have the right to enter and inspect the construction site during all phases of the project to ensure compliance with this article.

14.8.2 Required construction records

After approval of the subdivision plat and prior to the construction of any of the subdivision's public improvements, the subdivider shall supply the City Engineer with a complete set of engineering drawings showing all streets, sanitary sewers, and surface water drains, and all appurtenant work within the subdivision.

14.9 TRANSFER OF OWNERSHIP

The purchasing party or other succeeding owner of a subdivision for which a recording plat has received prior approval, but which has not yet been accepted by the City, shall assume full responsibility for completion of the subdivision's improvements until the subdivision street or streets are accepted by the City. The purchaser or other succeeding owner of an unaccepted subdivision shall be required to comply with all the provisions of this article as if he were the original subdivider, and shall become responsible for completing such improvements in the same manner as the original subdivider.

14.10 PLAT AMENDMENTS

The Planning Authority may approve alterations to an approved recording plat when all of the following conditions are met. Otherwise, a new subdivision plat must be submitted to the Planning Board:

A. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area.

B. The alteration will not affect any street, alley, utility easement or drainage easement.

C. The alteration meets all of the minimum requirements of this Land Use Code and other applicable state and local codes.

D. The alteration is approved by the Public Works Authority and the Fire Department.

Such approved alterations shall be properly recorded in the registry within 30 days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S. § 4406.

14.11 VACATION OF PLATS

Any such plat recorded, or any portion thereof, may be vacated with the consent of the City Council as follows:

A. At any time before the sale of any lot therein, by written instrument, signed by the City and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

B. At any time after the sale of any lot therein and by written instrument, signed by the City and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

C. Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the Cumberland County Registry of Deeds. The execution and recording of the instrument described in (B) above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys, or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

14.12 EXEMPTIONS

14.12.1 Subdivisions prior to 1979

This article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions which have been legally recorded in the Registry of Deeds prior to June 6, 1979.

14.12.2 Division by demise, condemnation, order, or gift

A division accomplished by demise; condemnation; order of court; gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of this article; or by transfer of any interest in land to the owner abutting thereon shall not be considered to create a lot or lots for purposes of this article.

14.13 APPEALS

An appeal from any final decision of the Planning Board regarding subdivision approval may be taken by the applicant or their authorized agent to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.



15 IMPACT FEES

15.1 PURPOSE

The purpose of this article is to ensure that new development in the City of Portland bears a proportional or reasonably-related share of the cost of new, expanded, or replacement infrastructure necessary to service that development through the payment of impact fees dedicated to funding improvements made necessary by development, or the construction of improvements as provided for herein. This ordinance is enacted pursuant to the authority of 30-A M.R.S. § 4354 and 30-A M.R.S. § 3001.

15.2 APPLICABILITY

The following shall be subject to impact fees, with the exception of municipal buildings, which shall be considered exempt:

A. Any new building or addition to existing buildings which results in net new residential dwelling units, nonresidential building square footage, or water/wastewater meters, and

B. Any change of use which results in a net increase in impact fee per Subsection 15.3.6.

15.3 CALCULATION OF IMPACT FEE

15.3.1 In general

Impact fees shall be calculated based on the impact fee schedule in effect at the time of submittal of a complete application for a building permit.

15.3.2 Determination of use

The determination of the applicable land use category in the impact fee schedule shall be made by the Department of Permitting and Inspections with reference to the City of Portland's most recent *Impact Fee Study*. If the proposed development is of a type not listed in the impact fee schedule, then the impact fees applicable to the most nearly comparable type of land use listed in the impact fee schedule shall be used.

15.3.3 Mixed use development

In the event that there is more than one use within a building, impact fees shall be calculated separately for each use.

15.3.4 Redevelopment

In calculating the impact fee for a new building that involves the full or partial demolition of a building housing an existing, legally established use or uses, such new building shall be credited with an amount equal to the fee that would have been charged to the use or uses which occupied the structure at the time of demolition permit. If the impact fee calculation for the post-development condition is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee. The City shall not grant credits for demolitions for which a permit was issued more than 10 years prior to the complete application for a building permit.

15.3.5 Building additions

In calculating the impact fee for building additions, each developed property shall be credited with an amount equal to the fee that would have been charged to the existing use at the time of the addition of floor area. If the impact fee calculation for the post-development condition is greater than

the credit, the applicant shall pay the difference. If the impact fee calculation for the post-development condition is less than the credit, then the applicant shall not be required to pay an impact fee.

15.3.6 Changes of use

In calculating the impact fee for changes of use, each developed property shall be credited with an amount equal to the fee for the use in the highest fee category that has existed on the developed property within the previous 10 years. If the impact fee calculation for the proposed use is greater than the credit, the applicant shall pay the difference. If the impact fee calculation for the proposed use is less than the credit, then the applicant shall not be required to pay an impact fee.

15.4 ANNUAL ADJUSTMENT OF IMPACT FEE

To account for inflation, there shall be an automatic annual increase in the impact fee schedule reflected in this ordinance every January 1 based on the change in the construction cost index as published by *Engineering News Record*. The fee adjustment shall be calculated by dividing the index amount published on January 1 of the current year by the index amount published on January 1, 2018 and multiplying the resulting ratio by each fee amount. Annual adjustments shall be made available for public reference.

TABLE 15-A: PARKS & RECREATION AND TRANSPORTATION IMPACT FEE SCHEDULE[1]

Land Use Type	Unit of Measure	Parks/Recreation Impact Fee	Transportation Impact Fee
Single-family/Two-family	per unit	$1,126	$2,159
Multi-family	per unit	$752	$1,023
Retail/Service	per 1,000 SF GFA	$534	$8,248
Office	per 1,000 SF GFA	$677	$2,800
Industrial	per 1,000 SF GFA	$363	$1,130
Institutional	per 1,000 SF GFA	$645	$3,082
Hotel/Motel	per room	$875	$2,404

[1] Land use types included impact fee schedule correspond to those in the City's most recent *Impact Fee Study*.

TABLE 15-B: WASTEWATER IMPACT FEE SCHEDULE

Meter Size	Capacity Ratio	Impact Fee
⅝ inch	1.00	$1,886
¾ inch	1.50	$2,829
1 inch	2.50	$4,715
1 ½ inches	5.00	$9,430
2 inches	8.00	$15,088
3 inches	16.00	$30,176
6 inches	50.00	$94,300
8 inches	80.00	$150,880

15.5 MODIFICATION OF IMPACT FEES

15.5.1 Equivalent improvements

A. A required impact fee may be modified, in whole or in part, by the Planning Authority if the Planning Authority finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to make infrastructure improvements for which the impact fee would be collected or an equivalent improvement approved by the reviewing authority, or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements for which the impact fee would be collected or an equivalent improvement.

B. Credit amounts shall be determined based on plans, details, and cost estimates for the proposed infrastructure improvements for which the credit is requested. Such plans, details, and cost estimates shall be prepared by a licensed professional engineer and submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates. On-site or immediately adjacent improvements providing direct service to a site as required under subdivision or site plan regulations shall not be considered eligible under this subsection.

15.5.2 Substantially-reduced demand

The Planning Board may by formal vote modify the payment of a required impact fee, in whole or in part, if it finds that documentation is provided to demonstrate that a proposed use will impose no or substantially-reduced demands on capital facilities for which impact fees have been adopted. Such documentation shall be prepared by a licensed professional engineer or other qualified professional and include a written analysis of the demand for capital facilities generated by the proposed use based on industry standards and the most recent *Impact Fee Study*. Documentation shall be submitted at the time of site plan, subdivision, or building permit application. The applicant shall pay for any third-party review of plans, details, or cost estimates.

15.6 REDUCTION IN FEES FOR AFFORDABLE HOUSING

Any residential development including low-income or workforce housing units and qualifying as an eligible project under Subsection 17.2.2 shall receive a reduction of fees in accordance with Subsection 17.2.2.

15.7 COLLECTION OF IMPACT FEE

The City of Portland shall not issue any certificate of occupancy required under the Land Use Code until the applicant has paid any impact fees required by this ordinance.

15.8 SEGREGATION OF IMPACT FEES FROM GENERAL REVENUES

Impact fees collected pursuant to this ordinance shall be maintained in separate, non-lapsing impact fee accounts for each of the facilities for which impact fees are assessed, and shall be segregated from the City's general revenues. These accounts shall be dedicated for funding of the improvements for which the fee is collected, as determined through the City's most recent *Impact Fee Study*.



Funds from these accounts shall be distributed to City departments solely for the purpose of capital projects identified in the City of Portland's most recent *Impact Fee Study*.

15.9 USE OF IMPACT FEES

Impact fees collected by the City pursuant to this ordinance may be used only for financing facility improvements which the City Council, through the City of Portland's most recent *Impact Fee Study*, has determined are made necessary by new development. The City Council has determined that fees imposed by schedules in this ordinance are reasonably related to the demands created by new development. Impact fees collected pursuant to this ordinance shall be used exclusively for capital improvements, and the City of Portland shall expend funds collected from impact fees solely for the purposes for which they were collected.

15.10 REFUND OF UNUSED IMPACT FEES

Impact fees collected pursuant to this ordinance shall be used by the City according to the schedules for the completion of specific capital improvements as specified in the City of Portland's most recent *Impact Fee Study*, but in no event later than ten years after the date upon which the impact fee was collected. Any impact fees which are not so used and any impact fees collected which exceed the City's actual costs of implementing the infrastructure improvements for which such fees were collected shall be refunded. Refunds shall be paid to the owner of record of the property for which the impact fee was collected, determined as of the date the refund is made.

15.11 REVIEW AND REVISION

The impact fees established in this ordinance are based upon the best estimates of the costs of the construction of the facilities for which the fees are collected as determined through the City's most recent *Impact Fee Study*. The Council may, by amendments to this ordinance, change the amounts of the impact fees from time to time as warranted by new information or changed circumstances.

15.12 ADMINISTRATIVE RULES AND REGULATIONS

The Planning Board is hereby authorized to develop rules and regulations governing the administration of impact fees collected pursuant to this ordinance.

16 HISTORIC PRESERVATION

16.1 PURPOSE

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the City of Portland by creating a mechanism to identify, preserve, and enhance distinctive areas, sites, structures, and objects that have historic, cultural, architectural, and archaeological significance and establishing standards for the review of construction within and affecting designated historic properties to encourage preservation, restoration, rehabilitation, and new construction that respects the historic, cultural, architectural, and archaeological significance of distinctive areas, sites, structures, and objects.

16.2 HISTORIC DESIGNATIONS

16.2.1 Categories of historic designations

A. Landmark. A discrete site, structure, or object and any associated area found to have particular or individual significance or prominence. Landmarks may be in or outside of historic districts or historic landscape districts.

B. Historic district. A geographically defined area possessing a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by design, plan, or physical development. The defined area may comprise individual elements separated geographically but linked by association or history.

C. Historic landscape district. A geographically defined area possessing a significant concentration, linkage, or continuity of natural or man-made landscape components which are united by past events, or aesthetically by design, plan or physical development. The defined area shall be owned in its entirety by a unit of federal, state, or local government, or any combination of such ownership at the time of nomination.

16.2.2 Criteria for designation

A. Any area, site, structure, or object nominated for historic designation must be found to demonstrate at least one of the following:

1. *Significant aspect of heritage.* Value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.
2. *Significant events or activities.* Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.
3. *Significant persons.* Identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.
4. *Significant architecture.* Exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.
5. *Significant designer.* Identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States.

6. *Significant theme.* Representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous.

B. Any nominated area, site, structure, or object must also be found to retain sufficient integrity of location, design, materials, and workmanship to convey its significance with respect to the applicable criteria as defined in Subsection 16.2.2.

C. The Planning Board and City Council shall also consider the effect of the proposed historic designation within the framework of the Comprehensive Plan when making a recommendation or decision on a nomination..

16.2.3 Classifications within historic designations

A. The sites, structures, or objects within a nominated historic designation may be classified as contributing or noncontributing.

B. A contributing classification shall only be applied to an area, site, structure, or object which:

1. Were built at least 50 years prior to the date of district designation, or were built within a period of significance specified in the designation application;
2. Are found to have a relationship with or physically embody the qualities that give the historic designation cultural, historic, architectural, or archaeological significance as embodied in the minimum criteria specified in the designation report; and
3. Retain sufficient integrity to communicate that significance as defined in Subsection 16.2.2(B).

C. If an area, site, structure, or object does not meet the above it will be categorized as noncontributing.

16.3 NOMINATION, CONSIDERATION, AND HISTORIC DESIGNATION

16.3.1 Procedure

The provisions of this section shall govern the nomination, consideration, and designation of landmarks, historic districts, and historic landscape districts.

16.3.2 Nomination of a historic designation

A. Nomination of a historic designation shall be submitted to the Planning Authority. Nominations shall include the following information:

1. A statement of how the proposed historic designation meets the criteria under Subsection 16.2.2.
2. A map showing the location and proposed boundaries of the historic designation.
3. A draft list of the constituent sites, structures, or objects, indicating their degree of cultural, historic, architectural, or archaeological significance and their classification as contributing, noncontributing, or landmark within the proposed historic designation.

B. Nominations may be initiated by the following:

1. Any two members of the Historic Preservation Board on their own initiative, by written notice to the Planning Authority, or
2. The Planning Authority, or

3. In the case of a landmark, one or more owners of the affected property, or
4. In the case of a historic district or historic landscape district, one or more owners of an affected property, provided a minimum of two members of the Historic Preservation Board sponsor the nomination.

C. In the case of a nomination initiated or sponsored by the Historic Preservation Board, such nomination may be made verbally at a Historic Preservation Board meeting or via signed, written statement to the Planning Authority.

D. Upon nomination, the Planning Authority shall notify the owner(s) of the subject property or properties.

16.3.3 Historic Preservation Board review and recommendation

A. A public hearing on the nomination shall be held by the Historic Preservation Board following a workshop, conducted in accordance with procedures adopted by the Historic Preservation Board. In the case of additional workshops, these shall be agreed to by the Historic Preservation Board and the nominators.

B. The Historic Preservation Board shall consider all testimony or evidence relating to the designation criteria in Subsection 16.2.2 from any person who makes written submissions or appears at the public hearing. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in Subsection 16.2.2.

C. If the Historic Preservation Board finds that documentation and analysis necessary for the consideration of the nomination has not been provided as part of the nomination, such documentation shall be provided prior to further consideration by the Historic Preservation Board.

D. Following the close of the public hearing, the Historic Preservation Board shall make recommendation to the City Council in the case of a landmark, or to the Planning Board in the case of a historic district or historic landscape district, as to whether the area, site, structure, or object meets the criteria for designation in Subsection 16.2.2. Such recommendation shall be accompanied by a report containing findings by the Historic Preservation Board as to whether the criteria in Subsection 16.2.2 for historic designation have been met, as well as any recommended changes to the scope of the nominated historic designation.

16.3.4 Planning Board review and recommendation

A. The Planning Board shall hold a public hearing to review the nomination and recommendation from the Historic Preservation Board of a historic district or historic landscape district The Board may hold one or more workshops prior to the public hearing.

B. All meetings, hearings, and deliberations of the Planning Board to consider the recommendation and report of the Historic Preservation Board shall be held in conformity with Article 2.

C. The Planning Board may request that the chair of the Historic Preservation Board, or a

member designated by the chair, appear at a meeting to explain the recommendation or report.

D. Following the close of the public hearing, the Planning Board shall make a recommendation to the City Council upon the evidence as to whether the nomination meets the criteria for designation in Subsection 16.2.2. Such recommendation shall be accompanied by:

1. The report of the Historic Preservation Board.
2. Findings by the Planning Board as to whether the criteria in Subsection 16.2.2 for historic designation have been met, as well as any recommended changes to the scope of the nominated historic designation.

16.3.5 City Council consideration

A. Following the receipt of a Historic Preservation Board recommendation in the case of a landmark nomination, or Planning Board recommendation in the case of a historic district or historic landscape district nomination, the City Council shall approve or reject the historic designation. The designating order shall include a map of the location and boundaries of the historic designation.

B. Designation shall be accompanied by a list, including the address, of sites, structures, and objects in the historic designation. Sites, structures, or objects may be assigned a classification of landmark, contributing, or noncontributing under Subsection 16.2.3.

C. Notice of City Council action shall be sent to all owners of or within the boundaries of a historic designation within 30 days following the City Council action.

D. A record of the historic designation, maps of the historic designation boundary, and copies of all application materials and reports shall be maintained by the Planning Authority and be made available to the public online and during ordinary business hours.

16.3.6 Designation

A. Upon designation, all sites, structures, and objects within the boundary of the historic designation shall be subject to the provision of this article.

B. Demolition, including any act or process that totally destroys any landmark or contributing structure or object, shall be prohibited, with the exception of:

1. Any structure or object which has been ordered demolished by the municipal officers or a court, in accordance with 17 M.R.S. § 2851 et seq., its equivalent, as it may be amended from time to time, or
2. Any structure or object which has been partially destroyed and is determined by the Planning Authority to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures specified by the Planning Authority, including without limitation securing apertures and/or erecting fencing.
3. Any structure or object which is the subject of a certificate of economic hardship under Section 16.8.

16.3.7 Amendment or rescission of designation

A. Amendment shall be defined as a change to the historic designation boundary or

reclassification of a site, structure, or object as contributing or non-contributing in its entirety.

B. Rescission shall be defined as the complete removal of a historic designation.

C. Amendment or rescission of any historic designation shall be upon the request of a person or persons authorized to nominate the property or properties affected as set forth in Subsection 16.3.2, or upon request of the City Council.

D. Amendment or rescission shall follow the procedure set forth in Section 16.3 for designation. The standards for rescission or amendment shall be limited to those provided in Section 16.2.

16.3.8 Presumption of contributing classification

Where the designation classifies an area or site as contributing, but does not specify the classification of a structure or object in the area or on the site, there shall be a presumption that the structure or object is contributing, unless:

A. Documentation can be provided to the Planning Authority that a structure or object was constructed within 50 years of or after the date of historic designation, or after the stated period of significance, or

B. The Historic Preservation Board holds a public hearing and finds that the structure or object has been substantially altered within 50 years of or after the date of historic designation, or after the stated period of significance.

16.4 INTERIM PROTECTION FOR NOMINATED HISTORIC DESIGNATIONS

16.4.1 Minimum maintenance

From the time of nomination until the City Council acts upon such nomination or the nomination is withdrawn, all areas, sites, structures, and objects nominated but not yet designated shall be subject to the provisions of Sections 16.9 governing minimum maintenance, to the same extent as if designated.

16.4.2 Protection from demolition

From the time of nomination until the City Council acts upon such nomination or the nomination is withdrawn, all demolition permit applications for any area, site, structure, or object nominated but not yet designated shall be denied unless the owner has received a certificate of economic hardship under Section 16.8.

16.5 PROTECTIONS FOR PROPERTIES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

Upon receipt of notice from the National Park Service or the Maine Historic Preservation Commission that a property or area has been listed on the National Register of Historic Places or has been determined to be eligible for listing on the National Register, the City shall deny any demolition permit application for any structure or object within the listed property or area unless:

A. The owner has received a certificate of economic hardship under Section 16.8, or

B. The Historic Preservation Board has held a public hearing at the request of the owner and found that the structure or object in question does not have sufficient integrity for historic

designation using Subsection 16.2.2 as the standard for review, or

C. Documentation is provided from the Maine Historic Preservation Commission that the structure or object in question has been removed from the National Register of Historic Places, no longer retains sufficient integrity to remain listed on the National Register of Historic Places, or an existing determination of eligibility is no longer valid, or

D. The City Council has held a public hearing at the request of the owner and determined that demolition of the structure or object is consistent with the goals of the Comprehensive Plan.

16.6 REVIEW PROCESS FOR CERTIFICATES OF APPROPRIATENESS

16.6.1 Applicability

A certificate of appropriateness shall be required prior to the issuance of any permit authorizing new construction, additions, exterior alterations, site alterations, signage, or the relocation of structures affecting any property within the boundaries of a landmark, historic district, or historic landscape district as identified in Table 16-A. Notwithstanding the above, the following activities shall be considered exempt::

A. Work consisting solely of ordinary maintenance, being acts of upkeep or repair which do not include a change in the design, material, or outer appearance of a site structure, or object, such as repainting of previously painted surfaces or in-kind replacement of materials or plantings.

B. Work consisting solely of emergency repair of a temporary nature.

C. Work approved under a valid certificate of economic hardship.

D. Work where the Planning Authority determines that the proposed exterior changes are not readily visible at pedestrian heights from any public way or public open space.

E. Installation of new public artworks approved or acquired through the City of Portland Public Art Program.

F. Changes in plantings or vegetation outside of historic landscape districts and minor changes in plantings or vegetation within historic landscape districts.

G. Alterations to existing grave markers or tombs made for the purpose of recognizing additional decedents or installation of grave markers or tombs recognizing new interments within an existing cemetery.

H. Work in City rights-of-way.

I. Roof-mounted solar energy systems.

J. Installation of temporary structures or objects for a period of less than eight consecutive months, unless such installation otherwise meets a threshold for review established in Table 16-A.

K. Demolition of non-contributing structures or objects.

L. Relocation of non-contributing structures to a site outside any historic designation boundary.

16.6.2 Review classifications

A. Applications shall be subject to administrative or Historic Preservation Board review according to the classifications in Table 16-A.

B. The Planning Authority may, due to the scope or anticipated impacts of a project, reclassify an administrative review to a Historic Preservation Board review.

TABLE 16-A: HISTORIC PRESERVATION REVIEW CLASSIFICATIONS

		Administrative Review	Board Review
New construction and additions		≤ 500 SF	> 500 SF
Dormer additions[1]		Affecting ≤ 40% of roof area (in SF)	Affecting > 40% of roof area (in SF)
Alterations to contributing structures or objects[2]	Minor alterations	All	--
	Major alterations	≤ 25% of any façade, or where work is based on clear documentation of the historic appearance	> 25% of any facade
Alterations to noncontributing structures or objects[2]	Minor alterations	All	--
	Major alterations	≤ 40% of any facade	> 40% of any facade
Site alterations[3]		All	--
Signage		All	--
Relocation of structures[4]		≤ 500 SF	> 500 SF

[1] Dormer additions include any increase in building volume which does not interrupt the ridges, eaves, or rakes of an existing structure.
[2] Minor alterations include small or routine changes such as required by building code or modern convenience which result in minimal change in exterior appearance of an existing structure. Major alterations include changes to existing or introduction of new details or features which affect the scale, form, proportion of openings, ratio of solid to void, rhythm or placement of entrances, color or texture of materials, or relationship to the street of an existing structure or object.
[3] Site alterations include the construction of permanent features such as fences and retaining walls, regrading, hardscaping, the installation of exterior utilities.
[4] Relocations include the moving of a structure or object on its site or to another site within any historic designation boundary.

C. At any point in the review process, an applicant may request that the Planning Authority reclassify the application from administrative to Historic Preservation Board review.

16.6.3 Historic Preservation pre-application meeting

Applicants are encouraged to schedule a Historic Preservation pre-application meeting with the Planning Authority prior to applying for a Certificate of Appropriateness. The purpose of this meeting is to familiarize the applicant with the City of Portland Historic Preservation submittal requirements, applicable review criteria and standards, and to confirm the level of review required. A pre-application meeting does not confer pending proceeding status under Title 1 MRSA 302. No decisions relative to the application shall be made at the pre-application meeting, nor shall any advice or information provided by the Planning Authority be construed as a decision.

16.6.4 Applications

Application for a certificate of appropriateness shall be made on a form prepared by the City and submitted to the Planning Authority along with the applicable fee. Upon receipt of an application and fee, the Planning Authority shall determine whether the application is complete and the level of review required per Table 16-A.

16.6.5 Costs

All projects shall be subject to fees as established by the City Council to cover the administrative costs of

review. Applicants are also required to pay fees to cover the professional and administrative costs for analysis associated with project review, including but not limited to planning, legal, or other services as needed.

16.6.6 Lapse in application

An application for a certificate of appropriateness shall be diligently pursued from the date of submission. Applicants shall provide additional information as requested by the Planning Authority or Historic Preservation Board when determined to be reasonably necessary to make any determination required by this article. Failure of an applicant to provide a response to the request for additional information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

16.6.7 Administrative review

An application for a certificate of appropriateness subject to administrative review shall be reviewed by the Planning Authority for compliance with the standards of Section 16.7. The Planning Authority may request revised plans and submittals necessary to determine compliance. The Planning Authority shall approve the application, approve the application with conditions, or deny the application.

16.6.8 Historic Preservation Board review

A. An application for a certificate of appropriateness subject to Historic Preservation Board review shall be reviewed by the Historic Preservation Board for compliance with the standards of Section 16.7. The Planning Authority may request revised plans and submittals necessary to determine compliance with Section 16.7 prior to scheduling a Historic Preservation Board workshop or public hearing.

B. The Planning Authority shall schedule the project for review at a workshop or public hearing on a date that meets public noticing requirements and prepare a report for the Historic Preservation Board's consideration which addresses the proposed project's compliance with the review standards in Section 16.7.

C. In the case of applications being reviewed at a workshop or workshops prior to the public hearing, they shall be informational and not result in any formal approval or disapproval of the project. At a workshop, the Historic Preservation Board shall review the plans and submittals, consider the staff review with respect to the review standards of this article, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed.

D. At a hearing, the Historic Preservation Board shall approve, approve with conditions, or deny the application based on the applicable review standards of Section 16.7. Should the Historic Preservation Board deny an application, it shall enter findings of fact concerning the relationship between the application and the applicable standards of Section 16.7 within 60 days of the close of the public hearing. Written notice of the determination of the Historic Preservation Board on the application, including a copy of the findings of fact, shall be sent by regular mail to the applicant.

16.6.9 Review process involving major site plans

Site plan review by the Planning Board and certificate of appropriateness review by the

Planning Authority or Historic Preservation Board shall, to the extent feasible, proceed concurrently. Any proposed major site plan required to obtain a certificate of appropriateness under this article shall be exempt from the design standards included in Article 13, and shall comply with the applicable design standards of Section 16.7.

16.6.10 Notice of public meeting

A. For all certificate of appropriateness applications that are subject to Historic Preservation Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least 10 days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is knocked over or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

16.6.11 Conditions of approval

The Planning Authority or Historic Preservation Board may impose conditions upon its approval of any certificate of appropriateness to bring the application into compliance with the review standards of this article.

16.6.12 Issuance of certificate of appropriateness

A. The Planning Authority shall issue the certificate of appropriateness following approval or approval with conditions by the Planning Authority or the Historic Preservation Board.

B. No certificate of appropriateness, building, demolition, or other permit shall issue until all current charges due under this article have been paid. The balance of any remaining review and administrative costs invoiced or incurred after a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent certificate of occupancy.

C. Prior to issuance of any Certificate of Appropriateness, the applicant shall demonstrate sufficient right, title, or interest in the property, technical capacity, and financial capacity to complete any change proposed to be undertaken under the Certificate of Appropriateness, upon reasonable request of the Planning Authority.

16.6.13 Expiration of approvals

A. Unless work authorized by a certificate of appropriateness is commenced or a building permit for the same is issued within three years of the initial date of issuance of the certificate of appropriateness, the certificate of appropriateness shall expire and shall become null and void..

B. When the approved work also requires a site plan approval under Article 13, the expiration of the certificate of appropriateness shall be concurrent with the site plan expiration.

C. In the event of litigation arising out of the granting of a certificate of appropriateness, the certificate shall remain valid until one year after the entry of final judgment in the litigation or until the end of the three-year period, whichever is later.

16.6.14 Amendments

A. An applicant may apply for an amendment to a certificate of appropriateness by submitting an amendment application that includes a written statement of the proposed amendment, proposed amended plans, and related submittals to the Planning Authority.

B. The Planning Authority is authorized to approve minor amendments under the procedures set forth in Subsection 16.6.7, provided that the proposed amendments:

1. Are generally consistent with the approved plans.
2. Meet all the applicable standards for review set forth in Section 16.7.
3. Do not modify the work such that Historic Preservation Board review would otherwise be required per Table 16-A.
4. Do not affect any condition or requirement of the Historic Preservation Board.

C. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection 16.6.14(B). Review procedures shall follow those for a certificate of appropriateness Historic Preservation Board review.

16.7 STANDARDS FOR REVIEW OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

16.7.1 Historic Resources Design Manual

A. The standards of this article are supplemented by the *Historic Resources Design Manual*. The *Historic Resources Design Manual* includes descriptions, guidelines, and illustrations of how the standards of this article will be interpreted. All provisions of the *Historic Resources Design Manual* shall be consistent with the standards of this article.

B. Amendments to the *Historic Resources Design Manual* shall be adopted by the Historic Preservation Board following a public hearing. The *Historic Resources Design Manual* shall be maintained by the Planning Authority.

16.7.2 Standards for review of alteration

In considering an application involving alteration, the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:

A. **Compatible use.** In the case of a change of use of a property from its originally-intended purpose, every reasonable effort shall be made to minimize the alteration of the character-defining features of the structure, object, or site and its environment as they relate to the original use.

B. **Retain historic features.** The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. **Historical accuracy.** All sites, structures, and objects shall be recognized as products of their

own time, place, and use. Alterations that have no historical basis or create a false sense of historical development, such as adding conjectural features or elements from other properties, shall be discouraged.

D. **Acquired significance.** Changes which may have taken place in the course of time are evidence of the history and development of a structure, object, or site and its environment. Changes that have acquired significance in their own right shall not be destroyed.

E. **Sensitive treatment.** Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object, or site shall be treated with sensitivity.

F. **Repair rather than replace.** Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture, and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

G. **Surface cleaning.** The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.

H. **Archaeological resources.** Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

I. **Contemporary design and differentiation.** Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

J. **Reversibility.** Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.

16.7.3 Standards for review of new construction

In considering an application involving new construction, the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:.

A. **Scale and form**

1. *Height.* The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.
2. *Width.* The width of a building shall be visually compatible with surrounding

structures when viewed from any street or open space and in compliance with any design guidelines.

3. *Proportion of principal facades.* The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.
4. *Roof shapes.* The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
5. *Scale of a structure.* The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
6. *Applicability of the underlying zoning.* The review standards above shall not supersede the dimensional requirements of the underlying zoning

B. Composition of principal facades

1. *Proportion of openings*. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.
2. *Rhythm of solids to voids in facades.* The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.
3. *Rhythm of entrance porch and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.
4. *Relationship of materials.* The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.
5. *Signs.* Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the *Historic Resources Design Manual*.

C. Relationship to street

1. *Walls of continuity.* Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.
2. *Rhythm of spacing and structures on streets.* The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related.
3. *Directional expression of principal elevation*. A structure shall be visually compatible with the structures, public ways, and places to which it is visually

related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

4. *Streetscape, pedestrian improvements.* Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the *Historic Resources Design Manual*.

D. Other standards

1. *Compatible use.* In the case of a change of use of a property from its originally-intended purpose, every reasonable effort shall be made to minimize the alteration of the character-defining features of the structure, object, or site and its environment as they relate to the original use.
2. *Distinguishing original character.* The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.
3. *Archeological resources.* Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
4. *Contemporary design.* Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.
5. *Additions.* Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

16.7.4 Standards for review of alterations to noncontributing structures

In considering an application for a certificate of appropriateness involving alteration(s) to a noncontributing structure, the intent of the review shall be to guide projects toward a more compatible relationship with the surrounding context using the standards for review of construction set forth in Subsection 16.7.3.

16.7.5 Standards for review of relocation

In considering an application involving relocation, the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:

A. Whether the historic or urban design character and aesthetic interest of the structure or object contribute to its present setting.

B. If located within a district, whether there are definite plans for the area to be vacated and

what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.

C. Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.

D. Whether the proposed relocation area is compatible with the cultural, historical or architectural character of the structure or object.

16.7.6 Standards for review of signage

In considering an application involving the installation or modification of sign(s) the reviewing authority shall approve a certificate of appropriateness only upon finding that the application meets the following standards:

A. Signs shall be compatible with the subject building and its surrounding context.

B. Signs shall be installed in such a manner as to minimize damage to contributing structures or objects.

C. If there is a conflict between this standard and the requirements of Article 19, the stricter standard shall apply.

16.8 CERTIFICATE OF ECONOMIC HARDSHIP

16.8.1 Applicability

A. Any applicant who has received a denial under this article or is seeking demolition of a landmark or a contributing structure within a district may apply for a certificate of economic hardship from the Historic Preservation Board.

B. The application shall be submitted to the Planning Authority, together with the applicable fee. In the case of a denial, the application shall be submitted within 60 days of the denial.

16.8.2 Standard to be applied

A. The Historic Preservation Board shall approve an application for a certificate of economic hardship only upon a determination that the denial of the proposed activity or the proposed demolition will result in the loss of all reasonable use of the structure.

B. Where the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts of neglect of the owner or their predecessors in title under Section 16.9.

16.8.3 Information to be supplied by applicant

A. The applicant shall submit by affidavit the following information, which shall constitute an application:

1. The assessed value of the property and/or the structure for the two most recent assessments.

2. Real property taxes paid for the previous two years.

3. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.

4. All appraisals obtained within the previous two years.

5. All listings of the property for sale or rent, price asked and offers received within the previous four years

6. All studies commissioned by the owner as to profitable renovation, rehabilitation, or

utilization of any structures or objects on the property for alternative use.

7. For income-producing property, itemized income and expense statements from the property for the previous two years.
8. Professional assessment from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation of historic buildings as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.
9. Estimate of the cost of the alteration, construction, demolition, or removal proposed by the applicant.
10. Estimate of cost that would be incurred to address findings of fact provided by the reviewing authority in issuing a denial of a certificate of appropriateness.
11. A statement of the minimum extent of work necessary to allow reasonable use of the structure.

B. In the event that the information required to be submitted by the applicant is not reasonably available or attainable, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

C. The Planning Authority may request that third-party reviewers with applicable expertise to review materials provided by the applicant and prepare a report on their analysis of the application materials. In these cases, the cost of the third-party review shall be charged to the applicant.

D. The Historic Preservation Board may require additional evidence or supporting materials to inform their decision on the application.

16.8.4 Review

A. The Historic Preservation Board shall hold a workshop or public hearing on the application within 30 days following receipt of a complete application.

B. The determination by the Historic Preservation Board shall be made within 30 days following close of the public hearing. The determination shall be accompanied by findings of fact.

16.8.5 Issuance

A. If the determination of the Historic Preservation Board is that a denial of the certificate of appropriateness or the prohibition on demolition under subsection 16.3.6 has resulted in the loss of all reasonable use of the structure, then the certificate of economic hardship shall be issued by the Planning Authority within 30 days following the determination.

B. Certificates of economic hardship shall:

1. Limit the scope of work to the minimum extent necessary to allow reasonable use of the structure; and
2. Not allow for the beginning of any demolition work until the necessary approvals and permits have been attained to allow for the rehabilitation, alteration, or replacement of the structure.

C. Certificates of economic hardship shall be valid for a period of three years from the date of the determination by the Historic Preservation Board.

D. Certificates of economic hardship shall not be transferable from the applicant to another subsequent owner of the same property.

16.9 MAINTENANCE

16.9.1 Preservation of protected structures

A. All landmarks and contributing structures and objects shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person or persons who may have legal custody and control thereof:

1. Deteriorated or inadequate foundation which jeopardizes its structural integrity.
2. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity.
3. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardize its structural integrity.
4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split, or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity.
5. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity.
6. Lack of weather protection which jeopardizes the structural integrity of the walls, roofs, or foundation.

B. The owner or such other person shall repair such structure or object within a specified period of receipt of a written order by the Planning Authority to correct defects or repairs to any structure or object as provided by (A) above, so that such structure or object shall be preserved and protected from further deterioration in accordance with the purposes of this article.

C. Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the Planning Authority for reasonable periods to allow the owner to secure financing, labor or materials.

16.10 PENALTIES

16.10.1 Fines for violation

Failure to perform any act required by this article or performance of any act prohibited by this article or of any conditions or any certificate issued hereunder shall constitute a violation and be subject to a fine as provided in 30 A M.R.S. §4452. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.

16.10.2 Withholding of future approvals

Where the applicant has done work or caused work to be done not in compliance with an approval received under this article or without the approvals required under this article, no new application for a certificate of appropriateness shall be considered for the site or structure associated with the

violation until the work done without approval is brought into compliance with the requirements of this article.

16.10.3 Additional penalties for willful violation or gross negligence

A. In addition to the penalties authorized by Subsections 16.10.1 and 16.10.2, a violation which is intentional, or occurs through gross negligence, shall be subject to the following provisions:

1. No permit shall be issued under Chapter 6 of this Code of Ordinances for any alteration or new construction affecting such property for a period of five years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Planning Authority that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.
2. For a period of 25 years, any alteration or new construction on the property shall be subject to this article, whether or not any remaining structure or object on the property continues to have the cultural, historical, architectural, or archaeological character and integrity that caused it to be nominated or designated as a landmark or part of a district.
3. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore, or replicate the structure or object on the property.

B. Paragraphs (A)(1) and (2) above shall not apply to violations which are limited to noncontributing structures.

16.11 APPEALS

The applicant, or any person who has participated in opposition to the application and demonstrates a particularized harm caused by the approval of any application associated with this article, may appeal that decision in accordance with Article 2.

17 HOUSING

17.1 HOUSING PRESERVATION AND REPLACEMENT

17.1.1 Purpose

The purpose of the housing preservation and replacement ordinance is:

A. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups.

B. To limit the net loss of housing units in the city.

C. To preserve housing in zones where housing is permitted in the city for all residents in order to promote the health, safety, and welfare of its citizens.

17.1.2 Applicability

A. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall apply to the loss of three or more dwelling units in a five-year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002. For the purposes of this section, dwelling units shall be as defined in Article 3, but also include rooming units that people rent in or sleep in within lodging houses, dormitories, shelters, and sheltered care group homes.

B. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall also apply to proposals that result in the loss of fewer than three dwelling units which were legally registered residential use as of July 1, 2002 for the purposes of creating surface parking.

C. For the purposes of this section, loss of dwelling units shall mean the elimination or conversion to nonresidential use of a dwelling unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner's control, fire, natural disasters, or acts of war.

D. Determination of number of the dwelling units within a structure or structures and the number of units lost will be based on the records of the Building Authority indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the property for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and sworn affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

17.1.3 Exemptions

This section does not apply to:

A. Consolidation, elimination, or reconfiguration of one or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination, or reconfiguration, except as provided by (E) below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.

B. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority.

C. Legally nonconforming dwelling units existing in zones which no longer permit residential uses.

D. Property which has been ordered demolished by the City, pursuant to 17 M.R.S. § 2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.

E. Paragraph (A) above notwithstanding, the conversion to a nonresidential use of any dwelling units located on the ground floor of a building within a mixed-use zone.

17.1.4 Planning Authority approval required

Notwithstanding any other provision of this section, a proposal to demolish or to convert three or more dwelling units to a nonresidential use in a zone where such use is otherwise permitted must first obtain approval from the Planning Authority. In addition to any other requirements of the Land Use Code, the applicant must submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

17.1.5 Tenant notification requirements

Prior to elimination as a result of demolition or conversion to nonresidential use, the owner shall:

A. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to nonresidential use, as well as verification of compliance with tenant notice requirements of this subsection.

B. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than 90 days from the date of receipt of the notice to vacate the unit.

C. File proof of service of the notice with the Planning Authority.

17.1.6 Housing replacement requirements

A. The Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to nonresidential use.

B. This requirement may be satisfied in any one of the following ways, which may be used in combination:

1. *Construction of units.* The construction of housing units within a new structure or a new addition either on site or off-site.

2. *Residential conversion.* The conversion of a nonresidential building to residential use.

17.1.7 Replacement unit requirement

In addition to the foregoing, all replacement units built pursuant to Subsection 17.1.6.B above shall:

A. Be located within the same United States census block group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed.

B. Not previously have been on the market as of the date of application.

C. Be situated within a development which has not been a candidate for site plan approval as of the date of the application.

D. Be comparable in size to the units replaced. For the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units to be replaced.

17.1.8 Contribution to the Housing Trust Fund

A. The applicant may meet the requirements of this housing replacement ordinance by depositing $50,000 for each dwelling unit into the City's Housing Trust Fund.

B. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the index") for January 1, 2003 year, and the numerator of which shall be the index for the same month in each subsequent year. In the event that the index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence, or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the index. If the index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the index, the base index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited for each rooming or dwelling unit.

17.1.9 Performance guarantee

Owners or affiliates must post a performance guarantee in the form of a letter of credit, or other security acceptable to the City attorney, in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to Subsection 17.1.8. Such a performance guarantee shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this housing replacement ordinance do not have certificates of occupancy.

17.1.10 Partial waiver of replacement requirements

A. Any owner who has applied for site plan review for elimination or conversion to nonresidential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to 50% of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:

1. The proposed development is consistent with the Comprehensive Plan.
2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement, social benefits or job creation.
3. The applicant demonstrates with objective evidence that the imposition of the

requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop.

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.

B. The Zoning Board of Appeals must make positive findings on each of the four criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this subsection pursuant to the provisions of Article 2.

17.1.11 Effect of other City ordinances

A. Nothing in this section shall permit the demolition or conversion to nonresidential use of dwelling units in residential property protected by Article 16, except as permitted by that ordinance.

B. A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

17.1.12 Appeals

Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.

17.2 AFFORDABLE HOUSING

17.2.1 Purpose

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. Therefore, the purpose of this section is to offer incentives to developers to include units of affordable housing within development projects and to require the inclusion of affordable housing units in development projects in certain contexts. In so doing, this section will assist the city in meeting its comprehensive goals for affordable housing, in preventing the overcrowding and deterioration of the limited supply of affordable housing, and promote the health, safety, and welfare of its citizens.

17.2.2 Affordable housing incentives

A. Eligible projects. Under this subsection, eligible projects shall include any development project:

1. That is permissible under the provisions of this Land Use Code in the zone in which it is proposed.
2. That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial alteration of existing structures, adaptive reuse or conversion of a nonresidential 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.

B. Reduction of fees. Notwithstanding any other provision of this Land Use Code or Chapter 6 to the contrary, development fees, including

TABLE 17-A: AFFORDABLE HOUSING FEE REDUCTIONS

% of New Units That are Low-Income or Workforce	Development Fee Discount	Cost of Work (Building Permit) Fees
10% up to but not including 15%	10% reduction	$9.90 per $1,000
15% up to but not including 20%	15% reduction	$9.35 per $1,000
20% up to but not including 25%	20% reduction	$8.80 per $1,000
25% or more	25% reduction	$8.25 per $1,000

site plan review and inspection fees, subdivision review and inspection fees, impact fees, administrative fees, and construction and permit fees as described in Chapter 6 of the City of Portland Code of Ordinances, shall be reduced by the City for an eligible project in the manner described in Table 17-A. Development fees do not include any fees charged for review conducted by any party other than the City.

C. Expedited review

1. The Planning Authority shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The Planning Authority may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review. The Planning Board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the Planning Board's jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the Planning Board shall promptly issue a decision on all such plans and applications before it for consideration.

D. Density and dimensional bonuses and reductions. Notwithstanding any other provision of this Land Use Code to the contrary, in order to encourage low-income and workforce units in areas prioritized for growth, eligible projects as defined under Subsection 17.2.2 may avail themselves of the following options:

1. *Density and dimensional bonuses.* The maximum number of units that would otherwise be allowed under this Land Use Code shall be increased for an eligible project in the manner described in Table 17-B, applicable where residential is allowed as a permitted or conditional use in mainland zones. Other dimensional bonuses related to height and setbacks shall only be applicable for eligible projects over 10 units in size within mixed-use, IS-FBC, RN-7, and R-P zones.

2. *Unit size.* In order to be eligible for this subsection, the low-income and workforce housing units must meet Subsections 17.2.3(C)(2), (3), and (4).

3. *Term of affordability.* Affordable units under this subsection shall be deed-restricted to remain affordable for 30 years or the longest term permitted under federal, state, and local laws, whichever is longer. Such deed restrictions shall be recorded in the Cumberland County Registry of Deeds.

4. *Required public process.* The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves

TABLE 17-B: BONUSES FOR ELIGIBLE PROJECTS

% Low-income or Workforce Units	Density Permitted[1]	Additional Height Permitted[2]	Setback Reductions[3]
10-19%	1.1 x base	N/A	N/A
20-29%	1.25 x base	10 ft.	N/A
30-49%	1.3 x base	10 ft.	5 ft.
50-74%	2.5 x base	15 ft.	5 ft.
>75%	2.5 x base	25 ft.	10 ft.

[1] "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 SF. of land area.
[2] The maximum additional height permitted in the B-1 zone and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.
[3] Setback reductions are absolute reductions in front, side, and/or rear setback requirements. The maximum setback reductions in the B-1 and R-P zones shall be 5 ft.

forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and processes for noticing as part of the *Technical Manual*.

17.2.3 Ensuring workforce housing

A. Purpose. Based on the City's Comprehensive Plan and the City's 2015 housing study, 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 subsection 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. This subsection shall apply to site plan applications that create ten or more new dwelling units for rent or for sale through new construction, substantial alteration of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. This subsection shall not apply to projects that otherwise meet or exceed the standards of 17.2.3(C).

C. Standards. Development projects subject to this subsection shall meet to the following requirements:

1. At least 25% of the units in the project shall meet the definition of workforce housing unit for sale or for rent as defined in Article 3. The project shall have the option of paying a partial fee-in-lieu as per (5) below or providing an additional unit on-site for any fractional value.
2. Projects shall not be segmented to avoid compliance with these provisions. In cases where projects are completed in phases or consist of multiple residential buildings, workforce units may be consolidated into one or more buildings, so long as they are provided in proportion to the development of market rate units overall, the project is subject to a legally binding agreement approved by the City of Portland that ensures full compliance with the affordability requirements of



Subsection 17.2.3 for the development as a whole, and the project is the subject of a single site plan application.

3. Workforce units must be integrated with the rest of the development, must use a common entrance in the case of mixed market rate and workforce buildings, must provide no indication from the exterior or from areas inside the respective buildings that these units are workforce housing units, and must demonstrate general parity in unit design, finishes, and amenities between market and workforce units in the development. Applications shall include a narrative that addresses parity of workforce and market rate units, a description of workforce and market rate unit attributes and amenities, phasing if applicable, and integration into the respective building and site design.
4. Workforce units need not be the same size as other units in the development but the cumulative number of bedrooms in such units shall be no less than 25% of the total number of bedrooms in the development.
5. 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. The fee for affordable units not provided shall be $150,000 per unit, adjusted annually in the same way as the fee under Subsection 17.1.8.
6. 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.

TABLE 17-C: MINIMUM TERM OF AFFORDABILITY FOR REQUIRED WORKFORCE UNITS

% of Workforce Units Provided	Minimum Term of Affordability
25%	30 years
50%	20 years
100%	10 years

7. The term of affordability for the required 25% workforce units provided shall be defined as shown in Table 17-C.
8. Projects shall be subject to an affordable housing agreement with the City of Portland, unless a project is otherwise subject to such an agreement requiring an equal or greater percentage of affordable units at an equal or lower income target level than required by this section.

D. **Density and dimensional bonuses.** Projects that are subject to this section shall be eligible for density and dimensional bonuses under Subsection 17.2.2(D).

E. **Implementation guidance.** The Housing & Economic Development Department shall provide guidance on income verification methods, affordable housing agreements, and subsequent monitoring requirements.

F. **Reporting to City Council.** In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this subsection, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this subsection in achieving its stated purpose.

17.2.4 Inclusionary zoning for hotel projects

A. Purpose. This subsection is based on City analysis, most specifically the analysis documented in the Greater Portland Council of Government study *Proposed Hotel Linkage Fee: Supportable Range* dated August 29, 2018, that finds that new hospitality developments create a need for new affordable housing. This need is the result of the fact that hospitality developments necessarily create a number of jobs that do not pay employees at a rate sufficient to allow those employees to afford market-rate housing in the City of Portland.

B. Hotel projects. For the purposes of this subsection, hotel projects shall include any hotel as defined in Article 3 consisting of 10 or more guest rooms for rent. Any expansion of an existing hotel by 10 or more rooms within any five-year period will also be considered a hotel project.

C. Hotel projects conditional uses. Notwithstanding anything to the contrary in this Land Use Code, all hotel projects are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this Subsection 17.2.5.

D. Low-income housing minimum. All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections 17.2.3(C)(2), (3), and (4) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.

E. Fee-in-lieu alternative. As an alternative to providing low-income housing units under Subsection 17.2.5(D) above, a hotel project may pay a fee-in-lieu of $3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.

F. Annual adjustments. The amounts in Subsection 17.2.5(E) above shall be adjusted annually in the same way as the fee under Section 17.1.8.

G. Implementation guidance. The Housing & Economic Development Department shall provide guidance on income verification methods, affordable housing agreements, and subsequent monitoring requirements.

17.3 JILL C. DUSON HOUSING TRUST FUND

17.3.1 Purpose

The purpose of enacting this section is:

A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

B. To serve as a vehicle for addressing very low, low, and moderate income housing needs through a combination of funds as set out in this article.

17.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund" (Housing Trust Fund). Deposits into the fund shall include:

A. Contributions from the City's housing replacement ordinance under Subsection 17.1.8.

B. In-lieu fees under Subsections 17.2.3 and 17.2.5.

C. Funds appropriated to be deposited into the fund by vote of the City Council.

D. Voluntary contributions of money or other liquid assets to the fund.

E. Any federal, state, or private grant or loan funds provided to the fund.

F. Interest from fund deposits and investments.

G. Repayments of loans made from the fund.

17.3.3 Management of the trust fund

The City Manager, or their designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

A. Maintaining the financial and other records of the Housing Trust Fund.

B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

17.3.4 Housing Trust Fund annual plan

A. Each fiscal year, the City Council shall adopt a Housing Trust Fund annual plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund annual plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the manager may propose as appropriate. The housing committee of the City Council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

B. The Housing Trust Fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the Housing Trust Fund.

2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.

3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.

C. Priority for the expenditure of funds collected pursuant to Section 17.1 shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

17.3.5 Distribution and use of the Housing Trust Fund's assets

A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section 17.1.

B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.

C. Funds shall not be used for City administrative expenses.

D. Funds shall not be used for property operating expenses or supporting services.

E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Portland, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

17.3.6 Term of affordability

A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.

B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the City of Portland.

C. The affordability restriction requirements described in this subsection shall run with the land and the City of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

17.4 CONDOMINIUM CONVERSION

17.4.1 Purpose

The purpose of this section is to regulate the conversion of rental housing to condominiums, to minimize the potential adverse impacts of such conversion on tenants, to ensure that such converted housing is safe and decent, and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.

17.4.2 Applicability

This section shall apply to the conversion of any rental unit to a condominium unit. For the purposes of this section, developer shall mean any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

17.4.3 Protection of tenants

A. **Notice of intent to convert.** A developer shall give to each tenant, meaning any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise, written notice of intent to convert at least one 120 days before

the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four consecutive years, the notice period shall be increased by 30 additional days for each additional year, or fraction thereof, to a maximum of 240 additional days. The notice shall set forth specifically the rights of tenants under (A), (B), and (C) of this subsection and Subsection 17.4.4, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Permitting & Inspections, City of Portland, 389 Congress Street, Portland, Maine 04101.

B. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within 120 days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

C. **Option to purchase.** For a 60-day period following the giving of notice as required in Subsection 17.4.3(A), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the 60-day period, the developer may not convey or offer to convey the unit to any other person during the following 180 days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional 60-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

17.4.4 Relocation payments

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months, provided that this requirement shall not apply to any tenant whose gross income exceeds 80% of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in Subsection 17.4.3. Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.

17.4.5 Conversion permit

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Authority. The permit shall issue only upon receipt of a completed application therefore in a form to be devised for that purpose, payment of a fee of $25,000 per converted unit, to be adjusted annually in the same way as the fee under Chapter 14, Section 17.1.8 of this code, at least $1,000 of which shall be appropriated to the Housing Safety Office for the administration and enforcement of the Rent Stabilization Ordinance, Chapter 6, Articles XII and XIII of this code, and the remainder of which shall be paid into the Jill C. Duson Housing Trust Fund, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of Chapter 6, Articles II, III, and V and Chapter 10, Article II of the City of Portland Code of Ordinances, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit and shall make copies available to prospective purchasers upon request.

17.4.6 Variation by agreement

No provision of or right conferred by this Section 17.4 may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

17.5 RELOCATION OF DISPLACED TENANTS

17.5.1 Purpose

The purpose of this section is to encourage the retention of a diverse housing supply throughout the downtown and in areas readily accessible to the downtown, to ensure that persons displaced as the result of redevelopment of residential units to nonresidential uses within the B-3 Downtown Business zone are treated fairly and consistently, and to ensure that persons so displaced will be relocated at the reasonable expense of the developer to comparable housing at a location providing comparable access to services and amenities.

17.5.2 Notice and eligibility for relocation assistance

When a proposed development will result in the displacement of residents of an existing structure, the developer of the property shall give all tenants

written notice as set forth below and shall provide relocation assistance as set forth below for any tenant whose gross income is 80% or less of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time the developer gives the tenant written notice of intent to cause removal of the residential unit. Such written notice shall be given to the tenant at least 120 days before the tenant shall be required to vacate the premises and shall contain the following statement:

> *The developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101.*

17.5.3 Relocation assistance for all tenants

The developer shall provide, upon demand, assistance to all tenants who will be displaced by the development in the form of referrals to other reasonable accommodations and in determining the tenants' eligibility for relocation payments as provided herein. The developer shall make relocation payments to eligible tenants in accordance with the schedule adopted by the City Council in Subsection 17.5.4.

17.5.4 Schedule of relocation payments for eligible tenants

The developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months.

18 OFF-STREET PARKING & LOADING

18.1 OFF-STREET PARKING

18.1.1 General

Off-street parking, either by means of structured or surface spaces, in addition to being a permitted principal use in certain zones, shall be considered as an accessory use when required or provided to serve principal uses. The provisions of this article shall apply to parking as an accessory use.

18.1.2 No vehicle parking spaces required

Off-street vehicle parking is not required. However, a Transportation Demand Management Plan is required for certain development actions and uses, per Section 13.6.1.

18.1.3 Vehicle parking maximums

A. Table 18-A establishes the maximum number of off-street parking spaces that may be provided for each designated use. In some cases, uses that are considered part of a larger generic use category may be listed with specified parking maximums. These specific uses are listed only for the purposes of this section, and do not indicate whether such uses are permitted or conditional within any zone.

B. Certain uses listed within Table 18-A are not subject to parking maximums, and are indicated as such where applicable. For any use not listed in Table 18-A, the parking provisions for the most similar use, as determined by the Building Authority or the Planning Authority, shall apply.

C. Exemptions. The waterfront zones in Article 10 shall not be subject to parking maximums. In any zone, spaces reserved for the following shall not be included in the calculation of parking maximums:

1. Any required accessible parking spaces in compliance with the standards of the Americans with Disabilities Act (ADA).
2. EVSE-Installed charging spaces.
3. Pick-up and drop-off vehicle spaces, which shall be marked as reserved. Such spaces may accommodate ride-hailing vehicles, delivery driver vehicles, and safe internet purchase exchange.

D. Permission to exceed parking maximums.

1. A parking maximum may be exceeded by up to 25% if one or more of the following conditions are met:
   - **a.** 10% of the total parking spaces provided are available for public use 24 hours a day, seven days a week.
   - **b.** 20% of the total number of spaces are provided as shared spaces, available for public use from 8:00 a.m. to 6:00 p.m., Monday through Friday.
   - **c.** 20% of the total number of spaces are provided as shared spaces, available for public use from 6:00 p.m. to 8:00 a.m., seven days a week.
2. When public use spaces are provided in order to exceed a parking maximum, the following shall apply:
   - **a.** When located within a parking structure, public use spaces shall be located within the first two floors of the structure.
   - **b.** Signs shall be provided indicating the availability and location of public use spaces.
   - **c.** Shared spaces not available to the public 24 hours a day, seven days a week shall be clearly marked,

indicating the hours of availability for public use.

3. A parking maximum may be exceeded without the provision of public use spaces if the findings of a parking study provided by the applicant demonstrate that the number of spaces is appropriate for the proposed use of the site.

18.1.4 Rules of calculation

A. Basis of calculation. The maximum number of parking spaces allowed is calculated based upon the principal use or uses of the lot. When two or more principal uses or separate establishments are located on the same lot, the maximum number of spaces is the sum of the separate standards for each use.

B. Floor area. Unless otherwise stated, square footage for off-street parking standards shall be computed based on gross floor area.

C. Fractions. Any fraction shall be rounded down to the nearest whole number.

D. Accessory uses. Off-street parking shall not be calculated separately for accessory uses.

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Adult business establishments	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Agriculture	No maximum	--
Airports	No maximum	--
Animal-related services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Auto, boat, and related dealerships	1 per 300 SF of indoor sales and display area + 6 per service bay	--
Auto service stations	1 per 250 SF of retail floor area + 4 per service bay	--
Bars	1 per 100 SF of indoor floor area + 1 per 300 SF of outdoor seating area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Bed and breakfasts	2 spaces + 1 per guest room	2 spaces
Boathouses and storehouses for fishing equipment	1 per 200 SF of floor area	--
Campgrounds	1.5 per campsite	--
Cemetery	1 per 100 SF of floor area (office and/or chapel/parlor)	--
Child care centers + small child care facilities	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Clinics	No maximum	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Communication studios	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Construction and engineering services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Cultural facilities	1 per 300 SF of floor area	1 per 2,000 SF of floor area
Dairies	1 per 300 SF of floor area	--
Dwelling, residential	2 spaces per dwelling unit	*Multi-family:* 1 per 2 dwelling units *Other:* none
Elementary, middle, and secondary schools	*Elementary/middle school:* 6 per classroom + 4 per office *High school:* 10 per classroom + 4 per office	1 per 2 classrooms
Emergency shelters	1 per 200 SF of office floor area	--
Exhibition, meeting, and convention halls	1 per 20 persons at maximum capacity	1 per 100 persons at maximum capacity
Food and seafood processing, packing, and distribution	1 per 500 SF of floor area	--
Funeral homes	1 per 100 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
General offices	1 per 200 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
General services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Governmental uses	No maximum	--
Greenhouse/nursery (retail)	1 per 250 SF of indoor office/retail sales floor area + 1 per 10,000 SF of growing/stock area (indoor + outdoor)	--
Group home	1 per rooming unit	1 per 4 rooming units
High-impact industrial uses	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Hospitals	No maximum	1 per 100 beds
Hostels	1 per 4 beds	--
Hotels	1.5 per guest room	--
Impound lots	1 per 200 SF of office floor area	--
Intermodal transportation facilities	*Passenger facilities:* 1 per 500 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
	Freight facilities: 1 per 200 SF of office floor area	
Laboratory and research facilities	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Lodging house	1 per rooming unit	1 per 4 rooming units
Low impact industrial	1 per 200 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Lumber yards	1 per 200 SF of floor area	--
Marijuana cultivation facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Marijuana manufacturing facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Marijuana retail store	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Marijuana testing facilities	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Marinas	1 per 2 slips	--
Market gardens	1 per 250 SF of indoor office/retail sales floor area + 1 per 5,000 SF of growing area (indoor + outdoor)	--
Neighborhood nonresidential reuse	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Off-street parking	No maximum	--
Parks and open spaces	No maximum	Over 5,000 SF: 1 per 1,000 SF
Places of assembly	1 per 150 SF of floor area used for assembly purposes	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Post-secondary schools	4 per classroom + 4 per office + 1 per 2 students of maximum enrollment	1 per 10 students of maximum enrollment
Printing and publishing	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area	--
Recreation and amusement centers	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Recycling facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Registered marijuana dispensary	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Residential care facilities (large)	1.5 per dwelling unit or room	1 per 5 dwelling units or rooms
Residential care facilities (small)	2 per dwelling unit or room	1 per 4 dwelling units or rooms
Restaurants	1 per 100 SF of indoor floor area + 1 per 300 SF of outdoor seating area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Retail	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Self-storage facilities	1 per 25 storage units	--
Small-scale marijuana caregiver	*Residential dwelling:* No maximum *Commercial space:* 1 per 300 SF of floor area	--
Social service centers	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Solar energy system	1 per 200 SF of office floor area	--
Solid waste disposal facilities	1 per 500 SF of floor area up to 40,000 SF, then 1 per 2,500 SF of additional floor area (excludes any outdoor storage area)	--
Specialty food service	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Sports complexes	No maximum	Over 5,000 SF of floor indoor floor area: 1 per 1,500 SF of indoor floor area + 1 per 2,500 SF of outdoor area
Stadiums	1 per 15 seats	1 per 100 seats
Studios for artists and craftspeople	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Telecommunication towers (ground-mounted)	1 per tower	--
Theaters and performance halls	1 per 300 SF of floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area

TABLE 18-A: OFF-STREET PARKING MAXIMUMS AND MINIMUM BICYCLE PARKING REQUIREMENTS

	Maximum vehicle spaces	Minimum bicycle spaces
Utility substations	1 per 200 SF of office floor area	--
Veterinary services	1 per 300 SF of floor area	Over 5,000 SF of floor area: 1 per 1,500 SF of floor area
Warehousing and distribution	1 per 200 SF of office floor area + 1 per 25,000 SF of warehouse floor area	Over 10,000 SF of floor area: 1 per 2,500 SF of floor area
Wharves, piers, docks, and landing ramps	No maximum	--
Wind energy system	1 per 200 SF of office floor area + 1 per turbine	--

18.1.5 Use of parking facilities

A. In general. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited, unless customarily incidental or accessory to a conforming principal use when located in an industrial zone.

B. Commercial vehicles

1. *Residential and R-P zones*

a. No commercial vehicle may be parked outdoors on a lot in a residential zone or the R-P zone, with the following exceptions:

i. Vehicles engaged in loading, unloading, or current work being performed on the premises.

ii. Commercial vehicles that are standard size passenger motor vehicles including but not limited to vans, sport utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, may be stored or parked outdoors overnight on lots in residential zones in a permitted parking area. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

b. All other commercial vehicles including but not limited to semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a lot in a residential zone.

2. *All other zones*

a. Commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks,

promotional vehicles, moving vans, and rental trucks, are permitted to be parked on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be maintained in operable condition.

b. No more than one commercial vehicle shall be parked outdoors on a lot in the B-1 zone.

c. No more than six commercial vehicles shall be parked outdoors on a lot in the B-2/B-2b zones.

18.1.6 Location of off-street vehicular parking spaces

A. Residential and R-P zones

1. *Residential uses*

a. Vehicular parking spaces shall be located to the side or rear of the principal structure, and shall not be located between the front building line and the front lot line. This does not apply to parking within driveways on lots containing single-family, two-family, three-family, or four-family dwellings.

b. Parking spaces may be located within a required interior side or rear setback. When more than six parking spaces are provided in an interior side or rear setback, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

2. *Nonresidential uses*

a. Vehicular parking spaces shall be located to the side or rear of the principal structure, and shall not be located between the front building line and the front lot line.

b. All parking spaces provided for nonresidential uses in residential zones shall be located a minimum of 25 feet from any residential structure on an adjoining lot.

c. Parking spaces may be located within a required interior side or rear setback. When spaces are located within a required interior side or rear setback, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

d. Where parking for a nonresidential use is located within 10 feet of any street, a continuous, permanently anchored curb guard, at least five feet from the lot line, shall be provided between such off-street parking and the lot line involved, the top of which shall be at least 20 inches in height.

B. Mixed use, transit-oriented, and office zones

1. Vehicular parking spaces shall not be located between the front building line and the front lot line. This does not apply to parking within driveways on lots containing three-family or four-family dwellings.

2. Where off-street parking is to be provided within 10 feet of any street, a continuous, permanently anchored curb guard, at least five feet from the lot line, shall be provided between such off-street parking and the

lot line involved, the top of which shall be at least 20 inches in height

3. Where more than six parking spaces are provided, and such spaces abut a lot in a residential zone, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

C. Open space and industrial zones

1. Where off-street parking is to be provided within 10 feet of any street, a continuous, permanently anchored curb guard, at least five feet from the lot line, shall be provided between such off-street parking and the lot line involved, the top of which shall be at least 20 inches in height.
2. Where more than six parking spaces are provided, and such spaces abut a lot in a residential zone, a fence not less than six feet in height shall be provided and maintained along the applicable lot line between such spaces and the adjoining lot.

18.1.7 Existing parking facilities

A. As of the effective date of this Code, existing parking facilities that do not meet the requirements of Section 18.1, but were in conformance with the requirements of this Code at the time of their establishment, shall not be considered nonconforming with regard to the requirements of this Section.

B. Parking facilities existing as of the effective date of this Code that do not meet the requirements of Section 18.1 shall be brought into conformance when the following occurs:

1. A new principal building is constructed on the site. This includes construction of a second or more principal buildings on a site with an existing building.
2. An existing building is increased in building footprint square footage by 50% or more.

18.2 OFF-STREET LOADING

18.2.1 Uses requiring off-street loading

A. Off-street loading is not required in the B-6 zone. In all other zones, the minimum off-street loading bays or loading berths shall be as established in Table 18-C. These minimum requirements shall be met and maintained in the case of new construction, alterations, and change of use.

B. In the case of multi-tenant buildings or mixed-use developments, required loading bays or berths are calculated on the basis of each individual tenant (for example, if only one retail tenant of a multi-tenant building is over 5,000 square feet, only one loading bay or berth is required; if all tenants are under 5,000 square feet, no loading is required.

18.2.2 Design of off-street loading

A. All off-street loading must be located on the same lot as the use served.

B. With the exception of the I-L/I-Lb, I-M/I-Mb, I-H, and A-B zones, no off-street loading is permitted in a front or corner side yard. Where possible, off-street loading should be located opposite any abutting residential zone lot line.

C. Each loading bay or berth shall be a minimum of ten feet in width and 25 feet in length, exclusive of aisle and maneuvering space, and must maintain a minimum vertical clearance of 14 feet.

D. Bays or berths may be located either within a building or outside and adjoining an opening in

TABLE 18-C: OFF-STREET LOADING REQUREMENTS

Use and Size (Gross Floor Area)		Minimum Number of Bays or Berths
General offices and hotels (> 100,000 SF)		1
Retail	20,000 - 100,000 SF	1
	100,001 – 200,000 SF	2
	> 200,000 SF	3
Industrial	10,000 - 40,000 SF	1
	40,001 - 100,000 SF	2
	> 100,000 SF	3

the building, except that in the case of hospitals and residential care facilities, the off-street loading area provided for ambulance and other emergency vehicles shall be exempt from the minimum dimensional requirement but shall be of sufficient width and depth to permit expeditious access and egress from the loading area.

18.2.3 Requirements for additional bays, alterations, or modifications

Any loading bays provided in addition to the minimum required by this article, or any loading bays otherwise established shall meet the requirements of Subsection 18.2.2, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of Subsection 18.2.2 are met.

18.2.4 Existing structures

Structures existing as of the effective date of this Code that do not meet the requirements of Section 18.2 are not required to install loading spaces, and shall not be considered nonconforming with regard to the requirements of this Section. Such structures may expand their footprint or gross floor area, so long as the expansion is on the same lot, no additional lot area is added, and any existing off-street loading on the site is maintained. If the existing principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., an adjoining lot is purchased or leased), this exemption is no longer valid.

19 SIGNS

19.1 PURPOSE

This article has been adopted to ensure that all signs installed in the city are compatible with the unique character and environment of the community through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this article is intended to:

A. Ensure that all signs are compatible with the unique character and environment of the City of Portland, and that they support the desired urban design and development patterns of the various zones, overlay zones, and historic areas within the city.

B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages.

C. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage.

D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained.

E. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape.

F. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

19.2 APPLICABILITY

19.2.1 Applicability

This article applies to all permanent and temporary signs within the city unless specifically exempted.

A. The provisions of this article shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this article. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

B. Nothing in this article shall be construed to prohibit a person from holding a sign while picketing or protesting on public property.

19.2.2 Substitutions and interpretations

This article is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or permit from the City, provided that the sign is otherwise permissible under this article. To the extent any provision of this subsection is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

19.2.3 Exemptions

The following signs are not regulated under this article and are not subject to the permitting requirements of Section 19.3:

A. Numerals and letters identifying an address from the street to facilitate emergency response compliant with City requirements.

B. Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings.

C. Any sign, posting, notice, or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:

1. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense.
2. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements.
3. Traffic signs and signs at bus stops and in bus shelters.
4. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance.
5. Signs directing the public to points of interest.
6. Signs showing the location of public facilities.
7. Signs subject to the provisions of 23 M.R.S. § 1913-A.

D. Historic plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area.

E. Non-illuminated incidental signs which provide information including, but not limited to, credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of two square feet in sign area in the Residential Sign District and six square feet in sign area in all other sign districts.

F. Landmark signs.

G. Signs posted on a community bulletin board, not to exceed 11 inches by 17 inches.

H. Signs not readable from the public right-of-way, such as:

Signs or displays located entirely inside of a building and not visible from the building's exterior.

1. Signs intended to be readable from within a parking area but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
2. Signs located within City recreation facilities.
3. Signs that are an integral part of an allowed vending machine or similar facility located outside of a business.

I. Temporary signs placed within the public right-of-way, subject to the provisions of 23 M.R.S. §1913-A.

J. Works of art that do not include sign copy or where sign copy is limited to no more than 10% of the total area of the artwork and the dimensional standards listed in Tables 19-G and 19-P.

19.3 REVIEW PROCEDURES

19.3.1 Review Authority

Table 19-A establishes the final review authority for sign-related applications.

TABLE 19-A: REVIEW AUTHORITY

Application Type	Building Authority	Planning Authority – Historic Preservation
Sign permit	●	-
Signs in historic districts	●	●

19.3.2 Applications and fees

A. Filing of applications. An application for a permanent or temporary sign permit must be submitted to the Building Authority on an application form or in accordance with the application specifications published by the Building Authority. Each application must be accompanied by the applicable fee, which shall be established by the City Council.

B. Review and approval

1. Following receipt of a complete application, the Building Authority shall review all sign permit applications and supporting documentation for compliance with the standards of this article.
2. The Building Authority shall either:
   - **a.** Issue the sign permit if the sign that is the subject of the application conforms to the requirements of this article, and also provided that any other required permits as determined by the Building Authority have been obtained, or
   - **b.** Deny the sign permit if the sign that is the subject of the application fails to conform to the requirements of this article. If the sign permit application is denied, the reason shall be stated in writing.

19.3.3 Permanent sign permits

A. Sign permit required. A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this article. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate sign permit except as allowed in Subsection 19.6.4. Exceptions to the requirement for a sign permit include the exemptions listed in Subsection 19.2.3, as well as building-mounted directional signs, building-mounted directory signs, and window signs. Refer to Section 19.7 for permanent sign standards that apply even when no sign permit is required. Any sign not authorized pursuant to this article is not allowed.

B. Assignment of permanent sign permits. A current and valid permanent sign permit issued under this article shall be freely assignable to a successor as owner of the property or operator of the premises. The assignment shall not require approval by the Building Authority.

C. Expiration. A permanent sign permit will expire and become null and void if the work authorized in compliance with the permit is not commenced within 180 days from the date of issuance of the permit, or if work is suspended or abandoned for a period of 180 days or more at any time after the work has commenced.

19.3.4 Signs in historic districts

A. Applicability. The standards established in this subsection shall be applied within historic districts in addition to the standards otherwise established in this article.

B. Review. In addition to being subject to the other provisions of this article, all permanent signs proposed in historic districts must be reviewed for approval by the Planning Authority in accordance with the sign standards included in Subsection 16.7.6 and as detailed in the *Historic Resources Design Manual*. If there is a conflict between the standards included in Article 16 and the requirements of this article, the stricter shall apply.

19.3.5 Appeals

Appeals of sign permit decisions are within the jurisdiction of the Zoning Board of Appeals.

19.4 SIGN DISTRICTS ESTABLISHED

Table 19-B combines the zones established in Article 5 into sign districts based on similarity of use, building form, and character. For sign standards specific to overlay zones, see Article 8. If no sign standards exist within the overlay zone, the standards of the underlying zone shall apply.

19.5 GENERAL RESTRICTIONS FOR ALL SIGNS

19.5.1 Location restrictions

Except where specifically authorized in this article, signs may not be placed in the following locations:

A. Public right-of-way. Within, on, or projecting over public property, City rights-of-way, or waterways, except signs specifically authorized in this article.

B. Obstructing traffic signals. Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device.

C. Obstructing intersection visibility. At the intersections of streets or streets and driveways where the visual lines of sight for drivers of motor vehicles are obstructed. Signs shall observe corner clearance requirements as listed in Subsection 7.5.1.

D. Ingress and egress. Areas allowing for ingress to or egress from any door, window, vent, exit way, or fire lane required by Chapter 6 of the City of Portland Code of Ordinances or Fire Department regulations currently in effect.

E. Landscape elements or utilities. Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way.

F. Off-premises. Off the premises of the business to which the commercial advertising sign refers, except as provided in Table 19-X.

G. Roof-mounted. Mounted on the roof of a building or structure.

TABLE 19-B: SIGN DISTRICTS ESTABLISHED

Sign District	Zones	Description
Residential Sign District	RN-1 Residential Neighborhood Zone RN-2 Residential Neighborhood Zone RN-3 Residential Neighborhood Zone RN-4 Residential Neighborhood Zone RN-5 Residential Neighborhood Zone RN-6 Residential Neighborhood Zone RN-7 Residential Neighborhood Zone IR-1 Island Residential Zone IR-2 Island Residential Zone	These zones comprise the vast majority of residential land in Portland. Signage is limited in these zones, as a variety of sign types could detract from the desired residential character.
Small Mixed-Use Sign District	R-P Residence-Professional Zone B-1 Neighborhood Business Zone B-2b Community Business Zone IS-FBC UA, UN, and UT Zones I-B Island Business Zone O Office Zone	These zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Large Mixed-Use Sign District	B-2 Community Business Zone B-4 Commercial Corridor Zone EWPZ Eastern Waterfront Port Zone	These zones comprise the major commercial centers in Portland and allow a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Downtown Sign District	B-3 Downtown Business Zone B-5 Urban Commercial Zone B-6 Eastern Waterfront Zone WCZ Waterfront Central Zone	The downtown core zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for office, service, retail and mixed-uses in the downtown.
Industrial and Transportation Sign District	A-B Airport Business Zone I-L Low-Impact Industrial Zone I-M Moderate-Impact Industrial Zone I-H High-Impact Industrial Zone WPDZ Waterfront Port Development Zone	These zones allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.
Open Space Sign District	OS-R Recreation and Open Space Zone OS-P Open Space Preservation Zone	These zones prohibit most sign types, allowing only those necessary to provide information for primarily open space and recreation uses.

H. Storage containers and receptacles. On fuel tanks, storage containers, and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law.

19.5.2 Prohibited signs

Except as otherwise provided in this article, the following signs are prohibited:

A. Billboards.

B. Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse, or mislead traffic.

C. Bandit signs.

D. Signs or other devices that are inflatable or affected by the movement of the air or other atmospheric or mechanical means, including inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, and inflated characters used as signs, whether attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures, except as allowed in Section 19.8.

E. Any sign which advertises a business no longer in existence or a product or service no longer being sold, except for landmark signs.

F. Any temporary sign, other than those signs allowed pursuant to Section 19.8.

G. Any other signs not specifically allowed by the provisions of this article.

19.5.3 Display restrictions

Except as otherwise provided in this article, the following display features are prohibited:

A. Animated features which rotate, move, or give the appearance of moving by mechanical, wind, or other means. Barber poles no more than three feet in height and 10 inches in diameter and clocks are excepted from this restriction.

B. Sound, odor, or any particulate matter including bubbles, smoke, fog, confetti, or ashes.

C. Lighting devices with intermittent, flashing, rotating, blinking, or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights.

D. Search lights or laser light displays when used as attention-attracting devices.

E. Strings of lights used in connection with commercial premises, except when used for temporary lighting for decoration, and lights arranged in the shape of a product, arrow, or any commercial message.

19.6 GENERAL REQUIREMENTS FOR ALL SIGNS

19.6.1 Sign measurement

Sign area and height shall be measured as described in Tables 19-C and 19-D.

19.6.2 Computation of the number of signs

When determining the number of signs, a single sign shall be considered either enclosed within a single frame or composed of modular parts with identical frame elements designed to be joined together to form a single composite sign.

TABLE 19-C: SIGN AREA MEASUREMENT

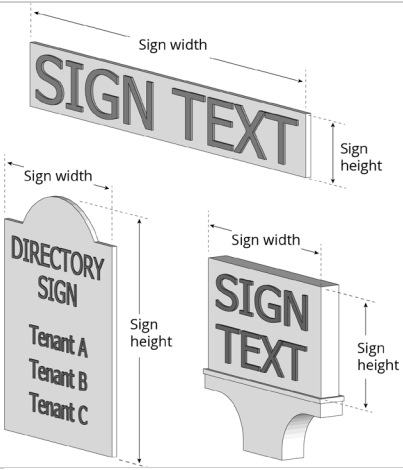
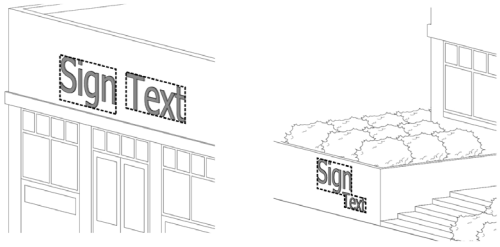
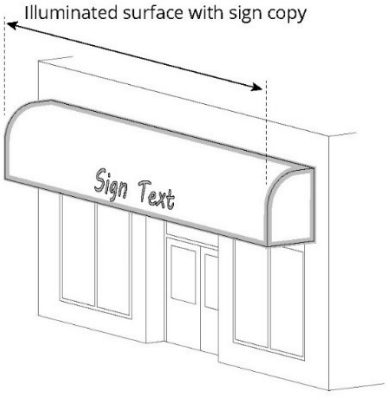
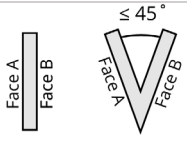
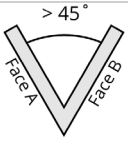
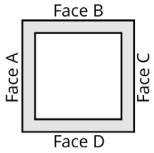
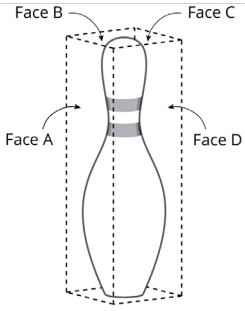
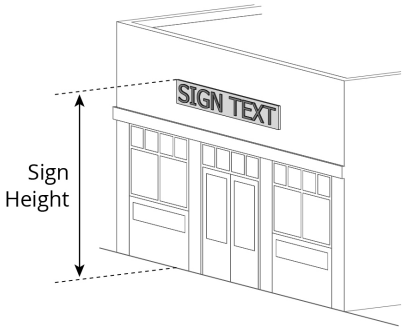
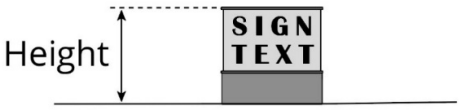
Signs on background panel	Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.	
Signs as individual letters	Sign copy mounted as individual letters or graphics against a building surface that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the sign.	
Signs on illuminated surface	Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.	

TABLE 19-C (CONT.): SIGN AREA MEASUREMENT

Irregular-shaped signs	Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.	
Multi-face signs	For two-face signs, if the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is determined by the measurement of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces. For three- or four-face signs, the sign area is 50 percent of the sum of the areas of all sign faces.	 Sign Area = A  Sign Area = A + B  Sign Area = (A + B + C) ÷ 2  Sign Area = (A + B + C + D) ÷ 2
Spherical, free-form, or sculptural signs	Spherical, free-form, or sculptural signs are measured as 50% of the sum of the areas of the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.	 Sign Area = (A + B + C + D) ÷ 2

Note: Numerals and letters used to identify an address are not included in the determination of sign area.

TABLE 19-D: SIGN HEIGHT MEASUREMENT

Building-mounted signs	The height of signs mounted on a building is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.	
Freestanding signs	Sign height is measured as the vertical distance from the finished grade at the base of a sign to the top of the sign exclusive of any filling, berming, mounding, or landscaping solely for the purpose of locating the sign and excluding decorative embellishments as permitted in Section 19.7.	

19.6.3 Sign illumination

A. Sign illumination by sign district

1. Table 19-E identifies the type of illumination permitted (●) or not permitted ( ) by sign district. All allowed permanent signs may also be non-illuminated. All permanent signs for single-family residences or duplexes and all temporary signs must be non-illuminated.
2. The illumination level of a sign must be reduced if the Building Authority determines the light output to be excessive. The Building Authority shall use the following criteria to determine if the illumination is excessive:
   - **a.** The amount of illumination is substantially greater than the illumination level of other nearby signs.
   - **b.** The sign's illumination interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign.
   - **c.** It directs glare toward streets or motorists.
   - **d.** It adversely impacts nearby residents or neighborhoods.
   - **e.** The illumination reduces the night time readability of the sign.

B. Internal illumination. To minimize glare, internally-illuminated signs must either be constructed with an opaque background and translucent text and symbols, or with a colored background. Backgrounds must not be white, off-white, light gray, cream, or yellow.

TABLE 19-E: SIGN ILLUMINATION BY SIGN DISTRICT

Sign District Name	Type of Illumination						
	External	Direct	Internal (Cabinet or Halo Sign)	Internal (Individual Letters /Logo)	Neon	Single or Two-Color LED	Electronic Message Signs
Residential Sign District	-- [1]			-- [1]			-- [1]
Small Mixed-Use Sign District	●	● [2]	● [3]	●	●	●	
Large Mixed-Use Sign District	●	●	●	●	●	●	●
Downtown Sign District	●	●	●	●	●	●	
Industrial and Transportation Sign District	●	●	●	●	●	●	● [4]
Open Space Sign District	●						

[1] Allowed for institutional uses only.
[2] Only allowed in B-1, B-2, IS-FBC, and I-B zones.
[3] Only allowed in B-2 and OP zones.
[4] Only allowed in I-L, I-M, and I-H zones.

C. External illumination

1. Externally-illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.
2. The light source for externally-illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 19-A.

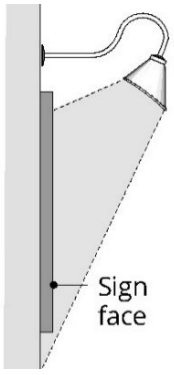


FIGURE 19-A: EXTERNAL ILLUMINATION

D. Direct illumination. All direct illumination must be turned off daily at the close of business or 10 p.m., whichever occurs last.

E. Neon. Exposed neon sign lighting must be turned off daily at the close of business or 10 p.m., whichever occurs last.

F. Single-color or two-color LED signs.

1. Single or two-color LED signs are exempt from the sign area limitations for window signs and building-mounted signs.
2. Single or two-color LED signs must be turned off daily at the close of business or 10 p.m., whichever occurs last.

G. Electronic Message Signs

1. One electronic message sign is allowed per lot.
2. Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).

Electronic message signs may display changing messages provided that each message is displayed for no less than 30 seconds.

3. Electronic message signs must be equipped with photocell technology to control and vary the intensity of light output depending on the amount of ambient light that is present to prevent overly bright luminance at night. Automatic controls must limit night luminance to a maximum of 100 nits when the display is set to show maximum brightness in 100 percent full white mode.
4. The applicant shall provide a written certification from the sign manufacturer that the night time luminance has been factory pre-set not to exceed 100 nits as described in (3) above, and that this setting is protected from end-user modification by password-protected software or other method as deemed appropriate by the Building Authority.
5. Electronic message signs must be turned off daily at the close of business or 10 p.m., whichever occurs first.

19.6.4 Changeable sign copy

Changeable sign copy must comply with the following standards:

A. Maximum area. The maximum area of changeable sign copy shall be limited to 50% of the total sign area, except for marquee signs. This does not apply to any signs required by law.

B. Sign design. The changeable sign copy must be an integral part of a permanent building-mounted or freestanding sign.

C. Illumination. Changeable sign copy may be non-illuminated or internally-illuminated.

19.6.5 Structure and installation

A. Authority. The construction of signs shall be enforced and administered by the Building Authority. All signs and advertising structures must be designed to comply with the provisions of this article and applicable provisions of Chapter 6 of the City of Portland Code of Ordinances and constructed to withstand wind loads, dead loads, and lateral forces.

B. Electrical features. Where electrical service is provided to freestanding signs or landscape wall signs, all such electrical service must be placed be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. An electrical permit shall be issued prior to installation of any new signs requiring electrical service.

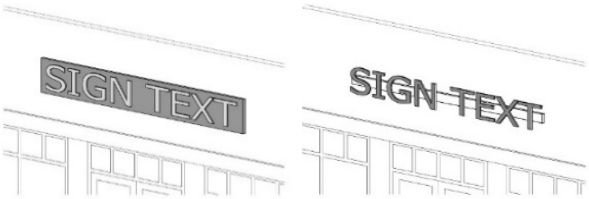


FIGURE 19-B: RACEWAY CABINET EXAMPLES

C. Raceway cabinets. Raceway cabinets, as illustrated in Figure 19-B, shall only be used in building-mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to

which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business. A raceway cabinet is not a cabinet sign.

D. **Materials.** All permanent signs allowed by this article must be constructed of durable materials capable of withstanding continuous exposure to the elements and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

19.6.6 Sign maintenance

All signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land, in a condition or state of equivalent quality to which was approved or required by the City. All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable provisions of Chapter 6 of the City of Portland Code of Ordinances, and in conformance with this article. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out, or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this article.

19.7 STANDARDS FOR PERMANENT SIGNS

19.7.1 Permitted sign types by sign district

Table 19-F establishes which sign types are permitted (●) or not permitted ( ) in each sign district. Any combination of allowed sign types may be used within a given sign district unless specifically prohibited.

19.7.2 Permanent building-mounted sign standards

The maximum total area for all building-mounted signs is established in Table 19-G. The area of all building-mounted signs is included in the maximum total sign area, except when specifically exempted. All permanent building-mounted signs shall comply with the corresponding sign type standards provided in Tables 19-H to 19-Q.

19.7.3 Permanent freestanding sign standards

All permanent freestanding signs shall comply with the standards of Table 19-R and the corresponding sign type standards established in Tables 19-S to 19-V. Unless specifically indicated, standards applicable within a sign district apply to single- and multi-tenant buildings. There is no setback requirement for permanent freestanding signs, provided that the sign is entirely located on the property where the sign is permitted, and the sign is located in compliance with Table 19-F.

TABLE 19-F: ALLOWED SIGN TYPES BY SIGN DISTRICT

	Sign Type	Residential Sign District [1]	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Building-Mounted	Awning Sign		●[2]	●	●	●	●
	Canopy Sign		●[2]	●	●	●	
	Blade Sign		●	●	●		
	Directional Sign		●[2]	●	●	●	●
	Directory Sign	●[3]	●	●	●	●	
	Marquee Sign			●	●		
	Projecting Sign		●[2]	●	●	●	
	Service Island Canopy Sign			●	●	●	
	Wall Sign	●	●	●	●	●	●
	Window Sign		●	●	●	●	●
Freestanding	Freestanding Directional Sign	●	●	●	●[4]	●	●
	Freestanding Directory Sign	●[3]	●	●	●[4]	●	●
	Monument Sign		●	●	●[5]	●	●
	Pole Sign			●	●[5]	●	●

[1] For institutional uses in residential zones, all permanent sign types are allowed except for the following: awning sign, blade sign, canopy sign, marquee sign, pole sign, projecting sign, service island canopy sign; and window sign.
[2] Not allowed in the R-P Zone.
[3] Not allowed in the RN-1, RN-3, IR-1, and IR-2 zones.
[4] Not allowed in the B-3 zone.
[5] In the B-3 and B-5 zones, freestanding signs are permitted only if the front façade of the building is set back a distance of at least 20 ft. from either of the front facades of abutting buildings. In the case of a multi-tenant building, the individual tenants' frontage must be set back a distance of at least 20 ft. from other tenant's frontages.

TABLE 19-G: DIMENSIONAL STANDARDS FOR BUILDING-MOUNTED SIGNS BY SIGN DISTRICT

Sign District			Total Area for All Signs (per tenant or façade)	Number of Signs (max.)
Residential	Single-family lots		2 SF max.	1 per lot (either freestanding or building-mounted)
	Multi-family lots		10 SF max.	1 per street frontage
	Institutional use in all residential zones		1.5 SF per linear foot of building façade where the sign is placed 150 SF max.	1 per street frontage, plus 2 additional
Small Mixed-Use	Single-tenant building		I-B zone: 1 SF per linear foot of building façade where the sign is placed; Max. 40 SF All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 100 SF per facade	1 per street frontage, plus 1 additional
	Multi-tenant building		1.5 SF per linear foot of building façade where the sign is placed 150 SF max. per tenant	1 per tenant[5,6], plus 1 additional for the building.
Large Mixed-Use	Single-tenant building		2 SF per linear foot of building façade where the sign is placed 200 SF max. per façade [1]	1 per street frontage, plus 2 additional
	Multi-tenant building		1.5 SF per linear foot of tenant façade where the sign is placed 150 SF max. per tenant	1 per tenant[6], plus 1 additional for the building.
Downtown	Single-tenant building		2 SF per linear foot of building façade where the sign is placed	1 per street frontage, plus 2 additional
	Multi-tenant building	Ground floor tenants	2 SF per linear foot of tenant frontage where the sign is placed	1 per tenant[5, 6]
		Building ID and upper floor tenants	5% of building wall area max. for all upper floor tenant signs place on a facade.	1 per tenant, plus 2 additional for the building
Industrial & Trans.	Single-tenant building		2 SF per linear foot of building façade where sign is placed 250 SF max.	1 per street frontage, plus 2 additional
	Multi-tenant building		2 SF per linear foot of tenant frontage where the sign is placed 200 SF max.	1 per tenant, plus 2 additional for the building
Open Space	Commercial signs/facility signs[2, 3]		1 SF per linear foot of building façade where the sign is placed 20 SF max.[4]	1 per use (either freestanding or building-mounted)
	Sign placement		The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, provided that at least 1 sign must be placed on the tenant facade.	

[1] Where a building features two principal entry facades facing parallel streets, each entry façade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the total area.
[2] Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.
[3] Building signs shall be visually related to the building on which they are located in terms of materials, color, scale, etc., as determined by the Building Authority.
[4] Product trademarks limited to 5% of total sign area.
[5] On the peninsula, each tenant may have two signs, provided that one sign is a blade sign and one sign is placed parallel to the building façade.
[6] If a tenant faces additional street frontages, one additional sign is allowed per frontage for that tenant.

TABLE 19-H: STANDARDS FOR AWNING SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of awning width
Mounting height	8 ft. min. from the bottom of the awning to the nearest grade or sidewalk 25 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. Awnings shall not project above, below, or beyond the edges of the face of the building wall or architectural element. May project into public right-of-way with permit approval.
Valance height (max.)	6 in.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Illumination allowed under the awning.

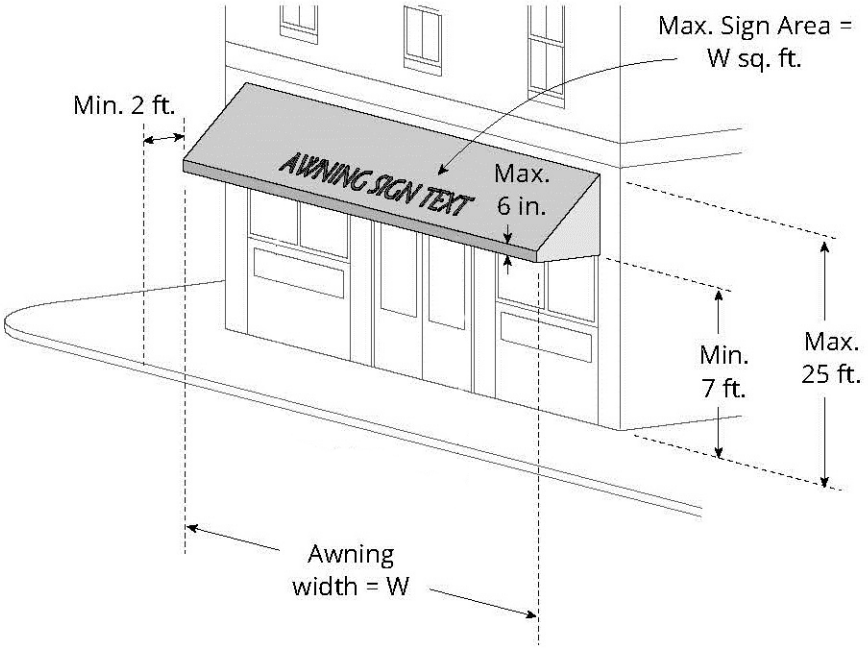




TABLE 19-I: STANDARDS FOR CANOPY SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of canopy width
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk 20 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination

TABLE 19-J: STANDARDS FOR BLADE SIGNS

Standard	Requirements
Sign area (max.)	16 SF
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk Must be mounted perpendicular to the building face or corner of the building.
Sign placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located. May project into public right-of-way with permit approval.
Illumination	External illumination

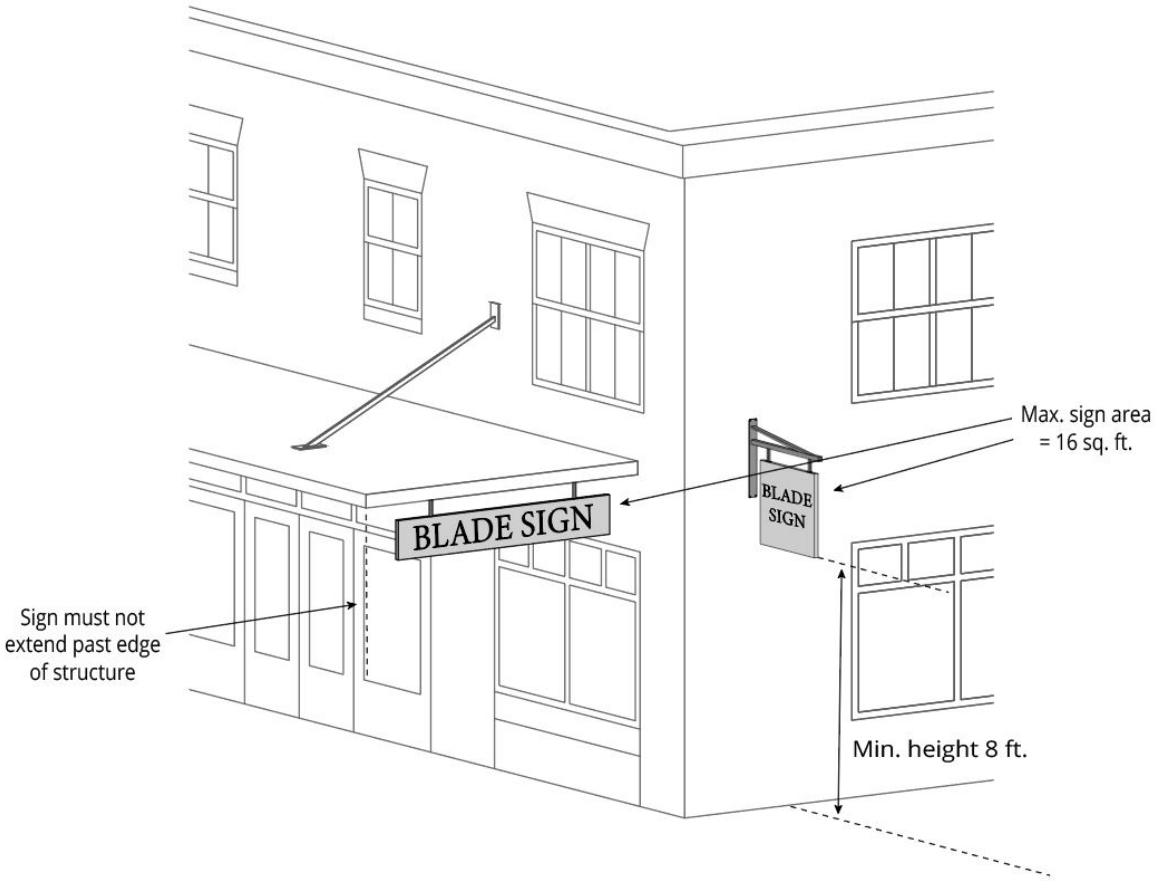


TABLE 19-K: STANDARDS FOR DIRECTIONAL SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	6 ft. max. from nearest grade
Number of signs (max.)	1 per facade, drive-through lane, or alley, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	Internal illumination

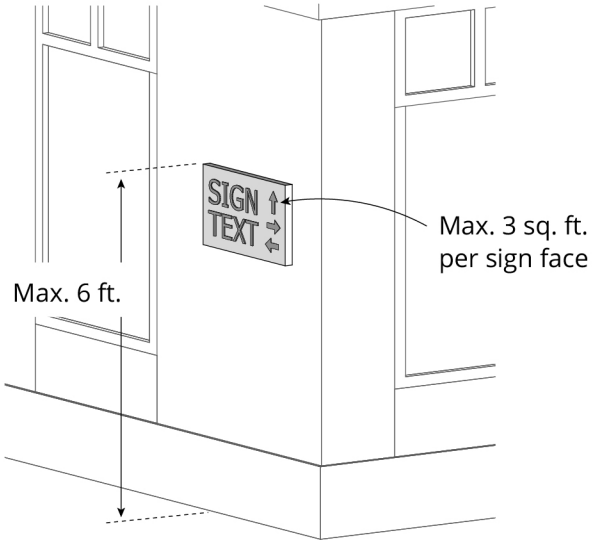


TABLE 19-L: STANDARDS FOR DIRECTORY SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	1 SF per occupant of tenant space and 16 SF total max. (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	8 ft. max. from nearest grade
Number of signs (max.)	1 per primary building entrance (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	External illumination or internal illumination

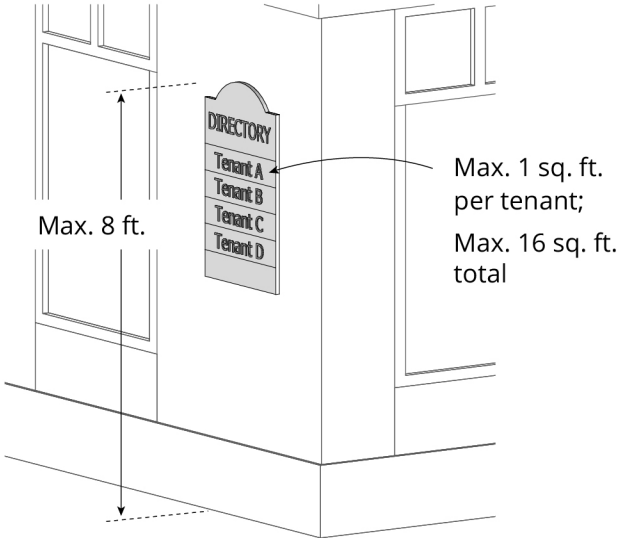


TABLE 19-M: STANDARDS FOR MARQUEE SIGNS

Standard	Requirements
Sign area (max.)	1 SF to 1 linear foot of marquee width
Mounting height	12 ft. min. from the bottom of the marquee to the nearest grade or sidewalk
Number of signs (max.)	1 per business
Sign placement	May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination

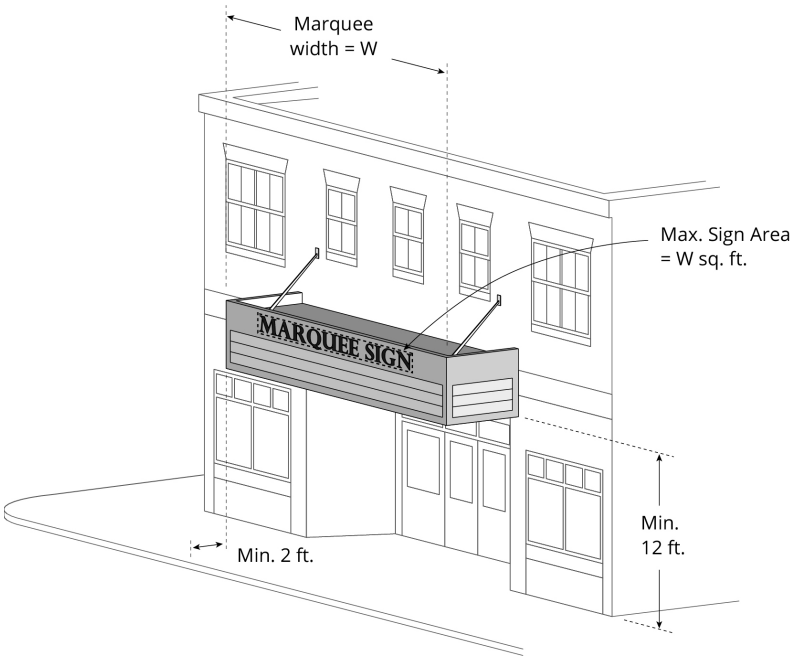


TABLE 19-N: STANDARDS FOR PROJECTING SIGNS

Standard	Requirements
Sign area (max.)	As provided in Table 19-G.
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk.
Sign placement	Only on the wall of a building. May project into public right-of-way with permit approval.
Number of signs (max.)	1 per business
Projection (max.)	4 ft. from the building wall to the outer edge of the sign
Illumination	External illumination, direct illumination, neon, or internal illumination of individual letters or graphics only.

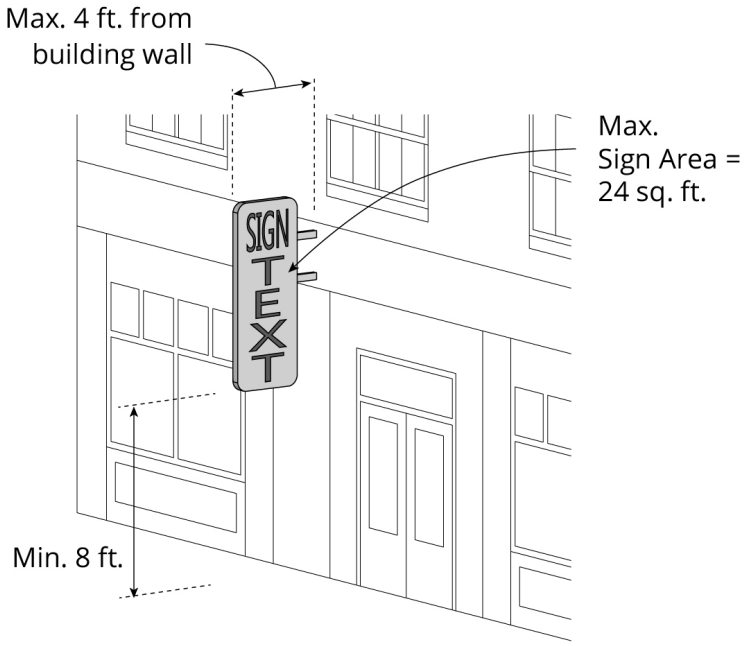


TABLE 19-O: STANDARDS FOR SERVICE ISLAND CANOPY SIGNS

Standard	Requirements
Sign area (max.)	20 SF per sign
Number of signs (max.)	1 per canopy façade, not to exceed 2 signs total
Illumination	Internal illumination

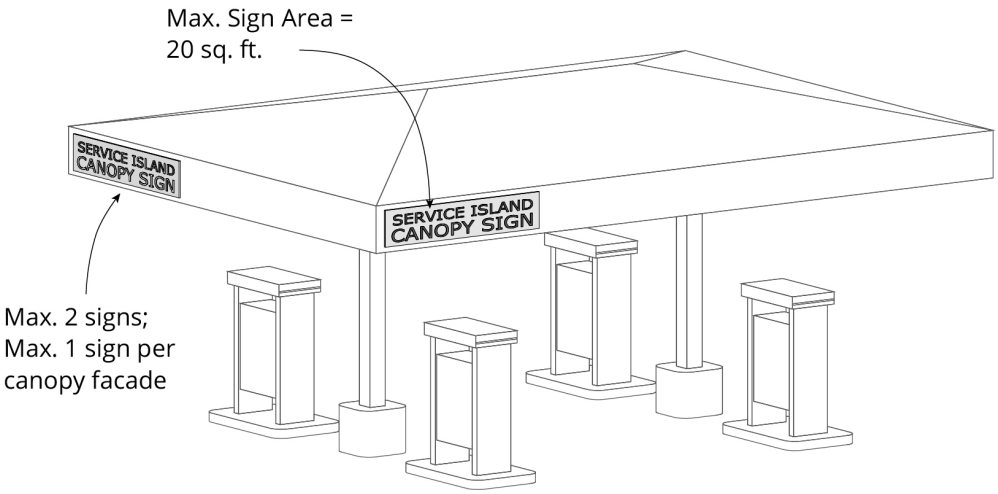
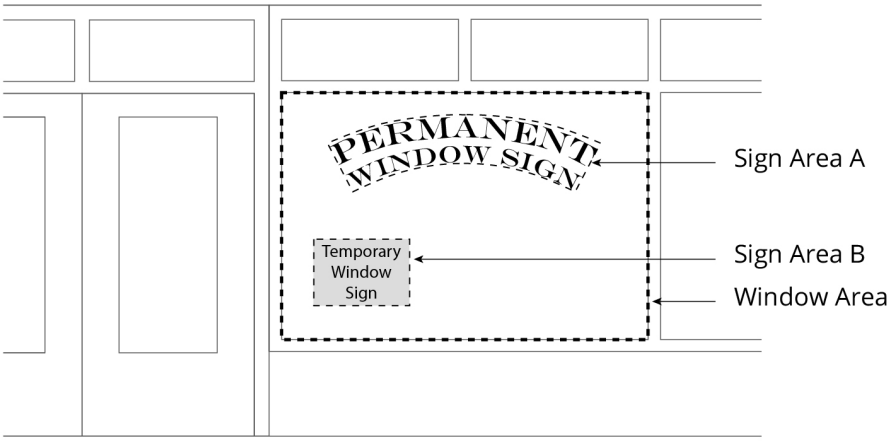


TABLE 19-P: STANDARDS FOR WALL SIGNS

Standard	Requirements
Sign area (max.)	As provided in Table 19-G
Number of signs (max.)	As provided in Table 19-G
Illumination	External illumination, direct illumination, internal illumination, or neon
Special provisions	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. The allowable area for painted wall signs shall be increased by 10% over the normal allowable sign dimensions for the zone. Murals and exterior painting that contain sign copy are allowed without a permit provided the sign copy does not compromise more than 10% percent of the total area of the artwork, complies with any applicable requirements of Article 16, and meets the dimensional standards for a wall sign within the applicable sign district, including the maximum number of signs allowed in Table 19-G.

TABLE 19-Q: STANDARDS FOR WINDOW SIGNS

Standard	Requirements
Sign area (max.)	Combined area of temporary and permanent window signs must not exceed 50% of the area of the window on which they are displayed. Painted window signs or perforated vinyl signs are included in this calculation. Excluded from the total allowed sign area for all building-mounted signs.
Sign placement	Must be mounted or displayed on the interior of the window. Allowed on 1st and 2nd story windows only.
Illumination	Neon or single- or two-color LED signs



Sign Area A + Sign Area B ≤ 50% Window Area



TABLE 19-R: DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS BY SIGN DISTRICT

Sign District				Area (max.)	Height (max.)	Number of Signs
Residential			Single-family lots	2 SF	5 ft.	1 per lot (freestanding or building-mounted)
			Multi-family lots	15 SF	5 ft.	1 per major vehicular entrance
	Institut-ional		Street frontage ≤ 100 ft.	15 SF	6 ft.	1 per frontage[1, 2]
			Street frontage 100 – 250 ft.	25 SF	8 ft.	1 per frontage[1, 2]
			Street frontage ≥ 250 ft.	50 SF	8 ft.	1 per frontage[1, 2]
Small Mixed-Use			Single-tenant building	32 SF	B-1/B-1b, B-2b/B-2c zones: 16 ft. In all other zones: 8 ft.	1 per lot[1]
		Multi-tenant building	< 1 acre lot	32 SF		
			1 – 2.5 acre lot	100 SF		
			> 2.5 acre lot	140 SF		
			I-B Zone[3]	20 SF	10 ft.	1 per use
	OP zone		Center identification sign	50 SF	8 ft.	1 per major vehicular entrance
			Tenant sign	15 SF	5 ft.	1 per tenant[2]
Large Mixed-Use	Single-tenant building		Street frontage ≤ 200 ft.	65 SF	B-4 zone: 25 ft. In all other zones: 18 ft.	1 per lot[1]
			Street frontage > 200 ft.	100 SF		
	Multi-tenant building		< 1 acre lot	65 SF	B-4 zone: 25 ft. In all other zones: 18 ft.	1 per lot[1]
			1 - 2.5 acre lot	100 SF		
			> 2.5 acre lot	140 SF		
			Downtown	16 SF	6 ft.	1 per frontage[1]
Industrial & Transportation			Single-tenant building	35 SF	10 ft.	1 per lot[1]
			Multi-tenant building	100 SF	18 ft.	1 per lot[1]
	AB zone	Single-tenant building	Street frontage ≤ 200 ft.	32 SF	16 ft.	1 per lot[1]
			Street frontage > 200 ft.	65 SF	16 ft.	1 per lot[1]
		Multi-tenant building	< 1 acre	32 SF	16 ft.	1 per lot[1]
			1 - 2.5 acres	100 SF		
			≥ 2.5 acres	140 SF		
Open Space[4]			Park identification signs[5]	30 SF	10 ft.	1 per major park entrance
			All other signs[5]	16 SF[6]	8 ft.	1 per use (building-mounted or freestanding)

[1] Lots with multiple street frontages are allowed one freestanding sign for each frontage, provided that the signs are not concurrently visible from the public right-of-way.

[2] Where a lot contains more than one affiliated use or tenant, uses and tenants may be allocated space on a shared sign. Individual uses or tenants are not allowed to have individual freestanding signs.

[3] Only allowed for marine-related uses serving vessel traffic.

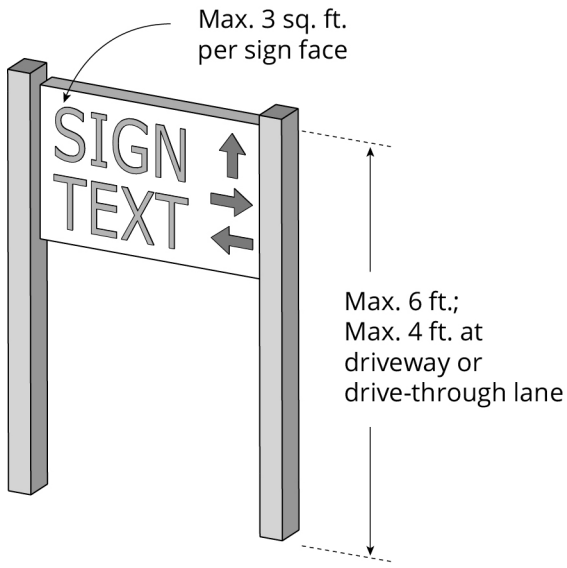
[4] Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.

[5] All signs must be integrated into existing landscape features or visually related to the materials, colors, scale, etc. of existing buildings as determined by the Building Authority.

[6] Product trademarks limited to 5% of total sign area.

TABLE 19-S: STANDARDS FOR DIRECTIONAL SIGNS (FREESTANDING) [1]

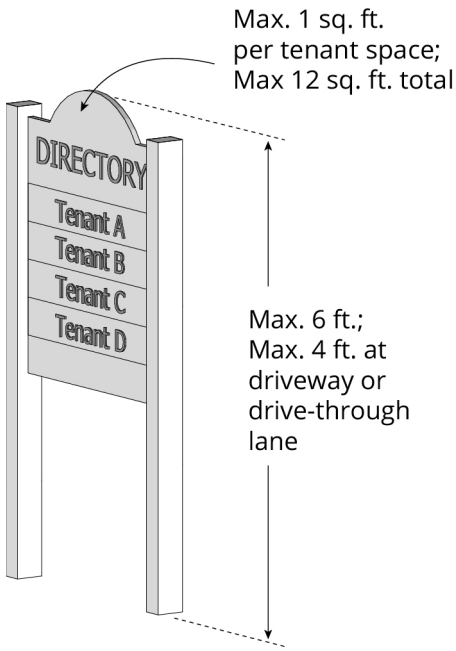
Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 at each driveway or drive-through lane, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all freestanding signs)
Illumination	Internal illumination



[1] The maximum sign area and height standards may be further limited by the standards established in Table 19-R.

TABLE 19-T: STANDARDS FOR DIRECTORY SIGNS (FREESTANDING)[1]

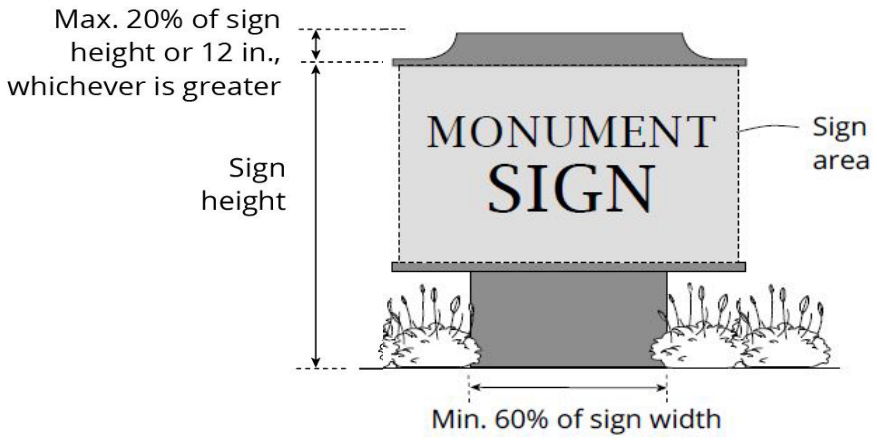
Standard	Requirements
Sign area (max.)	12 SF total 1 SF max. per occupant or tenant space (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 per building (excluded from the total number of allowed signs for all freestanding signs)
Illumination	External illumination or internal illumination



[1] The maximum sign area and height standards may be further limited by the standards established in Table 19-R.

TABLE 19-U: STANDARDS FOR MONUMENT SIGNS[1]

Standard	Sign District					
	Residential Sign District[2]	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	50 SF	50 SF	140 SF	50 SF	100 SF	20 SF
Height (max.)	8 ft.	8 ft.	18 ft.	6 ft.	18 ft.	5 ft.
Base width (min.)	The base of a monument sign must be at least 60% of the width of the sign.					
Illumination	Non-illuminated, internal illumination, or external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.					
Special provisions for sign height	Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.					

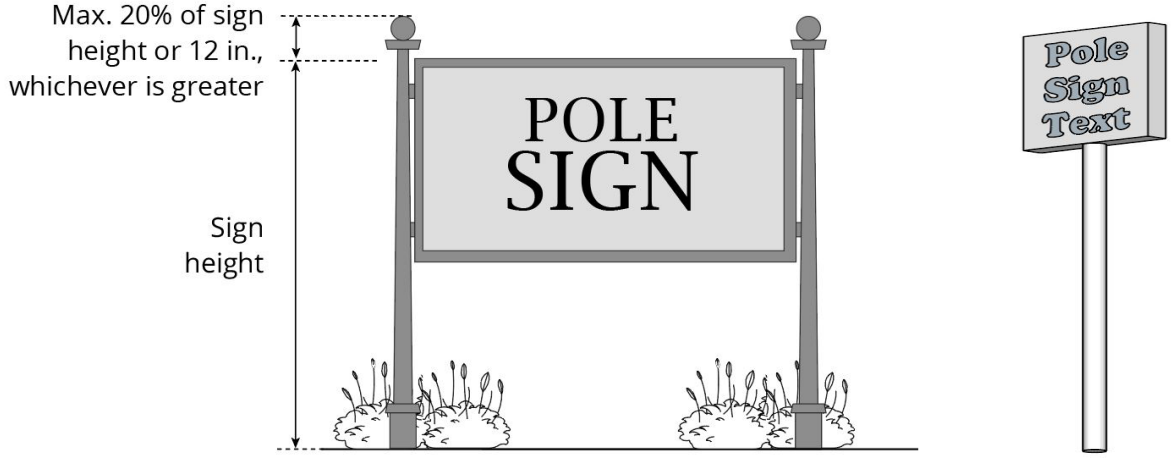


[1] The maximum sign area and sign height standards may be further limited by the standards established in Table 19-R. If no value is included in the table above, then a monument sign is not allowed in that sign district

[2] Allowed for institutional uses in residential zones only.

TABLE 19-V: STANDARDS FOR POLE SIGNS[1]

Standard		Sign District					
		Residential Sign District	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	Signs ≤ 8 ft. High	--	24 SF	24 SF	18 SF	24 SF	20 SF
Height (max.)		--	8 ft.	8 ft.	6 ft.	8 ft.	8 ft.
Sign area (max.)	Signs 8 - 25 ft. high	--	140 SF	140 SF		140 SF	
Height (max.)		--	16 ft.	25 ft.		16 ft.	
Illumination		Non-illuminated or internal illumination Signs ≤ 8 ft. in height may have external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.					
Sign placement		Signs ≥ 8 ft. in height must have minimum 75 foot separation from other pole signs ≥ 8 ft. on the same side of the street.					
Sign height		Elements to enhance the design of a sign structure ≤ 8 ft. in height may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.					



1 The maximum sign area and sign height standards may be further limited by the standards established in Table 19-R.

19.8 STANDARDS FOR TEMPORARY SIGNS

19.8.1 In general

Temporary signs are allowed only in compliance with the provisions of this section.

A. Information required for display. All temporary signs are required to display the name and address of the entity placing the sign, and the date the sign was erected.

B. Not included in permanent sign allowances. Temporary signs are not counted toward the maximum total sign area established in Section 19.7.

C. General time, place, and manner restrictions. Unless specifically exempted by this section, temporary signs must be placed in compliance with Subsection 19.5.1. Temporary signs must not be placed to create a hazard for pedestrian or vehicular traffic and must allow for a four-foot wide sidewalk to comply with the Americans with Disabilities Act.

D. Any form of illumination, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments such as balloons, ribbons, and loudspeakers are prohibited.

E. Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, and other exterior elements.

19.8.2 Temporary sign permits

A. Sign permit required. A temporary sign permit is required to display a temporary wall banner sign and an A-frame sign placed in the public right-of-way. All other temporary sign types do not require a sign permit.

B. Duration of temporary sign permit. A temporary sign permit for a wall banner is valid for 60 days from the date of issuance. There are no time limitations for A-frame signs installed in public right-of-way.

19.8.3 Additional standards for temporary signs

All temporary signs shall comply with the standards of Tables 19-W and 19-X.

TABLE 19-W: TEMPORARY SIGN STANDARDS BY SIGN DISTRICT

	Standard	Requirement
Residential	**Total area of all temporary signs at any one time** (max.)	16 SF per lot
	Number of signs (max.)	Unlimited except that the total sign area must not exceed 16 SF
	Time limit (max.)	None
Construction	**Total area** (max.)	24 SF per banner Where multiple building-mounted banners are proposed, the total cumulative area of all banners shall not exceed 72 SF per facade.
	Time limit (max.)	Temporary banners may be placed on a construction site until construction is complete.
Other	**Total area of all temporary signs at any one time** (max.)	24 SF per tenant, with a total of max. 72 SF per lot (excludes the area of temporary window signs and permitted wall banner signs) Exception: In the Downtown Sign District and historic districts, max. 12 SF per tenant (excludes the area of temporary window signs and permitted wall banner signs)
	Number of signs (max.)	1 wall banner per tenant in a multi-tenant building. All other temporary sign types unlimited, except that the total sign area of all temporary signs (excludes the area of temporary window signs and permitted wall banner signs) must not exceed the total square footage provided above. Exception: In multi-tenant shopping centers or offices, max. 2 temporary wall banner signs per 150 linear feet of property frontage, not to exceed 24 SF combined.
	Time limit (max.)	60 days per temporary sign permit per Subsection 19.8.2, and up to 180 days per calendar year.

TABLE 19-X: STANDARDS FOR TEMPORARY SIGN TYPES

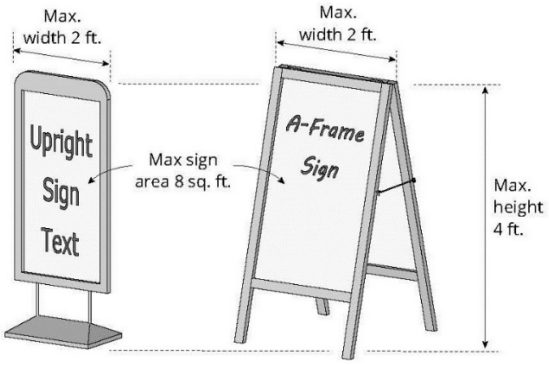
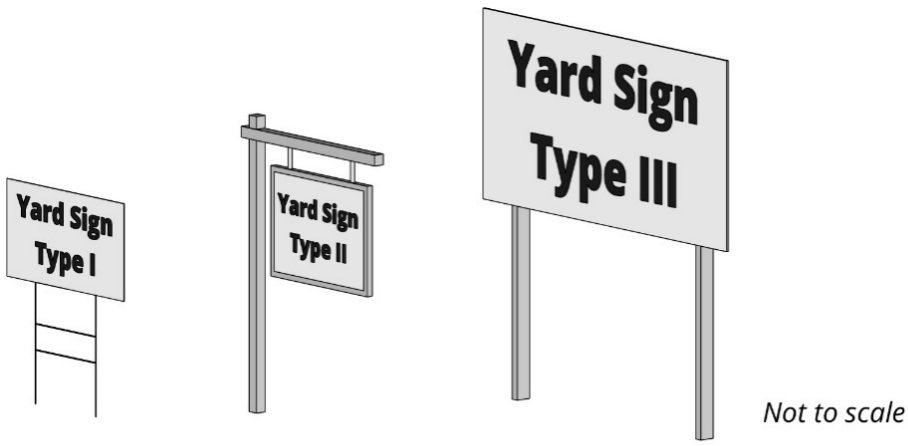
Temporary Sign Type[1]	Standard: Height	Standard: Width (max.)	Standard: Area (max.)	Other Requirements
	Min. 30 in. Max. 4 ft.	2 ft.	8 SF	Prohibited in residential zones except for institutional uses.. Must not be placed in public right-of-way except as permitted by the City. [3] If advertising a business, only permitted during regular business hours.
A-frame or upright sign[2]				
			32 SF	Prohibited in residential zones except for institutional uses. Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner will be hung. Mounting height (max.): 25 ft. to top of banner.
Wall banner				

TABLE 19-X (CONT.): STANDARDS FOR TEMPORARY SIGN TYPES

Temporary Sign Type[1]	Standard: Height (max.)	Standard: Width (max.)	Standard: Area (max.)	Other Requirements
Window sign			See End Note[4]	Mounting height (max.): Placed no higher than second story windows. Inside mounting required. Not included in the total sign area for all temporary signs.
Yard sign (Type I)	4 ft.	2 ft.	3 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type II)	6 ft.	2 ft.	4 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type III)	6 ft.	8 ft.	32 SF	Installation requirements: Installed securely in the ground.



[1] Other temporary sign types may be allowed (e.g. fuel pump topper signs; wrap around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.
[2] These signs may be used to identify businesses located down a wharf in the EWPZ and WCZ Zones that have no street frontage and where no other options for on-site permanent signage are available.
[3] A min. 4-foot wide pedestrian walkway must be maintained at all times.
[4] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 50% of the area of the window on or within which they are displayed.

19.9 NONCONFORMING SIGNS

19.9.1 Applicability

Nonconforming signs may be maintained, expanded upon, and/or reduced only in accordance with the provisions of this section.

19.9.2 Removal or replacement of a nonconforming sign

Lawfully nonconforming signs must be made to conform or shall be removed if any of the following occurs, unless the improvements are required to achieve compliance with applicable federal, state, or local regulations, other than the provisions of this article, and the improvements do not require replacement of the nonconforming sign. In no event will the degree of nonconformity of any sign or type of signage on any lot be increased.

A. Major site plan review. Major site plan review is sought for any new structures or building additions on the site, except as provided in (E) below.

B. New building permit for rehabilitation. A building permit is sought for a rehabilitation of a building where the value of the rehabilitation exceeds 50% of the assessed value of the building, or $100,000, whichever is less, provided that where rehabilitation is of a multi-tenant building, only the tenant or tenants whose building or area is being rehabilitated shall be required to come into conformance with this article.

C. New sign permit. An application is filed for a new sign permit in accordance with the following:

1. When an application is filed for a new building-mounted sign, all building-mounted signs on the lot must come into compliance with all requirements of this article for building signs including Table 19-G for building signs.
2. When an application is filed for a new freestanding sign, all freestanding signs on the lot must come into compliance with all requirements of this article for freestanding signs including Table 19-R for freestanding signs.

D. Modification of sign. A sign is modified in any way, except for routine maintenance or repair of sudden and accidental damage, or for a change in the message panel only, unless otherwise required to conform under this subsection. Repair of sudden and accidental damage will not include replacement of the entire sign, which is treated as a modification under this subsection. Letters on nonconforming signs designed for changeable messages may be changed without triggering the terms of this subsection as long as no other change is made to the sign. Replacement of an awning covering with substantially the same material and text is not considered a modification.

E. Signs on multi-tenant properties.

1. In the case of nonconforming freestanding shared signs for multi-tenant properties, signs may be added or modified to reflect a change in individual tenants without triggering the terms of this subsection, provided that the degree of nonconformity is not increased.
2. In the case of building signs on multi-tenant properties, this subsection shall apply only to the individual business tenant that is adding or modifying a sign or seeking major site plan review and shall not

trigger the conformance requirement for other tenants' building signs.

F. Abandoned or vacant site. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more, as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this subsection, rental payments or lease payments and taxes are not considered as a continued use. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of such sign by the owner of the property, their agent, or person having the beneficial use of the property, building, or structure upon which such sign or sign structure is erected within 30 days after written notification from the Building Authority. If such sign(s) is (are) not removed within the 180-day period, enforcement action will be pursued consistent with Section 19.10.

19.9.3 Nonconforming signs in residential zones

A. Lawfully-existing permanent signs for lawfully existing nonconforming uses in any residential zone may continue to be used.

B. If an application is filed for new or replacement building-mounted sign(s) for a lawfully-existing nonconforming use located in a residential zone, the building-mounted sign(s) must either be the same size and number as the lawfully existing building-mounted sign(s), or must comply with the standards established for the Small Mixed-Use Sign District in Table 19-G, whichever is less. Sign types shall be limited to blade, directory, wall, and window signs. Illumination shall be limited to external illumination only.

C. If an application is filed for replacement freestanding sign(s) for a lawfully-existing nonconforming use located in a residential zone, the freestanding sign(s) must be the same size and number as the lawfully existing freestanding signs, or must comply with the standards established for the Small Mixed-Use Sign District in Table 19-R, whichever is less. No new freestanding signs for a nonconforming use in a residential zone shall be permitted. Illumination shall be limited to external illumination only.

19.10 ENFORCEMENT

19.10.1 Authority

The requirements of this article shall be enforced by the Building Authority as stated in Article 1. The Building Authority has the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to public health, safety, or welfare.

19.10.2 Violations

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the City contrary to, or in violation of, any provision of this article. Any work commenced without a sign permit, or beyond the authorized scope of a sign permit constitutes a violation of this article and is grounds for the Building Authority to issue a correction notice and/or to stop all

work on the sign until appropriate permits are obtained.

B. Permits issued for work commenced without a sign permit, or any work beyond the authorized scope of a sign permit shall be assessed double the required permit fees for the sign(s).

C. Failure to perform any act required by this article, failure to obtain any permit required, or the performance of any act prohibited by this article constitutes a violation and is subject to penalties as set forth in 30-A M.R.S. §4452.

D. Each day on which a violation exists will constitute a separate violation for purposes of this section.

20 PUBLIC ART PROGRAM

20.1 ESTABLISHMENT

It shall henceforth be the policy of the City to provide on an annual basis regular funding for the preservation, restoration, and enhancement of its public art collection. This article and the funding contemplated are in recognition of the fact that only by instituting a steady stream of funding for this effort and standing by that commitment, will the City over time be able to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in this city.

20.2 PURPOSE

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the City of Portland by providing the means to fund the acquisition and care of art works by the City of Portland, which shall be the City's public art collection. The Public Art Program seeks to:

A. Care for and maintain the public art collection of the City of Portland by documenting, preserving, restoring, and repairing the collection.

B. Commission or acquire works of public art, and to seek donations of art work for the City's public art collection.

C. Provide curatorial expertise and project management for the care of Portland's public art collection.

D. Enhance and enrich the lives of the city's residents, visitors, and employees by incorporating the visual arts into public spaces.

E. Contribute to the city's civic pride and sense of identity.

F. Increase access to works of art for residents and visitors to the area.

G. Enhance Portland's growing reputation as a city which celebrates the arts.

H. Celebrate the multi-cultural and diverse character of Portland's communities with place-specific art.

I. Encourage collaboration between artists, landscape architects, urban planners, architects, engineers, and other designers.

20.3 APPLICABILITY

A. For the purposes of the Public Art Program, art work shall include the following:

1. Sculpture, statues, or monuments in any material or combination of materials.
2. Painting.
3. Graphic arts, printmaking, and drawing.
4. Photography.
5. Crafts in clay, fiber and textiles, wood, metal, plastics, glass, and other materials.
6. Mixed media, any combination of forms or media, including collage.
7. Functional art such as street furniture, as described in the *Guidelines for the Public Art Ordinance*.
8. Environmental art consisting of landforms and artistic landscape composition.

B. The following shall not be considered public art for the purposes of the Public Art Program:

1. Reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs, or other works of art.
2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect which are a traditional and typical element of architectural design.

3. Those elements generally considered to be conventional components of a landscape architectural design including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures, and planters except as allowed by (G) and (H) in the list of included art work above.
4. Art objects which are mass produced or of a standard design, such as playground sculpture or fountains, except pieces of historical significance to the city.
5. Directional or other functional elements, such as supergraphics, signage, color coding, and maps, except where sculptural pieces are used to define gateways in the city.
6. Electrical, water, or mechanical service for activation of the work.
7. Exhibitions and educational programs related to the work.
8. Performing arts.
9. Art that displays slogans, logos, mascots, or commercial advertising.

C. The public art collection shall include art objects that are owned by the City of Portland which are permanently installed in public, accessible locations. Permanent public art must be located in a public place with public visibility and impact, and shall have a permanence at least comparable to associated capital projects.

20.4 FUNDING

20.4.1 Establishment of Public Art Fund

The City shall establish a special revenue fund designated as the Public Art Fund in the City treasury from which expenditures may be made in accordance with this ordinance. The Public Art Fund shall contain a capital account to fund permanent public improvements in the form of the purchase, acquisition, or commission of new public art, or major restorations, and an operations and maintenance account. Authorized expenditures include, but are not limited to, associated site installation costs, such as lighting and landscaping, and costs associated with the commission, engineering, contract administration, unveiling, and dedication activities. Also authorized are expenditures associated with preservation, conservation, and repair of existing public art. Capital funds may come from any source, including the sale of general obligation bonds. The City's capital improvement program shall contain an annual appropriation for the Public Art Fund calculated in accordance with Subsection 20.4.2. Funds for the operation and maintenance account may come from any source except bonds.

20.4.2 City-funded projects

A percentage of the City's Capital Improvement Program (CIP) shall be calculated and appropriated annually to the Portland Public Art Fund. The annual appropriation shall be .5% of the total annual CIP. Nothing contained herein shall preclude funding the acquisition of art for municipal property in other ways.

20.5 ADMINISTRATION

20.5.1 Public Art Committee responsibilities

The City Public Art Program shall be administered by the Public Art Committee whose members shall be appointed by the City Council, and shall have the following responsibilities:

A. Develop an annual art plan for Portland which shall be presented to the City Council for approval.

B. Establish such guidelines as are necessary to carry out the purpose of this article. The

guidelines shall include but not be limited to criteria for selection of artists and art work, maintenance of a file of interested artists, review criteria for proposed gifts of art work to the City, procedures for artistic competitions, and requirements for the maintenance of art work. Any and all guidelines or changes to guidelines shall be placed on a City Council agenda as a communication. The guidelines shall take effect 45 days after the date of placement on the council agenda, unless the City Council takes official action disapproving the guidelines, in whole or in part, prior to the expiration of the 45-day period. If a part of a guideline is vetoed, the remainder shall continue in effect. Any guideline adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.

C. Recommend to the City Council the expenditure of funds for the acquisition or commissioning of public art, for maintenance of public art, and for administration of this program.

D. Seek private donations of funds and/or works of art for the purposes of expanding the public art collection or the maintenance of the collection.

E. Oversee the maintenance, care, and repair of the public art collection.

F. Review the appropriateness of proposed public art which is intended to fulfill all or part of the contribution required by this article.

G. Review potential gifts of art to the City on City property, and assist in the development process of such gifts, in accordance with the *Guidelines for the Public Art Ordinance*.

H. Recommend appropriate locations and accessibility to the public for permanent art, with suggestion as to the type of art which is appropriate.

I. Solicit advice from arts professionals, the business community, and from local residents on the appropriateness of proposed art.

J. Recommend revisions to policies and guidelines for the improved implementation of this program.

K. Ensure that the use of funds collected under this program will increase the amount of art in the city that is available to the public.

20.5.2 Public Art Committee structure

A. The Public Art Committee shall be composed of eleven voting members who are appointed by the City Council. The City Council shall appoint one of its members, the City Manager shall recommend a member, and Creative Portland shall recommend one of its members to serve on the Public Art Committee. The City Council shall appoint the remaining eight members who shall be volunteers and have interest and/or expertise in public art. Such experience may include, but shall not be limited to, education and experience as an architect, a landscape architect, a professional curator, a professional artist, and/or an art educator. Persons appointed to the Public Art Committee must live or work in Portland and shall be appointed through the City's annual appointment process.

B. Each Public Art Committee member shall serve for a period of three years. The appointments shall be staggered so that three appointments terminate each year.

C. Whenever a vacancy shall occur, the vacancy shall be filled by the City Council.

D. The Public Art Committee shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Any and all rules or changes to rules shall be placed on a City Council agenda as a communication. The rule or rules shall take effect 45 days after the date of placement on the council agenda, unless the City Council takes official action disapproving the rules, in whole or in part, prior to the expiration of the 45-day period.

E. The members of the Public Art Committee shall annually elect one of their members as a chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their members as vice-chair.

DRAFT ZONING MAP

ReCode PORTLAND

Peaks Island

Cliff Island

N

DRAFT ZONING MAP

OVERLAY ZONES

ReCode PORTLAND

Shoreland Zone

Coastal Flood

Roux IOZ

Fort Sumner

USM

MMC IOZ

Waynflete Core

Waynflete Edge

Peaks Island

Cliff Island

N

Wave 1 Updates
What has changed?

Draft edits are proposed and have not yet been adopted by the City of Portland

Based upon feedback received after the release of the first wave material in June of 2023, we've made updates to definitions, zones, uses, and dimensional standards. This sheet presents a high-level overview of what has changed in these articles since the first wave. We encourage everyone to review the updated versions of these articles, as well as the redlined copies, to learn more.

Definitions

Numerous new definitions have been added, capturing terms used in floodplain regulations, the new Coastal Flood Resilience Overlay Zone, and the India Street Form-Based Code, among others. Several definitions have also been clarified or modified in response to public comments. Finally, definitions have been updated to reflect the Portland City Council's amendments made since the release of the first wave of material in June of 2023.

Zones

The new Coastal Flood Resilience Overlay Zone has been added to the zone list in this article. Additionally, numerous zone purpose statements have been updated to clarify the intent of each of the zones, respond to public comments, and reflect changes to the uses and dimensional standards.

Uses

Use standards have been updated to reflect feedback received after the release of the first wave, as well as to ensure alignment with the City Council's adopted amendments in the time since. These include changes to the standards related to accessory dwelling units, lodging houses, and multi-family conversions, among others. Additionally, some of the performance standards (odor, noise, smoke and dust) have been updated and clarified. Finally, use standards have been added within a new section to address entertainment businesses in the B-3 and WCZ zones; these standards effectively replace the current Downtown Entertainment Overlay Zone standards.

Use permissions have also been updated. In the revised drafts:

- 3- and 4-family dwellings changed to permitted uses in RN-1 + RN-2
- 2- and 3-family dwellings changed to permitted uses in IR-1 + IR-2
- Lodging houses changed to conditional uses in RN-4 + RN-5
- Low-impact industrial changed to permitted in I-B
- Residential care facilities (small) changed to permitted uses in B-1 + B-4
- Residential care facilities (large) changed to permitted in B-4
- Animal-related services changed to permitted in B-4
- Solar and wind energy systems changed to permitted in A-B

Dimensional standards

Dimensional standards have been updated, incorporating clarifications to some of the Code's measurement methodologies, additions to the alternative development forms in Section 7.4, and revisions to dimensional standards for certain zones.

Numerous standards have been updated to reflect feedback received on the first wave material in June of 2023. These changes include, but are not limited to:

- The addition of front setback averaging to the RN-1 zone
- Simplification of street frontage requirements in the residential neighborhood and island zones
- Updates to lot coverage and landscaped open space requirements in the residential neighborhood and island zones
- Updates to "small island lot" standards applicable in the IR-2 zone
- Cottage court development added as an option for the IR-2 zone
- Updates to pedestrian passage requirements

ReCode PORTLAND

Please note: *This sheet presents key changes, and not the entirety of change. It is intended for informational purposes only.*

Introductory Provisions, Administration, + Nonconformities

The introductory provisions, administration, and nonconformities articles of the land use code are central to how the code is administered. They lay the foundation for intepretation of the code, as well as processes for the City's land use-related boards. The changes in these articles are designed to standardize processes and simplify interpretation.

What is proposed in the introductory provisions?

The introductory provisions of the land use code establish the applicability of the code, its relationship with other laws, its enforcement mechanisms, and the process for amendments.

1. Added explicit statement that the code applies to all land, uses, and structures in the city
2. **Modified noticing requirements** for map amendments in industrial zones

What changes are proposed in administration?

The administration article sets the general rules for the three boards that play a role in administering the code - the Planning Board, the Historic Preservation Board, and the Zoning Board of Appeals.

1. **Standardized procedural language** across all three bodies
2. **Clarified roles and responsibilities** of the Historic Preservation Board, as well as standard of review for administrative appeals
3. **Added state-mandated shoreland language** to Zoning Board of Appeals sections
4. **Simplified variance section** by removing some prohibitions and inconsistencies in island residential zones

What is proposed in nonconformities?

The nonconformities article establishes the rules around uses, lots, and structures that met the requirements of the code at the time when they were created, but don't meet the current standards of the land use code.

1. **Added general language** to support clear interpretation
2. **Clarified rules for nonconforming uses**, including expansions, changes of nonconforming uses, and discontinuance
3. **Defined nonconforming lot,** and simplified sections related to the development of nonconforming lots
4. **Standardized rules for reconstruction** of nonconforming structures and reorganized provisions regarding alterations and extensions

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Please note: *This sheet presents key changes, and not the entirety of change proposed under the draft code. It is intended for informational purposes only.*

RN-1
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-1 zone combines the existing R-1 and R-2 zones from the current land use code into a new residential neighborhood zone, intended to accommodate the lowest intensity of residential development within the City of Portland. This zone guide will highlight some of the key differences between the current R-1 and R-2 zones and the draft RN-1, to help you get a better understanding of proposed changes.

Draft

RN-1 Purpose Statement

To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 10,000 square feet. Select nonresidential uses may also be permitted in the RN-1 zone.

What uses would be allowed?

R-1 + R-2 zones *Current*



Single-family

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Agriculture
- Parks + Open Spaces
- Intermediate care facilities
- Long-term care facilities
- Solar energy systems
- Accessory dwelling units

RN-1 zone *Draft*



Single-family



Three-family + four-family



Two-family



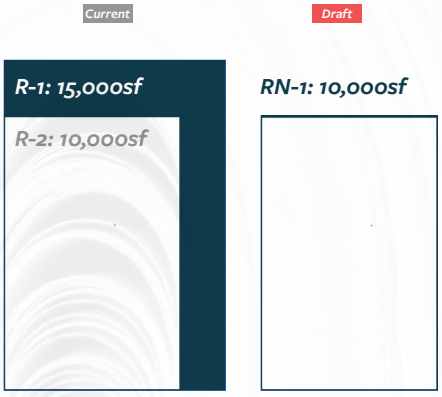
Neighborhood nonresidential reuse

Other uses include:

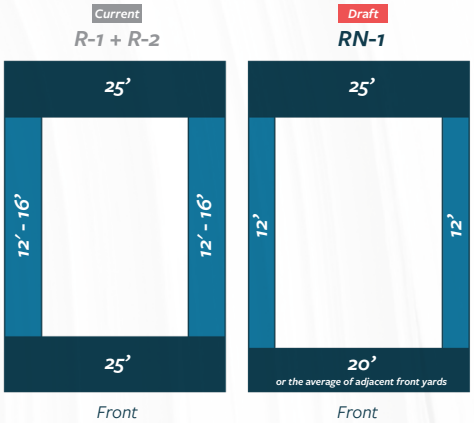
- Group homes
- Child care centers
- Market gardens
- Schools
- Places of assembly
- Agriculture
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Accessory dwelling units

How have dimensional standards been changed?

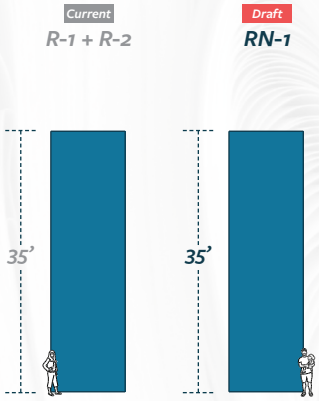
Minimum lot area



Minimum setbacks



Maximum Height



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Please note: *This sheet presents key changes, and not the entirety of change from the current Code to the Draft Code. It is intended for informational purposes only.*

RN-2
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-2 zone would replace the current R-3 zone. The RN-2 zone is intended to accommodate residential development on lots of at least 6,500 square feet within the City of Portland. This zone guide will highlight some of the key differences between the current R-3 zone and the draft RN-2 zone, to help you get a better understanding of proposed changes.

Draft

RN-2 Purpose Statement

To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 6,500 square feet. Conversion of existing nonresidential structures to multi-family dwellings is permitted within the RN-2 zone, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-2 zone.

What uses would be allowed?

R-3 zone *Current*



Single-family



Multi-family
(Existing nonresidential structures only)

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + Open Spaces
- Intermediate care facilities
- Long-term care facilities
- Solar energy systems
- Off-street parking
- Accessory dwelling units
- PRUDs

RN-2 zone *Draft*



Single-family



Two-family



Three-family + four-family



Multi-family
(Existing nonresidential structures only)



Neighborhood nonresidential reuse

Other uses include:

- Group homes
- Child care centers
- Market gardens
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Accessory dwelling units

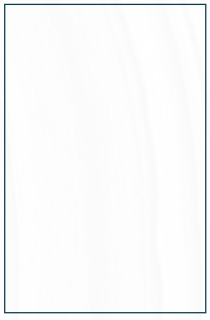
How have dimensional standards been changed?

Minimum lot area

Current *R-3: 6,500sf*



Draft *RN-2: 6,500sf*



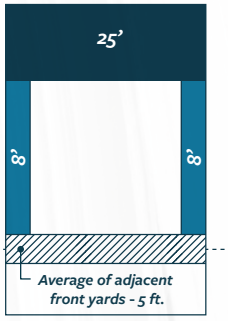
Minimum setbacks

Current *R-3*



Front

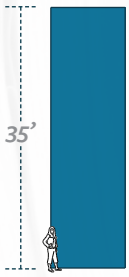
Draft *RN-2*



Front

Maximum Height

Current *R-3*



Draft *RN-2*



ReCode PORTLAND

Please note: *This sheet presents key changes, and not the entirety of change from the current Code to the Draft Code. It is intended for informational purposes only.*

RN-3
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-3 would take the place of the current R-4 zone. The RN-3 zone is intended to accommodate a mix of dwelling types on lots of at least 6,000 square feet within the Western Promenade neighborhood. This zone guide will highlight some of the key differences between the the current R-4 zone and the draft RN-3 zone, to help you get a better understanding of proposed changes.

Draft

RN-3 Purpose Statement

To provide for a residential neighborhood environment that acknowledges the unique character of the Western Promenade while accommodating dwellings on lots of at least 6,000 square feet. Construction of new multi-family dwellings at moderate densities is allowed, as is conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-3 zone.

What uses would be allowed?

R-4 zone *Current*



Single-family



Two-family



Multiplex

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + Open Spaces
- Solar energy systems
- Off-street parking
- Accessory dwelling units

RN-3 zone *Draft*



Single-family



Two-family



Three-family + four-family



Multi-family



Neighborhood nonresidential reuse

Other uses include:

- Group homes
- Child care centers
- Market gardens
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Accessory dwelling units

How have dimensional standards been changed?

Minimum lot area

Current — *R-4: 6,000sf*



Draft — ***RN-3: 6,000sf***



Minimum setbacks

Current — *R-4*

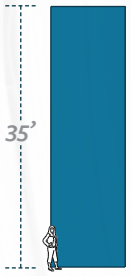


Draft — ***RN-3***



Maximum Height

Current — *R-4*



Draft — ***RN-3***



ReCode PORTLAND

Please note: *This sheet presents key changes, and not the entirety of change from the current Code to the Draft Code. It is intended for informational purposes only.*

RN-4
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-4 zone would replace the current R-5 zone, and is intended to accommodate a mix of dwelling types on lots of at least 5,000 square feet within the City of Portland. This zone guide will highlight some of the key differences between the current R-5 zone and the draft RN-4 zone, to help you get a better understanding of proposed changes.

Draft

RN-4 Purpose Statement

To provide for a residential neighborhood environment predominantly characterized by dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is permitted within the RN-4 zone, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-4 zone.

What uses would be allowed?

R-5 zone *Current*



Single-family



Multi-family
(Existing nonresidential structures only)



Two-family



Multiplex

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + open spaces
- Solar energy systems
- Hospitals
- Lodging houses
- Intermediate care facilities
- Long-term care facilities
- Off-street parking
- Accessory dwelling units
- PRUDs

RN-4 zone *Draft*



Single-family



Two-family



Three-family + four-family



Multi-family
(Existing nonresidential structures only)



Neighborhood nonresidential reuse

Other uses include:

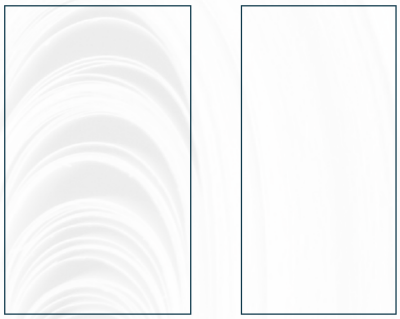
- Group homes
- Child care centers
- Market gardens
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Lodging houses
- Accessory dwelling units

How have dimensional standards been changed?

Minimum lot area

Current *R-5: 6,000sf*

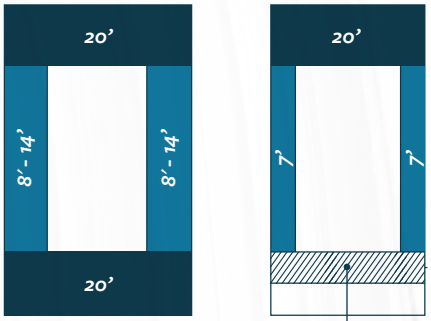
Draft ***RN-4: 5,000sf***



Minimum setbacks

Current *R5*

Draft ***RN-4***



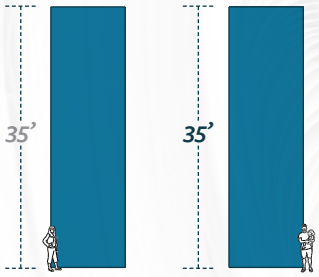
Front

Average of adjacent front yards - 5 ft.

Maximum Height

Current *R-5*

Draft ***RN-4***



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RN-5
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-5 zone is designed to replace the current R-6 zone, and is intended to accommodate a broad range of residential development within the City of Portland. This zone guide will highlight some of the key differences between the current R-6 and the draft RN-5 zone, to help you get a better understanding of proposed changes.

Draft

RN-5 Purpose Statement

To provide areas of the city, on the peninsula and in select off-peninsula locations in alignment with major public transportation routes and near service areas, for a residential neighborhood environment of dwellings on lots of at least 2,000 square feet. Townhouse and multi-family dwellings are also permitted, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Select nonresidential uses may also be permitted in the RN-5 zone.

What uses would be allowed?

R-6 zone *Current*



Single-family



Multi-family



Two-family

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + open spaces
- Solar energy systems
- Hospitals
- Lodging houses
- Intermediate care facilities
- Long-term care facilities
- Bed and breakfasts
- General offices
- Hostels
- Off-street parking
- Accessory dwelling units

RN-5 zone *Draft*



Single-family



Townhouse



Two-family



Multi-family



Three-family + four-family



Neighborhood nonresidential reuse

Other uses include:

- Group homes
- Child care centers
- Market gardens
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Lodging houses
- Bed and breakfasts
- Hostels
- Accessory dwelling units

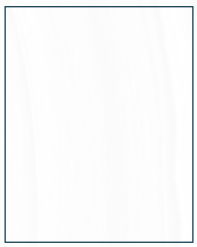
How have dimensional standards been changed?

Minimum lot area

Current *R-6: 2,000sf*

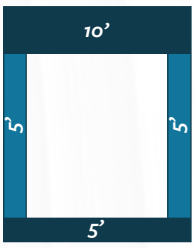


Draft ***RN-5: 2,000sf***



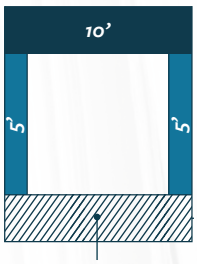
Minimum setbacks

Current *R-6*



Front

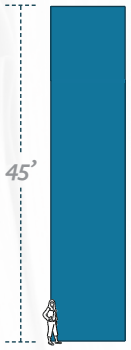
Draft ***RN-5***



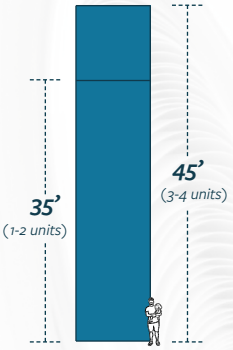
Average of adjacent front yards - 5 ft.

Maximum Height

Current *R-6*



Draft ***RN-5***



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RN-6
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-6 zone combines the current R-5a and R-6a zones into a new residential neighborhood zone, intended to accommodate relatively high density residential development on large lots within the City of Portland. This zone guide will highlight some of the key differences between current R-5a and R-6a zones and the draft RN-6 zone, to help you get a better understanding of proposed changes.

Draft

RN-6 Purpose Statement

To accommodate existing areas of the city characterized by a residential neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as generally taller building heights. Select nonresidential uses may also be permitted in the RN-6 zone.

What uses would be allowed?

R-5a + R-6a zones *Current*



Single-family



Multi-family



Two-family

Other uses include:

- Group homes
- Congregate care facilities
- Child care centers
- Schools
- Places of assembly
- Parks + open spaces
- Solar energy systems
- Hospitals
- Intermediate care facilities
- Long-term care facilities
- Lodging houses
- Bed and breakfasts
- Hostels
- General offices
- Off-street parking
- Accessory dwelling units
- PRUDs

RN-6 zone *Draft*



Multi-family



Neighborhood nonresidential reuse

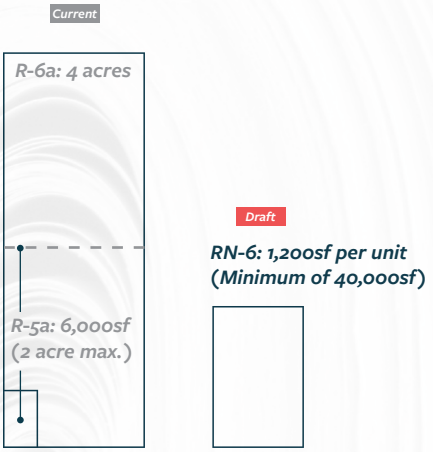
Market Garden

Other uses include:

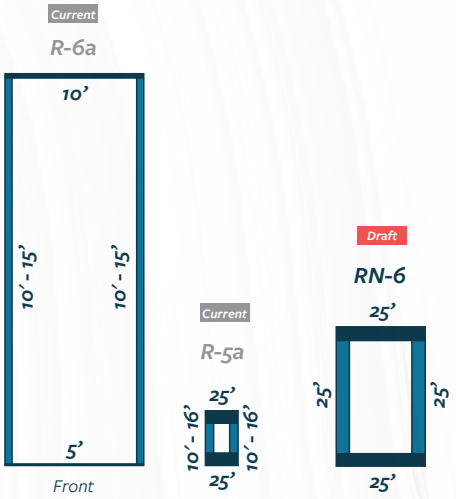
- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Lodging houses
- Bed and breakfasts
- Hostels
- Accessory dwelling units

How have dimensional standards been changed?

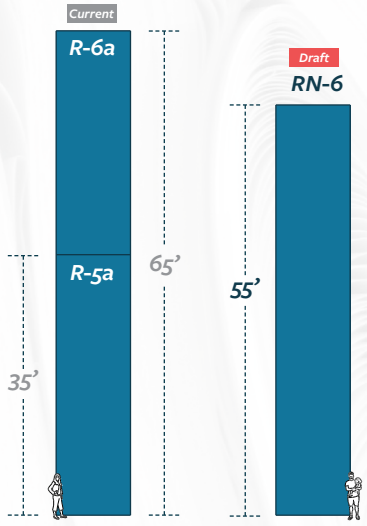
Minimum lot area



Minimum setbacks



Maximum Height



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RN-7
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft RN-7 zone transitions the current R-7 overlay zone into a new residential neighborhood zone, intended to accommodate a dense residential neighborhood environment, predominantly found on the peninsula. This zone guide will highlight some of the key differences between the current R-7 overlay zone and the draft RN-7 zone, to help you get a better understanding of proposed changes.

Draft

RN-7 Purpose Statement

To provide areas of the city, predominantly on the peninsula, for a dense residential neighborhood environment of townhouse and multi-family dwellings. Select nonresidential uses may also be permitted in the RN-7 zone.

What uses would be allowed?

R-7 overlay zone — *Current*



Single-family



Multi-family



Two-family

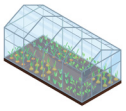
Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + open spaces
- Solar energy systems
- Hospitals
- Lodging houses
- Intermediate care facilities
- Long-term care facilities
- Bed and breakfasts
- General offices
- Hostels
- Off-street parking
- Accessory dwelling units

RN-7 zone — *Draft*



Townhouse



Market Garden



Multi-family



Neighborhood nonresidential reuse

Other uses include:

- Group homes
- Child care centers
- Schools
- Places of assembly
- Parks + Open Spaces
- Residential care facilities
- Solar energy systems
- Lodging houses
- Bed and breakfasts
- Hostels
- Accessory dwelling units

How have dimensional standards been changed?

Minimum lot area

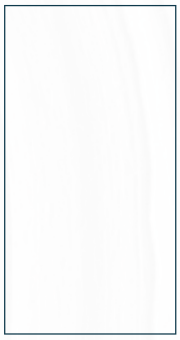
Current

R-7: 435 sf/unit



Draft

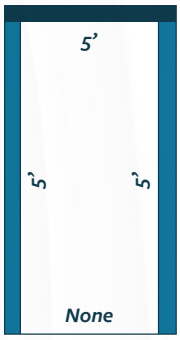
RN-7:
Townhouse: 1,200 sf/unit
MF: 435 sf/unit



Minimum setbacks

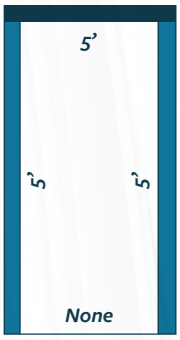
Current

R-7

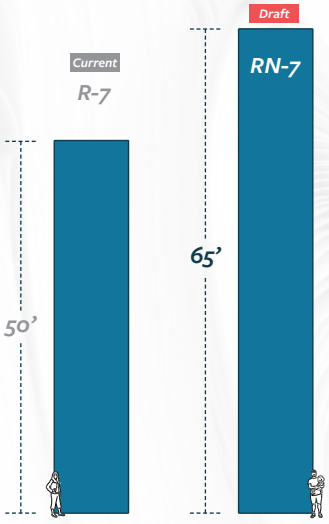


Draft

RN-7



Maximum Height



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B-1
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

Recode proposes some important updates to the B-1 zone within the current land use code, including consolidation with the B-1b zone. These changes are intended to promote neighborhood-scale mixed-use nodes and encourage new development in the B-1 zone. This zone guide will highlight some of the key differences between the current B-1 and the draft B-1 zones, to help you get a better understanding of proposed changes.

Draft

B-1 Purpose Statement

To provide limited areas that support a small scale, pedestrian-friendly, mixed-use environment, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. The B-1 zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. The zone encourages both vertical and horizontal mixed-use, such as a commercial first floor with residential uses above, combined retail/office uses in a multi-story structure (vertical), or commercial uses mixed with three-family, four-family, townhouse, and multi-family structures across the face of a block (horizontal). Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

What uses would be allowed?

Residential uses

B-1 zone *Current*



Single-family



Two-family



Multi-family

B-1 zone *Draft*



Three + four-family



Townhouse



Multi-family

Nonresidential uses

Use	Current B-1	Draft B-1
Bed + Breakfasts	●	●
Clinics	●	
Low-impact industrial		●
Market gardens		●
Restaurants	●	●
Retail	●	●
Specialty food service		●
Studios for artists + craftspeople	●	●

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in these zones. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-1	Draft B-1
Lot area (min.)		--
School	20,000 SF	--
Place of assembly	10,000 SF	--
Per dwelling unit		--
On-peninsula	435 SF	--
Off-peninsula	1,000 SF	--
Street frontage (min.)	20 ft.	20 ft.

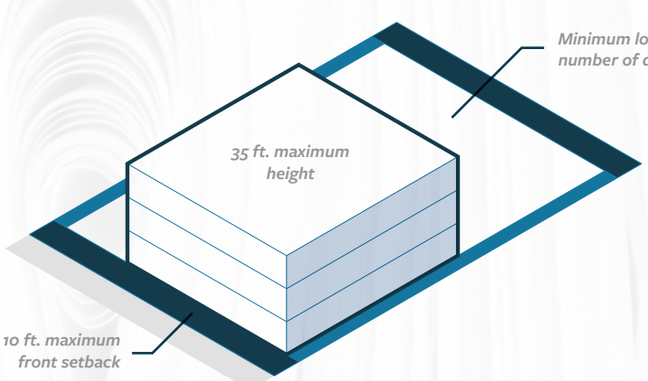
Setbacks (*principal structures*)

	Current B-1	Draft B-1
Front setback	10 ft. (max.) or average front yard depth of nearest developed lot if <10 ft.	0-5 ft. build-to zone
Rear setback	None, except 10 ft. if abutting a lot in a residential zone	
Side setback	None, except 5 ft. if abutting a lot in a residential zone	

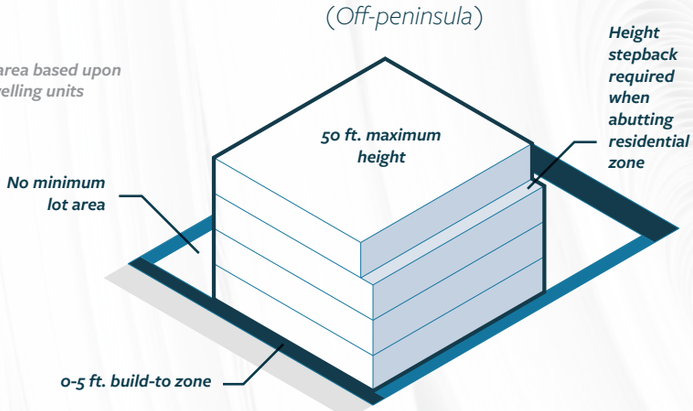
Structure Height (*max.*)

Current B-1	Draft B-1
On-Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above	50 ft.
Off-Peninsula: 35 ft.	

Current B-1
(Off-peninsula)



Draft B-1
(Off-peninsula)



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B-2 + B-2b
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft B-2 and B-2b zones contain some important updates, including consolidation of the B-2c zone within the current land use code, updates to permitted uses in the zones, and updates to some key dimensional standards. This zone guide will highlight some of the key differences between the current B-2 zones and the draft B-2 zones, to help you get a better understanding of proposed changes.

Draft

Purpose Statements

B-2: To provide locations for a mixture of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. The B-2 zone's multi-modal orientation accommodates all modes of transportation, and the standards of the zone require that development relate to surrounding neighborhoods by design, orientation, and circulation patterns. The zone encourages mixed-use development, and provides locations for moderate to high-density housing, including three-family, four-family, townhouse, and multi-family structures in urban neighborhoods along arterials.

B-2b: To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.

What uses would be allowed?

Residential uses

B-2/B-2b/B-2c zones *Current*



B-2/B-2b zones *Draft*



Nonresidential uses

● - Permitted ◐ - Conditional

Use	Current B-2/b/c	Draft B-2/b
Bed + Breakfasts	●	●
Clinics	●	●
Low-impact industrial	●	●
Market gardens		●
Restaurants	●	●
Retail	●	●
Specialty food service		●
Warehousing + distribution	◐	

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in these zones. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-2/b/c	Draft B-2/b
Lot area (min.)	--	--
Per dwelling unit	--	--
On-peninsula	435 SF	--
Off-peninsula	1,000 SF / 435 SF with active frontage	--
Street frontage (min.)	20 ft.	--

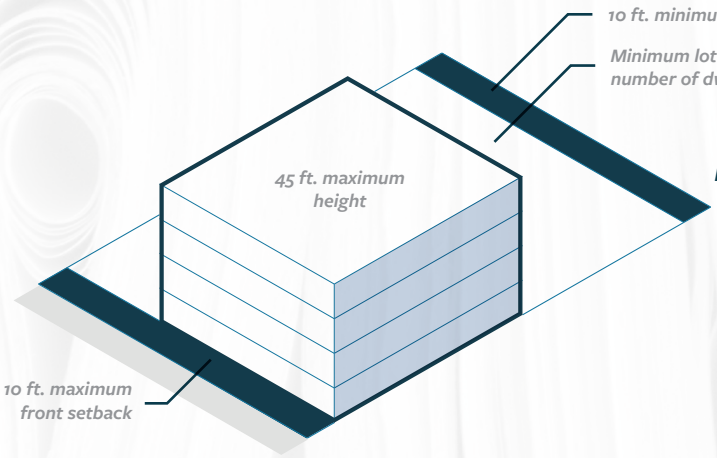
Setbacks (*principal structures*)

	Current B-2/b/c	Draft B-2/b
Front setback	10 ft. (max.)	0-10 ft. build-to zone
Rear setback	10 ft. (min.)	None, except 10 ft. if abutting a lot in a residential zone
Side setback	None	None, except 5 ft. if abutting a lot in a residential zone

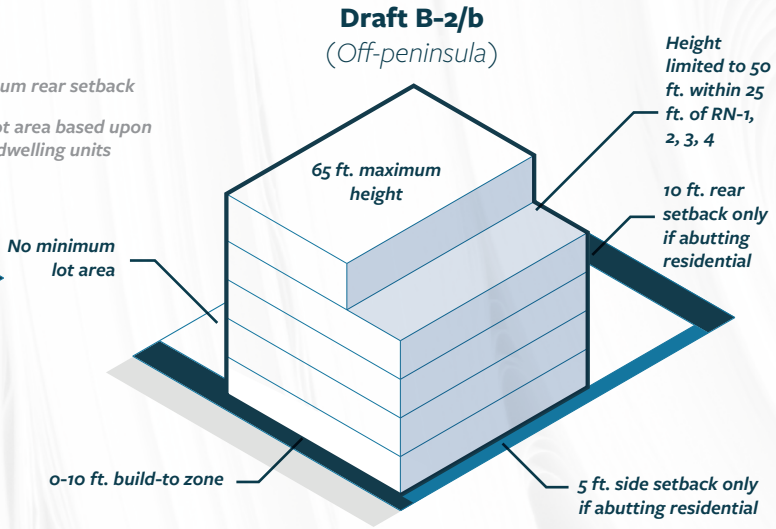
Structure Height (*max.*)

Current B-2/b/c	Draft B-2/b
45 ft. | 50 ft. if commercial first floor. 65 ft. in B-2 and B-2c on lots > 5 ac. if side and rear setbacks are increased by 1 ft. for each ft. of height over 45 ft.	65 ft or as shown on the Portland Height Map, except 50ft for any portion of a structure within 25 ft. of RN-1, RN-2, RN-3, RN-4.

Current B-2/b/c (*Off-peninsula*)



Draft B-2/b (*Off-peninsula*)



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B-3
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft B-3 zone consolidates the current B-3, B-3b, B-3c, and B-7 zones into a new mixed-use zone that serves downtown Portland. These changes simplify the current approach, and seek to encourage new development in the B-3 zone in line with the City's vision for downtown growth. This zone guide will highlight some of the key differences between the current zones and the draft B-3 zone, to help you get a better understanding of proposed changes.

Draft

B-3 Purpose Statement

To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown, including three-family, four-family, townhouse, and multi-family structures to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.

What uses would be allowed?

Residential uses

B-3/b/c + B-7 zones — *Current*



Single-family



Two-family



Multi-family

B-3 zone — *Draft*



Three + four-family



Townhouse



Multi-family

Nonresidential uses

● - Permitted ◐ - Conditional

Use	Current B-3/b/c	Current B-7	Draft B-3
Bed + Breakfasts	●	●	●
Clinics	●	●	●
Low-impact industrial	◐	●	●
Market gardens			●
Restaurants	●	●	●
Retail	●	●	●
Specialty food service			●
Warehousing + distribution	◐	◐	

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in this zone. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-3/b/c, B-7	Draft B-3
Lot area (min.)	--	--
School	--	--
Place of assembly	--	--
Per dwelling unit	--	--
On-peninsula	--	--
Off-peninsula	--	--
Street frontage (min.)	B-3/b/c: 15 ft.	--

Setbacks (*principal structures*)

	Current B-3/b/c	Draft B-3
Front setback	**B-3/b/c:** 5 ft. (max.) **B-7:** 10 ft. (max.)	0-5 ft. build-to zone
Rear setback	None	None
Side setback	None	None

Structure Height (*max.*)

Current B-3/b/c, B-7	Draft B-3
See Downtown and Bayside Height Overlay Maps	See City of Portland Height Map

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B-4
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

Recode proposes some important updates to the B-4 zone within the current land use code, including allowing a number of new uses, and refinements to dimensional controls. This zone guide will highlight some of the key differences between the current B-4 and the draft B-4 zones, to help you get a better understanding of proposed changes.

Draft

B-4 Purpose Statement

To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing including three-family, four-family, townhouse, and multi-family structures. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation.

What uses would be allowed?

Residential uses

B-4 zone *Current*

None

B-4 zone *Draft*



Three + four-family



Townhouse



Multi-family

Nonresidential uses

Use	Current B-4	Draft B-4
Auto, boat, and related dealerships	●	●
Clinics		●
Low-impact industrial	●	●
Market gardens		●
Restaurants	●	●
Retail	●	●
Specialty food service		●
Warehousing + distribution	●	●

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in these zones. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-4	Draft B-4
Lot area (min.)	10,000 SF	10,000 SF
School	10,000 SF	--
Place of assembly	10,000 SF	--
Per dwelling unit	--	--
On-peninsula	--	--
Off-peninsula	--	--
Street frontage (min.)	60 ft.	60 ft.

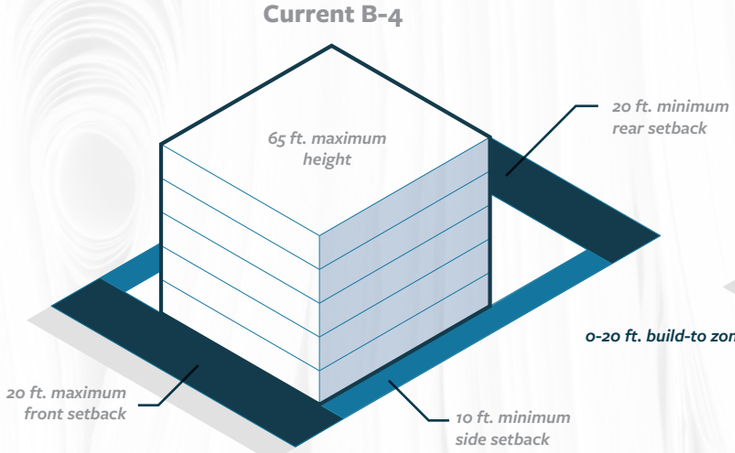
Setbacks (*principal structures*)

	Current B-4	Draft B-4
Front setback	20 ft. (max.)	0-20 ft. build-to zone
Rear setback	20 ft. (min.)	None, except 20 ft. if abutting a lot in a residential zone
Side setback	10 ft. (min.)	None, except 10 ft. if abutting a lot in a residential zone

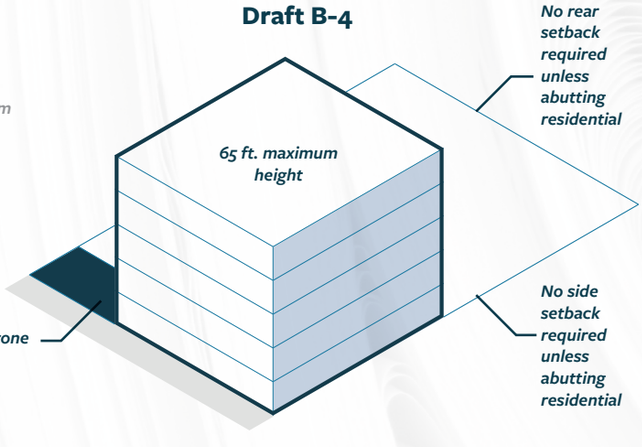
Structure Height (*max.*)

Current B-4	Draft B-4
65 ft.	65 ft.

Current B-4



Draft B-4



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B-5
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

Recode proposes some important updates to the B-5 zone, including consolidation with the B-5b zone. These changes are intended to simplify the approach to regulation within these key mixed-use areas, and to encourage new development in line with the unique character and opportunities within the B-5 zone. This zone guide will highlight some of the key differences between the current B-5/B-5b and the draft B-5 zones, to help you get a better understanding of proposed changes.

Draft

B-5 Purpose Statement

To provide areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and a broad range of residential option, is encouraged. The B- 5 zone is characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of existing land and buildings. It is anticipated that the dense, mixed-uses of the B-5 zone will rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

What uses would be allowed?

Residential uses

B-5/b zones *Current*



Single-family



Two-family



Multi-family

B-5 zone *Draft*



Three + four-family



Townhouse



Multi-family

Nonresidential uses

● - Permitted ◐ - Conditional

Use	Current B-5/b	Draft B-5
Auto service stations	●	
Clinics	●	●
Low-impact industrial	◐	●
Market gardens		●
Restaurants	●	●
Retail	●	●
Specialty food service		●
Warehousing + Distribution	●	

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in these zones. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-5/b	Draft B-5
Lot area (min.)	--	--
School	--	--
Place of assembly	--	--
Per dwelling unit	--	--
On-peninsula	--	--
Off-peninsula	--	--
Street frontage (min.)	--	--

Setbacks (*principal structures*)

	Current B-5/b	Draft B-5
Front setback	None, except 10 ft. (max.) in B-5b	0-10 ft. build-to zone
Rear setback	None	None
Side setback	None	None

Structure Height (*max.*)

Current B-5/b	Draft B-5
65 ft., except in B-5b along W. Commercial St. south of Danforth St.5 and 120 ft. on Thompson's Point.	65 ft., or as shown on the City of Portland Height Map

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B-6
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

The draft B-6 zone includes a series of relatively modest updates to the current B-6 zone, focused around introducing some new uses, and ensuring flexibility for new development in the Eastern Waterfront area. This zone guide will highlight some of the differences between the current B-6 and the draft B-6 zones, to help you get a better understanding of proposed changes.

Draft

B-6 Purpose Statement

To establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a broad range of both residential and commercial uses to achieve 24-hour urban vitality, and shared use of parking infrastructure as recommended in the Eastern Waterfront Master Plan for redevelopment. The B-6 zone promotes a mixed-use development pattern envisioned for urban land on Portland's peninsula.

What uses would be allowed?

Residential uses

B-6 zone *Current*



Single-family



Two-family



Multi-family

B-6 zone *Draft*



Three + four-family



Townhouse



Multi-family

Nonresidential uses

● - Permitted ◐ - Conditional

Use	Current B-6	Draft B-6
Cultural facilities	●	●
Hotels	●	●
Low-impact industrial	●	●
Market gardens		●
Restaurants	●	●
Retail	●	●
Specialty food service		●
Warehousing + Distribution	◐	

Please note: *This is a sample comparison of uses, and not the full set of uses allowed in these zones. It is intended for informational purposes only.*

How have dimensional standards been changed?

Lot area + frontage

	Current B-6	Draft B-6
Lot area (min.)	--	--
School	--	--
Place of assembly	--	--
Per dwelling unit	--	--
On-peninsula	--	--
Off-peninsula	--	--
Street frontage (min.)	--	--

Setbacks (*principal structures*)

	Current B-6	Draft B-6
Front setback	10 ft. (max.)	0-10 ft. build-to zone
Rear setback	None	None
Side setback	None	None

Structure Height (*max.*)

Current B-6	Draft B-6
65 ft. or as otherwise governed by the B-6 Building Height Overlay Map.	See City of Portland Height Map.

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IR-1
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

There are some proposed changes to the IR-1 zone. The draft IR-1 zone is intended to accommodate the lowest intensity of residential development on Portland's islands. This zone guide will highlight some of the key differences between the existing IR-1 and the draft IR-1 zone, to help you get a better understanding of proposed changes.

Draft

IR-1 Purpose Statement

To provide for a low-intensity environment characterized by residential, recreational, and rural uses on Portland's islands. Standards for the IR-1 zone are intended to preserve and protect the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only low-intensity development in areas lacking adequate public facilities and services. Select nonresidential uses may also be permitted in the IR-1 zone.

What uses would be allowed?

IR-1 zone | *Current*



Single-family

Other uses include:

- Agriculture
- Child care centers
- Schools
- Places of assembly
- Boathouses
- Campgrounds
- Parks and open spaces
- Solar energy systems
- Accessory dwelling units

IR-1 zone | *Draft*



Single-family



Three-family



Two-family



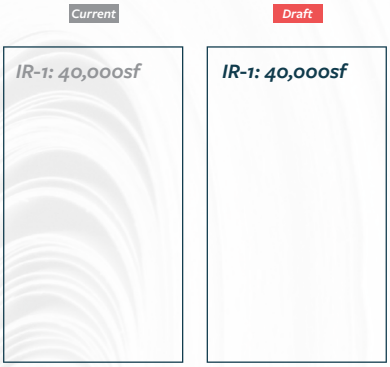
Neighborhood nonresidential reuse

Other uses include:

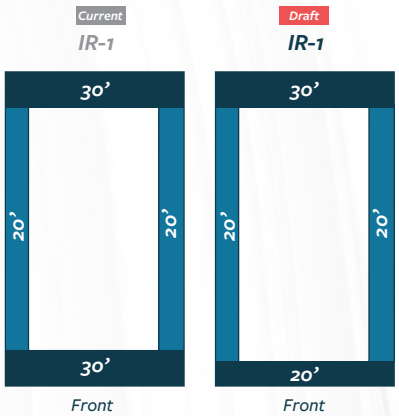
- Agriculture
- Child care centers
- Schools
- Places of assembly
- Boathouses
- Campgrounds
- Parks and open spaces
- Solar energy systems
- Accessory dwelling units

How have dimensional standards been changed?

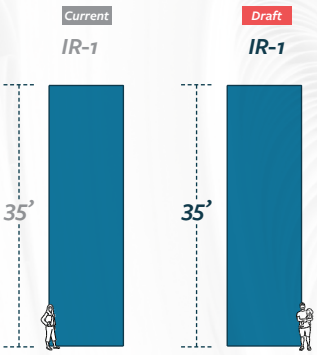
Minimum lot area



Minimum setbacks



Maximum Height



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IR-2
Zone Guide

Draft zones are proposed and have not yet been adopted by the City of Portland

There are some proposed changes to the IR-2 zone. Key changes in the draft IR-2 zone include the creation of "small island lot" provisions for Peaks Island, intended to accommodate and protect the island's existing development patterns. This zone guide will highlight some of the key differences between the current IR-2 and the proposed IR-2 zone, to help you get a better understanding of proposed changes.

Draft

IR-2 Purpose Statement

To provide for a residential neighborhood environment on Portland's islands in areas with adequate public services. Expansion or extension of IR-2 zoning should be limited, generally focused toward areas adjacent to existing IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, whether soils in the area are adequate for subsurface water disposal, or whether public sewers are available. Select nonresidential uses may also be permitted in the IR-2 zone.

What uses would be allowed?

IR-2 zone | *Current*



Single-family

Other uses include:

- Child care centers
- Schools
- Places of assembly
- Lodging houses
- Boathouses
- Parks and open spaces
- Solar energy systems
- Accessory dwelling units

IR-2 zone | *Draft*



Single-family



Three-family



Two-family



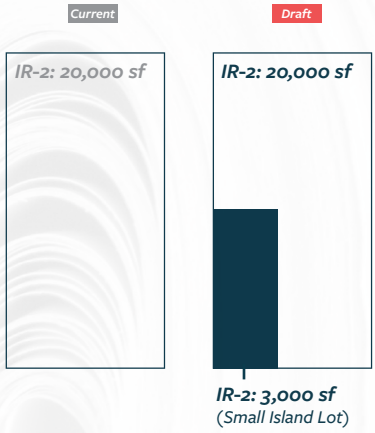
Neighborhood nonresidential reuse

Other uses include:

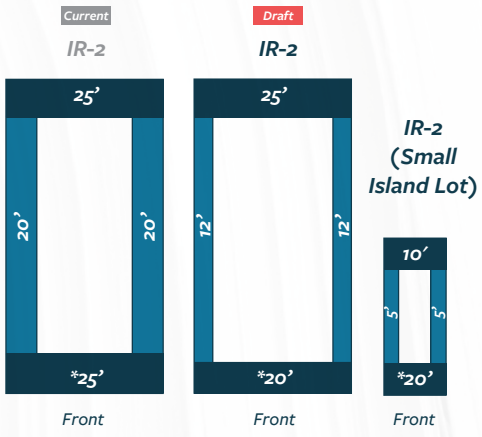
- Child care centers
- Schools
- Places of assembly
- Lodging houses
- Boathouses
- Parks and open spaces
- Solar energy systems
- Accessory dwelling units

How have dimensional standards been changed?

Minimum lot area

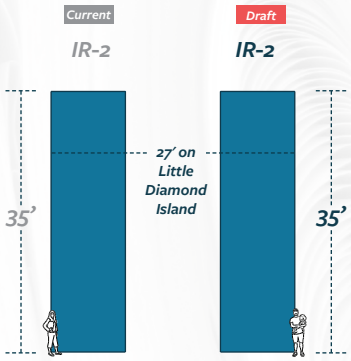


Minimum setbacks



** Or the average of adjacent front yards, whichever is less.*

Maximum Height



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I-B
Zone Guide

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The I-B zone is transitioning to a modified but similar zone of the same name, with changes focusing on expansion of allowed uses to help create complete neighborhoods on Portland's islands. This zone guide will highlight some of the key differences between the current I-B and the draft I-B zone, to help you get a better understanding of proposed changes.

Draft

I-B Purpose Statement

To provide limited areas on Portland's islands for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. The I-B zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Standards for the I-B zone may vary by location, dependent upon the availability of public water and sewer resources.

What uses would be allowed?

I-B zone | *Current*



Single-family



Two-family



Multi-family

Other uses include:

- Auto service stations
- Bed and breakfasts
- Child care centers
- Schools
- Places of assembly
- Lodging houses
- General services
- Hotels
- Restaurants
- Retail
- Off-street parking
- Boathouses
- Parks and open spaces
- Solar energy systems

I-B zone | *Draft*



Single-family



Three-family + four-family



Two-family



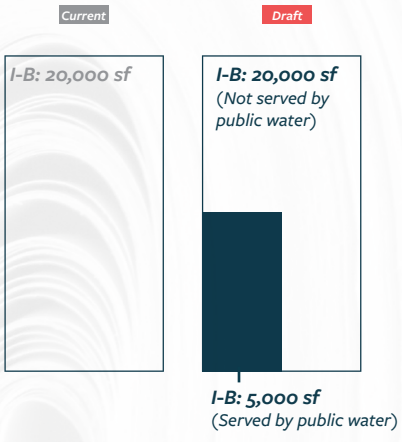
Multi-family

Other uses include:

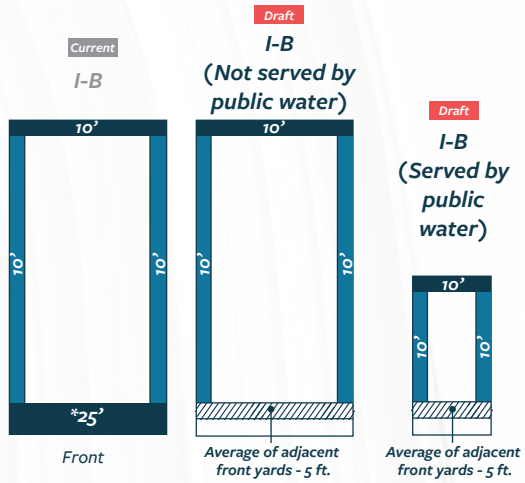
- Auto service stations
- Bed and breakfasts
- Child care centers
- Schools
- Places of assembly
- Lodging houses
- Low impact industrial
- General offices
- General services
- Greenhouse/nursery
- Hotels
- Restaurants
- Retail
- Specialty food services
- Off-street parking
- Boathouses
- Parks and open spaces
- Solar energy systems

How have dimensional standards been changed?

Minimum lot area

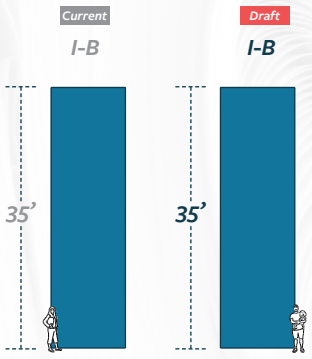


Minimum setbacks



** Or the average of adjacent front yards, whichever is less.*

Maximum Height



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CFROZ
Zone Guide

Draft edits are proposed and have not yet been adopted by the City of Portland

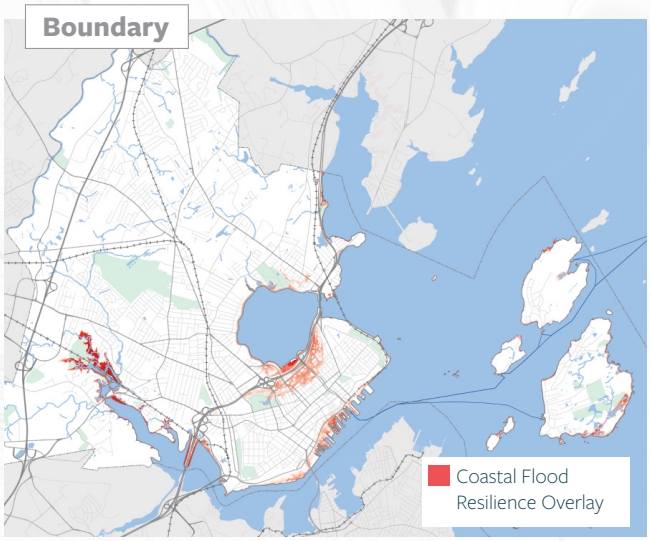
The draft Coastal Flood Resilience Overlay zone (CFROZ) is a response to a future of increased coastal flooding as projected by *One Climate Future*, the City's climate action plan. Following the adoption of *One Climate Future*, the City worked with the Army Corps of Engineers to model coastal flooding under a scenario of 3.9 feet of sea level rise by 2100. The proposed CFROZ boundary is based on that modeling. It would extend beyond the reach of the City's existing floodplain management regulations to help protect areas that are vulnerable to flooding due to sea level rise.

CFROZ Purpose Statement

To protect persons and structures from the adverse effects of sea level rise and storm surge assocated with climate change by: advancing adaptation strategies for long-term resilience; complementing public realm resilience measures by guiding development on private property; mitigating flood risks in a way that is specific to Portland's unique hydrological conditions and affected uses, particularly in areas that are not currently recognized as flood zones but are vulnerable to future sea level rise; and providing a balanced framework in which flood protection requirements are proportional to the vulnerability and risks of various occupancies.

Where would the CFROZ apply?

Boundary



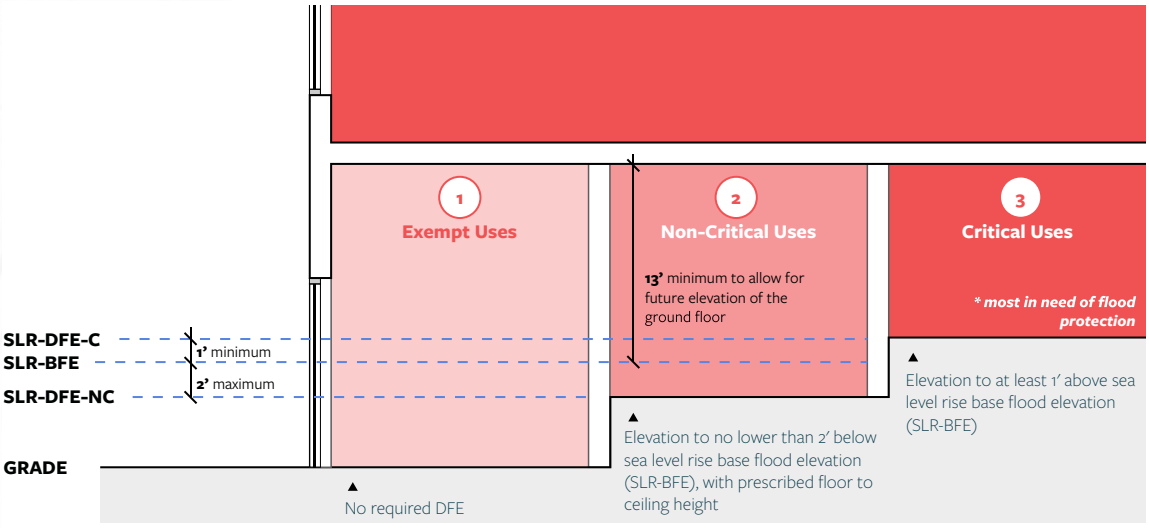
Projects

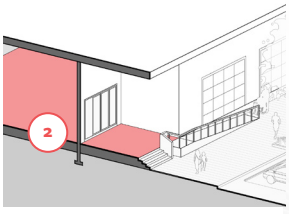
- **New construction**
- **Additions** >1,000 SF
- **Changes of use**
- **Substantial improvement** > 50,000 SF

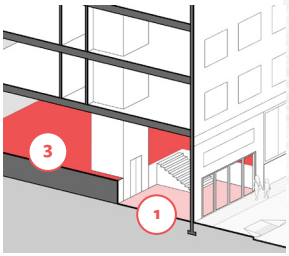
Use categories

1. **Exempt uses** Marine, parking, storage
2. **Non-critical uses** Retail, restaurants, office + other commercial
3. **Critical uses** Residential, hotels, schools, government

What would be required?







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Shoreland, Floodplain, + Waterfront Article Guides

The shoreland, floodplain, and waterfront zones have distinct purposes, but together play a critical role in preserving the City's water resources, protecting properties from coastal and inland flooding, and supporting our waterfront economy. The changes in these three articles are focused on ensuring consistency with state and federal requirements and maintaining continuity across the code.

What is proposed in the shoreland zone?

Shoreland zoning is designed to help protect the City's and state's valuable water resources, and is required by the State of Maine. The shoreland zone in Portland works as an overlay - it sits 'on top' of the base zoning and adds special requirements around the placement of structures in relation to the shore, the clearing of vegetation, and planting, for instance. The changes proposed in the shoreland zone are designed to maintain consistency with state shoreland zoning rules.

1. **Integrated resource protection and stream protection** regulations into the shoreland zone
2. **Updated standards** for piers and docks, shoreline stablization, clearing of vegetation, roads and driveways,...
3. **Consolidated nonconforming structure provisions** into the shoreland zoning, and updated nonconformity language for consistency with the state

What is proposed for the floodplain?

The City's floodplain regulations ensure the safety of properties susceptible to flooding. The floodplain regulations are required by FEMA and the State of Maine to maintain the City's participation in the National Flood Insurance Program. In concert with recent changes to the FEMA Flood Insurance Rate Maps, edits to the City's floodplain regulatons are proposed.

Note: To meet state deadlines, these changes will be considered by the Council outside the ReCode timeline.

1. **Updated administrative provisions** to match state requirements
2. **Added standards** for utilities and physical changes to the natural landscape, and modified standards for manufactured homes, accessory structures, floodways, wharfs, piers, docks, and coastal floodplains
3. **Added a conditional use review procedure**, variances and appeals language

What changes are proposed in the waterfront zoning?

The City's waterfront zoning is designed to support a balance of water-dependent and non-marine uses in a way that allows the waterfront to adapt to evolving economic trends and infrastructure needs. The waterfront zoning has been effective in cultivating that balance, and as a result, few changes to the waterfront zoning are proposed.

1. **Modified the Eastern Waterfront Port Zone** to support evolving and emerging uses
2. **Updated the Waterfront Central Zone** to eliminate references to overlay zone
3. **Moved performance standards** related to design from the Waterfront Port Development Zone to the *Design Manual*
4. **Updated various sections for consistency** with remainder of the code

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Site Plan, Subdivision, + Impact Fees
Article Guides

The site plan, subdivision, and impact fee articles of the land use code are central to how the city grows and changes. These parts of the code include the standards that require new development to install stormwater infrastructure, build sidewalks, and plant street trees, for instance. The changes proposed in the site plan, subdivision, and impact fee articles are designed to make the application and review process more efficient and ensure that new development is supporting the City's housing, transportation, sustainability, and economic development goals.

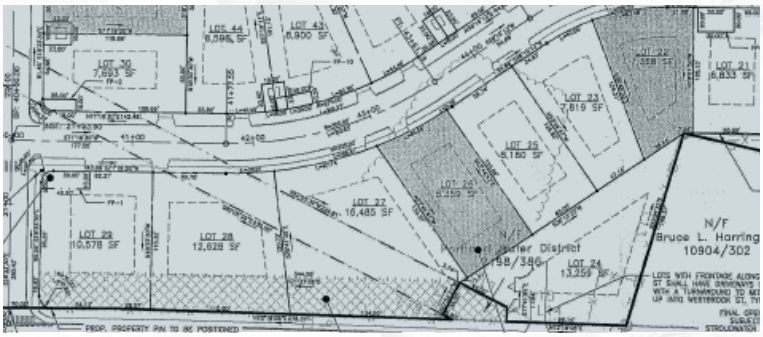
What is proposed for site plans?



1. **Simplified the site plan review process** by increasing thresholds for review, eliminating the master development plan option, extending expiration dates, and clarifying thresholds for amendments
2. **Integrated multi-modal transportation goals** by expanding transportation impact standards, encouraging shared circulation and access, adding flexibility to public transit access standards, and aligning parking standards with new parking maximums in Article 18
3. **Embedded climate resilience strategies** by integrating low-impact development principles, tying landscaping and hardscaping standards more directly to heat island impacts, and establishing standards for cool roofs
4. **Simplified key standards, s**uch as the street tree standard, and reorganized standards to correspond with work on the City of Portland *Design Manual* and *Technical Manual*

What changes are proposed for subdivisions?

1. **Integrated resilience measures**, such as low-impact development standards, stormwater standards, and references to the CFROZ within subdivision review
2. **Reinforced street connectivity goals** by eliminating standards related to through traffic and street connections



And impact fees?



1. **Updated impact fee modification process** to allow modifications by the Planning Authority

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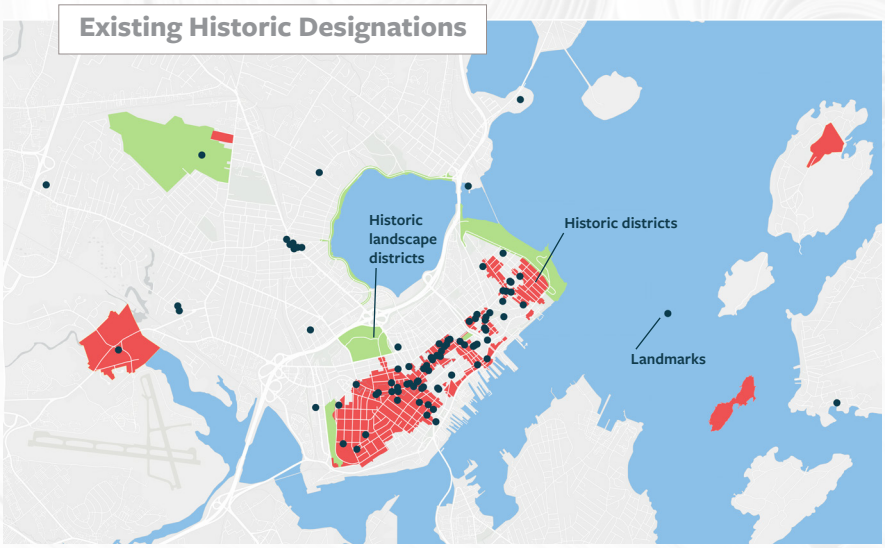
Historic Preservation Article Guide

The historic preservation article of the land use code helps the City of Portland identify and preserve signficant historic places. The article lays out a process for designating properties and sites as historic, and establishes standards for the City's review of changes to these properties. The draft revisions focus on consolidating related sections, clarifying procedures, and simplifying long-standing language, with the goals of making the article easier for all users to understand while supporting the rehabilitation of historic resources and compatible infill development.

What is proposed related to historic designations?



1. **Clarified the types of historic designations**: landmarks, historic districts, and historic landscape districts, and the basis for "contributing" classifications within those designations
2. **Clarified the historic designation process,** including process for amendments
3. **Clarified protections** for properties listed or eligible for National Register designation
4. **Reorganized provisions** to more clearly convey intent

What are the proposed changes for reviews?

Simplified the historic preservation review process by:

1. Establishing clear thresholds for administrative and Historic Preservation Board review
2. Adding exemptions for projects that advance other City goals (e.g. roof-mounted solar, new public art, and work in the right-of-way)
3. Consolidating and clarifying language related to review process
4. Extending duration of approvals to provide greater flexibility

HP review *Current*

The Planning Authority shall determine whether the scope, nature, or scale of the proposed project requires review by the Historic Preservation Board or whether it is a minor or routine project that is appropriately reviewed at the administrative level.

HP review *Draft*

	Administrative	Historic Preservation Board
New construction + additions	< 500 SF	> 500 SF
Alterations	Small + routine changes Changes affecting: • < 25% of facade of historic structure • < 40% of facade of other structures	Changes affecting: • > 25% of facade of historic structure • > 40% of facade of other structures
Site alterations + signs	All	

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Housing
Article Guide

Draft edits are proposed and have not yet been adopted by the City of Portland

The housing article of the land use code supports the City's goal to encourage housing that meets the needs, preferences, and financial capabilities of all Portland residents. The article includes policy that incentivizes affordable housing and also requires affordable housing in residential projects over a certain size. There have been many recent changes to the housing article, through referenda and as a result of changes in state law. As a result, draft edits are mainly focused on streamlining and clarifying these regulations.

What is proposed in the housing?

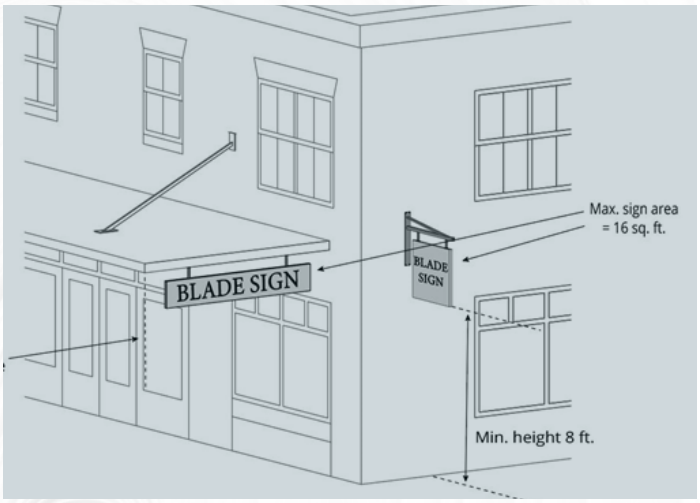


1. **Consolidated all affordable housing incentive**s and clarified how incentives and requirements relate
2. **Updated dimensional bonuses** for affordable housing to align with new multi-family definition and apply height and setback bonuses to projects over a certain size
3. **Updated workforce housing provisions** to simplify the review process, clarify interpretation in cases of phased projects, strengthen requirements for the integration of units and bedroom counts, support long-term monitoring, and clarify the applicability of affordable housing bonuses

Signs
Article Guide

Draft edits are proposed and have not yet been adopted by the City of Portland

The signs article of the land use code establishes standards for the construction, installation, and illumination of signs in the city, with the goal of ensuring that signs are compatible with the built environment. The signs article was recently updated in Phase I of ReCode; as a result the proposed changes are very targeted, and designed to clarify processes and requirements where questions have arisen.



1. **Clarified areas o**f conflicting or confusing standards related to building-mounted and freestanding signs.
2. **Modified some sign area and quantity standards** to reflect real world experience, and added provisions for murals with limited sign copy
3. **Updated temporary sign standards** to limit total area and duration for construction signs
4. **Eliminated provisions for off-premise signs** in residential zones

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Parking
Article Guide

Draft edits are proposed and have not yet been adopted by the City of Portland

Off-street parking and loading requirements are established through the City's land use code. In response to policy guidance that promotes multi-modal transportation and minimizing the city's reliance on single-occupancy vehicles, the City's off-street parking and loading requirements have historically allowed lots of flexibility. The changes proposed to this article through ReCode take this approach one step further.

What changes are being proposed for parking?



1. **Removed vehicle parking minimums from the Code,** to help increase the production of affordable housing options, make middle-density housing and mixed-use development easier to build, and contribute to the creation of improved pedestrian and multi-modal environments within Portland, among other benefits.

   A Transportation Demand Management Plan will still be required for certain development actions and uses, including commercial, institutional, or mixed-use developments of 50,000 square feet or more in floor area, and commercial and institutional uses designed to accommodate 100 or more employees or students.

2. **Added vehicle parking maximums** to help prevent over-parking, minimize stormwater and climate impacts of parking lots, and support the City's multi-modal transportation efforts.

3. **Expanded minimum bicycle parking requirements,** aligned with the new use structure of Article 6, to encourage provision of adequate bicycle parking in alignment with the City's goals for multi-modal transportation and climate adaptation.

What changes are being proposed for loading?

1. **Modernized requirements for loading spaces** to decouple requirements for retail and industrial uses, which have differing demands and thresholds for required off-street loading spaces. Thresholds for the loading requirements have been adjusted, and in no case are more than three loading spaces required by the Code.

2. **Updated language** to allow existing structures that don't meet requirements to expand without providing additional loading spaces, so long as the expansion is on the same lot, no additional lot area is added, and any existing off-street loading spaces on the site are maintained.



ReCode PORTLAND

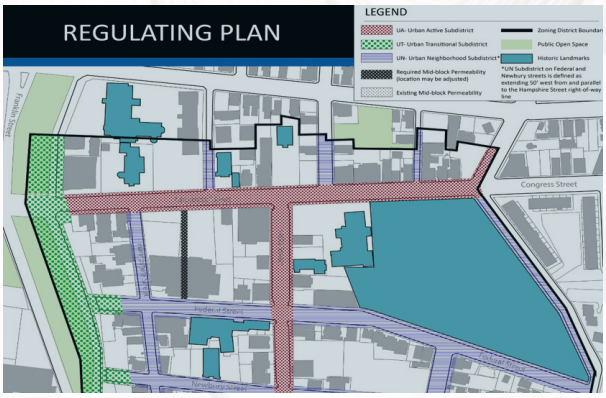
Please note: *This sheet presents key changes, and not the entirety of change. It is intended for informational purposes only.*

IS-FBC + Public Art

Draft edits are proposed and have not yet been adopted by the City of Portland

The India Street Form-Based Code establishes special set of standards for the India Street neighborhood, while the signs article governs signs and the public art article lays the groundwork for the City's successful public art program. These articles have all seen minimal revisions as part of ReCode Phase II.

Are any changes being made to the IS-FBC?



1. **Moved definitions** into Article 3 to ensure alignment with terminology used throughout the rest of the Code
2. **Simplified height bonuses**, and tied to the housing bonus provisions of Article 17 as appropriate

What about public art?

1. **Updated language to** align the article with the rest of the Code, including removal of definitions that were not needed, and clarification of applicability (what is considered public art vs. what is not).



ReCode PORTLAND

Please note: *This sheet presents key changes, and not the entirety of change. It is intended for informational purposes only.*

ReCode
PORTLAND

STUDIO

WE ARE

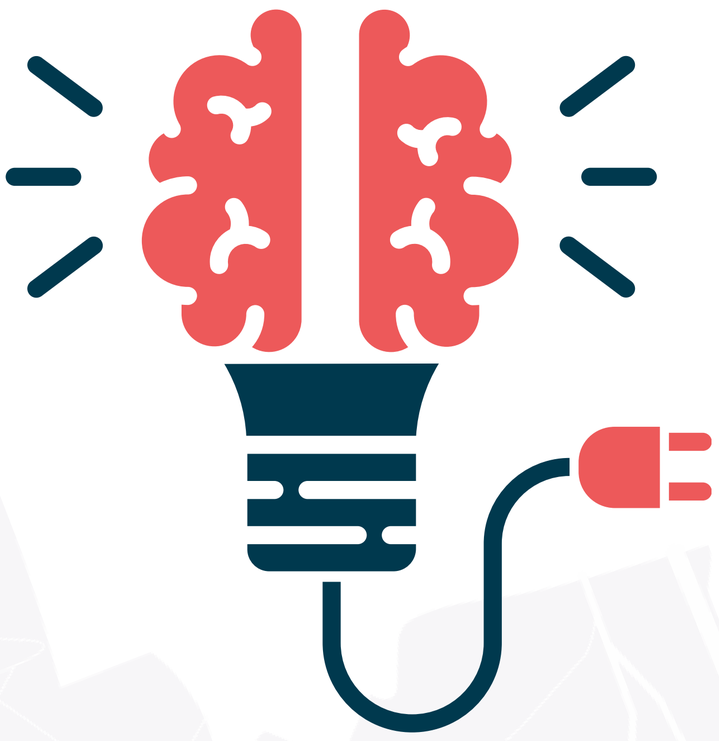
OPEN

www.recodeportland.me

START HERE!

WELCOME!

Thanks for coming in to the ReCode Studio! We've created this space to help Portlanders like you learn, ask questions, and provide feedback about the City's effort to update its land use code.



LEARN -

There are displays around the room containing information about ReCode. We invite you to peruse either by code section or by topic. Code section displays contain lots of information about the technical, detailed updates to the code. Topic waypoints contain information tied to some of the City's key goals around things like housing, complete neighborhoods, and climate resilience.



ASK QUESTIONS -

We're here to help you understand this stuff! Staff are happy to help with any questions you might have about ReCode and any of the information around the room. If we can't get an answer for you today, we'll record your question and get back to you!



GIVE US FEEDBACK -

There are lots of ways to let us know what you think. ReCode staff can take your comment, you can submit a written comment using one of our forms, or you can visit us online at recodeportland.me for a variety of other ways to provide comment. There are also interactive spots throughout the studio that will allow you to provide us with detailed feedback about the proposed updates to the land use code.

ReCode PORTLAND

FIRST, WHAT IS THE LAND USE CODE?



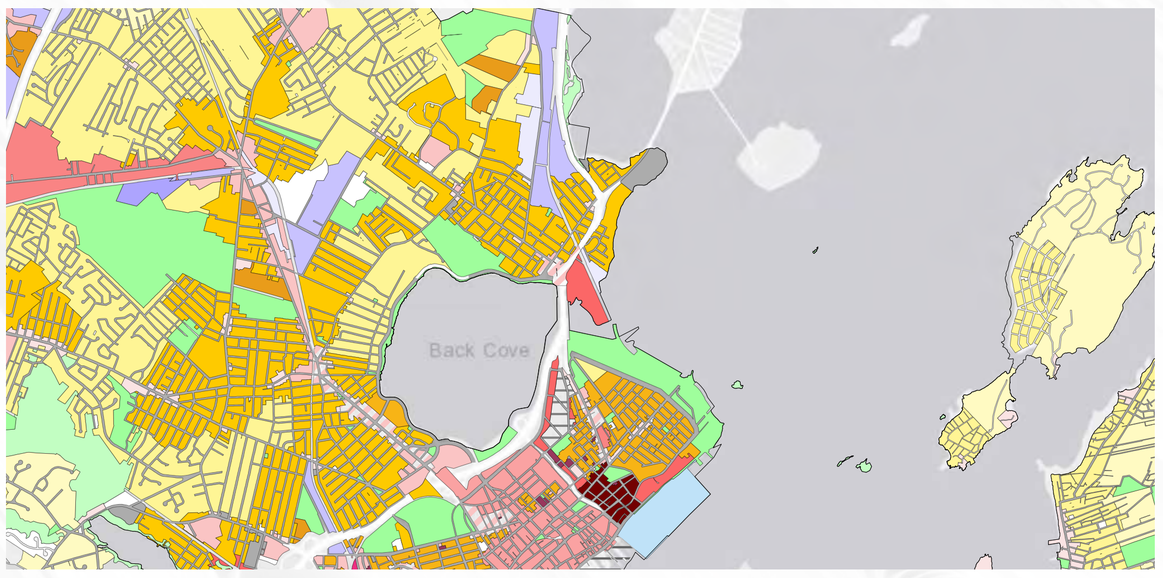
The land use code affects our everyday experience of the city, from buildings to the things happening inside them and the space outside their doors.

More technically speaking, the land use code is one of 35 chapters of the City of Portland's Code of Ordinances. It is the chapter that governs how property is used and built upon within the city. Sometimes people refer to it as "Chapter 14" or 'the Zoning Code."

THE LAND USE CODE INCLUDES A FEW BASIC PARTS:

THE ZONING MAP

The zoning map divides the City into distinct zones, each with a specific purpose.



A WRITTEN SET OF RULES FOR EACH ZONE

These rules address what types of land uses are allowed in which zones, where buildings and other structures can be built, and how big they can be.

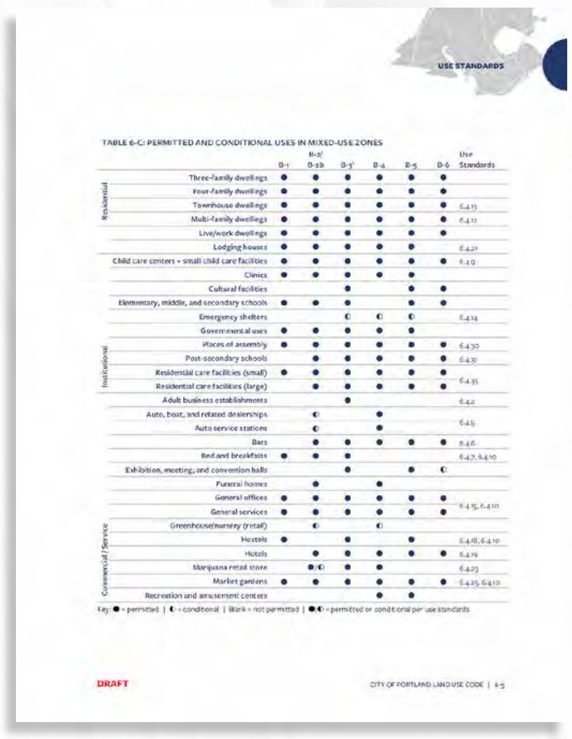

USE STANDARDS

TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Residential	Three-family dwellings	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	6.4.13
	Live/work dwellings	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●		6.4.21
	Child care centers + small child care facilities	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●		
	Cultural facilities		●		●	●		
Institutional	Elementary, middle, and secondary schools	●	●	●		●	●	
	Emergency shelters		◐	◐	◐			6.4.14
	Governmental uses	●	●	●	●	●		
	Places of assembly	●	●	●	●	●	●	6.4.20
	Post-secondary schools		●	●	●	●	●	6.4.19
	Residential care facilities (small)	●	●	●	●	●	●	
	Residential care facilities (large)		●	●	●	●	●	6.4.35
	Adult business establishments			●				6.4.2
Commercial/Service	Auto, boat, and related dealerships		◐		●			
	Auto service stations		◐		●			6.4.5
	Bars		●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		●	◐	
	Funeral homes			●		●		
	General offices	●	●	●	●	●	●	
	General services	●	●	●	●	●	●	6.4.15, 6.4.10
	Greenhouse/nursery (retail)		◐		◐			
	Hostels	●		●		●		6.4.18, 6.4.10
	Hotels		●	●	●	●	●	6.4.19
	Marijuana retail store		●/◐	●	●			6.4.23
	Market gardens	●	●	●	●	●	●	6.4.25, 6.4.10
	Recreation and amusement centers				●	●		

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

DRAFT

CITY OF PORTLAND LAND USE CODE | 6-5


DIMENSIONAL STANDARDS

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6[1]
Lot area (min.)	—	—	—	10,000 SF	—	—
Street frontage (min.)	20 ft.	—	—	60 ft.	—	—
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	5,000 SF					
Build-to zone	0-5 ft.	0 - 10 ft.	0-5 ft.	0-20 ft.	0-10 ft.	0-10 ft.
Build-to percentage (min.)	100%	100%	100%	50%	80%	80%
Building length as a percentage of street frontage (max.)	—	B-2: None. B-2b: Lots up to 30 ft. in frontage: 80%. Lots greater than 30 ft. in frontage: 60%	Lots up to 30 ft. in frontage: 80%. Lots greater than 30 ft. in frontage: 60%	—	60%	30%
Blank wall area (max.)	20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.
Rear setback (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	—	None, except 10 ft. if abutting a lot in a residential zone	—	—
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	—	None, except 10 ft. if abutting a lot in a residential zone	—	—
Structure height (max.)	50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. for any portion of a structure within 25 ft. of R-1, R-2, R-2.5, or R-5 zone	See City of Portland Height Map	65 ft.	65 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Height stepback (min.) (Above 35 ft. when abutting a lot in R-1, R-2, or R-5, or R-2.5 zone)	Side: 10 ft. Rear: 15 ft.	Building height is shown as: Side: 5 ft. Rear: 25 ft.	See City of Portland's Height Map, and Tower Rules in Section 7.6.3	—	—	—
Landscaped open space ratio (min.)	—	B-2: 10% B-2b: None	—	20%	—	—

[1] In the case of a conflict with the B-6 Building Height and Building Developed Map, the map shall control.

7-16 | CITY OF PORTLAND LAND USE CODE

DRAFT

OTHER RELATED REGULATIONS

Other regulations in the code address historic preservation, housing, signs, shoreland and floodplain rules, parking requirements, and more.


OFF-STREET PARKING & LOADING

18 OFF-STREET PARKING & LOADING

18.1 OFF-STREET PARKING

18.1.1 General

Off-street parking, either by means of structured or surface spaces, in addition to being a permitted principal use in certain zones, shall be considered as an accessory use when required or provided to serve principal uses. The provisions of this article shall apply to parking as an accessory use.

18.1.2 No vehicle parking spaces required

Off-street vehicle parking is not required. However, a Transportation Demand Management Plan is required for certain development actions and uses, per Section 13.6.1.

18.1.3 Vehicle parking maximums

Table 18-A establishes the maximum number of off-street parking spaces that may be provided for each designated use. In some cases, uses that are considered part of a larger generic use category may be listed with specified parking maximums. These specific uses are listed only for the purposes of this section, and do not indicate whether such uses are permitted or conditional within any zone. Certain uses listed within Table 18-A are not subject to parking maximums, and are indicated as such where applicable. For any use not listed in Table 18-A, the parking provisions for the most similar use, as determined by the Building Authority or the Planning Authority, shall apply.

A. **Exemptions.** The waterfront zones in Article 10 shall not be subject to parking maximums. In any zone, spaces reserved for the following shall not be included in the calculation of parking maximums.

1. Any required accessible parking spaces in compliance with the standards of the Americans with Disabilities Act (ADA).
2. EVSE-installed charging spaces.
3. Pick-up and drop-off vehicle spaces which shall be marked as reserved. Such spaces may accommodate ride-hailing vehicles, delivery driver vehicles, and safe internet purchase exchange.

B. **Permission to exceed parking maximums.**

1. A parking maximum may be exceeded by up to 25% if one or more of the following conditions are met:
   a. 10% of the total parking spaces provided are available for public use 24 hours a day, seven days a week.
   b. 25% of the total number of spaces are provided as shared spaces, available for public use from 8:00 a.m. to 6:00 p.m., Monday through Friday.
   c. 20% of the total number of spaces are provided as shared spaces, available for public use from 6:00 p.m. to 8:00 a.m., seven days a week.
2. When public use spaces are provided in order to exceed a parking maximum, the following shall apply:
   a. When located within a parking structure, public use spaces shall be located within the first two floors of the structure.
   b. Signs shall be provided indicating the availability and location of public use spaces.
   c. Shared spaces not available to the public 24 hours a day, seven days a week shall be clearly marked.

DRAFT

CITY OF PORTLAND LAND USE CODE | 18-1

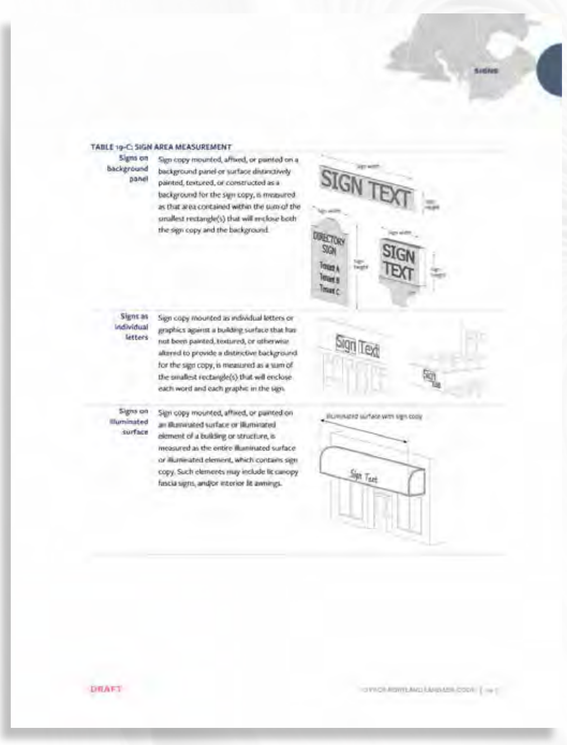

SIGNS

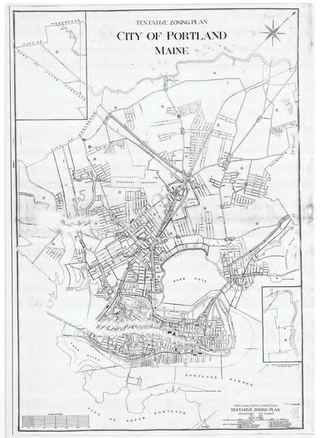
TABLE 19-C: SIGN AREA MEASUREMENT

Signs on background panel	Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
Signs as individual letters	Sign copy mounted as individual letters or graphics against a building surface that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the sign.
Signs on illuminated surface	Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.

NOW, HOW DID WE GET HERE TODAY?

The City's first land use ordinance was adopted in 1926. Since then, it's seen everything from prohibition, to pop art, to the pandemic. It's been amended many times over the years to keep pace as the City continues evolving.

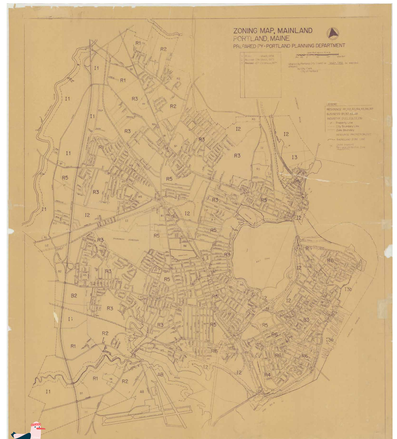




1926 The City's first zoning ordinance is adopted, establishing eight use classifications: industrial, local business, limited business, general business, single residence, general residence, apartment house, and unrestricted.



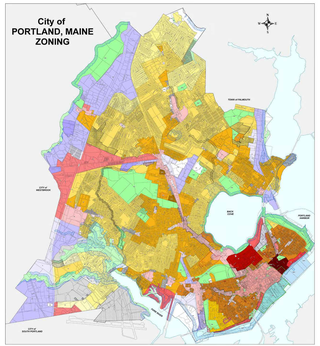
1944-46 The City adopts its first "comprehensive master plan." Substantial revisions to the zoning ordinance and map follow.



1975 Starting in the 1950s, the Planning Board shifts away from "a comprehensive master plan for the city as a single document" and instead towards "detail plans" for particular areas or "specialized land uses," including a series of urban renewal plans. Based on this work, the City completes a major ordinance rewrite and revisions to the zoning map in 1957-8.



1980s The City completes a Land Development Plan in 1974, and then subsequent plans related to the waterfront, housing, the islands, downtown, industrial and commercial uses, open space, and historic preservation, among others. Much of this planning results in ordinance and map amendments, including the creation of the waterfront zoning, new industrial zoning, and open space and shoreland zoning.



2000s Through the 2000s, the city continues its assembled approach to comprehensive planning, developing a "broad spectrum of comprehensive plan elements" as independent, but related documents. These plans lead to incremental work on the land use code and zoning map throughout the early 2000s. With changes in technology, the map is converted to GIS.

TODAY

In 2017, the City returns to the concept of a single, unified comprehensive plan, and adopts *Portland's Plan 2030*. The plan addresses environmental, economic, transportation, housing, waterfront, open space, and historic resources in the city, and lays the foundation for ReCode, the City's first large-scale land use code rewrite in over half a century.

WHAT IS RECODE?

Hey, do you know anything about this ReCode Portland thing that people are talking about?

Yeah! Basically, the City is rewriting its land use code for the first time in over 50 years! 🤯

Yikes. That's a long time! Why the major overhaul, and why do it now?

Great questions! The City is working to make sure the updated code is user-friendly and aligned with the City's Comprehensive Plan (Portland's Plan 2030).

It will help to address big issues like housing, design, preservation, conservation, the working waterfront, climate resilience, etc. in a more modern way.

So it's basically bringing Portland's rules for development up to more modern standards?

Yup! The City already re-organized and restructured the Code during the first Phase of ReCode. This phase is updating the content of the Code.

So updating standards for things like what types of housing are allowed where, bringing in more opportunities for walkability and neighborhood commercial, etc.

I'm going to go to the ReCode Studio to learn more, and let them know what I think of the proposed changes. Our feedback can help shape what goes forward.

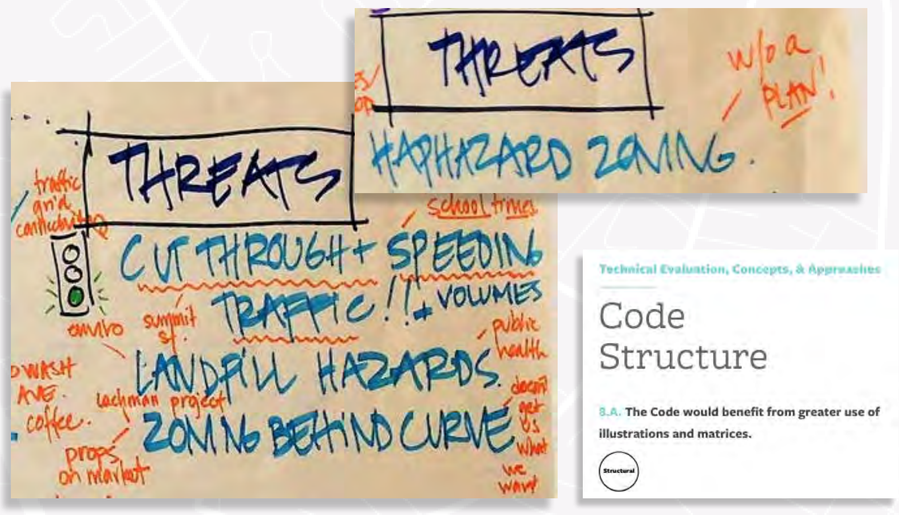
Sounds great. I'll meet you there!

ReCode PORTLAND

WHY IS THIS SUCH A BIG DEAL?



WELL, RECODE IS THE FIRST TIME THE LAND USE CODE HAS BEEN REWRITTEN IN 50 YEARS.



IT'S ABOUT SIMPLIFYING THE CODE, AND MAKING IT EASIER FOR EVERYONE TO UNDERSTAND AND USE.





IT'S OUR OPPORTUNITY TO MAKE SURE THAT THE CITY'S LAND USE REGULATIONS HELP US REACH THE GOALS OF PORTLAND'S PLAN.

ReCode PORTLAND

WHAT HAVE WE DONE SO FAR?

The City has been working on ReCode since 2020, when Phase I of the process concluded.

ReCode Phase I resulted in the adoption of a reorganized, reformatted land use code. Phase I also included some limited updates to code standards, including standards for accessory dwelling units and parking.

Since then, we've stayed busy!

EARLY 2021 - PHASE II KICKOFF

The kickoff to Phase II of ReCode included a number of elements.

- **Visual assessment** of the City, focusing on development patterns citywide, from the islands to the densest and most highly developed areas downtown
- **Detailed analysis of the existing land use code,** relative to the City's Comprehensive Plan and policy goals.
- **Stakeholder interviews** with individuals representing a diverse array of perspectives on issues relevant to ReCode.
- **Updates to the ReCode website**, including information connecting the dots between the six elements of the vision statement from *Portland's Plan* (Equitable, Sustainable, Authentic, Dynamic, Secure, Connected) and the land use c ode.

LATE 2021 - LAND USE CODE EVALUATION

The Land Use Code Evaluation was released in December of 2021. This document analyzed the current code through the lens of *Portland's Plan*, asking questions like: "How could the code better help the City meet its goals around key issues like housing affordability, climate change, complete neighborhoods, transit-oriented development, and equity?"



EARLY 2022 - CODE EVALUATION OUTREACH

There were a number of ways for the public to learn and provide feedback about the recommendations within the Land Use Code Evaluation:

- **A video explainer,** providing an overview of the recommendations
- **A code evaluation survey** to provide their input about the recommendations
- **2 public forums** in March of 2022, reviewing findings of the Evaluation, with opportunities for real-time polling, and questions-and-answers. The forums were organized by topic, including one on housing, climate change, and transportation, and another about complete neighborhoods, urban design, and economic development.





2022 TO EARLY 2023 - RESILIENCE-FOCUSED WORK + HOUSING SUPPLY BOOTCAMP

- In 2002, the City began a **concentrated effort to develop climate resilience elements for inclusion in the land use code,** including standards and guidelines for resilience in the face of coastal flooding, increased stormwater, and high heat.
- The City **hosted a housing supply bootcamp** with housing stakeholders focused on identifying barriers and opportunities around expanding Portland's supply of housing.

MID 2023 - RELEASE OF FIRST WAVE CHANGES

- **In June of 2023, drafts of the first four articles of the land use code were released,** representing significant updates to definitions, zones, uses, and dimensional standards.
- **A series of 4 videos, a podcast, and numerous supplementary materials including "zone guides" were released too,** to help the public understand the changes.









MID 2023 - FIRST WAVE OPEN HOUSES + VIRTUAL PUBLIC FORUM

- **Three public open houses were held in August of 2023,** to present the first wave changes to the public, answer questions, and gather feedback.
- **A virtual public forum was held in late September,** to provide another opportunity for the public to learn and provide feedback.
- **Opportunity for public comment remained open throughout the summer and fall of 2023.**





LATE 2023 - LD2003 AMENDMENTS

- **Amendments to comply with the new State law** intended to create housing opportunities across the State of Maine were drafted and adopted by the City Council in December 2023.

EARLY 2024 - RELEASE OF SECOND WAVE CHANGES

- **In early April, the second wave of draft amendments to the land use code was released.** These include the full range of articles within the land use code, as well as updates to the four articles that were released as the first wave of changes.



ReCode PORTLAND STUDIO

ReCode PORTLAND

WHO HAS BEEN ENGAGED SO FAR?

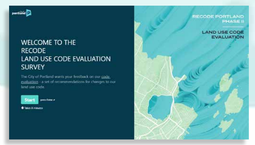
KICKOFF

15 STAKEHOLDER INTERVIEWS



CODE EVALUATION

188 RESPONDENTS



Land Use Code Evaluation Survey

306 COMMENTS from 32 COMMENTERS



Land Use Code Evaluation Online Comment Portal

134 REGISTRANTS at 2 PUBLIC FORUMS



Virtual Public Forums

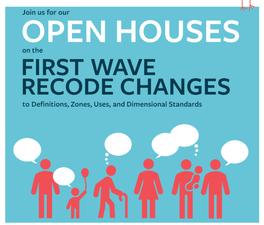
616 RESPONDENTS



Island Zoning Questionnaire

FIRST WAVE CHANGES

111 ATTENDEES at 4 OPEN HOUSES



ReCode First Wave Open Houses

375 COMMENTS from 88 COMMENTERS



ReCode First Wave Online Comment Portal

ONGOING

2 PLANNING BOARD WORKSHOPS

2 COUNCIL WORKSHOPS

13+ STAKEHOLDER MEETINGS



ReCode PORTLAND

WHERE TO?



GO THIS WAY IF...

... you want to learn about ReCode by diving into details about each section of the code, what it contains, and how it's proposed to change.

CODE SECTIONS

TOPIC WAYPOINTS

GO THIS WAY IF...

... you want to learn about how ReCode changes relate to and support the City's goals around topics like housing, complete neighborhoods, climate resilience, and transportation.

ReCode PORTLAND

WHAT'S IN THE CODE?

The Land Use Code includes 20 different articles, each with a different purpose.

ARTICLES ABOUT HOW THE CODE WORKS

1. INTRODUCTORY PROVISIONS

Establishes the applicability of the code, how it is enforced, the process for amending it over time, and its relationship to other local, state, and federal laws.

2. ADMINISTRATION

Sets the general rules for the three boards that play a role in administering the code: the Planning Board, Historic Preservation Board, and Zoning Board of Appeals.

3. DEFINITIONS

Creates a common language that can be understood by all users of the code. Provides clear definitions of key terms, so that interpretation is consistent across the code.

4. NONCONFORMITIES

Establishes the rules around uses, lots, and structures that met the requirements of the code when the were created, but don't meet the current standards of the land use code.

ARTICLES ABOUT WHAT IS ALLOWED, WHERE, AND HOW BIG

5. ZONES

Establishes the 26 base zones within the land use code, and describes the purpose of each.

6. USES

Contains the rules for land uses within the City of Portland, including tables that specify which uses are allowed in different zones, and standards that address specific uses.

7. DIMENSIONAL STANDARDS

Sets dimensional standards for all of the base zones, addressing things like minimum required lot area, setbacks, building heights, and landscaped open space.

ARTICLES ABOUT SPECIALIZED ZONES AND STANDARDS

8. OVERLAY ZONES

Establishes use & dimensional standards, as well as other requirements, for overlay zones.

9. IS-FBC

Creates standards for the India Street Form-Based Code Zone, encouraging a vibrant, mixed-use district that prioritizes physical form over regulation of land use.

10. WATERFRONT

Contains regulations for the City's three waterfront zones: the Eastern Waterfront Port Zone, the Waterfront Central Zone, and the Waterfront Port Development Zone.

11. SHORELAND

Sets standards to control water pollution, protect wildlife habitat and wetlands, and anticipate and respond to the impact of development in shoreland areas.

12. FLOODPLAIN

Establishes standards for structures in the floodplain and areas of special flood hazard.

ARTICLES DEALING WITH OTHER ASPECTS OF DEVELOPMENT

13. SITE PLAN

Establishes transportation, environmental, landscaping, infrastructure, and design standards for development projects.

14. SUBDIVISION

Provides standards for the subdivision of land in the City, including but not limited to coordination of streets, sewers, water, and other utilities and facilities.

15. IMPACT FEES

Establishes a schedule for development fees, corresponding to anticipated impacts of new development.

16. HISTORIC PRESERVATION

Establishes standards for the review of construction within and affecting designated historic properties in a manner that respects their historic and cultural significance.

17. HOUSING

Establishes affordable housing requirements and incentives, the Jill Duson Housing Trust Fund, and rules around housing replacement and condominium conversions.

18. PARKING

Sets standards related to the amount of vehicular parking and loading required or allowed, bicycle parking minimums, and standards for location of spaces & loading operations.

19. SIGNS

Governs the size, type, location, & lighting of signs within the City of Portland.

20. PUBLIC ART

Outlines the composition, function, and funding of the City's public art program.



INTRODUCTORY PROVISIONS, ADMINISTRATION, DEFINITIONS, AND NONCONFORMITIES

ARTICLES #1, #2, #3, and #4



ARTICLE 1
INTRODUCTORY PROVISIONS

What it does: Establishes the applicability of the Code, how it is enforced, the process for amending it over time, and its relationship to other laws.

PROPOSED CHANGES:

1. **MODIFIED NOTICING REQUIREMENTS** — Notice requirements are modified for map amendments in industrial zones.
2. **UPDATED LANGUAGE** — Added language to clarify that the code applies to all land, uses, and structures in the city.

ARTICLE 2
ADMINISTRATION

What it does: Sets the general rules for the three boards that administer the code: the Planning Board, the Historic Preservation Board, and the Zoning Board of Appeals.

PROPOSED CHANGES:

1. **STANDARDIZED PROCEDURAL LANGUAGE** — Language is now aligned and consistent across all three bodies.
2. **CLARIFIED ROLES + RESPONSIBILITIES** — ...of the Historic Preservation Board, as well as standard of review for administrative appeals.
3. **STATE MANDATED UPDATES** — ...to incorporate shoreland language into the Zoning Board of Appeals sections.
4. **SIMPLIFIED THE VARIANCE SECTION** — ...by removing some prohibitions and inconsistencies in island residential zones.

ARTICLE 3
DEFINITIONS

What it does: Establishes a common language that can be understood by all users, by providing clear definitions of key terms used within the code.

PROPOSED CHANGES:

1. **UPDATES TO EXISTING DEFINITIONS** — Updated definitions to ensure that all terms are clearly defined, and aligned across the code.
2. **NEW TERMS HAVE BEEN ADDED** — ... to define new uses in the code, such as “market gardens,” or new dwelling types in the code.
3. **DEFINITIONS HAVE BEEN CONSOLIDATED** — Terms from the IS-FBC, floodplain, signs, and other articles have been moved into definitions.



ARTICLE 4
NONCONFORMITIES

What it does: Establishes the rules around uses, lots, and structures that met the requirements of the code when they were created, but don’t meet the current standards of the land use code.

PROPOSED CHANGES:

1. **ADDED GENERAL LANGUAGE** — ...to support clear interpretation of the standards.
2. **CLARIFIED RULES FOR NONCONFORMING USES** — ...including expansions, changes of nonconforming uses, and discontinuance.
3. **DEFINED NONCONFORMING LOT** — ...and simplified sections related to the development of nonconforming lots.
4. **STANDARDIZED RULES FOR RECONSTRUCTION** — ...for nonconforming structures, and reorganized provisions relating to alterations and extensions.



ReCode PORTLAND

ZONES, USES, AND DIMENSIONAL STANDARDS

ARTICLES #5 #6, and #7



THESE ARTICLES ARE CORE PARTS OF THE LAND USE CODE!

These three articles form the "heart" of how the code regulates land use in Portland. The city is divided into zones established in Article 5, which are shown on the zoning map. From there, each zone allows certain types of uses, which are regulated by Article 6. Each zone also contains specific dimensional standards (where structures can go, how big they can be), which may also vary by use. **Each of these articles is explained in more detail elsewhere in the ReCode Studio, but here are some quick introductions:**

HELLO
MY NAME IS

ARTICLE 5: ZONES

I establish all the base zones within the land use code - 26 in total. Each of the zones in the code has a specific purpose; I list them all out and make them clear so when you're looking at the zoning map, you know which zones are which!

HELLO
MY NAME IS

ARTICLE 6: USES

I contain the rules for land uses within the City of Portland. I have numerous tables that make it easy to see which uses are allowed in different zones. I also contain a series of use standards that address specific uses and how they work overall, or in different parts of the city. Last, I have a section with performance standards that deal with things like noise, odor, smoke + dust, outdoor storage, etc.

HELLO
MY NAME IS

ARTICLE 7: DIMENSIONAL STANDARDS

I control new construction, alterations, and additions to structures and buildings in Portland. I establish the rules around how dimensions are measured, and contain tables that explain things like how big lots need to be, where buildings and other structures can be built, and how tall they can be. I also have a series of alternative development options for residential uses, and things like specific rules for tall buildings (towers). Finally, I have a series of exceptions that may apply in certain zones, or for certain uses.

ReCode PORTLAND

ZONES (ARTICLE 5)

What it does: Establishes the 26 base zones within the land use code, and describes the purpose of each. Also contains rules related to conditional or contract zoning, and incorporates the official zoning map by reference.

PROPOSED CHANGES:

1. **NEW ZONES AND CONSOLIDATIONS** — New zones, like the Transit-Oriented Development zones and Open Space Preservation zone, have been added to the code. Other zones have been eliminated or consolidated. For instance the current R-1 and R-2 zones have been consolidated into a single residential neighborhood zone, the RN-1. The IR-3, predominantly a tool for planned development and co-located with a contract zone and a historic district, has been eliminated.

2. **RESIDENTIAL ZONE UPDATES** — These are now called "Residential Neighborhood" (RN) zones. Each accommodates a mixture of dwelling types and select nonresidential uses.

3. **UPDATES TO MIXED USE ZONES** — These zones have been updated and refocused to ensure that they provide a full spectrum of mixed-use development options that fit the needs of the city, while maintaining clarity and simplicity in their purpose and application. This includes elimination of certain zones, like the B-1b, B-2c, B-3b, and B-3c in favor of a simpler approach. The B-7 zone has also been eliminated, consolidated into the B-3 zone.

4. **OFFICE + INDUSTRIAL ZONE UPDATES** — Office zones have been modernized, with the former O-P Office Park zone reoriented to address both large scale office parks and smaller scale, nodal areas of office development. The Residential Professional zone has also been updated and modernized. Industrial zones are simplified, with those zones that were mapped sparsely or not at all, such as the I-Ma, I-Mb, and I-Hb being eliminated.

BASE ZONES

RESIDENTIAL

The mainland residential zones have been updated, and have been renamed to avoid confusion with their previous iterations. These zones are now the "RN" or "Residential Neighborhood" zones. The purpose of each of these zones - and their relation to the current residential zones - is presented below. Complete purpose statements are included within the draft Code.

FORMER ZONE	PROPOSED ZONE	PURPOSE (ABBREVIATED)
R-1, R-2	**RN-1**	Provides for a residential neighborhood environment of dwellings on lots of at least 10,000 square feet. Allows select nonresidential uses.
R-3	**RN-2**	Provides for a residential neighborhood environment of dwellings on lots of at least 6,500 square feet. Allows conversion of existing nonresidential structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Allows select nonresidential uses.
R-4	**RN-3**	Accommodates a residential neighborhood environment tailored to the unique character of the Western Promenade, and allowing dwellings on lots of at least 6,000 square feet. Allows construction of new multi-family dwellings, and conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Allows select nonresidential uses.
R-5	**RN-4**	Provides for a residential neighborhood environment characterized by dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is allowed, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Allows select nonresidential uses.
R-6	**RN-5**	Provides areas of the city, on the peninsula and in select locations off-peninsula, for a residential neighborhood environment of dwellings on lots of at least 2,000 square feet. Townhouse and multi-family dwellings are allowed, subject to standards encouraging compatibility and context sensitivity to ensure the stability of established residential neighborhoods. Allows select nonresidential uses.
R-5a, R-6a	**RN-6**	Accommodates areas of the City characterized by a neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as taller building heights. Allows select nonresidential uses.
R-7	**RN-7**	Allows for a dense residential neighborhood environment of townhouse and multi-family dwellings. Allows select nonresidential uses.

ISLAND ZONES

The City's Island zones have been updated, to address common development issues on the islands, and to add some limited new flexibility for residential development in the I-B zone. The IR-3 zone, primarily a tool for planned development on the islands, has been eliminated from the Code.

PROPOSED ZONE	PURPOSE (ABBREVIATED)
IR-1	Provides for a low-intensity environment of residential, recreational, and rural uses on Portland's islands. Standards are intended to preserve and protect the rustic character of the islands and protect critical resources. Allows select nonresidential uses.
IR-2	Accommodates residential neighborhood environments on Portland's islands in areas with adequate public services. Allows select nonresidential uses.
I-B	Provides for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. Standards ensure compatibility of these areas with the surrounding residential neighborhood fabric, to support the concept of a complete neighborhood. Standards may vary by location dependent upon the availability of public water and sewer resources.

TRANSIT-ORIENTED DEVELOPMENT ZONES

The TOD (Transit-Oriented Development) zones have been developed to encourage an intensity of development appropriate for key nodes both on and off-peninsula in coordination with transit investments and opportunities.

PROPOSED ZONE	PURPOSE (ABBREVIATED)
TOD-1	Provides for and encourages the development of moderate to high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure by allowing a dense, pedestrian-scale built environment and a range of uses that encourage walking, bicycling, and use of public transit at advantageous locations within the city's off-peninsula neighborhoods.
TOD-2	Provides for and encourages the development of high-intensity mixed-use, compact urban neighborhoods that support the city's investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow for living, working, shopping, dining, and cultural and recreational opportunities. Intended for use at suitable locations on or near the peninsula.

MIXED-USE ZONES

The City's mixed-use zones have been updated and refocused to ensure that they provide a full spectrum of mixed-use development options while maintaining clarity and simplicity in their purpose and application. This includes elimination of certain zones, and consolidation of zones, such as the B-7 consolidating into the B-3 zone.

PROPOSED ZONE	PURPOSE (ABBREVIATED)
B-1	Provides for small scale, pedestrian-friendly, mixed-use environments, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. Allows a mix of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood
B-2	Provides locations for a mix of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. The B-2 provides for a broad range of goods and services with a mix of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. Encourages mixed-use development, and provides locations for moderate to high-density housing.
B-2b	Allows for retail, business and service establishments oriented to and built close to the street. Suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Encourages mixed-use development, and provides locations for moderate to high-density housing.
B-3	Maintains and enhances the role of the downtown as the business and commercial center of the region, and promotes the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. Encourages increased housing opportunities downtown to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment.
B-4	Provides locations in the city for the development and operation of businesses serving a regional or larger market, and large-scale commercial uses that require larger land areas to accommodate their operations. Supports moderate to high-density housing options.
B-5	Provides areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and a broad range of residential option, is encouraged. Characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of existing land and buildings.
B-6	Accommodates the upland portion of the Eastern Waterfront area. Encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a broad range of both residential and commercial uses to achieve 24-hour urban vitality.

OFFICE, INDUSTRIAL, AND OPEN SPACE ZONES

The Office, Industrial, and Open Space zones have been modernized to ensure they are working to accommodate the type of development that the city would like to see in these areas. This includes elimination/consolidation of certain zones, like the I-Ma, I-Mb, and I-Hb, and the creation of new zones, like the OS-P Open Space Preservation zone.

PROPOSED ZONE	PURPOSE (ABBREVIATED)
O	Provides areas for the creation of low-intensity office uses, allowed as either independent uses or integrated into a park- or campus-like setting. Standards encourage office and related uses which are of the highest quality, are well-designed and maintained, and are compatible with their natural surroundings.
R-P	Allows for low-intensity residential, business, and commercial uses, compatible in scale, density and use with surrounding and adjacent residential neighborhoods. May serve as a transition or buffer zone between residential and more intensive nonresidential zones.
I-L, I-Lb	Provides for low-impact industrial uses and limited other uses focusing on compatibility, and providing a buffer between residential neighborhoods and higher impact industrial zones. May also stand alone as a smaller scale industrial district. The low-intensity nature of the uses, as well as strict performance standards ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses.
I-M, I-Mb	Accommodates low- and moderate-impact industries and transportation related uses, and provides for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery.
I-H	Provides for higher impact industrial uses than are permitted in other industrial zones, which may require extensive outdoor storage and usage, and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas.
A-B	Accommodates the development of airport-related enterprises.
OS-R	Provides for the reasonable use of open space, simultaneously preserving and protecting its inherent characteristics to assure its continued availability for public use as scenic and recreation area. Additionally, accommodates large-scale regional sports and athletic facilities, and works to develop an open space system throughout the city which provides the highest quality parks, plazas, and pedestrian environment.
OS-P	Preserves and protects open space as a limited and valuable resource, and furthers City goals related to climate adaptation and resiliency. Prioritizes preservation and protection of Portland's critical conservation and natural resource areas. Very limited development may be allowed for sustainable energy generation, passive recreation and educational purposes, but must be compatible with and cause little impact to these areas.

ReCode PORTLAND

USES

(ARTICLE 6)

What it does: Contains the rules for land uses within the City of Portland, including tables that specify which uses are allowed in different zones. Establishes use standards that address specific uses and how they work overall, or in different parts of the city. Includes performance standards that address noise, odor, smoke + dust, etc.

PROPOSED CHANGES:

1 REORGANIZATION + SIMPLIFICATION

Article 6 has been streamlined to be more user-friendly, easy to understand, and easy to administer. The use tables have been updated so they are easier to read, without extensive footnotes. Supplemental use standards have been combined into a single section that addresses both permitted and conditional uses, and use-specific standards from Article 7 have been brought over to Article 6, reducing the need to flip back-and-forth within the code.

2 DWELLING TYPES HAVE BEEN EXPANDED

New dwelling types have been added, including three-family, four-family, and townhouse dwellings. These uses exist within Portland's neighborhoods, and are now broadly allowed throughout the residential zones. The City's LD2003 amendments have been incorporated into the code, with the RN-1 through RN-5 zones now allowing for up to four-family dwellings (plus two accessory dwelling units) per lot.

3 CREATIVE USES + FOCUS ON REUSE

The code contains new uses like retail greenhouse/nurseries, market gardens, and specialty food services (think coffee roasters, candy makers, etc.) that are allowed broadly throughout the city. Further, provisions for "neighborhood nonresidential reuse" allow existing nonresidential uses (like corner stores) to be brought back into use as small-scale, neighborhood-serving businesses - something the current code doesn't allow.

4 USES TAILORED TO FORM AND FUNCTION

Certain uses are allowed more broadly across all zones, while other uses are limited to those zones that may be most appropriate, aligned with their scale, character, and function. For example, drive-through establishments are now more narrowly allowed, acknowledging that such uses are not compatible with the City's vision for walkable, complete neighborhoods.



5 STREAMLINED USE CATEGORIES

Overlapping or similar uses have been consolidated, simplifying interpretation and administration of the code. For instance, the current code contains separate uses for "intermediate care," "long-term care," and "extended care," facilities. ReCode proposes simplifying these into one "residential care facility" use, allowed broadly and subject to standards that may vary depending upon location.

6 PRUD HAS BEEN ELIMINATED

PRUD, or planned residential unit development, is no longer needed as a use within the code. With updates to the types of dwelling units allowed throughout the city and the standards in place, the types of development that were possible through the PRUD tool are now more easily achievable through the base zone standards.

7 TEMPORARY USES HAVE BEEN UPDATED

ReCode proposes the creation of a new temporary use permit, and includes standards that address a variety of temporary uses like outdoor sales, temporary storage containers, and farmstands, among others.



ReCode PORTLAND

USE TABLES

WHAT USES ARE ALLOWED IN THE RESIDENTIAL, ISLAND, AND MIXED-USE ZONES?

USES ALLOWED IN RESIDENTIAL ZONES

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	Use Standards
Residential	Single-family dwellings	●	●	●	●	●			
	Two-family dwellings	●	●	●	●	●			
	Three-family dwellings	●	●	●	●	●			
	Four-family dwellings	●	●	●	●	●			
	Townhouse dwellings					●		●	6.4.13
	Multi-family dwellings		◐	●	◐	●	●	●	6.4.12
	Group homes	◐	◐	◐	◐	◐	◐	◐	6.4.17
	Lodging houses				◐	◐	●	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	◐	◐	◐	◐	◐	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	◐	◐	◐	◐	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	◐	◐	◐	◐	◐	◐	◐	6.4.30
	Post-secondary schools				◐	◐	◐	◐	6.4.31
	Residential care facilities (small)	◐	◐	◐	◐	◐	◐	◐	6.4.35
	Residential care facilities(large)	◐	◐	◐	◐	◐	◐	◐	
Comm.	Bed and breakfasts					●/◐	●/◐	●/◐	6.4.7
	Hostels					●/◐	●/◐	●/◐	6.4.18
	Market gardens	◐	◐	◐	◐	◐	◐	◐	6.4.25
	Neighborhood nonresidential reuse	◐	◐	◐	◐	◐	◐	◐	6.4.26
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	◐	◐	◐	◐	◐	◐	◐	6.4.39

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

USES ALLOWED IN ISLAND ZONES

		IR-1	IR-2	I-B	Use Standards
Residential	Single-family dwellings	●	●	●	
	Two-family dwellings	●	●	●	
	Three-family dwellings	●	●	●	
	Four-family dwellings			●	
	Multi-family dwellings			◐	6.4.12
	Lodging houses		◐	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	●	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	
	Governmental uses	●	●	●	
	Places of assembly	◐	◐	●	6.4.30
Commercial / Service	Auto service stations			◐	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	6.4.15
	General services			●	
	Greenhouse/nursery (retail)			◐	6.4.16
	Hotels			◐	6.4.19
	Neighborhood nonresidential reuse	◐	◐		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
Other	Agriculture	●			6.4.3
	Boathouses and storehouses for fishing equipment	●	●	●	
	Campgrounds	◐			6.4.8
	Cemeteries	◐	◐		
	Low-impact industrial			●	
	Marinas			●	
	Parks and open spaces	●	●	●	
	Solar energy system (minor)	●	●	●	6.4.38
	Studios for artists and craftspeople	●	●	●	
	Utility substations	◐	◐	◐	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

USES ALLOWED IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Residential	Three-family dwellings	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●		6.4.21
Institutional	Child care centers + small child care facilities	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●		
	Cultural facilities			●		●	●	
	Elementary, middle, and secondary schools	●	●	●		●	●	
	Emergency shelters			◐	◐	◐		6.4.14
	Governmental uses	●	●	●	●	●		
	Places of assembly	●	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	●	6.4.31
	Residential care facilities (small)	●	●	●	●	●	●	6.4.35
	Residential care facilities (large)		●	●	●	●	●	
Commercial / Service	Adult business establishments			●				6.4.2
	Auto, boat, and related dealerships		◐		●			6.4.5
	Auto service stations		◐		●			
	Bars		●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		●	◐	
	Funeral homes		●		●			
	General offices	●	●	●	●	●	●	6.4.15, 6.4.10
	General services	●	●	●	●	●	●	
	Greenhouse/nursery (retail)		◐		◐			
	Hostels	●		●		●		6.4.18, 6.4.10
	Hotels		●	●	●	●	●	6.4.19
	Marijuana retail store		●/◐	●	●			6.4.23
	Market gardens	●	●	●	●	●	●	6.4.25, 6.4.10
	Recreation and amusement centers				●	●		
	Registered marijuana dispensary		●/◐	●	●			6.4.23
	Restaurants	●	●	●	●	●	●	6.4.34, 6.4.10
	Retail	●	●	●	●	●	●	6.4.36, 6.4.10
	Small-scale marijuana caregiver		●	●	●			6.4.23
	Specialty food service	●	●	●	●	●	●	6.4.10
	Theaters and performance halls		●	●	●	●	●	
	Veterinary services		●		●			
Commercial/Service	Animal-related services				●			
	Communication studios		●	●	●	●	●	
	Dairies		●		●			6.4.11
	Impound lots				●			6.4.20
	Intermodal transportation facilities					●	●	
	Laboratory and research facilities		◐	◐	●	◐	◐	
	Low-impact industrial	●	●	●	●	●	●	6.4.22
	Marijuana testing facilities				●			6.4.23
	Marijuana manufacturing facilities				●			
	Marijuana cultivation facilities (<7,000 SF plant canopy)				●			
Industrial	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facilities				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution				●			6.4.40
Other	Marine uses					●	●	6.4.24
	Off-street parking			●/◐		●	◐	6.4.27
	Parks and open spaces	●	●	●	●	●	●	
	Social service centers		◐	◐	◐	◐	◐	
	Solar energy system (minor)	●	●	●	●	●	●	6.4.38
	Solar energy system (major)				◐			
	Utility substations	●	●	●	●	●	●	6.4.39
	Wind energy system (minor)		◐	◐	◐	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.5 of this Code.

ReCode PORTLAND

USE TABLES

WHAT USES ARE ALLOWED IN THE TRANSIT-ORIENTED DEVELOPMENT, OFFICE, INDUSTRIAL, AND OPEN SPACE ZONES?

USES ALLOWED IN TOD ZONES

		TOD-1	TOD-2	Use Standards
Res.	Townhouse dwellings	●	●	6.4.13
	Multi-family dwellings	●	●	6.4.12
	Live/work dwellings	●	●	
	Lodging houses	●	●	6.4.21
Institutional	Child care centers + small child care facilities	●	●	6.4.9
	Clinics	●	●	
	Cultural facilities		●	
	Elementary, middle, and secondary schools	●	●	
	Emergency shelters	◐	◐	6.4.14
	Governmental uses	●	●	
	Places of assembly	●	●	6.4.30
	Post-secondary schools		●	6.4.31
	Residential care facilities, small	●	●	6.4.35
	Residential care facilities, large	●	●	
Commercial / Service	Bars	●	●	6.4.6
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	
	Hostels		●	6.4.18
	Hotels		●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls		●	
	Veterinary services	●	●	
Indust.	Communication studios	●	●	
	Studios for artists and craftspeople	●	●	
	Low impact industrial	●	●	6.4.22
	Parks and open spaces	●	●	
Other	Solar energy system (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy system (minor)	◐	◐	6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

USES ALLOWED IN INDUSTRIAL ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Institutional	Airports				●	
	Child care centers + small child care facilities	●	●			6.4.9
	Emergency shelters	◐	◐	◐		
	Places of assembly	●				6.4.30
Commercial / Service	Bars				●	6.4.6
	General offices	●	●			6.4.15
	General services				●	
	Hotels				●	
	Market gardens	●				6.4.25
	Recreation and amusement centers	●	●			
	Restaurants				●	
	Self-storage facility		●	●		6.4.37
	Specialty food service	●	●			
	Veterinary services	●	●	●		
Industrial	Animal-related services	●	●	●		6.4.4
	Auto service station	●	●	●	●	6.4.5
	Construction & engineering services	●	●	●		
	Dairies	●	●	●		
	Food & seafood processing, packing, and distribution		●	●		
	High-impact industrial uses			●		
	Impound lots		●	●		6.4.20
	Intermodal transportation facilities	●	●	●		
	Laboratory and research facilities	●	●	●		
	Low-impact industrial	●	●	●		6.4.22
	Lumber yards	●	●	●		
	Marijuana cultivation facility (<2,000 SF plant canopy)	●	●	●		6.4.23
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	●		
	Marijuana cultivation facility (>7,000 SF plant canopy)			●		
	Marijuana manufacturing facility	●	●	●		
	Marijuana testing facility	●	●	●		
	Printing and publishing	●	●	●		
	Recycling facilities		●	●		6.4.33
	Solid waste disposal facilities		●	●		6.4.33
	Studios for artists and craftspeople	●	●			
	Warehousing and distribution facilities	●	●	●		6.4.40
	Off-street parking				●	
	Social service centers	◐	◐	◐		
	Solar energy system (minor)	●	●	●	●	6.4.38
	Solar energy system (major)		●	●	◐	
	Telecommunication towers (ground-mounted)		●	●		
	Utility substations	●	●	●		6.4.39
	Wind energy system (minor)	◐	●	●	●	6.4.41
	Wind energy system (major)		●	●	◐	

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.

USES ALLOWED IN OFFICE ZONES

		O	R-P	Use Standards
Residential	Single-family dwellings		●	
	Two-family dwellings		●	
	Three-family dwellings		●	
	Four-family dwellings		●	
	Townhouse dwellings		●	6.4.13
	Group homes		◐	6.4.17
	Multi-family dwellings		◐	6.4.12
Institutional	Child care centers + small child care facilities	●	◐	6.4.9
	Elementary, middle, and secondary schools		◐	
	Governmental uses	●	●	
	Places of assembly		◐	6.4.30
	Residential care facilities, small		◐	6.4.35
	Residential care facilities, large		◐	
Comm.	Funeral homes		●	
	General offices	●	●	
	Neighborhood nonresidential reuse		◐	6.4.26
	Office parks	●		6.4.28
	Specialty food service		●	
Indust.	Laboratory and research facilities	●		
	Printing and publishing	●		6.4.32
	Studios for artists and craftspeople		●	
Other	Cemeteries		●	
	Parks and open space	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations		●	6.4.39
	Wind energy system (minor)	◐		6.4.41

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

USES ALLOWED IN OPEN SPACE ZONES

		OS-R[1]	OS-P	Use Standards
Other	Cemeteries	●		
	Cultural facilities	◐		
	Marinas	●		
	Parks and open space	●	●	6.4.29
	Solar energy system (minor)	◐		6.4.38, 6.5.6
	Solar energy system (major)	◐		
	Sports complexes	◐		6.5.6
	Stadiums	◐		6.5.6
	Utility substations	●/◐		6.4.39, 6.5.6
	Wharves, piers, docks, and landing ramps	●	◐	
	Wind energy system (minor)	◐		6.4.41, 6.5.6

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

ReCode PORTLAND

DIMENSIONAL STANDARDS (ARTICLE 7)

What it does: Establishes dimensional standards for all of the base zones in the land use code, setting standards for things like minimum required lot area, setbacks, building heights, and landscaped open space.

PROPOSED CHANGES:

1 FLEXIBLE RESIDENTIAL ZONE STANDARDS

Minimum lot sizes for the residential zones have been either maintained or reduced from the current standards, to better reflect the built pattern of the city, and to provide flexibility for new residential uses. The residential zones also now contain clear context-based standards for things like setbacks, to provide more flexibility for new infill development that blends with its surroundings.

2 ALTERNATIVE RESIDENTIAL OPTIONS

Alternative residential development options have been added, to allow for new forms of development such as conservation development, or cottage court development. These new development forms are allowed in certain districts, subject to alternative dimensional standards included in Article 7.

3 NEW MIXED-USE AND TOD OPTIONS

Dimensional standards have been overhauled within mixed-use zones to allow more flexibility, and to build in potential for new development in key areas within the city. Residential density standards have been eliminated from the mixed-use zones, and the dimensional standards have been adjusted to allow for greater height, especially at key commercial nodes and within Downtown.

4 ADJUSTED ISLAND ZONE STANDARDS

Dimensional standards have been updated to better reflect conditions on Portland's islands. These adjustments are intended to provide greater flexibility for both existing development and for new residential development in key areas. "Small island lot" provisions acknowledge those parts of Peaks Island that were originally developed with much smaller lots than the current standards allow, and will bring many island lots into conformance with the code, encouraging continued investment in these unique residential areas of the city.

5 MODERNIZED INDUSTRIAL CONTROLS

Dimensional standards for the industrial zones are now more flexible, accommodating modern forms of industrial development, while effectively mitigating potential impacts on neighboring zones. Flexibilities include elimination of "sliding scale" setback requirements, for example, instead requiring straightforward setbacks from applicable lot lines.

6 NEW CONTROLS AND APPROACHES

ReCode has incorporated some new, modern dimensional standards into the land use code, like controls on blank wall area (adding interest to the pedestrian environment), inclusion of build-to zones to reinforce walkability and a consistent street wall, and controls that address building length to encourage mid-block permeability.

7 CLARIFICATION OF CURRENT CONTROLS

Lot lines are now clearly defined, with rules of interpretation for identifying front, rear, side, and corner side to ease administration of the standards. Other clarifications include calculation of average grade, setback averaging, and clear differentiation between the terms "setback" and "yard" within the language of the code.

8 SIMPLIFIED HEIGHT MAP APPROACH

The current series of height maps, addressing heights for the B-3, B-7, and B-6 have been consolidated into a single map, the "City of Portland Height Map," which contains height controls for all of these areas in a much simpler, legible and coordinated format.

ReCode PORTLAND

DIMENSIONAL TABLES

WHAT ARE THE DIMENSIONAL STANDARDS FOR THE RESIDENTIAL, ISLAND, AND MIXED-USE ZONES?

RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Lot area (min.)	**Single-family**	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Two-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Three-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Four-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Townhouse	--	--	--	--	1,500 SF/unit	--	1,200 SF/unit
	Multi-family	--	1,200 SF/unit	1,200SF/unit	1,200 SF/unit	725 SF/unit	1,200 SF/unit, minimum of 40,000 SF	435 SF/unit
	Nonresidential	10,000 SF	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF
Street frontage (min.)		50 ft.	40 ft.	40 ft.	40 ft.	20 ft., except 15 ft./unit for townhouse	50 ft.	20 ft., except 15 ft./unit for townhouse
	Front setback (min.)	20 ft. or the average of adjacent front yards	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.	25 ft.	--
Rear setback (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	25 ft.	25 ft.	20 ft.	20 ft.	10 ft.	25 ft.	5 ft.
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (>250 SF footprint)	12 ft.	8 ft.	8 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 16 ft.	7 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 14 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.	25 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft.
	Detached accessory structures (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
	Side setback, corner (min.)	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	--	25 ft.	--
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map or the Fort Sumner Park Height Overlay)		35 ft.	35 ft.	35 ft.	35 ft.	35 ft., except 45 ft. for buildings with 3 or more dwelling units	55 ft.	65 ft.
Detached accessory structure height (max.)		18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Height stepback (min.) (Above 35 ft. unless otherwise indicated)		--	--	--	--	Interior Side: 10 ft. Rear: 15 ft.	--	Building heights above 45 ft.: Front: 5 ft. Interior Side: 10ft. Rear: 15 ft.
Building length (max.) (Multi-family + Nonresidential uses)		--	--	--	--	60 ft.	180 ft.	--
Lot coverage (max.)	**Residential uses**	60%	60%	60%	60%	60%	60%	100%
	Nonresidential uses	25%	35%	50%	50%	60%	50%	100%
Landscaped open space ratio (min.)	**Residential uses**	30%	30%	30%	30%	30%	30%	--
	Nonresidential uses	65%	50%	30%	30%	20%	30%	--
Width of garage opening on front façade (max.)		--	--	--	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.

ISLAND ZONE DIMENSIONAL STANDARDS

		IR-1	IR-2	I-B Served by Public Water & Sewer	I-B Not Served by Public Water & Sewer
Lot area (min.)	**Single-family**	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Two-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Three-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 3,000 SF if a small island lot per subsection 7.6.3	5,000 SF	20,000 SF
	Four-family	--	--	5,000 SF	20,000 SF
	Multi-family	--	--	1,200 SF/unit	5,000 SF/unit
	Nonresidential	40,000 SF	20,000 SF	None	20,000 SF
Street frontage (min.)		100 ft.	50 ft., except 30 ft. if a small island lot per subsection 7.6.3	40 ft.	40 ft.
Front setback (min.)		20 ft.	20 ft. or the average of adjacent front yards, whichever is less	Average of adjacent front yards - 5 ft.	Average of adjacent front yards - 5 ft.
Rear setback (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	30 ft.	25 ft., except 10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
Side setback, interior (min.)	**Principal structures and detached accessory structures** (<250 SF footprint)	20 ft.	12 ft., except 5 ft. if a small island lot per subsection 7.6.3 Small island lots may reduce one side setback to no less than 3 ft. provided that the cumulative side yards are not less than 10 ft.	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per subsection 7.6.3	5 ft.	5 ft.
	Side setback, corner (min.)	20 ft.	12 ft., except 10 ft. if a small island lot per subsection 7.6.3	10 ft.	10 ft.
	Structure height (max.)	35 ft.	35 ft. Little Diamond Island: 27 ft.	35 ft.	35 ft.
Detached accessory structure height (max.)		18 ft.	18 ft.	18 ft.	18 ft.
Lot coverage (max.)	**Residential uses**	60%	60%	60%	60%
	Nonresidential uses	20%	20%	50%	50%
Landscaped open space ratio (min.)	**Residential uses**	30%	30%	30%	30%
	Nonresidential uses	70%	70%	35%	45%

MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6[1]
Lot area (min.)	--	--	--	10,000 SF	--	--
Street frontage (min.)	20 ft.	--	--	60 ft.	--	--
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	5,000 SF	--	--	--	--	--
Build-to zone	0–5 ft.	0–10 ft.	0-5 ft.	0-20 ft.	0-10 ft.	0-10 ft.
Build-to percentage (min.)	100%	100%	100%	50%	80%	80%
Building length as a percentage of street frontage (min.)	--	B-2: None B-2b: Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	--	60%	70%
Blank wall area (max.)	20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.
Rear setback (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	--	None, except 20 ft. if abutting a lot in a residential zone	--	--
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	--	None, except 10 ft. if abutting a lot in a residential zone	--	--
Structure height (max.)	50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. for any portion of a structure within 25 ft. of RN-1, RN-2, RN-3, or RN-4 zone	See City of Portland Height Map	65 ft.	65 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Height stepback (min.) (Above 35 ft. when abutting a lot in an RN-1, RN-2, or RN-3, or RN-4 zone)	Side: 10 ft. Rear: 15 ft.	Building heights above 45' Side: 5 ft. Rear: 25 ft.	See City of Portland Height Map, and Tower Rules in Section 7.5.3	--	--	--
Landscaped open space ratio (min.)	--	B-2: 10% B-2b: None	--	20%	--	--

[1] In the case of a conflict with the B-6 Building Height and Building Envelopes Map, the map shall control.

ReCode PORTLAND

DIMENSIONAL TABLES

WHAT ARE THE DIMENSIONAL STANDARDS FOR THE TRANSIT-ORIENTED DEVELOPMENT, OFFICE, INDUSTRIAL, AND OPEN SPACE ZONES?

TOD ZONE DIMENSIONAL STANDARDS

	TOD-1	TOD-2
Lot area (min.)	--	--
Street frontage (min.)	--	--
Build-to zone	0-10 ft.	0-5 ft.
Build-to percentage (min.)	100%	100%
Building length as a percentage of street frontage (min.)	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	80%
Blank wall area (max.)	20 ft.	20 ft.
Rear setback (min.)	None, except 20 ft. if abutting a lot in a residential zone	None, except 20 ft. if abutting a lot in a residential zone
Side setback, interior (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone
Structure height (min./max.) (Unless otherwise governed by the City of Portland Height Map)	Max. 80 ft.	Min. 35 ft. Max. 125 ft.
Height stepback (min.) (Above 45 ft. when abutting a lot in an RN-1, RN-2, RN-3, or RN-4 zone)	Side: 15 ft. Rear: 25 ft.	Front: 15 ft. Side: 15 ft. Rear: 25 ft.
Building length (max.) (Multi-family + Nonresidential uses)	100 ft.	100 ft.
Landscaped open space ratio (min.)	10%	--

INDUSTRIAL ZONE DIMENSIONAL STANDARDS

	I-L	I-Lb	I-M	I-Mb	I-H	A-B
Lot area (min.)	--	--	--	--	--	20,000 SF
Street frontage (min.)	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Setback from street (min.)	15 ft.	--	15 ft.	--	25 ft.	None, except 20' if property has frontage on Westbrook St.
Rear setback (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 50 ft. if abutting residential zone[1]
Side setback, interior (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 25 ft. if abutting residential zone
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft., except 45 ft. within 100 ft. of a residential zone
Landscaped open space ratio (min.)	35%	--	15%	--	15%	--

[1] No structure may extend beyond the building line established for any runway or taxiway. If provided, rear and side yards must not be less than 5 ft. in width.

OFFICE ZONE DIMENSIONAL STANDARDS

		O	R-P
Lot area (min.)	**Single-family**	--	6,000 SF
	Two-family	--	6,000 SF
	Three-family	--	6,000 SF
	Four-family	--	6,000 SF
	Townhouse	--	3,000 SF/unit
	Multi-family	--	1,200 SF/unit
	Nonresidential	10,000 SF, except 3 ac. for an office park	6,000 SF
Street frontage (min.)		40 ft., except 100 ft. for an office park	40 ft.
Gross floor area (max.) (Nonresidential uses)		--	5,000 SF
Front setback (min.)		15 ft., except 50 ft. for an office park	Average of adjacent front yards - 5 ft.
Rear setback (min.)		20 ft., except 50 ft. for an office park	20 ft.
Side setback, interior (min.)		15 ft., except 25 ft. for an office park, or 40 ft. where an office park abuts a residential zone	10 ft., except that a side setback may be reduced to not less than 5' provided that the cumulative side yards are not less than 20 ft.
Side setback, corner (min.)		15 ft., except 50 ft. for an office park	10 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)		45 ft., except 55 ft. for an office park, or 75 ft., including rooftop appurtenances, on lots within office parks which are greater than 50 ac. if each minimum setback is increased by 1 ft. for each 1 ft. of height above 55 ft.	45 ft.
Lot coverage (max.)		60%	60%
Landscaped open space ratio (min.)		30%, except 40% for an office park	20%

OPEN SPACE ZONE DIMENSIONAL STANDARDS

TABLE 7-G: OPEN SPACE ZONE DIMENSIONAL STANDARDS

	OS-R[1]	OS-P
Lot area (min.)	--	20,000 SF
Front setback (min.)	20 ft.	25 ft.
Rear setback (min.)	20 ft., except none if abutting a parcel in the OS-R or OS-P zone	50 ft.
Side setback, interior (min.)	10 ft., except none if abutting a parcel in the OS-R or OS-P zone	10 ft.
Side setback, corner (min.)	10 ft.	20 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	45 ft.	35 ft.
Lot coverage (max.)	25%	10%
Landscaped open space ratio (min.)	75%, except 25% for sports complexes and stadiums, and none for sewage treatment facilities	90%

[1] Public open spaces less than 2 ac. and on the peninsula are not required to meet the OS-R dimensional standards.

ReCode PORTLAND

DIMENSIONAL STANDARDS

WHAT CAN THE UPDATED DIMENSIONAL STANDARDS DO FOR SOME POTENTIAL DEVELOPMENT SITES IN PORTLAND?

B-2 (CURRENT) VS. TOD-1 (PROPOSED)

UNION STATION PLAZA / CONGRESS @ ST. JOHN



CURRENT CONDITIONS



POSSIBLE B-2 BUILD-OUT



POSSIBLE TOD-1 BUILD-OUT

The Union Station Plaza site is re-imagined here with a series of mixed-use buildings meeting the proposed TOD-1 zone standards. Additionally, an infill opportunity across Congress Street is imagined with a new mixed-use building, and the existing structure to the west is imagined with a vertical addition, reinforcing the urban character of Congress street heading into Downtown Portland.

As opposed to the current B-2 zoning, which would allow up to 50 feet in height with a commercial first floor (shown in the potential B-2 build-out to the left), the TOD-1 zone would allow for up to 80 feet in height, creating the opportunity for dense residential and commercial mixed-use development at key investment sites like this one, within proximity of transit, and building upon the walkable, multi-modal character of the Congress Street corridor.

B-2 (CURRENT) VS. B-2 (PROPOSED)

ALLEN'S CORNER / ALLEN @ WASHINGTON



CURRENT CONDITIONS



POSSIBLE B-2 BUILD-OUT (CURRENT CODE)



POSSIBLE B-2 BUILD-OUT (RECODE)

The intersection of Washington Avenue and Allen Avenue is re-imagined here with a new, mixed-use building. The current B-2 standards would allow up to 50 feet in height at this corner with a commercial ground floor (as shown to the left).

The ReCode proposal contains similar setback standards, but would open up opportunities for greater density in off-peninsula areas like this by allowing for up to 65 feet in height, which could accommodate more housing units above a commercial ground floor, or could take the form of a multi-family structure with no commercial ground floor.

The proposed B-2 zone contains required stepbacks from side and rear lot lines for those portions of a building exceeding 45 feet, and an overall height limitation of 50 feet for all portions of a structure in close proximity to an RN-1 through RN-4 zone.

R-3 (Current) VS. RN-4 (Proposed)

READ STREET INFILL OPPORTUNITY



CURRENT CONDITIONS



POSSIBLE R-3 BUILD-OUT (CURRENT CODE)



POSSIBLE RN-4 BUILD-OUT (RECODE)

The images to the left show an infill opportunity site, currently zoned R-3 at 24 Read Street. The lot is approximately 50 feet wide at the street frontage, and 100 feet in depth, as are surrounding lots. This gives the lot a total area of 5,250 square feet, well short of the 6,500 square feet that the R-3 currently requires.

It is reimagined here rezoned to RN-4, which requires 5,000 square feet of lot area, and would make this lot once again conforming. Additionally, the RN-4 is more flexible in terms of the setbacks required, allowing for front setback averaging, a reduction in the rear setback, and a side setback of 7 feet (which can be reduced if the other setback is correspondingly increased). This allows for a 2.5 story dwelling consistent with the pattern along Read Street, as opposed to the current R-3 standards, which would limit the dwelling to 1.5 stories, as additional height currently requires a greater setback (16 feet for a 2.5 story dwelling, which would effectively reduce the buildable width on this 50 foot lot to 18 feet, making a taller dwelling infeasible).

ReCode PORTLAND

SHORELAND, FLOODPLAIN, and WATERFRONT

ARTICLES #10 #11, and #12

The shoreland, floodplain, and waterfront zones have distinct purposes, but together play a critical role in supporting our waterfront economy, preserving the City's water resources, and protecting properties from coastal and inland flooding.



ARTICLE 10
WATERFRONT

What it does: Balances water-dependent and non-marine uses and the potential for growth in a way that allows the waterfront to adapt to evolving economic trends and infrastructure needs.

PROPOSED CHANGES:

1 MODIFIED USES

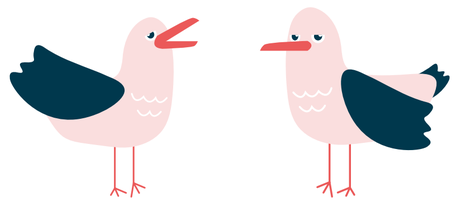
Updated use permissions in the Eastern Waterfront Port Zone to support evolving and emerging uses.

2 RESTRUCTURED FOR CONSISTENCY

Clarified use provisions and moved relevant performance standards in the Waterfront Port Development Zone to the Design Manual.

3 UPDATED LANGUAGE

Revised Waterfront Central Zone to eliminate references to clarify geographies, integrate definitions, and update accessory uses.





ARTICLE 11
SHORELAND

What it does: Establishes requirements around the placement of structures, clearing of vegetation, and planting in areas close to water resources, as required by the State of Maine.

PROPOSED CHANGES:

1 INTEGRATED RESOURCE + STREAM PROTECTION

Moved resource protection and stream protection requirements to the shoreland zoning article.

2 CONSOLIDATED NONCONFORMITIES

Updated nonconformity language for consistency with the state, and consolidated all nonconformity provisions.

3 UPDATED SHORELAND STANDARDS

Updated standards for consistency with state guidance regarding shoreline stabilization, vegetation removal, etc.



ARTICLE 12
FLOODPLAIN

What it does: Regulates the placement of structures and uses within the floodplain, as required by FEMA and the State of Maine.

NO CHANGES PROPOSED

In concert with recent changes to the FEMA Flood Insurance Rate Maps, the Council adopted amendments to the floodplain regulations in May of 2024.

ReCode PORTLAND

COASTAL FLOOD RESILIENCE OVERLAY ZONE

The draft Coastal Flood Resilience Overlay Zone is a response to a future of increased coastal flooding as projected in One Climate Future, the city's climate action plan.

WHAT IS OUR EXISTING SYSTEM FOR MANAGING FLOOD RISK?



Today, the City of Portland, like other communities across the country, largely handles flood risk by participating in the National Flood Insurance Program. In partnership with FEMA, the city adopts floodplain regulations that require the elevation of certain uses within flood-prone areas as modeled by FEMA. While this system is effective in many ways, it does not take into account future sea level rise.

Current FEMA Floodplain

- 100yr + wave action
- 100yr flood zone



Following the adoption of *One Climate Future*, the City worked with the Army Corps of Engineers to model coastal flooding under a scenario of 3.9 feet of sea level rise by 2100.

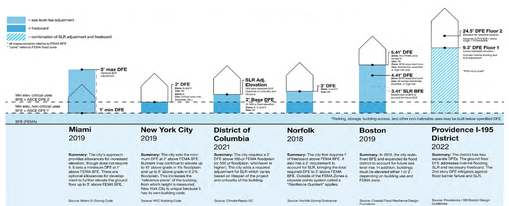
Hydrodynamic Model

Flood Depth (ft)

9.5

0

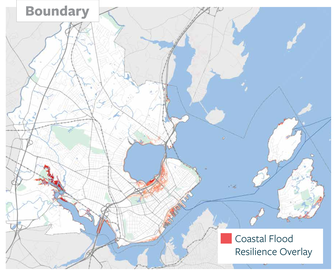
HOW ARE OTHER CITIES HANDLING FLOOD RISK?



Other communities across the country are beginning to integrate resilience within their zoning frameworks. Most of these communities are taking cues from floodplain regulations and addressing increasing storms and sea level rise by managing the ground floor elevations of new buildings.

HOW WOULD THE COASTAL FLOOD RESILIENCE OVERLAY WORK IN PORTLAND?

Boundary



The proposed Coastal Flood Resilience Overlay Zone (CFROZ) boundary is based on sea level rise modeling completed by the City with the help of the Army Corps of Engineers. It would extend beyond the reach of the City's existing floodplain management regulations to help protect areas that are vulnerable to flooding due to sea level rise.

Projects



New construction

Additions >1,000 SF

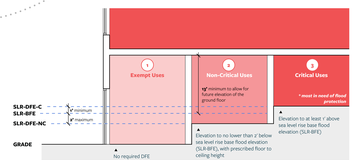
Changes of use

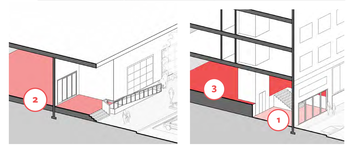
Substantial improvement > 50,000 SF

The requirements of the CFROZ would apply to most new construction, changes of use, and substantial improvements, depending on the use involved. This tiered, use-based system differentiates projects according to their vulnerability and broader impacts to the city, balancing the need to protect the most vulnerable uses in the city while allowing some flexibility for less vulnerable ones.

Use categories

1. **Exempt uses** Marine, parking, storage
2. **Non-critical uses** Retail, restaurants, office + other commercial
3. **Critical uses** Residential, hotels, schools, government





Exempt uses, including certain industrial uses, parking, and spaces required to circulate form grade to upper levels, would be allowed at grade in projects within the CFROZ. Non-critical uses would be required to have a finished floor elevation within 2 ft. of the Sea Level Rise-Base Flood Elevation (SLR-BFE) and include enough floor to floor height to allow for future adaptation. Critical uses, or those uses that are most vulnerable, including residential uses and shelters, medical services, schools and daycare, would be required to be 1 ft. above the SLR-BFE.

ReCode PORTLAND

SITE PLAN, SUBDIVISION, and IMPACT FEES

ARTICLES #13 #14, and #15



ARTICLE 13
SITE PLAN

What it does: Compiles transportation, environmental, landscaping, infrastructure, and design review standards for site plan applications.

PROPOSED CHANGES:

1. **SIMPLIFIED REVIEW PROCESS** … by increasing thresholds for review, eliminating the master development plan option, extending expiration dates, and clarifying thresholds for amendments.
2. **INTEGRATED MULTI-MODAL GOALS** … into reviews by expanding transportation impact standards, encouraging shared circulation and access, adding flexibility to public transit access standards, and aligning parking standards with new parking maximums in Article 18.
3. **EMBEDDED CLIMATE RESILIENCE** … by integrating low-impact development principles, tying landscaping and hardscaping standards more directly to heat island impacts, and establishing standards for cool roofs.
4. **SIMPLIFIED KEY STANDARDS** …such as the street tree requirements, and reorganize standards to correspond with work on the City of Portland *Design Manual* and *Technical Manual.*



ARTICLE 14
SUBDIVISION

What it does: Sets review standards for the division of three or more lots to ensure adequate infrastructure & consistent development among lots.

PROPOSED CHANGES:

1. **INTEGRATED RESILIENCE MEASURES** … by incorporating low-impact development, stormwater, and climate resilience standards into subdivision review.
2. **REINFORCED STREET CONNECTIVITY** …by eliminating standards related to through traffic and street connections.



ARTICLE 15
IMPACT FEES

What it does: Establishes a schedule for proportional fees that correspond to the impact to existing and anticipated infrastructure.

PROPOSED CHANGE:

1. **UPDATED FEE MODIFICATION PROCESS** …to allow modifications by the Planning Authority for projects reviewed by the Planning Board.

ReCode PORTLAND

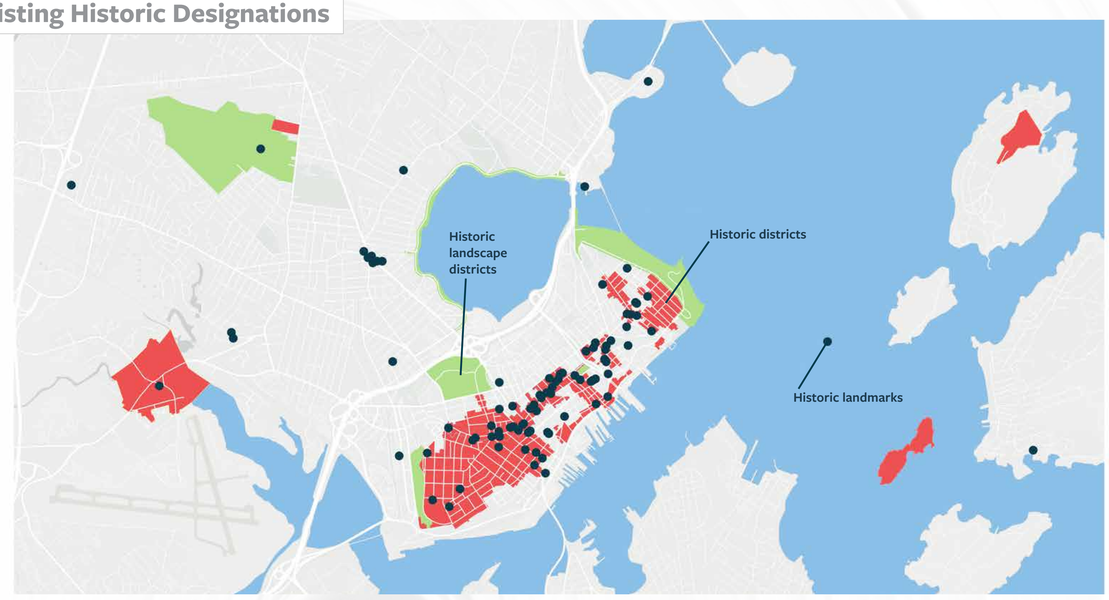
HISTORIC PRESERVATION (ARTICLE 16)

What it does: The Historic Preservation article outlines the process for designating historic properties and the standards for review of associated projects. ReCode's goal is to improve usability by consolidating related sections, clarifying procedures, and simplifying language.

PROPOSED CHANGES TO THE DESIGNATION PROCESS

1. Clarified the basis for and classifications of contributing properties (landmarks, historic districts, historic landscape districts).
2. Clarified the designation process and how amendments to designations are made.
3. Clarified protections for properties on or eligible for the National Register of Historic Places.
4. Reorganized provisions to improve understanding and ease of use.

Existing Historic Designations



PROPOSED CHANGES TO PROJECT REVIEWS

1. Established clear thresholds for administrative Historic Preservation Board review.
2. Exempted projects that advance City goals (e.g., roof-mounted solar, public art).
3. Consolidated and clarified language related to the review process.
4. Extended duration of approvals to provide greater flexibility

HP review *Current*

The Planning Authority shall determine whether the scope, nature, or scale of the proposed project requires review by the Historic Preservation Board or whether it is a minor or routine project that is appropriately reviewed at the administrative level.

HP review *Draft*

	Administrative	Historic Preservation Board
New construction + additions	<500 SF	>500 SF
Alterations	Small + routine changes Changes affecting: • <25% of a historic structure facade • <40% of facade of other structures	Changes affecting: • >25% of a historic structure facade • >40% of facade of other structures
Site alterations + signs	All	

ReCode PORTLAND

HOUSING (ARTICLE 17)

What it does: Incentivizes and requires affordable housing, creates the housing trust fund, and establishes regulations for housing replacement.

PROPOSED CHANGES:

1. **CONSOLIDATED INCENTIVES**
   Reorganized language to place all affordable housing incentives together, and clarify their relationships.

2. **UPDATED BONUSES**
   Updated dimensional bonuses for affordable housing for consistency with new definitions.

3. **UPDATED WORKFORCE PROVISIONS**
   Simplified the review process, clarified in cases of phased projects, strengthened unit requirements, and clarified long-term monitoring, and the applicability of affordable housing bonuses.

ReCode PORTLAND

PARKING (ARTICLE 18)

What it does: Establishes standards relating to the amount of parking required, where parking can be located, and loading standards for uses within the Land Use Code.

PROPOSED CHANGES:

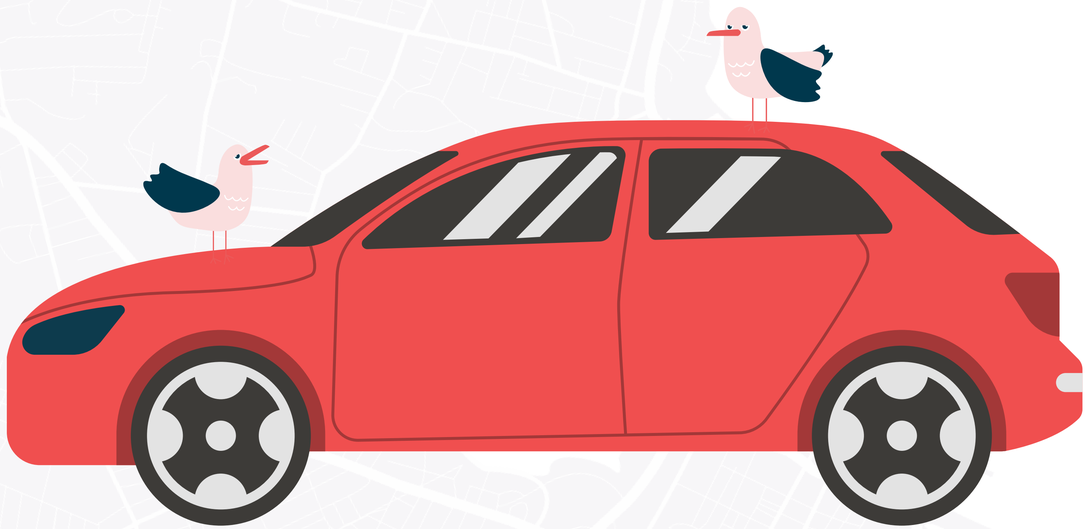
1 PARKING MINIMUMS ELIMINATED

Removed required parking minimums, to help increase the production of housing, make middle-density housing and mixed-use development easier to build, and contribute to the creation of improved pedestrian and multi-modal environments within Portland, among other benefits.

A Transportation Demand Management (TDM) Plan would still be required for certain development and uses, including commercial, institutional, or mixed-use developments of 50,000 square feet or more, and uses designed to accommodate 100 or more employees or students.

2 PARKING MAXIMUMS ADDED

Parking maximums have been added to help avoid too much parking, minimize stormwater and climate impacts of parking lots, and support the City's multi-modal transportation efforts.



3 BICYCLE PARKING EXPANDED

Minimum bicycle parking requirements have been expanded, aligned with the new use structure of Article 6, to encourage provision of adequate bicycle parking in alignment with the goals for multi-modal transportation.

4 SHARED / PUBLIC USE INCENTIVES

The code provides a mechanism for uses to exceed established parking maximums in cases where a percentage of the spaces provided are available for public use. This promotes efficient use of parking resources, and helps to ensure that where maximums are exceeded, a public amenity is provided.

5 LOCATION + DESIGN REQUIREMENTS

Regulations regarding the location and design of parking aim to minimize the impact of parking on the surrounding urban environment, and encourage pedestrian-friendly development.

6 MODERNIZED LOADING STANDARDS

Requirements for retail and industrial uses have been decoupled, as they have differing demands and thresholds for off-street loading spaces. Thresholds for these requirements have been adjusted, and in no case are more than three spaces now required by the code. Further, existing structures that don't meet the standards are now allowed to expand in some cases without providing additional spaces.

ReCode PORTLAND

SIGNS (ARTICLE 19)

What it does: Establishes standards for the construction, installation, and illumination of signs, with the goal of ensuring that signs are compatible with goals for the built environment.

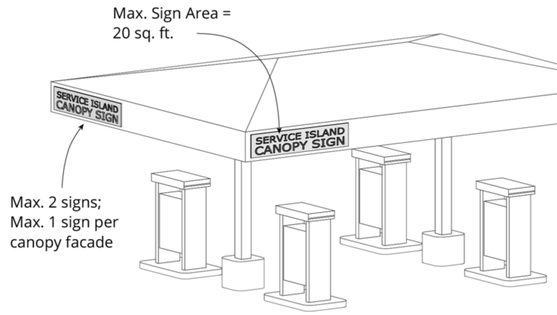
PROPOSED CHANGES:

1 CLARIFIED CONFLICTING STANDARDS

Revised confusing standards for building-mounted and freestanding signs.

2 UPDATED STANDARDS

Modified sign area and quantity standards to reflect experience.

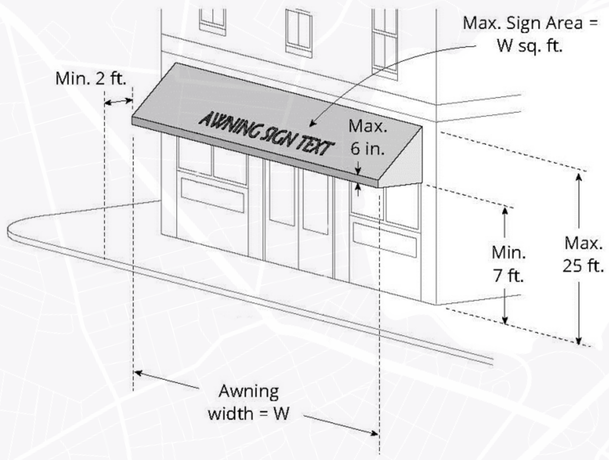


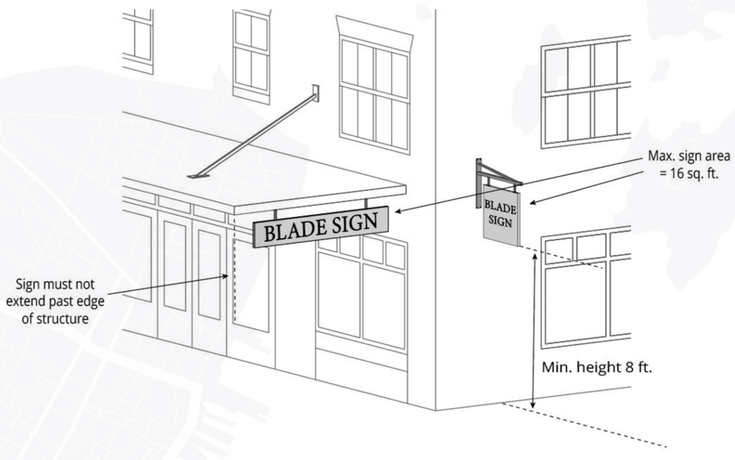
3 UPDATED TEMPORARY SIGNS

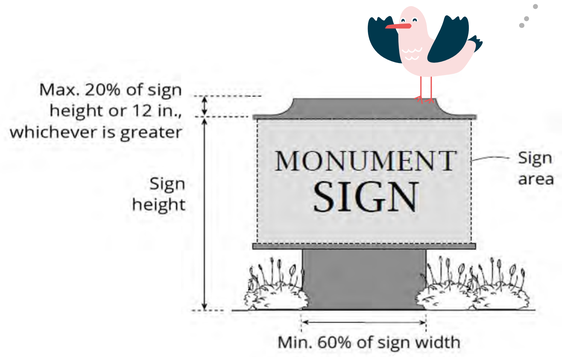
Revised temporary sign standards to limit total area and duration for construction signs.

4 REVISED RESIDENTIAL STANDARDS

Revised residential sign standards to eliminate provisions for off-premise signs.







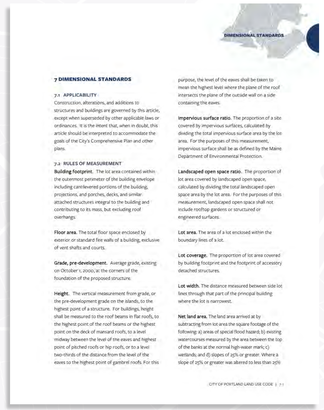
ReCode PORTLAND

A REORGANIZED, MODERNIZED LAND USE CODE FOR PORTLAND

1 ILLUSTRATIONS + MATRICES ADDED

Numerous illustrations have been added to help explain complex concepts and clarify terms.

Wherever possible, information is organized into easy-to-ready tables, with the intent of allowing all users to easily find what they're looking for, and to better understand what the code requires.


DIMENSIONAL STANDARDS

7 DIMENSIONAL STANDARDS

7.1 **APPLICABILITY**
Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

7.2 **RULES OF MEASUREMENT**
Building footprint. The lot area contained within the outermost perimeter of the building envelope including cantilevered portions of the building, projections, and porches, decks, and similar attached structures integral to the building and contributing to its mass, but excluding roof overhangs.

Floor area. The total floor space enclosed by exterior or standard fire walls of a building, exclusive of vent shafts and courts.

Grade, pre-development. Average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

Height. The vertical measurement from grade, or the pre-development grade on the islands, to the highest point of a structure. For buildings, height shall be measured to the roof beams in flat roofs, to the highest point of the roof beams or the highest point on the deck of mansard roofs, to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Impervious surface ratio. The proportion of a site covered by impervious surfaces, calculated by dividing the total impervious surface area by the lot area. For the purposes of this measurement, impervious surfaces shall be as defined by the Maine Department of Environmental Protection.

Landscaped open space ratio. The proportion of lot area covered by landscaped open space, calculated by dividing the total landscaped open space area by the lot area. For the purposes of this measurement, landscaped open space shall not include rooftop gardens or structured or engineered surfaces.

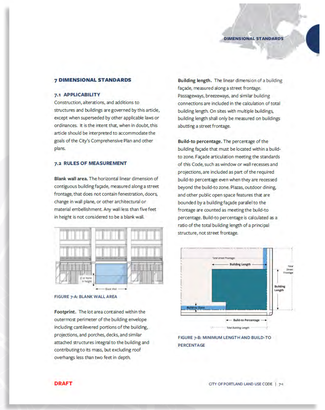
Lot area. The area of a lot enclosed within the boundary lines of a lot.

Lot coverage. The proportion of lot area covered by building footprint and the footprint of accessory detached structures.

Lot width. The distance measured between side lot lines through that part of the principal building where the lot is narrowest.

Net land area. The land area arrived at by subtracting from lot area the square footage of the following: a) areas of special flood hazard, b) existing watercourses measured by the area between the top of the banks at the normal high-water mark; c) wetlands; and d) slopes of 25% or greater. Where a slope of 25% or greater was altered to less than 25%

CURRENT CODE


DIMENSIONAL STANDARDS

7 DIMENSIONAL STANDARDS

7.1 **APPLICABILITY**
Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

7.2 **RULES OF MEASUREMENT**
Blank wall area. The horizontal linear dimension of contiguous building façade, measured along a street frontage, that does not contain fenestration, doors, change in wall plane, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

FIGURE 7-A: BLANK WALL AREA

Footprint. The lot area contained within the outermost perimeter of the building envelope including cantilevered portions of the building, projections, and porches, decks, and similar attached structures integral to the building and contributing to its mass, but excluding roof overhangs less than two feet in depth.

Building length. The linear dimension of a building façade, measured along a street frontage. Passageways, breezeways, and similar building connections are included in the calculation of total building length. On sites with multiple buildings, building length shall only be measured on buildings abutting a street frontage.

Build-to percentage. The percentage of the building façade that must be located within a build-to zone. Façade articulation meeting the standards of this Code, such as window or wall recesses and projections, are included as part of the required build-to percentage even when they are recessed beyond the build-to zone. Plazas, outdoor dining, and other public open space features that are bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated as a ratio of the total building length of a principal structure, not street frontage.

FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

DRAFT CODE

2 DEFINITIONS CLARIFIED + CONSOLIDATED

Numerous new definitions have been added to the code, and many existing definitions have been reworked to make them simpler to understand and administer. All definitions are now found in Article 3, as opposed to within separate articles of the code.

3 NEW MEASUREMENT METHODOLOGIES

The measurement methodologies within the code have been expanded, to include concepts like blank wall measurements and build-to zones and percentages, among others. In addition to the new concepts, existing measurement methodologies have also been updated and/or simplified. This section of the code also includes numerous illustrations to help explain the concepts and streamline administration.

Build-to Zone (BTZ). The area on a lot, measured perpendicular to the front and/or corner side lot line, where all or a portion of the applicable façade of a structure must be located, measured as minimum and maximum range from the lot line. Placement of a building at a build-to zone must not violate corner clearance requirements.

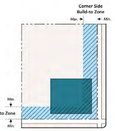


FIGURE 7-C: BUILD-TO ZONE



FIGURE 7-E: BUILDING HEIGHT MEASUREMENT

Yard, rear. A yard along the rear lot line, extending between side lot lines or a side lot line and a corner side yard, measured between the rear lot line and a principal structure.

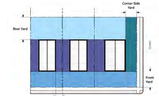


FIGURE 7-F: YARDS

Setback. The required minimum distance a structure shall be located from a lot line, which is open, unoccupied and unobstructed except as otherwise permitted in this code of ordinances. A setback is located along the applicable lot line for the minimum depth specified by the zone in which such lot is located, and may be equal to or lesser than a yard. Setbacks do not apply to fences, retaining walls, raised garden beds and other similar structures.

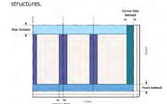


FIGURE 7-G: SETBACKS

EXAMPLES OF NEW ILLUSTRATIONS + MEASUREMENT METHODOLOGIES IN THE CODE

4 STREAMLINED + SIMPLIFIED CONTROLS

Many sections of the code have been streamlined and simplified to make them easier to understand and administer. For instance, the Downtown Entertainment Overlay Zone has been eliminated - the intent of the overlay has been transitioned into a series of use standards for entertainment businesses that are easier to understand, and do not require administration of a discrete overlay zone.

The tables in Articles 6 and 7 of the code have also been significantly simplified. As an example, the dimensional standards tables have been shortened (no longer addressing a full spectrum of independent uses), and the footnotes have been almost entirely eliminated in favor of expanded, clear use standards that are referenced within the tables.

TABLE 7-E: MIXED-USE ZONE DIMENSIONAL STANDARDS

		B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c	B-4	B-5/B-5b	B-6	B-7
Lot area (min.)	School	20,000 SF			10,000 SF			
	Place of assembly	10,000 SF						
Lot area per dwelling unit (min.)	On-peninsula	435 SF	435 SF					
	Off-peninsula	1,000 SF	1,000 SF, except 435 SF if active street frontage[1]					
Lot area per rooming unit (min.)	On-peninsula	150 SF	150 SF					
	Off-peninsula	350 SF	350 SF					
Street frontage (min.)		20 ft.	20 ft.	15 ft.	60 ft.			
Front setback (front 40 street frontage) (max.)		10 ft., or the average front yard depth of nearest developed lots if > 10 ft	10 ft.	5 ft.	40 ft.	None, except 10 ft. in B-5b	10 ft.[2]	10 ft.
Rear setback (min.)	Principal	None, except 10 ft. if abutting a residential zone	10 ft.		20 ft.			
	Accessory	None, except 5 ft. if abutting a residential zone	5 ft.		7 ft.			
Side setback (min.)	Principal	None	None		10 ft.			
	Accessory	None, except 5 ft. if abutting residential zone	5 ft.		5 ft.			
Stepbacks (above 35 ft. when property line abuts a residential zone) (min.)		Side: 10 ft. Rear: 15 ft.	Side: 5 ft. Rear: 15 ft.					
Length of building wall at maximum setback (max.)						70% of street frontage or 75% of building perimeter[3]		75% of street frontage or 75% of building perimeter[3]
Length of unidifferentiated blank wall along publicly accessible way (max.)				30 ft., except 75 ft. within PAD Overlay				
Floor area	Non-residential uses on first floor: 10,000 SF total[4]	Laboratory and research facilities, warehousing: 20,000 SF	None, except 15,000 SF for each floor above 164 ft.				Laboratory and research facilities and warehousing: 150% of footprint Exhibition and meeting halls: 20,000 SF	
	Restaurants (public area): 2,000 SF							
	Cinema: 3,000 SF							
Structure height (max.)	On Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above[5]	45 ft., except 65 ft. if first floor is a commercial use, 65 ft. in B-2 and B-2c on lots >5, ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft., or as otherwise governed by the Bayside Height Overlay Map	See Downtown and Bayside Height Overlay Maps	65 ft.	65 ft., except in B-5b along Mt. Joy/Commercial St., south of Danforth St. and 100 ft. in Thompson's Point[6]	65 ft. or as otherwise governed by the B-6 Building Height Overlay Map	See Bayside Height Overlay Map
	Off-Peninsula: 35 ft.							
Lot coverage (max.)		90% of lot to 10 ft. in front, 70% of structures exceeding 105 ft. in height[7]						
Impervious surface ratio (max.)	90%	Residential: None Other uses in B-2 and B-2c: 80% Other uses in B-2b: 90%			80%			

[1] Uses in structures which exceed prior to the date of enactment of the B-2b lot areas are exempt.
[2] Buildings shall be set back 10 ft. from the Fore Street, Middle Street, Commercial Street and Wharf lines and shall have an average depth of at least 30 ft.
[3] A building will be determined to have an active street frontage upon meeting the following guidelines (i) a greater extent precludes the primary building façade shall be within 10 ft. feet of the front lot line; there shall be no parking on the lot within 35 ft. of the front lot line; no more than 25% of the first floor primary façade shall consist of access to garages, uncofined space, service entrances, storage or mechanicals and the remaining minimum 75% shall have an average depth of a minimum of 20 ft. for residential or commercial uses, and of a primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots
[4] Up to 10,000 SF of non-residential uses on the first floor of a building are permitted.
[5] For parcels of land in the B-2b zone located along Mt. Commercial St. south of Danforth St., West of the projection of the centerline of the Fletcher St. right-of-way, the maximum building height shall be 45 ft., and, east of the projection of the centerline of the Fletcher St. right-of-way and west of the projection of the centerline of the Emery St. right-of-way, the maximum building height shall be 65 ft. Notwithstanding the foregoing, the maximum building height shall be 45 ft. for any portion of a building located within 100 ft. of the southerly sideline of the Eastern Promenade right-of-way, as measured from the projection of the centerline of Fletcher St., as described above, shall exceed a height of 60 ft. as measured from average grade of the building at its foundation.
[6] Applies only to parcels subject to an approved master development plan. Thompson's Point is defined as the contiguous parcels of upland bordering the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail rights of way, and on the south and west by the Fore River and its associated wetlands. Treaty lands accessed from Commercial Street are excluded.
[7] Does not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the B6 Building Height Overlay B Building Envelopes map. Buildings located in the area west of the Fore Street Connector shall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the building for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelopes and Fore Street.
[8] For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionately increased on other streets so as far that the building wall on the secondary street is not reduced to less than 25 ft. Buildings in the area east of the Fore Street Connector shall not be subject to this requirement.
[9] Does not apply to additions to or relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board.

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

		B-1	B-1b-1b	B-3	B-4	B-5	B-6[1]
Lot area (min.)		—	—	—	10,000 SF	—	—
Street frontage (min.)		20 ft.	—	—	60 ft.	—	—
Gross floor area (max.) (Non-residential and residential mixed-use floor only, unless otherwise permitted or restricted)		5,000 SF	—	—	—	—	—
Build-to zone		0–5ft.	0–10 ft.	0–5 ft.	0–20 ft.	0–10 ft.	0–10 ft.
Build-to percentage (min.)		100%	100%	100%	30%	80%	80%
Building length as a percentage of street frontage (max.)		—	B-2 None B-2b Lots up to 150 ft. in frontage: 80%; lots greater than 150 ft. in frontage: 100%	Lots up to 150 ft. in frontage: 80% Lots greater than 150 ft. in frontage: 60%	—	60%	70%
Blank wall area (max.)		20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.
Rear setback (min.)		None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	—	None, except 20 ft. if abutting a lot in a residential zone	—	—
Side setback, interior (min.)		None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	—	None, except 10 ft. if abutting a lot in a residential zone	—	—
Structure height (max.)		50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. within 100 ft. of a structure within 35 ft. of RN-1 RN-2 RN-3 or RP-4 zone	See City of Portland Height Map	65 ft.	65ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Height stepback (min.) (Above 35 ft. when abutting a lot in an RN-1, RN-2 or RN-3, or RP-4 zone)	Side: 10 ft. Rear: 15 ft.	—	See City of Portland Height Maps, and Tower Rules in Section 7.5.3	—	—	—	—
Landscaped open space ratio (min.)		B-1: 10% B-1b: None	—	—	10%	—	—

[1] In the case of a conflict with the B-6 Building Height and Building Envelopes Map, the map shall control.

ABOVE - PROPOSED MIXED-USE ZONE DIMENSIONAL TABLE
LEFT - CURRENT MIXED-USE ZONE DIMENSIONAL TABLE

ReCode PORTLAND

LD 2003 and RECODE

LD 2003 is a state law passed in 2022. It required all Maine communities to create certain allowances within their zoning for affordable housing, accessory dwelling units, and permitted residential uses.

REQUIRED USES UNDER LD2003

One of the most significant requirements of LD 2003 is that municipalities allow up to 4 units on vacant lots inside their "growth areas"" and up to 2 units on vacant lots outside of growth areas.

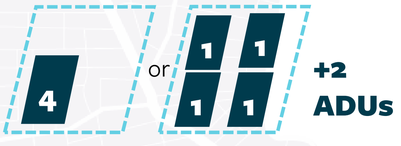


Maine Department of Economic and Community Development, LD 2003 Guidance

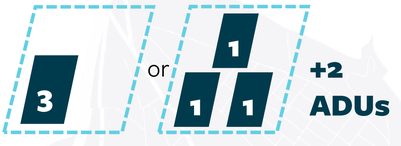
2023 COUNCIL AMENDMENTS

In late 2023, the City Council adopted amendments to the land use code to comply with LD 2003. The amendments allow 4 units on all conforming mainland lots where residential is allowed, and 3 units on all lots on the islands. They allow additional 'bonus' units in any project on the mainland where over 50% of the units are affordable. The amendments also create a maximum lot coverage of 60% for residential lots city-wide, including on the islands, unless exceeded elsewhere in the zoning ordinance. And they exempt the first four units in any residential use from off-street parking requirements.

MAINLAND



ISLANDS



HOW DOES RECODE FIT IN?

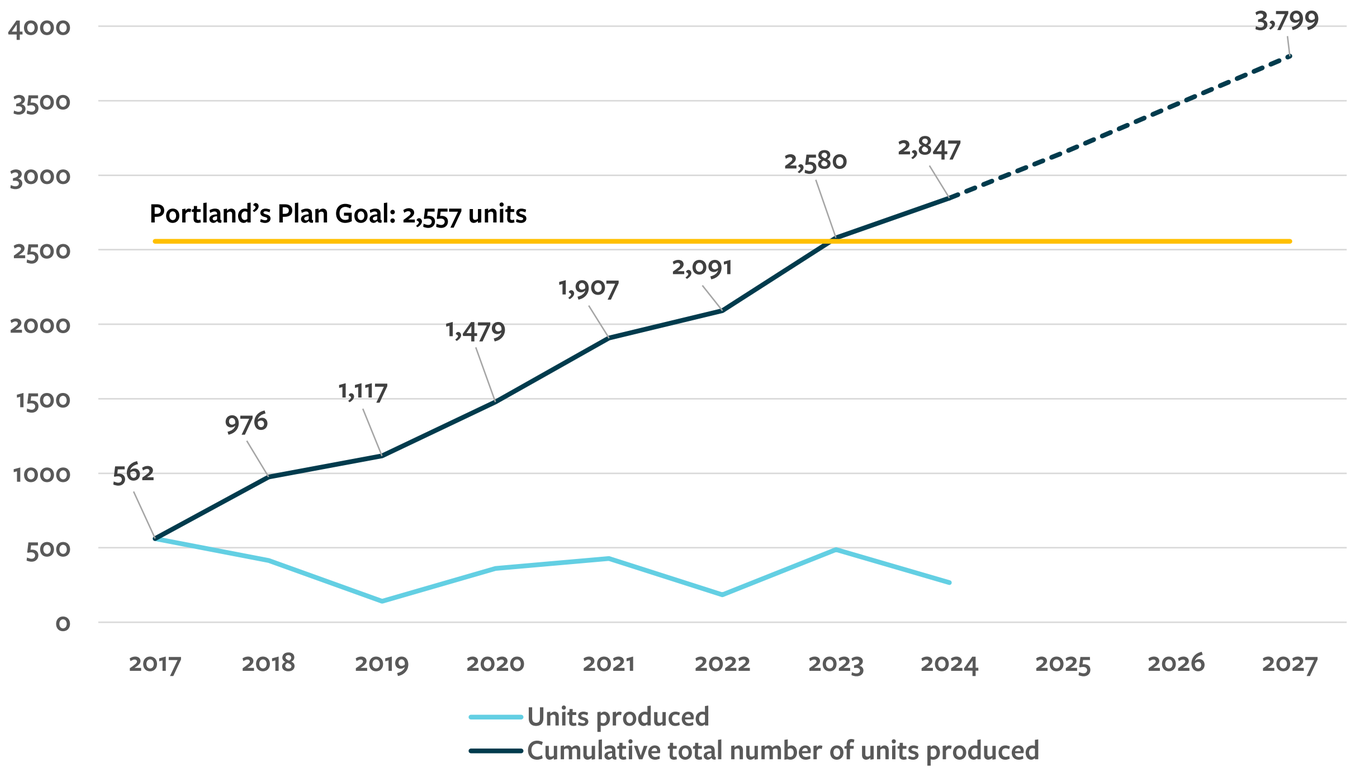
ReCode proposes to integrate the LD 2003 use permissions adopted by the City Council into the use tables in Article 6, where permitted uses are generally covered in the land use code.

	RN-1	RN-2	RN-3	RN-4	RN-5
Single-family dwellings	●	●	●	●	●
Two-family dwellings	●	●	●	●	●
Three-family dwellings	●	●	●	●	●
Four-family dwellings	●	●	●	●	●

	IR-1	IR-2	I-B
Single-family dwellings	●	●	●
Two-family dwellings	●	●	●
Three-family dwellings	●	●	●
Four-family dwellings			●

ReCode PORTLAND

WHAT HOUSING TRENDS ARE WE SEEING?

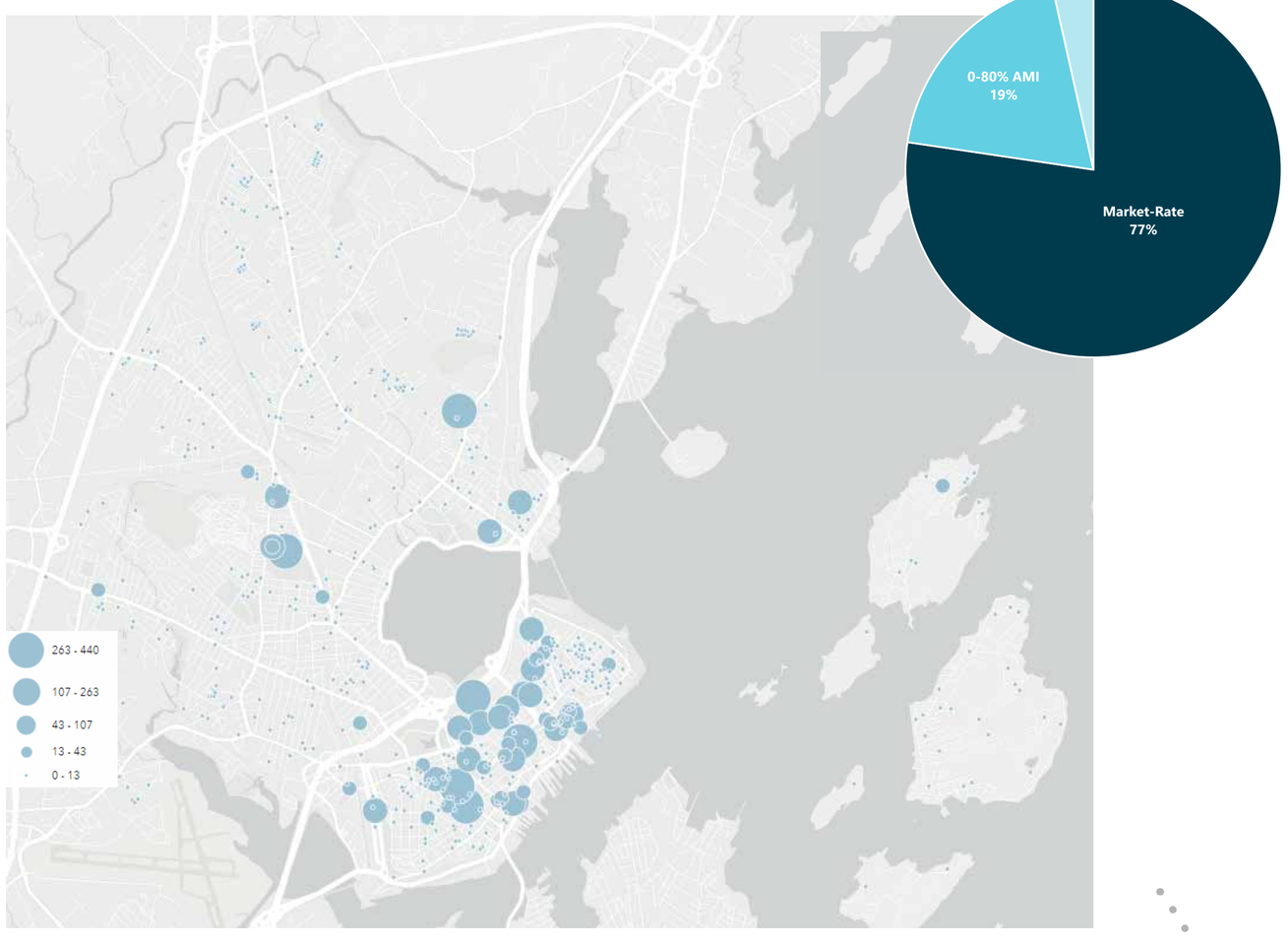


WHAT ARE OUR HOUSING GOALS?

Portland's Plan set a goal of creating 2,557 units between 2017-2027. In 2023, the city surpassed that goal, reaching 2,847 units since 2017. If the current pace of development continues, the City will create almost 3,800 units by 2027.

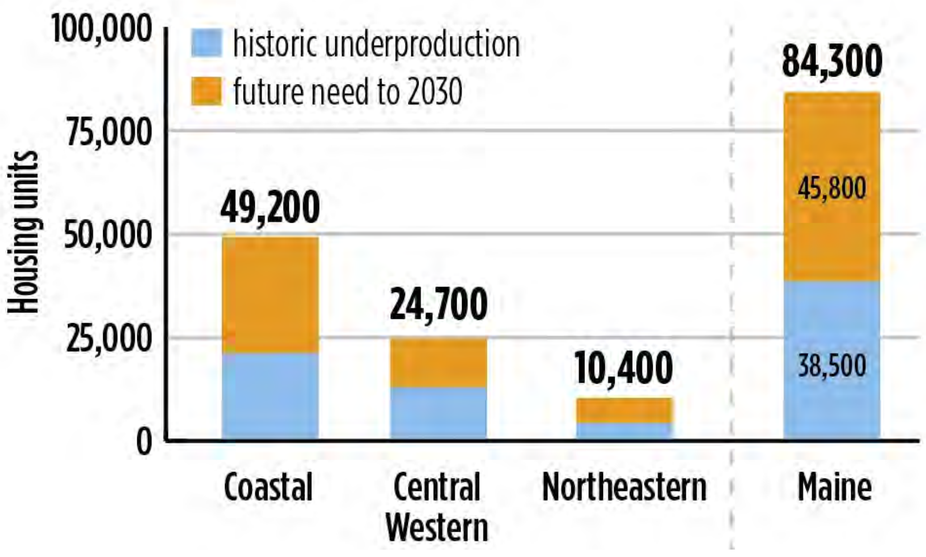
WHAT TYPES OF HOUSING ARE WE CREATING?

Since 2010, the majority of new units created in Portland have been within projects of three- or more units. These units are spread across the city, with a concentration on the peninsula. 77% of the units created in the last ten years have been market rate units, and 23% have been deed-restricted as affordable.



Maine's housing deficit

A new state study says homebuilding will have to nearly double to fill the current deficit and meet the projected need for housing.



Maine State Housing for the Portland Proess Herald

THERE IS MORE TO BE DONE!

Even as Portland outpaces some of its own housing goals, the scarcity and high cost of housing persist. Recent work at the state level establishes regional housing production targets, and ReCode can help Portland do its part.

ReCode PORTLAND

SO WHAT DOES RECODE DO FOR HOUSING?

All along, one of the main objectives of ReCode has been to create opportunities for more housing of all kinds in Portland. The approach to housing opportunities varies based on grounding principles in Portland's Plan.

ACROSS RESIDENTIAL ZONES

"While…all [neighborhoods] are expected to accommodate a share of Portland's growth and development, policies should encourage the distinct qualities of each. This does not imply freezing neighborhoods as they are, but allowing change that is compatible with current development patterns."

Portland's Plan 2030



CONSOLIDATE + EXPAND ZONES

ReCode proposes to consolidate the existing R-1 zone with the R-2 (to make the new RN-1 zone), and to expand the RN-4 (R -5) zone to areas of the city where the existing lot pattern matches the RN-4 standards, creating new opportunities for neighborhood residential.

RN-1
Single-family dwellings
Two-family dwellings
Three-family dwellings
Four-family dwellings

CLARIFY USE PERMISSIONS

Existing use permissions adopted by the Council under LD 2003 are proposed to be moved into the permitted use tables. These use permissions allow at least 4 units on all lots in mainland residential zones and up to 3 units in all island residential zones.

UPDATE DIMENSIONAL STANDARDS



Under ReCode, some dimensional requirements, such as lot size, street frontage, and setbacks, are proposed to change to allow more flexibility for additional units or ADUs.

ADD FLEXIBILITY FOR ADUs

ReCode proposes to remove owner occupancy requirements, allow additional height in the case of a vertical garage addition for an ADU, and decrease setbacks for detached ADUs.

EXPAND ADMINISTRATIVE REVIEW

Under ReCode, single- to 4-family development could be approved administratively under site plan review, rather than through a Planning Board process.

IN NODES + CORRIDORS



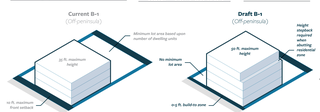
"We will encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods."

Portland's Plan 2030

Lot area + Frontage	Current B-1	Draft B-1
Lot area (min.)		
School	20,000 SF	—
Place of assembly	10,000 SF	—
Per dwelling unit		—
On peninsula	435 SF	—
Off peninsula	1,000 SF	—
Street frontage (min.)	20 ft.	20 ft.

Setbacks (principal structures)	Current B-1	Draft B-1
Front setback	10 ft. (max. or average depth of nearest developed lot if no ft.)	0-5 ft. build-to zone
Rear setback	None, except 10 ft. if abutting a lot in a residential zone	
Side setback	None, except 5 ft. if abutting a lot in a residential zone	

Structure Height (max.)	Current B-1	Draft B-1
On Peninsula	45 ft., except 55 ft. on Congress Street if commercial first floor and residential above	50 ft.
Off Peninsula	35 ft.	



ELIMINATE DENSITY + INCREASE HEIGHT

In our mixed-use zones, ReCode proposes to modify key dimensional standards that can stand in the way of housing production along our major corridors. Additional height is proposed in key mixed-use zones. And where residential density is currently limited, ReCode proposes to remove these limits altogether and let building form control.

SIMPLIFY PARKING REQUIREMENTS

ReCode proposes to eliminate all parking requirements and instead apply parking maximums, encouraging valuable real estate to be used for buildings and people, rather than cars.



AND FOR AFFORDABLE HOUSING

The housing article of the land use code supports the Portland's Plan goal to encourage housing that meets "the needs, preferences, and financial capabilities of all Portland residents."

CONSOLIDATE ALL AFFORDABLE HOUSING INCENTIVES

In ReCode, all affordable housing incentives are consolidated into one section of the Housing ordinance.

UPDATE DIMENSIONAL BONUSES

ReCode proposes to update density bonuses for affordable housing with new use structures within residential zones, and to clarify the applicability of height and setback bonuses.

ReCode PORTLAND

WHAT ARE COMPLETE NEIGHBORHOODS?

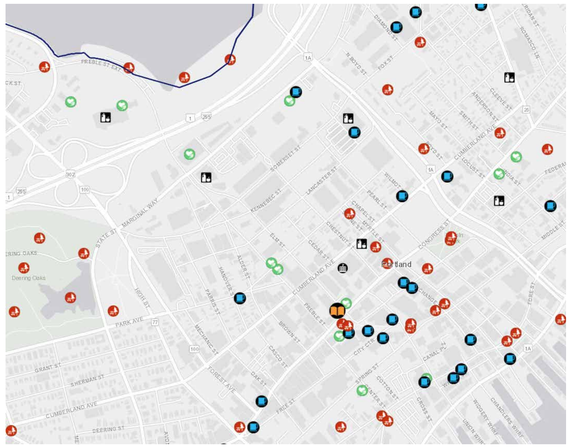
"Portland's intent for its...neighborhoods is one where all residents regardless of age, ability, or income have access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance."



https://www.archdaily.com/970872/the-concept-of-15-minute-city-wins-2021-obel-award

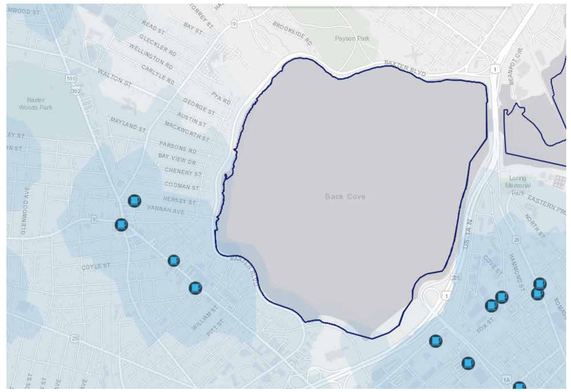
WHAT MAKES A COMPLETE NEIGHBORHOOD?

One area of work that lays the foundation for the proposals in ReCode is a complete neighborhoods analysis. The first step of this work was to identify the components of a 'complete neighborhood' - such as grocery stores and markets, public schools, libraries, important healthcare resources, and publicly accessible open space.



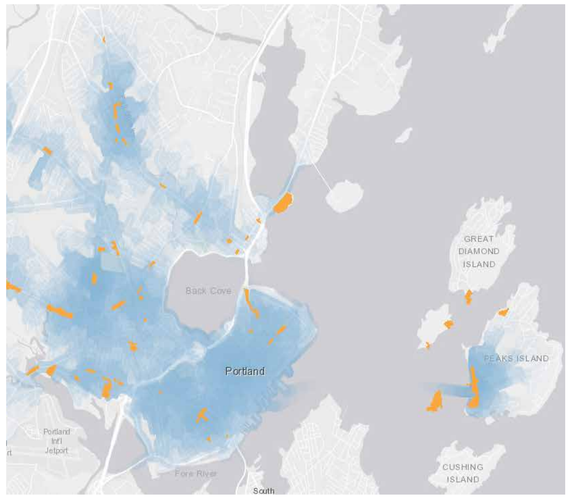
WHERE DO WE HAVE THEM NOW?

The second step was to look at walkable, bikeable access to and from these places. The result is a map that shows degrees of complete neighborhoods. Areas proximate to lots of complete neighborhoods resources appear darkest, whereas areas furthest from one or more amenities appear lightest.



AND HOW DO THEY INTERACT WITH THE CODE?

This complete neighborhoods analysis does not capture all of what makes an inviting walkable environment or a thriving neighborhood center, but it serves as a launching point to identify existing concentrations of resources across the city. Portland's land use code encourages complete neighborhoods well in some places, and could be working much better in others.



ReCode PORTLAND

HOW DO WE MAKE MORE?

ReCode helps to promote more complete neighborhoods in numerous ways.



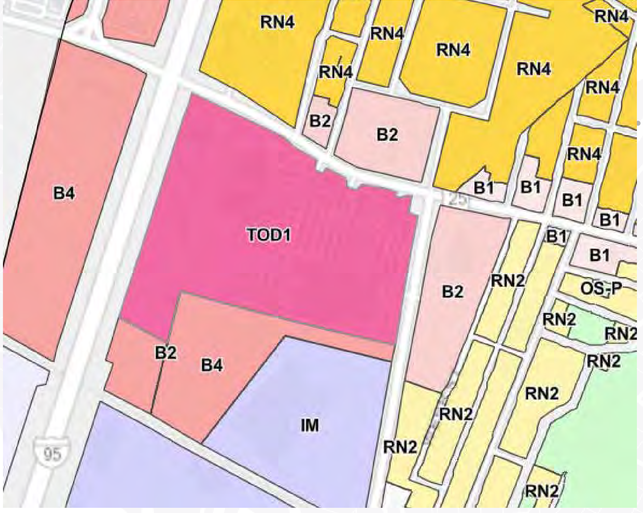
MAPPING SMALL MIXED-USE ZONES

One way to encourage more complete neighborhoods is by creating more small, neighborhood-scale mixed-use zones. In our land use code, the zone that most readily meets this purpose is the B-1 neighborhood business zone. It allows housing, studios, restaurants, and retail. In our draft zoning map, we've added more of these zones.

CHANGING USES IN RESIDENTIAL ZONES

Another way ReCode tries to encourage complete neighborhoods is by adding new use within residential zones. These include one called "neighborhood nonresidential reuse," which would allow existing non-residential structures to be reused as a small office, retail, or restaurant.





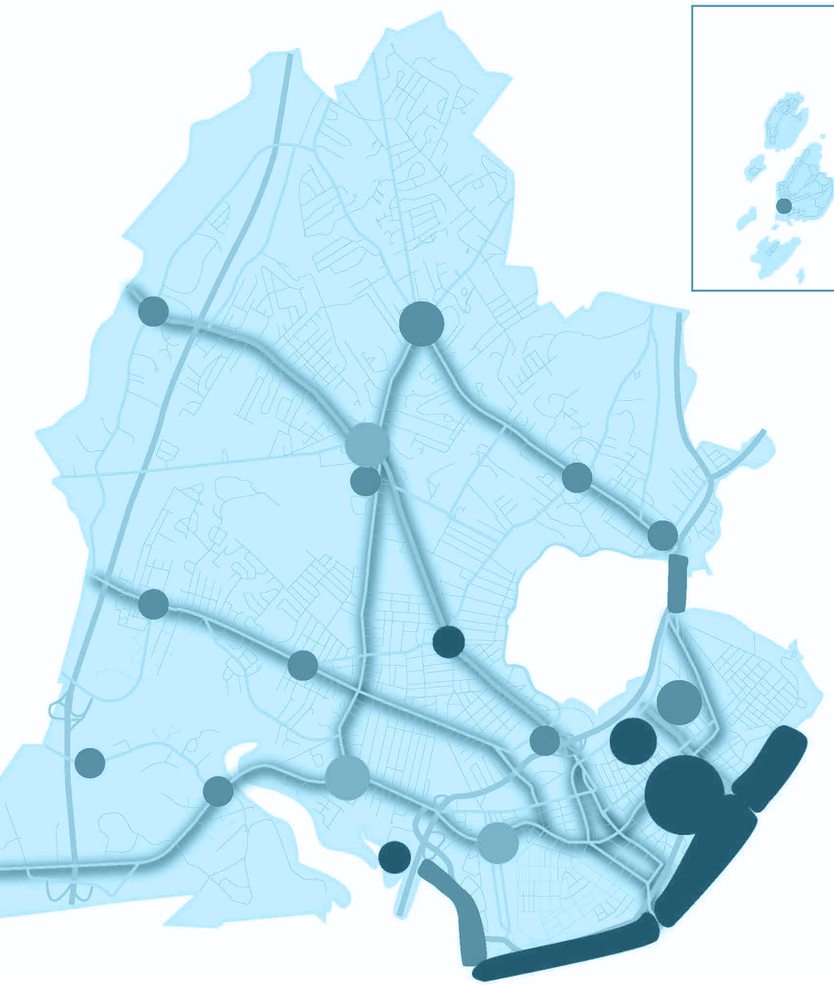
ADDING THE TOD ZONES

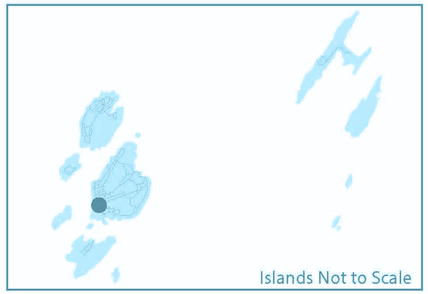
In addition, ReCode is adding two Transit-Oriented Development (TOD) Zones in locations where high quality transit exists and rapid transit is planned for the future. These TOD zones will create opportunities for more intensive, mixed-use development at the scale and density needed to support improvements in transit infrastructure, and more complete neighborhoods.

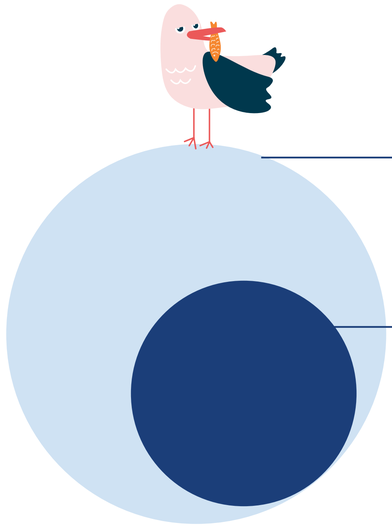
ReCode PORTLAND

HOW DOES RECODE HANDLE CLIMATE CHANGE?

Portland's Plan and One Climate Future, the climate action plan that came after it, lay a foundation for both climate change mitigation and adaptation.







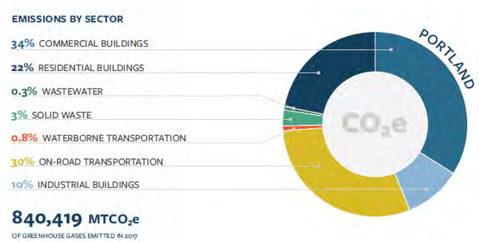
Whole City

High Heat
More frequent high heat events that last longer. Areas with fewer trees and more pavement are most vulnerable.

Stormwater
Increasingly intense or frequent storms resulting in precipitation that exceeds the capacity of local green and grey infrastructure, contributing to local flooding and combined sewer overflows.

Coastal Areas

Coastal Flooding
Sea level rise combined with increasingly intense or frequent storms will result in coastal flooding at high tides and from storm surges. The Downtown waterfront and Bayside will be most affected.



PROMOTING RESILIENCE

One Climate Future also establishes an adaptation goal, stating that the city will build the resilience of its neighborhoods, infrastructure, and ecosystems to prepare for the impacts of climate change. As with issues of mitigation, adaptation is closely tied to land use - how and where people build homes, workplaces, institutions, and green spaces.

REDUCING GREENHOUSE GAS EMISSIONS

One Climate Future provides a road map for meeting our city-wide goal of reducing greenhouse gas emissions 80% from 2017 levels by 2050. The plan's greenhouse gas inventory shows that buildings and transportation represent the city's two largest contributors to greenhouse gas emissions. While building emissions are largely regulated by the building code, transportation emissions, which are fundamentally about where people live, work, and meet their daily needs, are integrally tied to the Land Use Code.

ReCode PORTLAND

REDUCING EMISSIONS THROUGH RECODE



ReCode can help reduce greenhouse gas emissions, particularly when it comes to transportation.



REDUCING THE NEED FOR VEHICLE TRIPS

The land use code plays a critical role in defining where and how people travel. (Think about it: if your home is miles from your work, school, or library, you probably need to drive there every time you go.) If one of the City's goals is to reduce vehicle trips, then making sure that our zoning allows for lots of homes near a mix of these types of uses, and even homes co-located with these uses, is essential. The changes proposed through ReCode will support denser neighborhoods and a wider variety of uses close to and within those neighborhoods so that people can walk or bike.



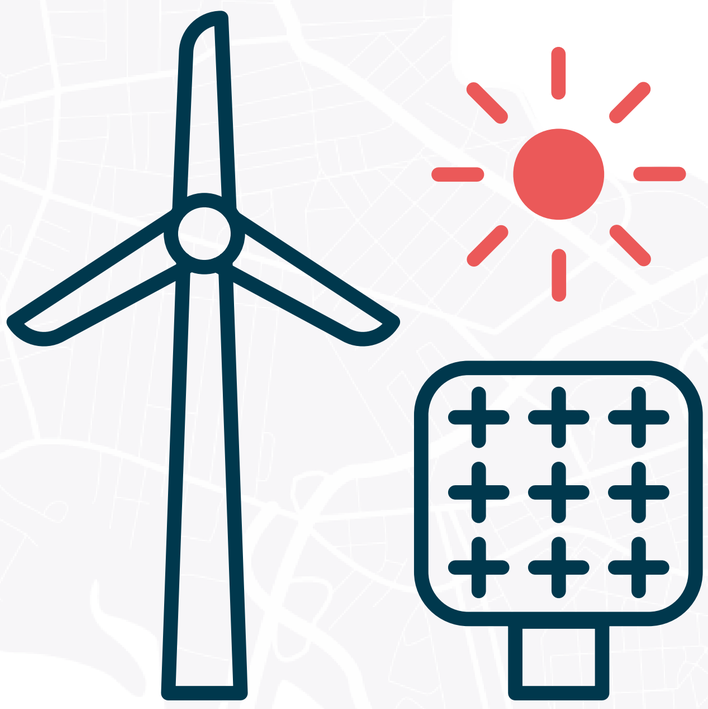
PACTS, Gorham-Westbrook-Portland Rapid Transit Study

SUPPORTING TRANSIT

The land use code can also play a big role in reducing greenhouse gas emissions by promoting transit use. By allowing residential densities that support transit service, the land use code can encourage transit, which in turn can support future growth. ReCode is proposing two new Transit-Oriented Development zones, with dimensional standards and use permissions significant enough to support high-quality transit.

REGULATING OFF-STREET PARKING

The land use code can also help support a shift away from vehicle trips through parking requirements. For every use in the city, the existing land use code requires a certain amount of parking, and for years, these parking requirements have erred on the "safe" side - requiring more parking than may actually be needed. In 2020, the City Council adopted amendments to eliminate parking requirements for many uses, but ReCode is going one step further by removing all minimums and instead establishing parking maximums.



SIMPLIFYING REGULATIONS FOR SOLAR + WIND

Last, ReCode supports a reduction in greenhouse gas emissions by streamlining regulations around solar and wind energy, making it easier for property owners to make these transitions.

ReCode PORTLAND

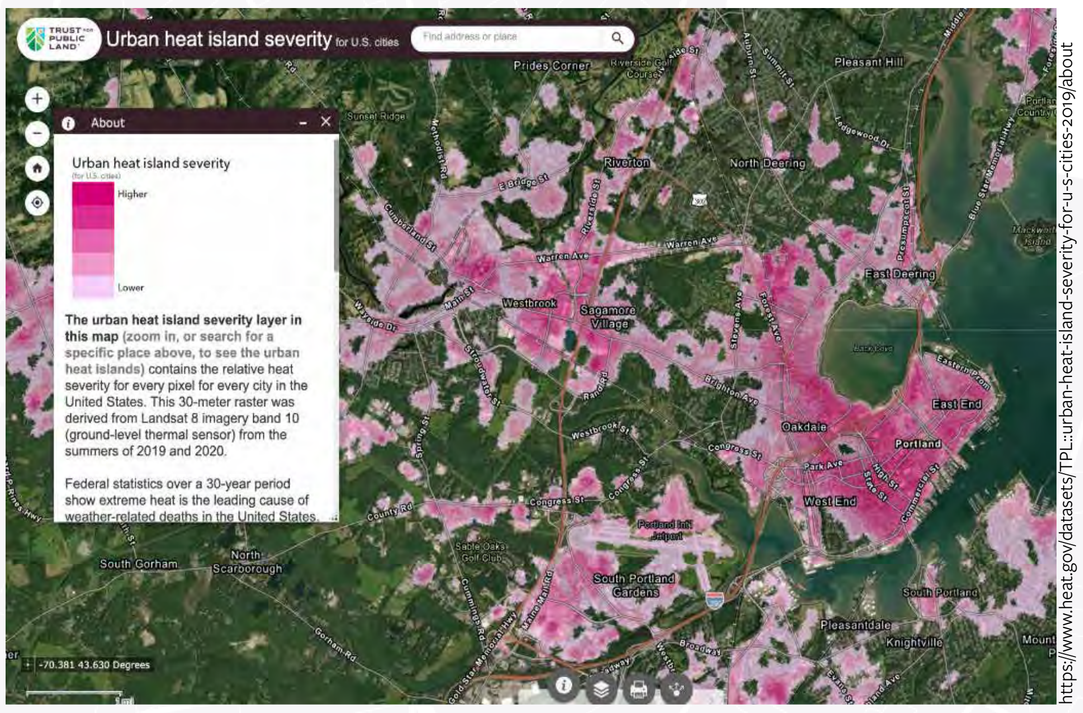
CLIMATE RESILIENCE and RECODE

ReCode can also help us adapt to a future with climate change.



PROTECTING VULNERABLE USES

We know we are looking at a warmer future with more precipitation and rising seas. This creates significant vulnerabilities, which are maybe most apparent along our coastline. One way ReCode addresses these vulnerabilities is by proposing a Coastal Flood Resilience Overlay Zone, which would require the elevation of certain vulnerable uses (think homes, schools, daycares) above a future predicted flood elevation, assuming a certain amount of sea level rise.



https://www.heat.gov/datasets/TPL::urban-heat-island-severity-for-u-s-cities-2019/about

INCREASING OUR COOLING CAPACITY

ReCode also proposes new requirements to ensure that development comes with sufficient tree canopy on public and private property, cool hardscape, and cool roofing materials.





ADAPTING TO MORE STORMWATER

In order to protect our existing water resources and help the city absorb more water in the future, ReCode is proposing to update stormwater management standards, integrate a Low-Impact Development framework, and increase protections for our wetlands and other natural resources.

PROMOTING SOCIAL RESILIENCE

Last, by integrating concepts like transit-oriented development and complete neighborhoods, ReCode is promoting social resilience, helping to create networks that can serve the community as we adapt to the future with climate change.

ReCode PORTLAND

REINFORCING DOWNTOWN PORTLAND

1 SIMPLIFICATION OF DOWNTOWN REGULATIONS

The current code contains numerous zones to address downtown Portland, including the B-3, B-3b, and B-3c zones, as well as the B-7 zone. ReCode has consolidated all of these zones into a single B-3, and adjusted the standards of this zone to be more tailored to the unique conditions of downtown. Where the current zones addressed specific uses or conditions, such provisions have been brought over into the use standards to continue to mitigate potential impacts where needed.

2 UPDATED DIMENSIONAL STANDARDS

Dimensional standards for downtown have been reworked to help ensure that they are reinforcing the high-quality urban design character of downtown, and are flexible enough to accommodate modern forms of development. Some changes from the existing dimensional standards for the B-3 include elimination of a requirement for minimum street frontage, a reduction in the linear dimension of "blank wall area" from 30 feet to 20 feet.

3 TAILORED USES TO REINFORCE DOWNTOWN

In addition to the organization and dimensional adjustments to downtown, the allowed uses have been revisited and tailored to ensure they allows for an active urban downtown. This has included the introduction of some new uses like specialty food service establishments and low-impact industrial uses, and the removal of other uses like single-family dwellings, and self-storage facilities, which would no longer be allowed.

4 A NEW APPROACH TO HEIGHT DOWNTOWN

The City's current height maps for the downtown area, including the Downtown Height Overlay, the Bayside Height Overlay, and the B-6 Building Height Overlay have been consolidated to simplify understanding and administration of allowed building heights in Downtown Portland. The Downtown and Bayside Maps are now combined into a single map, with insets and a reference to the updated B-6 map.

Importantly, the allowed heights within downtown have been updated, to allow for the type of urban development that reinforces the character of the downtown, while maintaining a contextual map-based approach. The new height map would allow up to 325 feet in height by-right for new development in certain areas.

5 TOWER DESIGN STANDARDS

Complementing the new approach to height, a series of "tower standards" have been developed, to ensure that tall buildings continue to address the street level, contributing to quality walkable development downtown.

Towers are subject to specific separation and step-back requirements included in Article 7, to ensure the impacts of height at ground level are mitigated, and are encouraged to develop architecturally distinctive "caps" that add interest to the Portland skyline.

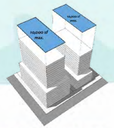


FIGURE 7-K: TOWER FLOOR PLATES

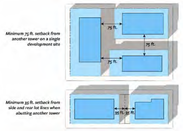
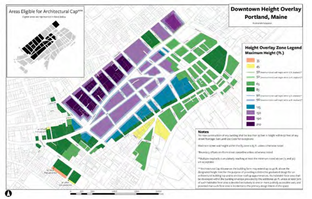
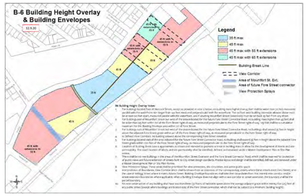
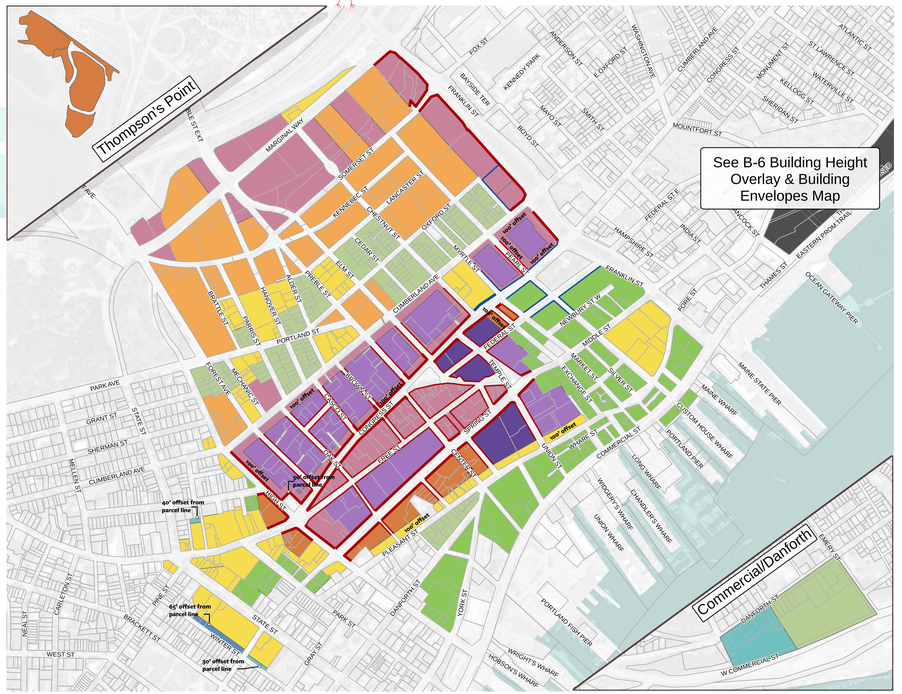


FIGURE 7-L: TOWER SEPARATION









Portland, ME
Height Map

Max. Height (ft)

- 35 ft
- 45 ft
- 55 ft
- 65 ft
- 85 ft
- 105 ft
- 125 ft
- 180 ft
- 250 ft
- 325 ft

Maximum Street Wall Height(ft)

- 50' max. street wall height with 15' stepback
- 90' max. street wall height with 15' stepback
- 50' max. street wall height with 30' stepback
- 90' max. street wall height with 30' stepback

Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30 ft.) are acceptable.

No new construction of any building shall be less than 35 ft. in height within 50 ft. of any street frontage. See Land Use Code for exceptions.

Maximum street wall height within the B-3 zone is 65 ft. unless otherwise noted.

Boundary offsets are from street centerline unless otherwise noted.

No rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above. shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

DRAFT

City of portland

ReCode PORTLAND

TRANSPORTATION + LAND USE

1 INCREASED OPPORTUNITIES FOR MIXED-USE

ReCode expands options for mixed-use development within the city, adding numerous new uses, allowing for reactivation of existing nonresidential uses in residential zones, and expanding B-1 zoning to allow for more neighborhood-scale mixed-use.

By encouraging mixed-use development and promoting key principles of walkability throughout the city, ReCode reinforces the City's goals around transportation, encouraging alternative modes and moving toward a reduction of VMT.

2 ADJUSTED PARKING REQUIREMENTS

Prioritization of vehicular travel, and storage of motor vehicles has a major impact on the form of a city. ReCode's elimination of minimum parking requirements, creation of parking maximums, and expansion of bicycle parking requirements allows for new development that de-emphasizes the role of the automobile as the primary mode of transit and encourages denser, more walkable development in the city.

3 TRANSIT-ORIENTED DEVELOPMENT ZONES

Transit-oriented development allows for the creation of dense, mixed-use development around key areas of transit investment. By integrating opportunities for housing, employment, and amenities within walking distance of transit lines, TOD can reduce reliance on cars, promote transit ridership, and create vibrant, walkable places within Portland.

ReCode proposes two transit-oriented development zones:

TOD-1 allows for and encourages the development of compact, mixed-use neighborhoods that prioritize a dense, pedestrian-scale mixed-use environment and a range of uses at advantageous locations within the City's off-peninsula neighborhoods.

TOD-2 accommodates high-intensity mixed-use, and a compact urban development form with a broad range of uses, intended to create vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.

KEY ELEMENTS OF THE TRANSIT-ORIENTED DEVELOPMENT ZONES

1. **They allow for significant density and height along transit corridors and at key nodes.**
2. **They permit a broad range of uses, intended to foster a vibrant mixed-use, pedestrian-oriented character.**



PACTS, Gorham-Westbrook-Portland Rapid Transit Study

ADDITIONAL TOD BENEFITS:

Transit-oriented development provides numerous benefits, some of which have already been listed here. These might include, among others:

Sustainability
Transit-oriented development can reduce GHG emissions and vehicle miles traveled. It can also incentivize redevelopment of infill sites in proximity to transit, reducing urban sprawl and preserving open space assets.

Decreased cost of development
Transit-oriented development can utilize existing infrastructure on infill sites, reducing the need for new service extension, which can be costly. Further, taking advantage of the opportunity to provide dwelling units with no parking can decrease construction costs and contribute opportunities for affordably priced housing in areas that also do not require dependence on a private automobile.

Community Character
Transit-oriented development is intended to create a development pattern that is reflective of Portland's historic, dense character. The walkability and mixed-use character of these areas contributes to a strong sense of place.

ReCode PORTLAND

THE ZONING MAP

ReCode is proposing some changes to the City's zoning map.

STRUCTURAL MAP CHANGES

1 CHANGE TO PARCEL-BASED ZONING CLASSIFICATIONS

In contrast to the existing zoning map, the draft ReCode map generally ties zoning to parcel boundaries. This allows for greater precision in determining the zoning of individual properties. Certain zones, such as the OS-P zone, and overlay zones tied to geographic features, remain independent of parcel boundaries.

2 CONVERSION OF ZONES

Some areas of the city have been converted based on "equivalences" to new zones within the ReCode draft that are based upon existing zones. The residential zones are good examples of equivalences, with the existing R-1 and R-2 zones being equivalent to the new RN-1 zone, for instance. The full scope of residential zoning equivalences - as released with the first wave of material in 2023, is found below.

	R-1/R-2	R-3	R-4	R-5	R-6	R-5a/R-6a	R-7
NEW	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7

3 INTRODUCTION OF NEW ZONES

The draft map includes new zones, such as the Transit-Oriented Development Zones, which have been strategically placed in alignment with the City's goals around multi-modal transportation. You'll see the TOD-1 zone appearing on the map in some key locations.

TYPES OF CHANGES YOU'LL SEE ON THE ZONING MAP

BASE ZONE CONVERSIONS

These may include areas of the map that are proposed to be "equivalenced" to the new zones, as described to the left, or are remaining the same on the proposed map.

EXISTING ZONING REALIGNMENTS

These changes affect areas currently zoned with a classification that is inconsistent with their current use or lot pattern, or that is not in alignment with the City's Comprehensive Plan.

NONCONFORMING NONRESIDENTIAL USES

These changes include the remapping existing nonconforming uses within residential zones, such as small-scale neighborhood businesses. In the example below, some of these changes can be observed: existing nonconforming nonresidential uses at the corner of Lark and Spring Streets, Brackett and Gray Streets, and Clark and Danforth Streets serving residents of the neighborhood are proposed to be changed to B-1.



Current zoning map



Draft zoning map

ISLAND NON-CONFORMING and ZONING REALIGNMENTS

These changes include adjustments to zoning on Portland's islands to reflect existing character. For example, the I-B zone is proposed to expand east along Welch Street to address existing nonconformity and better align with the built character of the area.

UPDATES TO NONCONFORMING LOTS BASED UPON LOT SIZE

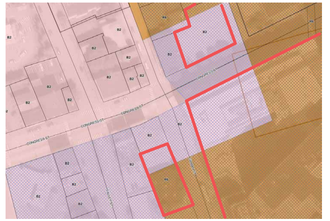
These changes reflect analysis of current residential lots to determine areas exhibiting a high degree of nonconformity – essentially areas where the built development pattern on the ground does not match the requirements of the current zone. Changes of this nature are intended to bring lots into conforming status, making it easier to upgrade and maintain existing homes in these areas. This includes, for instance, parts of Deering Center that are currently zoned R-3, but do not meet the minimum lot area for that zone. On the ReCode map, some of these areas are proposed to move into the RN-4 zone, to align with the on-the-ground developed character and bring the lots into conformance with the Code.

IMPLEMENTING CITY POLICY OBJECTIVES

Changes to implement City policy objectives, such as encouraging higher density walkable development around future transit, have also been made. For example, the existing shopping plaza at Brighton Avenue and Rand Road is proposed to move from B-2 zoning to TOD-1, to better align with the City's goals.

RECTIFYING "SPLIT-LOT" ZONED PARCELS

"Split-lots," or parcels that contain more than one zoning district, have been remedied on the ReCode map to the extent practicable. These changes assign a single zone to each parcel to clarify the requirements and simplify administration of the Code. Understanding that in certain cases split-lot zoning is necessary – such as on lots of significant size – not all split-lots have been changed.



Current zoning map

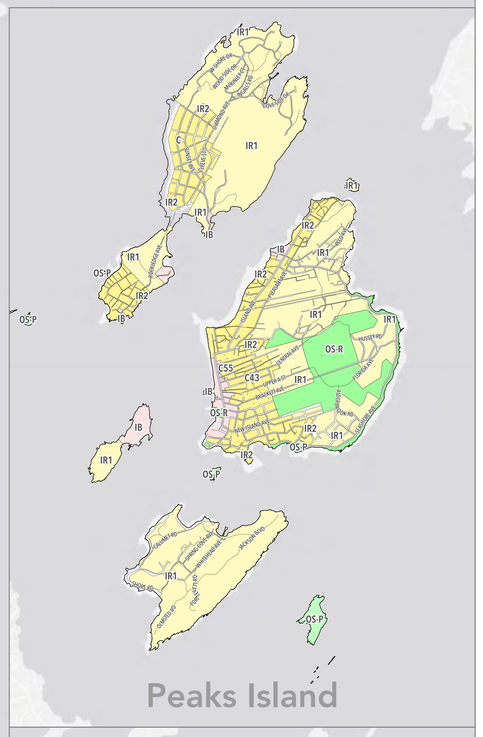


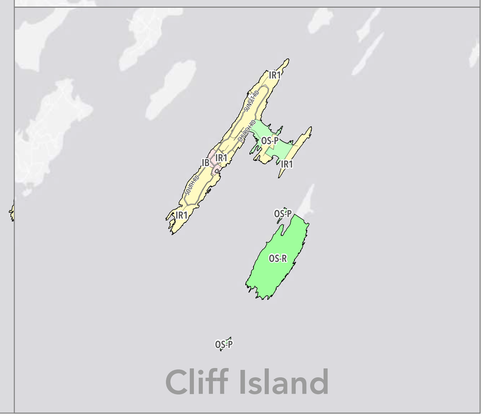
Draft zoning map

ReCode PORTLAND

DRAFT ZONING MAP

ReCode PORTLAND





N

DRAFT ZONING MAP

OVERLAY ZONES

ReCode PORTLAND

Shoreland Zone

Coastal Flood

Roux IOZ

Fort Sumner

USM

MMC IOZ

Waynflete Core

Waynflete Edge

Peaks Island

Cliff Island

N

THE RECODE STUDIO: COMMENT SUMMARY BY MAJOR TOPIC AREA

ReCode PORTLAND

Following is a summary of written comments received from the City of Portland's ReCode Studio event, held over the course of two days on June 4 and 5, 2024. The Studio was held at One Canal Plaza, in Downtown Portland, spanning 11am-6pm on June 4 and 8am-2pm on June 5. Approximately 200 persons were in attendance. In addition to the written comments summarized here, participants at the Studio provided a large amount of verbal comments, which will also be considered as the City progresses forward with ReCode.



THOUGHT-PROVOKING QUESTIONS FROM ATTENDEES

- How can zoning incentivize pedestrian and bike activity?
- How many new dwelling units in what timeframe are you hoping to create?
- Can you encourage pedestrian cut throughs in all zones (pedestrian passages)?

MAJOR THEMES

Height

- Greater height allowance along arterials. RN setback proposals are still too stringent - so are heights.
- I would like to see the new R-6 have higher height.
- Measure height from pre-development grade rather than post-development grade.
- Lower height for single family makes good sense.
- I am very concerned about increasing height limits overall - because the historic buildings will become lost. Also, view corridors that allow pedestrians to see glimpses of the beauty of this city's location will be lost. That takes away from the unique character of this city. Furthermore, tall buildings block light from reaching the street level. The trees on the streets will die without the sunlight they already have which isn't much. New trees planted along Hancock Street - with tall new buildings - are dying.
- I recommend expanding the 325 max height area to the northern side of Center Street. I recommend expanding the heights along Congress Street to 1.5x along Congress Street. I recommend expanding all heights by 1.25x.
- B2 at 65 feet is way too high - buildings could most likely be higher depending on how they are measured and whether elevator shafts are included. High rises on what is now B1 on Washington Avenue will increase traffic dramatically.
- B-1 to B-2 (165 Washington, Northern Burner Supply) 45′ is enough. Stick to human scale. There is no coherent argument for an anonymous 75′-80′ height limit for this one site. It could be reasonable for a non-maximum use of the entire site (i.e. greater setbacks at north and south ends).
- 325′ max height is way too tall even with "shadow mitigation." [C]oncentrate tallest heights in commercial areas on arterials off peninsula.

Housing

- Market rate apartments are still too expensive for the bulk of residents who need this new housing.
- Do not listen to developers who say they cannot build affordable housing without more density - they mean they will have to accept less profit.
- It would be great to see a map showing the "delta" between current built environment, current permitting limits, and new permitting limits for total amount of housing units.
- I love the support for walkability, transit, getting rid of cars and surface parking and dense housing. Please do everything possible to add as many units as possible. Working people being able to afford housing is so much more important than aesthetic concerns some have raised. Please remember that most people in this city are struggling with housing costs, and the only solution is to increase supply.
- The *One Climate Future* plan states that "greater Portland will see an increase of 23-27% in population by 2040". I am hoping that the city is planning to have adequate supply of housing for this change in places that encourage biking and transit use.

Transportation/Parking

- More Transit-Oriented Development (TOD)
- I live near Allen's Corner in North Deering. With the possibility of adding hundreds more residents, I am concerned about traffic. Today, it takes a half hour or more to drive from Veranda Street to Allen's Corner at peak traffic times. What does the future look like with all these extra units?
- Love parking minimums being eliminated and maximums being added and love bicycle parking minimums.
- TOD should be extensive - along Congress, Washington, and Brighton. TODZ - Why is this not on the map? Major arterial corridors should all be TOD 2.
- Love eliminating parking minimums and adding maximums and similarly, a goal to reduce vehicle trips.
- There are already signs around town complaining about the traffic from Roux Institute. Busses are too infrequent to conveniently suit people on a regular basis. Cars are still necessary.
- I would like to see the evidence for the desired effect of eliminating parking requirements, and what plans are being made for inevitable challenges of demand exceeding supply.
- I see 2 TOD-1 zones added which is awesome. I am wondering why so few. Would it be possible to add a ton more along transit corridors so that more Portlanders have access to denser/walkable amenities?
- Lack of minimum parking requirements in RN-5 zone is inadequate in such a densely populated area. At a minimum, residential parking permits should be instituted for existing property owners and tenants.
- Consider reduced setbacks to TOD zones, should mirror transit corridor as illustrated in the Comprehensive Plan (Washington off peninsula, Forest, Stevens, Brighton).
- Yes, to removing parking minimums and setting maximums. Lower Franklin (Cong. to Middle) should be higher than 65' for height limit. I am concerned that the ReCode maximums are, at best, the bare minimums we need to meet our goals for housing, walkable mixed-use neighborhoods, quality transit options. That means we will not reach these goals. We need to plan for 30% to 50% build out of zoning

maximums and that should be the target for walkable neighborhoods and viable transit. Falling short should not be an option. We can adjust if we see overbuilding threat.

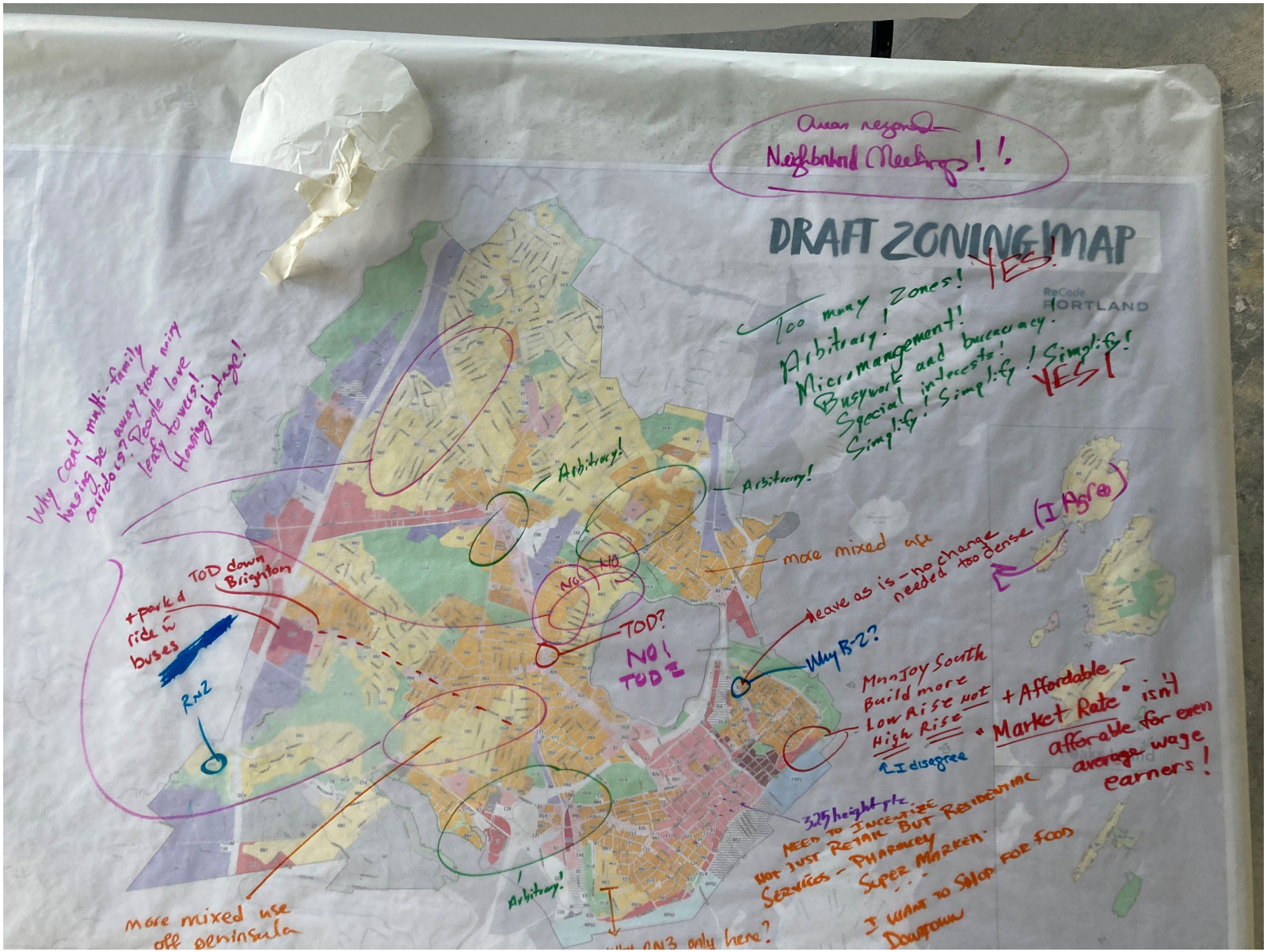
Other Content-Related Feedback

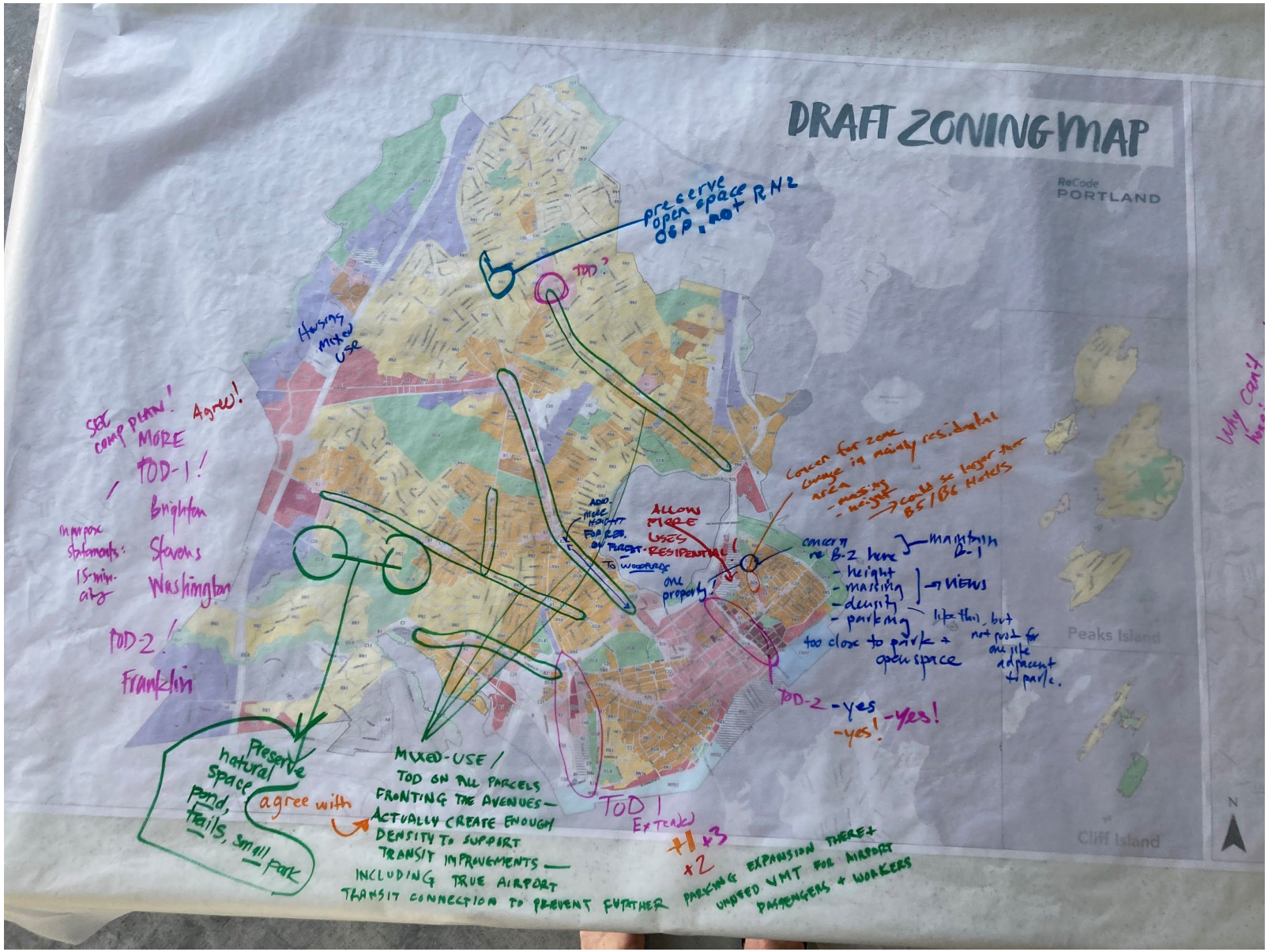
- Still way too many zones, arbitrary map, micro management; setback requirements unrealistic for urban environment, make them smaller; refer to the UCP's recommendations.
- Need mixed use and commercial 10-15 min. walk from all homes - zone for those uses in RN zones - all of them. Still too many zones - slim this down more.
- The code still seems complex - stream lining is a better way to ensure development.
- Overall the changes are too minor with respect to simplifying the code, allowing denser housing, encouraging transit-oriented development, and mixed-use neighborhoods.
- Would like to see splitting up of "retail" so that residential services are a separate use and incentivized - i.e. need small format 8-12 thousand sf supermarkets for downtown, residential service could include supermarkets, pharmacy, banks - could give density bonuses or parking decreased. We are adding residential to downtown and we need walkable services not just restaurant and clothes stores or pot shops.
- Beneficial electrification of downtown will fail unless we partner with CMP to remake the grid and harmonize the zoning/building code/EPA efficiency standards and cost.
- 20' street frontage is much too narrow in RN-5 zone. 30' is much more reasonable.
- A general "flow chart" of the process from concept to approved structure is well known among "developers" but not the general public. Getting "surprise" notices in the mail can feel out of control and you can only react, but don't know where or how. The public has different jobs and is unaware of the "process pathway". Every project follows known pathway and an outline should be shared with the public at the beginning.
- Communication between boards need improvement. The only "persons" at all the meeting is the applicant. This allows the applicant to "play" one board against another.
- I think insufficient attention to climate resiliency - though good to start. Cleaning up after flooding is expensive for all and devastating to those affected.
- Maintain interim protection for historic places/districts while under consideration for designation.
- I think it is short sighted to eliminate parking. We are creating another Boston.

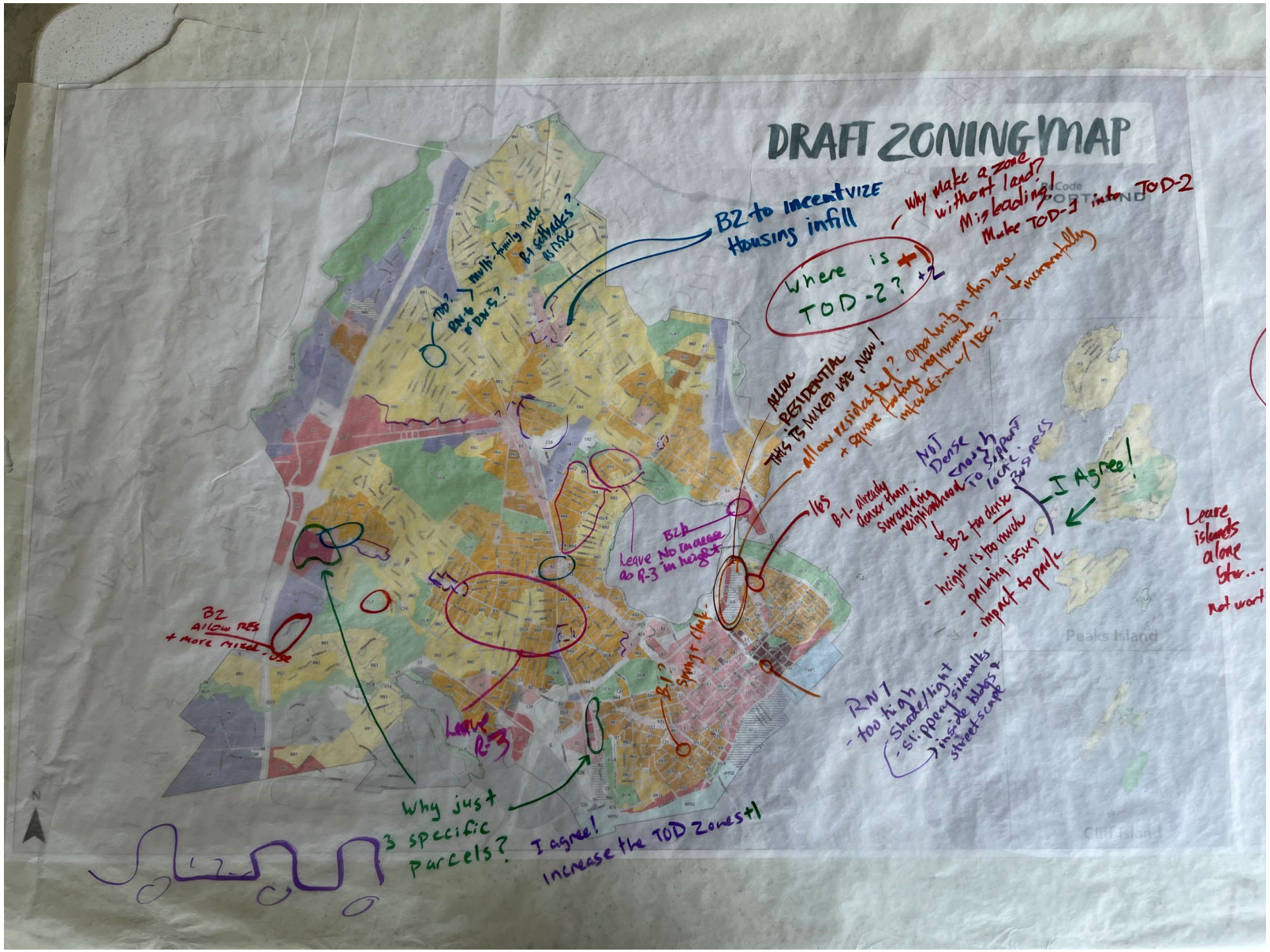
Feedback on the ReCode Studio

- Really great info and learned a lot. I like that you want to hear from Portland peeps.
- Thank you! I really appreciate all the effort you all put into clearly communicating this information and engaging the public. I learned a lot.
- Love the gallery format! It was neat to see.
- Thank you for offering several methods to connect with everyone to learn about ReCode. This space was great. The posters were easy to read and take in all of the information.
- Generally pleased to see the level of effort being undertaken.
- Kudos on the presentation. Love it and appreciate all of the hard work.
- Note that there is peer-reviewed published research showing that people that show up at these public forums don't represent the views of the larger population.
- Great opportunity to learn - superb staff.
- LOVE the branding and how everything was presented.
- Really great work. I am excited to see how this improves Portland!
- This Recode Studio is not public conducive and is not available to residents who work during the day.
- This ReCode Studio is a joke. It should be held in neighborhoods rather than the middle of the day when residents work.

Draft Zoning Map Comments




DRAFT ZONING MAP
ReCode PORTLAND
preserve open space OSP, not RN2
TOD?
Housing mixed use
SEE COMP PLAN! Agree!
MORE TOD-1!
Brighton
Stevens
Washington
TOD-2!
Franklin
ALLOW MORE USES RESIDENTIAL!
one property!
concern re B-2 here
- height
- massing
- density
- parking
maintain B-1
views
too close to park + open space
like this, but not good for one site adjacent to park.
TOD-2 - yes
-yes! -yes!
Peaks Island
Cliff Island
Preserve natural space
pond, trails, small park
agree with
MIXED-USE / TOD ON ALL PARCELS FRONTING THE AVENUES — ACTUALLY CREATE ENOUGH DENSITY TO SUPPORT TRANSIT IMPROVEMENTS — INCLUDING TRUE AIRPORT TRANSIT CONNECTION TO PREVENT FURTHER
TOD 1 Extended
+1 +3
+2
PARKING EXPANSION THERE + UNNEED VMT FOR AIRPORT PASSENGERS + WORKERS

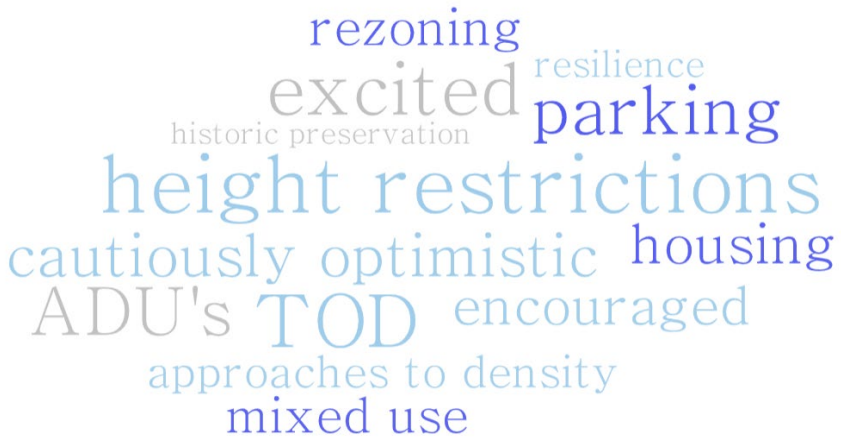

DRAFT ZONING MAP
B2 to incentvize Housing infill
Where is TOD-2? +1 +2
Why make a zone without land? Misleading! Make TOD-1 into TOD-2
incrementally
ALLOW RESIDENTIAL THIS IS MIXED USE NOW!
allow residential? Opportunity in this zone + square footage requirements interaction w/ IBC?
NOT Dense enough to support local business
I Agree!
B-1 already denser than surrounding neighborhood
- B-2 too dense
- height is too much
- parking issues
- impact to park
Leave islands alone Stw... not wort
B2b Leave No increase as R-3 in height
B2 Allow RES + more mixed-use
Leave R-3
B-1? Spring + Clark
RN1 - too high
- Shade/light
- slippery sidewalks
- inside bldgs & streetscape
Why just 3 specific parcels?
I agree! increase the TOD Zones+1
Peaks Island
Cliff Island

Feedback from the ReCode "Mad Libs"

After exploring the studio, I was _____ *(adjective)* **to see a change to** _____ *(code section or topic)*.

I think that the changes to _____ *(code section or topic)* **will have a/an** _____ *(adjective)* **impact on the City.**

After exploring the studio, I was _____ *(code section or topic)* **to see a change to** _____ *(adjective)*.



SOURCE	IS THIS YOUR FIRST RECODE EVENT?	WHAT BRINGS YOU INTO THE STUDIO TODAY?	SPECIFIC TOPIC (IF APPLICABLE)	AFTER EXPLORING THE STUDIO I WAS (BLANK)	TO SEE A CHANGE TO (BLANK)	I THINK THAT THE CHANGES TO (BLANK)	WILL HAVE A (BLANK) IMPACT ON THE CITY.	I'M STILL A BIT CONFUSED BY (BLANK)	AND I'D STILL LIKE TO SEE CHANGES TO (BLANK).	GENERAL COMMENTS
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		happy	mixed use in more residential	ped/bike transportation	positive	climate	incentivize	- How can zoning incentivize pedestrian and biking transportation? - Why is climate not a priority?
ReCode Questionnaire	This is my first ReCode event.			disappointed	B1 area changed to B2	R areas	positive			Market rate apts. are still too expensive for the bulk of residents who need this new housing.
ReCode Questionnaire		Hoping to learn more about ReCode.		excited	structure of code, housing section, density section	housing	positive	timing of changes	looks good so far	
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	road capacity			zoning in outlying areas	negative			I live hear Allen's Corner in North Deering. With the possibility of adding hundreds more residents, I am concerned about traffic. Today it takes a half hour or more to drive from Veranda Street to Allen's Corner at
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		excited	the digestibility of the code	the dimensional standards	positive			I am impressed by the flood resilience planning and efforts to make it easier for the public to access and understand the code. I am also impressed by: 1) tree canopy requirements; 2) complete neighborhoods effort
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.								
ReCode Questionnaire	I've attended previous events.	Hoping to learn more about ReCode.	public restrooms	inspired	restroom centers					Easing of the bathroom requirements/interpretation for rehab/new construction. Requiring a fund buy-in for public restrooms for new construction above X threshold
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		great graphics	Preble Street area					Really great info and learned a lot. I like that you want to hear from Portland peeps.
ReCode Questionnaire	This is my first ReCode event.			pleased	building heights	historic preservation	beneficial	India Street area	More TOD zones	More TOD
ReCode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	adu's, non-conforming, height restrictions	happy	adu's	zones and code enforcement	positive	non-conforming	height, non conformance	Sean King was great - ver helpful and took the time to answer our questions and find answers to questions he did not know. Chris was great too. One question: How many new dwelling units, in what timeframe are you
Recode Questionnaire	I've reviewed material on recodepor	Hoping to learn more about ReCode.								
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	How climate resiliency into this	excited	how code is being simplified for easier understanding and implementation	coastal flood resilience overlay zone	positive	the parking hanges - vehicle trips	curious about how to improve our transit system to easily support these changes	I also like "neighborhood residential use" accessary dewlling units - yay!
Recode Questionnaire	I've attended previous events.	Hoping to learn more about ReCode.	Sea level rise	excited	parking minimums	allowing higher density develpment and changes to the floodplain regulations	positive	how the city is adapting to handle more stormwater and how that might be impacted by increasing density	regulatory around impervious surfaces	Thank you! I really appreciate all the effort you all put into clearly communicating this information and engaging the public. I learned a lot.
Recode Questionnaire	This is my first ReCode event.		nervous	height restrictions	more density/bike infrastructure	profound	height overlays	building requirements	I think that 325 feet is too tall, especially if there arent incentives/rules on reduction of impervious surfaces. I	
Recode Questionnaire	I've attended previous events.	Hoping to learn more about ReCode.		happy	parking minimums	dimensional standards	small	how the TOD locations were selected	the land use code	Overall the changes are too minor with respect to simplifying the code, allowing denser housing, encouraging transit oriented development, and mixed use neighborhoods
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		excited	parking mins. and max	height/downtown density	good	don't own currently so not sure on zones/codes		Love parking minimums being eliminated and maximums being added and love bicycle parking minimums; allowing exemptions to historic preservation projects that advance city goals i.e. solar is great; loved the setup
Recode Questionnaire	I've attended previous events.									Still way too many zones, arbitrary map, micro management; setback requirements unrealistic for urban environment, make them smaller; refer to the LIC P's recommendations
Recode Questionnaire	I've reviewed material on recodepor	I've got specific questions!	Why are proposed zoning changes insufficient to meet our housing goals	saddened	not enough/meet our housing goals			lack of ambitionto meet housing goals	increase	TOD should be extensive - along Congress, Washington and Brighton. TODZ - why is this not on the map? Major arterial corridors should all be TODZ. Greater height allowance along arterials. RN setback proposals are still to
Recode Questionnaire	I've attended previous events.	Hoping to learn more about ReCode.	Process, admin changes, various areas	very happy	admin review vs. public for L4 units	dimensional standards and parking requirements	very positive			Very happy to see simplification, flexibility for ADUs, admin review, parking flexibility. Lower height for single family makes good sense. Question - how will parking max be set? Market may drive high parking
Recode Questionnaire	I've reviewed material on recodepor	Hoping to learn more about ReCode.		happy	to see a reduction in code complexity	floodplain management	positive resiliency			Love the gallery format! It was neat to see.
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		glad	coastal flood resilience overlay zone	shoreland, floodplain and waterfront	beneficial			Thank you for offering several methods to connect with everyone to learn about ReCode. This space was great. The posters were easy to read and take in all of the information
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.								Generally pleased to see the level of effort being undertaken.
Recode Questionnaire	I've reviewed material on recodepor	I've got specific questions!	Why are the TOD zones so limited to only 3 parcels? They should extend along the entire corridor to	excited	density (on increase)	increase density	positive by making neighborhoods walkable	spot zoning	the map to simplify changes. All parcels along a busy street should be developed, for example	Love eliminating parking minimums and adding maximums and similarly, a goal to reduce vehicle trips. The code still seems complex - stream lining is a better way to ensure development. Thanks for working to increase
Recode Questionnaire	I've attended previous events.	I've got specific questions!	housing, TOD	cautiously optimistic	no parking minimums	increase density	great	absence of TOD 2 zone on maps		
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	zoning (my neighborhood) waterfront and shoreline preservation - not development!	more educated	land use code	land use	positive	multi-unit dwellings	encourage actually affordable housing for younger folks and middle income	
Recode Questionnaire	I've reviewed material on recodepor	Hoping to learn more about ReCode.		excited	height map	building heights	positive			I recommend expanding the 325 max height area to the norther side of Center Street. I recommend expanding the heights along Congress Street to 15x along Congress Street. I recommend expanding all heights by 1.25x
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	glad	approaches to density				density is historic preservations		Any way to incentivize existing Portland garage owners (public parking) to add EV spots. This is being done in Burlington, VT. On the individual zone guides, (RN2, etc.) cold you add an inset of the zone map. Ease of use.
Recode Questionnaire	I've reviewed material on recodeportland.me		Change from B1 to B2 especially along Washington Avenue	distressed	B2 from B1	B2 from B1	very negative			Do not listen to developers who say they cannot build affordable housing without more density - they mean they will have to accept less profit. B2 at 65 feet is way too high - buildings could most likely be higher
Recode Questionnaire	I've attended previous events.	I want to learn about a specific topic	How many B1 areas have been changed to B-2 and what are their specific circumstances?							I would like to see the evidence for the desired effect of eliminating parking requirements, and what plans are being made for inevitable challenges of demand exceeding supply. B-1 to B-2 (16c Washington, northern burner
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	housing, parking, transit	happy	parking minimum			historic pres.	what qualifies for preservation	Kudos on the presentation. Love it and appreciate all of the hard work. It would be great to see a map showing the "delta" between current build environment, current permitting limits, and new permitting limits for total
Recode Questionnaire	I've attended previous events.	Hoping to learn more about ReCode.	Preserving the character of Portland - the forest city and historical connections					I am going to read all the zone changes and updates before I opine about teh specific plan		I am very concerned about increasing height limits overall - because the historic buildings will become lost. Also, view corridors that allow pedestrians to see glimpses of the beauty of this city's location will be lost. That takes
Recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	height limits - especially downtown and arterial streets	intrigued and appalled by or excited	residential zoning (esp)	height limits - too high - height concentrated in wrong places	terrible, detrimental - discourages pedestrian traffic			Great opportunity to learn - superb staff - I think insufficient attention to climate resiliency - though good to start. Cleaning up after flooding is expensive for all and devastating to those affected - 225' max height is way
Recode Questionnaire	I've reviewed material on recodepor	I've got specific questions!	TOD and increasinghousing supply	pleased	minimum parking requirements	mixed use zones	positive	lack of TOD - 1 & 2	simplicity (decreasing number of RN's)	I see 2 TOD-1 zones added which is awesome. I am wondering why so few. Would it be possible to add a ton more along transit corridors so that more portlanders have access to denser/walkable amenities? The one
Recode Questionnaire	This is my first ReCode event.	I want to learn about a specific topic	B3 Downtown	encouraged	B3			Connections between zoning and historical planning	historical rules	1. Would like to see splitting up of "retail" so that residential services are a separate use and incentivized - ie need small format 8-12 thousand sf supermarkets for downtown, residential service could include
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	parking shortage			parking	parking	RN5 parking	RN5 parking	Any new development on Munjoy Hill need to include parking, please. Also, please add "East End residential parking permits, similar to those in West End."
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.								20' street frontage is much too narrow in RN-5 zone. 30' is much more reasonable. Lack of minimum parking requirements in RN-5 zone is inadequate in such a densely populated area. At a minimum, residential parking
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	How the code changes/communication between boards, abutters and city residents	excited	outdated (fractured) code specifically consolidation of all affordable "Lozoz" housing	board definitions/scopt of standards	positive	historic district infill rules	code dimensions to keep infill from "disrupting" the HD.	1. A general "flow chart" of the process from concept to approved structure is well known among "developers" but not the general public. Getting "surprise" notices in the mail can fest out of control and you can only react
recode Questionnaire	I've attended previous events.		trees, parks and green space.							Height Map - I recommend changing the PHS/Masonic/First Parish parcel to same as City Hall to lessen the chance of teardown redevelopment. Historic Preservation - could more parks (Kennedy, Post Office/Tommy's
recode Questionnaire	I've attended previous events.			happy	our collective thinking on density, transportation and climate	neighborhood non-residential	smaller than hoped for	the disconnect between hefty comprehensive plan goals and modest zoning changes	align with those goals, re: density to enable transit and walkability	Overall I am so glad to see so many great changes being proposed in this recode update (addition of TOD zones, parking maximums, restriction of drive-thrus, etc.) - but I am still concerned that this ones-in-a-
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		impressed	dimensional standards	uses in residential zones	positive	large lot areas for 1-4 unit buildings	industrial zones	Lot areas for 1-4 units should be reduced further. More residential use should be considered in industrial zones. More density in Stroudwater. Eliminate owner-occupancy for ADUs being added to lot. Don't understand why
recode Questionnaire	This is my first ReCode event.	I've got specific questions!	permitted use in llb zone East Bayside	excited	housing densification	residential zoning	positive	usage of llb zone		As a property owner at 200 Anderson Street in East Bayside, I would like to see clarification of permitted use as well as a considered expansion of use.
recode Questionnaire	This is my first ReCode event.			interested	Rosemont zone map	the code	good	bayside	housing but not altering public views, access or increased heights of buildings	
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	transportation/climate	excited	TOD	temporary use	positive			LOVE the branding and how everything was presented
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	TOD	excited	parking minimums	TOD	positive		more TOD	Really great work! I am excited to see how this improves Portland!
recode Questionnaire	I've reviewed material on recodepor	I want to learn about a specific topic	6.4.1							Please consider the number of streets on peninsula that 6.4.1 plays a role in limiting development. There are current projects being built and approved on these narrow streets that would not be allowed to move forward
recode Questionnaire	I've participated in ReCode surveys.	I want to learn about a specific topic	Stepbacks	pleased	B-2/b/c	Flood plain	long term benefit	ADU		Great job on a massive undertaking outreach has been thorough all through to CP and RC process.
recode Questionnaire	This is my first ReCode event.					B-2	negative			
recode Questionnaire	This is my first ReCode event.							open spaces	include more OSP	Parking - could parking be underground, first floor? Not everyone can take the bus, walk, or bike. Architectural integrity - will building new structures conform to existing housing. Will open spaces be preserved (Portland
recode Questionnaire	I've attended previous events.	I've got specific questions!				appreciate all of the work that the city has done.				I would like to see the new R-6 have higher height - consider reduced setbacks to TOD zones should mirror transit corridor as illustrated in the Comprehensive Plan (Washington off peninsula, Forest, Stevens, Brighton)
recode Questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		disappointed	B1 Washington Avenue to B2	B2 on Washington Ave.	negative			Keep B-1 on Washington Avenue. B2 would make it too dense. Proposed height is too much. Parking is already tight. Impact on Munjoy and Orchard is a concern. Affordable housing is necessary. 45' is high enough.
recode questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.	How will uses that become out-of-conformance be treated in future permitting? (e.g. single family houses			flood planning	great	the timeline for implementation of the new code		It would be amazing to have a single HTML-based continuous text version (i.e., no expand/collapse headings) of the new code. The reason is that you can ask an AI bot to summarize a website, but more free bots won't
recode questionnaire	This is my first ReCode event.	Hoping to learn more about ReCode.		interested	rezoning	some rezoning	negative	some rezoning decisions	some rezoning changes	Along Washington Avenue, there is a B-2 recode zone recommendation that is adjacent to the public park, part of the Eastern Prom. The new B-2 plot is bordered by R-6 and other B-1 lots. This seems like spot zoning to
Index card										Maintain interim protection for historic places/districts while under consideration for designation. Measure height from pre-development grade rather than post development grade.
Index card										I think it is short sighted to eliminate parking. We are creating another Boston.
Index card										The grade slope calculation is still very vague and allows developers to "trick" the building height allowed.
Index card										I am concerned abou the side and rear setbacks for B1 propoerties abutting residential zones off Ocean Avenue.
Index card										ILb zone in East Bayside - would like to see clarification of permitted use and expansion of permitted use.
Index card										Does recode provide means to achieve goals in comp plan? I have doubts.
Index card										Yes to removing parking minimums and setting maximums. Lower Franklin (Cong. to Middle) should be higher than 4s' for height limit. I am concerned that the recode maximums are at best, the bare minimums we need to
Index card										Can you encourage pedestrian cut throughs in all zones (pedestrian passages)?
Index card										This recode studio is not public condusive and is not available to residents who work during the day.
Index card										There should be better protections on mature trees and no more tree waivers.
Index card										Residential purpose statements are too loose and allow too much commercial businesses inside residential zones.
Index card										No more density bonuses on B2b.
Index card										This recode studio is a joke. It should be held in neighborhoos rather than the middle of the day when residents work

Squarespace
Feb 9, 2021, 7:23:42 PM
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Winston Lumpkins IV

Email Address: winston.lumpkins@gmail.com

Subject: support Multi unit buildings

Message: It is my firmly held belief that there should be absolutely no development of single unit buildings allowed, we have far too many.
3 units should be the minimum that are allowed on a single foundation. Mulit unit buildings are green, they are more affordable to rent, they look nicer. Bring back the triple Decker's! They are selling for like 500,000, there is no way they wouldn't build lots if they where allowed to.

It's f*cking disgusting all the little single unit buildings all over the place wasting perfectly good land that could house 3-4 families.

Squarespace
Apr 18, 2021, 7:49:34 AM
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Mary Morse

Email Address: mrsm1359@outlook.com

Subject: Noise

Message: When looking at zoning and land use please considered impacts on existing neighborhoods with regard to noise pollution. We are overwhelmed with the noise (especially the bass) from music venues on the East side. These venues often go to 1 AM! It is seriously impacting the livability of our neighborhoods.

Re: Form Submission - Contact us Re:Code - recode II suggestion

G Bahlkow <gbahlkow@gmail.com> Wed, Jul 14, 2021 at 10:28 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

Thank you for your prompt reply!

Any help understanding "where" in the RECODE II process things stand will be appreciated.

Many thanks, Gary

PS Pasted below is a copy of email sent to Director and Deputy Director of Planning about a specific (to me) anomaly which seems easy to address - note there are two attached files that support the dialogue :

Good afternoon,

I am contacting you at the suggestion of Caitlin Cameron. Please let me know if this is, in fact, directed to the right people!

I have been renovating a residential property in the R6 with Munjoy Hill overlay. It is located in the newly approved Munjoy Hill Historic District. 42 Lafayette Street.

After completing renovations to the main house, I met with Caitlin, Deb Andrews and Ann Machado in January of 2019 about the possibility of replacing the existing garage (circa 1948) with a new one. My concept was to use a slightly larger footprint and have a small dwelling unit above.

I ran into a conflict with the current regs that Caitlin, Deb and Ann seemed to think was an unintended consequence of a new overlay reg - 8.7.4.A.2. (At least that was my impression of their comments at the meeting - I don't mean to put any words in their mouth).

I believe it was Caitlin who said the intent of 8.7.4.A.2. was to get more living space onto the ground floor in larger condo type projects (or avoid the sterility of nothing but garage on ground floors in condo projects). In my case, I am really just replacing a functionally obsolete accessory building with a new one. And adding a single, small dwelling unit above.

If you look at the Dimensional Table 7A for R6 you will find that I could build a 20x30 garage with 8 foot door (40%) and put the dwelling unit on top. Unfortunately, the Overlay reg in 8.7.4.A.2. currently takes that 7A allowable garage away.

If, in fact, this is an unintended consequence of the overlay I will appreciate you considering a modification in the RECODE II process.

Currently I have a permit pending for a new single family (as advised by Ann). The permit number is BLDR 2019 01144. If you look at the original submittals (with a new garage) vs the revised submittals I just uploaded today (without the garage) you might conclude, as I have, that a single bay garage/workshop on the first floor with a small dwelling unit above looks like a thoughtful accessory building (where a little house next to the big house looks, well, odd. At least to me.).

As a personal note - to give you some context on why I am pushing for this, my hobby is tinkering on old cars. I REALLY would like to replace the tiny garage there now with a slightly larger one that could accommodate a workshop on the ground level. I'd also like to add a small dwelling unit above to the housing pool on Munjoy Hill.

If this is a lost cause I will go ahead and replace the old garage with a new house with no garage/workshop but I am hoping you folks might see a path forward for me to do what I hope to do.

I know this is a long and potentially confusing email. I'd be glad to elaborate in person or by phone if that might be useful. 207-650-1551

In the meantime, I am attaching a couple items that might help you visualize the foregoing. You might have to be patient waiting for the Site Plan to load. It is a pretty big file that takes a minute or two to draw.

Thank you for your consideration.

Gary Bahlkow

[Quoted text hidden]

> [Quoted text hidden]
> 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.

2 attachments



42LAFA~1.JPG
4229K

Bahlkow Site Plan_3B-11 x 17 (7) (1) June 25, 2019.pdf
757K

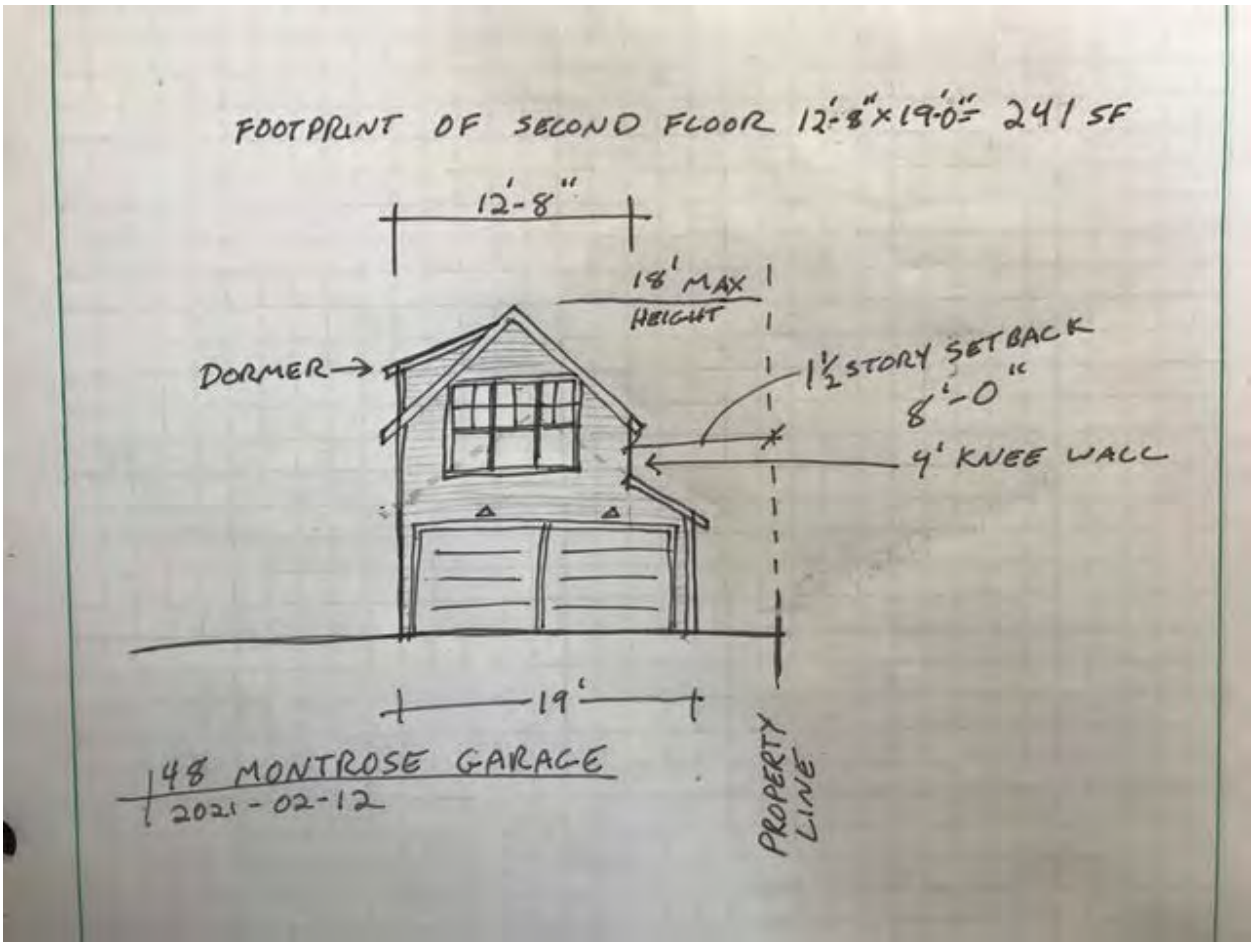
Chris Herlihy
Jul 26, 2021, 3:47:13 PM
to recodep...@portlandmaine.gov

Hello,

I am working with a clients who owns 48 Montrose Ave. We are interested in knowing if the recoding would have impact on the setback limitations of using their accessory structure (garage) for an ADU. The house is in Zone R5 and I have sketched the current limitations below, but they would like to use the whole 2nd floor, or more then I currently have allotted if they are able to.

Best Regards,

Chris Herlihy
Architectural Designer
Polestar Design
70 Center St. 2nd Floor
Portland, Maine 04101
O: 207.405.1815
M: 406.600.5069



Fwd: Form Submission - Contact us Re:Code - ADU's in R-5 and setbacks

Helen Donaldson <hcd@portlandmaine.gov> Mon, Jul 27, 2020 at 9:06 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Jen,

Can you get this into the public comments for ReCode and publish with the backup for the meeting as well?

Thanks,

Nell

---------- Forwarded message ---------
From: Squarespace <Unknown>
Date: Sunday, July 26, 2020 at 12:23:44 AM UTC-4
Subject: Form Submission - Contact us Re:Code - ADU's in R-5 and setbacks
To: recodep...@portlandmaine.gov <Unknown>

Name: Nick Aceto

Email Address: n...@acetola.com

Subject: ADU's in R-5 and setbacks

Message: Hello,

I am excited to see the city has recently published the first phase of the revised land use code. I am also very pleased to see more language included in this phase regarding ADU's in residential zones, particularly R-5. Thanks to everyone for all the hard work!

Reading through the dimensional standards I was a bit confused by a few items:

1. Rear Setbacks: It appears the rear setback for R-5 has remained the same, 20'. It also appears this requirement stands for accessory structures (ADU's). If this is the case I would strongly suggest reconsidering a more progressive standard which can allow for greater flexibility in design and more efficient use of yard space. By reducing the rear yard setback to 5' for detached ADU's you would allow what is often underutilized yard space to be repurposed as living space/floor area. For the average two car garage carriage house this represents an additional +/- 300 sf(or one additional bedroom). In the case of some smaller lots this could mean the difference between building the ADU or not. In a time when Portland so desperately needs affordable housing, I urge you to consider drastically relaxing setback standards, particularly for ADU's.

2. Detached ADU Height Limits: It appears ADU's are proposed to carry a max height limit of 18' while their counterpart principal structures are nearly double at 35'. It seems unnecessarily restrictive to set a lower height limit than the principal structure. In a time where affordable housing is needed, the height limit seems it could restrict some property owners from providing additional living space or even make the ADU project unfeasible. I would suggest making the height limit the same as the principal structure. There is already language in the code requiring accessory structures to be 'subordinate' to the principal buildings in terms of placement and bulk (2/3rds floor area limitation).

As a resident in the R-5 zone my partner and I would very much like to develop our own ADU. We think the ADU could be a very valuable tool in helping combat the lack of affordable housing, organically, within existing neighborhoods. However I would urge staff to consider relaxing dimensional standards so as to allow maximum design flexibility early in order to promote efficacy of this new strategy.

Thank you!

NIck Aceto

(Sent via *ReCode Portland*)

Squarespace
Dec 16, 2021, 2:21:16 PM (5 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Daniel Higgins

Email Address: dannyhiggins207@gmail.com

Subject: R2 Zoning Questions

Message: I live on 106 Caron St. with a lot size of approx. 17,800 sq.ft. A number of years ago I contacted Marge Schmucal (spelling?) in city hall and was informed that , to sub-divide my lot for 2 lots R2 zoning requires 10, 000 sq. Ft. Per lot.. Now I see Brandi Lane sub-division approx. 50 yards away from my house, being started with many lots below the 10,000 sq.ft.. This was zoned C40. Is the ReCode Portland addressing issues like this?

Does this submission look like spam? Report it here.

Mush J
unread,

Dec 21, 2021, 5:31:08 PM (17 hours ago)

to recodep...@portlandmaine.gov

Hello,
I own a land in Hemingway Street and I'm looking to build a house there and my neighbors too, that's in my opinion is going to help with the housing needs and the economic too so I was hoping that the city is looking at this issue and waive the requirements of paving the street or helping us pave it or even split the cost,
Thank you,
Mushreq J Alsamraee
35 Hemingway street
Portland, ME
2076329523

Squarespace
unread,

9:06 AM (2 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Elizabeth C Parsons

Email Address: ecparsons33@hotmail.com

Subject: Recode Portland format

Message: Have received the email about reading and commenting on the current Recode process. Would very much like to do this and find that the format is tedious and off-putting. The document appears in a small window and navigating around it is tricky. Is it possible to receive a PDF of the document?

If this is the only way that you solicit feedback, what you are going to get are responses only from people who are already in the know and not just ordinary citizens--who may have perspectives that need to be heard. Please make a concerted effort to expand the ways of access to this important document and process.

Does this submission look like spam? Report it here.

Portland Maine Yes. Google's good here.

Matthew Grooms <mgrooms@portlandmaine.gov>

Comments

'Dennis Martin' via ReCode Portland <recodeportland@portlandmaine.gov> Wed, Dec 22, 2021 at 10:41 AM
Reply-To: Dennis Martin <dennyjrdaddy@yahoo.com>
To: recodeportland@portlandmaine.gov

Hello- We are in a historic district. We would install solar panels on our large southeast facing roof except it is also street side for the historical district. It's probably time to limit the historical districts' reach when it comes to homeowner's mitigating their carbon footprint. Wasn't sure how to comment on the document. Thanks Dennis Martin 217 Brackett St.

Recode Phase II Land Use Code Evaluation

Barbara Vestal <vestal@chesterandvestal.com> Thu, Jan 6, 2022 at 12:56 PM
To: planningboard@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Helen Donaldson <HCD@portlandmaine.gov>

Chair Mazer and Planning Board Members:

These comments are submitted for consideration as part of your workshop on the Land Use Code Evaluation (Evaluation) on January 11th. For the most part, I am submitting comments on the document in this letter format rather than using the awkward online "bubble" format.

While I think the Evaluation contains many useful observations and may trigger important discussions, I found it to be very uneven and incomplete in how substantive topics are addressed. I was hoping the document would contain a detailed assessment of the ways in which the current land use ordinance fails to implement the major principles of Portland's Plan 2030. (Those major principles are adequately summarized in the Evaluation as: One Portland, complete neighborhoods, strong downtown, thriving working waterfront, priority nodes and corridors, and connected transportation, open spaces and infrastructure, p. 7). Further, I was hoping the Evaluation would contain a comprehensive set of recommendations for amendments (or at least a list of very specific topics for further analysis) which would detail **how to move the City toward implementation of the major principles of Plan 2030**.

Instead, the Evaluation is organized around those six generic themes from Plan 2030 (equitable, sustainable, dynamic, secure, authentic, connected) which are so amorphous that they are not equal to the task of moving the discussion forward. The Evaluation is further divided into technical sections organized by seven components of any Land Use Code. There are approximately 40 substantive recommendations gathered in the "recommendation matrix" but they seem scattershot. The document does not clearly identify the fundamental choices that need to be made if the City is to move toward those major policy principles of the comprehensive plan, Plan 2030, nor does the Evaluation seem to propose a comprehensive suite of recommendations (or focused topics for further analysis) which are strategically selected to further those principles.

Figuring out how to amend the Land Use Code to actually further those substantive principles is the work that needs to be undertaken now. To be successful, it needs to be intensive and laser focused on those principles. The choices among alternative land use patterns and opportunity costs of those choices need to be clearly laid out so that appropriate decisions can be made. If true to Plan 2030 principles, some fundamental changes need to be made in the pattern of uses allowed by zoning and supported by the Land Use Code, particularly off-peninsula. Instead of confronting those decisions head on, this Evaluation seems to have gotten sidetracked on a quest to generate recommendations that will tick as many boxes as possible based on claims that they have some vague relationship to the six generic themes. To my mind, this is an unhelpful elevation of form over substance.

The chapter entitled "The Land Use Code & Portland's Plan" (pp. 7 - 19) is a bit of a puzzle. It asserts over and over and over again that revisions to a land use code **CAN** produce x, y or z (e.g. achieve complete neighborhoods, further equity goals, incentivize affordable housing, etc.). Is the word **CAN** intended to be read as **SHOULD** in relation to Portland? Are these intended as substantive recommendations? Or is this chapter just meant to educate the reader as to the theoretical power of a generic land use code? It would be a more useful document if it helped the City identify **how** to move toward plan implementation by focusing on the specific decisions that need to be made in amendments to the Land Use Code, organized by the topics called out in this chapter (equity, environmental sustainability, parking, complete neighborhoods, housing) and additional major principles goals from Plan 2030 which are not specifically highlighted in this chapter (one Portland, strong downtown, thriving working waterfront, and land use patterns related to priority nodes and corridors and connected transportation, open spaces and infrastructure).

Turing to substance, I would like to share four general observations:

AFFORDABLE HOUSING: The Evaluation seems to emphasize new housing production. (p. 8, 17-18), identifying what could be included in the toolkit to incentivize new construction to produce expanded housing opportunities. The elephants in the room, not discussed in the Evaluation, are the disincentives imposed by referenda in November 2020, specifically including rent control, which are highly likely to discourage the construction of virtually any **newly constructed rental housing.** The exception may be 1-4 unit structures intended to have an owner occupant, accessory dwelling units, government-subsidized units, or units owned by Portland Housing Authority, which are exempt from rent control. Unlike most other rent control ordinances, there is no exemption for rental units constructed after the date of enactment. Any "holistic look" at land use housing tools is a wasted effort unless it expands its focus enough to appreciate the current broader regulatory framework. Rather than focusing on new construction incentives, I believe the land use toolkit for affordable housing is going to need to focus on how Portland can adjust its provisions on nonconformities to **retain existing housing** and to encourage investment in existing affordable housing. This is mentioned very briefly on page 9 but not fleshed out.

In addition, the new construction incentives need to be adjusted so they are not counterproductive. For example, on Munjoy Hill, the height bonus for one “workforce” housing unit has actually incentivized demolition of multiple existing units, to be replaced by expensive condominium units, resulting in a **net loss** of affordable housing. A different set of incentives need to be developed (e.g. allow different types of units or smaller units, reduced minimum lot size per unit for affordable units, etc.) to replace the counterproductive height bonus.

HEIGHT: Recommendation 2.H. states: "Consider opportunities to refine height controls within the Land Use Code's ***mixed use zones***" (emphasis added). This recommendation should not be limited to mixed use zones. Height provisions need to be comprehensively reviewed throughout the City. Currently measurement methodologies are very sparsely detailed and are particularly inadequate for retaining an acceptable scale on a sloped site. Architects have developed "work arounds" that evade the intent and letter of the ordinance. Except on the islands, the current language is being interpreted, unlike almost every other jurisdiction, to allow

a developer to fill first (or resort to other artificial means) and then calculate height from a newly created grade.

The methodology to calculate height needs to be fixed. It needs to specify: 1) where measurements are to be taken on the surface of the earth relative to the footprint of the structure (what defines the corners or the location of the perimeter – the weight-bearing foundation? Incorporated retaining walls? Other?); 2) where measurements are to be taken relative to the vertical location/elevation of the corner points or perimeter (e.g. where the weight-bearing foundation pierces the ground or some other point?); 3) stipulate that calculations are to be based on pre-development grade (or natural grade as of a past date like the year 2000) so that use of fill or other artificial ground-raising techniques to increase allowable height are not permitted; and 4) as many of the remaining undeveloped sites in Portland involve steep slopes, establish standards to address height calculations for sloped lots so that the resulting structures are not out of character with their surroundings, such as a cap on the number of feet of additional height allowed as a result of averaging the grade. Ideally this height methodology fix, which has been discussed for years, should be expedited and not wait for completion of the entire Recode II process.

WATERFRONT ZONES: The Evaluation recommends that "the Code revision process should maintain the unique orientation and provisions of each of these [3 waterfront] zones, while recognizing the potential for emerging industries that can be compatible within the waterfront context." (p. 54). If the emerging industries are meant to be **water-dependent industries** (not intended to include the “hospitality industry” or similar “industries”), that is a reasonable recommendation. As these waterfront zones are so complex and have been intensely negotiated, from time to time, over the last 30 years, I strongly believe it is best for the Recode II process to leave them as they are and not undertake to "align, clarify, [or] modernize the language" even if the recommended intent would be to preserve the function and intent of these established zones. Trying to consolidate definitions into one place or tweaking performance standards so they are consistent with the language used in another zone may inadvertently upset a delicate balance.

LAND USE PATTERN: The Plan 2030 calls for off-peninsula areas to carry more of the burden of accommodating future growth, and advances priority nodes and corridors as the way to do this while supporting sustainability goals for public transportation. The zone analysis in the Evaluation contains only a very cursory analysis of the existing zones, and fails to address how these zones could and should be amended to further these important major principles. Does the City need one or more overlay zones for the priority nodes and corridors? Where would the overlay zone(s) apply? How much density would be allowed? How would they be structured to support affordable housing goals? These issues are the heart of making the Land Use Code consistent with and supportive of Plan 2030. It is unfortunate that the Evaluation does not include more helpful analysis of these issues.

Best wishes as you try to cull what is useful out of this Evaluation and come up with a plan for how to move forward with the Recode II process.

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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PC 11

Comments on Proposed Recode

0 views

Subscribe

Cheryl Ann Leeman <cal4161@yahoo.com>
to planning@portlandmaine.gov

12:00 PM (4 hours ago)

First and foremost, there has to be a recognition for the city's neighborhoods and their value to the overall quality of life in Portland especially established neighborhoods with patterns of developments attractive to young families who want a more suburban feel similar to outlaying communities - - as stated in the city's comprehensive plan that "uniqueness and integrity of our neighborhood will be maintained and enhanced" and "compatible with current development patterns and contextually appropriate ".

1. *Urbanization* of neighborhoods will be in direct conflict with what the Comp Plan and the homeowners who purchased their homes in areas of the city where the established patterns of housing development were an indication of a desirable, well-defined and livable neighborhoods to raise one's family.
2. Until there is an actual inventory of housing stock in the R-3 and R-5, it is somewhat inaccurate to say that these zones "do not appear to acknowledge the current built forms" mapped within the city. AS stated, three and four family dwellings are not predominant housing types in these zones.
3. Greater density requires data-based documentation as to the appropriateness of where this might be applicable.
4. To suggest "context-based" solution to front and side setbacks has potential for unintended consequences of urban application with buildings closer to street and abutting properties in neighborhoods that historically have front and side yards.
5. Possible elimination of small lot residential lot option could lead to the purchasing of a house with small lot next to it, demolitioning the house and combining lots for a massive scale development, and so much more.
6. Changing R-3 zones to R-5 would affect almost every neighborhood off peninsula to higher density impacts for unwelcome multi-family buildings in well established neighborhoods like Back Cove, Deering Center, North Deering, East Deering and Riverton, etc.
7. Infill development, if carefully done, with specific standards within established context of R-3 and R-5 zones is certainly an option. However, to date, what we have experienced is amendment changes to zoning to accommodate a proposal even though it may not fit within neighborhood context.
8. Where is the neighborhood planning tool kit to enrich community input?
9. There is a need of defined process for improved neighborhood involvement prior to the finalization of projects instead of being put in a position of reacting to proposal, setting up adversial situation.

Finally, the document sent out for folks to use for evaluating the Recode was difficult to navigate. I believe the public will be hard pressed to response using this method.

Thank you, Cheryl Leeman

Public Comment on Recode Phase II

Elizabeth Parsons <ecparsons33@hotmail.com> Tue, Jan 18, 2022 at 10:51 AM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>

The Recode II documents you are circulating represent an important amount of work and the challenging part will be putting these ideas into practice. The following comments contain a few observations about practical implications of what's envisioned.

- General comments/suggestions
  - Under "Resources" please add a link to the One Climate Future (OCF) website site.
  - During the Planning Board's January 11th workshop, most discussion concerned the built environment. This is understandable given the general expertise of Planning Board members and the character of American urban society. Please, however, make a concerted effort to focus more attention on the natural world environment since without air/water/soil/light Portland can't exist.
    - Drawing more attention to the natural world could involve such things as:
      - Making sure the Planning Board is trained in all sections of the One Climate Future plan, is reminded of its crucial importance by City Council, and enforces that importance when reviewing projects. At present, it is not evident that the Board is all that familiar with the OCF plan;
      - Coordinating better communications amongst the Planning Department, Sustainability Office, and Parks and Rec (specifically Forestry);
      - Highlighting the need for increased staffing in Sustainability and Parks/Rec Forestry. These offices are understaffed yet significant elements of the Recode effort will fall within their purviews and/or affect their work;
      - Adopting an attitude that looks first for what elements of the natural world can be saved/retained/relocated during development planning and execution. Trees, for instance, are major natural elements. Removing a mature tree and planting a new sapling instead is not a one-to-one exchange.
  - Comments by Karen Snyder, Liz Trice, and Maggy Wolf at that Planning Board workshop were spot on. Please re-listen to them and take their observations to heart. Here is the link to that workshop; their remarks start at about 1 hour 41 minutes.

- Transportation
  - Eliminating previous parking requirements for new construction is a very good thing.
  - To encourage more walking and biking, particularly on the peninsula:
    - Do not simply adopt some of the strategies being implemented in places like Cambridge, Massachusetts (our bike lanes on Park Avenue resemble what's being done in Cambridge). Rather, investigate how European cities such as Copenhagen, Denmark and Malmo, Sweden have created safe ways for biking.
    - Reviving the State/High Streets two-way conversion proposal that was closely considered several years ago could help with this.

- Increased housing density

- Curtailing single family housing off the peninsula makes a lot of sense. Be prepared, however, for how new ADUs in currently single family locations will affect not only resiliency elements of the OCF plan but residential life in possibly unexpected ways. For example:
    - ADU construction will likely invite tree removal(s). The Heritage Tree Ordinance only applies to Historic Districts and, although the Sustainability Office envisions expanding it throughout the City, Councilors have said this can't be done without adequate staffing to enforce the ordinance. Given current fiscal constraints, there's no telling when additional staff might be hired. So meanwhile, please consider closely what might be done to highlight the vital role trees play; to encourage the Planning Board to emphasize this when reviewing projects; and to stress that we shouldn't be looking at an either/or choice: housing or trees. We need both—*especially* where affordable housing is being considered. This is a matter of social and ecological equity.
        - Here is the link to a recent article about this very matter that gives some important guidance.
    - ADU construction may created unintended effects on neighboring properties and neighborhood relationships. For example, prior to moving to Portland, I lived in an urban area that started allowing infill construction. When new homes went in up the street and on the lot behind our two-family condo building we started getting water in the basement. This never happened prior to that new construction and dealing with it was a years-long, unpleasant process. So, the Planning Department and Board should be prepared to ask questions not simply about proposed new infill projects but about possible ramifications on nearby properties.

Thank you for considering this comments.

All best wishes,
Elizabeth Parsons
44 Winter Street
Member, Portland Climate Action Team
Past-President, West End Neighborhood Assn.

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Form Submission - Contact us Re:Code - Changing the land use code is a bad idea

---------- Forwarded message ---------
From: Squarespace <Unknown>
Date: Monday, January 31, 2022 at 4:46:07 PM UTC-5
Subject: Form Submission - Contact us Re:Code - Changing the land use code is a bad idea
To: recodep...@portlandmaine.gov <Unknown>

Sent via form submission from *ReCode Portland*

Name: Phyllis Guevin

Email Address: phyllisguevin@icloud.com

Subject: Changing the land use code is a bad idea

Message: I do not want any land use changes.This would bring overcrowding and even more excessive traffic .Morills Corner is the busiest intersection in my state of maine and has yet to widen end,taking land by eminent domain as necessary.It has never been fixed since I was a kid growing up in Portland,me.What I already see is too many schools on one avenue,Stevens.Overbuilding has already taken place.Does anyone calculate the number of cars added by cramming more housing into Portland.No more fields and woods in my former neidhborhood.No more fields and woods behind what used to be Zaire's and Vallees .I rode horse behind there from Camelot farms which beautiful and now is doomed for more housing .Stop building and fix the roads and sidewalks that we have.Move schools out of the city and combine them into one large school outside the city.start doing studies on the traffic we have and terrible congestion as well as stop drawing crazy white lines everywhere.This is a wintry state.Bikes should be banned in the winter and on sidewalks,not on our narrow streets.Many Toyota cars have safety sense which goes with these excess white line.We need to hire a very talented new road engineer, .How many of you were born and raised in the Portlan d and greater Portland area and know what it was like as I do over sixty nine years.Kids needs Fields and wooded areas near homes to run and play.Please send me some recent traffic studies before and after this foolish plan.

Does this submission look like spam? Report it here.

Re: Watch the ReCode public forums!

Markos Miller <markossmiller@hotmail.com> Sun, Mar 6, 2022 at 12:52 PM
To: ReCode Portland <recodeportland@gmail.com>, Helen Donaldson <hcd@portlandmaine.gov>

Thanks for sending out the videos so quickly.

This appears to be very well done, a nice balance of informing and updating, clarifying, and soliciting feedback.

I appreciate the opportunity to view and offer comment after the fact.

Some questions and comments about Forum 1:

1. Definition/goal for density. 8-20 units an acre is underwhelming. I live in/own a 3 unit on Munjoy Hill. The lot is just under .9 acres. We enjoy a nice yard and parking for 4 cars. This suggests that at least 30 units per acre could be comfortable. Larger apt buildings could use land even more efficiently at high densities. "Density" should start at 20/acre and then increase.

2. I agree that the on/off peninsula distinction should be eliminated for zoning purposes.
3. Housing survey slide: I hope this is just to get a "read of the room" and not to prioritize energies. These all are important. My choices here are 3,6,5,4,2,1
4. Home ownership assistance/incentives are a great idea, even if not germane to zoning.
5. Anne Pringle's comment on Munjoy Hill R6: I think the shortcoming of the R6 changes here is that we did not connect density/setbacks/height augmentations to creation of more units/affordable units. So we got 2-3 giant condos for rich folks on a lot, not lots of smaller size units for young people, young families, working folks. Don't throw out the R6 reforms, improve them so they work to meet our goals, and expand them to all R6 zones, and maybe beyond. (Sounds like this may be a goal via other means?) Then address design guidelines.
6. Zack Barowitz' comment about Portland population vis-a-vi population of the metropolitan area is an important one. Portland population is not growing and this should be made clear. As a percentage of larger region, Portland population is shrinking. What are the goals around this? This should be a driver of our housing creatin policies.

7. Transit corridors are a great place to focus, but how wide is a transit corridor? What density (people who can walk to transit and essential business/services) in these areas is needed to support quality transit services and businesses? 20 units/acre up and down Forest Ave will not be enough.
8. Climate change survey: 1-2 (two sides of same coin),3,6. Maybe human scaled access to coast/water should be a priority, improving quality of life features while limiting development in high risk areas.
9. Transportation survey: 5,2,3
10. Redevelopment of parking lots (particularly larger ones) is a worthy goal. Impervious surfaces is one tool that also speaks to environmental goals. Increase incentives for redevelopment and disincentives for maintaining parking should be pursued. There are so many downsides to parking, and we can do better at providing other options that provide the few upsides.

Many Thanks,

Markos

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

From: ReCode Portland <recodeportland@gmail.com>
Sent: Friday, March 4, 2022 1:46 PM
To: markossmiller@hotmail.com <markossmiller@hotmail.com>
Subject: Watch the ReCode public forums!



Thanks to all who attended our recent ReCode public forums! If you missed the forums, don't worry! You can watch videos below.

3/1 Forum: Housing, Climate, & Transportation

3/2 Forum: Complete Neighborhoods, Design, & Economy



We are still looking for input on our code evaluation survey! The survey will be open for another week, until Friday, 3/11/22.



And if you want to read and comment on the code evaluation in its entirety, our document comment portal will be open for one more week, until Friday, 3/11/22.

Thanks to all who have commented so far!

ReCode Portland
389 Congress Street
Portland, ME, 04101
United States

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Squarespace
Mar 7, 2022, 11:57:31 AM (7 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Allen Armstrong

Email Address: armstrong105@gmail.com

Subject: Historic Preservation to allow addition of sustainable objects

Message: With ReCode's focus on sustainability and the goals set out in Portland's Plan 2030 and One Climate Future, I would like to suggest the following changes to the draft Land Use Code:
Section 17.7.1 A 1 I be deleted. ("installation of solar collectors")
Section 17.7.2 F be added: "Where additions consist solely of objects designed to reduce energy consumption or greenhouse gas emissions, e.g. solar collectors, heat pumps and electric vehicle chargers."

Does this submission look like spam? Report it here.

FORESIDE
PORTLAND, MAINE
254 Commercial Street, Suite 118, Portland, Maine 04101

March 11, 2022

Christine Grimando
Director of Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

RE: Public Comment | RECODE Phase 2

Dear Christine:

I am writing on behalf of Portland Foreside Development Company (PFDC) regarding RECODE Phase 2 that is currently underway in the City of Portland. After reviewing the documentation available, we would like to submit the following comments:

- We propose that a Zoning Text Amendment be included in RECODE to Section 10.2.3(B)(11) and Section 10.2.7.(C)(4) of the Zoning Code. This change is associated with a Zoning Text Amendment that Portland Foreside Development Company pursued between December 2020 and January 2022. We were successful in receiving approval for this amendment from the Planning Board. The City Council did not approve this Zoning Text Amendment and among other comments, noted that this was something that could be included with RECODE. The overarching goal of this zoning text amendment change is to open up a portion of the EWPZ to the public as a space for enjoying food and beverage and experiencing the waterfront and marina located at 1 Marina Way.
    - The Zoning Text Amendment being proposed for Section 10.2.3(B)(11)(a) would read as follows:

> ***"Section 10.2.3.B.11(a):*** *Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.*
>
> *a. Restaurants and food service establishments, **including any storage or preparatory space**, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total **interior** floor area of the **principal marina building** and are within 100 feet of the principal marina building, **provided pedestrian circulation is not unreasonably impaired** and further provided that such accessory uses are open to the general public.*

- The language for 10.2.7(C)(4) would read as follows:

> ***"Section 10.2.7.C.4 –*** *Setback from pier line: Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3 (B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, restaurants and food service establishments accessory to marinas, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non-water-dependent uses or for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s)."*

- Propose that the City consider, as a resiliency measure, allowing developers to convert height restrictions in feet to a maximum number of stories. This change would allow for the increase in floor to floor height of lower floors (thereby providing mitigation from the impacts of flooding) and encourage the thoughtful placement of mechanicals without negatively impacting uses and floors above. To qualify for additional height, should be required to demonstrate that the extra height is used for resiliency measures. The City could consider requiring that certain other sustainable development practices be met as well.

- **Use & Use Standards**
  - **1B - The Code should address additional creative uses not currently listed** - We offer support for the idea of "creative uses" not currently listed including but not limited to roof top gardens, roof decks, food and beverage offerings at marinas, etc.
  - **1D - Consider revising the definition of "agriculture" to include modern agricultural activities** - Adding to the definition of agriculture some urban agriculture concepts could include elements like rooftop gardens and amenities.
  - **1G - A comprehensive set of temporary uses should be addressed in the Code** - Temporary events should not only be modified but also more inclusive. The Temporary Event language in the Eastern Waterfront Port Zone is something that could be modified to focus on the whole Zoning District along with the City owned Ocean Gateway.

- **Dimensional & Design**
  - **2A - Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment** – Regulatory incentive (density bonuses and/or height increases), Tax (TIFs), economic, financial (grant programs, support for infrastructure) should be considered for projects that include a mix of uses and prioritize walkability.
  - **2B – Evaluate dimensional standards and uses permitted throughout the city in the context of risk and resilience.** Developing regulatory incentives and requirements for projects in low risk and high risk areas should be differentiated. Resiliency overlay zones should be flexible and dynamic due to and consider flood zones, stormwater and heat islands. Including flood tolerant landscaping, requiring utility systems to be flood resistant are examples of some regulatory options.

- **2G - Explore opportunities to encourage transit oriented development within appropriate areas of the city, in coordination with regional transit planning** - Consider the idea of adopting a TOD ordinance that creates incentives (density, height bonuses, tax incentives) or requires certain types of development to meet specific criteria that is focused on TOD.
- **2H - Consider opportunities to refine height controls within the Land Use Code's mixed-use zones** – Instead of just thinking about refining height controls, think about where additional density and height makes sense for the urban fabric and walkability of the City and allow flexibility for certain types of projects or projects that meet specific requirements.

- **Zones**
  - **3A - Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City's residential zones** – Consider a diversity of housing types for all Zones, but when doing so, also think about transportation options that serve each zone and a variety of transportation choices that are and can be offered.
  - **3C - Evaluate and refine the City's mixed-use zones to ensure they support the city's thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City's vision for the future –** To further encourage mixed-use redevelopment, support new development and redevelopment in areas of the City that can occur and is already happening. Incentives and support can be tax, economic, financial, or regulatory. We support simplifying the regulations in the B6 Zone. We encourage the City to require that the majority of a street fronting ground floor in any of the urban mixed-use zones be open to the public (hotel lobby, retail, etc.) to support active pedestrian/public uses.
  - **3G - Ensure that the City's waterfront zones continue to function effectively.** To acknowledge and support prioritizing the mix of marine and non-marine uses in the EWPZ, while prioritizing the health and operational needs of the working waterfront, consider zoning text modifications that allow for the general public to more fully experience the area (see our proposed Zoning Text Amendment on page 1).
  - **3H - Consider the continued applicability of the Land Use Code's overlay zones** – Consider eliminating the Munjoy Hill Neighborhood Conservation Overlay Zone now that the Munjoy Hill Historic District has been adopted.

- **General Development Standards**
  - **4B - A comprehensive set of accessory structures and uses should be clearly defined within the Code** – This should include temporary accessory structures that could be renewed with certain time intervals.

- **Parking, Loading & Access**
  - **5C - Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within One Climate Future** – There is also a need to update the TDM requirements so that consideration is given to the bigger picture of projects and activities within the City and not just the project requiring the TDM. There should be more consideration and collaboration given to what is going on with TDM as a whole.

- **Landscape**
  - **6A - Landscape requirements should address all aspects of site development, from preservation to screening and buffering** – Landscaping standards should be modified to include consideration of current landscaping on adjacent properties and consistency within an area of the City or neighborhood. Consideration should also be given to incentivizing techniques that can be used to support resiliency and flood mitigation.

Thank you for the opportunity to provide comment on ReCode Phase II.

Sincerely,

Mary McCrann

Digitally signed by Mary McCrann
DN: C=US, E=mcm@portlandforeside.com, CN=Mary McCrann
Date: 2022.03.11 15:59:58-05'00'

Mary McCrann, AICP
Director of Strategic Initiatives

Helen Donaldson <hcd@portlandmaine.gov>

Peaks zoning for affordable housing

Elizabeth Remage-Healey <remagehealey@gmail.com> Mon, Mar 14, 2022 at 10:23 AM
To: Christine Grimando <cdg@portlandmaine.gov>, hcd@portlandmaine.gov

Good morning. On behalf of Peaks Island Home Start, about 10 days ago I submitted comments via the ReCode website asking for revision of current zoning in IR-2 that would better support small affordable homes, similar to the proposed small lot regulations proposed for R-5.

There are many small lots on City water and sewer in IR-2 that could benefit from smaller setbacks. A 5000 square foot lot with 50 foot frontage currently requires 20 foot side set backs on each side , which leaves only 10 feet for a home. Not practical - or pretty ! Unless you're a fan of traditional trailer design.

When we originally proposed this change to Jeff Levine 5 years or so ago, we were advised to wait for Phase 2 of the ReCode. So here we are.

Does this request need further discussion? How can we best advocate for it? Of course we're happy to meet via zoom or in person, and also to solicit the support of the Peaks Island Council if that would be helpful.

Thank you for getting back to me. I know you face many bigger issues, but this is a small change that could lead to more houses built by year round Peaks residents.

Betsey Remage-Healey
President
Home Start

Matthew Grooms <mgrooms@portlandmaine.gov>

ReCode recommendations should aim high for housing

Zack Barowitz <zbarowitz@gmail.com> Fri, Mar 18, 2022 at 8:20 AM
To: recodeportland@portlandmaine.gov, Planning Board <planningboard@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>
Cc: Timothy wells <welmaurya@gmail.com>, Wendy Cherubini <wcherubini@gmail.com>, Kara Wilbur <karawilbur@gmail.com>, Todd <todd@morsecodist.io>, Elizabeth Trice <liztrice@gmail.com>, Eric Freeman <ericphilipfreeman@gmail.com>

Dear Chair Stanley and Members of the Planning Board:

I am happy to see the ReCode process moving along, but I am a little concerned that the consultants are aiming a bit low of the target. I hope that the recommendations will be based on what is best for Portland rather than a calculus of what is least controversial. Having attended a forum and looked at the survey I see the framing of many questions to encourage incremental changes to the point of negligible. For example, the first question in the housing sections is stated as thus:

ALLOW A GREATER DIVERSITY OF HOUSING TYPES WITHIN RESIDENTIAL ZONES.

Revise permitted uses and densities within lower density residential zones (e.g. the R-3, R-4, and R-5) to allow up to three- and four-family dwellings.

Note the "up to" wording of the question limits the revision to 3-4 units. This, and questions like it, are frustrating for a survey taker who understands that 3-4 is a very low bar. Not only has LD 2003 cleared committee (which would obviate this clause), but that there are many examples of existing 4+ (including 10+) unit housing through these zones who fit in in terms of scale, massing, and style such that they are barely noticeable. Some examples include 96 Noyes Street (Twelve 2-bedroom units), 244-246 Woodford Street (18 units), and 104 Highland Street (10 units).

The above examples are taken from the Deering Highlands neighborhood. Deering Highlands is not unlike the West End (in terms of grain, styles, and demographics). Many of the older multi-unit buildings in one neighborhood could find context in another. I look, for example at 15 Clifford Street (6 unit condo), and 197 Pine Street (32 units).

This spreadsheet lists all properties over 5 units in the R3, R4, R5 zones including condos and PRUDs. Although the data (which was pulled from the tax assessor site) is not as specific as it could be, it does indicate numerous examples of multi-unit rental housing in those zones.

The information is summarized here:

Zone	Condo	5 to 10 Family	11-20 Family	20+ Family	TOTAL
R3	719	3	1	10	733
R4	18	3	0	0	21
R5	324	54	8	10	396
TOTAL	1061	60	9	20	1150

Thank you,

Zack Barowitz

--
207-838-6120
917-696-5649
ZacharyBarowitz.com



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Fwd: Variable Setbacks

Ann Machado <amachado@portlandmaine.gov> Mon, Mar 21, 2022 at 9:08 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

I told the person that I was forwarding their idea to the Planning group overseeing the recode.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709
amachado@portlandmaine.gov

---------- Forwarded message ---------
From: **Christopher Parelius** <CParelius09@gmail.com>
Date: Mon, Mar 21, 2022 at 9:03 AM
Subject: Variable Setbacks
To: <amachado@portlandmaine.gov>

Hello!

I really appreciated the format of the Recode Zoom Meetings and the willingness to take and consider public comments as part of the process. However, an idea didn't occur to me until this morning and I wanted to share it here.

Has the city considered implementing variable setbacks? Say within a range of a few feet. I think would be especially useful in an area with no setbacks with the stipulation that either, A:at least some part of the building must touch the property line (bay windows, support columns for the upper stories etc.) or B: the property line is dilniated with a low wall or fence. This creates definition and continuity along the street while also allowing for variety, the visual interest that Camilo Sitte argues is so important for good public space, and what Jan Ghel in Cities for People calls "soft edges" and "semi-private space."

Think of how the brownstones in Back Bay and Beacon Hill have protrusions created by their windows but also recesses with their little front gardens or how so many old Italian cities have irregular building lines yet are picturesque.

Anyway it was just a random thought I figured I'd suggest. Thank you so much for taking the time to read this.

Your neighbor,
Chris Parelius

Form Submission - Contact us Re:Code - Peaks Presentation



Squarespace
Mar 24, 2022, 5:34:28 PM (19 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Rachel Conly

Email Address: rachel@juniperdesignbuild.com

Subject: Peaks Presentation

Message: Hello! Thank you all for a well organized and informative presentation to Peaks Island last night. In follow up, I wanted to reiterate my support of a reevaluation of the dimensional standards on the island. As noted by your team, the current zoning standards are not in synch with the reality of a community with predominantly existing, non-conforming lots and structures. In addition, the standards are not in synch with the growing demands for resiliency to adapt to things like climate change, a housing crisis and a pandemic. The current setbacks, lot coverage and land per dwelling unit are all obstacles to basic amenities that would support health, wellbeing, and local economies, such as porch spaces, greenhouses, garden sheds, studios, home offices and aging in place. I have worked on renovation projects for 16 years on the island and I have found the majority of homes and lots are existing, non-conforming to current standards, with very few having a traceable permit history. This sometimes leaves people in a compromising position to pursue improvements and, in some cases, even basic maintenance for fear of risking exposure to their non-conformity. I think it would be worth considering amnesty or extending the pre-1957 "grandfather" parameters to a later date. Thank you! Rachel Conly

Does this submission look like spam? Report it here.

Squarespace
unread,
Mar 30, 2022, 10:16:42 AM (22 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Nina Markov

Email Address: peaks123@gmail.com

Subject: Zoning peaks island

Message: Hi, we have property in the IR 1 on Peaks. Parcel 088-L-012-001, between Brackett and Upper A. My parents bought in the '70s and combined lots. Now, even though we have by far the biggest lot —twice as large as any other lot on Brackett or Upper A, we can't build an additional house on it, nor divide the lots again. Especially since there are 4 houses on tiny lots across from us, I think we should be allowed to build a second structure on our enormous lot.
In addition, we only have summer water, so we are not able to rent the place out during the off-season 6 mos. It is a modest summer cabin. (We have a well, but it is inadequate and does not provide consistent and reliable water that is obviously essential for a rental.) Yet we pay very high taxes— $6k plus. Since this is by definition a summer place, we should be able to rent it and/or an ADU as vacation rentals. Renting it "long term" for 1+ months at a time during the 6 mos that we have city water is just not practical, and it does not generate enough money to pay the taxes. Peaks Island is a summer colony and most of the tax payers are "summer people" (who often end up retiring on the island). We care about the island deeply and are committed to it, but we do not think summer renters are the enemy. Summer rental is a way to help support the property. I don't think owners of summer cabins can solve the affordable housing problem, nor should we be prevented from trying to support ourselves.
Thanks for listening to this perspective.

To: Members of the Portland Planning Board
Cc: Portland Planning Department
From: MEREDA Local Issues Committee
Re: ReCode II Evaluation
Date: 4/1/2022

Overview and General Support for ReCode Phase II Evaluation Findings

The Maine Real Estate and Development Association (MEREDA) has been following and participating in the ReCode efforts to date. In Phase I, MEREDA submitted comments to support the initial adoptions as well as propose changes. Now, as you begin the work of drafting Portland's new land use code, we offer the following thoughts to help shape your thinking and hopefully open up new opportunities for smart growth and development in Portland.

MEREDA is a statewide, membership-based organization founded in 1985, whose members include real estate owners, for-profit and non-profit developers, architects, engineers, bankers, property managers and other related professionals. The mission of MEREDA is to support responsible development and real estate ownership throughout Maine. Through the work of its Public Policy Committee, MEREDA pursues a more fair, practical, and predictable policy environment. MEREDA is the state's only trade association supporting responsible commercial real estate development and the positive economic growth that accompanies it.

MEREDA appreciates the hard work that has gone into the evaluation of Portland's land use code, and participated in the public forums that were held in early March. We thank the Planning Department and the City for its efforts at transparency and community collaboration. We believe the evaluation sets forth smart, effective guidelines for redrafting Portland's land use code, and we support the efforts to increase housing, promote sustainability, and encourage the creation and maintenance of complete neighborhoods.

To achieve many of the goals outlined in Portland's Plan 2030 and reflected in the evaluation, it will be necessary to make some significant changes to the land use code. The current code is restrictive, was built as a patchwork of ordinances over a long period of time, and does not necessarily reflect the policy priorities of Portland's community today. MEREDA applauds the City of Portland for recognizing that the time is right to reevaluate and rewrite Portland's land use code to better effectuate the City's broader policies and goals. MEREDA offers the following comments on each of the broad topics discussed in the evaluation.

MEREDA Comments on Specific Evaluation Topics

Uses and Use Standards

MEREDA agrees that the City needs to open up the potential uses and potentially amend use standards to allow more mixed development in the City and to better achieve complete neighborhoods. Specifically, MEREDA endorses the goal identified in the evaluation of changes that can "support the creation of middle-density housing, the creative economy,

and urban agriculture."[1] MEREDA further agrees that it is appropriate for the City to review the City's use regulations with consideration to Portland's climate resiliency goals.

Dimensional and Design Standards

MEREDA believes that modifications to the dimensional and design standards present the greatest opportunity to effectuate change and promote sustainability and housing creation. MEREDA agrees with the evaluation's recommendations, including:

- More consistent regulation of impervious surfaces;
- Height and setback restrictions that incentivize sustainability and climate resiliency;
- Height and setback bonuses for projects that "help support housing creation and transit oriented, walkable, urban development."[2]

Smart growth can enable the City to build more housing while simultaneously meeting its sustainability and climate resiliency goals. Now is the time to consider policy changes for things like height restrictions. Height restrictions were put in place, often decades ago, to prevent the construction of tall buildings, which were deemed undesirable at the time. We now know that building up prevents having to build out, and that means less cars on the road, housing closer to economic and workplace centers, and less use of materials overall.

MEREDA urges the City to think boldly about incentivizing housing development through bonuses for height and setback restrictions. These are easy tools that the City can use to move the lever for both housing and climate resiliency.

Zones

Just as with uses and use standards, MEREDA believes it is appropriate for the City to take steps to promote more mixed-use zones. Where much of the City is currently broken up into clearly residential and clearly industrial areas, there are parts of the city where mixed commercial and housing thrive – these are the most popular parts of the City, and they make up the greatest growth for the City's revenues in the past two decades. Clearly, Mainers like the model of a complete neighborhood where they can walk to what they need, including work.

By making reasonable and measured changes to Portland's zoning maps, the City could promote greater flexibility for areas currently zoned only for residential use. MEREDA also agrees that it may be appropriate and timely for the City to streamline the number of zones generally. In cases where a zone may not be achieving its purpose, it may be appropriate to rezone or modify the uses and use standards so that zones may be consolidated to achieve the same broad purposes. This would help level the playing field for housing creation across the city.

General Development Standards

MEREDA supports the evaluation's findings that there may be places where exceptions and modification of rules related to architectural elements and accessory dwelling structures and uses may be necessary. Additionally, MEREDA agrees that any such exemptions or modifications should be carefully targeted to ensure protection of the aesthetic design unique to certain areas of the city. It is critically important that Portland stay Portland, even

[1] Executive Summary, Land Use Code Evaluation, 2 of 6, available at https://static1.squarespace.com/static/5a75f43a692ebeeb1159413d/t/61c0fe443f0075242f44004d/1640037959344/LUC+Evaluation+Companion.pdf

[2] *Id.*

while it is opening up the doors to new residents and ensuring that those new residents have quality accessible housing.

MEREDA also agrees that performance standards should be consolidated and updated to facilitate easier compliance. Developers, architects, and engineers have long struggled to reconcile some of the city's standards, particularly along the waterfront. While some recent action has been taken at the state level to clarify calculations of height related to the Shoreland Zone and federal flood plain management, it will be necessary for the City to take action to ensure local standards align with those state and federal standards.

Parking, Loading and Access

MEREDA agrees that it is time to consider the importance and prominence of parking with respect to project standards. While there can be no doubt that we are a car-driven society, much of Portland's community seeks to move away from daily vehicle use, and are interested in prioritizing walkability. MEREDA does caution the City not to become too committed to the promotion or development of another specific type of technology. It will be important for any final standards to be technology-neutral, or as close as possible, to leave room for new technologies and changing living and movement patterns.

Landscape

MEREDA agrees that landscape should be considered more broadly than in a traditional aesthetic paradigm. Natural elements and landscape design have a prominent place in sustainability efforts, and local food-sourcing is becoming increasingly important. As these new uses of green space and natural elements take shape, it will be important for the City to enable them.

However, MEREDA urges the City to think carefully about how landscape standards, particularly green roof or other sustainable natural elements of building design, should be implemented. For example, incentivizing use of natural elements for sustainability is a better path than mandating them. Mandates tend to choose particular technologies or methodologies and constrain developers and innovators from finding creative solutions to climate and sustainability problems in the buildings sector. Additionally, the use of green roofs and other natural elements is still relatively new to the buildings sector in Maine. It will be important for the City not to mandate more than can be achieved.

Finally, MEREDA would note that the evaluation summary states that a new landscape chapter should be adopted to "overtly prioritize and facilitate landscaping and landscape alternatives that further the City's goals."[3] Here again, we would advise incentivizing over mandating. If landscape priorities are mandated over all other priorities, that will include the creation of much-needed housing. While landscape preservation and sustainability are critically important, we urge the City not to overlook the potential for too much regulation in this area to bog down or even break projects.

Nonconformities

MEREDA supports the evaluation's conclusions that the City's nonconforming uses rules should be updated to allow greater flexibility for the use and long-time reuse of nonconforming structures. As the City looks to make changes to the broader shape of the land use landscape, it will have to find ways to effectively use or ensure the effective use of nonconforming structures. The proposals in the evaluation to provide greater flexibility to enlarge a nonconforming structure or allow one nonconforming use to be replaced with

[3] *Id.* at 4.

another nonconforming use make sense in light of the City's existing nonconforming uses as well as the ones that will be created through rezoning and changes to the uses and use standards for those zone.

Updates to Code Structure

MEREDA supports the evaluation's recommendation that the work done in ReCode Phase I be included in the final draft of the rewritten land use code. In particular, MEREDA encourages the City to look carefully at the ADU rules and to ensure the expanded ADU rules adopted under Phase I are extended to the Phase II draft. However, we also recognize that activities on legislation at the statewide level in Augusta may require the City to rewrite, to some extent, the ADU rules adopted under Phase I.

Conclusion

By and large, MEREDA believes the evaluation of Portland's current land use code reflects the needs of the City and its inhabitants as we face climate change, seek to resolve the housing crisis, grow local food and services systems, and encourage creative entrepreneurship. MEREDA also believes the recommendations contained in the report could help level the playing field for housing creation in the City by adding more mixed uses and helping create complete neighborhoods where individuals of varying income levels can live, work, and play.

We also thank the City and its consultants for their efforts to provide public forums for feedback and suggestions as the evaluation was rolled out and before the redrafting efforts begin in earnest. We hope this kind of transparency and collaboration can continue as the drafting process begins and look forward to contributing to that process.

Sincerely,

The MEREDA Local Issues Committee

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Potential for Point Access Blocks in Portland

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Tue, Apr 5, 2022 at 5:53 PM
Reply-To: agoberlin@gmail.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Amy Oberlin

Email Address: agoberlin@gmail.com

Subject: Potential for Point Access Blocks in Portland

Message: Hi there,

I am a resident and condo owner on Portland's East End, and I have a proposed code change that I would like for the city to consider.

About me: I am profoundly concerned with global climate catastrophe and the national housing shortage, and I believe we need to build dense multifamily housing, eliminate cars, and convert the road and parking space into bike infrastructure and transit in order to live decarbonized lives. Here in Portland, I have had multiple friends move away due to extreme housing costs. Just this week, another neighbor was told that her apartment will be converted to a short-term rental and she will have to move out next month. I see incredible demand for dense, walkable housing all around me, and I think that Portland desperately needs to build more of it.

I am an engineer by training (though not a civil engineer or architect), and I have been reading about urbanism and development out of my own curiosity and I want to propose a zoning change for Portland that I have come across that I believe will have significant benefits.

The code change is this: to allow construction of low- and mid-rise multifamily housing accessible by just a single staircase, a building form found widely in Europe, also known as a Point Access Block.

Core Evidence for the Benefits of this Code Change:

- A report commissioned by the city of Vancouver, B.C. to evaluate the benefits and drawbacks of the Point Access Block. Report produced by Seattle architect Michael Eliason of Larch Lab https://www.larchlab.com/city-of-vancouver-report-on-point-access-blocks/

- A 1-hour video seminar with Michael Eliason covering the Vancouver report: https://www.youtube.com/watch?v=DcFZgsPZ6QE&feature=youtu.be

- Example of a single-stair apartment building in Seattle, where these buildings have been permitted for several years: 6 stories, 17 units on a 2,711 sq.ft. lot, all accessible by elevator and a single staircase. https://seattle.curbed.com/2017/7/26/16037292/capitol-core-apartments-capitol-hill , http://www.seattle.gov/dpd/AppDocs/GroupMeetings/DRProposal3018227AgendaID5140.pdf

- Architect Conrad Speckert's master's thesis on Point Access Blocks, which makes a similar argument and includes research on the building ordinances in 25 countries and a database of floorplans collected from around the world that showcase the buildings and features that we are missing out on under North American building codes. https://secondegress.ca/

- Introductory articles published in Slate and The Urbanist:
- https://slate.com/business/2021/12/staircases-floor-plan-twitter-housing-apartments.html
- https://www.theurbanist.org/2021/12/20/seattles-lead-on-single-stair-buildings/

The Argument in Summary:

The predominant form of multifamily housing in North America -- the double-loaded corridor -- is not an optimal or desirable building form. This building form is forced by the code requirement that multifamily housing have two staircases. In most of Europe, where this requirement does not exist, the double-loaded corridor likewise does not exist. The second staircase is supposedly for fire safety, but European countries that do not require a second stair do not have any greater residential fire deaths. Point Access Blocks enable better floor plate efficiency, units with greater square footage, more bedrooms, more windows, corner aspects, and cross-ventilation. Point Access Blocks also enable low- and mid-rise development on smaller lots, infill with smaller buildings, projects of a scale achievable by smaller developers. The only obstacle in permitting Point Access Blocks is, as far as I can tell, coordination with local fire departments on the height limits of their ladder rescue equipment. Instead of broadly banning single-stair multifamily housing in North America, we can unlock many potential benefits in Portland by permitting and regulating the circumstances under which it can be built.

Benefits of Point-Access Blocks I see in Portland specifically:

- Increased Accessibility - Because eliminating the second stair creates more livable/saleable footprint, multifamily projects with elevators begin to pencil, greatly increasing the number of housing units accessible by elevator.

- Harmonization of Historic Districts and New Construction - The existing 5-over-1s along Franklin Street, for example, that pencil under current zoning and building codes, stand hulking and alone -- they don't integrate with the fine-grained character of the older neighborhoods on either side of them. The general dislike of their large and neighborhood-disrupting mass is, I believe, a significant reason for opposition to new development broadly. Allowing Point Access Blocks, and connected Point Access Blocks, will enable the fine-grained, small-lot, new multifamily development that is currently just simply not geometrically feasible on small lots due to the second stair requirement. This also sidesteps the general opposition to new high-rise housing by enabling a gentle upzoning turning SFH neighborhoods into, say, 4-6 story neighborhoods to increase housing density without jumping directly from SFHs to massive high-rise eyesores to house hundreds.

- Urban Family Housing - Because Point Access Blocks enable larger unit sizes with more bedrooms, this building form enables dense construction of housing for families with children or families otherwise needing more than two bedrooms. The ability of families to live in a dense, walkable city is hugely critical for reducing GHG emissions, not to mention the benefits for community, resiliency, etc. when it is possible for residents of all ages and family sizes to live together in one building.

I think the Recode Portland project is a rare opportunity to make some really progressive changes to our building code. With any luck, we are about to experience a national housing construction boom to address the national housing shortage. The Point Access Block is one change among many that could really make a difference in the quality of the buildings and the quality of the city we're about to build.

Thanks for your time! I believe I've provided ample resources, but if you have further questions for me, please do not hesitate to ask. I hope you'll consider this change to Portland's Code.

Thanks,
Amy Oberlin

Does this submission look like spam? Report it here.

Matthew Grooms <mgrooms@portlandmaine.gov>

What exactly does recode Portland mean?How about Improve driving conditions throughout my city of birth .Widen the roadsBuild overpasses.put a limit on any mor housing of any kind.There are already too many drivers in Portland 10 years ago with no major widening of Morrills corner,Allen's corner,woodfords cornerLets get to work widening and improving our roads for safe pleasant driving.Put the few bikers back on the sidewalks where they are safer for themselves and drivers.maine is a wintry state .Let survey original Portlanders their driving safety preferences.Bikers are seasonal and are safest on sidewalks.SURVEY CITY OF pORTLAND DRIVER SAFETY WiDening of roads for real and stop drawing more lines.It's unsafe and unwise

2 messages

'Phyllis Guevin' via ReCode Portland <recodeportland@portlandmaine.gov> Fri, Apr 15, 2022 at 4:37 PM
Reply-To: Phyllis Guevin <phyllisguevin@icloud.com>
To: recodeportland@portlandmaine.gov

Sent from my iPad

Matthew Grooms <mgrooms@portlandmaine.gov> Wed, Apr 20, 2022 at 8:51 AM
To: Phyllis Guevin <phyllisguevin@icloud.com>
Cc: recodeportland@portlandmaine.gov, Helen Donaldson <hcd@portlandmaine.gov>, Zachary Powell <zpowell@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Phyllis,

Thank you for your email. I am saving your comment to the public record for ReCode.

Best,

Matt

On Fri, Apr 15, 2022 at 4:37 PM 'Phyllis Guevin' via ReCode Portland <recodeportland@portlandmaine.gov> wrote:

> Sent from my iPad

--
Matthew Grooms, AICP
Senior Planner
City of Portland
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8725 (T)
(207) 756-8258 (F)
mgrooms@portlandmaine.gov
(he/him/his)

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Recode and Zoning on Peaks Island

2 messages

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Mon, Apr 18, 2022 at 1:07 PM
Reply-To: t.wyant@icloud.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Timothy Wyant

Email Address: t.wyant@icloud.com

Subject: Recode and Zoning on Peaks Island

Message: A month or so ago you and your consultants gave a very helpful and interesting online presentation on zoning and recode issues related to Peaks Island. Part of that presentation presented statistics on number of properties and average age of dwelling in different Peaks Island zones.

I did a more detailed summary a couple of years ago -- in particular, distinguishing "lots" from "properties." There about twice as many lots as properties. I also calculated breakdowns of number of lots and properties by size, zone, and proximity to sewer.

If this report would be of any use, you can download it from https://www.dropbox.com/sh/pv0zlxd7hpgr65w/AADxCgch3cldn9WnNMdg4f8aa?dl=0

Does this submission look like spam? Report it here.

Matthew Grooms <mgrooms@portlandmaine.gov> Wed, Apr 20, 2022 at 8:55 AM
To: Timothy Wyant <t.wyant@icloud.com>
Cc: recodeportland@portlandmaine.gov, Zachary Powell <zpowell@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Timothy,

Thank you for your email and for the attachment. This is great info, and we appreciate you sharing. We will save this and the attachment to the ReCode public record, and will flag this for consideration as we begin the drafting process.

Best,

Matt
[Quoted text hidden]
--
Matthew Grooms, AICP
Senior Planner
City of Portland
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8725 (T)
(207) 756-8258 (F)
mgrooms@portlandmaine.gov
(he/him/his)

planning & urban development

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Zoning and recode on Peaks Island

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Mon, Apr 18, 2022 at 1:47 PM
Reply-To: t.wyant@icloud.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Timothy Wyant

Email Address: t.wyant@icloud.com

Subject: Zoning and recode on Peaks Island

Message: This note was triggered by (a) the excellent online Recode presentation you gave to Peaks Islanders a month or so ago, and (b) some recent events on Peaks Island.

Peaks Island has a very small business zone. Yet, Islanders have many needs that cannot be addressed by enterprises in the business zone, and yet would require very substantial delays and dollars to solve using businesses "across the water". As a result, there are many "businesses" on the Island -- I'm thinking mostly about construction trades and vehicle/machinery repair.

Many of the Islanders providing these essential services park trucks and other equipment on the streets in front of their house, or store equipment and materials in back yard. Frequently, there are repair, loading, and unloading activities going on in these yards.

This is fine by me, and fine by most Islanders! These are essential activities, that are well integrated in the community, and are reflective of the hard and ingenious worker-run enterprises that have characterized
Maine history.

Recently, an Islander whose views seem at odds with those of most Islanders, filed complaints with zoning enforcement about one such enterprise. The enterprise in question had made significant efforts to comply with code. It's owner comes from a family with many many decades of Peaks Island residents. Dozens of Islanders have given their total support to this enterprise on local bulletin boards. His moving off the Island would result in tremendous inconvenience and expense for many Islanders. and for many years in the future.

But without getting into a debate about the detailed history of this particular dispute, how can the Recode - and related zoning and zoning enforcement - reflect the need for these activities that are invaluable to Islanders, and yet do not fit tidily into zoning for "business" v. zoning for residences.

Is there some way to make public that a complaint has been made, so that Islanders are not suddenly faced with a fait accompli that they would have opposed had they only heard about it?

Is there some way to give weight to Islander input in when contemplating enforcement

Would there be some way to put a longevity or "while still occupied by current resident" requirement on any enforcement - or lack of enforcement - decision, so that the decision did not become binding forever?

Not my field. Hopefully you guys have better ideas.

Does this submission look like spam? Report it here.

Review for Homestart of Peaks Island properties and lots

IR-1 and IR-2 zones, proximity to sewer, boundary maps, and square footage

Timothy Wyant

2016-08-11

Introduction

Background

- Proposed zoning changes to encourage or permit:
  - Construction of affordable housing units on Peaks Island, or
  - Conversion of existing buildings or units to affordable housing

will require estimates of how many properties or lots are likely to be affected

Complications

- The Island sewer is at capacity given existing and "by right" hookups. Proposals that might allow more units within 250 feet of the sewer will be problematic. (Eyerman memo to Homestart, 7/27/16)
- Island residential zones IR-1 and IR-2 have traditionally been treated very differently in terms of minimum lot sizes for construction, and other restrictions

Properties, lots, and parcels

- As of fall 2013, on Peaks Island there were:
  - 1,259 properties
  - 2,175 lots
- This report looks at both properties and lots on Peaks
- Many properties on Peaks are "pre-subdivided" into multiple lots
- These situations usually go back to purchases of multiple lots in the big subdivisions that on Peaks were created from farms and other large properties around 1900
- Some of the State of Maine's digital boundary files refer to "parcels". The words "parcels" and "lots" are synonymous, at least for purposes of this report

Properties, lots, and parcels

Relevance of lots to Homestart

- Owners of subdivided properties can more easily sell a portion of a property – that is, one or more lots – than owners of properties that are not subdivided.
- Lots may also make some improvements possible that would be more difficult in unsubdivided properties
- The existence of lots may give Homestart some additional tools in proposing zoning changes that would encourage or allow more affordable housing units on Peaks.

Properties, lots, and parcels

Caveats

- "Properties", "lots", and "parcels" are somewhat fluid concepts. Definitions vary with contexts, counts vary both by context and over time.

For example:

- As I understand it, the City does not like dealing with lots on small properties, and is trying to merge lots to create single-lot properties when properties are sold
- To the City Assessor a condo unit is a "property". For this report, a "property" is a single piece of land – for a condo, the lot on which the condo building resides.

Disclaimer

- The boundaries and counts of lots and properties should serve for reasonably accurate statistical summaries
- I do not claim that they are perfect for each and every individual location
- For one thing, the data are three years out of date
- For another, there are occasional minor imperfections and inconsistencies within and across the datasets I obtained from the State and the City
- Finally, I did a lot of computer programming here, and there are likely to be some errors. Please tell me if you find any!

Data

Data sources

- Fall 2013 data
  - Parcel (aka "lot") boundaries from the Maine State GIS system (available online)
  - Portland Assessor online database (available online - in a limited fashion)
  - Digital Island zone boundaries from City of Portland
- March 2015 data
  - PI sewer map from the water district

Data issues – Properties, lots, and parcels

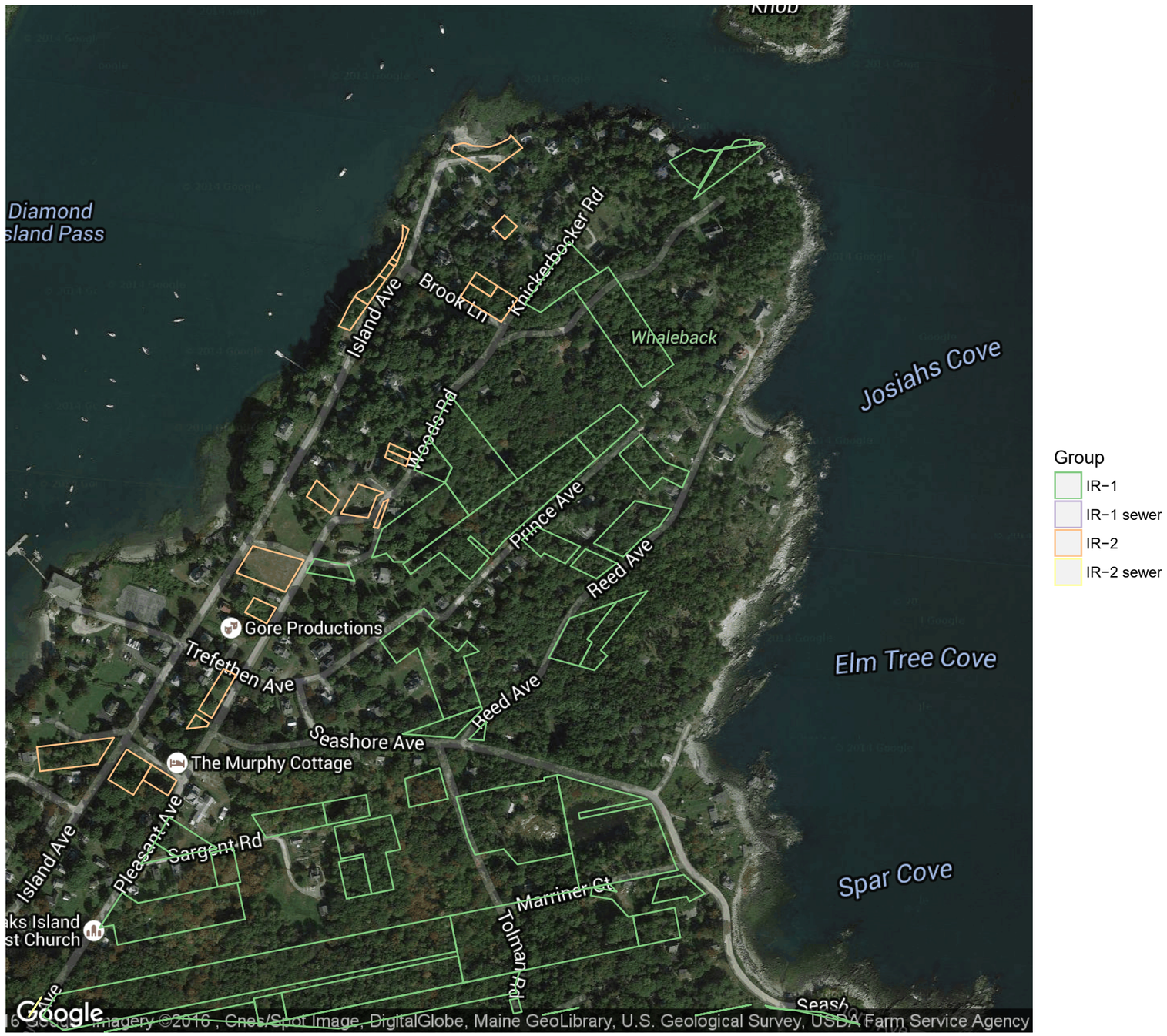
- The computerized data on which this report relies are not perfect, and there are usually a few "parcels" or "lots" in the State's boundary files that are not in the City assessor data, and vice-versa.
- Proximity of properties and parcels to the sewer
  - I have not been able to get from the Water District a list of property addresses already hooked up to the sewer (I made one request in the course of some email back-and-forths with the District.)
  - I have not been able to get from the Water Distric a dgitial GIS file of sewer locations.
  - I had to cobble together my own reasonable but ad hoc proximity algorithm (see Appendix)

Vacant land – properties

The 226 vacant land properties in IR−1 and IR−2
Excluding government and conservation properties

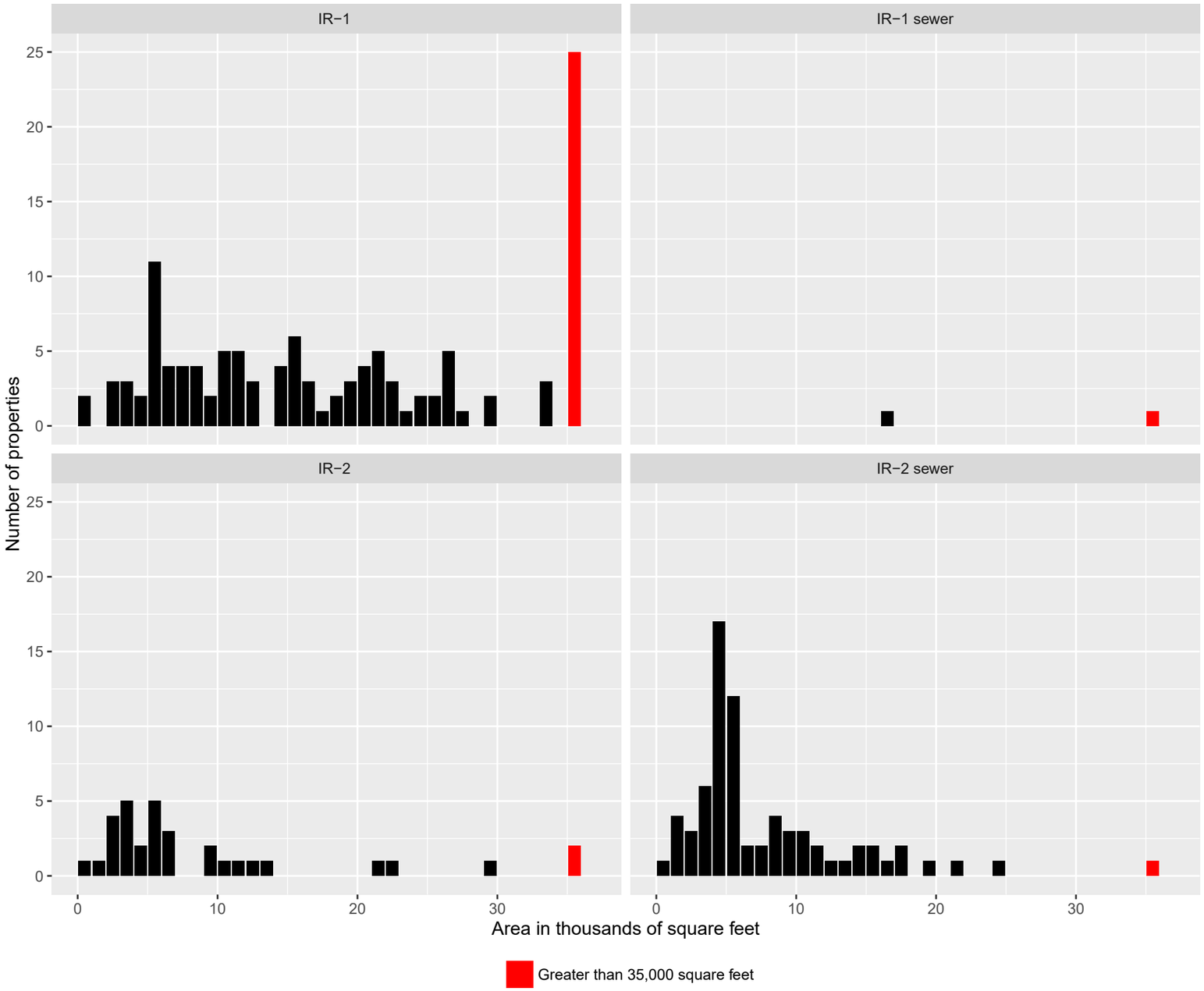


The 226 vacant land properties in IR−1 and IR−2
Excluding government and conservation properties

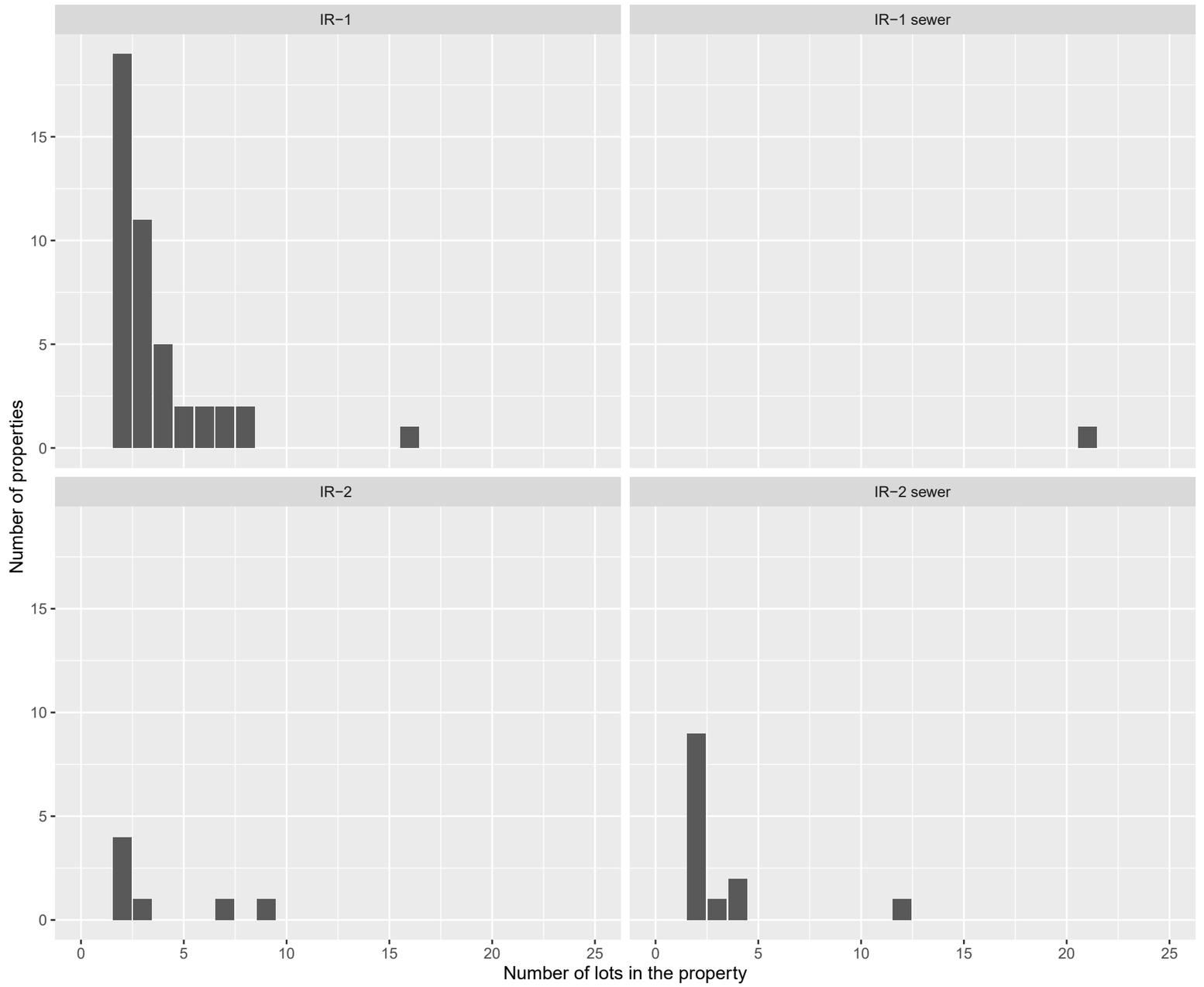


Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer

Size of the 226 vacant land properties in IR−1 and IR−2
Excludes government and land conservation properties



Counts of properties by number of lots
For the 65 vacant land properties in IR−1 and IR−2 that comprise more than one lot
Excludes government and land conservation properties

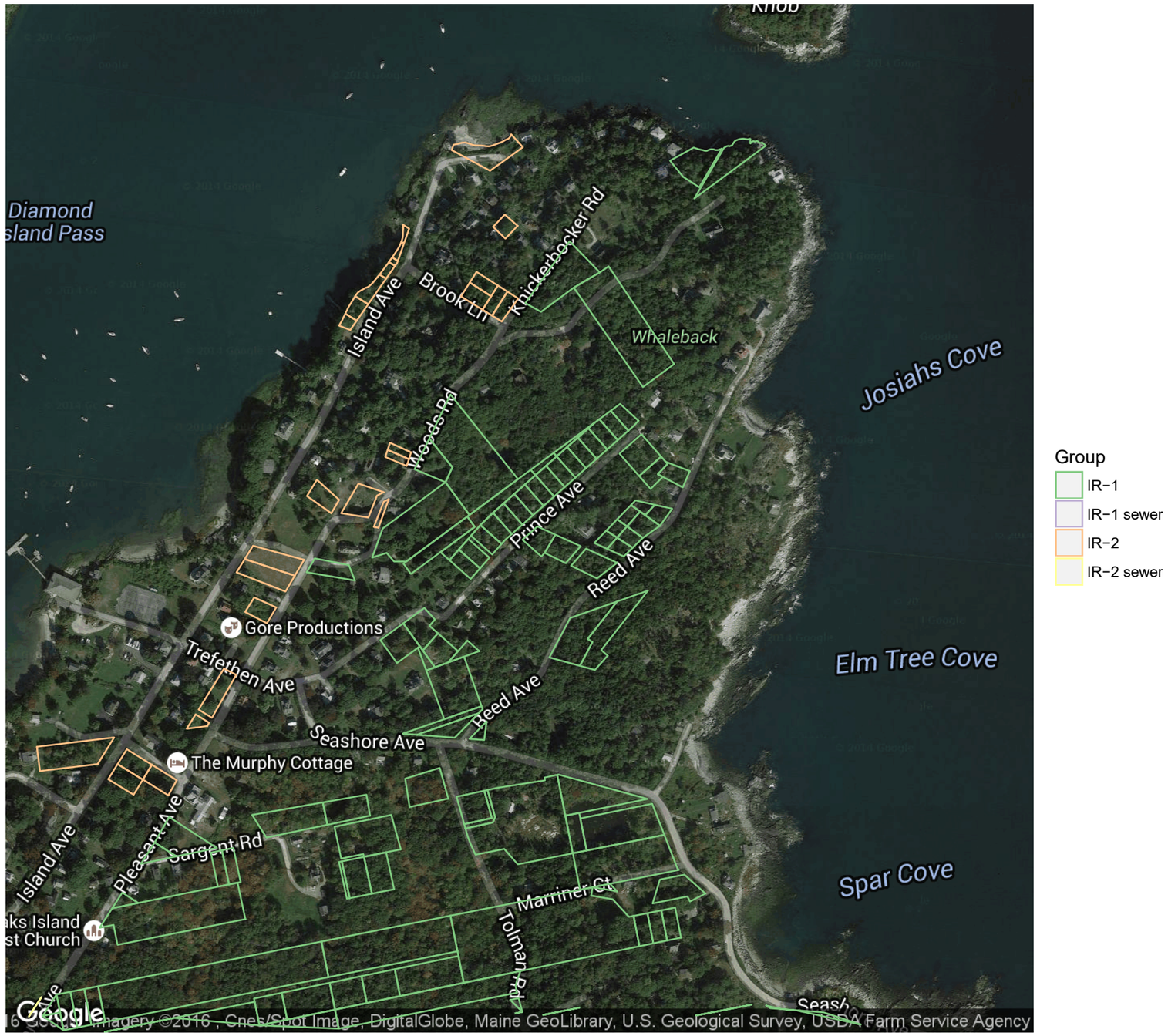


Vacant land – parcels

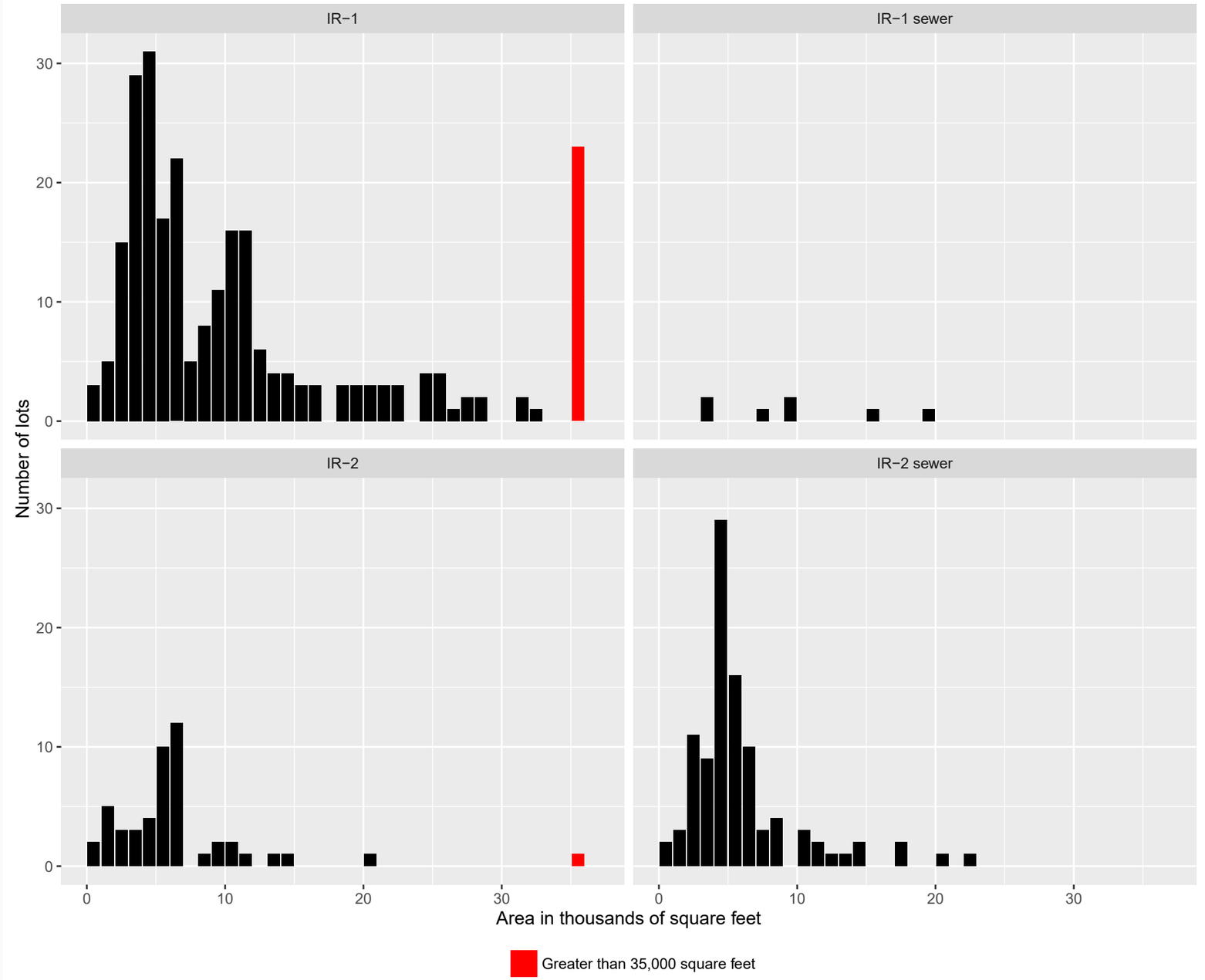
The 408 lots in the 226 vacant land properties, IR−1 and IR−2
Excluding government and conservation properties



The 408 lots in the 226 vacant land properties, IR−1 and IR−2
Excluding government and conservation properties



Size of the 408 vacant land lots in IR−1 and IR−2
Excludes government and land conservation lots



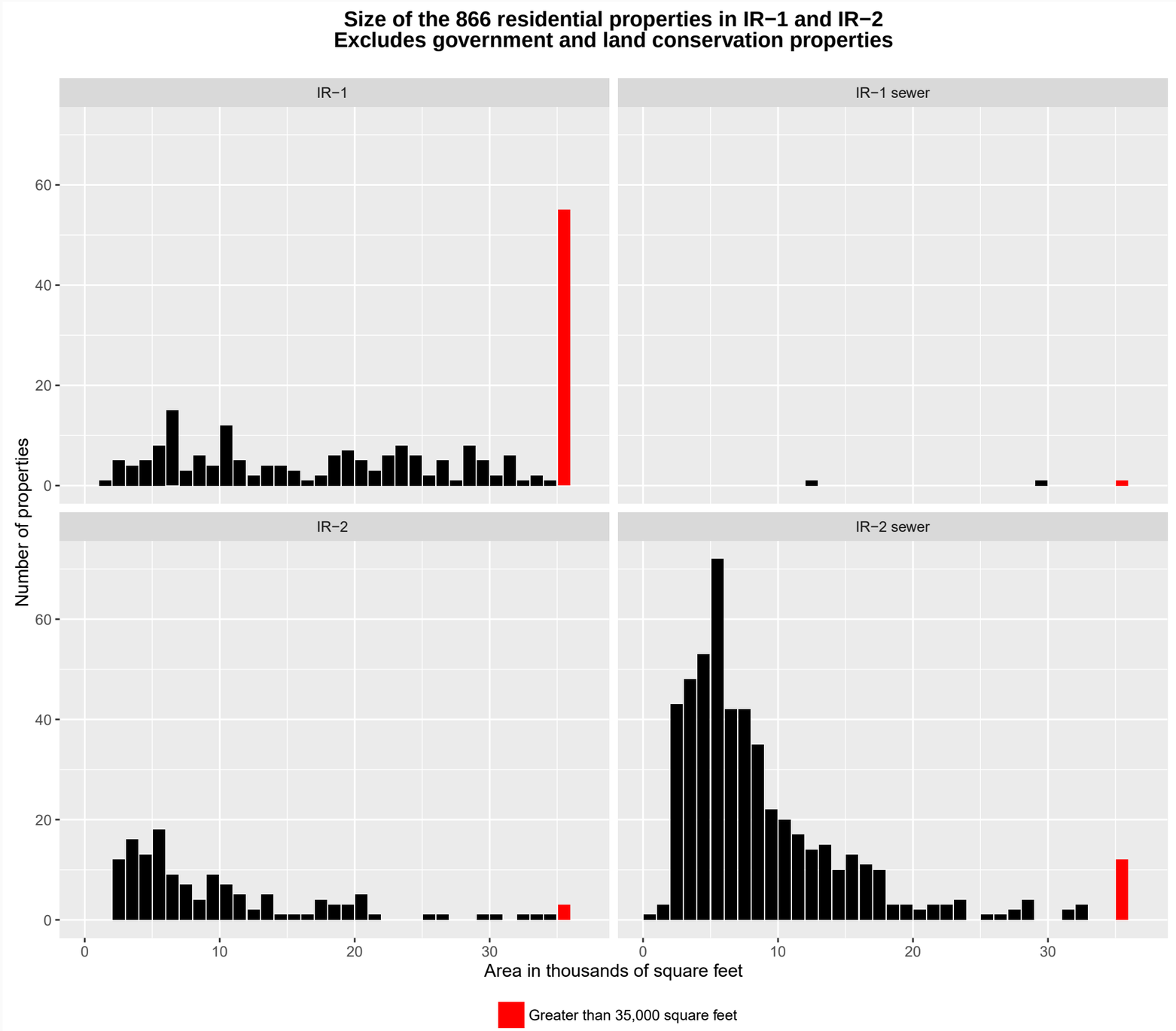
Residential properties

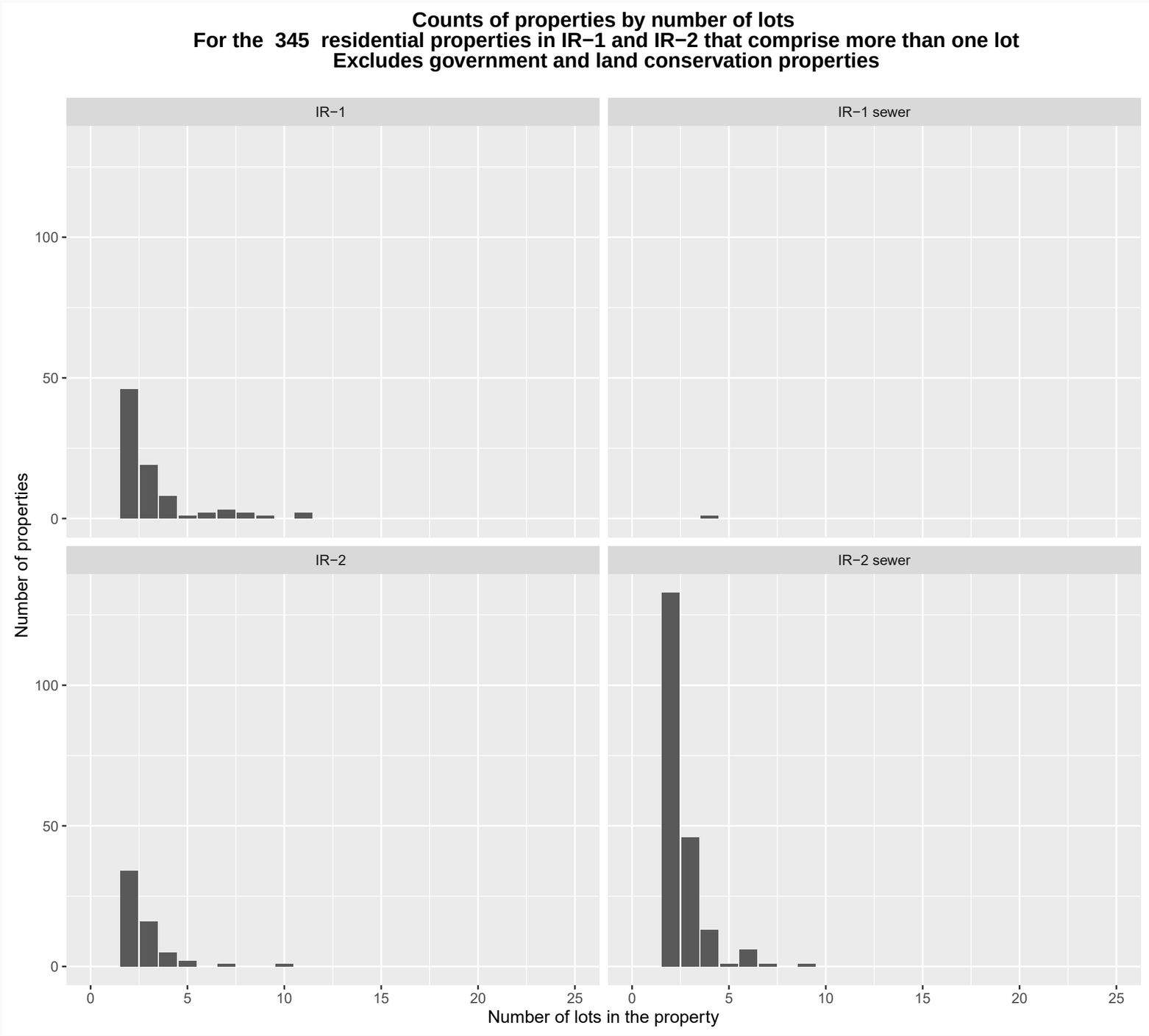
The 866 residential properties in IR−1 and IR−2
Excluding government and conservation properties



The 866 residential properties in IR−1 and IR−2
Excluding government and conservation properties




Size of the 866 residential properties in IR−1 and IR−2
Excludes government and land conservation properties
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of properties
0
20
40
60
0
10
20
30
Area in thousands of square feet
Greater than 35,000 square feet


Counts of properties by number of lots
For the 345 residential properties in IR−1 and IR−2 that comprise more than one lot
Excludes government and land conservation properties
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of properties
0
50
100
0
5
10
15
20
25
Number of lots in the property

Residential lots

The 1,466 lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties



The 1,466 lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties



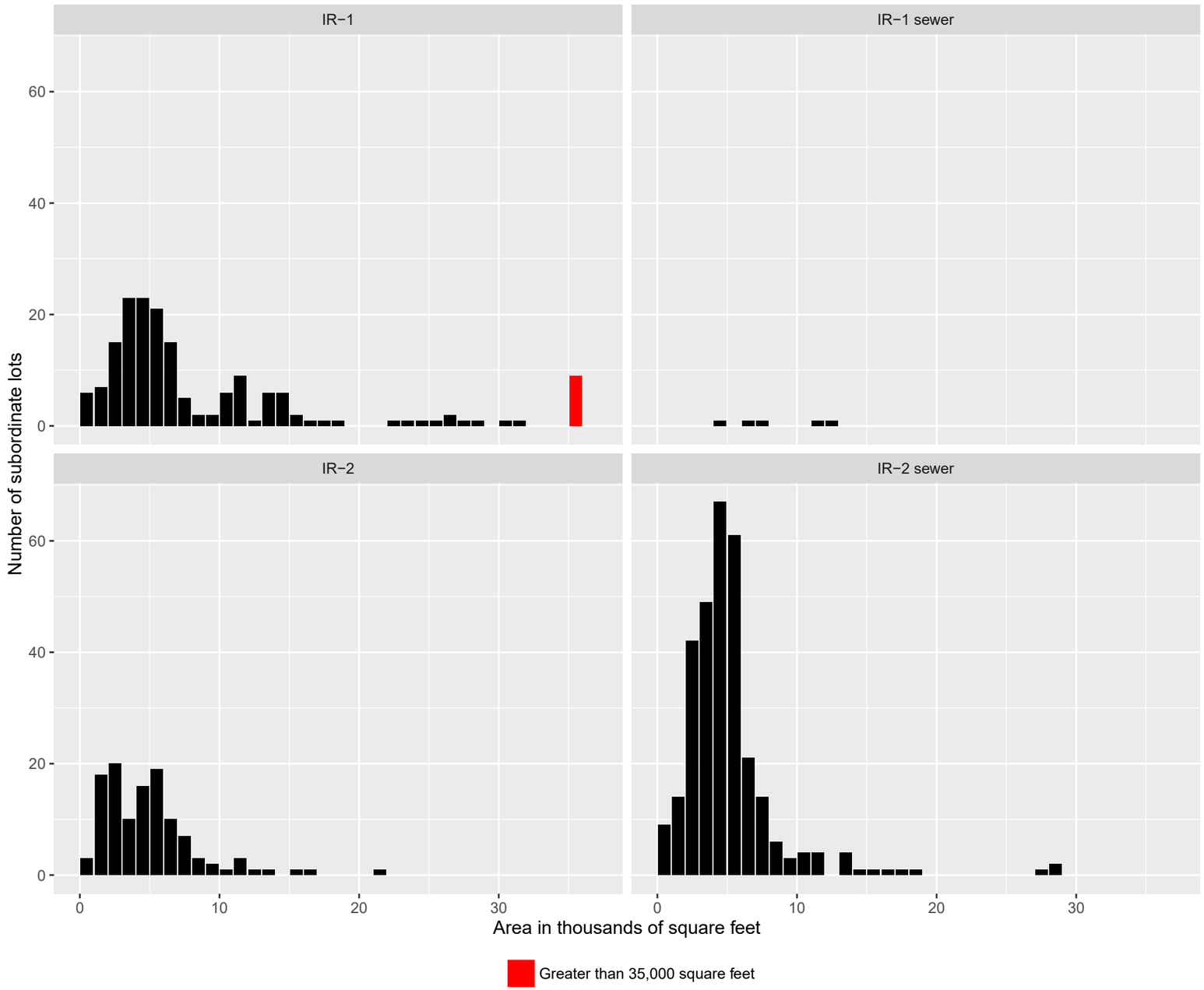
The 599 subordinate lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties



The 599 subordinate lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties



Size of the 599 residential subordinate lots in IR−1 and IR−2
Excludes government and land conservation subordinate lots



Appendix 1 – Sewer proximity

The sewer map from the Water District



Proximity to sewers

- My methods are approximate, but should serve reasonably well for statistical assessments
- I have received only the map on the preceding slide from the Water District.
- I do not have:
  - A list of addresses of current hookups
  - A digital GIS map of the exact sewer location
- I also do not know how "250 feet from the sewer" is defined. I am guessing it is to the point on a property's boundary where the hookup will be made.

My methods for determining properties within 250 feet of the sewer

- I digitized the sewer path based on the preceding path. This was not done to a high level of precision.
- I found the centroid of each lot on the Island. If the distance from the centroid to the lot was less than 250' I classified the lot as "within 250 feet of the sewer."
- If any lot in a property was classified as "within 250 feet of the sewer," I classified the property as "within 250 feet of the sewer."

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Chapter 14 (the City's Land Use Code).

1 message

jmy <jmy@portlandmaine.gov> Mon, Mar 6, 2023 at 10:55 AM
To: Kevin Kraft <kkraft@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

---------- Forwarded message ---------
From: Rob Bergeron <Rob@hascallhall.com>
Date: Friday, March 3, 2023 at 8:42:20 AM UTC-5
Subject: Chapter 14 (the City's Land Use Code).
To: planning@portlandmaine.gov <planning@portlandmaine.gov>

Good morning,

I was told that you folks would be looking at the above mentioned section in the Land use code and I would like to ask that dust control be inserted in this. This is a huge issue for me and have been talking with code enforcement over the last few years about it.

My property abuts a piece of land on Presumpscot street that Nelson Property uses as a lay down area and the amount of dust that is created is crazy. Pictures have been sent where, at times, you can’t see the trucks on the property because of the dust clouds and all that dust blows on to my property coating all my HVAC equipment, employees cars as well as all the windows and stairs.

Any help would be greatly appreciated.

Regards, Rob Bergeron

273 Presumpscot Street

Zachary Powell <zpowell@portlandmaine.gov>

Re: TOD Overlay

Christine Grimando <cdg@portlandmaine.gov> Thu, Jun 23, 2022 at 5:10 PM

On Thu, Jun 23, 2022 at 4:43 PM Christopher Parelius <CParelius09@gmail.com> wrote:

> Hello to all of you on the Planning Board!
>
> As someone who wants to see Portland densify, allow more neighborhoods to be complete communities, and to see land use that generates more public transit ridership I've had an idea that I've been wanting to suggest. It's not so different from some language that I was informed was in Phase 1 of Re-Code. Essentially, it would involve the creation of a Transit Oriented Development Overlay that would allow the following within a half mile of a transit stop: 2x the density of the existing zone, ignore setback requirements (ideally the buildings would either come to the edge sidewalk or have some to semi-private space such as a patio between the building and street facing side of the lot), have a maximum of 1/3 of the lot devoted to parking (honestly I would prefer to see less than this in an ideal situation), and a minimum lot coverage of 33%.
>
> The parking maximums and the minimum lot coverage paired with the setback requirements would bring the buildings up to the sidewalk, giving better definition of the public space and creating active street frontages either from storefronts,small front gardens, stoops or patios making the street a pleasant place to walk along. Reducing the setbacks on the sides not only allows more space for units but allows a continuous building facade along the street reinforcing the effect on public space that eliminating the front setbacks creates. Think of Beacon Hill, the North End, much of Philly, or the Brownstones in NYC. In addition the maximum percentage of the lot devoted to parking also frees up more space for units and outdoor living space.
>
> Finally, the extra density ensures that the added housing and shop space is located exactly where it is needed most to create walkable, complete communities, that have high enough densities to not only support transit ridership but,to boost it, giving GP Metro the extra demand and resources to expand its service thus encourage more people to use transit. This would alos encourage more biking in the city as people choose to ride their bike to meet their needs. When

> you put it all together this overlay would allow Portland to grow in a way that does not create more traffic, that enables people to meet their daily needs without being reliant on car ownership by utilizing the existing transit infrastructure to the fullest as opposed to creating more auto oriented sprawl. We would be building smarter and it would make more units available for people like me who don't want to be burdened by car ownership.
>
> Thank you so much for taking the time to read this and hopefully my proposal came across clearly. I look forward to your response.
>
> Your neighbor,
> Chris Parelius, East Bayside

On Tue, Jul 19, 2022 at 9:32 AM Howard Lowell <holowell5@gmail.com> wrote:
I am a resident of Eastern Prom, and have been for almost 10 years. I am very frustrated by the scope, size and placement of recent projects and have to ask: are you paying any attention to aesthetics and adjusting size to the actual neighborhood?

Placing WEX and Covetrus, both big commercial buildings, smack at the edge of a quiet residential EP neighborhood just doesn't seem to make any sense since I guess most employees onsite (will there be any?) will not be able to afford living in Portland anyway, thus increasing traffic on Franklin 2x daily during commute. Why there and not on Marginal Way or better slightly west?

More recent....I'm stunned by the size of the residential project at the foot of EP below the East End School. Have you looked at this enormous project from 295, or driving down EP from the school or onto Washington from 295? It is totally out of scale with the neighborhood and now blocks from all angles what used to be a wonderful view of back cove. Well done...another viewpoint crushed!

I have to ask....what is driving your planning and decisions, because to me it clearly is not good reason and building more cohesive and aesthetic neighborhoods.

Your thoughts welcome.....and tx

Please note:
From Holo's personal email
My business email is hlowell@egcu.org

09/09/22

Dear Nell,

The Peaks island Council has formed an Affordable Housing and Zoning Committee to address these issues on the island. We recently became aware of the new survey regarding islands as part of the ReCode process by the city of Portland. Thank you for sending this out; we are trying to circulate it to gather a significant number of responses to these very important questions. However, the deadline is way too soon for us to educate islanders and encourage participation. We are asking for an extension of the deadline for at least two weeks, and even more appropriately, until after the November election if possible. As you know the referendum on STR on the island is consuming a lot of attention and conversation here on Peaks. This survey deals with similar issues but is quite distinct in purpose and would be much better addressed by us after the election.

We are sending along with this letter, a copy of the 2017 overview of draft amendments to facilitate the development of more affordable, year round housing on Peaks Island, which was done in conjunction with HomeStart. It was an extensive community based review with professional support and guidance. We believe it remains a relevant and concise document to share with the planning department. It is limited in scope, but addresses many important issues that need attention on the islands. The changes in the housing stock and the increased price of homes on Peaks Island have encouraged many of us to think beyond this initial document and to include additional housing options.

From your own Land Use Code Evaluation, “Peaks Island is the island with the most potential to accommodate some additional housing and other development, and its zoning warrants consideration for tools to create new housing opportunities that also recognize the unique and sensitive island context.” We enthusiastically agree.

We are available immediately to meet with city staff as this is a timely and critical concern in the ReCode process.

Thank you for your attention.

Natasha Markov-Riss, Chair

Anne Coughlin

Kim Peaslee

Chris Roberts

Timmi Sellers

Joanne Sterling

Form Submission - Contact us Re:Code - Chapter 14 Adopted Land Use Code - Requested Amendment to 7.5-G Rooftop Appurtenences

1 view

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Squarespace

Jun 7, 2023, 6:23:43 PM

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Donna Buck

Email Address: dbuck@gastingerwalker.com

Subject: Chapter 14 Adopted Land Use Code - Requested Amendment to 7.5-G Rooftop Appurtenences

Message: As occupied roof terraces are becoming more popular for commercial buildings and part of today's workplace environments, it would be good to have roof pavers (w/ adjustable pedestals) add to the list of approved rooftop appurtenances. Pavers are need to provide a level walking surface. We all know flat roofs are not really flat and are sloped to roof drains. Thank you for the consideration.

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - Updated Phase II Zoning Map

2 views

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Squarespace
Jun 30, 2023, 4:52:15 PM (9 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Amy Oberlin

Email Address: agoberlin@gmail.com

Subject: Updated Phase II Zoning Map

Message: Hi there,

Will you be releasing an updated zoning map to show where these new zones will be located and how the existing zones have changed? It's hard to evaluate these potential changes without knowing where they will apply.

Thank you,
Amy

Does this submission look like spam? Report it here.

Updated zoning map?

2 views

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Robert Foster
unread,

Jul 3, 2023, 11:19:24 AM (7 days ago)

to recodep...@portlandmaine.gov

Hi - I'm looking over the most recent recode changes. Is there an updated zoning map that shows where the new transit-oriented development zones will be?

Thanks,
Rob

Sent from my iPhone

Form Submission - Contact us Re:Code - Noise Pollution

1 view

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Squarespace
unread,

Jul 3, 2023, 2:20:34 PM (6 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Jonas Eule

Email Address: weatherfurniture@gmail.com

Subject: Noise Pollution

Message: Hello. I am wondering if there is anything in these phases pertaining to noise pollution emmiting from in particular Maine Craft Distilling on Washington ave. I also have some questions about sound ordinances and decibel levels.

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - ReCode Review

1 view

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unread,

Jul 4, 2023, 3:44:15 PM (5 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Barbara Vestal

Email Address: vestal@chesterandvestal.com

Subject: ReCode Review

Message: As an initial matter, I need help with a couple of inconsistencies to make sure I am reviewing the right thing. Your cover intro says that you have (in my opinion confusingly and unnecessarily) re numbered the residential zones so the old R-6 is now RN-5. But the purpose statements redline in Table 5-B shows old R-6 as new RN-6 (not RN-5). Maybe the problem is with the redlining. The uses in the chart for RN-6 seem to omit things that I would expect to see. Is there a map showing what the bulk of Munjoy Hill will be designated so I can confirm it that way? RN-5 or RN-6?

Are you wedded to the idea of renumbering the zones? It would seem to be much less confusing to merge R-1 and R-2 into a new RN-1, skip RN-2 and just keep the same numbering as now -- with a RN in front of it if you prefer -- for zones 3, 4, 5, 6 and 7, with R-5a/R6a to be RN-6a.

Does this submission look like spam? Report it here.

Portland Recode - Questions

1 view

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Virginie Stanley
unread,

Jul 5, 2023, 12:50:14 PM (4 days ago)

to recodep...@portlandmaine.gov

Thank you for sending out a draft of the Portland Recode.

One item is confusing.

It looks like R-5 is changing to RN-5

R-5a is changing to RN-6

R-6 what does this change into?

R-6a is changing to RN-7

Do you have an updated zoning map showing where the Transit-Oriented Development Zone is located?

Thanks,

Ginny

Virginie Stanley, Architect, Principal

INVIVID ARCHITECTURE

631 Stevens Avenue, Suite 200

Portland, Maine, 04103

207.939.7602

Recode Question

1 view

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Mary McCrann
unread,

Jul 6, 2023, 7:26:48 AM (4 days ago)

to recodep...@portlandmaine.gov

Good morning,

What is the timeframe currently for accepting public comment on the First Wave of Recode?

Also, what is the schedule/timeframe for the project moving forward? When are other phases coming out? When will you go to the Planning Board?

Thank you,

Mary

Mary McCrann, AICP | Director of Strategic Initiatives

Foreside Development Co.

110 Thames Street | Suite 200 | Portland, ME 04101

C: 207.318.4806 | mcm@portlandforeside.com

Public Comments on ReCode Portland 1st Wave Changes

1 view

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Elizabeth Parsons
unread,

Jul 7, 2023, 12:32:19 PM (2 days ago)

to recodep...@portlandmaine.gov, Avery Yale Kamila

Greetings from the West End and thank you for sending around the information on proposed changes to our land use code. Herewith a few observations and wonderings:

Avery Yale Kamila's comments (email dated 1 July 2023) were spot on and I offer **a hearty "second" to everything said there, especially her point that the current times call for us to do things differently.**

For example, if planning proceeds under the assumption that our power grid will hold steady over the next several decades, this is a very risky proposition. Around the country we are already seeing power grid failures during periods of extreme heat and grids being targeted by violent political extremists. Add to that the complexity of mass conversion to renewables and we arrive back at **the importance of tree canopy coverage.**

Trees have an ancient track record of providing cooling and calm. Our One Climate Future plan implicitly acknowledges this in multiple places: TLU 1.7; CR 2.2; CFR 2.5; CR 4; and CR 5. **So it is of great concern to see that the ReCode revisions do not seem to take this into account when allowing new construction in the most densely populated and lowest income sections of the peninsula**. While there has been a lot of talk about the disaster that Victor Gruen's urban renewal effort created by destroying neighborhoods, there seems to be less talk about avoiding the other part of urban renewal's mistakes: constructing massive buildings without giving sufficient attention to physical and socio-economic contexts.

How long will the anticipated new, dense developments be expected to last—20 years? 50 years? During the hottest week ever recorded around the world, it's hard for me to imagine that conditions in urban heat islands even 10 years from now will be consistently stable. The irony here is that many residents of the peninsula's most densely-treed sections already have options that poorer people lack for fleeing the heat. ***Now* is the time to emphasize tree planting where trees are most lacking.**

Of course there are all sorts of regulations and tax/financing issues to consider when deciding what can and can't be done in particular areas. **But there are also developers doing good, thoughtful work in Portland whom I suspect would be open to brainstorming creative ways of incorporating more open/green space and trees in areas slated for dense construction.** I wonder if they've been asked about this.

Finally, a wondering about the revisions' effects across the entire city: while the impetus to eliminate single-family zoning is laudable, we should anticipate that constructing multi-family dwellings and ADUs in areas where such were previously not possible will bring with it more tree felling on private properties. **How will we be prepared to deal with this added stressor to an already stressed tree canopy?**

Assembling this document has undoubtedly been a monumental task perhaps made more onerous by soliciting citizen reactions. Nonetheless, I thank you for considering these comments.

Liz Parsons

44 Winter Street

Form Submission - Contact us Re:Code - ReCode

1 view

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Squarespace
unread,

Jul 9, 2023, 9:46:42 AM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Publius Portland

Email Address: publiusmaine@proton.me

Subject: ReCode

Message: You should permit the planning board to waive the "step-back" requirements in the RN-5 Zone in the event the lot is an "in-fill" and a finding that there is no material adverse visual impact from the waiver. There are several lots in the current R-6 that could and should be built to 45 feet tall and would fit appropriately in the neighborhood, and requiring the step-back adds construction complexity for very little value.

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Review the First Wave of Draft ReCode Changes!

Anne Pringle <oldmayor@maine.rr.com> Sun, Jul 9, 2023 at 8:24 AM
To: ReCode Portland <recodeportland@gmail.com>, "Grimando, Christine" <CDG@portlandmaine.gov>, "Kraft, Kevin" <kkraft@portlandmaine.gov>, "Donaldson, Nell" <hcd@portlandmaine.gov>
Cc: "Snyder, Kate" <ksnyder@portlandmaine.gov>, "West, Danielle" <dwest@portlandmaine.gov>

Christine, Kevin, and Nell.

I have not digested this yet, but will do so as soon as I can.

In the text below, you note that emails comments are welcome and that in-person meetings will be held "during the summer". I SRONGLY urge you to push the public process out to September. We are now well into the summer and many people will be away and/or on vacation in August. "The City" will be roundly criticized for, after two+ years of development, putting these very important changes out for public process at the worst possible time.

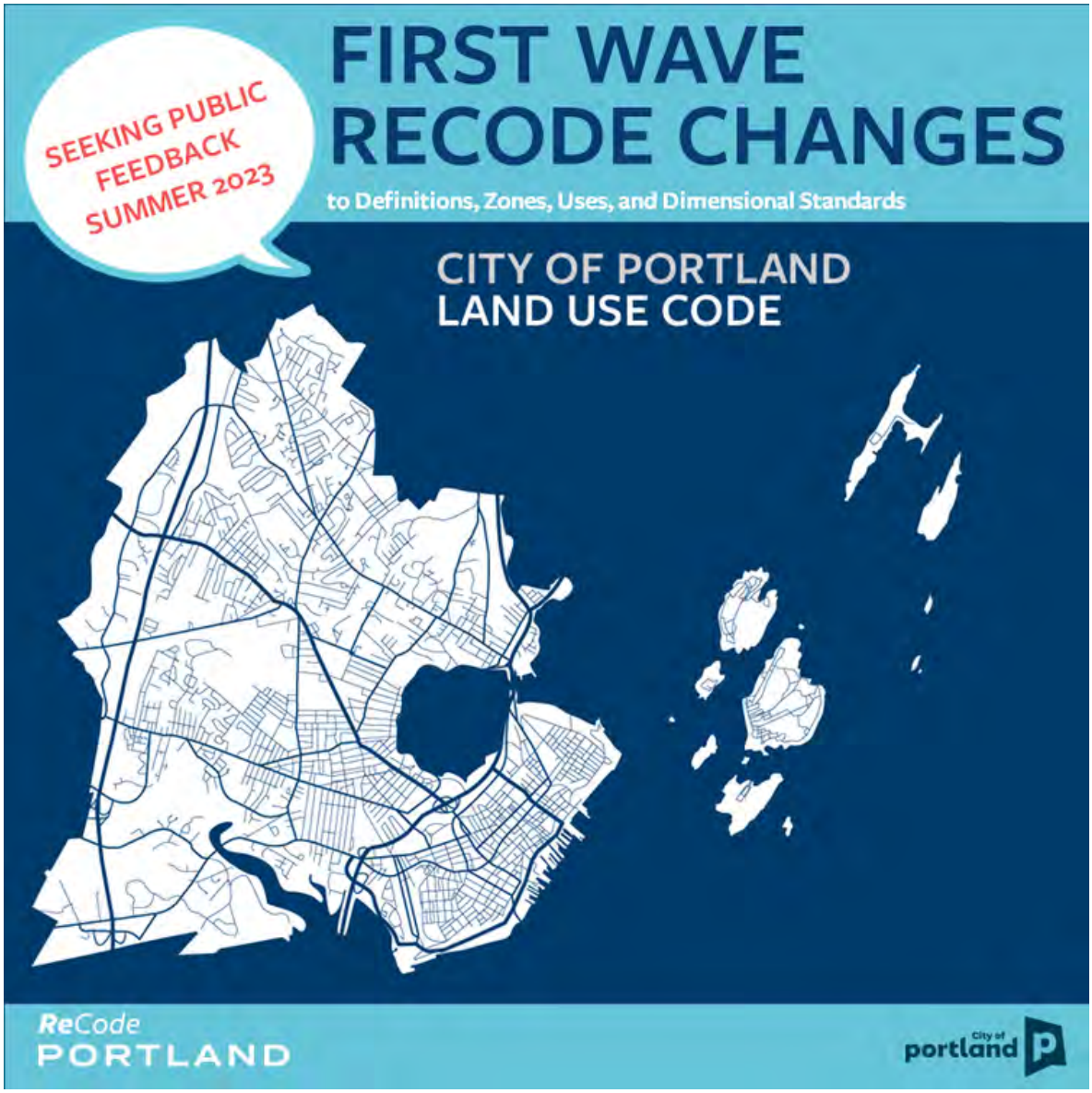
Please adjust your plans!

I would appreciate a response to this email.

Anne

On 6/30/23 3:01 PM, ReCode Portland wrote:





Review the First Wave of ReCode Phase II Changes!

The first wave of ReCode Phase II edits is here! The edits include changes to four core components of the land use code: Definitions, Zones, Use Standards, and Dimensional Standards. These components have a direct impact on housing creation, complete neighborhoods, the vibrancy of downtown, transportation choice, and other priorities for the City of Portland.

We will be seeking public feedback on first wave of draft changes over the course of the summer, first through an online review period and then through a series of in-person events. So take a look and learn about the changes here. Then comment directly, send us an email with your thoughts, or stay tuned for open houses and more ways to contribute.

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MAY 2023



Recommendations for Portland's ReCode Phase II

EXECUTIVE SUMMARY



Urbanist Coalition of Portland

Urbanist Coalition of Portland

Recommendations for Portland's ReCode Phase II

EXECUTIVE SUMMARY

MAY 2023

We, the Urbanist Coalition of Portland (UCP), herein present our recommendations for the second phase of the City's ReCode process. We believe the ReCode process is a critical opportunity for Portland to allow for more middle-density, mixed-use neighborhoods that are pleasant to live in and move around. These changes make housing more affordable, encourage equity, protect the environment, make the administration of our city services more resilient and efficient, and bring communities closer together. We recommend seventeen distinct changes to the City's Land Use Code, which we introduce in this document sorted into four broad categories:

- Allow More of What We Love
- Legalize Housing
- Unlock More Transit Options
- Common Sense Fixes

We believe these goals intersect and overlap; for example, much of what we love about our city's historic character is its pre-automobile walkable density that enables car-free or car-lite living. Many of our recommendations are also necessary steps toward more sustainable city finances, more robust transit options, and safer, calmer streets. We believe that our recommendations are not only in alignment with Portland's *Comprehensive Plan* but are essential to achieving its goals. Our recommendations can be implemented separately, but we feel they will have the greatest impact if implemented as a whole.

This document is a high-level executive summary of our ReCode recommendations. Our full ReCode recommendation proposal, which includes detailed descriptions of each of our seventeen recommendations and draft language prepared to amend the Land Use Code, may be viewed on our website at urbanistportland.me/policy/recode-proposal.

Allow More of What We Love

MANY OF THE BELOVED HISTORIC FEATURES THAT MAKE PORTLAND VIBRANT AND UNIQUE ARE ILLEGAL TO BUILD TODAY. LET'S CHANGE THAT.

The City of Portland has a long and vibrant history. Home to twelve distinct historic districts, eight of these lie on Portland's peninsula and preserve some of our densest, most beautiful, and most economically productive mixed-use neighborhoods.

- **Allow neighborhood businesses**
- **Simplify medium-density zones**
- **Reduce setback requirements**
- **Empower neighbors to reduce setbacks together**

We feel that human-scale streets and neighborhoods with walkable amenities should be within reach of everyone who lives in the City of Portland. Portland's Comprehensive Plan agrees that "strong, complete neighborhoods are fundamental to the City's overall health," and that "basic necessities" should be available "within a walkable, bikeable distance."

But our current code restricts neighborhood businesses to tiny carve outs where there simply happened to be a business decades ago when the code was first written. It also mandates specifications for new buildings in historic districts that are out of character with the very nature the historic district protects, and completely precludes things like townhouses and shared-wall buildings that contribute to our city's vibrancy and beloved historic character.

Our city got a lot right in the past, and we are right to treasure and preserve it, but today our land use code stands in the way of building the neighborhoods that our future generations will treasure in the same way.

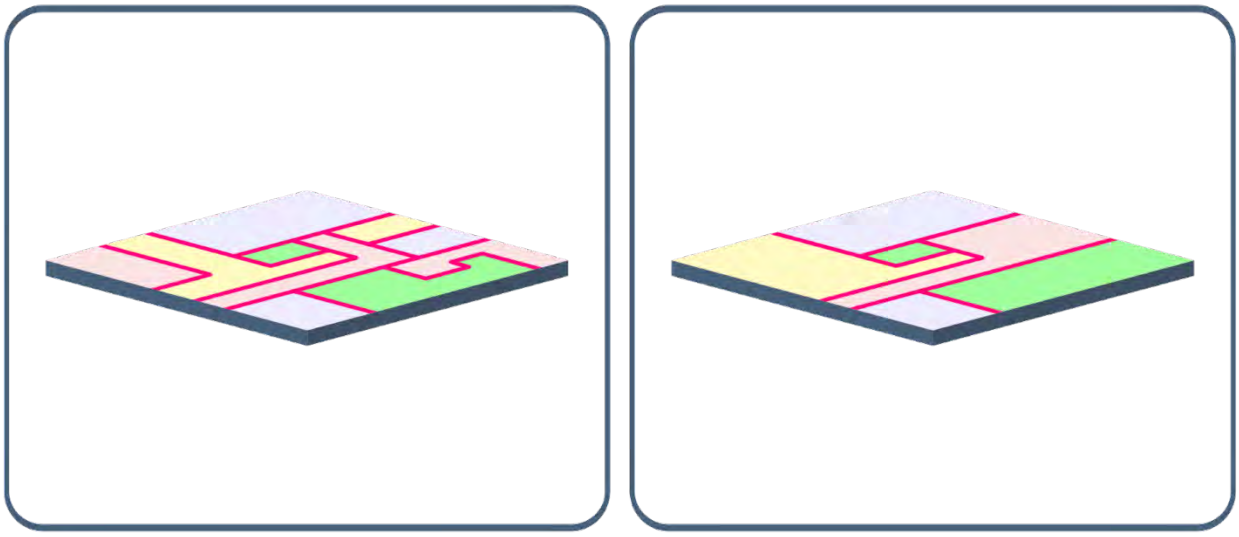




Allow Neighborhood Businesses

Neighborhood businesses are small, first-floor, low-impact businesses that are incorporated into the fabric of residential neighborhoods. Our land use code already defines these businesses and, where currently allowed, they take the form of small local shops, restaurants, and cafes that are assets to their communities. Unfortunately, the areas where they are allowed are few and far between, and some neighborhoods don't have them at all. The locations of these pockets of neighborhood business – many the size of a single building – were determined over a century ago by what businesses happened to be there when our zones were first defined. As our city grows and changes, it is hard to predict where neighborhoods will form and what their needs will be in advance. By allowing neighborhood businesses everywhere, we can allow our current and future neighborhoods to have small shops and restaurants nearby, while still protecting them from large disruptive stores that could bring in outside traffic. Small, locally-owned, neighborhood businesses like hairdressers or baby clothing stores can also become neighborhood anchors, especially for parents who may not have the time or a car to seek these services elsewhere while caring for young children.

We also recommend expanding neighborhood businesses to low- and medium-impact industrial zones. This may sound a bit odd, but recently these zones have become home to many of our local breweries. These breweries have tasting rooms and often host food trucks. Many even have semi-permanent food trucks on site. These establishments are essentially restaurants and have the same impact on their surroundings, but are limited in the services they can provide by our outdated zoning.



Simplify Medium-Density Zones

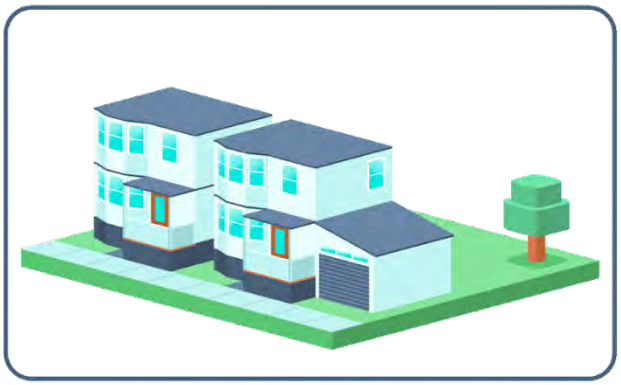
Our zoning code is complicated. We have dozens of zones with hundreds of pages. Some of our zones are very small and encompass a single property, while others have very minor distinctions between them. Many zones are arbitrarily split between on and off the peninsula. By combining our low-density zones into a single zone and our medium-density zones into a single zone, we can preserve the form of areas of the city with far fewer requirements.

The R-4 zone is a small zone located entirely near the Western Promenade with the intent to “preserve the unique character of the Western Promenade area”. While we applaud the efforts made to protect the historic West End from the damaging effects of urban renewal, the entire R-4 zone and beyond is now covered by the West End Historic District. Meanwhile, the R-4 zone contains standards that are out of character with what is already in the neighborhood. For example, there are multi-family, middle-density buildings in the neighborhood – they are even mentioned in the purpose statement of the zone – but they are not allowed, even as a conditional use. Though the neighborhood resembles the neighboring R-6 zone to the point where most would not be able to tell when they crossed from one into the other, the setbacks and height requirements in the R-4 are more in line with typical suburban standards than what exists in the neighborhood today. The historic district already protects not only all of R-4 but also much of the neighboring R-6 zone from development that is not in

character with the neighborhood, so we feel it is time to retire this zone and let the historic district protect this unique neighborhood.

The R-5 zone is the second-densest residential zone and is mostly located along major corridors, like Congress Street, Deering Avenue, and Forest Avenue. While it is Portland's second most dense residential zone, it only allows low-density housing stock. Much of the housing in R-5 areas predates the land use code and is non-conforming with the zone's standards. Combining this zone with R-6 would ensure the zoning map better reflects the built environment and will simplify the code overall.





Reduce Setback Requirements

Setback requirements require you to build structures far away from the edge of your property. This gives people fewer options on how to build their homes. For example, if you prefer a bigger backyard that is more private than your front yard, you may not be able to have it – if there is a 25-foot front setback minimum, you will have to use that 25 feet for your front yard instead. Side setbacks prevent the construction of row homes. There is already another type of requirement – maximum lot area coverage – which prevents people from covering too much of their lot. Reducing these setback requirements will provide people with these options without reducing the total amount of green spaces.





Empower Neighbors to Reduce Setbacks Together

Front setback requirements require you to build your buildings back a certain amount from the street. In our zoning code today, front setback minimums can already be substituted for an average of the setbacks of your neighbors. This makes sense because the effects of your setback are felt by your immediate neighbors. The only problem with this is that neighbors can't do it proactively, it has to be the average of their existing setbacks. We can provide a block with more flexibility by allowing neighbors on a block to come together and decide to reduce the setback minimums for their own block if they wish. This provides people with flexibility while ensuring they can't ignore the wishes of their neighbors who will be affected.

Legalize Housing

PORTLAND HAS A HOUSING SHORTAGE, AND OUR CURRENT LAND USE CODE IS STANDING IN THE WAY OF OUR FUTURE SUPPLY. LET'S CHANGE THAT.

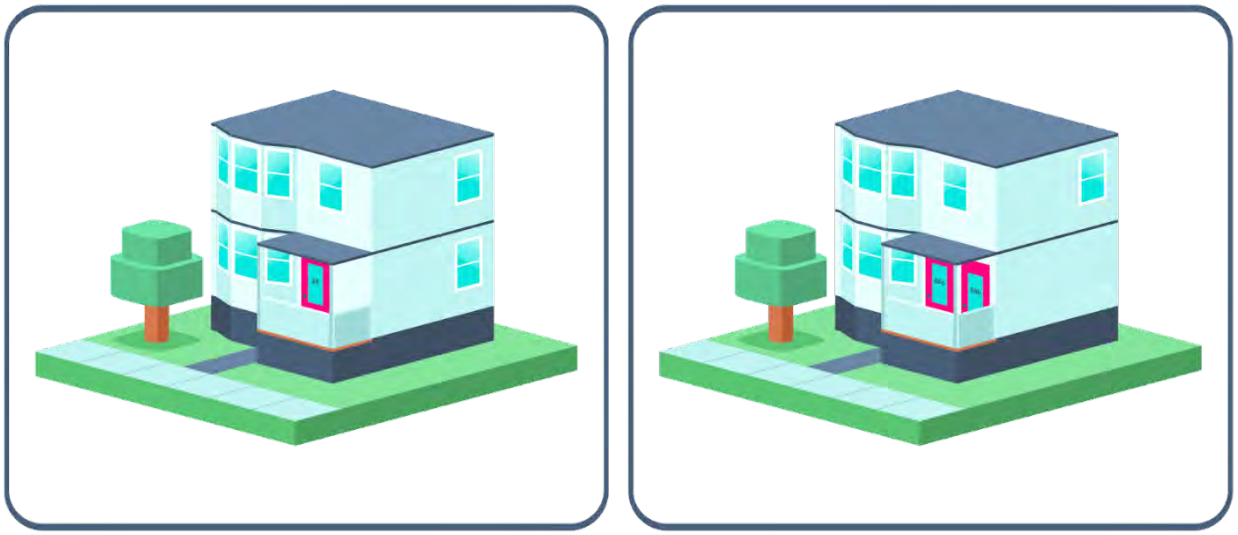
Few would deny that our city – along with the rest of the country – is in the midst of a housing crisis. It is clear our current housing supply is not meeting the needs of our city's residents.

We believe this is, in part, because much of the housing supply is mandated to be one type: single-family homes. Single-family zoning, setbacks, lot coverage maximums, and lot size minimums all add to the cost of housing and limit the amount of housing it's possible to build. This burns the proverbial candle at both ends, reducing both the number of people who are able to afford housing and the total number of homes within our city.

- **Allow multi-family housing**
- **Allow gentle density**
- **Allow renting more rooms**
- **Allow more four-story buildings**
- **Allow coliving**
- **Allow more lot coverage**
- **Allow smaller lots**

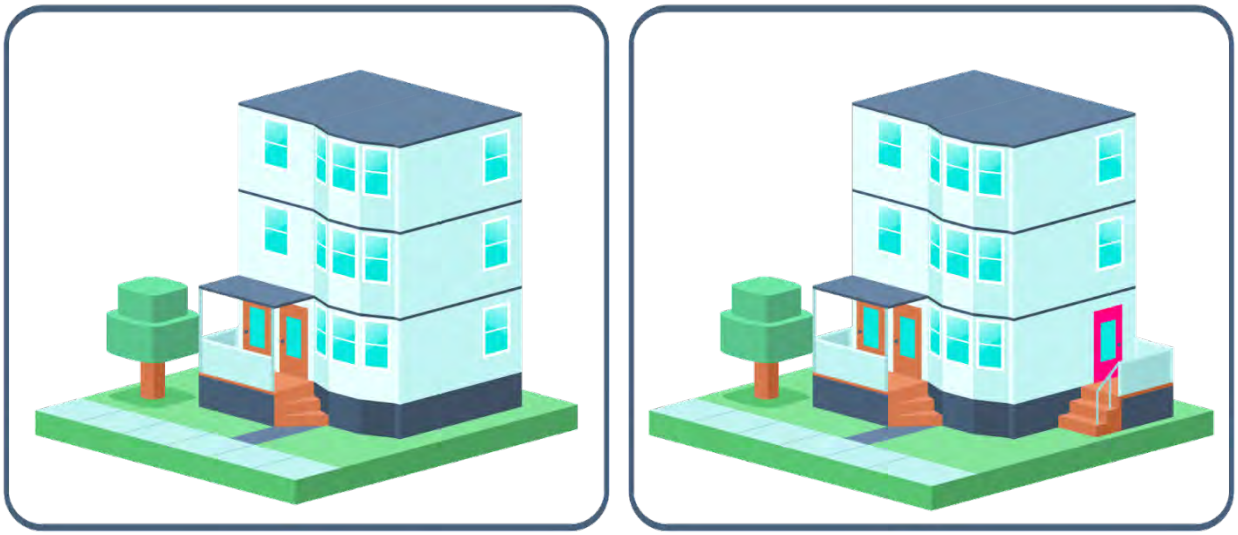
Our recommendations will not make it easier for big developers to build massive apartment blocks. They will allow for a gentler, middle density of homes that individuals will be able to afford to build, own or rent. Going from covering just 20% of your lot to 40%, or allowing a handful of units where before there could only be one, will put housing – and even home ownership – within reach of many more residents, while keeping our city beautiful and making it more livable.

These changes will not end the housing crisis on their own, but for every family that gets a new place to live that could not have been built before, we will have made a world of difference.



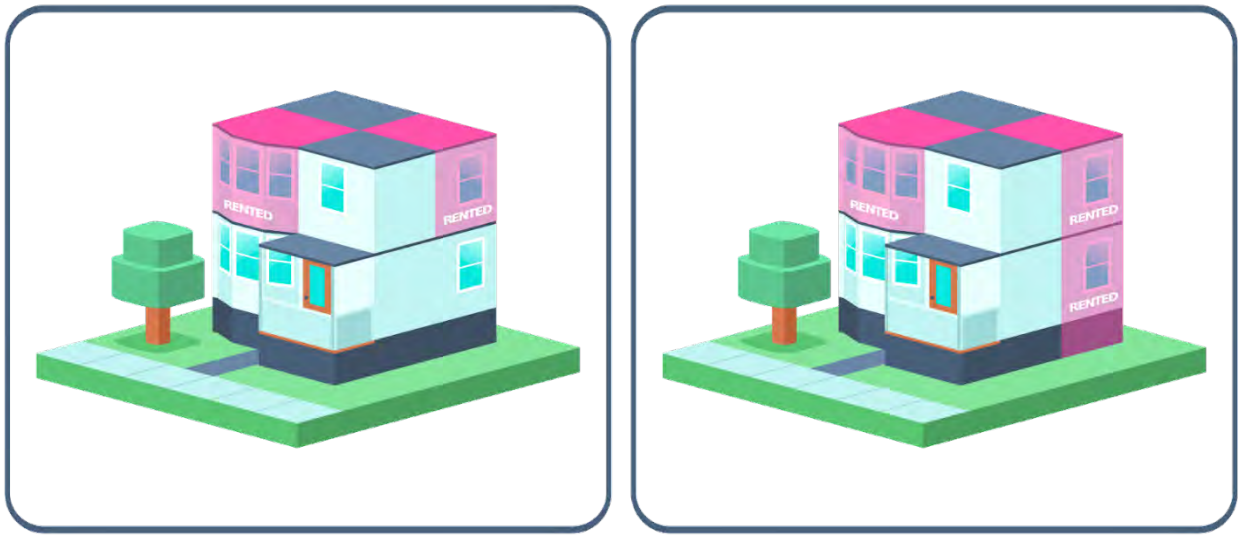
Allow Multi-Family Housing

Multi-family housing is a building with more than one housing unit per building. It can mean anything from a duplex, to a triple-decker with apartments on different levels, to apartment buildings. Currently, the construction of new multi-family housing is not allowed in over three quarters of the residential land in Portland, not including the islands, where it is also not allowed. This restriction has nothing to do with the size and shape of buildings; even duplexes of the same height and footprint as a single-family home are prohibited. This results in sprawling developments of detached single-family homes that are more expensive per unit, excluding people from huge areas of the city, and shrinking our precious green spaces. Conversions to multi-family can also help people age in place by providing a source of income. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. We can lift this requirement and provide more housing to more people inside the forms we are already comfortable with.



Allow Gentle Density

Even if your building is under the height requirement, your units are large enough, you aren't using too much of your lot, and you use separate structures, you are still limited by the lot area per dwelling unit minimum requirement. This requirement limits density regardless of circumstances. This restriction is very similar to the restriction on multi-family housing but it applies even to separate structures. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. Housing more people in the same space is a good thing – what we want is to mitigate the negative effects of density, like overly small units or lack of light and green space. Lifting this restriction will provide more potential for housing while keeping these effects under control.



Allow Renting More Rooms

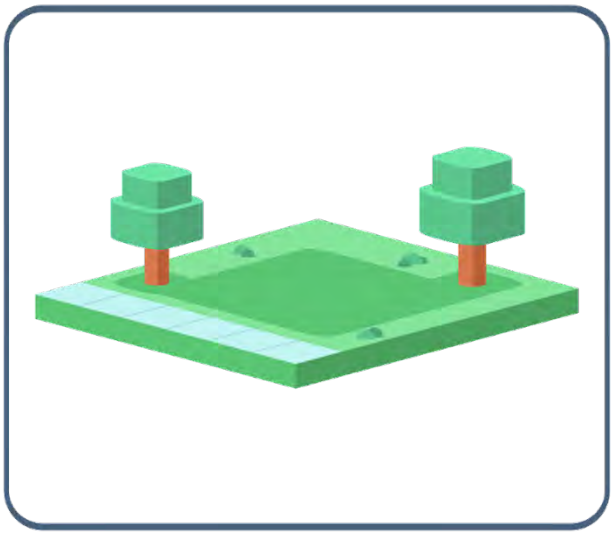
Renting out rooms in your home is a great way to help homeowners remain in their homes, age in place, and provide low-cost housing options. Many of the single-family homes in Portland are large enough to rent out more than two rooms comfortably, without changing the character of the home. We should allow people to make the most of their homes by renting out a few more rooms if they have the space.



Allow More Four-Story Buildings

Right now, only one of our main residential zones allows four-story buildings (about four percent of the city). The rest of the residential zones in the city allow only three stories. The neighborhoods that allow these four-story buildings are Munjoy Hill and the West End. These neighborhoods are beautiful and livable. Adding that one

additional story can provide more housing, or a larger housing unit, while maintaining a desirable neighborhood with plenty of light and green space. A four-story building is not even considered mid-rise. We can provide more housing by allowing this extra story in our next most dense zone (about 10 percent of the city).





Allow Coliving

Coliving buildings create access to affordable, flexible housing by allowing people to rent a room with access to shared amenities. Rooms in these buildings are typically rented out a month at a time and are pre-furnished. These are somewhat similar to "lodging houses," which exist in our code today. However, the requirements for lodging houses enforce a very specific configuration where every piece of common space must be available to every tenant, while also regulating the conversion of part of an existing building into a lodging house. This reflects the typical lodging house structure of the past where an owner would convert a portion of their home into a lodging house. In contrast, coliving spaces are typically purpose-built buildings with a suite-style configuration, i.e. a single common area may be shared by multiple bedrooms, but not by every bedroom in the building. It is vital to ensure that every tenant has access to the same level of amenities, but there is no reason to prevent this more modern configuration.





Allow More Lot Coverage

Lot coverage maximums are more sensible than lot size minimums, but in most of the city they are too low. Lot coverage maximums do restrict impermeable surfaces and allow for green space, but when taken to an extreme they can also limit homeownership to only the wealthy. In most of the residential land in Portland today, you can only build on less than 35% of your lot. While permeable surfaces and trees are essential, requiring the majority of a lot to be greenspace means that we have less contiguous land area for public parks and other green spaces that are much more beneficial to a community and wildlife. By gently easing these requirements, we can meet the need for green space and permeable surfaces while making it less difficult for people to afford housing.





Allow Smaller Lots

Currently, our residential lot size minimums are not only very large, but very unevenly distributed amongst zones. The R-6 zone, home to many pleasant neighborhoods, has

a minimum lot size requirement of 2,000 square feet. Meanwhile, the next most dense zone is three times that. By the time you reach the R-1 zone, it takes more than seven R-6 lots to make up just one lot in R-1. Current residential zoning is designed for a suburban development pattern which is inconsistent with Portland's original development pattern. Minimum lot sizes make housing more expensive because they require homeowners to own a significant amount of land just to own a home, while at the same time multiplying the build and maintenance costs of municipal infrastructure, at times causing up to a tenfold increase. The result is significantly higher property tax rates and an artificially limited pool of taxpayers who are responsible for paying these increasing municipal maintenance costs. These lot size requirements are not what maintains the ratio of houses to yards – we already have a separate rule for maximum lot coverage percentage. A lot size minimum is simply a land ownership requirement for housing. We can ease this requirement by reducing lot size minimums by half. Unless a subdivision creates a second parcel of useful land, this change will not help anyone in practice. Reducing these values by half allows an existing lot to be split once.

Unlock More Transit Options

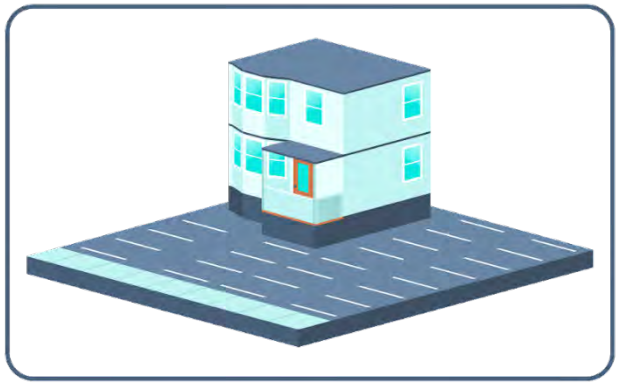
THERE ARE SERIOUS OBSTACLES TO SAFER, MORE EFFICIENT, CLIMATE-ADAPTIVE TRANSIT CHOICES IN PORTLAND. LET'S CHANGE THAT.

- **Establish parking maximums**
- **Expand bicycle parking**
- **Ease the Transportation Demand Management Plan requirement**

Land use code mainly deals with building forms and uses, but it also influences how a city's residents choose to get around.

When everyone chooses to get around in cars, it crowds out other modes of transportation, creating traffic that delays buses, endangers cyclists and pedestrians, and wastes everyone's time. Not everyone has the means to own a car, the desire to own a car, or the ability to drive, and the needs of these residents are currently marginalized by the existing land use code. Furthermore, the vibrancy of our city comes from people, not cars.

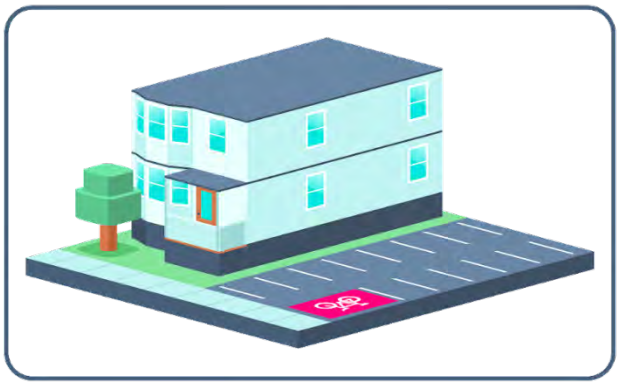
Our recommendations encourage walkable, cyclable neighborhoods. While living completely car-free in Portland right now is unrealistic for many of us, any change that allows a two-car household to become a one-car household is a significant win for that household's finances. Even replacing a single car trip with walking, biking, or bussing benefits the environment and reduces traffic within the city. With mixed-use neighborhoods, people will be located closer to their shops, restaurants, and businesses which makes our whole city more walkable and cyclable. Eliminating the requirement for parking lots where they may not be desired or needed helps use space better, and increasing bike parking enables more people to use alternatives to cars. A bit more density makes more frequent and higher quality transit service financially feasible. With fewer cars on the roads going slower, our streets will also be safer for pedestrians, cyclists, children, and anyone not inside a car. We can improve our environment while increasing convenience and our quality of life for everyone.

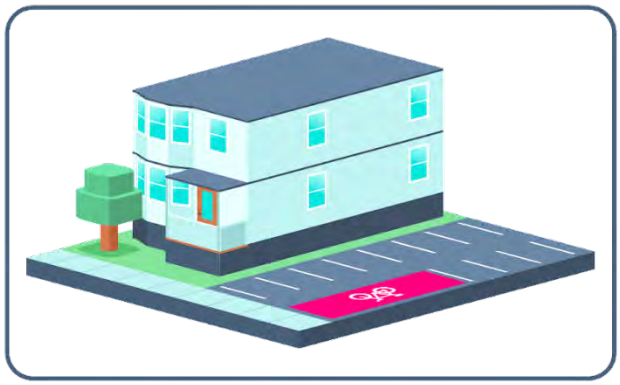




Establish Parking Maximums

The peninsula is becoming increasingly developed. There are quite a few large-scale projects planned in the next few years, and there will undoubtedly be more coming. We need to decide if we want our downtown to be for people or for cars. Around a fifth of our downtown land is already dedicated to parking. The more parking we have, the more people will drive downtown and the worse traffic will be. Air quality will suffer, biking will become less pleasant, and buses will be stuck in traffic. We can protect our downtown by creating parking maximums on new developments to keep our downtown pleasant for everybody – even drivers will appreciate less traffic.





Expand Bicycle Parking

Our city has bicycle parking minimums in place already, which is great! The only issue is they require half the capacity of car parking even though bikes already take up far less space. Bicycle parking minimums can be made equal to the minimums for cars without taking up too much space.



Ease the Transportation Demand Management Plan Requirement

In ReCode Phase One, parking minimums were removed for all new buildings near a transit stop. This is a great step towards reducing our car dependence, but to receive this benefit builders are currently required to spend a lot of time and money producing a Transportation Demand Management plan. This is administrative overhead that may push builders towards building parking instead and provides little benefit. Removing this requirement will make it even easier for builders to build less parking and encourage transit ridership. The requirement will remain in place for very large developments.

Common Sense Fixes

SOME RULES SIMPLY DON'T MAKE SENSE AND CREATE HEADACHES AND LIABILITY FOR THE PEOPLE TRYING TO FOLLOW THEM. LET'S CHANGE THAT.

Regulating land use can be a complicated process. Sometimes, what seems like the most expedient way to achieve a particular outcome is with a roundabout rule that may have unintended consequences. Sometimes it doesn't become clear that a rule has unintended consequences until after it's been enacted.

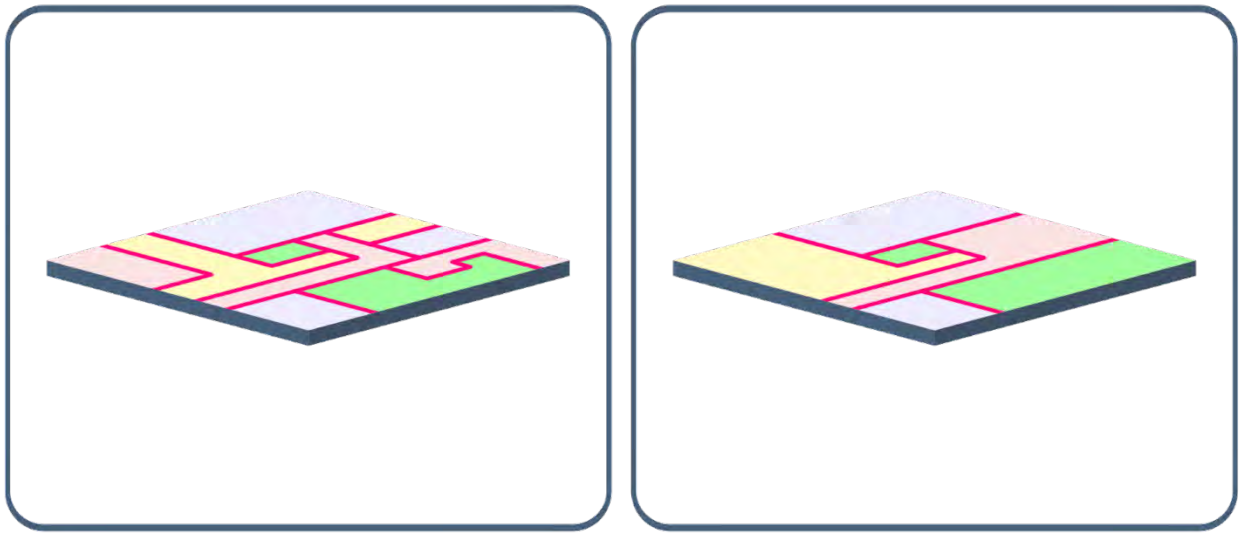
- **Measure heights from sidewalk**
- **Simplify low-density zones**
- **Allow higher quality floors**
- **Allow renting rooms with new kitchens and bathrooms**

That's one reason why it's important to periodically revisit the land use code and revise it, like Portland's ongoing ReCode process. We've identified and drafted fixes for places where we feel the code is overly complex with no apparent benefit, where clarification is needed for a vague rule that doesn't achieve its presumed goal and has already resulted in needless lawsuits, or where a rule is simply arbitrary and doesn't make sense.



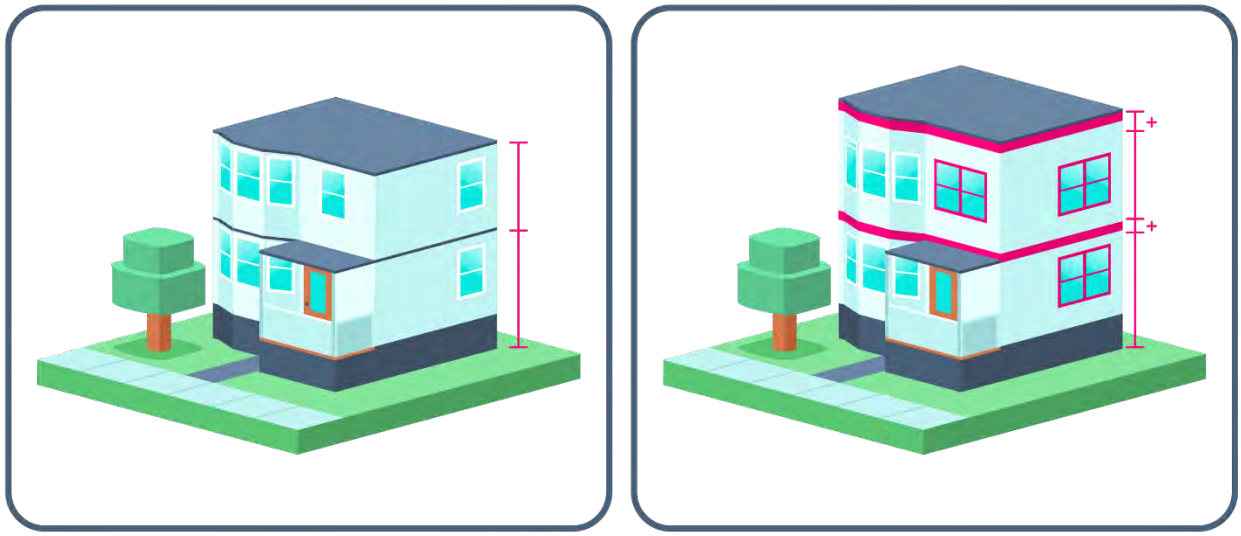
Measure Heights from Sidewalks

Currently, height is measured as average grade from the corners or multiple points along the foundation of the proposed building. This method has several drawbacks that harms the ability of the City to harness the full value of significant portions of land and prevents hundreds of additional homes being built in proposed buildings. This method penalizes land that slopes downward from the adjacent sidewalk and rewards land that slopes upward from the adjacent sidewalk without achieving any consistency in managing actual height of buildings or taking into consideration the effects on the quality of the buildings being built in terms of design aesthetics, livability, performance, fit-to-purpose, and flexibility for re-use. By measuring height from the sidewalk adjacent to the building entrance, we can clarify this rule and standardize height allowances in our more hilly neighborhoods.



Simplify Low-Density Zones

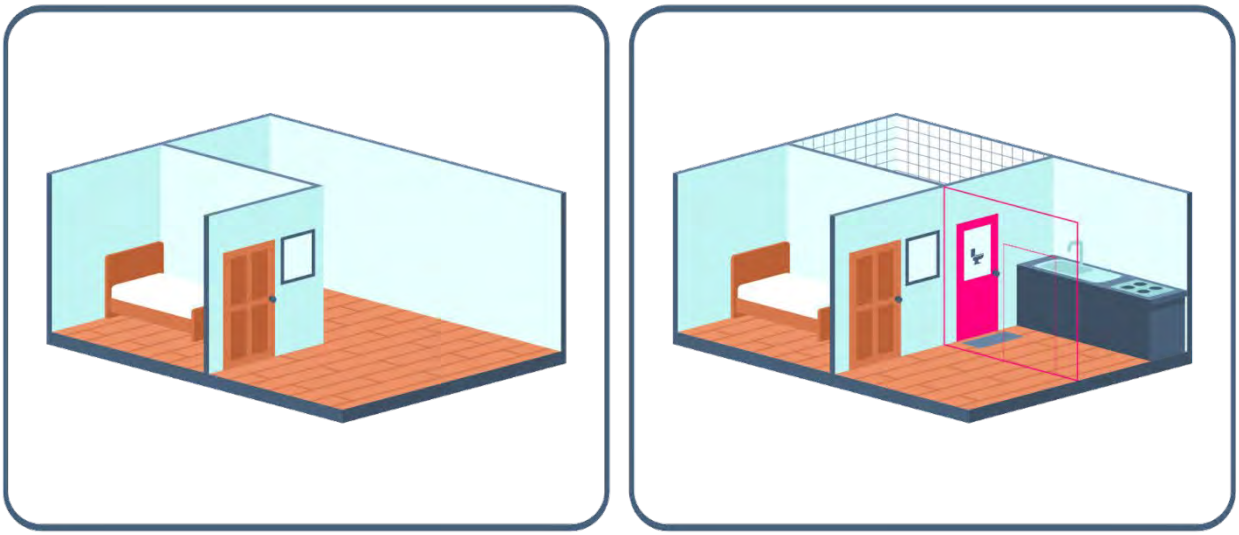
The R-1 and R-2 zones have identical purpose statements and very similar regulations. There is only a tiny amount of R-1 and it is directly near R-2. The zoning code could be simplified without substantial changes by merging these two zones.



Allow Higher-Quality Floors

Current height allowances are out-of-date with today's construction methods and don't consider the extra depth needed for higher insulation values, sound proofing between floors and homes, required floor-to-ceiling heights that allow more daylight into homes within multi-home buildings, mechanical air ventilation needed in tight

envelope buildings, and larger open spans to allow future reconfiguration of units. These features are essential to keeping buildings relevant for 200+ years, avoiding demolitions, and promoting re-use. By allowing just a little bit more height per floor we can make room for this without being noticeable from the outside.



Allow Renting Rooms with New Kitchens and Bathrooms

Wherever you live in Portland, you are allowed to rent out up to two rooms in your home. These sorts of rentals are a great way to provide low-cost housing and help people afford to stay in their homes and age in place. Unfortunately, there is a strange limitation where you can't rent out a room of your home if you added a bathroom or kitchen within the last two years. This is an arbitrary limitation that only serves to prevent people from providing amenities to their tenants or discourage them from opening up housing at all. This rule change will not help facilitate short-term rentals – not only do all short-term rental restrictions still apply, but this rule only applies to rooms within a single housing unit which means this won't help people take housing out of the long-term housing supply and move it to the short-term market.

Connect Portland
unread,
Jul 11, 2023, 11:12:01 AM (21 hours ago)

to recodep...@portlandmaine.gov

1. A meeting was organized for housing developer “stackholders” on ReCode. Will there be similar meetings for affected neighborhood resident “stackholders” in order to engage the community for their feedback on ReCode?
2. How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode?
3. Where will the Transit Oriented Development (TOD) be located? Define “urban neighborhood” and “on or near peninsula”? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn’t the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula?
4. Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards?
5. Are ‘Conversions’ of non-residential structures allowed in all residential and business zones? How do “Conversions” differ from proposed “Reuse” of non-residential structures?
6. New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables?
7. How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city’s neighborhoods to make Portland a more “equitable” city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the ‘straight-face test’ for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom.
8. The ReCode II evaluation in the ‘overview” of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed?

The work that has gone into these recommendations is to be commended. Thanking you in advance for a response to our questions.

Helen Donaldson <hcd@portlandmaine.gov>

Draft Recode community meeting Peaks

5 messages

Laura Glendening <lrglendening@gmail.com> Tue, Jul 11, 2023 at 1:00 PM
To: cdg@portlandmaine.gov, Helen Donaldson <hcd@portlandmaine.gov>
Cc: Anne Coughlin <annefcoughlin@gmail.com>

Hello Nell and Christine,

Now that the draft ReCode has been published the PIC (Peaks Island Council) Housing and Zoning Community is looking to support you in presenting a community meeting on Peaks Island.

Mid to late August may be a good time to schedule a meeting, as this is a time when property owners that are mostly on the island just for the summer may be able to be present as well as the year-round community. Perhaps you already have a date planned – and we are ready to support and promote a community meeting that works for your schedules. Please let us know.

In the community meeting we see the need for your department to highlight:

1. How the draft ReCode changes zoning on Peaks Island.
2. How the draft ReCode will assist with the development of affordable housing.
3. And to hear from the community the zoning needs on the island, to allow for community input in the development of the new Land Use Code.

I look forward to hearing from you.
Kind regards,
Laura

Laura Glendening
PIC Housing and Zoning Committee, Chair

Helen Donaldson <hcd@portlandmaine.gov> Wed, Jul 12, 2023 at 5:15 PM
To: Laura Glendening <lrglendening@gmail.com>
Cc: cdg@portlandmaine.gov, Anne Coughlin <annefcoughlin@gmail.com>

Laura,

Thank you for reaching out. We have been thinking about open houses this week, so you are right on time.

At this point, the day of Thursday, August 17 looks like the best opportunity for an island open house with Camiros, our consultant. We would likely be looking at a morning or early afternoon timeframe. Camiros has had success with mid-day open houses where folks can drop in during lunch hours, so perhaps that's an option?

Nell
[Quoted text hidden]
--
Nell Donaldson
Director of Special Projects

City of Portland
(207) 874-8723
hcd@portlandmaine.gov

planning & urban development

Helen Donaldson <hcd@portlandmaine.gov> Wed, Jul 12, 2023 at 5:16 PM
To: Christopher Jennette <cjennette@camiros.com>

FYI - Looks like we may do an open house on Peaks, which has the advantage of a beautiful boat ride.

Shooting for early or mid-day on Thursday 8/17.
[Quoted text hidden]
[Quoted text hidden]

Laura Glendening <lrglendening@gmail.com> Wed, Jul 19, 2023 at 7:30 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, cdg@portlandmaine.gov
Cc: Anne Coughlin <annefcoughlin@gmail.com>

Hi Nell,

August 17 sounds great for us. We are wondering if you will be able to give a brief presentation before moving to the open house style format? Maybe an 11-11:30 presentation followed by an open house from 11:30-1:00?

We are also wondering if you will have maps available -- and will there be any draft changes to the zones (IR-1, IR-2, I-B) on Peaks Island?

Having a hand out with a chart of the current land use codes and the new draft will help answer a lot of questions too.

We will start posting this community meeting when you confirm the details.

Many thanks,
Laura

[Quoted text hidden]

> [Quoted text hidden]
> 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.

Helen Donaldson <hcd@portlandmaine.gov> Thu, Jul 20, 2023 at 10:46 AM
To: Laura Glendening <lrglendening@gmail.com>
Cc: cdg@portlandmaine.gov, Anne Coughlin <annefcoughlin@gmail.com>

Laura,

Great. Do you have suggestions about a location?

Re your questions, we have not finished sketching out the agenda in its entirety, but there will certainly include some presentation time and some less structured time, so hopefully something for everyone.

And thanks for your suggestions on materials. At this point, we will not have any proposed changes to the zoning map to share, as we're trying to focus folks on the revisions to the zones themselves. But suggestions regarding map changes are always welcome.

Nell

Thank you

[Quoted text hidden]



Squarespace
unread,

Jul 12, 2023, 1:37:21 PM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Jim wolf

Email Address: jmw1@maine.rr.com

Subject: recode

Message: Do you know when the city plans to enact the recode. Thank you

Does this submission look like spam? Report it here.

Rachel Conly
unread,
10:43 AM (5 hours ago)
to recodep...@portlandmaine.gov

Hello,

Thank you for sharing the draft of the Recode. I have a couple of follow up questions with regards to island zoning. Could you please advise on the following?

1. In section 7.7.3.A "Small Island Lots". Can you please clarify if this section is ONLY applicable to development on vacant lots, and not applicable to existing non-conforming previously developed small lots in IR-2? For instance, is it possible to apply the new dimensional standards to a remodel/addition in the IR-2 zone for properties that are less 20,000 SF? Or, can a previously existing single family in the IR-2 be converted into a 2 family?
2. I do not see any proposed island maps for reshaping the existing zoning boundaries. Should I assume that the boundaries are not changing?

Thank you! Rachel

--
Rachel Conly (she/her)
Owner/Design Director
Juniper Design + Build, LLC
207.766.5919

Helen Donaldson <hcd@portlandmaine.gov>

Re: Form Submission - Contact us Re:Code - ReCode Review

Barbara Vestal <vestal@chesterandvestal.com> Thu, Jul 13, 2023 at 5:11 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hello Nell,

Asking just for myself, I can't help but notice that you have taken out the language in the purpose statement which (admittedly imperfectly) referred to conserving the existing housing stock, preserving the existing neighborhood character, and making new development consistent with the typical compact lot development found on the peninsula. Of course those are things that people living in the R-6 zone have typically valued. It would seem better to improve how they are referenced in the purpose statement rather than deleting them entirely. What was your thinking in making this change?

The "first wave" is said to only address definitions, zones, uses and dimensional standards. The design standards appear in later sections -- particularly in the site plan and historic preservation sections. It is hard to tell from this first wave release where you are going with design review issues. Is it your intent to also remove the concepts of preserving neighborhood character and consistency with the neighborhood context from the design standards? If so, what do you envision the standards will be based on? Or is it the intent to remove design considerations entirely? I would be interested in your thoughts.

Similarly the design standards seem to have stalled out from the 2020 or 2021 overhaul. What is the intent with regard to revisions to the design standards?

Barbara

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

Re: Questions First Wave ReCode Changes

Connect Portland <connectptld@gmail.com> Fri, Jul 14, 2023 at 6:56 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Thank you, Nell. What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?

Sent from Mail for Windows

From: Helen Donaldson
Sent: Thursday, July 13, 2023 4:37 PM
To: ReCode Portland
Cc: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Thank you for your interest in ReCode. Please see responses below, and don't hesitate to follow up with additional questions.

[Quoted text hidden]

[Quoted text hidden]



cynthia park
Jul 15, 2023, 1:19:38 PM (yesterday)
to recodep...@portlandmaine.gov

Hello,
Please add my comments to the others under consideration..

1. Please consider allowing ADUs that meet square footage requirements to use grandfathered setbacks (ie. replacing an existing structure like an old garage) *without* needing to fit within the current structure's footprint - or alternatively, at least only ONE of the grandfathered setbacks (side or rear).

2. Please include some restrictions on density of cannabis businesses (as in, per square mile).

3. Please tighten the restrictions on business signage. Two examples:
a. the signage for the business called 'Continental' (Brighton and St John, new and not yet open for business) has lettering that is really too large for the neighborhood setting
b. internally lighted signage like the lighted numbers '449' for 449 Forest Avenue, while grandfathered, can be effective without being so bright - the light is too bright for the neighborhood setting

thank you—
Cindy Park

19 Pltt St
Oakdale

Squarespace
Jul 17, 2023, 11:21:21 AM (yesterday)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: brent adler

Email Address: brentadler@gmail.com

Subject: questions

Message: Hello. Thanks for all the work on this recode.. its been a long time! I had a couple things to comment on. What has been done for building on established city streets that are paved that are less than 25' wide. This was a section in the old code under chapter 14-403. This was updated a couple years ago but im concerned that the exception that is allowed to build is up to somebody's opinion. Can we not agree that these narrow streets in Portland are safe and should be allowed to have new buildings built on them. this will help with housing and density. Please remove the restriction on narrow streets to allow development.

Another comment that I had was to clearly define the difference between a boarding house,halfway house, and sober house. As the code is defined now somebody can open a boarding house in R6 and run it as a halfway house or homeless shelter. We require certain kinds of social services and onsite professional management under a shelter and somebody could use the boarding house as a loop hole. This kind of management can lead to unsafe conditions in a R6 zone.

Does this submission look like spam? Report it here.

James Wolf
Jul 17, 2023, 6:13:38 PM (6 days ago)
to Christine Grimando, plan...@portlandmaine.gov, ReCode Portland

Hi

Thanks for getting back to me.

It does not appear from reading that a great deal is being done to stimulate development in the current R-2 zone. If I am reading correctly the lot size is remaining the same and the only change is duplex construction will be allowed. In contrast, in the R-3 zone not only are duplexes being allowed, the density for multi development is much less restrictive.

I also would be curious to know if the zoning map is being altered. In the case of my land on Tucker/Newell it is currently in the R-2 zone, however, via Tucker half the road is R-3. Shouldn't the area have a consistent zone?

Thank you for the input. I do appreciate your help

Jim

Kimberly MacDonald
unread,

10:51 AM (5 hours ago)

to recodep...@portlandmaine.gov

Hello,

The ReCode Portland first wave changes page on the website state that the zones look different—some new, some consolidated and the names of the zones have shifted (ex R-3 to RN-2). However, I can't find a map of the new zones on the website. Where have they consolidated, changed or been added? Can you direct me to a link to the proposed new zoning maps so that I can view how the zones have been changed/re-defined?

Thanks in advance for you assistance,

Kimberly MacDonald

in a R6 zone.

Does this submission look like spam? Report it here.

No outside gardens should be allowed.We all know they attract critters and rats.They should only be permitted within a structure.Enough said.

0 views

Skip to first unread message

Subscribe



Phyllis Guevin
unread,
Jul 18, 2023, 5:19:46 PM (15 hours ago)
to recodep...@portlandmaine.gov

The video is useless.

0 views

Subscribe

Phyllis Guevin
Jul 18, 2023, 5:33:50 PM (15 hours ago)

to recodep...@portlandmaine.gov

I want to read about any changes and their legality word fir word in a written document.I learned nothing from the useless video and could not read for myself the tiny print.Also why is the code being changed and who authorized it and for what purpose?I hope nit to jam more housing in Portland.we need wider roads,overpasses,more traffic lanes and a comp,etc traffic oriented restructuring of the city and a moratorium on any more people settling in Portland.It's way overcrowded.I know.I was born and raised here and little has been done to manage traffic except paint ridiculous lines.we need a new engineer team brought in from other cities that are truly growing their roadways while limiting overcrowding.The bollards have to go.they are a driving impediment and dangerous distraction.Roads are built for cars and sidewalks for pedestrians.Hire a new engineering team first and foremost!Lets get Portland driver friendly.Thank you.email me the documents and the info I requested.Phyllis Guevin.

Sent from my iPad

Helen Donaldson <hcd@portlandmaine.gov>

Re: The video is useless.

Phyllis Guevin <phyllisguevin@icloud.com> Wed, Jul 19, 2023 at 3:58 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

I have read or scan read The Portland Plan.I noticed there is no mention of rebuilding Morrills corner and woodfords corner and Forest avenue to allow traffic to flow freely and actually be able to move forward on a green light.These corners and streets have never been addressed.Bicycles are nonsensical for the baby boomers as well as for maines climate.We need major roadway widening,overpasses,expansion of our roads to accommodate the only sensible maine climate firm of transportation,the car!These corners have not been addressed since the fifties.We need to make getting to medical appointments,work,school,grocery stores easy to make for a better life in Portland and especially being realistic about the climate here.I did not read anything of this nature and I'm certain you missed the majority of the population who happen to drive cars in your so called search for what Portlanders want.I noticed a biking coalition mentioned three times in your contributors.It's not realistic and it's stubbornly impractical.Narrowing the roads is oppressive and dangerous as regards comfortable safe driving.Painting lines does not improve the roads.As I said get a new team of engineers involved to widen and add overpasses to accommodate the majority of travelers in Portland,the car drivers.Widen our sidewalks for bikers who do not belong in the road.You are not listening to the predominant population.What you are doing is. Nit being realistic.Pkease redo your plan to improve our roadways.Get rid of the bollards.It actually is a flawed,selfish and dangerous idea.Thank you.Please face reality.Phyllis Guevin.

Sent from my iPad

> On Jul 19, 2023, at 8:37 AM, Helen Donaldson <hcd@portlandmaine.gov> wrote:
>
> Ms. Guevin,
> [Quoted text hidden]
> 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.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Questions First Wave ReCode Changes

Connect Portland <connectptld@gmail.com> Wed, Jul 19, 2023 at 10:24 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Good morning, Nell. We are requesting public list of ReCode mailing list.

Additional questions:

1. Have PRUDs been eliminated?
2. Zone Table 5A does not include Roux Institute at Northeastern University in the Overlay Zones.
3. Zone Purpose Statements where residential or mixture of residential in RN, Islands and B zones are reference does not clarify what type of permitted residential which are clearly spelled out in the RN1 to RN4 zones. The B-1 provides for residential uses but not in the language, page 5-7.
4. Conversions 6.4.12, additions to “existing structures” in all RN zones. What does “existing structures” mean? All residential and nonresidential structures? Should ‘Conversions’ with sub categories for additions, residential and non-residential be added to the Use Standards Table?
5. Definitions includes definition of “on-peninsula and off-peninsula, where is the definition for “on or near peninsula”?
6. No definitions for “arterials” vs corridors or other accepted street type designations?
7. No definition for “urban neighborhoods”?
8. What affect does “housing bonuses” potentially have on proposed 65 height in the B-2 and B2b zones?

Again, thank you!!

Sent from Mail for Windows

From: Helen Donaldson
Sent: Friday, July 14, 2023 12:35 PM
To: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Anyone who has subscribed via https://www.recodeportland.me/contact-us receives email updates. And of course we are making every effort to reach beyond this mailing list to spread the word as widely as possible.

Thanks again for your comments.

Nell Donaldson

On Fri, Jul 14, 2023 at 7:10 AM Connect Portland <connectptld@gmail.com> wrote:

> Thank you, Nell. What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?

Sent from Mail for Windows

From: Helen Donaldson
Sent: Thursday, July 13, 2023 4:37 PM
To: ReCode Portland
Cc: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Thank you for your interest in ReCode. Please see responses below, and don't hesitate to follow up with additional questions.

Nell Donaldson

On Tuesday, July 11, 2023 at 11:12:01 AM UTC-4 Connect Portland wrote:

1. A meeting was organized for housing developer “stackholders” on ReCode. Will there be similar meetings for affected neighborhood resident “stackholders” in order to engage the community for their feedback on ReCode? *In-person events are being scheduled for mid-August. The ReCode website is the best place to stay informed about these events as they are planned. Notice will also be sent via the ReCode mailing list.*

2. How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode? *Generally speaking, the approach reflected in the draft changes is to allow for conversion from single-family to two-, three-, four-, or multi-family where the higher-density use is permitted within the zone, but to try to ensure that these conversions are achieved in a way that reflects the existing built context (i.e. the pattern of setbacks, heights, and design choices characteristic of the surrounding neighborhood). This is why the draft changes don't include drastic changes to residential dimensional standards. This approach is a direct response to the comprehensive plan goal to support more housing choice in Portland.*

3. Where will the Transit Oriented Development (TOD) be located? Define “urban neighborhood” and “on or near peninsula”? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn’t the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula? *This feedback on the TOD zones is helpful, and yes, there is some overlap with several of the mixed use zones, including the B-2b, which encourages a dense, urban form. The TOD zones would be new, so we welcome feedback on appropriate locations for them. TOD zone locations will ultimately need to align with areas that have current or planned transit service.*

4. Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards? *No, they were not consolidated, although many of the use permissions and dimensional standards for these two zones are the same (both in the existing code and in the draft). The heights have been adjusted.*

5. Are ‘Conversions’ of non-residential structures allowed in all residential and business zones? How do “Conversions” differ from proposed “Reuse” of non-residential structures? *Neighborhood nonresidential reuse has been added as a conditional use within all residential zones. See Section 6.4.26 for use standards*

6. New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables? *Section 7.4 describes which zones would allow these options. We may also consider integrating them into the use and dimensional tables in the final drafts if they can be successfully formatted as tables.*

7. How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of

development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city's neighborhoods to make Portland a more "equitable" city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the 'straight-face test' for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom. *The proposed changes try to strike a balance between creating opportunities for new housing everywhere and acknowledging that not all parts of the city are the same. So while the drafts show a stepping up in terms of residential uses (and as appropriate, dimensional standards) in all residential zones, the existing residential zone structure is generally maintained, reflecting a range of residential contexts, from lower to higher density.*

8. The ReCode II evaluation in the 'overview" of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed? *We appreciate that neighborhoods within zones can vary. The drafts address some variation in form by proposing context-based dimensional standards (see setbacks, for instance). Suggestions about further distinctions are more than welcome.*

The work that has gone into these recommendations is to be commended. Thanking you in advance for a response to our questions.

Sent from Mail for Windows

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.

--

Nell Donaldson
Director of Special Projects

City of Portland
(207) 874-8723
hcd@portlandmaine.gov

planning & urban development

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

Question on Proposed Language

3 messages

Andrew Schiller <aschiller@schillergroup.com> Fri, Jul 21, 2023 at 12:19 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

The proposed language for width of streets has an implied assumption that the street is the same width along its length. Or at least for the segment of street upon which the subject lot fronts the street.

This assumption appears to not always be true. Small pavement width variation exists. This does not pose a problem when pavement width is far wider than the proposed language guidelines. It does introduce ambiguity when the street has small pavement width variations that vary around the target width guidelines. This is the case for Bond Street, based on my measurements.

The section to which I refer is 6.4.1 (A.1.a).

Bond Street is over 20' in width (20' 2" of pavement width, from inside of curb to inside of opposite curb). But not uniformly along its length. Sometimes it is 19' 10", and so forth. Some variation.

Should the language clarify that one rounds up to the nearest whole foot? Or conversely take the minimum width measured?

The lot is at the corner of Bond and Orange. Clearly, as I get very close to the corner (directly in front of the lot) the streets are preparing to intersect and the pavement width increases further to perhaps 21' or 22'. But numerous feet back away from the intersection on Bond, and still in front of the lot in question, the pavement width measures over 20'. But a few feet further on and it measures 19' 10".

Practically speaking, there is no safety or access difference between 20' 2" and 19' 10". So it is not a public safety issue. But the language leaves this ambiguity on where to measure and if to round to the nearest whole foot (up or down), or to use the minimum width found in front of the lot. Or simply round to the nearest whole foot for the minimum width found in front of the lot. Do you have any thoughts on this?

Alternatively, this could be such a rare case that it is better to discuss it with the Fire Chief and/or the head of the DPW. I realize this falls squarely into the '90-10' rule of potentially an edge case! But I do want to be thoughtful and engage for clarity and balance the production of housing in Portland with safety.

Yours truly,

Andrew

Helen Donaldson <hcd@portlandmaine.gov> Fri, Jul 21, 2023 at 4:32 PM
To: Andrew Schiller <aschiller@schillergroup.com>

Andrew,

Thanks for providing such a specific case study for this language. Let us consider how the language might be interpreted here. Generally, minimums are minimums (i.e. there would be no averaging or rounding), but it's worth thinking about whether the 20' would need to be held for the entire street frontage requirement.

Nell
[Quoted text hidden]
--
Nell Donaldson
Director of Special Projects
City of Portland
(207) 874-8723

hcd@portlandmaine.gov

planning & urban development

Andrew Schiller <aschiller@schillergroup.com> Fri, Jul 21, 2023 at 4:46 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

Thank you for thinking about this. In this case, if my measurements are correct, the street is over 20' wide in front of the lot. But not for all of the frontage. It is just a slight variation. But it does dip below 20'.

For your consideration, since streets tend to be reasonably stable in width (although imperfectly so as in this case), I would think if the street is 20' or more wide as measured somewhere in front of the lot, that would meet the minimum width requirement.

This is because, even if it dipped below, it is always just inches of difference and thus not a safety or access issue. This would allow the production of housing per the language and be in keeping with the intent to promote fire safety and unrestricted DPW access.

Yours truly,
Andrew

[Quoted text hidden]

> [Quoted text hidden]
> 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.



Gabe
unread,
8:33 AM (2 hours ago) 7/25/23
to recodep...@portlandmaine.gov

I watched your video and I understand how you are consolidating the zones.

No mention was made about how the allowed uses are changing.
Are there any allowed use changes expected for the RN-2 (formerly R3) zones?

--
Gabriel Zappia
1-207-370-0743 (Text is best, calls are silenced unless scheduled in advance

Helen Donaldson <hcd@portlandmaine.gov>

Re-code phase 2

Liv Chase <livchase@yahoo.com> Wed, Jul 26, 2023 at 4:18 PM
To: Hcd@portlandmaine.gov

The following sections and suggested edits are interpretations that directly affect the property I own here in Portland. Both are over sites that I would like to bring to your attention in hopes that we can talk further.
Sincerely,
Liv Chase

Section 6.4.1- width of a street is no less than 35'.

Amendment should contain the language that this requirement does not apply to accepted city streets. The original intent of this section was to make sure that existing paper streets were designed in a manner that was up to current fire code requirements. Preventing residential construction on accepted city streets that are already built on is not in line with the overall city goal of creating more affordable housing in areas that can accommodate development.

Under R-6 allowable uses: lodging houses should be excluded from this section or the definition of lodging house needs to be amended. Currently, the city is allowing housing of homeless residents and the operation of homeless shelters under this vague language in the land use code. The original intent of this section I believe was to accommodate b and b style housing. If the definition creates a decrease in value of the homes around it then it would make sense not to include this use under any residential zone. Drug trafficking, trespassing, and vandalism are all an outcome of this loophole that has impacted my property on the West end.

Sent from my iPhone

LD2003 Related Questions

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Damon Yakovleff
unread,
Aug 4, 2023, 3:11:48 PM (2 days ago)
to recodep...@portlandmaine.gov

Greetings,

I appreciate the outreach you have done on the recode changes! Thank you.

I have a few questions regarding how the changes interact with the requirements in LD2003. Specifically, it seems that the "growth area" is a key consideration. It is not clear exactly where the growth area is located. Please make sure this is clearly identified in the website.

Generally speaking, I'd suggest that all the dimensional requirements should be relaxed in all zones and density increased. For example, there's no need for a 5 ft. setback for 250sf accessory structures - this can be reduced to 3', etc.

Based on my reading of the proposed changes, it appears that the new RN1, and possibly the RN2 zones, are not considered the "growth area" because they do not allow 4 or more units. I would suggest that the "growth area" should be defined as "anywhere in mainland Portland served by public water and sewer'. All of these locations should be zoned for medium to high residential densities. Separate considerations for the islands make sense.

Related to this, please add clarifying information regarding the 2.5 times density bonus required by LD2003 to the recode website. It appears that this would apply in all areas except for the RN1 zone, since all these locations are served by public water and sewer and allow multifamily dwellings. The RN2 zone is a bit odd, in that it does not permit the 3 and 4 unit development required in growth zones but does allow for multifamily development. This ambiguity should be clarified.

Generally speaking, please work to include more information about how Portland is complying with LD2003 on the recode website. Look to relax dimensional requirements. And also clear up ambiguity with the RN2 zone, and provisions around the 2.5x density bonus.

If Planing staff would like to take time to discuss this with me, I'd be happy to find a time to meet up.

Again, thanks for your efforts on this, I know it is a ton of work.

Damon

Question

0 views

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Jill Roland

Aug 6, 2023, 6:47:44 PM (18 hours ago)

to recodep...@portlandmaine.gov

Why not add the R1 and R2 zones - both higher income areas - to the process?

Jill R

Helen Donaldson <hcd@portlandmaine.gov>

Public Comment - ReCode II "First Wave"

Anne Pringle <anne.pringle.me@gmail.com> Tue, Aug 8, 2023 at 12:55 PM
Cc: "Grimando, Christine" <CDG@portlandmaine.gov>, Kevin <kkraft@portlandmaine.gov>, "Donaldson, Nell" <hcd@portlandmaine.gov>

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

August 8, 2023

To Portland Planning Department

Re: ReCode II Comment

On March 9, 2015, the WPNA sent a formal letter (below) expressing concerns about the then-proposed (later-enacted) density changes to the R-6. On its face, it made sense to conform zoning to the then-existing development pattern, which would not have been allowed under the existing zoning.

Unfortunately, we believe that the “unintended consequences” we foresaw have come to pass on Munjoy Hill. And now, it appears that the density proposals in ReCode II might follow the same approach and thwart the policy objective that failed on Munjoy Hill – to produce more affordable housing.

Before going forward with the public review process, we **formally urge that you slow the process down and take stock of what has happened on Munjoy Hill** since the density was change. <u>These questions must be answered</u>:

~~How many existing units were demolished? What was the location and assessed value of each of those units? At the then-assessed value, were these units considered “affordable”?

~~How many new units were created, either on cleared land or vacant land? What was the sale price of each unit created?

~~How many “affordable units” were created on Munjoy Hill? How many units were affordable to “the missing middle” vs. subsidized housing?

~~If developers opted out of creating the required affordable units, how much money was contributed to the Duson Housing Fund? How many “affordable” units, in aggregate, would those donations have created in this expensive construction market?

~~Was there a net loss of affordable units on Munjoy hill?

ReCode II could produce very significant and unintended changes in Portland’s housing stock and affect the composition of its residential neighborhoods, as the R-6 changes sis on Munjoy Hill. Let’s take time to “get it right”.

WPNA looks forward to a formal response to this request for analysis.

This letter is intended as a formal comment on ReCode II.

Very truly yours,

(s) Anne B. Pringle

President

WPNA Letter of 3.9.15 on proposed changes to the R-6:

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

March 9, 2015

Portland Planning Board

389 Congress Street

Portland, ME 04101

Re: Proposed Changes to the R-6

Dear Planning Board Members:

I am writing as the President of the Western Promenade Neighborhood Association to provide comments regarding the proposed changes to the R-6 zones in the City.

First, we appreciate and agree with the basic approach of better conforming zoning to the existing development pattern and to allow existing structures more flexibility in meeting the needs of owners. That said, “the devil is in the details” and we have the following comments:

1) Unintended Consequences We are very concerned that the proposed significant increase in density will result in the development of even more housing that is unaffordable to the vast majority of Portland residents. In particular, we continue to be concerned about the potential for the smaller, affordable single-family houses to be cut up to small condos for couples.

2) Focus First As suggested in a prior email comment, perhaps the focus should first be on ”stranded lots”, development of which is constrained by existing zoning. Apply the proposed new zoning regime to these lots and see what kind/cost of housing is proposed before making a wholesale change in the entire R-6.

3) Development and Development Criteria It is evident that the reduction or functional elimination of many of the R-6 zone limitations is a significant benefit to the development community. The City and its citizens should get something in exchange for the reduction in the limits:

- *Higher Building and Energy Efficiency Requirements* – As a *quid pro quo* for the elimination of many limits on building and/or renovation, the City should adopt its own building code for the R-6 which would, for example, require any new construction and/or major renovations to be done to a LEED standard or the highest energy efficiency standards that can reasonably be met.

- *Provision for Plantings and Planting Requirements* – Trees, shrubs and plantings are visually appealing, but also reflect and absorb heat. An accessible example is the difference between parking one's car on a hot day on a shopping center parking lot, versus a city street with trees and plantings. Studies have been conducted showing a "heat trap" effect in cities without plantings. With the changes in reduced set-backs, etc., the amount of trees and plantings might be minimal, if left to a developer. The City should mandate a provision for trees and plantings as part of the R-6 revisions.

4) Impacts. The R-6 proposals simply lower the restrictions on building. As described above, the City and its citizens should not, as an unintended result, lose what is now an appealing city-scape. Even renovations and conversions have an impact. Additional meters, wiring and non-owner occupations will change the current "feel" of Portland, and likely not in a positive way.

Allowing garage openings of any size in the front façade of new townhouses will bring a undesirable suburban design element to the peninsula and does not in any way reflect the current development pattern of garages or off street parking spots to the side or rear of properties. NO garage opening should be allowed in front facades, period.

The City should consider expanding the Historic District areas to allow oversight on new construction. For example, aesthetically, when previously one started up Congress into Munjoy Hill, the sense was that one was entering a neighborhood. Just the few higher elevation structures recently constructed on Congress Street have changed how that is experienced. Because of the impact of those few buildings, it feels now that one remains in an extension of an urban core area.

Lastly, we add an important general comment. The sentiment expressed by the staff and Planning Board seems to imply that new building in the R-6 will necessarily result in more affordable housing. That idea is misplaced. The most expensive and desirable land, of which there is a scarcity, is on the peninsula. If a developer is going to incur the expense of acquiring such land and building on it, it is not going to be for the purposes of creating affordable housing. It will be to capture the explosive market demand both in the sale and rental market. As Economics 101 seems to indicate that

increased density will allow a property owner to set a higher asking price, which would then be spread over the increased number of units. Depending on the market premium the added density provides, it seems unlikely that workforce housing will be produced.

The Western Promenade Neighborhood Association appreciates the early outreach to neighborhoods and encourages the Board to give very careful consideration to the many concerns being expressed by residents.

Very truly yours,

Anne B. Pringle

President

--

PLEASE NOTE that I have migrated to a new email address: anne.pringle.me@gmail.com and I will no longer be using oldmayor@maine.rr.com. Please update your address book accordingly.

Squarespace
unread,
Aug 9, 2023, 4:30:14 PM (22 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Patrick Hess

Email Address: phess@avestahousing.org

Subject: Zoning along Oxford St

Message: Oxford St in West Bayside offers good opportunities for infill development, especially of much-needed housing, close to transit, services, and amenities on peninsula. The zoning however is inconsistent. For example, between Chestnut and the block between Cedar and Elm, the City should consider rezoning to extend the adjacent B7 found along Oxford east of Chestnut.

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Squarespace
unread,

Aug 9, 2023, 4:09:17 PM (22 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Nate Howes

Email Address: nhowes@avestahousing.org

Subject: Height Limit on Peninsula - Crest of Bayside (Cumberland Ave)

Message: The block at the NE corner of Cumberland and Elm is under-zoned (85’ max height) compared to the block on the NW corner of Elm and Cumberland (105’ max height), especially given its location immediately across the street from the Metro transit hub. Portland should be prioritizing density along busy corridors like this in the core of the downtown peninsula. The 105’ height overlay should be applied on the NE corner block.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: ReCode Comments for Workshop

jmy <jmy@portlandmaine.gov> Fri, Aug 11, 2023 at 9:09 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Cheryl Leeman <cal4161@yahoo.com>
Date: Friday, August 11, 2023 at 7:08:25 AM UTC-4
Subject: ReCode Comments for Workshop
To: planningboard@portlandmaine.gov <planningboard@portlandmaine.gov>

TO: Planning Board Chair Mazer and members

More public engagement is needed! Although there have been videos and there are 3 planned Open Houses, it is not enough. There should be more outreach to neighborhood groups and additional forums in the neighborhoods affected by an urban planning approach to land use codes with sweeping changes that in some cases does not appear to "respond to each areas context." And it is unfortunate that the Planning Board will not have the benefit of public comment from these forums for their Workshop.

Zone Purpose Statements:
All Zone Purpose statements should be clearly defined as to what is or what is not permitted in the zone as opposed to open ended terms such as "on or near peninsula, select areas off-peninsula and along arterials.

-RN-5 (R-6) includes new inserted text that states and "in select off-peninsula locations."

-Inconsistencies in Zone Purpose Statements regarding type of "residential" or "mixture of residential" which are not clearly spelled out in every zone.

-Transit Oriented Development (TOD) -1 is off-peninsula and -2 is on or near peninsula with no indication as to where and new zone is similar to the B2-b.

Use/Dimensional Tables:

Use/and Dimensional Tables do not include all the proposed changes – **confusing** as there are changes in the text but not included in the Use Table Examples; Conversions for Non-residential and Residential, Conservation and Cottage Court Developments and no footnote references in the Use Table that corresponds with the Dimensional Table

Business Zones:

Every Business Zone includes “residential” to encourage housing is in conflict with it stated purpose of providing for a mixture of commercial as their primary use.

Major changes to Business zones with elimination of density limits to encourage residential urban compact, high-intensity development with increased heights from 45ft to 65ft. (B-2 are major parcels of land abutting neighborhoods such as Shaw's, Hannafords, Northport, Allen Avenue intersection, Ocean Avenue, former Rainbow Mall on Washington Avenue, Congress Street, Forest Avenue, Woodfords/Morrills Corners and St. John Street). NOTE: Does not reference “density bonuses”that will impact the height (perhaps a footnote).
B-2 and B2-b consolidated yet are different in their purpose. The ReCode II recommendation states that the B2-b appears to be working well... the “gradients” in use B-2 zones appear to primarily address levels of commercial intensity and transitions to adjoining neighborhoods. As such, there is likely a need to maintain them.

Removed distinction from Dimensional Standards between on-peninsula and off-peninsula in B-1, B-2 and B2-b zones. There should be a softer approach to transitioning urban, compact development that abut highly residential areas.

NO classification of streets that identify arterials, connectors and local roads by recognized traffic standards.

RP zones added “residential” as permitted use whereas in the current language it states, “any residential use permitted in the nearest residential zone.”

Residential:

Removed Planned Residential Unit Development, (PRUDs) and Small Lot Development which have worked well to increase density more in keeping with historical pattern of neighborhoods,

Only decrease in lot size of any significance is in the R-5 (RN-4) from 6,000sf to 5,000sf with addition of three and four family dwellings including conversions.

Removed from current Use Standard Table is **Off-street parking** as Conditional use “to insure compatibility with the immediate neighborhood.”

Group home restriction that they can not be located within 500ft of another has been eliminated.

Demolition of existing structures NOT addressed as a prohibition to achieve proposed changes.

Other observations:

Section referencing to “undefined” terms (1.8 Rules of interpretation, Section 1.8.1 Meaning of word and terms if not stated are interpreted by common dictionary meaning or customary usage... To insure correct interpretation, terms to be defined should include definition of urban, urban compact development, on or near peninsula (on-peninsula south of I295 and on-peninsula north of I295), classification of streets (arterial, collector or local), Dwellings (Conservation and Cottage Court),

Changed Limitations on Conditional Use from 6 months to 5 years

Landscape and screening changes do not address residential or the recommendations in ReCode II for a stated need to evaluate and revise for consistency and clarity.

NO analysis of impact of these changes regarding traffic, parking, environment, infrastructure and city resources. Studies show that

“urbanization” can cause environmental and economic strain of land and people.

Squarespace
unread,
Aug 11, 2023, 5:58:33 PM (2 days ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Phyllis Guevin

Email Address: phyllisguevin@icloud.com

Subject: Cramming smaller and taller buildings in Portland

Message: Could you please provide the traffic studies that should coincide with any city growth considerations .We need to limit the number of people in our city to avoid adding more traffic until road widening,overpasses,and extensive planning for more cars which our current roads cannot handle as they ave not been widened since the forties.Let's concentrate on comfortable ,safe ,wide roadways to accommodate auto traffic while keeping population growth in the city at a minimum.There is a great need for population growth in northern maine to fill vacant jobs.We can make bike trails in the woods and parks to keep our roads safe for car travel the most practical mode of transportation in our wintry state.Iam not in favor of taller buildings due to blocking our views.Again overcrowding residential lots is not

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Recode Phase 2

0 views

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Leslie Hart
unread,

Aug 13, 2023, 6:31:52 PM (15 hours ago)

to recodep...@portlandmaine.gov, Christine Grimando, kkr...@portlandmaine.gov, Helen Donaldson, Ice

As a Portland resident, I am writing to encourage you to slow down the rapid-fire rush to approve Recode Phase 2 until all constituents have ample time to review and comment upon the sweeping changes in this proposal and their potential negative impacts on the city.

Many of the Recode Phase 2 elements fly in the face of the City's Portland Plan 2030 adopted by the City Council in June 2017.

Specifically the comprehensive Portland Plan, developed with input from city-wide stakeholders, recognizes ***Portland's built environment and natural environment are inseparable in any consideration of sustainable quality of place***

The Portland Plan calls for **creation of complete neighborhoods** by

- improving livability while retaining the key characteristics that make neighborhoods unique
- maintaining and enhancing the uniqueness and integrity of our neighborhoods
- maintaining our character through preservation, innovation, and excellence in design for the built environment
- developing land use policies which support complete neighborhood

Yet the Recode Phase 2 plan would

- do away with conserving the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use
- permit increased height from 45ft to 65ft or 50ft if there is first floor commercial use in the B-2b zone along Washington Avenue & Bayside
- reduce set-backs so that the amount of trees and plantings would be left to a developer and might well be minimal
- not make Portland any more equitable or affordable
- not facilitate the type of housing and business Portland residents desire

The Portland Plan also acknowledges that **Diverse forums for community engagement will remain essential to a strong civil society.** Yet three rushed meetings crammed back-to-back in three days hardly constitutes adequate and diverse forums for community engagement.

Please provide more time and opportunities for the public to engage. And please respect the vision for Portland that was established in 2017 by the Planning Board, the City Council, Office of the City Manager, all under the leadership of Project Manager Christine Grimando.

Thank you

Leslie Hart

917.364.3682

215 Sheridan St.

Portland ME 04101

blesliehart@gmail.com

Kevin Schochat

917.597.4154

215 Sheridan St.

Portland ME 04101

kevin@kevinschochat.com



Richard Marino
unread,

Aug 13, 2023, 2:32:54 PM (18 hours ago) to recodep...@portlandmaine.gov, Christine Grimando, plan...@portlandmaine.gov, counc...@portlandmaine.gov, Richard Marino

From: Richard Marino <marino04102@yahoo.com>
Date: August 13,2023
Subject: Recoding Portland

Regarding the recoding of Portland I would like to make several comments and suggestions.
I believe many of the recommendations are fine. Especially in respect to ADUs. My biggest concern is the increase in height and density in B1. As an abutter in a R6 neighbor zone it will dramatically affect my residence. I and my neighbors were prepared to live under the current situation. In our particular development of Munjoy Heights we have 29 townhomes on 68000 square feet. If the proposed changes go thru our neighbor at 165 Washington Avenue could develop most of 70,000 square feet to a height of 50 feet. It probably would in effect be a building of 5 stories as opposed to 4 stories. All of this without any input from the people it affects most.
From an aesthetic perspective and density perspective this is too much.
I understand the need for more housing in Portland. There has to be a balance between the citizens that live in the city and the community of special interests that will gain financially from development.

I do have a recommendation for B1 as it pertains to 165 Washington Ave. I can't speak to other areas in the B1 zone. I would suggest a height of 40 feet (average existing grade for a benchmark as suggested in the recode). I would also recommend an increase in height up to a maximum of 60 feet as long as it does not increase the net total of square feet. Any increase on part of a building would be offset by a decrease on other parts to maintain the 40 foot average. This could make the building more interesting by getting away from the monolithic boxes that are being built now. This would give the developer an opportunity do develop 260,000+ square feet.
I would like an opportunity to discuss the recoding with as many people as possible. I am away until September 15 so I am unable to attend the presentation this week. If we could schedule a time after September 15 that would be great.

Richard Marino

226 Sheridan

207 756 0553

Gabriel Ruffin
unread,

9:05 AM (21 minutes ago)

to recodep...@portlandmaine.gov

Aug 14, 2023

Greetings,

I haven't learned much about the changes that the City of Portland is making to the zoning laws, but from what I understand I am in support of the new changes. I really appreciate the changes to areas that were previously single-family-zoning exclusive to allow for double-family residents. I also appreciate the addition of Transit-Oriented-Development zones, one of the places in which I believe Portland has the most room for improvement. I believe the addition of more complex family housing into our existing neighborhoods will help all Portland residents with walkability, rent control, and quality of life. The current state of many of the "Single-Family" zoned spaces in Portland are being rented out, sometimes to upwards of 3 different tenants. With spaces zoned for additional residents to begin with, we may find that the price of some of these Attic and Basement 1-bedroom apartments will adjust to a new market normal, helping all Portland renters, esp. low-income folks. This effect is even greater when designing and zoning for multiple-family-zoning above 3 or 4 families, and so I am in favor of the City of Portland zoning additional space for those developments. With changes such as these on the horizon, I think Portland could be stepping towards a brighter, more affordable, easily walkable future.

Keep going!

Gabriel L Ruffin

mat.gabe10@gmail.com

kevin@kevinschochat.com

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: 8/17/2023 PB Workshop: Recode Phase II- First Wave Public Comment Feedback Concerns

1 message

jmy <jmy@portlandmaine.gov> Mon, Aug 14, 2023 at 8:40 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Saved to the packet and web

---------- Forwarded message ---------
From: Karen Snyder <karsny@yahoo.com>
Date: Sunday, August 13, 2023 at 9:50:27 AM UTC-4
Subject: 8/17/2023 PB Workshop: Recode Phase II- First Wave Public Comment Feedback Concerns
To: Planning Board <planningboard@portlandmaine.gov>
Cc: Planning and Urban Development <planning@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, councilors@portlandmaine.gov <councilors@portlandmaine.gov>, Anna Trevorrow <atrevorrow@portlandmaine.gov>

To the City of Portland Planning Board Members,

On August 17, 2023, is the initial PB workshop for the Planning Department's Recode Phase 2 First Wave recommendations. Hybrid Planning Board ReCode Meeting • City of Portland Meetings & Agenda Portal • CivicClerk

The City of Portland Planning Department's Recode Phase 2 First Wave proposals are basically gutting and loosening residential zoning claiming that it will create "complete neighborhoods" in order to support the Comprehensive Plan is unfounded. What the Planning Department is currently recommending is very reminiscent to what they proposed in 2015 when they loosened R6 Zoning which resulted in a failed initiative in building more diverse and affordable housing for long term residents especially for the "missing middle".

Consequently, below are just some of the questions that need to be answered by the City of Portland Planning Department regarding their Recode Phase 2 First Wave recommendations that were released to the public on June 23, 2023.

Recode Phase 2- First Wave Question #1: How is the City of Portland Planning Department Ensuring that a Socioeconomic Diversity of Long-Term Residential Housing will be built especially for the "Missing Middle"?

- ***There is no factual evidence that the Planning Department proposed Recode Phase 2 First Wave recommendations will ensure that long term residential housing will be created especially for the "missing middle" or even to protect existing working- and middle-class housing stock. Proof of this is the failed 2015 R6 zoning change recommendations made by City of Portland Planning Department which primarily targeted Munjoy Hill.***
- For example,
- - Between 2016 to 2020, it is estimated that over 50 apartment rentals were removed from 19 demolitions to be replaced with over 100 luxury housing units mostly part-time housing with only 1 laughable "affordable" housing project at 65 Munjoy St which consisted of 8 housing units where people have to be making 120% of AMI which is approx $80,000/ annual income for a single person.

- The biggest consequence of the 2015 R6 Zoning change which primarily affected Munjoy Hill were:
  (1) the increase of luxury condos and luxury single family homes,
  (2) an accelerated property value assessments of existing housing stock with the highest avg property tax increase of 40% in the city, and
  (3) the price gouging and accelerated rents on existing rental units, and
  (4) the rampant increase in Airbnbs as the City continues to ignore enforcing the illegally operated Airbnbs

- These above consequences have caused Munjoy Hill to NOT be a complete neighborhood but a transient place where long-term residents have decreased with an increase of property investors and temporary residents made up of part time luxury condo owners and Airbnb's dragging their suitcases through the streets.

What will happen?

- These proposals will only motivate developers to continue to demolish in order to either create property investment luxury housing for the wealthy and/or subsidized low-income housing and push out even more middle-class tenants and property owners similar to what happened with the 2015 R6 zoning changes which resulted primarily in a proliferation of luxury condos and a reduction of long-term residents on Munjoy Hill.

Recode Phase 2- First Wave Question #2: How does the Planning Department think that Relaxing the Residential Neighborhood Zoning Language Will Ensure Long Term Residential Housing is Created?

City of Portland Planning Department has loosened most of the residential zoning language specifically targeting yet again on-peninsula neighborhoods (RN-5 formerly R6). Specific examples of this are shown below.

Example #1: The Gutting of RN-5 (formerly R6) Residential Neighborhood Purpose Statement.

In **Table 5-B: Residential Neighborhood Purpose Statement (page 27),** of the following document link, First Wave Changes - Comments — ReCode Portland, the City of Portland Planning Department has specifically removed from the RN-5 (formerly R6) Residential Neighborhood Zone Purpose statement the following verbiage "***conserve the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use***"

What will happen?

- Large non-descript buildings with luxury condo or subsidized housing will be created with no ties to the neighborhood and not really be used for long term residential need.
- The lack of importance now in conserving or incentivizing existing housing stock by having an easier time to create more multi units without cost prohibitive improvements. For example, going from a 2-unit to a 3-unit should not require sprinkler systems when an existing 3-unit does not have to have a sprinkler system.
- The proposed RN-5 (formerly R6) residential neighborhood zoning statement will allow more commercial and/or non-residential use businesses such as Bed &Breakfast/Hostels/Lodging homes which are all temporary transient housing businesses an easier time to be built in residential neighborhoods instead of focusing on long term residential housing to be built or created.
- There is a no mention of a maximum lot size but only a minimum lot size of 2,000 sq ft. Theoretically, an entire block could be combined into one parcel instead of multiple existing housing rather than people crammed in large and sterile, solid housing blocks

like rats in a lab cage. Didn't the City learn during COVID that large buildings where people lived in close quarters are not livable in which people fled these cities where there was too much density and came to smaller cities such as Portland which are less dense?

Example #2: Allowing an Easier Time for More Commerical Business/Non-Residential Use Businesses in RN-5 (formerly R6) Rather than Focusing on Long Term Residential Housing.

In **Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones (page 36)**, in following document link First Wave Changes - Comments — ReCode Portland, Planning Dept is relaxing how many commercial business and non-residential use businesses can be allowed in residential neighborhoods. For example:

1) Planning Department thinks it is okay to only allow most non-residential use businesses such as: bed&breakfasts, hostels and lodging houses (aka sober houses in RN-5(formerly R6) to RN-7 but yet NOT allow them in the other residential zones of RN-1 to RN-4. How is this fair and equitable?
The "Lodging House" definition on Page 9 of document states: " *A house, building, or portion thereof containing two or more rooming units, as well as common area, and providing individuals on not less than a monthly basis for compensation".* From my understanding, Lodging housing (aka Sober houses) are considered temporary housing for people (Note: *They don't even have to be Maine residents*). This type of housing is considered transient and "non-residential use" business (besides also the Bed/Breakfasts and Hostels) will only remove more long-term residential housing units within the RN-5 (formerly R6) to RN-7 residential neighborhoods. *Let us be very clear, long-term residents do NOT want to live next to transient housing such as: lodging houses, sober houses, bed& breakfasts or hostels. Long-term residents want to live in stable residential neighborhoods where there is an actual residential community and not a transient community which are less safe.*
2) In addition, currently, there is no transparency to easily identify in the land use code what residential properties are currently being used as non-residential use businesses such as lodging/sober houses or group homes. Note: There have been at least manually identified over 20 lodging/sober houses within residential neighborhoods without notifying residents that this type of transient housing businesses is actually operating in residential neighborhoods.
3) It also needs to be clear how many and how far apart these commercial businesses and non-residential use businesses are allowed in residential neighborhoods. **For example, the Planning Department has removed restrictions that group homes cannot be located within 500 ft of each other.**

What will happen?

- Not only Airbnbs are unregulated but now the City of Portland will allow an unlimited amount of non-residential use businesses with no restrictions to the number of Bed&Breakfasts, hostels, and lodging houses that can operate in residential neighborhoods. Consequently, with no restrictions, these types of non-residential businesses can overwhelm a residential neighborhood and remove long term residential housing units rather than ensuring there is enough long-term residential housing being built or created.

Example #3: Inconsistent and Unclear All the Different Non-Residental Use Businesses Allowed in the Residential Zones

- This is strange and not clear. In **Section 6.4.26 -Neighborhood Non-residential Reuse (page 52)**, in the following document link First Wave Changes - Comments — ReCode Portland, it lists additional non-residential use commercial

businesses such as: general offices < 5,000 sqft, general services < 5,000 sq ft, restaurants, retail < 5,000 sq ft, specialty foods, studios for arts that can be opened up within residential neighborhoods without listing these commercial/non-residential reuse businesses on page 36 of Table 6-A: Permitted and Conditional Uses in Residential Neighborhood Zones.

What will happen?

- It needs to be clear in Table 6-A (page 36) all the differing types of commercial and non-residential use businesses that are allowed in residential neighborhoods and how far apart these non-residential use businesses can be located between each other. All these different business types can potentially overwhelm residential neighborhoods with commercial and non-residential use businesses rather than long term residents.

Question #3-Recode 2 First Wave: Recode II First Wave Public Feedback Time is Charade of Public Engagement and is Nothing but Theater.
City of Portland Planning Department headed by Planning Director, Christine Grimando, and Special Project Director, Helen "Nell" Donaldson, claim they want public feedback prior to going to Planning Board workshop is disingenuous. Below is the City of Portland Planning Dept timeline for Recode Phase 2 First Wave public feedback.

- **Friday, 6/23/2023 - Email from City of Portland Planning Dept announcing their proposals for Recode Phase 2 First Wave Changes**
- **Wednesday, 8/16/2023 - Planning Dept Open House on Recode Phase 2**
  11am - 1pm Portland Public Library
  5pm-7pm Lyseth Elementary School Library
- **Thursday, 8/17/2023 - Planning Dept Open House on Recode Phase**
  11am-1pm - Peaks Island Library
- **Thursday, 8/17/2023 Planning Dept Planning Board First Recode Phase 2 Workshop**
  (Same Day as Last Public Open House Meeting, How can Planning Dept incorporate any public feedback changes in a day?)
  Hybrid Planning Board ReCode Meeting • City of Portland Meetings & Agenda Portal • CivicClerk

What will happen?

- This above public feedback timeline only proves that the City of Portland Planning Department is only wanting to "tick the boxes" by quickly holding public feedback meetings in the summer when they know residents are not engaged at inconvenient times and inconvenient places then immediately holding the first Planning Board Recode Phase 2 First Wave **the same week** in order to slip by as much as possible passed Portland residents.

Unfortunately, until the City of Portland Planning Dept can prove otherwise, this Recode Phase 2 First wave proposals will once again cause Munjoy Hill and possibly other residential neighborhoods to become more of temporary enclaves for the wealthy and/or subsidized housing while continue to pushout even more working- and middle-class long term residential property owners by continued unfair and inequitable property tax increases which will be passed to their tenants without protecting or ensuring long term residential housing is being created especially for the missing middle.

Ultimately, it appears the City of Portland Planning Department does not want actual long-term residents but a "Disney Land" city where the housing density is for property investment use and to cater to commercial and non-residential business owners. Long term Portland residents need to

realize the City of Portland is registered as a corporation in which policies are NOT meant to ensure long term residential housing and long-term residents but instead policies are created to favor businesses that cater to property investors, real estate, tourists, wealthy, non-profits and restaurant industries at the expense of long-term residents and the environment.

Do people still wonder why there is a housing crisis in this city and in this country?

Regards,
Karen Snyder
Waterville St.

Helen Donaldson <hcd@portlandmaine.gov>

Recode Phase 2

Ritter, Gregg (MMA) <Gregg.Ritter@marshmma.com> Mon, Aug 14, 2023 at 10:06 AM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>, "CDG@portlandmaine.gov" <CDG@portlandmaine.gov>, "kkraft@portlandmaine.gov" <kkraft@portlandmaine.gov>, "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>

Good Morning ~

As I also have been thinking of ways to express my concern over the recent news of recoding phase 2, I believe Leslie's points said it best and I will echo her concerns and statements below.

As a Portland/Munjoy Hill resident, I too am writing to encourage you to slow down the rapid-fire rush to approve Recode Phase 2 until all constituents have ample time to review and comment upon the sweeping changes in this proposal and their potential negative impacts on the city.

Many of the Recode Phase 2 elements fly in the face of the City's Portland Plan 2030 adopted by the City Council in June 2017.

Specifically the comprehensive Portland Plan, developed with input from city-wide stakeholders, recognizes ***Portland's built environment and natural environment are inseparable in any consideration of sustainable quality of place***

The Portland Plan calls for **creation of complete neighborhoods** by

- improving livability while retaining the key characteristics that make neighborhoods unique
- maintaining and enhancing the uniqueness and integrity of our neighborhoods
- maintaining our character through preservation, innovation, and excellence in design for the built environment
- developing land use policies which support complete neighborhoods

Yet the Recode Phase 2 plan would

- do away with conserving the existing housing stock and residential character of neighborhoods....and controlling the scale of external impacts of professional offices of non-residential use
- permit increased height from 45ft to 65ft or 50ft if there is first floor commercial use in the B-2b zone along Washington Avenue & Bayside
- reduce set-backs so that the amount of trees and plantings would be left to a developer and might well be minimal
- not make Portland any more equitable or affordable
- not facilitate the type of housing and business Portland residents desire

The Portland Plan also acknowledges that **Diverse forums for community engagement will remain essential to a strong civil society.** Yet three rushed meetings crammed back-to-back in three days hardly constitutes

adequate and diverse forums for community engagement.

Please provide more time and opportunities for the public to engage. And please respect the vision for Portland that was established in 2017 by the Planning Board, the City Council, Office of the City Manager, all under the leadership of Project Manager Christine Grimando.

Thank you

Gregg Ritter, CIC, MLIS, AIC

SVP, ME/MA Sales Manager

T +1 207 523 2283 | M +1 207 712 7023

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From: Leslie Hart <blesliehart@gmail.com>
Sent: Sunday, August 13, 2023 6:32 PM
To: recodeportland@portlandmaine.gov; CDG@portlandmaine.gov; kkraft@portlandmaine.gov; hcd@portlandmaine.gov
Cc: Ice <kevin@kevinschochat.com>
Subject: Recode Phase 2

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Helen Donaldson <hcd@portlandmaine.gov>

Recode Phase 2 feedback

Ann Casady <anncasady@yahoo.com> Mon, Aug 14, 2023 at 7:38 PM
To: recodeportland@portlandmaine.gov, CDG@portlandmaine.gov, Kevin Kraft <kkraft@portlandmaine.gov>, hcd@portlandmaine.gov
Cc: Peter Pitegoff <ppitegoff@gmail.com>

August 14, 2023

Today we were in the Old Port and saw how many people -- tourists and residents alike -- were out and about on a Monday! They were enjoying our remarkably charming city, strolling and photographing the quaint buildings. We see the same activity in our beautiful residential neighborhood in Munjoy Hill. The historic architecture, the green space, trees lining the streets, public parks -- these are treasures!

We urge the Planning Department to slow its hurried timetable to approve Recode Phase 2. We must plan our city's growth in a way that preserves green space between multi-unit homes and respects the separation of business districts and residential districts. Please allow for more time to gather input from residents and take seriously the concerns you hear.

What happened to the City's Portland Plan 2030 adopted by the City Council in June 2017?

The comprehensive Portland Plan 2030 recognizes Portland's responsibility to the built and natural environment as critical to a sustainable quality and sense of place.

The Portland Plan emphasized the following points that should guide the city planning department:
• improving livability while retaining the key characteristics that make neighborhoods unique
• maintaining and enhancing the integrity of our neighborhoods
• maintaining the city's character through preservation, innovation, and excellence in design for the built environment
• developing land use policies that support complete neighborhoods

It appears that the Recode Phase 2 plan would:
• Reduce set-backs without requiring developers to include sufficient treees and plantings. Portland needs green space interspersed throughout neighborhoods.
• Compromise the existing housing stock and residential character of neighborhoods in favor of big blocky buildings with over-priced condos.
• Permit increased height if there is first floor commercial use in the B-2b zone. At risk is the popular and neighborhood friendly Washington Avenue -- a very walkable space lined with buildings of modest height.

The Portland Plan also acknowledges that diverse forums for community engagement remain essential to a strong civil society. There are only three meetings scheduled in three days. That does not provide
adequate and diverse opportunity for community engagement.

As the Joni Mitchel song goes:
"Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot"

Please provide more time and opportunity for the public to engage. And please respect the Portland Plan 2030 vision that was established in 2017 by the Planning Board, the City Council, and the Office of the City Manager.

Thank you,

Ann Casady & Peter Pitegoff
205 Sheridan Street
Portland, Maine 04101

207.450.4745
anncasady@yahoo.com

Helen Donaldson <hcd@portlandmaine.gov>

Recode Phase 2 feedback

DAVID MACHESNEY <dmaches101@aol.com> Mon, Aug 14, 2023 at 11:22 PM
To: recodeportland@portlandmaine.gov
Cc: cdg@portlandmaine.gov, Kevin Kraft <kkraft@portlandmaine.gov>, hcd@portlandmaine.gov

To all those involved with organizing and informing the general public about Recode Portland:

Respectfully, we believe you are not adequately allowing the citizens of Portland to hear about the new Recode proposal. The changes in this motion are a radical departure from the 2030 plan adopted in 2017. It warrants more time for residents to learn of the ramifications and implications for future development in the city. Three information sessions ,two in the middle of the day , in the middle of summer, is not fair or sufficient. If you work , or have children, the meeting times and locations are not feasible or accessible. Realistically, the only individuals that can easily attend these odd times are those with flexible schedules or retirees; hardly a true representation of the population.

There has been little to no publicity about the Recode meetings. It would be prudent and good policy to :
1) Offer multiple information sessions in each community of the city, (East End, West End , Deering, downtown, Munjoy Heights ,etc) at various times of the day and evening
2) Do mailings and public media announcements about the program explaining what “Recode Portland “ is and when and where the public can learn more.
3) Plan the information sessions over several months so the citizens have a chance to hear and express their concerns.

Unfortunately, the current roll out of this program is giving the appearance of being pushed through to favor easier and not necessarily thoughtful new development in Portland. We are not sure this is the intention of the Recode organizers or the Planning Department. There needs to be much more effort to explain the Recode plan than is currently being executed.

We ask that all involved in bringing this new proposal forward, take a breath and be mindful and transparent to the Portland residents.. It is the right thing to do. Please give all of us a chance to become more informed and digest what this new proposal entails.

Thank you in advance,

Nancy Machesney
David Machesney
213 Sheridan St

Form Submission - Contact us Re:Code - Please provide and discuss the traffic studies that had to be done.

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Squarespace
unread,
Aug 15, 2023, 5:42:42 PM (2 days ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Phyllis Guevin

Email Address: phyllisguevin@icloud.com

Subject: Please provide and discuss the traffic studies that had to be done.

Message: Everything I just read is counter to what native Portlanders want,seniors need,and the Maine climate requires,I.e.,improved and widened roadways with removal of bike lanes and decreasing unnecessary streetparking.This is a foolish idea and will be voted down.

Form Submission - Contact us Re:Code - Feedback on public workshop

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Squarespace
Aug 16, 2023, 11:03:22 PM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Julie Dubovsky

Email Address: jrdubovskys@gmail.com

Subject: Feedback on public workshop

Message: My apologies for not getting to drop a comment - I blame my toddler - but I meant to relay a positive comment on the extensive work and excellent website. I brought my parents along and in case they don't relay their feedback, I wanted to jot it down.
1. Zoning is intimidating - Maybe a poster or a Zoning 101 video to add to the videos on the Resources page and something at the workshops to help the general audience understand.

2. "What's it mean to me?" - I bet everyone is asking for a map showing the zone changes. I did nudge a stranger to pick up the binder of the existing code to look at the use changes, but maybe a sign being as blunt as that to help someone see what it means for their neighborhood would help.

3. "they're banning single-family homes" - just because you don't understand something, doesn't make it stupid, which is what I should've said to the lady who called all this work stupid because they're "urbanizing the city." She lived by the elementary school and even my mom's efforts to point out that their neighborhood had lots of types of housing, didn't relieve the fear this neighbor expressed. So maybe something showing the changes to the dimensional standards in the more suburban (nay, ruralish) areas might help relieve some of those fears?

Excellent work overall and excited to see "residential neighborhoods" and the new uses - the neighborhood non-residential reuse category especially. Visuals of existing contexts and landscapes, by corridor, node or zone, is always helpful to illustrate changes across audiences. Hate to suggest the CNU transect, but even Portland has one and there are great local illustrators who may be interested in showing it (see Maine Needs' recent drawing contest as an example).

Best,
Julie
165 Clinton St

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Recode Portland Open House

Charles Tetelman <ctetelman@portlandmaine.gov> Thu, Aug 17, 2023 at 2:30 PM
To: Kevin Kraft <kkraft@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: **Sheila Mayberry** <shemay.93@gmail.com>
Date: Thu, Aug 17, 2023, 1:47 PM
Subject: Recode Portland Open House
To: <ctetelman@portlandmaine.gov>
Cc: <mdion@portlandmaine.gov>

Good afternoon Charles,

I am writing to you today to share my impressions of the Open House I attended last night at Lyseth. The Recode Portland presentation was difficult to watch and ingest for a variety of reasons. The information presented in the powerpoint was too tiny and dense to even read. The man presenting the information spoke quickly and used too much planning board jargon. The overall leader of the workshop was not responsive to the attendees in the room. She was dismissive and she lacked a willingness to listen to the requests of the people in attendance. Overall it felt like the goal was to just go through the motions to say there had been public input. In addition, the Open House was poorly publicised which honestly appears to have been intentional.

Code proposals of this magnitude need to involve all stakeholders throughout the city in order to have a true understanding of the impact on homeowners in every neighborhood. Transparency in this process appears to be lacking which will only lead to poor overall results.

I encourage you to revisit the way information is being disseminated to the public and improve the transparency of this process.

Sincerely,
Sheila Mayberry
93 Carter Street
207 838-4946

Squarespace
unread,

Aug 16, 2023, 2:22:27 PM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: John Voyer

Email Address: john.voyer.jv@gmail.com

Subject: Ambiguity in Table 7-A

Message: Hello,
I attended the Open House in the Library and went home and looked over the draft Recode. I may be overthinking what I see in Table 7-A, but it appears that there is an ambiguity for Zone RN-2. It says that only one- and two-family housing is allowed, but then, under "Multi-family," the table indicates that for RN-2 there is a minimum size of 1,200 SF per unit. At a minimum RN-2 lot size of 6,500 SF, that would come out to potentially 5 units on an RN-2 lot (6,500 SF/2,00SF = 5 +/-).

I recommend that you clarify this somehow.

Thank you,
John Voyer
60 Autumn Lane
Portland

Form Submission - Contact us Re:Code - Use standards 6.4.14 Emergency Shelters & Residential Care Facilities

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unread,

Aug 17, 2023, 12:58:17 PM (21 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Julie Dubovsky

Email Address: jrdubovsky@gmail.com

Subject: Use standards 6.4.14 Emergency Shelters & Residential Care Facilities

Message: Hi again!
I would also like to suggest that Emergency Shelters and Residential Care Facilities (small) be permitted/conditional in RN-4 due to the presence of a fixed route transit service on Stevens and Brighton Ave, or to consider adding them as permitted/conditional uses to the B-1 Neighborhood Business zone allow for families experiencing homelessness to be sheltered (allowed in B-2) near their schools and services. Smaller facilities have a better chance of facing less NIMBY opposition, and would support the city's greater efforts in Housing First adoption and opportunities for new housing development with social service providers.

Thank you very much for your consideration and the extensive work to marry land uses with all the policy efforts of the city.

Sincerely,
Julie Dubovsky

Form Submission - Contact us Re:Code - First Wave Recode Changes

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Sep 3, 2023, 11:01:46 AM (2 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Holly Perry

Email Address: hollyann75@gmail.com

Subject: First Wave Recode Changes

Message: Hello, when does the City anticipate these changes being released and officially adopted into the Land Use Code? Thanks!

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Robert Kahn
Sep 5, 2023, 11:50:07 AM (yesterday)
to recodep...@portlandmaine.gov

ReCode Changes
Planning Dept. -
My comment and concern is that the city puts a lot of time and resources into the zoning code and then ignores zoning when a large development proposal comes before it. This happens time and again. Height limit was exceeded at the apartment building under construction behind the Congress St post office. For what reason? That building is way out of scale with the surrounding buildings. With the mega-project at the base of Munjoy Hill, the developers have submitted one plan which they ignore and do what they want and as they please. Who's watching? Will there be any meaningful enforcement?

Yet, if homeowners request a small allowance to building or zoning codes, they are hit over the head with the code books.

Please comment. Thank you - Robert

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Fw: ReCode Portland First Wave Changes

Jennifer Munson <jmy@portlandmaine.gov> Tue, Sep 12, 2023 at 9:23 AM
To: "Grimando, Christine" <cdg@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>

Jennifer Munson
Office Manager, Planning & Urban Development Department
City of Portland
389 Congress Street
Portland ME 04101
207-874-8719
jmy@portlandmaine.gov

planning & urban development

---------- Forwarded message ---------
From: **'Cheryl Leeman' via Planning Board** <planningboard@portlandmaine.gov>
Date: Mon, Sep 11, 2023 at 1:32 PM
Subject: Fw: ReCode Portland First Wave Changes
To: Planning Board <planningboard@portlandmaine.gov>

Good read and appears to be the sentiment across the city with exception of the Urbanist Coalition (formerly Portland First). You need to listen to the rest of the residents as well!!

----- Forwarded Message -----
From: Cheryl Leeman <leemanc174@gmail.com>
To: Cheryl Leeman <cal4161@yahoo.com>
Sent: Monday, September 11, 2023 at 01:24:44 PM EDT
Subject: ReCode Portland First Wave Changes

ReCode Portland First Wave Changes http://thewestendnews.com/recode-portland-first-wave-changes/

Sent from Mail for Windows

From: **bobrodneymasonry** <bobrodneymasonry@gmail.com>
Date: Tue, Sep 12, 2023 at 12:47 PM
Subject: Hello,my wife christine and I own two house lots at the dead end of Florida ave in portland.these house lots start where the hot top ends.there is one house after our lots built in the 1980s..and two homes directly Accross the dirt street from our lots.these home owners receive city services,such as trash pick up, snow plowing,mail, etc..christine and I know we need to upgrade the road before we build.my question is.on the recode for rezoning coming up,will our lots become buildable without upgrading?
To: <planning@portlandmaine.gov>

Robert J. OBrien
unread,
Oct 6, 2023, 12:09:52 PM (3 days ago)
to Christine Grimando, Evan Schueckler, recodep...@portlandmaine.gov

Hi Christine,

Just wanted to toss out an idea for ReCode.

The HP board has at least twice in recent times run into building height limitations for pitched roofs, which ends up making the building look squat as a result.

The first example I have was new construction on Danforth Street. This preceeded my time on the HP board, but as you can see the new building on the right had a lower height allowance than both of its historic abutters. I heard the HP board at the time recommended the pitch of the roof should be steeper to match its abutters but City height limits prevented that so it needed to stay squat. It looks a little silly.

The second example is a Munjoy Hill attic conversion to living space proposal that's come up recently. In order to accomodate head-heights in the new living spaces, dormers need to be added, reducing the slope of the roof. It would make sense to raise the pitch of the roof to maintain the proportions of the house, but the house runs up against the building height limits. The project would be so much improved if the building's proportions could be retained after this renovation, and all it would take is another few feet to make it right. (This project won't be affected by ReCode, but it's an example that's likely to come up again in the future).

--> My idea is allowing a roof pitch to exceed buidling height limits (below an additional 5'? 8'?) **if** the project is subject to design review (by staff or board) and the height allowance best serves the composition of the building (as opposed to the programmatic desires of the applicant -- I don't want to turn this into a pent house grab).

Maybe there's another way to approach it. But it's too bad we've run into a couple of these honest examples that could have benefitted from a couple feet of flexibility.

Best wishes,
Robert O'Brien

Squarespace
Oct 6, 2023, 1:22:02 PM (3 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: ken madore

Email Address: kmadore2000@yahoo.com

Subject: Accessory Dwelling units for Re-code zoning

Message: Hi
Reaching out as I am not able to find zoning and/or regulations for accessory dwelling units in the new RN-4 zone. I own a property that includes 2 garages and additional square footage above the minumum lot requirement for this zone of 5,000sf (lot is approximately 8,000sf with 2 driveways so looking at creative options for possible ADU and/or increased building envelope
Re: 12 Kenilworth St

Thanks,
Ken

Manage Submissions

Does this submission look like spam? Report it here.

Robert J. OBrien
unread,
Oct 6, 2023, 12:09:52 PM (3 days ago)
to Christine Grimando, Evan Schueckler, recodep...@portlandmaine.gov

Hi Christine,

Just wanted to toss out an idea for ReCode.

The HP board has at least twice in recent times run into building height limitations for pitched roofs, which ends up making the building look squat as a result.

The first example I have was new construction on Danforth Street. This preceeded my time on the HP board, but as you can see the new building on the right had a lower height allowance than both of its historic abutters. I heard the HP board at the time recommended the pitch of the roof should be steeper to match its abutters but City height limits prevented that so it needed to stay squat. It looks a little silly.



The second example is a Munjoy Hill attic conversion to living space proposal that's come up recently. In order to accomodate head-heights in the new living spaces, dormers need to be added, reducing the slope of the roof. It would make sense to raise the pitch of the roof to maintain the proportions of the house, but the house runs up against the building height limits. The project would be so much improved if the building's proportions could be retained after this renovation, and all it would take is another few feet to make it right. (This project won't be affected by ReCode, but it's an example that's likely to come up again in the future).

--> My idea is allowing a roof pitch to exceed buidling height limits (below an additional 5'? 8'?) **if** the project is subject to design review (by staff or board) and the height allowance best serves the composition of the building (as opposed to the programmatic desires of the applicant -- I don't want to turn this into a pent house grab).

Maybe there's another way to approach it. But it's too bad we've run into a couple of these honest examples that could have benefitted from a couple feet of flexibility.

Best wishes,
Robert O'Brien

sharida perrin
unread,

Oct 6, 2023, 3:02:29 PM (3 days ago)

to recodeportland@portlandmaine.gov <recodeportland@portlandmaine.gov>

Hi Recode!☺

My partner and I live in a 484 sq. ft. house, we also have a 160 sq. ft. utility shed(old garage).

Our lot size is 5634 sq. ft.

We have been thinking & dreaming about possibly building an ADU on our property, where our shed is now, or having an ADU built somewhere else on our property.

We would like to eventually have a year-round rental unit to help provide local affordable housing in Portland, and also to help with paying off our current mortgage.

I have read through the RECODE materials, and I'm unsure if we would even be able to have an ADU built based on the Residential Neighborhood Zone Dimensional Standards Lot Area minimum for RN-3 of 6000 sq. ft.?

If you know of anyone that could answer my question, and possibly walk us through the process, it would be greatly appreciated.

Thank you for all your good work and help,

Sharida Perrin

64 Belfort St

Portland

Markos Miller
unread,

Oct 7, 2023, 9:38:10 PM (2 days ago)

to ReCode Portland, recodep...@portlandmaine.gov

Hi,

I'm really happy to see the ReCode work is re-emerging for public input. I miss the committee format of pre-pandemic, but appreciate the recent effort to reconnect with the public. this is important work.

I just wanted to offer a few comments. On the recent 9/27 virtual public forum one staff member commented that a fair amount of the public response was that the recommendations had gone to far, while another significant amount of the responses were that the recommendations had not gone far enough, and thus the recommendations must be about right.

I think that is a good way to think about political efforts- especially when all parties are at the table and able to see that they are getting some wins, and the other parties are some wins, but these wins are balanced, and come with some losses.

However, ReCode is not merely a political exercise- it is setting policy to reach Comp Plan goals that have already been established through a comprehensive public engagement process and a political process. The question now should not be what kind of city (zoning-wise) we want to be, but how do we best become the city envisioned in the approved and adopted Comp Plan. Setting a goal, but creating a path/policy that only gets us half way there, is not successful policy.

My first comment is that there has been very little reference back to the Comp Plan, and this weakens the position of the recode process. The Comp Plan is visionary, solid, and based in a transparent, broadly supported process. It is foundational to all the ReCode work; ReCode should always be presented in the context of the Comp Plan- the WHY has already been decided, we just need to be reminded. The discussion is HOW we achieve these goals.

2nd comment- I applaud the general move towards more density. This is necessary for more housing, for walkable communities, transit, everything people say they want. However, the high end of the recommendations satisfies only the bare minimum needed to support better transit, neighborhood businesses, and thus, walkable neighborhoods. This means we will never reach those goals- because only in the maximum build out scenario can it be achieved, and we will never have maximum build out.

The recommendations must present a plausible path to reaching our goals. I don't know if it's 30%, 50%, build out, or what, but it's not 100%.

So, please, be more ambitious with policy that encourages more housing.

Best,

Markos

Peaks Island Council + PIC Housing & Zoning Committee
ReCode recommendations and questions

Lot area

- We support the spirit of the small island lot, but wonder about its proposed size.
    - How many more lots would become available if the lot size is reduced to 3,500 sq ft? Or 3,000 sq ft?
    - Is ReCode considering any provisions that would ensure these new lots would be developed for owner-occupied use (not short-term rentals)? Or is this something the City Council would have to legislate?

Lot coverage

- We looked at a few streets in IR2 as examples, and the draft numbers are still low enough that a considerable amount of homes would still be non-conforming, seemingly the majority of many blocks in IR1 and IR2.
    - Is there consideration for raising the allowable lot coverage, given that it would not change the current feel of neighborhoods?
    - At the least, for non-island small lots, can an additional percentage be granted when quality of life enhancements" such as unenclosed porches, deck, greenhouses, and tool sheds?

Two family allowance

- The H&Z committee and the PIC unanimously support island-wide two family allowance. This would increase housing choices, for renting and home ownership, and would not alter the character of the island. We have found widespread support for this throughout the community— including unanimous support of community members who attended the last two PIC meetings.

Cottage Court zoning

- We have heard broad interest in Cottage Court zoning on Peaks. This could aid in our desperate need for year-round rental housing, while preserving adequate open spaces. ADUs are already of course not allowed to rented short-term on Peaks. This was also supported unanimously by the PIC and H&Z committee.

Multi-family units + LD2003

- Was there consideration to allow multi-family units in IR2 or IR1? Or at least up to four-units?
    - This was discussed at the last PIC meeting and there was not any pushback to idea of allowing more multi-families. The reality is that the limiting factors of property values and available land on Peaks mean we are very unlikely to see a surge in building even with new zoning allowances. The character of the island is not in danger.
- How is LD2003 being dealt with here? Is there a reason the multi-family allowance of the state bill is not being extended to Peaks?

Light industrial zoning + I-B + allowable uses

- One of the most widely discussed zoning issues in all of our discussions is the need for more commercial space. Property values are so high and our business district so small (and filled with residential homes) that it is nearly impossible to start a legal business on Peaks.
- In the next phase of ReCode, serious consideration needs to be given toward establishment of a light industrial zone and expansion or alteration of the current I-B zone. Our H&Z Committee recommends looking at land adjacent to the Transfer Station.
- Is there consideration to open up allowable uses of IR1 or IR2 at all to allow for more mixed used zoning?

Sewer

- Are there any concerns about how many new housing units the current sewer system can support?
- Do you know when the Planning Department/Public Works are looking at another phase of sewer extension on Peaks?

Paper Roads

- Though not addressed in the draft, the H&Z Committee is wondering if ReCode is planning to interface with the paper road determination process in any way.

Sprinklers

- This may be too minute for ReCode to touch, but currently there is a rule that if you touch over 50% of a building you must put in sprinklers. Could this requirement be exempted for some island homes? Such systems make either city supplied water or a well with a pump necessary, which isn't possible in all situations on Peaks. This makes it impossible for many homes to be renovated without an astronomical expense, leading to only wealthy buyers being able to make the numbers work.

Request for Planning Staff to Meet with Greater Portland Landmarks' Advocacy Committee

1 view

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Sally Oldham
Oct 10, 2023, 8:24:22 PM (yesterday)

to recodep...@portlandmaine.gov, Christine Grimando, Carol De Tine

Greetings,

I would like to request that Kevin Kraft and Nell Donaldson meet with the Advocacy Committee of Greater Portland Landmarks to discuss proposals in the Recode project that will likely impact designated historic areas in the City as well as areas of simplification or concern that may be addressed regarding the Historic Preservation Program processes. The Advocacy Committee will be meeting on Wednesday, November 8 from 9:00-10:30 am. We would appreciate Kevin and Nell joining the committee for a presentation and discussion either at the 9-10 am or 9:30-10:30 am timeframe.

I would be happy to talk with Kevin or Nell about this request. We are aiming to educate ourselves and also to provide a forum for dialogue about Recode proposals so we can offer informed comments that we hope will be helpful to the City.

Thanks very much,

Sally Oldham
Co-Chair, Landmarks' Advocacy Committee

Cell: 207 481-1640
Email: oldhamseg@gmail.com

Helen Donaldson <hcd@portlandmaine.gov>

Comments from Munjoy Hill Neighborhood Organization on ReCode First Wave

Barbara Vestal <b.vestal@munjoyhill.org> Wed, Oct 11, 2023 at 3:26 PM
To: recode@portlandmaine.gov, "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>, "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>, "kkraft@portlandmaine.gov" <kkraft@portlandmaine.gov>

Please see the following comments on the proposed changes, ReCode First Wave. They are being submitted on behalf of the Munjoy Hill Neighborhood Organization.

1. THE PIECEMEAL APPROACH OF RECODE II IS A BARRIER TO MEANINGFUL CITIZEN PARTICIPATION

It is difficult for ci zens to meaningfully par cipate in the ReCode II dra. ing process because the "First Wave" is only defini□ons, zones, uses and dimensional standards. We are "in the weeds" without any context. There are no maps, no development review standards, and the rest of the land use code is missing. Without a draft of the en□re land use code document, it is difficult to tell what is intended by staff and the consultant for later sec□ons. We will need the ability to go back and comment on the "First Wave" once later sec□ons are released. It needs to be an itera□ve process.

2. THE PURPOSE STATEMENT FOR THE NEW RN-5 ZONE OMITS IMPORTANT CONCEPTS

In the purpose statement for the R-6/ New RN-5 zone, the proposed draft has **deleted** concepts that appear in the current purpose statement that refer to **conserving the exis ng housing stock**, **preserving the exis ng neighborhood character**, and making new development **consistent with the typical compact lot development** found on the peninsula. While perhaps imperfectly expressed in the current code, they iden□fy concepts that are typically valued by residents. It would be be□er to improve the way they are referenced rather than removing them en□rely.

Staff has said that similar concepts now appear in proposed Table 5-B, with the introductory paragraph emphasizing "context sensi□vity." However, while statements about "standards encouraging compa□bility and context sensi□vity" do appear in the RN-2, RN-3 and RN-4 zones in the context of conversion of exis□ng structures to higher density uses, that phrase does not appear anywhere in the RN-5 zone. **Standards requiring compa bility and context sensi vity should be an integral part of the RN-5 purpose statement, and should apply to all new development as well as to the conversion of exis ng structures**. Similarly **rewri en design standards**, long put on hold, need to be completed and adopted so that they are a meaningful part of the development review process. Design standards are an integral part of assessing compa□bility and context sensi□vity.

3. HEIGHT REGULATION IS NOT IMPROVED; HEIGHTS SHOULD BE MEASURED FROM <u>PRE-DEVELOPMENT</u> GRADE

Measurement of heights in Portland has been problema□c for at least a decade. Rather than fixing the source of the controversy, the proposed draft further embeds the misguided approach. For both the islands and mainland, dimensional height limits should be applied from **pre-development grade** as existed as of a certain date, such as January 1, 2000. Instead, the proposed draft imposes absolutely no limits upon a developer impor□ng fill or otherwise proposing to alter the site prior to calcula□ng allocable height. That makes the height limits de facto non-existent and defeats the reason for having height limits in the first

place. Similarly, the proposed draft does not adequately define the point of measurement; applied details such as planters should not be treated as if they are a founda□on.

4. THERE SHOULD BE A CAP ON HOW MUCH GAIN CAN BE REALIZED FROM AVERAGING GRADE

The code needs to recognize that a high percentage of the sites in Portland that remain to be built upon are on steeply sloped land. In the last several years some buildings have been proposed or built on these steeply sloped sites, which take maximum advantage of grade averaging and produce **buildings that are greatly out of scale with their context**. These buildings should serve as cau□onary examples and the proposed code should be adjusted to establish a maximum amount of height above the lowest grade that can be picked up by averaging grade, such as 4 feet. A cap like that will further context sensi□vity from both the uphill and downhill perspec□ves.

5. PORTLAND'S CODE NEEDS TO INCORPORATE A METHODOLOGY FOR MEASURING GRADE THAT IS CONSISTENT WITH STANDARD ENGINEERING PRACTICES AND IS NOT AS VULNERABLE TO MANIPULATION BY APPLICANTS

The proposed defini□on of "grade, average" proposes minor improvements over current, but the methodology is incomplete. "Founda□on" is not opera□onalized. Using the perimeter of the building as the element to be measured allows for heights to be "gamed" by proposing a building that is heavily crenelated or repeatedly indented on the highest part of a site, giving extra weight to that part of the perimeter. A more standard methodology for measuring grade is in order.

6. THE PROPOSED RN-5 75' BUILDING LENGTH DIMENSIONAL STANDARD IS INADEQUATE TO ADDRESS THE SCALE OF NEW BUILDINGS

The new building length dimensional standard is inadequate to control the scale of new construc□on. In 2020, the peninsula neighborhoods proposed approaching context sensi□vity through regula□ng lot consolida□on in order to retain a development pa□ern typical of compact lot development. In the alterna□ve, they proposed that lots could be purchased by a common owner but proposed that the maximum dimensional requirements would be established by the maximum that could have been built upon the separate, non-merged lots of record.

While this 75' maximum building length restric□on may a□empt to get at a similar problem, 75' is too big for the Munjoy Hill neighborhood context. 50' would be more in keeping with a typical building size. Similarly, the defini□on does not specify that a setback would be required between two or more such buildings. Theore□cally, a technical break of one foot would suffice under the proposed defini□on. That is not sufficient. To be contextually appropriate, a full setback on each side of the midline should be required for each building even if they are on a single large lot under common ownership.

7. THERE IS INSUFFICIENT ATTENTION PAID TO WHAT THE LAND USE CODE CAN DO TO RETAIN EXISTING HOUSING AND/OR MAKE AFFORDABLE HOUSING MORE LIKELY

So far, the sec□ons of the proposed changes to the land use code seem to focus on new construc□on. **More a en on needs to be paid to how the land use code can foster and incen vize reten on of exis ng housing because that is where the "missing middle", "naturally occurring affordable housing" and "workforce housing" is typically found.** New construc□on will be expensive, and frequently in Portland the new "luxury housing" that is built is a second (or more) residence for a non-resident. The crea□on of luxury housing is unlikely to result in "trickle-down housing" in the Portland market which will be available to middle income residents. Perhaps the rewrite of the sec□on on non-conforming structures will iden□fy some opportuni□es for the repurposing of formerly non-residen□al structures

into residen□al uses, or the reten□on of exis□ng housing with upgrades or addi□onal units which can be part of addressing the shortage of affordable housing.

In addi□on, more a□en□on needs to be paid to how building heights and other dimensional standards can incen□vize workforce housing. The (now repealed) Munjoy Hill Neighborhood Conserva□on Overly Zone contained some height differen□a□ons that should be studied for possible inclusion in the proposed ReCode changes. Instead of allowing 45 feet as of right (as proposed in ReCode II), in the MHNCOZ at least one workforce unit had to be included to increase allowable height from 35' to 45'. This was too generous; it should have required a percentage like 25% rather than a single unit to qualify for the height bonus.

The other dimensional requirements should be studied to see what other workforce housing incen□ves can be incorporated. Perhaps lot area per mul□-family unit (725 SF/unit) could be reduced if all units (or a certain high percentage) were workforce housing.

But any adjustments to dimensional standards also need to be coupled with intensive scru□ny of the standards for what qualifies as workforce housing. For example, for proposed workforce condominium units, the ordinance should ban the prac□ce of monthly condominium fees being assessed on a per capita basis. Instead, monthly condominium fees should be regulated so they reflect that the workforce unit is smaller, in a less desirable loca□on, has different appliances or finishes, etc., as applicable. It defeats the intent unless the monthly carrying costs are affordable.

Thank you for this opportunity to comment. We understand this is an itera□ve process and look forward to seeing your next draft of these four sec□ons, and your proposed revisions for the rest of the land use code.

Regards,

Barbara Vestal

--
Barbara Vestal
President
Munjoy Hill Neighborhood Organization
92 Congress Street, Portland, Maine 04101
b.vestal@munjoyhill.org

Helen Donaldson <hcd@portlandmaine.gov>

Re: IR - 2

3 messages

Helen Donaldson <hcd@portlandmaine.gov> Thu, Oct 12, 2023 at 12:14 PM
To: ReCode Portland <recodeportland@portlandmaine.gov>
Cc: Elizabeth Remage-Healey <remagehealey@gmail.com>

Betsey,

See answers below. Don't hesitate to follow up with additional questions or suggestions.

Best,
Nell

On Wednesday, October 11, 2023 at 4:51:22 PM UTC-4 Elizabeth Remage-Healey wrote:

> 1. Is cottage court zoning included for IR 2 ? *Not in the first wave drafts. Cottage courts would only be allowed in the RN-1, RN-2, RN-3, and RN-4 zones.*
>
> 2. What is the frontage required for the proposed small island lot ? *Table 7-B includes a frontage requirement of 40' for small island lots.*
>
> 3. What is the maximum lot coverage allowed for a house ? *This would depend on what zone you're in. Assuming you are referring to the IR-2 zone, the maximum lot coverage in the first wave drafts is 20%, except 30% on small island lots.*
>
> 4. I'm assuming Sec.2.3,11.E.6 in the current code is deleted from the proposed ReCode. *We have not yet released draft amendments to Article 2, so we have not yet considered this language.*
>
> Thanks for getting back to me,
> Betsey Remage-Healey

Elizabeth Remage-Healey <remagehealey@gmail.com> Thu, Oct 12, 2023 at 2:23 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Why isn't cottage court zoning proposed for IR1 or IR2 ? Surely an important option for small/tiny house clusters. I believe a number of islanders have requested this.

Re my 4 th item, it currently deprives ONLY islanders of the right to appeal lot sizes. Not fair !

[Quoted text hidden]

> [Quoted text hidden]
> 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.

Helen Donaldson <hcd@portlandmaine.gov> Fri, Oct 13, 2023 at 8:27 AM
To: Elizabeth Remage-Healey <remagehealey@gmail.com>

Thanks for your follow up, Betsey. I'll add these comments to our running list!

Best,
Nell
[Quoted text hidden]
--
Nell Donaldson
Director of Special Projects

City of Portland
(207) 874-8723
hcd@portlandmaine.gov



ReCode Portland Feedback

3 views

Subscribe



George Katilus
Oct 11, 2023, 8:15:50 PM (17 hours ago)

to recodep...@portlandmaine.gov

Hello,

I am a resident of North Deering off of Allen's Corner. I think Allen's and Morril's need serious revitalization. At their current state, they provide little to no value to the dense population surrounding the immediate areas. Instead, I feel as these areas are only oriented towards the vehicle traffic that passes through. I wish there could somehow be a redirection of traffic to reduce congestion in the area; more locally owned small businesses, stores, restraints, and cafes; increased priority to pedestrians (it is a scary, ugly, loud place to walk); a reduction and prevention of any more drive-thorough fast food chains and overall a more community-oriented approach to development with mixed use-multi-story buildings.

In short; I would see protected bike lanes, transit, walkability, greenery, and local business that makes this area attractive to residents rather than a dangerous, congested thoroughfare serving only those passing by.

Thank you,

George

—

George Katilus IV

772-538-8813

ReCode Comments on Dimensional Standards

2 views

Subscribe



Mary E. Costigan
unread,

Oct 11, 2023, 5:08:38 PM (21 hours ago)

to recodep...@portlandmaine.gov

Hello Portland Planners:

Please accept these comments on the ReCode draft submitted on behalf of Sun Life.

Sun Life was recently denied approval of a proposed rooftop occupancy due, in part, to the City's determination that their proposed paver system was a "structure" above the height limitation that was not on the list of approved rooftop appurtenances in the Code. We did request an amendment to add paver systems to the list for ReCode, but it appears that it did not make it into the draft. We are therefore writing to ask that it be added to the list of rooftop appurtenances.

With the growing popularity of rooftop occupancy, we believe it is important for the City to consider amendments to its allowed list of appurtenances in order to allow for occupancy. Many rooftops are sloped for drainage and therefore need to have a flooring surface that is on adjustable pavers to create a level walking surface. The paver system, just like tiles laid directly on the surface are simply additional roofing material and do not add any significant height to a structure. Rather, they create an even, safe surface to walk on.

Finally, because of the popularity of rooftop occupancy, the issue of what types of structures can go on the roof to support the occupancy is likely to continue. It seems logical that shade structures, attached furnishings, and other accessory structures associated with rooftop occupancy should also be allowed as appurtenances, provided they do not exceed the height of the penthouse or other approved parapet for screening rooftop mechanical systems.

We have drafted the following amendments for your consideration.

Section 7.7.1. Height

E. Exceptions for Rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, deck railings or guards, pedestal paver roof deck systems, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Shade structures, attached furnishings, and other appurtenances associated with rooftop occupancy may also be erected above the height limitations provided they do not exceed the height of

the rooftop penthouse or other approved parapet for screening of rooftop mechanical systems.

Add a new definition to Section 3:

Pedestal paver roof deck system: flooring system consisting of pavers which are laid over a pedestal support (fixed or adjustable height) which raises the tiles or pavers off the existing surface to create a level, elevated deck.

Thank you for your time and consideration. Please let me know if you have any questions.

Mary

Mary E. Costigan

Shareholder

207 228-7147 direct

207 774-1200 main

207-774-1127 fax

My Bio | LinkedIn | Twitter

BERNSTEINSHUR

Portland, ME | Manchester, NH | Augusta, ME | bernsteinshur.com

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential all copies of this message including any contained in your reply. Thank you.

ReCode Feedback from the Urbanist Coalition of Portland

2 views

Subscribe



Todd Morse
unread,

Oct 11, 2023, 7:41:05 PM (18 hours ago)

to recodep...@portlandmaine.gov

To Whom it May Concern,

I am Todd Morse, President of the Urbanist Coalition of Portland. We, the Urbanist Coalition of Portland (UCP), have prepared recommendations for the second phase of the City's ReCode process. We believe the ReCode process is a critical opportunity for Portland to allow for more middle-density, mixed-use neighborhoods that are pleasant to live in and move around. These changes make housing more affordable, encourage equity, protect the environment, make the administration of our city services more resilient and efficient, and bring communities closer together.

Sincerely,

Todd Morse

Urbanist Coalition of Portland



2023 Proposal for ReCode

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Our ReCode Proposal

The City of Portland is in the process of rewriting its zoning code. We applaud the ongoing work as well as the work done in Phase One of this ReCode process, which greatly simplified our code, allowed the construction of accessory dwelling units, and took the first step towards transit-oriented development. However, from following the process, we are concerned the proposed changes for ReCode Phase Two will not take full advantage of the rare opportunity we have to improve our city. This is why we have put together our own proposal of code changes.

The intention of these zoning code changes is to allow for more middle-density, mixed-use neighborhoods that are pleasant to live in and move around. These changes make housing more affordable, encourage equity, protect the environment, make the administration of our city services more resilient and efficient, and bring communities closer together. All of these outcomes are goals laid out in Portland's Comprehensive Plan. The recommendations in this document will not stop people from building the types of buildings they build today, they will just give people more options of neighborhoods to build and live in. We are currently in a housing affordability crisis with an environmental crisis on the horizon; the least we can do is allow ourselves to build the kind of city that can rise to face these challenges.



Independence of Recommendations

We feel that in order to get the full benefit of these recommendations, it would be best if they were all accepted. Each recommendation complements and enhances the others – if several are accepted, the overall effect would be greater than the sum of each recommendation alone. However, each recommendation is designed so that it can be accepted independently of any other recommendation. In situations where one recommendation may impact other recommendations, both cases have been listed out and have been highlighted in gray. Our default approach to each recommendation is to make the smallest possible change while carrying forward the intent of the remainder of the existing code given that change. For example: we would like to allow for slightly taller buildings to make room for modern-day insulation and ventilation between each floor. We would also like to allow one additional story in certain zones. Under the first recommendation, we propose slightly increased heights to allow for insulation based on the number of stories currently allowed in each zone by the existing code, without including our desired extra story. We also note what the increased height would be if our recommendation for an additional story were to be accepted as well.

How This Document Was Made

The Urbanist Coalition of Portland has decided to propose our own ReCode recommendations to encourage the City to make the most of this rare opportunity to update our land use code. Many of our members have attended one or more ReCode workshops and felt their process seemed to be gathering support for a specific few proposals that would fall short of allowing the kind of sustainable, affordable housing that our city needs. Our membership consists of Portlanders concerned about stagnancy, financial sustainability, environmental sustainability, climate, green space, transit, equity, social justice, all of whom broadly agree that middle-density, mixed-use, walkable, and bikeable neighborhoods are the qualities that the city should pursue. The recommendations in this document reflect those ideals and are meant to enable these desired outcomes.

To produce this document, our membership first brainstormed ideas, then categorized and combined those ideas based on the emergence of some common themes, and finally voted on which ideas to include in this document. We then drafted this document, with the intent of producing a set of specific land use code amendments with language that could be passed as is. This required a thorough understanding of the land use code and confirming that the language of all amendments was consistent with the current code, changed every relevant element, and was internally consistent. Recommendations were adapted as needed when new information within the code came to our attention. Once the document was written, our membership voted to approve it.

Portland's *Comprehensive Plan*

Portland's Plan is a document that lays out ambitious yet vital goals for our city's future. We believe that our ReCode recommendations are compatible with all of the city's goals, and are essential for achieving some of them. To that point, we provide examples of how our ReCode recommendations will empower Portland to achieve each of the goals outlined in Portland's Plan.

Environment

> *"Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation."*

The best land use policies to promote walkable neighborhoods and multi-modal transportation are policies that allow middle-density housing and mixed-use neighborhoods. In mixed-use neighborhoods, people's homes will be located closer to their shops, restaurants, and businesses, which makes our whole city more walkable and cyclable. With a bit more density, more frequent transit service begins to make sense, resulting in higher quality service for everyone. This will not only reduce carbon emissions but will also improve the local environment. Car brake pads release particles into the air that have been shown to cause respiratory problems, especially in children. By making it easier to drive less, we can protect the planet and breathe easier.

Economy

"Value and nurture Portland-based businesses."

Neighborhood-scale businesses are too small and local for many national chains to bother opening. This is where local businesses shine. If you look at our neighborhood business zones today, you will see almost entirely local businesses. By opening our city up to more businesses like this, we will lower the barrier of entry for Portlanders to open their own business and local businesses will be able to compete where they can win: locally.

Housing

"Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland Households."

Our city is in the midst of a housing crisis and it is clear our housing supply is not meeting the needs of our city's residents. We believe this is, in part, because much of the housing supply is mandated to be one type: single-family homes. Single-family zoning, setbacks, lot coverage maximums, and lot size minimums all add to the cost of housing and limit the amount of housing it's possible to build. This burns the proverbial candle at both ends, reducing both the number of people who are able to afford housing and the total number of homes within our city. The recommendations in this document will not make it easier for big developers to build massive apartment blocks. They will allow for a gentler, middle density of homes that individuals will be able to afford to build, own or rent. Going from covering just 20% of your lot to 40%, or allowing a handful of units where before there could only be one, will put housing – and even home ownership – within reach of many more residents, while keeping our city beautiful and making it more livable. These changes will not end the housing crisis on their own, but for every family that gets a new place to live that could not have been built before, we will have made a world of difference.

Facilities and Services

> *"Use planning and fiscal management to sustainably maintain a high level of service for existing infrastructure and programs."*

Allowing for more density is the best way to provide a high level of service in a financially sustainable way. The larger the tax base is for a given area, the less each person has to pay for road paving, sewers, electric cables, snow clearance, and more. With a small increase in density, our city can afford to offer a higher quality of service at the same cost to our residents. Another benefit of these recommendations is that walking, cycling, and transit are cheaper to facilitate and maintain than car-centric infrastructure. Not only do these modes of transport all use road space more efficiently than personal cars, but the weight of cars and trucks puts exponentially more wear and tear on roads than bikes or feet, requiring more frequent resurfacing.

Transportation

> *"Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community."*

This goal is very similar to the environment goal and is an opportunity where we can improve our environment while increasing convenience and our quality of life. Our recommendations encourage walkable, cyclable, neighborhoods. With mixed-use neighborhoods, people will be located closer to their shops, restaurants, and businesses which makes our whole city more walkable and cyclable. Eliminating the requirement for parking lots where they may not be desired or needed helps use space better, and increasing bike parking enables more people to use alternatives to cars. A bit more density makes more frequent and higher quality transit service financially feasible. With fewer cars on the roads going slower, our streets will also be safer for pedestrians, cyclists, children, and anyone not inside a car.

Equity

> *"We will remain an open and inclusive City, celebrating diversity and providing a welcoming and safe place for residents and visitors alike."*

This is not a goal of the comprehensive plan but a value to be applied throughout. We felt it was crucial to include this value here because our recommendations attempt to undo some of the damage wrought by inequitable zoning practices. Single-family zoning was conceived as a means of racial segregation and has served as an amplifier for the inequities in our society through its entire history and into the present. These reforms will not be enough on their own to undo that damage but we feel they are a step in the right direction.

Future Land Use: Complete Neighborhoods

> *"Portland's Plan recognizes that strong, complete neighborhoods are fundamental to the City's overall health. Portland's intent for its predominantly residential neighborhoods is one where all residents regardless of age, ability, or income have access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance."*

If our recommendations could be summarized in two words, they might be "complete neighborhoods". Everything in this document is there to ensure our city's neighborhoods have access to these life necessities close by. Allowing for some more density will provide access to high-quality, affordable housing and leave more room for truly usable open space, preventing sprawl. Allowing mixed uses will provide nearby food and other amenities.

LD2003

Recently, the state of Maine passed LD2003 which allows for two to four units everywhere that housing is currently allowed. This law takes effect July 1, 2023 and our zoning code is not in compliance. If we don't update the code in advance of these changes it can lead to legal ambiguity. These recommendations will bring us into compliance with LD2003.

The Islands

We feel the needs of the islands are different from the needs of the mainland and best addressed by the residents of the islands themselves. We welcome any attempts by the residents of the islands to use the ReCode process to improve their land use code but in this document we have left the land use code of the islands **completely unchanged**.

1

Neighborhood Business

Neighborhood Business

Neighborhood businesses are small, first-floor, low-impact businesses that are incorporated into the fabric of residential neighborhoods. Our land use code already defines these businesses and, where currently allowed, they take the form of small local shops, restaurants, and cafes that are assets to their communities. Unfortunately, the areas where they are allowed are few and far between, and some neighborhoods don't have them at all. The locations of these pockets of neighborhood business – many the size of a single building – were determined over a century ago by what businesses happened to be there when our zones were first defined.

As our city grows and changes it is hard to predict where neighborhoods will form and what their needs will be in advance. By allowing neighborhood businesses everywhere, we can allow our current and future neighborhoods to have small shops and restaurants nearby, while still protecting them from large disruptive stores that could bring in outside traffic. Small, locally-owned, neighborhood businesses like hair dressers or baby clothing stores can also become neighborhood anchors, especially for parents who may not have the time or a car to seek these services elsewhere while caring for young children.





We also recommend expanding neighborhood businesses to low- and medium-impact industrial zones. We know this may sound a bit odd, but recently these zones have become home to many of our local breweries. These breweries have tasting rooms and often host food trucks. Many even have semi-permanent food trucks on site. These establishments are essentially restaurants and have the same impact on their surroundings, but are limited in the services they can provide by our outdated zoning.



A map of the tiny pockets where neighborhood businesses are allowed. Some are the size of a single business.

Recommendation Summary

Allow small, low-impact, first-floor commercial uses in all residential zones as well as low- and medium-impact industrial zones. Some examples of uses that will be allowed, on the ground floor: restaurants, small retail, and clinics. Some examples of what will **not** be allowed: bed and breakfasts, marijuana retail stores, bars, adult business establishments, and auto service stations.

Recommendation In-Depth

1. Update the use standards of all residential zones (R-*) (*Table 6-A*) as well as certain industrial zones (I-L/I-Lb and I-M/I-Mb) (*Table 6-E*) to include this subset of allowed uses from the B-1b Zone (*Table 6-C*) with the footnote "Permitted on the ground floor only":
    a. Combined living/working spaces
    b. Clinics (ground floor) (ground floor)
    c. Elementary, middle, and secondary schools (ground floor)
    d. Governmental uses (ground floor)
    e. Places of assembly (< 10,000 SF) (ground floor)
    f. Preschool facilities (ground floor)
    g. General offices (<5,000 SF) (ground floor)
    h. General services (<5,000 SF) (ground floor)
    i. Restaurants (ground floor)
    j. Retail (< 5,000 SF) (ground floor)
    k. Studios for artists and craftspeople (ground floor)
    l. Parks and open spaces
    m. Solar energy system (minor)
    n. Utility substations
2. The B-1b zone will remain in place so all existing areas zoned B-1b will maintain the same rules. Notably these uses are not applied to all zones:
    a. Single-family dwellings
    b. Two-family dwellings
    c. Multi-family dwellings
    d. Bed and breakfasts
    e. Hostels

3. Table 20-F (Allowed Sign Types by Sign District)

   a. Add footnote: “For commercial uses in residential zones all sign types are allowed except for the following: Marquee Sign, Service Island Canopy Sign, and Pole Sign“

4. Table 20-G: Dimensional Standards for Building-Mounted Signs by Sign District

   a. Add subsection to row “Residential”: “Lots with commercial use in all residential zones”

      i. Add sub-row “Single-tenant building”

1. “Total Area for All Signs (per Tenant or Façade)”: “All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 100 SF”

2. “Number of Signs (max.)”: “1 per street frontage, plus 1 additional”

      ii. Add sub-row to row “Multi-tenant building”

         1. “Total Area for All Signs (per Tenant or Façade)”: “All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 150 SF”

         2. “Number of Signs (max.)”: “1 per tenant[5,6], plus 1 additional for the building.”

5. Table 20-R: Dimensional Standards for Freestanding Signs by Sign District

   a. Add sub-row to row “Residential”: “Commercial”

      i. Area (max.): 32 SF

      ii. Height (max.): 8 ft.

      iii. Number of Signs: 1 per lot[1]

Draft Amendment Language

Section 1: Update Use Standards in Residential and Industrial Zones

Amend the use standards for all residential zones (R-*) (*Table 6-A*) and specified industrial zones (I-L/I-Lb and I-M/I-Mb) (*Table 6-E*) to incorporate the following permitted uses, with the footnote "Permitted on the ground floor only":

- Combined living/working spaces
- Clinics (ground floor)
- Elementary, middle, and secondary schools (ground floor)
- Governmental uses (ground floor)
- Places of assembly (< 10,000 SF) (ground floor)
- Preschool facilities (ground floor)
- General offices (<5,000 SF) (ground floor)
- General services (<5,000 SF) (ground floor)
- Restaurants (ground floor)
- Retail (< 5,000 SF) (ground floor)
- Studios for artists and craftspeople (ground floor)
- Parks and open spaces
- Solar energy system (minor)
- Utility substations

Section 2: Sign Regulations for Commercial Uses in Residential Zones

Amend Table 20-F (Allowed Sign Types by Sign District) with the following footnote: "For commercial uses in residential zones, all sign types are allowed except Marquee Sign, Service Island Canopy Sign, and Pole Sign."

Section 3: Dimensional Standards for Building-Mounted Signs

Amend Table 20-G by adding the following rows under "Residential":

Subsection 3-A: Lots with commercial use in all residential zones

Single-tenant building:

Total Area for All Signs (per Tenant or Façade): All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 100 SF

Number of Signs (max.): 1 per street frontage, plus 1 additional

Multi-tenant building:

Total Area for All Signs (per Tenant or Façade): All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 150 SF

Number of Signs (max.): 1 per tenant, plus 1 additional for the building

Section 4: Dimensional Standards for Freestanding Signs

Amend Table 20-R by adding the following sub-row under "Residential":

Commercial:

Area (max.): 32 SF

Height (max.): 8 ft.

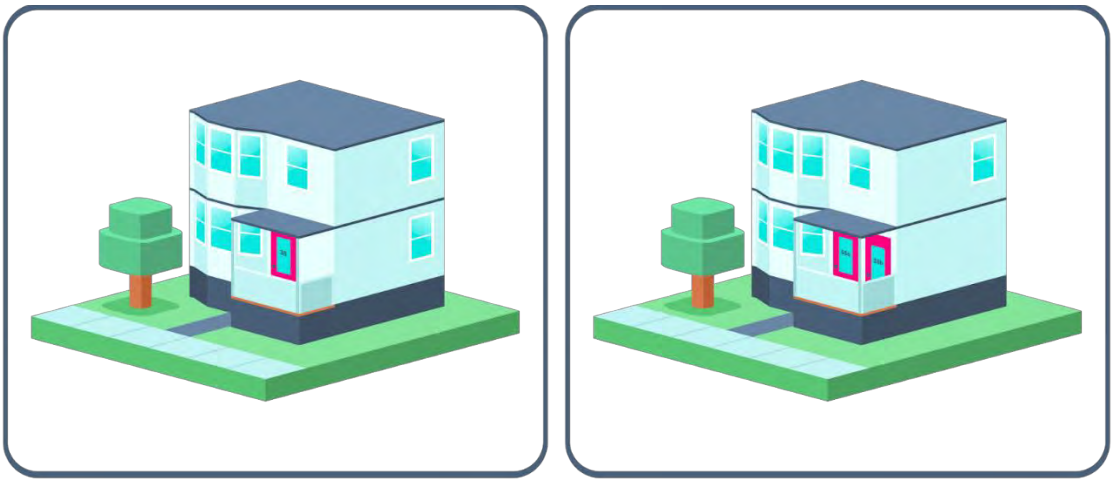
Number of Signs: 1 per lot

2

Multi-Family Housing

Allow Multi-Family Housing

Multi-family housing is a building with more than one housing unit per building. It can mean anything from a duplex, to a triple-decker with apartments on different levels, to apartment buildings. Currently, the construction of new multi-family housing is not allowed in over three quarters of the residential land in Portland, not including the islands, where it is also not allowed. This restriction has nothing to do with the size and shape of buildings; even duplexes of the same height and footprint as a single-family home are prohibited.



This results in sprawling developments of detached single-family homes that are more expensive per unit, excluding people from huge areas of the city, and shrinking our precious green spaces. Conversions to multi-family can also help people age in place by providing a source of income. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. We can lift this requirement and provide more housing to more people inside the forms we are already comfortable with.

Recommendation Summary

Combine multi-family, multiplex, two-family, and single-family dwelling uses into a single use (dwellings) and allow that new use anywhere the old uses were allowed, with the exception of island zones. For the island zones, create a new use “Island Dwellings” which are limited to single-family dwellings and apply them wherever single-family dwellings were allowed in island zones to preserve existing standards.

Recommendation In-Depth

1. Section 3 Definitions
    a. Page 3-3: here the following terms are defined: “Dwelling, single-family”, “Dwelling, two-family”, “Dwelling, multi-family”. These definitions will be removed and replaced with two new definitions:
        - “Dwelling: A building or portion thereof containing one or more dwelling unit”
        - “Island Dwelling: A single building containing one dwelling unit, located on an island”
    b. Page 3-9: Remove definitions “Multi-family development” and “Multiplex”
    c. Page 3-10: update the definition of “Place of assembly”, replace “… not including the permanent residents of a single-family dwelling…” with “not including the permanent residents of a single dwelling unit (if permanent residents of multiple dwelling units are present only permanent residents of the dwelling unit with the most permanent residents present will not be included)…”
    d. Page 3-10: update the definition of Planned unit development. Change from “A development consisting of either detached or attached single-family dwelling units…” to “A development consisting of island dwellings…”

e. Page 3-12: update the definition of Small-scale marijuana caregiver, replace "...no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building." with "...no more than: 1) 250 square feet of plant canopy where located in a commercial space or a building containing only one dwelling unit; or 2) 125 square feet of plant canopy where located in a dwelling unit within a building containing more than one dwelling unit."

2. Table 5-B (Residential Zone Purpose Statements):

   a. R-1: Replace "To provide for lower density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity." with "To provide for residential development in outlying areas of the city and along traffic corridors with limited additional traffic capacity." (If recommendation 11 A is approved remove this purpose statement)

   b. R-2: Same as above

   c. R-3: replace "To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels." with "R-3: "To provide for residential development and also to provide for planned residential unit developments on substantially sized parcels."

   d. R-4: replace "To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multi-family dwellings and other compatible development at medium densities." with "To preserve the unique character of the Western Promenade area of the city by allowing dwellings and other compatible development." (If recommendation 11 B is approved this purpose statement will be removed)

e. R-5: replace “To provide appropriate areas of the city for medium-density residential development characterized by single-family, two-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially-sized parcels.” with “To provide appropriate areas of the city for residential development of a wide range of housing for different types of households.” (If recommendation 11 C is approved this purpose statement will be removed)

f. R-6: replace “To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.“ with “To set aside areas on the peninsula for housing providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.”

3. Table 6-A (Permitted and Conditional Uses in Residential Zones):

   a. Remove rows: “Single-family dwellings”, “Two-family dwellings”, “Multi-family dwellings”, “Multiplex”

   b. Add new row: “Dwellings” allowed as a use in all zones

   c. Footnote 3: replace “Conversions of existing two-family or multiplex structures…” with “Conversions of existing dwellings…”

4. Table 6-B (Permitted and Conditional Uses in Island Zones)

   a. Rename row “Single family dwellings” to “Island dwellings”

b. Remove row “Two-family dwellings”

c. Rename row “Multi-family dwellings” to “Dwellings”

d. Update footnote 2 from: “Single-family attached permitted provided that new construction shall be limited to no more than six attached dwellings per building.” to “Island dwellings may be attached provided that new construction shall be limited to no more than six attached dwellings per building.”

5. Table 6-C (Permitted and Conditional Uses in Mixed-Use Zones)

   a. Remove rows: “Single-family dwellings” and “Two-family dwellings”

   b. Rename row: “Multi-family dwellings” to “Dwellings”

      - Within row, remove footnote 1 from B-1/B-1b

   c. Remove footnote 1

6. Section 6.4.1 (In General) B Item 2:

   a. Remove “The provisions of this paragraph (2) 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.”

7. Section 6.4.12 (Multiplexes): Remove entirely

8. Section 6.5.6 (Supplemental use-specific conditional use standards) G (Multi-family)

   a. Rename to: “Dwellings with more than one unit on the Islands”

   b. Remove item 1

   c. Update item 2 (which becomes the new item 1)

      - Update item a from “Multi-family buildings shall have a maximum of four units.” to “Dwellings shall have a maximum of four units”

9. Table 7-A (Residential Zone Dimensional Standards)

   a. Remove row: “Multiplex”

b. Remove row “Lot area per multiplex unit (min.)” unless recommendation 3 is approved in which case this will already be removed

c. Update row: “Lot width (min.)”, column “R-5”, remove “90 ft. for multiplex” (If recommendation 11 C is approved this column will be removed and this item is not necessary)

d. Update footnote 3: replace “Single-family homes” with “Dwellings”

e. Update footnote 4: replace “For R-5a, PRUD standards shall apply to PRUDs, multi-family development of 4 or more units, …” with “For R-5a, PRUD standards shall apply to PRUDs, developments of 4 or more units,” (If recommendation 11 C is approved this footnote will be removed and this item is not necessary)

f. Update footnote 5: replace “Applies to 1-, 2-, and 3-family dwellings only.” with “Applies to dwellings with fewer than four units only.”

g. Update footnote 6: replace “Alterations to single-family, two-family, and multi-family dwellings…” with “Alterations to dwellings…”

10. Table 7-B (PRUD Dimensional Standards)

a. Update footnote 3: replace “…multi-family development of 4 or more units…” “…developments of 4 or more units”

b. Update footnote 4: replace “…multi-family development of 4 or more units.” with “…developments of 4 or more units.”

11. Table 7-C (R-5 Small Residential Lot Development Dimensional Standards) (If recommendation 11 C is approved this column table will be removed and this item is not necessary)

a. Update footnote 1: replace “Single-family homes…” with “Dwellings…”

12. Table 7-E (Mixed-use Zone Dimensional Standards)

a. Update footnote 3: replace “…multi-family buildings…” with “…dwellings…”

13. Table 8-C: Permitted Uses
    a. Replace “Multi-family Housing for Healthcare Staff and Students” with “Housing for Healthcare Staff and Students”
14. 8.1 “Compact Urban Residential Overlay” 1: replace “moderate- to high- density multi-family housing” with “moderate- to high-density housing”
15. 8.1.4 B: replace “Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.” with “Primary ground floor residential entries to dwellings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable.”
16. 9.1.8 A: remove “single-family, “
17. Table 14-A: (Site Plan Classifications)
    a. Update row “New construction or additions”
        - Replace “Single- or two-family structures” with “Structures with 6 or fewer dwelling units”
        - Replace “Multi-family development of 3 or more units” with “Structures with more than 6 dwelling units”
    b. Update footnote 3: replace “...3 or more dwelling units...” with “...more than 6 dwelling units...”
    c. Update footnote 4: replace “..one or two units...” with “fewer than six units”
18. 14.3.2 (Master development plan) A:
    a. Remove “multi-family,”
19. 14.6.4 (Site design standards) I (Design standards) e
    a. ii. Update, remove “and multiplex”
    b. iii: Update, remove “of single-family homes”
    c. v: Update, remove “two-family and multiple family”

20.14.11.3 (Performance and defect guarantees) C (Minor residential development.): replace "...shall be defined as single- or two-family development..." "...shall be defined as residential development of buildings with four or fewer units..."

21. Table 16-A (Parks & Recreation and Transportation Impact Fee Schedule)
    a. Remove columns "Single-family/Two-family" to "Dwellings, fewer than three units"
    b. Rename column "Multi-family" to "Dwellings, three or more units"
22. 18.2.2 (Reduction of fees) C.2: replace "...single-family or multi-family dwelling..." with "... dwelling .."
23. Table 18-C (Bonuses for Eligible Projects)
    a. Footnote 1: remove "In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 SF. of land area."
24. 19.1.4 (Shared use vehicles) remove "multi-family"
25. Table 19-A (Off-Street Parking Minimums): Rename row, "Single-, two-, or multi-family units" to "Dwelling units"
26. Table 19-B (Categorical Exceptions to Off-Street Parking Minimums): rename column "Multi-family housing" to "Housing"
27. 19.1.8 (Location of vehicular parking) A (In general) 2: replace "...single- or two-family dwellings..." with "...dwellings with fewer than three units..."
28. 20.7.3 (Sign illumination) A (Sign illumination by sign district) 1: replace "...single-family residences or duplexes..." with "... dwellings with fewer than three units ..."
29. Table 20-G: Dimensional Standards for Building-Mounted Signs by Sign District
    a. Rename row: "PRUDs, multi-family lots" to "Dwelling lots"
30. Table 20-R: Dimensional Standards for Freestanding Signs by Sign District
    a. Remove row: "Single-family lots"

b. Rename row: “PRUDs, multi-family lots” to “Dwelling lots”

   - Update “Number of Signs”: 1 per lot or 1 per major vehicular entrance, whichever is larger



3

Gentle Density

Allow Gentle Density

Even if your building is under the height requirement, your units are large enough, you aren't using too much of your lot, and you use separate structures, you are still limited by the lot area per dwelling unit minimum requirement. This requirement limits density regardless of circumstances. This restriction is very similar to the restriction on multi-family housing but it applies even to separate structures. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. Housing more people in the same space is a good thing – what we want is to mitigate the negative effects of density, like overly small units or lack of light and green space. Lifting this restriction will provide more potential for housing while keeping these effects under control.





Recommendations Summary

Eliminate Lot area per dwelling unit and lot area per rooming unit dimensional standards.

Recommendations In-Depth

1. Eliminate all instances of minimum lot area per dwelling unit requirements

a. Table 7-A (Residential Zone Dimensional Standards)

i. Remove rows “Lot area per dwelling unit (min.)”, “Lot area per rooming unit (min.)”, “Lot area per multiplex unit (min.)” (note: if recommendation 2 is approved this removal is redundant), and “Lot area per SNIDU (min.)”

ii. Remove footnotes 1 and 9

iii. In footnote 7 remove the sentence “The applicable minimum lot area per dwelling shall apply to each lot.”

b. Table 7-B (PRUD Dimensional Standards)

i. Remove row “Net land area per dwelling unit (min.)”

ii. Remove footnote 5

c. Table 7-E (Mixed-Use Zone Dimensional Standards)

i. Remove rows “Lot area per dwelling unit (min.)” and “Lot area per rooming unit (min.)” as well as all sub-rows

ii. Remove footnote 3

d. Table 8-A (R-7 Dimensional Standards)

i. Remove row “Lot area per dwelling unit (min.)”

e. 6.6.2 (Standards for specific accessory uses) A (Accessory Dwelling Units (ADUs)) 8.a

ii. Replace “Lot coverage and lot area per dwelling unit requirements.” with “Lot coverage requirements.”

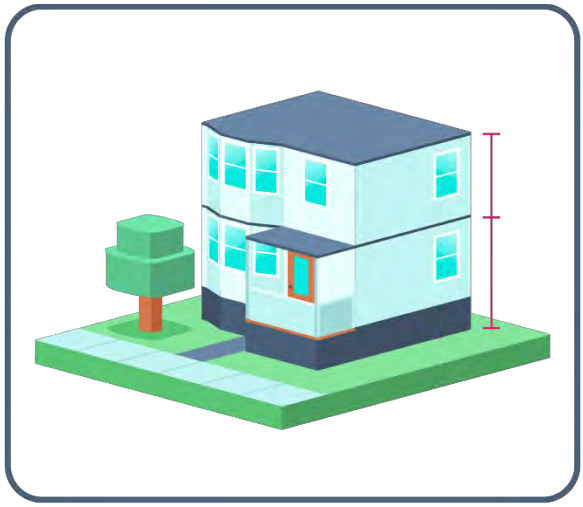
f. 6.5.6 (Supplemental use-specific conditional use standards) G (Multi-family) item 1: remove item B, unless recommendation 2 is approved in which case all of item 1 here will be removed

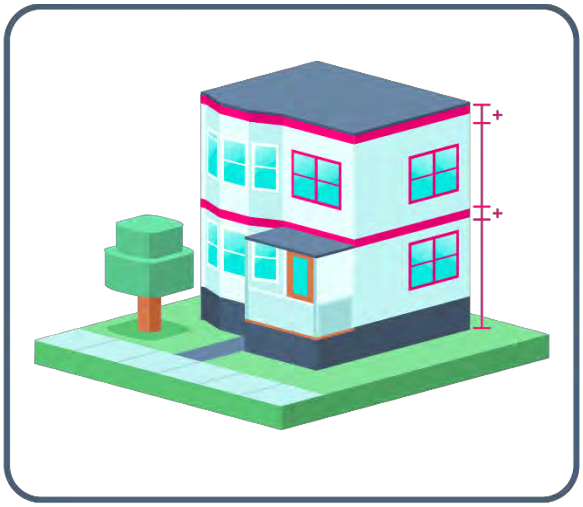
4

Higher Quality Floors

Allow Higher Quality Floors

Current height allowances are out-of-date with today's construction methods and don't consider the extra depth needed for higher insulation values, sound proofing between floors and homes, required floor-to-ceiling heights that allow more daylight into homes within multi-home buildings, mechanical air ventilation needed in tight envelope buildings, and larger open spans to allow future reconfiguration of units. These features are essential to keeping buildings relevant for 200+ years, avoiding demolitions, and promoting re-use. By allowing just a little bit more height per floor we can make room for this without being noticeable from the outside.





Recommendation Summary

Allow a little bit more height per floor by looking at all height standards, calculating the number of allowed floors. Based on the allowed number of floors add slightly more height per floor to allow for more insulation between floors.

Recommendation In-Depth

1. Table 7-A
    a. Update row “Structure Height (max.)” (not sub-row “Detached accessory”)
        i. R-1: 40 ft. (If recommendation 11 A is approved this column will be removed)
        ii. R-2: 40 ft.
        iii. R-3: 40 ft.
        iv. R-4: 40 ft. (If recommendation 11 B is approved this column will be removed)
        v. R-5: Depends on whether or not recommendation 10 is approved (If recommendation 11 C is approved this column will be removed)
            1. If so: 40 ft.
            2. If not: 50 ft.
        vi. R-5a: Depends on whether or not recommendation 10 is approved (If recommendation 11 C is approved this column will be removed)
            1. If so: 40 ft.
            2. If not: 50 ft.
        vii. R-6: 50 ft.
        viii. R-6a unchanged (65 ft.)
2. Table 7-B
    a. Update row “Structure Height (max.)”
        i. R-3: 40 ft.
        ii. R-5: 40 ft. (If recommendation 11 C is approved this column will be removed)
        iii. R-5a: 64 ft. (If recommendation 11 C is approved this column will be removed)

3. Table 7-E
    a. Update row “Structure height (max.)”
        i. B-1/B-1b (Off-peninsula section is eliminated): 50 ft., except 55 ft. if commercial first floor and residential above
        ii. B-2/B-2b/B-2c: 50 ft., except 55 ft. if first floor is in commercial use and residential above, 76 ft. in B-2 and B-2c on lots >5 ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft., or as otherwise governed by the Bayside Height Overlay Map
            1. Apply footnote 2
        iii. B-3/B-3b/B-3c unchanged
        iv. B-4 unchanged
        v. B-5: unchanged (65 ft. with other restrictions)
        vi. B-6: unchanged (65 ft. with other restrictions)
        vii. B-7: unchanged
    b. Modify footnote 2: replace “The commercial first floor uses shall utilize at least 75 % of the first-floor frontage along Congress Street and shall have an average depth of at least 20 ft.” with “The commercial first floor uses shall utilize at least 75 % of the first-floor frontage and shall have an average depth of at least 20 ft.”
4. Table 8-A (R-7 Dimensional Standards)
    a. Replace row “Structure height (max.)” with “55 ft.”



5

Measuring Height from Sidewalks

Measure Heights from Sidewalks

Currently, height is measured as average grade from the corners or multiple points along the foundation of the proposed building. This method has several drawbacks that harms the ability of the City to harness the full value of significant portions of land and prevents hundreds of additional homes being built in proposed buildings. This method penalizes land that slopes downward from the adjacent sidewalk and rewards land that slopes upward from the adjacent sidewalk without achieving any consistency in managing actual height of buildings or taking into consideration the effects on the quality of the buildings being built in terms of design aesthetics, livability, performance, fit-to-purpose, and flexibility for re-use.



By measuring height from the sidewalk adjacent to the building entrance, we can clarify this rule and standardize height allowances in our more hilly neighborhoods.

Recommendation Summary

If a building is on a hill where one side is at sidewalk level, allow height to be measured from that sidewalk instead of the average height of the lot.

Recommendation In-Depth

1. Section 7.2: update “Height” from “The vertical measurement from grade, or the pre-development grade on the islands, to the highest point of a structure. …” to “The vertical measurement from the highest sidewalk or curb height (elevation measured ASL) along the perimeter of a property, or the pre-development grade on the islands, to the highest point of a structure. For buildings with 3 or more dwelling units, measurement may begin from average grade at the corners of the foundation of the proposed structure if such a building is being built on upward sloping lots with grades equal or greater than 4% grade (4’ elevation rise over 100’), and this alternative start is lower than the height highest sidewalk or curb. …”

6

Reducing Setback Requirements

Reduce Setback Requirements

Setback requirements require you to build structures far away from the edge of your property. This gives people fewer options on how to build their homes. For example, if you prefer a bigger back yard that is more private than your front yard, you may not be able to have it – if there is a 25-foot front setback minimum, you will have to use that 25 feet for your front yard instead. Side setbacks prevent the construction of row homes. There is already another type of requirement – maximum lot area coverage – which prevents people from covering too much of their lot. Reducing these setback requirements will provide people with these options without reducing the total amount of green spaces.





Recommendation Summary

Make small reductions to front and side setbacks in all residential zones.

Recommendation In-Depth

1. Table 7-A (Residential Zone Dimensional Standards)
    a. Update row “Side setback (min.)”
        i. R-1 (If recommendation 11 A is approved this column will be removed)
    b. Update row “Front setback (min.)” (maintain “Or average depth of adjacent front yards”)
        i. R-1: 15 ft. (If recommendation 11 A is approved this column will be removed)
        ii. R-2: 15 ft.
        iii. R-3: 10 ft.
        iv. R-4: 5 ft. (If recommendation 11 B is approved this column will be removed)
        v. R-5: 5 ft. (If recommendation 11 C is approved this column will be removed)
        vi. R-5a: 5 ft. (If recommendation 11 C is approved this column will be removed)
        vii. R-6: remove
        viii. R-6a: unchanged
    c. Update row “Side setback (min.)”
        i. Update sub-row “<1.5 stories to 1.5 stories”
            1. R-1: 8 ft. (If recommendation 11 A is approved this column will be removed)
            2. R-2: 8ft.
            3. R-3: 6ft.
            4. R-4: 5 ft. (with footnote 10) (If recommendation 11 B is approved this column will be removed)
            5. R-5: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)

6. R-5a: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)
7. R-6: unchanged
8. R-6a: unchanged.

ii. Update sub-row "2 stories"

1. R-1: 10 ft. (If recommendation 11 A is approved this column will be removed)
2. R-2: 10 ft.
3. R-3 8ft.
4. R-4: 5ft. (with footnote 10) (If recommendation 11 B is approved this column will be removed)
5. R-5: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)
6. R-5a: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)
7. R-6: unchanged
8. R-6a: unchanged

iii. Update sub-row "2.5 stories"

1. R-1: 12 ft. (If recommendation 11 A is approved this column will be removed)
2. R-2: 12 ft
3. R-3: 10 ft.
4. R-4: 5 ft. (with footnote 10) (If recommendation 11 B is approved this column will be removed)
5. R-5: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)
6. R-5a: 5 ft. (with footnote 10) (If recommendation 11 C is approved this column will be removed)
7. R-6: unchanged
8. R-6a: unchanged

iv. Update sub-row "On side street (min.)" keep "Or depth of front yard directly abutting the lot."

1. R-1: 10 ft. (If recommendation 11 A is approved this column will be removed)
2. R-2: 10ft.
3. R-3: 10ft.
4. R-4: None (If recommendation 11 B is approved this column will be removed)
5. R-5: None (If recommendation 11 C is approved this column will be removed)
6. R-5a: None (If recommendation 11 C is approved this column will be removed)
7. R-6: unchanged
8. R-6a: unchanged

d. Apply footnote 7 "Subdivisions consisting of horizontally attached dwellings on individual lots are not required to have side yards between such dwellings where a party wall condition will exist. Horizontally attached dwellings located within a single lot shall be required to meet the applicable side setback requirements at the external lot boundaries of the subdivision and internal lot boundaries between such dwellings that are not attached to each other. No minimum lot size width shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. **The applicable minimum lot area per dwelling shall apply to each lot.**" to column R-4, R-5, and R-5a. The final sentence (in bold) will be omitted if recommendation 2 is approved. If recommendation 11 B is approved R-4 column will be removed, if recommendation 11 C is approved columns R-5 and R-5a will be removed, if both 11 B and 11 C are approved this whole item is no longer necessary.

e. Update footnote 10, replace "Except that a side setback in the R-6 zone…" with "Except that a side setback in the R-4, R-5, R-5a, and R-6 zones… " and apply it to columns R-4, R-5, R-5a on all sub-rows of row "Side setback (min.)" except the "On side

street (min.)" sub-row If recommendation 11 B is approved R-4 column will be removed, if recommendation 11 C is approved columns R-5 and R-5a will be removed, if both 11 B and 11 C are approved this whole item is no longer necessary.

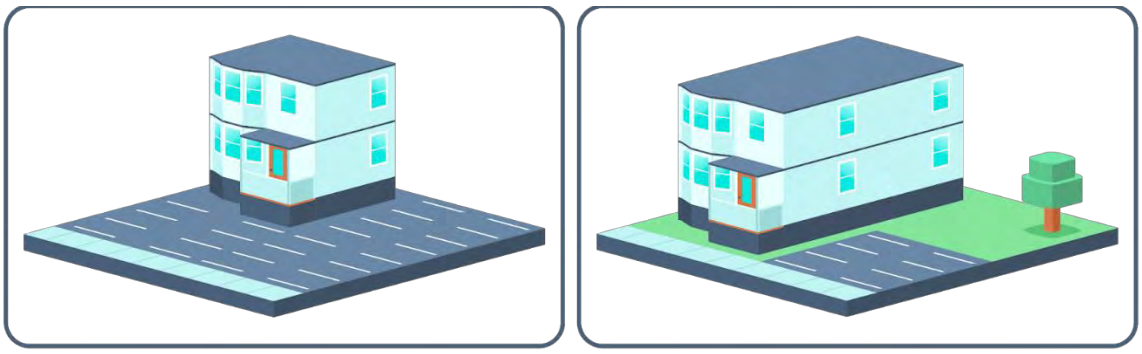
f. 18.2.4 (Density and dimensional bonuses and reductions) B. (Planned Residential Unit Developments (PRUDs).) 1: replace "Minimum building setbacks may be reduced to 10 feet." with "Minimum building setbacks may be reduced to 5 feet."

7

Parking Maximums

Establish Parking Maximums

The peninsula is becoming increasingly developed. There are quite a few large-scale projects planned in the next few years and there will undoubtedly be more coming. We need to decide if we want our downtown to be for people or for cars. Around a fifth of our downtown land is already dedicated to parking. The more parking we have, the more people will drive downtown and the worse traffic will be. Air quality will suffer, biking will become less pleasant, and buses will be stuck in traffic. We can protect our downtown by creating parking maximums on new developments to keep our downtown pleasant for everybody – even drivers will appreciate less traffic.



Recommendation Summary

In peninsula zones the city should set parking maximums to the current parking minimums, with a few exceptions where the minimums are low like lodging houses and congregate care facilities.

Recommendation In-Depth

1. Re-number Table 19-B (Categorical Exceptions to Off-Street Parking Minimums) to 19-C and create a new table 19-B called Off-Street Parking Maximums
2. This table will have two columns, the first unlabeled to specify the use, the second will be “Vehicular”. The values will be:
    a. If recommendation 2 is approved “Dwelling units” - otherwise “Single-, two-, or multi-family units”: 1 space/dwelling unit
    b. Lodging house: 1 space/rooming unit
    c. Special needs independent dwelling unit: 1 space/dwelling unit, plus 1 space/staff member normally present at any one time
    d. Sheltered care group home: 1 space/1 employee
    e. Congregate care facilities: 1 space/1 dwelling unit
    f. Emergency shelters: 1 space/1 employee
    g. Long-term, extended care, and intermediate care facilities: 1 space/5 beds, plus 1 space/employee normally present, during weekday morning shift
    h. Governmental uses: 1 space/400 SF of floor area
    i. Hospitals and clinics: 1 space/500 SF of floor area
    j. Places of assembly: 1 space/150 SF of floor area used for assembly purposes
    k. Preschool facilities: 1 space/staff member normally present at any one time
    l. Schools:
        i. For students up to 15 years: 1 space/room used for instruction purposes
        ii. For students 16 years and older: 1 space/10 seats used for instruction purposes or, if no fixed seats, 1 space/100 SF used for instruction purposes

m. Bed and breakfasts: 1 space/2 guest rooms for first 4 guest rooms, plus 1 space/additional room thereafter

n. General offices: 1 space/400 SF of floor area

o. Hostels: 1 space/8 beds

p. Hotels: 1 space/4 guest rooms

q. Retail: 1 space/200 SF of first floor area in excess of 2,000 SF, plus 1 space/700 SF for each floor above

r. Restaurants and bars: 1 space/150 SF of floor area

s. Theaters, performance halls, funeral homes: 1 space/5 seats or, if no fixed seats, 1 space/100 SF of assembly space

t. Industrial uses: 1 space/200 SF of floor area or lot area, whichever is larger

3. Create a footnote and apply it to the "Vehicular" column: "Only in zones: R-6, R-4, India Street Form Based Zone, B-7, B-6, B-5b, B-5, B-3c, B-3, B-2b, B-2, B-1B, B-1, Eastern Waterfront Port, Waterfront Central, Waterfront Port Development, and I-Lb" - If recommendation 11 B is approved remove R-4 from this list.

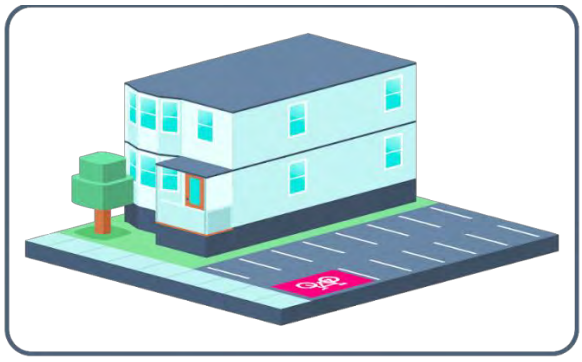
4. Create a footnote to apply to "Industrial uses": "Except for Intermodal transportation facilities"

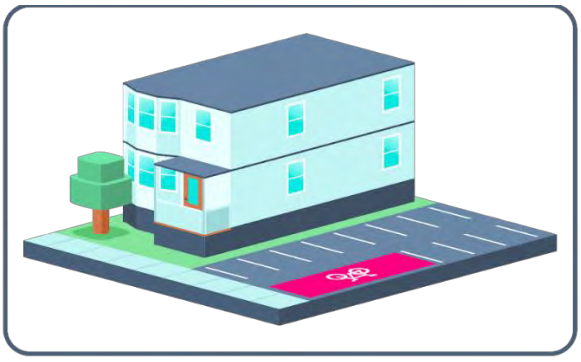
8

Bicycle Parking

Expand Bicycle Parking

Our city has bicycle parking minimums in place already, which is great! The only issue is they require half the capacity of car parking even though bikes already take up far less space. Bicycle parking minimums can be made equal to the minimums for cars without taking up too much space.





Recommendation Summary

Require as much bicycle parking as we do car parking.

Recommendation In-Depth

1. Table 19-A (Off-Street Parking Minimums), Update column "Bicycle":
    a. If recommendation 2 is approved "Dwelling units" otherwise "Single-, two-, or multi-family units": 1 space/dwelling unit
    b. Lodging house: 1 space/5 rooming units
    c. Special needs independent dwelling unit: 1 space/4 dwelling units, plus 1 space/staff member normally present at any one time
    d. Sheltered care group home: 1 space/2 employees
    e. Congregate care facilities: 1 space/3 dwelling units
    f. Emergency shelters: 1 space/2 employees

g. Long-term, extended care, and intermediate care facilities: 1 space/5 beds, plus 1 space/employee normally present, during weekday morning shift

h. Governmental uses: 1 space/400 SF of floor area

i. Hospitals and clinics: 1 space/500 SF of floor area

j. Places of assembly: 1 space/150 SF of floor area used for assembly purposes

k. Preschool facilities: 1 space/staff member normally present at any one time

l. Schools: 1 space/10 seats used for instruction purposes or, if no fixed seats, 1 space/100 SF used for instruction purposes

m. Bed and breakfasts: 1 space/2 guest rooms for first 4 guest rooms, plus 1 space/additional room thereafter

n. General offices: 1 space/400 SF of floor area

o. Hostels: 1 space/8 beds

p. Hotels: 1 space/4 guest rooms

q. Retail: 1 space/200 SF of first floor area in excess of 2,000 SF, plus 1 space/700 SF for each floor above

r. Restaurants and bars: 1 space/150 SF of floor area

s. Theaters, performance halls, funeral homes: 1 space/5 seats or, if no fixed seats, 1 space/100 SF of assembly space

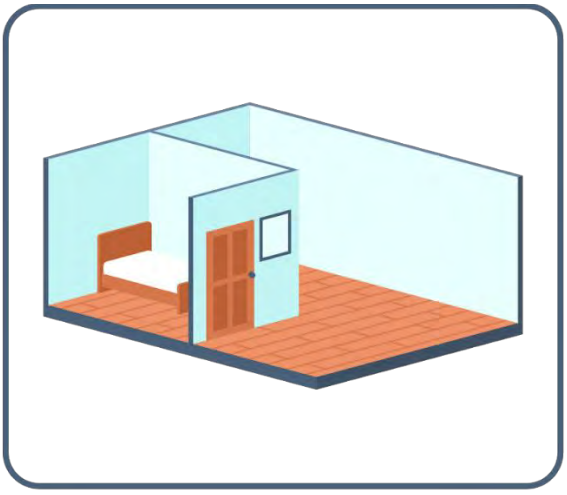
t. Industrial uses: 1 space/1,000 SF of floor area in excess of 3,000 SF not including area catering to retail

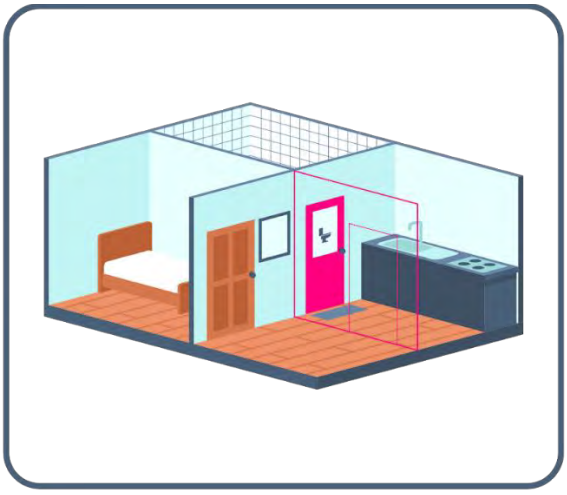
9

Renting Rooms with New Kitchens and Bathrooms

Allow Renting Rooms with New Kitchens and Bathrooms

Wherever you live in Portland, you are allowed to rent out up to two rooms in your home. These sorts of rentals are a great way to provide low cost housing and help people afford to stay in their homes and age in place. Unfortunately, there is a strange limitation where you can't rent out a room of your home if you added a bathroom or kitchen within the last two years. This is an arbitrary limitation that only serves to prevent people from providing amenities to their tenants or discourage them from opening up housing at all. This rule change will not help facilitate short term rentals – not only do all short-term rental restrictions still apply, but this rule only applies to rooms within a single housing unit which means this won't help people take housing out of the long-term housing supply and move it to the short-term market.





Recommendation Summary

Remove the ban on renting out a room in your house if you've added a new bathroom or kitchen in the last two years.

Recommendation In-Depth

1. Section 6.6 (Accessory Uses) 2 (Standards for specific accessory uses) G (Letting of rooms)
    a. Remove item 3 “There shall be no increase in the bathroom and/or kitchen facilities in the dwelling, and no such facility shall have been constructed in the immediately preceding two years.”

10

Four-Story Buildings

Allow More Four-Story Buildings

Right now, only one of our main residential zones allows four-story buildings (about four percent of the city). The rest of the residential zones in the city allow only three stories. The neighborhoods that allow these four-story buildings are Munjoy Hill and the West End. These neighborhoods are beautiful and livable. Adding that one additional story can provide more housing, or a larger housing unit, while maintaining a desirable neighborhood with plenty of light and green space. A four-story building is not even considered mid-rise. We can provide more housing by allowing this extra story in our next most dense zone (about 10 percent of the city).





Recommendation Summary

Increase height minimums in R-5, R-5a, and R-3 zones to allow for four stories instead of three.

Recommendation In-Depth

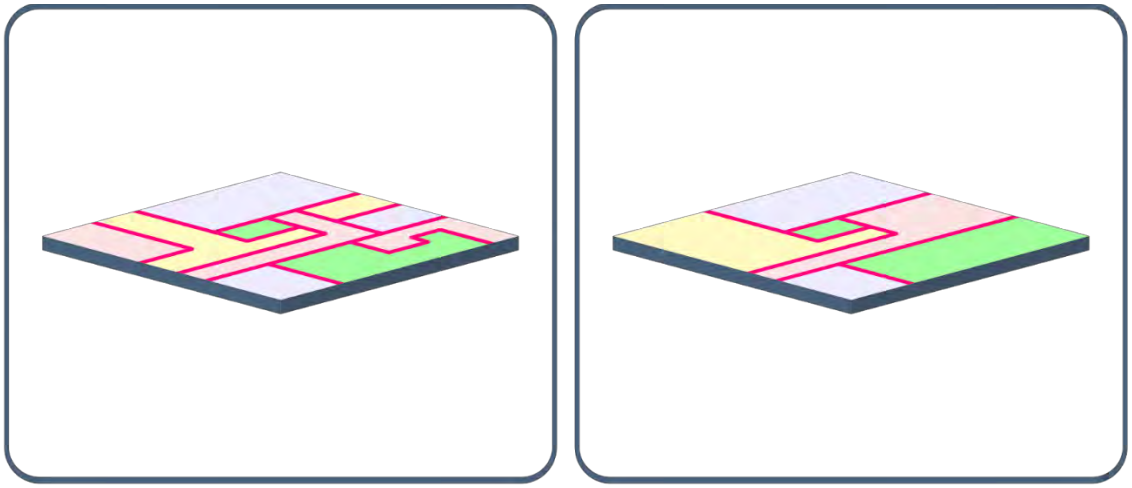
1. Table 7-A (Residential Zone Dimensional Standards)
    a. Update row “Structure height (max.)”
        i. R-5: If recommendation 4 is approved “50 ft.” - otherwise “45 ft.” (If recommendation 11 C is approved this column will be removed)
        ii. R-5a: If recommendation 4 is approved “50 ft.” - otherwise “45 ft.” (If recommendation 11 C is approved this column will be removed)
        iii. R-3: If recommendation 4 is approved “50 ft.” - otherwise “45 ft.”
    b. Update row “Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)”
        i. R-5: 10 ft. from side property line and 15 ft. from rear property line” (If recommendation 11 C is approved this column will be removed)
        ii. R-5a: 10 ft. from side property line and 15 ft. from rear property line” (If recommendation 11 C is approved this column will be removed)
        iii. R-3: 10 ft. from side property line and 15 ft. from rear property line”
    c. Add footnote 11 to row “Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)” columns R-5 and R-5a (If recommendation 11 C is approved this column will be removed and this item is not necessary)

11

Simplify Zones

Simplify Zones

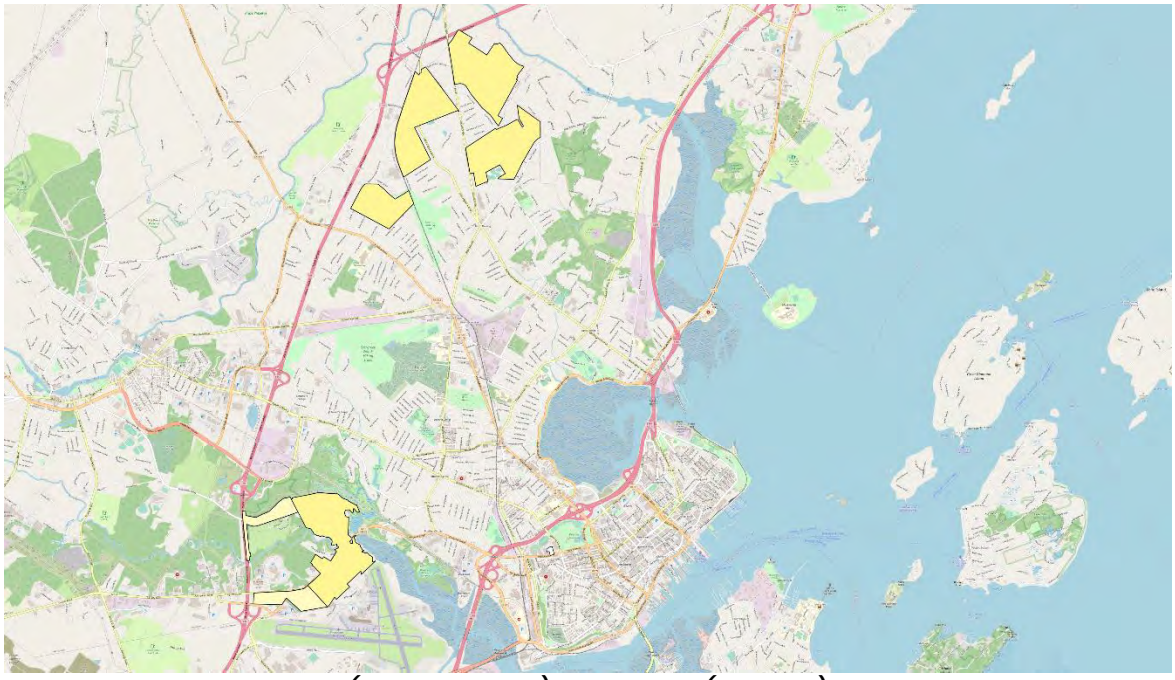
Our zoning code is complicated. We have dozens of zones with hundreds of pages. Some of our zones are very small and encompass a single property, while others have very minor distinctions between them. Many zones are arbitrarily split between on and off the peninsula. By combining our low-density zones into a single zone and our medium-density zones into a single zone, we can preserve the form of areas of the city with far fewer requirements.



See Appendix A for a full list of ordinance text that would be impacted by these consolidations.

Merge A – Zone R-1 into R-2

The R-1 and R-2 zones have identical purpose statements and very similar regulations. There is only a tiny amount of R-1 and it is directly near R-2. The zoning code could be simplified without substantial changes by merging these two zones.



All zone R-1 (light yellow) and R-2 (yellow) parcels

Merge A Summary

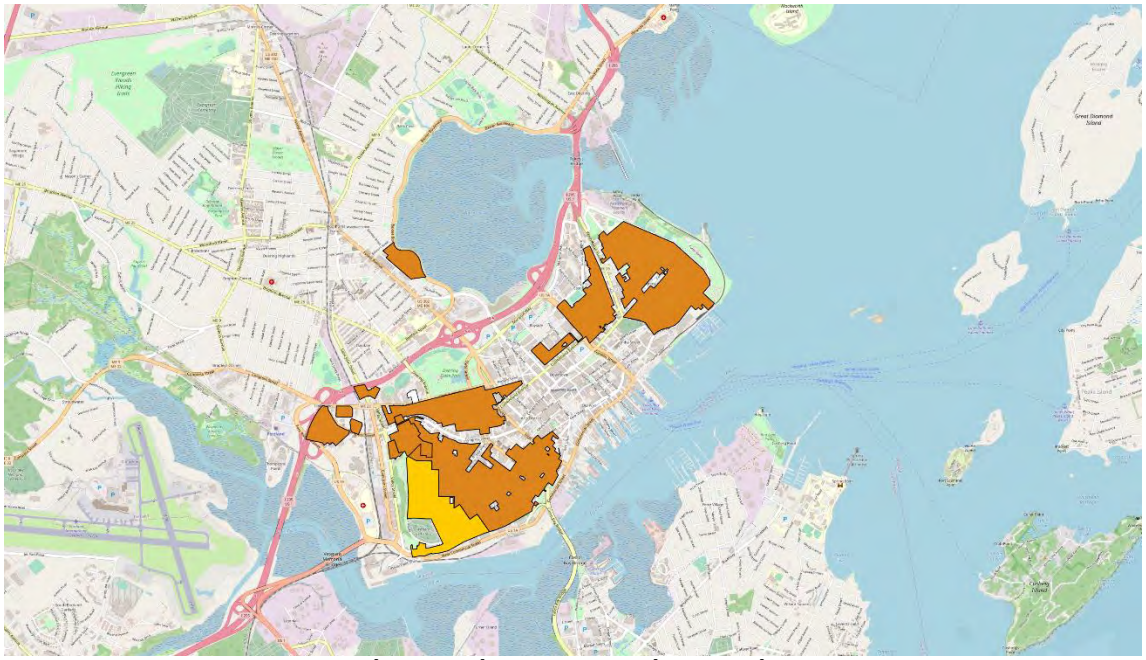
Eliminate the R-1 zone and zone all land currently zoned as R-1 as R-2.

Merge A In-Depth

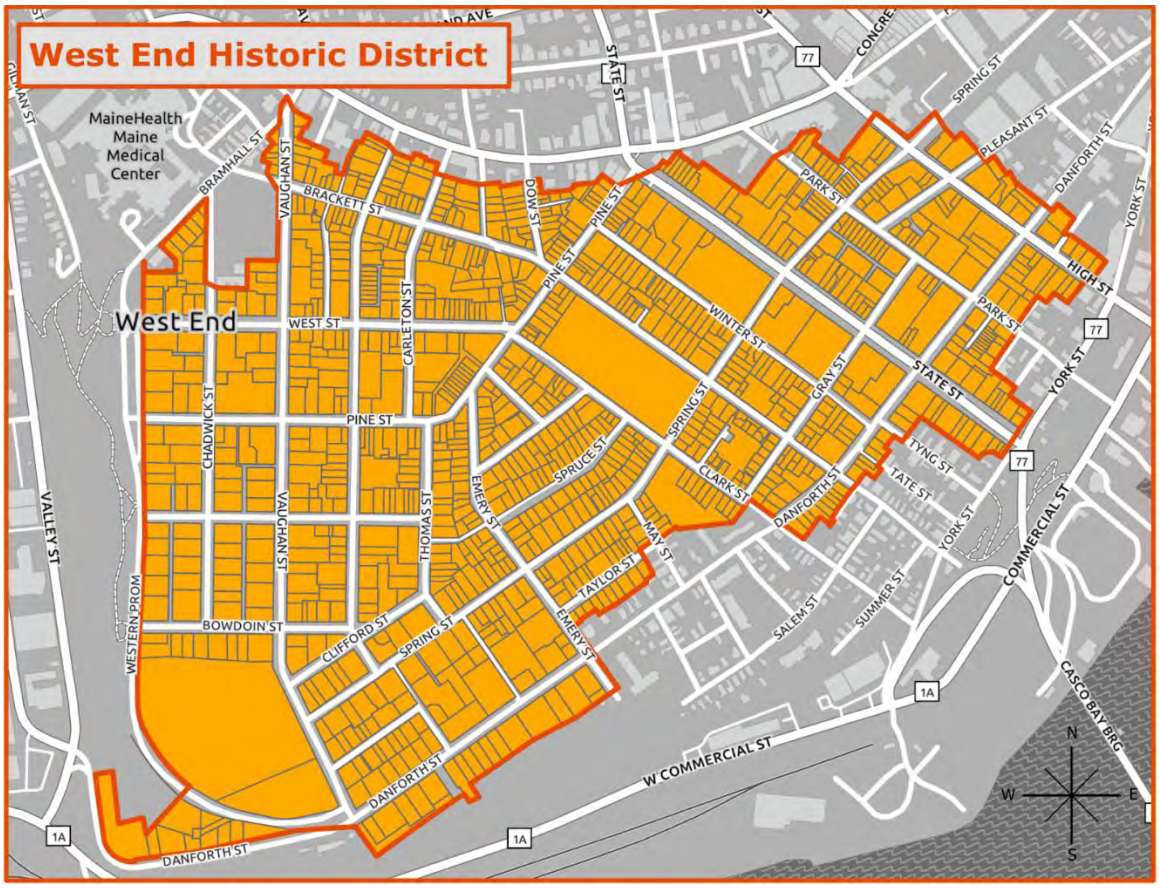
1. Remove all instances of the R-1 zone as cataloged in appendix A. Replace them with R-2 where relevant or remove said reference if it is no longer relevant.
2. Remove R-1 from the zoning map and expand R-2 to the former area of R-1

Merge B – Zone R-4 into R-6

The R-4 zone is a small zone located entirely near the Western Promenade with the intent to "preserve the unique character of the Western Promenade area". While we applaud the efforts made to protect the historic West End from the damaging effects of urban renewal, the entire R-4 zone and beyond is now covered by the West End Historic District. Meanwhile, the R-4 zone contains standards that are actually out of character with what is already in the neighborhood. For example, there are multi-family middle density buildings in the neighborhood – they are even mentioned in the purpose statement of the zone – but they are not allowed, even as a conditional use. Though the neighborhood resembles the neighboring R-6 zone to the point where most would not be able to tell when they crossed from one into the other, the setbacks and height requirements in the R-4 are more in line with typical suburban standards than what exists in the neighborhood today. The historic district already protects not only all of R-4 but also much of the neighboring R-6 zone from development that is not in character with the neighborhood, so we feel it is time to retire this zone and let the historic district protect this unique neighborhood.



All R-4 (yellow) and R-6 (brown) parcels



Merge B Summary

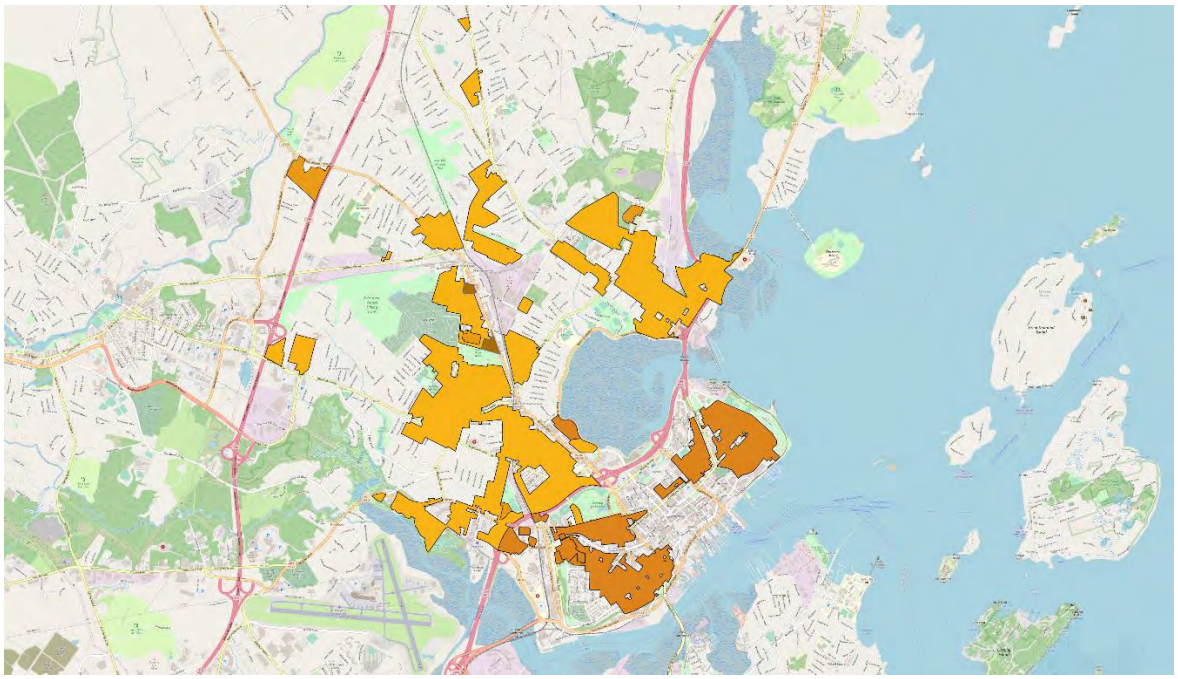
Eliminate the R-4 zone and zone all land currently zoned R-4 as R-6.

Merge B In-Depth

1. Remove all instances of the R-4 zone as cataloged in appendix A. Replace them with R-6 where relevant or remove said reference if it is no longer relevant.
2. Remove R-4 from the zoning map and expand R-6 to the former area of R-4

Merge C – Zone R-5 into R-6

The R-5 zone is the second-densest residential zone and is mostly located along major corridors, like Congress Street, Deering Avenue, and Forest Avenue. While it is Portland's second most dense residential zone, it only allows low-density housing stock. Much of the housing in R-5 areas predates the land use code and is non-conforming with the zone's standards. Combining this zone with R-6 would ensure the zoning map better reflects the built environment and will simplify the code overall.



All R-5 (yellow) and R-6 (brown) parcels

Merge C Summary

Eliminate the R-5 zone and zone all land currently zoned R-5 as R-6.

Merge C In-Depth

1. Remove all instances of the R-5 zone as cataloged in appendix A. Replace them with R-6 where relevant or remove said reference if it is no longer relevant.
2. Remove R-5 from the zoning map and expand R-6 to the former area of R-5
3. Remove all instances of the R-5a zone as cataloged in appendix A. Replace them with R-6a where relevant or remove said reference if it is no longer relevant.
4. Remove R-5a from the zoning map and expand R-6a to the former area of R-5a

12

Empowering Neighbors to Reduce Setbacks

Empower Neighbors to Reduce Setbacks Together

Front setbacks requirements require you to build your buildings back a certain amount from the street. In our zoning code today, front setbacks minimums can already be substituted for an average of the setbacks of your neighbors. This makes sense because the effects of your setback are felt by your immediate neighbors. The only problem with this is that neighbors can't do it proactively, it has to be the average of their existing setbacks. We can provide a block with more flexibility by allowing neighbors on a block to come together and decide to reduce the setback minimums for their own block if they wish. This provides people with flexibility while ensuring they can't ignore the wishes of their neighbors who will be affected.





Recommendation Summary

Allow people to reduce their own setbacks if they have unanimous agreement from their neighbors.

Recommendation In-Depth

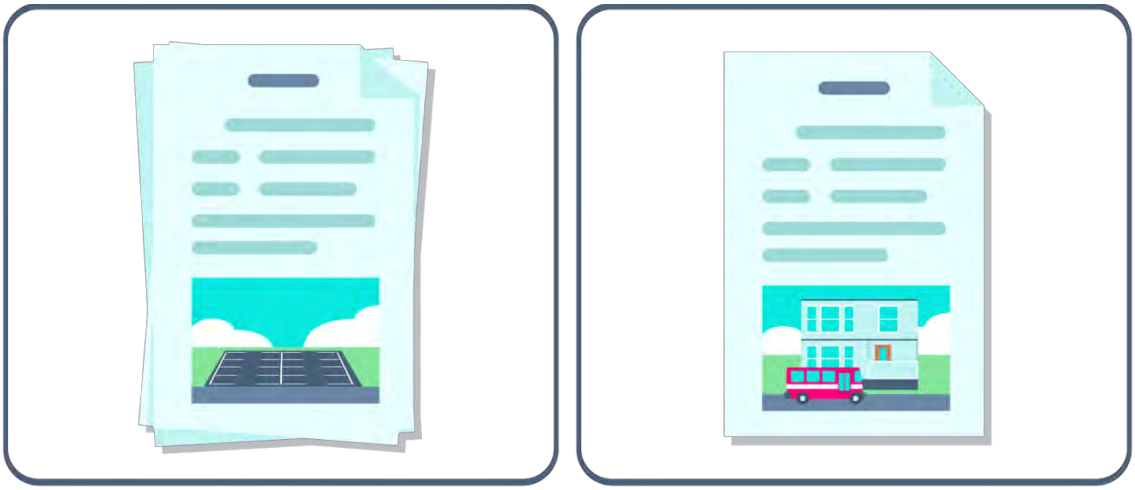
1. Table 7-A (Residential Zone Dimensional Standards)
    a. Create a footnote: “Can be reduced if unanimously agreed upon by all adjacent property owners with setbacks less than the proposed setback.”

13

Transportation Demand Management

Ease the Transportation Demand Management Plan Requirement

In ReCode Phase One, parking minimums were removed for all new buildings near a transit stop. This is a great step towards reducing our car dependence, but to receive this benefit builders are currently required to spend a lot of time and money producing a Transportation Demand Management plan. This is administrative overhead that may push builders towards building parking instead and provides little benefit. Removing this requirement will make it even easier for builders to build less parking and encourage transit ridership. The requirement will remain in place for very large developments.



Recommendation Summary

No longer require a Transportation Demand Management plan to benefit from the transit proximity exception to parking minimums. Plans will still be required for very large developments as before, this just removes it as a condition for that exception.

Recommendation In-Depth

1. Table 19-B (Categorical Exceptions to Off-Street Parking Minimums)
    a. Update row “Transit proximate development and uses”, remove “New uses or changes of use of more than 10,000 SF taking advantage of this exception shall be required to provide a Transportation Demand Management Plan if they use this provision in lieu of parking requirements.”
2. Section 14.6.1 (Transportation standards) E (Transportation Demand Management (TDM)) 1.b
    a. Append “Unless the mixed-use development is commercial first floor and residential above.”



14

Renting More Rooms

Allow Renting More Rooms

Renting out rooms in your home is a great way to help homeowners remain in their homes, age in place, and provide low-cost housing options. Many of the single-family homes in Portland are large enough to rent out more than two rooms comfortably, without changing the character of the home. We should allow people to make the most of their homes by renting out a few more rooms if they have the space.





Recommendation Summary

Allow renting up to four rooms per dwelling unit instead of two.

Recommendations Detailed

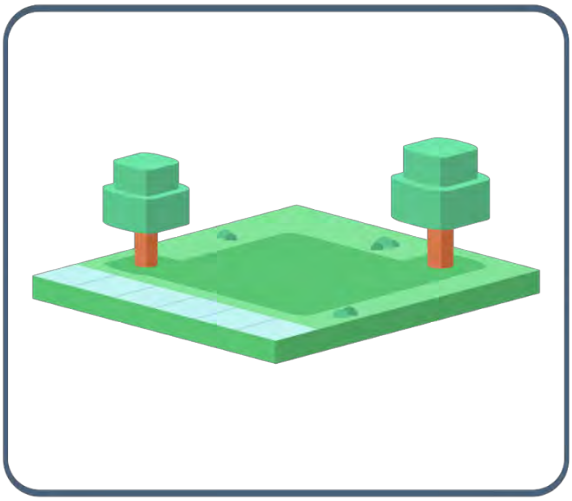
1. Section 6.6 (Accessory Uses) 2 (Standards for specific accessory uses) G (Letting of rooms)
    a. Update item 2: replace “There shall be not more than two rooms per dwelling unit occupied for such use.” with “There shall be not more than four rooms per dwelling unit occupied for such use.”

15

Co-Living

Allow Co-Living

Coliving buildings create access to affordable, flexible housing by allowing people to rent a room with access to shared amenities. Rooms in these buildings are typically rented out a month at a time and are pre-furnished. These are somewhat similar to “lodging houses,” which exist in our code today. However, the requirements for lodging houses enforce a very specific configuration where every piece of common space must be available to every tenant, while also regulating the conversion of part of an existing building into a lodging house. This reflects the typical lodging house structure of the past where an owner would convert a portion of their home into a lodging house.





In contrast, coliving spaces are typically purpose-built buildings with a suite-style configuration, i.e. a single common area may be shared by multiple bedrooms, but not by every bedroom in the building. It is vital to ensure that every tenant has access to the same level of amenities, but there is no reason to prevent this more modern configuration.

Recommendation Summary

Create a new use called “coliving buildings” that is similar to lodging houses with the crucial difference of allowing separated common spaces. Ensure that the total amount of space available to each resident with the new configuration conforms to the standards for lodging houses.

Recommendation In-Depth

1. Page 3-3: Update definition “Common areas” to: “Portions of a lodging house or coliving building which are available for use by multiple residents. Common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as common areas.”
2. Add definition: “Coliving building: A building containing two or more rooming units with shared amenities such as a bathroom, kitchen, or living area and providing such units to individuals on not less than a monthly basis for compensation”
3. Table 6-A (Permitted and Conditional Uses in Residential Zones) Add row “Coliving buildings” as a normal use in
    a. R-6/R-6a
    b. R-5/R-5a (If recommendation 11 C is approved this column will be removed)
    c. R-4 (If recommendation 11 B is approved this column will be removed)
    d. R-3
4. Table 6-C (Permitted and Conditional Uses in Mixed-Use Zones): add row “Coliving buildings” as a normal use in all zones except B-6, apply footnote 2 to B1-B
5. 6.4: Add a new supplemental use standard “Coliving buildings”

a. Coliving spaces shall provide shared amenities to all residents including a kitchen. A kitchen need not be available where all meals are provided on a daily basis.

b. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area accessible to that unit per rooming unit. To compute this value, sum the area of each rooming unit as well as the area of common space accessible to that rooming unit then divide the total by the number of rooming units. For example, if the coliving space consists of two two unit suites with 100 square foot rooming units and each suite has 400 square feet of common area then the value would be 4 (100 + 400) / 4 = 500 square feet per unit.

c. Each individual rooming unit shall be a minimum of 70 square feet.

6. Table 7-A (Residential Zone Dimensional Standards)

   a. Under "Lot area (min.)": Rename row "Lodging house" to "Lodging House or Coliving building"

      i. R-5: 6,000 SF (If recommendation 11 C is approved this column will be removed)

      ii. R-5a: 6,000 SF (If recommendation 11 C is approved this column will be removed)

      iii. R-4: 6,000 SF (If recommendation 11 B is approved this column will be removed)

      iv. R-3: 6,500 SF

   b. Lot area per rooming unit (min.)

      i. R-5a: 1,000 SF (If recommendation 11 C is approved this column will be removed)

      ii. R-4: 1,000 SF (If recommendation 11 B is approved this column will be removed)

      iii. R-3: 2,000 SF

7. 10.3.5 (Prohibited uses) B: add "coliving buildings"

8. 14.6.4 (Site design standards) I (Design Standards) e.v: Add "coliving buildings" to the list of types

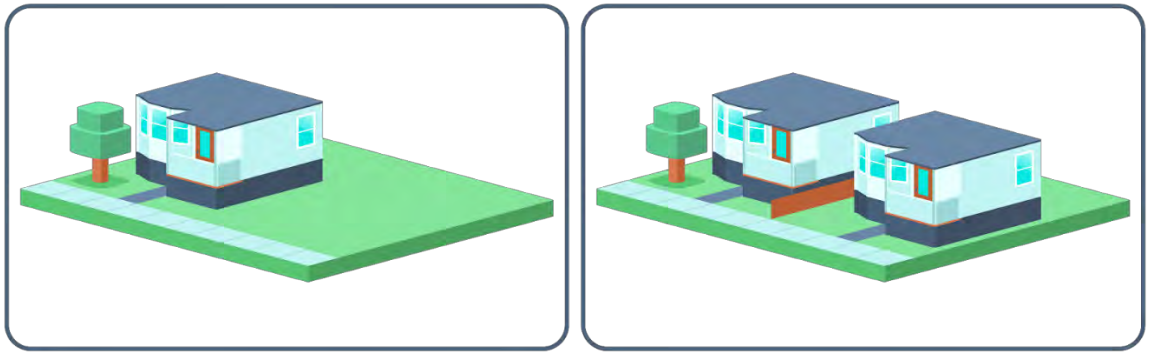
9. 18.1.2 (Applicability) A: Add “coliving buildings” to the list
10. Table 19-A (Off-Street Parking Minimums): Add row “Coliving building” with value “1 space/5 rooming units”
11. If recommendation 7 is approved and in section 19 there is a parking maximums table add row “Coliving building” with value “1 space/rooming unit”

16

Smaller Lots

Allow Smaller Lots

Currently, our residential lot size minimums are not only very large, but very unevenly distributed amongst zones. The R-6 zone, home to many pleasant neighborhoods, has a minimum lot size requirement of 2,000 square feet. Meanwhile, the next most dense zone is three times that. By the time you reach the R-1 zone, it takes more than seven R-6 lots to make up just one lot in R-1. Current residential zoning is designed for a suburban development pattern which is inconsistent with Portland's original development pattern. Minimum lot sizes make housing more expensive because they require homeowners to own a significant amount of land just to own a home, while at the same time multiplying the build and maintenance costs of municipal infrastructure, at times causing up to a tenfold increase.



The result is significantly higher property tax rates and an artificially limited pool of taxpayers who are responsible for paying these increasing municipal maintenance costs. These lot size requirements are not what maintains the ratio of houses to yards – we already have a separate rule for maximum lot coverage percentage. A lot size minimum is simply a land ownership requirement for housing. We can ease this requirement by reducing lot size minimums by half. Unless a subdivision creates a second parcel of useful land, this change will not help anyone in practice. Reducing these values by half allows an existing lot to be split once.

Recommendation Summary

Cut all existing lot area minimums in residential zones except those in the R-6 zone in half, allowing all existing lots to be split. In cases where the lot area per dwelling unit is identical to the minimum lot size it serves as a de-facto minimum lot size so it is also reduced to match the new minimum lot size. Lot width is also divided by slightly more than halfway to allow for splitting. Street frontage minimums are reduced to 20 ft across the board to allow for a configuration where you split the back of your lot and allow access to the street via a thin path or driveway.

Recommendation In-Depth

1. Table 7-A (Residential Zone Dimensional Standards)
    a. Row “Lot area (min.)” Subrow “Residential”
        i. R-1: 5,000 SF (If recommendation 11 A is approved this column will be removed)
        ii. R-2: 5,000 SF
        iii. R-3: 3,000 SF
        iv. R-4: 3,000 SF (If recommendation 11 B is approved this column will be removed)
        v. R-5: 3,000 SF (If recommendation 11 C is approved this column will be removed)
        vi. R-5a: 3,000 SF/2 ac. max[5] (If recommendation 11 C is approved this column will be removed)
        vii. R-6a: 2,000 SF
    b. Row “Lot area per dwelling unit (min.)”
        i. R-1: 5,000 SF (If recommendation 11 A is approved this column will be removed)
        ii. R-2: 5,000 SF
        iii. R-3: 3,000 SF
    c. Row “Street frontage (min.)”

i. R-1: 20 ft. (If recommendation 11 A is approved this column will be removed)

ii. R-2: 20 ft.

iii. R-3: 20 ft.

iv. R-4: 20 ft. (If recommendation 11 B is approved this column will be removed)

v. R-5: 20 ft. (If recommendation 11 C is approved this column will be removed)

vi. R-5a: 20 ft. (If recommendation 11 C is approved this column will be removed)

d. Row "Lot width (min.)"

i. R-1: 45 ft. (If recommendation 11 A is approved this column will be removed)

ii. R-2: 35 ft.

iii. R-3: 25 ft.

iv. R-4: 25 ft. (If recommendation 11 B is approved this column will be removed)

v. R-5: 25 ft. (If recommendation 11 C is approved this column will be removed)

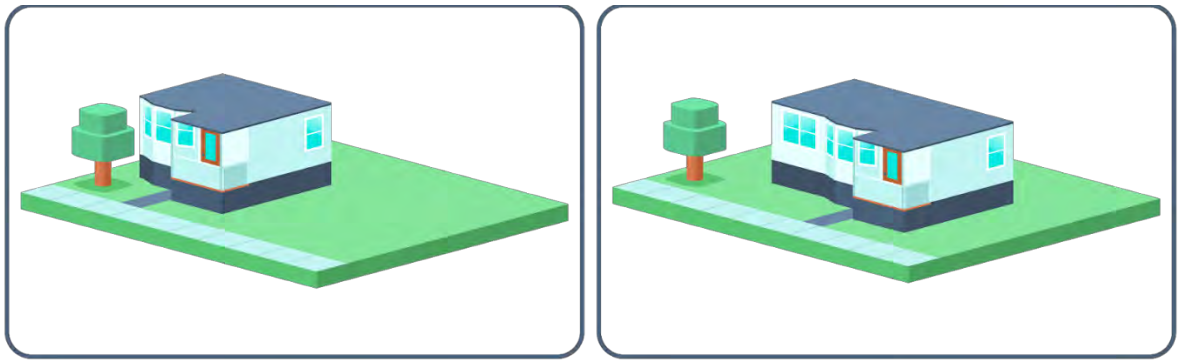
vi. R-5a: 25 ft. (If recommendation 11 C is approved this column will be removed)

17

Lot Coverage

Allow More Lot Coverage

Lot coverage maximums are more sensible than lot size minimums, but in most of the city they are too low. Lot coverage maximums do restrict impermeable surfaces and allow for green space, but when taken to an extreme they can also limit homeownership to only the wealthy. In most of the residential land in Portland today, you can only build on less than 35% of your lot. While permeable surfaces and trees are essential, requiring the majority of a lot to be greenspace means that we have less contiguous land area for public parks and other green spaces that are much more beneficial to a community and wildlife.



By gently easing these requirements, we can meet the need for green space and permeable surfaces while making it less difficult for people to afford housing.

Recommendation Summary

Increase all lot coverage minimums in residential zones except those in the R-6 zone. Increases are designed to gently increase coverage as zones increase in density.

Recommendation In-Depth

1. Table 7-A (Residential Zone Dimensional Standards) Row “Lot coverage (max.)”
    a. R-1: 40% (If recommendation 11 A is approved this column will be removed)
    b. R-2: 40%
    c. R-3: 50%
    d. R-4: 60% (If recommendation 11 B is approved this column will be removed)
    e. R-5: 60% (If recommendation 11 C is approved this column will be removed)
    f. R-5a: 60% (If recommendation 11 C is approved this column will be removed)

Appendices

Appendix A - Land Use Code Items Referencing Defunct Zones

The following is an exhaustive list of those items (sections and tables) of the Land Use Code which reference residential zones that are proposed to be merged into another zone. Should these consolidations be made, these items should be revised simply to delete references to these zones. This would not affect the substance of the code, but these revisions would be best practice for minimizing confusion.

Item in Land Use Code	Page	R-1	R-4	R-5
2.3.11e	2-15	x	x	x
4.2.2d	4-2	x		
4.3.1a	4-2	x	x	x
4.3.1b	4-2	x	x	x
4.4.6c	4-6		x	x
Table 5-A	5-1	x	x	x
Table 5-B	5-4	x	x	x
Table 6-A	6-2	x	x	x
6.4.10b	6-12	x	x	x
6.4.12b	6-13			x
6.5.6f	6-24			x
6.5.6g	6-25			x
6.5.6h	6-26		x	x
Table 7-A	7-3, 7-4	x	x	x
Table 7-B	7-5			x

Cont'd.

Item in Land Use Code	Page	R-1	R-4	R-5
Table 7-C	7-5			x
7.5.5g	7-24	x	x	x
8.11.3b	8-34		x	
8.11.11	8-36		x	
14.3.2a	14-1			x
14.6.4i	14-18			x
18.2.2c	18-5	x		
Table 19-A	19-2			x
Table 20-B	20-8	x	x	x
Table 20-F	20-17	x	x	



Urbanist Coalition of Portland

Suggestions re: ReCode

0 views
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Christian MilNeil
Oct 12, 2023, 1:48:02 PM (19 hours ago)
to recodep...@portlandmaine.gov, pb...@googlegroups.com

Hi Portland planning folks,

Thanks for all your hard work on ReCode. I think it will make a positive difference in our ability to build more walkable neighborhoods and more affordable housing, and I'd like to offer some general suggestions to advance those goals further.

My first request is that the City consider **minimum density** thresholds – e.g. a minimum of 1 housing unit per 2000 square feet of built gross floor area – for the R-6 and R-7 zones. In the past decade, I've witnessed a number of previously-affordable rental properties on the peninsula converted from multifamily to single-family. This is not an appropriate land use for the peninsula: we shouldn't allow high-wealth households to hoard real estate and reduce housing opportunities in some of Maine's only walkable neighborhoods.

While the city has made a lot of positive progress on reforming zoning to make affordable housing practical under the zoning code (at least on the peninsula), we're increasingly finding that the bigger barriers, now, are financial. The high real estate costs of property acquisition, which are driven upwards by the high end of the market, make building new housing impractical for low- and middle-income price points, even if it's otherwise allowed under the zoning code.

There are plenty of residential zones in Maine – pretty much all of them – where high-income people can build 3000 square-foot McMansions. So there's no good reason to permit them in the R6 and R7 zones, especially when we consider that those McMansions block other people from living here.

In a similar vein, I'd like the city to consider **maximum off-street parking limits**, especially in the new TOD zones and in the R6, R7, B1, B2, B3, and B7 zones – the zones where Metro provides bus service and mixed-use development is encouraged. Similar to how we've seen large single-family homes monopolize valuable land in transit-accessible neighborhoods, we've also seen, in recent years, high-end development projects with exorbitant off-street parking ratios in buildings that otherwise could have accommodated more productive uses (see, for instance, the latest iteration of the Portland Foreside development).

Off-street parking is allowed, subsidized, and mandated everywhere else in Maine. But to meet our climate goals, Portland needs to build more neighborhoods where driving and car ownership are optional. Off-street parking takes up too much space and costs too much money in the service of undermining those goals.

The City of Boston recently adopted maximum parking ratios for new development that are calculated as a function of access to transit, jobs, and services like grocery stores. While Boston does have a better transit system in general, the city's rules still apply in more suburban neighborhoods like West Roxbury and Hyde Park, where land uses and transit service are similar to Portland's (in those neighborhoods, developers can build, at most, 1 new off-street parking space per apartment). I encourage the City of Portland to consider a similar approach to help ensure that car-free households can still afford to live in our most transit-accessible neighborhoods.

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PORTLAND HOUSING DEVELOPMENT CORPORATION

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10/12/2023

Christine Grimando, Director of Planning & Urban Development
Kevin Kraft, Deputy Director of Planning & Urban Development
City of Portland
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: First Wave ReCode Feedback and Recommendations

Dear Christine and Kevin,

Thank you for your strong commitment to and continuing efforts on the ReCode Project. Portland Housing Authority & Portland Housing Development Corporation are excited to see many of these changes go into effect, and fully support the City's goal of creating significant new housing opportunities across a variety of contexts and neighborhoods.

While we support most of the proposed changes in First Wave ReCode and recognize the purpose of these standards to create context sensitive design, as written they present significant challenges to current affordable housing development. We have identified a handful of issues that would impede or prevent the development of new affordable homes in the City. We have listed the primary items we flagged below.

1) Maximum Building Length in RN-5 and RN-7 set at 75'

- IMPACT/EFFECT: This new requirement would severely hinder – and potentially cripple – future mid-rise multifamily development in these zones. Affordable projects would be particularly harmed because they depend on economies of scale gained from multifamily's efficient construction approach and dense use of land. Buildings would need to be significantly smaller and shorter to comply, thereby losing those efficiencies. This regulation would have disallowed many valuable multifamily buildings that were recently built. PHA's new developments in East Bayside have been well over the proposed 75' building length standard, including Bayside Anchor (±144') and Solterra Apartments (±135'). **The result of this regulation would be fewer affordable projects and significantly fewer affordable units built in the RN-5 and RN-7 districts.**
- RECOMMENDATION: A standard of 75' is unrealistically short and arbitrary. We recommend the City eliminate all Maximum Building Length requirements for affordable multifamily projects. If this standard must remain, we encourage the City to a) create an exception process for affordable housing projects; b) significantly increase Max Building Length standards; and/or c) remove this requirement from ReCode and include it in the Design Manual.

2) Height Stepback in RN-5 and RN-7 above 35'

- IMPACT/EFFECT: This new requirement would harm the financial feasibility of 4-story or taller buildings and significantly raise the cost of mid-rise multifamily development. Efficient multifamily construction depends on "stacking" units so floor plans are consistent vertically throughout building, as well as minimizing unnecessary envelope detailing. Typical affordable multifamily construction targets 4-6 story buildings for cost and construction efficiency reasons. This change to height stepbacks would interrupt "stacking" on buildings with 4-6 stories, thereby complicating simple building envelopes and increasing design and construction costs at a time when affordable housing resources are scarce and construction costs are rising rapidly. PHA's Bayside Anchor (4-stories) and Solterra Apartments (6-stories) were only financially feasible because there were no required height stepbacks. **The result of this regulation would be fewer affordable homes built in the RN-5 and RN-7 districts.**
- RECOMMENDATION: We recommend the City eliminate all Height Stepback requirements for affordable multifamily projects. If this standard must remain, we encourage the City to a) create an exception process for affordable housing projects and/or b) significantly increase the height at which the stepback standard is triggered.

3) Height Maximum in B-2 district at 50' when within 25' of RN-4

- IMPACT/EFFECT: This regulation would limit the future development potential in certain corridors. In particular, PHA is concerned this would curtail future affordable housing projects at Sagamore Village along Brighton Ave., which we anticipate will be rezoned to B-2. This location is adjacent to a major corridor with existing infrastructure and transit available and could support redevelopment with increased density of new affordable apartments. **The result of this regulation may be somewhat fewer new affordable homes built at Sagamore Village and elsewhere within the B-2 district.**
- RECOMMENDATION: We recommend that the City eliminate the height restriction in the B-2 when abutting within 25' of RN-4 for affordable multifamily projects, or allow for an exception for affordable housing projects.

4) Max Lot Coverage of 60% in RN-5 and RN-7; and 40% in RN-4

- IMPACT/EFFECT: This Lot Coverage Max would restrict dense development of walkable neighborhoods, especially in East Bayside and at Sagamore Village. This would severely crimp a multifamily project's ability to utilize the entire parcel for affordable housing construction. In lieu of building more homes, this regulation would likely push developers to build more surface parking lots on the unused land and no net decrease in impervious area would occur. **This regulation would likely result in fewer affordable homes built and increased vehicular surface parking, and would not necessarily decrease stormwater runoff.**
- RECOMMENDATION: We recommend the City eliminate all Lot Coverage requirements for affordable multifamily buildings in RN-5, RN-7 and RN-4 districts. If these standards must remain, we encourage City to a) create an exception process for affordable housing projects; b) significantly increase max lot coverage percentages; and/or c) remove this requirement from ReCode and include it in the Design Manual or Technical Manual. We also encourage the City to handle stormwater management via calculations and not through limits on lot coverage.

Please reach out to Sarah Tatarczuk at statarczuk@porthouse.org or (207) 221-8034 with any questions. Thank you for your time and consideration and we look forward to continuing to be involved in the ReCode public process.

Best,



Jay Waterman
Director of Real Estate Development
Portland Housing Authority/Portland Housing Development Corporation

ReCode edits

0 views

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James Pratt
Oct 12, 2023, 3:52:13 PM (17 hours ago)

to recodep...@portlandmaine.gov

After looking over the proposed edits, it appears you are making the Side Setback, corner more restrictive than it was previously. The new standards list a dimension or the depth of abutting lot, whichever is greater. The old table listed a dimension or the depth of the front yard directly abutting the lot. Am I understanding this correctly? Won't this potentially make many new nonconforming structures? If something was previously allowed to be built to the depth of abutting front yard but these new rules require a greater setback, you have essentially reduced the use of the property.

As an owner of a corner lot in Portland, it concerns me that you are making tighter restrictions to corner lots when I thought part of the point of recode is to make more sensible rules and reduce non-conformance. Why shouldn't the minimum setback of a corner lot still be determined by the depth of the front yard abutting the lot? Shouldn't it be reworded to read a set dimension or the depth of adjacent front yard, whichever is less?

New Standards

Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.	5 ft.[10]	>45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.		>45 ft. in height: 15 ft.
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	
		Or depth of front yard directly abutting the lot.							

Old Standards

Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.	5 ft.[10]	>45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.		>45 ft. in height: 15 ft.
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	
		Or depth of front yard directly abutting the lot.							

Thanks,

James Pratt

Eliminating Parking Minimums

1 view

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Cary Tyson
6:49 AM (2 hours ago)

to ReCode Portland

Hello there -

I’m reaching out in support of eliminating parking minimums as a part of ReCode.

Thank you,

Cary Tyson

FORESIDE
PORTLAND, MAINE
110 Thames Street, Suite 200, Portland, Maine 04101

October 13, 2023

Christine Grimando
Director of Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

RE: Public Comment | RECODE Phase 2

Dear Christine:

I am writing on behalf of Foreside Development Company (PFDC) regarding RECODE Phase 2 that is currently underway in the City of Portland. After reviewing the documentation available, we would like to submit the following comments:

- **Section 7.7.1. Height:** E. Exceptions for Rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, deck railings or guards, pedestal paver roof deck systems, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed. Rooftop pools and associated infrastruture, shade structures, unenclosed structures, attached furnishings and other appurtenances associated with rooftop occupancy may also be erected above the height limitations provided they do not exceed the height of the rooftop penthouse or other approved parapet for screening of rooftop mechanical systems.

- **Add a new definition to Section 3 - Pedestal paver roof deck system:** Flooring system consisting of pavers which are laid over a pedestal support (fixed or adjustable height) which raises the tiles or pavers off the existing surface to create a level, elevated deck.

- Propose that the City consider, as a resiliency measure, allowing developers to convert height restrictions in feet to a maximum number of stories. This change would allow for the increase in floor to floor height of lower floors (thereby providing mitigation from the impacts of flooding) and encourage the thoughtful placement of mechanicals without negatively impacting uses and floors above. To qualify for additional height, a project should be required to demonstrate that the extra height is used for resiliency measures. The City could consider requiring that certain other sustainable development practices be met as well.

- **Use & Use Standards**
  - **1B - The Code should address additional creative uses not currently listed** - We offer support for the idea of "creative uses" not currently listed including but not limited to roof top gardens, roof decks, food and beverage offerings at marinas, etc.

- **1D - Consider revising the definition of "agriculture" to include modern agricultural activities** - Adding to the definition of agriculture some urban agriculture concepts could include elements like rooftop gardens and amenities.
- **1G - A comprehensive set of temporary uses should be addressed in the Code** - Temporary events should not only be modified but also more inclusive. The Temporary Event language in the Eastern Waterfront Port Zone is something that could be modified to focus on the whole Zoning District along with the City owned Ocean Gateway.

- **Dimensional & Design**
  - **2A - Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment** – Regulatory incentive (density bonuses and/or height increases), Tax (TIFs), economic, financial (grant programs, support for infrastructure) should be considered for projects that include a mix of uses and prioritize walkability.
  - **2B – Evaluate dimensional standards and uses permitted throughout the city in the context of risk and resilience.** Developing regulatory incentives and requirements for projects in low risk and high risk areas should be differentiated. Resiliency overlay zones should be flexible and dynamic due to and consider flood zones, stormwater and heat islands. Including flood tolerant landscaping, requiring utility systems to be flood resistant are examples of some regulatory options.
  - **2G - Explore opportunities to encourage transit oriented development within appropriate areas of the city, in coordination with regional transit planning** - Consider the idea of adopting a TOD ordinance that creates incentives (density, height bonuses, tax incentives) or requires certain types of development to meet specific criteria that is focused on TOD.
  - **2H - Consider opportunities to refine height controls within the Land Use Code's mixed-use zones** – Instead of just thinking about refining height controls, think about where additional density and height makes sense for the urban fabric and walkability of the City and allow flexibility for certain types of projects or projects that meet specific requirements.

- **Zones**
  - **3A - Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City's residential zones** – Consider a diversity of housing types for all Zones, but when doing so, also think about transportation options that serve each zone and a variety of transportation choices that are and can be offered.
  - **3C - Evaluate and refine the City's mixed-use zones to ensure they support the city's thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City's vision for the future –** To further encourage mixed-use redevelopment, support new development and redevelopment in areas of the City that can occur and is already happening. Incentives and support can be tax, economic, financial, or regulatory. We support simplifying the regulations in the B6 Zone. We encourage the City to require that the majority of a street fronting ground floor in any of the urban mixed-use zones be open to the public (hotel lobby, retail, etc.) to support active pedestrian/public uses.
  - **3G - Ensure that the City's waterfront zones continue to function effectively.** To acknowledge and support prioritizing the mix of marine and non-marine uses in the EWPZ, while prioritizing the health and operational needs of the working waterfront, consider zoning text modifications that allow for the general public to more fully experience the area (see our proposed Zoning Text Amendment on page 1).

- **3H - Consider the continued applicability of the Land Use Code's overlay zones** – Consider eliminating the Munjoy Hill Neighborhood Conservation Overlay Zone now that the Munjoy Hill Historic District has been adopted.

- **General Development Standards**
  - **4B - A comprehensive set of accessory structures and uses should be clearly defined within the Code** – This should include temporary accessory structures that could be renewed with certain time intervals.

- **Parking, Loading & Access**
  - **5C - Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within One Climate Future** – There is also a need to update the TDM requirements so that consideration is given to the bigger picture of projects and activities within the City and not just the project requiring the TDM. There should be more consideration and collaboration given to what is going on with TDM as a whole.

- **Landscape**
  - **6A - Landscape requirements should address all aspects of site development, from preservation to screening and buffering** – Landscaping standards should be modified to include consideration of current landscaping on adjacent properties and consistency within an area of the City or neighborhood. Consideration should also be given to incentivizing techniques that can be used to support resiliency and flood mitigation.

Thank you for the opportunity to provide comment on ReCode Phase II.
Sincerely,

Mary McCrann
Digitally signed by Mary McCrann
DN: C=US, E=mcm@portlandforeside.com, CN=Mary McCrann
Date: 2023.10.13 15:49:19-04'00'

Mary McCrann, AICP
Director of Strategic Initiatives

ACORN ENGINEERING, INC.

Planning and Urban Development Department
Attn: Nell Donaldson, Director of Special
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

October 13, 2023

Subject: ReCode - First Wave Review

Nell:

We appreciate the opportunity to provide our collective feedback on the First Wave of ReCode.

Revisions:

- Strongly encourage increasing the 60% allowable Lot Coverage (which includes all structures on a lot including sheds/decks/balconies) in the RN-5 (previous R-6) to promote housing over parking. Stormwater management will still be held to the same standard and the allowable impervious area would not change. This revision would simply result in more housing.

- Strongly encourage increasing or eliminating the max 75' building length in the RN-5. This is a new dimensional standard and would negatively affect certain projects (especially those with a high ratio of lot frontage to lot depth) causing either a smaller building and thus less housing units, or would require the developer to build two buildings on one lot, which would be cost prohibitive in many cases because it is much less efficient to build 2 buildings vs 1. Instead, rely on the measures already in place such as stepbacks, height limits, and the City's Design Standards to guide the appropriate scale and massing. Ultimately, this new standard will result in less housing units being constructed, while creating a nonconforming condition for a multitude of projects that have already been constructed.

- Strongly encourage Table 18-C be revised to include height and setback bonuses for residential districts such as RN-5 so that affordable housing projects can have the tools they need to get enough floor area to support the density that's currently being promoted by the City and the State's new legislation under LD 2003, effective January 1, 2024.

- Encourage taller height limits across most zoning districts. This recommendation is due to the new average grade calculation. While the new definition/calculation does provide a more consistent measurement and makes sense from a policy standpoint, it will likely result in lower average grade planes, and thus shorter buildings. The recommendation for taller heights is also being made because of the need for housing and the limited horizontal space available on most lots available for multifamily development.

- Encourage allowing additional uses within the RN-5 such as office and small retail uses on the ground floor that have a similar (or less) impact than allowable uses in the B-1 zone with similar performance standards such as hours of operation. This provision does not compete with housing, but rather it encourages complete neighborhoods where certain goods and services can be accessed by foot or bike, while promoting mixed-use smart growth

development.

- Encourage increasing the 30% allowable Lot Coverage in the RN-6 (previous R-5a) to promote housing over parking.

- Encourage reducing the 10' rear setback in the RN-5 to 5' in tandem with an increased lot coverage allowance.

Questions:

- 6.4.26 Neighborhood Nonresidential Reuse
  - When would the effective date be for locking in an existing neighborhood nonresidential reuse? Does this make it an "existing structure" under this section?
  - Under 6.4.26.A, does an "existing structure that is nonresidential in its current use" include a building that has a principal use of housing, but a subordinate use of commercial?
- 7.4 Alternative Residential Development Options
  - Would the City consider Private Roads to meet the City Frontage requirements? Given the goals of this section, and potentially elsewhere, it may be advantageous for the City (and Developer) to construct a private street to provide access, utilities, stormwater, street frontage, etc while not being constrained to 50' ROW widths and technical standards. The ownership and maintenance of the private roadway would be the responsibility of a homeowner's association.

Closing:

Overall, we commend Planning Staff for all the hard work, reconciliation, and modernization of the codes. We believe that these revisions are generally headed in the right direction, but could benefit from some additional tools/flexibility to allow projects (particularly housing) to move forward at a time when we so desperately need to add housing stock to the City/State, albeit in extremely challenging construction and housing markets. Given the volume of work our firm has completed (and will complete) in the City of Portland, most often as the lead project manager and permitting agent, we have a unique perspective on how the various codes come together to influence redevelopment projects, and are happy to continue providing our time and insights in an effort to help produce the best possible version of the Zoning code that is both grounded in smart growth principles, yet flexible enough to allow projects that are consistent with the Comprehensive Plan to move forward and pencil out.

We would appreciate the opportunity to revisit these sections under the "First Wave" once the draft language for key ordinance sections such as Section 18.2 Affordable Housing, as well as the revised Zoning Map are available to review. We believe a comprehensive review as one complete code should ultimately be completed prior to formal adoption, otherwise a siloed approach could have negative, unintended consequences.

Sincerely,

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

William H. Savage, P.E.
Principal
Acorn Engineering, Inc.

Comments on Proposed Zoning Changes

0 views

Subscribe



Joe Walsh

Oct 13, 2023, 1:07:58 PM (2 days ago)
to recodep...@portlandmaine.gov

Hi ReCode Committee,

Thank you for your work on this wave of changes. I've read through the Zone summaries you sent and it's very helpful. I'm sorry I haven't been able to be more involved in the conversation to date. This is an issue I care about as a citizen and property owner (I own both residential and commercial in the City) but haven't had the bandwidth to devote time to it.

I am generally highly supportive of the direction in which these changes are moving.

A few comments:
1. Lot sizes: I'm happy to see the 15,000 SF minimum of R1 be eliminated as part of this zone's merging with R-2. Why not make RN-2 and RN-3 lot sizes both 6,000SF - why 500sf more for RN-2? Just thinking about streamlining, and maybe it gently opens the possibility for a bit more density.
2. Setbacks: I'm very much in support of reducing setbacks wherever possible and glad to see it happening in several zones with these changes - it's frustrating to see good lots go unused, or gentle increases in density not happen, because of a few feet of setback. Particularly, excessive front setbacks, which are detrimental to a human-scale streetscape.
3. Missing Middle Housing: I'm so happy to see the inclusion of duplexes and tri-plexes in many of these zones. I haven't seen the lot area per dwelling unit requirements, but I would submit that they need to be set such that at least a duplex is possible by-right on any lot where a single-family can be built. So in RN-3, for example, with a min lot size of 6,000 SF, lot area per DU ought to be no more than 3,000SF. It ought to be even lower if we really want to encourage the building of triplexes and four-plexes. Given the cost of construction and land, I see duplexes as a key element of solving the housing crisis.
What can the city do to encourage triplexes and four-plexes? Often, these projects don't get built because of sprinkler requirements, min lot sizes and setbacks. If I understand correctly, some of the sprinkler requirements are set at the state level, but I hope we are doing all we can to lessen/streamline this particular burden wherever possible. I know we have to be conscious of safety, but there are diminishing returns at some point and safety needs to be balanced with cost.
4. B-4 Zone Draft: I am highly supportive of allowing multi-family development in this zone. I am a property owner in a B-4 zone on Warren Ave and there is so much vacant land out here that could be housing, and would be suitable for large apartment buildings. And having no setbacks opens lots more possibilities. What is the proposed minimum area/du?
Again, I bring up the question of missing middle housing. Large apartment complexes will certainly be built if this change passes. But how about 4-plexes on the smaller lots in this zone? What can the City do to encourage this type of housing?
5. B-1 Zone draft - Our City needs more of this type of Zone. Why not eliminate the single-family as a possibility in this zone? I would assume B-1 zones would be surrounded by RN-4, RN-5 and in some areas RN-1 & RN-2 zones - so to allow single family to be built by right in B-1 seems redundant.

Thank you again for your work and for the updates. I wish I could have made it to one of your neighborhood forums!

Regards,

--
Joe Walsh
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Please consider the environment before printing this email

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Recode Question

Rachel Conly <rachel@juniperdesignbuild.com> Fri, Oct 13, 2023 at 6:12 PM
To: Helen Donaldson <hcd@portlandmaine.gov>
Cc: Ann Machado <amachado@portlandmaine.gov>

Hi Nell,

I saw the final call for Recode comments. I know this is the eleventh hour, but I wanted to get some of my thoughts down about the Recode before the comment period closes. I appreciate all of the hard work you and your colleagues are doing to listen to the community and make positive changes. Since I know Peaks Island zoning best, my comments will focus on island zoning. In particular, the IR-2 zone, which is where I think the biggest impact could be made, with the least resistance from the community.

Generally speaking, I am so glad that the City has invested in this project. It is wonderful and I think the Recode changes are heading in the right direction. However, I think they need to be pushed further in order to make the kind of impact that I believe they are designed to have.

Comments Below:

Neighborhood Non-Residential Reuse
I think this is a great idea, but the reality is there are few, if any, buildings on Peaks that would benefit from this change.

Dimensional Standards for IR-2
The proposed changes are a nice gesture, but not impactful. Many of the lots in the IR-2 zone are very, very small (2,500SF, 3,000SF, 4,000 SF). The “small island lot” idea is great in concept, but not really helping. I think we need a bigger change on setbacks and a bigger change on lot coverage. The IR-2 Zone is not too dissimilar from other residential neighborhoods that border downtown. The IR-2 is more like Munjoy Hill, the West End, or parts of Deering. It is a residential neighborhood that houses people who work in Portland. The proposed 30% lot coverage is not enough to make an impact. If I use my own house as an example (1,200 SF, story and a half cottage), which is on a 4,200 SF lot (larger than several of my neighbors), I would only be able to add about 80SF of footprint based on lot coverage and even less if I am to meet the setbacks. I have no room for a shed, porch, ADU, etc… At minimum, I would like to see the allowable lot coverage increase to 35% (like Deering) or more ideal, up to 60% (like Munjoy Hill). I use my house as an example because I know it best. I believe it is representative of the majority of my neighbors in the IR-2 zone.

Accessory Structures
Following the current ADU regulations on Peaks, I would also like to see other accessory structures, which benefit the health and well being of people and the planet, be exempt from lot coverage requirements. Things such as greenhouses, sheds (for bikes and gardening, we don’t have garages out here, and most people don’t have basements), and porches (covered and uncovered) should be allowed to improve the health and well being of occupants. I would also argue that artist spaces and home offices should fall into this category. In addition to removing the barrier of lot coverage restrictions, I would also like to see the setback requirements either removed, or radically changed for these particular uses. Most properties cannot

add any of these accessory structures legally to the lot. This includes ADUs. While the ADU regulations removed lot coverage requirements, most IR-2 properties (which includes a population of people that could really use extra income and age in place) are still unable to add ADUs due to the setback restrictions. The lots in IR-2 are very small!!!

IB Zone

I know that revised maps have not yet been proposed, however, I want to also take this opportunity to make a comment about the IB Zone on Peaks Island. Business development is nearly impossible out here as a result of the geographic location of the IB zone which comprises mostly waterfront properties. The property values are far too high for most small scale entrepreneurs. I think allowing accessory structures (and uses) in the IR-2 as noted above could help, but I also think expansion of this zone is needed. The non-residential reuse proposal would not have much impact out here, if at all.

Thank you for your time. I am writing rather quickly to get this to you, but I would be happy to have a follow up conversation and elaborate if you would like.

Best, Rachel

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

ReCode, short term rentals, housing needs assessment, shoreline access

Laura Glendening <lrglendening@gmail.com> Tue, Oct 17, 2023 at 2:11 PM
To: Helen Donaldson <hcd@portlandmaine.gov>
Cc: Anne Coughlin <annefcoughlin@gmail.com>

Hi Nell,

In addition to the ReCode feedback we sent in through the Peaks Island Council, we have a few questions and comments:

1. What is the City's position regarding limiting short term rentals such as Airbnbs? It seems as if short term rentals have had a negative influence on available housing stock on the island – as homes once owner occupied year-round are now being purchased for the business of short term rentals.

2. Are you aware of an official Housing Needs Assessment for Peaks Island that has been completed recently? Our committee is interested in seeing a needs assessment for the Island.

3. When will ReCode be publishing draft maps and will City owned shoreline access land and pathways be a part of this?

4. Regarding the PIC recommendation for a multi-units in all residential areas this committee recommends further investigation as the survey results did not show support for this allowance.

Thanks,
Laura Glendening
PIC Housing & Zoning Committee, Chair

Evaluation of Overlapping Proposals

In June 2023, the Urbanist Coalition of Portland published our recommendations for changes to Portland's land use code. With the July release of the city's ReCode Phase II First Wave Changes, we have been able to assess how the proposed changes drafted by City Staff measure up against our own detailed proposals and broader goals.

The ReCode Committee of the Urbanist Coalition of Portland has carefully analyzed the First Wave Changes to determine where our proposals overlap with to determine how they align with one another, and with our goals.

As an overview, we have grouped our 'ratings' of ReCode Portland's counterparts to our proposals into four broad at-a-glance categories, defined below. More detailed remarks follow this visual summary.

	City Staff's proposals meet or surpass our goals.
	City Staff's proposals move towards our goals, but falls substantially short of what we feel to be necessary.
	City Staff's proposals either have a mixed effect towards our goals, or address our goals in such a minute way that they prove misleading.
	City Staff's proposals either do not address or actively oppose our goals.

Note: ReCode Portland has not yet released its parking proposals, so we have excluded ours from this review as well. They also have not released their revised zoning map, so judgments have been based on knowledge available at this time.

How do City Staff's ReCode proposals compare to ours?



Allow Renting Rooms with New Kitchens and Bathrooms

Allow Renting More Rooms



Allow Gentle Density

Simplify Zones

Allow Smaller Lots



Allow More Four-Story Buildings

Allow Multi-Family Housing

Reduce Setback Requirements

Empower Neighbors to Reduce Setbacks

Allow Co-Living

Allow More Lot Coverage



Allow Neighborhood Business

Allow Higher Quality Floors

Measure Height from Sidewalks

Allow Renting Rooms with New Kitchens and Bathrooms

UCP Proposal	City Staff Proposal
Remove the restriction on renting rooms in your home if you have added a kitchen or bathroom in the last two years.	Completely remove use standards around renting rooms.

We prefer the City Staff Proposal to our own in this case.

Allow Renting More Rooms

UCP Proposal	City Staff Proposal
Allow renting up to four rooms per dwelling unit instead of two.	Completely remove use standards around renting rooms.

We prefer the City Staff Proposal to our own in this case.

Allow Gentle Density

UCP Proposal	City Staff Proposal
Remove minimum lot area per dwelling unit requirements. If your units are large enough and if your building fits within the height, lot coverage, and other dimensional requirements, you can build it.	• Merge lot area per dwelling unit requirements with minimum lot sizes in residential zones. These combined rules allow for a maximum of either two or four units per minimum lot size in the majority of residential areas. • Remove lot area per dwelling unit requirements in mixed-use zones.

We fully support removing the lot area per dwelling unit requirements in mixed-use areas. We would also like to see this extended to residential areas. The City Staff Proposal simply updates the minimums in these areas to be in line with the newly allowed number of units. See our recommendation to “Allow Multi-Family Housing” below for further comments.

Simplify Zones

UCP Proposal	City Staff Proposal
• Merge R-1 into R-2, combining our two least dense residential zones. R-1 is very rarely used and very similar to R-2. • Merge R-4 into R-6. R-4 is specific to the Western Promenade but its purpose is very similar to R-6, the zone of the rest of the West End. • Merge R-5 into R-6. R-5 is denser areas off-peninsula while R-6 is the most common on-peninsula residential zone.	• Merge R-1 into R-2, combining our two least dense residential zones. R-1 is very rarely used and very similar to R-2. • Merge B-7 into B-3. B-7 is the primary zone of the Bayside Neighborhood while B-3 is the Downtown zone. Emergency shelters will not be permitted north of Oxford Street so this zone change will not allow Emergency Shelters in Bayside.

The UCP and City Staff proposals are in full agreement regarding merging R-1 into R-2. We feel our other proposed mergers will simplify zoning, remove some arbitrary distinctions between areas on- and off-peninsula, and allow for more density in places where it makes sense.

We are generally neutral about the B-7 and B-3 merger as the zones are already somewhat similar. However, preserving the shadow of B-7 via the emergency shelter Oxford Street rule creates a shadow zone and adds additional complexity. It also bans emergency shelters in a portion of the already small area where they are currently allowed.

Allow Smaller Lots

UCP Proposal	City Staff Proposal
Allow all residential lots (except R-6) to be cut in half from their current sizes.	• Reduce R-1 minimum lot size due to its proposed merger with R-2, as R-2 allows slightly smaller lots. (R-2 currently requires 10,000 SF while R-1 requires 15,000 SF.) • Reduce R-5 minimum lot size to 5,000 SF by default. (R-5 currently requires 6,000 SF with 5,000 SF allowed in certain cases.) • No change to the remaining residential lot size minimums. In certain residential zones, lot size minimums are now based solely on a required lot area per unit.

While the small reductions in lot size minimums proposed by City Staff are a step in the right direction, these changes will impact relatively few homeowners. Lot splitting is a great way to provide more housing and allow homeowners to convert some of their equity into cash and lower their tax bill, all of which makes it easier for people to remain in their homes. Without more significant reductions, very few homeowners will be enabled to split their lots.



Allow More Four-Story Buildings

UCP Proposal	City Staff Proposal
Allow four-story buildings in R-5 and R-3 (around three-quarters of the residential area of the city).	• Reduce allowed height in R-6 for buildings with one or two units. • Increase height maximums in non-residential zones. • No change to height maximums in residential zones.

We support City Staff's proposed height increases in non-residential zones. However, we urge the city to also allow for four-story buildings in R-3 and R-5. Instead of encouraging very tall buildings in our downtown and restricting height everywhere else, we want to allow larger areas of moderate heights in order to fill in the missing middle in our housing supply. The R-3 zone is the largest residential zone in the city and R-5 is the second largest – together they represent three-quarters of Portland's residential land. This is the perfect place for middle-density housing that will allow our city to grow out naturally instead of with an extreme height imbalance.



Allow Multi-Family Housing

UCP Proposal	City Staff Proposal
Remove all limitations based on number of units. If your units are large enough and if your building fits within the height, lot coverage, and other dimensional requirements, you can build it.	• Allow up to two units per lot in most of the residential areas of the city (around 60% of land area). • Allow up to four units per lot in the remaining residential areas where unit limits are in place.

We feel City Staff's proposal is a step in the right direction but still insufficient to meet the housing needs of the city, build high-quality neighborhoods, and comply with LD2003. State law LD2003 requires local zoning rules to allow a minimum of four units per lot in all areas with public water. City Staff's proposal sticks to the minimum required by law in some areas of the city and is not up to the standard in more than half of our residentially zoned land. Portland should be a leader in the state for tackling our housing challenges and in building complete, walkable neighborhoods. Small apartment buildings with 6-8 units already exist in many residential neighborhoods across the city and fit perfectly well in those contexts – there is no reason not to allow more of this form of housing.



Reduce Setback Requirements

UCP Proposal	City Staff Proposal

• Reduce front and side setback requirements in residential areas depending on the zone.
  o Reduce front setbacks from 5-25 ft to 5-15 ft.
  o Reduce side setbacks from 5-12 ft to 5-8 ft.
• Retain current option allowing front setbacks to alternatively be calculated as the average of adjacent yards.
	• Reduce front setbacks in the least dense residential areas of the city from 25 to 20 ft.
	• Measure all other front setbacks in residential areas as an average of neighboring front yards +/- 5 ft.
	• Remove side setbacks for the newly defined townhouse use. (Side setbacks are otherwise largely unchanged.)

Reducing setbacks is an important part of creating more pedestrian friendly neighborhoods as well as more housing. Defining setbacks as the average of adjacent setbacks will lock our current setbacks in place. It also creates unnecessary complexity and ambiguity, making it more difficult to determine what your own setback minimum actually is. Furthermore, if your neighbor builds their house further back than they need to, you may actually lose some of the buildable area of your lot. We also feel that 20 feet is still a larger front setback than is reasonable in any zone.



Empower Neighbors to Reduce Setbacks

UCP Proposal	City Staff Proposal
• Allow people to reduce their own setbacks if they have unanimous agreement from their neighbors. • Continue to define specific numeric distances for setback minimums in cases where there is no agreement.	Measure front setbacks as the average of neighboring front yards +/- 5 ft.

Though in some ways these proposals sound similar, we feel our proposal has several major advantages over the City Staff proposal. For one, neighbors would never be able to build their own house in such a way that it takes away from the buildable area of their neighbors. Our proposal also allows neighbors to make their own decisions about what they care about, instead of forcing everyone to accept the street corridor that already exists. Lastly, maintaining a numeric minimum as a fallback gives everyone a clear and simple answer regarding what they will be guaranteed to be able to build.



Allow Co-Living

UCP Proposal	City Staff Proposal
Create a new coliving use that allows for individual bedroom units around shared common amenities like kitchens or bathrooms.	• Remove the lot area per rooming unit minimums that would limit the number of rooming units in coliving spaces. • Does not otherwise create a coliving use.

We approve of City Staff's proposal to remove limits on rooming units. However, we feel that coliving arrangements allow for flexible, affordable housing options and believe that they should be formally allowed.



Allow More Lot Coverage

UCP Proposal	City Staff Proposal
Increase the maximums on the amount of your lot you are allowed to cover from 20%-60% to 40%-60%, depending on the zone.	• Increase the maximums on the amount of your lot you are allowed to cover from 20%-60% to 25%-60%, depending on the zone. • Add a landscaped open space requirement to all residential zones (currently this requirement exists only for R-6, the most dense residential zone). These percentages are generally 10-20 percentage points less than the portion of the lot required to be left uncovered.

We feel that City Staff's proposed increases are too small. Being able to cover anything less than 40% of your lot is extremely limiting. In City Staff's proposal, homeowners are limited to 40% coverage or less in every residential zone but one. Covering 60% of your lot still leaves plenty of room for green space and permeable surfaces.



Allow Neighborhood Business

UCP Proposal	City Staff Proposal
• Allow neighborhood-scale businesses and places of assembly in all residential areas of the city. o Neighborhood-scale businesses are first-floor, small, low impact businesses. o This was done by using the standards of the existing lowest-impact neighborhood businesses zone (B-1b) across the city. However, hotels and bed and breakfasts were not allowed everywhere in the city so the (B-1b) zone was kept in place to allow them where they are currently allowed.	• Allow small offices, services, restaurants, shops, specialty food services, and studios in residential zones only in structures that are already non-residential or in existing structures that were originally built for a non-residential purpose. o Existing structures are defined by when the changes go into effect, so this will not apply to any new buildings. o This will be allowed in all residential areas in the city, but only conditionally. People will need to apply for permission if they want to use this for the first time for a structure, as well as any time they want to change to one of the other allowed uses. • Dissolve the lowest-impact neighborhood business zone (B-1b) and merge into neighboring residential zones. o The businesses already in these areas are non-residential so they remain compliant. However, if a business owner were to switch between permitted uses they

	would now need to apply for a conditional use where they would not have had to before. o A few uses have been removed, such as clinics and bed and breakfasts. Others have been removed but are allowed in residential areas with their own separate conditions, such as places of assembly and schools. • Create separate conditions for places of assembly in residential areas. o The definition of place of assembly has been expanded to include places where as few as 8 people assemble (currently the cutoff is 15). This means that you will need to apply for a conditional use if 8 or more people will be assembling. o They are only allowed on major roads, unless the building is non-residential in its current use or original construction. o In the B-1, I-L, and I-Lb zones they are limited to 10,000 SF (the limit from the B-1b zone).

We feel the City Staff's proposal is a step in the wrong direction. Portland's Comprehensive Plan sets a goal to have "high-quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance." Our change encourages this, while City Staff's proposal does not.

Though the City Staff's proposal ostensibly expands neighborhood businesses, it allows these businesses in only a tiny handful of buildings, namely buildings that a)

are already being used for a non-residential use, or b) were originally built for a non-residential purpose. This means that neighborhood businesses are limited to existing buildings in specific locations decided for arbitrary historical reasons. These buildings are by definition both old and already being used for something else. In many ways, this proposal adds more restrictions on neighborhood businesses than currently exist: it removes uses that are currently allowed in the neighborhood zone; it makes owners of these buildings apply for conditional uses when they did not need to before; and it adds needless restrictions on places of assembly. If a qualifying structure is torn down and a residential structure is built in its place afterwards, it will never again qualify to be a neighborhood business or place of assembly.



Allow Higher Quality Floors

UCP Proposal	City Staff Proposal
Add a small amount of extra height per floor to allow for more natural light, better insulation, and ventilation. This was done by translating height requirements into the number of possible stories, then re-calculating height requirements based on slightly taller stories. This added five feet to height maximums in residential zones.	• Reduce allowed height in R-6 for buildings with one or two units. • No change to height maximums in residential zones.

Our existing height maximums are out-of-date with modern building science and construction methods. A three-story building built to today's standards of energy efficiency, indoor air quality, and sound insulation is slightly taller than a three-story building of the past. Thicker roof insulation is one of the easiest and most cost-effective things you can do to make a building more energy efficient, but current height limits often mean choosing between this energy efficiency and an entire floor of housing. An extra five feet of height is hardly noticeable from the outside but can make a world of difference in terms of the quality and climate resiliency of our housing stock.



Measure Height from Sidewalks

UCP Proposal	City Staff Proposal
Allow building height to be measured from the sidewalk of its front entrance (currently height is measured from the average height of the lot).	No change, though a clarification of the current definition of height is added.

City Staff's proposal to clarify the definition of height is a great addition. However, the impacts of building height are experienced from the street level. We feel that it does not make sense to increase or decrease the building height that is experienced from the sidewalk and street simply because of the slope of its lot.

From: Virginie Stanley <Unknown>
Date: Thursday, October 19, 2023 at 2:48:22 PM UTC-4
Subject: RE: Recode
To: Christine Grimando <Unknown>
Cc: ReCode Portland <Unknown>

It is super helpful to know this information this way I can advice clients to submit and not wait for the ReCode to come out. Much appreciated Christine!

Thank you,

Ginny

Virginie Stanley, Architect, Principal

INVIVID ARCHITECTURE

631 Stevens Avenue, Suite 200

Portland, Maine, 04103

207.939.7602

From: Christine Grimando <cdg@portlandmaine.gov>
Sent: Wednesday, October 18, 2023 8:14 PM
To: Virginie Stanley <virginie@invividarchitecture.com>
Cc: ReCode Portland <recodeportland@portlandmaine.gov>
Subject: Re: Recode

Hi Ginny,

It's safe to say it won't be approved in the next 3 months and that the public review schedule will take us into 2024.

Christine

On Wed, Oct 18, 2023 at 1:58 PM Virginie Stanley <virginie@invividarchitecture.com> wrote:

> Thank you very much for the clarification, Christine. It sounds it quite a process to get it approved, so probably no final adoption in the next 3 months, right?
>
> Ginny
>
> Virginie Stanley, Architect, Principal
>
> INVIVID ARCHITECTURE

631 Stevens Avenue, Suite 200

Portland, Maine, 04103

207.939.7602

From: Christine Grimando <cdg@portlandmaine.gov>
Sent: Wednesday, October 18, 2023 10:25 AM
To: Virginie Stanley <virginie@invividarchitecture.com>
Cc: ReCode Portland <recodeportland@portlandmaine.gov>
Subject: Re: Recode

Hi Virginie,

Thanks for the question. We don't have a date just yet, but when we release the next batch of draft amendments, we'll include a schedule. Final adoption date will be subject to change for a while, as there's always some variability as it moves through the public review process, but we should be able to give people a reasonable sense for an adoption timeline soon.

Christine

Christine Grimando, AICP
Director

Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov

www.portlandmaine.gov

https://www.recodeportland.me



On Tue, Oct 17, 2023 at 4:50 PM Virginie Stanley <virginie@invividarchitecture.com> wrote:

> Hi Christine,
>
> I hope you are doing well. Just a question do you happen to know when the Recode might go into effect, or is it so political that it is had to say?

Thanks,

Ginny

Virginie Stanley, Architect, Principal

INVIVID ARCHITECTURE

631 Stevens Avenue, Suite 200

Portland, Maine, 04103

207.939.7602

From: ReCode Portland <Unknown>
Date: Friday, October 20, 2023 at 4:46:54 PM UTC-4
Subject: Re: 4 Oramel Ave
To: David Lehman <Unknown>
Cc: plan...@portlandmaine.gov <Unknown>, ReCode Portland <Unknown>

Hi David,

Thanks for writing. I appreciate your interest, and agree that increasing the overall supply of housing is very important. I actually had trouble pulling up 4 Oramel in our system here for some reason, so I can't tell you too much about that lot in particular, but I can point you to what's allowed in that area of the city currently. That street is in the R-3 zone, and the City's Land Use Code (https://content.civicplus.com/api/assets/e27b9933-d54c-4988-ba26-db4df8eb9954#page=56) describes what can happen in each zone, both in terms of what uses are allowed, and what sort of land area and dimensional requirements there are. There are also affordable housing regulations in there, as well as Accessory Dwelling Unit provisions, which may be of interest. There's a helpful public GIS system with maps of all the zoning and other layers (https://portlandme.maps.arcgis.com/home/index.html). If you have specific questions about zoning and what you can do on a lot, often the Zoning division is a good place to start (zoning@portlandmaine.gov). As far as advocating for change, we have major zoning initiatives underway right now, including ReCode which recommends increased creating housing opportunities through zoning changes city-wide, as well as amendments currently being reviewed to comply with a recent state law, LD 2003, which requires certain housing options be allowed in communities across the state - the Planning Board is reviewing these at their Tuesday meeting, and materials will be posted in the City's Agenda Center, on the City of Portland website. We welcome your comments on either or both.

The 2022 Housing Report is a good snapshot of recent housing activity if you really want to dig into the topic.

If I can provide any additional information, please don't hesitate to let me know.

Christine Grimando, AICP
Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
www.portlandmaine.gov
https://www.recodeportland.me

planning & urban development

On Thu, Oct 19, 2023 at 11:00 PM David Lehman <dr.david.lehman@gmail.com> wrote:

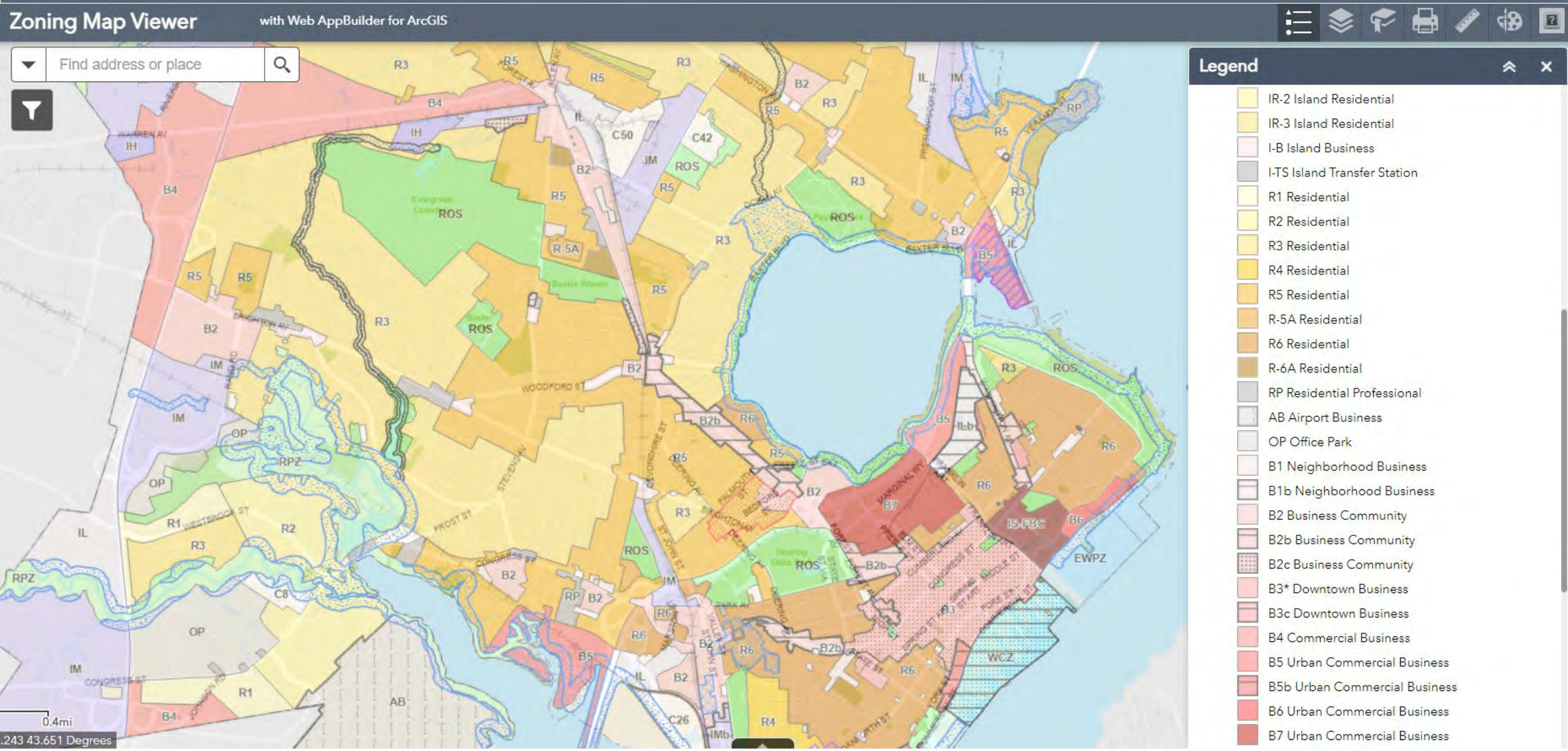
> Hello Christine,
>
> I hope you are doing well. My wife and I moved to Maine last June for my Residency training at Maine Medical Center, and we were surprised by how difficult it was to find affordable housing. After having seven offers on different homes in the greater Portland area rejected we were extremely lucky to purchase a home in north Westbrook. Since that time I have been thinking about others that are in a similar situation that weren't as lucky. I strongly want to help create opportunities for others that simply cannot due to lack of inventory in the market. I have been looking for land to create an affordable housing subdivision with the goal being to create a community of 1-2 bedroom homes with 800-1200 sqft per home in an effort to help as many as possible. I have talked with 50+ young medical trainee's and nurses who are currently renting who would do anything to have the chance to buy a home. Would a project like this be feasible for the property at 4 Oramel Ave? Are there zoning restrictions? If so, how can I participate in advocating for

changing zoning laws? Or, are there other areas that you know of that would be able to accommodate a subdivision like this?

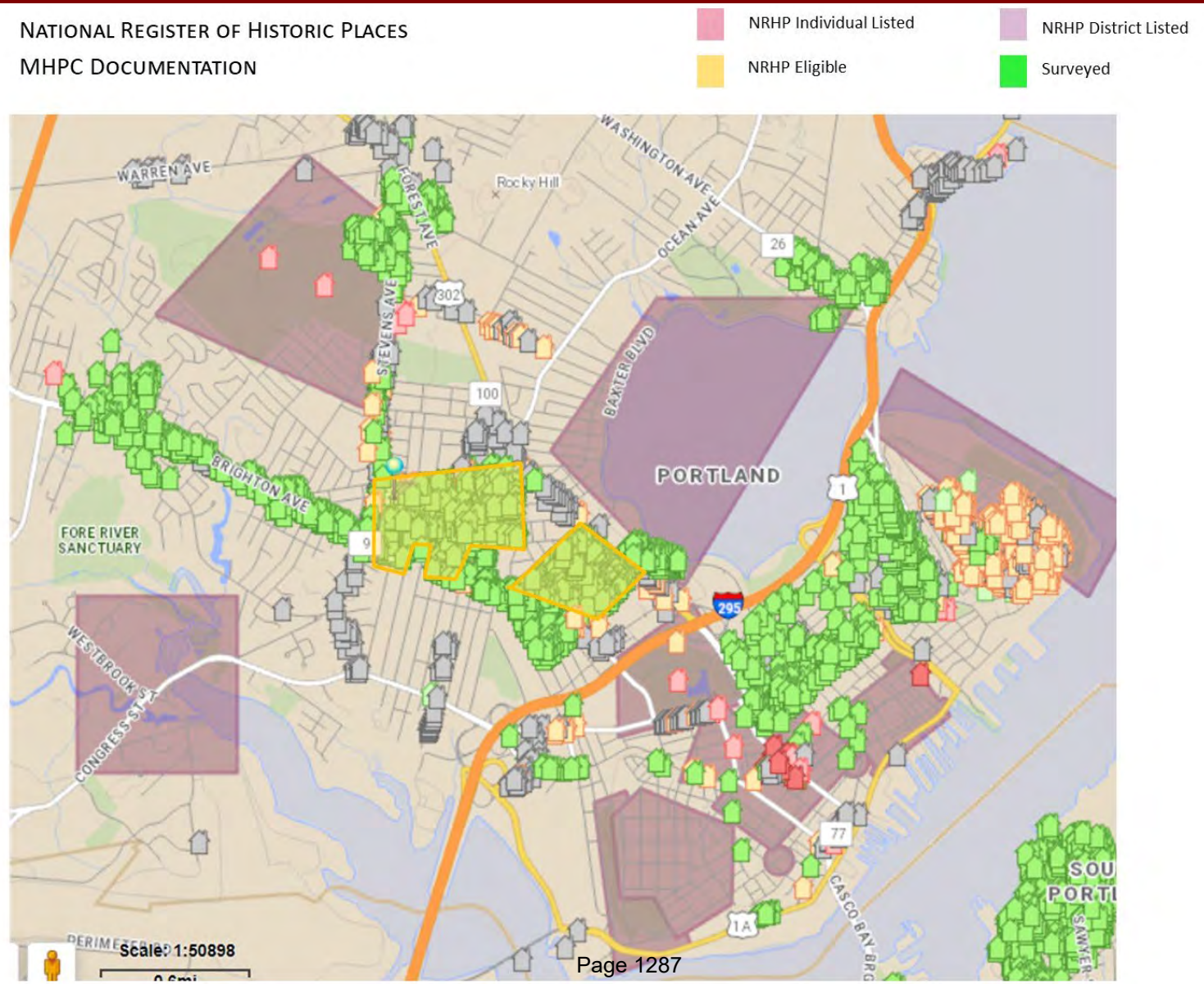
Thank you so much for your time!

David Lehman

PORTLAND'S EXISTING ZONING MAP (*no new map yet proposed*)



ELIGIBLE Historic Districts and Landmarks:



FRONT SETBACK Proposed Language: *Average of adjacent front yards +/- 5 feet*

- Applies RN-2 (old R-3: 25’), RN-3 (old R-4: 25’), RN-4 (old R-5: 20’), RN-5 (old-R-6: 5’)



92 William Street: Proposed RN-4



45 Merrill Street: Proposed RN-5

- With extra height, being at the sidewalk exacerbates the feeling of a dwelling being out of context –” looming over neighbors”
- Highlights the need for design standards which include transitional elements like porches, stoops, etc.

Suggested Edit: Front setback for new structures that exceed the height of adjacent structures by 15% or more shall be 5’ or the average setback of adjacent structures, whichever is greater.

EXISTING 100’ RULE for review adjacent to Historic Districts and Landmarks:

55 Sherman Street: Proposed RN-7

Existing 7-unit & Lot Size 120’ x 95 +/- = 11400 SF

Unit/Lot = 26 Unit Multi-family

Max. Lot 60% Coverage = Buildable Area 6840 SF or 75’x 90’

	R-7	RN-7
Min Lot Size	2000 SF	2000 SF
Lot Coverage	60%	60%
Area/Unit	435 SF/Unit	TH = 1200 SF/Unit MF= 435 SF/Unit
Height	50’	65’ *
Street Frontage	20’	TH = 15’/Unit MF= 20’
Front Setback	0’	0’
Side Setback	5’	5’ or 0’ if combined set-backs = 10’
Rear Setback	5’	5’

*This is also a sloped lot - that would affect how the height is measured.



View From State Street HD Existing Height Limit

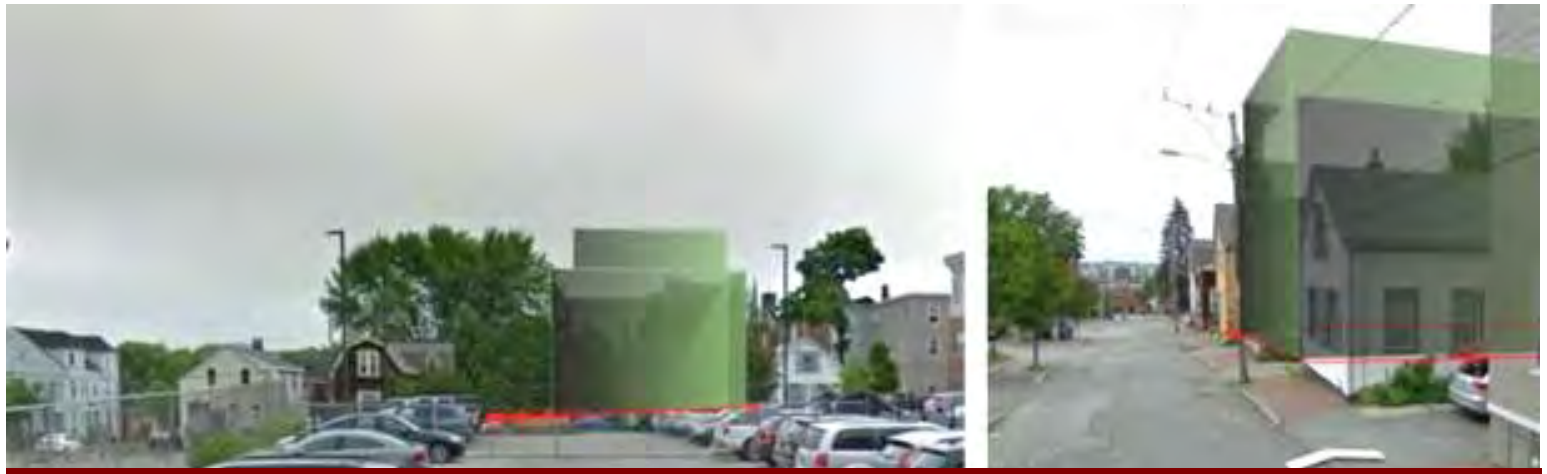


View From State Street HD Proposed Height

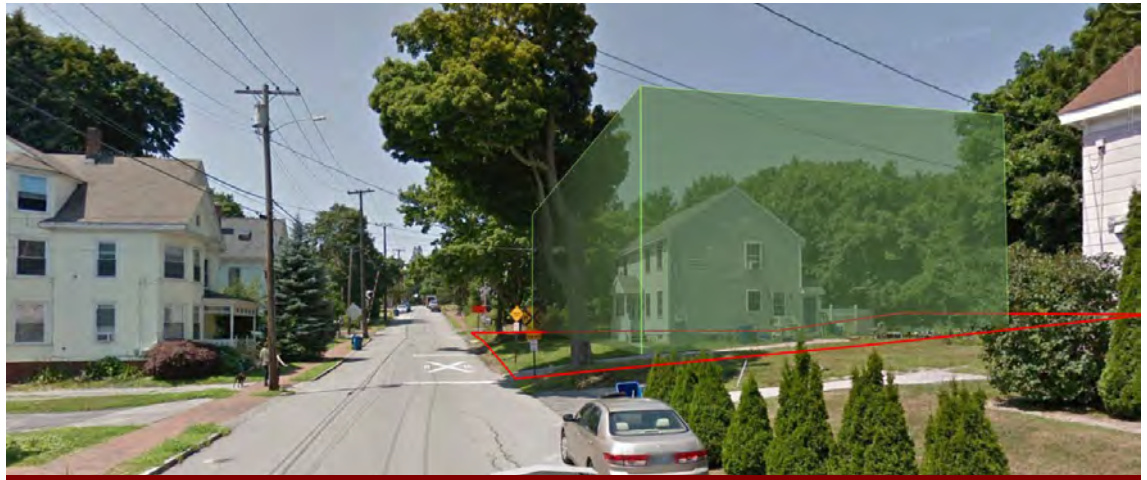




IMPORTANCE OF DESIGN GUIDELINES



15-19 Cedar Street: Proposed RN-5



55 Lincoln Street: Proposed RN-4

ENCOURAGING TEARDOWNS
30 Riggs Street

Existing Dwelling & Lot 80' x 100 +/- = 8000 SF **(tear down)**
Unit/Lot = 1or 2-Family or MF 6-unit
Max. Lot 35% Coverage = Build. Area 2800 SF or 60'x 46'

	R-3	RN-2
Min Lot Size	6500 SF	6500 SF
Lot Coverage	35%	35%
Area/Unit	6500 SF/Unit	6500 SF/Unit (MF=1200 SF/Unit)
Height	35'	35'
Street Frontage	50'	40'
Front Setback	25'	Average of adj. front yards +/- 5'
Side Setback	12', 14', 16' for 1.5, 2 & 2.5 stories	8'
Rear Setback	25'	25'







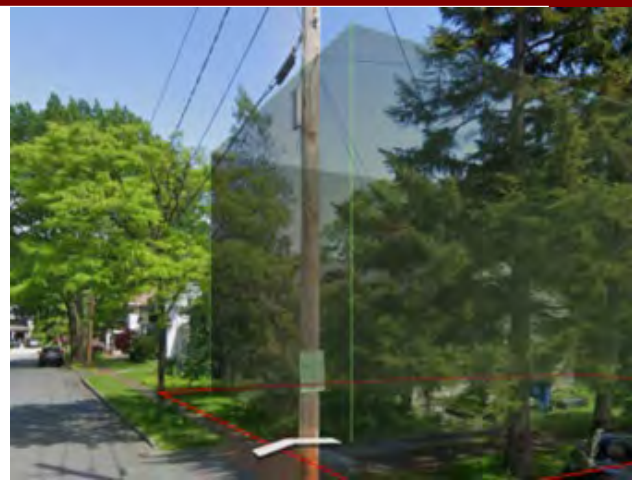
ENCOURAGING TEARDOWNS
16 Prospect Street

Existing Dwelling & Lot 64' x 110 +/- = 7040SF **(45'x45' addition)**
Unit/Lot = Three-family or MF 5 unit
Max. Lot 40% Coverage = Build. Area 2816 SF or 48'x 58'

	R-5	RN-4
Min Lot Size	6000 SF	5000 SF
Lot Coverage	40%	40%
Area/Unit	3000 SF/Unit	2000 SF/Unit (MF=1200 SF/Unit)
Height	45'	35'
Street Frontage	20'	20'
Front Setback	5'	Average of adj. front yards +/- 5'
Side Setback	8', 12', 14' for 1.5, 2 & 2.5 stories	8' or 5' if combined set-backs = 16'+
Rear Setback	10'	20'



Existing SF & Potential 2-unit Addition



Potential teardown – New 5-unit Multifamily





Helen Donaldson <hcd@portlandmaine.gov>

Re: ReCode Review - Acorn Engineering

Sam Lebel <slebel@acorn-engineering.com> Mon, Nov 6, 2023 at 1:14 PM
To: Helen Donaldson <hcd@portlandmaine.gov>, ReCode Portland <recodeportland@portlandmaine.gov>
Cc: William Savage <wsavage@acorn-engineering.com>

Hi Nell – one more comment I wanted to add:

The current R-3 zone allows for ground-up construction of multifamily under the PRUD when you hit the min lot size of 3 acres. Because the PRUD is being eliminated under ReCode, an R-3 lot that is currently 3+ acres today and is eligible for multifamily development via the PRUD will no longer be able to build new multifamily projects. I do appreciate the 1,200 SF density for CU multifamily in R-3 (renovation of existing nonresidential building); however, I think these conversions will be relatively rare and as such, would advocate for perhaps a less dense option with ground-up new multifamily being a permitted by-right land use in the R-3, otherwise, in a sense this zoning district is going backwards in the pursuit of housing for the larger lots.

Thank you for your consideration and continued hard work on these important policies!

Sam

[Quoted text hidden]

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.

Form Submission - Contact us Re:Code - ReCode on Peaks Island

0 views
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Squarespace
Nov 14, 2023, 2:41:07 PM (2 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Rhonda Berg

Email Address: brhonda1@gmail.com

Subject: ReCode on Peaks Island

Message: When will new set-back and lot size rules go in to effect? Our lot is in the IR-1 zone. The public sewer stops one house short of ours. 7 houses all with bigger lots could benefit from public sewer on Pleasant Avenue. Is there any plan to extend it? Would it make a difference if the property owners say they are willing to add ADUs should the be able to hook-up to the sewer? Thank you.

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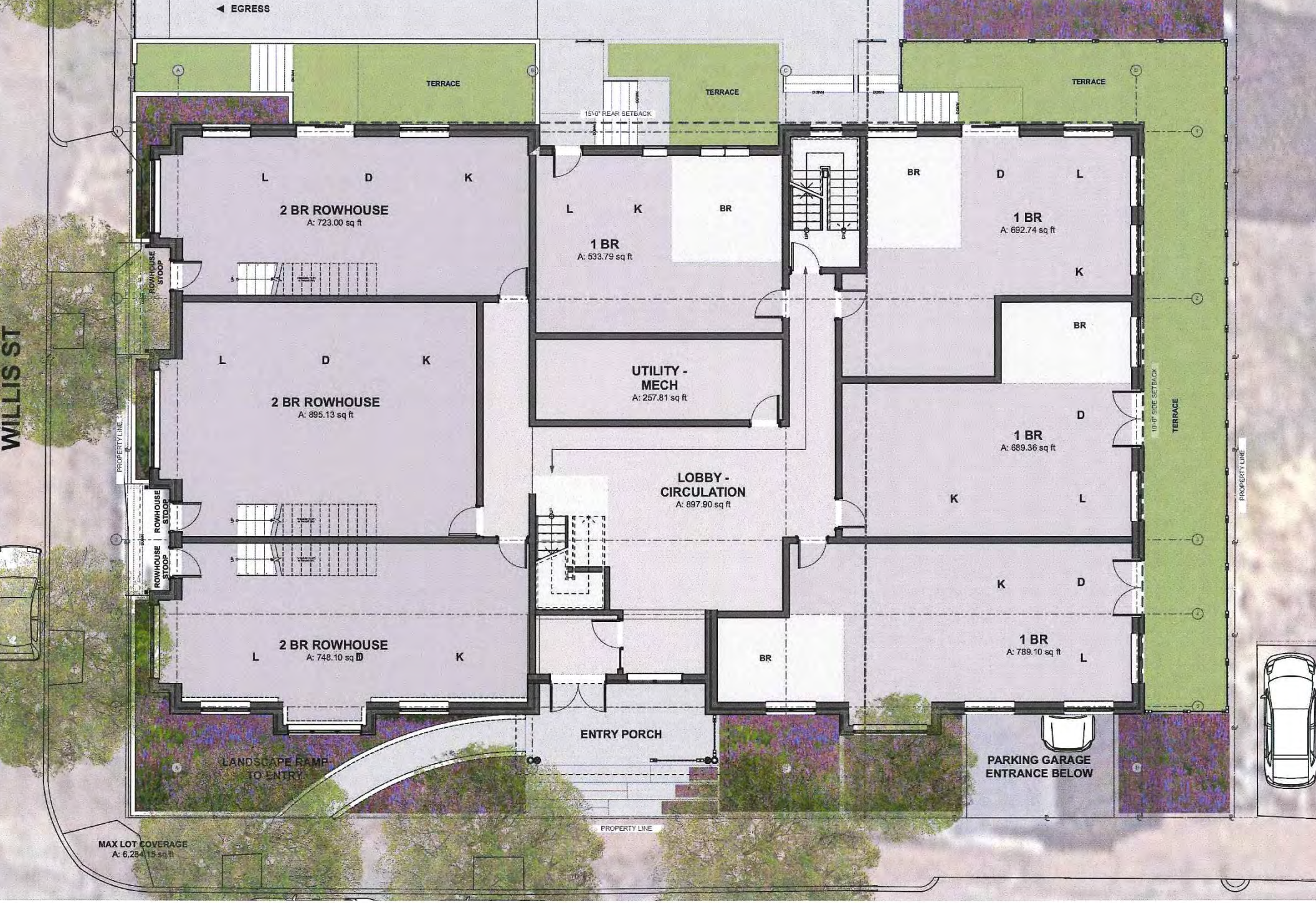

GROUND FLOOR PLAN



VIEW FROM MONTREAL STREET



VIEW DOWN WILLIS STREET



VIEW FROM ALLOWAY MONTREAL STREET

FW: FW: Holiday Inn By The Bay

0 views

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Michael Erickson

Nov 21, 2023, 6:48:32 PM (17 hours ago)

to recodep...@portlandmaine.gov

Hello,

My name is Mike Erickson and I am the General Manager of Holiday Inn By The Bay (88 Spring St). I recently learned that the city is considering increasing some downtown height limits, and I am writing in hopes of having our parcel included in said height increase. This increase would allow us to activate our rooftop and open a great space to enjoy views of Casco Bay. We hope to add to the city's food and drink scene by making our space available to both visitors and locals while operating in our existing footprint. Please let me know if there are any more formal steps I can take to support this, or if you have any questions for me. Have a great day!

-Mike

MICHAEL ERICKSON GENERAL MANAGER

HOLIDAY INN BY THE BAY

88 SPRING STREET, PORTLAND, ME 04101

P 207-775-2311 | F 207-761-8224

E merickson@innbythebay.com W www.innbythebay.com

Form Submission - Contact us Re:Code - ReCode Portland comments - sea level rise trajectories

0 views
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Squarespace
Nov 27, 2023, 9:25:48 AM (yesterday)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Hannah Baranes

Email Address: hbaranes@gmri.org

Subject: ReCode Portland comments - sea level rise trajectories

Message: Hi ReCode Portland Team,

I'm a sea level rise and coastal flooding researcher at Gulf of Maine Research Institute. This is fantastic work, and I'm sorry for submitting comments a few days past the deadline. Thank you for so clearly laying out your process and proposed solution.

I think this plan for coastal design flood elevations is a great starting point. My only comment is around how land use code will continue to dynamically adapt over the next 20 as the future trajectory of sea level rise becomes more clear.

In a future consistent with NOAA's Intermediate scenario, the rate of sea level rise at the end of this century (around 2100) will be faster than 1 foot every 20 years, and sea level will continue to rise at that extremely rapid rate for centuries. Therefore planning for 4 feet of sea level rise buys time for coastal infrastructure, but if sea level rise ever actually does reach 4 feet, whatever infrastructure is built to withstand that level of rise will become flooded within a couple of decades.

We will likely know whether we are on this trajectory by mid-century, and if we are, we will need to have the flexibility to adapt land use code.

Thank you again for your work and for asking for input.

Sincerely,
Hannah Barananes

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Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Follow up from our meeting

2 messages

Kevin Kraft <kkraft@portlandmaine.gov> Fri, Dec 1, 2023 at 12:09 PM
To: Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: **Alan Thibeault** <athibeault@une.edu>
Date: Fri, Dec 1, 2023 at 12:07 PM
Subject: RE: Follow up from our meeting
To: Kevin Kraft <kkraft@portlandmaine.gov>, Andrew Philippe <aphilippe@une.edu>

This message was sent securely using Zix®

In regards to Recode Portland, I didn't see an active way to submit comments so thought I would forward them to you. In my review of the proposed revisions to the Use Standards I had a couple of comments for consideration.

In regards to revisions noted in section 6.4.31.B Post-Secondary Schools, that now states in "In any residential zone, a new post-secondary school or an expansion on an existing post-secondary school shall not cause displacement or conversion of existing residential uses".

This is in contrast with the deleted version on page 6-39, which stated "The proposed use shall not cause significant displacement or conversion of residential uses as of June 1, 1983, or July 15 in the IR1 and IR2 zones, or thereafter."

This revision is too restrictive and the word "significant" should be reinserted in the proposed text. I can see a situation where we might acquire a residential property and need to convert it to another institutional use, which would be prohibited under the new text. We actually surround three residential properties that could never be repurposed should we ever acquire them. If this is considered in the greater context and we have added a residential facility to accommodate 100 students, this would be overly restrictive and not allow for any growth.

A second concern is related to section 6.5.6.F.8 Institutional Uses, which currently reads:

8. In the case of a post-secondary school within the R-5 zone and not including the USM Overlay Zone, such school may build principal structures to a height of 55 feet if the following standards can be met: USE STANDARDS CITY OF PORTLAND LAND USE CODE | 6-25 a. Minimum lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street. b. Minimum setback between buildings on-site: 20 feet. c. Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use. d. The area between the structure and

adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer the building and effects thereof (i.e. noise, light, etc.) from abutting properties.

UNE lobbied to have this exemption inserted into the code and feel we would be extremely limited in our ability to construct institutional style buildings without it. Our Pharmacy, Oral Health Center and new Medical School buildings were only able to be constructed because of this clause.

Thanks

AT

From: Kevin Kraft <kkraft@portlandmaine.gov>
Sent: Wednesday, November 29, 2023 8:03 PM
To: Alan Thibeault <athibeault@une.edu>; Andrew Philippe <aphilippe@une.edu>
Subject: Follow up from our meeting

Alan & Andrew,

Great meeting with you today. We're looking forward to hearing from you concerning the IOZ when you're ready to restart that process.

Following up on today's meeting here's the ReCode website I mentioned. https://www.recodeportland.me/.

Also the city's new arborist is Mark Reiland. Mark's email is mreiland@portlandmaine.gov.

Feel free to get in touch with me about ReCode or other questions you may have.

Best,

Kevin

--

Kevin Kraft, AICP
Deputy Director Planning & Urban Development Department

389 Congress Street
Portland, Maine 04101

Phone: 207.874.8430

kkraft@portlandmaine.gov

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--
Kevin Kraft, AICP
Deputy Director Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
Phone: 207.874.8430
kkraft@portlandmaine.gov

Helen Donaldson <hcd@portlandmaine.gov> Fri, Dec 1, 2023 at 1:28 PM
To: Kevin Kraft <kkraft@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>

Interesting. I think the idea is that they get what they need through their IOZ and they don't need these base zoning provisions, right?

Either way, I will get these comments into the record.

Nell
[Quoted text hidden]

--
Nell Donaldson
Director of Special Projects
City of Portland
(207) 874-8723
hcd@portlandmaine.gov

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

10 December 2023

RE: RECODE Phase II

Christine, Kevin and Nell,

I am sorry that I was unable to attend the Advocacy meeting last month. Committee co-chair Sally Oldham has updated me on what was apparently a very productive meeting. We all want to thank you for coming to Landmarks to discuss the ongoing RECODE project. We know it's a huge undertaking for your office at a time when the planning office is busy with ongoing development projects, so we appreciate you all taking the time to visit with us. As discussed at the meeting, we have a few comments on the changes proposed in the first wave of proposed edits, but we are also looking forward to the next wave of proposed edits and appreciate you telling us a little about your intentions as you work on those sections.

While much of the conversation has been on how the proposed changes might catalyze new construction, equally important to us is how the new rules will 'legalize' non-conforming historic buildings, especially in older neighborhoods off the peninsula. The land use code should incentivize retention of existing residential structures, in furtherance of sustainability and protection of local fabric.

In those limited circumstances when new construction is appropriate in older neighborhoods (vacant lots, non-residential structures, non-contributing structures) our concern is that new construction should not just fill the permitted building envelope, but should integrate into the existing fabric, even if it is larger in height or mass. The design standards, their focus on the examination of context, and their application will be crucial to facilitating that integration. We look forward to seeing the updated design standards manual in the new year and hope they will be brought forth for adoption in tandem with the land use code. We also feel strongly that referencing the design standards explicitly within the dimensional standards section will be important to alert any developer or building owner that both sets of standards must be met.

We agree with the statement in the Camiros' Recode Phase II Land Use Code Evaluation Report

"*Further, it can include thinking carefully about the design and context of development in Portland, helping to ensure that the essential historic fabric of the city remains intact and that — though architectural styles may vary — new development remains authentic to the local character and complementary to the Portland vernacular."*

We also agree with the goals of encouraging "compatibility and context sensitivity" which are referenced in the draft residential neighborhoods purpose statements. But we find that that those concepts are only partially operationalized in the current draft and note that they are particularly absent int the proposed RN-5 zone. As noted above, an essential part of the operationalization requires finalizing the updated design standards and incorporating them into the land use code by appropriate references stating that a proposed development must meet both zoning dimensional standards and the design standards.

We also offer the following comments:

- *Chapter 7 Dimensional Standards, Rules of Measurement*

We feel strongly that the definition and/or rules of measurement for building height should be measured from predevelopment grade, to ensure that no development can game the system and achieve a height vastly out of

scale with its neighbors. We referenced the Bangor LUC language as an example of another Maine community's handling of this issue:

> "*Height is measured from the vertical distance from the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof to the average grade adjoining the building footprint prior to construction*."

- *Table 7A Residential Neighborhood Zone Dimensional Standards*

The proposed front setback language of "average of adjacent front yards, +/- 5 feet", along with extra height allowances has the potential to exacerbate the feeling of a new dwelling being out of context. We suggest some additional language, for example:

> " *Front setbacks for new structures that exceed the height of adjacent structures by 15% or more shall be 5 feet or the average setback of adjacent structures, whichever is greater*."

- *Sustainability & Diversity*

Two recent planning initiatives, Portland's Plan 2030 and One Climate Future, identify sustainability as a key goal and priority for the city's future. We are concerned that the more permissive dimensional standards may, as the city experienced on Munjoy Hill after the 2015 zoning changes, unintentionally encourage teardowns and exacerbate the loss of diverse affordable housing options in the city's residential neighborhoods. Teardowns also have adverse environmental effects, including increased solid waste and energy impacts that do not support the City's sustainability goals.

- *Modeling Impacts*

The zoning guides and additional graphics in the proposed sections are very useful for helping citizens understand the proposed changes. We feel strongly that modeling the proposed changes in various zones, as was done during the FBC changes in the India Street neighborhood, would also be helpful for those that don't follow zoning as closely as city staff and those in the development community.

- *Undesignated Historic Neighborhoods and Buildings*

In addition to locally designated historic districts and buildings, the Maine Historic Preservation Commission has designated neighborhoods and some individual buildings as eligible for the National Register of Historic Places. We feel strongly that design standards are important for these areas as well to ensure adjacent new construction will enhance the setting of those historic places. MHPC's database, CARMA, is available on their website. We are also curious to learn if MHPC's GIS layer could be added to the city's GIS system, to flag any eligible buildings when a demolition or building permit application is made?

Although we have identified several areas of concern above, we also have areas of the proposed land use code revisions that we support. We support proposed dimensional changes that build upon the characteristics of Portland's neighborhood's that were of necessity built close to a variety of destinations, including public transit. We believe neighborhoods like those off Brighton, Washington, and Forest Avenues are good models for a more transit-oriented city. These neighborhoods contain examples of multi-family and mixed-use buildings that support the city's goals to create opportunities for a variety of housing types and denser neighborhoods. We also support proposed changes that would permit commercial uses at strategic locations in residential neighborhoods to recreate the historic mix of land uses that organically developed in Portland's neighborhoods in the late 19th and early 20th centuries.

Thank you once again for taking the time to meet with us and for considering our views,

Carol De Tine

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Form Submission - Contact us Re:Code - Resilience planning

0 views
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Squarespace
Dec 12, 2023, 5:20:01 PM (17 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Barbara Vestal

Email Address: vestal@chesterandvestal.com

Subject: Resilience planning

Message: I tried to leave comments within the Resilience plan but it would not accept comments. It seems to me that the plan should propose to limit the amount of new construction in the most vulnerable areas to only the uses that need to be there -- e.g. water dependent uses. There is no justification for new construction for residential uses, daycare facilities, etc. It makes sense to require the minimum elevation to be elevated, but it is unclear how that melds with the maximum height limits. I would measure height from the existing grade (not post-development) and require the elevated minimum elevation to be absorbed within the existing height limit. I would not support giving a proposed development additional height within which to accommodate the resilience measures. We should be avoiding putting new structures in harms way except where they have no choice about location, such as water dependent uses.

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Recode Resilience Questions

1 view

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Karen Snyder

Dec 15, 2023, 3:08:21 PM (3 days ago)

to ReCode Portland, recodep...@portlandmaine.gov, Mark Dion, Anna Trevorrow, Victoria Pelletier, Roberto Rodríguez, rphi...@portlandmaine.gov, ksy...@portlandmaine.gov, Pious Ali, April Fournier, abul...@portlandmaine.gov, Christine Grimando

Dear City of Portland Planning Dept and Recode Team,

Since there is no ability to send a question from the Portland Resilience Zoning webpage of Portland Resilience Zoning - Proposed Approach for Public Review (squarespace.com) I would appreciate if the Planning Dept/Recode personnel would answer the below questions.

Question #1: How is the General Public supposed to provide feedback to following link when there is no clarity or ability to send comments or questions from the link? Portland Resilience Zoning - Proposed Approach for Public Review (squarespace.com)

On 12/15/2023, it was stated by Planning Director, Christine Grimando, that questions can be sent to email to recodeportland@gmail.com However, I asked her why this email is not on this link for the public to know to send questions to. However, she did not respond.

Question #2: Who are the Portland Recode Resilience Stakeholders?

Planning Department indicated that the Recode Resilience proposal was made using input from the stakeholders. However, there is no transparency as to who the stakeholders are on this link. Portland Resilience Zoning - Proposed Approach for Public Review (squarespace.com)

Question #3: Can the Developers still easily get a waiver of $400/tree which allows them to opt out of planting trees like they have in the past which ironically caused the urban heat islands in the first place?

On Page 34 of 46 of Portland Resilience Zoning - Proposed Approach for Public Review (squarespace.com), the Planning Dept points out the urban heat islands. Currently, in the City of Portland technical manual, developers can easily apply for a waiver and pay $400/tree to opt out in planting a tree on their site. City of Portland Technical Manual (civicplus.com) (Page 4 of 20)

However, it is NOT clear in the Planning Dept's resilience proposal if the developers are required to plant trees with no exceptions or can they simply and easily get waivers like they have in the past.

Question #4: How Can This Resilience Proposal Be Taken Seriously Regarding Stormwater Reduction when there is currently a Proposal to Expand Surface Parking Lots at the Jetport and Destroy Surrounding Wetlands?

On page 40 of 46 of Portland Resilience Zoning - Proposed Approach for Public Review (squarespace.com), the Planning Dept states the intent to reduce storm water runoff by planting trees around surface parking lots and to protect wetlands.

There was a neighborhood meeting held on Tuesday, 12/12/2023 by the City of Portland Jetport to expand surface parking by destroying wetlands that must have had Planning Dept input? Portland residents ask jetport to increase parking without paving over woodland (pressherald.com)

I find it amazing this plan is even being proposed when there is plenty of surface parking at the jetport that could be built up rather than out. It also begs the questions, who thought this was a good idea to propose this from the Planning Dept and who would be paying and benefitting from this the City of Portland Jetport proposal of destroying wetlands for surface parking?

Unfortunately, this Recode Resilience link is just another example of the City of Portland Planning Dept's disingenuous efforts to appear that they care about public comment but yet they don't hold public meetings to collect public feedback BEFORE their proposals but yet make it difficult for the public to respond after the recommendations have been made.

This link appears to be another "feel good" recode document which seems to still allow developers to do what want as they always have done which is creating an unsustainable urbanized quality of life for Portland residents and the environment all in the name of "progress". One should question who is ultimately benefitting from this "progress"?

So, basically... business as usual .....

Regards,

Karen Snyder
D1

Helen Donaldson <hcd@portlandmaine.gov>

Peaks Island recommendation and queries

Peter McLaughlin <pmclaughlin@portlandmaine.gov> Mon, Jan 8, 2024 at 10:25 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

We did discuss this at our 12/20 meeting and had good community feedback as well.

In response to the points in your 11/22 email...

Small Island Lots
The PIC voted unanimously in favor of recommending a 2,500 sq ft lot size for small island allowance. Our Housing & Zoning committee supported us in this decision as well. In examining lot sizes throughout the most dense year-round residential streets on the island, we see 2,500 sq ft as reasonable in keeping with the current neighborhood lay-outs. It would not bring all lots into conformity, as there are many under 2,000 sq ft, but it would make some progress there, as well.

Residential Use Permissions
The PIC opted not to put forward detailed recommendations for use permissions for now, as it is a complex issue that we need to spend further time on. As you all know, this is certainly something that the community is interested in, as there are unique complexities to running businesses on Peaks Island.

Light Industrial Zoning
While the PIC has not deeply investigated this topic yet, our Housing & Zoning Committee has suggested the Planning Department look at light industrial zoning by the Transfer Station with the creation of a city-owned parking area in the same area that will allow for the permitted parking of industrial vehicles.

Short Term Rentals
This is obviously a major issue on the island, and one with a great diversity of opinions, as the Casco Bay Islands are the only part of the city that has effectively no regulation of STRs. After a great deal of community lobbying, the PIC has made a commitment to examining this issue closely through a new committee. There is interest among the Housing & Zoning Committee for ReCode to take a look at STRs on the island, however the PIC's approach may end up leading straight to city council and the ordinance revision process.

Paper Roads
It is unlikely that there is a higher density of unresolved paper roads anywhere else in the city than there is on Peaks, due to convoluted decades of city planning (...unplanning, deplanning, replanning...) and the intersection of shoreline access. This is a critical issue to many islanders and one the PIC is continuing to look at. As it intersects with the Planning Dept's work, do keep us in loop.

Thanks for your time and engagement on all these issues.

Best,
Peter

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

Zoning Map changes

David Eaton <deaton@totalmortgage.com> Mon, Jan 8, 2024 at 2:45 PM
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>

Hello Nell. I am working with a developer on a multi unit apartment project on Saunders Street near Woodfords Corner. The current zoning is B-2, except the parcel is partially split into the R-5 zone. With what we know about ReCode, the potential to add up to 15 units to this 30 unit project with the proposed new 65' height limits, is affected by the new requirement for a 50 foot setback from the zoning boundary for floors above 45', which would prohibit about half of the additional units if the zoning line is not moved to the property line. Will situations such as this be addressed in the zoning map boundaries as part of recode? Should we be seeking a map amendment in the meantime? You can call me at 841-5894 if you would like to talk about it.

I've attached a site plan that illustrates this issue. Thanks!

David

David Eaton

Mortgage Banker- NMLS# 2095536

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c: 207.841.5894

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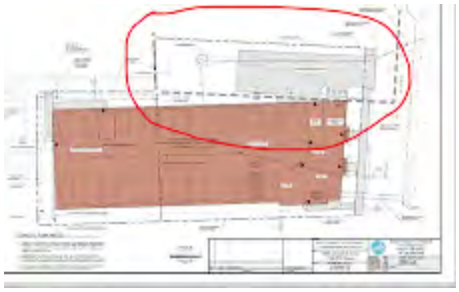
us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, you are requested to instantly notify us of the erroneous delivery and return to us all data so delivered.



Screenshot 2024-01-08 144128.png
193K

Form Submission - Contact us Re:Code - recode - Definitions - low impact industrial - B-1, B-1b

0 views
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Squarespace
Feb 13, 2024, 5:50:07 PM (17 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: jeffrey curran

Email Address: newscapes@msn.com

Subject: recode - Definitions - low impact industrial - B-1, B-1b

Message: low impact industrial - Please include the use of a "Small Maine Brewery" and a "Small Maine Distillery" in the definition of low impact industrial.

And, or, add the uses of a Small Maine Brewery, and a Small Maine Distillery to the list of allowable uses in the B-1, and B-1b zones.

Thank you.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

RN 2 Zone

Alex Coupe <alex@danandersonrealestate.com> Thu, Apr 4, 2024 at 1:31 PM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>

Good Afternoon,

I would like to comment that multifamily construction should be considered in this zone (RN-2) on a conditional basis only. Rather than just existing buildings looking to convert. The need for housing is dire, and any lots close to a corridor and serviced by public water and sewer would not be able to be developed in alignment with the cities comprehensive plan. I have 1.5 acres behind Morans market with frontage on Forest ave that I would like to develop into new construction multifamily….of course I suggest as a conditional use to allow the city to monitor the aspects of the project to make sure they meet the cities comprehensive plan.

Thank you

Alex Coupe
Associate Broker & Licensed Real Estate Appraiser

alex@danandersonrealestate.com

C: 207-838-4546

D:207-835-0034

Dan Anderson Real Estate Inc.

Appraisals, Brokerage, & Consulting Services

danandersonrealestate.com
1326 Washington Ave
Portland, ME 04103
O: 207-878-3206
info@danandersonrealestate.com

2 attachments

RN-2 Zone.pdf
1339K

41969 LOT SPLIT Boundary (1).pdf
1573K

Helen Donaldson <hcd@portlandmaine.gov>

Recode comment re ADU above garage

Tanya Seredin <Tseredin@mohrseredin.com> Fri, Apr 5, 2024 at 1:37 PM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>

Hello!

Regarding section 6.6.2 - ADU standards, paragraph 7.

This allows an ADU above an existing garage to have a maximum height of 25'. We are exploring the idea of building a new garage with an ADU above it. For an 18' wide garage, there would be very little headroom on the second floor with an average building height of 18', and it would be much more successful if the average height allowed is the same as for existing. It would be more feasible even if the allowed height were 22'. Would that be a possible adjustment?

Thank you!

Tanya Seredin
207-838-0698

Sent from my iPad

Form Submission - Contact us Re:Code - Re-code questions.

0 views
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Squarespace
Apr 5, 2024, 4:33:59 PM (3 days ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Marion Snyder

Email Address: mart99fish@gmail.com

Subject: Re-code questions.

Message: Very confusing. What is the re-code for Nason's Corner? And what actually does it mean to re-code the area? Please be specific in the answers and don't direct us back to the map.

Manage Submissions

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Form Submission - Contact us Re:Code - RN4 Zoning between Canco and Ocean

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Squarespace
Apr 5, 2024, 7:36:13 PM (3 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Alan Platner

Email Address: platnera@gmail.com

Subject: RN4 Zoning between Canco and Ocean

Message: I am really excited for this next wave of changes to become Portland's new land use code. I especially like the use of the RN4 zone applied to parts of the neighborhood between Canco and Ocean. Unless there is a compelling reason to do otherwise, I think it should be applied to the the RN2 areas in the neighborhood as well.

Thanks for all your hard work with the recode process.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Business zoning

Charles Oliver <islander.oliver@gmail.com> Sat, Apr 6, 2024 at 11:40 AM
To: recodeportland@portlandmaine.gov

Hello. My name is Bill Oliver and I live at 8 Central Ave. on Peaks island. My wife and I have lived on the island for 37 years. I am writing in regard to the rezone of 18 Central Ave. into a business zone. Although this change could benefit my wife and I in regard to our property by expanding our business zone area (we are currently zoned for commercial although we choose to keep our home a residence) we would like to request that this change be dropped. If you visit our street you will see that it is a quiet residential neighborhood. The commercial buildings are located along Island avenue. Our island has a great need for affordable housing. We would very much ;like to see this street kept as a residential neighborhood. Thank you for considering my thoughts.

Bill Oliver. 8 Central Ave. Peaks Island islander.oliver @gmail.com

Form Submission - Contact us Re:Code - Recode Zoning Boundary Suggestion

0 views

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Squarespace
Apr 6, 2024, 12:51:49 PM (2 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Amy Johnson

Email Address: amyfjohn@gmail.com

Subject: Recode Zoning Boundary Suggestion

Message: In the second wave of changes, you proposed a boundary change that will negatively affect our plans to build housing on a prime lot in a growth area. Parcels 379 F010001 and 379 F011001 (291 Auburn St and the vacant parcel to the rear) are currently a mix of R-2-and R-3. In cleaning up the boundaries, you placed both parcels in the more restrictive RN-1. This severely impacts our plans to redraw the parcel boundaries and create a 7200 sq ft buildable lot in the area currently zoned R-3 at the north end of the plot (it would become subject to a 10,000 sq ft minimum). We respectfully request that you either:
1. Include both parcels in the less restrictive RN-2 zone, or
2. Leave the current messy boundary line as is so that the parcels are a mix of r-2 (future RN1) and r-3 (future RN2). When we eventually apply for a map amendment, this will allow us to make a strong case for assigning the new parcel to RN2 as it will be more than 95% in that zone.
Amy Johnson & Ben Johnson (owner)
207-632-4768

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Question on Recode 2.0

1 view

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David Boneparth
Apr 7, 2024, 10:43:16 PM (14 hours ago)

to recodep...@portlandmaine.gov

Hi,

It looks like there is no change to the setback rules for many residential areas. My understanding was that a total quantity of 14ft setback would be required in rn-4 but could be flexible. Was that scrapped? If so, why?

Thanks,

David

Helen Donaldson <hcd@portlandmaine.gov>

Re: Question on Recode 2.0

David Boneparth <dboneparth@gmail.com> Mon, Apr 8, 2024 at 12:44 PM
To: Helen Donaldson <hcd@portlandmaine.gov>
Cc: ReCode Portland <recodeportland@portlandmaine.gov>

Thanks Nell!

The issue that I saw was the infographic is showing 8ft setback for rn-4 for the updated version which was just posted. I sent the email prior to reading through the doc, which I did last night, and found the details you posted below.

Thanks so much for the quick response and clarification. We need as much housing as possible and this is a small, yet needed, step in the right direction. I do believe all setbacks should be removed so we can increase the quantity of housing and the tax base.

Happy Eclipse Day!

-David

[Quoted text hidden]

> [Quoted text hidden]
> 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.

Megan Cindrich <mcindrich@portlandmaine.gov>

Fwd: ReCode Comment

---------- Forwarded message ---------
From: Cheryl Leeman <Unknown>
Date: Monday, April 8, 2024 at 9:46:24 AM UTC-4
Subject: ReCode Comment
To: recodep...@portlandmaine.gov <Unknown>

It appears that the current R-5 (RN-4) has been expanded into some of the current R-3 (RN-2) zones.

If so, will those residents be notified of the zone change? Please provide a list of streets by neighborhood affected by the proposed map changes and locations for other map changes. Thank you!

Tried to submit this comment in the Map Text box and got an “Error Code 400 – failed…”

Sent from Mail for Windows

Megan Cindrich <mcindrich@portlandmaine.gov>

Fwd: Recode

Megan Cindrich <mcindrich@portlandmaine.gov> Wed, Apr 10, 2024 at 10:50 AM
To: recodeportland@portlandmaine.gov

---------- Forwarded message ---------
From: Jacqueline Cohen <jackicohen316@gmail.com>
Date: Wednesday, April 10, 2024 at 10:30:17 AM UTC-4
Subject: Recode
To: planning@portlandmaine.gov <planning@portlandmaine.gov>

I have reviewed the proposed reasoning map and I do not understand why you have upzoned Torrey Street and Wellwood street and the streets off the latter from R3 to RN4. These streets have small lots and small houses and are dead end streets. Read Street has larger lots and larger houses and it is rezoned from R5 to RN3. I would appreciate your response. I would be happy to meet with you to discuss this.
207-650-8758.
Sent from my iPad

Peaks Island IR2

Subscribe

Edward Ezzard
unread,
Apr 10, 2024, 1:38:56 PM (12 days ago)

to recodep...@portlandmaine.gov

Can you give any example of what might be a Select nonresidential uses may also be permitted in the RN-2 zone?

Or, must a non residential use first be requested before it could be considered?

Thanks,
Ed Ezzard

Megan Cindrich <mcindrich@portlandmaine.gov>

Re: Form Submission - Contact us Re:Code - recode proposed zoning map

On Thursday, April 11, 2024 at 12:30:10 PM UTC-4 Squarespace wrote:

> Sent via form submission from *ReCode Portland*
>
> **Name:** jeffrey curran
>
> **Email Address:** newscapesbrewing@gmail.com
>
> **Subject:** recode proposed zoning map
>
> **Message:** I Jeffrey a Curran, owner of 163 Washington Ave., would like to be included in the B2-B zone change that is proposed at the adjacent property located at 165 Washington Ave..
>
> Manage Submissions
>
> Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - On-street parking

1 view

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Squarespace
unread,

Apr 12, 2024, 3:54:48 PM (10 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Micah Edelblut

Email Address: micah.edelblut@gmail.com

Subject: On-street parking

Message: I did not see anything in section 18 of the new land use code regarding on-street parking. Is this out of scope for the land use code or an oversight not to include information or guidance about street parking?

Manage Submissions

Does this submission look like spam? Report it here.

Megan Cindrich <mcindrich@portlandmaine.gov>

Second Wave ReCode Map Peaks Island

Laura Glendening <lrglendening@gmail.com> Tue, Apr 16, 2024 at 1:10 PM
To: Helen Donaldson <hcd@portlandmaine.gov>, recodeportland@portlandmaine.gov

Hi Nell and ReCode team,

I write today as the neighbor directly north of the building at 18 Central Ave on Peaks Island. I noticed that in the Second Wave draft map the business zone has been extended to include 18 Central Ave. I have concerns about this.

The Catholic Church got a variance to build 18 Central Ave with significantly reduced setbacks. I read the text in the Second Wave stating that the business zone has been increased to reflect the built environment, but in this case a variance was granted for 18 Central to exist in an established one family neighborhood. Now a few years down the road City Planning is proposing that now that 18 Central Ave looks like a business zone, because of the setback variance granted by City Planning, it should be. This seems contrary to good policy and a corruption of the methodology of zoning.

A variance should be a variance -- something that is different but exists in the present environment. It should not be something that is granted to then allow a property to begin a process to become something that is drastically inconsistent with the neighborhood.

Is there a reason other than the built environment that City Planning granted a variance for, that has resulted in 18 Central Ave now being proposed as a business zone?

I also noticed in the Second Wave draft map that Central Ave is the only street where City Planning has proposed extending the business zone with the sole purpose to include a property that is a distance from the present business zone. This seems out of alignment with the criteria used on other streets running off of Island Ave. For example the proposed new business zone is not extended further east on other side streets (other than to include a whole lot where the lot was only partially in the present business zone). There are no proposed business zone extensions on Epps, Willow, Lower A, Sterling, Luther, or Elizabeth. The same criteria should apply equitably to all side streets.

Because of the variance for 18 Central Ave that allowed for the significantly reduced setbacks my property would be adversely affected by it being in the business zone including a reduction of my property value. Therefore I ask you to remove 18 Central Ave from the proposed business zone as shown in the Second Wave ReCode map.

Sincerely,
Laura Glendening
17 Sterling St, Peaks Island

Helen Donaldson <hcd@portlandmaine.gov>

ReCode

Sara McKee <sara@sarammckee.com> Wed, Apr 17, 2024 at 10:11 AM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>

Hi there,

Just checking in on when we could expect to see Recode show up on an agenda for a meeting?

Thanks!
Sara
207.807.3299

Hanover st recode

2 views

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Peter Markoe
unread,

Apr 18, 2024, 8:00:01 AM (4 days ago)

to recodep...@portlandmaine.gov

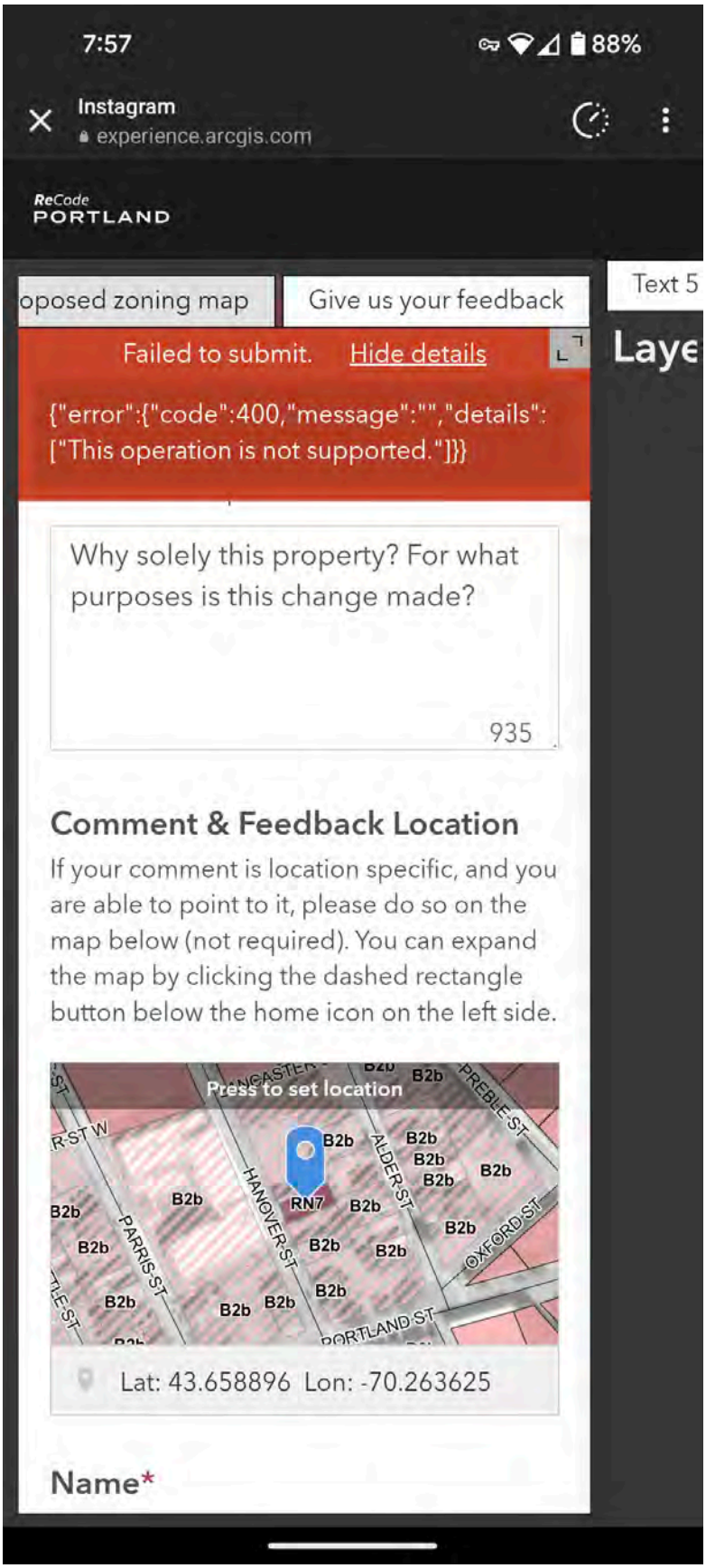
Hello,

Neighbor to the below mentioned property.

Interested in what changes are planned here.

Please respond to this email or my cell: 2073140684

Peter Markoe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ReCode
PORTLAND
oposed zoning map
Give us your feedback
Text 5
Laye
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Hide details
{"error":{"code":400,"message":"","details":
["This operation is not supported."]}}
Why solely this property? For what purposes is this change made?
935
Comment & Feedback Location
If your comment is location specific, and you are able to point to it, please do so on the map below (not required). You can expand the map by clicking the dashed rectangle button below the home icon on the left side.
Press to set location
B2b
RN7
HANOVER ST
ALDER ST
PARRIS ST
OXFORD ST
PORTLAND ST
PREBLE ST
Lat: 43.658896 Lon: -70.263625
Name*

Form Submission - Contact us Re:Code - RN-7 zone

1 view

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Squarespace
Apr 19, 2024, 11:11:13 AM (3 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Jeff Levine

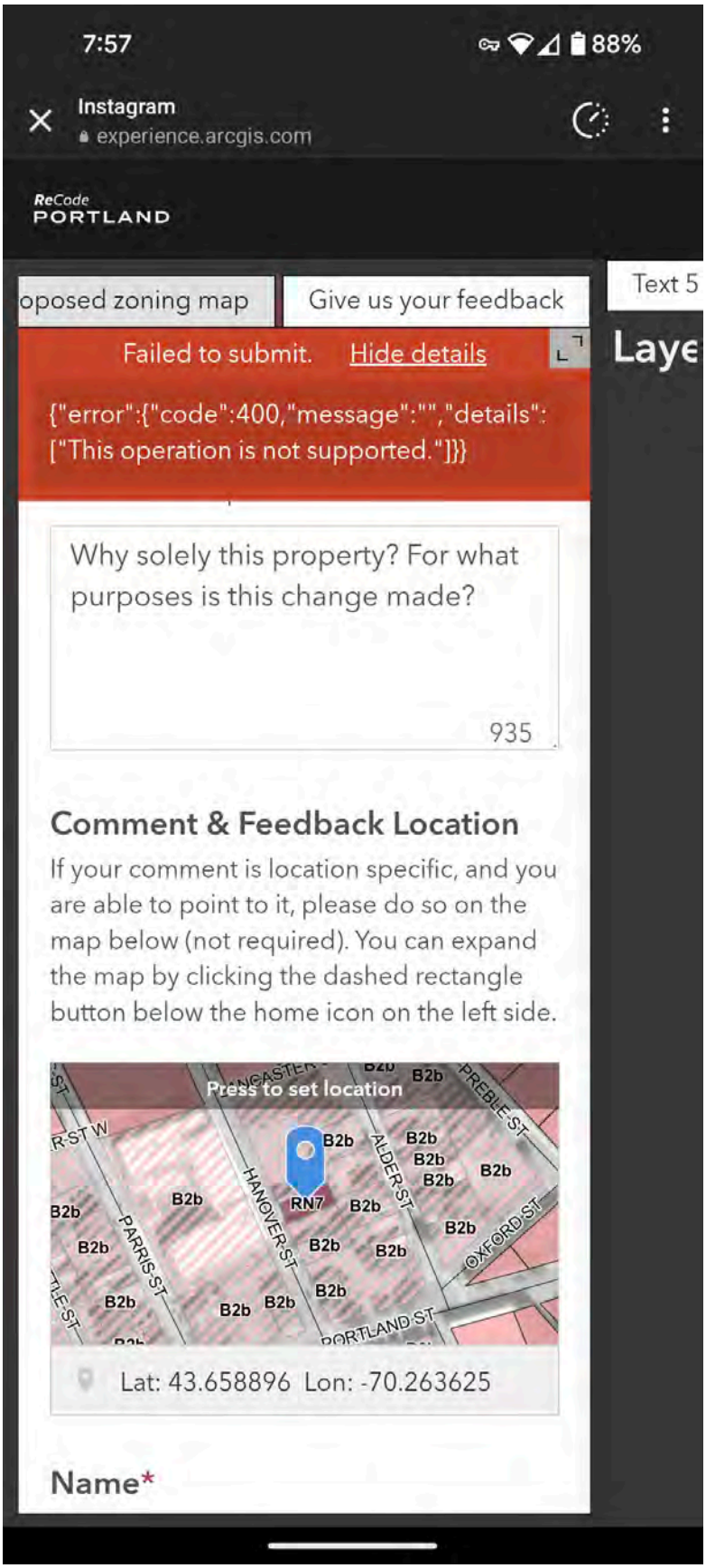
Email Address: blumlevine@gmail.com

Subject: RN-7 zone

Message: The RN-7 zone that replaces the R-7 zone seems counter to the goal of cleaning up the code here. The R-7 zones were always stopgap measures intended as a work-around from the limitations of the R-6 zone.

Manage Submissions

Does this submission look like spam? Report it here.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ReCode
PORTLAND
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Give us your feedback
Text 5
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Hide details
{"error":{"code":400,"message":"","details":
["This operation is not supported."]}}
Why solely this property? For what purposes is this change made?
935
Comment & Feedback Location
If your comment is location specific, and you are able to point to it, please do so on the map below (not required). You can expand the map by clicking the dashed rectangle button below the home icon on the left side.
Press to set location
B2b
RN7
HANOVER ST
ALDER ST
PARRIS ST
OXFORD ST
PORTLAND ST
PREBLE ST
Lat: 43.658896 Lon: -70.263625
Name*

Fwd: RECODE

3 views

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M

Megan Cindrich
unread,

8:42 AM (3 hours ago)

to ReCode Portland

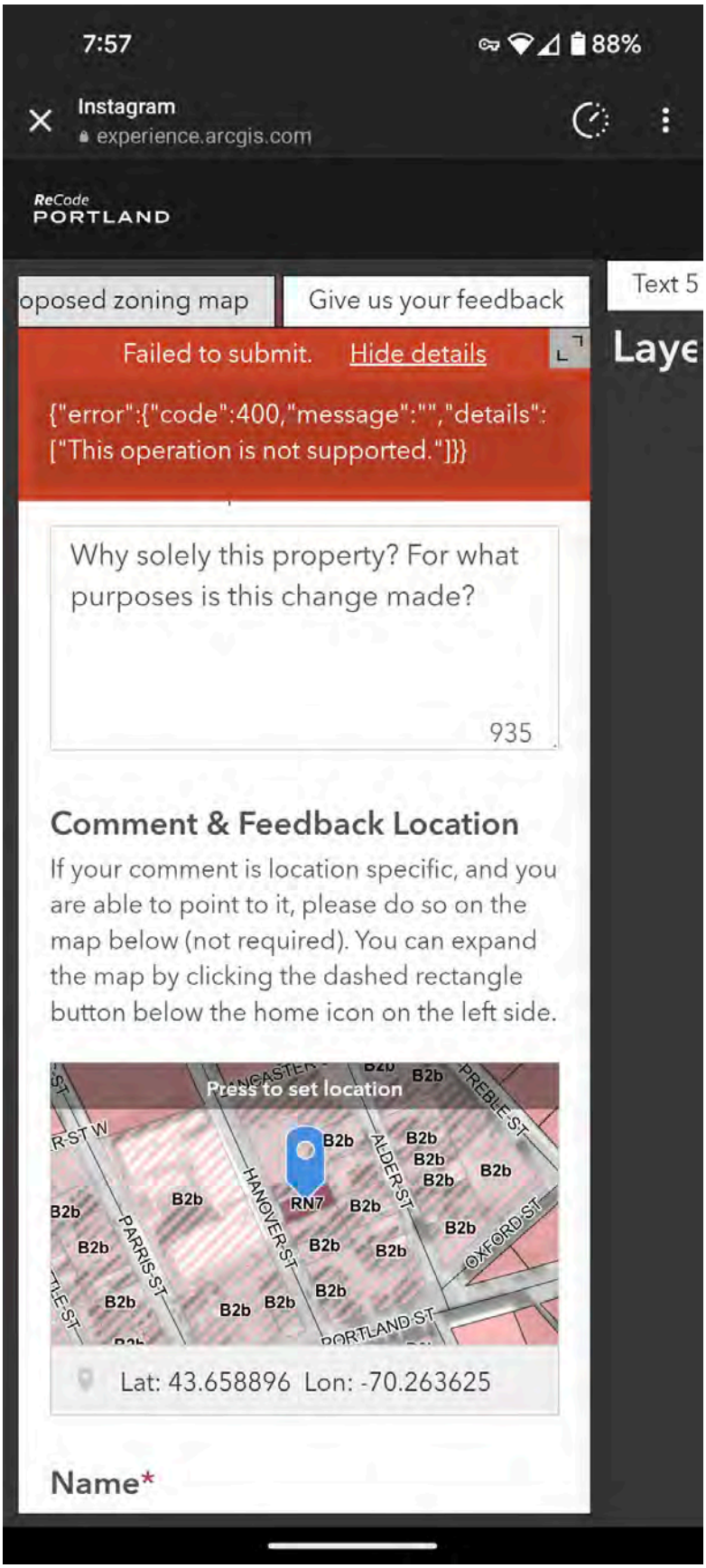
---------- Forwarded message ---------
From: Robert Kahn <rhkahnme@gmail.com>
Date: Friday, April 19, 2024 at 12:01:05 PM UTC-4
Subject: RECODE
To: planning@portlandmaine.gov <planning@portlandmaine.gov>

If I understand the ReCode Wave2 correctly, the physical and visual implications to off-peninsula residential neighborhoods would be major to extreme.

The density and reduced setbacks would look like the multi-family units on Park Ave. across from Deering Oaks. These multi-family units are so close together, that on side elevations they are looking into each other's windows. And think about building fire codes and the cost of fire protection to build so close together (masonry construction, only). Also, can the fire department maneuver fire trucks around this density of buildings? Bring the Portland Fire Dept. into this review before passing the changes.

I suggest that computer generated examples of what is being proposed in the new code be compared to the multi-family buildings on Park Ave., and other neighborhoods, that way citizens can visualize what the physical impact of these changes would mean. These design ideas seem to be imported from other places to achieve more housing at any cost. But the cost to build this way could be expensive, visually out of place and should be discussed.

Robert Kahn


7:57
88%
Instagram
experience.arcgis.com
ReCode
PORTLAND
oposed zoning map
Give us your feedback
Text 5
Laye
Failed to submit.
Hide details
{"error":{"code":400,"message":"","details":
["This operation is not supported."]}}
Why solely this property? For what purposes is this change made?
935
Comment & Feedback Location
If your comment is location specific, and you are able to point to it, please do so on the map below (not required). You can expand the map by clicking the dashed rectangle button below the home icon on the left side.
Press to set location
B2b
RN7
HANOVER ST
ALDER ST
PARRIS ST
OXFORD ST
PORTLAND ST
PREBLE ST
Lat: 43.658896 Lon: -70.263625
Name*

Form Submission - Contact us Re:Code - Dust Emissions

0 views

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Squarespace
unread,

Apr 23, 2024, 12:04:37 PM (2 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Robert Bergeron

Email Address: rob@hascallhall.com

Subject: Dust Emissions

Message: I have a property on Presumpscot Street and have been here for over 40 years, over the last few years a new business has moved into the old railroad location and has changed the use to a lay down area for all kinds of different materials from asphalt debris to loam and stone. we have been in communication with the permitting department as well as the DEP regarding copious amount of uncontrolled dust blowing all over my property and employees vehicles, its become so bad that we can't open our windows during the summer. I would request that there be wording inserted in the new code requiring these types of locations monitor and control their emissions so as not to affect surrounding properties.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

FW: ReCode comment

Tanya Seredin <Tseredin@mohrseredin.com> Wed, Apr 24, 2024 at 12:49 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

See below for a comment about the proposed 3' side setback in the IR2 on Peaks that I sent to the PIC.

Thanks,

Tanya

Tanya Seredin

Mohr & Seredin, Landscape Architects, Inc.

(207) 871-0003

From: Tanya Seredin
Sent: Wednesday, April 24, 2024 12:24 PM
To: pic@portlandmaine.gov
Cc: gfox@portlandmaine.gov; smohler@portlandmaine.gov; fsomers@portlandmaine.gov; sreiser@portlandmaine.gov; jsylvester@portlandmaine.gov; pmclaughlin@portlandmaine.gov
Subject: ReCode comment

Dear Council Members,

I have a concern about the proposed 3' side setback in the R2 zone that is proposed in the second wave of the ReCode draft. While I applaud the reduced setbacks, I feel that the 3' dimension is too close to abutting properties and, based on a brief exploration of property dimensions on the tax map, I don't believe that a larger setback (6' or 8') will adversely affect the buildability of the lot.

The ReCode draft allows encroachments up to 2' into the setback by chimneys, bay windows, eaves, etc., and this would mean that structures would be allowed 1' away from the property line. This means that roof drainage and snow dumping could be on the abutter's property.

Most Peaks Island lots are 50' wide; very few are narrower. However, even a 40' wide lot would allow a house that's 28' wide with 6' side setbacks, and a 24' wide house at 8' setbacks. My preference would be to require an 8' side setback.

This would provide adequate space for roof overhangs, doorways with steps, and drainage, and it would provide enough space for maintenance and construction without disturbing the abutting property.

Thank you,

Tanya Seredin

76 Elizabeth Street

Peaks Island

Helen Donaldson <hcd@portlandmaine.gov>

Fw: Re-Code: Peaks Island

1 message

thaea@aol.com <thaea@aol.com> Wed, Apr 24, 2024 at 3:44 PM
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>

Helen Donaldson
Acting Deputy Director
City of Portland, Department of Planning and Urban Development

Acting Deputy Director Donaldson,

My name is Bob Harville. I am a retired Landscape Architect/Land Planner living at 43 Willow St., Peaks Island. I have been following the City's Re-Code process with great interest. Looking at the proposed revisions, I find a lot to like but also areas of concern. My apologies in advance regarding the length of this email. The issues are complex and hit close to home.

Positives: Reducing the setbacks and allowing Small Island Lots (3,000s.f. min.) in the IR-2 Zoning District better reflect the Island's historical development pattern. This initiative will also help address housing affordability by creating new opportunities for residential construction.

Concerns:
1. IR-2 Zoning District - The proposed allowable uses include "Neighborhood non-residential uses". I can find no outline of what would be allowable "Neighborhood non-residential" uses. To understand the impact of this proposed change, more clarity is required. The implications could be positive or negative. There is not enough information to allow island residents to understand the impact of this proposed broadening of allowable land uses. This change should not go forward without additional clarification and discussion.
2. Expansion of the I-B Zoning District - I am very concerned about the proposed significant expansion of the I-B Zoning District. The current I-B district generally runs along Island Avenue, which corresponds with the area of highest pedestrian/vehicular traffic. The proposed change extends the I-B district down Central Ave., Willow St., Epps St., Brackett Ave., Welsh St. and Adams St. This is a very significant expansion of I-B zoning into areas into residential areas. The proposed modification greatly increases the potential for land-use conflicts. It results in peninsulas of I-B zoning projecting into IR-2(residential) areas. There is no demonstrable demand for additional I-B zoning. Much of the land in the current I-B district is underutilized and would allow for re purposing or redevelopment to address any emerging uses allowed under the I-B district into the foreseeable future.
One of the stated objectives of the redrawing of the zoning lines is to align district lines with parcel lines. In theory this sounds logical but in practice doesn't recognize the implications on the ground. I live on Willow St, which serves as a perfect example. #5 Willow St has a 32.05' frontage on Island Ave. and extends 502.28' down Willow St. The existing I-B district on #5 extends from Island Ave. about 100' along Willow. This depth generally matches the depth of 79 Island Ave., the lot that contains Baba's Cafe (an existing business establishment). The remaining 400' of #5 Willow is currently zoned IR-2 and adjoins IR-2 zoned lots. Willow St is a very narrow gravel drive and is an iconic island residential street. The proposed I-B zoning expansion would extend business zoning from Island Ave 502' up Willow St, which is 2/3 of its total length. This would be a 5 fold expansion of business zoning on Willow St. The effect could

irreparable alter the residential character of the street. The only benifit of the proposed aligning of the I-B district with the lot lines of #5 Willow St is make the zoning line easier to administrate. The result would be to significantly increase the likelihood of land-use conflicts and to irreparably harm the residential character of the street.

An identical argument can be made about Epps St. Lot #14 on Epps St has only about 20' of frontage on Island Ave and 246' of frontage on Epps St. #14 is essentially a flag lot. The existing I-B zoning overlays the flag portion of the lot and roughly corresponding to the depth of #79 Island Ave, the lot containing the existing retail establishment Baba's Cafe to the north and the Richard Boyd Gallery to the south on the opposite side of Epps St. Both Baba's and the Boyde Gallery have frontage on Island Ave. By revising the I-B zoning limits to correspond to the lot lines of #14 Epps St, business zoning would be projected down a residential street. There is no need for additional I-B zoning in this area. The modification is being proposed for primarily "administrative purposes".

In order to be fully transparent, I have had an issue with Island Zoning in the past. I had extensive communication with Ann Machado (Zoning Administrator, Permitting and Inspections Dept.) regarding a land-use issue adjoining my lot. My issue revolved around what is an allowable use within IR-2 Residential District. The owner of Mike's Carts was using the rear of #5 Willow St as a staging and storage area for his rental golf carts. This resulted in golf carts comming and going for hours at a time every morning and evening, infringing on our peaceful enjoyment of our porch and yard. Working with Ms. Machado, it was determined that rental golf carts could only be stored on property zoned for business. Rental carts could not be staged/stored on residentially zoned land. After a great deal of anguish and time, Mike's Carts are no longer staged/stored at the rear of #5 Willow St. This issue unfortunately had a negatives effect on neighborly relations. Under the law of unintended consequences, the owner of #5 Willow is now using the rear of the lot as a storage yard for an assortment stuff, including 4 boats (belonging to the lot owner as well as others), a truck, camper van, a retail oyster sales cart, and other assorted stuff. We are concerned that if the I-B zoning line is shifted to include all of #5 Willow, we will soon see rental golf cards once again staged/stored up against our residential lot.

Please reconsider the expansion of the I-B district. The proposed modification does not address a need for additional business zoning and will have a negative effect on our islands character. I look forward to the oppertunity to discuss this issue with you.

Please confirm receipt of this email.

Sincerly,
Robert (Bob) Harville
43 Willow St., Peaks Island
Mobile: 770-354-7138

Helen Donaldson <hcd@portlandmaine.gov>

Re: Form Submission - Contact us Re:Code - Dust Emissions

Rob Bergeron <Rob@hascallhall.com> Fri, Apr 26, 2024 at 9:19 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, ReCode Portland <recodeportland@portlandmaine.gov>
Cc: Squarespace <form-submission@squarespace.info>

Thank you for getting g back to me. Yes I have seen that and I just don't see it as being strong enough and I'll tell you why. Over the last 2-3 years we have been having issues with our next door neighbor, who just starting using the sight as a lay down area for all sorts of debris, they very seldom, if at all , use dust control. We can't open window all my employees cars are covered with a layer of dust at the end of the day and we need to replace HVAC filters way more often then we have ever had too.

If the dust we are experiencing were blowing 180 degrees it would be covering the Presumpscot street School and there would be no way the City of Portland would allow it, so why allow it for us?

Any more strength to the emissions section would be greatly appreciated.

Respectfully, Rob Bergeron

[Quoted text hidden]

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.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Find out what's in the second wave of ReCode edits!

Elizabeth Remage-Healey <remagehealey@gmail.com> Mon, Apr 29, 2024 at 5:49 PM
To: recodeportland@gmail.com, Helen Donaldson <hcd@portlandmaine.gov>

My particular concern is about the proposed zoning change to business for 18 Central Ave. on Peaks Island. Originally it was offered by the City to my organization, Home Start, to develop 3 much needed units of affordable housing. Then at the last minute we were derailed by a US Supreme Court decision mandating that owners of property lost to back taxes must be given the option to request the property be sold on the open market.
And there it sits waiting for the listing and we sit with fingers crossed that we can manage to be the high bidder.

I worry that a well heeled developer will note the prospect of it becoming zoned for business and plunk down $500k to hold it until that comes to pass. Which rules us out, and kills the prospect of affordable housing.

Betsey Remage-Healey
President
Home Start

On Mon, Apr 29, 2024 at 3:36 PM ReCode Portland <recodeportland.gmail.com@2dheeb.sqspmail.com> wrote:







Reminder: We want your comments on the second wave of draft edits!

Since we released the second wave of ReCode edits, we've seen a steady stream of comments from residents, businesses, and community members. But we're looking for more! This second wave represents the sum total of ReCode changes, reflecting the city's efforts to support housing creation and affordability, climate resilience, complete neighborhoods, and transit-oriented development, so it's critical to the future of Portland, and we need your input!

Read and comment directly on our changes to the land use code and changes to the zoning map. And stay tuned for more information on other ways to get involved soon!

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ReCode Portland
389 Congress Street
Portland, ME, 04101
United States

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Sam Lebel
unread,
Apr 30, 2024, 11:13:19 AM (21 hours ago)
to Helen Donaldson, Kevin Kraft, recodep...@portlandmaine.gov

Nell/Kevin, et al. – just wanted to drop a quick note to say this story map is brilliant! Super impressive how slick it is to visually understand the What and Why. Really well done.

https://storymaps.arcgis.com/stories/b818a90868ed441388224d9a321662d1

Sam Lebel, P.E.

Project Manager

Licensed in Maine

Acorn Engineering, Inc.

PO Box 3372

Portland, Maine 04104

Website | Instagram | LinkedIn

B. 207.775.2655

C. 207.478.4327

Form Submission - Contact us Re:Code - General comment

1 view

Squarespace
to recodep...@portlandmaine.gov

May 1, 2024, 5:56:52 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: Matthew Sherburne

Email Address: giggle.chain.0l@icloud.com

Subject: General comment

Message: NEW multi family should be allowed as a conditional use In the rn2 zone

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - Multifamily conditional use

1 view

Squarespace

to recodep...@portlandmaine.gov

May 1, 2024, 5:32:28 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: Gina Frustaci

Email Address: g.emargo14@gmail.com

Subject: Multifamily conditional use

Message: Good Evening, I am coming on to comment that new construction multi family should also become a conditional use in the RN2 zone and other zones for that matter, not just existing multi family. For the larger parcels out there, the city should be able to approve a project on a conditional basis if it meets the cities comprehensive plan. We are headed for a renters nation, let's get multi family units added where appropriate

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Form Submission - Contact us Re:Code - zoning (M2)

1 view

Squarespace
to recodep...@portlandmaine.gov

May 1, 2024, 5:46:00 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: Francis Oboy

Email Address: oboyf@hotmail.com

Subject: zoning (M2)

Message: There is a huge shortage of multi family properties in Portland. Any changes in zoning should allow more multi -family properties as a condition

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - RN2 multifamily

1 view

Squarespace
to recodep...@portlandmaine.gov

May 1, 2024, 5:47:24 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: Sarah Coupe

Email Address: sarahcoupe@yahoo.com

Subject: RN2 multifamily

Message: Good Evening, I would like to comment that where appropriate, the city should allow conditional new construction multi family as a permitted use on parcels that are large enough. Conditional use gives the city the veto power to not approve a project if they don't feel it's appropriate.

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Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - New multi family zoning

1 view

Squarespace

to recodep...@portlandmaine.gov

May 1, 2024, 6:38:27 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: Phil Coupe

Email Address: philbcoupe@gmail.com

Subject: New multi family zoning

Message: In the RN2 Zone, multi family housing should be an allowed conditional use. Thank you for your hard work to make Portland the best it can be.

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - Rn2

1 view

Squarespace
to recodep...@portlandmaine.gov

May 1, 2024, 7:22:20 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: David White

Email Address: fishslayer22@gmail.com

Subject: Rn2

Message: I would like to comment that new multifamily should be a conditional use in this zone.

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Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - New Multi unit

1 view

Squarespace
to recodep...@portlandmaine.gov

May 1, 2024, 8:07:05 PM (6 days ago)

Sent via form submission from *ReCode Portland*

Name: S Preston

Email Address: SWPreston12@gmail.com

Subject: New Multi unit

Message: NEW multi family should be allowed as a conditional use In the rn2 zone

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Form Submission - Contact us Re:Code - Conditional Use in RN 2 zone

0 views

Squarespace

to recodep...@portlandmaine.gov

May 2, 2024, 1:18:53 PM (5 days ago)

Sent via form submission from *ReCode Portland*

Name: Lucia Anderson

Email Address: lucia.m.anderson@gmail.com

Subject: Conditional Use in RN 2 zone

Message: NEW multi families should be allowed as a conditional use in the RN 2 zone. Thanks!

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - Multi Family

0 views

Squarespace

to recodep...@portlandmaine.gov

May 2, 2024, 3:08:58 PM (5 days ago)

Sent via form submission from *ReCode Portland*

Name: Nicholas Nielsen

Email Address: nick.nielsen2015@gmail.com

Subject: Multi Family

Message: New Multi Family should be allowed as conditional use in the rn2 zone

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - RN2 0 views

Squarespace
to recodep...@portlandmaine.gov

May 2, 2024, 3:12:37 PM (5 days ago)

Sent via form submission from *ReCode Portland*

Name: Linda Coupe

Email Address: lindagcoupe@gmail.com

Subject: RN2

Message: Good Afternoon, I am curious why only existing multi family is a conditional use and not new multi family in the RN 2. I think it's important that we allow the opportunity for development of new units if the right project surfaces. Thank you

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

follow up on lodging house question

To: Helen Donaldson <hcd@portlandmaine.gov> Thu, May 2, 2024 at 11:38 AM

Thank you Nell for this quick follow-up to my questions!

It seems like the lodging house model that we thought might work to temporarily assist unhoused families until they can get permanent housing is almost impossible to get to work with the proposed zoning rules in Portland.

Here are some of my thoughts regarding "Lodging Houses" in Re-Code

I wonder why the number of bedrooms for lodging houses in the new proposed zoning would require a minimum of 5 bedrooms. I am not sure how the requirement of monthly payment would work for our non-profit model. In addition the zones Lodging Houses are actually allowed without a "conditional use" are extremely limited. It seems RN-6 zones are already occupied. I couldn't find anything labeled RN-7 on the map. The rest are business zones that might not be ideal for families and seem to have very limited opportunities.

I appreciate it's not easy to please everyone and realize that Portland is trying to work towards housing more people. It just appears the model of housing multiple families in one building with community dining and living space just doesn't seem to work with the city of Portland.

It appears Portland only would be applicable for shelters that have no privacy or we would need to house families in full apartment units which is not very cost effective for our transitional housing model.

[Quoted text hidden]

Question re proposed Recode of my Property at 173 Island Avenue

0 views



Lani Remick May 6, 2024, 12:31:01 PM (yesterday)

to recodep...@portlandmaine.gov

Hello -

I am a year-round resident of Peaks and own the property at 173 Island Avenue. Since I purchased the property and continuing to the present, the front part of the property is in the I-B zone, as with most properties on this side of Island Avenue in this area. In the latest draft of the Recode map, it seems like for other properties on this side of Island Avenue you extended the I-B zone to cover the entire property if it had only previously covered part of the property. For example, this appears to be the suggested approach as to the property of my immediate neighbor at 165 Island Avenue.

In the case of my property, however, instead of extending the I-B designation to cover the entire property, on the Interactive Draft Zoning map it seems like the I-B designation is removed, and the proposed zoning for the property is showing as entirely IR-2. (The Interactive Draft Zoning map also shows the "existing" zoning as IR-2, which is incorrect and perhaps this is the source of the error as to the proposed zoning?).

Can you please clarify the intent as to the proposed zoning of my property? I would oppose any change that would remove the existing I-B designation.

Thanks very much,
Lani Remick

Helen Donaldson <hcd@portlandmaine.gov>

Follow up on ReCode Comment

David Bateman <david@batemanpartnersllc.com> Tue, May 7, 2024 at 10:04 AM
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Cc: David Bateman <david@batemanpartnersllc.com>

Helen,

Thank you for your quick response to my comments regarding changing the entire Diamond Cove development from the current two (2) zones IR-3 and IR-1 into one newly proposed IR-1 zone.

As you know Diamond Cove was (and still might be) the most highly regulated residential subdivision approved at the local, state, and federal levels in the State of Maine.

The current zoning is also keyed to the two (2) phases that the project was divided into, both with very different restrictions and uses. The Declaration of Covenants and Restrictions provide an avenue for modifications within the IR-3 zone but require a 100% affirmative vote by IR-1 residents for changes within that zone (single family only).

Since its inception in 1986 the IR-3 zone has had several amendments, all voted on by association members and then approved by the City. This process has worked very well and given a sense of security and control to the membership (which is predominately seasonal).

My initial concerns with the proposed merger and additional uses as drafted are as follows:

- **Impacts to the Current IR-3 Zone**

  a.) Currently there are four (4) multi-family buildings which contain eight (8) residential units each. It appears that the proposed IR-1 zone (if it replaces the current IR-3 zone) would render these buildings non-conforming.

  b.) All of the structures within the current IR-3 zone are within a National Register Historic District. With the exception of specific commercial properties located separately from the "parade ground" area, all uses are residential and in keeping with the nature of this protected area. Including other uses such as agriculture, childcare centers, campgrounds, solar energy systems and accessory dwelling units would be totally incongruous. I also believe if changed as proposed it could create a situation in which members may claim a diminishment of property value.

In short the existing IR-3 zone was created for the purpose of preserving the historic nature of both the buildings and the environment in which they exist and should remain as currently regulated.

- **Impacts to the IR-1 Zone**

  a. The current D.E.P. site location permit for Phase II of the Diamond Cove development has a limitation of 39 single family homes. The inclusion of three family, two family, and neighborhood non-residential use would be completely at odds with the underlying land use approvals.
  b. Given the substantial investments made by the current residents within the existing IR-1 zone the likelihood of legal action, again based on diminishment of property values, increase exponentially.

In summary, the uses as proposed and merger of the current IR-3 and IR-1 zones makes no sense given the historic use, and existing state and federal regulations which govern this development. I applaud the City's initiative to simplify current zones but in this case I believe the proposed zone changes will further complicate a very unique development.

Sincerely,

David Bateman, President | Bateman Partners, LLC

470 Fore Street, Suite 400 | Portland, ME 04101 | (207) 772-2992

david@batemanpartnersllc.com

batemanpartnersllc.com

Form Submission - Contact us Re:Code - RN2 Zone

0 views

Squarespace

to recodep...@portlandmaine.gov

May 8, 2024, 7:19:14 PM (13 hours ago)

Sent via form submission from *ReCode Portland*

Name: Mark Civiello

Email Address: civiello@live.com

Subject: RN2 Zone

Message: I think that this zone should allow new construction as a conditional use. Only allowing existing dwellings closes the door it a responsible project came along that brought more housing on the market.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Second Wave Recode Questions

Rachel Conly <rachel@juniperdesignbuild.com> Thu, May 9, 2024 at 12:34 PM
To: Helen Donaldson <hcd@portlandmaine.gov>
Cc: Heather Thompson <heather@juniperdesignbuild.com>

Hi Nel,

I am hoping you can help me with some Second Wave ReCode questions I have regarding the new "small island lot" designation proposed for the Peaks Island IR-2 zone. My questions are below. Please let me know if it would be easier to set up a call to discuss.

Thank you! Rachel

- In the Second Wave ReCode, it looks like the "Lot of Record" designation has been removed and there are now only the requirements outlined in Section 4.3.1 Lot In Separate Ownership. Is this correct?
- Related to the above question, in the current code, Section 4.3.1 (A)3, it states "A lot of record as of July 15, 1985 may be considered a buildable lot in the IR-1 and IR-2 zones, provided the applicable setback dimensions can be met.....". In the Second Wave ReCode, does the "lot of record" date of July 15,1985 still apply, or do the current Lot of Record criteria simply not exist in the new ReCode? In Section 4.3.1 of the Second Wave ReCode, Lots In Separate Ownership, there is no reference date, so I am wondering if there is some other parameter I am missing for establishing a "small lot".
- In Section 7.6.3 (A)4 Small Island Lots, it notes "New small island lots may only be created by a single lot division of an existing lot, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional small island lots is prohibited." Does the "standard" dimensional requirement referenced include "small lots" 3,000 SF and greater? For instance, some properties consist of two or more small adjacent lots. I am wondering, as an example, if a property owner can divide two adjacent lots that are 3,000 SF? Or does the split have to result in one of the lots being 20,000 SF?
- Related to the above, I am also assuming that the reference to "a single lot division" means this is a one-time division opportunity?
- Related to above, can you still split a lot if it results in an increase in the nonconformity of dimensional standards, such as setbacks and lot coverage, of any home/structure remaining? I assume the answer is "no", but want to confirm.
- Can you please let me know where I can find a definition of a "cottage court development"? I could not find a definition.

--
Rachel Conly (she/her)
Owner/Design Director
Juniper Design + Build, LLC
207.766.5919
www.juniperdesignbuild.com

Change in Zoning for 18 Central Peaks Island 0 views

Mary Anne Mitchell 12:03 PM (4 minutes ago)

to recodep...@portlandmaine.gov

I live on Central Ave. and I am next to 18 Central. Our street is a residential street with a lot of pedestrian traffic and car traffic. I am opposed to changing 18 Central to be in the business district. Please consider what people on the street want for this property. Thank you. Mary Anne Mitchell

Helen Donaldson <hcd@portlandmaine.gov>

Zoning Revisions

Richard A. Molyneux <richardamolyneux@yahoo.com> Sun, May 12, 2024 at 1:00 PM
Reply-To: "Richard A. Molyneux" <richardamolyneux@yahoo.com>
To: "hcd@portlandmaine.gov" <hcd@portlandmaine.gov>
Cc: David Bateman <david@batemanpartnersllc.com>

Dear Ms. Donaldson

I am the current president of the Diamond Cove Homeowners Association, and have reviewed the City's new zoning outline. I also have shared it with the rest of the board members, and have to say that we are in total agreement with the comments that the original developer of Diamond Cove, David Bateman, made to you earlier.

Our existing IR-3 zone has been designed and managed to protect the National Historic Register components of Ft. McKinley, which was built approximately 120 years ago. We have very strict rules that apply to that area, controlled by our Declaration of Covenants, to insure that it will be properly preserved. Our IR-1 zone properties, which we refer to as Phase II properties, are all single family homes, which is the way it was designed, including related infrastructure. For example, Diamond Cove does not utilize the Portland sewer system; it operates its own, which has great limitations and cannot support more houses/units than we presently have.

The bottom line is, while we understand the wisdom and motivation of the proposed zoning simplifications, there will be some entities that won't fit into that general mould. Diamond Cove is one of those. Thus we would very much like to get this corrected before it gets too far along and lawsuits start flying. We have 142 units at Diamond Cove, and I'm sure 99% of them will go ballistic if this is forced upon them, and for good reason, as it will have a very negative impact on our community, its residences, and property values. We sincerely hope this will not be the case. Please advise if you need anything more from us, including responses from the individual homeowners.

Sincerely,
Richard Molyneux
President
Diamond Cove Homeowners Association

Comment on a zoning change on Peaks Island 0 views

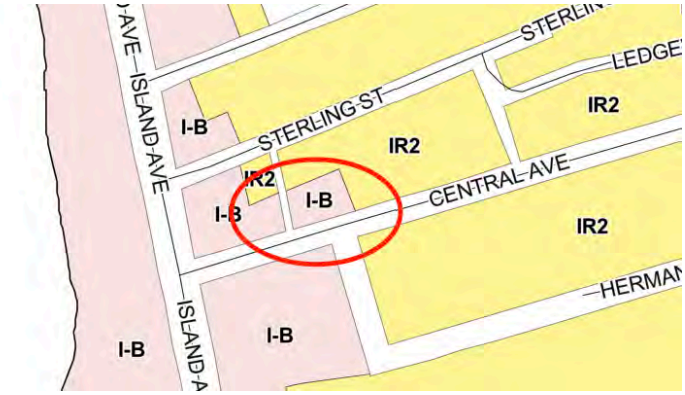
Will Crosby 10:28 AM (13 minutes ago)
to recodep...@portlandmaine.gov

Hello ReCode team;

I am a Peaks Island resident (at 92 Central Avenue). Through a neighbor, I became aware that 18 Central Avenue on Peaks Island is being considered to be changed from IR-2 to Commercial.

I strongly request that this change not be allowed. Central Avenue is a residential neighborhood; allowing a restaurant or other tourist magnet would change the culture of the street, dramatically impact several immediately-adjoining residences, and move Peaks in a direction that I believe most residents would not support.

I am registering a strong NO VOTE on changing the zoning status of 18 Central Avenue.



Thank you for you consideration,
Will Crosby

92 Central Avenue, Peaks Island
207 274-1473
hello@willcrosby.com

Form Submission - Contact us Re:Code - What is re-code? Is it zoning change? Please don't refer me to the websites or maps - too confusing.

0 views

Squarespace

to recodep...@portlandmaine.gov

1:26 PM (2 hours ago)

Sent via form submission from *ReCode Portland*

Name: Marion Snyder

Email Address: mart99fish@gmail.com

Subject: What is re-code? Is it zoning change? Please don't refer me to the websites or maps - too confusing.

Message: What exactly is re-code? Is that a zoning change? Please don't refer me to the websites or maps too confusing. How does this affect Nason's Corner and other neighborhoods? Did someone go around from your dept. and put up small orange plastic banner indicating what home zoning changes? Please let us know. Thank you.

Manage Submissions

Does this submission look like spam? Report it here.

Height Map Inquiry 0 views

Elizabeth Frazier 12:46 PM (27 minutes ago)
to recodep...@portlandmaine.gov

Hello,

I am going through the Wave II edits to ReCode for review by the Maine Real Estate and Development Association (MEREDA), and a question came up in my review of the base zone changes. Many reference the Portland Heigh Map as the standard source, and I was wondering if that is also being updated as part of ReCode?

Thank you!

Elizabeth

Elizabeth Frazier
PIERCE ATWOOD LLP

Merrill's Wharf
254 Commercial Street
Portland, ME 04101
PH 207.791.1155
FAX 207.791.1350

157 Capitol Street
Suite 3
Augusta, ME 04330
PH 207.622.6311
FAX 207.629.5955

efrazier@PierceAtwood.com
This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.

Helen Donaldson <hcd@portlandmaine.gov>

ReZone

MaryEllen FitzGerald <maryellenfitz@gmail.com> Tue, May 14, 2024 at 6:55 PM
To: hcd@portlandmaine.gov

Dear Ms. Donaldson:

I would like to register my concern at the proposed change in zoning categorization for Diamond Cove. As a former president of the Diamond Cove Homeowners Board, I urge you to reconsider this ill-advised revision, which will almost certainly result in swift and immediate resistance from our homeowner population.

As you know, Diamond Cove is essentially a gated seasonal community on Great Diamond Island. Although we have a small cadre of hardy year-round residents, fully 80% of our homeowners are seasonal residents who purchased or (in the case of Phase 2 owners) built their homes with the guarantee of very limited development on an island with tremendous historic significance. A major part of the appeal of Diamond Cove is the limited scope of residential development, and the presence of very limited commercial properties: The Inn at Diamond Cove, Diamond's Edge Restaurant and Marina, and the Crown Jewel. The only motorized vehicles allowed for homeowners at Diamond Cove are golf carts. This contributes to a tremendous sense of detachment from more congested, urban environments and allows homeowners to appreciate the historical significance and natural simplicity of our island community. The existing IR3 zoning is the critical underpinning for this community, and has been relied upon by homeowners since Diamond Cove's inception.

Rezoning to allow for a more simplified code throughout the city is an understandable and commendable effort. However, there will be situations in which the rezoning effort (such as that proposed for Diamond Cove) will not be a good fit, or in fact, will effectively destroy a community that has operated efficiently and effectively within heavily prescribed historic preservation restrictions. I urge you to reconsider this ill-advised rezoning effort. Allowing broader uses such as accessory dwelling units, campgrounds and similar incongruous developments will result in a huge degree of backlash from homeowners who will find the value of their island homes diminished and their experience of the siland negatively impacted.

Sincerely,
MaryEllen FitzGerald

Another Question - IZ 1 view



Elizabeth Frazier
to recodep...@portlandmaine.gov

May 14, 2024, 5:31:03 PM (20 hours ago)

Hello,

For MEREDA again, could you clarify for me whether the proposed changes modify the provisions of the Green New Deal related to 25% inclusion of affordable housing for all housing projects over 10 units? It looks like there are changes in the redline version with respect to unit integration, etc., but not to the base 25% mandate itself. I know there are timing considerations regarding the City's inability to modify a referendum for 5 years, but am curious as to whether you're proposing changes around the edges, and if so, have you thought about changing the mandate?

Thank you!

Beth

Elizabeth Frazier
PIERCE ATWOOD LLP

Merrill's Wharf
254 Commercial Street
Portland, ME 04101
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FAX 207.629.5955

efrazier@PierceAtwood.com

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Form Submission - Contact us Re:Code - Peaks Island proposed expanded business district

0 views

Squarespace 12:44 PM (7 minutes ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Alicia Kershaw

Email Address: alicia.kershaw.kerrose@gmail.com

Subject: Peaks Island proposed expanded business district

Message: I'm writing to support the expanded business district on Peaks Island, Local businesses need space for trucks and equipment and this will help keep large vehicles off street parking. I'm not commenting on the proposed location because I am concerned about the effect on residents there. But we do need more areas zoned for business

Manage Submissions

Does this submission look like spam? Report it here.

1239-1241 Congress St Portland 1 view



Diana Ellis May 21, 2024, 4:59:25 AM (7 days ago)

to recodep...@portlandmaine.gov

Hello

I was informed the zoning has changed for muti units. I have a two unit and would like to add a 3rd unit. I was told a couple of years ago due to the amount of land that was not possible. Has that changed? Thank u Diana ellis

H. using & Zoning Committee – Feedback from the May 18 ReCode information table.
A. out 20-25 people stopped by to gather handouts and give comments. People were very interested in sharing their concerns and feedback, and in learning more about ReCode.

1. Small Island Lot
    a. Many questions about the proposed limit on lot division that requires the primary lot to maintain 20,000 sq ft, so a lot would need to be 23,000 sq ft to carve off 3,000 sq ft.
    b. Interest in exploring a system where a land owner can divide their property and maintain the setbacks and lot size requirement of IR-2/Small Lot. Such as from a 6,000 sq ft lot making two small island lots of 3,000 (provided that the original lot/structure can maintain the Small Island lot setbacks and lot coverage).
    c. Concern about the business of short term rentals on Small Island Lots.

2. Questions about the Business zone
    a. In the ReCode effort to remedy the split lot scenario (business/IR-2) the proposed maps show lots that have a greater than average depth becoming Business zoned – this has created areas where the business zone intrudes on residential areas.
    b. Questions here:
        i. Can there be an additional measurement or percentage taken into account when remedying the split lots. Such as it can't extend more than 25% or 50% of the norm?
        ii. What happens when a newly proposed business zone abuts residential lots. Are there ways to reduce or remedy the impact?
        iii. Should the depth of the business zone be maintained equally on the east side of Island Ave?

    c. Need for new category of business zone for "soft businesses" that don't have the potential to have a large impact on neighbors for example:
        -that maintain the same setbacks as IR-2
        -that are 9:00-5:00 businesses such as galleries, antique shops, repair shops, shared office space – but not allowing hotels, restaurants, and such that have a big impact.

3. Water & Sewer capacity information should be taken into account.
    a. Concern about additional building where there is no city water & sewer.
    b. And concern about building where there is city water and sewer, but the present system seems to be at capacity.

4. Dimensional Standards:
    a. Concern about 5 ft side setbacks in IR-2 Small Lot that also allow for encroachment of 2 ft.

b. Lot coverage going from 20% to 60% a concern – would 40% be enough?
c. Support for reduced setback to allow additions.

5. Need for Commercial vehicle parking lot.

Re: 1772 Westbrook St - redevelopment/recode 1 view

Nancy Martin May 23, 2024, 8:44:42 AM (5 days ago)

to Paszyc, Chris, Gregory Watson, Kevin Kraft, recodep...@portlandmaine.gov

Dear Chris,

Thank you for your email and apologies for the delayed response.

I can confirm your preference for 1772 Westbrook Street to be zoned as RN2 has been received.

I have copied the Recode email address so this can be incorporated into the Recode feedback process.

Warm regards,
Nancy

Nancy L. Martin (she/her)
Business Programs Manager
Housing and Economic Development Department
City of Portland
389 Congress Street
Portland, ME 04101
nmartin@portlandmaine.gov
(207) 756-8019
www.portlandmaine.gov



On Mon, May 20, 2024 at 11:12 AM Paszyc, Chris <cpaszyc@boulos.com> wrote:

> Good morning Kevin, Greg, and Nancy – following up on our meeting regarding the recode process for 1772 Westbrook St., our preference would be to see it zoned RN2. Please confirm you've received this, and let me know if you have any issues. Thank you.
>
> Chris Paszyc, CCIM, SIOR
> Partner
> The Boulos Company
> 207.939.4147 (cell)
> Sent from my mobile device
>
> > On Apr 26, 2024, at 9:52 AM, Gregory Watson <gwatson@portlandmaine.gov> wrote:
> >
> > *****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe *****
> >
> > 1772 Westbrook St - redevelopment/recode
> > You have been invited by Gregory Watson to attend an event named 1772 Westbrook St - redevelopment/recode on Thursday May 2, 2024 · 12pm – 1pm (Eastern Time - New York).
> >
> > This event has been updated
> > Changed: location

When
Thursday May 2, 2024 · 12pm – 1pm (Eastern Time - New York)
Location
CHANGED
City of Portland, Maine, 389 Congress St, Portland, ME 04101, USA
View map<https://www.google.com/maps/search/City+of+Portland,+Maine,+389+Congress+St,+Portland,+ME+04101,+USA?hl=en>
Guests
Gregory Watson<mailto:gwatson@portlandmaine.gov> - organizer
Nancy Martin<mailto:nmartin@portlandmaine.gov>
Kevin Kraft<mailto:kkraft@portlandmaine.gov>
cpaszyc@boulos.com<mailto:cpaszyc@boulos.com>
View all guest info<https://calendar.google.com/calendar/event?action=VIEW&eid=dTk3dGVpNnY4YjAybmp1YTJkN3VyMXJwcTggY3Bhc3p5Y0Bib3Vsb3MuY29t&tok=MjUjZ3dhdHNvbkBwb3J0bGFuZG1haW5lLmdvdmNjNjdjMDg1OTYwZjJhZTE2ODA5NGI2MDQxMGM3NGQyOTQ2N2Y5YzA&ctz=America%2FNew_York&hl=en&es=0>
Reply for cpaszyc@boulos.com<mailto:cpaszyc@boulos.com>
<https://calendar.google.com/calendar/event?action=RESPOND&eid=dTk3dGVpNnY4YjAybmp1YTJkN3VyMXJwcTggY3Bhc3p5Y0Bib3Vsb3MuY29t&rst=1&tok=MjUjZ3dhdHNvbkBwb3J0bGFuZG1haW5lLmdvdmNjNjdjMDg1OTYwZjJhZTE2ODA5NGI2MDQxMGM3NGQyOTQ2N2Y5YzA&ctz=America%2FNew_York&hl=en&es=0>
Yes
<https://calendar.google.com/calendar/event?action=RESPOND&eid=dTk3dGVpNnY4YjAybmp1YTJkN3VyMXJwcTggY3Bhc3p5Y0Bib3Vsb3MuY29t&rst=2&tok=MjUjZ3dhdHNvbkBwb3J0bGFuZG1haW5lLmdvdmNjNjdjMDg1OTYwZjJhZTE2ODA5NGI2MDQxMGM3NGQyOTQ2N2Y5YzA&ctz=America%2FNew_York&hl=en&es=0>
No
<https://calendar.google.com/calendar/event?action=RESPOND&eid=dTk3dGVpNnY4YjAybmp1YTJkN3VyMXJwcTggY3Bhc3p5Y0Bib3Vsb3MuY29t&rst=3&tok=MjUjZ3dhdHNvbkBwb3J0bGFuZG1haW5lLmdvdmNjNjdjMDg1OTYwZjJhZTE2ODA5NGI2MDQxMGM3NGQyOTQ2N2Y5YzA&ctz=America%2FNew_York&hl=en&es=0>
Maybe
<https://calendar.google.com/calendar/event?action=VIEW&eid=dTk3dGVpNnY4YjAybmp1YTJkN3VyMXJwcTggY3Bhc3p5Y0Bib3Vsb3MuY29t&tok=MjUjZ3dhdHNvbkBwb3J0bGFuZG1haW5lLmdvdmNjNjdjMDg1OTYwZjJhZTE2ODA5NGI2MDQxMGM3NGQyOTQ2N2Y5YzA&ctz=America%2FNew_York&hl=en&es=0>
More options

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<invite.ics>
<meeting.ics>

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

24 May 2024

RE: Proposed Portland Historic Preservation Ordinance Changes

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks has significant concerns about some of the proposed changes to Portland's Historic Preservation Ordinance as drafted in the staff's proposed Chapter 16 draft. We believe that a number of the changes do not meet the minimum standards set out in the *Guidelines for the Certified Local Government (CLG)Program in Maine*. We also have concerns that several deletions and language changes will have a significant impact on the Board's ability to fulfill its responsibilities under the ordinance and the historic preservation goals outlined in the City's Comprehensive Plan.

Enclosed is a copy of our comments. We have noted areas where we feel the changes specifically do not address CLG requirements for local legislation. We have forwarded a copy of this document to the Maine Historic Preservation Commission. We also have questions and comments on other areas of concern that are not specifically related to CLG requirements.

The staff proposed draft required a great deal of analysis to understand what was proposed as new language and not in the existing ordinance, what existing text was proposed to be relocated, and what text in the existing document was proposed to be removed altogether. We hope that our comments assist you in your deliberations at your workshop on Wednesday the 29th.

We would like to highlight some of our major concerns:

- Proposed language that would remove or alter the purpose of the board and its responsibilities as required by the *Guidelines for Certified Local Government Programs in Maine.*
- Proposed language that would alter or eliminate the definitions of standard historic preservation terms like site or landmark.
- Proposed language that would remove interim protections and project review during the designation process.
- Proposed language that would no longer regulate activities that don't require a building permit, including removing review of projects in the ROW that would have visual impact on historic districts.
- Proposed language that would allow the dimensional requirements of the underlying zoning to supersede the historic preservation review standards in all areas designated as historic, not just Congress Street, India Street, and at the Portland Company.
- Proposed language that moves authority to review and issue a Certificate of Hardship from the Zoning Board of Appeals to the Historic Preservation Board.

- Proposed language in the standards for recission or amendment that would allow the planning board or the city council to decide that a landmark or contributing building can be reclassified as noncontributing (and therefore demolished) based on goals, other than historic preservation, identified in the comprehensive plan.

The last item above we feel is the most significant staff proposed change that should be addressed. This is a significant change from existing and historic ordinance language and will disallow certification of this ordinance and lose CLG status for the city. Landmarks met with Planning staff on May 2, 2024 to begin to outline our concerns about proposed "Wave 2" changes to the historic preservation ordinance. Staff seemed to suggest that in 2020 changes had been made to the Rescission of Designation provision of the ordinance, and their proposed "Wave 2" language to allow the City Council to consider the comprehensive plan in rescission applications was merely reverting the ordinance back to how it was pre-2020. To the contrary, our research confirms that the substance of the current provision on amendment or rescission of a designation is largely unchanged from what was first enacted in 1990. We have attached pages from the 2019 Portland Zoning Ordinance, prior to the ReCode 2020 amendments, that clearly show the rescission standards were limited to the minimum criteria for designation and the integrity standard. Rescission standards did not include the goals of the comprehensive plan.

We hope that you will agree that the items summarized above and changes outlined in our attached comments, are indeed significant changes and that you will ask city staff to amend their proposal.

Thank you for considering our views,



Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Attachments:
Excerpted pages from 2019 Portland Zoning Code, Chapter 14
Research on evolution of the Amendment and Rescission of designation provision, 1990 to the present.
Landmarks specific comments on the staff proposed changes to Chapter 17 of the Land Use Code

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;

2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or

6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such

cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.
(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.
(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provisions of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or

designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-624.- Sec. 14-627. Reserved.

***Editor's note –** Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination

Research on the evolution of the Amendment and Rescission of Designation provision, 1990 to present

Prepared for Greater Portland Landmarks, by Barbara Vestal, May 24, 2024

When Landmarks met with Planning staff on May 2, 2024 to begin to outline our concerns about proposed "Wave 2" changes to the historic preservation ordinance, they seemed to suggest that 2020 changes had been made to the Rescission of Designation provision of the ordinance, and that the Wave 2 proposal to allow the City Council to consider the comprehensive plan in rescission applications merely changed the ordinance back to how it was pre-2020. To the contrary, my research, outlined below, confirms that **the substance of the current provision on amendment or rescission of a designation is largely unchanged from what was first enacted in 1990.**

Following immediately below are excerpts from Portland's Historic Preservation Ordinance as it appeared City of Portland, Code of Ordinances, Land Use Code, Chapter 14, Rev. 6-21-12. (This is how it read in 2012, and as far as I believe, continued to read until 2020 ReCode I amendments.)

Sec. 14-623. Amendment and rescission of designation. Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance. (Ord. No. 235-90, 2-26-90) (Vestal emphasis added)

Sec. 14-627. Reserved. -------

***Editor's note – Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety. -------**

14-623 states that the standards for rescission are limited to section 14-610(a) and section 14-611, which are reproduced from the 2012 document, below:

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

> 1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States; City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-610 Rev. 6-21-12 14-815

2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or

6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

*((b), (c) and (d), reproduced here, are **excluded** from consideration in a 14-623 rescission*)
(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States. City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-610 Rev. 6-21-12 14-816

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city. (Ord. No. 235-90, 2-26-90)

(This, from 2012, is also to be considered in a 14-623 rescission:)
Sec. 14-611. **Integrity of landmarks and historic districts**. Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration. (Ord. No. 235-90, 2-26-90)

Note that Sections 14-623, 14-610 and 14-611 as shown in these 2012 excerpts are exactly the same as were adopted by Order Number 235-90 on February 26, 1990 as part of the original ordinance. As of 6/21/12 they had not been amended. The 2012 version of the ordinance also notes that the "Projects of Special Merit" was repealed in its entirety 9/8/04. I don't believe they were amended between 2012 and 2020.

COMPARISON TO CURRENT VERSION OF THE CODE, AFTER RECODE I AMENDMENTS IN 2020:

After the ReCode I package of amendments were adopted in 2020, the rescission provision read as follows: (changes from 1990 are underlined or struck through)

17.5.9 Amendment or rescission of designation Amendment or rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the *City C*ouncil, and shall follow the procedure set forth in *Section 17.5* for designation. The *City C*ouncil may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the *Historic Preservation Board*, *P*lanning *B*oard, and *City C*ouncil shall be limited to those provided in *Subs*ections *17.4.1(A) and (B)* and *Subsection 17.4.2*. Amendments may include *reclassification of a portion of a contributing property to noncontributing status*, refinement or correction of design guidelines, maps, and other parts of any designation ~~ordinance~~.

The underlining and strikeout show the changes that were made between the 1990 version and the current (post-ReCode I 2020 amendments) version. This is the operative law today. They changes are as follows:

1. In 1990, Division 4 was "DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION". In 2020, it was renumbered 17.5 NOMINATION, CONSIDERATION AND DESIGNATION. No substantive change.

2. In 1990, what is now the Historic Preservation Board had lesser powers and was called the Historic Preservation Committee.

3. **There do appear to be two substantive changes made in 2020. 17.4.1 (B) was added to what could be considered in a rescission.**

4. **And "reclassification of a portion of a contributing property to noncontributing status" was specifically added to the list of examples of amendments that could be made.** The list is not intended to be exhaustive; it says "amendments may include." This would not preclude reclassification of an entire property to noncontributing status.

The current criteria of 17.4.1(A) and 17.4.2, reproduced below, seem unchanged from the 1990 criteria:

17.4.1 Minimum criteria for designation *(Same as 14-610(a))*

A. The Historic Preservation Board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure, or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

4. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.

5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States.

5. Its representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous.

And also unchanged except for the numerical references:

17.4.2 Integrity of landmarks and historic districts (Same as 14-611)

Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.

The new section that was added for consideration in the event of a rescission in the 2020 amendments is 17.4.1(B), which states as follows:

B. In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it which creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. A historic district can comprise both individually distinctive historic resources and historic resources that may lack individual distinction but which contribute to the significance and visual character of the district as a whole.

SUMMARY:

According to my analysis, the ordinance provision addressing amendment or rescission of designation is largely unchanged from the original provision adopted in 1990. References to code sections have been updated as part of the 2020 ReCode renumbering of the entire ordinance. Identifications of entities have been updated (e.g. council became City Council). There are only two substantive changes that appear to have been made between 1990 and now, both in connection with ReCode I amendments in 2020. "Interrelationship of resources within a district to create an identifiable entity" has been added to "Minimum criteria for designation" and "Integrity" as another standard that may be considered by Historic Preservation, Planning and the City Council in weighing a request for rescission. And reclassification of a portion of a structure from contributing to noncontributing has been clarified being a type of amendment that could, theoretically, be a permissible rescission.

In my opinion, there is no basis to believe that exclusion of the comprehensive plan from the standards to be considered in a rescission application is a new development. The exclusion of the comprehensive plan in a rescission decision has been in place since the original adoption of the ordinance in 1990.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
		General Comment: The exis ordinance has been divided across three chapters, Chapter 2: Administra Chapter 3, De and the remaining se s of the ordinance are proposed as the new Chapter 16. We have outlined our comments below in order of the proposed dra chapters.
	CHAPTER 2. ADMINISTRATION	
2.2.8. Respons s 2.2.8.C Includes "inves a ng" places to nominate 2.2.8.D Keeping a register 2.2.8.E. to advise and assist property owners 2.2.8.H to seek CLG funding 2.2.8.I Se 106 par on 2.2.8 J. educa on of residents 2.2.8 N to advise city council on easements 2.2.8.O to advise the PB on gi d grants, etc. 2.2.8.Q recogn ru plaques, etc.	**2.2.9. Jurisdic d Authority** Proposes to delete those responsibili noted in the column to the le	The exis g ordinance includes several responsibil s for the Historic Preserva rd such as inves a places to nominate and keeping a register, as well as advising the city and public on historic preserva related issues. The sta proposed amendment includes a new Juris and Authority on which has removed several responsibili or the Historic Preserva n Board. Our concern with the proposed language is that it would remove several responsibili or the Historic Preserva d which are minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine* *From 3.b. Duties of Local Review Commissions:* *4) conducting or causing to be conducted a continuing survey of cultural resources in the community according to guidelines established by the MHPC*; 17.2.2.8.C "inves a ng places to nominate" meets the "con nuing survey" minimum required duty of a Local Review Commission and its omission would be a loss of authority. We believe the responsibility for survey should remain a duty of the Historic Preserva n program. *5) making recommendation for designation of local landmarks and historic districts to the appropriate local governing body and keeping records of such decisions;* 17.2.2.8.D "Keeping a register" meets the "keeping records" minimum required duty of a Local Review Commission and its omission would be a loss of authority. *7) acting in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;* 17.2.2.8.N. and 17.2.2.8.O. meet this minimum required duty of a Local Review Commission, the language regarding what topics they should provide advice (easements, grants, etc) could be altered, but losing the authority to "advise" on those prot n measures would be a loss of authority. *8) acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation; and* 17.2.2.8.E. and 17.2.2.8.J. meet this minimum required duty of a Local Review Commission, losing the authority to "advise and assist property owners" and "educate residents" would be a loss of authority. *9) working toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns*. 17.2.2.8.J. meets this minimum required duty of a Local Review Commission, and its omission would be a loss of authority.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
2.2.8.L Cer ate of Economic Hardship: to provide tes ny at Board of Appeals	**2.2.9E Cer ate of Economic Hardship:** to review applica issue or deny CEH.	The exis g ordinance delegates authority for economic hardship hearings to the Zoning Board of Appeals. The sta proposed language assigns that duty to the Historic Preserva Board. This is a change from the current pra ce (which city sta claim has never been used). Our ques s, do other Maine CLG com assign this duty to Historic Preserva Boards/Commi ees/Commissions? If so, does MHPC know how well it has worked?
	CHAPTER 3. DEFINITIONS	
		General Comment: The impact of dele ng several of the de ns cited below or using alterna e de ns that are more appropriate for general land use standards appears to have not been thoroughly considered. Some de ns have been inserted as text into the body of the ordinance, which seems reasonable. However, in the reloca of the de ns, their meaning has been altered. Other de ns as noted below are no longer de ned.
From Chap. 17 - Alter n. Any act or process requiring a building permit and <u>any other act or process not requiring a building permit but cally listed in this cle as a reviewable</u> including without limi the repair, reconstruc n, demol or rel ny structure or object, or any part of a structure or object. **From Chap. 3 - Building altera n.** A change or rearrangement in the structural supports, exterior appearance, or removing from or otherwi e he exterior appearance of a building.	**Chap. 3 - Building altera n.** A change or rearrangement in the structural supports, exterior appearance, or removal of features otherwi e he exterior appearance of a building.	The exis g historic preserva ordinance de Altera as dis from the de of Building Altera in the general zoning. The sta proposed language would use the general de n for all chapters of the ordinance. Our concern with the proposed amendment is that dele g the current de of "Altera in the historic preserva ordinance (which included spe ally listed non-building permit changes) and the use of the standard land use de of "Building Altera is problema The de of "Altera n" informed the current de n of C cate of Appropriateness (required for "altera . The dele of "any other act or process not requiring a building permit sp cally listed in cle as a reviewable changes the applicability standard so that **a C te of Appropriateness would only be required for work that would otherwise require a building permit**. Altera ke pain ng brick, replacement of siding, re-r , heat pump installa solar panel installa installa of landscaping improvements, and projects in the ROW that do not require a building permit would not be reviewable. This is a <u>sign cant change</u> and does not appear to meet the minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine* to review altera reloca demol nd othe ns a designated historic pro under its juris on.
Cer cate of Appropriateness.	*Not defined*	The exis g historic preserva ordinance de ate of appropriateness, while the sta proposed dra removes this de Our concern is that cate of Appropriateness" is a term-of-art and that there is value in retaining the de
Cer cate of Economic Hardship.	*Not defined*	
Cer cate of Non-Applicability.	*Not defined*	

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
Contrib A class n applied to a site, structure, or object within a historic district signifying that it contributes generally to the quali that give the historic district cultural, historic, architectural, or archaeological sign cance as embodied in the criteria for design ng a historic district.	***See 16.2.3.B.*** A contrib class shall only be applied to an area, site, structure, or object which: 1) ~~Were~~ Was built at least 50 years prior to the date of district design on or ~~were~~ was built within a period of sig ce speci d in the des on ap n. 2) ~~Are~~ Is found to have a rela with or physically embod~~ies~~es the quali hat give the historic design on cultural, historic, architectural, or archaeological sign cance as embodied in the minimum criteri n the design on report; and 3) Retain sufficient integrity to communicate that sig ce as in Sub 16.2.2(B).	The exis g ordinance de of "contribu " has been removed in the sta proposal. Instead, new language is proposed within the body of the ordinance. Our concerns with the proposed amendment are: a) That the new language lacks clarity in *Section 16.2.3. Classifications within historic designations*. Would the term "contribu ng" apply to historic desig ns generally (including individual landmarks?) or only to resources in historic districts? b) Sec on 16.2.3 omits "landmark" as a classi in a historic district. c) Refers to the "desig n report". *Section 16.3. Nomination, Consideration, and Historic Designation* references "report" sever es but those references should be clari d to be "des n report" in order to be consistent. The minimum requirements for local legisla (A.2.) in the *Guidelines for the CLG Program in Maine* spec cally state that Local legis desi and protec toric pro by CLGs in Maine must contain, at a minimum, the f design n and prote Historic District, Historic Landmark, Historic Site) that meet federal statutory d ni We believe the term 'contribu ng' should ned term in Chapter 3 and suggest the following de on: From the *Guidelines for the CLG Program in Maine:* A property or resource that has historical sign cance through loca n, design, setting, materials, workmanship, feeling, or associa and adds to the sense of and place and historical development in a historic property. Minor edit – verb tense in paragraphs 16.2.3.B.1. &2. (see GPL proposed corr o the le red)
on. Any act or process that y or totally destroys a structure or object.	***Chap.16.32.6,* Demoli n,** including any act or process that totally destroys any landmark or contribu g structure or object.	The exis g ordinance de includes par on. The sta proposed ordinance is missing ly or'. Our concern with the proposed language is since p demol end to occur mor en than total demol . reference to par , not just removal of features, really should be spe d in the ordinance. City have indicated that the proposed new of al ncompass l demol with the phrase "removal of features". That does not see nt.
District.	*Not defined*	

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
Historic district. A geographically area possessing a sign cant concentra inkage, or con nuity of sites, buildings, structures, or objects united historically or by past events or ally by plan or physical development. A district may also comprise individual elements separated geographically but linked by asso or history.	***Chap. 16.2.1,* Historic district.** A geographically area possessing a sign cant concentra inkage, or co uity of sites, structures, or objects united historically or aest cally by design, plan, or physical development. d area may comprise individual elements separated geographically but linked by asso or history.	The exi de cludes the phrase united "by past events". The p ordinance removes the and instead incorporates the historic district into the body of the ordinance. *16.2.1.* removes the phrase " united by past events". Those le ut words are important in de how objects, sites, or structures may be categorically united and is included in the Na rks Service's d NPS : **Historic District -** A geographically area, urban or rural, possessing a cant concentr , linkage, or con nuity of sites, landscapes, structures, or objects, un ed by past events or aest cally by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by ass r history. We believe the exi ni or the NPS on is the appropriate d n to use.
Historic landscape district. A geographically area possessing a sign cant concentra inkage, or co uity of landscape components which are united by human use and past events cally by design, plan or physical development.	***Chap. 16.2.1,* Historic landscape district.** A geographically de area possessing a sig nt concentra inkage, or co uity of natural or man-made landscape components which are united by past events, or cally by design, plan or physical development. d area shall be owned in it y by a unit of federal, state, or local government, or any combin of such ownership at t f nomi .	proposes to add language to the de historic landscape district which is taken from 17.4.3. It seems appropriate to include it within t Ds, which st proposes to include within the body of the ordinance.
Historic Resources Design Manual.	*Not defined*	In the proposed the manual is vaguely d ned in the body of the text. We believe a d ni is important – or greater clarity in the body of the text is needed. See 16.6.7 an on 16.7 for add onal comments on the Historic Resources Design Manual.
		General Note: We believe that integrity, which is ned in either the exi ordinance or in the proposed d , is important to d ne. Other CLG commun s in Maine use the following: **HISTORIC INTEGRITY:** The authen ty of a property's historic iden as evidenced by the survival of physical characteris (loca n, design, se , materials, workmanship and associa n) that existed during the property's prehistoric or historic period.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
Landmark. Any property, site, structure, or object of ular historic, architectural, or archaeological sign cance to Portland, the State of Maine and/or the United States rel ts cultural, social, economic, pol architectural heritage, or which is associated with historic persons, important events or themes in local, state, or nal history.	***In Chapter 16.2.1,* Landmark.** A discrete site, structure, or object and any associated area found to have ular or individual sign cance or prominence. Landmarks may be in or outside of historic districts or historic landscape districts.	1) The exi g d n includes "historic, architectural or archeological" as a mo r cular. proposes removing the d nd imbedding it within the body of the text. However, the n of landmark incorporated in *16.2.1.A*. leaves out "historic, architectural or archeological" as a modi cular, leaving it to read "p cular or individual sign cance." The le -out words are important in ning what type of sign cance a Landmark possesses. We believe this needs to be added back to the text either as stated in the exi or as d ned in the *Guidelines for the CLG Program in Maine*. From the *Guidelines for the CLG Program in Maine:* Any site, building, or structure of par ular archaeological, historic or architectural signi the municipality rel to its heritage, cultural, social, economic or poli cal history, or which is associated with historic personages or important events in local, state or history which has been designated in accordance with the municipality's historic preser n ordinance. 2) T proposed on of Landmark states that landmarks may be in historic districts, yet in S 16.2.3 "Classi a thin Historic Designa ns", S on 16.2.3 A. states that the sites, structures, or objects within a nominated historic desig on may be classi d as co noncontribu ng. This is in con ct with the of Landmark and current pra ce in Portland, and it should be clari d that within historic districts, resources may be class ed as Landmark, co ng, or non-contrib ng.
New constr .	*Not defined*	
Noncontrib A classi applied to a site, structure, object, or of, within a historic district signifying that: 1) it does not contribute generally to the quali hat give the historic district cultural, historic, architectural, or archaeologi cance as embodied in the criteria for design g a historic district; 2) was built within 50 years of the date of district desi unless otherwise designated in the historic resources inventory; or	**See 16.2.3. C.** If an area, site, structure, or object does not meet the above (in 16.2.3.B) it will be categorized as noncontrib *From 16.2.3.B - Contributing* 1) Were built at least 50 years prior to the date of district design or were built within a period of sign cance sp ed in the design on ap 2) Are found to have a rel onship with or physically embody the quali hat give the historic design on cultural, historic, architectural, or archaeological	The exi de cludes three ways a resource can be considered non-co ng. The last paragraph in the exi g de cludes the ability for the board to determine a por of a building is non-contr n is proposed by to be imbedded into the body of the text. The proposed has been altered through ning contribu g buildings in n 16.2.3.B. and ceding all other buildings that do not meet the criteria in 16.2.3.B will be non-contribu . However, the removed language from the third paragraph of the exis g d n removes the ability of the Historic Preserv Board to designate a site or structure as non-contrib Having the Board retain the op on to designate a p on of a site or structure as non-contr is useful as they review proposed rehabil or alte proposals. The opportunity of the Board to make this determ uld not be lost and should be included either as new language in 16.2.3.B or added to 16.2.3.C.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
3) where the l n, design, ng, materials, workmanship, and ass ve been so altered or have so deteriorated that the overall integrity of the site, structure, or object has been irretrievably lost. A n otherwise contr or landmark structure may be determined by the Historic Preserv Board to be non-contrib it meets one or more of the above cond	sign cance as embodied in the minimum criteri n the design on report; and 3) Retain sufficient integrity to communicate that sig ce as in Sub 16.2.2(B).	
Object.	*Not defined*	
Ordinary maintenance.	*Defined in 16.6.1 Applicability.*	
Preserva n.	*Not defined*	While ned in the current ordinance, we believe strongly that "preser n" should be d ned. If it is included in the gener sec , it should clarify that the on pertains to its use in Chapter 16 and s in other chapters pertaining to historic preserv on. The minimum requirements for local legisl 2.) in the *Guidelines for the CLG Program in Maine* spe y state that Local legis desi and n of historic p es by CLGs in Maine must contain, at a minimum, the d design n and n (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory d We also believe they should include the d ns for the four treatment standards, Preserv , Rehabil n, , and Reconstruc
Rehabili n. The act or process of returning a property to a state of ty through repair or altera which makes possible an cient contemporary use while preserving those por or features of the property which are sig t to its historical, architectural, and cultural value.	**Chap. 3 - Historic rehabili on.** The act or process of making possible a ble use for a property through repair, alte ns, and add while preserving those features which convey its historical, cultural, or architectural values.	*The existing definition is the same as the definition from the Guidelines for the CLG Program in Maine:* **Rehabilita on.** The act or process of returning a property to a state of ity through repair or altera n which makes possible an efficient contemporary use while preserving those por eatures of the property which are sign cant to its historical, architectural, and cultural values. We are unclear why the new term "historic rehabilita and the new de proposed by sta , that is virtually the same length as the current de , is changed from that included in the *Guidelines for the CLG Program in Maine.* The term "historic rehabilita " does not appear in Chapter 16, only "rehabilita . We believe the exis de t and the prevailing de n at federal, state, and local levels. The term itself should be consistent used within the body of the ordinance and in the de or clarity.
on. Any removal or rel of a structure on its site or to another site.	**Chap. 3 - Reloc .** The act or process of taking a structure or object and moving it from its current or ori n to a new or ori n.	This is a good, revised de on, as it addresses a resource's orienta .

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
From Chap. 17 - Site. The loc of cant event, an archaeological site, a landscape or tra al cultural property, or a building or structure, whether standing, ruined or vanished, where the loca on itself maintains historical or archaeological value regardless of the value of any exi structure. **From Chap. 3 - Site**. All co land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.	**Chap. 3 - Site**. All con uous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.	The exi historic preserva ordinance d nes "Site" t from the n of "Site" in the general zoning. The sta proposed language would use the general for all chapters of the ordinance. These are really two very erent meanings, and in the 43 occurrences of the term 'site' found in the proposed Chapter 16 the meaning is sign cantly changed from the exi ng ordinance. It is problema to have the of "site" that is used in the general ordinance, in a historic preserv context. In ad to the lack of clarity stated above, the minimum requirements for local legisl (A.2.) in the *Guidelines for the CLG Program in Maine* sp cally state that Local legis desig d pro historic proper CLGs in Maine must contain, at a minimum, the d design n and pr n (ie. Historic District, Historic Landmark, **Historic Site**) that meet federal statutory d We would support adding either d n below within Chapter 3. *The NPS definition:* **Historic Site -** The site of cant event, prehistoric or historic occup or ac ity, or structure or landscape (extant or vanished), where the site itself possesses historical, cultural, or archeological value apart from the value of any exi g structure or landscape. *From the Guidelines for the CLG Program in Maine:* **Site.** The loca on of a sig ant event; an Archaeological Site; a landscape or tr nal cultural property; or a building or structure, whether standing, ruined, or vanished, where the loca itself maintains historical or archeological value regardless of the value of any exis structure. Other Maine ci the NPS use "Historic Site" to ere the terms, which would require e ng the body of the historic preser n ordinance at the 43 occurrences of the term "site". That may be awkward, and if so, we would support a n Chapter 3 that included the historic preserva d as a second meaning that ONLY applied to chapter 16 and instances in other chapters where "site" is used in the context of historic preserv
Restora on.	*Not defined*	We believe strongly this should be d. The minimum requirements for local legisla (A.2.) in the *Guidelines for the CLG Program in Maine* cally state that Local legisl for design and n of historic by CLGs in Maine must contain, at a minimum, the d of desig n and prote storic District, Historic Landmark, Historic Site) that meet federal statutory n We also believe they should include the de he four treatment standards, Preserv Rehabil , Restor d Reconstru n.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
	CHAPTER 16. HISTORIC PRESERVATION	
17.1 Purpose Includes 8 paragraphs establishing purpose: fostering civic pride, resource of ex , prote nd enhancing neighborhoods, fostering preserva etc.	**16.1 Purpose** Ret st paragraph and adds: establishing standards for the review of constru n within and a designated historic pro s to encourage preser n, rest rehabil , and new const n that respects the historic, cultural, architectural, and archaeological s ce of areas, sites, structures, and objects.	The language in the exi ordinance's purpose statement has been sig y abbreviated in the proposed . Although the added language is useful, the minimum requirements for local legisl (A.2.) in the *Guidelines for the CLG Program in Maine* cally state that a statement of purpose should give an overview of why the ordinance was created and its intent. We believe several of the paragraphs in 17.1 should remain because as stated in the *Guidelines*, a statement of purpose may be used to determine whether a decision related to the ordinance is jus . We believe the exis tatements establishing purpose that describe fostering civic pride, resource of e e, prote nd enhancing neighborhoods, fostering preserva etc. should remain. We also believe a purpose statement should include advising other city boards and the City Council on land use ma ers related to historic preserva
17.2 De s	Removed to Chapter 2, but just a select few de ere moved – the rest deleted.	The elimina of virtually all of the de ons in the ordinance raises the opportunity for a lot of (perhaps uninten al) misinterpreta because the ordinance was carefully cra ed to build on the basic de See Chapter 3 Comments above.
17.3 Administra e Procedures		
17.3.3 ces & Public Comment *Paragraph C.* The Planning Authority shall advise the Historic Preserv Board and the Planning Board of any demol ermit applica received by the Planning Authority as to structures or objects that have been classi d as noncontrib within nominated or designated districts, but there shall be no Historic Preserv Board review of such permit applica	*No equivalent section in this chapter or Chapter 2*	*The existing notice requirement for non-contributing structures in a nominated or designated district has been removed in the staff proposed draft.* *This seems like a reasonable public notice requirement to advise the board at a regular board meeting that a demolition will be occurring in a historic district, as the public may not be aware of a building's designation status and have questions as to why a demolition is occurring. Additionally, this provision seems to meet the intent of the CLG requirements regarding public participation.*

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.4 Categories & Criteria for Designa n	**16.2 Historic Designa ns**	
No equivalent Section (definitions)	**16.2.1 Categories of Designa** A) Landmark. A discrete site, structure, or object and any associated area…. B) Historic district. A geographically area possessing a sig concentra inkage, or co uity of sites, buildings~~,~~ structures, or objects united historically or ally by design, plan, or physical development. T ned area may comprise individual elements separated geographically but linked by ass or history.	While the exis ordinance has de for many terms, the sta proposal imbeds several de ns within the body of the ordinance. This is reasonable, but the altera n of the de cases is problema For instance, it is problema to have the wrong de n of "site" in the general ordinance, not "site" in a HP context in this sec . The de of landmark in 16.2.1.A d ers from the exis de by removing "property" and keeping "site" which is de ed as all con guous land in common ownership in the general ordinance. *See also comments on Chapter 3 above.* In ad , the de f landmark incorporated in 16.2.1.A leaves out from the current de "historic, architectural or archeological" as a mo r for " ular", leaving it to read " ular or individual cance." Those le out words seem to be important and should remain. 16.2.1 B in de ning historic district leaves out the word "buildings" from the current de It should remain.
17.4.1 A. Minimum Criteria, limits considera to those six areas in making the determina	**16.2.2.A. Criteria for considera on** *Significant aspect of heritage.* *Significant events or activities.* *Significant persons.* *Significant architecture.* *Significant designer.* *Significant theme.*	The exis g ordinance de s the criteria for considera as "minimum criteria", while the sta proposed language in 16.2.2 strikes "minimum" from criteria for designa , but later references in the document (16.2.3.B.2) are made to minimum criteria. It is confusing. The terminology should be consistent throughout, using "minimum criteria".
17.4.2 Integrity of landmarks & HDs Any area, structure, or object that meets the criteria in Se 17.4.1 must also have cient integrity of , design, _____, materials, and workmanship to make it worthy of preserv n or res n.	**16.2.2.B** Inserts Integrity paragraph from 17.4.2, but omits "cond a criteria of integrity. It also alters language at the end of the paragraph to: "...to convey its sign cance with respect to the applicable criteria as d ned in Subse 6.2.2."	The exi ordinance includes "cond " as an aspect of integrity. The proposed language in 16.2.2.B discussing integrity omits the term "con n". "Con " should be considered with any discussion of integrity, as this is a na onal and state standard. The language in 17.4.2 omi ed from the sta proposal "make it worthy of preserv on or res on" is standard preserva language when discussing integrity in historic preserva n ordinances. The language should be returned to its original phrasing. We also believe "integrity" should be de The cita n at the end of the proposed paragraph 16.2.2.B. should cite "appliable criteria as de d in Subse 16.2.2.A."

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.4.1.B Criteria for HDs In the case of a nominated historic district, the Historic Preserva Board shall also determine whether there is an interrela of resources within it which creates an iden ble en , even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or func y related pro . A historic district can comprise both individually dis ve historic resources and historic resources that may lack individual dis n, but which contribute to the sig ance and visual character of the district as a whole.	*Deleted, does not appear to be an equivalent paragraph*	This is an important criterion for evalua historic districts. We are unclear why this was deleted. It appears to address the Na arks Service's Standards for evalua ng sig ance within registered historic districts.
17.4.1.C Criteria for HLDs: In the case of a nominated historic landscape district, the Historic Preserva oard shall also consider its cance as a geological, natural, or designed landscape associated with the development, heritage, or culture of the City of Portland, State of Maine, New England region, or the United States.	*Deleted, does not appear to be an equivalent paragraph*	This too is an important criterion for evalua historic landscape districts. We are unclear why this was deleted, especially as Portland has e HLDs: Evergreen Cemetery, Eastern Prom, Deering Oaks, Western Prom, and Lincoln Park.
17.4.1.D The Planning Board and City Council shall apply the criteria of (A), (B), and (C) above as well as historic preserva goals included in the Comprehensive Plan, but shall also consider the e ect of such designa on other aspects of the Comprehensive Plan of the City.	**16.2.2.C.** The Planning Board and City Council shall also consider the e ect of the proposed historic designa within the framework of the Comprehensive Plan when making a recommenda r decision on a nomina	The exis g ordinance instructs the two bodies to apply the historic preserva goals and other aspects of the comprehensive plan. The sta proposed dra n 16.2.2 C, sim es the reference to the comp plan by calling out the comp plan in general and elimina that a designa should consider the "historic preserva n goals included in the comp plan". We believe that the designa process should spe ally consider "historic preserva goals", along with considera of other goals in the comp plan.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
No equivalent Section	**16.2.3 Classi a ns within historic designa**	Does "historic designa " = historic districts? Or does it encompass HDs, HLDs, and individual landmarks? This is confusing language throughout 16.2.
	16.2.3 A. The sites, structures, or objects within a nominated historic design on may be class ed as contrib noncontr ng.	In the proposed language "landmark" classi seems to be inappropriately om . Currently cer d local historic districts include landmark, contribu g, and non-co ng resources and we believe this should be amended to include "landmark"
***From 17.2 Definitions,* Contri** A class n applied to a site, structure, or object within a historic district signifying that it contributes generally to the quali hat give the historic district cultural, historic, architectural, or archaeological sign cance as embodied in the criteria for design g a historic district.	**16.2.3.B** Contribu g: Were built at least 50 years prior to the date of district desig n, or were built within a period of sign cance sp ed in the design on ap ; 2. Are found to have a rel nship with or physically embody the quali hat give the historic design on cultural, historic, architectural, or archaeological sign cance as embodied in the minimum criteri n the design on report; and 3. Retain su ient integrity to communicate that sig ce as in Sub 16.2.2(B).	We think there would be greater clarity if the term "contribu g" were de in Chapter 3 with a general de n such as "A contri resource means and includes any building, other structure or site that by age, loca design, setting, materials, workmanship or associa adds to the district's se and place and historical development or is capable of yielding important informa n about an historically sign cant period." Chapter 16.2.3.B. would then set out the criteria for contribu g (older than 5 cient integrity, etc.) The en ety of Sec on 16.2.3 is confusing because it seems to apply to historic designa ons generally, but the language seems to be discussing historic district designa n, not individual landmarks. Is se 16.2.3 A. and 16.2.3 B. a emp to say that within a "nominated historic designa " like a Landmark, the term contribu g would be applied? In a "nominated historic designa " like a Landmark, if there are m esources (like House Island for example) the designa is considered a district. This needs clarity, see our comment in 16.2.3 above. Landmarks are also an exis g class ca within a district, and there is no discussion of that class ca in this Chapter 3. 16.2.3.B.2. refers to the "minimum criteria" in the "designa on report". The "designa n report" contents are not clearly ulated in the sta proposed dra , contrary to the detailed contents contained in the exis ordinance, see Chap. 17.5.4.A. We believe clearly outlining the contents of the designa report is important. Also, there is inconsistent use of the term "report" and "designa report" in the proposed document that needs to be made consistent.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
From 17.2 Definitions - **Noncontrib** A classi applied to a site, structure, object, or of, within a historic district signifying that: 1) it does not contribute generally to the quali hat give the historic district cultural, historic, architectural, or archaeologi cance as embodied in the criteria for design ng a historic district; 2) was built within 50 years of the date of district desi unless otherwise designated in the historic resources inventory; or 3) where the l n, design, ng, materials, workmanship, and ass ve been so altered or have so deteriorated that the overall integrity of the site, structure, or object has been irretrievably lost. A n otherwise contr or landmark structure may be determined by the Historic Preserv Board to be non-contrib it meets one or more of the above cond	**16.2.3.C** If an area, site, structure, or object does not meet the above it will be categorized as noncontrib	n included in the proposed text has altered the exi ordinance through d ning c ng buildings in se 6.2.3.B. and ceding all other buildings will be non-co ng. The altered language removes the ability of the historic preser n board to designate a p n of a site or structure as non-contrib Design ng a site or structure is useful for historic preserva board as they review proposed rehabil or alte proposals.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.5 Nomina on, Considera d Historic Designa on	**16.3 Nomina on, Considera d Historic Designa on**	
17.5.2.B. requires nomina s signatures to b ed	Not in **16.3.2 S als**.	The exis g ordinance requires nomina s to be submi ed with signature. There is also language in the exis ordinance which allows the historic preserva board members to make a nomina at a mee ng, in wr , and then complete further informa before it is processed. The sta proposed language in 16.3.2.A lists all the informa that should be included in a nomina but 16.3.2.C says a nomina can be made "verbally" at a HP mee . It is inconsistent to have a verbal nomina n allowed if all of the informa in 16.3.2.A is required. This inconsistency should be resolved. We believe at a minimum a le er signed by at least two members of the historic preserva board should be required, and signatures for public nomina uld be a minimum requirement.
General Note: This procedure currently has me limits to move the process along.	**General Note:** Time frames seem to have been eliminated.	
17.5.2.E gives opportunity for demol uring the designa considera process with a determina a non-contribu g resource.	No such excep	The exis g ordinance language allows for HP determina n of a demoli on request for a non-contri resource during the designa on process, which can take months. During the designa process, the owner of a building deemed a non-contr building by the HP Board should be en d to the same provisions they would have if the district was already designated.
17.6.1.A Interim protec ns ….Upon al a he Historic Preserv Board recommending design on, the site, structure, object, or area nominated shall be subject to all of the prote ns of this a nal decision on design on by the City Council become ec e. If the City Council rejects designa or fails to designate a property, that property shall no longer be subject to the provisions of S 17.9 and 17.10 of this cle.	This language has been deleted.	The sta proposed dra issing the exis interim prot that go into e ect upon HPB determina and would only require minimum maintenance and prote n from demol n throughout the designa review process. As proposed to be amended by sta , there would be no HPB or sta review of proposed projects while a district is being considered by the Planning Board or City Council. It is extremely important that the full interim prote ns enumerated in the current ordinance (17.6) upon HPB determina e retained. As we found with the Munjoy Hill Local Historic District, review of projects began as soon as the HPB determina n began and projects were expediently approved, with the public having the opportunity to comment. This sign cantly calmed fears about the onerous nature of the review process expressed by opponents and gave members of the public that wanted a say in their neighborhood's development, an opportunity to do so.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.5.3 one or more workshops scheduled by HPB	**16.3.3** HPB review – 1 workshop, add al workshops require consent of nominators.	The exis g ordinance allows for mul workshops during the designa on process, while the sta proposed language would limit workshops to one, unless the nominators provide consent. A historic district can be nominated by members of the public and then sponsored by two members of the historic preserva board. It is unclear if the sta proposal is to require consent by all nominators (members of the public) or the two members of the HPB. Requiring all public nominators consent to add mee s for a large district nomina ould be unduly complicated. What would that process be if they were not all present at t st workshop? The inten on in the proposed language is not clear. Designa ns might only require one workshop, cularly for individual nomina but a large district would likely require m e workshops to allow for public comment and to discuss add nal informa that might be required during the process. We propose that Language be included that nomina ns should be pursued expe o clearly signal the process should not be unduly drawn out.
17.5.4 explicitly states required informa in the report.	**16.3.3.D** very general language about the report to be completed.	The sta proposed language in 16.3.3.D refers t ings by HPB as to whether the criteria have been met. Is this supposed to be the designa on report? There are later references to a HPB report as well. Chapter 16.2.3.B.2. refers to the "minimum criteria" in the "designa eport". The designa report contents are not clearly ted in this proposed redra , contrary to the level of detail contained in the exis ordinance, see Chap. 17.5.4.A. We believe clearly outlining the contents of the designa report is important so that the public, sta , and members of the board are aware of the content needed. Comparing 16.3.3.D to the exis ordinance there is a provision (17.5.5.B), that if the HPB votes not to designate, a new designa cannot be brought back for at least a year. That is struck from the proposed text.
General Note: The exis g designa procedure currently requires a t to owner(s) at points of determina y HP and PB.	**General Note:** The proposed procedure does not seem to require a nt to owner(s) at points of determina HP and PB.	Can MHPC provide informa on how other Maine CLG commun s handle public no ? During several recent district nomina like House Island and Munjoy Hill, pro have been sold during the designa process. New residents/owners that arrive during the process deserve public e so they may te in the process at the next public mee . a ld be sent to owner(s) at the various points of determina on by HP and PB.
17.5.9 Amendment or rescission of designa The standards for rescission or amendment applied by the Historic Preserv Board, Planning Board, and City Council shall be limited to those provided in Subse s 17.4.1(A) and (B) and Subsec 17.4.2.	**16.3.7 Amendment or rescission of designa** Amendment or rescission shall follow the procedure set forth in Sec n 16.3 for designa The standards for rescission or amendment shall be limited to those provided in Se 6.2.	The language in sta proposed 16.3.7 Amendment or rescission of designa is a sig ant change from the exis language in 17.5.9. By referring to 16.2 as a whole in referencing standards for rescission or amendment, it allows the planning board or the city council to decide that a landmark or contribu g building can be reclassi d as noncontri nd therefore demolished) based on goals, other than historic preserva , iden ed in the comprehensive plan. Proposing to amend the ordinance to introduce considera of the comprehensive plan in amendments or rescission decisions is misguided and tantamount to reintroducing the "projects of special merit" provision that had to be removed from the ordinance in 2004 to qualify Portland's HP ordinance for CLG a Comprehensive plans are general scoping documents and city ordinances are the regulatory implementa of those general goals. Once the district or individual designa een made, a rescission or amendment should be based on new evidence and the applica of the enumerated standards and criteria of the ordinance, rather than broad policy goals in the comprehensive plan. This proposed language appears NOT to meet the minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine*.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
		In ad , as proposed in 16.3.7.A there is no applica endment possible with this process for reclassi a to a landmark designa downward to contribu g or non-contribu ng (if say there w e or other disaster that altered its exterior appearance) because it explicitly calls out contrib nd noncontribu g. Is the only op on in case of a landmark to remove the designa completely as a rescission? Would that poten y create a 'donut hole" in a district boundary, which is generally to be avoided? What is MHPC posi on this? We believe there should be a mechanism for all designa categories and that a rescission or amendment should be based on new evidence and the applica of the standards and criteria of the ordinance, as intended by the minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine*.
17.7.1 There shall be a rebu able presump n that all structures within a district shall be contrib ess the designa n report and Historic Resources Inventory expressly iden s otherwise. Where the Planning Authority or the owner believes that the iden a n is erroneous, the Historic Preserva Board shall determine whether the structure is noncontribu ng**.**	**16.3.8 Presump n Of contribu g classi n** Where the designa si s an area or site as contribu , but does not specify the classi a of a structure or object in the area or on the site, there shall be a presump n that the structure or object is contribu , unless: A. Documenta can be provided to the Planning Authority that a structure or object was constructed within 50 years of or a er the date of historic designa , or a er the stated period of sign cance, or B. The Historic Preserva oard holds a public hearing and ds that the structure or object has been substan y altered within 50 years of or a er the date of historic designa , or a er the stated period of signi ance.	What is the de area in the sta proposed language? A district? What about buildings and structures? The sta proposed language in 16.3.8 d ers from the exis ordinance in that it provides excep to the presump n of contribu ng status. 16.3.8.B, proposes an excep to the presump of a contribu g classi a if the structure was substan y altered within 50 years. We believe there should be some requirement that it was lawfully altered, pa y if it was altered a er the date of designa . An applicant should not be able t cantly alter a building without the necessary permits and s ll qualify for the exemp on. This does not appear to meet the minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine*.
17.5.10 Time Limits	*No equivalent paragraph*	We believe general language that will move the process along in good faith or expe usly should be included.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.6. Interim Prot ons 1 - U he Historic Preserv Board recommending design on, the site, structure, object, or area nominated shall be subject to all of the prote ns of this a nal decision on design on by the City Council… 2- outlines process for pending appli ons and pending building permits.	**16.4 Interim Prot ons** only requiring minimum maintenance and prote n from demol ty Council decision.	The sta proposed language ers from the exis dinance by altering the Interim prote s. As proposed only minimum maintenance and prote ns from demoli would apply from nomina un City Council . It proposed to delete the full protec at currently are in place as soon as the HPB recommends designa to the PB. Sta 's proposal will encourage major altera soon as a resource is nominated but befor al designa y the City Council, which can be an extended process in the case of a historic district. We believe the language "Upon n of the Historic Preserv Board recommending designa the site, structure, object, or area nominated shall be subject to all of the protec ar nal decision on design on by the City Council" should be included.
17.6.2 AND 17.6.3 Na onal Register Listed and Eligible prop . NRHP lis gs become automa nomina	**16.5 Prote for Pro es listed on the Na nal Register of Historic Places.** Upon receipt of n ce from the NPS or MHPC that a property or <u>area</u> has been listed on Register of Historic Places or has been determined to be eligible for lis on the NRHP…. Ex on D. The City Council has held a public hearing at the request of the owner and determined that demol the structure or object is consistent with the goals of the Comprehensive Plan.	Again, what does "area" in this context mean? Historic District? Be consistent with terminology to provide clarity. This in ular needs review by MHPC. The proposed language states that NRHP lis s or pr with a DOE are not allowed to be demolished, with excep The proposed language does not provide review of reloca altera her a ns for those pro . We con med that MHPC is passing DOEs along to the city, but this sta proposed language doesn't state if newly listed (or eligible) Na nal Register proper all under the ordinance once they are listed or as stated in the exis ordinance, that a nomina on is deemed submi ed and the procedures for nomina should be followed. We understand that the city has not been r ely following the exis equirement of the ordinance for local nomina . The *Guidelines for the CLG Program in Maine* set out minimum d the local review commission to "review altera reloca demol n, and other ec g **designated historic pro s** under its juris . *Guidelines for the CLG Program in Maine* sets out that minimum requirements for local legisla include "mandatory review of altera demol ding reloca n or new construc (cates of Appropriateness)- within the boundaries of designated individual landmarks or districts or which may a ect such landmarks or districts". We believe that new NRHP designa uld be considered by the HPB as a nomina for local designa as the exis ordinance requires or in some other manner be protected from altera y the ordinance as they are **designated historic pro s.** This ex on does not include any preserva criteria related to signi ance or integrity, nor does it weigh in the reuse poten building. By this standard for example, Deering High school, a NRHP-eligible building could be demolished for a new consolidated high school or any other use. We believe this does <u>NOT</u> meet the CLG guidelines and should be removed as an ex on.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.7.1.A. Cer te of Appropriateness spells out explicitly what requires a CoA	**16.6.1 Applicability**	The exis g ordinance is explicit in what s require a CoA. The sta proposed language in 16.6.1 only seems to apply if a permit is otherwise required. This would no longer regulat s that don't require a building permit. This language is a major change. With this sta -proposed language and the dele on of the current de "Altera " (which included ally listed non-building permit changes) a cate of Appropriateness would only be needed for work that would require a building permit. The changes to the de tera on which informed the current de on of ate of Appropriateness, which has also been removed is problema and has sign cant impacts. This would be cant change and does not appear to meet the minimum requirements for a Local Review Commission per the *Guidelines for the CLG Program in Maine* to review altera reloca demol and other a s a gnated historic pr under its juris n
17.7.2 Ex ons to Requirement of Cer cate of Appropriateness *Exceptions:* **17.7.2 B.** Where the work consists solely of ordinary maintenance and/or restora provided that there is no subs terials or alte of architectural details.	**16.6.1 Applicability** *Exemptions:* 16.6.1 A. Work consis ely of ordinary maintenance, being acts of upkeep or repair which do not include a change in the design, material, or outer appearance of a site structure, or object, such as repai previously painted surfaces or in-kind replacement of materials or pl Adds 8 Exemp including work in City ROW, public art, veget in HLDs, roof mounted solar, temp structures (8 months), demoli and relo n on non-contrib structures.	What is the reasoning behind these new exemp ar installa , heat pumps, and public art should be reviewed to ensure they are installed in a manner that is reversible and removable without damaging character de g features, including historic materials. ROW excep ns: This is not the current pra e and is inconsistent with the requirements in **16.7.3.C.4. Streetscape, pedestrian improvements:** *Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.* This would remove review of historic materials used in crosswalks, the st ers in Baxter Boulevard, and Belgian pavers where they exist in the ROW. We believe that the ROW exemp should be removed to preserve historic materials where possible.
No equivalent Section	**16.6.2 Review Class ca ons (and Table 16-A)**	• How were the numerical limita etermined? For instance, 25% could be the storefront of a 4-story or less building. Is the inten that a storefront altera could be a sta review? • What about Landmark building reviews – are they to all be Board reviews? • Signage – does "all" include new cons on? O en the board provides guidance on building signage design concepts as part of the overall design scheme.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
No equivalent Section	**16.6.2 Review Class ca ons (and Table 16-A)**	We believe some of the poten ta reviews as laid out in Table 16-A should have the opportunity for public comment and review by the board, as they can alter a sign cant p of a structure.
No equivalent Section	**16.6.3 Historic Preserva n Pre-App Mee ng**	This is a g .
17.7.4 Applica or CoA	**16.6.4 Applica**	
17.3.1.A. Any project may be subject to fees as established by the City Council to cover administr ve costs and the costs of Historic Preser n Board review. Applicants shall also pay a fee to cover the professional and administra e costs for analysis associated with project review, including but not limited to planning, legal, or other services. The fee shall be based on the hours of review and processi e and prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant. **17.3.1.B** Every applicant shall bear the e ense of giv by mail and publi accordance with cle.	**16.6.5 Costs** review. Applicants are also required to pay fees to cover the professional and adminis e costs for analysis associated with project review, including but not limited to planning, legal, or other services as needed.	Does this change re ct similar board language for ZBA or PB?
17.7.4.F Once a completed appli on has been d, it shall be diligently pursued. Failure of an applicant to or more Historic Preserv Board me at which an ap is scheduled for review shall cause the appl to expire and to be deemed null and void, unless the Planning Authority determines that good cause is shown	**16.6.6 Lapse in Applica on** An appli on for a c cate of appropriateness shall be diligently pursued from the date of submission. Applicants shall provide add al inform as requested by the Planning Authority or Historic Preserv Board when determined to be reasonably necessary to make any	Does this change re ct similar board language for ZBA or PB?

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
for the failure nd. Where good cause is shown for a failure to the Historic Preser n Board shall table an applic to a date mutually agreed upon in wr ng.	determ n required by this . Failure of an applicant to provide a response to the request for ad within 120 days of the date upon which the wr est was made shall cause the appli pire and be deemed null and void.	
17.7.5 Review Process for Ce cates of Appropriateness. **17.7.5.A.** … shall be reviewed by the Planning Authority for compliance with the standards of Sec on 17.8 and the *Historic Resources Design Manual*. **17.7.5.A.2** Sta may elect to forward to the board an ap n found by to meet review standards but for which board sought. The ap n shall be placed upon the next consent agenda of the Historic Preserv Board. Any member of the Historic Preserv Board may remove an appli from the consent agenda for the purpose of giving it a public hearing.	**16.6.7 Administra e Review** … shall be reviewed by the Planning Authority for compliance with the standards of S 16.7. *deleted*	The exis g ordinance states that a project must meet the standards of Se 7.8 and the *Historic Resources Design Manuel.* proposed language in Se n 16.7.1.A**,** states the Historic Resources Design Manual supplements the ordinance. Although similar language exists in 17.8.1. removing the "AND" in this earlie and just referencing S n 16.7 has changed the standards for review. We believe that projects should comply with the standards in the ordinance AND *Historic Resources Design Manual,* which may include onal standards c to a designated property as part of a des on report. The Historic Resources Design Manual should be cally incorporated by reference into the review standards, and should not just vaguely be said to "supplement" the ordinance as in the proposal. Why is sta proposing to eliminate the op to use the consent agenda with sta reviews?
	16.6.8 Historic Preserva n Board Review A) An applica for a ate of appropriateness subject to Historic Preserv Board review shall be reviewed by the Historic Preserv Board for compliance with the standards of Sec on 16.7.	Please see our comment in 16.6.7 above. This se rovides an opportunity to provide clear concise language about the required standards. The most comprehensive exis language is in 17.8.2. "In considering an ap n cate of Appropriateness involving alter n, the Historic Preserv Board and the Planning Board shall apply the following general standards, as further described in the *Historic Resources Design Manual,* and any design guidelines accompanying the spec c design on" This seems like the standard to use, not just those enumerated in S on 16.7. ned in our comments above, the language proposed in this d is not as explicit as the exis inance regarding what infor in the Historic Resources Design Manual and that the manual may include resource spec c criteria (See 17.8.1 and 17.8.2)

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
	16.6.12. Issuance of a CoA	Currently a 14-day eriod, proposed to be removed.
17.3.1.C No Ce cate of Appropriateness, building, demol or other permit shall issue un l current charges due under have been paid. The balance of any remaining review and administr costs invoiced or incurred a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent cer of occupancy.	**16.6.12.A** No c cate of appropriateness, building, demol or other permit shall issue un l current charges due under this cle have been paid. The balance of any remaining review and administra e costs invoiced or incurred a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent cer of occupancy.	Currently located under 17.3 Administra , Se 'Costs'.
17.7.6 B Unless work authorized by a cate of Appropriateness shall be commenced within <u>six months</u> of the date of issuance of t cate of Appropriateness, the cate of Appropriateness shall expire and shall become null and void. The Planning Authority may approve <u>add onal extensions of this six month period, not to exceed a total of two years,</u> provided that a wr quest for extension is received prior to the expi date of t cate of Appropriateness. In the event of li sing out of the ng of a cate of Appropriateness, the ate shall remain valid u year a judgment in the	**16.6.13 Expira approvals** A. Unless work authorized by a of appropriateness is commenced or a building permit for the same is issued within <u>three years</u> of the date of issuance of the of appropriateness, the of appropriateness shall expire and shall become null and void. B. When the approved work also requires a site plan approval under 13, the expi the of appropriateness shall be concurrent with the site plan expi C. In the event of li n arising out of the gran of a c cate of appropriateness, the ate shall remain valid u year a the judgment in the	The expira s proposed to change from six months to three years. This seems like a drama extension. Does it re ct a current administra ve problem of approvals running out for proj en? Perhaps it makes sense to require that work commence within two years, the current not-to exceed amount, with the opportunity to extend for another 12-months. Is this current prac Or does it clear up a current administra e issue? Does this change re ct similar board language for PB?

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
li or un nd of the two-year period, whichever is later.	li or un nd of the three-year period, whichever is later.	
17.7.8 Amendments to approved CoA	**16.6.14 Amendments**	The sta proposed language in 16.6.14.B. and 16.6.14.C. is not language in the exis g ordinance but seems to represent current process. We believe providing this clarifying language will help to avoid poten al confusion regarding what cons es a minor or major amendment to an approved plan and what the review process for amending an approved plan will be.
17.7.7 Cert. of Non-Applicability	*No equivalent section*	
	16.7 Standards for Review of Applica on for Cer cate of Appropriateness	The Historic Resources Design Manual is only p ly incorporated. Se ons 16.7.1 and 16.7.2. describe what the Historic Resources Design Manual is, but unhelpfully say the manual supplements the ordinance and deletes the he standard that says "**in review of altera ons they shall review in accordance with the Historic Resources Design Manual** AND any design guidelines accompanying the c design ". There should be consistent terminology used to ne what the review standards are within the proposed text of Chapter 16. The design manual is incorporated more completely in rela n to signage (19.3.4 and 16.7.3B5) and streetscapes (16.7.3 C4). Please see our comments regarding 16.6.7 and 16.6.8. above.
17.8.2.A Standards for Review of Alter s – Compa le Use Every reasona ort shall be made to provide a co use for a property which requires minimal alte o the character de features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	**16.7.2.A. Compa ble Use** In the case of a change of use of a property from its originally-intended purpose, every reasonable t shall be made to minimize the alte f the character de features of the structure, object, or site and its environment as they relate to the original use.	This sta proposed language is unclear. If the paragraph in the exis ordinance needed to be edited for brevity, we would propose that the sta proposed dra use the following NPS language, it's succinct, less words than proposed, and standard preserva language. "A property will be used as it was historically or be given a new use that requires minimal change to its dis ve materials, features, spaces and spa rela s."
17.8.3. Standards for Review of New Construc on: *6. Applicability to Congress Street Historic District.* In the Congress Street Historic District, for new constru n within the B- 3 zone, the Historic Preserv Board shall not im ons more restri n the dimensional requirements of the B-3 zone.	**16.7.3 Standards for Review of New Construc on: 16.7.3.A.6 Applicability of underlying zoning** The review standards above shall not supersede the dimensional requirements of the underlying zoning.	This would be a major change in the review standards so that the zoning dimensional standard always trumps historic preserva board considera in all historic districts, where currently it only applies in thre loca : For Congress Street, with the variety of height in the district and the downtown height study, it was reasonable to let the underlying zoning determine height. The India Street Historic District and Portland Company Historic District similarly were in areas where a height study had been undertaken to examine the exis g context and create a framework for the underlying zoning dimensional standards. This kind of assessment has not been done on a broad scale in other zoning districts where historic resources are located.

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
7. *Applicability to India Street Historic District.* For new construc n within the India Street Historic District, the Historic Preserv Board shall not im ons more restr e than the dimensional requirements of the IS-FBC zone, except for in the case of a building add which proposes to change the height of a contribu g historic structure. 8. *Applicability to the Portland Company Historic District.* For new constru n within the Portland Company Historic District, the height requirements of the B-6 Building Height Overlay & Building Envelopes map shall be controlling and the Historic Preserv Board shall not im ons more restr e than the building height requirements of the B- 6 zone.		The Historic Preserva rd needs t exibility to require design approaches that minimize the non-compa scale and form that some es occurs when old and new structures are juxtaposed in order to meet the compa ity requirements of the ordinance. We strongly believe that the standards for review of new constru should remain as is, currently allowing discre to restrict a new constru roject to less than the maximum dimensions allowed by the underlying zoning, with the reten only of these three notable exis ex ons (Congress Street, India Street and Portland Company). A height and massing assessment has not been done on a broad scale in other zoning districts where historic resources are located. "New construc " is without a de n in proposed 16.7.3. Currently the de n includes "comprehensive redesign/renova of an exis structure." This is a proposed change, and we believe a de in Chapter 3, or de ithin the text of Chapter 16 could help to provide clarity lost with the elimina of the de
	16.7.3*C. 4 .Streetscape, pedestrian improvements.* Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines spe d in the *Historic.*	This proposed provision is inconsistent with the proposed language in 16.6.1 "Applicability". This is an appropriate provision to remain in the proposed dra nd Sec n 16.6.1 should be revised to be made consistent with this provision. We believe that streetscape features, furniture, paving materials, and other pedestrian improvements in historic districts should co o be reviewable. While modern streetscape elements like bus stops, crosswalks ATMs etc. have been approved, their review of n has been important and allows for public comment on projects that would not otherwise have public input. Even if the review is at the level, it co s a working rela between the Historic Preserv Program, Public Works, Tr n Planning, and others with interest in the ROW. In add on, projects like the Wharf Street paving project impact a s character g feature of the Old Port, and while not all the materials there are historic, it is a prominent streetscape that is valued by locals and tourists, providing an opera unc for businesses and a e pedestrian experience with outdoor dining s. Not reviewing a project such as that and as well n ing the opportunity for public input is problem

Exis ng H.P. Ordinance (Chapter 17)	St Proposed H.P. Ordinance	Greater Portland Landmark's Comments
17.9 Cer ate of Economic Hardship To be approved by Board of Appeals	**16.8 Cer ate of Economic Hardship** To be approved by Historic Preserva oard	This is a sign cant change. How do other Maine CLG com handle this provision?

MAP AMENDMENT 2- Between Bayside and Downtown

The area comprised of Lancaster Street to the north, Wilmot Street to the east, Cumberland Avenue to the south, and Elm Street to the west is defined in Portland's Plan 2030 as a priority node area to enhance (page 86)

"Priority nodes and corridors indicate areas that would be appropriate for new development to provide needed housing, businesses, and services proximate to transit, or areas that otherwise warrant some examination of potential for positive change in form and/or function." (Portland's Plan 2030, pg. 82)

This is a very small cluster of RN5, B2b, and R7 that is completely surrounded by B3. The location of this district is within walking distance of the downtown district. There is alot of undeveloped land to the north (Bayside) and looking at growth patterns and development, this will likely be the next area to see substantial growth. It is on 1 block away from Congress Street (a priority corridor) which means it could benefit from high density and mixed-use that is only possible in a business district.

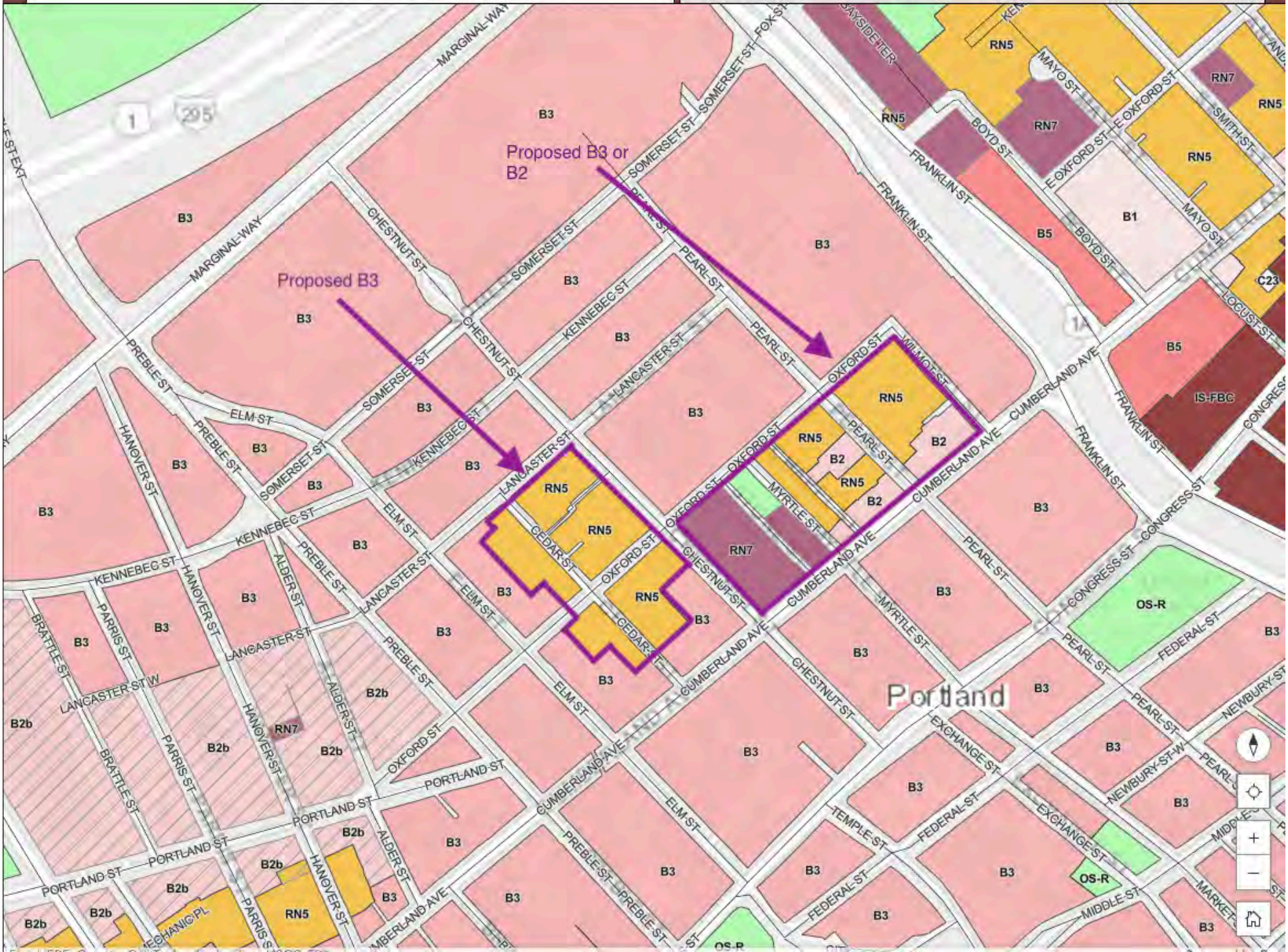
Our proposal is that this area become a B-3 zone. It is closer in proximity to the downtown than it's neighborhood to the North, Bayside Neighborhood and therefore it creates a closer link to the downtown. It is one of the most walkable locations in Portland and it would only benefit from a zone with higher density.

*B-3 To maintain and **enhance the role of the downtown** as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages **increased housing opportunities downtown, including three-family, four-family, townhouse, and multi-family structures to accommodate Portland's diverse residential population**, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.*

ReCode PORTLAND

Interactive Draft Zoning Map

View the proposed zoning map | Give us your feedback



Liv Chase (5/28/24)

6.4 SUPPLEMENTAL USE STANDARDS

This section of the land use code originated from the previous Chapter 14- Land Use Code, Section 14-403. The intention of this section of the code was to define guidelines for unaccepted city streets. Many of these streets were considered paper streets at the time this section was written (1968) and it was important for the city to define the guidelines for the creation of new streets. It was also important for unaccepted city streets to come up to a standard, Chapter 25 Article III- Street Acceptances.

Street width as related to fire and life safety. One of the main concerns regarding street width stems from the ability to get to the location in the event of a fire or other emergency. Attachment C shows the guidelines set forth by the NFPA regarding the minimum clearance necessary for a fire truck to access. This minimum clear width is 10'.
Additionally, all new construction in the City of Portland is required to have a sprinkler system installed. This in itself makes new construction much safer than existing construction.

Street condition, existing infrastructure and city services.

Under Portland's Plan 2030: Policy Guide: Economy, page 44, the City's future goal is to invest in infrastructure. Attachment E
Accepted city streets already have city services. i.e. water/sewer, plowing, general upkeep etc. As property owned by the city, the city already holds the responsibility/cost foe 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.

Definition of Accepted City Streets. An accepted city street is a public way established or maintained under the public authority which appears on the official map of the city. These streets contain existing buildings which are serviced by public utilities and maintained by the city of Portland's public works department. Accepted city streets on the peninsula have been streets since the 1800s. The peninsula is home to the highest density of building infrastructure in Portland.

Impact. If this section of the code continues to not be revised, it will affect 53 streets on Portland's peninsula. Attachment A and Link B. These are all areas where the City is encouraging growth. They are all walkable locations that can benefit from high density and more housing.

History. Despite the current land use code, large scale development projects were permitted on streets that did not meet the minimum width. Attachment D.
The city is still approving projects with limited street width as seen in the current townhouse development by Newheight Redfern LLC on Winter Street, a street with a width of only 23.8 feet.

Conclusion. Section 6.4 Supplemental Use Standards should not apply to any accepted city street. The revision attached reflects the intent of this section as it applies to unaccepted city streets.

Additional Points:

Section 6.4 as written directly effects property owners rights and the value of the land. The inability to develop or expand on an existing developed parcel decreases its value.

There is no section in the proposed land use code that addresses unaccepted city streets. As previously stated, it is in the best interest of the City to define this.



TABLE 6-G: PERMITTED AND CONDITIONAL USES IN OPEN SPACE ZONES

		OS-R[1]	OS-P	Use Standards
Other	Cemeteries	●		
	Cultural facilities	◐		
	Marinas	●		
	Parks and open space	●	●	6.4.29
	Solar energy system (minor)	◐		6.4.38, 6.5.6
	Solar energy system (major)	◐		
	Sports complexes	◐		6.5.6
	Stadiums	◐		6.5.6
	Utility substations	●/◐		6.4.39, 6.5.6
	Wharves, piers, docks, and landing ramps	●	◐	
	Wind energy system (minor)	◐		6.4.41, 6.5.6

Key: ● = permitted | ◐ = conditional | Blank = not permitted | ●/◐ = permitted or conditional per use standards

[1] Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

6.4 SUPPLEMENTAL USE STANDARDS

These standards shall apply to the following uses as indicated in Tables 6-A to 6-G, whether permitted or conditional. Where a use is allowed as conditional, these standards apply in addition to the general conditional use standards in Section 6.5.

6.4.1 In general

A. Street access. A building or structure may only be constructed on or moved onto a lot, or a dwelling unit added to a lot, if one of the following conditions is met. These standards apply to all buildings and structures unless specifically exempted by this section.

1. *Existing, ~~accepted streets.~~* unaccepted streets

a. The lot meets minimum street frontage requirements on a paved and unaccepted ~~accepted~~ City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.

b. The lot meets minimum street frontage requirements on ~~an accepted~~ an unaccepted or continued street on an island in Casco Bay that meets a minimum width of 16 feet, measured from the edge of the pavement, or from the edge of the built surface if unpaved.

c. The required minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Director or their designee(s) jointly determine that meeting the minimum width is impracticable and the City's ability to provide services will not be unreasonably impaired by a reduction in width.

2. *Streets to be improved in connection with development.* The owner or developer of a lot that is not located on an existing, ~~accepted~~ unaccepted (or in the case of the islands, continued) street that meets the minimum criteria established above shall improve the street in accordance with the following.

a. The street, between the lot and the nearest existing, accepted City street and including the frontage of the lot itself, shall be improved to meet the standards adopted elsewhere in this Code, including those adopted by the Public Works Authority and the Planning Authority. In the case of a corner lot, this shall apply to the frontage of the lot from which access is taken.

b. The street may be improved to an alternative standard if the Fire Chief and the Public Works Director or their designee(s) jointly determine that:

i. Meeting the standards adopted elsewhere in this Code is impracticable;

ii. There is limited potential for further development on the street or for further connections to the City's existing street network; and

iii. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.

c. The owner or developer shall take all necessary steps under Chapter 25, Article III, of the City Code to dedicate the improved portion of the street to the City for acceptance. This shall include provision of a waiver of any claim for damages that may result from acceptance.

3. *Exceptions.* On lots with an existing, inhabited structure or structures on an unaccepted City street, the following buildings and structures are exempt from the requirements of this subsection.

a. Accessory buildings not intended for habitation.

b. The addition of one accessory dwelling unit within an existing single-family dwelling.

6.4.2 Adult business establishments

A. Adult business establishments shall be located at least 1,000 feet from any other adult business establishment, and at least 500 feet from any residential zone, as measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the other use or zone is located, without regard to intervening structures or objects.

B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

6.4.3 Agriculture

A. No animals shall be kept on any lot less than three acres or closer than 100 feet to any street or lot line, except domesticated chickens as regulated in Chapter 5 of the City of Portland Code of Ordinances.

B. Raising of domesticated animals as a component of any agricultural use shall not create any odor, noise, health, or safety

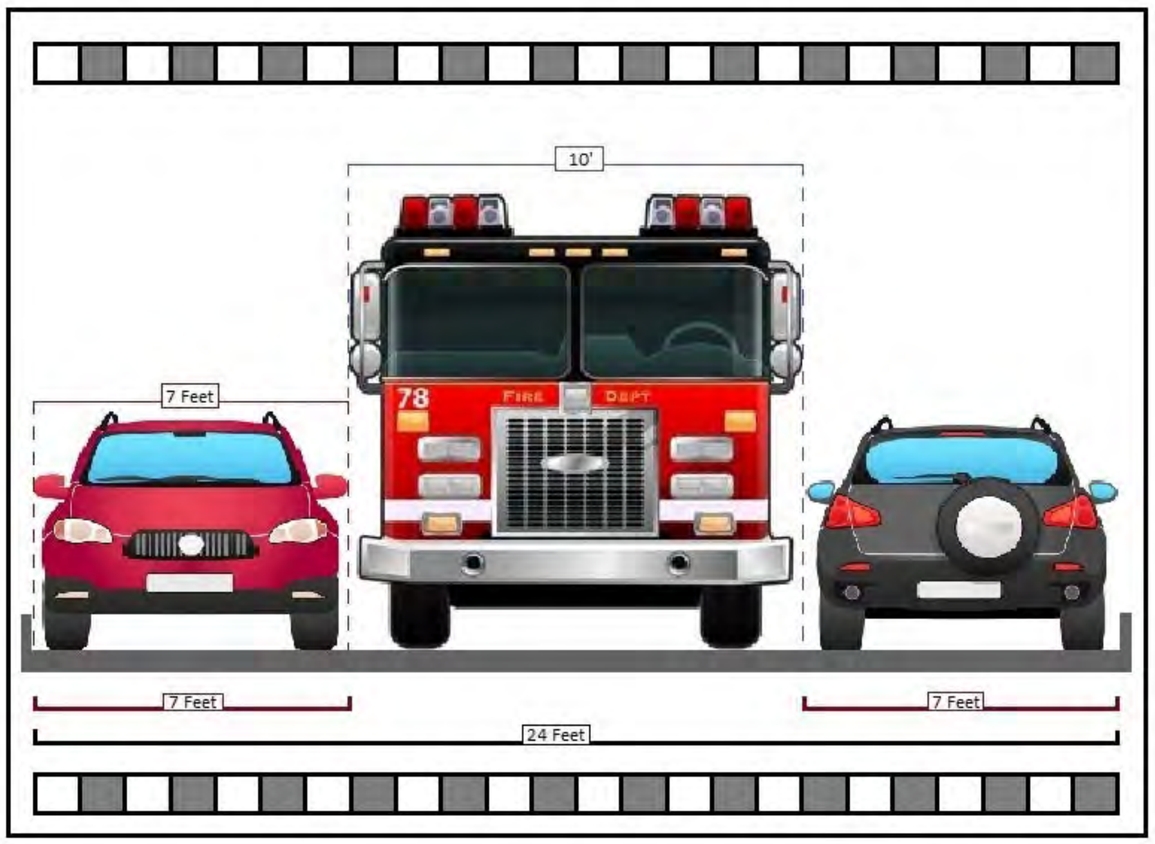
street widths as measured from curb to curb

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

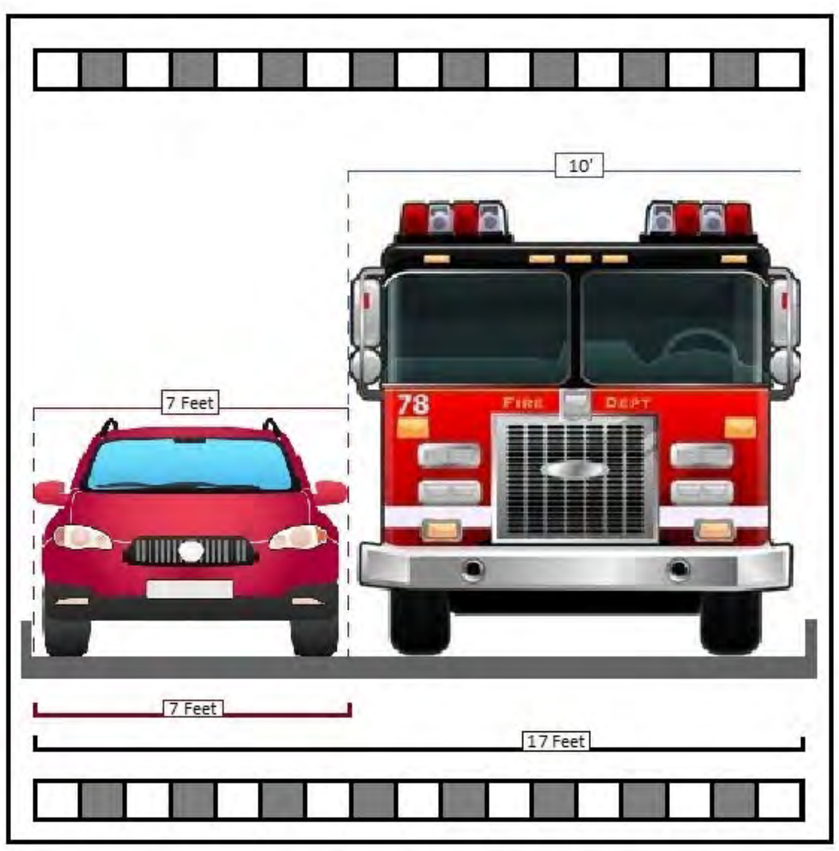
There are 53 streets that are less than 28' in width

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: 2018
Use: 12 Condominiums
Street Width: 13 feet
Street Condition: Dirt Path

Fire truck access = ?

ATTACHMENT E



FUTURE STRATEGIES

1. ADOPT MEASURABLE OBJECTIVES

- Track economic indicators and periodically issue performance reports to keep the staff, City leadership, and the public apprised of performance.
- Consider regional and national best practices in developing metrics.

2. SUPPORT LOCAL BUSINESS RETENTION AND RECRUITMENT

- Pursue policies that create, nurture, and retain local businesses.
- Support job creation and business growth through public initiatives and private, institutional, and regional partnerships.
- Strengthen City programs and services that support business development.
- Develop programs that support industries with high-growth/high-value potential such as life sciences, food production, information technology, and marine-related industries.

3. INVEST IN INFRASTRUCTURE

- Make physical improvements and expansions to below- and above-grade infrastructure, including utilities, stormwater, transit, parking, and streets, to maintain and accommodate new growth.
- Coordinate interdepartmental planning and investment strategies, which may involve strategic public investment, private investment, or public/private partnerships.
- Examine ways that the sharing economy can be leveraged to serve Portland residents effectively and innovatively.
- Encourage investment in mobile technology infrastructure for all residents.

4. INVEST IN PEOPLE

- Prepare our current and future residents to compete in an increasingly knowledge-based economy.
- Invest in educational institutions and training as a means of attracting, developing, and retaining an educated workforce.
- Establish a new City office to address issues of economic opportunity and workforce integration.
- Identify and invest in current and future entrepreneurs to anchor startups.

5. TARGET AREAS FOR JOB GROWTH

- Ensure that new employment can be accommodated in priority growth areas across the city.
- Evaluate zoning and the condition of existing infrastructure in priority areas — downtown, identified neighborhood nodes, and along transit corridors — to ensure that employment and housing growth can be supported.
- Expand possibilities for live/work spaces — residential living space with integrated creative work space.
- Modify ordinances and make strategic investments to better promote business development and job creation in priority areas.

Liv Chase (5/28/24)

MAP AMENDMENT 1- Washington Avenue

Washington Avenue is defined in Portland's Plan 2030 as a priority corridor (Future Land Use, page 86) It is a very dynamic street with many businesses already in place. It is extremely walkable which makes it very desirable. It is well suited for high density.

"Priority corridors are major arterials that often see heavy vehicular traffic, but also have the capacity to improve mobility by capitalizing on their potential for increased walking, bicycling, and transit use. Priority corridors can also serve as areas of additional mixed-use, higher density growth to take advantage of the transit benefits and services that well-designed, diverse corridors can offer." (Portland's Plan 2030, pg. 84)

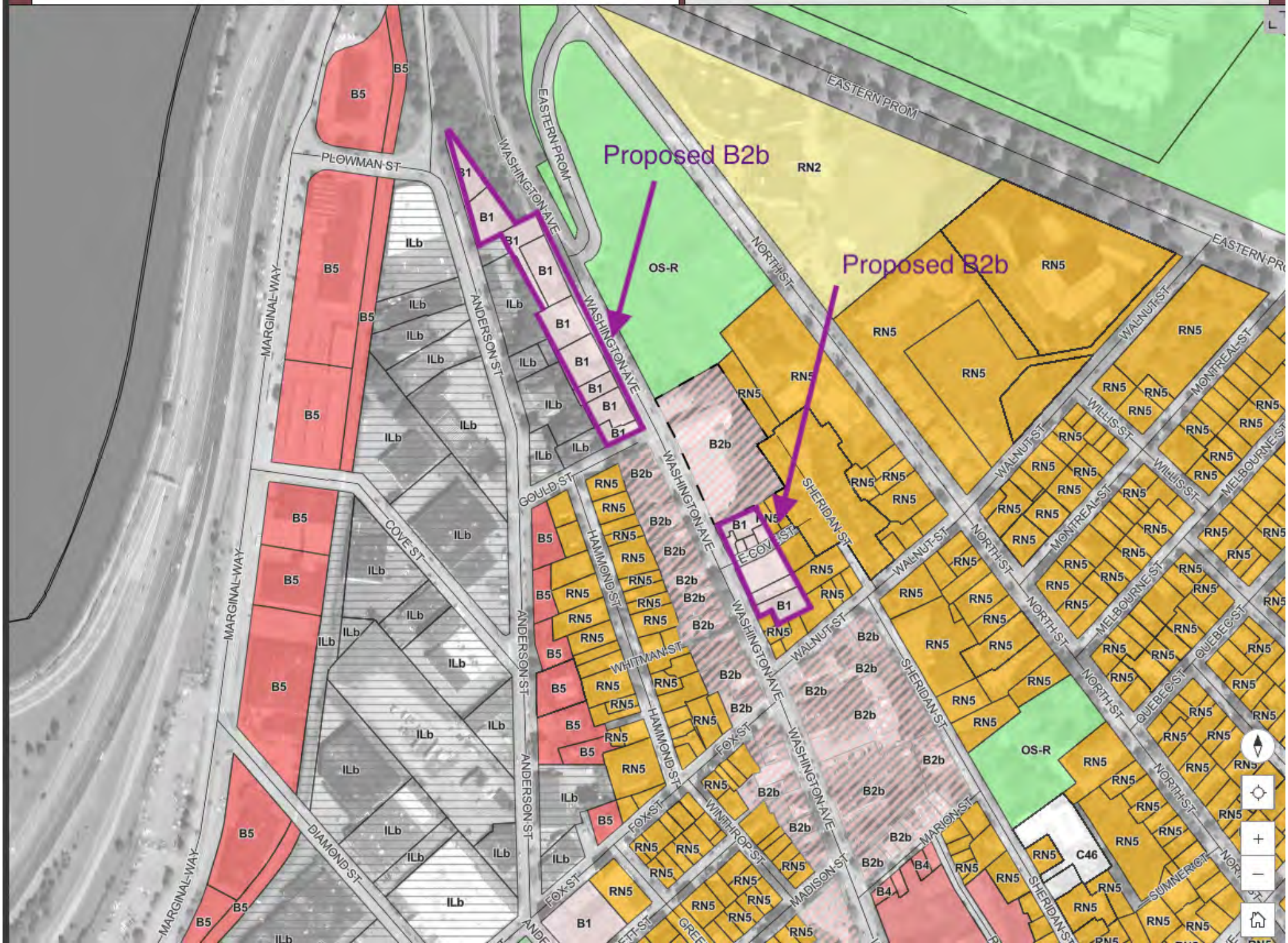
Almost all of the land bordering Washington Avenue is in the B2-b district. Our proposal is that all of the land boarding Washington Avenue should be B2-b to encourage the area to grow at higher density as defined below.

B-2b *To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street.* ***The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character.*** *Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for* ***moderate to high-density housing in urban neighborhoods along arterials****.*

ReCode PORTLAND

Interactive Draft Zoning Map

View the proposed zoning map | Give us your feedback



Form Submission - Contact us Re:Code - Redline?

1 view

Squarespace

to recodep...@portlandmaine.gov

May 27, 2024, 2:13:47 PM (2 days ago)

Sent via form submission from *ReCode Portland*

Name: Kate Hambley

Email Address: kate@landformlaw.com

Subject: Redline?

Message: Hi. I tried to make a comment directly on the second-wave draft, but I keep getting an error message. Anyway, I'm wondering if you're planning to make a redline version of the changes available? It's very difficult to review and comment on changes without a redline. Thanks!

Manage Submissions

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - More housing!

1 view

Squarespace

to recodep...@portlandmaine.gov

May 28, 2024, 6:21:49 PM (21 hours ago)

Sent via form submission from *ReCode Portland*

Name: Eliav Bitan

Email Address: ebitan@gmail.com

Subject: More housing!

Message: My wife and I are Mainers who left and came back. We have great jobs and good incomes. We got priced out of living in Portland because there is not enough housing. Please increase housing supply so we can afford to move back! We want to live someplace walkable. We think there are too many restrictions and limits to building in Portland. The current plan is a step in the right direction but needs to go further

Manage Submissions

Does this submission look like spam? Report it here.

PORTLAND
Regional Chamber of Commerce

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chamber@portlandregion.com • PortlandRegion.com

Cape Elizabeth • Cumberland • Falmouth • Gorham • Scarborough • South Portland • Portland • Westbrook

May 29, 2024

Chair O'Brien and Members of the Portland Historic Preservation Board,

We welcome the opportunity to provide written comments on behalf of our members regarding the proposed amendments to Article 16 of the City of Portland's Land Use Code being advanced under the ReCode initiative. Increasing the production of housing of all types is the top policy initiative of the Chamber, and as you know, your Board plays an important role in the permitting of housing within Portland's historic districts. It is imperative that the amendments advanced to Article 16 through ReCode affirmatively further the goals of our comprehensive plan and the priorities of our elected officials, both of which strongly prioritize the creation of thousands of units of housing over the next decade.

The draft before you from staff advances several key changes that we believe will streamline review of alterations, adaptive reuse, and new construction within Portland's historic districts. Most importantly, the clarification of standards of review and scope of jurisdiction are welcome amendments that will go a long way towards removing subjectivity from the current process that leads to delays that cost applicants considerable amounts of time and money. Additionally, we appreciate the elimination of the existing criteria for designation on Page 55 of the redline PDF that currently allow for historic districts to be assembled through the amalgamation of various building types regardless of the individual merit of structures and even if the proposed district is "composed of a wide variety of resources". This change significantly limits potential for abuse in the designation of districts which do not contain any sufficient cohesiveness among style, period, or type of building, and which are only currently able to be designated based off this vague standard. Finally, we appreciate the addition of the new criteria in 16.2.2.C that clarifies the applicability of all sections of the comprehensive plan when making designation decisions.

With that said, we do want to raise some concerns that persist with the current draft. The largest disappointment in this draft as written is that it continues to provide jurisdiction to the Board for review authority over new construction and alterations to non-contributing buildings where more than 40% of the façade is altered. The Board rightly has jurisdiction around alterations and additions to historic structures which we do not question. However, in recent years the subjective deliberativeness that the Board has applied to new construction within historic districts has significantly exacerbated permitting delays and cost increases for developers of new housing, such that policymakers would be wise to revisit if these applications are still well suited to come before it for review. Since 2020, the Board has reviewed 19 applications for new construction within historic districts, nine of which have involved at least three meetings with the board, and four of which have not come back to the board after having been put through one to two workshops. That means that of those 19 applications, just six were processed in what can be considered a reasonable review period of one workshop and one public hearing. In some cases, applicants have had to come to the board more than four times for projects as small a five-unit multifamily building. These unacceptable delays present considerable cost challenges for developers of small multifamily buildings within historic districts, undermining citywide goals of increasing production of this type of gentle density within our historic neighborhoods.

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Additional recommendations that will streamline permitting in historic districts to aid in the production of housing include:

- **16.6.8.C:** Consider adding to the end of the subsection "and provide direction to the applicant regarding issues to be addressed to bring the application into compliance with the relevant standards of Section 16.7." This necessary addition will clarify that the Board must provide feedback at workshops specific to the standards. In several recent cases of the Board feedback, the applicant has been left with subjective criticisms from various Board members that do not directly address which standards the member believes the applicant is not complying with, creating confusion that leads to needless additional rounds of workshops. Board feedback in workshops must be explicitly tied to the relevant standards to reduce the number of workshops needed.
- **16.7.3.A:** Strike all standards in this section except for 16.7.3.A.6. That subsection is a welcome addition to the code, but its addition obviates the need for subsections 16.7.3.A.1-16.7.3.A.5. This draft wisely makes clear that the Board is unable to impose standards on the applicant that would require reductions to the building envelope beyond restrictions present in the base zoning, and thus there no longer need to be standards that even mention the ability for the Board to analyze dimensional components of a building like height and width. This current source of confusion has been a key driver to the lengthy review process the Board has undertaken on applications for new construction and making explicit that the Board cannot force an applicant to reduce height and width or increase setbacks and step backs must be clear and enforceable. If the Board is to continue to have jurisdiction over new construction, the standards in sections 16.7.3.B & 16.7.3.C are more than sufficient to ensure compatibility with the aims of a historic district.

Additional questions we have that we would appreciate answers to in upcoming review workshops before the Historic Preservation Board and the Planning Board include:

- In the draft proposed 16.2.2.B why is "condition" being removed as a criteria for a nominated area, site, structure or object?
- In the draft proposed 16.3.8 why is there a presumption that structures or objects in an area or site are contributing? Shouldn't all structures have the test of the standards in 16.2.2 applied and explicitly listed in the City Council order before they are locked into a potentially irreversible designation as contributing?
- This draft removes all references to the *Historic Design Manual*. Is the intent that this manual will no longer be applied as a consideration when reviewing an application and that only the standards within the code will be applied?

We thank the Board for your service to the City of Portland and we trust that you will review this draft with an utmost focus on what is best for the future shared prosperity of the City of Portland and its residents.

Sincerely,

Quincy Hentzel
President & CEO

To the City of Portland,

On behalf of Maine Policy Institute, thank you for considering public comments and reducing regulatory burdens on Portland homeowners, renters, and property developers. While some of the changes in ReCode Portland's First and Second Waves show movement in the right direction, they are not as far-reaching or effective as they could be.

Generally speaking, many changes involve shifting only one regulatory variable, such as height or setback. Height restrictions, setback restrictions, and land use restrictions generally restrict the housing supply, which can lead to artificially inflated property values and increased homelessness and poverty. However, studies have shown that only shifting a single regulatory factor while the others remain the same can significantly reduce positive development effects.[1] Additionally, it should be noted that the continued existence of policies that have a chilling effect on development, like rent control and inclusionary zoning, will also reduce the positive impact these reforms will have on Portland's housing market.

The analysis of the changes to specific zones, and how these changes can be improved, follows.

The shift in regulation from the current R-1 and R-2 zones to the new RN-1 zone allows low-density residential neighborhoods to take advantage of reduced setbacks and, for ex-R-2 properties, a minimum lot size reduction from 15,000 square feet to the new zone's 10,000 minimum. However, the zone's height, use, and lot size regulations remain unchanged, which will impact development and housing regulation in this zone. Allowing multifamily dwellings might encourage a housing supply shift, but failing to enable innovation in these other categories will reduce the impact of this change.

The new RN-2 zone allows more flexibility than RN-1, but this is largely a result of preexisting zoning rules rather than current reform. Reducing frontage requirements from 25 feet to a five-foot average with adjacent yards is a great reform. Still, without significant change in other categories, this change and the increased allowed property uses will also have a reduced impact.

RN-3, similar to RN-2, only reforms regulations on setbacks and property usage, leaving other regulatory factors the same. Like the above categories, this change may have some positive effects. Still, it does not go far enough to remove the regulations that substantially contribute to Portland's housing crisis.

The draft rules reform RN-4 far more than the above zones, likely because the city is attempting to focus regulatory reform around transit corridors. These reforms would reduce minimum lot sizes from 6,000 square feet to 5,000, as well as lowering setbacks significantly but keeping the maximum height at 35 feet. While most of these changes increase the flexibility of the use of these parcels, the refusal to change the height maximum will mean that multifamily residences will have to get narrower without getting taller, thus reducing the efficiency of this reform.

RN-5 is one of the zones with the most disappointing changes. The draft rules' reduced setback regulations are a good improvement, and the preexisting restrictions were quite flexible. However, the changes to this zone are almost nonexistent, and the new rules reduce the maximum height for 1-2 unit properties from 45 feet to 35. Additionally, this more permissive zone is not expanded at all in the new map, and many zone borders throughout the city remain unchanged.

RN-6 and RN-7 are both zones that encourage many high-density residential uses, and some of the reforms here are good in reducing minimum lot area and encouraging variable uses. However, these zones cover a tiny number of parcels throughout the city, and thus, the flexibility these zones and their reforms allow will have limited effects.

B-1, B-2, and B-2b are all zones in the mixed-use category, and the ReCode Portland Second Wave removes a lot of regulatory restrictions, such as minimum lot area and an increase in maximum height for specific properties. While these deregulations, coupled with an increase in allowed uses and a reduction in setbacks, combine to encourage property development effectively, these parcels are few and far between. Portland's emphasis on transit corridors means that only a narrow portion of the city will be affected by these reforms, reducing the efficacy of any proposed rules. This is where something good occurred, but the impact area is too small. These zones should be expanded.

B-3 is similar in its light-handed approach to building regulation. While the above zones are focused on transit corridors, B3 is focused on the downtown area. Besides increased allowance of various high-density residential uses, very little reform happened in this zone though. The impact this zone has on Portland's housing crisis would be larger if the zone were larger as well.

B-4 is a zone where allowing more variable uses and reducing setbacks are helpful, pro-market reforms. However, while the zone's preexisting 65-foot max height allows for flexible development, the same can not be said for the 10,000-square-foot lot minimum and 60-foot street frontage minimum. As stated earlier, altering one or two factors in a zone without a change in a variety of regulations will significantly chill the effects of zoning reform.

For B-5 and B-6, the increased number of residential uses and low building height, setback, and area restrictions are preferable. While the purpose of these zones is to encourage urban development near the downtown waterfront, large parts of the downtown area would benefit from similar mixed-use and market-driven zoning.

The solitary reforms that occur in some zones without bigger changes will not significantly improve Portland's housing market. In RN-1, multi-family units and increased uses are allowed, but setbacks are changed only slightly, and the maximum height is still only 35 feet. In RN-2, increased uses are allowed and setbacks are reduced, but the same 35-foot maximum applies.

Both of these reforms make small changes but fail to meaningfully change minimum lot size, maximum height, or setbacks. Thus, all these reforms do is let Portlanders build smaller residential buildings rather than larger ones, which is what multifamily properties truly need. Allowing multifamily uses on paper while making it incredibly difficult to build them will not effectively combat Portland's housing crisis. These zone reforms are two clear examples of how Portland's reforms are well intended but do very little in isolation from more impactful policies. When facing a housing crisis of this magnitude, Portland should be building up but it is still refusing to do so.

Generally, Maine Policy Institute has several recommendations on how to improve these draft rules. First, reductions in only one or two regulatory factors in a zone are highly ineffective, and reforms in height restrictions or setback requirements should be paired with reducing other regulations in the same zones. Second, greater shifting of zone borders should occur, as the reforms focus too much on transit corridors which will reduce the overall impact the reforms will have on housing quantity and pricing. Lastly, these zoning reforms should be paired with the removal of rent control and inclusionary zoning throughout the city.

Rent control and inclusionary zoning both have chilling effects on the development of multifamily properties and high-density housing. Inclusionary zoning reduces the ability of developers to guarantee profitability from new housing projects, especially middle-class apartments, compared to lower-income or luxury housing.[2] Rent control also reduces the ability of landlords to adjust rent to inflation and demand and, therefore, discourages the creation of new rental units.[3] While reducing the cost of housing is certainly a laudable goal, a large body of evidence shows that these policies reduce the availability of affordable housing rather than increase it.[4]

Please consider these comments when drafting Portland's new zoning codes.

Best,
Harris Van Pate
Policy Analyst
Maine Policy Institute

[1] "How to Increase Housing Affordability: Understanding Local Deterrents to Building Multifamily Housing" Amrita Kulka, et al., Federal Reserve Bank of Boston, https://www.bostonfed.org/publications/research-department-working-paper/2022/how-to-increase-housing-affordability-understanding-local-deterrents-to-building-multifamily-housing.aspx
[2] "Modeling Inclusionary Zoning's Impact on Housing Production in Los Angeles: Tradeoffs and Policy Implications" Shane Phillips, Terner Center at Berkeley, https://ternercenter.berkeley.edu/research-and-policy/inclusionary-zoning-housing-production-modeling/
[3] "What does economic evidence tell us about the effects of rent control?" Rebecca Diamond, Brooking Institution,

https://www.brookings.edu/articles/what-does-economic-evidence-tell-us-about-the-effects-of-rent-control/

[4] "Rent control effects through the lens of empirical research: An almost complete review of the literature" Konstantin A. Kholodilin, Journal of Housing Economics, https://www.sciencedirect.com/science/article/pii/S1051137724000020#:~:text=Rent%20control%20can%20also%20negatively,participants%3A%20both%20tenants%20and%20homeowners

This comment has also been submitted through the Recode Portland website portal.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Question re proposed Recode of my Property at 173 Island Avenue

Lani Remick <laniaremick@gmail.com> Wed, May 29, 2024 at 2:35 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hello Helen -

Thank you for your response.

The 1-B designation is an important part of the value of the property -- generally, the more potential uses a property has, the more valuable it is. It would be a detriment to the value of my property to remove the ability to use the property for business purposes that has long run with the property.

Your explanation does not seem to match with my review:
- While many properties have had the 1-B designation *extended* to cover the entire legal parcel, I do not see any properties other than mine from which the 1-B designation has been entirely *removed* due to residential being the "predominant zoning designation."
- Several residential properties which previously had no 1-B designation are now designated 1-B.
- Many properties on the opposite side of Island Ave from mine have maintained their 1-B designation even though, like mine, their "current use of record is residential."
- The property directly across the street from mine maintains the 1-B designation, raising the possibility of that property being used for some commercial purpose while mine could not be if the 1-B designation is removed.

Accordingly, I ask that you please alter your draft plan to maintain or extend the current 1-B designation on my property at 173 Island Avenue, thank you.

Thanks very much,
Lani Remick

[Quoted text hidden]

[Quoted text hidden]

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.

Form Submission - Contact us Re:Code - Historic preservation, do better

2 views

Squarespace May 31, 2024, 1:10:37 PM (6 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Brian Scios

Email Address: sighos@gmail.com

Subject: Historic preservation, do better

Message: I'm writing to voice my strong opposition to the rewriting of ReCode that would essentially put historic preservation at risk in Portland. If you decide to move forward with existing language that would weaken the oversight of the Historic Preservation Board, many damages caused by this will be IRREVERSIBLE and I'm afraid the treasured history and soul of Portland will be at risk.

Time and time again we've seen other cities maintain a high bar for historical preservation while balancing the need for growth, development and tax revenue. I urge you to use those cities as examples to model off of for our own great city of Portland.

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Comment on Section 6.4.1 1 view



Andrew Schiller Jun 3, 2024, 9:25:34 AM (3 days ago)

to recodep...@portlandmaine.gov

Regarding 6.4.1.

Dear Friends, given that the minimum street width requirements are for public safety. And given that Portland Fire Prevention Leadership, the Portland Fire Chief, and Department Staff including Planning & Urban Development reviewed and concurred that a corner lot with 20 foot minimum street width presents "zero concern" for safety and accessibility, it makes good sense for corner lot requirements to be a minimum of 20 foot street width for structures for all uses rather than 28 foot minimum width for non-corner lots.

Portland Fire noted that corner lots offer access from multiple directions that non corner lots do not, and a wider paved intersection that makes them easier for equipment to maneuver. Adopting this simple adjustment allows a more streamlined review for the creation of much needed housing in Portland, while maintaining high public safety standards.

In the interest of assisting ReCode Portland advance the goals of the city's comprehensive plan, I offer the following language [added text denoted by **bold**]:

6.4.1 In General

A. Street Access.

1. *Existing, accepted streets.*

> a. The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. **In the case of a corner lot, a minimum street width of 20 feet for structures for all uses is satisfactory.** In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.

Thank you for giving this full attention.

Warmly yours,

Andrew Schiller

Portland's ReCode: A promising start but insufficient to address our city's needs

The Urbanist Coalition of Portland (UCP) supports efforts to modernize Portland's land use code (ReCode). However, we feel the current proposal is insufficient to address the needs of our city today and into the future. The current proposal does not adequately remove barriers to addressing our housing crisis and building the walkable, bikeable, transit-accessible neighborhoods that we need to address our climate crisis. Below is a summary of our analysis of the Portland Planning Department's proposed Phase II ReCode changes.

Learn more at **urbanistportland.me/policy/recode**!

What's good

- **Streamlined housing options added by LD2003**: Allowing three and four unit housing types in all zones and approving them through the simpler minor site plan process maintains and streamlines the work that was done by LD2003 to increase housing options.
- **Streamlined Zones**: Combining some zones simplifies the code and allows for a more responsive housing market.
- **Transit-oriented development (TOD) zone type**: The new TOD zones encourage walkable and sustainable neighborhoods.
- **Removing parking minimums**: This barrier to housing has been removed city-wide.

What's concerning

- **Limited transit-oriented zoning**: The entire new transit-oriented zone category will only apply to three specific properties and the denser of the zones is not used at all. This is not a comprehensive plan for transit-oriented development in our city. It is spot zoning for specific projects while other, equally transit accessible, sites have their potential restricted.
- **New length maximums limit multi-family housing**: The new building length maximums will make multi-family housing more difficult to build in areas where it is currently allowed because these limits will make it difficult to fit more units alongside multiple staircases and elevators.
- **Multi-family housing limited to four units**: The new three- and four-family designations add complexity to the code in order to limit gently dense housing options.

Urbanist Coalition of Portland

- **Limited neighborhood businesses**: The proposed changes to allow for more neighborhood businesses are limited to just a handful of buildings and are complicated to comply with.
- **New restrictions on places of assembly:** Limiting places of assembly like religious centers to major roads is unnecessarily restrictive and removes the possibility of small walkable community gathering places.
- **Lack of Transparency and Predictability**: Zoning decisions lack clear justification and create confusion.

What's missing

- **Removing barriers to housing**: Setbacks, density limits, height restrictions, and minimum lot size reductions are needed to create walkable neighborhoods.
- **Overall code simplification**: The code remains complex and difficult to navigate.
- **Industrial land reform**: Underutilized industrial land could be revitalized with mixed-use development.
- **Streamlined approval process**: Allowing more housing types to go through the simpler minor site plan process could make it faster and easier for more projects to get approved.
- **Future-oriented planning**: Zoning should be based on data and future needs, not just catching up with current demand.

Take action

Portland deserves better than the status quo. ReCode should deliver meaningful change for a more affordable, livable, and sustainable city. The UCP urges city officials push for a ReCode that includes:

- **Housing**: Reduce barriers to building more housing such as building length, setbacks, and minimum lot size.
- **Transit**: Allow for transit oriented development along all of Portland's major transit corridors
- **Simplicity**: Further simplify the land use code by combining more residential zones and allowing more small multi-family projects to be considered minor site plans
- **Complete Neighborhoods**: Allow a neighborhood-scale mixture of uses in all residential zones

The UCP will provide detailed policy recommendations in the coming weeks. We urge you to join us in demanding the reform Portland needs.

Urbanist Coalition of Portland

Urbanist Coalition of Portland
ReCode Committee
urbanistportland.me/policy/recode

June 3, 2024
For Public Release

MEMORANDUM

Re: Urbanist Coalition of Portland's Preliminary Analysis Of Recode Phase II Second Wave Draft Changes

Background on Recode
Recently, the city of Portland's Planning & Urban Development Department released the second wave of "ReCode Portland Phase II" draft changes. ReCode is the city's effort to modify and modernize Portland's Land Use Code, the set of rules which govern the construction, renovation, and use of all buildings in the city. ReCode began in 2017, its "Phase I" changes were adopted by the City Council in 2020, and the first wave of "Phase II" changes were released for public review in June 2023. After ten months of hearing and analyzing public responses to these changes, this second wave revises some of the first wave changes in response to community feedback, and covers parts of the Land Use Code which the first wave had not yet addressed.

Who We Are
The Urbanist Coalition of Portland (UCP) supports middle density housing, mixed-use neighborhoods, useful transit and cycling infrastructure, protecting our environment, ensuring affordable housing options, and overall working to make our city a more pleasant and safe place to live and work. We have been providing our own data-based and pro-housing policy recommendations to the city since before the release of Phase II's first wave, and are currently undertaking a thorough analysis of the second wave changes. While we expect to offer detailed proposals and our open research to city officials in response to the second wave over the coming months, it is the UCP's intention to provide both officials and the public with a broad overview of the new proposals. In particular, we'd like to highlight those suggestions from the

Planning Department which are clearly beneficial, identify those which ought to be explained or reconsidered, and demystify the underlying policy goals which motivate the entire ReCode process.

The Good

Among the motivations for ReCode, even back in 2017 when it first began, was to simplify and liberalize the code in response to modern demands for affordable housing, environmental protection, and walkable communities. It's taken us many years to reach this point, but the changes put forward by the Planning Department thus far do work towards these goals in several ways.

Fully Embracing LD2003 and Maintaining Affordability Bonuses
At the outset, the Planning Department embraced the progressive vision adopted by the City Council in living up to the spirit of LD2003, a recently-passed state law designed to promote abundant housing construction. While the Planning Department supported a very narrow interpretation of the state law, amendments sponsored by Councilor Rodriguez in collaboration with the UCP were embraced by the City Council last December, allowing for up to four-unit housing construction across the mainland. This incorporation of amendments also maintains the expanded affordability bonuses the city has had since the LD2003 reforms. The Second Wave changes embrace and integrate this landmark pro-housing reform into the proposed changes, demonstrating wisdom, grace, and respect for the democratic process.

Consolidation into Fewer Residential Zones
The re-categorization of residential zones, (from R-1, R-2, …, R-6, with an R-7 overlay, to RN-1, RN-2, …, RN-6,) represents a good start towards liberalizing residential areas in response to demand. While the number of zones being only slightly reduced in number is a missed opportunity to more significantly streamline the code, the character of the consolidations is much more gratifying, effecting a moderate but general 'pulling up' of neighborhoods towards greater density. In particular, the released maps reflect a number of incremental upzones from low- to medium- and high-density areas, and these seem both sensible and exciting.

New Transit Oriented Development (TOD) Zones
The addition of new TOD (Transit-Oriented Development) zones does, again, represent a missed opportunity to *reduce* the total number of zones, but otherwise represent a positive direction for land use in Portland. With car ownership being an expensive, risky, and environmentally-hazardous factor in many Mainers' lives, the enabling of car-light and car-free households to thrive in Portland is more important than ever. Reforms in dimensional standards, as well as initiatives from the Planning Department like instituting parking maximums across the city, will go further towards this goal.

The Concerning

Reduction in Allowed Building Heights
Several elements of the new changes, however, raise alarm bells at the UCP. As a prime example, one of the few notable revisions made to the first wave changes (now reflected in the second wave) was a walking-back of height increases in several zones across the city. The current height restrictions in Portland's Land Use Code are quite limiting for a city of our character, and the moderate increases proposed in the first wave changes were very nearly the sensible minimum to raise them. Despite this, the height increases apparently alarmed those segments of the public concerned about such things enough that they convinced the Planning Department to, essentially, return to the restrictive status quo.

This is a doubly concerning move, not only are the stricter height limits bad for working Portlanders, but this may also indicate an unwillingness on the part of planning staff to stand by their own proposals in the face of a small minority's criticisms. Raising height limits is far from the most important part of the ReCode process, but we encourage the city to stand by their original, data-driven assessment and proposals in this case.

Division into *More* Residential Uses
In the current code, there are three basic types of residence: single-family, two-family, and multi-family. The proposed changes shift this to single-family, two-family, three-family, four-family, and *then* multi-family. Besides the obvious redundancy – there are no functional differences between three- and four-family use permissions, and single- and two-family exclusive zones have effectively been abolished – this also indicates a concerning motivation. Despite the pressure from the state and elsewhere to allow more multi-family development, carving out unique permissions for three- and four-member buildings may mean that middle-density buildings (such as the six- and eight-unit structures essential to organic affordability) will continue to be frozen out of Portland.

Not Allowing Neighborhood Businesses
Permitting low-impact neighborhood business (e.g. grocers, childcare, or clinics) is key to creating walkable neighborhoods, and this has been recognized throughout the ReCode process. However, while the second-wave changes include a measure clearly intended to give the impression of supporting these businesses, in fact virtually nothing would change. The "Neighborhood nonresidential reuse" proposed in Phase II is touted as a means to reintroduce such amenities, but by UCP analysis, this "reuse" has such strict requirements for application that no more than a handful of lots across the entire city would qualify. Despite the "reuse" receiving front-page billing from the ReCode Portland team, it would – more likely than not – result in zero new neighborhoods business openings.

In response to concerns by the public that this "reuse" would do little (or nothing) to permit new neighborhood businesses, planning staff replied that "neighborhood business needs are addressed within the B-1, B-2 or other zones" dedicated to commercial uses. This confidence in the "B" zones to adequately serve neighborhood needs does raise the question of why the "reuse" was added at all, if it is both highly restricted and (apparently) unnecessary. This is

precisely the sort of complex, flashy, but ultimately fruitless measure which should not be allowed to further litter the land use code.

Need for More Setback Reductions
Setbacks are how far a building can be built from the property line. There are some improvements here – e.g. instead of having side setbacks increase in relation to building height, they stay static – but we still have front and rear setbacks in R3 and other zones that are 20-25 feet. This makes it functionally impractical to build a backyard Accessory Dwelling unit, and has no evident utility.

Walkable neighborhoods, communities where households can thrive with little-to-no driving necessary, have become a central plank for Portland's urban politicians. The UCP strongly believes that legalizing the development of such neighborhoods can save Portlanders money, make our city more beautiful, and alleviate the effects of climate change. To do this, one need only look at Portland's most delightfully walkable districts which exist now, such as those in downtown Portland, on Munjoy Hill, or in the West End. One of the key features of these neighborhoods is a dynamic streetscape with building fronts close to the street and building sides close to one another. Enabling this requires a substantial reduction in setback minimums, which have not been adequately addressed in these draft changes.

Too Many Restrictions on Places of Assembly
Places of Assembly, the most common use designated for churches and other places of worship, have been redefined in the Phase II proposals to apply to congregations of more than 8 people, a drastic reduction from 15 people in the current land use code. This broader requirement, which affects multiple small religious bodies, has been paired with a new restriction which bans places of assembly from non-major roadways. In other words, while a group of ten Jews, Christians, Muslims, or any other religious (or indeed non-religious) congregants are currently permitted to assemble freely nearly anywhere in Portland, under the proposed Phase II changes, they'd be restricted to upzoned parcels on major roads only.

While the justification provided for this change is an anodyne attempt at standardization with other definitions, the impact of this change on community groups and congregations should not be understated. It may even rise to the level of violating first amendment rights. This change is capricious and unnecessary, and should not be pursued. You've probably hosted or attended a gathering at a home with more than eight people yourself, why should this be any different?

The Missing

It's *Still* Too Long & Complicated
Beyond the changes which have been proposed, both for better and for worse, there are also those changes which haven't been proposed – or seemingly even addressed. As has already been made clear, despite one of the original goals laid out for ReCode being to simplify the very complex code, relatively few opportunities have been taken to attempt this. While at several points redundant or overly specific language has been streamlined, the overall character of the code remains much the same. There are still dozens of zones, the maps still look astonishingly

complicated, and the number of conditional and provisional uses still leave homeowners, tenants, builders, and others guessing as to what is allowed and what isn't. Cities should be walkable, and land use codes should be readable.

Where is TOD-2?
One of the most baffling apparent omissions, if it is an omission, is the lack of implementation of TOD-2, one of the two new transit-oriented zones. In the maps released by the Planning Department, not a single parcel appears to be designated TOD-2, despite the introduction of the high-density zone into the proposals. It's unclear why this zone hasn't been utilized; it may be that the proper use of this zone is still being considered internally at City Hall. However, if the purpose is in fact to treat the new zone as a special designation – not something to be baked into the maps but rather something to be requested by interested developers – then this would be very troubling. This is the sort of unpredictable spot-zoning which has given many local governments in Maine the reputation for obscurity, favoritism, and delay. We trust that this is not the case, and that a revised map will utilize the new zone and be released in the future.

No Remedy for Languishing Industrial Land
Much land in Portland is zoned and regarded by Portland's planners as dedicated to industrial use. This practice is a relic of an older economy, no longer relevant to the needs of Portland as a whole, and it would be an ideal area of reform in ReCode. Much of this land is vacant or deeply underutilized, but could hold great potential for development into housing, commercial, and other business uses. Despite this clear opportunity, only vague and minor adjustments to the land in question are included in the proposals. While the restrictions may keep land prices artificially low for the favored businesses in this market, these minority interests should not prevail against the general good.

How Will the City Streamline Approvals?
Another conspicuous absence from the ReCode conversation is all the more notable for how prominently it featured in Mayor Mark Dion's campaign – a significant streamlining of approvals. While there are many costs which go into building and renovating in Portland, one which should not be underestimated is the time and uncertainty involved in getting the appropriate permits and approvals from various city government organs. This bureaucratic slog is one of the primary factors driving builders elsewhere in the northeast, and one that Portland's administration ought to be seriously reckoning with. Yet, little evidence of such reckoning can be found here.

Transparency and Elegance
Lastly, the most important omission from ReCode is any commitment towards transparency. Why are the lots on one street zoned for low-density residential, while another similar street's lots are for dense mixed-use? Why are the borders where they are, and why are the zones restricted in the ways which they are? Even when planning staff do make attempts to explain the rationales behind their decisions, they tend to leave many assumptions unexamined. What's more, planning has consistently played catch-up with the city, only latently approving uses for which there is *already* great demand. While it's easy to forget, the very term "planning" necessitates a focus on the future: future needs, future demand, future growth. For too long, planning in Portland has been focused on, at best, the present – and often it's been stuck in the past.

Portland's land use code and zoning map ought to be based on concrete, rational decisions motivated by data. If zoning restrictions cannot be justified by solid material concerns, then they ought not be applied. Any sufficiently-motivated resident – with no advanced degrees or experience – ought to be able to look at the zoning map and understand why the zones of Portland are where they are, and why they are how they are, right across the city.

A natural corollary to this is that the zoning map should not look like a Jackson Pollock painting. When an individual lot is classified as a unique zone from all the land which immediately surrounds it, can that really be justified by reason? Maybe sometimes – but typically, "spot-zoning" and similar practices ought to be avoided at all costs. Zoning should not be a shadowy court of appeals where land use is decided by arbitrary boundaries, special interests, unspoken motivations, and unpredictable administrators. It should be a clear-cut, sensible process with which any homeowner can become comfortable. So far, Phase II looks to continue, and in some ways even worsen, the status quo of complexity and opacity.

Conclusion: The Mediocre is the Enemy of the Good

In the daunting pile of documents which have been released as Phase II, which UCP analysts are still reviewing in detail, there is much good work. Some of the most important updates are the simple standardizations and minor fixes, which is tedious work to compile (and makes no headlines) but is absolutely necessary. Many of the most important issues facing Portland's land use have been at least somewhat, imperfectly recognized. There is little which is plainly offensive or wrongheaded, and much which is sensible.

However, Phase II ultimately represents a continuance for the status quo in Portland. With skyrocketing prices, a severe housing shortage, dangerous streets, a climate crisis, and mass displacement facing our city, the status quo is not good enough.

Nearly a decade of effort and untold masses in taxpayer dollars should not be wasted on mediocrity. Portland ought to seize the opportunity to enact real change in a self-evidently failing system. We've so long prided ourselves on being leaders, on being at the cutting-edge of modern solutions for modern problems, and we should take the lead in land use reform here in New England. The changes don't need to be radical, (they ultimately represent a restoration of rights to homeowners and tenants,) but they must be meaningful.

The UCP will release more detailed policy recommendations for City Hall's consideration over the coming weeks, but we call on our elected representatives now to demand the sort of reform which Portland needs to make our housing affordable, our laws understandable, our neighborhoods walkable, our lifestyles sustainable, and our city livable.

Zoning for rooming houses. 0 views



Peter Ferrante Jun 5, 2024, 2:33:52 PM (yesterday)

to recodep...@portlandmaine.gov

I am a 76 year old former real estate broker born and raised on the Portland peninsula who lives at the base of Munjoy Hill. As I stated in a letter to the editor of the Press Herald on 1/4/22, Portland could use modern rooming houses to alleviate housing shortages and high rental prices especially for people in the service industries. I missed your 2 public feedback sessions on 6/4 and 6/5 at Canal Bank. I disagree with the the public comments I read today about buildings too high, densities too high, parking scarcity, and massive projects. Too many NIMBYs. Portland is not a quaint little town anymore. We desperately need new housing. Peter Ferrante. portpete@yahoo.com. 207-274-4958.

Form Submission - Contact us Re:Code - Potential to Subdivide

0 views

Squarespace Jun 5, 2024, 2:35:11 PM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: William Dowd

Email Address: bdowd9@yahoo.com

Subject: Potential to Subdivide

Message: Hello,
Can existing lots be subdivided if they meet the new RN4 code.

We own a property at 35 Bolton Street that is a 3 unit building on a 14,025 sf lot. Provided we meet frontage and side set backs, can we subdivide the lot?

We went down to 1 Canal Plaza today and it was extremely informative. Chris did a great job explaining the potential changes. We think that the Recode will be great for the City of Portland.
Thank you,
Bill and Debi Dowd

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Form Submission - Contact us Re:Code - Zone changes that allow multi units with no off-street parking and no setbacks

0 views

Squarespace Jun 5, 2024, 3:25:48 PM (23 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Jean Russo

Email Address: russo@maine.rr.com

Subject: Zone changes that allow multi units with no off-street parking and no setbacks

Message: As a Portland native and a long time Realtor in Portland, I have several concerns about the proposed rezoning. Over the past 40 years, most of my clients have purchased property and put their life savings into that property knowing they would be protected by the zoning restrictions. Now those zoning restrictions are being tossed aside to cram more housing into already dense areas.

New height restrictions will mean goodbye to backyard privacy and to any sunny yards with gardens!

Removing the requirement of off-street parking and no boundary setbacks will create huge problems. Where do tenants in a multi-unit put their cars when it snows in areas like Stroudwater, Capisic, Rosemont and Deering Center? There are no public places to park and little public transportation. Please add the requirement of at least one off street parking spot for each apartment.

Also, allowing no side setbacks is wrong! How do you repair the side of your home without encroaching on your neighbor's property? I know of at least one lawsuit where the neighbor would not let the new owner of an in-town building access the side of his building to work on it. I think the case is still pending. We need at least 10 feet for side boundaries in every zone so that property owners can access the side of their home or building without encroaching on neighbors' land.

Finally, what about the impact on our local schools with all of these added apartments? I understand that everyone wants to live in Portland, but that is not possible. Maine is a big state with tons of land and it's time to start moving some of these developments to outlying areas; most are less than 20 minutes away so let's work on improving public transportation to those locations.

Let's keep some green space in Portland and stop increasing the density. To do otherwise is going to destroy our beautiful City and will decrease property values.
Jean Russo
Portland

Manage Submissions

Does this submission look like spam? Report it here.

Testimony in Response to the City of Portland 2024 Recode Project
Submitted to the Portland Planning Board June 5, 2024
By Peggy Shaffer

I would like to thank the Planning Department for all the work that has gone into the Recode process. I support the vision to increase density in Portland with the goal of enhancing neighborhoods and creating a resilient city for the 21st century.



This Recode graphic depicts the view of the Portland skyline from the western end of the Eastern Promenade Park on Washington Avenue.

The Eastern promenade park is a unique and valuable asset that defines the Munjoy Hill neighborhood and the Portland Peninsula.

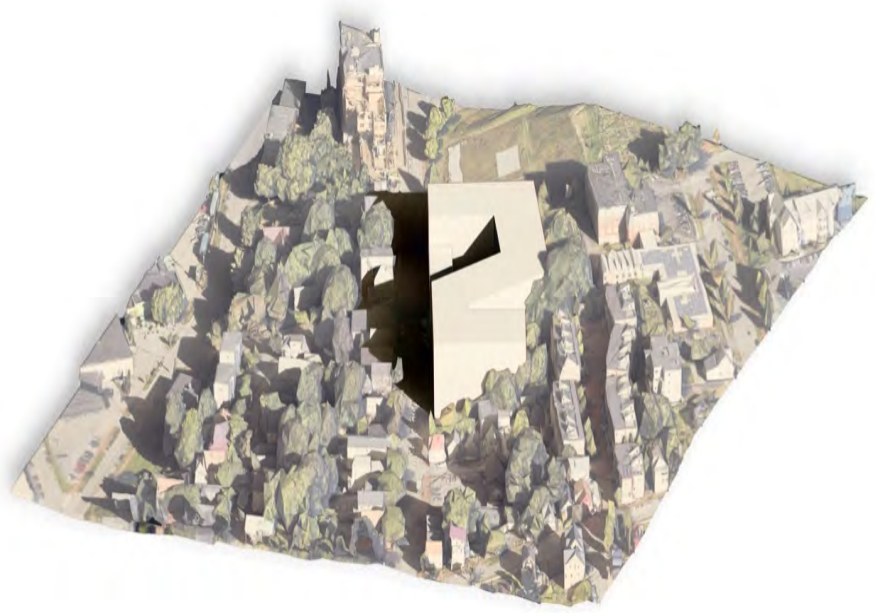
In considering the proposed Recode recommendations, I would like to ask the Planning Board to honor established zoning precedents and protect the human scale and pedestrian experience that attracts residents and visitors to this quintessential Portland landscape.

In talking with planning department staff during the public comment sessions, I learned that there is only one property on the peninsula, which is being rezoned from B1 to B2b, and that is the Northern Burner Supply Site at 165 Washington Ave. Redfern Properties has already proposed a 75 ft. building for the site. Yet, this property abuts the western end of the Eastern Promenade Park.



This rendering depicts the western façade of Redfern's proposed building abutting the Eastern Promenade Park on Washington Avenue.

This section of Washington Avenue, which encompasses Jack Path and the Mt. Joy Orchard, East End School Outdoor Classroom Garden, and the North Street Community Garden, serves to connect the commercial and residential sections on the south side of Munjoy Hill to the paths and green spaces of the Eastern Promenade. This is a highly valued and used pedestrian space that knits together the green spaces that exemplify the core of the Munjoy Hill neighborhood and the Eastern Prom. It is a critical link that defines how residents and visitors use the neighborhood.



This shows the scale of Redfern Properties' proposed building in relation to the streetscape and the park.

There is no reasonable justification for this particular property to be rezoned. There are no other B2 zoning designations that abut the Eastern Promenade; the properties across the street from the park are zoned B1 (one property has already been developed under B1 guidelines); and the properties next to 165 Washington Ave on Cove street are zoned B1. That makes this property an anomaly—an anomaly that will become a vastly out of scale building in this pedestrian street scape.

Frankly, it appears that the rezoning of this particular property is spot zoning for the benefit of a particular developer. I heard today that the planning department will propose rezoning the buildings across the street from the park from B1 to B2 in order to deflect this charge of spot zoning, with the potential of further marring the human scale and pedestrian landscape of the park.

I ask the planning board to request an amendment to the Recode Proposal to maintain the B1 zoning on 165 Washington Avenue on those properties that line the Eastern Promenade Park in order to preserve the human scale and pedestrian experience of the park and the streetscape.

A single 75-foot building on this one particular site will not solve Portland's housing problem. The building would be vastly out of proportion with the park. It will increase vehicular traffic and parking congestion in and around the park. It will result in the loss of approximately one third of the Jack Path forest. And it will mar the interconnection between the park, Portland trails, and the gardens that define the western end of the Eastern Prom.

I hope that members of the planning board will support and protect this quintessential public landscape. B1 zoning is enough for this particular property and as well as all the other properties that line the Eastern Promenade.

Peggy Shaffer
shaffems@gmail.com
(513)-658-6047

Concerns 0 views

priscilla doucette 1:09 PM (2 hours ago)

to recodep...@portlandmaine.gov

Dear People,
I visited your space at 1 Canal Plaza yesterday. I received some information from several helpful people. I still have very strong concerns.
Since I have lived, worked, and paid taxes in Portland all my life, I feel quite qualified to understand our problems and enjoy our successes.
Briefly stated, I am perplexed at why Portland needs to be infilled and crowed with housing, which will be totally out of the economic reach of those people you claim to be helping. The changes will simply give developers more space to squeeze in more expensive homes.
Once your proposed zoning takes place and the beauty and character of Portland is gone, then yes, you will have affordable housing.
Affordable apartments can be built in large spaces which exist, such as Morrils Corner or Canco Road. But simply crowding and changing neighborhoods is not he answer.
And as an aside, once the unique view of Portland from the water is lost to tall buildings, another aspect of our desirability will be gone.
Please continue with your work to keep Portland vibrant and livable.
Priscilla Bennett Doucette
79 George Street

Do NOT Undo 60 yrs of Preservation Work 0 views



Sandra Radis 8:16 AM (4 minutes ago)

to recodep...@portlandmaine.gov

Please do not change the preservation code! We love Portland for the care the city takes to protect history, please do no change this code for one organization's desires. It is wrong.
Thank you.
Sandra Radis

Sent from my iPhone

Do NOT Undo 60 yrs of Preservation Work 0 views

Teresa Pierce 9:58 AM (5 minutes ago)

to recodep...@portlandmaine.gov

I oppose weakening the historic preservation language in the ReCode. Let's not in five, ten, 25 years realize that we have lost Historic Portland, we can never get it back. As a resident of the greater Portland community I value the history and culture of the community, the proposed language destroys the current Historic Preservation ordinance, codifies the city council's recent action on 142 Free St., and puts Portland out of compliance with standards required by the Maine Historic Preservation Commission and National Park Service. These are things we should not put in jeopardy.

Thank you,
Teresa Pierce
--

teresaspierce@gmail.com

Teresa Schmitt Pierce
6 Waites Landing Road
Falmouth, Maine 04105
207.781.7144
207.415.8631

Do NOT Undo 60 yrs of Preservation Work 1 view

Robert Kahn 10:28 AM (2 hours ago)

to ReCode Portland

I am totally against RECODE's language that guts the Historic Preservation Ordinance. Why was this unnecessary attack on the ordinance included? It was pointless and divisive.
Robert Kahn, Portland

Also, graphic examples (proposed changes next to existing conditions) need to be offered to the public so that we can visually compare the before to proposed after. The heights and density seem to be excessive. Is the code attempting to develop future dense tenement slums like in New York City?

Form Submission - Contact us Re:Code - Recode Does Not go far enough for complete neighborhoods!

0 views

Squarespace 11:21 AM (1 hour ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Myles Smith

Email Address: mylesgsmith@gmail.com

Subject: Recode Does Not go far enough for complete neighborhoods!

Message: Hello,
Thanks for your hard work on this complicated stuff. Unfortunately, I feel many changes have made things more complicated, not less. We need form-based code that actually allow for reasonably gentle development to mimic what we already have - more Oakdale-like density, neighborhood businesses, and mixed use larger buildings downtown.

I like the reduced parking minimums and introduction of parking maximums.

Myles

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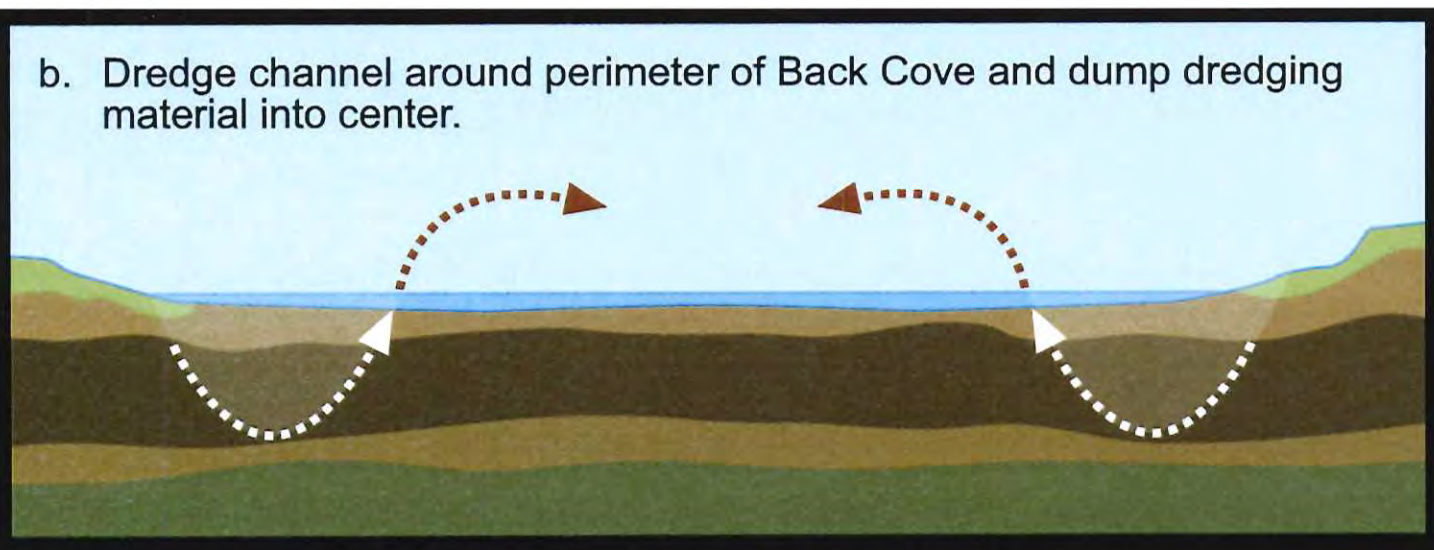

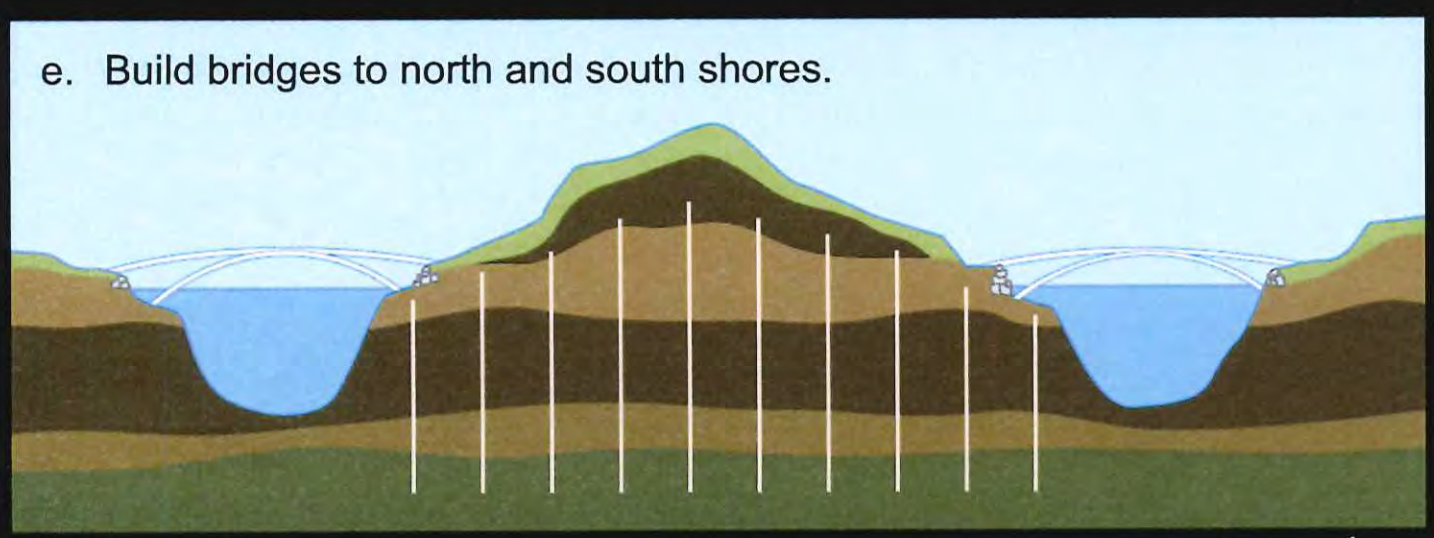

Walk. Run. Bike. Kayak. Swim. Fish. Picnic. Wander. Sled. Play.

Everything, in the middle of everything.

---

1. Payson Bridge
2. North Picnic Area
3. Fisherman's Jetty
4. Ramble
5. Grove
6. City Path
7. Great Lawn
8. South Bridge
9. Boat Dock
10. Family Beach
11. South Picnic Area
12. Singles Beach
13. Sunset Path

Rest Rooms

HOW:

a. Sink a matrix of pilings to stabilze the area.

b. Dredge channel around perimeter of Back Cove and dump dredging material into center.

c. Protect critical shoreline points with riprap.

d. Build a jetty to channel tidal flow and protect shoreline from erosion.

e. Build bridges to north and south shores.

f. Create shared use bicycle/pedestrian pathways.

g. Suggest walking paths for a certain period of time before marking trails.

h. Install rest rooms and establish picnic areas.

i. Wire for electricity and plumb waste.

j. Maintain, improve, adjust.





Back Cove Island

Rosemont area 0 views

John McVeigh Jun 10, 2024, 6:32:10 PM (20 hours ago)

to recodep...@portlandmaine.gov

The old Rosemont farm was subdivided circa 1900. The lots were give 55ft of road frontage. When Portland adopted zoning, it made frontage to be 60 ft. All the lots in the subdivision thus became nonconforming. This is all of Columbia Rd Makes it impossible to expand the footprint of existing buildings. This will hinder expansion of housing here and elsewhere where historical lots became nonconforming. Please address this if possible.

John P. McVeigh
207.791.3000 Tel
jmcveigh@preti.com
Bio | Twitter | preti.com

PretiFlaherty
One City Center
P.O. Box 9546
Portland, ME 04112-9546

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Objections to ReZone Plan

1 message

jmy <jmy@portlandmaine.gov> Mon, Jun 10, 2024 at 10:09 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

---------- Forwarded message ---------
From: Victoria Bonebakker <vbonebakker@gmail.com>
Date: Sunday, June 9, 2024 at 7:11:01 PM UTC-4
Subject: Objections to ReZone Plan
To: planningboard@portlandmaine.gov <planningboard@portlandmaine.gov>

as it pertains to historic preservation issues.
The proposed ReZone plan guts the current protections and would destroy the integrity of Portland's historic districts, whose character enhances the attractiveness of the city for its residents and also draws tourists as well as new residents, supporting the business community and the tax base.
Jeopardizing, and in some cases destroying, Portland's historic character will weaken the city irreparably.
The plan needs to be amended!!
Victoria Bonebakker
91 Park St
Portland
Sent from my iPhone

Recode height restrictions - build dense, multi-family housing but don’t build up

0 views



Zdenka Griswold Jun 11, 2024, 11:11:29 PM (10 hours ago)

to recodep...@portlandmaine.gov, Jack Griswold

Hello - I was very sorry to miss the ReCode seminars last week. I would have been there but was unfortunately out of town!

I’ve looked at the ReCode proposal online and I agree that we need more flexible zoning and denser, multi-family housing throughout the city. I have one major objection, however, and that is to changing the height limits in the various zones. I firmly believe that Portland is and should remain a low-rise city, and that this will only enhance the city’s appeal and livability. Tall buildings block out the sun. Streets can seem more like tunnels rather than open, welcoming spaces. In Portland, tall buildings will be dramatically out of proportion to the residences and businesses around them, looming over them, overshadowing neighborhoods and appropriating their sense of place.

In the heart of most of the world’s beautiful cities I’ve seen, it is not possible to build to great heights and this has made them the wonderful places they are. In the city centers of Paris or Prague, there are almost no tall buildings. Even notable exceptions such as New York, a grand metropolis whose neighborhoods *are* the high-rises, have large swathes of lowrise residential areas which are subject to strict landmark protections - think Brownstone Brooklyn. Here we can achieve housing density and affordability by allowing denser, multi-family buildings throughout the city without ruining the friendly, neighborhood appeal of Portland by building too high.

Thank you for your attention to these comments. - Zdenka Griswold

Proposed Changes to Historic Preservation Ordinance

0 views



Dugan Murphy 12:09 PM (2 minutes ago)

to recodep...@portlandmaine.gov

Good afternoon,

I'm writing to send some feedback on some of the current proposed elements in ReCode.

I understand some of the changes will have the effect of weakening Portland's historic preservation ordinance and I think doing that is a big mistake. Portland has a major housing crisis right now and a good way to remedy that seems to be encouraging development of surface parking, allowing higher densities of development, and removing requirements for parking. The answer is neither making it easier to demolish contributing buildings in historic districts, nor is it stripping review responsibilities from the Historic Preservation Review Board.

This is important to me because Portland's livability is so dependent on the human scale of our historic districts. This is what kept me here when I became an adult and had to decide whether to move away or stay in the Portland area! Furthermore, the integrity of those historic districts bring tourists here, which is the basis for my livelihood and makes it possible to continue living here.

Please create a development code that encourages development that integrates well with our historic districts. That will enhance walkability, livability, bikeability, and transit viability.

Thank you for accepting my feedback!

Dugan Murphy
61 India St #3, Portland
Owner, Portland by the Foot walking tours

Form Submission - Contact us Re:Code - Historic Preservation

0 views

Squarespace <form-submission@squarespac… Jun 12, 2024, 9:51:04 PM (13 hours ago)

to recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Peter Murray

Email Address: pmurray@gwi.net

Subject: Historic Preservation

Message: The Recode proposals appear to significantly weaken and undermine what has been a very successful historic preservation program in the City of Portland. "If it ain't broke, don't fix it!" Some years ago Portland made the decision that preservation of historically significant structures and areas of the City will enhance the attractiveness of the City for purposes of economic development, as a place to visit (tourism) and as a desirable environment for its inhabitants. Portland's historic preservation ordinance has generated a number of historic districts in key areas of the city, for the most part on the Portland Peninsula. Protections afforded contributing structures in these districts have maintained the historic authenticity and amenity of these parts of Portland and have generated millions of dollars of investment in tax credit supported restoration and reuse of contributing buildings - all to the benefit of the City. There is no reason why a regime that has been so successful should be weakened or diluted by the various recode provisions that would 1) allow criteria other than historic authenticity to be considered in declassifying contributing structures, 2) allow dimensional standards of the zoning ordinance to override considerations of historic compatibility, 3) dilute interim protections pending evaluation of a pending historic district designation, or 4) restrict historic review of changes that do not require building permit. There is no showing that any of these changes are needed. All of them tend to undermine the quality of the historic fabric of the City. Some might even jeopardize qualification of Portland's districts for Federal dollars and tax credits. Please leave the Historic Preservation ordinance as it is!

Manage Submissions

Does this submission look like spam? Report it here.

Megan Cindrich <mcindrich@portlandmaine.gov>

Fwd: 221 Congress Street, Map amendment/re-code

---------- Forwarded message ---------
From: **Travis Letellier** <travis@greenmars.com>
Date: Thu, May 16, 2024 at 9:06 AM
Subject: RE: 221 Congress Street, Map amendment/re-code
To: Kevin Kraft <kkraft@portlandmaine.gov>
Cc: Patrick Boothe <Patrick.boothe@woodhullmaine.com>, Chris Marshall <chris@greenmars.com>, Helen Donaldson <hcd@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

Hi Kevin,

Thank you for your thoughtful response.

I have attached two documents that illustrate our re-zoning goals for the property. The first document shows historic, current and our proposed zoning of the property along with some arguments from Portland Comprehensive plan.

The second document establishes some dimensional restraints of the current zoning in comparison to what we would be able to accomplish with a zone change in terms of height, setbacks, and unit counts. This document was shared at the pre-app meeting we had last week.

We believe a change to b-2b would an overall benefit to the city in its goal for providing affordable and workforce housing. A portion of the property used to be in the b-2b before a previous zone change and would unite the western side of Washington Ave within the same zone.

Thank you for your consideration of this proposal and if you or anyone else at the city has any questions or comments about this request or attached documents, please don't hesitate to reach out.

Thanks again,

Travis

From: Kevin Kra` <kkraft@portlandmaine.gov>
Sent: Thursday, May 16, 2024 8:42 AM
To: Travis Letellier <travis@greenmars.com>
Cc: Patrick Boothe <Patrick.boothe@woodhullmaine.com>; Chris Marshall <chris@greenmars.com>; Helen Donaldson <hcd@portlandmaine.gov>; Ma hew Grooms <mgrooms@portlandmaine.gov>
Subject: Re: 221 Congress Street, Map amendment/re-code

Hi Travis,

Thanks for the additional information. We will consider the information shared in this email, as well as information shared during the 5/10 pre-application meeting, as public comment for ReCode. If you would like to email us your plans and any additional information, you're welcome to do so and we will include it in the public comment record. In summary, it sounds like the 35 foot stepback requirement from ineligible streets paired with the 15 stepback requirement along Congress Street limits the bonus floor area floor plate, and you believe that because B-2b is nearby, you can extend that zoning over your site so you can get additional height, reduced setbacks resulting in better floorplates and possibly more units.

We appreciate the feedback. At this time, I want to be respectful of everyone's time and schedules, therefore I don't think an additional meeting on this topic will be beneficial or productive, we understand the concern. As I mentioned, we'll consider this information as we make additional revisions based on feedback from the public and Planning Board.

Again, feel free to send us materials via email in addition to the pre-application materials we already have if you think we're missing something.

Best regards,

Kevin

On Fri, May 10, 2024 at 4:02 PM Travis Letellier <travis@greenmars.com> wrote:

> HI Kevin,
>
> Its not so much a dimensional issue, in a way it is, but we are looking to gain additional height within the building which will facilitate more units.
>
> In the current zoning we are limited to 62 feet with the bonus 5th level, however the top floor is severely limited by the 35-foot Washington Ave stepback.
>
> The B-2b, which runs up and down both sides of Washinton would give us the flexibility to go higher and ultimately add more units and more affordable units to this property.
>
> We would appreciate the opportunity to make our case in a meeting if you had the time over the next week, we certainly want to get this change into the re-code process as quickly as possible, please let us know the best way to make that possible.
>
> Thank you,
>
> Travis
>
> GreenMars

From: Kevin Kra. <kkraft@portlandmaine.gov>
Sent: Friday, May 10, 2024 1:53 PM
To: Travis Letellier <travis@greenmars.com>
Cc: Patrick Boothe <Patrick.boothe@woodhullmaine.com>; Chris Marshall <chris@greenmars.com>; Helen Donaldson <hcd@portlandmaine.gov>; Ma hew Grooms <mgrooms@portlandmaine.gov>
Subject: Re: 221 Congress Street, Map amendment/re-code

Hi Travis,

Thanks for reaching out. With the release of ReCode Phase 2, Wave 2 we are not entertaining map amendments at the moment, given that ReCode is underway. We encourage you to send us comments on what dimensional issues you're running into with IS-FBC and why you feel B-2b is the most appropriate zone for this site. Feel free to send that information directly to me and we can incorporate into our ReCode public comments and take them into consideration as we make final recommendations.

Best regards,

Kevin

On Wed, May 8, 2024 at 1:47 PM Travis Letellier <travis@greenmars.com> wrote:

> Hi Kevin and Nell,
>
> I hope this message finds you well.
>
> We recently concluded a pre-application meeting regarding our project at 221 Congress Street. The decision reached was to pursue a map amendment for the property, transitioning it from its current IS-FBC zoning to B-2b.
>
> We were advised to reach out to both of you to discuss this proposed change, with the ultimate goal of having the city incorporate it into the re-code changes.
>
> We believe several factors are in our favor for this modification and would like to schedule a meeting to outline our plans for the property's redevelopment.
>
> Looking forward to your response and arranging a convenient time for our discussion.
>
> Thank you,
>
> Travis Letellier, P.E.
>
> GreenMars
>
> 207-205-0208

--

Kevin Kraft, AICP
Interim Director Planning & Urban Development Department

389 Congress Street
Portland, Maine 04101

Phone: 207.874.8430

kkraft@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.

--

Kevin Kraft, AICP
Interim Director Planning & Urban Development Department

389 Congress Street
Portland, Maine 04101

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kkraft@portlandmaine.gov

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--

Nell Donaldson
Director of Special Projects
City of Portland
(207) 874-8723
hcd@portlandmaine.gov

planning & urban development

2 attachments

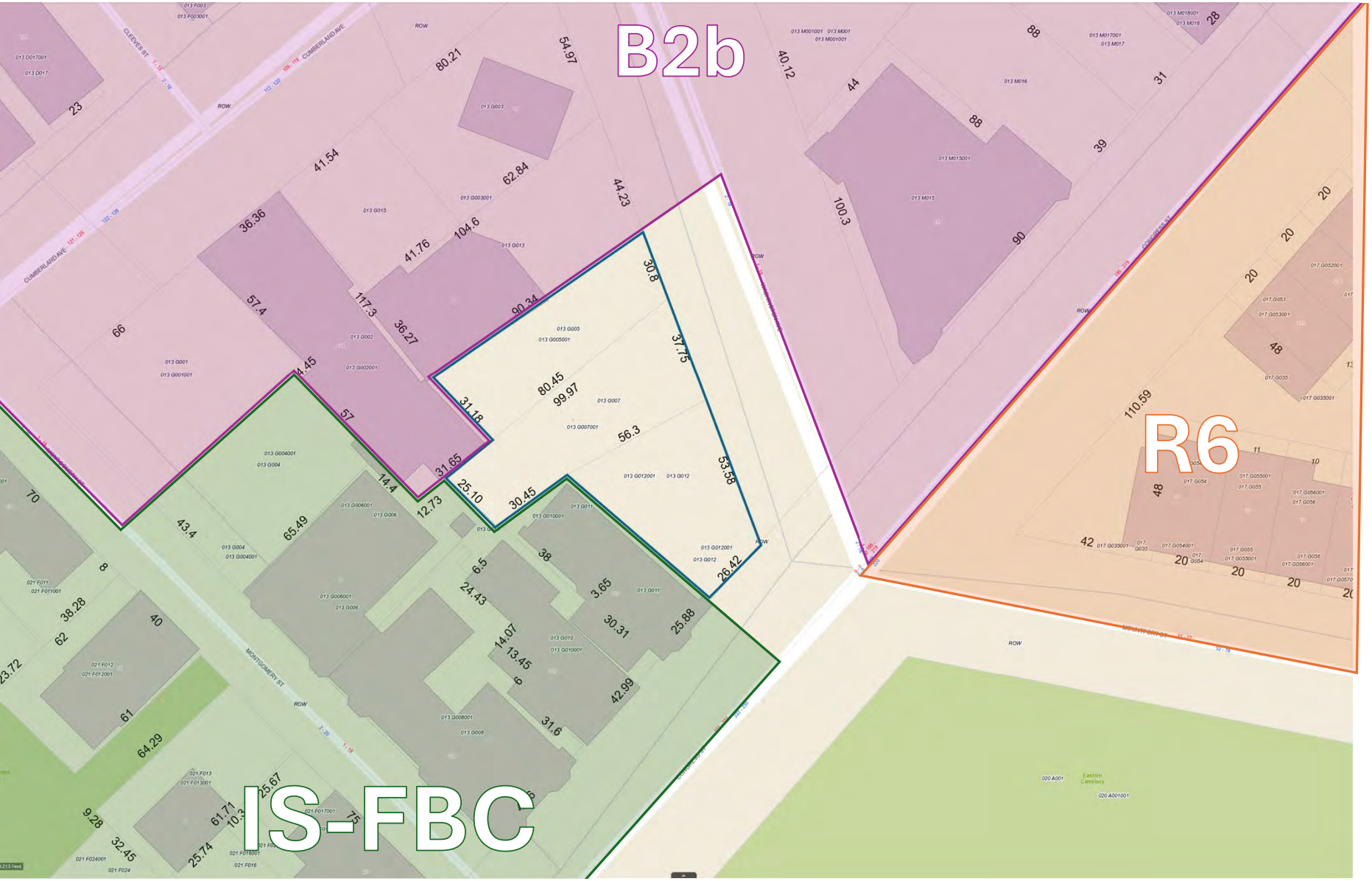
Comp Plan Research for Map Amendment.pdf
1458K

2024-05-08_221 Congress_Pre-App.pdf
1550K

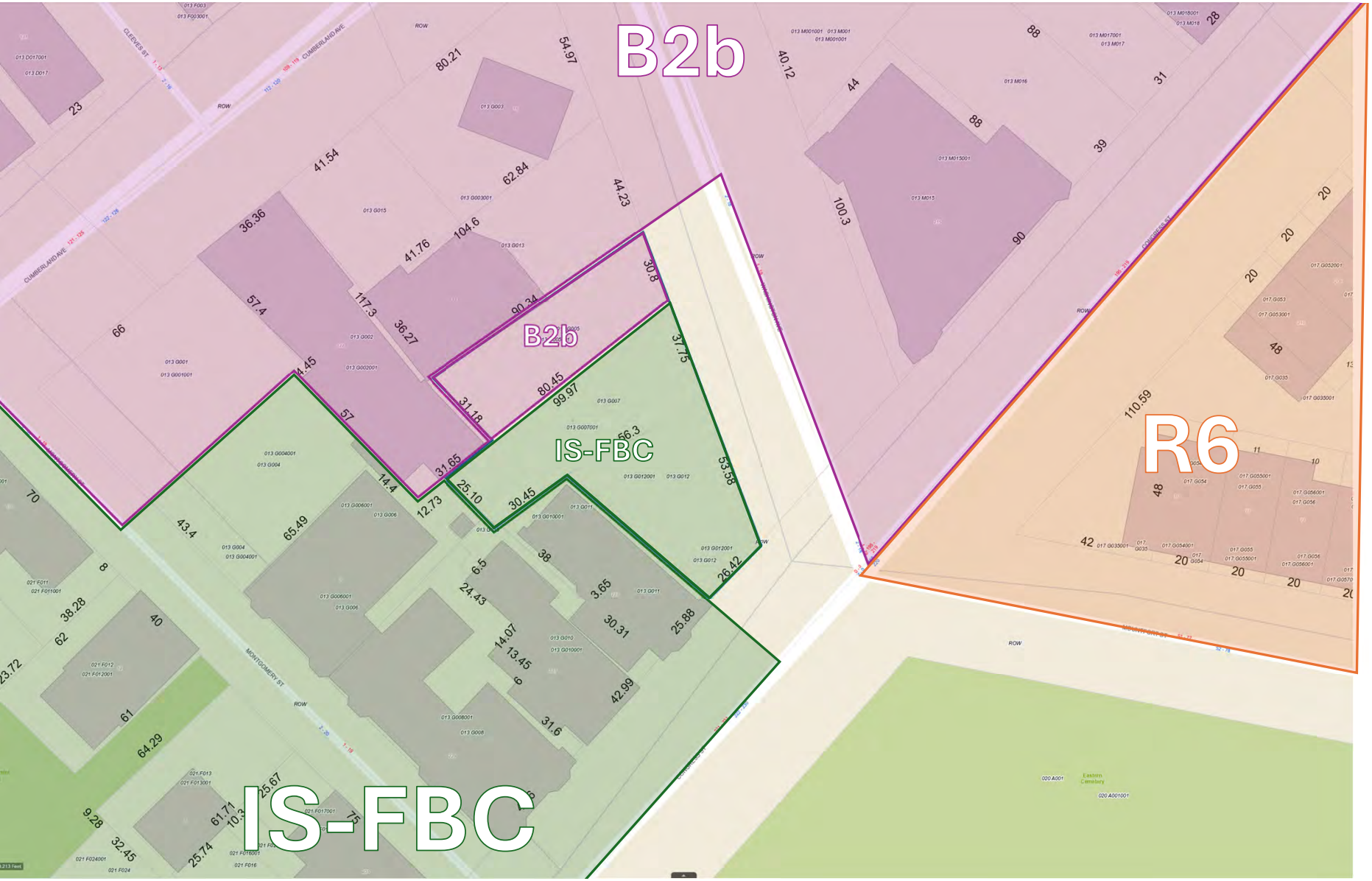
Existing Property



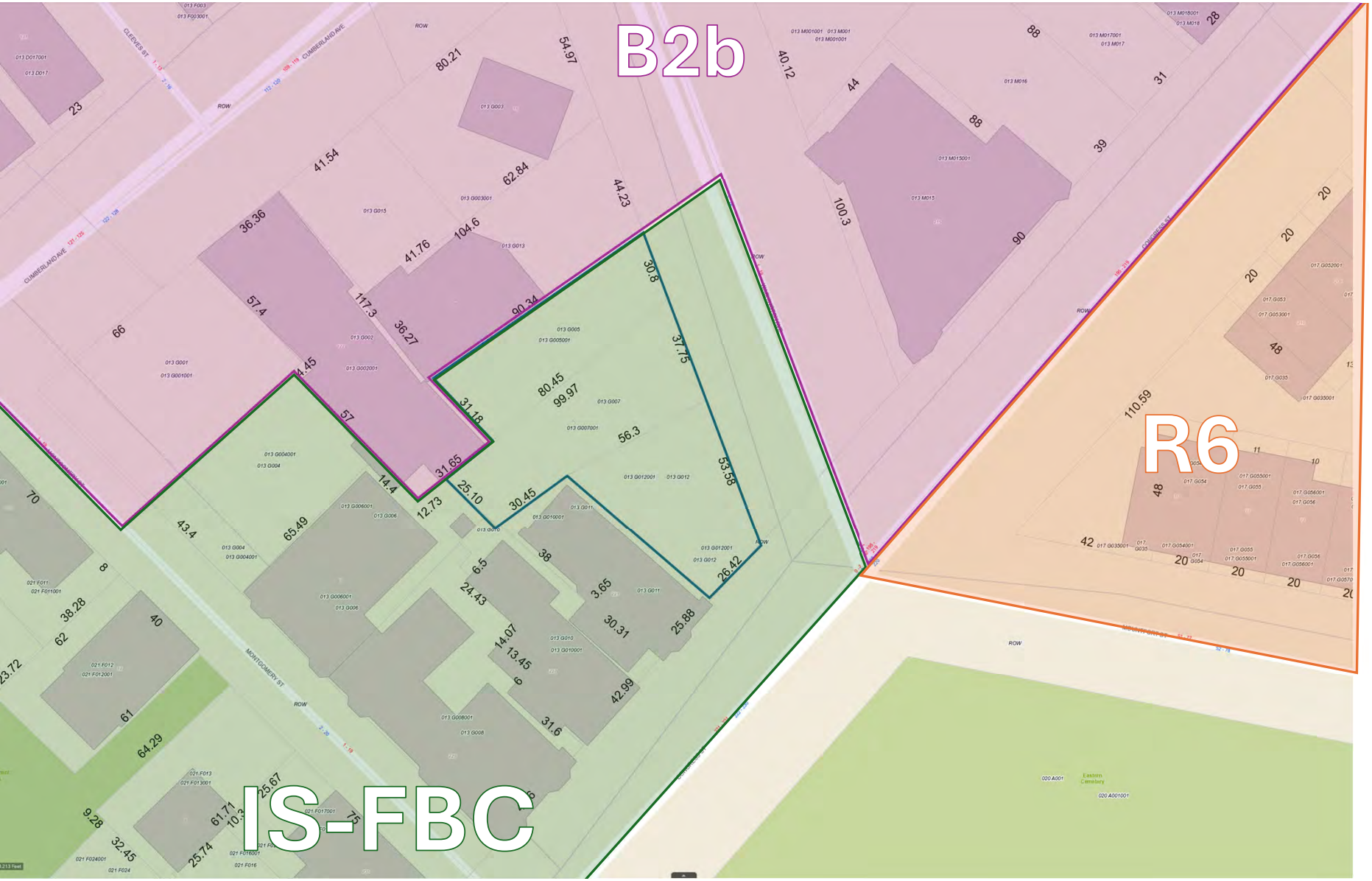
Surrounding Existing Zoning



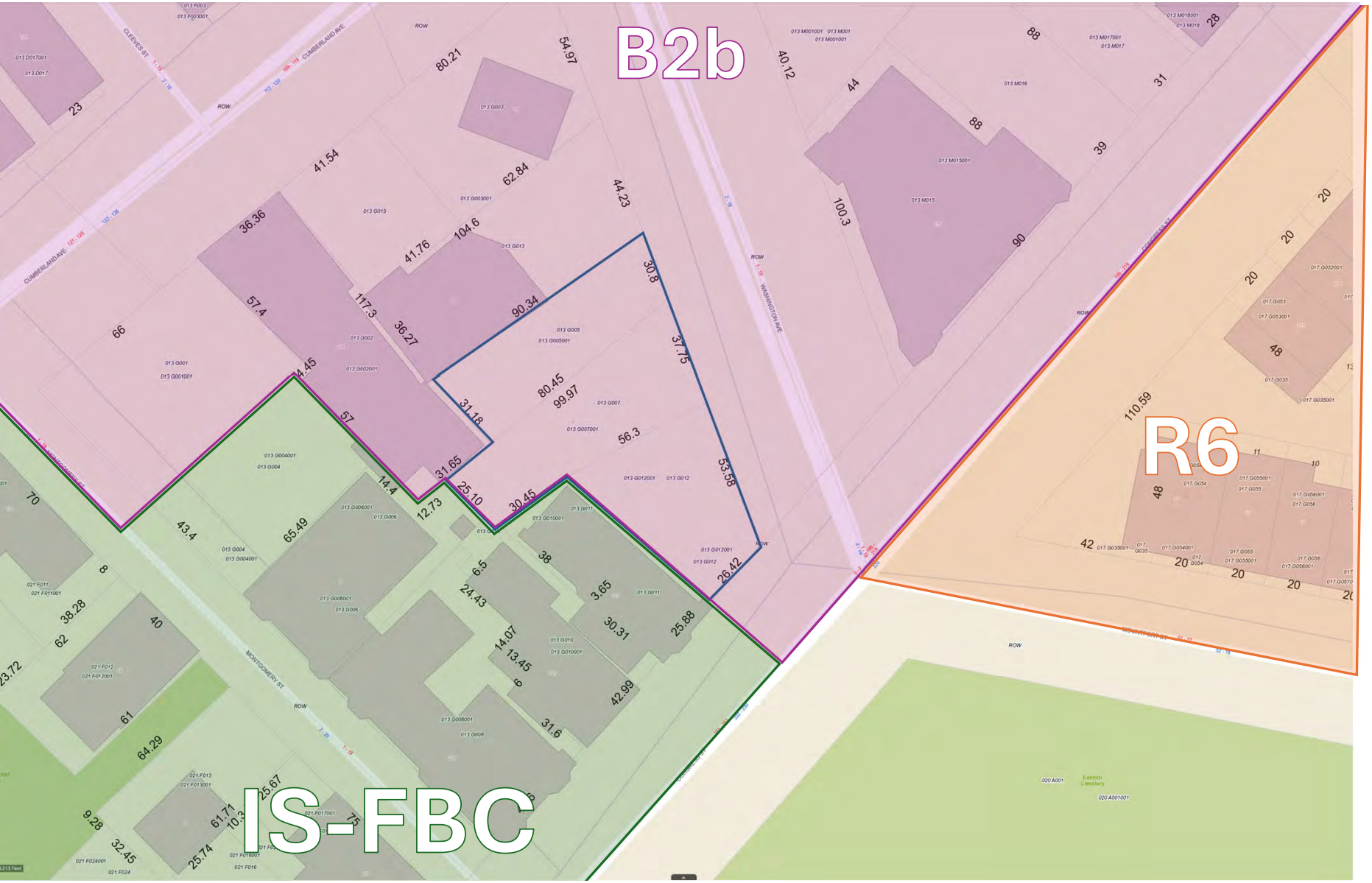
Previous Property Zoning



Existing Property Zoning



Proposed Property Zoning



PORTLAND'S PLAN2030



Page 54-61

Housing Policy Emphasis:
Portland's Plan emphasizes the need for diverse housing types to cater to a range of demographic and economic segments in the community. The increased density will allow for smaller, more affordable units, addressing issues of housing supply and affordability which are critical needs in Portland and broadly reflected in the comprehensive plan.

Page 62-69

Sustainable and Livable Communities:
The comprehensive plan promotes sustainable growth distributed fairly across the community. Higher density at 221 Congress Street supports this by optimizing land use in a central urban area, thus contributing to more sustainable urban form.

Page 16-22

Economic and Environmental Sustainability:
Denser housing contributes to a reduction in per capita energy and land use, aligning with the plan's goals for environmental sustainability. It supports economic sustainability by potentially increasing local spending and economic activity in the area.

Page 54-61

Equitable Access to Housing:
Increasing housing unit density can make home ownership more accessible to a wider range of incomes, thus promoting social equity, a key goal of the plan. This aligns with Portland's objectives to foster inclusive communities.

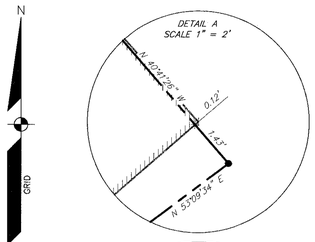
Page 70-71

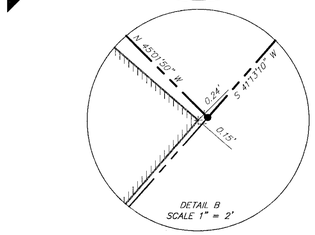
Supporting Public Transit and Reducing Congestion:
The comprehensive plan emphasizes the importance of supporting transit-oriented developments. Higher density at a central location like 221 Congress Street can leverage existing public transit infrastructure, thereby reducing traffic congestion and promoting the use of public transport.

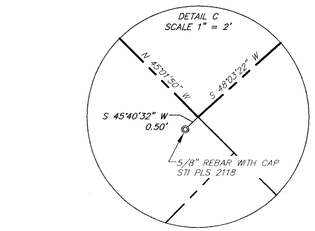
Page 62-69

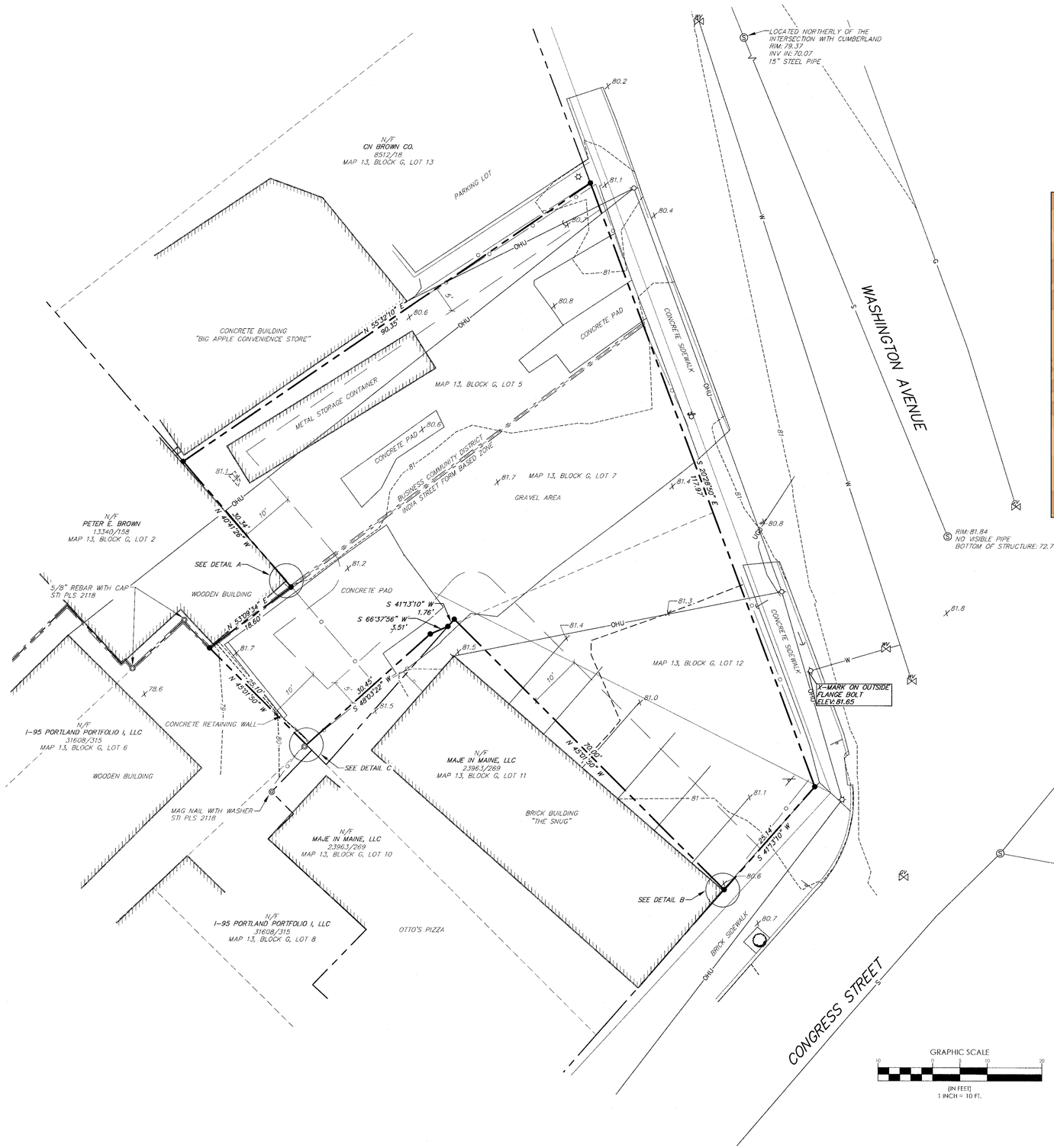
Enhancing Neighborhood Vibrancy:
Higher density can lead to increased vibrancy and vitality, contributing positively to neighborhood services and amenities. This supports the plan's goal of reinforcing the center and creating complete neighborhoods.


Child and Family
Services East End Center
Layers
2D









LEGEND

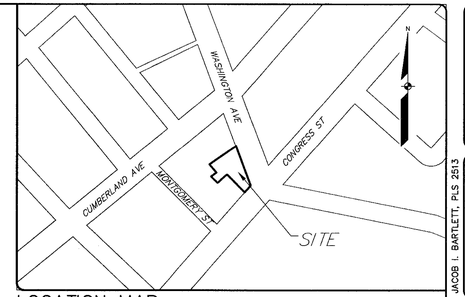
EXISTING

- PROPERTY LINE/R.O.W.
- REBAR SET WITH CAP MARKED "STI PLS 2513 NH RLS 1003"
- ABUTTER LINE/R.O.W.
- DEED LINE/R.O.W.
- ZONE LINE ON PL
- SETBACK
- BUILDING
- DECK/STEPS/ OVERHANG
- EDGE PAVEMENT
- PAVEMENT SAWCUT
- EDGE CONCRETE
- PAVEMENT PAINT
- CURB LINE
- CHAIN LINK FENCE
- WOODEN FENCE
- RETAINING WALL
- OHU — OVERHEAD UTILITY
- UGU — UNDERGROUND UTILITY
- S — SANITARY SEWER
- ZONE LINE
- G — GAS
- W — WATER
- 120 118 — CONTOURS
- X 120.00 — SPOT GRADE
- MONUMENT
- IRON PIPE/ROD
- SIGN
- DECIDUOUS TREE
- GAS GATE VALVE
- WATER GATE VALVE
- WATER SHUT OFF
- HYDRANT
- SANITARY MANHOLE
- TELEPHONE MANHOLE
- LIGHT POLE
- UTILITY POLE
- GUY WIRE
- BENCHMARK DESCRIPTION WITH ELEVATION — BENCHMARK

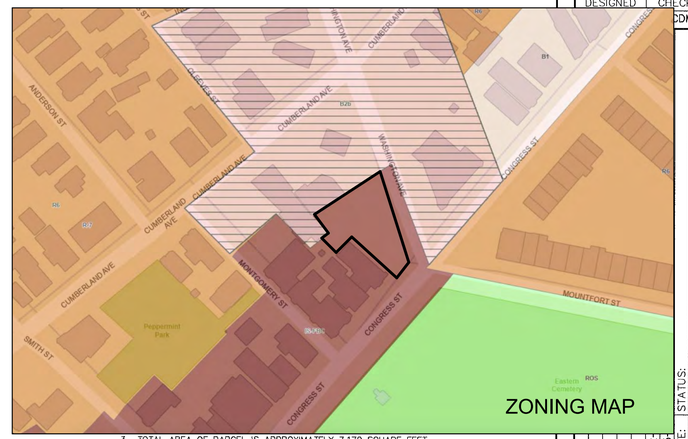
GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
1 INCH = 10 FT.



LOCATION MAP N.T.S.



1. BEARINGS ARE BASED ON GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NGVD29, CONVERTED (UTILIZING VERTCON FROM NOAA) FROM NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT EXISTING CONDITIONS.
3. TOTAL AREA OF PARCEL IS APPROXIMATELY 7,170 SQUARE FEET.
4. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS INC. IN AUGUST 2016 AND JUNE 2014.
5. PLAN REFERENCES:
   A. LAND OF JOHN SWETT, ESQ. FILED AS PLAN 376/5 IN CITY OF PORTLAND PUBLIC WORKS ENGINEERING ARCHIVES.
   B. "6 WASHINGTON AVE. GREG'S PROPERTIES WASHAVE LLC." DATED OCTOBER 17, 2007, SURVEYED BY THOMAS J. RAYMOND, PLS 1021 AND FILED AS PLAN 1008/3 IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
   C. WASHINGTON AVENUE BLUE SHEET PAGE 1 FILED IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
   D. "STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP WASHINGTON AVENUE PORTLAND CUMBERLAND COUNTY FEDERAL AID PROJECT NO. M-0675(1)" DATED MARCH 1984 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 163, PAGE 19.
   E. FIELD NOTES IN RE-VALUATION FIELD BOOK VOLUME 1 FILED IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
   F. FIELD NOTES FOR "WASHINGTON AVE. FROM CONGRESS ST. TO TUKEY ST. LOCATION OF LINE & TIES TO MONS PAVING SURVEY" DATED APRIL 21, 1947, AND FILED IN LEVEL BOOK VOLUME 473, PAGE 2 IN THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING ARCHIVES.
6. DEED REFERENCES (ALL BOOK AND PAGE REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS):
   A. JOSHUA RICHARDSON TO SAMUEL M. QUINCEY, DATED JULY 10, 1828, AND RECORDED IN BOOK 113, PAGE 352.
   B. JOSHUA RICHARDSON TO WILLIAM MOULTON, DATED AUGUST 21, 1828, AND RECORDED IN BOOK 115, PAGE 38.
   C. MARY A. HEAD & MARY A. SWETT TO EDWARD DUDDY, DATED OCTOBER 5, 1922, AND RECORDED IN BOOK 1118, PAGE 120.
   D. SIDNEY S. NASON, EUNICE NASON, ELIZA A. SMITH, AND ROSANNA COLLINS TO JOHN C. PRESTON, DATED NOVEMBER 16, 1881, AND RECORDED IN BOOK 482, PAGE 314.
   E. SIDNEY S. NASON TO JOHN F. PROCTOR, DATED JANUARY 21, 1890, AND RECORDED IN BOOK 560, PAGE 376.
   F. NOTICE OF LAYOUT AND TAKING, DATED APRIL 24, 1984 AND RECORDED IN BOOK 6444, PAGE 79.
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NGVD29, CONVERTED (UTILIZING VERTCON FROM NOAA) FROM NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
8. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD AND WORK PERFORMED BY DIG SMART OF MAINE. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

SURVEYOR'S STATEMENT

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT WAS DONE IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

JACOB I. BARTLETT, PLS 2513 — OCTOBER 12, 2016

JACOB I. BARTLETT, PLS 2513

STATE OF MAINE — JACOB BARTLETT 2513 — PROFESSIONAL LAND SURVEYOR

DESIGNED	CHECKED
	CDM

REV.:	BY:	DATE:	STATUS:
B	JJB	10-12	
A	JJB	09-15	

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

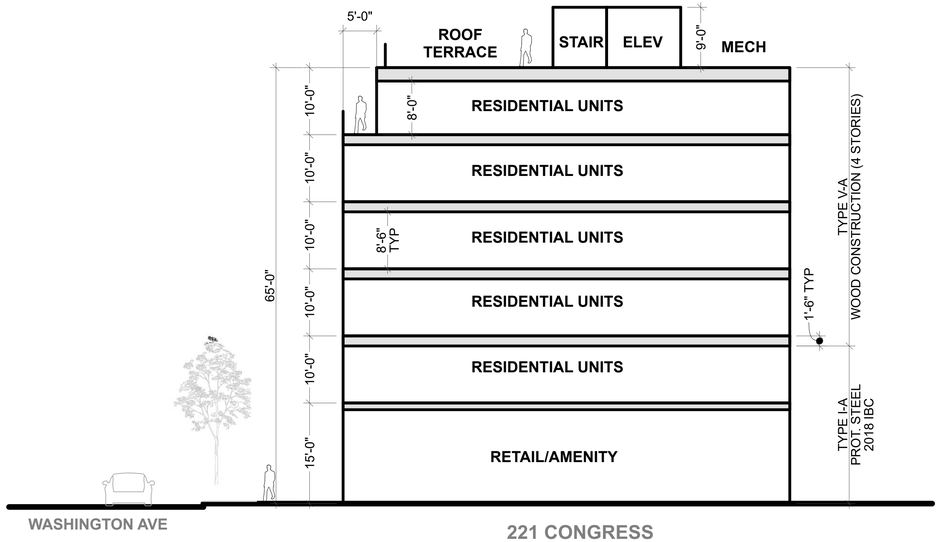
SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. Suite 4A
South Portland, ME 04106
Tel. 207-200-2100
250 Goddard Rd.
Lewiston, ME 04240
Tel. 207-783-5656

EXISTING CONDITIONS SURVEY
OF LAND FOR RECORD OWNER:
GREG'S PROPERTIES WASHAVE LLC
221 CONGRESS STREET
PORTLAND, MAINE 04101
PREPARED FOR:
CALEB JOHNSON ARCHITECTS & BUILDERS
2065 MAIN STREET
BIDDEFORD, MAINE 04005

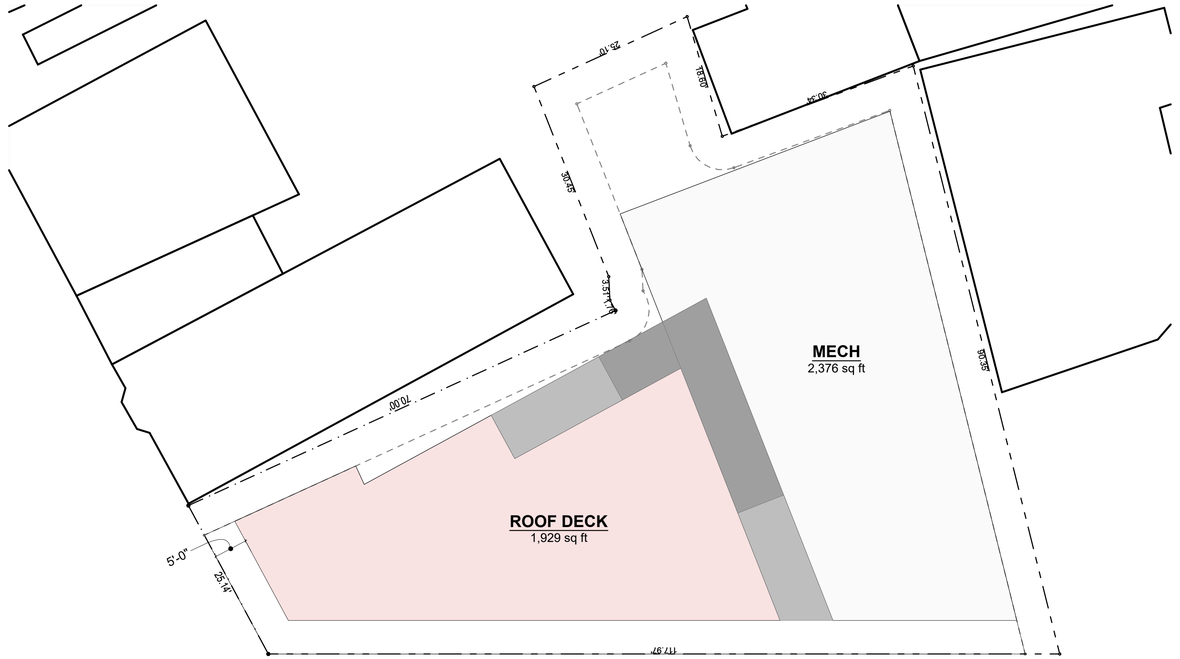
1631-BD.dwg T-B: 1631-EC

PROJECT NO.	SCALE
16314	1" = 10'

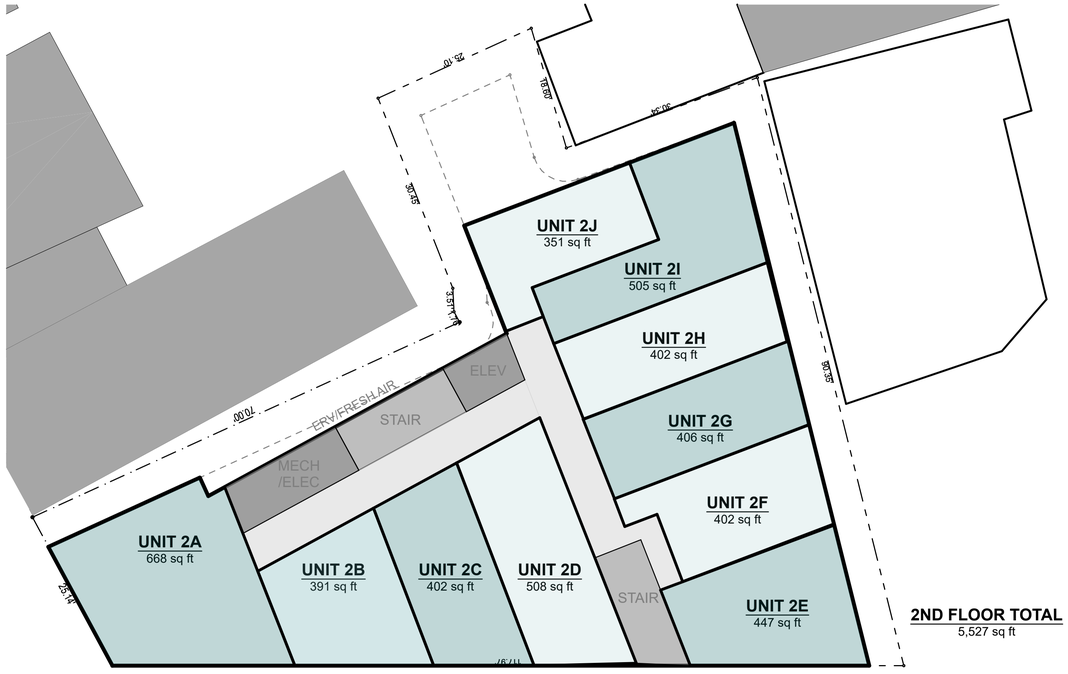
SHEET 1 OF 1



221 CONGRESS
(6 STORIES, B2b 65', VA with 2-Story Podium per 2018 IBC)



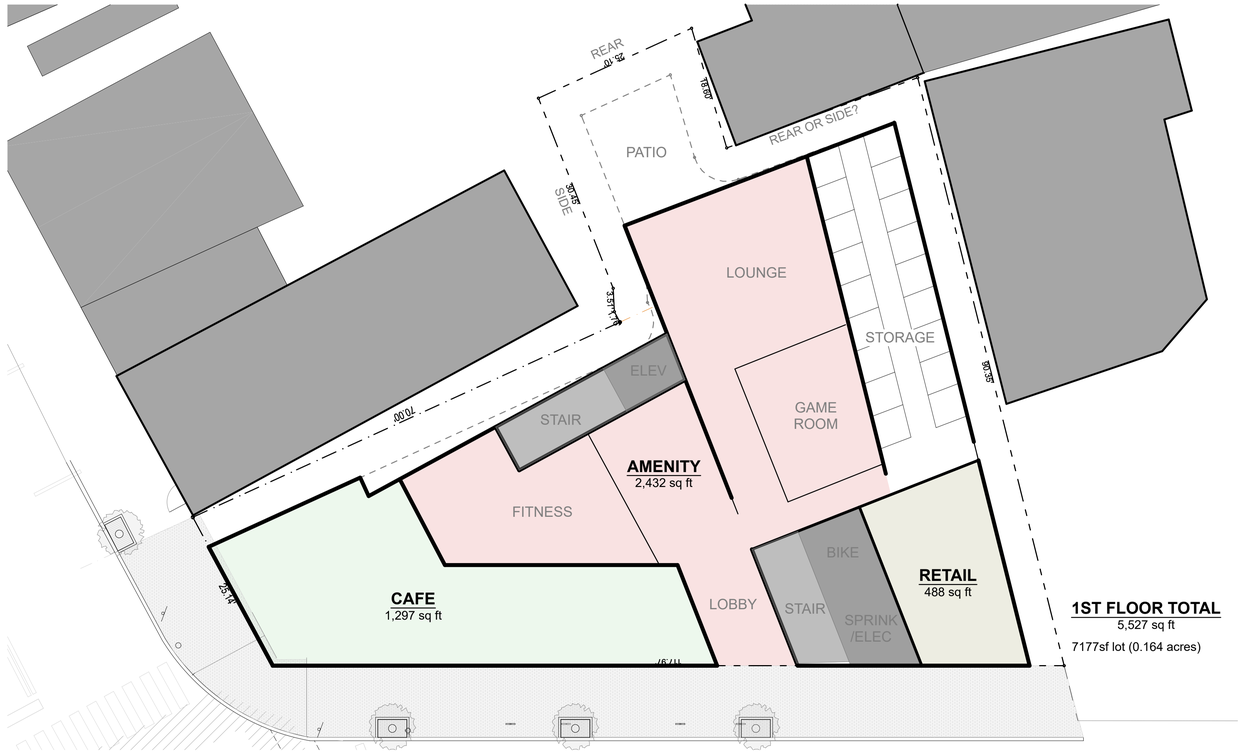
6 ROOF PLAN MICRO
SCALE: 3/32" = 1'-0"



2ND FLOOR TOTAL
5,527 sq ft

10 UNITS PER FLOOR

2 2ND THROUGH 5TH FLOOR TYPICAL
SCALE: 3/32" = 1'-0"



1ST FLOOR TOTAL
5,527 sq ft
7177sf lot (0.164 acres)

1 1ST FLOOR PLAN MICRO
SCALE: 3/32" = 1'-0"

WOODHULL
93 HIGH ST
207 283 8777
PORTLAND, ME 04101
woodhullmaine.com

MICRO UNIT CONCEPT PLANS

221 CONGRESS ST 5/7/24

221 CONGRESS STREET LOT ZONING COMPARISON			
	ISFBC-UA	**B2b**	**B2b (Recode Draft)**
Max Height	**62'-0"** *50' with 12' bonus for workforce housing per Table 9-C, min 20% workforce	**65'-0"** *50' with 15' bonus per Table 18-C if 50% Workforce	**80-0"** *65' with 15' bonus per Table 17-B if 50% Workforce
Stepback (At Washington Ave)	**35'-0"**	**5'-0"**	**0'-0"**
Max # Micro Units based on architectural studies	**30** *5th floor stepback makes units and egress stairs impractical on this lot	**41** *435sf/dwelling unit cap *2.5 density bonus per Table 18-C if 50% Workforce. Restricts to 41 units regardless of allowable building size	**60** *dwelling unit density cap removed in Recode

IS-FBC ZONE IS LARGELY THE SAME WITH RECODE

260 Veranda St. Recode 0 views



Jimmcpherson <jimmcph1@icloud.com> Jun 14, 2024, 11:21:58 AM (3 days ago)

to recodeportland@portlandmaine.gov

Hello,

My property on Veranda St. is on Rte 1, across the street from the ocean, on the bus line and on all major utilities. I believe it's a perfect spot for housing of at least 8-10 stories in height. It would not block anyone's views, would not increase traffic in the neighborhood etc.
It appears to be a perfect spot for a building.
Shouldn't it be recoded to allow for an increase in height? I can not tell from the information provided.
What can I do to propose a higher height limit here.

Respectfully,
James McPherson

207-899-3854

From: Barbara Carter barbcarter19@gmail.com
Subject: ReCode
Date: Jun 17, 2024 at 5:25:21PM
To: Barbara Carter * barbcarter19@gmail.com
Bcc: barbcarter19@gmail.com

When you think about increasing density out here with more housing...
✓ Do you think about the fact that most of the roads we drive on are Paper Roads (we have 102 of them) that are not very well maintained, and that the city does not want to accept roads out here as official streets because they don't want the liability or responsibility for them
✓ Do you think about the fact that residents have difficulty getting cars on and off the island year-round because there's not enough space on the ferry, and that we have cars lined up down the street in our business district for six months out of the year that causes terrible congestion, and creates a dangerous situation
✓ Do think about the fact that we have a small parking lot on the island for commuters that is full to overflowing most of the time
✓ Do you think about the fire risk out here, and that because of that risk, it is very difficult to get homeowners insurance here, that there are many insurance companies that will not insure properties on Peaks Island.
And do you think about how that fire risk will increase when setbacks can be as small as 6 feet between houses?
✓ Do you think about the fact that PORTLAND provides the absolute minimum services out here, and that they barely respond when there's a problem, and that it is very difficult for the police out here to enforce laws because the city thwarts them at every turn.
✓ Do you think about the fact that our infrastructure may not be able to handle many more houses? That our sewer treatment is already at capacity?

I fail to understand the purpose the city has in increasing housing density out here. I do believe we need some additional housing here on

Peaks Island, especially affordable housing, which is important in keeping our diverse community, but if the city is looking at it as a way to solve their housing problem, Peaks Island is not the place to be developed. The city would have to step up and consider us like any other neighborhood of Portland, and provide far more to us, before it makes sense to build any significant amount of housing out here.

Barbara Carter

Megan Cindrich <mcindrich@portlandmaine.gov>

Fwd: ReCode public comment - follow up from ReCode Studio

1 message

---------- Forwarded message ---------
From: **William Bolduc** <wbolduc496@icloud.com>
Date: Sun, Jun 9, 2024 at 3:43 PM
Subject: Fwd: Bolduc architect cost response
To: Sean King <sking@portlandmaine.gov>

Hi Sean,

This is the architect's response from 2021 about costs. Please read down to the response from the architect about the costs. I'm concerned ReCode might not be factoring in current homeowners ability to get financing to build ADU and additional dwelling units. The city might end up with only the big players developing new units. I'm assuming this is not ReCode's goal?

Thanks again,
Will Bolduc

Sent from my iPhone

Begin forwarded message:

From: Lauren Reiter <laurenjreiter@yahoo.com>
Date: November 17, 2021 at 9:23:24 AM EST
To: William Bolduc <wbolduc496@icloud.com>
Subject: Re: Bolduc survey for 2005 duplex
Reply-To: Lauren Reiter <laurenjreiter@yahoo.com>

On Nov 14, 2021, at 5:33 PM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

Hi Will. I appreciate your candor and certainly there are lots of ways to save costs - like off-the shelf cabinetwork, inexpensive tile, etc. which can still be very nice. I think that with a total $400,000 budget, that it would be prudent to allow $50K for soft costs, leaving $350,000. At 1200 SF, that would be a budget of just under $300/SF. While in the not-so-far past, I would say that we could achieve that, I just don't know where the market will be in a few years. I'd love to say: let's start the design and keep fingers crossed that prices do stabilize, but I just can't say that with total good conscience. As I'm sure you're aware, there is always an economy of scale - in other words, the bigger the project, the easier it is to drive SF costs down because there is scale and repetition -- but with a smaller job, less so.
Already, through our dialogue, I can tell that you're a client I'd like to work with -- but I'm not sure what to advise you at this point.
Lauren

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

On Sunday, November 14, 2021, 09:29:53 AM EST, William Bolduc <wbolduc496@icloud.com> wrote:

Hi Lauren,

Thank you for the information, it's much appreciated. This may be the easier way to come to a conclusion for moving forward. My total borrowing will probably top out at $400,000, for all costs. With that amount, I was hoping for a two bedroom, two full baths, with some outdoor space. Total square footage between 1,200-1,500. That was my idea. With the current building costs, I've also given myself four years to start construction. It looks like the near future things will still be very expensive. Speaking of expenses, there's a good chance that this project will not have a lot of the higher end custom design items. Costs being the prohibited issue. I hope this helps you with your decision. If you think that $400,000 and timeframe are reasonable, I would like to move forward. Lots of things can happen in the market, both good and bad during that time.

Thank you,
Will

Sent from my iPhone

> On Nov 12, 2021, at 10:07 AM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:
>
> Hi Will. Again, I am excited to work with you, but I do want to address your questions about fees and overall costs.
>
> Typical architects' fees for a custom home average about 10 - 15% of the construction cost. We all hope that construction prices stabilize and come down, but no-one expects prices to return to pre-pandemic levels -- so it is very difficult to predict construction costs a year or more from now. That being said, in my opinion, it is best to be conservative when looking forward, so using some really gross numbers, if your new home is 2000 SF, a construction cost of $800,000 should be assumed at this point.
>
> Using that cost, an architectural fee of $80,000 - $120,000 for the full project (concept development through construction administration) should be assumed. The good news is that almost all of my projects come in way under that percentage. For example, the house on Sheridan Street was done for a fee of about 5% of construction costs, from beginning to end. So, while I'd rather you allow for a higher number, I am confident that I can deliver a great project to you for way under the typical fees -- provided that the building is not re-designed numerous times or that the City present huge obstacles.
>
> There are other soft costs, though, which do need to be carried, including: structural engineering, civil engineering, permitting fees to the City, printing costs, etc. Fortunately, you already have the survey which is required for filing with the City and for providing needed background information.
>
> I know that these are all rather overwhelming numbers, but it is best to start the process with your eyes open. Please know that I would work very hard on your behalf to keep both design fees and construction costs as low as possible.
>
> Please let me know if you have any questions on this, or other matters.
> best,
> Lauren
>
> **Reiter Architecture & Design**
> Lauren J. Reiter, RA, LEED AP
> laurenjreiter@yahoo.com
> *tel.* 917.502.2225
> 6 South St., Portland, ME 04101

www.reiterarchitecturedesign.com
www.facebook.com/reiterarchitecture

On Wednesday, November 10, 2021, 12:59:24 PM EST, William Bolduc <wbolduc496@icloud.com> wrote:

Hi Lauren,

Good news, we would like to move forward with phase one. Two reasons, I've thought the addition was a good idea since I bought the home, and now I think you are the one to put the plan in place. Regardless if we break ground in 2022 or later, this phase is important.

I do have one question about phase two. Could I get a ballpark estimate for phase two? I know it's based on final decisions. But, is it usually less than phase one, double phase one, etc.?

Thanks again and hope to talk soon.
Will

Sent from my iPhone

> On Nov 4, 2021, at 4:20 PM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:
>
> Hi Will. It was nice to meet you on Tuesday, and I am following up with the attached proposal, as promised. Please let me know if you have any questions.
> Thank you for this opportunity!
> best,
> Lauren
>
> **Reiter Architecture & Design**
> Lauren J. Reiter, RA, LEED AP
> laurenjreiter@yahoo.com
> *tel.* 917.502.2225
> 6 South St., Portland, ME 04101
> *www.reiterarchitecturedesign.com*
> *www.facebook.com/reiterarchitecture*
>
> On Sunday, October 31, 2021, 03:07:33 PM EDT, William Bolduc <wbolduc496@icloud.com> wrote:
>
> Hi Lauren,
>
> This is the survey for the duplex I built in 2005, which abuts the lot for the addition.
> See you Tuesday at 2:30.
> Thanks again,
> Will
>
> Sent from my iPhone
> <BOLDUC Phase One Proposal_11-04-21.pdf>

Form Submission - Contact us Re:Code - Make it easier and more affordable to live in Portland!

0 views

Squarespace <form-submission@squarespace.info> 12:28 PM (22 minutes ago)
to recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Crystal Redfield

Email Address: bonedrycarpet@gmail.com

Subject: Make it easier and more affordable to live in Portland!

Message: Higher buildings would be great to allow to utilize footprint to its highest and best potential. Make it easier for shipping containers to be used as homes-also tiny homes and more homes per lot even for tiny lots!

TY

Manage Submissions

Does this submission look like spam? Report it here.

: ReCode 2nd Wave Edits to the Land Use Code

0 views



Markos Miller <markossmiller@hotmail.co… Jun 23, 2024, 1:20:26 PM (20 hours ago)

to Kevin Kraft, Helen Donaldson, ReCode Portland

Kevin and Nell,

Thanks for all your work on ReCode. This is important work and it is moving things in the right direction- denser, more diverse development, reducing accommodations for automobiles.

I want to follow up on the conversation I had with Kevin at the Recode studio about zoning along the arterial corridors; I had asked why these were designated as B2b zones, not TOD zones.

Kevin explained that the proposed zoning would meet or exceed the TOD allowances when affordable housing bonuses were considered. That made some sense at the time, and got me thinking a little more. I see some potential problems here.

1. I’m concerned that this makes desired density along transit corridors dependent on affordable housing. We need affordable housing and transit-supportive density, but we should not be making one dependent on the other. We need dense housing for all income levels to make transit work; and to support neighborhood businesses needed for a walkable neighborhood (rezoning for mixed use alone is not enough- we need enough households to support a neighborhood business district). This level of build-out should not be dependent on affordable housing.

2. The TOD-1 height limit of 80' at least offers a guaranteed max of 7 floors of development, over the 65' (6 floors?) of B2-b. Are these heights being set based on development targets or geometries and scale of development along these lots?

3. I recently met with some members of the affordable housing community to discuss housing on Franklin Street. One thing they shared is that they are almost never building anything more than 6 stories due to the costs of concrete and steel. I believe Kevin said the B2b zones along the transit corridors allowed 6 story heights, and then 2 more with an affordable housing bonus. If that is the case, under current market conditions, affordable housing developers are not going to be building the 8 story buildings that we are proposing to offer them as a bonus. That seems to render much of the affordable housing bonus meaningless for some time to come; those 6+2 story buildings will not be built.

4. Kevin mentioned being strategic with the location of the TOD zones. Focusing the densest development at strategic nodes to activate transit, meeting places, and capitalize on development opportunities makes

sense. However, targeting outer Brighton and St. John's seems very limited in ambition; we should be doing much more than being poised for the train station *maybe* being relocated to St. John's St someday probably far from now . The current proposals appear to be leaving so many opportunities on the table- i.e., Morrills, Allen, Woodfords corners, most of Forest Ave, and Washington and Brighton (Stevens, Outer Congress) to a lesser degree. Zoning that offers the greatest opportunities for dense, mixed-use development should be along Metro lines of the major corridors, and that seems like that's the TOD- or should be, not a B2b with a bonus that may never get used.

5. Finally, I'm a little concerned/confused about the proposed height allowances along Franklin St. The B3 zone description on the ReCode site references the City Height Map; is that this: https://content.civicplus.com/api/assets/a82366ca-9734-4937-a5a2-60074442125c?cache=1800 ?
   If so, the 65' limit for B3 and B5 does not go far enough along a major thoroughfare with huge development opportunities so close to jobs, schools, services, transit, and walkable, to boot! Even more so if those affordable housing bonuses don't result in more housing.

If I'm missing something, please let me know. Talk to the affordable housing community about the effectiveness of that proposed bonus. Aim higher and cast a wider net for denser housing close to transit and neighborhood business districts.

I know you are trying to strike a balance for the city as a whole. I appreciate your efforts.

Markos Miller

Revising Peaks Island Wave 2 Zoning 0 views

Maclean Mini <maclean.mini@mewg.cap.gov> Jun 25, 2024, 6:08:30 PM (2 days ago)
to recodeportland@portlandmaine.gov

Good evening,

I am writing to you as I have some issues with the wave 2 of zoning concerning where I live, Peaks Island. First though I want to explain why I have issues with the zoning.

Peaks Island was hit incredibly hard by the surge in real estate prices during the pandemic. For instance, our family bought our current house on peaks for $400K in 2017, and as of today it is worth $1.3M. Housing is so astronomically unaffordable on Peaks that so many people who would love to live here and would greatly contribute to the community and economy simply cannot afford to do so, and I know quite a few people who fit this description.

Let's go back to zoning. Virtually nothing has been changed about zoning on Peaks in the new wave of changes, which considering it's been 50 years since zoning was last changed in Portland it is quite frankly appalling. On Peaks density is impossible to build even though the demand is there. What I'm proposing is a bit of a baby step towards reducing housing prices on Peaks to affordable levels.



These are some of the changes I suggest. For some reason many new developments have been built right in this area in the past few years, and being close to the backshore but also being sheltered enough from storms to not receive damage is also a benefit of this location. By updating the zoning in this area we can reduce housing costs, bring more people out to Peaks and create a denser community while also expanding recreational land area.

Such a plan would most likely require extending the city's public septic line, but that is something that should have been done long ago anyway. Paving the current roads here is another good idea considering the current dirt and gravel roads are very prone to potholes.

That’s all I have to say, thanks for your time and consideration.

Sincerely,

Maclean Mini
10th grader at Waynflete

Form Submission - Contact us Re:Code - Peaks island buildable lot size

0 views

Squarespace <form-submission@squarespac… Jun 26, 2024, 8:56:32 PM (13 hours ago)

to recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Alicia Kershaw

Email Address: alicia.kershaw.kerrose@gmail.com

Subject: Peaks island buildable lot size

Message: I support greater density bit 3000 sf is too small for a buildable lot.

Manage Submissions

Does this submission look like spam? Report it here.

11 Sterling St Peaks Island 0 views



Laura Glendening <lrglendening@gmail.com> Jul 6, 2024, 11:39:13 AM (2 days ago)

to recodeportland@portlandmaine.gov, Helen Donaldson

Dear ReCode Team,

I write concerning my property at 11 Sterling Street on Peaks Island and the proposal in the Second Wave of ReCode to put the properties along its southern (8 Central Ave) and western (119 Island Ave) borders completely in the business zone.

In this case I would like to request that my lot at 11 Sterling St also be put in the business zone as this seems like a logical extension of I-B. This would then maintain equitably the same business zone depth on the block along Island Ave from Central to Sterling. (I have previously asked that 18 Central be removed from the proposed extension to the business zone.)

Thank you,
Laura Glendening
17 Sterling St, Peaks Island

reCode concerns and thoughts 1 view



Gretchen Greenberg <gretch1949@gmail.co… Jul 8, 2024, 11:32:05 AM (2 days ago)

to recodeportland@portlandmaine.gov

To all involved with ReCode,
I attended the information session in May about the Recode Process. Thank you for hosting this meeting. I appreciate all the time, effort, and thoughtfulness that has gone into this process. It was helpful to review all the posters and talk to many of the city planning staff. I have several thoughts to share but will write about just one concern in this email regarding zoning for preservation areas.

I would strongly encourage that area behind Casco Bay High School and PATHS be designated as an OSP area, where it is now R2, and proposed to be RN2. This is a field that hosts wildlife and wetlands. It has walking/bike paths developed by Portland Trails that are used for walking, biking, dog walking, cross country skiing and snowshoeing. This open space fits within the goals of "supporting the city's ecological systems through prioritization of native species and planting for pollinators." This field supports the need for open space and "prevents or reduces greenhouse gas emissions that are worsening climate change." It seems that preserving this area as open space would add to the city goal of climate resilience zoning. It is also an area that offers walking and biking within a reasonable distance from one's home.

I am personally invested since I live close to this area and walk there regularly, so I guess that makes me a NIMBY. My neighbors would be considered NIMBY's too. Allow me to introduce you to some of them:

- Deer - particularly the resilient three-legged deer. I don't know what happened to her leg but she hobbles around on 3 1/2 legs, and has produced a litter of fawns yearly.
- The buck - although more elusive, he has been seen in the early morning hours on the west side of the field.
- Fox - A neighbor (a human neighbor) noticed a sick fox last fall. Animal control caught it and brought it to a vet where it was treated (for a flu, of all things.) Once healed, animal control personnel returned the fox to the field where it quickly ran back to its familiar home.
- Turkey who strut and fly around our neighborhood, oblivious to Thanksgiving.
- Opossums that seem to hibernate under condominium decks, and waddle out to the field where they are likely to find ticks to feed upon.
- Owls that helped to reduce the mice population that seem to migrate indoors each winter.
- Bats and a host of birds
- Wildflowers and other pollinators that contribute to bee dwellers and food in the ecological chain.

My wildlife friends would not like their homes removed. They cannot speak up, so as a neighbor, I will speak for them as well as myself. Please consider this request.

Gretchen Greenberg
165 Delaware Court

Form Submission - Contact us Re:Code - IL-b zone

0 views

Squarespace <form-submission@squarespace.i… Jul 9, 2024, 11:38:56 AM (yesterday)

to recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Douglas Cardente

Email Address: doug@cardenteproperties.com

Subject: IL-b zone

Message: I have been trying to have a direct meeting with someone from Recode. I am strongly of the opinion that the IL-b zone in downtown Portland is mislabeled. Those years are behind us. In that the recode process is to bring the zones up to date, the entire Il-b zone should be changed to a B-5 zone. This still would allow for light industrial uses while removing the stigma of being in an industrial zone that doesn't really exist. I have a significant stake in this issue as being the largest land owner in this zone. Yet, I have not received
even one notice that I am aware of. In fact, I believe one of my properties at 126 N. Boyd has now become a B-5. I am delighted, however I have two adjacent properties, one with direct Marginal access, that has had a 26,000sf vacancy for almost two years
as we can't find any industrial user to occupy it! Please let my attorney and I meet with you to more fully express my situation. Thank you, Doug Cardente 207-233-1229

Manage Submissions

Does this submission look like spam? Report it here.

PERKINS
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Direct Dial (207) 400-8108

July 11, 2024

Kevin Kraft, Director
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 040101

Re: Rock Row Comments on Second Wave Recode Changes

Dear Kevin,

This firm represents Dirigo Center Developers, LLC, the owner of the Rock Row development property in Portland/Westbrook, and Waterstone Properties Group, Inc., Dirigo's manager. We are writing to follow up on our March, 2024 discussion of the application of Portland zoning and potential Recode changes to the Rock Row development.

We earlier had reviewed and commented on the proposed B-4 zoning requirements in the 06-2023 Recode draft. After reviewing the "Second Wave Recode Changes," we have the following comments and requests for text and map revisions as Recode works its way to the Planning Board for recommendations to the City Council.

Properties. Dirigo/Waterstone own several lots along the Maine Turnpike that border the Westbrook portion of Rock Row. These are:

- 264 A-004/265-A005 (1176 Brighton Ave) and 264 A-002/265 A-003 (1190 Brighton Ave.), both currently zoned B-4 (Rock Row North Campus); and
- 253 A-001/A002 and 252 A001 (1827 Westbrook Street), currently Zoned I-L (Rock Row South Campus).

Waterstone also is manager of Rand Rock LLC, which owns property nearby that currently is zoned in both the B-2 and I-M districts:

- 262 A-002 (79 Rand Road); and

- 264 A-005 (0 Brighton Ave.)

Zoning Districts. We have reviewed the proposed zoning districts in the Second Wave Recode Changes to attempt to find the most appropriate district for the above properties. The district that best provides the site dimensional flexibility and range of available uses for this high density, mixed use, urban development that utilizes transportation TIF funding is Transit-Oriented District 2 (TOD-2).

TOD-2	To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.

While the Rock Row site is not on the peninsula, it is on a major road to the peninsula and provides all of the features this district definition describes. The Rock Row development master plan includes not only the retail and medical office campus area that have been or are being constructed, but also residential, office, commercial, entertainment, dining, recreation, and cultural uses that will establish a dense, urban mixed use development on these properties. The Rock Row development is working: with METRO to coordinate bus service to the site, with the Northern New England Passenger Rail Authority to investigate light passenger rail options between the site and downtown Portland; with Portland Trails and other trail groups to link the site and the quarry to surrounding trail systems for passive recreation; and with all transportation providers to coordinate multimodal transportation opportunities at the site. The Rand Road properties will be a part of this development regime, are connected to Rock Row by a rail corridor beneath the Maine Turnpike, and are located directly behind and adjoining a property that the Second Wave Recode Changes propose to place in TOD-1.

For all of these reasons, rezoning the Rock Row and Rand Road properties from their current mix of B4, IL and IM districts to TOD-2 makes sense given their ongoing and intended development, and is consistent with the objectives for the TOD-2 as expressed in the Second Wave Recode Changes.

Other Requested Changes.

- **Intermodal transportation facilities**— This is listed as a permitted use in the B-4 District, but not in the two transit oriented districts. We suggest adding this use to the TOD-1 and TOD-2 districts, and adding a definition for this use. While the City may view this use as an industrial/commercial facility for shipping of goods and products via rail/ship/trailer, like Auburn's intermodal facility, we have in mind a use involving general public transportation modes – automobile, bus, future commuter rail, and trails. Therefore, we propose one of two approaches:

1) the City of Portland could adopt a definition for "Intermodal transportation facilities" similar to Westbrook's "Intermodal Passenger Transportation Facility for this use by the general public. Westbrook's definition is *"a building, structure or location where two or more modes of transportation intersect, and passengers can transfer between modes."* ; or

2) if the City prefers to focus the "Intermodal transportation facilities" use on industrial/commercial for shipping of goods and products via rail/ship/trailer, it could adopt a new use that focuses on the passenger transportation aspect – perhaps "Public Transportation Hub" – and define it similarly to Westbrook's definition of "Intermodal Passenger Transportation Facility"; this "Public Transportation Hub" use would be permitted in the TOD-1 and TOD-2 districts as well as in B-4.

- **Recreation and amusement centers**—We propose adding the word "outdoor" to the definition so it reads: "*Facilities equipped for the conduct of sports or indoor <u>or outdoor</u> leisure time recreation activities. Such facilities may limit admission either to members or persons paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums.*"

  The addition of this term would allow for outdoor recreation and sports, such as Frisbee golf, that would not be of a scale to qualify for the "stadium" use definition. We also would like to confirm that an escape room, laser tag, or even virtual reality type of facility would fall under this use as "leisure."

- **Lot Lines and Setbacks from City boundary**. Under the Dimensional Standards provisions, "setbacks" are measured from "lot lines." We are concerned that the Portland/Westbrook City boundary might be considered a lot line, even though the bounds of a lot in the deed may cross the City line, which would prevent development of a lot that crosses the City line. Simply adding "A municipal boundary is not considered a lot line" to the end of the definition of "lot line" would be helpful to avoid this potential issue.

Thank you for your consideration of these comments.

Sincerely,

James Katsiaficas

cc: Josh Levy, Principal, Waterstone Properties Group, Inc.
Corey Carreiro, Senior Project Manager, Waterstone Properties Group, Inc.
Michael McDonnell, P.E., KEEL
Wayne Morrill, P.E., Jones & Beach Engineers, Inc.

{P2315585.1}

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PORTLAND HOUSING DEVELOPMENT CORPORATION

970 Baxter Boulevard
Portland, ME 04103
Office: 207-773-4753
Fax: 207-761-5886

July 15, 2024

Kevin Kraft, Director of Planning & Urban Development
Nell Donaldson, Director of Special Projects
City of Portland
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Second Wave ReCode Feedback and Recommendations

Dear Kevin and Nell,

Thank you for your continued efforts on the ReCode Project. Portland Housing Authority (PHA) & Portland Housing Development Corporation (PHDC) are excited to see the positive impact that ReCode Second Wave changes will make to support our mission to expand and preserve affordable housing in Portland.

A few specific ReCode standards, however, challenge the creation of more affordable homes, resilient buildings, and inclusive communities. These standards would impede – or may even prevent – the construction of restricted affordable multifamily properties through the Low Income Housing Tax Credit, our main supply-side development program today. The below recommendations are in order of priority.

Recommendation #1 – Rezone Kennedy Park Parcel (CBL 22-I-3) to RN-7 to Maximize Future Affordable Housing Redevelopment Opportunities

Justification for rezoning:

- Parcel is directly adjacent to 4 other proposed RN-7 properties.
- Parcel is partially within the current R-7 Overlay District.
- PHA's 2015 Strategic Vision Plan proposes redevelopment of this parcel with mid-rise multifamily buildings, similar to nearby Solterra Apts and Bayside Anchor. High-density housing would not be permissible or financially feasible if rezoned to RN-5.
- PHA's largest opportunity to add more affordable homes exists in the East Bayside neighborhood. Rezoning this parcel could double or triple the number of homes built, most of which would be affordable.
- Existing Kennedy Park buildings would be non-conforming if rezoned to RN-5. RN-7 allows full conformance with ReCode.

Recommendation #2 – Rezone Anderson Street and Monroe Court Parcels (22-K-7, 12-R-1 and 13-B-2) to RN-6 for Future Multifamily Node in East Bayside

Justification for rezoning:

- Rezoning these parcels to RN-6 will facilitate future development of a node of activity containing mid-rise affordable housing development. This node would be centered around the Anderson St and Monroe Ct intersection.
- These parcels align with RN-6 goals in "Table 5-B: Residential Zone Purposes Statements". This includes parcel size ("*exhibiting a pattern of larger lots and setbacks*") and building type ("*multi-family dwellings at relatively high density*").
- Parcels are all greater than 40,000 sq ft. Technically, 12-R-1 and 13-B-2 are one legal parcel connected by a portion of the Monroe Ct paper street that PHA acquired in 1971.
- Existing buildings on these parcels would be non-conforming if rezoned to RN-5 due to building lengths well exceeding 60'. Existing buildings would conform under RN-6, except for setbacks.
- See Exhibit A for a proposed zoning map showing PHA-owned parcels rezoned to RN-6.

Recommendation #3 – Rezone a Portion of Sagamore Village Parcel (274-G-1) to B-2

Justification for rezoning:

- This parcel has an irregular shape with two vastly different contexts: busy Brighton Ave on its south side and suburban Sagamore Village to the north.
- Adjacent corners of Brighton/Cabot/Rand intersection are all B-2.
- Parcel to its east is B-1.
- Across the street from proposed TOD-1.
- See Exhibit B for a proposed zoning map showing where the Brighton Ave portion of this parcel would be rezoned to B-2, while the rest of the parcel remains RN-4.

Recommendation #4 – Eliminate Height Stepbacks for Affordable Projects above 45' in RN-7 to Increase Homes Per Project

Justification for eliminating height stepback:

- Stepback requirement above 45' in RN-7 will harm the financial feasibility of 4-story or taller affordable buildings by significantly raising the cost of mid-rise multifamily development. The result of this regulation would be fewer affordable homes built in the RN-7 districts. Efficient multifamily construction depends on "stacking" units so floor plans are consistent vertically throughout building, as well as minimizing unnecessary envelope detailing. Typical affordable multifamily construction targets 3-6 story buildings for cost and construction efficiency reasons. This change to height stepbacks would interrupt "stacking" on mid-rise buildings, thereby complicating simple building envelopes and increasing design and construction costs at a time when affordable housing resources are scarce and construction costs are rising rapidly.
- PHA's Bayside Anchor (4-stories) and Solterra Apartments (6-stories) were only financially feasible because there were no required stepbacks.
- Eliminating stepbacks for affordable projects above 45' will materially increase the quantity of affordable homes that are built in the RN-5 and RN-7 districts, which aligns with Portland's Plan's 2030 housing goals to "*Increase, preserve, and modify the overall supply of housing city-wide*", to "*Encourage additional contextually appropriate housing density in and proximate to neighborhood centers*", and Future Strategy #3 to "*Remove Housing Barriers*". These stepbacks, as proposed, conflict with City affordable housing production goals.

Alternative recommendation:

- If not feasible to eliminate height stepbacks for affordable projects, significantly increase the height at which the stepback standard is triggered in RN-7 and/or create a stepback waiver process for affordable housing projects that can justify hardship.

Recommendation #5 – Allow ALL Affordable Housing Project Types to be Eligible for Affordable Housing Incentives under §17.2.2

Applicable language:

- §17.2.2.A states: "*Eligible Projects. Under this subsection, eligible projects shall include any development project… 2. That creates* ***new dwelling units****, among which is at least one low-income or workforce housing unit for rent or sale*" (emphasis added).

Justification for making all affordable deals – including renovations – eligible for Table 17.2 incentives:

- We recommend §17.2.2.A.2 read: "*2. That creates* ***new and preserves existing affordable dwelling units****, among which…*"
- Enabling renovation projects to utilize §17.2 incentives will increase the quantity of long-term affordable housing preserved and prevent conversions to market-rate rental or condos.
- This change aligns with the goals §17.2.1 ("*…this section will assist the city in meeting its* ***comprehensive goals for affordable housing, in preventing the... deterioration of the limited supply of affordable housing***") and the goal in Portland's Plan's 2030 to "*Increase,* ***preserve, and modify the overall supply of housing*** *city-wide*" (emphasis added).

Recommendation #6 – Reduce RN-6 Side Setbacks to 10' and Front/Rear Setbacks to 15'

Justification for reducing RN-6 setbacks:

- To realize RN-6 goals of a residential neighborhood characterized by "*multifamily dwellings at relatively high density*", all setbacks should be reduced. 25' setbacks in all directions are excessive and will crimp housing production in RN-6 zones over the long-term.
- Under current R-5a and R-6a zoning, minimum side setbacks are only 10' and 16', respectively; and minimum front and rear setbacks are 10' and 25', respectively. We encourage lowering RN-6 setbacks to match existing R-5a setbacks of 10'.
- Reducing setbacks will help create more flexibility in housing types and increase housing production, in alignment with Portland's Plan 2030.

Recommendation #7 – Eliminate Additional Public Meeting Requirement (§17.2.2.D.4) for Affordable Housing Bonus Incentives

Applicable language:

- §17.2.2.D.4 states: *"Required public process. The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection [affordable housing bonuses in §17.2] must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual."*

Justification for eliminating §17.2.2.D.4:

- This public meeting requirement is in addition to the public meeting requirement that must be held ahead of a Planning Board Workshop.
- This requirement inequitably burdens affordable housing projects. There is no comparable requirement for a market-rate rental, workforce housing, hotel, or condo project.
- PHA recommends that this requirement be removed from ReCode as it does not contribute to the construction of more affordable homes and instead hinders that goal. It conflicts with the spirit of §17.2.2.C "Expedited Review" to streamline affordable housing entitling process and with Portland's Plan 2030 affordable housing goals.

Alternative Recommendation:

- Eliminate the phrase *"no less than 30 days prior to application for site plan review"*. Plans and renderings are rarely ready more than 30 days before site plan submission.

Please reach out to Sarah Tatarczuk at statarczuk@porthouse.org or (207) 221-8034 with any questions. Thank you for your time and consideration and we look forward to continuing to be involved in the ReCode public process.

Best,

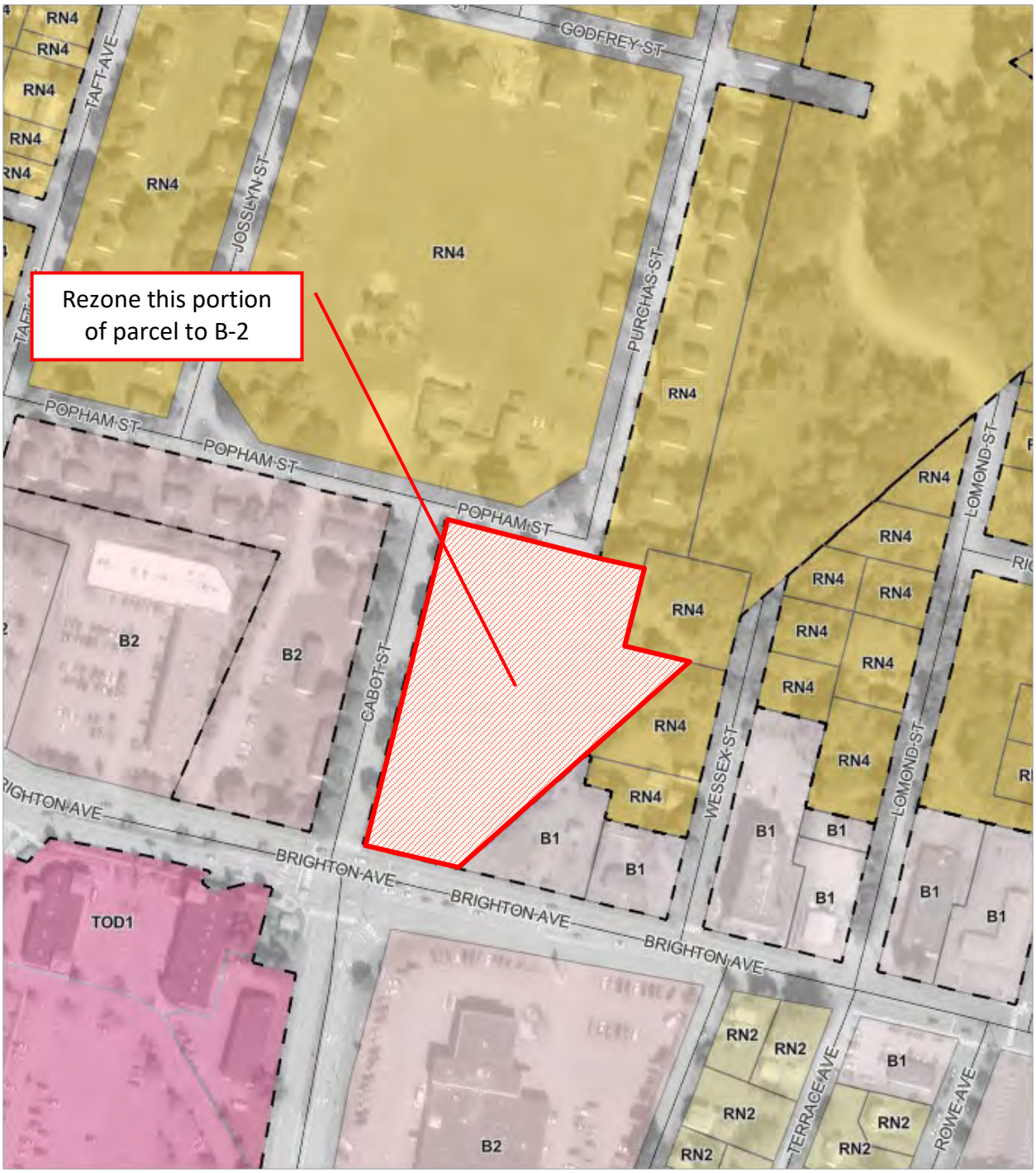


Jay Waterman
Director of Real Estate Development
Portland Housing Authority & Portland Housing Development Corporation

Exhibit A – Proposed Anderson St and Monroe Ct Parcel Rezoning to RN-6



Exhibit B – Proposed Sagamore Village Parcel (274-G-1) Partial Rezoning to B-2



Meeting w/ Kevin Kraft

Re Code

1.) Demolition of existing buildings in residential zones?
2.) Zone Purpose Statement RN-2 to RN-6
"subject to standards encouraging compatability and context sensitivity to ensure the stability of established residential neighborhoods. WHAT standards?

new construction & conversions
Define "residential neighborhood environment"

3.) Update to Design Standards?
4.) Landscape & Tree Replacement? Environmental Carbon Reduction Assessment
5.) B2b increase in height from 45 ft to 65 ft
(locations add'l bonuses to increase height & no set-backs)
6.) TOD's - not needed.
7.) Housing bonuses - impact on what is allowed
(not mentioned in the informational depiction of housing)

Roux

1.) Update on review process
2.) What is required of Roux for site plan approval? -1-4
- parking and traffic impact - infrastructure improvement?
- mitigation plan (METRO & ped/walk shared pathway) shuttle lot?
- conditions of approval → Permitting for construction & occupancy permit
  - applicant to receive TMP for approval of occupancy permit
  - other required permits?
  - framework for phases of development

Building Permit vs Occupancy Permit
Kensington St Phase P??

3.) Require Guarantee Performance Bond ($$??)
3.) MDOT TMP & RAISE Grant funding
(Question asked by Planning Board)
4.) What is process if Roux does not meet conditions?

May 28th PB??

5.) Defined criteria for monitoring annually
6.) Housing?
7.) Residential Parking Program?

MDOT Meeting - Roux appears to be using the MDOT meeting discussion of various proposals to present to PB.
(No formal approval by MDOT for TMP?)

Megan Cindrich <mcindrich@portlandmaine.gov>

Fwd: Housing Comment About I-M and I-Mb Zoning

1 message

Helen Donaldson <hcd@portlandmaine.gov> Thu, Jul 18, 2024 at 5:03 PM
To: Megan Cindrich <mcindrich@portlandmaine.gov>

One more!

---------- Forwarded message ---------
From: **Rachel Conly** <rachel@juniperdesignbuild.com>
Date: Wed, Jul 17, 2024 at 9:20 AM
Subject: Housing Comment About I-M and I-Mb Zoning
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

I have a comment about the proposed Second Wave ReCode that I would like to share.

I was recently reviewing the I-M and I-Mb zone for a client and was surprised to learn that residential use is not permitted in this zone. I then scrolled through all of the uses allowed in all of the zones and was surprised to see residential use completely absent from several zones. Given today's climate with housing shortages, record high rent burdens, and the trends for cities nationwide to be converting commercial spaces into housing due to high vacancy rates, to not include housing/mixed-use residential as a possible option in all zones seems like a lost opportunity. I can understand that an airport zone might be an exception, but low-moderate impact industrial zones, such as the I-M and I-Mb zones (or lighter buffer zones like I-L/I-Lb) seem like viable candidates for live/work spaces, especially on the peninsula. In addition to addressing housing needs, allowing mixed use can help address carbon emissions by reducing commuting. It also promotes the rehabilitation of existing building stock, another carbon reduction strategy. The height limits and general dimensional standards of these zones suggest ample flexibility to provide mixed use in an appropriate manner.

I found an article published by the White House which I think explains my position well. Please follow the link below. The article focuses on office to residential conversions, but it notes non-office commercial spaces as well. With the ReCode in the works to set the standard for decades to come, I think we are at a critical moment and should create, not limit, our communities ability to be flexible in meeting the needs of housing and climate change, and strongly advocate the inclusion of residential use in these zones.

https://www.whitehouse.gov/cea/written-materials/2023/10/27/commercial-to-residential-conversion-addressing-office-vacancies/

Thank you! Rachel

--
Rachel Conly (she/her)
Owner/Design Director
Juniper Design + Build, LLC
207.766.5919
www.juniperdesignbuild.com

--
Nell Donaldson
Director of Special Projects
City of Portland
(207) 874-8723
hcd@portlandmaine.gov

ACORN ENGINEERING, INC.

Planning and Urban Development Department
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

July 24, 2024

Attn:
Kevin Kraft, AICP, Director
Nell Donaldson, Deputy Director
Chair Mazer and Planning Board Members

Subject: ReCode – Second Wave Review

Following up on our ReCode – First Wave letter submitted in October of 2023, we have compiled our comments on the ReCode – Second Wave. We appreciate the many competing interests, comments, and feedback that the Planning Department has considered during the ReCode process. We also appreciate all the hard work and thoughtful revisions proposed by Staff, many of which have resulted in a better zoning ordinance. However, in several instances the draft code is going backwards with respect to the creation of housing:

1. New regulation for maximum building length of 60' implemented in RN-5. (Table 7-A).
2. Increased front setbacks for certain lots within residential districts. (Table 7-A).
3. Increased open space requirements in RN-5. (Table 7-A).
4. RN-2 and RN-4 are no longer eligible for new multifamily construction (6.4.12.A).
5. Lodging Houses are now only allowed as conversions in the RN-4 and RN-5 (6.4.20).

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1. A new dimensional standard has been added to RN-5 (formerly R-6). The maximum building length is proposed to be 60' which would have negative consequences to certain projects' viability, especially if the parcel happens to have a high ratio of street frontage to lot depth. By enacting this standard, if a project is still able to be financially viable then either parking is going to be incentivized on the Peninsula and/or multiple buildings will be incentivized meaning at a minimum:

    - Twice as many elevators, stairwells, sprinkler/mechanical rooms, and circulation area which will result in a lower unit count and less residential amenities.
    - Twice as many utility runs and trenches in the street.
    - More expensive construction which gets passed onto the end users if the project is able to proceed.

    A prime example of a successful project in the RN-5 with a façade longer than 60' is 104 Grant Street (the Goodwin). This project provided 23 units, 8 of which are deed restricted for affordability. Given the lot geometry which features a high street frontage to depth ratio, the façade along Grant Street is 117' long across a 4-story building. The project Architect used

multiple techniques to break down the scale and mass of the building including projected vertical bay windows creating visual interest and shadow lines, a purposeful window pattern, punched openings, and a variety of tasteful siding materials. The Architect responded to Staff's design review comments and the design was positively received by Staff and the Board, receiving final approval at its first meeting with the Planning Board, without the need for a workshop. In fact, this building is used as an example in the Draft R-6 Design Manual to demonstrate a building with varied massing. If this project was required to be split into two buildings, at a minimum it would have provided less total housing stock, including less affordable homes. It's possible the project may not have happened at all due to the added costs and lower unit count that would have resulted from a maximum façade length of 60'. The building was completed in 2022, seamlessly incorporated into the neighborhood with full occupancy of 23 new homes.

Additionally, several years ago there was a multidisciplinary working group formed between the public and City staff to overhaul the Design Manual. During this process, façade composition was discussed; however, a maximum façade length was not. We would encourage Planning Staff to review these meeting minutes, recommendations, and overall progress that went into the overhaul from qualified professionals and City staff, prior to the second phase of the ReCode process.

In conclusion, in the City's densest residential zone on either side of the State's largest and most productive downtown hub, we see this new proposed regulation as prohibitive and atypical. If adopted as drafted, this requirement is undoubtedly going to sacrifice residential amenity space and/or overall unit count, potentially making a housing project financially unfeasible. We strongly urge you to reconsider this prohibitive dimensional standard, or at the very least, significantly increasing it to allow flexibility in design, programming, and proforma. In addition to the Design Manual, the other existing space and bulk standards play a role in controlling the mass and scale of a structure, such as height, setbacks, stepbacks, and lot coverage. We think the Architect and design team should be responsible for providing a high-quality design that conforms to the Design Manual and existing space and bulk standards without being capped at 60' for a façade length.

2. Residential Space & Bulk Standards call for the front yard setback to be equal to the average of abutters minus 5'. We believe there will be unintended consequences with this proposed change due to certain parcels either lacking direct abutters, or having abutters with large front yard setbacks that are not representative of the neighborhood. Similar to how it's structured in the RN-1, we strongly encourage including an OR statement to include a default minimum setback (5' in the RN-5 for example), otherwise, there will be conditions where the site either won't have abutting properties to calculate setbacks from, or the front setback is going to be prohibitively large to allow a housing project to work. Recommend altering this standard to "the average of the abutting properties minus five feet, or five feet, whichever is less", which is a similar approach to the existing standard.

3. The RN-5 (formerly R-6) Space & Bulk standards propose an increase from 20% open space to 30%. The existing 20% standard is already difficult to make work on many infill projects. We strongly encourage maintaining 20% as the minimum requirement. The majority of recently permitted R-6 infill projects are close to, or at the 20% limit due to site constraints. Implementing an increase to 30% would not only result in these lots becoming nonconforming, but it will create less flexibility for housing projects, including the potential for loss of habitable floor area which generally translates to units or bedrooms.

4. Strongly encourage adding multifamily as an allowable use for new ground-up construction in RN-2, or at least RN-4. Because the Planned Residential Unit Development (PRUD) housing option is being eliminated under ReCode, an RN-2 (previously R-3) or RN-4 (Previously R-5) lot that is 2+ acres in size that would be eligible for ground-up multifamily housing under today's existing zoning code will no longer be able to build new multifamily homes. Under the new code, a development would have to be a series of subdivided 1-4 unit buildings which creates sprawl and does not allow for a cluster development typology where natural resources can be preserved, and infrastructure is efficiently consolidated. Ultimately, this proposal represents fewer opportunities for housing by eliminating the PRUD and not allowing multifamily housing in at least the RN-4. This approach is counterintuitive to addressing the housing crisis.

5. Encourage adding Lodging Houses back as an allowable use for new ground-up construction in the RN-5 where car ownership is least relied upon. This land use is needed by the City and its residents and should be an available tool if a Developer chooses to pursue it. As proposed under the ReCode, new Lodging Houses would only be allowed by right in the RN-6 and RN-7, which only represent a handful of parcels in the City, most of which are already developed. As proposed, this land use is effectively being removed as a housing option.

The first 5 comments pertain to proposed changes that are making housing more difficult to create under the new code when compared with the existing code. The following 2 comments are additional ideas to allow for greater flexibility in developing housing without sacrificing the goals of the Ordinance.

6. Affordability incentives in RN-5. At a minimum, we would encourage allowing additional lot coverage to incentivize affordable housing. Most affordable projects in residential zones who achieve a density bonus are not able to physically fit the allowable unit count due to space and bulk restrictions such as lot coverage which is set at 60% and not only includes the footprint of the main structure, but includes stoops, stairs, accessory structures, etc. Unless there are extenuating circumstances such as micro units coupled with a large lot and a height overlay to allow 5 stories, the density bonus becomes much less effective without a corresponding increase in certain space and bulk standards. This change would better align with the spirit of LD 2003 while limiting the bonus to a larger footprint (no change to setbacks or height).

7. Street frontage from private ways. While we acknowledge that Conservation Subdivisions can now obtain their legal street frontage from a private way, this development approach represents a small fraction of proposed developments, especially because Conservation Subdivisions appear to only be permitted within the RN-1 and RN-2 zones. We see a mutual benefit from a project being able to utilize private ways as their legal street frontage because it adds flexibility in a development proposal while not requiring the City to take over the street which includes road and utility maintenance, snowplowing, and garbage collection. We would encourage private ways to be eligible for legal street frontage across all residential zones, which is common practice in many municipalities across the State with the formation of a private road or homeowner's association.

8. 2-4 unit building cluster development. Presently in the RN-4, only one 2-4 unit structure is allowed per lot. To meet this requirement for larger lots, the lot would need to be subdivided and bifurcated with a 50 ft right of way to construct a public roadway in order to meet

individual lot (street) frontage requirements. Alternatively, the larger lot could remain whole with a cluster development, whose individual lot would meet all frontage, space and bulk requirements. The intent is that the cluster development would be served by a private driveway instead of a public right of way. By not requiring each 2-4 unit structure to be on an individual subdivided lot with public frontage, it would free up additional land for housing, open space, or preservation while reducing future public infrastructure maintenance costs. We would respectively request the Planning Board, working with Staff and their consultant, study this option.

Conclusion

While we are not trained planners, we are land development professionals who reference and study zoning codes across the State on a consistent basis. We have been involved as the engineer of record and permitting lead in dozens of multifamily and commercial projects in Portland, including the construction of over 1,000 new residential units, many of which are affordable housing projects funded by the Maine State Housing Authority who has additional standards and regulations on top of local zoning and building codes. As site engineers and permitting liaisons, we have a unique perspective seeing a project come together from early conceptual stages in a private setting, onto the public permitting process, and through construction. Based on this experience and our review of the draft code, we strongly urge the Planning Department and Board to consider our comments, which are grounded in Smart Growth principles, to allow for more flexibility and opportunities for the creation of housing.

We would be happy to further discuss any of these comments at your convenience.

Sincerely,

Samuel J. Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

William H. Savage, P.E.
Principal
Acorn Engineering, Inc.

Attached: ReCode – First Wave Review Letter by Acorn Engineering, October 13, 2023

ACORN ENGINEERING, INC.

Planning and Urban Development Department
Attn: Nell Donaldson, Director of Special
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

October 13, 2023

Subject: ReCode - First Wave Review

Nell:

We appreciate the opportunity to provide our collective feedback on the First Wave of ReCode.

Revisions:

- Strongly encourage increasing the 60% allowable Lot Coverage (which includes all structures on a lot including sheds/decks/balconies) in the RN-5 (previous R-6) to promote housing over parking. Stormwater management will still be held to the same standard and the allowable impervious area would not change. This revision would simply result in more housing.

- Strongly encourage increasing or eliminating the max 75' building length in the RN-5. This is a new dimensional standard and would negatively affect certain projects (especially those with a high ratio of lot frontage to lot depth) causing either a smaller building and thus less housing units, or would require the developer to build two buildings on one lot, which would be cost prohibitive in many cases because it is much less efficient to build 2 buildings vs 1. Instead, rely on the measures already in place such as stepbacks, height limits, and the City's Design Standards to guide the appropriate scale and massing. Ultimately, this new standard will result in less housing units being constructed, while creating a nonconforming condition for a multitude of projects that have already been constructed.

- Strongly encourage Table 18-C be revised to include height and setback bonuses for residential districts such as RN-5 so that affordable housing projects can have the tools they need to get enough floor area to support the density that's currently being promoted by the City and the State's new legislation under LD 2003, effective January 1, 2024.

- Encourage taller height limits across most zoning districts. This recommendation is due to the new average grade calculation. While the new definition/calculation does provide a more consistent measurement and makes sense from a policy standpoint, it will likely result in lower average grade planes, and thus shorter buildings. The recommendation for taller heights is also being made because of the need for housing and the limited horizontal space available on most lots available for multifamily development.

- Encourage allowing additional uses within the RN-5 such as office and small retail uses on the ground floor that have a similar (or less) impact than allowable uses in the B-1 zone with similar performance standards such as hours of operation. This provision does not compete with housing, but rather it encourages complete neighborhoods where certain goods and services can be accessed by foot or bike, while promoting mixed-use smart growth

development.

- Encourage increasing the 30% allowable Lot Coverage in the RN-6 (previous R-5a) to promote housing over parking.

- Encourage reducing the 10' rear setback in the RN-5 to 5' in tandem with an increased lot coverage allowance.

Questions:

- 6.4.26 Neighborhood Nonresidential Reuse
  - When would the effective date be for locking in an existing neighborhood nonresidential reuse? Does this make it an "existing structure" under this section?
  - Under 6.4.26.A, does an "existing structure that is nonresidential in its current use" include a building that has a principal use of housing, but a subordinate use of commercial?
- 7.4 Alternative Residential Development Options
  - Would the City consider Private Roads to meet the City Frontage requirements? Given the goals of this section, and potentially elsewhere, it may be advantageous for the City (and Developer) to construct a private street to provide access, utilities, stormwater, street frontage, etc while not being constrained to 50' ROW widths and technical standards. The ownership and maintenance of the private roadway would be the responsibility of a homeowner's association.

Closing:

Overall, we commend Planning Staff for all the hard work, reconciliation, and modernization of the codes. We believe that these revisions are generally headed in the right direction, but could benefit from some additional tools/flexibility to allow projects (particularly housing) to move forward at a time when we so desperately need to add housing stock to the City/State, albeit in extremely challenging construction and housing markets. Given the volume of work our firm has completed (and will complete) in the City of Portland, most often as the lead project manager and permitting agent, we have a unique perspective on how the various codes come together to influence redevelopment projects, and are happy to continue providing our time and insights in an effort to help produce the best possible version of the Zoning code that is both grounded in smart growth principles, yet flexible enough to allow projects that are consistent with the Comprehensive Plan to move forward and pencil out.

We would appreciate the opportunity to revisit these sections under the "First Wave" once the draft language for key ordinance sections such as Section 18.2 Affordable Housing, as well as the revised Zoning Map are available to review. We believe a comprehensive review as one complete code should ultimately be completed prior to formal adoption, otherwise a siloed approach could have negative, unintended consequences.

Sincerely,

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

William H. Savage, P.E.
Principal
Acorn Engineering, Inc.

Comments 0 views

Sylvanus Doughty Jul 25, 2024, 4:40:26 PM (16 hours ago)

to recodep...@portlandmaine.gov

ReCode,

We are in North Deering.

We were away part of last year and were not aware of the public meetings regarding this process.

Nevertheless, I have reviewed much of the commentary and have a comment about R-3 zoning.

The area around Maine Avenue and Virginia Street (The Pines) or the State named streets, was platted 100 years ago as 30 foot increments (40 feet at corners) of frontage with 100 feet of depth. This in many cases resulted in 60 foot frontage lots of 6,000 Sq ft. While existing lots were grandfathered, with the arrival of zoning, R-3 imposed 65 foot frontages with 6,500 sq ft which obviously ignored the existing use pattern.

It can be noted that that area more resembles R-5 zoning with its 6,000 foot lots.

Respectfully,

S. W. Doughty

Planning and Urban Development Department July 25, 2024
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Attn:
Kevin Kraft, AICP, Director
Nell Donaldson, Deputy Director
Chair Mazer and Planning Board Members
Team ReCode

Dear Team ReCode Portland,

Thank you for your efforts to improve our city through zoning simplification and improvements. The current proposal is a terrific start and meets the moment in many ways. That said, it falls short as a forward-thinking roadmap to manage growth in a rapidly evolving city. Over the last decade Portland has felt the impact of in-immigration and re-urbanization. Coupled with increases in inclusionary housing requirements, rent control, anti-development/developer sentiments, a complicated and costly permitting process, large swaths of the city deemed historic, higher cost to borrow and build, and antiquated zoning, we find ourselves in a housing crisis of epic proportions.

To solve this, we must look for ways to immediately and dramatically increase housing supply, of all types and at all levels, to meet the demand of today and tomorrow. To do this, we must up-zone urban areas and transportation corridors and simplify and streamline the permitting process. The suggestions below come from a place of deep understanding and experience as a local developer, real estate agent, and student of land use and zoning. Through these lenses, I've taken a deep dive into the proposed changes under ReCode and offer the following improvements.

More height and density should be allowed along all major corridors and neighborhood centers. The current ReCode proposal calls for skyscrapers downtown. This is great but doesn't go far enough. And, only a few will ever be built. I suggest converting all current business B1-B4 zones to a new B5B zone. This would allow all B5 uses but provide a boost in height to 80' with 10' of allowable appurtenance. These activated roofs are perfect for residential use, solar panels, and more. This new zone simplifies an overly complex patchwork of business zones and allows for more height in existing commercial areas. Even in the proposed ReCode, sections of streets, very similar in nature, have a piecemeal of allowable uses. For example, inner Washington Ave between Congress and I-295 has four different B zones and a sliver of residential. This should all be B5B with an additional height bonus. My proposal incentivizes development in existing urban and busy locations and relives the demand to develop in residential zones.

Establish Prosperity Overlays along specific sections of our most traveled corridors and neighborhood nodes/centers where infrastructure and public transportation exist. The city wants to create complete neighborhoods where residents can walk to all they need for daily life. For centuries this is how we lived,

before the automobile and subsequent suburban sprawl. Numerous public policy research studies shows that complete neighborhoods are good for local businesses, public health, and the environment. We need to get back to the walkable, bikeable neighborhood centers our city enjoyed 100 years ago. And we can if we establish prosperity overlays. While ReCode does include some, these areas need to be expanded, the allowable heights increased, density improved, and the process for permitting streamlined. I would refer to these areas as B5BPO with all the allowable uses of the B5B above and additional bonuses of 100' with 10' overrides on roofs.

Streets to include:

- Forest Ave – from Congress to Warren Ave
- Washington Ave – from Congress to Veranda
- Washington Ave / Auburn St from Gertrude Ave to Lyseth Moore Dr
- Allen Ave from Forest Ave to Northport Dr
- Congress St – from Munjoy Street to the city limits
- Veranda St – from Baxter Boulevard to the city limits
- Presumpscot St – in its entirety
- Areas / Neighborhood Centers / Nodes
- ILB Zones – on the peninsula (a large portion of East Bayside)
- Approximately 400' along any major road off the following intersections: Woodfords Corner, Morrill's Corner, Bradley's Corner, Lunt's Corner, Brighton Corner and Nason's Corner

Note – many of these areas are historic districts, giving them additional protections. So, existing buildings in these historic areas would be protected, like most of Congress Street.

Edit the IL (industrial light), IM, IMB and IH zones to IL/B5. By some estimates, as much as 90% of Portland's landmass and 70% of the peninsula isn't zoned for multi-family or mixed use. Areas like East Bayside where we now find coffee shops, breweries, and shops are zoned IL (Industrial Light) and don't allow for residential uses. Off peninsula there are hundreds of acres zoned for industrial uses that lay fallow. My proposal opens vast tracts of vacant and underutilized land that lays in waiting for industrial users that may never come. Beyond this, the idea that we must keep commercial and light industry away from residential areas is antiquated. This separation was valid, justified and prudent 50-100 years ago, but not in this time of quieter and cleaner industry. Besides, we are not in a warehouse or industrial space crisis. We are in a housing crisis. So, let's open this land to development.

RN5 (formerly R6) is too restrictive! For context, this zone is in the most populated part of the peninsula and was intended to be the area where most of the residential real estate development and housing would be. In the last decade, what can be built in R6 was modified and made more restrictive. Beyond this, the majority of R6 was placed under historic preservation. This eliminated the ability to demolish neglected 1-2-3 families and replace them with larger buildings. It also added a level of complexity, expense, delays and oversight. Those seeking to build in these areas today, even on a vacant lot, must navigate the historic preservation board, which can take up to six months and cost developers tens of thousands of dollars. In fact, the current R6 is so limiting that many of the historic homes we all love could not be constructed today. The proposed RN5 down zones these urban residential areas and needs to be edited.

Edits to RN5 (formerly R6):

1. Reduce side setbacks to 10’ total with 2’ required on one side and 8’ on the other. This allows for a buffer on one side and a drive aisle on the other. This is the rhythm/layout of most of the current neighborhoods.
2. Reduce rear setback to 5’.
3. Allow 80% lot coverage that would include the primary structure and outbuildings and eliminate any reference to maximum building lengths.
4. Allow structures to be built to 60’. The current allowed height is 45’. This will allow for four stories and offset efforts underway to adjust/lower how we determine average grade. This also increases the likelihood of occupants in spaces with greater volume and those high ceilings we all love.
5. Allow 10’ for roof appurtenances. The current and proposed zoning does not address this and it’s a big miss. Past changes eliminated the ability to create activated, livable roofs with amenities like rooftop gardens with elevator and stairwell access.

Re-zone and sell city owned land for mixed use development. The city owns two golf courses. These could be used for more uses. There could be a RFT to establish a new community in this area with parks, playgrounds, trails, river access, housing, retail space and more.

Further develop the Portland technology park. Located off Rand Road, this 26-acre site was intended to lure businesses in the states growing life sciences industry. To date, only one of the seven sites has closed with two others under contract. Clearly this site, which has been underutilized over the last 13 years, should be put to its highest and best use. Let’s turn this into a mixed-use development of housing, office, warehouse, and what I’m calling IL/B5. This would be the perfect place for people to live, work, and play, just what residents and businesses want.

Simplify & Streamline Permitting - From Historic and Planning Board approvals to permit in hand, this process needs to be simplified and streamlined.

Establish Pre-Approved Development Types. These would bypass public meetings, both historic and planning board approvals, and receive a building permit upon Planning staff approval.

Thank you for taking the time to read my comments and for your tireless work.

Broker/Owner
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207-939-0185

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jeff Sherman	5/10/2024	Konveio	1. Introductory Provisions	1.10.2(B) Procedure	Only properties that are adjacent to the subject property and properties that are adjacent to the properties that are adjacent to the subject property should receive notice by mail. Alternatively, the property owner should be able to provide notice by putting a yard sign on the property with the information that would be in the letter. This would drastically reduce costs.
Jeff Sherman	5/3/2024	Konveio	1. Introductory Provisions	1.6.1 Relationship with Other Laws	This should not apply to housing. With regards to housing if there is a conflict, the less restrictive provision should control.
Jeff Sherman	5/3/2024	Konveio	1. Introductory Provisions	1.6.2 City of Portland Land Use Code	This should not apply to housing. With regards to housing if there is a conflict, the less restrictive provision should control.
Robert Bergeron	4/23/2024	Konveio	10. Waterfront Zones	10.2.8(D) Federal and state environmental regulations	having been dealing with issues regarding emissions into the air and dealt with both the city permitting as well as the DEP I was assured that there would be stronger language inserted regarding dust emissions. it doesn't appear there has been any changes made regarding this issue. this has been an ongoing issue and needs to be addressed.
Urbanist Coalition	6/15/24	Email	13. Site Plan	13.5 Review procedures	How Will the City Streamline Approvals? Another conspicuous absence from the ReCode conversation is all the more notable for how prominently it featured in Mayor Mark Dion's campaign – a significant streamlining of approvals. While there are many costs which go into building and renovating in Portland, one which should not be underestimated is the time and uncertainty involved in getting the appropriate permits and approvals from various city government organs. This bureaucratic slog is one of the primary factors driving builders elsewhere in the northeast, and one that Portland's administration ought to be seriously reckoning with. Yet, little evidence of such reckoning can be found here.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.5.5 Neighborhood Outreach	Affordable housing should be exempt from neighborhood outreach
Lauren Swett	5/8/2024	Konveio	13. Site Plan	13.5.5 Neighborhood Outreach	Is the intent of "workshop or hearing" to mean before a first workshop, or before a hearing if there is no workshop? Clarify if needed for just the first meeting or if needed for both.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.5.5 Neighborhood Outreach	The notice requirement should be changed to adjacent properties only.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.5.6(A) Review costs	(1) Fees should be waived or significantly reduced for affordable housing development. (2) The Planning Board should set a fixed fee (or a maximum fee) for all residential developments (1-4 units).
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.6.1(C)3 Public transit access	If this requirement is waived, developers should have to pay an additional transportation fee.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.6.1(D)1.c Parking requirements	The word "appropriate" should be changed to "essential" or "necessary." The parking maximums suggest that anything over the limit is not appropriate. There should be a high standard needed to deviate from the limits.
Cheryl Leeman	7/17/24	Note	13. Site Plan	13.6.2(B) Site landscaping and buffers	Landscape & Tree Replacement? Environmental Carbon Reduction Assessment
Avery Yale Kamila	4/5/2024	Konveio	13. Site Plan	13.6.2(B)1 On-site landscaping	Since many downtown and peninsula sites don't have space for sidewalk trees and because recent research shows that green walls/canopies provide more urban cooling than street trees, I recommend adding green walls and green canopies as an option.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.6.2(B)2 Buffers and screening	The restriction of roof mounted utility structures should be eliminated.
Avery Yale Kamila	4/5/2024	Konveio	13. Site Plan	13.6.2(B)5 Street trees	Since the cooling, oxygen production and water retention of mature trees cannot be duplicated by saplings (no matter how many are planted), I recommend this section add language requiring protection and preservation of mature trees (of specified diameter) and provide a bonus of some type (height? less parking? reduced fees?) for this required preservation
Avery Yale Kamila	4/5/2024	Konveio	13. Site Plan	13.6.2(B)5 Street trees	It's my understanding that the new arborist does NOT recommend raised planters (which add about $5,000 each to projects' costs) but instead is recommending much bigger planting wells and high-qualitie soils, typically a 50/50 compost/loam mix. This section should also recommend integrated planting wells, where multiple trees share the same well that spans a significant length of the sidewalk. These wells give more room for tree roots and better survival chance. They also lessen impervious surfaces, thereby lessening runoff and lowering summertime temps.
Avery Yale Kamila	4/5/2024	Konveio	13. Site Plan	13.6.2(C) Water quality, stormwater management, and erosion control	Since trees provide significant stormwater retention, the use of this green infrastructure should be recommend here.
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	13.6.4(F)3 Street lighting	Cyclists should be added to this section
Jeff	6/21/2024	GIS Map Viewer	13. Site Plan	General	Please consider making and streamlining the permit process for conversions and to add more units on a property. Make the process less intimidating and welcoming! We want to help! TY

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jeff Sherman	5/10/2024	Konveio	13. Site Plan	Table 13-A: Site Plan Classifications	Rather than number of spaces, this distinction should also be made based on the parking maximums. Therefore, consider changing this section to the following: Minor: Less or equal to than 25 parking spaces and the total number of parking spaces is equal to or less than the maximum number of parking spaces allowed by section XX.XX.XX Major: Greater than 25 parking spaces or the total number of parking spaces is greater than the maximum number of parking spaces allowed by section XX.XX.XX
Tom Landry (Benchmark Real Estate)	7/25/24	Email	13. Site Plan/16. Historic Preservation	Process	Simplify & Streamline Permitting - From Historic and Planning Board approvals to permit in hand, this process needs to be simplified and streamlined.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	13. Site Plan/16. Historic Preservation	Process	Establish Pre-Approved Development Types. These would bypass public meetings, both historic and planning board approvals, and receive a building permit upon Planning staff approval.
Jeff Sherman	5/10/2024	Konveio	14. Subdivisions	14.3.3. Neighborhood Outreach	Neighborhood outreach should only be required for subdivisions building single family homes. Otherwise, neighborhood outreach should be eliminated if the area is already zoned business or residential. Alternatively, subdivisions building affordable housing (or units that will be designated affordable for X period of time) on lots already zoned residential should be exempt from neighborhood outreach.
Jeff Sherman	5/10/2024	Konveio	14. Subdivisions	14.5.6(B) Blocks	The "may" in this section should be changed to a "shall" and the Planning Board should have the option of requiring 2 easements. Therefore, this section could be rewritten to say: In blocks exceeding 800 feet in length, measured from the nearest street lines of intersecting street, the Planning Board shall require, if feasible, the reservation of 1 easement, at least 20 feet wide, to the City through the block to provide for the crossing of underground utilities, pedestrian traffic, and bicycle traffic. In its discretion, the Planning Board may require multiple easements through the block to provide for the crossing of underground utilities, pedestrian traffic, and bicycle traffic. Additionally, at its discretion, the Planning Board may require that an accessible path for pedestrians and cyclists be included.
Jeff Sherman	5/10/2024	Konveio	14. Subdivisions	14.5.6(B) Blocks	Whenever there is a development where the rear setback of residential lots abuts the rear setback of another set of residential lots, the Planning Board should require an easement or the creation of a path that is a minimum of 20 feet wide between the rear setbacks of the two streets. This should be a requirement and not up to the planning board. This will create alleyways that will allow for future infill development along the rear setbacks and will create alternatives for pedestrians and cyclists who wish to avoid vehicle traffic.
Jeff Sherman	5/10/2024	Konveio	14. Subdivisions	14.5.6(B) Blocks	This requirement should be for blocks of any size and not just for blacks in excess of 800 feet in length.
Jeff Sherman	5/10/2024	Konveio	15. Impact Fees	15.9 Use of impact fees	The city should also be able to use impact fees for maintenance of existing infrastructure.
Jeff Sherman	5/10/2024	Konveio	15. Impact Fees	Table 15-A: Impact Fee Schedule	Impact fees should be based on the square footage of the lot and not on how many new units are built.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	"New construction"	Not defined
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	"Object"	Not defined
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	"Preservation"	While not defined in the current ordinance, we believe strongly that “preservation” should be defined. If it is included in the general definition section, it should clarify that the definition pertains to its use in Chapter 16 and matters in other chapters pertaining to historic preservation. The minimum requirements for local legislation (A.2.) in the Guidelines for the CLG Program in Maine specifically state that Local legislation for designation and protection of historic properties by CLGs in Maine must contain, at a minimum, the definitions of designation and protection (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory definitions. We also believe they should include the definitions for the four treatment standards, Preservation, Rehabilitation, Restoration, and Reconstruction.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	"Restoration"	We believe strongly this should be defined. The minimum requirements for local legislation (A.2.) in the Guidelines for the CLG Program in Maine specifically state that Local legislation for designation and protection of historic properties by CLGs in Maine must contain, at a minimum, the definitions of designation and protection (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory definitions. We also believe they should include the definitions for the four treatment standards, Preservation, Rehabilitation, Restoration, and Reconstruction.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	"Site"	The existing historic preservation ordinance defines “Site” as distinct from the definition of “Site” in the general zoning. The staff proposed language would use the general definition for all chapters of the ordinance. These are really two very different meanings, and in the 43 occurrences of the term ‘site’ found in the staff proposed Chapter 16 the meaning is significantly changed from the existing ordinance. It is problematic to have the definition of "site" that is used in the general ordinance, in a historic preservation context. In addition to the lack of clarity stated above, the minimum requirements for local legislation (A.2.) in the Guidelines for the CLG Program in Maine specifically state that Local legislation for designation and protection of historic properties by CLGs in Maine must contain, at a minimum, the definitions of designation and protection (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory definitions. We would support adding either definition below within Chapter 3. The NPS definition: Historic Site - The site of a significant event, prehistoric or historic occupation or activity, or structure or landscape (extant or vanished), where the site itself possesses historical, cultural, or archeological value apart from the value of any existing structure or landscape. From the Guidelines for the CLG Program in Maine: Site. The location of a significant event; an Archaeological Site; a landscape or traditional cultural property; or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. Other Maine cities and the NPS use “Historic Site” to differentiate the terms, which would require editing the body of the historic preservation ordinance at the 43 occurrences of the term “site”. That may be awkward, and if so, we would support a definition in Chapter 3 that included the historic preservation definition as a second meaning that ONLY applied to chapter 16 and instances in other chapters where “site” is used in the context of historic preservation.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.1 Purpose	The language in the existing ordinance’s purpose statement has been significantly abbreviated in the staff proposed draft. Although the added language is useful, the minimum requirements for local legislation (A.2.) in the Guidelines for the CLG Program in Maine specifically state that a statement of purpose should give an overview of why the ordinance was created and its intent. We believe several of the paragraphs in 17.1 should remain because as stated in the Guidelines, a statement of purpose may be used to determine whether a decision related to the ordinance is justifiable. We believe the existing statements establishing purpose that describe fostering civic pride, resource of expertise, protecting and enhancing neighborhoods, fostering preservation, etc. should remain. We also believe a purpose statement should include advising other city boards and the City Council on land use matters related to historic preservation.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.1 Categories of Designations	While the existing ordinance has definitions for many terms, the staff proposal imbeds several definitions within the body of the ordinance. This is reasonable, but the alteration of the definitions in some cases is problematic. For instance, it is problematic to have the wrong definition of "site" in the general ordinance, not "site" in a HP context in this section. The definition of landmark in 16.2.1.A differs from the existing definition by removing "property" and keeping "site" which is defined as all contiguous land in common ownership in the general ordinance. See also comments on Chapter 3 above. In addition, the definition of landmark incorporated in 16.2.1.A leaves out from the current definition "historic, architectural or archeological" as a modifier for “particular”, leaving it to read "particular or individual significance." Those left out words seem to be important and should remain. 16.2.1 B in defining historic district leaves out the word "buildings" from the current definition. It should remain.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.1 Historic district	The existing definition includes the phrase united “by past events”. The proposed staff ordinance removes the definition and instead incorporates the definition of historic district into the body of the ordinance. Section 16.2.1. removes the phrase " united by past events”. Those left out words are important in defining how objects, sites, or structures may be categorically united and is included in the National Parks Service’s definition: NPS definition: Historic District - A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, unified by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history. We believe the existing definition or the NPS definition is the appropriate definition to use.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.1 Historic landscape district	The staff proposes to add language to the definition of historic landscape district which is taken from 17.4.3. It seems appropriate to include it within the definition of HLDs, which staff proposes to include within the body of the ordinance.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.1 Landmark	1) The existing definition includes "historic, architectural or archeological" as a modifier for particular. The staff proposes removing the definition and imbedding it within the body of the text. However, the definition of landmark incorporated in 16.2.1.A. leaves out "historic, architectural or archeological" as a modifier for particular, leaving it to read "particular or individual significance." The left-out words are important in defining what type of significance a Landmark possesses. We believe this needs to be added back to the text either as stated in the existing definition or as defined in the Guidelines for the CLG Program in Maine. From the Guidelines for the CLG Program in Maine: Any site, building, or structure of particular archaeological, historic or architectural significance to the municipality relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been designated in accordance with the municipality’s historic preservation ordinance. 2) The staff proposed definition of Landmark states that landmarks may be in historic districts, yet in Section 16.2.3 “Classifications within Historic Designations”, Section 16.2.3 A. states that the sites, structures, or objects within a nominated historic designation may be classified as contributing or noncontributing. This is in conflict with the definition of Landmark and current practice in Portland, and it should be clarified that within historic districts, resources may be classified as Landmark, contributing, or non-contributing.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2 Criteria for designations	The existing ordinance instructs the two bodies to apply the historic preservation goals and other aspects of the comprehensive plan. The staff proposed draft in 16.2.2 C, simplifies the reference to the comp plan by calling out the comp plan in general and eliminating that a designation should consider the "historic preservation goals included in the comp plan". We believe that the designation process should specifically consider "historic preservation goals", along with consideration of other goals in the comp plan.
Chamber of Commerce	5/29/24	Email	16. Historic Preservation	16.2.2 Criteria for designations	We welcome the opportunity to provide written comments on behalf of our members regarding the proposed amendments to Article 16 of the City of Portland's Land Use Code being advanced under the ReCode initiative. Increasing the production of housing of all types is the top policy initiative of the Chamber, and as you know, your Board plays an important role in the permitting of housing within Portland's historic districts. It is imperative that the amendments advanced to Article 16 through ReCode affirmatively further the goals of our comprehensive plan and the priorities of our elected officials, both of which strongly prioritize the creation of thousands of units of housing over the next decade. The draft before you from staff advances several key changes that we believe will streamline review of alterations, adaptive reuse, and new construction within Portland's historic districts. Most importantly, the clarification of standards of review and scope of jurisdiction are welcome amendments that will go a long way towards removing subjectivity from the current process that leads to delays that cost applicants considerable amounts of time and money. Additionally, we appreciate the elimination of the existing criteria for designation on Page 55 of the redline PDF that currently allow for historic districts to be assembled through the amalgamation of various building types regardless of the individual merit of structures and even if the proposed district is "composed of a wide variety of resources". This change significantly limits potential for abuse in the designation of districts which do not contain any sufficient cohesiveness among style, period, or type of building, and which are only currently able to be designated based off this vague standard. Finally, we appreciate the addition of the new criteria in 16.2.2.C that clarifies the applicability of all sections of the comprehensive plan when making designation decisions.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2 Criteria for designations	This is an important criterion for evaluating historic districts. We are unclear why this was deleted. It appears to address the National Parks Service's Standards for evaluating significance within registered historic districts.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2 Criteria for designations	This too is an important criterion for evaluating historic landscape districts. We are unclear why this was deleted, especially as Portland has five HLDs: Evergreen Cemetery, Eastern Prom, Deering Oaks, Western Prom, and Lincoln Park.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2(A) Criteria for designations	The existing ordinance defines the criteria for consideration as "minimum criteria", while the staff proposed language in 16.2.2 strikes "minimum" from criteria for designation, but later references in the document (16.2.3.B.2) are made to minimum criteria. It is confusing. The terminology should be consistent throughout, using "minimum criteria".
Chamber of Commerce	6/1/24	Email	16. Historic Preservation	16.2.2(B) Criteria for designation	In the draft proposed 16.2.2.B why is "condition" being removed as a criteria for a nominated area, site, structure or object?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2(B) Criteria for designation	General Note: We believe that integrity, which is not defined in either the existing ordinance or in the proposed staff draft, is important to define. Other CLG communities in Maine use the following: HISTORIC INTEGRITY: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship and association) that existed during the property's prehistoric or historic period.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.2(B) Criteria for designations	The existing ordinance includes "condition" as an aspect of integrity. The staff proposed language in 16.2.2.B discussing integrity omits the term "condition". "Condition" should be considered with any discussion of integrity, as this is a national and state standard. The language in 17.4.2 omitted from the staff proposal "make it worthy of preservation or restoration" is standard preservation language when discussing integrity in historic preservation ordinances. The language should be returned to its original phrasing. We also believe "integrity" should be defined. The citation at the end of the proposed paragraph 16.2.2.B. should cite "appliable criteria as defined in Subsection 16.2.2.A."
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3 Classifications within historic designations	Does "historic designations" = historic districts? Or does it encompass HDs, HLDs, and individual landmarks? This is confusing language throughout 16.2.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3(A) Classifications within historic designations	In the staff proposed language "landmark" classification seems to be inappropriately omitted. Currently certified local historic districts include landmark, contributing, and non-contributing resources and we believe this should be amended to include "landmark"

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3(B) Classifications within historic designations	A contributing classification shall only be applied to an area, site, structure, or object which: 1) Were Was built at least 50 years prior to the date of district designation or were was built within a period of significance specified in the designation application. 2) Are Is found to have a relationship with or physically embodies the qualities that give the historic designation cultural, historic, architectural, or archaeological significance as embodied in the minimum criteria specified in the designation report; and 3) Retain sufficient integrity to communicate that significance as defined in Subsection 16.2.2(B). The existing ordinance definition of "contributing" has been removed in the staff proposal. Instead, new language is proposed within the body of the ordinance. Our concerns with the proposed amendment are: a) That the new language lacks clarity in Section 16.2.3. Classifications within historic designations. Would the term "contributing" apply to historic designations generally (including individual landmarks?) or only to resources in historic districts? b) Section 16.2.3 omits "landmark" as a classification in a historic district. c) Refers to the "designation report". Section 16.3. Nomination, Consideration, and Historic Designation references "report" several times but those references should be clarified to be "designation report" in order to be consistent. The minimum requirements for local legislation (A.2.) in the Guidelines for the CLG Program in Maine specifically state that Local legislation for designation and protection of historic properties by CLGs in Maine must contain, at a minimum, the definitions of designation and protection (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory definitions. We believe the term 'contributing' should be a defined term in Chapter 3 and suggest the following definition: From the Guidelines for the CLG Program in Maine: A property or resource that has historical significance through location, design, setting, materials, workmanship, feeling, or association, and adds to the sense of time and place and historical development in a historic property. Minor edit – verb tense in paragraphs 16.2.3.B.1. &2. (see Greater Portland Landmarks proposed corrections to the left in red)
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3(B) Classifications within historic designations	We think there would be greater clarity if the term "contributing" were defined in Chapter 3 with a general definition such as "A contributing resource means and includes any building, other structure or site that by age, location, design, setting, materials, workmanship or association adds to the district's sense of time and place and historical development or is capable of yielding important information about an historically significant period." Chapter 16.2.3.B. would then set out the criteria for contributing (older than 50, sufficient integrity, etc.) The entirety of Section 16.2.3 is confusing because it seems to apply to historic designations generally, but the language seems to be discussing historic district designation, not individual landmarks. Is section 16.2.3 A. and 16.2.3 B. attempting to say that within a "nominated historic designation" like a Landmark, the term contributing would be applied? In a "nominated historic designation" like a Landmark, if there are multiple resources (like House Island for example) the designation is considered a district. This needs clarity, see our comment in 16.2.3 above. Landmarks are also an existing classification within a district, and there is no discussion of that classification in this section. Chapter 3. 16.2.3.B.2. refers to the "minimum criteria" in the "designation report". The "designation report" contents are not clearly articulated in the staff proposed draft, contrary to the detailed contents contained in the existing ordinance, see Chap. 17.5.4.A. We believe clearly outlining the contents of the designation report is important. Also, there is inconsistent use of the term "report" and "designation report" in the proposed document that needs to be made consistent.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3(C) Classifications within historic designations	The existing definition includes three ways a resource can be considered non-contributing. The last paragraph in the existing definition includes the ability for the board to determine a portion of a building is non-contributing. The new definition is proposed by staff to be imbedded into the body of the text. The proposed definition has been altered through defining contributing buildings in section 16.2.3.B. and ceding all other buildings that do not meet the criteria in 16.2.3.B will be non-contributing. However, the removed language from the third paragraph of the existing definition removes the ability of the Historic Preservation Board to designate a portion of a site or structure as non-contributing. Having the Board retain the option to designate a portion of a site or structure as non-contributing is useful as they review proposed rehabilitation or alteration proposals. The opportunity of the Board to make this determination should not be lost and should be included either as new language in 16.2.3.B or added to 16.2.3.C.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.2.3(C) Classifications within historic designations	The definition included in the staff proposed text has altered the existing ordinance through defining contributing buildings in section 16.2.3.B. and ceding all other buildings will be non-contributing. The altered language removes the ability of the historic preservation board to designate a portion of a site or structure as non-contributing. Designating a portion of a site or structure is useful for historic preservation board as they review proposed rehabilitation or alteration proposals.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3 Nomination, consideration, and designation	Can MHPC provide information on how other Maine CLG communities handle public notice? During several recent district nominations, like House Island and Munjoy Hill, properties have been sold during the designation process. New residents/owners that arrive during the process deserve public notice so they may participate in the process at the next public meeting. Notifications should be sent to owner(s) at the various points of determination by HP and PB.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.2 Nomination of a historic designation	The existing ordinance requires nominations to be submitted with signature. There is also language in the existing ordinance which allows the historic preservation board members to make a nomination at a meeting, in writing, and then complete further information before it is processed. The staff proposed language in 16.3.2.A lists all the information that should be included in a nomination, but 16.3.2.C says a nomination can be made "verbally" at a HP meeting. It is inconsistent to have a verbal nomination allowed if all of the information in 16.3.2.A is required. This inconsistency should be resolved. We believe at a minimum a letter signed by at least two members of the historic preservation board should be required, and signatures for public nominations should be a minimum requirement.

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NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.3 Historic Preservation Board review	The existing ordinance allows for multiple workshops during the designation process, while the staff proposed language would limit workshops to one, unless the nominators provide consent. A historic district can be nominated by members of the public and then sponsored by two members of the historic preservation board. It is unclear if the staff proposal is to require consent by all nominators (members of the public) or the two members of the HPB. Requiring all public nominators consent to additional meetings for a large district nomination would be unduly complicated. What would that process be if they were not all present at the first workshop? The intention in the proposed language is not clear. Designations might only require one workshop, particularly for individual nominations, but a large district would likely require multiple workshops to allow for public comment and time to discuss additional information that might be required during the process. We propose that Language be included that nominations should be pursued expeditiously to clearly signal the process should not be unduly drawn out.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.3(D) Historic Preservation Board review	The staff proposed language in 16.3.3.D refers to findings by HPB as to whether the criteria have been met. Is this supposed to be the designation report? There are later references to a HPB report as well. Chapter 16.2.3.B.2. refers to the "minimum criteria" in the "designation report". The designation report contents are not clearly articulated in this proposed redraft, contrary to the level of detail contained in the existing ordinance, see Chap. 17.5.4.A. We believe clearly outlining the contents of the designation report is important so that the public, staff, and members of the board are aware of the content needed. Comparing 16.3.3.D to the existing ordinance there is a provision (17.5.5.B), that if the HPB votes not to designate, a new designation cannot be brought back for at least a year. That is struck from the proposed text.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.7 Amendment or rescission of designation	The language in staff proposed 16.3.7 Amendment or rescission of designation is a significant change from the existing language in 17.5.9. By referring to 16.2 as a whole in referencing standards for rescission or amendment, it allows the planning board or the city council to decide that a landmark or contributing building can be reclassified as noncontributing (and therefore demolished) based on goals, other than historic preservation, identified in the comprehensive plan. Proposing to amend the ordinance to introduce consideration of the comprehensive plan in amendments or rescission decisions is misguided and tantamount to reintroducing the "projects of special merit" provision that had to be removed from the ordinance in 2004 to qualify Portland's HP ordinance for CLG certification. Comprehensive plans are general scoping documents and city ordinances are the regulatory implementation of those general goals. Once the district or individual designation has been made, a rescission or amendment should be based on new evidence and the application of the enumerated standards and criteria of the ordinance, rather than broad policy goals in the comprehensive plan. This proposed language appears NOT to meet the minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.7(A) Amendment or rescission of designation	n addition, as proposed in 16.3.7.A there is no application of amendment possible with this process for reclassification to a landmark designation downward to contributing or non-contributing (if say there was a fire or other disaster that altered its exterior appearance) because it explicitly calls out contributing and noncontributing. Is the only option in case of a landmark to remove the designation completely as a rescission? Would that potentially create a 'donut hole" in a district boundary, which is generally to be avoided? What is MHPC position on this? We believe there should be a mechanism for all designation categories and that a rescission or amendment should be based on new evidence and the application of the standards and criteria of the ordinance, as intended by the minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine.
Chamber of Commerce	6/2/24	Email	16. Historic Preservation	16.3.8 Presumption of contributing classification	In the draft proposed 16.3.8 why is there a presumption that structures or objects in an area or site are contributing? Shouldn't all structures have the test of the standards in 16.2.2 applied and explicitly listed in the City ouncil order before they are locked into a potentially irreversible designation as contributing?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.3.8 Presumption of contributing classification	What is the definition of area in the staff proposed language? A district? What about buildings and structures? The staff proposed language in 16.3.8 differs from the existing ordinance in that it provides exceptions to the presumption of contributing status. 16.3.8.B, proposes an exception to the presumption of a contributing classification if the structure was substantially altered within 50 years. We believe there should be some requirement that it was lawfully altered, particularly if it was altered after the date of designation. An applicant should not be able to significantly alter a building without the necessary permits and still qualify for the exemption. This does not appear to meet the minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.4 Interim Protections	The staff proposed language differs from the existing ordinance by altering the Interim protections. As proposed only minimum maintenance and protections from demolition would apply from nomination until City Council action. It proposed to delete the full protections that currently are in place as soon as the HPB recommends designation to the PB. Staff's proposal will encourage major alterations as soon as a resource is nominated but before final designation by the City Council, which can be an extended process in the case of a historic district. We believe the language "Upon final action of the Historic Preservation Board recommending designation, the site, structure, object, or area nominated shall be subject to all of the protections of this article until a final decision on designation by the City Council" should be included.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.4 Interim Protections	The existing ordinance language allows for HP determination of a demolition request for a non-contributing resource during the designation process, which can take months. During the designation process, the owner of a building deemed a non-contributing building by the HP Board should be entitled to the same provisions they would have if the district was already designated.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.4 Interim Protections	The staff proposed draft is missing the existing interim protections that go into effect upon HPB determination and would only require minimum maintenance and protection from demolition throughout the designation review process. As proposed to be amended by staff, there would be no HPB or staff review of proposed projects while a district is being considered by the Planning Board or City Council. It is extremely important that the full interim protections enumerated in the current ordinance (17.6) upon HPB determination are retained. As we found with the Munjoy Hill Local Historic District, review of projects began as soon as the HPB determination began and projects were expediently approved, with the public having the opportunity to comment. This significantly calmed fears about the onerous nature of the review process expressed by opponents and gave members of the public that wanted a say in their neighborhood's development, an opportunity to do so.

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NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.4.2 Demolition	The existing ordinance definition includes partial demolition. The staff proposed ordinance is missing 'partially or'. Our concern with the proposed language is since partial demolitions tend to occur more often than total demolitions. reference to partial demolition, not just removal of features, really should be specified in the ordinance. City staff have indicated that the proposed new definition of alteration encompasses partial demolitions with the phrase "removal of features". That does not seem sufficient.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.5 Protections for Properties listed on the National Register of Historic Places	Again, what does "area" in this context mean? Historic District? Be consistent with terminology to provide clarity. This section in particular needs review by MHPC. The proposed language states that NRHP listings or properties with a DOE are not allowed to be demolished, with exceptions. The proposed language does not provide review of relocation, alterations or other actions for those properties. We confirmed that MHPC is passing DOEs along to the city, but this staff proposed language doesn't state if newly listed (or eligible) National Register properties fall under the ordinance once they are listed or as stated in the existing ordinance, that a nomination is deemed submitted and the procedures for nomination should be followed. We understand that the city has not been routinely following the existing requirement of the ordinance for local nomination. The Guidelines for the CLG Program in Maine set out minimum duties of the local review commission to "review alterations, relocation, demolition, and other actions affecting designated historic properties under its jurisdiction". Guidelines for the CLG Program in Maine sets out that minimum requirements for local legislation include "mandatory review of alterations, demolition, building relocation or new construction (Certificates of Appropriateness)- within the boundaries of designated individual landmarks or districts or which may affect such landmarks or districts". We believe that new NRHP designations should be considered by the HPB as a nomination for local designation as the existing ordinance requires or in some other manner be protected from alterations by the ordinance as they are designated historic properties. This exception does not include any preservation criteria related to significance or integrity, nor does it weigh in the reuse potential of a building. By this standard for example, Deering High school, a NRHP-eligible building could be demolished for a new consolidated high school or any other use. We believe this does NOT meet the CLG guidelines and should be removed as an exception.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.1 Applicability	The existing ordinance is explicit in what activities require a CoA. The staff proposed language in 16.6.1 only seems to apply if a permit is otherwise required. This would no longer regulate activities that don't require a building permit. This language is a major change. With this staff-proposed language and the deletion of the current definition of "Alteration" (which included specifically listed non-building permit changes) a Certificate of Appropriateness would only be needed for work that would require a building permit. The changes to the definition of alteration which informed the current definition of Certificate of Appropriateness, which has also been removed is problematic and has significant impacts. This would be a significant change and does not appear to meet the minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine to review alterations, relocation, demolition, and other actions affecting designated historic properties under its jurisdiction
Jeff Sherman	5/10/2024	Konveio	16. Historic Preservation	16.6.1 Applicability	Installation of energy efficient windows should be exempt.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.1 Applicability Exemptions	What is the reasoning behind these new exemptions? Solar installations, heat pumps, and public art should be reviewed to ensure they are installed in a manner that is reversible and removable without damaging character defining features, including historic materials. ROW exceptions: This is not the current practice and is inconsistent with the requirements in 16.7.3.C.4. Streetscape, pedestrian improvements: Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual. This would remove review of historic materials used in crosswalks, the stone gutters in Baxter Boulevard, and Belgian pavers where they exist in the ROW. We believe that the ROW exemption should be removed to preserve historic materials where possible.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.12. Issuance of a CoA	Currently a 14-day time period, proposed to be removed.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.12(A) Issuance of a CoA	Currently located under 17.3 Administration, Section 1 'Costs'.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.13 Expiration of approvals	The expiration is proposed to change from six months to three years. This seems like a dramatic extension. Does it reflect a current administrative problem of approvals running out for projects often? Perhaps it makes sense to require that work commence within two years, the current not-to exceed amount, with the opportunity to extend for another 12-months. Is this current practice? Or does it clear up a current administrative issue? Does this change reflect similar board language for PB?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.14 Amendments	The staff proposed language in 16.6.14.B. and 16.6.14.C. is not language in the existing ordinance but seems to represent current process. We believe providing this clarifying language will help to avoid potential confusion regarding what constitutes a minor or major amendment to an approved plan and what the review process for amending an approved plan will be.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.2 Review classifications	• How were the numerical limitations determined? For instance, 25% could be the storefront of a 4-story or less building. Is the intention that a storefront alteration could be a staff review? • What about Landmark building reviews – are they to all be Board reviews? • Signage – does "all" include new construction? Often the board provides guidance on building signage design concepts as part of the overall design scheme.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.2 Review classifications	We believe some of the potential staff reviews as laid out in Table 16-A should have the opportunity for public comment and review by the board, as they can alter a significant portion of a structure.

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NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.3 Historic Preservation pre-application meeting	This is a good addition.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.5 Costs of review	Does this change reflect similar board language for ZBA or PB?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.6 Lapse in application	Does this change reflect similar board language for ZBA or PB?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.7 Administrative review	The existing ordinance states that a project must meet the standards of Section 17.8 and the Historic Resources Design Manuel. The staff proposed language in Section 16.7.1.A, states the Historic Resources Design Manual supplements the ordinance. Although similar language exists in 17.8.1. removing the "AND" in this earlier section and just referencing Section 16.7 has changed the standards for review. We believe that projects should comply with the standards in the ordinance AND Historic Resources Design Manual, which may include additional standards specific to a designated property as part of a designation report. The Historic Resources Design Manual should be specifically incorporated by reference into the review standards, and should not just vaguely be said to "supplement" the ordinance as in the staff proposal. Why is staff proposing to eliminate the option to use the consent agenda with staff reviews?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.6.8 Historic Preservation Board review	Please see our comment in 16.6.7 above. This section provides an opportunity to provide clear concise language about the required standards. The most comprehensive existing language is in 17.8.2. "In considering an application for a Certificate of Appropriateness involving alteration, the Historic Preservation Board and the Planning Board shall apply the following general standards, as further described in the Historic Resources Design Manual, and any design guidelines accompanying the specific designation" This seems like the standard to use, not just those enumerated in Section 16.7. As mentioned in our comments above, the staff language proposed in this draft is not as explicit as the existing ordinance regarding what information is in the Historic Resources Design Manual and that the manual may include resource specific criteria (See 17.8.1 and 17.8.2)
Chamber of Commerce	5/30/24	Email	16. Historic Preservation	16.6.8(C) Historic Preservation Board review	Consider adding to the end of the subsection "and provide direction to the applicant regarding issues to be addressed to bring the application into compliance with the relevant standards of Section 16.7." This necessary addition will clarify that the Board must provide feedback at workshops specific to the standards. In several recent cases of the Board feedback, the applicant has been left with subjective criticisms from various Board members that do not directly address which standards the member believes the applicant is not complying with, creating confusion that leads to needless additional rounds of workshops. Board feedback in workshops must be explicitly tied to the relevant standards to reduce the number of workshops needed.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.7 Standards for Review of Application for Certificate of Appropriateness	The Historic Resources Design Manual is only partially incorporated. Sections 16.7.1 and 16.7.2. describe what the Historic Resources Design Manual is, but unhelpfully say the manual supplements the ordinance and deletes the portion of the standard that says "in review of alterations they shall review in accordance with the Historic Resources Design Manual AND any design guidelines accompanying the specific designation". There should be consistent terminology used to define what the review standards are within the proposed text of Chapter 16. The design manual is incorporated more completely in relation to signage (19.3.4 and 16.7.3B5) and streetscapes (16.7.3 C4). Please see our comments regarding 16.6.7 and 16.6.8. above.
Chamber of Commerce	6/3/24	Email	16. Historic Preservation	16.7.1 Historic Resources Design Manual	This draft removes all references to the Historic Design Manual. Is the intent that this manual will no longer be applied as a consideration when reviewing an application and that only the standards within the code will be applied?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.7.2(A) Compatible Use	This staff proposed language is unclear. If the paragraph in the existing ordinance needed to be edited for brevity, we would propose that the staff proposed draft use the following NPS language, it's succinct, less words than proposed, and standard preservation language. "A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships."
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.7.3 Standards for review of new construction	The Historic Preservation Board needs the flexibility to require design approaches that minimize the non-compatible scale and form that sometimes occurs when old and new structures are juxtaposed in order to meet the compatibility requirements of the ordinance. We strongly believe that the standards for review of new construction should remain as is, currently allowing discretion to restrict a new construction project to less than the maximum dimensions allowed by the underlying zoning, with the retention only of these three notable existing exceptions (Congress Street, India Street and Portland Company). A height and massing assessment has not been done on a broad scale in other zoning districts where historic resources are located. "New construction" is without a definition in proposed 16.7.3. Currently the definition includes "comprehensive redesign/renovation of an existing structure." This is a proposed change, and we believe a definition in Chapter 3, or definition within the text of Chapter 16 could help to provide clarity lost with the elimination of the definition.
Chamber of Commerce	5/29/24	Email	16. Historic Preservation	16.7.3 Standards for review of new construction	With that said, we do want to raise some concerns that persist with the current draft. The largest disappointment in this draft as written is that it continues to provide jurisdiction to the Board for review authority over new construction and alterations to non-contributing buildings where more than 40% of the façade is altered. The Board rightly has jurisdiction around alterations and additions to historic structures which we do not question. However, in recent years the subjective deliberativeness that the Board has applied to new construction within historic districts has significantly exacerbated permitting delays and cost increases for developers of new housing, such that policymakers would be wise to revisit if these applications are still well suited to come before it for review. Since 2020, the Board has reviewed 19 applications for new construction within historic districts, nine of which have involved at least three meetings with the board, and four of which have not come back to the board after having been put through one to two workshops. That means that of those 19 applications, just six were processed in what can be considered a reasonable review period of one workshop and one public hearing. In some cases, applicants have had to come to the board more than four times for projects as small a five-unit multifamily building. These unacceptable delays present considerable cost challenges for developers of small multifamily buildings within historic districts, undermining citywide goals of increasing production of this type of gentle density within our historic neighborhoods.

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NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Chamber of Commerce	5/31/24	Email	16. Historic Preservation	16.7.3(A) Standards for review of new construction	Strike all standards in this section except for 16.7.3.A.6. That subsection is a welcome addition to the code, but its addition obviates the need for subsections 16.7.3.A.1-16.7.3.A.5. This draft wisely makes clear that the Board is unable to impose standards on the applicant that would require reductions to the building envelope beyond restrictions present in the base zoning, and thus there no longer need to be standards that even mention the ability for the Board to analyze dimensional components of a building like height and width. This current source of confusion has been a key driver to the lengthy review process the Board has undertaken on applications for new construction and making explicit that the Board cannot force an applicant to reduce height and width or increase setbacks and step backs must be clear and enforceable. If the Board is to continue to have jurisdiction over new construction, the standards in sections 16.7.3.B & 16.7.3.
Jeff Sherman	5/10/2024	Konveio	16. Historic Preservation	16.7.3(A) Standards for review of new construction	The height restrictions should be eliminated. There are already height restrictions in the underlying zones.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.7.3(A)(6)Applicability of underlying zoning	This would be a major change in the review standards so that the zoning dimensional standard always trumps historic preservation board considerations in all historic districts, where currently it only applies in three specific locations: For Congress Street, with the variety of height in the district and the downtown height study, it was reasonable to let the underlying zoning determine height. The India Street Historic District and Portland Company Historic District similarly were in areas where a height study had been undertaken to examine the existing context and create a framework for the underlying zoning dimensional standards. This kind of assessment has not been done on a broad scale in other zoning districts where historic resources are located.
Tim	07/22/2024 - 9:45pm	Konveio	16. Historic Preservation	16.7.3(A)(6)Applicability of underlying zoning	This should be governed by the Dimensional Standards allowed in the zone. HPB should have no say or vote on this. Dimensional Standards have to be abided by. How does any property owner know what can be built on their land if it is arbitrary and left to a group of volunteers to decide what height is appropriate? This seems very odd, unreliable, unpredictable.
Karen Foster	6/7/2024	Konveio	16. Historic Preservation	16.7.3(B) Standards for review of new construction	Would this require review for non-permanent signs placed on sidewalks, such as UPP parking lot signs on upper Park St.?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.7.3(C)(4) Streetscape, pedestrian improvements	This proposed provision is inconsistent with the proposed language in Section 16.6.1 “Applicability”. This is an appropriate provision to remain in the proposed draft and Section 16.6.1 should be revised to be made consistent with this provision. We believe that streetscape features, furniture, paving materials, and other pedestrian improvements in historic districts should continue to be reviewable. While modern streetscape elements like bus stops, crosswalks ATMs etc. have been approved, their review of location has been important and allows for public comment on projects that would not otherwise have public input. Even if the review is at the staff level, it codifies a working relationship between the Historic Preservation Program, Public Works, Transportation Planning, and others with interest in the ROW. In addition, projects like the Wharf Street paving project impact a significant character defining feature of the Old Port, and while not all the materials there are historic, it is a prominent streetscape that is valued by locals and tourists, providing an operational function for businesses and a positive pedestrian experience with outdoor dining options. Not reviewing a project such as that and as well not offering the opportunity for public input is problematic.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	16.8 Certificate of Economic Hardship	This is a significant change. How do other Maine CLG communities handle this provision?
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	17.3.3(C)	The existing notice requirement for non-contributing structures in a nominated or designated district has been removed in the staff proposed draft. This seems like a reasonable public notice requirement to advise the board at a regular board meeting that a demolition will be occurring in a historic district, as the public may not be aware of a building’s designation status and have questions as to why a demolition is occurring. Additionally, this provision seems to meet the intent of the CLG requirements regarding public participation.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Certificate of Appropriateness	The existing historic preservation ordinance defines certificate of appropriateness, while the staff proposed draft removes this definition. Our concern is that “Certificate of Appropriateness” is a term-of-art and that there is value in retaining the definition.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Certificate of Economic Hardship	Not defined
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Certificate of Non-Applicability	Not defined
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Definitions	The elimination of virtually all of the definitions in the ordinance raises the opportunity for a lot of (perhaps unintentional) misinterpretation because the ordinance was carefully crafted to build on the basic definitions. See Chapter 3 Comments above.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	District	Not defined
Brian Scios	5/31/24	Email	16. Historic Preservation	General	I'm writing to voice my strong opposition to the rewriting of ReCode that would essentially put historic preservation at risk in Portland. If you decide to move forward with existing language that would weaken the oversight of the Historic Preservation Board, many damages caused by this will be IRREVERSIBLE and I'm afraid the treasured history and soul of Portland will be at risk. Time and time again we've seen other cities maintain a high bar for historical preservation while balancing the need for growth, development and tax revenue. I urge you to use those cities as examples to model off of for our own great city of Portland.
Sandra Radis	6/7/24	Email	16. Historic Preservation	General	Please do not change the preservation code! We love Portland for the care the city takes to protect history, please do no change this code for one organization’s desires. It is wrong.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Teresa Pierce	6/7/24	Email	16. Historic Preservation	General	I oppose weakening the historic preservation language in the ReCode. Let's not in five, ten, 25 years realize that we have lost Historic Portland, we can never get it back. As a resident of the greater Portland community I value the history and culture of the community, the proposed language destroys the current Historic Preservation ordinance, codifies the city council's recent action on 142 Free St., and puts Portland out of compliance with standards required by the Maine Historic Preservation Commission and National Park Service. These are things we should not put in jeopardy.
Robert Kahn	6/7/24	Email	16. Historic Preservation	General	I am totally against RECODE's language that guts the Historic Preservation Ordinance. Why was this unnecessary attack on the ordinance included? It was pointless and divisive. Also, graphic examples (proposed changes next to existing conditions) need to be offered to the public so that we can visually compare the before to proposed after. The heights and density seem to be excessive. Is the code attempting to develop future dense tenement slums like in New York City?
Victoria Bonebakker	6/10/24	Email	16. Historic Preservation	General	as it pertains to historic preservation issues. The proposed ReZone plan guts the current protections and would destroy the integrity of Portland's historic districts, whose character enhances the attractiveness of the city for its residents and also draws tourists as well as new residents, supporting the business community and the tax base. Jeopardizing, and in some cases destroying, Portland's historic character will weaken the city irreparably. The plan needs to be amended!!
Dugan Murphy	6/12/24	Email	16. Historic Preservation	General	I understand some of the changes will have the effect of weakening Portland's historic preservation ordinance and I think doing that is a big mistake. Portland has a major housing crisis right now and a good way to remedy that seems to be encouraging development of surface parking, allowing higher densities of development, and removing requirements for parking. The answer is neither making it easier to demolish contributing buildings in historic districts, nor is it stripping review responsibilities from the Historic Preservation Review Board. This is important to me because Portland's livability is so dependent on the human scale of our historic districts. This is what kept me here when I became an adult and had to decide whether to move away or stay in the Portland area! Furthermore, the integrity of those historic districts bring tourists here, which is the basis for my livelihood and makes it possible to continue living here. Please create a development code that encourages development that integrates well with our historic districts. That will enhance walkability, livability, bikeability, and transit viability.
Peter Murray	6/12/24	Form	16. Historic Preservation	General	The Recode proposals appear to significantly weaken and undermine what has been a very successful historic preservation program in the City of Portland. "If it ain't broke, don't fix it!" Some years ago Portland made the decision that preservation of historically significant structures and areas of the City will enhance the attractiveness of the City for purposes of economic development, as a place to visit (tourism) and as a desirable environment for its inhabitants. Portland's historic preservation ordinance has generated a number of historic districts in key areas of the city, for the most part on the Portland Peninsula. Protections afforded contributing structures in these districts have maintained the historic authenticity and amenity of these parts of Portland and have generated millions of dollars of investment in tax credit supported restoration and reuse of contributing buildings - all to the benefit of the City. There is no reason why a regime that has been so successful should be weakened or diluted by the various recode provisions that would 1) allow criteria other than historic authenticity to be considered in declassifying contributing structures, 2) allow dimensional standards of the zoning ordinance to override considerations of historic compatibility, 3) dilute interim protections pending evaluation of a pending historic district designation, or 4) restrict historic review of changes that do not require building permit. There is no showing that any of these changes are needed. All of them tend to undermine the quality of the historic fabric of the City. Some might even jeopardize qualification of Portland's districts for Federal dollars and tax credits. Please leave the Historic Preservation ordinance as it is!
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	General	General Comment: The impact of deleting several of the definitions cited below or using alternative definitions that are more appropriate for general land use standards appears to have not been thoroughly considered. Some definitions have been inserted as text into the body of the ordinance, which seems reasonable. However, in the relocation of the definitions, their meaning has been altered. Other definitions as noted below are no longer defined.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Historic Resources Design Manual	In the staff proposed draft the manual is vaguely defined in the body of the text. We believe a definition is important – or greater clarity in the body of the text is needed. See 16.6.7 and Section 16.7 for additional comments on the Historic Resources Design Manual.
Greater Portland Landmarks	5/28/24	Email	16. Historic Preservation	Time limits	We believe general language that will move the process along in good faith or expeditiously should be included.
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.1.7(D) Replacement unit requirement	The unit size requirement shouldn't apply if the developer builds more units than are being lost.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Portland Housing Development Corporation	7/19/24	Email	17. Housing	17.2.2 Affordable housing incentives	Recommendation #5 – Allow ALL Affordable Housing Project Types to be Eligible for Affordable Housing Incentives under §17.2.2 Applicable language: • §17.2.2.A states: "Eligible Projects. Under this subsection, eligible projects shall include any development project… 2. That creates new dwelling units, among which is at least one low income or workforce housing unit for rent or sale" (emphasis added). Justification for making all affordable deals – including renovations – eligible for Table 17.2 incentives: • We recommend §17.2.2.A.2 read: "2. That creates new and preserves existing affordable dwelling units, among which…" • Enabling renovation projects to utilize §17.2 incentives will increase the quantity of long-term affordable housing preserved and prevent conversions to market-rate rental or condos. • This change aligns with the goals §17.2.1 ("…this section will assist the city in meeting its comprehensive goals for affordable housing, in preventing the... deterioration of the limited supply of affordable housing") and the goal in Portland's Plan's 2030 to "Increase, preserve, and modify the overall supply of housing city-wide" (emphasis added).
Cheryl Leeman	7/17/24	Note	17. Housing	17.2.2 Affordable housing incentives	Housing bonuses - impact on what is allowed (not mentioned in the informational depiction of housing)
Acorn Engineering	7/24/24	Email	17. Housing	17.2.2 Affordable housing incentives	Affordability incentives in RN-5. At a minimum, we would encourage allowing additional lot coverage to incentivize affordable housing. Most affordable projects in residential zones who achieve a density bonus are not able to physically fit the allowable unit count due to space and bulk restrictions such as lot coverage which is set at 60% and not only includes the footprint of the main structure, but includes stoops, stairs, accessory structures, etc. Unless there are extenuating circumstances such as micro units coupled with a large lot and a height overlay to allow 5 stories, the density bonus becomes much less effective without a corresponding increase in certain space and bulk standards. This change would better align with the spirit of LD 2003 while limiting the bonus to a larger footprint (no change to setbacks or height).
Portland Housing Development Corporation	7/21/24	Email	17. Housing	17.2.2(D)4 Density and dimensional bonuses and reductions	Recommendation #7 – Eliminate Additional Public Meeting Requirement (§17.2.2.D.4) for Affordable Housing Bonus Incentives Applicable language: • §17.2.2.D.4 states: "Required public process. The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection [affordable housing bonuses in §17.2] must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual." Justification for eliminating §17.2.2.D.4: • This public meeting requirement is in addition to the public meeting requirement that must be held ahead of a Planning Board Workshop. • This requirement inequitably burdens affordable housing projects. There is no comparable requirement for a market-rate rental, workforce housing, hotel, or condo project. • PHA recommends that this requirement be removed from Recode as it does not contribute to the construction of more affordable homes and instead hinders that goal. It conflicts with the spirit of §17.2.2.C "Expedited Review" to streamline affordable housing entitling process and with Portland's Plan 2030 affordable housing goals. Alternative Recommendation: • Eliminate the phrase "no less than 30 days prior to application for site plan review". Plans and renderings are rarely ready more than 30 days before site plan submission.
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.2.2(D)5	Notice should just be required for adjacent properties.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	17. Housing	17.2.3 Ensuring workforce housing	Rent control and inclusionary zoning both have chilling effects on the development of multifamily properties and high-density housing. Inclusionary zoning reduces the ability of developers to guarantee profitability from new housing projects, especially middle-class apartments, compared to lower-income or luxury housing.2 Rent control also reduces the ability of landlords to adjust rent to inflation and demand and, therefore, discourages the creation of new rental units.3 While reducing the cost of housing is certainly a laudable goal, a large body of evidence shows that these policies reduce the availability of affordable housing rather than increase it.4
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.2.3(C)3 Standards	The requirement that the finishes and amenities demonstrate general parity is vague, burdensome, and does not promote the creation of more workforce units. This requirement should be eliminated.
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.2.3(C)4 Standards	This requirement is confusing and unnecessary it should be eliminated or significantly rewritten for clarity.
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.2.3(C)5 Standards	Additionally, developers should be able to pay a fee to the Housing Trust Fund to lessen the amount of time the units must stay affordable.
Jeff Sherman	5/10/2024	Konveio	17. Housing	17.3.6 Term of affordability	The fund should be able to provide low interest or below market rate loans to Portland residents who want to build affordable ADUs on their property. For these loans, the term of affordability should be "until the loan is repaid in full"

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Ben Shields	5/15/2024	Konveio	17. Housing	Table 17-A: Affordable Housing Fee Reductions	Affordable Housing Fee reductions should be expanded such that development fee discounts and building permit fees continue to decrease as % of low income/workforce new units goes beyond 25%. This seems arbitrarily low for a threshold and this table should have additional rows for housing with much greater than 25% of low income/workforce new units.
Micah Edelblut	4/12/24	Form	18. Off-Street Parking	On-street parking	I did not see anything in section 18 of the new land use code regarding on-street parking. Is this out of scope for the land use code or an oversight not to include information or guidance about street parking?
Jeff Sherman	5/10/2024	Konveio	18. Off-Street Parking & Loading	18.1.3 Vehicle parking maximum exemptions	Section 18.1.3 should be separated into 2 sub sections to make it easier to read. (i) Waterfront Zone and (ii) Any Zone.
Jeff Sherman	5/10/2024	Konveio	18. Off-Street Parking & Loading	18.1.4 Permission to exceed parking maximums	The word "appropriate" should be changed to "necessary" or "essential."
Christian MilNeil	5/22/2024	Konveio	18. Off-Street Parking & Loading	Table 18-A: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements	General comment on this table: I agree with another commenter that the maximums should be tighter in transit-accessible locations, and would like to suggest that the table include a distinction such that less parking would be allowed to be built in highly walkable and transit-accessible locations (the City of Boston takes this approach, see https://www.boston.gov/departments/transportation/maximum-parking-ratios).
Willem Davis van Bakergem	4/29/2024	Konveio	18. Off-Street Parking & Loading	Table 18-A: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements	The existing parking requirements in Table 19-A (old) require 1 space per dwelling unit. In the proposed Table 18-A (new) the minimum is 2 spaces per unit. How will this parking requirement be applied to higher density affordable parcels in RN-2 zones where 2.5 times the number of up to 4 units is allowed? As single lot might legally have 10 units, but need 20 parkings spaces. Street parking would be difficult and a problem.
Christian MilNeil	5/22/2024	Konveio	18. Off-Street Parking & Loading	Table 18-A: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements	Why are airports treated differently from other intermodal facilities? We need our Jetport to be more accountable to the city's mode shift goals, and the Airport maximum should be the same as this one.
Jeff Sherman	5/8/2024	Konveio	18. Off-Street Parking & Loading	Table 18-A: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements	This is a good start, but this should be less. Maybe there should be a distinction for on-peninsula hotels and off-peninsula hotels. In general, this should be 1 per guest room (or as close to 1 as possible).
Ben Shields	5/15/2024	Konveio	18. Off-Street Parking & Loading	Table 18-A: Off-Street Parking Maximums and Minimum Bicycle Parking Requirements	This might be a controversial suggestion but shouldn't parks and open spaces have a designated maximum parking area?
cp	5/4/2024	Konveio	19. Signs	Table 19-F: Allowed Sign Types by Sign District	error here? table 19-V gives dimensions for pole signs allowed in this sign district?
Jeff Sherman	5/13/2024	Konveio	2. Administration	2.1.8(B)1 Meetings and procedures	The requirement that notice be published in a newspaper should be eliminated. Notice should be allowed via the city website / social media accounts.
Jeff Sherman	5/3/2024	Konveio	2. Administration	2.1.8(B)2 Meetings and procedures	There should not be a requirement to post notice in the newspaper. People don't read newspapers anymore. Instead notice should be on the city's website or social media. This would be cheaper and also more likely to give notice to interested parties.
Jeff Sherman	5/3/2024	Konveio	2. Administration	2.1.8(C) Meetings and procedures	The procedures for upzoning a parcel should be set up to support incremental zoning increases overtime so that mixed use and higher density areas can grow and spread naturally overtime. Therefore, there should be a less onerous standard for upzoning a parcel that is abutting a higher zoned parcel. For example, if an RN4 lot abuts a B1 lot or an RN5 lot and wishes to be rezoned to either a B1 or an RN5 then the Planning Commission should grant their request unless certain criteria are met.
Valerie Paquin-Gould	5/8/2024	Konveio	2. Administration	2.2.5 Quorum	Wording unclear, states "the hearing may be adjourned for a period not less exceeding three weeks at any one time." This does not make sense and needs to be reworded for clarity.
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.2.7(B)1 Notice	Notice should be allowed on via the city's website or social media accounts instead of the newspaper
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.2.7(B)2 Notice	Notice should only be given to the adjacent properties. Additionally, a party should be able to waive this requirement if they get the signatures of the adjacent properties. This would bring down costs and encourage cooperation with neighbors.
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.2.7(B)3 Notice	This should be changed to all adjacent properties and properties adjacent to the adjacent properties. This requirement should be waived if the homeowners get the neighbors to sign off.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Greater Portland Landmarks	5/28/24	Email	2. Administration	2.2.9. Jurisdiction and Authority Proposes to delete those	The existing ordinance includes several responsibilities for the Historic Preservation Board such as investigating places to nominate and keeping a register, as well as advising the city and public on historic preservation related issues. The staff proposed amendment includes a new Jurisdiction and Authority section which has removed several responsibilities for the Historic Preservation Board. Our concern with the proposed language is that it would remove several responsibilities for the Historic Preservation Board which are minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine From 3.b. Duties of Local Review Commissions: 4) conducting or causing to be conducted a continuing survey of cultural resources in the community according to guidelines established by the MHPC; 17.2.2.8.C "investigating places to nominate" meets the "continuing survey" minimum required duty of a Local Review Commission and its omission would be a loss of authority. We believe the responsibility for survey should remain a duty of the Historic Preservation program. 5) making recommendation for designation of local landmarks and historic districts to the appropriate local governing body and keeping records of such decisions; 17.2.2.8.D "Keeping a register" meets the "keeping records" minimum required duty of a Local Review Commission and its omission would be a loss of authority. 7) acting in an advisory role to other officials and departments of local government regarding the protection of local cultural resources; 17.2.2.8.N. and 17.2.2.8.O. meet this minimum required duty of a Local Review Commission, the language regarding what topics they should provide advice (easements, grants, etc) could be altered, but losing the authority to "advise" on those protection measures would be a loss of authority. 8) acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation; and 17.2.2.8.E. and 17.2.2.8.J. meet this minimum required duty of a Local Review Commission, losing the authority to "advise and assist property owners" and "educate residents" would be a loss of authority. 9) working toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns. 17.2.2.8.J. meets this minimum required duty of a Local Review Commission, and its omission would be a loss of authority.
Greater Portland Landmarks	5/28/24	Email	2. Administration	2.2.9E Certificate of Economic Hardship: to review applications and issue or deny CEH.	The existing ordinance delegates authority for economic hardship hearings to the Zoning Board of Appeals. The staff proposed language assigns that duty to the Historic Preservation Board. This is a change from the current practice (which city staff claim has never been used). Our question is, do other Maine CLG communities assign this duty to Historic Preservation Boards/Committees/Commissions? If so, does MHPC know how well it has worked?
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.11(C)1 Disability Variance	This should be changed to: "the board MUST grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability."
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.11(C)1 Disability Variance	The restrictions in this section should be removed. As long as the variance is "for the purpose of making that dwelling accessible to a person with a disability" it should be allowed. The remaining restrictions are unnecessary and confusing.
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.11(D) Practical difficulty variance	This should be changed so that the variance must be granted if the below conditions exist.
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.11(D)2 Practical difficulty variance	The character of the neighborhood language should be eliminated. Alternatively, the code should make clear that adding 1-4 units of housing to a preexisting lot cannot be considered an "undesirable change to the character of the neighborhood"
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.7(C)2 Notice	Instead of Notice by publication in a newspaper of general circulation the city should be allowed to give notice on its website or social media accounts.
Jeff Sherman	5/6/2024	Konveio	2. Administration	2.3.7(C)5 Notice	This should be changed so that notice is only required for adjacent properties.
Liz trice	07/01/2024 - 2:07pm	Konveio	3. Definitions	"ADU"	why was accessory dwelling unit removed?
Greater Portland Landmarks	5/28/24	Email	3. Definitions	"Building alteration"	The existing historic preservation ordinance defines Alteration as distinct from the definition of Building Alteration in the general zoning. The staff proposed language would use the general definition for all chapters of the ordinance. Our concern with the proposed amendment is that deleting the current definition of "Alteration" in the historic preservation ordinance (which included specifically listed non-building permit changes) and the use of the standard land use definition of "Building Alteration" is problematic. The definition of "Alteration" informed the current definition of Certificate of Appropriateness (required for "alteration"). The deletion of "any other act or process not requiring a building permit specifically listed in this article as a reviewable action" changes the applicability standard so that a Certificate of Appropriateness would only be required for work that would otherwise require a building permit. Alterations like painting brick, replacement of siding, re-roofing, heat pump installation, solar panel installation, installation of landscaping improvements, and projects in the ROW that do not require a building permit would not be reviewable. This is a significant change and does not appear to meet the minimum requirements for a Local Review Commission per the Guidelines for the CLG Program in Maine to review alterations, relocation, demolition, and other actions affecting designated historic properties under its jurisdiction.
Greater Portland Landmarks	5/28/24	Email	3. Definitions	"Historic rehabilitation"	The existing definition is the same as the definition from the Guidelines for the CLG Program in Maine: Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions of features of the property which are significant to its historical, architectural, and cultural values. We are unclear why the new term "historic rehabilitation" and the new definition proposed by staff, that is virtually the same length as the current definition, is changed from that included in the Guidelines for the CLG Program in Maine. The term "historic rehabilitation" does not appear in Chapter 16, only "rehabilitation". We believe the existing definition is sufficient and the prevailing definition at federal, state, and local levels. The term itself should be consistent used within the body of the ordinance and in the definition section for clarity.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Kellan M Simpson	07/05/2024 - 12:17pm	Konveio	3. Definitions	"Nonresidential neighborhood use"	This recode effort seems to be completely missing the opportunity to define low impact commercial spaces (small markets (bodega), coffee shops, etc.) and allowing them to be in more areas throughout the city to encourage walkability and complete neighborhoods. Take Ocean ave as an example in this map. By this new re-code effort all of the great businesses that help make the area special would not be allowed under the new code if they hadn't been grandfathered in. This is a massive oversight that is overly restrictive and will continue to force car dependency and sprawl. The neighborhood needs low impact commercial spaces to be permitted, especially on a corridor like Ocean.
Robert Todd Morse	5/19/2024	Konveio	3. Definitions	"Place of assembly"	I commented on the previous wave that reducing the threshold for place of assembly from 15 to 8 is unnecessarily restrictive. The response to my previous comment was that it is in line with the threshold for family size, which was also reduced to 8. The family size reduction is even more exclusionary. It should not have been reduced and it is certainly no justification to add additional exclusionary restrictions.
Greater Portland Landmarks	5/28/24	Email	3. Definitions	"Relocation"	This is a good, revised definition, as it addresses a resource's orientation.
Amy Johnson	5/17/2024	Konveio	3. Definitions	"Short term rental"	I was looking for a definition of "short term rental". In which zones are they allowed?
Jeff Sherman	5/10/2024	Konveio	3. Definitions	"Social service center"	Sober living homes should be allowed in all residential and business zones by right. There should not be any restrictions on services provided at sober living facilities.
Tim L	06/23/2024 - 4:48pm	Konveio	3. Definitions	"Structure"	This definition should be clear that it does not include retaining walls. It is currently insufficient for judges to understand what "structure" is meant to define especially in terms of setbacks. The City is currently involved in a lawsuit about this very issue and the Maine Supreme Court gave the City this feedback and remanded the case back to the City. This needs to be more clearly written. The clearer it is the better. Why would retaining walls not be included as items that do not constitute a structure for the habitation of people, animals, etc.?
Dirigo Center Developers, LLC (Waterstone Properties Group, Inc.)	7/11/24	Email	3. Definitions	"Recreation and amusement centers"	Recreation and amusement centers - We propose adding the word "outdoor" to the definition so it reads: "Facilities equipped for the conduct of sports or indoor or outdoor leisure time recreation activities. Such facilities may limit admission either to members or persons paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums." The addition of this term would allow for outdoor recreation and sports, such as Frisbee golf, that would not be of a scale to qualify for the "stadium" use definition. We also would like to confirm that an escape room, laser tag, or even virtual reality type of facility would fall under this use as "leisure."
Liz trice	07/01/2024 - 1:56pm	Konveio	4. Nonconforming Uses, Structures, & Lots	4.3.1 Lots in separate ownership	Should also make clear when talking about ADUs that the lot just needs to be buildable, not conforming.
Liz trice	07/01/2024 - 1:55pm	Konveio	4. Nonconforming Uses, Structures, & Lots	4.3.1 Lots in separate ownership	the minimum lot width should also be mentioned and eliminated as a barrier to building here
Jeff Sherman	5/13/2024	Konveio	4. Nonconforming uses, structures, & lots	4.4.4 Nonconformity as to dwelling units	Notice should be limited to only abutters
Alex Coupe	07/18/2024 - 9:12pm	Konveio	4. Nonconforming Uses, Structures, & Lots	Nonconforming lots	Lots of record should still have the ability to be developed whether held in separate or common ownership. This is a great way to add housing stock on infill lots that blend with the neighborhood
Rachel Conly	5/9/24	Email	4. Nonconformities	4.3.1 Nonconforming lots	In the Second Wave ReCode, it looks like the "Lot of Record" designation has been removed and there are now only the requirements outlined in Section 4.3.1 Lot In Separate Ownership. Is this correct? Related to the above question, in the current code, Section 4.3.1 (A)3, it states "A lot of record as of July 15, 1985 may be considered a buildable lot in the IR-1 and IR-2 zones, provided the applicable setback dimensions can be met.....". In the Second Wave ReCode, does the "lot of record" date of July 15,1985 still apply, or do the current Lot of Record criteria simply not exist in the new ReCode? In Section 4.3.1 of the Second Wave ReCode, Lots In Separate Ownership, there is no reference date, so I am wondering if there is some other parameter I am missing for establishing a "small lot".
Jeff Levine	4/19/24	Form	5. Zones	RN-7	The RN-7 zone that replaces the R-7 zone seems counter to the goal of cleaning up the code here. The R-7 zones were always stopgap measures intended as a work-around from the limitations of the R-6 zone.
Urbanist Coalition	6/5/24	Email	5. Zones	Table 5-A: Residential Zone Purpose Statements	Consolidation into Fewer Residential Zones: The re-categorization of residential zones, (from R-1, R-2, ..., R-6, with an R-7 overlay, to RN-1, RN-2, ..., RN-6,) represents a good start towards liberalizing residential areas in response to demand. While the number of zones being only slightly reduced in number is a missed opportunity to more significantly streamline the code, the character of the consolidations is much more gratifying, effecting a moderate but general 'pulling up' of neighborhoods towards greater density. In particular, the released maps reflect a number of incremental upzones from low- to medium- and high-density areas, and these seem both sensible and exciting.
Charlotte R	6/4/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Also, I strongly support a baseline level of mixed use in residential zones. This would go such a long way to removing barriers for people without cars/allowing car owners to walk and bike more often. If we are planning for the future, businesses should not be limited to zones drawn around existing businesses and buildings that are already businesses. I would love to see all residential zones allow shops, restaurants, places of assembly, etc. This would create more accessible and pleasant neighborhoods across the city.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Charlotte R	6/4/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	I agree that townhouses should be allowed in RN-4. Having all these complex zones seems to run counter to the goal of more housing and a simpler code. I'm in favor of fewer residential zone categories with fewer restrictions, more allowable housing types, and smaller minimum lot sizes
Emma Rubin	5/18/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	All RN-2 zones should be reclassified as RN-4 zones. The zone types are very similar and keeping the code simple and understandable should be prioritized. Doesn't seem like there would be a huge impact to lowering the minimum lot size of RN-2 areas anyway.
Jeff Sherman	5/3/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Add Townhouses to the RN-4 Zone!
Jeff Sherman	5/3/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	The RN-2 zone and the RN-3 zone are substantially similar. There is no practical difference. The standards currently used for the RN-3 zone should be used for all properties in the RN-2 zone. This would make the code simpler and it would also reflect that fact that many parcels in the new RN-2 zone are under 6,500 square feet and would already be nonconforming.
Jeff Sherman	5/8/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	The RN-1 zone should be eliminated. It is too big and low-density considering the ongoing housing crisis. The RN-1, RN-2, and RN-3 zones should all be combined into 1 zone.
Emma Rubin	5/18/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Unclear why there needs to be an entire separate zone for the Western Prom neighborhood. Can these be combined into RN-4?
Emma Morse	5/19/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Would be really great to simplify the zones and combine RN-4, RN-5, and RN-6. Based on where RN-4 is in the proposed maps it seems like these areas could have the density of places like Munjoy Hill. Given we are in a housing crisis it would be great if these zones reflected the housing needs of the residents and considered future growth.
Sam Lebel	5/16/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Multifamily should be added as an allowable use for ground up construction as it is in the existing code.
Emma Rubin	5/18/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	Agree with the other commenter, RN-1 should be eliminated. Setting aside some arbitrary neighborhoods to have very big lots and higher setback requirements doesn't make sense considering the housing shortage in Portland and the goals of ReCode.
Emma M	5/19/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	What is the point of RN-3. This zone is almost identical to RN-2 but only applied to the western prom. This seems like a lot of added complexity for marginal change. RN-3 should be removed and the western prom should be zoned according to on peninsula standards.
Charlotte Rutty	6/4/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	I completely agree with the other commenters who say this minimum lot size [RN-1] is way too big considering our urgent need for more housing units.
Emma M	5/19/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	This minimum lot size [RN-1] is far too large. I agree with the other comments.
Michael	6/5/2024	Konveio	5. Zones	Table 5-B: Residential Zone Purpose Statements	We live in a wonderful century home in R-4, surrounded by other similar homes and multifamily dwellings. All of these homes would be illegal today based on both lot sizes and setbacks. Why is Recode being so timid with these numbers, when the common sense approaches of the past are right in front of our eyes? So far as I'm concerned, any Recode that makes my neighborhood remain non-conforming will be a historic mistake. If it made a great neighborhood in 1900, it makes a great neighborhood now! 5000 feet is too big and multifamily is a must.
Urbanist Coalition	6/6/24	Email	5. Zones	Table 5-D: TOD Zone Purpose Statements	New Transit Oriented Development (TOD) Zones: The addition of new TOD (Transit-Oriented Development) zones does, again, represent a missed opportunity to reduce the total number of zones, but otherwise represent a positive direction for land use in Portland. With car ownership being an expensive, risky, and environmentally-hazardous factor in many Mainers' lives, the enabling of car-light and car-free households to thrive in Portland is more important than ever. Reforms in dimensional standards, as well as initiatives from the Planning Department like instituting parking maximums across the city, will go further towards this goal.
Charlotte R	6/4/2024	Konveio	5. Zones	Table 5-E: TOD Zone Purpose Statements	I agree with the comment about housing density along transit corridors. Denser development along bus lines would support more frequent bus service. I think transit would be more efficient, frequent, reliable, and usable if there were higher density along the entire route.
Wendy Cherubini	5/25/2024	Konveio	5. Zones	Table 5-E: TOD Zone Purpose Statements	Why is TOD-2 only on or near the peninsula? Seems to me there are areas off peninsula appropriate for this type of zone.
Wendy Cherubini	5/25/2024	Konveio	5. Zones	Table 5-E: TOD Zone Purpose Statements	Another purpose of both TOD zones should be to allow housing densities that will support more frequent (10 or 15 minute) transit service along existing transit corridors - Franklin, Washington, Brighton, Forest, Congress, Riverside. This will enhance the ability of people living in areas adjacent to transit corridors to more easily use transit and reduce reliance on cars.
Cheryl Leeman	7/17/24	Note	5. Zones	Table 5-B: Residential Zone Purpose Statements	Zone Purpose Statement RN-2 to RN-6, "subject to standards encouraging compatability and context sensitivity to ensure the stability of established residential neighborhoods." What standards? New construction and conversions Define "residential neighborhood environment"
Cheryl Leeman	7/17/24	Note	5. Zones	Table 5-D: TOD Zone Purpose Statements	TODs - not needed.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Acorn Engineering	7/24/24	Email	6. Use Standards	6.2.3	2-4 unit building cluster development. Presently in the RN-4, only one 2-4 unit structure is allowed per lot. To meet this requirement for larger lots, the lot would need to be subdivided and bifurcated with a 50 ft right of way to construct a public roadway in order to meet individual lot (street) frontage requirements. Alternatively, the larger lot could remain whole with a cluster development, whose individual lot would meet all frontage, space and bulk requirements. The intent is that the cluster development would be served by a private driveway instead of a public right of way. By not requiring each 2-4 unit structure to be on an individual subdivided lot with public frontage, it would free up additional land for housing, open space, or preservation while reducing future public infrastructure maintenance costs. We would respectively request the Planning Board, working with Staff and their consultant, study this option.
Liv Chase	5/28/24	Email	6. Use Standards	6.4.1	This section of the land use code originated from the previous Chapter 14- Land Use Code, Section 14-403. The intention of this section of the code was to define guidelines for unaccepted city streets. Many of these streets were considered paper streets at the time this section was written (1968) and it was important for the city to define the guidelines for the creation of new streets. It was also important for unaccepted city streets to come up to a standard, Chapter 25 Article III- Street Acceptances. Street width as related to fire and life safety. One of the main concerns regarding street width stems from the ability to get to the location in the event of a fire or other emergency. Attachment C shows the guidelines set forth by the NFPA regarding the minimum clearance necessary for a fire truck to access. This minimum clear width is 10'. Additionally, all new construction in the City of Portland is required to have a sprinkler system installed. This in itself makes new construction much safer than existing construction. Street condition, existing infrastructure and city services. Under Portland's Plan 2030: Policy Guide: Economy, page 44, the City's future goal is to invest in infrastructure. Attachment E Accepted city streets already have city services. i.e. water/sewer, plowing, general upkeep etc. As property owned by the city, the city already holds the responsibility/cost foe 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. Definition of Accepted City Streets. An accepted city street is a public way established or maintained under the public authority which appears on the official map of the city. These streets contain existing buildings which are serviced by public utilities and maintained by the city of Portland's public works department. Accepted city streets on the peninsula have been streets since the 1800s. The peninsula is home to the highest density of building infrastructure in Portland. Impact. If this section of the code continues to not be revised, it will affect 53 streets on Portland's peninsula. Attachment A and Link B. These are all areas where the City is encouraging growth. They are all walkable locations that can benefit from high density and more housing. History. Despite the current land use code, large scale development projects were permitted on streets that did not meet the minimum width. Attachment D. The city is still approving projects with limited street width as seen in the current townhouse development by Newheight Redfern LLC on Winter Street, a street with a width of only 23.8 feet. Conclusion. Section 6.4 Supplemental Use Standards should not apply to any accepted city street. The revision attached reflects the intent of this section as it applies to unaccepted city streets. Additional Points: Section 6.4 as written directly effects property owners rights and the value of the land. The inability to develop or expand on an existing developed parcel decreases its value. There is no section in the proposed land use code that addresses unaccepted city streets. As previously stated, it is in the best interest of the City to define this.
Andrew Schiller	6/3/24	Email	6. Use Standards	6.4.1 In general	Regarding 6.4.1. Dear Friends, given that the minimum street width requirements are for public safety. And given that Portland Fire Prevention Leadership, the Portland Fire Chief, and Department Staff including Planning & Urban Development reviewed and concurred that a corner lot with 20 foot minimum street width presents "zero concern" for safety and accessibility, it makes good sense for corner lot requirements to be a minimum of 20 foot street width for structures for all uses rather than 28 foot minimum width for non-corner lots. Portland Fire noted that corner lots offer access from multiple directions that non corner lots do not, and a wider paved intersection that makes them easier for equipment to maneuver. Adopting this simple adjustment allows a more streamlined review for the creation of much needed housing in Portland, while maintaining high public safety standards. In the interest of assisting ReCode Portland advance the goals of the city's comprehensive plan, I offer the following language [added text denoted by bold]: 6.4.1 In General A. Street Access. 1. Existing, accepted streets. a. The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. In the case of a corner lot, a minimum street width of 20 feet for structures for all uses is satisfactory. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.
Liv Chase	06/25/2024 - 8:42am	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	with a minimum width of 20 feet for a 2 way street or 10 feet for a one way street for a single family or two-family dwelling

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Eric Pierpont	06/25/2024 - 9:04am	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	I also think that the minimum width should be 20 feet for a 2-way street and 10 feet if we are dealing with a one-way street for a single-family or two-family home. Especially if this is a thru-street. Fire trucks are around 8 feet wide. There are currently many non-buildable lots because of the existing standards during this housing crisis.
Liz trice	07/01/2024 - 2:01pm	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	the non-conforming lot section seems to eliminate minimum street frontage requirements, so that should be eliminated here, too. Small lots can allow for really fun architecture, and they still have to comply with setbacks, so govt shouldn't intervene if someone wants a skinny house.
Liz trice	07/01/2024 - 2:04pm	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	these are the types of comments that cause real problems when trying to build housing. Set a minimum width and make it by right. Having to deal with the whims of individual people late in the process rather than following laws makes it really hard to build housing affordably and efficiently.
Liz trice	07/01/2024 - 2:02pm	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	again, minumum street frontage and lot width should be removed, unncessarily restrictive.
Liz trice	07/01/2024 - 2:00pm	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	agree with narrower street widths. 16' is necessary for fire trucks, and beyond that it's just individual choice. 28' is too much pavement in front of housing, implies space for fast cars, rather than space for kids to play.
Liv Chase	06/25/2024 - 8:50am	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	d. The lot is located within 400 feet of a street that meets the criteria for an existing , accepted street that is 28 feet wide or greater.
Andrew Schiller	6/3/2024	Konveio	6. Use Standards	6.4.1(A)1 Existing, accepted streets	Regarding 6.4.1. Dear Friends, given that the minimum street width requirements are for public safety. And given that Portland Fire Prevention Leadership, the Portland Fire Chief, and Department Staff including Planning & Urban Development reviewed and concurred that a corner lot with 20 foot minimum street width presents "zero concern" for safety and accessibility, it makes good sense for corner lot requirements to be a minimum of 20 foot street width for structures for all uses rather than 28 foot minimum width for non-corner lots. Portland Fire noted that corner lots offer access from multiple directions that non corner lots do not, and a wider paved intersection that makes them easy for equipment to maneuver. Adopting this simple adjustment allows a more streamlined review for the creation of much needed housing in Portland, while maintaining high public safety standards. In the interest of assisting ReCode Portland advance the goals of the city's comprehensive plan, I offer the following language [added text denoted by CAPS]: 1. Existing, accepted streets. a. The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. IN THE CASE OF A CORNER LOT, A MINIMUM STREET WIDTH OF 20 FEET FOR STRUCTURES FOR ALL USES IS SATISFACTORY. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.
Liz trice	07/01/2024 - 2:04pm	Konveio	6. Use Standards	6.4.1(A)3 Exceptions	two accessory dwelling units are allowed by right, so this should say two ADUs.
Jeff Sherman	5/6/2024	Konveio	6. Use Standards	6.4.12(A) Use limitations	This restriction should be eliminated. Multifamily should be allowed by right in the RN-2 and RN-4 zones
Michael	6/5/2024	Konveio	6. Use Standards	6.4.12(A) Use limitations	Absolutely essential to allow new multifamily housing in RN-4
WB	5/27/2024	Konveio	6. Use Standards	6.4.12(A) Use limitations	Why only conversions of nonresidential structures in these two zones? Why the restriction?
Charlotte R	6/4/2024	Konveio	6. Use Standards	6.4.12(A) Use limitations	I agree that multifamily housing should not be limited to existing structures in RN-2 and RN-4. This takes us in the wrong direction, especially if we are planning for future needs.
Jeff Sherman	5/6/2024	Konveio	6. Use Standards	6.4.12(B) Conversion standards	Exterior Stairs should be allowed regardless of whether the property is a conversion or not.
WB	5/27/2024	Konveio	6. Use Standards	6.4.12(B) Conversion standards	Parking is already a problem. Why not go case by case and by the site plan to determine the best parking options.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
	5/6/24	Email	6. Use Standards	6.4.21 Lodging houses	It seems like the lodging house model that we thought might work to temporarily assist unhoused families until they can get permanent housing is almost impossible to get to work with the proposed zoning rules in Portland. Here are some of my thoughts regarding "Lodging Houses" in Re-Code. I wonder why the number of bedrooms for lodging houses in the new proposed zoning would require a minimum of 5 bedrooms. I am not sure how the requirement of monthly payment would work for our non-profit model. In addition the zones Lodging Houses are actually allowed without a "conditional use" are extremely limited. It seems RN-6 zones are already occupied. I couldn't find anything labeled RN-7 on the map. The rest are business zones that might not be ideal for families and seem to have very limited opportunities. I appreciate it's not easy to please everyone and realize that Portland is trying to work towards housing more people. It just appears the model of housing multiple families in one building with community dining and living space just doesn't seem to work with the city of Portland. It appears Portland only would be applicable for shelters that have no privacy or we would need to house families in full apartment units which is not very cost effective for our transitional housing model.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.22(B) Low-impact industrial	It is not clear to me why this restriction exists. This seems like something that should be removed.
Bob Harville	4/25/24	Email	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Concerns: 1. IR-2 Zoning District - The proposed allowable uses include “Neighborhood non-residential uses”. I can find no outline of what would be allowable “Neighborhood non-residential” uses. To understand the impact of this proposed change, more clarity is required. The implications could be positive or negative. There is not enough information to allow island residents to understand the impact of this proposed broadening of allowable land uses. This change should not go forward without additional clarification and discussion.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.26(A) Neighborhood nonresidential reuse	This restriction should be eliminated. There should be more nonresidential uses allowed by right in predominantly residential areas.
Charlotte R	6/4/2024	Konveio	6. Use Standards	6.4.26(A) Neighborhood nonresidential reuse	I agree that this restriction should be eliminated to promote walkable neighborhoods and allow people more access to stores and services they need
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.26(B) Neighborhood nonresidential reuse	Grocery stores should explicitly be allowed (although they are likely already covered).
Urbanist Coalition	6/11/24	Email	6. Use Standards	6.4.30 Places of assembly	Too Many Restrictions on Places of Assembly: Places of Assembly, the most common use designated for churches and other places of worship, have been redefined in the Phase II proposals to apply to congregations of more than 8 people, a drastic reduction from 15 people in the current land use code. This broader requirement, which affects multiple small religious bodies, has been paired with a new restriction which bans places of assembly from non-major roadways. In other words, while a group of ten Jews, Christians, Muslims, or any other religious (or indeed non-religious) congregants are currently permitted to assemble freely nearly anywhere in Portland, under the proposed Phase II changes, they’d be restricted to upzoned parcels on major roads only. While the justification provided for this change is an anodyne attempt at standardization with other definitions, the impact of this change on community groups and congregations should not be understated. It may even rise to the level of violating first amendment rights. This change is capricious and unnecessary, and should not be pursued. You’ve probably hosted or attended a gathering at a home with more than eight people yourself, why should this be any different?
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.34(A) Restaurants	The restrictions on restaurants operating between the hours of 11pm and 6am should be eliminated. The issues that this restriction is trying to address is already addressed with noise restrictions. Businesses in this zone should be able to naturally grow overtime and if there is a demand for restaurants staying open later, a small local business should be able to fill that demand. What this restriction does is forces people to order delivery or drive into town late at night. This leads to more traffic and more drunk driving. Additionally, it benefits larger businesses in the old port over small businesses. For the same reason, the requirement that food service and consumption shall be the primary function should be eliminated. If there is demand for a bar in the B-1 zone, then the zoning code should not prevent a bar from operating. There are still noise restrictions that would prevent incompatible uses.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.34(B) Restaurants	This section should be eliminated.
Robert Harville	4/26/2024	Konveio	6. Use Standards	6.4.36 Retail	In Section 6.4-36 Retail Section A states - in I-B zone, retail uses are limited to a maximum 10,000 s.f. Of gross floor area. Section B states - In I-B zone, retail uses are limited to a maximum of 5,000 s.f. Of gross floor area….. Sections A and B contradict on another.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.36 Retail	[Response to Robert Harville] I think that you are confusing the I-B zone and the B-1 zone

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.37(A) Self-storage facility	This section should be eliminated.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.4.37(B) Self-storage facility	This section should be eliminated.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.5.1(D)Conditional use review procedure	This section should be changed as follows: The failure of the review authority to act within 30 days shall be deemed an approval of the conditional use
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.5.2 General conditional use standards	There should be certain nonresidential uses (cafes, grocery stores, coffee shops, retail, etc.) that are granted conditional use unless the Zoning Board of Appeals makes certain findings.
Jeff Sherman	5/10/2024	Konveio	6. Use Standards	6.6.1(A)3 In general	This restriction should be eliminated. Alternatively, the word "clearly" should be replaced with "reasonably"
Jeff Sherman	5/10/2024	Konveio	6. Use Standards	6.6.1(C) In general	This restriction should not apply to Accessory Dwelling Units.
Tanya Seredin	4/5/24	Email	6. Use Standards	6.6.2 ADUs	Regarding section 6.6.2 - ADU standards, paragraph 7. This allows an ADU above an existing garage to have a maximum height of 25'. We are exploring the idea of building a new garage with an ADU above it. For an 18' wide garage, there would be very little headroom on the second floor with an average building height of 18', and it would be much more successful if the average height allowed is the same as for existing. It would be more feasible even if the allowed height were 22'. Would that be a possible adjustment?
Liz trice	07/01/2024 - 2:12pm	Konveio	6. Use Standards	6.6.2(A)4 ADUs	this is too vague. Just cut it.
Jeff Sherman	5/9/2024	Konveio	6. Use Standards	6.6.2(A)5 ADUs	This should use a fixed number to promote standard building designs: The maximum aggregate square footage of detached ADUs shall be either: (i) 110% of the total gross floor area of the principal structure or (ii) 1,750 sq. feet, whichever is greater.
Jeff Sherman	5/9/2024	Konveio	6. Use Standards	6.6.2(A)5 ADUs	The language "largest principal unit on the lot" should be changed for 2-family, 3-family, and 4-family properties. If the goal is to add more in-fill development, then homeowners should be able to build 1 or two units of similar size to the units already on the property. Therefore, the following language should be added: If the principal structure is a 2-family, 3-family, and 4-family home, the maximum gross floor area of an ADU shall be either (i) 110% of the gross floor area of the largest principal unit on the lot, or (ii) 1100 square feet, whichever is greater.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(A)5 ADUs	This section should be changed to the following: An ADU shall be limited to a gross floor area of either (i) 2/3 of the gross floor area of the largest principal unit on the lot or (ii) 1,100 square feet, whichever is greater. This change would allow the city to pre-approve designs for ADUs that would be permitted on any city lot. Also, it would allow property owners to purchase modular homes without significant changes to the design.
Michael	6/5/2024	Konveio	6. Use Standards	6.6.2(A)7 ADUs	Height limits need an exemption when increased freeboard is necessary for sea level rise and climate change resiliency.
WB	5/27/2024	Konveio	6. Use Standards	6.6.2(A)7 ADUs	It would be very beneficial to the community to increase height restrictions to 35' maximum for garage conversions. This would allow for current homeowners to feasibly build efficient and reasonably sized living spaces utilizing two levels over a garage/pre-existing structural footprints. This would help current property owners build quality residential spaces which would be advantageous to meeting Portland's housing development goals.
Charlotte R	6/4/2024	Konveio	6. Use Standards	6.6.2(A)7 ADUs	I agree that the height for additions to a garage should be raised to 35 feet to allow for increased housing space without adding to the footprint of the building
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(A)7 ADUs	This section should be changed as follows: Detached ADUs shall be limited to a maximum height of 20 feet, unless constructed as a vertical addition to a garage, in which case the height of the structure shall be limited to either (i) 25 feet or (ii) the height of the principal structure, whichever is greater.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(A)9 ADUs	This section should be changed to the following: Detached ADUs shall not be permitted between a principal structure and a front lot line, unless the area between the principal structure and the front lot line is the only area on the property where a detached ADU would fit.
WB	5/27/2024	Konveio	6. Use Standards	6.6.2(A)9 ADUs	I agree with Jeff's statement, please rewrite that language as he stated.
Liz trice	07/01/2024 - 2:10pm	Konveio	6. Use Standards	6.6.2(A)9 ADUs	I would remove this completely, there's no reason to not have front yard adus.
Jeff Sherman	5/13/2024	Konveio	6. Use Standards	6.6.2(E)1 Home occupations	This subsection should be eliminated.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(E)13 Home occupations	This restriction should be eliminated
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(E)14 Home occupations	The restrictions in this subsection feel arbitrary. This restriction should be eliminated.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(E)2 Home occupations	This section should be eliminated
Jeff Sherman	5/13/2024	Konveio	6. Use Standards	6.6.2(E)4 Home occupations	This subsection should be eliminated. The city's goals are met by restrictions on what types of home occupations are allowed. This restriction is superfluous.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.6.2(E)6 Home occupations	This restriction should be eliminated.
Jeff Sherman	5/10/2024	Konveio	6. Use Standards	6.6.2(G)1 Tasting rooms in industrial zones	This restriction should be eliminated.
Jeff Sherman	5/8/2024	Konveio	6. Use Standards	6.6.2(G)2 Tasting rooms in industrial zones	This restriction should be eliminated. How is this even enforced and why do we care? If we are going to allow tasting rooms, we should allow business owners to do whatever they need to do to make them profitable.
Jeff Sherman	5/14/2024	Konveio	6. Use Standards	6.7.2(A)5 Farmstand	The requirement that farmstands be set back 15 feet is overly restrictive and should be removed.
Robert Bergeron	4/23/24	Form	6. Use Standards	6.8.10 Smoke and dust	I have a property on Presumpscot Street and have been here for over 40 years, over the last few years a new business has moved into the old railroad location and has changed the use to a lay down area for all kinds of different materials from asphalt debris to loam and stone. we have been in communication with the permitting department as well as the DEP regarding copious amount of uncontrolled dust blowing all over my property and employees vehicles, its become so bad that we can't open our windows during the summer. I would request that there be wording inserted in the new code requiring these types of locations monitor and control their emissions so as not to affect surrounding properties.
Robert Bergeron	4/26/24	Email	6. Use Standards	6.8.10 Smoke and dust	Thank you for getting g back to me. Yes I have seen that and I just don't see it as being strong enough and I'll tell you why. Over the last 2-3 years we have been having issues with our next door neighbor, who just starting using the sight as a lay down area for all sorts of debris, they very seldom, if at all , use dust control. We can't open window all my employees cars are covered with a layer of dust at the end of the day and we need to replace HVAC filters way more often then we have ever had too. If the dust we are experiencing were blowing 180 degrees it would be covering the Presumpscot street School and there would be no way the City of Portland would allow it, so why allow it for us? Any more strength to the emissions section would be greatly appreciated.
Jeff Sherman	5/14/2024	Konveio	6. Use Standards	6.8.6(B) Noise	This should be Table 6-H rather than Table 6-I
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	6.8.8 Exterior stairways	This entire section should be eliminated. This restriction is essentially an aesthetic preference and is incredibly subjective. Apartments in Montreal are known for having exterior stairs and many residents prefer it because it gives them the feeling of independence from others in the building. Additionally, it can create small areas of outdoor space for people who would not have it otherwise.
Emma Morse	5/19/2024	Konveio	6. Use Standards	6.8.8 Exterior stairways	It would be great to know why this is in the code. Exterior stairs could be a great alternative to having more than 1 stairway inside the building. From experience, having 2 stairways seems like a waste of space that could be used for shared space, bike storage or storage units.
Charlotte R	6/4/2024	Konveio	6. Use Standards	6.8.8 Exterior stairways	Yes, I agree that the restrictions on exterior staircases are unjustified and subjective. Like another commenter I would point to Montreal as an example where exterior staircases are considered attractive and beneficial to neighborhood character. They are space efficient and create outdoor space for upstairs residents (not to mention the safety benefits of fire escapes).
Peter Dydo	07/19/2024 - 12:05pm	Konveio	6. Use Standards	Height Restrictions	This seems to be a bit limiting if it only applies to existing structures. The height limits applied to existing and proposed ADUs above garages should be the same.
Alex Coupe	4/4/24	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	I would like to comment that multifamily construction should be considered in this zone (RN-2) on aconditional basis only. Rather than just existing buildings looking to convert. The need for housing is dire,and any lots close to a corridor and serviced by public water and sewer would not be able to be developed inalignment with the cities comprehensive plan. I have 1.5 acres behind Morans market with frontage onForest ave that I would like to develop into new construction multifamily….of course I suggest as aconditional use to allow the city to monitor the aspects of the project to make sure they meet the citiescomprehensive plan.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Gina Frustaci	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	Good Evening, I am coming on to comment that new construction multi family should also become a conditional use in the RN2 zone and other zones for that matter, not just existing multi family. For the larger parcels out there, the city should be able to approve a project on a conditional basis if it meets the cities comprehensive plan. We are headed for a renters nation, let's get multi family units added where appropriate
Sara Coupe	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	Good Evening, I would like to comment that where appropriate, the city should allow conditional new construction multi family as a permitted use on parcels that are large enough. Conditional use gives the city the veto power to not approve a project if they don't feel it's appropriate.
Matthew Sherburne	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	NEW multi family should be allowed as a conditional use In the rn2 zone
Phil Coupe	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	In the RN2 Zone, multi family housing should be an allowed conditional use. Thank you for your hard work to make Portland the best it can be.
David White	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	I would like to comment that new multifamily should be a conditional use in this zone.
S Preston	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	NEW multi family should be allowed as a conditional use In the rn2 zone
Lucia Anderson	5/2/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	NEW multi families should be allowed as a conditional use in the RN 2 zone. Thanks!
Nicholas Nielsen	5/2/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	New Multi Family should be allowed as conditional use in the rn2 zone

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Linda Coupe	5/2/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	Good Afternoon, I am curious why only existing multi family is a conditional use and not new multi family in the RN 2. I think it's important that we allow the opportunity for development of new units if the right project surfaces. Thank you
Mark Civiello	5/2/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	I think that this zone should allow new construction as a conditional use. Only allowing existing dwellings closes the door it a responsible project came along that brought more housing on the market.
Edward Ezzard	4/10/24	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Can you give any example of what might be a Select nonresidential uses may also be permitted in the RN-2 zone? Or, must a non residential use first be requested before it could be considered?
Urbanist Coalition	6/4/24	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Fully Embracing LD2003 and Maintaining Affordability Bonuses: At the outset, the Planning Department embraced the progressive vision adopted by the City Council in living up to the spirit of LD2003, a recently-passed state law designed to promote abundant housing construction. While the Planning Department supported a very narrow interpretation of the state law, amendments sponsored by Councilor Rodriguez in collaboration with the UCP were embraced by the City Council last December, allowing for up to four-unit housing construction across the mainland. This incorporation of amendments also maintains the expanded affordability bonuses the city has had since the LD2003 reforms. The Second Wave changes embrace and integrate this landmark pro-housing reform into the proposed changes, demonstrating wisdom, grace, and respect for the democratic process.
Urbanist Coalition	6/8/24	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Division into More Residential Uses: In the current code, there are three basic types of residence: single-family, two-family, and multi-family. The proposed changes shift this to single-family, two-family, three-family, fourfamily, and then multi-family. Besides the obvious redundancy – there are no functional differences between three- and four-family use permissions, and single- and two-family exclusive zones have effectively been abolished – this also indicates a concerning motivation. Despite the pressure from the state and elsewhere to allow more multi-family development, carving out unique permissions for three- and four-member buildings may mean that middledensity buildings (such as the six- and eight-unit structures essential to organic affordability) will continue to be frozen out of Portland.
Urbanist Coalition	6/9/24	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Not Allowing Neighborhood Businesses: Permitting low-impact neighborhood business (e.g. grocers, childcare, or clinics) is key to creating walkable neighborhoods, and this has been recognized throughout the ReCode process. However, while the second-wave changes include a measure clearly intended to give the impression of supporting these businesses, in fact virtually nothing would change. The "Neighborhood nonresidential reuse" proposed in Phase II is touted as a means to reintroduce such amenities, but by UCP analysis, this "reuse" has such strict requirements for application that no more than a handful of lots across the entire city would qualify. Despite the "reuse" receiving front-page billing from the ReCode Portland team, it would – more likely than not – result in zero new neighborhoods business openings. In response to concerns by the public that this "reuse" would do little (or nothing) to permit new neighborhood businesses, planning staff replied that "neighborhood business needs are addressed within the B-1, B-2 or other zones" dedicated to commercial uses. This confidence in the "B" zones to adequately serve neighborhood needs does raise the question of why the "reuse" was added at all, if it is both highly restricted and (apparently) unnecessary. This is precisely the sort of complex, flashy, but ultimately fruitless measure which should not be allowed to further litter the land use code.
Francis Oboy	5/1/24	Form	6. Use Standards	Table 6-A: Uses in Residential Zones	There is a huge shortage of multi family properties in Portland. Any changes in zoning should allow more multi -family properties as a condition
Len anderson	5/3/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	I think that NEW multi family units should be allowed as a conditional use In the rn2 zone.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Killian O'Reilly	5/1/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	New multi family should be allowed as a conditional use in the RN2 zone
Megan	5/1/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	New multifamily should be allowed as conditional use in the rn2 zone
Paul M Waring	5/1/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	New multi family units should be included for conditional use not just our existing in the R2 zone. It makes no sense not to Include them.
Conor Whiting	5/1/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	I believe new multi families should be allowed for conditional use in the RN2 zone.
Emma Rubin	5/18/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Nonresidential use (not just reuse!) should be allowed in all residential neighborhoods with restrictions on scale and use type to encourage complete, walkable neighborhoods and lower dependence on car transit.
Charlotte R	6/4/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	I agree that nonresidential use should be allowed in all residential neighborhoods
Robert Todd Morse	5/19/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Separate uses for different numbers of units are unnecessarily complicated and restrictive. We should have a single "housing" use and control scale with dimensional standards.
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	There needs to be more commercial uses allowed in the RN-2, RN-3, RN-4, and RN-5 zones. Namely, coffee shops, cafes, grocery stores, and retail stores.
Jeff Sherman	5/6/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Townhouses should be allowed in the RN-3 Zone!
Jeff Sherman	5/3/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Townhouses should be allowed in the RN-4 Zone!
Sam Lebel	5/16/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Strongly encourage that multifamily be a fully permitted use and not just a conditional use for conversion of existing structures. Under the existing code, the PRUD model allows for ground up multifamily construction in this zone. There will no longer be that option since the PRUD is being eliminated under ReCode. Not allowing new multifamily structures in the RN-4 is counterintuitive to addressing the housing shortage and is going backwards in comparison to the existing code.
Jessi Denslow	5/17/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	I second the suggestion that RN4 should allow for multifamily dwellings. Especially the one residential RN4 lot located on peninsula in Parkside and those close-by in Oakdale.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jessi Denslow	5/17/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	*allow for NEW multifamily dwellings
Jeff Sherman	5/10/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	There should be no new single family housing built in the RN-5 zone. This restriction could be waived with a fee.
Jeff Sherman	5/6/2024	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Townhouses should be allowed in the RN-6 zone!
PIC	5/18/24	Email	6. Use Standards	Table 6-B: Uses in Island Zones	Need for new category of business zone for "soft businesses" that don't have the potential to have a large impact on neighbors for example: that maintain the same setbacks as IR-2; that are 9:00-5:00 businesses such as galleries, antique shops, repair shops, shared office space - but not allowing hotels, restaurants, and such that have a big impact.
Jeff Sherman	5/10/2024	Konveio	6. Use Standards	Table 6-B: Uses in Island Zones	Townhouses should be allowed somewhere on the island, even if its only in the I-B zone.
Jeff Sherman	5/8/2024	Konveio	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	Bars should be allowed in the B-1 zone
Michael James	5/28/2024	Konveio	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	Recreation and amusement should be permitted in B-3 -- a downtown golf simulator/bar or pool tables should be allowed
Jeff Sherman	5/13/2024	Konveio	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	Public restrooms should be permitted in all Mixed-Use zones.
Jacob Lavarnway	4/28/2024	Konveio	6. Use Standards	Table 6-E: Uses in Office Park & Residence Professional Zones	As the draft map shows, only the Unum complex has the Office zoning applied. This zone does not permit housing, nor does it permit retail for basic needs, such as food. As a result, the Office zone does not encourage the city's goals of complete neighborhoods, nor the state's goals of reducing VMT. These critical uses for enabling car-free living are not permitted. Some of the options the City should consider : 1) Alter permitted uses in the Office zone to allow housing and basic retail. 2) Rezone the Unum complex into another district, such as RN-5, which is used at the Maine Medical Center, or B-3, like much of downtown & Old Port, or B-4, like Warren Ave. These examples are not exhaustive. 3) Cull the Office zone entirely, and change the zoning of its parcels to other mixed used zones as mentioned above.
Sam Lebel	6/12/2024	Konveio	6. Use Standards	Table 6-E: Uses in Office Park & Residence Professional Zones	I do not see this Zone referenced in 6.4.12
Urbanist Coalition	6/14/24	Email	6. Use standards	Table 6-F: Uses in Industrial Zones	No Remedy for Languishing Industrial Land: Much land in Portland is zoned and regarded by Portland's planners as dedicated to industrial use. This practice is a relic of an older economy, no longer relevant to the needs of Portland as a whole, and it would be an ideal area of reform in ReCode. Much of this land is vacant or deeply underutilized, but could hold great potential for development into housing, commercial, and other business uses. Despite this clear opportunity, only vague and minor adjustments to the land in question are included in the proposals. While the restrictions may keep land prices artificially low for the favored businesses in this market, these minority interests should not prevail against the general good.
Rachel Conly	7/18/24	Email	6. Use Standards	Table 6-F: Uses in Industrial Zones	I was recently reviewing the I-M and I-Mb zone for a client and was surprised to learn that residential use is not permitted in this zone. I then scrolled through all of the uses allowed in all of the zones and was surprised to see residential use completely absent from several zones. Given today's climate with housing shortages, record high rent burdens, and the trends for cities nationwide to be converting commercial spaces into housing due to high vacancy rates, to not include housing/mixed-use residential as a possible option in all zones seems like a lost opportunity. I can understand that an airport zone might be an exception, but low-moderate impact industrial zones, such as the I-M and I-Mb zones (or lighter buffer zones like I-L/I-Lb) seem like viable candidates for live/work spaces, especially on the peninsula. In addition to addressing housing needs, allowing mixed use can help address carbon emissions by reducing commuting. It also promotes the rehabilitation of existing building stock, another carbon reduction strategy. The height limits andgeneral dimensional standards of these zones suggest ample flexibility to provide mixed use in an appropriate manner. I found an article published by the White House which I think explains my position well. Please follow the link below. The article focuses on office to residential conversions, but it notes non-office commercial spaces as well. With the ReCode in the works to set the standard for decades to come, I think we are at a critical moment and should create, not limit, our communities ability to be flexible in meeting the needs of housing and climate change, and strongly advocate the inclusion of residential use in these zones. https://www.whitehouse.gov/cea/written-materials/2023/10/27/commercial-to-residential-conversion-addressing-office-vacancies/

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Emma Rubin	5/18/2024	Konveio	6. Use Standards	Table 6-F: Uses in Industrial Zones	Permitted uses for industrial zones be expanded to allow for future development. For example, if a current industrial zone contains a sprawling self-storage facility and someone wants to develop it to a mixed-use commercial and residential area, that seems like a much better use of space for the community.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	6. Use Standards	Table 6-F: Uses in Industrial Zones	Edit the IL (industrial light), IM, IMB and IH zones to IL/B5. By some estimates, as much as 90% of Portland's landmass and 70% of the peninsula isn't zoned for multi-family or mixed use. Areas like East Bayside where we now find coffee shops, breweries, and shops are zoned IL (Industrial Light) and don't allow for residential uses. Off peninsula there are hundreds of acres zoned for industrial uses that lay fallow. My proposal opens vast tracts of vacant and underutilized land that lays in waiting for industrial users that may never come. Beyond this, the idea that we must keep commercial and light industry away from residential areas is antiquated. This separation was valid, justified and prudent 50-100 years ago, but not in this time of quieter and cleaner industry. Besides, we are not in a warehouse or industrial space crisis. We are in a housing crisis. So, let's open this land to development.
Acorn Engineering	7/24/24	Email	6. Use Standards	6.4.12(A)	RN-2 and RN-4 are no longer eligible for new multifamily construction (6.4.12.A). Strongly encourage adding multifamily as an allowable use for new ground-up construction in RN-2, or at least RN-4. Because the Planned Residential Unit Development (PRUD) housing option is being eliminated under ReCode, an RN-2 (previously R-3) or RN-4 (Previously R-5) lot that is 2+ acres in size that would be eligible for ground-up multifamily housing under today's existing zoning code will no longer be able to build new multifamily homes. Under the new code, a development would have to be a series of subdivided 1-4 unit buildings which creates sprawl and does not allow for a cluster development typology where natural resources can be preserved, and infrastructure is efficiently consolidated. Ultimately, this proposal represents fewer opportunities for housing by eliminating the PRUD and not allowing multifamily housing in at least the RN-4. This approach is counterintuitive to addressing the housing crisis.
Acorn Engineering	7/24/24	Email	6. Use Standards	6.4.21	Lodging Houses are now only allowed as conversions in the RN-4 and RN-5 (6.4.21). Encourage adding Lodging Houses back as an allowable use for new ground-up construction in the RN-5 where car ownership is least relied upon. This land use is needed by the City and its residents and should be an available tool if a Developer chooses to pursue it. As proposed under the ReCode, new Lodging Houses would only be allowed by right in the RN-6 and RN-7, which only represent a handful of parcels in the City, most of which are already developed. As proposed, this land use is effectively being removed as a housing option.
Dirigo Center Developers, LLC (Waterstone Properties Group, Inc.)	7/11/24	Email	6. Use Standards	Table 6-C: Uses in Mixed-Use Zones	Intermodal transportation facilities - This is listed as a permitted use in the B-4 District, but not in the two transit oriented districts. We suggest adding this use to the TOD-1 and TOD-2 districts, and adding a definition for this use. While the City may view this use as an industrial/commercial facility for shipping of goods and products via rail/ship/trailer, like Auburn's intermodal facility, we have in mind a use involving general public transportation modes - automobile, bus, future commuter rail, and trails. Therefore, we propose one of two approaches: 1) the City of Portland could adopt a definition for "Intermodal transportation facilities" similar to Westbrook's "Intermodal Passenger Transportation Facility for this use by the general public. Westbrook's definition is "a building, structure or location where two or more modes of transportation intersect, and passengers can transfer between modes." ; or 2) if the City prefers to focus the "Intermodal transportation facilities" use on industrial/commercial for shipping of goods and products via rail/ship/trailer, it could adopt a new use that focuses on the passenger transportation aspect - perhaps "Public Transportation Hub" - and define it similarly to Westbrook's definition of "Intermodal Passenger Transportation Facility"; this "Public Transportation Hub" use would be permitted in the TOD-1 and TOD-2 districts as well as in B-4.
Tw	4/6/2024	Konveio	7. Dimensional Standards	7.2 Average grade	Why wouldn't the City plainly state that Average Grade is post-development grade. Could avoid problems and give clear guidance for lay-people what this means. It is also clear to judges trying to make decisions if people bring suit against the City to delay or stop housing from being built. It will stop non-sensical legal arguments that the City has not clearly stated the difference between height measurment on the Islands and the mainland. Clear, concise, simple language that leaves no room for interpretation or doubt is best. It avoids the City from having to expend time of city attorneys, planning staff and planning board and helps protect housing production.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	7.2 Average grade	Average grade should be changed to the grade at sidewalk level.
Tim L	06/23/2024 - 4:36pm	Konveio	7. Dimensional Standards	7.2 Average grade	This should add that it is post development grade. This whole definition could be deleted if the City adopted a more accurate and consistent methodology for measuring building height. Building height measurement can be greatly simplified and achieve better results in alignment with the City's Comprehensive Plan and help prevent misunderstandings, misinterpretation by citizens, developers, architects, City staff, lawyers and judges. It would greatly help avoid lawsuits and/or quickly resolve lawsuits eliminating costs to the City and in the building of homes.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Tim L	06/23/2024 - 4:31pm	Konveio	7. Dimensional Standards	7.2 Height	This method has many faults. It doesn't provide consistency in actual building heights, neither insuring the quality of building necessary to produce high quality homes or to prevent gaming of the methodology. It allows too much variability in height from one parcel to the next and it fails to actually measure the true height of the building. It also promotes ineffective and inefficient use of land and eliminates the possibility of getting better use out of downward sloping lots that could produce more homes without utilizing more land or adding any height above sidewalk/streetlevel to buildings. This is a very suboptimal, inconsistent, complex and arbitrary methodology that does not allow reduction in variability. Measuring from the highest point along the sidewalk or 24" above the highest point of street, when sidewalks don't exist, along the perimeter of the parcel is the most consistent, fair, unambiguous, simple method to employ. However, it needs to be coupled with a measurement of the actual building height from the top of the 1st floor (measured from first floor above elevation established as highest point of sidewalk, etc. and for clarity, not including basements or subterranean parking or living spaces.) to the roof beam, etc. (same as exists today) Both measurements would have to be equal to or less than height allowances.
Tim	07/22/2024 - 9:29pm	Konveio	7. Dimensional Standards	7.2 Height	Many cities don't include measurements of elevation where a garage, door entry or entryway to the garage or door of a mostly subterranean level of a building exists. Penalizing a project that wants to make good use of subterranean space for storage, bikes, parking or other activities should not have to lower the height of the building and the floor to ceiling heights of the homes because they have underground parking or an exit door from the basement. This doesn't make sense. The City wants the best, most functional and safe homes to be built. To measure avg. grade and be forced to use points where the grade accomodates access to subterranean space is detrimental to the City and its' residents. It flies in the face of the Comprehensive Plan and the goals to achieve more density and more housing. There are better, more simple, repeatable, consistent ways to measure height that need to be explored and that will produce better results for Portland.
Dirigo Center Developers, LLC (Waterstone Properties Group, Inc.)	7/11/24	Email	7. Dimensional Standards	7.2 Setbacks	Lot Lines and Setbacks from City boundary. Under the Dimensional Standards provisions, "setbacks" are measured from "lot lines." We are concerned that the Portland/Westbrook City boundary might be considered a lot line, even though the bounds of a lot in the deed may cross the City line, which would prevent development of a lot that crosses the City line. Simply adding "A municipal boundary is not considered a lot line" to the end of the definition of "lot line" would be helpful to avoid this potential issue.
Acorn Engineering	7/24/24	Email	7. Dimensional Standards	7.4.1 Conservation residential development	Street frontage from private ways. While we acknowledge that Conservation Subdivisions can now obtain their legal street frontage from a private way, this development approach represents a small fraction of proposed developments, especially because Conservation Subdivisions appear to only be permitted within the RN-1 and RN-2 zones. We see a mutual benefit from a project being able to utilize private ways as their legal street frontage because it adds flexibility in a development proposal while not requiring the City to take over the street which includes road and utility maintenance, snowplowing, and garbage collection. We would encourage private ways to be eligible for legal street frontage across all residential zones, which is common practice in many municipalities across the State with the formation of a private road or homeowner's association.
Rachel Conly	5/9/24	Email	7. Dimensional Standards	7.4.2 Cottage court development	Can you please let me know where I can find a definition of a "cottage court development"? I could not find a definition.
Liz trice	07/02/2024 - 2:16pm	Konveio	7. Dimensional Standards	7.4.2(D)1 Use Limitations	Eliminate these first two limitations. Why not allow a 4 unit rowhome?
Jeff Sherman	5/6/2024	Konveio	7. Dimensional Standards	7.4.2(D)1 Use Limitations	This restriction should be eliminated if the properties meet the Small Unit bonus described below. Alternatively, cottage court residential developments should allow up to three-family dwellings by right.
Jeff Sherman	5/6/2024	Konveio	7. Dimensional Standards	7.4.2(D)3 Use Limitations	This requirement should be eliminated. Accessory dwelling units should be allowed on all properties.
Liz trice	07/02/2024 - 2:17pm	Konveio	7. Dimensional Standards	7.4.2(E)1 Development standards	Why be restrictive here? It will likely have 4 for financial reasons, but no reason to be restrictive.
Liz trice	07/02/2024 - 2:18pm	Konveio	7. Dimensional Standards	7.4.2(E)2 Development standards	Delete these restrictions as well.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	7.4.2(E)2 Development standards	Why is there a maximum number? If these are popular, why not let them flourish?
Jeff Sherman	5/3/2024	Konveio	7. Dimensional standards	7.4.2(E)3 Development standards	Cottage Courts should be added as a permitted use in all residential areas.
Liz trice	07/02/2024 - 3:27pm	Konveio	7. Dimensional Standards	7.4.2(E)3 Development standards	This doesn't seem to take into account LD 2003, and needs to be completely rethought. Ld 2003 allows a base of 4 units + 2 adus, and up to 23 units with affordability bonuses. So at minimum that should be allowed, and ask multiunit structures. Then, if you want to have small sizes (under 900 or under 550 sf), then you could double the number of units beyond that.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Liz trice	07/02/2024 - 3:52pm	Konveio	7. Dimensional Standards	7.4.2(E)3 Development standards	correction; up to 10 units + 2 adus with affordability bonuses, so at minimum that should be allowed and allow multiunit structures....
Liz trice	07/02/2024 - 2:19pm	Konveio	7. Dimensional Standards	7.4.2(E)3 Development standards	Simplify to " in all zones, cottage court developments may have 2x the allowed units/lot area." Fewer words. Also, no reason to not allow in what might happen to be a TOD or B zone.
Liz trice	07/02/2024 - 2:20pm	Konveio	7. Dimensional Standards	7.4.2(E)3 Development standards	does it really need to be different for the islands?
Liz trice	07/01/2024 - 2:18pm	Konveio	7. Dimensional Standards	7.4.2(E)3 Development standards	why would you create a separate note here for a specific zone? Put it in the dimensions chart.
Liz trice	07/01/2024 - 2:19pm	Konveio	7. Dimensional Standards	7.4.2(E)4 Development standards	this is unnessary, it wouldn't make sense to do otherwise from a design perspective, and isn't something that should be defined by law
Liz trice	07/01/2024 - 2:24pm	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	i would remove "front on a public street", and reduce to 20'. First, you might choose to put an extra cottage on the street so that the opening on the street might only be 10' or so, and second, on a 60' lot, you will have a 5' setback minimum on one side, and often it works nicely to have buildings that are 25-30' deep, leaving less than 30' as a shared space. 20' is sufficient to have some mature trees and a nice walkway with gardens.
Liz trice	07/01/2024 - 2:22pm	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	3,000 is too big if you have a smaller development with only 4 units. Just leave it at 300 sf/ unit
Liz trice	07/02/2024 - 2:22pm	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	Off street parking is going to be really hard for cottage court developments. It might make sense to reduce parking requirements, and didn't we already remove parking requirements for small developments? How about "no off-street parking required for the first 12 units, then either .5 spaces/ unit or a TDM plan required after that."
Liz trice	07/01/2024 - 2:25pm	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	might want to be clear here that no parking is required for the first 4 units.
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	This restriction is vague and unclear. It is also unnecessary because the residential zones already have lot coverage requirements. At a minimum the word "hardscape" should be replaced with "impermeable"
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	7.4.2(E)5 Development standards	A minimum of 3,000 square feet feels like it is too much. This will ensure that developers can only build these on multiple lots. Therefore, this section should be rewritten to only include the 300 square feet per unit
Liz trice	07/02/2024 - 2:25pm	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	It might make sense to take the time to take 3 sample lots and calculate what the maximum # of units and a possible layout might look like. I'm happy to help with that.
Liz trice	07/02/2024 - 2:30pm	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	If you really want this type of development, it's important to reduce the the setbacks in all the residential zones. I suggest 5' for all setbacks, and perhaps allow 10' from an existing structure on an abutting lot.
Liz trice	07/02/2024 - 2:24pm	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	Make it simpler, just say," if all units are under 800 sf (I would say 900 sf), then the number of units may be doubled." Also, "residential structures" here is confusing, because isn't a duplex one residential structure? I don't think you need paragraphs B or C.
Liz trice	07/02/2024 - 2:29pm	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	It's unclear what the goal is here. If the bonus is for tiny homes, make really tiny, like under 550 sf. If the goal is more moderate size homes, then the numbers could be 900 which allows for a two story townhome with 2-3 bedrooms, and then you'll want to make sure you allow multi-unit structures.
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	In addition to the small unit bonus, there should be a bonus if the cottage court "provides mid-block permeability with public access in the form of a continuous path of travel with a minimum clear width of 10 feet between two streets."
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	7.4.2(F) Development standards	The bonus should be 35% and the bonus should not be capped at three. This is unnecessarily confusing and goes against the goals of the cottage court development.
Jeff Sherman	5/9/2024	Konveio	7. Dimensional Standards	7.5.2 Pedestrian passage required	Passages should be allowed to accommodate cyclist in addition to pedestrians if the developers want. Therefore, the following language should be added to the end of this section: "Passages may, but are not required to, be designed to accommodate cyclists in addition to pedestrians."
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	7.6.1 Exceptions to minimum height	New parking garages should not be exempt from the minimum height requirements.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Rachel Conly	5/9/24	Email	7. Dimensional Standards	7.6.3(A) Small island lots	In Section 7.6.3 (A)4 Small Island Lots, it notes "New small island lots may only be created by a single lot division of an existing lot, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional small island lots is prohibited." Does the "standard" dimensional requirement referenced include "small lots" 3,000 SF and greater? For instance, some properties consist of two or more small adjacent lots. I am wondering, as an example, if a property owner can divide two adjacent lots that are 3,000 SF? Or does the split have to result in one of the lots being 20,000 SF? Related to the above, I am also assuming that the reference to "a single lot division" means this is a one-time division opportunity? Related to above, can you still split a lot if it results in an increase in the nonconformity of dimensional standards, such as setbacks and lot coverage, of any home/structure remaining? I assume the answer is "no", but want to confirm.
PIC	5/18/24	Email	7. Dimensional Standards	7.6.3(A) Small island lots	Many questions about the proposed limit on lot division that requires the primary lot to maintain 20,000 sq. ft., so a lot would need to be 23,000 sf to carve off 3,000 sf.
PIC	5/18/24	Email	7. Dimensional Standards	7.6.3(A) Small island lots	Interest in exploring a system where a land owner can divide their property and maintain the setbacks and lot size requirement of IR-2/Small Lot. Such as from a 6,000 sf lot making two small island lots of 3,000 (provided that the original lot/structure can maintain the Small Island lot setbacks and lot coverage).
PIC	5/18/24	Email	7. Dimensional Standards	7.6.3(A) Small island lots	Concern about the business of short term rentals on Small Island Lots.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	7.6.4(A) Permitted encroachments into setback areas	The restrictions that the porch may not exceed 50 square feet nor the projection from the building exceed six feet are arbitrary and do not serve the goals of the city. Neighborhoods with active front porches create a greater sense of community and make people feel safer when walking past at night. Additionally, a frequently used front porch is often a much better use of space than a grass lawn. Consider changing this section as follows: Any setback may be occupied by an entrance porch, with or without a roof, as long as the entrance porch does is setback 5 feet
Jeff Sherman	5/13/2024	Konveio	7. Dimensional Standards	7.6.4(B)3 Build-to zone exceptions	2 Suggestions: (1) "may" should be changed to "shall" or "must." (2) "provided the front setback or build-to zone is met to the maximum extent practicable" should be changed to "provided the front setback or build-to zone is met to the extent reasonably practicable."
Jeff Sherman	5/8/2024	Konveio	7. Dimensional Standards	7.6.5(B) Stepbacks	There should be a similar exception for existing properties adding external insulation
Tim	07/23/2024 - 3:26pm	Konveio	7. Dimensional Standards	Grade	The definition of pre-development grade is not an average. It is simply the elevation existing as of October 1, 2000. Average grade can be calculated using pre-development grade or finished grade. It would be helpful to put a note in this definition that Pre-development grade is used on the Islands for the measurment of height but not on the mainland.
Tim	07/22/2024 - 9:21pm	Konveio	7. Dimensional Standards	Grade	This should clearly state that it is finished average grade. There should be absolute clarity that the intent for calculating average grade on the mainland is finished grade and not pre-development grade. Ultimately the way we calculate height should be from 24" above the highest elevation of the sidewalk or from 36" above the street, where sidewalks don't exist. A definition for "Actual Building Height" should be added. This would be a measurement from FFE (Finished Floor Elevation) to the bottom of the Roof Beam. FFE and Roof Beam Elevation should be required on all elevations and stated on Site Plans along with Actual Building Height. Building Height above sidewalk would be the vertical height measured from the highest elevation along the sidewalk/street to the roof beam or other roof type measuring system currently utilized.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Zdenka Griswold	6/11/24	Email	7. Dimensional Standards	Height	I've looked at the ReCode proposal online and I agree that we need more flexible zoning and denser, multi-family housing throughout the city. I have one major objection, however, and that is to changing the height limits in the various zones. I firmly believe that Portland is and should remain a low-rise city, and that this will only enhance the city's appeal and livability. Tall buildings block out the sun. Streets can seem more like tunnels rather than open, welcoming spaces. In Portland, tall buildings will be dramatically out of proportion to the residences and businesses around them, looming over them, overshadowing neighborhoods and appropriating their sense of place. In the heart of most of the world's beautiful cities I've seen, it is not possible to build to great heights and this has made them the wonderful places they are. In the city centers of Paris or Prague, there are almost no tall buildings. Even notable exceptions such as New York, a grand metropolis whose neighborhoods are the high-rises, have large swathes of lowrise residential areas which are subject to strict landmark protections - think Brownstone Brooklyn. Here we can achieve housing density and affordability by allowing denser, multi-family buildings throughout the city without ruining the friendly, neighborhood appeal of Portland by building too high.
Crystal Redfield	6/20/24	Form	7. Dimensional Standards	Height, density	Higher buildings would be great to allow to utilize footprint to its highest and best potential. Make it easier for shipping containers to be used as homes-also tiny homes and more homes per lot even for tiny lots!
John McGovern	6/7/2024	GIS Map Viewer	7. Dimensional Standards	Table 7-A: RN Dimensional Standards/Lot size	I have one simple question . Why would you set the minimum lot size in a R3 area at 6500 square feet when many of these lots are 3000 square foot lots of record? In doing so you are creating a hardship for someone who may have two lots equaling 6000 square feet which in other areas of the city such as R5 meet the standard. In a time when there is an extreme shortage of housing units and the state and city say we need more density it makes no sense not to make use of such lots that meet a standard allowed in other areas of the city.
William Dowd	6/5/24	Form	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	Can existing lots be subdivided if they meet the new RN4 code. We own a property at 35 Bolton Street that is a 3 unit building on a 14,025 sf lot. Provided we meet frontage and side set backs, can we subdivide the lot? We went down to 1 Canal Plaza today and it was extremely informative. Chris did a great job explaining the potential changes. We think that the Recode will be great for the City of Portland.
Robert Kahn	4/18/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	If I understand the ReCode Wave2 correctly, the physical and visual implications to off-peninsula residential neighborhoods would be major to extreme. The density and reduced setbacks would look like the multi-family units on Park Ave. across from Deering Oaks. These multi-family units are so close together, that on side elevations they are looking into each other's windows. And think about building fire codes and the cost of fire protection to build so close together (masonry construction, only). Also, can the fire department maneuver fire trucks around this density of buildings? Bring the Portland Fire Dept. into this review before passing the changes. I suggest that computer generated examples of what is being proposed in the new code be compared to the multi-family buildings on Park Ave., and other neighborhoods, that way citizens can visualize what the physical impact of these changes would mean. These design ideas seem to be imported from other places to achieve more housing at any cost. But the cost to build this way could be expensive, visually out of place and should be discussed.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	The shift in regulation from the current R-1 and R-2 zones to the new RN-1 zone allows low-density residential neighborhoods to take advantage of reduced setbacks and, for ex-R-2 properties, a minimum lot size reduction from 15,000 square feet to the new zone's 10,000 minimum. However, the zone's height, use, and lot size regulations remain unchanged, which will impact development and housing regulation in this zone. Allowing multifamily dwellings might encourage a housing supply shift, but failing to enable innovation in these other categories will reduce the impact of this change.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	The new RN-2 zone allows more flexibility than RN-1, but this is largely a result of preexisting zoning rules rather than current reform. Reducing frontage requirements from 25 feet to a five-foot average with adjacent yards is a great reform. Still, without significant change in other categories, this change and the increased allowed property uses will also have a reduced impact.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	RN-3, similar to RN-2, only reforms regulations on setbacks and property usage, leaving other regulatory factors the same. Like the above categories, this change may have some positive effects. Still, it does not go far enough to remove the regulations that substantially contribute to Portland's housing crisis.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	The draft rules reform RN-4 far more than the above zones, likely because the city is attempting to focus regulatory reform around transit corridors. These reforms would reduce minimum lot sizes from 6,000 square feet to 5,000, as well as lowering setbacks significantly but keeping the maximum height at 35 feet. While most of these changes increase the flexibility of the use of these parcels, the refusal to change the height maximum will mean that multifamily residences will have to get narrower without getting taller, thus reducing the efficiency of this reform.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	RN-5 is one of the zones with the most disappointing changes. The draft rules' reduced setback regulations are a good improvement, and the preexisting restrictions were quite flexible. However, the changes to this zone are almost nonexistent, and the new rules reduce the maximum height for 1-2 unit properties from 45 feet to 35. Additionally, this more permissive zone is not expanded at all in the new map, and many zone borders throughout the city remain unchanged.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	RN-6 and RN-7 are both zones that encourage many high-density residential uses, and some of the reforms here are good in reducing minimum lot area and encouraging variable uses. However, these zones cover a tiny number of parcels throughout the city, and thus, the flexibility these zones and their reforms allow will have limited effects.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards	The solitary reforms that occur in some zones without bigger changes will not significantly improve Portland's housing market. In RN-1, multi-family units and increased uses areallowed, but setbacks are changed only slightly, and the maximum height is still only 35 feet. In RN-2, increased uses are allowed and setbacks are reduced, but the same 35-foot maximum applies. Both of these reforms make small changes but fail to meaningfully change minimum lot size, maximum height, or setbacks. Thus, all these reforms do is let Portlanders build smaller residential buildings rather than larger ones, which is what multifamily properties truly need. Allowing multifamily uses on paper while making it incredibly difficult to build them will not effectively combat Portland's housing crisis. These zone reforms are two clear examples of how Portland's reforms are well intended but do very little in isolation from more impactful policies. When facing a housing crisis of this magnitude, Portland should be building up but it is still refusing to do so.
Sam Lebel	07/08/2024 - 8:09am	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	This brand new dimensional standard will negatively affect housing projects, or not allow them to happen in the first place. Recommend that the Design Manual and existing space and bulk standards continue to govern scale and mass in what is supposed to be the densest, most flexible residential zone in the City.
Sam Lebel	05/16/2024 - 8:43am	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	This is a brand new requirement for this zone and will cause issues with the viability of projects. There are a number of successful projects built in this zone with facades longer than 60' due to the lot geometry. This new requirement represents a barrier to the creation of new housing. If a project is still able to work on a larger lot by creating multiple buildings then it means less units/amenity space and higher construction costs per SF which ultimately get passed on to the future residents. Please consider eliminating this new requirement, or at least significantly increasing the dimension of 60'.
Tim Wells	6/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	Where did the 60' number come from? It is a simply an arbitrary number that put forth by people wanting to stop multi-home projects in the only residential zone that allows them. The 60' number would make hundreds of current buildings in the RN-5 non-conforming. It will stop all Affordable Housing projects in the RN-5 zone and will only allow3-4 unit projects to be built. Now this is the purpose of the rule but considering that we are in an acute housing shortage this doesn't seem to be very smart. Considering that we should be trying to use land more effectively and promoting development patterns that reduce fossil fuel usage, promote public transportation and walkability, the ability to support local businesses sprinkled through neighborhoods and current demographic trends means that the only way to achieve the density needed to support neighborhood businesses is to build more homes on less land it would seem this is very counter to these goals or meeting these pressing challenges. 60' limitation will make it very difficult, if not impossible, to get proper separation of stairwells and egress points in 4 story buildings or to achieve net to gross sf designs that actually pencil financially. So this rule will basically stop most multi-unit buildings from being built in the zone that traditionally/historically has housed the greatest portion of Portland's population. This flies in the face of history, or the City's needs and against the Comp Plan. This should just be scrapped. If a limit is needed it should be no less than 85' but best to let architects, engineers and developers decide on building designs.
Amy Oberlin	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	This brand-new dimensional standard is SO restrictive and will needlessly rule out so many good projects. This needs to go.
Charlotte R	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	I strongly agree that this restrictive length maximum is a huge problem for density and multifamily housing. This will prevent a lot of multifamily housing when it is supposed to be allowed in RN-5. Multifamily buildings are key to achieving so much of what the city wants in terms of affordability, accessibility, sustainability, etc.
Charlotte R	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	Editing to clarify that I'm referring to the 60 ft max length in RN-5

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Acorn Engineering	7/24/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Building length	New regulation for maximum building length of 60' implemented in RN-5. (Table 7-A). A new dimensional standard has been added to RN-5 (formerly R-6). The maximum building length is proposed to be 60' which would have negative consequences to certain projects' viability, especially if the parcel happens to have a high ratio of street frontage to lot depth. By enacting this standard, if a project is still able to be financially viable then either parking is going to be incentivized on the Peninsula and/or multiple buildings will be incentivized meaning at a minimum: • Twice as many elevators, stairwells, sprinkler/mechanical rooms, and circulation area which will result in a lower unit count and less residential amenities. • Twice as many utility runs and trenches in the street. • More expensive construction which gets passed onto the end users if the project is able to proceed. A prime example of a successful project in the RN-5 with a façade longer than 60' is 104 Grant Street (the Goodwin). This project provided 23 units, 8 of which are deed restricted for affordability. Given the lot geometry which features a high street frontage to depth ratio, the façade along Grant Street is 117' long across a 4-story building. The project Architect used multiple techniques to break down the scale and mass of the building including projected vertical bay windows creating visual interest and shadow lines, a purposeful window pattern, punched openings, and a variety of tasteful siding materials. The Architect responded to Staff's design review comments and the design was positively received by Staff and the Board, receiving final approval at its first meeting with the Planning Board, without the need for a workshop. In fact, this building is used as an example in the Draft R-6 Design Manual to demonstrate a building with varied massing. If this project was required to be split into two buildings, at a minimum it would have provided less total housing stock, including less affordable homes. It's possible the project may not have happened at all due to the added costs and lower unit count that would have resulted from a maximum façade length of 60'. The building was completed in 2022, seamlessly incorporated into the neighborhood with full occupancy of 23 new homes. Additionally, several years ago there was a multidisciplinary working group formed between the public and City staff to overhaul the Design Manual. During this process, façade composition was discussed; however, a maximum façade length was not. We would encourage Planning Staff to review these meeting minutes, recommendations, and overall progress that went into the overhaul from qualified professionals and City staff, prior to the second phase of the ReCode process. In conclusion, in the City's densest residential zone on either side of the State's largest and most productive downtown hub, we see this new proposed regulation as prohibitive and atypical. If adopted as drafted, this requirement is undoubtedly going to sacrifice residential amenity space and/or overall unit count, potentially making a housing project financially unfeasible. We strongly urge you to reconsider this prohibitive dimensional standard, or at the very least, significantly increasing it to allow flexibility in design, programming, and proforma. In addition to the Design Manual, the other existing space and bulk standards play a role in controlling the mass and scale of a structure, such as height, setbacks, stepbacks, and lot coverage. We think the Architect and design team should be responsible for providing a high-quality design that conforms to the Design Manual and existing space and bulk standards without being capped at 60' for a façade length.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Corner side setback	The RN-2 zone should be merged with the RN-3 zone. The side setback is the only real difference between the two and it is not that significant. Having 1 zone instead of 2 will be much simpler and will allow for more incremental growth throughout Portland.
Emma Morse	5/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Corner side setback	What is the purpose of having a different setback for corners. It would be simpler for any street side be considered front so that the buildable areas are more generalized and not dependent on what is considered "front".
Urbanist Coalition	6/10/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	Need for More Setback Reductions: Setbacks are how far a building can be built from the property line. There are some improvements here – e.g. instead of having side setbacks increase in relation to building height, they stay static – but we still have front and rear setbacks in R3 and other zones that are 20-25 feet. This makes it functionally impractical to build a backyard Accessory Dwelling unit, and has no evident utility. Walkable neighborhoods, communities where households can thrive with little-to-no driving necessary, have become a central plank for Portland's urban politicians. The UCP strongly believes that legalizing the development of such neighborhoods can save Portlanders money, make our city more beautiful, and alleviate the effects of climate change. To do this, one need only look at Portland's most delightfully walkable districts which exist now, such as those in downtown Portland, on Munjoy Hill, or in the West End. One of the key features of these neighborhoods is a dynamic streetscape with building fronts close to the street and building sides close to one another. Enabling this requires a substantial reduction in setback minimums, which have not been adequately addressed in these draft changes.
Sam Lebel	07/08/2024 - 8:13am	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	Is this meant to read as "Average of abutters minus five feet"? If so, recommend implementing a default baseline and taking the smaller of the two. Otherwise this new setback could either inflate the front yard setback (potentially not allowing a housing project to work), or in the absence of abutting properties there is going to be a grey area and a lot of questions. Recommend: "Average of abutting properties minus five feet, or five feet, whichever is less".
Jeff Sherman	5/8/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	The RN1 zone should also have the incremental language of the other zones. So it should be: 20 ft, or the average of the adjacent front yards minus 5 feet, whichever is less.
Emma Morse	5/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	It would be great if this zone matches all other zones and also had a front setback of 5 ft

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Amy Oberlin	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	Why is this so much higher than the others? Seems like if 5 ft is fine for the other R zones it should be fine for this one too.
Acorn Engineering	7/24/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Front setbacks	Increased front setbacks for certain lots within residential districts. (Table 7-A). Residential Space & Bulk Standards call for the front yard setback to be equal to the average of abutters minus 5'. We believe there will be unintended consequences with this proposed change due to certain parcels either lacking direct abutters, or having abutters with large front yard setbacks that are not representative of the neighborhood. Similar to how it's structured in the RN-1, we strongly encourage including an OR statement to include a default minimum setback (5' in the RN-5 for example), otherwise, there will be conditions where the site either won't have abutting properties to calculate setbacks from, or the front setback is going to be prohibitively large to allow a housing project to work. Recommend altering this standard to "the average of the abutting properties minus five feet, or five feet, whichever is less", which is a similar approach to the existing standard.
Urbanist Coalition	6/7/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Height	Reduction in Allowed Building Heights: Several elements of the new changes, however, raise alarm bells at the UCP. As a prime example, one of the few notable revisions made to the first wave changes (now reflected in the second wave) was a walking-back of height increases in several zones across the city. The current height restrictions in Portland's Land Use Code are quite limiting for a city of our character, and the moderate increases proposed in the first wave changes were very nearly the sensible minimum to raise them. Despite this, the height increases apparently alarmed those segments of the public concerned about such things enough that they convinced the Planning Department to, essentially, return to the restrictive status quo. This is a doubly concerning move, not only are the stricter height limits bad for working Portlanders, but this may also indicate an unwillingness on the part of planning staff to stand by their own proposals in the face of a small minority's criticisms. Raising height limits is far from the most important part of the ReCode process, but we encourage the city to stand by their original, data-driven assessment and proposals in this case.
Jeff Sherman	5/8/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Height	Like the setback requirements, structure height should be set up to encourage incremental growth. Therefore, the max structure height could be something like: 35 ft., or the height of an adjacent property plus 5 feet, whichever is greater.
Charlotte R	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Height	I also like the idea of allowing height to grow incrementally to encourage gradual infill as the city's needs change over time. This seems like a great way to accommodate future growth within the bounds of people's worries about neighborhood character changing quickly
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Height	Detached accessory structure height should be changed to 20 feet or 3/5th the height of the principal structure, whichever is greater.
Sam Lebel	5/16/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Landscaped open space	This is an increase from 20% under the existing code and represents additional challenges in creating housing. Recommend maintaining the current 20% open space requirement for residential uses.
Charlotte R	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	I feel these minimums are absurdly large and are counterproductive to building more housing that is affordable and environmentally friendly. I agree with the other commenter that these should be lowered to 5000 in RN-1, RN-2, and RN-3.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	Minimum lot area on RN-2, RN-3, and RN-4 should all be 5,000 square feet. At a minimum both RN-2 and RN-3 should be 6,000. This small variation between the zones is very arbitrary and creates confusion and limits development for no reason.
Tim	07/22/2024 - 9:35pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	Reduce to 5000 sf. Portland is a city not a suburb
Tim	07/22/2024 - 9:34pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	Reduce to 5000 sf
Tim	07/22/2024 - 9:34pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	Reduce to 5000 sf
Tim	07/22/2024 - 9:34pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area	Reduce to 4000 sf
Tim	07/22/2024 - 9:11pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area per dwelling unit	This should be reduced to 680 sf/du. The typical lot on MH and throughout much of RN-5 is 3400 sf or 40' x 80'. As household size is decreasing and people are choosing to live in smaller homes it makes sense to allow 5 homes (du's) per lot. This gives greater flexibility in design, creates more homes, uses land more efficiently and will help make more ideas and construction viable.
Charlotte R	6/4/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area per dwelling unit	This minimum square footage could be smaller to accommodate more units. Plus, in the current housing landscape, large units like this are going to be unaffordable for a lot of people. Setting 1200 SF as the minimum for new units makes it harder for people to find housing that fits their needs and budget.
Emma Morse	5/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area per dwelling unit	RN-2, RN-3, RN-4 all have really large SQ/unit. 1200 SF is the area of a large 2 unit apartment. This seems larger than necessary.
Cameron Thompson	6/5/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area per dwelling unit	There are plenty of current single family homes in these zones that are less than 1200 sqft. There are also units in multi-family buildings less than 1200 sqft. This requirement is too restrictive and does not align well with the current situation.
Cameron Thompson	6/5/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot area per dwelling unit	Oops, I misread this as a sqft minimum for the unit not the lot. I retract my statement.
Jeff Sherman	5/8/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot coverage	Lot coverage should be the same for residential and nonresidential uses

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Emma Morse	5/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Lot coverage	For RN-3/4/5/6 60% is far too low.
Acorn Engineering	7/24/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Open space	Increased open space requirements in RN-5. (Table 7-A). The RN-5 (formerly R-6) Space & Bulk standards propose an increase from 20% open space to 30%. The existing 20% standard is already difficult to make work on many infill projects. We strongly encourage maintaining 20% as the minimum requirement. The majority of recently permitted R-6 infill projects are close to, or at the 20% limit due to site constraints. Implementing an increase to 30% would not only result in these lots becoming nonconforming, but it will create less flexibility for housing projects, including the potential for loss of habitable floor area which generally translates to units or bedrooms.
Jeff Sherman	5/13/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Rear setbacks	Rear setbacks in RN-3 and RN-4 should be changed to 10 ft.
Scott Hastings	5/28/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Rear setbacks	If anything I would like to see larger rear setbacks (25' or 30') for principle and/or multistory structures in the RN-4 (and maybe RN-3) zone balanced by smaller front set backs (10' default instead of the 20' proposed). This would keep the development focused on the street. It would also continue the traditional street car suburb layout of contiguous back yards which allows for more trees and a sort of shared air space that helps the yards feel bigger, even with more units on the fronts of the lots. I don't have any issues with the accessory structure setback.
WB	5/27/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Rear setbacks	This should be 5 feet, regardless of the cumulative side yard distance.
Cameron Thompson	5/28/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Rear setbacks	This is now slightly more restrictive than the current setback rules for R-5 small lots: "The width of one side setback may be reduced 1 ft. for every foot that the other side yard is correspondingly increased, but no side yard shall be less than 4 ft. in width." I believe there are many residences in the proposed R-4 zone which would violate the proposed side setback rule. I would propose rules that reflect current situation and represents a more even progression from R-3 to R-6 6ft except that a setback may be reduced to 3 feet provided that the cumulative side yard is not less than 12 feet
Emma Morse	5/19/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Rear setbacks	Curious why the RN-6 side setback is much higher than the other zones
Damon Yakovleff	5/3/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side and rear setbacks	Side and rear setbacks for <250 sf accessory structures should be reduced to 3' for all zones - especially RN-3 and higher.
Jeff Sherman	5/3/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side and rear setbacks	Agreed. This should be standard across all zones
Cameron Thompson	5/31/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side and rear setbacks	Many current accessory structures are in violation of the 5' setback as well.
David Boneparth	4/8/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side setbacks	The issue that I saw was the infographic is showing 8ft setback for rn-4 for the updated version which was just posted. I sent the email prior to reading through the doc, which I did last night, and found the details you posted below. Thanks so much for the quick response and clarification. We need as much housing as possible and this is a small, yet needed, step in the right direction. I do believe all setbacks should be removed so we can increase the quantity of housing and the tax base.
Portland Housing Development Corporation	7/20/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side setbacks	Recommendation #6 – Reduce RN-6 Side Setbacks to 10’ and Front/Rear Setbacks to 15’ Justification for reducing RN-6 setbacks: • To realize RN-6 goals of a residential neighborhood characterized by “multifamily dwellings at relatively high density”, all setbacks should be reduced. 25’ setbacks in all directions are excessive and will crimp housing production in RN-6 zones over the long-term. • Under current R-5a and R-6a zoning, minimum side setbacks are only 10’ and 16’, respectively; and minimum front and rear setbacks are 10’ and 25’, respectively. We encourage lowering RN-6 setbacks to match existing R-5a setbacks of 10’. • Reducing setbacks will help create more flexibility in housing types and increase housing production, in alignment with Portland’s Plan 2030.
Peter Dydo	07/19/2024 - 12:12pm	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side setbacks	These set back requirements seem to continue to make row houses illegal. I think there should be an option to allow for no side setbacks to allow for this type of housing.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Tom Landry (Benchmark Real Estate)	7/25/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Side setbacks, lot coverage, etc.	RN5 (formerly R6) is too restrictive! For context, this zone is in the most populated part of the peninsula and was intended to be the area where most of the residential real estate development and housing would be. In the last decade, what can be built in R6 was modified and made more restrictive. Beyond this, the majority of R6 was placed under historic preservation. This eliminated the ability to demolish neglected 1-2-3 families and replace them with larger buildings. It also added a level of complexity, expense, delays and oversight. Those seeking to build in these areas today, even on a vacant lot, must navigate the historic preservation board, which can take up to six months and cost developers tens of thousands of dollars. In fact, the current R6 is so limiting that many of the historic homes we all love could not be constructed today. The proposed RN5 down zones these urban residential areas and needs to be edited. Edits to RN5 (formerly R6): 1. Reduce side setbacks to 10' total with 2' required on one side and 8' on the other. This allows for a buffer on one side and a drive aisle on the other. This is the rhythm/layout of most of the current neighborhoods. 2. Reduce rear setback to 5'. 3. Allow 80% lot coverage that would include the primary structure and outbuildings and eliminate any reference to maximum building lengths. 4. Allow structures to be built to 60'. The current allowed height is 45'. This will allow for four stories and offset efforts underway to adjust/lower how we determine average grade. This also increases the likelihood of occupants in spaces with greater volume and those high ceilings we all love. 5. Allow 10' for roof appurtenances. The current and proposed zoning does not address this and it's a big miss. Past changes eliminated the ability to create activated, livable roofs with amenities like rooftop gardens with elevator and stairwell access.
Portland Housing Development Corporation	7/18/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Stepbacks	Recommendation #4 – Eliminate Height Stepbacks for Affordable Projects above 45' in RN-7 to Increase Homes Per Project Justification for eliminating height stepback: • Stepback requirement above 45' in RN-7 will harm the financial feasibility of 4-story or taller affordable buildings by significantly raising the cost of mid-rise multifamily development. The result of this regulation would be fewer affordable homes built in the RN-7 districts. Efficient multifamily construction depends on "stacking" units so floor plans are consistent vertically throughout building, as well as minimizing unnecessary envelope detailing. Typical affordable multifamily construction targets 3-6 story buildings for cost and construction efficiency reasons. This change to height stepbacks would interrupt "stacking" on mid-rise buildings, thereby complicating simple building envelopes and increasing design and construction costs at a time when affordable housing resources are scarce and construction costs are rising rapidly. • PHA's Bayside Anchor (4-stories) and Solterra Apartments (6-stories) were only financially feasible because there were no required stepbacks. • Eliminating stepbacks for affordable projects above 45' will materially increase the quantity of affordable homes that are built in the RN-5 and RN-7 districts, which aligns with Portland's Plan's 2030 housing goals to "Increase, preserve, and modify the overall supply of housing citywide", to "Encourage additional contextually appropriate housing density in and proximate to neighborhood centers", and Future Strategy #3 to "Remove Housing Barriers". These stepbacks, as proposed, conflict with City affordable housing production goals. Alternative recommendation: • If not feasible to eliminate height stepbacks for affordable projects, significantly increase the height at which the stepback standard is triggered in RN-7 and/or create a stepback waiver process for affordable housing projects that can justify hardship.
John P. McVeigh	6/10/24	Email	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Street frontage	The old Rosemont farm was subdivided circa 1900. The lots were give 55ft of road frontage. When Portland adopted zoning, it made frontage to be 60 ft. All the lots in the subdivision thus became nonconforming. This is all of Columbia Rd Makes it impossible to expand the footprint of existing buildings. This will hinder expansion of housing here and elsewhere where historical lots became nonconforming. Please address this if possible.
Jeff Sherman	5/13/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Street frontage	Street frontage minimums should be eliminated in the RN-7, RN-6, RN-5, and RN-4 zones. In all other zones the street frontage minimums should promote incremental growth and infill development. Consider changing the minimum frontages to 20-25 feet in all other zones (RN-1 - RN-3) to encourage more flag lots.
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	Table 7-A: RN Zone Dimensional Standards/Street frontage	Additionally, street frontage requirements should be waived if the property owner acquires an easement to access the property.
Tanya Seredin	4/24/24	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	I have a concern about the proposed 3' side setback in the R2 zone that is proposed in the second wave of the ReCodedraft. While I applaud the reduced setbacks, I feel that the 3' dimension is too close to abutting properties and, based ona brief exploration of property dimensions on the tax map, I don't believe that a larger setback (6' or 8') will adverselyaffect the buildability of the lot. The ReCode draft allows encroachments up to 2' into the setback by chimneys, bay windows, eaves, etc., and this wouldmean that structures would be allowed 1' away from the property line. This means that roof drainage and snow dumpingcould be on the abutter's property. Most Peaks Island lots are 50' wide; very few are narrower. However, even a 40' wide lot would allow a house that's 28'wide with 6' side setbacks, and a 24' wide house at 8' setbacks. My preference would be to require an 8' side setback. This would provide adequate space for roof overhangs, doorways with steps, and drainage, and it would provide enoughspace for maintenance and construction without disturbing the abutting property.
Bob Harville	4/24/24	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	My name is Bob Harville. I am a retired Landscape Architect/Land Planner living at 43 Willow St., Peaks Island. I have been following the City's Re-Code process with great interest. Looking at the proposed revisions, I find a lot to like but also areas of concern. My apologies in advance regarding the length of this email. The issues are complex and hit close to home. Positives: Reducing the setbacks and allowing Small Island Lots (3,000s.f. min.) in the IR-2 Zoning District better reflect the Island's historical development pattern. This initiative will also help address housing affordability by creating new opportunities for residential construction.
PIC	5/18/24	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Concern about 5 ft. side setbacks in IR-2 Small Lot that also allow for encroachment of 2 ft.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
PIC	5/18/24	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Lot coverage going from 20% to 60% a concern - would 40% be enough?
PIC	5/18/24	Email	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	Support for reduced setback to allow additions.
Alicia Kershaw	6/26/24	Form	7. Dimensional Standards	Table 7-B: Island Zone Dimensional Standards	RE: Peaks island buildable lot size Message: I support greater density bit 3000 sf is too small for a buildable lot.
Markos Miller	6/23/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Thanks for all your work on ReCode. This is important work and it is moving things in the right direction- denser, more diverse development, reducing accommodations for automobiles. I want to follow up on the conversation I had with Kevin at the Recode studio about zoning along the arterial corridors; I had asked why these were designated as B2b zones, not TOD zones. Kevin explained that the proposed zoning would meet or exceed the TOD allowances when affordable housing bonuses were considered. That made some sense at the time, and got me thinking a little more. I see some potential problems here. 1. I'm concerned that this makes desired density along transit corridors dependent on affordable housing. We need affordable housing and transit-supportive density, but we should not be making one dependent on the other. We need dense housing for all income levels to make transit work; and to support neighborhood businesses needed for a walkable neighborhood (rezoning for mixed use alone is not enough- we need enough households to support a neighborhood business district). This level of build-out should not be dependent on affordable housing.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	B-4 is a zone where allowing more variable uses and reducing setbacks are helpful, pro-market reforms. However, while the zone's preexisting 65-foot max height allows for flexible development, the same can not be said for the 10,000-square-foot lot minimum and 60-foot street frontage minimum. As stated earlier, altering one or two factors in a zone without a change in a variety of regulations will significantly chill the effects of zoning reform.
Jeff Sherman	5/14/2024	Konveio	7. Dimensional Standards	Table 7-C: Mixed-use Zone Dimensional Standards/Gross floor area	Maximum gross floor area should be eliminated
Liv Chase	5/20/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Does the height stepback for building heights over 45' apply to lots abutting a residential zone? OR any zone? OR does it apply in general to the lot lines of the parcel? My understanding is that under the current code, the stepback just applies to abutting a residential zone and this stepback is lessor (5' side, 15' rear)
Liv Chase	5/21/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	Why does it then say if above 45' there is a step back? Is this pertaining to a step back if not abutting a residential zone? If you could further clarify then that would be helpful.
Markos Miller	6/23/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	3. I recently met with some members of the affordable housing community to discuss housing on Franklin Street. One thing they shared is that they are almost never building anything more than 6 stories due to the costs of concrete and steel. I believe Kevin said the B2b zones along the transit corridors allowed 6 story heights, and then 2 more with an affordable housing bonus. If that is the case, under current market conditions, affordable housing developers are not going to be building the 8 story buildings that we are proposing to offer them as a bonus. That seems to render much of the affordable housing bonus meaningless for some time to come; those 6+2 story buildings will not be built.
Cheryl Leeman	7/17/24	Note	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	B2B increase in height from 45 ft to 65 ft (locations additional bonuses to increase height and no set backs)
Tim L	06/23/2024 - 10:28pm	Konveio	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Height	The height allowance should only be restricted to 50' if abutting RN1 or RN2 Zones.
Jeff Sherman	5/13/2024	Konveio	7. Dimensional Standards	Table 7-C: Mixed-use Zone Dimensional Standards/Lot area	There should be no minimum lot size in the B-4 zone.
Tim	07/22/2024 - 9:05pm	Konveio	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards/Stepbacks	Height stepbacks should be eliminated or start at 55' not 45'. The rear setback of 25' is excessive. It should be reduced from 25' to 10'. Stepbacks can add significant cost to construction.
Jeff Sherman	5/8/2024	Konveio	7. Dimensional Standards	Table 7-C: TOD Zone Dimensional Standards	Minimum 35 feet should be added to TOD1
Markos Miller	06/23/2024 - 12:25pm	Konveio	7. Dimensional Standards	Table 7-C: TOD Zone Dimensional Standards	How many floors does 85' allow? Is this really only a gain of 1 flr more than the 65' limit of B2b?
Markos Miller	6/23/24	Email	7. DImensional Standards	Table 7-D: TOD Zone Dimensional Standards	2. The TOD-1 height limit of 80' at least offers a guaranteed max of 7 floors of development, over the 65' (6 floors?) of B2-b. Are these heights being set based on development targets or geometries and scale of development along these lots
Jacob Lavarnway	5/21/2024	Konveio	7. Dimensional Standards	Table 7-E: Office Park and Residential Zone Dimensional Standards	The only area that I can see that has the Office district is the Unum lot, north of Exit 46. This office district should not exist. Instead, it should be replaced with one of the business districts. This would enable dense housing to be built for Unum employees right nearby, improving cost-effectiveness for the infrastructure and enabling bike/ped-oriented development for Unum employees.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Sylvanus Doughty	7/25/24	Form	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards; street frontage	[...] I have reviewed much of the commentary and have a comment about R-3 zoning. The area around Maine Avenue and Virginia Street (The Pines) or the State named streets, was platted 100 years ago as 30 foot increments (40 feet at corners) of frontage with 100 feet of depth. This in many cases resulted in 60 foot frontage lots of 6,000 Sq ft. While existing lots were grandfathered, with the arrival of zoning, R-3 imposed 65 foot frontages with 6,500 sq ft which obviously ignored the existing use pattern. It can be noted that that area more resembles R-5 zoning with its 6,000 foot lots.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards; height	More height and density should be allowed along all major corridors and neighborhood centers. The current ReCode proposal calls for skyscrapers downtown. This is great but doesn't go far enough. And, only a few will ever be built. I suggest converting all current business B1-B4 zones to a new B5B zone. This would allow all B5 uses but provide a boost in height to 80' with 10' of allowable appurtenance. These activated roofs are perfect for residential use, solar panels, and more. This new zone simplifies an overly complex patchwork of business zones and allows for more height in existing commercial areas. Even in the proposed ReCode, sections of streets, very similar in nature, have a piecemeal of allowable uses. For example, inner Washington Ave between Congress and I-295 has four different B zones and a sliver of residential. This should all be B5B with an additional height bonus. My proposal incentivizes development in existing urban and busy locations and relives the demand to develop in residential zones.
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.3.6(G)2 Parking requirements	This should be changed from "the amount of parking required" to "the maximum amount of parking allowed."
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.3.7(D)6 Publicly accessible corridors	Publicly accessible corridors should also include bicycle infrastructure.
Jeff Sherman	5/3/2024	Konveio	8. Overlay Zones	8.5.2(12) Use restrictions	This should say: Other uses may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use is substantially similar to a use listed above OR will generate pedestrian interest and activity
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.6.5(E) Dimensional requirements	This should be changed to 60% to reflect the changes to the residential zones.
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.6.6 Parking requirements	This should be changed from "the amount of parking required" to "the maximum amount of parking allowed."
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.7.8 Parking requirements	This should be changed from "the amount of parking required" to "the maximum amount of parking allowed."
Jeff Sherman	5/10/2024	Konveio	8. Overlay Zones	8.7.8(C)Parking requirements	This requirement should be eliminated. On-street parking should be permitted if it reduces the overall number of parking needed.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	8. Overlay zones		Establish Prosperity Overlays along specific sections of our most traveled corridors and neighborhood nodes/centers where infrastructure and public transportation exist. The city wants to create complete neighborhoods where residents can walk to all they need for daily life. For centuries this is how we lived, before the automobile and subsequent suburban sprawl. Numerous public policy research studies shows that complete neighborhoods are good for local businesses, public health, and the environment. We need to get back to the walkable, bikeable neighborhood centers our city enjoyed 100 years ago. And we can if we establish prosperity overlays. While ReCode does include some, these areas need to be expanded, the allowable heights increased, density improved, and the process for permitting streamlined. I would refer to these areas as B5BPO with all the allowable uses of the B5B above and additional bonuses of 100' with 10' overrides on roofs. Streets to include: • Forest Ave – from Congress to Warren Ave • Washington Ave – from Congress to Veranda • Washington Ave / Auburn St from Gertrude Ave to Lyseth Moore Dr • Allen Ave from Forest Ave to Northport Dr • Congress St – from Munjoy Street to the city limits • Veranda St – from Baxter Boulevard to the city limits • Presumpscot St – in its entirety • Areas / Neighborhood Centers / Nodes • ILB Zones – on the peninsula (a large portion of East Bayside) • Approximately 400' along any major road off the following intersections: Woodfords Corner, Morrill's Corner, Bradley's Corner, Lunt's Corner, Brighton Corner and Nason's Corner Note – many of these areas are historic districts, giving them additional protections. So, existing buildings in these historic areas would be protected, like most of Congress Street.
Jeff Sherman	5/3/2024	Konveio	9. Form-Based Zones	9.1.4(C)1 Mid-block permeability	Incentives like this that create more pedestrian path should exist in other parts of the code. For example, in the RN-2 or RN-3 zone.
Kate Hambley	5/28/2024	Konveio	9. Form-Based Zones	9.1.7(A) Subdistrict dimensional requirements/UN	I'd like to see these side setbacks reduced. Townhome/party wall style development is entirely consistent with the historic character of this area, and is currently not allowed given these setbacks. There are also a number of very narrow lots that cannot feasibly/economically be developed due to these side setbacks, and it would open up housing/development opportunities on these lots.
Jeff Sherman	5/3/2024	Konveio	9. Form-Based Zones	In general	The India Street Form Based Zone should extend (or should be allowed to extend) to Cumberland Avenue. Additionally, this zone would work great on Inner Washington and East Bayside. There should be a way for this zone to grow naturally overtime.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jeff Sherman	5/3/2024	Konveio	9. Form-Based Zones	In general	Form based zones should be added to other parts of Portland including parts of the West End.
Peggy Shaffer	6/5/24	Email	General	B1 - B2 Zoning; Height; Green Space	I would like to thank the Planning Department for all the work that has gone into the Recode process. I support the vision to increase density in Portland with the goal of enhancing neighborhoods and creating a resilient city for the 21st century. The Eastern promenade park is a unique and valuable asset that defines the Munjoy Hill neighborhood and the Portland Peninsula. In considering the proposed Recode recommendations, I would like to ask the Planning Board to honor established zoning precedents and protect the human scale and pedestrian experience that attracts residents and visitors to this quintessential Portland landscape. In talking with planning department staff during the public comment sessions, I learned that there is only one property on the peninsula, which is being rezoned from B1 to B2b, and that is the Northern Burner Supply Site at 165 Washington Ave. Redfern Properties has already proposed a 75 ft. building for the site. Yet, this property abuts the western end of the Eastern Promenade Park. This Recode graphic depicts the view of the Portland skyline from the western end of the Eastern Promenade Park on Washington Avenue. This rendering depicts the western façade of Redfern's proposed building abutting the Eastern Promenade Park on Washington Avenue. This section of Washington Avenue, which encompasses Jack Path and the Mt. Joy Orchard, East End School Outdoor Classroom Garden, and the North Street Community Garden, serves to connect the commercial and residential sections on the south side of Munjoy Hill to the paths and green spaces of the Eastern Promenade. This is a highly valued and used pedestrian space that knits together the green spaces that exemplify the core of the Munjoy Hill neighborhood and the Eastern Prom. It is a critical link that defines how residents and visitors use the neighborhood. There is no reasonable justification for this particular property to be rezoned. There are no other B2 zoning designations that abut the Eastern Promenade; the properties across the street from the park are zoned B1 (one property has already been developed under B1 guidelines); and the properties next to 165 Washington Ave on Cove street are zoned B1. That makes this property an anomaly—an anomaly that will become a vastly out of scale building in this pedestrian street scape. Frankly, it appears that the rezoning of this particular property is spot zoning for the benefit of a particular developer. I heard today that the planning department will propose rezoning the buildings across the street from the park from B1 to B2 in order to deflect this charge of spot zoning, with the potential of further marring the human scale and pedestrian landscape of the park. I ask the planning board to request an amendment to the Recode Proposal to maintain the B1 zoning on 165 Washington Avenue on those properties that line the Eastern Promenade Park in order to preserve the human scale and pedestrian experience of the park and the streetscape. This shows the scale of Redfern Properties' proposed building in relation to the streetscape and the park. A single 75-foot building on this one particular site will not solve Portland's housing problem. The building would be vastly out of proportion with the park. It will increase vehicular traffic and parking congestion in and around the park. It will result in the loss of approximately one third of the Jack Path forest. And it will mar the interconnection between the park, Portland trails, and the gardens that define the western end of the Eastern Prom. I hope that members of the planning board will support and protect this quintessential public landscape. B1 zoning is enough for this particular property and as well as all the other properties that line the Eastern Promenade.
PIC	5/18/24	Email	General	Capacity	Concern about additional building where there is no city water and sewer.
PIC	5/18/24	Email	General	Capacity	Concern about building where there is city water and sewer, but the present system seems to be at capacity.
Eliav Bitan	5/29/24	Form	General	Density	My wife and I are Mainers who left and came back. We have great jobs and good incomes. We got priced out of living in Portland because there is not enough housing. Please increase housing supply so we can afford to move back! We want to live someplace walkable. We think there are too many restrictions and limits to building in Portland. The current plan is a step in the right direction but needs to go further
Myles Smith	6/7/24	Form	General	Form-based code	Thanks for your hard work on this complicated stuff. Unfortunately, I feel many changes have made things more complicated, not less. We need form-based code that actually allow for reasonably gentle development to mimic what we already have - more Oakdale-like density, neighborhood businesses, and mixed use larger buildings downtown.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Maclean Mini	6/25/24	Email	General	IR zones	I am writing to you as I have some issues with the wave 2 of zoning concerning where I live, Peaks Island. First though I want to explain why I have issues with the zoning. Peaks Island was hit incredibly hard by the surge in real estate prices during the pandemic. For instance, our family bought our current house on peaks for $400K in 2017, and as of today it is worth $1.3M. Housing is so astronomically unaffordable on Peaks that so many people who would love to live here and would greatly contribute to the community and economy simply cannot afford to do so, and I know quite a few people who fit this description. Let's go back to zoning. Virtually nothing has been changed about zoning on Peaks in the new wave of changes, which considering it's been 50 years since zoning was last changed in Portland it is quite frankly appalling. On Peaks density is impossible to build even though the demand is there. What I'm proposing is a bit of a baby step towards reducing housing prices on Peaks to affordable levels. [MAP IMAGE INSERTED HERE] These are some of the changes I suggest. For some reason many new developments have been built right in this area in the past few years, and being close to the backshore but also being sheltered enough from storms to not receive damage is also a benefit of this location. By updating the zoning in this area we can reduce housing costs, bring more people out to Peaks and create a denser community while also expanding recreational land area. Such a plan would most likely require extending the city's public septic line, but that is something that should have been done long ago anyway. Paving the current roads here is another good idea considering the current dirt and gravel roads are very prone to potholes.
Markos Miller	6/23/24	Email	General	TOD Zones; Height; Density	5. Finally, I'm a little concerned/confused about the proposed height allowances along Franklin St. The B3 zone description on the ReCode site references the City Height Map; is that this: https://content.civicplus.com/api/assets/a82366ca-9734-4937-a5a2-60074442125c?cache=1800 ? If so, the 65' limit for B3 and B5 does not go far enough along a major thoroughfare with huge development opportunities so close to jobs, schools, services, transit, and walkable, to boot! Even more so if those affordable housing bonuses don't result in more housing. If I'm missing something, please let me know. Talk to the affordable housing community about the effectiveness of that proposed bonus. Aim higher and cast a wider net for denser housing close to transit and neighborhood business districts. I know you are trying to strike a balance for the city as a whole. I appreciate your efforts.
Marion Snyder	4/5/24	Form	General		Very confusing. What is the re-code for Nason's Corner? And what actually does it mean to re-code the area? Please be specific in the answers and don't direct us back to the map.
Sam Lebel	4/30/24	Email	General		I just wanted to drop a quick note to say this story map is brilliant! Super impressive how slick it is to visually understand the What and Why. Really well done.
Bruce Sterling	4/30/24	Form	General		I am a property owner on Peaks Island thinking to build a one family residence. A builder I spoke with needed to know whether the property is determined to be a 'lot of record'. Both my property surveyor and my professional Appraiser are sure my lot should be considered a 'lot of record'. I would like to know how to get that determination settled. Thanks for your help, Bruce
Urbanist Coalition	6/12/24	Email	General		It's Still Too Long & Complicated: Beyond the changes which have been proposed, both for better and for worse, there are also those changes which haven't been proposed – or seemingly even addressed. As has already been made clear, despite one of the original goals laid out for ReCode being to simplify the very complex code, relatively few opportunities have been taken to attempt this. While at several points redundant or overly specific language has been streamlined, the overall character of the code remains much the same. There are still dozens of zones, the maps still look astonishingly complicated, and the number of conditional and provisional uses still leave homeowners, tenants, builders, and others guessing as to what is allowed and what isn't. Cities should be walkable, and land use codes should be readable.
Urbanist Coalition	6/16/24	Email	General		Transparency and Elegance: Lastly, the most important omission from ReCode is any commitment towards transparency. Why are the lots on one street zoned for low-density residential, while another similar street's lots are for dense mixed-use? Why are the borders where they are, and why are the zones restricted in the ways which they are? Even when planning staff do make attempts to explain the rationales behind their decisions, they tend to leave many assumptions unexamined. What's more, planning has consistently played catch-up with the city, only latently approving uses for which there is already great demand. While it's easy to forget, the very term "planning" necessitates a focus on the future: future needs, future demand, future growth. For too long, planning in Portland has been focused on, at best, the present – and often it's been stuck in the past. Portland's land use code and zoning map ought to be based on concrete, rational decisions motivated by data. If zoning restrictions cannot be justified by solid material concerns, then they ought not be applied. Any sufficiently-motivated resident – with no advanced degrees or experience – ought to be able to look at the zoning map and understand why the zones of Portland are where they are, and why they are how they are, right across the city. A natural corollary to this is that the zoning map should not look like a Jackson Pollock painting. When an individual lot is classified as a unique zone from all the land which immediately surrounds it, can that really be justified by reason? Maybe sometimes – but typically, "spotzoning" and similar practices ought to be avoided at all costs. Zoning should not be a shadowy court of appeals where land use is decided by arbitrary boundaries, special interests, unspoken motivations, and unpredictable administrators. It should be a clear-cut, sensible process with which any homeowner can become comfortable. So far, Phase II looks to continue, and in some ways even worsen, the status quo of complexity and opacity.
PIC	5/18/24	Email	General		What happens when a newly proposed business zone abuts residential lots. Are there ways to reduce or remedy the impact?

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Marion Snyder	5/13/24	Form	General		What exactly is re-code? Is that a zoning change? Please don't refer me to the websites or maps too confusing. How does this affect Nason's Corner and other neighborhoods? Did someone go around from your dept. and put up small orange plastic banner indicating what home zoning changes? Please let us know. Thank you.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	General		Generally, Maine Policy Institute has several recommendations on how to improve these draft rules. First, reductions in only one or two regulatory factors in a zone are highly ineffective, and reforms in height restrictions or setback requirements should be paired with reducing other regulations in the same zones. Second, greater shifting of zone borders should occur, as the reforms focus too much on transit corridors which will reduce the overall impact the reforms will have on housing quantity and pricing. Lastly, these zoning reforms should be paired with the removal of rent control and inclusionary zoning throughout the city.
Cheryl Leeman	7/17/24	Note	General		Demolition of existing buildings in residential zones?
Jean Russo	6/5/24	Form	General	Density, setbacks	As a Portland native and a long time Realtor in Portland, I have several concerns about the proposed rezoning. Over the past 40 years, most of my clients have purchased property and put their life savings into that property knowing they would be protected by the zoning restrictions. Now those zoning restrictions are being tossed aside to cram more housing into already dense areas. New height restrictions will mean goodbye to backyard privacy and to any sunny yards with gardens! Removing the requirement of off-street parking and no boundary setbacks will create huge problems. Where do tenants in a multi-unit put their cars when it snows in areas like Stroudwater, Capisic, Rosemont and Deering Center? There are no public places to park and little public transportation. Please add the requirement of at least one off street parking spot for each apartment. Also, allowing no side setbacks is wrong! How do you repair the side of your home without encroaching on your neighbor's property? I know of at least one lawsuit where the neighbor would not let the new owner of an in-town building access the side of his building to work on it. I think the case is still pending. We need at least 10 feet for side boundaries in every zone so that property owners can access the side of their home or building without encroaching on neighbors' land. Finally, what about the impact on our local schools with all of these added apartments? I understand that everyone wants to live in Portland, but that is not possible. Maine is a big state with tons of land and it's time to start moving some of these developments to outlying areas; most are less than 20 minutes away so let's work on improving public transportation to those locations. Let's keep some green space in Portland and stop increasing the density. To do otherwise is going to destroy our beautiful City and will decrease property values.
Barbara Carter	6/17/24	Letter	General	Peaks Island	When you think about increasing density out here with more housing... - Do you think about the fact that most of the roads we drive on are Paper Roads (we have 102 of them) that are not very well maintained, and that the city does not want to accept roads out here as official streets because they don't want the liability or responsibility for them? - Do you think about the fact that residents have difficulty getting cars on and off the island year-round because there's not enough spaceon the ferry, and that we have cars lined up down the street in our business district for six months out of the year that causes terrible congestion, and creates a dangerous situation - Do you think about the fact that we have a small parking lot on the island for commuters that is full to overflowing most of the time? - Do you think about the fire risk out here, and that because of that risk, it is very difficult to get homeowners insurance here, that there are many insurance companies that will not insure properties on Peaks Island. And do you think about how that fire risk will increase when setbacks can be as small as 6 feet between houses? - Do you think about the fact that PORTLAND provides the absolute minimum services out here, and that they barely respond when there's a problem, and that it is very difficult for the police out here to enforcelaws because the city thwarts them at every turn. - Do you think about the fact that our infrastructure may not be able to handle many more houses? That our sewer treatment is already at capacity? I fail to understand the purpose the city has in increasing housing density out here. I do believe we need some additional housing here on Peaks Island, especially affordable housing, which is important in keeping our diverse community, but if the city is looking at it as a way to solve their housing problem, Peaks Island is not the place to be developed. The city would have to step up and consider us like any other neighborhood of Portland, and provide far more to us, before it makes sense to build any significant amount of housing out here.
Peter Ferrante	6/5/24	Email	General		I am a 76 year old former real estate broker born and raised on the Portland peninsula who lives at the base of Munjoy Hill. As I stated in a letter to the editor of the Press Herald on 1/4/22, Portland could use modern rooming houses to alleviate housing shortages and high rental prices especially for people in the service industries. I missed your 2 public feedback sessions on 6/4 and 6/5 at Canal Bank. I disagree with the the public comments I read today about buildings too high, densities too high, parking scarcity, and massive projects. Too many NIMBYs. Portland is not a quaint little town anymore. We desperately need new housing.

RECODE SECOND WAVE COMMENTS					
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Priscilla Doucette	6/6/24	Form	General		I visited your space at 1 Canal Plaza yesterday. I received some information from several helpful people. I still have very strong concerns. Since I have lived, worked, and paid taxes in Portland all my life, I feel quite qualified to understand our problems and enjoy our successes. Briefly stated, I am perplexed at why Portland needs to be infilled and crowed with housing, which will be totally out of the economic reach of those people you claim to be helping. The changes will simply give developers more space to squeeze in more expensive homes. Once your proposed zoning takes place and the beauty and character of Portland is gone, then yes, you will have affordable housing. Affordable apartments can be built in large spaces which exist, such as Morrils Corner or Canco Road. But simply crowding and changing neighborhoods is not he answer. And as an aside, once the unique view of Portland from the water is lost to tall buildings, another aspect of our desirability will be gone. Please continue with your work to keep Portland vibrant and livable.
Kathryn Jordan	5/6/2024	GIS Map Viewer	Map	1582 Forest Ave	For a larger parcel that is vacant and has frontage on a city corridor with bus access, can there be a way to allow new multifamily in this zone.
Joseph O'Donnell	5/8/2024	GIS Map Viewer	Map	1582 Forest Ave	This large parcel would be fitting for affordable housing along the corridor of Forest ave and near the B1 zone. Unfortunately the RN 2 zone doesn't propose new construction multi family, only existing is a conditional use. There aren't many large lots left in a location that abut a main corridor. A conditional allowed use of new multi family makes sense here, If an appropriate project came along. Maybe changing the zone to B1 or RN3 or RN4 makes sense.
Cynthia Beattie	5/25/2024	GIS Map Viewer	Map	160 New Island Ave	There are paper rows like this one that really dont exist-they are not even passable by walking and are landscaped areas of properties now. One the map you should consider using a dashed or different outline
Tyler Holbrook	5/28/2024	GIS Map Viewer	Map	6 View Street	There are paper rows like this one that really dont exist-they are not even passable by walking and are landscaped areas of properties now. One the map you should consider using a dashed or different outline
Jeff Sherman	5/13/2024	GIS Map Viewer	Map	72 Tide Mill Road	The area around the Jetport should be upzoned. Because of the jetport, this area could support more frequent transportation. If this area was a mixed use zone, public transportation could serve the jetport, the mixed-use zone, and the Maine Mall. This zone being RN-1 is a missed opportunity.
Jeff Sherman	5/14/2024	GIS Map Viewer	Map	83 College Street	This parcel should be zoned RN4 or B2.
Tom Lane	7/24/2024	GIS Map Viewer	Map	Allen Ave/ Summit Street	Must slow auto traffic in this area for pedestrian/bike saftey
Tom Lane	7/24/2024	GIS Map Viewer	Map	Allen Ave/ Washington Ave	Improve intersection for pedestrians and bikes.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	Map	B-1, B-2/B-2b	B-1, B-2, and B-2b are all zones in the mixed-use category, and the ReCode Portland Second Wave removes a lot of regulatory restrictions, such as minimum lot area and an increase in maximum height for specific properties. While these deregulations, coupled with an increase in allowed uses and a reduction in setbacks, combine to encourage property development effectively, these parcels are few and far between. Portland's emphasis on transit corridors means that only a narrow portion of the city will be affected by these reforms, reducing the efficacy of any proposed rules. This is where something good occurred, but the impact area is too small. These zones should be expanded.
Jeff Sherman	5/8/2024	GIS Map Viewer	Map	B-2 1060 Forest Ave	(1) In the existing zoning map this area along Forest Ave is zoned as B2. This area should remain zoned as B2. (2) There should not be any residential zoning along Forest Avenue, especially in this part of Forest Ave. This is precisely the area where the city should encourage mixed use zoning.
bah	6/4/2024	GIS Map Viewer	Map	B-2 91 Auburn Street	How can we incentivize infill housing along the street frontage within these large shopping centers' parking lots such as this B2 zone (Northgate Plaza)?
Portland Housing Development Corporation	7/17/24	Email	Map	B-2 Brighton Avenue	Recommendation #3 – Rezone a Portion of Sagamore Village Parcel (274-G-1) to B-2 Justification for rezoning: • This parcel has an irregular shape with two vastly different contexts: busy Brighton Ave on its south side and suburban Sagamore Village to the north. • Adjacent corners of Brighton/Cabot/Rand intersection are all B-2. • Parcel to its east is B-1. • Across the street from proposed TOD-1. • See Exhibit B for a proposed zoning map showing where the Brighton Ave portion of this parcel would be rezoned to B-2, while the rest of the parcel remains RN-4.
Liv Chase	6/25/2024	GIS Map Viewer	Map	B-2 Wilmont Street/Cumberland Ave/ Chestnut Street/ Oxford Street	Recommending B2 for the block bordered by- Wilmot Street/ Cumberland Avenue/ Chestnut Street/ Oxford Street. This is an extremely walkable location that is only 3 blocks from the Downtown District and the Old Port. B2 is the recommended zoning instead of RN5/ RN7 to allow for higher density and more apartments to be built which will address the ongoing housing crisis. Additionally, this neighborhood would benefit from first floor business as development in the East Bayside District continues to grow.
Jeffery A. Curran	6/6/2024	GIS Map Viewer	Map	B-2b 163 Washington Ave	Please included my property located at 163 Washington Ave., in the proposed zoning map amendment from B-1 to B-2b for the property located at 165 Washington Ave,. my property located at 163 Washington Ave. abuts this property.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Peggy Shaffer	6/1/2024	GIS Map Viewer	Map	B-2b 165 Washington Ave	The proposed zoning change from B1 to B2b for 165 Washington Ave, which boarders the northern end of the Eastern Promenade Park, is inappropriate given its impact on the Park. Graphics for the Recode project uses this exact view from the Park back to the city skyline, as a key image for Portland Recode. While increasing the housing supply, especially the affordable housing supply, is an important goal for Recode, this site does not need to carry the whole burden, especially when it has such deleterious impacts on surrounding properties and the public park due to height, scale, shading, traffic and parking. Given that the adjacent properties on Cove St. will retain B1 zoning status, this particular zoning change appears to be spot zoning to favor Redfern Properties, LLC at the expense of the public. There are no other B2b zoning changes proposed along the Eastern Promenade. As Recode graphics suggest the expansive Park vista should be protected by retaining the B1 zone.
Liv Chase	6/24/2024	GIS Map Viewer	Map	B-2b Washington Ave	Recommending B2b for all land along Washington Avenue that is on the Portland peninsula. Currently, there are only a few remaining lots which are B1. This is a transportation corridor as identified by the City of Portland. We should be encouraging growth and high density at this location. Keeping the zoning consistent allows for equal development throughout this dramatic gateway to Portland.
Eric Pierpont	6/25/2024	GIS Map Viewer	Map	B-2b Washington Ave	I believe that all B1B peninsula parcels on Washington should be B2B. We are in a transportation corridor and are going through a housing crisis. More density is required.
Patrick Boothe	6/25/2024	GIS Map Viewer	Map	B-2b Washington Ave	I am a local architect and resident of Portland. I have studied this site at the corner of Washington Ave and Congress Street extensively since 2017 when the current property owner hired us to prepare feasibility studies and building designs. Several attempts to provide mixed-use housing here has failed financially due to a combination of tricky site constraints, construction costs and a limitation in number of residential units. In a recent review of the property against Recode Phase 2, if these 3 contiguous lots under common ownership at the corner were changed from IS-FBC to match the adjacent B2b zone (both to the north and immediately across the street) it would appear that the property would allow approximately double the amount of housing units by allowing additional height. This minor map amendment could open the property to finally be within striking distance to be redeveloped. Thanks for the consideration! Patrick
Jeffrey Curran	4/11/24	Form	Map	B-2b Washington Avenue	I Jeffrey a Curran, owner of 163 Washington Ave., would like to be included in the B2-B zone change that isproposed at the adjacent property located at 165 Washington Ave..
Liv Chase	5/28/24	Email	Map	B-2b Washington Avenue	Washington Avenue is defined in Portland's Plan 2030 as a priority corridor (Future Land Use, page 86) It is a very dynamic street with many businesses already in place. It is extremely walkable which makes it very desirable. It is well suited for high density. "Priority corridors are major arterials that often see heavy vehicular traffic, but also have the capacity to improve mobility by capitalizing on their potential for increased walking, bicycling, and transit use. Priority corridors can also serve as areas of additional mixeduse, higher density growth to take advantage of the transit benefits and services that well-designed, diverse corridors can offer." (Portland's Plan 2030, pg. 84) Almost all of the land bordering Washington Avenue is in the B2-b district. Our proposal is that all of the land boarding Washington Avenue should be B2-b to encourage the area to grow at higher density as defined below. B-2b To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
Travis Letellier (GreenMars)	5/16/24	Email	Map	B-2b Washington Avenue	We recently concluded a pre-application meeting regarding our project at 221 Congress Street. The decision reached was to pursue a map amendment for the property, transitioning it from its current IS-FBC zoning to B-2b. Its not so much a dimensional issue, in a way it is, but we are looking to gain additional height within the building which will facilitate more units. In the current zoning we are limited to 62 feet with the bonus 5th level, however the top floor is severely limited by the 35-foot Washington Ave stepback. The B-2b, which runs up and down both sides of Washinton would give us the flexibility to go higher and ultimately add more units and more affordable units to this property. We would appreciate the opportunity to make our case in a meeting if you had the time over the next week, we certainly want to get this change into the re-code process as quickly as possible, please let us know the best way to make that possible. I have attached two documents that illustrate our re-zoning goals for the property. The first document shows historic, current and our proposed zoning of the property along with some arguments from Portland Comprehensive plan. The second document establishes some dimensional restraints of the current zoning in comparison to what we would be able to accomplish with a zone change in terms of height, setbacks, and unit counts. This document was shared at the pre-app meeting we had last week. We believe a change to b-2b would an overall benefit to the city in its goal for providing affordable and workforce housing. A portion of the property used to be in the b-2b before a previous zone change and would unite the western side of Washington Ave within the same zone.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	Map	B-3 zone	B-3 is similar in its light-handed approach to building regulation. While the above zones are focused on transit corridors, B3 is focused on the downtown area. Besides increased allowance of various high-density residential uses, very little reform happened in this zone though. The impact this zone has on Portland's housing crisis would be larger if the zone were larger as well.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Liv Chase	5/28/24	Email	Map	B-3 zone	The area comprised of Lancaster Street to the north, Wilmot Street to the east, Cumberland Avenue to the south, and Elm Street to the west is defined in Portland's Plan 2030 as a priority node area to enhance (page 86) "Priority nodes and corridors indicate areas that would be appropriate for new development to provide needed housing, businesses, and services proximate to transit, or areas that otherwise warrant some examination of potential for positive change in form and/or function." (Portland's Plan 2030, pg. 82) This is a very small cluster of RN5, B2b, and R7 that is completely surrounded by B3. The location of this district is within walking distance of the downtown district. There is alot of undeveloped land to the north (Bayside) and looking at growth patterns and development, this will likely be the next area to see substantial growth. It is on 1 block away from Congress Street (a priority corridor) which means it could benefit from high density and mixed-use that is only possible in a business district. Our proposal is that this area become a B-3 zone. It is closer in proximity to the downtown than it's neighborhood to the North, Bayside Neighborhood and therefore it creates a closer link to the downtown. It is one of the most walkable locations in Portland and it would only benefit from a zone with higher density. B-3 To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown, including three-family, four-family, townhouse, and multi-family structures to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.
Harris Van Pate, Maine Policy Institute	5/29/24	Email	Map	B-5 zone	For B-5 and B-6, the increased number of residential uses and low building height, setback, and area restrictions are preferable. While the purpose of these zones is to encourage urban development near the downtown waterfront, large parts of the downtown area would benefit from similar mixed-use and market-driven zoning.
Kenneth Capron	7/12/2024	GIS Map Viewer	Map	EWPZ	Regardless of your opinion, I am proceeding to lease an 880' x 155' rectangle for placement of a cruise ship affixed to shore and aligned with India Street. The lease from the State is limited to 30 years at a time. The use of the site will be 33%+ maritime uses, 33% educational and commercial and 33% residential dormitory style. This ship will counter sea-level rise and will have numerous climate and energy friendly features. It will contain parking. Has a 500-seat amphitheater. The uniqueness of this project will require a specialty zone for this section of EWPZ.
Jeff Sherman	5/13/2024	GIS Map Viewer	Map	Forest Avenue	All the properties along Forest Avenue should be zoned mixed use.
Luke Mello	5/2/2024	GIS Map Viewer	Map	General	Very useful in determining the zones in Portland. Would prefer more industrial building areas along the coast.
Liz Trice	7/2/2024	GIS Map Viewer	Map	General	So confusing that we 're still keeping so many zones! It would make so much sense to roll both R1 and R2 into the existing R3. It doesn't make sense to have an office zone at all, that should just be allowed use in residential zone and/or a B2 zone. Also, TOD zones should be the entire length of all arterials : Brighton, Forest, Congress, Washington. Also, not sure why we need TOD zones, could just lump them with the equivalent B zone.
Peter Markoe	4/18/24	Email	Map	Hanover Street	Neighbor to the below mentioned property [on Hanover Street]. Interested in what changes are planned here.
Thaea Lloyd	5/9/2024	GIS Map Viewer	Map	I-B 43 Willow Street	My name is Thaea Lloyd. I live at 43 Willow St. I am NOT in favor of expanding the IB zoning district. Changing the zoning would bring commercial development directly into my neighborhood without What is actually needed is space away from residential properties for the storage of large equipment, boats, etc.
Lani Remick	5/6/24	Email	Map	I-B Peaks Island	I am a year-round resident of Peaks and own the property at 173 Island Avenue. Since I purchased the property and continuing to the present, the front part of the property is in the I-B zone, as with most properties on this side of Island Avenue in this area. In the latest draft of the Recode map, it seems like for other properties on this side of Island Avenue you extended the I-B zone to cover the entire property if it had only previously covered part of the property. For example, this appears to be the suggested approach as to the property of my immediate neighbor at 165 Island Avenue. In the case of my property, however, instead of extending the I-B designation to cover the entire property, on the Interactive Draft Zoning map it seems like the I-B designation is removed, and the proposed zoning for the property is showing as entirely IR-2. (The Interactive Draft Zoning map also shows the "existing" zoning as IR-2, which is incorrect and perhaps this is the source of the error as to the proposed zoning?). Can you please clarify the intent as to the proposed zoning of my property? I would oppose any change that would remove the existing I-B designation.

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NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Lani Remick	5/29/24	Email	Map	I-B Peaks Island	The 1-B designation is an important part of the value of the property -- generally, the more potential uses a property has, the more valuable it is. It would be a detriment to the value of my property to remove the ability to use the property for business purposes that has long run with the property. Your explanation does not seem to match with my review: - While many properties have had the 1-B designation extended to cover the entire legal parcel, I do not see any properties other than mine from which the 1-B designation has been entirely removed due to residential being the "predominant zoning designation." - Several residential properties which previously had no 1-B designation are now designated 1-B. - Many properties on the opposite side of Island Ave from mine have maintained their 1-B designation even though, like mine, their "current use of record is residential." - The property directly across the street from mine maintains the 1-B designation, raising the possibility of that property being used for some commercial purpose while mine could not be if the 1-B designation is removed. Accordingly, I ask that you please alter your draft plan to maintain or extend the current 1-B designation on my property at 173 Island Avenue, thank you.
PIC	5/18/24	Email	Map	I-B Peaks Island	Can there be an additional measurement or percentage taken into account when remedying the split lots. Such as it can't extend more than 25% or 50% of the norm?
Bill Oliver	4/6/24	Email	Map	I-B Peaks Island	Hello. My name is Bill Oliver and I live at 8 Central Ave. on Peaks island. My wifeand I have lived on the island for 37 years. I am writing in regard to the rezone of 18Central Ave. into a business zone. Although this change could benefit my wife and I inregard to our property by expanding our business zone area (we are currently zonedfor commercial although we choose to keep our home a residence) we would like torequest that this change be dropped. If you visit our street you will see that it is a quietresidential neighborhood. The commercial buildings are located along Island avenue.Our island has a great need for affordable housing. We would very much ;like to seethis street kept as a residential neighborhood. Thank you for considering my thoughts.
Laura Glendening	4/16/24	Email	Map	I-B Peaks Island	I write today as the neighbor directly north of the building at 18 Central Ave on Peaks Island. I noticed that in the SecondWave draft map the business zone has been extended to include 18 Central Ave. I have concerns about this. The Catholic Church got a variance to build 18 Central Ave with significantly reduced setbacks. I read the text in theSecond Wave stating that the business zone has been increased to reflect the built environment, but in this case avariance was granted for 18 Central to exist in an established one family neighborhood. Now a few years down the roadCity Planning is proposing that now that 18 Central Ave looks like a business zone, because of the setback variancegranted by City Planning, it should be. This seems contrary to good policy and a corruption of the methodology of zoning. A variance should be a variance -- something that is different but exists in the present environment. It should not besomething that is granted to then allow a property to begin a process to become something that is drastically inconsistentwith the neighborhood. Is there a reason other than the built environment that City Planning granted a variance for, that has resulted in 18 CentralAve now being proposed as a business zone? I also noticed in the Second Wave draft map that Central Ave is the only street where City Planning has proposedextending the business zone with the sole purpose to include a property that is a distance from the present businesszone. This seems out of alignment with the criteria used on other streets running off of Island Ave. For example theproposed new business zone is not extended further east on other side streets (other than to include a whole lot wherethe lot was only partially in the present business zone). There are no proposed business zone extensions on Epps,Willow, Lower A, Sterling, Luther, or Elizabeth. The same criteria should apply equitably to all side streets. Because of the variance for 18 Central Ave that allowed for the significantly reduced setbacks my property would beadversely affected by it being in the business zone including a reduction of my property value. Therefore I ask you toremove 18 Central Ave from the proposed business zone as shown in the Second Wave ReCode map.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Bob Harville	4/26/24	Email	Map	I-B Peaks Island	2. Expansion of the I-B Zoning District - I am very concerned about the proposed significant expansion of the I-B Zoning District. The current I-B district generally runs along Island Avenue, which corresponds with the area of highest pedestrian/vehicular traffic. The proposed change extends the I-B district down Central Ave., Willow St., Epps St., Brackett Ave., Welsh St. and Adams St. This is a very significant expansion of I-B zoning into areas into residential areas. The proposed modification greatly increases the potential for land-use conflicts. It results in peninsulas of I-B zoning projecting into IR-2(residential) areas. There is no demonstrable demand for additional I-B zoning. Much of the land in the current I-B district is underutilized and would allow for re purposing or redevelopment to address any emerging uses allowed under the I-B district into the foreseeable future. One of the stated objectives of the redrawing of the zoning lines is to align district lines with parcel lines. In theory this sounds logical but in practice doesn't recognize the implications on the ground. I live on Willow St, which serves as a perfect example. #5 Willow St has a 32.05' frontage on Island Ave. and extends 502.28' down Willow St. The existing I-B district on #5 extends from Island Ave. about 100' along Willow. This depth generally matches the depth of 79 Island Ave., the lot that contains Baba's Cafe (an existing business establishment). The remaining 400' of #5 Willow is currently zoned IR-2 and adjoins IR-2 zoned lots. Willow St is a very narrow gravel drive and is an iconic island residential street. The proposed I-B zoning expansion would extend business zoning from Island Ave 502' up Willow St, which is 2/3 of its total length. This would be a 5 fold expansion of business zoning on Willow St. The effect could irreparable alter the residential character of the street. The only benifit of the proposed aligning of the I-B district with the lot lines of #5 Willow St is make the zoning line easier to administrate. The result would be to significantly increase the likelihood of land-use conflicts and to irreparably harm the residential character of the street. An identical argument can be made about Epps St. Lot #14 on Epps St has only about 20' of frontage on Island Ave and 246' of frontage on Epps St. #14 is essentially a flag lot. The existing I-B zoning overlays the flag portion of the lot and roughly corresponding to the depth of #79 Island Ave, the lot containing the existing retail establishment Baba's Cafe to the north and the Richard Boyd Gallery to the south on the opposite side of Epps St. Both Baba's and the Boyde Gallery have frontage on Island Ave. By revising the I-B zoning limits to correspond to the lot lines of #14 Epps St, business zoning would be projected down a residential street. There is no need for additional I-B zoning in this area. The modification is being proposed for primarily "administrative purposes". In order to be fully transparent, I have had an issue with Island Zoning in the past. I had extensive communication with Ann Machado (Zoning Administrator, Permitting and Inspections Dept.) regarding a land-use issue adjoining my lot. My issue revolved around what is an allowable use within IR-2 Residential District. The owner of Mike's Carts was using the rear of #5 Willow St as a staging and storage area for his rental golf carts. This resulted in golf carts comming and going for hours at a time every morning and evening, infringing on our peaceful enjoyment of our porch and yard. Working with Ms. Machado, it was determined that rental golf carts could only be stored on property zoned for business. Rental carts could not be staged/stored on residentially zoned land. After a great deal of anguish and time, Mike's Carts are no longer staged/stored at the rear of #5 Willow St. This issue unfortunately had a negatives effect on neighborly relations. Under the law of unintended consequences, the owner of #5 Willow is now using the rear of the lot as a storage yard for an assortment stuff, including 4 boats (belonging to the lot owner as well as others), a truck, camper van, a retail oyster sales cart, and other assorted stuff. We are concerned that if the I-B zoning line is shifted to include all of #5 Willow, we will soon see rental golf cards once again staged/stored up against our residential lot. Please reconsider the expansion of the I-B district. The proposed modification does not address a need for additional business zoning and will have a negative effect on our islands character. I look forward to the oppertunity to discuss this issue with you.
Betsey Remage-Healey	4/29/24	Email	Map	I-B Peaks Island	My particular concern is about the proposed zoning change to business for 18 Central Ave. on Peaks Island. Originally it was offered by the City to my organization, Home Start, to develop 3 much needed units of affordable housing. Then at the last minute we were derailed by a US Supreme Court decision mandating that owners of property lost to back taxes must be given the option to request the property be sold on the open market. And there it sits waiting for the listing and we sit with fingers crossed that we can manage to be the high bidder. I worry that a well heeled developer will note the prospect of it becoming zoned for business and plunk down $500k to hold it until that comes to pass. Which rules us out, and kills the prospect of affordable housing.
Mary Anne Mitchell	5/10/24	Email	Map	I-B Peaks Island	I live on Central Ave. and I am next to 18 Central. Our street is a residential street with a lot of pedestrian traffic and car traffic. I am opposed to changing 18 Central to be in the business district. Please consider what people on the street want for this propert
Will Crosby	5/13/24	Email	Map	I-B Peaks Island	I am a Peaks Island resident (at 92 Central Avenue). Through a neighbor, I became aware that 18 Central Avenue on Peaks Island is being considered to be changed from IR-2 to Commercial. I strongly request that this change not be allowed. Central Avenue is a residential neighborhood; allowing a restaurant or other tourist magnet would change the culture of the street, dramatically impact several immediately-adjoining residences, and move Peaks in a direction that I believe most residents would not support. I am registering a strong NO VOTE on changing the zoning status of 18 Central Avenue.
Alicia Kershaw	5/21/24	Form	Map	I-B Peaks Island	I'm writing to support the expanded business district on Peaks Island, Local businesses need space for trucks and equipment and this will help keep large vehicles off street parking. I'm not commenting on the proposed location because I am concerned about the effect on residents there. But we do need more areas zoned for business
PIC	5/18/24	Email	Map	I-B Peaks Island	Should the depth of the business zone be maintained equally on the east side of Island Avenue?
Robert Harville	5/6/2024	GIS Map Viewer	Map	I-B Peaks Island	My comment is regarding the expansion of the I-B zoning classification on Peaks Island. One of the stated objectives is to align zoning lines with property lines. This goal has merit in the broad context of the City but its application to Peaks is problematic. The current I-B district runs along Island Ave., which is the area of highest foot/vehicle traffic. Expanding the I-B zone on the east side of Island Ave to correspond to parcel lines results in peninsulas of I-B zoning projecting into residential areas. The proposed modification will greatly increase the potential for land-use conflicts. I live on Willow St, which is a good example. Willow is a very narrow dead end gravel drive. I-B currently extends 100+- ft down the St. The proposed modification extends I-B 502' up Willow which is 2/3 of its total length. This is a 5 fold expansion of I-B on Willow. The result could irreparably alter the residential character of the neighborhood. The same argument applies to Epps St.

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Robert Harville	5/6/2024	GIS Map Viewer	Map	I-B Peaks Island	Regarding the expansion of I-B zoning on Peaks Island-One of the stated goals is to promote “complete neighborhoods”. The Down Front area of Peaks is a prime example of a “complete neighborhood”, with a sustainable blend of neighborhood serving businesses in close proximity to thriving residential neighborhoods. There is no need for additional I-B zoning. The existing I-B district is underutilized, allowing for repurposing to address any emerging neighborhood serving business needs into the foreseeable future. Existing Island businesses are neighborhood serving but also rely on summer day-trippers to be economically sustainable. The proposed significant expansion of the I-B zone sends the signal that we want to encourage tourism business at the expense of preserving an existing “complete neighborhood”. This is an inflection point to decide if Peaks shall remain a residential island with a sustainable tourism component or a tourism based island with a secondary residential component.
Betsey Remage-Healey	6/5/24	Email	Map	I-B Zone	The City awarded Home Start the bid for 18 Central, hooray ! It is currently zoned to become a business zone under the ReCode. There will be 3 units of affordable housing there, god willin and the creek don't rise. My question is whether we could add a 4th unit under the ReCode. The developer says it is possible on a second (under the roof) level and the community has strongly urged a one bedroom unit. It isn't possible now because it is a non-confroming lot, regardless of LD2003 . We should have the cash to do so (the City accepted our low bid). Is this a possibility under the ReCode ?
Laura Glendening	7/6/24	Email	Map	I-B zone	I write concerning my property at 11 Sterling Street on Peaks Island and the proposal in the Second Wave of ReCode to put the properties along its southern (8 Central Ave) and western (119 Island Ave) borders completely in the business zone. In this case I would like to request that my lot at 11 Sterling St also be put in the business zone as this seems like a logical extension of I-B. This would then maintain equitably the same business zone depth on the block along Island Ave from Central to Sterling. (I have previously asked that 18 Central be removed from the proposed extension to the business zone.)
Douglas Cardente	4/30/2024	GIS Map Viewer	Map	IL-b 21 Diamond Street	I will need some help to properly prepare my comments regarding the IL-B zone. This is of great importance to me! Would someone be able to contact me directly. Thank you, Doug@cardenteproperties.com 207-233-1229
Douglas Cardente	7/9/24	Form	Map	IL-b zone	I have been trying to have a direct meeting with someone from Recode. I am strongly of the opinion that the IL-b zone in downtown Portland is mislabeled. Those years are behind us. In that the recode process is to bring the zones up to date, the entire Il-b zone should be changed to a B-5 zone. This still would allow for light industrial uses while removing the stigma of being in an industrial zone that doesn't really exist. I have a significant stake in this issue as being the largest land owner in this zone. Yet, I have not received even one notice that I am aware of. In fact, I believe one of my properties at 126 N. Boyd has now become a B-5. I am delighted, however I have two adjacent properties, one with direct Marginal access, that has had a 26,000sf vacancy for almost two years as we can't find any industrial user to occupy it! Please let my attorney and I meet with you to more fully express my situation.
MaryEllen FitzGerald	5/14/24	Email	Map	IR-3 zone	I would like to register my concern at the proposed change in zoning categorization for Diamond Cove. As a former president of the Diamond Cove Homeowners Board, I urge you to reconsider this ill-advised revision, which will almost certainly result in swift and immediate resistance from our homeowner population. As you know, Diamond Cove is essentially a gated seasonal community on Great Diamond Island. Although we have a small cadre of hardy year-round residents, fully 80% of our homeowners are seasonal residents who purchased or (in the case of Phase 2 owners) built their homes with the guarantee of very limited development on an island with tremendous historic significance. A major part of the appeal of Diamond Cove is the limited scope of residential development, and the presence of very limited commercial properties: The Inn at Diamond Cove, Diamond’s Edge Restaurant and Marina, and the Crown Jewel. The only motorized vehicles allowed for homeowners at Diamond Cove are golf carts. This contributes to a tremendous sense of detachment from more congested, urban environments and allows homeowners to appreciate the historical significance and natural simplicity of our island community. The existing IR3 zoning is the critical underpinning for this community, and has been relied upon by homeowners since Diamond Cove’s inception. Rezoning to allow for a more simplified code throughout the city is an understandable and commendable effort. However, there will be situations in which the rezoning effort (such as that proposed for Diamond Cove) will not be a good fit, or in fact, will effectively destroy a community that has operated efficiently and effectively within heavily prescribed historic preservation restrictions. I urge you to reconsider this ill-advised rezoning effort. Allowing broader uses such as accessory dwelling units, campgrounds and similar incongruous developments will result in a huge degree of backlash from homeowners who will find the value of their island homes diminished and their experience of the siland negatively impacted.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Richard Molyneux	5/12/24	Email	Map	IR-3 zone	I am the current president of the Diamond Cove Homeowners Association, and have reviewed the City's new zoning outline. I also have shared it with the rest of the board members, and have to say that we are in total agreement with the comments that the original developer of Diamond Cove, David Bateman, made to you earlier. Our existing IR-3 zone has been designed and managed to protect the National Historic Register components of Ft. McKinley, which was built approximately 120 years ago. We have very strict rules that apply to that area, controlled by our Declaration of Covenants, to insure that it will be properly preserved. Our IR-1 zone properties, which we refer to as Phase II properties, are all single family homes, which is the way it was designed, including related infrastructure. For example, Diamond Cove does not utilize the Portland sewer system; it operates its own, which has great limitations and cannot support more houses/units than we presently have. The bottom line is, while we understand the wisdom and motivation of the proposed zoning simplifications, there will be some entities that won't fit into that general mould. Diamond Cove is one of those. Thus we would very much like to get this corrected before it gets too far along and lawsuits start flying. We have 142 units at Diamond Cove, and I'm sure 99% of them will go ballistic if this is forced upon them, and for good reason, as it will have a very negative impact on our community, its residences, and property values. We sincerely hope this will not be the case. Please advise if you need anything more from us, including responses from the individual homeowners.
David Bateman	4/30/24	GIS Viewer	Map	IR-3 zone	Hello, Why is the current IR3 areas at Diamond Cove being proposed to change to IR1 as these zones are drastically different. Thank you. david@batemanpartnersllc.com
David Bateman	5/7/24	Email	Map	IR-3 zone	As you know Diamond Cove was (and still might be) the most highly regulated residential subdivision approved at the local, state, and federal levels in the State of Maine. The current zoning is also keyed to the two (2) phases that the project was divided into, both with very different restrictions and uses. The Declaration of Covenants and Restrictions provide an avenue for modifications within the IR-3 zone but require a 100% affirmative vote by IR-1 residents for changes within that zone (single family only). Since its inception in 1986 the IR-3 zone has had several amendments, all voted on by association members and then approved by the City. This process has worked very well and given a sense of security and control to the membership (which is predominately seasonal). My initial concerns with the proposed merger and additional uses as drafted are as follows: - Impacts to the Current IR-3 Zone a.) Currently there are four (4) multi-family buildings which contain eight (8) residential units each. It appears that the proposed IR-1 zone (if it replaces the current IR-3 zone) would render these buildings non-conforming. b.) All of the structures within the current IR-3 zone are within a National Register Historic District. With the exception of specific commercial properties located separately from the “parade ground” area, all uses are residential and in keeping with the nature of this protected area. Including other uses such as agriculture, childcare centers, campgrounds, solar energy systems and accessory dwelling units would be totally incongruous. I also believe if changed as proposed it could create a situation in which members may claim a diminishment of property value. In short the existing IR-3 zone was created for the purpose of preserving the historic nature of both the buildings and the environment in which they exist and should remain as currently regulated. - Impacts to the IR-1 Zone The current D.E.P. site location permit for Phase II of the Diamond Cove development has a limitation of 39 single family homes. The inclusion of three family, two family, and neighborhood non-residential use would be completely at odds with the underlying land use approvals. Given the substantial investments made by the current residents within the existing IR-1 zone the likelihood of legal action, again based on diminishment of property values, increase exponentially. In summary, the uses as proposed and merger of the current IR-3 and IR-1 zones makes no sense given the historic use, and existing state and federal regulations which govern this development. I applaud the City’s initiative to simplify current zones but in this case I believe the proposed zone changes will further complicate a very unique development.
David Bateman	4/30/2024	GIS Map Viewer	Map	IR-3 zone	Hello, Why is the current IR3 areas at Diamond Cove being proposed to change to IR1 as these zones are drastically different. Thank you.
Jeff Sherman	5/3/2024	GIS Map Viewer	Map	IS-FBC	The IS-FBC should extend through the backcove and onto inner-Washington Avenue
Martha Taimuty	5/28/2024	GIS Map Viewer	Map	Milliken Street	Please provide a legend with a useful description of the codes. The associated legend on this map just says 'B2'. I'm not a planning expert so I have no idea what that means. A link would work too. But if you want useful feedback, you have to give us useful information.
Kellan	7/5/2024	GIS Map Viewer	Map	Mixed-use zones	This recode effort seems to be completely missing the opportunity to define low impact commercial spaces (small markets (bodega), coffee shops, etc.) and allowing them to be in more areas throughout the city to encourage walkability and complete neighborhoods. I used Ocean ave as an example in this map. By this new re-code effort all of the great businesses that help make the area special would not be allowed under the new code if they hadn't been grandfathered in. This is a massive oversight that is overly restrictive and will continue to force car dependency and sprawl. The neighborhood needs low impact commercial spaces to be permitted, especially on a corridor like Ocean.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Gretchen Greenberg	7/8/24	Email	Map	OS-P zone	I attended the information session in May about the Recode Process. Thank you for hosting this meeting. I appreciate all the time, effort, and thoughtfulness that has gone into this process. It was helpful to review all the posters and talk to many of the city planning staff. I have several thoughts to share but will write about just one concern in this email regarding zoning for preservation areas. I would strongly encourage that area behind Casco Bay High School and PATHS be designated as an OSP area, where it is now R2, and proposed to be RN2. This is a field that hosts wildlife and wetlands. It has walking/bike paths developed by Portland Trails that are used for walking, biking, dog walking, cross country skiing and snowshoeing. This open space fits within the goals of "supporting the city's ecological systems through prioritization of native species and planting for pollinators." This field supports the need for open space and "prevents or reduces greenhouse gas emissions that are worsening climate change." It seems that preserving this area as open space would add to the city goal of climate resilience zoning. It is also an area that offers walking and biking within a reasonable distance from one's home. I am personally invested since I live close to this area and walk there regularly, so I guess that makes me a NIMBY. My neighbors would be considered NIMBY's too. Allow me to introduce you to some of them: - Deer - particularly the resilient three-legged deer. I don't know what happened to her leg but she hobbles around on 3 1/2 legs, and has produced a litter of fawns yearly. - The buck - although more elusive, he has been seen in the early morning hours on the west side of the field. - Fox - A neighbor (a human neighbor) noticed a sick fox last fall. Animal control caught it and brought it to a vet where it was treated (for a flu, of all things.) Once healed, animal control personnel returned the fox to the field where it quickly ran back to its familiar home. - Turkey who strut and fly around our neighborhood, oblivious to Thanksgiving. - Opossums that seem to hibernate under condominium decks, and waddle out to the field where they are likely to find ticks to feed upon. - Owls that helped to reduce the mice population that seem to migrate indoors each winter. - Bats and a host of birds - Wildflowers and other pollinators that contribute to bee dwellers and food in the ecological chain. My wildlife friends would not like their homes removed. They cannot speak up, so as a neighbor, I will speak for them as well as myself. Please consider this request.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	Map	Portland Technology Park	Further develop the Portland technology park. Located off Rand Road, this 26-acre site was intended to lure businesses in the states growing life sciences industry. To date, only one of the seven sites has closed with two others under contract. Clearly this site, which has been underutilized over the last 13 years, should be put to its highest and best use. Let's turn this into a mixed-use development of housing, office, warehouse, and what I'm calling IL/B5. This would be the perfect place for people to live, work, and play, just what residents and businesses want.
Karen Snyder	6/5/2024	GIS Map Viewer	Map	Process	Comments: 1) The interactive zoning map on this itty bitty laptop is very difficult to navigate and makes it hard for the public to leave electronic comments. 2) TOD and B2B are high enough and is creating only incentives for developers and not relatives. 3) Historic Preservation proposed changes are very concerning. 4) The public feedback is NOT conducive for residents that work during the day. 5) Providing public comment is very difficult and unsure if is captured correctly. 6) There should have been neighborhood meetings on this very complicated Recode changes that will impact all residents. 7) Still no protection of mature trees. 8) The grade slope height calculation is confusing and non-existent. It needs to be simliar to the Island building height calculation which is more clear.
Laura Reiter	6/18/2024	GIS Map Viewer	Map	Process	It would be helpful to have historic distracts as an overlay on the zoning map
Cameron O'Donnell	5/8/2024	GIS Map Viewer	Map	RN-2 1582 Forest Ave	The RN2 zone should not close the door on conditional new multi family use for larger parcels like this one. 55 units could go here with the density proposed, however the zoning text doesn't allow new Units. New multi family makes sense due to the lack of units nationwide.
Max Civiello	5/8/2024	GIS Map Viewer	Map	RN-2 1582 Forest Ave	new multi family should be an option in all large parcels that have street frontage, abut business zones, schools, and city corridors.
Jim wolf	5/2/2024	GIS Map Viewer	Map	RN-2 85 Beal Street	There is only one area on outer Forest Avenue zoned RN1 and that is at the bottom of Tucker Avenue, etc. Why is this area different from the rest of the area. To be consistent it should be RN2
Amy + Ben Johnson	4/6/24	Form	Map	RN-2 Auburn Street	In the second wave of changes, you proposed a boundary change that will negatively affect our plans to build housing on a prime lot in a growth area. Parcels 379 F010001 and 379 F011001 (291 Auburn St and the vacant parcel to the rear) are currently a mix of R-2-and R-3. In cleaning up the boundaries, you placed both parcels in the more restrictive RN-1. This severely impacts our plans to redraw the parcel boundaries and create a 7200 sq ft buildable lot in the area currently zoned R-3 at the north end of the plot (it would become subject to a 10,000 sq ft minimum). We respectfully request that you either: 1. Include both parcels in the less restrictive RN-2 zone, or 2. Leave the current messy boundary line as is so that the parcels are a mix of r-2 (future RN1) and r-3 (future RN2). When we eventually apply for a map amendment, this will allow us to make

RECODE SECOND WAVE COMMENTS					
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Daniel D'Alessandro	6/5/2024	GIS Map Viewer	Map	RN-2 Jackson Street	I live on Jackson Street, and we chose this street because we like the neighborhood. Unfortunately, even with the proposed relaxation of setbacks and setoffs, the neighborhood could not be built/rebuilt under the proposed zoning. The existing houses and garages are all nearer to the property lines than allowed under the proposed R2. The zoning should not be more stringent than the existing structures. Instead, Jackson Street should be zoned so that the setbacks and setoffs are consistent with the existing structures such that the neighborhood, as it exists now, could be built consistent with the zoning. The zoning should allow structures to be built closer to the property line (some existing structures are right on the property lines and have created no issues).
Alan Platner	4/5/24	Form	Map	RN-2 Ocean Avenue	I am really excited for this next wave of changes to become Portland's new land use code. I especially like the use of the RN4 zone applied to parts of the neighborhood between Canco and Ocean. Unless there is a compelling reason to do otherwise, I think it should be applied to the the RN2 areas in the neighborhood as well. Thanks for all your hard work with the recode process.
Philip Coupe	5/1/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use
Dimitri Coupe	5/1/2024	GIS Map Viewer	Map	RN-2 zone	NEW multifamily should be used as a conditional use
Ryan Petit	5/2/2024	GIS Map Viewer	Map	RN-2 zone	For a larger vacant parcel like this, new multi family isn't an option, only existing. I feel like having new multi family as a conditional or approved use would be appropriate to help address the housing shortage and the looming renter nation. A parcel that's this large could potentially have 50 rental units, whether they become workforce or market is up to the conditional use. Thank you
Cameron Carey	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use.
Brennan Barlage	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use
Owen	5/2/2024	GIS Map Viewer	Map	RN-2 zone	New multi family should be allowed as a conditional use.
Eduardo Caldera	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use
Nick Laughlin	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use.
Jack Carignan	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use!
Shane Burns	5/2/2024	GIS Map Viewer	Map	RN-2 zone	NEW multi family should be allowed as a conditional use
Emma Rubin	5/18/2024	GIS Map Viewer	Map	RN-2/RN-4	The cutoffs between RN-2 and RN-4 seem arbitrary. For example, what makes Hersey St different than Codman St? Or why would the 2 sides of Edwards St be different? All RN-2 should become RN-4. Major streets should have more B1 zoning for daily shopping and service needs to make more residential locations complete walkable neighborhoods. For example, more areas of Brighton Ave, Ocean Ave, and Stevens Ave should be zoned as B1.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	RN-4 101 Rowe Ave	Why is there RN2 zoning near TOD1/B2 zones? All the RN2 in this area should be rezoned as RN4 and the parcels on Brighton should be zoned as B1 or B2.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	RN-4 1122 Washington Ave	There should be no RN2 zoning on Washington Ave. This should be zoned as RN4
Jeff Sherman	5/3/2024	GIS Map Viewer	Map	RN-4 43 Anson Road	This area should be zoned RN4. The lower density does not make sense here.
Jeff Sherman	5/3/2024	GIS Map Viewer	Map	RN-4 64 Mackworth Street	The Back Cove should be zone RN4. The lower density does not make sense in this area considering the access to services, public transportation, etc.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	RN-4 757 Brighton Ave	There should be no RN2 zoning along Brighton Avenue. This should be rezoned as RN4
Kellan	7/5/2024	GIS Map Viewer	Map	RN-4 Back Cove	What is the purpose of splitting neighborhoods, in this example back cove, which all used to be R-3 into RN-2 and RN-4? How exactly does mandating larger lot sizes and larger setbacks (RN-2) in North Back Cove promote walkable low impact neighborhoods and freedom to build density? How will mandating oversized lots and large setbacks alleviate the housing crisis? All of back cove should be zoned as RN-4 and adhere to the same lot sizes and setbacks. Bigger picture, RN-1 and RN-2 shouldn't exist.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	RN-4 Brighton Ave	There should not be any RN2 zoning along Brighton Avenue. This area should be rezoned as RN4

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Jacqueline Cohen	4/10/24	Email	Map	RN-4 Torrey Street	I have reviewed the proposed reasoning map and I do not understand why you have upzoned Torrey Street and Wellwoodstreet and the streets off the latter from R3 to RN4. These streets have small lots and small houses and are dead endstreets. Read Street has larger lots and larger houses and it is rezoned from R5 to RN3. I would appreciate yourresponse. I would be happy to meet with you to discuss this.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	RN-4 Washington Ave	There should not be any RN2 on Washington Ave. This is particularly bad because it is so close to a business district. This area should be upzoned to RN4 to create a walkable neighborhood and it should grow to support more transit investment.
Portland Housing Development Corporation	7/16/24	Email	Map	RN-6 zone	Recommendation #2 – Rezone Anderson Street and Monroe Court Parcels (22-K-7, 12-R-1 and 13-B-2) to RN-6 for Future Multifamily Node in East Bayside Justification for rezoning: • Rezoning these parcels to RN-6 will facilitate future development of a node of activity containing mid-rise affordable housing development. This node would be centered around the Anderson St and Monroe Ct intersection. • These parcels align with RN-6 goals in "Table 5-B: Residential Zone Purposes Statements". This includes parcel size ("exhibiting a pattern of larger lots and setbacks") and building type ("multifamily dwellings at relatively high density"). • Parcels are all greater than 40,000 sq ft. Technically, 12-R-1 and 13-B-2 are one legal parcel connected by a portion of the Monroe Ct paper street that PHA acquired in 1971. • Existing buildings on these parcels would be non-conforming if rezoned to RN-5 due to building lengths well exceeding 60'. Existing buildings would conform under RN-6, except for setbacks. • See Exhibit A for a proposed zoning map showing PHA-owned parcels rezoned to RN-6.
Portland Housing Development Corporation	7/15/24	Email	Map	RN-7 zone	Recommendation #1 – Rezone Kennedy Park Parcel (CBL 22-I-3) to RN-7 to Maximize Future Affordable Housing Redevelopment Opportunities Justification for rezoning: • Parcel is directly adjacent to 4 other proposed RN-7 properties. • Parcel is partially within the current R-7 Overlay District. • PHA's 2015 Strategic Vision Plan proposes redevelopment of this parcel with mid-rise multifamily buildings, similar to nearby Solterra Apts and Bayside Anchor. High-density housing would not be permissible or financially feasible if rezoned to RN-5. • PHA's largest opportunity to add more affordable homes exists in the East Bayside neighborhood. Rezoning this parcel could double or triple the number of homes built, most of which would be affordable. • Existing Kennedy Park buildings would be non-conforming if rezoned to RN-5. RN-7 allows full conformance with ReCode.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	TOD Thompsons Point	Thompson's Point should be rezoned as TOD. Even if the Amtrak Station moves to St. John's street this area could still be served by rail in the future. Proposed Wesbrook-Gorham rail lines would come right through here.
Jeff Sherman	5/6/2024	Konveio	Map	TOD zones	There should be more TOD zones along existing bus lines. Especially along Congress Street, Brighton Avenue, Forest Ave, and Washington Street. If these areas are not currently zoned TOD, then we should encourage upzoning of these areas and make it easier to do. For example, upzoning an area to TOD-1 should be allowed for any area that is on a bus line unless the planning commission makes specific findings that it would not be appropriate. This will help focus new housing where we are already investing in transit.
Wendy Cherubini	5/25/2024	Konveio	Map	TOD zones	Why are there just a few parcels designated TOD-1 in this draft? They should be along all existing transit corridors.
Emma M	5/19/2024	Konveio	Map	TOD zones	I'd like to see these zones applied to our existing transit corridors (along bus routes) to encourage more livable areas and bus usage.
Charlotte R	6/4/2024	Konveio	Map	TOD zones	I would also like to see more TOD zones. I think it's great that TOD would allow for more mixing of business and residential, but this should be used to expand mixed use throughout the city rather than applying only to areas where mixed-use development already exists.
Jeff Sherman	5/6/2024	Konveio	Map	TOD zones	More TOD zones on existing bus lines.

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Dirigo Center Developers, LLC (Waterstone Properties Group, Inc.)	7/11/24	Email	Map	TOD zones	Zoning Districts. We have reviewed the proposed zoning districts in the Second Wave Recode Changes to attempt to find the most appropriate district for the above properties [1176 & 1190 Brighton Ave, 1827 Westbrook St, 79 Rand Road 0 Brighton Ave). The district that best provides the site dimensional flexibility and range of available uses for this high density, mixed use, urban development that utilizes transportation TIF funding is Transit-Oriented District 2 (TOD- 2). While the Rock Row site is not on the peninsula, it is on a major road to the peninsula and provides all of the features this district definition describes. The Rock Row development master plan includes not only the retail and medical office campus area that have been or are being constructed, but also residential, office, commercial, entertainment, dining, recreation, and cultural uses that will establish a dense, urban mixed use development on these properties. The Rock Row development is working: with METRO to coordinate bus service to the site, with the Northern New England Passenger Rail Authority to investigate light passenger rail options between the site and downtown Portland; with Portland Trails and other trail groups to link the site and the quarry to surrounding trail systems for passive recreation; and with all transportation providers to coordinate multimodal transportation opportunities at the site. The Rand Road properties will be a part of this development regime, are connected to Rock Row by a rail corridor beneath the Maine Turnpike, and are located directly behind and adjoining a property that the Second Wave Recode Changes propose to place in TOD-1. For all of these reasons, rezoning the Rock Row and Rand Road properties from their current mix of B4, IL and IM districts to TOD-2 makes sense given their ongoing and intended development, and is consistent with the objectives for the TOD-2 as expressed in the Second Wave Recode Changes.
Markos Miller	6/23/24	Email	Map	TOD zones	4. Kevin mentioned being strategic with the location of the TOD zones. Focusing the densest development at strategic nodes to activate transit, meeting places, and capitalize on development opportunities makes sense. However, targeting outer Brighton and St. John's seems very limited in ambition; we should be doing much more than being poised for the train station maybe being relocated to St. John's St someday probably far from now . The current proposals appear to be leaving so many opportunities on the table- i.e., Morrills, Allen, Woodfords corners, most of Forest Ave, and Washington and Brighton (Stevens, Outer Congress) to a lesser degree. Zoning that offers the greatest opportunities for dense, mixed-use development should be along Metro lines of the major corridors, and that seems like that's the TOD- or should be, not a B2b with a bonus that may never get used.
Markos Miller	6/21/2024	GIS Map Viewer	Map	TOD-1	TOD zones should be used along all current transit lines on major roadways and 'nodes'- including Morrils, Woodfords, Allens corners. Limiting this to where a new train station might go someday and the strip mall world of outer Brighton is so limited.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	TOD-1 111 Pine Tree Industrial Parkway	TOD1 should be expanded in this area to include all the area zoned as B2/B4. This area is currently served by a bus line and could be served by rail if a Gorham/Westbrook train is built.
Jeff Sherman	5/6/2024	GIS Map Viewer	Map	TOD-1 1372 Congress Street	The Shaw's Plaza should be rezoned as TOD1. It is currently served by a bus line and could be served by a rail if a route to Gorham-Westbrook was built. This is a great opportunity to increase density in this area.
Urbanist Coalition	6/13/24	Email	Map	TOD-2 zone	Where is TOD-2? One of the most baffling apparent omissions, if it is an omission, is the lack of implementation of TOD-2, one of the two new transit-oriented zones. In the maps released by the Planning Department, not a single parcel appears to be designated TOD-2, despite the introduction of the high-density zone into the proposals. It's unclear why this zone hasn't been utilized; it may be that the proper use of this zone is still being considered internally at City Hall. However, if the purpose is in fact to treat the new zone as a special designation – not something to be baked into the maps but rather something to be requested by interested developers – then this would be very troubling. This is the sort of unpredictable spot-zoning which has given many local governments in Maine the reputation for obscurity, favoritism, and delay. We trust that this is not the case, and that a revised map will utilize the new zone and be released in the future.
Emma M	5/19/2024	Konveio	Map	TOD-2 zone	From the map, I don't see this zone used. I'm not sure the purpose of having this defined if it's not used. This zone seems promising for transit nodes. As specified by TLU 1.2 in the one climate future plan.
James McPherson	6/14/24	Form	Map		My property on Veranda St. is on Rte 1, across the street from the ocean, on the bus line and on all major utilities. I believe it's a perfect spot for housing of at least 8-10 stories in height. It would not block anyone's views, would not increase traffic in the neighborhood etc. It appears to be a perfect spot for a building. Shouldn't it be recoded to allow for an increase in height? I can not tell from the information provided. What can I do to propose a higher height limit here.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	Map		Re-zone and sell city owned land for mixed use development. The city owns two golf courses. These could be used for more uses. There could be a RFT to establish a new community in this area with parks, playgrounds, trails, river access, housing, retail space and more.
John Woodbury	6/7/24	Email	Map		See images in PDF
WB	6/9/2024	Konveio	N/A	In general/miscellaneous	Thank you for having the open house. My questions which were not answered are as follows: 1) How many new units need to be built for ReCode to be considered a success? if yes, what is the number? 2) Is there a timeframe for these new units to be built for ReCode to be considered a success? if yes, what is the timeframe? 3) Is there a new unit goal per zone and what's that number? 4) Has ReCode had any conversations with builders, architects, bankers, etc., about costs and how those costs would translate to rent amounts for future tenants and landlords?

RECODE SECOND WAVE COMMENTS					
NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
PIC	5/18/24	Email	Other		Need for commercial vehicle parking lot.
Cheryl Leeman	7/17/24	Note	Other		Update to Design Standards?
Acorn Engineering	7/24/24	Email	Process	General	While we are not trained planners, we are land development professionals who reference and study zoning codes across the State on a consistent basis. We have been involved as the engineer of record and permitting lead in dozens of multifamily and commercial projects in Portland, including the construction of over 1,000 new residential units, many of which are affordable housing projects funded by the Maine State Housing Authority who has additional standards and regulations on top of local zoning and building codes. As site engineers and permitting liaisons, we have a unique perspective seeing a project come together from early conceptual stages in a private setting, onto the public permitting process, and through construction. Based on this experience and our review of the draft code, we strongly urge the Planning Department and Board to consider our comments, which are grounded in Smart Growth principles, to allow for more flexibility and opportunities for the creation of housing.
Tom Landry (Benchmark Real Estate)	7/25/24	Email	Process	General	Thank you for your efforts to improve our city through zoning simplification and improvements. The current proposal is a terrific start and meets the moment in many ways. That said, it falls short as a forward-thinking roadmap to manage growth in a rapidly evolving city. Over the last decade Portland has felt the impact of in-immigration and re-urbanization. Coupled with increases in inclusionary housing requirements, rent control, anti-development/developer sentiments, a complicated and costly permitting process, large swaths of the city deemed historic, higher cost to borrow and build, and antiquated zoning, we find ourselves in a housing crisis of epic proportions. To solve this, we must look for ways to immediately and dramatically increase housing supply, of all types and at all levels, to meet the demand of today and tomorrow. To do this, we must up-zone urban areas and transportation corridors and simplify and streamline the permitting process. The suggestions below come from a place of deep understanding and experience as a local developer, real estate agent, and student of land use and zoning. Through these lenses, I've taken a deep dive into the proposed changes under ReCode and offer the following improvements.
Cheryl Leeman	4/8/24	Email	Process	Noticing	It appears that the current R-5 (RN-4) has been expanded into some of the current R-3 (RN-2) zones. If so, will those residents be notified of the zone change? Please provide a list of streets by neighborhood affected by theproposed map changes and locations for other map changes. Thank you! Tried to submit this comment in the Map Text box and got an "Error Code 400 – failed…"
Sara McKee	4/17/24	Email	Process	Timing	Just checking in on when we could expect to see Recode show up on an agenda for a meeting?

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT	RESPONSE
David Silk	7/10/24	Email	2. Administration	2.1.8(B)	P 2.2. Sec 2.1.8.B Should the provisions on posting notices on site be included here? From 13.5.7? More important than ever given fewer and fewer folks get the written newspaper.	Section 13.5.7 (and the parallel language in Subdivision about posting a notice of public meeting) is the responsibility of the applicant. Applicants customarily look to the site plan ordinance to understand their obligations, so this language was placed in the site plan ordinance. Section 2.1.8(B) speaks to City-initiated noticing for Planning Board, so this language was placed under the Administration article.
David Silk	7/10/24	Email	2. Administration	2.1.8(B)	Some places it says notices sent at least 7 days and others 10 days; can it be all 10 days? See 2-13, which has 7 days	Where noticing requirements are included, they align with state law. Under state law, for zoning amendments, notice must be posted in the municipal office at least 13 days before the hearing. In addition, notice must be published at least 2 times in a newspaper, with the first 12 days prior to a hearing and the second 7 days before the hearing. Subdivision requires 7 days. There is some flexibility around site plan review.
David Silk	7/10/24	Email	2. Administration	2.1.8(B)	Also why not have posting of notices for all of the different types of hearings as it is the most effective way to give notices especially in areas with renters. I recall seeing this in Portland Or as an example and in communities in Massachusetts.	Under ReCode Phase I, public meeting notice signs were added for projects subject to HP Board review and Planning Board projects under Site Plan and Subdivision. This requirement could also be added for hearings for other location-specific actions by the Board, such as zoning text amendments.
David Silk	7/10/24	Email	3. Definitions	"On-peninsula"	P 3-16 definitions I thought all of the area north/east of Tukey's bridge was off peninsula?	ReCode does not propose any changes to these definitions. "On-peninsula" and "off-peninsula" distinctions that exist in dimensional standards within the current code are proposed for elimination under ReCode, leaving the only reference to on- or off-peninsula within the zone purpose statements and the shoreland zoning.
David Silk	7/10/24	Email	5. Zones		Do we need both a B2 and B2b? The uses are identical and purpose statement says essentially the same thing?	While the uses in these two zones are similar, the dimensional standards vary in some important ways that acknowledge that the B-2 is the current zoning in some areas with large lots that may be difficult to redevelop under the standards proposed for the B-2b.
David Silk	7/10/24	Email	13. Site Plan	13.5.11	Look at 13.5.11. does it leave out the posting requirement?	The public notice posting requirement is in Section 13.5.7. This language could be revised to reference this noticing requirement as well.
David Silk	7/10/24	Email	13. Site Plan	13.6.1(B)1	Site plan, p 13-8. Sec 13.6.1.B.1 crossed out d and crossed out provisions on loading, are these crossed out because in Technical Manuel? If not I would prefer to keep. Important concepts.	The existing text under Sec. 14.6.1.B.1.d is in reference to drive-through facilities, and ensuring that there is adequate stacking capacity for vehicles. The text is being struck from site plan, and is now to be included as a supplemental use standard for drive-through facilities. The City eliminated the 'Loading and Servicing' standard, given that a vehicle loading standard is included within the Technical Manual (Sec. 1.5.1), and proposed Sec. 13.6.1.B.1.a already speaks to ensuring that the site is designed to allow for safe and reasonable access and internal circulation throughout the entire site. This effectively ensures that loading operations are not permitted to impact with site access and circulation.
David Silk	7/10/24	Email	18. Off-Street Parkin	18.1.3	On parking, with the recent rise of using existing parking accessory to a use on a lot to general public paid parking, is that a different use and should it have distinct standards when looking at public movement on and off site, impact on traffic movement and the like? It seems like the conversion of what had been accessory parking to an on-site use to general parking makes the parking no longer accessory. Is this being addressed? Should it trigger a change in use?	Where an existing parking lot or structure is retained as part of a new development, the current practice is to evaluate whether the retained parking is continuing to function as accessory to the proposed use, or if it is being proposed as a stand-alone use, not tied specifically (either in-part, or in whole) to the proposed use. If the latter is the case, we then confirm whether off-street parking is a permitted, conditional, or prohibited use, and ensure that the continuation of the use is permitted properly.
David Silk	7/10/24	Email	13. Site Plan	13.9	I see dropping sec 13.6.4.A.2 on substantial diminution in value. Should you amend p. 13-22 sec 13.9 which refers to impact on value?	Staff will consider this further
David Silk	7/10/24	Email	13. Site Plan	13.11.2	Phased site work p 13-28, sec 13.11.2, any deadline to complete ?	The draft gives the applicant 7 years to complete a phased site plan under Section 13.11.2, with extensions up to two years.

Portland: Existing buildings ranging approx. 45’ - 125’ in height











West End Place, 40-44 Pine Street (183-189 Brackett Street) / ~45’, 4 stories (2015)
The Linden, 132 Marginal Way / 59’, 5-stories (2008/2019)
Portland Public Library Downtown, 5 Monument Square / ~62’, 4+ stories (1978)
Hilton Garden Inn Downtown Waterfront, 65 Commercial Street / ~63’, 6-stories (2003)
Canopy by Hilton Waterfront, 9 Center Street / 65’, 6-stories (2020)
Lancaster Block, 474 Congress Street (50 Monument Square) / ~75’, 6-stories (1881/1908)
2 Portland Sq. Building, 2 Portland Square / ~85’, 6+ stories (1989)
Portland Observatory, 138 Congress Street / 86’, 7-stories (1807)
InterMed at Portland, 84 Marginal Way / ~115’, 9-stories (2008)

From: **Jamie Wright** <jamie@gorhambike.com>
Date: Sat, Jul 27, 2024 at 8:55 AM
Subject: ReCode Right
To: <ecodeportland@portlandmaine.gov>, <lanningboard@portlandmaine.gov>, <planning@portlandmaine.gov>

Dear Team ReCode Portland,

Thank you for your efforts to improve our city through zoning simplification and improvements. The current proposal is a terrific start and meets the moment in many ways. It falls short of a forward-thinking roadmap to manage growth in a rapidly evolving city. Over the last decade, Portland has felt the impact of immigration and re-urbanization. Coupled with increases in inclusionary housing requirements, rent control, anti-development/developer sentiments, a complicated and costly permitting process, large swaths of the city deemed historic, higher cost to borrow and build, and antiquated zoning, we find ourselves in a housing crisis of epic proportions.

To solve this, we must look for ways to immediately and dramatically increase the housing supply of all types and levels to meet today's and tomorrow's demands. To do this, we must up-zone urban areas and transportation corridors and simplify and streamline the permitting process. The suggestions below come from a place of deep understanding and experience as a local developer, real estate agent, and student of land use and zoning. Through these lenses, I've taken a deep dive into the proposed changes under ReCode and offer the following improvements.

More height and density should be allowed along all major corridors and neighborhood centers. The current ReCode proposal calls for skyscrapers downtown. This is great but doesn't go far enough. And only a few will ever be built. I suggest converting all current business B1-B4 zones to a new B5B zone. This would allow all B5 uses but provide a boost in height to 80' with 10' of allowable appurtenance. These activated roofs are perfect for residential use, solar panels, and more. This new zone simplifies an overly complex patchwork of business zones and allows for more height in existing commercial areas. Even in the proposed ReCode, sections of streets, very similar in nature, have a piecemeal of allowable uses. For example, inner Washington Ave between Congress and I-295 has four different B zones and a sliver of residential. This should all be B5B with an additional height bonus. My proposal incentivizes development in existing urban and busy locations and relieves the demand to develop in residential zones. Establish Prosperity Overlays along specific sections of our most traveled corridors and neighborhood nodes/centers where infrastructure and public transportation exist. The city wants to create complete neighborhoods where residents can walk to all they need for daily life. For centuries this is how we lived, before the automobile and subsequent suburban sprawl. Numerous public policy research studies show that complete neighborhoods are good for local businesses, public health, and the environment. We need to get back to the walkable, bikeable neighborhood centers our

city enjoyed 100 years ago. And we can if we establish prosperity overlays. While ReCode does include some, these areas need to be expanded, the allowable heights increased, density improved, and the process for permitting streamlined. I would refer to these areas as B5BPO with all the allowable uses of the B5B above and additional bonuses of 100’ with 10’ overrides on roofs.

Streets to include:

- Forest Ave – from Congress to Warren Ave
- Washington Ave – from Congress to Veranda
- Washington Ave / Auburn St from Gertrude Ave to Lyseth Moore Dr
- Allen Ave from Forest Ave to Northport Dr
- Congress St – from Munjoy Street to the city limits
- Veranda St – from Baxter Boulevard to the city limits
- Presumpscot St – in its entirety
- Areas / Neighborhood Centers / Nodes
- LB Zones – on the peninsula (a large portion of East Bayside)
- Approximately 400’ along any major road off the following intersections: Woodfords Corner, Morrill’s Corner, Bradley’s Corner, Lunt’s Corner, Brighton Corner, and Nason’s Corner

Note – many of these areas are historic districts, giving them additional protections. So, existing buildings in these historic areas would be protected, like most of Congress Street.

Edit the IL (industrial light), IM, IMB, and IH zones to IL/B5. By some estimates, as much as 90% of Portland’s landmass and 70% of the peninsula isn’t zoned for multi-family or mixed use. Areas like East Bayside, where we now find coffee shops, breweries, and shops, are zoned IL (Industrial Light) and don’t allow residential uses. Off the peninsula, hundreds of acres are zoned for industrial uses that lay fallow. My proposal opens vast tracts of vacant and underutilized land that lays in waiting for industrial users that may never come. Beyond this, the idea that we must keep commercial and light industry away from residential areas is antiquated. This separation was valid, justified, and prudent 50-100 years ago, but not in this time of quieter and cleaner industry. Besides, we are not in a warehouse or industrial space crisis. We are in a housing crisis. So, let's open this land to development.

The proposed RN5 (formerly R6) is too restrictive! For context, this zone is in the most populated part of the peninsula and was intended to be the area where most of the residential real estate development and housing would be. In the last decade, what can be built in R6 was modified and made more restrictive. Beyond this, the majority of R6 was placed under historic preservation. This eliminated the ability to demolish neglected 1-2- 3 families and replace them with larger buildings. It also added a level of complexity, expense, delays, and oversight. Those

seeking to build in these areas today, even on a vacant lot, must navigate the historic preservation board, which can take up to six months and cost developers tens of thousands of dollars. In fact, the current R6 is so limiting that many of the historic homes we all love could not be constructed today. The proposed RN5 down zones in these urban residential areas need to be edited.

Edits to RN5 (formerly R6):

1. Reduce side setbacks to 10’ total, with 2’ required on one side and 8’ on the other. This allows for a buffer on one side and a drive aisle on the other. This is the rhythm/layout of most current neighborhoods.
2. Reduce rear setback to 5’.
3. Allow 80% lot coverage, including the primary structure and outbuildings, and eliminate any reference to maximum building lengths.
4. Allow structures to be built to 60’. The currently allowed height is 45’. This will allow for four stories and offset efforts underway to adjust/lower how we determine an average grade. This also increases the likelihood of occupants in spaces with greater volume and those high ceilings we all love.
5. Allow 10’ for roof appurtenances. The current and proposed zoning does not address this, and it’s a big miss. Past changes eliminated the ability to create activated, livable roofs with amenities like rooftop gardens with elevator and stairwell access.

Re-zone and sell city-owned land for mixed-use development. The city owns two golf courses and many parcels that would be ideal for residential and mixed-use development. Identify parcels to sell and put out an RFP (request for proposal), award the sale based on establishing a mixed-use development with various residential living options and price points. For larger parcels (like these golf courses), the award are based on the developer who proposes the establishment of a new complete community with parks, playgrounds, trails, housing (rental and for sale), retail space, and more.

Further, develop the Portland Technology Park. Located off Rand Road, this 26-acre site was intended to lure businesses into the state's growing life sciences industry. Only one of the seven sites has closed with two others under contract. Clearly, this site, which has been underutilized over the last 13 years, should be put to its highest and best use. Let’s turn this into a mixed-use development of housing, office, warehouse, retail, and what I’m calling IL/B5. This would be the perfect place for people to live, work, and play, just what residents and businesses want.

Simplify & Streamline Permitting - From Historic and Planning Board approvals to permit in hand, this process needs to be simplified and streamlined.

Establish Pre-Approved Development Types. These would bypass public meetings, both historic and planning board approvals, and receive a building permit upon Planning staff approval.

Thank you for taking the time to read my comments and for your tireless work.

Jamie Wright
Gorham Bike and Ski, Inc.
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Brunswick-Portland-Saco-Wells-Waterville & North Conway NH
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It's time to do Re-Code Right!

0 views

Skip to first unread message



Susan Anspacher
Jul 27, 2024, 11:51:36 AM (2 days ago)
to recodep...@portlandmaine.gov, plan...@portlandmaine.gov, planni...@portlandmaine.gov

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The proposed RN5 (formerly R6) is too restrictive! For context, this zone is in the most populated part of the peninsula and was intended to be the area where most of the residential real estate development and housing would be. In the last decade, what can be built in R6 was modified and made more restrictive. Beyond this, the majority of R6 was placed under historic preservation. This eliminated the ability to demolish neglected 1-2- 3 families and replace them with larger buildings. It also added a level of complexity, expense, delays, and oversight. Those seeking to build in these areas today, even on a vacant lot, must navigate the historic preservation board, which can take up to six months and cost developers tens of thousands of dollars. In fact, the current R6 is so limiting that many of the historic homes we all love could not be constructed today. The proposed RN5 down zones these urban residential areas and needs to be edited.

Edits to RN5 (formerly R6):

1. Reduce side setbacks to 10’ total with 2’ required on one side and 8’ on the other. This allows for a buffer on one side and a drive aisle on the other. This is the rhythm/layout of most of the current neighborhoods.
2. Reduce rear setback to 5’.
3. Allow 80% lot coverage that would include the primary structure and outbuildings and eliminate any reference to maximum building lengths.
4. Allow structures to be built to 60’. The current allowed height is 45’. This will allow for four stories and offset efforts underway to adjust/lower how we determine average grade. This also increases the likelihood of occupants in spaces with greater volume and those high ceilings we all love.
5. Allow 10’ for roof appurtenances. The current and proposed zoning does not address this and it’s a big miss. Past changes eliminated the ability to create activated, livable roofs with amenities like rooftop gardens with elevator and stairwell access.

Re-zone and sell city-owned land for mixed-use development. The city owns two golf courses and many parcels that would be ideal for residential and mixed-use development. Identify parcels to sell and put out an RFP (request for proposal), award the sale based on the establishment of a mixed-use development

with a variety of residential living options and price points. For larger parcels (like these golf courses) award are based on the developer who proposes the establishment of a new complete community with parks, playgrounds, trails, housing (rental and for sale), retail space, and more.

Further develop the Portland technology park. Located off Rand Road, this 26-acre site was intended to lure businesses into the state's growing life sciences industry. To date, only one of the seven sites has closed with two others under contract. Clearly, this site, which has been underutilized over the last 13 years, should be put to its highest and best use. Let’s turn this into a mixed-use development of housing, office, warehouse, retail, and what I’m calling IL/B5. This would be the perfect place for people to live, work, and play, just what residents and businesses want.

Simplify & Streamline Permitting - From Historic and Planning Board approvals to permit in hand, this process needs to be simplified and streamlined.

Establish Pre-Approved Development Types. These would bypass public meetings, both historic and planning board approvals, and receive a building permit upon Planning staff approval.

Thank you for taking the time to read my comments and for your tireless work.

Susan Anspacher/tl

Reply all

Reply to author

Forward

Public Comments 0 views

Jim DeCamillis Jul 27, 2024, 12:42:27 PM (2 days ago)

to recodep...@portlandmaine.gov

Rezoning of the neighborhoods around the Ocean Avenue is a serious mistake. These neighborhoods are vital for families that live in this area. These very neighborhoods raised over $450,000 to preserve woodland that would have been developed for additional housing. This infringement on our community would defeat all the efforts and hard work that was done to protect our neighborhoods. There is an abundance of land in Portland to change the Rezoning. Our neighborhood is critical component to insuring a quality of life that we live in. Therefore I urge you to save our neighborhoods by voting not to change the zoning. Your consideration in this endeavor would be greatly appreciated by all of us who live here. Sincerely Jim DeCamillis, 32 Kineo Street..
Sent from my iPhone

Public Comments - Recode 0 views



rgr...@gwi.net Jul 27, 2024, 4:20:13 PM (2 days ago)

to recodep...@portlandmaine.gov, Planningboard

To Members of the Planning Board and Staff -

I am writing regarding the short-sightedness of some of the ReCode ideas. Namely those that have to do with set-backs and excessive infilling of green space—especially on the peninsula, but undoubtedly off-peninsula as well as the drive for growth and population density continues to dominate some influential people's vision for Portland.

The City of Portland partnered with South Portland in developing the One Climate Future (OCF) Plan for locally addressing climate change. Too many developers, business boosters and self-appointed experts are disregarding this commitment to creating a livable and sustainable city, both now and in the future. An over-enthusiastic emphasis on population and economic growth to be made possible by ignoring the strategies and recommendations of OCF is irresponsible and unprincipled.

I urge both the Planning Board and the Planning Department to take more time on meaningful public engagement and to re-examine the strategies and goals of OCF and other programs the City has signed on to, such as Age-Friendly Cities, Project Canopy, etc. Some aspects of ReCode are fine. However, with the urge to pack as many people as possible on the peninsula and along main transit corridors without recognizing the lower quality of livability those areas will offer, the current language of ReCode will create a sorry, undesirable Portland.

Thank you for your dedication and time spent in serving the City of Portland.

Sincerely,

Rosanne Graef
30A Salem St.

Public Comments 0 views



Susan Kayar Jul 27, 2024, 5:04:39 PM (2 days ago)

to recodep...@portlandmaine.gov

I do not like what I am reading about the Recode Portland initiative. Yes, we need more housing for all people of all income levels. But shoving us all into higher density places with no parking for cars and no setbacks for gardens or patios is not the solution. We do not want to be Manhattan. If population increases, there must necessarily be some balance between single family homes with gardens, high-rise towers of many small units, and extension of the urban area beyond current residential neighborhoods. There is no single model of housing that will suit everyone. The late 1800s neighborhoods built of single-family mansions have in many cases already had these mansions subdivided into condos and apartments for multiple families, while retaining gardens and charm. I would not like to see zoning permitting the demolition of such beautiful old homes to replace them with modern high-density highrise buildings with no parking and no recreational or decorative outdoor space.

The Portland peninsula is a physically limited space. A clash between more people wanting to live in this beautiful city and space to put them here is inevitable. Making it ugly with nothing but highrises is hardly a good solution. Forbidding them from extending the urban areas beyond the peninsula is also not a good idea. The few new highrises that have been popping up in recent years here are welcome additions to the housing market and skyline. Restoring the old Time and Temperature building to housing is a great idea. But zoning such that all new construction consists of highrises inches from the street and inches from the next highrise is a terrible idea. If you force too many rats to live in one cage, they turn on each other. This is a quality of life issue, and there is no cookie-cutter answer to solving it. Please do not enact Portland laws that dumb this whole housing issue down to "build highrises with not an inch of land that does not pack in people." You will ruin our city.

Form Submission - Contact us Re:Code - Re-code feedback

0 views

Squarespace Jul 28, 2024, 1:43:07 AM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Ionel Postolache

Email Address: mainexportland@yahoo.com

Subject: Re-code feedback

Message: I will only make comments related to my case- my house and my history of interaction with the "City" ...
I hope the proposed change from R6 to RN5 will work as intended- although I do not see significant differences (in setbacks for example).
From what I read, I did not get an answer on how to request a zoning change- if one is desired. I don't, so I am fine for now.
The hidden part of the iceberg is - for me- the permitting and inspections process: restrictive, cumbersome , intimidating, inflexible (favors the traditional wood frame structures)

Manage Submissions

Does this submission look like spam? Report it here.

Public Comments 0 views



Craig Mathieson
to recodep...@portlandmaine.gov

Jul 28, 2024, 12:57:48 PM (23 hours ago)

Dear Team ReCode Portland,

Thank you for your efforts to improve our city through zoning simplification and improvements. The current proposal is a terrific start and meets the moment in many ways. That said, it falls short as a forward-thinking roadmap to manage growth in a rapidly evolving city. Over the last decade, Portland has felt the impact of in-immigration and re-urbanization. Coupled with increases in inclusionary housing requirements, rent control, anti-development/developer sentiments, a complicated and costly permitting process, large swaths of the city deemed historic, higher cost to borrow and build, and antiquated zoning, we find ourselves in a housing crisis of epic proportions.

To solve this, we must look for ways to immediately and dramatically increase housing supply, of all types and at all levels, to meet the demand of today and tomorrow. To do this, we must up-zone urban areas and transportation corridors and simplify and streamline the permitting process. The suggestions below come with a deep understanding and experience from a local developer, real estate agent, and student of land use and zoning. Through these lenses, I've been made educated about the proposed changes under ReCode and offer the following improvement suggestions.

More height and density should be allowed along all major corridors and neighborhood centers. The current ReCode proposal calls for skyscrapers downtown. This is great but doesn't go far enough. And, only a few will ever be built. I suggest converting all current business B1-B4 zones to a new B5B zone. This would allow all B5 uses but provide a boost in height to 80' with 10' of allowable appurtenance. These activated roofs are perfect for residential use, solar panels, and more. This new zone simplifies an overly complex patchwork of business zones and allows for more height in existing commercial areas. Even in the proposed ReCode, sections of streets, very similar in nature, have a piecemeal of allowable uses. For example, inner Washington Ave between Congress and I-295 has four

different B zones and a sliver of residential. This should all be B5B with an additional height bonus. My proposal incentivizes development in existing urban and busy locations and relieves the demand to develop in residential zones. Establish Prosperity Overlays along specific sections of our most traveled corridors and neighborhood nodes/centers where infrastructure and public transportation exist. The city wants to create complete neighborhoods where residents can walk to all they need for daily life. For centuries this is how we lived, before the automobile and subsequent suburban sprawl. Numerous public policy research studies show that complete neighborhoods are good for local businesses, public health, and the environment. We need to get back to the walkable, bikeable neighborhood centers our city enjoyed 100 years ago. And we can if we establish prosperity overlays. While ReCode does include some, these areas need to be expanded, the allowable heights increased, density improved, and the process for permitting streamlined. I would refer to these areas as B5BPO with all the allowable uses of the B5B above and additional bonuses of 100’ with 10’ overrides on roofs.

Streets to include:

- Forest Ave – from Congress to Warren Ave
- Washington Ave – from Congress to Veranda
- Washington Ave / Auburn St from Gertrude Ave to Lyseth Moore Dr
- Allen Ave from Forest Ave to Northport Dr
- Congress St – from Munjoy Street to the city limits
- Veranda St – from Baxter Boulevard to the city limits
- Presumpscot St – in its entirety
- Areas / Neighborhood Centers / Nodes
- LB Zones – on the peninsula (a large portion of East Bayside)
- Approximately 400’ along any major road off the following intersections: Woodfords Corner, Morrill’s Corner, Bradley’s Corner, Lunt’s Corner, Brighton Corner, and Nason’s Corner

Note – many of these areas are historic districts, giving them additional protections. So, existing buildings in these historic areas would be protected, like most of Congress Street.

Edit the IL (industrial light), IM, IMB, and IH zones to IL/B5. By some estimates, as much as 90% of Portland’s landmass and 70% of the peninsula isn’t zoned for

multi-family or mixed use. Areas like East Bayside where we now find coffee shops, breweries, and shops are zoned IL (Industrial Light) and don't allow for residential uses. Off peninsula, there are hundreds of acres zoned for industrial uses that lay fallow. My proposal opens vast tracts of vacant and underutilized land that lays in waiting for industrial users that may never come. Beyond this, the idea that we must keep commercial and light industry away from residential areas is antiquated. This separation was valid, justified, and prudent 50-100 years ago, but not in this time of quieter and cleaner industry. Besides, we are not in a warehouse or industrial space crisis. We are in a housing crisis. So, let's open this land to development.

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determine average grade. This also increases the likelihood of occupants in spaces with greater volume and those high ceilings we all love.

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Establish Pre-Approved Development Types. These would bypass public meetings, both historic and planning board approvals, and receive a building permit upon Planning staff approval.

Thank you for taking the time to read my comments and for your tireless work.

Respectfully,
Craig Mathieson, Portland resident since 2008

Public Comments 0 views

Jim Mcpherson 10:44 AM (1 hour ago)

to recodep...@portlandmaine.gov

I'm inquiring about recoding of Veranda Street between Martins Point and the 295 on/off ramp. That stretch of Veranda should be included and allowed for much taller residential buildings. It's on a major route, all major utilities are right there, would not increase neighborhood traffic, it's on the bus line and higher buildings would not block anyone's views of the bay. It's an ideal location for higher residential building.

Respectfully
James McPherson
899-3854

Recode

0 views

Subscribe

John Funk
to Planning Board

9:51 AM (2 hours ago)

Members of the Planning Board - My wife and I live on 4 Orchard Street in Portland. We have watched with concern the various proposals the administration has put forward to expand affordable housing in Portland - increase building heights, reduce setbacks, eliminate parking requirements, allow for the destruction of historic properties, encourage ADUs throughout the city, and so on - basically use every square inch for housing and obliterate the character of neighborhoods. It seems to be ignoring the effects of these changes on the quality of life in the city and is giving little attention to the long-term effects on infrastructure (water, sewer, electrical grid), schools, parking, transportation and so forth.

It's hard for a resident to keep track of the proposed changes, but the administration appears to be rushing forward to pursue a radical agenda to change what we love about Portland - except for its business core, a low-rise city with open spaces, breathing room between buildings and distinctive neighborhoods reflecting periods of its growth over the years.

To us, it's reminiscent of the 1950's and 60's when cities destroyed their beautiful historic buildings in the name of urban renewal and constructed soulless shopping centers and boring nondescript residential apartment buildings.

What we need is balance. Yes, let's provide more opportunity for affordable housing, but let's not destroy the unique character of our city in the course of pursuing this goal. There are reasons for the lack of affordable housing that are unrelated to the availability of land for development. A huge housing shortage of all types of property across the country, an increase in the cost of construction materials, an influx of immigrants and displaced persons, among others. The effects of these factors will diminish in importance in time as we respond to their effects. As an urban center, Portland experiences the immediate effects faster than other locations.

Let's be thoughtful how we proceed and avoid succumbing to the agendas of interest groups that have narrow self-serving objectives with little regard for the effect on the rest of us. Let's move incrementally rather than radically to address the issues.

W. John Funk
Deborah Chase

Written Testimony
Ben Jacks, Architect, (NCARB), M. Arch, University of Pennsylvania
Professor Emeritus, Miami University

Proposed height, density, and area standards
Planning Board Workshop 7/30/2024

The purpose of this written testimony is to consider the proposed height, density, and area standards in Re-Code, in combination with housing height bonuses, and the likely and potential impacts on existing streetscapes and neighborhoods in Portland.

The unintended consequences of ReCode's proposed zoning limits when combined with housing height bonuses will break the desirable urban design characteristics for which Portland is justifiably admired—a walkable, livable, human-scaled city.

Reasonable limits should be applied to encourage growth but not lopsided development out-of-scale with humans, and out-of-scale with existing contexts.

Numerical abstractions, divorced from the reality of existing streetscapes and neighborhoods, are misleading.

Planning staff should look objectively at what actually exists, what is presently desirable, and what would be boldly compatible in the future.

A basic predicate of this analysis is that there are objective differences between buildings that top out at 45' vs. 65' vs. 95', and it is the job of planning staff to understand these differences and interpret them appropriately in advocating for changes to zoning via ReCode.

I base this analysis on my experience of forty years as an architect and designer. I worked for noted Portland architects G. Robinson Whitten and Stephen Blatt before beginning an academic career. I am the author of two books and numerous scholarly articles on walking and the built environment, design process, aesthetic theory, and criticism of architecture. Among the teachers who influenced my work were the historian and theorist, David Leatherbarrow,[1] the architect and a founding partner of CivicVisions, Susan Nigra Snyder,[2] and the prominent New Urbanist, Douglas Kelbaugh.[3] My work as an architect and designer is deeply influenced by how people experience the built environment through upright moving around—walking—our most essential perceptual condition. I taught environment and human behavior for most of my career.

Background: New Urbanism

The New Urbanist[4] agenda within which I was schooled suggests much greater density for greater Portland as an antidote to suburban sprawl and to consolidate infrastructure, but also to maintain good city form, make livable streets, public spaces, and neighborhoods, and to promote walking, biking, and public transit—all the reasons that we want to be here. A small city on a compact peninsula with surrounding town centers is tailor made for New Urbanism's guiding

principles. These are the values promoted by Portland's Urbanist Coalition, and some developers pushing Re-Code's zoning changes.

Though these principles have been contested, developed, and refined since the 1980s, well before the first Congress of New Urbanism meeting in 1993, it is impossible to ignore the foundational influence of Christopher Alexander's *Pattern Language* work on New Urbanism.[5] While he also believed in "the magic of the city," above all he believed in humane places for people to live, work, raise children, and engage in a spirited public life. And he provided a robust and lasting model for achieving it.

Alexander's work at the Center for Environmental Structure at Berkely earned the first ever gold medal for research from the American Institute of Architects in 1972. *A Pattern Language, The Timeless Way of Building,* and the other volumes in the series, helped collect and build scientific research about the human response to built environments. In many ways this work began to codify, for the first time, understandings that better than average architects always understood "only" intuitively. We ignore these scientific findings at our peril, and New Urbanism offers a practical framework for implementing them.

Another important classic city planning text that predates and informs New Urbanism is Kevin Lynch's seminal, *The Image of the City,* first published in 1960. While often dismissed now because discussions of megacities, from Johannesburgh (population 5.5 million) to Beijing (population 20 million), must consider a range of impacts not envisioned by Lynch, including digital technology mediation, for a small city like Portland wishing to build upon New Urbanism, Lynch's categories of *paths, edges, districts, nodes,* and *landmarks* provide excellent guidance for the future. And like many small American cities Portland's planning documents and principles are informed by Lynch's concepts.

Portland's Guiding Planning Documents

Much of the language of our guiding 2030 Comprehensive Plan, our Land Use Plan, and Technical Guides resonate admirably with New Urbanism. To summarize briefly, Portland's Plan 2030 calls for future land use around five key principles:

- spreading the benefits and challenges of sustainable growth fairly across the community;
- improving livability while retaining the key characteristics that make neighborhoods unique;
- recognizing that downtown Portland remains a predominant locus of arts and culture, economic, and civic health;
- connecting and strengthening our open space and transportation networks;
- identifying the waterfront as a resource central to the identity, economy, ecology, and recreational life of Portland.

The plan states "this does not imply freezing neighborhoods as they are, but allowing change that is compatible with current development patterns."[6]

The idea behind building upon what is already right about Portland's current patterns continues in the plan with this important statement:

> Thoughtful and good quality design is achieved through attention to quality of space and placemaking, the relationship of buildings to the streets and built context, durability and integrity of materials, and a pleasing and timeless quality of architecture - these must be held to the highest possible standards. Practicing and incentivizing contextual principles of urban design are central to the health and well-being of the City of Portland.[7]

I want now to focus carefully on the idea of "thoughtful and good quality design" with respect to the "the relationship of buildings to the streets and built context."

Noted 20th Century architect Louis I. Kahn, to whose work our own Portland Museum of Art Payson Wing pays homage, famously said of streets,

> The room is the beginning of architecture. It is the place of the mind. You in the room with its dimensions, its structure, its light responds to its character, its spiritual order recognizing that whatever the human proposes becomes a life. The structure of the room must be evident in the room itself. . . . The street is a room of agreement.[8]

Not only does our comprehensive Portland's Plan 2030 make much of the notion of how buildings shape streets, and that this is important, but so too does our Land Use Code, our code of legal, if not spiritual, agreements.

The Land Use Code calls for "active streetscapes" under certain zones and quantifies the degree to which the street front may step back from the edge of the street. The Code states,

> "Development in the B-1/B-1b, B-2, and B-2b zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development."[9]

Buildings should address the street at the pedestrian level, offering a sense of human scale. Large buildings should not be undifferentiated masses, but instead should be modulated and scaled while retaining the "key characteristics" of their surrounding neighborhoods, or at least of the characteristics of the streetscape within which they are situated.

This is what Portland's Plan 2030 and the Land Use Code ask planning Staff, the Planning Board, and ultimately City Council to use when they make determinations at the site plan approval stage. And this is what those same documents ask citizens to assent to when providing input on projects. ReCode should re-affirm, not undo, Portland's Plan 2030.

Planning Staff, through the Re-Code process, is advocating increasing density along major traffic corridors to encourage more housing where it can be served easily by public transit. Both Washington Avenue and a comparable length of Forest Avenue west to Woodfords Corner fall under this designation, although there is arguably some degree of difference between them in the degree of pedestrian activity at present.

Case Study #1: Washington Avenue (approximately 2500 feet between Congress Street and Terminus at 295)



Washington Avenue is an eclectic streetscape. This is its more recent as well as its historical past. Much of what is celebrated currently in its vibrant food scene comes out of its low-density mix of one story industrial, or 2 ½-3 story residentially formed and scaled buildings interspersed with parking lots and small open spaces, punctuated by a smattering of buildings at the four-story scale (Nissen at 75 Washington Avenue, Thomas Heights at 134, and 218 Washington). Only these tallest buildings come close to 50’ in height.



Washington Avenue is 40’ for two travel lanes plus two parking lanes plus up to 12’ for sidewalks for a total of 64’ from building face to building face.





Other than the new condominium building at 218, and Thomas Heights at 134, most of the other buildings on the street are either one-story industrial, or 2 ½-3 story residentially formed and scaled buildings.





Some of these buildings are of poor quality, and it would be reasonable to anticipate that they can, should, and may be replaced.



Some of these buildings are of a fine industrial or residential historic character and may or may not be under any current historic district standards or controls (they are not within a historic district), although some may be eligible for historic preservation tax credits.

Given that it is currently built-up well below what current zoning allows, it is reasonable, in terms of thinking about preserving and developing the present and future character and quality of the street, to anticipate that the current zoning should generally hold sway (e.g. holding the streetscape height to 45' + appurtenances), or that a moderate level of further up-zoning should be applied.

A review of extant lots and buildings on each side of Washington Avenue from Congress Street to the Eastern Promenade reveals not only the current form, scale, and density of construction, but also how many units of housing may be built under current zoning. There are some lots that could reasonably be expected to one day be developed as housing above the ground floor.

This exercise in thinking about a possible future for Washington Avenue is necessarily subjective. The reviewer must consider factors such as the quality and condition of existing buildings, their lot coverage and number of stories, the viability of current uses continuing, and even such intangible and unknowable factors such as the hopes and dreams of current property owners. Nevertheless, it is possible to arrive at a rough estimate of how many units of housing might be accommodated on Washington Avenue if it is allowed to grow to its full potential under current zoning, or under future zoning with relaxed density standards while holding streetscape height intact.

This is a first step in imagining a vibrant, mixed-use pedestrian streetscape with a high density of housing above the ground floor. Supporting shops and galleries, collective maker spaces and small private workspaces, specialty food stores and restaurants, and all the kinds of enterprises that currently make Washington Avenue robust, in keeping with Portland's Plan 2030 important policy statement to,

> 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.[10]

Of approximately 70 Washington Avenue properties, 32 of them could reasonably be envisioned for development under current zoning. Setting aside for the moment the largest of these, including 75 Washington (139,439sf), 94 Washington Avenue (27,000 sf), 105 Washington Avenue (46,341 sf), 165 Washington Avenue (68,572 sf), 121 Washington (48,397 sf), or 218 Washington Avenue (29,867 sf), the average lot size is around 6300 square feet. Under current zoning a lot that size would be eligible to build 14 units. If all such units were developed approximately 300 units could be built under current zoning while maintaining a context appropriate street height of four stories (while the Nissen building is only three stories it nevertheless achieves a height of 45-50 feet).

But there is also room for compromise. If the ReCode zoning changes are approved, and density is increased by a reasonable percentage (to, say, one unit per 300sf of lot area), then many more units could be built without sacrificing streetscape values. While maintaining the contextually appropriate street height of 45-50 feet, as many as 450 units could be built, and these of a size and configuration more imaginatively designed than standard 1, 2, and 3 bedroom-type units. At a higher density, studio and efficiency apartments without high-priced water and city views

could begin to answer the demands of affordability. Adding into consideration the three relatively undeveloped large lots at 94 (27,000 sf), 105 (46,341 sf), and 165 (68,572 sf) again setting aside any consideration of owner's intentions, then perhaps an additional 470 units could be added if these lots were also developed to the four story (50 foot) scale. The point of this exercise is not to imagine with certainty an uncertain future, but to put into context the notion of adding as many as 900 units of housing along the Washington Avenue streetscape.



In discussions with planning staff during the Re-Code workshop process the old Nissen Bakery building at 75 Washington Avenue was cited as desirable, characteristic massing for this streetscape. But staff stated that in seeking up-zoning for the site at 165 Washington Avenue, they were seeking to emulate the mass at 75 Washington Avenue. There is a big difference between a building that tops out at 50' (75 Washington Avenue) and one that is 85' tall (the up-

zoning requested for 165 Washington Avenue: 75’ + appurtenances). This is why it is incumbent upon planning staff to be precise in their assessment of current conditions and to demonstrate why it is reasonable to re-zone as they are proposing.

With much of Washington Avenue not coming anywhere close to filling out its allowed zoning limitation of four stories (45’ + appurtenances) it is hard to understand why they would advocate for a height limit of 65’ + appurtenances without making a considered argument as to why this would be good for the street.

Case Study #1a: Redfern’s Proposed 165 Washington Avenue

I include the following discussion of Redfern Properties recently proposed 165 Washington Avenue building because it has been touted as the kind of project that ReCode is meant to facilitate, and yet is both wildly out of character with the balance of Washington Avenue, and will not solve the housing crisis it claims to solve. While it is tabled for the moment, having not passed at the planning board workshop meeting of 7/9/24, Redfern has said that ReCode will permit it to be built when ReCode is approved.

Redfern proposed for consideration—by citizens, Planning Staff, the Planning Board, and ultimately City Council—a zoning map and text change in anticipation of ReCode. This was to create not a building, but a prospective maximum zoning space approximately 350 feet along Washington Avenue, 180 feet deep, and 85 feet high (75 feet plus appurtenances), within which a building of some kind could later occur.

Redfern’s renderings for the project at 165 Washington Avenue suggested that the building would convey either the flinty Nordic proportions of Portland’s own SunLife building (Perkins & Will), or perhaps the dreamy materiality of one of Alvar Aalto’s larger white structures. And for this hint of elegance we were to be indebted. A rendering offers the suggestion of a specific design for a specific building, but that is not what is under consideration now under ReCode.

Redfern proposed to use not the entirety of the 350 by 180 by 85-foot volume asked for, but some portion of it, arrived at through an algorithmic analysis aimed at maximizing the number of apartment units possible within the volume, given that each such unit individually and the building overall has unavoidable and critical requirements of access and egress, size and area, natural light and ventilation, to name a few. It is commonplace now to use such an algorithmic analysis to arrive at an arrangement to optimize the number of units and achieve a balance point that will help maximize the viability of an economic model for development.

In this case the study determined that the building shall be seven stories high, in keeping with their request, and that the building should not “hold the street” for its entire length and height but bend away from the street for part of its length. This resulted in a differentiated mass, broken into essentially four distinct volumes along Washington Avenue, appealingly in accordance with the comprehensive Portland’s Plan 2030 and the Land Use Code.

A comparable example of a building that similarly bends along its length is Alvar Aalto’s Baker House dormitory (1948) at the MIT campus. It, too, is six residential floors above a common

ground floor. This building was specifically designed not to hold a street, but to enhance MIT residential campus life by maximizing views of the Charles River for its 318 residents.

A typical floor in Redfern's C-shaped plan would maximize the number of apartment units that enjoy exposure to the north, west, and south, while minimizing the number of units facing east. Above the third floor most of these units would enjoy a substantial portion of the views of the city skyline, Back Cove, Mt. Washington, and the park and open space constituted by the Mount Joy Orchard, East End Community Gardens, and the Eastern Promenade.

Much has been said already about how the Redfern project seeks to solve the housing crisis by providing 320 small apartment units with 80 (25%) of those units as means-tested dedicated workforce housing units. The remaining 240 units would be market rate. Of the 320 units, roughly 2/3 (240 units) would be above floor three. Of the units above floor three, roughly ¾ (180) would enjoy the most expansive views. The rents for more than half the units in the building would be based on market rates and subsequent rent control, based on the prevailing rates for apartment units with good to excellent water and city views.

There are two additional facts concerning this project and views:

1) At Bayview Heights, the Volunteers of America complex providing 59 apartments of means adjusted, high-quality, affordable housing for people aged 62 and older, the private view of Back Cove will be 100% eliminated from the community dayroom, a space enjoyed by all Bayview residents. At least 20 apartment units would lose most, or all, of the bay view that they currently enjoy.

2) On the plateau at the top of the Mount Joy Orchard, at the edge of the North Street/East End School Community Gardens, the public views of the city would be eliminated for almost the entire length of the plateau. This is an iconic viewing (and sledding) location. People spread out along it often at sunset for views of the city, Back Cove, and Mount Washington. The view of the city, the portion of the view that would be most impaired, is published on the Re-Code Portland website.

Redfern Properties' request was to have changed both the current zoning map designation, and the text governing that designation, to usurp the private and collective views of low-income seniors, and cherished public views from an established public park and open space, to build high-value market rate units with spectacular views. Redfern ignored the losses to the low-income housing residents. The company characterized the public loss of city views as a reduction of 18%. Although this quantification sounds objective, it is entirely misleading. In claiming the loss of the public view of the city and back cove as 18%, Redfern was measuring the angle of view from one location, the bench in memory of Taeko Matsunaga Lee. An honest assessment would recognize that views of the city would be reduced by a range between 100% and 18% over the length of the plateau, for approximately 200 feet, with the average loss for multiple points over this distance being somewhere in the vicinity of 60%.

It may not be possible to mitigate the private and collective loss of environmental quality for the residents at Bayview Heights through any specific reference to our established comprehensive

plan and code standards, however insensitive it may be, other than by adhering to current zoning. But in addition, we have specific, approved policies referenced in the adopted Portland Land Use Code to prevent abuse and taking of our public open spaces.

While these requirements are formally part of site plan review, not an application to change zoning maps and text, they should nevertheless be taken seriously at this stage by Planning Staff, and Planning Board, and by extension City Council. Section 14.6.4 Site Design Standards refers in section D. to "View Corridors," stating, "The massing, location, and height of development shall not substantially obstruct public view corridors identified in the *Downtown Vision View Corridor Protection Plan.*"[11]

The view corridor protection plan further identifies Washington Avenue as a significant view corridor to be protected in this plan, and the view from the North Street/East End School Community Gardens contains two of the five specially identified city landmarks to be protected, City Hall, and the Cathedral of the Immaculate Conception, as well as other significant landmarks which are not so listed, but which we all know well, such as the Time and Temperature Building.[12]

And while it might be argued that the iconic view from the North Street/East End School Community Gardens open space is not specifically protected, the view from Fort Sumner Park is, by overlay, and this overlay offers a clear outline of principles for why and how to protect iconic public views in our public open spaces.

It might also be argued that the *Downtown Vision View Corridor Protection Plan* is not relevant because it was published in 1991 and was primarily designed to protect what was then designated the downtown district. Nevertheless, it is worth pointing out that the North Street/East End School Community Gardens contain 13% of the city's community garden plots and thus is a public open space of significant use. The *View Corridor Protection Plan* should be upheld because it sets out principles so valuable that City Council saw fit to enshrine them in their 2020 adoption of the Land Use Plan.

The point is that it is the numerical abstraction of 65' height envisioned by ReCode, plus the workforce housing bonuses combined that lead to Redfern's proposed height of 85' (75' + appurtenances) and the negative impact on the existing streetscape of Washington Avenue and the adjacent park. Planning staff should be working hard to mitigate against such unintended consequences.

The Redfern request to build to a height of seven stories was egregious and remains so. There is simply no justifiable civically responsive reason to introduce such an anomalous mass into the Washington Avenue streetscape, against the backdrop of a historic landscape (Eastern Prom), and as a violation of established neighborhood (Munjoy Hill) pattern and character.

Case Study #2, Forest Avenue (approximately 3300 feet between Preble Street Extension and Woodfords Corner)



Forest Avenue is an artifact of the 20th century, developed largely around the automobile, and continues today as a streetscape less concerned with the needs and desires of pedestrians, and more so on the requirements of cars. It consists almost exclusively of one- and two-story commercial buildings, either on or set back from the street, although these commercial stories are of a slightly higher floor to floor, or floor to ceiling height, than those on Washington Avenue. Automobile showrooms and repair facilities, and other 20th century commercial types characterize the most historic buildings on street, and these are punctuated by commercial automobile landscape buildings from the second half of the 20th century.



Forest Avenue is 35% wider than Washington Avenue, at 62’ for four travel lanes plus two parking lanes plus 12’ for sidewalks for a total of 86’ from building face to building face.

I have not undertaken the same level of detailed investigation of extant lots on Forest Avenue as I have for Washington Avenue, but I have some cursory observations. As I will make clear in my conclusions, I believe these necessary further investigations should be the responsibility of planning staff, who should have to fully justify with evidence the reasons for their decisions.

Even setting aside the largest parcels, the average parcel size is larger than those on Washington Avenue. Although generally newer, Forest Avenue has some larger lots and buildings of lower quality that it is possible to imagine would yield to upzoning and thereby encourage housing development, including for example the large lot containing the Forest Avenue Strip Mall at 449 & 465.



Even without such upzoning the building at 509 is currently undergoing conversion into 38 units of housing and ground floor commercial space.[13] It's possible to imagine other similar conversions taking place to more fully build out what is permitted by current zoning.

You could expect under current zoning a similar potential for housing development as you find on Washington Avenue. And just as on Washington Avenue you could expect that this could be accomplished with a modest relaxation of density requirements in the B2b zone, from 435 sf of lot area required per unit to 300 sf of lot area/unit.

The similarity between Forest Avenue and Washington Avenue ends there, with their somewhat equal potential for the inclusion of future housing, and begs the question, Why are they being zoned exactly the same way when they are so significantly different?

Why is a four-lane street 35% wider being proposed for identical zoning, when the ratio of building height to street width is so utterly different? All one needs to do to understand this difference in scale is to stand in the two very different streets, and look around.

And why is a street with a vibrant pedestrian shopping and dining culture being zoned to the same height and density as one with double the number of traffic lanes where the streetscape has historically been given over to the automobile?

There are several possible explanations:

• the planning staff hasn't spent any time in the streets seeking to understand similarities and differences in streetscapes or neighborhoods
• the wishes of developers for the simultaneous removal of all practical limitations on density, height, and area limitations have taken precedence over the actual urban design situation on the ground
• the zoning consultant hasn't considered the actual experience, history and culture of the city, relying instead on numerical abstractions and the ease of a one-size-fits-all approach to rezoning
• no one involved in ReCode has "ground truthed" the consultant's results

Housing Anxiety



While I understand and agree that increasing housing density in Portland is a highly desirable goal, it should not be achieved by lifting virtually all meaningful limits simultaneously on one parcel, for one developer. Nor should it usher in de facto acceptance of critical aspects of ReCode without understanding and review. Critical to this understanding and review is how the workforce housing or low-income housing bonuses may override zoning height limitations.

Portland's Plan adopted in 2017 projected the need for 2557 units of housing over the next ten years. As is well known, Portland will likely exceed this target by 1000 units by 2027, although affordability will remain a problem.[14] The bonuses for workforce housing and rent controls are supposed to help with this problem, but also may exacerbate it. There remain many people willing and able to pay large amounts, in cash, mortgage, or rent to live in units with excellent views in our beautiful environment. Only when the market contains many more ordinary units where the market dictates a lower price, and many more means-tested units with a lower price, will affordability arrive. Building more units with higher, expansive, spectacular views will not change the problem of affordability.

I am personally very aware of the current and past housing crises in Portland. My brother and I bought a three unit building at 51 Congress Street at a time of rapidly escalating real estate prices in the late 1980s. I recall the tenant who had to leave so that our parents could move in. She was active in Munjoy Hill's civic life, and she was quoted in the paper as saying that spiraling real estate prices were driving people like her out of the city. We were very anxious that we would be priced out ourselves, and yet in that moment we were vilified as outsiders and gentrifiers. Meanwhile, we felt very lucky to have secured a home for our parents where they lived until they died in the early 2000s.

I understand that the current housing anxiety is not new. I understand the drive to build housing with the desire of providing units and in the hope of driving prices down. We live on a peninsula in a very desirable place. To a certain extent these facts will always exert pressure on Portland's real estate values. Real estate on the peninsula is limited by the constrained ground area, and the pressure of this limit, and Portland's desirability, will likely only increase with climate change and sea level rise. Increasing density dramatically according to New Urbanist principles is an appropriate response to both crises: housing and climate. More people in a smaller geographic area—density—is a future bid toward sustainability. But let's recognize that we can have greater density without sacrificing a walkable, livable, human-scaled city.



It is too easy for big buildings to create inhumane, scaleless, soulless, placelessness.

Notes:

[1] https://en.wikipedia.org/wiki/David_Leatherbarrow
[2] CivicVisions is an urban development research firm, see: https://blogs.gsd.harvard.edu/critical-conservation/community/faculty/
[3] https://taubmancollege.umich.edu/news/2023/02/20/in-memory-of-douglas-kelbaugh-professor-emeritus-of-architecture-and-urban-and-regional-planning-and-dean-emeritus-of-taubman-college/
[4] See Wikipedia entry on New Urbanism: https://en.wikipedia.org/wiki/New_Urbanism#:~:text=New%20Urbanists%20support%20regional%20planning,development%20of%20jobs%20and%20housing.
[5] https://en.wikipedia.org/wiki/Christopher_Alexander#cite_note-auto-
[6] City of Portland, *Portland's Plan 2030*, adopted June 5, 2017, page 79.
[7] ibid. page 82.
[8] Louis I. Kahn, "The Room, the Street, and Human Agreement," talk given on the occasion of the awarding of the Gold Medal of the American Institute of Architects, 1971.
[9] City of Portland, *Land Use Code*, adopted 12/1/20, section 14-17, page 255.
[10] City of Portland, *Portland's Plan 2030*, adopted June 5, 2017, page 50.
[11] City of Portland, *Land Use Code*, adopted 12/1/20, section 14-17, page 252.
[12] City of Portland, *Downtown Urban Design Guidelines*, January 18, 1991.
[13] Portland Press Herald, Historic Forest Avenue building to be restored, converted into housing, July 26, 2024, https://www.pressherald.com/2024/07/26/historic-forest-avenue-building-to-be-restored-converted-into-housing/
[14] Mainebiz, Portland housing production exceeds city's target, but affordability remains a problem, June 26, 2023, https://www.mainebiz.biz/article/portland-housing-production-exceeds-citys-target-but-affordability-remains-a-problem

WRITTEN TESTIMONY BY PEGGY SHAFFER, Ph.D.
RECODE POLICY GUIDELINES FOR PROPERTIES ADJACENT TO AND ABUTTING ROS ZONES
PLANNING BOARD WORKSHOP (7/30/24)

Introduction: The purpose of this written testimony is to examine the impact of Portland ReCode recommendations on ROS zones. Phase II of ReCode does not address the impact of increased zone height recommendations on Portland's signature parks, which were designed to showcase and protect the quintessential scenic vistas that define landscape of the city. Portland 2030 identifies Parks and Open Space as a one eight key policy guidelines. What follows is a case study analysis of a designated section of the Eastern Promenade Park, which will be significantly impacted by proposed zoning changes on Washington Avenue.

I base my analysis on 30 years of experience as a professor of environmental history with research and teaching expertise in the history of public parks and outdoor recreation. I am the author of numerous articles and a historical monograph, which address the history of parks and scenery.

Summary of Analysis: This analysis is organized as follows:

- Overview of current zoning around Eastern Promenade-Washington Avenue
- Historical Significance of the Eastern Promenade Park
- Analysis of Recreation & Open Space Policy Guidelines
- Case Study of Impact of ReCode Zone Change on Eastern Promenade-Washington Avenue Section of Eastern Promenade Park—including shadow analysis and view corridor analysis
- Recommendation for a proposed Eastern Promenade-Washington Avenue Height Overlay
- Petition in progress in support of a proposed Eastern Promenade-Washington Avenue Height Overlay

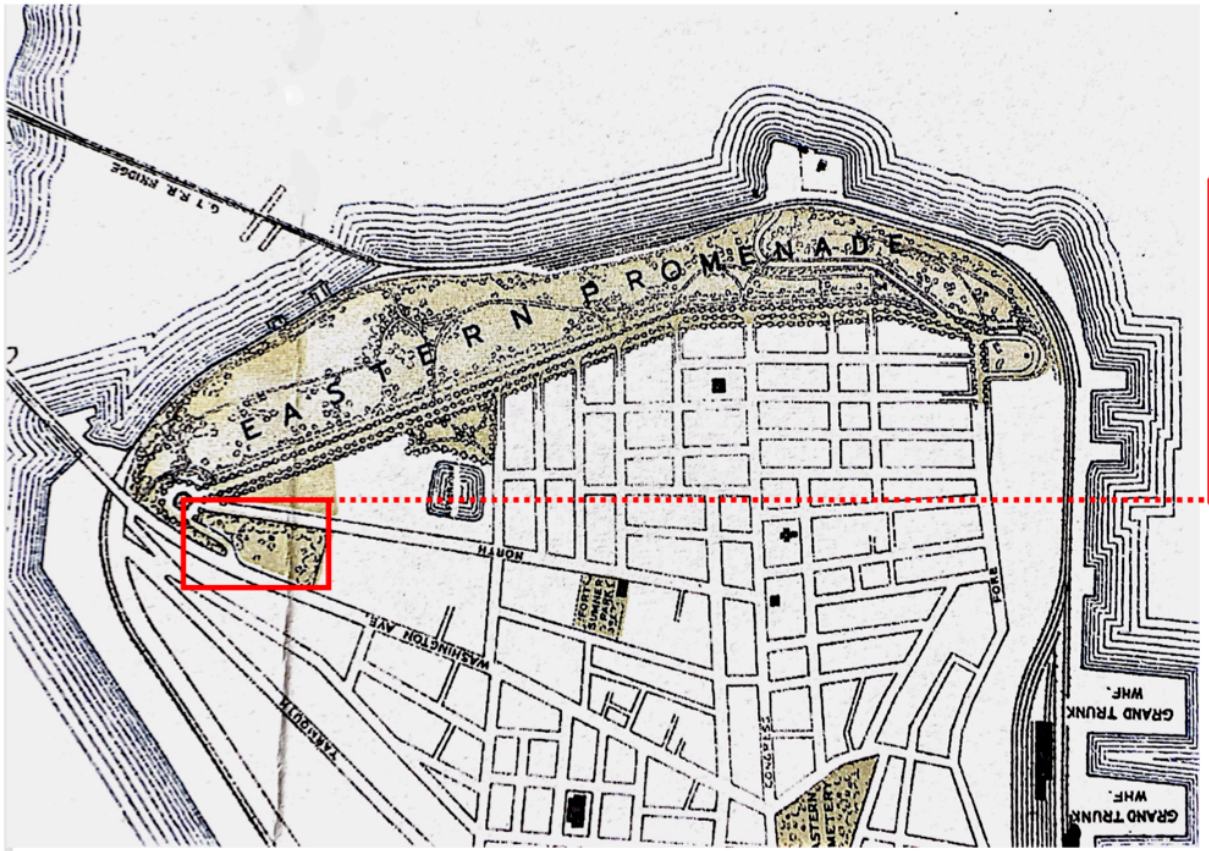
EASTERN PROMENADE-WASHINGTON AVENUE
PORTLAND RECODE IMPACT ANALYSIS

Portland Land Use Code
Current Zoning Designations for Eastern Promenade-Washington Ave Section

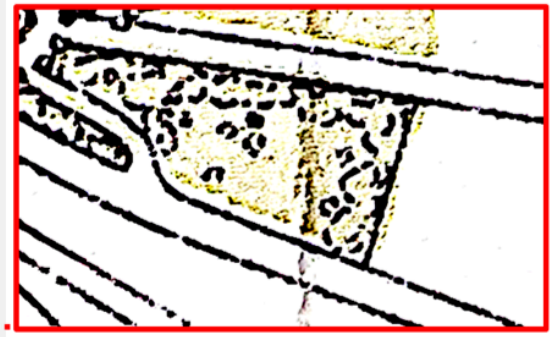


As the city works to increase density and create more multifamily housing on the peninsula, it is more important than ever to provide breathing space and a shared backyard for the public. As such, it is essential that policies designed to address the housing crisis must simultaneously preserve, protect, and expand our signature parks, notably the Eastern Promenade.

HISTORICAL SIGNIFICANCE OF EASTERN PROMENADE PARK



Eastern Promenade-Washington Ave Area



City of Portland ME. General Plan for Park System – Eastern Promenade
Olmsted Brothers Landscape Architects
Brookline Mass. June 1905

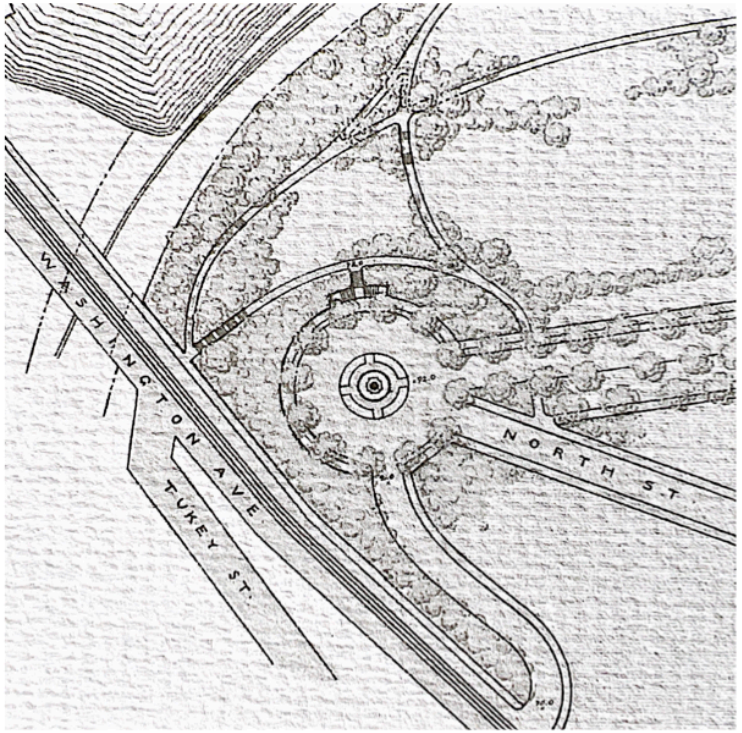
"… let us all unite to secure for ourselves and for our children a beauty spot in the midst of our growing city—a breathing place for all the thousands who are to come after us." (Portland Transcript, 1856)

The Eastern Promenade was first created in 1837 as a scenic drive around the edge of Munjoy Hill, stretching from Fore Street to Washington Avenue. Over the next 70 years, the surrounding park slowly began to take shape. In 1905, the city of Portland hired the Olmsted Brothers Landscape Architecture firm to improve the Eastern and Western Promenades as part of an integrated park system for the city.

On October 5, 1909, Portland City Council and the Mayor agreed that the Eastern Promenade consisted of "all that portion of land lying between Atlantic Street and Washington Avenue, including the roadways, walks, paths, lawns and slopes, and including street know as Cutter Street and East Cutter Street, and East Commercial Street; also portion known as Northern Concourse and roadways, walks, paths, lawns, and slopes between Northern Concourse [Loring Memorial} and Washington Avenue." (*City of Portland Annual Report, 1909*) Over the next century, the Park expanded to include commemorative monuments, playgrounds, ball fields, tennis courts, picnic grounds, a public beach, a bathhouse, a swimming pool, recreational and commercial boat ramps, a bandstand, an ice rink, sledding hills, and community gardens.

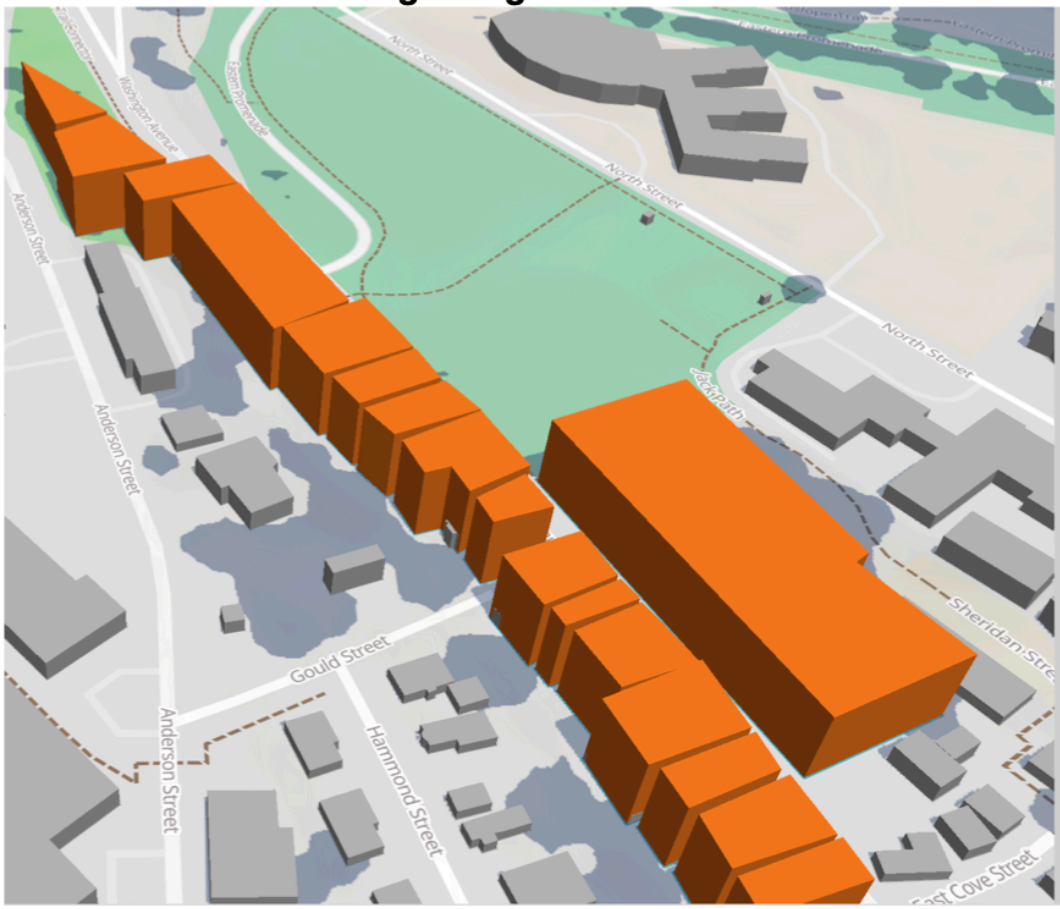
In 1989 the Eastern Promenade was nominated to the National Register of Historic Places. "The Eastern Promenade," as The 2004 *Eastern Promenade Master Plan* concludes, "was and still is considered by many as Portland's most important character defining public open space."

In their 1905 design for the Eastern Promenade, the Olmsted Brothers fully integrated the northern section of the Eastern Promenade into the park with the design of the Northern Concourse, which is now home to the Loring Memorial. Constructed between 1905 and 1906, the Northern Concourse anchored the north end of the park, and with its circular design, it enhanced the almost 270 degree views to incorporate Mt. Washington, Back Cove, and the Portland City Skyline, which at the time included Portland City Hall and the Cathedral of the Immaculate Conception (both of which are currently protected in the Washington Avenue view corridor.)

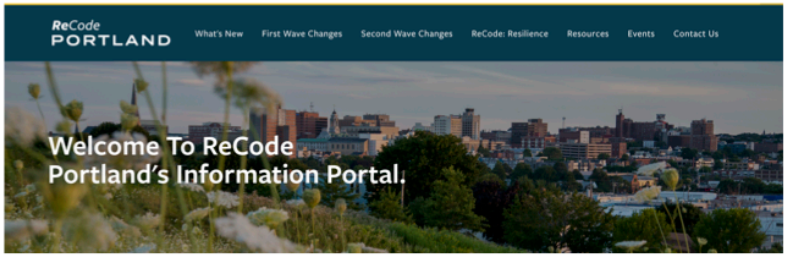


In addition, the Northern Concourse design incorporated the northern, western, and southern slope enclosed by North Street, Eastern Promenade, and Washington Avenue. Reviewing the 1905 Olmsted plan, Park Commissioners noted that, "quite an important change has been made at the northerly end of the driveway at the Eastern Promenade by the building of the Concourse at this point to intersect with Washington Avenue." This critical component of the Olmsted plan was specifically designed to link the Eastern Promenade to Back Cove and further define an integrated Portland Park System. During the early twentieth century, in addition to the paths, lawns and benches, this section of the park included a skating rink and sledding hill.

Portland ReCode Zoning Designations B2-b for Eastern Promenade-Washington Ave Section



ReCode Zone B2-b
Portland ReCode Upzoning from B1 (45 ft. building height) to B2-b (65 ft. building height). This image shows the maximum lot development on the lots adjacent to and abutting the park.
Note: Workforce Housing (WFH) Bonuses allow building heights to increase to 75 ft. with 25% WFH and to 90 ft. with 75% or more WFH



Zoning changes proposed as part of Portland ReCode will negatively impact the western end of the Eastern Promenade Park (Recreation & Open Space Zone ROS), which includes the southwestern facing slope between North Street and Washington Avenue. The proposed zoning changes in ReCode will increase height and density guidelines for those lots abutting and adjacent to this section of the Eastern Promenade. Specifically, the 9 lots directly across Washington Avenue, which are currently zoned B1-b (45 foot height limit) will be rezoned to B2-b (65 foot height limit); and the lot that abuts the end of the park next to the Mt. Joy Orchard will be rezoned from B1 (45 foot height limit) to B2-b (65 foot height limit). Note that these height limits do not take into account Workforce Housing height bonuses, which will allow building heights of 75 feet with 25% workforce housing (WFH) and 90 feet with 75% or more workforce housing (WFH). These zoning changes will not only obstruct the expansive views from the park, but they will also negatively impact the experience of the park and the physical landscape.

Phase II of Portland ReCode does not address the impact it will have on properties throughout the city zoned ROS.

Recreation & Open Space Policy Analysis

Increased housing density goals of ReCode make Recreation & Open Space zones (ROS) all the more important, given that most of the new housing units will be multifamily without private yard space.

The purpose of the Recreation & Open Space zone is: "To preserve and protect open space as a limited invaluable resource; to permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as a scenic, recreation, and conservation or natural resource area….and to develop an open space system throughout the city, which provides the highest quality parks, plazas, and pedestrian environment." (Portland Land Use Code Table 5-G: Open Space Zone Purpose Statement).

The parks and greenspaces protected in the ROS zone serve as public backyards where residents and visitors have access to greenspace, sunlight, views, nature, and recreational space. The Eastern Promenade-Washington Avenue section of the Eastern Promenade Park supports year-round activities associated with these amenities including community gardens, an outdoor garden and classroom, the Mt. Joy Orchard, wildflower meadows, a sledding hill, and viewing benches.

Recreation & Open Space Guidelines

Policy guidelines for Recreation & Open Space are multifaceted, addressing scenic resources, greenspace, recreational spaces, public health, economy, and environment among other goals. The guidelines note:

> "Being virtually encircled by water, Portland owes much of its beauty to the surrounding water bodies, including freshwater rivers, the ocean, a working harbor and an enclosed cove. Portland's waters were recognized early in the city's history as scenic resources."

Stated Recreation & Open Space goals include:

- Preserve the intrinsic values of the park and open space system, including historic resources, vistas, healthy ecosystem functions, and biological diversity.
- Provide high-quality, well-designed, well-maintained, safe, and integrated parks, trails, public open spaces, and recreational opportunities accessible to all residents. Encourage physical and visual access to Portland's waterfront — Casco Bay, Back Cove, and the Stroudwater, Presumpscot, and Fore Rivers — as a "blueway" network and an extension of public space for local and regional recreation and transportation needs.
- Promote scenic resources

The western end of the Eastern Promenade, situated between North Street and Washington Avenue, offers expansive views of Back Cove, the Portland city skyline, and Mt. Washington. (Fig. 2) Throughout the year, residents and visitors come to the park, which is also home to the North Street Community Garden, the East End Community School Garden and Outdoor Classroom, and the Mount Joy Orchard, to enjoy the expansive vistas or watch the sun set over Back Cove. Fort Sumner Park, which sits on North Street to the east has a park overlay (Land Use Code Section 8.3) that protects similar quintessential views of the dynamic Portland landscape.

As the "Park Equity" Map in the appendices of the *Portland 2030* shows, the western end of the Eastern Promenade and Jack Path are part of an extensive trail, park, recreational space, and pedestrian landscape that links to Back Cove trail and parkland, East Bayside and West Bayside trails, the northeastern end of the Portland waterfront, and Ft. Sumner Park.





Multifaceted recreation & open space zones, like that encompassed by the Eastern Promenade Park, are integral to key ReCode goals related to increased density, walkable cities, and climate resilience.

Case Study of Impact of ReCode Zone Change on Eastern Promenade-Washington Avenue Section of Eastern Promenade Park

The Eastern Promenade-Washington Avenue section of the Eastern Promenade Park is a multifaceted recreation and open space landscape that includes community gardens, an outdoor garden and classroom, the Mt. Joy Orchard, wildflower meadows. Jack Path and Back Cove Trail intersect in this section of the park. It is a highly used space throughout the year. Families and children walk to the East End Community School via Jack Path when school is in session. Dog walkers and runners use the trail systems daily. Visitors and residents come to the park to enjoy the sunset over Back Cove. Gardeners use the park during the spring, summer, and fall months, and sledders use the park during the winter months.

Upzoning the properties adjacent to and abutting this section of the park will have a significant negative impact on the landscape and experience of the park. Specifically, sunlight hours in the park will be affected throughout the year, and the majestic and expansive views, for which the park was originally designed, will be significantly altered. Most notably, the views of Back Cove and the city skyline enhanced by the 1905 Olmsted design will be sunstantially obstructed.

Shadow Impact Analysis

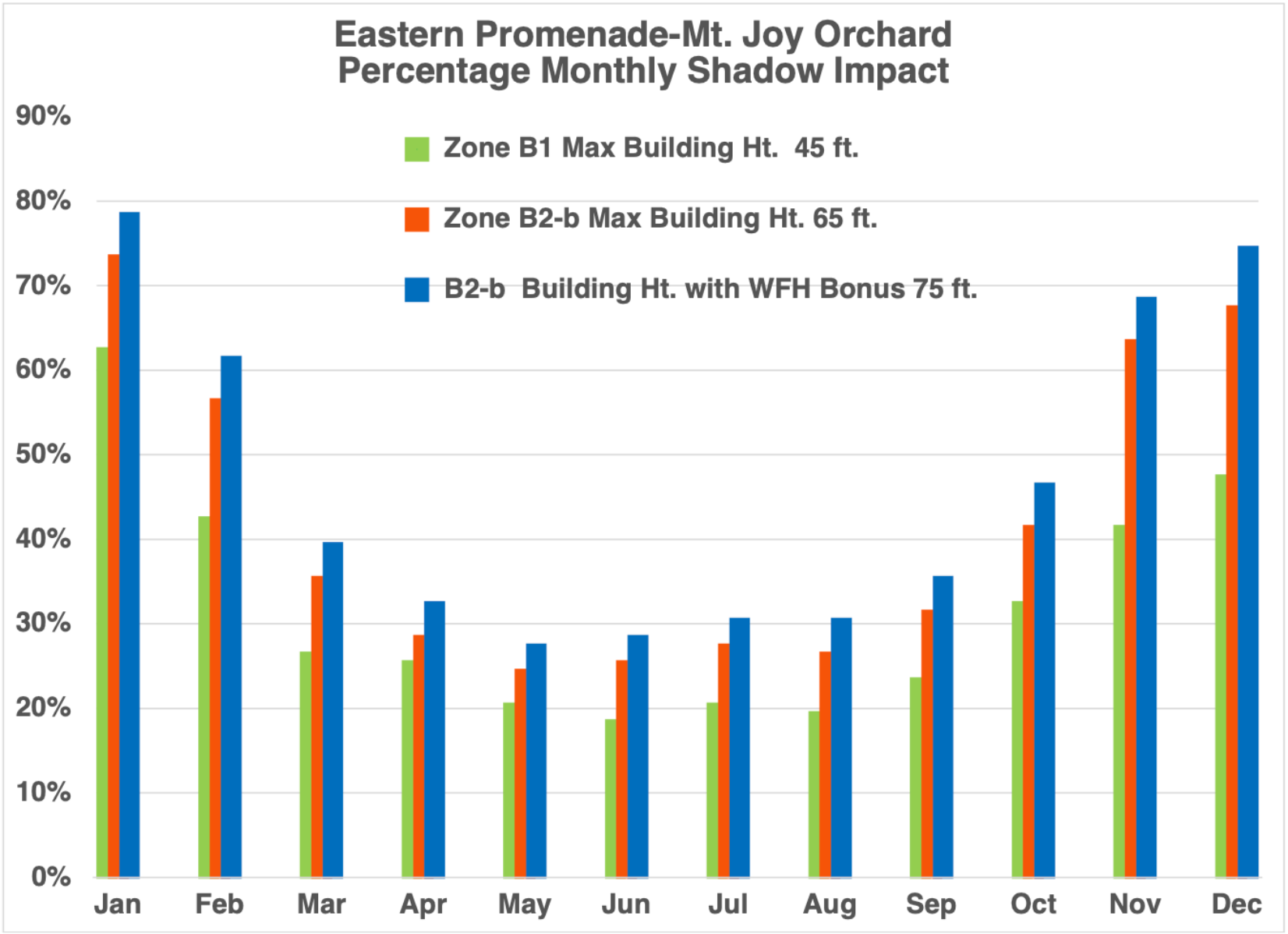
An analysis of the shadow impact of lots developed to the maximum size in ReCode B2-b zone with 25% workforce housing shows that 20% or more of the park area occupied by the Mt. Joy Orchard will be in shadow for over 45% of the total daylight hours during the fall and winter from October through February. (See representative shade graphics below).

Designated Park Area for Shadow Impact Analysis



Blue area represents 20% of designated park area.
Shadow impact is defined as ≥ 20% of designated park area

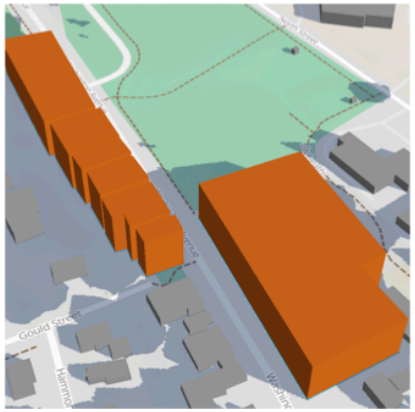



Eastern Promenade-Mt. Joy Orchard
Percentage Monthly Shadow Impact
Zone B1 Max Building Ht. 45 ft.
Zone B2-b Max Building Ht. 65 ft.
B2-b Building Ht. with WFH Bonus 75 ft.
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

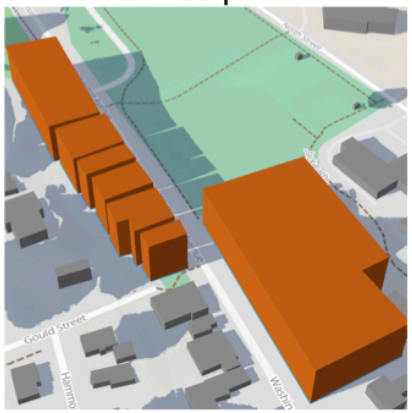
8

Shadow imagery during the morning and afternoon at Fall Equinox (September 22), Winter Solstice (December 21), Spring Equinox (March 20) and Summer Solstice (June 21

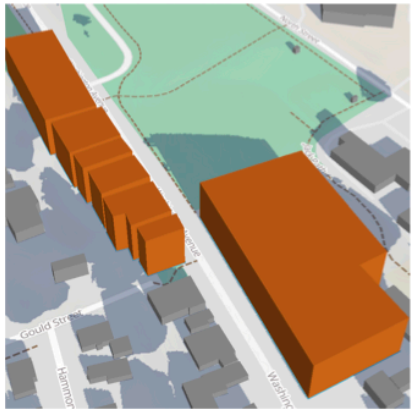
Fall Equinox Morning Shadow at 9:00 am



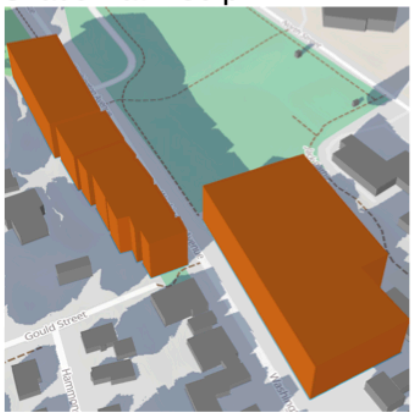
Fall Equinox Afternoon Shadow at 4:30 pm



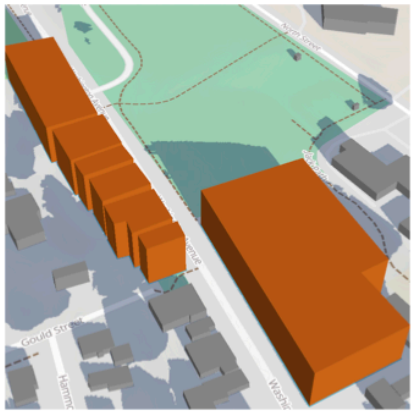
Winter Solstice Morning Shadow at 10:00 am



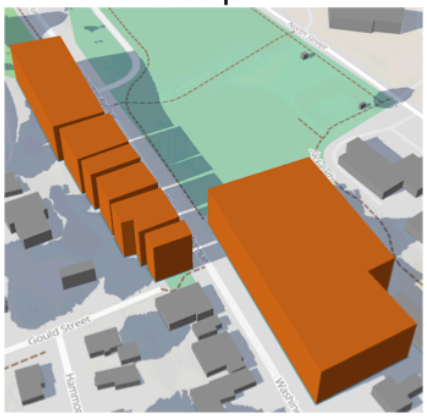
Winter Solstice Afternoon Shadow at 2:30 pm



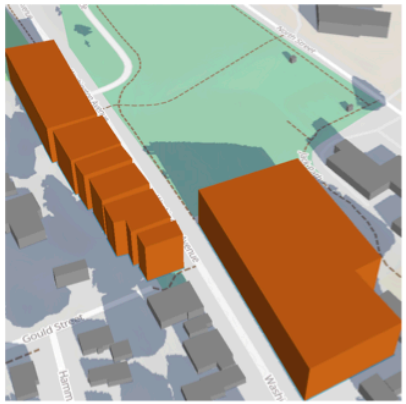
Spring Equinox Morning Shadow at 9:00 am



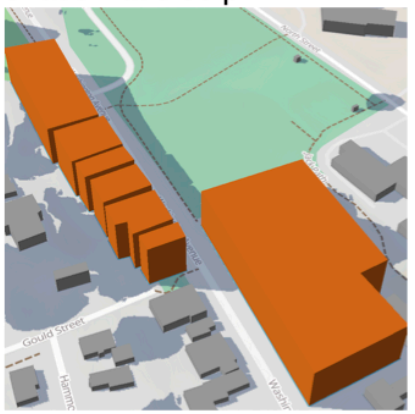
Spring Equinox Afternoon Shadow at 4:30 pm



Summer Solstice Morning Shadow at 9:00 am



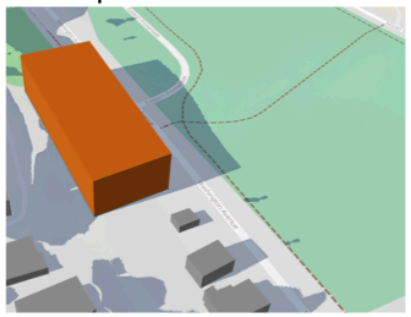
Summer Solstice Afternoon Shadow at 5:30 pm



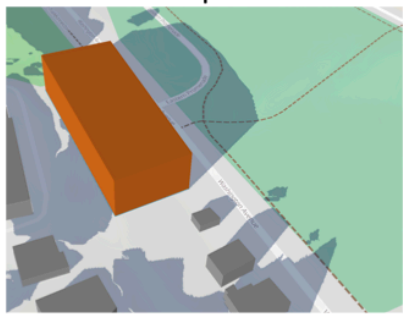
Shadow imagery of the designated park area shows that the park experience will be significantly impacted by building shadows under the proposed B2-b zoning guidelines During the winter months 20% or more of the designated park area will be in shadow for almost half of the daylight hours. During the spring and summer months 20% or more of the designated park area will be in shadow for almost a third of the daylight hours. The designated park areas will experience significant building shadow in the morning and afternoons.

At present, Eastern Promenade-Washington Avenue is not significantly impacted by building shadow. The new 45-unit condominium project at 218 Washington Avenue, which is 55 feet including roof appurtenances partially obstructs views of Back Cover and it creates some afternoon shadow in the park. However, shadow from this building at summer and winter solstice and fall and spring equinox shows that the shadow impact from this building is below 20% of the designated park area during peak shadow times.

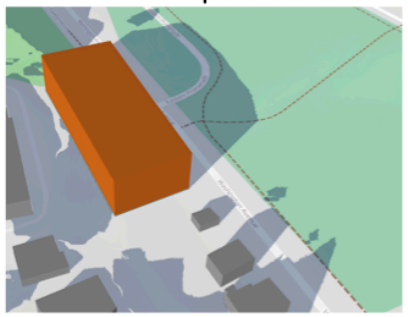
Fall Equinox Afternoon Shadow at 4:30 pm



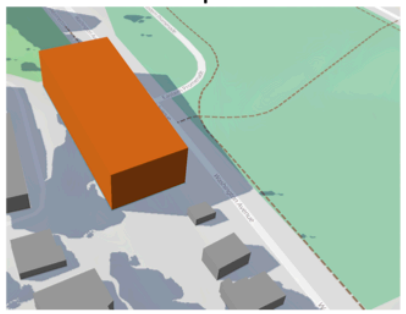
Winter Solstice Afternoon Shadow at 2:30 pm



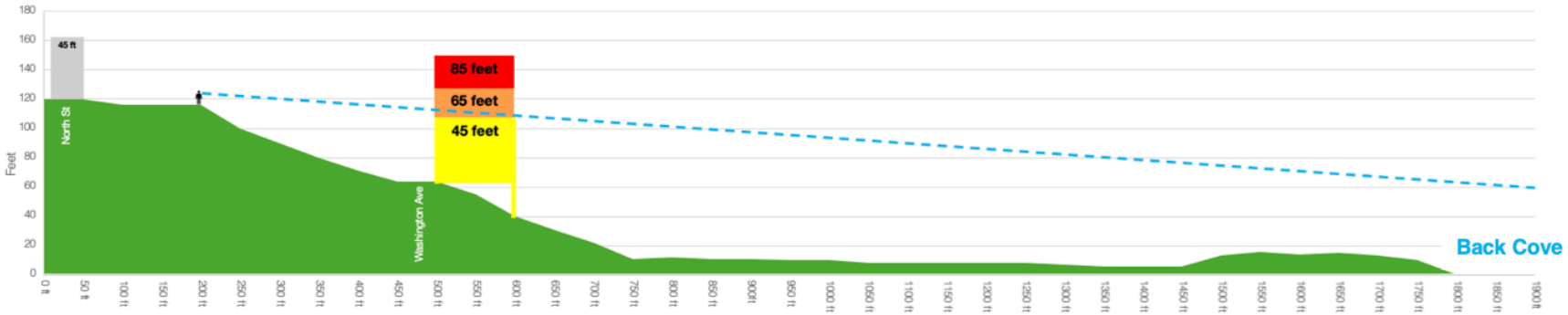
Spring Equinox Afternoon Shadow at 4:30 pm



Summer Solstice Afternoon Shadow at 5:30 pm



Park View Impact Analysis



Although people now conflate the Eastern Promenade street with the Eastern Promenade Park, as originally conceived in 1837, the Eastern Promenade was created as a scenic drive—a roadway—designed to showcase the majestic and expansive views of Casco Bay and Back Cove. It was a pedestrian recreational space where urban dwellers could walk or ride taking in fresh air, enjoying the scenery, and connecting with their neighbors. Over the next 70 years, land adjacent to the road was purchased by the city to create the park and protect the scenic views.

Guided by the principles of urban landscape planning formulated by Frederick Law Olmsted, who sought to balance dense urban centers with carefully curated park landscapes, the 1905 plan for the Eastern Promenade Park sought to enhance and protect the original intent of the road and park design. The Olmsted firm well understood the recreational, therapeutic, environmental, and economic value of scenery.

As noted earlier, the Northern Concourse was one of the key elements of the 1905 Olmsted Plan, and its purpose was to integrate the northern, western, and southern slope between the Eastern Promenade, North Street, and Washington Avenue and to expand the scenic views to encompass Back Cove and the Portland city skyline. These dynamic scenic views are the defining feature of the Eastern Promenade Park that provide the basis for its inclusion on the National Register of Historic Places.

At the June 5 Planning Workshop, Planning Director Kevin Kraft stated that as part of ReCode the Planning Department will recommend the 9 lots directly across Washington Avenue from the Park, which are currently zoned B1-b (45 foot height limit), be rezoned to B2-b (65 foot height limit); and the lot that abuts the end of the park next to the Mt. Joy Orchard be rezoned from B1 (45 foot height limit) to B2-b (65 foot height limit). Note that these height limits do not take into account Workforce Housing height bonuses, which will allow building heights of 75 feet with 25% workforce housing (WFH) and 90 feet with 75% or more workforce housing (WFH).

Upzoning the properties adjacent to and abutting the park in the area between North Street and Washington Avenue will significantly obstruct the expansive views from this section of the park.

View of Casco Bay taken from the Stone table behind the East End Community School Garden and Outdoor Classroom



218 Washington Avenue, a 4-story condominium, is 55 feet tall including rooftop appurtenances. The view of Back Cove from the top of the hill above Washington Avenue is partially obstructed by this building. A building of 65 feet or more would completely block the view of Back Cove from the park, thus altering the original design and impinging on the park landscape. In addition, views looking back to the city skyline, which encompass the spire of the Cathedral of Immaculate Conception and the dome on Portland City Hall, will also be impeded.

These view corridors are signature components of the park design. They serve as a park amenity that draws residents and visitors alike. More than a century ago, Olmsted well understood that growing urban populations and increased housing density demanded open spaces to serve as public backyards, where people had access to sunshine, greenspace, scenic vistas, and recreational space. ReCode must address this integral connection between increasing density and the need for park space. ReCode must articulate clear zoning policy guidelines that protect and preserve the signature of amenities of Portland's comprehensive park system.

The Planning Board should request amendments to ReCode that will restrict height limits around Portland's signature parks, specifically the Eastern Promenade, to protect and preserve the integrity of the park into the future.

Proposed Eastern Promenade-Washington Avenue Height Overlay.

Notably, Portland's current comprehensive plan includes a precedent and model for protecting open space and providing guidelines for proper scale in a very analogous situation—the Fort Sumner Park Height Overlay (section 8.3)—less than three blocks away on North Street.

Citizens in support of the Eastern Promenade-Washington Avenue Park are working to develop an application for an Eastern Promenade-Washington Avenue Height Overlay. We also are circulating a petition to ask Portland City Council, the Planning Department, and the Planning Board to preserve and protect the open space and majestic views of the Eastern Promenade Park as the city works to increase density and address climate change through Portland ReCode.

Respectfully submitted:
Peggy Shaffer, Ph.D.
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Portland, ME 04101
Cell phone: (513) 658-6047
E-mail: shaffems@gmail.com

Citizen Petition:

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Name	Address	Signature	Phone #	E-Mail
Seth des Rosiers	12 Poland St	[signature]	207 838 5115	sethdesrosiers@gmail
Paola Araujo	12 Poland St	[signature]		
Tom Pulling	80 Melbourne St	[signature]	~~207~~	tpullingfahn@gmail.com
Sam Cosgrove	1 Sumner crt	[signature]	—	—
Alexandra Barzin	1 Sumner Court	[signature]		
Jake Gold	88 Canal St	[signature]		
Wan Qi Kong	88 Canal St	[signature]		wanqikong@icloud.com
Savannah Davis	305 Melba St	[signature]	254-760-1482	savvy3301@gmail.com
Jennifer Davis	9797 E U.S. Hwy 110	[signature]	254 760-7144	Brooksdavis@aol.com
Cheryl Heeman	37 Savoy St	[signature]	—	—
Beth Snyder	81 North St.	[signature]		snyderbes@gmail.com
Nathan Finberg	42 Morning St	[signature]	—	nathan.finberg@gmail.com
Betts Mayer	211 Sheridan St	[signature]	207-749.2246	bettsgmayer@gmail.com
Rhonda Green	156 Sheridan St.	[signature]	617.449.8511	rhondagreen88@gmail.com
Douglas Sax	229 Sheridan St	[signature]	207.807-8582	dsax100@gmail.com

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Name	Address	Signature	Phone #	E-Mail
Cole Watson	20 easy Street Mount Desert	[signature]	(207)-610-0335	watsoncolcb@gmail.com
Keith Taylor	11 N. Street #2	[signature]	978-578-3681	hellalcoke@yahoo.com
Erica England	11 North St #2	[signature]		
Jim Cole Eliot	Cole 45 Montreal	[signature]	207 871-4898	jimkcole@gmail.com
Diane Ly	1 North St #3	[signature]	858-229-8133	
Nick Lesser	1 North St. #3	[signature]	347-782-3700	
Christopher Stewart	81 North St.	[signature]	207 712 4402	Stewart.Christopher.F
Leslie Stewart	63 Melbourne	[signature]	423-762 2596	lstewart145@Bellsouth.net
Robert Derry	63 Melbourne	[signature]	207-653-5950	ROBERTDERRY@GMAIL.COM
Bennett Jacks	223 Sheridan St.	[signature]	513-658-0925	BENMJ223@GMAIL.COM
Dylan Hertzberg	176 Coyle St.	[signature]	262-328-5144	dylanhertz@gmail.com
Elizabeth Owens	197 Sheridan St.	[signature]	207-751-8646	eliza.owens23@gmail.com
Stephanie Doyle	43 North St	[signature]	207.318.6254	
Donna Williams	85 Machigonne St.	Donna Williams	207 838-7217	donnawilliams1727@gmail.com
Steven Williams	"	Steven Williams	"	" "

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Name	Address	Signature	Phone #	E-Mail
Ellen Gilliam	36 Wellstone Dr	Ellen Gilliam	576-3973	elbwg7@gmail.com
Marianna Pratt	224 Sheridan St	Marianna Pratt	400-1020	Mariannapratt@gmail.com
Elizabeth Hays	107 Noran St.	Elizabeth Hays	207-441-4653	lizchays@gmail.com
Nancy Mackesey	273 Sheridan St	Nancy Mackesey	207-653-0666	dmackes101@aol.com
Bernard Pollak	225 sheridan St	Bernard Pollak	203-984-1833	bPollak648@yahoo.com
Betty Lorber	225 Sheridan St	Betty Lorber	2075239951	betty.lorber@gmail.com
Leslie Hart	215 sheridan St	Leslie Hart	917 364 3682	blesliehart@gmail.com
Kevin Schochat	215 Sheridan St	Kevin R. Schochat	917 597 4154	kevin@kevinschochat.com
Lynne Howard	77 congress St		908 2099567	lynne.howard@gmail.com
RICHARD RINGENBACK	284 DANFORTH ST. APT. 806	Richard Ringenback	(207) 791-7400	ringenbacke@yahoo.com
Marianne Chapman	33 Melbourne St	Marianne Chapman	207 775-0284	mychapmanmaine.rr.com
Joel Chapman	33 Melbourne st	Joel W. Chapman	207-775-0284	jchapman9@maine.rr.com
Nora Daoud	401 Cumberland Ave #701	Nora Daoud	-	-
GAIL DAWSON GRAY	95 Park St 04101	Gail Dawson Gray	207 780 8172	fromaine9@aol.com
Elizabeth A Streeter	66 Quebec St 04101	Elizabeth A Streeter	207-409-4559	streeter.beth@gmail.com

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Name	Address	Signature	Phone #	E-Mail
Sondra Bogdanoff	74 Lincoln St, Portland	Sondra Bogdanoff	207-318-5123	
JOAN LEITZER	25 MONUMENT ST. "	Joan Leitzer	207-233-2666	
NANCY BRAIN	118 CONGRESS ST	Nancy Brain	207-776-3525	
ANN CASADY	205 SHERIDAN ST.	Ann Casady	207-450-4745	anncasady@yahoo.co
Peter Pitegoff	205 Sheridan St	[illegible]	207-615-6334	
DANA HERWOOD	1057 OCEAN AVE.	[illegible]	207 523-0230	
Mary Casale	39 Waterville St	Mary R Casale	207-210-7810	
Beth Sorensun	81 Danforth St.	B. Sorensun	207.318.0579	bethsorensun64@gmail
Jacquelyn Pisano	71 Sherman St.	J Pisano	(207)756-3991	
Kate Murray	91 Beckett St.	Kate Murray	207-747-8159	czmurray@yahoo.com
Patty Jo Walton	107 Walnut St	Patty Jo Walton	207 749-5209	
Robert Butt	880 Forest Ave.	Robert Butt	207-756-2916	
Kathleen Bender	11 North St	KATHLEEN BENDER	207 239 6380	
Melissa Lavoie	Standish, ME	[illegible]	207 551 6636	melissa.lavoie@opportunityalliance.org
LEYLA Wilson	L. Wilson Portland, ME	L. Wilson	207 3875859	

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	Name	Address	Signature	Phone #	E-Mail
1.	Claire Fitts	79 Winnocks Neck Scarborough	Claire M Fitts	400-0920	
2.	Charlie Fitts	"	"	510-7650	
3.	Barry Tibbetts	2 Abbi lane Scarborough, TE			
4.	Joanne Tibbetts	2 Abbi Lane Scarb	J Joanne Tibbetts		
5.	Elizabeth Waldo	33A Columbia Ave Brunswick	Elizabeth C Waldo		
6.	Jonathan Waldo	33A Colombia Ave, Brunswick	Jonathan D Waldo		
7.	Rachel Roberts	33 Melbourne St.	Rachel L Roberts	207-775-0284	Chapman r146 @gmail.com
8.	Jaye Gorham	20 Essex St Portland	Jaye Gorham	207-671-7430	jaye@portsidereg.com
9.	Jean McManamy	10 Willis St	[illegible]	207-329-1232	ninimaine@aol.com
10	David Cowie	32 North Street	David Cowie	207 318 1810	dcowie@maine.rr.com
11	Lynne Cooper	410 Dufour St	[illegible]	831-818-1740	
12	Louise Little	32 North St. Pltd	Louise B. Little	207-329-7671	louise.little55@gmail.com
13	Leao Nelson	4 Bryn LN North Yarmouth	[illegible]	~~20~~	
14	Alex Bachmann	4 old landing road, NH	[illegible]	2072720645	
15	Hermann Brenhoff	12 Brendun Ln	[illegible]	207 412 3603	

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Name	Address	Signature	Phone #	E-Mail
Mona Dahan	401 Cumberland Ave	[signature]	2077769867	
Amy Freedberg	9 Willis St	[signature]	617-797-8349	
PEGGY SHAFFER	223 SHERIDAN ST	[signature]	513-658-6047	SHAFFEMS@gmail.com
Kira Shepard	5 Brookside Dr	[signature]	(207)450-0396	KShepar1@skidmore.edu
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Ann Marie Ray	158 North St	[signature]	207 756-2368	AMRay304@gmail.com
Bradley S Peacock	217 Sheridan St.	[signature]	312 371 7833	bpeacock@peacocknine.com
Shannee Sax	229 Sheridan St.	[signature]	207-807-8582	SS@hmpayson.com
Fulton Rice	92 Cumberland Ave	[signature]	~~[illegible]~~ 207-232-7215	fultonrice@gmail.com
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Joseph Rorick	196 Sheridan Street	[signature]	607-228-7868	Jrorick@Ithaca.edu
Michael Walsh	151 North St	[signature]	207 830-4567	

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Name	Address	Signature	Phone #	E-Mail
Porter Galvin	196 Sheridan apt 1 Portland ME		207-319-3002	galvinporter@gmail.com
Tracy Peacock	217 Sheridan st		312-890-6144	tracy.peacock@gmail.com
Deborah Cole	71 Walnut St		207 754-5853	debcole1052@gmail.com
Julia Kutcher	117 Quaker Ridge Rd		401 241 9079	juliakutcher8@gmail.com
Abdullah Habi	138 New Gloucester Rd Apt 4		207 703 5232	abdullahhabi.habi@outlook.com

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Name	Address	Signature	Phone #	E-Mail
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TERRY ROBINS	206 Sheridan St	[signature]	424-333-5443	trobins90230@gmail.com
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R.L. Morse	208 Sheridan	R.L. Morse	508-574-1870	rmorse52@yahoo
Mary Morse	208 Sheridan	Mary Morse	508-572-4393	mrsm1359@outlook.com
Shelly OAKES	210 Vaughan St.	[signature]	207.229.740	sheshee8@yahoo.
Karley Bassett	81 Gray St.	[signature]	207-807-8628	karley.bassett@gmail.com
Benjamin Semel	198 Park Ave	[signature]	561-573-4094	benjsemel@gmail.com
James Becker	40 Portland Pier #17	[signature]	207-536-0497	dimsumjb1@gmail.com
Randal Rucker	40 Portland Pier #17	Randal Rucker	207-556-0497	"
Kathleen Dockry	401 Cumberland Ave Apt 709	Kathleen Dockry	832-257-9597	kdockry100@gmail.com
John Rudoy	202 Sheridan St	[signature]	845-264-5419	JOHNRUDOY@gmail.com
Bill Rasmovic	156 Sheridan St	[signature]	917 628 7455	bcasmovic@gmail.com
Anita Stewart	23 OBRION ST	Anita Stewart	207 832-1210	astewart@portlandstor.org
HEATHER CURTIS	200 Sheridan St.	Heather Curtis	978-273-0421	TONTA heather@yahoo.com

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Name	Address	Signature	Phone #	E-Mail
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Amy Martel	86 Craigie St 04102	[signature]	415-487-1095	amy.martel@gmail.com
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Katie Urbanek	C-1 Clairmont Court	[signature]	207 450 6916	Katherine.urbanek@gmail.com
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Rebecca Jaufic	28 Coyle St	[signature]	2017-283-8245	Rforeman@gmail.com
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Linda Englert	193 Sheridan St.	[signature]	518.527.6599	linenglert@gmail.com
Michael J. Englert	193 Sheridan St.	[signature]	518.527.1804	michaeljenglert@gmail.com
Gregg Ritter	218 Sheridan St.	[signature]	207-712-7023	gritter@marshmma.com
DAVID MACHESNEY	213 SHERIDAN ST	[signature]	207 653 2863	DMACHESNEY@PROMA.com
Stacy Mokes	43 Prospect St	[signature]	732-207-5726	writemokes@gmail

Citizen Petition:

Protect the Western End of the Eastern Promenade Park: home to North Street Community Gardens, the East End Community School Outdoor Garden & Classroom, the Jack Path Trail, and the Mt. Joy Orchard.

- As the city of Portland revises its land use policies to increase density and address climate change, we the undersigned request that Recode Portland preserve and protect the open space and majestic views of the Eastern Promenade-Washington Avenue section of the Eastern Promenade Park.
- Parks and open spaces in Portland must be protected as **limited invaluable resources** into the future as the city works to increase housing density on the Portland peninsula.
- **Following the example of Fort Sumner Park, we support the establishment of an Eastern Promenade-Washington Avenue Height Overlay Zone to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from the western end of the Eastern Promenade Park.**

Name	Address	Signature	Phone #	E-Mail
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Yael Reinharz	204 Sheridan St.		6463274158	yael.reinharz@gmail.com
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David Messenger	113 Franklin St		213 608 7971	[illegible]
Candice Lee	118 Congress St.	Candice Lee	207 767 1231	cthorntlee@gmail.com

WRITTEN TESTIMONY BY BEVERLY BOOKIN, AICP (RETIRED)
PROPOSED ELIMINATION OF MINIMUM PARKING STANDARDS
PLANNING BOARD WORKSHOP (7/30/24)

Introduction. The purpose of this written testimony is to explore the likely implications of the recommendations in ReCode Portland to eliminate minimum parking standards for all uses, as now required in Table 19-A, and presumably eliminate/modify related provisions in the zoning code necessary to resolve internal conflicts. Although this is considered to be a progressive strategy in many respects – promoting efficient development, reducing development costs, encouraging use of alternative transportation modes, reducing congestion, promoting climate resiliency -- the elimination of minimum required parking ratios should be based on sound, reality-based analysis. The purpose of this written testimony is to explore the resulting parking requirements to achieve the standard of "adequate but not excessive". This is of particular concern for housing, since residents in both owner- and renter-occupied units store their vehicles for long periods when not in use.

I base this analysis upon my 35+ years of experience as an urban planning consultant in Portland, Oregon, where I have undertaken parking analyses for a wide variety of public- and private-sector projects including Portland International Airport, Oregon Zoo, major medical centers and universities, market-rate and affordable housing, and large mixed-use projects. For 25 years, I was also the "planner of record" for the City of Portland's SmartPark public garage system.

Summary of Analysis. This analysis is organized as follows:

- Parking 101: Basic Theory
- Applicability to the City of Portland (Maine)
- City of Portland Land Use Code Analysis / Currently and Proposed
- Case Study: 165 Washington Avenue Mixed-Use Proposal

Parking 101: Basic Theory. Many progressive American communities, including the "other" Portland, have eliminated minimum required parking ratios* because these almost always over-estimate parking demand in general and do not take into consideration variations due to location – mixed-use versus single-use neighborhoods, availability of transit – and/or users – tenants over 65 who are less likely to drive. Rather than ask a property-owner or developer to seek a variance or other means to justify a lower minimum ratio, most jurisdictions provide the opportunity to "right-size" the parking supply taking into consideration the project's unique characteristics. Theoretically, this is assured by two factors:

*A companion strategy is to create maximum parking ratios for some or all uses, above which the property owner/developer must justify the need for the additional parking, as is the case in Portland (OR).

- Market-driven: Assumes the property owner/developer will make a judgement call on how many on-site parking spaces are needed to make the project economically competitive. For example, if one beer garden on the street has on-site customer parking and the another nearby does not, the latter will be at an economic disadvantage. One check on the adequacy of proposed on-site parking is the willingness of a financial institution to lend on the project.

- Regulatory-driven: Requires Site Plan Review (SPR) that in most jurisdictions becomes the mechanism whereby the applicant builds the case for the proposed on-site parking supply via a parking study by documenting the specific characteristics of the site's location and users. In larger projects, this study often is combined with a Transportation Demand Study (TDM) to include measures designed to reduce vehicle trips and, thus, parking demand at both the points of origin and destination.

The basic premises for this approach is that the property owner/developer:

- Can provide parking in a combination of on-site and on-street parking, for such short-term users as customers, clients, patients, and restaurant/entertainment goers.

- Is required to provide an adequate amount of parking either on site or, under certain circumstances, in nearby off-street parking lots or garages, for long-term users such as residents and employees. This is based on the premise that adverse impacts generated on site must be mitigated on site. Thus, it is not acceptable for a project to "externalize" its parking demand by using the nearby on-street parking supply as its private parking lot.

- Is also required to project its traffic impacts to and from the site accurately, which is closely related to the number of on-site parking spaces.

Applicability to the City of Portland (Maine). With nearly 70,000 residents, Portland is a relatively small American city, which affects its transportation characteristics:

- According to Data USA (Appendix), 92% of Portland households own at least one car. This is typical of communities of this size, as characterized by development density and transit availability. To put is another way, Portland is not Chicago, Manhattan or San Francisco. A meaningful reduction in vehicle ownership is unlikely, although through good land use planning and/or economic incentives, some households may "down-size" from 2-3 cars to one, reducing parking demand.

- Thus, it can be argued that "real" demand is 8% less than the stated minimum parking ratio in Table 19-A. Such factors as location in mixed-use districts with good transit access, age and income characteristics of users, and proactive TDM measures can reduce actual demand even more significantly. For example, in Table 19-A, the current minimum parking ratio for residential

uses is 1.0 parking space/dwelling unit (DU). Thus, depending on site/user considerations, the actual parking demand could be 25% or more lower than this.

- However, it remains critical that the actual parking demand be documented and mitigated on site. Allowing a property owner/developer to reduce on-site parking demand for its residents or employees artificially is "magical" thinking and just pushes the adverse impact onto the surrounding neighborhood streets.

- Moreover, there is a difference between "carless" and "car-light". Increasing use of alternative modes of transportation and car ownership is not mutually exclusive. The key is encouraging car owners to increase the proportion of trips that they take using alternative modes achievable by providing more walkable, transit-rich, mixed-use neighborhoods. For example, a resident in a typical Portland neighborhood may walk to the bakery to buy a loaf of bread but drive to a supermarket to do the weekly shopping. Or he/she may walk or bus to work but drive out of town for recreation or visit friends and family. These car-owning households still need a place to store their vehicles when not in use.

City of Portland Zoning Code Analysis. The need to better regulate on-site parking demand is even more critical for large residential, commercial, office and institutional uses. This analysis focuses on residential parking because the current housing shortage is a major driver in the ReCode Portland recommendations, where reducing parking demand, both to increase development capacity and reduce construction costs. Is a major strategy.

The primary source for parking regulations is found in Chapter 19, Off-Street Parking and Loading.

- Table 19-A: Off-Street Parking Minimums: For single-, two- and multi-family residential: One space per dwelling unit (DU).

- Table 19-B: Categorical Exceptions to the Off-Street Parking Minimums: There are several residential exceptions

  - Affordable Housing: Two spaces are required for every three units, "except that the Planning Board may establish a lesser parking requirement regardless of the size of the structure".

  - Multi-Family Housing: "The Planning Board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in lesser parking demand, such as housing for persons who cannot drive, housing that participates in a Transportation Demand Management program, or housing that includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers."

- Transit Proximate Development and Uses: "No off-street parking shall be required within fixed route transit service. New uses or changes of use of more than 10,000 SF taking advantage of this exception shall be required to provide a Transportation Demand Management Plani if they use this provision in lieu of parking requirements."

- Accessory Dwelling Unit: "No off-street parking shall be required."

- Residential Uses: "No off-street parking shall be required for the first four dwelling units, not counting accessory dwelling units, except as otherwise specified herein."

- Section 19.6: "Required off-street parking shall be located on the same lot as the principal use, except as follows…." For residential uses (Section 19.6.A), there are a variety of options for providing off-site parking in lots or garages near the site of the principal use, but all of these must be off-street.

The other governing regulations related on on-site parking are found on Chapter 14: Site Plans, specifically Section 14.6.1 (D):Parking.

- Section 14.6.1.(D)(1)(a): "All developments shall provide off-street parking in accordance with the parking requirements of this Land Use Code."

- Section 14.6.1.(D)(1)(b): "When a parking study is required, the City encourages Transportation Demand Management (TDM) be employed."

Key findings regarding regulation of residential parking include:

- Based on several provisions in Table 19-B, the city already recognizes the need for and provides relief from the minimum ratio of one space/DU contained in Table 19-A. There is no required parking for ADUs and small residential buildings with four or fewer DUs, and, in the case of affordable housing, an automatic 33% reduction.

- In addition, affordable housing projects can benefit from additional opportunities to reduce on-site parking requirements that apply to all multi-family projects. Note the list of criteria upon which such reductions from the required residential ratio can be justified through: characteristics of occupants, TDM measures designed to reduce automobile use, or projects where occupants are prohibited from vehicle ownership.

- In the case of "transit-proximate" development, the reduction is unlimited, subject to a TDM plan. Although a "parking study" is not explicitly stated here, it is an outgrowth of the determination in the TDM of how many trips attributable to the site are made by single-occupant vehicle (SOV) versus alternative modes – carpool/shared cars, walk, bike, bus, home-based work. The number

of on-site parking spaces is inextricably tied to vehicle trips, since an occupant cannot drive if there is no place to store his/her vehicle when not in use.

- With regard to multi-family and transit-proximate projects and affordable housing projects that requests more than a 33% redaction, it is the Planning Board that makes the determination of "right-sizing" on-site parking presumably as part of Major Site Plan Review (SPR). This authority is granted to the Planning Board in lieu of a parking variance utilized in other jurisdictions, but the technical/legal considerations are the same.

Based on this analysis, even with the minimum parking ratio of one space/DU (Table 19-A), the exceptions in Table 19-B are a perfectly adequate way to achieve the "adequate but not excessive" parking standard for residential uses on a site-by-site basis. Note that by definition, every residential project is covered:

- One-/two-family residential uses considered under Minor SPRs are exempt from providing on-site parking by right.

- Any project of three units or more is considered under a Major SPR, where the first four units are exempt by right.

- Any residential development of five or more units then has the opportunity to request a lower parking ration based on site/user characteristics whether affordable housing, multi-family housing and/or located near a transit corridor.

With regard to the proposed ReCode Portland recommendations, the elimination of the minimum parking ratios for all uses (Table 19-A) is "the big idea" being promoted as the way to reduce unnecessary parking for all the right reasons -- promoting efficient development, reducing development costs, encouraging use of alternative transportation modes, reducing congestion, and promoting climate resiliency. What is missing is the detail with regard to other changes to the code necessary to 1) fully implement this measure; 2) remove conflicting provisions; and 3) eliminate unintended consequences. ReCode Portland has yet to address a number of key questions. Once the detailed modifications of the zoning code are drafted:

- Will Table 19-B (Exceptions to the Off-Street Parking Minimums) also be eliminated?

  - No need to retain the exceptions for no parking for small residential projects of four or fewer units and ADUs, as these already will have been eliminated in Table 19-A.

  - No way to apply the 33% reduction for affordable housing since the required parking against which the reduction is applied is no longer in force.

- With regard to on-site parking for multi-family projects of five or more units and all projects within ¼ mile of a transit corridor, how is parking determined? Does the applicant still have to do a TDM plan, within which an on-site parking study is required, or can a property owner/developer build a project of any size without providing any parking? Without having to justify the amount of parking proposed?

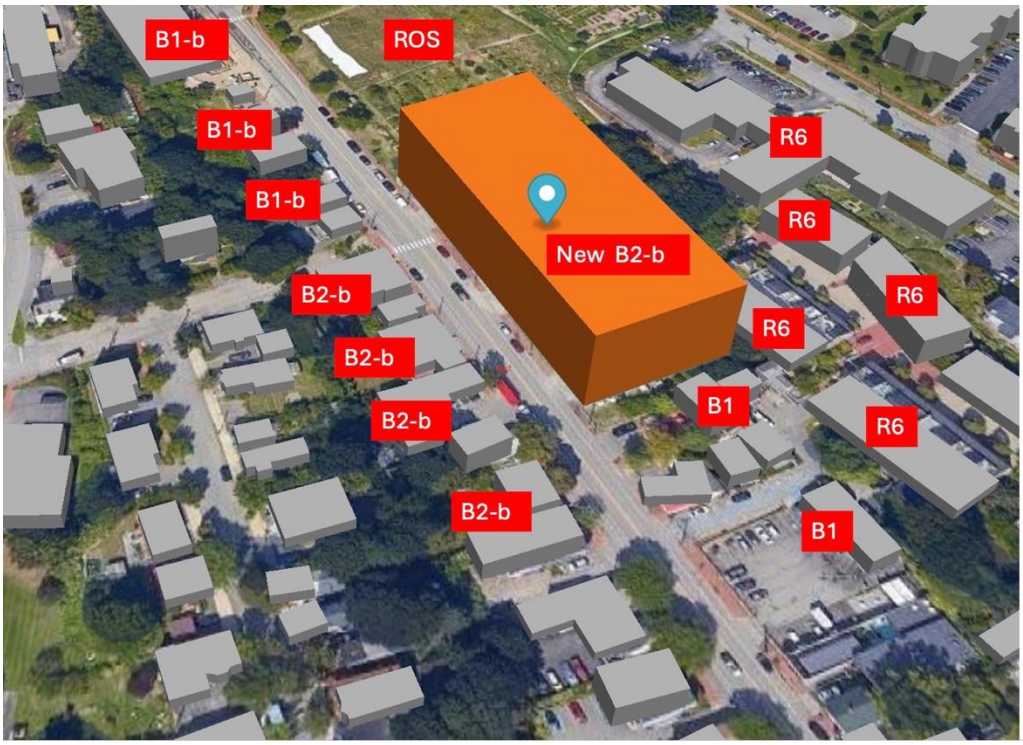
- How do the changes in Chapter 19 affect Site Plan Review (Chapter 14) especially for larger projects subject to Major Review? For example, will a large project that is "transit-proximate" still have to prepare a TDM plan? If so, will that require a parking study? Or can the property owner/developer simply propose the number of on-site parking spaces to be provided with no need to justify the number?

Case Study: 165 Washington Avenue Mixed-Use Proposal. To test how a major residential project would fare under the current and proposed minimum parking standards in ReCode Portland, the following case study is presented for the proposed Redfern Development project at 165 Washington Street. The project is now on hold pending the final adoption of the ReCode Portland recommendations. But the project is being praised as the perfect embodiment of the kind of housing production that the revised zoning code is being designed to promote and, therefore, a reasonable choice for analysis.

Summary of Redfern Property's Proposal

- Located on the north end of the Washington Avenue Corridor
- Site size: 1.57 net acres (NA) (68,720 sf)
- Residential: 320 Dwelling Units (DUs) including 240 Market-Rate and 80 Workforce DUs
- Residential Density: 210 DU/NA
- Ground Floor: Limited commercial
- On-Site Parking: 30 spaces
- Scale: 75' (seven stories) including 10' height bonus for affordable housing

The graphic below illustrates the proposed scale of the building, if the recommendations for increased height and the elimination of the maximum residential density are adopted as part of ReCode Portland.



Under Current Code Requirements. Having prepared dozens of parking studies in my 35+year career as a consulting urban planner, I will propose reasonable criteria for determining what the appropriate on-site parking complement should be for a project of this size, location and user characteristics:

- Per Table 19-A, the current minimum parking ratio is one space/DU, for a total of **320 spaces.**

- Per Table 19-B, the minimum parking ratio for affordable housing is reduced to two spaces/three DUs: **80 units X 1/3 by-right reduction: 26.4, rounded to 27-space reduction**. **This is an 8% reduction** (**27 spaces ÷ 320 spaces = 8.4%**).

- Per Data USA, 8% of Portland households are carless. The 27-space **reduction above is 8%; as these are "carless households", to take another 8% reduction would be redundant.**

- Further reductions are possible both as a multi-family project and as a multi-family project located within ¼ mile of a transit corridor. As the project is located on the Washington Avenue Corridor, a designated transit corridor, and within walking distance of downtown, the latter option is more favorable for parking reduction. Under the provisions for "transit-proximate" development, **a project that uses this option must undertake a TDM plan that includes a parking analysis.**

- Given the benefits of the Washington Avenue location, I would recommend a further **25% reduction** to account for walk/bus/work-from-home opportunities. Although, it must be remembered that households can increase their use of alternative modes and still maintain car

ownership, for which a parking space is needed when the vehicle is not in use. **320 spaces X .25 = 80 spaces.**

- This is total of **27 spaces** (for affordable housing reduction) and **80 spaces**, for a total of **107 spaces**. This leaves **213 spaces** to be accommodated on site (**320 – 107 = 213 spaces**). Currently, the proposal **underestimates actual demand by seven times** (**213 ÷ 30).**

- The likely configuration of this parking would be **30 on-grade spaces**, doubling for daytime parking for the commercial space, and **183 spaces** in one floor of underground parking.

Under Proposed Parking Regulations. As noted above, once the minimum parking ratios for all uses (Table 19-A) are eliminated, there is a serious question about whether the requirements in Table 19-B related to affordable housing and especially "transit-proximate" locations will still apply. With regard to the latter the question remains whether the applicant will have to do a TDM plan with a parking element as part of Major SPR. Why is this important?

In both formal and informal presentations, Jonathan Culley, Redfern's representative, argues that the project only needs the 30 parking spaces proposed, for a **parking ratio of one space/10.7 DUs**.** This apparently is the maximum that can be accommodated on-grade. His argument is that the vast majority of the project's renters will be carless. He explicitly identifies graduate and foreign students from nearby universities but presumable also includes lower-income tenants in the deed-restricted workforce housing units. Let's test this theory:

- It is estimated that Portland's population in 2024 is **69,310*****.** According to the 2020 census, the household (HH) size is **2.1 persons**. Thus, the city has **33,320 HHs** (**69,310 ÷ 2.1**).

- According to Data USA, only 8% of Portland HHs are carless. That translates into **2,670 HHs** (**33,320 X 0.8**).

- Of the 320 units, only 30 tenants at a time can secure an on-site parking space, This means that Redfern will have to fill 290 units with continuous turn-over from a pool of 2,670 HH that have no cars. Under this scenario, **the project alone will account for 11% of all carless HHs in the city** (**290 ÷ 2,670**).

- This not a feasible marketing plan and certainly not one that would convince a financial institution to risk under-writing.

**For reference, before Portland (OR) abolished minimum parking ratios, the minimum ratio for aged-restricted housing for seniors was one space/eight DUs.

***Numbers used in this analysis rounded to the nearest 10 or tenth.

Rather than admit that the project needs significantly more parking per the parking analysis presented above and, thus, commit to building an underground garage that would add significant cost to the project, Redfern appears to be betting that it can just direct its tenants with cars to park on street on Washington Avenue and other nearby streets:

- It is an unquestioned tenet of land use planning that a property-owner/developer who reaps the economic benefits of development/redevelopment must bear the costs of mitigating the associated adverse impacts including parking and traffic associated with the project.

- With regard to parking, this means mitigating the impact on site or on a parking lot or garage at a nearby off-street location. With reasonable limitations, on-street parking should be available to all with a reasonable expectation of turnover. Public on-street parking is not to be used for Redfern or any other developer as a private parking lot.

- If Redfern's contention that 30 parking spaces is adequate for a 320-unit residential/commercial building is accepted without a soundly-based parking study:

  - The project's traffic study also will under-estimate the project's traffic impacts on the surrounding street system by seven times. Why? Because only tenants of the building with cars will contribute to the calculation of trips/DU and only tenants with parking spaces can have cars.

  - As a result, Redfern will "externalize" both of its parking and traffic impacts onto the adjacent neighborhood, this after benefitting from proposed changes to maximum height and elimination of maximum housing density, that allow construction of a seven-story, 320-unit mixed-use project.

  - But there's more: If the Redfern project is approved as proposed, other property owners/ developers of nearby lots on this portion of the Washington Avenue Corridor will use the same strategies to under-estimate parking and traffic impacts and externalize these onto the neighborhood. In this scenario, the collective impacts upon the corridor and adjacent neighborhood will be enormous.

A Final Word. The above case study proves the rule. If it removes all minimum parking ratios for all the positive reasons described above, The City should do so using thoughtful, reality-based analysis:

- The goal is to ensure that development/redevelopment projects provide "adequate but not excessive" on-site parking in recognition that the vast majority of Portland households own at least one car, a proportion not likely to decrease significantly in the near future. When considering the detailed modifications to the zoning code, the City should retain the mechanism to justify the proposed on-site supply for all larger projects subject to Major Site Plan Review. This can be done

by retaining the requirement that as part of the Planning Board approval the property-owner/ developer must prepare a Transportation Demand Management Plan with parking and traffic components. The resulting parking then should be provided on site or in nearby off-street parking facilities per existing code requirements.

- To remove all requirements for calculating actual demand, particularly in the name of promoting residential density, will not make real parking demand go away. It simply will allow property owners/developers to externalize their parking and traffic impacts into the surrounding neighborhood, benefitting from the economic profit without paying for the cost of mitigating adverse impacts.

Respectfully submitted:

Beverly Bookin, AICP (retired)
203 Sheridan Street, Portland, ME 04101
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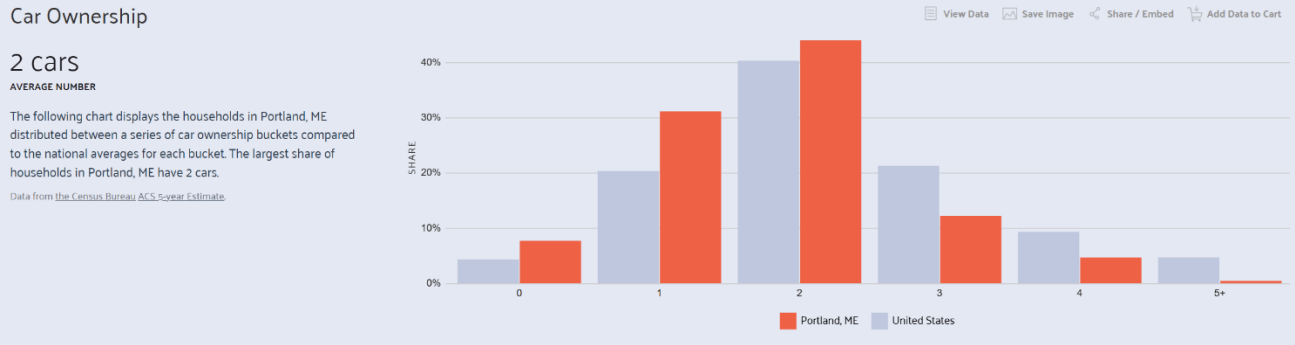
Email: bookin@bookingroup.com

APPENDIX
CAR OWNERSHIP IN PORTLAND, MAINE



Source: Data USA

mclamoria@gmail.com <mclamoria@gmail.com> Jul 28, 2024, 1:15:51 PM (20 hours ago)
to planning@portlandmaine.gov

You all need to slow down & be more transparent about the Recode process, Your plan will ultimately take away private property rights of homeowners & potential future homeowners.

Don't try to convince me that this isn't the plan or this is not the outcome that will be. When you are taking properties with one home & turning them into 4+ units dwelling & "no more single-family zoning, who do you think is going to own them?

Of course this is a developers dream come true.

I attended a community outreach meeting with these proposals in 2023. During the question & answer portion, the general public asked to be kept abreast of the process going forward.

This was agreed upon. But of course has not been enacted on. If there is anything on the City website, it is very hard to find. How come no more public forums?

I have to thank Connect Portland for keeping me apprised of what you are trying to sneak through.

If the citizens of Portland that currently live in the neighborhoods, you are seeking to take over & destroy, wanted to live in a "urban setting" with high rises & multifamily dwellings, than we would have purchased such property on the peninsula.

We chose to live in the neighborhoods, away from all of that & enjoy our little piece of property, neighbors on a quiet street in a quaint neighborhood.

Please slow down, & included us neighborhood dwellers that will be most impacted if this rezoning goes through.

Developers come & go, we live here.

Thank you

Janet M LaMoria

Greenwood Lane

From: Robert Kahn <rhkahnme@gmail.com>
To: pplannning@portlandmaine.gov
Cc:
Bcc:
Date: Sat, 27 Jul 2024 11:04:41 -0400
Subject: ReCode
To: All Planning Board Members -

For some parts of ReCode I would consider worth addressing in more detail as to the FULL implications of the results. These would include areas like Forest Ave. and Washington where infill projects would increase density in these transportation corridors. Other ideas are frightening in their potential to totally change the Portland we know.

At a minimum, there should be visualisations, graphic images, that depict the visual impacts (density, height, adjacency dimensions) that these proposed changes would make. This must be provided if we are to 'see' what is being presented.

Thank you - Robert Kahn, Portland.

Recode 0 views



Leslie Hart 2:00 PM (1 minute ago)

to recodep...@portlandmaine.gov, planni...@portlandmaine.gov, plan...@portlandmaine.gov, ke...@kevinschochat.com

I would like to express opposition to the proposed change from B1 to B2 along Washington Ave. for the following reasons.

Recode assumes development along Washington Ave is transit-oriented development. There is some bus service along Washington Ave. currently, but not nearly enough to support the requirements of higher density development. The planning board has no control over increasing transit. That has to be done by the state DOT. There is an assumption that increased demand will eventually result in increased service. But there is no actual plan or budget to make that happen. Any zoning changes must be made in cooperation with the DOT **now**, not years from now, so there is a concrete plan in place to accommodate increased demand, rather than playing catch up years later. In the meantime, nightmare traffic congestion will deteriorate the quality of life in Portland. Increased density without adequate public transportation means more cars on our roads, adding to greenhouse gases and resulting in a negative environmental impact.

Second, the B1-B2 change contradicts the Portland 2030 Plan that acknowledges that “continuing to preserve and develop open spaces, and improve connections between them, is integral to the health and well-being of Portland’s residents, visitors, and ecology. The City’s public spaces are central to its ability to foster neighborhood vitality, sense of community, recreational opportunities, environmental health, arts and cultural programming, economic development, and local mobility. A walkable, bikeable, and accessible network of open spaces is an invaluable and necessary element of an equitable, healthy, and vibrant future."

Yet the proposed zoning change would do just the opposite. Permitting taller buildings along Washington Ave. will negatively impact the western end of the Eastern Promenade Park, obstruct the expansive views from the park, and diminish the experience of the park and the physical landscape. A recent NIH (National Institutes of Health) study found that "Green spaces provide vital health services as well as environmental services... reducing socioeconomic health inequalities, facilitating activity and promoting better mental health and well-being.” It called green spaces "a cost-effective public health intervention.”

Recode should not rob our citizens of this essential element of health and wellbeing.

Leslie Hart & Kevin Schochat
917.364.3682
215 Sheridan St.
Portland ME 04101

Recode Proposals / Height Impact

0 views

Subscribe

Herb Adams

2:17 PM (1 hour ago)

to planni...@portlandmaine.gov

To the Planning Board --

As one who has written extensively about Portland City Parks and worked to expand them (e.g. Noyes Park and Thomas Park, etc.) I think the concerns about loosening height restrictions in the proposed city Recode, especially in re: The Eastern Prom , are very valid concerns.

Density of housing can be achieved without diminishing quality of life. The open vistas from our Proms, or Ft. Sumner Park, belong to us all, and enhance our city's liveability and unique quality beyond price..

These views do not cost Portland a cent. Nature gave Portland a priceless gift. We could never replace or improve it. It is beyond what mankind can do.

Taller buildings alone, claiming the views, do not mean better buildings, or better quality of Portland life. They benefit only those who can afford to live there.

Such views should not belong only to those who can afford them.

Portland's views and skyline should never be for sale.

Thank you.

Herb Adams
Adjunct Professor Social Sciences
SMCC
South Portland, ME 04106
hadams@smccme.edu

ReCode Committee:

I write in distress about the absence of year long residency restriction for Accessory Dwelling Units , for the following reasons:

1. In March of 2019, a text amendment was added to Section 6.6.2A of the Portland Land Use Code specifying that on Peaks Island ADUs must be rented year round only.

2. It is no longer there, wiped out at some point for some unknown reason, without any notification or discussion.

3. Is this legal ? To quietly remove a clause that supports year round affordable housing ?

4. Is it sensible ? NO. At the direction of the Peaks community (a study, a zoning advisory committee, the Home Start board and the Peaks Island Council) , its purpose was **to ensure the creation of more year round housing and to prevent the creation of more short term rentals.**

5. Should a year round rental restriction be added for all ADUs in Portland ?
   Yes, if there is truly a commitment to creating more affordable housing in Portland.
   Without such a restriction the ReCode leaves the door wide open to more short term rentals.

One sentence will fix this. To the proposed ReCode Chap. 14, 6.6.2.A add a 9th point:
"*Neither the accessory unit or the principal dwelling shall be used for short-term rentals as defined under Section XXXXXX."*

This wording is from the Peaks text amendment added in 2019 - and then mysteriously removed. To support ADUs as one way to add affordable units, it must be restored and expanded for all of Portland.

Betsey Remage-Healey
President
Home Start

ReCode map question 0 views

Subscribe



Christian MilNeil 2:58 PM (3 minutes ago)

to planni...@portlandmaine.gov, Helen Donaldson

Hi Nell,

I have a question about the city's proposed ReCode zoning map.

All the maps I've seen so far are drawn such that public rights of way are excluded.

I understand that the rationale for this is so that zone boundaries follow parcel boundaries, but I'm concerned that this could complicate efforts to offer public right-of-way for private development on excessively wide streets like Franklin and Spring Streets, or the I-295 interchanges.

These are the places that offer some of our biggest opportunities to build new housing on city-owned land, and we should be explicit about encouraging higher-density development there from the get-go, instead of leaving these areas to uncertainty as a blank spot on the zoning map.

Is there language in the proposed zoning text that says that zoning boundaries will be implicitly extended into the adjacent public right of way? If not, I'd encourage the Planning Board and the planning dept. to make certain exceptions to the zoning-follows-parcel-boundaries rule where there are plans in place to narrow or otherwise redevelop the right-of-way, on Spring and Franklin Streets and in the I-295 Exit 5 cloverleaf interchanges in Libbytown.

Otherwise, I'm really excited for the changes and will also throw my own support behind the others advocating for more ambitious changes to height and density rules, and expanding the proposed TOD zones into more districts, so that we can invite more people to live here affordably in more walkable neighborhoods.

Thanks for all your hard work on this!

Christian MilNeil

- - - - - - - - - - - - -

Megan Cindrich <mcindrich@portlandmaine.gov>

ReCode

1 message

Elizabeth Owens <eliza.owens23@gmail.com> Mon, Jul 29, 2024 at 3:15 PM
To: recodeportland@portlandmaine.gov

To whom it may concern:
As residents of Munjoy
Hill, my husband and I wish to add our voices to those concerned about the environmental impacts of some of the city's ReCode plans.
The letter below summarizes our concerns:

Elizabeth Owens and R. Douglass Faherty
197 Sheridan St.
Portland, Me 04101

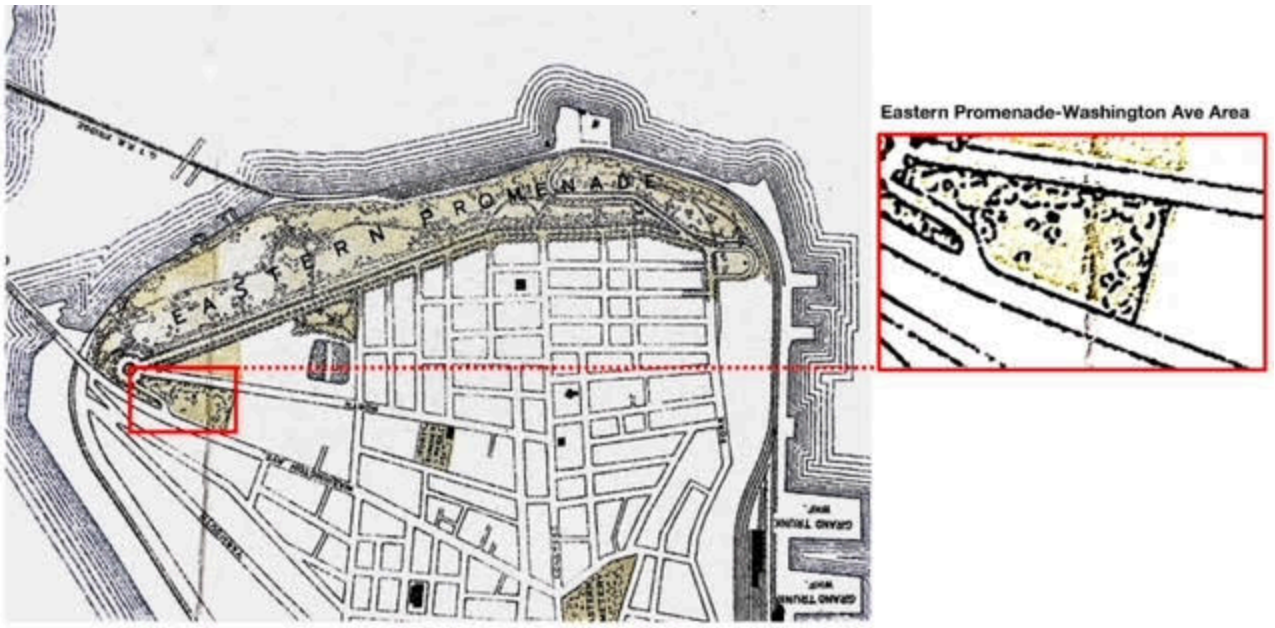
Phase II of ReCode does not address the impact of increased zone height recommendations on Portland's signature parks, which were designed to showcase and protect the quintessential scenic vistas that define landscape of the city. Portland 2030 identifies Parks and Open Space as a one eight key policy guidelines.

As the city works to increase density and create more multifamily housing on the peninsula, it is more important than ever to provide breathing space and a shared backyard for the public. As such, it is essential that policies designed to

address the housing crisis must simultaneously preserve, protect, and expand our signature parks, notably the Eastern Promenade.

Zoning changes proposed as part of Portland ReCode will negatively impact the western end of the Eastern Promenade Park, which include the southwestern facing slope between North Street and Washington Avenue. This section of the park offers expansive views of the city skyline, Back Cove, and Mt. Washington, similar to the views protected by the Fort Sumner Park Height Overlay. It is also home to the North Street Community Gardens, the East End School Community Garden and Outdoor classroom, the Mt. Joy Orchard, and Jack Path.

The proposed zoning changes in ReCode will increase height and density guidelines for those lots abutting and adjacent to this section of the Eastern Promenade. Specifically, the 9 lots directly across Washington Avenue, which are currently zoned B1-b (45 foot height limit) will be rezoned to B2-b (65 foot height limit); and the lot that abuts the end of the park next to the Mt. Joy Orchard will be rezoned from B1 (45 foot height limit) to B2-b (65 foot height limit). These zoning changes will not only obstruct the expansive views from the park, but they will also negatively impact the experience of the park and the physical landscape.



City of Portland ME. General Plan for Park System – Eastern Promenade
Olmsted Brothers Landscape Architects
Brookline Mass. June 1905

"... let us all unite to secure for ourselves and for our children a beauty spot in the midst of our growing city—a breathing place for all the thousands who are to come after us."

– *Portland Transcript*, 1856

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

July 9, 2024

Sarah Tatarczuk
Portland Housing Authority
970 Baxter Blvd.
Portland, ME 04103

Project Name:	Major Site Plan	**Project ID:**	PL-002845-2024
Address:	9 Boyd Street	**CBL:**	002 H001
Applicant:	Portland Housing Development Corporation		
Planner:	Eric Freeman		

Dear Sarah,

On July 9, 2024, the Planning Board approved a major site plan application for a six-story, 55-unit multi-family residential building located at 9Boyd Street in the R-6 Residential zone and the R-7 Compact Residential Overlay. The decision is based upon the application, documents and plans as submitted. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6. based on the information provided to the Board in the application, plans, and reports through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on July 9, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (4-0) to approve the application with the following conditions as presented below.

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide an ability to serve letter from Central Maine Power and the Portland Water District.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

3. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

4. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

5. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by

the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

8. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

   A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

9. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

10. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater. Please provide one hard copy of the mylar.

11. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

12. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit https://www.portlandmaine.gov/2409/Impact-Fees

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at drc@portlandmaine.gov or (207)874-8984. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Eric Freeman at (207)874-8724 or via email at efreeman@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair Mazer and Members of the Planning Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: July 26, 2024
RE: 42 Atlantic Street – PUBLIC HEARING – Appeal of Historic Preservation Board Approval of New Construction
PROJECT ID: HPBR-002814-2024
MEETING: July 30, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A legal ad announcing the Planning Board's meeting on July 30, 2024 was published in the Portland Press Herald on July 19, 2024 and July 20, 2024, and 292 notices were sent to neighboring property owners within 500 feet of the subject property.

BACKGROUND

The Historic Preservation Board held two workshops and a public hearing for the proposed new construction at 42 Atlantic Street on the following dates:

- March 6, 2024 – Workshop
- April 17, 2024 – Workshop
- May 29, 2024 – Public hearing

At the May 29 Public Hearing the Historic Preservation Board voted 5-1 (Whitten opposed, Miller recused) to approve the project with conditions.

Included for reference by the Planning Board are all staff memos, applicant materials, and written public comment provided to the Board at the March 6, 2024 Workshop (Attachments 1-5), the April 17, 2024 Workshop (Attachments 6-10), and the May 29, 2024 Public Hearing (Attachments 11-15), along with the the Certificate of Appropriateness and Final Approved Plans issued on June 6, 2024 (Attachments 16-17). Links to the recordings of all three meetings have also been provided.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

See analysis by the Board included in the staff memo from the May 29, 2024 Public Hearing (Attachment 11).

ATTACHMENTS

1. Appeal Application
2. Staff Memo from March 6, 2024 Workshop
3. Project Description from March 6, 2024 Workshop
4. Application checklist and deed from March 6, 2024 Workshop
5. Plans from March 6, 2024 Workshop
6. Public Comment from March 6, 2024 Workshop
7. Staff Memo from April 17, 2024 Workshop
8. Project Description from April 17, 2024 Workshop
9. Application checklist and deed from April 17, 2024 Workshop
10. Plans from April 17, 2024 Workshop
11. Public Comment from April 17, 2024 Workshop
12. Staff Memo from May 29, 2024 Public Hearing
13. Project Description from May 29, 2024 Public Hearing
14. Application checklist and deed from May 29, 2024 Public Hearing
15. Plans from May 29, 2024 Public Hearing
16. Public Comment from May 29, 2024 Public Hearing
17. Certificate of Appropriateness, dated June 3, 2024
18. Approved Plans, dates June 3, 2024

MEETING RECORDINGS

1. March 6, 2024 Workshop: https://portlandme.portal.civicclerk.com/event/6705/media (Beginning around minute 36:00)
2. April 17, 2024 Workshop: https://portlandme.portal.civicclerk.com/event/6718/media (Beginning around minute 35:00)
3. May 29, 2024 Public Hearing: https://portlandme.portal.civicclerk.com/event/7227/media (Beginning around minute 4:00)

Application for Appeal

Department of Planning and Urban Development

City of portland

Applicant Information:

Applicant Name: Joe Lewis **Phone:** (207) 756 - 3773

Business Name (if applicable): _____ **Email:** joe@portcitylegal.com

Mailing Address: 33 Atlantic Street, Portland, ME 04101

Is the applicant an agent, representative, or lessee of the property owner/purchaser? ☐ Yes ☑ No

Name of Property Owner/Purchaser: _____ **Phone:** (_____) _____ - _____

Business Name (if applicable): _____ **Email:** _____

Mailing Address: _____

Property and Project Information:

Property Address: 42 Atlantic Street **Zone:** R-6

Tax Assessor's CBL: 016 (Chart #) F (Block #) 1??? (Lot #) **Current Use of Property:** OTHERS EXEMPT BY CODE

Disputed provisions of the Portland Code of Ordinances (please cite sections): Chapter 14 - Land Use
Article 17: 17.1, 17.8.3(A)(1-5), 17.8.3(B)(2), 17.8.3(C)(2)(3)

Decision being appealed:

Issuance of Certificate of Appropriateness by the Historic Preservation Board stamped for approval on June 3, 2024. See attached for details of basis for the appeal.

Please attach a copy of the approval letter or permit that is under dispute. You are welcome to submit any additional documents and exhibits that may support your request.

The undersigned hereby makes application for an interpretation appeal as described above, and certifies that the information herein is true and correct to the best of his or her knowledge and belief.

Applicant signature: _____ Date: 6/30/2024

Planning and Urban Development
Historic Preservation Program

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Additional information supporting the appeal of the Historic Preservation Board's ("HPB") issuance of a Certificate of Appropriateness ("COA").

Appellant Joe Lewis appeals HPB's issuance of the COA for the reasons shown below.

STANDARD OF REVIEW:

1. The evidence before the HPB was erroneous or otherwise lacking with respect to the proposed size of the structure in relation to its visual neighbors.

Erroneous materials from the applicant. No fewer than three members of the community offered testimony during the public hearing process that the drawings purporting to show the height of the proposed structure were fundamentally flawed and misleading. These concerns were only addressed once at a workshop, with the applicant assuring the board that the renderings were correct.

The applicant's assurances notwithstanding, the renderings included in the Approved Plans document illustrate the infirmity of the evidence before the board.

- Page 16 shows a telephone pole to the left of the (42 foot) structure as rendered. The telephone pole is shown to be taller than the structure. On page 17, the same telephone pole is shown as shorter than the structure. Both things cannot be true.
- Page 17 shows a second telephone pole directly in front of the structure at the corner of Atlantic and Gilbert. In this rendering, the pole presents as slightly taller than the structure. Page 18 shows the same pole looking up Gilbert Lane and towering over the structure. The same telephone pole is shown on page 19 as being so much higher than the building that it is not even part of the rendering. These three relative views are thoroughly inconsistent in a way that belies any argument that the renderings are spot-on. On information and belief, this telephone pole is approximately 36 feet tall.

Lacking materials from the applicant. No fewer than two members of the community offered testimony highlighting the lack of renderings which showed the proposed structure in context with its visual neighbors. These concerns were noted on page 4 of the Approved Plans wherein the applicant reported feedback at the second Public Workshop to consider "showing abutting neighbors on analysis slide."

The analysis slide purporting to represent a response to this request is on page 6 of the Approved Plans and is wholly inadequate to either the request or the analytic requirements of the process. Specifically, this page shows 15 buildings on Atlantic Street, seemingly chosen at random. None of these buildings are depicted in reference to the proposed structure. Rather, they are shown in isolation with no location information, no height or width information, and – most alarmingly – not contextualized to the proposed structure. While the applicant did indeed show (some) abutting neighbors on this page, it did so in a way that subverted the ability of the board and the public to evaluate the visual compatibility of the proposed structure with its neighbors.

Because the board did not have sufficient evidence before it to properly evaluate the visual compatibility of the height and width of the proposed structure, any decision it made with reference to that compatibility pursuant to the demands of 17.8.3(A)(1) must not stand.

2. <u>The interpretation of the Standards for review of new construction is not supported by the evidence that was presented and is otherwise so afield of those Standards as to be arbitrary and capricious, and at odds with the purposes of preservation as set forth in Section 17.1.</u>

Pursuant to 17.11.4, Article 17 shall be liberally applied and construed to effectuate the purpose of preservation set forth in Section 17.1. Relevant purposes are detailed at 17.1 C, E, and G. These may safely be generalized to compatibility of new construction, protection and enhancement of the neighborhood character, and protecting and enhancing the attractiveness of the city.

Given the demand to liberally construe the Article generally in support of the purposes of the Article, the board should have been used more exacting standards when it looked at the scale and form, composition of principal facades, and relationship to street of the proposed structure. Instead, the board seems to have bent over backward to see what it wanted to see in order to approve this project.

17.8.3(A)(1) demands that the proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guideline. Similarly, 17.8.3(A)(2) demands the same of the proposed width of a new building.

In fact, the proposed structure is so much taller than its visual neighbors and so much wider than its visual neighbors that it is nonsensical to conclude

that it is visually compatible. Some of its neighbors will be hidden by this structure if allowed to be developed, which would seem to be the opposite of visually compatible. There are no existing buildings which are visually related to the proposed structure that are even one-half of its overall size. Indeed, public comment offered to the board suggested that the proposed structure is many, many times the size of its immediate neighbors, an allegation that was not even addressed, much less refuted by the applicant or the board. The proposed structure's scale dwarfs its neighbors, which is antithetical to the demands of sub (5), the scale of the structure.

Similarly, and as noted by the applicant on page 6 of the Approved Plans, common attributes of the buildings on Atlantic Street include a vertical orientation. Also, all but one of its visual neighbors features other than the flat roof proposed by the applicant. (During the final public hearing, the applicant erroneously claimed that 28 Atlantic has a flat roof. This is simply wrong.)

The proposal also fails the demands of 17.8.3(B) and (C), specifically regarding the rhythm of solids and voids compared to neighbors and the spacing and structures on streets. This massive structure will present a unique street-level experience for pedestrians, especially on Gilbert Street, which will be fairly "eaten up" by the building.

All told, the proposal fails any straight-face test with respect to visual compatibility. It would be a monster, completely out of character and scale with any other structure in its visual range. To determine otherwise is to ignore the precepts of 17.11.4, which dictates liberal construal of the Article in service to the purposes of preservation. This project is not compatible. It does not protect or enhance the neighborhood character (as described in the District description) but rather destroys that character. It does not protect or enhance the attractiveness of the city to build a massive, industrial-looking box and plop it in the middle of a relatively quaint street that features mostly modest and otherwise well-appointed structures of 1½ to 2½ stories.

3. <u>The HPB impermissibly considered factors other than those called for in the Ordinance, specifically focusing on the need for affordable housing and the budget and design limitations associated with the project being financed by Maine Housing Authority as part of that entity's Low Income Housing Tax Credit program.</u>

While the board was silent on this point in its COA letter, the reality is that this project was heralded as an important contribution to meeting the need for affordable housing in Portland. Laudable as this goal is, such a consideration is well-outside the purview of this board's authority and the specific guidelines found in 17.8.

During the three public workshops, board members were enthusiastic about this project helping meet the needs for more affordable housing. The board was similarly sympathetic to the applicant's need to be frugal at every turn due to the constraints and demands placed on it by its financer, Maine State Housing Authority.

The City's Land Use ordinance affords no such considerations for a historic preservation new construction analysis. Its final work product belies the open and spoken consideration of the board of the desirability for affordable housing. It permitted this consideration and desire to color its evaluation of this project to the point of allowing budget constraints to override design considerations.

Conclusion Because the Historic Preservation Board was working with insufficient evidence, drew arbitrary and capricious conclusions about visual compatibility in contradiction of the purposes of Article 17, and because the board considered impermissible factors as part of its analysis, the board's COA must be vacated.

Respectfully submitted,

6/30/2024

Joe Lewis
38 Atlantic Street
Portland, ME 04101

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: March 1, 2024
RE: 42 Atlantic Street – FIRST WORKSHOP – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: March 6, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on March 6, 2024 was posted at the property on February 22, 2024. A legal ad was published in the Portland Press Herald on February 23, 2024and February 24, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 26-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Unspecified
Siding	Painted horizontal and vertical
Trim	N/A
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

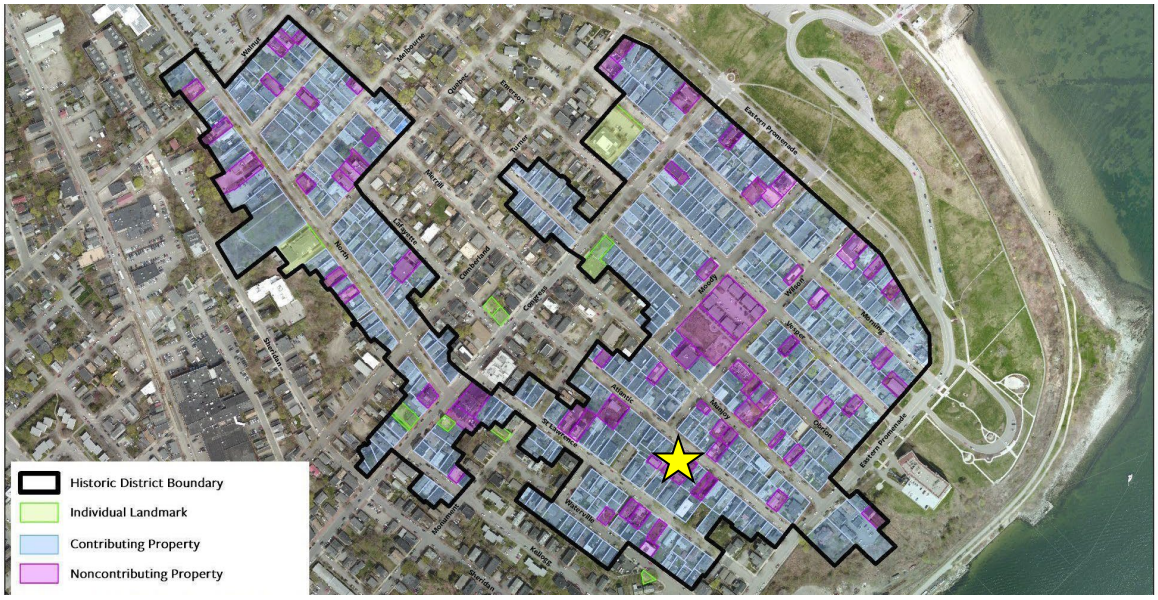


Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.




Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.




Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.



Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.



Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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STAFF COMMENTS

The applicant is proposing to construct a four story, 26-unit affordable housing project. The parcel contains an existing, noncontributing building that will be demolished to allow for construction. The proposed four-story height and 72-foot width are greater than most of the immediately adjacent historic structures; however, it is not out of keeping with heights found in the district and the applicant has taken steps to try and breakdown the massing of the building.

The front elevation is proposed to be broken down with a series of shifts in the wall plane that step the building back from the corner of Atlantic Street and Gilbert Lane. Some similar shifts are proposed along Gilbert Lane. Staff find that this is fairly successful in better scaling the building to nearby structures. Staff would encourage the Board to consider whether this could be further reinforced by creating a somewhat further differentiated middle section. This would then break the building down into two about 30-foot widths that would be much more in keeping with typical widths along Atlantic Street.

Relatedly, the entrance to the proposed structure will be fairly easily discernible by the ramp and stairs off of the sidewalk. However, the entrance itself lacks presence on the building's façade. Staff would encourage the Board to discuss whether there are opportunities to reinforce the entrance through a wider recess, or perhaps a small cantilevered canopy. A differentiated siding treatment or surround could also make the entrance more visually prominent. Such a detail could function as a reference to the hoods or entablatures often found on Italianate or Greek Revival buildings nearby.

The proposed structure features a very regular pattern of windows which helps it to fit into the district. Windows are sometimes arranged with some variety, but on the larger structures, such as tripled-deckers, they are especially regular. Unfortunately, this pattern is broken at the left bottom corner of the front façade. Staff would encourage the applicant to explore whether the basement entrance could potentially be shifted to part way down the side elevation which would allow the first-floor unit in that location to be pulled to the front of the building, allowing for a more consistent window pattern. This might also help ground that corner of the building, which feels awkwardly tall without a first-floor window.

Given that this is a first workshop, the Board should provide very clear direction to the applicant on any threshold compatibility issues, as well as providing preliminary feedback on materials and details. Staff would recommend that the applicant provide some additional rendered views in future submissions as well as a partial streetscape elevation to aid the Board in assessing the relationship between the proposed structure and adjacent historic structures.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be wider than typical of structures along Atlantic Street, though not out of scale with some of the largest buildings in the district. The applicant is also proposing to create several small shifts in the Atlantic Street and Gilbert Lane facades that breakdown the width of the building.

3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The overall façade is proposed to have a fairly horizontal proportion; however, the shifts in wall plane along Atlantic Street will help breakdown the width of the building into more vertical masses. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.
5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The Board should confirm whether the scale of the structure is appropriate to the context. Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district.

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged, with the exception of the front left corner where the basement access is provided.

3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure would feature a central recessed entry. Slightly recessed entrances are common, but many buildings also feature project porches or canopies.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The structure is proposed to be clad in a mix of horizontal and vertical siding. Horizontal siding is ubiquitous through the Historic District. Vertical siding is uncommon, but vertical trim, details, and accents are very common.

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical, so it does somewhat break the rhythm of structures. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed shifts in the Atlantic Street façade create a regular pattern of vertical masses that reflects the pattern of the district.

3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a horizontal massing that is broken up by shifts in the wall plane that create more horizontal masses. Structures in the district are predominantly vertically oriented, though some are have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The Board should confirm whether the design is sufficiently compatible based on the above standards.

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

February 8, 2024

Re: Historic Preservation Application, Project Description

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,590 square feet (with an additional 3,400 square feet of basement space). The primary frontage along Atlantic Street is composed of five bays which step progressively. Similarly, on the secondary façade along Gilbert Lane, there are three corresponding stepping bays. The intent of these articulations is to anchor the scale of the building back to the neighborhood.

Accessed via ramp or stair, the primary entrance is recessed three feet into the central bay of the Atlantic Street facade. Basement egress is provided at the South side of this facade. Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access.

The building will have a total of 26 units, consisting of four studio apartments, eighteen two-bedroom units and four three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☐ N/A ☑	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

Atlantic Street Housing
Historic Preservation Application
Submitted: February 8, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC



Looking up Atlantic



Looking down Atlantic

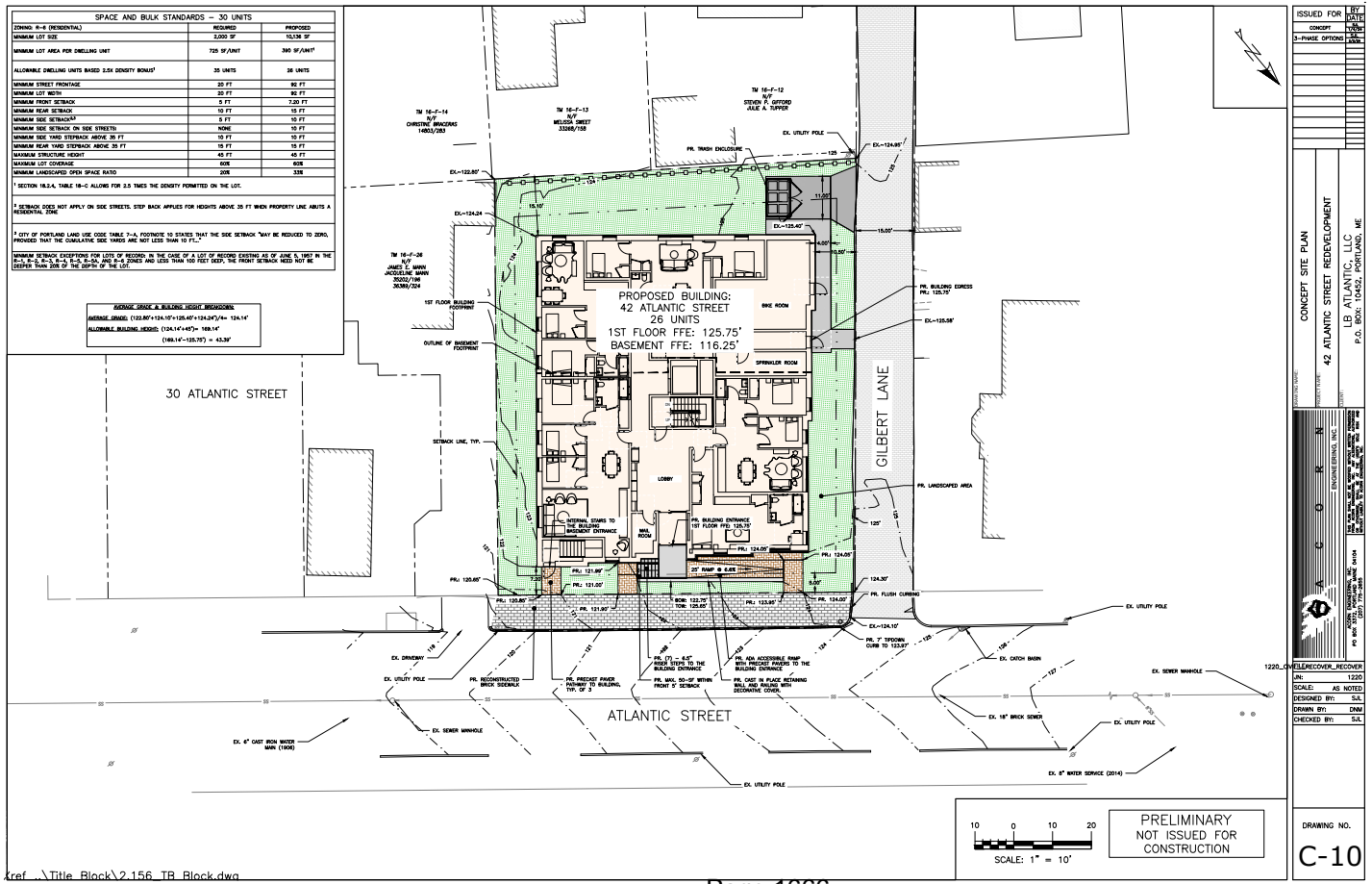


From Gilbert



From Rear Parking

Site Plan Prepared by Acorn Engineering



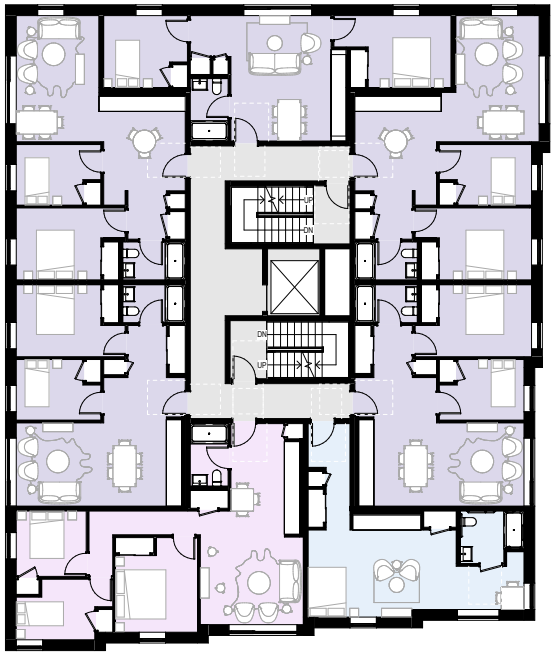
Floor Plan First Floor

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Floor Plan Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Gilbert Ln

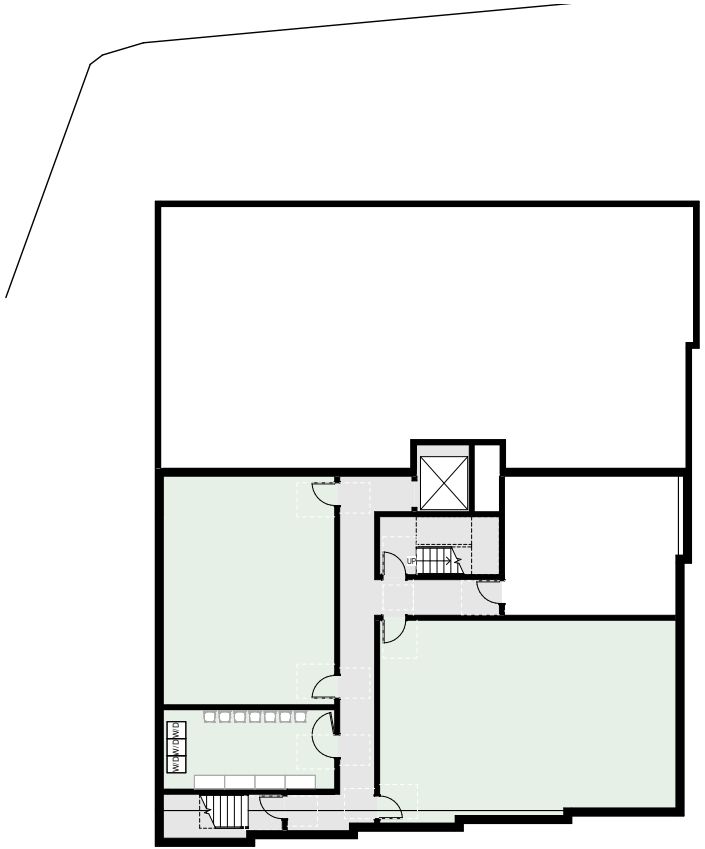
FLOOR AREA: 5,897 SF

1 STUDIO
5 2-BEDS
1 3-BED

Atlantic St

Floor Plan Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



FLOOR AREA: 3,404 SF

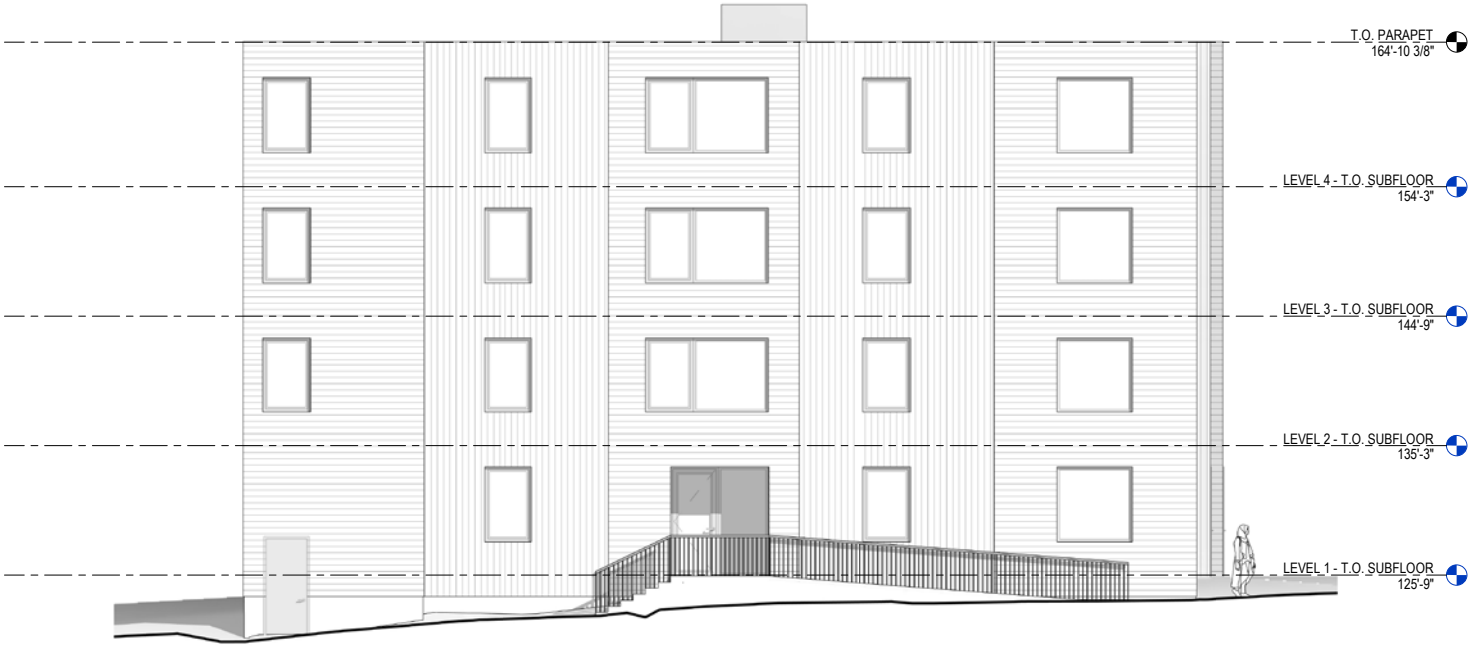


Houses of Atlantic Street

Common Attributes:

- Street-Facing Porches
- Vertically Oriented, Stacked Windows
- Painted Wood Siding

Building Elevations East, Facing Atlantic St



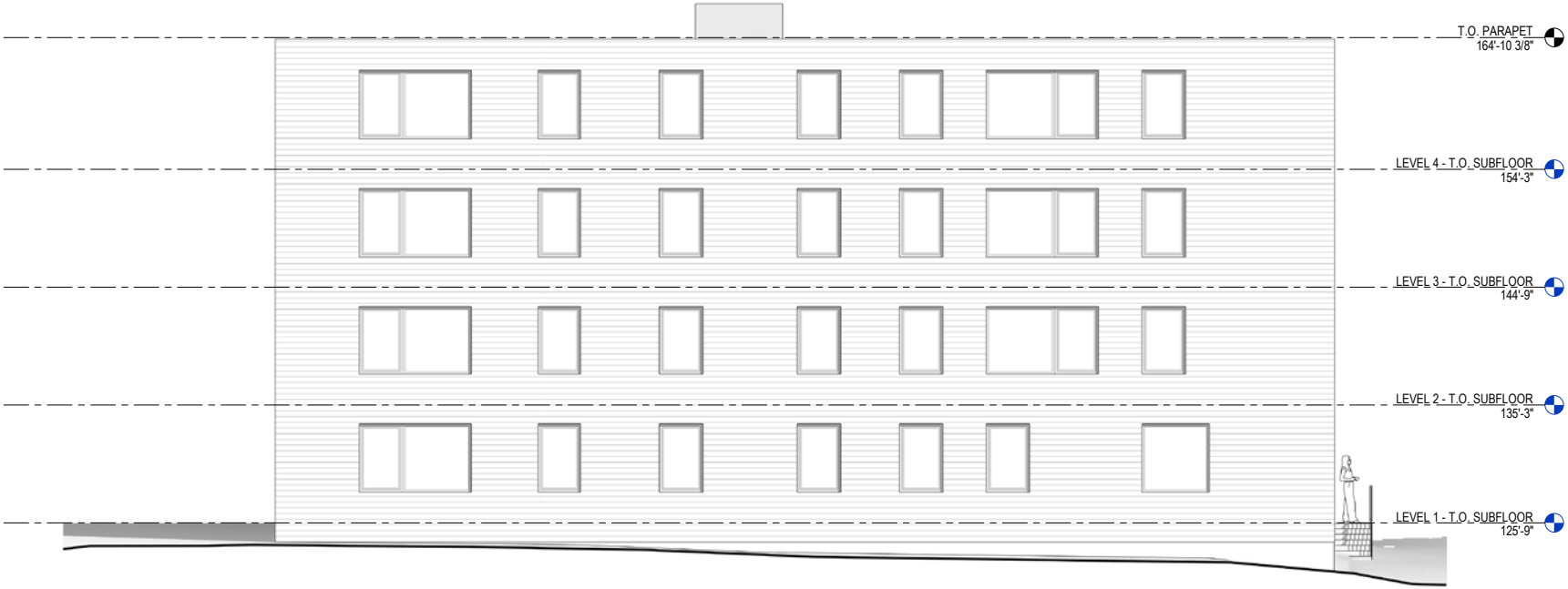
Building Elevations North, Facing Gilbert Ln



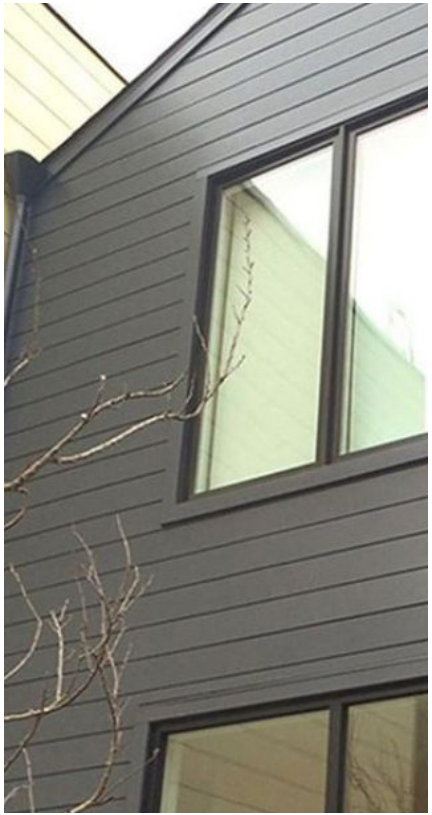
Building Elevations West



Building Elevations South











Examples of siding with a similar dimension & profile

Current Proposal:

Painted
Warm, contextual color;
Color changes with steps in the massing on the Atlantic & Gilbert faces

Profile
Flush-faced profiles
(i.e. T&G, nickel gap, or similar)

Dimension
5.5” exposed face

Orientation
Primarily horizontal; alternates between horizontal & vertical at the steps in the massing



Current Proposal:

Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

Features
Triple-Glazed

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

5 March 2024

RE: PRELIMINARY REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. We have met with the applicant and understand there are many constraints which the applicant must balance to provide this much needed type of housing on Munjoy Hill.

Although located in an older part of the Munjoy Hill neighborhood, largely characterized by 1 ½ to three story buildings, the existing building to be demolished was once one of the larger scaled buildings on the street until it was significantly altered.



38-42 Atlantic Street, 1924 (*Maine Memory Network*)

Although the new building is proposed to be four stories in height, we believe its height will be similar to the building on the abutting parcel at 43 St. Lawrence, which is three stories on a raised basement, with high floor to ceiling dimensions, as is typical of older residential buildings in the neighborhood.

We appreciate the applicant's articulation of the front wall plane to relate the building to its context, although we believe a single articulation in the central bay would have been sufficiently contextual. In addition to the abutting building at 43 St. Lawrence Street, there are residential buildings of a similar massing with multi-family uses present in the neighborhood and on the peninsula that could serve as models for how the proposed building might further relate to its smaller scaled historic neighbors.

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

Munjoy Hill is characterized by buildings of various styles and sizes that nearly all relate to the street with a prominent entrance. As mentioned in the staff report, we believe some additional focus at the main entrance, through trim details, a canopy or another design feature, would be appropriate for the proposed building type and help it to visually relate it to its neighbors. We offer some examples of historic precedence below:



119 Morning Street is essentially a large 'boxy' building with minor façade relief at the two bays, with a prominent central entrance at grade. The siding has prominent horizontal details which accentuate its long street façade.





102-104 Morning Street is another large-scale multi-family building with a similar number of bays, building length, and articulation of the front wall plane to 119 Morning Street. Set on a raised foundation, it currently features a covered entry porch. The entry porch used to connect to a wrap-around deck as can be seen in the 1924 tax photograph.

Greater Portland Landmarks

Historic character enriches our lives

PO Box 17533, Portland, ME 04112





49-51 Morning Street (left) and **231 State Street** (right) are historic examples of 4+ story 'boxy' buildings that fit well into their lower-scale historic contexts and feature minor articulation of their front wall planes and prominent entrances.

We believe some articulation around the front entrance would better meet the standards for new construction and we hope you will urge the applicant to consider this design direction.

Thank you for considering our views on this proposed project,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: April 12, 2024
RE: 42 Atlantic Street – SECOND WORKSHOP – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: April 17, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on April 17, 2024 was posted at the property on April 5, 2024. A legal ad was published in the Portland Press Herald on April 5, 2024 and April 6, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 26-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Unspecified
Siding	Painted horizontal and vertical wood
Trim	Painted wood
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

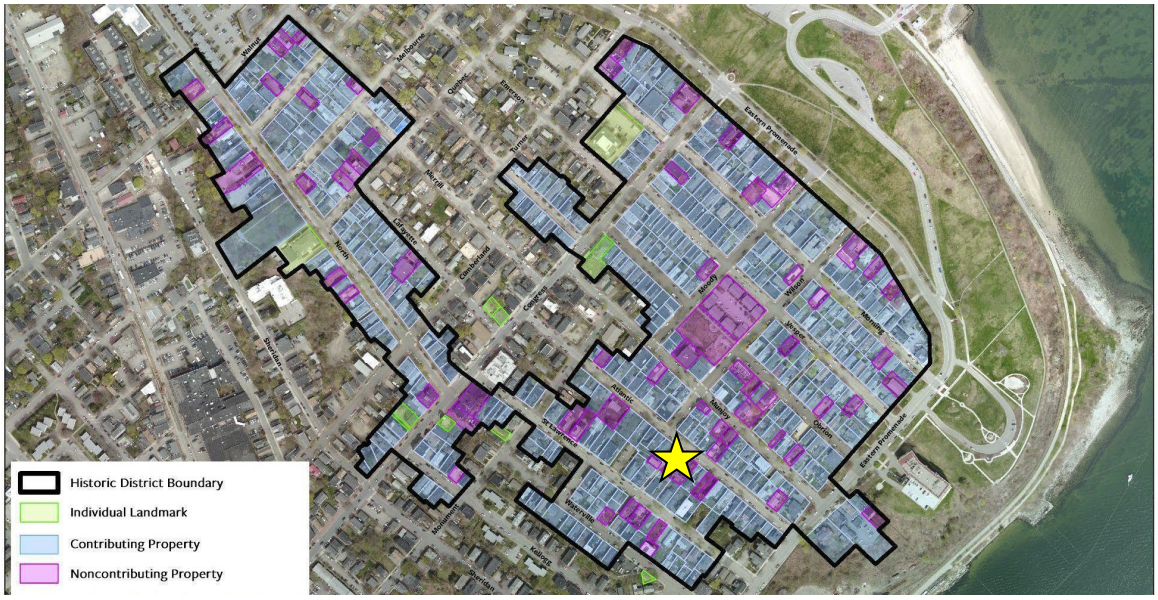


Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.




Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.




Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.



Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.



Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

March 6, 2024, Workshop:

During the March 6 workshop, the applicant presented preliminary plans for their proposed building at 42 Atlantic Street. At the meeting, the building featured small step-backs along the Atlantic Street and Gilbert Lane facades which broke the building down into five and three bays, respectively. Generally, the Board expressed great support for the development given it was proposing to introduce a robust number of affordable housing units within the Munjoy Hill Historic District. However, Board members did provide a number of comments on the proposed articulation of the massing.

The applicant had indicated during the meeting that they were proposing the step-backed façade of the building in an effort to scale the building to the surrounding context, but noted that this was not the most efficient use of space with regards to the number of new units. While Board members were unanimous in their view that the scale of the structure did require articulation to make it compatible with the surrounding context, several members noted that they did not feel that shifting the wall plane was the only way to achieve that, and encouraged the applicant to explore alternatives. Board members focused their comments on exploring the addition of a cornice to help cap the building and further study of how window details or changes in siding could be used to articulate the building.

In addition to façade treatments, Board members also provided comment on the design of

building entrances. Board members recommended that the applicant study the primary entrance off of Atlantic Street for ways to make it more prominent and welcoming, in keeping with adjacent historic structures. Specifically, members suggested reorienting the front stairs and exploring ways to soften the ramp along the front of the building. Along Gilbert Lane, Board members recommended exploring additional glazing or a canopy at the bike room entrance to make that frontage more inviting as well.

In addition to comments on the entrances, Board members also encouraged the applicant to restudy the basement egress door off of Atlantic Street. As proposed during the workshop, the door was located close to the southern corner of the building, disrupting the pattern of windows and creating a large area of blank wall. Board members stated that if the egress door could be shifted to allow the regular pattern of windows to continue, it might help with the feeling of the building at that southern corner.



Figure 6: Rendering of the proposed structure presented during the March 6 workshop.



Figure 7: Rendering of the proposed structure to be presented at the April 17 workshop.

STAFF COMMENTS

For this second workshop, the applicant has revised the proposed plans significantly in an effort to address Board comments. Changes include a simplification of the massing, a new façade treatment, improved entrance designs, and adjustment of the basement egress.

The applicant has adjusted the proposed structure to now have a simple, rectangular massing, but in an effort to articulate and scale the structure is proposing a new façade treatment. The project now features one wide bay of painted siding aligned with the primary entrance off of Atlantic Street. This bay is approximately 20-25 feet wide, which is generally consistent with building widths for some of the larger buildings along the street. To either side, the building is then broken down into bays of alternating painted and unpainted siding which appear to be between 4 and 8 feet wide. The unpainted siding then wraps the front corners of the building helping to soften the building edges along Atlantic Street. This same treatment of alternating siding continues on the sides and rear of the building. The applicant has presented two versions of the drawing; one using painted vertical and horizontal unpainted siding, and the other all horizontal siding.

Where the bays of painted siding are widest, they feature one or two stacks of windows, while all of the narrower bands of unpainted siding feature stacks of windows of the same width, generally treating the unpainted siding more as a spandrel panel. All of these bays and the top of the building are also proposed to be articulated with a projecting trim board which creates a shadow line and adds depth to the building. This effect can be seen most clearly in the rendered view of the primary entrance. Staff have some questions about how this effect will be achieved since details have not yet been developed. If this element will be made of wood, it may be prone to warping given the length of the elements and their significant exposure on three sides. Warping could somewhat diminish the effect of the strong lines.

In addition to the adjustment in massing and façade treatment, the applicant has further refined the proposed entrances. Along Atlantic Street, the primary entrance will feature a small and very simple projecting canopy which clearly calls out the entrance. This canopy will cover a recessed alcove for the door, and most of a small landing. The stairs have been reoriented to face Atlantic Street, which is much more in keeping with norms along the street and make a more approachable entrance. The outside edge of the ramp has also been adjusted into an even height wall which helps soften the ramp, reading more like a site wall. Along Gilbert Lane, the applicant is proposing to add some lighting and a glazed door for the bike storage room.

The applicant has also moved the basement egress door closer to the primary entrance along Atlantic Street. This has allowed them to continue the fenestration pattern closer to the southern corner reducing the feeling of blank wall along Atlantic Street.

Given that this is a second workshop and the applicant has substantially adjusted the proposed design, the Board should provide very clear direction on whether the proposed approach to scaling and articulating the proposed mass is sufficient as well as providing feedback on proposed materials and details. Provided that the Board gives favorable feedback, staff would next recommend that the applicant further refine details and material specifications for final review.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures. Board members generally found the proposed height to be compatible with the varied surrounding context.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	**Staff Comments**
For Board Discussion	The proposed structure will be wider than typical structures along Atlantic Street, though not out of scale with some of the larger buildings in the district. The applicant is also proposing to break down the width of the building through changes in material and applied details.
3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	The overall façade is proposed to have a fairly horizontal proportion; however, changes in material and the use of applied details will help to break down the horizontality of the elevations. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.

4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.
5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
For Board Discussion	Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district. Board members generally found the proposed scale could be compatible with the surrounding context, but recommended exploring means of articulating the mass to break down the perception of the scale.

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged as is also typical of the context.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure would feature a central recessed entry accentuated by a projecting porch canopy and raised landing at the top of the street-facing stairs and accessibility ramp.

4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The structure is proposed to be clad in a mix of siding materials, including options using horizontal and vertical siding. Horizontal siding is ubiquitous through the Historic District. Vertical siding is uncommon, but vertical trim, details, and accents are very common.

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed changes in façade material help to break down the façade to help it fit into the rhythm of the context.
3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a horizontal massing that is broken up by changes in material that create more vertical masses, accentuated by applied vertical trim. Structures in the district are predominantly vertically oriented, though some have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
For Board Discussion	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The Board should confirm whether the design is sufficiently compatible based on the above standards.

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024)*

Re: Historic Preservation Application, Project Description V2 (*changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and *23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.*

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from Board & the public we have:

- *Added a projecting canopy at the entrance*
- *Rotated the entry stair to be perpendicular to the façade*
- *Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South*
- *Added a projecting cornice*
- *Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic*
- *Simplified the design of the wall enclosing the entry stairs & ramp*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. *We have added an exterior light & a vision panel to the door at the bike storage, per feedback.*

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☐ N/A ☑	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

42 Atlantic Street Housing

Historic Preservation Public Workshop #2

Submitted: March 25, 2024 (Rev. 4/1)

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

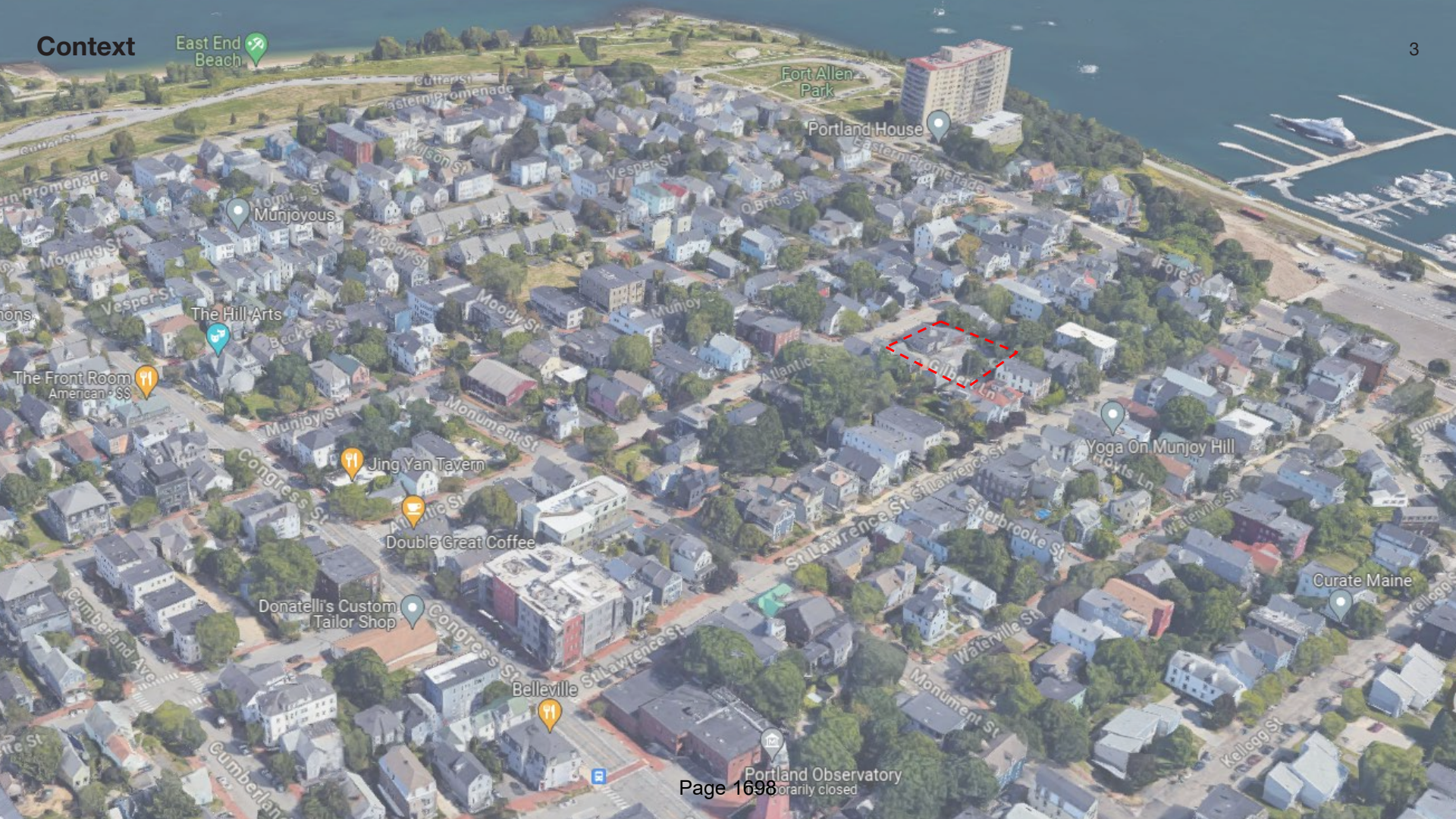
MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Agenda Public Workshop #2

1. Context
2. Previous Proposal
3. Feedback
4. Current Proposal

Context


East End Beach
Fort Allen Park
Portland House
Eastern Promenade
Munjoyous
The Hill Arts
The Front Room
American · $$
Jing Yan Tavern
Double Great Coffee
Donatelli's Custom Tailor Shop
Belleville
Portland Observatory
Yoga On Munjoy Hill
Curate Maine
Vesper St
Morning St
Munjoy St
Monument St
Congress St
St Lawrence St
Waterville St
Sherbrooke St
Cumberland Ave
Kellogg St



Looking up Atlantic



Looking down Atlantic

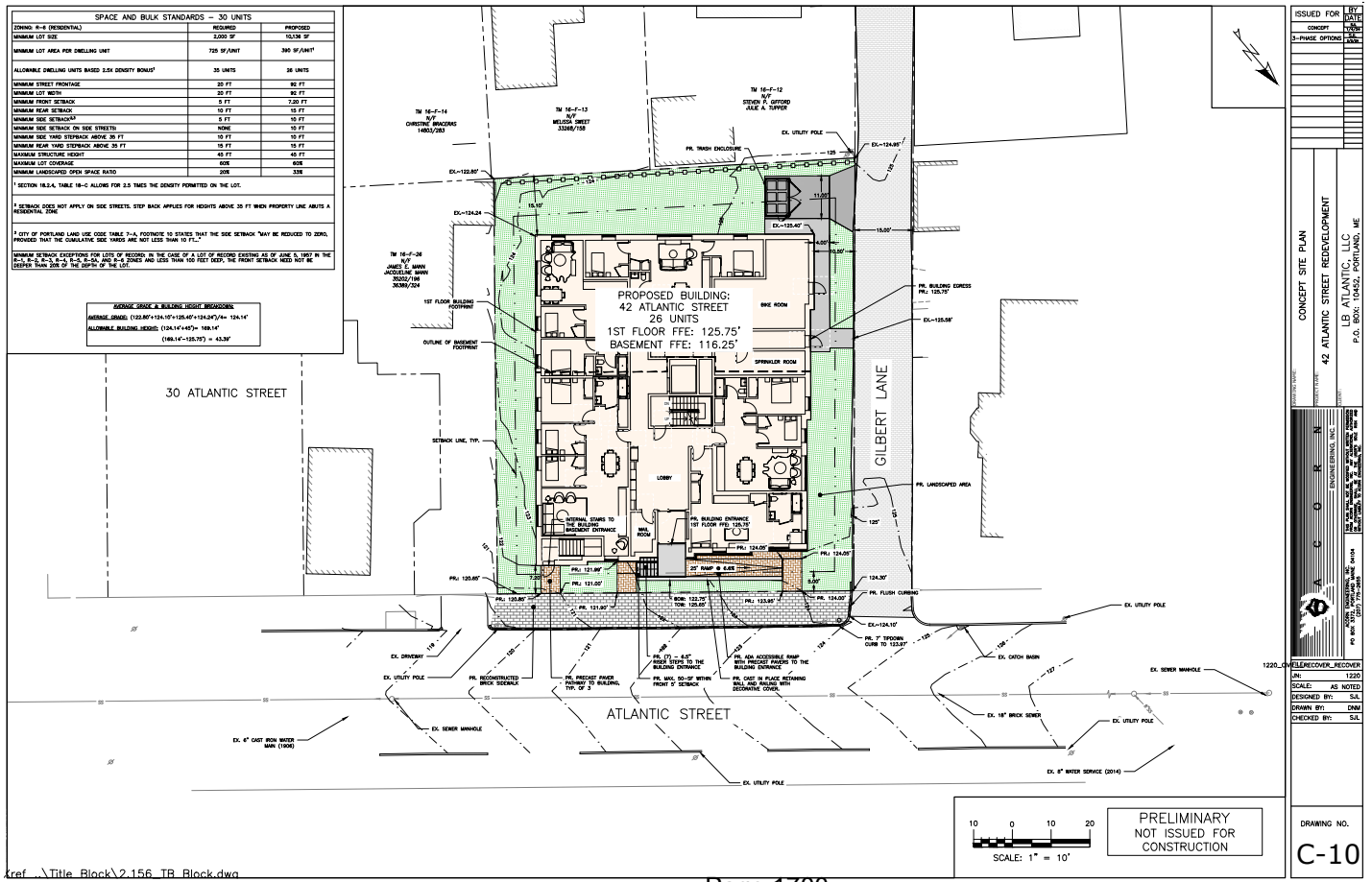


From Gilbert



From Rear Parking

Previous Proposal Site Plan Prepared by Acorn Engineering



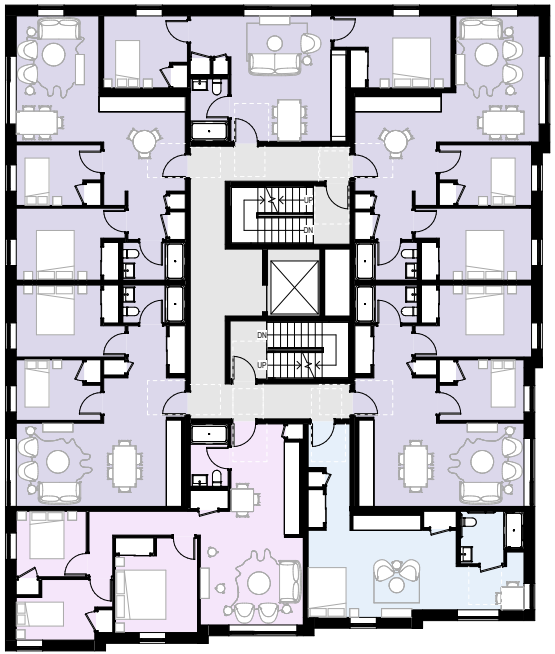
Previous Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Previous Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

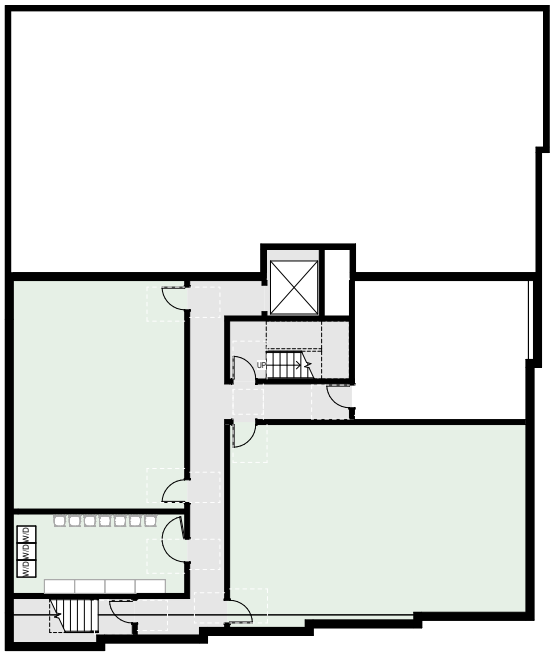


Gilbert Lane

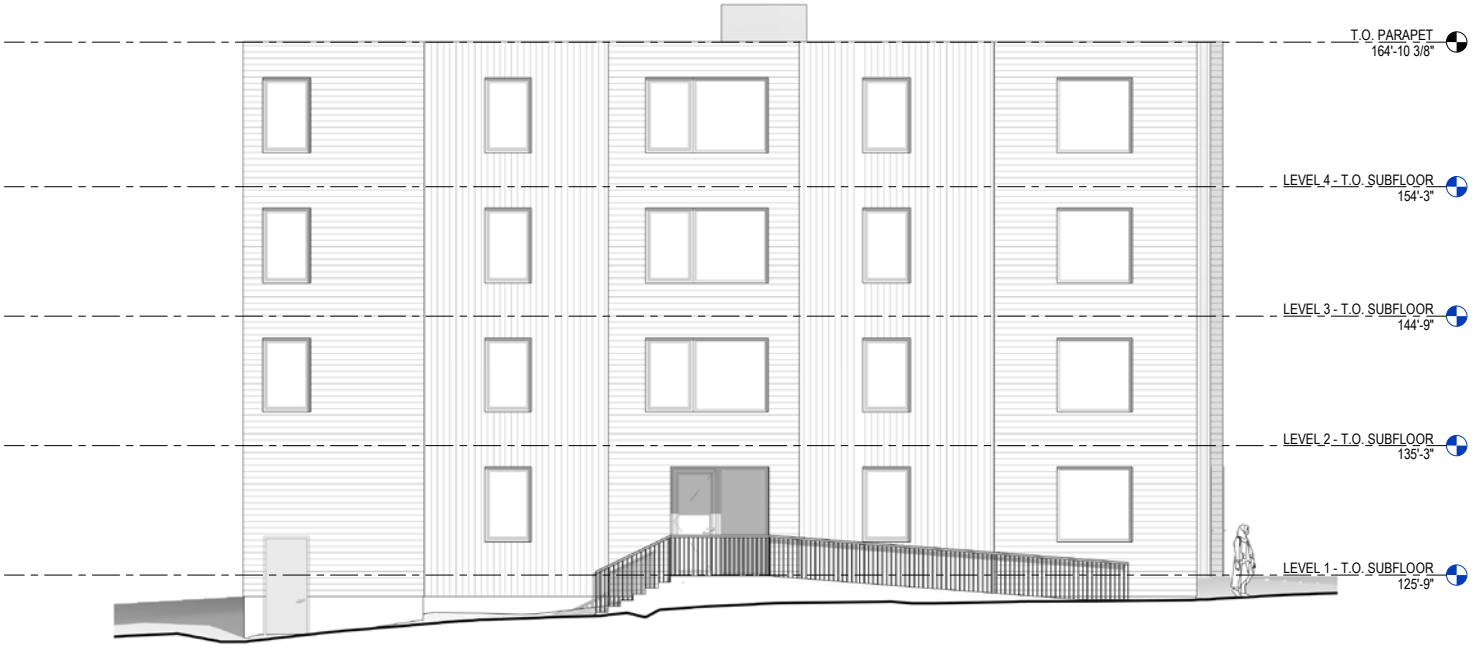
Atlantic Street

Previous Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Previous Proposal East Elevation, Facing Atlantic Street



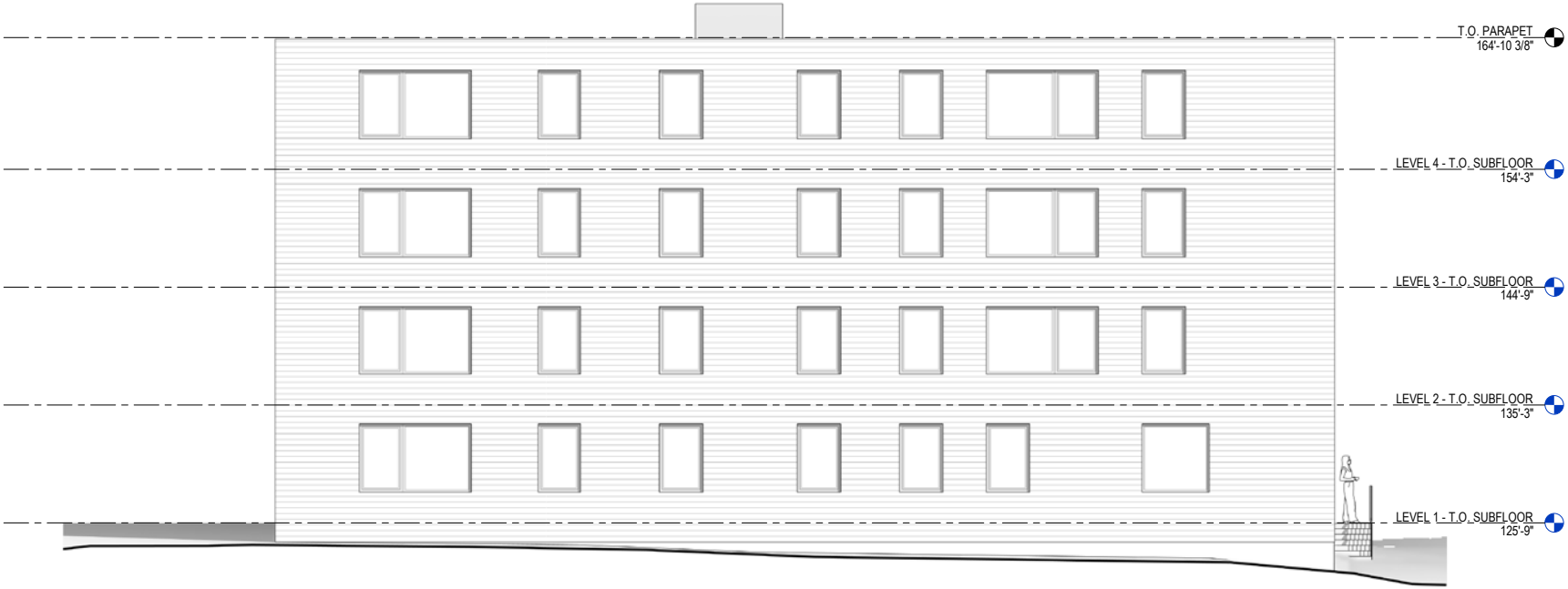
Previous Proposal North Elevation, Facing Gilbert Lane



Previous Proposal West Elevation



Previous Proposal South Elevation



Previous Proposal View Down Atlantic



We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic Street / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

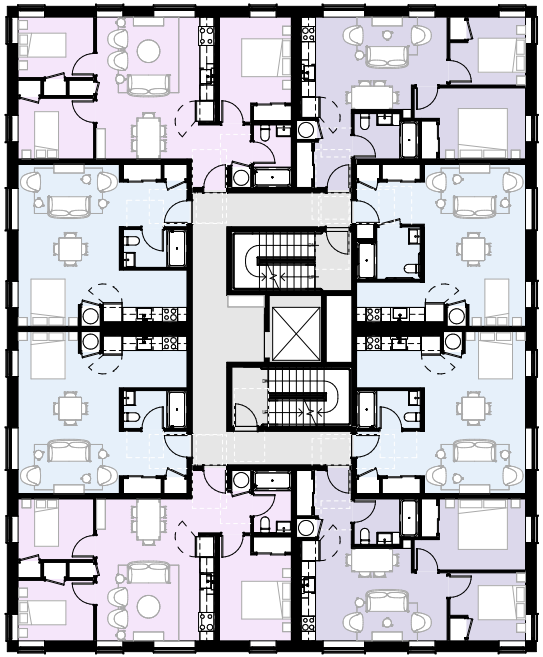
Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

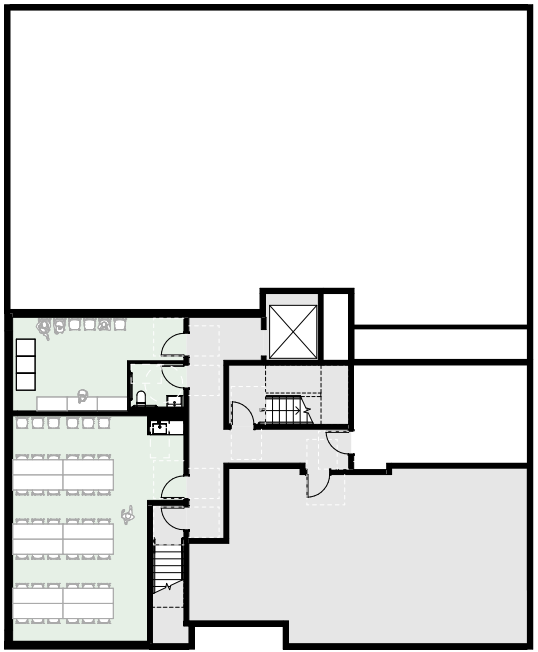


Gilbert Lane

Atlantic Street

Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity





Houses of Atlantic Street

Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

Current Proposal East Elevation, Facing Atlantic Street



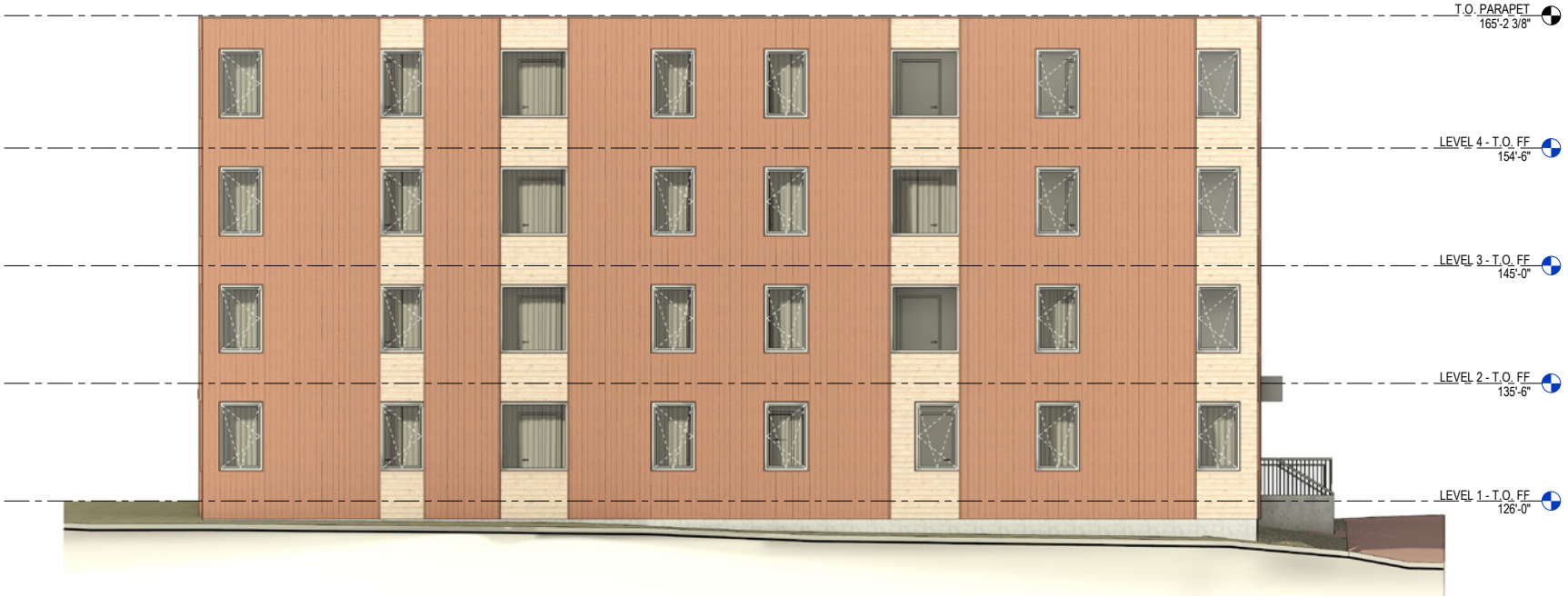
Current Proposal North Elevation, Facing Gilbert Lane



Current Proposal West Elevation



Current Proposal South Elevation





Current Proposal View Up Atlantic



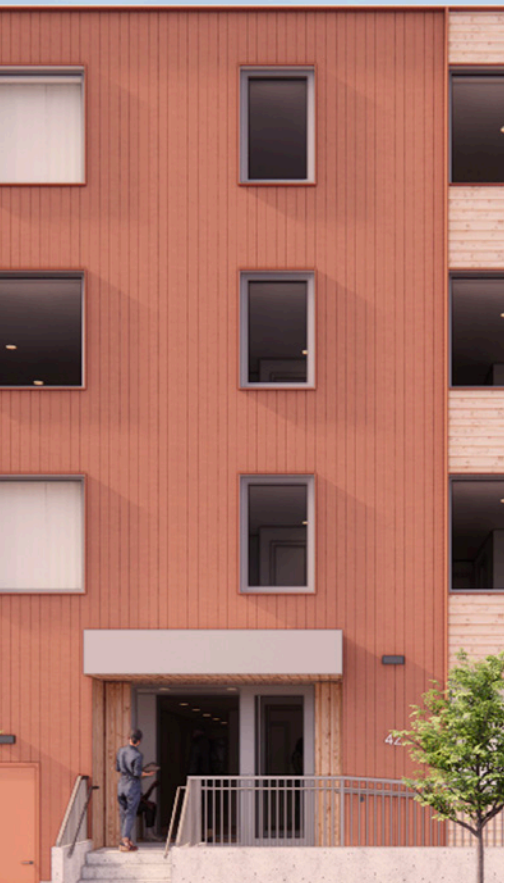


Current Proposal View From Atlantic




42

Current Proposal Materials





Painted Siding
Primary Cladding

- Shiplap
- Vertically-Oriented
- 5.5” Exposed Face
- Likely Pine
- Rusty Neutral Paint

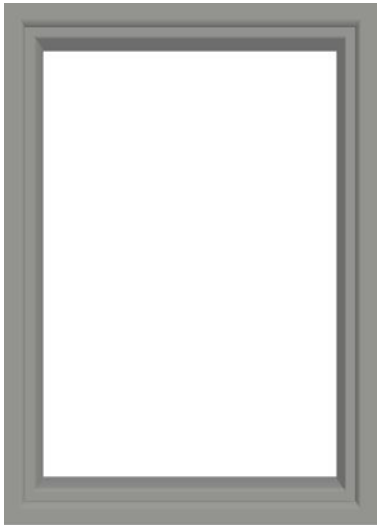


Wood Clapboard
Accent Cladding

- Clapboard
- Horizontally-Oriented
- 4.5” Exposed Face
- Likely Pine
- Clear Finish

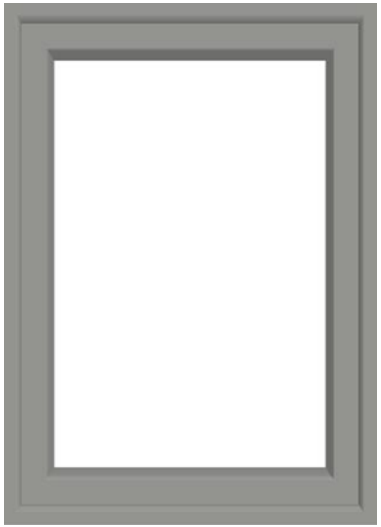
Metal Fascia
Awning Surround

- Minimal Seams
- Likely Aluminum
- Warm Gray Powdercoat (to match window & hardware finish)



Picture Window
5’-6” x 5’-6”

- Aluminum Clad-Wood
- Gray Exterior Finish
- Pine Interior Finish
- Double-Glazed



Casement Window
3’-6” x 5’-6”

- Aluminum Clad-Wood
- Gray Exterior Finish
- Pine Interior Finish
- Double-Glazed



Current Proposal View Up Atlantic (All Clapboard)

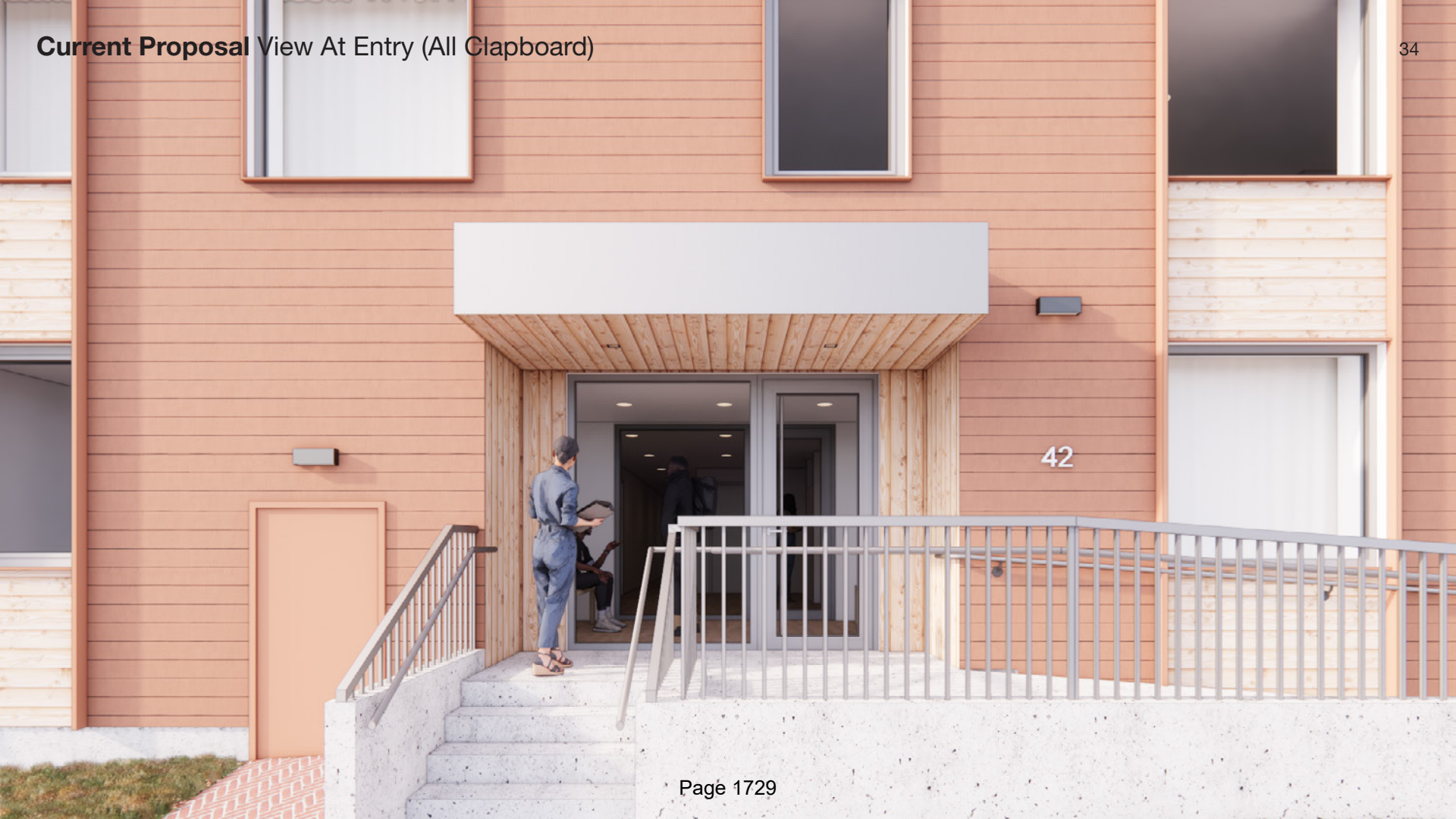


Current Proposal From Gilbert Lane (All Clapboard)



Current Proposal View From Atlantic (All Clapboard)




42

42 Atlantic Street Housing

Historic Preservation Public Workshop #2

Submitted: March 25, 2024 (Rev. 4/1)

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street proposal

Jackie Mann <jackiemann5@gmail.com> Thu, Apr 4, 2024 at 2:28 PM
To: hp@portlandmaine.gov, evans@portlandmaine.gov
Cc: Jim Mann <jem1944@gmail.com>

Dear Mr Schuekler and Members of the Historic Preservation Planning Board,
We are writing to you regarding the appearance of the building that is being considered for construction at the above address. We own the house at #36 Atlantic Street, which, we are told, is the property that abuts the site in question more closely than any others.
We would like to suggest that, in order to maintain the continuity and integrity of the neighborhood, the exterior of #42 be more in keeping with other houses on the block. That is: a light colored clapboard with a significant cornice and trim around doors and windows.
If one goal of affordable housing is to integrate neighborhoods with a diverse population, it would seem wise and considerate to help the folks who live there feel comfortable and welcome in their new neighborhood. Residing in a building that resembles others on Atlantic Street in style and character will promote that integration.
Please feel free to follow up on this suggestion with any questions you might have.
Thanks in advance for attending to our opinion.
Sincerely,
Jacqueline and Jim Mann
36 Atlantic Street
Portland

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St Feedback

Brian Partridge <brianpartridge@gmail.com> Wed, Apr 10, 2024 at 12:10 AM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>
Cc: Beth Golini <elizabeth.golini@gmail.com>

Hello Evan,
My wife (cc'd) and I are the residents and owners of 52 Atlantic St and we have some concerns about the project planned for 42 Atlantic St. I previously attended their neighborhood meeting and so I was made aware of their updated proposal and that I could send you feedback. I have a number of overall concerns, but I understand that for this audience I should keep this focused on historic preservation topics.

First, I really appreciate the work that went into making the building look more a part of the neighborhood in terms of style, materials, and color. This current proposal looks like a better fit in the neighborhood. However, it is still just a big box. I think it would be a better fit with a pitched roof like all of the neighbors. Perhaps dormers could help make that more acceptable for the top floor residents?

Second, I'm concerned about the proposed view renderings, they appear unintentionally deceptive in terms of scale. The proposed building is 4 stories. All the neighboring buildings are 2-3 stories. The tallest in the vicinity may be my residence at 52 Atlantic because it is 3 stories and a widows walk. The renderings (especially the ones from Gilbert Lane) show the 4 stories at a comparable height to the direct neighbors that are 2 stories. I don't understand how that is possible. I do understand that we are on a hill, and visual perspective is a factor, but not to this degree. I'm concerned that this contributes to making the building look more comparable to the neighbors and meet historic requirements when in reality it will tower over the neighbors.

Thank you for taking feedback. I look forward to seeing this project progress and have design iterations make it a fit for the neighborhood.

--
Brian Partridge
brianpartridge@gmail.com

Evan Schueckler <evans@portlandmaine.gov>

Comments on 42 Atlantic Street Proposal for New Construction

Ananda Moor-Jankowski <anandakmj@gmail.com> Sun, Mar 10, 2024 at 6:10 PM
Reply-To: anandakmj@gmail.com
To: hp@portlandmaine.gov

Dear Members of the Historic Preservation Board,

We would like to submit the following comments about the new construction project proposed for 42 Atlantic Street. We are neighbors who live at 37 Atlantic Street. We attended both the neighborhood meeting and the Historic Preservation Board workshop last week. While we support the commendable ambition to provide much-needed affordable housing in this neighborhood and appreciate the legal and economic complexity of bringing such a project to fruition, we have significant concerns about the compatibility of the project, as designed, with its surrounding context.

At this early stage in the development review process, our principal concern is the proposed building's scale and form. The City's Historic Preservation Ordinance Standards for Review of New Construction states that "the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space" and "The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space." At +/- 42' high and +/- 75' wide, the proposed building is highly incompatible with surrounding structures, disrupting the rhythm of spacing and structures that characterizes Atlantic Street and the vast majority of the district. The applicants' efforts to break down this massing, including the shifts in the Atlantic Street facade, are feeble and ineffective.

The architecture of Munjoy Hill is indeed eclectic, and there are certainly 4-story buildings scattered throughout the district. The vast majority of these tall buildings are also narrow, however, with the relief of open space with light and views between adjacent building masses. As noted in the Historic Preservation Program's Staff Memorandum for this project, one of the "handful of unifying features" of Munjoy Hill's architecture is that structures are independent, rather than connected row houses spanning wide or multiple lots. Furthermore, the taller and wider "boxy" buildings on Munjoy Hill are mostly concentrated toward the northeastern edge of the neighborhood along Vesper and Morning Streets, closer to the long view of Casco Bay.

Notably but perhaps not surprisingly, the applicants' "Neighborhood Analysis" neglected to include photographs of the houses immediately adjacent to the project site: the two houses directly across Atlantic Street (37 and 42) and the two houses directly adjacent to the southeast (34 and 36). We are appending photographs of these buildings to these comments. These houses, plus 48 Atlantic Street adjacent to the northwest, comprise a unique pocket of modest, 1 1/2- to 2-story, pre-Fire of 1866 homes (with 48, 41, 37, 36, and 34 Atlantic Street all built between c. 1840 and 1854). The massive, "boxy" building proposed for 42 Atlantic Street would be jarringly incongruous with this most immediate context.

If the width of the proposed building (or two buildings) were closer to 30', as is typical along Atlantic Street, the project would, with the right detailing, have a much better chance of fitting in with the surrounding context. At double the width of the vast majority of buildings in the district and certainly the immediate surroundings, the proposed building would be a significant disruption to the neighborhood as a whole and particularly incompatible with the unusual group of small, older homes directly surrounding it.

We certainly appreciate the varied and evolving architecture of Munjoy Hill. Since the City has collectively agreed that the historic fabric of our neighborhood is a valuable asset worth maintaining, however, we ask the Board to give serious consideration to the proposed building's potential rupture of our neighborhood's character and streetscape.

Thank you for considering our comments.

Sincerely,
Ananda & Bernard Moor-Jankowski

4 attachments



41 and 37 Atlantic St.jpeg
1291K



34 and 36 Atlantic St.jpeg
874K



Atlantic St Looking Southeast.jpeg
939K



Atlantic St Looking Northwest.jpeg
825K






GILBERT LA
SLOW
CHILDREN
SUBARU
MAINE
5595 WM


GILBERT LN

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic workshop review

Joe Lewis <joe@portcitylegal.com> Mon, Mar 18, 2024 at 4:47 PM
Reply-To: joe@portcitylegal.com
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Good afternoon.

I live at 33 Atlantic Street and obviously have a keen interest in this project.

I am writing today to formally request that the applicant provide several renderings of the next proposed design that demonstrate what the proposed building will actually look like in real space. The initial rendering was pretty much inadequate to the task. I appreciate that HP staff and members of the HP board are probably well-used to visualizing what elevations and other drawings might look like, but the public does not have this expertise. Simply put, we can't begin to imagine what the proposal will look like without modern, appropriate renderings and illustrations.

Thank you for your consideration.

- Joe

Joe Lewis, Attorney
Port City Legal, LLC
10 Moulton Street, 4th Floor
Portland, Maine 04101
(207) 210-6559
www.portcitylegal.com

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I am a lawyer, but I am not your lawyer unless you have been in my office and signed a contract. Unless I am your lawyer, this communication is not intended as legal advice, and no attorney client relationship results. Please consult your own attorney for legal advice.

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street

Tom Pearson <tpearson73@gmail.com> Mon, Mar 18, 2024 at 3:49 PM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>

I live in and own the property at 20 Atlantic Street. I attended the neighborhood meeting regarding the proposed new construction at 42 Atlantic Street. Although I support the construction of low income housing for the site, the massive scale of the proposed project is horribly out of scale to the surrounding properties. Further the failure to provide any parking for 26 units will create a parking issue for Atlantic Street. The proposed design stands out like a sore thumb. I would fully support a scaled down project with a design more compatible with the neighborhood.
Thanks for listening.
Tom Pearson
20 Atlantic St.

Evan Schueckler <evans@portlandmaine.gov>

Re: 42 Atlantic Street project before the HP Board- 4/17 @ 5pm

elizabeth <elizabethmiller1953@hotmail.com> Wed, Apr 10, 2024 at 8:06 AM
To: Dan Black <danblack@lbdevpartners.com>
Cc: Evan Schueckler <evans@portlandmaine.gov>

Excellent improvement! Especially like the redesigned siding materials and the front entrance. Good luck with the project. It promises to be a much-needed addition to the neighborhood.

Elizabeth Miller and David Body
46 Waterville Street #3

From: Dan Black <danblack@lbdevpartners.com>
Sent: Tuesday, April 9, 2024 10:56 PM
To: Dan Black <danblack@lbdevpartners.com>
Subject: 42 Atlantic Street project before the HP Board- 4/17 @ 5pm

All, you're receiving this email because you attended the March 5 community meeting at the St. Lawrence church regarding our proposed affordable housing development at 42 Atlantic Street.

We have updated our plans based on the feedback we received at the March 6 Historic Preservation board meeting. You can find our updated plans that we will be reviewing with the board on the 17th attached.

The meeting on the 17th will include time for the public to provide comment and feedback. Additionally, you can provide written feedback to Evan Schueckler at evans@portlandmaine.gov.

Please reach out if you have any questions!

Dan Black

LB DEVELOPMENT PARTNERS
P.O. Box 10452
Portland, ME 04104
c: (207) 831-2824

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St. Housing Project- Public Comment

'Lesko, Jack' via Historic Preservation <HP@portlandmaine.gov> Sun, Apr 14, 2024 at 9:19 PM
Reply-To: j.lesko@northeastern.edu
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Re: Public Comment – Proposed 42 Atlantic St. Housing

Reviewing the following documents:

- Historic Preservation Public Workshop & #2 25 March 2024 &
- Historic Preservation 17.1 Purpose

Points 17.1 C, E, F, & G appear at direct odds with the proposal.

- Given its size, placement, and design, the building is remarkably unlike any house in the immediate vicinity. It will be immediately noticeable and dominant, not fitting the neighborhood's present character.
- The persons/sqft (assuming ~50 persons in 26 units) of land is estimated to be ~4 to 5 times that of the current density and at least twice as big as everything else, making it difficult to claim that it “ensures compatible new construction.”
- It is difficult to imagine the construction will “Stabilize and improve [e] the values of the properties and areas,” given the added traffic, congestion (Atlantic St. is already tight with two cars), and added parking that would be needed. Journal articles seem to indicate otherwise.
  Diamond, Rebecca, and Tim McQuade. "Who wants affordable housing in their backyard? An equilibrium analysis of low-income property development." Journal of Political Economy 127, no. 3 (2019): 1063-1117

I want to urge you to reject the plan. Thank you for the opportunity to comment.

John “Jack” Lesko

33 Atlantic St.

#2

Portland, ME 04101

2 attachments

10_240401_42Atlantic_HP_PlansEtc.pdf
10133K

hp - purpose.pdf
523K

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St

Markos Miller <markossmiller@hotmail.com> Fri, Apr 12, 2024 at 2:14 PM
To: "evans@portlandmaine.gov" <evans@portlandmaine.gov>, "hp@portlandmaine.gov" <hp@portlandmaine.gov>

To Members of Portland's Historic Preservation Board,

I live at 17 Atlantic Street, a few houses down from the proposed affordable housing development at 42 Atlantic St. I have lived here for almost 30 years and have seen the historic characteristics of this working-class neighborhood erode. I support the building of dense housing for low and middle-income residents in my neighborhood. There are other large, tall, and relatively densely populated buildings just a street away in either direction. Most houses on Munjoy Hill used to have lots morte people in them. I understand your purview is the architectural quality of this project; I'll spare my speech about why this project is important.

I do want to share a few brief thoughts about how the visual characteristics of this proposed building could better speak to the characteristics of the existing neighborhood.

The project has strong vertical lines. Looking around the neighborhood, there is a strong horizontal quality to the typical building design. The vertical lines 'hold a building up', but the horizontal texture is the predominant feature of the face of most buildings. I think this helps give them a human scale; the eye is drawn across, not up. I think this building would benefit from a greater emphasis on some horizontal features.

The pictures on slides 27 and 28 of the packet (if you're seeing the same thing as me) give a hint of how the horizontal quality could be emphasized over the vertical quality. Slide 19 mentions how the vertical panels "distinguish zones" but I don't know what that means; there no reason why the facade needs to reference internal zones. The facade should serve as the face, holding together all the parts as a cohesive whole, perhaps with 'brows' and 'foreheads' and such that give definition to windows, doors, etc.

The darker vertical panels are what really define the facade here and draw the eye. I wonder what it would look like with stronger horizontal bands (above windows?) with vertical features serving more visually as columns, or lines that provide a lighter definition to the skin.

In general, this is a important project. There are so many constraints placed on the construction of much needed housing, especially affordable housing. We have a housing crisis. We should be removing obstacles to building urban housing. I hope the board can at least help this project move around some of our existing obstacles.

My 2 cents.

Markos Miller

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street development feedback

Emma Etnier <emmaetnier@gmail.com> Mon, Apr 15, 2024 at 7:32 AM
Reply-To: emmaetnier@gmail.com
To: hp@portlandmaine.gov

Historic Preservation Board,

I am writing regarding the proposed new construction at 42 Atlantic Street on Munjoy Hill. I live in the neighborhood, on O'Brion Street, and am opposed to this new development for the following reasons:

- The building, even with the adjusted façade, has no visual continuity with the rest of the street. It's a box. The exterior design doesn't fit or compliment the neighborhood - instead it would dominate. Neighboring buildings, as noted in the meeting packet, have common characteristics like bay windows and ornate detailing - this development lacks all of those historic features.
- The proposed building is roughly twice as big as other buildings on the street. The unusual size combined with the façade would result in a significant change to Atlantic Street - one that would noticeably stick out.
- Gilbert Street, for obvious reasons, is special and currently has minimal development along it. Adding a 80' stretch of building that has no complimentary historic character would overshadow, literally and figuratively, this pedestrian walkway.

I am very much in favor of densifying Portland and creating more housing opportunities for all. This project, though, does not fit into the historic preservation guidelines and I hope this board will provide strong feedback to the developer to continue to adjust their proposal accordingly.

Thank you for your time and consideration - and for all the work you do!

Sincerely,

Emma Etnier

O'Brion Street

Portland, Maine

04101

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic Street

Karen Harrison <karen.harrison.me@gmail.com> Tue, Apr 16, 2024 at 9:20 AM
Reply-To: karen.harrison.me@gmail.com
To: hp@portlandmaine.gov

I have lived on Munjoy Street for over 30 years, and my daily walks take me up and down every street in this neighborhood.

The proposed building at 42 Atlantic Street is a shocking departure from the local streetscape. Although there are flat-top buildings scattered throughout the neighborhood (the working-class “three-deckers” built inexpensively a hundred years ago and earlier), the rooflines overall are an engaging mix of sloped roofs at various angles, mansard roofs and the occasional flat roof.

Newer buildings in this area with flat roofs are much smaller and less commandeering than the proposed structure, which is too big, both visually and experientially (in terms of how long it will take to walk past it). It will dominate Atlantic Street and will devastate Gilbert Lane, which is a lovely little cobblestone byway that links Atlantic Street to St. Lawrence Street and forces pedestrians and the occasional vehicle to slow way down and experience the streetscape.

You have only to glance at the latest drawing, which shows the contrast between the massive box and the graceful human dwelling across the lane at 48 Atlantic, which has been a family home for generations.



There are many newer buildings in the neighborhood, and most were built before the creation of the Munjoy Hill Historic District. Some of these developments have attempted, with varying levels of success, to fit in with their immediate neighbors to the extent possible. Those that preferred to stand out certainly helped advance the enactment of the historic district – which now is seemingly being discounted to enable the construction of a maximum number of residential units at minimum construction cost. Certainly the proposed building’s width, proportion, scale, and rhythm show little to no attempt to conform with Historic Preservation Standards for Review of New Construction.

Thank you for giving neighborhood residents the opportunity to weigh in.

Karen Harrison

34 Munjoy Street

Evan Schueckler <evans@portlandmaine.gov>

Proposed development at42 Atlantic Street

Susan Grisanti <susan@decormaine.com> Mon, Apr 15, 2024 at 11:53 AM
Reply-To: susan@decormaine.com
To: hp@portlandmaine.gov

To the Historic Preservation Board,

I am the resident at 29 Atlantic Street and I am writing to express my concern for the proposed development at 42 Atlantic Street. The rendering of the building in the context of our historic street is shocking. The scale of this building is so out of context with the buildings around it, being at least twice as big as anything around it. Visually it simply overwhelms the neighborhood around it. The character of our street, with the original architectural styles of the mid-1800s will be determined by this oversized, box-shaped building that has no design or architectural merit whatsoever.

My house is from 1844 and I spent nearly two years preserving a derelict building back to its original form. Nearly all of any of my neighbors have also preserved their home's architectural style. I hope the board will take into consideration our investments in historic preservation when determining if this building passes your standards.

The board is here to ensure compatibility of new construction in the historic district, and to protect and enhance neighborhood character. (Chapter 17.1(E) of the Land Use Code) I hope that the board will consider how this proposed development follows the board's mission.

Thank you for considering my perspective,
Susan Grisanti

DM
Decor Maine Magazine

SUSAN GRISANTI (she/her)
FOUNDER & EDITOR

207.632.9968
susan@decormaine.com
www.decormaine.com

About 42 Atlantic.
One purpose of this board is:

- *Applying review standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.*

You are <u>also</u> supposed to protect and enhance neighborhood character, as well as protect and enhance the attractiveness of the city to home buyers, home owners, residents, tourists, visitors, businesses, and shoppers.

This proposed development as currently designed utterly fails. It is not visually compatible with the structures to which it is visually related. It does not protect or enhance the neighborhood character. It does not protect or enhance the attractiveness of the city.

It does the opposite of these things. It is a giant box, now imagined with a wallpaper treatment meant to substitute for architectural articulation or interest. It is twice as big or more as anything else in view. It is flat and ugly and utterly lacking in the charm and grace that makes Atlantic, Gilbert, and Wilson streets so pleasant in that area.

This board's Portland Historic Resources Design Manual states on page 152: "*A new building in a historic district . . . need not follow the pattern set by its neighbors in each and every area of compatibility. It should, however, relate to a number of them.*"

My position is that this proposal doesn't relate to any of them: scale, form, façade, relationship to the street. The proposed building is not visually related to its neighbors.

It is not just visually incompatible: at 72' x 85' x 40' high, this proposed structure not only won't complement the historic streetscape, but it will also dominate it to the point of parody. If built as currently proposed, this structure will become the defining structural element for the street. It will be both unwelcome and unavoidable. As someone mentioned at the initial neighborhood meeting, this is the sort of building that will leave visitors and residents in the future wondering how on earth this thing got built and who gave it the go-ahead.

This board was both brave and spot-on in defense of 142 Free Street. It refused to take part in the taking apart of a historic designation. Please be brave again. Don't sacrifice this lovely street in this lovely historic district to development pressures. Don't be the people who allowed this thing to be built.

- Joe

About 55 Atlantic Street.

55 Atlantic Street is an important part of this conversation. It is kitty-corner across from the proposed development, at the intersection of Wilson Street. This building is not even half the size of the proposed development but is still an excellent example of how to do massing well.

Through the use of high-quality materials (bricks, granite lintels, a dramatic wood cornice) this relatively large mass works well. It is beautiful.





The Wilson Street side of 55 Atlantic runs about 72', nearly twice as long as the 44' Atlantic front. The high-quality materials persist along this long run. This emphasis on quality is married to a human scale façade, featuring a fully decorated large porch, and bay windows.

Contrast this existing building to the proposed new neighbor, which is flat on all sides, using relatively low-quality materials in a wallpaper treatment to cover a total lack of architectural elements or building articulation.

The proposed design of 42 Atlantic is an insult to 55 Atlantic.

Some notes about the presentation (slide show).
Some of the renderings seem "off" somehow and I am hoping that the developer will explain how they were created. (See below).

Also, where is the sidewalk for Gilbert Street? Shouldn't that be shown? City code requires new construction along public streets in a historic district to include an ADA-compliant brick sidewalk.

Slide 25: From Gilbert Lane.



Note that the transformer on Atlantic, which measures 39' tall using a drone, peeks out over the top of the building even when viewed from far back in the rear. The building to the left, while several feet closer than the proposed building, is only 24' tall at the apex of the roof. The dormer across the Atlantic is roughly 35' tall at maximum. (Building heights approximated using city's on-line tools.

Slide 26: View from Atlantic



Here, the transformer pole is so much higher than the rendering it doesn't even fit into the view!

Greater Portland Landmarks

Historic character enriches our lives

PO Box 17533, Portland, ME 04112

16 April 2024

RE: PRELIMINARY REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. While this is a large building on a street characterized by 1 ½ to three story buildings, there are examples within the historic district of large 'boxy' four-story residential buildings that relate to their lower scaled neighbors.

The proposed project is modern in design, but the applicant has taken steps to better articulate the entrance to the apartment building, clad the building in a siding that will relate to its neighbors, and utilize modern design details that will create shadows and texture, articulating the façade.

We believe that there is opportunity for additional design moves that would further relate the building to its neighbors.

- The proposed canopy is very deep, with little detail. We urge the board to request a detail of the proposed canopy to understand its construction and if there are any opportunities for shadow lines or other detailing on the deep face of the canopy.
- The projecting cornice should be more exaggerated, either in thickness or in some other manner, possibly with a frieze board below in a similar color to give it additional visual weight.
- A horizontal element or material change either between the third and fourth floors, or at the fourth floor could further relate the four-story building to its lower scaled context.

Thank you for considering our views on this proposed project,

Carol De Tine

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Evan Schueckler <evans@portlandmaine.gov>

RE: 42 Atlantic st

David Lloyd <lloyd@archetypepa.com> Tue, Apr 16, 2024 at 10:07 PM
To: Evan Schueckler <evans@portlandmaine.gov>
Cc: Robert Wiener <rwiener@portlandmaine.gov>

Please substitute the below letter VS my first letter

David Lloyd Architect

Architectural Consultant to Archetype Architects

Cell 207-831-8627

lloyd@archetypepa.com

dlloyd1947@icloud.com

From: David Lloyd <lloyd@archetypepa.com>
Sent: Tuesday, April 16, 2024 8:31 PM
To: 'Evan Schueckler' <evans@portlandmaine.gov>
Cc: 'Robert Wiener' <rwiener@portlandmaine.gov>
Subject: 42 Atlantic st

Evan

I live at 29 Waterville street close to Atlantic ave . I have reviewed the submitted drawings and would like to offer the following

1 :I see no real attempt at fitting into the neighborhood architectural fabric

2: At best it is a boring box with no interface to the neighborhood. I would suggest more pronounced window trim, double hung windows should be considered Vs the casements shown , a more pronounced roof cornice , consider a welcoming porch element Vs the very plan canopy over main entry . Traditional elements can be used and accomplished in a more contemporary style

3: Materials chosen like painted pine clapboard , is a cheap siding that will not hold up over the years, I see this pine cracking and cupping . If you want to use wood clapboard it should at least be cedar . The other vertical siding is also painted wood . Again you need to high quality wood or choose from the many wood like alternatives that don't rot or peel paint. I also see no context for vertical wood siding .

4: it should be noted that affordable housing needs an exterior that will look good when it goes on and good 10 years later . In my experience affordable housing typically has very little money to repair and maintain , therefore materials that have

a long life should be specified

David Lloyd

29 Waterville st

David Lloyd Architect

Architectural Consultant to Archetype Architects

Cell 207-831-8627

lloyd@archetypepa.com

dlloyd1947@icloud.com

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT

TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: May 28, 2024
RE: 42 Atlantic Street – PUBLIC HEARING – New Construction
PROJECT ID: HPBR-002814-2024
MEETING: May 29, 2024

Owner: Daniel Black, LB Atlantic LLC
Architect: Kyle Barker, Primary Projects

A sign announcing the Historic Preservation Board's meeting on May 29, 2024 was posted at the property on May 20, 2024. A legal ad was published in the Portland Press Herald on May 18, 2024 and May 21, 2024, and 292 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Demolish existing noncontributing structure.

Construct new four story, 29-unit residential building.

Dimensions:
Overall Height: ~40'
Footprint: ~86' x 72'

Material Specifications:

Foundation	Concrete
Siding	Painted and clear-coated horizontal clapboards
Trim	Painted wood and metal
Roofing	Flat Membrane (not visible)
Windows	uPVC
Doors	Unspecified

SUMMARY OF HISTORIC CONTEXT

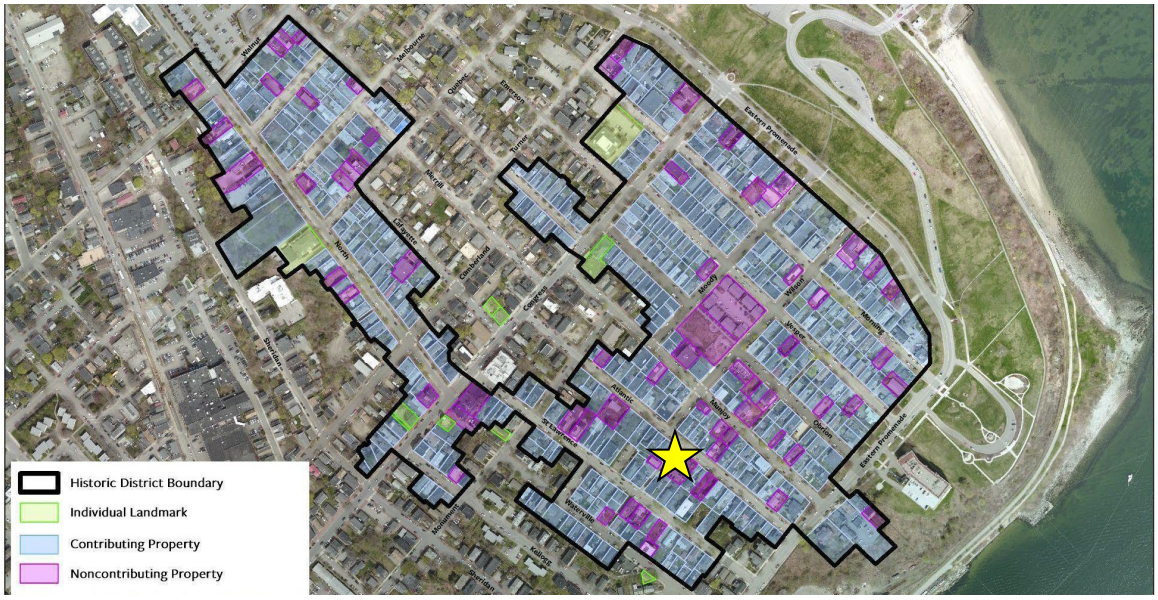

Figure 1: Map of the Munjoy Hill Historic District showing location of 42 Atlantic Street with yellow star.

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture, a number of grand, high-style houses (primarily facing onto the Eastern Promenade), and a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained for the pasturing of cows. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes. Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular created the need for nearby working-class housing. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring symmetrical façades and austere classically-inspired details.




Figure 2: Examples of early house types built on Munjoy Hill. An early- to mid-nineteenth century cape type house (left; 7 Lafayette Street), and a more ornate asymmetrical gable-fronted Greek Revival (right; 8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s. This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the early-twentieth century solidified the Eastern Promenade streetscape as we know it today.




Figure 3: A typical street showing examples of triple-deckers and Italianate duplexes (left; 82, 84, 86, & 88 Beckett), and a grand Queen Anne house on the Eastern Promenade (right; 140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Structures typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story late apartment or institutional buildings scattered throughout the district. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations, though windows typically align on larger multi-family buildings.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. There are several one-and-a-half story structures along Atlantic, with 48 Atlantic being the most architecturally spectacular of them. Two-and-a-half-story Greek revival and Italianates predominate, with a couple of second empire houses mixed in. 28 Atlantic Street is the only proper triple decker along this stretch, though 55 Atlantic is also a full three-stories and stands out for its fully brick construction.



Figure 4: 2023 google street views showing 48 Atlantic Street (left image, left), a spectacular low-scale Italianate house next to 52 Atlantic (left image, right), a typical two-and-a-half-story Italianate house. 29 and 23 Atlantic (right image, left to right) are examples to austere two-and-a-half-story Greek revivals.



Figure 5: 2023 google street views showing 28 Atlantic Street (left), an example of high-style triple decker, and 55 Atlantic, an early fully brick three-story apartment built.

Additional information on the Munjoy Hill Historic District can be found on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

April 17, 2024, Workshop:

During the April 17 workshop, the applicant presented revised plans for the proposed apartment building at 42 Atlantic Street. The revised design sought to address Board comments by simplifying the massing of the proposed structure and proposing new siding patterns and configurations in an effort to articulate the mass of the building. The applicant also added a cornice, relocated the basement egress door, and reconfigured the front stairs and ramp.

The applicant presented a revised massing that was largely a simplified, rectangular massing. In effort to articulate the façade and address Board comments that the structure would still need to be broken up visually to relate to the scale of adjacent structures, the applicant proposed alternating areas of painted clapboard siding and unpainted vertical or horizontal siding. The different areas of siding were proposed to be separated by projecting vertical trim boards.

The Board generally received this revised approach favorably. Board members noted that they found that the use of all horizontal siding was more appropriate to the context and helped to lower the sense of the building's height. Additionally, while members noted that the efforts to articulate the building were headed in a good direction, they found that there may have been too many changes in siding. They stated that this created a sense of uninterrupted vertical stripes that made the building feel taller. Members suggested reducing the number of changes in materials in an effort to simplify the building and create more appropriately-scaled masses on the façade. One

board member did suggest exploring the inclusion of some horizontal datums, but the Board did not provide a consensus on the need for that.

Several Board members did ask questions about how the unpainted siding might evolve as the building ages. Members recommended that the applicant provide renderings showing how the building might appear once the boards have developed a patina.

In addition to the change to the siding and massing, the applicant also proposed a different program of trim, including vertical boards to separate siding materials, and a cornice. Board members noted that the addition of a cornice helped to relate the building to adjacent structures and cap the building, but they did find that it should be more prominent given the size of the proposed structure.

Along Atlantic Street, the applicant relocated the basement egress door to be closer to the primary entrance, allowing a more regular pattern of windows at the building's southern corner. Board members noted this was an improvement but also recommended exploring filling the space above the repositioned egress door with a transom, some articulation, or possible building address numbers.

The applicant also reconfigured the front entrance to include stairs that face towards Atlantic Street rather than running parallel with the sidewalk. Board members noted that this change was more consistent with the context, but recommended that the applicant explore whether the stairs could be widened to improve the quality of the entrance. The applicant responded with an explanation of the tight parameters for the entrance landing relating to zoning limitations and accessibility requirements, but noted they would consider if improvements could be made. Board members also recommended further exploring the texture and character of the concrete used at the entrance stairs and ramp to see if there are opportunities for something that might relate to foundation or site materials found throughout the district.



Figure 6: Rendering of the proposed structure presented during the April 17 workshop.



Figure 7: Rendering of the proposed structure to be presented during the May 29 public hearing.

STAFF COMMENTS

Since the last workshop, the applicant has made several changes to the proposed structure in an effort to address the Board's comments. The most prominent changes have been in the simplification of façade articulation and in making the building cornice more prominent.

The number of changes in material have been reduced creating larger areas of the two different siding finishes. The reconfiguration of the siding divisions has also eliminated any tall sections of siding without windows, creating an assemblage of more compatible proportioned and scaled areas of siding. The applicant is also now proposing to use all horizontal siding.

The applicant has also increased the height of the cornice line from 1-1/2" to 3-1/2" inches making it more prominent and differentiating it from the vertical trim boards. The cornice board is proposed to have the same depth as the vertical trim boards, so that they connect across the façade.

In addition to the changes in the design, the applicant has provided additional details for the proposed structure including typical construction details, and information on how the metal cladding will wrap the entrance canopy. The renderings have also been updated to show how the building will appear as the clear-coated pine weathers over time.

The applicant is seeking final approval of the proposed new construction, having attempted to address all Board comments from the April 17 workshop.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The proposed structure will be four stories. Atlantic Street is typically lined with one-and-a-half- to three-story structures. Board members generally found the proposed height to be compatible with the varied surrounding context.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The proposed structure will be wider than typical structures along Atlantic Street, though not out of scale with some of the larger buildings in the district. The applicant is also proposing to break down the width of the building through changes in material and applied details.
3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Staff Comments
Yes	The overall façade is proposed to have a fairly horizontal proportion; however, changes in material and the use of applied details will help to break down the horizontality of the elevations. The context is predominantly vertically oriented buildings, with some more horizontal buildings interspersed.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a flat roof. Flat roofs are typical of the Munjoy Hill Historic District.

5. Scale of a structure The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	Structures in the district typically range from one-and-a-half to three stories with a number of later three-and-a-half to four story apartment or institutional buildings scattered throughout the district. Board members found the proposed scale to be compatible with the surrounding context based on the articulation of the façade through changes in material which help to break down the mass of the proposed building.
6. Applicability to Congress Street Historic District In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	**Staff Comments**
Not Applicable	
7. Applicability to India Street Historic District For new construction within the India Street Historic District, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.	
Standard Met?	**Staff Comments**
Not Applicable	
8. Applicability to the Portland Company Historic District For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	**Staff Comments**
Not Applicable	

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure will primarily feature vertically oriented openings with some more square or horizontal openings used sparingly as is typical of the historic context.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	**Staff Comments**
Yes	The structure favors solid to void, as is typical of the district. Windows are fairly regularly arranged as is also typical of the context.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The proposed structure would feature a central recessed entry accentuated by a projecting canopy and raised landing at the top of the street-facing stairs and accessible ramp.
4. Relationship of materials The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	**Staff Comments**
Yes	The structure is proposed to be clad in horizontal clapboard siding, which is ubiquitous in the Historic District.
5. Signs Any new sign, and any change in the appearance of an existing sign located on a landmark, within a historic district, or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	**Staff Comments**
Not Applicable	

Standard C. Relationship to Street	
1. Walls of continuity Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
Yes	The proposed structure would be situated close to the street, as is typical of structures throughout the district.
2. Rhythm of spacing and structures on streets The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
Yes	The proposed structure is set close to the street, and retains modest side yards, as is typical of the district. The structure is wider than typical. However, this section of Atlantic Street is not particularly regular in its rhythm, and the proposed changes in façade material help to break down the façade to help it fit into the rhythm of the context.
3. Directional expression of principal elevation A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
Yes	The proposed structure has a horizontal massing that is broken up by changes in material that create more vertical masses, accentuated by applied vertical trim. Structures in the district are predominantly vertically oriented, though some have a horizontal massing. Many feature vertical accents such as trim details, bay windows, or porches.
4. Streetscape, pedestrian improvements Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Staff Comments
Not Applicable	

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed structure will have a residential use which is in keeping with the typical uses in the Munjoy Hill Historic District.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	Staff Comments
Not Applicable	
3. Archeological resources Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.	
Standard Met?	Staff Comments
Not Applicable	
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
Yes	The proposed structure has a clearly contemporary character through its simplified massing and minimal exterior details. The use of horizontal clapboard siding, vertically oriented windows, and a cornice make the building compatible with adjacent historic structures.
5. Additions Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.	
Standard Met?	Staff Comments
Not Applicable	

MOTION FOR CONSIDERATION

I move to APPROVE application HPBR-002814-2024 for new construction at 42 Atlantic Street on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the Historic Preservation Board that the project meets Standards for Review of New Construction 17.8.3 A.1-8, B.1-5, C.1-4, & D.1-5

ATTACHMENTS

1. Project Description
2. Application checklist and deed
3. Plans

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024 & May 6, 2024)*

Re: Historic Preservation Application, Project Description V3 (*new changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from the Board & the public we have:

- Added a projecting canopy at the entrance
- Rotated the entry stair to be perpendicular to the façade
- Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South
- Added a projecting cornice
- Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic
- Simplified the design of the wall enclosing the entry stairs & ramp

After our second Public Workshop on April 17th, we've revised the design to address feedback from the Board & the public. We have:

- *Increased the visual weight of the cornice*
- *Reduced the number of changes in the cladding (there are fewer "bands" now)*
- *Changed all cladding to clapboard*
- *Detailed the metal seaming pattern at the canopy*
- *Developed the planting plan*
- *Visualized the project with weathered siding (we are proposing a weathering finish to reduce the change over time)*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. We have added an exterior light & a vision panel to the door at the bike storage, per feedback.

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
To supplement your application, please submit the following items *as applicable to your project.* Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.	
GENERAL APPLICATION DOCUMENTS	
Yes ☑ N/A ☐	Project Description • Cover Letter with detailed project description
Yes ☑ N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☑ N/A ☐	Evidence of Right, Title and Interest • Deeds, leases or purchase and sales agreements
PLANS, etc.	
Yes ☑ N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☑ N/A ☐	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☑ N/A ☐	Details or wall sections, where applicable.
Yes ☑ N/A ☐	Floor plans, where applicable.
Yes ☑ N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☑ N/A ☐	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☑ N/A ☐	Materials – list all visible exterior materials.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

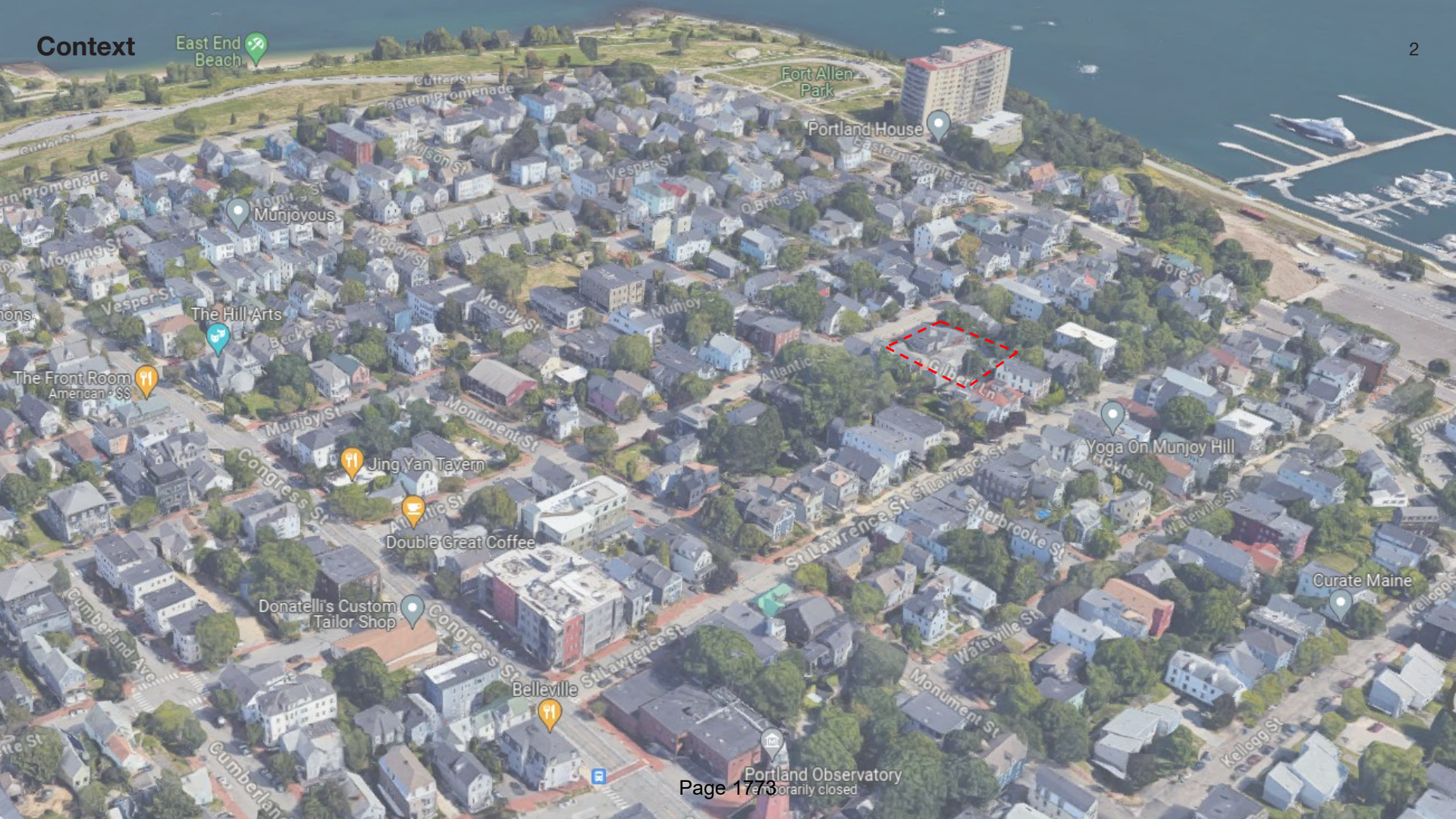
Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Context


East End Beach
Fort Allen Park
Portland House
Eastern Promenade
Cutter St
Wilson St
Vesper St
O'Brien St
Munjoyous
Morning St
Moody St
Fore St
The Hill Arts
Beckett St
Munjoy
The Front Room
American · $$
Atlantic
Gilbert Ln
Monument St
Munjoy St
Yoga On Munjoy Hill
Jing Yan Tavern
Congress St
Hoyts Ln
St Lawrence St
Sherbrooke St
Waterville St
Double Great Coffee
Curate Maine
Donatelli's Custom Tailor Shop
Cumberland Ave
Belleville
Kellogg St
Portland Observatory
Temporarily closed

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic St / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

We heard the following feedback at the second Public Workshop on April 17th. Consider:

- Increasing the visual weight of the cornice
- Reducing the number of changes in the cladding
- Changing all cladding to clapboard

- Adding more detail to the concrete wall at the entry
- Detailing the metal seaming pattern at the canopy

- Developing the planting plan
- Visualizing the project with weathered siding
- Showing abutting neighbors on analysis slide

Context Photos of Existing Non-Contributing Property



Looking up Atlantic



Looking down Atlantic



From Gilbert



From Rear Parking

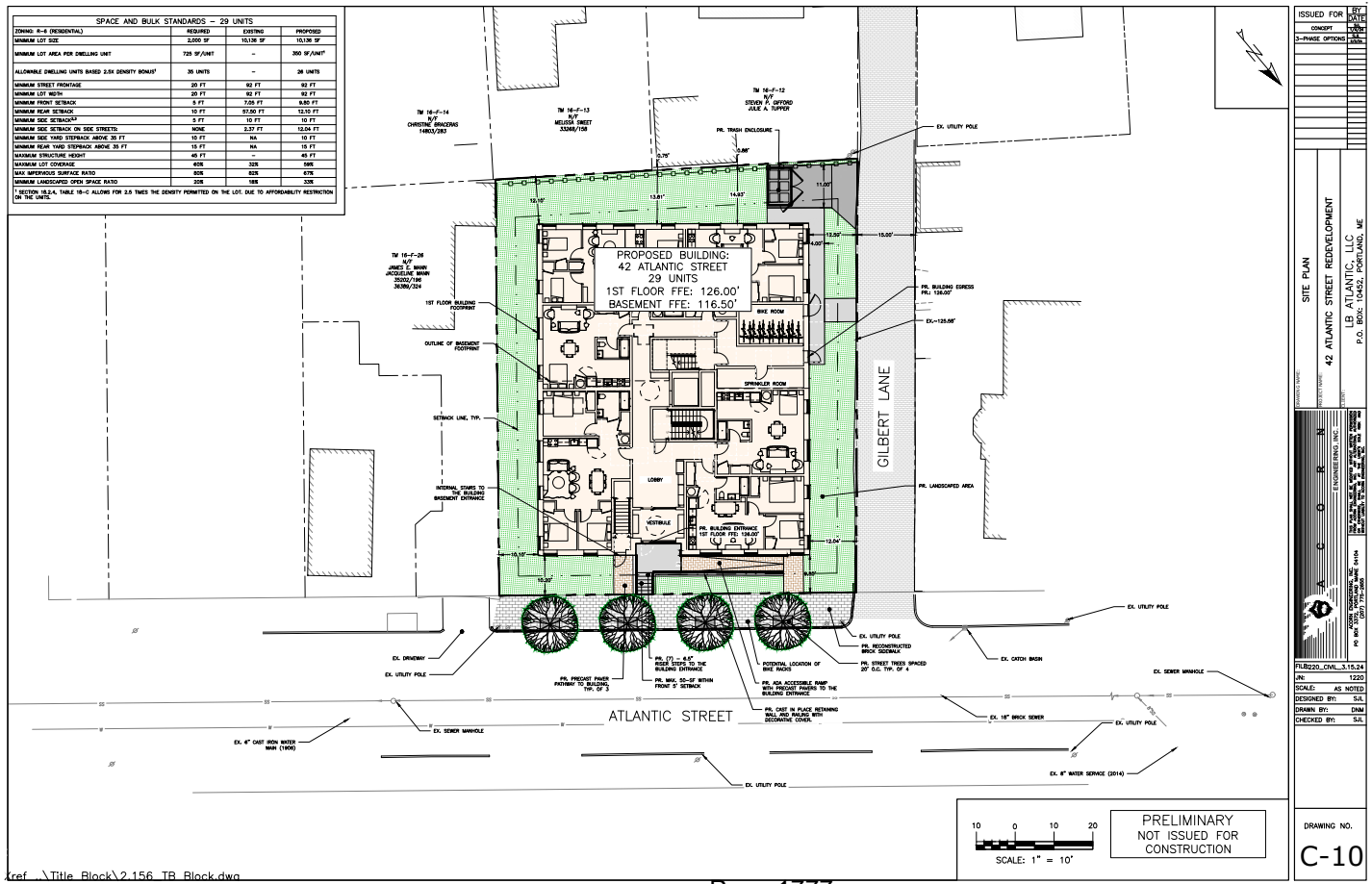


Houses of Atlantic Street

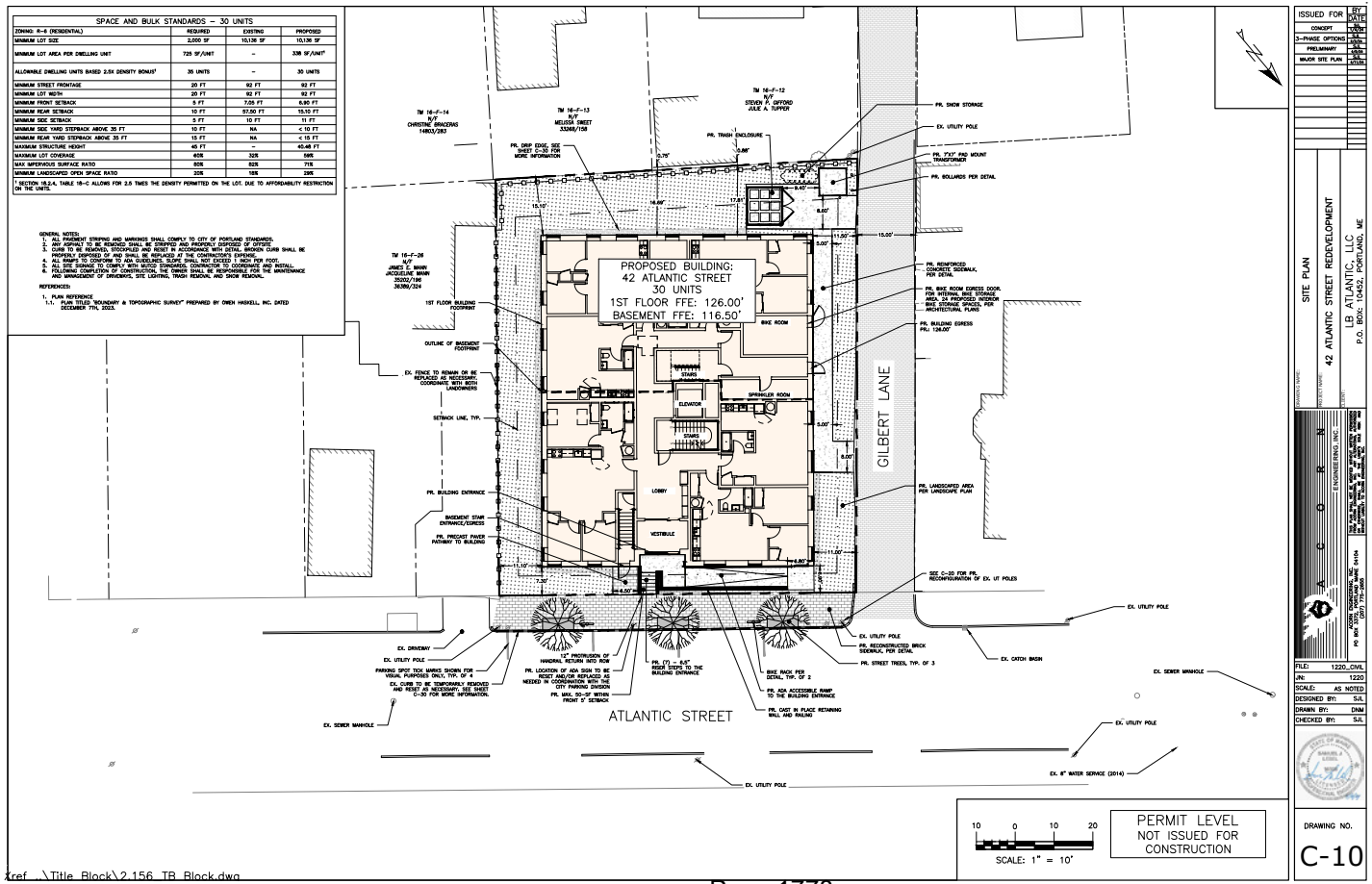
Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

Previous Proposal Site Plan (from Acorn)



Current Proposal Site Plan (from Acorn)

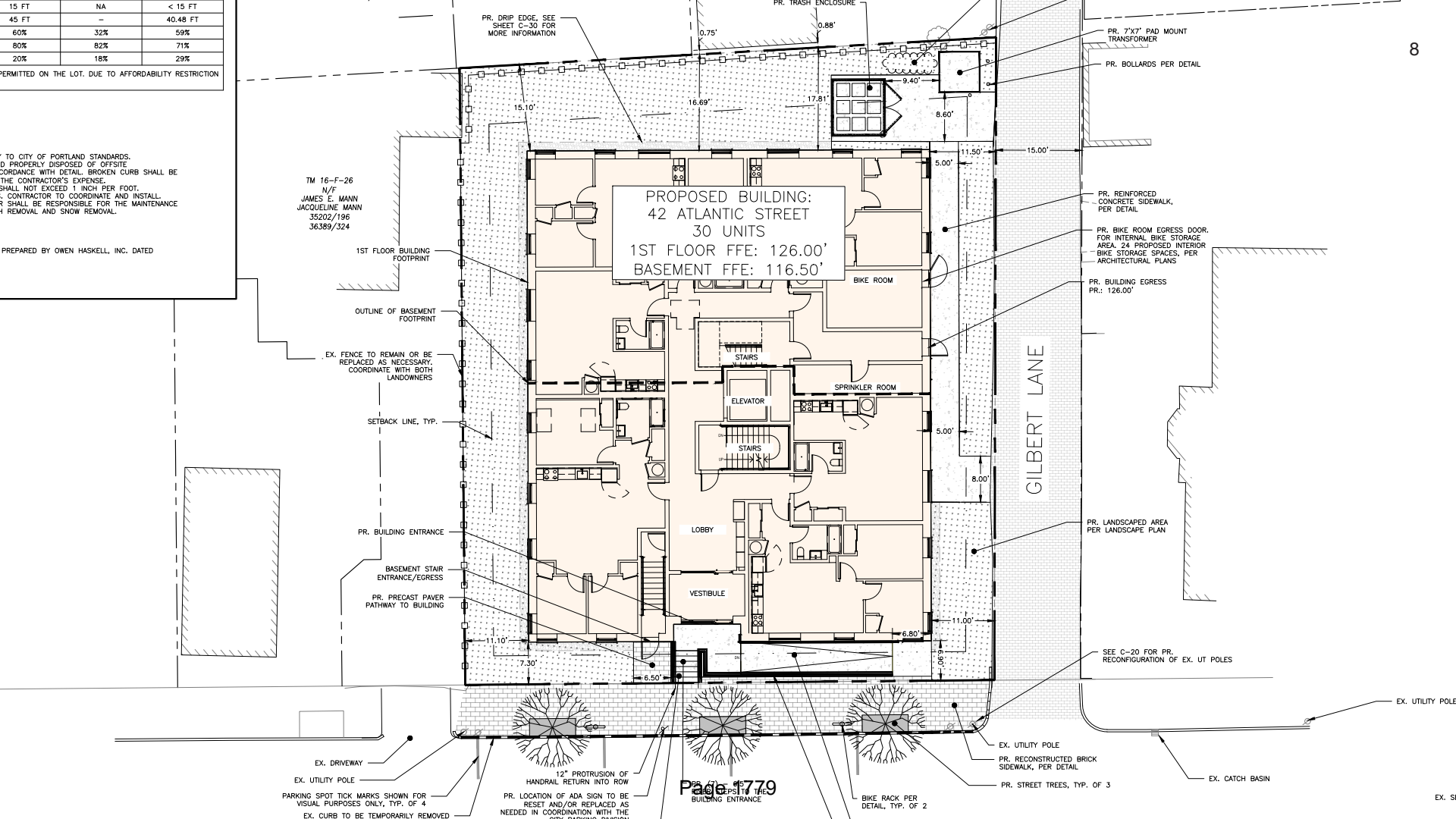


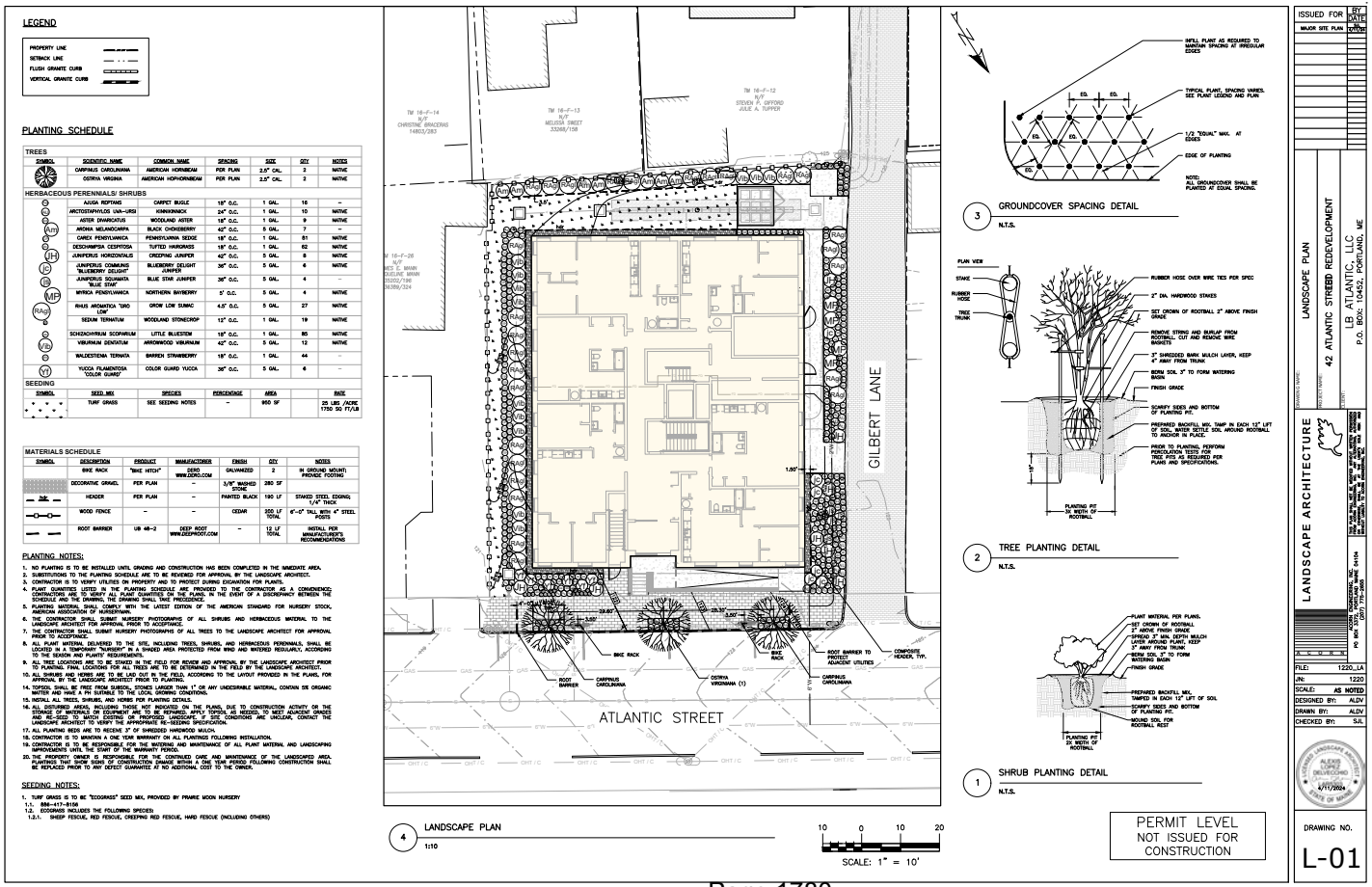
15 FT	NA	< 15 FT
45 FT	–	40.48 FT
60%	32%	59%
80%	82%	71%
20%	18%	29%

PERMITTED ON THE LOT. DUE TO AFFORDABILITY RESTRICTION

Y TO CITY OF PORTLAND STANDARDS.
D PROPERLY DISPOSED OF OFFSITE
CORDANCE WITH DETAIL. BROKEN CURB SHALL BE
THE CONTRACTOR'S EXPENSE.
SHALL NOT EXCEED 1 INCH PER FOOT.
. CONTRACTOR TO COORDINATE AND INSTALL.
R SHALL BE RESPONSIBLE FOR THE MAINTENANCE
H REMOVAL AND SNOW REMOVAL.

PREPARED BY OWEN HASKELL, INC. DATED



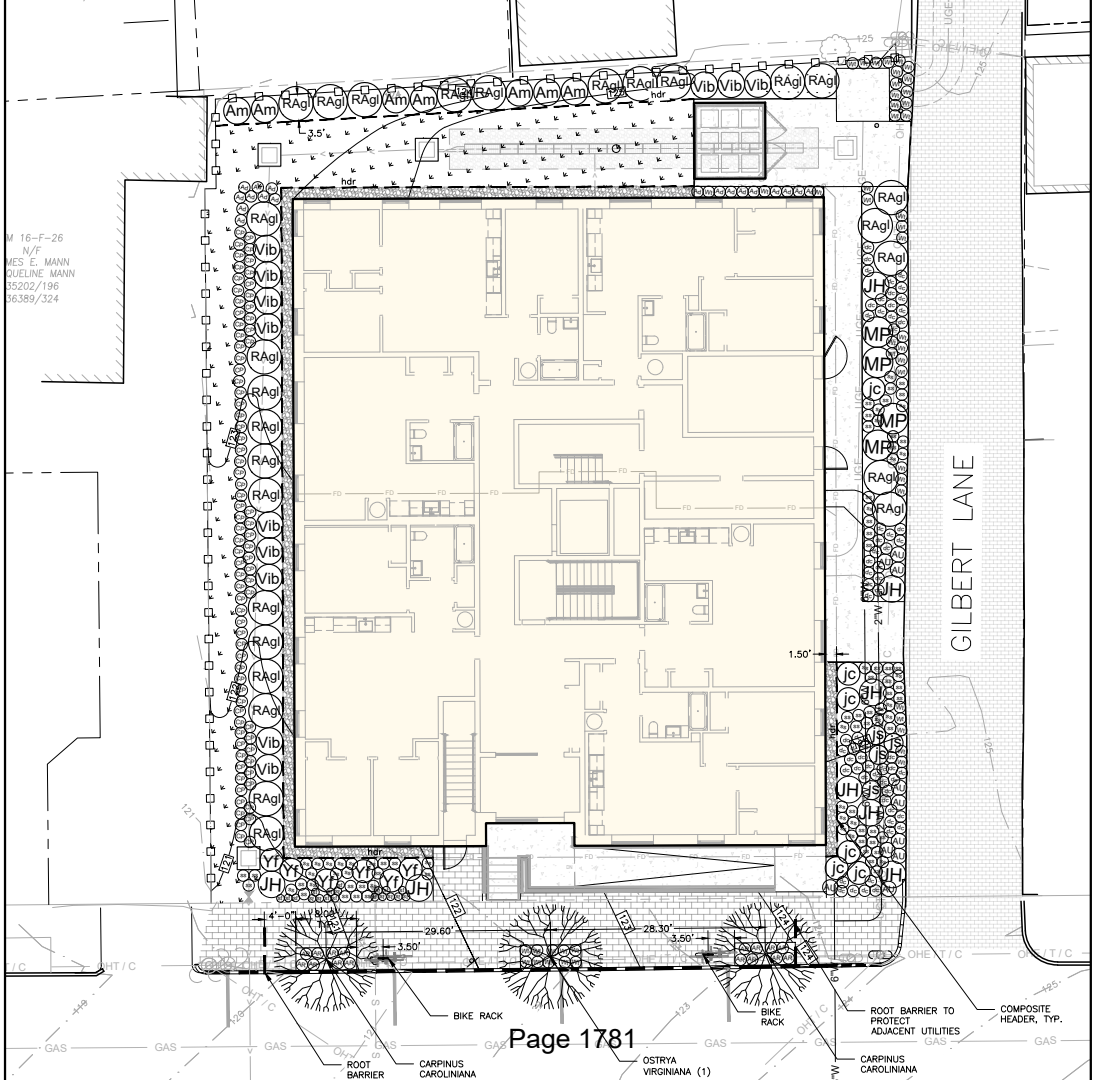

LEGEND
PROPERTY LINE
SETBACK LINE
FLUSH GRANITE CURB
VERTICAL GRANITE CURB
PLANTING SCHEDULE
TREES
SYMBOL | SCIENTIFIC NAME | COMMON NAME | SPACING | SIZE | QTY | NOTES
CAMPINUS CAROLINIANA | AMERICAN HORNBEAM | PER PLAN | 2.5" CAL. | 2 | NATIVE
OSTRYA VIRGINIA | AMERICAN HOPHORNBEAM | PER PLAN | 2.5" CAL. | 2 | NATIVE
HERBACEOUS PERENNIALS/ SHRUBS
AJUGA REPTANS | CARPET BUGLE | 18" O.C. | 1 GAL. | 16 | –
ARCTOSTAPHYLOS UVA-URSI | KINNIKINNICK | 24" O.C. | 1 GAL. | 10 | NATIVE
ASTER DIVARICATUS | WOODLAND ASTER | 18" O.C. | 1 GAL. | 9 | NATIVE
ARONIA MELANOCARPA | BLACK CHOKEBERRY | 42" O.C. | 5 GAL. | 7 | –
CAREX PENSYLVANICA | PENNSYLVANIA SEDGE | 18" O.C. | 1 GAL. | 61 | NATIVE
DESCHAMPSIA CESPITOSA | TUFTED HAIRGRASS | 18" O.C. | 1 GAL. | 62 | NATIVE
JUNIPERUS HORIZONTALIS | CREEPING JUNIPER | 42" O.C. | 5 GAL. | 8 | NATIVE
JUNIPERUS COMMUNIS "BLUEBERRY DELIGHT" | BLUEBERRY DELIGHT JUNIPER | 36" O.C. | 5 GAL. | 4 | NATIVE
JUNIPERUS SQUAMATA "BLUE STAR" | BLUE STAR JUNIPER | 36" O.C. | 5 GAL. | 4 | –
MYRICA PENSYLVANICA | NORTHERN BAYBERRY | 5' O.C. | 5 GAL. | 4 | NATIVE
RHUS AROMATICA "GRO LOW" | GRO LOW SUMAC | 4.5' O.C. | 5 GAL. | 27 | NATIVE
SEDUM TERNATUM | WOODLAND STONECROP | 12" O.C. | 1 GAL. | 19 | NATIVE
SCHIZACHYRIUM SCOPARIUM | LITTLE BLUESTEM | 18" O.C. | 1 GAL. | 85 | NATIVE
VIBURNUM DENTATUM | ARROWWOOD VIBURNUM | 42" O.C. | 5 GAL. | 12 | NATIVE
WALDESTEINIA TERNATA | BARREN STRAWBERRY | 18" O.C. | 1 GAL. | 44 | –
YUCCA FILAMENTOSA "COLOR GUARD" | COLOR GUARD YUCCA | 36" O.C. | 5 GAL. | 6 | –
SEEDING
SYMBOL | SEED MIX | SPECIES | PERCENTAGE | AREA | RATE
TURF GRASS | SEE SEEDING NOTES | – | 950 SF | 25 LBS. /ACRE 1750 SQ. FT./LB
MATERIALS SCHEDULE
SYMBOL | DESCRIPTION | PRODUCT | MANUFACTURER | FINISH | QTY | NOTES
BIKE RACK | PER PLAN | – | GALVANIZED | 2 | IN GROUND MOUNT; PROVIDE FOOTING
DECORATIVE GRAVEL | PER PLAN | – | 3/8" WASHED STONE | 280 SF
HEADER | PER PLAN | – | PAINTED BLACK | 190 LF | STAKED STEEL EDGING; 1/4" THICK
WOOD FENCE | – | – | CEDAR | 200 LF TOTAL | 6'-0" TALL WITH 4" STEEL POSTS
ROOT BARRIER | UB 48-2 | DEEP ROOT WWW.DEEPROOT.COM | – | 12 LF TOTAL | INSTALL PER MANUFACTURER'S RECOMMENDATIONS
PLANTING NOTES:
1. NO PLANTING IS TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. SUBSTITUTIONS TO THE PLANTING SCHEDULE ARE TO BE REVIEWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
3. CONTRACTOR IS TO VERIFY UTILITIES ON PROPERTY AND TO PROTECT DURING EXCAVATION FOR PLANTS.
4. PLANT QUANTITIES LISTED IN THE PLANTING SCHEDULE ARE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE; CONTRACTORS ARE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE SCHEDULE AND THE DRAWING, THE DRAWING SHALL TAKE PRECEDENCE.
5. PLANTING MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY AMERICAN NURSERY.
6. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
7. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL TREES TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
8. ALL PLANT MATERIAL DELIVERED TO THE SITE, INCLUDING TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE LOCATED IN A TEMPORARY "NURSERY" IN A SHADED AREA PROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING TO THE SEASON AND PLANTS' REQUIREMENTS.
9. ALL TREE LOCATIONS ARE TO BE STAKED IN THE FIELD FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. FINAL LOCATIONS FOR ALL TREES ARE TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
10. ALL SHRUBS AND HERBS ARE TO BE LAID OUT IN THE FIELD, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
14. TOPSOIL SHALL BE FREE FROM SUBSOIL, STONES LARGER THAN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN SIX ORGANIC MATTER BY VOLUME, AND BE FREE OF WEEDS AND THEIR SEEDS AND ROOTS.
15. INSTALL ALL TREES, STAKES, AND HORNS FOR PLANTING DETAILS.
16. ALL DISTURBED AREAS, INCLUDING THOSE NOT INDICATED ON THE PLANS, DUE TO CONSTRUCTION ACTIVITY OR THE STORAGE OF MATERIALS OR EQUIPMENT ARE TO BE REPAIRED. APPLY TOPSOIL AS NEEDED, TO MEET ADJACENT GRADES AND RE-SEED TO MATCH EXISTING OR PROPOSED LANDSCAPE. IF SITE CONDITIONS ARE UNCLEAN, CONTACT THE LANDSCAPE ARCHITECT TO VERIFY THE APPROPRIATE RE-SEEDING SPECIFICATION.
17. ALL PLANTING BEDS ARE TO RECEIVE 3" OF SHREDDED HARDWOOD MULCH.
18. CONTRACTOR IS TO WARRANTY A ONE YEAR WARRANTY ON ALL PLANTINGS FOLLOWING INSTALLATION.
19. CONTRACTOR IS TO BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL PLANT MATERIAL AND LANDSCAPING IMPROVEMENTS UNTIL THE START OF THE WARRANTY PERIOD.
20. THE PROPERTY OWNER IS RESPONSIBLE FOR THE CONTROLLED CARE AND MAINTENANCE OF THE LANDSCAPED AREA. PLANTINGS THAT SHOW SIGNS OF CONSTRUCTION DAMAGE WITHIN A ONE YEAR PERIOD FOLLOWING CONSTRUCTION SHALL BE REPLACED PRIOR TO ANY DEFECT GUARANTEE AT NO ADDITIONAL COST TO THE OWNER.
SEEDING NOTES:
1. TURF GRASS IS TO BE "ECOGRASS" SEED MIX, PROVIDED BY FRAIRIE MOON NURSERY
1.1. 556-417-0106
1.2. ECOGRASS INCLUDES THE FOLLOWING SPECIES
1.2.1. SHEEP FESCUE, RED FESCUE, CREEPING RED FESCUE, HARD FESCUE (INCLUDING OTHERS)
TM 16-F-14 N/F CHRISTINE BRACERAS 14803/283
TM 16-F-13 N/F MELISSA SWEET 33308/158
TM 16-F-12 N/F STEVEN K. GIFFORD JULIE A. TUPPER
M 16-F-26 N/F CITY OF WARN DESCRIPTION MAIN 25202/196 36389/324
GILBERT LANE
ATLANTIC STREET
BIKE RACK
ROOT BARRIER
CAMPINUS CAROLINIANA
OSTRYA VIRGINIANA (1)
ROOT BARRIER TO PROTECT ADJACENT UTILITIES
COMPOSITE HEADER, TYP.
4 LANDSCAPE PLAN
1:10
10 0 10 20
SCALE: 1" = 10'
INFILL PLANT AS REQUIRED TO MAINTAIN SPACING AT IRREGULAR EDGES
TYPICAL PLANT, SPACING VARIES. SEE PLANT LEGEND AND PLAN
1/2 "EQUAL" MAX. AT EDGES
EDGE OF PLANTING
NOTE: ALL GROUNDCOVER SHALL BE PLANTED AT EQUAL SPACING.
3 GROUNDCOVER SPACING DETAIL
N.T.S.
PLAN VIEW
STAKE
RUBBER HOSE
TREE TRUNK
RUBBER HOSE OVER WIRE TIES PER SPEC
2" DIA. HARDWOOD STAKES
SET CROWN OF ROOTBALL 2" ABOVE FINISH GRADE
REMOVE STRING AND BURLAP FROM ROOTBALL. CUT AND REMOVE WIRE BASKETS
3" SHREDDED BARK MULCH LAYER, KEEP 4" AWAY FROM TRUNK
BERM SOIL 3" TO FORM WATERING BASIN
FINISH GRADE
SCARIFY SIDES AND BOTTOM OF PLANTING PIT.
PREPARED BACKFILL MIX. TAMP IN EACH 12" LIFT OF SOIL. WATER SETTLE SOIL AROUND ROOTBALL TO ANCHOR IN PLACE.
PRIOR TO PLANTING, PERFORM PERCOLATION TESTS FOR TREE PITS AS REQUIRED FOR PLANS AND SPECIFICATIONS.
PLANTING PIT 3X WIDTH OF ROOTBALL
2 TREE PLANTING DETAIL
N.T.S.
PLANT MATERIAL PER PLANS.
SET CROWN OF ROOTBALL 2" ABOVE FINISH GRADE
SPREAD 3" MIN. DEPTH MULCH LAYER AROUND PLANT, KEEP 3" AWAY FROM TRUNK
BERM SOIL 3" TO FORM WATERING BASIN
FINISH GRADE
PREPARED BACKFILL MIX. TAMPED IN EACH 12" LIFT OF SOIL
SCARIFY SIDES AND BOTTOM OF PLANTING PIT.
MOUND SOIL FOR ROOTBALL REST
PLANTING PIT 2X WIDTH OF ROOTBALL
1 SHRUB PLANTING DETAIL
N.T.S.
PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION
ISSUED FOR
BY
DATE
MAJOR SITE PLAN
LANDSCAPE PLAN
42 ATLANTIC STREET REDEVELOPMENT
LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME
LANDSCAPE ARCHITECTURE
JOHN CHORLEY, RLA
P.O. BOX 1501, YARMOUTH, ME 04096
(207) 775-0906
FILE: 1220_LA
JN: 1220
SCALE: AS NOTED
DESIGNED BY: ALDV
DRAWN BY: ALDV
CHECKED BY: SJL
ALEXIS LOWE DELVECCHIO
6/11/2024
DRAWING NO.
L-01

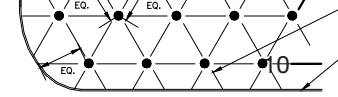
ME	SPACING	SIZE	QTY	NOTES
NBEAM	PER PLAN	2.5" CAL.	2	NATIVE
RNBEAM	PER PLAN	2.5" CAL.	2	NATIVE
GLE	18" O.C.	1 GAL.	16	–
CK	24" O.C.	1 GAL.	10	NATIVE
STER	18" O.C.	1 GAL.	9	NATIVE
BERRY	42" O.C.	5 GAL.	7	–
SEDGE	18" O.C.	1 GAL.	81	NATIVE
RASS	18" O.C.	1 GAL.	62	NATIVE
NIPER	42" O.C.	5 GAL.	8	NATIVE
LIGHT	36" O.C.	5 GAL.	6	NATIVE
NIPER	36" O.C.	5 GAL.	4	–
BERRY	5' O.C.	5 GAL.	4	NATIVE
UMAC	4.5' O.C.	5 GAL.	27	NATIVE
IECROP	12" O.C.	1 GAL.	19	NATIVE
STEM	18" O.C.	1 GAL.	85	NATIVE
URNUM	42" O.C.	5 GAL.	12	NATIVE
BERRY	18" O.C.	1 GAL.	44	–
YUCCA	36" O.C.	5 GAL.	6	–

	PERCENTAGE	AREA		RATE
NOTES	–	950 SF		25 LBS /ACRE 1750 SQ FT/LB

NUFACTORER	FINISH	QTY	NOTES
DERO W.DERO.COM	GALVANIZED	2	IN GROUND MOUNT; PROVIDE FOOTING
–	3/8" WASHED STONE	280 SF	
–	PAINTED BLACK	190 LF	STAKED STEEL EDGING; 1/4" THICK
–	CEDAR	200 LF TOTAL	6'–0" TALL WITH 4" STEEL POSTS
EEP ROOT DEEPROOT.COM	–	12 LF TOTAL	INSTALL PER MANUFACTURER'S RECOMMENDATIONS

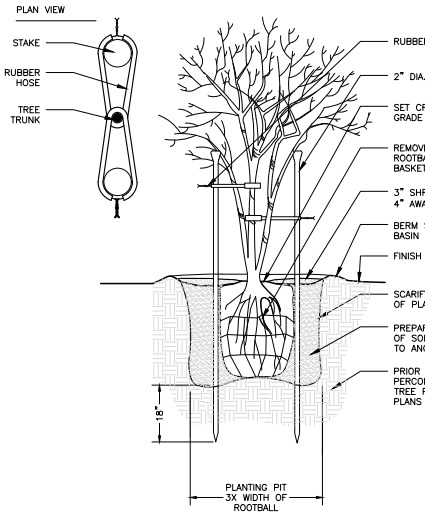
TRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
EWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
ROTECT DURING EXCAVATION FOR PLANTS.
RE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE;
E PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE
CEDENCE.
TION OF THE AMERICAN STANDARD FOR NURSERY STOCK,
OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE
ALL TREES TO THE LANDSCAPE ARCHITECT FOR APPROVAL
TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE
ROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING
REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR
ETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR
AN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN 5% ORGANIC





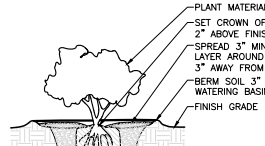
3 GROUNDCOVER SPACING DETAIL

N.T.S.



2 TREE PLANTING DETAIL

N.T.S.



Previous Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



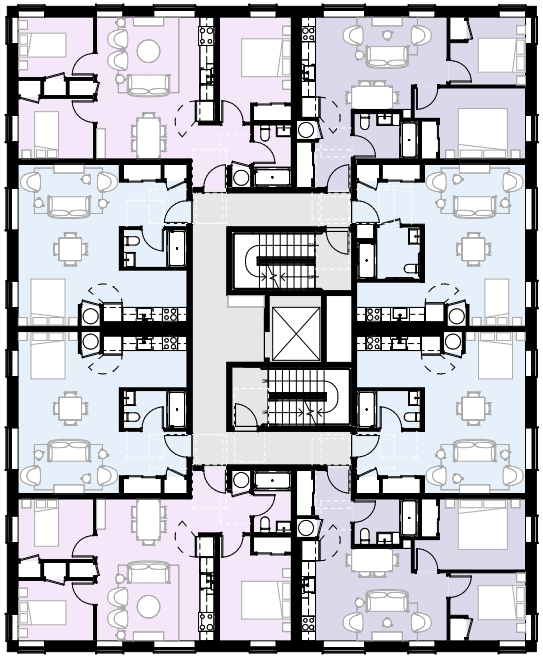
Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Previous Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

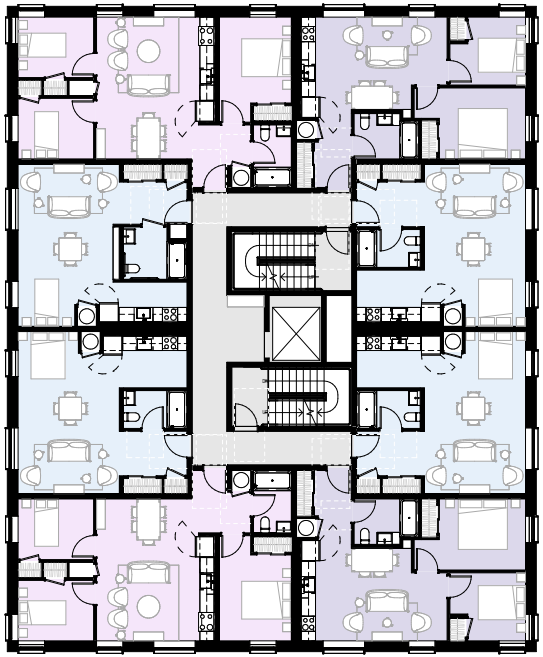


Gilbert Lane

Atlantic Street

Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

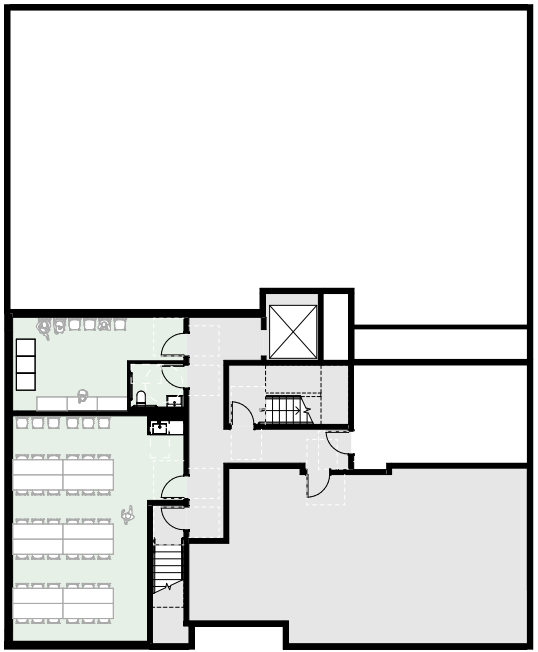


Gilbert Lane

Atlantic Street

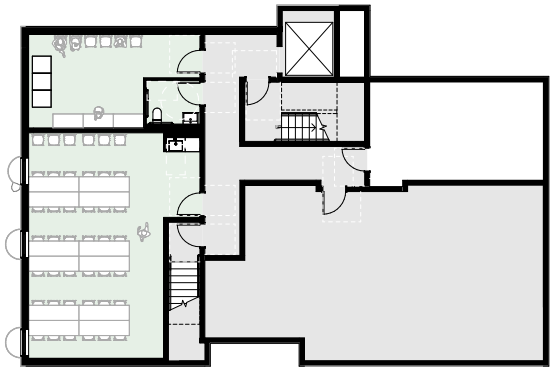
Previous Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Previous Proposal East Elevation, Facing Atlantic Street



Current Proposal East Elevation, Facing Atlantic Street



Previous Proposal North Elevation, Facing Gilbert Lane



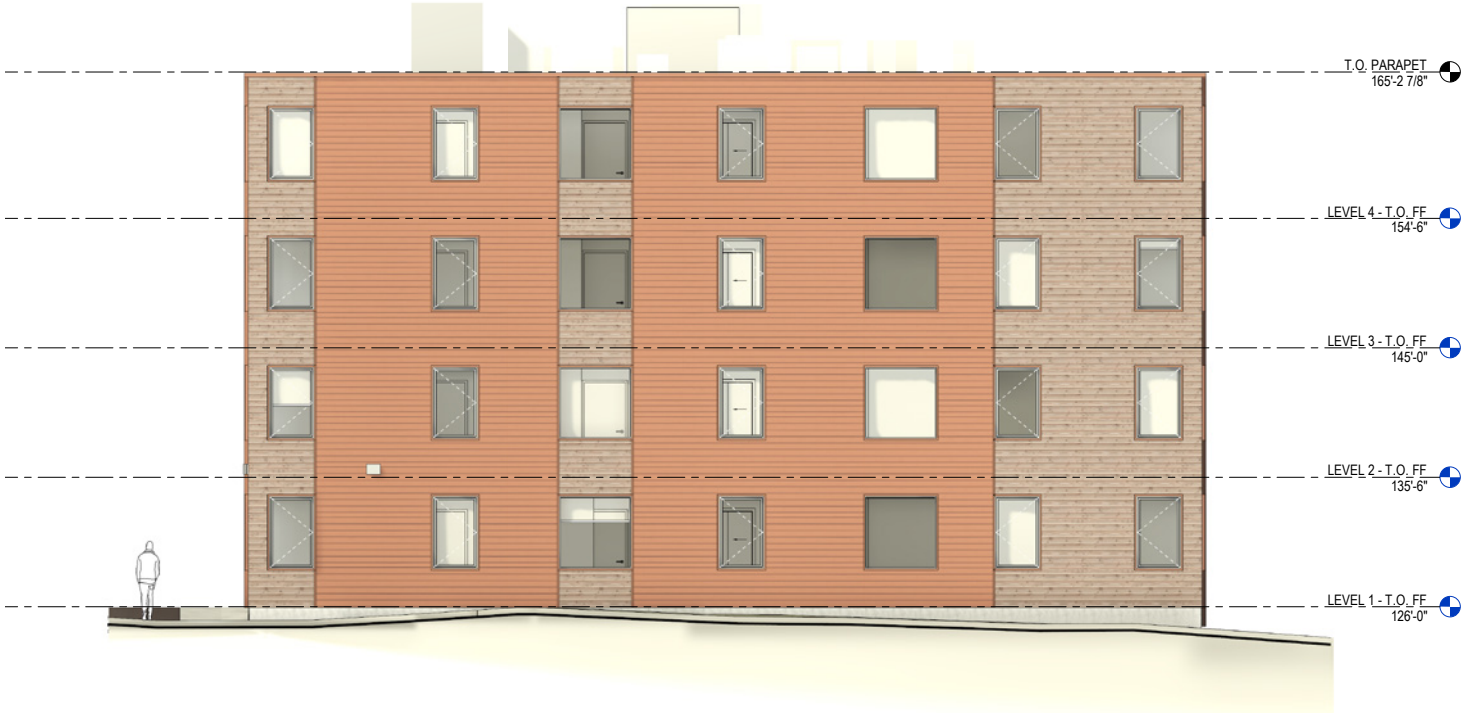
Current Proposal North Elevation, Facing Gilbert Lane



Previous Proposal West Elevation



Current Proposal West Elevation



Previous Proposal South Elevation



Current Proposal South Elevation



Previous Proposal View Down Atlantic





Previous Proposal View Up Atlantic



Current Proposal View Up Atlantic





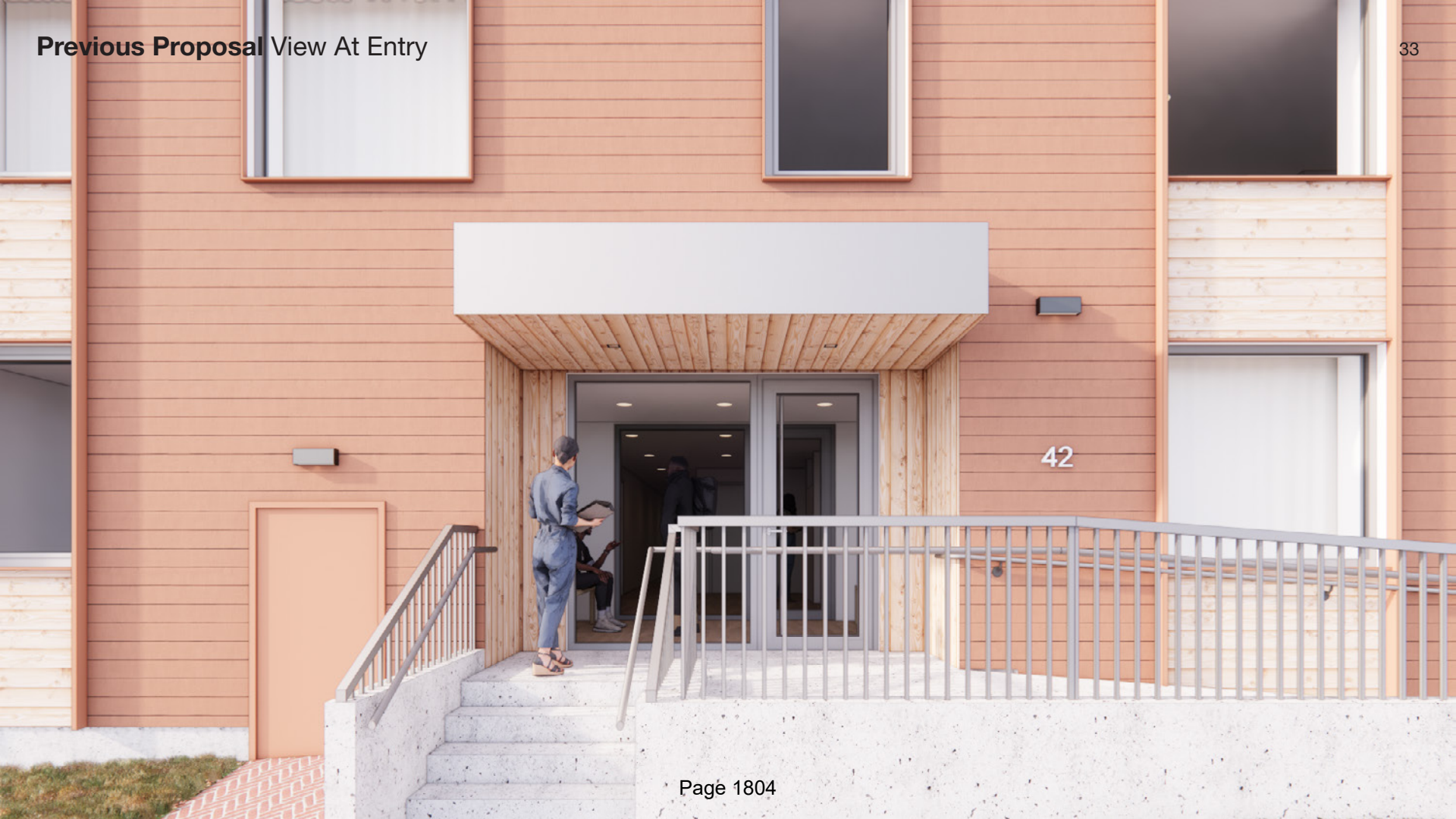


Previous Proposal View From Atlantic



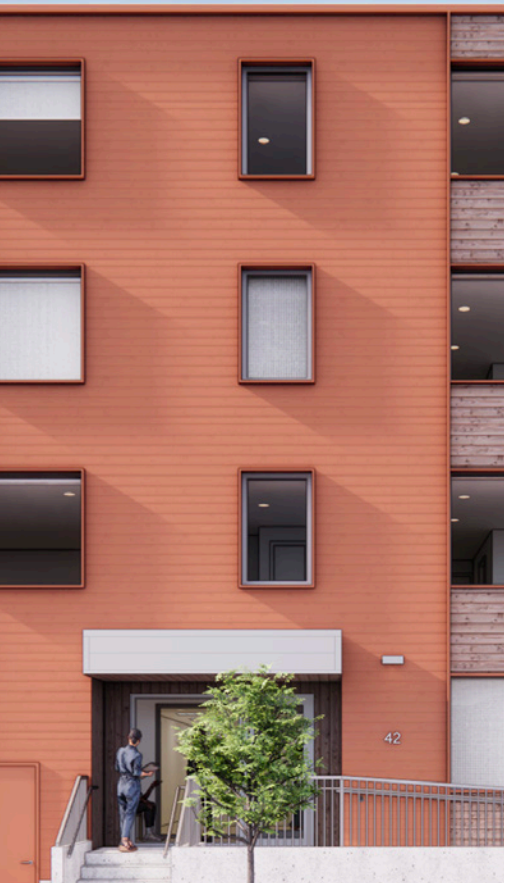
Current Proposal View From Atlantic

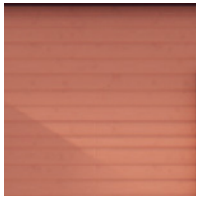



42


42

Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint



Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)



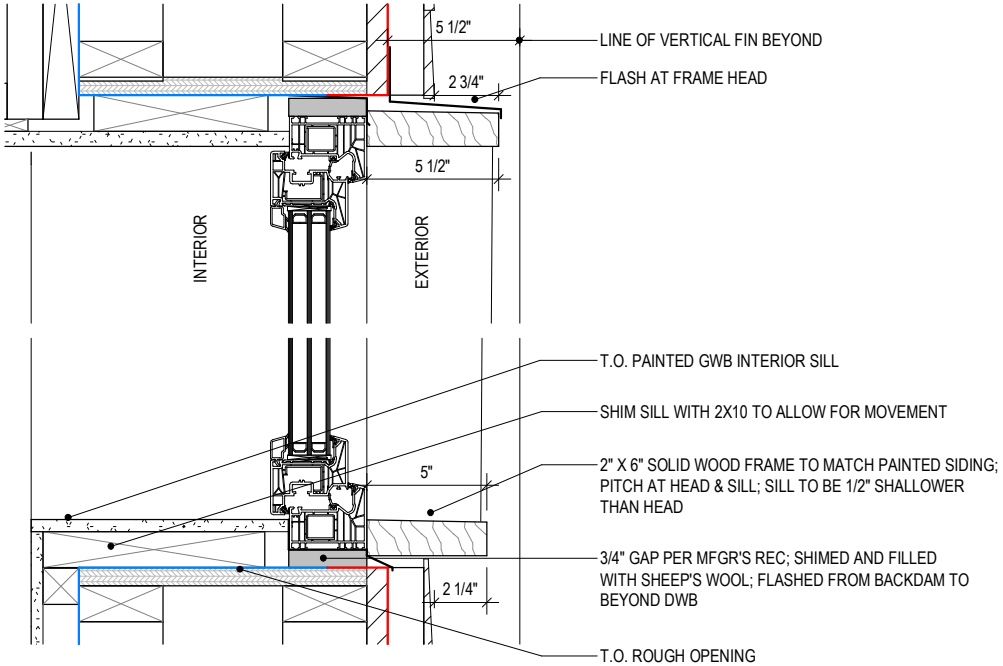


Current Proposal:

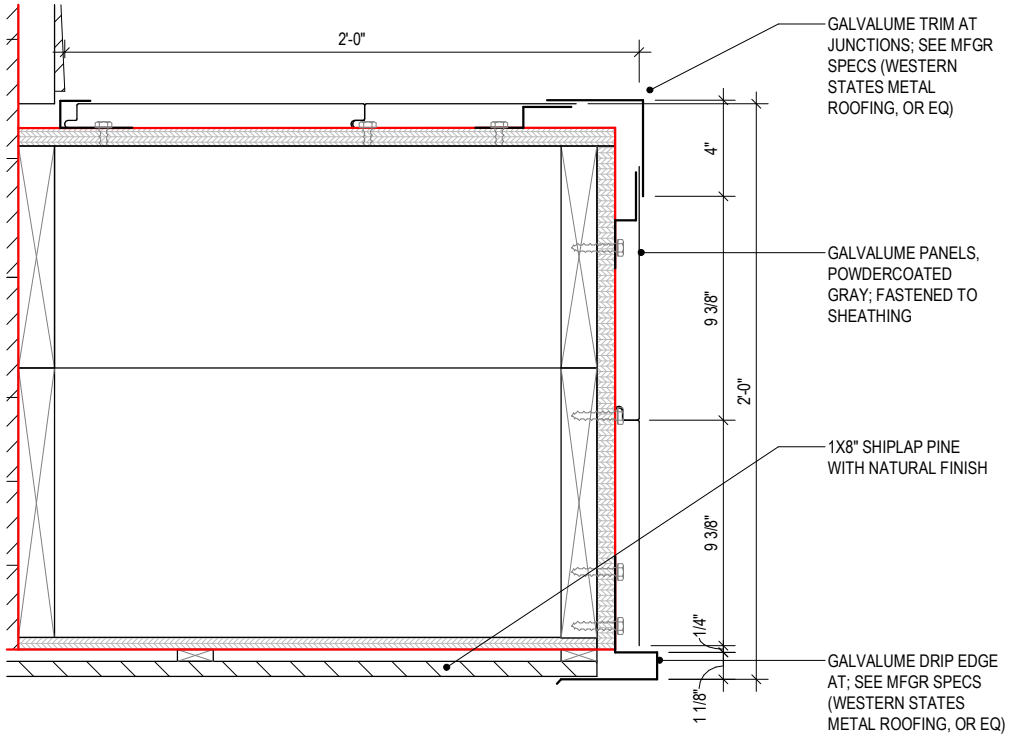
Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

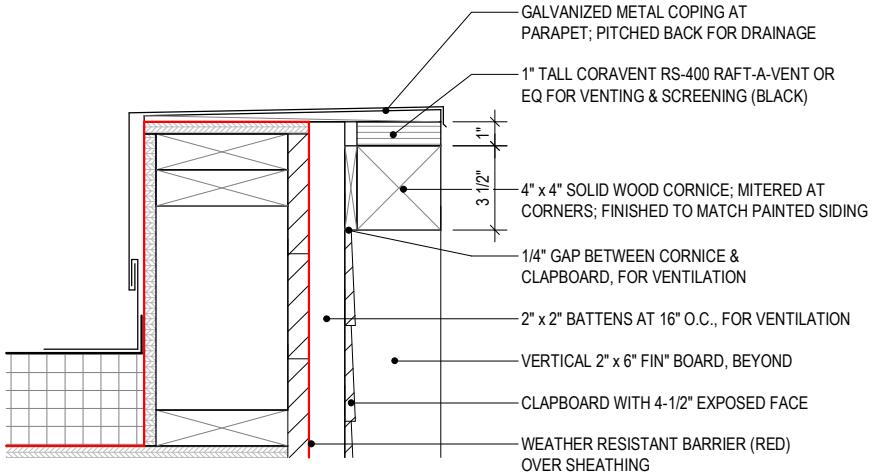
Features
Triple-Glazed



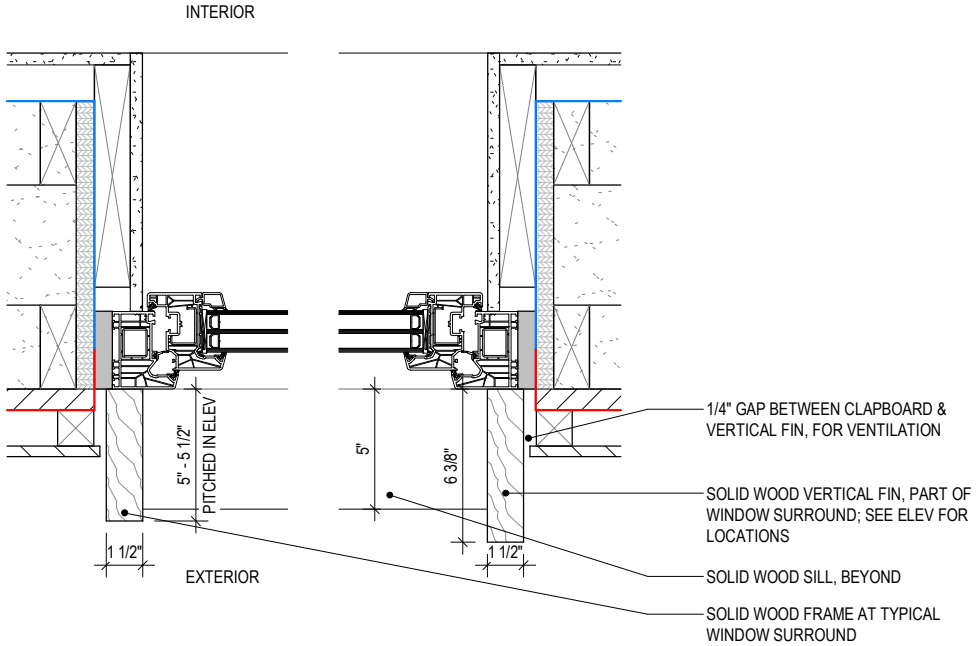
1 SECTION DETAIL - WINDOW HEAD & SILL
1 1/2" = 1'-0"



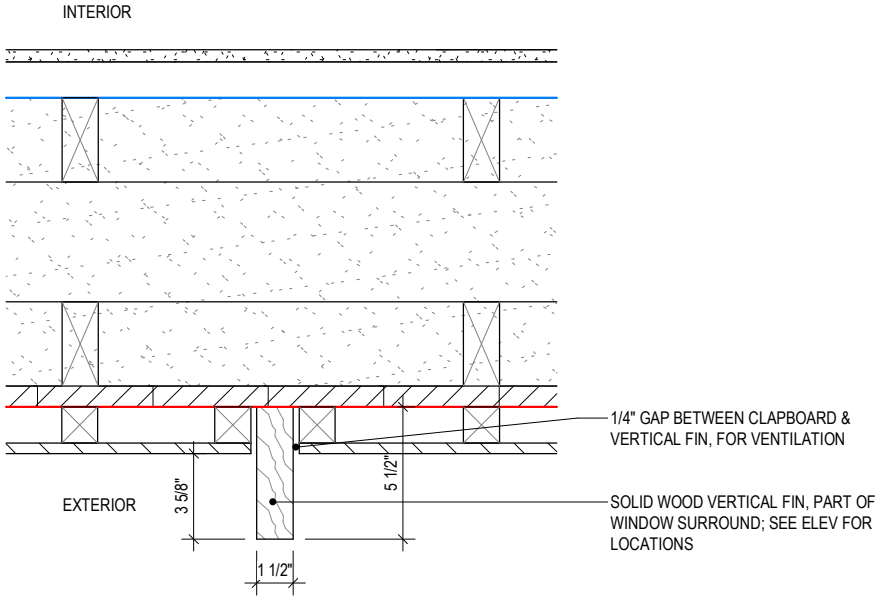
2 SECTION DETAIL - ENTRY CANOPY
1 1/2" = 1'-0"



3 SECTION DETAIL - CORNICE
1 1/2" = 1'-0"



4 PLAN DETAIL - WINDOW
1 1/2" = 1'-0"



5 PLAN DETAIL - VERTICAL FIN
1 1/2" = 1'-0"

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Evan Schueckler <evans@portlandmaine.gov>

Proposed development of 42 Atlantic Street

Susan Grisanti <susan@decormaine.com> Fri, May 10, 2024 at 11:32 AM
Reply-To: susan@decormaine.com
To: planningboard@portlandmaine.gov
Cc: hp@portlandmaine.gov

To the City of Portland Planning Board:
cc: The Historic Preservation Board

I am writing to you as a neighbor to the proposed development of 42 Atlantic Street. My home is across the street at 29 Atlantic Street. When I first heard of the plan for the old Legion Hall as affordable housing units, I was pleased and supportive. I have lived in this neighborhood since I renovated an 1844 building in 2013 and have seen successful affordable housing developments such as 8-unit 65 Munjoy Street, which melds into the character of the neighborhood seamlessly—both in the design and massing of the buildings, and in the diversity of income levels it adds to the neighborhood. This diversity is a defining characteristic of Munjoy Hill, a place that I know my neighbors and I love and value.

In contrast to 65 Munjoy Street, The LB Atlantic, LLC building plan does not appear to have taken the same care and design consideration. The proposed building design for 42 Atlantic Street exemplifies the importance of planning boards and Historic Preservation boards—to thoughtfully consider and protect from development dramatically out-of-character design and massing that will visually dominate and unalterably change the atmosphere of the neighborhood.

The scale and color of the exterior of this design will not only visually dominate but will add substantial cramping to our narrow street in which it's already challenging to fit with the comings and goings of street residents.

I acknowledge that there is an urgent need for affordable housing and support well-planned efforts to accomplish this. However, a single 30-unit building on a relatively small side street in Munjoy Hill, ignoring the scale and massing characteristic of the neighborhood is not such a plan.

If approved, this building will certainly be one that people will ask for years to come: who approved this design, and allowed this to get through planning board considerations and protections?

Thank you for considering my perspective on the proposed project,
Susan Grisanti

DM
Decor Maine Magazine

SUSAN GRISANTI (she/her)
FOUNDER & EDITOR

207.632.9968
susan@decormaine.com
www.decormaine.com

Greater Portland Landmarks

Historic character enriches our lives

PO Box 17533, Portland, ME 04112

24 May 2024

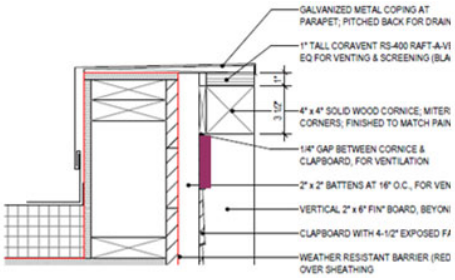
RE: FINAL REVIEW OF NEW CONSTRUCTION: 42 ATLANTIC STREET, HPBR-002814-2024

Chair O'Brien and Members of the Historic Preservation Board,

As we have stated in our previous comments, Greater Portland Landmarks supports the proposed apartment building at 42 Atlantic Street. Since it was first proposed the applicant has taken steps to better articulate the entrance to the apartment building, clad the building in a siding that will relate to its neighbors, create a projecting cornice, and utilize modern design details that will create shadows and texture, articulating the building's façades.

In the current submission, the applicant has submitted additional construction details that are helpful to an understanding of the canopy, cornice and fin assemblies and how those assemblies will impact the building's appearance. We believe that there is an opportunity for an additional detail that would enhance the cornice.

- The projecting cornice would benefit from a simple frieze board (in dark red below) in a similar color or material to the proposed wood cornice to give the roof parapet additional visual weight, similar to the roof lines of the many triple decker and apartment buildings found on Munjoy Hill.



We would like to also see some additional articulation of the canopy edge. It still appears heavy and box-like. We also have concerns about the proposed use of natural finish clapboards as we do not think they will age well and are not consistent with the character of finishes in the district. A possible solution would be better to use two shades of the same color finish.

Thank you for considering our views on this proposed project,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks



PO Box 17533, Portland, ME 04112

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic

Joe Lewis <joe@portcitylegal.com> Tue, May 28, 2024 at 11:59 AM
Reply-To: joe@portcitylegal.com
To: "hp@portlandmaine.gov" <hp@portlandmaine.gov>

Hello.
My name is Joe Lewis and I live at 33 Atlantic Street. I am happy to offer this additional public comment for the public hearing on this project.

I really want the HP board to follow its own rules and standards. This includes serving the purpose of preservation generally, applying new construction guidelines as written, and being mindful of the nature of the Munjoy Hill Historic District in particular.

The District. As indicated in the description of the District, Munjoy Hill has "a number of shared building characteristics that serve to unify much of the neighborhood and give it is own identifiable visual character." These include:

- A dense development pattern
- Buildings that occupy narrow, deep lots that are closely spaced
- Buildings of modest scale, ranging from 1 1/2 to 3 stories.
- Generally small footprints, with a narrow end facing the street
- Houses that are two-three bays wide, often with a projecting one or two-story front bay
- Commonly, buildings have a projecting front entry vestibule.

Munjoy Hill is described as "friendly" and "approachable", a reputation that has been found to be supported by the neighborhood's distinct visual character.
At 30 units and a volume of at least 230,000 cubic feet, the building as proposed would be possibly the third largest residential building in the District in terms of both physical scale and use. It is the opposite of modest. It has a massive footprint. It is architecturally basic: it is simply a box with some minor gilding. The building as proposed is the opposite of friendly and approachable: it is a monolith that dominates its surroundings.

The streetscape. As the neighbors have repeatedly said, the design of this building is simply too large and wholly uninteresting. The new construction design standards require a height and width that is "visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines." Neither of these things are true. The building as proposed is visually massive and dominating and fully at odds with the surrounding structures when viewed from the street. The scale and form of this proposed building is nothing like its neighbors. Nothing at all.
The facade is ugly. Not basic. Not modern. Simply ugly. It does not look like anything else on Atlantic Street. It is just a big, ugly box that can only be described as maximalist.

The purpose of preservation. This board and the code are supposed to meet the following purposes:

- Ensure compatible new construction.
- Protect and enhance neighborhood character.
- Protect and enhance the attractiveness of the city.

Allowing this building to be built in this historic district is antithetical to the purposes of the historic preservation code.

Please, please, please don't give up on historic preservation. Please don't insult the people who live here who have invested in trying to protect and enhance this historic district through their own efforts by letting this building be built. Stand tall and stand for preservation. Don't let this massive box be built here. Please don't make this mistake.

Thank you for your consideration.
- Joe

--

Joe Lewis, Attorney
Port City Legal, LLC

10 Moulton Street, 4th Floor
Portland, Maine 04101
(207) 210-6559
www.portcitylegal.com

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I am a lawyer, but I am not your lawyer unless you have been in my office and signed a contract. Unless I am your lawyer, this communication is not intended as legal advice, and no attorney client relationship results. Please consult your own attorney for legal advice

Evan Schueckler <evans@portlandmaine.gov>

42 Atlantic St. Proposal - Concerns

letourneau.lisa@gmail.com <letourneau.lisa@gmail.com> Mon, May 27, 2024 at 8:24 PM
To: hp@portlandmaine.gov, Evan Schueckler <evans@portlandmaine.gov>

To: Evan Schueckler & Portland Historic Preservation Board

My husband and I are writing to express significant concerns about the proposed plan for a new condominium development at 42 Atlantic St. Our home is located just several houses up Atlantic St in the Munjoy Hill Historic District, and we were quite surprised and disappointed to see the proposed plan for the new building as we feel its appearance is markedly out of alignment with the look and feel of the neighboring homes and the expectations for alignment with the Historic District.

We have reviewed the City's "Historic Preservation Ordinance Review Standards", "Standards for Review of New Structures" and the proposed scale drawings for 42 Atlantic St, and feel strongly that the proposed structure fails to align with numerous specific requirements of those standards, including the following:

- The proposed height *is not* "visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines".
- The width *is not* "visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines".
- The proportion of principal facades and relationship of the width to the height of the principal elevations *is not* "visually compatible with structures, public ways and open spaces to which it is visually related".
- The roof shape *is not* "visually compatible with the structures to which it is visually related".
- The scale, size and mass of structures in relation to open spaces, windows, door openings, porches and balconies *is not* "visually compatible with the structures, public ways and places to which they are visually related".
- Additionally, the proposed structure does not appear to meet numerous other requirements related to "composition of principal facades", "relationship of materials", and "relationship to street".

We greatly enjoy the culture, feel, and spirit of living in the Munjoy Hill Historic District, and have taken significant efforts to ensure that our home continues to conform to the historic appearance of the neighborhood.

We appreciate the Historic Preservation Board's careful review of this proposal, and are hopeful that changes can be made to the plan to make it more compatible with expectations for new construction in the neighborhood.

Thank you.

Lisa Letourneau & Lee Chick

58 Atlantic St

Portland ME

C: 207.415.4043

June 3, 2024

Owner: Dan Black & Carl Lakari
LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction

HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

Dan Black
PO Box 10452
Portland, ME 04104
(207) 831-2824
danblack@lbdevpartners.com

March 25, 2024 *(Revised April 1, 2024 & May 6, 2024)*

Re: Historic Preservation Application, Project Description V3 (*new changes in Italics*)

Dear City of Portland Planning & Urban Development Department,

The 42 Atlantic Street, Portland, ME 04101 parcel is a 0.23 acre (10,018 square feet) site on Munjoy Hill. It currently has a two-story structure on it that used to house the local American Legion chapter. It is a non-contributing property within the Munjoy Hill historic district.

The proposed structure will be four stories and 23,857 square feet (with an additional 2,981 square feet of basement space). After receiving feedback at the first Public Workshop on March 6th, we've revised the design to simplify the massing. The building is now a rectangle in plan.

Accessed via ramp or stair, the primary entrance is recessed 3 feet into the central bay of the Atlantic Street facade. To address feedback from the Board & the public we have:

- Added a projecting canopy at the entrance
- Rotated the entry stair to be perpendicular to the façade
- Relocated the basement egress stair to minimize the presence of its door and allow for two windows at the ground floor unit on the South
- Added a projecting cornice
- Added projecting vertical trim to zone the façade into two distinct materials: one that references the tone of the brick at 55 Atlantic and one that references the wood clapboard at 48 Atlantic
- Simplified the design of the wall enclosing the entry stairs & ramp

After our second Public Workshop on April 17th, we've revised the design to address feedback from the Board & the public. We have:

- *Increased the visual weight of the cornice*
- *Reduced the number of changes in the cladding (there are fewer "bands" now)*
- *Changed all cladding to clapboard*
- *Detailed the metal seaming pattern at the canopy*
- *Developed the planting plan*
- *Visualized the project with weathered siding (we are proposing a weathering finish to reduce the change over time)*

Gilbert Lane will have two additional doors: one for emergency egress, and one for bike storage access. We have added an exterior light & a vision panel to the door at the bike storage, per feedback.

The building will have a total of 30 units, consisting of 14 studio apartments, 8 two-bedroom units, and 8 three-bedroom units. All will be deed restricted as affordable. The building will also have a communal laundry, tenant storage, and a common room that meets the specification of MaineHousing's construction standards. The building will have an elevator and two stairs. Roof access will be limited to maintenance.

Recent changes to the city's land use code, in response to LD2003, allow for 2.5 times the base zoning density for affordable housing projects. This area is in the R-6 zone which allows multi-family use by right with a density of one unit for every 750 square feet of lot size—at 10,018 square feet, 42 Atlantic is permitted to have 13 units on site. The density boost allows density of up to 32 units on the site.

The attached packet provides the requested material. Please let us know if you have any additional questions.

Sincerely,

Daniel Black

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

42 Atlantic Street Housing

Historic Preservation Public Hearing

Submitted: May 6, 2024

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Owner
LB Atlantic, LLC

Architect
Primary Projects, PLLC

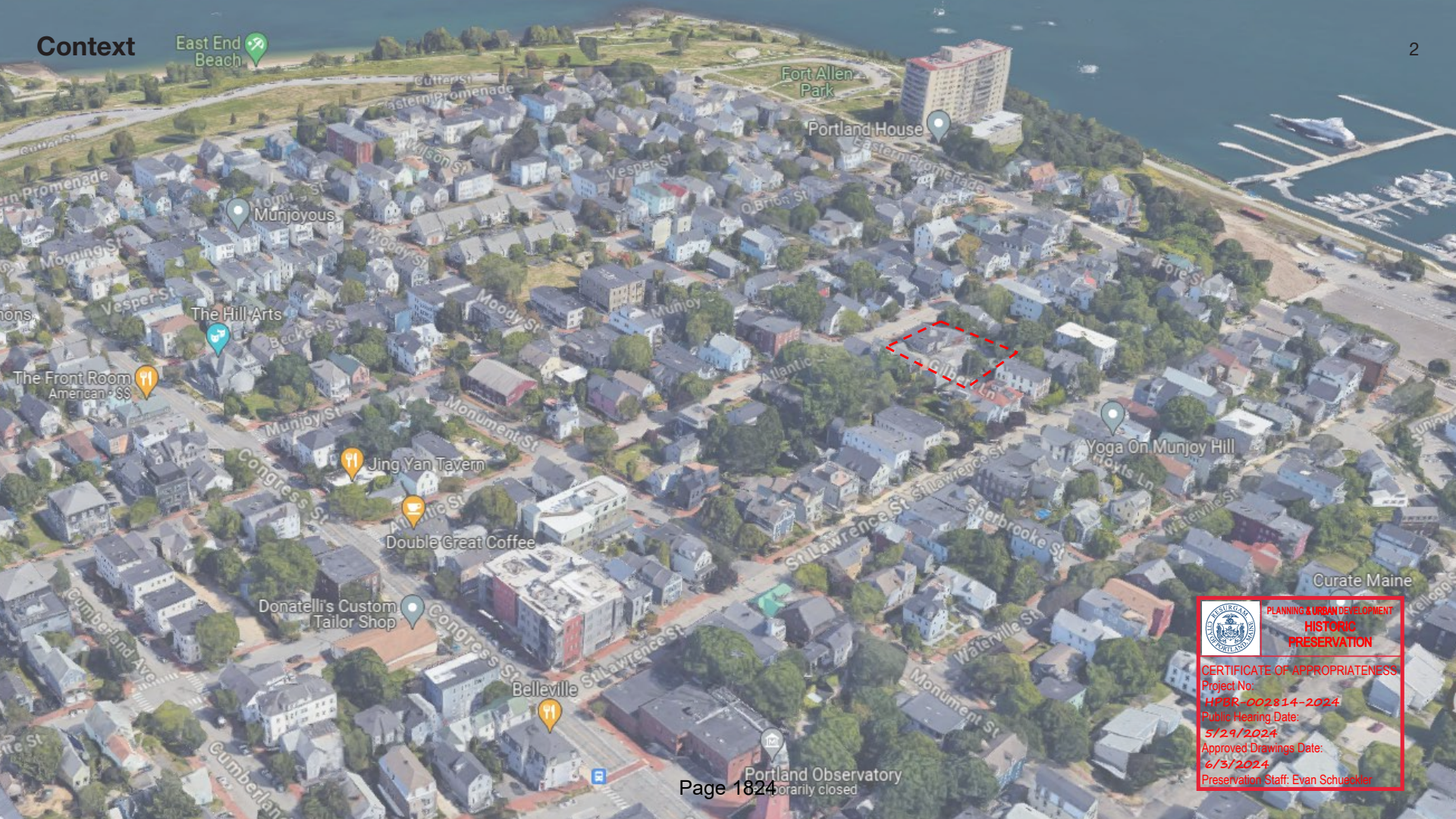
Civil Engineer
Acorn Engineering, Inc

Structural Engineer
Base Design Group, Inc

MEP-FP Engineer
BLW Engineers, Inc

Lighting Designer
Pieszak Lighting Design, LLC

Context



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
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6/3/2024
Preservation Staff: Evan Schuckler

We heard the following feedback at the first Public Workshop on March 6th. Consider:

- Simplifying the building form at Atlantic St / Gilbert Lane
- Adding a cornice
- Adding horizontal or vertical banding
- Using two or more cladding materials
- Adding detail at the windows
- Adding detail at the entry
- Adding a projecting canopy at the entry
- Adding one or two windows at the southern unit on the first floor, facing Atlantic Street
- Reorienting the direction of the stairs at Atlantic Street
- Adding glazing at or near the door of the bike room
- Fleshing out the landscape approach

We heard the following feedback at the second Public Workshop on April 17th. Consider:

- Increasing the visual weight of the cornice
- Reducing the number of changes in the cladding
- Changing all cladding to clapboard

- Adding more detail to the concrete wall at the entry
- Detailing the metal seaming pattern at the canopy

- Developing the planting plan
- Visualizing the project with weathered siding
- Showing abutting neighbors on analysis slide

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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Context Photos of Existing Non-Contributing Property



Looking up Atlantic



Looking down Atlantic



From Gilbert



From Rear Parking

PLANNING & URBAN DEVELOPMENT
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Houses of Atlantic Street

Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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HPBR-002814-2024
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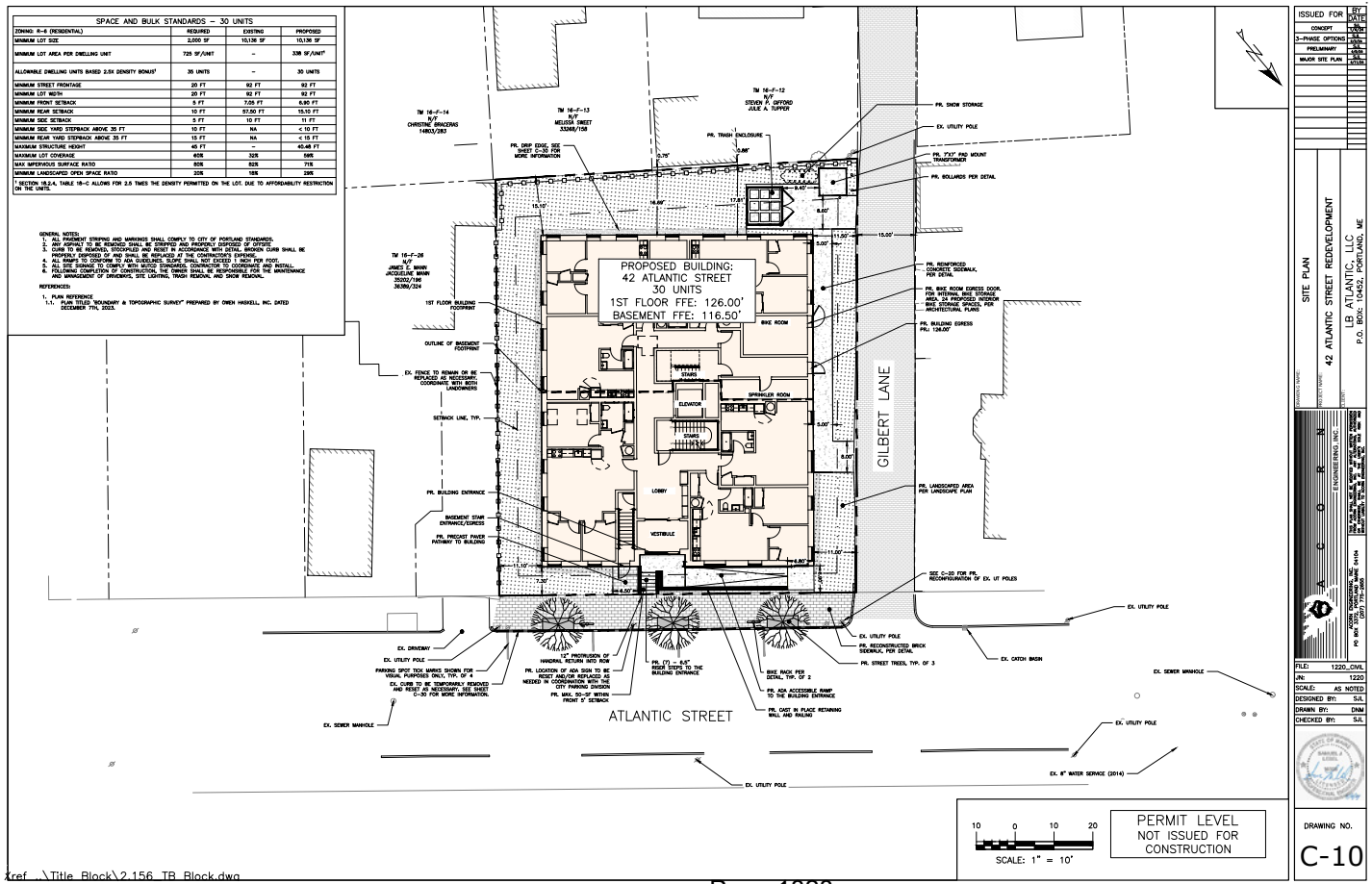
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Site Plan (from Acorn)



PLANNING & URBAN DEVELOPMENT
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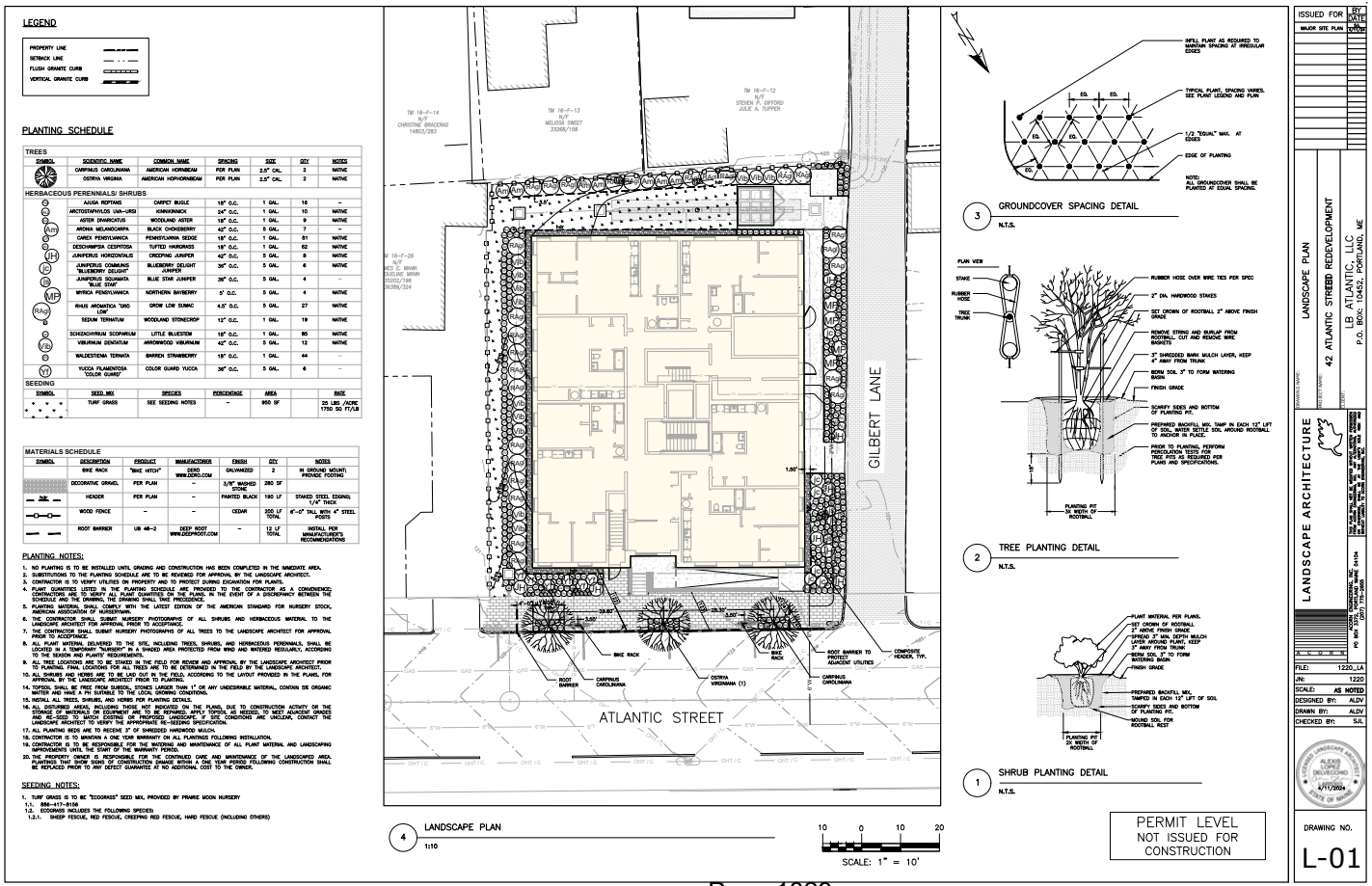
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Landscape Plan (from Acorn)



PLANNING & URBAN DEVELOPMENT
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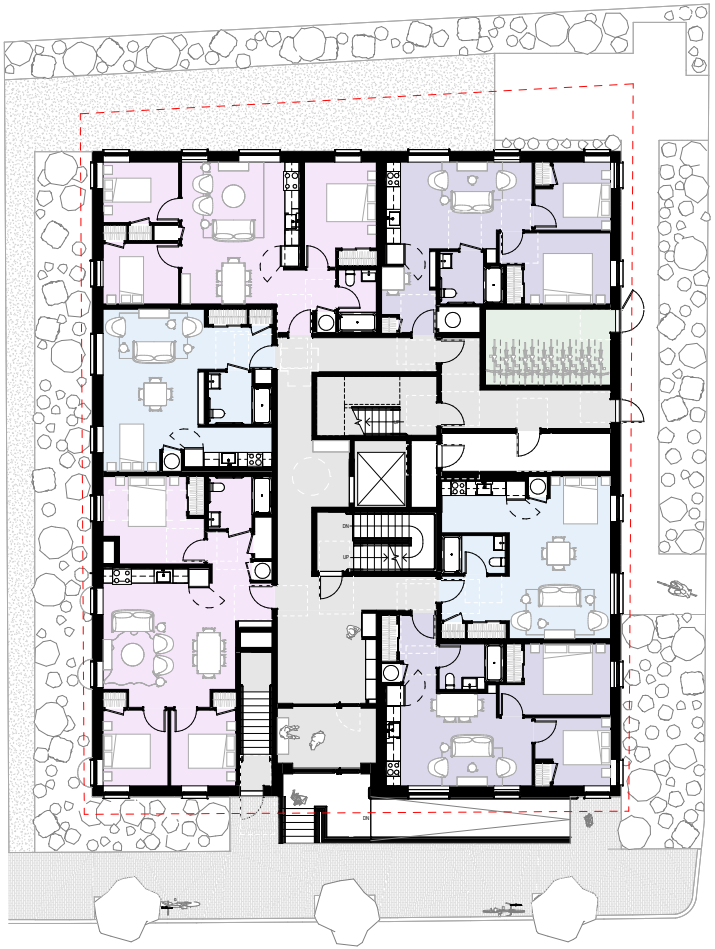
Preservation Staff: Evan Schueckler

Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



PLANNING & URBAN DEVELOPMENT
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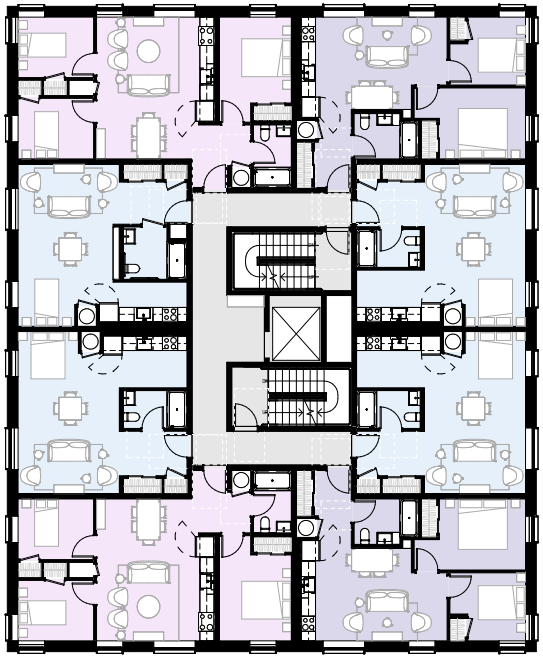
Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Gilbert Lane

Atlantic Street

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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HPBR-002814-2024
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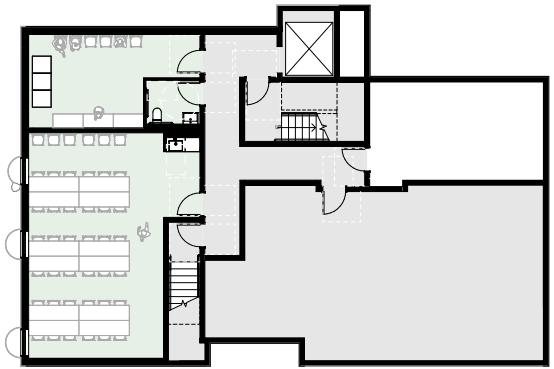
Preservation Staff: Evan Schueckler

Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



PLANNING & URBAN DEVELOPMENT
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5/29/2024
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6/3/2024
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Current Proposal East Elevation, Facing Atlantic Street



PLANNING & URBAN DEVELOPMENT
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Current Proposal North Elevation, Facing Gilbert Lane



PLANNING & URBAN DEVELOPMENT
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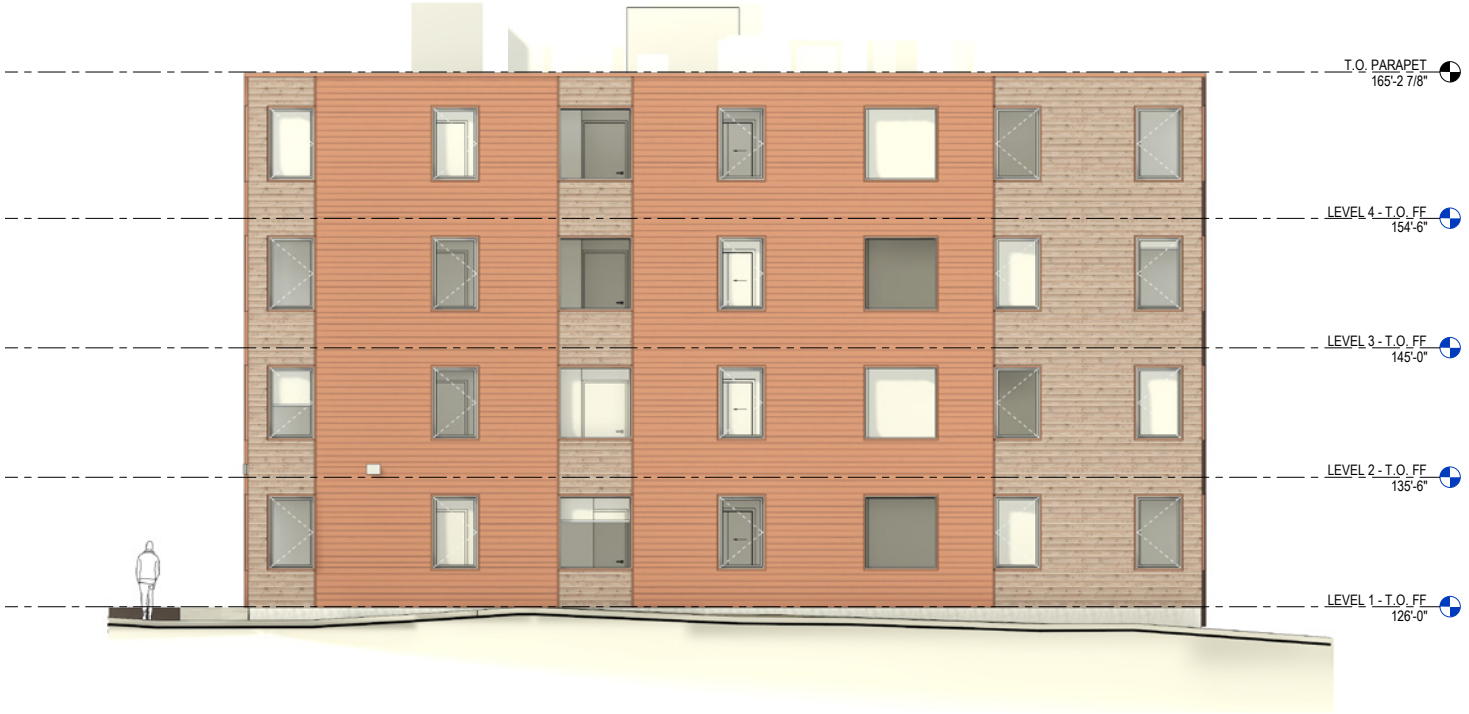
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal West Elevation



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Public Hearing Date:
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Preservation Staff: Evan Schueckler

Current Proposal South Elevation



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-00214-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal View Down Atlantic



Current Proposal View Up Atlantic



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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5/29/2024
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6/3/2024
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PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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HPBR-002814-2024
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5/29/2024
Approved Drawings Date:
5/31/2024
Preservation Staff: Evan Schueckler

Current Proposal View From Atlantic



PLANNING+URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
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5/29/2024
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6/5/2024
Preservation Staff: Evan Schueckler

Current Proposal View At Entry



PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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5/29/2024
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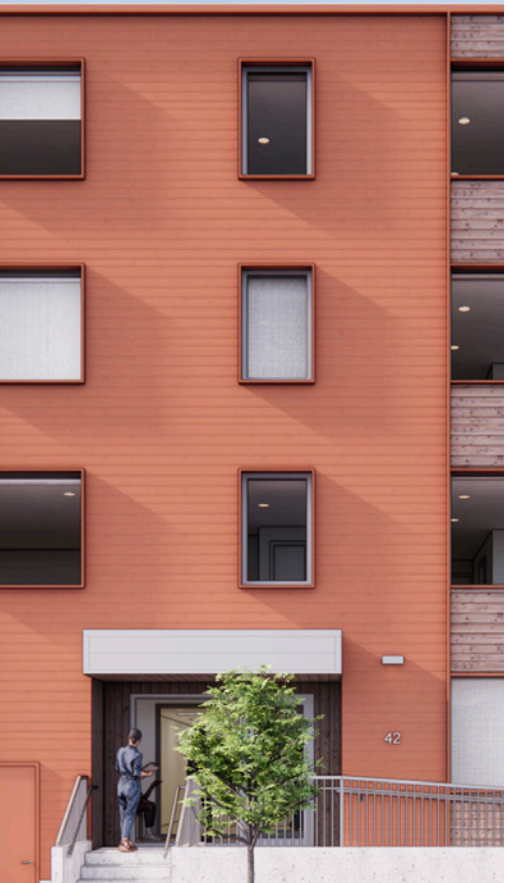
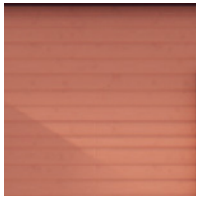
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint



Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
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Preservation Staff: Evan Schueckler



Current Proposal:

Finish
Charcoal Gray uPVC
(Lighter than shown in images)

Operation
Windows: Picture & Tilt-Turn
Doors: Swinging

Features
Triple-Glazed

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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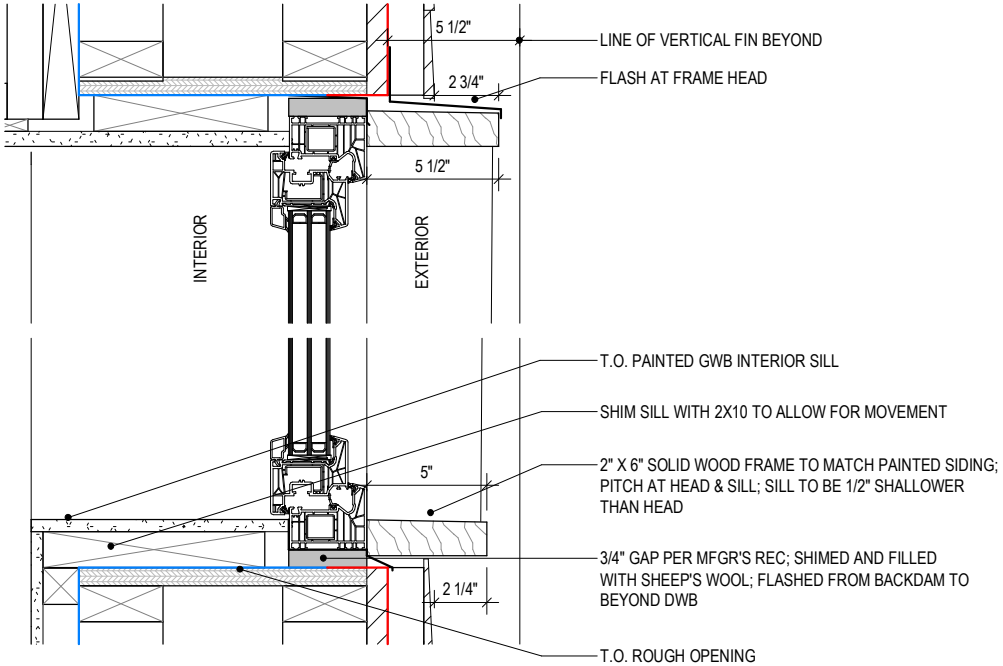
Shuco 82 Living MD Windows & Doors



1 SECTION DETAIL - WINDOW HEAD & SILL
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
Project No:
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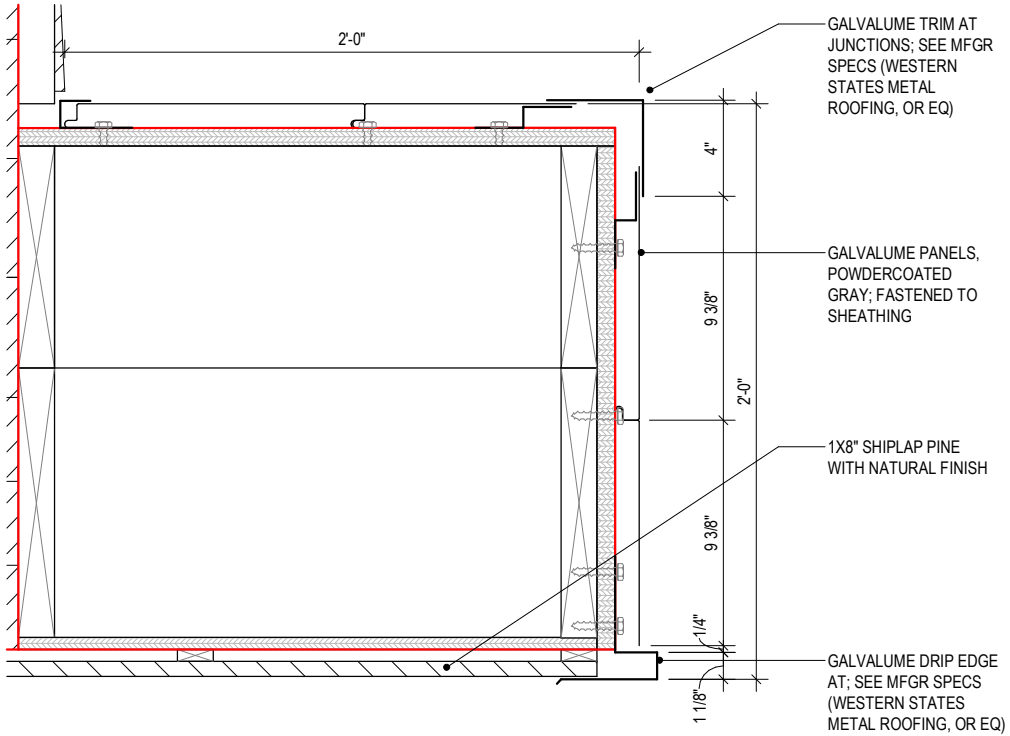
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler



2 SECTION DETAIL - ENTRY CANOPY
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
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Public Hearing Date:
5/29/2024
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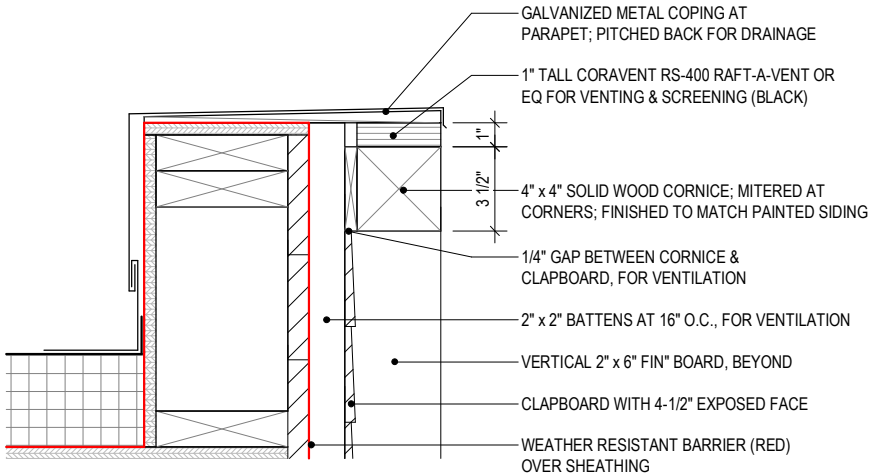
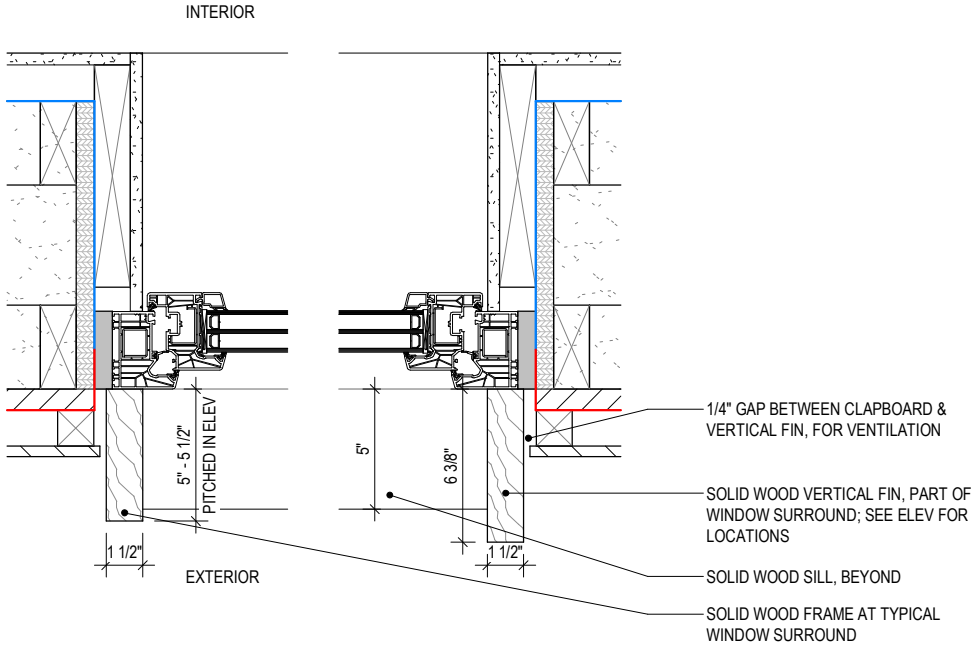


3 SECTION DETAIL - CORNICE
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS
Project No:
HPBR-002814-2024
Public Hearing Date:
5/29/2024
Approved Drawings Date:
6/3/2024
Preservation Staff: Evan Schueckler

Current Proposal Window Jamb Detail



4 PLAN DETAIL - WINDOW
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

CERTIFICATE OF APPROPRIATENESS
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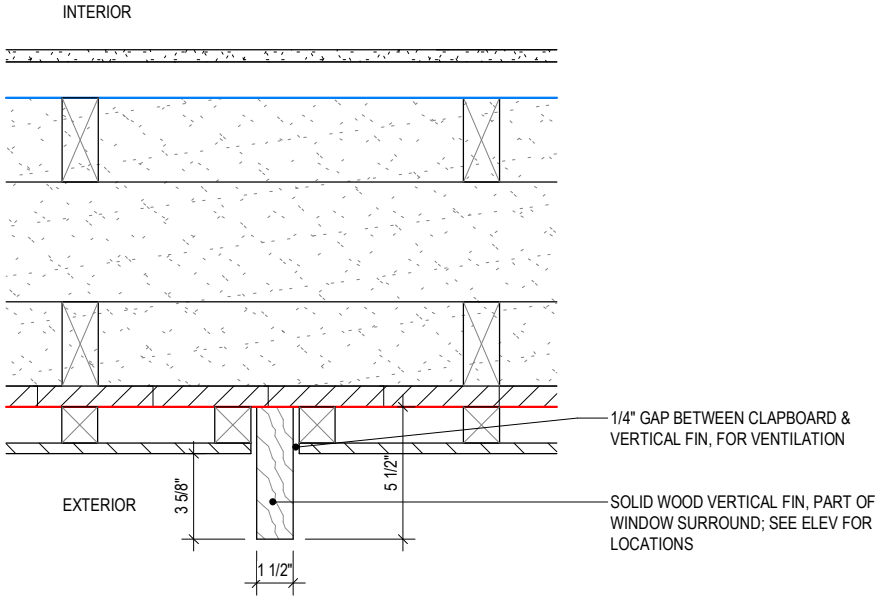

5 PLAN DETAIL - VERTICAL FIN
1 1/2" = 1'-0"

PLANNING & URBAN DEVELOPMENT
HISTORIC PRESERVATION

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Project No:
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5/29/2024
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6/3/2024
Preservation Staff: Evan Schueckler

42 Atlantic Street
Major Site Plan Application
PL-002880-2024
LB Atlantic, LLC

Submitted to:	Portland Planning Board	**Prepared By:**	Ameriz Gamez
Public Hearing Date:	July 30, 2024	**Date:**	July 26, 2024

I. INTRODUCTION

At the Public Hearing on July 30th, the Planning Board will review a Major Site Plan application submitted by Acorn Engineering, on behalf of the LB Atlantic, LLC, which proposes the redevelopment of the property at 42 Atlantic Street in the Munjoy Hill Neighborhood. This project would involve the demolition of an existing single-story building, formerly a community American Legion, and the construction of a four-story multi-family building with 30 affordable dwelling units.

The Planning and Urban Development Department mailed 288 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the July 19, 2024 and July 20, 2024 edition of the Portland Press Herald.

Applicant: LB Atlantic, LLC
Applicant Representative: Sam Lebel of Acorn Engineering

II. REQUIRED REVIEWS

Review	Applicable Standards
Major Site Plan Review	Section 14.6

III. PROJECT DATA

Existing Zoning	R-6 Residential
Historic District	Munjoy Hill Historic District
Property Size	10,136 sq. ft. (0.23 ac.) **Parcel ID: 016 F001001*
Existing Use	Vacant Place of Assembly
Proposed Use	Multi-family Residential

	Existing	Proposed	Net Change
Impervious Surface Area	80 %	82 %	71 %
Parking Spaces	Unspecified	0	
Bicycle Parking Spaces	2	28	0

IV. PLANNING BOARD WORKSHOP – May 28, 2024

The Planning Board held a workshop for this application on May 28, 2024. The discussion was mainly centered around the on-street parking capacity and the location of the nearest parking garage and bike room incentives for future tenants. Following the workshop, the applicant provided a parking analysis that included supportive material and responses to the Board's concerns, increased the amount of on-site bicycle parking from 28 spaces to 49 spaces, and included a bicycle maintenance room within the building.

During the workshop the Board also discussed the proposed utility connections to the new building and the possible impact this may have on Gilbert's Lane. The applicant has completed further research on alternative utility designs, and due to the possibility of temporary disruption of power and telecommunication services to the residents between the site and Fore Street, along Atlantic Street, the applicant has decided to route the electrical primary line from St. Lawrence Street underground through Gilberts Lane. After a meeting with the City's Chief Surveyor and Corporation Counsel, it was confirmed that Gilbert Lane is in fact City owned, though is not an accepted street, and is instead classified as a publicly accessible traveled way. From these discussions, it was determined that the applicant would need to request a revocable license agreement for construction and the extension of utilities beneath Gilbert's Lane. In response to concerns that the cobblestones within Gilbert's Lane would be adversely impacted due to this work, the applicant has made a note that all disturbed bricks are to be reset.

V. EXISTING CONDITIONS AND SURROUNDING AREA

The project site is located within the Munjoy Hill neighborhood, which is predominantly residential in character, and features a mixture of dwelling types; from single-family dwellings to larger scale multi-family development. The project site is approximately two blocks from a neighborhood commercial corridor that is located along Congress Street, and one block from the Eastern Promenade, and is situated within the R-6 Residential Zone and the Munjoy Hill Historic District.

The site itself is approximately a quarter acre in size with primary frontage along Atlantic Street, and secondary frontage along Gilbert Lane; a private right-of-way with cobble surface, that is located on City-owned property. A brick sidewalk extends along the property's Atlantic Street frontage. The property features a single-story structure, a former American Legion building, which occupies the front half of the lot, along the property's Atlantic Street frontage. The rear half of the property was historically used for parking, and consists of an unstriped paved area that is accessible via an existing curb cut and driveway off of Gilbert Lane; a private right-of-way that features a cobble surface, and which is located on City-owned property. The property is at present, served by overhead power connections, with overhead utilities running along both the property's Atlantic Street frontage, and along Gilbert Lane.

The property slopes down from West to East, towards Eastern Promenade, and more gently from North to South, towards Portland's Eastern Waterfront and the India Street Neighborhood. At present, the property features minimal vegetation, with some plantings along the property's southerly and westerly property boundary.



Figure 1: ***Figure 1: View property highlighted, from City of Portland Maine Parcel Viewer***

VI. PROPOSED DEVELOPMENT

The proposed affordable multi-family development comprises 10,136 sq. ft. of the lot. The lot has frontage along Atlantic Street. The anticipated development will include 30 affordable residential units and is proposing zero off-street parking due to the proximity of public transit. The project will offer an onsite shared laundry room, community room, and tenant storage for their residents. This development will also include a bike storage and a mixture of studio, two-bedroom, and three-bedroom units. Six units are to be located on the first level, and eight units are to be located on each of the upper floors.



Figure 2: Snip from Exterior Elevations, Sheet A-200, from applicant submittal.

VII. **RIGHT, TITLE, AND INTEREST**

The owners of the property, LB Atlantic LLC, have provided a Warranty Deed with warranty covenants recorded at the Cumberland County Registry of Deeds (Book 40559 Page 56) on January 8, 2024, as evidence of right, title, and interest in the property.

VIII. **FINANCIAL AND TECHNICAL CAPACITY**

The applicant has submitted a letter from Bangor Saving Bank, dated March 29, 2024, as demonstration of their financial capacity to complete the proposed development.

IX. ZONING ANALYSIS

DIMENSIONAL AND USE REQUIREMENTS

A zoning review has been conducted on this application and this project is required to meet the standards of the R-6 Residential zone. Under this proposal, all residential units would meet the City's definition for low-income housing units, and as such, this project would be eligible to take advantage of affordable housing density bonuses listed within Table 18-C, which were extended to eligible projects within residential zones as part of the City's adoption of LD-2003 zoning amendments; a state law which required that municipalities allow up to four residential units by right on all property zoned for residential use. The applicant is requesting that the Planning Board set the parking count to zero, based upon the project's location and proximity to public transit.

	Required	Proposed
Lot Area	2000 sq. ft.	10,136 sq. ft.
Lot Area Per Dwelling Unit	725 sq. ft. (290 sq. ft. with maximum affordable housing density bonus)	338 sf. Unit
Street Frontage (Min.)	20 FT.	92FT.
Front Setback (Min.)	5 FT.	6.90 FT.
Rear Setback (Min.)	10 FT.	15.10 FT.
Side Setback (Min.)	NA	NA
Stepbacks	15 FT.(Rear)	15.10FT.
Floor Area (Max.)	NA	NA
Structure Height (Max.)	45FT.	40.48 FT.
Lot Coverage (Max.)	60%	59%
Impervious Surface Ratio (Max.)	80%	71%
Landscape (Min)	20%	29%
Off-Street Parking	0	0

X. SITE PLAN STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's Site Plan Ordinance, Section 14.6. Staff comments are below.

1. Transportation Standards (Section 14.6.1)
   A. Impact on Surrounding Street Systems

   The proposed development involves the demolition of the existing building on the site and the construction of a four-story building with 30 affordable dwelling units. The applicant is not providing off-street parking for this site due to the proposed affordable housing use, which typically generates less parking demand than other types of residential development, and the site's proximity to public transit. In order to provide utility service to the proposed building, the applicant is proposing to trench beneath Gilbert's Lane, and extend power and telecommunications service from St. Lawrence Street to the project site, which will involve short-term disruptions to Gilbert's Lane.

   Staff previously requested that the applicant provide proper demonstrations on how construction operations will proceed following the demolition of the current building along with an estimated timeline that is to be updated accordingly. As a response to staff's comments the applicant has noted that all disturbed areas within Gilberts Lane are to be reestablished to their existing conditions, and the existing brick sidewalk fronting the property along Atlantic Street is to be rebuilt and reset as part of the development.

   In response to the Planning Board requesting benches to provide more activation along the street, the applicant has revised the site design to include the provision for a seat wall along the front of the building as well as a small patio area to better interact with Atlantic Street.

   Staff consider this standard to be met.

B. Access and Circulation

There is to be an internal pathway constructed at the side of the building leading to the bike storage which is being requested by staff to connect to Atlantic Street. The applicant has also provided information stating that the sidewalk is to be reconstructed with brick in accordance with City standards. The reconstruction will take place along Atlantic Street and will connect across Gilbert Lane.

Staff Finding: The applicant shall construct compliant pedestrian ramps leading to and from the property per the City's Technical Manual section one. The applicant shall construct two compliant pedestrian ramps on either side of Gilbert Lane. The applicant shall reconstruct Gilbert Lane in brick between the two ramps and tie back into the existing cobble street.

As a response the applicant have revised the plans to include the provision to rebuild the compliant ramps on both sides of Gilberts lane and have confirmed that the bricks are to be rest between the two landing/pedestrian ramps.

Staff consider this standard met.

C. Public Transit Access

Although this development is in proximity to Congress Street upon which METRO bus service routes are operated. In relation to the site, public transit is within 0.2 miles (1056 Ft) it is not directly on a transit route, and therefore the applicant is not required to construct a shelter.

Staff consider this standard met.

D. Parking

The applicant is requesting that the Planning Board establish an alternative parking count of zero. The applicant has provided a parking analysis to provide justification for the request of zero parking, however based upon the information provided, staff are unable to recommend that no off-street parking be provided. Further, the City's Transportation Program Manager has noted that insufficient information has been provided to establish an alternative parking ratio for the development.

Staff Finding: The City recommends that the applicant provide a more detailed parking study which demonstrates that no off-street parking is required to satisfy the anticipated demand for parking, or provide a transportation demand management (TDM) plan, for review and approval by the Planning Authority, which would enable the applicant to take advantage of the transit-proximate parking exemption listed in Table 19-B. Staff has included a draft condition of approval detailing this request for more information, for consideration by the Board.

E. Transportation Demand Management (TDM)

Due to the applicant requesting an alternative parking count to the Board, a Transportation Demand Management (TDM) is not a requirement based on the site plan standard. However, the City is encouraging the applicant to consider providing a TDM plan, in order to take advantage of the transit proximate parking exemption listed in Table 19-B.

Staff considers this standard to be not applicable, however a TDM may be required in order for the applicant to be exempt from providing off-street parking.

2. Environmental Quality Standards (Section 14.6.2)
   A. Preservation of Significant Natural Features
   There are no significant natural features as defined in Sec. 14.6.2.A.1 on the subject property.

   Staff consider this standard to be not applicable.

   B. Landscape Preservation
   The site is minimally vegetated; The construction plan shows a total of five trees that are on the site and states that four of the five are to be removed; which includes a Norway Maple Tree measuring 12-inches diameter at breast height (DBH), and other trees less than 10-inches DBH. Based upon these characteristics, the City's landscape preservation requirements would not apply to the existing trees on this property.

   Staff consider this standard met.

   C. Site Landscaping and Buffers
   The site proposes reconstruction of the streetscape along Atlantic Street, which includes the planting of three new street trees. In combination with providing better accessibility to the side of the building along Gilberts Lane, the applicant is proposing to construct a walkway along the side of the proposed building, between the sidewalk on Atlantic Street, and a side entrance to the building. Due to this change, a majority of the utilities within the property's side yard along Gilberts Lane will be routed beneath the proposed sidewalk. Given the depth of the underground utility, there is adequate room above the utility trench to support the proposed plantings. The applicant must pay a fee for the street trees not being provided on the site. There are a total of 27 trees not being provided, at the ratio of $400 per tree the applicant is required to provide a contribution of $10,800.

   Staff considers this standard to be met, subject to the draft condition of approval related to the street tree financial contribution.

   D. Water Quality, Stormwater Management, and Erosion Controls

   The Applicant has provided for the Basic Standards with appropriate erosion and sedimentation control measures. The project as proposed will result in a net decrease in impervious area, and the proposed redevelopment will result in less than 5,000 sf of non-roof redeveloped area, and is therefore not subject to the general or redevelopment standards. The project is providing below-grade storage to help manage the rate of discharge into the City's storm sewer infrastructure. Flow will be decreased from the pre-development to post-development condition, and storage will be provided to manage flows to the existing combined sewer in Atlantic Street.

   The applicant has provided updated plans and included notes about stormwater and utilities that adequately address the comments made by staff and confirmed that a Stormwater Maintenance agreement will be provided as the project approaches the building permit phase.

Staff consider this standard to be met, subject to the draft condition of approval related to the stormwater maintenance agreement.

3. Public Infrastructure and Community Safety Standards (Section 14.6.3)
   A. Consistency with City Master Plans
   The development of the multi-family building is permissible with the City's Zoning Standards, which were established in accordance with the City's adopted Comprehensive Plan. No other City approved Master Plans are applicable to this project.

   Staff consider this standard to be met.

   B. Public Safety and Fire Prevention
   Staff has confirmed with the Fire Department that they have no concerns with the design of the building or site, as it relates to public safety and fire prevention.

   Staff consider this standard to be met.

   C. Public Utilities

   The Applicant has requested utility ability to serve confirmation and is waiting for responses from the various utility providers. The utility plan accounts for the installation of an underground electrical service between the project site and overhead utilities located along St. Lawrence Street. This connection will be made through Gilbert lane, and will involve trenching across St. Lawrence Street and up a portion of Gilbert Lane. The disturbance to these two streets is accounted for in the construction management and demolition plans. Gilbert Lane is a City owned parcel of land, though it is not an accepted public city street. Gilbert Lane is best categorized as a traveled way on city owned property. Any utility or other work to be performed on the City's property (within Gilberts Lane) would require a revocable license and utility easement from the City for construction and the installation of proposed utilities. Gilbert Lane has an existing sewer lateral that is located near the proposed underground electrical conduit. The exact location of this sewer lateral is not known. This potential for utility conflicts requires the digging of test pits to confirm utility locations, which will need to be coordinated with the Department of Public Works prior to the start of any additional site work within Gilbert's Lane or within other City right-of-way.

   The applicant and their attorney are working with the Department of Public Works and Corporation Counsel on a license agreement, which is anticipated to be finalized after the approval of the project by the Planning Board, and will be required to submit a request for the utility easement along Gilberts Lane since it has been confirmed and identified as City property. The applicant will be coordinating further with DPW and CMP, providing test pit information to avoid any conflict with sewer or other utilities that may exist. They have also submitted a revised Construction Management Plan and Grading and Drainage Plan showing the proposed trenching associated with the removal of existing utilities, and the installation of the proposed utilities for this project. The applicant has provided a letter confirming that the Department of Public Works and Water Resource Division have reviewed and determined that the downstream sewers from the project have adequate capacity to accommodate this development's anticipated sewer flows.

Staff considers this standard met, subject to the draft condition of approval related to the construction license and utility easement.

4. Site Design Standards (Section 14.6.4)

A. Massing, Ventilation, and Wind Impact

The proposed project does conform with all zoning dimensional standards for the R-6 zone, including building height and setback requirements. This will not adversely impact any adjacent development with respect to massing, ventilation, or wind. The HVAC equipment is to be located within the interior of the site or the top of the building and is to be screened as necessary.

Staff consider this standard to be met.

B. Shadow

The proposed building height is 40.48 ft tall, therefore, a shadow analysis is not required for this project.

Staff consider this standard to be met.

C. Snow and Ice Loading

Snow storage is located at the rear of the building in between the trash enclosure and the transformer.

Staff consider this standard to be met.

D. View Corridors

This project site is not located within an established view corridor.

Staff consider this standard to be not applicable.

E. Historic Resources

The subject property is located within the Munjoy Hill Historic District, and therefore requires approval from the Historic Preservation Board (HP Board).

The applicant appeared before the HP Board for preliminary review of new construction for a workshop on March 6, 2024 and again on April 17, 2024. The project did receive its Certificate of Appropriateness Approval on May 29, 2024 at the Historical Preservation Meeting.

On July 2,2024 the City received a Historical Preservation Board Appeal (HPBR-00281-2024) for the issuance of the Certificate of Appropriateness by the Historical Preservation Board that was stamped approved on June 3,2024. This appeal was originally scheduled to go before the Planning Board on July 30, 2024, however the appeal is being postponed to August 13, 2024. Staff have discussed the appropriateness of a condition of approval related to this appeal, in the event that the appeal is successful. In speaking with Corporation Counsel, it was determined that the two approvals, while independent of one another, are required prior to the approval which prevents the issuance of any demolition or building permits, until the decision on the

appeal is rendered.

Staff consider this standard to be met, subject to the draft condition of approval related to Certificate of Appropriateness appeal.

F. Exterior Lighting

All development must adhere to the site lighting standards provided for in Section 10 and 12 of the Technical Manual: which includes requirements for site lighting, architectural and specialty lighting, and street lighting. This project proposes exterior lighting of one R1A, a 3" LED downlight at the exterior canopy, nine W2 handrail LED downlights at the ramp stairs, one W3 wall recessed LED direct fixture at the stair egress door, and one W4 wall mounted LED direct fixture at the facade. The lighting for this project does appear to comply and does not spill over into any of the adjacent properties.

It has been confirmed that the existing cobrahead street lighting is approximately 70 feet (NW) way, located at the corner of Atlantic and Wilson Street, and therefore, no additional street lighting is required.

Staff consider this standard to be met.

G. Noise and Vibration

In the City, all HVAC, AHU, emergency generators, and similar equipment are required to meet applicable state and federal emissions requirements and are further required to be located and/or screened in such a manner as to mitigate noise and vibration impacts. The location of the heating, ventilation, air conditioning, or similar equipment have been identified on the architectural plans. and are shown to be located towards the center of the roof of the building.

Staff consider this standard to be met.

H. Signage and Wayfinding

Any signage associated with the redevelopment of this project will be required to be reviewed by the Permitting and Inspections Department separately, with a sign permit.

Staff consider this standard to be met.

I. Zoning-related Design Standards

Design review of the project will be performed by the Historic Preservation Board, due to the site's location within the Munjoy Hill Historic District.

Staff consider this standard to be not applicable.

XI. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

The applicant held a neighborhood meeting on May 16, 2024, as required as part of this project, wherein twenty-three (23) members of the public attended (Attachment U), as well as members of the

project team from Acorn Engineering, and Primary Projects. Questions and concerns raised at the meeting were pertaining to: landscaping, site lighting, architectural design, and parking.

One public comment has been received on this application, which raises concerns regarding the scale and design of the proposed development.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, The Planning & Urban Development Department staff recommends that the Planning Board find that the proposed four story, multi-family building (PL-002880-2024) meets the applicable standards of Portland's Land Use Code.

XIII. PROPOSED MOTIONS

A. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on July 30 2024 for application # PL-002880-2024 at 42 Atlantic relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide utility capacity verification letters from Central Maine Power and Portland Water District.
2. The applicant shall provide a draft stormwater maintenance agreement for review and approval by the Department of Public Works and Corporation Counsel. Once the agreement is found to be acceptable, the applicant shall record this agreement at the Cumberland County Registry of Deed.
3. The applicant shall enter into a license agreement with the City to perform any site work related to the proposed extension of utilities beneath Gilbert's Lane between the project site and St. Lawrence Street.
4. The applicant shall coordinate with the Department of Public Works, Corporation Counsel, and Utility Providers to execute a utility easement within Gilbert's Lane, in order to permit the extension of utilities beneath public property. The draft easement shall be reviewed and accepted by Corporation Counsel and the Department of Public Works.
5. The applicant shall either provide an updated parking study which demonstrates, to the satisfaction of the City's Traffic Engineer, that no off-street parking is required for the proposed development in accordance with the affordable housing parking exception in Table 19-B; or, the applicant shall provide a transportation demand management (TDM) plan that is found to be satisfactory by the Planning Authority, in order to take advantage of the transit-proximate parking exemption listed in Table 19-B. In the event that a parking study is provided, and found not to support a parking count of zero, and no TDM plan is provided, the applicant shall be required to adjust their site plan to provide off-street parking in accordance with the findings of their parking study.

6. The Planning Board shall render a decision on the appeal of the Historic Preservation Board's Decision to grant a Certificate of Appropriateness on application HPBR-00281-2024. In the event that the appeal is successful, no demolition or building permit shall be issued until the applicant has received a new Certificate of Appropriateness.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

7. The applicant shall contribute $10,800, or $400 per required street tree, to the City's Tree Fund, based upon a requirement for 27 additional street trees beyond what is currently proposed for this development.

B. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on July 30, 2024 related to application PL-002880-2024 for 42 Atlantic Street which is attached to the draft approval letter and incorporated therein, the Planning Board **[adopts/does not adopt]** the approval letter as drafted as the Planning Board's decision for application PL-002880-2024, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XIV. ATTACHMENTS

Staff Attachments

1. Project Review Comments, First Submission, 5/13/2024

Applicant Documents

A. Cover Letter
B. Major Site Plan Checklist
C. Right Title, Interest
D. Zoning Assessment
E. Easements
F. Waivers
G. Financial Capacity
H. Technical Capacity
I. Conformity with Land Use Ordinance
J. Stormwater Report
K. Erosion & Sedimentation Control
L. Public Safe and Fire Prevention Letter
M. Wastewater Capacity
N. Lighting
O. Arch Design Narrative
P. Utilities Cover
Q. Construction Management Plan
R. Solid Waste Disposal
S. Parking Analysis
T. Pre-App Neighborhood Meeting
U. Comment Response
U. neighborhood Meeting #2
V. Alternatives Analysis Memo
W. Historic Preservation Board Certificate of Appropriateness

Plans

1. Cover Sheet & Legend
2. General Notes
3. Topographic Survey
4. Construction Management Plan
5. Site Plan
6. Landscape Plan
7. Utility Plan
8. Grading and Drainage Plan
9. Site Details
10. Utility Details - 1
11. Utility Details -2
12. Drainage Details -1
13. Drainage Details -2
14. Erosion & Sedimentation Control Details
20. A-102 First Floor and Basement Plans
21. A-103 Second and Third Floor Plans
22. A104 Fourth and Roof Plans
23. A-200 Building Elevations
24. A-900 Architectural Rendering

Dear Applicant,

We have completed our review of your application (PL-002880-2024) proposing to develop a 4 story, multi-family building with 30 affordable units. This parcel is located in the R-6 Residential zone and is within the Munjoy Hill Historical District. This development triggers major site plan review and conditional use review for inclusionary zoning, and is subject to the following regulations:

· Site Plan – Article 14.6

An overview of the City's review can be viewed in the attached project review worksheets and peer review comments.

Next Steps

Please review all feedback and reach out to the project review manager if you have any questions or would like to discuss this feedback in more detail. In order to proceed, the applicant shall prepare a written response to all feedback, and shall update plans, documents and other materials as necessary to address the above listed comments. The applicant shall notify the project review manager when a resubmission is uploaded to ProjectDox. Once received, the project review manager will notify the applicant of their scheduled review timeline for this resubmission.

Based upon the City's findings related to your application, the City will advance this application for a workshop with the Planning Board on **Tuesday, 07/30/2024.** Please let me know at your earliest convenience if there are any conflicts with the proposed date.

Sincerely,

Ameriz Gamez

City Planner

Attachments

1. Site Plan Worksheet
2. Peer Review Comment
3. Zoning Worksheet

Site Plan Review Standards (Sec. 14.6)

Transportation Standards (Sec. 14.6.1)

Standard	***Discussion***	***Finding***
Impact on Surrounding Street Systems	**Overview:** The property has the potential to impact Gilbert Lane, which is a private street during demolition and the construction phase. With this development it does appear that there are demands that have the potential to significantly impact the infrastructure in terms of sidewalk and street closures. This application proposes no off-street parking in accordance with the transit-proximate exemption in Table 9-B. The development is expected to generate few additional trips based upon its proposed use as affordable housing. The applicant has noted that all disturbed areas within Gilbert's Lane are to be reestablished to their existing conditions. The existing brick sidewalk fronthing the property along Atlantic street is proposed to be rebuilt and and reset as part of this development.	Not Met
	Updates Requested ● Please show a plan that demonstrates how construction operations will proceed following the demolition, ie. impacts on the surrounding streets, closures to take place and the estimated duration of those closures, location of the job trailers ect. o The applicant has noted that the construction management narrative will be up to the contractor to enforce. As the project develops the applicant will submit any plan from the general contractor and site contractor to City staff for review and approval prior to commencement of construction. ● **Note that there should be an estimated timeline / construction schedule given and updated accordingly as the project gets underway.** ● **Provide clarification for DPW, are there other options for the underground electricity?** ● Update the highlighted note as follows: EXISTING COBBLE STONES TO BE RECLAIMED AND RESET AFTER TRENCH CONSTRUCTION IN COORDINATION AND APPROVAL BY DPW. (See attached document) o The applicant has provided a revised plan (C-20) with the requested update. ● The applicant must be aware that it is their responsibility for noting and implementing on-street parking signage changes on Atlantic Street. o The applicant has provided a site plan with clarification in regards	

	○ **The applicant should eliminate the handicap parking space on Atlantic Street and install a new parking sign on a new post rather than placing the sign on the utility pole.** ● **Please confirm that the new seat wall that has been added will not be constructed within the Atlantic Street ROW.**	
Access and Circulation	**Overview:** The sidewalk is to be reconstructed with brick in accordance with City standards. The reconstruction will take place along Atlantic Street and will connect across Gilbert Lane. The applicant has provided plans that show the provision to rebuild the pedestrian ramps on both sides of Gilberts Lane and states to reset the bricks between the two landings/ramps. (06.2024) **Updates Requested** ● Confirm that the reconstructed sidewalk will be ADA compliant. ○ The applicant has confirmed that the reconstruction of the sidewalk will be ADA compliant. ● The construction entrance will need to be moved out of the right-of-way/sidewalk on Atlantic Street and onto the site. Please confirm that this is possible for this site. ○ A revised plan was submitted showing the relocation of the construction entrance during the initial earthwork along the Atlantic sidewalk. ● The applicant shall construct compliant pedestrian ramps leading to and from the property per the City's Technical Manual section one. The applicant shall construct two compliant pedestrian ramps on either side of Gilbert Lane. The applicant shall reconstruct Gilbert Lane in brick between the two ramps and tie back into the existing cobble street. ○ The applicant is to reconstruct Gilbert Lane in brick between the two ramps and tie back into the existing cobble street.	Met
Public Transit Access	**Overview:** This development is in proximity of Congress Street upon which METRO bus service routes are operated. In relation to the site, public transit is within 0.2 miles (1056 Ft). **Updates Requested** ● None.	Met
Parking	**Overview:** This site is within 1,500 feet of an existing transit route. Therefore, off-street parking is not required for this site per the Land Use Code Section 19.3 Table 19-B which states no off-street shall be required within ¼ mile of fixed route transit service. **Updates Requested:** ● None.	Met

Transportation Demand Management	**Overview:** The applicant is requesting that the Board grant a ration of zero parking spaces.The Planning Board may set a requirement for a major site plan, but they would likely require some parking based upon a parking study. if the applicant is fully relying on the Public Transit Access exception then it will trigger the requirement for a TDM. **Updates Requested** ● Conduct and submit a parking study and provide justification for your request to have zero parking for this development. ○ The applicant has submitted a parking analysis to justify the proposed parking ratio. (06.2024)	Not Met

Environmental Quality Standards (Sec. 14.6.2)

Standard	***Discussion***	***Finding***
Preservation of Significant Natural Features	**Overview:** There are no significant features on this site. **Updates Requested** ● None	Met
Landscape Preservation	**Overview:** The construction plan shows a total of five trees that are on the site and states that four of the five are to be removed; but there is no DBHdescription. In accordance with the Land Use Code 14.6.2, Table 14-D, one tree is to be planted in replacement of every tree removal that has a DBH of 10-16". **Updates Requested** ● In accordance with the City's Technical Manual 4.3, please provide a tree survey for this site that indicates the species and location of existing trees, along with information on their size. o The applicant submitted sheet C-03 that identifies the size, diameter, and species of any tree that is at least 10" DBH (one tree).The plan do proposed the removal of one invasive Norway Maple with a DBH of 12" and the remaining trees that may possibly be removed have a DBH of 4"- 7". One Red Maple is called to be protected. (06.2024)	Met
Site Landscaping and Buffers	**Overview:** The applicant has provided a Landscaping Plan showing the planting schedule for this development, however there are questions in regards to the removal of trees. **Updates Requested** ● Confirm the number of trees that are to be planted on site. Site and Landscape Plan both show that there are to be 3 street trees; however, the Planting Schedule states that a total of 4 trees are to be planted.	Met

	o The applicant has confirmed that there are a total of three street trees proposed along the Atlantic Street sidewalk ROW. (06.2024) ● The landscaping plan includes proposed plantings over proposed site piping installations. While this may be appropriate for some locations, it's recommended that the Applicant evaluate the area on the northwest corner along Gilbert Lane where multiple utilities including water and gas are proposed to determine if the proposed plantings have the potential to be a conflict for the utilities. o The applicant is proposing to extend the sidewalk along the side of the building to allow for access from Atlantic Street. Dude to this change, the applicant has confirmed that the majority of the utilities with the properties side yard along Gilberts Lane will be routed beneath the proposed sidewalk.	
Water Quality, Stormwater Management and Erosion Control	**Overview:** The Applicant has provided for the Basic Standards with appropriate erosion and sedimentation control measures. General/Redevelopment Standards – The project will reduce impervious surface on the site. The proposed redevelopment area is primarily rooftop with some non-roof impervious surface area converted to roof area. The project will not have 5,000 SF of non-roof redeveloped impervious area. No stormwater treatment is required for this project. Flooding Standards – The project is providing below-grade storage to help manage flows from the site. Flow will be decreased from the pre-development to post-development condition, and storage will be provided to manage flows to the existing combined sewer in Atlantic Street.	Not Met
	Updates Requested ● The Applicant has proposed a backflow preventer for the location where the stormwater system exits the site. As this includes the foundation, roof, and site drainage, and the foundation drain invert to the final structure is lower than the drainage invert, the City would recommend that the Applicant consider backflow prevention for the foundation drain as well. ● The plans reference a proposed drip edge at the perimeter of the building, noting to see sheet C-30 for more information. This feature has not been shown on sheet C-30. It appears that roof drainage will also be maintained using piping; however the detail for the R-Tank appears to show the roof leader inlet as a vertical inlet into the system. The plans should be clear on how roof drainage will be managed. ● The Applicant should provide confirmation from the manufacturer confirming the design of the R-tank system. A	

	Stormwater Maintenance agreement will be required for this system. o The applicant has addressed the comments and has added notes along with comments about stormwater and utilities. o Items pending : stormwater easement	

Public Infrastructure and Community Safety Standards (Sec. 14.6.3)

Standard	***Discussion***	***Finding***
Consistency with City Master Plans	**Overview:** The development of the multi-family building is permissible with the City's Zoning Standards. **Updates Requested** ● None.	Met
Public Safety and Fire Prevention	**Overview:** Staff is currently waiting for comments from the Fire Department to confirm that there are no issues with the lines on Gilbert Lane. **Updates Requested** ● None.	Met
Public Utilities	**Overview:** The Applicant has requested utility ability to serve confirmation and is waiting for the utilities to respond. The utility plan accounts for the installation of an underground electric line in Gilbert Lane up to St. Lawrence Street. The disturbance to these two streets should be accounted for in the construction management and demolition plans. Gilbert Lane is a City owned parcel of land. It is not an accepted public city street. Gilbert Lane is best categorized as a traveled way on city owned property. Any utility or other work to be performed on the City's property (within Gilberts Lane) would require an easement or license from the City. Gilbert Lane has an existing sewer lateral near the proposed UGE conduit. The exact location is not known. The existence of this potential conflict will require test pits and shall be noted on the plans. **Updates Requested** ● **Provide Ability to Serve confirmation from utility providers**. ● Obtain the required easement or license from the City before any work is done on Gilbert Lane. o The applicant and their attorney are to work with DPW and Corporations Counsel on a license agreement after the approval of the project. ● Provide the required test pits and add the notation to the plans, be sure to show any potential disturbances to Gilberts Lane and St. Lawrence Street on the construction management and demolition plans.	Not Met

	○ The applicant has provided revised plans that depict the limit of work and repair for the test pit requirement to locate the existing sewer prior to the electric work. ● The Applicant's utility plan refers to a water trench in the vicinity of the proposed street trees in the Atlantic Street sidewalk. The Applicant should confirm if this is no longer included or if it is in another location. ○ The applicant has provided the revised Construction Management Plan and Grading and Drainage Plan showing the proposed trenching associated for the removal of the existing and installation on the proposed utilities.	

Site Design Standards (Sec. 14.6.4)

Standard	***Discussion***	***Finding***
Massing, Ventilation and Wind Impact	**Overview:** Massing requirements are met for this development. **Updates Requested** ● None.	Met
Shadow	**Overview:** The proposed building height is 40.48 ft tall, therefore, a shadow analysis is not required for this project. **Updates Requested** ● None	Met
Snow and Ice Loading	**Overview:** Snow storage is located at the rear of the building in between the trash enclosure and the transformer. **Updates Requested** ● None	Met
View Corridors	**Overview:** The project site is not located within an established view corridor. **Updates Requested** ● None.	Met
Historic Resources	**Overview:** The applicant has gone before the Historic Preservation Board and is currently waiting to receive a Certificate of Appropriateness by the Historic Preservation Board. **Updates Requested** ● The applicant shall continue to coordinate with Historic Preservation (HP) staff and respond to any feedback from HP staff or the HP Board in order to receive a Certificate of Appropriateness.	Met

	○ The project did receive it's Certificate of Appropriateness Approval on May 29, 2024 at the Historical Preservation Meeting.	
Exterior Lighting	**Overview:** The proposed lighting for the building does appear to be in compliance with Sec. 10 and 12 of the Technical Manual and does not spill over to the adjacent properties. However, staff has reviewed the street lighting and it appears that street lights are 200 ft north and south of this development and there may be a requirement to add lighting at this location.	Not Met More information needed.
	Updates Requested ● Confirm whether street lights are required to be placed at this location in accordance with Sec. 12.2.1 of the City's technical Manual. ○ The applicant has confirmed that the existing cobrahead streetlight is approximately 70 feet (NW) away located at the corner of Atlantic and Wilson St. As part of the proposed development the applicant is currently exploring the feasibility with CMP of installing a cobra head lighting fixture onto the existing utility pole. ○ The applicant will need to confirm there is to be an installation of a cobra head fixture on the existing utility pole.	
Noise and Vibration	**Overview:** Heating, ventilation, air conditioning or similar equipment is not shown on the site plan.	Met
	Updates Requested ● Provide the location of the proposed heating, ventilation, and air conditioning equipment on the site plan and confirm that they are to be screened. ○ The applicant has provided architectural plans that show the location of the proposed HVAC units, which are to be placed on the roof of the development.	
Signage and Wayfinding	**Overview:** The location of the current ADA sign at the face of the building along Atlantic St is proposed to be reset and or replaced. There are no plans proposing a freestanding ground sign or signage along the rooftop.	Met
	Updates Requested ● None.	
Design Standards	**Overview:** The front landing and stairs at the top of the ramp that access the vestibule need to meet the 5' front setback. Section 7.5.5.C allows an unenclosed one story entrance porch with or without a roof to	Met

	extend into a setback as long as it does not extend more than 6' off the principal structure. Please note that the building is subject to Historic Preservation review for a Certificate of Appropriateness, and the City is *not* reviewing the application against the multi-family design standards. The applicant shall continue to coordinate with the Historic Preservation staff.	
	Updates Requested • Confirm that the landing and stairs do not extend more than 6'. Comparing the site plan and the first floor plan, the footprint of the stairs off of the landing on the site plan (Drawing C-10) extends further into the setback and appears to exceed the 6' maximum allowed. On the first floor plan, Sheet A-102, the stairs off the landing appear to be flush with the rest of the landing and do not extend as far into the setback. The two footprints should match and the actual distance from the principal structure should be indicated on the plans. o The applicant has provided revised plans to confirm that the proposed conditions do not exceed the allowed 6 feet projection. (C-10) • Please provide details on how the lot coverage was calculated. The lot coverage calculations that are provided on the Zoning Analysis Table gives the lot coverage as 59% o The lot coverage was calculated by taking the area of the proposed building footprint in addition to the contributing footprint associated with the front stoop area (landing and stairs). The contributing area was derived from guidance received from City Staff. • The average grade appears to be 123.88' based on the grade at the four corners on the grading plan (Drawing c-30). The average grade line needs to be shown on the elevations plan (Sheet A-200). The height on a flat roof is measured to the top of the roof beam. On the elevation plan the top measurement is to the T.O. Parapet. Is the Parapet the same as the roof beam? Please confirm o The applicant as submitted revised plans showing the average grade line and top of the beam and roof deck line on the elevations sheet.	

Zoning Use Review (Article 6)

Use Permissions (Table 6-A – Table 6-F)

Proposed Use	***Permitted, Conditional or Accessory Use***	***Zone***	***Use Std***
Multi-family	***Permitted***	***R-6***	

Zoning Dimensional Review (Article 7)

Dimensional Standards (Table 7-A – Table 7-H)

Standard	*Requirement 1*	*Existing*	*Proposed*	*Finding*
Lot Size (SF)	***2000 SF***	***10,136 SF***	***10,136 SF***	
Area per D.U.	***725 SF/Unit***		***338 SF/ Unit1***	
Street Frontage	***20 Ft***	***92 Ft***	***92 Ft***	
Front Setback (Min)	***5 Ft***	***7.05 Ft***	***6.90 Ft***	
Front Setback (Max)				
Rear Setback	***10 Ft***	***57.50 Ft***	***15.10 Ft***	
Side Setback	***5 Ft***	***10Ft***	***11 Ft***	
Pavement Setback	***NA***	***NA***	***NA***	
Stepback				
Building Height	***45 Ft***		***40.48 Ft***	
Lot Coverage	***60%***	***32%***	***59%***	
Impervious Surface Ratio	***80%***	***82%***	***71%***	
Length of Building Wall at Maximum Setback				
Undifferentiated Wall				

Affordable Housing Density Bonuses (Sec. 18.2.4)

Bonus Type	*Allowed Under Density Bonus*	*Proposed*	*Finding*
Maximum Density	***2.5x***	***30 Units***	
Maximum Height			
Minimum Setback			
Minimum Recreation Open Space			
Accessory Building Length			
Minimum Building Separation			

ACORN ENGINEERING, INC.

Planning and Urban Development Department
Matt Grooms, AICP
Development Review Services Manager
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

April 11th, 2024

Subject: Major Site Plan Application – 42 Atlantic Street Redevelopment

Matt:

On behalf of LB Atlantic LLC, Acorn is pleased to submit the accompanying package of submission materials for a Major Site Plan Application to support the proposed redevelopment project to be located at 42 Atlantic Street in Portland, Maine (Parcel ID: 016 F001001).

The parcel is located within the R-6 Zoning District and the Munjoy Hill Historic District. The project proposes to demolish the existing structure on site and redevelop the 0.23-acre parcel to provide a 4-story multi-family building with 30 affordable dwelling units. Given the development proposes 100% affordability, the project intends to utilize the density bonus described in the City of Portland Land Use Code, section 18.2.4, Table 18-C, that allows a 2.5x density bonus for eligible affordable housing projects.

This application package is intended to meet the City's submission requirements as outlined in the Major Site Plan application procedures. Please see the Table of Contents below for the material submitted as part of this application. The project has been before the Historic Preservation Board and is seeking its Certificate of Appropriateness in the coming months.

As permitted under Section 18.2.2 of the Land Use Code, in addition to the reduction in fees for affordable housing projects, we are requesting the review is performed in an expedited manner at both the Staff and Planning Board levels.

The Applicant and design team look forward to your review of this project. If you have any questions regarding these materials or the completeness of the application materials, please do not hesitate to contact me.

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

The following documents and drawings will be uploaded onto the City's electronic submission site per the procedure outlined in the application:

Documents:

- Section A: Cover Letter
- Section B: Major Site Plan Application & Checklist
- Section C: Right, Title, Interest
- Section D: Zoning Assessment
- Section E: Easements
- Section F: Waiver Table
- Section G: Financial Capacity
- Section H: Technical Capacity
- Section I: Conformity with Land Use Ordinance
- Section J: Stormwater Management Report
- Section K: Erosion & Sedimentation Control Report
- Section L: Public Safety & Fire Prevention Letter
- Section M: Wastewater Capacity Letter
- Section N: Lighting
- Section O: Architectural Design Narrative
- Section P: Utility Cover
- Section Q: Construction Management Plan
- Section R: Solid Waste
- Section S: Parking Analysis
- Section T: Pre-App Neighborhood Meeting Documentation

Drawings:

- Civil Plan Set
- Architectural Plan Set

CITY OF PORTLAND
Planning & Urban Development Department

MAJOR SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST

Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

**** PLEASE FILL OUT AND UPLOAD THE ZONING ASSESSMENT TABLE AND WAIVER TABLE SEPARATELY AS NOTED BELOW ****

At the time of application submission, please contact the Department of Public Works regarding E-911 addressing for your project.

GENERAL APPLICATION DOCUMENTS		
Yes	NA	**Project Description** ● Cover letter with detailed project description
Yes	NA	**Completed Checklist** (this document)
Yes	NA	**Evidence of Right, Title, and Interest** ● Deeds, leases, or purchase and sales agreements
Yes	NA	**Evidence of State or Federal Approvals** ● Permits or letters of non-jurisdiction, if applicable
Yes	NA	**Zoning Assessment** (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
Yes	NA	**Site Plan Standards Assessment** (see Section 14.6 of the land use code) ● Summary of project compliance with site plan standards of the land use code
Yes	NA	**Summary of Existing and/or Proposed Easements or Covenants, applicable.** ● Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way
Yes	NA	**Waiver Requests** (see Waiver Table) ● Written request for waiver describing request and compliance with applicable waiver standards
Yes	NA	**Financial Capability** ● Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes	NA	**Technical Capability** ● Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

MAJOR SITE PLAN
STANDARDS AND SUBMISSION CHECKLIST

Provide assessment of compliance with standards and include supplemental documentation, as applicable.
Please submit each document as a separate PDF file.

TRANSPORTATION		
Yes	**NA**	**Impact on Surrounding Street Systems (14-14.6.1(A))** ● Describe incremental volume of traffic impacts and mitigation measures. If needed
Yes	**NA**	**Access and Circulation (14-14.6.1(B))** Identify and describe the following: ● Site access and internal circulation, including ADA access ● Drive-up features, if applicable ● Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable ● Sidewalks and condition along street frontages and internal walkways ● Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)
Yes	**NA**	**Public Transit (14-14.6.1(C)), if applicable** Identify and describe the following: ● Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter
Yes	**NA**	**Off-Street Parking (14-14.6.1(D)), if applicable** Identify and describe the following: ● Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code ● Curb cut separation and parking layout (Technical Manual, Section 1) ● Construction details for bicycle racks ● Management plan for snow storage and removal
Yes	**NA**	**Transportation Demand Management (TDM) (14-14.6.1(E)), if applicable** ● Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements

ENVIRONMENTAL	
Yes NA	**Preservation of Significant Natural Features (14-14.6.2(A)), if applicable** Identify and describe the following: ● High and moderate value waterfowl and wading habitat ● Aquifers (for Casco Bay Islands) ● Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) ● Proposed preservation areas and protection measures ● Documentation from environmental compliance consultants and determinations from applicable state and federal agencies
Yes NA	**Landscape Preservation (14-14.6.2(B))** Identify and describe the following: ● Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4) ● Measures to protect existing vegetation during construction
Yes NA	**Site Landscaping and Buffers (14-14.6.2(C))** Identify and describe the following: ● Overall landscaping approach and consistency with standards ● The use of screening and buffering of service areas and between non-residential and residential uses ● Existing Heritage or Feature Trees on site and measures to preserve ● Compliance with street tree requirements
Yes NA	**Water Quality, Stormwater Management, and Erosion Control (14-14.6.2(D))** Identify and describe the following: ● Erosion and sedimentation control plan and measures ● Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater law, as applicable ● Subsurface sanitary sewage disposal and groundwater protection measures

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY	
Yes **NA**	**Consistency with City Master Plans (14-14.6.3(A))** ● Describe proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
Yes **NA**	**Public Safety and Fire Prevention (14-14.6.3(B))** Identify and describe the following: ● Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3) ● Emergency vehicle access ● Consistency with public safety standards (Technical Manual, Section 3)
Yes **NA**	**Availability and Adequacy of Public Utilities (14-14.6.3(C)) (Technical Manual, Sections 2 & 9)** Identify and describe the following: ● Electrical services, including providing underground services ● Existing and proposed connections for public utilities and required public utility upgrades ● Sewer line connections
SITE DESIGN	
Yes **NA**	**Massing, Ventilations and Wind Impact (14-14.6.4(A))** Identify and describe the following: ● Wind and ventilation impacts on adjoining structures and/or adjacent public spaces, including wind study, if applicable ● Bulk, location, or height impacts on adjoining structures
Yes **NA**	**Shadows (14-14.6.4(B)), if applicable** ● Provide shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
Yes **NA**	**Snow and Ice Loading (14-14.6.4(C))** ● Describe building design measures to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes **NA**	**View Corridors (14-14.6.4(D)), if applicable** ● Describe any protection of designated view corridors (Portland Design Manual, Appendix. 1)
Yes **NA**	**Historic Resources (14-14.6.4(E)), if applicable** Identify and describe the following: ● The site's status as a designated landmark, within a historic district or historic landscape district, or within 100 feet of any designated landmark, historic district, or historic landscape district ● Compliance with standards for preservation and documentation of archaeological resources

Yes NA	**Exterior Lighting (14-14.6.4(F))** ● Describe how the proposed site lighting will adhere to photometrics requirements as it relates to light trespass and full cutoff fixture design, pursuant to Technical Manual Section 12
Yes NA	**Noise and Vibration (14-14.6.4(G))** ● Provide data on noise levels for HVAC and other mechanical equipment, such as design specifications, to demonstrate consistency with state and federal noise emissions requirements as well as City code
Yes NA	**Signage and Wayfinding (14-14.6.4(H)), if applicable** ● Provide signage plan showing the location, dimensions, height and setback of all existing and proposed signs ● Provide drawings of all commercial and directional signage on site
Yes NA	**Zone-Related Design Standards (14-14.6.4(I))** ● Address any applicable design review standards by zone, including compliance with Design Manual

MAJOR SITE PLAN
DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs.

All drawings must be submitted in a 24 x 36 sheet size.

BOUNDARY SURVEY (stamped by a Maine Licensed Surveyor and drawn as per Technical Manual Sec. 13)

SITE PLAN(s) (stamped by a Maine Licensed Professional Engineer) including:

All sheets – Include a title block with project title and the following information:

- Project street address
- Name and address of property owner & applicant
- Licensed design professional, incl firm that produced plans
- North arrow
- Date of preparation and revision history block
- Tax parcel (chart, block, and lot) number

Existing Conditions Plan with the following:

- Existing structures, with distance from primary building façade(s) to the property line
- Approximate location of structures on abutting properties
- All streets and intersections adjacent to the site
- Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials
- Existing public transit infrastructure
- Existing vehicle & bicycle parking areas
- Existing utilities on site and within adjacent rights-of-way
- Existing grades (two-foot contours preferred)
- Location of water courses, wetlands, and vegetation, or other significant natural features
- Existing soil conditions and location of test pits and borings
- Zoning boundary lines, including overlays
- Location of all existing easements and rights-of-way

Proposed Site Plan with the following:

- Proposed structures, including distance from primary building façade(s) to property lines
- Ground floor area, and finished floor elevations for all buildings
- Any proposed geometric modifications to streets and intersections adjacent to site
- Location, dimensions and materials of all proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- Location and dimensions of proposed loading areas, including turning templates
- Proposed transit infrastructure with dimensions/ engineering specifications
- Location of vehicle and bicycle parking with dimensions and engineering specifications
- Location of all snow storage areas
- Exterior lighting (please see Technical Manual Sec. 12 for photometrics requirements)

- Location of fire hydrants
- Location of solid waste management receptacles
- Location of all proposed HVAC and mechanical equipment, including proposed screening, where applicable
- Location of proposed easements and rights-of-way, including dimensions
- Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed

UTILITY PLAN including:

- Proposed electrical infrastructure
- Location, sizing and directional flows of all proposed sewer and stormwater infrastructure
- Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- Proposed grades
- Proposed stormwater management measures meeting Technical Manual (Section 5) standards
- Any proposed alteration of a watercourse or wetlands
- Any groundwater protection measures
- Proposed buffers and preservation measures for wetlands or significant natural features

LANDSCAPE PLAN including:

- Existing vegetation to be preserved and preservation measures
- Proposed landscaping, screening, and street trees, including caliper widths for trees
- Planting schedule, including street trees

ARCHITECTURAL PLANS AND RENDERINGS including:

- Exterior building elevations, color renderings, illustrations of all sides
- Axonometric and street-level views for structures greater than three stories in height
- Provide context drawings, if applicable (Design Manual, page 1)
- Floor plans

CONSTRUCTION MANAGEMENT PLAN including:

- Specifics on traffic control, sidewalk sheds, and pedestrian rerouting
- Include a drawing and written narrative

OTHER

- Details and cross-sections, as necessary

C. Right, Title & Interest

See attached quitclaim deed for the project property.

DLN: 1002440261143

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS

THAT I, JASON T. HALL, in his capacity as Department Adjutant, The Department of Maine, American Legion, a duly organized non-profit corporation existing under the laws of the State of Maine, with a mailing address of 5 Verti Drive, Winslow, ME 04901,

for consideration paid,

grants to LB Atlantic LLC, a limited liability company duly organized and existing under the laws of the State of Maine and having a mailing address of PO Box 10452, Portland, ME 04112,

with **WARRANTY COVENANTS,** a certain lot or parcel of land with the buildings and improvements thereon situated in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

A certain parcel of land situated on the southwesterly side of Atlantic Street in the City of Portland and more particularly bounded and described as follows:

Commencing at the intersection of said Atlantic Street with the southeasterly side of Gilbert's Lane; thence running southeasterly by said Atlantic Street, ninety - two (92) feet; thence southwesterly and parallel with said Gilbert's Lane, one hundred ten (110) feet, more or less to land now or formerly of Thomas Warren; thence northwesterly by said Warren's land and land now or formerly of Edward Waite, to Gilbert's Lane; thence northeasterly by said Lane to the point of beginning.

Meaning and intending to convey hereby, the two parcels of land described in two separate deeds to Edward H. Sargent, both dated August 17, 1871, and one recorded in the Cumberland County Registry of Deeds, Book 388, Page 97, and the second recorded in said Registry in said Book 388, Page 100, and being the same premises devised to Jennie A. Sargent under the will of her father, Edward H. Sargent, which will is recorded in said Registry of Deeds, Book 1124, Page 215, also being the same premises deeded to this grantor by Jennz A. Sargent under date of June 16, 1936, and recorded in Cumberland County Registry of Deeds, Book 1500, Page 194.

Meaning and intending to convey and hereby conveying precisely the same premises conveyed by Deed of Harold V. Bickmore to Paul Malia Post Building Committee, Inc. dated August 18, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1879, Page 472.

Grantor, The Department of Maine, American Legion, is the parent organization of now dissolved Paul Malia Post #161 which in turn is the parent organization of Paul Malia Post Building Committee, Inc.

DOC :762 BK:40559 PG:56
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
01/08/2024, 02:18:02P
Register of Deeds Jessica M. Spaulding E-RECORDED

Further reference is made to an affidavit to amplify title of near or even date to be recorded in the Cumberland County Registry of Deeds which provides evidence of Grantor's status as a successor in interest to the parcels being herein conveyed.

WITNESS my/our hand(s) and seal(s) this 5th day of January, 2024

Jason T. Hall, Department Adjutant,
Department of Maine, American Legion

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. January 5, 2024

Then personally appeared the above-named **Jason T. Hall** and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity.

Before me:

KEVIN J. GERSPACH
MAINE BAR #6477

Attorney-at-Law/Notary Public
Print Name:_____
My Commission Expires:

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

ZONING ANALYSIS Relevant Zone(s) R6 - Residential

All Projects:

	Required	Proposed
Lot Size	2,000 SF	10,136 SF
Area Per Dwelling Unit	725 SF/UNIT	338 SF/UNIT*
Minimum Street Frontage	20 FT	92 FT
Front Yard Minimum	5 FT	6.90 FT
Front Yard Maximum	N/A	N/A
Rear Yard	10 FT	15.10 FT
Yard Right	5 FT	11.00 FT
Yard Left	5 FT	11.10 FT
Side Street Setback	NA	NA
Step Back	15 FT (Rear)	15.10 FT
Maximum Lot Coverage	60%	59%
Minimum Lot Coverage	N/A	N/A
Maximum Height	45 FT	40.48 FT
Open Space	20%	29%
Maximum Impervious Area	80%	71%
Pavement Setback	N/A	NA
Floor Area Ratio	N/A	N/A
Off Street Parking Spaces	TBD	0
Loading Bays	N/A	N/A
Other 1		
Other 2		
Other 3		

* Section 18.2.4, Table 18-C allows for 2.5 times the density permitted on the lot, due to affordability restriction on the units.

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size		
Minimum Lot Area per Dwelling		
Maximum # Units per Building		
Maximum Building Length		
Maximum Accessory Building Length		
Minimum Setbacks		
Minimum Building Separation		
Minimum Open Space		

NA

Affordable Housing Density Bonuses (if applicable)

	Bonus Increase or Decrease	Maximum Allowable With Bonus	Proposed
Density	2.5x	35 UNITS	30 UNITS
Height	NA		
Setback Reduction	NA		
Recreation Space	NA		
Maximum Accessory Building Length	NA		
Minimum Setbacks	NA		
Minimum Building Separation	NA		
Minimum Open Space	NA		
Explanatory Text 1 (optional):			
Explanatory Text 2 (optional):			
Explanatory Text 3 (optional):			

E. Summary of Written Easements

Existing easements:

There were no existing easements identified.

Proposed Easements:

An easement may be executed with the telecommunications companies that currently have aerial services running over the subject parcel. These utilities may be rerouted, buried, or kept as is depending on final project design and determinations from the respective utility companies.

G. Financial Capacity

Please find attached the status of good standing from the Secretary of State and letter from the Applicant's bank.

MAINE
Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Fri Mar 29 2024 09:00:10. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
LB ATLANTIC LLC	20252505DC	LIMITED LIABILITY COMPANY	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
11/09/2023	N/A	MAINE

Other Names **(A=Assumed ; F=Former)**

NONE

Principal Home Office Address

Physical	Mailing
30 LAFAYETTE ST	PO BOX 10452
PORTLAND, ME 04101	PORTLAND, ME 04104

Clerk/Registered Agent

Physical	Mailing
DANIEL BLACK 30 LAFAYETTE STREET	DANIEL BLACK 30 LAFAYETTE STREET
PORTLAND, ME 04101	PORTLAND, ME 04101

New Search

Click on a link to obtain additional information.

List of Filings	View list of filings	
Obtain additional information:		
Certificate of Existence (Good Standing) (more info)	Short Form without amendments ($30.00)	Long Form with amendments ($30.00)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the troubleshooting page.

If you encounter technical difficulties while using these services, please contact the Webmaster. If you are unable to find the information you need through the resources provided on this web site, please contact the Division of Corporations, UCC & Commissions Reporting and Information Section at 207-624-7752 or e-mail.

© Department of the Secretary of State

March 29, 2024

The City of Portland
Planning Department
389 Congress Street
Portland, ME 04101

RE: 42 Atlantic Street, Portland, ME 04101

To Whom It May Concern:

On behalf of Bangor Savings Bank, I am pleased to provide this letter in support of LB Atlantic LLC for the development of a 30-unit, affordable housing project to be located at 42 Atlantic Street in Portland, Maine. Based on our review of the financial elements of the proposal for the development site, we believe that that the applicant has the ability to finance projected costs and develop a project of similar type and scale from a fiscal perspective.

While this letter of support is not a commitment to lend, Bangor Savings Bank would welcome the opportunity to be a resource to LB Atlantic LLC for financing and sponsorship of any equity awards necessary in connection with this project. Please feel free to call me at 541-2707 with any questions.

Sincerely,

Shawn McKenna
Vice President
Commercial Banking

H. Technical Capacity

Acorn Engineering, Inc. has successfully permitted and provided civil/site engineering for over 20 Major Site Plan projects in Portland over the past 5 years. Some examples include:

- Munjoy Heights
- 70 Anderson St.
- 89 Anderson St. – East Bayside Lofts
- 667 Congress St – The Hiawatha
- 82 Hanover St – Hanover Works
- 132 Marginal Way – The Linden
- 52 Hanover St – The Armature

Primary Projects is an innovative design firm that sees sustainability, affordability, & community as paths to greater abundance. A connection with nature, new communal opportunities, & better spaces for all. Primary Projects has experience in Maine and Massachusetts. Some examples include:

- All-Season Affordable Housing, Boston, MA
- Croft Prototypical Passive Duplex, Maine
- Furniture Maker's Work-Live ADU, Vinalhaven, ME
- Croft Large Protypical ADU, ME
- Freeport Passive House, Freeport, ME

I. Conformity with Land Use Ordinance

OVERVIEW

The following narrative demonstrates the proposed projects compliance with the site plan standards of the City of Portland Land Use Code, outlined in Chapter 14, Section 6. In addition, the site has been designed to comply with the City's Technical and Design Manual, as referenced in the land use code.

The redevelopment project at 42 Atlantic Street proposed a 4-story building with 30 affordable dwelling units.

14.6.1 Transportation Standards

A. Impact on Surrounding Street Systems:

1. The project is not anticipated to create any significant hazard to safety on the surrounding street network. The site is bordered by Atlantic Street, a public roadway and Gilbert's Lane, a private way not accepted by the city. No parking is proposed on site.
2. The development does not intend to substantially increase congestion on the surrounding streets.

B. Access and Circulation:

1) In general

a. The development will provide safe access and internal circulation for both pedestrians, vehicles and emergency vehicles as seen on the Site Plan and in accordance with the Technical Manual.

b. Continuous internal walkways are proposed and will connect to the existing sidewalks along Atlantic Street as well as walkways that will tie into the existing brick private way, Gilbert's Lane. Please refer to the site plan for locations of the publicly accessible sidewalk network.

c. Points of access and egress have been located to avoid conflicts with turning movements and traffic flows. There are no proposed vehicular curb cuts.

d. Not Applicable. The development does not anticipate creating stacking capacity issues on the adjoining streets.

2) Loading and Servicing:

Not applicable

3) Curbs and Sidewalks:

   a. The development proposes new curbing and sidewalks along Atlantic Street and is to be installed in accordance with the City's Technical Manual.

   b. The existing brick sidewalk and curb along Atlantic Street is proposed to be replaced and reset as part of this development. The site curbing and sidewalk are to be repaired and rebuilt as necessary in conformance with City standards.

   c. Not applicable

   d. Not applicable

C. Public Transit Access:

1) The proposed development is located along Atlantic Street and Gilberts Lane. The nearest transit shelter and bus stop is located at the corner of Congress and North Street, less than 1,200 feet away from the proposed development site. Given there are existing transit shelters within a quarter of a mile radius of the site, the development does not require nor propose a transit shelter.

2) Not applicable.

3) Not applicable.

D. Parking:

1) Vehicular Parking

   a. The proposed affordable housing development does not propose any parking on site. The parking requirements for the project will be determined by the planning board, per Table 19-B of the City's Land Use Code. Please see the Parking Analysis in Section S of this application for more information.

   b. A TDM Plan is not required, nor has it been prepared for this project.

   c. Not applicable

   d. Not applicable.

2) Location and Required Number of Bicycle Parking Spaces:

   a. A minimum of 12 bicycle spaces are required for the proposed 30 dwelling units based on the City's requirement of 2 bike spaces per every 5 units (Table 19-A). A room for bike and equipment storage is included inside the building providing room to store approximately 24 bicycles. Additional bike racks are proposed

along the Atlantic Street frontage. Please refer to the Site Plan, Landscape plan and Architectural Floor Plans for more information.

b. Not applicable

3) Snow Storage:

a. Please refer to the site plan for the proposed location designated for snow storage. The Owner will be responsible for managing snow at their discretion and/or coordinating snow removal from the site when necessary. Overall, snow storage requirements are minimal due to lack of pavement or hardscaping.

b. Snow storage areas will not encroach on parking, walkways, or stormwater management systems.

4) Electric Vehicle (EV) charging

a. Not applicable.

E. Transportation Demand Management (TDM):

1) A Transportation Demand Management (TDM) plan is not required as part of the Land Use Code, Chapter 14, Section 14.6.1.E.

2) Not applicable.

14.6.2 Environmental Quality Standards

A. Preservation of Significant Natural Features:

1. The site does not consist of any significant natural features. There are no known endangered species or plants existing on the site.

2. Not applicable

3. Not applicable

B. Landscape Preservation:

1) As a small infill site, the majority will be disturbed, however there are no high value trees on site.

2) There are no existing street trees along the project's frontage.

3) Due to the location of the proposed building and infrastructure in relation to the existing trees surrounding the property, preservation of 30% of the existing

trees on site is not feasible as part of this development. The only tree exceeding 10" DBH within a setback is a Norway Maple, which is a non-native, invasive species.

4) There is one 12" DBH tree on the property line that is anticipated to be removed; however, it is an invasive Norway Maple and therefore its removal is ultimately beneficial and does not require a waiver.

5) Where the replacement of trees onsite is not feasible, the applicant intends to contribute the proportionate cost of the replacement trees to the City of Portland Tree Fund.

C. Site Landscaping and Buffers

1) As required within the R6 Zone, shade trees or plantings will be installed per the City of Portland Technical Manual Standards. Please refer to the Landscaping Plan for more information.

2) Buffers

a. The solid waste locations will be located adjacent to the building near the proposed paved access way and is to be screened from view of public sidewalks and adjacent streets.

b. Not applicable

c. The existing buffers are to remain or be replanted along all sides of the property in tandem with privacy fencing.

3) Parking Landscaping

a. Not applicable

b. Not applicable.

c. Not applicable.

4) Street Trees

a. 3 street trees are proposed along the property frontage.

b. Not applicable.

D. Water Quality, Stormwater Management and Erosion Control:

1. The site was designed to minimize impervious area where feasible and reduce both the volume and rate of stormwater runoff from the lot.

    a. The site drainage will not be directed to flow or create ponding onto adjacent lots. The runoff created from the site will be collected, attenuated, and released at a rate that does not exceed the existing condition.

    b. As demonstrated in the Stormwater Management Report, provisions are in place to ensure stormwater from the proposed development will not exceed the pre-development flows.

    c. Coordination with Portland Department of Public Works (DPW) is in progress to confirm the capacity of the City's combined sewer. Per the request of Portland DPW, the maximum permissible stormwater outflow rate into the City's system during the design storm event was designed to not exceed 0.1 CFS per acre of watershed area draining to the detention system. Overall, the project will be decreasing the impervious area while providing storage for over an inch across the entire roof.

2. A site-specific Stormwater Management Plan has been developed for the project to show compliance with Section 5 of the Technical Manual, including the basic standards of MEDEP Chapter 500. Please refer to sections J and K, the Erosion & Sedimentation Control and Stormwater Management Plans, respectively, for more information.

3. The development is not anticipated to pose a contamination risk to groundwater during or after construction. The development proposes adequate and sanitary disposal of sewage in accordance with Section 2 of the Technical Manual. The project will be serviced by a public wastewater system.

14.6.3 Public Infrastructure and Community Safety Standards

A. Consistency with City Master Plans:

1. The project has been designed to be consistent with the Comprehensive Plan.

2. Not applicable.

B. Public Safety and Fire Prevention:

1. Public Safety Design

    a. The site has been designed to enhance the security of the public and private areas on site to reduce the potential for crime.

    b. Not applicable to the site design.

c. This area will promote natural surveillance and ownership.

2. Emergency access is provided on two sides of the building. Fire trucks will be able to access the building from Atlantic Street.

C . Public Utilities

1. Requests for Ability to Serve letters have been sent to the respective companies. Responses are forthcoming.

2. The electrical service will be wired underground with a padmount 7'x7' transformer, as shown on the Utility Plan.

3. The new sewer and stormwater infrastructure will meet the provisions of the Technical Manual. Minor revisions to the design may be warranted after further discussion with DPW.

4. The project will be served by connection to the public sewer system within Atlantic Street.

5. The stormwater management system is designed to meet the City of Portland Stormwater requirements as well as the applicable standards within Chapter 500.

6. A space allocated for solid waste storage can be seen on the Site Plan (C-10). The solid waste containers will be fully enclosed and screened from the public view.

16.4.4 Site Design Standards

A. Massing, Ventilation and Wind Impact:

1. The project will not result in health or safety problems. Please refer to Section O, Architectural Design Narrative, for more information.

2. The project will not devalue adjacent parcels.

3. Exhaust will be directed away from residential neighbors.

B. Shadows:

As the site is located within the R-6 zone and is not adjacent to any existing publicly accessible open space, a shadow study for the proposed development is not required.

C. Snow and Ice Loading:

The structure will not distribute snow and ice onto adjacent properties.

D. View Corridors:

Not applicable.

E. Historic Resources:

a. The development is located in a historic district and a Certificate of Appropriateness if currently being pursued by the Applicant with Historic Preservation Board.

b. The development is not located adjacent to designated landmarks, historic district, or historic landscape district.

c. It is our understanding that there are no known archaeological resources that exist on the site.

F. Exterior Lighting:

a. Site Lighting.

i. Exterior lighting will be designed to meet the requirements set forth in the Technical Manual and not to negatively impact the abutting properties.

ii. Lighting has been designed to not adversely impact the abutting residential properties. Shielding shall be implemented when necessary.

b. Architectural and Specialty Lighting.

i. No architectural and Specialty lighting is proposed, at this time.

ii. No up-lighting is proposed, at this time.

c. There is no Street lighting proposed as part of this development. Existing utility poles with streetlights are intended to remain.

G. Noise and Vibration:

a. All proposed heating, ventilation and air conditioning equipment, and emergency generators are to meet the applicable state and federal emissions requirements as defined by the Architect. They are to be located within the interior of the site or the top of the building and will also be screened when necessary.

H. Signage and Wayfinding:

1. The size, scale, proportions, design, materials, placement, and source and intensity of illumination of all permanent building signs will be designed to complement the subject building and its immediate context:

    i. Signage will not conceal architectural features from view.

    ii. Signage will complement the subject building and its immediate context.

    iii. No freestanding signs are proposed

    iv. Signage will be facing downwardly to avoid glare and light spillover to towards the sky.

    v. No proposed signs will be located along rooftops.'

2. Not applicable.

I. Design Standards.

a. The Architect has designed the project to meet the standards set forth in the R6 zoning district, the context of the Munjoy Hill Historic District, as well as the City of Portland Design Manual. Please refer to the Architectural Plans and narrative for more information.

Att. J

ACORN ENGINEERING, INC.

J. STORMWATER MANAGEMENT REPORT

Prepared For:

LB Atlantic LLC

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



April 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by LB Atlantic LLC, to provide civil engineering services for the proposed development at 42 Atlantic Street in Portland, Maine (Map, Book Lot 016 F001 001.) The property consists of approximately 0.23 acres of land to be transformed into a 4-story building with 30 affordable dwelling units.

This stormwater analysis was prepared to demonstrate how the proposed redevelopment project complies with the City of Portland Stormwater Management Standards. The following narrative provides an outline of the project's compliance with the applicable standards set forth within the City of Portland City Code and Technical Manual as outlined below, in addition to the applicable requirements set forth by Maine DEP within Chapter 500.

- City of Portland Land Use Ordinance Article 14.6.2.D.
- City of Portland Technical Manual:
  - Section 5 – Portland Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management.
  - Section 2 – Portland Sanitary Sewer and Storm Drain Design Standards
- City of Portland Code of Ordinances:
  - Chapter 32 – Post-Construction Stormwater Management
  - Chapter 24 – Sewers



EXISTING CONDITIONS

Currently 42 Atlantic Street is occupied by a 3,150 square foot building with a basement and partial first story, with a nearly 5,000 square foot paved surface parking lot. The existing building was utilized as an American Legion building with a bar and seating area for customers/patrons. The project site is bordered by Atlantic Street and Gilbert Lane.

The parcel is located within the Residential R-6 Zoning District and the Munjoy Hill Historic District in Portland, Maine, at an elevation ranging from 120' to 125.75' above sea level.

The site topography consists of slopes around 3% within the surface parking lot and ranging up to 12% in areas around the site. Currently the Atlantic Street sidewalk consists of slopes ranging up to 5.5% along the property frontage. Overall, surface runoff generated from the site is sheeting from Gilberts Lane down to the 42 Atlantic Street Side yard and furthermore towards Atlantic Street. Overall, the site is currently draining Southeast, towards the abutting lots and primarily draining into the City's Combined Sewer within Atlantic Street.

Existing topography and onsite soils information was obtained from the boundary plan prepared by Owen Haskell Inc., dated December 7th, 2023, in addition to the Geotechnical Report and borings conducted by Summit Geoengineering Services (SGS), concluded on 4/12/24.

It is our understanding that there are no natural resources on site and that the development is not within an urban impaired stream watershed and appears that no formal stormwater treatment or detention presently resides onsite. Given the existing building use and impervious cover, the existing sanitary sewer and surface stormwater runoff flows were included as part of this analysis to provide a better comparison of how the proposed development will impact the City's Combined Sewer System within Atlantic Street. The comparison of flows is provided further in this report.

PROPOSED DEVELOPMENT

The proposed development intends to transform the existing parking lot into a four-story residential building with a half basement. The site will feature interconnecting sidewalks and a paved area with pedestrian access from Gilberts Lane for a trash enclosure and for the proposed padmount transformer.

The site was designed with the intent to minimize the total area of impervious surface on the site and overall reducing both the volume and rate of runoff leaving the site. The site proposes modifications to redirect stormwater runoff generated from the site to be contained and detained within the parcel by utilizing a subsurface stormwater storage system onsite.

As a result, the proposed development will reduce impervious area by nearly 1,300 square feet, as well as provide onsite stormwater detention. See *Table 1,* below for the proposed impervious cover in comparison with the existing site conditions.

Table 1 - Comparison of the Existing and Proposed Impervious Area:	
	Impervious Area (Square-feet):
Existing:	8,172
Proposed:	6,860
	16% Reduction of Impervious Area

GENERAL STANDARDS:

The following narrative intends to meet the applicable Basic, General, and Flooding standards in Section 5 of the City of Portland Technical Manual. Please refer to the erosion and sedimentation control report for the site's compliance with the Basic Standards outlined in Chapter 500. Please see the attachment list for more information on the impervious area and pre and post conditions modeling.

The proposed development site is not located within an urban impaired stream, nor will it create one or more acre of impervious area, or more than 5,000 square feet of non-roof impervious area, therefore, the project is exempt from the treatment requirements as outlined in Chapter 500 as well as exempt from the redevelopment treatment standards within Section 5 of the City's Technical Manual.

FLOODING STANDARDS:

As part of the stormwater analysis, the existing sewer flows generated from the current building were analyzed. The analysis included a review of the existing water meter data (assumed to be equivalent to sewer discharge) for the existing building compared to the proposed sewer flows. The stormwater flows for a 24 hour - 1" Storm were also computed. *Table 2* below provides the existing and proposed flow data and the equivalent runoff volume in cubic feet for the existing and proposed conditions as well as the net new volume of flow entering into the City's combined sewer system.

Table 2 – Volume Comparison of Existing and Proposed Sanitary and Stormwater Flows into the City Combined Sewer:		
	SEWER (CF):	**1" * TOTAL IMPERVIOUS AREA (CF)**
EXISTING:	99*	681
PROPOSED:	706	**572**
NET NEW:	**607**	-109
PROPOSED STORAGE AREA ONSITE: 608 CF		
***Existing Flows based on PWD Meter Data**		

Based on *Table 2* above, the net new sewer flow entering into the city's combined sewer system of **607** cubic-feet**.** The proposed R-Tank subsurface storage system intends to provide storage volume of **608** cubic-feet**,** to account for the additional sewer flow being added into the City's combined system.

It is our understanding that there is an existing 18" Combined Sewer within Atlantic Street, which the proposed infrastructure intends to tie into. After further communication with the Department of Public Works team, it is apparent that the City has future plans to separate the Atlantic Street Sewer. The project team anticipates further discussions with DPW as the project progresses to coordinate the proposed stormwater infrastructure features and routing.

The development will be served by the Portland Water District, CMP, Charter, Verizon, Consolidated Communications, and municipal sewer and storm systems. Utility mains and services in under coordination with each respective utility company.

Given the proposed development anticipates connecting into the City's combined sewer system within Atlantic Street, it's expected that the city will request onsite storage be provided for the greater volume out of the following: either the sanitary flows generated from the proposed development that will add to the system, or the equivalent runoff from 1" of rainfall over the entire redeveloped area.

Table 3 below provides a comparison of the new sewer flow that the proposed development will add to the system in addition to the equivalent runoff rate based on 1" of rainfall over the impervious area.

Table 3- Comparison of Storage Volumes	
EXISTING PWD RECORDED FLOWS:	99 CF *
PROPOSED SEWER FLOWS:	706 CF
NET NEW SEWER FLOWS:	**607 CF**
1" OVER REDEVELOPED AREA:	572 CF
PROPOSED STORAGE AREA:	**608 CF**
*Existing Flows based on PWD Meter Data	

Based on *Table 3* above, the equivalent volume of the net new sewer flow entering into the city's combined sewer system, **607** cubic-feet, is higher than the 1" of rainfall over the proposed redeveloped area. The proposed R-Tanks subsurface storage system and stormwater collection and distribution systems on site have been designed to contain and detain the equivalent of the new runoff volume generated from the proposed development. This is achieved by providing a storage volume of **608** cubic-feet of storage within the R-Tank subsurface system.

Lastly, it should be noted that the R tank system is utilizing a 1" orifice, which is typically the lowest diameter orifice that's considered best practice. Diameters lower than this size are less resilient to clogging from debris and therefore may inadvertently short circuit the system.

R-Tanks:

The proposed subsurface storage system utilizes a single row of 19, triple stacked R-Tanks to achieve the required/proposed storage volume. The design provides **608 cubic feet** of storage within the proposed chamber and crushed stone within the system and below the two 4" overflow pipes. The overflow pipes from the R-Tanks were set at the top of the system to ensure maximum storage is provided within the system prior to entering the overflow pipes.

A 4" underdrain is proposed at the bottom of the system which will be routed into the proposed F-Basin 2. The 4" underdrain is intended to have a PVC cap placed on the outfall pipe within the F-Basin with a 1" orifice drilled into the cap eccentrically. The PVC cap can be easily inspected, removed, or replaced, if necessary, as accessed from a manhole.

The proposed Storage volume selected for the R-Tank system was selected based on the equivalent volume of the net new sewer flows entering into the City's Combined Sewer System.

The proposed sewer flows would result in nearly 706 cubic feet of storage. The net new/additional sanitary flows added to the system would result in a storage volume of nearly 607 cubic feet. After further analysis of the existing site land cover in combination with the recorded water bill data, compared with the proposed sites cover and proposed water demand, we feel confident that the proposed system with a storage volume of **608** cubic feet provides an adequate storage capacity for the site as well as reduces the combined flow/ runoff from the site into the City's combined sewer system. This storage capacity results in containment of the 2 year storm (3.10 inches) without overflow bypass, which greatly exceeds the standard 1" event.

The proposed project was modeled using HydroCAD to verify that the post-development conditions do not exceed the pre-development conditions. A 24-hour SCS Type III storm distribution for the 2, 10, and 25-year storm events were used. The corresponding rainfall amounts for these storms are 3.10", 4.60", and 5.80" respectively.

Time of Concentration (Tc)

The times of concentration for subcatchments in both the pre and post conditions were calculated by entering the flow path with the associated ground cover and slopes. HydroCAD then calculated the Tc's and incorporated the total Tc for each subcatchment into the model. When the calculated Tc was less than six minutes (0.1 hours), a direct entry of six minutes was used as advised by the TR-55 model.

Curve Number (CN)

Within the pre-development model, the vegetated areas were considered fair grass, and impervious areas consisted of connected pavement. The post development landscaped areas were given a good rating for new landscaped or loam/seeded areas. Refer to the attached pre and post development maps provides a visual representation of the land covers from the pre and post conditions.

Pre-Development Calculations:

The pre development site conditions consisted of 80.6% impervious area throughout the building roof area and paved parking area on the South side of the site. The current site grades suggest that portions of the South side drains towards the abutting properties at 36 Atlantic Street and towards the rear of 35-37 St. Lawerence Street. It is our understanding the current roof runoff is being collected via a roof downspout with an open discharge on the site, and the existing paved parking area appears to be sheeting from the East to the West side of the site and overall, towards Atlantic Street into the City's combined sewer system.

Please refer to *Table 4* below for the pre development peak flow for a 2-yr, 10-yr, and 25-yr 24-hour storm event.

Table 4 – Pre-Development Peak Stormwater Flows

Drainage Area:	2-Year Storm Event (cfs)	10-Year Storm Event (cfs)	25-Year Storm Event (cfs)
POI #99	0.6	0.9	1.2

Post-Development Calculations:

The post development conditions were analyzed to minimize impervious cover, mitigate stormwater runoff onto abutting properties, and designed to capture, store, and release runoff generated from the site within the R-Tank Subsurface Storage System.

The proposed development will consist of 68% impervious cover, which 93% of will be directed and draining towards the onsite subsurface stormwater system which will detain and release flow at an attenuated rate.

Please refer to *Table 5* below for the post development peak flow for a 2-yr, 10-yr, and 25-yr 24-hour storm event.

Table 5 – Post-Development Peak Stormwater Flows

	2-Year Storm Event (cfs)	10-Year Storm Event (cfs)	25-Year Storm Event (cfs)
POST:	0.06	0.48	0.74

Pre and Post Development Calculations:

Pre and Post development conditions will maintain the same general topography and will drain to the same main point of interest being the existing 18" combined sewer within Atlantic Street, or furthermore into the Fore Street System. Overall, the proposed development proposed to decrease the impervious area within the property line by approximately 1,300 square feet, as provided in *Table 1* earlier in this document.

Table 6 below provides the comparison of the pre and post development peak flows for 2, 10, and 25 year storm events.

Table 6 – Comparison of Peak Flows

	2-Year Storm Event (cfs)	10-Year Storm Event (cfs)	25-Year Storm Event (cfs)
PRE:	0.6	0.9	1.2
POST:	0.1	0.5	0.7

As shown in *Table 6,* the net impact of the post development peak flows will be below the predevelopment levels. A post-development watershed map developed for this project can be viewed in Attachment B, and a copy of the HydroCAD calculations is included within Attachment C of this report.

SOILS

Onsite soil information has been derived from the following resources:

- Soil Conservation Service Medium Intensity Soil Survey for York County
- Summit GeoEngineering Services, Geotechnical Report, dated 4/12/24.

The site consists of soils within hydrological groups A, which have been inputted into HydroCAD accordingly. Soil borings and test pits were conducted by Summit GeoEngineering to further assess the conditions on site. In accordance with Maine Best Management Practices (BMP).

CONCLUSION

Overall, this narrative was prepared to demonstrate how the proposed development was designed to meet the City of Portland Stormwater requirements.

The site was designed with the intent to minimize the total area of impervious surface on the site and overall reducing both the volume and rate of runoff leaving the site. This was accomplished by reducing the onsite impervious area by **16%** in combination with providing an onsite subsurface storage system to collect and detain **93%** of the runoff generated from the site's impervious area, with a storage volume able to detain up to a 2 year storm, slowly discharged through a 1" orifice. As described in this document we are providing on site storage for the equivalent of the additional sewer flows that will be added into the City's combined sewer system.

Overall, the development will be reducing the flow rate leaving the parcel and into the City's combined sewer system from the pre to post development conditions. This is achieved through the use of subsurface storage systems to detain runoff onsite prior to discharging into the public system.

Please find the following attachments for more information on the stormwater analysis in addition to the proposed construction and maintenance plan for the development.

ATTACHMENTS

Attachment A: Pre-Development Watershed Map
Attachment B: Post-Development Watershed Map
Attachment C: HydroCAD Calculations
Attachment D: USDA Soil Survey
Attachment E: Post-Construction Stormwater Inspection & Maintenance Plan

SECTION J

STORMWATER MANAGMENT REPORT

Attachment A: Pre Development Watershed Map



ISSUED FOR	BY / DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/8/24

DRAWING NAME: PRE DEVELOPMENT WATERSHED MAP

PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT

CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND, MAINE 04104
(207) 775-2655

FILE:	1220_CIVIL
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

DRAWING NO.

PRE

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SECTION J

STORMWATER MANAGMENT REPORT

Attachment B: Post Development Watershed Map

SUBCATCHMENT LEGEND:

SUBCATCHMENT NUMBER

SUBCATCHMENT EXTENTS

POI #1 — POINT OF INTEREST (POI)

POND

FLOW PATH ARROWS

LEGEND:

PROPOSED GREEN/ LANDSCAPED SPACE:

PROPOSED AREA TO BE STORED IN R-TANK SUBSURFACE DETENTION SYSTEM:

PROPOSED IMPERVIOUS AREAS:

WATER QUANTITY VOLUME:
R-TANK SUBSURFACE CHAMBERS
1 ROW OF TRIPLE STACKED CHAMBERS
19 CHAMBERS PER ROW
5.31' X 46.57'
DEPTH OF SYSTEM: 4.20'

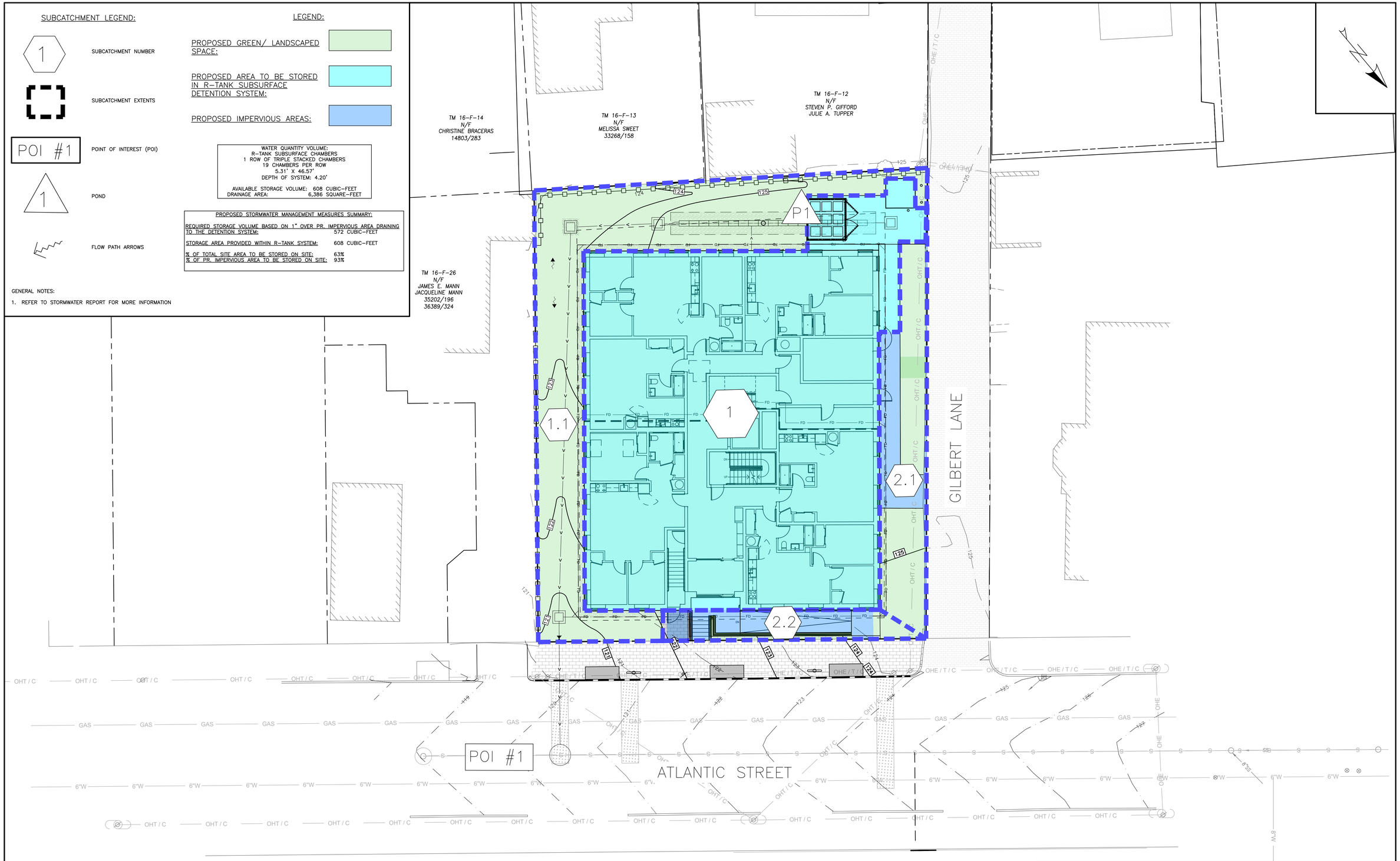
AVAILABLE STORAGE VOLUME: 608 CUBIC-FEET
DRAINAGE AREA: 6,386 SQUARE-FEET

PROPOSED STORMWATER MANAGEMENT MEASURES SUMMARY:

REQUIRED STORAGE VOLUME BASED ON 1" OVER PR. IMPERVIOUS AREA DRAINING TO THE DETENTION SYSTEM:	572 CUBIC-FEET
STORAGE AREA PROVIDED WITHIN R-TANK SYSTEM:	608 CUBIC-FEET
% OF TOTAL SITE AREA TO BE STORED ON SITE:	63%
% OF PR. IMPERVIOUS AREA TO BE STORED ON SITE:	93%

GENERAL NOTES:

1. REFER TO STORMWATER REPORT FOR MORE INFORMATION



10 0 10 20

SCALE: 1" = 10'

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY / DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24

DRAWING NAME: POST DEVELOPMENT WATERSHED PLAN

PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT

CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

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(207) 775-2655

FILE:	1220_CIVIL
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

STATE OF MAINE
SAMUEL J. LEBEL
16505
LICENSED
PROFESSIONAL ENGINEER
4/11/24

DRAWING NO.

POST

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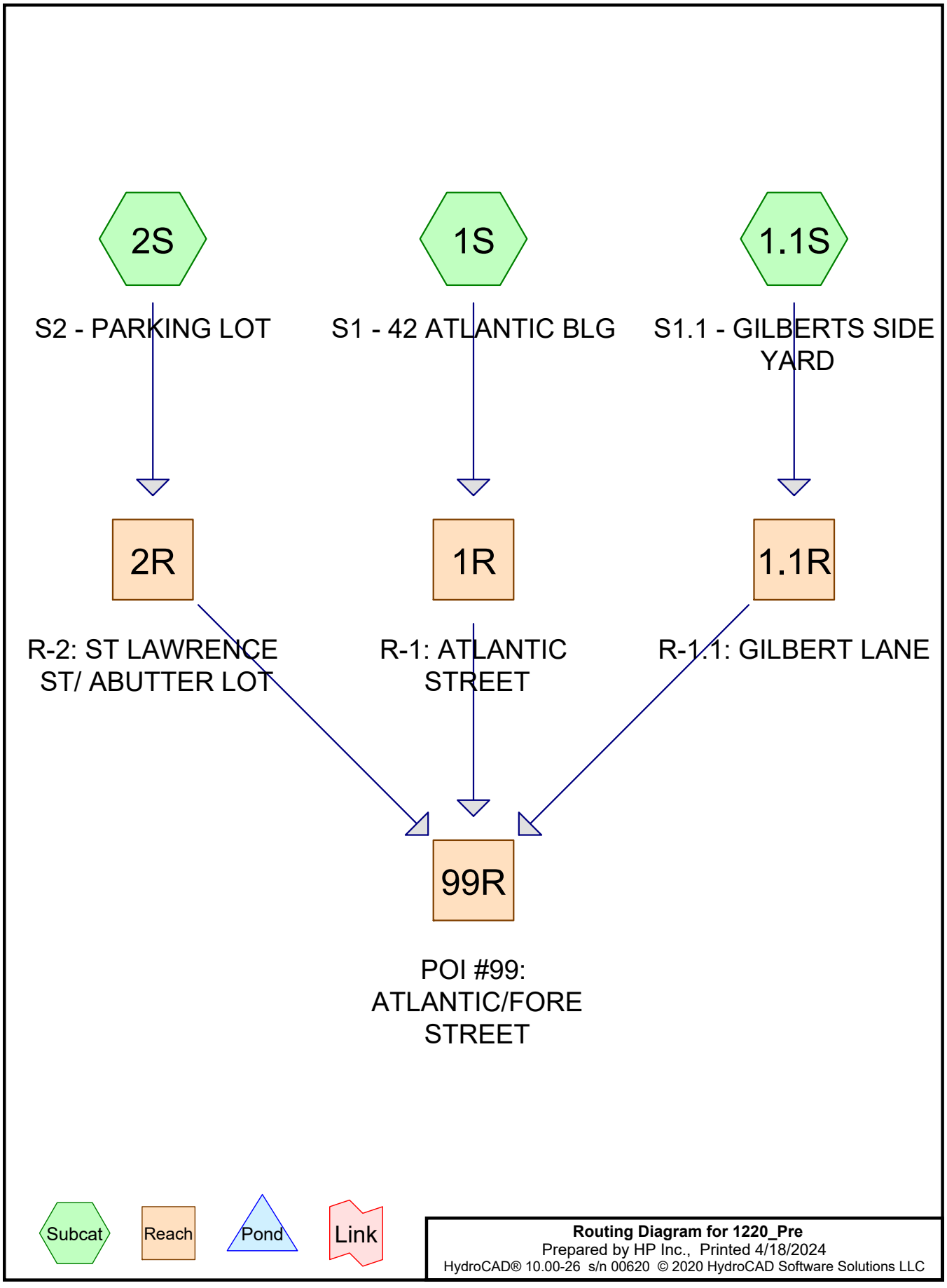
SECTION J

STORMWATER MANAGMENT REPORT

Attachment C: Pre Development HydroCAD


2S
1S
1.1S
S2 - PARKING LOT
S1 - 42 ATLANTIC BLG
S1.1 - GILBERTS SIDE YARD
2R
1R
1.1R
R-2: ST LAWRENCE ST/ ABUTTER LOT
R-1: ATLANTIC STREET
R-1.1: GILBERT LANE
99R
POI #99: ATLANTIC/FORE STREET
Subcat
Reach
Pond
Link
Routing Diagram for 1220_Pre
Prepared by HP Inc., Printed 4/18/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.045	68	<50% Grass cover, Poor, HSG A (1.1S, 1S, 2S)
0.070	98	BLDG (1S)
0.115	98	Paved parking, HSG A (1S, 2S)
0.003	98	Roofs, HSG A (1.1S)
0.001	98	Unconnected pavement, HSG B (1.1S)

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.162	HSG A	1.1S, 1S, 2S
0.001	HSG B	1.1S
0.000	HSG C	
0.000	HSG D	
0.070	Other	1S

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.045	0.000	0.000	0.000	0.000	0.045	<50% Grass cover, Poor	1.1S, 1S, 2S
0.000	0.000	0.000	0.000	0.070	0.070	BLDG	1S
0.115	0.000	0.000	0.000	0.000	0.115	Paved parking	1S, 2S
0.003	0.000	0.000	0.000	0.000	0.003	Roofs	1.1S
0.000	0.001	0.000	0.000	0.000	0.001	Unconnected pavement	1.1S

Summary for Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD

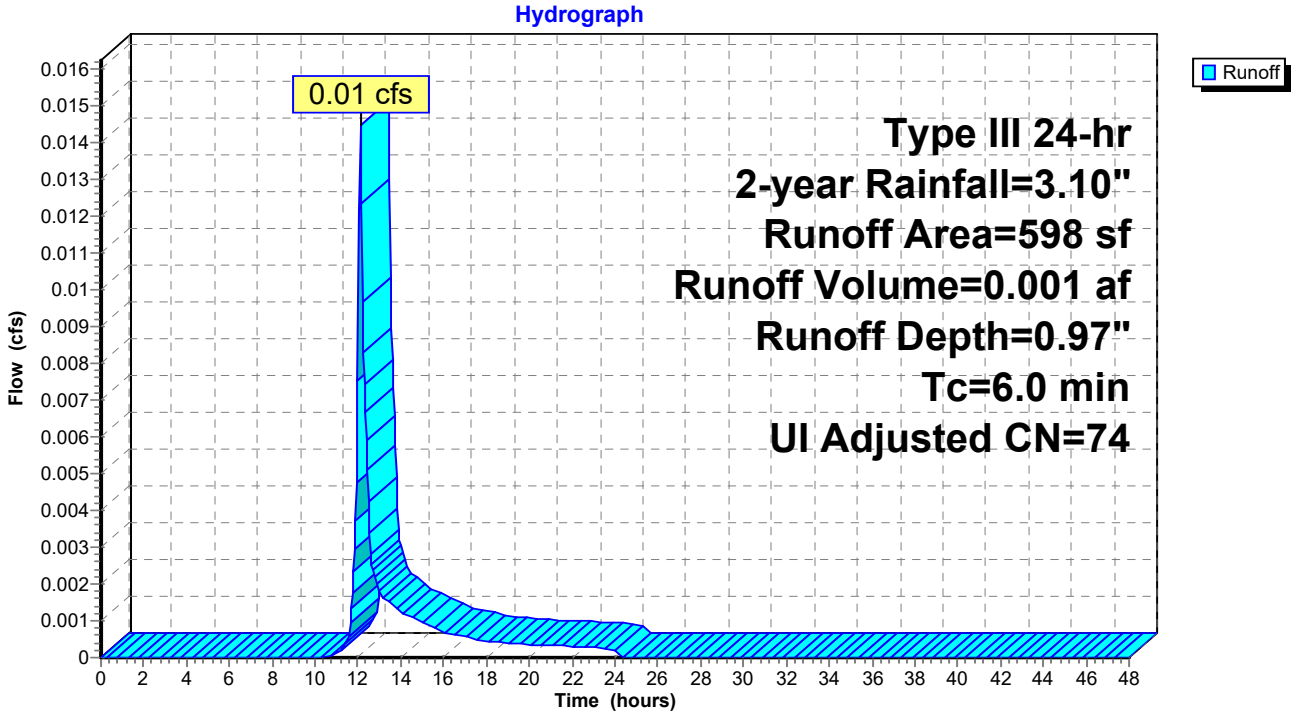
Runoff = 0.01 cfs @ 12.10 hrs, Volume= 0.001 af, Depth= 0.97"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.10"

Area (sf)	CN	Adj	Description
113	98		Roofs, HSG A
452	68		<50% Grass cover, Poor, HSG A
33	98		Unconnected pavement, HSG B
598	75	74	Weighted Average, UI Adjusted
452			75.59% Pervious Area
146			24.41% Impervious Area
33			22.60% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD



Summary for Subcatchment 1S: S1 - 42 ATLANTIC BLG

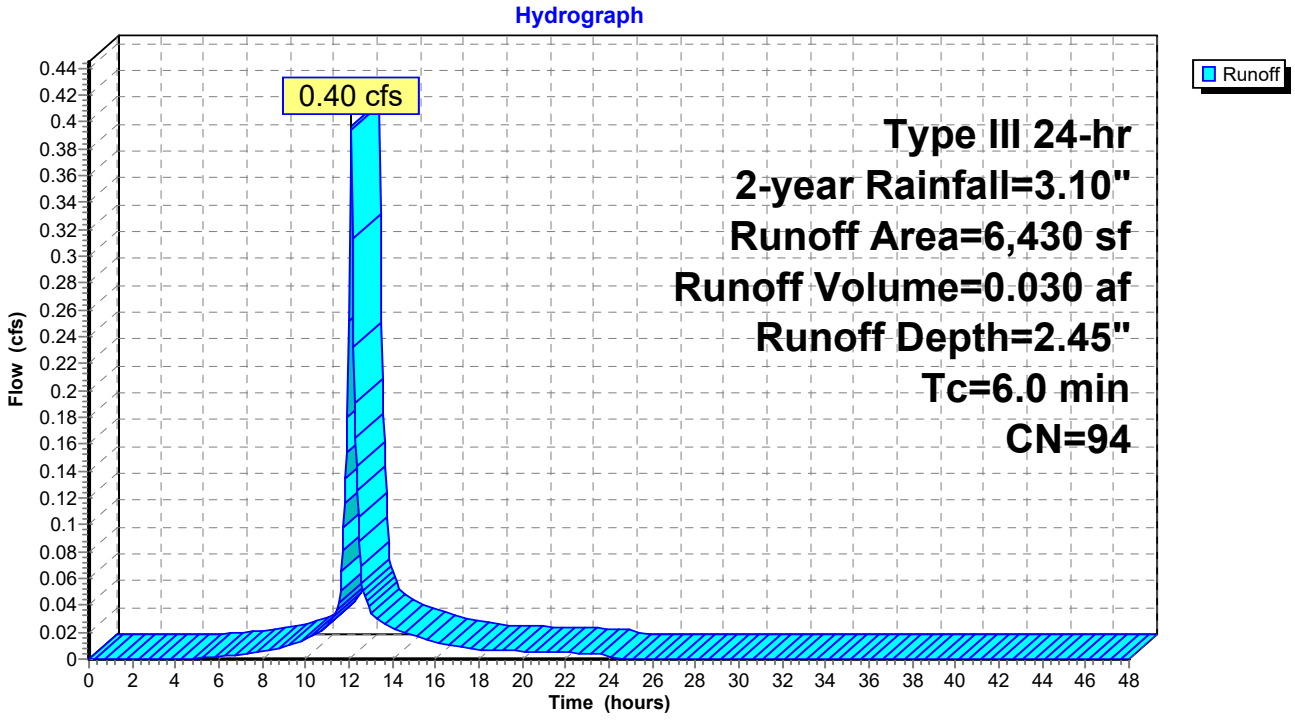
Runoff = 0.40 cfs @ 12.09 hrs, Volume= 0.030 af, Depth= 2.45"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.10"

	Area (sf)	CN	Description
	2,486	98	Paved parking, HSG A
*	3,035	98	BLDG
	909	68	<50% Grass cover, Poor, HSG A
	6,430	94	Weighted Average
	909		14.14% Pervious Area
	5,521		85.86% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**

Subcatchment 1S: S1 - 42 ATLANTIC BLG



Summary for Subcatchment 2S: S2 - PARKING LOT

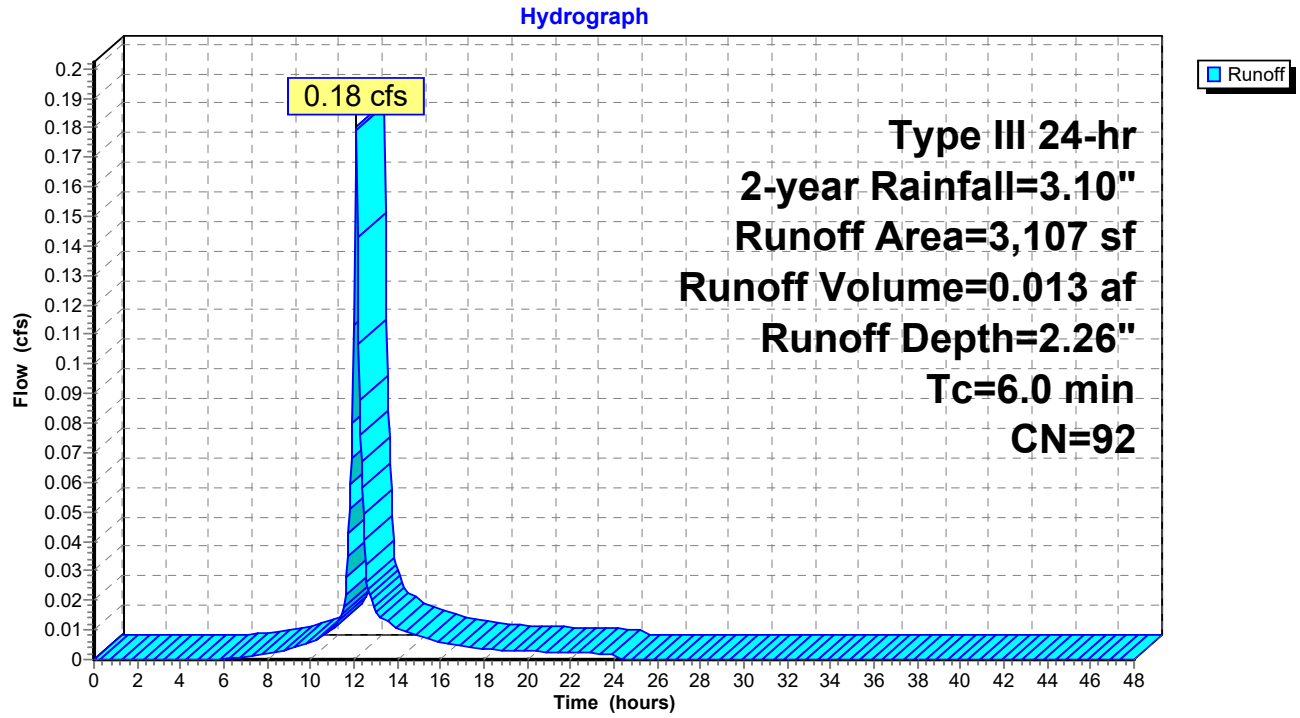
Runoff = 0.18 cfs @ 12.09 hrs, Volume= 0.013 af, Depth= 2.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-year Rainfall=3.10"

Area (sf)	CN	Description
2,504	98	Paved parking, HSG A
603	68	<50% Grass cover, Poor, HSG A
3,107	92	Weighted Average
603		19.41% Pervious Area
2,504		80.59% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2S: S2 - PARKING LOT

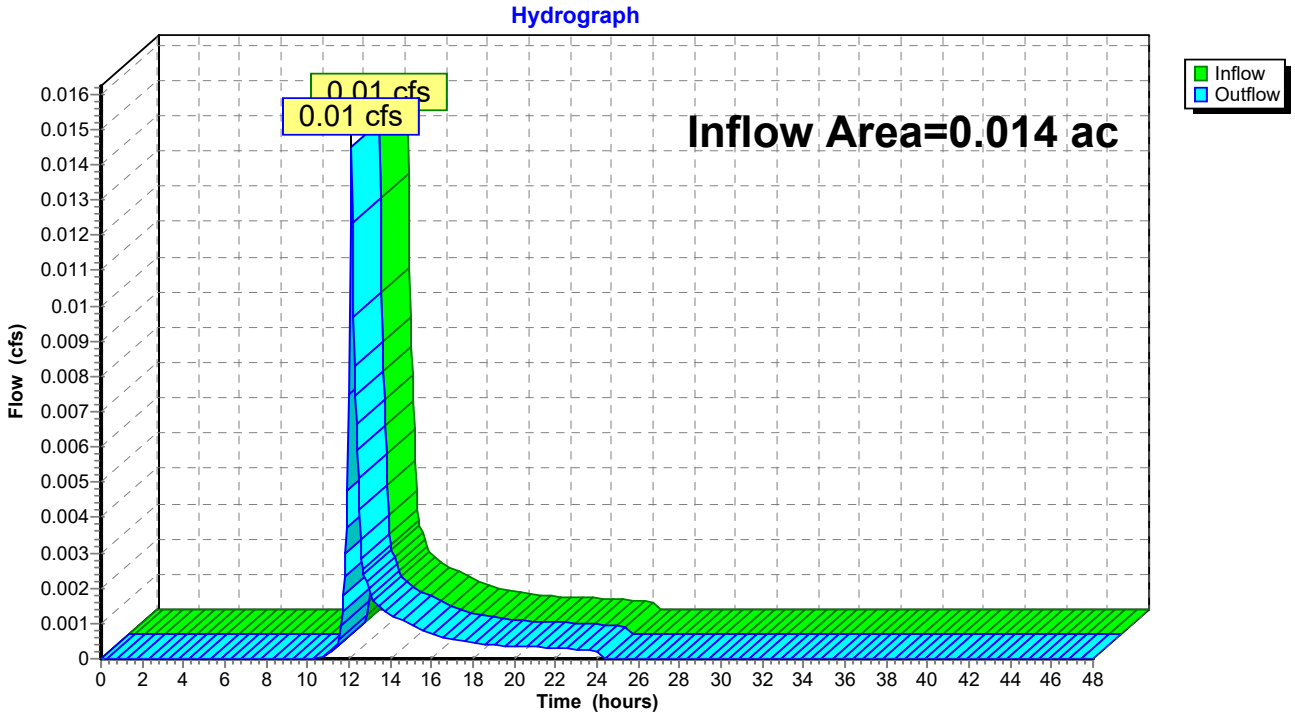


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.014 ac, 24.41% Impervious, Inflow Depth = 0.97" for 2-year event
Inflow = 0.01 cfs @ 12.10 hrs, Volume= 0.001 af
Outflow = 0.01 cfs @ 12.10 hrs, Volume= 0.001 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1.1R: R-1.1: GILBERT LANE

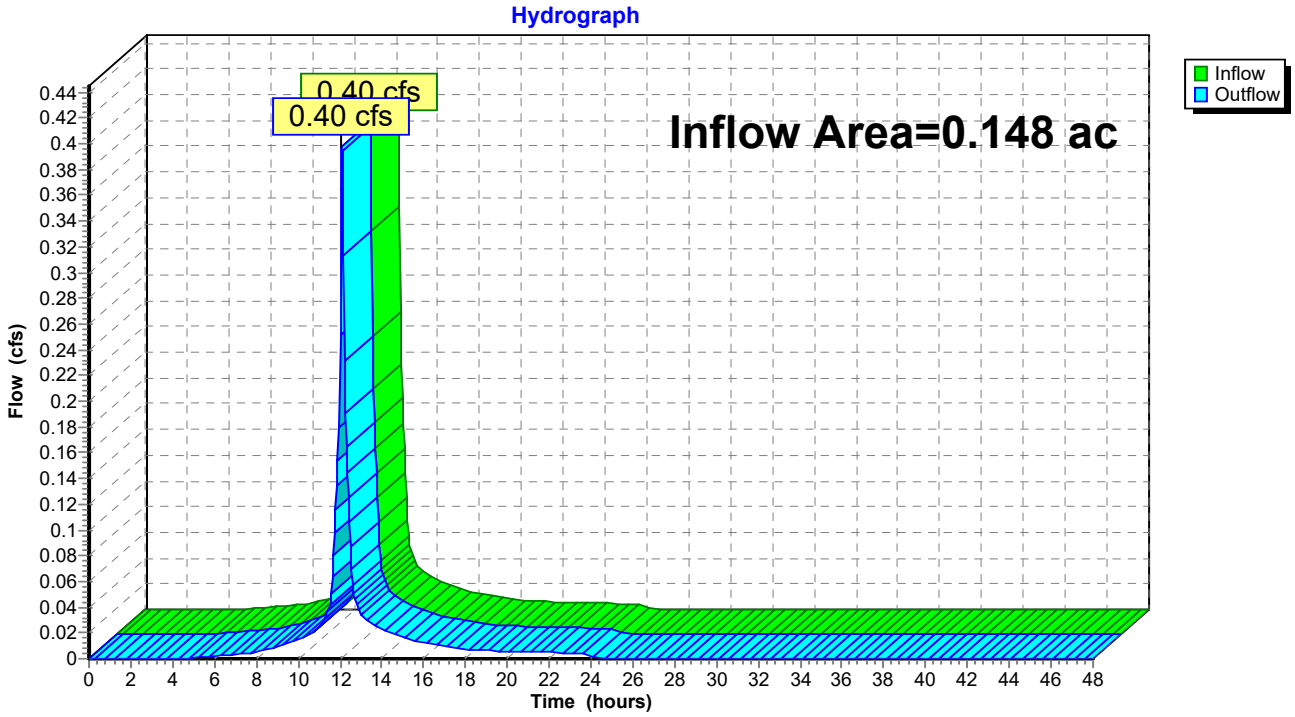


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.148 ac, 85.86% Impervious, Inflow Depth = 2.45" for 2-year event
Inflow = 0.40 cfs @ 12.09 hrs, Volume= 0.030 af
Outflow = 0.40 cfs @ 12.09 hrs, Volume= 0.030 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1R: R-1: ATLANTIC STREET

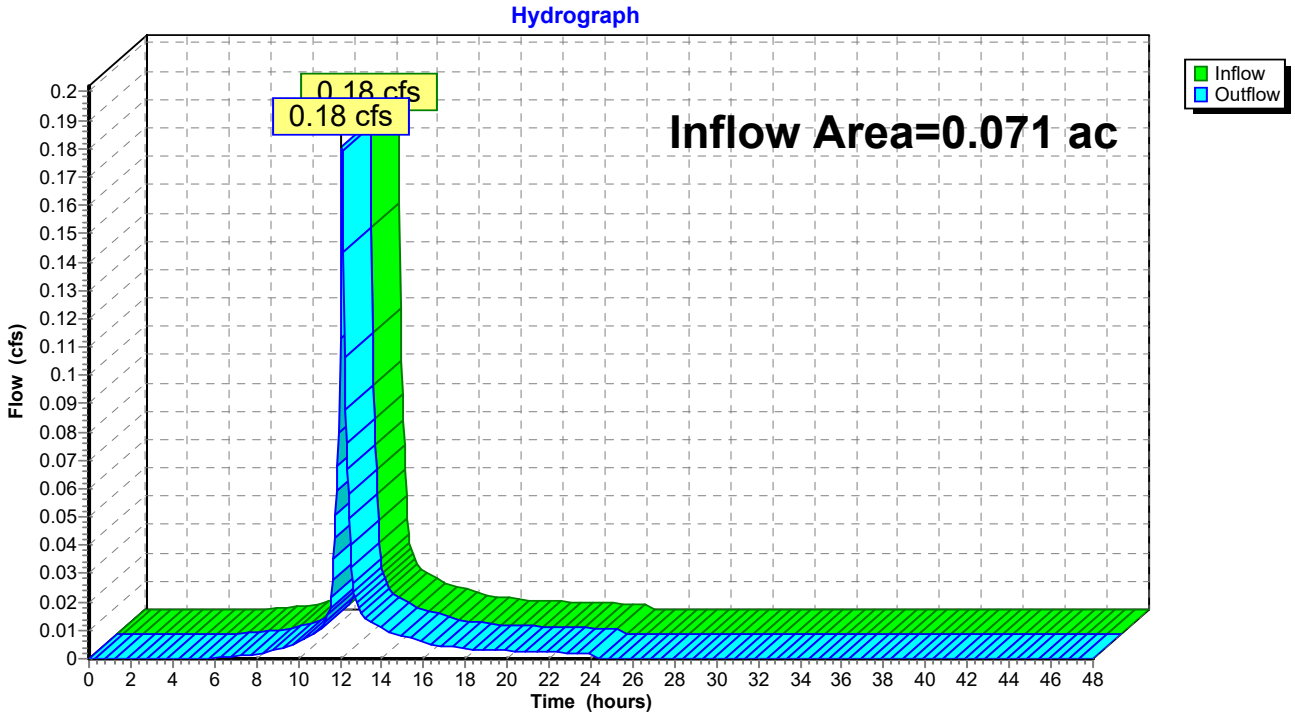


Summary for Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

Inflow Area = 0.071 ac, 80.59% Impervious, Inflow Depth = 2.26" for 2-year event
Inflow = 0.18 cfs @ 12.09 hrs, Volume= 0.013 af
Outflow = 0.18 cfs @ 12.09 hrs, Volume= 0.013 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

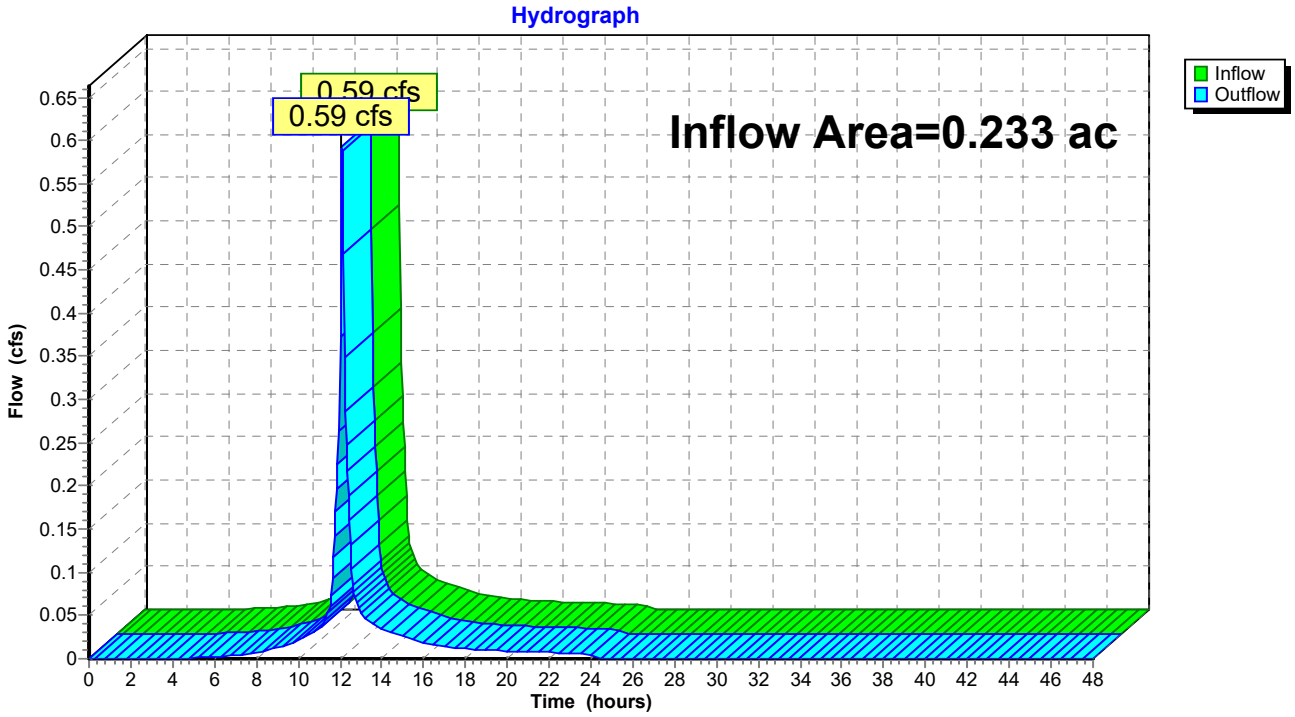


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 80.62% Impervious, Inflow Depth = 2.30" for 2-year event
Inflow = 0.59 cfs @ 12.09 hrs, Volume= 0.045 af
Outflow = 0.59 cfs @ 12.09 hrs, Volume= 0.045 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 99R: POI #99: ATLANTIC/FORE STREET



Summary for Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD

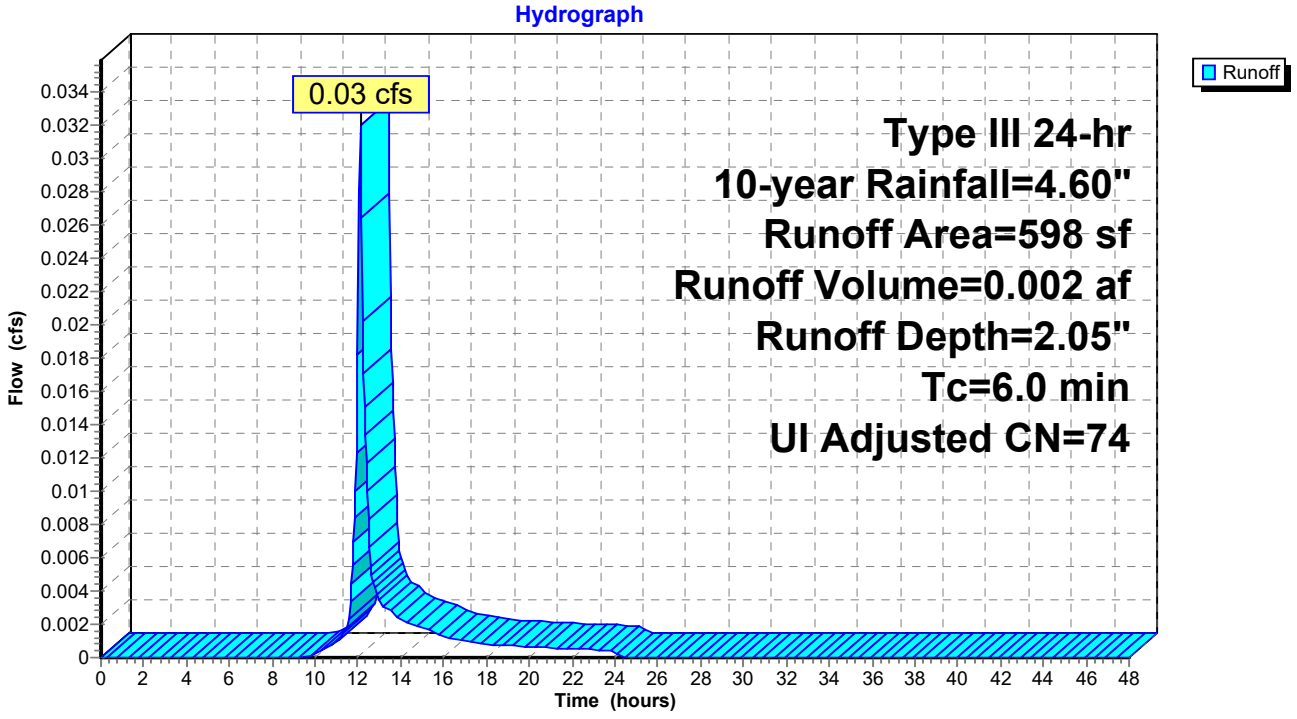
Runoff = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af, Depth= 2.05"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-year Rainfall=4.60"

Area (sf)	CN	Adj	Description
113	98		Roofs, HSG A
452	68		<50% Grass cover, Poor, HSG A
33	98		Unconnected pavement, HSG B
598	75	74	Weighted Average, UI Adjusted
452			75.59% Pervious Area
146			24.41% Impervious Area
33			22.60% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD



Summary for Subcatchment 1S: S1 - 42 ATLANTIC BLG

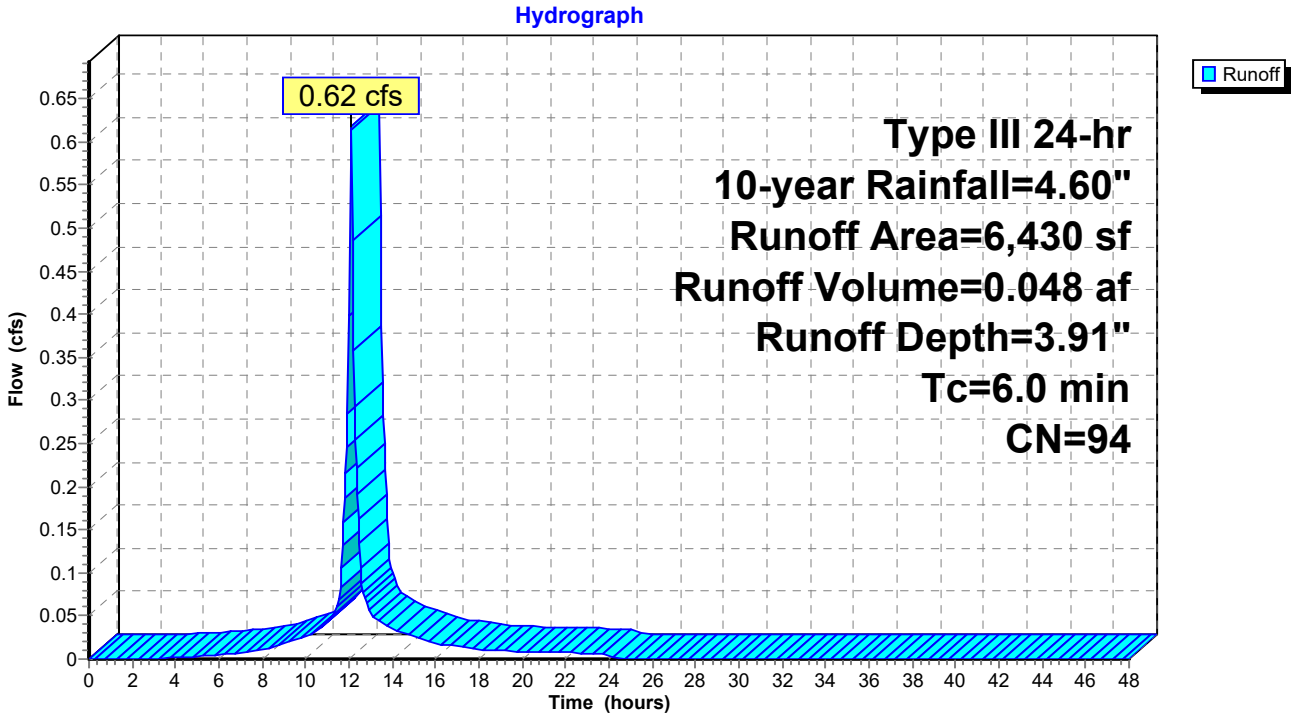
Runoff = 0.62 cfs @ 12.09 hrs, Volume= 0.048 af, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-year Rainfall=4.60"

	Area (sf)	CN	Description
	2,486	98	Paved parking, HSG A
*	3,035	98	BLDG
	909	68	<50% Grass cover, Poor, HSG A
	6,430	94	Weighted Average
	909		14.14% Pervious Area
	5,521		85.86% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**

Subcatchment 1S: S1 - 42 ATLANTIC BLG



Summary for Subcatchment 2S: S2 - PARKING LOT

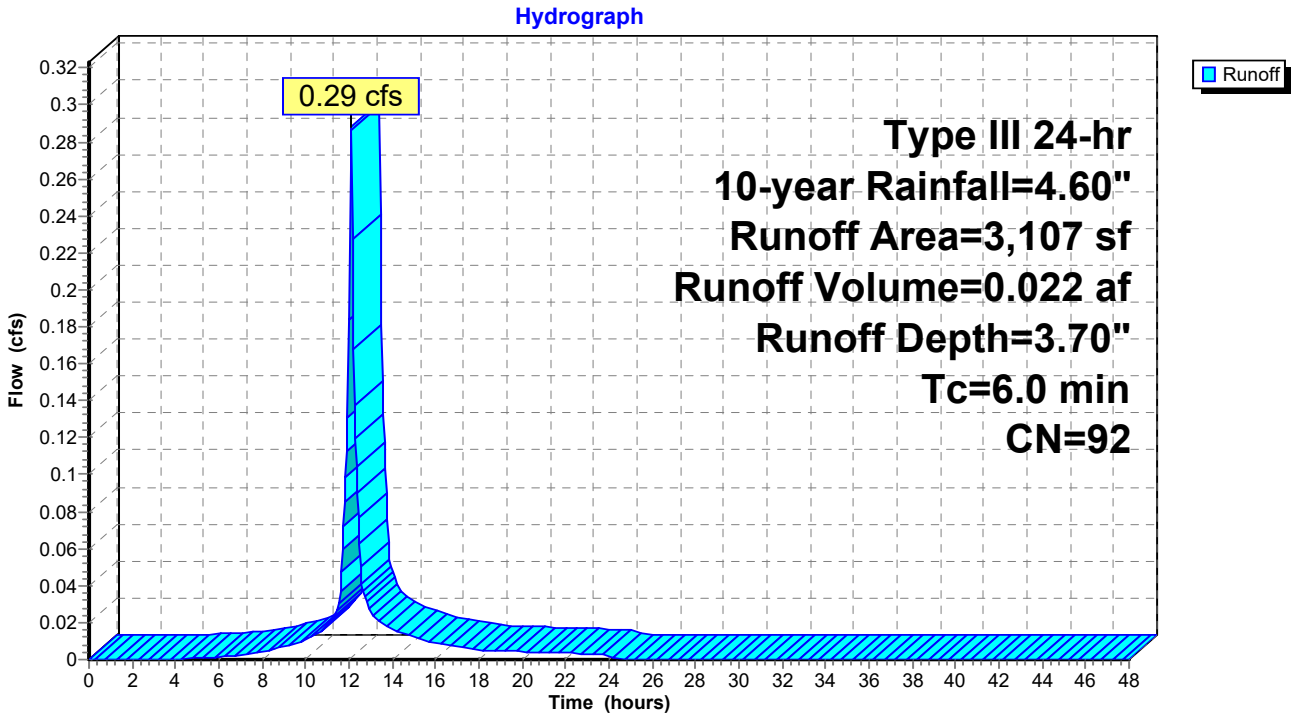
Runoff = 0.29 cfs @ 12.09 hrs, Volume= 0.022 af, Depth= 3.70"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 10-year Rainfall=4.60"

Area (sf)	CN	Description
2,504	98	Paved parking, HSG A
603	68	<50% Grass cover, Poor, HSG A
3,107	92	Weighted Average
603		19.41% Pervious Area
2,504		80.59% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2S: S2 - PARKING LOT

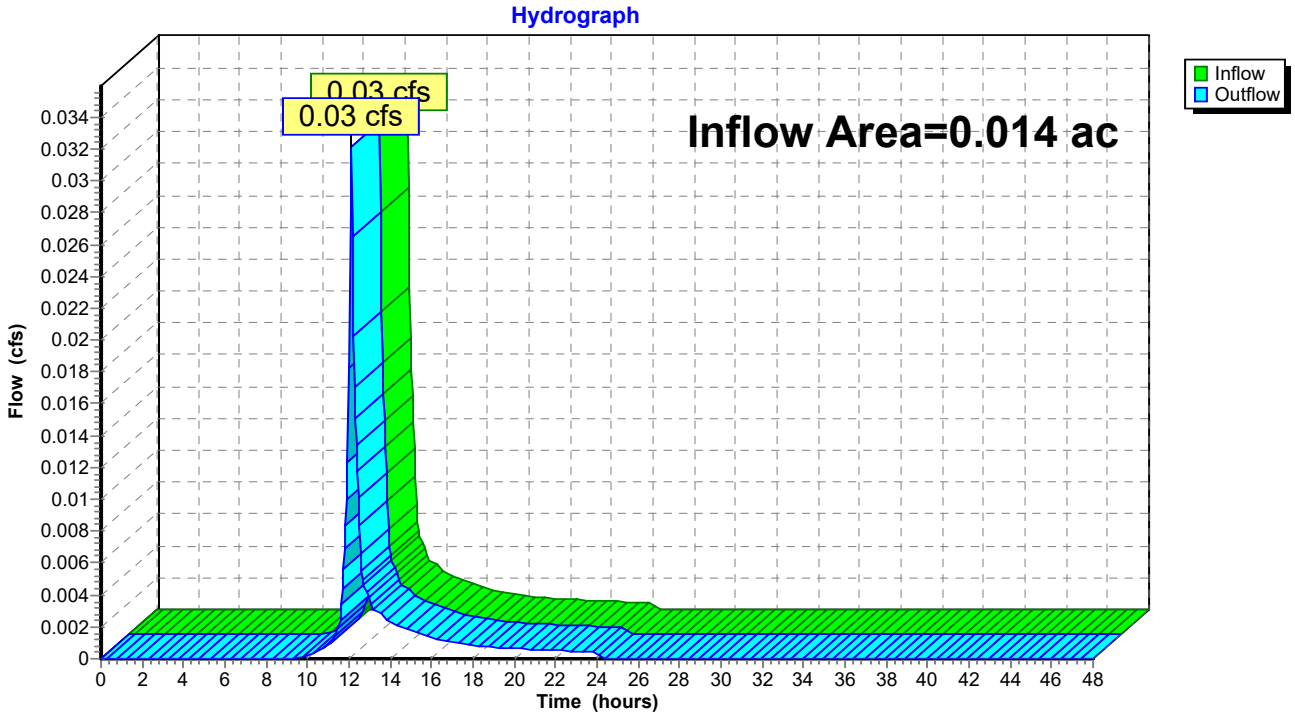


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.014 ac, 24.41% Impervious, Inflow Depth = 2.05" for 10-year event
Inflow = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af
Outflow = 0.03 cfs @ 12.10 hrs, Volume= 0.002 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1.1R: R-1.1: GILBERT LANE

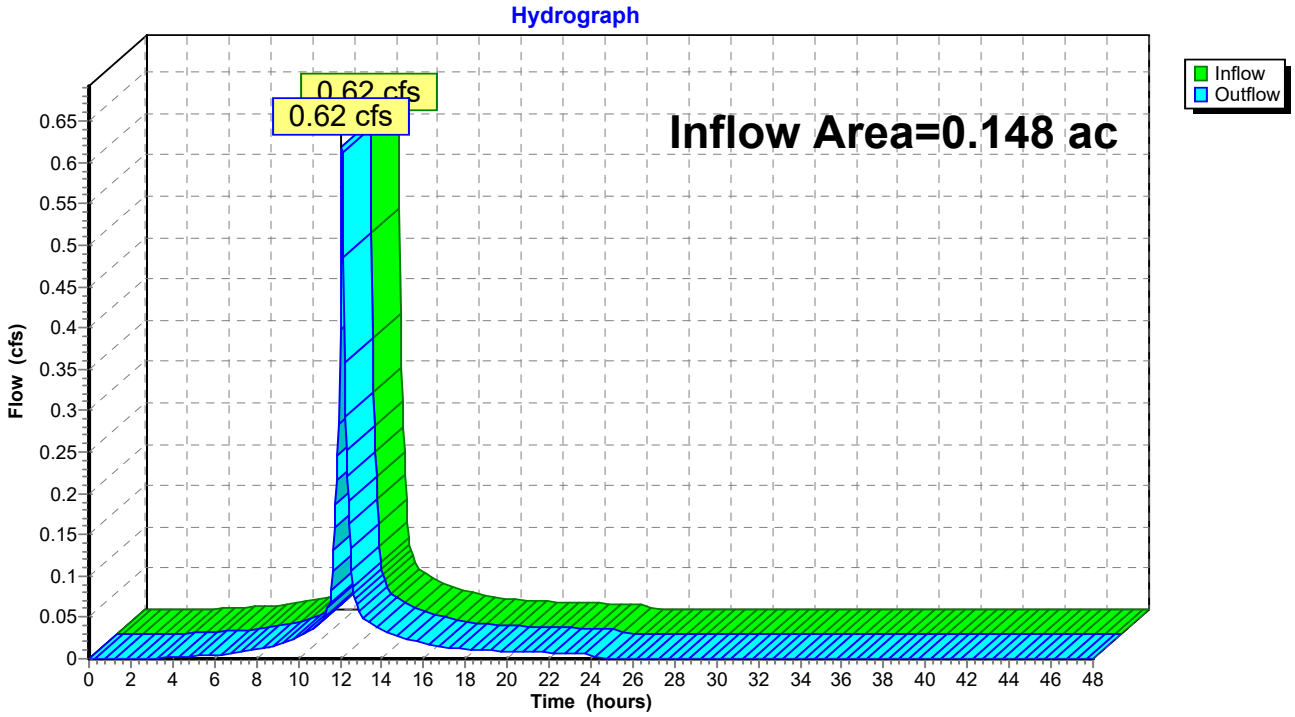


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.148 ac, 85.86% Impervious, Inflow Depth = 3.91" for 10-year event
Inflow = 0.62 cfs @ 12.09 hrs, Volume= 0.048 af
Outflow = 0.62 cfs @ 12.09 hrs, Volume= 0.048 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1R: R-1: ATLANTIC STREET

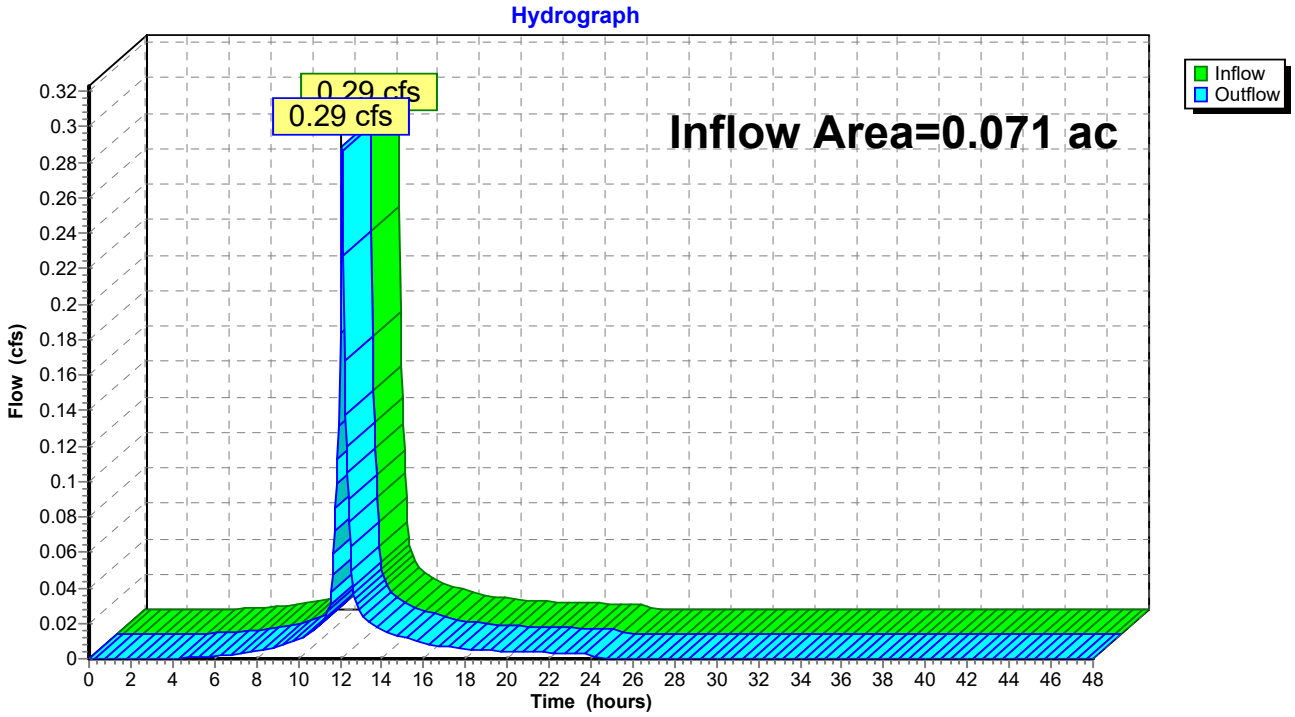


Summary for Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

Inflow Area = 0.071 ac, 80.59% Impervious, Inflow Depth = 3.70" for 10-year event
Inflow = 0.29 cfs @ 12.09 hrs, Volume= 0.022 af
Outflow = 0.29 cfs @ 12.09 hrs, Volume= 0.022 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

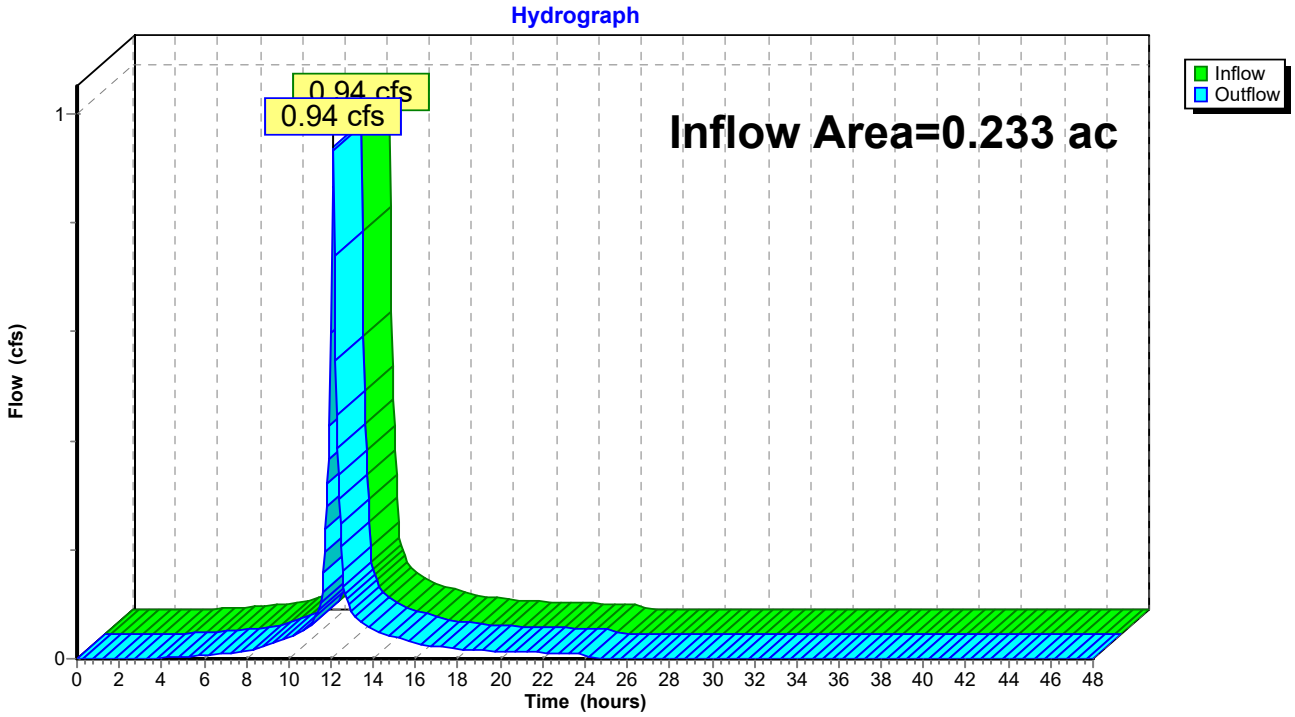


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 80.62% Impervious, Inflow Depth = 3.74" for 10-year event
Inflow = 0.94 cfs @ 12.09 hrs, Volume= 0.072 af
Outflow = 0.94 cfs @ 12.09 hrs, Volume= 0.072 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 99R: POI #99: ATLANTIC/FORE STREET



Summary for Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD

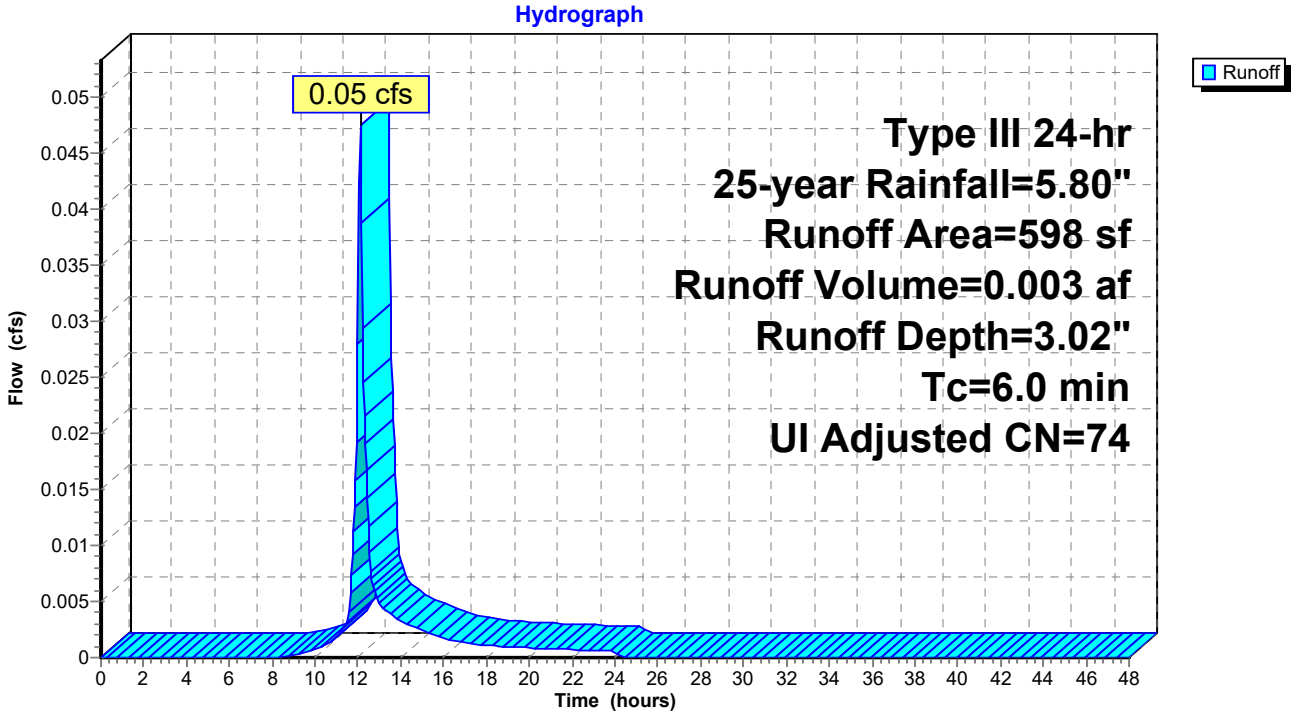
Runoff = 0.05 cfs @ 12.09 hrs, Volume= 0.003 af, Depth= 3.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-year Rainfall=5.80"

Area (sf)	CN	Adj	Description
113	98		Roofs, HSG A
452	68		<50% Grass cover, Poor, HSG A
33	98		Unconnected pavement, HSG B
598	75	74	Weighted Average, UI Adjusted
452			75.59% Pervious Area
146			24.41% Impervious Area
33			22.60% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S1.1 - GILBERTS SIDE YARD



Summary for Subcatchment 1S: S1 - 42 ATLANTIC BLG

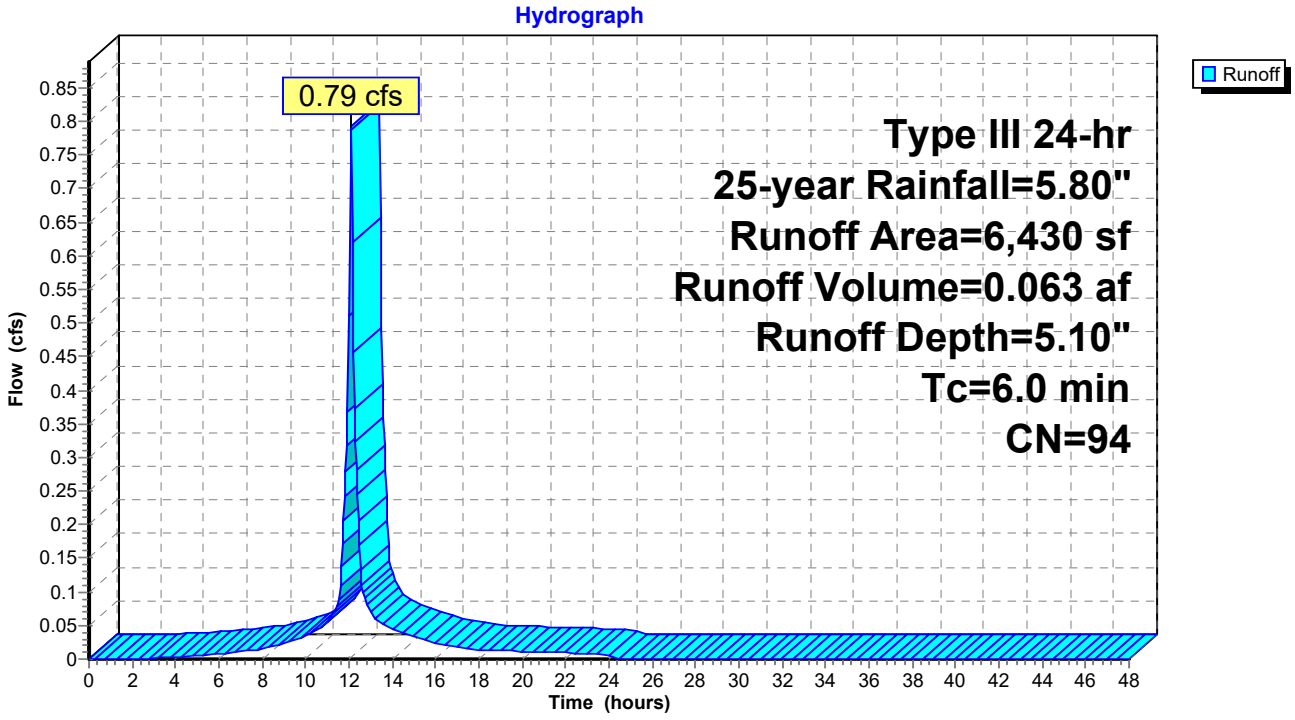
Runoff = 0.79 cfs @ 12.09 hrs, Volume= 0.063 af, Depth= 5.10"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-year Rainfall=5.80"

	Area (sf)	CN	Description
	2,486	98	Paved parking, HSG A
*	3,035	98	BLDG
	909	68	<50% Grass cover, Poor, HSG A
	6,430	94	Weighted Average
	909		14.14% Pervious Area
	5,521		85.86% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**

Subcatchment 1S: S1 - 42 ATLANTIC BLG



Summary for Subcatchment 2S: S2 - PARKING LOT

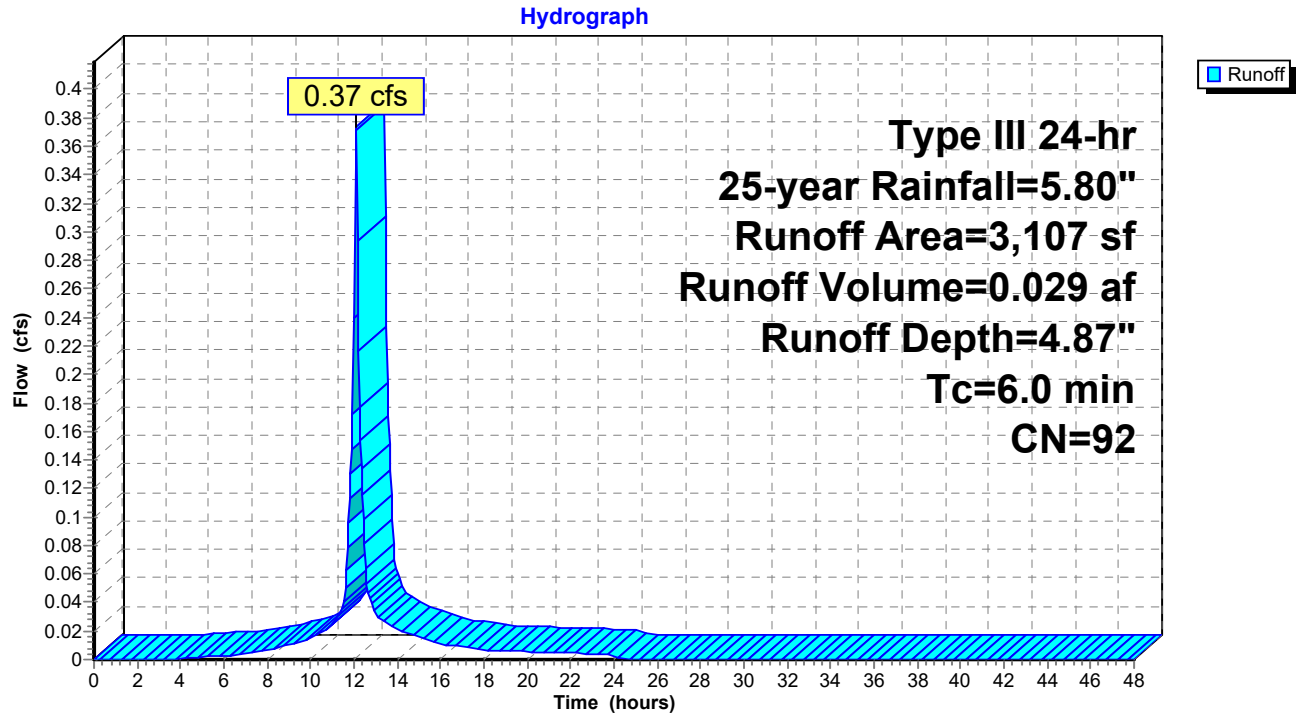
Runoff = 0.37 cfs @ 12.09 hrs, Volume= 0.029 af, Depth= 4.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-year Rainfall=5.80"

Area (sf)	CN	Description
2,504	98	Paved parking, HSG A
603	68	<50% Grass cover, Poor, HSG A
3,107	92	Weighted Average
603		19.41% Pervious Area
2,504		80.59% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2S: S2 - PARKING LOT

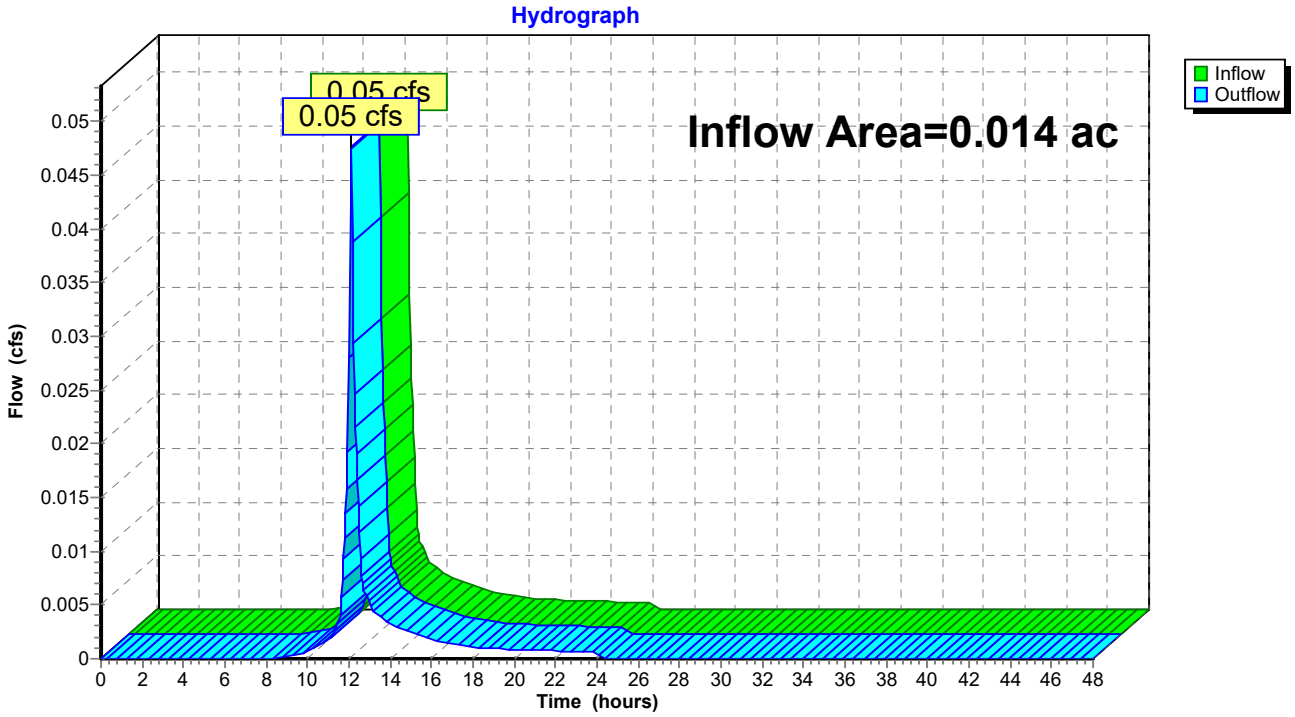


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.014 ac, 24.41% Impervious, Inflow Depth = 3.02" for 25-year event
Inflow = 0.05 cfs @ 12.09 hrs, Volume= 0.003 af
Outflow = 0.05 cfs @ 12.09 hrs, Volume= 0.003 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1.1R: R-1.1: GILBERT LANE

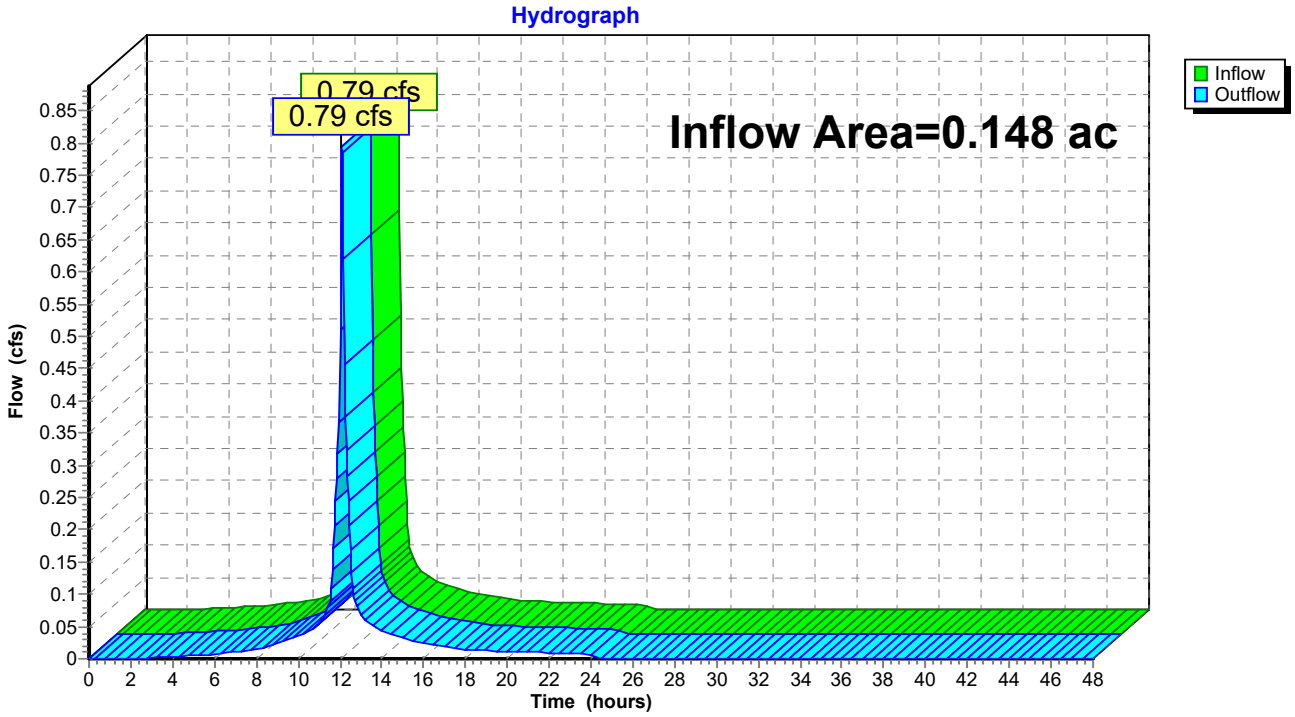


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.148 ac, 85.86% Impervious, Inflow Depth = 5.10" for 25-year event
Inflow = 0.79 cfs @ 12.09 hrs, Volume= 0.063 af
Outflow = 0.79 cfs @ 12.09 hrs, Volume= 0.063 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 1R: R-1: ATLANTIC STREET

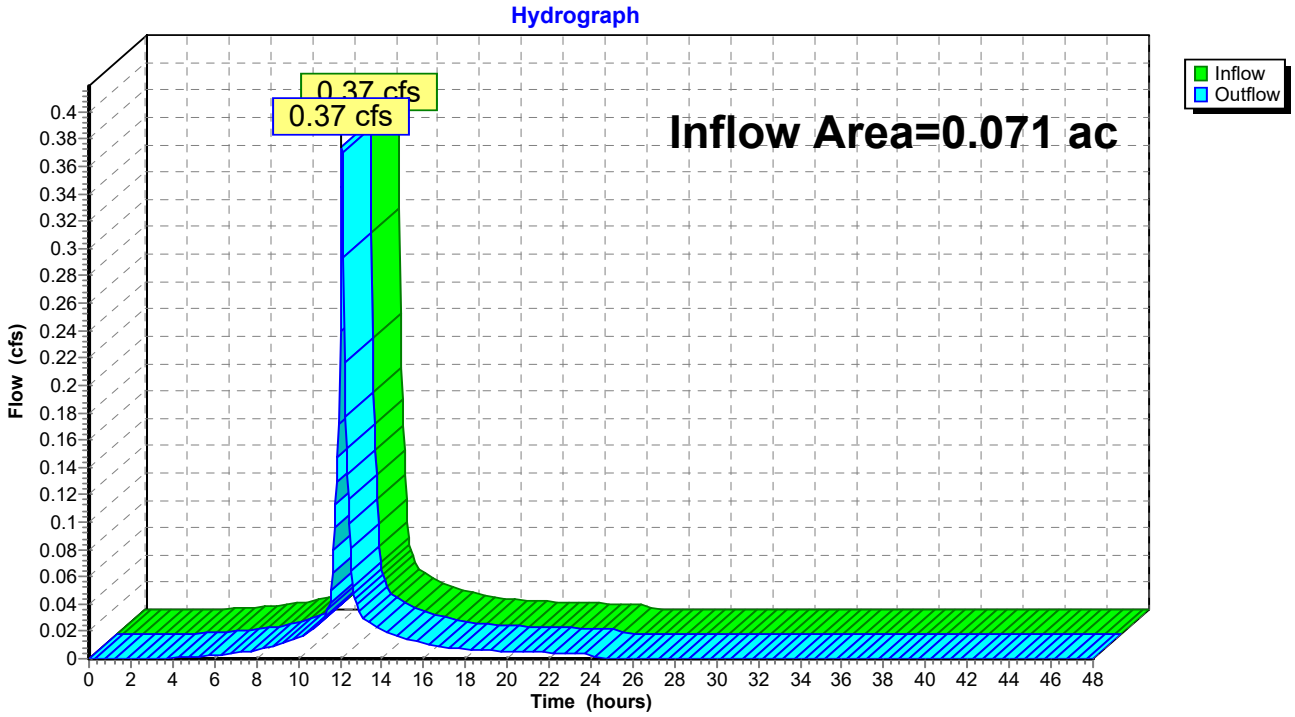


Summary for Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

Inflow Area = 0.071 ac, 80.59% Impervious, Inflow Depth = 4.87" for 25-year event
Inflow = 0.37 cfs @ 12.09 hrs, Volume= 0.029 af
Outflow = 0.37 cfs @ 12.09 hrs, Volume= 0.029 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Reach 2R: R-2: ST LAWRENCE ST/ ABUTTER LOT

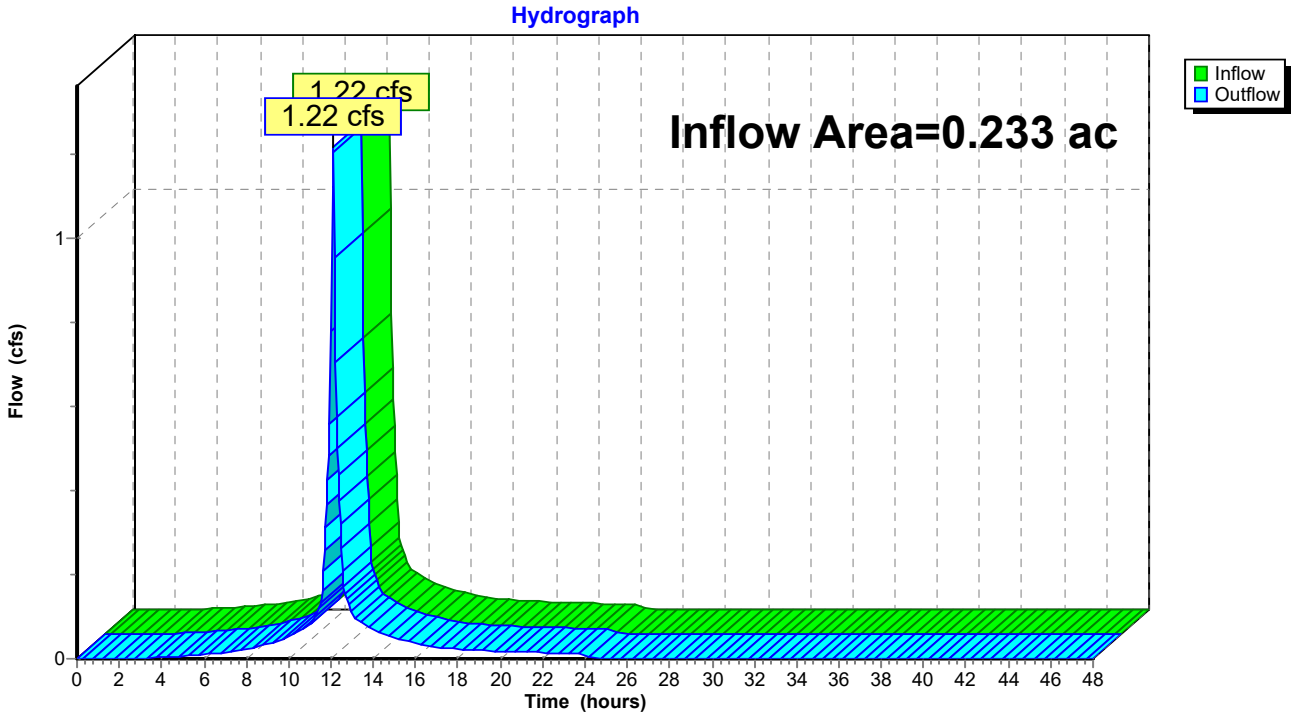


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 80.62% Impervious, Inflow Depth = 4.91" for 25-year event
Inflow = 1.22 cfs @ 12.09 hrs, Volume= 0.095 af
Outflow = 1.22 cfs @ 12.09 hrs, Volume= 0.095 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

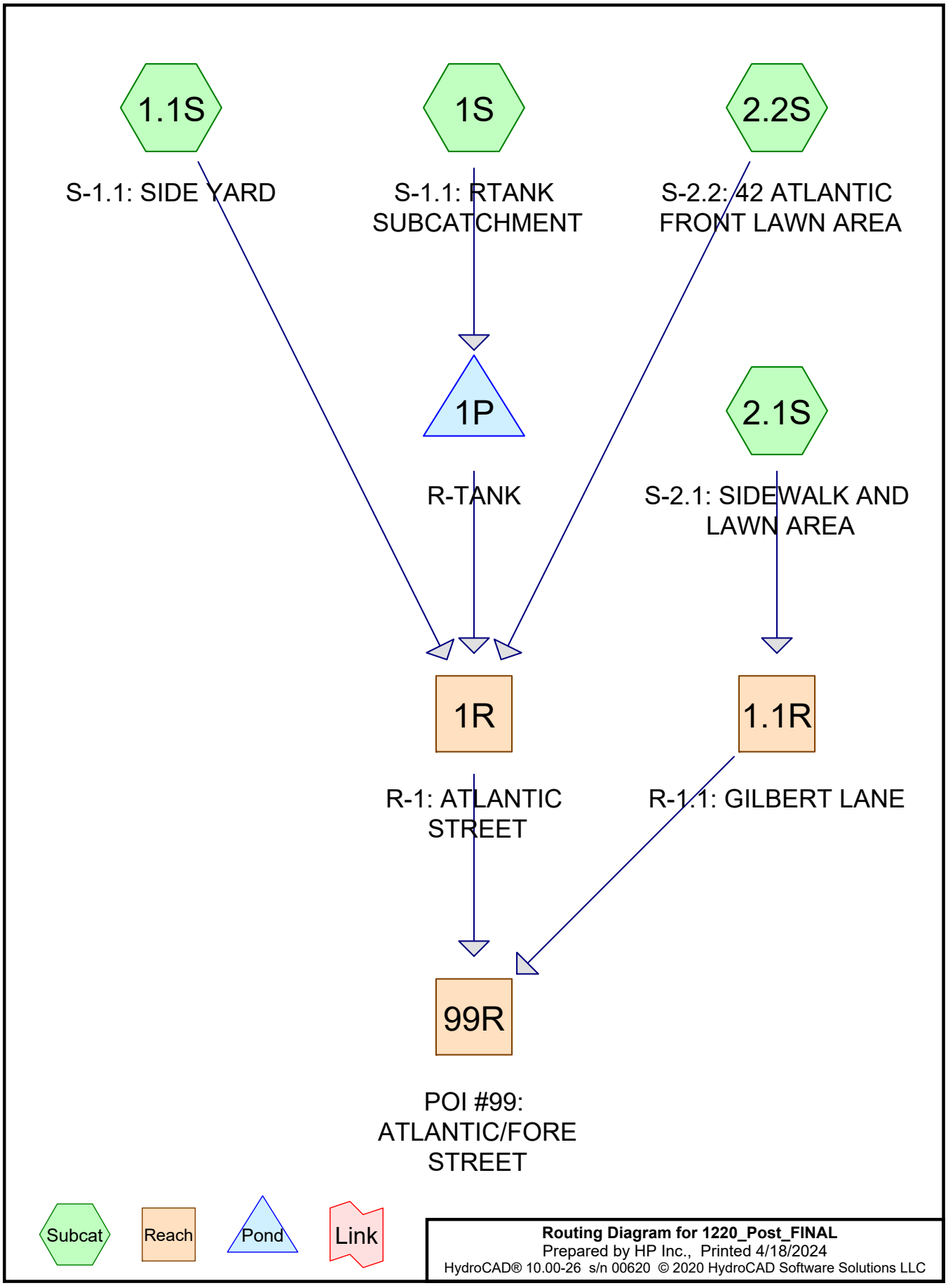
Reach 99R: POI #99: ATLANTIC/FORE STREET



SECTION J

STORMWATER MANAGMENT REPORT

Attachment C: Post Development HydroCAD


1.1S
S-1.1: SIDE YARD
1S
S-1.1: RTANK SUBCATCHMENT
2.2S
S-2.2: 42 ATLANTIC FRONT LAWN AREA
1P
R-TANK
2.1S
S-2.1: SIDEWALK AND LAWN AREA
1R
R-1: ATLANTIC STREET
1.1R
R-1.1: GILBERT LANE
99R
POI #99: ATLANTIC/FORE STREET
Subcat
Reach
Pond
Link
Routing Diagram for 1220_Post_FINAL
Prepared by HP Inc., Printed 4/18/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.075	39	>75% Grass cover, Good, HSG A (1.1S, 2.1S, 2.2S)
0.009	98	Hardscape/concrete (1S)
0.137	98	ROOF (1S)
0.011	98	Unconnected pavement, HSG A (2.1S, 2.2S)

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.086	HSG A	1.1S, 2.1S, 2.2S
0.000	HSG B	
0.000	HSG C	
0.000	HSG D	
0.147	Other	1S

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.075	0.000	0.000	0.000	0.000	0.075	>75% Grass cover, Good	1.1S, 2.1S, 2.2S
0.000	0.000	0.000	0.000	0.009	0.009	Hardscape/concrete	1S
0.000	0.000	0.000	0.000	0.137	0.137	ROOF	1S
0.011	0.000	0.000	0.000	0.000	0.011	Unconnected pavement	2.1S, 2.2S

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	1P	118.00	115.83	91.0	0.0238	0.010	10.0	0.0	0.0
2	1P	118.38	118.33	5.0	0.0100	0.010	4.0	0.0	0.0
3	1P	122.47	122.46	2.0	0.0050	0.010	8.0	0.0	0.0
4	1P	123.25	123.15	5.0	0.0200	0.010	4.0	0.0	0.0

Summary for Subcatchment 1.1S: S-1.1: SIDE YARD

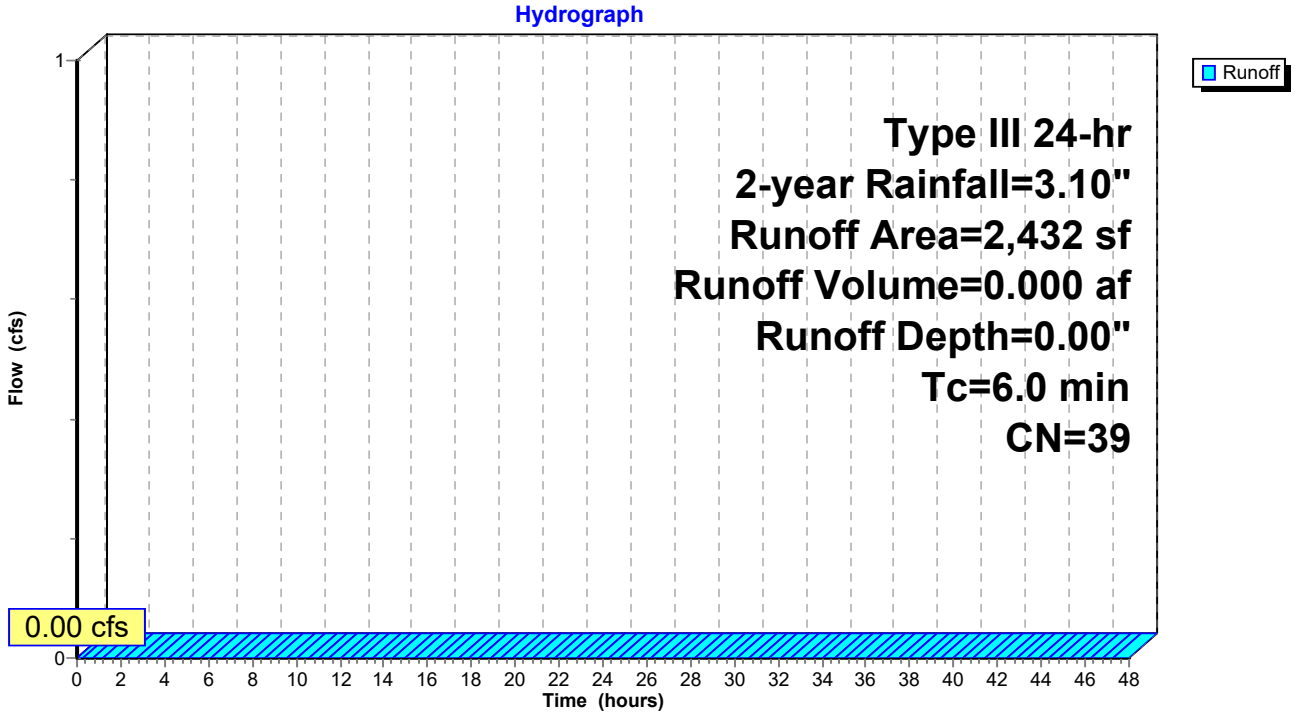
Runoff = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af, Depth= 0.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-year Rainfall=3.10"

Area (sf)	CN	Description
2,432	39	>75% Grass cover, Good, HSG A
2,432		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S-1.1: SIDE YARD



Summary for Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT

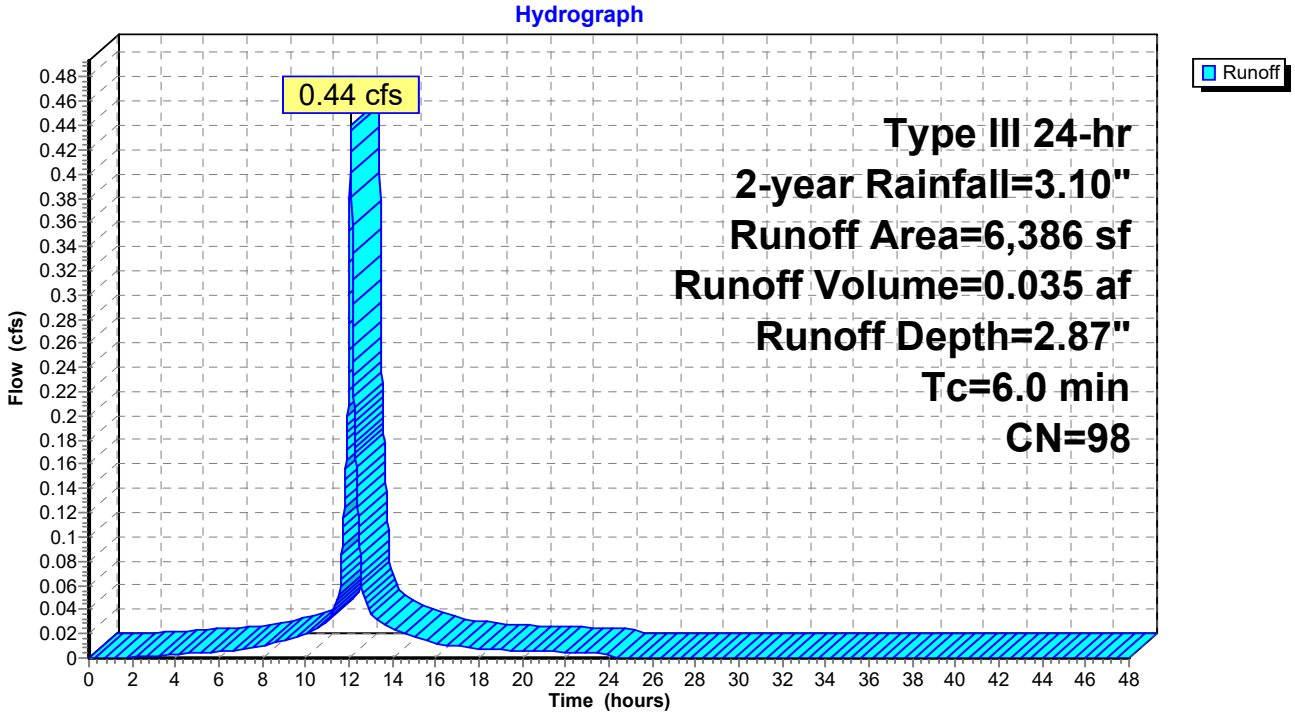
Runoff = 0.44 cfs @ 12.08 hrs, Volume= 0.035 af, Depth= 2.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-year Rainfall=3.10"

	Area (sf)	CN	Description
*	413	98	Hardscape/concrete
*	5,973	98	ROOF
	6,386	98	Weighted Average
	6,386		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT



Summary for Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA

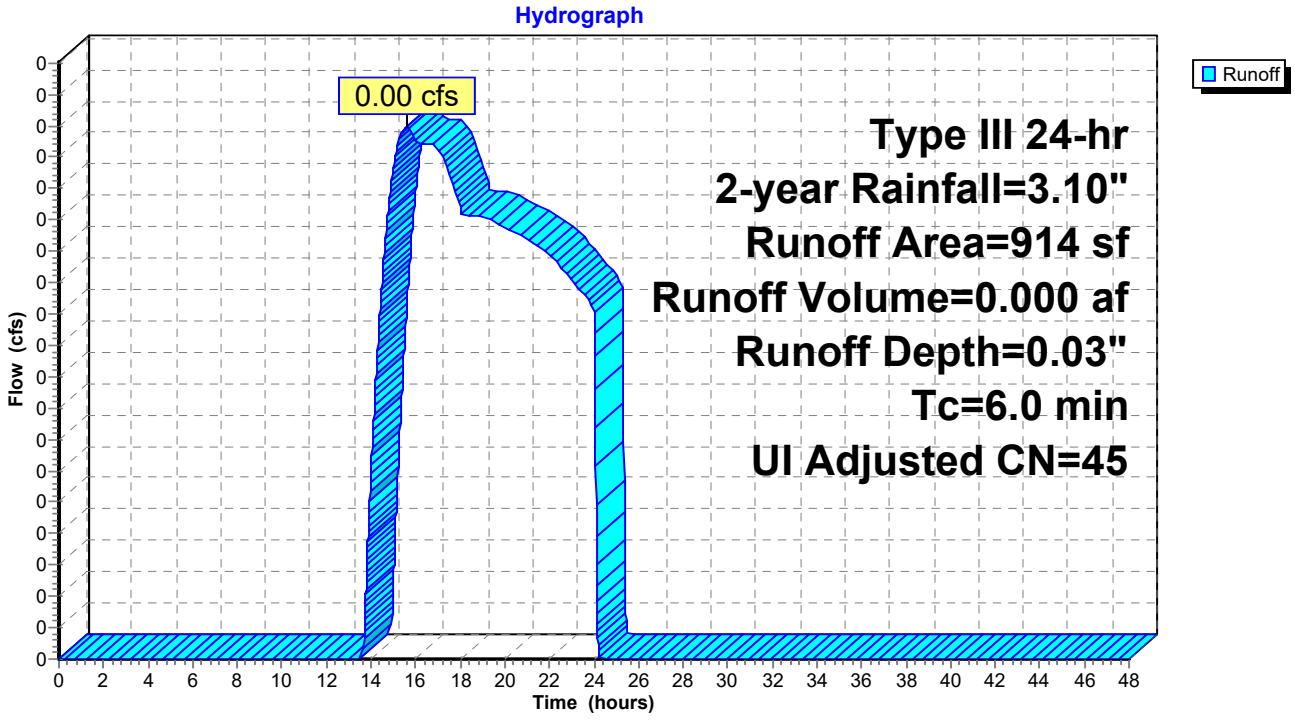
Runoff = 0.00 cfs @ 15.62 hrs, Volume= 0.000 af, Depth= 0.03"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-year Rainfall=3.10"

Area (sf)	CN	Adj	Description
192	98		Unconnected pavement, HSG A
722	39		>75% Grass cover, Good, HSG A
914	51	45	Weighted Average, UI Adjusted
722			78.99% Pervious Area
192			21.01% Impervious Area
192			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA



Summary for Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

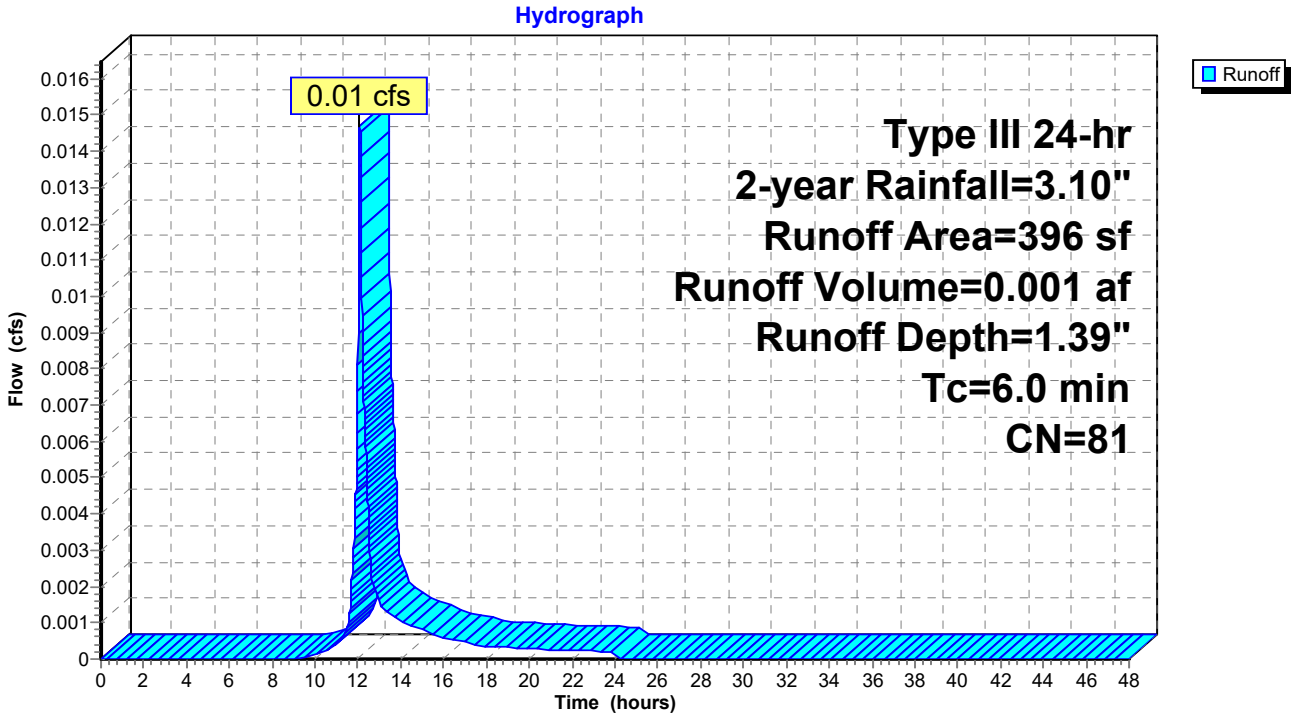
Runoff = 0.01 cfs @ 12.09 hrs, Volume= 0.001 af, Depth= 1.39"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-year Rainfall=3.10"

Area (sf)	CN	Description
283	98	Unconnected pavement, HSG A
113	39	>75% Grass cover, Good, HSG A
396	81	Weighted Average
113		28.54% Pervious Area
283		71.46% Impervious Area
283		100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

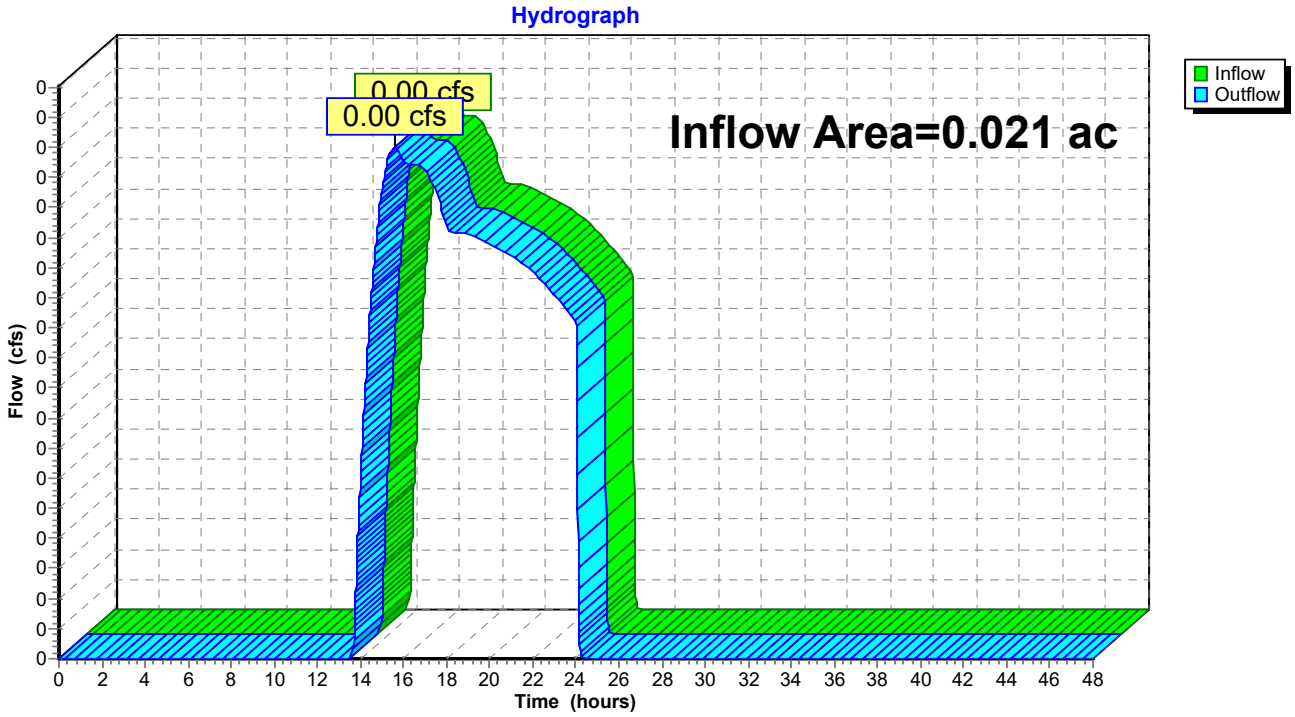


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.021 ac, 21.01% Impervious, Inflow Depth = 0.03" for 2-year event
Inflow = 0.00 cfs @ 15.62 hrs, Volume= 0.000 af
Outflow = 0.00 cfs @ 15.62 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1.1R: R-1.1: GILBERT LANE

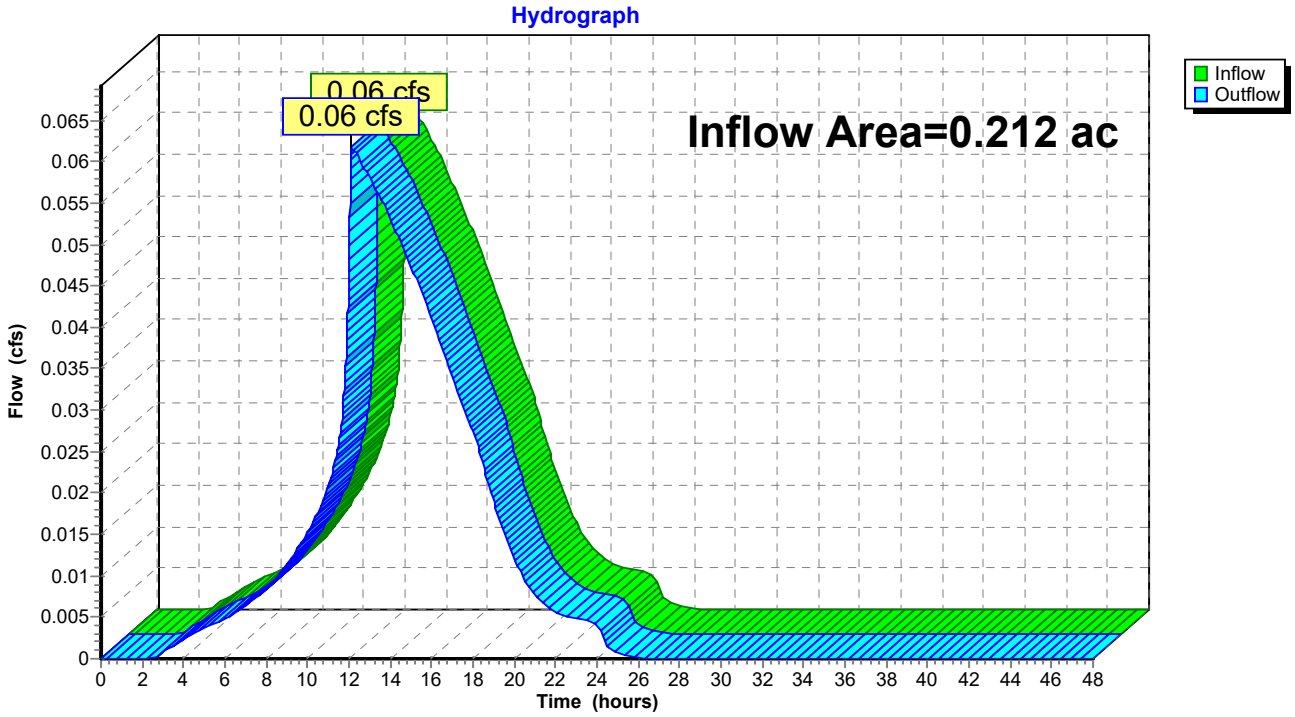


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.212 ac, 72.38% Impervious, Inflow Depth = 2.04" for 2-year event
Inflow = 0.06 cfs @ 12.13 hrs, Volume= 0.036 af
Outflow = 0.06 cfs @ 12.13 hrs, Volume= 0.036 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1R: R-1: ATLANTIC STREET

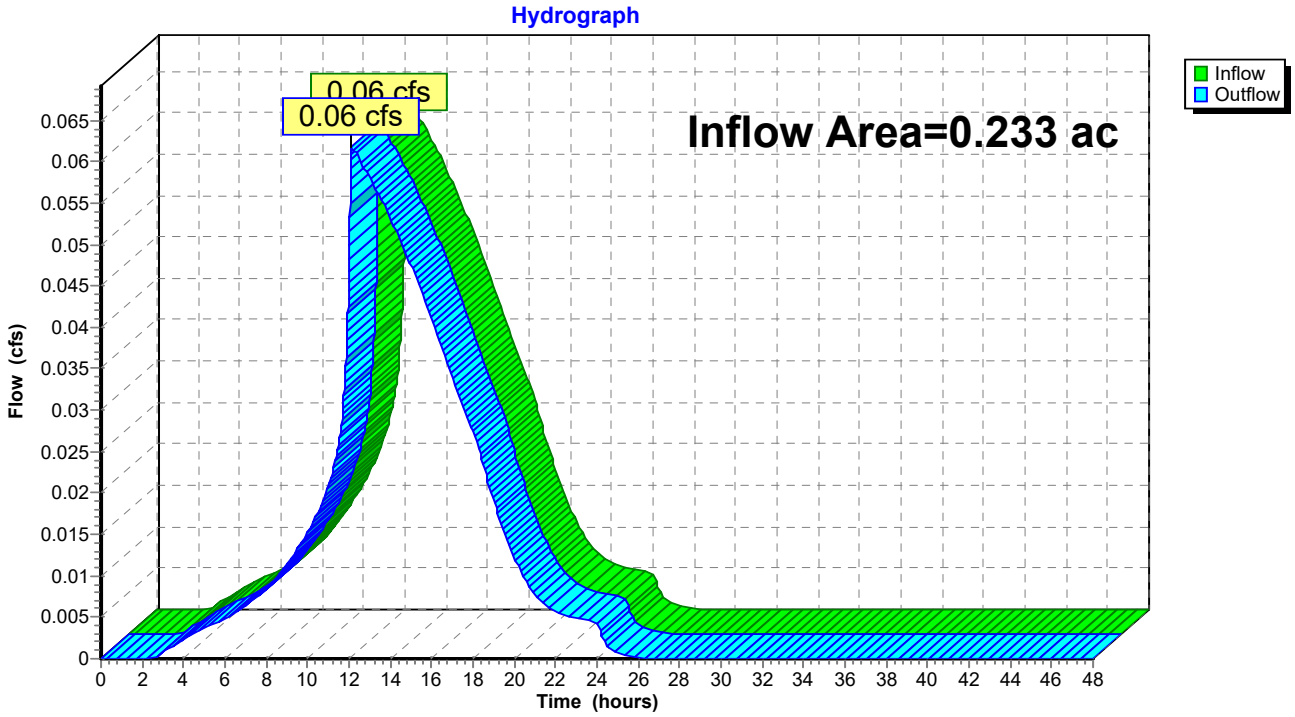


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 67.74% Impervious, Inflow Depth = 1.86" for 2-year event
Inflow = 0.06 cfs @ 12.13 hrs, Volume= 0.036 af
Outflow = 0.06 cfs @ 12.13 hrs, Volume= 0.036 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 99R: POI #99: ATLANTIC/FORE STREET



Summary for Pond 1P: R-TANK

Inflow Area = 0.147 ac,100.00% Impervious, Inflow Depth = 2.87" for 2-year event
Inflow = 0.44 cfs @ 12.08 hrs, Volume= 0.035 af
Outflow = 0.06 cfs @ 12.61 hrs, Volume= 0.035 af, Atten= 87%, Lag= 31.6 min
Primary = 0.06 cfs @ 12.61 hrs, Volume= 0.035 af

Routing by Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Peak Elev= 123.22' @ 12.61 hrs Surf.Area= 247 sf Storage= 604 cf
Flood Elev= 125.00' Surf.Area= 247 sf Storage= 751 cf

Plug-Flow detention time= 107.9 min calculated for 0.035 af (100% of inflow)
Center-of-Mass det. time= 106.5 min (863.6 - 757.1)

Volume	Invert	Avail.Storage	Storage Description
#1B	118.38'	514 cf	**5.31'W x 46.57'L x 6.20'H Field B** 1,534 cf Overall - 249 cf Embedded = 1,285 cf x 40.0% Voids
#2B	119.38'	233 cf	**ACF R-Tank HD 3** x 19 Inside #1 Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf
#3	118.45'	3 cf	**4.0" Round Pipe Storage** Inside #1 L= 40.0' S= 0.0025 '/'
		751 cf	Total Available Storage

Storage Group B created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	118.00'	**10.0" Round 10" INV. OUT:** L= 91.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.00' / 115.83' S= 0.0238 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.55 sf
#2	Device 1	118.41'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 2	118.38'	**4.0" Round 4" UNDERDRAIN** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.38' / 118.33' S= 0.0100 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf
#4	Device 1	122.47'	**8.0" Round 8" OVERFLOW COMBO** L= 2.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 122.47' / 122.46' S= 0.0050 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#5	Device 4	123.25'	**4.0" Round 4" OVERFLOWS X 2.00** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 123.25' / 123.15' S= 0.0200 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf

Primary OutFlow Max=0.06 cfs @ 12.61 hrs HW=123.22' (Free Discharge)
- **1=10" INV. OUT:** (Passes 0.06 cfs of 4.54 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.51 fps)
    - **3=4" UNDERDRAIN** (Passes 0.06 cfs of 0.72 cfs potential flow)
  - **4=8" OVERFLOW COMBO** (Passes 0.00 cfs of 0.80 cfs potential flow)
    - **5=4" OVERFLOWS** (Controls 0.00 cfs)

Pond 1P: R-TANK - Chamber Wizard Field B

Chamber Model = ACF R-Tank HD 3 (ACF Environmental R-Tank HD)
Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf
Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf

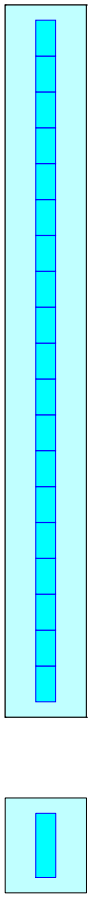
19 Chambers/Row x 2.35' Long = 44.57' Row Length +12.0" End Stone x 2 = 46.57' Base Length
1 Rows x 15.7" Wide + 24.0" Side Stone x 2 = 5.31' Base Width
12.0" Base + 50.4" Chamber Height + 12.0" Cover = 6.20' Field Height

19 Chambers x 12.3 cf = 233.4 cf Chamber Storage
19 Chambers x 12.9 cf = 245.6 cf Displacement

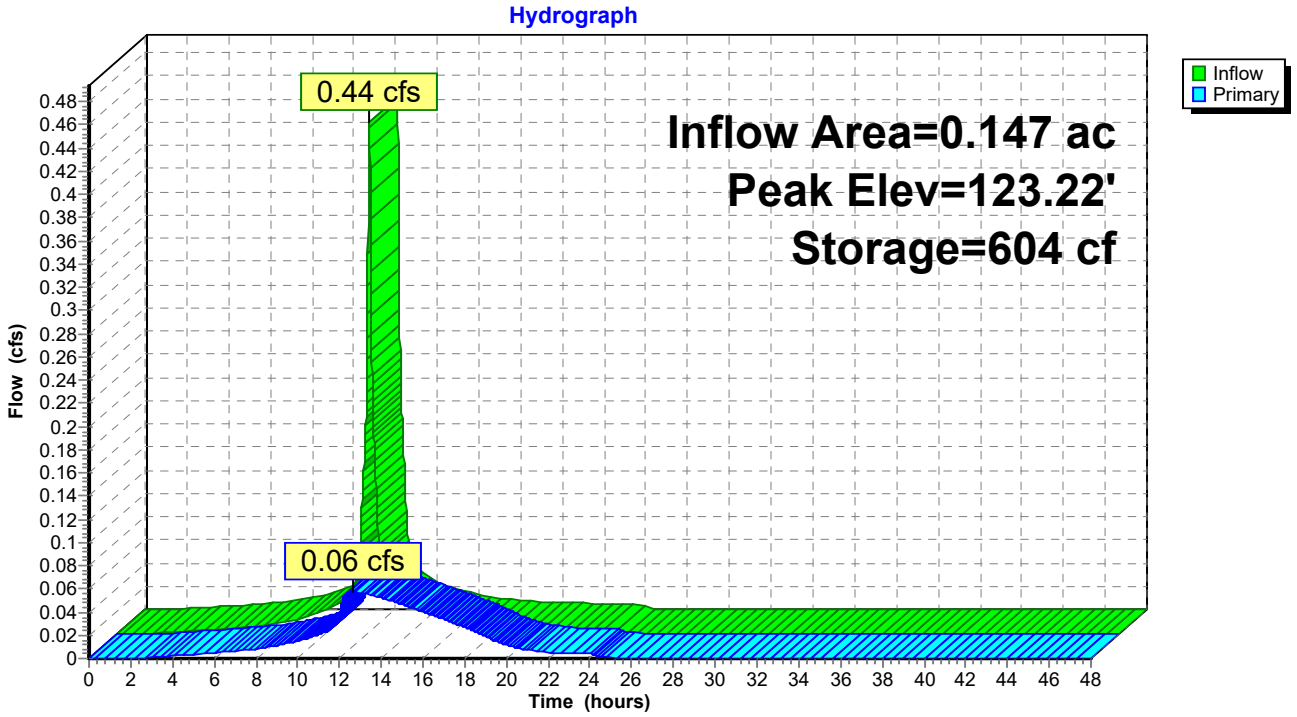
1,533.7 cf Field - 245.6 cf Chambers = 1,288.1 cf Stone x 40.0% Voids = 515.2 cf Stone Storage

Chamber Storage + Stone Storage = 748.6 cf = 0.017 af
Overall Storage Efficiency = 48.8%
Overall System Size = 46.57' x 5.31' x 6.20'

19 Chambers
56.8 cy Field
47.7 cy Stone



Pond 1P: R-TANK



Summary for Subcatchment 1.1S: S-1.1: SIDE YARD

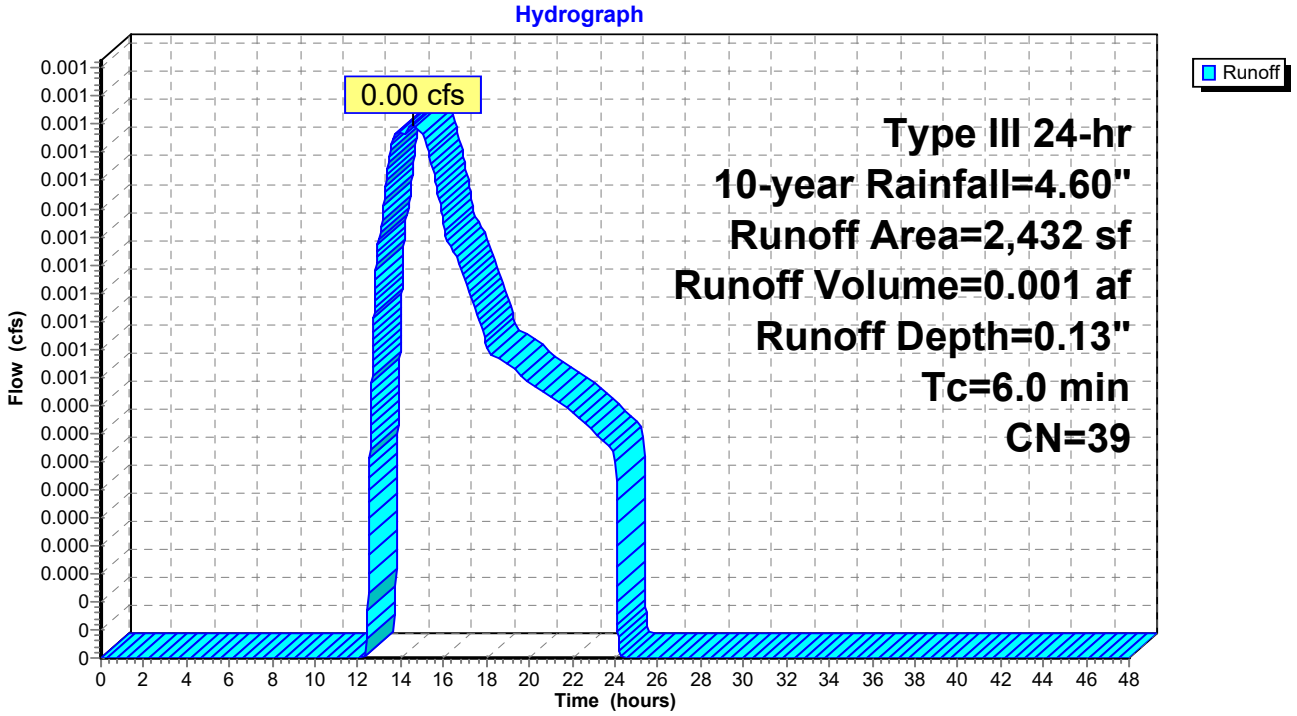
Runoff = 0.00 cfs @ 14.58 hrs, Volume= 0.001 af, Depth= 0.13"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-year Rainfall=4.60"

Area (sf)	CN	Description
2,432	39	>75% Grass cover, Good, HSG A
2,432		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S-1.1: SIDE YARD



Summary for Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT

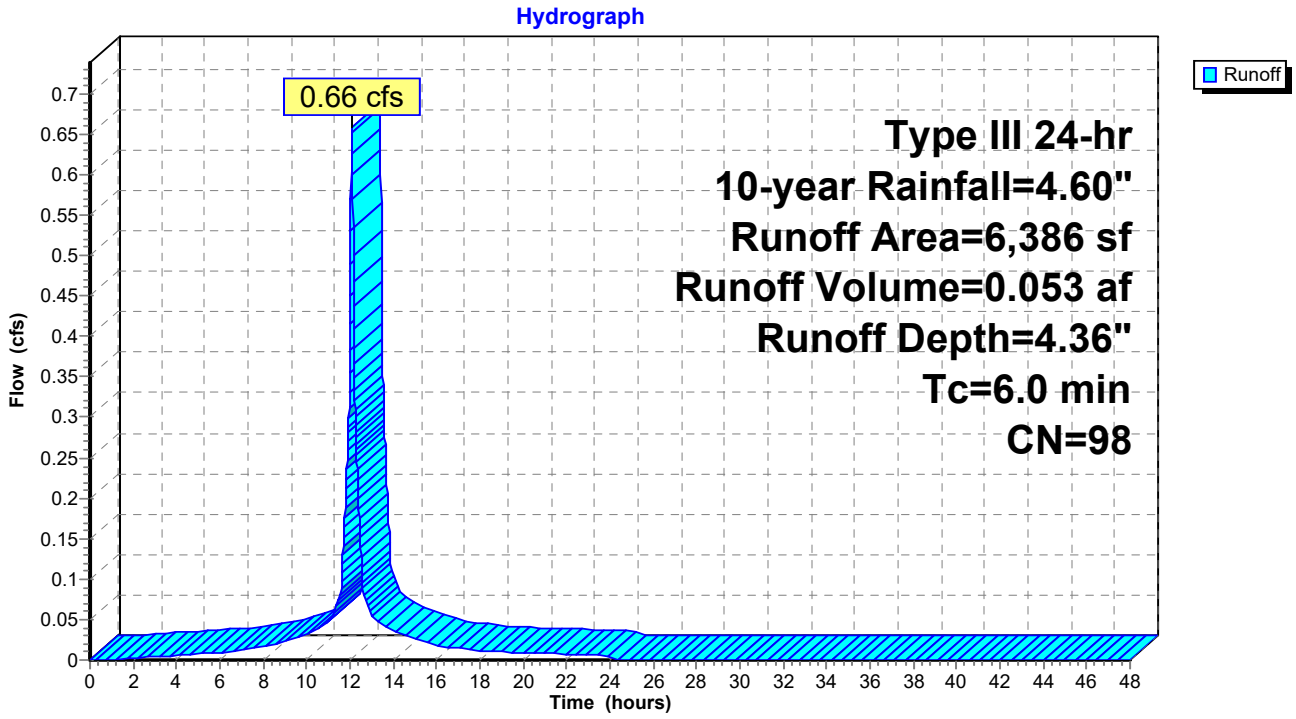
Runoff = 0.66 cfs @ 12.08 hrs, Volume= 0.053 af, Depth= 4.36"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-year Rainfall=4.60"

	Area (sf)	CN	Description
*	413	98	Hardscape/concrete
*	5,973	98	ROOF
	6,386	98	Weighted Average
	6,386		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT



Summary for Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA

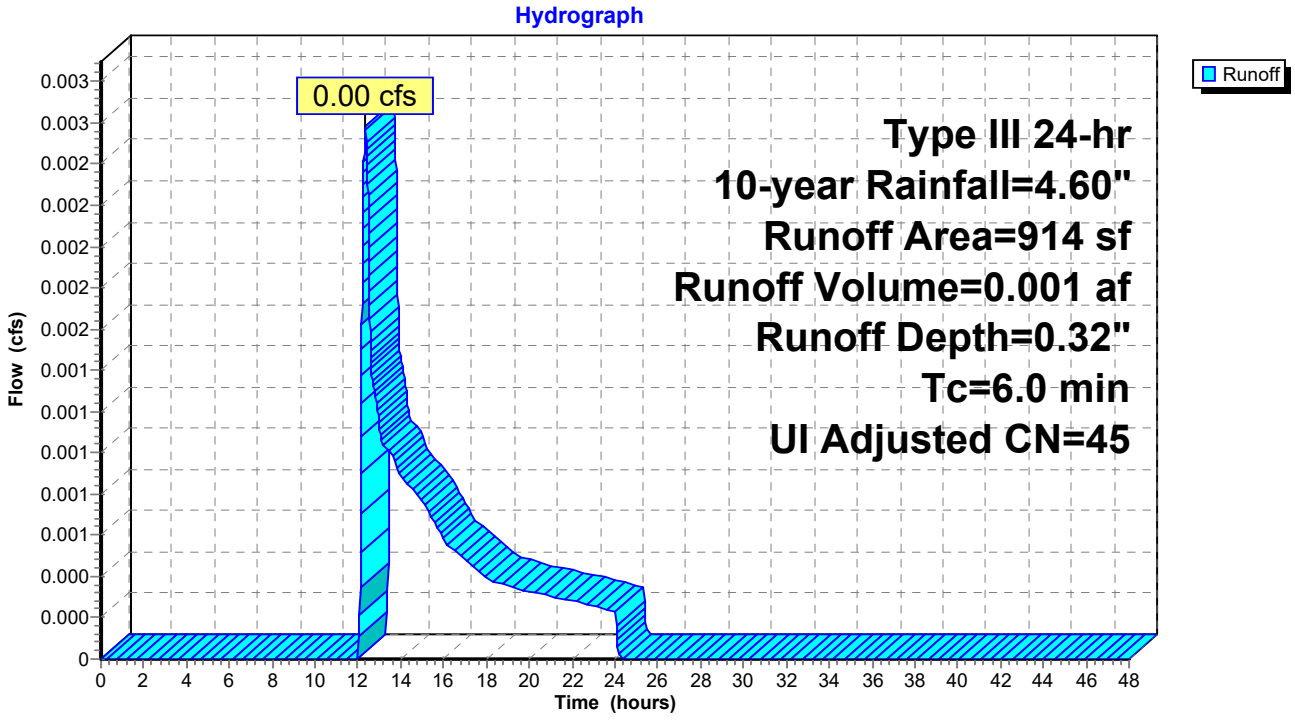
Runoff = 0.00 cfs @ 12.35 hrs, Volume= 0.001 af, Depth= 0.32"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-year Rainfall=4.60"

Area (sf)	CN	Adj	Description
192	98		Unconnected pavement, HSG A
722	39		>75% Grass cover, Good, HSG A
914	51	45	Weighted Average, UI Adjusted
722			78.99% Pervious Area
192			21.01% Impervious Area
192			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA



Summary for Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

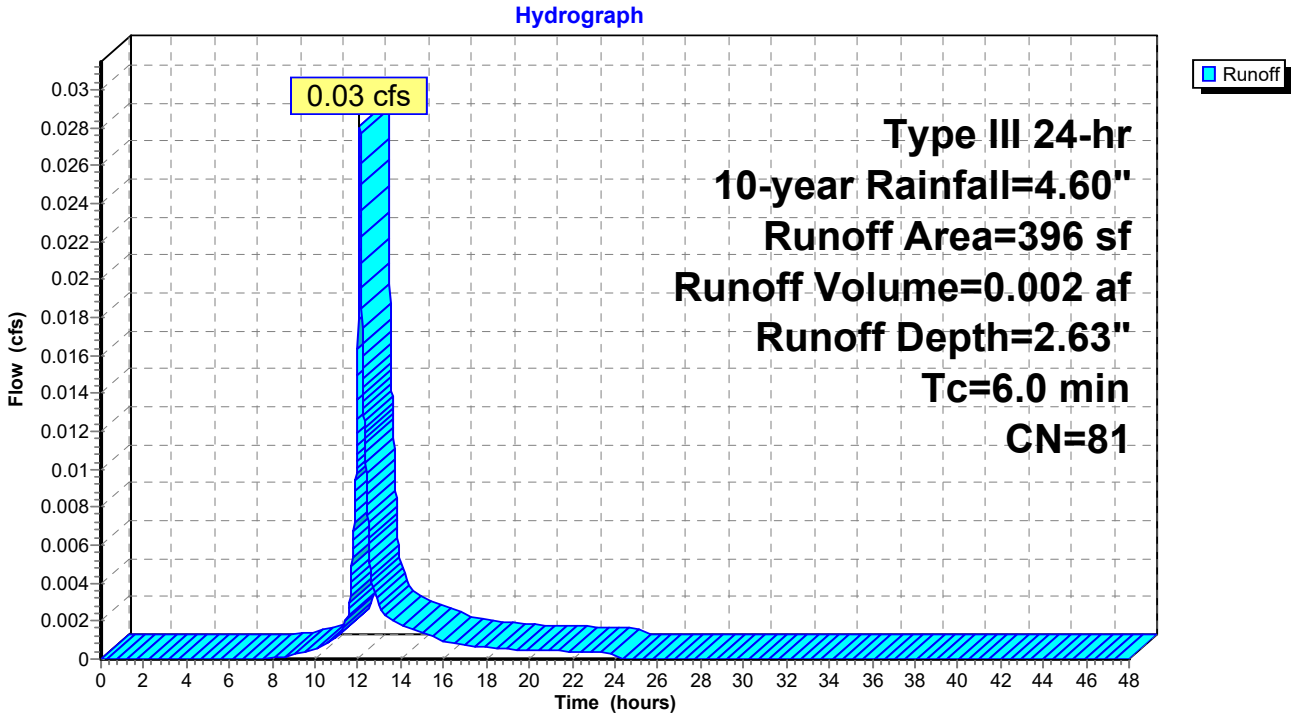
Runoff = 0.03 cfs @ 12.09 hrs, Volume= 0.002 af, Depth= 2.63"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-year Rainfall=4.60"

Area (sf)	CN	Description
283	98	Unconnected pavement, HSG A
113	39	>75% Grass cover, Good, HSG A
396	81	Weighted Average
113		28.54% Pervious Area
283		71.46% Impervious Area
283		100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

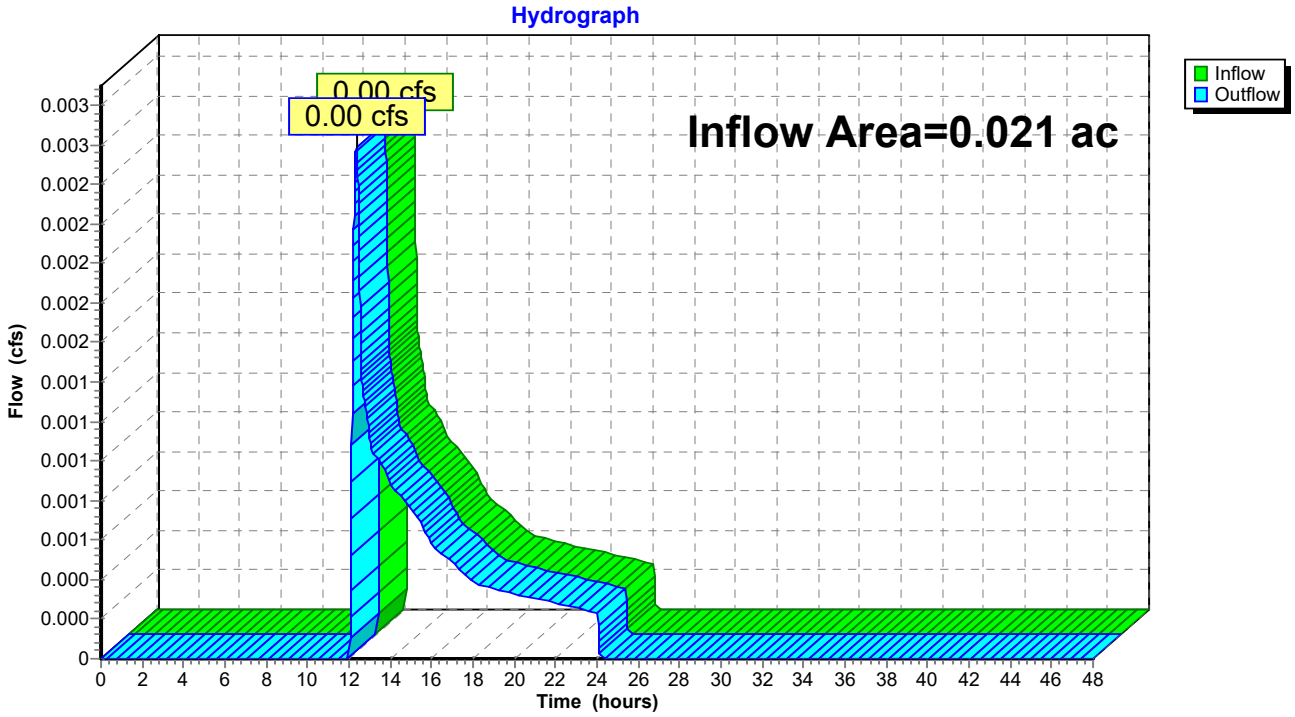


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.021 ac, 21.01% Impervious, Inflow Depth = 0.32" for 10-year event
Inflow = 0.00 cfs @ 12.35 hrs, Volume= 0.001 af
Outflow = 0.00 cfs @ 12.35 hrs, Volume= 0.001 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1.1R: R-1.1: GILBERT LANE

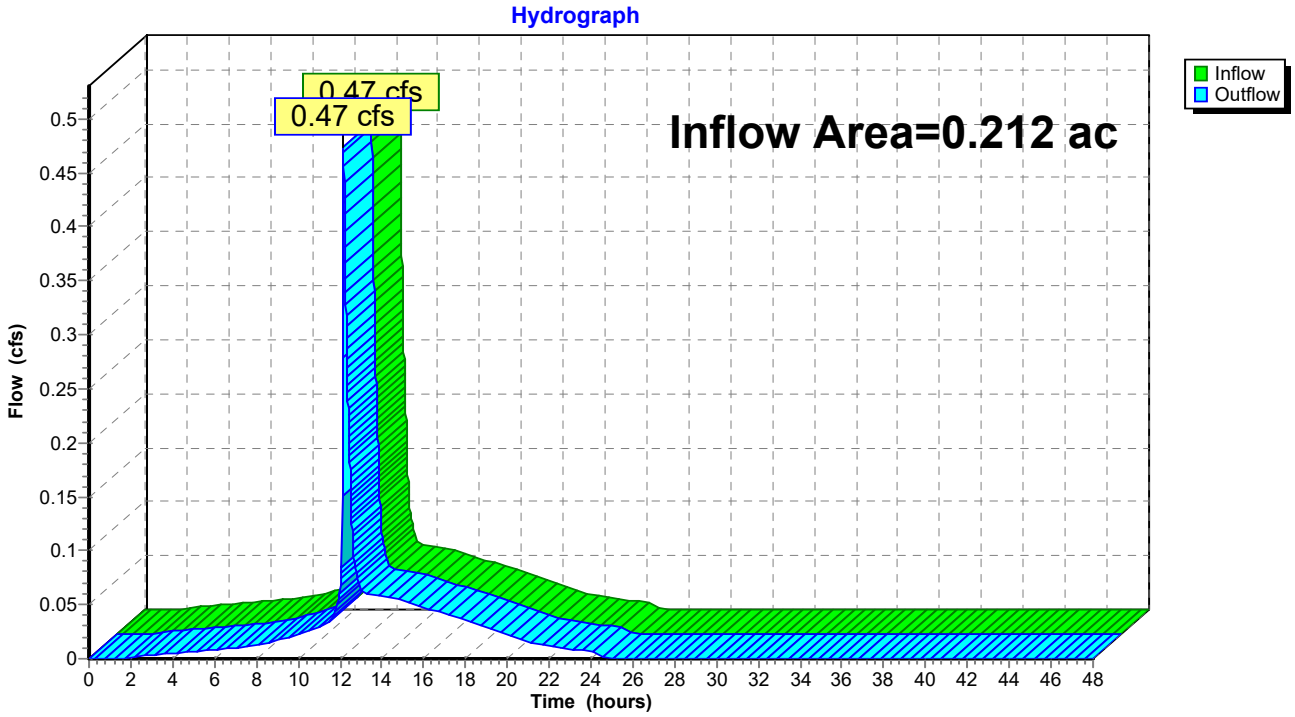


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.212 ac, 72.38% Impervious, Inflow Depth = 3.17" for 10-year event
Inflow = 0.47 cfs @ 12.16 hrs, Volume= 0.056 af
Outflow = 0.47 cfs @ 12.16 hrs, Volume= 0.056 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1R: R-1: ATLANTIC STREET

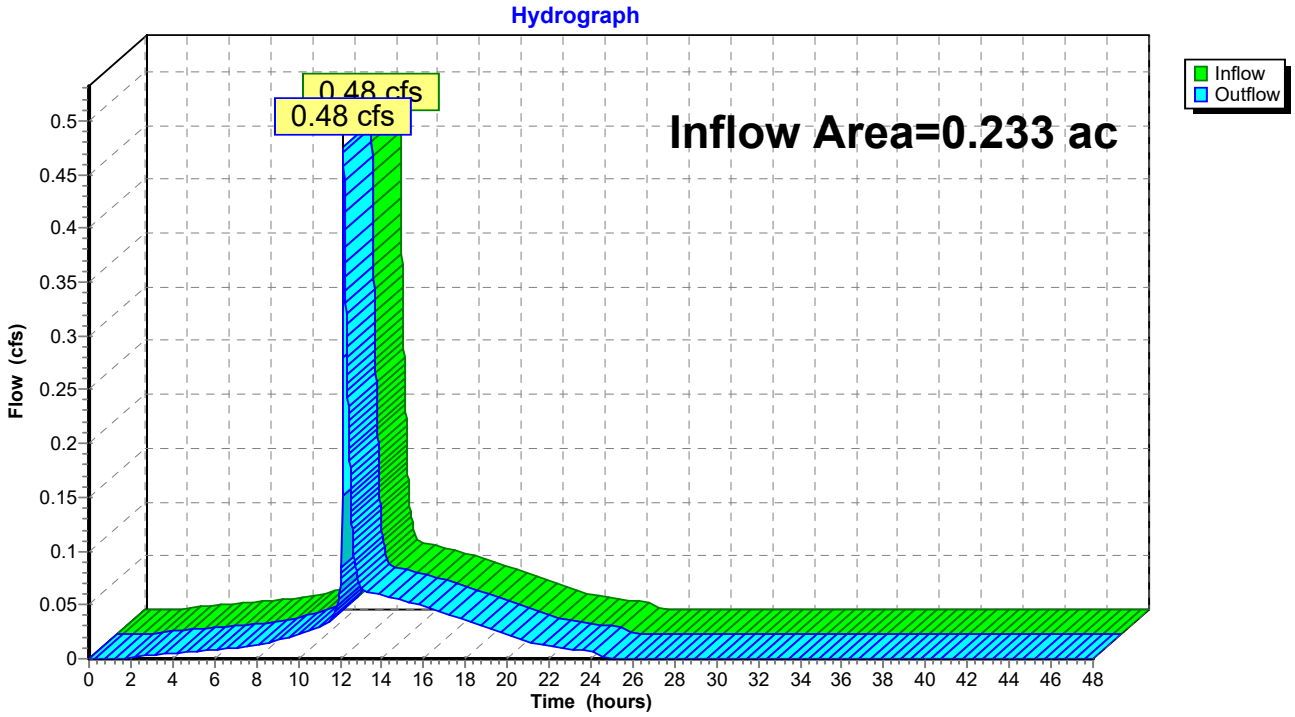


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 67.74% Impervious, Inflow Depth = 2.91" for 10-year event
Inflow = 0.48 cfs @ 12.16 hrs, Volume= 0.056 af
Outflow = 0.48 cfs @ 12.16 hrs, Volume= 0.056 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 99R: POI #99: ATLANTIC/FORE STREET



Summary for Pond 1P: R-TANK

Inflow Area = 0.147 ac,100.00% Impervious, Inflow Depth = 4.36" for 10-year event
Inflow = 0.66 cfs @ 12.08 hrs, Volume= 0.053 af
Outflow = 0.45 cfs @ 12.16 hrs, Volume= 0.053 af, Atten= 31%, Lag= 4.9 min
Primary = 0.45 cfs @ 12.16 hrs, Volume= 0.053 af

Routing by Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Peak Elev= 123.77' @ 12.16 hrs Surf.Area= 247 sf Storage= 670 cf
Flood Elev= 125.00' Surf.Area= 247 sf Storage= 751 cf

Plug-Flow detention time= 93.8 min calculated for 0.053 af (100% of inflow)
Center-of-Mass det. time= 92.9 min (842.3 - 749.4)

Volume	Invert	Avail.Storage	Storage Description
#1B	118.38'	514 cf	**5.31'W x 46.57'L x 6.20'H Field B** 1,534 cf Overall - 249 cf Embedded = 1,285 cf x 40.0% Voids
#2B	119.38'	233 cf	**ACF R-Tank HD 3** x 19 Inside #1 Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf
#3	118.45'	3 cf	**4.0" Round Pipe Storage** Inside #1 L= 40.0' S= 0.0025 '/'
		751 cf	Total Available Storage

Storage Group B created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	118.00'	**10.0" Round 10" INV. OUT:** L= 91.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.00' / 115.83' S= 0.0238 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.55 sf
#2	Device 1	118.41'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 2	118.38'	**4.0" Round 4" UNDERDRAIN** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.38' / 118.33' S= 0.0100 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf
#4	Device 1	122.47'	**8.0" Round 8" OVERFLOW COMBO** L= 2.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 122.47' / 122.46' S= 0.0050 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#5	Device 4	123.25'	**4.0" Round 4" OVERFLOWS X 2.00** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 123.25' / 123.15' S= 0.0200 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf

Primary OutFlow Max=0.45 cfs @ 12.16 hrs HW=123.77' (Free Discharge)
- **1=10" INV. OUT:** (Passes 0.45 cfs of 4.80 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 11.10 fps)
    - **3=4" UNDERDRAIN** (Passes 0.06 cfs of 0.76 cfs potential flow)
  - **4=8" OVERFLOW COMBO** (Passes 0.39 cfs of 1.30 cfs potential flow)
    - **5=4" OVERFLOWS** (Inlet Controls 0.39 cfs @ 2.25 fps)

Pond 1P: R-TANK - Chamber Wizard Field B

Chamber Model = ACF R-Tank HD 3 (ACF Environmental R-Tank HD)
Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf
Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf

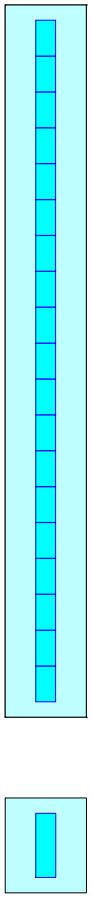
19 Chambers/Row x 2.35' Long = 44.57' Row Length +12.0" End Stone x 2 = 46.57' Base Length
1 Rows x 15.7" Wide + 24.0" Side Stone x 2 = 5.31' Base Width
12.0" Base + 50.4" Chamber Height + 12.0" Cover = 6.20' Field Height

19 Chambers x 12.3 cf = 233.4 cf Chamber Storage
19 Chambers x 12.9 cf = 245.6 cf Displacement

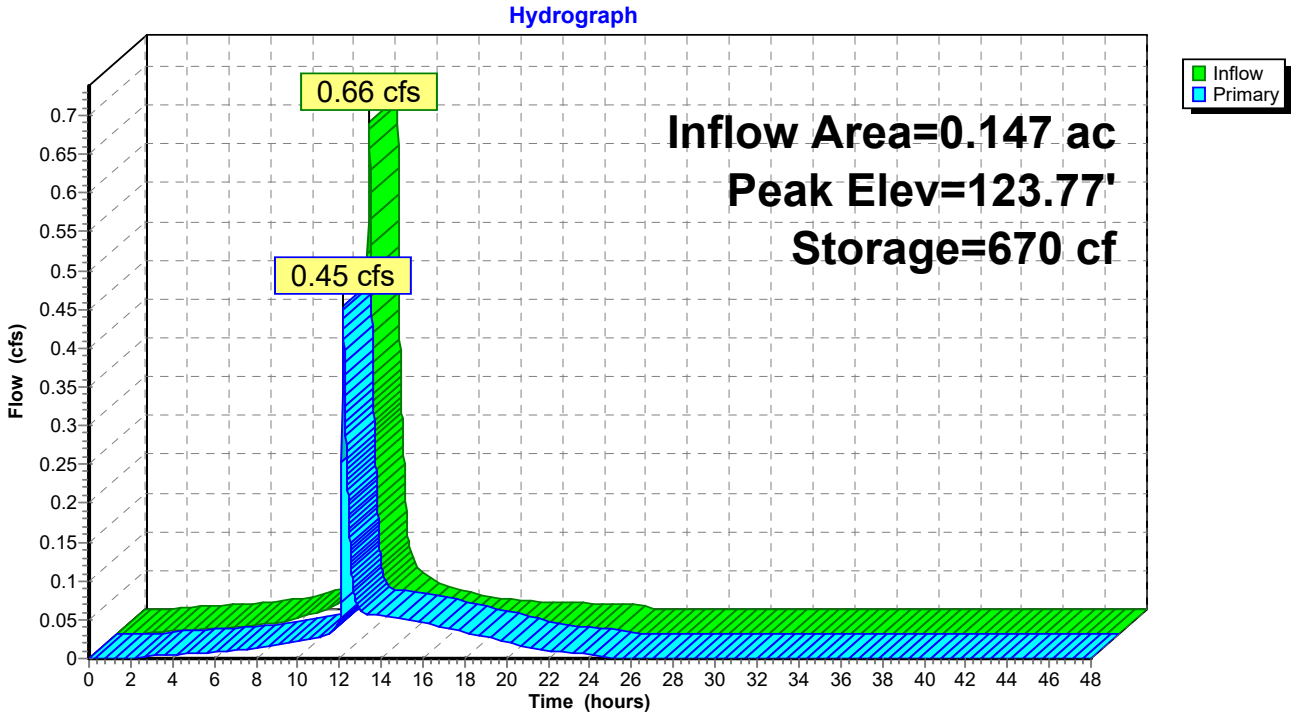
1,533.7 cf Field - 245.6 cf Chambers = 1,288.1 cf Stone x 40.0% Voids = 515.2 cf Stone Storage

Chamber Storage + Stone Storage = 748.6 cf = 0.017 af
Overall Storage Efficiency = 48.8%
Overall System Size = 46.57' x 5.31' x 6.20'

19 Chambers
56.8 cy Field
47.7 cy Stone



Pond 1P: R-TANK



Summary for Subcatchment 1.1S: S-1.1: SIDE YARD

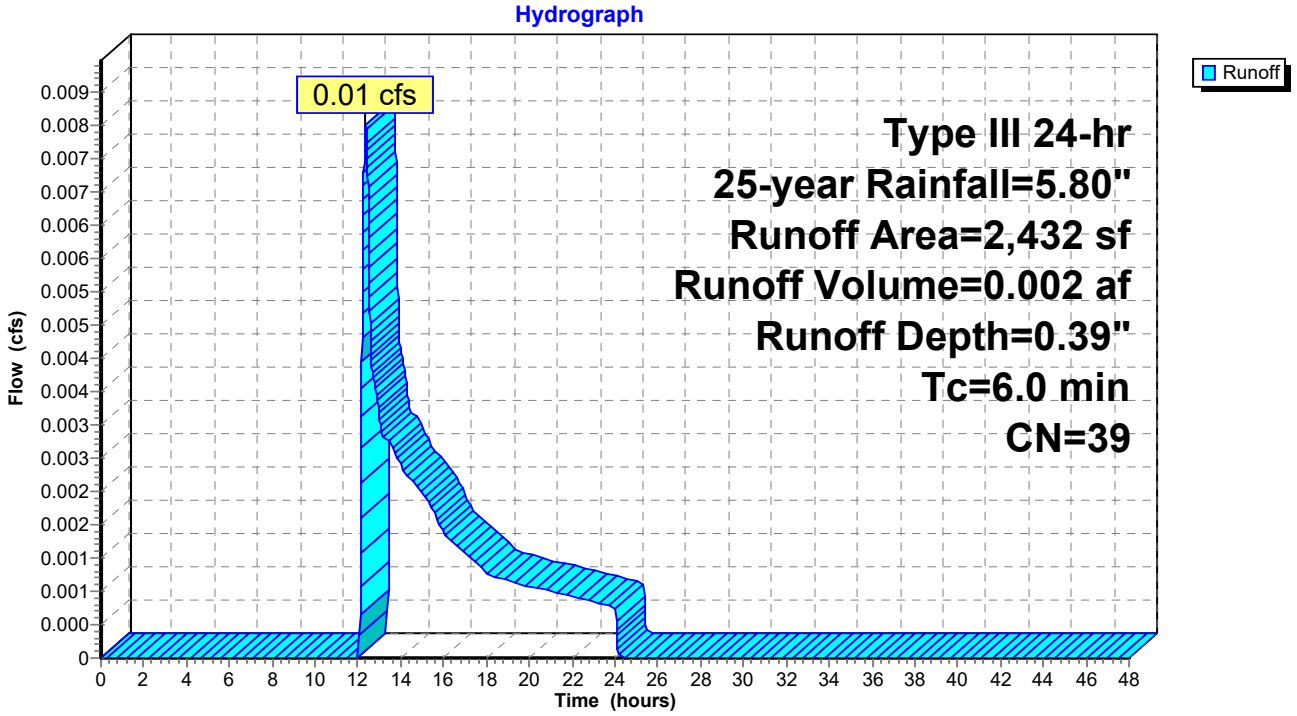
Runoff = 0.01 cfs @ 12.37 hrs, Volume= 0.002 af, Depth= 0.39"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-year Rainfall=5.80"

Area (sf)	CN	Description
2,432	39	>75% Grass cover, Good, HSG A
2,432		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1.1S: S-1.1: SIDE YARD



Summary for Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT

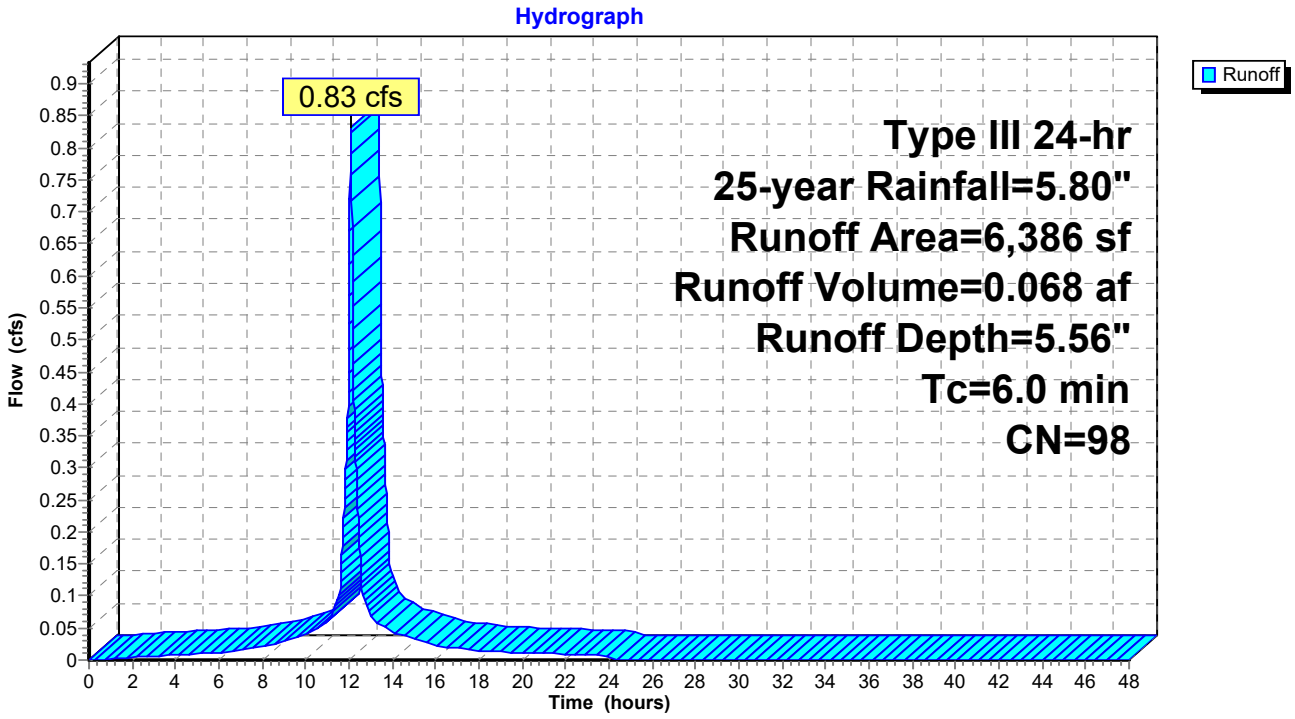
Runoff = 0.83 cfs @ 12.08 hrs, Volume= 0.068 af, Depth= 5.56"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-year Rainfall=5.80"

	Area (sf)	CN	Description
*	413	98	Hardscape/concrete
*	5,973	98	ROOF
	6,386	98	Weighted Average
	6,386		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 1S: S-1.1: RTANK SUBCATCHMENT



Summary for Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA

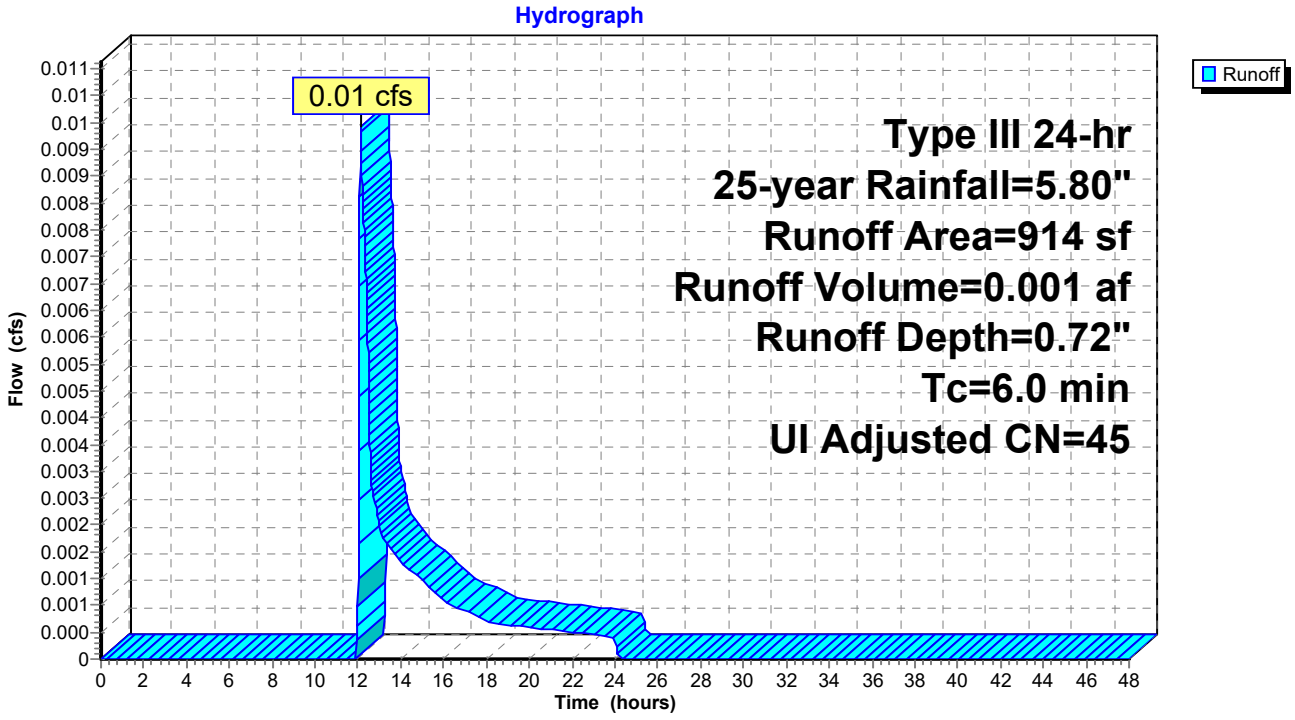
Runoff = 0.01 cfs @ 12.13 hrs, Volume= 0.001 af, Depth= 0.72"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-year Rainfall=5.80"

Area (sf)	CN	Adj	Description
192	98		Unconnected pavement, HSG A
722	39		>75% Grass cover, Good, HSG A
914	51	45	Weighted Average, UI Adjusted
722			78.99% Pervious Area
192			21.01% Impervious Area
192			100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.1S: S-2.1: SIDEWALK AND LAWN AREA



Summary for Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

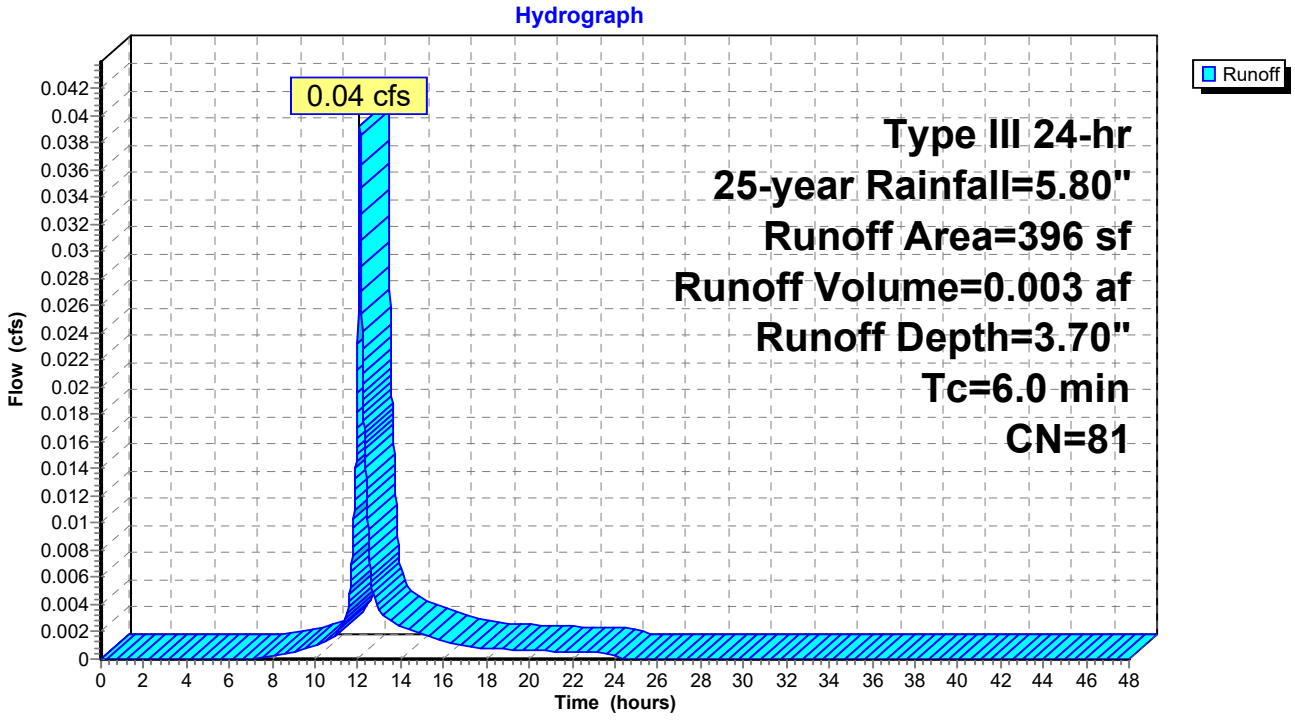
Runoff = 0.04 cfs @ 12.09 hrs, Volume= 0.003 af, Depth= 3.70"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-year Rainfall=5.80"

Area (sf)	CN	Description
283	98	Unconnected pavement, HSG A
113	39	>75% Grass cover, Good, HSG A
396	81	Weighted Average
113		28.54% Pervious Area
283		71.46% Impervious Area
283		100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry,**

Subcatchment 2.2S: S-2.2: 42 ATLANTIC FRONT LAWN AREA

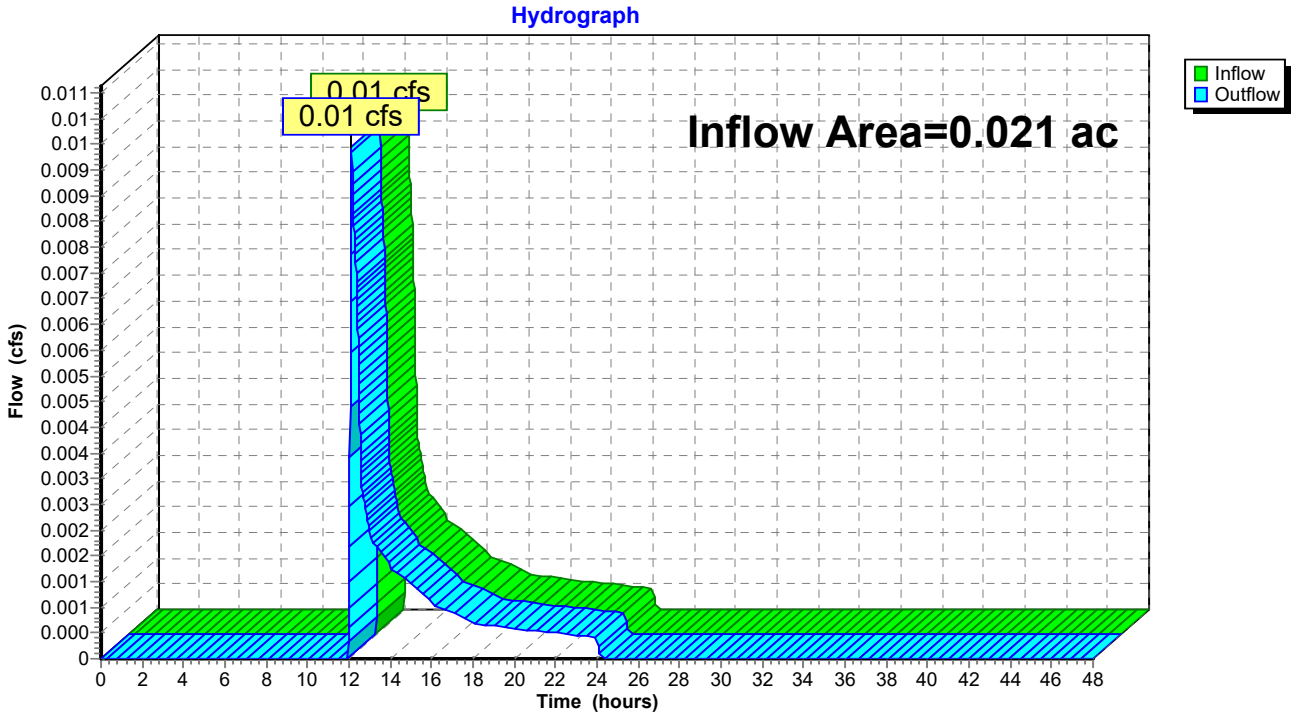


Summary for Reach 1.1R: R-1.1: GILBERT LANE

Inflow Area = 0.021 ac, 21.01% Impervious, Inflow Depth = 0.72" for 25-year event
Inflow = 0.01 cfs @ 12.13 hrs, Volume= 0.001 af
Outflow = 0.01 cfs @ 12.13 hrs, Volume= 0.001 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1.1R: R-1.1: GILBERT LANE

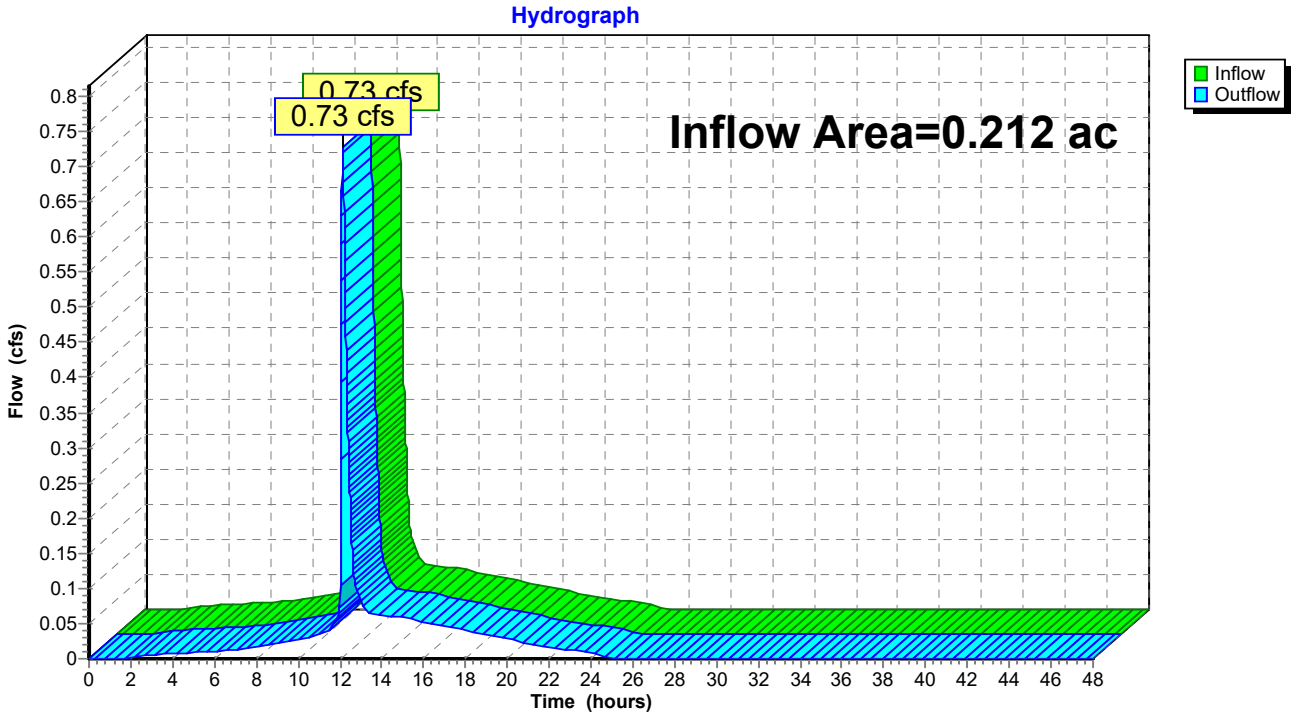


Summary for Reach 1R: R-1: ATLANTIC STREET

Inflow Area = 0.212 ac, 72.38% Impervious, Inflow Depth = 4.11" for 25-year event
Inflow = 0.73 cfs @ 12.13 hrs, Volume= 0.073 af
Outflow = 0.73 cfs @ 12.13 hrs, Volume= 0.073 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 1R: R-1: ATLANTIC STREET

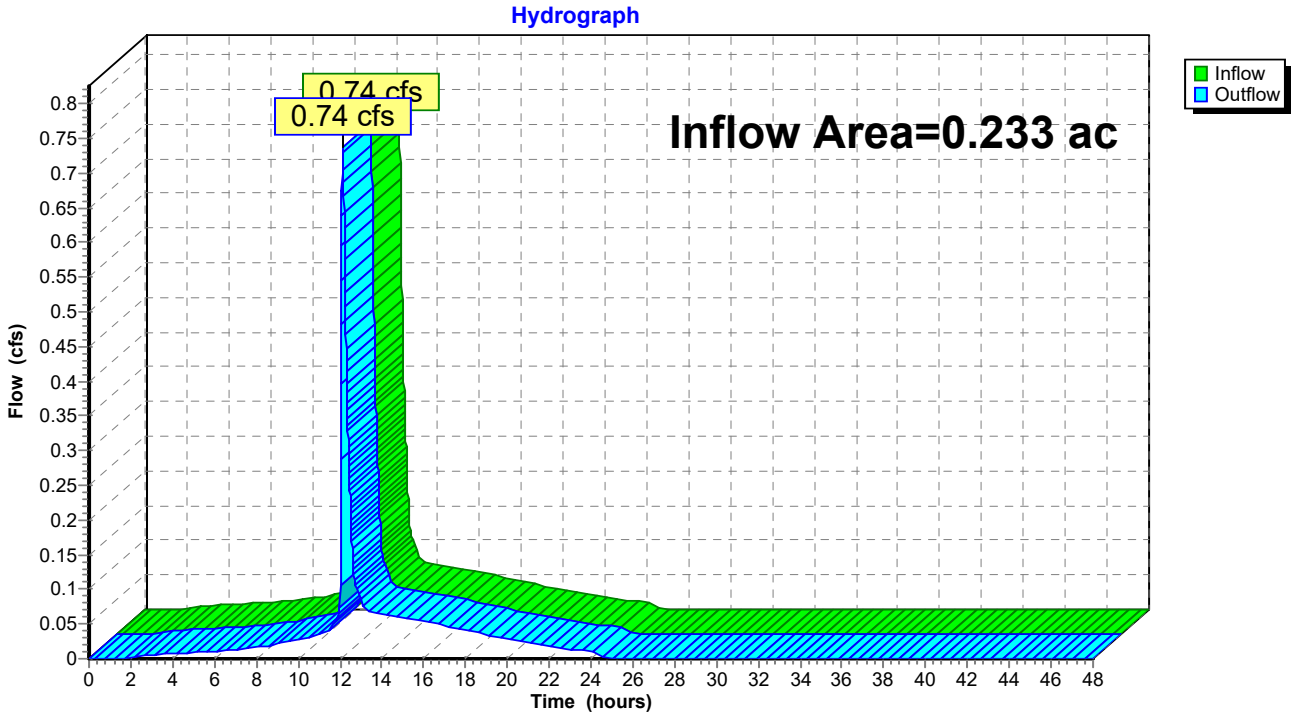


Summary for Reach 99R: POI #99: ATLANTIC/FORE STREET

Inflow Area = 0.233 ac, 67.74% Impervious, Inflow Depth = 3.81" for 25-year event
Inflow = 0.74 cfs @ 12.13 hrs, Volume= 0.074 af
Outflow = 0.74 cfs @ 12.13 hrs, Volume= 0.074 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Reach 99R: POI #99: ATLANTIC/FORE STREET



Summary for Pond 1P: R-TANK

Inflow Area = 0.147 ac,100.00% Impervious, Inflow Depth = 5.56" for 25-year event
Inflow = 0.83 cfs @ 12.08 hrs, Volume= 0.068 af
Outflow = 0.69 cfs @ 12.14 hrs, Volume= 0.068 af, Atten= 17%, Lag= 3.2 min
Primary = 0.69 cfs @ 12.14 hrs, Volume= 0.068 af

Routing by Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Peak Elev= 124.31' @ 12.14 hrs Surf.Area= 247 sf Storage= 724 cf
Flood Elev= 125.00' Surf.Area= 247 sf Storage= 751 cf

Plug-Flow detention time= 87.4 min calculated for 0.068 af (100% of inflow)
Center-of-Mass det. time= 86.6 min (832.2 - 745.7)

Volume	Invert	Avail.Storage	Storage Description
#1B	118.38'	514 cf	**5.31'W x 46.57'L x 6.20'H Field B** 1,534 cf Overall - 249 cf Embedded = 1,285 cf x 40.0% Voids
#2B	119.38'	233 cf	**ACF R-Tank HD 3** x 19 Inside #1 Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf
#3	118.45'	3 cf	**4.0" Round Pipe Storage** Inside #1 L= 40.0' S= 0.0025 '/'
		751 cf	Total Available Storage

Storage Group B created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	118.00'	**10.0" Round 10" INV. OUT:** L= 91.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.00' / 115.83' S= 0.0238 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.55 sf
#2	Device 1	118.41'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 2	118.38'	**4.0" Round 4" UNDERDRAIN** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 118.38' / 118.33' S= 0.0100 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf
#4	Device 1	122.47'	**8.0" Round 8" OVERFLOW COMBO** L= 2.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 122.47' / 122.46' S= 0.0050 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#5	Device 4	123.25'	**4.0" Round 4" OVERFLOWS X 2.00** L= 5.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 123.25' / 123.15' S= 0.0200 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.09 sf

Primary OutFlow Max=0.69 cfs @ 12.14 hrs HW=124.31' (Free Discharge)
- **1=10" INV. OUT:** (Passes 0.69 cfs of 5.03 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 11.65 fps)
    - **3=4" UNDERDRAIN** (Passes 0.06 cfs of 0.80 cfs potential flow)
  - **4=8" OVERFLOW COMBO** (Passes 0.63 cfs of 1.63 cfs potential flow)
    - **5=4" OVERFLOWS** (Inlet Controls 0.63 cfs @ 3.59 fps)

Pond 1P: R-TANK - Chamber Wizard Field B

Chamber Model = ACF R-Tank HD 3 (ACF Environmental R-Tank HD)
Inside= 15.7"W x 50.4"H => 5.24 sf x 2.35'L = 12.3 cf
Outside= 15.7"W x 50.4"H => 5.51 sf x 2.35'L = 12.9 cf

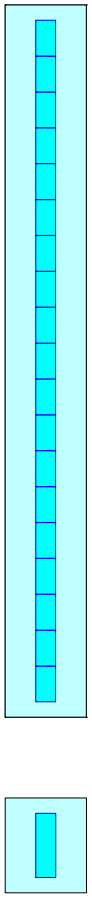
19 Chambers/Row x 2.35' Long = 44.57' Row Length +12.0" End Stone x 2 = 46.57' Base Length
1 Rows x 15.7" Wide + 24.0" Side Stone x 2 = 5.31' Base Width
12.0" Base + 50.4" Chamber Height + 12.0" Cover = 6.20' Field Height

19 Chambers x 12.3 cf = 233.4 cf Chamber Storage
19 Chambers x 12.9 cf = 245.6 cf Displacement

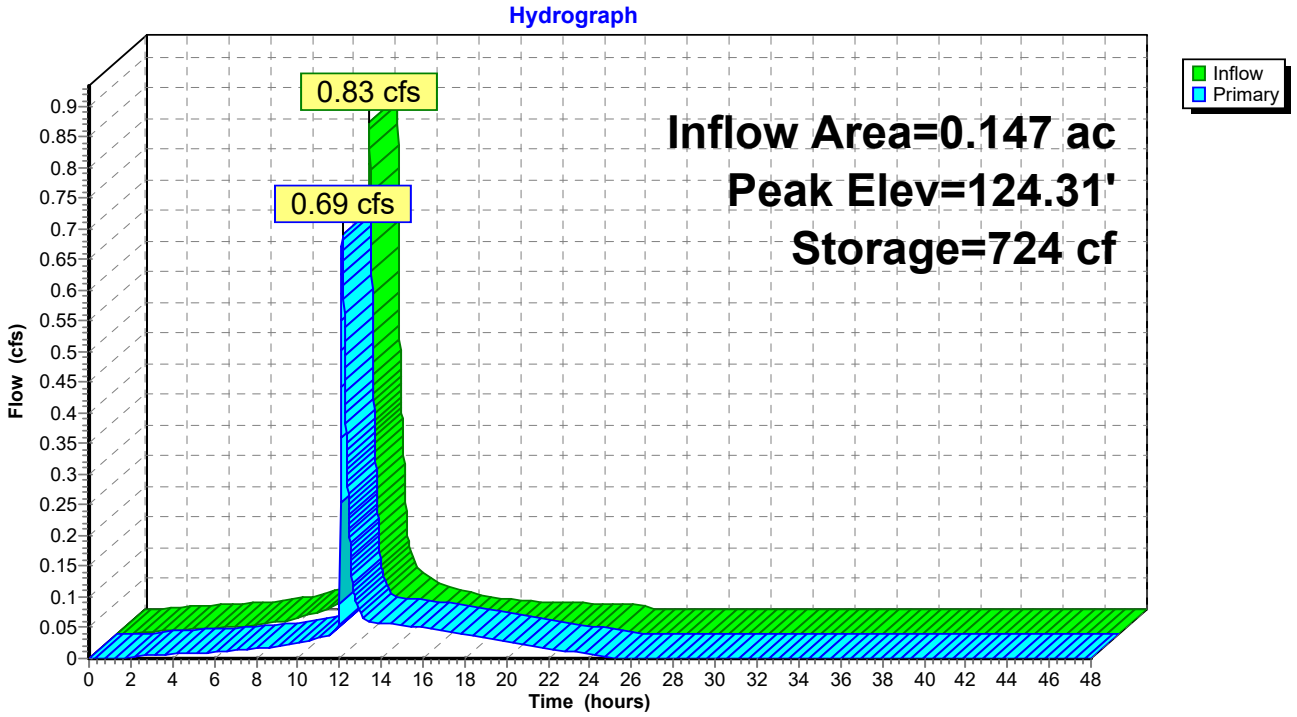
1,533.7 cf Field - 245.6 cf Chambers = 1,288.1 cf Stone x 40.0% Voids = 515.2 cf Stone Storage

Chamber Storage + Stone Storage = 748.6 cf = 0.017 af
Overall Storage Efficiency = 48.8%
Overall System Size = 46.57' x 5.31' x 6.20'

19 Chambers
56.8 cy Field
47.7 cy Stone



Pond 1P: R-TANK



SECTION J

STORMWATER MANAGMENT REPORT

Attachment D: USDA Soil Survey

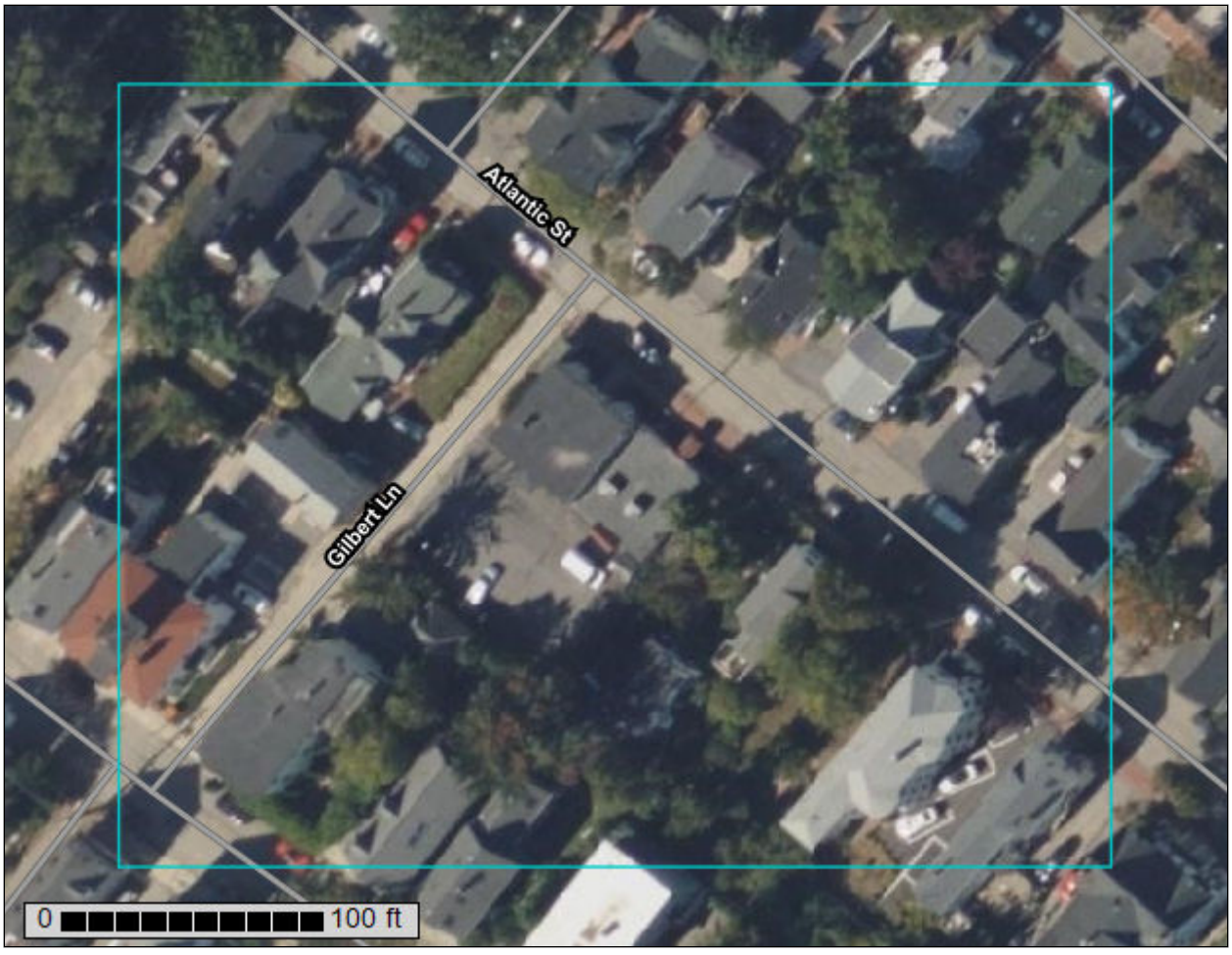
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



February 19, 2024

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

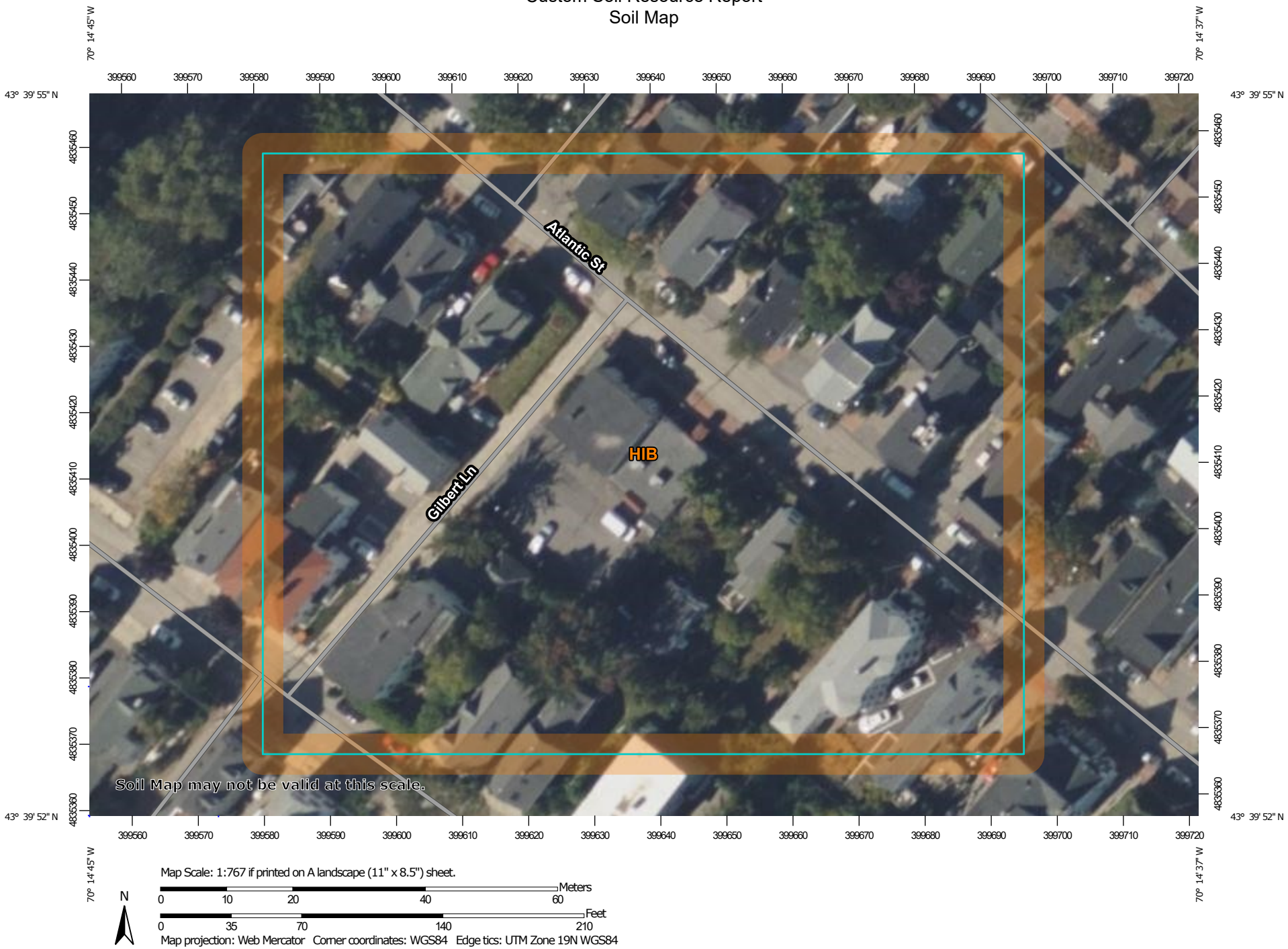
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


70° 14' 45" W
70° 14' 37" W
43° 39' 55" N
43° 39' 52" N
399560
399570
399580
399590
399600
399610
399620
399630
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399720
4835460
4835450
4835440
4835430
4835420
4835410
4835400
4835390
4835380
4835370
4835360
Atlantic St
Gilbert Ln
HIB
Soil Map may not be valid at this scale.
Map Scale: 1:767 if printed on A landscape (11" x 8.5") sheet.
N
Meters
0
10
20
40
60
Feet
0
35
70
140
210
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	2.6	100.0%
Totals for Area of Interest		**2.6**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

HIB—Hinckley loamy sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2svm8
Elevation: 0 to 1,430 feet
Mean annual precipitation: 36 to 53 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 140 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Hinckley and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley

Setting

Landform: Outwash deltas, outwash terraces, kames, kame terraces, moraines, eskers, outwash plains
Landform position (two-dimensional): Summit, shoulder, backslope, footslope
Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy and gravelly glaciofluvial deposits derived from gneiss and/or granite and/or schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 8 inches: loamy sand
Bw1 - 8 to 11 inches: gravelly loamy sand
Bw2 - 11 to 16 inches: gravelly loamy sand
BC - 16 to 19 inches: very gravelly loamy sand
C - 19 to 65 inches: very gravelly sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: A
Ecological site: F144AY022MA - Dry Outwash

Hydric soil rating: No

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

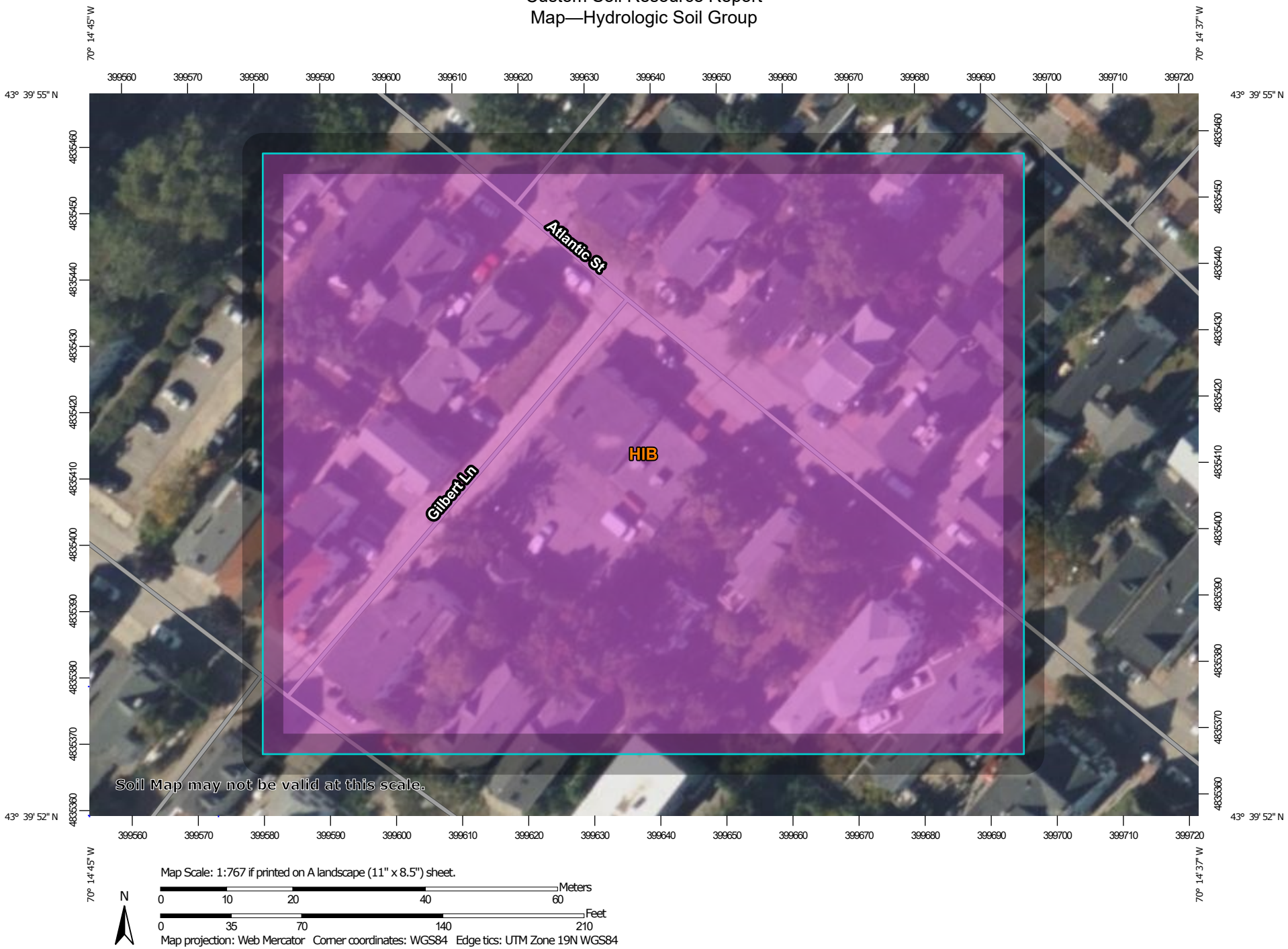
Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.


70° 14' 45" W
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Atlantic St
Gilbert Ln
HIB
Soil Map may not be valid at this scale.
Map Scale: 1:767 if printed on A landscape (11" x 8.5") sheet.
N
Meters
0
10
20
40
60
Feet
0
35
70
140
210
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	A	2.6	100.0%
Totals for Area of Interest			**2.6**	**100.0%**

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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ACORN ENGINEERING, INC.

POST CONSTRUCTION - STORMWATER INSPECTION & MAINTENANCE PLAN

Prepared For:

LB Atlantic LLC

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



April 2024

ACORN ENGINEERING, INC.

RESPONSIBLE PARTY

The owner, LB Atlantic LLC, and/or their successor shall be responsible for contracting with a qualified stormwater professional to implement the Inspection and Maintenance Plan. The qualified stormwater professional shall maintain a stormwater log (report) summarizing inspections, maintenance, and corrective action taken. The Qualified Stormwater Professional shall annually submit the Stormwater Log to the Department of Public Works prior to June 30th.

The following is an example of a qualified stormwater professional that the owner may contract through.

Organization: Acorn Engineering, Inc.
Attn: Will Savage, PE
Portland, Maine

Phone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #11419
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's Cert #14
- Certified Erosion, Sediment and Storm Water Inspector (CESSWI) Cert #0293
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #4620

The inspection and maintenance criteria are based upon the Maine DEP - Stormwater Management for Maine, Volume III: BMPs Technical Design Manual. Refer to the Grading and Drainage Plan for the location of the BMPs.

PURPOSE

This Inspection and Maintenance Plan has been individually tailored to this parcel's stormwater infrastructure, site characteristics, and their respective opportunities and limitations related to reducing the pollutant load on the receiving watershed. The maintenance of a parcel's impervious surfaces and stormwater infrastructure is critical to extending the long-term performance and effectiveness of Best Management Practices (BMPs). The Inspection and Maintenance Plan represents the parcel's minimum activities to meet the permit requirements. The parcel shall still be subject to any applicable Civil Site Plans, Permit Applications, Erosion and Sedimentation Control Plans Reports, Stormwater Management Plans, Inspection and Maintenance Manuals, and all Municipal, State, and Federal rules.

OPERATION AND MAINTENANCE ACTIVITY

Subsurface R-Tank Storage Chambers:

Inspection and Maintenance shall be conducted per the R-Tank Operation, Inspection and Maintenance manual. General inspection and maintenance information for the R-Tank system is provided below.

R-Tank Systems to be inspected at least once annually (six months during the first year of operation). Inspections may be required more frequently for pre-treatment systems.

- All access points shall be examined including to complete a thorough inspection.
    - Inspection ports – Usually located centrally in the R-Tank System, are perforated columns designed to give the user a base-line sediment depth across the system floor.
    - Maintenance ports – Usually located near inlet and outlet connections, will likely have deeper deposits of heavier sediments.
    - Pipes – check for sediment or debris in the pipe connecting to the R-Tank
    - F Basins – located at the inlet and outlet. If there is more than one location where stormwater enters the system than there will be additional manholes to inspect.
        - Manholes often include a sump below the invert of the pipe connecting to the R-Tank. Existence of sediment in the sump does NOT necessarily mean sediment has accumulated in the R-Tank.
- If sediment or debris is observed in any of these structures the depth of the material shall logged and kept on file.
- Maintenance of the R-Tank System should be conducted once sediment accumulation has reached 6" or 15% of the total system height.

If maintenance is to be performed, maintenance personnel shall follow all applicable OSHA safety regulations including but not limited to confined space entry. Maintenance shall be completed in agreement with the methods outlined in the R-Tank Operation, Inspection and Maintenance manual. Any inspection or maintenance done to the R-Tank System shall be accompanied by a detailed inspection/maintenance report.

Catch Basins/ F-Basins:

Catch basins shall be inspected to confirm that the structure is operating properly.

- Inspect the presence of accumulated sediment or debris any sediment shall be removed. The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Sediment shall be removed when accumulation is within 12 inches of the outfall pipe invert. Legally dispose of accumulated sediment and debris from the bottom of the basin, inlet grates, and inflow channels to the basin.

Landscaped and Vegetated Areas:

Inspect all landscaped and or vegetated slopes and embankments on an annual basis. Vegetated areas with bare areas or sparse growth (<90% coverage) shall be revegetated. Mulch shall be applied

to landscaped areas, as necessary. Dead or decaying landscaping (ground cover, shrubs, trees etc.) shall be replanted in accordance with the contract documents.

INSPECTION AND MAINTENANCE TABLE

Inspection and Maintenance Frequency	Spring or Yearly	Summer	Fall	As Necessary
R-Tank	X		X	X
Sweeping	X			X
Catch Basins			X	X
Landscaped/Vegetated Areas	X	X		X

ACORN ENGINEERING, INC.

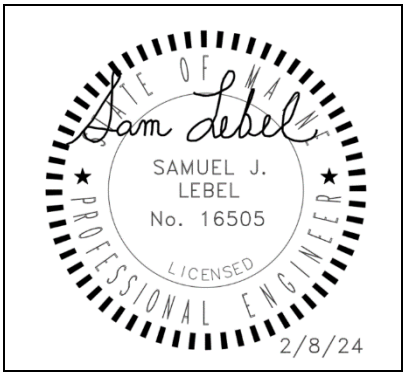
K. EROSION & SEDIMENTATION CONTROL REPORT

Prepared For:

LB Atlantic, LLC.
42 Atlantic Street
Portland, Maine 04101

Prepared By:

Acorn Engineering, Inc.
500 Washington Ave.
Portland, Maine 04103



February 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by LB Atlantic, LLC. to provide civil engineering services for the proposed redevelopment of 42 Atlantic Street located within the R-6 Zoning District in Portland, Maine. The 0.23-acre parcel was previously the site of American Legion Post #161 and is now vacant. The built-out site will consist of a single stand-alone building of 29 residential dwelling units.

The following Erosion and Sedimentation Control Report was developed in accordance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Appendix A and B (1), Amended August 12, 2015. This narrative also meets the standards required in the Maine DEP's Erosion & Sediment Control BMP's Manual, revised in 2016.

1.0 EXISTING CONDITIONS

The proposed project site is located on Atlantic Street at the intersection with Gilbert Lane. A Boundary & Topographic Survey has been prepared by Owen Haskell, Inc., dated December 7, 2023.

The property is in the R-6 Residential Zone. Abutting Uses are all residential in nature.
The site is currently vacant and was once occupied by the American Legion Post #161. The site in its existing condition is dominated by impervious area and drains roughly west to east. The grades on-site are mostly gentle in the 1 to 5% range.

1.1 Existing Soils

Onsite soil information includes the following:

- United States Department of Agriculture Web Soil Survey
- Geotechnical borings/test pits

Given the soils information, listed above, no onsite wastewater is proposed; the applicant does not intend to perform a more intense hydric soil boundary delineation because the waiver requirements set forth in the City of Portland Technical Manual – Section 7 – Soil Survey, Rev. 6/17/11 are met.

The area within and surrounding the project includes soil types listed in the table below. The susceptibility of soils to erosion is indicated on a relative "K" scale of values over a range of 0.02 to 0.69. Higher "K" values indicate more erodible soils.

The soil type is listed as Hinckley loamy sand. Hydraulically, this soil type is excessively drained with negligible surface runoff. Saturated hydraulic conductivity is high. Despite the low risk of sediment laden runoff, contractor will be expected to install erosion and sedimentation controls as shown on sheet C-03, Construction Management & Erosion Control Plan, of Acorn plan set/

Table 1 - "K" Value		
Soils Type	**Subsurface**	**Substratum**
Hinckley loamy sand	0.17	0.17

The soil "K" value for the soil, listed above, shows a low susceptibility to erosion, as derived from the Soil Conservation Service Medium Intensity Soil Survey for Cumberland County. Although the soil "K" value shows a low susceptibility to erosion, implementation of the proposed Erosion & Sedimentation Measures by the contractor will be important to limit erosion during large storm events.

1.2 Existing Erosion Problems

There are no signs of erosion.

1.3 Critical Areas

There are no critical areas that require special attention during construction.

1.4 Protected Natural Resource

The client is not aware of the presence of any existing significant natural features located on the site as listed in Section 14-526 (b) 1. of the Land Use Code. The project is not located within a watershed classified as an Urban Impaired Stream by the Maine DEP.

1.5 Previous Construction Activity (5 years)

Acorn Engineering, Inc. is not aware of any construction related activities within the project limits within the past 5 years.

1.6 Timber Harvesting

Acorn Engineering, Inc. is not aware of any timber harvesting within the past five years.

2.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

As part of the site development, the following temporary and permanent erosion and sedimentation control devices shall be implemented. Devices shall be installed as described in this report or within the plan set. See the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices for further reference.

2.1 Temporary Erosion Control Measures

The following temporary erosion and sedimentation control measures are planned for the project's construction period:

2.1.1 Crushed stone stabilized construction entrances shall be placed at all access points to the project site where there are disturbed areas. The following specifications shall be followed at a minimum:

- Stone size shall be 2-3 inches, or reclaimed or recycled concrete equivalent.
- The thickness of the entrance stone layer shall be no less than 6 inches.
- The entrance shall not be less than 20 feet wide, however not less than the full width of points where ingress or egress occurs. The length shall not be less than 50 feet in length.
- Geotextile fabric (woven or non-woven) shall be placed over the entire entrance area.
- The entrance/exit shall be maintained to the extent that it will prevent the tracking of sediment onto public road ways.

2.1.2 Siltation fence or erosion control berm shall be installed down gradient of any disturbed areas to trap runoff borne sediments until permanent stabilization is achieved. The silt fence or erosion control berm shall be installed per the details provided in the plan set and inspected before and immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence line or berm. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence or berm, the barrier shall be replaced with a stone check dam.

2.1.3 Hay mulch including hydro seeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and November 1st on slopes of less than 15 percent shall be covered by fabric netting and anchored with staples in accordance with the manufacturer's recommendation. Mulch placed between November 1st and April 15th on slopes equal to or steeper than 8 percent and equal to or flatter than 2:1 shall use mats or fabric netting and anchored with staples in accordance with the manufacturer's recommendation.

2.1.4 At any time of the year, all slopes greater than 3:1 shall be stabilized with Double Net Erosion Control Blanket Bionet SC150BN by North American

Green or Approved Equal, or Erosion Control Mix Slope Protection as detailed within the plans.

2.1.5 Atlantic Street shall be swept to control mud and dust from the construction site as necessary. Add additional stone to the stabilized construction entrance to minimize the tracking of material off the site and onto the surrounding roadways.

2.1.6 During demolition, clearing and grubbing operations, stone check dams shall be installed at any areas of concentrated flow. The maximum height of the check dam shall not exceed 2 feet. The center of the check dam shall be 6 inches below the outer edges of the dam. The contractor shall mulch the side slopes and install stone check dams for all newly excavated ditch lines within 24 hours of their creation.

2.1.7 Silt fence stake spacing shall not exceed 6 feet unless the fence is supported with 14-gauge wire in which case the maximum spacing shall not exceed 10 feet. The silt fence shall be "toed" into the ground.

2.1.8 Storm drain inlet protection shall be provided to storm drains using any of the following: hay bale drop inlet structures, silt fence drop inlet sediment filter, gravel and wire mesh drop inlet sediment filter, or curb inlet sediment filter. Barriers shall be inspected after every rainfall event and repaired as necessary. Sediments shall be removed when accumulation has reached ½ the design height.

2.1.9 Dust control shall be accomplished using any of the following: water, calcium chloride, stone, or an approved MDEP product. Dust control shall be applied as needed to accomplish dust control.

2.1.10 Temporary loam, seed, and mulching shall be used in areas where no other erosion control measure is used. Application rates for seeding are provided at the end of this report.

2.1.11 Stockpiles shall be stabilized within 7 days of formation unless a scheduled rain event occurs prior to the 7-day window, in which case the stockpile shall be stabilized prior to the rain event. Methods of stabilization shall be mulch, erosion control mix, or erosion control blankets/mats. Silt fence or a wood waste compost filter berm shall be placed downhill of any soil stockpile location.

2.1.12 For disturbance between November 1 and April 15, please refer to winter stabilization plan in this report and the Maine Erosion and Sediment Control BMP manual for further information.

2.1.13 It is of the utmost importance that stormwater runoff and potential sediment from the construction site be diverted around the proposed underdrains until the trench is backfilled.

2.2 Permanent Erosion Control Measures

The following permanent erosion control measures are intended for post disturbance areas of the project.

2.2.1 All disturbed areas during construction, not subject to other proposed conditions, shall receive a minimum 4" of loam, limed, and mulched. Erosion control blankets or mats shall be placed over the mulch in areas noted in paragraph 4.1 of this report.

2.2.2 All stormwater devices shall be installed, and tributary areas stabilized prior receiving stormwater.

2.2.3 Refer to the Maine Erosion and Sediment Control BMP manual for additional information.

3.0 EROSION AND SEDIMENTATION CONTROL PLAN

3.1 The Construction Management & Erosion Control Plan is included within the plan set.

4.0 DETAILS AND SPECIFICATIONS

4.1 Erosion & Sedimentation Control Details and Specifications are included in the plan set.

5.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

Winter Construction consists of earthwork disturbance between the dates of November 1 and April 15. If a construction site is not stabilized with pavement, a road gravel base, 75% mature vegetation cover or riprap by November 15, then the site shall be protected with over-winter stabilization. Any area not stabilized with pavement, vegetation, mulching, erosion control mix, erosion control mats, riprap, or gravel base on a road shall be considered open.

The contractor shall limit the work area to areas that work will occur in during the subsequent 15 days and so that it can be mulched one day prior to a snow event. The contractor shall stabilize work areas prior to opening additional work areas to minimize areas without erosion control measures.

The following measures shall be implemented during winter construction periods:

5.1 Sediment Barriers

During frozen conditions, sediment barriers may consist of erosion control mix berms or any other recognized sediment barriers as frozen soil prevents the proper installation of hay bales or silt fences.

5.2 Mulching

All areas shall be considered to be denuded until seeded and mulched. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lbs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix must be applied with a minimum 4-inch thickness. Mulch shall not be spread on top of snow. The snow shall be removed down to a one-inch depth or less prior to application. After each day of final grading, the area shall be properly stabilized with anchored hay or straw or erosion control matting. An area shall be considered to have been stabilized when exposed surfaces have been either mulched or adequately anchored so that ground surface is not visible through the mulch. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, tracking or wood cellulose fiber. The cover will be considered sufficient when the ground surface is not visible through the mulch. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.

5.3 Soil Stockpiling

Stockpiles of soil or subsoil shall be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix. This shall be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.

5.4 Seeding

Between the dates of October 15th and April 1st, loam or seed shall not be required. During periods of above freezing temperatures finished areas shall be fine graded and either protected with mulch or temporarily seeded and mulched until the final treatment can be applied. If the date is after November 1st and if the exposed area has not been loamed, final grading with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

Dormant seeding may be placed prior to the placement of mulch or erosion control blankets. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs./1,000 s.f. All areas seeded during the winter shall be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75% catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.

5.5 Over winter stabilization of disturbed soils

By September 15th, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter:

- Stabilize the soil with temporary vegetation – By October 1st, seed the disturbed soil with winter rye at a seeding rate of 3lbs per 1,000 s.f., lightly mulch the seeded soil with hay or straw at 75 lbs per 1,000 s.f., and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1st, then mulch the area for over-winter protection.

- Stabilize the soil with sod – Stabilize the disturbed soil with properly installed sod by October 1st. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.

- Stabilize the soil with mulch – By November 15th, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 lbs per 1,000 s.f. on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.

5.6 Over winter stabilization of disturbed slopes

All stone-covered slopes shall be constructed and stabilized by November 15th. All slopes to be vegetated shall be seeded and mulched by September 1st. A slope is considered a grade greater than 15%. If a slope to be vegetated is not stabilized by September 1st, then one of the following action shall be taken to stabilize the slope for late fall and winter:

- Stabilize the soil with temporary vegetation and erosion control mats – By October 1st the disturbed slope shall be seeded with winter rye at a seeding rate of 3 lbs per 1,000 s.f. and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1st, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap.

- Stabilize the soil with sod – The disturbed slope shall be stabilized with properly installed sod by October 1st. Proper installation includes the contractor pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor shall not use late-season sod installation to stabilize slopes having a grade greater than 3H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with erosion control mix – Erosion control mix shall be properly installed by November 15th. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 2H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with stone riprap – Place a layer of stone riprap on the slope by November 15th. A registered professional engineer shall be hired to determine the stone size needed for stability on the slope and to design a filter layer for underneath the riprap.

6.0 INSPECTION AND MAINTENANCE

A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct periodic visual inspections of installed erosion control measures. The frequency of inspection shall occur at least once every two weeks, as well as after a "storm event". A "storm event" shall consist 0.5 inches of rain within a 24-hour period. The following Erosion and Sediment Control - Best Management Practices (BMP's) shall inspected in the manner as described.

6.1 Sediment Barriers

Hay bale barriers, silt fences and filter berms shall be inspected and repaired for the following if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary check dam. Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits should be removed when deposits reach approximately one-half the height of the barrier. Filter berms should be reshaped as needed. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.

6.2 Stabilized Stone Construction Entrances

The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way. When the control pad becomes ineffective, the stone shall be removed along with the collected soil material and redistributed on site in a stable manner. The entrance should then be reconstructed. The contractor shall sweep or wash pavement at exits, which have experienced mud-tracking on to the pavement or traveled way. When washing is required, it shall be done on an area stabilized with aggregate, which drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or waterways.

6.3 Mulched Areas

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets must be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

6.4 Dust Control

When temporary dust control measures are used, repetitive treatment shall be applied as needed to accomplish control.

6.5 Stormwater Appurtenances

All underdrains, storm drains, and catch basins need to be operating effectively and free of debris.

6.6 Erosion and Sedimentation Control Inspections:

Acorn Engineering has personnel qualified to conduct Erosion and Sedimentation Control Inspections. For further information, contact:

Contact: Will Savage, PE
Telephone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #11419
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's Cert #14
- Certified Erosion, Sediment and Storm Water Inspector (CESSWI) Cert #0293
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #4620

The Contractor has sole responsibility for complying with the Erosion and Sedimentation Report/Plan, including control of fugitive dust. The Contractor shall be responsible for any monetary penalties resulting from failure to comply with these standards.

7.0 IMPLEMENTATION SCHEDULE

The following implementation sequence is intended to maximize the effectiveness of the above described erosion control measures. Contractors should avoid overexposing disturbed areas and limit the amount of stabilization area.

1. Install a stabilized construction entrance in all locations where construction traffic will enter and exit the site.
2. Install perimeter silt fence or erosion control berm.
3. Install all other erosion control devices as necessary throughout the remainder of this schedule.
4. Commence installation of drainage infrastructure.
5. Prioritize the downhill side to contain runoff within the site while providing an engineered outlet to the municipal storm drain system within Atlantic Street.
6. Commence installation of utilities.
7. Continue earthwork and grading to subgrade as necessary for construction.
8. Complete installation of drainage infrastructure, as well as other utility work.
9. Complete remaining earthwork operations.
10. Install sub-base and base gravels in paved areas.
11. Install paving, curbing and brickwork.
12. Loam, lime, fertilize, seed and mulch disturbed areas and complete all landscaping.
13. Once the site is stabilized and mulching of landscape areas is complete, remove all temporary erosion control measures.
14. Touch up areas without a vigorous catch of grass with loam and seed.
15. Complete site signage and striping.
16. Execute proper maintenance of all temporary and permanent erosion control measures throughout the project.

The above implementation sequence should be generally followed by the site contractor. However, the contractor may construct several items simultaneously. The contractor shall submit to the owner a schedule of the completion of the work. If the contractor is to commence the construction of more than one item above, they shall limit the amount of exposed areas to those areas in which work is expected to be undertaken during the following 30 days.

The contractor shall re-vegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading or before a storm event. The contractor shall incorporate planned inlets and drainage systems as early as possible into the construction phase.

8.0 CONCLUSION

The above erosion control narrative is intended to minimize the development impact by implementing temporary and permanent erosion control measures. The contractor shall also refer to the Maine Erosion and Sediment Control BMP manual for additional information.

9.0 ATTACHMENTS

- Temporary Seeding Plan

TEMPORARY SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P2O5-K2O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of temporary seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.	Recommended Seeding Dates
Winter Rye	2.57	Aug-15 to Oct-1
Oats	1.84	Apr-1 to Jul-1 Aug-15 to Sep-15
Annual Ryegrass	0.92	Apr-1 to Jul-1
Sudangrass	0.92	May-15 to Aug-15
Perennial	0.92	Aug-15 to Sep-15

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to temporary seeding and mulching.

ACORN ENGINEERING, INC.

Chief Keith Gautreau
City of Portland Fire Department
380 Congress St.
Portland, ME 04101

April 18, 2024

Subject: 42 Atlantic Street Redevelopment - Fire Department Checklist
Section L of Application

On behalf of LB Atlantic LLC, the design team is pleased to report the Portland Fire Department Site Review Checklist.

1. Applicant Contact

   LB Atlantic, LLC
   P.O. Box 10452
   Portland, Maine 04104
   danblack@lbdevpartners.com

2. Architect Contact

   Primary Projects, PLLC
   2330 Horton Street
   North Dighton, MA 02764
   kyle@primaryprojects.org

3. Proposed uses of any structures [NFPA and IBC classification]

   NFPA: Apartments
   IBC: R2

4. Square footage of all structures, including decks [total and per story]

Proposed Building		
Ground	5,938	sf
2nd Floor	5,973	sf
3rd Floor	5,973	sf
4th Floor	5,973	sf
Total	**23,857**	**sf**

5. Elevation of all structures

   The proposed building height, based upon IBC's average grade plane method, is below 45'.

6. Proposed fire protection of all structures

   A 6" water line is proposed to provide sprinkler protection. Fire flows and requirements for system storage or booster pumping are subject to the fire professional design which will be performed prior to the request for a building permit.

7. Hydrant locations

   There is an existing hydrant located on the corner of Wilson Street and Atlantic Street within 100 feet of the existing lot. Hydrant flow data from the Portland Water District once received may be made available to the Fire Department upon request.

8. Water main size and location

   The redevelopment will be serviced by the existing 6" water main within Atlantic Street. The building will have an internal sprinkler system and a Fire Department connection.

9. Access to all structures [min. 2 sides]

   Access to the structure is provided directly on the public right-of-way along Atlantic Street or along the private right-of-way along Gilbert Street.

10. Code summaries will be provided by the Architects upon request.

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The site locations are in a densely developed area and are surrounded by one public street and one private street. The following street widths are currently available:

- Atlantic Street: A 32.60-foot-wide public street with nearly 14.60-feet between parking stalls and edge of pavement.
- Gilbert Street: A city owned 15.00-foot private street, which narrows down to nearly 14.25-feet between walls and edge of pavement.

Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 feet from a Fire Department access road.

City of Portland Technical Manual – Section 3 Public Safety – please see attached for the architects' review.

Primary Projects

2330 Horton Street
North Dighton, MA 02764

primaryprojects.org
+1 617 440 4674

42 Atlantic Street Housing
Major Site Plan Review
04/03/24

Site Access Standards

We have ordered our narrative to match the order of the bullet points in the City of Portland Technical Manual.

The project fronts Atlantic Street and Gilbert Lane; neither are dead-end roadways. Truck access is available from both streets.

The building is in compliance with zoning setbacks. The setbacks, to face of building unless noted, are:

- Front (East): 7’ (1’ to face of ramp & entry porch utilizing 7.5.5.C)
- Side (South): 11’
- Side (North): 11’
- Rear (West): 15’

The site slopes approximately 4’ from North to South; the average height above grade is 41’.

The building is an R-2 occupancy of Type VA construction. It is four stories with a basement. It houses 30 rental apartments made up of 14 studio units, 8 two-bed units, and 8 three-bed units. In addition to these, there are resident-only amenities which include bike storage, shared laundry, personal storage, and a communal room. The building is 26,838 sf in total (2,981 sf below grade).

There are no impediments to the structure.

The building will have NFPA-13 compliant sprinklers. See the attached “MEP-FP Systems Narrative” for additional life-safety features.

All entries are within 50’ of Fire Department access roads. Ambulance site access is unrestricted vertically.

The elevator is sized to accommodate an 84” x 24” stretcher.

The existing address is 42 Atlantic Street. The number is on the face of the building, to the right of the main entry, facing Atlantic Street.

Encl: MEP FP Systems Narrative (Dated 03/29/24)

MEPFP Systems Narrative
42 Atlantic Street Housing
Portland, ME

The 4-story and basement project consists of multi-family dwelling units on levels 1 thru 4, and storage/utilities/common/laundry spaces at the basement level.

MEP-FP systems shall comply with the Maine Plumbing Code, the International Mechanical Code and International Energy Conservation Code, Maine Electric Code, Maine State Building Code (2015 International Building Code).

SECTION 21 00 00 - FIRE PROTECTION

The new sprinkler systems will be automatic, wet pipe sprinkler systems for the building interior, and conditioned, spaces in accordance with NFPA-13. All concealed spaces containing exposed combustible construction will be provided with listed concealed space sprinklers. Standpipe systems will be provided in the egress stairs and egress corridors as required by NFPA-14.

Pending result of a hydrant flow test and further design development, the public water supply is currently assumed to be sufficient for the design of the fire sprinkler systems. Report assumes no fire pump will be required.

This building will be considered predominantly as a residential occupancy for all of the living spaces and will be provided with sprinkler systems in accordance with NFPA-13. Residential sprinkler heads will be used in all dwelling spaces and located in accordance with NFPA-13. Toilet rooms, closets, pantries and all rooms regardless of size or function shall be provided with sprinkler coverage. All common space areas outside of the dwelling spaces will be considered as light hazard occupancy and will be provided with sprinkler systems in accordance with NFPA-13.

In accordance with NFPA-13 concealed spaces above ceilings will be provided with sprinkler coverage wherever the concealed spaces are enclosed wholly or partially by exposed combustible construction. Should the interstitial ceiling spaces be provided with non-combustible insulation, sprinkler coverage may be omitted.

All sprinkler heads used in the dwelling spaces will be concealed pendent type residential sprinkler heads. All sprinkler heads used in the areas outside of dwelling spaces will be concealed pendent quick response type.

Combustible exterior projections over 48” off the building face shall be provided with dry type sidewall heads. Temperature ratings for all sprinkler heads shall be in accordance with NFPA-13. Standpipe systems shall be provided in accordance with NFPA-14.

The new fire sprinkler systems and standpipe systems in the new building will be supplied via a new underground fire service main connected to the site water main. The new underground fire service main will be brought up into the sprinkler room within the new building by the site contractor.

The new underground fire service main will be installed, tested and flushed in accordance with NFPA-24. The sprinkler contractor shall be responsible for the supervision of the installation, testing and flushing of all of the underground fire service main up to and including the final connection to the site water main.

The new fire service main will be provided with a double check valve backflow preventer at the point of entry into the building.

A single wet system alarm check valve and combination standpipe/sprinkler riser will be provided for the building spaces. The wet system will provide the supply to the standpipes and the sprinkler coverage. In the event some interior spaces are provided with no conditioning, a dry system check valve will be provided.

Fire department connection will be located on the outside of the building in proximity to a point of fire department vehicle access. Fire department connection piping will be provided with a check valve in accordance with NFPA-13. An electric alarm bell will be provided on the outside of the building adjacent to each fire department connection. The fire department connections will have the ability to supply all of the sprinkler and standpipe systems for the entire building. A master water flow switch will be provided on each wet system and dry system riser and on each combination sprinkler/standpipe riser in the sprinkler room.

The sprinkler systems will be supplied via a combination standpipe and sprinkler riser that will be located in the stairways of the building. Additional standpipe riser(s) will be located in each of the remaining egress stairways. Each floor will be on a separate sprinkler zone and an isolation zone valve, check valve, flow switch and pressure gauge will be provided on the sprinkler main serving the sprinkler systems of each floor of the building.

Each standpipe shall be interconnected at the base with a standpipe supervised isolation valve located at the base connection.

A fire department hose valve will be provided on the combination standpipe/sprinkler riser and on all other standpipe risers. These will be located on each floor landing in each of the stairways. The fire department hose valves will be a 2 1/2 inch threaded hose end valve with a 1 1/2 inch threaded hose end reducing fitting, cap & chain.

An inspector's test and drain valve will be provided at each floor zone station. A drain riser will be provided and will collect the test and drain valves on each floor and will discharge to outside the building. All standpipes and combination standpipe risers will be provided with isolation valves at the base of each standpipe and standpipe / riser.

The sprinkler systems in the dwelling units and common connecting corridors will be hydraulically calculated per the requirements of NFPA-13, using the area density method and the maximum sprinkler for a design area method. Each sprinkler head in the design area will be provided with water flow and pressure in accordance with the residential sprinkler head listings and in accordance with NFPA-13. Concealed spaces above the ceilings will be designed and calculations in accordance with NFPA-13 and the sprinkler head manufacturers listings using a light hazard occupancy classification at a density of .10 gpm per remote 1,500 square feet area with a 100 gpm hose stream allowance.

Areas outside of the dwelling spaces will be hydraulically calculated per NFPA-13 at a light hazard occupancy, with a density of .10 gpm per remote 1500 square feet with a 100 gpm hose stream allowance provided. Mechanical rooms, commercial and storage rooms will be hydraulically calculated per NFPA-13 at an ordinary hazard occupancy group 1 or group 2 as applicable and will be provided with a 250 gpm hose stream allowance. All standpipe systems will be hydraulically calculated in accordance with NFPA-14 and the State Building Code.

All control valves will be electrically supervised. All sprinkler systems shall be UL listed and / or FM approved for fire service use. All sprinkler systems and equipment shall be rated at 175 psi working pressure. The fire department connection will have the ability to charge all of the new sprinkler and standpipe. A hydrant flow test will need to be conducted in order to obtain current flow and pressure data. This flow data will be used to hydraulically calculate the new sprinkler systems.

Should this hydrant flow test data become more than nine months old at the time of the sprinkler contractor's sprinkler systems design, then the sprinkler contractor shall conduct a new hydrant flow test to obtain current flow and pressure data and shall use this newly obtained data for his hydraulic calculations.

All sprinkler and standpipe systems will be designed, tested and installed in accordance with the applicable sections of the Maine State Building Code, NFPA-13, NFPA-14 and NFPA-24 latest accepted editions as well as the regulations and guidelines of the local authority.

All sprinkler systems will be seismically braced in accordance with the Maine State Building Code and NFPA-13. The fire pump systems, if required, shall be designed in accordance with NFPA-20. All sprinkler systems will be designed, tested and installed by a sprinkler contractor licensed and experienced in Maine for the design and installation of fire sprinkler systems.

SECTION 22 00 00 - PLUMBING

New plumbing utilities will be brought into the building. The building will be provided with separate plumbing services for water, sanitary, storm drainage.

Plumbing Fixtures

Water closets shall be floor mounted residential fixtures with maximum 1.28 gpf flush tank operation. Lavatories shall be under/counter mounted fixtures with overflow. Faucets for all lavatories shall be provided with 0.5 gpm flow restricting aerators for water conservation. Kitchen sinks shall be stainless steel, self rimming or undermount, single bowl style.

Dishwashers shall be provided by others and installed by the plumbing contractor. Faucets for the kitchen sinks shall be single handle with pull out spray and will be provided with 1.5 gpm flow restricting aerators for water conservation. Shower valves shall be pressure balance type for anti-scald protection and shall be provided with integral service stops for ease of maintenance. Shower heads shall be provided with 1.5 gpm rated flow restrictors for water conservation.

Water closets shall be vitreous china in white. Lavatories shall be vitreous china in white. Kitchen sinks shall be stainless steel. Showers and tub / shower surrounds will be tiled surrounds by the General Contractor. All lavatory and kitchen sink faucets shall be satin chrome finish. Shower valves and tub fillers shall be satin chrome finish. All fixtures and accessories' finishes shall be approved by owner and Architect.

For washer appliance, a laundry connection, via clothes washing machine box system with two boxes, one for drain and one for water with the water connection box having integral shock absorbers for the hot and cold-water connections, will be provided. A lint interceptor will be provided on the washer appliance's drainage piping.

Sanitary and Vent

The sanitary and vent piping systems shall service all of the plumbing fixtures in the building. The sanitary drains will be collected together as much as possible above the ceilings of each floor of the building and shall be run down through the floor levels of the building to the sewer system exit out of the building via gravity. This report assumes the sewer service will be sufficiently low to allow gravity drainage. Should sewer service be higher than some plumbing fixtures, ejector pump assemblies will be provided.

The new sanitary service will be taken to outside to a point 10'-0" beyond the foundation wall. The plumbing contractor's work shall terminate at this point and the site contractor shall connect to the sanitary main and shall take this drain line to the site sanitary system.

PVC may be used for sanitary and vent piping systems that serve the plumbing fixtures.

The sanitary and vent piping systems shall be labeled to identify service and flow direction.

This report assumes all sanitary piping will drain by gravity and no ejector pump will be required.

Storm

The building will be provided with a system of primary roof drains and leaders to convey storm drainage. The plumbing contractor shall provide all necessary drains and insulation. Each storm drain riser will be collected below slab, and will be taken to a point 10'-0" beyond the building.

The plumbing contractors work shall terminate at this point and the site contractor shall connect to this drain and shall take the drain to the site storm drain system.

A separate secondary overflow roof drain, if applicable, will be provided for each primary roof drain in accordance. Each secondary overflow roof drain will be taken down through the building as a separate secondary storm drain riser. Each of these secondary overflow risers will be terminated outside the building above ground at a minimum height above grade of 18" and a maximum of 60".

All horizontal primary and secondary storm drain piping systems including fittings and roof drain bodies shall be insulated and labeled to identify service.

Cold Water

Domestic water will be provided to the building via a new domestic water main entering into a central water room or mechanical room. Each dwelling is intended to be provided with a dedicated water supply and a water sub-meter.

Pending result of hydrant flow test and further design development, a water-pressure boosting system is not currently anticipated to be required in order to supply the domestic water supply.

Material for domestic water piping shall be copper type "L" pipe with silver soldered fittings for domestic water service or "press" type fittings for above ground. Type "K" shall be used for underground water piping. CPVC domestic water piping and fittings may also be used, where allowed per code.

All water piping systems including fittings and valves shall be insulated and labeled to identify service.

Hot Water

Individual Electric System

Each apartment will be provided with an electric hybrid/heat pump type water heater. Under this alternate the electric hybrid/heat pump type water heater will not have the ability to supply the HVAC unit with hot water for heating and will only be able to supply the domestic hot water supply to plumbing fixtures in the apartment. Under this alternate the HVAC heating unit will need to be separate electric heating units. The water heater will be provided with a leak detection system.

Means of drainage will be provided near the water heater.

SECTION 23 00 00 – HEATING, VENTILATING AND AIR CONDITIONING (HVAC)

HVAC systems shall comply with the 2015 International Mechanical Code and 2015 International Energy Conservation Code.

Heat Pump/Fan Coil Unit

Common Spaces

Lobby, Common Areas and Corridors will be provided with heating and cooling by a variable refrigerant volume fan coil unit interconnected to a roof mounted heat recovery type variable refrigerant volume heat pump. Each fan coil unit shall be a ductless wall mounted units with insulated refrigerant piping. Each heat pump unit would be interconnected to the several house system fan coil units through an insulated refrigerant piping system and be able to provide simultaneous heating and cooling for each connected zone. A condensate drain piping system will also be required to transport condensate from each unit to storm drain or to the outdoors.

Tempered ventilation and exhaust will be provided through supply and exhaust registers from the heat recovery units on the roof.

Apartment Units

Heating and cooling shall be provided by a heat pump, sized for heating capacity at 0F, and a fan coil unit ductless type mounted on the wall. The apartment heat pump (1 ton for apartments up to 650 sf; 1-1/2 ton for apartments up to 975 square feet; 2 tons for apartments up to 1,300 square feet; shall be installed on roof with vibration isolators and interconnecting refrigerant piping to the fan coil unit refrigerant coil. A condensate drain piping system will also be required to transport condensate from each fan coil unit to storm drain or to the outdoors.

Each fan coil unit shall be controlled by a wall mounted programmable thermostat.

Ventilation and exhaust will be provided by central energy recovery units located on the roof. New insulated low-pressure air duct systems will provide conditioned ventilation and exhaust air down through a vertical shaft to each floor with fire/smoke dampers, and balancing dampers at duct penetration into the shaft. New insulated low pressure air duct systems will provide ventilation (50 cfm for 1-bedroom/1bath apartments; 50 cfm to 2 bedroom/1 bath units; and 75 cfm to 3 bedroom/1bath units) and exhaust air down through a horizontal duct system to a wall vent separated by 10’-0” as required by code. The ventilation air shall be ducted to dwelling unit with radiation damper at ceiling penetration to provide ventilation to the apartment; bathroom exhaust air through a ceiling exhaust register (25 cfm) with radiation damper shall exhaust air through the apartment energy recovery unit. Kitchens will be provided with ducted kitchen hood with radiation damper terminated to the exterior of the building.

Central Laundry Room

Each clothes dryer shall be provided with code required exhaust air through to a horizontal duct system to an exterior wall mounted vent; dryers will be long vent type to eliminate the need for booster fans.

Entries and Vestibules

Heating would be provided by an electric cabinet unit heater. Entries/vestibules shall be designed to maintain a minimum temperature of 68° F with a minimum of 6 air changes per hour for a single door and a minimum of 12 air changes per hour for a double door when the outdoor air temperature is 0° F during the winter months.

Electric Rooms
Provide electric rooms with heat dissipation system consisting of an outdoor air louver/motorized damper/supply ductwork system, exhaust fan/exhaust louver/exhaust ductwork system and reverse acting thermostat to maintain a maximum space temperature of 96°F.

Sprinkler Room/Electric Room/Storage Rooms/Miscellaneous Mechanical Rooms
Provide each space with an electric unit heater with integral thermostat designed to maintain a minimum space temperature of 60°F. Provide each space with exhaust in accordance with applicable code provisions.

Janitors Closets
Provide base building exhaust systems including exhaust to the janitors with an exhaust air system designed for a minimum of designed for a minimum of 50 CFM exhaust per closet.

Trash Rooms
Provide base building exhaust systems including exhaust to the Trash Rooms with an exhaust air system designed for a minimum of designed for a minimum of 100 CFM exhaust per closet.

Stairwells
Stairwells shall be provided with electric cabinet unit heaters with integral thermostats on the first level and fourth level designed to maintain a minimum space temperature of 70°F.

Elevator Hoist way
The Hoist way shall be provided with a packaged air conditioning unit consisting of a ductless air conditioning unit, remote air-cooled condensing unit, interconnecting refrigerant piping and applicable controls to maintain Hoist way conditions of 72°F/40% RH.

SECTION 26 00 00 – ELECTRICAL

Electrical systems shall comply with the 2020 National Electrical Code and 2015 International Energy Conservation Code.

Electrical Service

The proposed electrical service shall consist of one (1) service. The service shall originate from an associated utility pad-mounted transformer. The primary conduits (2-5") shall be provided by the electrical contractor, from a utility riser pole or manhole to the utility provided pad-mounted transformer.

Service equipment shall be located within the building's main electric room and consist of a 1200Amp modular meter center with service entrance rated main circuit breaker. The house meter shall contain the meter socket and a 400Amp, 3-pole enclosed circuit breaker. The residential meters shall contain the meter socket and an 100Amp, 2-pole enclosed circuit breaker (typical for 31). Each apartment shall contain a load center that will be fed via MC cable, refer to below sections for details within each resident unit.120/208Volt panelboards shall be provided throughout the building for general power purposes, refer to below sections for details within the house/common areas of the building.

General Power

General purpose power receptacles shall be provided in all common areas. Receptacles shall be provided in corridors every fifty-feet maximum for general maintenance use and within twenty-five feet of all HVAC equipment per NEC 210.63. Provide all power connections for power-assist automatic door openers, HVAC equipment and elevator(s) including disconnects and circuit breakers.

Photovoltaic System

Provisions for future solar array shall be provided including conduit path from main electric room to roof, circuit breaker within house/common area main switchgear, bussing within switchgear and associated disconnects to accommodate the system as required. Circuit breaker size and bussing shall be coordinated with solar design as the design progresses.

Resident Unit Power

Electrical work shall consists of 100Amp, 208Volt, single phase, thirty-circuit, main circuit breaker load center with surge protection in accordance with NEC Article 230.67, plug-in type circuit breakers, ground-fault circuit-interrupter protection for personnel (GFCI circuit breakers) as required by NEC Article 210.8 and arc-fault circuit-interrupter protection (AFCI circuit breakers) for outlets as required by NEC Article 210.12, tamper-resistant receptacles as required by NEC Article 406.11, residential-grade fixtures, telephone, cable televisions and fire alarm equipment as previously listed above, receptacles every twelve-feet on center and as required by NEC Article 210.50, switching of light fixtures and wiring of mechanical equipment.

Fire Alarm

A complete addressable fire alarm system shall be provided in accordance with NFPA 72 National Fire Alarm Code, Maine State Building Code, Fire Protection and Life Safety Systems, ADA and all local codes and bylaws for Life Safety and Fire Alarm.

The system shall consist of an addressable fire alarm control panel, manual pull stations within five-feet of all exit doors, system smoke detectors shall be provided for the common areas: locate thirty-feet on center in lobby areas and corridors, provide detectors in all electrical/tele/data rooms, elevator machine room and at all control panels, annunciators or fire alarm terminal boxes; provide heat detectors in all mechanical rooms, duct-smoke detectors with remote test stations for all HVAC air systems rated 2,000 CFM or more. Smoke detectors shall be provided at all elevator lobbies and connected for elevator recall. Tamper, flow and pressure switches are being provided to accommodate the new sprinkler systems. The

tamper and flow switches shall be connected to the Fire Alarm Control Panel via addressable modules. Provide audible/visual notification (horn/strobe) device coverage throughout the facility, that meet the requirements of NFPA and ADA. Utilize strobe only devices in public bathrooms and other small rooms where ample audible notification is present. System batteries shall provide for twenty-four hours of operation followed by a fifteen-minute ring down. Battery calculations shall be submitted by the Electrical Contractor with the cut sheets and drawings to the fire department for review and approval. Knox Box key boxes shall be provided at the building's main entrance.

Two (2) in-building emergency responder radio communications systems (Bi-Directional Amplifier) shall be provided as required to improve radio signal strength for both the fire and police departments. A two-hour rated room and enclosed shaft will be required to house the amplifier and for antenna cabling. Contingent upon the frequency used by each department and approval by the local Authority Having Jurisdiction, a single system may be installed in lieu of separate systems.

Apartments shall include non-system 120VAC smoke detectors with battery backup within each unit. Detectors shall be located within ten-feet of all bedrooms, within each bedroom and a minimum of one per floor. A low-frequency (520 hertz) sounder device shall be provided in each bedroom and in the common/living area for notification of a system alarm. ADA/hearing impaired units shall meet the requirements of NFPA, ADA and the Maine State Building Code. Units shall be provided with sounder base low-frequency (520 hertz) smoke detectors with associated strobe for fire/smoke notification, sounders shall be set for local alarm only with a supervisory signal sent to the fire alarm control panel.

Lighting

Lighting shall consist of LED energy-efficient fixtures with electronic drivers. Electrical, mechanical and utility areas shall be provided with strip fixtures. Hallways shall be provided with recessed downlights and wall-mounted sconces. Lobby and amenity areas will be provided with decorative pendant fixtures, surface, ceiling and wall decorative fixtures. Resident units shall be provided with a combination of residential-grade fixtures including recessed downlights, surface mounted and vanity fixtures. The lighting design shall meet the requirement of 2015 IECC, ASHRAE 90.1-2013.

Lighting control shall be by means of occupancy sensors in storage rooms, community areas, etc. with local switching in resident units, corridors, electric and mechanical rooms. A percentage of corridor lighting, typical one-third, shall remain on at all times with the remainder of lighting controlled by occupancy sensors. Stairwell lighting shall include light fixtures with step-dimming and integral sensors for additional energy savings.

Exterior Lighting

Exterior Lighting shall be installed to provide lighting levels as recommended by the Illuminating Engineering Society (I.E.S.). Pole mounted fixtures, shall contain LED modules and be decorative in nature with interior directional shields. All luminaires shall have a total cutoff of all light at less than ninety degrees from vertical (fully shielded). Reflectors of proper I.E.S. distribution shall be selected for maximum efficiency, and shall provide total cutoff of all light at the property lines. Pole heights shall not exceed twenty-feet in height. Light poles utilized for walkway lighting shall not exceed twelve-feet in height. All exterior lights shall have a maximum initial horizontal foot-candle level of eight foot-candles, as measured directly below the luminaires at grade.

Exterior fixtures shall be controlled by a combination of timeclock and photocells. Photocells shall turn fixtures on, and a programmable timeclock shall be provided to turn off, at a designated time.

Exit and Emergency Lighting

Emergency lighting shall be provided to meet Life Safety Code NFPA 101 and MSBC 780 CMR Articles 1006 and 1011. Exit signs shall be LED edge-lit types, red in color, at all exits and as required to direct all occupants out of the building. Emergency lighting shall be provided by wall/ceiling mounted emergency battery units to achieve a minimum of one (1) foot-candle along all exit egresses.

Telephone and Cable Television

A complete telephone system shall be provided, including two (2) four-inch conduits into the building from telephone and CATV manholes or utility poles, ¾" thick plywood backboard for mounting telephone and CATV company-equipment, dedicated quadplex receptacles. Building shall include CATV and telephone outlets and wiring for all amenity areas and in each apartment. Cable shall be category-6 cabling for all telephone/data outlets and RG-6 cable for CATV outlets.

Each apartment shall be provided with a recessed media center enclosure with hinged cover for telephone, data and cable. Each media center enclosure shall be provided within unit closet with one (1) 1" microduct with pullstring for fiber (Verizon) and one (1) RG11 cable (Comcast) from nearest networking closet.

A complete house/amenity communications system shall be provided for the building. All common area outlets shall be installed with terminations, device boxes, conduit as required and wiring back to patch panels located on the corresponding floors.

Intercom System

An audio/video intercom system shall be provided for the residential units including main entrance entry panel with camera and unit tenant stations to view and release main entrance door. Provide with postal lock and fire alarm system door override capability. Back boxes and pathways with pull wire only for door access control devices and surveillance locations shall be provided. Contractor shall provide all equipment, accessories, programming, transformers, power supplies, relay contacts, for a complete operating system. Door access control and CCTV system shall be by others.

Contingent upon approval by the local Authority Having Jurisdiction, an alternate wireless Aiphone IXG intercom system or equal shall be installed in lieu of the previously described wired system.

Two-Way Communication System

The building will be provided with a two-way communication system at the elevator lobby consisting of a main lobby relay card cabinet, amplifiers, area stations on each floor level, transformers, wiring as necessary. System shall be equal to Housing Devices, catalog No.: HDI-ADA-100A, HDI-CB, HDI-ADA-35, HDI-ADA-PS, HDI. Cabling shall be equal to Belden cable 9554, CSC19595MH, WEST PENN 3753.

M. Wastewater Capacity

The following tables have been prepared to estimate the existing and proposed flows for the site.

Table 1: 42 Atlantic Street - Estimate of Design Flows			
Classification of Water Demand	**Uses and Use Count**	**Gallons per Day per Use**	**Total Gallons per Day**
Existing			
42 Atlantic Street PWD recorded flow data:	-	-	740
Proposed			
Residential Studios:	14	120	1,680
Residential Two-Beds:	8	180	1,440
Residential Three-Beds:	8	270	2,160
		Total Existing	**740**
		Total Proposed	**5,280**
		Net Change	**4,540**
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition			

As demonstrated in the Table above, the proposed project is anticipated to increase the net daily sewer flows by approximately 4,540 gallons per day (GPD). It should be noted that these values were developed using conservative estimates from the State of Maine Subsurface Wastewater Disposal Rules. Please refer to Section J, the Stormwater Management Report for more information on the proposed onsite detention and comparison of the existing and proposed flows generated from the site.

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Portland Dept. of Public Works -
Water Resources
212 Canco Road
Portland, Maine 04103

Date: April, 2024

Bradley Roland, P.E.
Water Resources Division
Department of Public Works
212 Canco Road
Portland, ME 04103

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 42 Atlantic Street, Portland, ME 04101

Chart Block Lot Number: 016-F001-001

Proposed Use: Residential Building
Previous Use: American Legion; Rec Hall/Bar
Existing Sanitary Flows: ~740 GPD
Existing Process Flows: GPD
Description and location of City sewer that is to receive the proposed building sewer lateral.

18" Combined Sewer within Atlantic Street

Site Category

Commercial *(see part 4 below)*	
Industrial *(complete part 5 below)*	
Governmental	
Residential	X
Other *(specify)*	

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: Amerix Gamez Phone:
Owner/Developer Name: LB Atlantic LLC
Owner/Developer Address: PO Box 10452
Phone: 207-831-2824 Fax: E-mail: dblack@lbdevpartners.com
Engineering Consultant Name: Sam Lebel, Acorn Engineering
Engineering Consultant Address: 500 Washington Ave, Suite 202, Portland, ME 04103 (P.O. Box: 3372)
Phone: 207-775-2655 Fax: E-mail: slebel@acorn-engineering.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 5,280 GPD
Peaking Factor/ Peak Times: Diurnal Residential Flow Pattern
Specify the source of design guidelines: *(i.e.* *"Handbook of Subsurface Wastewater Disposal in Maine,"*
"*Plumbers and Pipe Fitters Calculation Manual,"* *Portland Water District Records,* *Other (specify)*
State of Maine, Subsurface Wastewater Disposal Rules

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: NA

Size of External Grease Interceptor: NA

Retention Time: NA

Peaking Factor/ Peak Times: NA

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: NA GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

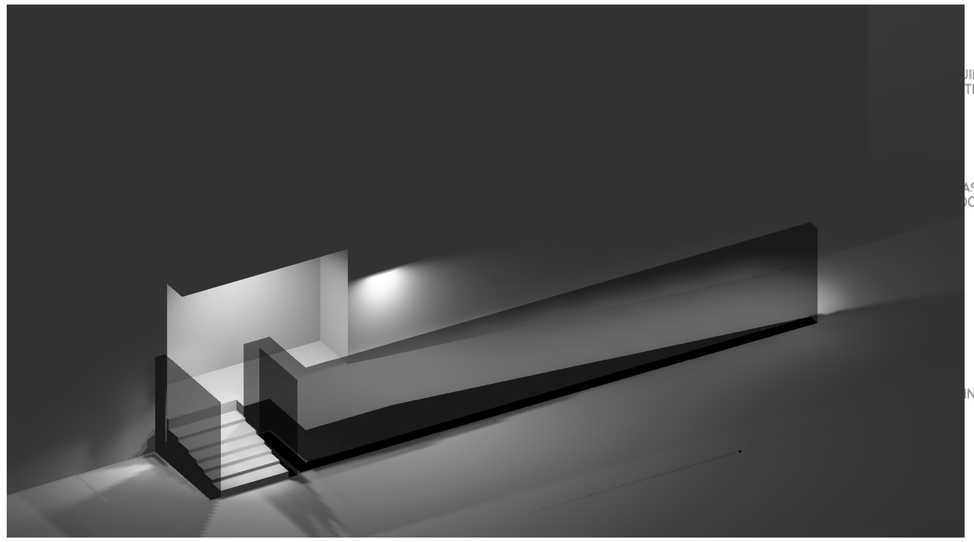
Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

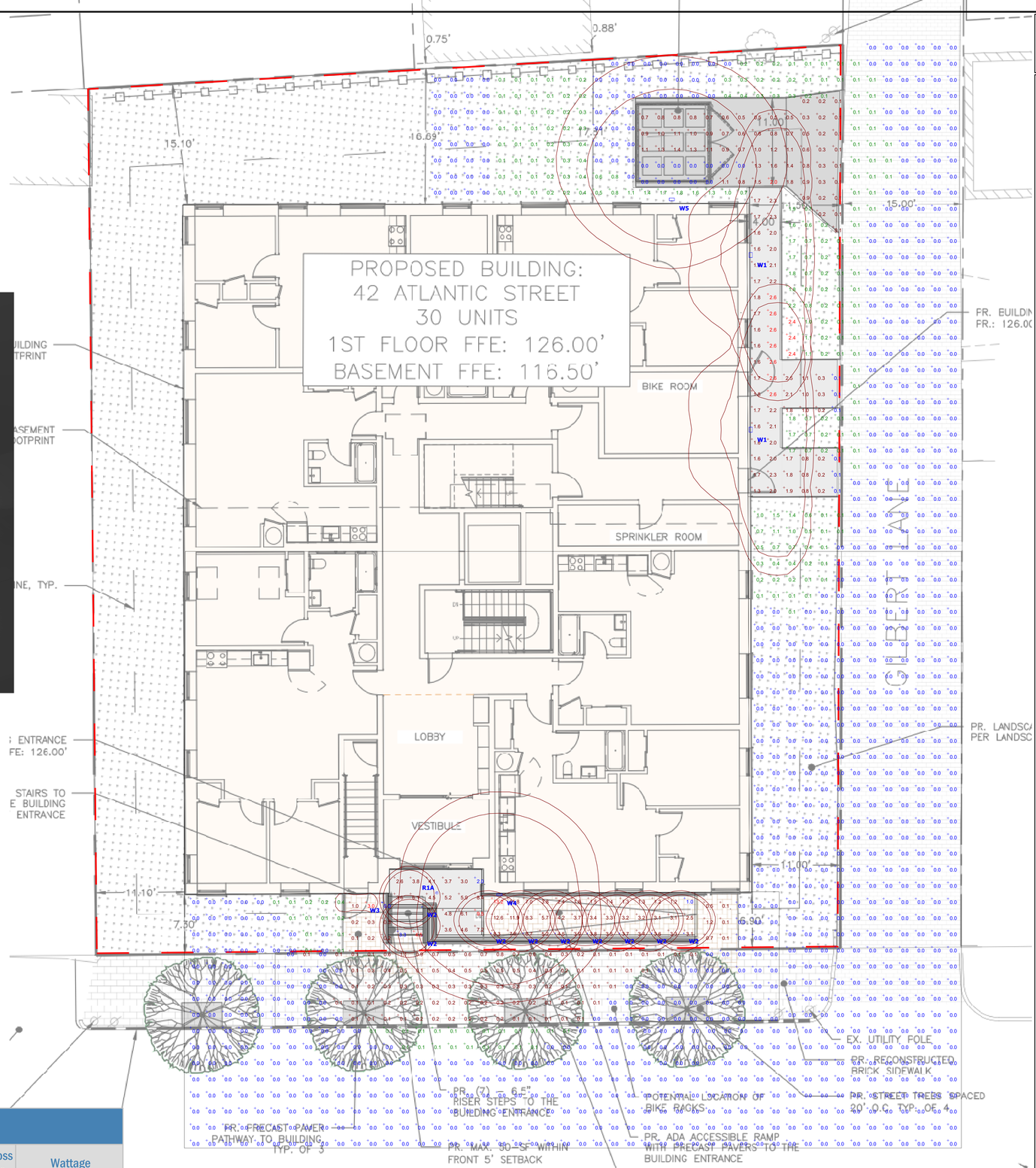
Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.

N. Lighting

Please find attached the cuts sheet and photometric plans for the proposed site lighting.



RENDER



Plan View
Scale - 1" = 5ft

NOTES:

-REFLECTANCES ASSUMED:
WALL: 50
FLOOR: 20

- MOUNTING HEIGHTS:
W1: 7'-2" - 10'-9"
W2: 10'-9"
W3: 2'-0"
R1A: 10'-5"

- TASK HEIGHT: 0" ABOVE GRADE
- CALCULATION POINT SPACING: 2'X2' OC

DISCLAIMER:

-THESE DRAWINGS ARE FOR CONCEPTUAL PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION. VALUES REPRESENTED ARE AN APPROXIMATION GENERATED FROM MANUFACTURERS PHOTOMETRIC IN-HOUSE OR INDEPENDANT LAB TEST WITH DATA SUPPLIED BY LAMP MANUFACTURERS.

SCHEDULE

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Light Loss Factor	Wattage
	R1A	1	Lumenwerx	EC3SR TRM SW AT MOUNTING 277V 10W D1 REMOTE NA 10W 90DEG 2STP 80CRI 27K LSDL TRM NOL FTMB FTMB WET	Ecana | 3" Recessed Square Downlight	0.7	10
	W2	9	KLIK	LP40 30K A RAIL FR 350 BEXEL ZZ	LEDpod 40 Handrail Light - 350mA / 1.5W - Asym Throw *CONFIRM HANDRAIL SPEC*	0.7	1.4
	W3	1	Sistemalux	S6060W UNV 14 D10	Micro Blinker	0.7	3
	W4	1	Brownlee Lighting	7075 08 FINISH C13 30K OPTIONS	Brick Outdoor 8in	0.7	12.35

STATISTICS

DESCRIPTION	SYMBOL	AVG.	MAX	MIN.	MAX/MIN	AVG/MIN
GROUND	+	0.1 fc	2.4 fc	0.0 fc	N/A	N/A
LANDING + RAMP	+	4.6 fc	13.2 fc	1.0 fc	13.2:1	4.6:1
LANDING + RAMP	+	4.9 fc	9.5 fc	2.0 fc	4.8:1	2.5:1
SOUTH PATHWAY	+	0.2 fc	3.0 fc	0.0 fc	N/A	N/A
STEP	+	3.9 fc	4.5 fc	3.3 fc	1.4:1	1.2:1
TRASH AREA	+	0.6 fc	2.0 fc	0.0 fc	N/A	N/A
EAST PATHWAY	+	1.5 fc	2.6 fc	0.1 fc	26.0:1	15.0:1

42 ATLANTIC STREET
04-16-2024

Designer
JMH
Date
04/04/2024
Scale
Not to Scale
Drawing No.

Summary

pieszak lighting design
123 davis ave
brookline, ma 02445

LIGHTING FIXTURE SCHEDULE

42 Atlantic Avenue Affordable Housing

Date issued: April 16, 2024
Revised:

DESIGN DEVELOPMENT

Fixture Type	Date	Fixture Description	Model Number	Lamp	Wattage	Location	Comments

NOTE 1: The specifications for lighting fixtures in this schedule are intended to denote the essential characteristics for the specified equipment, including, but not limited to size, appearance, finish, photometric output, rated life of LEDs and power supplies, and specified color temperature. All substitutions or equivalent fixtures must comply with meeting the requirements of the fixtures specified for the exterior lighting submission.

NOTE 2: The contractor shall be responsible with coordinating the floor plans and reflected ceiling plans and providing all necessary frames, brackets, supports, and related items as required for the mounting for fixtures per these plans and related specifications. Contractor to provide all components for a complete installation. Contractor to coordinate installation requirements with specified ceiling construction and fire-ratings.

EXTERIOR LIGHTING

R1A	Created 04-16-2024	Recessed Square 3" Aperture LED Downlight w/ Airtight IC Rated Housing Flanged Trim, 0-10v Dimmable Power Supply, Medium Wide Distribution, 1200 Lumens Max , Wet Location	Lumenwerx Ecana 3" EC3SR-TRM-SW-AT-ASB-UNV-10W-D1--NA+ EC3SRB-SW-14W -80DEG -2STP-80CRI-27K-LSDL-TRM-NOL-FTMB-FTMB-WET Alphabet equal Lucifer F3R-equal	2700K LED	10W	Exterior Canopy	Confirm max plenum height for coordination of fixture specification. On Timeclock. On emergency.
W1	Created 04-16-2024	NOT USED					
W2	Created 04-16-2024	Handrail-integrated LED Downlight w/ Asymmetric Distribution, Frosted Lens, Remote Power Supply	Klik USA LED Pod LP40-30K-A Rail -FR-350-BEXEL-ZZ + Remote Power Supply	3000K LED	1.5 W	Ramp Stairs	On Timeclock. On emergency. Coordinate location of remote power supply (building interior).
W3	Created 04-16-2024	Wall Recessed LED Wet Location Step light w/ Concrete Pour Back-box, Zero Uplight, 0-10v Dimmable Power Supply, Finish per Arch't	Sistemalux Micro Blinker S6060W-UNV-14-D10 + S6063	3000K LED	3W	Stairs Egress Door	On Timeclock. On emergency. . Coordinate location of remote power supply (building interior).
W4	Created 04-16-2024	Wall Mounted Wet Location LED Direct Fixture w / ADA Compliant Profile, Type II Distribution, Low Glare, Zero Uplight 0-10V Power Supply, Finish per Arch't, BUG Rating B1-U0-G0	Brownlee Brick-OD 7075-08-T_finish-C13-30K	3000K LED	12W	Façade @ Address	On Timeclock. On emergency. Coordinate mounting with street number on façade.
W5	Created 04-16-2024	Wall Mounted Wet Location LED Direct Fixture w / ADA Compliant Profile, Type I Distribution, Low Glare, Zero Uplight 0-10V Power Supply, Finish per Arch't, BUG Rating B1-U0-G0	Lithonia WPXO LED ALO-1 30K MVOLT	3000K LED	8W	Façade	On Timeclock. On emergency.

Not for bidding or construction unless fully incorporated into contract documents by architect and/or engineer. This information is provided for the use of the Architect and their consultants in the production of their detailed drawings and specifications. Assurances of code compliance, conformity with environmental conditions and other building systems, voltage selection, design of wiring, supports, switching, emergency and exit lighting, engineering calculations or details, and preparation and documentation of cost and power consumption estimates are the responsibility of others.

ECANA 3" DOWNLIGHT

SQUARE RECESSED

Lumenwerx

R1A

5 YEAR WARRANTY



The Ecana downlight family is designed as round or square fixtures with simple detailing, available in 3", 4", and 6" sizes. The family includes fixed, adjustable, and wall wash configurations and blends effortlessly into various settings, enriching small and large-scale projects with practical, cost-effective, and finely tuned lighting.

Ceiling Types

Drywall | Millwork | Acoustic Tile

Beam Angles

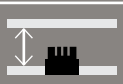


15° 25° 35° 50° 80° 90°

Low UGR < 10 in 15°, 25°, 35°, and 50° beams

Plenum Clearance

As low as 4"



Performance

LUMEN OUTPUT [1]	WATTS	EFFICACY
1132 lm	10 W	113 lm/W
1545 lm	14 W	110 lm/W
2135 lm	20 W	107 lm/W

[1] Lumen packages are assuming 3500K, 80 CRI, 35° beam, with SDL lens option.

Certifications

IP44 Shower Rated

Some restrictions may apply.

Light Source

Static White
SOLA - Dim-to-Warm
DUO - Tunable White

Ecana Family (Refer to other spec sheets)



3" / 4" / 6" Round / Square Recessed Adjustable

3" / 4" / 6" Round / Square Recessed

3" / 4" / 6" Round / Square Recessed Wall Wash

www.lumenwerx.com
T (514) 225-4304
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Intertek

Lumenwerx reserves the right to modify product specifications without notification.
ECANA3-DOWNLIGHT-SQUARE-RECESSED-SPEC-REV0 March 6, 2024

PoE

ECANA 3" DOWNLIGHT

SQUARE RECESSED

Lumenwerx

R1A

Project:

Type: **R1A**

Order Guide

1 - Housing (Example: EC3SR-TRM-SW-OF-ASB-120V-10W-D1-NA)

LUMINAIRE ID [1]	TRIM STYLE	LIGHT SOURCE	INSTALLATION TYPE	MOUNTING OPTION [4]
EC3SR				
EC3SR - Ecana 3" Square Recessed [1] Recessed Adjustable and Recessed Wall Wash also available. Consult other spec sheets.	**TRM** - Flanged trim **TLMP** - Trimless drywall mudplate **TLMW** [2] - Trimless millwork [2] For remodel (RM) installation type, TLMW adapter must be installed from above the ceiling or before ceiling is installed.	**SW** - Static white **SOLA** - Dim-to-warm single channel control **DUO** - Tunable white 2-channel control	**OF** - Open Frame Type Non-IC **IC** [3] - Type-IC **RM** - Remodel Type Non-IC **CP** [3] - Chicago Plenum Type-IC (CCEA) **AT** [3] - Airtight Type-IC [3] Not available with 19 W output and higher.	**ASB** [5] - Adjustable standard bar hangers **FMB** [5] - Flush mount bars **ACB** [5] - Adjustable commercial bar hangers **AHC** [5] - Adjustable hat channel bars **NA** - None [4] See page 4 for more details. [5] Not available with RM installation type.

VOLTAGE	WATTAGE	DIMMING [9]			OPTION
		INTEGRAL	REMOTE [14]		
120V - 120V **277V** - 277V **UNV** - 120V-277V **347V** [6] - 347V [6] Available with RD1 driver only. Please consult factory.	**10W** - 10 W output, up to 1132 lm **14W** - 14 W output, up to 1545 lm **20W** [7,8] - 20 W output, up to 2135 lm [7] Not available with 95 CRI when specified with RM. [8] Not available with IC/CP/AT. SOLA [8] **19W** - 19 W output, up to 1205 lm DUO [8] **19W** - 19 W output, up to 1355 lm	**D1** - 1% 0-10V **ELV** [10] - ELV 120V **TRI** [10] - TRIAC 120V **DA** [11,12] - DALI **ELD1** [11] - eldoLED 1% ECOdrive 0-10V **ELD0** [11] - eldoLED 0.1% SOLOdrive 0-10V **PEQ0** [12,13] - Lutron Hi-lume Premier 0.1% EcoSystem [9] PoE (Power-over-Ethernet) compatible. Consult factory for details. [10] Available with 120V only. [11] Not available with RM installation type. [12] On-site commissioning is required. [13] Available with OF installation type only. SOLA **SD1** - Single 0-10V input **SELV** [10] - ELV 120V **STRI** [10] - TRIAC 120V	**RD1** - 1% 0-10V **RELV** [15] - ELV 120V **RTRI** [15] - TRIAC 120V **RLDE1** [16] - Lutron Hi-lume 1% Eco **RDA** [16] - DALI **RELD1** - eldoLED 1% ECOdrive 0-10V **RELD0** - eldoLED 0.1% SOLOdrive 0-10V **RPEQ0** [16] - Lutron Hi-lume Premier 0.1% EcoSystem **+EB** [17] - Emergency battery [14] A remote driver box is provided, see page 3 for details. [15] Available with 120V only. [16] On-site commissioning is required. [17] For emergency battery, code will be like the following example: RD1+EB SOLA **RSD1** - Single 0-10V input **RSELV** [15] - ELV 120V **RSTRI** [15] - TRIAC 120V DUO **RDMX** [16] - DMX **RDDA** [16] - DALI DT6 **RDDA8** [16] - DALI DT8 **RDD1** - Dual 0-10V input for CCT/intensity **RPSQ0** [16] - Lutron T-Series 1% tunable white	**PMP** [18] - Pre-mounting plate **NA** - None [18] Available with RM installation type only.

2 - Light & Baffle (Example: EC3SRB-SW-10W-15DEG-2STP-90CRI-27K-LSDL+LS-TRM-CL-FTMW-FTMW-NA)

LUMINAIRE ID	LIGHT SOURCE Specify same as Housing	WATTAGE Specify same as Housing	BEAM	COLOR QUALITY	CRI	COLOR TEMP.
EC3SRB						
EC3SRB - Ecana 3" Square Recessed	**SW** - Static white	**10W** - 10 W output, up to 1132 lm **14W** - 14 W output, up to 1545 lm **20W** [19,20] - 20 W output, up to 2135 lm [19] Not available with 95 CRI when specified with RM. [20] Not available with IC/CP/AT.	**15DEG** - 15° Narrow spot **25DEG** - 25° Spot **35DEG** - 35° Narrow flood **50DEG** - 50° Wide flood **80DEG** - 80° Very wide flood **90DEG** - 90° Open flood	**2STP** - 2 Step MacAdam Ellipse **3STP** - 3 Step MacAdam Ellipse	**90CRI** - 90 CRI **95CRI** - 95 CRI **80CRI** - 80 CRI	**27K** - 2700K **30K** - 3000K **35K** - 3500K **40K** - 4000K
	SOLA - Dim-to-warm single channel control **DUO** - Tunable white 2-channel control	SOLA [20] **19W** - 19 W output, up to 1205 lm DUO [20] **19W** - 19 W output, up to 1355 lm	**25DEG** - 25° Spot **35DEG** - 35° Narrow flood **60DEG** - 60° Wide flood **80DEG** - 80° Very wide flood **90DEG** - 90° Open flood	**3STP** - 3 Step MacAdam Ellipse	**90CRI** - 90 CRI	SOLA **30K18K** - 3000K to 1800K **27K18K** - 2700K to 1800K DUO **65K27K** - 6500K to 2700K **50K27K** - 5000K to 2700K

ACCESSORIES * See page 5 for details	TRIM STYLE Specify same as Housing	LENS * See page 5 for details	BAFFLE FINISH	TRIM FLANGE FINISH Specify NA for Trimless	OPTION
At light element [21,22] (choose up to 2 options for SW and 1 option for SOLA/DUO) **LSDL** - Soft diffused lens, Solite **LFDL** - Frosted diffused lens **LS** - Linear spread **HEX** [23] - Hex louver **NA** - None [21] If two options are specified, separate codes with a "+", e.g. LSDL+LS. [22] LSDL and LFDL cannot be combined. LS and HEX cannot be combined. [23] Not available with 80°/90° beam options.	**TRM** - Flanged trim **TLMP** - Trimless drywall mudplate **TLMW** [24] - Trimless millwork [24] For remodel (RM) installation type, TLMW adapter must be installed from above the ceiling or before ceiling is installed.	**At baffle** (choose 1 option) **SDL** - Soft diffused lens, Solite **FDL** - Frosted diffused lens **CL** - Clear lens **NOL** - No lens	**FTMW** - Textured matte white **FTMB** - Textured matte black **CF#** - Custom finish, specify RAL#	**FTMW** - Textured matte white **FTMB** - Textured matte black **CF#** - Custom finish, specify RAL# **NA** - Not applicable	**WET** [25] - Wet location **NA** - None [25] Must be specified with the flanged trim (TRM), and either SDL, FDL, or CL lens options.

*** LSDL or LFDL at light element cannot be combined with SDL or FDL at baffle.**

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ECANA 3" DOWNLIGHT

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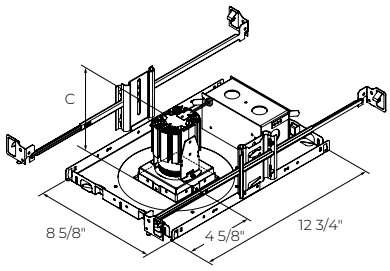
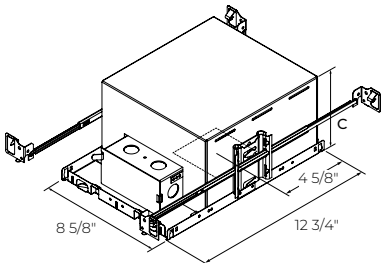
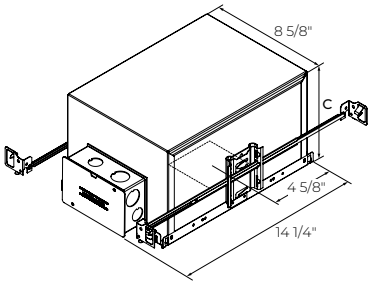
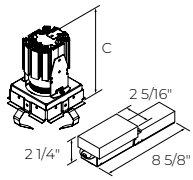
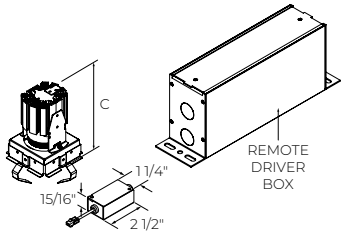
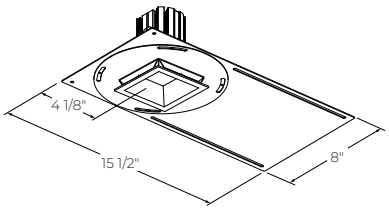
Housing

INSTALLATION TYPES

OF - Open Frame Type Non-IC	**IC** - Type-IC	**CP** - Chicago Plenum Type-IC (CCEA) **AT** - Airtight Type-IC
		

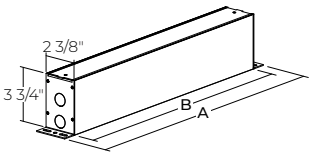
RM - Remodel Type Non-IC

Integral	Remote	**PMP** (Optional) - Pre-mounting plate
		

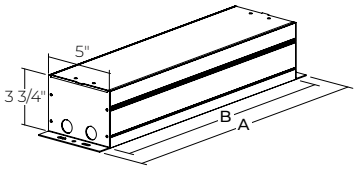
- For height dimension C, see the PLENUM CLEARANCE & CUT-OUT DIMENSIONS table below.
- For OF, IC, CP, and AT installation types with remote dimming, a remote driver box is provided.

REMOTE DRIVER BOX

RDB8 / RDB18 / RDB24

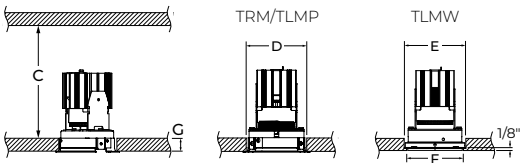


RDB24W



	RDB8	RDB18	RDB24	RDB24W
A	10"	20"	26"	26"
B	8"	18"	24"	24"
DRIVER	**RD1** - 1% 0-10V **RELV** - ELV 120V **RTRI** - TRIAC 120V **RPEQ0** - Lutron Hi-lume Premier 0.1% EcoSystem	**RLDE1** - Lutron Hi-lume 1% Eco **RDA** - DALI **RELD1** - eldoLED 1% ECOdrive 0-10V **RELD0** - eldoLED 0.1% SOLOdrive 0-10V	Emergency battery (+EB) with the following driver options. **RD1+EB** - 1% 0-10V **RELV+EB** - ELV 120V **RTRI+EB** - TRIAC 120V **RPEQ0+EB** - Lutron Hi-lume Premier 0.1% EcoSytem	Emergency battery (+EB) with the following driver options. **RLDE1+EB** - Lutron Hi-lume 1% Eco **RDA+EB** - DALI **RELD1+EB** - eldoLED 1% ECOdrive 0-10V **RELD0+EB** - eldoLED 0.1% SOLOdrive 0-10V
	SOLA **RSD1** - Single 0-10V input **RSELV** - ELV 120V **RSTRI** - TRIAC 120V		DUO **RDMX** - DMX **RDDA** - DALI DT6 **RDDA8** - DALI DT8 **RDD1** - Dual 0-10V input for CCT/intensity **RPSQ0** - Lutron T-Series 1% tunable white	

PLENUM CLEARANCE & CUT-OUT DIMENSIONS



		PLENUM CLEARANCE HEIGHT
		REMOTE & INTEGRAL
C	OF	4" (10 W/14 W) 4 1/2" (20 W)
	IC	6 1/2"
	CP/AT	7"
	RM	4" (10 W/14 W) 4 1/2" (20 W)

		CUT-OUT DIMENSIONS
D	TRM/ TLMP	3 1/2" x 3 1/2"
E	TLMW	3 1/2" x 3 1/2"
F		3 1/16" x 3 1/16" with 1/8" lip

		MAXIMUM CEILING THICKNESS
G	TRM/ TLMP	1 3/8"
	TLMW	5/8"

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ECANA 3" DOWNLIGHT

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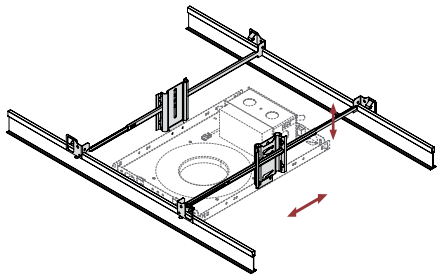
R1A

Housing

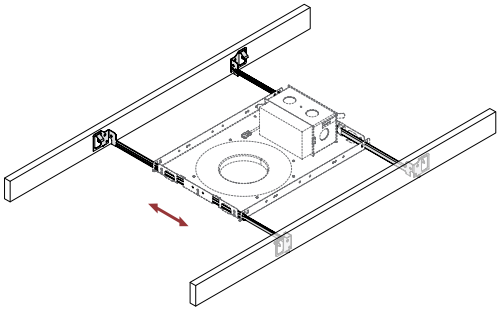
MOUNTING OPTIONS

ASB - Adjustable Standard Bar Hangers



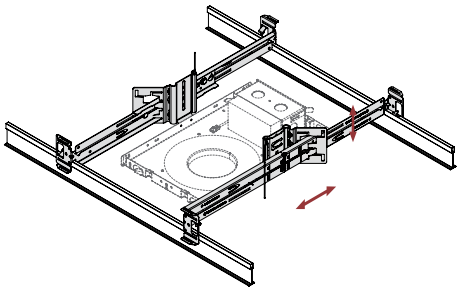
Adjustable Standard Bar hangers can be used in both commercial and residential applications and are adjustable to various heights in both Grid Ceiling and Drywall mounting. ASB hangers are less rigid and versatile than ACB hangers.

FMB - Flush Mount Bars



Flush Mount Bars are best used in residential applications, fitting snug to the surface and suitable for Wood, Metal, and Drywall mounting. The flush mounted bars are static and can't be adjusted.

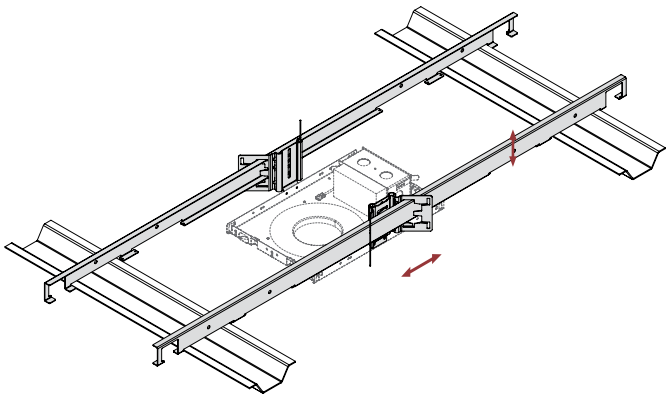
ACB - Adjustable Commercial Bar Hangers



Adjustable Commercial Bar hangers can be used in both commercial and residential applications and are by far the most versatile mounting bar we offer with its adjustability to various heights. ACB hangers are suitable for Grid Ceiling, Drywall, Metal, Wood and Frame mounting.

- Extremely rigid
- Fits into C-Channel notches in a Butterfly Bracket

AHC - Adjustable Hat Channel Bars



Adjustable Hat Channel bars can be used in both commercial and residential applications and come with a butterfly clip to adjust to various heights. AHC bars can be hung downward by 90 degrees in vertical position, and once wired, can be shifted onto the horizontal mounting plane. AHC bars are suitable for both Drywall and wood ceiling applications.

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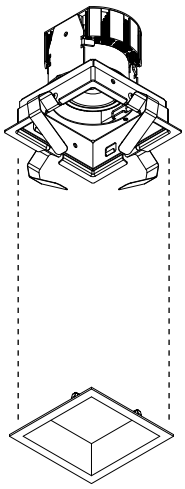
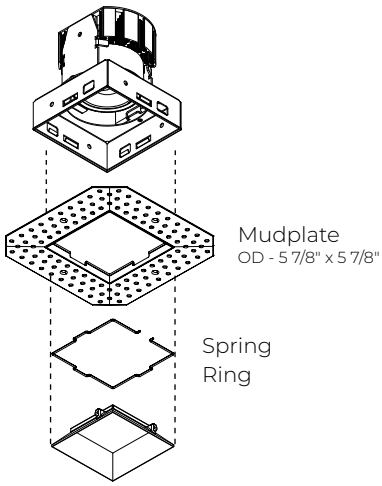
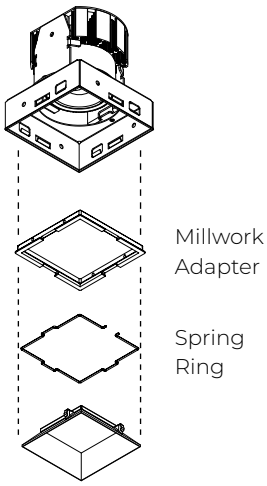
Light & Baffle



Flanged Trim

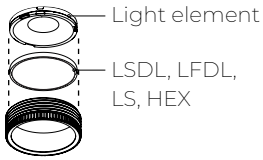


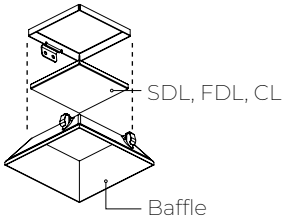
Trimless Drywall Mudplate

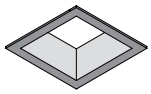
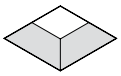
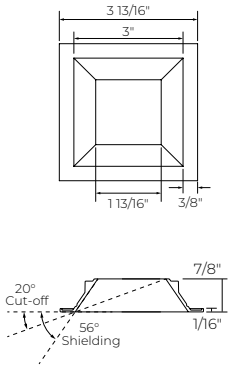
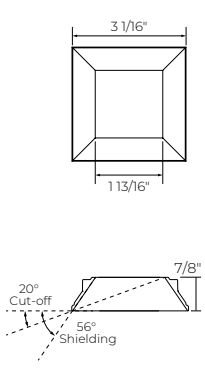


Trimless Millwork

LENS AND ACCESSORIES





TRM Flanged Trim	**TLMP/TLMW** Trimless Drywall Mudplate /Trimless Millwork
	
Baffle finish Trim flange finish	
	

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ECANA 3" DOWNLIGHT

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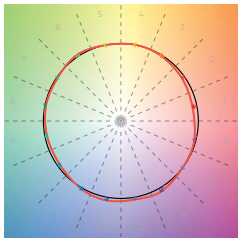
Color Quality

COLOR QUALITY - 3500K	
TM-30 R_f	92
TM-30 R_g	100
CRI	90
R9	> 50

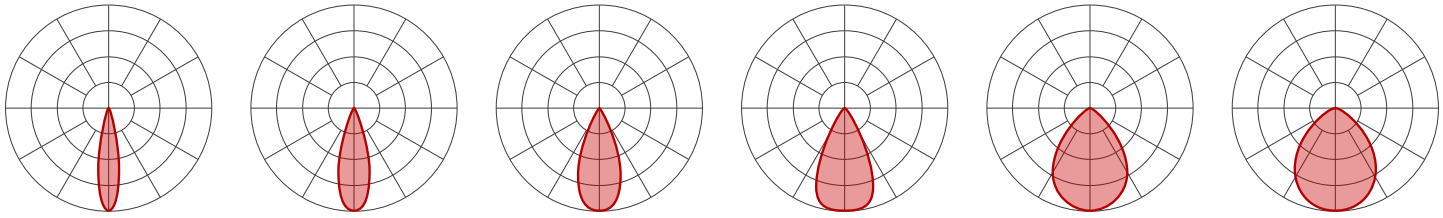


R1A

Photometrics

STATIC WHITE

Values calculated based on 3500K, bevel baffle, and SDL lens option.



15° 25° 35° 50° 80° 90°

Delivered lumens

CRI	90 CRI						95 CRI						80 CRI					
BEAM	15°	25°	35°	50°	80°	90°	15°	25°	35°	50°	80°	90°	15°	25°	35°	50°	80°	90°
10 W	987	1053	1058	937	843	843	760	811	815	721	649	649	1056	1127	1132	1003	902	902
14 W	1347	1438	1444	1280	1152	1152	1037	1107	1112	986	887	887	1441	1539	1545	1370	1233	1233
20 W	1861	1986	1995	1768	1591	1591	1433	1529	1536	1361	1225	1225	1991	2125	2135	1892	1703	1703

Efficacy

CRI	90 CRI						95 CRI						80 CRI					
BEAM	15°	25°	35°	50°	80°	90°	15°	25°	35°	50°	80°	90°	15°	25°	35°	50°	80°	90°
10 W	99	105	106	94	84	84	76	81	81	72	65	65	106	113	113	100	90	90
14 W	96	103	103	91	82	82	74	79	79	70	63	63	103	110	110	98	88	88
20 W	93	99	100	88	80	80	72	76	77	68	61	61	100	106	107	95	85	85

MULTIPLIERS

Please follow the multiplier tables to ensure correct lumen value. Beams, CCT, baffle colors, lensing and accessories will change the lumen value.

CCT		TRIM STYLE AND BAFFLE FINISH		LENS * (At baffle)		ACCESSORIES * (At light element)	
2700K	0.9	Flanged trim	1	SDL - Soft diffused lens, Solite	1	LSDL - Soft diffused lens, Solite	1
3000K	0.95	Trimless	1	FDL - Frosted lens	0.8	LFDL - Frosted lens	0.8
3500K	1	White	1	CL - Clear lens	1.1	LS - Linear spread	0.84
4000K	1.05	Black	1	NOL - No lens	1.1	HEX - Hex louver	0.86

* When more than one lens or accessory is specified, multiply together the value of each lens and/or accessory. e.g. NOL + LSDL + LS = 1.1 x 1 x 0.84 = 0.924

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PoE

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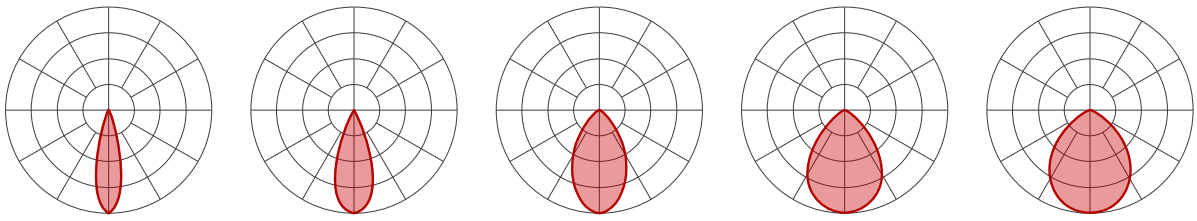
Photometrics

SOLA/DUO

Values calculated based on bevel baffle and SDL lens option.



25° 35° 60° 80° 90°

SOLA

BEAM		25°		35°		60°		80°		90°	
		lm	lm/W	lm	lm/W	lm	lm/W	lm	lm/W	lm	lm/W
19 W	3000K	1150	61	1205	63	1100	58	945	50	870	46
	2700K	1150	61	1205	63	1100	58	945	50	870	46

DUO

BEAM		25°		35°		60°		80°		90°	
		lm	lm/W	lm	lm/W	lm	lm/W	lm	lm/W	lm	lm/W
19 W	6500K	1285	68	1355	71	1190	63	1025	54	940	49
	5000K	1285	68	1355	71	1190	63	1025	54	940	49
	2700K	1050	55	1090	57	960	51	760	40	760	40

MULTIPLIERS

Please follow the multiplier tables to ensure correct lumen value. Beams, CCT, baffle colors, lensing and accessories will change the lumen value.

TRIM STYLE AND BAFFLE FINISH	
Flanged trim	1
Trimless	1
White	1
Black	1

LENS * (At baffle)	
SDL - Soft diffused lens, Solite	1
FDL - Frosted lens	0.8
CL - Clear lens	1.1
NOL - No lens	1.1

ACCESSORIES * (At light element)	
LSDL - Soft diffused lens, Solite	1
LFDL - Frosted lens	0.8
LS - Linear spread	0.84
HEX - Hex louver	0.86

* When more than one lens or accessory is specified, multiply together the value of each lens and/or accessory. e.g. NOL + LSDL = 1.1 x 1 = 1.1

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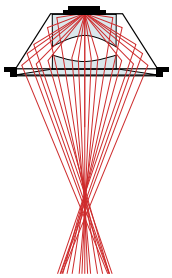
Technical Specifications

OPTIC
XPoint™ Refraction Technology optics provide precise optical control in a remarkably compact form. Micro optical paths from the chip on board converge and then disperse in precise beam angles, resulting in a crisp and exacting light quality.



LIGHT SOURCE
Static white
Compact COB (Chip-On-Board) LED module, available in 2700K, 3000K, 3500K and 4000K with a choice of 80 CRI, 90 CRI, or 95 CRI, with elevated R9 value for 90 CRI and above. Color consistency is maintained to within 2 SDCM. All LEDs have been tested in accordance with IESNA LM-80-08 and the results have shown L80 lumen maintenance greater than 60,000 hours. Absolute product photometry is measured and presented in accordance with IESNA LM-79, unless otherwise indicated. Optional full spectrum LEDs can be incorporated in the fixture to increase Cyanosis Observation Index (COI) and assist in regulating circadian rhythms.

Chromawerx SOLA
Chromawerx SOLA is single-channel control that dims output while warming the color temperature in a pre-determined relationship. Two color temperature range options are offered: 3000K to 1800K, and 2700K to 1800K. A simple analog control adjusts a specially populated LED array to emulate the effect of dimming a filament source.

Chromawerx DUO
Chromawerx DUO offers a two-channel control system which uses analog or digital protocols for synchronous control of both cool to warm LED arrays - maintaining a CRI above 90. Two color temperature range options are offered: 6500K to 2700K, and 5000K to 2700K. The range of color DUO offers is useful for entraining circadian rhythms, stimulating alertness, and compensating for jet lag among other applications. The Chromawerx drivers are programmed to limit maximum light output and power usage across all color temperatures. When paired with DALI drivers (DDA/DDA8), color tuning follows a linear dimming curve.

ELECTRICAL
Unless otherwise specified, dimming down to 1%. At maximum driver load: efficiency>84%, PF>0.9, THD<20%.
Integral: 0-10V, ELV, TRIAC, Lutron Hi-Lume 1% EcoSystem, DALI, eldoLED 0.1% SOLOdrive 0-10V, eldoLED 1% ECOdrive 0-10V
Remote: 0-10V, ELV, TRIAC, Lutron Hi-Lume 1% EcoSystem, DALI, eldoLED 0.1% SOLOdrive 0-10V, eldoLED 1% ECOdrive 0-10V, DMX, Lutron T-series (tunable white)
Emergency battery options: Remotely-installed, long-life, high-temperature, maintenance-free, Bodine Lithium-Ion battery pack with self-test functionality, test switch and charge indicator. IOTA and Fulham options available upon request. Minimum of 90 minutes operation, and recharge time of 24 hours. For fixtures less than 10 W, the battery provides 6W of emergency light output. For fixtures 10 W and over, the battery provides 10 W.

PoE
Depending on the PoE manufacturer selected, Lumenwerx will install the node in factory as either integral to the luminaire or as a remote module. Factory programming of the PoE node may or may not enable the following functionalities: lumen package, DUO (tunable white), QUADRO (RGBW), emergency battery backup, and sensor integration. These must be addressed and evaluated on a case-by-case basis.

CONSTRUCTION
Housing
For new construction, 20 gauge powder coated steel. Open frame, type-IC, or Chicago Plenum (CCEA) rated. 18 gauge galvanized steel junction box with ½" trade size knockouts. Adjustable hanger bars and butterfly brackets are included. Adjustable commercial hat channel and flush mounted brackets are also available.

Light element
LED module: Integral COB module. 90 CRI and 2 SDCM, Standard with options of 80 CRI, or 95 CRI. L80 > 60,000 hours.
XPoint™ Refraction Technology optic: Micro optical paths from the chip on board converge and then disperse in precise beam angles, resulting in a crisp and exacting light quality.
Thermal management: Die-cast aluminum heat sink to maximize thermal dissipation.
Baffle: Die-cast aluminum mounted with retaining spring clips
Trim style: Trimmed and trimless with mudplate or millwork adapter

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Intertek
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ECANA3-DOWNLIGHT-SQUARE-RECESSED-SPEC-REV0 March 6, 2024
PoE

ECANA 3" DOWNLIGHT

SQUARE RECESSED

R1A

WEIGHT

Open frame: 4.3 lbs - 1.9 kg
Type-IC: 4.5 lbs - 2.0 kg
Chicago Plenum: 7.5 lbs - 3.4 kg
Remodel: 3.25 lbs - 1.5 kg

LENS AND ACCESSORIES


Soft diffused lens, Solite


Frosted diffused lens


Clear lens


Linear spread


Hex louver

ENVIRONMENT

Ambient temperature at fixture location shall be within 0°C/32°F - 25°C/77°F, indoor dry or damp as well as outdoor damp use (canopies or marquees).

CERTIFICATIONS

ETL: Rated for indoor dry/damp locations. Conforms to UL Standard 1598 and certified to CAN/CSA Standard C22.2 No. 250.0.
IP44: IP44 rated for bathrooms, showers, outdoor canopies, and marquees when specified with the wet location (WET) option.
Chicago Plenum: City of Chicago approved (CCEA) when specified with CP installation type option.
IC rated: Suitable for direct contact with insulation when specified with IC, CP or AT installation type options.

WARRANTY

Lumenwerx provides a five-year limited warranty on electrical and mechanical performance of the luminaires, including the LED boards, drivers, and auxiliary electronics. Lumenwerx will repair or replace defective luminaires or components at our discretion, provided they have been installed and operated in accordance with our specifications. Other limitations apply, please refer to the full warranty on our website.

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W2

Project Name: .....

Location: .....

Specifier: .....

Rep Agency: .....

Fixture Type: .....

Product Code: .....

KLIK LEDpod™ 40 Patented

DESCRIPTION

Discrete, seamless point source LED fixture for use in all code-compliant handrail, especially curving ramps and helical stairs as well as long runs on bridges and pedestrian paths. Asymmetric optic allows mounting at rail nadir, eliminating uncomfortable glare issues.

HOUSING

Aluminum body has a fine 25-micron finish and is then hard-coat anodized, thus preventing galvanic corrosion. Silicone gasket seals the installation from water ingress and provides added means of electrical isolation to minimize potential for galvanic reaction.

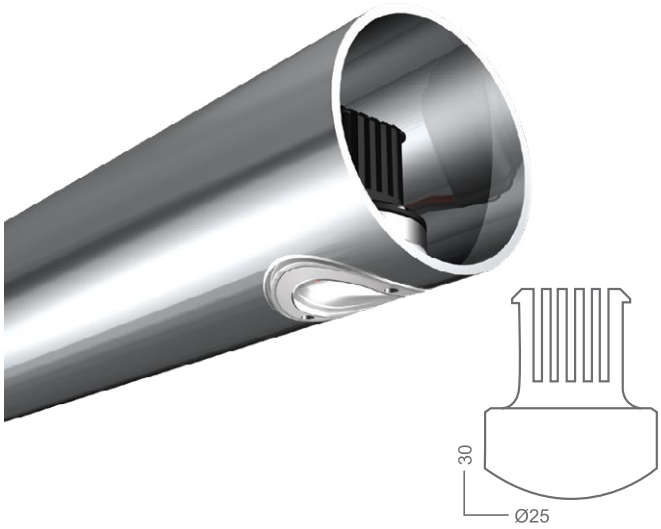
MOUNTING

Patented attachment method offers unparalleled security and ease of mounting. Requires only a simple drilled hole in railing material. All conductors remain internal to railing to provide secure and safe wiring. IK10 Impact rating ensures vandal resistance.

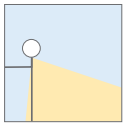
- Tube Size: Ø 1.5" - 1.75", Max. wall .2"
  Other sizes available upon request.
- Cut Out: 25mm
  - Must use a 25mm annular cutter [NOT a 1" cutter].

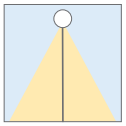
ELECTRICAL/LED DRIVER

- Input Voltage: 24 VDC
- Operating Temp: -40 to 120° F
- Driver: Must use class 2 driver
  - Primary Driver: 110 - 277 VAC UL Listed Constant Voltage
  - Secondary Driver: 350 - 700mA Constant Current (provided with fixture)
- Control: 0-10V, DALI, DMX
  - DMX control for dimming only, not for individually addressed LEDpod
- Enclosure: Minimum NEMA2 for indoor, NEMA 3R for outdoor
- Wire connectors provided; factory pre-wire available, consult factory






Asymmetric


Symmetric

ETL listed
UL 1598/CSA 22.2; CE

Weatherproof Rating:
IP66
Wet location rated

Operating Temp:
-40°F – 120°F

Impact resistance:
IK10

3G Vibration
per MIL-STD-810G

Wildlife friendly

International Dark Sky Association Certified Amber ≤ 3000K

* All IP rated luminaires tested to AS60529-2004 Degrees of protection provided by enclosures (IP Code)

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KLIK LEDpod™ 40 Patented

SPECIFICATION TABLE

Follow the steps to specify your fixture. Enter Product Code in field at top of page. Example: LP4030KA40

Fixture Type	Color Temp [K]	Distribution	Rail Wall Thicness[1]	Lens Options	Security	Output (W)	Anodized Bezel Options	Control
LP40	**22K** 2200K	**A** Asymmetric	**1512** 1.5" x 11ga	- Clear lens [Std]	- Tamper resistant [Std]	- 500mA 2W [Std]	- Marine grade anodized [Std]	- 0-10V Dim
	27K 2700K	**S** Symmetric	**1513** 1.5" x 1/8 Wall	**FR** Opaque frost	**TP** Tamperproof	**350** 350mA 1.5W	**BRS** Antique Brass	**DMX1** DMX 1 Ch
	30K 3000K		**1506** 1.5" 16ga	**OT** Optical filter	[Requires the KLIK tool]	**700** 700mA 2.5W	**BLK** Black Anodized	**PH** [Phase dim]
	35K 3500K		**05** 1 1/4 SC5 Pipe				**BZ** Bronze	
	40K 4000K		**10** 1 1/4 SC10 Pipe				**ANT** Dark Antique	
	AMB FWC Amber		**40** 1 1/4 SC40 Pipe				**GLD** Rose Gold	
	PCA Phos-converted Amber		**80** 1 1/4 SC80 Pipe					
	R Red		**CUST** Non-stock					
	G Green		TBD				TBD	
	B Blue							

[1]Clips for Bronze railing requires a special alloy | consult factory

LED PERFORMANCE

LED:	Cree XT-E
CCT:	Refer to the specification table for details
CRI:	80-85
Life:	80% at 50k hrs and 85° C
Binning:	3 MacAdam Steps
Warranty:	5 Year Warranty

				SYMMETRICAL	ASYMMETRICAL
Lm	W	mA	V	Delivered Lumens	
108	1.5	350	3	83	80
144	2	500	3	111	107
180	2.6	700	3	124	121

REMOTE MOUNTING DISTANCE CHART

24 VDC 100W Driver	Approx. distance from driver to first LED at 32 fixtures			
Wire Size	10 AWG	12 AWG	14 AWG	16 AWG
Distance	525'	328'	213'	131'

Increased spacing or higher output LEDpods reduces the number of PODs per circuit and the remote distance.

PRIMARY DRIVER

Power Supply 24V DC [PSU]	Secondary LED Driver	Spacing	Maximum KLIK LEDpods™*
110 - 277 Primary Voltage Remotely Mounted Dimming Control 10" x 1.5" x 2"	700mA	24"	30
	500mA	24"	37
	350mA	24"	50

*Based on 16 AWG between LEDpods ≤ 50' remote distance

REMOTE POWER SUPPLIES [PSUs]

LP040WPRITRNDIMIP	Class 2, 40W, IP67, 0-10 Dimmable Remote Constant Voltage PSU [rated for outdoor use]
LP096WPRITRNDIM	Class 2, 96W, IP67, 0-10 Dimmable Remote Constant Voltage PSU [rated for outdoor use]
LP100WPRITRNDIM	Class 2, 100W, IP64, 0-10V Dimmable Remote Constant Voltage PSU [rated for indoor use]
LPQZ96WUNV24VPH010	Class 2, 96W, IP66, Phase Dim or 0-10 Dimmable Remote Constant Voltage PSU [rated for outdoor use]
LPQZ96WUNV24VDMX1CH	Class 2, 96W, IP66, 8 Bit DMX Remote Constant Voltage PSU [rated for outdoor use]

REMOTE NEMA ENCLOSURES

LPNEMA2RENCLJR	NEMA2 INDOOR enclosure for LP100WPRITRNDIM, 12 x 3.3 x 2
LPNEMA3RENCLJR	NEMA3R Drip Proof Enclosure, 4 x 4 x 12 [IP24 Equivalent]
LPNEMA3RXENCLSS	NEMA3 304 Lockable Stainless Steel Drip Proof Enclosure 4 x 4 x 12 [IP24 Equivalent]
LPNEMA4ENCLJR	NEMA4 Watertight Enclosure, 6 x 4 x 12 [IP66 Equivalent]; NEMA4X
LPNEMA4XENCLSSJR	NEMA4 304 Lockable Stainless Steel Watertight Enclosure 6 x 4 x 12 [IP66 Equivalent] NEMA4X
LPNEMA6PTRO	NEMA6 Watertight Enclosure Wiring Trough, 2 x 3 x 14 [IP68 Equivalent]

Additional driver & enclosure configurations available, including IP68 options
Please note the KLIK UL Listing requires purchase of a remote driver and enclosure.

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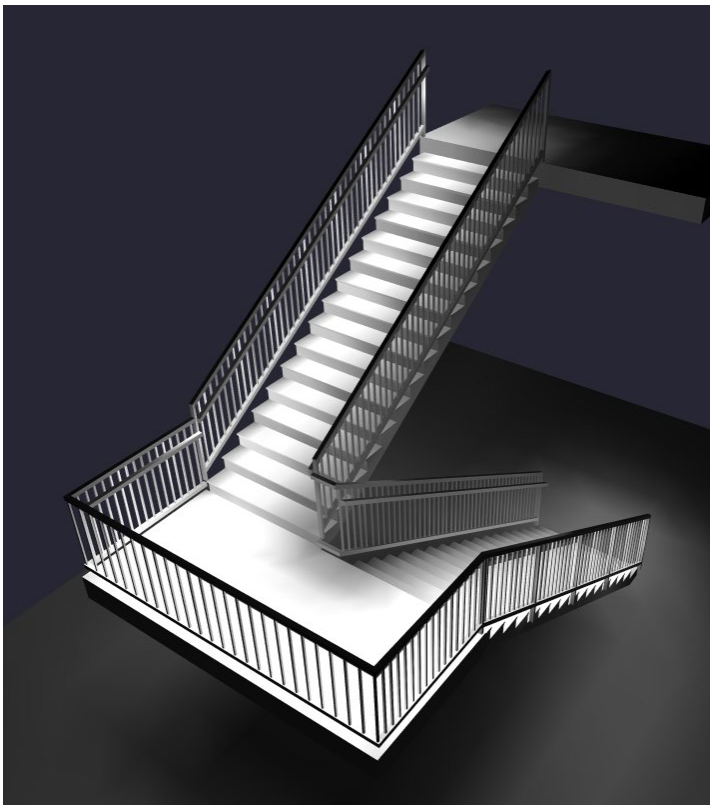
W2

KLIK LEDpod™ 40 Patented SINGLE SIDED

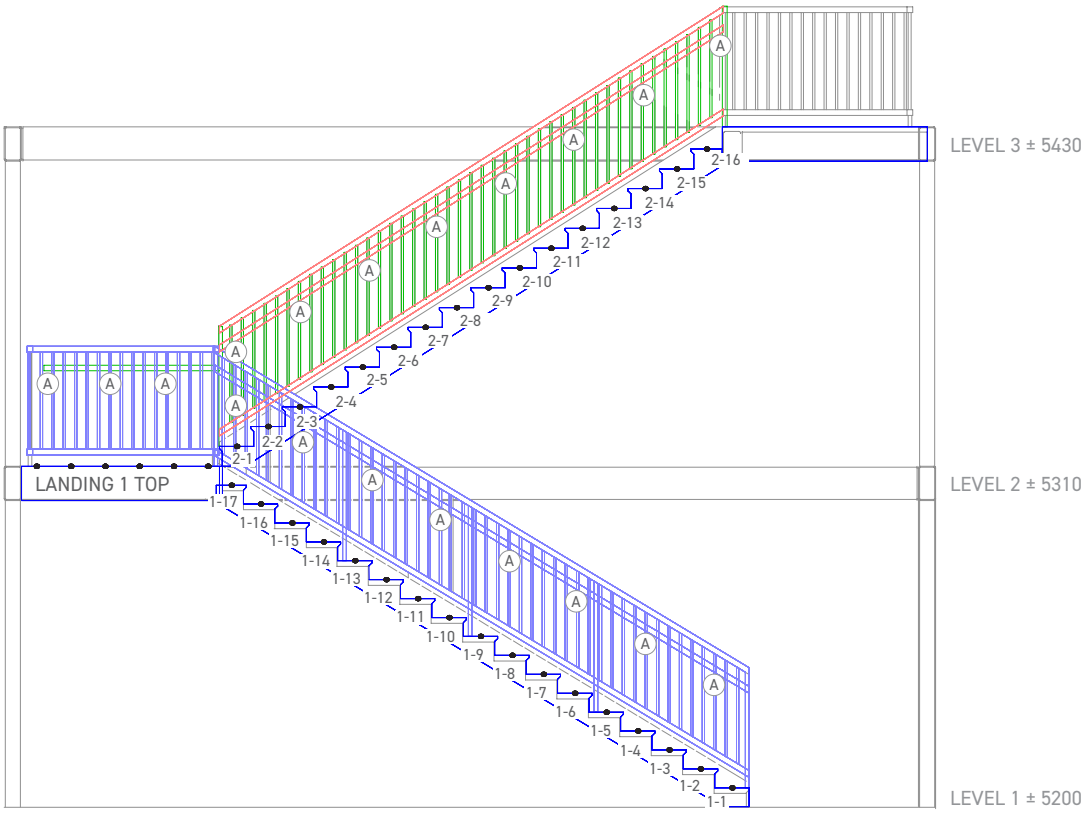


QTY	LABEL	ARRANGEMENT	LUMENS	LLF	DESCRIPTION
26	A	Single	130	0.900	LPOD40-3K-500mA-2.0W-Asym Clear Lens

Landing readings taken on landing. Stair readings taken on stair. *(Design based on 2' centers.)*

LABEL	UNITS	AVG	MAX	MIN	AVG/MIN	MAX/MIN
Landing	Fc	13.73	22.2	3.0	4.58	7.40

STAIRS	UNITS	AVG	MAX	MIN	AVG/MIN	MAX/MIN
1-1	Fc	3.99	5.9	0.9	4.43	6.56
1-10	Fc	6.83	12.0	0.9	7.59	13.33
1-11	Fc	6.68	11.3	0.9	7.42	12.56
1-12	Fc	6.86	12.1	0.9	7.62	13.44
1-13	Fc	6.50	11.1	0.8	8.13	13.88
1-14	Fc	6.84	12.1	0.8	8.55	15.13
1-15	Fc	6.43	11.2	0.8	8.04	14.00
1-16	Fc	6.88	12.4	0.6	11.47	20.67
1-17	Fc	6.14	10.9	0.6	10.23	18.17
1-2	Fc	6.11	9.9	0.9	6.79	11.00
1-3	Fc	7.00	12.2	0.9	7.78	13.56
1-4	Fc	6.64	11.4	1.0	6.64	11.40
1-5	Fc	7.04	12.2	0.9	7.82	13.56
1-6	Fc	6.73	11.6	1.0	6.73	11.60
1-7	Fc	6.96	11.9	0.9	7.73	13.22
1-8	Fc	6.80	11.9	0.9	7.56	13.22
1-9	Fc	6.86	11.7	0.9	7.62	13.00
2-1	Fc	8.36	14.5	2.1	3.98	6.90
2-10	Fc	7.33	12.6	1.9	3.86	6.63
2-11	Fc	7.60	13.5	1.7	4.47	7.94
2-12	Fc	7.28	12.7	2.0	3.64	6.35
2-13	Fc	7.74	13.5	1.7	4.55	7.94
2-14	Fc	7.00	13.0	1.5	4.67	8.67
2-15	Fc	6.56	11.8	1.1	5.96	10.73
2-16	Fc	5.65	11.2	0.7	8.07	16.00
2-2	Fc	8.10	14.3	1.9	4.26	7.53
2-3	Fc	7.05	13.1	1.5	4.70	8.73
2-4	Fc	7.85	13.6	1.8	4.36	7.56
2-5	Fc	7.25	13.4	1.6	4.53	8.38
2-6	Fc	7.66	12.9	1.8	4.26	7.17
2-7	Fc	7.45	13.5	1.6	4.66	8.44
2-8	Fc	7.46	12.6	1.8	4.14	7.00
2-9	Fc	7.56	13.7	1.6	4.73	8.56



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W2

KLIK LEDpod™ 40 Patented SINGLE SIDED

LANDING 1 TOP

2	5'-11 1/4"		9.4	12.9	13.8	12.8	11.5	10.7	10.5	10.8	11.7	13.1	14.2	12.9	9.9		
			14.3	18.8	19.8	18.3	16.4	15.2	14.9	15.4	16.8	18.9	20.5	19.2	15.1		
			16.1	20.6	20.9	18.4	15.8	14.2	13.9	14.6	16.7	19.6	22.2	21.6	16.4		
			15.0	19.0	18.5	14.9	11.7	10.0	9.8	10.9	13.4	16.9	20.1	20.3	15.2		
			13.4	16.8	15.2	10.9	7.2	5.6	5.7	6.8	9.4	12.9	16.2	17.0	12.8		
1.8			12.6	15.6	13.3	8.6	4.7	3.0	3.2	3.5	6.5	9.6	12.7	14.1	8.8		
± 26'-8"	15'-0 1/2"	STAIRS 1-17	10.2	10.9	9.9	7.3	5.1	3.4	1.7	0.6	2.1	3.2	4.9	7.5	10.2	13.2	14.5	11.3	STAIRS 2-1
		STAIRS 1-16	10.4	12.4	11.5	8.9	6.0	3.5	1.7	0.6	1.9	2.8	4.4	6.9	10.0	12.7	14.3	11.8	STAIRS 2-2
		STAIRS 1-15	10.0	11.2	10.2	7.9	5.6	3.7	2.0	0.8	1.8	2.8	4.5	6.9	9.7	12.1	13.6	11.4	STAIRS 2-3
		STAIRS 1-14	10.2	12.1	11.2	8.7	6.0	3.7	2.0	0.8	1.5	2.5	3.9	5.7	8.1	11.5	13.1	10.1	STAIRS 2-4
		STAIRS 1-13	9.7	11.1	10.2	8.2	5.9	4.0	2.1	0.8	1.6	2.5	3.8	5.8	8.7	11.8	13.4	10.4	STAIRS 2-5
		STAIRS 1-12	10.2	12.1	11.2	8.7	5.9	3.8	2.1	0.9	1.8	2.9	4.7	6.9	9.5	11.6	12.9	11.0	STAIRS 2-6
		STAIRS 1-11	9.9	11.3	10.5	8.4	6.1	4.1	2.2	0.9	1.6	2.6	3.9	6.1	9.1	12.0	13.5	10.8	STAIRS 2-7
		STAIRS 1-10	10.0	12.0	11.1	8.6	5.9	3.9	2.2	0.9	1.8	3.0	4.6	6.7	9.2	11.3	12.6	10.5	STAIRS 2-8
		STAIRS 1-9	10.2	11.7	10.8	8.7	6.3	4.1	2.2	0.9	1.6	2.6	3.9	6.4	9.2	12.1	13.7	11.0	STAIRS 2-9
		STAIRS 1-8	10.0	11.9	11.0	8.4	5.9	4.0	2.3	0.9	1.9	3.0	4.6	6.5	8.7	11.2	12.6	10.1	STAIRS 2-10
		STAIRS 1-7	10.3	11.9	11.1	8.9	6.3	4.1	2.2	0.9	1.7	2.6	4.1	6.6	9.3	12.0	13.5	11.0	STAIRS 2-11
		STAIRS 1-6	9.9	11.6	10.8	8.3	5.9	4.0	2.3	1.0	2.0	3.1	4.5	6.4	8.3	11.3	12.7	9.9	STAIRS 2-12
		STAIRS 1-5	10.4	12.2	11.3	8.9	6.3	4.1	2.2	0.9	1.7	2.7	4.4	6.8	9.6	12.0	13.5	11.2	STAIRS 2-13
		STAIRS 1-4	9.7	11.4	10.5	8.2	5.9	4.1	2.3	1.0	1.5	2.5	3.8	5.7	8.2	11.4	13.0	9.9	STAIRS 2-14
		STAIRS 1-3	10.3	12.2	11.3	8.9	6.2	4.0	2.2	0.9	1.1	1.9	3.5	5.7	8.3	10.3	11.8	9.9	STAIRS 2-15
		STAIRS 1-2	8.8	9.9	9.3	7.7	5.9	4.1	2.3	0.9	0.7	1.4	2.3	4.2	6.9	9.7	11.2	8.8	STAIRS 2-16
1.2		STAIRS 1-1	4.8	5.9	5.7	5.1	4.2	3.3	2.0	0.9									
1	5'-8 1/4"																

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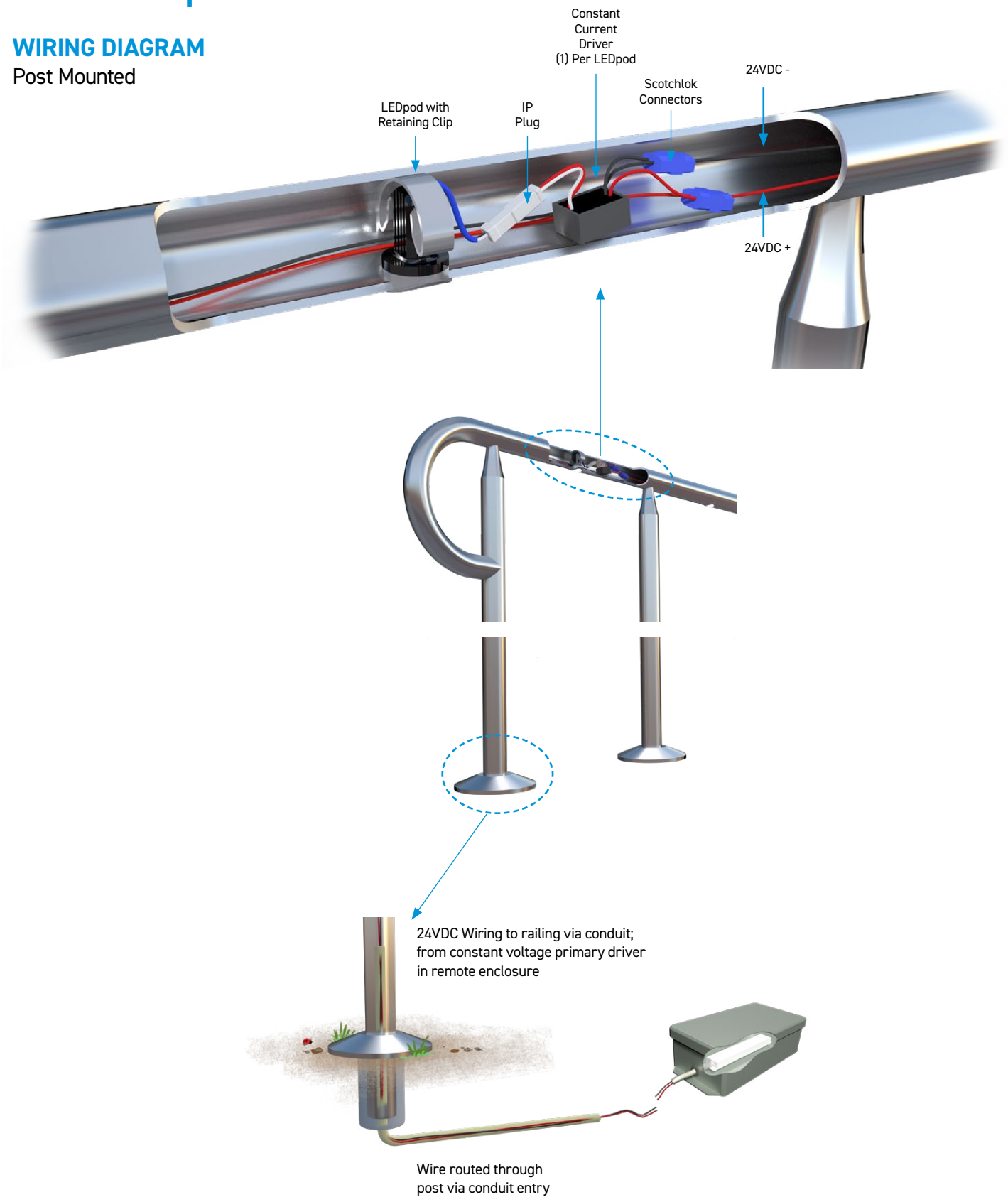
KLIK LEDpod™ 40 Patented

WIRING DIAGRAM

Post Mounted



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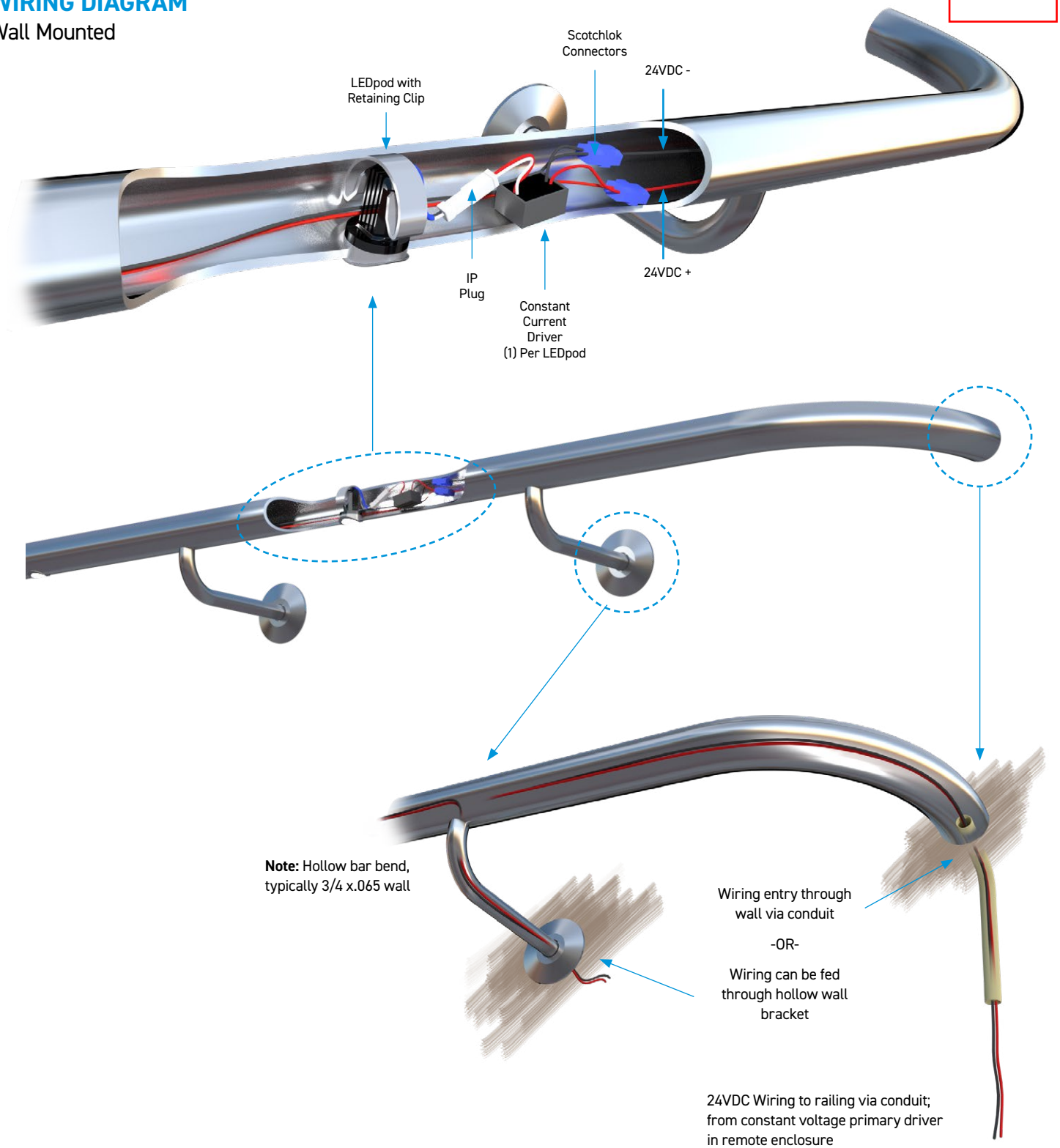
W2

WIRING DIAGRAM

Wall Mounted



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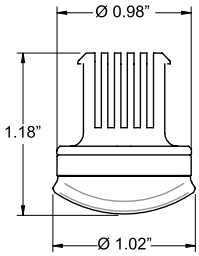
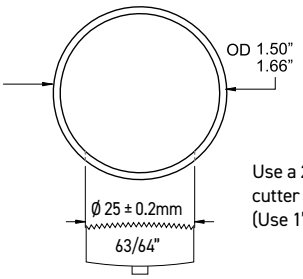
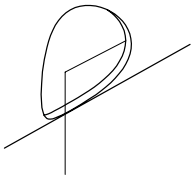
INSTALLATION INSTRUCTIONS Additional instructions may apply, consult factory.

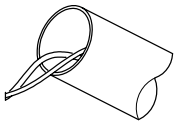




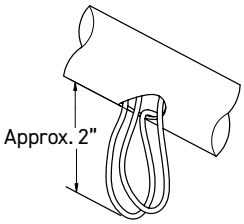
Use a 25mm annular cutter to bore hole. (Use 1" in aluminum.)



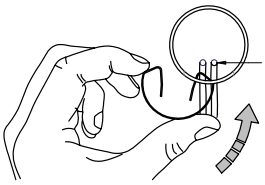
1 Make sure drilled holes are deburred and excess chips are removed from railing.



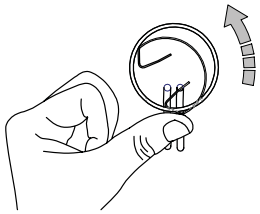
2 Feed through appropriate wires (14ga - 18ga).



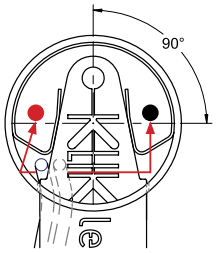
3 Pull a loop of wire through hole.



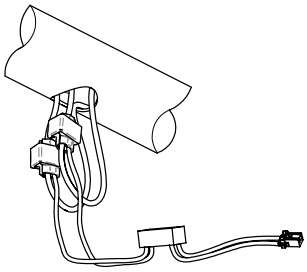
4 Rotate retaining clips in as shown. Avoid tangling or severing through wire.



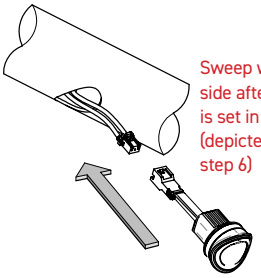
5 Apply pressure as shown to deform clip into place in a circular motion. Avoid damaging the surface of tube and tangling or damaging wire.



6 Fit clip into place until the clamping ends are equally centered over the hole. Use the tool to center the clip until equal pressure can be felt and inspect by eye.



7 Install Scotchlok connectors to the red and black wires. Connect the corresponding color wires of the driver to the Scotchloks and assure the clip is secured.

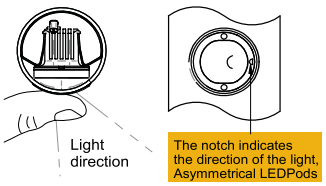


Sweep wires to side after driver is set in rail (depicted in step 6)

8 CAREFULLY feed the Scotchloks to the left of the clip and the driver to the right with the driver connector hanging out. Ensure wires are clear from where the LEDPOD is to fit.

Proceed to connect the LEDPOD.

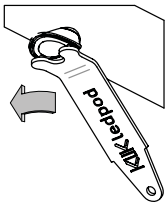
Install all LEDpods to this point, then perform a circuit test to ensure all LEDpods are operational BEFORE final installation.



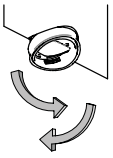
9 Push LEDPOD in until it snaps into place and the outer surface is flush with the outer surface of the tube.

Prod the rim of the clear silicone IP Seal to provide a tighter fit.

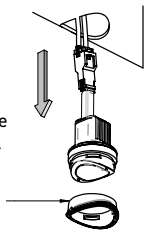
LEDPOD REMOVAL STEPS



1 Insert removal tool into the 2mm holes in the LEDPOD. With firm pressure, rotate the LEDPod 90°.



2 Carefully peel back the IP silicone seal one side at a time.

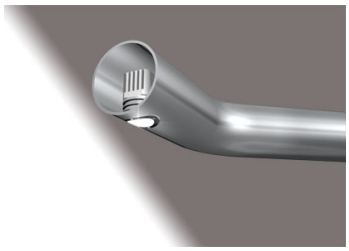


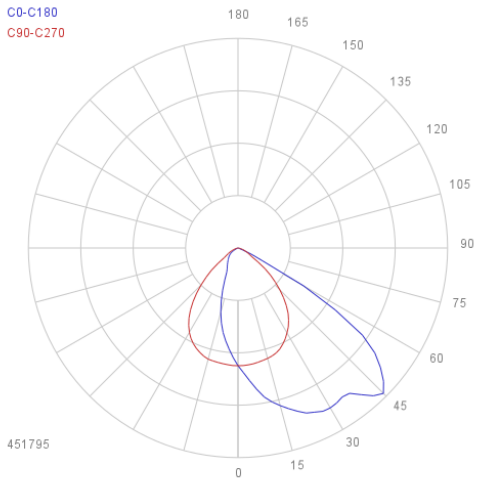
Be sure to re-attach the silicone seal ready for reinsertion.

3 Carefully remove the LEDPOD from the clip, ensuring not to damage or disconnect wires in the process.

W2

Photometric Data Sheet





System: LEDpod 40
File ID: 451795
Revision: A

File Name:
LPOD40-Dir-PCLens-AsymRefW-LPOD-350mA-3000K-451795-A.IES

Description:
Winner of the IES Luminaire Design of Excellence Award 2010
LED luminaire designed to be installed into handrails from Ø38mm - Ø45mm dia, max wall thickness 3.5mm, symmetrical or asymmetric distribution, providing direct illumination for stairs and pathways. Optically clear or frosted polycarbonate lens, uses 1 x CREE LED.

Uses:
Suitable for use with 24VDC or 42VDC supply available with either Non-dimmable, DALI, 1-10V or DMX control, internal IP rated 350mA or 500mA driver, requires external 24VDC or 42VDC LED Converter.

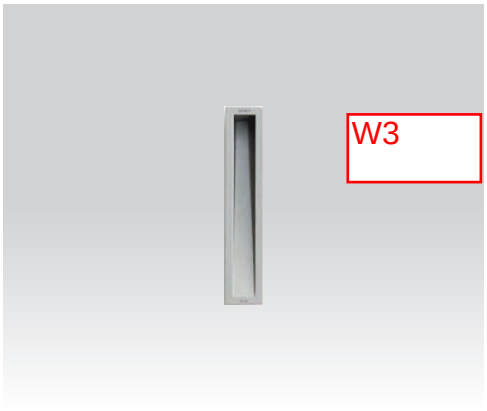
System Details:
System Name: LEDpod 40
Mounting Location: Pole-Integrated
Luminaire Width: (m) 0.025
Luminaire Height: (m) 0.029
Diffuser Width: (m) 0.02
Luminaire Weight: (kg) 0.074

Photometric Details:
Direction: Direct
Direct Diffuser: Polycarbonate Lens
Indirect Diffuser: N/A
Reflector: White Asym Reflector
Tested System: LEDpod 40
LOR Up: 0
LOR Down: 68
LOR Total: 68

Lamp Details:
Lamp: Cree Xlamp XP-L-3000K-350mA
Spectrum: 3000K
CRI: 80
Technology: LEDPOD
Lamp Test Length: 25
Lamp Lumens:149
Lamp Watts: 1.1
Lamp LM W: 135.4
Lamp Qty: 1

Contact Details: info@kliksystems.com.au - www.kliksystems.com.au
Klik Systems Australia - 2/2 Southridge St. Eastern Creek NSW 2766
Design subject to change without notice. Delivered lumens and system W/m may vary by +/- 10 percent due to binning variations.









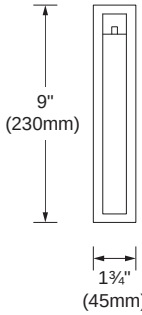
Collection of wall recessed luminaires for exterior applications. Designed for low mounting heights with downward asymmetric light distribution. Low luminance with the light source regressed inside the luminaire and shielded from all viewing angles. Exceptional European build quality with high corrosion resistant finish. Robust marine grade die-cast aluminum construction with stainless steel fasteners and factory sealed micro-prismatic glass diffuser.

Luminaire characteristics:	**Power input:** 3W to 34.5W **Lumens:** 18lm to 755lm (for 3000K, 90CRI) **Luminaire efficacy:** Up to 26lm/W
Source:	LED module (LM-80) 3000K : 90CRI, 4000K : 90CRI.
Lumen maintenance:	>70% of initial lumens at 50 000 hours (L70) (LM-80).
Optics:	Accent light.
Material:	Body: Die-cast aluminum Reflector: 99.98% pure anodized aluminum. Diffuser: 4mm thick acid etched tempered glass. Hardware: Stainless steel screws and silicone gaskets.
Mounting:	Recessed wall installation using recessed box accessory.
Electrical:	Integral high efficiency LED driver, rated at 50 000 hours, 120-277V.
Dimming:	0-10V dimming (120-277V) down to 10%.
Finish:	Aluminum gray
Weight:	1.5 to 6.8lbs (0.7 to 3.1kg)
Warranty:	5 year limited warranty.
Ratings:	IP65, IK06
Certification:	cULus listed for wet location.

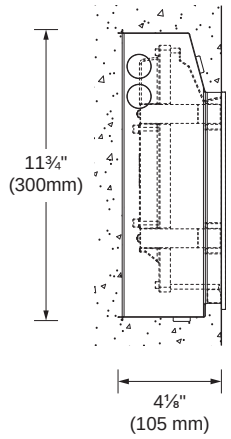
DIMENSIONS

Micro Blinker (**S6060**)

Installation in concrete using back box: S6063



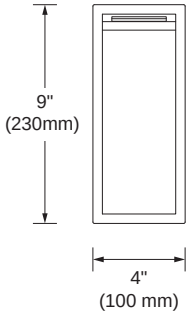
FRONT VIEW



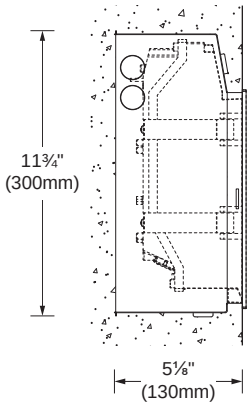
SECTION VIEW

Mini Blinker (**S6070**)

Installation in concrete using back box: S6073



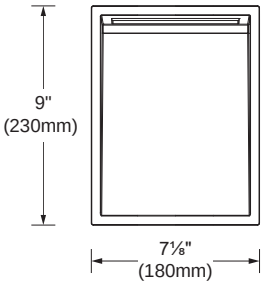
FRONT VIEW



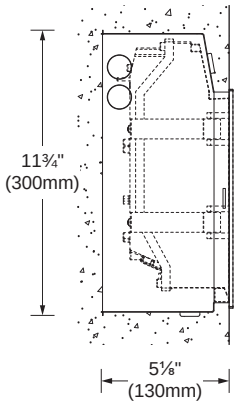
SECTION VIEW

Blinker (**S6080**)

Installation in concrete using back box: S6083



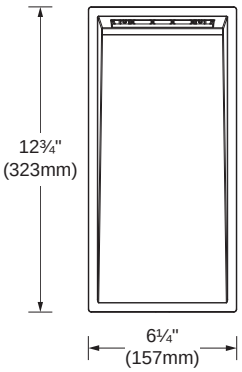
FRONT VIEW



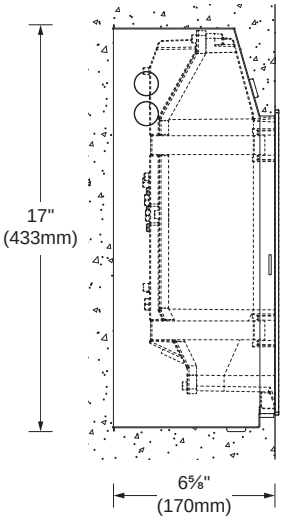
SECTION VIEW

Mega Blinker (**S6020**)

Installation in concrete using back box: S6023



FRONT VIEW

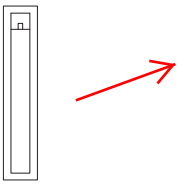


SECTION VIEW

PHOTOMETRIC DATA

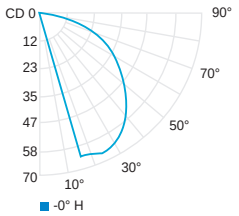
Visit sistemalux.com for complete photometric data.

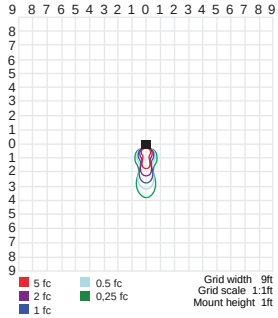
Micro Blinker



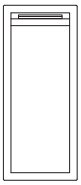
CCT (K)	CRI	LOAD (W)	OPTIC	LUMENS (lm)	EFFICACY (lm / W)	MAX CANDELA (cd)	MODELS
3000K	90	3W	Accent light	18	6	69	S6060W
4000K				19	6	73	S6060N

Accent light (3000K, 90CRI)



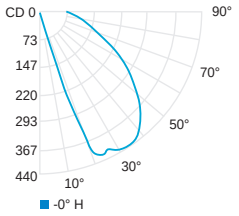


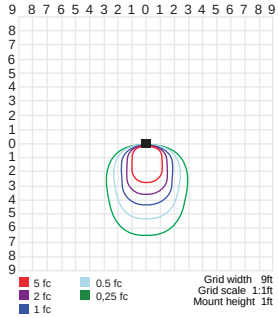
Mini Blinker



CCT (K)	CRI	LOAD (W)	OPTIC	LUMENS (lm)	EFFICACY (lm / W)	MAX CANDELA (cd)	MODELS
3000K	90	17W	Accent light	280	16	435	S6070W
4000K				310	18	480	S6070N

Accent light (3000K, 90CRI)

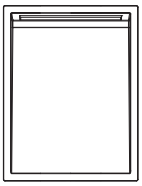




PHOTOMETRIC DATA

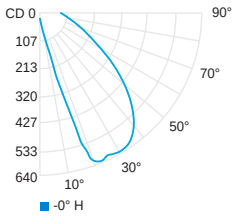
Visit sistemalux.com for complete photometric data.

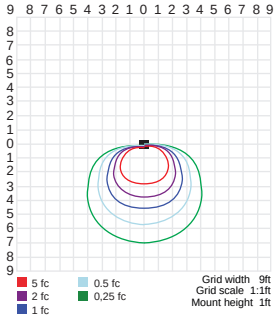
Blinker



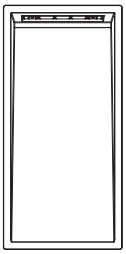
CCT (K)	CRI	LOAD (W)	OPTIC	LUMENS (lm)	EFFICACY (lm / W)	MAX CANDELA (cd)	MODELS
3000K	90	23W	Accent light	565	25	630	S6080W
4000K				595	26	660	S6080N

Accent light (3000K, 90CRI)



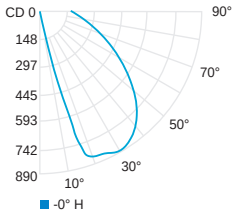


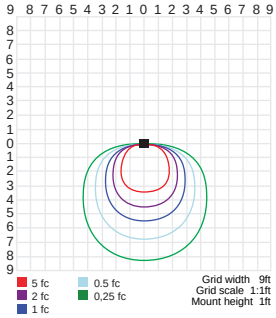
Mega Blinker



CCT (K)	CRI	LOAD (W)	OPTIC	LUMENS (lm)	EFFICACY (lm / W)	MAX CANDELA (cd)	MODELS
3000K	90	34.5W	Accent light	755	21	880	S6020W
4000K				825	24	960	S6020N

Accent light (3000K, 90CRI)





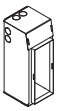
SISTEMALUX
9320 Boul. St-Laurent, suite 100, Montréal (Québec) Canada H2N 1N7, P.: 514.523.1339 F.: 514.525.6107 www.sistemalux.com

MOUNTING ACCESSORIES
(TO BE ORDERED SEPARATELY)

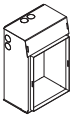
- **S6063 -** Back box for Micro Blinker (S6060)
  2¾" x 11¾" x 4⅛"
  (70mm x 300mm x 105mm)



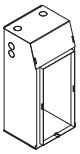
- **S6073 -** Back box for Mini Blinker (S6070)
  4¼" x 11¾" x 5⅛"
  (110mm x 300mm x 130mm)



- **S6083 -** Back box for Blinker (S6080)
  7½" x 11¾" x 5⅛"
  (190mm x 300mm x 130mm)



- **S6023 -** Back box for Mega Blinker (S6020)
  7¼" x 17" x 6⅝"
  (187mm x 433mm x 170mm)



ORDERING INFO

S6060W- UNV - 14 - D10
FIXTURE

S6063
RECESSED BOX

RESET INFO

MODEL

Micro Blinker	Mini Blinker	Blinker	Mega Blinker
S6060W - 3000K, 90CRI	**S6070W -** 3000K, 90CRI	**S6080W -** 3000K, 90CRI	**S6020W -** 3000K, 90CRI
S6060N - 4000K, 90CRI	**S6070N -** 4000K, 90CRI	**S6080N -** 4000K, 90CRI	**S6020N -** 4000K, 90CRI

VOLTAGE

UNV - 120-277V

FINISH

14 - Aluminum gray

DIMMING

D10 - 0-10V

Due to continuous improvements, the information herein may be changed without notice
SISTEMALUX
9320 Boul. St-Laurent, suite 100, Montréal (Québec) Canada H2N 1N7, P.: 514.523.1339 F.: 514.525.6107 www.sistemalux.com

BRICK-OD OUTDOOR

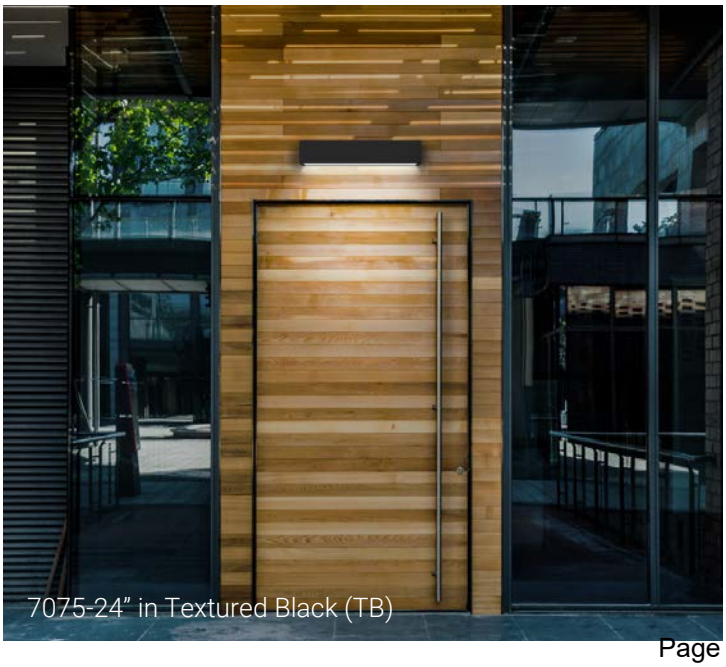
FOR INDOOR, REFER TO MODEL #: 1575

W4

BROWNLEE



7075-12” in Textured Black (TB)



7075-24” in Textured Black (TB)

7075 LED

The BRICK-OD (outdoor) is a minimal, clean and contemporary exterior sconce with exceptional versatility: Three ADA compliant sizes (8”, 12” and 24”), single direction LED distribution, and three finishes to choose from. Perfect for exterior facades, entryways, columns, and breezeways. Since this is a wet-listed unit, it can also be used in healthcare applications requiring durable luminaires which can be wiped down. Available with integral battery backup.

FINISHES

TB TG TW

BRICK-OD OUTDOOR

FOR INDOOR, REFER TO MODEL #: 1575

W4

PROJECT:	
MODEL #:	
FIXTURE TYPE:	W4

STANDARD SPECIFICATIONS - *SINGLE DIRECTION DISTRIBUTION (7075)*

OUTER FRAME & MOUNT PLATE
Formed and welded aluminum. Countersunk fasteners located on top of fixture. No exposed hardware on sides or bottom of fixture. Closed cell foam gasket on rear mount plate.

DIFFUSER
UV stabilized frosted acrylic diffuser. Smooth uniform illumination.

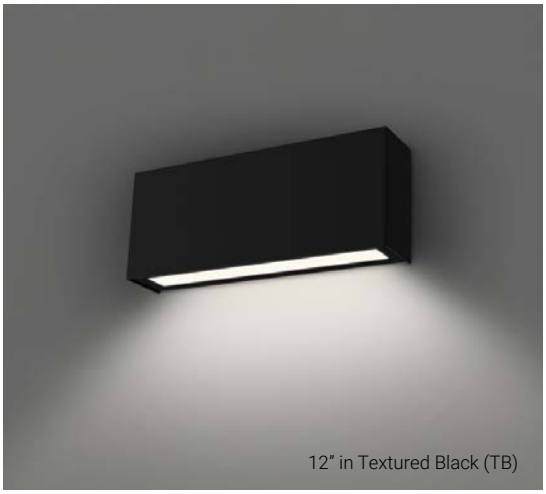
LED PERFORMANCE - 3500K STANDARD - TYPE 2 DISTRIBUTION
120-277V - 3500K, L80 rating - 60,000 hrs - L70 rating (projected) - 100,000 hrs
Amperage rated @ 110V input
Operating ambient temperature: -20°C / -4°F - 60°C / 140°F

Delivered 3500K lumens noted. Consult Brownlee.com for performance of all CCTs.
08 Size: C13 – 13W nominal, .10 A input - 1165 lm. Dimmable (0-10V). 82 CRI Standard.
12 Size: H08 – 8W nominal, .07 A input - 860 lm. Dimmable (0-10V). 90+ CRI Standard.
12 Size: H16 – 16W nominal, .14 A input – 1490 lm. Dimmable (0-10V). 90+ CRI Standard.
12 Size: H21 – 21W nominal, .18 A input – 1725 lm. Dimmable (0-10V). 90+ CRI Standard.
24 Size: H16 – 16W nominal, .14 A input – 1470 lm. Dimmable (0-10V). 90+ CRI Standard.
24 Size: H32 – 32W nominal, .27 A input – 3030 lm. Dimmable (0-10V). 90+ CRI Standard.
24 Size: H41 – 41W nominal, .35 A input – 3410 lm. Dimmable (0-10V). 90+ CRI Standard.

MOUNTING
Fixture mounts to a 4x4 junction box (by others).
Wet-listed in the downward orientation only (light source facing down).

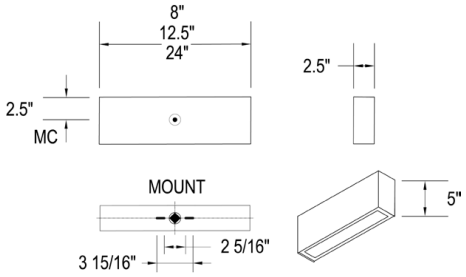
FINISH
Durable corrosion resistant powder coat finish.
Custom colors available, contact factory.

WARRANTY
5 year limited warranty on this LED product.
Consult factory for details.



Integral Battery Backup
Refer to options section





WET

ADA

ORDERING INFORMATION

7075 - _____ - _____ - _____ - _____ - _____

Model | 2. | 3. | 4. | 5. | 6.

2. SIZE

08	L: 08"
12	L: 12"
24	L: 24"

3. FINISH

TB	Textured Black
TG	Textured Grey
TW	Textured White

Note: TB, TG, TW are ultra fine textured matte finishes. Contact your local representative for color swatches.

CUSTOM
Additional finishes available as a modified option. Refer to Brownlee's Finishes webpage for inspiration.

4. WATTAGE

08 SIZE

C13	13W C Series LED

12 SIZE

H08	08W H Series LED
H16	16W H Series LED
H21	21W H Series LED

24 SIZE

H16	16W H Series LED
H32	32W H Series LED
H41	41W H Series LED

5. COLOR TEMPERATURE

35K	3500K color temperature
27K	2700K color temperature (C Series Only)
30K	3000K color temperature
40K	4000K color temperature

6. AVAILABLE OPTIONS

90R[0]	90 CRI (C-Series Wattages: 30K only)
BAC[1]	Buy American Compliant
BBI[2]	Integral Battery Backup - 10W (32F minimum)
BBC[2]	Integral Battery Backup, Cold Weather - 15W (-4F minimum) (24 Size Only)

Battery must be connected to continuous power supply within 7 Mo. of shipping. See Warranty Note 3.

DTR[4]	Triac (Line Voltage) Dimming (120V) (Cannot be combined with BBI/BBC)
ES[6]	ENERGY STAR® (All except H08, H21, H41)
FCL[7]	French Canadian Label
PO1	Photo Control (120V)
PO2	Photo Control (208, 240, 277V)
T24[9]	Title 24 JA8 Compliant (H16 & H32 only)

Universal Footnotes (only applies if option is listed on spec sheet): (0) 90R - 90 CRI output-loss multiplier: 0.85 (estimate). Cannot be combined with ES. **1) BAC** - cannot be combined with FCL. **(2) BBI/BBS/BBC** - cannot be combined with ECW or EXT. **(3) BLD** - includes integral microwave motion sensor (do not combine with OCC option). Cannot be combined with DTR. **(4) DTR** - cannot be combined with BLD. **(5) ECW** - cannot be combined with BBI, BBC, or DTR. **(6) ES** - cannot be combined with 90R or T24. **(7) FCL** - cannot be combined with BAC. **(8) OCC** - integral microwave motion sensor (ON/OFF). **(9) T24** - includes JA8 labeling and 90 CRI LEDs (do not combine with 90R option). Cannot be combined with ES. **(10) PCH/PC4** - cannot be combined with BLD or OCC. **Add'l Notes: *BBI/BBC** - BBI minimum operating temp: 10C/50F unless otherwise stated. BBC minimum operating temp: -20C/-4F. ****BLD** - integral microwave motion sensor with step-dim control. 1: Motion is detected, illuminate to 100%. 2: Motion no longer detected, dim to set level. 3: Remain in continuous dimmed state or turn off after set period. Configurable via onboard dip switches.

Specifications and dimensions subject to change without notice.
Consult your Brownlee Lighting representative for availability and ordering information.

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REVISED
2023.11.27

BRICK-OD OUTDOOR

PHOTOMETRIC DATA - For theoretical reference only. Data subject to change without notice.

PROJECT:	
MODEL #:	
FIXTURE TYPE:	W1

ISOFOOTCANDLE PLOT LEGEND

10 fc 5 fc 2 fc .5 fc .25 fc

Mounting Height: 10'

Calculation Grid: 10' x 10'

POLAR GRAPH LEGEND

1 - Vertical Plane Through Horizontal Angles (5 - 185) (Through Max. Cd.)

2 - Vertical Plane Through Horizontal Angles (90 - 270)

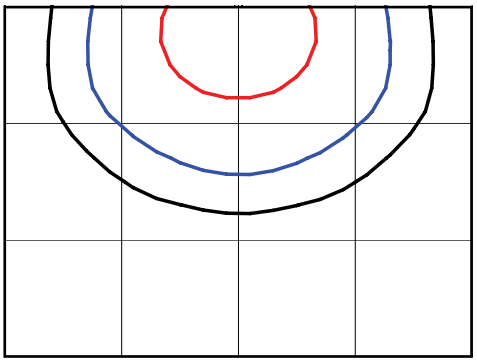
3 - Horizontal Cone Through Vertical Angle (17.5) (Through Max. Cd.)

PHOTOMETRIC DATA

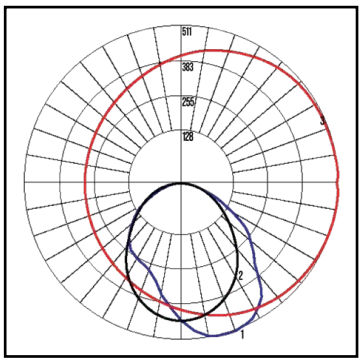
ADDITIONAL LUMEN PACKAGES AVAILABLE. CONTACT FACTORY FOR SUPPORTING PLOTS OR REFER TO IES FILES ONLINE.

Model: 7075-08-C13-35K / QTY: 1
Description: 08" Size, 13W, 1160 lm

ISOFOOTCANDLE PLOT



POLAR GRAPH

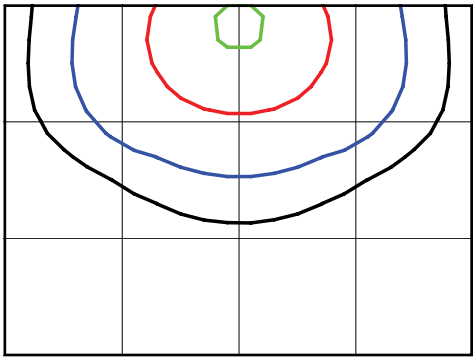


BUG RATING
B1-U0-G0

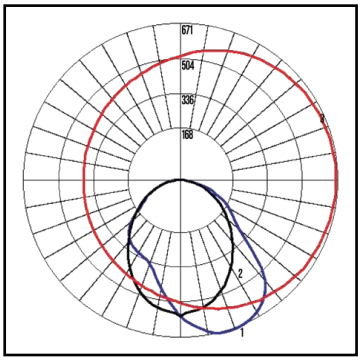
DISTRIBUTION
TYPE 2

Model: 7075-12-H16-35K / QTY: 1
Description: 12" Size, 16W, 1490 lm

ISOFOOTCANDLE PLOT



POLAR GRAPH

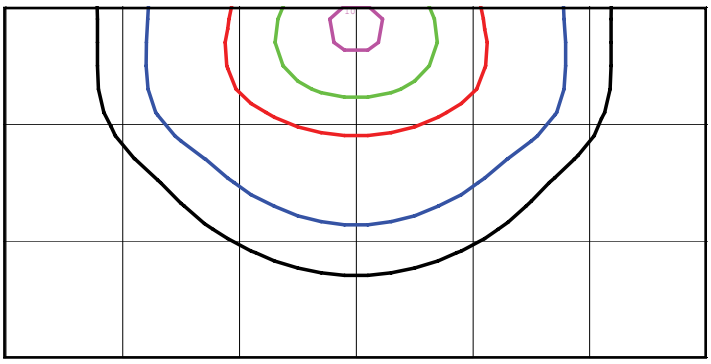


BUG RATING
B1-U0-G1

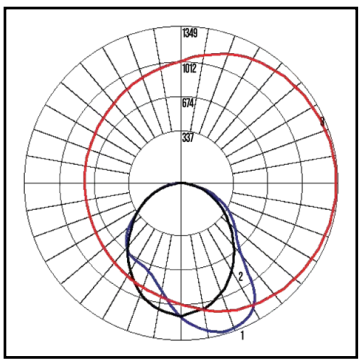
DISTRIBUTION
TYPE 2

Model: 7075-24-H32-35K / QTY: 1
Description: 24" Size, 32W, 3030 lm

ISOFOOTCANDLE PLOT



POLAR GRAPH



BUG RATING
B1-U0-G1

DISTRIBUTION
TYPE 2

Specifications and dimensions subject to change without notice.
Consult your Brownlee Lighting representative for availability and ordering information.

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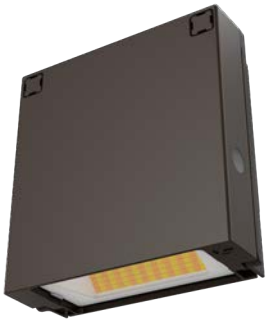
REVISED
2023.11.27



WPX0 LED
Wall Pack

W5

Catalog Number

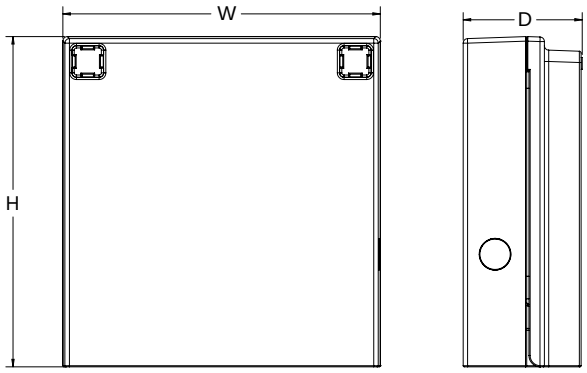
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

Depth (D): 2″
Height (H): 5.75″
Width (W): 5.5″
Weight: 2.5lbs



Introduction

The WPX LED wall packs are energy-efficient, cost-effective, and aesthetically appealing solutions for both HID wall pack replacement and new construction opportunities. Available in four sizes, the WPX family delivers 850 to 9,200 lumens with a wide, uniform distribution.

The WPX0 full cut-off wall pack is an excellent above the door lighting solution. Reliable IP66 construction and excellent LED lumen maintenance ensure a long service life. Standard features such as Adjustable Lumen Output (ALO), color switching and switchable photocell make WPX0 ideal for any application.

Ordering Information

EXAMPLE: WPX0 LED ALO SWW2 MVOLT PE DDBXD

Series	Color Temperature	Voltage	Controls	Finish
WPX0 LED ALO 850 - 1,650 Lumens	SWW2 3000K / 4000K / 5000K	MVOLT 120V - 277V	PE Photocell (On/Off)	DDBXD Dark bronze

Note: The lumen output and input power shown in the ordering tree are average representations of all configuration.

NOTES:
Default out of the box settings: 1,650 Lumens, 4000K, Photocell enabled

FEATURES & SPECIFICATIONS

INTENDED USE
The WPX LED wall packs are designed to provide a cost-effective, energy-efficient solution for the one-for-one replacement of existing HID wall packs. The WPX0, WPX1, WPX2 and WPX3 are ideal for replacing up to 70W, 150W, 250W, and 400W HID luminaires respectively. WPX luminaires deliver a uniform, wide distribution. WPX is rated for -40°C to 40°C.

CONSTRUCTION
WPX feature a die-cast aluminum main body with optimal thermal management that both enhances LED efficacy and extends component life. The luminaires are IP66 rated, and sealed against moisture or environmental contaminants.

ELECTRICAL
Light engine consist of high-efficacy LEDs and LED lumen maintenance of L86/100,000 hours. Color temperature (CCT) can be switched between 3000K, 4000K and 5000K with minimum CRI

of 80. Electronic driver ensures system power factor >90% and THD <20%. The luminaire operates on MVOLT (120V - 277V) input.

A module inside the luminaire allows the installer to not only switch between CCTs, but also the adjust the lumen output and switch on and off the photocell (PE).

INSTALLATION
WPX can be mounted directly over a standard electrical junction box. A port on the back surface allows poke-through conduit wiring on surfaces that don't have an electrical junction box. Wiring can be made in the integral wiring compartment in all cases. WPX is only recommended for installations with LEDs facing downwards.

LISTINGS
CSA Certified to meet U.S. and Canadian standards. Suitable for wet locations. IP66 Rated. DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY
5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

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W5

Performance Data

Electrical Load

ALO Setting	Input Power (W)	120 V (A)	208 V (A)	240 V (A)	277 V (A)
ALO 4	13.0	0.11	0.06	0.05	0.05
ALO 3	9.2	0.08	0.04	0.04	0.03
ALO 2	7.8	0.07	0.04	0.03	0.03
ALO 1	6.4	0.05	0.03	0.03	0.02

Projected LED Lumen Maintenance

Data references the extrapolated performance projections in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	50,000	75,000	100,000
Lumen Maintenance Factor	>0.93	>0.89	>0.86

Lumen Output

ALO Setting	Color Temperature	Lumen Output
ALO 4	3000K	1,591
	4000K	1,644
	5000K	1,667
ALO 3	3000K	1,164
	4000K	1,191
	5000K	1,225
ALO 2	3000K	974
	4000K	994
	5000K	1,025
ALO 1	3000K	814
	4000K	829
	5000K	859

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

Ambient	Ambient	Lumen Multiplier
0°C	32°F	1.027
5°C	41°F	1.023
10°C	50°F	1.018
15°C	59°F	1.012
20°C	68°F	1.006
25°C	77°F	1.000
30°C	86°F	0.993
35°C	95°F	0.986
40°C	104°F	0.979

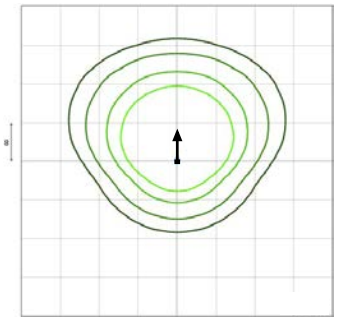
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting WPX LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards

LEGEND

- 0.1 fc
- 0.2 fc
- 0.5 fc
- 1.0 fc

WPX0 LED ALO4



Switchable Features



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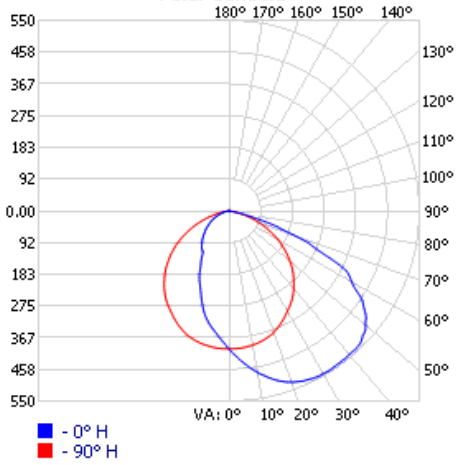
W5

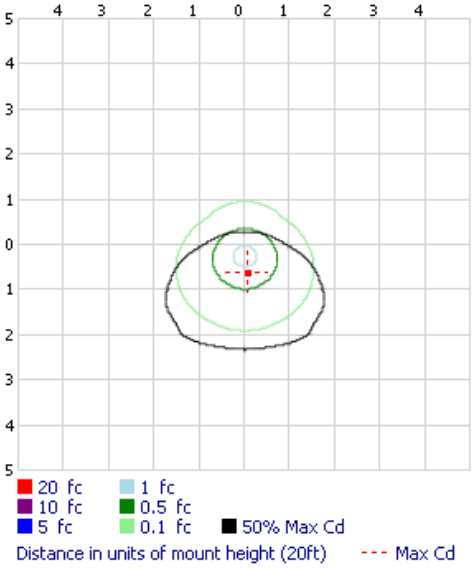
OUTDOOR PHOTOMETRIC REPORT
CATALOG: WPX0 LED ALO-3 40K MVOLT

Test #:	INT 06062022P9
Test Lab:	SCALED PHOTOMETRY
Catalog:	WPX0 LED ALO-3 40K MVOLT
Description:	WPX0 LED, 1200 Lumen setting, 4000K Setting, 120-277V
Series:	WPX0 LED Wall Mount
Lamp Output:	Total luminaire Lumens: 1191.6, absolute photometry *
Input Wattage:	8.6594
Luminous Opening:	Rectangle (L: 4.08", W: 2.04")
Max Cd:	544.5 at Horizontal: 0°, Vertical: 32°
Roadway Class:	VERY SHORT, TYPE III

Polar Candela



Isoilluminance



*Test based on absolute photometry where lamp lumens=lumens total.
*Cutoff Classification and efficiency cannot be properly calculated for absolute photometry.

Visual Photometric Tool 1.2.46 copyright 2024, Acuity Brands Lighting.
This Photometric report has been generated using methods recommended by the IESNA. Calculations are based on Photometric data provided by the manufacturer, and the accuracy of this Photometric report is dependent on the accuracy of the data provided. End-user environment and application (including, but not limited to, voltage variation and dirt accumulation) can cause actual Photometric performance to differ from the performance calculated using the data provided by the manufacturer. This report is provided without warranty as to accuracy, completeness, reliability or otherwise. In no event will Acuity Brands Lighting be responsible for any loss resulting from any use of this report.

INT 06062022P9
VISUAL PHOTOMETRIC TOOL

OUTDOOR PHOTOMETRIC REPORT
CATALOG: WPX0 LED ALO-3 40K MVOLT

Zonal Lumen Summary

Zone	Lumens	% Luminaire
0-30	318.6	26.7%
0-40	525.6	44.1%
0-60	965.1	81%
60-90	226.5	19%
70-100	66.6	5.6%
90-120	0.000	0%
0-90	1,191.6	100%
90-180	0.000	0%
0-180	1,191.6	100%

Lumens Per Zone

Zone	Lumens	% Total	Zone	Lumens	% Total
0-10	38.0	3.2%	90-100	0.000	0%
10-20	111.1	9.3%	100-110	0.000	0%
20-30	169.5	14.2%	110-120	0.000	0%
30-40	206.9	17.4%	120-130	0.000	0%
40-50	225.3	18.9%	130-140	0.000	0%
50-60	214.2	18.0%	140-150	0.000	0%
60-70	159.9	13.4%	150-160	0.000	0%
70-80	62.4	5.2%	160-170	0.000	0%
80-90	4.2	0.4%	170-180	0.000	0%

Roadway Summary

Distribution:	TYPE III, VERY SHORT	
Max Cd, 90 Deg Vert:		0.000
Max Cd, 80 to <90 Deg:		37.3
	Lumens	% Lamp
Downward Street Side:	866.4	72.7%
Downward House Side:	325.4	27.3%
Downward Total:	1,191.7	100%
Upward Street Side:	0.000	0%
Upward House Side:	0.000	0%
Upward Total:	0.000	0%
Total Lumens:	1,191.7	100%

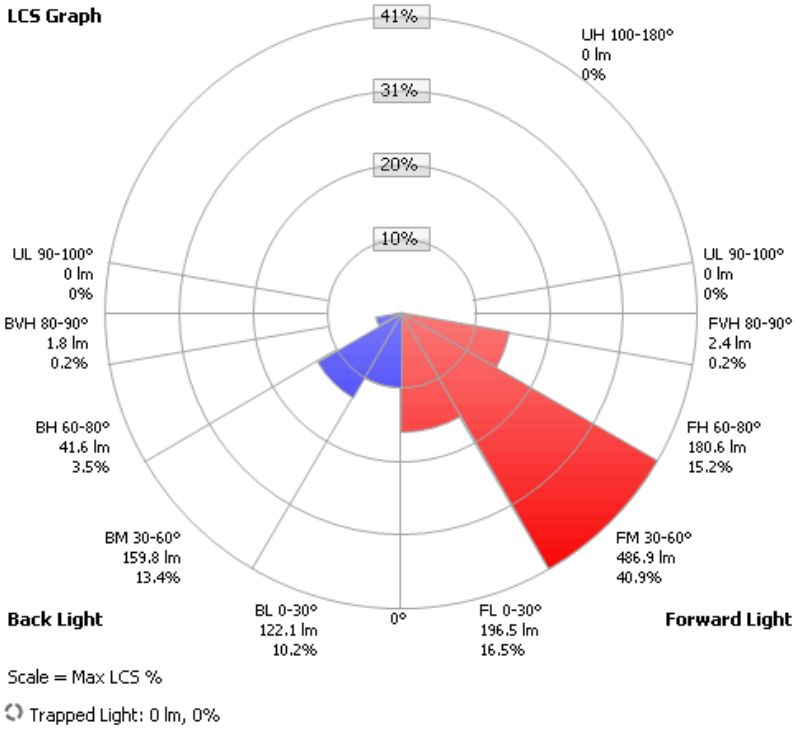
LCS Table

BUG Rating	**B1 - U0 - G0**	
Forward Light	Lumens	Lumens %
Low(0-30):	196.5	16.5%
Medium(30-60):	486.9	40.9%
High(60-80):	180.6	15.2%
Very High(80-90):	2.4	0.2%
Back Light		
Low(0-30):	122.1	10.2%
Medium(30-60):	159.8	13.4%
High(60-80):	41.6	3.5%
Very High(80-90):	1.8	0.2%
Uplight		
Low(90-100):	0.000	0%
High(100-180):	0.000	0%
Trapped Light:	0.000	0%

INT 06062022P9
VISUAL PHOTOMETRIC TOOL

W5

OUTDOOR PHOTOMETRIC REPORT
CATALOG: WPX0 LED ALO-3 40K MVOLT



W5

OUTDOOR PHOTOMETRIC REPORT
CATALOG: WPX0 LED ALO-3 40K MVOLT

Candela Table - Type C

	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180
0	399	399	399	399	399	399	399	399	399	399	399	399	399	399	399	399	399	399	399
5	438	436	435	432	428	423	417	411	404	398	391	385	379	374	370	366	364	362	362
10	474	472	468	463	455	445	433	421	407	393	381	369	358	351	343	338	334	332	331
15	505	503	497	489	477	463	446	427	406	386	368	351	338	327	316	306	298	292	290
20	526	525	519	509	496	477	455	429	401	374	349	330	314	296	278	261	250	243	241
25	538	537	531	521	506	486	459	426	390	356	327	305	282	257	235	221	212	205	202
30	543	541	535	524	509	487	455	417	375	336	303	277	246	218	199	180	168	162	159
35	543	540	533	521	505	478	444	405	360	316	279	248	211	185	161	143	137	136	136
40	541	538	528	513	493	461	429	390	341	291	252	214	178	149	130	127	124	123	122
45	538	535	524	505	474	440	408	368	316	263	221	179	144	121	116	112	109	107	106
50	515	513	504	487	454	415	379	339	288	231	187	145	113	104	100	96	92	90	90
55	474	470	466	452	423	387	345	304	254	197	153	113	92	88	83	79	77	75	75
60	409	405	399	393	372	345	306	262	216	161	118	85	75	70	66	63	61	60	59
65	320	324	337	321	299	285	255	214	170	121	85	63	57	53	50	48	46	45	45
70	185	189	202	204	218	206	189	160	123	83	54	44	39	37	35	33	31	31	30
75	72	73	84	96	101	113	113	97	73	48	31	26	24	22	21	20	18	18	18
80	5	5	17	17	24	33	35	36	28	20	14	12	11	10	9	9	9	9	8
85	0	0	0	0	0	1	2	3	3	3	3	3	2	2	2	2	2	2	2
90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
95	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
105	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
110	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
115	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
125	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
130	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
135	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
140	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
145	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
150	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
155	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
160	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
165	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
170	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
175	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
180	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

O. Architectural Design Narrative

Please find attached the design narrative completed by Primary Projects.

Primary Projects

2330 Horton Street
North Dighton, MA 02764

primaryprojects.org
+1 617 440 4674

April 6, 2024

City of Portland Maine
Planning & Urban Development Department
389 Congress Street, 4th Floor
Portland, ME 04101

Re: 42 Atlantic Housing - Design Narrative

Dear City of Portland Planning and Urban Development Department,

The proposed building at 42 Atlantic Street in the Munjoy Hill Historic District will house 30 units of affordable rental housing in a rectangular, 4-story volume with a partially daylit basement. Located at the corner of Atlantic Street and Gilbert Lane, its East (Atlantic-facing) and North (Gilbert-facing) elevations are the most visually prominent.

Over the course of the project's development, we have studied the neighborhood through reading about its history, walking its streets, and meeting with interested parties: neighbors, Greater Portland Landmarks, the Munjoy Hill Neighborhood Organization, and the Historic Preservation (HP) Board, to date. (The key development contact for the project also lives within a quarter of a mile from the site.) The immediate context is primarily made up of one-and-a-half to three-story, vertically-proportioned structures with gabled or flat roofs. The majority of the houses are clad in clapboard with stacking, vertically proportioned windows, and street-facing entry porches.

At every phase of development, the proposed building has incorporated these characteristics: clapboard siding, stacked vertically-proportioned windows, and a street-facing entry porch. Outside of that, the design has evolved considerably in response to feedback.

Initial Design

The initial design[1] was rectangular in plan. At that point, the first through third floors were clad in clapboard. The siding's ninety degree change in orientation at the fourth fourth gave it a mansard-quality, similar to the original building located at 42 Atlantic Street. On January 29th, we received feedback at an HP Pre-Application meeting asking for the East & North facades to have a greater degree of articulation to break up building volume.

Revised Design

Because of the strict dimensional requirements from MaineHousing, incorporating the feedback above resulted in the loss of three units. This design was presented to the neighborhood on March 5th at our first formal Neighborhood Meeting, and to the HP Board on March 6th at our first Public Workshop. The massing of this design stepped in plan by a foot, five times along the East elevation, and three times along the West. At each of these shifts in plane the orientation of the siding shifted from horizontal to vertical, and the tone of the siding changed subtly. In addition to responding to the feedback we'd received, these changes were meant to relate to the vertical proportions of the neighborhood.

The primary feedback, specifically from the HP Board, was that the design needed more articulation (a cornice, vertical or horizontal banding, additional detail at the windows & entries, a broader material palette), and that it

[1] This design was shared with the City at a Planning Pre-Application meeting on January 17, and with two members of the Historic Preservation Board at an HP Pre-Application meeting on January 29.

would benefit from a simpler overall massing. A rectangle in plan would allow for more units, and would be more in keeping with the neighborhood.

Current Design

The current design responds to the feedback above, and incorporates other changes meant to further root the building to its context. The rectangular, 4-story mass is broken into several bays along all four sides to give a horizontally-proportioned building form a vertical character. A vertically-oriented painted pine shiplap, referencing the brick tone of 55 Atlantic, makes up the bulk of the building. This alternates with a treated pine clapboard inspired by the unpainted clapboard of 48 Atlantic. Each bay is defined by a protruding, painted pine trim board to give it definition and create a play of shadow. Matching horizontal trim boards at the heads and sills of each window, and at the cornice, further this effect. The treated pine clapboard strategically wraps the Atlantic-facing corners of the building to soften the edges and narrow its perceived width.

Greater attention has been paid to the building's entries as well. The entry porch on Atlantic Street is still recessed (it always has been), but now it is emphasized through a projecting canopy and a material change (to treated pine) at the recess. A great deal of care has been taken to make the ramp and stair at this entry better suit its context. The stair has been rotated to be more inviting to passerby at the sidewalk. (Related to this, the secondary means of egress from the basement has been reworked to minimize its visual presence and allow for more windows at the ground floor unit.) The retaining wall at the ramp is now level, which conceals the rise of the ramp beyond, and gives the wall a sculptural character more in keeping with its neighbors. Lastly, the bike room entry on Gilbert has been made more inviting through enhanced lighting and a full glass lite in its entry door.

We look forward to discussing the project at the Planning Board workshop.

Sincerely,



Kyle Barker, AIA NCARB
Primary Projects PLLC
Founding Principal

P. Utilities

The proposed project will include installation of multiple utility services to the proposed building.

Water:

There is an existing 6" 1906 cast iron water main within Atlantic Street. It is proposed to connect into the existing 6" water main along Atlantic Street with two services to feed the proposed building. The connections include a 2" type k copper domestic service, and a 6" D.I. sprinkler line.

Sewer:

An existing 18" sewer exists in Atlantic Street. It is proposed to connect a new 6" PVC lateral to match springline of existing 18" sewer main with inserta-tee. A backflow preventer is proposed at the property line before connecting into the existing sewer main.

Stormwater:

Overall, the site was designed to decrease impervious areas and to capture and attenuate stormwater runoff from the site by utilizing a subsurface R-Tank detention system, prior to it entering the city's combined sewer system. Currently the design proposes to tie into the existing 18" combined sewer within Atlantic Street via a new doghouse manhole.

Based on the city archive plans and discussion with Portland's DPW team, the existing 18" combined sewer within Atlantic Street is intended to be separated as part of the City's East End MS4 Separation project. Further coordination with DPW is anticipated as part of this proposed project.

Please refer to the Grading & Drainage plans as well as the Stormwater Management Report for more information.

Electric/Communications:

The development currently proposes to extend 3-phase power underground through Gilbert's Lane from St. Lawrence Street to a 7'x7' Pad mount transformer on the property. Please see the Utility plan for the proposed Electric and telecommunication services routing to the proposed building. Potential improvements and temporary routing to the existing network and the proposed conditions are being coordinated with the appropriate utility companies.

Gas:

It is our understanding that a 2" gas main exists within Atlantic Street. Gas is not proposed as part of this development.

Ability to serve letters have been sent out to the respective utility companies in accordance with the City of Portland Code of Ordinances Chapter 14 Land Use. Formal responses from the utility companies are forthcoming.

Q. Construction Management Plan

Project Address: 42 Atlantic Street

Project Description:

The proposed project includes the construction of a residential building to be occupied by 30 affordable units.

Project Team Summary:

Owner:	LB Atlantic, LLC.
General Contractor:	Optimum Construction
Civil & Environmental Engineer:	Acorn Engineering, Inc.
Architect:	Primary Projects, PLLC
Structural Engineer:	Base Design Group, Inc.
MEP-FP Engineer:	BLW Engineers, Inc.
Geotechnical Engineer:	Summit Geoengineering Services

The Owner/GC and all subcontractors will work with the City of Portland and adjacent landowners to minimize any project impacts.

The GC will remain responsible for enforcement of all compliance with 1) all contract plans and specifications in their scope of work and 2) all site working conditions and safety requirements, day and night, for both persons and property, in each case for the duration of their work. These include OSHA, NIOSH, U.S. EPA, local ordinance and any other applicable governmental regulations. Both the Owner/GC and any subcontractors will remain responsible for safeguarding the general public.

The GC shall review all permits and conditions associated with the project. Refer to the Civil/Site Plan Set, Sheet C-03 Construction Management Plan for visual representation of the measures to be taken during construction.

The following outline has been developed in accordance with the City of Portland Construction Management Plan General Template and shall be referenced by the GC during construction.

A. Construction Management Principles

The control of noise, vibrations, ground movement, truck traffic, and other construction related factors will be of utmost importance. Care shall be taken to minimize these effects in the best interest of neighbors and the general public. GC to ensure that work hours conform to the City of Portland's Ordinance.

B. Development Review of Construction Management Plan

Logistics and safety program shall be submitted at or prior to the preconstruction meeting by the GC with all pertinent information required by the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3. Please refer

to the preliminary Site Logistics Plan, developed by Optimum Construction, May 15th, 2024.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Guarantees and fees will be paid at the time of the respective application. Sections 14-530 and 13-532 will be complied with all necessary permits will be obtained prior to work.

1. Street Opening and Street Occupancy Permits:

   Required permits regarding street opening and occupancy will be obtained from the Department of Public Works. The requests shall conform to the approved Construction Management Plan.

2. Blasting:

   Although not anticipated, if blasting occurs, it shall conform to Article VIII. In Chapter 14 of the City Code and Section 3.7 in the City's Technical Manual.

3. Building Code:

   Employ the best practices, as applicable, of Chapter 33 Safeguards During Construction, from the 2009 International Building Code.

D. Construction Administration and Communication

The Contractor will work closely with adjacent abutters, businesses, and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. Communication in order to comply with all agreements, ordinances, and special permits will be of the utmost importance. Contractor and Subcontractor contact information shall be posted somewhere along the project's street frontage. Additional signage necessary for communication shall be provided but will be temporary and removed upon completion of the project.

E. Construction Schedule

The GC shall submit a construction timeline at or prior to the preconstruction meeting. Construction may occur during the daytime hours as defined in Section 17-18. Construction Activities for Building permit and City Code Section 25-129, Noise, dust and debris. Between September 1 and May 31, the following year, no person shall engage in construction activities generating noise exceeding 50 decibels, between the hours of 7 pm and 7 am of the following day within 500 feet of any buildings. From June 1 to August 31, construction activity may continue until 8 pm. No construction activity shall begin before 8 am on a Saturday, Sunday, or legal holiday. Extended hours or night work may be requested for special circumstances and street utility work if needed. These requests will be subject to approval by the Public Works Authority.

Deliveries will be scheduled between 7 am and 5 pm.

The estimated timeframe of the proposed project is outlined below:

Project Start Date:	Spring 2025
Project End Date:	Spring 2026

A more detailed work schedule shall be provided by the GC at or before the pre-construction meeting with the City.

F. Security

1. The Construction Management Plan, Sheet C-03, depicts all proposed fencing and other barriers, with the intent of separating pedestrian and vehicle circulation from the construction site. Construction entrances per detail shall be installed.

2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations.*

3. Fire Safety Program: Prior to construction, an overall construction and demolition fire safety program shall be developed. Essential items to be emphasized include the following:
    - Good Housekeeping
    - On-site security
    - Installation of new fire protection systems as construction progresses
    - Preservation of existing systems during demolition
    - Organization and training of an on-site fire brigade
    - Development of a pre-fire plan with the local fire department
    - Rapid communication
    - Consideration of special hazards resulting from previous occupancies
    - Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations.

4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.

5. Temporary security lighting shall be shown on the Construction Management Plan, and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets

   Construction activity in the public right-of-way shall be compliant with Chapter 25 Article VII of the City Code. At no time will it be permissible for construction

activity including delivery vehicle to close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.

2. Sewer and Stormwater

   Sewer and stormwater system connections are controlled by Chapters 24 and 32 of the City code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual.

3. Traffic Control Plans

   Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. The contractor shall submit a satisfactory "Maintenance of Traffic" (MOT) plan prior to any street opening permit approval. This document shall contain all pertinent information from the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

   The MOT will address the work required for utility connections in Atlantic Street. Traffic will be channelized utilizing drums and cones. Proper signage will be installed prior to the through work zone. Alternating traffic will be controlled with flaggers. Trenches will be patched with pavement daily.

   The MOT plan shall provide for the safe passage of the public through or along the construction work zone. It may be permissible to close a portion of Atlantic Street during utility connections and/or detour a mode of traffic when absolutely necessary for safety. All requests shall be subject to City approval. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

   - Construction speed signing may be used as needed to slow traffic.
   - Traffic Control signs shall not be placed where they would create any obstructions to bicycles or pedestrians.
   - Flaggers will be utilized when necessary.

   All existing modes of travel in the work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning and laying out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.
- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance in all capacities shall be maintained.

Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

1. Regular trash and debris shall be managed appropriately, and its removal shall comply with all local, state, and federal regulations.

2. Street cleaning and sweeping shall be followed as outlined in the erosion and sedimentation control notes and report. Damage to the street shall be avoided and shall be the responsibility of the contractor.

3. Dust shall be controlled and shall comply with Section 25-129 and the erosion and sedimentation control notes, plan, and details.

4. Noise shall be controlled and shall comply with Section 17-18 and Section 25-129.

5. Rodent Control shall be provided, if applicable, by a professional exterminator and shall be consistent with Chapter 22 of the City Code.

6. Snow and Ice Removal shall be provided. Pursuant to Section 25-173, the Contractor shall ensure a safe means of travel within the work zone by the following steps:

    a. Snow/ice removal or commence automatically from 1" or greater of snow or ice
    b. Remove snow as needed within the work zone, including parking spaces. Driveways and site lines shall not be blocked by piles of snow.
    c. Clear all walks and ramps within the work zone
    d. Sand or salt as needed
    e. Clear all basin or drainage to help snow melt
    f. The above steps shall be carried out Sunday-Saturday including holidays.

I. Erosion & Sedimentation Control

1. The Contractor shall install all erosion and sedimentation controls as depicted on the approved Construction Management Plan, C-03, and the approved erosion and sedimentation control report, prior to the pre-construction meeting for inspection

by the City. The Contractor shall regularly inspect the control measures, no less than weekly and after storm events (0.5" or more in 24 hours). Additionally, temporary or permanent stormwater management systems shall be inspected and maintained to ensure working order. The Contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection (MDEP) or the U.S. Environmental Protection Agency (EPA) upon request.

2. Due to the existing, sparse landscaping on site, no protection during construction will be necessary.

3. Stored materials shall be identified and avoid being located under/near trees.

J. Construction Staging Area

1. The Contractor shall submit a plan with locations depicted for the location of material staging areas, the location of on-site temporary construction trailers, the location of on-site truck delivery holding areas, the location of on-site truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. This plan shall be submitted at or prior to the pre-construction meeting. Any open storage areas shall be shown on the plan.

2. Delivery Truck Holding Areas On-Site: The majority of materials delivered to the site will be scheduled such that they are able to be off-loaded immediately. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of trucks until they can be unloaded. Once at the site all vehicles will be brought within the fence line and will make every attempt to avoid queuing on public streets. If, for any reason, on-site holding of trucks is not feasible, an off-site location must be designated and shown on the submitted plan referenced above in J.1.

3. All deliveries for materials shall comply with the City's noise requirements.

K. Parking During Construction

1. Adequate parking for construction workers shall be provided on site or arrangements for off-street parking at an off-site location shall be provided.

2. Truck Routes and Volumes: The following quantities are estimated as part of the reconstruction:

    - Gravel & Stone – 325 CY. Earthwork subcontractor(s) pit to project site.

L. Dewatering Plans

1. A basic dewatering plan for any construction work is required and shall be submitted by the Contractor. The plan must cover construction sites where groundwater is not expected but the impact of rainwater may require dewatering. The plan must include operating procedures, equipment to be used, including filters, erosion and sediment control measures, or other methods of removing sediment from approved discharges.

2. For construction work that will require frequent dewatering of groundwater from site, a dewatering plan must be prepared by the Contractor and approved by the Department of Public Works. Groundwater and/or soil testing may be required to determine course of action if treatment is necessary. Approval for all discharges to City infrastructure is required. The proposed plan must address the following:

    - Project duration, discharge location, storage equipment on-site, dewatering schematic, and emergency contact.
    - General requirements include trained staff on-site for all approved discharges and required site log for documentation of all discharges.
    - Storage and/or treatment process should include proper settling time and maintain proper use of filtering medium as required.
    - Contingency/maintenance plan for all dewatering equipment devices and filtration mediums.

    Any water that is removed from an excavation must be pumped from a perforated device buried in crush stone prior discharge and/or prior to storage and treatment. There will be no discharge allowed during precipitation events.

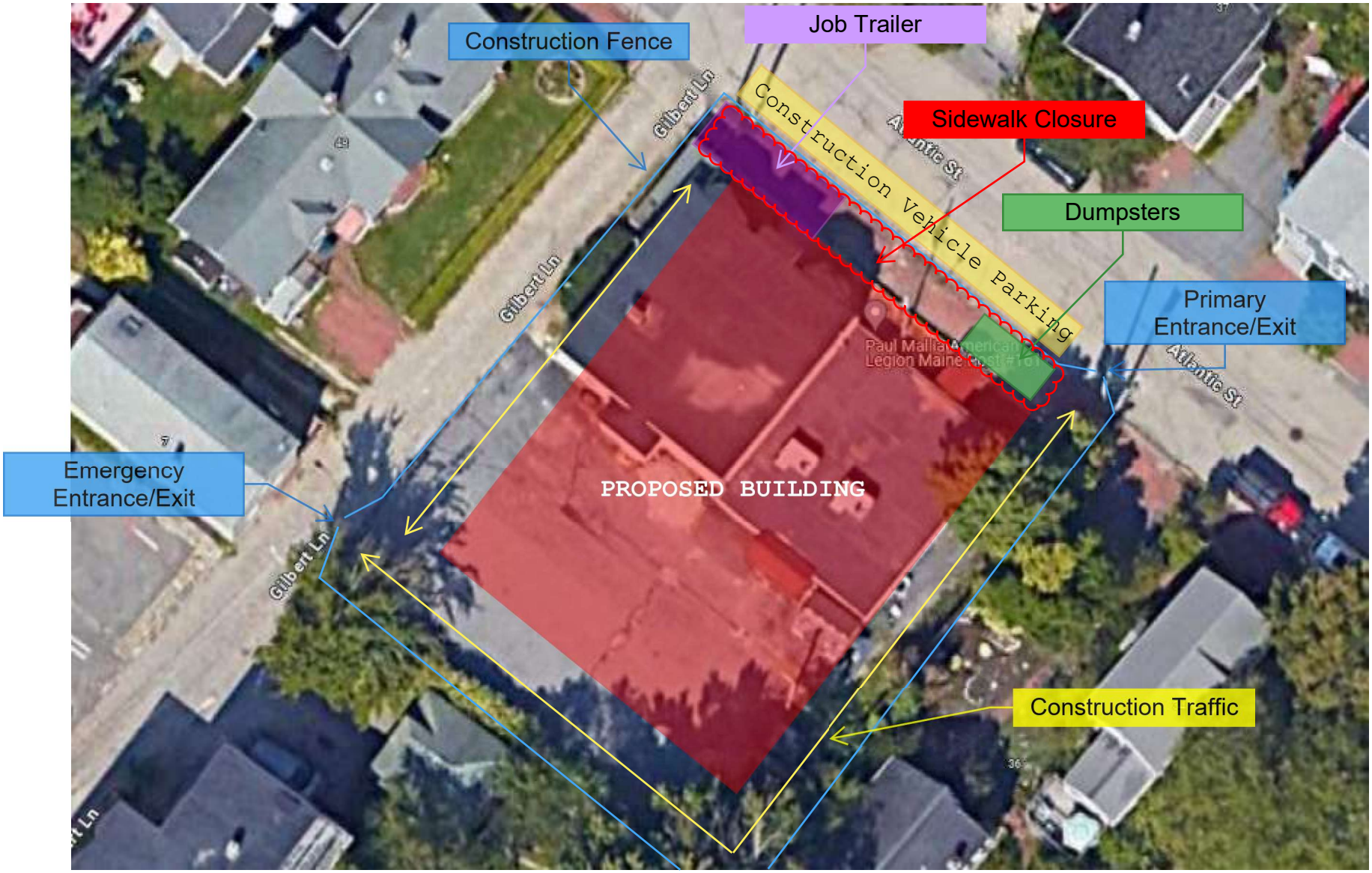
M. Special Measures as Necessary

No special measures are necessary for the proposed reconstruction.

OPTIMUM construction co.

Site Logistics Plan

42 Atlantic St Apartments
Portland, Maine



R. Solid Waste Disposal

The property management company and Owner will be responsible for locating the solid waste and recyclable material to the spaces allocated for solid waste storage. Ultimately, a private hauler will be contracted for removal by queuing within Gilbert's Lane. The solid waste containers will be fully enclosed and screened from the public view as shown on the Site Plan. There is no dumpster proposed on site.

S. Parking Analysis

The redevelopment project proposes to demolish the existing vacant structure that previously housed the American Legion at 42 Atlantic Street, to provide a 4-story building with 30 affordable residential dwelling units compromised of 14 studio spaces, 8 two-bedroom units, and 8 three-bedroom units.

Site Overview:

- 4-Story building for 30 Affordable Residential Dwelling Units.
- 0 Parking spaces proposed
- Total of **49** bicycle spaces proposed within and surrounding the building;
    - 24 bike spaces proposed within the building
    - 13 bike spaces within a bike repair /maintenance room.
    - 6 Bike hoops proposed surrounding the property (capacity for 12 bikes)

Transportation Mitigation Incentives:

- Provide a live feed transit screen/monitor in the building lobby to identify the METRO bus stop information in the surrounding area.
- Provide two bike rooms within the building, one of which will include repair tools and an air pump for tenants to utilize.
- Potential transit pass assistance depending upon available programs and potential partnerships (research ongoing by Applicant).

Parking Demand

The parking demand has been evaluated using two methodologies. The Institute of Transportation Engineers (ITE) Parking Generation Manual 5th Edition was utilized for the 2 and 3 bedroom units. This resource provides a range of parking rates based on national data over the last 35 years. The Setting is Dense Multi-Use Urban analyzed on a weekday.

The second methodology includes utilization of local data provided by Avesta Housing, Northern New England's largest non-profit affordable housing developer. Their data shows that one bedroom units on-peninsula have an average automobile usage of 14%. This rate was applied to the studio (one bedroom) units.

2 and 3 Bedrooms (40 Bedrooms):

Low End: 7 parking spaces

Average: 12 parking spaces

1 Bedrooms (14 Bedrooms):

Average: 2 parking spaces

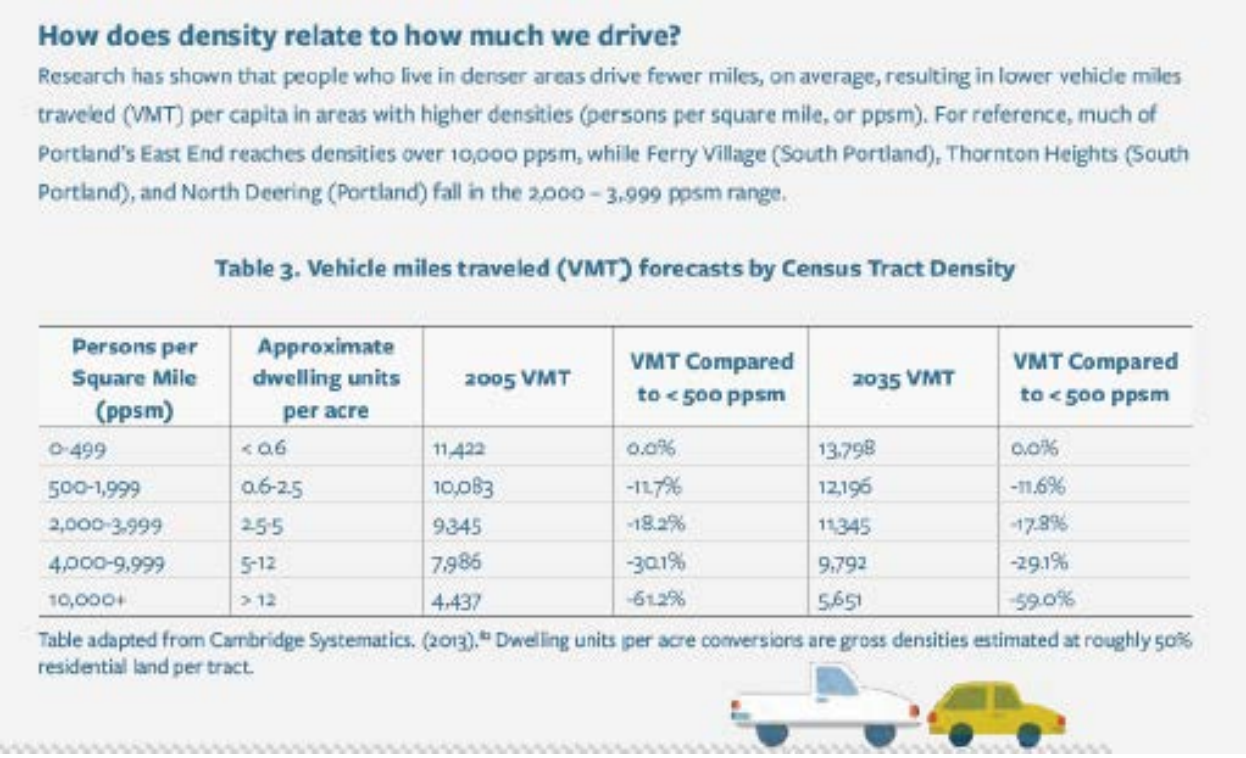
Total Demand:

Low End: 9 parking spaces

Average: 14 parking spaces

Given the development's proximity to existing transit routes within 1,500 feet of the site (0.2 miles or a 5 minute walk to the Congress/North St bus stop), the generous bicycle rooms provided on site, and the availability of on-street parking, the project is not proposing on-site parking. Providing parking for tenants would sacrifice residential unit count and amenity space, neither of which is desired by the Applicant or what the City has set forth as guiding principles.

Additionally, in one of the most dense neighborhoods in the State, there is strong evidence that people tend to drive less when the neighborhood form is more compact. For example, the Munjoy Hill Neighborhood is over 10,000 persons per square mile, which shows a drastic decrease in vehicle miles traveled compared to less dense areas. See Figure 1 below.



How does density relate to how much we drive?

Research has shown that people who live in denser areas drive fewer miles, on average, resulting in lower vehicle miles traveled (VMT) per capita in areas with higher densities (persons per square mile, or ppsm). For reference, much of Portland's East End reaches densities over 10,000 ppsm, while Ferry Village (South Portland), Thornton Heights (South Portland), and North Deering (Portland) fall in the 2,000 – 3,999 ppsm range.

Table 3. Vehicle miles traveled (VMT) forecasts by Census Tract Density

Persons per Square Mile (ppsm)	Approximate dwelling units per acre	2005 VMT	VMT Compared to < 500 ppsm	2035 VMT	VMT Compared to < 500 ppsm
0-499	< 0.6	11,422	0.0%	13,798	0.0%
500-1,999	0.6-2.5	10,083	-11.7%	12,196	-11.6%
2,000-3,999	2.5-5	9,345	-18.2%	11,345	-17.8%
4,000-9,999	5-12	7,986	-30.1%	9,792	-29.1%
10,000+	> 12	4,437	-61.2%	5,651	-59.0%

Table adapted from Cambridge Systematics. (2013).[82] Dwelling units per acre conversions are gross densities estimated at roughly 50% residential land per tract.

Figure 1: Portland/South Portland One Climate Future 2021

If tenants wish to own a vehicle, there are ample opportunities for on-street parking. On-street parking availability has been observed over the past 6 months. Observations made by the Applicant include:

- Ample availability during the day based upon several site visits between October 2023 and June 2024.
- Review of on-street parking availability in late May/Early June 2024 during 4 different time windows which also shows adequate to ample capacity. Please refer to the Appendix for more information.

Conclusion:

The Project Site is a:

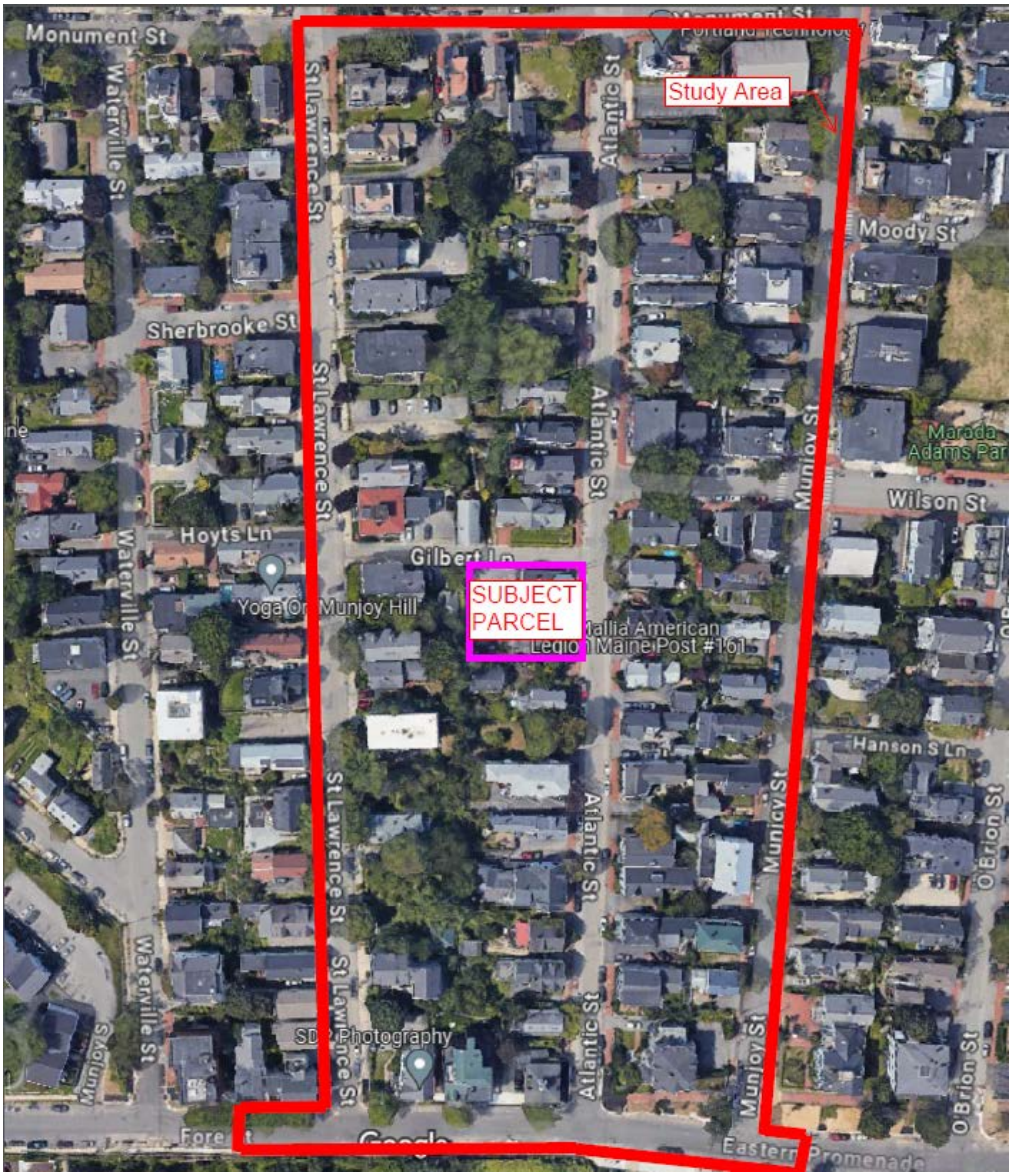
- 5-minute walk or 0.2 miles to the nearest Bus Stop at Congress/North St.
- 9-minute walk or 0.4 miles from the East End Children's Playground / Park
- 10-minute walk or 0.5 miles from Washington Avenue
- 10-minute walk or 0.5 miles from the Old Port and Ferry Terminal

Given the project is providing 30 affordable, the parking requirements for the project are to be determined by the Planning Board. Per Table 19-B in the Land Use Code, the Board "may establish a parking requirement within that is less than 1 space per workforce or low-income housing unit, regardless of the size of the structure". We are requesting the Board use this exception to grant a ratio of 0 such that the project can prioritize affordable housing stock while taking advantage of the underutilized on-street parking in the immediate residential neighborhood surrounding the site. In addition to the Site's excellent walkability and proximity to the bus stop and goods and services, the project will provide space for 49 bicycles with a repair/air pump station for use by residents.

We believe the proposal before the Board to be an appropriate use of the categorical exception for affordable housing given the project's location, the income restrictions of the units and lower tendency to own a vehicle, and the overall best practices in unbundling rent from parking which ultimately allows for more affordable housing stock and a better building and home for the future residents. As shown in the Alternatives Analysis, providing on-site parking on this parcel has a number of significant drawbacks.

ON-STREET PARKING PHOTOGRAPH APPENDIX

On-street parking availability was reviewed in the direct vicinity of the subject parcel including St. Lawrence Street, Fore Street, Monument Street, Wilson Street, Atlantic Street, and Munjoy Street. Pictures were generally taken within the confines of the boundary highlighted in red below. At the furthest point, these potential parking areas are all within 750' of the subject parcel (equivalent to a 2-3 minute walk). Similar conditions were observed outside of the study area where the sole land use is residential. As demonstrated, there is adequate on-street parking capacity at all times of the day/week.



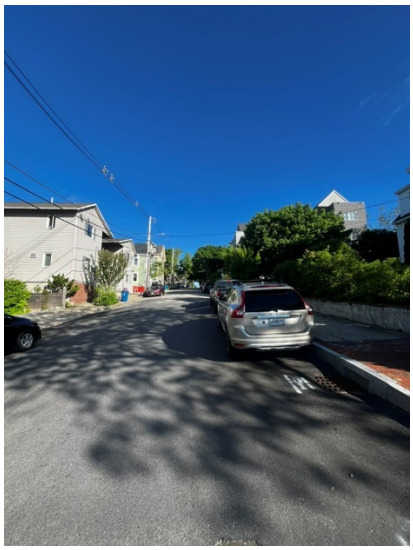
Wednesday Morning, 5/29/24, 7 AM:











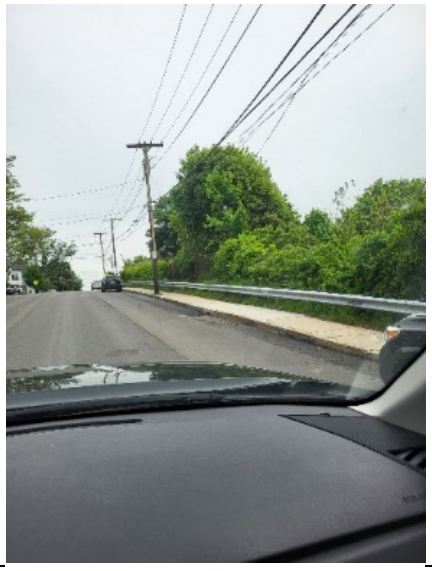
Thursday mid-day, 5/30/24, 12 PM:








Thursday mid-day, 5/30/24, 12 PM:







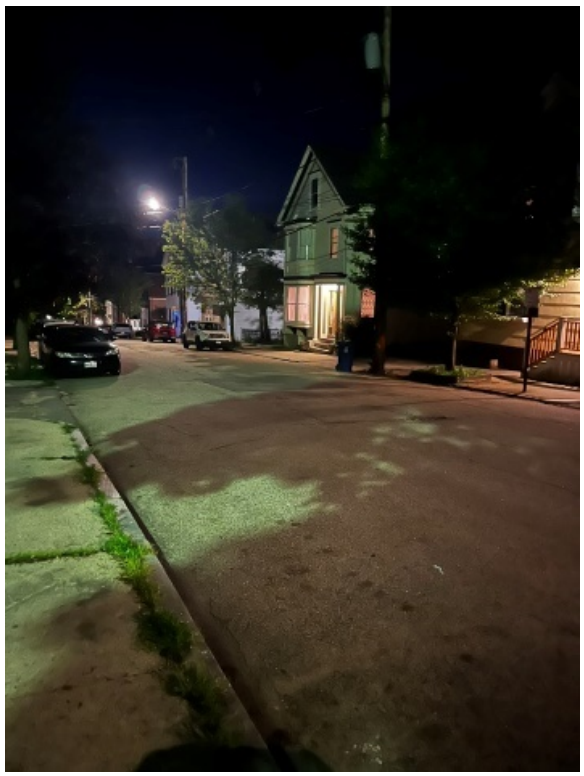




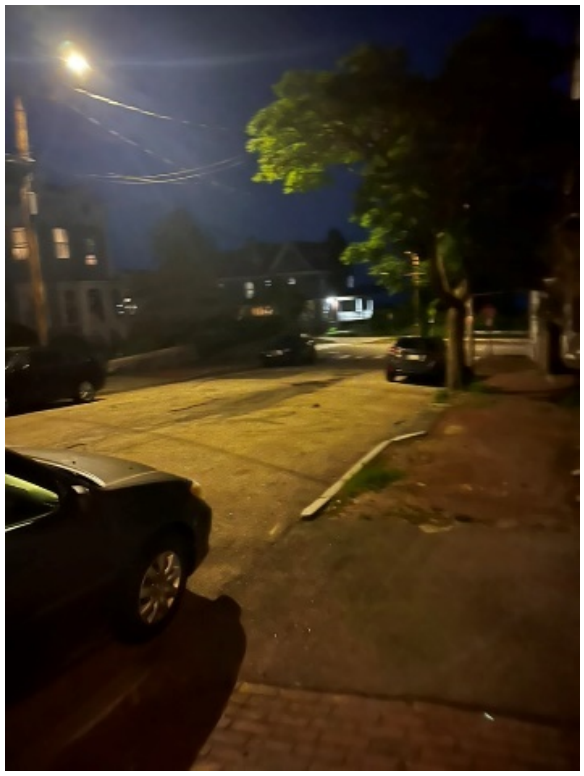


Wednesday Evening, 5/29/24, 9 PM:









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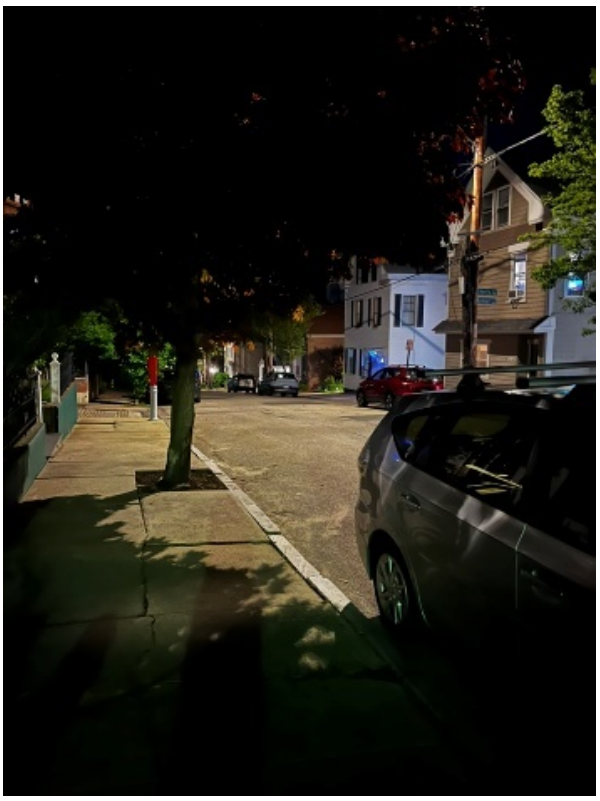
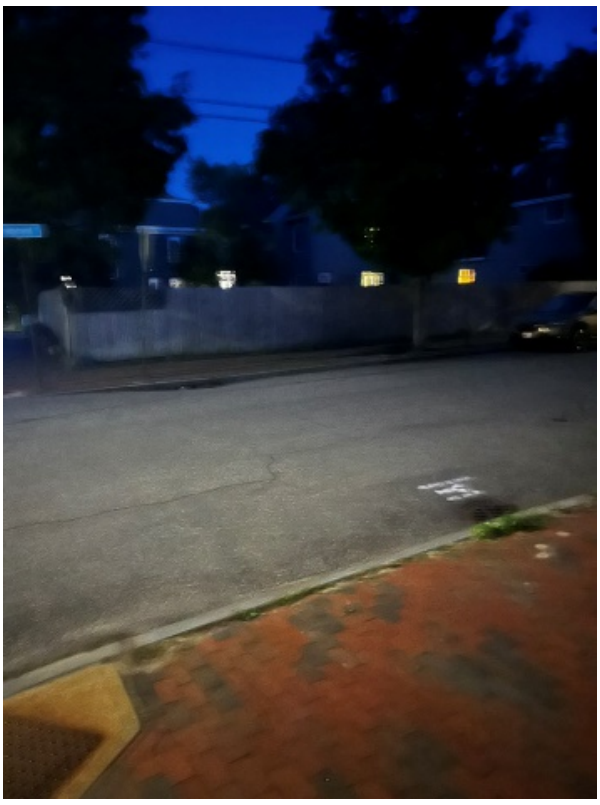
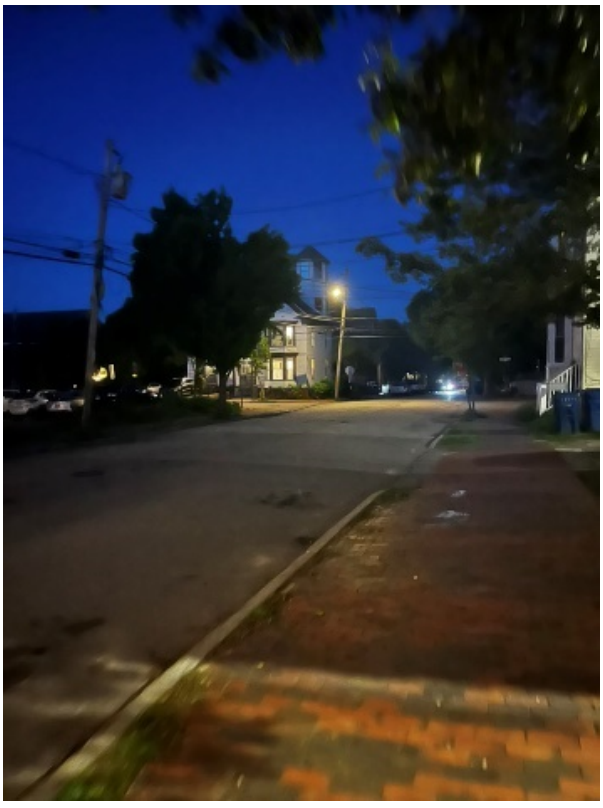






Wednesday Evening, 5/29/24, 9 PM:



Sunday Evening, 6/2/24, 9 PM:





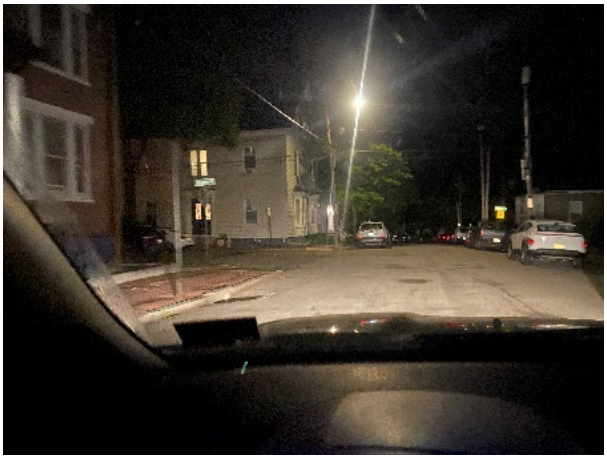




Sunday Evening, 6/2/24, 9 PM:








ACORN ENGINEERING, INC.

Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

April 11th, 2024

Subject: 42 Atlantic Street Redevelopment Neighborhood Meeting

I, Sam Lebel, hereby certify that a neighborhood meeting was held on March 5th, 2024, at 76 Congress Street, Portland, ME 04101, at 5:30 pm.

I also certify that on February 20th, 2024, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division, which includes property owners within 500 feet of the proposed development.

2. Residents on the "interested parties" list.

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

The following documents are included with this certification letter:

1. Copy of the invitation letter sent out prior to the neighborhood meeting.
2. Documentation of Public Notice signage posted for the neighborhood meeting and Intent to file Site Plan Review.
3. Meeting sign-in sheet.
4. Copy of the mailing list for the property owners within 500 feet of the proposed development.
5. Copy of the interested parties mailing list.

ACORN ENGINEERING, INC.

Dear Neighbor: February 20, 2024

On behalf of LB Atlantic LLC, we are pleased to invite you to a neighborhood meeting to discuss the proposed Major Site Plan Application anticipated to be submitted on April 5th, 2024. The proposal features the redevelopment of 42 Atlantic Street into 26 affordable apartments. The project will provide studios, one, and two-bedroom units while rebuilding the public sidewalk and providing on-site stormwater detention.

This meeting is required because the project intends to utilize the affordable housing density bonus in Section 18.2.4 of the City Code. A second neighborhood meeting will be held later this year prior to any Planning Board meetings, which you will also receive an invitation to. Please refer to the meeting information below:

Meeting Location: The Hill Arts,76 Congress St, Portland, ME 04101
Meeting Date/Time: Tuesday, March 5, 2024, at 5:30pm

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

ACORN ENGINEERING, INC.

Planning Division
City of Portland, Maine
Attn: Zach Powell
315 Cumberland Avenue
Portland, ME 04101

April 11th, 2024

Subject: 42 Atlantic Street Redevelopment – Notice of Public Meeting & Intent to File Site Plan Application Certification

I, Danielle McGowan, hereby certify that signage was posted for the notice of neighborhood meeting and the intent to file for the Site Plan Review. Signs were posted on February 23rd, 2024, prior to filing for the Major Site Plan Application for the proposed project. Photo documentation of sign in-situ:





Signage along the existing buildings frontage on Atlantic Street



Sign Location Along Gilbert Lane

PROJECT ADDRESS: 42 Atlantic Street, Portland Maine 04101
ANTICIPATED APPLICATION DATE: April 4, 2024
PROJECT DESCRIPTION: Affordable Housing Development



Public Notice signage posted for Intent to file Site Plan Review

Please note, it is the applicant's responsibility and intention to remove the notice of public meeting sign within three days following the date of the meeting.

Sincerely,

Danielle McGowan, E.I.
Project Engineer
Acorn Engineering, Inc.

Sign-in Sheet **Participants:**

Name	Email
John Carter	none
Theresa Carter	—
Cynthia Greaton	—
Chris Gilbert	
Margaret Gilbert	
Viceroy Gilbert	
Carol McCracken	caldcken@aol.com
Richard Marino	marino04102@yahoo
Mike Dixon	mdixon.me@gmail.com
Markus Miller	—
Rose Heithoff	roseheithoff@gmail.com
David Beringer	davidberinger07@gmail.com

Sign-in Sheet **Participants:**

Name	Email
Dianne Cavanaugh	Dancedea2@gmail.com
Mary Casale	DMgirl1@aol.com
Brian Partridge	brianpartridge@gmail.com
Gary Akovenko	gxa@gwi.net
Melissa Sweet	melissa@melissasweet.net
Mark Holden	mark.k.holden@gmail.com
Elle Murphy	elle@abrigohome.com
[illegible]	[illegible]
Jennifer Flaxman	jnflaxman@gmail.com
Adam Schaffer	schafferadam@gmail.com
Sam Dinn	SMartha.dinn@gmail.com
Annie Pasternak	Anna.r.pasternak@gmail.com
Nathaniel A MacDonald	Nathaniel.G.MacDonald@gmail.com
Joe Lewis	joe@portcitylegal.com
Colleen Bedard	colleen@portlandmaine.gov

42 Atlantic Street Neighborhood Meeting
3/5/24 | 5:30 pm

Sign-in Sheet **Participants:**

Name	Email
Deirdre Nice	deirdre.nice@thehillarts.me
Caron Murray	caronmaso@gmail.com
Elizabeth Miller	elizabethmiller1953@hotmail.com
PETER BASS	peterbass54@gmail.com
Grant Haynes	grant.r.haynes@gmail.com
Jason Dark	email@jkdark.com
Bernard Moor-Jankowski	BMJNYC@mac.com
Udai	udai.chopra@gmail.com
Tom Pearson	tpearson73@gmail.com
Jodie Jacobs	jodiejacobs36@gmail.com
Mary Connolly	maryfconnolly@me.com
Neil Chester	chester@chesterandvestal.com
Barbara Vestal	vestal@chesterandvestal.com
LAURENCE GROSS	LAURENCE.GROSS@icloud.com
Caitlin Pow	caitlinmpow@gmail.com

COMPANY	FIRST NAME	LAST NAME	ADDRESS	CITY	STATE	ZIP
13 ATLANTIC STREET CONDO			13 ATLANTIC ST	PORTLAND	ME	04102
22 EASTERN PROMENADE			22 EASTERN PROMENADE	PORTLAND	ME	04101
29 SAINT LAWRENCE STREET LLC			70 CEDAR RIDGE RD	YARMOUTH	ME	04096
31 FORE STREET CONDO			31 FORE ST	PORTLAND	ME	04101
42 O'BRION STREET CONDO			42 OBRION ST	PORTLAND	ME	04101
43 O'BRION STREET LLC			PO BOX 1703	PORTLAND	ME	04104
49 WATERVILLE STREET LLC			51 WATERVILLE ST	PORTLAND	ME	04101
52-54 MOODY STREET CONDO			52 MOODY ST	PORTLAND	ME	04101
54 WATERVILLE LLC			44 COYLE ST	PORTLAND	ME	04101
56-58 MOODY STREET CONDO			58 MOODY ST	PORTLAND	ME	04101
57 ST LAWRENCE STREET LLC & HIRAM COTTAGE PROPERTIES LLC			PO BOX 593	PORTLAND	ME	04112
57-59 MOODY STREET CONDO			57 MOODY ST	PORTLAND	ME	04101
60 MUNJOY STREET CONDO			60 MUNJOY ST	PORTLAND	ME	04101
62 WATERVILLE LLC			217 OCEAN AVE	PORTLAND	ME	04103
73 WATERVILLE STREET LLC			73 WATERVILLE ST # 2	PORTLAND	ME	04101
80 WILSON STREET LLC			5 AMERESCOGGIN RD	FALMOUTH	ME	04105
	LOUISE	ABREU	37 WILSON ST	PORTLAND	ME	04101
	HEATHER	ABT	6 ATLANTIC ST	PORTLAND	ME	04101
	JORGE	ACERO	27 OBRION ST	PORTLAND	ME	04101
ADAMS SCHOOL CONDO			34 MOODY ST	PORTLAND	ME	04101
	BRENT	ADLER	PO BOX 15372	PORTLAND	ME	04112
	CHRISTOPHER	AKERLIND	44 MONUMENT ST	PORTLAND	ME	04101
	GARY	AKOENKO	14 MONUMENT ST	PORTLAND	ME	04101
	NATHANIEL	ANDERSON	77 ST LAWRENCE ST # 2	PORTLAND	ME	04101
	JAYASANKAR	ARLA	10410 DOHERTY SPRING	SAN ANTONIO	TX	78255
	THEODORE	ARMSTRONG	1 ST LAWRENCE ST # 3	PORTLAND	ME	04101
	SANDRA	ASMUSSEN	45 WILSON ST # 1	PORTLAND	ME	04101
ATLANTIC STREET FLATS			28 ATLANTIC ST	PORTLAND	ME	04101
	JOANNE	BALZANO	1202 SOUTH MONROE ST	ARLINGTON	VA	22204
	DENISE	BARTH	31 FORE ST # 4	PORTLAND	ME	04101
	CHRISTOPHER	BARTLETT	16 ST LAWRENCE ST # 1	PORTLAND	ME	04103
	CYNTHIA	BARTLETT	16 ST LAWRENCE ST # 3	PORTLAND	ME	04101
	PETER	BASS	29 WATERVILLE ST # 2	PORTLAND	ME	04101
	JOSHUA	BASTON	PO BOX 154	SOUTH GARDINER	ME	04359
BENCSHE PROPERTY LLC			24 ST LAWRENCE ST	PORTLAND	ME	04101
	JEFFREY	BENSON	24 ST LAWRENCE ST	PORTLAND	ME	04101
	ANDREW	BIFULCO	58 VESPER ST	PORTLAND	ME	04101
	DAVID	BODY	46 WATERVILLE ST	PORTLAND	ME	04101
	MARIANNA	BONETTI	PO BOX 741	PORTLAND	ME	04104
	DEBORAH	BOUCHARD	26 MUNJOY ST	PORTLAND	ME	04101
	ELIZABETH	BOYSON	66 VESPER ST	PORTLAND	ME	04101
	CHRISTINE	BRACERAS	35 ST LAWRENCE ST	PORTLAND	ME	04101
	RICHARD	BRAMLEY	45 WILSON ST # 4	PORTLAND	ME	04101
	WILLIAM	BRENNAN	23 ATLANTIC ST	PORTLAND	ME	04101
	HENRY	BRISTOL	PO BOX 619	ROCKY HILL	NJ	08553
	THOMAS	BROKISH	43 MUNJOY ST	PORTLAND	ME	04101
	KRISTIAN	BROWN	PO BOX 4605	PORTLAND	ME	04112
	MOLLY	BROWN	45 WILSON ST # 2	PORTLAND	ME	04101
	ROBERT	BUL	68 ATLANTIC ST	PORTLAND	ME	04101
	MICHAEL	CAMPBELL	62 ST LAWRENCE ST # 2	PORTLAND	ME	04101
	MATTHEW	CARR	261 SIMPSONS POINT RD	BRUNSWICK	ME	04011
	JOHN	CARTER	48 ATLANTIC ST	PORTLAND	ME	04101
CASA 62 CONDO			62 ST LAWRENCE ST	PORTLAND	ME	04101
	CARL	CASALE	45 WATERVILLE ST	PORTLAND	ME	04101
	MARY	CASALE	39 WATERVILLE ST	PORTLAND	ME	04101
CASCO BAY CONDO			25 FORE ST	PORTLAND	ME	04101
CASCO BAY ISLAND CONDO			12 OBRION ST	PORTLAND	ME	04101
CATALYST DOMUS LLC			536 WASHINGTON AVE	PORTLAND	ME	04103
	ANTHONY	CATERINA	56 WATERVILLE ST	PORTLAND	ME	04101
	DIANNE	CAVANAUGH	1202 S MONROE ST	ARLINGTON	VA	22204
	DIANNE	CAVANAUGH	39 MUNJOY ST	PORTLAND	ME	04101
	EDWIN	CHESTER	7 FORE ST	PORTLAND	ME	04101
	LISA	CHRISTIAN	27 MUNJOY ST	PORTLAND	ME	04101
	GLORIA	CLARKE	29 MUNJOY ST	PORTLAND	ME	04101
CLAYTON'S HOUSE LLC			29 LOWELL ST 5TH FLOOR	LEWISTON	ME	04240
	PHILLIP	CLOSUIS	5721 OAKSHIRE RD	BALTIMORE	MD	21209
	FAYE	COCHRANE	72 MUNJOY ST # 3	PORTLAND	ME	04101
	CHARLES	COHEN	30 OBRION ST	PORTLAND	ME	04101
	RICHARD	COHEN	389 HENRY ST	AMHERST	MA	01002
COIS FHARRIAGE CONDO			36 WATERVILLE ST	PORTLAND	ME	04101
COMPASS PROPERTY MANAGEMENT LLC			PO BOX 896	NORTH CONWAY	NH	03860
	GERALD	CONLEY	16 ATLANTIC ST	PORTLAND	ME	04101
	MARY	CONNOLLY	28 ATLANTIC ST # 1	PORTLAND	ME	04101
	MICHAEL	CONNOLLY	36 WATERVILLE ST # 4	PORTLAND	ME	04101
	JONATHAN	COOPER	44 WENDY WAY	PORTLAND	ME	04103
	MICHAEL	COPLON	9 WATERVILLE ST # C01	PORTLAND	ME	04101
	CHRISTOPHER	CORKERY	59 MOODY ST	PORTLAND	ME	04101
CROW'S NEST CONDO			49 MOODY ST	PORTLAND	ME	04101
	STEPHANIE	DAMBRIE	8 KELLOGG ST	PORTLAND	ME	04101
	CHARLOTTE	DANIELS	108 WALTON ST	PORTLAND	ME	04103
	JASON	DARK	7 GILBERT LN	PORTLAND	ME	04101
	ALEXANDRA	DAUGHERTY	814 A1A NORTH # 101	PONTE VEDRA BEACH	FL	32082
	FREDERICK	DEY	6 EASTERN PROMENADE # 2	PORTLAND	ME	04101
	THOMAS	DILLMAN	60 VESPER ST # F	PORTLAND	ME	04101
	MARTICA	DOUGLAS	11 MUNJOY ST	PORTLAND	ME	04101
	MELINDA	EATON	31 FORE ST	PORTLAND	ME	04101
	TAMERA	EDISON	110 GRANITE ST	YARMOUTH	ME	04096
	REID	EMMERICH	14 HAMILTON ST	SOUTH PORTLAND	ME	04106
	RICHARD	FARRIS	19 MUNJOY ST	PORTLAND	ME	04101
	BRIAN	FISK	66 MUNJOY ST # 3	PORTLAND	ME	04101
	SANDRA	FLANAGAN	13 WATERVILLE ST	PORTLAND	ME	04101
	PAUL	FLAXMAN	7 ATLANTIC ST	PORTLAND	ME	04101
	GIBRIAN	FOLTZ	27 OAK ST	NORTH WATERBORO	ME	04061
	AMY	FOSCHI	56 ATLANTIC ST	PORTLAND	ME	04102
	RUTH	FREEMAN	64 VESPER ST	PORTLAND	ME	04101
	STEVEN	GIFFORD	165 SPURWINK RD	SCARBOROUGH	ME	04074
	CHRISTOPHER	GILBERT	47 ST LAWRENCE ST # 1	PORTLAND	ME	04101
	ANNA	GOKEY	75 ST LAWRENCE ST	PORTLAND	ME	04101
	RICHARD	GOLD	51 WATERVILLE ST	PORTLAND	ME	04101
	RALPH	GRACEFFA	22 FRANKIE LN	CUMBERLAND CENTER	ME	04021
	CYNTHIA	GREATON	67 ATLANTIC ST	PORTLAND	ME	04101
	CHARLES	GRIMES	9 WATERVILLE ST # 2C	PORTLAND	ME	04101
	SUSAN	GRISANTI	29 ATLANTIC ST	PORTLAND	ME	04101
	YU	GUO	65 MUNJOY ST # 5	PORTLAND	ME	04101
	MARIA	HADJIYANE	72 MUNJOY ST # 2	PORTLAND	ME	04101
HADLEY COMMONS			75 ST LAWRENCE ST	PORTLAND	ME	04101
	DOUGLAS	HALL	16 FIREFLY DR	FREEPORT	ME	04032
	JACOB	HALPERT	74 ATLANTIC ST	PORTLAND	ME	04101

	ERIC	HANDLEY	56 WILSON ST # 4	PORTLAND	ME	04101
	KAREN	HARRISON	34 MUNJOY ST	PORTLAND	ME	04101
	ABIGAIL	HARVEY	17 WATERVILLE ST	PORTLAND	ME	04101
	NADIA	HASHEM	13 CORNERSTONE DR	FALMOUTH	ME	04105
	RICHARD	HEFFERN	210 E LAKE AVE	BALTIMORE	MD	21212
	EMILY	HEJLIK	1190 WESTBROOK ST	PORTLAND	ME	04102
	CARLE	HENRY	50 ST LAWRENCE ST	PORTLAND	ME	04101
	GUY	HERNANDEZ	12 ATLANTIC ST	PORTLAND	ME	04101
	ROBERT	HINCKLE	65 MUNJOY ST # 1	PORTLAND	ME	04101
	ELIZA	WEISS-HUBER	28 WATERVILLE ST	PORTLAND	ME	04101
	DIANE	HUDSON	16 OBRION ST	PORTLAND	ME	04101
	JAYNE	HURLEY	11 ST LAWRENCE ST	PORTLAND	ME	04101
	GREGORY	JABLONSKI	6 EASTERN PROMENADE # 1	PORTLAND	ME	04101
	JODIE	JACOBS	69 ATLANTIC ST	PORTLAND	ME	04101
	DAVID	JOHNSON	PO BOX 17622	PORTLAND	ME	04112
	MELINDA	JORDAN	36 WATERVILLE ST # 3	PORTLAND	ME	04101
	ROBERT	JORDAN	1050 ISLAND AVE	LONG ISLAND	ME	04050
KAPPELMAN INVESTMENTS LLC			19 ALICE ST	PORTLAND	ME	04103
	SHARON	KELLEY	42 OBRION ST # 1	PORTLAND	ME	04101
	JOSEPH	KIEVITT	74 MUNJOY ST # 2	PORTLAND	ME	04101
	ROBERT	KNAKE	36 OBRION ST	PORTLAND	ME	04101
	KRISTINA	KNIGHT	12 O'BRION ST # 4	PORTLAND	ME	04101
	GAIL	KUHLTHAU	9 ADAMS ST	PORTLAND	ME	04101
	KATHERINE	LAKE	68 VESPER ST # D	PORTLAND	ME	04101
	VICTORIA	LAMBERT	61 ST LAWRENCE ST # 3	PORTLAND	ME	04101
	KRISTEN	LAPE	71 ST LAWRENCE ST	PORTLAND	ME	04101
	SUELLE	LARGE	60 MUNJOY ST # 3	PORTLAND	ME	04101
LAWRENCE WHITTEN LLC			37 SILVER ST	PORTLAND	ME	04101
LAWSON HOLDINGS LLC			49 ST LAWRENCE ST # 1	PORTLAND	ME	04101
	JEREMY	LEACH	58 MOODY ST # 1	PORTLAND	ME	04101
	SUN	PARK-LEE	1441 FLAT ROCK RD	NARBERTH	PA	19072
	SIDNEY	LEONARD	65 MUNJOY ST # 3	PORTLAND	ME	04101
	WARREN	LEONARD	32 MORNING ST	PORTLAND	ME	04101
	LISA	LETOURNEAU	58 ATLANTIC ST	PORTLAND	ME	04101
	IRIS	LIN	13 ATLANTIC ST	PORTLAND	ME	04102
	JAN-MARIE	LINDHOLM	52 MOODY ST	PORTLAND	ME	04101
	JAN-MARIE	LINDHOLM	PO BOX 876	SCARBOROUGH	ME	04074
	AUSTIN	LINSLEY	43180 CORNA CALA CAMINO	MURRIETA	CA	92562
	DAVID	LLOYD	29 WATERVILLE ST # 1	PORTLAND	ME	04101
	MICHAEL	LONG	30 MONUMENT ST	PORTLAND	ME	04101
	JOSHUA	LONGO	59 ATLANTIC ST	PORTLAND	ME	04101
	ANNA	TOUS-LOPEZ	56 WILSON ST # 1	PORTLAND	ME	04101
	ELISE	LOSCHIAVO	36 ST LAWRENCE ST	PORTLAND	ME	04101
	CHRISTOPHER	LOW	254 COMMERCIAL ST STE 101	PORTLAND	ME	04101
	SHAWN	LYNN	51 MOODY ST # 2	PORTLAND	ME	04101
M & M PROPERTIES LLC			218 MAIN ST	FREEPORT	ME	04032
	AMY	MA	6 DEVON RD	LARCHMONT	NY	10538
	MARK	MACLEOD	32 ST LAWRENCE ST	PORTLAND	ME	04101
	PETER	MACOMBER	4 ST LAWRENCE ST	PORTLAND	ME	04101
	JON	MAHONEY	73 ATLANTIC ST	PORTLAND	ME	04101
	MARCELLA	MAKINEN	62 ST LAWRENCE ST # 1	PORTLAND	ME	04101
MALIA PAUL POST BUILDING COMMITTEE INC			42 ATLANTIC ST	PORTLAND	ME	04101
	ALISON	MANN	41 ATLANTIC ST	PORTLAND	ME	04101
	JAMES	MANN	10 OLD ROAD LN	MOUNT KISCO	NY	10549
	MURIELLYN	MARTELL	60 ATLANTIC ST	PORTLAND	ME	04101
	JENNA	MARTELLUCCI	21 MAYBERRY LN	YARMOUTH	ME	04096
	ALEXANDRE	MAS	28 O'BRION ST # 2	PORTLAND	ME	04101
	BRADFORD	MAUSHART	PO BOX 3042	KENNEBUNKPORT	ME	04046
	LAURIE	MCBRIDE	55 MOODY ST	PORTLAND	ME	04101
	SYDNEY	MCDOWEL	45 WILSON ST # 3	PORTLAND	ME	04101
	STEVEN	MCGEE	8 MARK RD	FRAMINGHAM	MA	01701
	KATHLEEN	MCINERNEY	38 MUNJOY ST	PORTLAND	ME	04101
	ARLENE	MCINTOSH	3530 MYSTIC POINT DR # 101	AVENTURA	FL	33180
	AIRADEAN	MCLAUGHLIN	18 MUNJOY ST	PORTLAND	ME	04101
	JACOB	MCNALLY	34 ATLANTIC ST	PORTLAND	ME	04101
	MARKOS	MILLER	17 ATLANTIC ST	PORTLAND	ME	04101
MINIMO INC			83 ST LAWRENCE ST # 2	PORTLAND	ME	04101
	BARRY	MINKIN	184 EAST FORK RD	CAMDEN	ME	04843
MOODY STREET CONDO			53 MOODY ST	PORTLAND	ME	04101
	BERNARD	JANKOWSKI-MOOR	37 ATLANTIC ST	PORTLAND	ME	04101
	PETER	MORRELL	42 O'BRION ST # 2	PORTLAND	ME	04101
	ELLIS	ELLIS-MORRIS	90 STRAWBERRY HILL ST	DOVER	MA	02030
	PAUL	MORRISSEY	82 MUNJOY ST	PORTLAND	ME	04101
MUNJOY SOUTH TOWNHOUSES LLC			7 THOMAS DR	CUMBERLAND FORESIDE	ME	04110
MUNJOY STREET CONDO			72 MUNJOY ST	PORTLAND	ME	04101
	NICHOLAS	MURRAY	40 ST LAWRENCE ST	PORTLAND	ME	04101
	GLORIA	NAPPI	75 ATLANTIC ST	PORTLAND	ME	04101
	BOURCARD	NESIN	28 ATLANTIC ST # 3	PORTLAND	ME	04101
	AMANDA	NICKLIN	1 FELLOWS FARM RD	AMHERST	NH	03031
	SIMON	NORWALK	PO BOX 539	ALNA	ME	04535
O'BRION 1910 LLC			PO BOX 4781	PORTLAND	ME	04112
O'BRION STREET CONDO			15 OBRION ST	PORTLAND	ME	04101
	ELIZABETH	ODAY	42 MOODY ST # 1	PORTLAND	ME	04101
	ROBERT	OLSZEWSKI	49 MOODY ST # 3	PORTLAND	ME	04101
	FREDERICK	ONION	414 HARDSCRABBLE RD	WAYNE	ME	04284
	KATHERINE	PALMER	70 WATERVILLE ST	PORTLAND	ME	04101
	LYNNE	PANICO	49 MOODY ST	PORTLAND	ME	04101
	DEBORAH	PANISH	42 MOODY ST # 3	PORTLAND	ME	04101
	BRIAN	PARTRIDGE	52 ATLANTIC ST	PORTLAND	ME	04101
	THOMAS	PEARSON	20 ATLANTIC ST #5	PORTLAND	ME	04101
	MICHAEL	PETIT	25 WATERVILLE ST	PORTLAND	ME	04101
PF LAND LLC			110 THAMES ST	PORTLAND	ME	04101
	STEPHEN	PHILLIPS	72 ST LAWRENCE ST # 1	PORTLAND	ME	04101
	NICHOLAS	PLANTE	25 KELLOGG ST # 3	PORTLAND	ME	04101
	GAYLA	PREISSER	25 FORE ST # A02	PORTLAND	ME	04101
	MARIA	PULSONI	11 ADAMS ST	PORTLAND	ME	04101
R & J 545 PARTNERS LLC			6 SOUTH ST	PORTLAND	ME	04101
	GEORGE	REICHE	50 WATERVILLE ST	PORTLAND	ME	04101
	MARY	RHOADS	22 EASTERN PROMENADE # 1	PORTLAND	ME	04101
	ROSE	RICCI	25 MARTIN RD	PORTLAND	ME	04103
	KAREN	RICHARDS	PO BOX 8768	PORTLAND	ME	04104
	WILFRID	ROLLMAN	36 WATERVILLE ST # 1	PORTLAND	ME	04101
	LESLIE	ROTHMAN	63 ATLANTIC ST	PORTLAND	ME	04101
	STEVEN	ROWE	12 ST LAWRENCE ST	PORTLAND	ME	04101
	MARY	ROY	56 WILSON ST # 3	PORTLAND	ME	04101
	JOANNE	SACHER	12 O'BRION ST # 1	PORTLAND	ME	04101
SAINT & FORE CONDO			4 ST LAWRENCE ST	PORTLAND	ME	04101
	DIANE	SAMMER	53 MOODY ST	PORTLAND	ME	04101
	RICHARD	SANTOS	31 OBRION ST	PORTLAND	ME	04101

	JENNY	SCHEU	29 WATERVILLE ST # 3	PORTLAND	ME	04101
	STEPHEN	SCHIFFMAN	9 WATERVILLE ST # 3	PORTLAND	ME	04101
	STANLEY	SCOTT	42 MOODY ST # 4	PORTLAND	ME	04101
SESAME PARK LLC			PO BOX 653	YARMOUTH	ME	04096
SHALOM HOUSE			PO BOX 560	PORTLAND	ME	04112
SIXTY-FIVE MUNJOY CONDO			65 MUNJOY ST	PORTLAND	ME	04101
	AMY	SMITH	17 KELLOGG ST	PORTLAND	ME	04101
	MELODY	SMITH	12 OBRION ST # 3	PORTLAND	ME	04101
	KAREN	SNYDER	72 WATERVILLE ST # 3	PORTLAND	ME	04101
ST LAWRNECE STREET TOWNHOUSE			9 ST LAWRENCE ST	PORTLAND	ME	04101
	AMY	STAFFORD	72 MUNJOY ST # 1	PORTLAND	ME	04101
	CARL	STARK	61 WHITE OAK ST # 5G	NEW ROCHELLE	NY	10801
	ANITA	STEWART	23 OBRION ST	PORTLAND	ME	04101
	GEORGE	STEWART	57 MOODY ST	PORTLAND	ME	04101
	PHILIPPA	STRATTON	56 WILSON ST # 2	PORTLAND	ME	04101
	PETER	STREKER	10 MUNJOY ST	PORTLAND	ME	04101
	MARYELLEN	SULLIVAN	33 ATLANTIC ST	PORTLAND	ME	04101
	ANDREA	SUMMERS	45 OBRION ST	PORTLAND	ME	04101
	MELISSA	SWEET	37 ST LAWRENCE ST	PORTLAND	ME	04101
	NATHAN	SZANTON	22 EASTERN PROMENADE	PORTLAND	ME	04101
TC3 LLC			1181 DOVER WAY	MONTEREY PARK	CA	91754
	DAVID	TEARSE	65 MUNJOY ST # 7	PORTLAND	ME	04101
	MATTHEW	THAYER	62 MUNJOY ST	PORTLAND	ME	04101
THE GOOD YELLOW HOUSE			16 ST LAWRENCE ST	PORTLAND	ME	04101
THE ISABELLE CONDO			6 EASTERN PROMENADE	PORTLAND	ME	04101
	JEFFREY	THOMPSON	94 SAWYER RD	SCARBOROUGH	ME	04074
	PETER	TOMBACK	6 EASTERN PROMENADE # 3	PORTLAND	ME	04101
	ROGER	TRETTEL	1545 BRONSON RD	GRAND ISLAND	NY	14072
	NANCY	TSAI	48 MONUMENT ST	PORTLAND	ME	04101
	SEAN	TURLEY	62 VESPER ST	PORTLAND	ME	04101
	LINDA	TYLER	52 ST LAWRENCE ST	PORTLAND	ME	04101
UMBEL PROPERTIES LLC			10 HARDY RD	WESTBROOK	ME	04092
VESPA LLC			71 FORESIDE RD	CUMBERLAND FORESIDE	ME	04110
	LORI	VOORNAS	PO BOX 4746	PORTLAND	ME	04112
	MARTHA	BOSSART-VRANA	31 FORE ST # 2	PORTLAND	ME	04101
WATERVILLE STREET CONDO			29 WATERVILLE ST	PORTLAND	ME	04101
	MARGOT	WELLER	56 ST LAWRENCE ST	PORTLAND	ME	04101
	ALEXANDER	WHEELWRIGHT	76 WILSON ST	PORTLAND	ME	04101
	GEORGE	WHITTEN	23 ST LAWRENCE ST	PORTLAND	ME	04101
	KATHRYN	WILLIAMS	156 COTTAGE RD	WINDHAM	ME	04062
WILSON HEIGHTS CONDO			56 WILSON ST	PORTLAND	ME	04101
	RHONDA	WILSON	34 MOODY ST	PORTLAND	ME	04101
WILSON STREET CONDOMINIUMS LLC			580 WEST END AVE # 4	NEW YORK	NY	10024
	BETH	WINSTEIN	4138 HIGH RIDGE	ANN ARBOR	MI	48105
	JEREMY	WINTERSTEEN	58 THIRD ST	NEWPORT	RI	02840
	MAGGY	WOLF	28 ST LAWRENCE ST	PORTLAND	ME	04101
	SAMANTHA	WOOD	74 ST LAWRENCE ST	PORTLAND	ME	04101
	SAMUEL	WOODWORTH	60 MUNJOY ST # 2	PORTLAND	ME	04101
	NAOKO	YASUI	42 MOODY ST # 2	PORTLAND	ME	04101

Company Name	First Name	Last Name	Street Number	City	State	Zip
	Anthony	Donovan	27 Riverview Street	Portland	ME	04102
	Barbara	Wood	125 Emery Street	Portland	ME	04102
	David	Nowlin	215 Oxford Street	Portland	ME	04102
	Deb	Keenan	28 Dorothy Street	Portland	ME	04103
	Devon	Platte	26 North Street, 33	Portland	ME	04101
	Edward	Suslovic	46 Kenwood Street	Portland	ME	04103
	Janice	Carpenter	9 W. Commonwealth Drive	Portland	ME	04103
	Jennifer	Munson	389 Congress Street, 4th Floor	Portland	ME	04101
Kaplan Thompson Architects	Jesse	Thompson	100 Exchange Street	Portland	ME	04103
	Lynn	Clarkson	145 Marlborough Road	Portland	ME	04103
	Mary	Griffity	6 E. Prom, Unit 2	Portland	ME	04103
	Nancy	Bartlett	PO Box 7965	Portland	ME	04112
	Pam	Burnside	64 Lester Drive	Portland	ME	04103
	Paul	Dubois	1915 Congress Street	Portland	ME	04102
	Peggy	Morin	66 Farnham Street	Portland	ME	04101
	Philip	Haughey	1660 Soldiers Field Road	Boston	MA	02135
	Priscilla	LaVallee	190 US Route 1, Unit 2	Falmouth	ME	04105
Waste Management of Mair	Rebecca	Halla	2000 Forest Avenue	Portland	ME	04103
	Glenn	Cummings	24 Nevens Street	Portland	ME	04103
	Robert	Hains	250 Holm Avenue	Portland	ME	04102-1208

ACORN ENGINEERING, INC.

City of Portland Planning Department
Ameriz Gamez, Planner
389 Congress Street, 4th Floor
Portland, Maine 04101

June 4, 2024

Subject: Comment Response Letter
42 Atlantic Street, Portland, Maine – Major Site Plan Application

On behalf of LB Atlantic LLC, Acorn Engineering is pleased to respond to the following comments from the City of Portland Planning Department review of the 42 Atlantic Street, Major Site Plan Application (PL-002880-2024).

The following material provided below outlines the comments that were "Not Met", according to the City Staff findings. City Staff Comments were received on May 18th, 2024.

Following the responses to the City Staff Comment letter received, the document includes the project Team's responses to the additional City Staff Comments received in the Planning Board Workshop Memo as well as responses to comments received from the Planning Board on May 28.

Site Plan Review Standards (Sec. 14.6)

- **Transportation Standards (Sec. 14.6.1)**

Impact on Surrounding Street Systems Comment:

Overview: The property has the potential to impact Gilbert Lane, which is a private street during demolition and the construction phase. With this development it does appear that there are demands that have the potential to significantly impact the infrastructure in terms of sidewalk and street closures. This application proposes no off-street parking in accordance with the transit-proximate exemption in Table 9-B. The development is expected to generate few additional trips based upon its proposed use as affordable housing.

Response: Please note that all disturbed areas within Gilbert's Lane are to be reestablished to their existing condition. The existing brick sidewalk fronting the property along Atlantic Street is proposed to be rebuilt and reset as part of this development. Please refer to the Civil Plans for more information.

- *Please show a plan that demonstrates how construction operations will proceed following the*

demolition, ie. impacts on the surrounding streets, closures to take place and the estimated duration of those closures, location of the job trailers ect.

Response: **As noted in construction management narrative it is up to the contractor to enforce, coordinate, and implement all street/lane/sidewalk closures, necessary signage, and confirm the final extent of impacts for the surrounding area. Since the previous narrative was submitted, Optimum Construction has been selected as the general contractor for the project. A revised Section Q. has been reuploaded to the City EPlan Portal which now provides the General Contractor for the project, in addition to a copy of the preliminary draft Site Logistics Plan, prepared by Optimum Construction. We anticipate the construction management plans will progress as the project gets closer to the building approval process and subcontractors are hired. For instance, a traffic control plan would like be developed by the GC and the Site contractor and will be submitted to City Staff for review and approval prior to commencement of construction.**

- *Note that there should be an estimated timeline / construction schedule given and updated accordingly as the project gets underway.*

Response: **The construction manager will provide an estimated timeline and construction schedule shall be provided as the project moves closer to the building permit.**

- *Provide clarification for DPW, are there other options for the underground electricity?*

Response: **After discussion with CMP, there is no 3-Phase power along Atlantic Street, therefore, 3-Phase power is proposed to be routed from St. Lawrence Street. The alternative is removing single phase power between Fore Street and the site and replacing with 3 phase. This alternative would not only be extremely expensive, but it would require the removal or major de-limbing of a number of existing street trees. It would also result in the temporary disruption of power and telecommunications services to at least the residents between the site and Fore Street. For these reasons, there is a strong preference to route the electrical primary line from St Lawrence Street underground through Gilbert's Lane. We are happy to coordinate further with DPW and CMP including providing test pit information to avoid conflict with sewer or other utilities that may exist in Gilbert's Lane.**

- *Update the highlighted note as follows: EXISTING COBBLE STONES TO BE RECLAIMED AND RESET AFTER TRENCH CONSTRUCTION IN COORDINATION AND APPROVAL BY DPW. (See attached document)*

Response: **Please refer to the utility plan on sheet C-20 with the revised callout.**

- *The applicant must be aware that it is their responsibility for noting and implementing on-street parking signage changes on Atlantic Street.*

Response: **Please refer to the Site Plan on sheet C-10 for clarification.**

Access & Circulation Comment:

Overview: The sidewalk is to be reconstructed with brick in accordance with City standards. The reconstruction will take place along Atlantic Street and will connect across Gilbert Lane.

- *Confirm that the reconstructed sidewalk will be ADA compliant.*

Response: **The existing brick sidewalk fronting the property along Atlantic Street is proposed to be rebuilt as part of this redevelopment. Please see the revised plans which include the suggested improvements. The sidewalk will be ADA compliant brick sidewalk/ ramp on the of the uphill sidewalk along Atlantic Street.**

- *The construction entrance will need to be moved out of the right-of-way/sidewalk on Atlantic Street and onto the site. Please confirm that this is possible for this site.*

Response: **Please refer to the revised Sheet C-03 for the relocated construction entrance.**

- *The applicant shall construct compliant pedestrian ramps leading to and from the property per the City's Technical Manual section one. The applicant shall construct two compliant pedestrian ramps on either side of Gilbert Lane. The applicant shall reconstruct Gilbert Lane in brick between the two ramps and tie back into the existing cobble street.*

Response: **Please refer to the revised plans which include provisions to rebuild the compliant ramps on both sides of Gilberts Lane and to reset the bricks between the two landings/pedestrian ramps.**

Transportation Demand Management Comment:

Overview: The applicant is requesting that the Board grant a ration of) parking space. The Planning Board may set a requirement for a major site plan, but they would likely require some parking based upon a parking study. if the applicant is fully relying on the Public Transit Access exception than it will trigger the requirement for a TDM.

- *Conduct and submit a parking study and provide justification for your request to have zero parking for this development.*

Response: **Please refer to the revised Section S. Parking Analysis, for more information on the parking study completed thus far justifying the proposed parking ratio.**

- **Environmental Quality Standards (Sec. 14.6.2)**

Landscape Preservation Comment:

Overview: The construction plan shows a total of five trees that are on the site and states that four of the five are to be removed; but there is no DBH description. In accordance with the Land Use Code 14.6.2, Table 14-D, one tree is to be planted in replacement of every tree removal that has a DBH of 10-16".

- *In accordance with the City's Technical Manual 4.3, please provide a tree survey for this site that indicates the species and location of existing trees, along with information on their size.*

Response: Please refer to sheet C-03 which identifies the size/diameter of trees and provides the species of any tree of at least 10" DBH. This equates to one tree. Please note that currently the plans propose to remove one invasive Norway Maple tree with a DBH of 12". The remaining trees that may be removed have diameters that range from 4" to 7". There is one red maple tree located at the northwest corner of the property (not on the subject parcel) that is called to be protected.

Site Landscaping and Buffers Comment:

Overview: The applicant has provided a Landscaping Plan showing the planting schedule for this development, however there are questions in regards to the removal of trees.

- *Confirm the number of trees that are to be planted on site. Site and Landscape Plan both show that there are to be 3 street trees; however, the Planting Schedule states that a total of 4 trees are to be planted.*

Response: There are 3 street trees proposed to be planted within the Atlantic Street sidewalk ROW. Please refer to the revised site and landscaping plan for more information.

- *The landscaping plan includes proposed plantings over proposed site piping installations. While this may be appropriate for some locations, it's recommended that the Applicant evaluate the area on the northwest corner along Gilbert Lane where multiple utilities including water and gas are proposed to determine if the proposed plantings have the potential to be a conflict for the utilities.*

Response: Based on comments received from the City in combination with providing better accessibility to the side of the building along Gilberts lane, we are proposing to extend the sidewalk along the side of the building to be accessible from the Atlantic Street Sidewalk. Due to this change, a majority of the utilities within the property's side yard along Gilberts Lane will be routed beneath the proposed sidewalk. Given the depth of the underground utility, there is adequate room above the utility trench to support the proposed plantings above.

Water Quality, Stormwater Management and Erosion Control Comment:

Overview: The Applicant has provided for the Basic Standards with appropriate erosion and sedimentation control measures.
General/Redevelopment Standards – The project will reduce impervious surface on the site. The proposed redevelopment area is primarily rooftop with some non-roof impervious surface area converted to roof area. The project will not have 5,000 SF of non-roof redeveloped impervious area. No stormwater treatment is required for this project.
Flooding Standards – The project is providing below-grade storage to help manage flows from the site. Flow will be decreased from the pre-development to post-development condition, and storage will be provided to manage flows to the existing combined sewer in Atlantic Street.

- *The Applicant has proposed a backflow preventer for the location where the stormwater system exits the site. As this includes the foundation, roof, and site drainage, and the foundation drain invert to the final structure is lower than the drainage invert, the City would recommend that the Applicant consider backflow prevention for the foundation drain as well.*

  Response: Please see the revised Grading and Drainage Plan, Sheet C-30, which now includes a backflow preventer on the foundation drain prior to tying into the catch basin.

- *The plans reference a proposed drip edge at the perimeter of the building, noting to see sheet C-30 for more information. This feature has not been shown on sheet C-30. It appears that roof drainage will also be maintained using piping; however the detail for the R-Tank appears to show the roof leader inlet as a vertical inlet into the system. The plans should be clear on how roof drainage will be managed.*

  Response: The drip edge shown is for aesthetic landscaping purposes and is not intended to act as stormwater management. The roof leader as shown will enter the side or top of the R-Tank system, outletting the entirety of the roof area into the subsurface detention system. Please see the revised Grading and Drainage Plan, Sheet C-30, and detail on Sheet C-44 for more information.

- *The Applicant should provide confirmation from the manufacturer confirming the design of the R-tank system. A Stormwater Maintenance agreement will be required for this system.*

  Response: Further detailed connections and confirmation with the manufacturer will be provided as the plans/project progress. The proposal is a standard application of the product. A Stormwater Maintenance agreement will be provided as the project moves closer to the building permit phase as is typical.

- **Public Infrastructure and Community Safety Standards (Sec 14.6.3)**

Public Utilities Comment:

Overview: The Applicant has requested utility ability to serve confirmation and is waiting for the utilities to respond. The utility plan accounts for the installation of an underground electric line in Gilbert Lane up to St. Lawrence Street. The disturbance to these two streets should be accounted for in the construction management and demolition plans.
Gilbert Lane is a City owned parcel of land. It is not an accepted public city street. Gilbert Lane is best categorized as a traveled way on city owned property. Any utility or other work to be performed on the City's property (within Gilberts Lane) would require an easement or license from the City. Gilbert Lane has an existing sewer lateral near the proposed UGE conduit. The exact location is not known. The existence of this potential conflict will require test pits and shall be noted on the plans.

- *Obtain the required easement or license from the City before any work is done on Gilbert Lane.*

  Response: The Applicant and their attorney will work DPW and Corporation Counsel on a license agreement after approval of the project by the Planning Board.

- *Provide the required test pits and add the notation to the plans, be sure to show any potential disturbances to Gilberts Lane and St. Lawrence Street on the construction management and demolition plans.*

  Response: Please see revised Sheet C-20 which depicts the limit of work and repair while referencing the test pit requirement to locate the existing sewer prior to electrical work.

- *Provide Ability to Serve confirmation from utility providers.*

  Response: Confirmation from utility providers will be provided when available. Coordination is ongoing.

- *The Applicant's utility plan refers to a water trench in the vicinity of the proposed street trees in the Atlantic Street sidewalk. The Applicant should confirm if this is no longer included or if it is in another location.*

  Response: Please see the revised Construction Management Plan and Grading and Drainage Plan, on Sheets C-03 and C-30 for the proposed trenching associated for the removal of the existing and installation of the proposed utilities.

- **Site Design Standards (Sec 14.6.4)**

Historic Resources Comment:

Overview: The applicant has gone before the Historic Preservation Board and is currently waiting to receive a Certificate of Appropriateness by the Historic Preservation Board.

- *The applicant shall continue to coordinate with Historic Preservation (HP) staff and respond to any feedback from HP staff or the HP Board in order to receive a Certificate of Appropriateness.*

Response: The project received its Certificate of Appropriateness Approval at the 5/29/24 HP meeting. Please find that approval included as Document W.

Exterior Lighting Comment:

Overview: The proposed lighting for the building does appear to be in compliance with Sec. 10 and 12 of the Technical Manual and does not spill over to the adjacent properties. However, staff has reviewed the street lighting and it appears that street light are 200 ft north and south of this development and there may be a requirement to add lighting at this location.

- *Confirm whether street lights are required to be placed at this location in accordance with Sec. 12.2.1 of the City's technical Manual.*

Response: The nearest existing cobrahead streetlight is approximately 70' (NW) away located at the corner of Atlantic and Wilson Street. The next nearest streetlight is located approximately 150' (SE) of the site. Per the City's Technical Manual, it is our understanding that no street lighting is required. (city requires 1 street light every 120'). Currently Atlantic Street lights are mounted to the utility poles along the street spaced from 200' to 300' on alternate sides along the street.

As part of this proposed development, we are exploring the feasibility with CMP of installing a cobra head lighting fixture onto an existing utility pole at the corner of the property along Atlantic Street.

Noise and Vibration Comment:

Overview: Heating, ventilation, air conditioning or similar equipment is not shown on the site plan.

- *Provide the location of the proposed heating, ventilation, and air conditioning equipment on the site plan and confirm that they are to be screened.*

Response: Please refer to the architectural plans for more information on the location and screening of the proposed HVAC units.

Design Standards Comment:

Overview: The front landing and stairs at the top of the ramp that access the vestibule need to meet the 5' front setback. Section 7.5.5.C allows an unenclosed one story entrance porch with or without a

roof to extend into a setback as long as it does not extend more than 6' off the principal structure. Please note that the building is subject to Historic Preservation review for a Certificate of Appropriateness, and the City is not reviewing the application against the multi-family design standards. The applicant shall continue to coordinate with the Historic Preservation staff.

- *Confirm that the landing and stairs do not extend more than 6'. Comparing the site plan and the first floor plan, the footprint of the stairs off of the landing on the site plan (Drawing C-10) extends further into the setback and appears to exceed the 6' maximum allowed. On the first floor plan, Sheet A-102, the stairs off the landing appear to be flush with the rest of the landing and do not extend as far into the setback. The two footprints should match and the actual distance from the principal structure should be indicated on the plans.*

  Response: The plans have been revised to match the proposed conditions which are not to exceed the allowed 6' projection. Please refer to the Site Plan, Sheet C-10 and the Architectural plans for more information.

- *Please provide details on how the lot coverage was calculated. The lot coverage calculations that are provided on the Zoning Analysis Table gives the lot coverage as 59%*

  Response: The lot coverage was calculated by taking the area of the proposed building footprint in addition to the contributing footprint associated with the front stoop area (landing and stairs). The contributing area was derived from guidance received from City Staff.

- *The average grade appears to be 123.88' based on the grade at the four corners on the grading plan (Drawing c-30). The average grade line needs to be shown on the elevations plan (Sheet A-200). The height on a flat roof is measured to the top of the roof beam. On the elevation plan the top measurement is to the T.O. Parapet. Is the Parapet the same as the roof beam? Please confirm*

  Response: Please see the revised sheet A-200 which now includes the average grade line and the top of beam/roof deck line on the elevations sheet.

Additional Comments received within PB Workshop Memo:

Access & Circulation Comment:

There is to be an internal pathway constructed at the side of the building leading to the bike storage which is being requested by staff to connect to Atlantic Street. The applicant has also provided information stating that the sidewalk is to be reconstructed with brick in accordance with City standards. The reconstruction will take place along Atlantic Street and will connect across Gilbert Lane.

Response: As noted above and on the plans, an internal pathway along the side of the building is proposed to connect to the Atlantic Street sidewalk.

Snow & Ice Loading Comment:

Snow storage is located at the rear of the building in between the trash enclosure and the transformer. Staff is requesting that the applicant provide confirmation the designated snow storage will be sufficient for the entire site, more specifically, confirmation on the location of snow storage for the front of the building along Atlantic Street.

> **Response: Snow storage has been provided in the rear yard as shown on the plans. Snow storage along the front of the building is intended to be stored within the side yard of the property.**

Planning Board Workshop Feedback:

The following is in response to the Planning Board Staff comments received at the Planning Board Workshop, held May 28th, 2024.

PB Comment: Provide more Placemaking
The Board requested benches or similar to provide more activation along the street.

> **Response: As requested by the Planning Board, the revised site design included with this submission includes provisions for a seat wall along the front of the building as well as a small patio area to better interact with Atlantic Street.**

PB Comment: Parking study
Staff requested more information on the parking ratio, on-street parking capacity, location of the nearest parking garage, bike room incentives for tenants, etc.

> **Response: Per the request of staff and the board, a more robust parking study has been completed. The revised parking study narrative has been reuploaded to the City's Eplan portal which includes the supportive material and responses to the feedback received at the workshop, including a review of on-street parking capacity, parking demands, and incentives provided to tenants. As part of the resubmission, the total bicycle capacity has increased from 28 to 49 with the addition of a bicycle maintenance room.**

PB Comment: Alternatives Analysis
Staff requested an alternative analysis of the building if it were to include a covered parking area.

> **Response: An Alternative Analysis has been completed regarding the impacts associated with redesigning to include a covered parking area. Please refer to Section V. for this analysis.**

Please refer to the outline below for the supplemental materials provided as part of this submission. Thank you for your review – we look forward to being placed on the next available Planning Board agenda for a public hearing.

Sincerely,

Sam Lebel, P.E.
Project Manager
Acorn Engineering, Inc.

Danielle McGowan, E.I.
Project Engineer
Acorn Engineering, Inc.

Attachments:

New Documents:

- Section V: Alternative Analysis Memo
- Section W: Historic Preservation Board Certification of Appropriateness

Revised/Resubmitted Documents:

- Section Q: Construction Management Plan
  - New Attachment: Site Logistics Plan prepared by Optimum Construction, dated 5/15/24
- Section S: Parking Analysis

Revised/Resubmitted Drawings:

- Civil Plan Set, dated 6/4/24
- Architectural Plan Set, dated 6/3/24

ACORN ENGINEERING, INC.

Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

May 17th, 2024

Subject: 42 Atlantic Street Redevelopment Neighborhood Meeting #2

I, Danielle McGowan, hereby certify that a neighborhood meeting was held on May 16th, 2024, at the East End School Café, 195 North Street, Portland, ME 04101, at 5:30 pm.

I also certify that on May 1st, 2024, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division, which includes property owners within 500 feet of the proposed development.

2. Residents on the "interested parties" list.

Sincerely,

Danielle McGowan, E.I.
Project Engineer
Acorn Engineering, Inc.

The following documents are included with this certification letter:

1. Copy of the invitation letter sent out prior to the neighborhood meeting.
2. Meeting sign-in sheet.
3. Meeting Minutes
4. Neighborhood Meeting #2 Presentation

ACORN ENGINEERING, INC.

Dear Neighbor: May 2, 2024

On behalf of LB Atlantic LLC, we are pleased to invite you to a neighborhood meeting to discuss the proposed Major Site Plan Application that was recently submitted to the Planning Board. The proposal features the redevelopment of 42 Atlantic Street into 30 affordable apartments. The project will provide studios, one, and two-bedroom units while rebuilding the public sidewalk and providing on-site stormwater detention.

Meeting Location: The East End School Cafe, 195 North St, Portland, ME 04101
Meeting Date/Time: Thursday, May 16, 2024, at 5:30pm

A sign-in sheet will be circulated, and a record of the meeting will be taken. Both the sign-in sheet and record will be submitted to the Planning Board. If you have any questions, please call (207) 775-2655.

Sincerely,

Sam Lebel

Sam Lebel, P.E.
Acorn Engineering, Inc.

Note: Under the City of Portland land use code, an applicant for a major site plan, master development plan, subdivision of over five lots, or zoning map amendment is required to hold a neighborhood meeting within 30 days of an application being deemed complete and no less than seven calendar days before a public hearing. Should you wish to offer additional comments on this proposed development, you may forward them by e-mail to planning@portlandmaine.gov or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.

Sign-in Sheet **Participants:**

Name	Email
Phyllis Reames	phyllisreames@yahoo.com
Leslie Rothman	ljrothman@yahoo.com
Mary K. Casale	dirtgirl1@AOL.COM
Brian Partridge	brian partridge@gmail.com
ROB WHITTEN	ROB@WHITTENARCHITECTS.COM
Birch Adams	Birchtrees@gmail.com
Meghen Quinn	meghenkquinn@gmail.com
megan Sutherland	megan.bannu@gmail.com
Cynthia Greaton	cjgreaton@gmail.com

Sign-in Sheet **Participants:**

Name	Email
Anna Pasternak	anna.r.pasternak@gmail.com
Nat MacDonald	nathaniel.g.macdonald@gmail.com
John Carter	none
mary Connolly	maryfconnolly@me.com
Susan Baker-Kaplan	suegdi@earthlink.net
Kendra Gzarder	kendra.gzarder@gmail.com
Emily Bernhard	Emily.Bernhard@gmail.com
Tory Lambert	torilblueskies@gmail.com
Bernard Moav-Jankowski	BMJNYC@mac.com
Barbara Vestal	vestal@chesterandvestal.com
Ned Chester	chester@chesterandvestal.com
Karen Snyder	karsny@yahoo.com
Robby Perkins-High	robbyph@gmail.com
Carle Henry	cdhenry3@yahoo.com

Sign-in Sheet **Presenters:**

Name	Email
Will Savage	wsavage@acorn-engineering.com
Dan Black	dan black@lbdevpartners.com
Kyle Barker	kyle@primaryprojects.org

42 Atlantic Street Redevelopment

Neighborhood Meeting Minutes

May 16th, 2024 / 5:30 pm
East End School Community Room, Portland, ME

Project Team Attendees:

Dan Black **(DB)**: Client/Presenter

Kyle Barker (**KB)**: Architect/Presenter (Primary Projects)

William Savage **(WS)**: Civil Engineer/Presenter (Acorn Engineering)

Danielle McGowan (**DM**): Civil Engineer/Note Taker (Acorn Engineering)

The meeting started at approximately 5:35 pm.

Presentation:

Will Savage:

- Overview of the Public Process including a reminder for all attendees to sign-in, how meeting minutes would be taken and submitted as part of the public record, Planning Board workshop date and that attendees may wish to separately reach out to the Project Planner. Email address provided.

Dan Black:

- Team Introduction
- Overview of the meeting
- Project Introduction

Will Savage:

- Project Overview; Existing and Proposed conditions and improvements. Outline of the affordability density bonus as part of LD 2003

Kyle Barker

- Reviewed the floor layouts, building materials, and building renderings.
- Highlighted the design changes made since the previous neighborhood meeting. Provided an overview of the existing buildings in the area and key takeaways incorporated into the proposed building design to help blend the building into the neighborhood.

Comments, Questions & Answers:

Please note that the following questions and answers were not recorded verbatim and aim to represent and summarize the actual questions, answers, and discussion that took place at the meeting.

Neighbor: Curious about the height perspective shown in the renderings and how the building will not tower over the rest of the homes in the neighborhood.

WS: Explained how the slope of Atlantic Street plays a roll in the height variability and perspective.

Neighbor: Curious about the height of the utility poles at the corner of Gilberts & Atlantic Street.

KB: Explained the process for creating the renderings: photos were taken and stitched together when needed, all of the surrounding houses were 3D-modeled, the model and the photographs were overlaid to get the scale as accurate as possible.

Neighbor: Expressed negative opinions on the buildings architectural design and felt there could be more creative opportunity. Stressed concern for straying away from the typical unique homes that exist in the area.

Neighbor: Expressed concerns about the Streetscape compatibility.

Neighbor: Appreciates an affordable housing building, however, is concerned the building is too large for the area.

Neighbor: Compared a similar sized brick building in the neighborhood and was curious if a brick building would be an option.

KB: Explained that part of the reason for keeping the form of the building simple, is to be able to spend more money on the exterior cladding. Most building use cladding that is harmful to the people who install it, and bad for the planet. We are trying to use wood clapboard which avoids that, and relates to the context. Brick is beautiful, but out of budget for this project.

DB: Explained how we're trying to reference the neighborhood, but if we tried to be another building that already exists, we feel the building would stand out more. Which is something we've been cognizant of in the design process.

Neighbor: Concerned with the scale of the building and claims it is too large for the property.

DB/KB: Addressed that the building complies with the city code and requirements and could be larger based on the City's requirements.

Neighbor: Concerns with traffic generated from the development in combination with no parking on site, as well as concerns with the capacity of the city's snow ban lots.

WS: Reiterated that every parking space provided results in less dwelling units in the building and takes that space away from someone who needs it.

Neighbor: Claims building is 20x larger by volume than the other surrounding buildings.

DB/KB: Offered to follow up with neighbor on their calculations and reiterated how the building complies with the city standards and that the currently proposed design is not maxing out the site.

Neighbor: Curious if the Client would be obtaining a TIF from the state for the development and expressed that a TIF translates into the neighbors paying taxes for the building.

DB: Has applied for a TIF for the project. Explained the mechanism of a TIF, which will increase the amount of taxes the City is collecting from the property.

Neighbor: Requested the client's tax info and wants to know what the Return on Investment would be. Reiterated negative opinion on TIF's.

Neighbor: Curious about what the rent for the building would be and how it would be calculated. Requested that the cost estimate and income range be sent to the abutters.

DB: Provided approximate rent for units (the HUD rates are updated annually and they aren't known for the year that the project will be rented, because that's in the future), and explained the Maine Housing Development subsidy process, the 50-60% AMI, and 30% of income process for future tenants. Offered to share more information on the breakdown and estimated rents.

Neighbor: Expressed that the size of the units isn't comparable to the neighbors affordable housing units.

KB/DB: Explained that the units were designed in compliance with the relevant codes and meet the Maine Housing criteria.

Neighbor: Expressed concerns on buildings appearance and the ADA ramp and railing along the front of the building.

KB: Explained how the differences in the materials were selected to visually break up the building.

Neighbor: Expressed support for the project and explained the affordability process

Neighbor: Expressed appreciation of the lack of parking on site. Provided an example that every parking space on site takes a home away from a firefighter, policeman, teacher / someone who needs it.

Neighbor: Expressed opinion that the architectural features could be better and requested clapboard paneling similar to another home in the area.

KB: Addressed the proposed building material is clapboard and reiterated the variability in the façade to assist in breaking up the scale of the building. Provided concerns when trying to recreate an existing building style on a budget; it doesn't always come out the way anticipated.

Neighbor: Interested in who will manage the building once it is developed.

DB: Explained the building will be managed by a 3rd party as required by Maine Housing.

Neighbor: Expressed that 30 units is too many for the building.

DB: Explained the Funding process and project criteria that Maine Housing considers in their determination of which project will receive funding. Reiterated how the site allows 35 units, but only 30 units are proposed.

Neighbor: Expressed appreciation for breaking up the front façade.

Neighbor: Curious about the utilities provided for the building, gas in particular.

WS/DB: Explained the proposed utilities to service the building and confirmed there will not be any gas to the building.

Neighbor: Expressed that the bus stop that was on Atlantic Street has been removed and was curious if the city would bring that bus stop back, after this building is up.

WS/DB: Reiterated the nearest bus stop at North and Congress Street.

Neighbor: Noted that the city would need to reestablish this bus stop if they felt it was necessary.

Neighbor: Will the design change again after this meeting / receiving the neighbors feedback?

DB: The design will continue to evolve based on the neighbor's and planning board comments.

Neighbor: Asked if the building could be divided into two?

BD/KB: explained that the building could not be divided and wouldn't be financially viable.

Neighbor: Curious about the meeting process with the city and requested we provide more information on the process and upcoming hearing dates when available.

DB/WS: Explained the planning board process and addressed that we can share the upcoming meeting dates and process with the neighbors.

Neighbor: Expressed concerns about potential interference with trash collection off Gilberts Lane, with regards to on-street parking and clearance issues should someone park past the allowable spaces on Atlantic Street.

WS: Explained that the trash bins will either be rolled out to Gilberts Lane or to Atlantic Street and will be collected by a private hauler. Provided the typical on-street parking zones and clearances in relation to the existing curb cuts.

Dan Black concluded the meeting and acknowledged his appreciation for the comments received tonight and looks forward to continuing the conversation and opportunities for the development. Will Savage directed Neighbors to reach out to Ameriz Gamez, the City Planner with any further questions and comments.

The meeting concluded at approximately 7:00 pm.

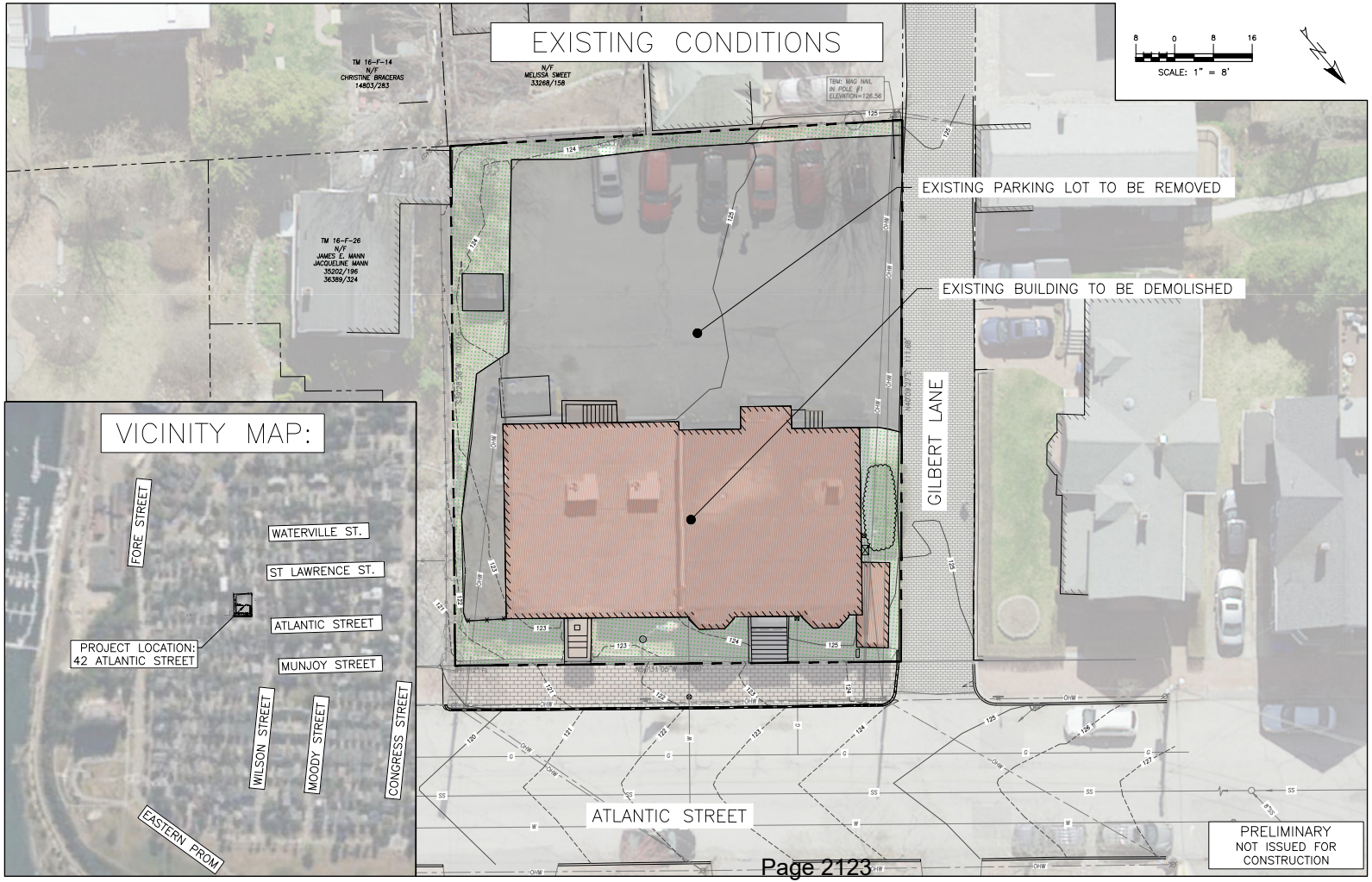
The above mentioned material was interpreted and recorded from handwritten notes. Please note and relay any discrepancies or disputed information in the recorded minutes to the below address so that they can be reviewed, revised, and resubmitted, as necessary.

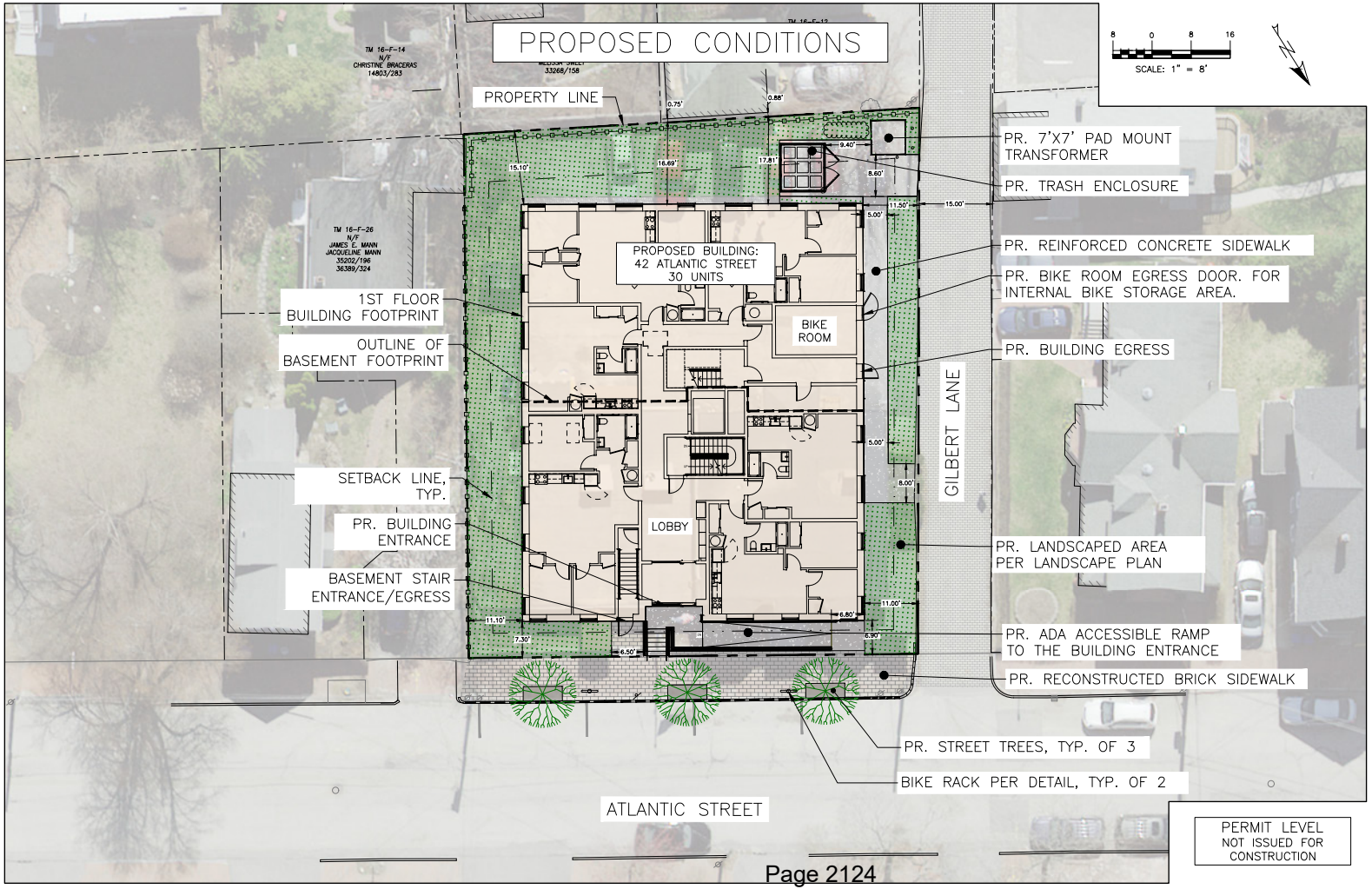
Recorded by,

Danielle McGowan, E.I.
Project Engineer
Acorn Engineering, Inc.
dmcgowan@acorn-engineering.com

42 Atlantic Street Redevelopment Project
Neighborhood Meeting
May 16, 2024




EXISTING CONDITIONS
SCALE: 1" = 8'
EXISTING PARKING LOT TO BE REMOVED
EXISTING BUILDING TO BE DEMOLISHED
GILBERT LANE
ATLANTIC STREET
TM 16-F-14
N/F
CHRISTINE BRACERAS
14803/283
N/F
MELISSA SWEET
33268/158
TM 16-F-26
N/F
JAMES E. MANN
JACQUELINE MANN
35202/196
36389/324
TBM: MAG NAIL
IN POLE #1
ELEVATION=126.56
VICINITY MAP:
FORE STREET
WATERVILLE ST.
ST LAWRENCE ST.
ATLANTIC STREET
MUNJOY STREET
PROJECT LOCATION:
42 ATLANTIC STREET
WILSON STREET
MOODY STREET
CONGRESS STREET
EASTERN PROM
PRELIMINARY
NOT ISSUED FOR
CONSTRUCTION


PROPOSED CONDITIONS
SCALE: 1" = 8'
PROPERTY LINE
PR. 7'X7' PAD MOUNT TRANSFORMER
PR. TRASH ENCLOSURE
PR. REINFORCED CONCRETE SIDEWALK
PR. BIKE ROOM EGRESS DOOR. FOR INTERNAL BIKE STORAGE AREA.
PR. BUILDING EGRESS
PROPOSED BUILDING: 42 ATLANTIC STREET 30 UNITS
BIKE ROOM
LOBBY
1ST FLOOR BUILDING FOOTPRINT
OUTLINE OF BASEMENT FOOTPRINT
SETBACK LINE, TYP.
PR. BUILDING ENTRANCE
BASEMENT STAIR ENTRANCE/EGRESS
GILBERT LANE
PR. LANDSCAPED AREA PER LANDSCAPE PLAN
PR. ADA ACCESSIBLE RAMP TO THE BUILDING ENTRANCE
PR. RECONSTRUCTED BRICK SIDEWALK
PR. STREET TREES, TYP. OF 3
BIKE RACK PER DETAIL, TYP. OF 2
ATLANTIC STREET
TM 16-F-14 N/F CHRISTINE BRACERAS 14803/283
TM 16-F-26 N/F JAMES E. MANN JACQUELINE MANN 35202/196 36389/324
PERMIT LEVEL NOT ISSUED FOR CONSTRUCTION

LEGEND

PROPERTY LINE
SETBACK LINE
FLUSH GRANITE CURB
VERTICAL GRANITE CURB

PLANTING SCHEDULE

TREES

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SPACING	SIZE	QTY	NOTES
	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	PER PLAN	2.5" CAL.	2	NATIVE
	OSTRYA VIRGINIA	AMERICAN HOPHORNBEAM	PER PLAN	2.5" CAL.	2	NATIVE

HERBACEOUS PERENNIALS/ SHRUBS

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SPACING	SIZE	QTY	NOTES
Ar	AJUGA REPTANS	CARPET BUGLE	18" O.C.	1 GAL.	16	–
Au	ARCTOSTAPHYLOS UVA-URSI	KINNIKINNICK	24" O.C.	1 GAL.	10	NATIVE
As	ASTER DIVARICATUS	WOODLAND ASTER	18" O.C.	1 GAL.	9	NATIVE
Am	ARONIA MELANOCARPA	BLACK CHOKEBERRY	42" O.C.	5 GAL.	7	–
Cp	CAREX PENSYLVANICA	PENNSYLVANIA SEDGE	18" O.C.	1 GAL.	51	NATIVE
Dc	DESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	18" O.C.	1 GAL.	62	NATIVE
JH	JUNIPERUS HORIZONTALIS	CREEPING JUNIPER	42" O.C.	5 GAL.	8	NATIVE
Jc	JUNIPERUS COMMUNIS 'BLUEBERRY DELIGHT'	BLUEBERRY DELIGHT JUNIPER	36" O.C.	5 GAL.	6	NATIVE
JB	JUNIPERUS SQUAMATA 'BLUE STAR'	BLUE STAR JUNIPER	36" O.C.	5 GAL.	4	–
MP	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	5' O.C.	5 GAL.	4	NATIVE
RAg	RHUS AROMATICA 'GRO LOW'	GROW LOW SUMAC	4.5' O.C.	5 GAL.	27	NATIVE
Sc	SEDUM TERNATUM	WOODLAND STONECROP	12" O.C.	1 GAL.	19	NATIVE
Sn	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	18" O.C.	1 GAL.	85	NATIVE
Vib	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	42" O.C.	5 GAL.	12	NATIVE
Wt	WALDESTEINA TERNATA	BARREN STRAWBERRY	18" O.C.	1 GAL.	44	–
Yf	YUCCA FILAMENTOSA 'COLOR GUARD'	COLOR GUARD YUCCA	36" O.C.	5 GAL.	6	–

SEEDING

SYMBOL	SEED MIX	SPECIES	PERCENTAGE	AREA		RATE
	TURF GRASS	SEE SEEDING NOTES	–	950 SF		25 LBS /ACRE 1750 SQ FT/LB

MATERIALS SCHEDULE

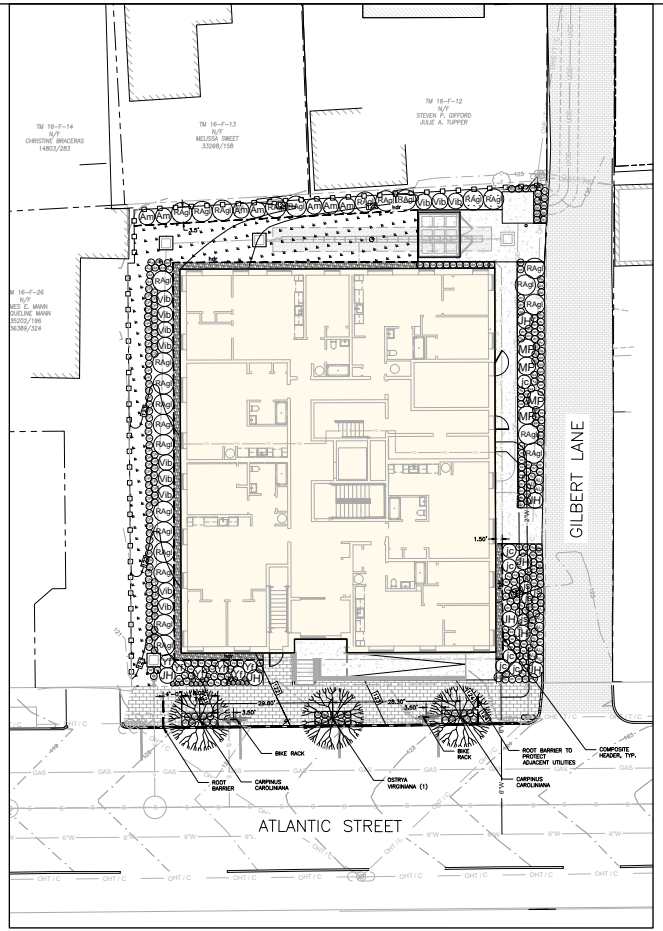
SYMBOL	DESCRIPTION	PRODUCT	MANUFACTORER	FINISH	QTY	NOTES
	BIKE RACK	"BIKE HITCH"	DERO WWW.DERO.COM	GALVANIZED	2	IN GROUND MOUNT; PROVIDE FOOTING
	DECORATIVE GRAVEL	PER PLAN	–	3/8" WASHED STONE	280 SF	
Adc	HEADER	PER PLAN	–	PAINTED BLACK	190 LF	STAKED STEEL EDGING; 1/4" THICK
	WOOD FENCE	–	–	CEDAR	200 LF TOTAL	6'-0" TALL WITH 4" STEEL POSTS
	ROOT BARRIER	UB 48-2	DEEP ROOT WWW.DEEPROOT.COM	–	12 LF TOTAL	INSTALL PER MANUFACTURER'S RECOMMENDATIONS

PLANTING NOTES:

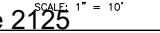
1. NO PLANTING IS TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. SUBSTITUTIONS TO THE PLANTING SCHEDULE ARE TO BE REVIEWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
3. CONTRACTOR IS TO VERIFY UTILITIES ON PROPERTY AND TO PROTECT DURING EXCAVATION FOR PLANTS.
4. PLANT QUANTITIES LISTED IN THE PLANTING SCHEDULE ARE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE; CONTRACTORS ARE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE SCHEDULE AND THE DRAWING, THE DRAWING SHALL TAKE PRECEDENCE.
5. PLANTING MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMAN.
6. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
7. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL TREES TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
8. ALL PLANT MATERIAL DELIVERED TO THE SITE, INCLUDING TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE LOCATED IN A TEMPORARY "NURSERY" IN A SHADED AREA PROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING TO THE SEASON AND PLANTS' REQUIREMENTS.
9. ALL TREE LOCATIONS ARE TO BE STAKED IN THE FIELD FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. FINAL LOCATIONS FOR ALL TREES ARE TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
10. ALL SHRUBS AND HERBS ARE TO BE LAID OUT IN THE FIELD, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
14. TOPSOIL SHALL BE FREE FROM SUBSOIL, STONES LARGER THAN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN 5% ORGANIC MATTER AND HAVE A PH SUITABLE TO THE LOCAL GROWING CONDITIONS.
15. INSTALL ALL TREES, SHRUBS, AND HERBS PER PLANTING DETAILS.
16. ALL DISTURBED AREAS, INCLUDING THOSE NOT INDICATED ON THE PLANS, DUE TO CONSTRUCTION ACTIVITY OR THE STORAGE OF MATERIALS OR EQUIPMENT ARE TO BE REPAIRED. APPLY TOPSOIL AS NEEDED, TO MEET ADJACENT GRADES AND RE-SEED TO MATCH EXISTING OR PROPOSED LANDSCAPE. IF SITE CONDITIONS ARE UNCLEAR, CONTACT THE LANDSCAPE ARCHITECT TO VERIFY THE APPROPRIATE RE-SEEDING SPECIFICATION.
17. ALL PLANTING BEDS ARE TO RECEIVE 3" OF SHREDDED HARDWOOD MULCH.
18. CONTRACTOR IS TO MAINTAIN A ONE YEAR WARRANTY ON ALL PLANTINGS FOLLOWING INSTALLATION.
19. CONTRACTOR IS TO BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL PLANT MATERIAL AND LANDSCAPING IMPROVEMENTS UNTIL THE START OF THE WARRANTY PERIOD.
20. THE PROPERTY OWNER IS RESPONSIBLE FOR THE CONTINUED CARE AND MAINTENANCE OF THE LANDSCAPED AREA. PLANTINGS THAT SHOW SIGNS OF CONSTRUCTION DAMAGE WITHIN A ONE YEAR PERIOD FOLLOWING CONSTRUCTION SHALL BE REPLACED PRIOR TO ANY DEFECT GUARANTEE AT NO ADDITIONAL COST TO THE OWNER.

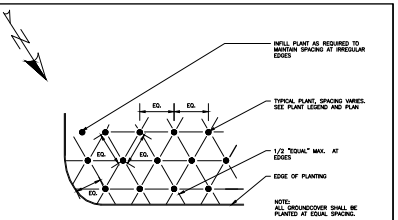
SEEDING NOTES:

1. TURF GRASS IS TO BE "ECOGRASS" SEED MIX, PROVIDED BY PRAIRIE MOON NURSERY
   1.1. 866-417-8156
   1.2. ECOGRASS INCLUDES THE FOLLOWING SPECIES:
   1.2.1. SHEEP FESCUE, RED FESCUE, CREEPING RED FESCUE, HARD FESCUE (INCLUDING OTHERS)

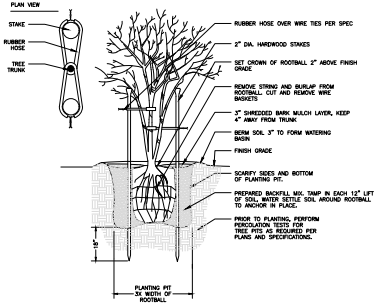


4 LANDSCAPE PLAN
1:10

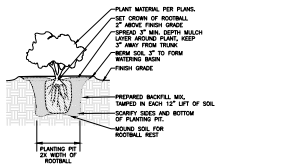




3 GROUNDCOVER SPACING DETAIL
N.T.S.



2 TREE PLANTING DETAIL
N.T.S.



1 SHRUB PLANTING DETAIL
N.T.S.

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR | BY | DATE
MAJOR SITE PLAN | | 4/11/24

LANDSCAPE PLAN
42 ATLANTIC STREET REDEVELOPMENT
LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

LANDSCAPE ARCHITECTURE
JOHN TURCHETTA, RLA, ASLA
PO BOX 1000, TOPSHAM, ME 04086
(207) 775-3565

FILE:	1220_LA
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	SJL

ALEXIS LOPEZ DELVECCHIO
LICENSED LANDSCAPE ARCHITECT
STATE OF MAINE
4/11/2024

DRAWING NO.
L-01

Context Photos of Existing Non-Contributing Property



Looking up Atlantic



Looking down Atlantic



From Gilbert



From Rear Parking



Houses of Atlantic Street

Common Attributes:

1. Street-Facing Porches
2. Vertically Oriented, Stacked Windows
3. Painted Wood Siding
4. Vertical Proportion (Building)

Context Constraints (Excerpted)

Zoning

- Lot Coverage: 60%
- Front Setback: 5’
- Side Setbacks: 5’
- Rear Setback: 10’ (15’ step back above 3rd floor)
- Height: 45’

Maine Housing, Quality Standards & Procedures

Minimum sizes for separate rooms:

Name of Space	Minimum Area (SF) 0 BR	1 BR	2 BR	3 BR	4 BR	Least Dimension
LR (8)	NA	160	160	170	180	11'-0"
DR	NA	100	100	110	120	8'-6"
BR, Primary (1), (2), (9)	NA	120	120	120	120	9'-6"
BR, Secondary (2), (9)	NA	NA	80	80	80	8'-0"
Total area, BR's	NA	120	200	280	360	

Minimum sizes for combined spaces:

Name, Combined Space (4)	Minimum Area (SF) (7) 0 BR	1 BR	2 BR	3 BR	4 BR
LR – DA (8)	NA	210	210	230	250
K-DA (6)	NA	120	120	140	160
LR-DA-K (5), (8)	NA	270	270	300	330
K-DA-LR-SL (2), (8)	320	NA	NA	NA	NA

Abbreviations:

SF: Square Feet DR: Dining Room DA: Dining Area K: Kitchen

LR: Living Room NA: Not Applicable BR: Bedroom SL: Sleeping Area

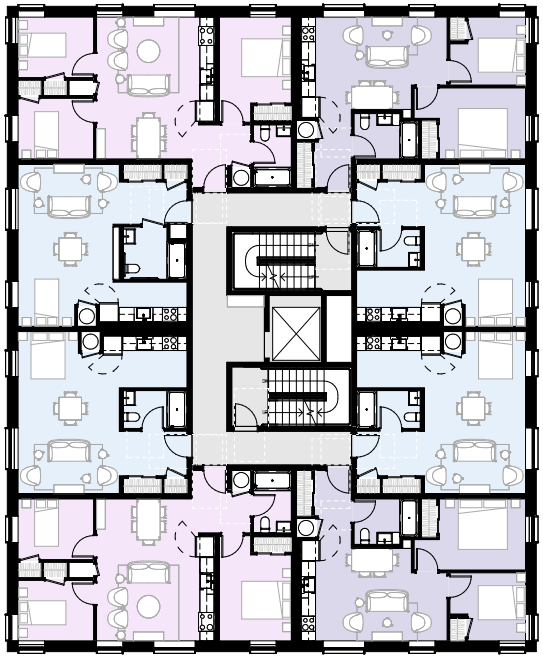
Current Proposal Floor 1

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Current Proposal Floors 2–4

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity

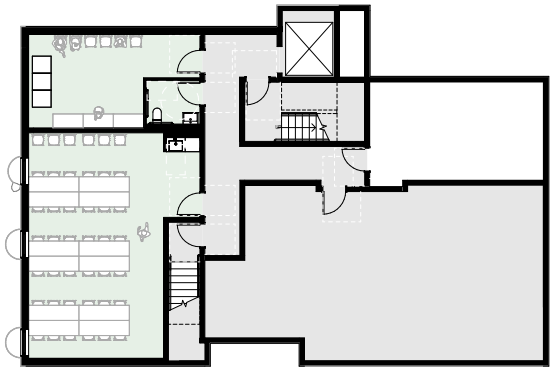


Gilbert Lane

Atlantic Street

Current Proposal Basement

- Studio
- 2-Bed Unit
- 3-Bed Unit
- Circulation
- Resident Amenity



Project Unit Counts

Unit Type	Count	Square Footage
Studio Units	14	520
2-Bed Units	8	650
3-Bed Units	8	785
Total	30	

Current Proposal East Elevation, Facing Atlantic Street



Current Proposal North Elevation, Facing Gilbert Lane



Current Proposal West Elevation



Current Proposal South Elevation



Previous Proposal View Down Atlantic





Current Proposal View Up Atlantic



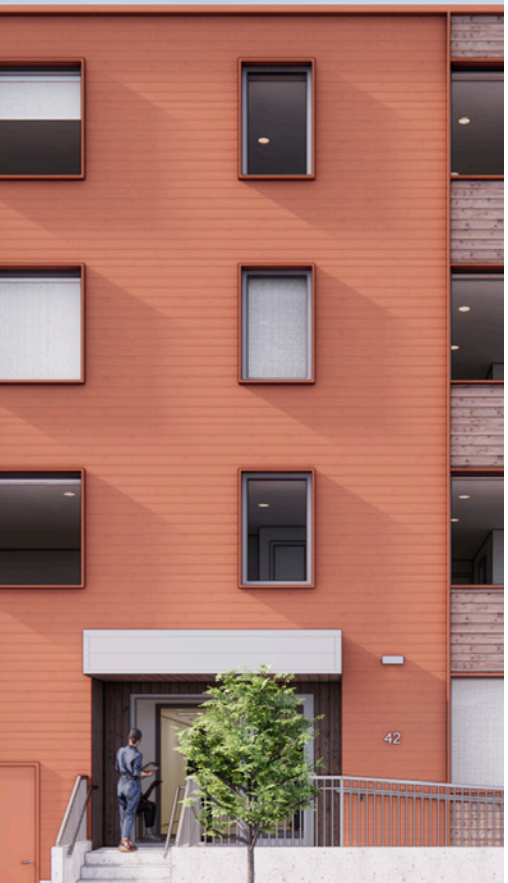


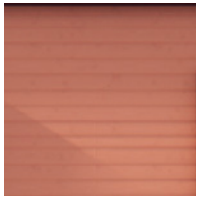
Current Proposal View From Atlantic




42

Current Proposal Materials





Painted Clapboard
Primary Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Rusty Neutral Paint



Natural Clapboard
Accent Cladding

- Clapboard
- 4.5” Exposed Face
- Quartersawn Pine
- Clear Finish

Metal Fascia
Awning Surround

- Seaming as Shown
- Galvalume
- Warm Gray Powdercoat (to match window & hardware finish)

42 Atlantic Street Redevelopment Project
Neighborhood Meeting
May 16, 2024



ACORN ENGINEERING, INC.

City of Portland Planning Department
Attn: Ameriz Gamez, Planner
389 Congress St
Portland, ME 04101

June 4, 2024

Subject: 42 Atlantic Street – Alternatives Analysis Memo

Ameriz:

As requested at the Planning Board workshop held on May 28, 2024, our team has conducted an Alternatives Analysis that contemplates on-site parking in lieu of affordable housing units. The details of this alternative include:

- A paved lot for 5 cars near the western edge of the property (the side nearest to St. Lawrence St), including one accessible space.
- The lot would be entered from Gilbert's Lane through an open air entry. The drive aisle would be covered and the parking stalls would be uncovered.
- The footprint of the first floor would shrink considerably to accommodate the 18' deep parking space and 24' wide drive lane (we estimate 46' of total depth with appropriate clearances for the fence & building)
- The second, third, & fourth floors would remain in their current condition; partially covering the parking.

Although there are benefits to providing on-site parking, this approach comes with significant drawbacks due to the geometry of this infill lot:

Description	**Outcome**
The project will lose a minimum of four units on the first floor (2 studios, a 2-bed, and a 3-bed).	Less Housing Stock
The floor-to-floor height of the first floor will need to be raised. This will raise the overall building height, which we have worked hard to minimize (currently 40'-6-1/2" above the average grade).	Taller Building / Larger Mass
The increase in first floor height will also lengthen the internal stair runs, increasing the size of the stair cores. Because of the compact nature of the building, this increase will decrease the available finished living area for the units, which are currently within inches of MaineHousing's minimum dimensional requirements. This is likely to result in a more fundamental reworking of the project which will reduce the unit or bed count further.	Fewer Units and / or Bedrooms

The rear wall & underside of the second floor will need to be two-hour fire rated. This adds cost and because of MaineHousing's per-unit cost caps, every dollar spent outside of the units themselves reduces their quality.	Increased Cost / Lower Quality Units
This approach will require (more) steel to support levels 2 to 4 due to the structured parking.	Increased Cost / Lower Quality Units
With at least four less units, the project becomes less competitive in its 9% LIHTC application to obtain funding from MaineHousing.	Project is Less Competitive
Vehicles will be driving up & down historic Gilbert's Lane, which the neighbors have expressed concerns over in both neighborhood meetings, particularly with regard to idling and general vehicular use.	Increased Use of Gilbert's Lane
The current impervious cover is currently below the maximum 80% allowance. The increase in parking infrastructure will reduce site's vegetation and add nearly 1,000 square feet of pavement adjacent to the neighboring property, in addition to requiring more stormwater infrastructure to offset the runoff.	Added Impervious Area and Heat Island Effect / Increased Cost / Lower Quality Units

It should be noted that this table is not meant to be an exhaustive list. Due to the various codes and technical design considerations, there are likely several more negative complications that would be uncovered during a more detail-oriented level of design and review. The table above is meant to identify the main ramifications at a feasibility study level.

CONCLUSION:

As referenced in Section S. Parking Analysis, the parking demand for these 30 affordable housing units is likely limited to approximately 10 cars. Based upon a review of the available on-street parking in the neighborhood during four different time windows, we do not have concerns with the neighborhood street network being able to accommodate this marginal increase. Furthermore, the project will be providing ample bicycle parking and encouraging the use of the METRO bus stop which is a five-minute walk (0.2 miles) from the Site.

In concurrence with documented City and State policies surrounding prioritization of affordable housing, we strongly feel that on this small infill lot the original 30-unit proposal is the best course of action. This option not only maximizes the quantity of affordable housing stock, but it also enhances the quality of the units themselves, therefore prioritizing housing over vehicles for those that want to live, work, and play in Portland.

Sincerely,

Sam Lebel, PE
Project Engineer / Manager
Acorn Engineering, Inc.

Kyle Barker, AIA, NCARB
Project Architect / Principal
Primary Projects, PLLC

Planning and Urban Development
Historic Preservation Program

June 3, 2024

Owner: Dan Black & Carl
Lakari LB Atlanitc, LLC
P.O. Box 10452
Portland, ME 04104

Applicant: Kyle Barker
Primary Projects
2330 Horton Street
North Dighton, mA 02764

Re: 42 Atlantic Street – New Construction HPBR-002814-2024

Dan Black, Carl Lakari, and Kyle Barker,

The Historic Preservation Board has approved your application for a Certificate of Appropriateness for new construction at 42 Atlantic Street. Approval was based on the application materials submitted for the public hearing held on May 29, 2024, and stamped for approval on June 3, 2024, except as modified by the following conditions:

- Staff shall review details and/or mockups for installation of cobblestones along Gilbert Lane to ensure that the appearance after utility construction is complete is consistent with the historic appearance.

All improvements shall be carried out as shown on the materials submitted for the hearing on May 29, 2024, and stamped for approval on June 3, 2024, except as to comply with the conditions above. Changes to the approved plans or specifications, and any additional work that may be undertaken must be reviewed and approved by the Historic Preservation program prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the original date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the original date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

Evan R. Schueckler
Historic Preservation Program Manager

389 Congress Street, Portland, Maine 04101 | 207.874.8726 | hp@portlandmaine.gov

Richard Weare
P.O. Box 741
Portland, Maine 04104

July 26, 2024

City of Portland, Maine
Portland Planning Board
planningboard@portlandmaine.gov

Subject: Proposed redevelop at 42 Atlantic Street

Dear Planning Board Members:

My wife and I are opposed to subject redevelopment of 42 Atlantic Street with the construction of a 30-unit apartment building that does not have any off-street parking.

We request that the Planning Board direct the Historic Preservation Board to not approve the developer's plan, as it does not fit the Historic nature of the neighborhood. Furthermore, we request that the Planning Board itself not approve the developer's proposal as presently proposed due to not including any off-street parking as part of their proposal.

At the previous planning board meeting for subject proposal, the neighbors that attended the meeting were not in favor of the Portland Planning Board approving the project particularly because of concerns that the project does not include any off-street parking. Their consensus was that the Portland Planning Board should not approve a waiver from the present city requirements that projects include off-street parking. The developer's statement that there is a bus stop at Congress Street will not stop any residences from possessing a vehicle and parking on the street.

As mentioned in our past May 24, 2024 letter, we find that on street parking on the Atlantic Street, Wilson Street and Munjoy Streets to be very difficult to find an available parking space. Finding a parking space during times when one side of the street is restricted from parking due to street sweeping/plowing makes it almost impossible to find a parking space. Adding 30+ additional vehicles from proposed tenants at 42 Atlantic Street would be an undue (if not impossible) burden on all people parking on the above-mentioned streets.

Additionally, during snow storm parking restrictions, these additional 30+ cars would make finding acceptable parking spots in the approved storm parking locations also impossible.

Thank you for your considerations:

Richard Weare

Marianna Bonetti
Property Owner at 74 Wilson Street

Markos Miller <markossmiller@hotmail.com>
to planning@portlandmaine.gov, agamez@portlandmaine.gov

Chair Mazer,

I'll be out of town on July 30th, but wanted to offer comment on 2 issues coming to the planning board at that meeting.

1. ReCode- I'm so glad this is happening and am appreciative of all the work staff is doing to move this forward. It's big and important work. It moves Portland in the right direction. However, it does not go far enough to achieve the population density Portland needs to sustain walkable neighborhoods, an accessible housing market, or a truly effective transit system. In general, I urge the planning board to ask for more. Some specifics:
    a. TOD- this should be used along transit corridors and at nodes throughout the city (Forest, Outer Congress, Washington, Brighton, Franklin, Woodfords, Morrill's, and Allen's corners, etc.). The proposed B-5 in most of these areas is insufficient; it's 65' height limits are unlikely to produce the densities needed anytime soon. I know there is a 25' height bonus for affordable housing in the B-5, but this will not achieve the results sought for a couple reasons.
        i. Affordable housing developers like PHA are saying that they do not build over 6 stories because of construction costs (i.e. steel). So, the very developers this height bonus targets say they will not be using it.
        ii. Affordable housing is needed. Density is needed. However, we should not be making achieving one goal dependent on achieving the other goal. We need to encourage residential and mixed-use density for all income levels. Portland needs tall market rate buildings as well as affordable housing.
    b. I fear the maximums ReCode is calling for barely reach what is needed for the vibrant transit and 15-minute neighborhoods the Comp Plan calls for. We must aim higher than the bare minimum if we are to achieve our goals.
    c. Finally on this matter, I know politics and public input are important parts of our process. However, it is a mistake to cast ReCode as a largely political and public input process. That work already took place when we developed the Comprehensive Plan- Portland 2030. ReCode must be about how we achieve the goals outlined in the Comp Plan, not if we are going to achieve those goals. We must focus on what are the most effective strategies to achieve the Comp Plan goals and resist calls to relitigate our Comp Plan goals.
2. 42 Atlantic St- I live at 17 Atlantic St. and fully support the redevelopment of this site as envisioned by the developer. Munjoy Hill has traditionally been a working-class neighborhood characterized by a diversity of housing types that housed multiple large families. While gentrification is changing this, Portland, and my neighborhood, need housing for working class folks- people to work in our schools, police force, restaurants, and other fine businesses. Munjoy Hill is an ideal part of our city for urban density- it is walkable to goods, services, schools, and employment. It is close to transit. There are other buildings of similar size just blocks away. This project also offers added benefits related to energy efficiency, and tenant equity that should be applauded and supported. Recent changes related to LD 2003 have made this development possible; this is the ideal place for such a project. I hope you will support it.

I appreciate the important work you and the other members of the Planning Board perform for our city.

Regards,
Markos Miller

Leslie Rothman <ljrothman@yahoo.com> 7:17 AM (2 hours ago)
to planningboard@portlandmaine.gov, atrevorrow@portlandmaine.gov, eschueckler@portlandmaine.gov

Planning Board Members,

I am writing because, like you, I want to see more people be able to live in affordable and reasonable housing and preserve our neighborhoods' unique character and livability. ***The proposed development on 42 Atlantic Street fails to meet these goals.***

1.The mass, scale and design of this development negatively impacts the surrounding houses and neighborhood's unique character

- **40' high, four stories with a footprint of 86'x72' makes it significantly larger than any other structure on our street**. From Staff comments on page 8 on a recent Staff Memorandum, *"The proposed structure will be four stories. Atlantic St is typically lined with one and a half to three story structures...The proposed structure will be wider than typical structures along Atlantic St, though not out of scale with some of the larger buildings in the district.* ***But this is not true for Atlantic St. or adjoining neighborhood streets where there are not larger structures or institutional looking buildings****.*

- ***Citing that proposed scale is compatible with surrounding context based on articulation of the facade with changes in material which help break down the mass of the proposed building*** **does not make it compatible**. A renowned local architect said***, It has an institutional look, mass and scale that is not compatible with the neighborhood.***

2. There is no parking available for residents of this building. Although parking currently exists on this lot, this would be eliminated so the building can fill the total lot space.

- Although it may be ideal to move our city to one not reliant on cars, it is unrealistic to assume that residents won't have cars or need cars to get to work or go to a grocery store. *How many of you take a bus or ride a bike to go food shopping for your family?*

- It can be assumed that many residents will have cars and with 30 units, most that are designed for multiple tenants, **this translates to a potential 30 + cars parking on the street**. This will mean street parking will become a problem, which is already challenging in the winter with snow, and in the summer with people who want to visit the hill parking on side streets.

3. This building is supposed to be family friendly yet has no green space or yard for kids to play as the building encompasses the total footprint of the lot with minor landscaping in the street facing side.

- Stating that kids can play on the prom is not realistic for young children. Affordable housing on Fore St. has both parking and green space and you frequently see kids playing on both. The mixed income housing where the Adams school was previously located has green space and parking for residents.

Affordable housing is important, and can work in our neighborhood, but not at the expense of impacting the character and livability for neighbors and new building residents.

Our request is to reduce the size of the proposed structure, change the visual impact of the building and add some parking/green space and make it a truly comfortable place for people to live.
If this means fewer units, the city can partner with the builder to make the project viable financially, and authentically benefit the building residents, surrounding neighbors and the city.

To assist with thinking about changes, we have attached 3 pictures of affordable housing in the district and large apartment buildings that incorporate materials, design, scale, parking that match the neighborhoods they are in.

Thank you for your time and consideration of our concerns and requests.

Leslie Rothman & Dave Gailus
Residents of 63 Atlantic St. for 34 years
Jean Bull - resident of 68 Atlantic St. for 34 years







42 ATLANTIC STREET REDEVELOPMENT

LB ATLANTIC, LLC
PORTLAND, MAINE

LEGEND

EXISTING

REFER TO THE EXISTING CONDITIONS PLAN FOR ADDITIONAL INFORMATION

PROPOSED

	UNDERDRAIN
	GREEN SPACE
	UTILITY PAVEMENT CUTS
	STRIPING
	SEDIMENTATION BARRIER
	EDGE OF EX. PAVEMENT
	CURB
	SIGN
	LAMP OR LIGHT POLE
	UTILITY POLE
	GUY WIRE
	WATER VALVE
	FIRE HYDRANT
	SEWER MANHOLE
	CATCH BASIN
	DRAIN MANHOLE
UE — UE	UNDERGROUND ELECTRIC LINE
W — W	UNDERGROUND WATER LINE
64	MINOR CONTOURS (1 FT)
65	MAJOR CONTOURS (5 FT)
G — G	GAS LINE
SD — SD	STORM DRAIN LINE
S — S	SEWER LINE
	EXISTING/PROPOSED BUILDING
OHE/T/C	OVERHEAD ELECTRICAL/TELEPHONE/CABLE
	PROPERTY LINE
	SETBACKS

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CALL BEFORE YOU DIG
1-888-DIG-SAFE
1-888-344-7233

UTILITIES

SEWER

DEPARTMENT OF PUBLIC WORKS (DPW)
250 CANCO ROAD
PORTLAND, MAINE 04101
CONTACT: BRAD ROLAND, P.E.
(207) 874-8834

WATER

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PO BOX 3553
PORTLAND, MAINE 04104
ATTN: MEANS DIVISION
(207) 774-5961

ELECTRIC

CENTRAL MAINE POWER COMPANY (CMP)
162 CANCO ROAD
PORTLAND, MAINE 04103
CONTACT: JAMIE COUGH
(207) 828-2882

TELEPHONE

CONSOLIDATED COMMUNICATIONS
(FORMERLY FAIRPOINT)
45 FOREST AVENUE
PORTLAND, MAINE 04101
CONTACT: PAT MORRISON
(207) 745-9363

CABLE

SPECTRUM CABLE
118 JOHNSON ROAD
PORTLAND, MAINE, 04102
CONTACT: STEVEN HOLMES
(207) 631-1618

PROJECT TEAM

OWNER

LB ATLANTIC, LLC
PO BOX 10452
PORTLAND, MAINE 04104
CONTACT: DAN BLACK

ARCHITECT

PRIMARY PROJECTS, PLLC
2330 HORTON STREET
NORTH DIGHTON, MA 02764
CONTACT: KYLE BARKER, AIA
(617) 440-4674

SURVEYOR

OWEN HASKEL, INC.
390 US-1, UNIT 10
FALMOUTH, MAINE 04105
CONTACT: ELLEN C. BREWER, P.L.S.
(207) 774-0424

GEOTECHNICAL ENGINEER

SUMMIT GEOENGINEERING SERVICES
LEWISTON, MAINE
CONTACT: BILL PETERLEIN, P.E.
(207) 576-3313

STRUCTURAL ENGINEER

BASE DESIGN GROUP, INC.
117 AUBURN STREET, 2ND FLOOR
PORTLAND, MAINE 04103
CONTACT: NATE BACON, P.E., S.E.
(207) 553-2070

CIVIL ENGINEER:

ACORN ENGINEERING, INC.
PORTLAND, MAINE
CONTACT: SAM LEBEL, P.E.
(207) 775-2655

LANDSCAPE ARCHITECT

ACORN ENGINEERING, INC.
PORTLAND, MAINE
CONTACT: ALEXIS DEL VECCHIO, RLA
(207) 775-2655

MEP DESIGNER

BLW ENGINEERS, INC.
311 GREAT ROAD, PO BOX 1551
LITTLETON, MA 01460
CONTACT: KENNETH R. BECK, P.E.
(978) 486-4301



VICINITY MAP
SCALE: 1:500

ABBREVIATIONS

PARTIAL LIST OF ABBREVIATIONS AND THEIR CORRESPONDING MEANING. PLEASE CONTACT THE ENGINEER FOR ANY CLARIFICATION

APPROX.	APPROXIMATE
BC	BOTTOM OF CURB
BMP	BEST MANAGEMENT PRACTICE
BOT.	BOTTOM
CAD	COMPUTER AIDED DESIGN
CB	CATCH BASIN
CF	CUBIC FOOT
CIP	CAST IN PLACE
CL	CENTERLINE
CM	CONSTRUCTION MANAGER
CMP	CENTRAL MAINE POWER
CONC.	CONCRETE
CPP	CORRUGATED PLASTIC PIPE
CY	CUBIC YARD
DI	DUCTILE IRON PIPE
DIA.	DIAMETER
DIM.	DIMENSION
EA.	EACH
ELEC.	ELECTRICAL
ELEV.	ELEVATION
EQUIV.	EQUIVALENT
EST.	ESTIMATE
EX.	EXISTING
FFE	FINISH FLOOR ELEVATION
FT.	FEET
HDPE	HIGH DENSITY POLY ETHYLENE
ID	INNER DIAMETER
IN.	INCH
INV.	INVERT
L	LENGTH
MAX.	MAXIMUM
MDEP	MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
MDOT	MAINE DEPARTMENT OF TRANSPORTATION
M.E.P	MECHANICAL, ELECTRICAL, PLUMBING DESIGNER
MFG.	MANUFACTURED
MH	MANHOLE
MIN.	MINIMUM
O.C.	ON CENTER
OD	OUTSIDE DIAMETER
OHE/T/C	OVERHEAD ELECTRIC/TELEPHONE/CABLE
PC	PRECAST
PE	PROFESSIONAL ENGINEER
PL	PROPERTY LINE
PLS	PROFESSIONAL LAND SURVEYOR
PROP.	PROPOSED
PSI	POUNDS PER SQUARE INCH
PVC	POLYVINYL CHLORIDE
PWD	PORTLAND WATER DISTRICT
R	RADIUS
RD	ROOF DRAIN
RET.	RETAINING
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SDR	STANDARD DIMENSION RATIO
SF	SQUARE FEET
SMH	SEWER MANHOLE
SPEC.	SPECIFICATION
TC	TOP OF CURB
TW	TOP OF WALL
TYP.	TYPICAL
UD	UNDERDRAIN
UGE	UNDERGROUND ELECTRIC
VIF	VERIFY IN FIELD

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: COVER SHEET & LEGEND
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.

THIS PLAN SHALL NOT BE MODIFIED, WITHOUT WRITTEN PERMISSION OR, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PORTLAND, MAINE 04104
PO BOX 3427
(207) 775-2655

FILE: 1220_DETAILS
JN: 1220
SCALE: AS NOTED
DESIGNED BY: SJL
DRAWN BY: DNM
CHECKED BY: SJL

STATE OF MAINE
SAMUEL J. LEBEL
16505
LICENSED
PROFESSIONAL ENGINEER

DRAWING NO.
C-01

GENERAL NOTES:

1. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION FOR UTILITIES. OTHERWISE IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE ANY POTENTIAL CONFLICTS WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL EROSION CONTROL MEASURES SHOWN ON THE PLAN. IF DEEMED NECESSARY BY THE OWNER OR OWNER'S REPRESENTATIVE (IF APPLICABLE), ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED AT NO ADDITIONAL COST TO THE OWNER.
3. THE CONTRACTOR SHALL PREPARE THEIR OWN MATERIAL SCHEDULE BASED ON THE PLANS AND FIELD VERIFICATION BY THE CONTRACTOR. ALL MATERIAL SCHEDULES SHOWN WITHIN THE PLAN SET ARE FOR GENERAL INFORMATION ONLY.
4. ALL CONSTRUCTION METHODS, TESTING AND MATERIALS SHALL CONFORM TO THE MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, THE CITY OF PORTLAND AND SERVICING UTILITY REQUIREMENTS, IF ANY. IN CASES WHERE THESE CONFLICT THE MOST STRINGENT SPECIFICATION SHALL APPLY AT NO ADDITIONAL COST TO THE OWNER.
5. THE SITE CONTRACTOR SHALL MAINTAIN A SET OF PAPER AND CAD DRAWINGS WHICH SHALL RECORD THE ACTUAL LOCATION, DIMENSIONS, ELEVATIONS, MATERIALS OF THEIR WORK, INDICATING THEREON ALL VARIATIONS FROM THE CONTRACT DRAWINGS. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH ONE COMPLETE SET OF REPRODUCIBLE RECORD DRAWINGS, IN .DWG FORMAT AND PAPER, STAMPED ''AS–BUILT''. IF AUTOCAD CAPABILITY IS NOT AVAILABLE, EXCLUDE FROM BID IN WRITING.
6. THE CONTRACTOR WILL REMAIN SOLELY AND COMPLETELY RESPONSIBLE FOR ENFORCEMENT OF AND COMPLIANCE WITH 1) ALL CONTRACT PLANS AND SPECIFICATIONS, 2) APPLICABLE INTERNATIONAL BUILDING CODE REQUIREMENTS, AND 3) ALL SITE WORKING CONDITIONS AND SAFETY REQUIREMENTS, DAY AND NIGHT, FOR BOTH PERSONS AND PROPERTY, IN EACH CASE BOTH BY THE CONTRACTOR AND ITS SUBCONTRACTORS. THESE INCLUDE ALL OSHA, NIOSH, U.S. EPA AND ANY OTHER APPLICABLE GOVERNMENTAL REGULATIONS.
7. EXISTING CONDITIONS, BOUNDARY SURVEY, AND TOPOGRAPHY FROM THE PLAN TITLED BOUNDARY AND TOPOGRAPHIC SURVEY BY OWEN HASKEL, INC. FOR LB DEVELOPMENT PARTNERS, DATED 12/7/23.
8. SUBSURFACE DATA HAVE BEEN OBTAINED BY **SUMMIT GEOENGINEERING SERVICES, INC.** AND SHALL BE INCLUDED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL ALSO REVIEW THE REPORT PRIOR TO SUBMITTING A BID.
9. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCESS TO THE SITE AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY MARKINGS, SIGNAGE AND INCIDENTALS TO MAINTAIN A SAFE VEHICLE AND PEDESTRIAN ACCESS THOUGH THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL NOTIFY THE PORTLAND PUBLIC SAFETY DIVISION ROUTINELY REGARDING TEMPORARY IMPACTS OR CHANGES TO SITE ACCESS CONDITIONS.
10. TRAFFIC CONTROL SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
11. CONTRACTOR TO DETERMINE SOIL CLASSIFICATION INDEPENDENTLY FOR TRENCH, SHORING, AND OTHER SIMILAR CONSTRUCTION MEANS AND METHODS APPLICATIONS.
12. NO HOLES, TRENCHES, OR STRUCTURES SHALL BE LEFT OPEN OR UNATTENDED OVERNIGHT IN ANY AREA ACCESSIBLE TO THE PUBLIC OR WITHIN THE PUBLIC RIGHT–OF–WAY.
13. THE CONTRACTOR SHALL CONDUCT A PRE–CONSTRUCTION SURVEY OF INTERIOR SUBGRADE AND ABOVE GRADE ACCESSIBLE WALLS, CEILINGS, FLOORS, ROOF AND VISIBLE EXTERIOR AS VIEWED FROM THE GRADE LEVEL. THIS SHALL BE COMPLETED AT A MINIMUM ADJACENT STRUCTURES. PROVIDE A COPY OF THE SURVEY TO THE OWNER. DOCUMENT WITH PICTURES AT A MINIMUM.
14. THE CONTRACTOR SHALL SURVEY ROCK SURFACE PRIOR TO EXCAVATION AND DEVELOP VOLUME CALCULATIONS TO SHARE WITH THE ENGINEER, ACORN ENGINEERING INC. (ACORN), IF ANY.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL TREES AND SHRUBS ON THE PROJECT WHICH ARE NOT TO BE REMOVED.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY TRENCH PAVEMENT THAT HAS EXPERIENCED EXCESSIVE SETTLEMENT, CRACKING, OR OPENING OF JOINTS. REPAIRS MAY INCLUDE OVERLAY. REMOVAL OF WORK MAY BE NECESSARY AFTER THE FINAL ACCEPTANCE OF WORK OR PRIOR TO THE END OF THE WARRANTY PERIOD. THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

CIVIL SITE NOTES:

1. THE CONTRACTOR SHALL SUBMIT IN WRITING ANY REQUESTS TO ACORN TO MODIFY THE CONTRACT DOCUMENTS.
2. ALL SHOP, ERECTION, AND CONSTRUCTION DRAWINGS SHALL BE CHECKED AND STAMPED BY THE CONTRACTOR PRIOR TO SUBMISSION FOR ACORN'S REVIEW. ANY UNCHECKED OR NON–STAMPED SUBMITTALS WILL BE RETURNED WITHOUT REVIEW.
3. CONTRACTOR SHALL THOROUGHLY INSPECT AND SURVEY EXISTING STRUCTURES AND SITE TO VERIFY CONDITIONS THAT AFFECT THE WORK SHOWN ON THE DRAWINGS. CONTRACTOR TO NOTIFY ACORN OF ANY DISCREPANCIES PRIOR TO PROCEEDING.
4. DETAILS SHOWN APPLY TO ALL SIMILAR CONDITIONS UNLESS OTHERWISE INDICATED.
5. ALTHOUGH ALL DUE DILIGENCE HAS BEEN APPLIED TO MAKE THE DRAWINGS AS COMPLETE AS POSSIBLE, NOT ALL DETAILS ARE ILLUSTRATED, NOR IS EVERY EXCEPTION CONDITION ADDRESSED WITHIN THE CONTRACT DOCUMENTS.
6. ALL PROPRIETARY CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
7. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ALL WORK, INCLUDING DIMENSION AND LAYOUT VERIFICATION, MATERIALS COORDINATION, SHOP DRAWING REVIEW, AND THE WORK OF ANY SUBCONTRACTORS.
8. UNLESS OTHERWISE SPECIFICALLY INDICATED, THE DRAWINGS DO NOT DESCRIBE OR DIRECT MEANS OR METHODS OF CONSTRUCTION.
9. THE CONTRACTOR, IN THE PROPER SEQUENCE, SHALL PERFORM OR SUPERVISE ALL WORK NECESSARY TO ACHIEVE THE FINAL COMPLETED STRUCTURE, AND TO PROTECT THE STRUCTURE, WORKMEN, AND OTHERS DURING THE CONSTRUCTION. SUCH WORK SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING, SHORING FOR CONSTRUCTION EQUIPMENT, SHORING FOR EXCAVATION, FORMWORK, SCAFFOLDING, SAFETY DEVICES AND PROGRAMS OF ALL KINDS, SUPPORT AND BRACING FOR CRANES AND OTHER ERECTION EQUIPMENT.
10. DO NOT BACKFILL AGAINST RETAINING WALLS UNTIL SUPPORTING SLABS AND FLOOR FRAMING ARE IN PLACE AND SECURELY ANCHORED, UNLESS ADEQUATE BRACING IS PROVIDED. PRIOR TO BACKFILLING, CONCRETE SHALL BE CURED PER STRUCTURAL ENGINEER'S SPECIFICATIONS.
11. TEMPORARY BRACING SHALL REMAIN IN PLACE UNTIL ALL FLOORS, WALLS, ROOFS AND OTHER SUPPORTING ELEMENTS ARE IN PLACE, IF APPLICABLE.
12. ALL PAVEMENT JOINTS SHALL BE SAWCUT AND APPLIED WITH TACK COAT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
13. ACORN BEARS NO RESPONSIBILITY FOR THE ABOVE ITEMS, AND SITE OBSERVATION VISITS DO NOT IN ANY WAY INCLUDE INSPECTION OF THEM.
14. EXCAVATIONS ACCOMPLISHED AS PART OF THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH SUBPART P OF 29 CRF PART 1926.650–.652 (CONSTRUCTION STANDARD FOR EXCAVATIONS).
15. ALL TRENCH PAVEMENT REPAIR SHALL BE COMPLETED WITH THE USE OF A STREET PAVER WITH A SCREED WIDTH CAPABLE OF SPANNING THE FULL WIDTH OF THE TRENCH UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

SPECIAL INSPECTION NOTES

1. ALL SITE SOILS–RELATED WORK AND FOOTING EXCAVATIONS PRIOR TO PLACING FORMS SHALL BE REVIEWED BY THE PROJECT GEOTECHNICAL ENGINEER.
2. ALL SITE DRAINAGE–RELATED WORK SHALL BE REVIEWED BY ACORN.
3. NORMAL REVIEWS BY LOCAL BUILDING DEPARTMENT. NOTIFY 48 HOURS PRIOR TO REQUIRED REVIEW.
4. REQUIRED SPECIAL INSPECTIONS PER I.B.C. SECTION 1705.6 BY AN APPROVED SPECIAL INSPECTOR RETAINED BY OWNER. CONTRACTOR TO COORDINATE SPECIAL INSPECTIONS.
5. SPECIAL INSPECTOR SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE BUILDING OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR OPERATION REQUIRING SPECIAL INSPECTION.

5.1. DUTIES AND RESPONSIBILITIES OF THE SPECIAL INSPECTOR SHALL BE TO OBSERVE AND/OR TEST THE WORK ASSIGNED AND OUTLINE ABOVE FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS, ALL DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTOR FOR CORRECTION.

5.2. THE SPECIAL INSPECTOR SHALL FURNISH REGULAR REPORTS TO THE BUILDING OFFICIAL, THE ARCHITECT AND ENGINEER OF RECORD, AND OTHER DESIGNATED PERSONS. PROGRESS REPORTS FOR CONTINUOUS INSPECTION SHALL BE FURNISHED WEEKLY. INDIVIDUAL REPORTS OF PERIODIC INSPECTIONS SHALL BE FURNISHED WITHIN ONE WEEK OF INSPECTION DATES. THE REPORTS SHALL NOTE UNCORRECTED DEFICIENCIES, AND NET CHANGES TO THE APPROVED CONSTRUCTION DOCUMENTS AUTHORIZED BY THE ENGINEER OF RECORD.

5.3. THE SPECIAL INSPECTOR SHALL SUBMIT A FINAL SIGNED REPORT WITHIN TEN DAYS OF THE FINAL INSPECTION STATING WHETHER THE WORK REQUIRING A SPECIAL INSPECTION WAS, TO THE BEST OF THE INSPECTOR'S KNOWLEDGE AND BELIEF, IN CONFORMANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS AND THE APPLICABLE WORKMANSHIP PROVISIONS OF THE INTERNATIONAL BUILDING CODE. WORK NOT IN COMPLIANCE SHALL BE NOTED IN THE REPORT.

5.4. SPECIAL INSPECTOR SHALL BE EMPLOYED BY OWNER AND COORDINATED BY THE CONTRACTOR.

LAYOUT NOTES:

1. MONUMENTS DELINEATING PROPERTY LINES OR RIGHT OF WAYS SHALL NOT BE DISTURBED DURING CONSTRUCTION OPERATIONS. IN THE CASE A MONUMENT IS DISTURBED, AT THE CONTRACTOR'S EXPENSE, THE MONUMENT SHALL BE RESET TO ITS ORIGINAL LOCATION AND ELEVATION BY A LICENSED PROFESSIONAL LAND SURVEYOR.
2. ALL DIMENSIONS ON THE FOLLOWING SHEETS TAKE PRECEDENT OVER SCALED DIMENSIONS. EACH DRAWING WITH A BAR SCALE MEANS THAT THE DRAWING/DETAIL HAS BEEN SCALED AS ACCURATELY AS POSSIBLE, AND THE BAR SCALE IS FOR GENERAL REFERENCE ONLY. IF NO BAR SCALE IS PRESENT, THEN THERE IS NO SCALE TO THAT DRAWING/DETAIL. AT NO TIME SHOULD DRAWINGS BE SCALED FROM. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, SPECIFICATIONS AND THE FIELD CONDITION SHALL BE IMMEDIATELY REPORTED TO ACORN FOR FURTHER DIRECTIONS BEFORE ANY ADDITIONAL WORK PROCEEDS.
3. SIGNAGE, STRIPING, AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
4. ALL TRAFFIC CONTROL SIGNS INDICATED ON THE SITE LAYOUT PLAN ARE TO MEET ALL REQUIREMENTS & CONDITIONS OF THE CITY OF PORTLAND, MAINE DEPARTMENT OF TRANSPORTATION AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
5. THE CONTRACTOR SHALL OBTAIN THE SERVICES OF A LICENSED PROFESSIONAL LAND SURVEYOR TO PROVIDE A MINIMUM OF TWO TEMPORARY BENCHMARKS WITHIN THE SITE AND TO LOCATE PROPOSED STRUCTURE CORNERS.
6. CONTRACTOR TO ENSURE THAT ACCESS, INCLUDING BUT NOT LIMITED TO WALKWAYS, DRIVEWAYS, AND MAILBOXES ADJACENT TO THE PROJECT REMAIN FUNCTIONAL AND AVAILABLE FOR USE AT ALL TIMES.

PERMITTING NOTES

1. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF **SITE PLAN – LEVEL II PERMIT FROM THE CITY OF PORTLAND.**
2. THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.
3. ALL WORK WITHIN THE PUBLIC RIGHT–OF–WAY REQUIRES A STREET OPENING PERMIT FROM THE **CITY OF PORTLAND.** ADDITIONALLY, COORDINATE WITH THE DEPARTMENT OF PUBLIC WORKS.

GRADING AND DRAINAGE NOTES:

1. TOPSOIL STRIPPED FROM THE SITE THAT IS SUITABLE FOR REUSE AS LOAM (MEETS THE REQUIREMENTS WITHIN SECTION 615 OF THE MDOT STANDARD SPECIFICATIONS, MOST RECENT VERSION AND IS FREE OF TRACEABLE AMOUNTS OF CONTAMINANTS) SHALL BE STOCKPILED WITHIN THE PROPOSED LIMIT OF WORK AREA. THE CONTRACTOR SHALL NOT ASSUME THAT ANY STRIPPED TOPSOIL WILL BE ACCEPTABLE FOR REUSE WITH THEIR ESTIMATE.
2. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY; NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING. DEWATERING SHALL INCLUDE TREATMENT OF SILT THROUGH THE USE OF A DIRTBAG BY ACF ENVIRONMENTAL OR APPROVED EQUIVALENT. FLOWS FROM DEWATERING ACTIVITIES SHALL NOT BE DISCHARGED INTO SANITARY SEWERS. **SEE BORING LOGS FOR ADDITIONAL INFORMATION.**
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ANY EASEMENT OR TEMPORARY CONSTRUCTION RIGHTS AS NECESSARY BY PRIVATE ADJACENT LAND OWNERS. THE CONTRACTOR SHALL NOT DISTURB ANY SOIL BEYOND THE PROPERTY LINE WITHOUT NOTIFYING AND OBTAINING SUCH EASEMENT OR TEMPORARY CONSTRUCTION RIGHT FROM THE ADJACENT LAND OWNERS. PRIOR TO THE CONTRACTOR PRICING THE WORK, THEY SHALL PROVIDE ACORN WITH PROOF OF SUCH EASEMENT OR TEMPORARY RIGHTS. SHOULD EASEMENTS OR TEMPORARY RIGHTS NOT BE AVAILABLE, THE CONTRACTOR SHALL INCLUDE COST FOR BRACING AND SHORING AS NECESSARY.
4. THE MINIMUM SLOPE SHALL MEET OR EXCEED 0.5% IN ALL CASES WHERE NOT NOTED ON THE GRADING PLAN. SLOPES IDENTIFIED ON THE GRADING PLAN TAKE PRECEDENT. ALL SLOPES SHALL BE AWAY FROM BUILDINGS AND TOP OF PAVEMENT SHALL BE AT OR BELOW EXISTING FINISH FLOOR ELEVATIONS.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST **GEOTECHNICAL REPORT PREPARED BY THE PROJECT GEOTECHNICAL ENGINEER.**
6. CONTRACTOR TO REVIEW EXISTING SOIL CONDITIONS, TEST PITS, AND BORINGS. THERE WILL BE NO ADDITIONAL PAYMENT FOR UNSUITABLE SOILS.
7. ALL STORM DRAIN PIPE SHALL BE SMOOTH BORE INTERIOR PROVIDING A MANNINGS ROUGHNESS COEFFICIENT OF N=0.012 OR LESS.
8. ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
9. NATIVE SOILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LIMIT THE DISTURBANCE TO SUBGRADE SOILS. SHOULD THE SUBGRADE BECOME YIELDING OR DIFFICULT TO WORK, CONTACT ACORN. THE DISTURBED AREAS SHALL BE EXCAVATED AND BACKFILLED WITH COMPACTED SELECT FILL OR CRUSHED STONE AT NO ADDITIONAL EXPENSE TO THE OWNER.
10. ALL SUBGRADE PREPARATION IS SUBJECT TO THE RECOMMENDATIONS OF THE PROJECT **GEOTECHNICAL** ENGINEER, IF APPLICABLE.

EROSION CONTROL NOTES:

1. DISTURBED AREAS ARE DEFINED AS THOSE SURFACES WHERE EXISTING VEGETATION OR STRUCTURES HAVE BEEN REMOVED, EXPOSING NATIVE SOIL TO THE ELEMENTS.
2. ALL ROUTINE WORK ACTIVITIES SHALL BE CONDUCTED IN SUCH A WAY TO LIMIT THE AMOUNT OF DISTURBED AREA AT ONE TIME TO THE EXTENT PRACTICABLE.
3. PRIOR TO THE START OF ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL APPLICABLE EROSION CONTROL DEVICES SUCH AS PERIMETER SILT FENCE, AND OTHER APPLICABLE MEASURES. IN THE EVENT THE CONTRACTOR IS NOT SURE A EROSION CONTROL MEASURE SHOULD BE IMPLEMENTED, THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD TO CONFIRM IMPLEMENTATION OF ANY EROSION CONTROL DEVICES.
4. ALL GROUND AREAS GRADED FOR CONSTRUCTION SHALL BE GRADED, LOAMED, SEEDED AND MULCH SHALL BE APPLIED AS SOON AS POSSIBLE WITHIN 7 DAYS FOLLOWING THE COMPLETION OF ANY SOIL DISTURBANCE, AND PRIOR TO ANY STORM EVENT.
5. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY. THE CONTRACTOR SHALL REFERENCE THE APPROVED EROSION AND SEDIMENTATION CONTROL REPORT FOR TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES IN ADDITION TO THE PLAN SET. THE CONTRACTOR SHALL ALSO REFER TO THE MAINE D.E.P.'S PERMIT CONDITIONS, FINDINGS OF FACT AND ORDER (IF ANY), AND THE CURRENT MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.
6. PRIOR TO PAVING, THE CONTRACTOR SHALL REMOVE ALL SEDIMENT FROM STORM DRAINS, CATCH BASINS, AND APPURTENANCES.
7. REFER TO THE EROSION CONTROL DETAILS & NOTES FOR ADDITIONAL INFORMATION.

UTILITY NOTES:

1. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED UPON RECORDS OF VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO TEST PIT TO DETERMINE THE EXACT LOCATION AND ELEVATION OF UTILITIES TO COORDINATE WITH THE PROPOSED CONNECTIONS OR CROSSING. ANY DISCREPANCIES SHALL BE IMMEDIATELY REPORTED TO ACORN FOR FURTHER DIRECTIONS BEFORE ANY ADDITIONAL WORK PROCEEDS.
2. **CONTRACTOR TO BYPASS EXISTING SEWER FLOW CONTROL AT CONNECTION TO EXISTING SYSTEM AT NO ADDITIONAL COST.**
3. CONTRACTOR SHALL, AT NO ADDITIONAL COST TO THE OWNER, CONDUCT EXPLORATORY EXCAVATIONS AT LOCATIONS WHERE PROPOSED EXCAVATION WILL INTERSECT WITH EXISTING UTILITIES, PRIOR TO THE ORDERING OF STRUCTURES.
4. ALL NEW SANITARY MANHOLES SHALL BE VACUUM TESTED AND SHOWN TO PASS PRIOR TO BACKFILLING. TESTING SHALL BE COMPLETED IN ACCORDANCE WITH TECHNICAL REPORT #16 (TR–16): GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS, PREPARED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION.
5. SEWER MANHOLES SHALL BE 4' ID UNLESS OTHERWISE STATED ON THE PLANS.
6. CONTRACTOR TO PROVIDE 5.5' OF COVER FROM TOP OF PIPE TO FINISH GRADE FOR WATER MAINS.
7. THRUST BLOCKS SHALL BE USED FOR THRUST RESTRAINT ON WATER MAINS. DETAIL AND LIMITS FOR THRUST BLOCKS ARE SHOWN WITHIN THE PLAN SET.
8. WATER INFRASTRUCTURE SHALL BE TESTED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT DOCUMENT ''WATER AND SEWER CONSTRUCTION SPECIFICATIONS AND PROCEDURE'', MOST RECENT REVISION.
9. ALL REQUIRED FITTINGS FOR THE WATER MAIN ARE NOT SHOWN ON DRAWINGS. CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY FITTINGS REQUIRED TO CONSTRUCT THE WATER MAIN IN ACCORDANCE WITH **CITY OF PORTLAND,** STATE OF MAINE, AND AMERICAN WATER WORKS ASSOCIATION STANDARDS AND REGULATIONS.
10. CONTRACTOR SHALL COORDINATE WORK REGARDING ANY WATER MAIN CONNECTION AND WATER MAIN SHUTDOWN WITH THE PORTLAND WATER DISTRICT AT LEAST SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
11. ALL WATER PIPE INSTALLATION SHALL CONFORM WITH THE **PORTLAND WATER DISTRICT** SPECIFICATIONS AND PROCEDURES, MOST RECENT EDITION.
12. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
13. SEWER, GAS, TELEPHONE, ELECTRICITY, CABLE, WATER AND ANY OTHER UTILITY CONNECTIONS SHALL BE REVIEWED BY PLUMBING, ELECTRICAL, AND MECHANICAL DESIGNER FOR CONSISTENCY WITH THEIR PLANS PRIOR TO CONSTRUCTION.
14. COORDINATE EXIT POINT FOR SECONDARY UTILITY SERVICES WITH THE ARCHITECT/ELECTRICAL ENGINEER. SECONDARY LINE LOCATIONS NOT PROVIDED BY ACORN WITHIN THE UTILITY PLAN.
15. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL THE NECESSARY PERMITS FOR THE INSTALLATION OF THE UTILITIES AND STORMDRAINS WITHIN THE PUBLIC RIGHT OF WAY. THE CONTRACTOR SHALL SUBMIT A MAINTENANCE OF TRAFFIC PLAN TO THE CITY IN ACCORDANCE WITH **THE CITY OF PORTLAND TECHNICAL MANUAL** PRIOR TO ANY WORK.
16. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL AT NO EXTRA EXPENSE TO THE OWNER.
17. ALL UTILITY PIPES SHALL SLOPE UNIFORMLY BETWEEN ELEVATIONS INDICATED ON THE DRAWINGS. NO CRESTS OR SAGS IN THE PIPING WILL BE PERMITTED. ALL HORIZONTAL AND VERTICAL BENDS IN PRESSURIZED PIPE LINES SHALL BE SUITABLY RESTRAINED WITH THRUST BLOCKS OR RETAINER GLANDS. RETAINER GLANDS ALLOWED FOR DUCTILE IRON PIPE ONLY. PROVIDE ALL BENDS, HORIZONTAL AND VERTICAL, AS REQUIRED TO MEET THE GRADES AND ALIGNMENTS INDICATED ON THE DRAWINGS.
18. ALL WASTEWATER PIPING, EXCLUDING BUILDING DRAINS, AND ALL PRESSURIZED PIPING, TO INCLUDE WATER MAINS, INSTALLED BENEATH STRUCTURES SHALL BE ENCASED IN CONCRETE.
19. WHERE NEW PIPING IS TO BE CONNECTED TO EXISTING PIPING, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL ADAPTERS, FITTINGS AND ADDITIONAL PIPE AS REQUIRED TO ENSURE A COMPLETE AND PROPERLY FUNCTIONING CONNECTION. CONTRACTOR TO VERIFY LOCATION, ELEVATION, ORIENTATION AND MATERIAL OF CONSTRUCTION. ADAPTERS AND FITTINGS ARE INCIDENTAL TO THE PIPE INSTALLATION.
20. WHENEVER POSSIBLE, WATER LINES SHOULD BE INSTALLED OVER WASTEWATER LINES. A MINIMUM SEPARATION OF 18 INCHES BETWEEN THE BOTTOM OF THE WATER LINE AND THE TOP OF THE WASTEWATER LINE SHALL BE MAINTAINED WHERE POSSIBLE. WHERE A WATER LINE CROSSES UNDER THE WASTEWATER LINE, A FULL LENGTH OF WASTEWATER PIPE SHALL BE CENTERED ABOVE THE WATER LINE SO THAT BOTH JOINTS WILL BE AS FAR FROM THE WATER LINE AS POSSIBLE,
21. THE CONTRACTOR SHALL BE ANTICIPATE THAT THE NATIVE SILT AND CLAY SOILS WILL NOT BE SUITABLE FOR PIPE TRENCH BACKFILL IN PAVED AREAS.
22. GROUNDWATER SHALL BE CONTROLLED TO A LEVEL OF AT LEAST ONE FOOT BELOW SUBGRADE OF THE PIPE OR STRUCTURE. THE CONTRACTOR SHALL MAINTAIN THE LOWERED GROUNDWATER LEVEL UNTIL CONSTRUCTION HAS BEEN COMPLETED TO SUCH AN EXTENT THAT THE STRUCTURES OR PIPES WILL NOT BE FLOATED OR OTHERWISE DAMAGED.
23. EXCAVATION TO SUBRADE IN NATIVE SILT AND CLAY SHALL BE COMPLETED WITH A SMOOTH EDGE BUCKET TO MINIMIZE SUBGRADE DISTURBANCE.
24. ALL ADJUSTMENTS TO FINISHED GRADE ARE TO BE COMPLETED BY THE CONTRACTOR. THE CONTRACTOR SHALL CONFIRM STRUCTURES THAT REQUIRE ADJUSTMENT WITH THE ENGINEER OR OWNERS REPRESENTATIVE PRIOR TO ADJUSTING FRAMES.

DEMOLITION NOTES:

1. THE FOLLOWING ITEMS ARE TYPICAL OF MATERIAL WHICH MAY BE ON SITE:
   - ROCK AND CONCRETE FOUNDATIONS
   - CONCRETE SLABS
   - BITUMINOUS ASPHALT PAVEMENT
   - CONCRETE PADS AND BLOCKS
   - FENCE POST AND FENCING
   - UNDERGROUND UTILITY LINES
   - ABOVE AND OR BELOW FUEL OIL AND PROPANE GAS TANKS
   - STORM DRAIN PIPES AND APPURTENANCE STRUCTURES
   - OTHER TRASH & MISCELLANEOUS SOLID WASTES
2. THE CONTRACTOR IS ADVISED TO VISIT THE SITE TO CONFIRM DEMOLITION ITEMS SINCE THE LIST IS NOT INCLUSIVE OF THE SITE CONDITIONS WHICH MAY BE ENCOUNTERED
3. ALL DISPOSAL OF DEMOLITION DEBRIS OR WASTE SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, & FEDERAL REGULATIONS. CONTRACTORS SHALL PROVIDE OWNER WITH APPROPRIATE "BILLS OF LADING" DEMONSTRATING PROPER DISPOSAL OF ALL MATERIALS.
4. **THE CLIENT HAS NOT REQUESTED NOR HAS ACORN COMPLETED A PHASE I – ENVIRONMENTAL SITE ASSESSMENT FOR THE PROPERTY.**

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/24/24
3–PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24

DRAWING NAME: GENERAL NOTES
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
ACORN ENGINEERING, INC.
70 JOHN ROAD, SUITE 2
PO BOX 1237, SOUTH BERWICK, ME 03908
(207) 775–2655

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE TO THIS PLAN BY ANY OTHER PARTY, OR ON ANY COPY OF THIS PLAN NOT BEARING THE ORIGINAL SEAL OF ACORN ENGINEERING, INC., SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

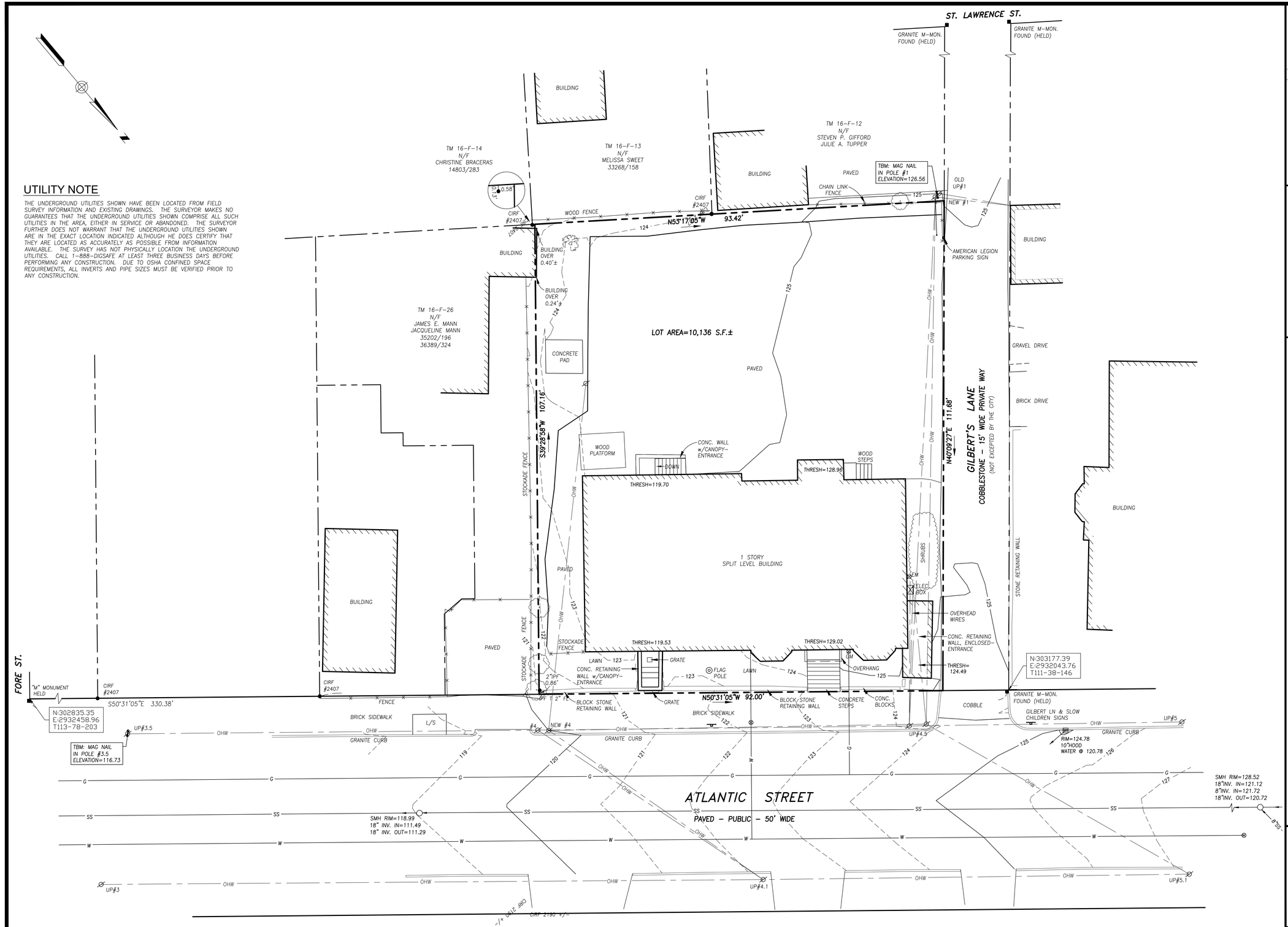
FILE:	1220_DETAILS
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

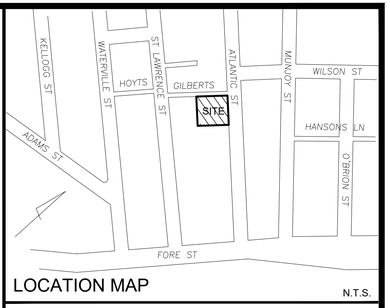
STATE OF MAINE
SAMUEL J. LEBEL
16506
LICENSED PROFESSIONAL ENGINEER
4/11/24

DRAWING NO.
C-02

UTILITY NOTE

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





LOCATION MAP

N.T.S.

LEGEND

IRON PIPE OR ROD FOUND	FENCE
MONUMENT FOUND	CURB
CAPPED IRON ROD SET	OVERHEAD WIRES
UTILITY POLE	WATER LINE
MANHOLE	GAS LINE
EM/EB ELECTRIC METER-BOX	STORM DRAIN
GM GAS METER	SANITARY SEWER
SIGN	120 1' CONTOUR
CATCH BASIN	IPF/IRF IRON PIPE/ROD FOUND
HYDRANT	N/F NOW OR FORMERLY
WATER VALVE OR SHUTOFF	000/000 DEED BOOK / PAGE
DECIDUOUS TREE	L/S LANDSCAPED AREA
CONIFEROUS TREE	CONC. CONCRETE
	THRES THRESHOLD

PLAN REFERENCES

1. *CITY OF PORTLAND CITY BLUE SHEET FOR ATLANTIC STREET.*
2. *E.C. JORDAN CO. WORKSHEETS FOR FORE STREET AND ATLANTIC STREET.*
3. *"CONDOMINIUM PLAT "ATLANTIC STREET FLATS, A CONDOMINIUM" 28 ATLANTIC STREET, PORTLAND, MAINE MADE FOR OWNER OF RECORD 28 ATLANTIC STREET LLC" MAY 3, 2019 BY OWEN HASKELL, INC. RECORDED IN PLAN BOOK 219, PAGE 392.*
4. *"BOUNDARY & TOPOGRAPHIC SURVEY AT 9-11 ST. LAWRENCE STREET, PORTLAND, MAINE MADE FOR ATELIER 3 LLC" NOVEMBER 19, 2013 BY OWEN HASKELL, INC.*
5. *"BOUNDARY & TOPOGRAPHIC SURVEY AT 30-32 ATLANTIC STREET, PORTLAND, MAINE MADE FOR KENT PARSON" DEC. 14, 2020 BY OWEN HASKELL, INC.*
6. *"LOT SPLIT PLAN, 34-36 ATLANTIC STREET, PORTLAND, MAINE, OWNER: ATLANTIC STREET, LLC, PREPARED FOR: MARNI MAYNARD" MAY 09, 2016 BY NORTHEAST CIVIL SOLUTIONS.*

GENERAL NOTES

1. *OWNER OF RECORD: MALIA PAUL POST BUILDING COMMITTEE INC. 42 ATLANTIC STREET, PORTLAND, MAINE C.C.R.D. BOOK 1879 PAGE 472*
2. *LOCUS IS SHOWN AS LOT 1 ON CITY OF PORTLAND'S ASSESSORS MAP 16 BLOCK F.*
3. *PROPERTY IS LOCATED IN CITY OF PORTLAND RESIDENTIAL ZONE R6. SEE CITY OF PORTLAND ZONING ORDINANCE FOR APPLICABLE SETBACK REQUIREMENTS.*
4. *BEARINGS ARE BASED ON CITY DATUM UTILIZING THE CONTROL POINTS SHOWN, T111-38-146 & T113-78-203.*
5. *ELEVATIONS ARE BASED ON ELEVATIONS ARE CITY DATUM AS BASED ON CITY MONUMENT T102-69-7 ELEVATION 131.02.*

CERTIFICATE

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

ELLEN C. BREWER, PLS #2367

12-07-2023
DATE

STATE OF MAINE
ELLEN C. BREWER
NO. 2367
PROFESSIONAL LAND SURVEYOR

Boundary & Topographic Survey

At

42 Atlantic Street, Portland, Maine

Made for

LB Development Partners

11 Cleeve Street, Portland, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RS / JLW	DATE: DEC. 7, 2023	JOB NO. 2023-274P
CHECKED BY: ECB	SCALE: 1" = 10'	DRWG. NO. 1

GENERAL NOTES:

1. EXISTING ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
2. ALL DISPOSAL OF DEMOLITION DEBRIS OR WASTE SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, & FEDERAL REGULATIONS. CONTRACTOR SHALL PROVIDE OWNER WITH APPROPRIATE "BILLS OF LADING" TO DEMONSTRATE PROPER DISPOSAL OF ALL MATERIALS.
3. SITE DEMOLITION SHALL NOT OCCUR UNTIL PROPER ABATEMENT PROCEDURES HAVE OCCURRED. ABATEMENT, IF NECESSARY, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO EXCAVATION TO REQUEST EXACT FIELD LOCATION FOR UTILITIES. OTHERWISE IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE POTENTIAL CONFLICT WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.
5. ALL CONSTRUCTION SIGNAGE IS TEMPORARY AND WILL BE REMOVED AT PROJECT COMPLETION. FINAL SIGNAGE WORDING AND PLACEMENT LOCATION TO BE ACCEPTED BY THE CITY.
6. SEDIMENT BARRIERS TO BE PLACED DIRECTLY ON THE FRONT AND SIDE PROPERTY LINES, DOWN GRADIENT OF THE PROPOSED PROJECT WORK PER DETAIL; FENCES ARE OFFSET OF THE PROPERTY LINES AS SHOWN ON THE PLAN FOR CLARITY PURPOSES AND DO NOT NECESSARILY DEPICT THE PHYSICAL LOCATION.
7. CONTRACTOR SHALL PLACE CATCH BASIN INLET PROTECTION ON CATCH BASINS AND FIELD INLETS DOWN-GRADIENT OF ALL NON-STABILIZED SURFACES, PER DETAIL.
8. DEMOLITION PLAN IS NOT INCLUSIVE OF ALL EXISTING ITEMS TO BE REMOVED AS PART OF SITE CONSTRUCTION INCLUDING BUT NOT LIMITED TO LANDSCAPING, UTILITIES, WORK WITHIN THE ROW, ETC. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND REGULATIONS.
9. CONTRACTOR TO BE RESPONSIBLE FOR PROVIDING OFF-SITE PARKING TO EMPLOYEES; ON-SITE PARKING WILL NOT BE PROVIDED OR GUARANTEED. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING THE APPROPRIATE PERMITS FROM THE CITY FOR CLOSING ANY ON-STREET PARKING SPACES DURING THE CONSTRUCTION PERIOD.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR SNOW REMOVAL ALONG CONSTRUCTION FENCE AND GATE.
11. CONTRACTOR TO SUBMIT A DEWATERING PLAN FOR REVIEW AND APPROVAL TO THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE PRE-CONSTRUCTION MEETING, DURING THE BUILDING PERMIT APPLICATION PROCESS, OR PRIOR TO ADVANCED SITE WORK. CONTACT THE DEPARTMENT OF PUBLIC WORKS FOR ADDITIONAL INFORMATION AND CURRENT REGULATIONS.
12. SUBSURFACE DATA HAVE BEEN OBTAINED BY SUMMIT GEOENGINEERING SERVICES, INC.. APPROXIMATE LOCATIONS OF TEST PITS CONDUCTED ARE PROVIDED ON THE PLAN. PLEASE REFER TO THE GEOTECHNICAL REPORT PREPARED BY SUMMIT GEOENGINEERING, DATED 4/12/24 FOR MORE INFORMATION.
13. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM THE FOLLOWING:
    - 13.1. REQUEST AND REVIEW RELEVANT DOCUMENTS THAT SUMMARIZE FINDINGS FROM INITIAL ENVIRONMENTAL DUE DILIGENCE ACTIVITIES COMPLETED AT THE SITE PERFORMED BY SUMMIT GEOENGINEERING.
    - 13.2. DETERMINE WHAT, IF ANY, RECOGNIZED ENVIRONMENTAL CONDITIONS (RECs) IDENTIFIED SUBSEQUENT TO ENVIRONMENTAL DUE DILIGENCE ACTIVITIES MAY AFFECT THE CONTRACTOR'S WORK.
    - 13.3. DETERMINE IF THE SITE IS/HAS BEEN IDENTIFIED AS A STATE &/OR FEDERAL HAZARDOUS SUBSTANCE SITE, OR SIMILARLY REGULATED SITE. IF SO, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMMUNICATE AND COORDINATE WITH AN ENVIRONMENTAL PROFESSIONAL (EP) TO UNDERSTAND WHAT CONTAMINANTS &/OR HAZARDS HAVE BEEN IDENTIFIED FOR THE SITE AND HOW THEIR RESPECTIVE IMPACTS MAY AFFECT THE CONTRACTOR'S WORK. THE EP SHALL BE EMPLOYED BY THE CLIENT.
    - 13.4. COMMUNICATE AND COORDINATE WITH AN EP TO REQUEST, REVIEW AND ADHERE TO RELEVANT DOCUMENTS PREPARED FOR THE SITE DESCRIBING BEST MANAGEMENT PRACTICES FOR IMPACTED OR POTENTIALLY IMPACTED MEDIA THAT MAY BE ENCOUNTERED AS PART OF THE CONTRACTOR'S WORK INCLUDING BUT NOT LIMITED TO THE SOIL MANAGEMENT PLAN & EMMP.
    - 13.5. ENSURE THE APPROPRIATE STATE &/OR FEDERAL REGULATORY AGENCY(IES) HAVE BEEN NOTIFIED OF THE CONTRACTOR'S PLANNED WORK ACTIVITIES.

LEGEND:

- TEST PIT LOCATION
- CONSTRUCTION FENCE
- ECB — EROSION CONTROL BARRIER
- PROPERTY LINE

TM 16-F-14
N/F
CHRISTINE BRACERAS
14803/283

TM 16-F-13
N/F
MELISSA SWEET
33268/158

TM 16-F-12
N/F
STEVEN P. GIFFORD
JULIE A. TUPPER

TM 16-F-26
N/F
JAMES E. MANN
JACQUELINE MANN
35202/196
36389/324

CONTRACTOR TO ENSURE EX. BUILDING ON ABUTTING LOT REMAINS PROTECTED AND UNDISTURBED DURING CONSTRUCTION.

EX. TREE TO BE REMOVED

CONTRACTOR TO ENSURE EX. BUILDING ON ABUTTING LOT REMAINS PROTECTED AND UNDISTURBED DURING CONSTRUCTION.

APPROX. LOCATION OF TEST PITS, TYP. OF 5. SEE GENERAL NOTE 12 FOR MORE INFORMATION.

EXISTING PARKING LOT TO BE REMOVED

EX. CONCRETE PAD TO BE REMOVED

EX. OVERHEAD LIGHT POLE AND OVERHEAD WIRES TO BE REMOVED

APPROX. LOCATION OF EX. TREE STUMP TO BE REMOVED

TEMPORARY EC MIX BERM ALONG PROPERTY LINE DURING CONSTRUCTION

EXISTING BUILDING TO BE DEMOLISHED

REFER TO SITE LOGISTICS PLAN PREPARED BY OPTIMUM CONSTRUCTION

EX. 12" DBH NORWAY MAPLE TREE TO BE REMOVED IN COORDINATION WITH ADJACENT LANDOWNER.

INSTALL STABILIZED CONSTRUCTION ENTRANCE (PER DETAIL) DURING INITAL EARTHWORK. MAINTAIN UNTIL SITE STABILIZED AND REFRESH STONE AS NECESSARY.

TEMPORARY CONSTRUCTION FENCE WITH ACCESS GATE AT CONSTRUCTION ENTRANCE, TYP. FENCE TO BE INSTALLED ALONG PROPERTY LINE UNLESS OTHER WISE NOTED ON PLANS. LINES ARE OFFSET FOR VISUAL PURPOSES.

EX. TREE TO BE REMOVED

EX. TREE TO BE REMOVED. COORDINATE WITH OWNER ON REMOVAL OR MAINTENANCE OF EXISTING TREE

SIDEWALK TO REMAIN OPEN TO GREATEST EXTENT POSSIBLE. SHOULD SIDEWALK CLOSURE BE NECESSARY TO CONSTRUCTION OF A PORTION OF THE BUILDING, CONTRACTOR TO COORDINATE WITH DPW ON TIMING, SIGNAGE, AND PEDESTRIAN DETOUR

APPROX. EXTENT OF SIDEWALK TO BE TEMPORARILY REMOVED AND REPLACED. SEE SHEET C-10. CONTRACTOR TO PROVIDE TRAFFIC AND PEDESTRIAN CONTROL PLAN TO DPW PRIOR TO BUILDING PERMIT ISSUANCE.

EX. ON STREET PARKING ADA SPACE TO REMAIN. PARKING SIGNAGE TO BE TEMPORARILY REMOVED AND REPLACED IN COORDINATION WITH DPW. SEE SHEET C-10 FOR MORE INFORMATION.

APPROX. LOCATION OF EX. SEWER LATERAL TO BE RETIRED AND PLUGGED IN COORDINATION WITH DPW

APPROX. LOCATION OF EX. WATER SERVICE TO BE LOCATED, RETIRED / SHUT CORPORATION, REMOVE SERVICE BOX AND ROD, AND CUT AT THE MAIN IN COORDINATION WITH PWD.

PRESERVE TREE TO GREATEST EXTENT POSSIBLE UNLESS DEEMED UNSAFE BY ARBORIST. COORDINATE WITH ADJACENT LANDOWNER.

EX. GUY WIRE TO BE RELOCATED

MODIFY DRIVEWAY AND CURB CUT PER SHEET C-10

EX. OVERHEAD UTILITIES TO BE TEMPORARILY REMOVED OR PERMANENTLY RELOCATED FOR CONSTRUCTION. SEE SHEET C-20 FOR MORE INFORMATION

POTENTIAL UTILIZATION OF GILBERT'S LANE FOR PASSENGER VEHICLES TO BE COORDINATED WITH THE CITY OF PORTLAND PRIOR TO USE

PROPOSE FOR EX. UTILITY POLE TO BE REMOVED IN COORDINATION WITH RESPECTIVE UTILITY COMPANIES

PROFESSIONAL LAND SURVEYOR TO RESET EX. GRANITE MONUMENT IN COORDINATION WITH DPW

SHIM PAVEMENT TO PROVIDE TEMPORARY RAMP AND CROSSWALK DURING SIDEWALK CLOSURE. TYP. OF 2 LOCATIONS

INSTALL CATCH BASIN INLET PROTECTION PER DETAIL, TYP. OF ALL STRUCTURES DOWN GRADIENT OF CONSTRUCTION.

EX. UTILITY POLE TO BE RESET OR REPLACED PER C-20, COORDINATE WITH CMP AND TELECOM PROVIDERS

EX. GAS LINE TO BE RETIRED CONTRACTOR TO COORDINATE WITH UNITIL

CONTRACTOR TO TEST PIT FOR EXISTING SEWER LATERAL AND CONFIRM LOCATION WITH CIVIL ENGINEER PRIOR TO CONSTRUCTION OF WATER LINES FOR THE PR. BUILDING.

APPROX. EXTENTS OF TRENCH/SAWCUT TO PAVEMENT REPAIRS TO FACILITATE CONSTRUCTION OF CURB AND UNDERGROUND UTILITIES. SEE SHEET C-10 AND C-20 FOR MORE INFORMATION.

CHERRY ROAD

GILBERT'S LANE

ATLANTIC STREET

SCALE: 1" = 10'

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: DEMOLITION/CONSTRUCTION MGMT/ESC PLAN

PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT

CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE BY ANYONE OTHER THAN ACORN ENGINEERING, INC. AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC
72 PINE TREE ROAD, LEBANON, MAINE 04104
PO BOX 339 (207) 775-2655

FILE:	1220_CIVIL
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

SAMUEL J. LEBEL
16505
LICENSED PROFESSIONAL ENGINEER
STATE OF MAINE

DRAWING NO.
C-03

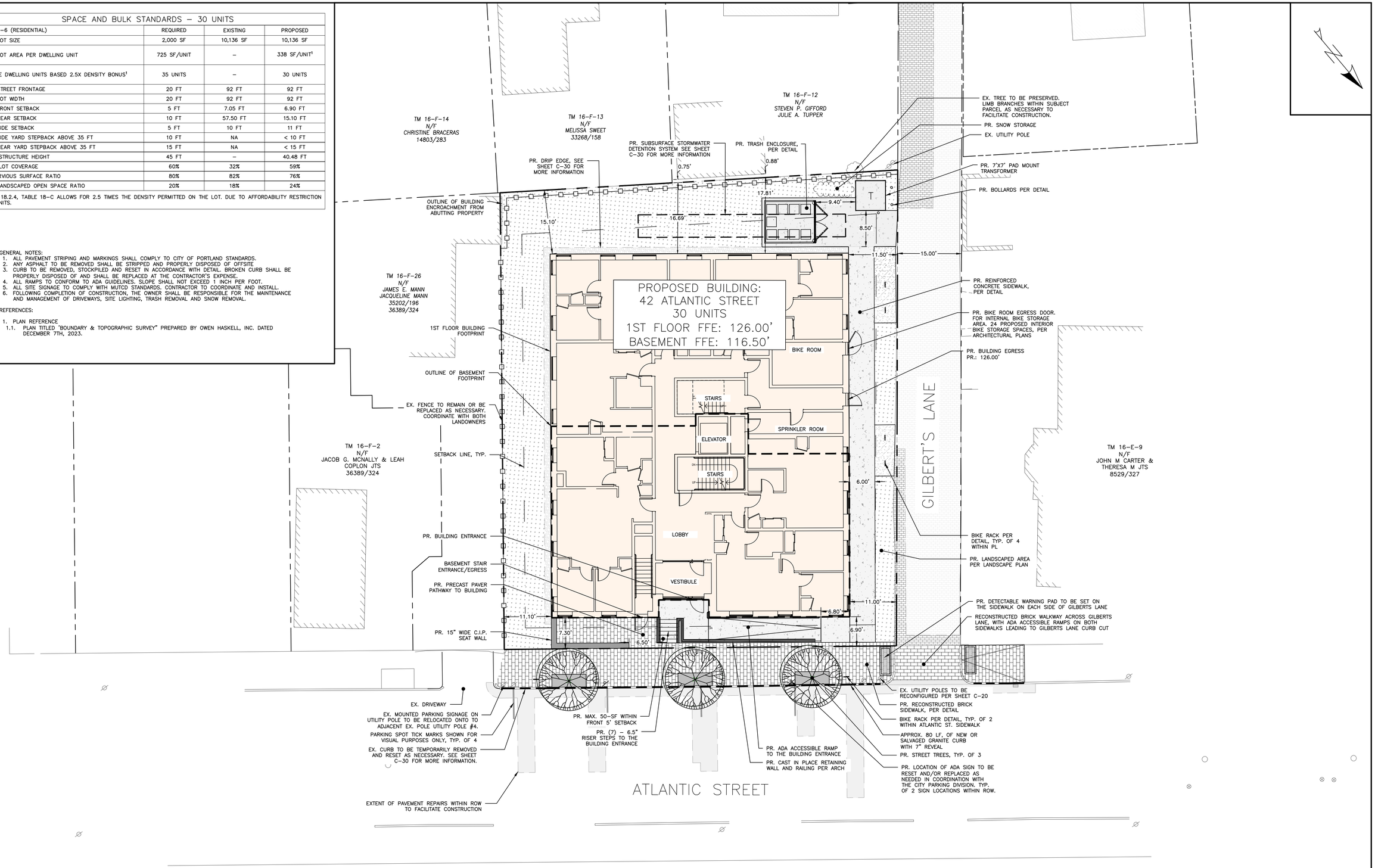
SPACE AND BULK STANDARDS – 30 UNITS			
ZONING: R-6 (RESIDENTIAL)	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	2,000 SF	10,136 SF	10,136 SF
MINIMUM LOT AREA PER DWELLING UNIT	725 SF/UNIT	–	338 SF/UNIT[1]
ALLOWABLE DWELLING UNITS BASED 2.5X DENSITY BONUS[1]	35 UNITS	–	30 UNITS
MINIMUM STREET FRONTAGE	20 FT	92 FT	92 FT
MINIMUM LOT WIDTH	20 FT	92 FT	92 FT
MINIMUM FRONT SETBACK	5 FT	7.05 FT	6.90 FT
MINIMUM REAR SETBACK	10 FT	57.50 FT	15.10 FT
MINIMUM SIDE SETBACK	5 FT	10 FT	11 FT
MINIMUM SIDE YARD STEPBACK ABOVE 35 FT	10 FT	NA	< 10 FT
MINIMUM REAR YARD STEPBACK ABOVE 35 FT	15 FT	NA	< 15 FT
MAXIMUM STRUCTURE HEIGHT	45 FT	–	40.48 FT
MAXIMUM LOT COVERAGE	60%	32%	59%
MAX IMPERVIOUS SURFACE RATIO	80%	82%	76%
MINIMUM LANDSCAPED OPEN SPACE RATIO	20%	18%	24%

[1] SECTION 18.2.4, TABLE 18-C ALLOWS FOR 2.5 TIMES THE DENSITY PERMITTED ON THE LOT. DUE TO AFFORDABILITY RESTRICTION ON THE UNITS.

GENERAL NOTES:
1. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF PORTLAND STANDARDS.
2. ANY ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE
3. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
4. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
5. ALL SITE SIGNAGE TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
6. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL.

REFERENCES:

1. PLAN REFERENCE
   1.1. PLAN TITLED "BOUNDARY & TOPOGRAPHIC SURVEY" PREPARED BY OWEN HASKELL, INC. DATED DECEMBER 7TH, 2023.



10 0 10 20

SCALE: 1" = 10'

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: SITE PLAN
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
ACORN ENGINEERING, INC.
70 CENTER STREET, SCARBOROUGH, MAINE 04104
PO BOX 3137 (207) 775-2655

THIS PLAN SHALL NOT BE MODIFIED WITHOUT EXPRESSED WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND THE CLIENT OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

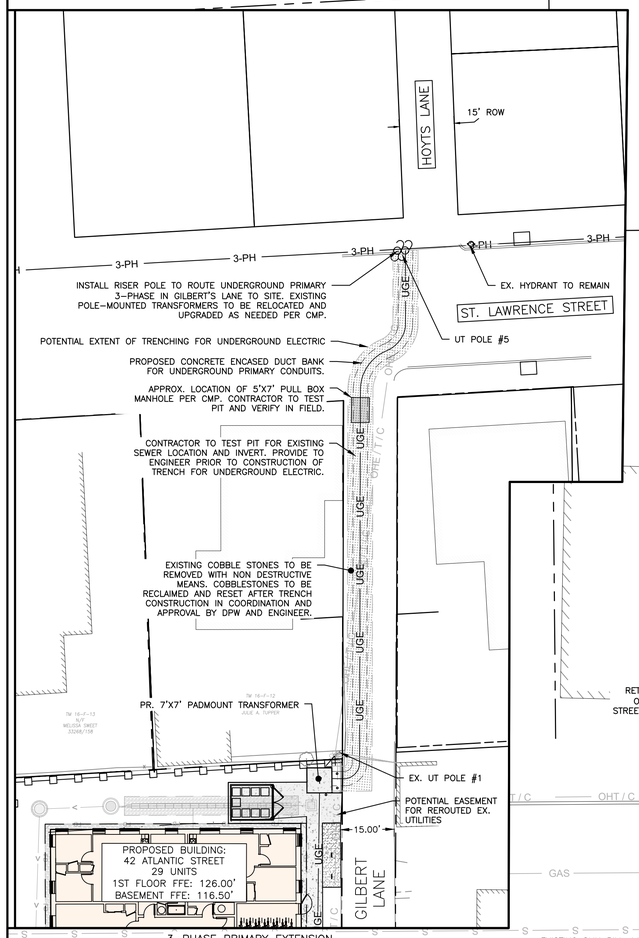
FILE: 1220_CIVIL
JN: 1220
SCALE: AS NOTED
DESIGNED BY: SJL
DRAWN BY: DNM
CHECKED BY: SJL

STATE OF MAINE
SAMUEL J. LEBEL
16505
LICENSED PROFESSIONAL ENGINEER
6/4/24

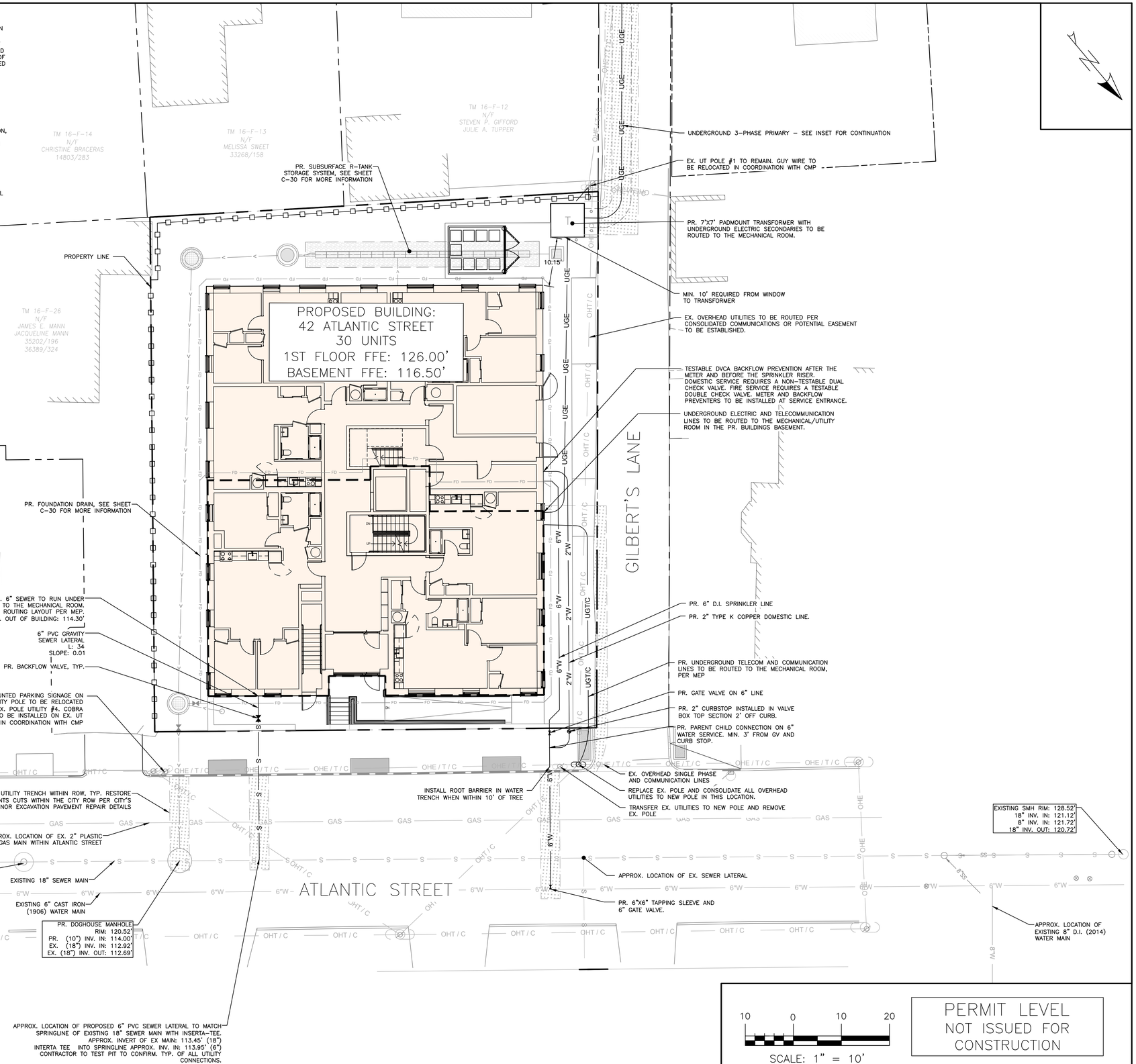
DRAWING NO.
C-10

GENERAL NOTES:

1. LOCATION OF PROPOSED CONNECTIONS ARE APPROXIMATE. CONTRACTOR TO CONTACT ENGINEER IF FIELD INFORMATION VARIES FROM INFORMATION ON PLANS.
2. CONTRACTOR IS TO BE CAUTIONED THAT CERTAIN LOCATIONS AND/OR ELEVATIONS OF EXISTING UTILITIES HAVE BEEN PROVIDED THROUGH UTILITY COORDINATION OR OTHER OBSERVATIONS. INFORMATION IS NOT TO BE RELIED UPON AS EXACT OR COMPLETE. CONTRACTOR TO FIELD VERIFY AND COORDINATE WITH UTILITY COMPANY AND DIG SAFE NO LESS THAN 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF ALL UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR TO NOTIFY ENGINEER OF ANY DIFFERENTIATIONS FROM EXISTING CONDITIONS, INCLUDING UTILITY INFORMATION, PRIOR TO ANY CHANGES.
3. FOR ALL UTILITIES, ACORN ENGINEERING DESIGN LIMITS END AT EXTERIOR WALL OF BUILDING. METERING OF UTILITIES TO BE COMPLETED BY M.E.P. UNLESS SPECIFIED OTHERWISE.
4. CONTRACTOR TO COORDINATE WITH ARCHITECT ON FINAL UTILITY CONNECTIONS WITHIN THE BUILDING.
5. SEWER UTILITIES: CONTRACTOR TO COORDINATE WITH ARCHITECT FOR FINAL SERVICE CONNECTION. SEWER UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL STANDARDS. VALVE FOR BACKFLOW PREVENTION SHALL BE INSTALLED WITHIN THE THE PROPERTY LINES FOR EACH CITY SEWER CONNECTION. CONTACT ENGINEER IF INVERT FIELD CONDITIONS VARY FROM DESIGN.
6. WATER UTILITIES: FINAL PIPE SIZING PROVIDED BY M.E.P. ENGINEER AND FIRE PROTECTION DESIGNER. INTERNAL METERING, BACKFLOW PREVENTION, AND PRESSURE REDUCERS TO BE COMPLETED BY M.E.P. ENGINEER. DOMESTIC WATER PIPE SIZES WILL DETERMINE THE FINAL WATER METERING OPTIONS. METER MAY BE SMALLER THAN PROPOSED WATER MAIN. WATER METERING, PRESSURE REDUCER AND BACKFLOW PREVENTION TO BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARDS. CONTRACTOR TO FOLLOW METERING GUIDELINES OF THE PORTLAND WATER DISTRICT AND CITY OF PORTLAND.
7. GAS UTILITIES: PROJECT GAS LOAD, GAS UTILITY DESIGN, AND FINAL GAS SERVICE LOCATION AND METERS TO BE DEFINED BY M.E.P. AND IN ACCORDANCE WITH UNITIL.
8. ELECTRIC UTILITIES: ELECTRIC DESIGN TO BE FINALIZED BY M.E.P. ENGINEER. ELECTRICAL LOAD TO BE DETERMINED BY M.E.P. ENGINEER. METER LOCATION AND TRANSFORMER SIZE, IF NECESSARY DEFINED BY M.E.P. M.E.P. TO FINALIZE SERVICE CONNECTION TO BUILDING. ALL ELECTRIC CONSTRUCTION SHALL CONFORM TO CMP GUIDEBOOK OF STANDARD REQUIREMENTS, MOST RECENT EDITION. DESIGN SUBJECT TO FINAL APPROVAL FROM CMP.
9. CABLE AND TELEPHONE PULLBOXES AND PEDESTAL LOCATIONS TO BE DETERMINED BY CHARTER COMMUNICATIONS AND FAIRPOINT PRIOR TO CONSTRUCTION. CONTRACTOR TO COORDINATE INSTALLATION OF UNDERGROUND UTILITIES WITH ALL UTILITY COMPANIES INVOLVED.



3-PHASE PRIMARY EXTENSION
SCALE 1:20



10 0 10 20
SCALE: 1" = 10'

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: UTILITY PLAN
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
ACORN ENGINEERING, INC
70 FORE RIVER PARKWAY, PORTLAND, MAINE 04104
PO BOX 427 FALMOUTH, ME 04105 (207) 775-2655

THIS PLAN IS AN INSTRUMENT OF SERVICE AND SHALL NOT BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF ACORN ENGINEERING, INC. ANY REUSE WITHOUT SUCH AUTHORIZATION OR ADAPTATION BY OTHERS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE:	1220_CIVIL
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

STATE OF MAINE
SAMUEL J. LEBEL
16506
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-20

GENERAL NOTES:

1. ALL WORK WITHIN THE CITY STREET RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
2. DESIGN OF TEMPORARY SOIL RESTRAINT MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IF NECESSARY FOR CONSTRUCTION.
3. CONTRACTOR SHALL ENSURE THAT UNDERDRAINS ARE CONSTRUCTED WITH POSITIVE OUTLET TO PROPOSED CONNECTIONS.
4. CATCH BASIN INLET PROTECTION TO BE INSTALLED WITHIN ANY STRUCTURES DOWNGRADIENT OF ACTIVE CONSTRUCTION.
5. SEDIMENTATION BARRIERS ARE TO BE INSTALLED DOWNGRADIENT OF ALL ACTIVE CONSTRUCTION WORK PER DETAIL. BARRIERS TO NOT EXTEND PAST PROPERTY LINES; BARRIERS SHOWN OFFSET FROM PROPERTY LINES ON PLANS FOR VISUAL PURPOSES ONLY.
6. STORM DRAINS SHALL BE PVC SDR 35, ADS N-12, OR APPROVED EQUAL.

AVERAGE GRADE & BUILDING HEIGHT BREAKDOWN:	
TOP OF STRUCTURE:	164.41'
AVERAGE GRADE:	123.89'
(121.50'+124.32'+125.75'+124')/4 = 123.89'	
BUILDING HEIGHT:	40.52'
(164.41'–123.89') = 40.52'	

(2) 4" OVERFLOW INV. OUT: 123.25'
PR. 4" UNDERDRAIN AND 4" OVERFLOW PIPES FROM R-TANK TO BE ROUTED TO PR. CB. L=5', S=0.02
PR. 4"X8" COUPLING/INCREASER ON 4" OVERFLOW PIPE, FOLLOWED BY 4"X8" WYE CONNECTOR TO INTERCEPT FLOW FROM SECOND 4" OVERFLOW PIPE. 2 LF OF 8" STORMDRAIN TO BE ROUTED TO PR. CATCHBASIN.
PR. DRAINAGE MANHOLE: RIM: 125.00'
8" INV. IN: 122.00' (OVERFLOW)
4" INV. IN: 118.38' (4" PIPE FROM R-TANK UNDERDRAIN WITH 4" CAP AND 1" ECCENTRIC ORIFICE DRILLED ON CAP INSIDE CB)
10" INV. OUT: 118.28'
PR. VEGETATED SWALE TO CATCH BASIN
10" PVC SDR 35, L=18', S=0.008
CATCH BASIN TO BE SURROUNDED BY 2" RIVERSTONE UNDERLAIN BY GEOTEXTILE, PER DETAIL
PR. 123.60'
EX.~122.80'
EX.~122.74'
PR. CATCH BASIN WITH BEEHIVE GRATE AND 2' SUMP
RIM: 123.40'
10" INV. IN: 118.10'
10" INV. OUT: 118.00'
PR. 123.60'
EX.~123.06
PR. 123.50'
SPLIT FLOW EACH WAY, HIGH POINT 123.75'
4" HDPE FOUNDATION DRAIN, TOTAL LENGTH 327', SLOPE=0.0025
1.5' WIDE CRUSHED STONE ALONG EAST AND WEST SIDE OF BUILDING AS DENOTED BY HATCH. SEE LANDSCAPING PLAN FOR MORE INFORMATION.
CONTRACTOR TO BUILD GRASSED/VEGETATED BERM ALONG PROPERTY LINE AND CREATE A SWALE BETWEEN THE PR. BUILDING AND PL
PR. LOCATION OF R-TANK SUBSURFACE STORAGE SYSTEM, PER DETAIL.
1 ROW WITH 19 CHAMBERS PER ROW:
608 CF (AT ELE 123.25') 5.31' X 46.57'
4" UNDERDRAIN, L=47'
PR. INSPECTION PORT ON R-TANK SYSTEM, PER DETAIL
PR.: 125.25'
PR.: 124.25'
PR.: 124.75'
PR.: 125.74'
PR. 125.65'
EX.~124.95'
PR. F-BASIN RIM: 125.60'
INV. OUT: 122.90' (8")
SUMP: 119.60'
MATCH INTO EXISTING GRADE OF STREET, APPROX. 125.48'
PR.: 125.50'
6" ROOF LEADER TO TEE INTO R-TANK SYSTEM
PR.: 125.85'
PR. 124.00'
PROPOSED BUILDING:
42 ATLANTIC STREET
30 UNITS
1ST FLOOR FFE: 126.00'
BASEMENT FFE: 116.50'
PR.: 125.70'
PR. HIGH POINT AND CLEANOUT FOR 4" PVC (1ST FLOOR) FOUNDATION DRAIN; HIGH POINT: 123.17'. TO BE ROUTED TO OUTLET CONTROL STRUCTURE. L=327', S=0.0025
PR.: 125.75'
PR.: 125.96'
PR.: 125.90'
PR.: 125.96'
PR.: 125.90'
CONTRACTOR TO SLOPE 1ST FLOOR FOUNDATION DRAIN TO TIE INTO BASEMENT FOUNDATION DRAIN AT APPROX. 114.38'.
BIKE ROOM FFE: 126.00'
EGRESS PR.: 126.00'
SPRINKLER ROOM
1.8% SLOPE FROM EGRESS DOOR TO GRADE BREAK LINE
PR.: 125.51'
PR.: 125.45'
SLOPE WALKWAY 4.8% BETWEEN GRADE BREAKS
PR. BASEMENT FFE: 116.50'
PR. (10") – 6.75" RISER STEPS TO THE BASEMENT
PR. 1ST FLOOR FFE: 126.00' WITH 1/2 INCH THRESHOLD DOWN TO 125.96'
PR. HANDRAILS ALONG RAMP
122.16' WITH 1/2 INCH THRESHOLD UP TO 122.20'
PR. CIP WALL WITH MIN. 18" REVEAL TOP OF WALL TO BE LEVEL AT 123.45'
125.90'
125.90'
125.85'
PR.: 124.22'
PR.: 124.17'
PR.: 124.32'
PR.: 124.32'
PR.: 124.30'
PR.: 124.28'
PR.: 124.25'
CONSTRUCT BRICK SIDEWALK/CROSSWALK, PER DETAIL
PR. 124.90'
SLOPE BRICK SIDEWALK UP AS NECESSARY TO MAINTAIN EX. COVER AT BOTTOM OF EX. WALL
PR. 121.92'
25' RAMP @ 6.7%
PR.: 124.03'
PR. 124.80'
IF PR. ELEVATIONS AT BACK OF SIDEWALK CONFLICT/EXPOSE EX. WALL BASE CONTACT ENGINEER PRIOR TO FURTHER WORK.
REBUILD 15' OF BRICK SIDEWALK RAMP
PR. FLUSH CURBING
PR. 124.20'
PR. 7" TIPDOWN CURB TO 123.97'
TRANSITION GRADE LINE WITH TIPDOWN CURB, TYP.
BC: 123.63'
TC: 124.21'
EX. BC: 125.08'
TC: 125.73'
EXISTING CATCH BASIN HEADSTONE TO BE REMOVED. REPLACE CATCH BASIN GRADE WITH CASCADE GRATE (3 Flange Neenah 3589 LL4.
EX. RIM: 124.78'
(10") INV. OUT: 120.78'
EX. BC: 125.00'
TC: 125.53'
PR. 7" TIPDOWN CURB TO 124.72'
EXISTING SMH RIM: 128.52'
18" INV. IN: 121.12'
8" INV. IN: 121.72'
18" INV. OUT: 120.72'
10" SD STORM DRAIN L=89' S=0.023
PR.: 121.50'
PR. FIELD INLET RIM: 121.78'
PR. BACKFLOW PREVENTER ON FOUNDATION DRAIN
PR. CATCH BASIN WITH BEEHIVE GRATE,
RIM: 120.50'
4" INV. IN: 114.24' (FOUNDATION DRAIN)
6" INV. IN: 118.00' (FIELD INLET)
10" INV. IN: 115.83' (SD)
10" INV. OUT: 114.14'
PR. BACKFLOW PREVENTER, TYP.
EX. BW: 120.44'
120.21'
PR.: 120.72'
EX. BW: 120.72'
EX. TC: 119.69'
EX. BC: 119.52'
EX. TC: 119.72'
BC: 119.52'
PR. TC: 120.62'
EX. TC: 120.34'
EX. BC: 120.04'
BC: 121.18'
PR. TC: 121.76'
BOTTOM OF LANDING
WEST: 122.14'
EAST: 121.92'
BC: 121.40'
PR. TC: 121.98'
BC: 122.19'
PR. TC: 122.77'
REVEAL ON LAST STEP VARIES. LAST STEP RISER NOT TO EXCEED 7" REVEAL. PR. ELEVATION AT NE CORNER OF LAST STEP 122.37'
PR. (7) – 6.5" RISER STEPS
BC: 123.28'
PR. TC: 123.86'
EXISTING 18" COMBINED SEWER [S=0.048 – 0.041]
10" SD STORM DRAIN L=30' S=0.005
RECONSTRUCTED BRICK SIDEWALK WITH CROSS SLOPE BETWEEN 1 AND 1.8%
EXISTING SMH RIM: 118.99' (18") INV. IN: 111.49' (18") INV. OUT: 111.29'
PR. DOGHOUSE MANHOLE RIM: 120.52'
PR. (10") INV. IN: 114.00'
EX. (18") INV. IN: 112.92'
EX. (18") INV. OUT: 112.69'
EXISTING SMH RIM: 128.52'
(8") INV. IN: 121.72'
(18") INV. IN: 121.12'
(18") INV. OUT: 120.72'
ATLANTIC STREET
GILBERT'S LANE
TM 16-F-13
N/F
JACQUELINE SWEET
35202/158
TM 16-F-26
N/F
JACQUELINE MANN
35202/136

SCALE: 1" = 10'

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

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CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: GRADING & DRAINAGE PLAN
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
ENGINEERING, INC.
ACORN ENGINEERING, INC.
70 COMMERCIAL STREET, SUITE 104
PO BOX 4737
PORTLAND, ME 04104
(207) 775-2655

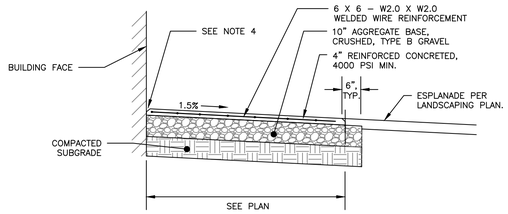
THIS PLAN SHALL NOT BE MODIFIED WITHOUT THE EXPRESS WRITTEN PERMISSION OF ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE TO THIS PLAN WITHOUT THE EXPRESS WRITTEN PERMISSION OF ACORN ENGINEERING, INC. OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE: 1220_CIVIL
JN: 1220
SCALE: AS NOTED
DESIGNED BY: SJL
DRAWN BY: DNM
CHECKED BY: SJL

STATE OF MAINE
SAMUEL J. LEBEL
16506
LICENSED
PROFESSIONAL ENGINEER
6/4/24

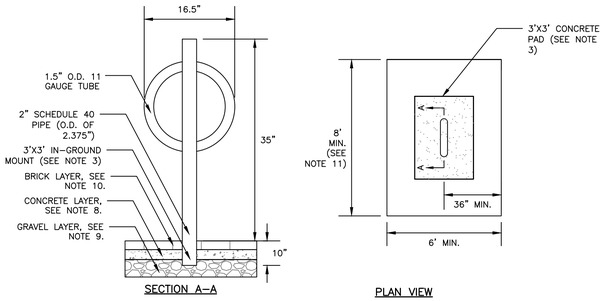
DRAWING NO.
C-30

NOTES:
1. AT A MINIMUM, TESTING SHALL CONSIST OF ENTRAINED AIR AND SLUMP TESTS ON SITE PRIOR TO POURING THE SIDEWALKS. ENTRAINED AIR TESTS SHALL BE DONE IN ACCORDANCE WITH AASHTO T152. TEST FIRST TWO LOADS AND EVERY THIRD LOAD THEREAFTER PROVIDED CONSISTENT RESULTS ARE ACHIEVED.
2. WELDED WIRE FABRIC SHALL BE PLACED 2 INCHES ABOVE THE CRUSHED GRAVEL, AND 2 INCHES FROM ALL FINISHED EDGES, EXPANSION JOINTS AND CURBS. ALL FABRIC JOINTS SHALL BE OVERLAPPED A MINIMUM OF 1 FOOT AND BE PROPERLY TIED. IF THE CONTRACTOR ELECTS TO USE REBAR, ONLY 4–GAUGE WILL BE ACCEPTABLE. IF THE CONTRACTOR ELECTS TO USE A PRE–MIXED FIBER MESH, A SPECIFICATION SHEET MUST BE SUBMITTED AND PRE–APPROVED BY THE ENGINEER PRIOR TO ITS APPLICATION.
3. SLABS SHALL BE PLACED ALTERNATELY IN LENGTHS NOT TO EXCEED 30 FEET OR AS DIRECTED AND SHALL BE SEPARATED BY AN EXPANSION JOINT OF PREFORMED EXPANSION FILLER ½ INCH IN THICKNESS.
4. WHEN CONSTRUCTED ADJACENT TO A BUILDING, RETAINING WALL OR OTHER FIXED STRUCTURE, A ½ INCH THICK PREFORMED JOINT FILLER SHALL BE USED BETWEEN THE SLAB AND THE STRUCTURE.
5. THE SIDEWALK SURFACE SHALL BE SCORED INTO BLOCK UNITS NO GREATER THAN 40 SQUARE FEET AS DIRECTED. THE DEPTH OF THE SCORING SHALL BE AT LEAST ONE QUARTER OF THE THICKNESS OF THE SLAB.
6. ANY MATCHING INTO EXISTING SIDEWALKS SHALL BE DONE SO WITH A CLEAN VERTICAL FACE CONNECTION.
7. THE SURFACE SHALL BE FINISHED TO PRODUCE A BROOMLIKE "BRUSHED" PATTERN. NO PLASTERING OF THE SURFACE WITH MORTAR WILL BE PERMITTED. THE FINISH SHALL RESULT IN A SURFACE OF UNIFORM TEXTURE AND COLOR. ALL OUTSIDE EDGES OF THE SLAB AND ALL JOINTS SHALL BE ROUNDED WITH A ¼ INCH RADIUS EDGING TOOL.
8. CONCRETE SHALL BE CURED FOR 72 HOURS. CURING SHALL BE BY MEANS OF THOMPSON'S WATER SEAL AS MANUFACTURED BY E.A. THOMPSON CO., INC. OF MEMPHIS, TENNESSEE, BOILED LINSEED OIL, WHITE PIGMENTED CURING COMPOUND, OR BY OTHER APPROVED METHODS. CONCRETE SIDEWALK TO BE SEALED WITH CONSOLIDECK SALTGUARD WB OR APPROVED EQUAL 28 DAYS AFTER PLACEMENT. FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR APPLICATION.
9. GENERAL CONTRACTOR TO COLLECT DELIVERY SLIPS AND TRANSFER TO THE OWNER.
10. REFER TO CITY OF PORTLAND CONCRETE SPECIFICATIONS SECTION 608 FOR MORE INFORMATION.

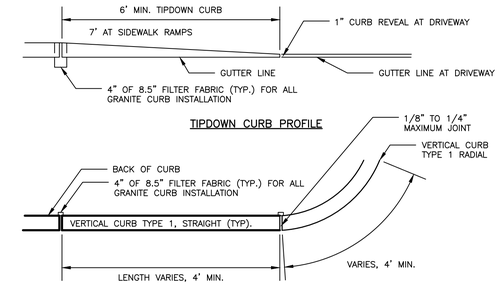


REINFORCED CONCRETE SIDEWALK
NOT TO SCALE

NOTES:
1. BICYCLE RACK SHALL HAVE CAPACITY FOR TWO BICYCLES.
2. BICYCLE RACK PARTS SHALL BE OF UNIFORM COLOR AND SHALL BE FINISHED IN ACCORDANCE WITH PRODUCT SPECIFICATION. PER CITY OF PORTLAND TECHNICAL STANDARDS ALL BICYCLE RACKS WITHIN THE RIGHT–OF–WAY SHALL MATCH THE FURNITURE COLOR FOR THAT LOCATION AS DESCRIBED IN THE MUNICIPAL LIGHTING STANDARDS; IF NO DESIGNATED COLOR FOR THAT AREA EXISTS, BICYCLE RACKS SHALL BE BLACK.
3. BICYCLE RACK SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S MOST RECENT INSTALLATION RECOMMENDATIONS, AND SHALL BE INSTALLED WITH AN IN–GROUND MOUNT UNLESS OTHERWISE APPROVED BY ENGINEER.
4. BICYCLE RACK SHALL BE "DERO BIKE HITCH", AS MANUFACTURED BY DERO BIKE RACKS.
5. MINIMUM OFFSETS SHOWN. MANUFACTURER'S RECOMMENDED OFFSETS SHALL BE ENFORCED WHERE POSSIBLE.
6. MINIMUM DISTANCE BETWEEN BICYCLE RACKS SHALL BE 24". RECOMMENDED DISTANCE BETWEEN BICYCLE RACKS SHALL BE 38".
7. ALL OFFSETS ARE FROM OUTSIDE EDGES OF ITEMS.
8. CONCRETE SHALL BE 4000 PSI @28 DAYS. BOTTOM OF CONCRETE SHALL BE AT TOP OF SIDEWALK GRAVEL ELEVATION. DEPTH VARIES APRROX. 4"–7".
9. GRAVEL LAYER SHALL BE INSTALLED IN ACCORDANCE WITH BRICK SIDEWALK WITH BITUMINOUS BASE DETAIL, AND SHALL BE MAINEDOT 703.06 TYPE B.
10. TOP OF BRICK LAYER SHALL BE AT SAME ELEVATION IN ACCORDANCE WITH BRICK SIDEWALK DETAIL.
11. MINIMUM 6' X 8' PAVED PAD WITH HITCH TO BE CENTERED BETWEEN PROPERTY LINE AND SIDEWALK. BICYCLE RACK MUST BE PLACED ON PUBLIC PROPERTY.

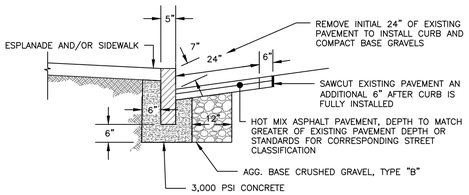


BICYCLE RACK DETAIL
NOT TO SCALE



TIPDOWN CURB PROFILE

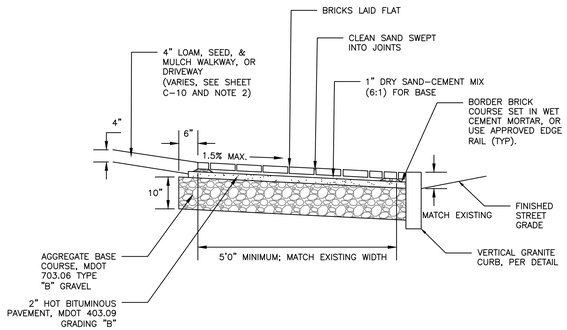
VERTICAL GRANITE CURB PLAN VIEW



VERTICAL GRANITE CURB CROSS SECTION

NOTES:
1. CURB SHALL BE RESET IN ACCORDANCE WITH MDOT 609.08 WITH THE EXCEPTION OF CURB SPACING TO BE INSTALLED PER DETAIL.
2. INDIVIDUAL PIECES OF CURB SHORTER THAN 4 L.F. ARE NOT ALLOWED, WITH THE EXCEPTION OF RADIAL CURB.
3. THE MINIMUM HEIGHT OF THE CONCRETE BACKING SHALL BE 10 INCHES OR TO THE BOTTOM OF THE HOT MIX ASPHALT PAVEMENT, WHICHEVER IS GREATER, MEASURED FROM THE BOTTOM OF THE CURB.
4. CURBING SHALL BE SET IN A 6–INCH BED OF POURED IN PLACE 3,000 PSI CONCRETE MIX.
5. WOODEN SHIMS MAY BE USED TO SET CURB.

VERTICAL GRANITE CURB AND TIPDOWN INSTALLATION IN EXISTING STREETS DETAIL
NOT TO SCALE

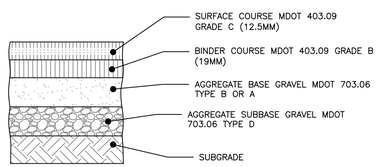


NOTES:
1. BRICKS TO BE USED:
   NEW CONSTRUCTION:
   4"X8" PINE HALL PATHWAY PAVER BRICK; MFG. BY PINE HALL BRICK CO., MADISON, NORTH CAROLINA. LACHANCE ITEM #193623;. PINE HALL PATHWAY PAVER BRICK.
   REPAIR/MAINTENANCE TO EXISTING BRICK SIDEWALKS:
   VERMONT BACKER SUPPLIED BY GAGNE AND SONS SPECIFICATION NUMBER: "VERMONT PAVER BRICK", ITEM NUMBER #VBBB
2. INSTALL BRICK FLUSH UP TO BUILDING, PAVEMENT, STAIRS, CONCRETE SURFACES, CURB OR LANDSCAPED AREAS.

BRICK SIDEWALK WITH BITUMINOUS BASE DETAIL
NOT TO SCALE

NOTES:
1. ALL ASPECTS OF RESERVED PARKING SIGN CONSTRUCTION SHALL BE IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2023 OR MOST RECENT EDITION
2. SIGN SHALL BE CONSTRUCTED AS SIGN R7–8 UNDER THE "PARKING AND STANDING SIGNS AND PLAQUES" (R7 SERIES) WITHIN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2023 OR MOST RECENT EDITION. VAN ACCESSIBILITY SHALL BE CONSTRUCTED AS SIGN R7–8a OR R7–8b.
3. SIGN POST CONSTRUCTION AND MOUNTING SHALL BE IN ACCORDANCE WITH CHAPTER 2A OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2023 OR MOST RECENT EDITION.

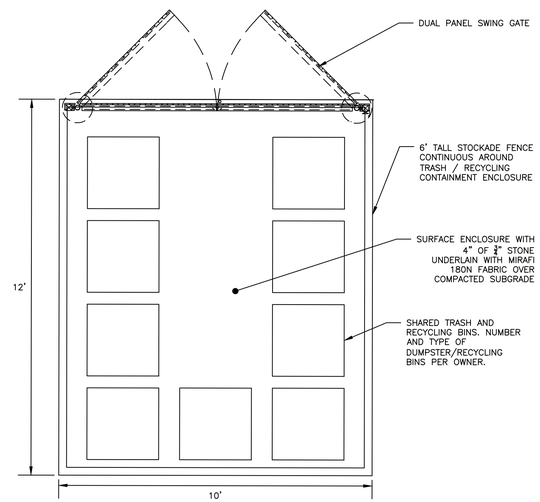
BARRIER FREE PARKING SIGN
NOT TO SCALE



NOTE:
COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D–1557

THICKNESS OF LAYERS	
STANDARD	LAYERS
1–1/2"	SURFACE COURSE MDOT 403.09 GRADE C (12.5mm)
2"	BINDER COURSE MDOT 403.09 GRADE B (19mm)
3"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE B OR A
15"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

LOCAL BITUMINOUS PAVEMENT PROFILE
NOT TO SCALE



PLAN VIEW

TRASH ENCLOSURE DETAIL
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3–PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: SITE DETAILS
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC, P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
ACORN ENGINEERING, INC.
PO BOX 10452, PORTLAND, MAINE 04104
(207) 775–2605

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN AUTHORIZATION FROM ACORN ENGINEERING, INC. AND IF SO MODIFIED, UNLESS OTHERWISE AGREED TO IN WRITING BY ACORN ENGINEERING, INC., SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

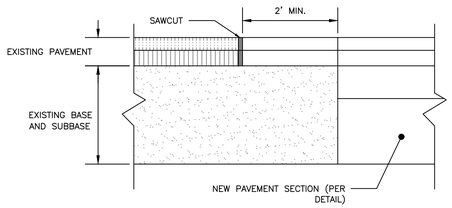
FILE: 1220_DETAILS
JN: 1220
SCALE: AS NOTED
DESIGNED BY: SJL
DRAWN BY: DNM
CHECKED BY: SJL

STATE OF MAINE — SAMUEL J. LEBEL — 16506 — LICENSED PROFESSIONAL ENGINEER

DRAWING NO. C-40

NOTES:

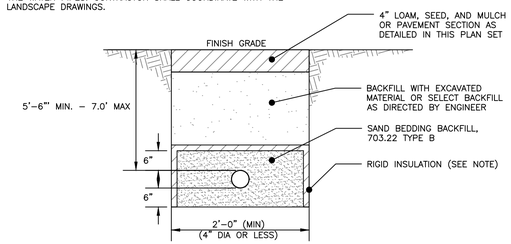
1. SAWCUT EXISTING PAVEMENT AND REMOVE 2' STRIP OF EXISTING PAVEMENT. APPLY BITUMINOUS TACK COAT PRIOR TO PLACEMENT OF NEW BITUMINOUS PAVEMENT.
2. THE NEW PAVEMENT SECTION SHALL MEET THE CITY OF PORTLAND ARTERIAL BITUMINOUS PAVEMENT SECTION DETAIL AT A MINIMUM OR THE THE EXISTING PAVEMENT AND AGGREGATE BASE AND SUBBASE DEPTH WHICHEVER IS GREATER.



PAVEMENT SAWCUT DETAIL
NOT TO SCALE

NOTES:

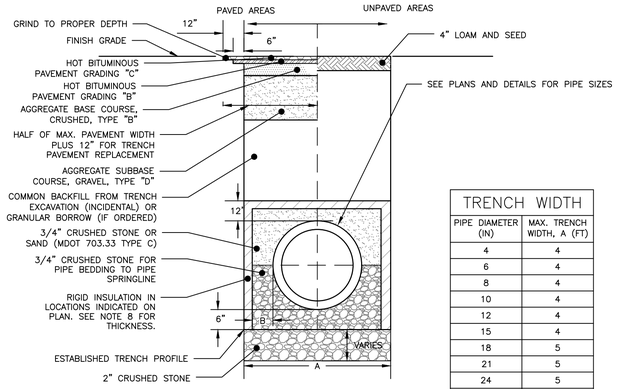
1. THE WATER TRENCH SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARD DETAILS & SPECIFICATIONS.
2. IF LESS THAN 5'–6" OF COVER IS POSSIBLE ADD 1 INCH OF "BLUE DOW" RIGID INSULATION FOR EVERY 12" LESS COVER.
3. ALL PROPOSED TREES PLANTED LESS THAN 10 FEET FROM THE WATER PIPE SHALL BE PLANTED AT A DEPTH NO GREATER THAN 3' DEEP. PERMEABLE LANDSCAPE FABRIC SHALL CREATE A ROOT BARRIER AROUND THE WATER PIPES. CONTRACTOR SHALL COORDINATE WITH THE LANDSCAPE DRAWINGS.



WATER SERVICE TRENCH SECTION DETAIL
NOT TO SCALE

DESIGN NOTES:

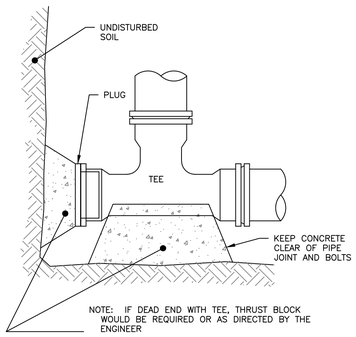
1. ANY ALTERNATE TRENCHING METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY.
2. ALL CONSTRUCTION METHODS SHALL CONFORM TO THE CITY OF PORTLAND TECHNICAL STANDARDS FIGURE II–2.
3. BRACING & SHEETING OR OTHER TRENCH PROTECTION TO BE PROVIDED TO MEET APPLICABLE STATE AND O.S.H.A SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. WHERE APPLICABLE, PERFORATIONS IN STORM DRAIN (PERF. SD) SHALL BE ORIENTED UP.
5. ALL STORM DRAINS SHALL BE PVC SDR 35 MIN PS–46 RATING OR OR IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL MANUAL , SECTION 2 – SANITARY SEWER AND STORM DRAIN – PART 2.5.2
6. IN PAVED AREAS, DEPTHS OF GRAVEL AND HOT MIX ASPHALT PAVEMENT SHALL MATCH THE GREATER OF EXISTING CONDITIONS OR THE REQUIREMENTS FOR THE CORRESPONDING STREET CLASSIFICATION.
7. THIS DETAIL SHALL BE APPLIED ONLY TO PIPE TRENCHES WITHIN OF THE CITY OF PORTLAND R.O.W.
8. STORM DRAIN COVER BETWEEN 2' AND 3' SHALL INCLUDE 4" OF RIGID INSULATION. COVER BETWEEN 3' AND 4' SHALL INCLUDE 2" RIGID INSULATION. OTHER UTILITIES: ADD 2" OF RIGID INSULATION FOR EACH FOOT ABOVE MINIMUM DEPTH.
9. DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.
10. DIMENSION B SHALL BE SUFFICIENT TO ALLOW CRUSHED STONE BEDDING TO BE PLACED AND COMPACTED UNDER THE HAUNCHES OF THE PIPE; BUT IN ALL CASES DIMENSION B SHALL BE AT LEAST 9".
11. DIMENSION A IS THE MAXIMUM WIDTH ALLOWED FOR CALCULATING PAY QUANTITIES UNDER GRANULAR BORROW, CRUSHED STONE, STRUCTURAL EARTH EXCAVATION, AND STRUCTURAL ROCK EXCAVATION. DIMENSION A SHALL BE BASED ON PIPE DIAMETER D, AS SET FORTH IN THE TABLE BELOW.



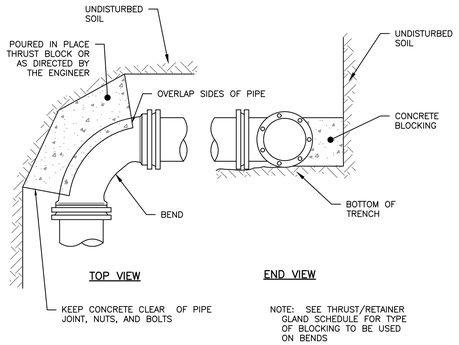
TRENCH WIDTH	
PIPE DIAMETER (IN)	MAX. TRENCH WIDTH, A (FT)
4	4
6	4
8	4
10	4
12	4
15	4
18	5
21	5
24	5
36	7
48	8
54	8
60	9

ALLOWABLE PIPE MATERIALS:
- REINFORCED CONCRETE PIPE (RCP) MIN. STRENGTH OF CLASS III
- PVC RING TYPE SEWER (SDR 35) OR EQUIVALENT, MIN PS–46 RATING
- PVC RING TYPE SEWER PIPE MEETING ASTM F 789
- DUCTILE IRON PIPE (DIP)
- ADS N–12 HP TRIPLE–WALL MIN PS–46 RATING
- ADS SANITITE HP MIN. PS–46

CITY OF PORTLAND TYPICAL PIPE TRENCH DETAIL
NOT TO SCALE



END SECTION

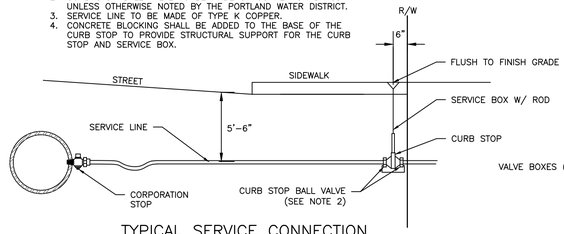


REGULAR BEND

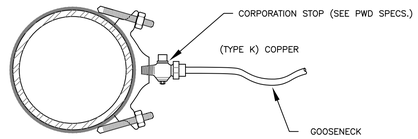
THRUST BLOCKING
NOT TO SCALE

NOTES:

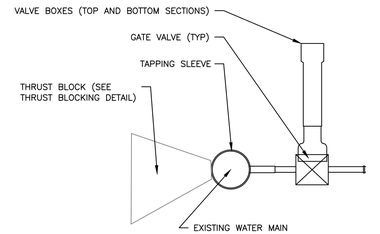
1. ALL MATERIALS AND INSTALLATION PROCEDURES MUST COMPLY WITH THE CITY OF PORTLAND WATER DISTRICT (PWD) SPECIFICATIONS.
2. CURB STOP BALL VALVE TO BE MADE OF COPPER OR BRASS UNLESS OTHERWISE NOTED BY THE PORTLAND WATER DISTRICT.
3. SERVICE LINE TO BE MADE OF TYPE K COPPER.
4. CONCRETE BLOCKING SHALL BE ADDED TO THE BASE OF THE CURB STOP TO PROVIDE STRUCTURAL SUPPORT FOR THE CURB STOP AND SERVICE BOX.



TYPICAL SERVICE CONNECTION
NOT TO SCALE

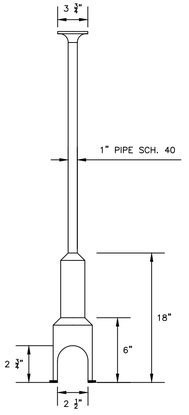


SERVICE SADDLE: 1–1/2" AND 2" C.C. THREAD
NOT TO SCALE



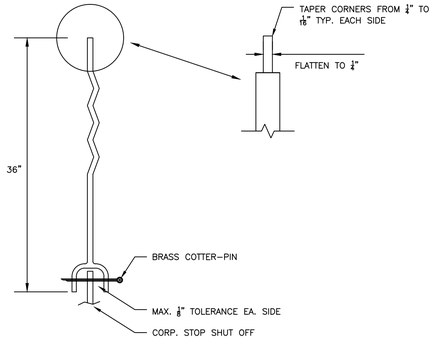
SIDE VIEW

TAPPING SLEEVE AND VALVE
NOT TO SCALE



SERVICE BOX
NOT TO SCALE

NOTES: ANY EXTENSION OF SERVICE BOX REQUIRES
1. 1" FEMALE IRON PIPE COUPLING
2. 1" THREADED PIPE (THIS IS TO BE A NON–WELDED, TWO PIECE ARRANGEMENT. SLIP ON ADAPTER ARE NOT PERMISSIBLE)

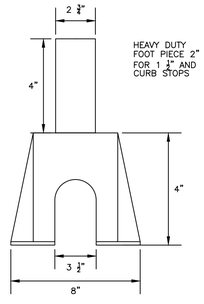


SERVICE ROD
NOT TO SCALE

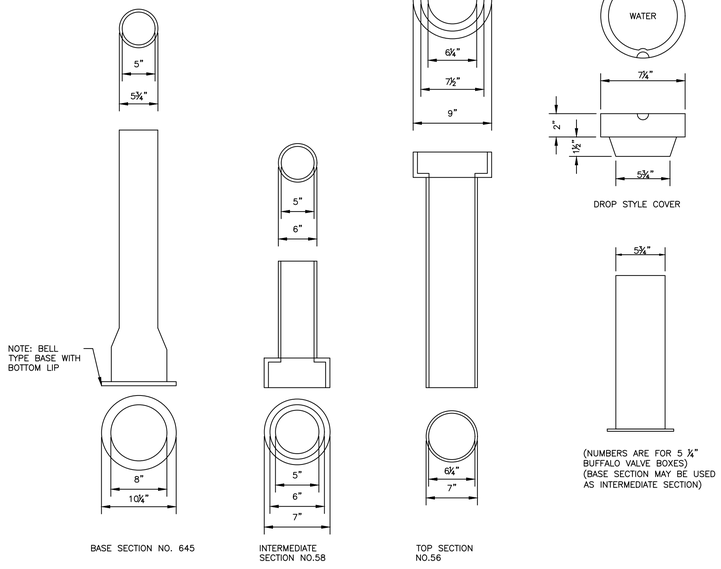


COVER

STANDARD FOOT PIECE 1" FOR ¾" AND CURB/STOPS



FOOT PIECE
NOT TO SCALE



VALVE BOX & COVER
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3–PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24

DRAWING NAME: UTILITY DETAILS – 1
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC P.O. BOX: 10452, PORTLAND, ME

ALL PLANS SHALL NOT BE USED, MODIFIED, WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND SHALL BE RETURNED UPON REQUEST OR, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

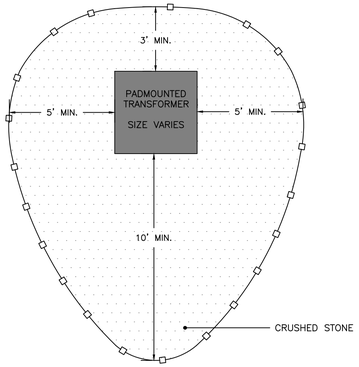
ACORN ENGINEERING, INC.
FREEPORT, MAINE 04104
PO BOX 3327
(207) 775–2655

FILE:	1220_DETAILS
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

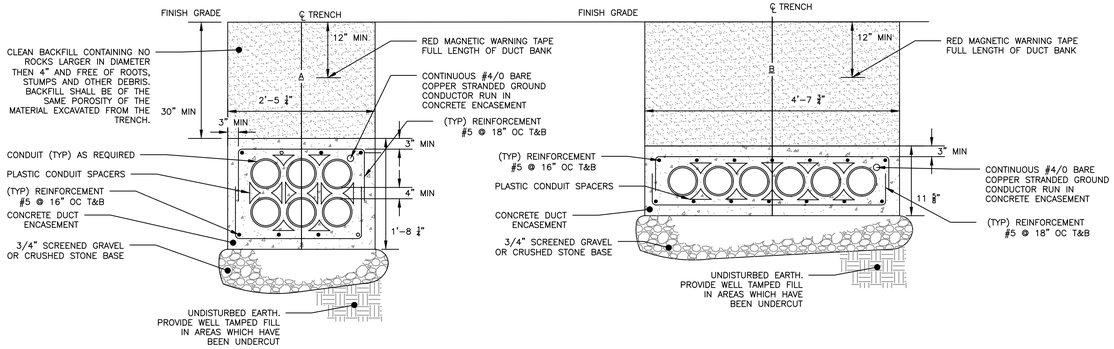
STATE OF MAINE
SAMUEL J. LEBEL
16596
LICENSED PROFESSIONAL ENGINEER
10/11/24

DRAWING NO.
C-41

NOTES:
1. WHERE DANGER OF PLOW OR TRAFFIC DAMAGE EXISTS, BARRIERS CONSISTING OF CONCRETE FILLED 6 INCH IPS STEEL POSTS SET 4 FEET DEEP SHALL BE PROVIDED FOR PROTECTION (PRESSURE TREATED 6X6 INCH MIN. TIMBER POSTS MAY BE SUBSTITUTED IN RESIDENTIAL AREAS). POSTS SHALL NOT INTERFERE WITH TRANSFORMER ACCESS. GENERALLY THE POSTS SHALL BE LOCATED NEAR THE CORNERS OF THE TRANSFORMERS.
2. THE SETBACKS DEPICT CLEARANCES FROM OBSTRUCTIONS INCLUDING TREES, SHRUBS, AND FENCES.
3. THERE SHALL BE NO OPENINGS IN THE BUILDING WALL IN BACK OF, BESIDE, OR OVER THE TRANSFORMER UNLESS THE TRANSFORMER IS A MIN. OF 10 FEET FROM THE BUILDING.
4. SIDE CLEARANCES FROM DOORS OR WINDOWS SHALL NOT BE LESS THAN 10 FEET.
5. THERE SHALL BE A MIN. OF 10 FEET BETWEEN THE TRANSFORMER AND ANY GAS METER/REGULATOR, GAS RELIEF VALVE, GAS VENT DISCHARGE, GAS FILLING CONNECTION, OR PROPANE TANK. SOME INSURANCE COMPANIES MAY REQUIRE INCREASED CLEARANCES.
6. TRANSFORMER SHALL BE LOCATED FAR ENOUGH AWAY FROM BUILDING OVERHANGS SO THAT THEY WILL NOT BE SUBJECT TO DAMAGE BY FALLING ICE AND SNOW.
7. IF TRANSFORMER IS NOT INSTALLED IMMEDIATELY UPON THE INSTALLATION OF THE CABLE IN THE PAD, THE DEVELOPER SHALL PROVIDE AND INSTALL A CMP APPROVED CONCRETE, STEEL, OR FIBERGLASS COVER OVER THE PAD OPENING TO ELIMINATE EXPOSURE OF THE CABLE.

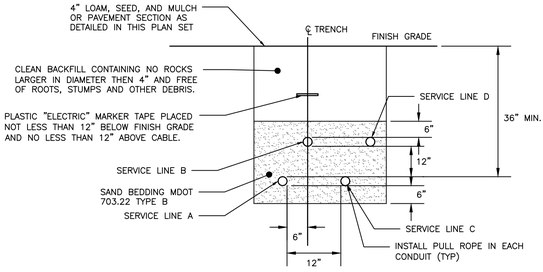


CMP TRANSFORMER SETBACKS
NOT TO SCALE



NOTES:
1. "A" WILL BE USED FOR MAJORITY OF INSTALLATION. DUCT BANK WILL NEED TO BE DEEPER AND NARROWER NEAR MANHOLES.
2. "B" WILL BE USED AS NEEDED. DUCT BANK WILL NEED TO BE WIDER AND SHALLOWER.
3. CONDUITS WITHIN THE CITY RIGHT-OF-WAY SHALL BE ENCASED IN CONCRETE.
4. FINAL SIZE OF CONDUITS TO BE SPECIFIED BY MEP, ELECTRICIAN, OR DESIGN/BUILD ELECTRICAL CONTRACTOR.
5. ALL CONSTRUCTION TO BE IN COMPLIANCE WITH CMP'S CONSTRUCTION STANDARDS AND THE LATEST EDITION OF THE NATIONAL ELECTRICAL SAFETY CODE.
6. ALL 90 DEGREE BENDS SHALL BE GALVANIZED LONG SWEEP BENDS. CONDUIT BELL ENDS REQUIRED AT SPLICE BOXES, TRANSFORMER BASES, AND SWITCH CABINETS.
7. CONDUITS SHALL BE PROPERLY PITCHED TO DRAIN INTO TRANSFORMER FOUNDATIONS, MANHOLES, OR SPLICE BOXES. THREE INCHES PER 100 FEET MINIMUM SLOPE. IF CONDUITS SLOW TOWARD THE RISER POLE, A COMPANY APPROVED DRAINAGE BOX AT THE RISER BASE SHALL BE INSTALLED.
8. INSTALL 1" (OR MULE TAPE) PULLING LINE IN EACH CONDUIT.
9. INSTALL 4/0 CU NEUTRAL IN CONDUIT DUCT BANK.
10. INSTALL CONDUIT SPACERS

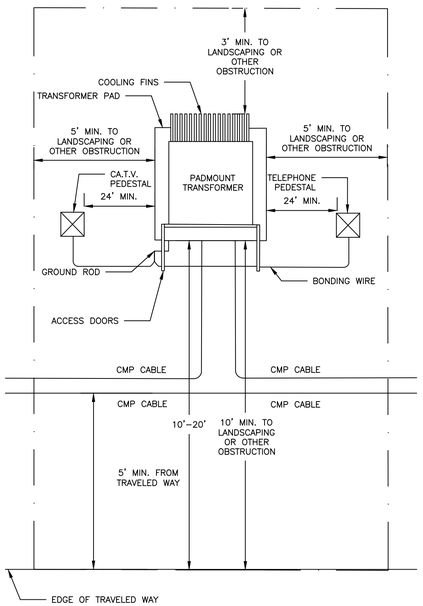
PRIMARY POWER CONDUIT DUCT BANK
NOT TO SCALE



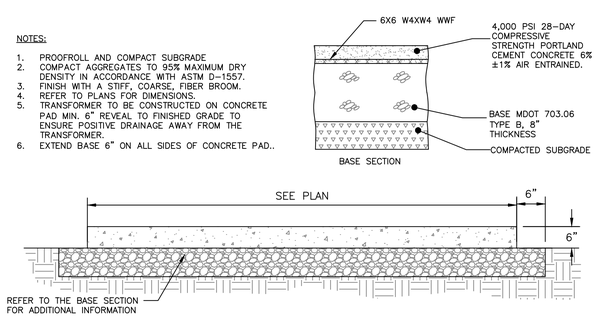
CONDUIT TYPE				
SERVICE	CONDUIT SIZE	GRASS AND PAVED AREAS	UTILITY	REMARKS
A	2-5"	SCHEDULE 40 PVC ELECTRICAL GRADE	PRIMARY POWER	SEE NOTE 1
B	2-4"	SCHEDULE 40 PVC	COMMUNICATION	–
C	2-4"	SCHEDULE 40 PVC ELECTRICAL GRADE	SPARE	IF REQUIRED
D	2-4"	SCHEDULE 40 PVC	CABLE	–

NOTES:
1. ONE CONDUIT CAPPED FOR SPARE, PROVIDE GALVANIZED STEEL LONG SWEEP AT RISER POLE AND EXTEND GALVANIZED CONDUIT TO 10" ABOVE GRADE AT POLE WITH STAND-OFF BRACKETS.
2. MINIMUM SEPARATION OF 24 INCHES BETWEEN PRIMARY CABLE/CONDUIT AND GAS LINES SHALL BE MAINTAINED.

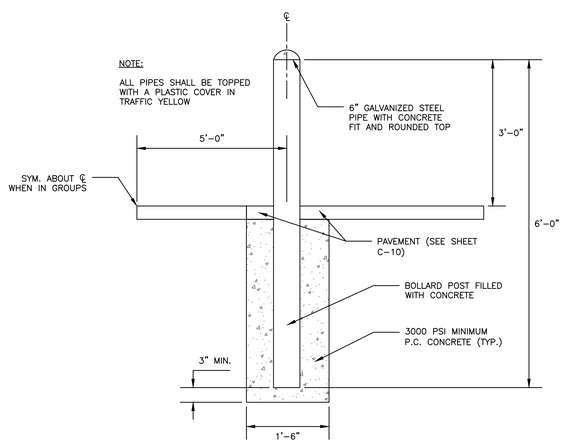
UTILITY TRENCH:
PRIMARY AND SECONDARY POWER, TELEPHONE, AND CABLE
NOT TO SCALE



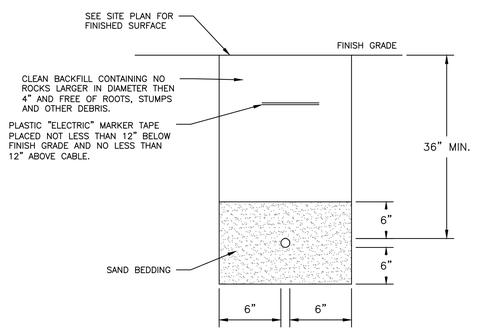
7'X7' PAD MOUNTED TRANSFORMER
NOT TO SCALE



CONCRETE PAD DETAIL
NOT TO SCALE



PIPE BOLLARD
NOT TO SCALE



SECONDARY ELECTRICAL TRENCH
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24

DRAWING NAME: UTILITY DETAILS – 2
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

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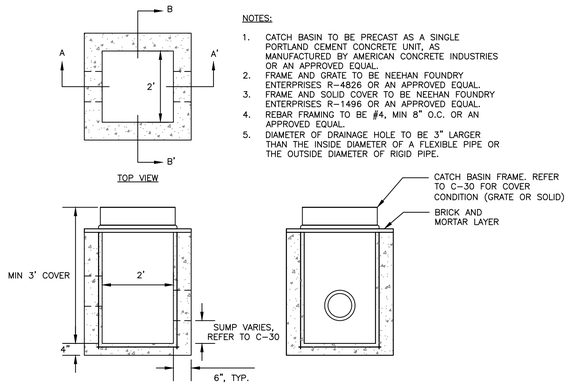
ACORN ENGINEERING, INC.
70 CENTER STREET, PORTLAND, MAINE 04104
P.O. BOX 7234 (207) 775-2655

FILE:	1220_DETAILS
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

STATE OF MAINE
SAMUEL J. LEBEL
16508
LICENSED PROFESSIONAL ENGINEER
4/11/24

DRAWING NO.
C-42

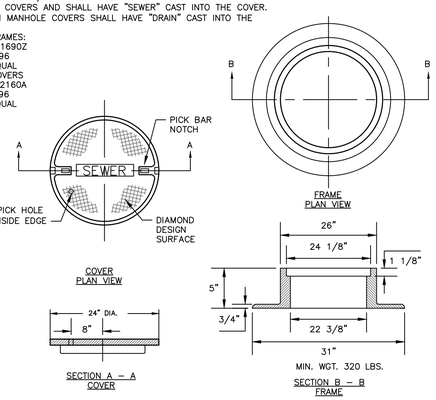


NOTES:

1. CATCH BASIN TO BE PRECAST AS A SINGLE PORTLAND CEMENT CONCRETE UNIT, AS MANUFACTURED BY AMERICAN CONCRETE INDUSTRIES OR AN APPROVED EQUAL.
2. FRAME AND GRATE TO BE NEEHAN FOUNDRY ENTERPRISES R-4826 OR AN APPROVED EQUAL.
3. FRAME AND SOLID COVER TO BE NEEHAN FOUNDRY ENTERPRISES R-1496 OR AN APPROVED EQUAL.
4. REBAR FRAMING TO BE #4, MIN 8" O.C. OR AN APPROVED EQUAL.
5. DIAMETER OF DRAINAGE HOLE TO BE 3" LARGER THAN THE INSIDE DIAMETER OF A FLEXIBLE PIPE OR THE OUTSIDE DIAMETER OF RIGID PIPE.

'TYPE F' PRECAST CATCH BASIN

NOT TO SCALE



NOTES:

1. ALL MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE, LOCATED 8" FROM THE CENTER OF THE COVER
2. ALL SANITARY AND STORMWATER/DRAIN MANHOLE COVERS SHALL BE 24" x 5".
3. ALL SANITARY MANHOLE COVERS AND SHALL HAVE "SEWER" CAST INTO THE COVER.
4. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
5. APPROVED MANHOLE FRAMES:
   5.1. EAST JORDAN = 1690Z
   5.2. NEENAH = R-1496
   5.3. OR APPROVED EQUAL
6. APPROVED MANHOLE COVERS
   6.1. EAST JORDAN = 2160A
   6.2. NEENAH = R-1496
   6.3. OR APPROVED EQUAL

SOLID CAST IRON MANHOLE COVER AND FRAME

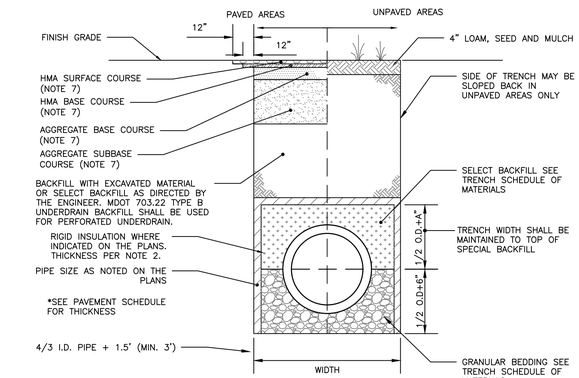
NOT TO SCALE

NOTES:

1. REFER TO THE BUILDING ARCHITECTS PLANS FOR THE BUILDING FOUNDATION, BACKFILL, ROOF DRAIN, SIDEWALK AND OTHER DETAILS.
2. PERFORATIONS IN UNDERDRAIN PIPE SHALL BE ORIENTED DOWN.
3. INSTALL STONE DRIP EDGE IN A LOCATIONS SUBJECT TO ROOF RUNOFF. WIDTH SHALL BE A MIN. 12" BEYOND THE PROJECTION OF THE ROOF EVE.
4. FOUNDATION WALL FOOTINGS SHALL BE CONSTRUCTED TO A MIN. DEPTH OF 4 FT BELOW ADJACENT FINISH GRADE. REFER TO STRUCTURAL ENGINEERS PLANS FOR ADDITIONAL INFORMATION AND MIN. REQUIREMENTS.

FOUNDATION DRAIN DETAIL

NOT TO SCALE



SCHEDULE OF MATERIALS		
TYPE OF PIPE	GRANULAR BEDDING	SELECT BACKFILL
CMP DUCTILE IRON RCP	MDOT 703.22 TYPE B UD BACKFILL	MDOT 703.22 TYPE B UD BACKFILL
PVC/HDPE	MDOT 703.22 TYPE C 3/4" CRUSHED STONE	MDOT 703.22 TYPE B UD BACKFILL
CMP	MDOT 703.22 TYPE C 3/4" CRUSHED STONE	MDOT 703.22 TYPE C 3/4" CRUSHED STONE

ALLOWABLE PIPE MATERIALS:
- REINFORCED CONCRETE PIPE (RCP) MIN. STRENGTH OF CLASS III
- PVC RING TYPE SEWER (SDR 35) OR EQUIVALENT, MIN PS-46 RATING
- PVC RING TYPE SEWER PIPE MEETING ASTM F 789
- DUCTILE IRON PIPE (DIP)
- ADS N-12 HP TRIPLE-WALL MIN PS-46 RATING
- ADS SANITITE HP MIN. PS-46

NOTES:

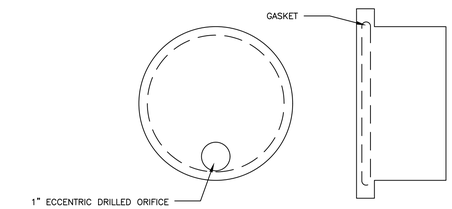
1. BRACING AND SHEETING OR OTHER TRENCH PROTECTION TO BE PROVIDED TO MEET APPLICABLE STATE AND O.S.H.A. SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION TO BE THE RESPONSIBILITY OF THE CONTRACTOR.
2. STORM DRAIN COVER BETWEEN 2' AND 3' SHALL INCLUDE 4" OF RIGID INSULATION. COVER BETWEEN 3' AND 4' SHALL INCLUDE 2' RIGID INSULATION. OTHER UTILITIES: ADD 2" OF RIGID INSULATION FOR EACH FOOT ABOVE MINIMUM DEPTH.
3. INSTALL WARNING TAPE DIRECTLY ABOVE UTILITIES AT THE TOP OF SUBGRADE.
4. MINIMUM COVER
   4.1. 2'-0" – STORM DRAIN
   4.2. 5'-0" – SEWER
5. NO TREES SHALL BE PLANTED WITHIN 5' OF A SEWER PIPE OR SERVICE
6. THIS DETAIL SHALL BE APPLIED ONLY TO DRAINAGE PIPE TRENCHES OUTSIDE OF THE CITY OF PORTLAND ROW.
7. THICKNESS AS NOTED BY SURFACE DETAILS

INTERNAL STORM DRAIN AND SEWER TYPICAL TRENCH SECTION

NOT TO SCALE

NOTES:

1. PVC END CAP SHALL BE SDR35, GASKETED
2. 1" ECCENTRIC ORIFICE SHALL BE DRILLED AND POSITIONED AT THE BOTTOM OF THE PIPE TO ALLOW DRAINDOWN.

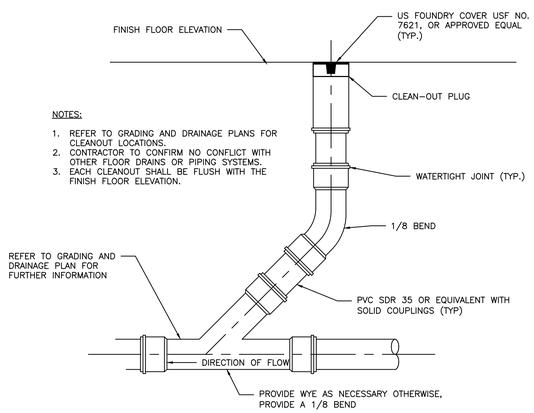


GASKETED PVC END CAP WITH ECCENTRIC DRILLED ORIFICE

NOT TO SCALE

NOTES:

1. REFER TO GRADING AND DRAINAGE PLANS FOR CLEANOUT LOCATIONS.
2. CONTRACTOR TO CONFIRM NO CONFLICT WITH OTHER FLOOR DRAINS OR PIPING SYSTEMS.
3. EACH CLEANOUT SHALL BE FLUSH WITH THE FINISH FLOOR ELEVATION.

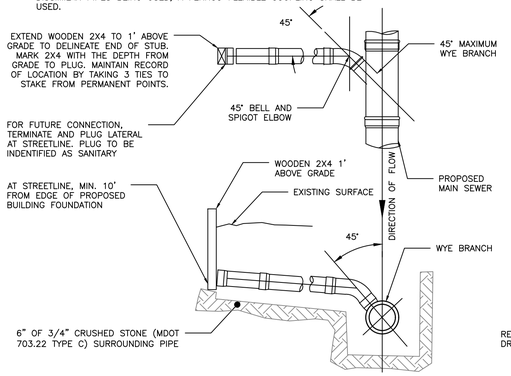


FOUNDATION DRAIN CLEANOUT DETAIL

NOT TO SCALE

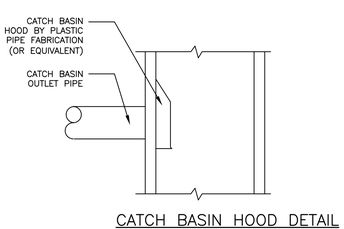
NOTES:

1. LOCATION WITH WARNING TAPE SHALL BE INSTALLED OVER CENTERLINE OF PIPE AT A MAXIMUM OF 24 INCHES BELOW FINISH GRADE.
2. SITE CONTRACTOR TO COORDINATE CONNECTION OF SEWER LATERAL TO HOUSEHOLD PLUMBING WITH ARCHITECTURAL CONTRACTOR.
3. CONNECTION OF PROPOSED SEWER LATERAL TO HOUSEHOLD PLUMBING SHOULD INCORPORATE USE OF SIMILAR PIPE MATERIALS. IN THE CASE OF DISSIMILAR PIPES BEING USED, A FERNCO FLEXIBLE COUPLING SHALL BE USED.



SEWER TEE/WYE CONNECTION DETAIL

NOT TO SCALE

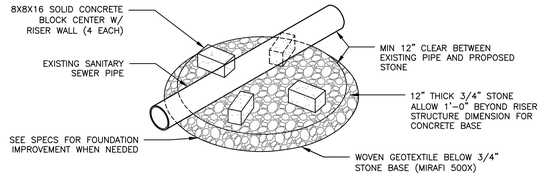


CATCH BASIN HOOD DETAIL

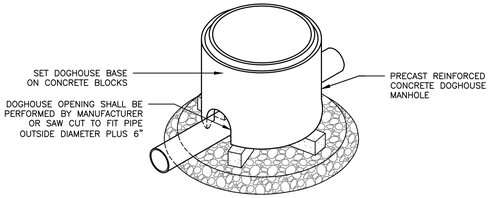
NOT TO SCALE

NOTES:

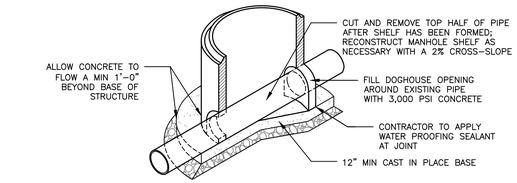
1. UNLESS OTHERWISE SPECIFIED, CONCRETE SHALL BE 4000 PSI @28 DAYS.
2. RECONSTRUCT INTERIOR MANHOLE INVERT AS NECESSARY TO ACCOMMODATE NEW PIPE.
3. THIS DETAIL IS INTENDED TO PROVIDE ADDITIONAL INFORMATION TO THE CONTRACTOR IN REGARDS TO THE CONNECTION OF THE DOGHOUSE MANHOLE BASE TO THE EXISTING SANITARY SEWER SYSTEM. MANHOLE INSTALLATION INFORMATION NOT EXPLICITLY REFERRED TO IN THIS DETAIL SHALL BE PER THE "STANDARD PRECAST SEWER MANHOLE" DETAIL



BASE ISOMETRIC VIEW



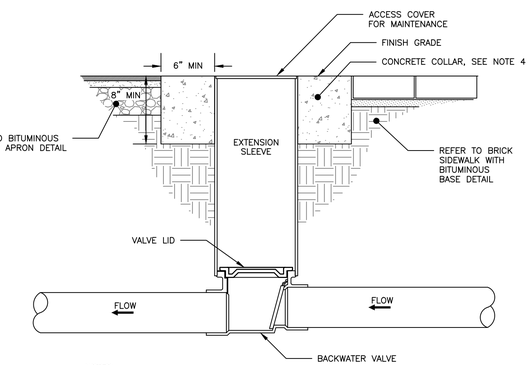
RISER ISOMETRIC VIEW



FOUNDATION SECTION VIEW

DOGHOUSE MANHOLE DETAIL

NOT TO SCALE



NOTES:

1. BACKFLOW VALVE TO BE PROVIDED BY AGRI DRAIN CORPORATION OR AN APPROVED EQUAL.
2. VALVE TO BE INSTALLED TO MANUFACTURER'S SPECIFICATIONS AND COMPLY WITH RULES AND REGULATIONS AS OUTLINED IN SECTION 2 OF THE CITY OF PORTLAND TECHNICAL MANUAL.
3. VALVE SHALL BE INSTALLED WITH A VALVE BOX AND COVER TO PROVIDE EASY ACCESS AND MAINTENANCE; VALVE COVER SHALL STATE 'SEWER' ON LID FLUSH TO SURFACE. REFER TO VALVE & BOX COVER DETAIL FOR ADDITIONAL INFORMATION.
4. CONCRETE COLLAR AT A MINIMUM 24-HOUR COMPRESSIVE STRENGTH OF 3,000 PSI.

BACKFLOW VALVE ASSEMBLY

NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24

DRAWING NAME: DRAINAGE DETAILS – 1
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC, P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.
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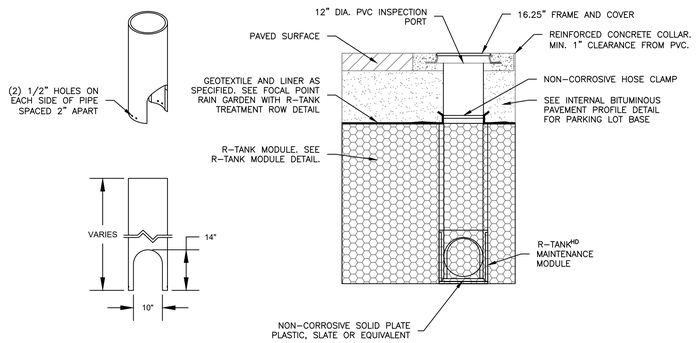
ACORN ENGINEERING, INC
ANDOVER, MAINE 04104
PO BOX 370
(207) 775-2655

FILE:	1220_DETAILS
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

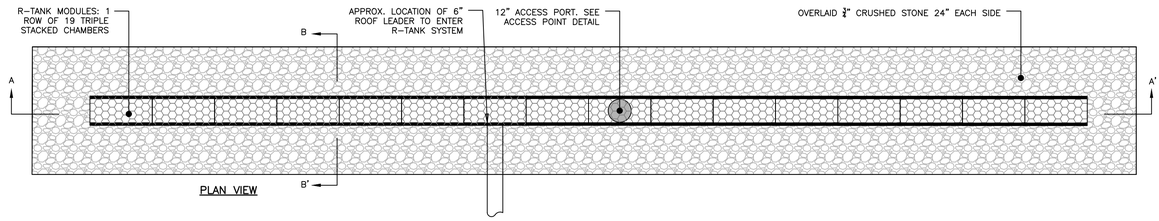
STATE OF MAINE — SAMUEL J LEBEL — 16506 — LICENSED PROFESSIONAL ENGINEER — 4/11/24

DRAWING NO.
C-43

NOTES
1. THE INSPECTION PORT IS USED IN THE MAINTENANCE MODULE TO INSPECT THE LEVEL OF SEDIMENT ACCUMULATION.
2. MINIMUM REQUIRED MAINTENANCE INCLUDES A QUARTERLY INSPECTION DURING THE FIRST YEAR OF OPERATION AND A YEARLY INSPECTION THEREAFTER. FLUSH MAINTENANCE ROW VIA THE ACCESS STRUCTURE FROM EITHER END AS NEEDED.
3. R-TANK^{HD} MAY BE USED IN TRAFFIC APPLICATIONS.
4. SEE TRAFFIC LOADING DETAIL FOR MINIMUM & MAXIMUM COVER REQUIREMENTS.
5. IF INSPECTION PORT IS LOCATED IN A NON-TRAFFIC AREA, A PLASTIC CAP CAN B USED IN LIEU OF A FRAME AND COVER WITH CONCRETE COLLAR

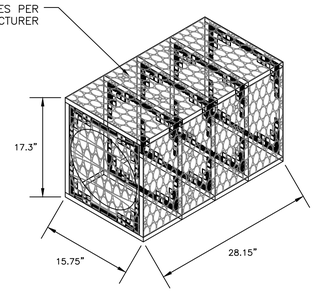


ACCESS PORT WITH SOLID COVER
NOT TO SCALE



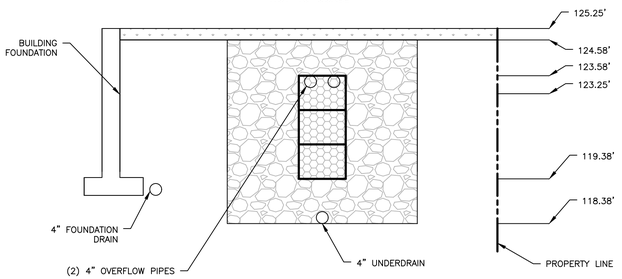
PLAN VIEW

R-TANK MODULE DETAIL
NOT TO SCALE



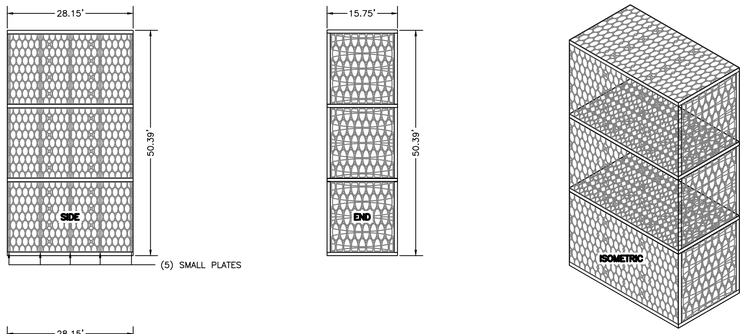
ISOMETRIC VIEW

NOTES:
INSTALLATION TO MEET MANUFACTURER'S SPECIFICATIONS.



SECTION B-B

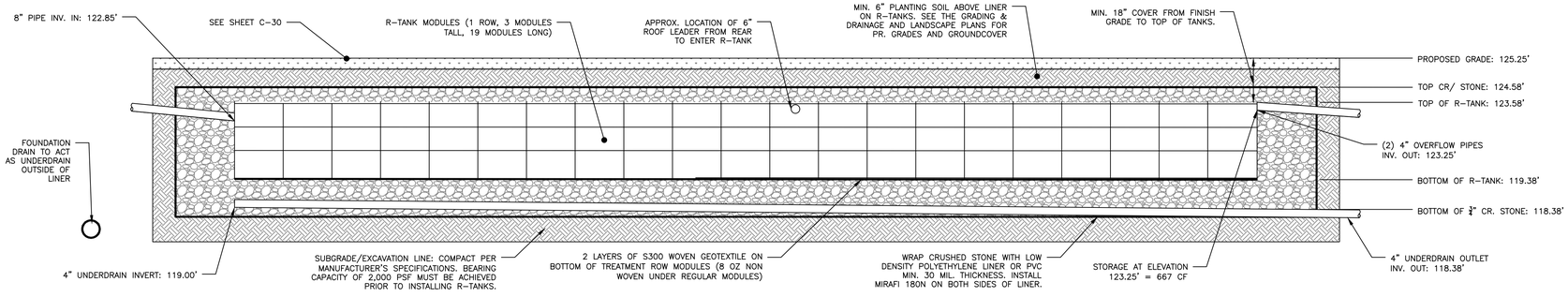
INSET OF DRAINAGE AREA IN BACK OF LOT
SCALE 1:2



MODULE DATA

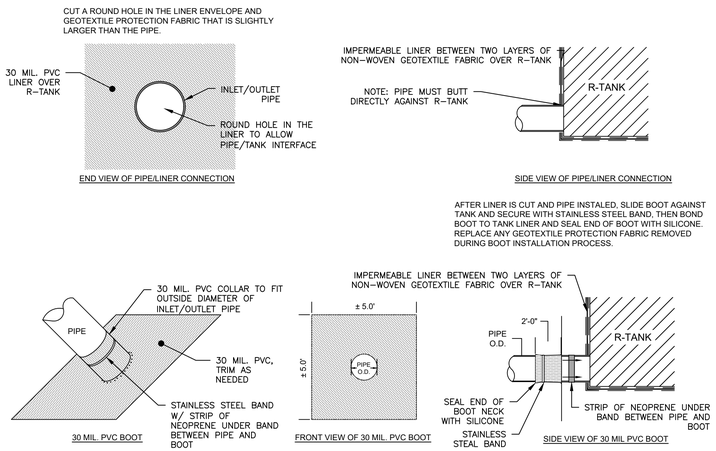
GEOMETRY: LENGTH = 28.15 IN. (715 MM)	**LOAD RATING**: 33.4 PSI, (MODULE ONLY)
WIDTH = 15.75 IN. (400 MM)	HS20/HS25 - SEE SPEC FOR
HEIGHT = 50.39 IN. (1280 MM)	COVER REQUIREMENTS
TANK VOLUME = 12.93 CF	
STORAGE VOLUME = 12.28 CF	**MATERIAL**: 100% RECYCLED POLYPROPYLENE
VOID INTERNAL VOLUME: 95%	
VOID SURFACE AREA: 90%	**SMALL PLATES REQUIRED**: 5/SEGMENT, 15/MODULE

R-TANK TRIPLE STACKED-HD MODULAR DETAIL
NOT TO SCALE



SECTION A-A

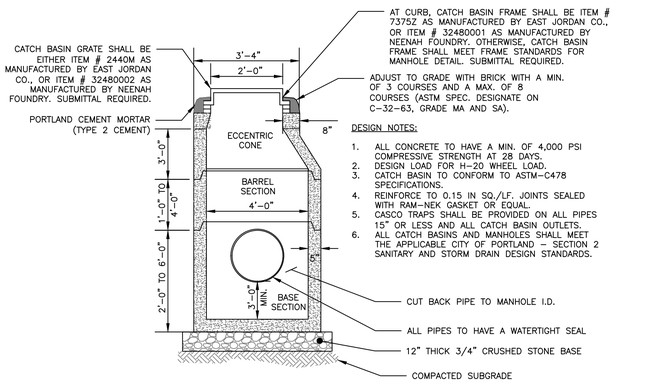
R-TANK PROFILE
NOT TO SCALE



R-TANK INLET/OUTLET PIPE BOOT DETAIL
NOT TO SCALE

GENERAL NOTES FOR MANHOLES AND CATCH BASINS

1. ALL CONCRETE SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 LBS. PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
2. MANHOLES MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
3. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-478.
4. ALL STORM AND SEWER MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE ⅞" DIAMETER DRILLED PICK HOLE LOCATED 8" FROM THE CENTER OF THE COVER.
5. ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
6. ALL MANHOLE RISERS SHALL BE ETHERIDGE 24" OR APPROVAL EQUAL.
7. SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-32-63, GRADE MA AND SA.
8. ALL SANITARY MANHOLES SHALL HAVE A WATERPROFFING COATING APPLIED TO THE EXTERIOR SURFACE.
9. CATCH BASIN FRAMES FOR TYPE A4 CATCH BASIN CURB INLETS SHALL BE ETHERIDGE DRSA OR APPROVED EQUAL.
10. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 35.
11. EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.



DESIGN NOTES:
1. ALL CONCRETE TO HAVE A MIN. OF 4,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. DESIGN LOAD FOR H-20 WHEEL LOAD.
3. CATCH BASIN TO CONFORM TO ASTM-C478 SPECIFICATIONS.
4. REINFORCE TO 0.15 IN SQ./LF. JOINTS SEALED WITH RAM-NEK GASKET OR EQUAL.
5. CASCO TRAPS SHALL BE PROVIDED ON ALL PIPES 15" OR LESS AND ALL CATCH BASIN OUTLETS.
6. ALL CATCH BASINS AND MANHOLES SHALL MEET THE APPLICABLE CITY OF PORTLAND – SECTION 2 SANITARY AND STORM DRAIN DESIGN STANDARDS.

4'-0" DIAMETER PRECAST CATCH BASIN/MANHOLE
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
CONCEPT	SJL 1/4/24
3-PHASE OPTIONS	SJL 2/2/24
PRELIMINARY	SJL 4/5/24
MAJOR SITE PLAN	SJL 4/11/24
COMMENT RESPONSE	SJL 6/4/24

DRAWING NAME: DRAINAGE DETAILS – 2
PROJECT NAME: 42 ATLANTIC STREET REDEVELOPMENT
CLIENT: LB ATLANTIC, LLC
P.O. BOX: 10452, PORTLAND, ME

ACORN ENGINEERING, INC.

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ACORN ENGINEERING, INC
P.O. BOX 224, BUXTON, MAINE 04104
(207) 775-2655

FILE:	1220_DETAILS
JN:	1220
SCALE:	AS NOTED
DESIGNED BY:	SJL
DRAWN BY:	DNM
CHECKED BY:	SJL

STATE OF MAINE
SAMUEL J. LEBEL
16505
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-44

1.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

AS PART OF THE SITE DEVELOPMENT, THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES SHALL BE IMPLEMENTED. DEVICES SHALL BE INSTALLED AS DESCRIBED IN THIS REPORT OR WITHIN THE PLAN SET. SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES FOR FURTHER REFERENCE.

1.1 TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES ARE PLANNED FOR THE PROJECT'S CONSTRUCTION PERIOD:

1.1.1 CRUSHED STONE STABILIZED CONSTRUCTION ENTRANCES SHALL BE PLACED AT ALL ACCESS POINTS TO THE PROJECT SITE WHERE THERE ARE DISTURBED AREAS. THE FOLLOWING SPECIFICATIONS SHALL BE FOLLOWED AT A MINIMUM:
- STONE SIZE SHALL BE 2–3 INCHES, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- THE THICKNESS OF THE ENTRANCE STONE LAYER SHALL BE NO LESS THAN 6 INCHES.
- THE ENTRANCE SHALL NOT BE LESS THAN 20 FEET WIDE, HOWEVER NOT LESS THAN THE FULL WIDTH OF POINTS WHERE INGRESS OR EGRESS OCCURS. THE LENGTH SHALL NOT BE LESS THAN 50 FEET IN LENGTH.
- GEOTEXTILE FABRIC (WOVEN OR NON–WOVEN) SHALL BE PLACED OVER THE ENTIRE ENTRANCE AREA.
- THE ENTRANCE/EXIT SHALL BE MAINTAINED TO THE EXTENT THAT IT WILL PREVENT THE TRACKING OF SEDIMENT ONTO PUBLIC ROAD WAYS.

1.1.2 SILTATION FENCE OR EROSION CONTROL BERM SHALL BE INSTALLED DOWN GRADIENT OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL PERMANENT STABILIZATION IS ACHIEVED. THE SILT FENCE OR EROSION CONTROL BERM SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THE PLAN SET AND INSPECTED BEFORE AND IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE LINE OR BERM. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THE FENCE OR BERM, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.

1.1.3 HAY MULCH INCLUDING HYDRO SEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND NOVEMBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE COVERED BY FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN NOVEMBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT AND EQUAL TO OR FLATTER THAN 2:1 SHALL USE MATS OR FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.

1.1.4 AT ANY TIME OF THE YEAR, ALL SLOPES STEEPER THAN 3:1 SHALL BE STABILIZED WITH DOUBLE NET EROSION CONTROL BLANKET BIONET SC150BN BY NORTH AMERICAN GREEN OR APPROVED EQUAL, OR EROSION CONTROL MIX SLOPE PROTECTION AS DETAILED WITHIN THE PLANS.

1.1.5 ATLANTIC STREET AND GILBERT LANE SHALL BE SWEPT TO CONTROL MUD AND DUST FROM THE CONSTRUCTION SITE AS NECESSARY. ADD ADDITIONAL STONE TO THE STABILIZED CONSTRUCTION ENTRANCE TO MINIMIZE THE TRACKING OF MATERIAL OFF THE SITE AND ONTO THE SURROUNDING ROADWAYS.

1.1.6 DURING DEMOLITION, CLEARING AND GRUBBING OPERATIONS, STONE CHECK DAMS SHALL BE INSTALLED AT ANY AREAS OF CONCENTRATED FLOW. THE MAXIMUM HEIGHT OF THE CHECK DAM SHALL NOT EXCEED 2 FEET. THE CENTER OF THE CHECK DAM SHALL BE 6 INCHES BELOW THE OUTER EDGES OF THE DAM. THE CONTRACTOR SHALL MULCH THE SIDE SLOPES AND INSTALL STONE CHECK DAMS FOR ALL NEWLY EXCAVATED DITCH LINES WITHIN 24 HOURS OF THEIR CREATION.

1.1.7 SILT FENCE STAKE SPACING SHALL NOT EXCEED 6 FEET UNLESS THE FENCE IS SUPPORTED WITH 14 GAUGE WIRE IN WHICH CASE THE MAXIMUM SPACING SHALL NOT EXCEED 10 FEET. THE SILT FENCE SHALL BE "TOED" INTO THE GROUND.

1.1.8 STORMDRAIN INLET PROTECTION SHALL BE PROVIDED TO STORMDRAINS THROUGH THE USE OF ANY OF THE FOLLOWING: HAY BALE DROP INLET STRUCTURES, SILT FENCE DROP INLET SEDIMENT FILTER, GRAVEL AND WIRE MESH DROP INLET SEDIMENT FILTER, OR CURB INLET SEDIMENT FILTER. BARRIERS SHALL BE INSPECTED AFTER EVERY RAINFALL EVENT AND REPAIRED AS NECESSARY. SEDIMENTS SHALL BE REMOVED WHEN ACCUMULATION HAS REACHED ½ THE DESIGN HEIGHT.

1.1.9 DUST CONTROL SHALL BE ACCOMPLISHED BY THE USE OF ANY OF THE FOLLOWING: WATER, CALCIUM CHLORIDE, STONE, OR AN APPROVED MDEP PRODUCT. DUST CONTROL SHALL BE APPLIED AS NEEDED TO ACCOMPLISH DUST CONTROL.

1.1.10 TEMPORARY LOAM, SEED, AND MULCHING SHALL BE USED IN AREAS WHERE NO OTHER EROSION CONTROL MEASURE IS USED. APPLICATION RATES FOR SEEDING ARE PROVIDED AT THE END OF THIS REPORT.

1.1.11 STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS OF FORMATION UNLESS A SCHEDULED RAIN EVENT OCCURS PRIOR TO THE 7 DAY WINDOW, IN WHICH CASE THE STOCKPILE SHALL BE STABILIZED PRIOR TO THE RAIN EVENT. METHODS OF STABILIZATION SHALL BE MULCH, EROSION CONTROL MIX, OR EROSION CONTROL BLANKETS/MATS. SILT FENCE OR A WOOD WASTE COMPOST FILTER BERM SHALL BE PLACED DOWNHILL OF ANY SOIL STOCKPILE LOCATION.

1.1.12 FOR DISTURBANCE BETWEEN NOVEMBER 1 AND APRIL 15, PLEASE REFER TO WINTER STABILIZATION PLAN IN THIS REPORT AND THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR FURTHER INFORMATION.

1.1.13 IT IS OF THE UTMOST IMPORTANCE THAT STORMWATER RUNOFF AND POTENTIAL SEDIMENT FROM THE CONSTRUCTION SITE BE DIVERTED AROUND THE PROPOSED UNDERDRAINS UNTIL THE TRENCH IS BACKFILLED.

1.2 PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES ARE INTENDED FOR POST DISTURBANCE AREAS OF THE PROJECT.

1.2.1 ALL DISTURBED AREAS DURING CONSTRUCTION, NOT SUBJECT TO OTHER PROPOSED CONDITIONS, SHALL RECEIVE A MINIMUM 4" OF LOAM AND SHALL BE LIMED, AND MULCHED.

EROSION CONTROL BLANKETS OR MATS SHALL BE PLACED OVER THE MULCH IN AREAS NOTED IN PARAGRAPH 4.2 OF THIS REPORT.

1.2.2 ALL STORMWATER DEVICES SHALL BE INSTALLED AND TRIBUTARY AREAS STABILIZED PRIOR RECEIVING STORMWATER.

1.2.3 REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.

2.0 EROSION AND SEDIMENTATION CONTROL PLAN

2.1 THE EROSION AND SEDIMENTATION CONTROL PLAN IS INCLUDED WITHIN THE PLAN SET.

3.0 DETAILS AND SPECIFICATIONS

3.1 EROSION CONTROL DETAILS AND SPECIFICATIONS ARE INCLUDED IN THE PLAN SET.

4.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

WINTER CONSTRUCTION CONSISTS OF EARTHWORK DISTURBANCE BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15. IF A CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 15, THEN THE SITE SHALL BE PROTECTED WITH OVER–WINTER STABILIZATION. ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MIX, EROSION CONTROL MATS, RIPRAP, OR GRAVEL BASE ON A ROAD SHALL BE CONSIDERED OPEN.

THE CONTRACTOR SHALL LIMIT THE WORK AREA TO AREAS THAT WORK WILL OCCUR IN DURING THE SUBSEQUENT 15 DAYS AND SO THAT IT CAN BE MULCHED ONE DAY PRIOR TO A SNOW EVENT. THE CONTRACTOR SHALL STABILIZE WORK AREAS PRIOR TO OPENING ADDITIONAL WORK AREAS TO MINIMIZE AREAS WITHOUT EROSION CONTROL MEASURES.

THE FOLLOWING MEASURES SHALL BE IMPLEMENTED DURING WINTER CONSTRUCTION PERIODS:

4.1 SEDIMENT BARRIERS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIX BERMS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.

4.2 MULCHING

ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75–LBS./1,000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4 INCH THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW SHALL BE REMOVED DOWN TO A ONE–INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA SHALL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. THE COVER WILL BE CONSIDERED SUFFICIENT WHEN THE GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. AFTER NOVEMBER 1ST, MULCHING AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORKDAY.

4.3 SOIL STOCKPILING

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR WITH A FOUR–INCH LAYER OF EROSION CONTROL MIX. THIS SHALL BE DONE WITHIN 24 HOURS OF STOCKING AND RE–ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL.

4.4 SEEDING

BETWEEN THE DATES OF OCTOBER 15TH AND APRIL 1ST, LOAM OR SEED SHALL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS NOT BEEN LOAMED, FINAL GRADING WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED.

DORMANT SEEDING MAY BE PLACED PRIOR TO THE PLACEMENT OF MULCH OR EROSION CONTROL BLANKETS. IF DORMANT SEEDING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4" OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS/1,000 S.F. ALL AREAS SEEDED DURING THE WINTER SHALL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 75% CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEDING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING.

4.5 OVER WINTER STABILIZATION OF DISTURBED SOILS

BY SEPTEMBER 15TH, ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% SHALL BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN ONE OF THE FOLLOWING ACTIONS SHALL BE TAKEN TO STABILIZE THE SOIL FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION – BY OCTOBER 1ST, SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3LBS PER 1,000 S.F., LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 LBS PER 1,000 S.F., AND ANCHOR THE MULCH WITH PLASTIC NETTING. MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 1ST, THEN MULCH THE AREA FOR OVER–WINTER PROTECTION.
- STABILIZE THE SOIL WITH SOD – STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
- STABILIZE THE SOIL WITH MULCH – BY NOVEMBER 15TH, MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 LBS PER 1,000 S.F. ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. IMMEDIATELY AFTER APPLYING THE MULCH, ANCHOR THE MULCH WITH NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

4.6 OVER WINTER STABILIZATION OF DISTURBED SLOPES

ALL STONE–COVERED SLOPES SHALL BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15TH. ALL SLOPES TO BE VEGETATED SHALL BE SEEDED AND MULCHED BY SEPTEMBER 1ST. A SLOPE IS CONSIDERED A GRADE GREATER THAN 15%. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1ST, THEN ONE OF THE FOLLOWING ACTION SHALL BE TAKEN TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS – BY OCTOBER 1ST THE DISTURBED SLOPE SHALL BE SEEDED WITH WINTER RYE AT A SEEDING RATE OF 3 LBS PER 1,000 S.F. AND THEN INSTALL EROSION CONTROL MATS OR ANCHORED MULCH OVER THE SEEDING. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% OF THE SLOPE BY NOVEMBER 1ST, THEN THE CONTRACTOR SHALL COVER THE SLOPE WITH A LAYER OF EROSION CONTROL MIX OR WITH STONE RIPRAP.
- STABILIZE THE SOIL WITH SOD – THE DISTURBED SLOPE SHALL BE STABILIZED WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES THE CONTRACTOR PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE CONTRACTOR SHALL NOT USE LATE–SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 3H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH EROSION CONTROL MIX – EROSION CONTROL MIX SHALL BE PROPERLY INSTALLED BY NOVEMBER 15TH. THE CONTRACTOR SHALL NOT USE EROSION CONTROL MIX TO STABILIZE SLOPES HAVING GRADES GREATER THAN 2H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH STONE RIPRAP – PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15TH. A REGISTERED PROFESSIONAL ENGINEER SHALL BE HIRED TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY ON THE SLOPE AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

5.0 INSPECTION AND MAINTENANCE

A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT PERIODIC VISUAL INSPECTIONS OF INSTALLED EROSION CONTROL MEASURES. THE FREQUENCY OF INSPECTION SHALL OCCUR AT LEAST ONCE EVERY TWO WEEKS, AS WELL AS AFTER A "STORM EVENT". A "STORM EVENT" SHALL CONSIST 0.5 INCHES OF RAIN WITHIN A 24 HOUR PERIOD. THE FOLLOWING EROSION AND SEDIMENT CONTROL – BEST MANAGEMENT PRACTICES (BMP'S) SHALL INSPECTED IN THE MANNER AS DESCRIBED.

5.1 SEDIMENT BARRIERS

HAY BALE BARRIERS, SILT FENCES AND FILTER BERMS SHALL BE INSPECTED AND REPAIRED FOR THE FOLLOWING IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THEM. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES OF THE BARRIER, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THEM, SEDIMENT BARRIERS SHALL BE REPLACED WITH A TEMPORARY CHECK DAM. SHOULD THE FABRIC ON A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE–HALF THE HEIGHT OF THE BARRIER. FILTER BERMS SHOULD BE RESHAPED AS NEEDED. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHOULD BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.

5.2 STABILIZED STONE CONSTRUCTION ENTRANCES

THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. WHEN THE CONTROL PAD BECOMES INEFFECTIVE, THE STONE SHALL BE REMOVED ALONG WITH THE COLLECTED SOIL MATERIAL AND REDISTRIBUTED ON SITE IN A STABLE MANNER. THE ENTRANCE SHOULD THEN BE RECONSTRUCTED. THE CONTRACTOR SHALL SWEEP OR WASH PAVEMENT AT EXITS, WHICH HAVE EXPERIENCED MUD–TRACKING ON TO THE PAVEMENT OR TRAVELED WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.

5.3 MULCHED AREAS

ALL MULCHES MUST BE INSPECTED PERIODICALLY, IN PARTICULAR AFTER RAINSTORMS, TO CHECK FOR RILL EROSION. IF LESS THAN 90% OF THE SOIL SURFACE IS COVERED BY MULCH, ADDITIONAL MULCH SHALL BE IMMEDIATELY APPLIED. NETS MUST BE INSPECTED AFTER RAIN EVENTS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, RE–INSTALL THE NETS AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE. REPAIR AS NEEDED.

5.4 DUST CONTROL

WHEN TEMPORARY DUST CONTROL MEASURES ARE USED, REPETITIVE TREATMENT SHALL BE APPLIED AS NEEDED TO ACCOMPLISH CONTROL.

5.5 STORMWATER APPURTENANCES

ALL UNDERDRAINS, STORM DRAINS, AND CATCH BASINS NEED TO BE OPERATING EFFECTIVELY AND FREE OF DEBRIS.

5.6 EROSION AND SEDIMENTATION CONTROL INSPECTIONS:

ACORN ENGINEERING HAS PERSONNEL QUALIFIED TO CONDUCT EROSION AND SEDIMENTATION CONTROL INSPECTIONS. FOR FURTHER INFORMATION CONTACT:

CONTACT: WILL SAVAGE, PE
TELEPHONE: (207) 775–2655

QUALIFICATIONS:

- MAINE PROFESSIONAL ENGINEERING LICENSE #11419
- MAINE DEP – CERTIFIED IN MAINTENANCE & INSPECTION OF STORMWATER BMP'S CERT #14
- CERTIFIED EROSION, SEDIMENT AND STORM WATER INSPECTOR (CESSWI) CERT #0293
- CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) CERT. #4620

THE CONTRACTOR HAS SOLE RESPONSIBILITY FOR COMPLYING WITH THE EROSION AND SEDIMENTATION REPORT/PLAN, INCLUDING CONTROL OF FUGITIVE DUST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MONETARY PENALTIES RESULTING FROM FAILURE TO COMPLY WITH THESE STANDARDS.

6.0 IMPLEMENTATION SCHEDULE

THE FOLLOWING IMPLEMENTATION SEQUENCE IS INTENDED TO MAXIMIZE THE EFFECTIVENESS OF THE ABOVE DESCRIBED EROSION CONTROL MEASURES. CONTRACTORS SHOULD AVOID OVEREXPOSING DISTURBED AREAS AND LIMIT THE AMOUNT OF STABILIZATION AREA.

1. INSTALL A STABILIZED CONSTRUCTION ENTRANCE IN ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER AND EXIT THE SITE.
2. INSTALL PERIMETER SILT FENCE OR EROSION CONTROL BERM.
3. INSTALL ALL OTHER EROSION CONTROL DEVICES AS NECESSARY THROUGHOUT THE REMAINDER OF THIS SCHEDULE.
4. COMMENCE INSTALLATION OF DRAINAGE INFRASTRUCTURE.
5. PRIORITIZE THE DOWNHILL SIDE TO CONTAIN RUNOFF WITHIN THE SITE WHILE PROVIDING AN ENGINEERED OUTLET WITH SILTATION BARRIER TO THE MUNICIPAL STORMWATER SYSTEM WITHIN ATLANTIC STREET AND GILBERT LANE.
6. COMMENCE EARTHWORK OPERATIONS, WALL AND FOUNDATION INSTALLATION.
7. COMMENCE INSTALLATION OF UTILITIES.
8. CONTINUE EARTHWORK AND GRADING TO SUBGRADE AS NECESSARY FOR CONSTRUCTION.
9. COMPLETE INSTALLATION OF DRAINAGE INFRASTRUCTURE, AS WELL AS OTHER UTILITY WORK.
10. COMPLETE REMAINING EARTHWORK OPERATIONS.
11. INSTALL SUB–BASE AND BASE GRAVELS IN PAVED AREAS.
12. INSTALL PAVING, CURBING AND BRICKWORK.
13. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS AND COMPLETE ALL LANDSCAPING.
14. ONCE THE SITE IS STABILIZED, 90% CATCH OF GRASS HAS BEEN OBTAINED, OR MULCHING OF LANDSCAPE AREAS IS COMPLETE REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
15. TOUCH UP AREAS WITHOUT A VIGOROUS CATCH OF GRASS WITH LOAM AND SEED.
16. COMPLETE SITE SIGNAGE AND STRIPING.
17. EXECUTE PROPER MAINTENANCE OF ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.

THE ABOVE IMPLEMENTATION SEQUENCE SHOULD BE GENERALLY FOLLOWED BY THE SITE CONTRACTOR. HOWEVER, THE CONTRACTOR MAY CONSTRUCT SEVERAL ITEMS SIMULTANEOUSLY. THE CONTRACTOR SHALL SUBMIT TO THE OWNER A SCHEDULE OF THE COMPLETION OF THE WORK. IF THE CONTRACTOR IS TO COMMENCE THE CONSTRUCTION OF MORE THAN ONE ITEM ABOVE, THEY SHALL LIMIT THE AMOUNT OF EXPOSED AREAS TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDERTAKEN DURING THE FOLLOWING 30 DAYS.

THE CONTRACTOR SHALL RE–VEGETATE DISTURBED AREAS AS RAPIDLY AS POSSIBLE. ALL AREAS SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR BEFORE A STORM EVENT. THE CONTRACTOR SHALL INCORPORATE PLANNED INLETS AND DRAINAGE SYSTEMS AS EARLY AS POSSIBLE INTO THE CONSTRUCTION PHASE.

7.0 SEEDING PLAN

7.1 SITE PREPARATION

THE SEEDED AREAS SHALL BE FEASIBLY GRADED OUT TO PROVIDE THE USE OF EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION, AND MULCH ANCHORING. IF NECESSARY, THE SITE MAY REQUIRE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES OUTLINED IN THE EROSION CONTROL REPORT.

7.2 SEEDBED PREPARATION

FERTILIZER SHALL BE APPLIED TO THE SITE AT A RATE OF 13.8 POUNDS PER 1,000 SQUARE FEET. THE COMPOSITION OF THE FERTILIZER SHALL BE 10–10–10 (N–P205–K20) OR EQUIVALENT.

LIMESTONE SHALL BE APPLIED TO THE SITE AT A RATE OF 138 POUNDS PER 1,000 SQUARE FEET.

7.3 SEEDING

THE COMPOSITION AND AMOUNT OF TEMPORARY SEED APPLIED TO A SITE SHALL BE DETERMINED BY THE FOLLOWING TABLE:

TEMPORARY SEED APPLICATION RATES

SEED	LBS / ACRE	RECOMMENDED SEEDING DATES
WINTER RYE	2.57	8/15 TO 10/1
OATS	1.84	4/1 TO 7/1 8/15 TO 9/15
ANNUAL RYGRASS	0.92	4/1 TO 7/1
SUDANGRASS	0.92	5/15 TO 8/15
PERENNIAL	0.92	8/15 TO 9/15
TOTAL	7.17 LBS/ACRE	

PERMANENT SEED APPLICATION RATES

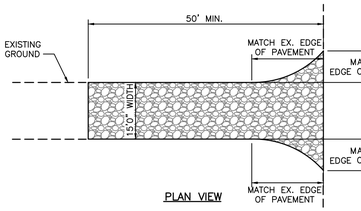
SEED	LBS / ACRE
KENTUCKY BLUEGRASS	20.00
CREEPING RED FESCUE	20.00
PERENNIAL RYEGRASS	4.80
TOTAL	44.8 LBS/ACRE

7.4 MULCHING

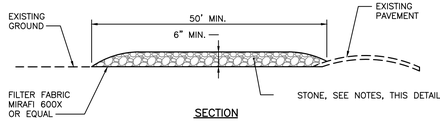
MULCH SHALL BE HARDWOOD AND APPLIED AT A RATE OF 70 LBS – 90 LBS PER 1,000 SQUARE FEET. THE MULCH SHALL BE INSTALLED AT A MINIMUM DEPTH OF 4 INCHES. THE SEEDED AREA SHALL BE MULCHED IMMEDIATELY AFTER SEED IS APPLIED. MULCHING DURING THE WINTER SEASON SHALL BE DOUBLE THE NORMAL AMOUNT. REFER TO DETAIL FOR MORE INFORMATION.

8.0 CONCLUSION

THE ABOVE EROSION CONTROL NARRATIVE IS INTENDED TO MINIMIZE THE DEVELOPMENT IMPACT BY IMPLEMENTING TEMPORARY AND PERMANENT EROSION CONTROL MEASURES. THE CONTRACTOR SHALL ALSO REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.



PLAN VIEW



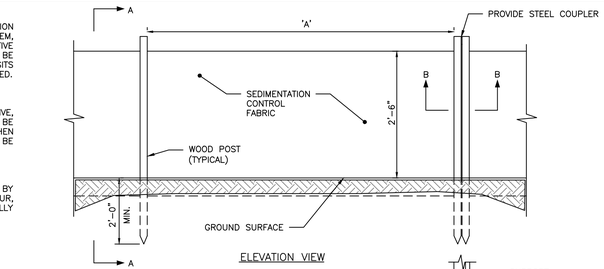
SECTION

NOTES:

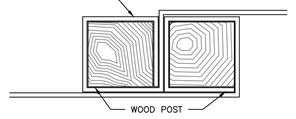
1. CONTRACTOR SHALL ADD STONE TO ENTRANCE AS MUD/SILT MATERIAL ACCUMULATES
2. STONE SHALL BE 2"–3" COARSE AGGREGATE
3. CONSTRUCTION ENTRANCE SHALL BE GRADED TO NOT ALLOW ANY STORMWATER TO BE CONVEYED OFF SITE. IN SITUATIONS WHERE THIS IS NOT POSSIBLE, ANY STORMWATER CONVEYED OFFSITE SHALL BE TREATED OR RETAINED IN A MANNER APPROVED BY ENGINEER.
4. WHEN NECESSARY, ON–SITE VEHICLES SHALL HAVE THEIR WHEELS CLEANED PRIOR TO LEAVING SITE.
5. CONSTRUCTION ENTRANCE SHALL BE GRADED IN A MANNER THAT PREVENTS TRACKING OF SEDIMENTS ONTO PUBLIC RIGHT–OF–WAY

STABILIZED CONSTRUCTION ENTRANCE

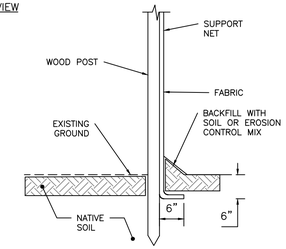
NOT TO SCALE



ELEVATION VIEW



SECTION B–B



SECTION A–A

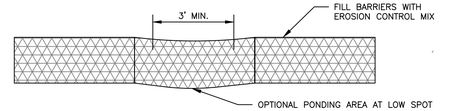
SILT FENCE REINFORCEMENT	MAX. SPACING "A"
NONE	6'
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10'

SILTATION FENCE DETAIL

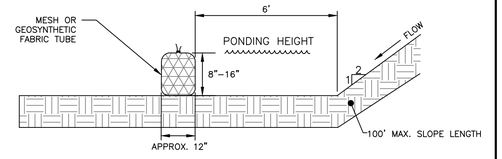
NOT TO SCALE

NOTES:

1. FULL CONTACT WITH THE GROUND IS CRITICAL TO PREVENT SHORT CIRCUITING UNDER THE TUBE – THE GROUND SURFACE SHOULD BE SMOOTH AND LEVEL. IN WOODED AREAS, PROTRUDING ROOTS AND DEBRIS MAY NEED TO BE REMOVED. IN GRASSED AREAS, THE GRASS NEEDS TO BE EITHER MOWED OR COMPRESSED DOWN.
2. STAKING MAY BE NECESSARY ON STEEP SLOPES.
3. UPON FINAL STABILIZATION, THE TUBE CAN BE CUT OPEN AND THE MATERIAL SPREAD OUT ONTO THE GROUND. THE MESH MATERIAL SHOULD BE REMOVE.
4. LOOSE COMPOST MAY BE BACKFILLED ALONG THE UPSLOPE SIDE OF THE COMPOST FILTER SOCK, FILLING THE SEAM BETWEEN THE SOIL SURFACE AND THE DEVICE, IMPROVING FILTRATION AND SEDIMENT RETENTION.



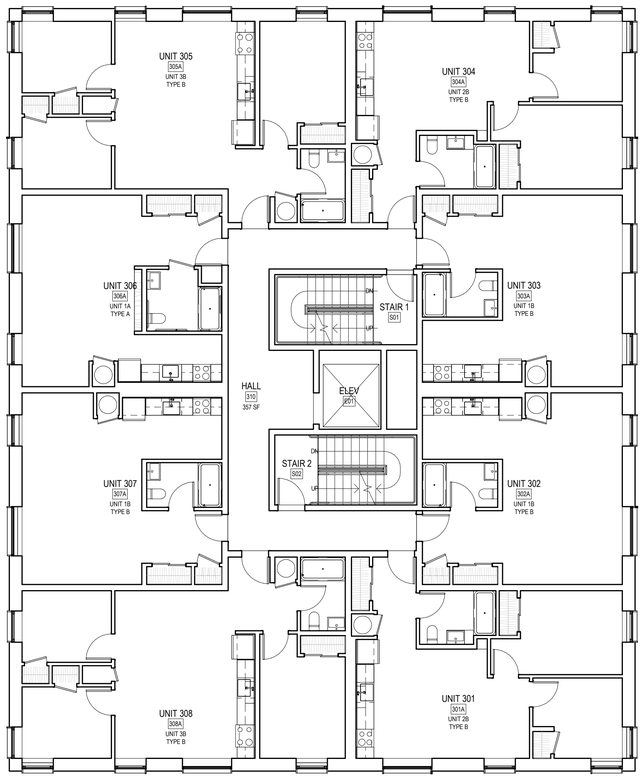
FRONT VIEW



SIDE VIEW

FILTER SOCK DETAIL

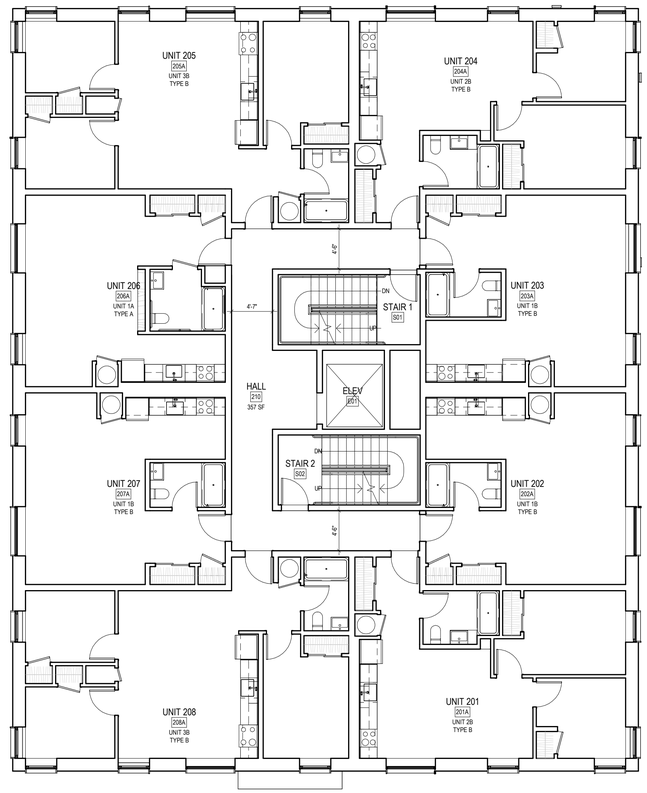
NOT TO SCALE



FLOOR AREA: 5,973 SF

4 STUDIOS
2 2-BEDS
2 3-BEDS

2 LEVEL 3 PLAN
1/8" = 1'-0"



FLOOR AREA: 5,973 SF

4 STUDIOS
2 2-BEDS
2 3-BEDS

1 LEVEL 2 PLAN
1/8" = 1'-0"

NOT FOR CONSTRUCTION

Primary Projects

ARCHITECT
PRIMARY PROJECTS, PLLC
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-
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617 440 4674

42 ATLANTIC STREET HOUSING

PROJECT #
2309

PROJECT ADDRESS
42 ATLANTIC ST
PORTLAND, ME 04101
PARCEL ID: 016 F001001

OWNER
LB ATLANTIC LLC
P.O. BOX 10452
PORTLAND, ME 04104

CIVIL ENGINEER
ACORN ENGINEERING, INC.
PO BOX 3372
PORTLAND, ME 04104

STRUCTURAL ENGINEER
BASE DESIGN GROUP, INC.
117 AUBURN STREET, 2ND FLOOR
PORTLAND, ME 04103

MEP-FP ENGINEER
BLW ENGINEERS, INC
311 GREAT ROAD, PO BOX 1551
LITTLETON, MA 01460

DATE **ISSUANCE**

THE CONTRACTOR IS RESPONSIBLE FOR MATERIALS, DETAILS & ACCURACY, FOR ALL QUANTITIES & DIMENSIONS, FOR SELECTING FABRICATION PROCESSES, FOR TECHNIQUES OF ASSEMBLY, FOR PERFORMING WORK IN A SAFE MANNER, AND FOR COORDINATING WORK WITH THAT OF ALL TRADES.

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FINISH INDEX

SEE A-600 FOR FULL DETAIL

KEY	DESCRIPTION
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CON-02	Concrete
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PF-01	Parged Finish
PT-01	Paint, Satin Finish
WS-01	Painted Pine Clapboard (1x6)
WS-02	Treated Pine Clapboard (1x6)
WS-03	Treated Pine Shiplap (1x8)

DRAWING SYMBOLS LEGEND

- **Elevation Callout** — Sheet # in center, Drawing # in triangle
- **Section Callout** — Drawing #, Sheet #
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- **2x6 Stud Wall** — See schedule for specs
- **8" CMU Wall** — See schedule for specs

PLAN NOTES
1. ALL DIMENSIONS ARE TO FACE OF FINISH

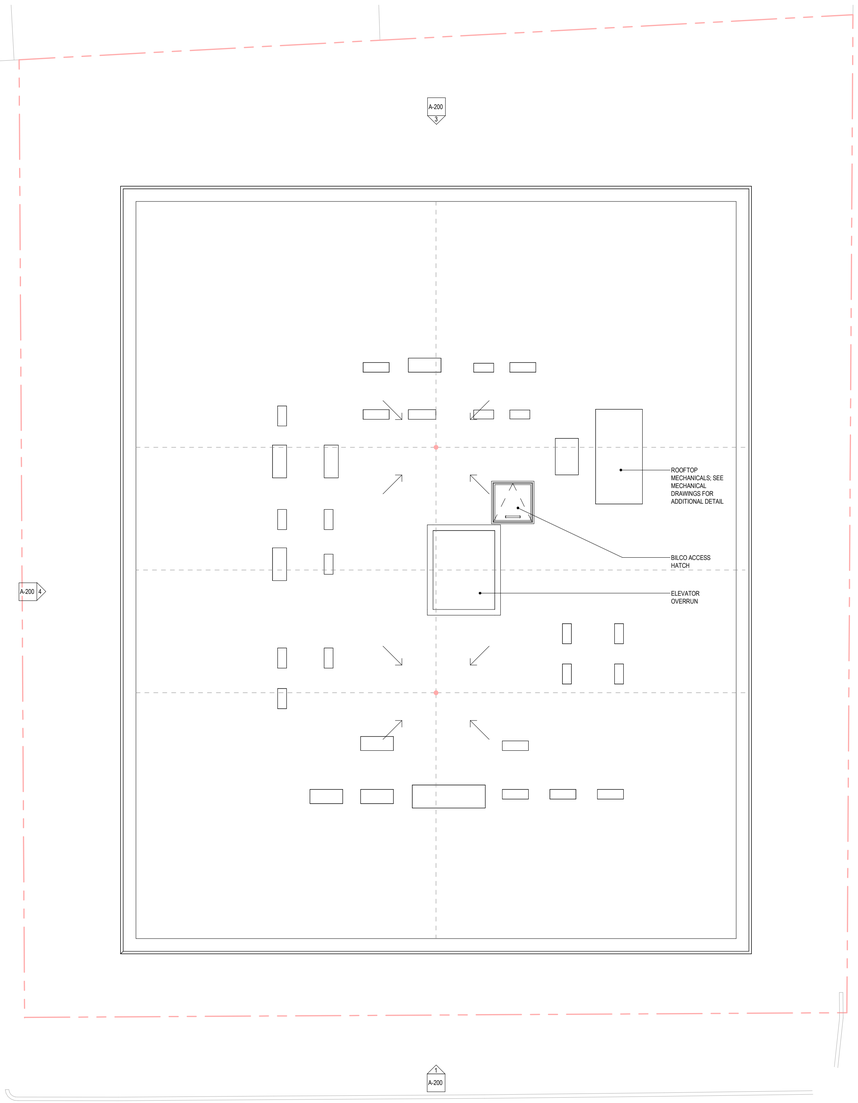
SCALE As indicated

DATE 06/03/24

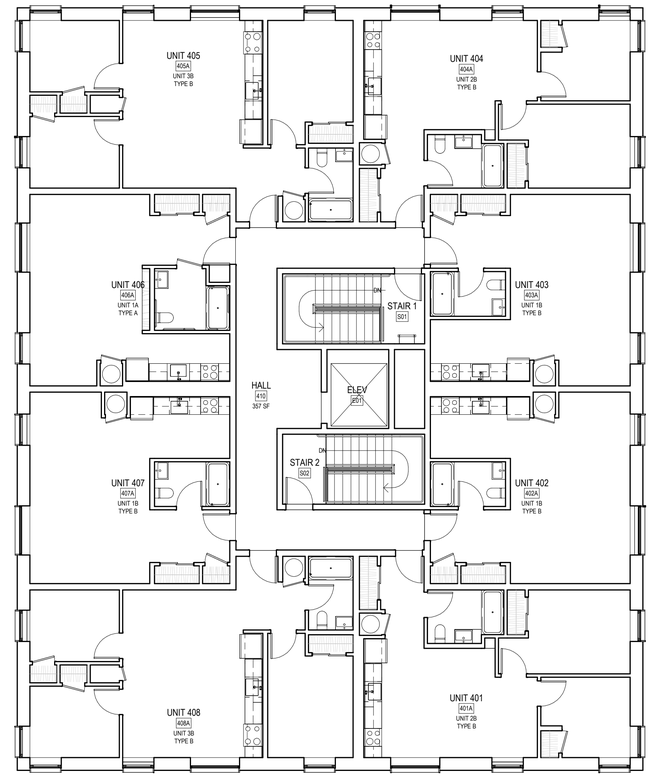
SHEET TITLE
SECOND & THIRD FLOOR PLANS

SHEET #
A-103

Plotted On: 6/3/2024 11:26:19 PM



2 ROOF PLAN
1/8" = 1'-0"



FLOOR AREA: 5,973 SF

4 STUDIOS
2 2-BEDS
2 3-BEDS

1 LEVEL 4 PLAN
1/8" = 1'-0"

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PLAN NOTES
1. ALL DIMENSIONS ARE TO FACE OF FINISH

SCALE	DATE
As indicated	06/03/24

SHEET TITLE
FOURTH FLOOR & ROOF PLANS

SHEET #
A-104

Plotted On: 6/3/2024 11:26:20 PM



4 ELEVATION - SOUTH
1/8" = 1'-0"



3 ELEVATION - WEST
1/8" = 1'-0"



2 ELEVATION - NORTH
1/8" = 1'-0"



1 ELEVATION - EAST
1/8" = 1'-0"

NOT FOR CONSTRUCTION

Primary Projects

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42 ATLANTIC STREET HOUSING

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- 8" CMU Wall — See schedule for specs

BUILDING ELEVATIONS NOTES
1. WINDOW & DOOR DIMENSIONS ARE TO OUTSIDE OF UNIT (NOT TO RO)

SCALE	DATE
As indicated	06/03/24

SHEET TITLE
BUILDING ELEVATIONS

SHEET #
A-200

Posted On: 6/3/2024 12:34:47 PM



7 VIEW - LOOKING UP ON GILBERT



6 VIEW - UP ATLANTIC



5 VIEW - DOWN ATLANTIC



4 VIEW - AXON



3 VIEW - FROM GILBERT TO ATLANTIC



2 VIEW - AT MAIN ENTRY



1 VIEW - EAST ELEVATION

NOT FOR CONSTRUCTION

Primary Projects

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-
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42 ATLANTIC STREET HOUSING

PROJECT #
2309

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3D-IMAGES NOTES
1. THESE ARE ABSTRACT RENDERINGS WITHOUT MATERIALS, LANDSCAPE, OR TOPOGRAPHY
2. THEY ARE EXPRESSIVE OF INTENT; THEY SHOULD NOT BE USED FOR DIMENSIONS / DETAILS

SCALE
As indicated

DATE
06/03/24

SHEET TITLE
3D VIEWS

SHEET #
A-900

Plotted On: 6/3/2024 12:39:42 PM

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

July 30, 2024

Dan Black
LB Development Partners
Inc. PO Box 10452
Portland, Maine 04104

Sam Lebel, P.E
Acorn Engineering,
PO Box 3372
Portland, Maine 04104

Project Name: 42 Atlantic Street
Address: 42 Atlantic Street
Applicant: LB Atlantic, LLC
Planner: Ameriz Gamez

Project ID:PL-002880-2024
CBL: 016 F001001

Dear Sam Lebel and Dan Black:

On July 30, 2024 the Planning Board approved a major site plan application for the redevelopment of the property at 42 Atlantic Street in the Munjoy Hill Neighborhood. This project would involve the demolition of an existing single-story building, formerly a community American Legion, and the construction of a four-story multi-family building with 30 affordable dwelling units. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6. based on the information provided to the Board in the application, plans, reports. Through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (X-X) to approve the application with the following conditions as presented below.

Site Plan Review

Based upon the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in Section IX of the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. The Planning Board voted (X-X) to find that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The applicant shall provide utility capacity verification letters from Central Maine Power and Portland Water District.
2. The applicant shall provide a draft stormwater maintenance agreement for review and approval by the Department of Public Works and Corporation Counsel. Once the agreement is found to be acceptable, the applicant shall record this agreement at the Cumberland County Registry of Deed.
3. The applicant shall enter into a license agreement with the City to perform any site work related to the proposed extension of utilities beneath Gilbert's Lane between the project site and St. Lawrence Street.
4. The applicant shall coordinate with the Department of Public Works, Corporation Counsel, and Utility Providers to execute a utility easement within Gilbert's Lane, in order to permit the extension of utilities beneath public property. The draft easement shall be reviewed and accepted by Corporation Counsel and the Department of Public Works.
5. The applicant shall either provide an updated parking study which demonstrates, to the satisfaction of the City's Traffic Engineer, that no off-street parking is required for the proposed development in accordance with the affordable housing parking exception in Table 19-B; or, the applicant shall provide a transportation demand management (TDM) plan that is found to be satisfactory by the Planning Authority, in order to take advantage of the transit-proximate parking exemption listed in Table 19-B. In the event that a parking study is provided, and found not to support a parking count of zero, and no TDM plan is provided, the applicant shall be required to adjust their site plan to provide off-street parking in accordance with the findings of their parking study.
6. The Planning Board shall render a decision on the appeal of the Historic Preservation Board's Decision to grant a Certificate of Appropriateness on application HPBR-00281-2024. In the event that the appeal is successful, no demolition or building permit shall be issued until the applicant has received a new Certificate of Appropriateness.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

7. The applicant shall contribute $10,800, or $400 per required street tree, to the City's Tree Fund, based upon a requirement for 27 additional street trees beyond what is currently proposed for this development.

The approval is based on the submitted plans and findings related to site plan review, as contained in the Planning Board report dated July 30, 2024 for application #PL 0028802024 which is attached.

Standard Procedures
Note: The following standard procedures and requirements apply to all approved site plans:

1. Subdivision Recording Plat A final recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board. A performance guarantee must be issued prior to release of the recording plat for recording at the Cumberland County Registry of Deeds. One mylar copy of the recording plat with signatures and the recorded book and page must be returned to the Planning and Urban Development Department.

2. Subdivision Waivers Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within two (2) years of the final subdivision approval.

3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. Subdivision Expiration Subdivision approval is valid for up to three (3) years from the date of Planning Board approval.

5. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

6. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution.

The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

9. Department of Public Works Permits If work or obstructions will occur within the public 389 right of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

10. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

11. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

    A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

12. Third Party Inspections For all sites with one acre or greater of disturbance, the applicant shall retain the services of a third-party inspector for the duration of construction until final site stabilization is in place. The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.

    The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events. The report will identify and describe any erosion problems or discharge of pollutants and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.

13. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

14. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater. Please provide one hard copy of the mylar.

15. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

16. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit
    https://www.portlandmaine.gov/2409/Impact-Fees

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at (207)874-8901 or DRC@portlandmaine.gov.

All site plan requirements must be completed and approved by the Development

Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Ameriz Gamez at (207) 874-8632 or via Agamez@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:
1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Planning Board Report
Planning & Urban Development Department

1060 Westbrook Street
Major Site Plan Application
PL-002815-2024
CU-002028
Giri Hotel Management, Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Eric Freeman
Public Hearing Date:	July 30, 2024	**Date:**	July 23, 2024

INTRODUCTION

Giri Hotel Management has submitted a Major Site Plan application to construct a three-story, 119-room Hyatt Studios hotel with 89 parking spaces and associated site improvements located at 1060 Westbrook Street in the Airport Business (A-B) zone. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code Site Plan Standards, Section 14.6.

The Planning and Urban Development Department mailed 68 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the July 20, 2024 edition of the Portland Press Herald.

The Planning Board held a workshop for this application on April 23, 2024. Discussion centered around site landscaping and buffers, visual impacts to abutting properties and parking management. Public comment centered around landscaping, visual buffers, noise and light impacts. The Board requested that the applicant provide additional landscaping and consider a reduction in on-site parking.

Applicant: Giri Hotel Management
Applicant Representatives: Acorn Engineering, Mussachio Architects

Figure 1: Front elevation of the proposed building



REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	Section 14.6

PROJECT DATA

Existing Zoning	A-B Airport Business
Property Size	175,560 SF

Existing Use	Undeveloped.
Proposed Development Program	Three-story, 119-room Hyatt Studios Hotel with 89 surface parking spaces.

EXISTING CONDITIONS AND SURROUNDING AREA

The existing site is located at the intersection of Westbrook Street and Jetport Boulevard across from the existing Embassy Suites hotel and rental car return facilities. The site is currently undeveloped and consists of grassed open space and tree cover. There is a drainage and detention easement at the northeast corner of the property which will not be significantly impacted by the proposed building and site improvements.



Figure 2: The existing site

PROPOSED DEVELOPMENT

The proposed development involves the construction of a three-story, 119-room hotel with 89 surface parking spaces. The ground floor of the hotel includes a lobby and reception area alongside laundry and back-of-house services. Each room would feature kitchen amenities for extended stays.

On-site parking includes 89-spaces intended for short and long-term parking for guests and employees. Parking areas would feature landscaping and pole-mounted lighting fixtures. This proposal also involves reconfiguring the intersection of Westbrook Street and Jetport Boulevard into a four-way stop. This

change would allow the proposed driveway to the hotel to directly connect at the intersection of Westbrook St. and Jetport Blvd. As part of the reconfiguration of the intersection, pedestrian crosswalks would be installed
Elevation changes on the western side of the site would be accounted for by a retaining wall which would wrap around the western and northern edges of the proposed hotel.

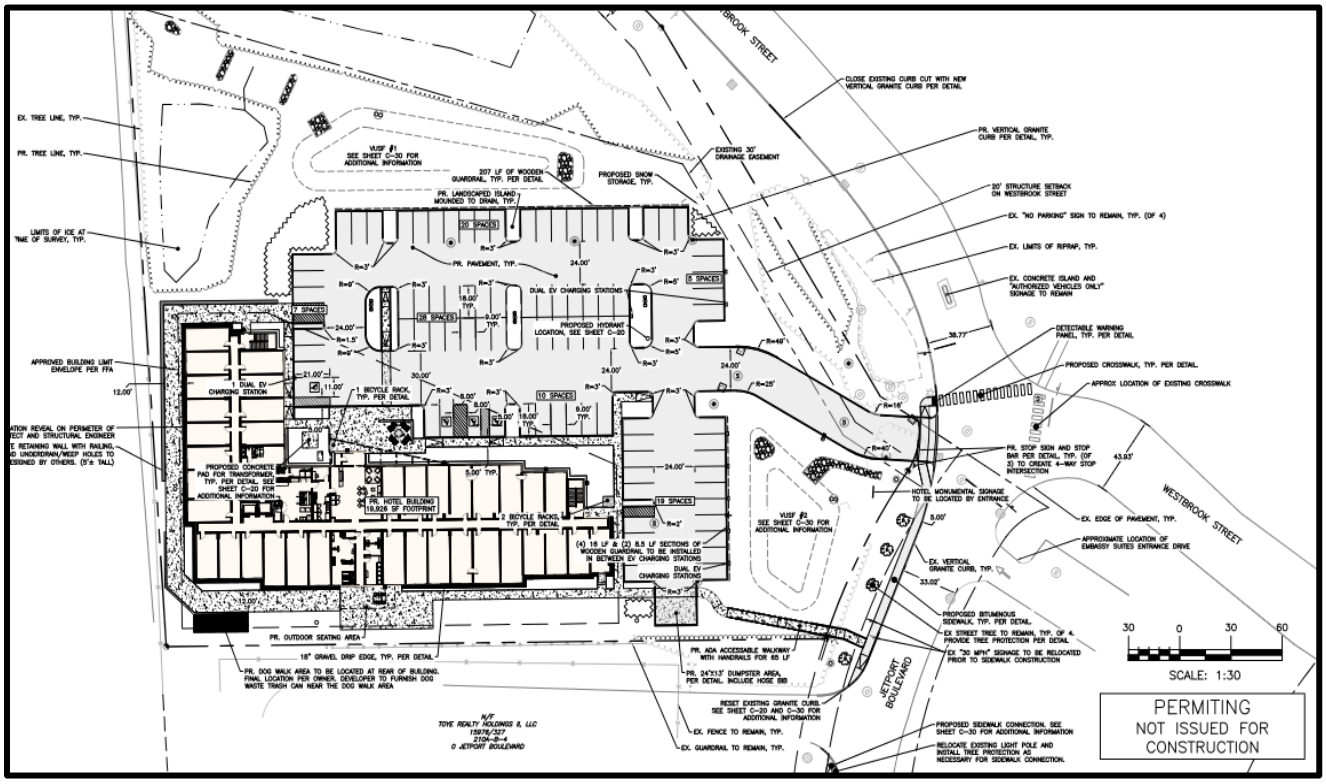


Figure 3: Site Plan

RIGHT, TITLE, & INTEREST

The applicant has demonstrated sufficient right, title and interest to the parcel involved in this application. The applicant has also provided right, title and interest documentation related to the drainage and detention easement located on the northeast corner of the parcel.

Full Right, Title and Interest documentation is included as Attachment D

FINANCIAL & TECHNICAL CAPACITY

The project will be developed and financed by Giri Hotel Management LLC. The applicant has provided a statement of financial capacity from Kennebunk Savings Bank. (Attachment G).

Acorn Engineering and Mussachio Architects have demonstrated capacity and experience working on commercial projects of a similar scale.
(Attachment H)

ZONING ANALYSIS

The subject properties lie within the Airport Business (A-B) The proposed use is allowed by right within the A-B zone. Relevant sections of the R-P purpose statements include:

- A-B: *To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.*

	Required	Proposed
Lot Size	20,000 SF	175,560 SF
Maximum Height (ft)	45 ft.	44' -10"
Minimum Street Frontage (%)	50 ft.	813 ft.
Maximum Impervious Area	70%	38.7%
Maximum Height	45 ft.	37.7 ft.
Rear Setback	None	12 ft.
Side Setback	None	26 ft.
Off-street parking spaces	30	89

CONDITIONAL USE – INCLUSIONARY ZONING (Section 6.4)

As outlined in Section 18.2.5 of the City of Portland's Land Use Code, this application is subject to Inclusionary Zoning Standards.

The Applicant intends to pay a fee-in-lieu into the City's Jill C. Duson Housing Trust Fund for the 119 guest rooms. The Inclusionary Zoning Fee-in-Lieu for 2024 is $4,692 per guest room for a total fee of $558,348

CONDITIONAL USE STANDARDS (Section 6.4)

A. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.*

The applicant has demonstrated that the proposed development will not create significant impact on surrounding streets and has reduced the amount of overall parking to accommodate additional landscaping.

Staff finding: Met.

B. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

This application is a permitted use within the A-B zone and has demonstrated compliance with all relevant Site Plan standards.

Staff finding: Met

C. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
This application meets all relevant dimensional standards within the A-B zone. This application has also demonstrated that there will be no significant impact on surrounding properties or streets associated with day-to-day operations of the proposed hotel.

Staff finding: Met

D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6- A to 6-F and Subsections 6.5.6 and 6.5.7.
There are no supplemental standards applicable to this application.

SITE PLAN STANDARDS (Section 14.6)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's Site Plan Ordinance, Section 14.6. Staff comments are below.

1. Transportation Standards (Section 14.6.1
   A. Impact on surrounding street systems
   This application involves reconfiguring the intersection of Westbrook St. and Jetport Blvd into a four-way stop to allow the proposed hotel driveway to directly connect to the new intersection. This project is not anticipated to generate more than 100 vehicle trips during peak hours and therefore a Traffic Movement Permit is not required. The applicant has provided a Traffic Impact Study demonstrating that the proposed hotel and associated traffic pattern changes would not significantly burden surrounding streets. The full Traffic Impact Study is included as Attachment T.

   Staff finding: Met

   B. Access and circulation
   Access to the site is provided via a 24-foot driveway connecting to the intersection of Westbrook St. and Jetport Blvd. Internal circulation within the parking area is provided by 24-foot drive aisles. The applicant proposes to install a new pedestrian connection from the building to the existing sidewalk on Westbrook Street. A new crosswalk will be installed at the new four-way stop allowing pedestrians to cross Westbrook Street. This new sidewalk will allow pedestrian connectivity between the hotel and the Jetport terminal. New bituminous sidewalk will also be installed between the hotel driveway and the entrance to the rental car return facility, creating a direct connection to the existing sidewalk on Jetport Blvd. An ADA-compliant walkway will connect the hotel building to the Westbrook Street sidewalk.

   Staff finding: Met

C. Public transit access
This standard is not applicable to this application.

D. Parking
This application proposes 89 surface parking spaces, which is 59 spaces above what is required per Table 19A of the Land Use Code. The surplus of proposed parking is intended to accommodate both short-term parking by hotel guests and employees as well as "Park and Fly" patrons. The applicant proposes six bicycle parking spaces and 21 level-two EV charging stations.
The applicant has provided a parking study for the proposed development (Attachment S)

Staff finding: Met

E. Transportation demand management (TDM)
A TDM plan prepared by VHB has been included with this application. Planned TDM strategies include:
- A free hotel shuttle to the Jetport terminal
- Bicycle parking for staff
- On-site showers and lockers for staff who bike to work
- Improved pedestrian access to the site
- Proximity to an existing stop on METRO Route 7

The applicant will be responsible for monitoring and reporting the effectiveness of implemented TDM strategies by May 15th of each year.

Staff finding: Met

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of significant natural features
The current site is undeveloped and consists of a cleared area covered by grass and low shrubs and several on-site trees located primarily at the front and sides of the parcel. At the April 23 Workshop, the Board had requested that the applicant provide a tree inventory of the existing site. The full tree inventory is included as attachments 23 and 30.

B. Landscape preservation
A total of 30% of the trees 10 DBH or greater will be preserved within the scope of work. A significant portion of the subject parcel will remain undisturbed and vegetated.
This application proposes to preserve four street trees on the project's frontage. Two existing street trees are proposed to be removed, due to utility conflicts. The remaining frontage that is proposed to remain undisturbed to the east of the lot is currently sloped and provides a buffer from the existing telephone wires along the project frontage.

C. Site landscaping and buffers

This application proposes 24 trees and approximately 59 shrubs to be located throughout the site. Planting islands with trees and shrubs are proposed within the parking lot area, as well as immediately adjacent to the parking lot edges. A total of 27 trees and 27 shrubs will be planted within the parking area.
At the April 23 workshop for this application, there was concern raised by neighbors regarding landscaping buffers. There are no side or rear setbacks within the Airport Business zone and thus this application not required to provide any additional landscaped buffer.

The project does not satisfy the street tree requirement. 23 total street trees are required as outlined in Technical Manual Section 4.6. Four existing street trees are to be preserved, while no additional street trees plantings are proposed in order to maintain an existing drainage easement. The applicant will make a monetary contribution to the tree fund based on the deficit of 19 trees required. This contribution will equate to $7,600

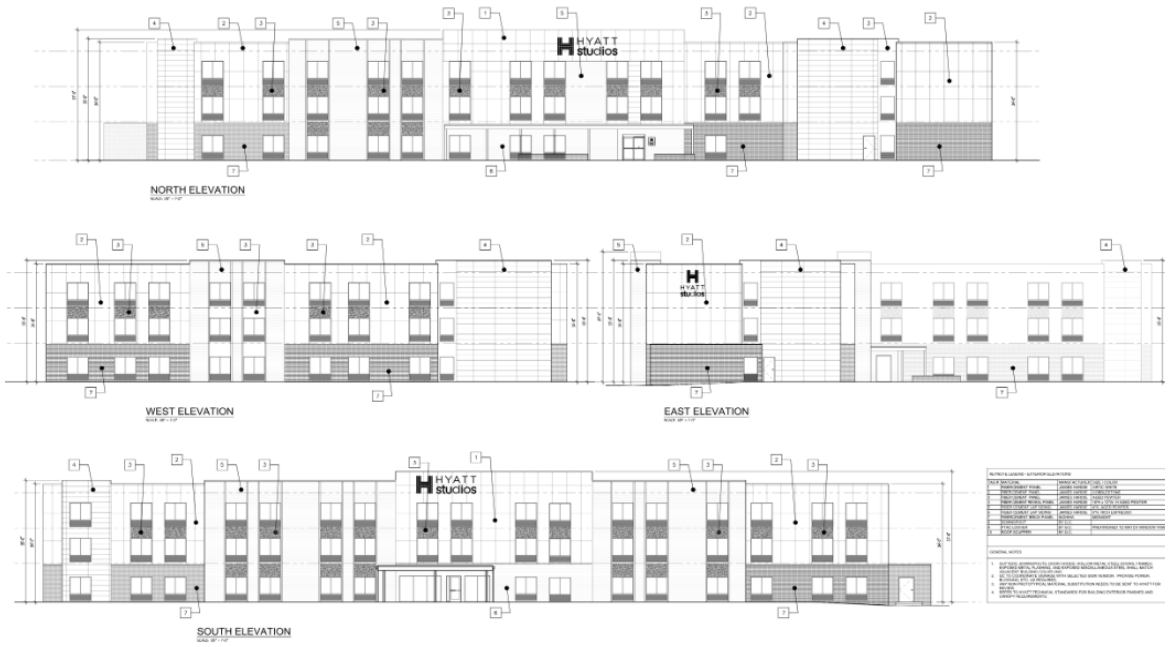


Figure 4: Elevations

D. Water quality/storm water management/erosion control
The project is required to provide for stormwater management in accordance with Maine DEP Chapter 500 and City of Portland Technical Manual Section 5 standards for stormwater management. The Applicant has submitted a stormwater management report and a grading and drainage plan to indicate erosion and sedimentation control measures and stormwater treatment for the proposed development. This project is classified as a redevelopment project under the existing General Standards and as such the applicant is required to treat 95% of new impervious area and 80% of all developed area where greater than 5,000 sf of non-roof impervious area is being redeveloped.
A proposed stormwater drainage system will collect water on site through a new storm drain network that outlets into two (2) vegetated under drained soil filters before being discharged into the existing municipal storm drain network within Westbrook Street. Runoff from the site will be

captured within the vegetated soil filters and be released over a period of 24 to 48 hours. The applicant has submitted a full stormwater management plan demonstrating compliance with Section 5 of the Technical manual and Maine DEP chapter 500 standards.

Staff finding: Met

3. Public Infrastructure and Community Safety Standards (Section 14.6.3)

A. Consistency with City Master Plans

There are no long-range plans that apply to this project.

B. Public safety and fire prevention

A life safety plan and fire suppression plan was included as part of this application. Access to the site has been designed to allow emergency vehicle access to circulate through the parking lot.

Staff finding: Met.

C. Availability and capacity of public utilities

This application involves new underground electrical utilities meeting an existing pole on Westbrook St. The site will connect to the existing Westbrook St. sewer via a new 8" main. The applicant has provided ability to serve letters from Central Maine Power and the Portland Water District.

There is an existing private storm drainage easement running along the site's easterly property line. The applicant is aware of this easement and no significant disturbance to this area is anticipated during construction.

Staff finding: Met

4. Site Design Standards (Section 14.6.4)

A. Massing, ventilation, and wind impact

The proposed building is 37.7 ft. in height which is below the maximum allowable height of 45 ft. Given the building's size and location there are no anticipated impacts with respect to building massing, ventilation, or wind, associated with this application.

Staff finding: Met.

B. Shadows

No adverse shadow impacts are anticipated with this application, and the building as designed is not subject to the City's shadow standards, based upon the height of the building, which is less than 45 feet.

Staff finding: Met

C. Snow and ice loading

The proposed building is not in a location where falling snow or ice could fall onto abutting properties or rights-of-way. The applicant has detailed snow storage locations on included plans.

Staff finding: Met

D. View corridors
This standard is not applicable to this application.

E. Historic resources
This application does not lie within a historic district and is not subject to any Historic Preservation reviews.

F. Exterior lighting
The proposed development includes full cutoff / dark sky compliant light fixtures to minimize light spillover. The majority of site lighting will be within the parking lot and along internal walkways. The building entrance will be highlighted with illuminated brand signage on the building. A full photometric plan was included. Proposed lighting fixtures outlined in the photometric plan meet the standards outlined in Section 12 of the Technical Manual.
Due to the site's location, no significant light impact is anticipated for adjacent properties.

Staff finding: Met

G. Noise and vibration
HVAC, air handling units, and other necessary equipment will be installed on the building rooftop. Modular water boilers will be located in the mechanical penthouse. Given the location of the building, the placement of HVAC, generators and other equipment is not anticipated to interfere with abutting residential properties.

Staff finding: Met

H. Signage and wayfinding
Proposed signage includes brand-specific entry signs in proximity to the main driveway. Additional brand signage will be installed on the building.

Staff finding: Met

I. Zoning-related design standards
There are no design standards applicable to the Airport Business zone.

NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant held a neighborhood meeting on April 4, 2024 at 5:30 Pm. The in-person meeting was held at the Hilton Garden Inn located at 145 Jetport Blvd. Seven (7) members of the public were in attendance. A full sign-in sheet and meeting minutes are included as attachment U

STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning & Urban Development Department staff recommends that the Planning Board find that the proposed 119-room hotel building with associated parking and site improvements at 1060 Westbrook Street (PL-002815-2024) meets the applicable standards of Portland's Land Use Code.

PROPOSED MOTIONS

A. CONDITIONAL USE – INCLUSIONARY ZONING

On the basis of the application, documents, and other information submitted by the Applicant, findings and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024 for application CU-002828 relevant to Portland's Inclusionary Zoning Conditional Use Standards and other regulations, and the testimony presented at the Planning Board public hearing, the Planning Board, **[finds/does not find]** the proposed conditional use for hotel projects meets the standards of Land Use Code Article 18.2.5 with the following conditions:

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. The Applicant shall pay an agreed upon fee-in-lieu into the City's Jill C. Duson Housing Trust Fund for the 119 guest rooms. The Inclusionary Zoning Fee-in-Lieu for 2024 is $4,692 per guest room for a total fee of $558,348

B. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024 for application # PL-002815-2024 at 1060 Westbrook Street relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide turning templates and Signage plans for proposed intersection changes.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. The applicant shall provide a draft stormwater maintenance agreement for review and acceptance by Corporation Counsel and the Department of Public Works.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The applicant shall contribute $7,600 to the City's Tree Fund, in lieu of planting 19 of the 23 required street trees.

C. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on July 30, 2024 related to application PL-002815-2024-2024 for 1060 Westbrook Street which is attached to the draft approval letter and incorporated therein, the Planning **Board [adopts/does**

not adopt] the approval letter as drafted as the Planning Board's decision for application PL-002815-2024, and authorizes the Planning Board Chair to sign the approval letter as drafted.

ATTACHMENTS

Staff Materials

S1 – Site Plan Worksheet – 2/23/2024
S2. Approval Letter.

Applicants Submittal

A. Cover Letter
B. Major site Plan Checklist
C. Zoning Analysis
D. Right, Title & Interest
E. Easements
F. Waivers
G. Financial Capacity
H. Technical Capacity
I. Conformity with Land Use Ordinance
J. Stormwater Management Report
K. Erosion and Sedimentation Control
L. Fire Department Letter
M. Wastewater Capacity
N. Lighting
O. Design Narrative
P. Utilities
Q. Construction Management
R. Solid Waste
S. Parking Analysis
T. Traffic Impact Study
T1. Transportation Demand Management
U. Neighborhood Meeting
V. Comment Response letter – 4/16/2024
W. Stormwater management Delegated Review
X. Comment Response Letter – 6/19/2024

Plans

1. Cover Sheet
2. General Notes
3. Survey

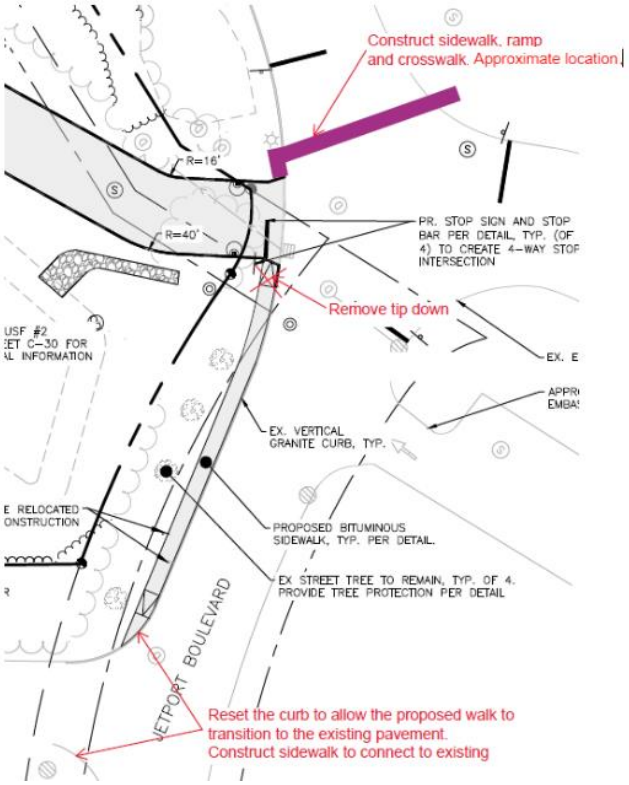
4. Construction Management Plan
5. Site Plan
6. Utility Plan
7. Grading and Drainage Plan
8. Site Details – 1
9. Site Details – 2
10. Site Details – 3
11. Utility Details – 1
12. Utility Details – 2
13. Drainage Details -1
14. Drainage Details -2
15. Erosion & Sedimentation Control Details
16. Erosion & Sedimentation Control Details -2
17. Photometric Plan
18. Sight Distance Exhibit
19. First Floor Plan
20. Second and Third Floor Plans
21. Elevations
22. Perspective Views
23. Tree Preservation and Removal
24. Hardscape Materials Plan
25-29. Planting Plan.
30. Tree Index
31. Intersection Plan

Site Plan Worksheet | 03/26/2024 | **PL-002815-2024**| *1060 Westbrook Street.*
Submission #: 02-23-2023
Planner: Eric Freeman – efreeman@portlandmaine.gov – 207-874-8724

Site Plan Review Standards (Sec. 14.6)

Transportation Standards (Sec. 14.6.1)

Standard	*Discussion*	*Finding*
Impact on Surrounding Street Systems	Overview: The hotel driveway is proposed to connect with the intersection of Westbrook Street and Jetport Blvd. and proposes to alter the intersection into a four-way stop. This application proposes to install a new section of sidewalk along Jetport Blvd. This project is not anticipated to generate more than 100 vehicle trips during peak hours and therefore a Traffic Movement Permit is not required. The applicant has provided a Traffic Impact Study.	Not Met
	Updates Requested • A traffic operation analysis was performed at the Jetport Boulevard/Westbrook Street/Site Driveway and Jetport Boulevard/International Parkway intersections. The model analysis indicates both intersections will operate at acceptable levels of service during the AM and PM peak hour. It should be confirmed if the analysis reflected the All-way Stop condition at the Jetport Boulevard/Westbrook Street/Site Driveway intersection. The applicant shall provide the Synchro model files for review. • The applicant conducted an All-Way Stop analysis at the Jetport Boulevard/International Parkway intersection. Based upon their analysis, a multiway stop condition is not warranted. The applicant should note if the analysis was based on the new or old MUTCD and update the analysis if the old version was used. The applicant does recommend some vegetation removal, which would improve sight distance, and this should be a requirement of their approval. • The applicant provided a sight distance graphic which is acceptable. Staff and peer reviewers will work with DPW in identifying specific design details for the site driveway intersection and implementation of the all-way stop condition. • The applicant shall provide an accessible path from the sidewalk in the ROW to the proposed building. • The applicant shall dimension existing conditions in the ROW in addition to proposed improvements on the plan view sheets. For example ROW, street, lanes sidewalk, esplanade driveways	

	(and other improvements) widths as well as when a width changes. • The applicant will need to label and or provide spot grades and slopes for the proposed sidewalk, curb ramps and driveway improvements at grade breaks. • The stop bar shall be painted outside of the limits of the driveway and sidewalk. • The applicant shall construct compliant pedestrian ramps (with landings and sidewalk connections where needed) and a crosswalk leading to and from the property (across Westbrook Street) per the City's Technical Manual section one. The applicant shall construct compliant pedestrian ramps and a crosswalk at the intersection of Westbrook Street and Jetport Boulevard (see attached image of approximate location 	
Access and Circulation	Overview: Access to the site is provided via a 24' driveway connecting to the intersection of Westbrook St. and Jetport Blvd. Internal circulation within the parking area is provided by 24' drive aisles. Internal sidewalks are proposed to connect parking areas with the main hotel entrance points and to the rear outdoor seating area.	Not Met

	Updates Requested • A pedestrian facility from the building to Jetport Boulevard and to the existing sidewalk system on Westbrook Street shall be provided. • The applicant shall attempt to provide internal pedestrian circulation (walkways for the users) throughout the parking lots and connect to the building walkways. • The entrance to the property shall be constructed as a driveway not a roadway. The sidewalk and driveway shall be reconstructed in accordance with the City's Sidewalk and Driveway Apron Material Policy and current City standards. The applicant shall update the plans and provide spot grades and slopes for the proposed sidewalk. The sidewalk material shall be continued through the driveway aprons at grade with the proposed sidewalk and not in excess of 2% cross-slope per the current City standards. • The driveway shall be constructed per the City Technical Manual Standard for COMMERCIAL/INDUSTRIAL DRIVEWAY APRON I-9B. Construct the sidewalk adjacent to the driveway apron to the property line and transition the sidewalk to connect to the proposed sidewalk behind the curb.	
Public Transit Access	Overview: Not Applicable Updates Requested • This standard is not applicable to this application.	Met
Parking	Overview: This application proposes a total of 106 parking spaces. The proposed parking will be utilized by short-term hotel guests, hotel staff and long term "park and fly" patrons. The applicant intends to provide long-term parking for hotel guests traveling from the Jetport. Six (6) bicycle parking spaces are provided as well as 21 level-two EV charging stations. Updates Requested: • The number of parking spaces proposed is consistent with the ITE Parking Generation Manual and therefore reasonable. It should be noted that the 6th Edition of the ITE Parking Generation Manual estimates 78 spaces using the average rate and 103 spaces for the fitted curve method. The applicant should discuss the "park and fly" operations and how that may impact traffic levels and parking supply. • Some of the parking spaces are 21' long and exceed the city's standard. An explanation shall be provided.	Not Met

Transportation Demand Management	Overview: Not Applicable Updates Requested • None – Not applicable to this application.	Met
Environmental Quality Standards (Sec. 14.6.2)		
Standard	*Discussion*	*Finding*
Preservation of Significant Natural Features and Landscape Preservation	Overview: The current site is undeveloped and consists of a cleared area covered by grass and low shrubs and several on-site trees located primarily at the front and sides of the parcel. The applicant has not submitted a full tree inventory and are currently investigating the quantity of trees 10 inches DBH or greater located within the limits of construction. Given the location of the building and parking facilities it is anticipated that a minimum of 30% of the trees 10 inches or greater will be preserved. Updates Requested • See comments in "Site Landscaping and Buffers"	Not Met
Site Landscaping and Buffers	Overview: This application proposes 24 trees and approximately 55 shrubs to be located throughout the site. Four existing street trees will be preserved and two will be removed due to utility conflicts. Updates Requested • The tree planting detail shows the tree planted at a depth where the trunk flare is below grade and the mulch is applied right up to the trunk, would you please provide a tree planting detail that shows the bottom of the trunk flare at or slightly above grade and the mulch tapered to the bottom of the trunk flare as detailed in ANSI A300 Ch 6: Planting and Transplanting (See attached copy) • Are the two street trees proposed for removal going to be replanted or is there underground infrastructure that would conflict? • Is it possible to include setback plantings along Westbrook street to plant some larger growth form species on the grassy knoll behind the power lines? o If that interferes with the drainage easement is it possible to include smaller growth form plantings along Westbrook St underneath the power lines?	Not Met
Water Quality, Stormwater Management and Erosion Control	Overview: A proposed stormwater drainage system will collect water on site through a new storm drain network that outlets into two (2) vegetated under drained soil filters before being discharged into the existing municipal storm drain network within Westbrook Street. Runoff from the site will be captured within the vegetated soil filters and be released over a period of 24 to 48 hours. The applicant has submitted a full	Not Met

	stormwater management plan demonstrating compliance with Section 5 of the Technical manual and Maine DEP chapter 500 standards. Full comments from the City's peer-review engineer are detailed below.	
	Updates Requested • The project is required to provide stormwater management in compliance with Maine DEP Chapter 500 and City of Portland Technical Manual Section 5 regulations. The applicant is proposing to utilize vegetated under drained soil filters for stormwater management on the site. We have the following comments: ○ **Basic Standards** – The applicant has provided for erosion and sedimentation control as required for the Basic Standards. ○ **General Standards** – The project has provided two underdrain soil filters to treat the required amount of impervious and developed areas. The systems have been designed per MaineDEP Best Management Practices standards. ○ **Flooding Standards** – The Applicant has modeled the site to evaluate the Flooding Standard. There is a very small increase in flow modeled at one point of interest, but I agree that is negligible, and the total site runoff will be reduced by the proposed stormwater management systems in conformance with the flooding standards • Guardrail details were included, but I do not see locations shown on the plans. Based on proposed slopes guardrails may be necessary around the perimeter of the parking areas next to the proposed soil filters. • The retaining wall at the western side of the site is noted as designed by others. It is anticipated that there will be drainage from behind that wall, and outlet or connection locations should be anticipated. • I have a few recommendations based on my own experience: ○ I'd recommend that the applicant evaluate their sewer pipe slopes to see if it would be reasonable to adjust and balance – currently there is a section of pipe with a slope of 0.005 followed by a pipe that is 0.08. This is not a requirement, but just a suggestion based on my own experience dealing with issues during construction. ○ I'd also recommend moving the electrical/communications conduit to avoid the	

	stormdrain crossing next to catch basin 2 if possible – based on typical electrical depths there may be a conflict at this location. o I'd suggest double checking the foundation drain/roof drain connection sizes with the MEP on the project to ensure that 6" will be adequate – where there are a couple of connection locations, this may be ok, but the roof size is fairly large. I would also recommend using backflow preventers to prevent roof drain or site drainage backflow into the foundation drain during larger rain events	
Public Infrastructure and Community Safety Standards (Sec. 14.6.3)		
Standard	*Discussion*	*Finding*
Consistency with City Master Plans	Overview: There are no City plans applicable to this application. Updates Requested: • None	Met
Public Safety and Fire Prevention	Overview: Access to the site has been designed to provide adequate emergency vehicle access to the site. Updates Requested • None.	Met
Public Utilities	Overview: The applicant is awaiting confirmation of ability to serve from Central Maine Power and the Portland Water District, but this application does not anticipate overburdening existing sewer or stormwater utilities on Westbrook Street or Jetport Blvd. The site will connect to the existing Westbrook St. sewer via an 8" main. Underground electrical utilities will connect at Westbrook St. Onsite solid waste detention is provided. Updates Requested • The applicant appears to be aware of an existing private storm drainage line and easement running in a northerly direction adjacent to the site's easterly property line along Westbrook Street. As far as DPW can tell, this storm drain line was built in association with a development at 1050 Westbrook Street around 1989. It appears this private storm drain line discharges into the existing detention basin at the northern end of the site. The existing detention basin is depicted on the applicant's survey. DPW would suggest the applicant complete additional research to figure out where this private storm drainage routes through the property and submit the original private easement document to the Planning department as part of the overall right, title and interest review for the project. It appears that	Not Met

	the applicant is avoiding major impacts to this drainage line, but since the location of the pipe and its discharge into the detention pond is not known, that can't be formally concluded at this time.	

Site Design Standards (Sec. 14.6.4)		
Standard	*Discussion*	*Finding*
Massing, Ventilation and Wind Impact	Overview: The proposed building is three stories in height and given its location is not anticipated to impact nearby buildings or streetscapes. Updates Requested • Please include full height and dimensions in future elevations.	Not Met
Shadow	Overview: Not applicable Updates Requested • None – Not Applicable to this Application	Met
Snow and Ice Loading	Overview: The location of the building is not anticipated to create snow or ice impacts on public rights of way. On-site snow storage locations do not interfere with pedestrian rights-of-way. Updates Requested • None	Met
View Corridors	Overview: Not Applicable Updates Requested • None – Not Applicable to this Application as it is not within an established view corridor.	Met
Historic Resources	Overview: None Updates Requested: • None – Not Applicable to this Application	Met
Exterior Lighting	Overview: The proposed development includes full cutoff / dark sky compliant light fixtures to minimize light spillover. A full photometric plan was included. Updates Requested • None	Met
Noise and Vibration	Overview: No significant noise or vibration impacts are anticipated with this application. Updates Requested • None	Met

Signage and Wayfinding	Overview: Proposed signage includes building-mounted branding and branded signage at the entrance to the property. Updates Requested • None	Met
Design Standards	Overview: Not applicable Updates Requested • None	Met

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

July 9, 2024

Peter Heil
500 Washington Ave.
Suite 202
Portland, ME 04103

Project Name:	Major Site Plan	**Project ID:**	PL-002815-2024
Address:	1060 Westbrook Street	**CBL:**	207 A012
Applicant:	Giri Hotel Management Acorn Engineering		
Planner:	Eric Freeman		

Dear Peter,

On July 30, 2024, the Planning Board approved a major site plan application for a three story, 119-room hotel building with associated site and streetscape improvements at 1060 Westbrook Street the Airport Business zone. The decision is based upon the application, documents and plans as submitted. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6. based on the information provided to the Board in the application, plans, and reports through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (X-X) to approve the application with the following conditions as presented below.

Site Plan Review

On the basis of the application, plans, reports and other information submitted by the Applicant; findings and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024 for application # PL-002845-2024 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted (5-0) to find that the plan is in conformance with the site

plan standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide turning templates and Signage plans for proposed intersection changes.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. The applicant shall provide a draft stormwater maintenance agreement for review and acceptance by Corporation Counsel and the Department of Public Works.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The applicant shall contribute $7,600 to the City's Tree Fund, in lieu of planting 19 of the 23 required street trees.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

3. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

4. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

5. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site

with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

8. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

   A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

9. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

10. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater. Please provide one hard copy of the mylar.

11. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

12. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the

time of building permit and must be paid prior to the certificate of occupancy. For more information, visit https://www.portlandmaine.gov/2409/Impact-Fees

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at drc@portlandmaine.gov or (207)874-8984. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Eric Freeman at (207)874-8724 or via email at efreeman@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:
1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

July 30, 2024

Peter Heil
500 Washington Ave.
Suite 202
Portland, ME 04103

Project Name:	Major Site Plan	**Project ID:**	PL-002815-2024
Address:	1060 Westbrook Street	**CBL:**	207 A012
Applicant:	Giri Hotel Management Acorn Engineering		
Planner:	Eric Freeman		

Dear Peter,

On July 30, 2024, the Planning Board approved a major site plan application for a three story, 119-room hotel building with associated site and streetscape improvements at 1060 Westbrook Street in the Airport Business zone. The decision is based upon the application, documents and plans as submitted. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, Ch. 14, Article 14, Section 14.6. based on the information provided to the Board in the application, plans, and reports through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on July 30, 2024, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (X-X) to approve the application with the following conditions as presented below.

Conditional Use

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. The Applicant shall pay an agreed upon fee-in-lieu into the City's Jill C. Duson Housing Trust Fund for the 119 guest rooms. The Inclusionary Zoning Fee-in-Lieu for 2024 is $4,692 per guest room for a total fee of $558,348

Site Plan

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide turning templates and Signage plans for proposed intersection changes.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. The applicant shall provide a draft stormwater maintenance agreement for review and acceptance by Corporation Counsel and the Department of Public Works.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The applicant shall contribute $7,600 to the City's Tree Fund, in lieu of planting 19 of the 23 required street trees.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

3. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

4. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

5. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the

Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

8. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

   A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

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If there are any questions, please contact Eric Freeman at (207)874-8724 or via email at efreeman@portlandmaine.gov

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:
1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

ACORN ENGINEERING, INC.

Planning & Urban Development Department
Attn: Eric Freeman
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

February 9, 2024
Rev. April 19, 2024
Rev. July 7, 2024

Subject: Major Site Plan & Inclusionary Zoning Application
1060 Westbrook Street, Portland, ME

Mr. Freeman:

On behalf of Giri Hotel Management, we are pleased to submit a Major Site Plan Application for the approximate 4.03-acre parcel located at 1060 Westbrook Street (Chart 207 & 210A, Book A & B, Lot 12 & 7 respectively. The parcel is currently located within the Airport Business AB zone.

The property is currently vacant and undeveloped and contains a drainage and detention easement on the northeast side of the lot that to anticipated to be minimally disturbed as part of the project. Abutting the parcel to the east is the Portland International Jetport across Westbrook Street. The project proposes to develop the parcel into a 119-Room 3-story Hyatt Studios, with an 89-space parking lot, and other site and utility improvements.

Due to the proposal of construction over 10,000 SF, we understand the project is subject to a Major Site Plan Development Application and approval from the Planning Board. This project is also subject to the Conditional Use – Inclusionary Zoning for Hotel Standards. The use of the project is proposed to be solely hotel and there will be no affordable housing component as part of this project and as such the project will be subject to the fee in lieu requirement.

We look forward to your review of this project – if you have any questions regarding these application materials, please do not hesitate to reach out.

Sincerely,

Peter Heil, P.E.
Project Manager
Acorn Engineering, Inc.

CITY OF PORTLAND
Planning & Urban Development Department

MAJOR SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST
Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

** PLEASE FILL OUT AND UPLOAD THE ZONING ASSESSMENT TABLE AND WAIVER TABLE SEPARATELY AS NOTED BELOW **

At the time of application submission, please contact the Department of Public Works regarding E-911 addressing for your project.

GENERAL APPLICATION DOCUMENTS	
Yes NA	**Project Description** • Cover letter with detailed project description
Yes NA	**Completed Checklist** (this document)
Yes NA	**Evidence of Right, Title, and Interest** • Deeds, leases, or purchase and sales agreements
Yes NA	**Evidence of State or Federal Approvals** • Permits or letters of non-jurisdiction, if applicable
Yes NA	**Zoning Assessment** (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
Yes NA	**Site Plan Standards Assessment** (see Section 14.6 of the land use code) • Summary of project compliance with site plan standards of the land use code
Yes NA	**Summary of Existing and/or Proposed Easements or Covenants, applicable.** • Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way
Yes NA	**Waiver Requests** (see Waiver Table) • Written request for waiver describing request and compliance with applicable waiver standards
Yes NA	**Financial Capability** • Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes NA	**Technical Capability** • Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

MAJOR SITE PLAN
STANDARDS AND SUBMISSION CHECKLIST

Provide assessment of compliance with standards and include supplemental documentation, as applicable.
Please submit each document as a separate PDF file.

TRANSPORTATION	
Yes NA	**Impact on Surrounding Street Systems (14-14.6.1(A))** ● Describe incremental volume of traffic impacts and mitigation measures. If needed
Yes NA See Drawings	**Access and Circulation (14-14.6.1(B))** Identify and describe the following: ● Site access and internal circulation, including ADA access ● Drive-up features, if applicable ● Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable ● Sidewalks and condition along street frontages and internal walkways ● Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)
Yes NA	**Public Transit (14-14.6.1(C)), if applicable** Identify and describe the following: ● Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter
Yes NA See Drawings	**Off-Street Parking (14-14.6.1(D)), if applicable** Identify and describe the following: ● Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code ● Curb cut separation and parking layout (Technical Manual, Section 1) ● Construction details for bicycle racks ● Management plan for snow storage and removal
Yes NA	**Transportation Demand Management (TDM) (14-14.6.1(E)), if applicable** ● Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements

ENVIRONMENTAL	
Yes NA	**Preservation of Significant Natural Features (14-14.6.2(A)), if applicable** Identify and describe the following: ● High and moderate value waterfowl and wading habitat ● Aquifers (for Casco Bay Islands) ● Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) ● Proposed preservation areas and protection measures ● Documentation from environmental compliance consultants and determinations from applicable state and federal agencies
Yes NA	**Landscape Preservation (14-14.6.2(B))** Identify and describe the following: ● Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4) ● Measures to protect existing vegetation during construction
Yes NA	**Site Landscaping and Buffers (14-14.6.2(C))** Identify and describe the following: ● Overall landscaping approach and consistency with standards ● The use of screening and buffering of service areas and between non-residential and residential uses ● Existing Heritage or Feature Trees on site and measures to preserve ● Compliance with street tree requirements
Yes NA	**Water Quality, Stormwater Management, and Erosion Control (14-14.6.2(D))** Identify and describe the following: ● Erosion and sedimentation control plan and measures ● Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater law, as applicable ● Subsurface sanitary sewage disposal and groundwater protection measures

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY	
Yes NA	**Consistency with City Master Plans (14-14.6.3(A))** ● Describe proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
Yes NA	**Public Safety and Fire Prevention (14-14.6.3(B))** Identify and describe the following: ● Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3) ● Emergency vehicle access ● Consistency with public safety standards (Technical Manual, Section 3)
Yes NA	**Availability and Adequacy of Public Utilities (14-14.6.3(C)) (Technical Manual, Sections 2 & 9)** Identify and describe the following: ● Electrical services, including providing underground services ● Existing and proposed connections for public utilities and required public utility upgrades ● Sewer line connections
SITE DESIGN	
Yes NA	**Massing, Ventilations and Wind Impact (14-14.6.4(A))** Identify and describe the following: ● Wind and ventilation impacts on adjoining structures and/or adjacent public spaces, including wind study, if applicable ● Bulk, location, or height impacts on adjoining structures
Yes NA	**Shadows (14-14.6.4(B)), if applicable** ● Provide shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
Yes NA	**Snow and Ice Loading (14-14.6.4(C))** ● Describe building design measures to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes NA	**View Corridors (14-14.6.4(D)), if applicable** ● Describe any protection of designated view corridors (Portland Design Manual, Appendix. 1)
Yes NA	**Historic Resources (14-14.6.4(E)), if applicable** Identify and describe the following: ● The site's status as a designated landmark, within a historic district or historic landscape district, or within 100 feet of any designated landmark, historic district, or historic landscape district ● Compliance with standards for preservation and documentation of archaeological resources

Yes NA	**Exterior Lighting (14-14.6.4(F))** ● Describe how the proposed site lighting will adhere to photometrics requirements as it relates to light trespass and full cutoff fixture design, pursuant to Technical Manual Section 12
Yes NA	**Noise and Vibration (14-14.6.4(G))** ● Provide data on noise levels for HVAC and other mechanical equipment, such as design specifications, to demonstrate consistency with state and federal noise emissions requirements as well as City code
Yes NA	**Signage and Wayfinding (14-14.6.4(H)), if applicable** ● Provide signage plan showing the location, dimensions, height and setback of all existing and proposed signs ● Provide drawings of all commercial and directional signage on site
Yes NA	**Zone-Related Design Standards (14-14.6.4(I))** ● Address any applicable design review standards by zone, including compliance with Design Manual

MAJOR SITE PLAN
DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs.

All drawings must be submitted in a 24 x 36 sheet size.

BOUNDARY SURVEY (stamped by a Maine Licensed Surveyor and drawn as per Technical Manual Sec. 13)

SITE PLAN(s) (stamped by a Maine Licensed Professional Engineer) including:

All sheets – Include a title block with project title and the following information:

- Project street address
- Name and address of property owner & applicant
- Licensed design professional, incl firm that produced plans
- North arrow
- Date of preparation and revision history block
- Tax parcel (chart, block, and lot) number

Existing Conditions Plan with the following:

- Existing structures, with distance from primary building façade(s) to the property line
- Approximate location of structures on abutting properties
- All streets and intersections adjacent to the site
- Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials
- Existing public transit infrastructure
- Existing vehicle & bicycle parking areas
- Existing utilities on site and within adjacent rights-of-way
- Existing grades (two-foot contours preferred)
- Location of water courses, wetlands, and vegetation, or other significant natural features
- Existing soil conditions and location of test pits and borings
- Zoning boundary lines, including overlays
- Location of all existing easements and rights-of-way

Proposed Site Plan with the following:

- Proposed structures, including distance from primary building façade(s) to property lines
- Ground floor area, and finished floor elevations for all buildings
- Any proposed geometric modifications to streets and intersections adjacent to site
- Location, dimensions and materials of all proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- Location and dimensions of proposed loading areas, including turning templates
- Proposed transit infrastructure with dimensions/ engineering specifications
- Location of vehicle and bicycle parking with dimensions and engineering specifications
- Location of all snow storage areas
- Exterior lighting (please see Technical Manual Sec. 12 for photometrics requirements)
- Location of fire hydrants

- Location of solid waste management receptacles
- Location of all proposed HVAC and mechanical equipment, including proposed screening, where applicable
- Location of proposed easements and rights-of-way, including dimensions
- Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed

UTILITY PLAN including:

- Proposed electrical infrastructure
- Location, sizing and directional flows of all proposed sewer and stormwater infrastructure
- Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- Proposed grades
- Proposed stormwater management measures meeting Technical Manual (Section 5) standards
- Any proposed alteration of a watercourse or wetlands
- Any groundwater protection measures
- Proposed buffers and preservation measures for wetlands or significant natural features

LANDSCAPE PLAN including:

- Existing vegetation to be preserved and preservation measures
- Proposed landscaping, screening, and street trees, including caliper widths for trees
- Planting schedule, including street trees

ARCHITECTURAL PLANS AND RENDERINGS including:

- Exterior building elevations, color renderings, illustrations of all sides
- Axonometric and street-level views for structures greater than three stories in height
- Provide context drawings, if applicable (Design Manual, page 1)
- Floor plans

CONSTRUCTION MANAGEMENT PLAN including:

- Specifics on traffic control, sidewalk sheds, and pedestrian rerouting
- Include a drawing and written narrative

OTHER

- Details and cross-sections, as necessary

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

ZONING ANALYSIS Relevant Zone(s) AB - Airport Business

All Projects:

	Required	Proposed
Lot Size	20,000 SF	175,560 SF
Area Per Dwelling Unit	NONE	N/A
Minimum Street Frontage	50'	813'
Front Yard Minimum	20'	132.30'
Front Yard Maximum	NONE	N/A
Rear Yard	NONE	N/A
Yard Right	NONE	N/A
Yard Left	NONE	N/A
Side Street Setback	N/A	N/A
Step Back	N/A	N/A
Maximum Lot Coverage	NONE	N/A
Minimum Lot Coverage	NONE	N/A
Maximum Height	45'	37.72'
Open Space	NONE	N/A
Maximum Impervious Area	70%	38.77%
Pavement Setback	NONE	N/A
Floor Area Ratio	NONE	N/A
Off Street Parking Spaces	30	106
Loading Bays	N/A	N/A
Other 1		
Other 2		
Other 3		

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size		
Minimum Lot Area per Dwelling		
Maximum # Units per Building		
Maximum Building Length		
Maximum Accessory Building Length		
Minimum Setbacks		
Minimum Building Separation		
Minimum Open Space		

Affordable Housing Density Bonuses (if applicable)

	Bonus Increase or Decrease	Maximum Allowable With Bonus	Proposed
Density			
Height			
Setback Reduction			
Recreation Space			
Maximum Accessory Building Length			
Minimum Setbacks			
Minimum Building Separation			
Minimum Open Space			
Explanatory Text 1 (optional):			
Explanatory Text 2 (optional):			
Explanatory Text 3 (optional):			

QUITCLAIM DEED WITH COVENANT
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS THAT **TOYE REALTY HOLDINGS, LLC**, a Maine limited liability company with a place of business in Fort Lauderdale Florida, for consideration paid, grants to **GIRI PORTLAND WESTBROOK INC**, a Maine corporation with a place of business in Quincy, Massachustts, with a mailing address of 225 West Squantum Street, #200, Quincy, Masssachusetts 02171, with **QUITCLAIM COVENANT**, the land, together with any improvements thereon, situated in the City of Portland, County of Cumberland, and State of Maine more particularly described in **Exhibit A** attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said TOYE REALTY HOLDINGS, LLC has caused this instrument to be signed and sealed this 14th day of July, 2020.

WITNESS:

TOYE REALTY HOLDINGS, LLC

By _____
Thomas A. Toye, III
Sole Member

STATE OF MAINE
COUNTY OF CUMBERLAND

July 14, 2020

Then personally appeared the above named Thomas A. Toye, III, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said limited liability company, before me.

_____
Notary Public/~~Attorney at Law~~

_____
Printed Name

GAIL A. SANBORN
A Notary Public of Maine
My Commission Expires December 17, 2022

EXHIBIT A
1060-1122 Westbrook Street, Portland, Maine
(Tax Map 207-A-12 & 210A-B-7)

A certain parcel of land on the west side of Westbrook Street in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning on the west side of Westbrook Street at the southeast corner of land now or formerly of Norman H. Greenberg et al;

Thence along Westbrook Street S 07° 09' 35" E 269.70 feet;

Thence along Westbrook Street S 05° 38' 55" W 140.74 feet;

Thence along Westbrook Street S 18° 50' 25" W 241.83 feet;

Thence along Westbrook Street S 07° 01' 05" E 56.07 feet to the north side of a 50 foot access easement;

Thence along Westbrook Street S 07° 01' 05" E across the end of the access easement 60.22 feet to the parcel of land conveyed to Joseph F. Boulos et al by deed dated October 21, 1988 and recorded in Book 8557, Page 130, which parcel is now or formerly owned by Portland Jetport Associates;

Thence along the Portland Jetport Associates parcel on a curve to the left having a radius of 40.00 feet, an arc distance of 30.91 feet;

Thence along the Portland Jetport Associates parcel on a curve to the left having a radius of 315.00 feet, an arc distance of 190.81 feet;

Thence S 51° 55' 25" W along the Portland Jetport Associates parcel 269.00 feet;

Thence S 38° 04' 35" E along the Portland Jetport Associates 299.00 feet to land now or formerly of Thomas A. Toye, III;

Thence S 50° 10' 25" W along the Toye parcel 287.30 feet to a monument at land taken by the City of Portland;

Thence N 38° 04' 35" W along land of the City of Portland 357.77 feet to a monument;

Thence N 30° 06' 35" W along land of the City of Portland 335.07 feet to a monument at land now or formerly of Edward S. Boulos, Jr.;

Thence N 47° 04' 00" E along the land of Boulos and the land of Greenberg 1208.23 feet to Westbrook Street and the point of beginning;

SUBJECT, HOWEVER to the following easements:

1. Drainage and detention basin easement conveyed to Joseph F. Boulos et al by deed dated October 2, 1988 and recorded in Book 8557, Page 130, and described as Exhibit B in that deed, and TOGETHER WITH the right to relocate and/or terminate this easement as described in Exhibit B.

2. Access and utility easement, in common, conveyed to Joseph F. Boulos et al by deed dated October 2, 1988 and recorded in Book 8557, Page 130, and described as Exhibit C in that deed.

Excepted from this conveyance are the following properties:

1. Deed from Thomas A. Toye, III to the City of Portland, dated October 16, 1997 and recorded in said Registry of Deeds in Book 13434, Page 266.
2. Deed from Toye Realty Holdings, LLC to Toye Realty Holdings III, LLC, dated January 8, 2001 and recorded in said Registry of Deeds in Book 15976, Page 325.
3. Deed from Toye Realty Holdings, LLC to Toye Realty Holdings II, LLC, dated January 8, 2001 and recorded in said Registry of Deeds in Book 15976, Page 327.

Meaning and intending to convey and hereby conveying the remaining portion of the premises conveyed by Thomas A. Toye, a/k/a Thomas A. Toye, III to Toye Realty Holdings, LLC, dated April 29, 1999 and recorded in said Registry of Deeds in Book 14717, Page 316.

TOYT105/1408126

E. Summary of Written Easements

Exiting Easements:

Refer to the Boundary/Topographic Survey dated February 1, 2020 prepared by Spurwink Surveying inc. for all existing easements, including the Drainage and Detention Easement on the northeastern portion of the parcel.

Proposed Easements:

There are no proposed easements as part of the proposed project.

Standard to be Waived: Cite Ordinance or Technical Manual Standard	**Cite Standard Language:** Cite specific language of applicable Ordinance or Technical Manual Standard	**Waiver Being Sought:** Describe waiver being sought. Ex. – We are requesting a two-way parking lot drive aisle width of 20' feet.	**Justification for Waiver:** Address specific waiver criteria, if applicable, and document reasons for the waiver request.
None at this time			

G. Financial Capacity

A letter from the Applicant's lender confirming financial capacity is attached to this section.

February 2, 2024

City of Portland
Planning Division
2389 Congress Street – 4th Floor
Portland, ME 04101

RE: Project – 1060 Westbrook Street
Applicant – Giri Hotel Management LLC

To whom it may concern:

Giri Hotel Management LLC and various related real estate entities have been commercial customers of Kennebunk Savings Bank for more than ten years. During that time the bank has financed multiple large-scale hotel and commercial development projects located in Maine, New Hampshire and Massachusetts. It is the opinion of Kennebunk Savings Bank that Giri Hotel Management has the technical and financial capacity to successfully undertake the above referenced project. Please share this document as necessary with any City or State agencies that may require it as part of the project approval process.

Please do not hesitate to contact me directly at 603-334-1021 with any questions or concerns.

Sincerely,

Christopher Kehl
Executive Vice President

H. Technical Capacity

Acorn Engineering specializes in providing urban redevelopment, civil/site design, environmental services, municipal consulting and construction administration. Acorn Engineering, Inc. have successfully designed and permitted more than 20 Site Plan/Subdivision projects in Portland during the past several years, including: Munjoy Heights, East Bayside Lofts, The Hiawatha, The Nightingale (Mercy Redevelopment), Winter Landing (CHOM Affordable Senior Housing), and The Equinox (CHOM Affordable Family Housing).

See attached for **Mussachio Architects** Technical Capacity

MUSSACHIO ARCHITECTS

30 NORTH FOREST ROAD
WILLIAMSVILLE, NEW YORK 14221
T:(716) 631-9949 F: (716) 631-0521

MARC C. MUSSACHIO, R.A.
ANTHONY C. MUSSACHIO, R.A.
www.MussachioArchitects.com

MUSSACHIO ARCHITECTS, P.C.

FIRM BACKGROUND

INTRODUCTION

Mussachio Architects, P.C. firm has varied experience in all types and phases of architecture from planning and feasibility studies to documentation and even construction management. We have worked extensively on both new construction and renovations and remodeling. As a commercial firm we have worked with diversified clients from manufacturers to doctors, Multi- family and retailers. We have provided services to developers, private individuals as well as the state and federal governments. Our finished projects range from versatile speculative buildings to special use facilities. We feel our professional services and attention paid to the little details and our clients real needs and concerns set us far above our competition.

GENERAL

Mussachio Architects is a full service commercial architectural firm. Founded in 1959 by Anthony M. Mussachio as a design, interiors, and rendering firm, we began to offer professional Architectural Services in 1973. Since inception, we have enjoyed periodic growth and consistent stability. We currently have nearly 100 years cumulative experience among our staff of 7; three of which are licensed Architects and with licenses in 30 states we currently serve clients throughout the United States. With NCARB certification reciprocal licensure in most states is available as we expand our geographic reach

We have utilized an AutoCAD CADD (Computer Aided Design and Drafting) system since the 80's. CADD allows us, as well as our clients, to remain at the cutting edge of technology. Along with faster productivity and greater accuracy, the computer allows us to make current, as well as future, changes to our work with greater efficiency. We also offer addition value added services such as GoToMeeting we host live meetings online where everyone can view items live on their computers and even move the mouse to maximize the effectiveness of communication between team members thus ensure the best finished results on our projects.

Mussachio Architects prides itself on the personal attention afforded our clients in transforming ideas into polished, finished products that are constructed on schedule and within budget. We stress excellence in design, adherence to client requirements and pro-

cedures, and timely completion of projects. Drawing from the diversified experience of key personnel in the organization, we offer an extensive list of services.

ARCHITECTURAL SERVICES

The following list is representative of many of the professional services that Mussachio Architects offers.

1) Site and/or Building Analysis and Selection
2) Project Feasibility
3) Project Master Planning
4) Project Programming
5) Site Planning
6) Site Engineering
7) Landscape Design
8) Building Design with Expertise in both New Construction and Renovation
9) Code Compliance Studies for Americans with Disabilities Act
10) Facilities Management
11) Structural Design and Analysis
12) Mechanical, Plumbing and Electrical Design with Expertise in Energy Conservation
13) Interior Space Planning
14) Interior Design with Expertise in Color and Lighting Coordination
15) Contract Documentation and Specifications (Working Drawings)
16) Cost Estimating and Analysis
17) Contract Bidding and Negotiation
18) Contract Administration
19) Construction Management
20) Design/Build
21) CADD Drafting and Design
22) CADD Space Planning

PROJECT DESIGN APPROACH

Paramount to Mussachio Architects' philosophy is to develop designs which best address the owner's expectations while maintaining as much existing nature, for both aesthetic and cost considerations. In order for a design to be truly successful, it is also important to ensure that it is complimentary to its surrounding environment, especially structures. Wherever possible we strive to maintain and usually enhance the natural amenities of a site. This is usually accomplished by developing greenspaces around our projects.

A key to this approach is the initial phases of contact and communication with our clients. It is during this phase that metaphoric foundations are laid and building blocks established for the entire project.

Mussachio Architects approaches each and every project as a new challenge. We take into consideration the requirements of the client, whether they be standard or unique, and analyze them along with the characteristics which make the location of the proposed project distinctive. Then, through years of experience and unequaled design creativity we create designs which surpass the expectations of our clients by evoking in structures the goals, philosophies and most importantly the functions of their end users.

ORGANIZATIONAL APPROACH

Mussachio Architects stresses excellence in design, adherence to client requirements and procedures, and timely completion of projects. Utilizing systems and techniques developed over years of experience in the management of projects, along with the key members of the project team, these objectives will be achieved. A Principal-in-Charge and a Project Manager will be assigned, and will devote the time necessary to discharge their responsibilities. Their duties will be to direct and coordinate all aspects of the work, ensure the assignment of required personnel to the project from individual departments and to support the project team in meeting technical and schedule requirements. Most importantly, they will ensure adequate liaison with the client throughout the project. Mussachio Architects shall perform the majority of service in house and coordinate and be responsible for any items produced by our consultants for M.E.P. & Structural engineering.

LICENSURE

We currently maintain architectural licensure in 30 states throughout the United States. Principals in the firm maintain NCARB certification which allows reciprocal licensing with most contiguous states of the union.

AWARDS

Mussachio Architects has an acknowledged reputation for excellence in new design as well as renovations, such as the Northtown World Auto Center which received an **"Award of Beauty"** from the Amherst Chamber of Commerce and an **"Award for Historic Preservation"** for the Library Restaurant in Olean NY. We are also the recipients of the **Best New Building** award for the state-of-the-art Delta Sonic Car Wash, Irondequoit, New York. The firm was nominated by theUS Postal Service for our design for their West Amherst branch to receive the **National Presidential Design Award**. This award is only given once every four years for outstanding federal design projects. We were awarded the **"Best Historic Renovation"** in the Business First Journals **Brick by Brick Awards** for creating the first downtown supermarket in decades, the Washington Market at 461 Ellicott St., Buffalo, NY. Again our design for Patrick Development's Corporate Headquarters on Transit Rd., Amherst won **"Best new Office"** in Business First Journal's **Brick by Brick Awards**. Our facade renovation project of an existing retail building; 3720 South Park Ave.

Mussachio Architects - Firm Background (cont'd)

Facade Renovation in Hamburg, NY received a **"Town of Hamburg Beautification Award"**.

\Mktg\Masters\Background

I. Conformity with Land Use Ordinance

The following outline is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use. Specifically, Article 14 Section 6 Site Plan Review Standards.

OVERVIEW
The proposed project has been designed to conform to City standards where possible as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

   The project will not generate 100 or more cars during peak hour; therefore a Traffic Movement Permit will not be required. The site is located on Westbrook Street and can be accessed directly via Westbrook Street. The change of use is not anticipated to create any significant hazard to safety on the surrounding street network. Congestion of the intersections is not anticipated. As requested by the City, a Traffic Impact Study was performed and attached under Section T. Traffic Impact Study, which includes detailed analysis and additional information on the existing and proposed conditions.

2. Access and Circulation:

   a. Site Access and Circulation:

      This project conforms with the design standards of Section 14.6.1.B as demonstrated in the following narrative:

      (i) All site access and internal circulation will be designed in accordance with the standards set forth in Section 1 of the Technical Manual.

      (ii) A sidewalk exists across the street from the project on Westbrook Street and will provide pedestrian access to the site via an existing crosswalk located at the adjacent site to the west. The project proposes to install a new section of sidewalk along the Jetport Boulevard frontage.

      (iii) Egress and access to the site is directly off the sidewalk on Jetport Boulevard. There are no anticipated conflicts with traffic flows or turning movements.

      (iv) The site does not feature drive-up services as mentioned in this requirement.

   b. Loading and Servicing:

      (i) The site has a proposed loading area/pedestrian drop off located at the front entrance of the building.

c. Curb and Sidewalks:

(i) A sidewalk with curbing exists on Westbrook Street. The project proposes to install a new section of sidewalk along the Jetport Boulevard frontage as well as additional site improvements including a new internal sidewalk to allow safer pedestrian maneuverability.

(ii) Any disturbance of this sidewalk to accommodate the site will be rebuilt in conformance with Chapter 25 of the City's Code of Ordinances and the applicable design standards in the City's Technical Manual.

(iii) Not applicable.

(iv) Not applicable.

3. Public Transit Access:

a. The project is located near a bus route with the closest bus stop located on Jetport Boulevard directly adjacent to the parcel.

b. Not applicable.

c. Not applicable.

4. Parking:

a. Vehicular parking:

(i) Per table 19-A: Off-street parking minimums for hotels, 1 parking space shall be provided per 4 guest rooms.

(ii) A Traffic Impact Study has been prepared by VHB. See Section T for additional information.

(iii) A parking study for the proposed development has been provided due to the project exceeding the minimum parking requirements by 10% or more. See Section S for additional information.

(iv) Parking spaces and aisles are designed to conform to the standards set forth in the City of Portland Technical Manual.

b. Bicycle parking

(i) A minimum of 6 bicycle parking spaces have been provided on the site.

(ii) N/A

c. Snow Storage:

(i) See the Site Plan for snow storage locations. The client will be responsible for the management of snow removal from the site as necessary during larger storm events.

(ii) Snow storage shall not be located where it interferes with pedestrian walkways or stormwater management systems.

d. Electric Vehicle (EV) charging

(i) A minimum of 21 level two EV parking spaces will be provided per Section 1 of the Technical Manual.

5. Transportation Demand Management (TDM):

a. As the project is a commercial use consisting of greater than 50,000 sf of GFA, we understand a Transportation Demand Management plan for the project will be required. The development team and traffic engineer are coordinating TDM strategies and a TDM Plan will be forwarded to the City upon completion.

b. The Transportation Demand Management plan will comply with the standards set forth in the City of Portland Technical Manual.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

a. The layout of the site is designed to limit disturbance to the manmade stormwater ponds to the greatest extent possible.

b. Not applicable.

c. Not applicable.

2. Landscaping Preservation:

a. Existing vegetation and trees will be preserved to the maximum extent practicable.

b. Existing vegetation and trees will be preserved to the maximum extent practicable.

c. We are currently investigating the quantity of trees 10 inches DBH or greater located within the limits of construction. It is anticipated that a minimum of 30% of the trees 10 inches or greater will be preserved.

d. Not applicable.

e. Not applicable.

3. Site landscaping and buffers.

a. Landscaping
(i) 24 trees & 59 shrubs are provided on the site to meet the landscape requirements.

b. Buffers
(i) The proposed solid waste containers will be located within the internal parking lot and will be screened from view of public sidewalks and adjacent streets.

(ii) Not applicable.

(iii) Not applicable

c. Parking and vehicle display lot landscaping.

(i) 24 trees & 59 shrubs are provided on the site to meet the parking lot landscape requirements.

(ii) The landscaped islands are distributed such that uninterrupted pavement does not exceed forty spaces.

(iii) Not applicable.

4. Street trees

a. The project proposes to preserve four street trees on the project's frontage and will also need to remove two existing street trees due to utility conflicts. The remaining frontage that is proposed to remain undisturbed to the east of the lot is currently sloped and provides a buffer from the exisitng telephone wires along the project frontage. The tree line located approximately 30 feet from the property line will remain as part of this project.

b. Not applicable.

5. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater

(i) A proposed stormwater drainage system will collect water on site through a new storm drain network that outlets into two (2) vegetated under drained soil filters before being discharged into the existing municipal storm drain network within Westbrook Street.

(ii) Any stormwater that flows onto adjacent lots will not exceed the pre-development flows.

(iii) The runoff from the site will be captured within two (2) vegetated under drained soil filters and released over a period of 24 – 48 hours. The stormwater network has been designed to decrease peak flow rates and not overburden the existing downstream capacity.

b. A site-specific Stormwater Management Plan has been developed for the project to show compliance with Section 5 of the Technical Manual, including standards of MEDEP Chapter 500. Please refer to the Stormwater Management Report for this information.

c. The development is not anticipated to pose a contamination risk to groundwater during or after construction. The project will be serviced by a public wastewater system.

(c) Public Infrastructure and Community Safety Standards

1. Consistency with City Master Plans:

   a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.

   b. There are no proposed easements as part of this project.

2. Public Safety and Fire Prevention:

   a. Public Safety Design

      (i) The site has long viewing aisles and minimal spaces obscured from view.

      (ii) Access to the site has been designed to provide adequate emergency vehicle access to the site.

      (iii) This project will provide new site lighting and will promote natural surveillance and access control.

   b. Emergency Access
      (i) Access to the site has been designed to comply with the Section 3 Public Safety standards of the Technical Manual.

3. Public Utilities:

   a. Ability to Serve letters have been sent to the respective companies. Responses are forthcoming. The project does not anticipate overburdening the sewer, storm, and water utility mains within Westbrook Street or Jetport Boulevard.

b. A proposed underground electrical service from the existing utility pole on Westbrook Street is anticipated to serve the proposed building.

c. The building will be served by a proposed 8" sewer service connected to the 8" PVC sewer main within Westbrook Street.

d. The building will be served by a proposed 8" sewer service from the 8" PVC sewer system within Westbrook Street.

e. Spaces allocated for solid waste storage can be seen on the Site Plan. A proposed solid waste container will serve the proposed building and be screened from view.

(d) Site Design Standards

1. Massing, Ventilation and Wind Impact:

   a. Please refer to Section O, Architectural Design Narrative.

   b. Please refer to Section O, Architectural Design Narrative.

   c. Please refer to Section O, Architectural Design Narrative.

2. Shadows:

   a. Please refer to Section O, Architectural Design Narrative.

3. Snow and Ice Loading:

   a. The proposed building will be designed to reduce/prevent significant amounts of accumulated snow and ice from loading or falling into adjacent properties or public ways.

4. View Corridors:

   a. Please refer to Section O, Architectural Design Narrative.

5. Historic Resources:

   a. The development is not located in a Historic District.

   b. The development is not located within 100 feet of any designated landmark or historic district.

   c. There are no known archaeological resources on the site.

6. Exterior Lighting:

a. Site Lighting.

(i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual. See Section N: Lighting for additional information.

(ii) Any lighting that may adversely impact the abutting properties will feature side shielding.

b. Architectural and Specialty Lighting.

(i) No architectural or specialty lighting is proposed.

(ii) No up-lighting is proposed.

c. Street Lighting.

(i) No new street lighting is proposed.

7. Noise and Vibration:

a. The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters.

8. Signage and Wayfinding:

a. Signage

(i) Signage shall be designed to complement the building and its immediate context while conforming to the standards set forth in the City of Portland Land Use Code.

(ii) Signage shall be designed to complement the building and its immediate context while conforming to the standards set forth in the City of Portland Land Use Code.

(iii) Signage shall be designed to complement the building and its immediate context while conforming to the standards set forth in the City of Portland Land Use Code.

(iv) Signage shall be designed to complement the building and its immediate context while conforming to the standards set forth in the City of Portland Land Use Code.

(v) Signage shall be designed to complement the building and its immediate context while conforming to the standards set forth in the City of Portland Land Use Code.

b. Wayfinding

(i) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Chapter 25 of the City Code.

9. Design Standards:

a. The project has been designed to meet the standards set forth in the A-B – Airport Business zoning district. The project proposes to develop the parcel into a 119-Room 3-story Hyatt Studios, with a 89-space parking lot, and other site and utility improvements. Please refer to the Site Plan and Architectural Drawings for additional information.

A C O R N
ENGINEERING, INC.

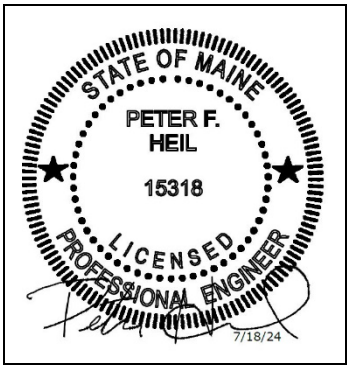
STORMWATER MANAGEMENT REPORT

Prepared For:

Giri Hotel Management
225 W Squantum Street, Suite 202
Quincy, MA 02171

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



March 2024
Updated July 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by Giri Hotel Management to provide civil engineering services for the proposed work located at 1060 Westbrook Street, Portland, ME 04102. The site is currently comprised of open space and drainage/detention ponds. The site will be developed into a 119-room 3-story Hyatt Studios, with an 89-space parking lot, and other site and utility improvements.
A stormwater analysis was prepared to demonstrate that the project will meet the following requirements of the City of Portland (the City):

- City of Portland Land Use Ordinance Article 14.6.2.D.
- City of Portland Technical Manual – Section 5 – Portland Stormwater Management
- Maine DEP Chapter 500 Stormwater Management.

EXISTING CONDITIONS

The proposed project site is located at 1060 Westbrook Street. A Boundary/Topographic Survey dated February 1, 2020, has been prepared by Spurwink Surveying inc.

The existing property consists mostly of wooded area with a portion of open space. A small bituminous access drive is also present on site. Stormwater is currently directed toward manmade ponds onsite and ultimately discharges into the municipal stormwater system within Westbrook Street.

Within the 4.03-acre site, a manmade wetland has been identified as a natural resource existing on site. Careful consideration of existing drainage areas in the project area must be taken. The project is not located within a watershed classified as an Urban Impaired Stream.

PROPOSED DEVELOPMENT

The development will be served by Portland Water District, Portland Department of Public Works (sewer/storm), Unitil (natural gas), CMP (electric), Charter (cable), and Consolidated Communications (telephone).

The proposed project will increase the site's impervious area by approximately 1.52 acres, which triggers the City's water quality requirement. Treatment and storage will be provided in the form of two Vegetation Underdrained Soil Filters (VUSF). These VUSF's will collect a majority of the sites stormwater and ultimately discharge to the municipal stormwater system within Westbrook Street. The project has been designed to meet Chapter 500 General Standards.

BASIC STANDARDS – EROSION & SEDIMENT CONTROL

The development shall provide erosion and sediment control, inspection and maintenance, and housekeeping standards as specified in Section K: Erosion and Sediment Control Report and that the grading and construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on an adjacent downslope parcel.

GENERAL STANDARDS - WATER QUALITY

The development shall provide water quality treatment in accordance with the DEP Chapter 500 General Standards for no less than 95% of the new impervious area and 80% of developed area. Water quality treatment will be provided through the use of two Vegetated Underdrain Soil Filters (VUSF). The systems were sized to meet or exceed the requirements set forth within the MDEP Volume III: BMPs Technical Design Manual Section 7.1 Filtration BMPs have been shown to be very effective at removing a wide range of pollutants from stormwater runoff.

The treatment of the impervious & developed areas for the project are as follows:

Table 1 – Impervious Area Treatment Table

Impervious Area (SF)	Developed Area	Impervious Area with Treatment (SF)	Developed Area with Treatment (SF)
66,416	108,521	63,115 (95.03%)	88,865 (81.89%)

Based upon the project design, the two underdrained soil filters will treat a total of 63,115 SF of impervious area and 25,750 SF of non-impervious developed area, which exceeds the minimum requirements for both impervious and developed area. The VUSF soil filter areas are then sized upon the following equation based upon land coverage draining into the BMP:

[(Imp. SF x 0.05) + (Veg. SF x 0.02)] = Filter Area (SF)

The water quality volume is then analyzed to ensure the first 18" of ponding is capturing the required runoff. The required treatment volume is characterized by the following equation:

$$\left(\frac{\text{Imp. SF x 1.0"}}{\text{12"/1'}}\right) + \left(\frac{\text{Veg. SF x 0.4"}}{\text{12"/1'}}\right) = \text{Treatment Volume (CF)}$$

VUSF 1 (Land coverage draining into the BMP)

- Impervious Area = 37,575 SF
- Vegetated Area = 12,477 SF

VUSF 2 (Land coverage draining into the BMP)

- Impervious Area = 25,247 SF
- Vegetated Area = 13,702 SF

Table 2 – VUSF #1 Sizing Table

Water Quality Volume Required (CF)	Filter Area Required (SF)	Provided Water Quality Volume (CF)	Provided Filter Area (SF)
3,547	2,128	5,929	2,178

Table 3 – VUSF #2 Sizing Table			
Water Quality Volume Required (CF)	Filter Area Required (SF)	Provided Water Quality Volume (CF)	Provided Filter Area (SF)
2,561	1,536	4,076	1,546

Pretreatment
Sediment pretreatment is provided by a sediment forebay at the inlet of each VUSF. The forebay is sized to accommodate a minimum of 10 storms per year based upon 500 pounds of sand per storm and a density of 90 pounds per cubic foot, in accordance with chapter 7.2 of the design manual.

WATER QUANTITY

The proposed project was modeled using HydroCAD to verify that the post-development conditions do not exceed the pre-development conditions. A 24-hour SCS Type III storm distribution for the 2, 10, and 25-year storm events were used. The corresponding rainfall amounts for these storms are 3.10", 4.60", and 5.80" respectively.

Due to the numerous variables, and inherent inaccuracies with the modeling program used to calculate stormwater runoff it is custom at Acorn Engineering, Inc. to round to the nearest whole number. However due to the small size of the project and the minimal existing flows, the stormwater runoff shall be rounded to the nearest tenth of a cubic feet per second (cfs).

Time of Concentration (T_c)

Due to the project site chiefly containing impervious area surrounded by wetlands a consistent time of concentration (T_c) of 6 minutes was applied to each respective subcatchment for post-development conditions. Individual Tc times were calculated by the HydroCAD software for the pre-development conditions due to the long flow paths, slopes, and ground cover changes.

Pre-development Calculations

The pre-development model was broken into five separate subcatchments.

- Subcatchment 1 – This tributary includes the southern section of the parcel and incorporates an unknown about of offsite runoff from the Jetport Boulevard ditch and drains to an existing catch basin onsite that is assumed to be routed to the existing detention pond located onsite (POI 3). The land cover includes grass and wooded area.
    - The City of Portland staff are currently investigating the storm drain network to confirm this assumption and will update Acorn Engineering on the findings.
- Subcatchment 2 – This tributary includes a smaller area of land located on the southeastern side of the site. The stormwater is routed to an existing basin located within the Westbrook Street ROW. The land cover includes grass and wooded area.

- Subcatchment 3 – This tributary includes primarily the middle of the lot. This area is routed directly to the existing detention pond located on the northern side of the site. This pond ultimately drains to the point of analysis. The land cover includes grass and wooded area.
- Subcatchment 4 – This tributary includes about one third of the parcel and drains directly to a man-made pond location on the western side of the site. The pond ultimately drains to the point of analysis. The land cover includes wooded area.
- Subcatchment 5 – This tributary includes primarily the eastern side of the lot. This area is routed directly to the northern corner of the lot that has been labeled the point of analysis. The land cover includes grass and wooded area.

A pre-development watershed map developed for this project can be viewed in Attachment A and a copy of the HydroCAD calculations is included within Attachment C, of this report. Peak flow rates for the storm events are as follows:

Table 4 – Pre-Development Peak Flow Rates

Drainage Area	2 – Year Storm Event (cfs)	10 – Year Storm Event (cfs)	25 – Year Storm Event (cfs)
POI 1	0.29	0.57	1.29
POI 2	0.18	0.35	0.50
POI 3	1.74	3.25	4.52
POI 4	1.01	2.05	2.94
Total Runoff	3.77	7.34	10.35

Post-development Calculations:

The post-development model was broken into six separate subcatchments.

- Subcatchment 1 – This tributary includes the southern section of the parcel and incorporates an unknown about of offsite runoff from the Jetport Boulevard ditch and drains to an existing catch basin onsite that is assumed to be routed to the existing detention pond located onsite (POI 3). The land cover includes grass and wooded area.
    - The City of Portland staff are currently investigating the storm drain network to confirm this assumption and will update Acorn Engineering on the findings.
- Subcatchment 2 – This tributary includes a smaller area of land located on the southeastern side of the site. The stormwater is routed to an existing basin located within the Westbrook Street ROW (POI 2).
- Subcatchment 3 – This tributary includes primarily the northern middle of the lot. This area is routed directly to the existing detention pond located on the northern side of the site. This pond ultimately drains to the point of analysis.

- Subcatchment 4 – This tributary includes about one third of the parcel and drains directly to a man-made pond location on the western side of the site. The pond ultimately drains to the point of analysis.
- Subcatchment 5.1 – This tributary includes a portion of the proposed hotel building and the northeast area of the proposed parking lot. This area is treated by vegetation undrained soil filter #1 and ultimately discharges to the northern side of the site.
- Subcatchment 5.2 – This tributary includes a portion of the proposed hotel building and the southern area of the proposed parking lot. This area is treated by vegetation undrained soil filter #2 and ultimately discharges to the northern side of the site.
- Subcatchment 5.3 – This tributary includes the drive aisle to access the site. This area's stormwater is directed to bypass the existing detention basin (POI 2) and tie into the exisitng stormdrain network that drains directly to the point of analysis.
- Subcatchment 5.4 – This tributary includes primarily the eastern side of the lot. This area is routed directly to the northern corner of the lot that has been labeled the point of analysis.
- Subcatchment 6 – This tributary includes a small portion of the drive aisle to access the site. This areas stormwater is directed to the Westbrook Street ROW and inlets into the municipal stormdrain network. We show this area being directed to the point of analysis for modeling purposes to show the post-developed flow rates do not exceed the predevelopment flow rates.

The following table represents a comparison of pre- development and post-development condition peak runoff rates for the proposed development and tributary area.

Table 5 – Comparison of Peak Flows

Drainage Area	2 – Year Storm Event (cfs)		10 – Year Storm Event (cfs)		25 – Year Storm Event (cfs)	
POI 1	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	0.29	0.14	0.57	0.27	1.29	0.37
POI 2	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	0.18	0.05	0.35	0.10	0.50	0.14
POI 3	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	1.74	0.36	3.25	1.22	4.52	2.07
POI 4	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	1.01	0.02	2.05	0.18	2.94	0.38
Total Runoff (POA)	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	3.77	1.72	7.34	3.97	10.35	6.61

It should be noted that the post development is reducing the runoff to the respective internal manmade pond point of interests within the site (POI 2 and POI 4). The total peak flow rates in the post development are significantly reduced in comparison to the total predevelopment flow rates for the 2, 10, & 25-year storms as the combined point of analysis enters into the City's municipal stormwater system within Westbrook Street.

A Post-Development Watershed Map created for this project can be viewed in Attachment B, and a copy of the HydroCAD calculations is included within Attachment C of this report. Lastly, vertical orifices are modeled in HydroCAD at the outlet structures of each VUSF. Please refer to the Grading and Drainage Plan and Details for additional information.

SOILS

Onsite soil information includes the following:

- Soil Conservation Service Medium Intensity Soil Survey for Cumberland County

The area within and surrounding the project includes soils types listed in the table below.

Table 6 – Hydrologic Soil Group	
Soils Type	**HSG**
Lamoine silt loam, 3 to 8 percent slopes	C/D
Scantic silt loam, 0 to 3 percent slopes	D

The HSG for the soils, listed above, show soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well to excessively drained sands, with a high rate of water transmission. Implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance to provide proper stabilization of the site.

Conclusion

The proposed development was designed to meet the requirements implemented by the MDEP under the Stormwater Management Statute (38 M.R.S.A. § 420-D) as well as the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards. The proposed project as designed is not anticipated to cause flooding or erosion problems within the subject site, abutters' sites, nor within the right-of-way.

Attachments

Attachment A: Pre-development Watershed Map
Attachment B: Post development Watershed Map
Attachment C: HydroCAD Calculations

GENERAL NOTES:

REFER TO STORMWATER REPORT FOR MORE INFORMATION.

1	SUBCATCHMENT
	SUBCATCHMENT EXTENTS
POI 1	POINT OF INTEREST (POI)
POA	POINT OF ANALYSIS
1	POND
1	REACH



PERMITING
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY / DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 6/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/18/2024

DRAWING NAME: **PRE-DEVELOPMENT WATERSHED MAP**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED
PROFESSIONAL ENGINEER

DRAWING NO.
PRE

GENERAL NOTES:

REFER TO STORMWATER REPORT FOR MORE INFORMATION.

1	SUBCATCHMENT
	SUBCATCHMENT EXTENTS
POI 1	POINT OF INTEREST (POI)
POA	POINT OF ANALYSIS
1	POND
1	REACH



PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 5/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/18/2024

DRAWING NAME: **PRE-DEVELOPMENT WATERSHED MAP**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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ACORN ENGINEERING, INC.
70 ALFRED STREET, BIDDEFORD, MAINE 04104
PO BOX 3372, PORTLAND, MAINE 04104
(207) 775-2655

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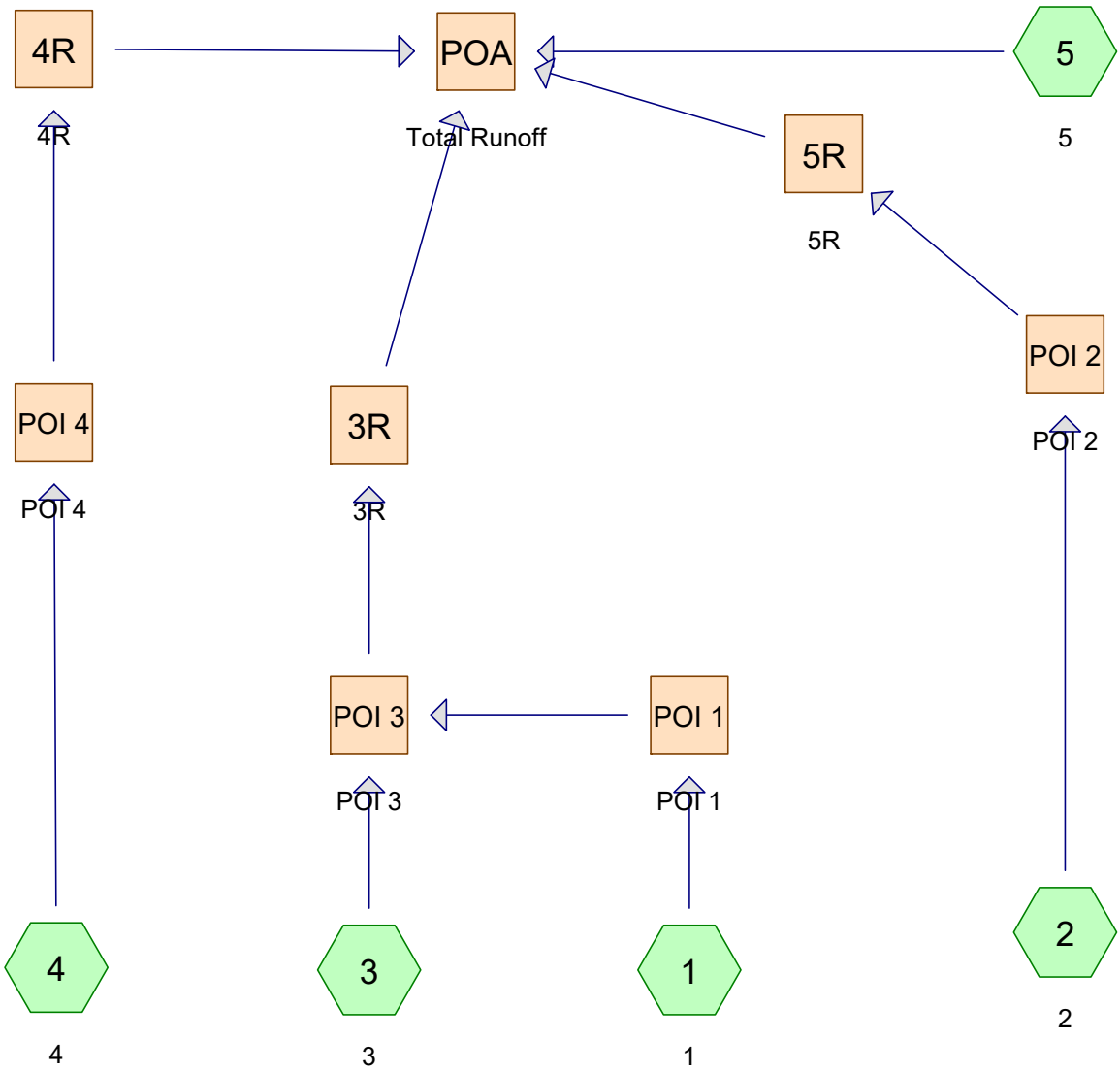
STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER
7/18/24

DRAWING NO.
POST



Subcat Reach Pond Link

Routing Diagram for 1133_PRE-DEVELOPMENT 7-11-24
Prepared by HP Inc., Printed 7/18/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.225	80	>75% Grass cover, Good, HSG D (1, 2, 3, 5)
0.014	98	Paved parking, HSG D (5)
0.429	98	Water Surface, 0% imp, HSG D (3, 4)
2.362	77	Woods, Good, HSG D (1, 2, 3, 4, 5)
4.030	**80**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
4.030	HSG D	1, 2, 3, 4, 5
0.000	Other	
4.030		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.000	1.225	0.000	1.225	>75% Grass cover, Good	1, 2, 3, 5
0.000	0.000	0.000	0.014	0.000	0.014	Paved parking	5
0.000	0.000	0.000	0.429	0.000	0.429	Water Surface, 0% imp	3, 4
0.000	0.000	0.000	2.362	0.000	2.362	Woods, Good	1, 2, 3, 4, 5
0.000	**0.000**	**0.000**	**4.030**	**0.000**	**4.030**	**TOTAL AREA**	

Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=13,793 sf 0.00% Impervious Runoff Depth=1.26"
Flow Length=180' Tc=23.9 min CN=79 Runoff=0.29 cfs 0.033 af

Subcatchment 2: 2 Runoff Area=7,118 sf 0.00% Impervious Runoff Depth=1.26"
Flow Length=164' Tc=15.3 min CN=79 Runoff=0.18 cfs 0.017 af

Subcatchment 3: 3 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=1.53"
Flow Length=365' Tc=26.5 min CN=83 Runoff=1.45 cfs 0.174 af

Subcatchment 4: 4 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=1.20"
Flow Length=320' Tc=26.2 min CN=78 Runoff=1.01 cfs 0.122 af

Subcatchment 5: 5 Runoff Area=41,914 sf 1.47% Impervious Runoff Depth=1.26"
Flow Length=310' Tc=19.1 min CN=79 Runoff=0.96 cfs 0.101 af

Reach 3R: 3R Inflow=1.74 cfs 0.207 af
Outflow=1.74 cfs 0.207 af

Reach 4R: 4R Inflow=1.01 cfs 0.122 af
Outflow=1.01 cfs 0.122 af

Reach 5R: 5R Inflow=0.18 cfs 0.017 af
Outflow=0.18 cfs 0.017 af

Reach POA: Total Runoff Inflow=3.77 cfs 0.448 af
Outflow=3.77 cfs 0.448 af

Reach POI 1: POI 1 Inflow=0.29 cfs 0.033 af
Outflow=0.29 cfs 0.033 af

Reach POI 2: POI 2 Inflow=0.18 cfs 0.017 af
Outflow=0.18 cfs 0.017 af

Reach POI 3: POI 3 Inflow=1.74 cfs 0.207 af
Outflow=1.74 cfs 0.207 af

Reach POI 4: POI 4 Inflow=1.01 cfs 0.122 af
Outflow=1.01 cfs 0.122 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.448 af Average Runoff Depth = 1.33"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

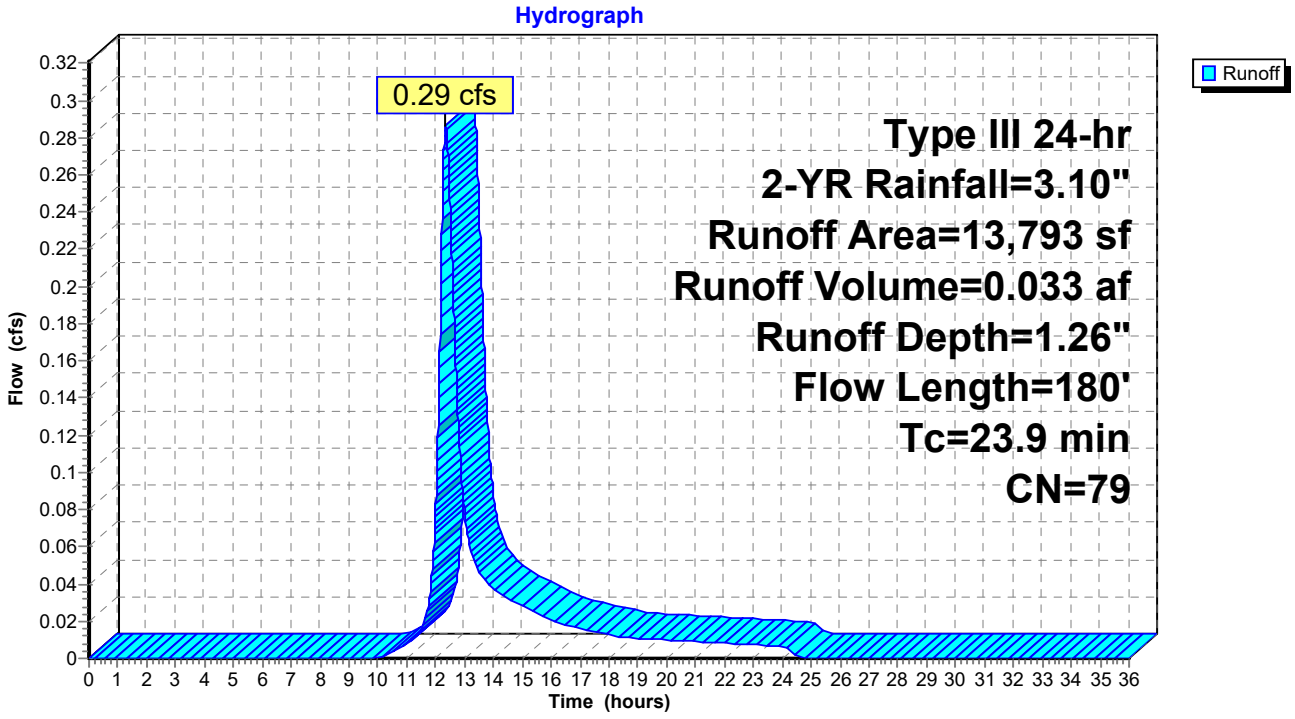
Runoff = 0.29 cfs @ 12.35 hrs, Volume= 0.033 af, Depth= 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
9,337	80	>75% Grass cover, Good, HSG D
4,456	77	Woods, Good, HSG D
13,793	79	Weighted Average
13,793		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
0.2	30	0.1675	2.05		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
23.9	180	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

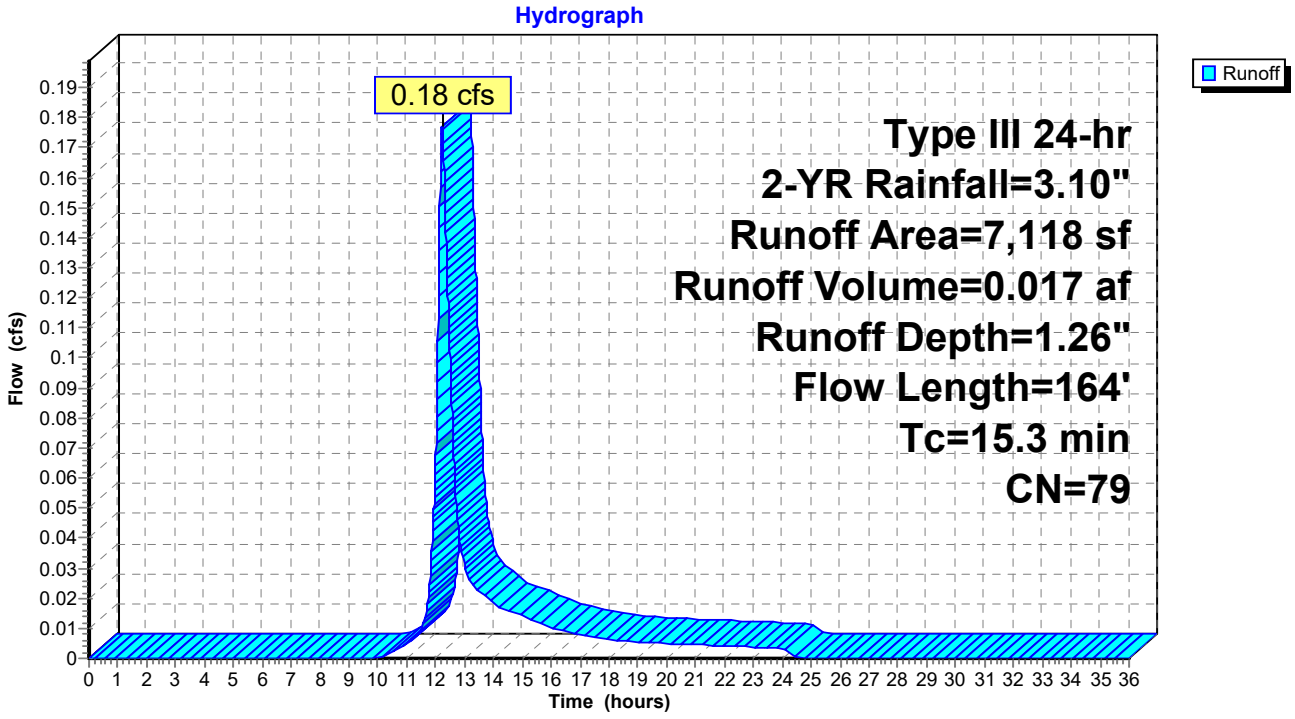
Runoff = 0.18 cfs @ 12.22 hrs, Volume= 0.017 af, Depth= 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
5,840	80	>75% Grass cover, Good, HSG D
1,278	77	Woods, Good, HSG D
7,118	79	Weighted Average
7,118		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.2	150	0.0400	0.16		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
0.1	14	0.2000	2.24		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
15.3	164	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

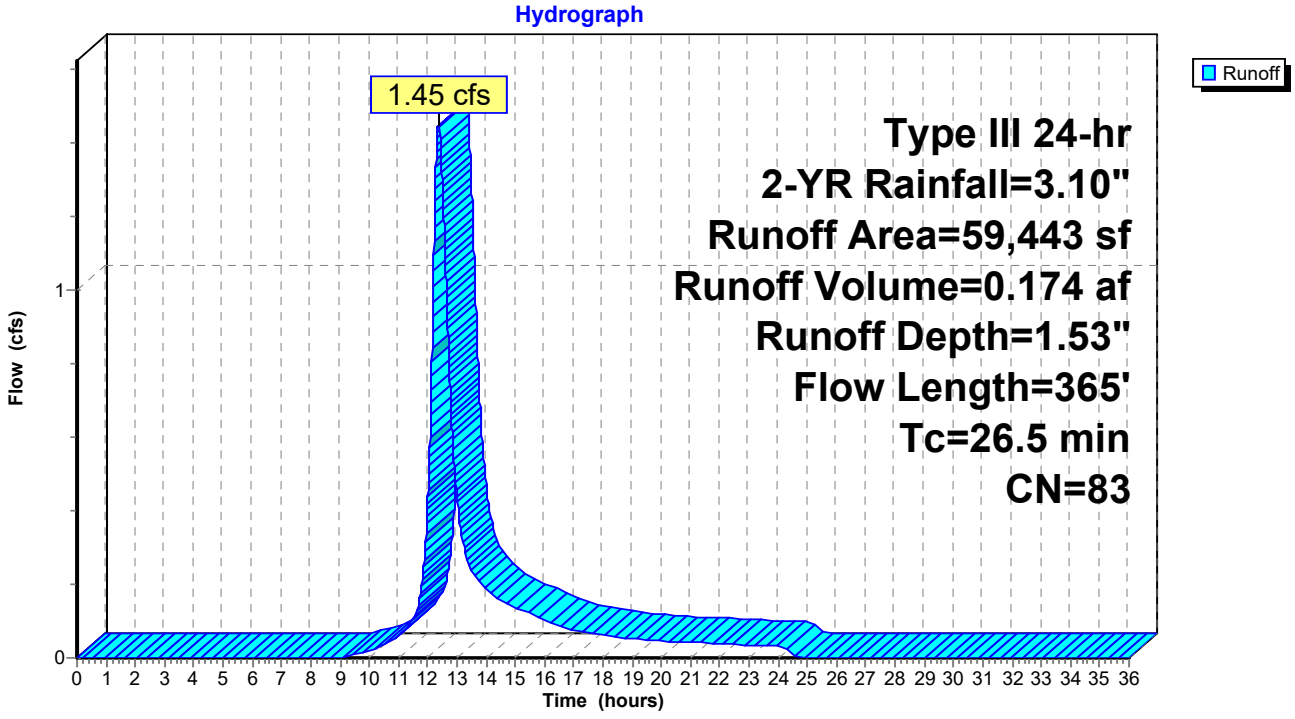
Runoff = 1.45 cfs @ 12.37 hrs, Volume= 0.174 af, Depth= 1.53"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 3: 3



Summary for Subcatchment 4: 4

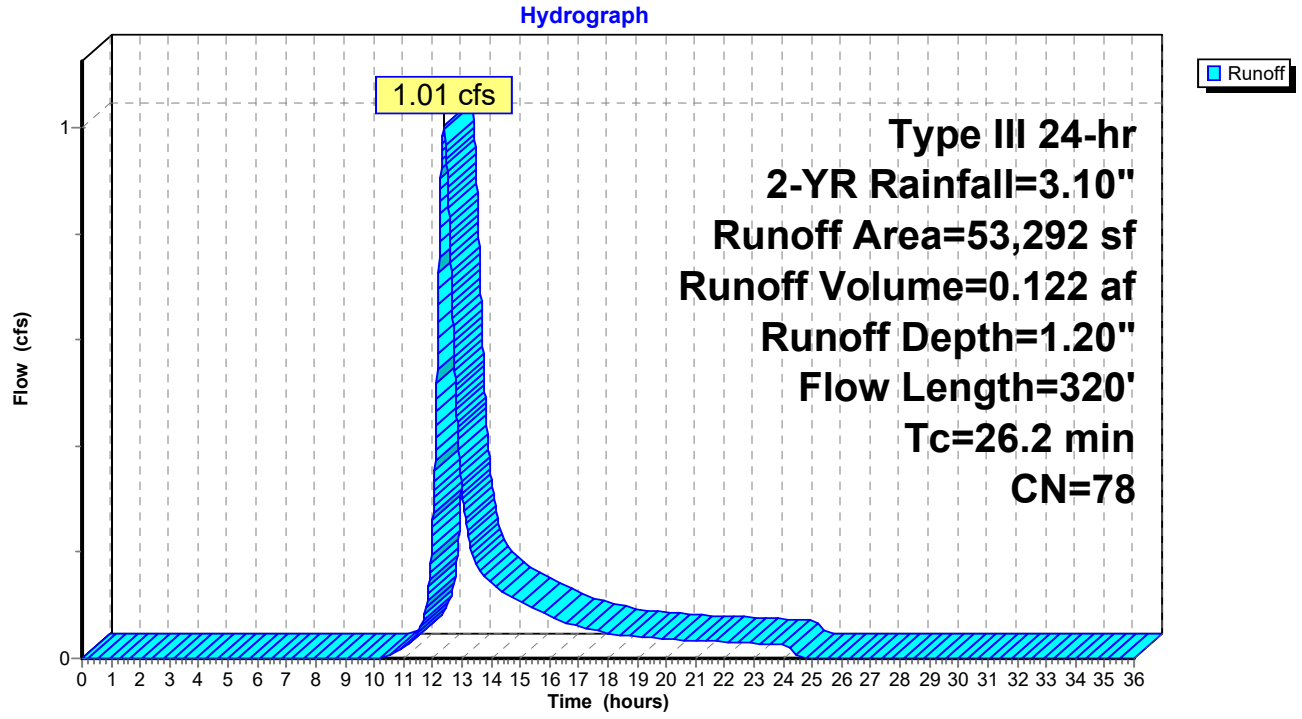
Runoff = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af, Depth= 1.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 4: 4



Summary for Subcatchment 5: 5

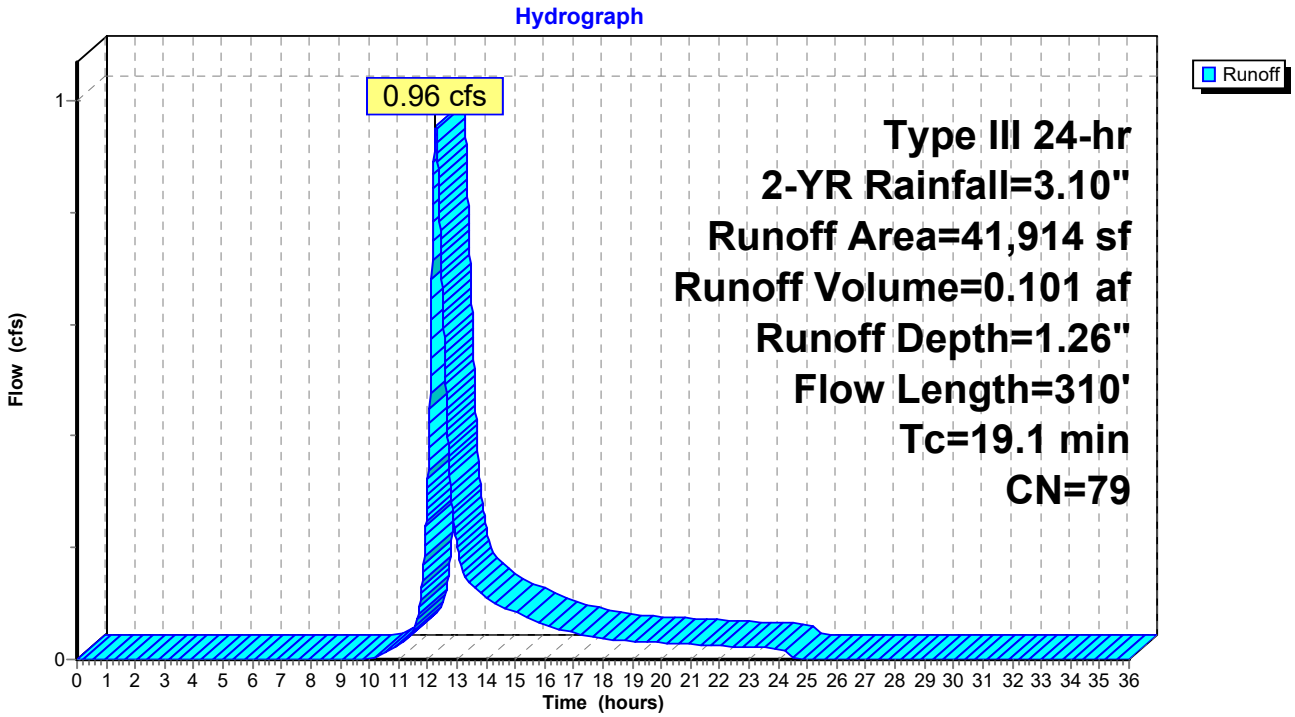
Runoff = 0.96 cfs @ 12.28 hrs, Volume= 0.101 af, Depth= 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
24,574	80	>75% Grass cover, Good, HSG D
16,725	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
41,914	79	Weighted Average
41,299		98.53% Pervious Area
615		1.47% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.2	110	0.0450	1.48		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.1	50	0.0800	5.74		**Shallow Concentrated Flow, SHALLOW C-D** Paved Kv= 20.3 fps
19.1	310	Total			

Subcatchment 5: 5

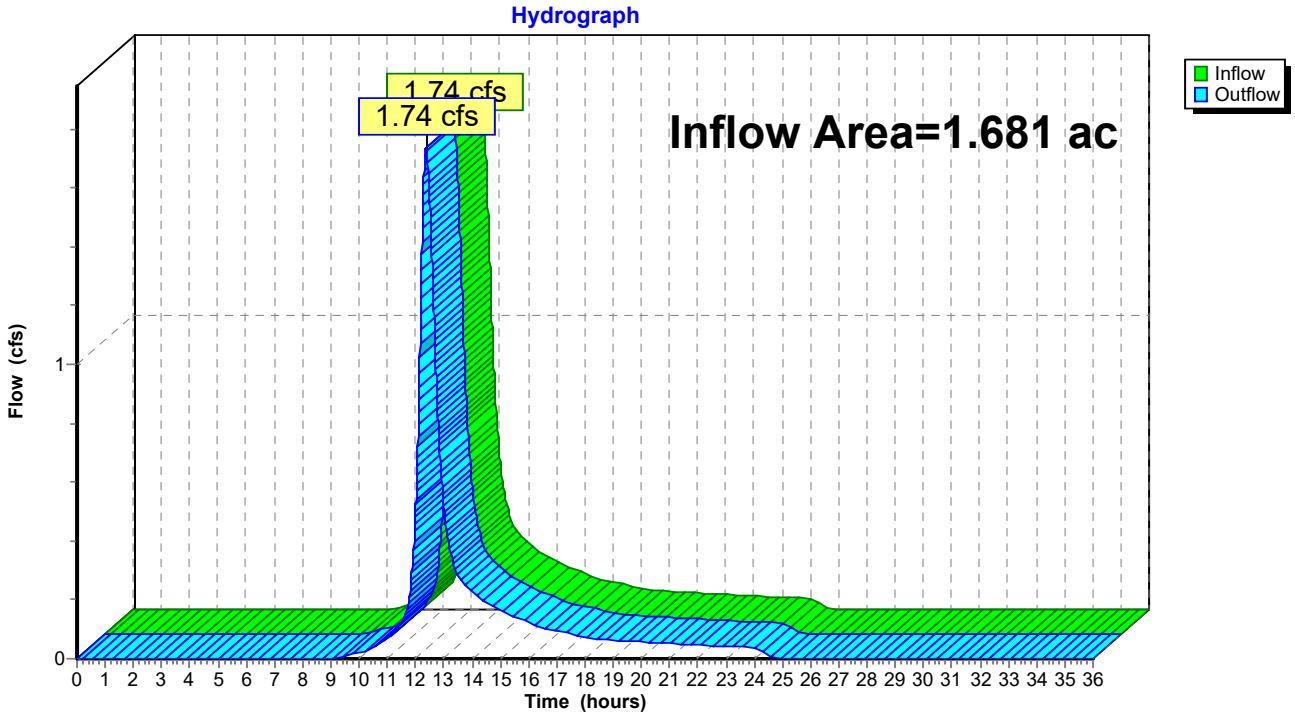


Summary for Reach 3R: 3R

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 1.48" for 2-YR event
Inflow = 1.74 cfs @ 12.37 hrs, Volume= 0.207 af
Outflow = 1.74 cfs @ 12.37 hrs, Volume= 0.207 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

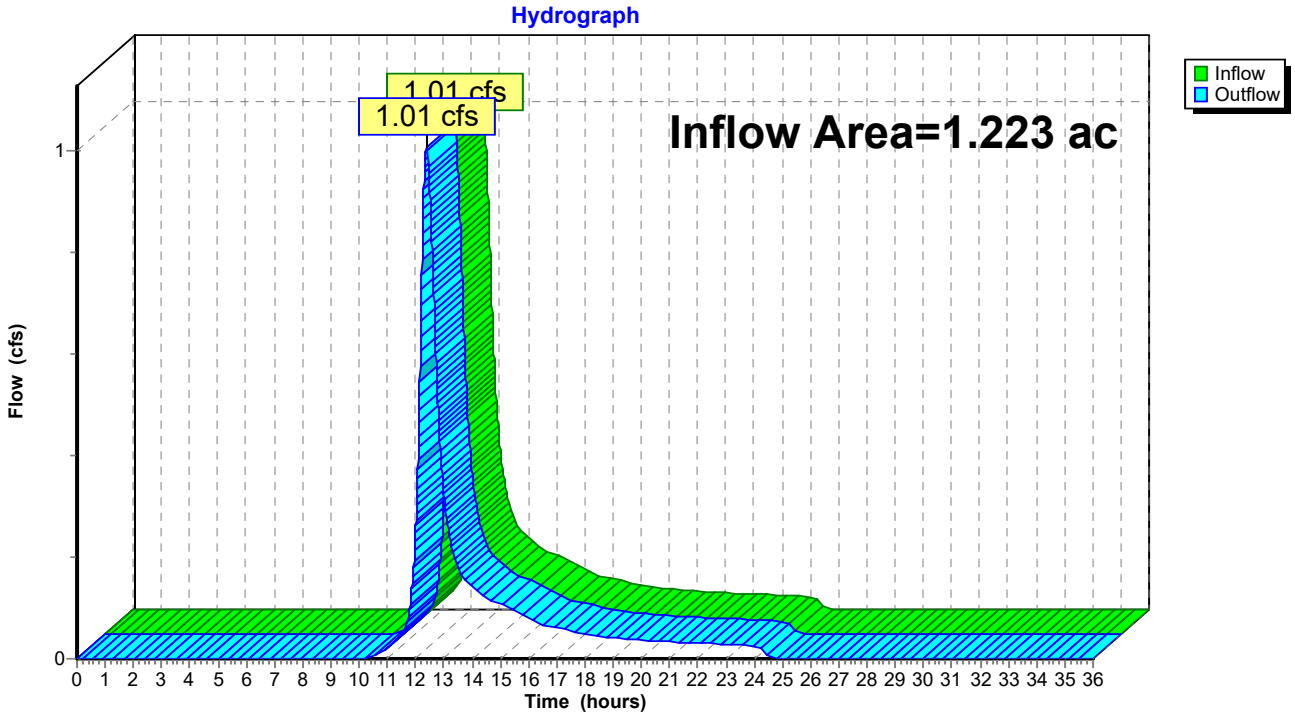


Summary for Reach 4R: 4R

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 1.20" for 2-YR event
Inflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af
Outflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

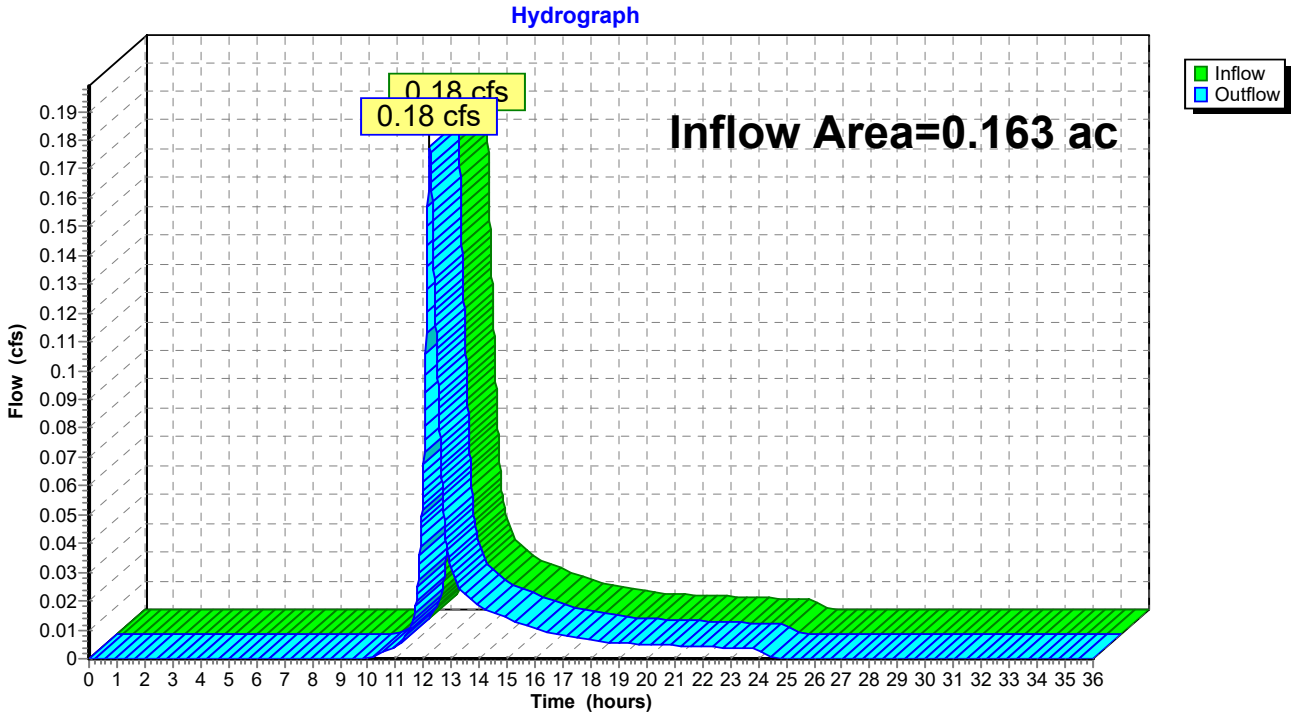


Summary for Reach 5R: 5R

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 1.26" for 2-YR event
Inflow = 0.18 cfs @ 12.22 hrs, Volume= 0.017 af
Outflow = 0.18 cfs @ 12.22 hrs, Volume= 0.017 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

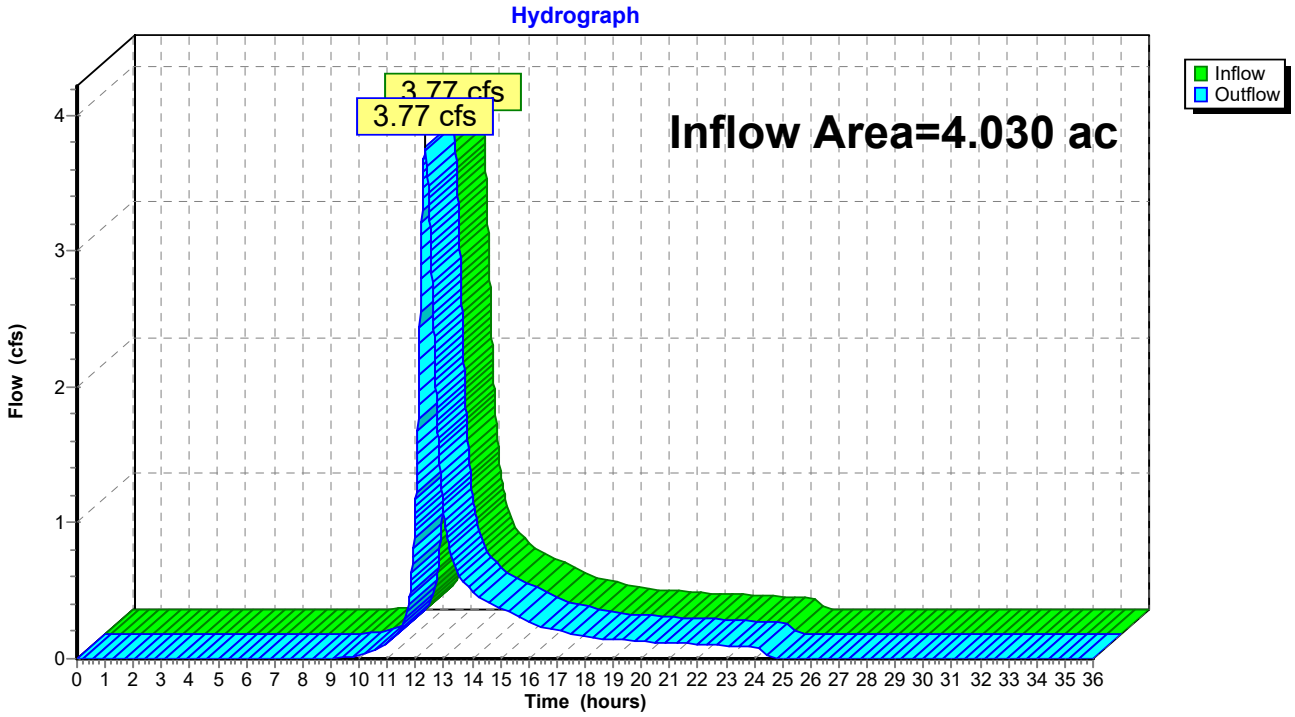


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 1.33" for 2-YR event
Inflow = 3.77 cfs @ 12.34 hrs, Volume= 0.448 af
Outflow = 3.77 cfs @ 12.34 hrs, Volume= 0.448 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

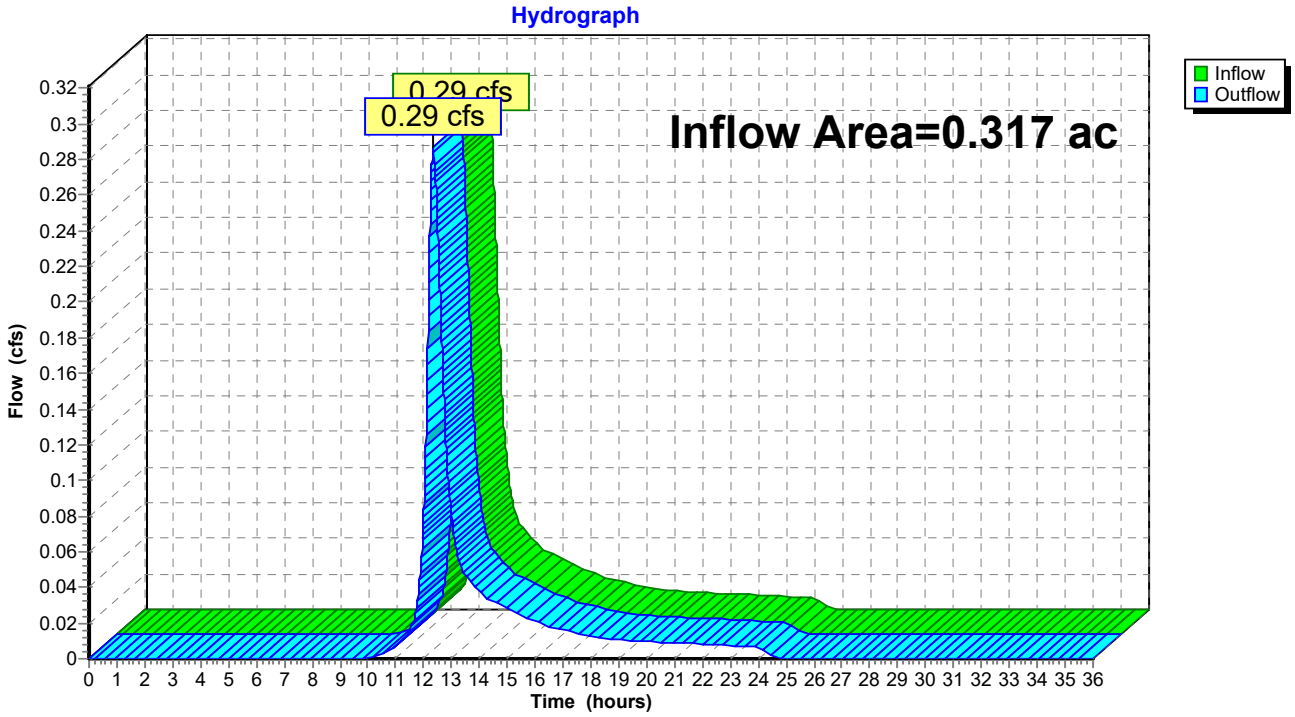


Summary for Reach POI 1: POI 1

Inflow Area = 0.317 ac, 0.00% Impervious, Inflow Depth = 1.26" for 2-YR event
Inflow = 0.29 cfs @ 12.35 hrs, Volume= 0.033 af
Outflow = 0.29 cfs @ 12.35 hrs, Volume= 0.033 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

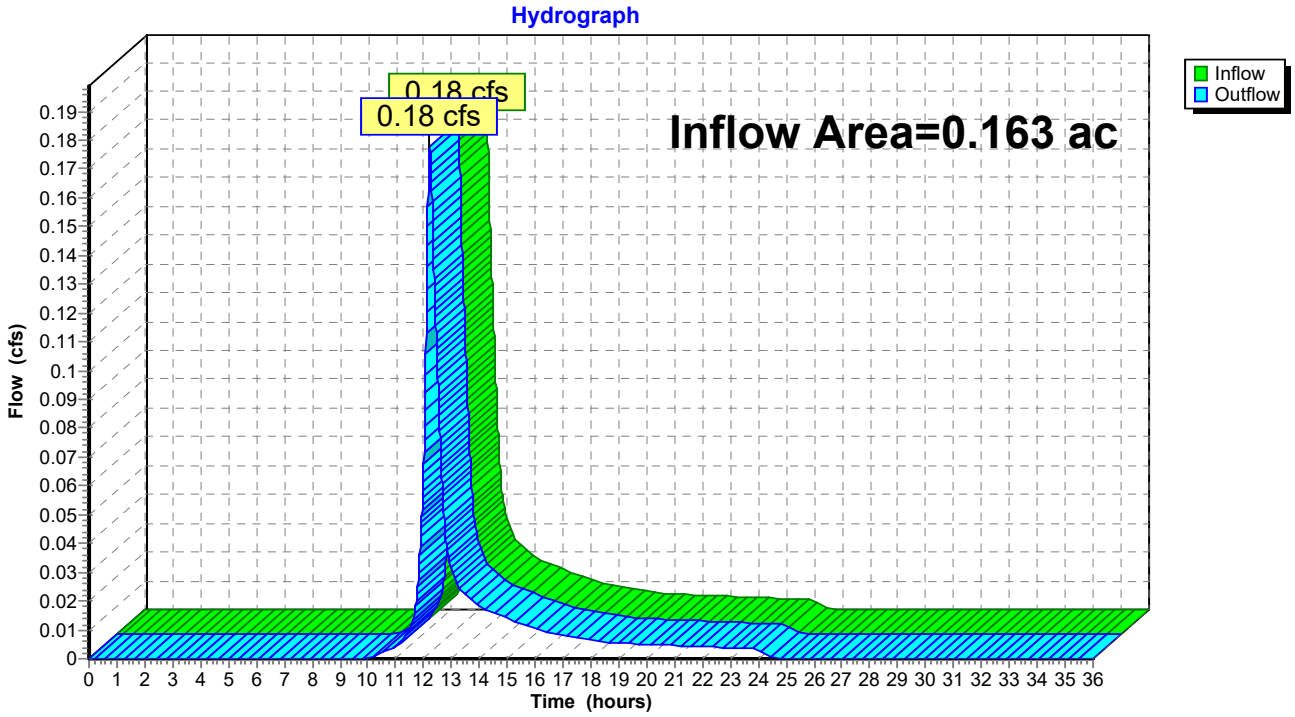


Summary for Reach POI 2: POI 2

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 1.26" for 2-YR event
Inflow = 0.18 cfs @ 12.22 hrs, Volume= 0.017 af
Outflow = 0.18 cfs @ 12.22 hrs, Volume= 0.017 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

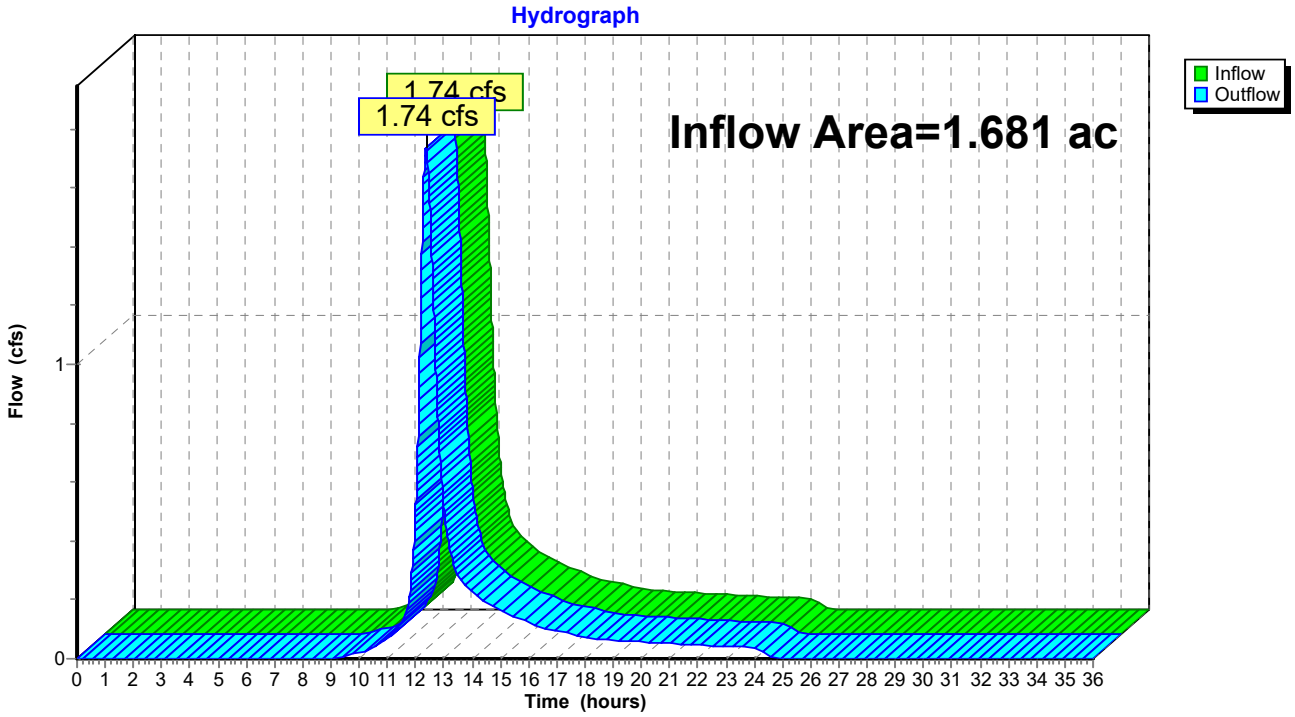


Summary for Reach POI 3: POI 3

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 1.48" for 2-YR event
Inflow = 1.74 cfs @ 12.37 hrs, Volume= 0.207 af
Outflow = 1.74 cfs @ 12.37 hrs, Volume= 0.207 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

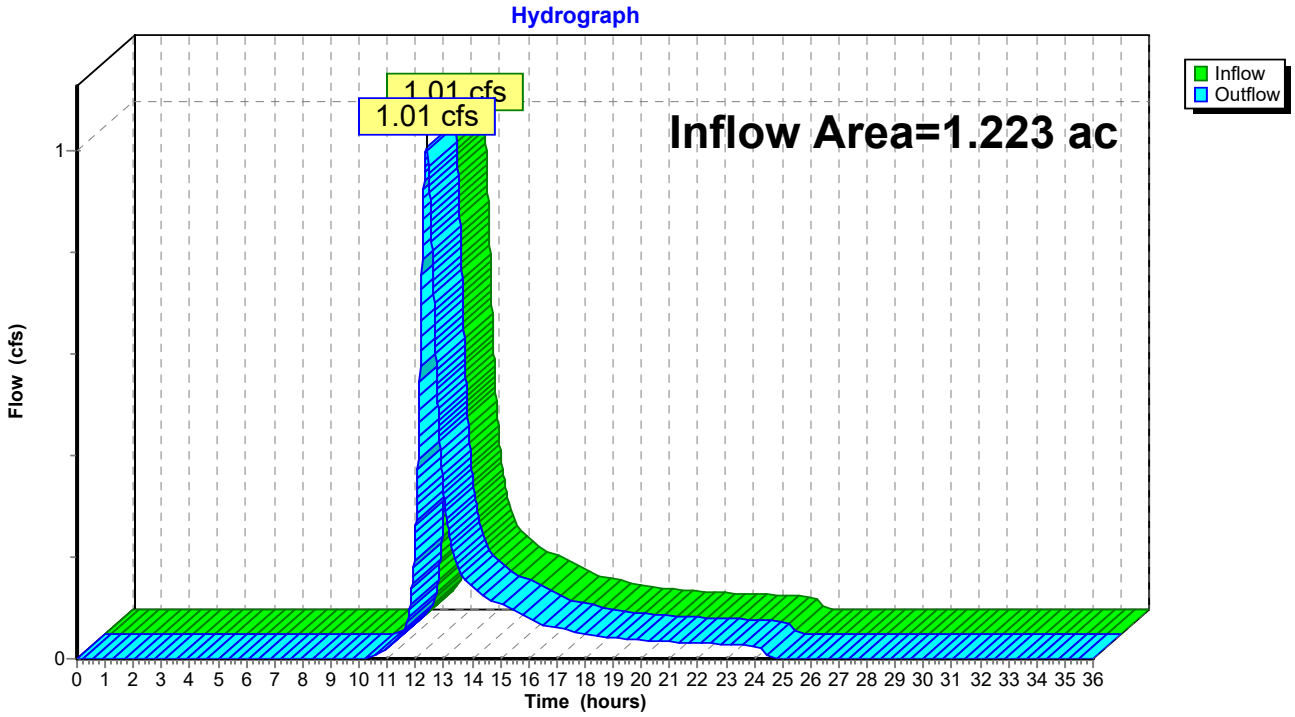


Summary for Reach POI 4: POI 4

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 1.20" for 2-YR event
Inflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af
Outflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4



Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=13,793 sf 0.00% Impervious Runoff Depth=2.46"
Flow Length=180' Tc=23.9 min CN=79 Runoff=0.57 cfs 0.065 af

Subcatchment 2: 2 Runoff Area=7,118 sf 0.00% Impervious Runoff Depth=2.46"
Flow Length=164' Tc=15.3 min CN=79 Runoff=0.35 cfs 0.034 af

Subcatchment 3: 3 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=2.81"
Flow Length=365' Tc=26.5 min CN=83 Runoff=2.69 cfs 0.320 af

Subcatchment 4: 4 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=2.38"
Flow Length=320' Tc=26.2 min CN=78 Runoff=2.05 cfs 0.242 af

Subcatchment 5: 5 Runoff Area=41,914 sf 1.47% Impervious Runoff Depth=2.46"
Flow Length=310' Tc=19.1 min CN=79 Runoff=1.90 cfs 0.197 af

Reach 3R: 3R Inflow=3.25 cfs 0.385 af
Outflow=3.25 cfs 0.385 af

Reach 4R: 4R Inflow=2.05 cfs 0.242 af
Outflow=2.05 cfs 0.242 af

Reach 5R: 5R Inflow=0.35 cfs 0.034 af
Outflow=0.35 cfs 0.034 af

Reach POA: Total Runoff Inflow=7.34 cfs 0.858 af
Outflow=7.34 cfs 0.858 af

Reach POI 1: POI 1 Inflow=0.57 cfs 0.065 af
Outflow=0.57 cfs 0.065 af

Reach POI 2: POI 2 Inflow=0.35 cfs 0.034 af
Outflow=0.35 cfs 0.034 af

Reach POI 3: POI 3 Inflow=3.25 cfs 0.385 af
Outflow=3.25 cfs 0.385 af

Reach POI 4: POI 4 Inflow=2.05 cfs 0.242 af
Outflow=2.05 cfs 0.242 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.858 af Average Runoff Depth = 2.55"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

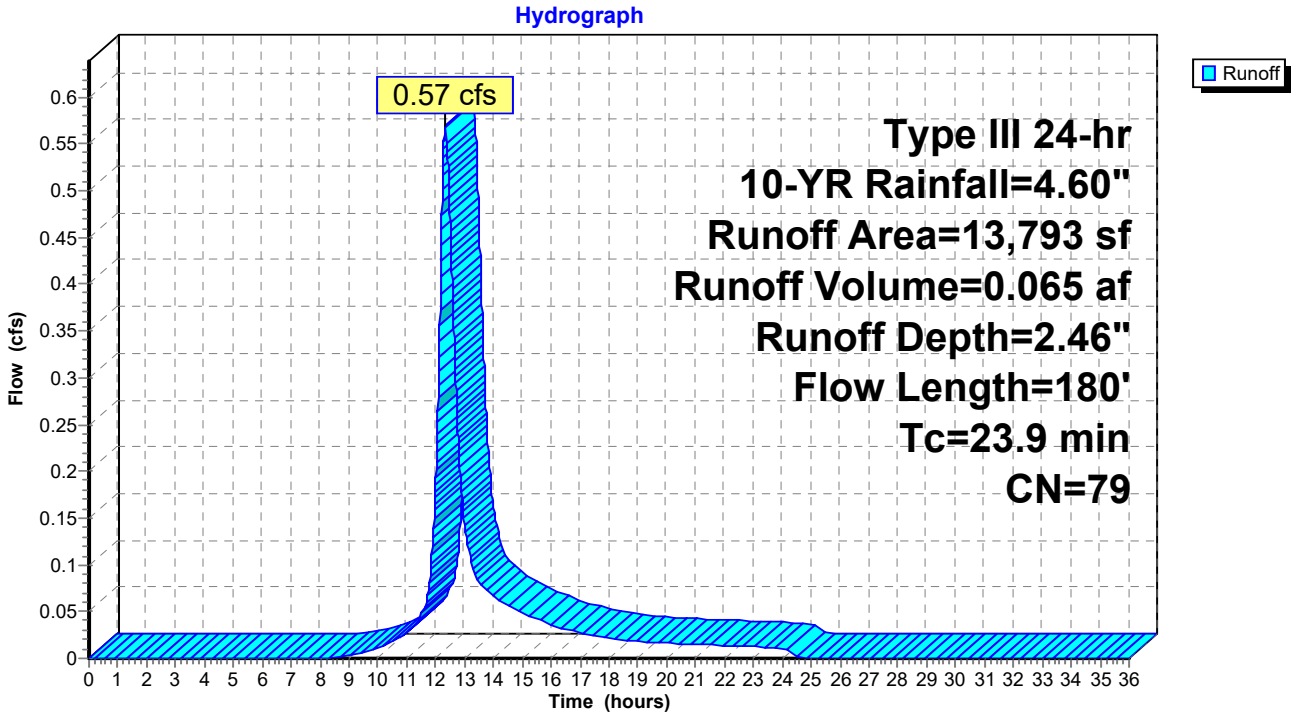
Runoff = 0.57 cfs @ 12.34 hrs, Volume= 0.065 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
9,337	80	>75% Grass cover, Good, HSG D
4,456	77	Woods, Good, HSG D
13,793	79	Weighted Average
13,793		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
0.2	30	0.1675	2.05		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
23.9	180	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

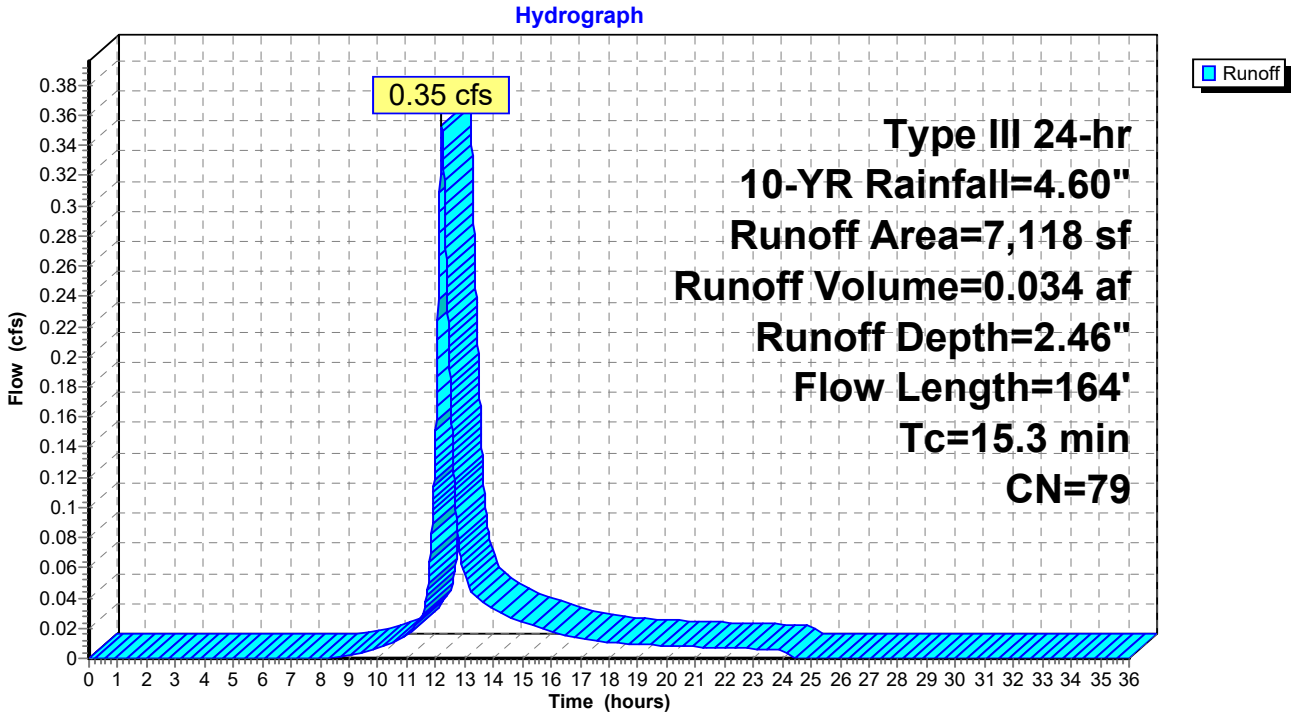
Runoff = 0.35 cfs @ 12.21 hrs, Volume= 0.034 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
5,840	80	>75% Grass cover, Good, HSG D
1,278	77	Woods, Good, HSG D
7,118	79	Weighted Average
7,118		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.2	150	0.0400	0.16		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
0.1	14	0.2000	2.24		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
15.3	164	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

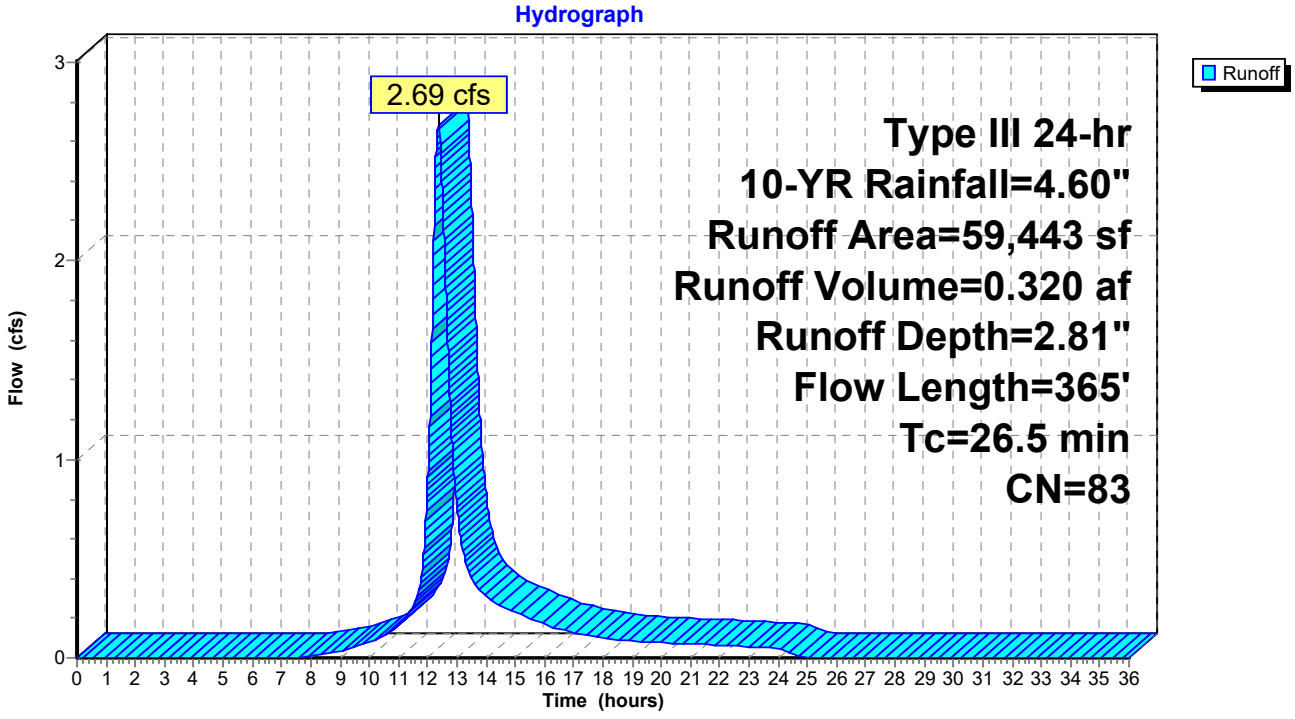
Runoff = 2.69 cfs @ 12.36 hrs, Volume= 0.320 af, Depth= 2.81"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 3: 3



Summary for Subcatchment 4: 4

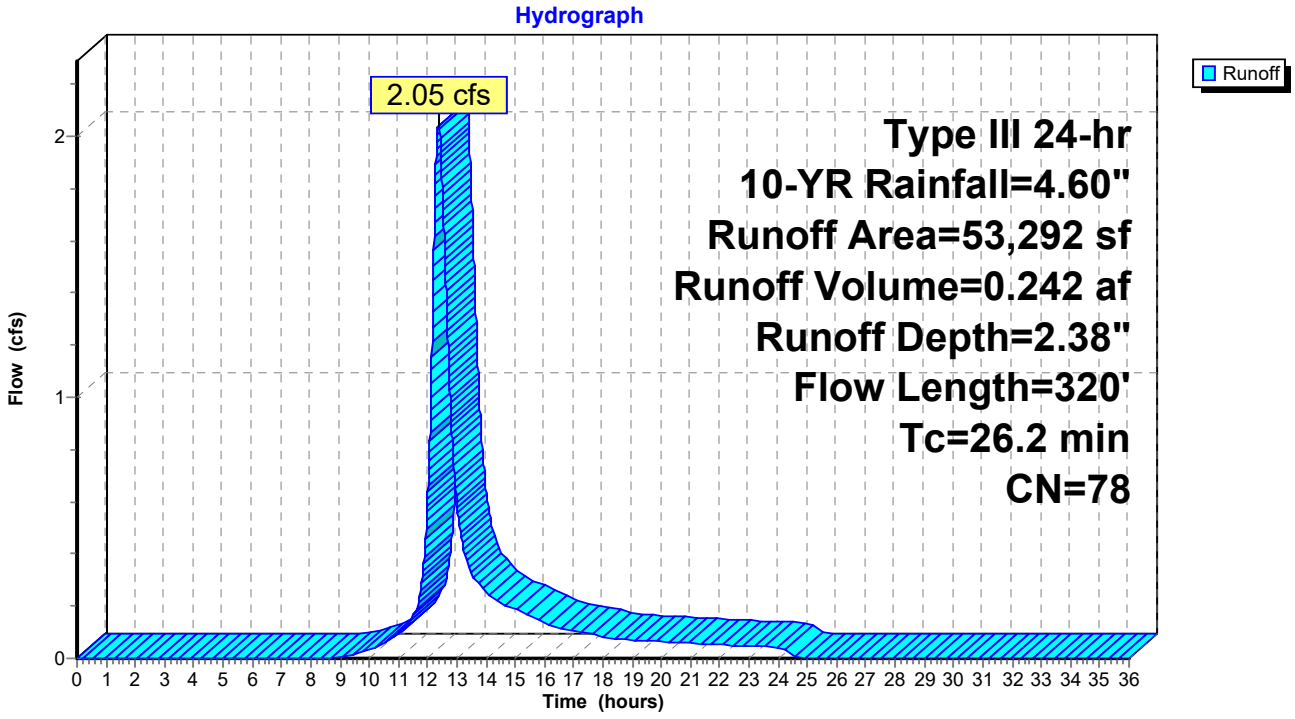
Runoff = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af, Depth= 2.38"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 4: 4



Summary for Subcatchment 5: 5

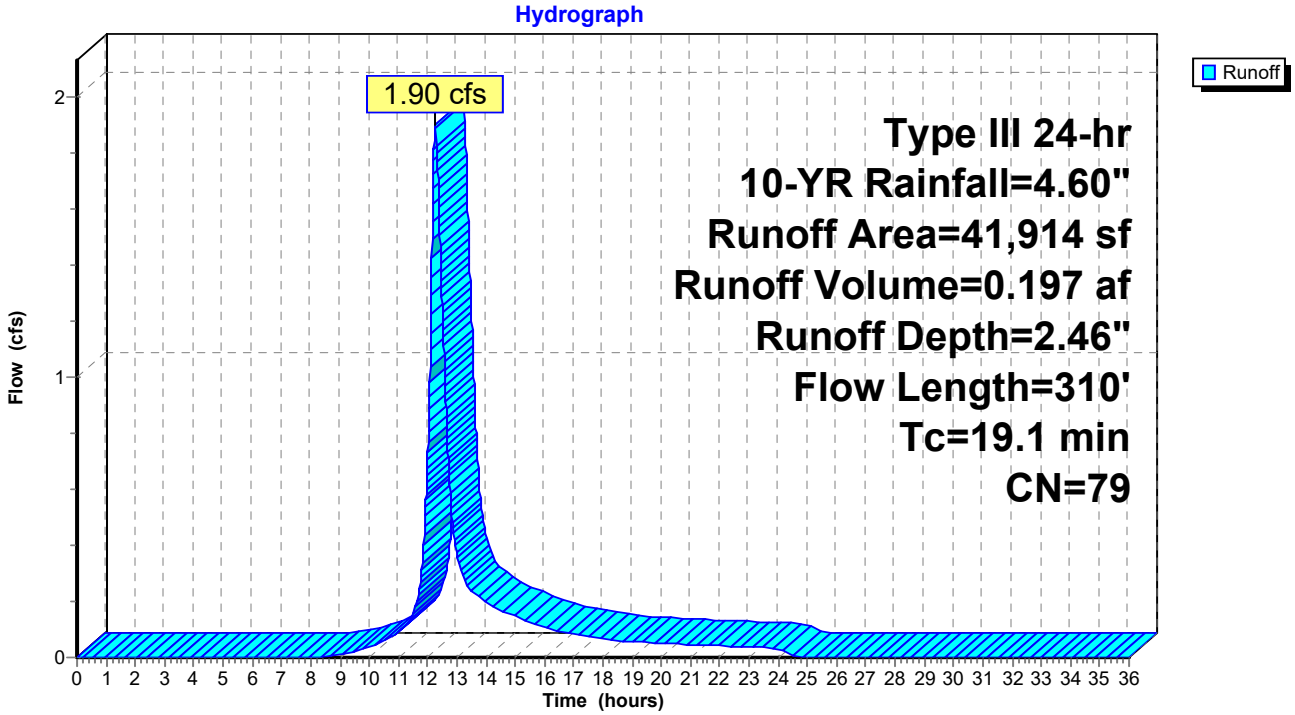
Runoff = 1.90 cfs @ 12.26 hrs, Volume= 0.197 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
24,574	80	>75% Grass cover, Good, HSG D
16,725	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
41,914	79	Weighted Average
41,299		98.53% Pervious Area
615		1.47% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.2	110	0.0450	1.48		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.1	50	0.0800	5.74		**Shallow Concentrated Flow, SHALLOW C-D** Paved Kv= 20.3 fps
19.1	310	Total			

Subcatchment 5: 5

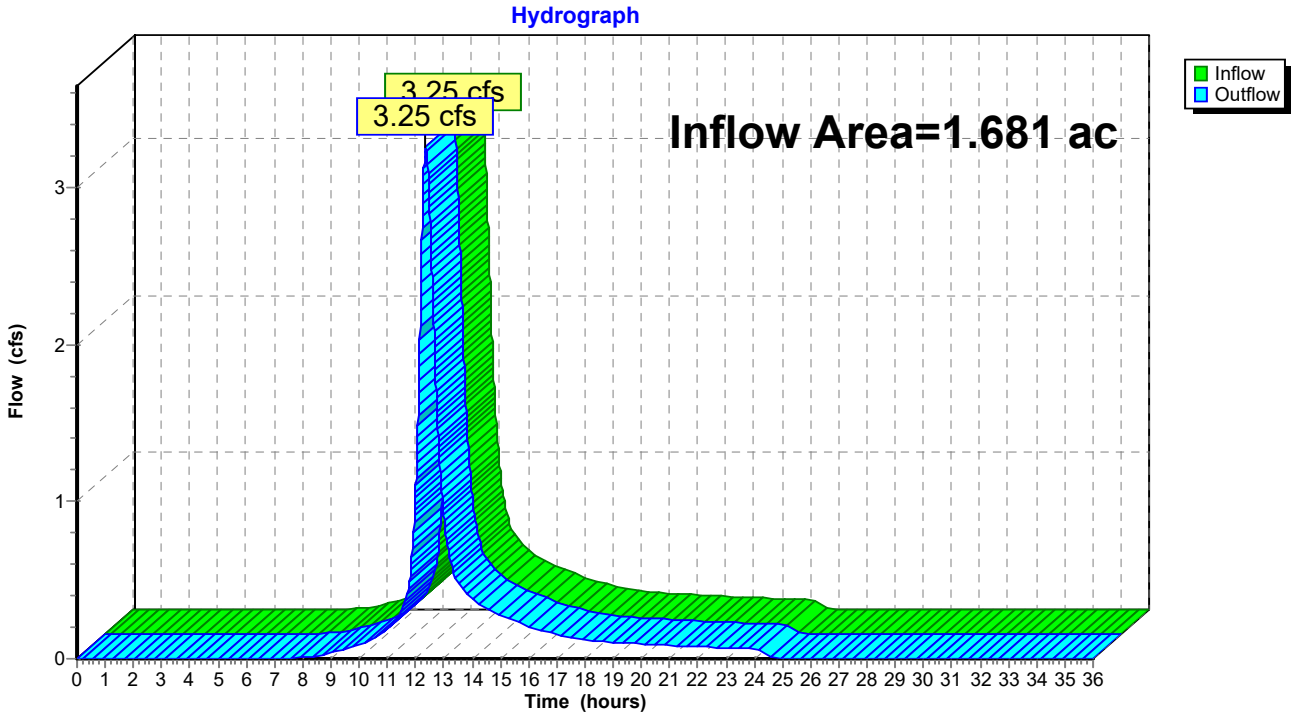


Summary for Reach 3R: 3R

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 2.75" for 10-YR event
Inflow = 3.25 cfs @ 12.35 hrs, Volume= 0.385 af
Outflow = 3.25 cfs @ 12.35 hrs, Volume= 0.385 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

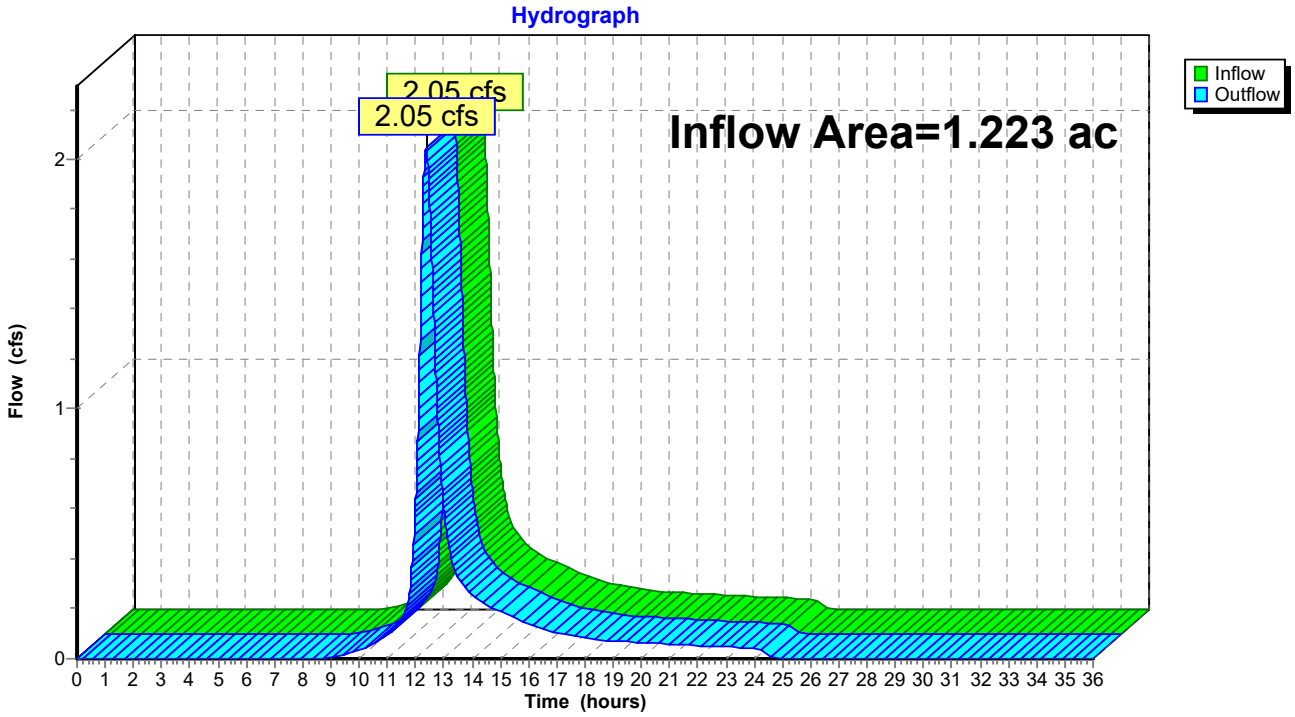


Summary for Reach 4R: 4R

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 2.38" for 10-YR event
Inflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af
Outflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

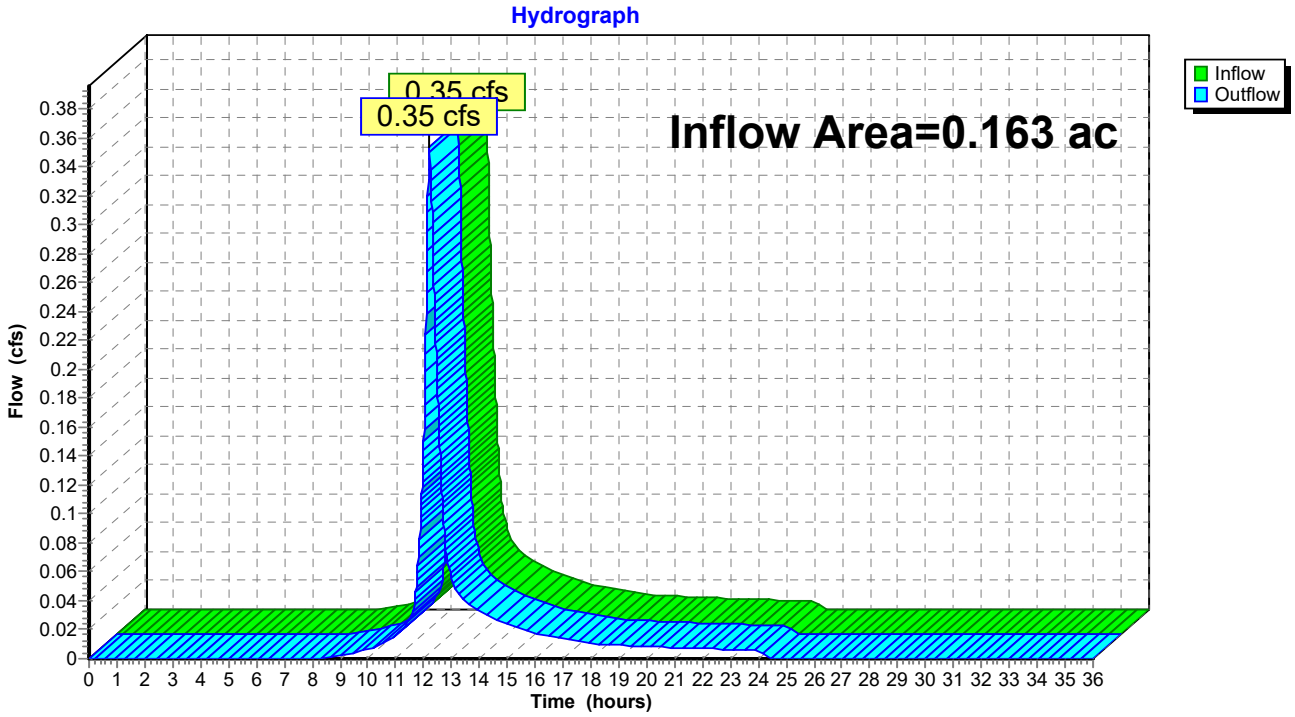


Summary for Reach 5R: 5R

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 2.46" for 10-YR event
Inflow = 0.35 cfs @ 12.21 hrs, Volume= 0.034 af
Outflow = 0.35 cfs @ 12.21 hrs, Volume= 0.034 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

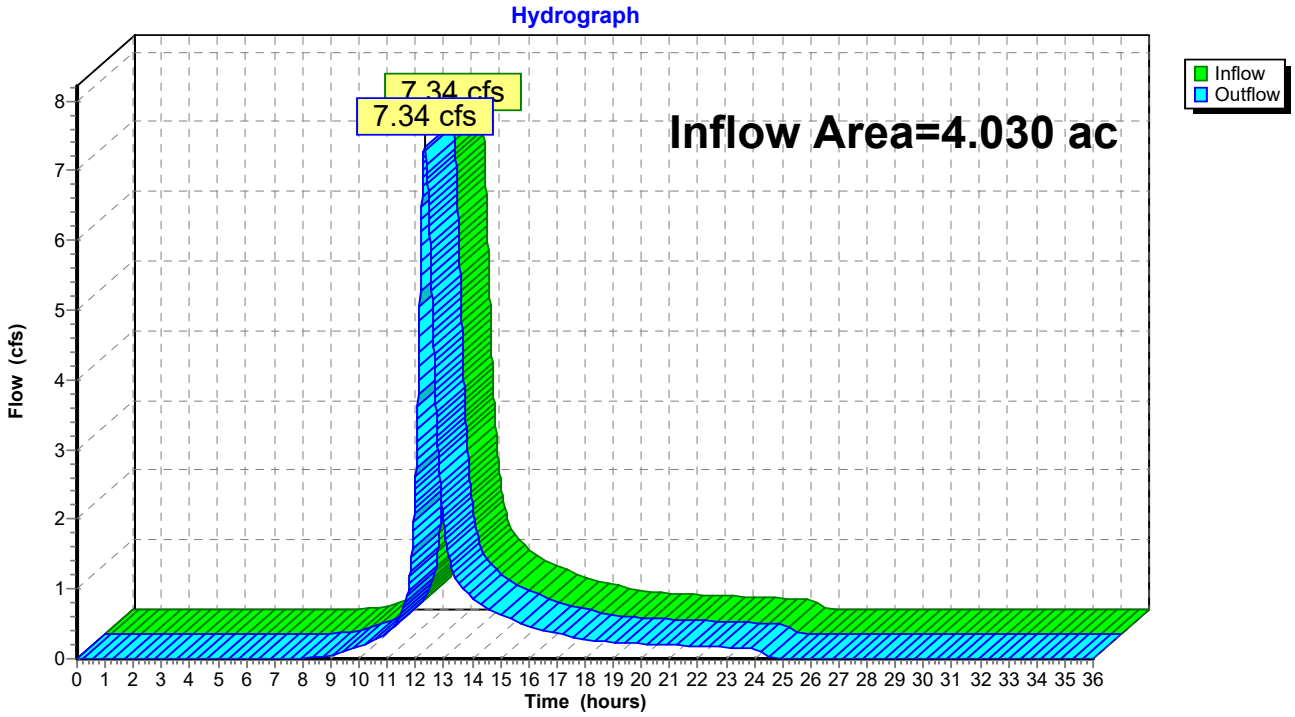


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 2.55" for 10-YR event
Inflow = 7.34 cfs @ 12.33 hrs, Volume= 0.858 af
Outflow = 7.34 cfs @ 12.33 hrs, Volume= 0.858 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

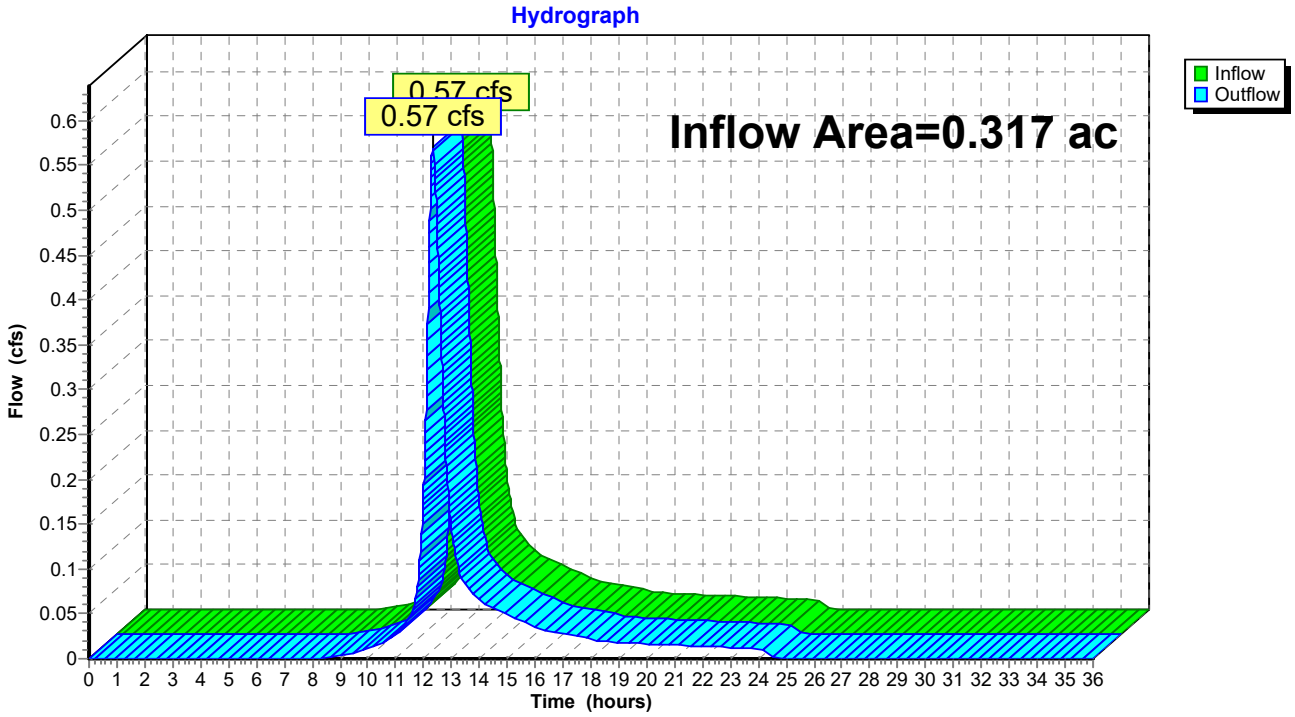


Summary for Reach POI 1: POI 1

Inflow Area = 0.317 ac, 0.00% Impervious, Inflow Depth = 2.46" for 10-YR event
Inflow = 0.57 cfs @ 12.34 hrs, Volume= 0.065 af
Outflow = 0.57 cfs @ 12.34 hrs, Volume= 0.065 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

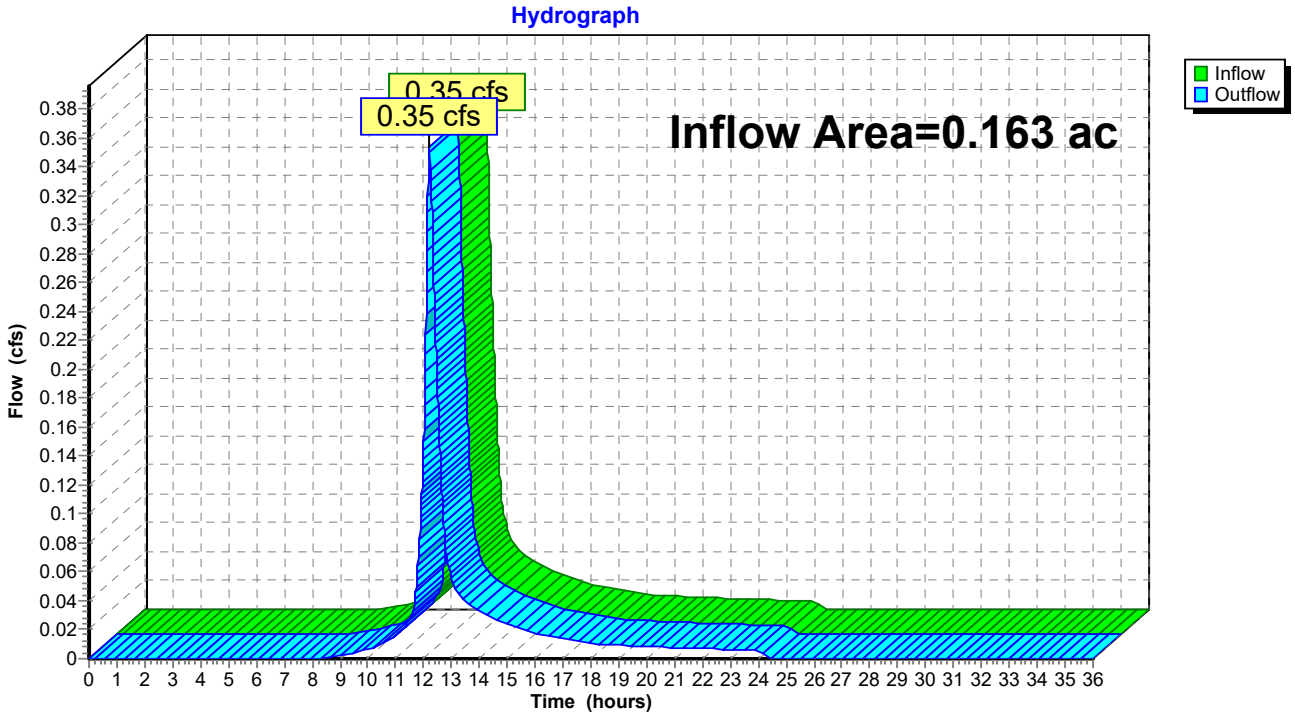


Summary for Reach POI 2: POI 2

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 2.46" for 10-YR event
Inflow = 0.35 cfs @ 12.21 hrs, Volume= 0.034 af
Outflow = 0.35 cfs @ 12.21 hrs, Volume= 0.034 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

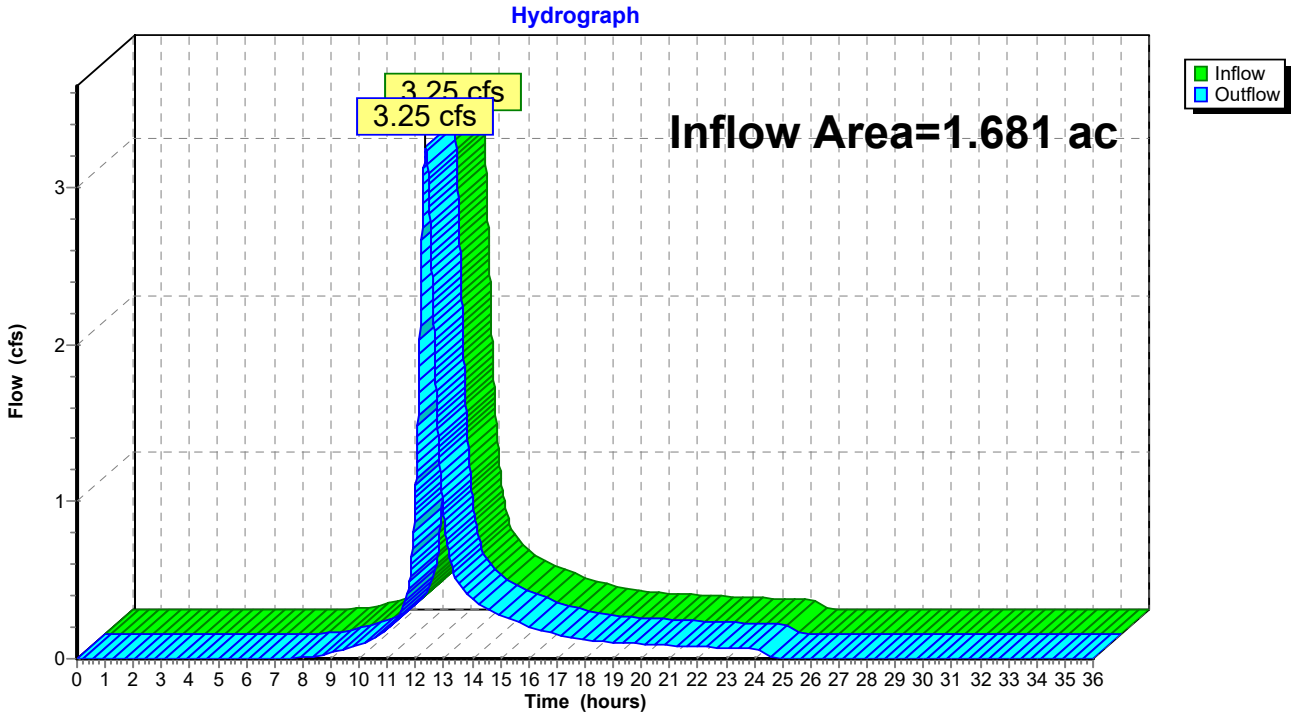


Summary for Reach POI 3: POI 3

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 2.75" for 10-YR event
Inflow = 3.25 cfs @ 12.35 hrs, Volume= 0.385 af
Outflow = 3.25 cfs @ 12.35 hrs, Volume= 0.385 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

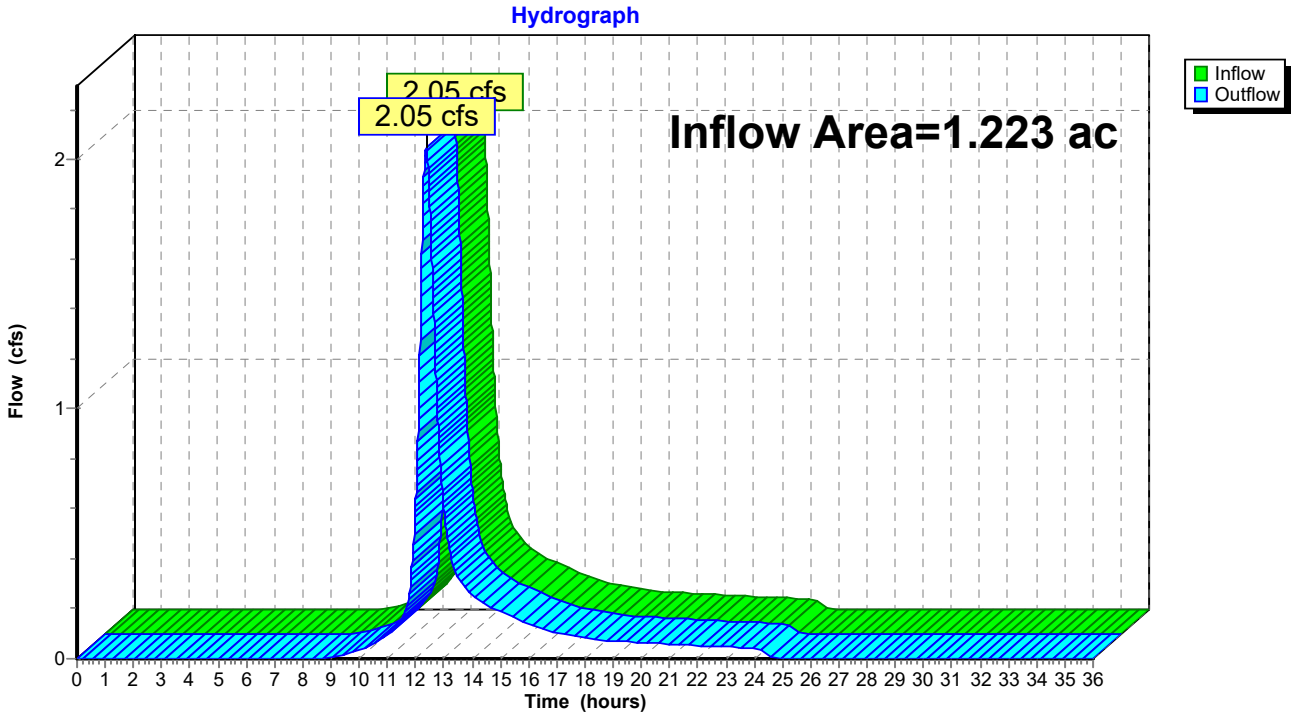


Summary for Reach POI 4: POI 4

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 2.38" for 10-YR event
Inflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af
Outflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4



Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=13,793 sf 0.00% Impervious Runoff Depth=3.50"
Flow Length=180' Tc=23.9 min CN=79 Runoff=0.81 cfs 0.092 af

Subcatchment 2: 2 Runoff Area=7,118 sf 0.00% Impervious Runoff Depth=3.50"
Flow Length=164' Tc=15.3 min CN=79 Runoff=0.50 cfs 0.048 af

Subcatchment 3: 3 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=3.91"
Flow Length=365' Tc=26.5 min CN=83 Runoff=3.71 cfs 0.444 af

Subcatchment 4: 4 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=3.40"
Flow Length=320' Tc=26.2 min CN=78 Runoff=2.94 cfs 0.347 af

Subcatchment 5: 5 Runoff Area=41,914 sf 1.47% Impervious Runoff Depth=3.50"
Flow Length=310' Tc=19.1 min CN=79 Runoff=2.71 cfs 0.281 af

Reach 3R: 3R Inflow=4.52 cfs 0.537 af
Outflow=4.52 cfs 0.537 af

Reach 4R: 4R Inflow=2.94 cfs 0.347 af
Outflow=2.94 cfs 0.347 af

Reach 5R: 5R Inflow=0.50 cfs 0.048 af
Outflow=0.50 cfs 0.048 af

Reach POA: Total Runoff Inflow=10.35 cfs 1.212 af
Outflow=10.35 cfs 1.212 af

Reach POI 1: POI 1 Inflow=0.81 cfs 0.092 af
Outflow=0.81 cfs 0.092 af

Reach POI 2: POI 2 Inflow=0.50 cfs 0.048 af
Outflow=0.50 cfs 0.048 af

Reach POI 3: POI 3 Inflow=4.52 cfs 0.537 af
Outflow=4.52 cfs 0.537 af

Reach POI 4: POI 4 Inflow=2.94 cfs 0.347 af
Outflow=2.94 cfs 0.347 af

Total Runoff Area = 4.030 ac Runoff Volume = 1.212 af Average Runoff Depth = 3.61"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

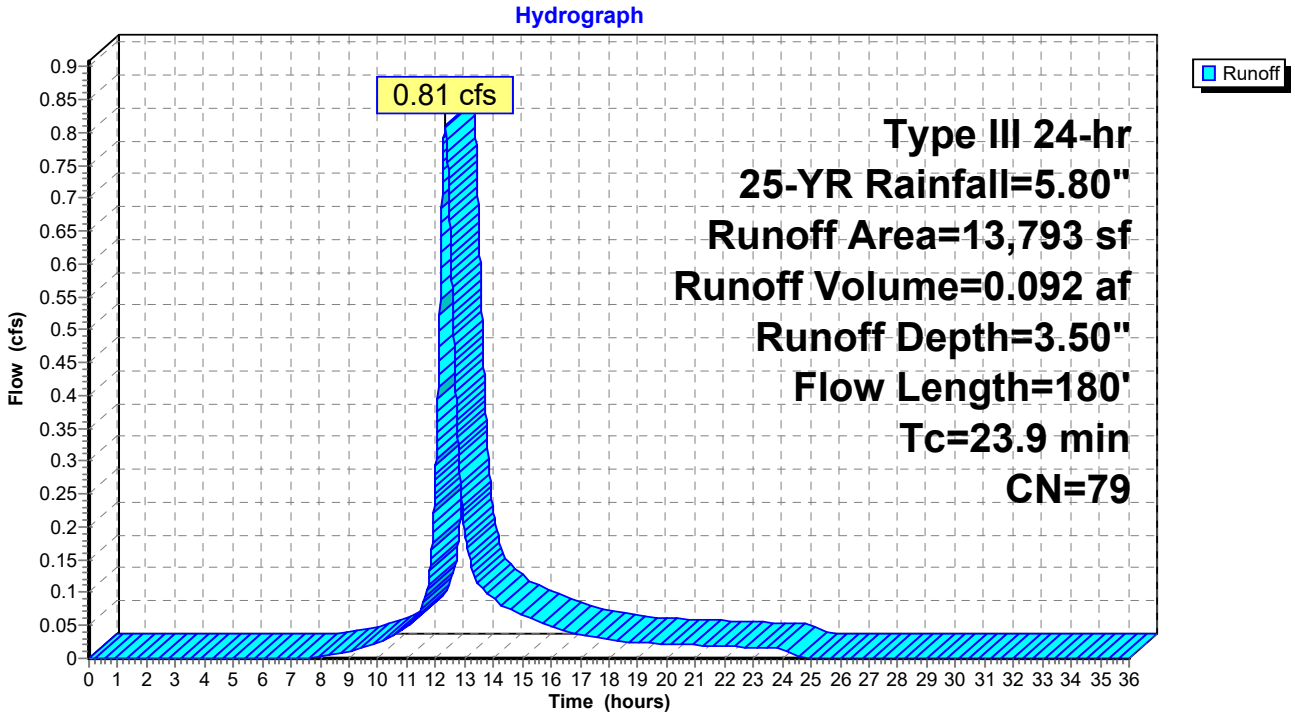
Runoff = 0.81 cfs @ 12.33 hrs, Volume= 0.092 af, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
9,337	80	>75% Grass cover, Good, HSG D
4,456	77	Woods, Good, HSG D
13,793	79	Weighted Average
13,793		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
0.2	30	0.1675	2.05		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
23.9	180	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

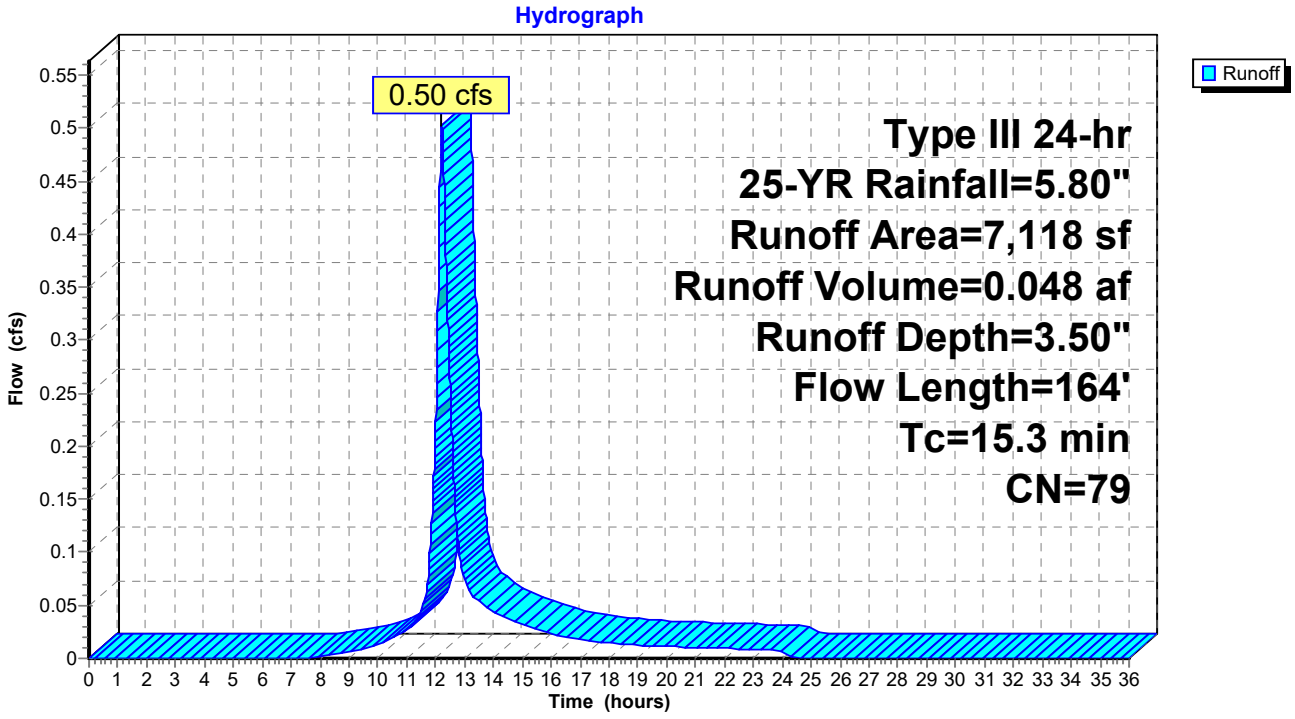
Runoff = 0.50 cfs @ 12.21 hrs, Volume= 0.048 af, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
5,840	80	>75% Grass cover, Good, HSG D
1,278	77	Woods, Good, HSG D
7,118	79	Weighted Average
7,118		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.2	150	0.0400	0.16		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
0.1	14	0.2000	2.24		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
15.3	164	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

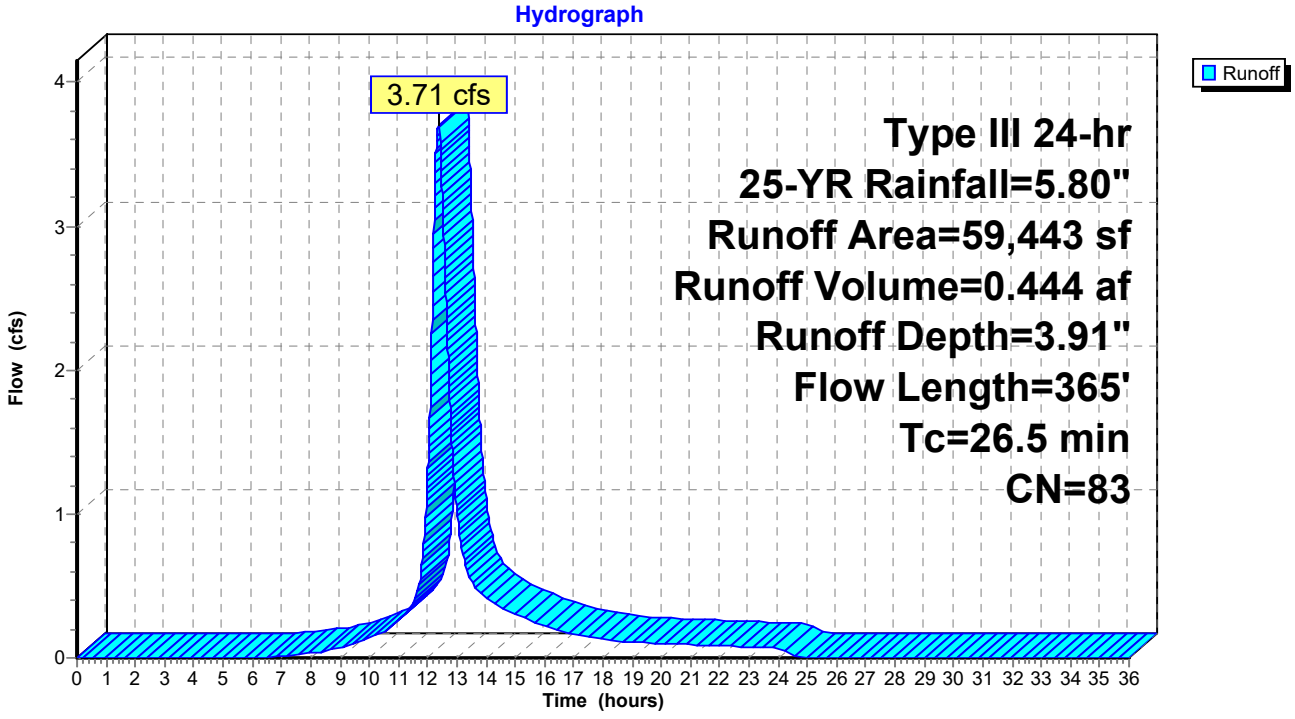
Runoff = 3.71 cfs @ 12.36 hrs, Volume= 0.444 af, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 3: 3



Summary for Subcatchment 4: 4

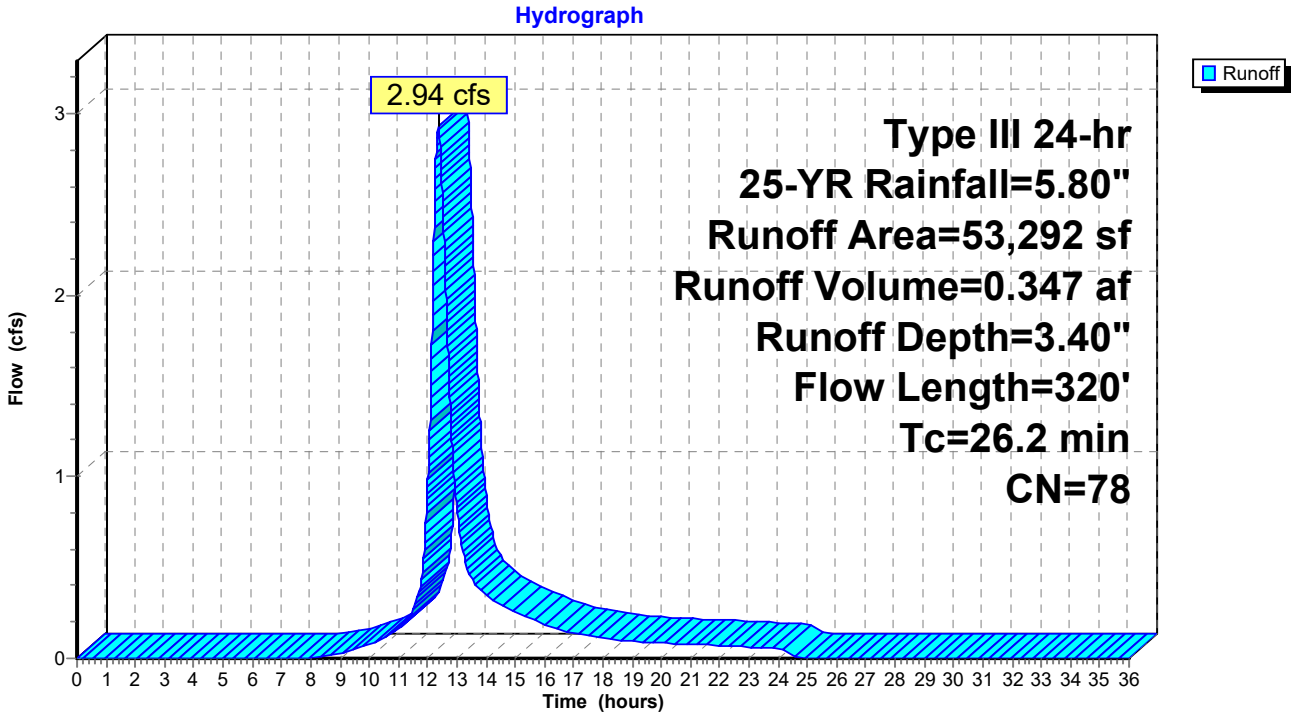
Runoff = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 4: 4



Summary for Subcatchment 5: 5

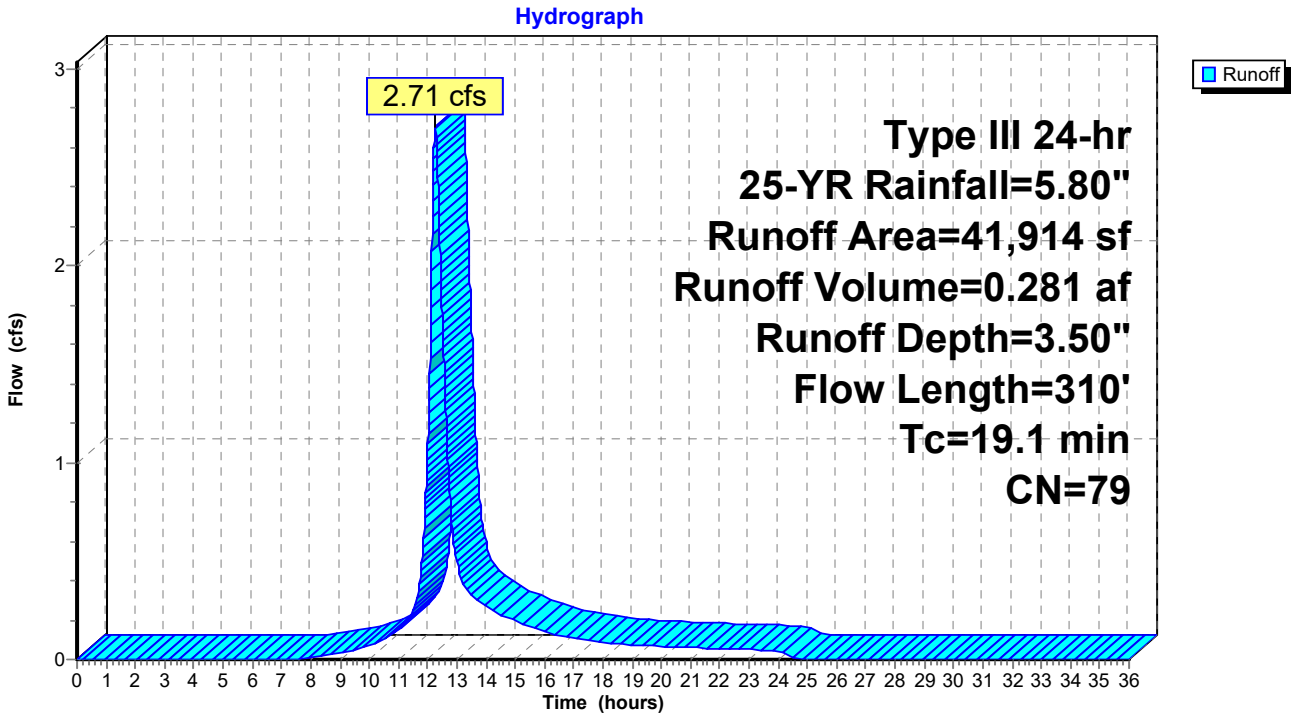
Runoff = 2.71 cfs @ 12.26 hrs, Volume= 0.281 af, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
24,574	80	>75% Grass cover, Good, HSG D
16,725	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
41,914	79	Weighted Average
41,299		98.53% Pervious Area
615		1.47% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.2	110	0.0450	1.48		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.1	50	0.0800	5.74		**Shallow Concentrated Flow, SHALLOW C-D** Paved Kv= 20.3 fps
19.1	310	Total			

Subcatchment 5: 5

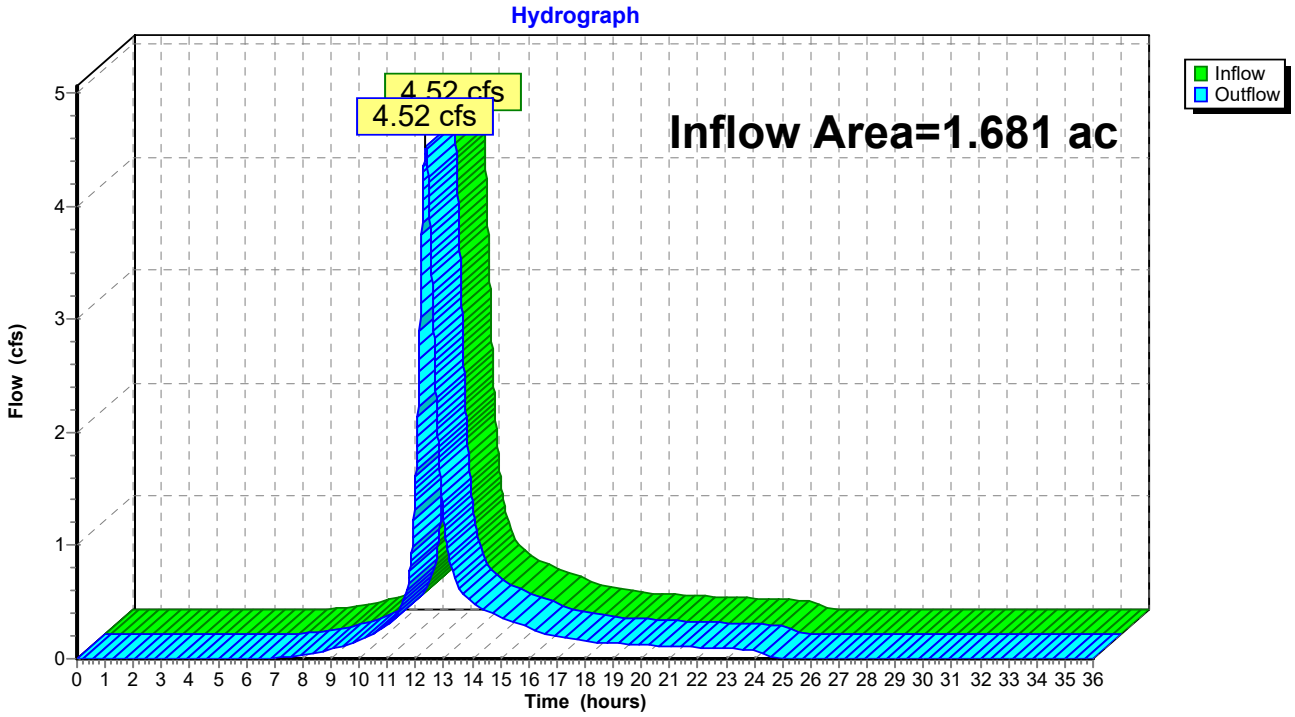


Summary for Reach 3R: 3R

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 3.83" for 25-YR event
Inflow = 4.52 cfs @ 12.34 hrs, Volume= 0.537 af
Outflow = 4.52 cfs @ 12.34 hrs, Volume= 0.537 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

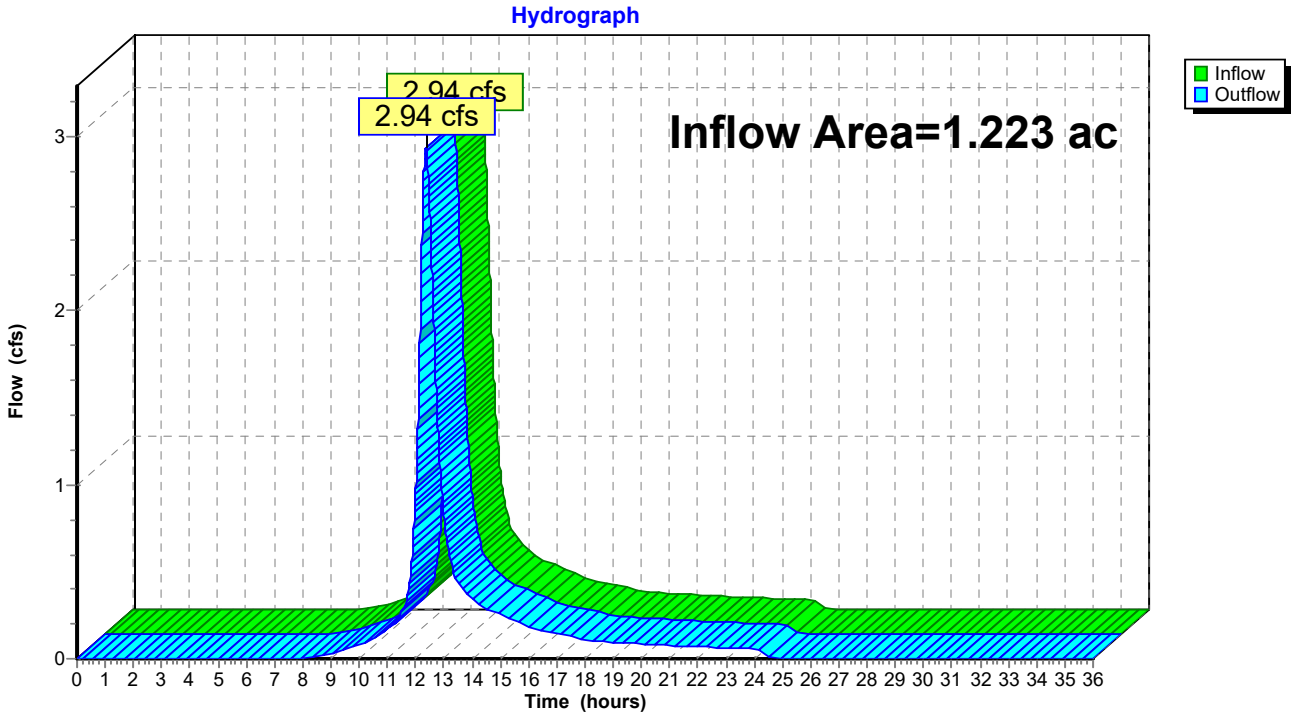


Summary for Reach 4R: 4R

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 3.40" for 25-YR event
Inflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af
Outflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

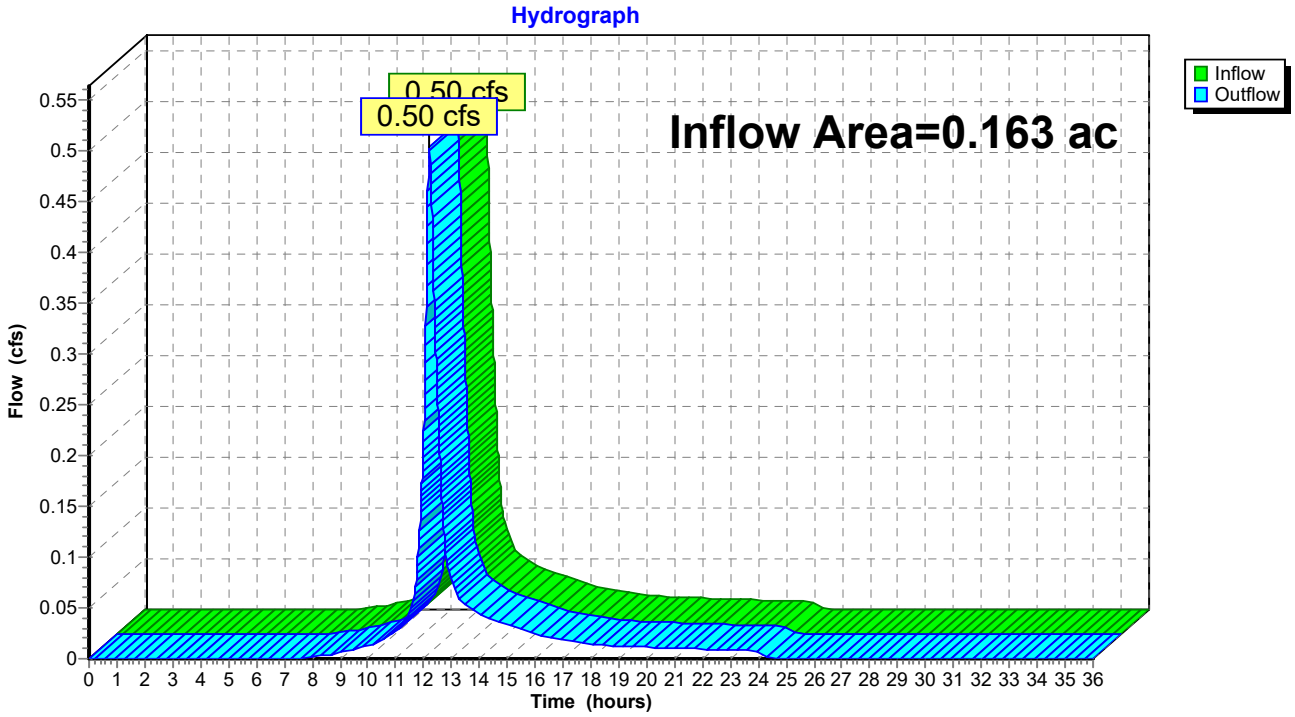


Summary for Reach 5R: 5R

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 3.50" for 25-YR event
Inflow = 0.50 cfs @ 12.21 hrs, Volume= 0.048 af
Outflow = 0.50 cfs @ 12.21 hrs, Volume= 0.048 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

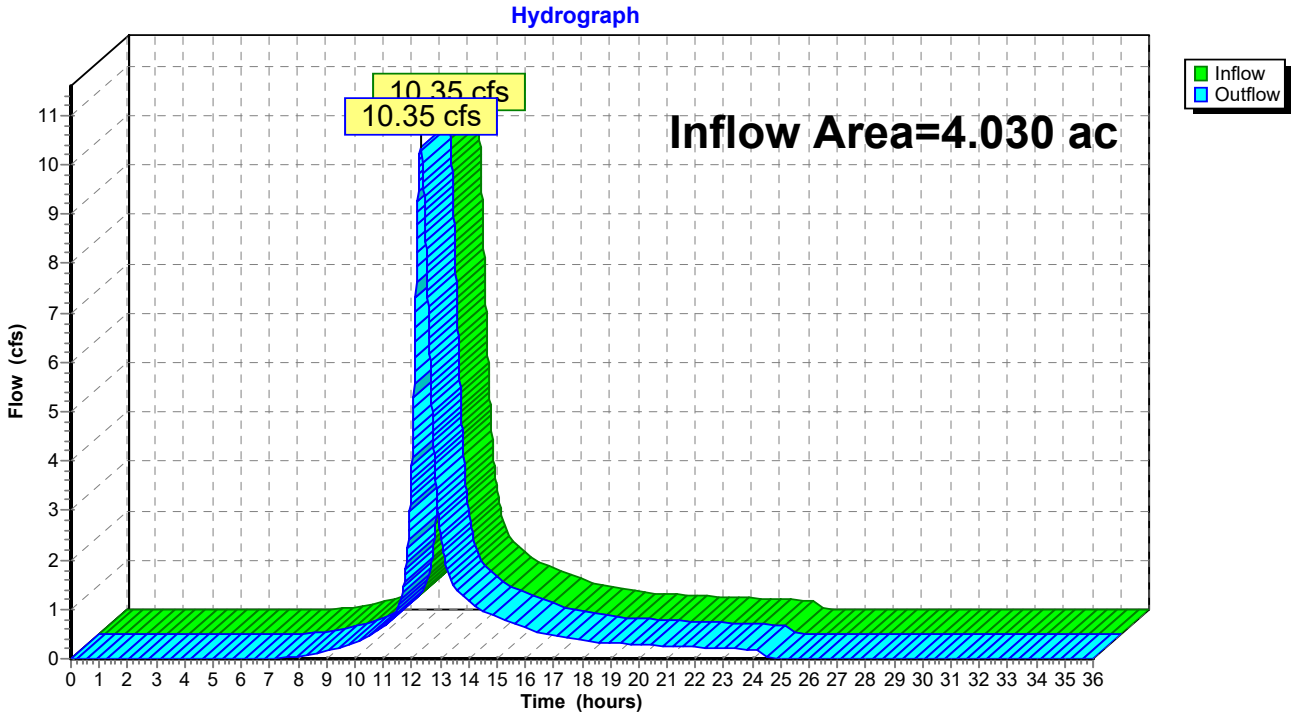


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 3.61" for 25-YR event
Inflow = 10.35 cfs @ 12.32 hrs, Volume= 1.212 af
Outflow = 10.35 cfs @ 12.32 hrs, Volume= 1.212 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

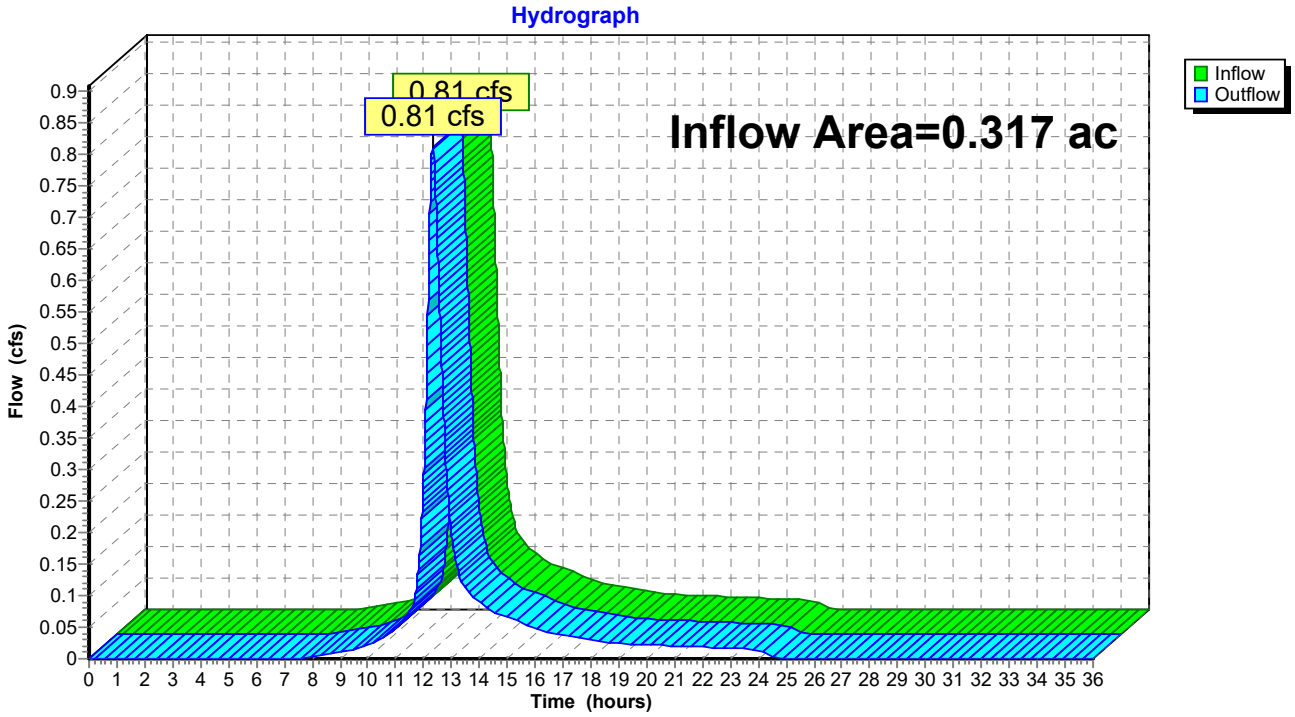


Summary for Reach POI 1: POI 1

Inflow Area = 0.317 ac, 0.00% Impervious, Inflow Depth = 3.50" for 25-YR event
Inflow = 0.81 cfs @ 12.33 hrs, Volume= 0.092 af
Outflow = 0.81 cfs @ 12.33 hrs, Volume= 0.092 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

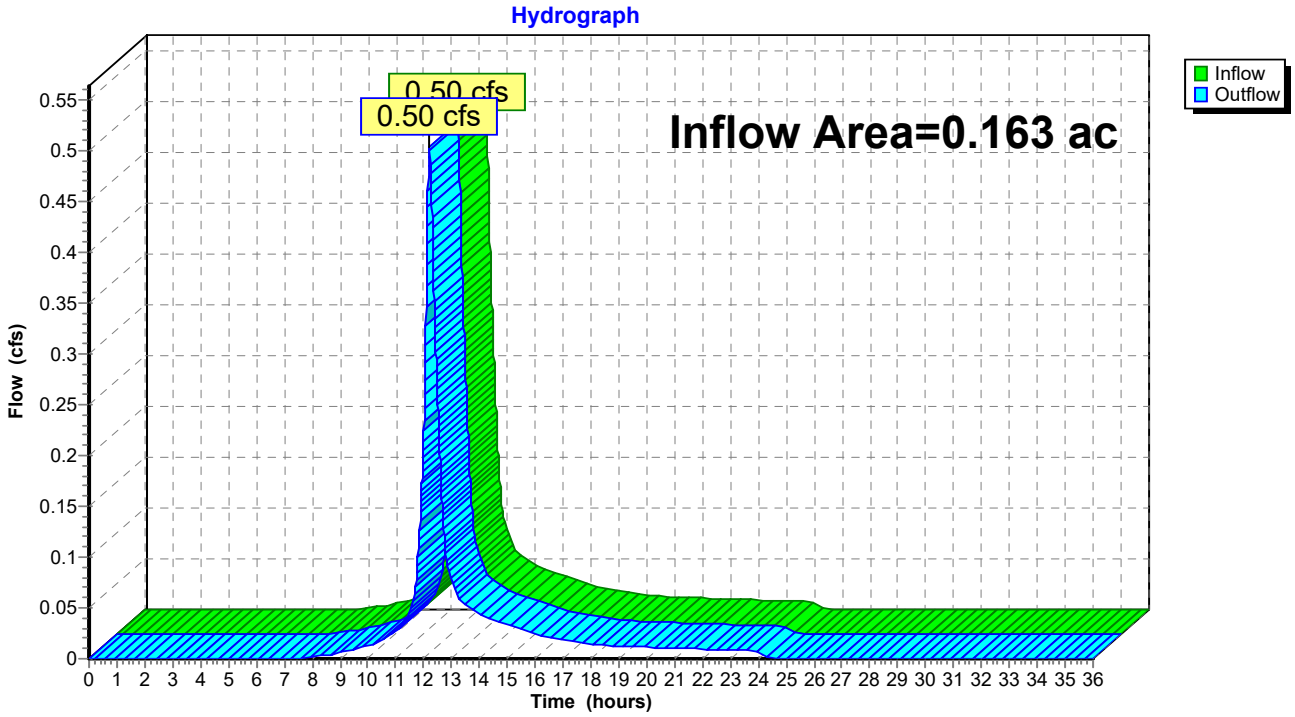


Summary for Reach POI 2: POI 2

Inflow Area = 0.163 ac, 0.00% Impervious, Inflow Depth = 3.50" for 25-YR event
Inflow = 0.50 cfs @ 12.21 hrs, Volume= 0.048 af
Outflow = 0.50 cfs @ 12.21 hrs, Volume= 0.048 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

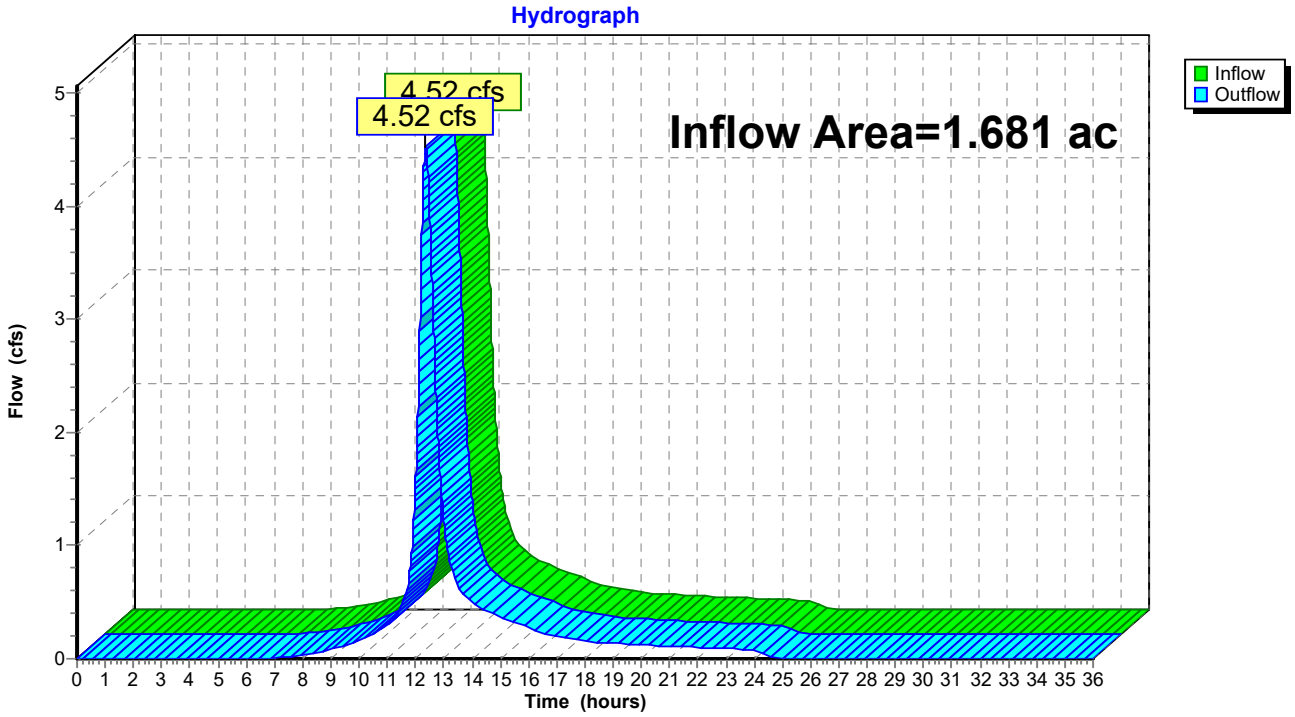


Summary for Reach POI 3: POI 3

Inflow Area = 1.681 ac, 0.00% Impervious, Inflow Depth = 3.83" for 25-YR event
Inflow = 4.52 cfs @ 12.34 hrs, Volume= 0.537 af
Outflow = 4.52 cfs @ 12.34 hrs, Volume= 0.537 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

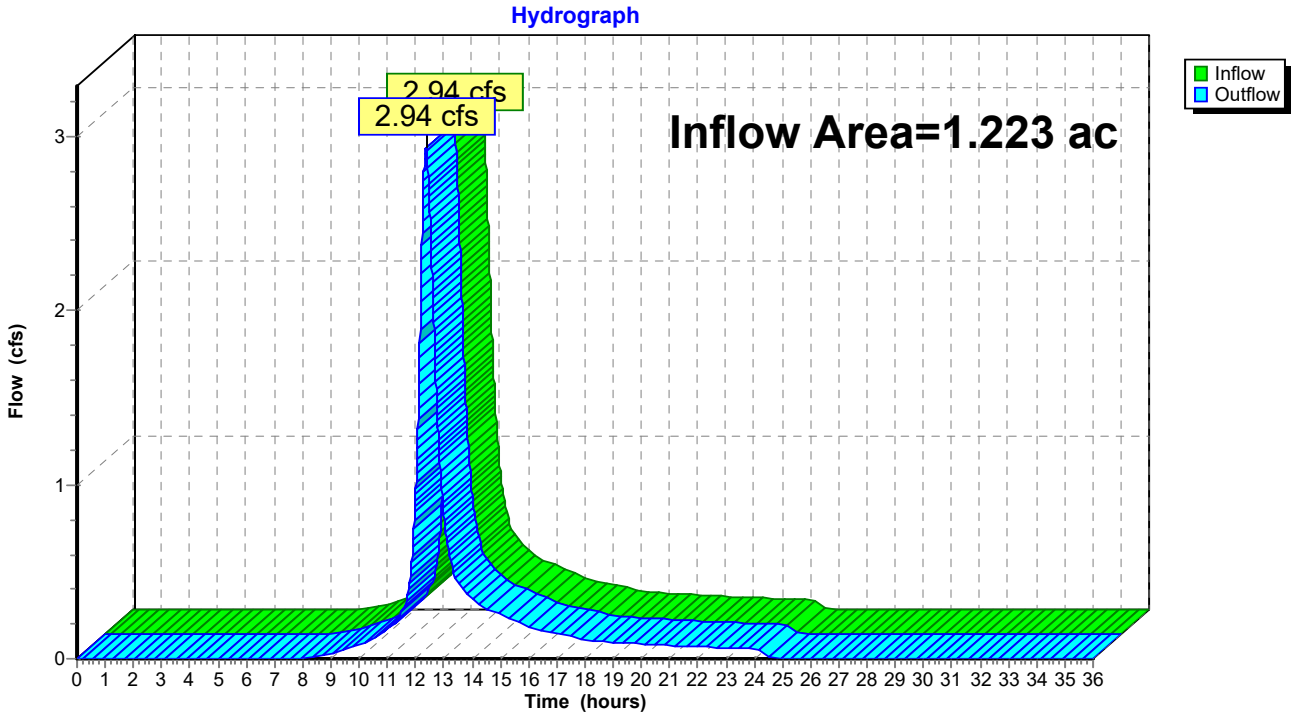


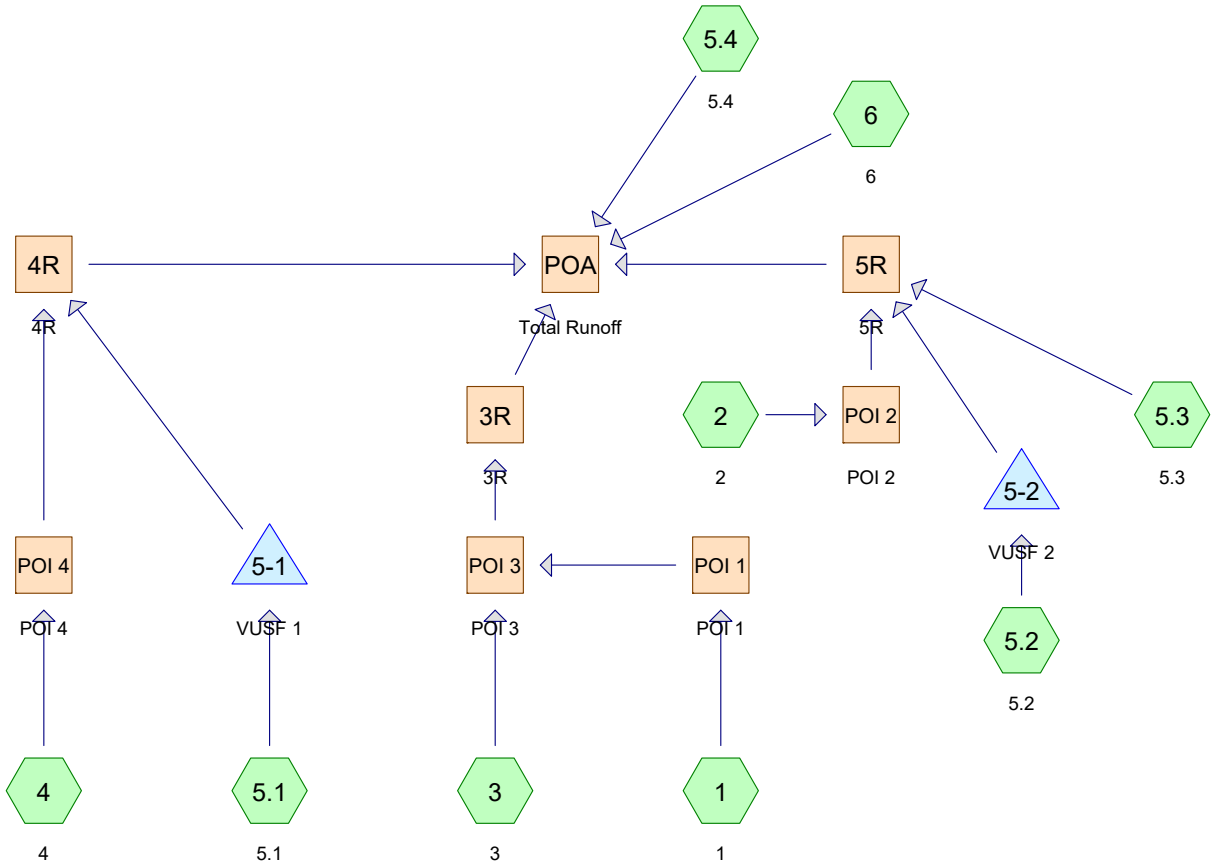
Summary for Reach POI 4: POI 4

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 3.40" for 25-YR event
Inflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af
Outflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4





Subcat Reach Pond Link

Routing Diagram for 1133_POST-DEVELOPMENT 7-11-24
Prepared by HP Inc., Printed 7/18/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.865	39	>75% Grass cover, Good, HSG A (3, 4, 5.1, 5.2)
0.518	80	>75% Grass cover, Good, HSG D (1, 2, 5.4)
0.005	98	Concrete Walkway (1)
0.657	98	Paved parking, HSG A (5.2, 5.3, 6)
0.863	98	Paved parking, HSG D (5.1)
0.429	98	Water Surface, 0% imp, HSG A (3, 4)
0.384	30	Woods, Good, HSG A (3, 4)
0.310	77	Woods, Good, HSG D (5.4)
4.031	**75**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
2.335	HSG A	3, 4, 5.1, 5.2, 5.3, 6
0.000	HSG B	
0.000	HSG C	
1.691	HSG D	1, 2, 5.1, 5.4
0.005	Other	1
4.031		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.865	0.000	0.000	0.518	0.000	1.384	>75% Grass cover, Good	1, 2, 3, 4, 5.1, 5.2, 5.4
0.000	0.000	0.000	0.000	0.005	0.005	Concrete Walkway	1
0.657	0.000	0.000	0.863	0.000	1.520	Paved parking	5.1, 5.2, 5.3, 6
0.429	0.000	0.000	0.000	0.000	0.429	Water Surface, 0% imp	3, 4
0.384	0.000	0.000	0.310	0.000	0.694	Woods, Good	3, 4, 5.4
2.335	**0.000**	**0.000**	**1.691**	**0.005**	**4.031**	**TOTAL AREA**	

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	5-1	71.30	70.50	126.0	0.0063	0.013	12.0	0.0	0.0
2	5-2	71.45	68.72	30.0	0.0910	0.013	12.0	0.0	0.0

Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=3,771 sf 5.41% Impervious Runoff Depth=1.39"
Tc=6.0 min CN=81 Runoff=0.14 cfs 0.010 af

Subcatchment 2: 2 Runoff Area=1,496 sf 0.00% Impervious Runoff Depth=1.33"
Tc=6.0 min CN=80 Runoff=0.05 cfs 0.004 af

Subcatchment 3: 3 Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=0.40"
Tc=6.0 min CN=61 Runoff=0.23 cfs 0.027 af

Subcatchment 4: 4 Runoff Area=11,374 sf 0.00% Impervious Runoff Depth=0.22"
Tc=6.0 min CN=55 Runoff=0.02 cfs 0.005 af

Subcatchment 5.1: 5.1 Runoff Area=50,052 sf 75.07% Impervious Runoff Depth=1.53"
Tc=6.0 min CN=83 Runoff=2.05 cfs 0.146 af

Subcatchment 5.2: 5.2 Runoff Area=39,247 sf 65.09% Impervious Runoff Depth=1.14"
Tc=6.0 min CN=77 Runoff=1.17 cfs 0.086 af

Subcatchment 5.3: 5.3 Runoff Area=2,731 sf 100.00% Impervious Runoff Depth=2.87"
Tc=6.0 min CN=98 Runoff=0.19 cfs 0.015 af

Subcatchment 5.4: 5.4 Runoff Area=31,020 sf 0.00% Impervious Runoff Depth=1.26"
Tc=6.0 min CN=79 Runoff=1.04 cfs 0.075 af

Subcatchment 6: 6 Runoff Area=362 sf 100.00% Impervious Runoff Depth=2.87"
Tc=6.0 min CN=98 Runoff=0.02 cfs 0.002 af

Reach 3R: 3R Inflow=0.36 cfs 0.037 af
Outflow=0.36 cfs 0.037 af

Reach 4R: 4R Inflow=0.11 cfs 0.146 af
Outflow=0.11 cfs 0.146 af

Reach 5R: 5R Inflow=0.27 cfs 0.104 af
Outflow=0.27 cfs 0.104 af

Reach POA: Total Runoff Inflow=1.72 cfs 0.365 af
Outflow=1.72 cfs 0.365 af

Reach POI 1: POI 1 Inflow=0.14 cfs 0.010 af
Outflow=0.14 cfs 0.010 af

Reach POI 2: POI 2 Inflow=0.05 cfs 0.004 af
Outflow=0.05 cfs 0.004 af

Reach POI 3: POI 3 Inflow=0.36 cfs 0.037 af
Outflow=0.36 cfs 0.037 af

Reach POI 4: POI 4 Inflow=0.02 cfs 0.005 af
Outflow=0.02 cfs 0.005 af

Pond 5-1: VUSF 1 Peak Elev=75.23' Storage=4,046 cf Inflow=2.05 cfs 0.146 af
Outflow=0.10 cfs 0.142 af

Pond 5-2: VUSF 2 Peak Elev=75.11' Storage=2,203 cf Inflow=1.17 cfs 0.086 af
Outflow=0.05 cfs 0.086 af

Total Runoff Area = 4.031 ac Runoff Volume = 0.370 af Average Runoff Depth = 1.10"
62.18% Pervious = 2.506 ac 37.82% Impervious = 1.525 ac

Summary for Subcatchment 1: 1

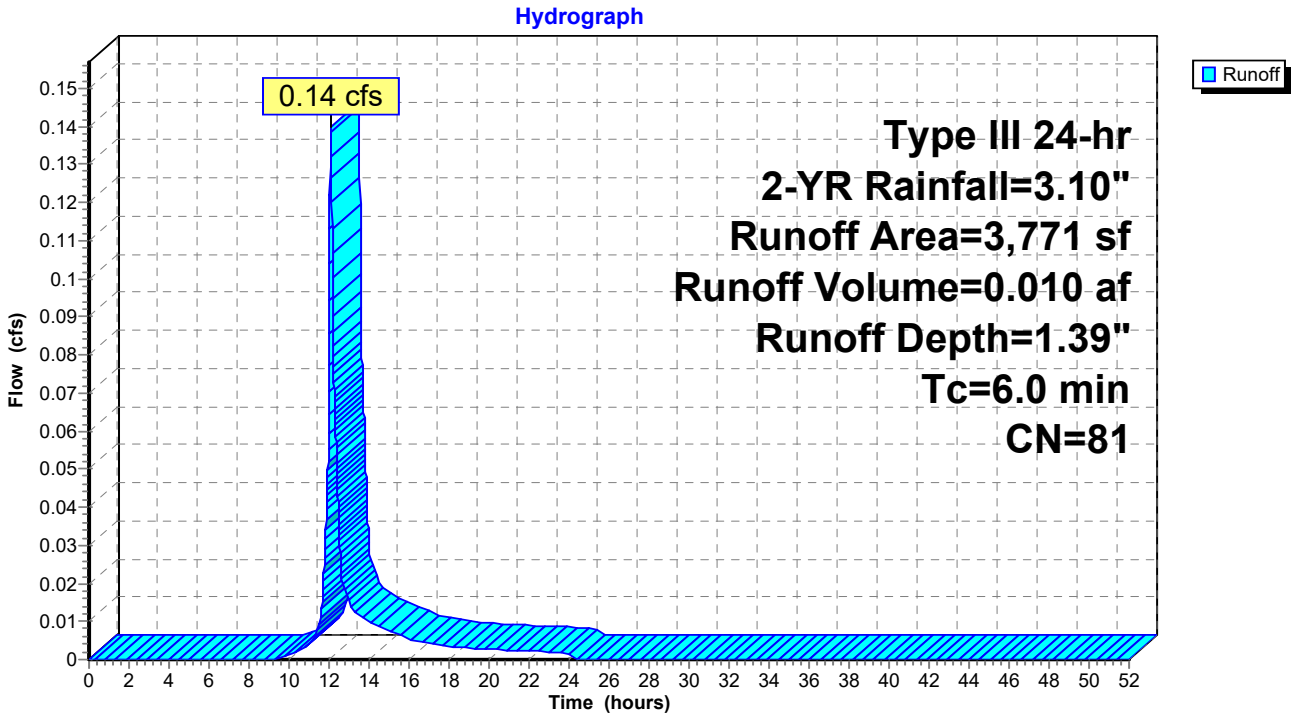
Runoff = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af, Depth= 1.39"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

	Area (sf)	CN	Description
	3,567	80	>75% Grass cover, Good, HSG D
*	204	98	Concrete Walkway
	3,771	81	Weighted Average
	3,567		94.59% Pervious Area
	204		5.41% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1: 1



Summary for Subcatchment 2: 2

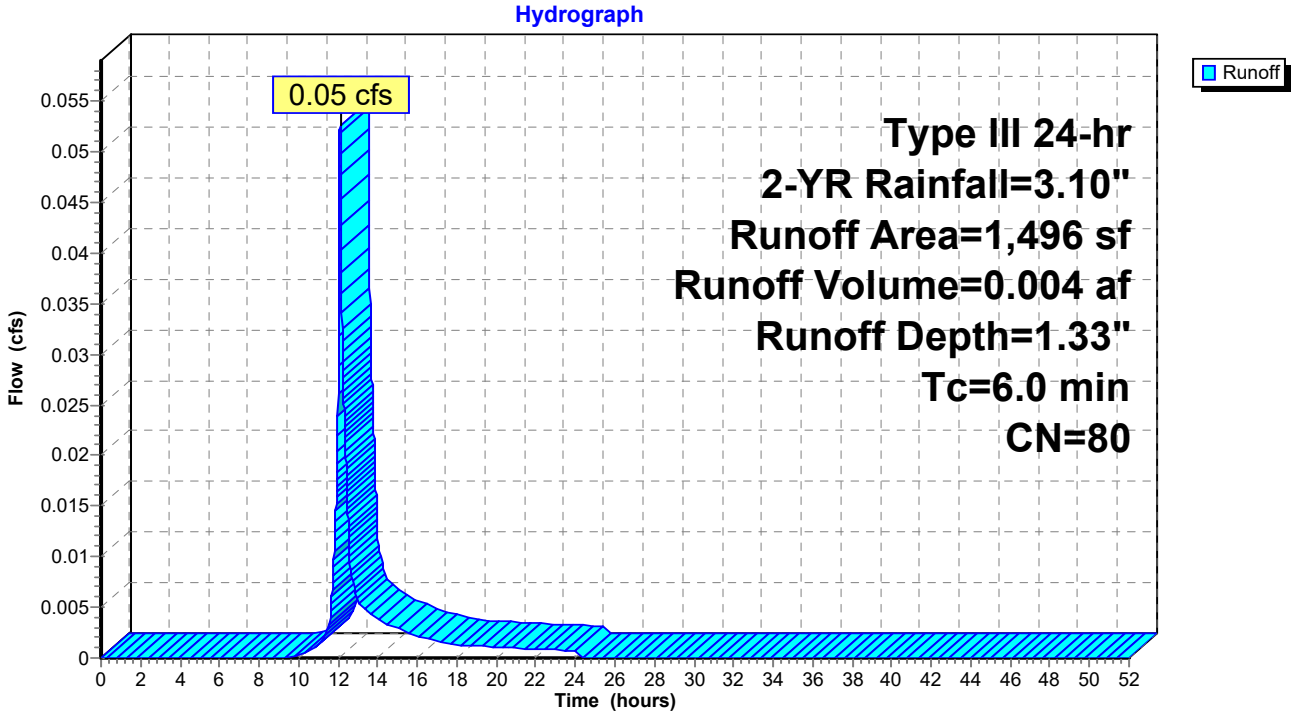
Runoff = 0.05 cfs @ 12.09 hrs, Volume= 0.004 af, Depth= 1.33"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
1,496	80	>75% Grass cover, Good, HSG D
1,496		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

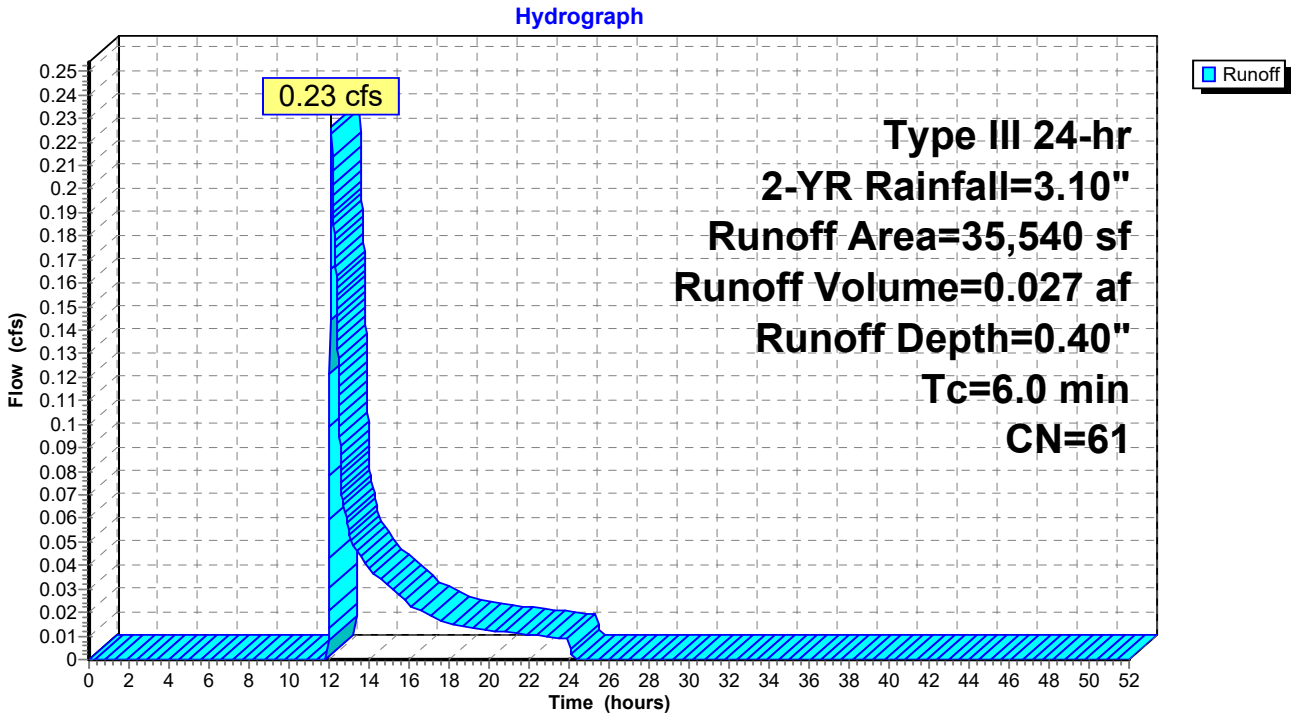
Runoff = 0.23 cfs @ 12.13 hrs, Volume= 0.027 af, Depth= 0.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3



Summary for Subcatchment 4: 4

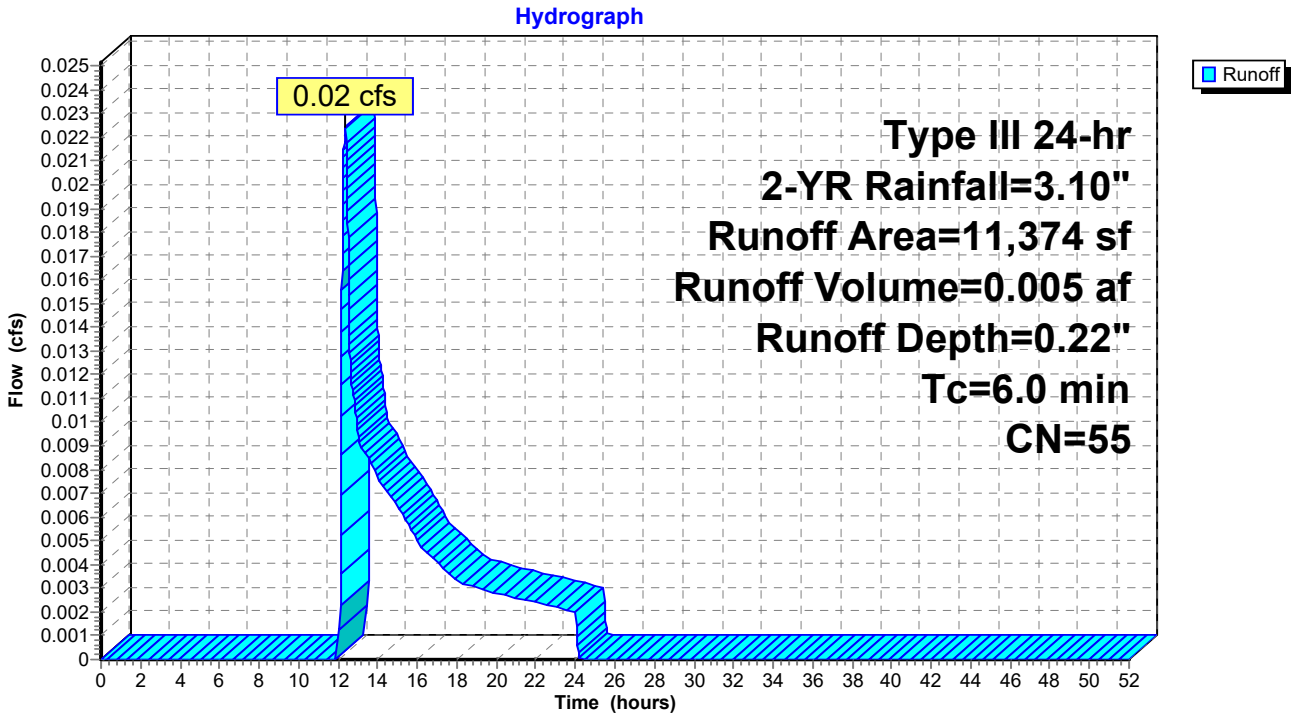
Runoff = 0.02 cfs @ 12.35 hrs, Volume= 0.005 af, Depth= 0.22"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,945	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,374	55	Weighted Average
11,374		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 4: 4



Summary for Subcatchment 5.1: 5.1

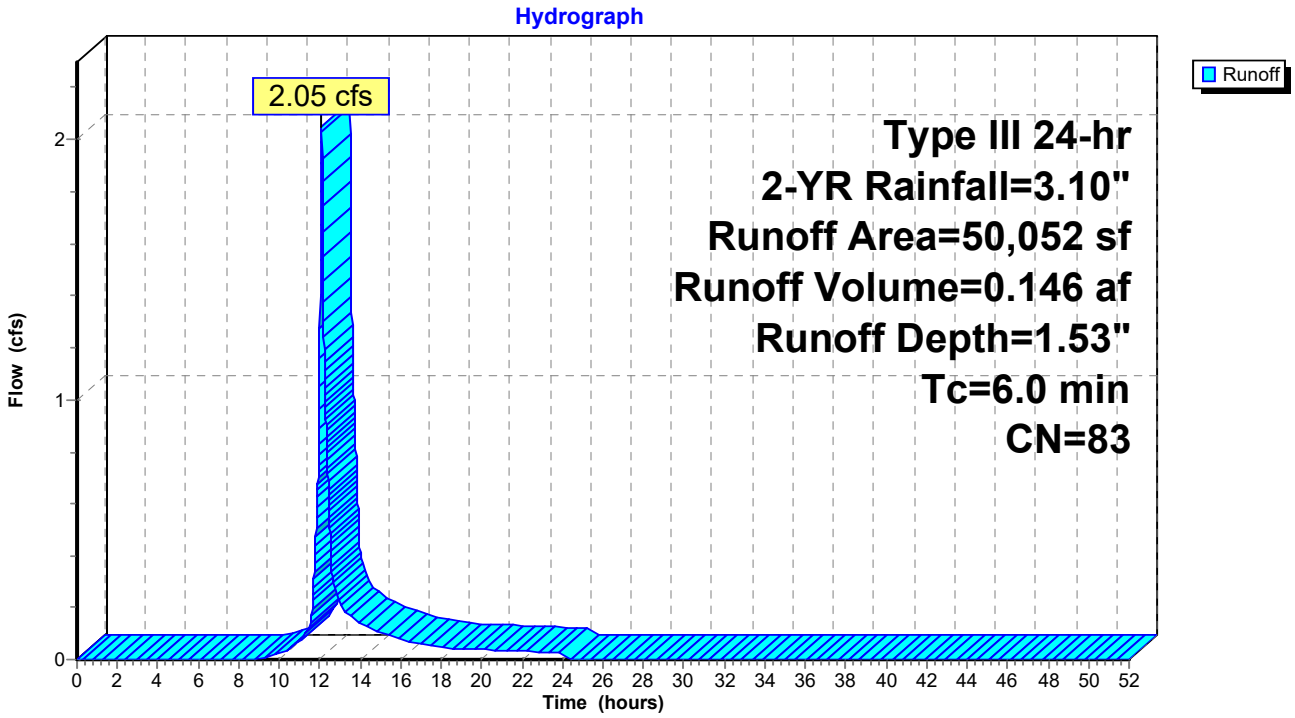
Runoff = 2.05 cfs @ 12.09 hrs, Volume= 0.146 af, Depth= 1.53"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
12,477	39	>75% Grass cover, Good, HSG A
37,575	98	Paved parking, HSG D
50,052	83	Weighted Average
12,477		24.93% Pervious Area
37,575		75.07% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.1: 5.1



Summary for Subcatchment 5.2: 5.2

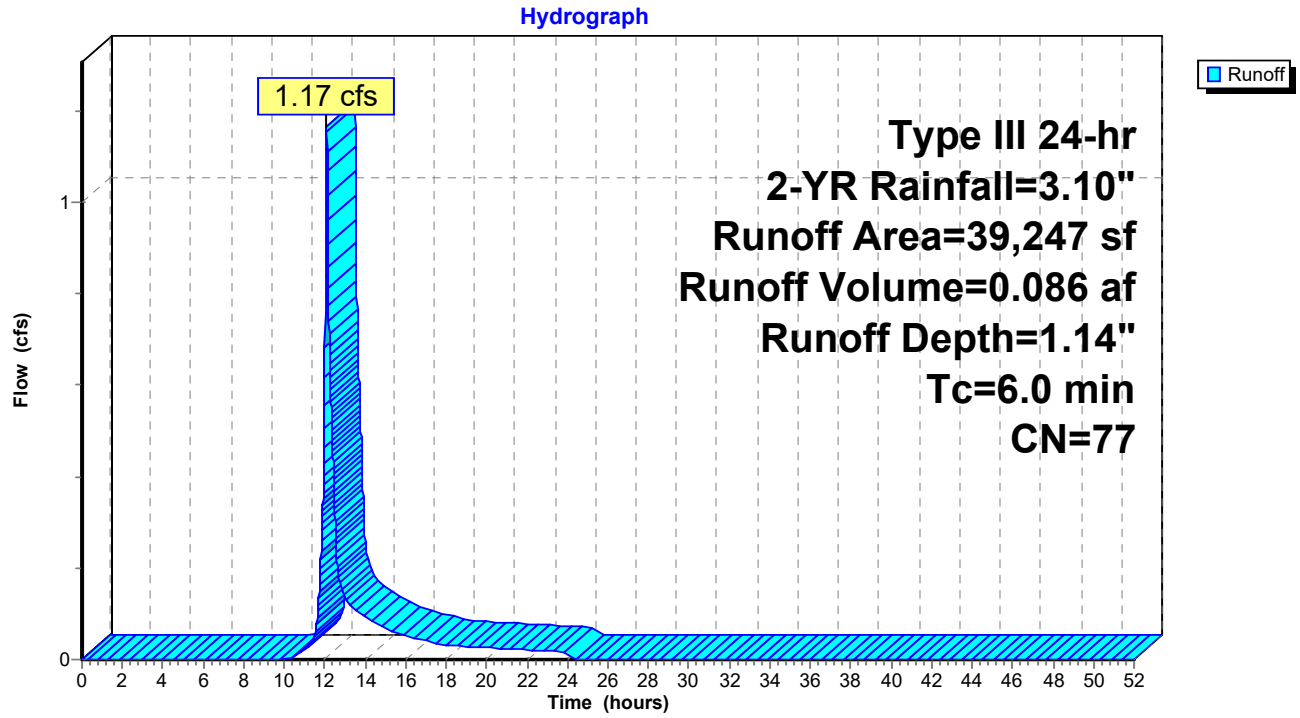
Runoff = 1.17 cfs @ 12.09 hrs, Volume= 0.086 af, Depth= 1.14"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
25,545	98	Paved parking, HSG A
13,702	39	>75% Grass cover, Good, HSG A
39,247	77	Weighted Average
13,702		34.91% Pervious Area
25,545		65.09% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.2: 5.2



Summary for Subcatchment 5.3: 5.3

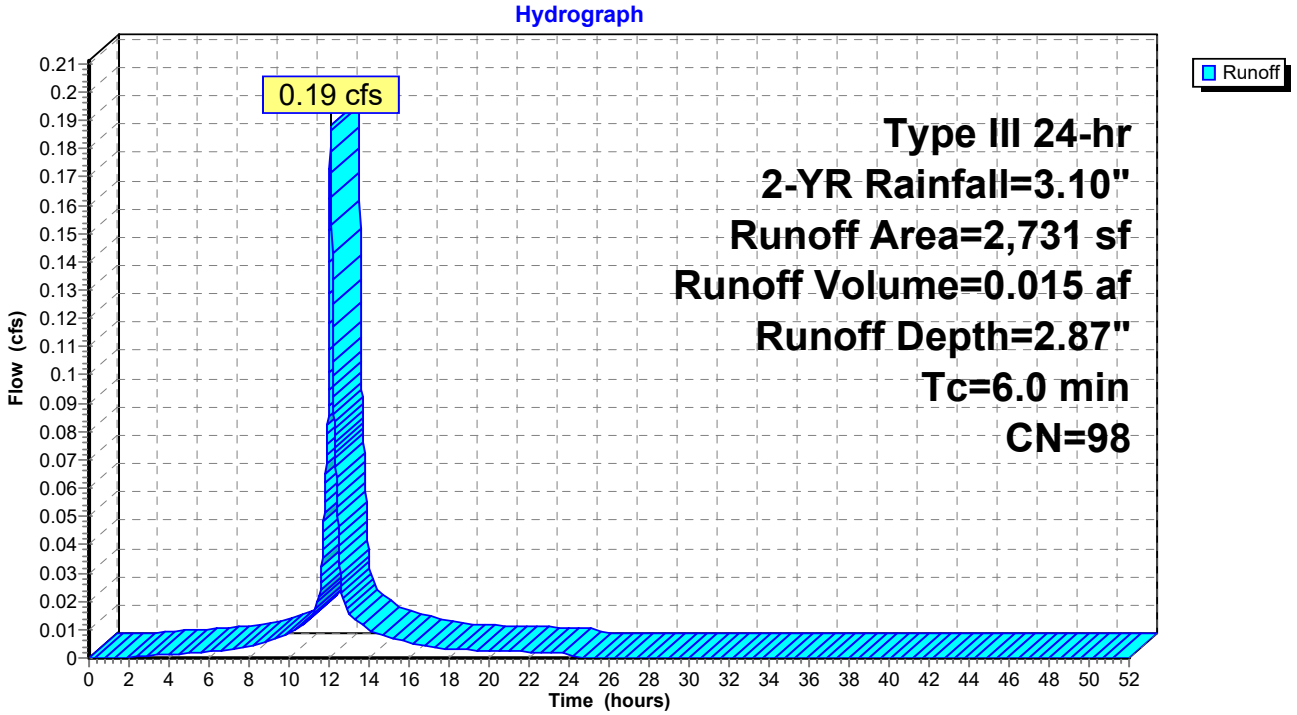
Runoff = 0.19 cfs @ 12.08 hrs, Volume= 0.015 af, Depth= 2.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
2,731	98	Paved parking, HSG A
2,731		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.3: 5.3



Summary for Subcatchment 5.4: 5.4

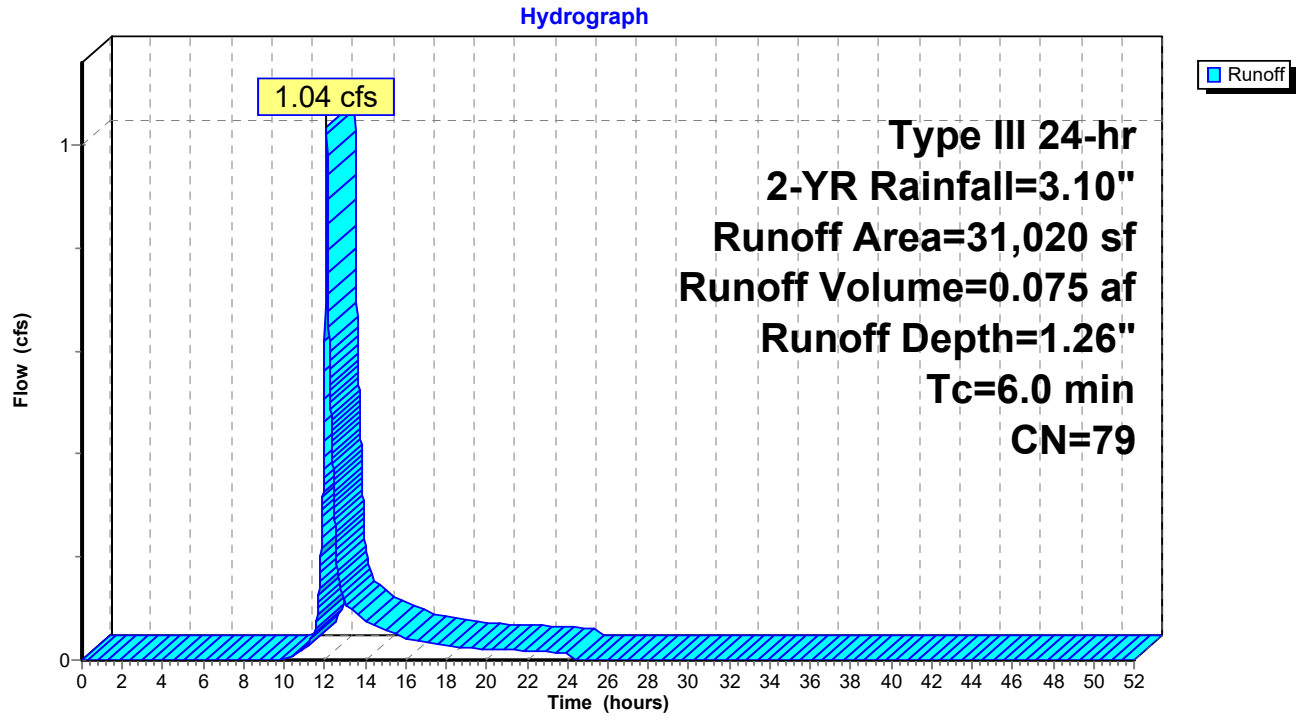
Runoff = 1.04 cfs @ 12.09 hrs, Volume= 0.075 af, Depth= 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
17,521	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
31,020	79	Weighted Average
31,020		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.4: 5.4



Summary for Subcatchment 6: 6

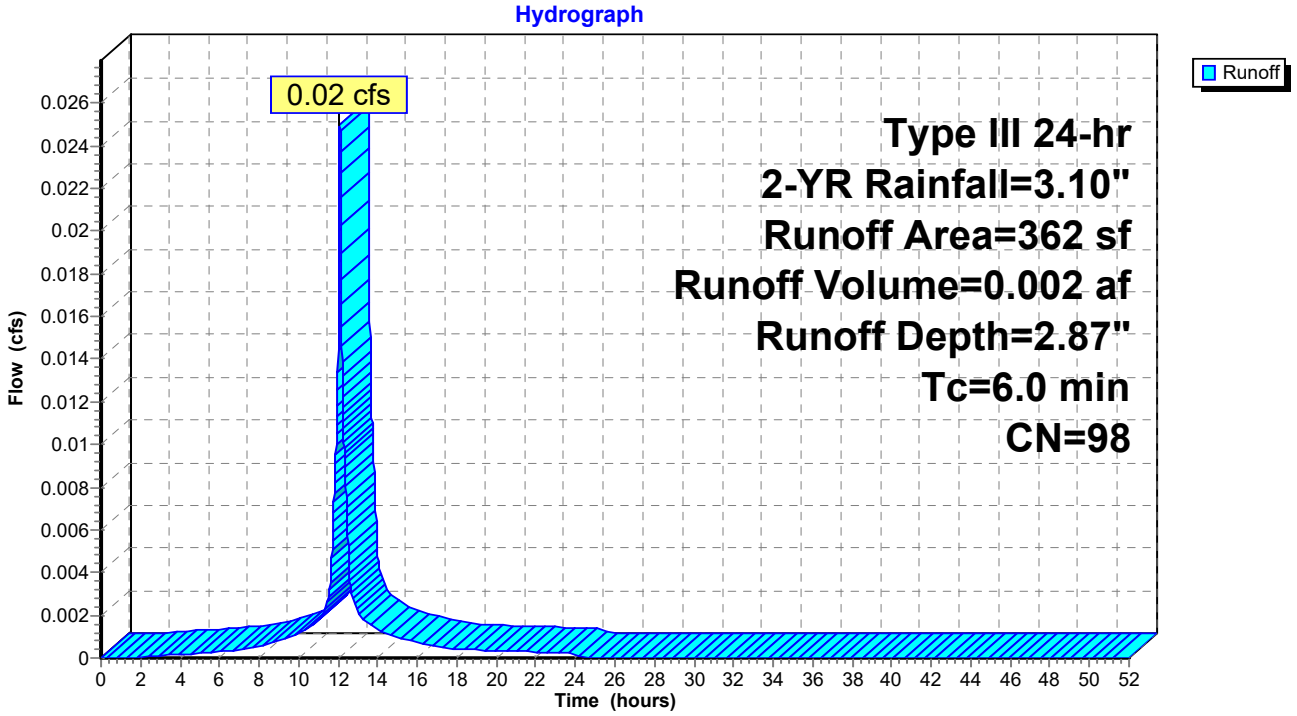
Runoff = 0.02 cfs @ 12.08 hrs, Volume= 0.002 af, Depth= 2.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
362	98	Paved parking, HSG A
362		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 6: 6

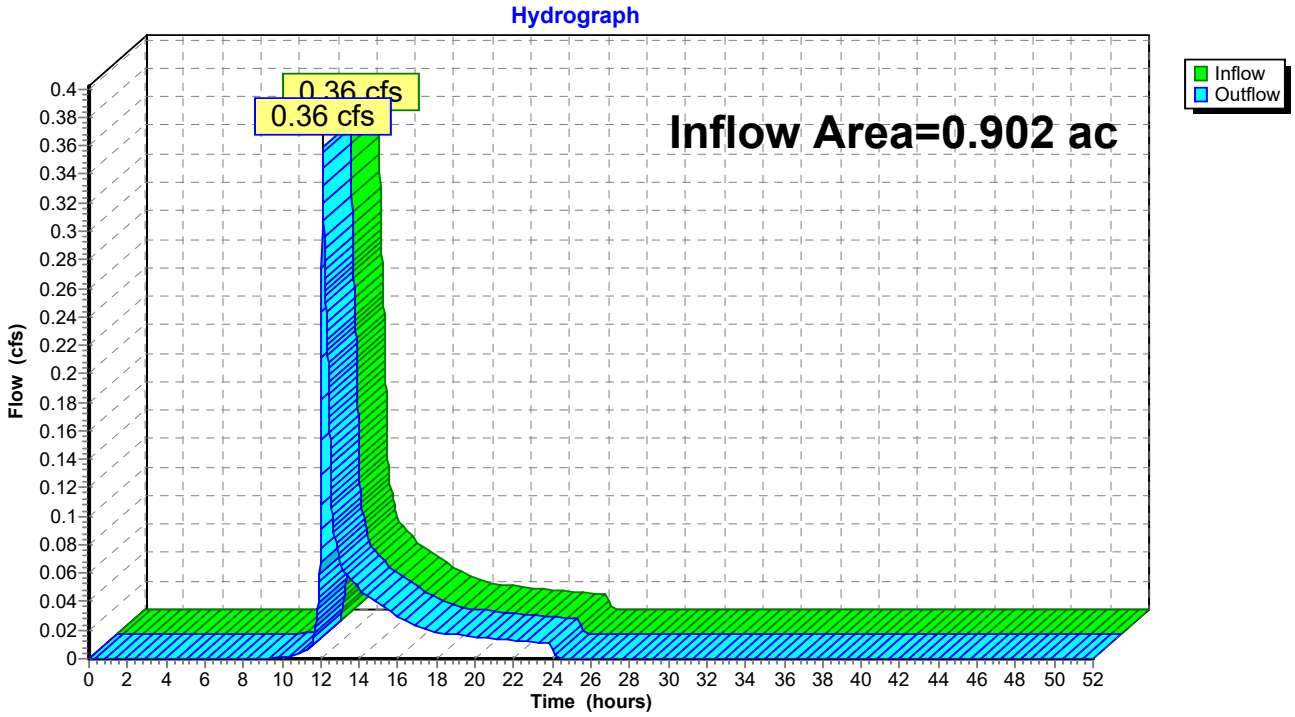


Summary for Reach 3R: 3R

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 0.50" for 2-YR event
Inflow = 0.36 cfs @ 12.11 hrs, Volume= 0.037 af
Outflow = 0.36 cfs @ 12.11 hrs, Volume= 0.037 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

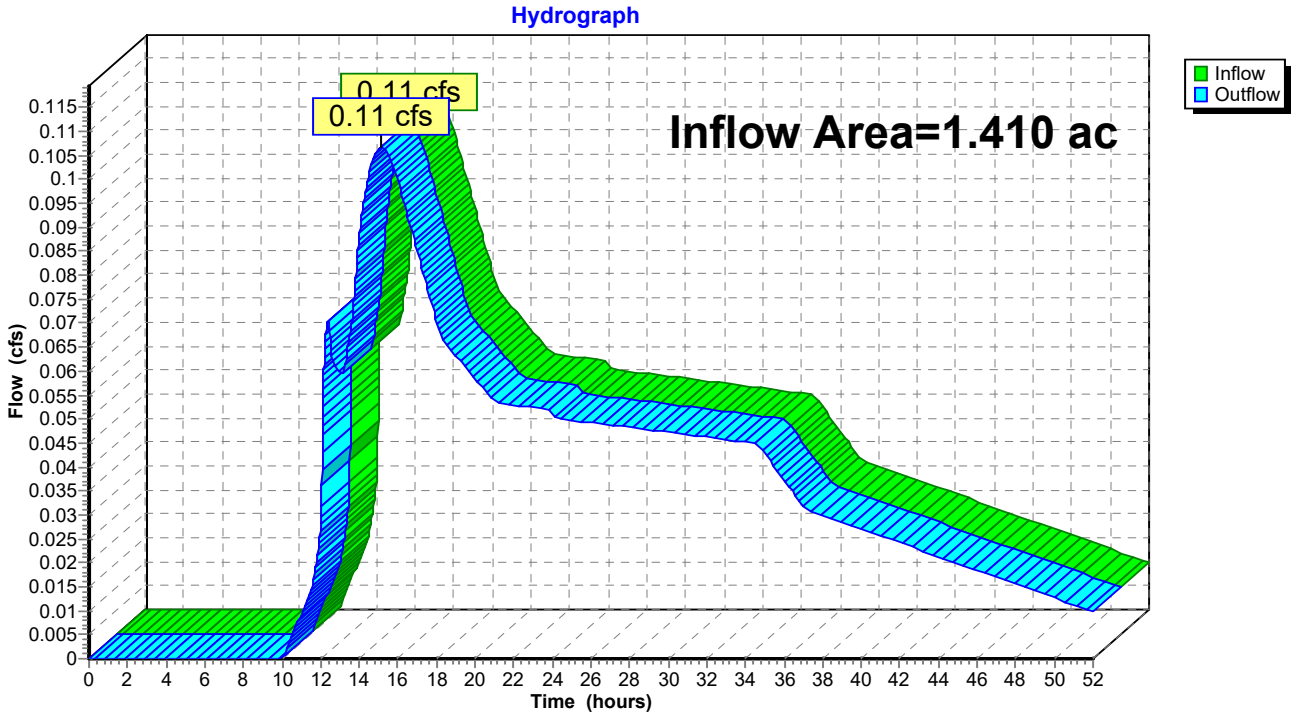


Summary for Reach 4R: 4R

Inflow Area = 1.410 ac, 61.17% Impervious, Inflow Depth > 1.25" for 2-YR event
Inflow = 0.11 cfs @ 15.14 hrs, Volume= 0.146 af
Outflow = 0.11 cfs @ 15.14 hrs, Volume= 0.146 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

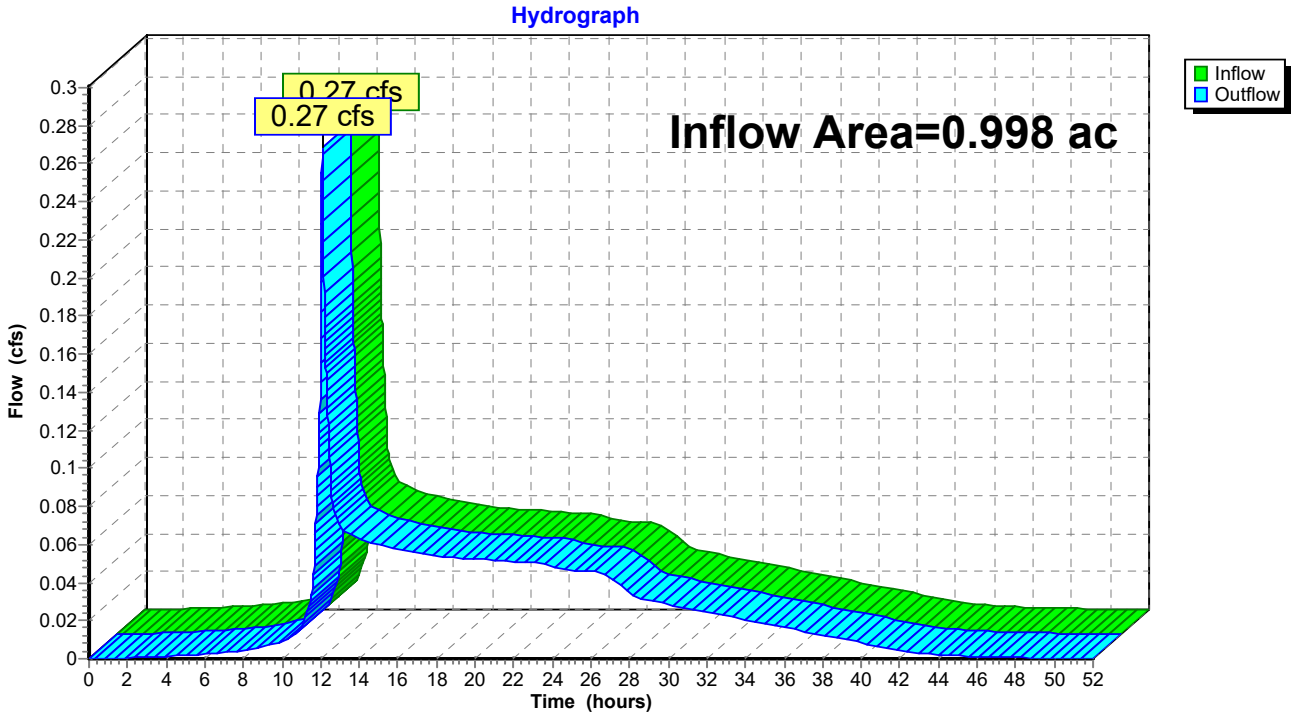


Summary for Reach 5R: 5R

Inflow Area = 0.998 ac, 65.04% Impervious, Inflow Depth > 1.26" for 2-YR event
Inflow = 0.27 cfs @ 12.09 hrs, Volume= 0.104 af
Outflow = 0.27 cfs @ 12.09 hrs, Volume= 0.104 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

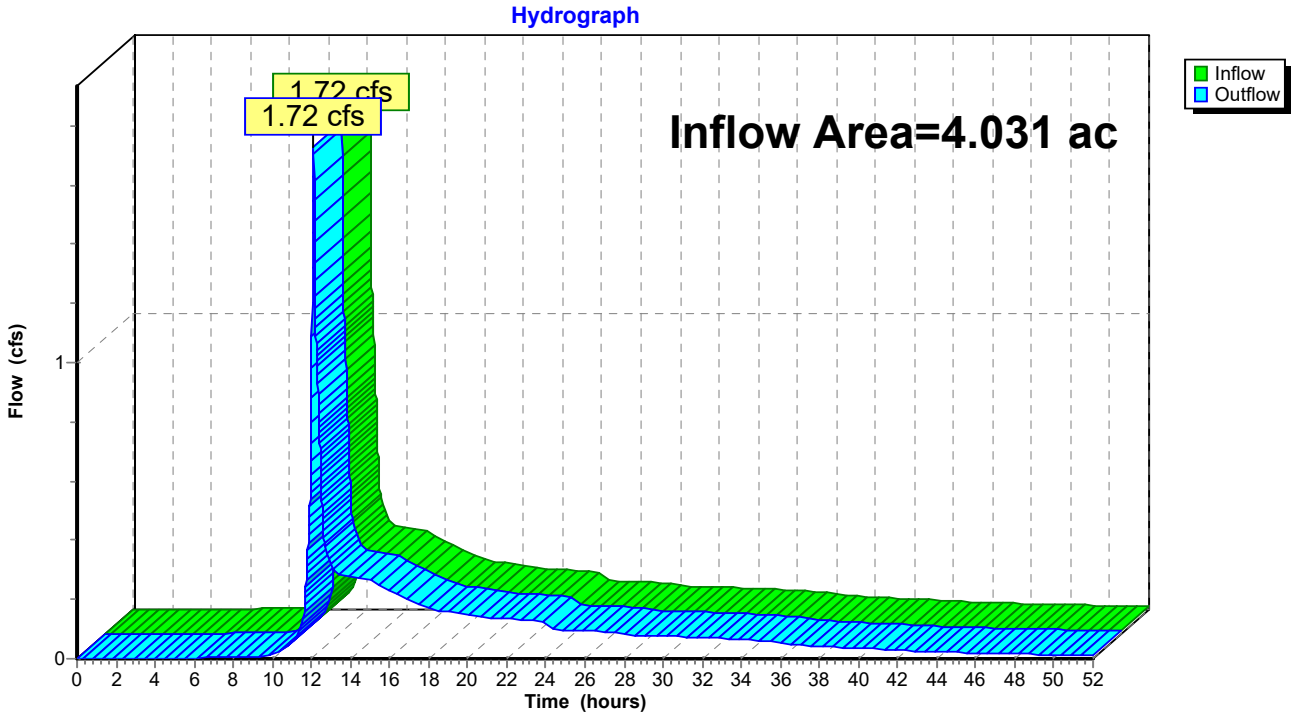


Summary for Reach POA: Total Runoff

Inflow Area = 4.031 ac, 37.82% Impervious, Inflow Depth > 1.09" for 2-YR event
Inflow = 1.72 cfs @ 12.10 hrs, Volume= 0.365 af
Outflow = 1.72 cfs @ 12.10 hrs, Volume= 0.365 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

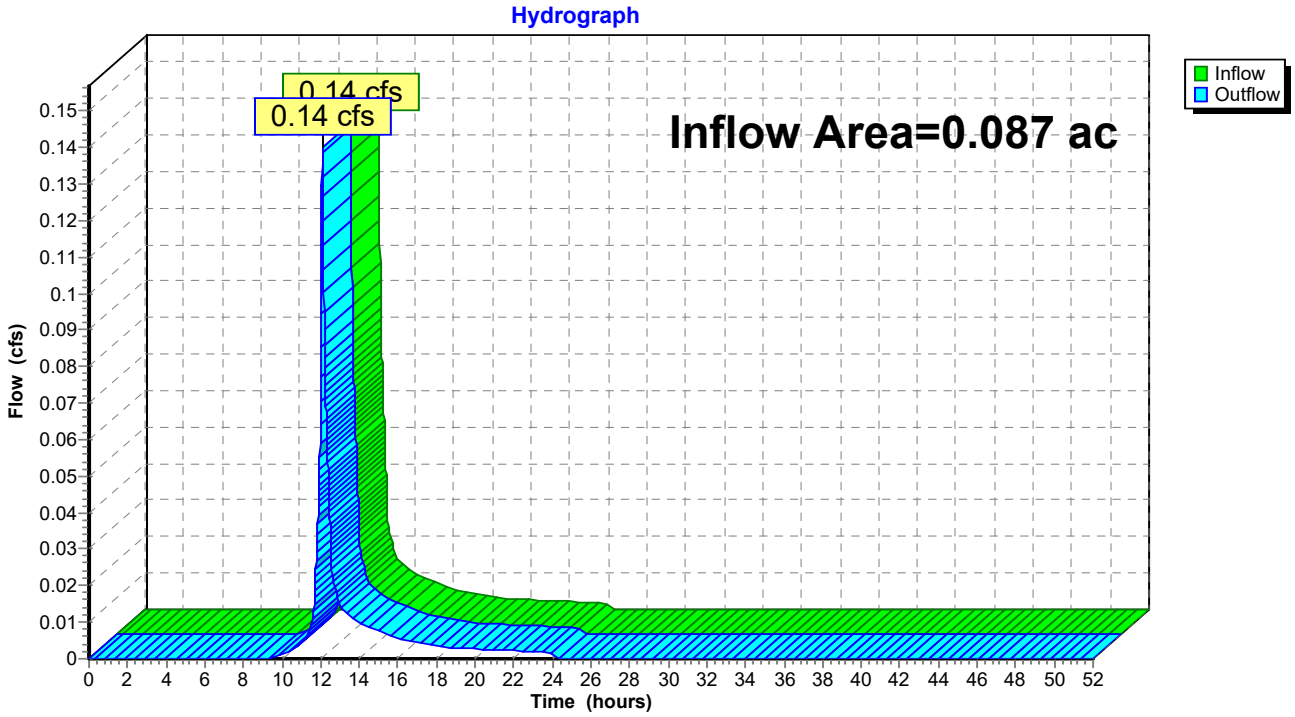


Summary for Reach POI 1: POI 1

Inflow Area = 0.087 ac, 5.41% Impervious, Inflow Depth = 1.39" for 2-YR event
Inflow = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af
Outflow = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

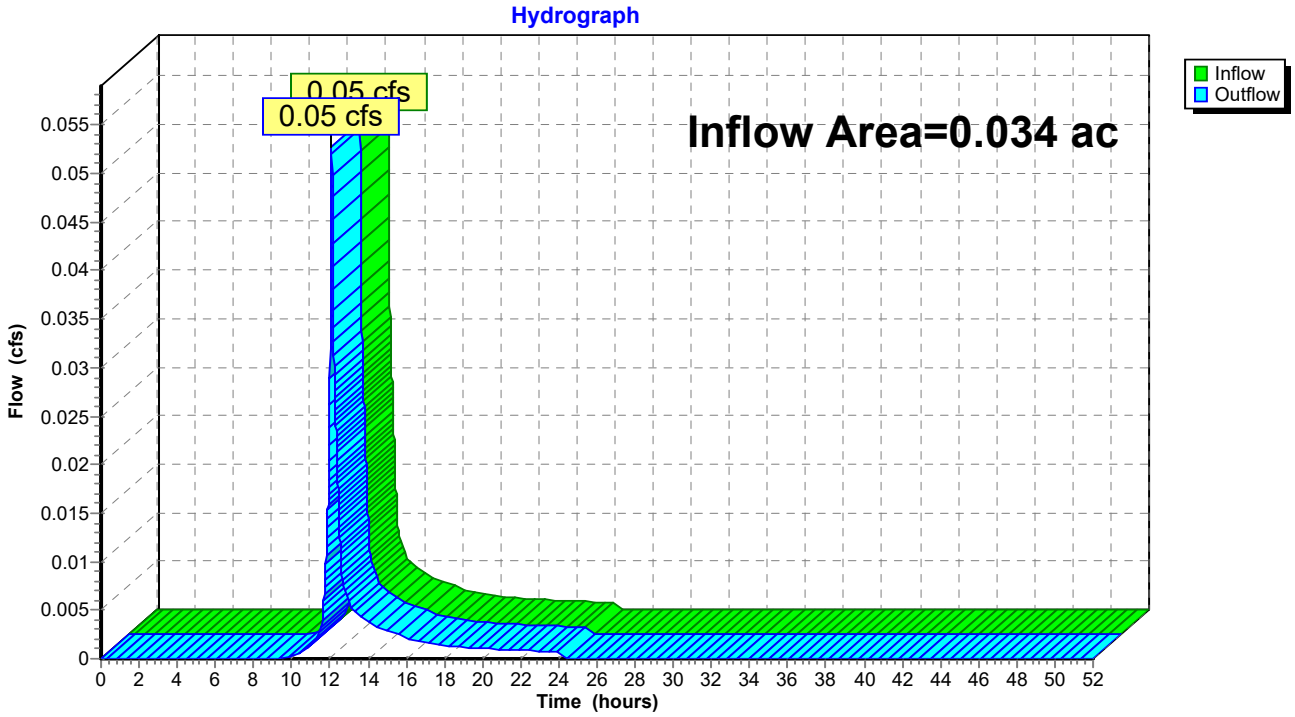


Summary for Reach POI 2: POI 2

Inflow Area = 0.034 ac, 0.00% Impervious, Inflow Depth = 1.33" for 2-YR event
Inflow = 0.05 cfs @ 12.09 hrs, Volume= 0.004 af
Outflow = 0.05 cfs @ 12.09 hrs, Volume= 0.004 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

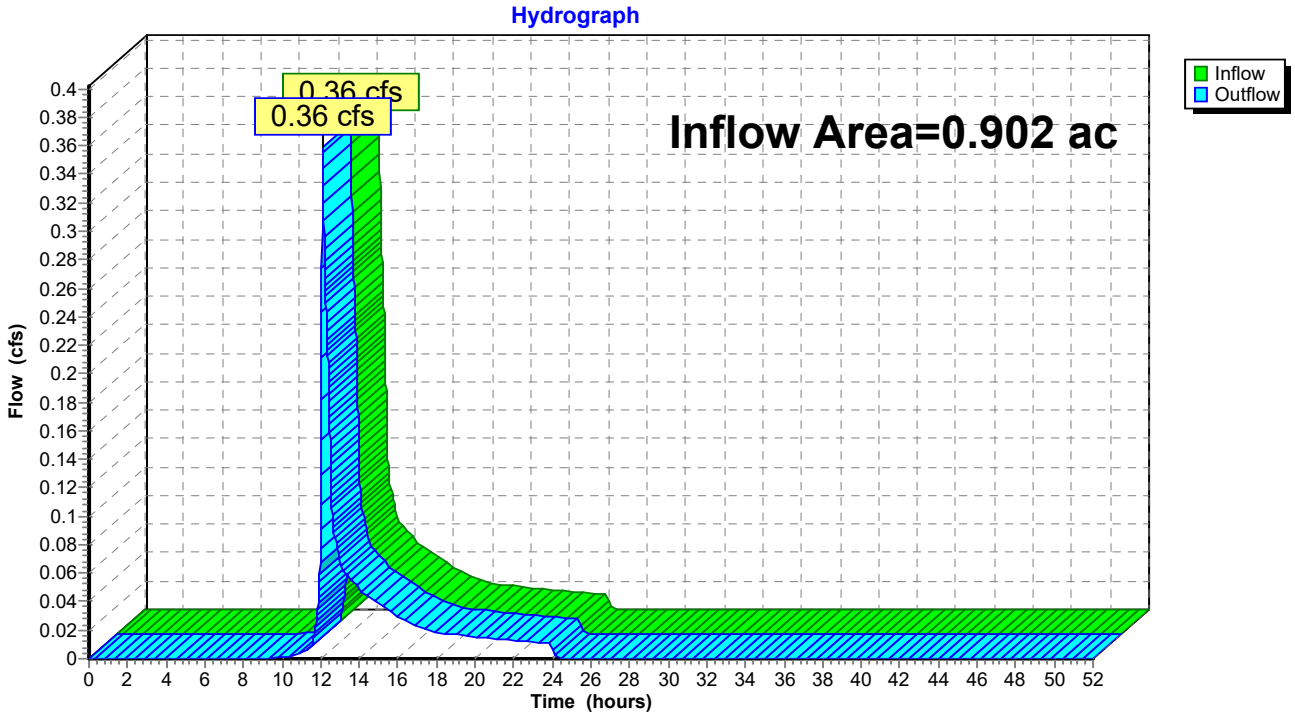


Summary for Reach POI 3: POI 3

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 0.50" for 2-YR event
Inflow = 0.36 cfs @ 12.11 hrs, Volume= 0.037 af
Outflow = 0.36 cfs @ 12.11 hrs, Volume= 0.037 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

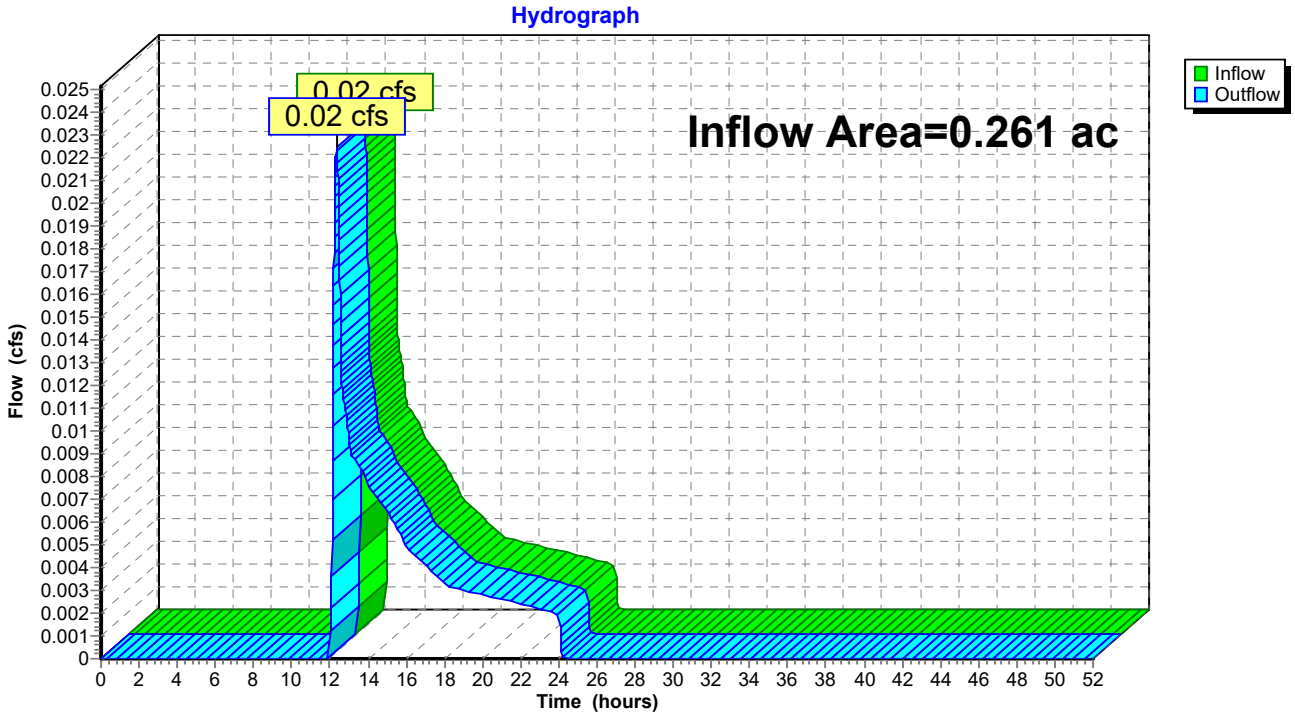


Summary for Reach POI 4: POI 4

Inflow Area = 0.261 ac, 0.00% Impervious, Inflow Depth = 0.22" for 2-YR event
Inflow = 0.02 cfs @ 12.35 hrs, Volume= 0.005 af
Outflow = 0.02 cfs @ 12.35 hrs, Volume= 0.005 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4



Summary for Pond 5-1: VUSF 1

Inflow Area = 1.149 ac, 75.07% Impervious, Inflow Depth = 1.53" for 2-YR event
Inflow = 2.05 cfs @ 12.09 hrs, Volume= 0.146 af
Outflow = 0.10 cfs @ 15.21 hrs, Volume= 0.142 af, Atten= 95%, Lag= 187.1 min
Primary = 0.10 cfs @ 15.21 hrs, Volume= 0.142 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.23' @ 15.21 hrs Surf.Area= 7,381 sf Storage= 4,046 cf

Plug-Flow detention time= 774.5 min calculated for 0.142 af (97% of inflow)
Center-of-Mass det. time= 756.6 min (1,591.0 - 834.4)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

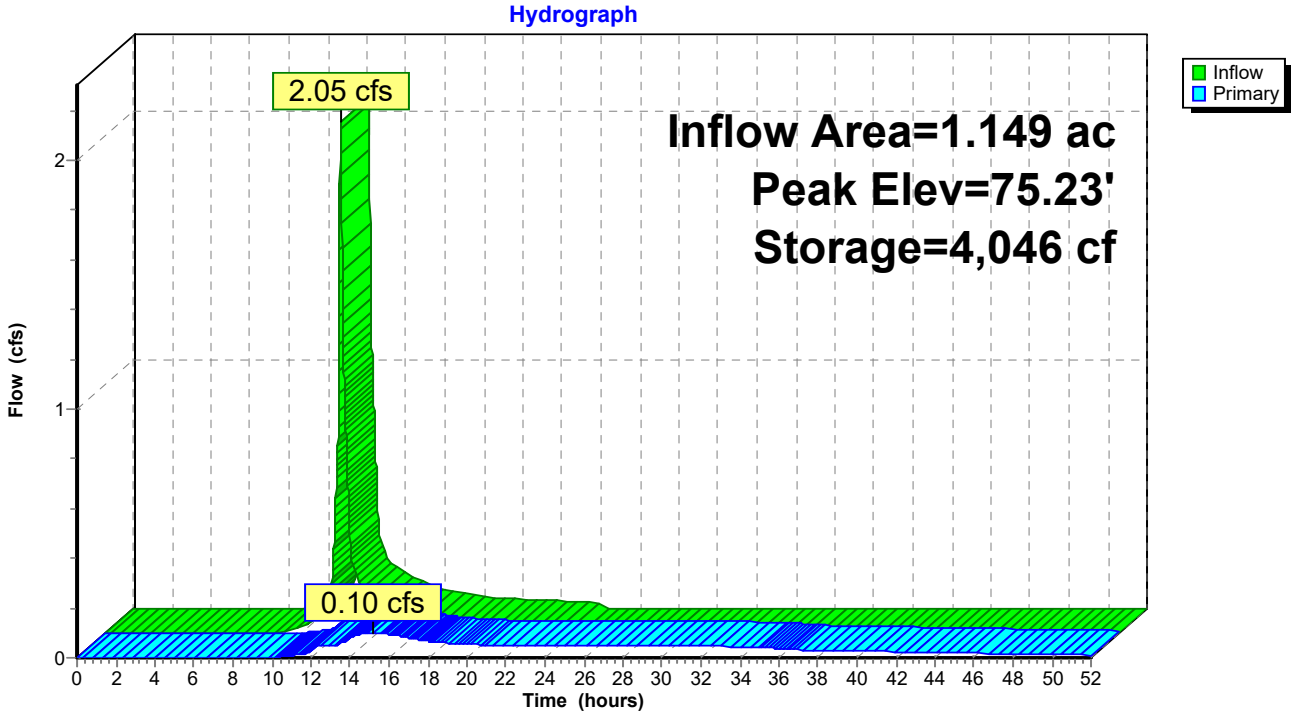
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.10 cfs @ 15.21 hrs HW=75.23' (Free Discharge)
- **1=Culvert** (Passes 0.10 cfs of 5.03 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 9.43 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.05 cfs @ 1.22 fps)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-1: VUSF 1



Summary for Pond 5-2: VUSF 2

Inflow Area = 0.901 ac, 65.09% Impervious, Inflow Depth = 1.14" for 2-YR event
Inflow = 1.17 cfs @ 12.09 hrs, Volume= 0.086 af
Outflow = 0.05 cfs @ 16.04 hrs, Volume= 0.086 af, Atten= 96%, Lag= 236.5 min
Primary = 0.05 cfs @ 16.04 hrs, Volume= 0.086 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.11' @ 16.04 hrs Surf.Area= 4,957 sf Storage= 2,203 cf

Plug-Flow detention time= 549.6 min calculated for 0.086 af (100% of inflow)
Center-of-Mass det. time= 549.3 min (1,403.5 - 854.2)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

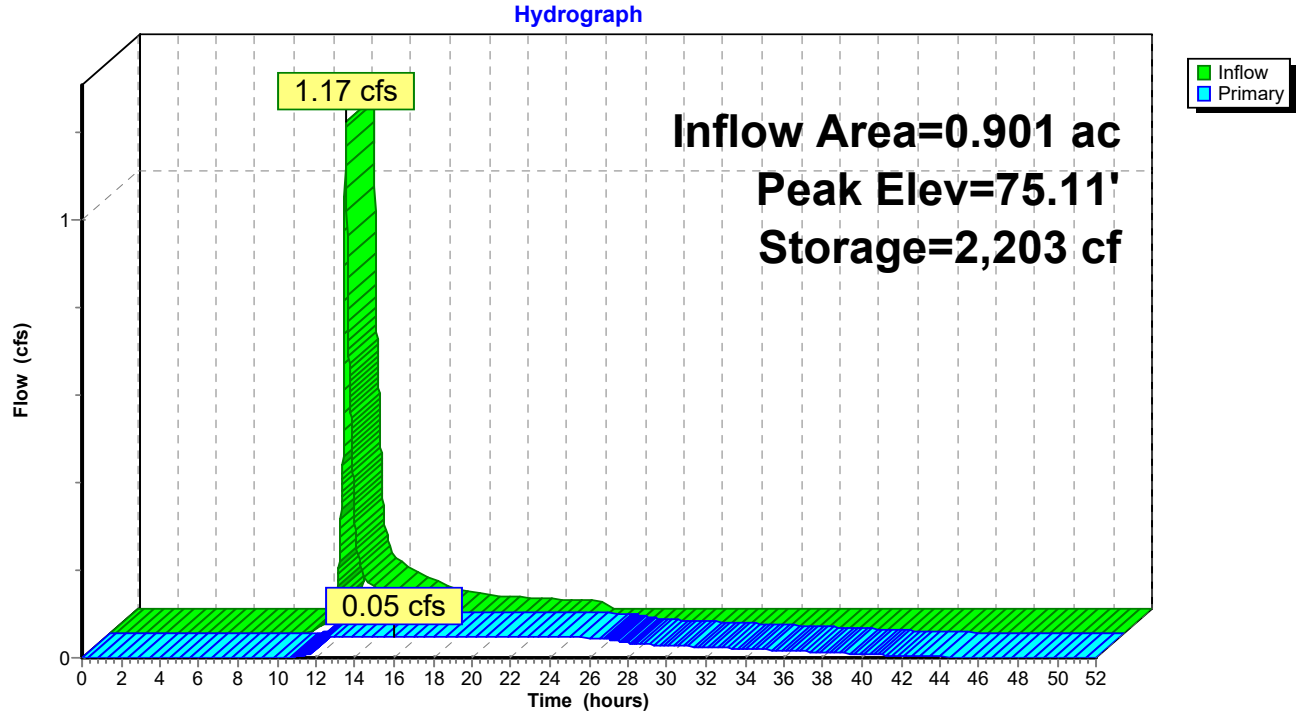
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.05 cfs @ 16.04 hrs HW=75.11' (Free Discharge)
- **1=Culvert** (Passes 0.05 cfs of 5.31 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 9.10 fps)
  - **3=Quantity Orifice** (Controls 0.00 cfs)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-2: VUSF 2



Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=3,771 sf 5.41% Impervious Runoff Depth=2.63"
Tc=6.0 min CN=81 Runoff=0.27 cfs 0.019 af

Subcatchment 2: 2 Runoff Area=1,496 sf 0.00% Impervious Runoff Depth=2.55"
Tc=6.0 min CN=80 Runoff=0.10 cfs 0.007 af

Subcatchment 3: 3 Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=1.14"
Tc=6.0 min CN=61 Runoff=0.96 cfs 0.077 af

Subcatchment 4: 4 Runoff Area=11,374 sf 0.00% Impervious Runoff Depth=0.79"
Tc=6.0 min CN=55 Runoff=0.18 cfs 0.017 af

Subcatchment 5.1: 5.1 Runoff Area=50,052 sf 75.07% Impervious Runoff Depth=2.81"
Tc=6.0 min CN=83 Runoff=3.78 cfs 0.270 af

Subcatchment 5.2: 5.2 Runoff Area=39,247 sf 65.09% Impervious Runoff Depth=2.29"
Tc=6.0 min CN=77 Runoff=2.42 cfs 0.172 af

Subcatchment 5.3: 5.3 Runoff Area=2,731 sf 100.00% Impervious Runoff Depth=4.36"
Tc=6.0 min CN=98 Runoff=0.28 cfs 0.023 af

Subcatchment 5.4: 5.4 Runoff Area=31,020 sf 0.00% Impervious Runoff Depth=2.46"
Tc=6.0 min CN=79 Runoff=2.06 cfs 0.146 af

Subcatchment 6: 6 Runoff Area=362 sf 100.00% Impervious Runoff Depth=4.36"
Tc=6.0 min CN=98 Runoff=0.04 cfs 0.003 af

Reach 3R: 3R Inflow=1.22 cfs 0.096 af
Outflow=1.22 cfs 0.096 af

Reach 4R: 4R Inflow=0.71 cfs 0.281 af
Outflow=0.71 cfs 0.281 af

Reach 5R: 5R Inflow=0.43 cfs 0.202 af
Outflow=0.43 cfs 0.202 af

Reach POA: Total Runoff Inflow=3.97 cfs 0.728 af
Outflow=3.97 cfs 0.728 af

Reach POI 1: POI 1 Inflow=0.27 cfs 0.019 af
Outflow=0.27 cfs 0.019 af

Reach POI 2: POI 2 Inflow=0.10 cfs 0.007 af
Outflow=0.10 cfs 0.007 af

Reach POI 3: POI 3 Inflow=1.22 cfs 0.096 af
Outflow=1.22 cfs 0.096 af

Reach POI 4: POI 4 Inflow=0.18 cfs 0.017 af
Outflow=0.18 cfs 0.017 af

Pond 5-1: VUSF 1 Peak Elev=75.74' Storage=5,713 cf Inflow=3.78 cfs 0.270 af
Outflow=0.64 cfs 0.263 af

Pond 5-2: VUSF 2 Peak Elev=75.81' Storage=3,640 cf Inflow=2.42 cfs 0.172 af
Outflow=0.28 cfs 0.172 af

Total Runoff Area = 4.031 ac Runoff Volume = 0.734 af Average Runoff Depth = 2.19"
62.18% Pervious = 2.506 ac 37.82% Impervious = 1.525 ac

Summary for Subcatchment 1: 1

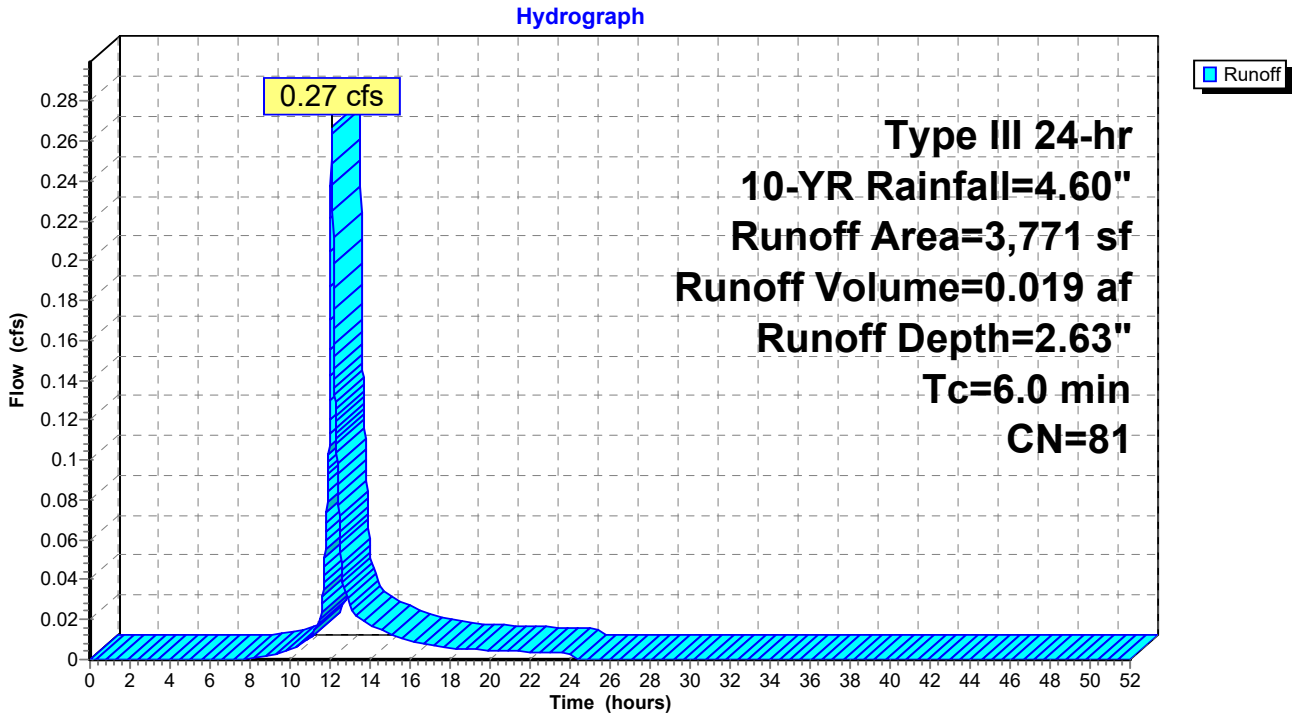
Runoff = 0.27 cfs @ 12.09 hrs, Volume= 0.019 af, Depth= 2.63"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

	Area (sf)	CN	Description
	3,567	80	>75% Grass cover, Good, HSG D
*	204	98	Concrete Walkway
	3,771	81	Weighted Average
	3,567		94.59% Pervious Area
	204		5.41% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1: 1



Summary for Subcatchment 2: 2

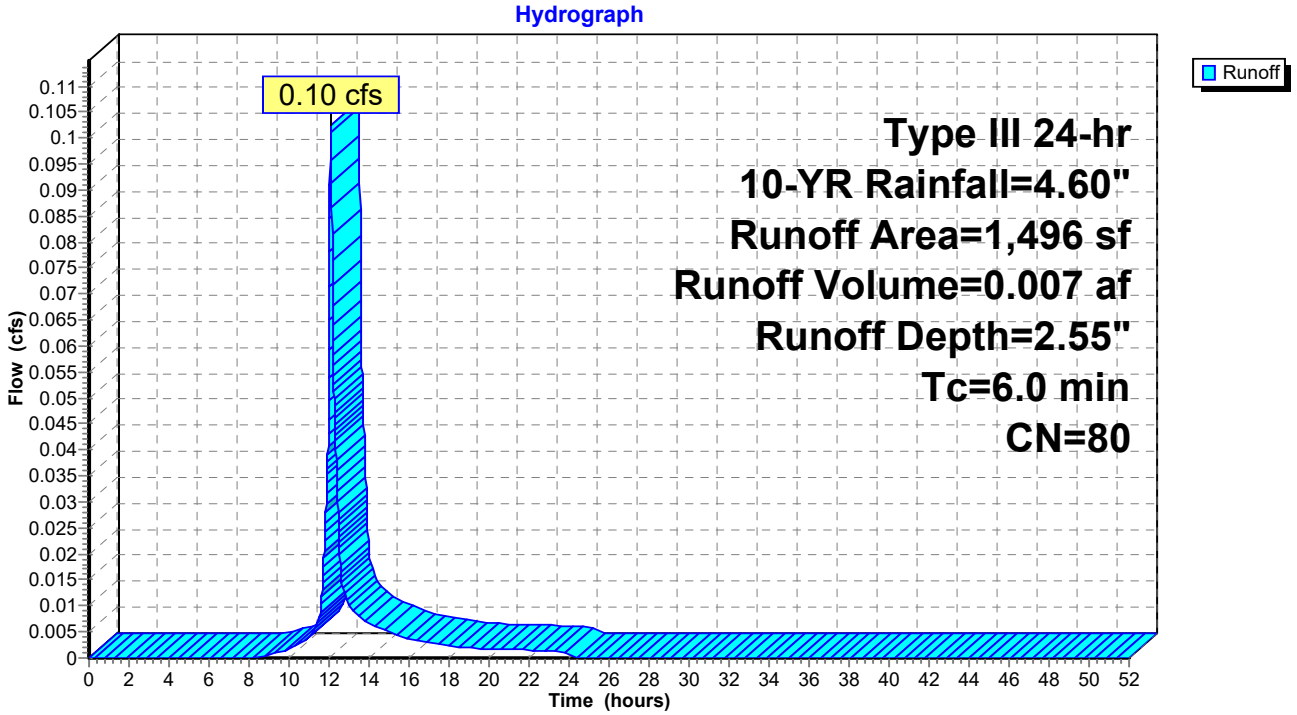
Runoff = 0.10 cfs @ 12.09 hrs, Volume= 0.007 af, Depth= 2.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
1,496	80	>75% Grass cover, Good, HSG D
1,496		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

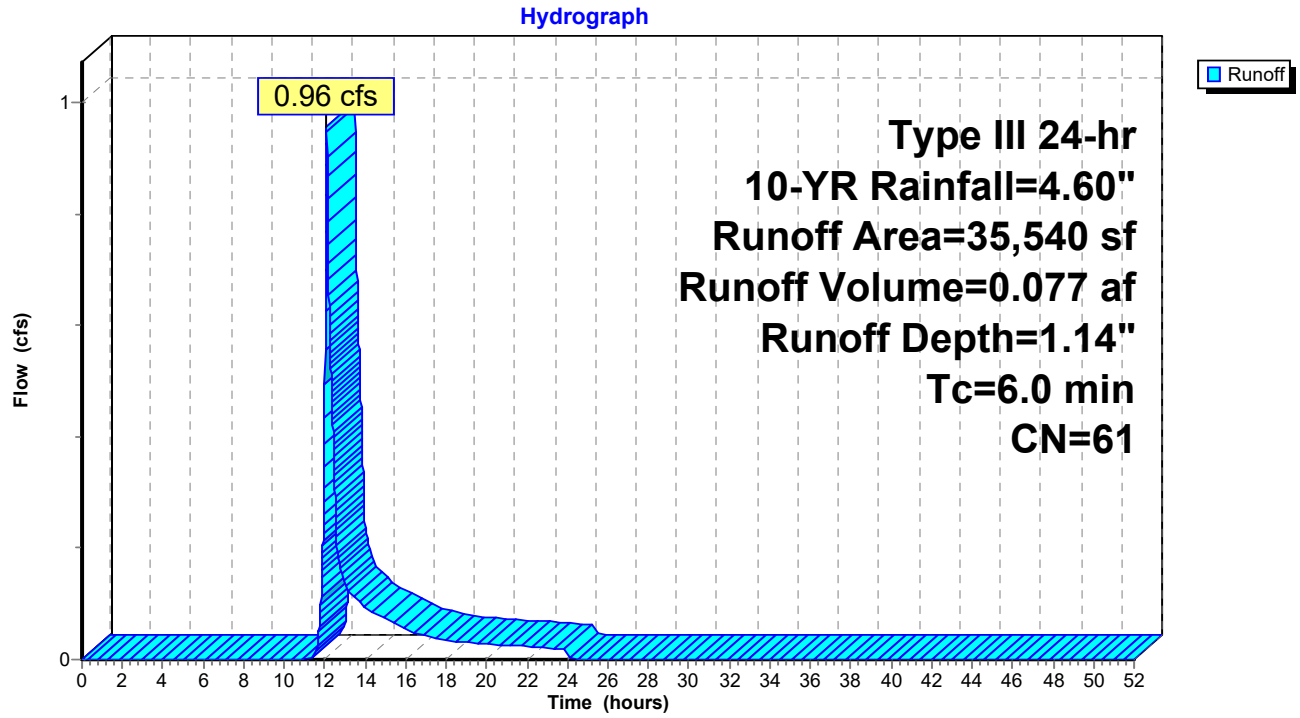
Runoff = 0.96 cfs @ 12.10 hrs, Volume= 0.077 af, Depth= 1.14"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3



Summary for Subcatchment 4: 4

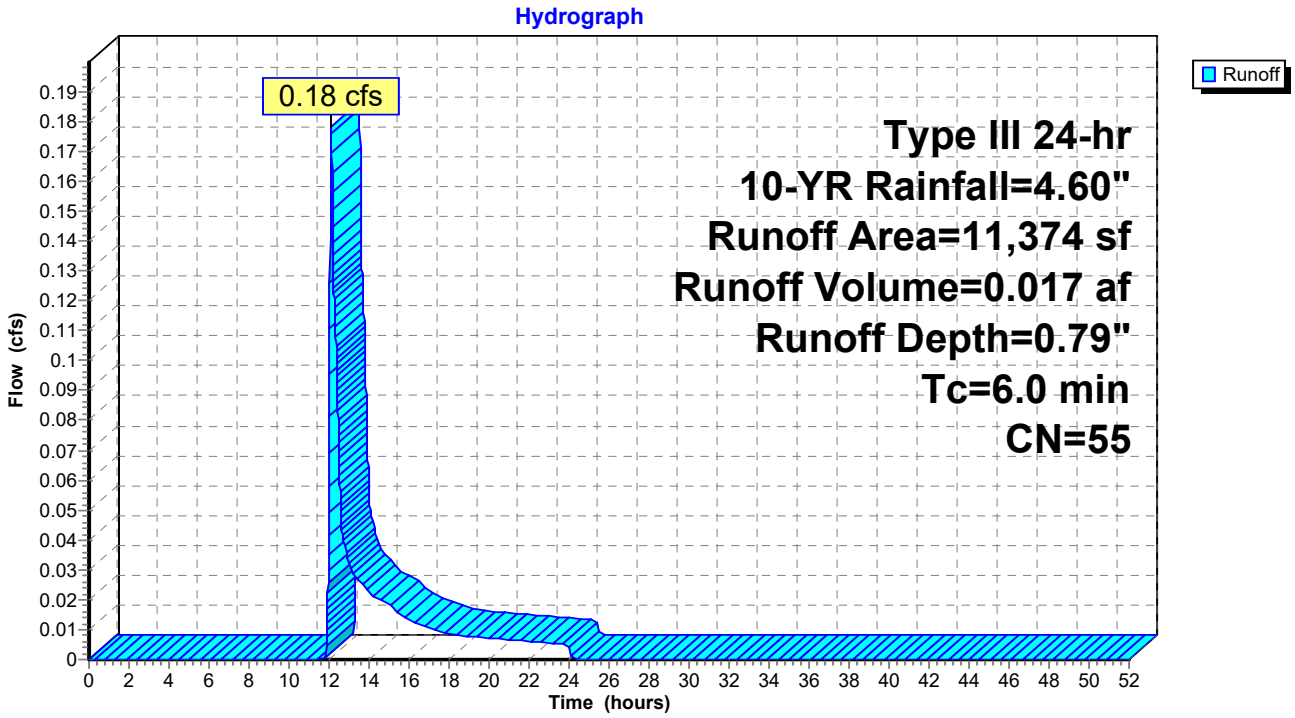
Runoff = 0.18 cfs @ 12.11 hrs, Volume= 0.017 af, Depth= 0.79"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,945	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,374	55	Weighted Average
11,374		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 4: 4



Summary for Subcatchment 5.1: 5.1

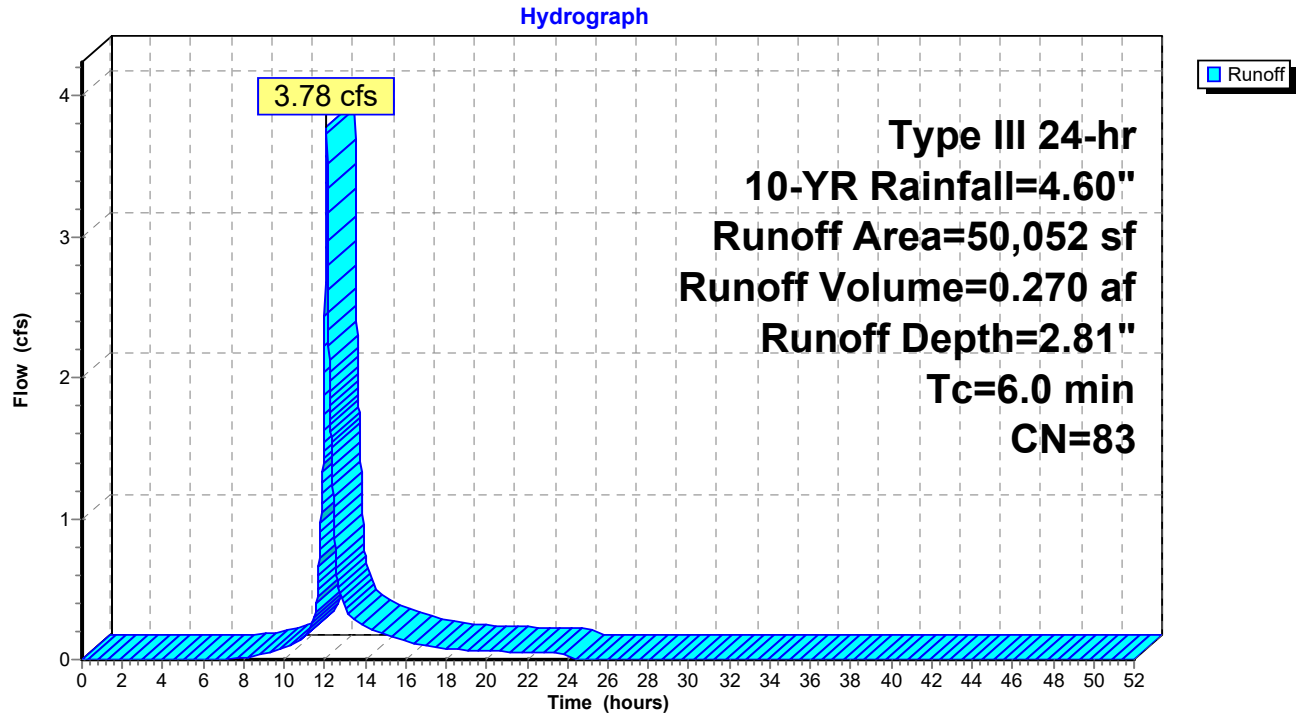
Runoff = 3.78 cfs @ 12.09 hrs, Volume= 0.270 af, Depth= 2.81"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
12,477	39	>75% Grass cover, Good, HSG A
37,575	98	Paved parking, HSG D
50,052	83	Weighted Average
12,477		24.93% Pervious Area
37,575		75.07% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.1: 5.1



Summary for Subcatchment 5.2: 5.2

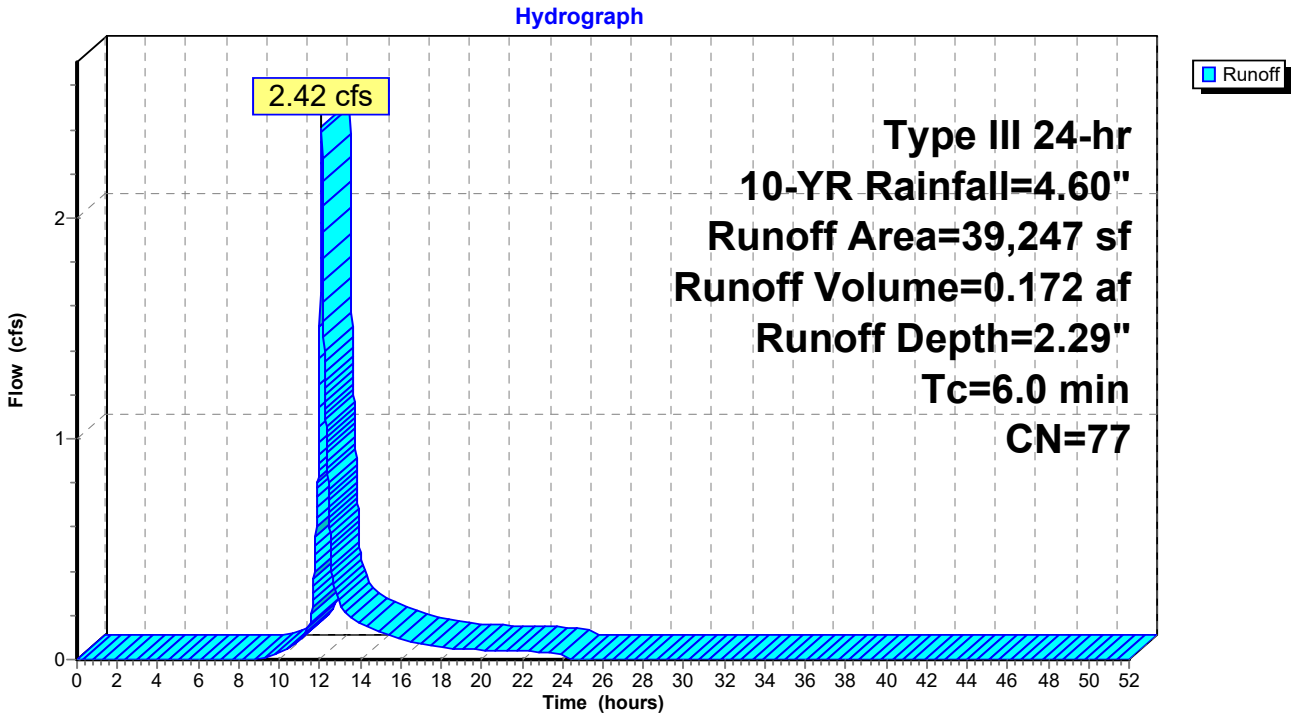
Runoff = 2.42 cfs @ 12.09 hrs, Volume= 0.172 af, Depth= 2.29"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
25,545	98	Paved parking, HSG A
13,702	39	>75% Grass cover, Good, HSG A
39,247	77	Weighted Average
13,702		34.91% Pervious Area
25,545		65.09% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.2: 5.2



Summary for Subcatchment 5.3: 5.3

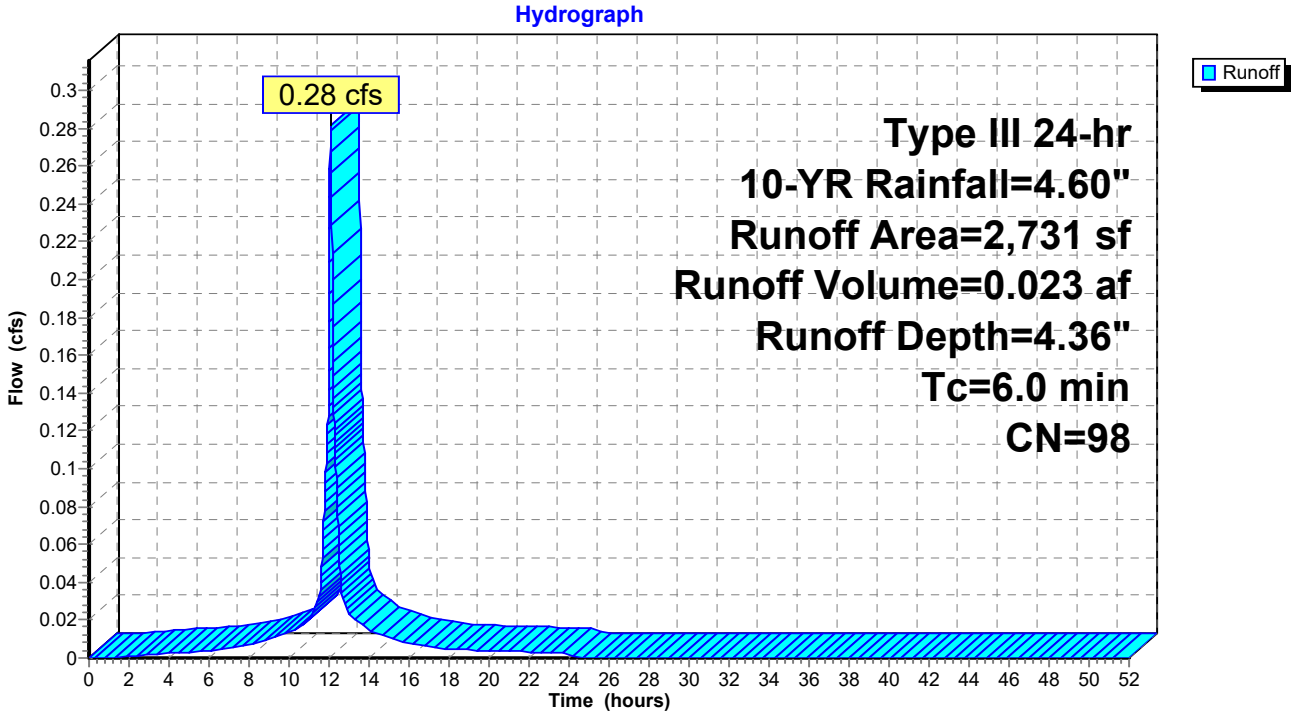
Runoff = 0.28 cfs @ 12.08 hrs, Volume= 0.023 af, Depth= 4.36"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
2,731	98	Paved parking, HSG A
2,731		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.3: 5.3



Summary for Subcatchment 5.4: 5.4

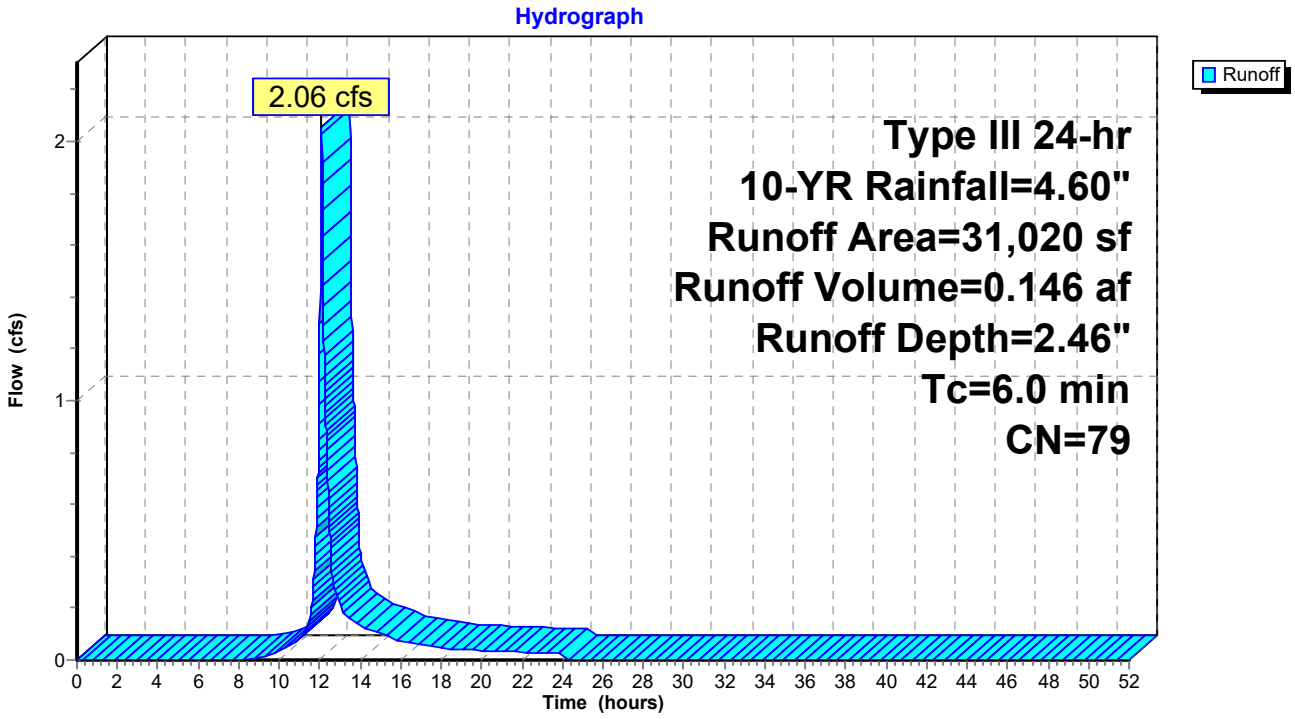
Runoff = 2.06 cfs @ 12.09 hrs, Volume= 0.146 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
17,521	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
31,020	79	Weighted Average
31,020		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.4: 5.4



Summary for Subcatchment 6: 6

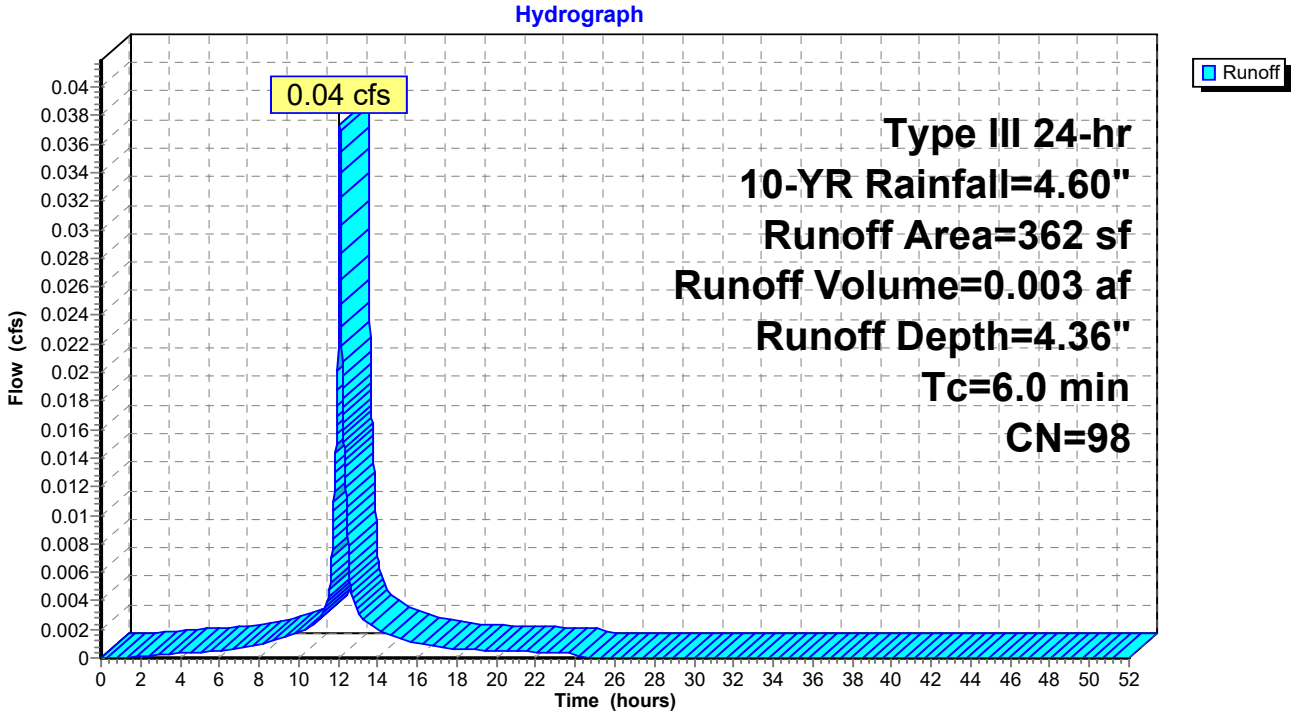
Runoff = 0.04 cfs @ 12.08 hrs, Volume= 0.003 af, Depth= 4.36"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
362	98	Paved parking, HSG A
362		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 6: 6

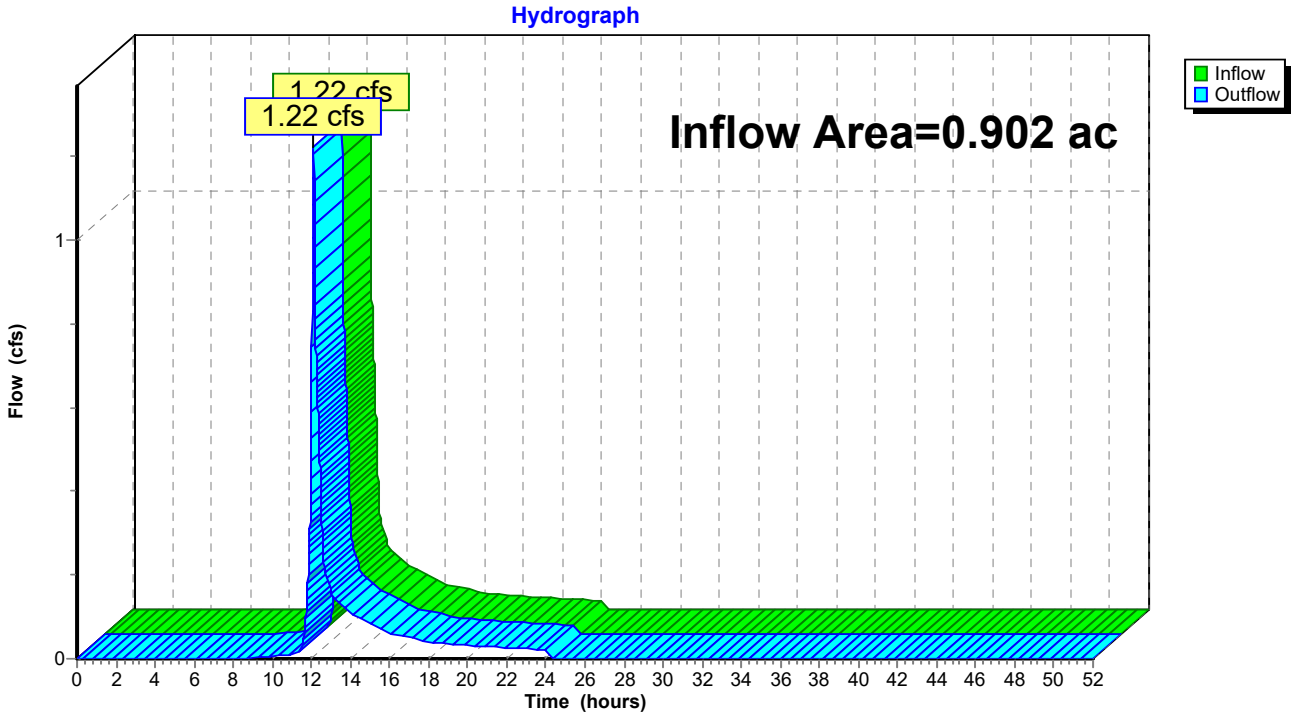


Summary for Reach 3R: 3R

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 1.28" for 10-YR event
Inflow = 1.22 cfs @ 12.10 hrs, Volume= 0.096 af
Outflow = 1.22 cfs @ 12.10 hrs, Volume= 0.096 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

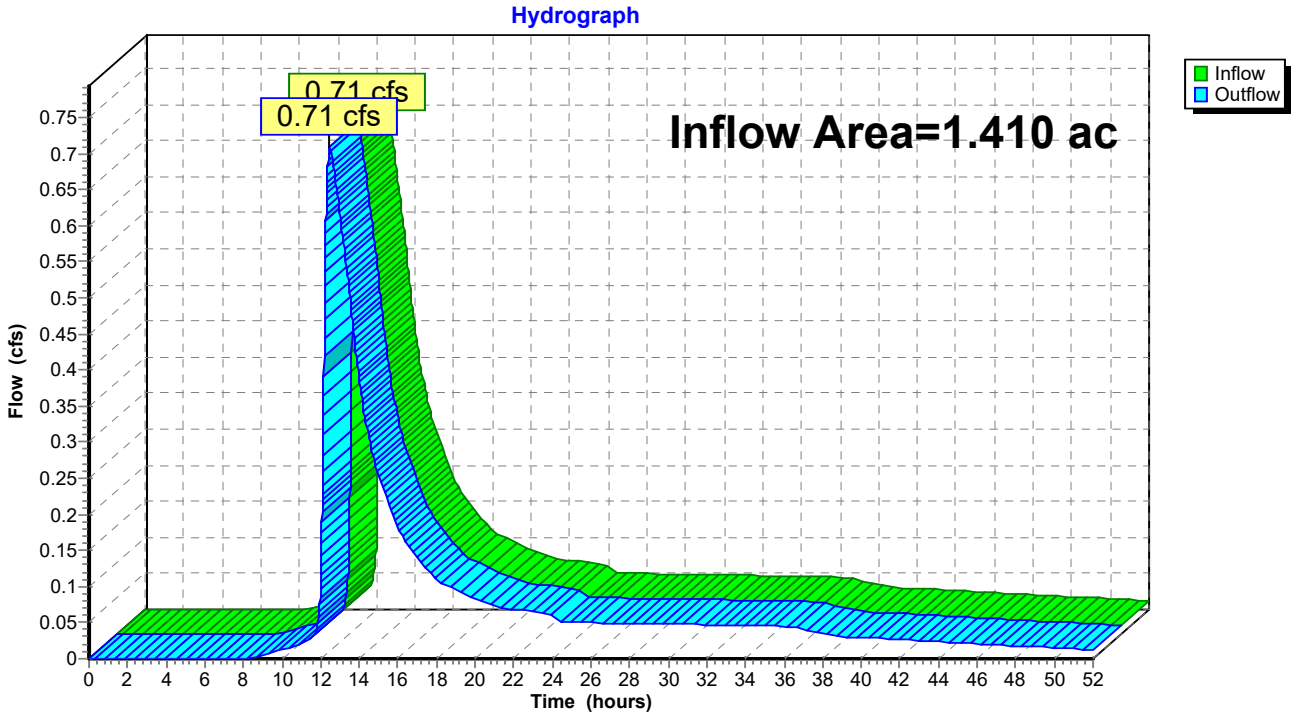


Summary for Reach 4R: 4R

Inflow Area = 1.410 ac, 61.17% Impervious, Inflow Depth > 2.39" for 10-YR event
Inflow = 0.71 cfs @ 12.48 hrs, Volume= 0.281 af
Outflow = 0.71 cfs @ 12.48 hrs, Volume= 0.281 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

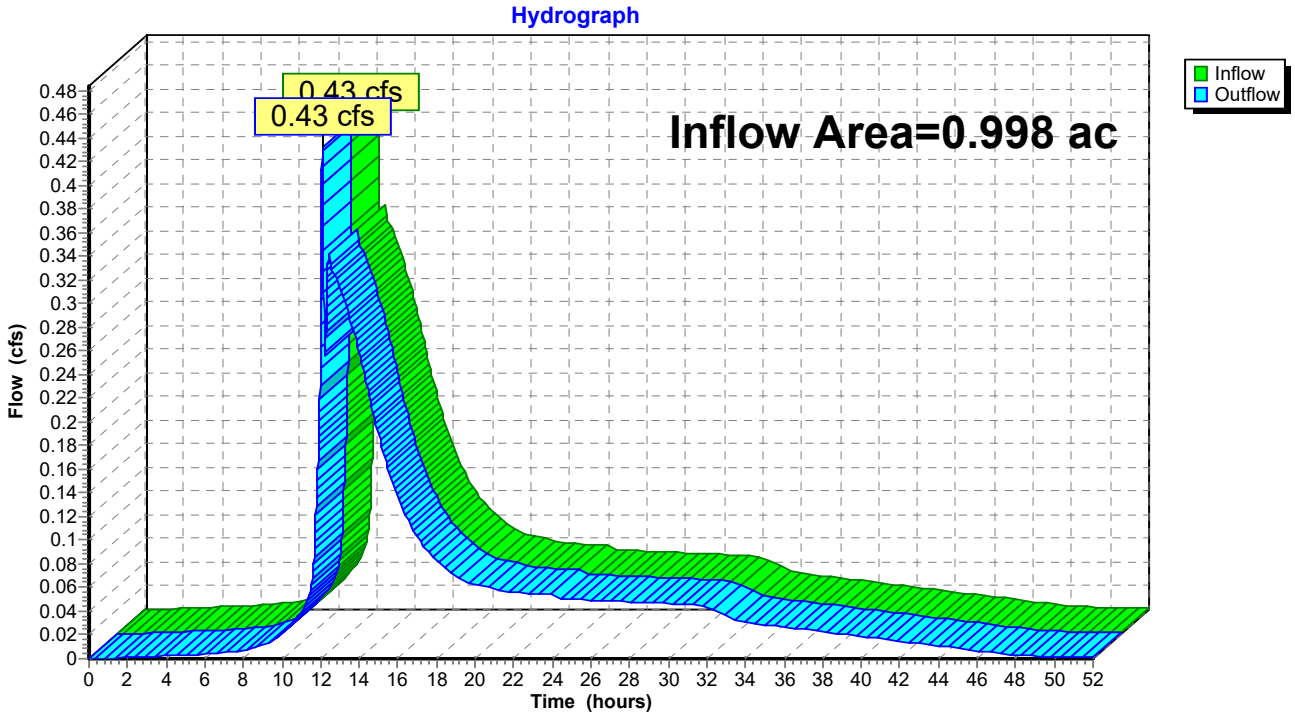


Summary for Reach 5R: 5R

Inflow Area = 0.998 ac, 65.04% Impervious, Inflow Depth > 2.43" for 10-YR event
Inflow = 0.43 cfs @ 12.09 hrs, Volume= 0.202 af
Outflow = 0.43 cfs @ 12.09 hrs, Volume= 0.202 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

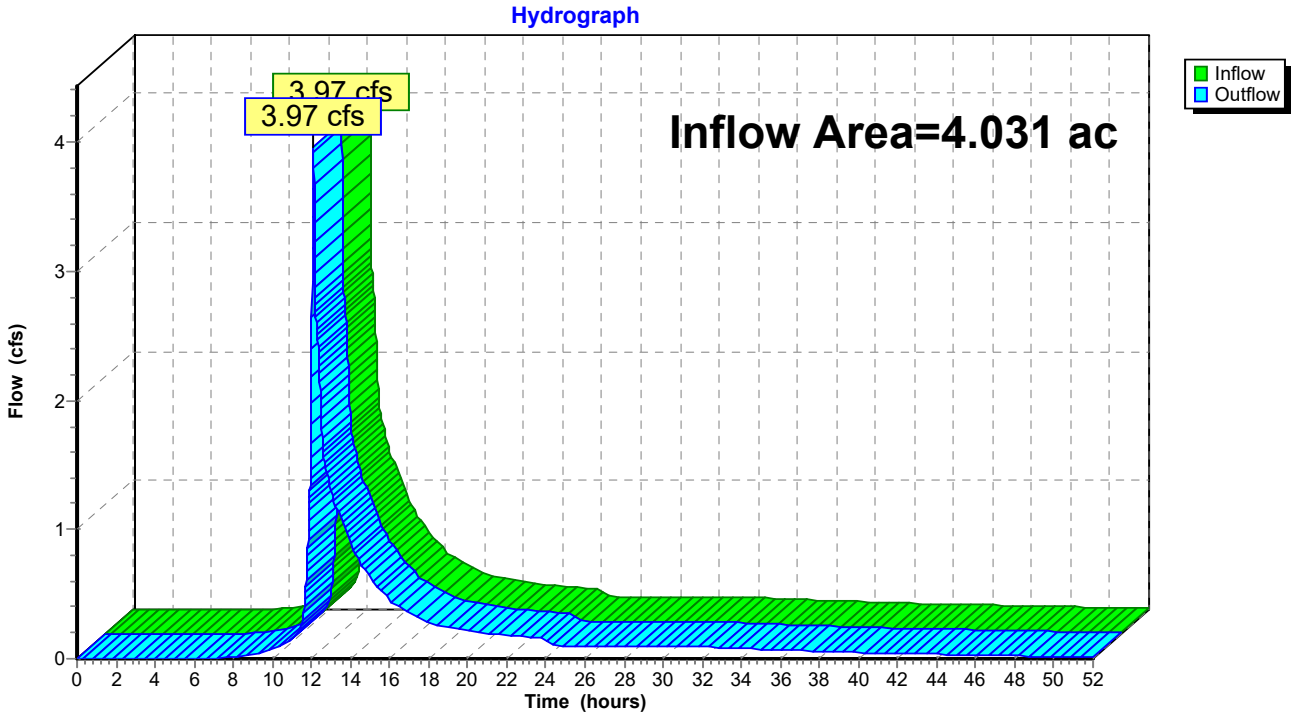


Summary for Reach POA: Total Runoff

Inflow Area = 4.031 ac, 37.82% Impervious, Inflow Depth > 2.17" for 10-YR event
Inflow = 3.97 cfs @ 12.09 hrs, Volume= 0.728 af
Outflow = 3.97 cfs @ 12.09 hrs, Volume= 0.728 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

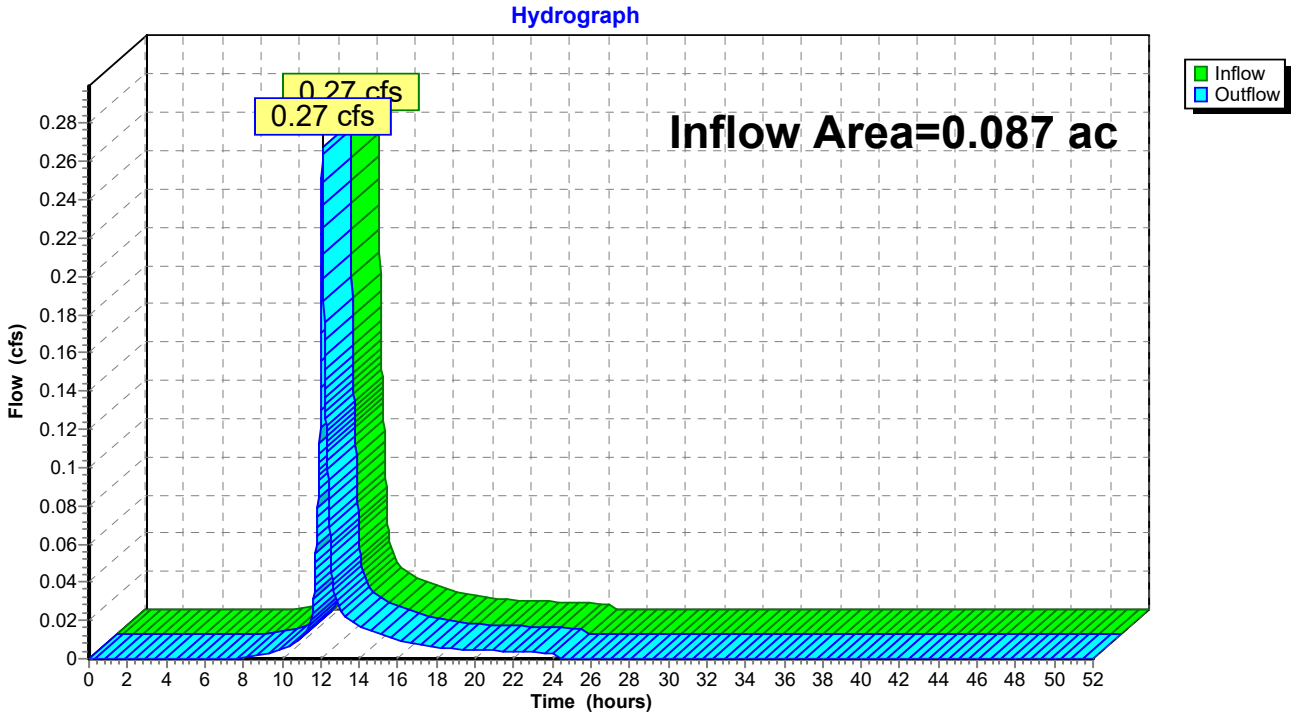


Summary for Reach POI 1: POI 1

Inflow Area = 0.087 ac, 5.41% Impervious, Inflow Depth = 2.63" for 10-YR event
Inflow = 0.27 cfs @ 12.09 hrs, Volume= 0.019 af
Outflow = 0.27 cfs @ 12.09 hrs, Volume= 0.019 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

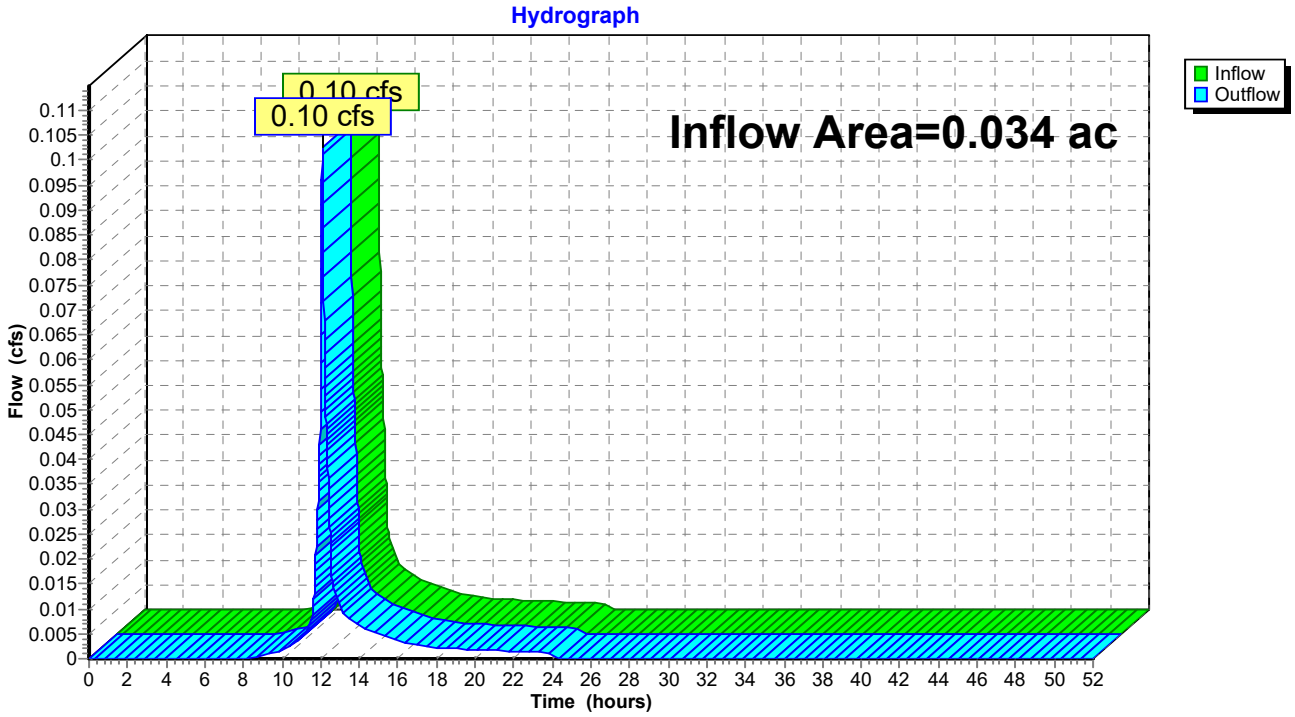


Summary for Reach POI 2: POI 2

Inflow Area = 0.034 ac, 0.00% Impervious, Inflow Depth = 2.55" for 10-YR event
Inflow = 0.10 cfs @ 12.09 hrs, Volume= 0.007 af
Outflow = 0.10 cfs @ 12.09 hrs, Volume= 0.007 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

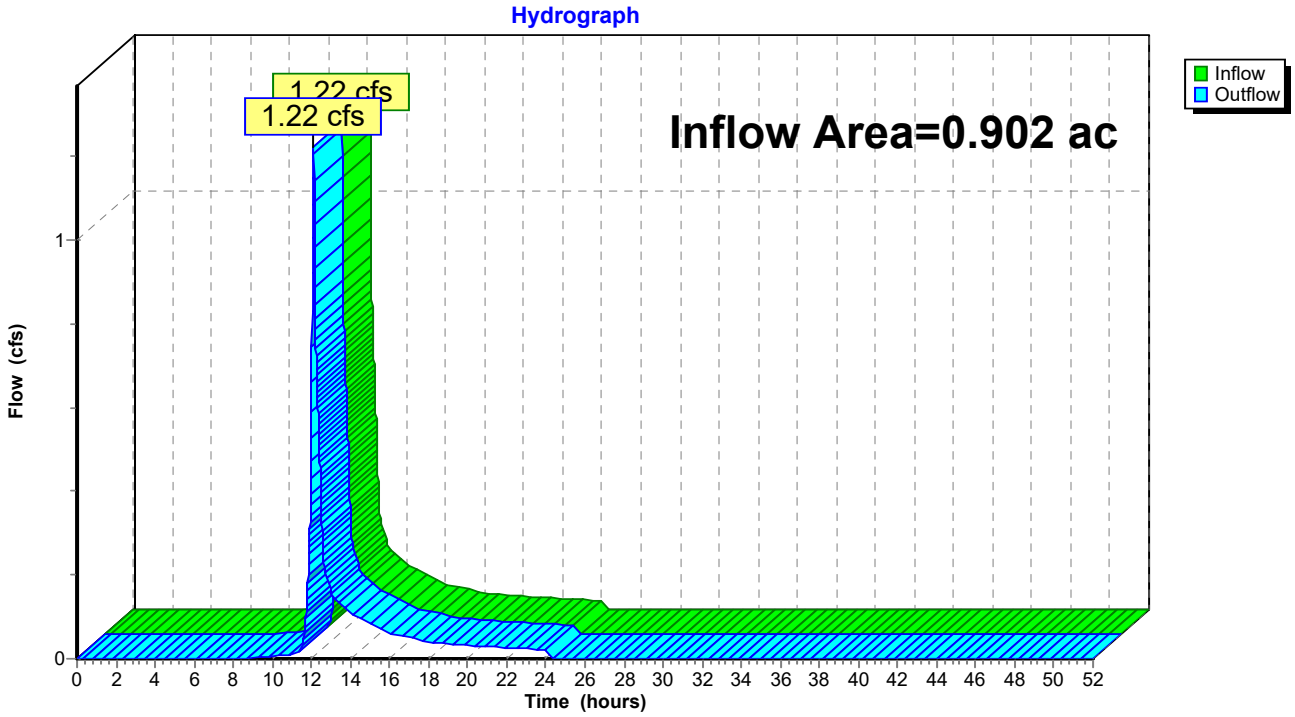


Summary for Reach POI 3: POI 3

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 1.28" for 10-YR event
Inflow = 1.22 cfs @ 12.10 hrs, Volume= 0.096 af
Outflow = 1.22 cfs @ 12.10 hrs, Volume= 0.096 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

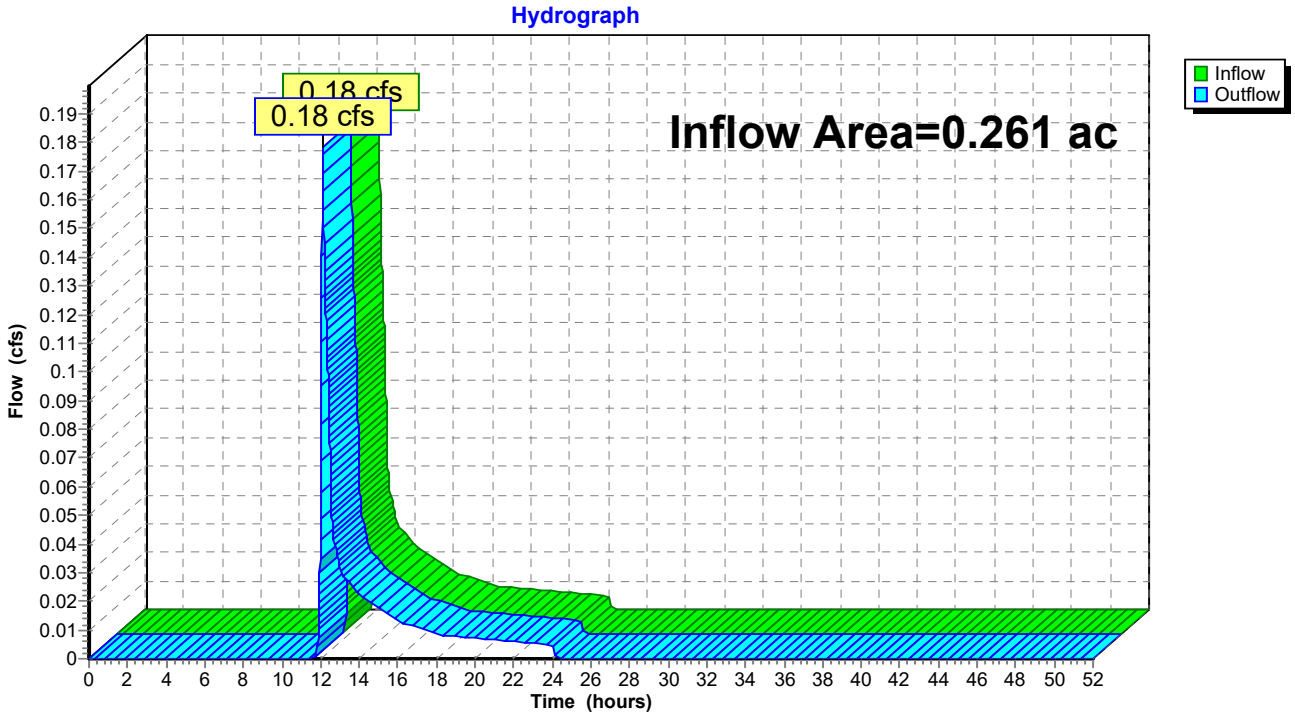


Summary for Reach POI 4: POI 4

Inflow Area = 0.261 ac, 0.00% Impervious, Inflow Depth = 0.79" for 10-YR event
Inflow = 0.18 cfs @ 12.11 hrs, Volume= 0.017 af
Outflow = 0.18 cfs @ 12.11 hrs, Volume= 0.017 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4



Summary for Pond 5-1: VUSF 1

Inflow Area = 1.149 ac, 75.07% Impervious, Inflow Depth = 2.81" for 10-YR event
Inflow = 3.78 cfs @ 12.09 hrs, Volume= 0.270 af
Outflow = 0.64 cfs @ 12.57 hrs, Volume= 0.263 af, Atten= 83%, Lag= 28.6 min
Primary = 0.64 cfs @ 12.57 hrs, Volume= 0.263 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.74' @ 12.57 hrs Surf.Area= 7,864 sf Storage= 5,713 cf

Plug-Flow detention time= 474.3 min calculated for 0.263 af (98% of inflow)
Center-of-Mass det. time= 461.1 min (1,278.0 - 816.9)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

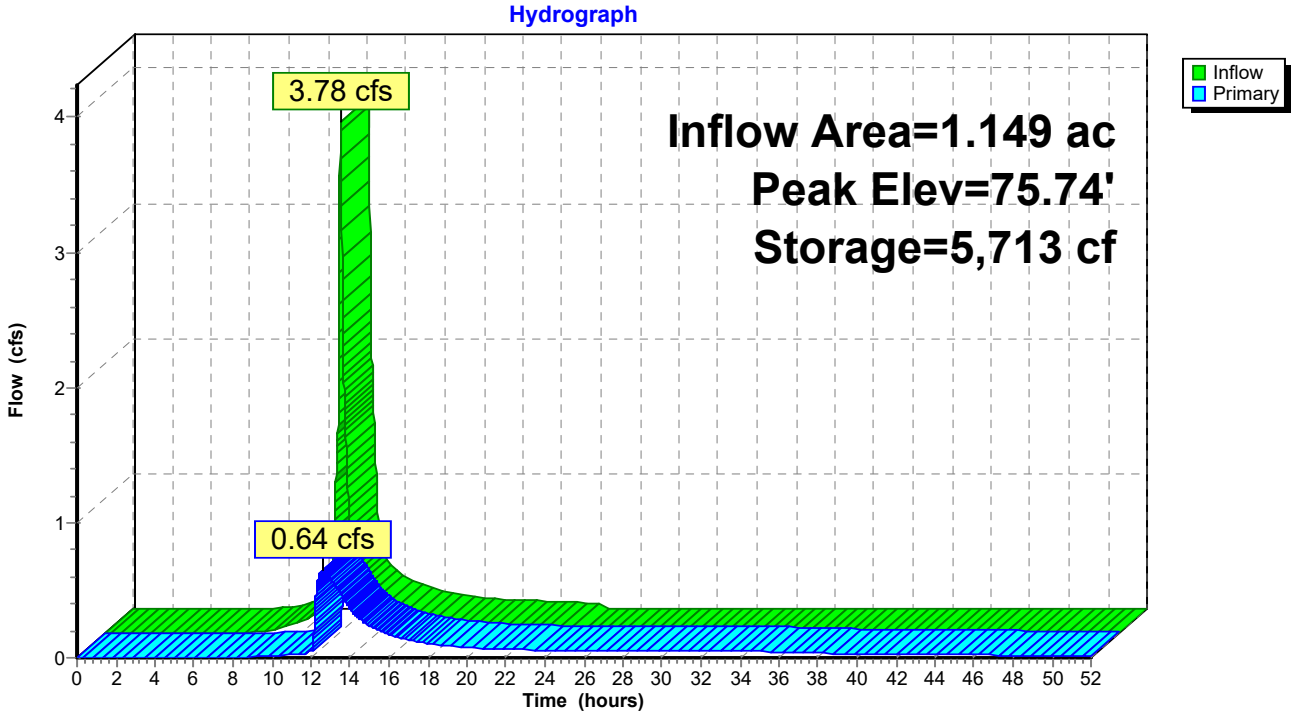
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.64 cfs @ 12.57 hrs HW=75.74' (Free Discharge)
- **1=Culvert** (Passes 0.64 cfs of 5.36 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 10.04 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.59 cfs @ 3.00 fps)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-1: VUSF 1



Summary for Pond 5-2: VUSF 2

Inflow Area = 0.901 ac, 65.09% Impervious, Inflow Depth = 2.29" for 10-YR event
Inflow = 2.42 cfs @ 12.09 hrs, Volume= 0.172 af
Outflow = 0.28 cfs @ 12.88 hrs, Volume= 0.172 af, Atten= 88%, Lag= 47.6 min
Primary = 0.28 cfs @ 12.88 hrs, Volume= 0.172 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.81' @ 12.88 hrs Surf.Area= 5,343 sf Storage= 3,640 cf

Plug-Flow detention time= 456.3 min calculated for 0.172 af (100% of inflow)
Center-of-Mass det. time= 455.9 min (1,289.5 - 833.6)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

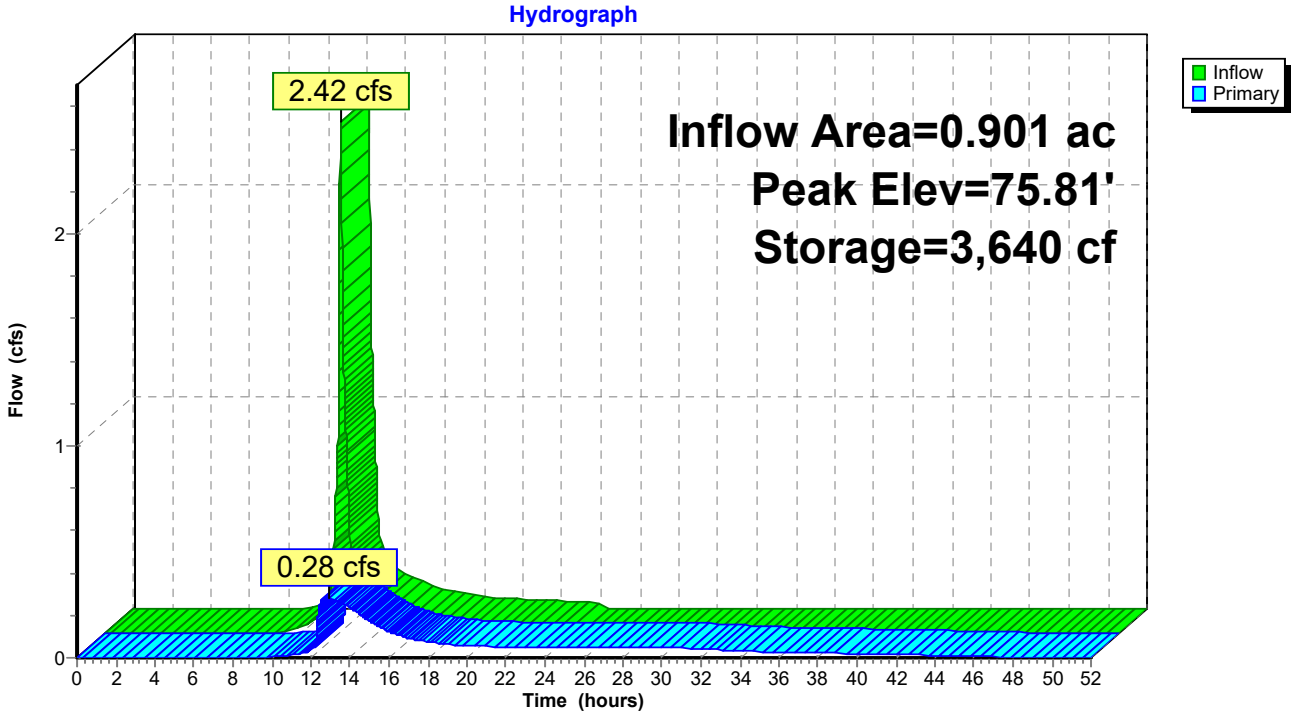
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.28 cfs @ 12.88 hrs HW=75.81' (Free Discharge)
- **1=Culvert** (Passes 0.28 cfs of 5.87 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 9.95 fps)
  - **3=Quantity Orifice** (Orifice Controls 0.23 cfs @ 2.61 fps)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-2: VUSF 2



Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=3,771 sf 5.41% Impervious Runoff Depth=3.70"
Tc=6.0 min CN=81 Runoff=0.37 cfs 0.027 af

Subcatchment 2: 2 Runoff Area=1,496 sf 0.00% Impervious Runoff Depth=3.60"
Tc=6.0 min CN=80 Runoff=0.14 cfs 0.010 af

Subcatchment 3: 3 Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=1.87"
Tc=6.0 min CN=61 Runoff=1.70 cfs 0.127 af

Subcatchment 4: 4 Runoff Area=11,374 sf 0.00% Impervious Runoff Depth=1.40"
Tc=6.0 min CN=55 Runoff=0.38 cfs 0.031 af

Subcatchment 5.1: 5.1 Runoff Area=50,052 sf 75.07% Impervious Runoff Depth=3.91"
Tc=6.0 min CN=83 Runoff=5.21 cfs 0.374 af

Subcatchment 5.2: 5.2 Runoff Area=39,247 sf 65.09% Impervious Runoff Depth=3.31"
Tc=6.0 min CN=77 Runoff=3.49 cfs 0.248 af

Subcatchment 5.3: 5.3 Runoff Area=2,731 sf 100.00% Impervious Runoff Depth=5.56"
Tc=6.0 min CN=98 Runoff=0.36 cfs 0.029 af

Subcatchment 5.4: 5.4 Runoff Area=31,020 sf 0.00% Impervious Runoff Depth=3.50"
Tc=6.0 min CN=79 Runoff=2.92 cfs 0.208 af

Subcatchment 6: 6 Runoff Area=362 sf 100.00% Impervious Runoff Depth=5.56"
Tc=6.0 min CN=98 Runoff=0.05 cfs 0.004 af

Reach 3R: 3R Inflow=2.07 cfs 0.154 af
Outflow=2.07 cfs 0.154 af

Reach 4R: 4R Inflow=2.22 cfs 0.398 af
Outflow=2.22 cfs 0.398 af

Reach 5R: 5R Inflow=1.63 cfs 0.287 af
Outflow=1.63 cfs 0.287 af

Reach POA: Total Runoff Inflow=6.61 cfs 1.051 af
Outflow=6.61 cfs 1.051 af

Reach POI 1: POI 1 Inflow=0.37 cfs 0.027 af
Outflow=0.37 cfs 0.027 af

Reach POI 2: POI 2 Inflow=0.14 cfs 0.010 af
Outflow=0.14 cfs 0.010 af

Reach POI 3: POI 3 Inflow=2.07 cfs 0.154 af
Outflow=2.07 cfs 0.154 af

Reach POI 4: POI 4 Inflow=0.38 cfs 0.031 af
Outflow=0.38 cfs 0.031 af

Pond 5-1: VUSF 1 Peak Elev=76.05' Storage=6,852 cf Inflow=5.21 cfs 0.374 af
Outflow=2.03 cfs 0.367 af

Pond 5-2: VUSF 2 Peak Elev=76.06' Storage=4,216 cf Inflow=3.49 cfs 0.248 af
Outflow=1.43 cfs 0.248 af

Total Runoff Area = 4.031 ac Runoff Volume = 1.058 af Average Runoff Depth = 3.15"
62.18% Pervious = 2.506 ac 37.82% Impervious = 1.525 ac

Summary for Subcatchment 1: 1

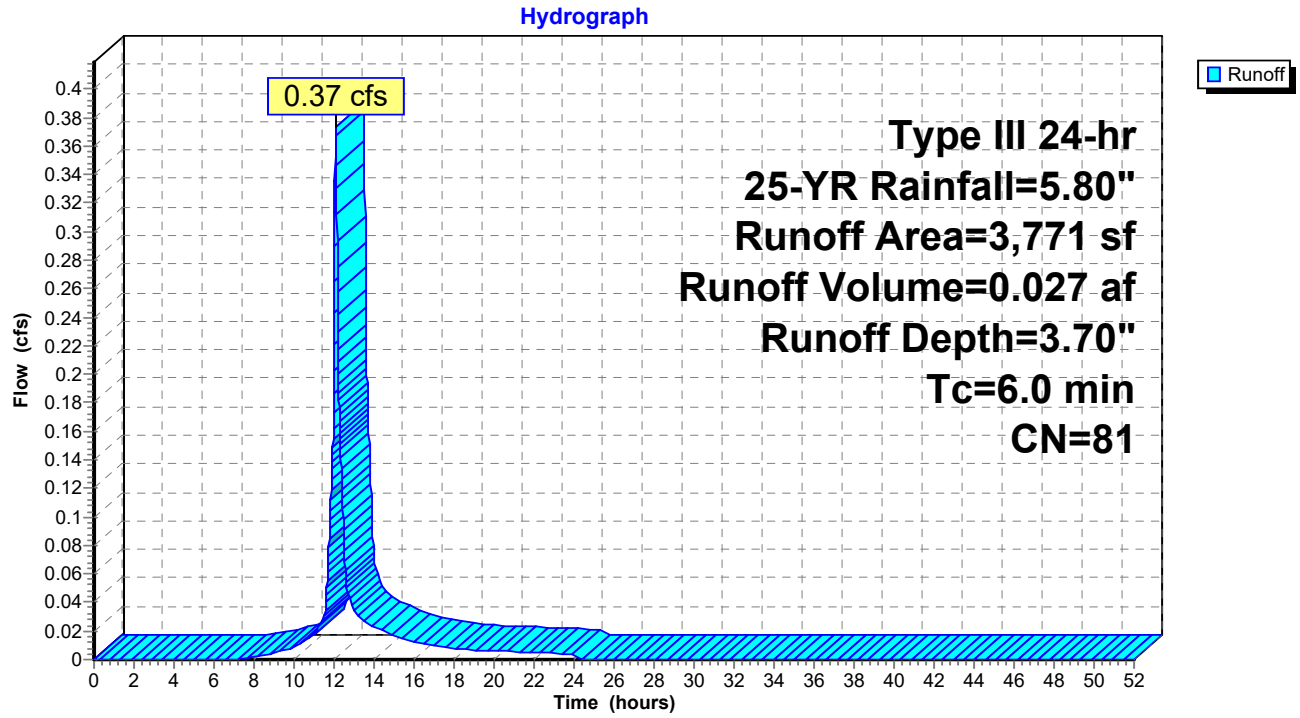
Runoff = 0.37 cfs @ 12.09 hrs, Volume= 0.027 af, Depth= 3.70"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

	Area (sf)	CN	Description
	3,567	80	>75% Grass cover, Good, HSG D
*	204	98	Concrete Walkway
	3,771	81	Weighted Average
	3,567		94.59% Pervious Area
	204		5.41% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1: 1



Summary for Subcatchment 2: 2

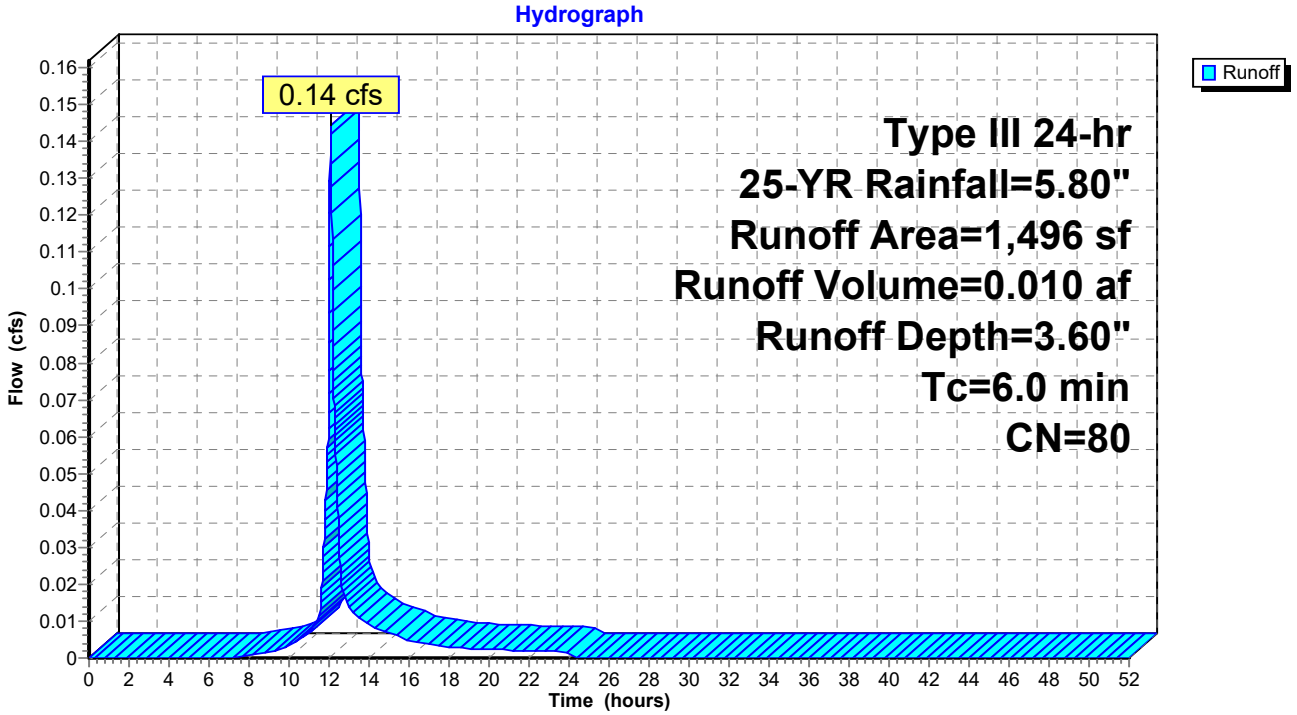
Runoff = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af, Depth= 3.60"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
1,496	80	>75% Grass cover, Good, HSG D
1,496		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

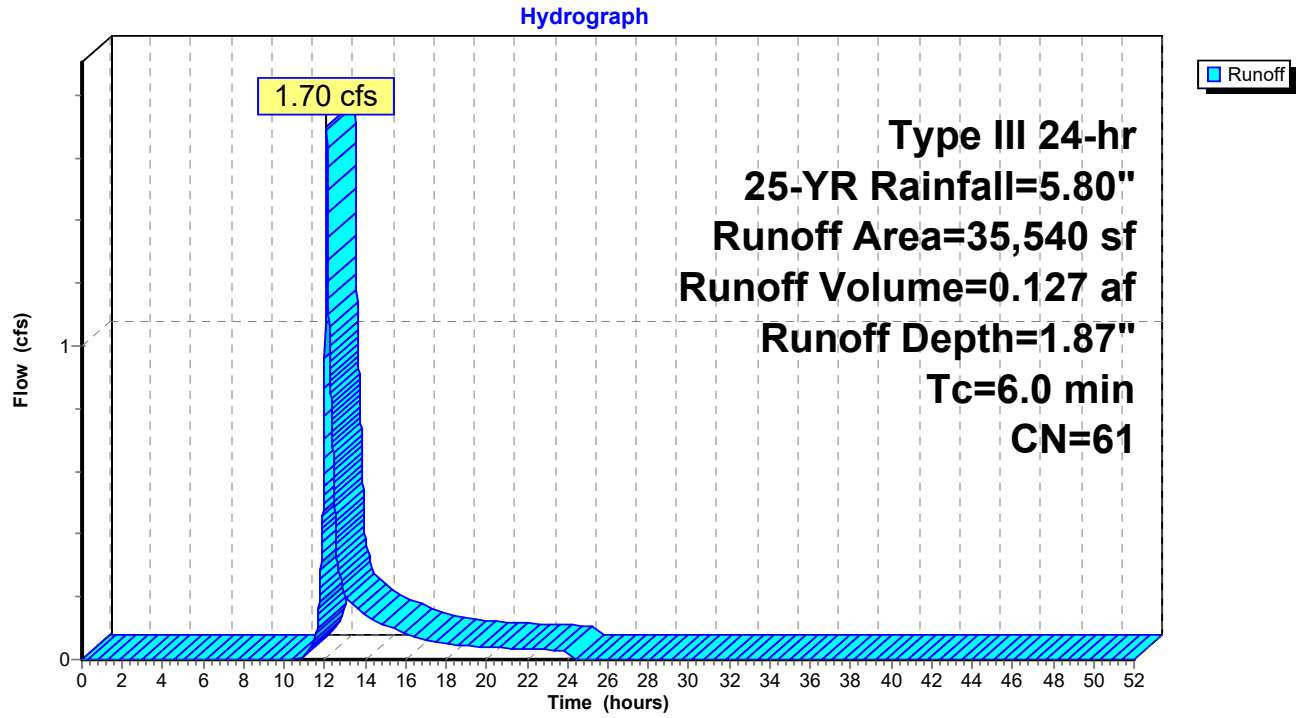
Runoff = 1.70 cfs @ 12.10 hrs, Volume= 0.127 af, Depth= 1.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3



Summary for Subcatchment 4: 4

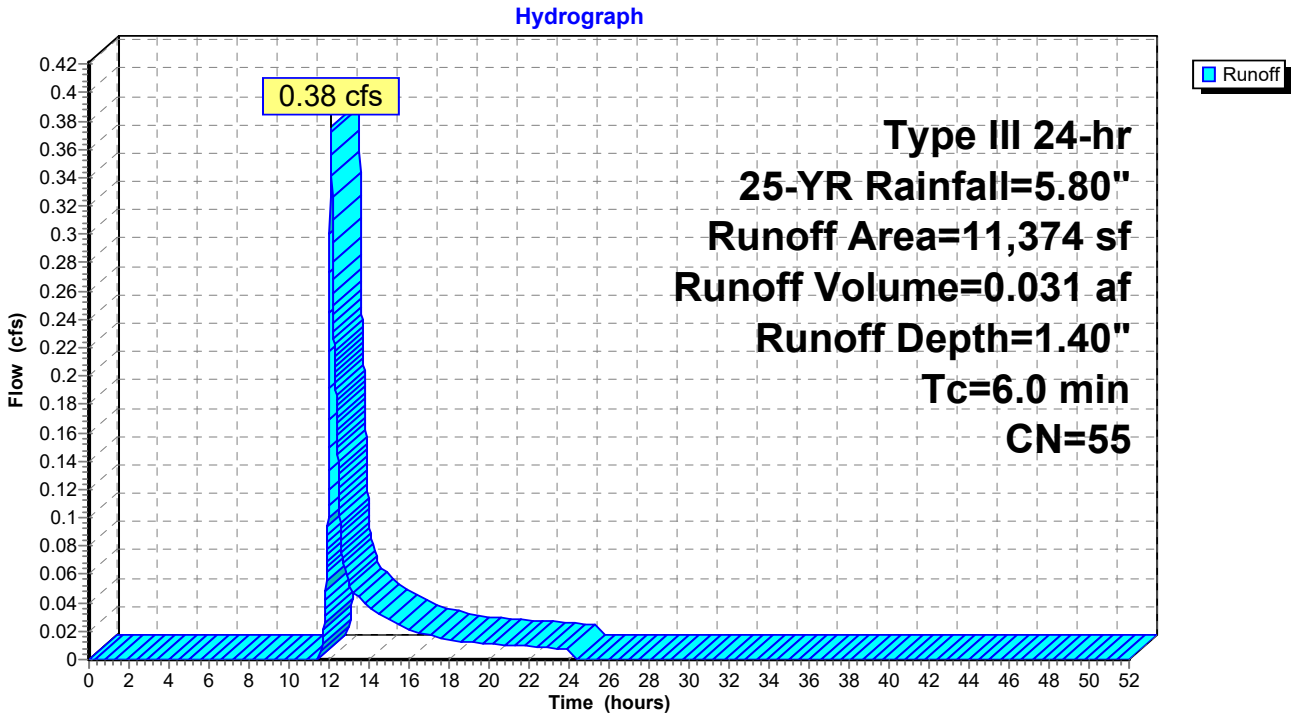
Runoff = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af, Depth= 1.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,945	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,374	55	Weighted Average
11,374		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 4: 4



Summary for Subcatchment 5.1: 5.1

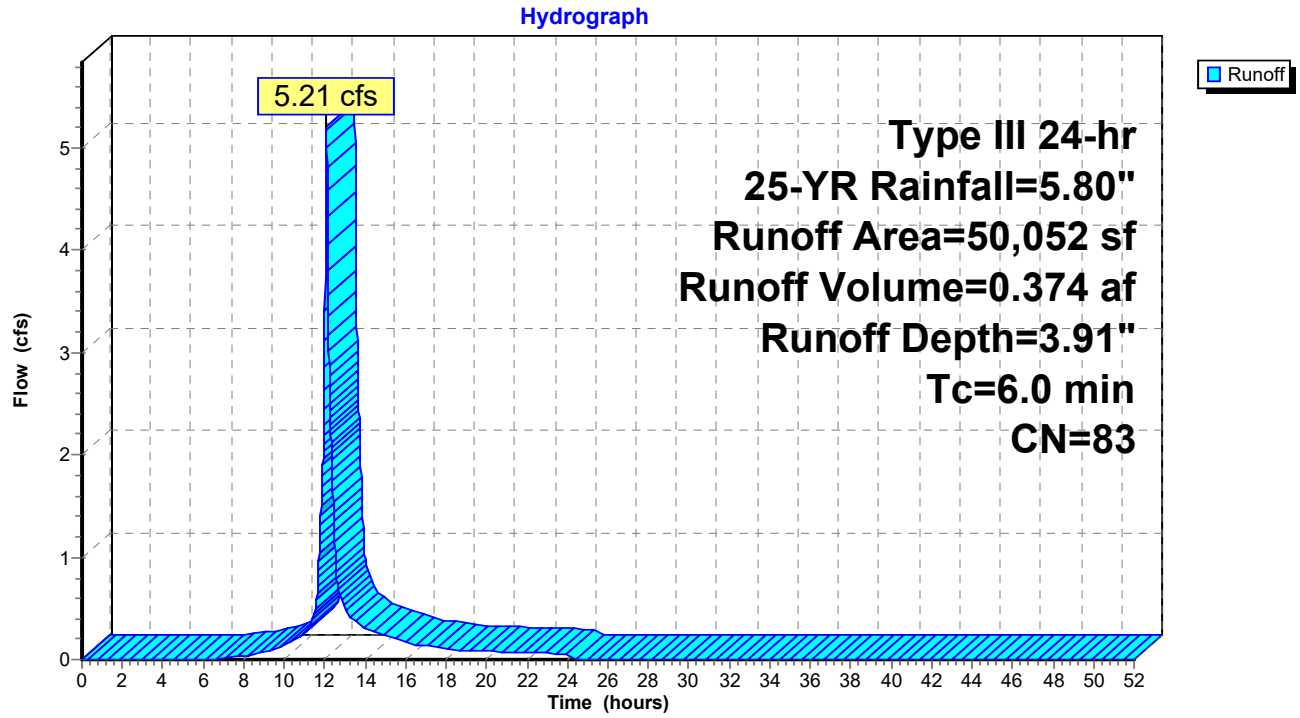
Runoff = 5.21 cfs @ 12.09 hrs, Volume= 0.374 af, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
12,477	39	>75% Grass cover, Good, HSG A
37,575	98	Paved parking, HSG D
50,052	83	Weighted Average
12,477		24.93% Pervious Area
37,575		75.07% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.1: 5.1



Summary for Subcatchment 5.2: 5.2

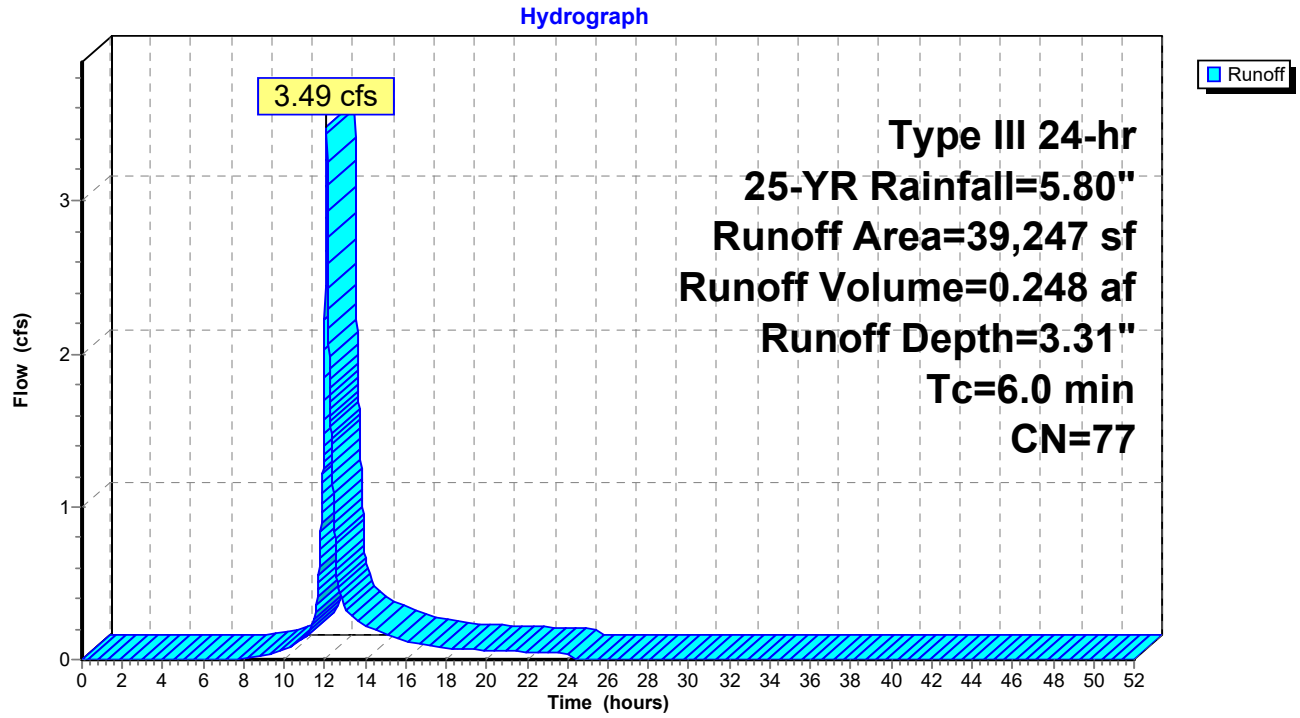
Runoff = 3.49 cfs @ 12.09 hrs, Volume= 0.248 af, Depth= 3.31"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
25,545	98	Paved parking, HSG A
13,702	39	>75% Grass cover, Good, HSG A
39,247	77	Weighted Average
13,702		34.91% Pervious Area
25,545		65.09% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.2: 5.2



Summary for Subcatchment 5.3: 5.3

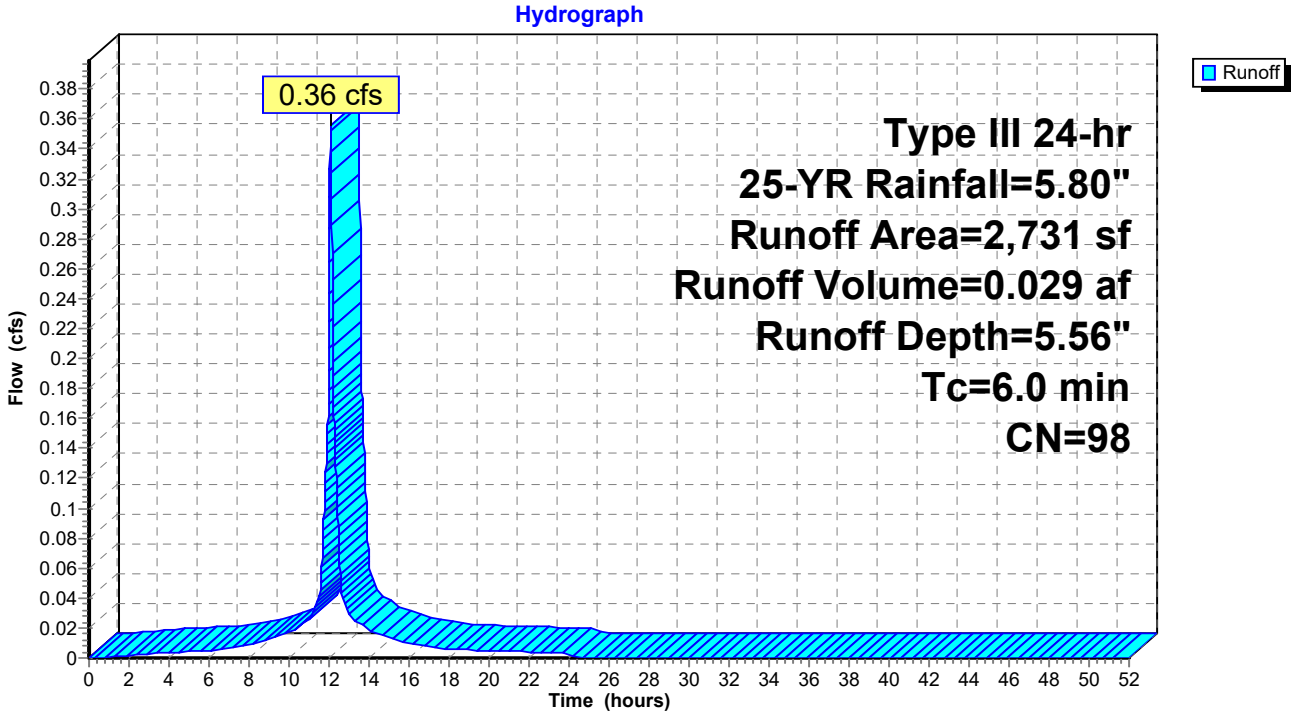
Runoff = 0.36 cfs @ 12.08 hrs, Volume= 0.029 af, Depth= 5.56"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
2,731	98	Paved parking, HSG A
2,731		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.3: 5.3



Summary for Subcatchment 5.4: 5.4

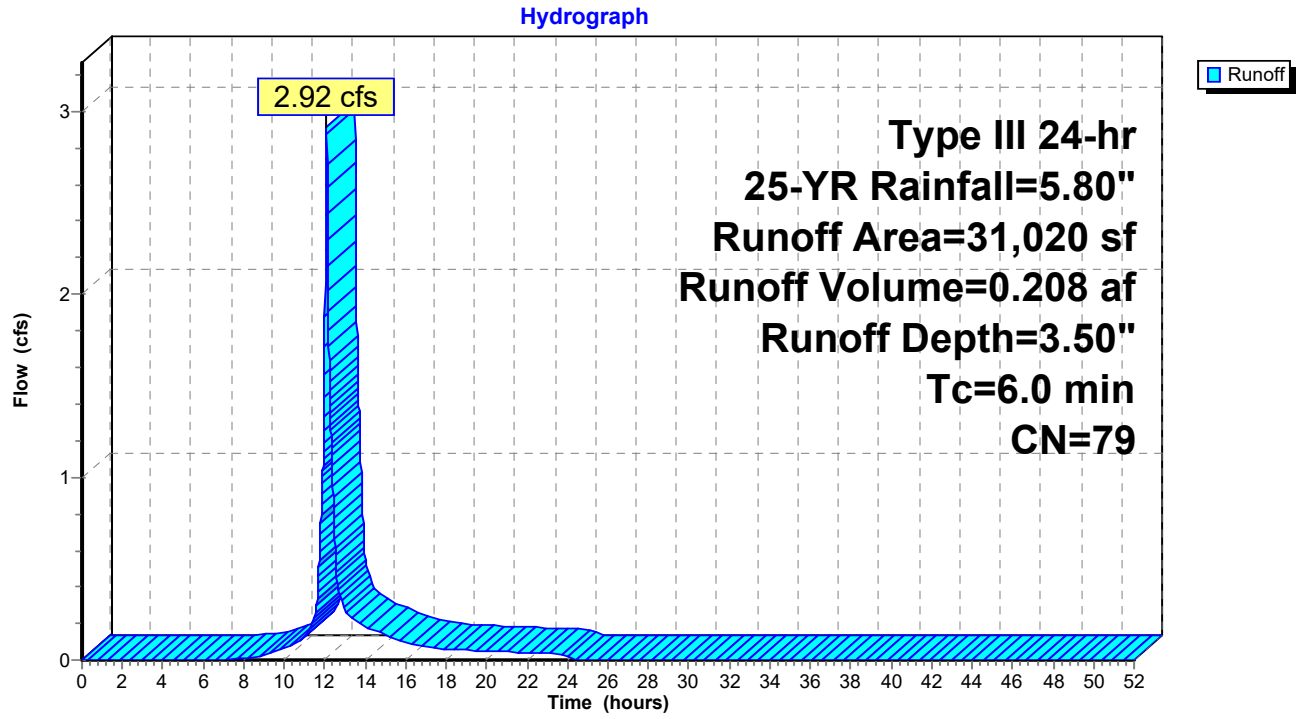
Runoff = 2.92 cfs @ 12.09 hrs, Volume= 0.208 af, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
17,521	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
31,020	79	Weighted Average
31,020		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 5.4: 5.4



Summary for Subcatchment 6: 6

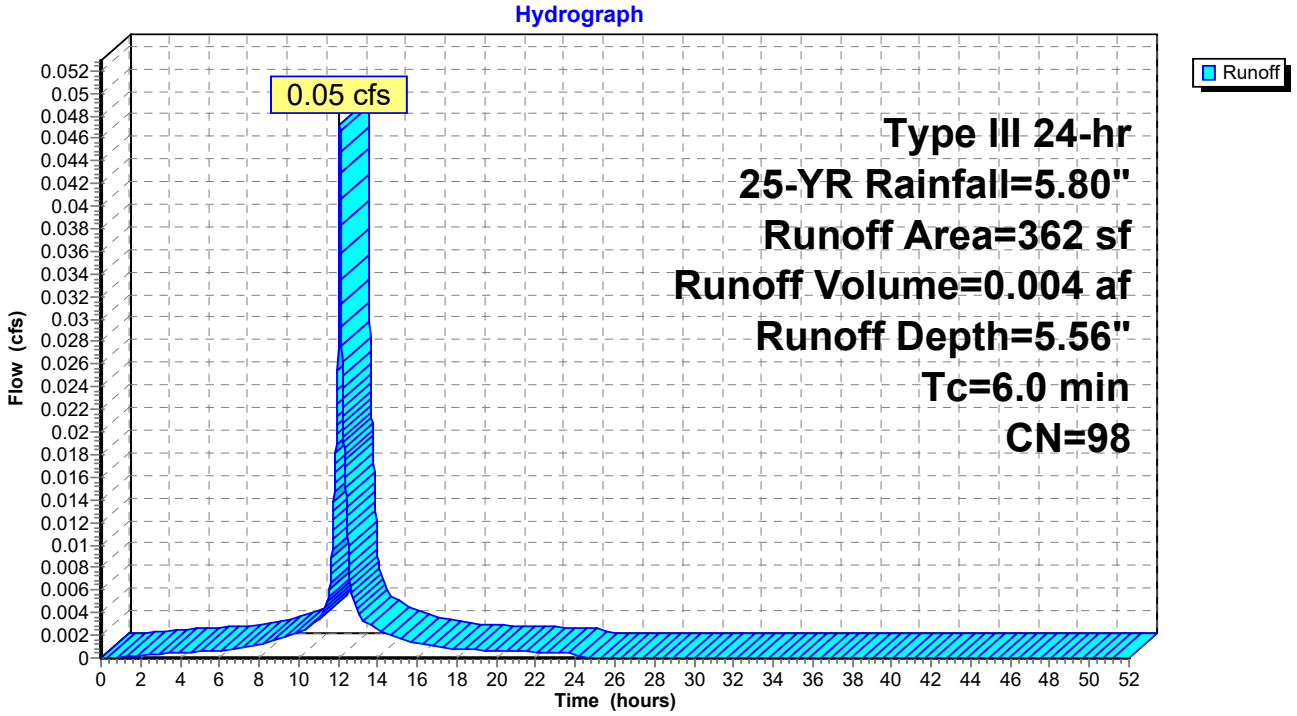
Runoff = 0.05 cfs @ 12.08 hrs, Volume= 0.004 af, Depth= 5.56"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
362	98	Paved parking, HSG A
362		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 6: 6

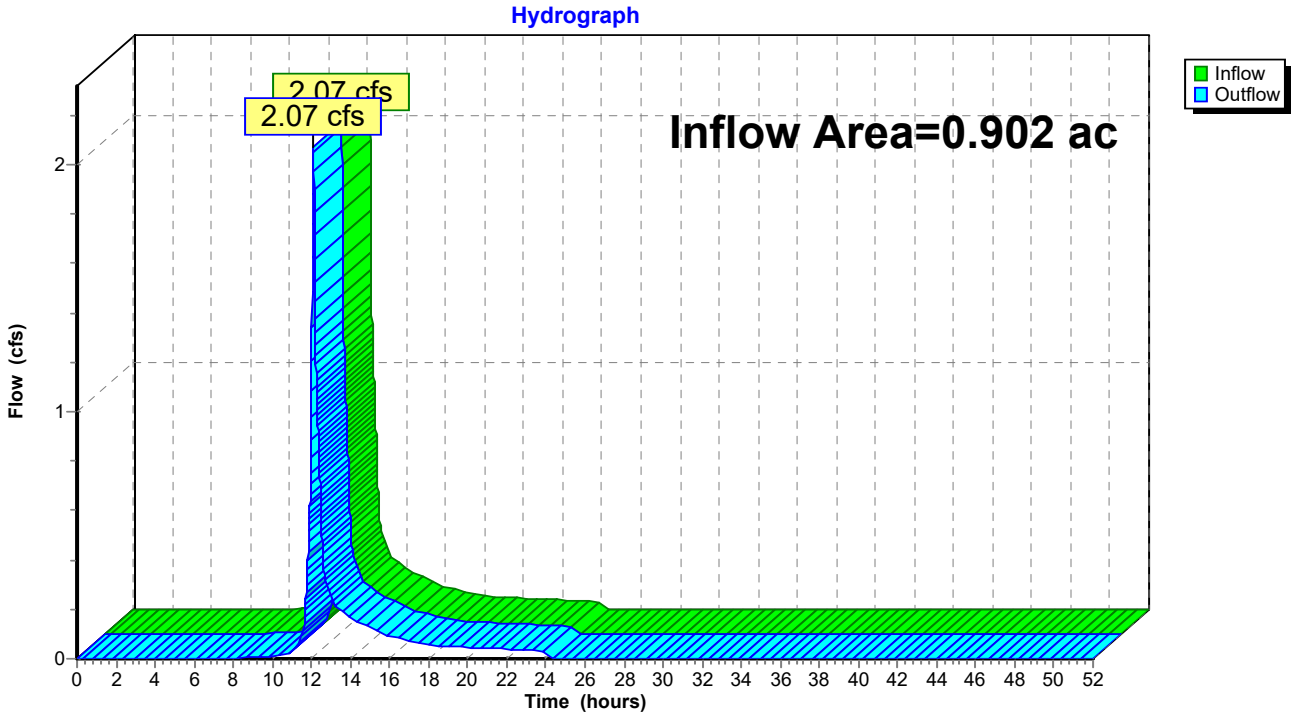


Summary for Reach 3R: 3R

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 2.05" for 25-YR event
Inflow = 2.07 cfs @ 12.09 hrs, Volume= 0.154 af
Outflow = 2.07 cfs @ 12.09 hrs, Volume= 0.154 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 3R: 3R

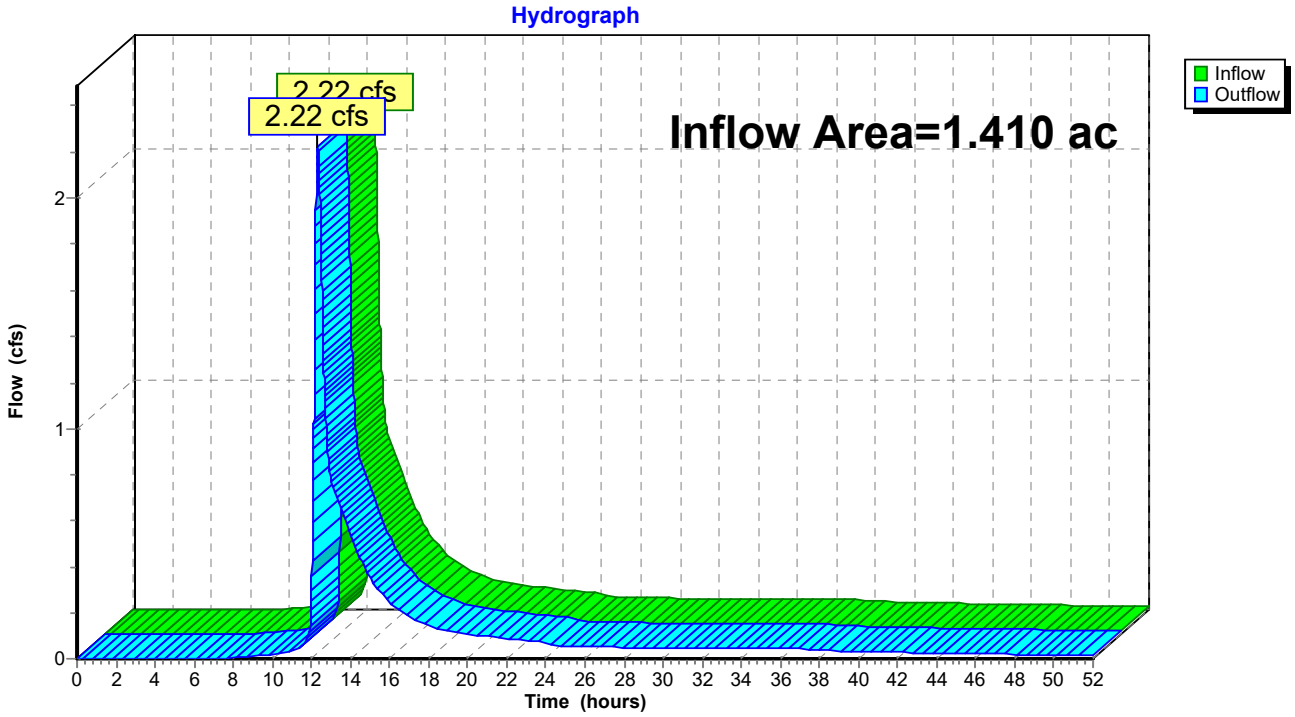


Summary for Reach 4R: 4R

Inflow Area = 1.410 ac, 61.17% Impervious, Inflow Depth > 3.39" for 25-YR event
Inflow = 2.22 cfs @ 12.32 hrs, Volume= 0.398 af
Outflow = 2.22 cfs @ 12.32 hrs, Volume= 0.398 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 4R: 4R

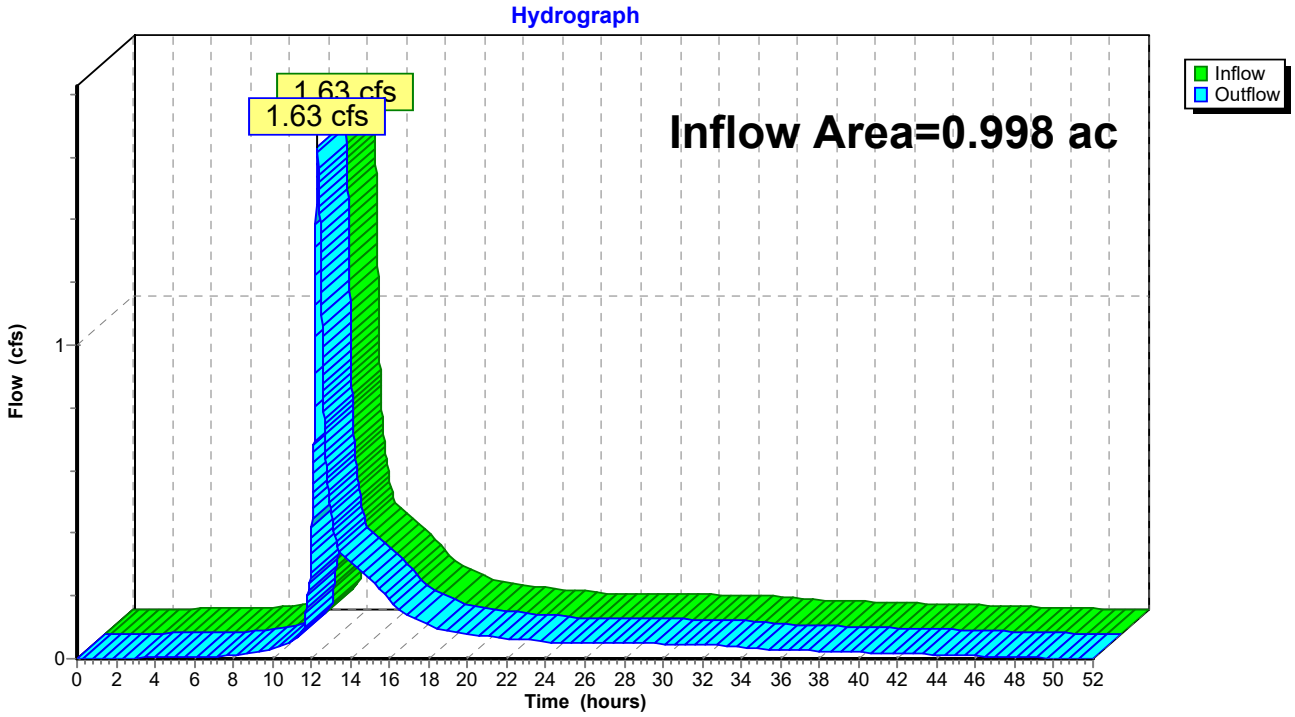


Summary for Reach 5R: 5R

Inflow Area = 0.998 ac, 65.04% Impervious, Inflow Depth > 3.45" for 25-YR event
Inflow = 1.63 cfs @ 12.31 hrs, Volume= 0.287 af
Outflow = 1.63 cfs @ 12.31 hrs, Volume= 0.287 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach 5R: 5R

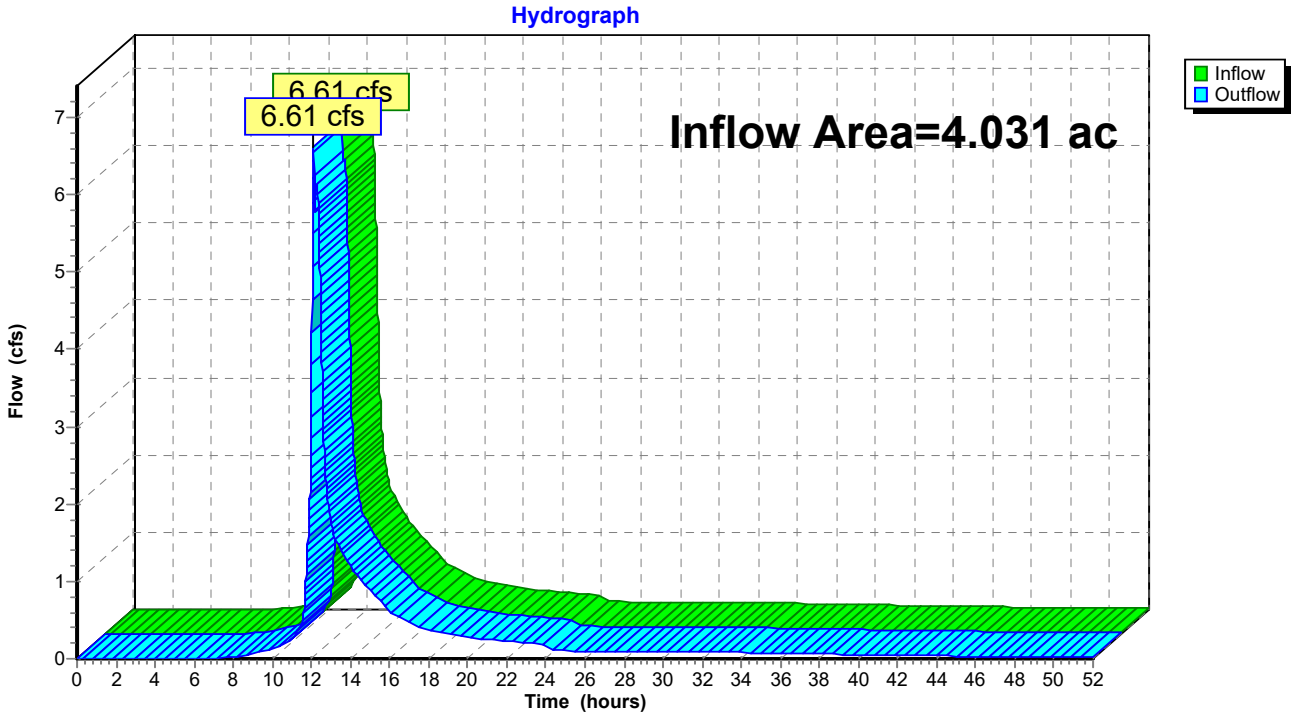


Summary for Reach POA: Total Runoff

Inflow Area = 4.031 ac, 37.82% Impervious, Inflow Depth > 3.13" for 25-YR event
Inflow = 6.61 cfs @ 12.10 hrs, Volume= 1.051 af
Outflow = 6.61 cfs @ 12.10 hrs, Volume= 1.051 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

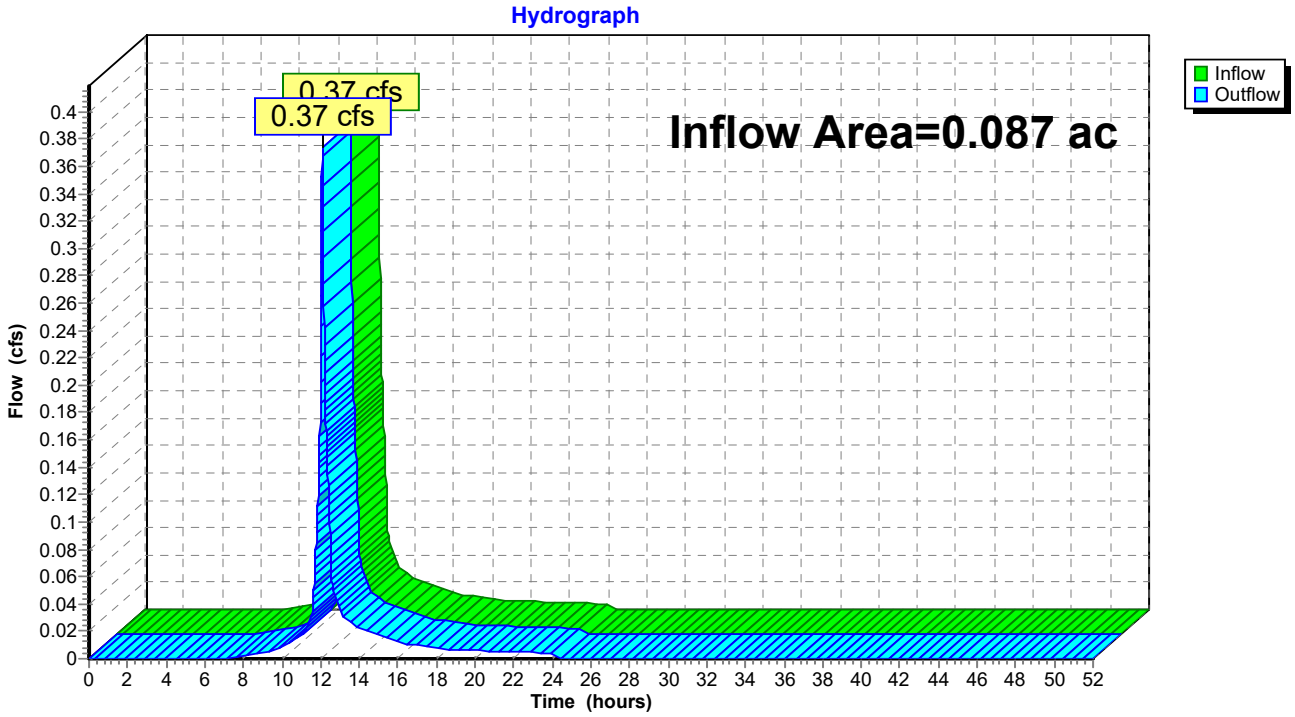


Summary for Reach POI 1: POI 1

Inflow Area = 0.087 ac, 5.41% Impervious, Inflow Depth = 3.70" for 25-YR event
Inflow = 0.37 cfs @ 12.09 hrs, Volume= 0.027 af
Outflow = 0.37 cfs @ 12.09 hrs, Volume= 0.027 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 1: POI 1

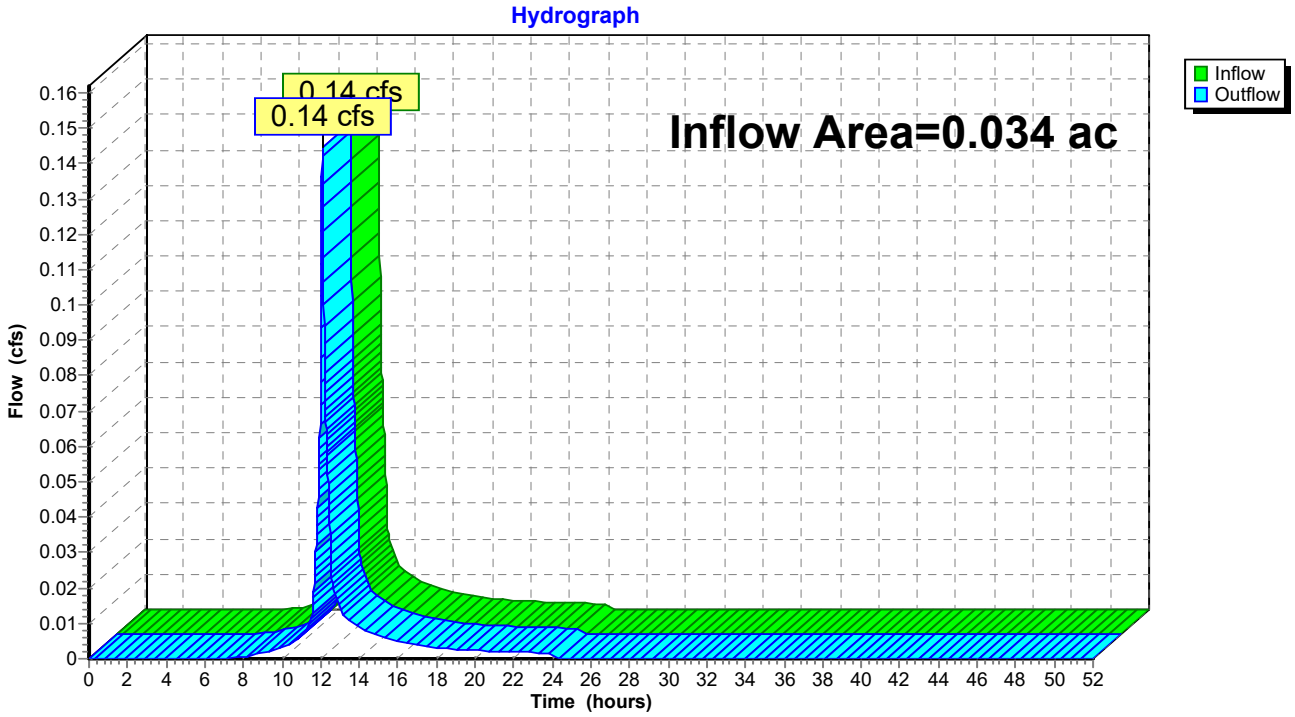


Summary for Reach POI 2: POI 2

Inflow Area = 0.034 ac, 0.00% Impervious, Inflow Depth = 3.60" for 25-YR event
Inflow = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af
Outflow = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 2: POI 2

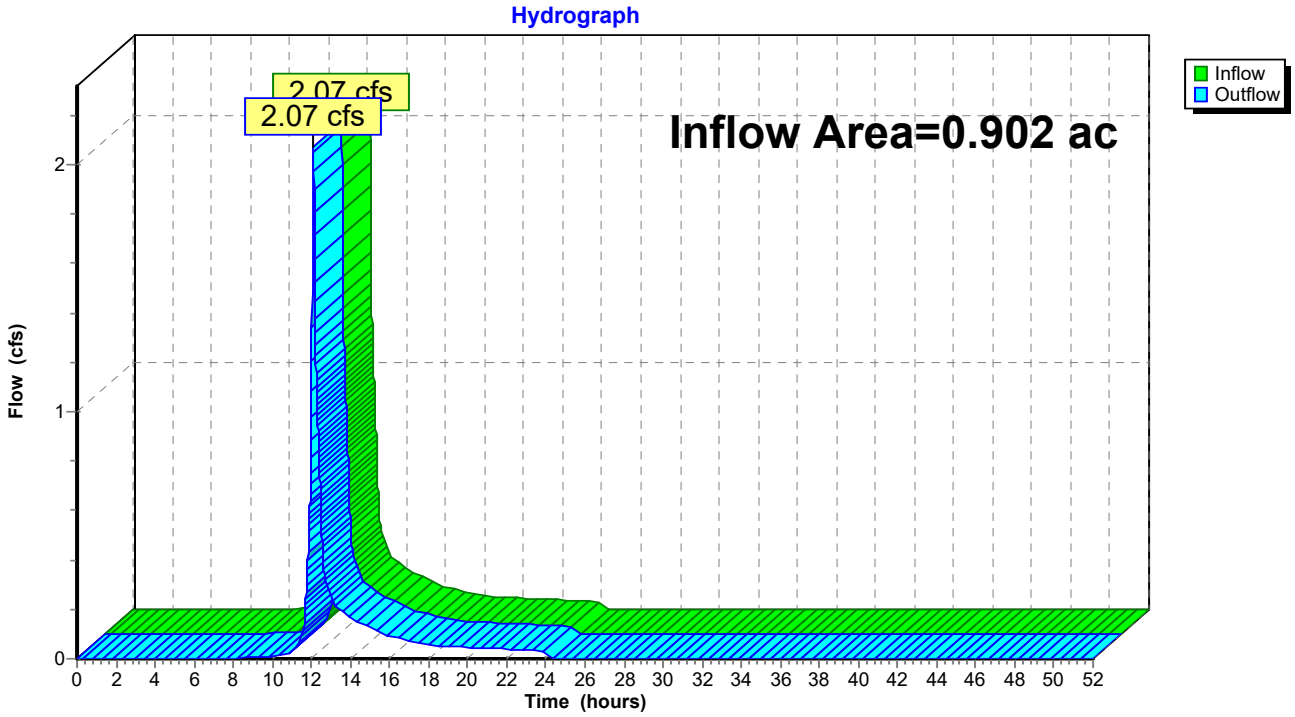


Summary for Reach POI 3: POI 3

Inflow Area = 0.902 ac, 0.52% Impervious, Inflow Depth = 2.05" for 25-YR event
Inflow = 2.07 cfs @ 12.09 hrs, Volume= 0.154 af
Outflow = 2.07 cfs @ 12.09 hrs, Volume= 0.154 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 3: POI 3

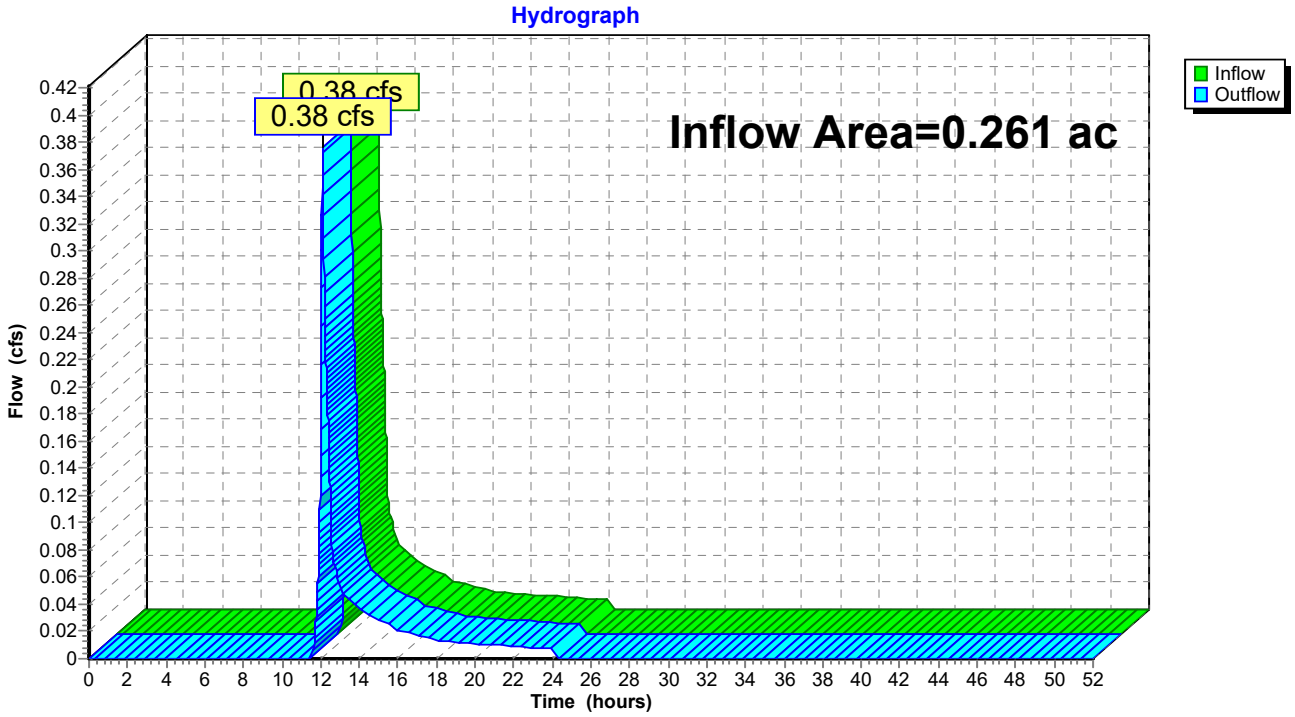


Summary for Reach POI 4: POI 4

Inflow Area = 0.261 ac, 0.00% Impervious, Inflow Depth = 1.40" for 25-YR event
Inflow = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af
Outflow = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POI 4: POI 4



Summary for Pond 5-1: VUSF 1

Inflow Area = 1.149 ac, 75.07% Impervious, Inflow Depth = 3.91" for 25-YR event
Inflow = 5.21 cfs @ 12.09 hrs, Volume= 0.374 af
Outflow = 2.03 cfs @ 12.33 hrs, Volume= 0.367 af, Atten= 61%, Lag= 14.6 min
Primary = 2.03 cfs @ 12.33 hrs, Volume= 0.367 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 76.05' @ 12.33 hrs Surf.Area= 8,172 sf Storage= 6,852 cf

Plug-Flow detention time= 361.7 min calculated for 0.367 af (98% of inflow)
Center-of-Mass det. time= 350.9 min (1,158.5 - 807.6)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

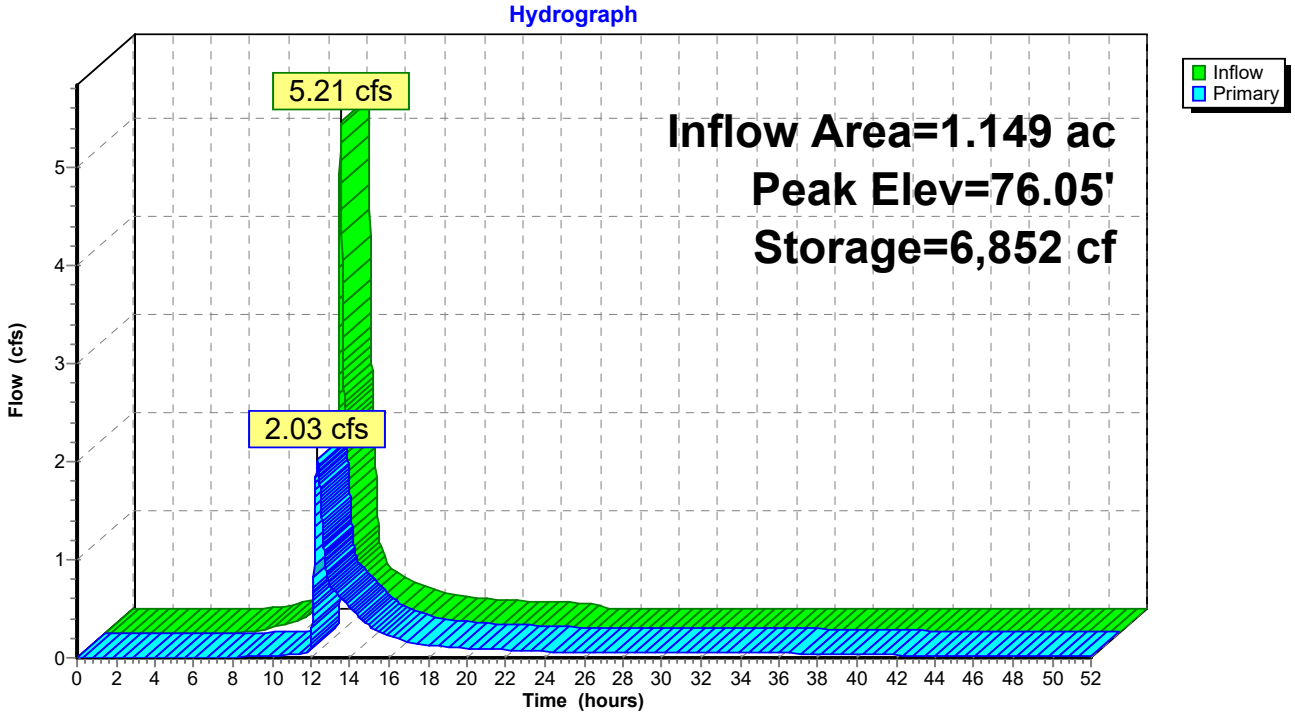
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=2.01 cfs @ 12.33 hrs HW=76.05' (Free Discharge)
- **1=Culvert** (Passes 2.01 cfs of 5.56 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.39 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.79 cfs @ 4.03 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 1.16 cfs @ 1.32 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-1: VUSF 1



Summary for Pond 5-2: VUSF 2

Inflow Area = 0.901 ac, 65.09% Impervious, Inflow Depth = 3.31" for 25-YR event
Inflow = 3.49 cfs @ 12.09 hrs, Volume= 0.248 af
Outflow = 1.43 cfs @ 12.32 hrs, Volume= 0.248 af, Atten= 59%, Lag= 14.1 min
Primary = 1.43 cfs @ 12.32 hrs, Volume= 0.248 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 76.06' @ 12.32 hrs Surf.Area= 5,493 sf Storage= 4,216 cf

Plug-Flow detention time= 344.7 min calculated for 0.248 af (100% of inflow)
Center-of-Mass det. time= 344.3 min (1,167.4 - 823.1)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

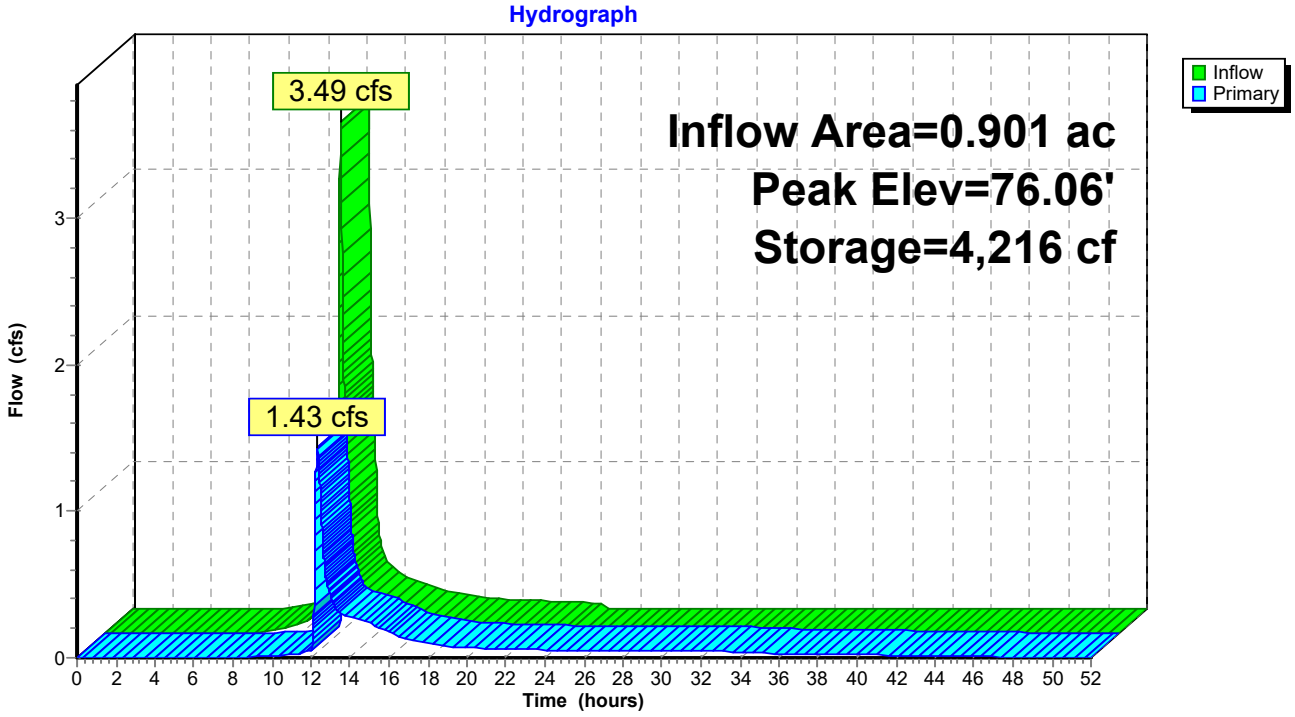
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=1.43 cfs @ 12.32 hrs HW=76.06' (Free Discharge)
- **1=Culvert** (Passes 1.43 cfs of 6.05 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.23 fps)
  - **3=Quantity Orifice** (Orifice Controls 0.31 cfs @ 3.54 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 1.06 cfs @ 1.27 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 5-2: VUSF 2



ACORN ENGINEERING, INC.

K. EROSION & SEDIMENTATION CONTROL REPORT

Prepared For:

Giri Hotel Management
225 W Squantum Street, Suite 202
Quincy, MA 02171

Prepared By:

Acorn Engineering, Inc.
P.O. Box 3372
Portland, Maine 04104



February 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by Giri Hotel Management to provide civil engineering services for the proposed work located at 1060 Westbrook Street, Portland, ME 04102. The site is currently comprised of open space and drainage/detention ponds. The site is proposed to be developed into a 119-room 3-story Hyatt Studios, with an 89-space parking lot, and other site and utility improvements.

The following Erosion and Sedimentation Control Report was developed in accordance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Appendix A and B (1), Amended August 12, 2015. This narrative also meets the standards required in the Maine DEP's Erosion & Sediment Control BMP's Manual, revised in 2016.

1.0 EXISTING CONDITIONS

The proposed project is located at 1060 Westbrook Street. Refer to the Boundary/Topographic Survey dated February 1, 2020 prepared by Spurwink Surveying inc. for existing conditions.

Abutting Uses:

- North AB Zone — Retail Services
- East AB Zone — United States Dept. of Transportation (Jetport)
- South AB Zone — Hotel & Motel
- West AB Zone — Multi-Use Commercial

0.3% of the existing site is comprised of impervious surface mainly an existing bituminous access drive isle. The average slope is moderate with grades dropping from West to East.

1.1 Existing Soils

Onsite soil information includes the following:

- Soil Conservation Service Medium Intensity Soil Survey for Cumberland County

Given the soils information, listed above, no onsite wastewater is proposed; the applicant does not intend to perform a more intense hydric soil boundary delineation because the waiver requirements set forth in the City of Portland Technical Manual – Section 7 – Soil Survey, Rev. 6/17/11;12/8/20 are met.

The area within and surrounding the project includes soil types listed in the table below. The susceptibility of soils to erosion is indicated on a relative "K" scale of values over a range of 0.02 to 0.69. Higher "K" values indicate more erodible soils.

Table 1 - "K" Value

Soils Type	Subsurface	Substratum
Lamoine Silt Loam	0.37	0.24
Scantic Silt Loam	0.49	0.49

The soil "K" value for the soil, listed above, shows a low susceptibility to erosion. The site's susceptibility to erosion is from the Soil Conservation Service Medium Intensity Soil Survey for Cumberland County. Although soil "K" values for the soils show a moderate susceptibility to erosion, implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance given the sustained slope throughout the site.

1.2 Existing Erosion Problems

There are no existing signs of erosion.

1.3 Critical Areas

Critical areas that would require special attention during construction consist of the slopes adjacent to the existing manmade detention areas.

1.4 Protected Natural Resource

The client is not aware of the presence of any existing significant natural features located on the site as listed in Section 14-526 (b) 1. of the Land Use Code. The project is not located within a watershed classified as an Urban Impaired Stream by the Maine DEP.

1.5 Previous Construction Activity (5 years)

Acorn Engineering, Inc. is not aware of any construction-related activities within the project limits within the past 5 years.

1.6 Timber Harvesting

Acorn Engineering, Inc. is not aware of any timber harvesting within the past five years.

2.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

As part of the site development, the following temporary and permanent erosion and sedimentation control devices shall be implemented. Devices shall be installed as described in this report or within the plan set. See the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices for further reference.

2.1 Temporary Erosion Control Measures

The following temporary erosion and sedimentation control measures are planned for the project's construction period:

2.1.1 Crushed stone stabilized construction entrances shall be placed at all access points to the project site where there are disturbed areas. The following specifications shall be followed at a minimum:

- Stone size shall be 2-3 inches or reclaimed or recycled concrete equivalent.
- The thickness of the entrance stone layer shall be no less than 6 inches.
- The entrance shall not be less than 20 feet wide, however not less than the full width of points where ingress or egress occurs. The length shall not be less than 50 feet in length.
- Geotextile fabric (woven or non-woven) shall be placed over the entire entrance area.
- The entrance/exit shall be maintained to the extent that it will prevent the tracking of sediment onto public roadways.

2.1.2 Siltation fence or erosion control berm shall be installed down gradient of any disturbed areas to trap runoff borne sediments until permanent stabilization is achieved. The silt fence or erosion control berm shall be installed per the details provided in the plan set and inspected before and immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence line or berm. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence or berm, the barrier shall be replaced with a stone check dam.

2.1.3 Hay mulch including hydro seeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and November 1st on slopes of less than 15 percent shall be covered by fabric netting and anchored with staples in accordance with the manufacturer's recommendation. Mulch placed between November 1st and April 15th on slopes equal to or steeper than 8 percent and equal to or flatter than 2:1 shall use mats or fabric netting and anchored with staples in accordance with the manufacturer's recommendation.

2.1.4 At any time of the year, all slopes greater than 3:1 shall be stabilized with Double Net Erosion Control Blanket Bionet SC150BN by North American Green or Approved Equal, or Erosion Control Mix Slope Protection as detailed within the plans.

2.1.5 Westbrook Street and Jetport Boulevard shall be swept to control mud and dust from the construction site as necessary. Add additional stone to the stabilized construction entrance to minimize the tracking of material off the site and onto the surrounding roadways.

2.1.6 During demolition, clearing and grubbing operations, stone check dams shall be installed at any areas of concentrated flow. The maximum height of the check dam shall not exceed 2 feet. The center of the check dam shall be 6 inches below the outer edges of the dam. The contractor shall mulch the side slopes and install stone check dams for all newly excavated ditch lines within 24 hours of their creation.

2.1.7 Silt fence stake spacing shall not exceed 6 feet unless the fence is supported with 14-gauge wire in which case the maximum spacing shall not exceed 10 feet. The silt fence shall be "toed" into the ground.

2.1.8 Storm drain inlet protection shall be provided to storm drains using any of the following: hay bale drop inlet structures, silt fence drop inlet sediment filter, gravel and wire mesh drop inlet sediment filter, or curb inlet sediment filter. Barriers shall be inspected after every rainfall event and repaired as necessary. Sediments shall be removed when accumulation has reached ½ the design height.

2.1.9 Dust control shall be accomplished using any of the following: water, calcium chloride, stone, or an approved MDEP product. Dust control shall be applied as needed to accomplish dust control.

2.1.10 Temporary loam, seed, and mulching shall be used in areas where no other erosion control measure is used. Application rates for seeding are provided at the end of this report.

2.1.11 Stockpiles shall be stabilized within 7 days of formation unless a scheduled rain event occurs prior to the 7-day window, in which case the stockpile shall be stabilized prior to the rain event. Methods of stabilization shall be mulch, erosion control mix, or erosion control blankets/mats. Silt fence or a wood waste compost filter berm shall be placed downhill of any soil stockpile location.

2.1.12 For disturbance between November 1 and April 15, please refer to the winter stabilization plan in this report and the Maine Erosion and Sediment Control BMP manual for further information.

2.1.13 It is of the utmost importance that stormwater runoff and potential sediment from the construction site be diverted around the proposed underdrains until the trench is backfilled.

2.2 Permanent Erosion Control Measures

The following permanent erosion control measures are intended for post disturbance areas of the project.

2.2.1 All disturbed areas during construction, not subject to other proposed conditions, shall receive a minimum of 4" of loam, limed, and mulched. Erosion control blankets or mats shall be placed over the mulch in areas noted in paragraph 4.1 of this report.

2.2.2 All stormwater devices shall be installed, and tributary areas stabilized prior to receiving stormwater.

2.2.3 Refer to the Maine Erosion and Sediment Control BMP manual for additional information.

3.0 EROSION AND SEDIMENTATION CONTROL PLAN

3.1 The Erosion and Sedimentation Control Plan is included within the plan set.

4.0 DETAILS AND SPECIFICATIONS

4.1 Erosion Control Details and Specifications are included in the plan set.

5.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

Winter Construction consists of earthwork disturbance between the dates of November 1 and April 15. If a construction site is not stabilized with pavement, a road gravel base, 75% mature vegetation cover or riprap by November 15, then the site shall be protected with over-winter stabilization. Any area not stabilized with pavement, vegetation, mulching, erosion control mix, erosion control mats, riprap, or gravel base on a road shall be considered open.

The contractor shall limit the work area to areas that work will occur in during the subsequent 15 days and so that it can be mulched one day prior to a snow event. The contractor shall stabilize work areas prior to opening additional work areas to minimize areas without erosion control measures.

The following measures shall be implemented during winter construction periods:

5.1 Sediment Barriers

During frozen conditions, sediment barriers may consist of erosion control mix berms or any other recognized sediment barriers as frozen soil prevents the proper installation of hay bales or silt fences.

5.2 Mulching

All areas shall be considered to be denuded until seeded and mulched. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lbs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix must be applied with a minimum 4-inch thickness. Mulch shall not be spread on top of snow. The snow shall be removed down to a one-inch depth or less prior to application. After each day of final grading, the area shall be properly stabilized with anchored hay or straw or erosion control matting. An area shall be considered to have been stabilized when exposed surfaces have been either mulched or adequately anchored so that ground surface is not visible through the mulch. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, tracking or wood cellulose fiber. The cover will be considered sufficient when the ground surface is not visible through the mulch. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.

5.3 Soil Stockpiling

Stockpiles of soil or subsoil shall be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix. This shall be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.

5.4 Seeding

Between the dates of October 15th and April 1st, loam or seed shall not be required. During periods of above freezing temperatures finished areas shall be fine graded and either protected with mulch or temporarily seeded and mulched until the final treatment can be applied. If the date is after November 1st and if the exposed area has not been loamed, final grading with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

Dormant seeding may be placed prior to the placement of mulch or erosion control blankets. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs./1,000 s.f. All areas seeded during the winter shall be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75% catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.

5.5 Over winter stabilization of disturbed soils

By September 15th, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter:

- Stabilize the soil with temporary vegetation – By October 1st, seed the disturbed soil with winter rye at a seeding rate of 3lbs per 1,000 s.f., lightly mulch the seeded soil with hay or straw at 75 lbs per 1,000 s.f., and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1st, then mulch the area for over-winter protection.

- Stabilize the soil with sod – Stabilize the disturbed soil with properly installed sod by October 1st. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.

- Stabilize the soil with mulch – By November 15th, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 lbs per 1,000 s.f. on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.

5.6 Over winter stabilization of disturbed slopes

All stone-covered slopes shall be constructed and stabilized by November 15th. All slopes to be vegetated shall be seeded and mulched by September 1st. A slope is considered a grade greater than 15%. If a slope to be vegetated is not stabilized by September 1st, then one of the following actions shall be taken to stabilize the slope for late fall and winter:

- Stabilize the soil with temporary vegetation and erosion control mats – By October 1st the disturbed slope shall be seeded with winter rye at a seeding rate of 3 lbs per 1,000 s.f. and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1st, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap.

- Stabilize the soil with sod – The disturbed slope shall be stabilized with properly installed sod by October 1st. Proper installation includes the contractor pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor shall not use late-season sod installation to stabilize slopes having a grade greater than 3H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with erosion control mix – Erosion control mix shall be properly installed by November 15th. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 2H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with stone riprap – Place a layer of stone riprap on the slope by November 15th. A registered professional engineer shall be hired to determine the stone size needed for stability on the slope and to design a filter layer underneath the riprap.

6.0 INSPECTION AND MAINTENANCE

A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct periodic visual inspections of installed erosion control measures. The frequency of inspection shall occur at least once every two weeks, as well as after a "storm event". A "storm event" shall consist of 0.5 inches of rain within a 24-hour period. The following Erosion and Sediment Control - Best Management Practices (BMP's) shall be inspected in the manner as described.

6.1 Sediment Barriers

Hay bale barriers, silt fences and filter berms shall be inspected and repaired for the following if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary

check dam. Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits should be removed when deposits reach approximately one-half the height of the barrier. Filter berms should be reshaped as needed. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.

6.2 Stabilized Stone Construction Entrances

The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way. When the control pad becomes ineffective, the stone shall be removed along with the collected soil material and redistributed on site in a stable manner. The entrance should then be reconstructed. The contractor shall sweep or wash pavement at exits, which have experienced mud-tracking on to the pavement or traveled way. When washing is required, it shall be done on an area stabilized with aggregate, which drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or waterways.

6.3 Mulched Areas

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets must be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

6.4 Dust Control

When temporary dust control measures are used, repetitive treatment shall be applied as needed to accomplish control.

6.5 Stormwater Appurtenances

All underdrains, storm drains, and catch basins need to be operating effectively and free of debris.

6.6 Erosion and Sedimentation Control Inspections:

Acorn Engineering has personnel qualified to conduct Erosion and Sedimentation Control Inspections. For further information, contact:

Contact: Peter Heil, PE
Telephone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #15318
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's
- Maine DEP – Certified Third-Party Inspector
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #7071

The Contractor has sole responsibility for complying with the Erosion and Sedimentation Report/Plan, including control of fugitive dust. The Contractor shall be responsible for any monetary penalties resulting from failure to comply with these standards.

7.0 IMPLEMENTATION SCHEDULE

The following implementation sequence is intended to maximize the effectiveness of the above described erosion control measures. Contractors should avoid overexposing disturbed areas and limit the amount of stabilization area.

1. Install a stabilized construction entrance in all locations where construction traffic will enter and exit the site.
2. Install perimeter silt fence or erosion control berm.
3. Commence installation of drainage infrastructure.
4. Install all other erosion control devices as necessary throughout the remainder of this schedule.
5. Commence earthwork operations, associated with the roadway construction.
6. Commence installation of utilities.
7. Continue earthwork and grading to subgrade as necessary for construction.
8. Complete installation of drainage infrastructure, as well as other utility work.
9. Complete remaining earthwork operations.
10. Install sub-base and base gravels in paved areas.
11. Install paving, curbing and brickwork.
12. Loam, lime, fertilize, seed and mulch disturbed areas and complete all landscaping.
13. Once the site is stabilized, 90% catch of grass has been obtained, or mulching of landscape areas is complete, remove all temporary erosion control measures.
14. Touch up areas without a vigorous catch of grass with loam and seed.
15. Complete site signage and striping.
16. Execute proper maintenance of all temporary and permanent erosion control measures throughout the project.

The above implementation sequence should be generally followed by the site contractor. However, the contractor may construct several items simultaneously. The contractor shall submit to the owner a schedule of the completion of the work. If the contractor is to commence the construction of more than one item above, they shall limit the amount of exposed areas to those areas in which work is expected to be undertaken during the following 30 days.

The contractor shall re-vegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading or before a storm event. The contractor

shall incorporate planned inlets and drainage systems as early as possible into the construction phase.

8.0 CONCLUSION

The above erosion control narrative is intended to minimize the development impact by implementing temporary and permanent erosion control measures. The contractor shall also refer to the Maine Erosion and Sediment Control BMP manual for additional information.

9.0 ATTACHMENTS

- Temporary Seeding Plan
- Permanent Seeding Plan
- Housekeeping Plan
- Hydrological Soil Group Map (Web Soil Survey)
- Geotechnical Report – Prepared by Summit Geoengineering Services
- Natural Resource Delineation – Prepared by Flycatcher, LLC

TEMPORARY SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P2O5-K2O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of temporary seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.	Recommended Seeding Dates
Winter Rye	2.57	Aug-15 to Oct-1
Oats	1.84	Apr-1 to Jul-1 Aug-15 to Sep-15
Annual Ryegrass	0.92	Apr-1 to Jul-1
Sudangrass	0.92	May-15 to Aug-15
Perennial	0.92	Aug-15 to Sep-15

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to temporary seeding and mulching.

PERMANENT SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P2O5-K2O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of permanent seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.
Kentucky Bluegrass	0.46
Creeping Red Fescue	0.46
Perennial Ryegrass	0.11
Total	1.03

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Recommendations

Permanent seeding is recommended to be completed in the spring. Later summer seeding is allowed if completed prior to September 1st. If seeding cannot be accomplished during the periods recommended for permanent seeding, then the contractor shall perform temporary seeding per the temporary seeding plan.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to permanent seeding and mulching.

HOUSEKEEPING PLAN

The following housekeeping plan has is developed in accordance with Maine DEP Chapter 500 Stormwater Management standards. For additional information, reference Appendix C of Chapter 500.

1. **Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

NOTE: Any spill or release of toxic or hazardous substances must be reported to the Department. For oil spills, call 1-800-482-0777 which is available 24 hours a day. For spills of toxic or hazardous material, call 1-800-452-4664 which is available 24 hours a day. For more information, visit the Department's website at : http://www.maine.gov/dep/spills/emergspillresp/

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2. **Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

   See Chapter 500 Appendix D for license by rule standards for infiltration of stormwater.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

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3. **Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

NOTE: Dewatering a stream without a permit from the Department may violate state water quality standards and the *Natural Resources Protection Act.*

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4. **Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

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5. **Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

NOTE: Dewatering controls are discussed in the "Maine Erosion and Sediment Control BMPs, Maine Department of Environmental Protection."

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6. **Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

   (a) Discharges from firefighting activity;

   (b) Fire hydrant flushings;

   (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);

   (d) Dust control runoff in accordance with permit conditions and Section 3, above;

   (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;

   (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;

   (g) Uncontaminated air conditioning or compressor condensate;

   (h) Uncontaminated groundwater or spring water;

(i) Foundation or footer drain-water where flows are not contaminated;

(j) Uncontaminated excavation dewatering (see requirements in Section 5, above);

(k) Potable water sources including waterline flushings; and

(l) Landscape irrigation.

7. **Unauthorized non-stormwater discharges.** The Department's approval under Chapter 500 does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Section 6, above. Specifically, the Department's approval does not authorize discharges of the following:

(a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;

(b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;

(c) Soaps, solvents, or detergents used in vehicle and equipment washing; and

(d) Toxic or hazardous substances from a spill or other release.

(8) Additional requirements. Additional requirements may be applied on a site-specific basis.

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



November 9, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



Map Scale: 1:1,240 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuB	Lamoine silt loam, 3 to 8 percent slopes	2.5	60.8%
Sn	Scantic silt loam, 0 to 3 percent slopes	1.6	39.2%
Totals for Area of Interest		**4.0**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BuB—Lamoine silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2t0kc
Elevation: 10 to 490 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lamoine and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lamoine

Setting

Landform: River valleys, marine terraces
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 13 inches: silt loam
Bg - 13 to 24 inches: silty clay loam
Cg - 24 to 65 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: About 6 to 17 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F144BY401ME - Clay Flat
Hydric soil rating: No

Sn—Scantic silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2slv3
Elevation: 10 to 900 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Scantic and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Scantic

Setting

Landform: River valleys, marine terraces
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Glaciomarine deposits

Typical profile

Ap - 0 to 9 inches: silt loam
Bg1 - 9 to 16 inches: silty clay loam
Bg2 - 16 to 29 inches: silty clay
Cg - 29 to 65 inches: silty clay

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: D
Ecological site: F144BY304ME - Wet Clay Flat
Hydric soil rating: Yes

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

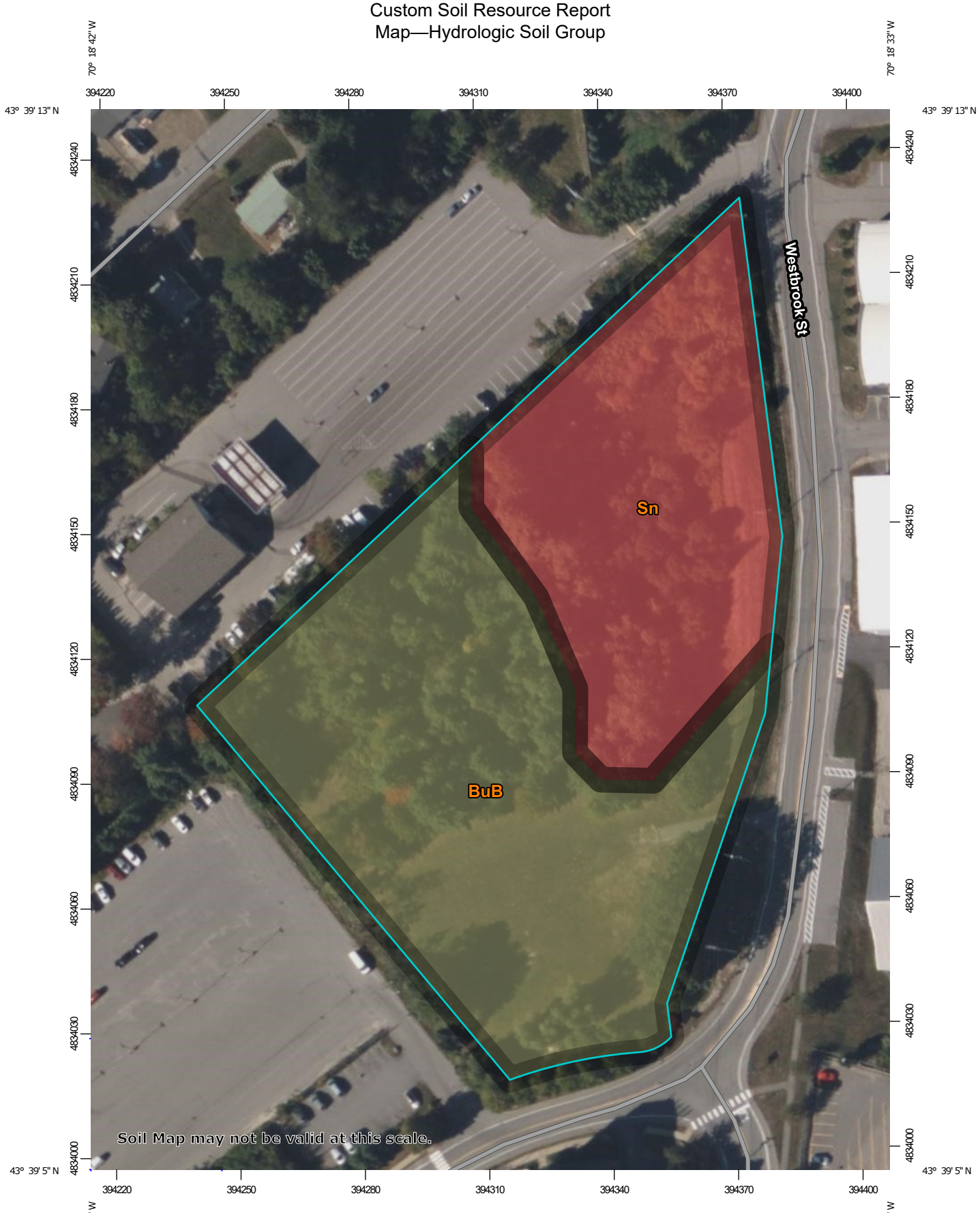
Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.



Map Scale: 1:1,240 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 15 30 60 90

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BuB	Lamoine silt loam, 3 to 8 percent slopes	C/D	2.5	60.8%
Sn	Scantic silt loam, 0 to 3 percent slopes	D	1.6	39.2%
Totals for Area of Interest			**4.0**	**100.0%**

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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Geotechnical Report

Residential Inn Jetport

1060 Westbrook Street, Portland, Maine



Client

Giri Hotel Management
225 West Squantum Street, #200
Quincy, Massachusetts 02171

Project #: 20051.1
Date: 11/22/2023

SUMMIT
GEOENGINEERING SERVICES

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November 22, 2023
Summit #20051.1

Attn: Ankur Patel
Giri Hotel Management
225 West Squantum Street, #200
Quincy, MA 02171

Reference: Geotechnical Engineering Services
Residential Inn Jetport – 1060 Westbrook Street, Portland, Maine

Dear Mr. Patel;

Summit Geoengineering Services (SGS) has completed the geotechnical investigation for the proposed Residential Inn hotel located at 1060 Westbrook Street in Portland, Maine. The scope of services consisted of conducting subsurface explorations at the site and preparing this report summarizing the findings and geotechnical recommendations.

A total of 13 test pits were performed at the site located within the building footprint and potential detention ponds. Previously, 3 test borings and 3 ledge probes were performed at the site by SGS with the results included in this report. Subgrade at the site is comprised of topsoil overlying reworked native, glacial marine deposit, and weathered rock. Refusal was met on bedrock at depths ranging from 1.2 to 9.8 feet below ground surface (BGS). Groundwater was observed in test pits TP-3, TP-4, and TP-8 at a depth range of 2.0 to 6.8 feet BGS.

This report provides discussion of the geotechnical findings and design recommendations for the new hotel foundation, pavement areas, retaining walls, and stormwater treatment areas. This geotechnical evaluation is based on concept site plan C-10 prepared by Acorn Engineering, Inc. SGS appreciates the opportunity to serve you during this phase of your project. If there are any questions or additional information is required, please do not hesitate to call.

Sincerely yours,
Summit Geoengineering Services



Jason Barnes, E.I.
Geotechnical Engineer





Craig Coolidge, P.E.
Principal and Vice President

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1.0 Project and Site Description

Summit Geoengineering Services (SGS) was asked by Giri Hotel Management to conduct a geotechnical investigation for a proposed Residential Inn at 1060 Westbrook Street in Portland, Maine. The site is located at the intersection of Jetport Boulevard and Westbrook Street, north of the Jetport. The proposed development consists of a multi-story hotel building with an approximate footprint of 20,000 square feet with an elevator connecting the levels. The proposed finished floor elevation for the building is 87 feet. A retaining wall is planned at the northwest portion of the building to retain site fill. The proposed building will have a parking lot to the north and east. Two proposed stormwater treatment areas are proposed in the eastern and northern portion of the site.

2.0 Subsurface Explorations

2.1 Subsurface Explorations

SGS observed the subsurface conditions with the digging of 13 test pits on November 3, 2023. SGS previously performed three test borings and three ledge probes at the site on March 9, 2020. Test pits were performed using a Kubota KX040 excavator. Test pits were performed to a depth of bedrock refusal, which ranged from 1.2 to 9.8 feet BGS. The soils were classified by a geotechnical engineer using the Unified Soil Classification System (USCS).

The test pits were approximately located by SGS using a handheld GPS and pre-marked prior to digging for notification of Dig Safe. An Exploration Location Plan is included in Appendix A. An Exploration Summary and Logs are included in Appendix B.

3.0 Subsurface Conditions

The subsurface conditions consist of ***topsoil***, overlying ***reworked native*** and ***glacial marine deposits.*** The soil layers are further described below. Details of the explorations are provided on the Exploration Summary and Logs in Appendix B.

3.1 Soil Layers

Topsoil is present at the ground surface with a thickness ranging from 0.1 to 1 foot. The topsoil consists of dark brown to brown sandy silt with rootlets and classifies as ML in accordance with the Unified Soil Classification System (USCS). The topsoil is considered soft and humid to damp.

Reworked native soil is present in the southern, cleared portion of the site at test pits TP-8, TP-7, and TP-11. The reworked soil consists of brown sandy silt with little to some gravel and trace to little clay. Frequent large cobbles to boulders, large wood pieces, and abandoned copper pipe is present within the reworked layer. The reworked soil is considered firm to stiff and humid to damp. The reworked soil visually classifies as ML in accordance with the USCS.

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Glacial marine deposit beneath the topsoil and/or reworked native soil consists of olive brown to light brown sandy silt to olive gray silty sand or silt-sand with trace gravel and little to some clay. The glacial marine deposit is considered firm to stiff and damp to wet. The marine deposit visually classifies as ML, SM, or ML-SM in accordance with the USCS.

3.2 Bedrock

Refusal on ***bedrock*** was encountered at depths ranging from 1.2 to 9.8 feet BGS. Intact bedrock is overlain by a weathered rock layer with a thickness ranging from 0.2 to 1.3 feet. Bedrock mapping for the site suggests that the bedrock consist of Eliot Formation, which is comprised of fine-grained quartz-plagioclase biotite phyllite. A summary of bedrock depths and elevations is provided in Appendix B in the Exploration Summary Table, which includes previous explorations performed by SGS at the site. Interpretive cross sections are also provided in Appendix A.

3.3 Groundwater

Groundwater was present in test pits TP-3, TP-4 and TP-8 at 1.8 feet BGS, 2.0 feet BGS, and 6.8 feet BGS respectively. SGS anticipates that localized groundwater may be present during the excavation for foundations. Groundwater may be susceptible to perching on glacial marine deposits or intact bedrock and may be present within the bedrock formation at greater depth. The presence of groundwater may fluctuate during wet periods such as rainfall and snowmelt.

4.0 Geotechnical Evaluation

Based on a finished floor elevation of 87 feet for the proposed hotel building, SGS anticipates the footings in site cut will be constructed on the bedrock surface and transition between bedrock and the glacial marine deposit where deeper soil pockets are present. Building sections within thicker fill will have footings constructed upon engineered backfill. Based on the existing site topography, SGS anticipates up to 10 feet of fill will be required to achieve finish grade. It is recommended that the northern portion of the building footprint be filled to finished grade, then excavated for footing construction. Application of fill prior to footing construction will apply compressive weight to the underlying glacial marine deposit to reduce total settlement.

The retaining wall is estimated at a height of 7 feet. Retaining walls should be constructed on Crushed Stone to stabilize its base located within glacial marine deposits.

Groundwater may be present in site cuts. Dewatering should be performed to maintain dry excavations. Underdrains should be utilized for foundations and retaining walls.

5.0 Geotechnical Recommendations

5.1 Bearing Capacity and Settlement

SGS recommends that the building foundation be designed using an allowable bearing pressure of 3,000 psf on soil and 6,000 psf on bedrock. Total settlement is estimated at 1-inch or less. Differential settlement is estimated at a deflection less than 1/300 (δ/L, deflection divided by span length). The bearing pressure is based on the following conditions:

- Topsoil and deleterious materials such as wood or large debris is removed from the new building footprint prior to placing fill or constructing foundations. It is recommended that SGS be made available to conduct subgrade inspections for foundations within native soil or bedrock, particularly areas overlying the reworked native soil.

- Footing which transition from bedrock to soil are constructed as shown on the Footing Transition Detail in Appendix C. Where shallow bedrock is present, SGS recommends a minimum 2-foot cover of soil. Footings on soil should be constructed 4 feet below exterior finish grade for frost protection.

- Footing subgrade which becomes soften or disturbed upon marine deposits and/or near groundwater should be stabilized with 12 inches of Crushed Stone.

SGS further recommends the following design parameters be used for foundation design:

PARAMETER	ENGINEERED FILL [1 & 2]	GLACIAL MARINE DEPOSIT
Total Natural (moist) Unit Weight (Υ_t)	130 pcf	120 pcf
Saturated (buoyant) Unit Weight (Υ_s)	68 pcf	58 pcf
Friction Coefficient (f)	0.55	0.40
Passive Earth Pressure Coefficient (K_p)	3.54	3.00
Active Earth Pressure Coefficient (K_a)	0.28	0.33
At Rest Pressure Coefficient (K_o)	0.44	0.50
Effective Friction Angle (ϕ')	34^0	30^0

[1] Based on 95% compaction by ASTM D1557, Modified Proctor Test Method
[2] Design values for compacted Structural Fill

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5.2 Frost Protection

Exterior footings should be constructed at a minimum depth of 4 feet below finished grade for frost protection. This frost protection depth is based on a design air-freezing index of 1,200-degree days for the Portland area. SGS recommends exterior and interior portions of foundation elements be backfilled with Foundation Backfill. Foundation Backfill should have a maximum particle size limited to 6 inches and portion passing a 3-inch sieve should meet the following specification:

FOUNDATION BACKFILL	
Sieve Size	**Percent Passing**
¼ inch	25 to 100
No. 40	0 to 50
No. 200	0 to 7

Reference: MDOT Specification 703.06, Type E (2020)

5.3 Building and Elevator Pit Slabs

SGS recommends the building and elevator pit slabs be constructed on a minimum of 12 inches of Gravel Borrow. The coefficient of subgrade reaction, k (per 12-inch plate) applies to the design of reinforced concrete foundations over soil. For the conditions described above, the slabs can be designed using a coefficient of subgrade reaction 150 tons/ft^3. SGS recommends sumps be installed within the elevator pit to prevent ponding of localized or seasonal groundwater.

5.4 Site Fill

SGS anticipates fill heights up to 10 feet are required at the northwestern portion of the building footprint. Import fill required to meet grades across the site for the building footprint, pavement areas, and retaining walls should consist of compacted Gravel Borrow. Gravel Borrow should consist of well graded granular material having no rocks with a maximum dimension over 6 inches. The portion passing a 3-inch sieve should meet the following gradation specification:

GRAVEL BORROW	
Sieve Size	**Percent Passing**
¼ Inch	0 to 70
No. 200	0 to 10

Reference: MDOT Specification 703.19, Gravel Borrow (2020)

Gravel Borrow should be placed in maximum 12-inch lifts and should be compacted to 95 percent of its maximum dry density determined in accordance with ASTM D1557. It is recommended that SGS be made available to review submittals and compaction testing reports to verify their conformance to the recommendations provided in this report.

5.5 Seismic Design

The soils at the site are categorized as Site Class C in accordance with ASCE 7-10. Soils encountered at the site are not considered susceptible to widespread liquefaction during earthquake. The following seismic site coefficients should be used:

SEISMIC DESIGN COEFFICIENTS – ASCE 7-10	
Seismic Coefficient	**Site Class C**
Peak Ground Acceleration (PGA)	0.132
Site Modified Peak Ground Acceleration (PGA_M)	0.159
Short period spectral response (S_S)	0.244
1 second spectral response (S_1)	0.079
Maximum short period spectral response (S_{MS})	0.293
Maximum 1 second spectral response (S_{M1})	0.134
Design short period spectral response (S_{DS})	0.195
Design 1 second spectral response (S_{D1})	0.089

5.6 Groundwater Control

SGS anticipates localized groundwater will be present in excavations performed in the northern portion of the site. Based on this, SGS recommends perimeter underdrains be installed at the base of the underground structures. In addition, exterior grades should slope away from the building footprint to reduce water runoff from infiltrating the foundation backfill soils.

Perimeter underdrains should consist of 4-inch rigid perforated PVC placed adjacent to the exterior footings and surrounded by a minimum of 6 inches of crushed stone wrapped in filter fabric to prevent clogging from the migration of the fine soil particles in the foundation backfill soils. The underdrain pipe should be outlet to a location where it will be free flowing. Where exposed at the ground surface, the ends of pipes should be screened or otherwise protected from entry and nesting of wildlife, which could cause clogging.

6.0 Pavement Section Recommendations

SGS understands the project includes new bituminous pavement sections for access drives and parking areas. The subgrade will consist of glacial marine deposits and imported fill. The mean annual freezing index for the Portland area is estimated at 900 degree-days. Based on the subgrade and mean annual freezing index, the mean annual frost penetration depth is 36 inches.

SGS recommends a minimum total bituminous pavement section thickness of 50% of the mean annual frost penetration or 18 inches for light duty sections and 60% of the mean annual frost penetration or 22 inches for sections subjected to moderate or heavy truckloads. SGS further recommends that the bituminous sections consist of the following materials:

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MATERIAL	THICKNESS (in) Light Duty	THICKNESS (in) Heavy Duty	SPECIFICATION
Asphalt Surface Course	1	1.5	MDOT 703.09 Type 9.5 mm or Type 12.5 mm
Asphalt Binder Course	2	2.5	MDOT 703.09 Type 19 mm
Base Soil	3	6	MDOT 703.06 Type A
Subbase Soil	12	12	MDOT 703.06 Type D

For portions of the bituminous pavement subjected to light traffic loads of cars and light trucks we recommend MDOT Type 9.5mm surface course. Where heavy duty sections are needed for trucks, we suggest MDOT 703.09 Type 12.5mm for improved strength and durability of the asphalt surface. Base and Subbase (MDOT Type A and Type D) should meet the following gradation specifications:

Sieve Designation	Percent Passing a 3-inch Sieve	
	MDOT Type A (Base)	MDOT Type D (Subbase)
½ Inch	45 – 70	35 – 80
¼ Inch	30 – 55	25 – 65
No. 40	0 – 20	0 – 30
No. 200	0 – 6	0 – 7

Reference: MDOT Specification 703.06, Aggregate for Base and Subbase (2020)

Additional fill required beneath pavement sections should consist of compacted Gravel Borrow. Where encountered, SGS recommends topsoil and other deleterious materials be removed from beneath new pavement sections. Areas of over-excavation should be replaced with compacted Gravel Borrow or Crushed Stone.

7.0 Retaining Wall Recommendations

A retaining wall is proposed in the northwestern portion of the site. SGS anticipates that the retaining walls will consist of segmental blocks with reinforcing or gravity using mass extenders. The wall will retain site fill with a height of 7 feet. Global stability should be checked during design.

SGS recommends that segmental block MSE walls be backfilled with Gravel Borrow, compacted to 95% of its maximum dry density in accordance with ASTM D1557. The base of the retaining walls should be placed on a minimum of 6 inches of Crushed Stone. SGS recommends the soil properties in Section 5.2 be used for the design of segmental block retaining walls at the site.

Since segmental type block walls are tolerant of some movement and shifting, no minimum frost depth is required. A minimum embedment depth of 12 inches is recommended at the toe of the wall, or as governed by wall height and toe slope. Underdrains should be provided behind the segmental wall near its base to prevent the buildup of hydrostatic pressures.

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8.0 Stormwater Treatment Areas

Two stormwater treatment areas are planned at the site. Test pit TP-11 was conducted at the center of the southeastern area to a depth of 3.8 feet BGS. Soil consists of glacial marine deposit (sandy silt) a weathered rock layer over intact bedrock. The infiltration capacity for the marine deposit (sandy silt) is considered semi-pervious and for the bedrock impervious.

The second stormwater treatment area is located to the north of the proposed building. Test pit TP-12 was conducted at the center of the pond to a depth of 2.5 feet BGS. Soil consists of glacial marine deposit (sandy silt) overlying sloping bedrock. No groundwater was encountered in the test pit. The infiltration capacity for the marine deposit (sandy silt) is considered semi-pervious and for the bedrock, impervious.

9.0 Earthwork Considerations

Topsoil and deleterious material should be stripped and grubbed from the ground surface prior to placing fill or constructing footings. Gravel Borrow and Foundation Backfill should be placed in maximum 12-inch lifts and compacted to a minimum of 95 percent of their maximum dry density, determined in accordance with ASTM D1557, Modified Proctor Density.

Utility trenching and general excavations below 4 feet should be sloped no greater than 1H to 1V for cohesive soil and 1.5H to 1V (OHSA Type C) for granular soils and/or below groundwater. These slopes are based on the current OSHA Excavation Guidelines.

Dewatering may be required within excavations. SGS believes that shallow sumps and conventional submersible pumps will be sufficient to control groundwater and infiltrating water during construction. Diversion and control of water should be performed to prevent water flow from adjacent wet areas or from rain or snowmelt from entering the excavations.

Excavations within the glacial marine deposit could be susceptible to disturbance, particularly when wet. If subgrade softening occurs during construction, SGS recommends the base of the subgrade be over-excavated and replaced with 12-inches of Crushed Stone. Crushed Stone should be tamped to lock the stone structure together.

It is recommended the geotechnical engineer be retained to conduct subgrade inspections to confirm that soil conditions and construction methods are consistent with this report. It is recommended that a qualified testing agency inspect soil materials gradation and compaction during construction for conformance to the project specifications. Soil materials testing reports should be made available to the geotechnical engineer for review.

Mailing: PO Box 515, Gardiner, ME 04345
Office: 210 Maine Avenue, Farmingdale, ME 04344
www.summitgeoeng.com

10.0 Closure

The recommendations provided in this report are based on professional judgment and generally accepted principles of geotechnical engineering and project information provided by others. No other warranty is expressed or implied. Our evaluations and recommendations are based on discrete and widely spaced data points. Some changes in subsurface conditions from those presented in this report are anticipated to occur. Should these conditions differ materially from those described in this report, SGS should be notified so that we can re-evaluate our recommendations.

It is recommended that this report be made available to contractors for informational purposes and be incorporated in the construction Contract Documents. SGS should be retained to review final construction documents relevant to the recommendations in this report. SGS appreciates the opportunity to serve you during this phase of your project. If there are any questions or additional information is required, please do not hesitate to call.

Mailing: PO Box 515, Gardiner, ME 04345
Office: 210 Maine Avenue, Farmingdale, ME 04344
www.summitgeoeng.com

APPENDIX A

EXPLORATION LOCATION PLAN

CROSS SECTIONS

SCALE: 1" = 40'

0 20 40 80 120

LEGEND

- TP-10 — SUMMIT TEST PIT (NOVEMBER 3, 2023)
- B-1 — SUMMIT TEST BORING (MARCH 9, 2020)
- P-1 — SUMMIT TEST PROBE (MARCH 9, 2020)

WESTBROOK STREET

POTENTIAL VUSF 1

30' DRAINAGE EASEMENT

TP-12

B-2

P-2

PR. 83.50'±

WALL HIGH POINT:
BW: 74.67'±
TW: 82.75' ±

PR. 82 LF CONCRETE RETAINING WALL, TYP.
TO BE DESIGNED BY OTHERS. (6'± TALL)

20' STRUCTURE SETBACK
ON WESTBROOK STREET

CROSS SECTION E-E

PR. 82.25'±

24.00'

PR. LANDSCAPED ISLAND
MOUNDED TO DRAIN, TYP.

B-3

12 SPACES

8 SPACES

32 SPACES

24.00'

TP-3

TP-4

P-1

CROSS SECTION C-C

CROSS SECTION D-D

24.00'

8.00'

8.00'

5.00'

18.00'
TYP.

9.00'
TYP.

13 SPACES

P-3

TP-6

TP-7

TP-2

TP-5

CROSS SECTION B-B

PR. HOTEL BUILDING
19,559 SF FOOTPRINT
POTENTIAL FFE: 87'±

TP-13

B-1

PR. 84.85'±

24.00'

15 SPACES

24.00'

TP-11

TP-1

TP-10

TP-9

TP-8

PR. 84.25'±

CROSS SECTION A-A

PR. LANDSCAPED AREA TO BE
DESIGNED BY OTHERS, TYP.

18" GRAVEL DRIP EDGE AT ALL
ROOF RUNOFF LOCATIONS, TYP.

PR. 285 LF CONCRETE RETAINING WALL, TYP.
TO BE DESIGNED BY OTHERS. (6'± TALL)

PR. 24'X13' DUMPSTER
AREA, PER DETAIL

EX. GUARDRAIL TO REMAIN, TYP.

POTENTIAL VUSF 2

NORTH

EX. L.

EX. CONCRETE I.
"AUTHORIZED VEHIC.
SIGNAGE TO REMAIN

EX. STREET LIGHT TO REMA

EX. VERTICAL
GRANITE CURB, TYP.

PR. VERTICAL GRANITE
CURB PER DETAIL, TYP.

EX. DRAINAGE
MANHOLE, TYP. (OF 12)

EX. CATCH BASIN, TYP.
(OF 9)

EX. E

PR. PAVEMENT, TYP.

APPR
EMBA

EX. ONE-WAY

EX. 74.00'

PR. 15" CULVERT TO BE
INSTALLED BELOW PR.
DRIVEWAY APRON

PLAN REFERENCES

"CONCEPT SITE PLAN - 1, RESIDENTIAL INN JETPORT", DATED FEBRUARY 7, 2020, PREPARED BY ACORN ENGINEERING, INC.

PROJECT:
RESIDENTIAL INN, JETPORT
1060 WESTBROOK STREET - PORTLAND, ME

CLIENT:
GIRI HOTEL MANAGEMENT

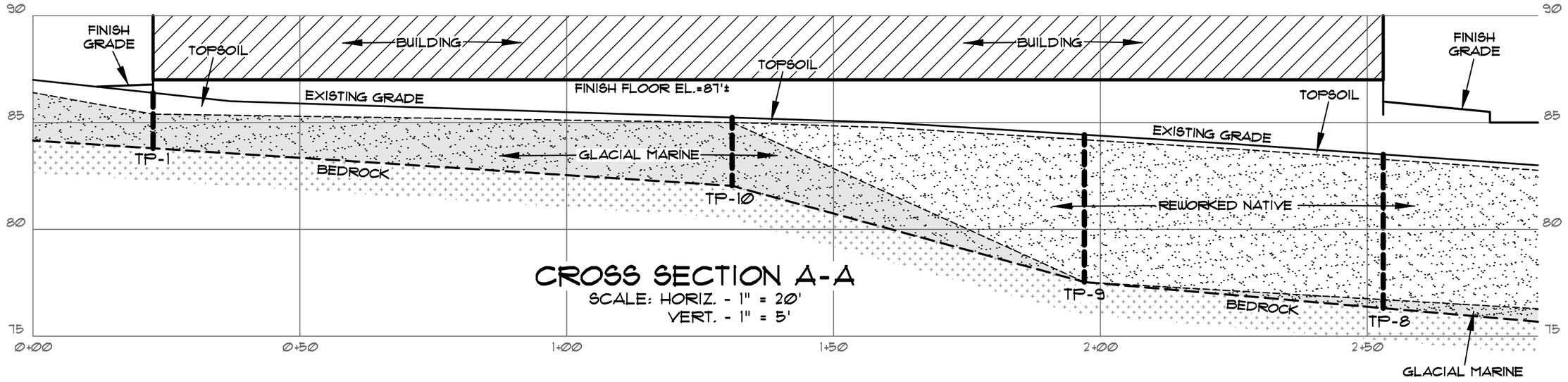
TITLE:
EXPLORATION LOCATION PLAN

DRAWN BY: KRF
APPR. BY: JNB
SCALE: 1" = 40'
DATE: NOV. 8, 2023

SUMMIT
GEOENGINEERING SERVICES
MAIL: P.O. BOX 515 GARDINER, ME 04345
OFFICE: 210 MAINE AVENUE FARMINGDALE, MAINE
TEL.: (207) 446-3360

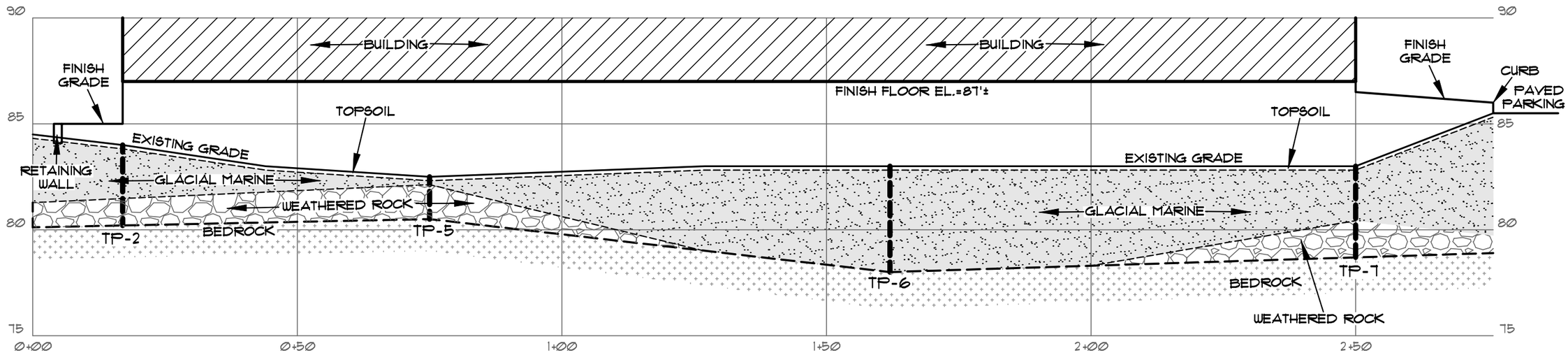
PROJ.#: 20051.1

FIGURE: 1



CROSS SECTION A-A

SCALE: HORIZ. - 1" = 20'
VERT. - 1" = 5'



CROSS SECTION B-B

SCALE: HORIZ. - 1" = 20'
VERT. - 1" = 5'

PROJECT:
RESIDENTIAL INN, JETPORT
1060 WESTBROOK STREET - PORTLAND, ME

CLIENT:
GIRI HOTEL MANAGEMENT

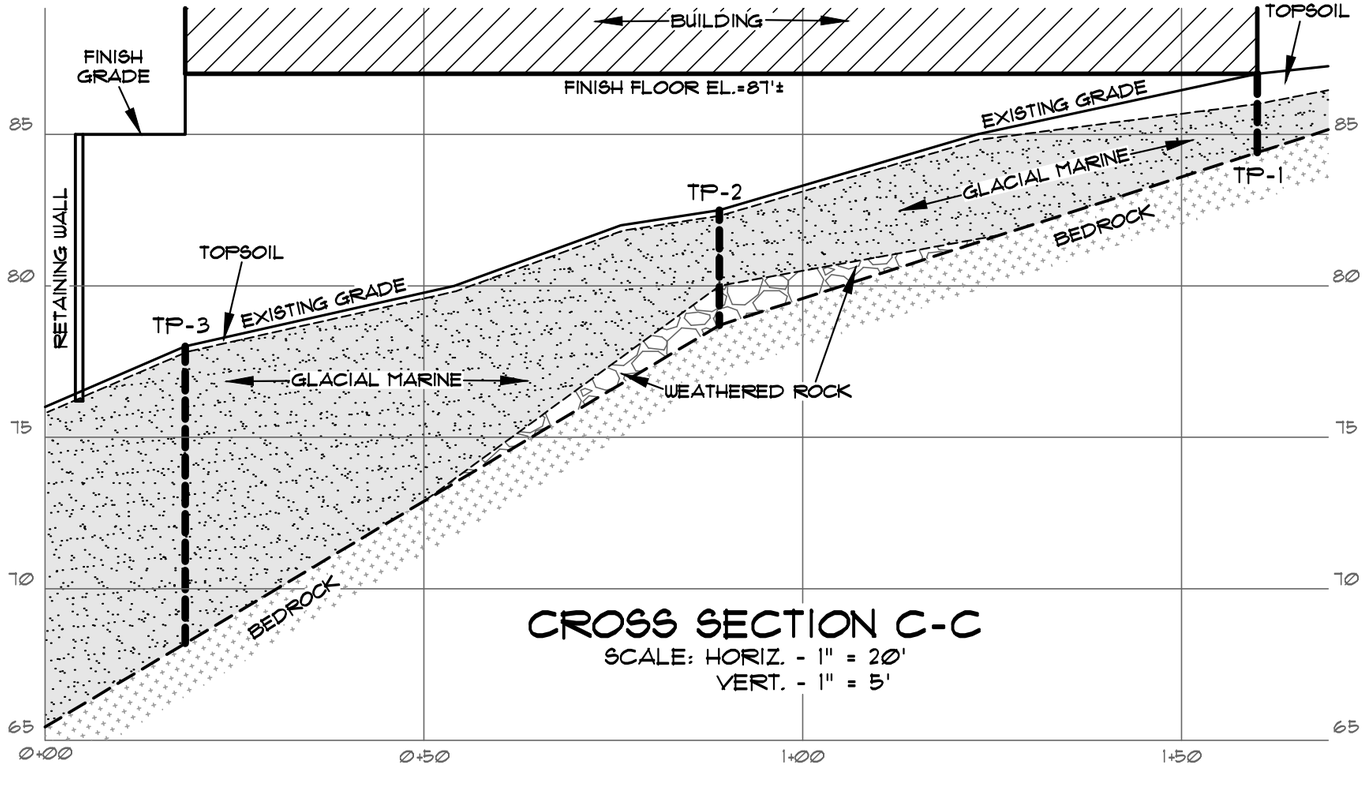
TITLE: CROSS SECTIONS A-A AND B-B

SCALE: AS NOTED
DRAWN BY: KRF
DATE: NOV. 10, 2023
APPR. BY: JNB/CWC

MAIL: P.O. BOX 515
GARDINER, ME 04345
OFFICE: 210 MAINE AVENUE
FARMINGDALE, MAINE
TEL.: (207) 446-3360
SUMMIT
GEOENGINEERING SERVICES

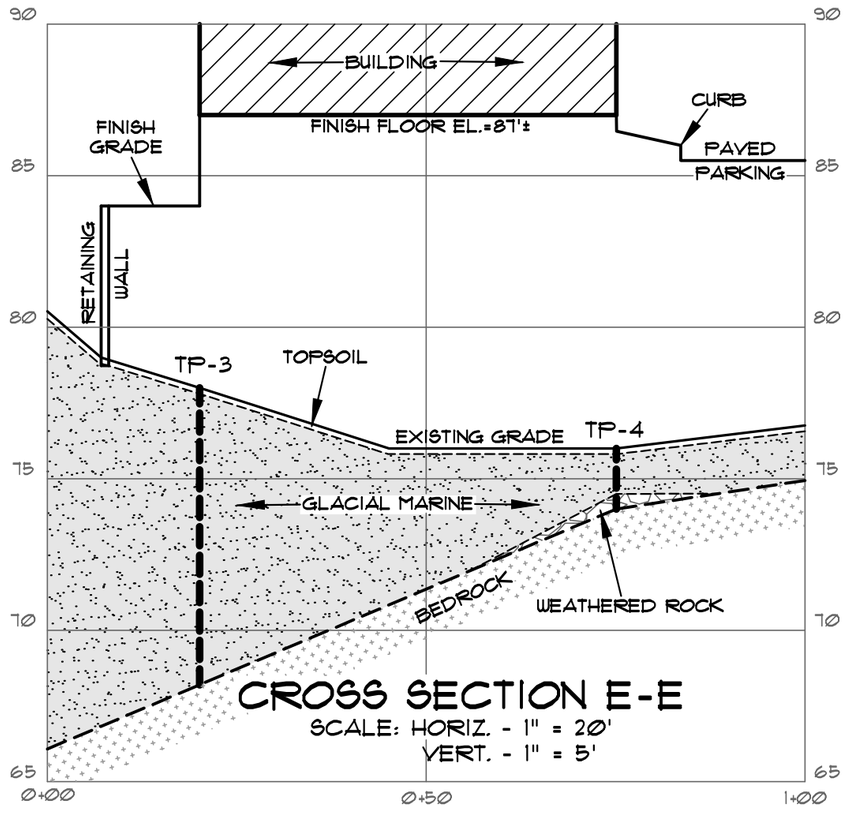
PROJ.#: 20051.1

FIGURE: 2



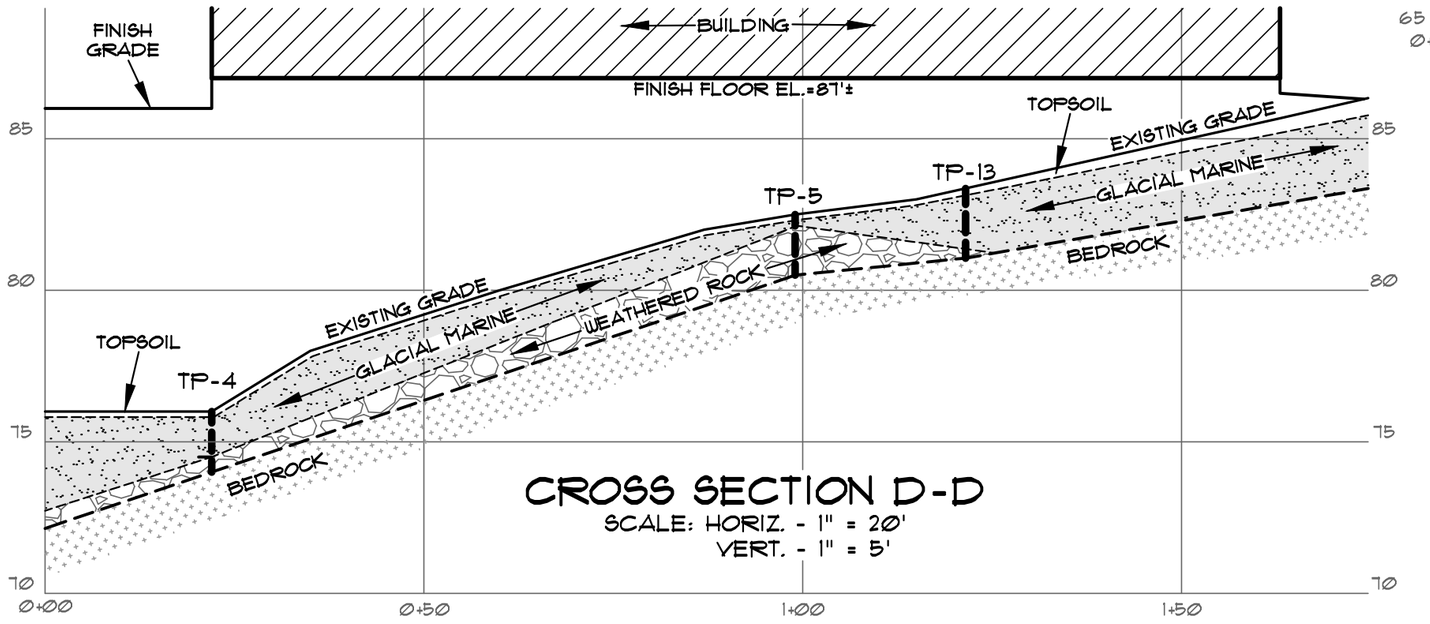
CROSS SECTION C-C

SCALE: HORIZ. - 1" = 20'
VERT. - 1" = 5'



CROSS SECTION E-E

SCALE: HORIZ. - 1" = 20'
VERT. - 1" = 5'



CROSS SECTION D-D

SCALE: HORIZ. - 1" = 20'
VERT. - 1" = 5'

PROJECT:
RESIDENTIAL INN, JETPORT
1060 WESTBROOK STREET - PORTLAND, ME

CLIENT:
GIRI HOTEL MANAGEMENT

TITLE:
CROSS SECTIONS
C-C, D-D AND E-E

SCALE: AS NOTED | DRAWN BY: KRF
DATE: NOV. 8, 2023 | APPR. BY: JNB/CWC

SUMMIT
GEOENGINEERING SERVICES
OFFICE: 210 MAINE AVENUE
FARMINGDALE, MAINE
TEL.: (207) 446-3360
MAIL: P.O. BOX 515
GARDINER, ME 04345

PROJ.#: 20051.1

FIGURE:
3

APPENDIX B

EXPLORATION SUMMARY TABLE

EXPLORATION LOGS

EXPLORATION COVER SHEET

The exploration logs are prepared by the geotechnical engineer from both field and laboratory data. Soil descriptions are based upon the Unified Soil Classification System (USCS) per ASTM D2487 and/or ASTM D2488 as applicable. Supplemental descriptive terms for estimated particle percentage, color, density, moisture condition, and bedrock may also be included to further describe conditions.

Drilling and Sampling Symbols:

SS = Split Spoon Sample
UT = Thin Wall Shelby Tube
SSA = Solid Stem Auger
HSA = Hollow Stem Auger
RW = Rotary Wash
SV = Shear Vane
PP = Pocket Penetrometer
RC = Rock Core Sample
FV = Field Vane Shear Test
PS = Concrete Punch Sample
Hyd = Hydraulic Advancement of Drilling Rods
Push = Direct Push of Drilling Rods
WOH = Weight of Hammer
WOR = Weight of Rod
PI = Plasticity Index
LL = Liquid Limit
W = Natural Water Content
USCS = Unified Soil Classification System
Su = Undrained Shear Strength
Su(r) = Remolded Shear Strength

Water Level Measurements:

Water levels indicated on the boring logs are the levels measured in the boring at the times indicated. In pervious soils, the indicated elevations are considered reliable groundwater levels. In impervious soils, the accurate determination of groundwater elevations may not be possible, even after several days of observations. Groundwater monitoring wells may be required to record accurate depths and fluctuation.

Gradation Description and Terminology:

Boulders:	Over 12 inches	Trace:	Less than 5%
Cobbles:	12 inches to 3 inches	Little:	5% to 15%
Gravel:	3 inches to No.4 sieve	Some:	15% to 30%
Sand:	No.4 to No. 200 sieve	Silty, Sandy, etc.:	Greater than 30%
Silt:	No. 200 sieve to 0.005 mm		
Clay:	less than 0.005 mm		

Density of Granular Soils and Consistency of Cohesive Soils:

CONSISTENCY OF COHESIVE SOILS		DENSITY OF GRANULAR SOILS	
SPT N-value blows/ft	**Consistency**	**SPT N-value blows/ft**	**Relative Density**
0 to 2	Very Soft	0 to 4	Very Loose
2 to 4	Soft	5 to 10	Loose
5 to 8	Firm	11 to 30	Compact
9 to 15	Stiff	31 to 50	Dense
16 to 30	Very Stiff	>50	Very Dense
>30	Hard		

SUMMIT
GEOENGINEERING SERVICES

Project Name: Residential Inn Jetport
Location: 1060 Westbrook Street, Portland, ME

Project Number: 20051.1
Date: 11/7/2023

EXPLORATION SUMMARY TABLE

EXPLORATION NUMBER	SURFACE ELEVATION (ft)	WEATHERED ROCK DEPTH (ft)	BEDROCK DEPTH (ft)	BEDROCK ELEVATION (ft)	GROUNDWATER DEPTH (ft)	NOTES
TP-1	86.0	NE	2.6	83.4	NE	N/A
TP-2	76.0	2.5	2.8	73.2	NE	N/A
TP-3	74.0	NE	9.8	64.2	1.8	N/A
TP-4	76.0	1.8	2.0	74.0	2.0	N/A
TP-5	84.0	0.2	2.6	81.4	NE	Sloping refusal at 1.2' and 1.9'
TP-6	83.0	NE	5.0	78.0	NE	N/A
TP-7	83.0	NE	4.3	78.7	NE	Potential bedrock at 2.8'
TP-8	83.0	NE	7.2	75.8	6.8	N/A
TP-9	83.0	NE	6.9	76.1	NE	N/A
TP-10	84.0	3.0	3.2	80.8	NE	N/A
TP-11	79.0	2.5	3.8	75.2	NE	N/A
TP-12	74.0	NE	2.5	71.5	NE	Refusal slopes from 1.2 to 2.5
TP-13	84.0	2.0	2.3	81.7	NE	N/A
B-1	84.0	1.0	1.9	82.1	NE	N/A
B-2	76.0	0.4	3.3	72.7	NE	N/A
B-3	78	5.2	6.5	71.5	NE	N/A
P-1	78	NE	1.8	76.2	NE	N/A
P-2	75	NE	1.3	73.7	NE	N/A
P-3	83	NE	1.2	81.8	NE	N/A

NOTES:

1.) Test pits were performed on 11/3/2023, test borings and probes were perfomred on 3/9/2020 under a separate scope of work.

2.) Test pit locations were marked using GPS coordinates by SGS.

3.) Test borings, probes, and test pits were advanced to bedrock refusal. Refusal depths were measured in the explorations to the nearest tenth of a foot. Corresponding refusal elevations are calculated based on surface elevations. Surface elevations were interpolated from the "Concept Site Plan" provided by Acorn Engineering, Inc.

4.) N/E = None Encountered, N/A = Not Applicable. BGS = Below ground surface.

5.) Color coding: Green = Test Pits, Orange = Test Borings, Blue = Ledge Probes

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-1
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 86 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	GEOLOGIC/GENERAL
1	Dark brown Sandy SILT, rootlets, soft, humid, ML	TOPSOIL
2	Brown Sandy SILT, soft to firm, humid, ML Brown CLAY seam at 2', slightly mottled, stiff, damp, CL	1' GLACIAL MARINE DEPOSIT
3	End of Exploration at 2.6', Probable Bedrock	2.6' PROBABLE BEDROCK
4		
5		
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12		
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14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	**TEST PIT LOG**	Test Pit # **TP-2**
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 76 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, roots and rootlets, damp, ML	TOPSOIL
1	Brown Sandy SILT, trace Gravel, humid to damp, stiff,	0.3'
2	ML	GLACIAL MARINE DEPOSIT
3	Gray weathered rock	2.5'
		WEATHERED BEDROCK
4	End of Exploration at 3.8', Refusal on Intact Bedrock	3.8'
		BEDROCK
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-3
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: 1.8 ft
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 74 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
1	Black Sandy SILT, roots, garbage and metal debris, damp, ML	TOPSOIL 0.2'
2	Olive brown Sandy SILT, stiff, humid to wet with depth, ML	GLACIAL MARINE DEPOSIT Groundwater seepage observed at 1.8'
3	Olive brown Sandy SILT, little gray Clay, stiff, wet, ML	
4	Same as above, some gray Clay at 3.5', stiff, wet, ML	
5		
6		
7		
8		
9		
10		
11	End of Exploration at 9.8', Refusal on Probable Bedrock	9.8' PROBABLE BEDROCK
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-4
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: 2 ft
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 76 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Dark brown to black Sandy SILT, roots, wet, ML	TOPSOIL
1	Light brown Silty SAND, little Clay, occasional cobbles, stiff, wet, SM	0.5' GLACIAL MARINE DEPOSIT
2	Weathered rock at 1.8'	1.8' WEATHERED ROCK
3	End of Exploration at 2', Refusal on Intact Bedrock	2' Groundwater seepage at 2' BEDROCK
4		
5		
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7		
8		
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10		
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12		
13		
14		
15		
16		
17		



SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-5
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 84 ft+/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	GEOLOGIC/GENERAL
1	Brown Sandy SILT, trace Clay, soft, humid to damp, ML	GLAICAL MARINE DEPOSIT
		0.2'
	Weathered Rock	WEATHERED ROCK
2	End of Exploration, Refusal on undulating Bedrock at 1.2'. 2.6', and 1.9'	1.2' to 2.6'
		BEDROCK
3		
4		
5		
6		
7		
8		
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10		
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12		
13		
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15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	**TEST PIT LOG**	Test Pit # **TP-6**
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 83 ft+/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
1	Olive brown SAND, litte to some Silt and Gravel, occasional Clay and Silt seams, loose, damp, SM	GLACIAL MARINE DEPOSIT
2		
3		
4		
5		
6	Refusal at 5' on Bedrock	5' BEDROCK
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	**TEST PIT LOG**	Test Pit # **TP-7**
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 83 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, rootlets, damp, ML	TOPSOIL
1	Brown Sandy SILT, little to some Gravel, frequent large cobbles to boulders, soft to firm, ML	0.5' REWORKED NATIVE
2		
3	Refusal on large boulder or Bedrock at east end of Exploration, extended test pit east to verify	2.8' LARGE BOULDER OR BEDROCK
4		
5	End of Exploration, Refusal in west portion of Exploration at 4.3' on Probable Bedrock	4.3' PROBABLE BEDROCK
6		
7		
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9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-8
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: 6.8 ft
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 83 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, damp, ML	TOPSOIL
1	Brown Sandy SILT, little to some Gravel, trace Clay,	0.1'
	frequent large cobbles and boulders, stiff, humid, ML	REWORKED NATIVE
2		
3	Large piece of wood, approximately 4' long, at 2.8'	
	Gray Silty SAND to SILT-SAND observed on wood	
4	Thin copper pipe at 3.5' (1" diameter)	
5		
6		Groundwater seepage observed at 6.8'
7	Gray SILT-SAND to Silty SAND, wet, soft to firm,	6.8'
	ML-SM	GLACIAL MARINE DEPOSIT
8	End of Exploration, Refusal on Probable Bedrock	7.2'
9		PROBABLE BEDROCK
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-9
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 83 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, rootlets, damp, ML	TOPSOIL
1	Brown Sandy SILT, little to some Gravel, soft to firm, humid to damp, ML	0.2' REWORKED NATIVE
2	Frequent large cobbles to boulders	
3		
4	Refusal on probable large boulder in northern portion of exploration	
5		
6	Mottled with trace Clay at 5' +/-, stiff, damp	
7		
8	End of Exploration at 6.9', Refusal on Probable Bedrock in southern poriton	6.9' PROBABLE BEDROCK
9		
10		
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12		
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15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-10
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 84 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, roots, humid, ML	
1	Brown Sandy SILT, little Gravel, frequent large cobbles, firm, damp, ML	0.2' GLACIAL MARINE DEPOSIT
2		
3	Weathered rock pieces at 3'	
4	End of Exploration at 3.2', Refual on Probable Bedrock	3.2' PROBABLE BEDROCK
5		
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16		
17		

SUMMIT GEOENGINEERING SERVICES	**TEST PIT LOG**	Test Pit # **TP-11**
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 79 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, rootlets, humid, ML	TOPSOIL
1	Brown Sandy SILT, trace to little Gravel, firm, damp,	0.8'
	ML	GLACIAL MARINE DEPOSIT
2		
3	Weathered Rock	2.5'
		WEATHERED ROCK
4	End of Exploration, Refusal on Probable Bedrock at	3.8'
	3.8'	PROBABLE BEDROCK
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	TEST PIT LOG	Test Pit # TP-12
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 74 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Brown Sandy SILT, roots/rootlets, humid, ML	TOPSOIL
1	Brown Sandy SILT, trace Gravel, slight mottling,	0.2'
2	firm to stiff, damp, ML	GLACIAL MARINE DEPOSIT
3	End of Exploration , Refusal on Bedrock sloping	1.2' to 2.5'
4	Southwest to Northeast from 1.2' to 2.5'	BEDROCK
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT GEOENGINEERING SERVICES	**TEST PIT LOG**	Test Pit # **TP-13**
	Project: Residential Inn Jetport 1060 Westbrook Street Portland, Maine	Project #: 20051.1 Groundwater: NA
Contractor: Summit Geoengineering Services	Ground Surface Elevation: 84 ft +/-	
Equipment: Kubota KX040 Excavator	Reference: "Concept Site Plan" provided by Acorn Engineering	
Summit Staff: J. Barnes, E.I.	Date: 11/3/2023	Weather: Sunny

Depth (ft)	DESCRIPTION	
	ENGINEERING	**GEOLOGIC/GENERAL**
	Dark brown Sandy SILT, rootlets, damp, ML	TOPSOIL
1	Light brown Sandy SILT, firm, humid, ML	0.2'
2		GLACIAL MARINE DEPOSIT
	Weathered rock	2' WEATHERED ROCK
3	End of Exploration at 2.3, Refusal on Intact Bedrock	2.3'
4		BEDROCK
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

SUMMIT
GEOENGINEERING SERVICES

SOIL BORING LOG

Boring #: **B-1**

Project:	Residence Inn	Project #:	20051
Location:	1060 Westbrook Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	MH

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	84.0 ft. +/-
Driller:	S. Floyd	Reference:	Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Summit Staff:	M. Hardison, P.E.	Date started: 3/9/2020	Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	24" SS
Model:	AMS Power Probe	Diameter:	2"OD/1.5"ID
Method:	3" Casing	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/20	0 to 2	WH		14" Dark brown to black fine to medium SAND		
1				1		little to some Silt, moist, very loose, frequent organics		TOPSOIL
				2		(leaf matter, rootlets) SP-SM		
2				50/5"		Dark blue angluar rock fragments, heavily mottled		WEATHERED BEDROCK
3						End of Boring at 1.9', Refusal on Probable Bedrock		BEDROCK
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Boring #: **B-2**

Project: Residence Inn | Project #: 20051
Location: 1060 Westbrook Street | Sheet: 1 of 1
City, State: Portland, Maine | Chkd by: MH

Drilling Co: Summit Geoengineering Services, Inc.
Driller: S. Floyd
Summit Staff: M. Hardison, P.E.

Boring Elevation: 76.0 ft. +/-
Reference: Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Date started: 3/9/2020 Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	24" SS
Model:	AMS Power Probe	Diameter:	2"OD/1.5"ID
Method:	3" Casing	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/14	0 to 2	5		5" Forest Duff and Wood Pieces		FOREST DUFF/WOOD
1				7		Reddish brown angular GRAVEL (weathered bedrock fragments) little Sand, moist to wet, very dense, moderately mottled, GP		WEATHERED BEDROCK
				50/5"				
2				PROBE				
				↓				
3				↓		Advanced Speartip Probe - Very dense from 1.0' to 3.3'		
				↓				
4						End of Boring at 3.3', Refusal on Probable Bedrock		BEDROCK
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils	
Blows/ft.	Density	Blows/ft.	Consistency
0-4	V. Loose	<2	V. soft
5-10	Loose	2-4	Soft
11-30	Compact	5-8	Firm
31-50	Dense	9-15	Stiff
>50	V. Dense	16-30	V. Stiff
		>30	Hard

% Composition ASTM D2487
< 5% Trace
5-15% Little
15-30% Some
> 30% With

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Boring #: **B-3**

Project:	Residence Inn	Project #:	20051
Location:	1060 Westbrook Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	MH

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	78.0 ft. +/-
Driller:	S. Floyd	Reference:	Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Summit Staff:	M. Hardison, P.E.	Date started: 3/9/2020	Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	24" SS
Model:	AMS Power Probe	Diameter:	2"OD/1.5"ID
Method:	3" Casing	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/18	0 to 2	1		13" Dark brown to black SILT, little fine Sand,		TOPSOIL
1				1		frequent wood pieces and leaf matter, rootlets, ML		
				3		Gray brown fine to medium SAND, little to some Silt,		
2				3		loose, heavily mottled, moist, SP-SM		GLACIAL TILL
	S-2	24/24	2 to 4	6		Similar to above, fine to coarse SAND, little to trace		
3				5		Gravel, SP		
				8				
4				10				
	S-3	24/20	4 to 6	15		Similar to above, light brown to dark brown Silty fine		
5				18		to medium SAND, wet seam at 4.5', weathered		
				27		rock fragments starting at 5.2', heavily mottled		
6				50/2"				WEATHERED
								BEDROCK
7						End of Boring at 6.5', Refusal on Probable Bedrock		BEDROCK
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT
GEOENGINEERING SERVICES

SOIL PROBE LOG

Boring #: **P-1**

Project:	Residence Inn	Project #:	20051
Location:	1060 Westbrook Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	MH

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	78.0 ft. +/-
Driller:	S. Floyd	Reference:	Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Summit Staff:	M. Hardison, P.E.	Date started: 3/9/2020	Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	N/A
Model:	AMS Power Probe	Diameter:	N/A
Method:	Speartip	Hammer:	N/A
Hammer Style:	Auto	Method:	N/A

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
1				PROBE				
2								
3						End of Probe at 1.8', Refusal on Probable Bedrock		BEDROCK
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils	
Blows/ft.	Density	Blows/ft.	Consistency
0-4	V. Loose	<2	V. soft
5-10	Loose	2-4	Soft
11-30	Compact	5-8	Firm
31-50	Dense	9-15	Stiff
>50	V. Dense	16-30	V. Stiff
		>30	Hard

% Composition ASTM D2487
< 5% Trace
5-15% Little
15-30% Some
> 30% With

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT
GEOENGINEERING SERVICES

SOIL PROBE LOG

Project:	Residence Inn	Boring #:	P-2
Location:	1060 Westbrook Street	Project #:	20051
City, State:	Portland, Maine	Sheet:	1 of 1
		Chkd by:	MH

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	75.0 ft. +/-
Driller:	S. Floyd	Reference:	Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Summit Staff:	M. Hardison, P.E.	Date started: 3/9/2020	Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	N/A
Model:	AMS Power Probe	Diameter:	N/A
Method:	Speartip	Hammer:	N/A
Hammer Style:	Auto	Method:	N/A

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
				PROBE				
1				↓				
2						End of Probe at 1.3', Refusal on Probable Bedrock		BEDROCK
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils	
Blows/ft.	Density	Blows/ft.	Consistency
0-4	V. Loose	<2	V. soft
5-10	Loose	2-4	Soft
11-30	Compact	5-8	Firm
31-50	Dense	9-15	Stiff
>50	V. Dense	16-30	V. Stiff
		>30	Hard

% Composition ASTM D2487

< 5% Trace
5-15% Little
15-30% Some
> 30% With

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition

Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL PROBE LOG

Boring #: **P-3**

Project:	Residence Inn	Project #:	20051
Location:	1060 Westbrook Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	MH

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	83.0 ft. +/-
Driller:	S. Floyd	Reference:	Interpolated from "Concept Site Plan - 1" by Acorn dated 2/7/20
Summit Staff:	M. Hardison, P.E.	Date started: 3/9/2020	Date Completed: 3/9/2020

DRILLING METHOD		SAMPLER	
Vehicle:	Tracked	Length:	N/A
Model:	AMS Power Probe	Diameter:	N/A
Method:	Speartip	Hammer:	N/A
Hammer Style:	Auto	Method:	N/A

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
3/9/2020	None		None Encountered

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
				PROBE				
1				↓				
2						End of Probe at 1.2', Refusal on Probable Bedrock		BEDROCK
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								

Granular Soils		Cohesive Soils	
Blows/ft.	Density	Blows/ft.	Consistency
0-4	V. Loose	<2	V. soft
5-10	Loose	2-4	Soft
11-30	Compact	5-8	Firm
31-50	Dense	9-15	Stiff
>50	V. Dense	16-30	V. Stiff
		>30	Hard

% Composition ASTM D2487
< 5% Trace
5-15% Little
15-30% Some
> 30% With

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
LL = Liquid Limit, PI = Plastic Index, FV = Field Vane Test
Su = Undrained Shear Strength, Su(r) = Remolded Shear Strength

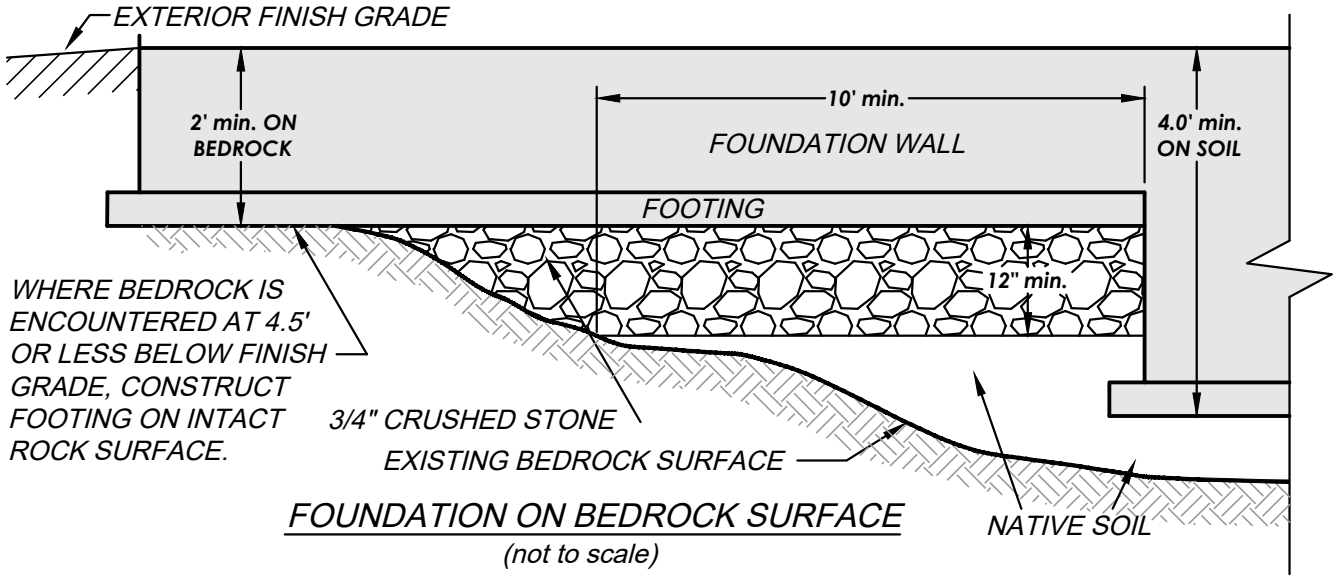
Bedrock Joints
Shallow = 0 to 35 degrees
Dipping = 35 to 55 degrees
Steep = 55 to 90 degrees

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

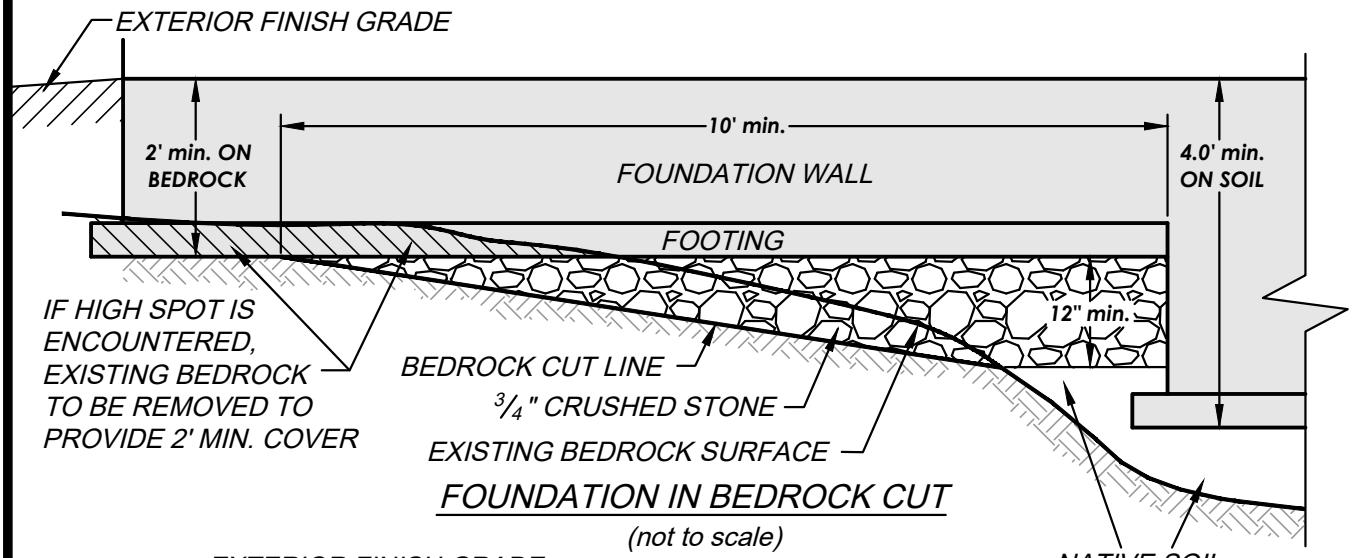
APPENDIX C

FOOTING TRANSITION DETAIL



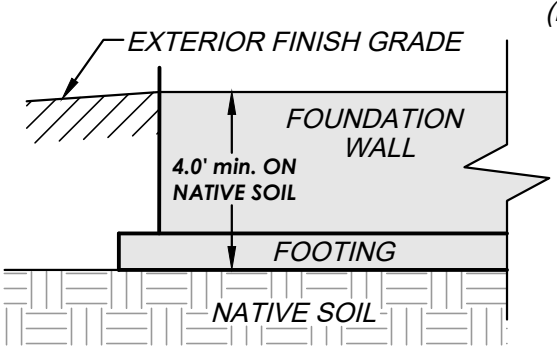
FOUNDATION ON BEDROCK SURFACE

(not to scale)



FOUNDATION IN BEDROCK CUT

(not to scale)



FOOTING - NO BEDROCK

(not to scale)

FOOTING TRANSITION DETAIL
RESIDENTIAL INN, JETPORT

1060 WESTBROOK STREET - PORTLAND, ME

PREPARED FOR

GIRI HOTEL MANAGEMENT

DATE: 11-13-2023	DRAWN BY: KRF	CHECKED BY: CWC
JOB: 20051.1	NOT TO SCALE	FILE: 20051 FTG TRANS

OFFICE: 210 MAINE AVENUE
FARMINGDALE, MAINE
TEL: (207) 588-7579

MAIL: P.O. BOX 515
GARDINER, ME 04345

SUMMIT
GEOENGINEERING SERVICES
www.summitgeoeng.com

Memorandum

Date: February 24, 2020

To: Peter Heil, P.E., CPESC, Acorn Engineering

CC: William Savage (Acorn), Richard Jordan (Flycatcher)

From: David Brenneman, Flycatcher, LLC

Subject: 1080 Westbrook Street, Portland Maine – Natural Resources Delineations

Dear Pete,

At the request of Acorn Engineering, on February 4, 2020 a wetland scientist and environmental technician from Flycatcher, LLC (Flycatcher) completed a preliminary wetland, stream and potential vernal pool survey on an approximately 4.5-acre area adjacent to the Portland International Jetport (Jetport). The area investigated included portions of lots 207-A012 and 210 A-B007, located at 1080 Westbrook Street in the City of Portland ("Survey Area", see attached drawing for a depiction).

Survey Area Description

The Survey Area is a mix of cleared and forested land showing various signs of historic development and disturbance. The understory of the forested area is dense with invasive shrubs and vines including tatarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), and oriental bittersweet (*Celastrus orbiculatus*). Adjacent land uses are associated with the Jetport and include a hotel, parking lots and hangars for the Jetport. Some residential development is located off Cobb Avenue to the north of the Survey Area. Other signs of historic impacts include fill piles, gravel roads, ditching, and an apparent stormwater detention basin.

Methods

Desktop Review

Prior to the site visit, I completed a brief desktop analysis of GIS based environmental data from the following sources:

- United States Geological Survey (USGS) topographic mapping;
- United States Fish and Wildlife Service (USFWS) national wetland inventory (NWI) mapping;
- Natural Resources Conservation Service (NRCS) medium-intensity soil survey mapping;
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs);
- USGS National Hydrography Dataset; and
- Recent and historic aerial photography.

Review of the data is helpful to target areas where potential resources may be present.

I also reviewed older wetland delineation data provided by Acorn from a prior survey. These data were used to guide my surveys while onsite.

Natural Resource Agency Outreach

This survey did not include outreach to natural resource agencies to ascertain information on known or potential locations of rare, threatened or endangered flora or fauna. If any new data is collected by Acorn prior to our spring site visits we will include that information in a follow-up addendum to this memo.

Wetlands

Wetland delineations were conducted in accordance with the US Army Corps of Engineers (USACE) Wetland Delineation Manual and the Northcentral and Northeast Regional Supplement (Version 2.0). The manual and supplement provide a repeatable methodology to identify potential wetland areas and are the accepted wetland delineation methodology of the Maine Department of Environmental Protection (MDEP) and the USACE.

The Survey Area was investigated by a team of two people meandering across the site. When a location appeared to have the requisite three factors that constitute a wetland (i.e., hydrophytic vegetation, indicators of hydrology, and the presence of hydric soils) an investigation was undertaken by the Wetland Scientist. The Wetland Scientist analyzed site-specific data to determine if the area met the criteria to be considered a wetland. When wetlands were identified, the boundaries of the wetlands were marked with glo-pink survey flagging emblazoned with the word "Wetland". Each flag was geo-located as described above.

Winter Delineation Limitations & Spring Review

This wetland delineation was conducted during a winter thaw while snow cover was reduced in most areas of southern Maine. During this delineation, unshaded areas were devoid of snowcover; however, portions of the forested areas had 4-8" of drifted snow that had not melted due to shading from the overstory. Standing water and saturated soils in the forest were frozen. Due to these conditions, I could not observe all vegetative strata or perform comprehensive soils review so was only able provide a preliminary winter delineation.

To locate the wetland boundary provided, I relied on topography, the composition of the tree and shrub strata, and evidence of hydrology. While these data support my delineation results, due to the conditions and lack of in-depth soils review, Flycatcher will perform a spring review of these data to verify the boundaries and make any adjustments necessary once we are allowed to view all of the site features. Based on the features we were able to observe, as well as my many years' experience conducting wetland delineations throughout Maine, I do not anticipate any significant changes to the wetland boundaries will occur based on the spring visit.

Stream Identification

Stream identification followed the Maine Natural Resources Protection Act (NRPA) definition of a "river, stream or brook" (Section 480-B). If a watercourse meeting the above definition was observed, blue survey flagging was hung along the centerline (for streams less than six feet in width) or along the top of the bank (for streams six feet or wider). The locations of each flag were geolocated as described below under "GPS Location".

Potential Vernal Pools

To identify potential vernal pool habitat, the definitions provided in Chapter 335 of the NRPA and the USACE Maine General Permit were used. Vernal pools are temporarily/seasonally flooded wetlands that provide the primary breeding habitat for vernal pool indicator species, and a host of secondary faunal species. Wood frogs (*Lithobates sylvaticus*), spotted salamanders (*Ambystoma maculatum*), blue spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus spp.*) are vernal pool indicator species that depend on vernal pools to complete their life cycle. Productivity of breeding vernal pool species is the primary metric used by regulatory authorities to assess vernal pool quality; thus, vernal pools must be assessed during the breeding season (generally mid-April to late-May). Since site review was completed in the winter, only potential vernal pool habitat (PVP) could be identified.

I relied primarily on topographic position and plant community to determine if an area was a potential vernal pool habitat as defined by the state or federal definitions. Due to winter conditions, I could not search potential pool basins for evidence of secondary faunal species.

Upland Drainages

Upland drainages (UDs) are hydrologic features that occur in uplands. Examples of UDs include roadside ditches, quick-draining surface swales, stormwater swales, and other areas that convey water, but which do not meet the definitions of wetland or stream. UDs are carefully investigated by our experienced wetland scientists to ensure their regulatory status. While not regulated, it is good diligence to locate these features since knowing their locations can help inform stormwater, civil engineering and erosion/sedimentation control design.

GPS Location

All features (e.g., wetland boundaries) located during the site visit were geolocated using a mapping grade global positioning system ("GPS") unit (Juniper Systems' Geode GPS Antenna and ESRI's ArcGIS Collector software). The data were collected using real-time correction and standards specified by the manufacturer to achieve sub-meter accuracy. The data was exported to ESRI shapefile and CAD drawing file format and provided to you via email on February 20, 2020. These data can be used during your initial design when planning avoidance and minimization of impacts to natural resources.

Results

Flycatcher's scientist identified three wetlands, one manmade PVP and one UD. No streams were identified.

The location of resources observed within the Survey Area are shown on Attachment 1. Summary descriptions are provided in Tables 1 and 2 below. Photos of the site are provided in Attachment 2.

Table 1. Wetland Description and data

Resource ID	Notes/Description	Covertype[1]	Dominant Plants	Hydrology Indicators	Hydric Soil Indicator
Wetland 1	• Isolated wetland with potential vernal pool habitat • Evidence of drainage patterns and water-stained leaves in melted pockets of snow	Freshwater Forested (PFO1E)	Red maple (Acer rubrum), Green ash (*Fraxinus pennsylvanica*), Tatarian honeysuckle, Glossy buckthorn (*Frangula alnus*), Multiflora rose	Surface water (A1), Water-stained leaves (B9), Drainage patterns (B10), Saturation visible on aerial imagery (C9), Geomorphic position (D2)	Presumed based on surface evidence – frozen conditions; Will review during spring conditions.
Wetland 2	• Constructed stormwater basin • Naturalized and overgrown with emergent vegetation and wetland shrubs • Culvert and riprap overflow observed in northeast corner of basin	Freshwater Shrub/Emergent (PSS1F/PEM1F)	Pussy willow (*Salix discolor*), Speckled alder (*Alnus incana*), broadleaf cattail (*Typha latifolia*)	Surface water (A1), Inundation visible on aerial imagery (B7)	Presumed based on surface evidence – frozen conditions; presume not a regulated wetland.
Wetland 3	• Small pit and mound area with drainage patterns • Evidence of ponding and erosion on downslope side of wetland	Freshwater Forested (PFO1E)	Red maple (Acer rubrum), Green ash (*Fraxinus pennsylvanica*), Tatarian honeysuckle, Glossy buckthorn (*Frangula alnus*), Multiflora rose	Surface water (A1), Water-stained leaves (B9), Drainage patterns (B10), Microtopographic relief (D4)	Presumed based on surface evidence – frozen conditions Will review during spring conditions.

Table 2. Vernal pool habitat descriptions

Resource ID	Notes/Description	Pool Origin	Dominant vegetation	Hydroperiod
PVP 1	• Manmade, isolated pool in Wetland 1 • Impounded by berm on downslope (east side) of pool • Observed narrow eroded channel draining from PVP 1 to Wetland 2	Manmade – impounded by berm	Tatarian honeysuckle, winterberry (*Ilex verticillata*), American elm (*Ulmus americana*)	Semi-Permanent. Will review during spring conditions.

[1] Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. FWS/OBS-79/31, Washington, D.C.

Permitting Discussion

Wetland 1

Wetland 1 is small and located in a low area where runoff collects in an impounded basin, recharging groundwater. Due to periodic flooding, the resource may provide habitat for vernal pool indicators species and other wetland dependent fauna. The PVP identified in Wetland 1 is manmade, so regardless of biological productivity it would not qualify as an MDEP Significant Vernal Pool and would therefore not be state-regulated. Depending on pool productivity, if a project were to occur on this site which triggered federal permitting jurisdiction (e.g., a General Permit), the USACE may require consultation and/or special permitting considerations for this feature. If the PVP is not productive, which is likely due to the lack of surrounding habitat, the USACE will generally not require special protections.

If a spring reconnaissance survey is conducted to verify wetland boundaries (as described above) we recommend performing a simultaneous survey of the PVP to ascertain productivity. This survey could take place in late March/early April.

Wetland 2

Wetland 2 is located in a basin and was flooded, but frozen at the time of survey. The flooding is evidence of hydrology, but limited the review of soils, which are presumably hydric due to the flooding. This basin has large berms on the north and east sides and there is a stormwater outlet constructed through one of the berms supporting the assumption that the basin was constructed as a structural stormwater BMP. The USACE does not generally take jurisdiction over isolated features created in uplands, and the MDEP has historically not required permitting for impacts to features created for stormwater control (assuming stormwater standards under Chapter 500 can be met). Flycatcher recommends presentation of any supporting information regarding the origin/design of Wetland 2 during pre-application or scoping meetings to verify the status as a non-jurisdictional feature.

Wetland 3

Wetland 3 is located in a flat area upslope of Wetland 1 and 2. There were berms observed along the wetland boundaries to the north and east and other evidence of past site disturbance in the wetland. As discussed above, the wetland boundaries will be verified in the spring, but Flycatcher does not anticipate further permitting considerations specific to this resource.

Thank you for the opportunity to assist you. I will revisit the site as early as practical following snow melt to review wetland boundaries and assess breeding vernal pool indicator species in PVP 1.

If you have any questions regarding the results provided in this report, please do not hesitate to contact me.

Sincerely,



David Brenneman, Senior Project Lead
Dave@flycatcherllc.com
(207) 751-3053

Attachment (2)

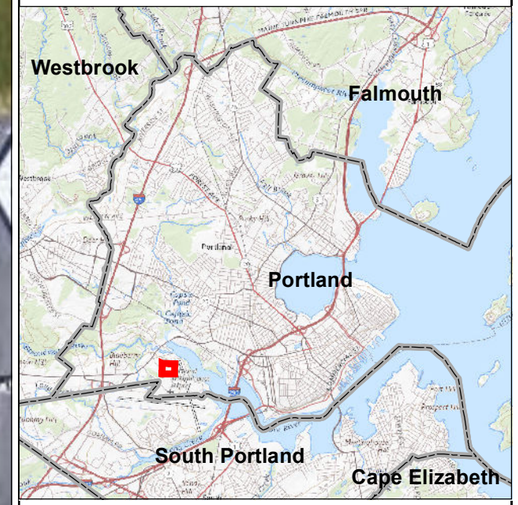
ATTACHMENT 1

Natural Resources Map



LEGEND

- SURVEY AREA
- CULVERT
- UPLAND DRAINAGE DELINEATION
- BOUNDARY LINE DELINEATED
- WETLAND POTENTIAL VERNAL
- POOL



NOTES:

1 BASEMAP IMAGERY FROM ESRI/NAIP, "WORLD IMAGERY" WEB BASEMAP SERVICE LAYER, 2019.

2 RESOURCES WERE DELINEATED BY FLYCATCHER ON 2/4/2020.

0 100 200
Feet
1 " = 83 '
1:1,000

PROJECT:
ACORN ENGINEERING
1080 WESTBROOK ROAD
PORTLAND, CUMBERLAND COUNTY, MAINE

TITLE:
DELINEATED RESOURCES MAP

DRAWN BY:	D. KENWORTHY	PROJ NO.:	ACORN_20E
CHECKED BY:	D. BRENNEMAN		
MONTH:	FEBRUARY		**FIGURE 1**
YEAR:	2020		

Flycatcher
LAND + SCIENCE + PEOPLE

FILE NO.: Acorn_1080Westbrook_Fig1_DelinResources_11x17L.mxd

Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet (Foot US)
Map Rotation: 0

Plot Date: 2/16/2020, 09:14:25 AM by JAKEN -- LAYOUT: ANSI B(11"x17")
Path: D:\Flycatcher\Projects\Acorn\Acorn_1080Westbrook_Fig1_DelinResources_11x17L.mxd

ATTACHMENT 2

Photographs from Site Visit



Looking northeast at Wetland 1, February 4, 2020



Looking north across potential vernal pool within Wetland 1, February 4, 2020



Looing northeast across stormwater basin (Wetland 2), February 4, 2020



Looking east across Wetland 3, February 4, 2020

ACORN ENGINEERING, INC.

Chief Gautreau
City of Portland Fire Department
380 Congress St.
Portland, ME 04101

February 23, 2024

Subject: 1060 Westbrook Street – Fire Department Checklist
Section L of Application

On behalf of Giri Hotel Management, the design team is pleased to respond to the Portland Fire Department Site Review Checklist.

1. Name, address, telephone number of applicant:

   Giri Hotel Management
   225 W Squantum Street, Suite 202
   Quincy, MA 02171
   (508)-345-3305

2. Name address, telephone number of architect:

   Mussachio Architects
   30 North Forest Road
   Williamsville, New York 14221
   (716) 631-9949 EXT. 106

3. Proposed uses of any structures [NFPA and IBC classification]

   NFPA: Hotel / IBC: R-1

4. Square footage of all structures, including decks [total and per story]

Proposed Building		
1st Floor	19,889	**SF**
2nd Floor	19,889	**SF**
3rd Floor	19,889	**SF**
Total	Approx. 59,667	**GFA**

5. Elevation of all structures
   The proposed 3-story structure's height will be below the allowable 45 feet within the A-B zoning district. Please refer to the building elevations provided by the Architect for additional information.

6. Proposed fire protection of all structures

   The building will have a sprinkler system per code. Fire flows and requirements for system storage or booster pumping are subject to the fire designer which will be performed prior to the request for a building permit.

7. Hydrant locations

   a. An existing hydrant is located east of the proposed building on Westbrook Street. Additionally, this project proposes to install a new hydrant within the new parking area. Hydrant flow data from the Portland Water District once received may be made available to the Fire Department upon request.

8. Water main size and location

   The proposed Hotel building will be serviced by a proposed 2" water service connection as well as a 6" fire suppression service from the existing 12" cast iron water main within Jetport Boulevard.

9. Access to all structures [min. 2 sides]

   Access to the structure is provided from a new curb cut on Westbrook Street two sides of the building can be accessed from the proposed parking lot.

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The following pavement street width is currently available:

- Westbrook Street: 40 feet
- Jetport Boulevard: 32 feet

Per NFPA 1 – Chapter 18.2.3.3.1, there will be public street access within 50 feet of at least one exterior door. Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 feet from a Fire Department access road.

City of Portland Technical Manual – Section 3 Public Safety

3.4.1 Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Response: The internal parking lot is designed for vehicular circulation.

3.4.2 Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Response: Access to the structure is provided directly from the parking lot on the east and south sides of the building.

3.4.3 Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Response: The proposed development layout has contemplated emergency access conditions and provides for safe access along the public street for emergency vehicles.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Response: The building will be provided with exterior doors that will be within 50' of a Fire Department access route, namely Westbrook Street.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Response: The proposed site maintains the required clearance height of nine feet in all cases.

3.4.6. Elevators shall be sized to accommodate an 80 x 24-inch stretcher.

Response: Elevators will be sized to accommodate an 80 x 24-inch stretcher.

3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Response: The site's address is 1060 Westbrook Street in Portland Maine.

Thank you for your review. Please let me know if you have any additional questions or comments.
Sincerely,

Peter Heil, P.E.
Project Manager
Acorn Engineering, Inc.

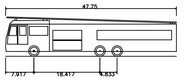
GENERAL NOTES:

1. ALL SIDEWALK AND VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF PORTLAND STANDARD.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF PORTLAND STANDARDS.
3. ANY ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL.

SPACE AND BULK STANDARDS		
ZONE: A–B	REQUIRED	PROPOSED
MIN. LOT AREA	20,000 SF	175,560 SF
MIN. LOT WIDTH	50 FT	
MIN. STREET FRONTAGE	50 FT	813 FT
STRUCTURE SETBACKS		
FRONT (ALONG WESTBROOK STREET ONLY)	20 FT	132.30 FT
SIDE	NONE	N/A
REAR	NONE	N/A
MAXIMUM HEIGHT	45 FT*	37.5'
MAXIMUM IMPERVIOUS SURFACE RATIO	70%	39%
MINIMUM OFF–STREET PARKING	1 SPACE PER 4 ROOMS W/ 120 ROOMS = 30 SPACES	106

SPACE AND BULK NOTES:
* PER FFA BUILDING ELEVATION IS RESTRICTED TO 52 FT ABOVE GROUND LEVEL & 126 FT ABOVE THE MEAN SEA LEVEL

PARKING SUMMARY	
	# PARKING SPACES
STANDARD (9'X18')	101
ADA (8'X18')	5
TOTAL PROPOSED SPACES	106



F–ONE HP95 Mid Mount

Overall Length	47.750ft
Overall Width	8.433ft
Overall Body Height	11.000ft
Min Body Ground Clearance	1.333ft
Track Width	8.233ft
Lock–to–lock time	6.00s
Max Wheel Angle	45.00°

N/F
PINGREE 2000 REAL ESTATE HOLDINGS, LLC
28382/86
204–A–10, 210–B–39
1128 WESTBROOK STREET

EX. PROPERTY LINE, TYP.
EX. DETENTION POND, ICE COVERED AT TIME OF SURVEY
EX. UTILITY POLE TO REMAIN, TYP. (OF 7)
WESTBROOK STREET
100.00'
20.00'
VUSF 1
30' DRAINAGE EASEMENT
EX. TREE LINE, TYP.
PR. TREE LINE, TYP.
LIMITS OF ICE AT TIME OF SURVEY, TYP.
PR. VERTICAL GRANITE CURB PER DETAIL, TYP.
20' STRUCTURE SETBACK ON WESTBROOK STREET
EX. SIGN TO REMAIN, TYP. (OF 4)
EX. LIMITS OF RIPRAP, TYP.
EX. CONCRETE ISLAND AND "AUTHORIZED VEHICLES ONLY" SIGNAGE TO REMAIN
24 SPACES
PR. PAVEMENT, TYP.
24.00'
PR. LANDSCAPED ISLAND MOUNDED TO DRAIN, TYP.
9 SPACES
32 SPACES
6 SPACES
BUILDING LIMITS PER FFA
21.00'
11.00'
30.00'
8.00'
8.00'
5.00'
18.00' TYP.
9.00' TYP.
11 SPACES
ADA EV CHARGING PARKING SPACE
PR. WOODEN FENCE PER DETAIL, TYP.
5.00'
5.00' TYP.
12.00'
HOLD 6" FOUNDATION REVEAL ON PERIMETER OF BUILDING. COORDINATE WITH ARCHITECT AND STRUCTURAL ENGINEER
PR. 167 LF CONCRETE RETAINING WALL WITH RAILING, TYP. TO BE DESIGNED BY OTHERS. (5'± TALL)
PR. HOTEL BUILDING 19,889 SF FOOTPRINT
24 SPACES
PR. STOP SIGN PER DETAIL, TYP. (OF 4) TO CREATE 4–WAY STOP INTERSECTION
WESTBROOK STREET
EX. EDGE OF PAVEMENT, TYP.
APPROXIMATE LOCATION OF EMBASSY SUITES ENTRANCE DRIVE
EX. VERTICAL GRANITE CURB, TYP.
EX. SIGN TO BE RELOCATED
VUSF 2
PR. PAVER WALKWAY, TYP. PER DETAIL
PR. OUTDOOR SEATING AREA
PR. LANDSCAPED AREA TO BE DESIGNED BY OTHERS, TYP.
18" GRAVEL DRIP EDGE, TYP. PER DETAIL
PR. 24'X13' DUMPSTER AREA, PER DETAIL
EX. FENCE TO REMAIN, TYP.
EX. GUARDRAIL TO REMAIN, TYP.
JETPORT BOULEVARD

N/F
TOYE REALTY HOLDINGS II, LLC
15976/327
210A–B–4
0 JETPORT BOULEVARD

30 0 30 60
SCALE: 1:30

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024

SITE PLAN

DRAWING NAME:
PROJECT NAME: HYATT STUDIOS JETPORT
1060 WESTBROOK STREET, PORTLAND, ME 04102
CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND SHALL NOT BE USED BY THE OWNER OR OTHERWISE, FOR PURPOSES OTHER THAN THOSE AUTHORIZED BY ACORN ENGINEERING, INC. ANY UNAUTHORIZED USE SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
70 FLAGSTAFF ROAD, WINDHAM, MAINE 04062
PO BOX 326 (207) 775–2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

DRAWING NO.
C-10

Project		Catalog #		Type	
Prepared by		Notes		Date	



McGraw-Edison

GALN Galleon II

Area / Site Luminaire

Product Features

Light ARchitect™

BAA

Interactive Menu

- Ordering Information page 2
- Mounting Details page 3
- Optical Distributions page 5
- Product Specifications page 5
- Energy and Performance Data page 6
- Control Options page 11

Product Certifications

ISO Systems Certified, DLC Listed[1], DLC Listed Premium[1], 3G VIB, IP66, UL Certified, ida Dark Sky Approved[2], 5 Year Limited Warranty

Quick Facts

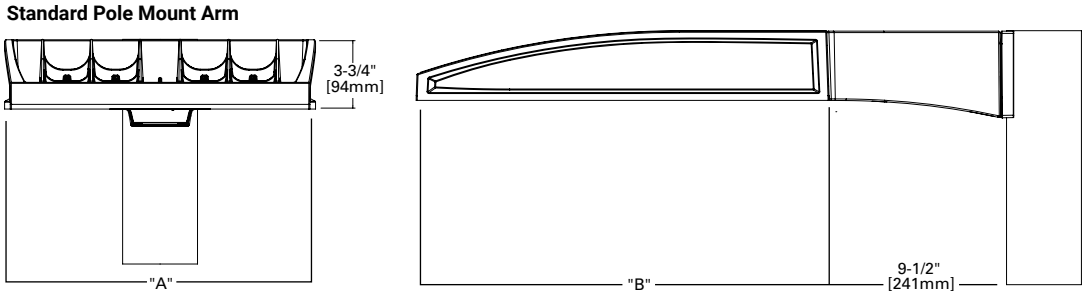
- Lumen packages range from 3,300 - 73,500 (33W - 552W)
- 17 optical distributions
- Efficacy up to 159 lumens per watt

Connected Systems

- WaveLinx Lite
- WaveLinx

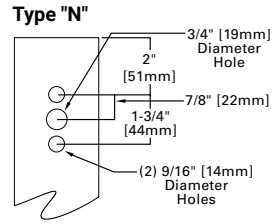
Dimensional Details

Standard Pole Mount Arm



Pole Drilling Pattern

Type "N"



Number of Light Squares	Width "A"	Housing Length "B"	Weight with Standard or QM Arm	EPA with Standard or QM Arm
1-4	16"	22"	29 lb	0.95
5-6	22"	22"	39 lb	0.95
7-9	22"	28-1/8"	48 lb	1.1

NOTES:
For arm selection requirements and additional line art, see Mounting Details section.

NOTES:
1. Visit https://www.designlights.org/search/ to confirm qualification. Not all product variations are DLC qualified.
2. IDA Certified (3000K CCT and warmer only, fixed mounting options)

Ordering Information

SAMPLE NUMBER: **GALN-SA4C-740-U-T4FT-GM**

Product Family [1, 2]	Light Engine		Color Temperature	Voltage	Distribution	Mounting	Finish
	Configuration	Drive Current					
GALN=Galleon II **BAA-GALN**=Galleon II Buy American Act Compliant [27] **TAA-GALN**=Galleon II Trade Agreements Act Compliant [27]	**SA1**=1 Square **SA2**=2 Squares **SA3**=3 Squares **SA4**=4 Squares **SA5**=5 Squares **SA6**=6 Squares **SA7**=7 Squares **SA8**=8 Squares **SA9**=9 Squares	**A**=600mA **B**=800mA **C**=1000mA **D**=1200mA [4, 17] **Z**=Configured [33]	**722**=70CRI, 2200K **727**=70CRI, 2700K **730**=70CRI, 3000K **735**=70CRI, 3500K **740**=70CRI, 4000K **750**=70CRI, 5000K **760**=70CRI, 6000K **827**=80CRI, 2700K **830**=80CRI, 3000K **835**=80CRI, 3500K **840**=80CRI, 4000K **930**=90CRI, 3000K **935**=90CRI, 3500K **940**=90CRI, 4000K **950**=90CRI, 5000K **AMB**=Amber, 590nm [15, 17]	**U**=120-277V **H**=347V-480V [7, 30] **1**=120V **2**=208V **3**=240V **4**=277V **8**=480V [7, 30] **9**=347V [7] **DV**=277V-480V DuraVolt Drivers [29, 30, 31]	**T1**=Type I **T2**=Type II **T2R**=Type II Roadway **T3**=Type III **T3R**=Type III Roadway **T4FT**=Type IV Forward Throw **T4W**=Type IV Wide **5NQ**=Type V Narrow **5MQ**=Type V Square Medium **5WQ**=Type V Square Wide **SL2**=Type II w/Spill Control **SL3**=Type III w/Spill Control **SL4**=Type IV w/Spill Control **SLL**=90° Spill Light Eliminator Left **SLR**=90° Spill Light Eliminator Right **RW**=Rectangular Wide Type I **AFL**=Automotive Frontline	**[Blank]**=Standard Pole Mount Arm **QU**=Quick Mount Universal Arm **QM**=Pole Mount Arm with Quick Mount Adaptor **PA**=Pole Mount, Adjustable **SP**=3" Slipfitter, Adjustable [8] **SP2**=2-3/8" Slipfitter, Adjustable [8] **QMA**=Quick Mount Mast Arm, Fixed **MA**=Mast Arm, Fixed **WM**=Wall Mount, Fixed **WA**=Wall Mount, Adjustable **UP**=Upswept Arm	**AP**=Grey **BZ**=Bronze **BK**=Black **DP**=Dark Platinum **GM**=Graphite Metallic **WH**=White **RALXX**=Custom Color

Options (Add as Suffix)	Controls and Systems Options (Add as Suffix)	Accessories (Order Separately) [28]
DIM=External 0-10V Dimming Leads [20] **F**=Single Fuse (120, 277 or 347V Specify Voltage) **FF**=Double Fuse (208, 240 or 480V Specify Voltage) **20K**=20kV UL 1449 fused surge protective device [10] **2L**=Two Circuits [10] **HA**=50°C High Ambient **HSS**=Installed House Side Shield [18] **GRSBK**=Glare Reducing Shield, Black [23] **GRSWH**=Glare Reducing Shield, White [23] **LCF**=Light Square Trim Painted to Match Housing [26] **TH**=Tool-less Door Hardware [5] **CC**=Coastal Construction finish [3] **L90**=Optics Rotated 90° Left **R90**=Optics Rotated 90° Right **AHD145**=After Hours Dim, 5 Hours [22] **AHD245**=After Hours Dim, 6 Hours [22] **AHD255**=After Hours Dim, 7 Hours [22] **AHD355**=After Hours Dim, 8 Hours [22] **DALI**=DALI Drivers	**BPC**=Button Type Photocontrol. Must specify voltage 120V, 208V, 240V or 277V. [6] **PR**=NEMA 3-PIN Photocontrol Receptacle **PR7**=NEMA 7-PIN Photocontrol Receptacle [21] **FADC**=Field Adjustable Dimming Controller [32] **PSC**=Photocontrol Shorting Cap **SPB2**=Dimming Motion Sensor, 9'-20' mounting [24] **SPB4**=Dimming Motion Sensor, 21'-40' mounting [24] **SPB2/X**=Dimming Motion Sensor, limited square count, 9'-20' mounting [24] **SPB4/X**=Dimming Motion Sensor, limited square count, 21'-40' mounting [24] **MS/DIM-L20**=Motion Sensor for Dimming Operation, 9'-20' Mounting [34] **MS/DIM-L40**=Motion Sensor for Dimming Operation, 21'-40' Mounting [34] **ZW**=WaveLinx-enabled 4-PIN Twistlock Receptacle [19] **ZD**=SR Driver-enabled 4-PIN Twistlock Receptacle [19] **ZW-WOBXX**=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [19, 12] **ZW-WOFXX**=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [19, 12] **ZD-WOBXX**=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [19, 12] **ZD-WOFXX**=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [19, 12] **ZW-SWPD4XX**=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 12, 13] **ZW-SWPD5XX**=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 12, 13] **ZD-SWPD4XX**=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 12, 13] **ZD-SWPD5XX**=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 12, 13] **DIM10-L20**=Synapse Occupancy Sensor (9'-20' Mounting) [19] **DIM10-L40**=Synapse Occupancy Sensor (21'-40' Mounting) [19]	**OA/RA1016**=NEMA Photocontrol Multi-Tap - 105-285V **OA/RA1027**=NEMA Photocontrol - 480V **OA/RA1201**=NEMA Photocontrol - 347V **OA/RA1013**=Photocontrol Shorting Cap **OA/RA1014**=120V Photocontrol **MA1252**=10kV Surge Module Replacement **MA1036-XX**=Single Tenon Adapter for 2-3/8" O.D. Tenon **MA1037-XX**=2@180° Tenon Adapter for 2-3/8" O.D. Tenon **MA1197-XX**=3@120° Tenon Adapter for 2-3/8" O.D. Tenon **MA1188-XX**=4@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1189-XX**=2@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1190-XX**=3@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1191-XX**=2@120° Tenon Adapter for 2-3/8" O.D. Tenon **MA1038-XX**=Single Tenon Adapter for 3-1/2" O.D. Tenon **MA1039-XX**=2@180° Tenon Adapter for 3-1/2" O.D. Tenon **MA1192-XX**=3@120° Tenon Adapter for 3-1/2" O.D. Tenon **MA1193-XX**=4@90° Tenon Adapter for 3-1/2" O.D. Tenon **MA1194-XX**=2@90° Tenon Adapter for 3-1/2" O.D. Tenon **MA1195-XX**=3@90° Tenon Adapter for 3-1/2" O.D. Tenon **SRA238**=Adapter kit for mounting 3" SP arm to 2-3/8" O.D. vertical tenon **FSIR-100**=Wireless Configuration Tool for MS/DIM [34] **LS/HSS**=Field Installed House Side Shield [9, 18] **LS/GRSBK-2PK** =Glare Reducing Shield, Black [9, 23] **LS/GRSWH-2PK** =Glare Reducing Shield, White [9, 23] **LS/PFS**=Perimeter Shield, Black [16] **WOLC-7P-10A**=WaveLinx Outdoor Control Module [11, 19] **WOB-XX**=WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [12, 14, 19] **WOF-XX**=WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [12, 14, 19] **SWPD4-XX**=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [12, 13, 14, 19] **SWPD5-XX**=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [12, 13, 14, 19]

NOTES:

1. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information.
2. DesignLights Consortium® Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details.
3. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654. Not available with TH option.
4. Drive current 1200mA not available with color temperatures 722, 727, 827, 830 or 930 when the HSS option is selected.
5. TH option not 3G rated. Not available with Coastal Construction (CC) option.
6. Not available with voltage options H, 8 or 9.
7. Requires the use of an internal step down transformer when combined with sensor options. Not available in combination with the HA high ambient and sensor options at 1A.
8. SP arm limited to 3" O.D. vertical tenon. SP2 limited to 2-3/8" O.D. vertical tenon.
9. One required for each Light Square.
10. 2L is not available with SPB at 347V or 480V. Not available with WaveLinx or Enlighted sensors, or 20kV surge option.
11. Requires PR7.
12. Replace XX with sensor color (WH, BZ or BK.)
13. WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed. WAC not required for LC Bluetooth sensors.
14. Requires ZW or ZD receptacle.
15. Narrow-band 590nm +/- 5nm for wildlife and observatory use. Choose drive current A; supplied at 500mA drive current only. Exact luminaire wattage available in IES files. Available with 5WQ, 5MQ, SL2, SL3 and SL4 distributions. Can be used with HSS option.
16. Set of 4 pcs. One set required per Light Square.
17. Not available with HA option.
18. Not for use with T1, 5NQ, 5MQ, 5WQ or RW optics.
19. Cannot be used with other control options.
20. Low voltage control lead brought out 18" outside fixture. Not available with DALI or integrated controls options
21. Not available if any SPB, LWR, or WaveLinx sensor is selected. Motion sensor has an integral photocell.
22. Requires the use of BPC photocontrol or the PR7 or PR photocontrol receptacle with photocontrol accessory.
23. Not for use with T1, T4FT, T4W or SL4 optics.
24. Sensor configuration mobile application required for configuration. See controls page for details.
25. Replace X with number of Light Squares controlled by the SPB, referencing the "SPB/X Availability Table" on the controls page.
26. Not available with HSS, GRSWH or GRSBK.
27. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements.
28. For BAA or TAA requirements, Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.
29. DuraVolt drivers feature added protection from power quality issues such as loss of neutral, transients and voltage fluctuations. Visit www.signify.com/duravolt for more information.
30. 480V not to be used with ungrounded or impedance grounded systems.
31. Not available in 1 square configuration at 800mA or below. Not available with any control option except SPB.
32. Cannot be used with PR7 or other motion response control options.
33. Use GALN Product Configurator to specify lumen output, drive current and wattage. Not available with AMB.
34. Uses the FSP-211 motion sensor. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting Solutions for more information.

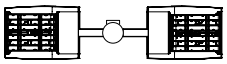
LumenSafe Integrated Network Security Camera Technology Options (Add as Suffix)

Product Family	Camera Type	Data Backhaul	
L=LumenSafe Technology	**D**=Standard Dome Camera **H**=Hi-Res Dome Camera **Z**=Remote PTZ Camera	**C**=Cellular, No SIM **A**=Cellular, AT&T **V**=Cellular, Verizon **S**=Cellular, Sprint	**R**=Cellular, Rogers **W**=Wi-Fi Networking w/ Omni-Directional Antenna **E**=Ethernet Networking

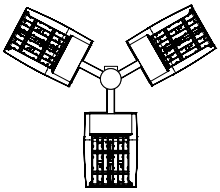
Mounting Details

Pole Configuration Options

2 @ 180°



3 @ 120°
(Round poles only)



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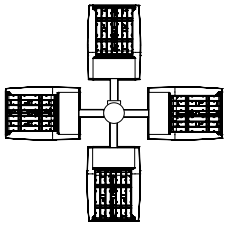
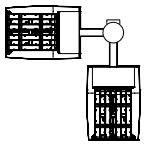
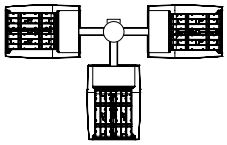


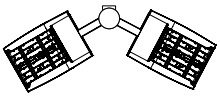
2 @ 90°



3 @ 90°

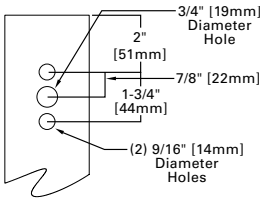


2 @ 120°
(Round poles only)

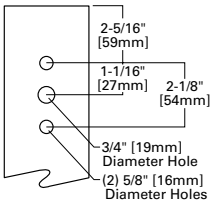


Pole Drilling Patterns

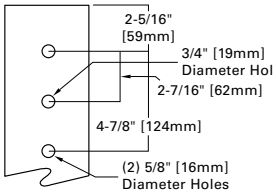
Type "N"



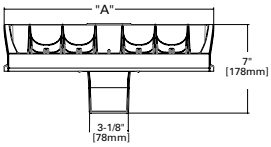
Type "R"

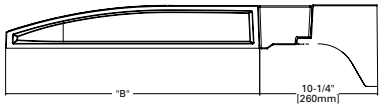


Type "M"



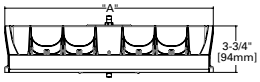
Quick Mount Universal Arm (QU)



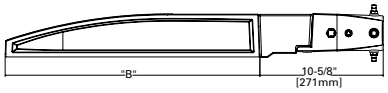


*NOTE: Universal bolt pattern compatible with Type N through Type M drilling patterns

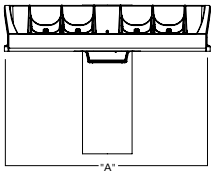
Quick Mount Mast Arm (QMA)

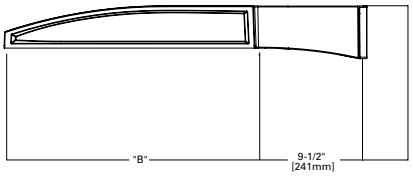


*NOTE: Fits 2-3/8" O.D. tenon



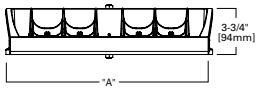
Pole Mount Arm with Quick Mount Adaptor (QM)



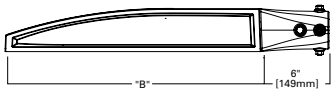


*NOTE: Use Type N drilling pattern

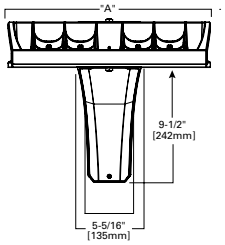
Mast Arm, Fixed (MA)

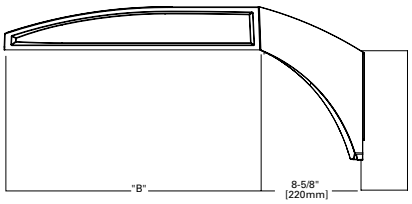


*NOTE: Fits 2-3/8" O.D. tenon



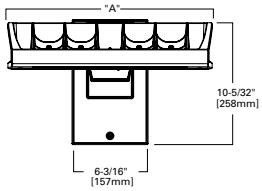
Upswept Arm (UP)

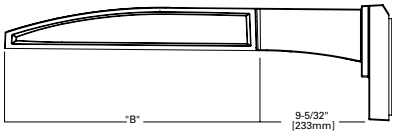




*NOTE: Universal bolt pattern compatible with Type N through Type M drilling patterns

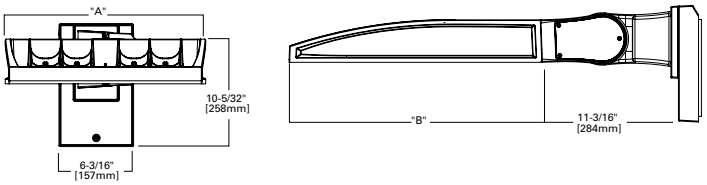
Wall Mount, Fixed (WM)



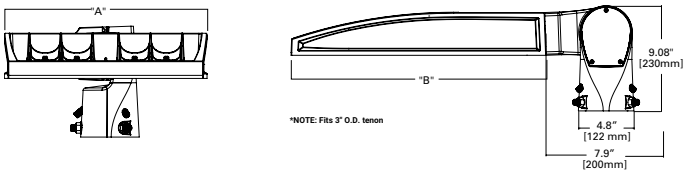


Mounting Details

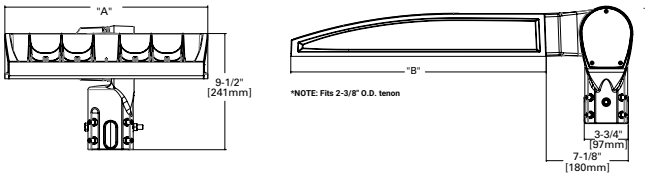
Wall Mount, Adjustable (WA)



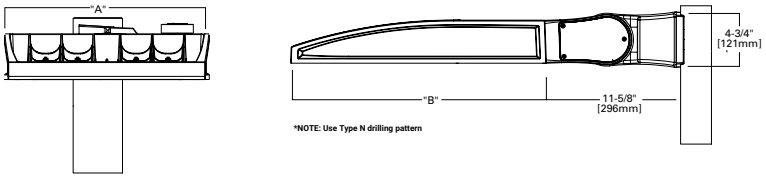
3" Slipfitter, Adjustable (SP)



2-3/8" Slipfitter, Adjustable (SP2)

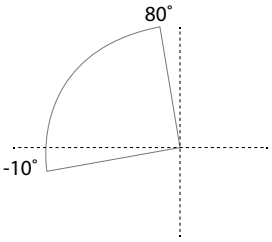


Pole Mount, Adjustable Arm (PA)



Adjustable Arm Range of Motion

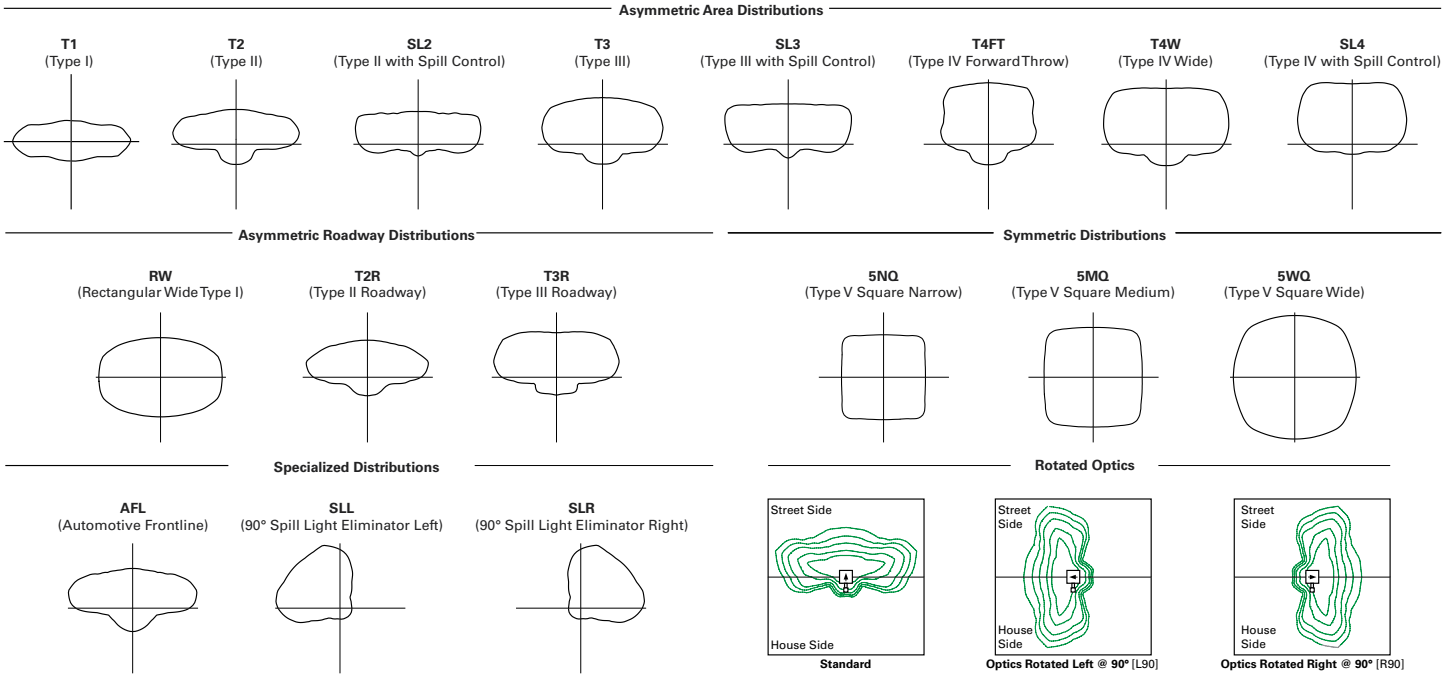
- Includes WA, SP, SP2 and PA mounting options
- Adjustable in increments of 5°
- Must maintain downward facing orientation



Fixture Weights and EPAs

Tilt Angle (Degrees)	Number of Light Squares	Weight	1 @ 90°	2 @ 180°	2 @ 90°	2 @ 120°	3 @ 90°	3 @ 120°	4 @ 90°
0°	1-4	33.5 lb (15.2 kg)	0.85	1.70	1.46	1.66	2.31	2.25	2.35
	5-6	43.5 lb (19.7 kg)	0.86	1.71	1.62	1.80	2.49	2.35	2.50
	7-9	52.5 lb (23.8 kg)	0.98	1.95	1.75	1.98	2.73	2.55	2.76
15°	1-4	33.5 lb (15.2 kg)	1.10	1.71	1.95	2.26	2.81	3.30	2.87
	5-6	43.5 lb (19.7 kg)	1.42	1.71	2.27	2.72	3.13	3.63	3.15
	7-9	52.5 lb (23.8 kg)	1.69	1.96	2.67	3.22	3.65	4.38	3.72
30°	1-4	33.5 lb (15.2 kg)	1.72	1.81	2.58	3.21	3.44	4.59	3.53
	5-6	43.5 lb (19.7 kg)	2.26	2.29	3.11	4.00	3.97	5.27	4.00
	7-9	52.5 lb (23.8 kg)	2.75	2.85	3.73	4.83	4.71	6.45	4.81
45°	1-4	33.5 lb (15.2 kg)	2.25	2.36	3.10	4.00	3.96	5.63	4.08
	5-6	43.5 lb (19.7 kg)	2.96	2.99	3.81	5.06	4.67	6.49	4.71
	7-9	52.5 lb (23.8 kg)	3.63	3.76	3.73	6.17	5.59	8.03	5.73
60°	1-4	33.5 lb (15.2 kg)	2.63	2.77	3.49	4.58	4.34	6.21	4.48
	5-6	43.5 lb (19.7 kg)	3.46	3.51	4.32	5.84	5.19	7.01	5.22
	7-9	52.5 lb (23.8 kg)	4.27	4.44	5.25	7.15	6.23	8.80	6.40

Optical Distributions



Product Specifications

Construction
- Die-cast aluminum housing and heat sink
- Three housing sizes, using 1 to 9 light squares

Optics
- High-efficiency injection-molded AccuLED Optics technology
- 17 optical distributions for area site and roadway applications
- 3 shielding options include HSS, GRS and PFS
- IDA Certified (3000K CCT and warmer only, fixed mounting options)

Electrical
- Removable power tray assembly includes drivers, surge modules and control modules for ease of maintenance and serviceability
- Standard with 0-10V dimming
- Standard with 10kV surge module, optional 20kV surge module
- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration

Mounting
- Arms are factory installed, enabling closed-housing installation
- All arms suitable for round or square pole installation
- All arms provide clearance for multiple fixture installations at 90°

Finish
- 6 standard finishes use super durable TGIC polyester powder coat paint, providing 2.5 mil nominal thickness and salt-spray tested to 3,000 hours per ASTM B117
- RAL and custom color matches available
- Coastal Construction (CC) option salt-spray tested to 5,000 hours per ASTM B117, achieving a scribe rating of 9 per ASTM D1654

Typical Applications
- Outdoor, Parking Lots, Walkways, Roadways, Building Areas

Warranty
- Five year limited warranty

Energy and Performance Data

Lumen Maintenance (TM-21)

Drive Current	Ambient Temperature	25,000 hours*	50,000 hours*	60,000 hours*	100,000 hours**	Theoretical L70 hours**
Up to 1A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.7%	98.3%	98.1%	97.4%	> 1.9M
	50°C	98.2%	97.2%	96.8%	95.2%	> 851,000
1.2A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.5%	97.9%	97.7%	96.7%	> 1.3M

* Supported by IES TM-21 standards
** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, explaining proper use of IES TM-21 and LM-80.

Lumen Multiplier

Ambient Temperature	Lumen Multiplier
0ºC	1.02
10ºC	1.01
25ºC	1.00
40ºC	0.99
50ºC	0.97

FADC Settings
SA1-SA3 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	25%
2	48%
3	56%
4	65%
5	75%
6	80%
7	85%
8	90%
9	95%
10	100%

FADC Settings
SA4-SA6 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	14%
2	25%
3	32%
4	43%
5	49%
6	57%
7	65%
8	72%
9	80%
10	100%

FADC Settings
SA7-SA9 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	19%
2	38%
3	47%
4	63%
5	74%
6	85%
7	95%
8	97%
9	100%
10	100%

Performance Table, Drive Current "A" (615mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		33	63	93	121	154	182	215	244	274
Input Current @ 120V		0.283	0.529	0.778	1.058	1.310	1.556	1.839	2.089	2.335
Input Current @ 208V		0.165	0.309	0.460	0.618	0.771	0.919	1.082	1.240	1.379
Input Current @ 240V		0.143	0.270	0.398	0.540	0.671	0.796	0.944	1.078	1.194
Input Current @ 277V		0.125	0.237	0.352	0.473	0.581	0.705	0.818	0.962	1.057
Input Current @ 347V		0.098	0.181	0.272	0.362	0.454	0.544	0.636	0.738	0.816
Input Current @ 480V		0.073	0.133	0.200	0.267	0.335	0.400	0.470	0.554	0.600
Optics										
T1	4000K Lumens	4,619	9,180	13,628	18,059	22,861	27,070	31,796	36,863	41,385
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	140	146	147	149	148	149	148	151	151
T2	4000K Lumens	4,654	9,249	13,730	18,194	23,032	27,273	32,034	37,138	41,694
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	141	147	148	150	150	150	149	152	152
T2R	4000K Lumens	4,716	9,372	13,913	18,437	23,340	27,637	32,462	37,634	42,251
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4
	Lumens per Watt	143	149	150	152	152	152	151	154	154
T3	4000K Lumens	4,589	9,120	13,538	17,940	22,711	26,892	31,587	36,620	41,112
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G4
	Lumens per Watt	139	145	146	148	147	148	147	150	150
T3R	4000K Lumens	4,735	9,411	13,970	18,513	23,436	27,751	32,596	37,790	42,425
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	143	149	150	153	152	152	152	155	155
T4FT	4000K Lumens	4,617	9,176	13,622	18,051	22,851	27,058	31,782	36,847	41,366
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	140	146	146	149	148	149	148	151	151
T4W	4000K Lumens	4,631	9,203	13,662	18,104	22,918	27,138	31,876	36,955	41,488
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	140	146	147	150	149	149	148	151	151
SL2	4000K Lumens	4,619	9,180	13,627	18,058	22,860	27,069	31,795	36,861	41,383
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5
	Lumens per Watt	140	146	147	149	148	149	148	151	151
SL3	4000K Lumens	4,586	9,115	13,531	17,931	22,699	26,879	31,571	36,602	41,091
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	139	145	145	148	147	148	147	150	150
SL4	4000K Lumens	4,529	9,002	13,363	17,708	22,417	26,544	31,178	36,146	40,580
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G4	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	137	143	144	146	146	146	145	148	148
5NQ	4000K Lumens	4,829	9,598	14,247	18,880	23,901	28,301	33,242	38,539	43,266
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3
	Lumens per Watt	146	152	153	156	155	155	155	158	158
5MQ	4000K Lumens	4,853	9,645	14,318	18,974	24,020	28,442	33,407	38,731	43,482
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	147	153	154	157	156	156	155	159	159
5WQ	4000K Lumens	4,843	9,625	14,288	18,934	23,969	28,382	33,337	38,649	43,390
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	147	153	154	156	156	156	155	158	158
SLL/ SLR	4000K Lumens	3,989	7,927	11,768	15,594	19,741	23,375	27,456	31,831	35,736
	BUG Rating	B1-U0-G2	B1-U0-G2	B2-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	121	126	127	129	128	128	128	130	130
RW	4000K Lumens	4,774	9,488	14,085	18,665	23,628	27,979	32,863	38,100	42,774
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	145	151	151	154	153	154	153	156	156
AFL	4000K Lumens	4,673	9,286	13,785	18,268	23,126	27,384	32,164	37,290	41,864
	BUG Rating	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3
	Lumens per Watt	142	147	148	151	150	150	150	153	153

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "B" (800mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		44	82	121	164	204	243	286	325	364
Input Current @ 120V		0.367	0.689	1.014	1.378	1.704	2.027	2.393	2.716	3.041
Input Current @ 208V		0.213	0.401	0.594	0.802	0.997	1.188	1.400	1.605	1.782
Input Current @ 240V		0.184	0.347	0.510	0.694	0.860	1.021	1.210	1.386	1.531
Input Current @ 277V		0.160	0.303	0.449	0.605	0.757	0.898	1.065	1.242	1.347
Input Current @ 347V		0.125	0.235	0.355	0.471	0.592	0.710	0.828	0.958	1.065
Input Current @ 480V		0.092	0.172	0.258	0.344	0.432	0.517	0.605	0.706	0.775
Optics										
T1	4000K Lumens	5,748	11,423	16,957	22,470	28,446	33,683	39,563	45,867	51,494
	BUG Rating	B2-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	131	139	140	137	139	139	138	141	141
T2	4000K Lumens	5,790	11,508	17,083	22,638	28,658	33,935	39,859	46,210	51,879
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	132	140	141	138	140	140	139	142	143
T2R	4000K Lumens	5,868	11,662	17,311	22,941	29,041	34,388	40,391	46,827	52,572
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
	Lumens per Watt	133	142	143	140	142	142	141	144	144
T3	4000K Lumens	5,710	11,347	16,845	22,322	28,258	33,461	39,303	45,565	51,155
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5
	Lumens per Watt	130	138	139	136	139	138	137	140	141
T3R	4000K Lumens	5,892	11,710	17,383	23,035	29,161	34,530	40,558	47,020	52,788
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	134	143	144	140	143	142	142	145	145
T4FT	4000K Lumens	5,745	11,418	16,949	22,460	28,433	33,668	39,546	45,847	51,471
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	139	140	137	139	139	138	141	141
T4W	4000K Lumens	5,762	11,451	16,999	22,526	28,517	33,767	39,662	45,982	51,622
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	140	140	137	140	139	139	141	142
SL2	4000K Lumens	5,747	11,422	16,956	22,469	28,444	33,681	39,561	45,865	51,491
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	139	140	137	139	139	138	141	141
SL3	4000K Lumens	5,707	11,342	16,836	22,311	28,244	33,444	39,283	45,542	51,129
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	130	138	139	136	138	138	137	140	140
SL4	4000K Lumens	5,636	11,201	16,627	22,034	27,893	33,028	38,794	44,976	50,493
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G4	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	128	137	137	134	137	136	136	138	139
5NQ	4000K Lumens	6,009	11,942	17,727	23,492	29,739	35,214	41,362	47,953	53,835
	BUG Rating	B2-U0-G1	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	137	146	147	143	146	145	145	148	148
5MQ	4000K Lumens	6,039	12,001	17,816	23,609	29,887	35,389	41,568	48,191	54,103
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	137	146	147	144	147	146	145	148	149
5WQ	4000K Lumens	6,026	11,976	17,778	23,559	29,824	35,315	41,480	48,090	53,989
	BUG Rating	B3-U0-G1	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5
	Lumens per Watt	137	146	147	144	146	145	145	148	148
SLL/ SLR	4000K Lumens	4,963	9,863	14,642	19,403	24,563	29,085	34,163	39,607	44,465
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	113	120	121	118	120	120	119	122	122
RW	4000K Lumens	5,940	11,806	17,526	23,224	29,400	34,813	40,891	47,407	53,222
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	135	144	145	142	144	143	143	146	146
AFL	4000K Lumens	5,814	11,555	17,153	22,730	28,775	34,073	40,021	46,398	52,090
	BUG Rating	B1-U0-G1	B2-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4
	Lumens per Watt	132	141	142	139	141	140	140	143	143

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "C" (1050mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		57	108	160	213	269	321	377	429	481
Input Current @ 120V		0.478	0.905	1.338	1.810	2.244	2.675	3.150	3.584	4.013
Input Current @ 208V		0.279	0.532	0.780	1.064	1.313	1.559	1.845	2.093	2.339
Input Current @ 240V		0.243	0.458	0.664	0.916	1.123	1.328	1.582	1.788	1.991
Input Current @ 277V		0.213	0.404	0.582	0.808	0.997	1.164	1.401	1.589	1.745
Input Current @ 347V		0.164	0.322	0.471	0.644	0.795	0.943	1.117	1.269	1.414
Input Current @ 480V		0.121	0.235	0.341	0.469	0.579	0.681	0.814	0.923	1.022
Optics										
T1	4000K Lumens	7,101	14,113	20,950	27,763	35,146	41,616	48,882	56,671	63,623
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	125	131	131	130	131	130	130	132	132
T2	4000K Lumens	7,154	14,219	21,107	27,970	35,408	41,927	49,247	57,094	64,098
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	126	132	132	131	132	131	131	133	133
T2R	4000K Lumens	7,250	14,408	21,389	28,344	35,881	42,487	49,905	57,857	64,954
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	127	133	134	133	133	132	132	135	135
T3	4000K Lumens	7,054	14,020	20,812	27,580	34,914	41,342	48,560	56,297	63,203
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	124	130	130	129	130	129	129	131	131
T3R	4000K Lumens	7,280	14,468	21,477	28,461	36,029	42,663	50,111	58,096	65,222
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	128	134	134	134	134	133	133	135	136
T4FT	4000K Lumens	7,098	14,107	20,941	27,751	35,130	41,598	48,860	56,646	63,594
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	130	131	130	130	132	132
T4W	4000K Lumens	7,119	14,148	21,003	27,832	35,233	41,720	49,004	56,812	63,781
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	131	131	130	130	132	133
SL2	4000K Lumens	7,101	14,112	20,949	27,761	35,144	41,614	48,879	56,668	63,619
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	130	131	130	130	132	132
SL3	4000K Lumens	7,051	14,013	20,802	27,566	34,897	41,321	48,535	56,269	63,172
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	124	130	130	129	130	129	129	131	131
SL4	4000K Lumens	6,963	13,839	20,543	27,223	34,463	40,808	47,932	55,569	62,386
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	122	128	128	128	128	127	127	130	130
5NQ	4000K Lumens	7,424	14,755	21,903	29,025	36,743	43,508	51,104	59,247	66,515
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	130	137	137	136	137	136	136	138	138
5MQ	4000K Lumens	7,461	14,828	22,012	29,169	36,926	43,725	51,359	59,542	66,846
	BUG Rating	B3-U0-G1	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5
	Lumens per Watt	131	137	138	137	137	136	136	139	139
5WQ	4000K Lumens	7,445	14,797	21,966	29,108	36,849	43,633	51,250	59,417	66,705
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	131	137	137	137	137	136	136	139	139
SLL/ SLR	4000K Lumens	6,132	12,187	18,091	23,973	30,348	35,936	42,210	48,935	54,938
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	108	113	113	113	113	112	112	114	114
RW	4000K Lumens	7,340	14,587	21,653	28,694	36,325	43,013	50,522	58,573	65,757
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	129	135	135	135	135	134	134	137	137
AFL	4000K Lumens	7,183	14,276	21,193	28,084	35,552	42,098	49,448	57,327	64,359
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4
	Lumens per Watt	126	132	132	132	132	131	131	134	134

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "D" (1200mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		65	125	184	245	309	368	433	493	552
Input Current @ 120V		0.546	1.041	1.535	2.082	2.578	3.070	3.619	4.114	4.605
Input Current @ 208V		0.318	0.610	0.893	1.219	1.504	1.786	2.113	2.397	2.679
Input Current @ 240V		0.276	0.523	0.758	1.046	1.282	1.516	1.806	2.041	2.274
Input Current @ 277V		0.241	0.460	0.662	0.920	1.133	1.325	1.593	1.807	1.987
Input Current @ 347V		0.187	0.370	0.543	0.740	0.915	1.085	1.285	1.459	1.628
Input Current @ 480V		0.138	0.269	0.391	0.537	0.663	0.782	0.932	1.057	1.173
Optics										
T1	4000K Lumens	7,814	15,529	23,053	30,549	38,672	45,793	53,787	62,358	70,007
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	120	124	125	125	125	124	124	126	127
T2	4000K Lumens	7,872	15,645	23,225	30,777	38,962	46,135	54,189	62,824	70,530
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	121	125	126	126	126	125	125	127	128
T2R	4000K Lumens	7,977	15,854	23,535	31,188	39,482	46,751	54,913	63,663	71,472
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	123	127	128	127	128	127	127	129	129
T3	4000K Lumens	7,762	15,427	22,901	30,348	38,418	45,491	53,433	61,947	69,546
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	119	123	124	124	124	124	123	126	126
T3R	4000K Lumens	8,010	15,920	23,632	31,317	39,645	46,944	55,139	63,925	71,767
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	123	127	128	128	128	128	127	130	130
T4FT	4000K Lumens	7,810	15,522	23,043	30,535	38,655	45,772	53,763	62,330	69,976
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	120	124	125	125	125	124	124	126	127
T4W	4000K Lumens	7,833	15,568	23,110	30,625	38,769	45,907	53,921	62,513	70,182
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	121	125	126	125	125	125	125	127	127
SL2	4000K Lumens	7,813	15,528	23,052	30,547	38,670	45,790	53,784	62,354	70,003
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	120	124	125	125	125	124	124	126	127
SL3	4000K Lumens	7,758	15,419	22,889	30,332	38,398	45,468	53,406	61,916	69,511
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	119	123	124	124	124	124	123	126	126
SL4	4000K Lumens	7,662	15,228	22,605	29,955	37,921	44,903	52,742	61,146	68,646
	BUG Rating	B1-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	118	122	123	122	123	122	122	124	124
5NQ	4000K Lumens	8,169	16,235	24,101	31,938	40,431	47,874	56,232	65,193	73,190
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	126	130	131	130	131	130	130	132	133
5MQ	4000K Lumens	8,210	16,316	24,221	32,097	40,632	48,113	56,512	65,517	73,554
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	126	131	132	131	131	131	131	133	133
5WQ	4000K Lumens	8,192	16,282	24,170	32,029	40,546	48,011	56,393	65,379	73,399
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	126	130	131	131	131	130	130	133	133
SLL/ SLR	4000K Lumens	6,747	13,410	19,906	26,379	33,394	39,542	46,445	53,846	60,451
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	104	107	108	108	108	107	107	109	110
RW	4000K Lumens	8,076	16,050	23,826	31,574	39,970	47,329	55,592	64,450	72,356
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	124	128	129	129	129	129	128	131	131
AFL	4000K Lumens	7,904	15,709	23,320	30,902	39,120	46,323	54,410	63,079	70,817
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B4-U0-G4	B4-U0-G4
	Lumens per Watt	122	126	127	126	127	126	126	128	128

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Control Options

0-10V (DIM)
This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

Photocontrol (BPC, PR and PR7)
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

After Hours Dim (AHD)
This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a "dusk-to-dawn" period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

Dimming Occupancy Sensor (SPB and MS/DIM-LXX)
These passive infrared (PIR) sensors are factory installed in the luminaire housing. When the SPB (FSP-321 or FSP-311) or MS/DIM (FSP-211) sensor options are selected, the occupancy sensor is connected to a dimming driver and the luminaire dims when no motion is detected. After a set period of time, the luminaire turns off, and when motion is detected, the luminaire returns to full light output. Both sensors are factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM sensor requires the FSIR-100 programming tool to adjust factory defaults. The SPB sensor default parameters are listed in the table below and can be configured utilizing the Sensor Configuration mobile application for iOS and Android devices. The SPB/X is configured to control only the specified number of light squares (See SPB/X Availability Table below.) An integral photocontrol can be activated with the app for "dusk-to-dawn" control or daylight harvesting - the factory default is off. Four sensor colors are available; Bronze, Black, Gray and White, and are automatically selected based on the luminaire finish as indicated by the table below.

SPB sensor finish matched to luminaire finish		
Luminaire Finish		SPB Sensor Finish*
WH	White	White
BK	Black	Black
GM	Graphite Metallic	Black
BZ	Bronze	Bronze
AP	Gray	Gray
DP	Dark Platinum	Gray

*SPB bezel color automatically selected based on luminaire finish

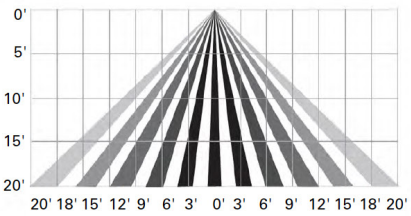
SPB/X Availability Table	
Fixture Square Count	Available SPB/X Square Count
1	Not Available
2	Not Available
3	Not Available
4	2
5	2 or 3
6	3
7	2, 3, 4 or 5
8	2, 3, 5 or 6
9	3 or 6

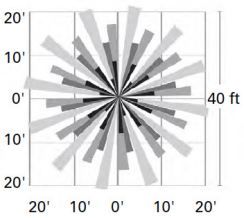
Default Program Settings (Out of the Box Functionality)

Occupancy Sensor				
Setting	MS/DIM	SPB	WaveLinx Lite (WOF / WOB)	WaveLinx (SWPD)
High Mode %	100%	100%	100%	100%
Low Mode %	10%	10%	50%	50%
Time Delay	5 min	5 min	15 min	15 min
Cut Off Delay	1 hr	1 hr	Disabled	Disabled
Photocell Enabled	No	No	Yes	Yes

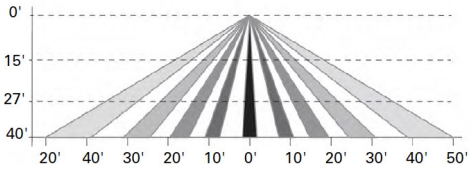
WaveLinx Wireless Control and Monitoring System
Operates on a wireless mesh network based on IEEE 802.15.4 standards enabling wireless control of outdoor lighting. WaveLinx and WaveLinx Lite sensors utilize the Zhaga Book 18 compliant 4-PIN receptacle (ZD or ZW), while the WOLC control module utilizes a 7-PIN receptacle. ZW option provides 4-PIN receptacle and control module to enable future installation of WaveLinx sensors. ZD option provides 4-PIN receptacle and sensor-ready (SR) driver to enable future installation of WaveLinx sensors, power monitoring, and advanced functionality. WaveLinx (SWPD4 to SWPD5) outdoor wireless sensors offer passive infrared (PIR) occupancy and photocell for closed loop daylight harvesting, and can be factory or field-installed. Sensors are factory preset to dim down to 50% after 15 minutes of no motion detected. Two lens options are available for mounting heights of 7' to 40'. Use the WaveLinx mobile application for set-up and configuration. At least one Wireless Area Controller (WAC) is required for full functionality and remote communication (including adjustment of any factory pre-sets). WaveLinx Lite (WOF and WOB) outdoor wireless sensors provide PIR occupancy and photocell for closed loop daylight harvesting, and can be factory or field-installed. Sensors are factory preset to dim down to 50% after 15 minutes of no motion detected. Two lens options are available for mounting heights of 7' to 40'. Use the WaveLinx Lite mobile application for set-up and configuration. WAC not required. WaveLinx Outdoor Control Module (WOLC-7P-10A) accessory provides a photocontrol enabling astronomic or time-based schedules to provide ON, OFF and dimming control of fixtures utilizing a 7-PIN receptacle. The out-of-box functionality is ON at dusk and OFF at dawn.

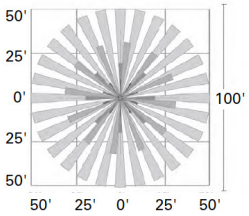
For mounting heights up to 15' (SWPD4 and WOB)





For mounting heights up to 40' (SWPD5 and WOF)





LumenSafe Integrated Network Security Camera (LD)
Cooper Lighting Solutions brings ease of camera deployment to a whole new level. No additional wiring is needed beyond providing line power to the luminaire. A variety of networking options allows security integrators to design the optimal solution for active surveillance. As the ideal solution to meet the needs for active surveillance, the LumenSafe integrated network camera is a streamlined, outdoor-ready fixed dome that provides HDTV 1080p video. This IP camera is optimally designed for deployment in the video management system or security software platform of choice.

Synapse (DIM10)
SimplySNAP integrated wireless controls system by Synapse. Includes factory installed DIM10 Synapse control module and FSP-201 motion sensor; requires additional Synapse system components for operation. Contact Synapse at www.synapsewireless.com for product support, warranty and terms and conditions.

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Specifications and dimensions subject to change without notice.

DESCRIPTION

The Entri LED luminaire features a classic and stylish design with the added benefits of solid state lighting technology, offering outstanding uniformity and energy savings. Using Cooper Lighting Solutions' proprietary LED LightSquare technology and AccuLED Optics™ system, the Entri LED luminaire offers designers vast versatility in system design, function and performance. Use Entri LED for wall mount architectural lighting applications and egress lighting requirements. UL/cUL listed for use in wet locations.

Catalog #		**Type**
Project		
Comments		**Date**
Prepared by		

SPECIFICATION FEATURES

Construction

HOUSING: Heavy wall, one-piece, die-cast aluminum construction for precise tolerance control and repeatability in manufacturing. Integral extruded aluminum heat sink provides superior thermal heat transfer in +40°C ambient environments. FACEPLATE / DOOR: One-piece, die-cast aluminum construction. Captive, side hinged faceplate swings open via release of one flush mount die-cast aluminum latch on housing side panel. GASKET: One-piece molded silicone gasket mates perfectly between the door and housing for repeatable seal. LENS: Uplight lens is impact-resistant, 5/32" thick tempered frosted glass sealed to housing with continuous bead silicone gasket. Downlight lens is an LED LightSquare with integral optics sealed for IP66 rating. HARDWARE: Stainless steel mounting screws and latch hardware allow access to electrical components for installation and servicing.

Optics

Choice of 9 patented, high efficiency AccuLED Optics™ distributions. Optics are precisely designed to shape the light output, maximizing efficiency and application spacing. AccuLED Optics technology creates consistent distributions with the scalability to meet customized application requirements. CRI and CCT offering includes 2200K, 2700K, 3000K, 3500K, 4000K, 5000K, and 5700K with minimum 70CRI and 2700K and 3000K with minimum 80CRI all within 5-step MacAdam ellipse.

Electrical

LED drivers mount to die-cast aluminum back housing for optimal heat sinking, operation efficacy, and prolonged life. Standard drivers feature electronic universal voltage (120-277V 50/60Hz), 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 40°C ambient environments and optional 50C construction available. All fixtures are shipped standard with 10kV/10kA common – and differential – mode surge protection. LightSquare feature an IP66 enclosure rating and maintain greater than 98% lumen maintenance at 60,000 hours per IESNA TM-21. Emergency egress options for -20°C ambient environments, WaveLinx™, occupancy sensor, and dimming options available.

Mounting

JUNCTION BOX: Standard with zinc-plated, quick-mount junction box plate that mounts directly to 4" J-Box. LightSquare mounts facing downward. Fixture slides over mounting plate and is secured with two stainless steel fasteners. Mounting plate features a one-piece EPDM gasket on back side of plate to firmly seal fixture to wall surface, forbidding entry of moisture and particulates. Optional mounting arrangements utilize a die-cast mounting adaptor box to allow for LED battery pack, surface conduit and trough branch wiring. The Entri LED luminaire is approved for mounting on combustible surfaces.

Finish

Housing is finished in five-stage super TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. LightSquare cover plates are standard white and may be specified to match finish of luminaire housing. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult Outdoor Architectural Colors brochure for a complete selection.

Warranty

Five-year warranty.







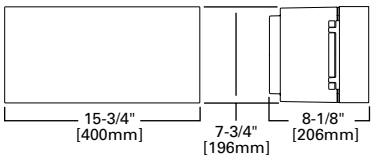
ENC/ENT/ENV
ENTRI LED

LightSquare
Solid State LED

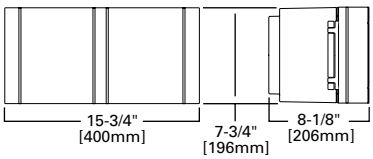
ARCHITECTURAL WALL LUMINAIRE

DIMENSIONS

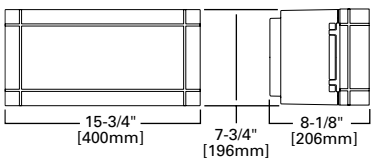
ENC (Round Clean)



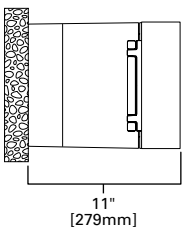
ENT (Triangle Reveals)



ENV (Round Reveals)



CONDUIT MOUNT / BATTERY BACK BOX



CERTIFICATION DATA

DesignLights Consortium® Qualified*
UL/cUL Listed
ISO 9001
IP66 LightSquares
LM79 / LM80 Compliant

ENERGY DATA

Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120-277V/50 & 60Hz, 347V/60Hz, 480V/60Hz
-30°C Minimum Temperature
40°C Ambient Temperature Rating (Optional)

SHIPPING DATA

Approximate Net Weight:
15.2 lbs. (6.9 kgs.) - Without backbox
29.1 lbs. (13.2 kgs.) - With backbox

ORDERING INFORMATION

Sample Number: ENC-SA1C-740-U-T4W-GM-ULG-HA-ZW-SWPD4BK

Domestic Preferences [25]	Product Family [1]	Light Engine		Color Temperature	Voltage	Distribution	Finish
		Configuration	Drive Current				
[Blank]=Standard **BAA**=Buy American Act **TAA**=Trade Agreements Act	**ENC**=Entri Round Clean **ENT**=Entri Triangle Reveals **ENV**=Entri Round Reveals	**SA1**=1 Square	**A**=350mA **B**=450mA **C**=600mA **D**=800mA **E**=1000mA **F**=1200mA	**722**=70CRI, 2200K [3] **727**=70CRI, 2700K [3] **730**=70CRI, 3000K [3] **735**=70CRI, 3500K **740**=70CRI, 4000K **750**=70CRI, 5000K [3] **760**=70CRI, 5700K [3] **827**=80CRI, 2700K [3] **830**=80CRI, 3000K [3] **835**=80CRI, 3500K [3]	**U**=UNV (120-277) **1**=120 **2**=208 **3**=240 **4**=277 **8**=480 **9**=347	**T2**=Type II **T3**=Type III **T4FT**=Type IV Forward Throw **T4W**=Type IV Wide **SL2**=Type II w/Spill Control **SL3**=Type III w/Spill Control **SL4**=Type IV w/Spill Control **SLL**=90° Spill Light Eliminator Left **SLR**=90° Spill Light Eliminator Right	**BZ**=Bronze **AP**=Grey **BK**=Black **DP**=Dark Platinum **GM**=Graphite Metallic **WH**=White

Options (Add as Suffix)

F=Singled fused (Must specify voltage, fused on single hot leg of 120, 277, or 347)
FF=Doubled fused (Must specify voltage, fused on both hot legs of 208, 240, or 480)
X=Driver Surge Protection (6kV) Only
20K=Series 20kV UL 1449 Surge Protective Device
2L=Two-Circuit Light Engine [24]
DIM=0-10V Dimming Driver [5, 6]
EBP=Battery Pack with Back Box (Must specify voltage, available in 120V or 277V) [2, 4, 9]
CBP=Battery Pack with Back Box, Cold Weather Rated (Must specify voltage, available in 120V or 277V) [2, 4, 10]
CBP-CEC=Battery Pack with Back Box, Cold Weather Rated, CEC compliant (Must specify voltage, available in 120V or 277V) [2, 4, 10]
R90=Rotated Right 90°
L90=Rotated Left 90°
HSS=Factory Installed House Side Shield [16]
LCF=LightSquare Trim Plate Matches Housing Finish [15]
ULG=Uplight Glow [7]
HA=50°C High Ambient [8]
WG=Wire Guard
TR=Tamper Resistant Hardware
BOX=Empty back box (1/2" NPT, each side with plugs installed
BPC=Button Type Photocontrol (Must specify voltage, available in 120, 208, 240, 277V, 347, and 480)
AHD145=After Hours Dim, 5 Hours, 50% [17]
AHD245=After Hours Dim, 6 Hours, 50% [17]
AHD255=After Hours Dim, 7 Hours, 50% [17]
AHD355=After Hours Dim, 8 Hours, 50% [17]
SPB1=Dimming Occupancy Sensor with Bluetooth Interface, <8' Mounting [13, 22]
SPB2=Dimming Occupancy Sensor with Bluetooth Interface, 8'-20' Mounting [13, 22]
SPB4=Dimming Occupancy Sensor with Bluetooth Interface, 21'-40' Mounting [13, 22]
MS-L08=Motion Sensor for ON/OFF Operation, Up to 8' Mounting Height [11, 12, 13]
MS-L20=Motion Sensor for ON/OFF Operation, 9' - 20' Mounting Height [11, 12, 13]
MS/DIM-L08=Motion Sensor for Dimming Operation, Up to 8' Mounting Height [11, 12, 13]
MS/DIM-L20=Motion Sensor for Dimming Operation, 9' - 20' Mounting Height [11, 12, 13]
ZW=WaveLinx-enabled 4-PIN Twistlock Receptacle [19,20]
ZW-SWPD4XX=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19,20,21]
ZW-SWPD5XX=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19,20,21]
CC=Coastal Construction [23]

Accessories (Order Separately) [26]

MA1253=10kV Circuit Module Replacement
MA1253-480V=10kV Circuit Module Replacement (480V only)
FSIR-100-PK=Wireless Configuration Tool for Occupancy Sensor [11]
VA6172SA=Wireguard Accessory
VA6173=Tamper-Resistant Driver Bit
VA6174=Vandal Shield Accessory
VA2001-XX=Thru-Way Conduit Box
LS/HSS=House Side Shield (Works with all distributions listed for Entri)
WOLC-7P-10A=WaveLinx Outdoor Control Module (7-pin)
SWPD4-XX=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 20, 21]
SWPD5-XX=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 20, 21]

NOTES:
1. DesignLights Consortium® Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details. DLC Family Code: MMMSPQ
2. EBP or CBP options limited to 25°C. Control option limited to BPC=Button Type Photocontrol (must specify voltage).
3. Extended lead times apply. Use dedicated IES files when performing layouts.
4. Not available with HA option.
5. Cannot be used with other control options.
6. Low voltage control lead brought out 18" outside fixture.
7. ULG only available in 740
8. Not available with ULG option
9. EBP is rated for minimum operating temperature of 0°C (32°F). Operates downlight for 90-minutes.
10. CBP is rated for minimum operating temperature of -20°C (-4°F). Operates downlight for 90-minutes.
11. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting
12. Replace LXX with the available mounting height options: L08, L20, L40 or L40W are the only choices.
13. Includes integral photosensor.
14. Bronze sensor is shipped with Bronze fixtures. White sensor shipped on all other housing color options.
15. Not available with HSS option.
16. Only for use with SL2, SL3 and SL4 distributions. The light square trim plate is painted black when the HSS option is selected.
17. Requires the use of BPC photocontrol. See After Hours Dim supplemental guide for additional information.
18. Control option limited to BPC=Button Type Photocontrol (must specify voltage).
19. WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed.
20. Requires ZW.
21. Replace XX with sensor color (WH, BZ, or BK).
22. Smart device with mobile application required to change system defaults. See controls section for details.
23. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654.
24. 2L not available with FF, ULG or AHD options. Controls and/or battery packs operate only one of the two circuits when 2L is specified.
25. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements.
26. Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
722 CCT	**T2 (Type II)**	Lumens	565	2,000	2,508	3,300	4,131	5,147	5,696
		Lumens per Watt‡	33.0	99.5	98.7	99.1	95.8	90.0	86.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	429	1,521	1,907	2,509	3,141	3,913	4,331
		Lumens per Watt‡	43.5	75.7	75.1	75.3	72.9	68.4	65.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	578	2,046	2,566	3,376	4,226	5,265	5,827
		Lumens per Watt‡	44.5	101.8	101.0	101.4	4,226	92.0	88.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	436	1,544	1,936	2,548	3,189	3,973	4,398
		Lumens per Watt‡	33.5	76.8	76.2	76.5	74.0	69.5	66.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	543	1,924	2,413	3,175	3,974	4,951	5,480
		Lumens per Watt‡	41.8	95.7	95.0	95.3	92.2	86.6	82.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	402	1,423	1,785	2,349	2,939	3,662	4,054
		Lumens per Watt‡	30.9	70.8	70.3	70.5	68.2	64.0	61.3
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4W (Type IV Wide)	Lumens	567	2,009	2,520	3,316	4,150	5,171	5,723
		Lumens per Watt‡	43.6	100.0	99.2	99.6	96.3	90.4	86.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	423	1,499	1,879	2,473	3,095	3,856	4,268
		Lumens per Watt‡	32.5	74.6	74.0	74.3	71.8	67.4	64.6
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1
	SL2 (Type II w/ Spill Control)	Lumens	560	1,985	2,489	3,275	4,099	5,108	5,653
		Lumens per Watt‡	43.1	98.8	98.0	98.3	95.1	89.3	85.5
		BUG Rating	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/ Spill Control, House Side Shield)	Lumens	459	1,624	2,037	2,680	3,355	4,180	4,626
		Lumens per Watt‡	35.3	80.8	80.2	80.5	77.8	73.1	70.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL3 (Type III w/ Spill Control)	Lumens	557	1,971	2,472	3,253	4,072	5,073	5,615
		Lumens per Watt‡	42.8	98.1	97.3	97.7	94.5	88.7	84.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/ Spill Control, House Side Shield)	Lumens	475	1,684	2,111	2,779	3,478	4,333	4,796
		Lumens per Watt‡	36.5	83.8	83.1	83.5	80.7	75.8	72.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL4 (Type IV w/ Spill Control)	Lumens	538	1,905	2,389	3,144	3,935	4,903	5,427
		Lumens per Watt‡	41.4	94.8	94.1	94.4	91.3	85.7	82.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/ Spill Control, House Side Shield)	Lumens	466	1,649	2,068	2,721	3,406	4,243	4,696
		Lumens per Watt‡	35.8	82.0	81.4	81.7	79.0	74.2	71.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
722 CCT	**SLR (90° Spill Light Eliminator Right)**	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
727 CCT	**T2 (Type II)**	Lumens	642	2,275	2,853	3,755	4,699	5,855	6,481
		Lumens per Watt‡	49.4	113.2	112.3	112.8	109.0	102.4	98.0
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	488	1,730	2,169	2,855	3,573	4,452	4,927
		Lumens per Watt‡	37.5	86.1	85.4	85.7	82.9	77.8	74.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	657	2,328	2,919	3,841	4,807	5,990	6,630
		Lumens per Watt‡	50.5	115.8	114.9	115.3	111.5	104.7	100.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	496	1,757	2,203	2,899	3,628	4,520	5,003
		Lumens per Watt‡	38.2	87.4	86.7	87.1	84.2	79.0	75.7
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	618	2,189	2,745	3,612	4,521	5,633	6,234
		Lumens per Watt‡	47.5	108.9	108.1	108.5	104.9	98.5	94.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	457	1,619	2,030	2,672	3,344	4,166	4,612
		Lumens per Watt‡	35.2	80.5	79.9	80.2	77.6	72.8	69.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	645	2,286	2,867	3,772	4,721	5,883	6,511
		Lumens per Watt‡	49.6	113.7	112.9	113.3	109.5	102.8	98.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	481	1,705	2,138	2,813	3,521	4,387	4,856
		Lumens per Watt‡	37.0	84.8	84.2	84.5	81.7	76.7	73.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	638	2,258	2,832	3,726	4,664	5,811	6,431
		Lumens per Watt‡	49.1	112.3	111.5	111.9	108.2	101.6	97.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	522	1,848	2,317	3,049	3,817	4,755	5,263
		Lumens per Watt‡	40.2	91.9	91.2	91.6	88.6	83.1	79.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
727 CCT	**SL3 (Type III w/Spill Control)**	Lumens	633	2,243	2,813	3,701	4,632	5,771	6,388
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	541	1,915	2,402	3,161	3,956	4,929	5,456
		Lumens per Watt‡	41.6	95.3	94.6	94.9	91.8	86.2	82.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	612	2,168	2,718	3,577	4,477	5,578	6,174
		Lumens per Watt‡	47.1	107.9	107.0	107.4	103.9	97.5	93.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	530	1,876	2,352	3,096	3,874	4,827	5,343
		Lumens per Watt‡	40.8	93.3	92.6	93.0	89.9	84.4	80.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	571	2,021	2,535	3,336	4,175	5,202	5,758
		Lumens per Watt‡	43.9	100.5	99.8	100.2	96.9	90.9	87.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	485	1,719	2,156	2,837	3,550	4,423	4,896
		Lumens per Watt‡	37.3	85.5	84.9	85.2	82.4	77.3	74.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	571	2,021	2,535	3,336	4,175	5,202	5,758
		Lumens per Watt‡	43.9	100.5	99.8	100.2	96.9	90.9	87.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	485	1,719	2,156	2,837	3,550	4,423	4,896
		Lumens per Watt‡	37.3	85.5	84.9	85.2	82.4	77.3	74.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
730 CCT	**T2 (Type II)**	Lumens	700	2,478	3,107	4,089	5,117	6,376	7,057
		Lumens per Watt‡	53.8	123.3	122.3	122.8	118.7	111.5	106.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	532	1,884	2,362	3,109	3,891	4,848	5,366
		Lumens per Watt‡	40.9	93.7	93.0	93.4	90.3	84.8	81.2
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2
	T3 (Type III)	Lumens	716	2,535	3,179	4,183	5,235	6,523	7,219
		Lumens per Watt‡	55.1	126.1	125.2	125.6	121.5	114.0	109.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	540	1,913	2,399	3,157	3,951	4,922	5,448
		Lumens per Watt‡	41.5	95.2	94.4	94.8	91.7	86.0	82.4
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	673	2,384	2,989	3,933	4,923	6,134	6,789
		Lumens per Watt‡	51.8	118.6	117.7	118.1	114.2	107.2	102.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	498	1,763	2,211	2,910	3,642	4,537	5,022
		Lumens per Watt‡	38.3	87.7	87.0	87.4	84.5	79.3	76.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
730 CCT	**T4W (Type IV Wide)**	Lumens	703	2,489	3,122	4,108	5,141	6,406	7,090
		Lumens per Watt‡	54.1	123.8	122.9	123.4	119.3	112.0	107.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	524	1,857	2,328	3,064	3,835	4,778	5,288
		Lumens per Watt‡	40.3	92.4	91.7	92.0	89.0	83.5	80.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	694	2,459	3,084	4,058	5,079	6,328	7,004
		Lumens per Watt‡	53.4	122.3	121.4	121.9	117.8	110.6	106.0
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	568	2,012	2,524	3,321	4,156	5,178	5,732
		Lumens per Watt‡	43.7	100.1	99.4	99.7	96.4	90.5	86.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	690	2,442	3,063	4,030	5,044	6,285	6,956
		Lumens per Watt‡	53.1	121.5	120.6	121.0	117.0	109.9	105.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	589	2,086	2,616	3,442	4,308	5,368	5,941
		Lumens per Watt‡	45.3	103.8	103.0	103.4	100.0	93.8	89.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	666	2,361	2,960	3,895	4,875	6,074	6,723
		Lumens per Watt‡	51.2	117.5	116.5	117.0	113.1	106.2	101.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	577	2,043	2,562	3,371	4,219	5,257	5,818
		Lumens per Watt‡	44.4	101.6	100.9	101.2	97.9	91.9	88.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	622	2,201	2,761	3,633	4,547	5,665	6,270
		Lumens per Watt‡	47.8	109.5	108.7	109.1	105.5	99.0	94.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	529	1,872	2,347	3,089	3,866	4,817	5,331
		Lumens per Watt‡	40.7	93.1	92.4	92.8	89.7	84.2	80.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	622	2,201	2,761	3,633	4,547	5,665	6,270
		Lumens per Watt‡	47.8	109.5	108.7	109.1	105.5	99.0	94.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	529	1,872	2,347	3,089	3,866	4,817	5,331
		Lumens per Watt‡	40.7	93.1	92.4	92.8	89.7	84.2	80.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
735 CCT	**T2 (Type II)**	Lumens	722	2,556	3,205	4,218	5,279	6,577	7,279
		Lumens per Watt‡	55.5	127.2	126.2	126.7	122.5	115.0	110.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	549	1,943	2,437	3,207	4,013	5,000	5,535
		Lumens per Watt‡	42.2	96.7	95.9	96.3	93.1	87.4	83.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
735 CCT	**T3 (Type III)**	Lumens	738	2,614	3,279	4,314	5,400	6,728	7,447
		Lumens per Watt‡	56.8	130.0	129.1	129.5	125.3	117.6	112.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	557	1,973	2,474	3,256	4,075	5,077	5,620
		Lumens per Watt‡	42.8	98.2	97.4	97.8	94.5	88.8	85.0
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4FT (Type IV Forward Throw)	Lumens	694	2,459	3,083	4,057	5,078	6,327	7,003
		Lumens per Watt‡	53.4	122.3	121.4	121.8	117.8	110.6	105.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	514	1,819	2,281	3,001	3,756	4,680	5,180
		Lumens per Watt‡	39.5	90.5	89.8	90.1	87.1	81.8	78.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	725	2,568	3,220	4,237	5,303	6,608	7,314
		Lumens per Watt‡	55.8	127.8	126.8	127.2	123.0	115.5	110.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	541	1,915	2,402	3,160	3,955	4,928	5,455
		Lumens per Watt‡	41.6	95.3	94.6	94.9	91.8	86.2	82.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	716	2,536	3,181	4,186	5,239	6,527	7,224
		Lumens per Watt‡	55.1	126.2	125.2	125.7	121.6	114.1	109.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	586	2,076	2,603	3,425	4,287	5,341	5,912
		Lumens per Watt‡	45.1	103.3	102.5	102.9	99.5	93.4	89.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	711	2,519	3,159	4,157	5,203	6,483	7,175
		Lumens per Watt‡	54.7	125.3	124.4	124.8	120.7	113.3	108.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	608	2,152	2,698	3,551	4,444	5,537	6,128
		Lumens per Watt‡	46.8	107.1	106.2	106.6	103.1	96.8	92.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	687	2,435	3,053	4,018	5,029	6,266	6,935
		Lumens per Watt‡	52.8	121.1	120.2	120.7	116.7	109.5	104.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	595	2,107	2,642	3,477	4,352	5,422	6,001
		Lumens per Watt‡	45.8	104.8	104.0	104.4	101.0	94.8	90.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	641	2,271	2,847	3,747	4,690	5,843	6,467
		Lumens per Watt‡	49.3	113.0	112.1	112.5	108.8	102.2	97.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	545	1,931	2,421	3,186	3,988	4,968	5,499
		Lumens per Watt‡	41.9	96.1	95.3	95.7	92.5	86.9	83.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
735 CCT	**SLL (90° Spill Light Eliminator Left)**	Lumens	641	2,271	2,847	3,747	4,690	5,843	6,467
		Lumens per Watt‡	49.3	113.0	112.1	112.5	108.8	102.2	97.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	545	1,931	2,421	3,186	3,988	4,968	5,499
		Lumens per Watt‡	41.9	96.1	95.3	95.7	92.5	86.9	83.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
740 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T2-ULG (Type III, House Side Shield)	Lumens	768	4,499	5,190	6,268	7,397	8,779	9,527
		Lumens per Watt‡	59.1	122.3	123.3	125.4	123.7	118.8	115.1
		BUG Rating	--	--	--	--	--	--	--
	T2-HSS-ULG (Type III, House Side Shield)	Lumens	584	3,847	4,372	5,192	6,050	7,101	7,670
		Lumens per Watt‡	44.9	104.5	103.8	103.8	101.2	96.1	92.6
		BUG Rating	--	--	--	--	--	--	--
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-ULG (Type III, House Side Shield)	Lumens	786	4,561	5,268	6,371	7,526	8,940	9,705
		Lumens per Watt‡	60.5	123.9	125.1	127.4	125.9	121.0	117.2
		BUG Rating	--	--	--	--	--	--	--
	T3-HSS-ULG (Type III, House Side Shield)	Lumens	593	3,878	4,412	5,244	6,116	7,183	7,760
		Lumens per Watt‡	45.6	105.4	104.8	104.9	102.3	97.2	93.7
		BUG Rating	--	--	--	--	--	--	--
	T4FT (Type IV Forward Throw)	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-ULG (Type III, House Side Shield)	Lumens	739	4,395	5,060	6,097	7,184	8,513	9,233
		Lumens per Watt‡	56.8	119.4	120.2	121.9	120.1	115.2	111.5
		BUG Rating	--	--	--	--	--	--	--
	T4FT-HSS-ULG (Type III, House Side Shield)	Lumens	547	3,714	4,206	4,973	5,777	6,760	7,292
		Lumens per Watt‡	42.1	100.9	99.9	99.5	96.6	91.5	88.1
		BUG Rating	--	--	--	--	--	--	--

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
740 CCT	**T4W (Type IV Wide)**	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-ULG (Type III, House Side Shield)	Lumens	772	4,511	5,206	6,289	7,424	8,812	9,563
		Lumens per Watt‡	59.4	122.6	123.7	125.8	124.1	119.2	115.5
		BUG Rating	--	--	--	--	--	--	--
	T4W-HSS-ULG (Type III, House Side Shield)	Lumens	576	3,817	4,334	5,142	5,988	7,024	7,584
		Lumens per Watt‡	44.3	103.7	102.9	102.8	100.1	95.0	91.6
		BUG Rating	--	--	--	--	--	--	--
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	"SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	"SL2-ULG (Type III, House Side Shield)"	Lumens	762	4,478	5,164	6,234	7,355	8,726	9,468
		Lumens per Watt‡	58.6	121.7	122.7	124.7	123.0	118.1	114.3
		BUG Rating	--	--	--	--	--	--	--
	"SL2-HSS-ULG (Type III, House Side Shield)"	Lumens	624	3,988	4,549	5,424	6,342	7,464	8,071
		Lumens per Watt‡	48.0	108.4	108.1	108.5	106.1	101.0	97.5
		BUG Rating	--	--	--	--	--	--	--
	"SL3 (Type III w/Spill Control)"	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	"SL3-HSS (Type III w/Spill Control, House Side Shield)"	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	"SL3-ULG (Type III, House Side Shield)"	Lumens	757	4,460	5,141	6,203	7,317	8,679	9,416
		Lumens per Watt‡	58.2	121.2	122.1	124.1	122.4	117.4	113.7
		BUG Rating	--	--	--	--	--	--	--
	"SL3-HSS-ULG (Type III, House Side Shield)"	Lumens	647	4,068	4,650	5,558	6,509	7,672	8,302
		Lumens per Watt‡	49.8	110.5	110.5	111.2	108.8	103.8	100.3
		BUG Rating	--	--	--	--	--	--	--
	"SL4 (Type IV w/Spill Control)"	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	"SL4-HSS (Type IV w/Spill Control, House Side Shield)"	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
740 CCT	**SL4-ULG (Type III, House Side Shield)**	Lumens	732	4,370	5,028	6,055	7,131	8,448	9,161
		Lumens per Watt‡	56.3	118.8	119.4	121.1	119.2	114.3	110.6
		BUG Rating	--	--	--	--	--	--	--
	SL4-HSS-ULG (Type III, House Side Shield)	Lumens	633	4,021	4,591	5,479	6,411	7,550	8,167
		Lumens per Watt‡	48.7	109.3	109.0	109.6	107.2	102.2	98.6
		BUG Rating	--	--	--	--	--	--	--
	SLR (90° Spill Light Eliminator Right)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLR-ULG (Type III, House Side Shield)	Lumens	682	4,195	4,809	5,767	6,770	7,998	8,663
		Lumens per Watt‡	52.5	114.0	114.2	115.3	113.2	108.2	104.6
		BUG Rating	--	--	--	--	--	--	--
	SLR-HSS-ULG (Type III, House Side Shield)	Lumens	580	3,833	4,355	5,170	6,023	7,067	7,632
		Lumens per Watt‡	44.6	104.2	103.4	103.4	100.7	95.6	92.2
		BUG Rating	--	--	--	--	--	--	--
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-ULG (Type III, House Side Shield)	Lumens	682	4,195	4,809	5,767	6,770	7,998	8,663
		Lumens per Watt‡	52.5	114.0	114.2	115.3	113.2	108.2	104.6
		BUG Rating	--	--	--	--	--	--	--
	SLL-HSS-ULG (Type III, House Side Shield)	Lumens	580	3,833	4,355	5,170	6,023	7,067	7,632
		Lumens per Watt‡	44.6	104.2	103.4	103.4	100.7	95.6	92.2
		BUG Rating	--	--	--	--	--	--	--
750 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
750 CCT	**T4FT (Type IV Forward Throw)**	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
760 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4FT (Type IV Forward Throw)	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
760 CCT	**SLR (90° Spill Light Eliminator Right)**	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
827 CCT	**T2 (Type II)**	Lumens	565	2,000	2,508	3,300	4,131	5,147	5,696
		Lumens per Watt‡	43.5	99.5	98.7	99.1	95.8	90.0	86.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	429	1,521	1,907	2,509	3,141	3,913	4,331
		Lumens per Watt‡	33.0	75.7	75.1	75.3	72.9	68.4	65.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	578	2,046	2,566	3,376	4,226	5,265	5,825
		Lumens per Watt‡	44.5	101.8	101.0	101.4	98.1	92.0	88.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	436	1,544	1,936	2,548	3,189	3,973	4,398
		Lumens per Watt‡	33.5	76.8	76.2	76.5	74.0	69.5	66.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	543	1,924	2,413	3,175	3,974	4,951	5,480
		Lumens per Watt‡	41.8	95.7	95.0	95.3	92.2	86.6	82.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	402	1,423	1,785	2,349	2,939	3,662	4,054
		Lumens per Watt‡	30.9	70.8	70.3	70.5	68.2	64.0	61.3
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4W (Type IV Wide)	Lumens	567	2,009	2,520	3,316	4,150	5,171	5,723
		Lumens per Watt‡	43.6	100.0	99.2	99.6	96.3	90.4	86.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	423	1,499	1,879	2,473	3,095	3,856	4,268
		Lumens per Watt‡	32.5	74.6	74.0	74.3	71.8	67.4	64.6
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1
	SL2 (Type II w/Spill Control)	Lumens	560	1,985	2,489	3,275	4,099	5,108	5,653
		Lumens per Watt‡	43.1	98.8	98.0	98.3	95.1	89.3	85.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	459	1,624	2,037	2,680	3,355	4,180	4,626
		Lumens per Watt‡	35.3	80.8	80.2	80.5	77.8	73.1	70.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
827 CCT	**SL3 (Type III w/Spill Control)**	Lumens	557	1,971	2,472	3,253	4,072	5,073	5,615
		Lumens per Watt‡	42.8	98.1	97.3	97.7	94.5	88.7	84.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	475	1,684	2,111	2,779	3,478	4,333	4,796
		Lumens per Watt‡	36.5	83.8	83.1	83.5	80.7	75.8	72.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL4 (Type IV w/Spill Control)	Lumens	538	1,905	2,389	3,144	3,935	4,903	5,427
		Lumens per Watt‡	41.4	94.8	94.1	94.4	91.3	85.7	82.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	466	1,649	2,068	2,721	3,406	4,243	4,696
		Lumens per Watt‡	35.8	82.0	81.4	81.7	79.0	74.2	71.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
830 CCT	**T2 (Type II)**	Lumens	610	2,162	2,711	3,568	4,465	5,563	6,158
		Lumens per Watt‡	46.9	107.6	106.7	107.1	103.6	97.3	93.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	464	1,644	2,061	2,713	3,395	4,230	4,682
		Lumens per Watt‡	35.7	81.8	81.1	81.5	78.8	74.0	70.8
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	624	2,212	2,773	3,650	4,568	5,691	6,299
		Lumens per Watt‡	48.0	110.0	109.2	109.6	106.0	99.5	95.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	471	1,669	2,093	2,754	3,447	4,295	4,754
		Lumens per Watt‡	36.2	83.0	82.4	82.7	80.0	75.1	71.9
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	587	2,080	2,608	3,432	4,296	5,352	5,924
		Lumens per Watt‡	45.2	103.5	102.7	103.1	99.7	93.6	89.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	434	1,538	1,929	2,539	3,177	3,959	4,382
		Lumens per Watt‡	33.4	76.5	75.9	76.2	73.7	69.2	66.3
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
830 CCT	**T4W (Type IV Wide)**	Lumens	613	2,172	2,724	3,584	4,486	5,590	6,187
		Lumens per Watt‡	47.2	108.1	107.2	107.6	104.1	97.7	93.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	457	1,620	2,032	2,673	3,346	4,169	4,614
		Lumens per Watt‡	35.2	80.6	80.0	80.3	77.6	72.9	69.8
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SL2 (Type II w/Spill Control)1	Lumens	606	2,146	2,691	3,541	4,431	5,521	6,111
		Lumens per Watt‡	46.6	106.8	105.9	106.3	102.8	96.5	92.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	496	1,756	2,202	2,898	3,626	4,518	5,001
		Lumens per Watt‡	38.2	87.4	86.7	87.0	84.1	79.0	75.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	602	2,131	2,672	3,517	4,401	5,484	6,070
		Lumens per Watt‡	46.3	106.0	105.2	105.6	102.1	95.9	91.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	514	1,820	2,282	3,004	3,759	4,684	5,184
		Lumens per Watt‡	39.5	90.5	89.8	90.2	87.2	81.9	78.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	582	2,060	2,583	3,399	4,254	5,300	5,867
		Lumens per Watt‡	44.8	102.5	101.7	102.1	98.7	92.7	88.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	503	1,782	2,235	2,941	3,681	4,587	5,077
		Lumens per Watt‡	38.7	88.7	88.0	88.3	85.4	80.2	76.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	542	1,921	2,409	3,170	3,967	4,943	5,471
		Lumens per Watt‡	41.7	95.6	94.8	95.2	92.0	86.4	82.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	461	1,633	2,048	2,695	3,373	4,203	4,652
		Lumens per Watt‡	35.5	81.2	80.6	80.9	78.3	73.5	70.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	542	1,921	2,409	3,170	3,967	4,943	5,471
		Lumens per Watt‡	42	96	95	95	92	86	83
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	461	1,633	2,048	2,695	3,373	4,203	4,652
		Lumens per Watt‡	35.5	81.2	80.6	80.9	78.3	73.5	70.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

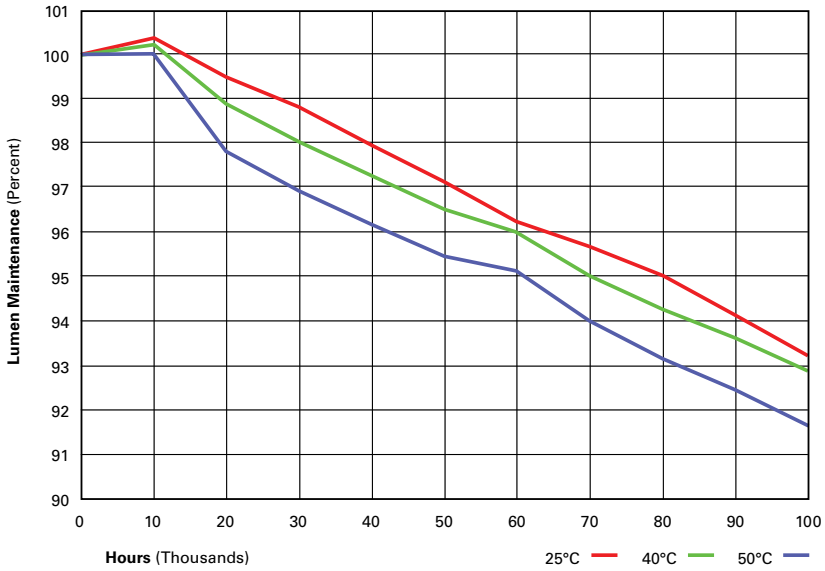
LUMEN MAINTENACE

SA1 (All Drive Currents)					
Hours	**25,000 hours***	**50,000 hours***	**60,000 hours***	**100,000 hours****	**Theoretical L70 (Hours)****
25˚C	99.4%	99.0%	98.9%	98.3%	2,471,000
40˚C	99.4%	99.0%	98.9%	98.3%	2,471,000
50˚C	99.4%	99.0%	98.9%	98.3%	2,471,000

* Supported by IES TM-21 standards
** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, that explains proper use of IES TM-21 and LM-80.

LUMEN MULTIPLIER

Ambient Temperature	SA1 (All Drive Currents)
0˚C	1.02
10˚C	1.01
25˚C	1.00
40˚C	0.99
50˚C	0.97



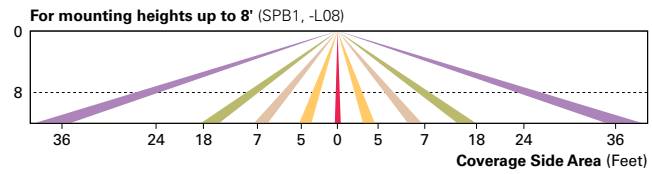
CONTROL OPTIONS

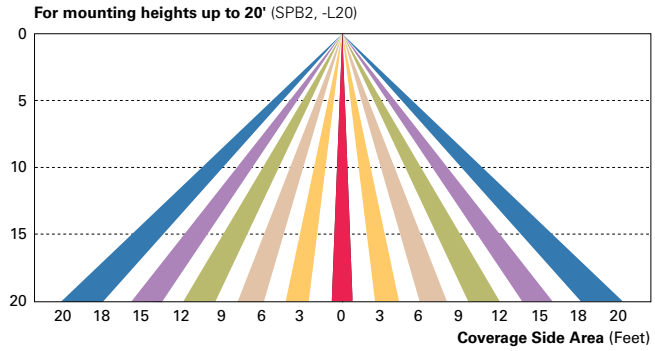
0-10V
This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

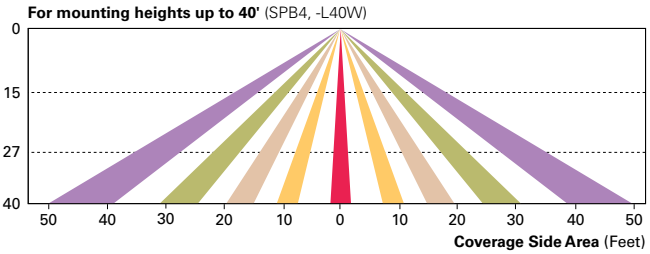
Photocontrol (BPC)
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable “dusk-to-dawn” lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

After Hours Dim (AHD)
This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a “dusk-to-dawn” period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

Dimming Occupancy Sensor (MS/DIM-LXX and MS-LXX)
These sensors are factory installed in the luminaire housing. When the SPB or MS/DIM sensor options are selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes. The MS-LXX sensor is factory preset to turn the luminaire off after five minutes of no activity. SPB motion sensors require the Sensor Configuration mobile application by Wattstopper to change factory default dimming level, time delay, sensitivity and other parameters. Available for iOS and Android devices. The SPB sensor is factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM occupancy sensors require the FSIR-100 programming tool to adjust factory defaults.



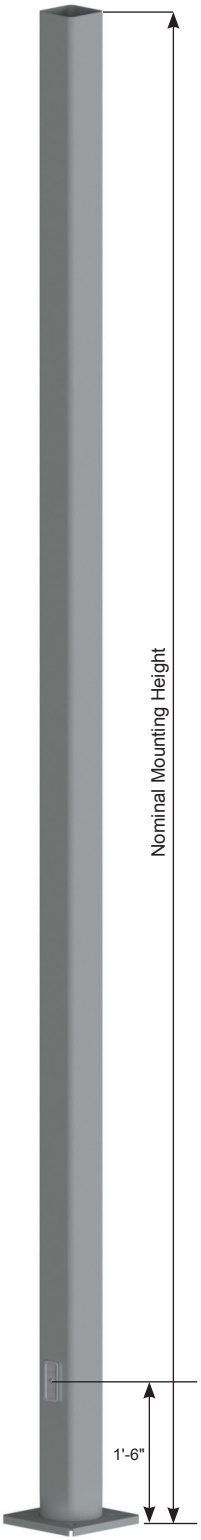




WaveLinx Wireless Control and Monitoring System
Available in 7-PIN or 4-PIN configurations, the WaveLinx Outdoor control platform operates on a wireless mesh network based on IEEE 802.15.4 standards enabling wireless control of outdoor lighting. Use the WaveLinx Mobile application for set-up and configuration. At least one Wireless Area Controller (WAC) is required for full functionality and remote communication (including adjustment of any factory pre-sets). WaveLinx Outdoor Control Module (WOLC-7P-10A) A photocontrol that enables astronomic or time-based schedules to provide ON, OFF and dimming control of fixtures utilizing a 7-PIN receptacle. The out-of-box functionality is ON at dusk and OFF at dawn. WaveLinx Wireless Sensor (SWPD4 and SWPD5) These outdoor sensors offer passive infrared (PIR) occupancy and a photocell for closed loop daylight sensing. These sensors can be factory installed or field-installed via simple, tool-less integration into luminaires equipped with the Zhaga Book 18 compliant 4-PIN receptacle (ZW). These sensors are factory preset to dim down to approximately 50 percent power after 15 minutes of no activity detected. These occupancy sensors include an integral photocell for "dusk-to-dawn" control or daylight harvesting that is factory-enabled. A variety of sensor lenses are available to optimize the coverage pattern for mounting heights from 7'-20', only applies for typical wall packs.

DS330
Fatigue Resistant Soft Square Steel Post

Job Name:	Client Name:
Job Location - City: State:	Created By: Date:
Product: DS330 Quote:	Customer Approval: Date:



Tenon Top*



Pole Cap - Plastic



Cross Section



Soft Square

Handhole



Full Base Cover (Standard)



Dart Square - 2T (Optional)



*Consult factory on loading criteria for pole top mounted luminaires and/or brackets.

SPECIFICATIONS

Pole Shaft - The pole shaft is fabricated from hot rolled welded steel tubing of one-piece construction with a minimum yield strength of 55 KSI.

Pole Top – A removable pole cap is provided for poles receiving drilling patterns for side-mount luminaire arm assemblies. For top mount luminaire and/or bracket consult the factory. Consult the luminaire manufacturer for correct tenon size or drill pattern. Other pole top options include pole cap only (PC) or plain top (PL) which is typical when the pole top diameter matches the necessary slip fit dimensions.

Handhole – A reinforced handhole with grounding provision is provided at 1'-6" from the base end of the pole assembly. Each handhole includes an easy to install, self-contained Swing Latch handhole cover assembly. U.S. Patent Swing Latch cover is fabricated from durable polycarbonate/ABS blend plastic. All pole assemblies are provided with a 2.50" x 5.00" rectangular handhole. Handhole dimensions are nominal.

Base Cover – A two-piece full base cover fabricated from ABS plastic is provided with each pole assembly. Additional base cover options, including the dart square (2T) cast aluminum cover, are available upon request.

Anchor Bolts - Anchor bolts conform to ASTM F1554 Grade 55 and are provided with two hex nuts and two flat washers. Bolts have an “L” bend on one end and are galvanized a minimum of 12" on the threaded end.

Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

Finish - Standard finishes are either Galvanized (GV) or Finish Painted (FP). Additional finish options including Finish Paint over Galvanizing (FPGV) or any of the V-PRO™ Finish Coating Systems are available upon request. See the product ordering code for color options.

Design Criteria - Please reference Design Criteria Specification for appropriate design conditions.

DS330
Fatigue Resistant Soft Square Steel Post

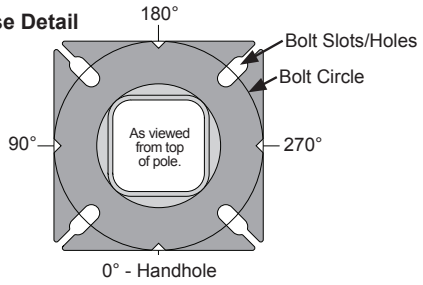
valmont STRUCTURES

Job Name:	Client Name:
Job Location - City: State:	Created By: Date:
Product: DS330 Quote:	Customer Approval: Date:

ANCHORAGE DATA

POLE		BASE PLATE				ANCHOR BOLTS		
POLE BASE SQUARE (IN)	WALL THK (GA)	BOLT CIRCLE DIA (IN)	BOLT CIRCLE ± (IN)	SQUARE (IN)	THK (IN)	DIA x LENGTH x HOOK (IN)	PROJECTION (IN)	± (IN)
4.00	11	8.50	0.50	8.25	0.750	0.75 x 17.00 x 3.00	3.50	0.25
4.00	7	8.50	0.50	8.25	0.875	0.75 x 17.00 x 3.00	3.63	0.25
5.00	11	11.00	1.00	11.00	1.000	0.75 x 17.00 x 3.00	3.75	0.25
5.00	7	11.00	1.00	11.00	1.000	0.75 x 17.00 x 3.00	3.75	0.25
6.00	7	12.00	1.00	12.50	1.000	1.00 x 36.00 x 4.00	4.25	0.25

Anchor Base Detail



DESIGNATION,LOAD AND DIMENSIONAL DATA

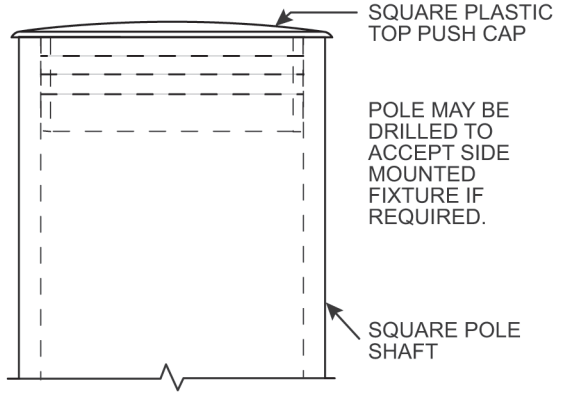
DESIGN INFORMATION							POLE DIMENSIONS[3]				DESIGNATION
	80 MPH w/1.3 GUST		90 MPH w/1.3 GUST		100 MPH w/1.3 GUST						
NOMINAL MOUNTING HEIGHT	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	SHAFT BASE SQUARE[3] (IN)	SHAFT TOP SQUARE (IN)	WALL THK (GA)	STRUCTURE WEIGHT[2] (LBS)	
10'-0"	30.6	765	23.8	595	18.9	473	4.00	4.00	11	75	400Q100
12'-0"	24.4	610	18.8	470	14.8	370	4.00	4.00	11	90	400Q120
14'-0"	19.9	498	15.1	378	11.7	293	4.00	4.00	11	100	400Q140
16'-0"	15.9	398	11.8	295	8.9	223	4.00	4.00	11	115	400Q160
18'-0"	12.6	315	9.2	230	6.7	168	4.00	4.00	11	125	400Q180
20'-0"	9.6	240	6.7	167	4.5	150	4.00	4.00	11	140	400Q200
	17.7	443	12.7	343	9.4	235	5.00	5.00	11	185	500Q200
	28.1	703	21.4	535	16.2	405	5.00	5.00	7	265	500W200
25'-0"	4.8	150	2.6	100	1.0	50	4.00	4.00	11	170	400Q250
	10.8	270	7.7	188	5.4	135	4.00	4.00	7	245	400W250
	9.8	245	6.3	157	3.7	150	5.00	5.00	11	225	500Q250
	18.5	463	13.3	333	9.5	238	5.00	5.00	7	360	500W250
30'-0"	6.7	168	4.4	110	2.6	65	4.00	4.00	7	291	400W300
	4.7	150	2.0	50	N/A	N/A	5.00	5.00	11	265	500Q300
	10.7	267	6.7	167	3.9	100	5.00	5.00	7	380	500W300
	19.0	475	13.2	330	9.0	225	6.00	6.00	7	520	600W300
35'-0"	5.9	150	2.5	100	N/A	N/A	5.00	5.00	7	440	500W350
	12.4	310	7.6	190	4.2	105	6.00	6.00	7	540	600W350
40'-0"	7.2	180	3.0	75	N/A	N/A	6.00	6.00	7	605	600W400

1. Maximum EPA (Effective Projected Area) and weight values are based on side mounted fixtures only. Consult factory on loading criteria for pole top mounted luminaires and/or brackets. Variations from sizes above are available upon inquiry at the factory. Satisfactory performance of poles is dependent upon the pole being properly attached to a supporting foundation of adequate design.
2. Structure weight is a nominal value which includes the pole shaft and base plate only.
3. Belled-bottom will have reduced thickness due to the cold-working process. However, the belled-bottom meets or exceeds the structural capacity of the original square section. In addition, the rounded section provides better fatigue resistance.

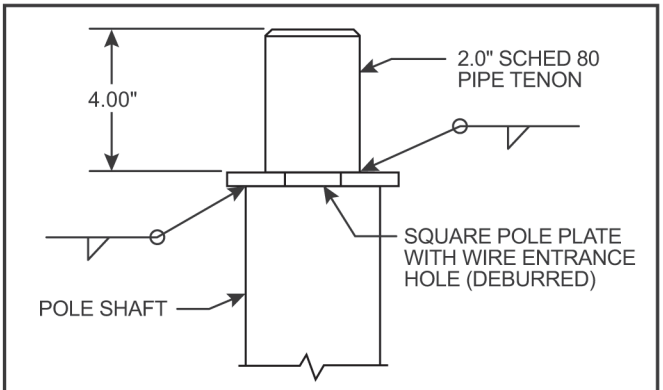
PRODUCT ORDERING CODES

MODEL	DESIGNATION	FIXTURE MOUNTING	FINISH SYSTEM	STANDARD COLOR OPTIONS	BASE COVER	ANCHOR BOLTS	SUPPLEMENTAL INFO
DS330				--	--	--	
	Select Correct Designation from the Load and Dimensional Data Chart.	**Drill Mounting (See Orientation)** D1 = (1) Drilling @ 270° D2 = (2) Drillings @ 90° & 270° D4 = (4) Drillings @ 0°, 90°, 180°, & 270° D5 = (2) Drillings @ 180° & 270° D6 = (3) Drillings @ 90°, 180°, & 270° **Tenon Mounting** P2 = 2.38" OD x 4" tenon P4 = 4.00" OD x 6" tenon P5 = 2.88" OD x 4" tenon P6 = 2.88" OD x 5" tenon P7 = 2.38" OD x 5" tenon P9 = Special Size (Specify) **Other Options** PC = Pole Cap PL = Plain Top (No Cap)	GV = Galvanized FP = Finish Painted **-----OPTIONAL-----** FPGV = Finish Paint over Galvanizing VP30 = V-PRO™ 30 System VP32 = V-PRO™ 32 System VP53 = V-PRO™ 53 System VP54 = V-PRO™ 54 System VP57 = V-PRO™ 57 System VP100 = V-PRO™ 100 System VP105 = V-PRO™ 105 System	GV = Galvanized BK = Black DB = Dark Bronze MB = Medium Bronze WH = White LG = Light Gray CB = Bronze DG = Dark Green ST = Sandstone HTG= Hunter Green SG = Slate Gray SL = Silver SC = Special Color (Specify)	FBC = Full Base Cover **-----OPTIONAL-----** 2T = Square Dart Cover	AB = With Anchor Bolts LAB = Without Anchor Bolts	

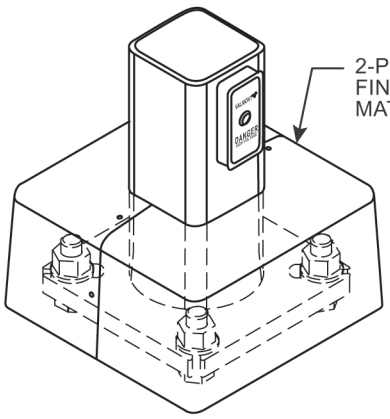
SPC7207 12/17 valmontstructures.com carries the most current spec information and supersedes these guidelines.



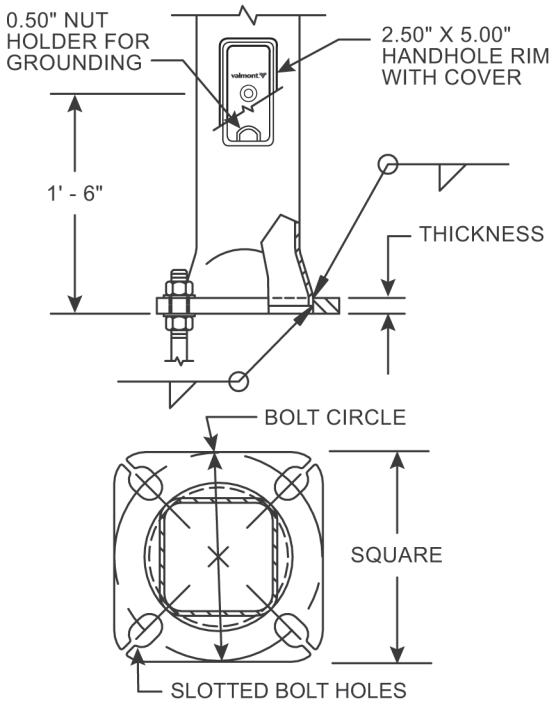
CAP DETAIL (STANDARD)



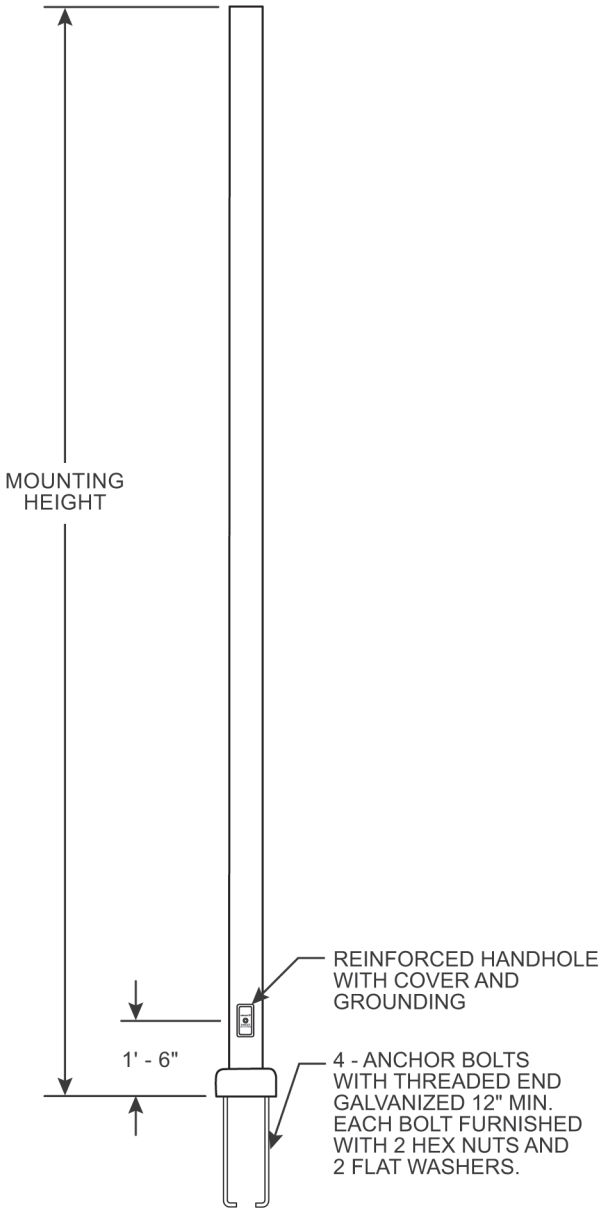
P2 TENON DETAIL (OPTIONAL)



FULL BASE COVER (STANDARD)



POLE BASE AND HANDHOLE DETAIL



DS330 POLE DETAIL

SPC7207 12/17 valmontstructures.com carries the most current spec information and supersedes these guidelines.

M. Calculation of Wastewater Flowrate for 1060 Westbrook Street

The project proposes to develop the parcel into a 119-Room 3-story Hyatt Studios, with a 89-space parking lot, and other site and utility improvements. Based upon the Section 4 of the Maine Subsurface Wastewater Disposal Rules, the project anticipates the following daily flows:

Estimate of Anticipated Daily Flows			
Development	Unit Size	Gallons per Day per Unit	Total Gallons per Day (GPD)
Existing Flow			
Open Space	N/A	N/A	0 GPD
Total Gallons per Day (Existing)			**0 GPD**
Proposed Flow			
Hotel	119 Rooms / 10 Employees	100 GPD/ Room 12 GPD/ Employee	12,020
Total Gallons per Day (Proposed)			**12,020 GPD**
Net Change			**+12,020 GPD**
*Values based on Chapter 241 State of Maine: Subsurface Wastewater Disposal Rules, most recent edition			

The proposed project is anticipated to increase the net flow by approximately 12,020 gallons per day (GPD).

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Portland Dept. of Public Works -
Water Resources
212 Canco Road
Portland, Maine 04103

Date: _____

Bradley Roland, P.E.
Water Resources Division
Department of Public Works
212 Canco Road
Portland, ME 04103

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 1060 Westbrook Street, Portland, Maine 04102

Chart Block Lot Number: 207/A/12 and 210A/B/7

Proposed Use: Hotel
Previous Use: Open Space / Parking Lots
Existing Sanitary Flows: 0 GPD
Existing Process Flows: 0 GPD
Description and location of City sewer that is to receive the proposed building sewer lateral.

Westbrook Street (8" PVC)

Site Category

Commercial *(see part 4 below)*	✔
Industrial *(complete part 5 below)*	
Governmental	
Residential	
Other *(specify)*	

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: Matthew Grooms Phone: 207-874-8699
Owner/Developer Name: Giri Hotel Management
Owner/Developer Address: 225 W Squantum Street, Suite 202 Quincy, MA 02171
Phone: 508-345-3305 Fax: _____ E-mail: apatel@girihotels.com
Engineering Consultant Name: Acorn Engineering
Engineering Consultant Address: 500 Washington Avenue, Portland, Maine, 04103
Phone: 207-775-2655 Fax: _____ E-mail: pheil@acorn-engineering.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 12,020 GPD
Peaking Factor/ Peak Times: Diurnal
Specify the source of design guidelines: *(i.e.__"Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records, __ Other (specify)*
Handbook of Subsurface Wastewater Disposal in Maine

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: N/A

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: N/A GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.

N. Lighting

All proposed lighting will be down shaded and dark sky compliant. Please refer to the Photometric Plan and attached cut sheets prepared by Reflex Lighting for additional information.

Calculation Summary						
Label	Units	Avg	Max	Min	Avg/Min	Max/Min
ENTIRE AREA	Fc	0.25	3.4	0.0	N.A.	N.A.
PARKING LOT	Fc	0.92	2.5	0.3	3.07	8.33

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	Tag	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
	1	P3A	Single	COOPER: GALN-SA1B-730-U-SL3-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D1-FP COOPER CXX-FBC-AB	0.900	5197	44	44
	1	P3B	Single	COOPER: GALN-SA1D-730-U-SL3-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D1-FP COOPER CXX-FBC-AB	0.900	7066	65	65
	3	P5-2	Back-Back	COOPER: GALN-SA1B-730-U-SWQ-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D2-FP COOPER CXX-FBC-AB	0.900	5486	44	264
	6	W2	Single	COOPER: ENC-SA1A-730-U-SL2-CXX	WALL MTD 12' AFG	0.900	2459	20.1	120.6
	1	W4FT	Single	COOPER: ENC-SA1C-730-U-T4FT-CXX	WALL MTD 12' AFG	0.900	3933	33.3	33.3
	4	W4W	Single	COOPER: ENC-SA1A-730-U-SL4-CXX	WALL MTD 12' AFG	0.900	2361	20.1	80.4

CHARRON REFLEX LIGHTING

#	Date	Comments

Revisions

Drawn By: Michael O'Brien
Checked By:
Date:2/21/2024
Contact: mobrien@charroninc.com
Scale: NTS

1060 Westbrook Street

Portland, ME

Page M of 1

DESCRIPTION

The Entri LED luminaire features a classic and stylish design with the added benefits of solid state lighting technology, offering outstanding uniformity and energy savings. Using Cooper Lighting Solutions' proprietary LED LightSquare technology and AccuLED Optics™ system, the Entri LED luminaire offers designers vast versatility in system design, function and performance. Use Entri LED for wall mount architectural lighting applications and egress lighting requirements. UL/cUL listed for use in wet locations.

Catalog #		**Type**
Project		
Comments		**Date**
Prepared by		

SPECIFICATION FEATURES

Construction

HOUSING: Heavy wall, one-piece, die-cast aluminum construction for precise tolerance control and repeatability in manufacturing. Integral extruded aluminum heat sink provides superior thermal heat transfer in +40°C ambient environments. FACEPLATE / DOOR: One-piece, die-cast aluminum construction. Captive, side hinged faceplate swings open via release of one flush mount die-cast aluminum latch on housing side panel. GASKET: One-piece molded silicone gasket mates perfectly between the door and housing for repeatable seal. LENS: Uplight lens is impact-resistant, 5/32" thick tempered frosted glass sealed to housing with continuous bead silicone gasket. Downlight lens is an LED LightSquare with integral optics sealed for IP66 rating. HARDWARE: Stainless steel mounting screws and latch hardware allow access to electrical components for installation and servicing.

Optics

Choice of 9 patented, high efficiency AccuLED Optics™ distributions. Optics are precisely designed to shape the light output, maximizing efficiency and application spacing. AccuLED Optics technology creates consistent distributions with the scalability to meet customized application requirements. CRI and CCT offering includes 2200K, 2700K, 3000K, 3500K, 4000K, 5000K, and 5700K with minimum 70CRI and 2700K and 3000K with minimum 80CRI all within 5-step MacAdam ellipse.

Electrical

LED drivers mount to die-cast aluminum back housing for optimal heat sinking, operation efficacy, and prolonged life. Standard drivers feature electronic universal voltage (120-277V 50/60Hz), 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 40°C ambient environments and optional 50C construction available. All fixtures are shipped standard with 10kV/10kA common – and differential – mode surge protection. LightSquare feature an IP66 enclosure rating and maintain greater than 98% lumen maintenance at 60,000 hours per IESNA TM-21. Emergency egress options for -20°C ambient environments, WaveLinx™, occupancy sensor, and dimming options available.

Mounting

JUNCTION BOX: Standard with zinc-plated, quick-mount junction box plate that mounts directly to 4" J-Box. LightSquare mounts facing downward. Fixture slides over mounting plate and is secured with two stainless steel fasteners. Mounting plate features a one-piece EPDM gasket on back side of plate to firmly seal fixture to wall surface, forbidding entry of moisture and particulates. Optional mounting arrangements utilize a die-cast mounting adaptor box to allow for LED battery pack, surface conduit and trough branch wiring. The Entri LED luminaire is approved for mounting on combustible surfaces.

Finish

Housing is finished in five-stage super TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. LightSquare cover plates are standard white and may be specified to match finish of luminaire housing. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult Outdoor Architectural Colors brochure for a complete selection.

Warranty

Five-year warranty.







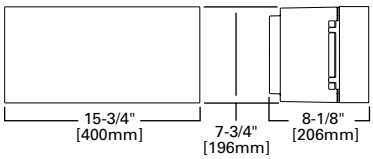
ENC/ENT/ENV
ENTRI LED

LightSquare
Solid State LED

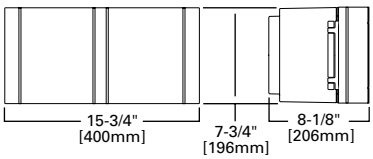
ARCHITECTURAL WALL LUMINAIRE

DIMENSIONS

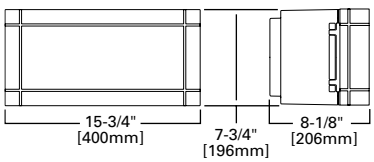
ENC (Round Clean)



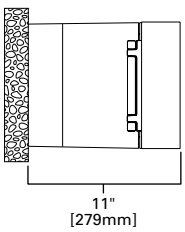
ENT (Triangle Reveals)



ENV (Round Reveals)



CONDUIT MOUNT / BATTERY BACK BOX



CERTIFICATION DATA

DesignLights Consortium® Qualified*
UL/cUL Listed
ISO 9001
IP66 LightSquares
LM79 / LM80 Compliant

ENERGY DATA

Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120-277V/50 & 60Hz, 347V/60Hz, 480V/60Hz
-30°C Minimum Temperature
40°C Ambient Temperature Rating (Optional)

SHIPPING DATA

Approximate Net Weight:
15.2 lbs. (6.9 kgs.) - Without backbox
29.1 lbs. (13.2 kgs.) - With backbox

ORDERING INFORMATION

Sample Number: ENC-SA1C-740-U-T4W-GM-ULG-HA-ZW-SWPD4BK

Domestic Preferences [25]	Product Family [1]	Light Engine		Color Temperature	Voltage	Distribution	Finish
		Configuration	Drive Current				
[Blank]=Standard **BAA**=Buy American Act **TAA**=Trade Agreements Act	**ENC**=Entri Round Clean **ENT**=Entri Triangle Reveals **ENV**=Entri Round Reveals	**SA1**=1 Square	**A**=350mA **B**=450mA **C**=600mA **D**=800mA **E**=1000mA **F**=1200mA	**722**=70CRI, 2200K [3] **727**=70CRI, 2700K [3] **730**=70CRI, 3000K [3] **735**=70CRI, 3500K **740**=70CRI, 4000K **750**=70CRI, 5000K [3] **760**=70CRI, 5700K [3] **827**=80CRI, 2700K [3] **830**=80CRI, 3000K [3] **835**=80CRI, 3500K [3]	**U**=UNV (120-277) **1**=120 **2**=208 **3**=240 **4**=277 **8**=480 **9**=347	**T2**=Type II **T3**=Type III **T4FT**=Type IV Forward Throw **T4W**=Type IV Wide **SL2**=Type II w/Spill Control **SL3**=Type III w/Spill Control **SL4**=Type IV w/Spill Control **SLL**=90° Spill Light Eliminator Left **SLR**=90° Spill Light Eliminator Right	**BZ**=Bronze **AP**=Grey **BK**=Black **DP**=Dark Platinum **GM**=Graphite Metallic **WH**=White

Options (Add as Suffix)

F=Singled fused (Must specify voltage, fused on single hot leg of 120, 277, or 347)
FF=Doubled fused (Must specify voltage, fused on both hot legs of 208, 240, or 480)
X=Driver Surge Protection (6kV) Only
20K=Series 20kV UL 1449 Surge Protective Device
2L=Two-Circuit Light Engine [24]
DIM=0-10V Dimming Driver [5, 6]
EBP=Battery Pack with Back Box (Must specify voltage, available in 120V or 277V) [2, 4, 9]
CBP=Battery Pack with Back Box, Cold Weather Rated (Must specify voltage, available in 120V or 277V) [2, 4, 10]
CBP-CEC=Battery Pack with Back Box, Cold Weather Rated, CEC compliant (Must specify voltage, available in 120V or 277V) [2, 4, 10]
R90=Rotated Right 90°
L90=Rotated Left 90°
HSS=Factory Installed House Side Shield [16]
LCF=LightSquare Trim Plate Matches Housing Finish [15]
ULG=Uplight Glow [7]
HA=50°C High Ambient [8]
WG=Wire Guard
TR=Tamper Resistant Hardware
BOX=Empty back box (1/2" NPT, each side with plugs installed
BPC=Button Type Photocontrol (Must specify voltage, available in 120, 208, 240, 277V, 347, and 480)
AHD145=After Hours Dim, 5 Hours, 50% [17]
AHD245=After Hours Dim, 6 Hours, 50% [17]
AHD255=After Hours Dim, 7 Hours, 50% [17]
AHD355=After Hours Dim, 8 Hours, 50% [17]
SPB1=Dimming Occupancy Sensor with Bluetooth Interface, <8' Mounting [13, 22]
SPB2=Dimming Occupancy Sensor with Bluetooth Interface, 8'-20' Mounting [13, 22]
SPB4=Dimming Occupancy Sensor with Bluetooth Interface, 21'-40' Mounting [13, 22]
MS-L08=Motion Sensor for ON/OFF Operation, Up to 8' Mounting Height [11, 12, 13]
MS-L20=Motion Sensor for ON/OFF Operation, 9' - 20' Mounting Height [11, 12, 13]
MS/DIM-L08=Motion Sensor for Dimming Operation, Up to 8' Mounting Height [11, 12, 13]
MS/DIM-L20=Motion Sensor for Dimming Operation, 9' - 20' Mounting Height [11, 12, 13]
ZW=WaveLinx-enabled 4-PIN Twistlock Receptacle [19,20]
ZW-SWPD4XX=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19,20,21]
ZW-SWPD5XX=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19,20,21]
CC=Coastal Construction [23]

Accessories (Order Separately) [26]

MA1253=10kV Circuit Module Replacement
MA1253-480V=10kV Circuit Module Replacement (480V only)
FSIR-100-PK=Wireless Configuration Tool for Occupancy Sensor [11]
VA6172SA=Wireguard Accessory
VA6173=Tamper-Resistant Driver Bit
VA6174=Vandal Shield Accessory
VA2001-XX=Thru-Way Conduit Box
LS/HSS=House Side Shield (Works with all distributions listed for Entri)
WOLC-7P-10A=WaveLinx Outdoor Control Module (7-pin)
SWPD4-XX=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 20, 21]
SWPD5-XX=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 20, 21]

NOTES:
1. DesignLights Consortium® Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details. DLC Family Code: MMMSPQ
2. EBP or CBP options limited to 25°C. Control option limited to BPC=Button Type Photocontrol (must specify voltage).
3. Extended lead times apply. Use dedicated IES files when performing layouts.
4. Not available with HA option.
5. Cannot be used with other control options.
6. Low voltage control lead brought out 18" outside fixture.
7. ULG only available in 740
8. Not available with ULG option
9. EBP is rated for minimum operating temperature of 0°C (32°F). Operates downlight for 90-minutes.
10. CBP is rated for minimum operating temperature of -20°C (-4°F). Operates downlight for 90-minutes.
11. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting
12. Replace LXX with the available mounting height options: L08, L20, L40 or L40W are the only choices.
13. Includes integral photosensor.
14. Bronze sensor is shipped with Bronze fixtures. White sensor shipped on all other housing color options.
15. Not available with HSS option.
16. Only for use with SL2, SL3 and SL4 distributions. The light square trim plate is painted black when the HSS option is selected.
17. Requires the use of BPC photocontrol. See After Hours Dim supplemental guide for additional information.
18. Control option limited to BPC=Button Type Photocontrol (must specify voltage).
19. WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed.
20. Requires ZW.
21. Replace XX with sensor color (WH, BZ, or BK).
22. Smart device with mobile application required to change system defaults. See controls section for details.
23. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654.
24. 2L not available with FF, ULG or AHD options. Controls and/or battery packs operate only one of the two circuits when 2L is specified.
25. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements.
26. Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
722 CCT	**T2 (Type II)**	Lumens	565	2,000	2,508	3,300	4,131	5,147	5,696
		Lumens per Watt‡	33.0	99.5	98.7	99.1	95.8	90.0	86.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	429	1,521	1,907	2,509	3,141	3,913	4,331
		Lumens per Watt‡	43.5	75.7	75.1	75.3	72.9	68.4	65.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	578	2,046	2,566	3,376	4,226	5,265	5,827
		Lumens per Watt‡	44.5	101.8	101.0	101.4	4,226	92.0	88.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	436	1,544	1,936	2,548	3,189	3,973	4,398
		Lumens per Watt‡	33.5	76.8	76.2	76.5	74.0	69.5	66.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	543	1,924	2,413	3,175	3,974	4,951	5,480
		Lumens per Watt‡	41.8	95.7	95.0	95.3	92.2	86.6	82.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	402	1,423	1,785	2,349	2,939	3,662	4,054
		Lumens per Watt‡	30.9	70.8	70.3	70.5	68.2	64.0	61.3
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4W (Type IV Wide)	Lumens	567	2,009	2,520	3,316	4,150	5,171	5,723
		Lumens per Watt‡	43.6	100.0	99.2	99.6	96.3	90.4	86.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	423	1,499	1,879	2,473	3,095	3,856	4,268
		Lumens per Watt‡	32.5	74.6	74.0	74.3	71.8	67.4	64.6
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1
	SL2 (Type II w/ Spill Control)	Lumens	560	1,985	2,489	3,275	4,099	5,108	5,653
		Lumens per Watt‡	43.1	98.8	98.0	98.3	95.1	89.3	85.5
		BUG Rating	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/ Spill Control, House Side Shield)	Lumens	459	1,624	2,037	2,680	3,355	4,180	4,626
		Lumens per Watt‡	35.3	80.8	80.2	80.5	77.8	73.1	70.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL3 (Type III w/ Spill Control)	Lumens	557	1,971	2,472	3,253	4,072	5,073	5,615
		Lumens per Watt‡	42.8	98.1	97.3	97.7	94.5	88.7	84.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/ Spill Control, House Side Shield)	Lumens	475	1,684	2,111	2,779	3,478	4,333	4,796
		Lumens per Watt‡	36.5	83.8	83.1	83.5	80.7	75.8	72.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL4 (Type IV w/ Spill Control)	Lumens	538	1,905	2,389	3,144	3,935	4,903	5,427
		Lumens per Watt‡	41.4	94.8	94.1	94.4	91.3	85.7	82.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/ Spill Control, House Side Shield)	Lumens	466	1,649	2,068	2,721	3,406	4,243	4,696
		Lumens per Watt‡	35.8	82.0	81.4	81.7	79.0	74.2	71.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
722 CCT	**SLR (90° Spill Light Eliminator Right)**	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
727 CCT	**T2 (Type II)**	Lumens	642	2,275	2,853	3,755	4,699	5,855	6,481
		Lumens per Watt‡	49.4	113.2	112.3	112.8	109.0	102.4	98.0
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	488	1,730	2,169	2,855	3,573	4,452	4,927
		Lumens per Watt‡	37.5	86.1	85.4	85.7	82.9	77.8	74.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	657	2,328	2,919	3,841	4,807	5,990	6,630
		Lumens per Watt‡	50.5	115.8	114.9	115.3	111.5	104.7	100.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	496	1,757	2,203	2,899	3,628	4,520	5,003
		Lumens per Watt‡	38.2	87.4	86.7	87.1	84.2	79.0	75.7
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	618	2,189	2,745	3,612	4,521	5,633	6,234
		Lumens per Watt‡	47.5	108.9	108.1	108.5	104.9	98.5	94.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	457	1,619	2,030	2,672	3,344	4,166	4,612
		Lumens per Watt‡	35.2	80.5	79.9	80.2	77.6	72.8	69.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	645	2,286	2,867	3,772	4,721	5,883	6,511
		Lumens per Watt‡	49.6	113.7	112.9	113.3	109.5	102.8	98.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	481	1,705	2,138	2,813	3,521	4,387	4,856
		Lumens per Watt‡	37.0	84.8	84.2	84.5	81.7	76.7	73.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	638	2,258	2,832	3,726	4,664	5,811	6,431
		Lumens per Watt‡	49.1	112.3	111.5	111.9	108.2	101.6	97.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	522	1,848	2,317	3,049	3,817	4,755	5,263
		Lumens per Watt‡	40.2	91.9	91.2	91.6	88.6	83.1	79.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
727 CCT	**SL3 (Type III w/Spill Control)**	Lumens	633	2,243	2,813	3,701	4,632	5,771	6,388
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	541	1,915	2,402	3,161	3,956	4,929	5,456
		Lumens per Watt‡	41.6	95.3	94.6	94.9	91.8	86.2	82.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	612	2,168	2,718	3,577	4,477	5,578	6,174
		Lumens per Watt‡	47.1	107.9	107.0	107.4	103.9	97.5	93.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	530	1,876	2,352	3,096	3,874	4,827	5,343
		Lumens per Watt‡	40.8	93.3	92.6	93.0	89.9	84.4	80.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	571	2,021	2,535	3,336	4,175	5,202	5,758
		Lumens per Watt‡	43.9	100.5	99.8	100.2	96.9	90.9	87.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	485	1,719	2,156	2,837	3,550	4,423	4,896
		Lumens per Watt‡	37.3	85.5	84.9	85.2	82.4	77.3	74.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	571	2,021	2,535	3,336	4,175	5,202	5,758
		Lumens per Watt‡	43.9	100.5	99.8	100.2	96.9	90.9	87.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	485	1,719	2,156	2,837	3,550	4,423	4,896
		Lumens per Watt‡	37.3	85.5	84.9	85.2	82.4	77.3	74.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
730 CCT	**T2 (Type II)**	Lumens	700	2,478	3,107	4,089	5,117	6,376	7,057
		Lumens per Watt‡	53.8	123.3	122.3	122.8	118.7	111.5	106.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	532	1,884	2,362	3,109	3,891	4,848	5,366
		Lumens per Watt‡	40.9	93.7	93.0	93.4	90.3	84.8	81.2
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2
	T3 (Type III)	Lumens	716	2,535	3,179	4,183	5,235	6,523	7,219
		Lumens per Watt‡	55.1	126.1	125.2	125.6	121.5	114.0	109.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	540	1,913	2,399	3,157	3,951	4,922	5,448
		Lumens per Watt‡	41.5	95.2	94.4	94.8	91.7	86.0	82.4
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	673	2,384	2,989	3,933	4,923	6,134	6,789
		Lumens per Watt‡	51.8	118.6	117.7	118.1	114.2	107.2	102.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	498	1,763	2,211	2,910	3,642	4,537	5,022
		Lumens per Watt‡	38.3	87.7	87.0	87.4	84.5	79.3	76.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
730 CCT	**T4W (Type IV Wide)**	Lumens	703	2,489	3,122	4,108	5,141	6,406	7,090
		Lumens per Watt‡	54.1	123.8	122.9	123.4	119.3	112.0	107.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	524	1,857	2,328	3,064	3,835	4,778	5,288
		Lumens per Watt‡	40.3	92.4	91.7	92.0	89.0	83.5	80.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	694	2,459	3,084	4,058	5,079	6,328	7,004
		Lumens per Watt‡	53.4	122.3	121.4	121.9	117.8	110.6	106.0
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	568	2,012	2,524	3,321	4,156	5,178	5,732
		Lumens per Watt‡	43.7	100.1	99.4	99.7	96.4	90.5	86.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	690	2,442	3,063	4,030	5,044	6,285	6,956
		Lumens per Watt‡	53.1	121.5	120.6	121.0	117.0	109.9	105.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	589	2,086	2,616	3,442	4,308	5,368	5,941
		Lumens per Watt‡	45.3	103.8	103.0	103.4	100.0	93.8	89.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	666	2,361	2,960	3,895	4,875	6,074	6,723
		Lumens per Watt‡	51.2	117.5	116.5	117.0	113.1	106.2	101.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	577	2,043	2,562	3,371	4,219	5,257	5,818
		Lumens per Watt‡	44.4	101.6	100.9	101.2	97.9	91.9	88.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	622	2,201	2,761	3,633	4,547	5,665	6,270
		Lumens per Watt‡	47.8	109.5	108.7	109.1	105.5	99.0	94.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	529	1,872	2,347	3,089	3,866	4,817	5,331
		Lumens per Watt‡	40.7	93.1	92.4	92.8	89.7	84.2	80.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	622	2,201	2,761	3,633	4,547	5,665	6,270
		Lumens per Watt‡	47.8	109.5	108.7	109.1	105.5	99.0	94.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	529	1,872	2,347	3,089	3,866	4,817	5,331
		Lumens per Watt‡	40.7	93.1	92.4	92.8	89.7	84.2	80.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
735 CCT	**T2 (Type II)**	Lumens	722	2,556	3,205	4,218	5,279	6,577	7,279
		Lumens per Watt‡	55.5	127.2	126.2	126.7	122.5	115.0	110.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	549	1,943	2,437	3,207	4,013	5,000	5,535
		Lumens per Watt‡	42.2	96.7	95.9	96.3	93.1	87.4	83.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
735 CCT	**T3 (Type III)**	Lumens	738	2,614	3,279	4,314	5,400	6,728	7,447
		Lumens per Watt‡	56.8	130.0	129.1	129.5	125.3	117.6	112.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	557	1,973	2,474	3,256	4,075	5,077	5,620
		Lumens per Watt‡	42.8	98.2	97.4	97.8	94.5	88.8	85.0
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4FT (Type IV Forward Throw)	Lumens	694	2,459	3,083	4,057	5,078	6,327	7,003
		Lumens per Watt‡	53.4	122.3	121.4	121.8	117.8	110.6	105.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	514	1,819	2,281	3,001	3,756	4,680	5,180
		Lumens per Watt‡	39.5	90.5	89.8	90.1	87.1	81.8	78.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	725	2,568	3,220	4,237	5,303	6,608	7,314
		Lumens per Watt‡	55.8	127.8	126.8	127.2	123.0	115.5	110.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	541	1,915	2,402	3,160	3,955	4,928	5,455
		Lumens per Watt‡	41.6	95.3	94.6	94.9	91.8	86.2	82.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	716	2,536	3,181	4,186	5,239	6,527	7,224
		Lumens per Watt‡	55.1	126.2	125.2	125.7	121.6	114.1	109.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	586	2,076	2,603	3,425	4,287	5,341	5,912
		Lumens per Watt‡	45.1	103.3	102.5	102.9	99.5	93.4	89.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	711	2,519	3,159	4,157	5,203	6,483	7,175
		Lumens per Watt‡	54.7	125.3	124.4	124.8	120.7	113.3	108.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	608	2,152	2,698	3,551	4,444	5,537	6,128
		Lumens per Watt‡	46.8	107.1	106.2	106.6	103.1	96.8	92.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	687	2,435	3,053	4,018	5,029	6,266	6,935
		Lumens per Watt‡	52.8	121.1	120.2	120.7	116.7	109.5	104.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	595	2,107	2,642	3,477	4,352	5,422	6,001
		Lumens per Watt‡	45.8	104.8	104.0	104.4	101.0	94.8	90.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	641	2,271	2,847	3,747	4,690	5,843	6,467
		Lumens per Watt‡	49.3	113.0	112.1	112.5	108.8	102.2	97.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	545	1,931	2,421	3,186	3,988	4,968	5,499
		Lumens per Watt‡	41.9	96.1	95.3	95.7	92.5	86.9	83.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
735 CCT	**SLL (90° Spill Light Eliminator Left)**	Lumens	641	2,271	2,847	3,747	4,690	5,843	6,467
		Lumens per Watt‡	49.3	113.0	112.1	112.5	108.8	102.2	97.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	545	1,931	2,421	3,186	3,988	4,968	5,499
		Lumens per Watt‡	41.9	96.1	95.3	95.7	92.5	86.9	83.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
740 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T2-ULG (Type III, House Side Shield)	Lumens	768	4,499	5,190	6,268	7,397	8,779	9,527
		Lumens per Watt‡	59.1	122.3	123.3	125.4	123.7	118.8	115.1
		BUG Rating	--	--	--	--	--	--	--
	T2-HSS-ULG (Type III, House Side Shield)	Lumens	584	3,847	4,372	5,192	6,050	7,101	7,670
		Lumens per Watt‡	44.9	104.5	103.8	103.8	101.2	96.1	92.6
		BUG Rating	--	--	--	--	--	--	--
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-ULG (Type III, House Side Shield)	Lumens	786	4,561	5,268	6,371	7,526	8,940	9,705
		Lumens per Watt‡	60.5	123.9	125.1	127.4	125.9	121.0	117.2
		BUG Rating	--	--	--	--	--	--	--
	T3-HSS-ULG (Type III, House Side Shield)	Lumens	593	3,878	4,412	5,244	6,116	7,183	7,760
		Lumens per Watt‡	45.6	105.4	104.8	104.9	102.3	97.2	93.7
		BUG Rating	--	--	--	--	--	--	--
	T4FT (Type IV Forward Throw)	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-ULG (Type III, House Side Shield)	Lumens	739	4,395	5,060	6,097	7,184	8,513	9,233
		Lumens per Watt‡	56.8	119.4	120.2	121.9	120.1	115.2	111.5
		BUG Rating	--	--	--	--	--	--	--
	T4FT-HSS-ULG (Type III, House Side Shield)	Lumens	547	3,714	4,206	4,973	5,777	6,760	7,292
		Lumens per Watt‡	42.1	100.9	99.9	99.5	96.6	91.5	88.1
		BUG Rating	--	--	--	--	--	--	--

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
740 CCT	**T4W (Type IV Wide)**	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-ULG (Type III, House Side Shield)	Lumens	772	4,511	5,206	6,289	7,424	8,812	9,563
		Lumens per Watt‡	59.4	122.6	123.7	125.8	124.1	119.2	115.5
		BUG Rating	--	--	--	--	--	--	--
	T4W-HSS-ULG (Type III, House Side Shield)	Lumens	576	3,817	4,334	5,142	5,988	7,024	7,584
		Lumens per Watt‡	44.3	103.7	102.9	102.8	100.1	95.0	91.6
		BUG Rating	--	--	--	--	--	--	--
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	"SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	"SL2-ULG (Type III, House Side Shield)"	Lumens	762	4,478	5,164	6,234	7,355	8,726	9,468
		Lumens per Watt‡	58.6	121.7	122.7	124.7	123.0	118.1	114.3
		BUG Rating	--	--	--	--	--	--	--
	"SL2-HSS-ULG (Type III, House Side Shield)"	Lumens	624	3,988	4,549	5,424	6,342	7,464	8,071
		Lumens per Watt‡	48.0	108.4	108.1	108.5	106.1	101.0	97.5
		BUG Rating	--	--	--	--	--	--	--
	"SL3 (Type III w/Spill Control)"	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	"SL3-HSS (Type III w/Spill Control, House Side Shield)"	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	"SL3-ULG (Type III, House Side Shield)"	Lumens	757	4,460	5,141	6,203	7,317	8,679	9,416
		Lumens per Watt‡	58.2	121.2	122.1	124.1	122.4	117.4	113.7
		BUG Rating	--	--	--	--	--	--	--
	"SL3-HSS-ULG (Type III, House Side Shield)"	Lumens	647	4,068	4,650	5,558	6,509	7,672	8,302
		Lumens per Watt‡	49.8	110.5	110.5	111.2	108.8	103.8	100.3
		BUG Rating	--	--	--	--	--	--	--
	"SL4 (Type IV w/Spill Control)"	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	"SL4-HSS (Type IV w/Spill Control, House Side Shield)"	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
740 CCT	**SL4-ULG (Type III, House Side Shield)**	Lumens	732	4,370	5,028	6,055	7,131	8,448	9,161
		Lumens per Watt‡	56.3	118.8	119.4	121.1	119.2	114.3	110.6
		BUG Rating	--	--	--	--	--	--	--
	SL4-HSS-ULG (Type III, House Side Shield)	Lumens	633	4,021	4,591	5,479	6,411	7,550	8,167
		Lumens per Watt‡	48.7	109.3	109.0	109.6	107.2	102.2	98.6
		BUG Rating	--	--	--	--	--	--	--
	SLR (90° Spill Light Eliminator Right)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLR-ULG (Type III, House Side Shield)	Lumens	682	4,195	4,809	5,767	6,770	7,998	8,663
		Lumens per Watt‡	52.5	114.0	114.2	115.3	113.2	108.2	104.6
		BUG Rating	--	--	--	--	--	--	--
	SLR-HSS-ULG (Type III, House Side Shield)	Lumens	580	3,833	4,355	5,170	6,023	7,067	7,632
		Lumens per Watt‡	44.6	104.2	103.4	103.4	100.7	95.6	92.2
		BUG Rating	--	--	--	--	--	--	--
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-ULG (Type III, House Side Shield)	Lumens	682	4,195	4,809	5,767	6,770	7,998	8,663
		Lumens per Watt‡	52.5	114.0	114.2	115.3	113.2	108.2	104.6
		BUG Rating	--	--	--	--	--	--	--
	SLL-HSS-ULG (Type III, House Side Shield)	Lumens	580	3,833	4,355	5,170	6,023	7,067	7,632
		Lumens per Watt‡	44.6	104.2	103.4	103.4	100.7	95.6	92.2
		BUG Rating	--	--	--	--	--	--	--
750 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
750 CCT	**T4FT (Type IV Forward Throw)**	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
760 CCT	**T2 (Type II)**	Lumens	768	2,721	3,412	4,490	5,619	7,001	7,749
		Lumens per Watt‡	59.1	135.4	134.3	134.8	130.4	122.4	117.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	584	2,069	2,594	3,414	4,272	5,323	5,892
		Lumens per Watt‡	44.9	102.9	102.1	102.5	99.1	93.1	89.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	T3 (Type III)	Lumens	786	2,783	3,490	4,593	5,748	7,162	7,927
		Lumens per Watt‡	60.5	138.5	137.4	137.9	133.4	125.2	119.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	593	2,100	2,634	3,466	4,338	5,405	5,982
		Lumens per Watt‡	45.6	104.5	103.7	104.1	100.6	94.5	90.5
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4FT (Type IV Forward Throw)	Lumens	739	2,617	3,282	4,319	5,406	6,735	7,455
		Lumens per Watt‡	56.8	130.2	129.2	129.7	125.4	117.7	112.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	547	1,936	2,428	3,195	3,999	4,982	5,514
		Lumens per Watt‡	42.1	96.3	95.6	95.9	92.8	87.1	83.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W (Type IV Wide)	Lumens	772	2,733	3,428	4,511	5,646	7,034	7,785
		Lumens per Watt‡	59.4	136.0	135.0	135.5	131.0	123.0	117.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	576	2,039	2,556	3,364	4,210	5,246	5,806
		Lumens per Watt‡	44.3	101.4	100.6	101.0	97.7	91.7	87.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2 (Type II w/Spill Control)	Lumens	762	2,700	3,386	4,456	5,577	6,948	7,690
		Lumens per Watt‡	58.6	134.3	133.3	133.8	129.4	121.5	116.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	624	2,210	2,771	3,646	4,564	5,686	6,293
		Lumens per Watt‡	48.0	110.0	109.1	109.5	105.9	99.4	95.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	757	2,682	3,363	4,425	5,539	6,901	7,638
		Lumens per Watt‡	58.2	133.4	132.4	132.9	128.5	120.6	115.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	647	2,290	2,872	3,780	4,731	5,894	6,524
		Lumens per Watt‡	49.8	113.9	113.1	113.5	109.8	103.0	98.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	732	2,592	3,250	4,277	5,353	6,670	7,383
		Lumens per Watt‡	56.3	129.0	128.0	128.4	124.2	116.6	111.7
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	633	2,243	2,813	3,701	4,633	5,772	6,389
		Lumens per Watt‡	48.7	111.6	110.7	111.1	107.5	100.9	96.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
760 CCT	**SLR (90° Spill Light Eliminator Right)**	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SLL (90° Spill Light Eliminator Left)	Lumens	682	2,417	3,031	3,989	4,992	6,220	6,885
		Lumens per Watt‡	52.5	120.2	119.3	119.8	115.8	108.7	104.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	580	2,055	2,577	3,392	4,245	5,289	5,854
		Lumens per Watt‡	44.6	102.2	101.5	101.9	98.5	92.5	88.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
827 CCT	**T2 (Type II)**	Lumens	565	2,000	2,508	3,300	4,131	5,147	5,696
		Lumens per Watt‡	43.5	99.5	98.7	99.1	95.8	90.0	86.2
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	429	1,521	1,907	2,509	3,141	3,913	4,331
		Lumens per Watt‡	33.0	75.7	75.1	75.3	72.9	68.4	65.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	578	2,046	2,566	3,376	4,226	5,265	5,825
		Lumens per Watt‡	44.5	101.8	101.0	101.4	98.1	92.0	88.1
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	436	1,544	1,936	2,548	3,189	3,973	4,398
		Lumens per Watt‡	33.5	76.8	76.2	76.5	74.0	69.5	66.5
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	543	1,924	2,413	3,175	3,974	4,951	5,480
		Lumens per Watt‡	41.8	95.7	95.0	95.3	92.2	86.6	82.9
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	402	1,423	1,785	2,349	2,939	3,662	4,054
		Lumens per Watt‡	30.9	70.8	70.3	70.5	68.2	64.0	61.3
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	T4W (Type IV Wide)	Lumens	567	2,009	2,520	3,316	4,150	5,171	5,723
		Lumens per Watt‡	43.6	100.0	99.2	99.6	96.3	90.4	86.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	423	1,499	1,879	2,473	3,095	3,856	4,268
		Lumens per Watt‡	32.5	74.6	74.0	74.3	71.8	67.4	64.6
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1
	SL2 (Type II w/Spill Control)	Lumens	560	1,985	2,489	3,275	4,099	5,108	5,653
		Lumens per Watt‡	43.1	98.8	98.0	98.3	95.1	89.3	85.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	459	1,624	2,037	2,680	3,355	4,180	4,626
		Lumens per Watt‡	35.3	80.8	80.2	80.5	77.8	73.1	70.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
827 CCT	**SL3 (Type III w/Spill Control)**	Lumens	557	1,971	2,472	3,253	4,072	5,073	5,615
		Lumens per Watt‡	42.8	98.1	97.3	97.7	94.5	88.7	84.9
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	475	1,684	2,111	2,779	3,478	4,333	4,796
		Lumens per Watt‡	36.5	83.8	83.1	83.5	80.7	75.8	72.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SL4 (Type IV w/Spill Control)	Lumens	538	1,905	2,389	3,144	3,935	4,903	5,427
		Lumens per Watt‡	41.4	94.8	94.1	94.4	91.3	85.7	82.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	466	1,649	2,068	2,721	3,406	4,243	4,696
		Lumens per Watt‡	35.8	82.0	81.4	81.7	79.0	74.2	71.0
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	502	1,777	2,228	2,932	3,670	4,572	5,061
		Lumens per Watt‡	38.6	88.4	87.7	88.0	85.2	79.9	76.6
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	427	1,511	1,895	2,493	3,121	3,888	4,303
		Lumens per Watt‡	32.8	75.2	74.6	74.9	72.4	68.0	65.1
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
830 CCT	**T2 (Type II)**	Lumens	610	2,162	2,711	3,568	4,465	5,563	6,158
		Lumens per Watt‡	46.9	107.6	106.7	107.1	103.6	97.3	93.2
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T2-HSS (Type II, House Side Shield)	Lumens	464	1,644	2,061	2,713	3,395	4,230	4,682
		Lumens per Watt‡	35.7	81.8	81.1	81.5	78.8	74.0	70.8
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1
	T3 (Type III)	Lumens	624	2,212	2,773	3,650	4,568	5,691	6,299
		Lumens per Watt‡	48.0	110.0	109.2	109.6	106.0	99.5	95.3
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T3-HSS (Type III, House Side Shield)	Lumens	471	1,669	2,093	2,754	3,447	4,295	4,754
		Lumens per Watt‡	36.2	83.0	82.4	82.7	80.0	75.1	71.9
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	T4FT (Type IV Forward Throw)	Lumens	587	2,080	2,608	3,432	4,296	5,352	5,924
		Lumens per Watt‡	45.2	103.5	102.7	103.1	99.7	93.6	89.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4FT-HSS (Type IV Forward Throw, House Side Shield)	Lumens	434	1,538	1,929	2,539	3,177	3,959	4,382
		Lumens per Watt‡	33.4	76.5	75.9	76.2	73.7	69.2	66.3
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2

POWER AND LUMENS

1 LightSquare (SA Series)			**ENC (Entri - Round Clean) / ENT (Entri - Triangle Reveals) / ENV (Entri - Round Reveals)**						
Drive Current (mA)			EBP / CBP	SA1A (350mA)	SA1B (450mA)	SA1C (600mA)	SA1D (800mA)	SA1E (1000mA)	SA1F (1200mA)
Power (Watts)		120-277V±	13	20.1	25.4	33.3	43.1	57.2	66.1
Current (A)		120V	--	0.17	0.22	0.29	0.38	0.48	0.56
		277V	--	0.09	0.1	0.13	0.17	0.21	0.25
Power (Watts)		347V or 480V	--	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)		347V	--	0.07	0.08	0.11	0.15	0.18	0.21
		480V	--	0.05	0.06	0.08	0.11	0.13	0.16
Optics									
830 CCT	**T4W (Type IV Wide)**	Lumens	613	2,172	2,724	3,584	4,486	5,590	6,187
		Lumens per Watt‡	47.2	108.1	107.2	107.6	104.1	97.7	93.6
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	T4W-HSS (Type IV Wide, House Side Shield)	Lumens	457	1,620	2,032	2,673	3,346	4,169	4,614
		Lumens per Watt‡	35.2	80.6	80.0	80.3	77.6	72.9	69.8
		BUG Rating	B0-U0-G0	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G2
	SL2 (Type II w/Spill Control)1	Lumens	606	2,146	2,691	3,541	4,431	5,521	6,111
		Lumens per Watt‡	46.6	106.8	105.9	106.3	102.8	96.5	92.5
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL2-HSS (Type II w/Spill Control, House Side Shield)	Lumens	496	1,756	2,202	2,898	3,626	4,518	5,001
		Lumens per Watt‡	38.2	87.4	86.7	87.0	84.1	79.0	75.7
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SL3 (Type III w/Spill Control)	Lumens	602	2,131	2,672	3,517	4,401	5,484	6,070
		Lumens per Watt‡	46.3	106.0	105.2	105.6	102.1	95.9	91.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL3-HSS (Type III w/Spill Control, House Side Shield)	Lumens	514	1,820	2,282	3,004	3,759	4,684	5,184
		Lumens per Watt‡	39.5	90.5	89.8	90.2	87.2	81.9	78.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2
	SL4 (Type IV w/Spill Control)	Lumens	582	2,060	2,583	3,399	4,254	5,300	5,867
		Lumens per Watt‡	44.8	102.5	101.7	102.1	98.7	92.7	88.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	SL4-HSS (Type IV w/Spill Control, House Side Shield)	Lumens	503	1,782	2,235	2,941	3,681	4,587	5,077
		Lumens per Watt‡	38.7	88.7	88.0	88.3	85.4	80.2	76.8
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1	B0-U0-G1	B1-U0-G2	B1-U0-G2
	SLR (90° Spill Light Eliminator Right)	Lumens	542	1,921	2,409	3,170	3,967	4,943	5,471
		Lumens per Watt‡	41.7	95.6	94.8	95.2	92.0	86.4	82.8
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLR-HSS (90° Spill Light Eliminator Right, House Side Shield)	Lumens	461	1,633	2,048	2,695	3,373	4,203	4,652
		Lumens per Watt‡	35.5	81.2	80.6	80.9	78.3	73.5	70.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL (90° Spill Light Eliminator Left)	Lumens	542	1,921	2,409	3,170	3,967	4,943	5,471
		Lumens per Watt‡	42	96	95	95	92	86	83
		BUG Rating	B0-U0-G0	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1
	SLL-HSS (90° Spill Light Eliminator Left, House Side Shield)	Lumens	461	1,633	2,048	2,695	3,373	4,203	4,652
		Lumens per Watt‡	35.5	81.2	80.6	80.9	78.3	73.5	70.4
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1

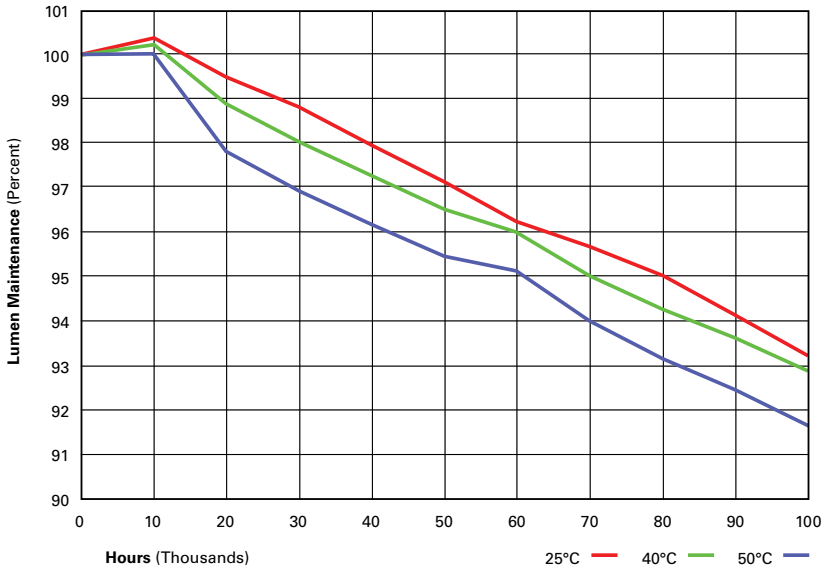
LUMEN MAINTENACE

SA1 (All Drive Currents)					
Hours	**25,000 hours***	**50,000 hours***	**60,000 hours***	**100,000 hours****	**Theoretical L70 (Hours)****
25˚C	99.4%	99.0%	98.9%	98.3%	2,471,000
40˚C	99.4%	99.0%	98.9%	98.3%	2,471,000
50˚C	99.4%	99.0%	98.9%	98.3%	2,471,000

* Supported by IES TM-21 standards
** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, that explains proper use of IES TM-21 and LM-80.

LUMEN MULTIPLIER

Ambient Temperature	SA1 (All Drive Currents)
0˚C	1.02
10˚C	1.01
25˚C	1.00
40˚C	0.99
50˚C	0.97



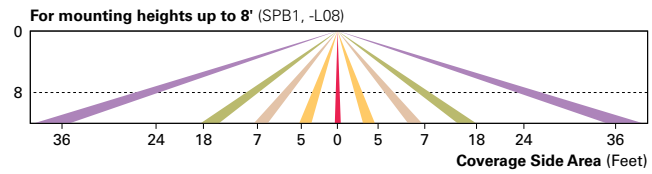
CONTROL OPTIONS

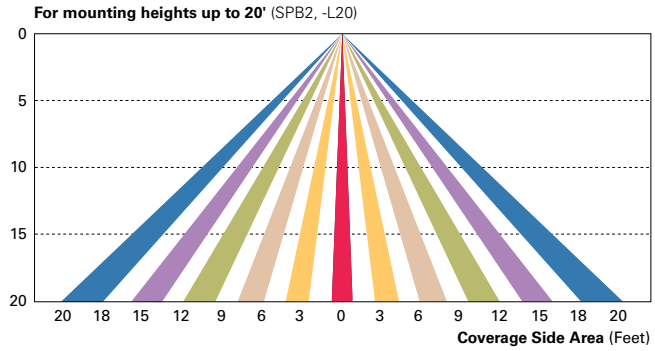
0-10V
This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

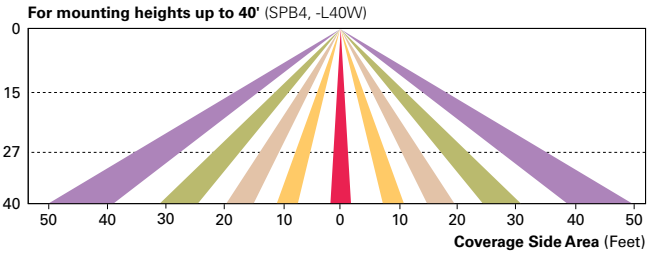
Photocontrol (BPC)
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable “dusk-to-dawn” lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

After Hours Dim (AHD)
This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a “dusk-to-dawn” period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

Dimming Occupancy Sensor (MS/DIM-LXX and MS-LXX)
These sensors are factory installed in the luminaire housing. When the SPB or MS/DIM sensor options are selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes. The MS-LXX sensor is factory preset to turn the luminaire off after five minutes of no activity. SPB motion sensors require the Sensor Configuration mobile application by Wattstopper to change factory default dimming level, time delay, sensitivity and other parameters. Available for iOS and Android devices. The SPB sensor is factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM occupancy sensors require the FSIR-100 programming tool to adjust factory defaults.







WaveLinx Wireless Control and Monitoring System
Available in 7-PIN or 4-PIN configurations, the WaveLinx Outdoor control platform operates on a wireless mesh network based on IEEE 802.15.4 standards enabling wireless control of outdoor lighting. Use the WaveLinx Mobile application for set-up and configuration. At least one Wireless Area Controller (WAC) is required for full functionality and remote communication (including adjustment of any factory pre-sets). WaveLinx Outdoor Control Module (WOLC-7P-10A) A photocontrol that enables astronomic or time-based schedules to provide ON, OFF and dimming control of fixtures utilizing a 7-PIN receptacle. The out-of-box functionality is ON at dusk and OFF at dawn. WaveLinx Wireless Sensor (SWPD4 and SWPD5) These outdoor sensors offer passive infrared (PIR) occupancy and a photocell for closed loop daylight sensing. These sensors can be factory installed or field-installed via simple, tool-less integration into luminaires equipped with the Zhaga Book 18 compliant 4-PIN receptacle (ZW). These sensors are factory preset to dim down to approximately 50 percent power after 15 minutes of no activity detected. These occupancy sensors include an integral photocell for "dusk-to-dawn" control or daylight harvesting that is factory-enabled. A variety of sensor lenses are available to optimize the coverage pattern for mounting heights from 7'-20', only applies for typical wall packs.

Project		Catalog #		Type	
Prepared by		Notes		Date	



McGraw-Edison

GALN Galleon II

Area / Site Luminaire

Product Features

Light ARchitect™

BAA

Interactive Menu

- Ordering Information page 2
- Mounting Details page 3
- Optical Distributions page 5
- Product Specifications page 5
- Energy and Performance Data page 6
- Control Options page 11

Product Certifications

ISO Systems Certified, DLC Listed[1], DLC Listed Premium[1], 3G VIB, IP66, UL Certified, ida Dark Sky Approved[2], 5 Year Limited Warranty

Quick Facts

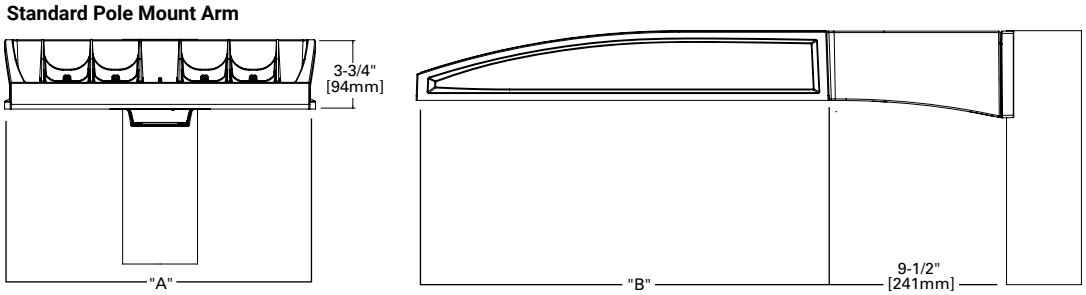
- Lumen packages range from 3,300 - 73,500 (33W - 552W)
- 17 optical distributions
- Efficacy up to 159 lumens per watt

Connected Systems

- WaveLinx Lite
- WaveLinx

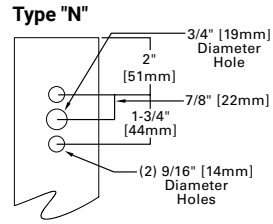
Dimensional Details

Standard Pole Mount Arm



Pole Drilling Pattern

Type "N"



Number of Light Squares	Width "A"	Housing Length "B"	Weight with Standard or QM Arm	EPA with Standard or QM Arm
1-4	16"	22"	29 lb	0.95
5-6	22"	22"	39 lb	0.95
7-9	22"	28-1/8"	48 lb	1.1

NOTES:
For arm selection requirements and additional line art, see Mounting Details section.

NOTES:
1. Visit https://www.designlights.org/search/ to confirm qualification. Not all product variations are DLC qualified.
2. IDA Certified (3000K CCT and warmer only, fixed mounting options)

Ordering Information

SAMPLE NUMBER: **GALN-SA4C-740-U-T4FT-GM**

Product Family [1, 2]	Light Engine		Color Temperature	Voltage	Distribution	Mounting	Finish
	Configuration	Drive Current					
GALN=Galleon II **BAA-GALN**=Galleon II Buy American Act Compliant [27] **TAA-GALN**=Galleon II Trade Agreements Act Compliant [27]	**SA1**=1 Square **SA2**=2 Squares **SA3**=3 Squares **SA4**=4 Squares **SA5**=5 Squares **SA6**=6 Squares **SA7**=7 Squares **SA8**=8 Squares **SA9**=9 Squares	**A**=600mA **B**=800mA **C**=1000mA **D**=1200mA [4, 17] **Z**=Configured [33]	**722**=70CRI, 2200K **727**=70CRI, 2700K **730**=70CRI, 3000K **735**=70CRI, 3500K **740**=70CRI, 4000K **750**=70CRI, 5000K **760**=70CRI, 6000K **827**=80CRI, 2700K **830**=80CRI, 3000K **835**=80CRI, 3500K **840**=80CRI, 4000K **930**=90CRI, 3000K **935**=90CRI, 3500K **940**=90CRI, 4000K **950**=90CRI, 5000K **AMB**=Amber, 590nm [15, 17]	**U**=120-277V **H**=347V-480V [7, 30] **1**=120V **2**=208V **3**=240V **4**=277V **8**=480V [7, 30] **9**=347V [7] **DV**=277V-480V DuraVolt Drivers [29, 30, 31]	**T1**=Type I **T2**=Type II **T2R**=Type II Roadway **T3**=Type III **T3R**=Type III Roadway **T4FT**=Type IV Forward Throw **T4W**=Type IV Wide **5NQ**=Type V Narrow **5MQ**=Type V Square Medium **5WQ**=Type V Square Wide **SL2**=Type II w/Spill Control **SL3**=Type III w/Spill Control **SL4**=Type IV w/Spill Control **SLL**=90° Spill Light Eliminator Left **SLR**=90° Spill Light Eliminator Right **RW**=Rectangular Wide Type I **AFL**=Automotive Frontline	**[Blank]**=Standard Pole Mount Arm **QU**=Quick Mount Universal Arm **QM**=Pole Mount Arm with Quick Mount Adaptor **PA**=Pole Mount, Adjustable **SP**=3" Slipfitter, Adjustable [8] **SP2**=2-3/8" Slipfitter, Adjustable [8] **QMA**=Quick Mount Mast Arm, Fixed **MA**=Mast Arm, Fixed **WM**=Wall Mount, Fixed **WA**=Wall Mount, Adjustable **UP**=Upswept Arm	**AP**=Grey **BZ**=Bronze **BK**=Black **DP**=Dark Platinum **GM**=Graphite Metallic **WH**=White **RALXX**=Custom Color

Options (Add as Suffix)	Controls and Systems Options (Add as Suffix)	Accessories (Order Separately) [28]
DIM=External 0-10V Dimming Leads [20] **F**=Single Fuse (120, 277 or 347V Specify Voltage) **FF**=Double Fuse (208, 240 or 480V Specify Voltage) **20K**=20kV UL 1449 fused surge protective device [10] **2L**=Two Circuits [10] **HA**=50°C High Ambient **HSS**=Installed House Side Shield [18] **GRSBK**=Glare Reducing Shield, Black [23] **GRSWH**=Glare Reducing Shield, White [23] **LCF**=Light Square Trim Painted to Match Housing [26] **TH**=Tool-less Door Hardware [5] **CC**=Coastal Construction finish [3] **L90**=Optics Rotated 90° Left **R90**=Optics Rotated 90° Right **AHD145**=After Hours Dim, 5 Hours [22] **AHD245**=After Hours Dim, 6 Hours [22] **AHD255**=After Hours Dim, 7 Hours [22] **AHD355**=After Hours Dim, 8 Hours [22] **DALI**=DALI Drivers	**BPC**=Button Type Photocontrol. Must specify voltage 120V, 208V, 240V or 277V. [6] **PR**=NEMA 3-PIN Photocontrol Receptacle **PR7**=NEMA 7-PIN Photocontrol Receptacle [21] **FADC**=Field Adjustable Dimming Controller [32] **PSC**=Photocontrol Shorting Cap **SPB2**=Dimming Motion Sensor, 9'-20' mounting [24] **SPB4**=Dimming Motion Sensor, 21'-40' mounting [24] **SPB2/X**=Dimming Motion Sensor, limited square count, 9'-20' mounting [24] **SPB4/X**=Dimming Motion Sensor, limited square count, 21'-40' mounting [24] **MS/DIM-L20**=Motion Sensor for Dimming Operation, 9'-20' Mounting [34] **MS/DIM-L40**=Motion Sensor for Dimming Operation, 21'-40' Mounting [34] **ZW**=WaveLinx-enabled 4-PIN Twistlock Receptacle [19] **ZD**=SR Driver-enabled 4-PIN Twistlock Receptacle [19] **ZW-WOBXX**=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [19, 12] **ZW-WOFXX**=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [19, 12] **ZD-WOBXX**=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [19, 12] **ZD-WOFXX**=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [19, 12] **ZW-SWPD4XX**=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 12, 13] **ZW-SWPD5XX**=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 12, 13] **ZD-SWPD4XX**=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [19, 12, 13] **ZD-SWPD5XX**=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [19, 12, 13] **DIM10-L20**=Synapse Occupancy Sensor (9'-20' Mounting) [19] **DIM10-L40**=Synapse Occupancy Sensor (21'-40' Mounting) [19]	**OA/RA1016**=NEMA Photocontrol Multi-Tap - 105-285V **OA/RA1027**=NEMA Photocontrol - 480V **OA/RA1201**=NEMA Photocontrol - 347V **OA/RA1013**=Photocontrol Shorting Cap **OA/RA1014**=120V Photocontrol **MA1252**=10kV Surge Module Replacement **MA1036-XX**=Single Tenon Adapter for 2-3/8" O.D. Tenon **MA1037-XX**=2@180° Tenon Adapter for 2-3/8" O.D. Tenon **MA1197-XX**=3@120° Tenon Adapter for 2-3/8" O.D. Tenon **MA1188-XX**=4@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1189-XX**=2@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1190-XX**=3@90° Tenon Adapter for 2-3/8" O.D. Tenon **MA1191-XX**=2@120° Tenon Adapter for 2-3/8" O.D. Tenon **MA1038-XX**=Single Tenon Adapter for 3-1/2" O.D. Tenon **MA1039-XX**=2@180° Tenon Adapter for 3-1/2" O.D. Tenon **MA1192-XX**=3@120° Tenon Adapter for 3-1/2" O.D. Tenon **MA1193-XX**=4@90° Tenon Adapter for 3-1/2" O.D. Tenon **MA1194-XX**=2@90° Tenon Adapter for 3-1/2" O.D. Tenon **MA1195-XX**=3@90° Tenon Adapter for 3-1/2" O.D. Tenon **SRA238**=Adapter kit for mounting 3" SP arm to 2-3/8" O.D. vertical tenon **FSIR-100**=Wireless Configuration Tool for MS/DIM [34] **LS/HSS**=Field Installed House Side Shield [9, 18] **LS/GRSBK-2PK** =Glare Reducing Shield, Black [9, 23] **LS/GRSWH-2PK** =Glare Reducing Shield, White [9, 23] **LS/PFS**=Perimeter Shield, Black [16] **WOLC-7P-10A**=WaveLinx Outdoor Control Module [11, 19] **WOB-XX**=WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting [12, 14, 19] **WOF-XX**=WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting [12, 14, 19] **SWPD4-XX**=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [12, 13, 14, 19] **SWPD5-XX**=WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [12, 13, 14, 19]

NOTES:

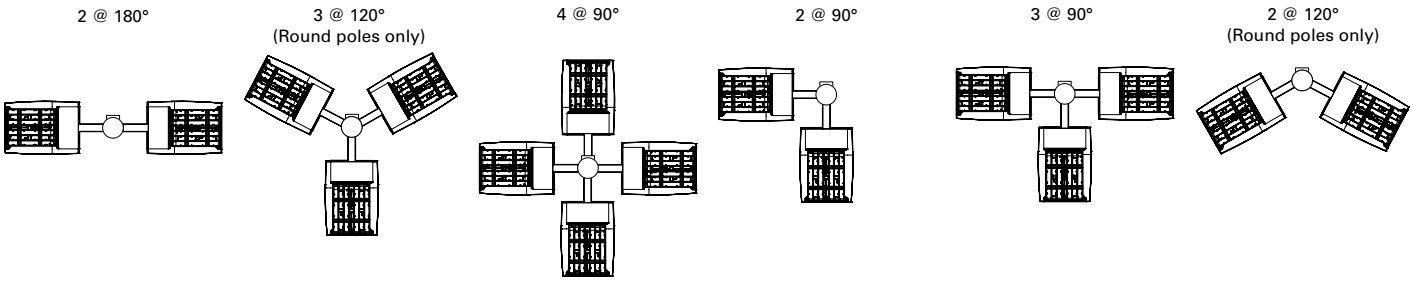
1. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information.
2. DesignLights Consortium® Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details.
3. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654. Not available with TH option.
4. Drive current 1200mA not available with color temperatures 722, 727, 827, 830 or 930 when the HSS option is selected.
5. TH option not 3G rated. Not available with Coastal Construction (CC) option.
6. Not available with voltage options H, 8 or 9.
7. Requires the use of an internal step down transformer when combined with sensor options. Not available in combination with the HA high ambient and sensor options at 1A.
8. SP arm limited to 3" O.D. vertical tenon. SP2 limited to 2-3/8" O.D. vertical tenon.
9. One required for each Light Square.
10. 2L is not available with SPB at 347V or 480V. Not available with WaveLinx or Enlighted sensors, or 20kV surge option.
11. Requires PR7.
12. Replace XX with sensor color (WH, BZ or BK.)
13. WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed. WAC not required for LC Bluetooth sensors.
14. Requires ZW or ZD receptacle.
15. Narrow-band 590nm +/- 5nm for wildlife and observatory use. Choose drive current A; supplied at 500mA drive current only. Exact luminaire wattage available in IES files. Available with 5WQ, 5MQ, SL2, SL3 and SL4 distributions. Can be used with HSS option.
16. Set of 4 pcs. One set required per Light Square.
17. Not available with HA option.
18. Not for use with T1, 5NQ, 5MQ, 5WQ or RW optics.
19. Cannot be used with other control options.
20. Low voltage control lead brought out 18" outside fixture. Not available with DALI or integrated controls options
21. Not available if any SPB, LWR, or WaveLinx sensor is selected. Motion sensor has an integral photocell.
22. Requires the use of BPC photocontrol or the PR7 or PR photocontrol receptacle with photocontrol accessory.
23. Not for use with T1, T4FT, T4W or SL4 optics.
24. Sensor configuration mobile application required for configuration. See controls page for details.
25. Replace X with number of Light Squares controlled by the SPB, referencing the "SPB/X Availability Table" on the controls page.
26. Not available with HSS, GRSWH or GRSBK.
27. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements.
28. For BAA or TAA requirements, Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.
29. DuraVolt drivers feature added protection from power quality issues such as loss of neutral, transients and voltage fluctuations. Visit www.signify.com/duravolt for more information.
30. 480V not to be used with ungrounded or impedance grounded systems.
31. Not available in 1 square configuration at 800mA or below. Not available with any control option except SPB.
32. Cannot be used with PR7 or other motion response control options.
33. Use GALN Product Configurator to specify lumen output, drive current and wattage. Not available with AMB.
34. Uses the FSP-211 motion sensor. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting Solutions for more information.

LumenSafe Integrated Network Security Camera Technology Options (Add as Suffix)

Product Family	Camera Type	Data Backhaul	
L=LumenSafe Technology	**D**=Standard Dome Camera **H**=Hi-Res Dome Camera **Z**=Remote PTZ Camera	**C**=Cellular, No SIM **A**=Cellular, AT&T **V**=Cellular, Verizon **S**=Cellular, Sprint	**R**=Cellular, Rogers **W**=Wi-Fi Networking w/ Omni-Directional Antenna **E**=Ethernet Networking

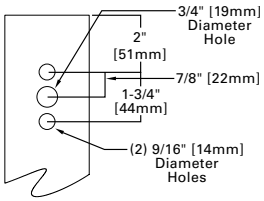
Mounting Details

Pole Configuration Options

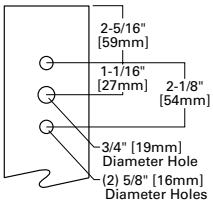


Pole Drilling Patterns

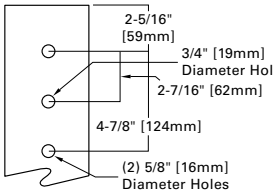
Type "N"



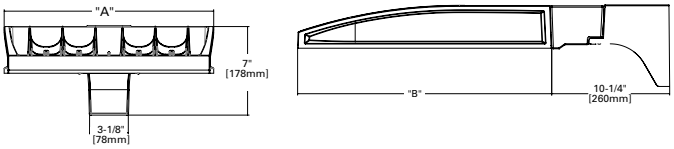
Type "R"



Type "M"

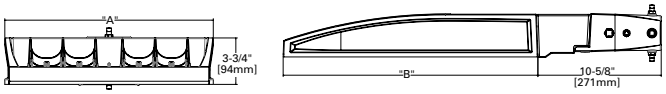


Quick Mount Universal Arm (QU)



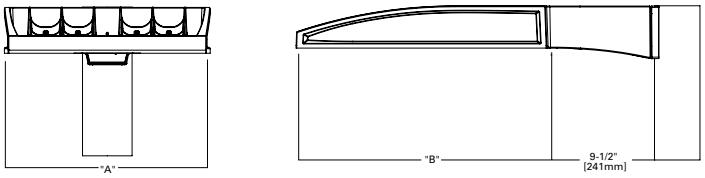
*NOTE: Universal bolt pattern compatible with Type N through Type M drilling patterns

Quick Mount Mast Arm (QMA)



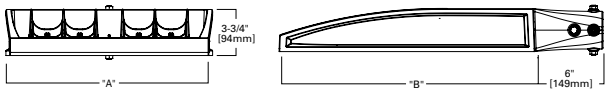
*NOTE: Fits 2-3/8" O.D. tenon

Pole Mount Arm with Quick Mount Adaptor (QM)



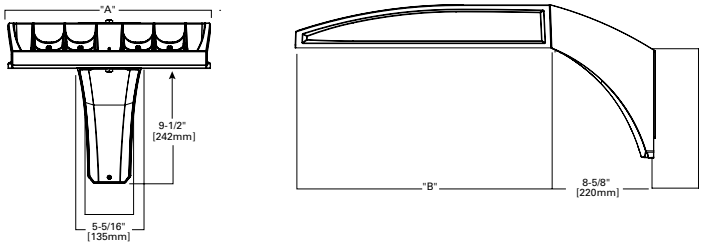
*NOTE: Use Type N drilling pattern

Mast Arm, Fixed (MA)



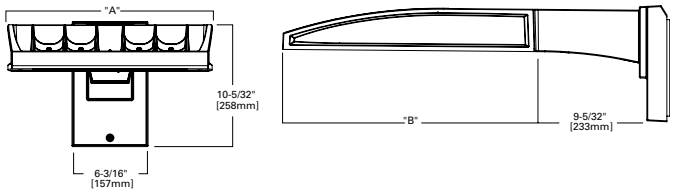
*NOTE: Fits 2-3/8" O.D. tenon

Upswept Arm (UP)



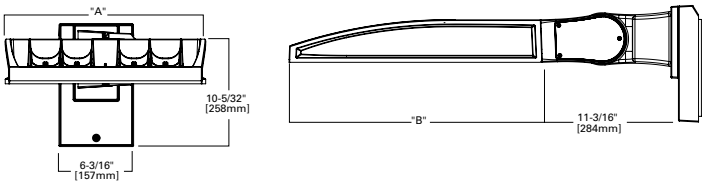
*NOTE: Universal bolt pattern compatible with Type N through Type M drilling patterns

Wall Mount, Fixed (WM)

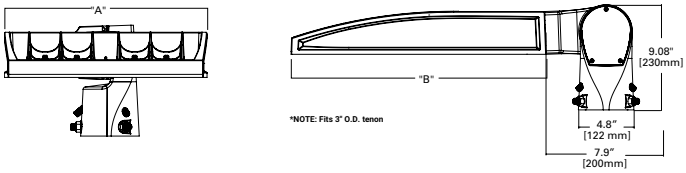


Mounting Details

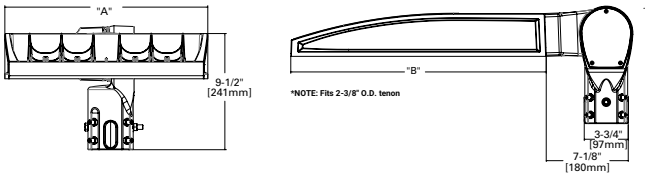
Wall Mount, Adjustable (WA)



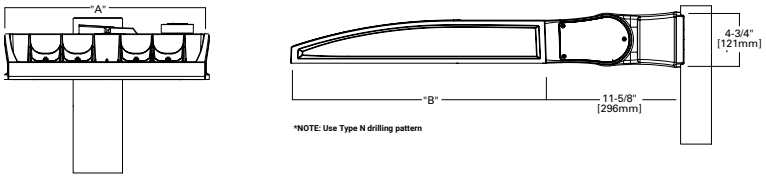
3" Slipfitter, Adjustable (SP)



2-3/8" Slipfitter, Adjustable (SP2)

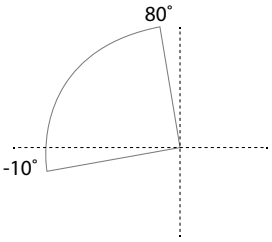


Pole Mount, Adjustable Arm (PA)



Adjustable Arm Range of Motion

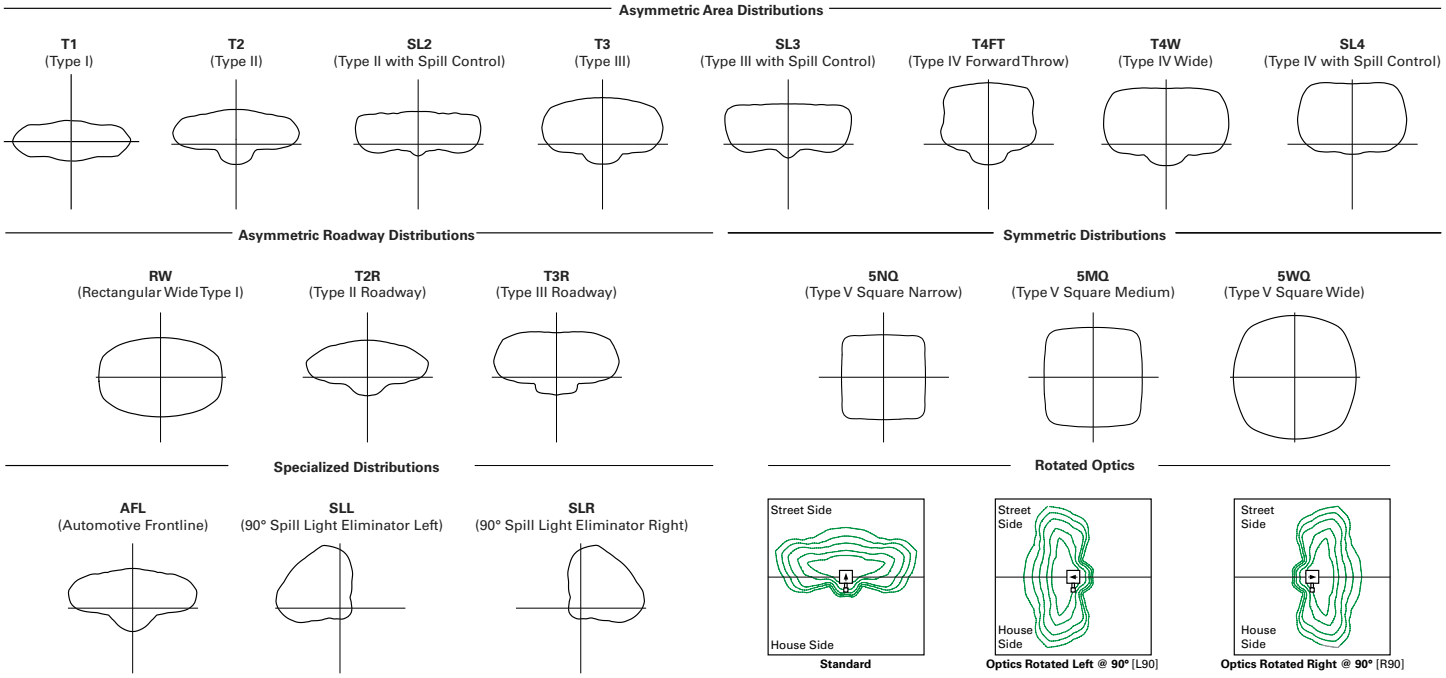
- Includes WA, SP, SP2 and PA mounting options
- Adjustable in increments of 5°
- Must maintain downward facing orientation



Fixture Weights and EPAs

Tilt Angle (Degrees)	Number of Light Squares	Weight	1 @ 90°	2 @ 180°	2 @ 90°	2 @ 120°	3 @ 90°	3 @ 120°	4 @ 90°
0°	1-4	33.5 lb (15.2 kg)	0.85	1.70	1.46	1.66	2.31	2.25	2.35
	5-6	43.5 lb (19.7 kg)	0.86	1.71	1.62	1.80	2.49	2.35	2.50
	7-9	52.5 lb (23.8 kg)	0.98	1.95	1.75	1.98	2.73	2.55	2.76
15°	1-4	33.5 lb (15.2 kg)	1.10	1.71	1.95	2.26	2.81	3.30	2.87
	5-6	43.5 lb (19.7 kg)	1.42	1.71	2.27	2.72	3.13	3.63	3.15
	7-9	52.5 lb (23.8 kg)	1.69	1.96	2.67	3.22	3.65	4.38	3.72
30°	1-4	33.5 lb (15.2 kg)	1.72	1.81	2.58	3.21	3.44	4.59	3.53
	5-6	43.5 lb (19.7 kg)	2.26	2.29	3.11	4.00	3.97	5.27	4.00
	7-9	52.5 lb (23.8 kg)	2.75	2.85	3.73	4.83	4.71	6.45	4.81
45°	1-4	33.5 lb (15.2 kg)	2.25	2.36	3.10	4.00	3.96	5.63	4.08
	5-6	43.5 lb (19.7 kg)	2.96	2.99	3.81	5.06	4.67	6.49	4.71
	7-9	52.5 lb (23.8 kg)	3.63	3.76	3.73	6.17	5.59	8.03	5.73
60°	1-4	33.5 lb (15.2 kg)	2.63	2.77	3.49	4.58	4.34	6.21	4.48
	5-6	43.5 lb (19.7 kg)	3.46	3.51	4.32	5.84	5.19	7.01	5.22
	7-9	52.5 lb (23.8 kg)	4.27	4.44	5.25	7.15	6.23	8.80	6.40

Optical Distributions



Product Specifications

Construction
- Die-cast aluminum housing and heat sink
- Three housing sizes, using 1 to 9 light squares

Optics
- High-efficiency injection-molded AccuLED Optics technology
- 17 optical distributions for area site and roadway applications
- 3 shielding options include HSS, GRS and PFS
- IDA Certified (3000K CCT and warmer only, fixed mounting options)

Electrical
- Removable power tray assembly includes drivers, surge modules and control modules for ease of maintenance and serviceability
- Standard with 0-10V dimming
- Standard with 10kV surge module, optional 20kV surge module
- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration

Mounting
- Arms are factory installed, enabling closed-housing installation
- All arms suitable for round or square pole installation
- All arms provide clearance for multiple fixture installations at 90°

Finish
- 6 standard finishes use super durable TGIC polyester powder coat paint, providing 2.5 mil nominal thickness and salt-spray tested to 3,000 hours per ASTM B117
- RAL and custom color matches available
- Coastal Construction (CC) option salt-spray tested to 5,000 hours per ASTM B117, achieving a scribe rating of 9 per ASTM D1654

Typical Applications
- Outdoor, Parking Lots, Walkways, Roadways, Building Areas

Warranty
- Five year limited warranty

Energy and Performance Data

Lumen Maintenance (TM-21)

Drive Current	Ambient Temperature	25,000 hours*	50,000 hours*	60,000 hours*	100,000 hours**	Theoretical L70 hours**
Up to 1A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.7%	98.3%	98.1%	97.4%	> 1.9M
	50°C	98.2%	97.2%	96.8%	95.2%	> 851,000
1.2A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.5%	97.9%	97.7%	96.7%	> 1.3M

* Supported by IES TM-21 standards
** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, explaining proper use of IES TM-21 and LM-80.

Lumen Multiplier

Ambient Temperature	Lumen Multiplier
0ºC	1.02
10ºC	1.01
25ºC	1.00
40ºC	0.99
50ºC	0.97

FADC Settings
SA1-SA3 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	25%
2	48%
3	56%
4	65%
5	75%
6	80%
7	85%
8	90%
9	95%
10	100%

FADC Settings
SA4-SA6 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	14%
2	25%
3	32%
4	43%
5	49%
6	57%
7	65%
8	72%
9	80%
10	100%

FADC Settings
SA7-SA9 (A, B, C, D Drive Current)

FADC Position	Percent of Typical Lumen Output
1	19%
2	38%
3	47%
4	63%
5	74%
6	85%
7	95%
8	97%
9	100%
10	100%

Performance Table, Drive Current "A" (615mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		33	63	93	121	154	182	215	244	274
Input Current @ 120V		0.283	0.529	0.778	1.058	1.310	1.556	1.839	2.089	2.335
Input Current @ 208V		0.165	0.309	0.460	0.618	0.771	0.919	1.082	1.240	1.379
Input Current @ 240V		0.143	0.270	0.398	0.540	0.671	0.796	0.944	1.078	1.194
Input Current @ 277V		0.125	0.237	0.352	0.473	0.581	0.705	0.818	0.962	1.057
Input Current @ 347V		0.098	0.181	0.272	0.362	0.454	0.544	0.636	0.738	0.816
Input Current @ 480V		0.073	0.133	0.200	0.267	0.335	0.400	0.470	0.554	0.600
Optics										
T1	4000K Lumens	4,619	9,180	13,628	18,059	22,861	27,070	31,796	36,863	41,385
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	140	146	147	149	148	149	148	151	151
T2	4000K Lumens	4,654	9,249	13,730	18,194	23,032	27,273	32,034	37,138	41,694
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	141	147	148	150	150	150	149	152	152
T2R	4000K Lumens	4,716	9,372	13,913	18,437	23,340	27,637	32,462	37,634	42,251
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4
	Lumens per Watt	143	149	150	152	152	152	151	154	154
T3	4000K Lumens	4,589	9,120	13,538	17,940	22,711	26,892	31,587	36,620	41,112
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G4
	Lumens per Watt	139	145	146	148	147	148	147	150	150
T3R	4000K Lumens	4,735	9,411	13,970	18,513	23,436	27,751	32,596	37,790	42,425
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	143	149	150	153	152	152	152	155	155
T4FT	4000K Lumens	4,617	9,176	13,622	18,051	22,851	27,058	31,782	36,847	41,366
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	140	146	146	149	148	149	148	151	151
T4W	4000K Lumens	4,631	9,203	13,662	18,104	22,918	27,138	31,876	36,955	41,488
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	140	146	147	150	149	149	148	151	151
SL2	4000K Lumens	4,619	9,180	13,627	18,058	22,860	27,069	31,795	36,861	41,383
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5
	Lumens per Watt	140	146	147	149	148	149	148	151	151
SL3	4000K Lumens	4,586	9,115	13,531	17,931	22,699	26,879	31,571	36,602	41,091
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	139	145	145	148	147	148	147	150	150
SL4	4000K Lumens	4,529	9,002	13,363	17,708	22,417	26,544	31,178	36,146	40,580
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G4	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	137	143	144	146	146	146	145	148	148
5NQ	4000K Lumens	4,829	9,598	14,247	18,880	23,901	28,301	33,242	38,539	43,266
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3
	Lumens per Watt	146	152	153	156	155	155	155	158	158
5MQ	4000K Lumens	4,853	9,645	14,318	18,974	24,020	28,442	33,407	38,731	43,482
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	147	153	154	157	156	156	155	159	159
5WQ	4000K Lumens	4,843	9,625	14,288	18,934	23,969	28,382	33,337	38,649	43,390
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	147	153	154	156	156	156	155	158	158
SLL/ SLR	4000K Lumens	3,989	7,927	11,768	15,594	19,741	23,375	27,456	31,831	35,736
	BUG Rating	B1-U0-G2	B1-U0-G2	B2-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
	Lumens per Watt	121	126	127	129	128	128	128	130	130
RW	4000K Lumens	4,774	9,488	14,085	18,665	23,628	27,979	32,863	38,100	42,774
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	145	151	151	154	153	154	153	156	156
AFL	4000K Lumens	4,673	9,286	13,785	18,268	23,126	27,384	32,164	37,290	41,864
	BUG Rating	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3
	Lumens per Watt	142	147	148	151	150	150	150	153	153

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "B" (800mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		44	82	121	164	204	243	286	325	364
Input Current @ 120V		0.367	0.689	1.014	1.378	1.704	2.027	2.393	2.716	3.041
Input Current @ 208V		0.213	0.401	0.594	0.802	0.997	1.188	1.400	1.605	1.782
Input Current @ 240V		0.184	0.347	0.510	0.694	0.860	1.021	1.210	1.386	1.531
Input Current @ 277V		0.160	0.303	0.449	0.605	0.757	0.898	1.065	1.242	1.347
Input Current @ 347V		0.125	0.235	0.355	0.471	0.592	0.710	0.828	0.958	1.065
Input Current @ 480V		0.092	0.172	0.258	0.344	0.432	0.517	0.605	0.706	0.775
Optics										
T1	4000K Lumens	5,748	11,423	16,957	22,470	28,446	33,683	39,563	45,867	51,494
	BUG Rating	B2-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	131	139	140	137	139	139	138	141	141
T2	4000K Lumens	5,790	11,508	17,083	22,638	28,658	33,935	39,859	46,210	51,879
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	132	140	141	138	140	140	139	142	143
T2R	4000K Lumens	5,868	11,662	17,311	22,941	29,041	34,388	40,391	46,827	52,572
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5
	Lumens per Watt	133	142	143	140	142	142	141	144	144
T3	4000K Lumens	5,710	11,347	16,845	22,322	28,258	33,461	39,303	45,565	51,155
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5
	Lumens per Watt	130	138	139	136	139	138	137	140	141
T3R	4000K Lumens	5,892	11,710	17,383	23,035	29,161	34,530	40,558	47,020	52,788
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	134	143	144	140	143	142	142	145	145
T4FT	4000K Lumens	5,745	11,418	16,949	22,460	28,433	33,668	39,546	45,847	51,471
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	139	140	137	139	139	138	141	141
T4W	4000K Lumens	5,762	11,451	16,999	22,526	28,517	33,767	39,662	45,982	51,622
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	140	140	137	140	139	139	141	142
SL2	4000K Lumens	5,747	11,422	16,956	22,469	28,444	33,681	39,561	45,865	51,491
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	131	139	140	137	139	139	138	141	141
SL3	4000K Lumens	5,707	11,342	16,836	22,311	28,244	33,444	39,283	45,542	51,129
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	130	138	139	136	138	138	137	140	140
SL4	4000K Lumens	5,636	11,201	16,627	22,034	27,893	33,028	38,794	44,976	50,493
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G4	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	128	137	137	134	137	136	136	138	139
5NQ	4000K Lumens	6,009	11,942	17,727	23,492	29,739	35,214	41,362	47,953	53,835
	BUG Rating	B2-U0-G1	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3
	Lumens per Watt	137	146	147	143	146	145	145	148	148
5MQ	4000K Lumens	6,039	12,001	17,816	23,609	29,887	35,389	41,568	48,191	54,103
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	137	146	147	144	147	146	145	148	149
5WQ	4000K Lumens	6,026	11,976	17,778	23,559	29,824	35,315	41,480	48,090	53,989
	BUG Rating	B3-U0-G1	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5
	Lumens per Watt	137	146	147	144	146	145	145	148	148
SLL/ SLR	4000K Lumens	4,963	9,863	14,642	19,403	24,563	29,085	34,163	39,607	44,465
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	113	120	121	118	120	120	119	122	122
RW	4000K Lumens	5,940	11,806	17,526	23,224	29,400	34,813	40,891	47,407	53,222
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	135	144	145	142	144	143	143	146	146
AFL	4000K Lumens	5,814	11,555	17,153	22,730	28,775	34,073	40,021	46,398	52,090
	BUG Rating	B1-U0-G1	B2-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4
	Lumens per Watt	132	141	142	139	141	140	140	143	143

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "C" (1050mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		57	108	160	213	269	321	377	429	481
Input Current @ 120V		0.478	0.905	1.338	1.810	2.244	2.675	3.150	3.584	4.013
Input Current @ 208V		0.279	0.532	0.780	1.064	1.313	1.559	1.845	2.093	2.339
Input Current @ 240V		0.243	0.458	0.664	0.916	1.123	1.328	1.582	1.788	1.991
Input Current @ 277V		0.213	0.404	0.582	0.808	0.997	1.164	1.401	1.589	1.745
Input Current @ 347V		0.164	0.322	0.471	0.644	0.795	0.943	1.117	1.269	1.414
Input Current @ 480V		0.121	0.235	0.341	0.469	0.579	0.681	0.814	0.923	1.022
Optics										
T1	4000K Lumens	7,101	14,113	20,950	27,763	35,146	41,616	48,882	56,671	63,623
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	125	131	131	130	131	130	130	132	132
T2	4000K Lumens	7,154	14,219	21,107	27,970	35,408	41,927	49,247	57,094	64,098
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	126	132	132	131	132	131	131	133	133
T2R	4000K Lumens	7,250	14,408	21,389	28,344	35,881	42,487	49,905	57,857	64,954
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	127	133	134	133	133	132	132	135	135
T3	4000K Lumens	7,054	14,020	20,812	27,580	34,914	41,342	48,560	56,297	63,203
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	124	130	130	129	130	129	129	131	131
T3R	4000K Lumens	7,280	14,468	21,477	28,461	36,029	42,663	50,111	58,096	65,222
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	128	134	134	134	134	133	133	135	136
T4FT	4000K Lumens	7,098	14,107	20,941	27,751	35,130	41,598	48,860	56,646	63,594
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	130	131	130	130	132	132
T4W	4000K Lumens	7,119	14,148	21,003	27,832	35,233	41,720	49,004	56,812	63,781
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	131	131	130	130	132	133
SL2	4000K Lumens	7,101	14,112	20,949	27,761	35,144	41,614	48,879	56,668	63,619
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	125	131	131	130	131	130	130	132	132
SL3	4000K Lumens	7,051	14,013	20,802	27,566	34,897	41,321	48,535	56,269	63,172
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	124	130	130	129	130	129	129	131	131
SL4	4000K Lumens	6,963	13,839	20,543	27,223	34,463	40,808	47,932	55,569	62,386
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	122	128	128	128	128	127	127	130	130
5NQ	4000K Lumens	7,424	14,755	21,903	29,025	36,743	43,508	51,104	59,247	66,515
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	130	137	137	136	137	136	136	138	138
5MQ	4000K Lumens	7,461	14,828	22,012	29,169	36,926	43,725	51,359	59,542	66,846
	BUG Rating	B3-U0-G1	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5
	Lumens per Watt	131	137	138	137	137	136	136	139	139
5WQ	4000K Lumens	7,445	14,797	21,966	29,108	36,849	43,633	51,250	59,417	66,705
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	131	137	137	137	137	136	136	139	139
SLL/ SLR	4000K Lumens	6,132	12,187	18,091	23,973	30,348	35,936	42,210	48,935	54,938
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	108	113	113	113	113	112	112	114	114
RW	4000K Lumens	7,340	14,587	21,653	28,694	36,325	43,013	50,522	58,573	65,757
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	129	135	135	135	135	134	134	137	137
AFL	4000K Lumens	7,183	14,276	21,193	28,084	35,552	42,098	49,448	57,327	64,359
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G4
	Lumens per Watt	126	132	132	132	132	131	131	134	134

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Performance Table, Drive Current "D" (1200mA)

Number of Light Squares		1	2	3	4	5	6	7	8	9
Nominal Power (Watts)		65	125	184	245	309	368	433	493	552
Input Current @ 120V		0.546	1.041	1.535	2.082	2.578	3.070	3.619	4.114	4.605
Input Current @ 208V		0.318	0.610	0.893	1.219	1.504	1.786	2.113	2.397	2.679
Input Current @ 240V		0.276	0.523	0.758	1.046	1.282	1.516	1.806	2.041	2.274
Input Current @ 277V		0.241	0.460	0.662	0.920	1.133	1.325	1.593	1.807	1.987
Input Current @ 347V		0.187	0.370	0.543	0.740	0.915	1.085	1.285	1.459	1.628
Input Current @ 480V		0.138	0.269	0.391	0.537	0.663	0.782	0.932	1.057	1.173
Optics										
T1	4000K Lumens	7,814	15,529	23,053	30,549	38,672	45,793	53,787	62,358	70,007
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	120	124	125	125	125	124	124	126	127
T2	4000K Lumens	7,872	15,645	23,225	30,777	38,962	46,135	54,189	62,824	70,530
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	121	125	126	126	126	125	125	127	128
T2R	4000K Lumens	7,977	15,854	23,535	31,188	39,482	46,751	54,913	63,663	71,472
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	123	127	128	127	128	127	127	129	129
T3	4000K Lumens	7,762	15,427	22,901	30,348	38,418	45,491	53,433	61,947	69,546
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B4-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	119	123	124	124	124	124	123	126	126
T3R	4000K Lumens	8,010	15,920	23,632	31,317	39,645	46,944	55,139	63,925	71,767
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	123	127	128	128	128	128	127	130	130
T4FT	4000K Lumens	7,810	15,522	23,043	30,535	38,655	45,772	53,763	62,330	69,976
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	120	124	125	125	125	124	124	126	127
T4W	4000K Lumens	7,833	15,568	23,110	30,625	38,769	45,907	53,921	62,513	70,182
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	121	125	126	125	125	125	125	127	127
SL2	4000K Lumens	7,813	15,528	23,052	30,547	38,670	45,790	53,784	62,354	70,003
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	120	124	125	125	125	124	124	126	127
SL3	4000K Lumens	7,758	15,419	22,889	30,332	38,398	45,468	53,406	61,916	69,511
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	119	123	124	124	124	124	123	126	126
SL4	4000K Lumens	7,662	15,228	22,605	29,955	37,921	44,903	52,742	61,146	68,646
	BUG Rating	B1-U0-G3	B2-U0-G3	B2-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	118	122	123	122	123	122	122	124	124
5NQ	4000K Lumens	8,169	16,235	24,101	31,938	40,431	47,874	56,232	65,193	73,190
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	126	130	131	130	131	130	130	132	133
5MQ	4000K Lumens	8,210	16,316	24,221	32,097	40,632	48,113	56,512	65,517	73,554
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	126	131	132	131	131	131	131	133	133
5WQ	4000K Lumens	8,192	16,282	24,170	32,029	40,546	48,011	56,393	65,379	73,399
	BUG Rating	B3-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	126	130	131	131	131	130	130	133	133
SLL/ SLR	4000K Lumens	6,747	13,410	19,906	26,379	33,394	39,542	46,445	53,846	60,451
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	104	107	108	108	108	107	107	109	110
RW	4000K Lumens	8,076	16,050	23,826	31,574	39,970	47,329	55,592	64,450	72,356
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5
	Lumens per Watt	124	128	129	129	129	129	128	131	131
AFL	4000K Lumens	7,904	15,709	23,320	30,902	39,120	46,323	54,410	63,079	70,817
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G4	B4-U0-G4	B4-U0-G4
	Lumens per Watt	122	126	127	126	127	126	126	128	128

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Control Options

0-10V (DIM)
This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

Photocontrol (BPC, PR and PR7)
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

After Hours Dim (AHD)
This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a "dusk-to-dawn" period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

Dimming Occupancy Sensor (SPB and MS/DIM-LXX)
These passive infrared (PIR) sensors are factory installed in the luminaire housing. When the SPB (FSP-321 or FSP-311) or MS/DIM (FSP-211) sensor options are selected, the occupancy sensor is connected to a dimming driver and the luminaire dims when no motion is detected. After a set period of time, the luminaire turns off, and when motion is detected, the luminaire returns to full light output. Both sensors are factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM sensor requires the FSIR-100 programming tool to adjust factory defaults. The SPB sensor default parameters are listed in the table below and can be configured utilizing the Sensor Configuration mobile application for iOS and Android devices. The SPB/X is configured to control only the specified number of light squares (See SPB/X Availability Table below.) An integral photocontrol can be activated with the app for "dusk-to-dawn" control or daylight harvesting - the factory default is off. Four sensor colors are available; Bronze, Black, Gray and White, and are automatically selected based on the luminaire finish as indicated by the table below.

SPB sensor finish matched to luminaire finish		
Luminaire Finish		SPB Sensor Finish*
WH	White	White
BK	Black	Black
GM	Graphite Metallic	Black
BZ	Bronze	Bronze
AP	Gray	Gray
DP	Dark Platinum	Gray

*SPB bezel color automatically selected based on luminaire finish

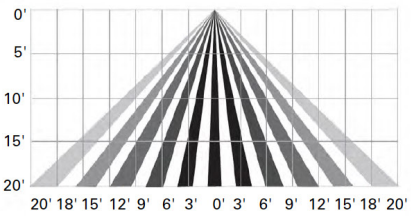
SPB/X Availability Table	
Fixture Square Count	Available SPB/X Square Count
1	Not Available
2	Not Available
3	Not Available
4	2
5	2 or 3
6	3
7	2, 3, 4 or 5
8	2, 3, 5 or 6
9	3 or 6

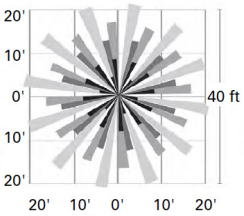
Default Program Settings (Out of the Box Functionality)

Occupancy Sensor				
Setting	MS/DIM	SPB	WaveLinx Lite (WOF / WOB)	WaveLinx (SWPD)
High Mode %	100%	100%	100%	100%
Low Mode %	10%	10%	50%	50%
Time Delay	5 min	5 min	15 min	15 min
Cut Off Delay	1 hr	1 hr	Disabled	Disabled
Photocell Enabled	No	No	Yes	Yes

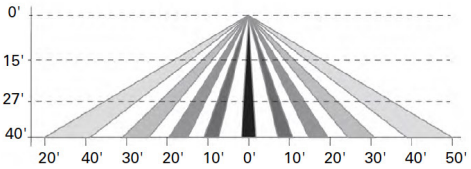
WaveLinx Wireless Control and Monitoring System
Operates on a wireless mesh network based on IEEE 802.15.4 standards enabling wireless control of outdoor lighting. WaveLinx and WaveLinx Lite sensors utilize the Zhaga Book 18 compliant 4-PIN receptacle (ZD or ZW), while the WOLC control module utilizes a 7-PIN receptacle. ZW option provides 4-PIN receptacle and control module to enable future installation of WaveLinx sensors. ZD option provides 4-PIN receptacle and sensor-ready (SR) driver to enable future installation of WaveLinx sensors, power monitoring, and advanced functionality. WaveLinx (SWPD4 to SWPD5) outdoor wireless sensors offer passive infrared (PIR) occupancy and photocell for closed loop daylight harvesting, and can be factory or field-installed. Sensors are factory preset to dim down to 50% after 15 minutes of no motion detected. Two lens options are available for mounting heights of 7' to 40'. Use the WaveLinx mobile application for set-up and configuration. At least one Wireless Area Controller (WAC) is required for full functionality and remote communication (including adjustment of any factory pre-sets). WaveLinx Lite (WOF and WOB) outdoor wireless sensors provide PIR occupancy and photocell for closed loop daylight harvesting, and can be factory or field-installed. Sensors are factory preset to dim down to 50% after 15 minutes of no motion detected. Two lens options are available for mounting heights of 7' to 40'. Use the WaveLinx Lite mobile application for set-up and configuration. WAC not required. WaveLinx Outdoor Control Module (WOLC-7P-10A) accessory provides a photocontrol enabling astronomic or time-based schedules to provide ON, OFF and dimming control of fixtures utilizing a 7-PIN receptacle. The out-of-box functionality is ON at dusk and OFF at dawn.

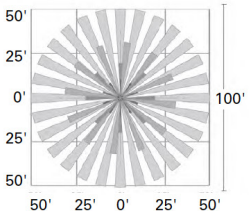
For mounting heights up to 15' (SWPD4 and WOB)





For mounting heights up to 40' (SWPD5 and WOF)





LumenSafe Integrated Network Security Camera (LD)
Cooper Lighting Solutions brings ease of camera deployment to a whole new level. No additional wiring is needed beyond providing line power to the luminaire. A variety of networking options allows security integrators to design the optimal solution for active surveillance. As the ideal solution to meet the needs for active surveillance, the LumenSafe integrated network camera is a streamlined, outdoor-ready fixed dome that provides HDTV 1080p video. This IP camera is optimally designed for deployment in the video management system or security software platform of choice.

Synapse (DIM10)
SimplySNAP integrated wireless controls system by Synapse. Includes factory installed DIM10 Synapse control module and FSP-201 motion sensor; requires additional Synapse system components for operation. Contact Synapse at www.synapsewireless.com for product support, warranty and terms and conditions.

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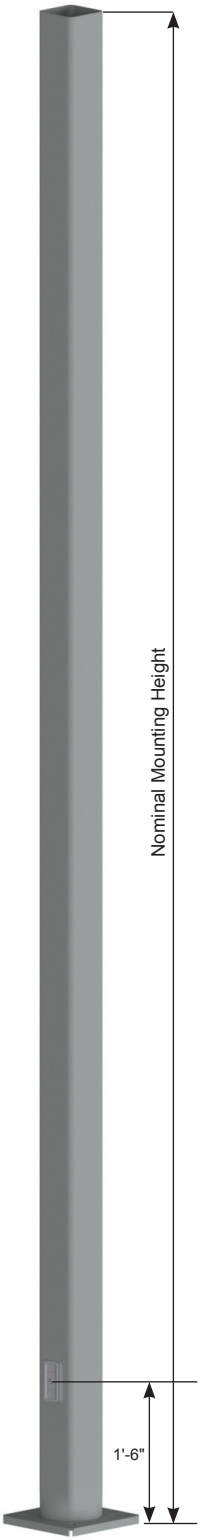
Specifications and dimensions subject to change without notice.

DS330
Fatigue Resistant Soft Square Steel Post

Job Name:	Client Name:
Job Location - City: State:	Created By: Date:
Product: DS330 Quote:	Customer Approval: Date:



Tenon Top*



Pole Cap - Plastic



Cross Section



Soft Square

Handhole



Full Base Cover (Standard)



Dart Square - 2T (Optional)



*Consult factory on loading criteria for pole top mounted luminaires and/or brackets.

SPECIFICATIONS

Pole Shaft - The pole shaft is fabricated from hot rolled welded steel tubing of one-piece construction with a minimum yield strength of 55 KSI.

Pole Top – A removable pole cap is provided for poles receiving drilling patterns for side-mount luminaire arm assemblies. For top mount luminaire and/or bracket consult the factory. Consult the luminaire manufacturer for correct tenon size or drill pattern. Other pole top options include pole cap only (PC) or plain top (PL) which is typical when the pole top diameter matches the necessary slip fit dimensions.

Handhole – A reinforced handhole with grounding provision is provided at 1'-6" from the base end of the pole assembly. Each handhole includes an easy to install, self-contained Swing Latch handhole cover assembly. U.S. Patent Swing Latch cover is fabricated from durable polycarbonate/ABS blend plastic. All pole assemblies are provided with a 2.50" x 5.00" rectangular handhole. Handhole dimensions are nominal.

Base Cover – A two-piece full base cover fabricated from ABS plastic is provided with each pole assembly. Additional base cover options, including the dart square (2T) cast aluminum cover, are available upon request.

Anchor Bolts - Anchor bolts conform to ASTM F1554 Grade 55 and are provided with two hex nuts and two flat washers. Bolts have an “L” bend on one end and are galvanized a minimum of 12" on the threaded end.

Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

Finish - Standard finishes are either Galvanized (GV) or Finish Painted (FP). Additional finish options including Finish Paint over Galvanizing (FPGV) or any of the V-PRO™ Finish Coating Systems are available upon request. See the product ordering code for color options.

Design Criteria - Please reference Design Criteria Specification for appropriate design conditions.

DS330
Fatigue Resistant Soft Square Steel Post

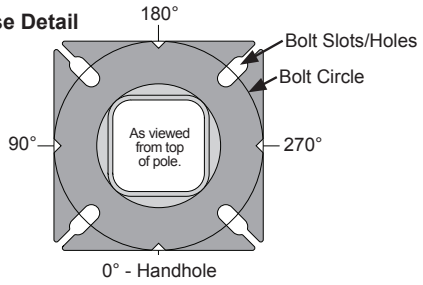
valmont® STRUCTURES

Job Name:	Client Name:
Job Location - City: State:	Created By: Date:
Product: DS330 Quote:	Customer Approval: Date:

ANCHORAGE DATA

POLE		BASE PLATE				ANCHOR BOLTS		
POLE BASE SQUARE (IN)	WALL THK (GA)	BOLT CIRCLE DIA (IN)	BOLT CIRCLE ± (IN)	SQUARE (IN)	THK (IN)	DIA x LENGTH x HOOK (IN)	PROJECTION (IN)	± (IN)
4.00	11	8.50	0.50	8.25	0.750	0.75 x 17.00 x 3.00	3.50	0.25
4.00	7	8.50	0.50	8.25	0.875	0.75 x 17.00 x 3.00	3.63	0.25
5.00	11	11.00	1.00	11.00	1.000	0.75 x 17.00 x 3.00	3.75	0.25
5.00	7	11.00	1.00	11.00	1.000	0.75 x 17.00 x 3.00	3.75	0.25
6.00	7	12.00	1.00	12.50	1.000	1.00 x 36.00 x 4.00	4.25	0.25

Anchor Base Detail



DESIGNATION,LOAD AND DIMENSIONAL DATA

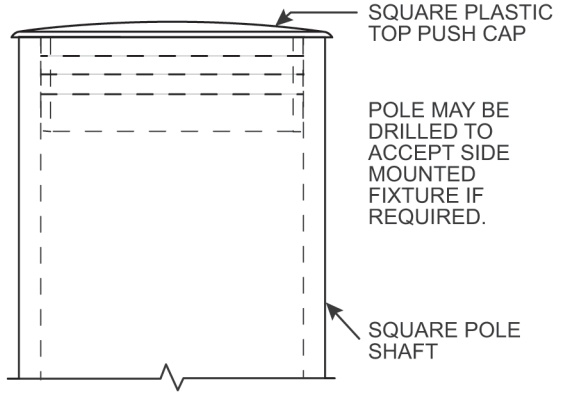
DESIGN INFORMATION							POLE DIMENSIONS[3]				DESIGNATION
	80 MPH w/1.3 GUST		90 MPH w/1.3 GUST		100 MPH w/1.3 GUST						
NOMINAL MOUNTING HEIGHT	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	MAX EPA[1] (SQ FT)	MAX WEIGHT[1] (LBS)	SHAFT BASE SQUARE[3] (IN)	SHAFT TOP SQUARE (IN)	WALL THK (GA)	STRUCTURE WEIGHT[2] (LBS)	
10'-0"	30.6	765	23.8	595	18.9	473	4.00	4.00	11	75	400Q100
12'-0"	24.4	610	18.8	470	14.8	370	4.00	4.00	11	90	400Q120
14'-0"	19.9	498	15.1	378	11.7	293	4.00	4.00	11	100	400Q140
16'-0"	15.9	398	11.8	295	8.9	223	4.00	4.00	11	115	400Q160
18'-0"	12.6	315	9.2	230	6.7	168	4.00	4.00	11	125	400Q180
20'-0"	9.6	240	6.7	167	4.5	150	4.00	4.00	11	140	400Q200
	17.7	443	12.7	343	9.4	235	5.00	5.00	11	185	500Q200
	28.1	703	21.4	535	16.2	405	5.00	5.00	7	265	500W200
25'-0"	4.8	150	2.6	100	1.0	50	4.00	4.00	11	170	400Q250
	10.8	270	7.7	188	5.4	135	4.00	4.00	7	245	400W250
	9.8	245	6.3	157	3.7	150	5.00	5.00	11	225	500Q250
	18.5	463	13.3	333	9.5	238	5.00	5.00	7	360	500W250
30'-0"	6.7	168	4.4	110	2.6	65	4.00	4.00	7	291	400W300
	4.7	150	2.0	50	N/A	N/A	5.00	5.00	11	265	500Q300
	10.7	267	6.7	167	3.9	100	5.00	5.00	7	380	500W300
	19.0	475	13.2	330	9.0	225	6.00	6.00	7	520	600W300
35'-0"	5.9	150	2.5	100	N/A	N/A	5.00	5.00	7	440	500W350
	12.4	310	7.6	190	4.2	105	6.00	6.00	7	540	600W350
40'-0"	7.2	180	3.0	75	N/A	N/A	6.00	6.00	7	605	600W400

1. Maximum EPA (Effective Projected Area) and weight values are based on side mounted fixtures only. Consult factory on loading criteria for pole top mounted luminaires and/or brackets. Variations from sizes above are available upon inquiry at the factory. Satisfactory performance of poles is dependent upon the pole being properly attached to a supporting foundation of adequate design.
2. Structure weight is a nominal value which includes the pole shaft and base plate only.
3. Belled-bottom will have reduced thickness due to the cold-working process. However, the belled-bottom meets or exceeds the structural capacity of the original square section. In addition, the rounded section provides better fatigue resistance.

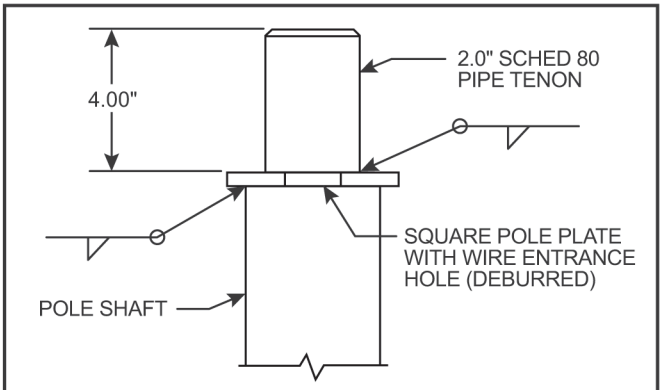
PRODUCT ORDERING CODES

MODEL	DESIGNATION	FIXTURE MOUNTING	FINISH SYSTEM	STANDARD COLOR OPTIONS	BASE COVER	ANCHOR BOLTS	SUPPLEMENTAL INFO
DS330				--	--	--	
	Select Correct Designation from the Load and Dimensional Data Chart.	**Drill Mounting (See Orientation)** D1 = (1) Drilling @ 270° D2 = (2) Drillings @ 90° & 270° D4 = (4) Drillings @ 0°, 90°, 180°, & 270° D5 = (2) Drillings @ 180° & 270° D6 = (3) Drillings @ 90°, 180°, & 270° **Tenon Mounting** P2 = 2.38" OD x 4" tenon P4 = 4.00" OD x 6" tenon P5 = 2.88" OD x 4" tenon P6 = 2.88" OD x 5" tenon P7 = 2.38" OD x 5" tenon P9 = Special Size (Specify) **Other Options** PC = Pole Cap PL = Plain Top (No Cap)	GV = Galvanized FP = Finish Painted **-----OPTIONAL-----** FPGV = Finish Paint over Galvanizing VP30 = V-PRO™ 30 System VP32 = V-PRO™ 32 System VP53 = V-PRO™ 53 System VP54 = V-PRO™ 54 System VP57 = V-PRO™ 57 System VP100 = V-PRO™ 100 System VP105 = V-PRO™ 105 System	GV = Galvanized BK = Black DB = Dark Bronze MB = Medium Bronze WH = White LG = Light Gray CB = Bronze DG = Dark Green ST = Sandstone HTG= Hunter Green SG = Slate Gray SL = Silver SC = Special Color (Specify)	FBC = Full Base Cover **-----OPTIONAL-----** 2T = Square Dart Cover	AB = With Anchor Bolts LAB = Without Anchor Bolts	

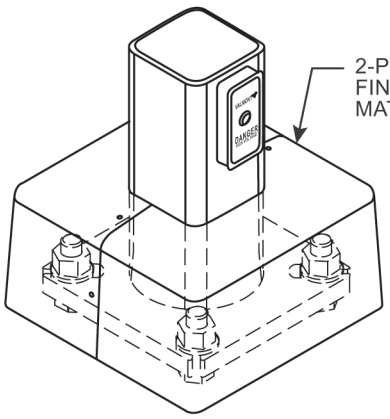
SPC7207 12/17 valmontstructures.com carries the most current spec information and supersedes these guidelines.



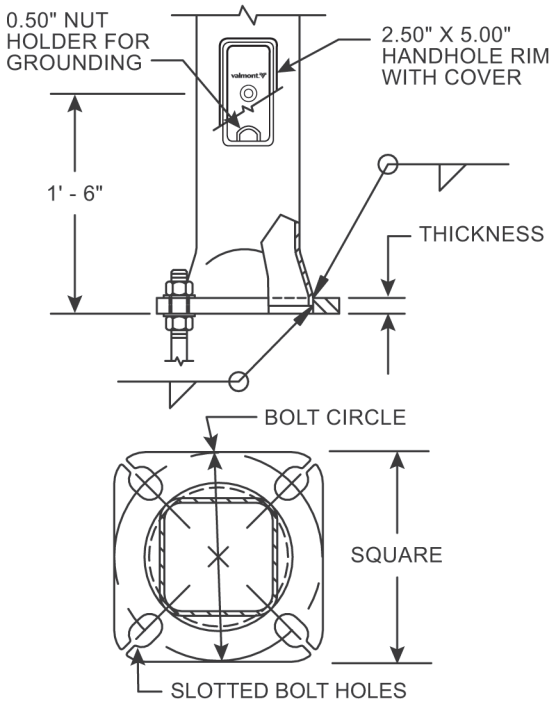
CAP DETAIL (STANDARD)



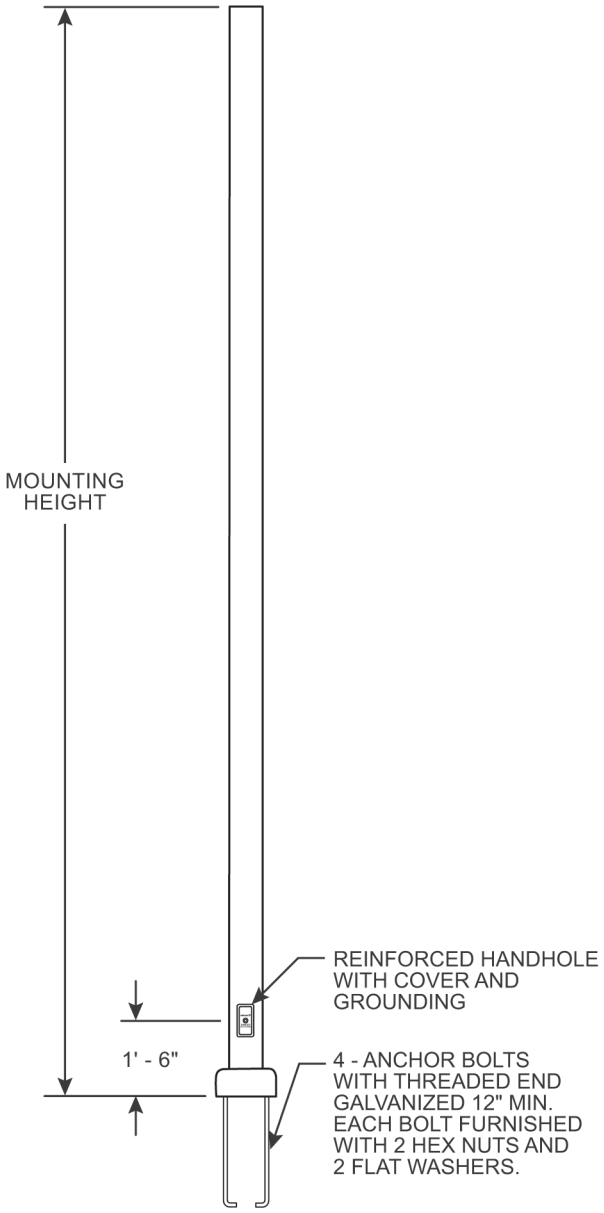
P2 TENON DETAIL (OPTIONAL)



FULL BASE COVER (STANDARD)



POLE BASE AND HANDHOLE DETAIL



DS330 POLE DETAIL

SPC7207 12/17 valmontstructures.com carries the most current spec information and supersedes these guidelines.

O. Architectural Design Narrative

Please find attached the design narrative completed by Mussachio Architects.

MUSSACHIO ARCHITECTS

30 NORTH FOREST ROAD
WILLIAMSVILLE, NEW YORK 14221
T:(716) 631-9949 F: (716) 631-0521

MARC C. MUSSACHIO, R.A.
ANTHONY C. MUSSACHIO, R.A.
www.MussachioArchitects.com

July 11, 2024

Arch. Job# 223088

Design Narrative
Hyatt Studios
1060 Westbrook Street Development,
Portland - Jetport, ME

This project consists of a 4 story, 119 guestroom Hyatt Studio Hotel. The exterior of the building is designed with clean straight parapets that create a contemporary feel. To help the scale of the building, parapet heights are varied as are the planes of portions of the building facade. Differing of the exterior materials further assists in bringing the building down to comfortable human scales. Variety and interest of the look of the building will be further enhanced with exterior materials comprising fibercement siding, flat panels and brick panels on the various wall planes.

The building entrance is highlighted with illuminated building signage and arriving guests are greeted by an outdoor patio with comfortable seating, a firepit and an anglular roof projection that provides a genial welcome to Hotel guests. Finally , a secondary guest patio located at the rear of the building provides greater privacy with its patio that also includes fire pits, tables and seating as well as grills for guests pleasure.

P. Utilities

The proposed project includes the installation of new utility connections to serve the proposed commercial building.

Water:

The project proposes a new 4" domestic water service and new 6" fire suppression service that connect independently to the existing 12" cast iron water main within Jetport Boulevard to serve the proposed building. A new hydrant is proposed within the new parking lot and there is an existing hydrant located on Westbrook Street along the project frontage.

Sewer:

The project proposes to install a new 8" domestic sewer service with a series of sewer manholes that ultimately connects to the existing 8" sewer main within Westbrook Street via a new doghouse manhole.

Stormwater:

A series of catch basins, field inlets, roof drains, and foundation drains will be installed to collect the stormwater onsite. Treatment and storage will be provided in the form of two Vegetation Underdrained Soil Filters (VUSF). These VUSF's will collect a majority of the sites stormwater and ultimately discharge to the municipal stormwater system within Westbrook Street.

UGE/T/C:

The project proposes to utilize the electric service from the existing utility pole on Westbrook Street and extend a new subsurface service into the site and tie into a proposed 9' X 9' pad mount transformer located to the southeast corner of the new building. A proposed underground secondary electrical service from the pad mount transformer will serve the proposed building. Subsurface telecom services are proposed to be installed from the same utility pole and utilize the same trench as the electric service.

Gas:

The proposed hotel building will be served by a proposed gas service from the 2" gas main within Jetport Boulevard Street.

Ability to serve letters have been sent out to the respective utility companies in accordance with the City of Portland Code of Ordinances Chapter 14 Land Use Code. Responses received thus far from the utility companies can be found attached to this section.

ACORN ENGINEERING, INC.

Charter Communications
Attn: Mr. Mark Pelletier
118 Johnson Road
Portland, Maine 04102

January 26th, 2023

Subject: 1060 Westbrook Street Development
Re: Ability to Serve Request

Mr. Pelletier:

On behalf of Giri Hotel Management, we are pleased to submit the following request for Charter Communication's ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes to extend the existing telecom service from the existing utility pole on Westbrook Street. The new service will be subsurface and tie into the proposed building. Please see the utility plan for additional information. On behalf of the client, we are requesting the following information:

1. Additional information, such as utility mapping within Westbrook Street as well as Jetport Boulevard.
2. Easements for services currently crossing the proposed development.
3. Alternative connection locations from the property to the existing communication system.
4. Charter's proposed infrastructure improvements within the project vicinity.
5. Charter's ability to serve the project.

I have attached a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Peter Heil, PE
Project Manager
Acorn Engineering, Inc.

ACORN ENGINEERING, INC.

Central Maine Power Company
Attn: Katherine Dumont
162 Canco Road
Portland, Maine 04103

January 26th, 2023

Subject: 1060 Westbrook Street Redevelopment
Re: Ability to Serve Request

Mrs. Dumont

On behalf of Giri Hotel Management, we are pleased to submit the following request for Central Maine Power's ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes to utilize the electric service from the existing utility pole on Westbrook Street and extend a new subsurface service into the site and tie into a proposed 9' X 9' pad mount transformer located to the southeast corner of the new building. A proposed underground secondary electrical service from the pad mount transformer will serve the proposed building. On behalf of the client, we are requesting the following information:

1. Additional information, such as utility mapping confirming single and three-phase power locations along Westbrook Street as well as Jetport Boulevard.
2. Existing easements for underground services currently crossing the proposed development.
3. Alternative connection locations from the development to the existing system.
4. CMP's proposed infrastructure improvements within the project vicinity.
5. CMP's ability to serve the project.
6. Access requirements to the CMP meters.
7. Please send a list of communication/telecom providers that are located on the utility poles located in front of 1060 Westbrook Street.

I have attached a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Forthcoming electrical loading computations and final metering will be performed by the project's M.E.P designer &/or architect. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Peter Heil, PE
Project Manager

ACORN Engineering, Inc. • www.acorn-engineering.com
207-775-2655 • PO Box 3372 • Portland • Maine • 04104

From:	Dumont, Katherine
To:	Zach Stevens; Pete Heil; DUPERRE, PAUL; David Horne
Subject:	CMP Three Phase Service Process and Ability to Serve Letter- 1060 Westbrook St Portland Me.
Date:	Friday, January 26, 2024 12:24:55 PM
Attachments:	image001.jpg image001.png Easement_Information_Worksheet.doc Standard Easement Sample.pdf blank W9.pdf August 2022 EDET.xlsx

---

Zachary Stevens
Acorn Engineering, Inc.
PO Box 3372
Portland, ME 04104

RE: Giri Hotel Management
1060 Westbrook St Portland, Maine
Letter of Ability to Serve Request

SAP TBD
Project Description:

The following request for the ability to serve letter for your project that proposes to develop the parcel of land into a 120-room 3-story hotel that includes 105 parking spaces. The project located at 1060 Westbrook Street in Portland, Maine. CMP has the ability to serve the proposed project in accordance with our CMP Handbook (web link below). We can provide you the desired pad or pole mounted transformers per your request and city approval, in accordance with our CMP Handbook of Standard Requirements. If you have any questions on the process, or need help in completion of the documents, please contact CMP at 800-565-3181.

Here is our typical process for getting your three phase or CT rated single phase service installed. If you have any questions, please let us know. The underlined links will redirect you to the appropriate site for additional information.

Service Milestones for Three Phase Services and CT Rated Single Phase Services. There are additional requirements for primary metered Solar Service Installations listed in the Chapter 324 Interconnections section below. Please refer to CMP Installation Checklists for other installations.

- Call 800-750-4000 option 4 to establish a new account (if needed) and an SAP work order. Please provide both of these to me.
- Submit Load information. Please complete the attached EDET (excel file) using load information. Please complete this and email back to me. If the loads are over 500 kw, more in depth load studies may be required with our Distribution Planning and Transmission Planning Departments. Be advised that these will involve more detailed load information, a load study agreement (signed contract), as well as other items. This additional study process may add up to two additional months to completion of the job.

Submit the easement information worksheet, including where any CMP structures may be on ANY private property (Poles, Wires, Anchors). You are responsible for obtaining all information for all required easements. Please complete this form and either email or fax back to me.

- Submit any electronic drawings (PDF (preferred) or DWG files) of the site layout and proposed electrical connections.
- For Primary Metered installations (including PV), please have the access road in for pole staking.
- Preliminary meetings with CMP Advisor and Engineer to determine details of job (I will need to schedule with your electrician/contractor-please let me know who this is)
- Field planner design appointment scheduled once the preliminary information is complete. This will allow us to cost out the job and develop a CMP Invoice. The invoice is typically generated 5-6 weeks after the design appointment. This expires after 90 days from the invoice date.
- Submit completed W9 so that your bill can be properly processed. This is a new CMP process.
- CMP submits invoice to the customer for payment (typically via email). Payment received from customer.
- Easements (based on easement information worksheet) sent out, signed and originals returned to CMP.
- Job scheduled for completion after the electrical inspection has been received.

This process can take several months, depending upon several factors including transformer or materials delivery, return of completed paperwork, and other jobs in the system that may be ahead of yours. In addition, contact with the other utilities, including telephone and cable, should be commenced as soon as practical. They may have additional work or charges in addition to the CMP work required to bring your project on line.

As you may be aware, there are global supply chain issues impacting the utility industry. CMP is closely monitoring and managing their inventory in order to serve our customers. Larger padmount transformers may not be readily available for the date that you will need to be energized. Please consider this as part of your construction plan. The energy service advisor will continue to work closely with you and let you know as soon as the transformer becomes available. Should you have any questions or concerns throughout this process, please do not hesitate to contact your ESA directly at the number or email provided.

Please complete the attached forms (the specific instructions are on each form) and email them back to me at your earliest convenience.

For your convenience, here is a link to the CMP Website which contains our Handbook with details on most service requirements: CMP Handbook of Standard Requirements An additional resource is our Distribution Construction Standards: CMP Distribution Construction Standards CMP Distribution Construction Standards.

You will be responsible for installing the customer connections, conduits, and metering in accordance with the CMP Handbook of Standard Requirements The transformer will be sized based on your submitted load sheets.

Your deposit amount will be typically based on an estimated two month bill, calculated from your completed load sheet unless otherwise determined by CMP.

In addition, we have recently added on an online map that shows single phase and three phase power locations within CMP. Here is that link: CMP ArcGIS Information

Metering:

All metering (including locations) must be preapproved by CMP. If you have any questions, please consult the CMP Handbook of Standard Requirements

Chapter 324 Interconnections:

Please be advised that if you plan to install solar/wind/hydro generation, you must complete an application under the MPUC mandated Chapter 324 Interconnection Standards. If you go to Chapter 324 Interconnection Standards and follow the instructions for the Small Generator Interconnection Procedures, CMP can do this work in parallel to your service request that will be handled by me. If you project is under 660 KW You will be able to have a Customer Net Energy Billing contract. Information concerning Customer Net Energy Billing can be accessed thru the Chapter 324 website or by clicking here: Net Energy Billing

Reallocation/Line Extensions:

Recently, changes were made to the three-phase construction policy, which require CMP to reallocate construction costs paid by customers. If applicable, those projects identified as "developments" do not qualify for reallocation of funds. Please see this document at our website for details about the reallocation conditions. Any reallocation charges will be specifically denoted on your invoice. The website address for this is: PolyphaseLineExtension.

This line extension will be part of Central Maine Power's distribution system. In the event the property served under this Agreement is sold or otherwise conveyed, all rights and obligations of the Agreement shall stay with the property. Please note that if you rent or lease this property to another and you want to receive the reimbursement payments, you must make special arrangements with the Central Maine Power Company. Otherwise, any reimbursement payments will be sent to the "Customer" taking service at the service location.

Electricity Supplier Information:

Central Maine Power Company (CMP) will provide your facility with electric delivery service. If you don't already have a provider, you will need to make arrangements with a competitive electricity provider in order to receive electricity supply for your facility. In the event you fail to choose a competitive electricity provider, you will receive Standard Offer service arranged by the Maine Public Utilities Commission. If you wish to be served by a competitive electricity provider immediately upon establishment of delivery service, you must arrange for this service directly through your chosen

competitive electricity provider, who must enroll your account no later than 5 PM on the business day prior initiation of delivery service by CMP. An up-to-date list of competitive suppliers can be found at the:

1. Maine Public Utilities Commission (MPUC) web site- **Maine PUC**
2. By calling the MPUC at (207) 287-3831

Attachments:

Excel Load Sheet (EDET)
Easement Worksheet and Sample Standard Easement
W9

Please do not hesitate to reach out with any questions.

Kind Regards,
Kathy

Katherine Dumont
Energy Service Specialist
162 Canco Rd
Portland, ME 04103

207-242-5744
katherine.dumont@cmpco.com

Please consider the environment before printing this email.
If you have received this message in error, please notify the sender and immediately delete this message and any attachment hereto and/or copy hereof, as such message contains confidential information intended solely for the individual or entity to whom it is addressed. The use or disclosure of such information to third parties is prohibited by law and may give rise to civil or criminal liability. The views presented in this message are solely those of the author(s) and do not necessarily represent the opinion of Avangrid Networks, Inc. or any company of its group. Neither Avangrid Networks, Inc. nor any company of its group guarantees the integrity, security or proper receipt of this message. Likewise, neither Avangrid Networks, Inc. nor any company of its group accepts any liability whatsoever for any possible damages arising from, or in connection with, data interception, software viruses or manipulation by third parties.

ACORN ENGINEERING, INC.

Consolidated Communications
Attn: Mr. Jay Cunha
5 Davis Farm Road
Portland, Maine 04103

January 26th, 2023

Subject: 1060 Westbrook Street Redevelopment
Re: Ability to Serve Request

Mr. Cunha:

On behalf of Giri Hotel Management, we are pleased to submit the following request for Consolidated Communication's ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes to extend the existing telecom service from the existing utility pole on Westbrook Street. The new service will be subsurface and tie into the proposed building. Please see the utility plan for additional information. On behalf of the client, we are requesting the following information:

1. Additional information, such as utility mapping within Westbrook Street as well as Jetport Boulevard.
2. Easements for services currently crossing the proposed development.
3. Alternative connection locations from the property to the existing communication system.
4. Consolidated's proposed infrastructure improvements within the project vicinity.
5. Consolidated's ability to serve the project.

I have attached a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Peter Heil, PE
Project Manager
Acorn Engineering, Inc.

ACORN ENGINEERING, INC.

Department of Public Works
Attn: Bradley Roland
212 Canco Road
Portland, Maine 04103

January 26th, 2023

Subject: 1060 Westbrook Street Redevelopment
Re: Ability to Serve Request

Mr. Roland:

On behalf of Giri Hotel Management, we are pleased to submit the following request for Department of Public Works ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes to install a new 8" domestic sewer service with a series of sewer manholes that ultimately connects to the existing 8" sewer main within Westbrook Street via a new doghouse manhole. Please see our attached Utility Plan for additional information. Based upon Section 4 of the *Maine Subsurface Wastewater Disposal Rules*, the table below outlines the proposed flow.

Estimate of Anticipated Daily Flows			
Development	Unit Size	Gallons per Day per Unit	Total Gallons per Day (GPD)
Existing Flow			
Vacant	N/A	N/A	0
Total Gallons per Day (Existing)			**0**
Proposed Flow			
Hotel	120 Units / 10 Employees	100 GPD/ Unit 12 GPD/ Employee	12,120 GPD
Total Gallons per Day (Proposed)			**12,120 GPD**
Net Change			**+12,120 GPD**
*Values based on Chapter 241 State of Maine: Subsurface Wastewater Disposal Rules, most recent edition			

The proposed project is anticipated to increase the net flow by approximately 12,120 gallons per day (GPD). It should be noted that these values were developed using conservative estimates from the State of Maine Subsurface Wastewater Disposal Rules. We will provide any changes to the anticipated sewage demand as the project design progresses.

On behalf of the client, we are requesting the following information:

1. Any additional information, such as utility mapping within Westbrook Street as well as Jetport Boulevard and confirmation of the location and size of the services to the existing property and the size and material of the main within Westbrook Street.
2. DPW's proposed infrastructure improvements within the project vicinity.
3. DPW's ability to serve the project.
4. Any project related offsite sewer main improvements.

I have attached a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,



Peter Heil, PE
Project Manager
Acorn Engineering, Inc.

Department of Public Works
Mike Murray
Director

Date: June 14, 20204
Re: Wastewater Capacity Authorization
Address: 1060 Westbrook Street
Applicant: Giri Hotel Management
Planner: Matthew Grooms

Estimate of Anticipated Wastewater Flows				
Development	**Unit Size**	**Number of Units**	**Gallons per Day per Unit**	**Total Gallons per Day**
Existing Flow to Remain				
Vacant				
Proposed flow				
Hotel	# Rooms	120	100 GPD	12000
Hotel	# Employees	10	12 GPD	120
Net Change				**+ 12,120**
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:
The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

However, the Portland Water District (PWD), which manages the downstream Westbrook Street Pump Station has indicated that the pumps do not have capacity for the increased flow without modifications. They are considering adding Variable Frequency Drives (VFDs) to the pumps which will modify the cycling of the pumps and provide them the ability to manage the additional flow. A direct contribution to those efforts would be placed in escrow as outlined in the City of Portland Site Plan approval. PWD estimates those improvements to be in the $7,000 range. Additional information for that contribution can be discussed with Charlene Poulin, PWD Wastewater Chief Operator – Systems, at cpoulin@pwd.org.

You are also reminded that new connections into the combined sewer system shall be equipped with backflow prevention in accordance with Section 2.6.10 of the City's Technical Manual.

If the City can be of further assistance, please contact me at 207-874-8840 or brad@portlandmaine.gov

Sincerely,



Bradley A. Roland, P.E.,
Senior Project Engineer

ACORN ENGINEERING, INC.

Portland Water District
Attn: MEANS Department
225 Douglass Street
Portland, Maine 04104

January 26th, 2023

Subject: 1060 Westbrook Street Redevelopment
Re: Ability to Serve Request

To Whom It May Concern:

On behalf of Giri Hotel Management, we are pleased to submit the following request for Portland Water Districts ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes a new 2" domestic water service and new 6" fire suppression service that connect independently to the existing 12" cast iron water main within Jetport Boulevard to serve the proposed building. Based upon Section 4 of the *Maine Subsurface Wastewater Disposal Rules*, the table below outlines the proposed flow.

Estimate of Anticipated Daily Flows			
Development	Unit Size	Gallons per Day per Unit	Total Gallons per Day (GPD)
Existing Flow			
Undeveloped	N/A	N/A	0
Total Gallons per Day (Existing)			**0**
Proposed Flow			
Hotel	120 Units / 10 Employees	100 GPD/ Unit 12 GPD/ Employee	12,120 GPD
Total Gallons per Day (Proposed)			**12,120 GPD**
Net Change			**+12,120 GPD**
*Values based on Chapter 241 State of Maine: Subsurface Wastewater Disposal Rules, most recent edition			

The proposed project is anticipated to increase the net flow by approximately 12,120 gallons per day (GPD). It should be noted that these values were developed using conservative estimates from the State of Maine Subsurface Wastewater Disposal Rules. We will provide any changes to the anticipated water demand as the project design progresses.

On behalf of the client, we are requesting the following information:

1. Additional information, such as utility mapping within Westbrook Street as well as Jetport Boulevard and confirmation of the location and size of the services to the existing property.
2. PWD's proposed infrastructure improvements within the project vicinity.
3. Flow data for adjacent hydrants.
4. PWD's ability to serve the project.
5. Any project related offsite water main improvements.

I have attached a fixture count and a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,



Peter Heil, PE
Project Manager
Acorn Engineering, Inc.

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

February 15, 2024

Peter Heil
Acorn Engineering
P.O. Box 3372
Portland, ME 04104

Re: 1060 Westbrook Street, PO
Ability to Serve with PWD Water

Dear Mr. Nelsen:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on January 26, 2024. Based on the information provided per plans dated February 2, 2024, we can confirm that the District will be able to serve the proposed project as further described in this letter. **Please note that this letter constitutes approval of the water system as currently designed and is valid for eighteen (18) months after the date of issue. Any changes affecting the approved water system will require further review and approval by PWD.**

Conditions of Service

The following conditions of service apply:

- A new 4-inch domestic service with a 3-inch meter may be installed from the water main in Jetport Boulevard. The service should enter through the property's frontage on Jetport Boulevard at least 10-feet from any side property lines. An approved testable double-check backflow prevention device must be installed on the domestic service line directly after the meter prior to service activation.
- A new 6-inch fire service may be installed from the water main in Jetport Boulevard. The service should enter through the property's frontage on Jetport Boulevard at least 10-feet from any side property lines. An approved testable double-check backflow prevention device must be installed on the fire service line directly before the sprinkler riser prior to service activation.
- The irrigation system has not been included in the sizing of this service and meter.

Prior to construction, the owner or contractor will need to complete a Service Application and pay all necessary fees for each proposed service. When the project is ready for construction, an Application for each service can be requested by contacting the MEANS Group at MEANS@pwd.org or 207-774-5961 ext. 3199. Once a completed Application has been submitted with payment, please allow seven (7) days for processing.

225 DOUGLASS STREET P.O. BOX 3553 PORTLAND, MAINE 04104-3553
PHONE: 207.774.5961 FAX: 207.761.8307 WEB: WWW.PWD.ORG

Existing Site Service

According to District records, the project site does not currently have existing water service.

Water System Characteristics

According to District records, there is a 12-inch diameter ductile-iron water main in Narragansett Street and a public fire hydrant adjacent to the site. The estimated static pressure in the area is 89 psi.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the City of Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

Should you disagree with this determination, you may request a review by the District's Internal Review Team. Your request for review must be in writing and state the reason for your disagreement with the determination. The request must be sent to MEANS@PWD.org or mailed to 225 Douglass Street, Portland Maine, 04104 c/o MEANS. The Internal Review Team will undertake review as requested within 2 weeks of receipt of a request for review.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Robert A. Bartels, P.E.
Senior Project Engineer

ACORN ENGINEERING, INC.

Unitil Service Corp.
Attn: Scott Carpenter
376 Riverside Industrial Parkway
Portland, Maine 04103

January 26th, 2023

Subject: 1060 Westbrook Street Redevelopment
Re: Ability to Serve Request

Dear Mr. Carpenter:

On behalf of Giri Hotel Management, we are pleased to submit the following request for Until Service Corporation's ability to serve at a proposed project at 1060 Westbrook Street in Portland, Maine. The project proposes to develop the parcel into a 120-room 3-story hotel that includes 105 parking spaces and other associated landscape and utility improvements.

The project proposes to tap a new gas service from the exisitng 2" gas main within Jetport Boulevard to serve the proposed building. On behalf of the client, we are requesting the following information:

1. Any additional gas lines within Westbrook Street as well as Jetport Boulevard.
2. Confirmation of the existing building service tap location & size.
3. Unitil's proposed infrastructure improvements within the project vicinity.
4. Unitil's ability to serve the project.
5. Any project related offsite main improvements.

I have attached a Boundary/Topographic Survey created by Spurwink Surveying, Inc., to facilitate your review, as well as a preliminary utility plan developed by our office. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Peter Heil, PE
Project Manager
Acorn Engineering, Inc.

Q. Construction Management Plan

Project Address: 1060 Westbrook Street, Portland, Maine

Project Description:

The project proposes to develop the parcel into a 119-Room 3-story Hyatt Studios, with an 89-space parking lot, and other site and utility improvements.

Project Team Summary:

Owner:	Giri Hotel Management
General Contractor:	TBD
Civil Engineer:	Acorn Engineering, Inc.
Architect:	Mussachio Architects
Structural Engineer:	TBD

The Owner/GC and all subcontractors will work with the City of Portland and adjacent landowners to minimize any project impacts.

The GC will remain responsible for enforcement of all compliance with 1) all contract plans and specifications in their scope of work and 2) all site working conditions and safety requirements, day and night, for both persons and property, in each case for the duration of their work. These include OSHA, NIOSH, U.S. EPA, local ordinance and any other applicable governmental regulations. Both the Owner/GC and any subcontractors will remain responsible for safeguarding the general public.

The GC shall review all permits and conditions associated with the project. The GC will prepare a Construction Management Plan their means and methods to be taken during construction.

The following outline has been developed in accordance with the City of Portland Construction Management Plan General Template and shall be referenced by the GC during construction.

A. Construction Management Principles

The control of noise, vibrations, ground movement, truck traffic, and other construction related factors will be of utmost importance. Care shall be taken to minimize these effects in the best interest of neighbors and the general public. GC to ensure that work hours conform to the City of Portland's Ordinance.

B. Development Review of Construction Management Plan

Logistics and safety program shall be submitted at or prior to the preconstruction meeting by the GC with all pertinent information required by the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Guarantees and fees will be paid at the time of the respective application. Sections 14-530 and 13-532 will be complied with all necessary permits will be obtained prior to work.

1. Street Opening and Street Occupancy Permits:

   Required permits regarding street opening and occupancy will be obtained from the Department of Public Works. The requests shall conform to the approved Construction Management Plan.

2. Blasting:

   Some blasting is anticipated and shall conform to Article VIII. In Chapter 14 of the City Code and Section 3.7 in the City's Technical Manual.

3. Building Code:

   Employ the best practices, as applicable, of Chapter 33 Safeguards During Construction, from the 2009 International Building Code.

D. Construction Administration and Communication

The Contractor will work closely with adjacent abutters, businesses, and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. Communication in order to comply with all agreements, ordinances, and special permits will be of the utmost importance. Contractor contact information shall be posted on a sign on the construction fence along Westbrook Street frontage. Additional signage necessary for communication shall be provided but will be temporary and removed upon completion of the project. The contact information for the project personnel is:

Ankur Patel – Giri Hotel Management
(508)-345-3305

GC and Subcontractor information will be posted along Westbrook Street frontage once contracted.

E. Construction Schedule

The GC shall submit a construction timeline at or prior to the preconstruction meeting. Construction may occur during the daytime hours as defined in Section 17-18 of the Construction Activities for Building permit and City Code Section 25-129, Noise, dust and debris. Between September 1 and May 31, the following year, no person shall engage in construction activities generating noise exceeding 50 decibels, between the hours of 7 pm and 7 am of the following day within 500 feet of any buildings. From June 1 to August 31, construction activity may continue until 8 pm. No construction activity shall begin before 8 am on a Saturday, Sunday, or legal holiday. Extended hours or night work may be requested for special circumstances and street utility work if needed. These requests will be subject to approval by the Public Works Authority.

Due to the limited space within the project parcel, deliveries will need to be stored in an alternate location or deliveries must be small enough to fit within the property. Deliveries will be scheduled between 7 am and 5 pm. The estimated timeframe of the proposed project is outlined below:

Project Start Date:	Fall/Winter 2024
Project End Date:	Summer/Fall 2025

A more detailed work schedule shall be provided by the GC at or before the pre-construction meeting with the City.

F. Security & Public Safety

1. The GC will provide all fencing and other barriers, with the intent of separating pedestrian and vehicle circulation from the construction site. Construction entrances per detail shall be installed.

2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations.*

3. Fire Safety Program: Prior to construction, an overall construction and demolition fire safety program shall be developed. Essential items to be emphasized include the following:
    - Good Housekeeping
    - On-site security
    - Installation of new fire protection systems as construction progresses
    - Preservation of existing systems during demolition
    - Organization and training of an on-site fire brigade
    - Development of a pre-fire plan with the local fire department
    - Rapid communication
    - Consideration of special hazards resulting from previous occupancies
    - Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations.

4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.

5. Temporary security lighting shall be shown on the Construction Management Plan, and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets

    Construction activity in the public right-of-way shall be compliant with Chapter 25 Article VII of the City Code. At no time will it be permissible for construction activity including delivery vehicle to close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.

2. Sewer and Stormwater

Sewer and stormwater system connections are controlled by Chapters 24 and 32 of the City code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual. This will apply to the new connections within Westbrook Street.

3. Traffic Control Plans

Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. The contractor shall submit a satisfactory "Maintenance of Traffic" (MOT) plan prior to any street opening permit approval. This document shall contain all pertinent information from the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

The MOT will address the work required for utility connections in Westbrook Street. Traffic will be channelized utilizing drums and cones. Proper signage will be installed prior to the through work zone. Alternating traffic will be controlled with flaggers. Trenches will be patched with pavement daily.

The MOT plan shall provide for the safe passage of the public through or along the construction work zone. It may be permissible to close a portion of Westbrook Street during utility connections and/or detour a mode of traffic when absolutely necessary for safety. All requests shall be subject to City approval. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

- Construction speed signing may be used as needed to slow traffic.
- Traffic Control signs shall not be placed where they would create any obstructions to bicycles or pedestrians.
- Flaggers will be utilized when necessary.

All existing modes of travel in the work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning and laying out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.

- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance in all capacities shall be maintained.

Use of public parking spaces shall not be permissible. The blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

1. Regular trash and debris shall be managed appropriately, and its removal shall comply with all local, state, and federal regulations.

2. Street cleaning and sweeping shall be followed as outlined in the erosion and sedimentation control notes and report. Damage to the street shall be avoided and shall be the responsibility of the contractor.

3. Dust shall be controlled and shall comply with Section 25-129 and the erosion and sedimentation control notes, plan, and details.

4. Noise shall be controlled and shall comply with Section 17-18 and Section 25-129.

5. Rodent Control shall be provided, if applicable, by a professional exterminator and shall be consistent with Chapter 22 of the City Code.

6. Snow and Ice Removal shall be provided. Pursuant to Section 25-173, the Contractor shall ensure a safe means of travel within the work zone by the following steps:

    a. Snow/ice removal or commence automatically from 1" or greater of snow or ice
    b. Remove snow as needed within the work zone, including parking spaces. Driveways and site lines shall not be blocked by piles of snow.
    c. Clear all walks and ramps within the work zone
    d. Sand or salt as needed
    e. Clear all basin or drainage to help snow melt
    f. The above steps shall be carried out Sunday-Saturday including holidays.

I. Erosion Control and Preservation of Trees

1. The Contractor shall install all erosion and sedimentation controls as outlined in the plan set, and the approved erosion and sedimentation control report, prior to the pre-construction meeting for inspection by the City. The Contractor shall regularly inspect the control measures, no less than weekly and after storm events (0.5" or more in 24 hours). Additionally, temporary or permanent stormwater management systems shall be inspected and maintained to ensure working order. The Contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection (MDEP) or the U.S. Environmental Protection Agency (EPA) upon request.

2. Existing landscaping will be preserved to the greatest extent practical. Please refer to the plan set for additional locations, specifications, and details.

3. Stored materials shall be identified and avoid being located under/near trees.

J. Construction Staging Area

1. The Contractor shall submit a plan with locations depicted for the location of material staging areas, the location of on-site temporary construction trailers, the location of on-site truck delivery holding areas, the location of on-site truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. This plan shall be submitted at or prior to the pre-construction meeting. Any open storage areas shall be shown on the plan.

2. Delivery Truck Holding Areas On-Site: The majority of materials delivered to the site will be scheduled such that they are able to be off-loaded immediately. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of trucks until they can be unloaded. Once at the site all vehicles will be brought within the fence line and will make every attempt to avoid queuing on public streets. If, for any reason, on-site holding of trucks is not feasible, an off-site location must be designated and shown on the submitted plan referenced above in J.1.

3. All deliveries for materials shall comply with the City's noise requirements.

K. Parking During Construction

1. Adequate parking for construction workers shall be provided on site or arrangements for off-street parking at an off-site location shall be provided.

2. Truck Routes and Volumes: The following quantities are estimated as part of construction:

    - Gravel & Stone – Approx. 2,000 CY. Earthwork subcontractor(s) pit to project site.
    - Hot Mix Asphalt – Approx. 600 tons. Paving subcontractor(s) pit to project site.

Final calculations should be confirmed by the contractor.

L. Dewatering Plans

1. A basic dewatering plan for any construction work is required and shall be submitted by the Contractor. The plan must cover construction sites where groundwater is not expected but the impact of rainwater may require dewatering. The plan must include operating procedures, equipment to be used, including filters, erosion and sediment control measures, or other methods of removing sediment from approved discharges.

2. For construction work that will require frequent dewatering of groundwater from site, a dewatering plan must be prepared by the Contractor and approved by the Department of Public Works. Groundwater and/or soil testing may be required to determine course of

action if treatment is necessary. Approval for all discharges to City infrastructure is required. The proposed plan must address the following:

- Project duration, discharge location, storage equipment on-site, dewatering schematic, and emergency contact.
- General requirements include trained staff on-site for all approve discharges and required site log for documentation of all discharges.
- Storage and/or treatment process should include proper settling time and maintain proper use of filtering medium as required.
- Contingency/maintenance plan for all dewatering equipment devices and filtration mediums.

Any water that is removed from an excavation must be pumped from a perforated device buried in crush stone prior discharge and/or prior to storage and treatment. There will be no discharge allowed during precipitation events.

M. Special Measures as Necessary

No special measures are necessary for the proposed reconstruction.

R. Solid Waste Disposal

The proposed building will utilize a proposed solid waste container located on the southwestern corner of the proposed parking lot. A private hauler will be contracted for removal.

S. Parking Analysis

Per Land Use Code Section 19 Off Street Parking Table 19-A Off-Street Parking Minimums: 1 parking space per 4 guest rooms is required. The project proposes to construct a Hotel that contains 119 rooms, therefore is required to provide 30 parking spaces onsite. Six bicycle parking spaces will also be required onsite.

The project proposes providing 89 parking spaces, which is 59 parking spaces over the minimum requirements per the Land Use Code. The proposed parking area will be utilized for guests, staff, as well as "park and fly" patrons. We believe the surplus of parking is appropriate due to the proximity of the Portland Jetport. It is the client's intent to provide long-term parking spaces for guests that plan to travel.

Please also refer to Section T: Traffic Impact Study, which also provides additional on parking generation information, including ITE Parking Generation Rates showing the hotel would require 96 parking spaces based on the fitted curve equation. The 89 parking spaces currently proposed would be 10% greater than the ITE Parking Generation Rates identified for the hotel use only, and not including "park and fly" patrons.

Memorandum

To: Ankur Patel
Giri Hotel Management

Date: July 09, 2024

Project #: 55751.00

From: Jennifer Conley, PE, PTOE

Re: Jetport Hotel Traffic Impact Study

Introduction

Vanasse Hangen Brustlin, Inc. (VHB) was requested to provide transportation planning and engineering consulting services in support of a proposed 119-room hotel at 1060 Westbrook Street in Portland, Maine. The project is proposed to occupy an undeveloped parcel of land in close proximity to the Portland International Jetport. This memorandum has been prepared to summarize the traffic information relating to the area roadways and the expected trip generation of the proposed development.

Existing Conditions

The existing conditions in the vicinity of the proposed development were reviewed. The proposed development is to occur to the north of the intersection of Westbrook Street and Jetport Boulevard (shown in Figure 1). A review of the existing conditions focused on the project site and transportation network access to and from the site including the following intersections identified by the City of Portland:

- Westbrook Street and Jetport Boulevard (unsignalized)
- International Way and Jetport Boulevard (unsignalized)

Figure 1 Study Area



Roadway and Intersection Characteristics

The hotel driveway is proposed to tie into, and form the fourth leg of, the intersection of Westbrook Street and Jetport Boulevard. All study area intersections are unsignalized. International Way and Jetport Boulevard are two entrances to the Portland International Jetport and are classified as Major Collector Roads. Westbrook Street is classified as a Townway and connects outgoing vehicles from the airport back to Jetport Boulevard.

Pedestrian and Bicycle Facilities

Sidewalks are currently provided on the east side of Westbook Street, forming a pedestrian connection between the Jetport and Jetport Boulevard. A crosswalk is provided across the south leg of the Westbrook Street and Jetport Boulevard intersection and connects to the sidewalk on the south side of Jetport Boulevard until the Embassy Suites driveway where it crosses to the north side of Jetport Boulevard.

Sidewalks are provided on the northwest side of Jetport Boulevard from the Embassy Suites to International Parkway and along International Parkway to Congress Street. At the intersection of Jetport Boulevard and International Parkway, in addition to the sidewalk on the northwest side of Jetport Boulevard, sidewalks are also provided on the northeast side of International Parkway north of the intersection, and both sides of Jetport Boulevard west of the intersection and both sides of International Parkway into the Jetport. Crosswalks are only provided across Jetport Boulevard at this intersection. There are currently no designated bicycle facilities in the site area. However, Westbrook Street to the north of the site is a bicycle friendly roadway with lower traffic volumes which provides access to Congress Street further north.

Public Transportation

The Greater Portland Metro provides bus service with a stop to the west of the proposed site on Jetport Boulevard in the southwest direction for Route 5 - Maine Mall. Route 5 serves riders between downtown Portland and the Maine Mall area with service to the Portland International Jetport seven days a week.

Crash History

Crash data was obtained from MaineDOT for the most recent three-year period (2020-2022). MaineDOT defines High crash locations (HCLs) as locations with a minimum of 8 or more crashes in the most recent three year period and a critical rate factor (comparison of the intersection crash rate to the statewide average) of 1.0 or greater. There are no HCLs for the roadways or intersections surrounding the project site. Most crashes in the study area were property damage only. Table 1 presents the crash data for the intersections surrounding the project site.

Table 1 Crash Data (2020-2022)

Intersection	Total Crashes	Critical Rate Factor
Jetport Boulevard and International Way	4	1.02
Airport Exit Road and International Way	1	0.00

Source: MaineDOT Crash Data

Existing Traffic Volume Data

Turning Movement Counts (TMCs) were collected on December 5, 2023, between 7AM – 9AM and 4PM – 6PM at the following study area intersections:

- Jetport Boulevard and International Way
- Jetport Boulevard and Westbrook Street

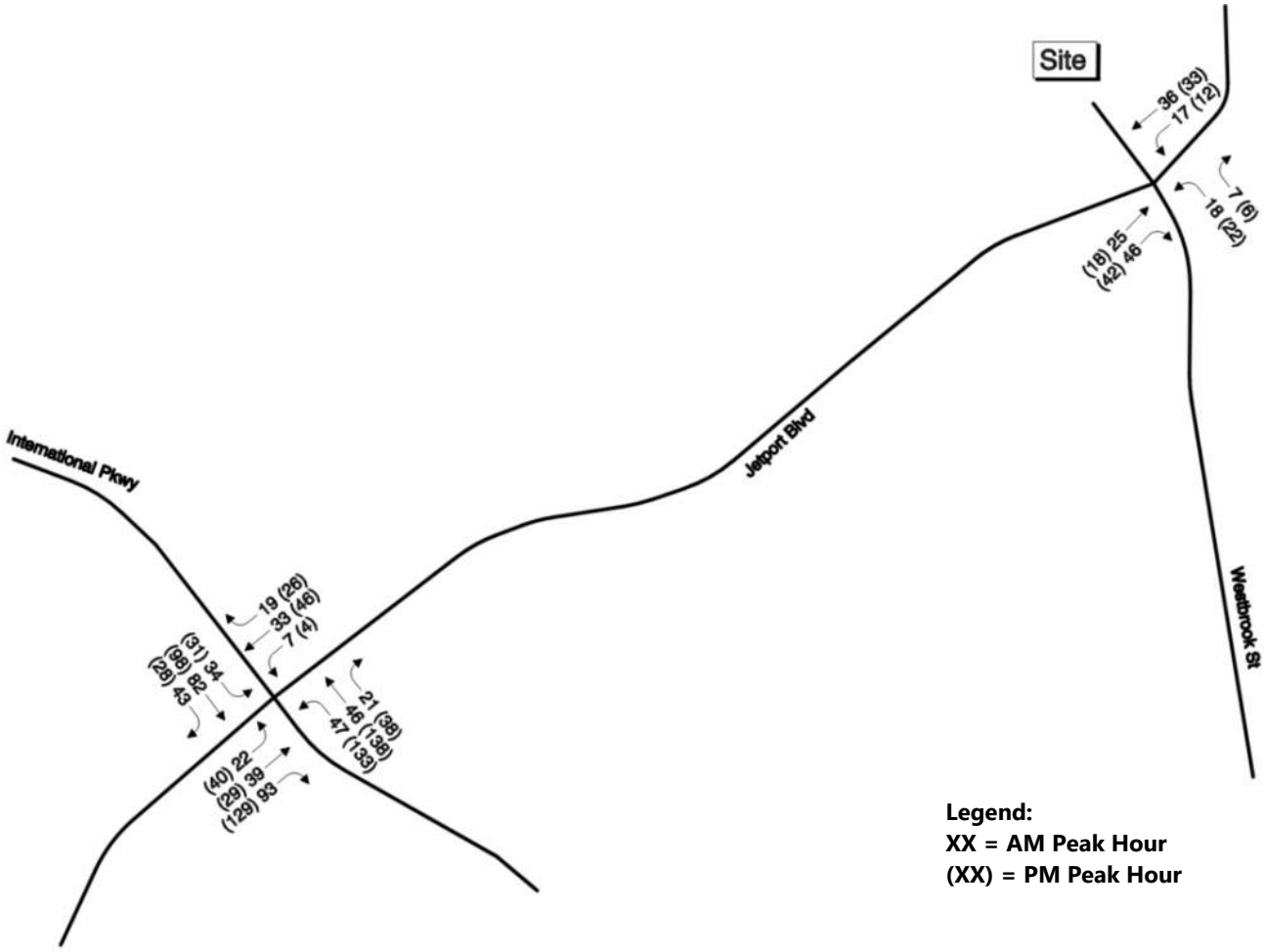
Additional turning movement counts were collected at Jetport Boulevard and International Way from 6AM-6PM on the same day in order to address a concern raised by Metro.

The peak hours were determined as 7:00AM-8:00AM and 4:00PM-5:00PM at the intersection of Jetport Boulevard and Westbrook Street. At the intersection of Jetport Boulevard and International Way, where additional count data was available, 8:15AM-9:15AM and 2:00PM-3:00PM were found to the peak hours. To analyze this non-typical afternoon peak hour at both intersections, the data collected at Jetport Boulevard and Westbrook Street was proportionally increased to match Jetport Boulevard and International Way intersection volumes.

Weekly group mean factors provided by MaineDOT were used to adjust existing traffic volumes to represent the 30th highest hour of the year. As a result, the raw volumes collected in December 2023 were adjusted by a factor of 1.12. The existing weekday morning and weekday afternoon peak hour traffic volume networks are summarized in Figure 2.

Memorandum

Figure 2 Existing Conditions Traffic Volumes



Future Conditions

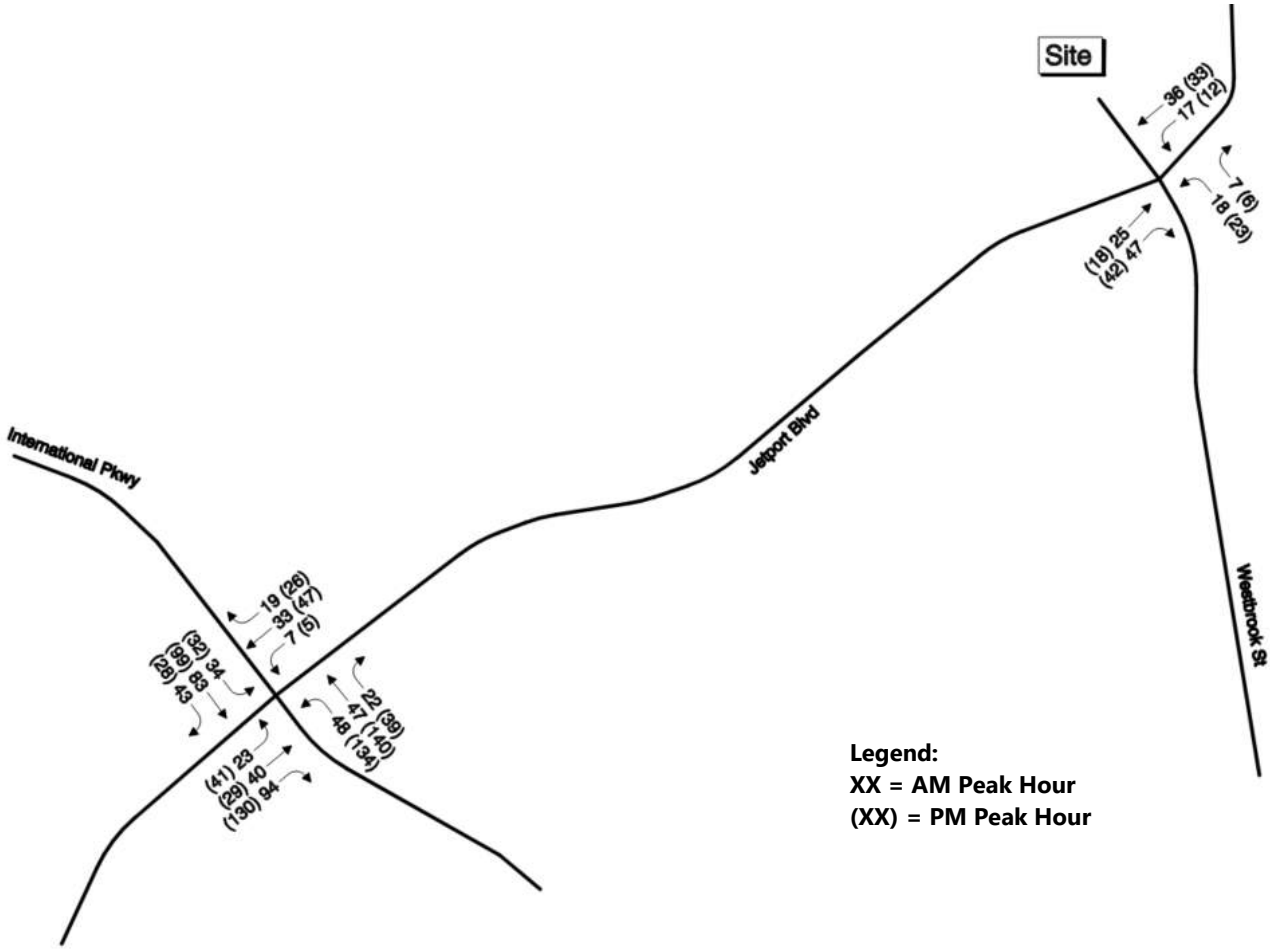
Typically, transportation conditions in the study area can be expected to change in the future due to potential development/growth and planned transportation infrastructure improvements in the area. A two-year planning horizon was used to assess the study area intersections with the planned development. The traffic volumes were projected to the year 2026 to reflect growth without ("No-Build") and with ("Build") the development project. The 2026 No-Build projected traffic volumes include generalized regional traffic growth. The anticipated site-generated traffic volumes superimposed upon the 2026 No-Build peak hour traffic volume network reflect the 2026 Build peak hour conditions.

Memorandum

No-Build Traffic Volumes

2024 Existing traffic volume networks in Figure 2 were increased by a growth rate of one half percent (0.5%) per year for two years (1% total growth) through 2026. The 2026 No-Build traffic volumes for the weekday AM and PM peak hours are shown in Figure 3.

Figure 3 2026 No-Build Traffic Volumes



Project Trip Generation

Trip generation estimates for the Project are based on standard Institute of Transportation Engineers' (ITE) data. The ITE Trip Generation Manual categorizes various land uses and provides weekday daily, weekday AM peak hour, and weekday PM peak hour unadjusted vehicle trip generation estimates for each use. Trip generation estimates for the proposed hotel were projected using data published in the ITE Trip Generation Manual based on the metrics for Land Use Code 310 – Hotel.

To understand the magnitude of the proposed development, VHB estimated the trip generation of the proposed development utilizing the ITE Trip Generation Manual (11th Edition) using average rates and fitted curve equations. The results of the inquiry are presented in Table 2.

Table 2 ITE Trip Generation

	Period				
Land Use	**AM Peak Hour of Adjacent Street**	**AM Peak Hour of Generator**	**PM Peak Hour of Adjacent Street**	**PM Peak Hour of Generator**	**Saturday Peak Hour**
Total Trip Ends, Hotel					
By Average Rates	55	63	70	71	86
By Fitted Curve	52	69	60	71	88

Source: ITE Trip Generation Manual - LUC 310 Hotel

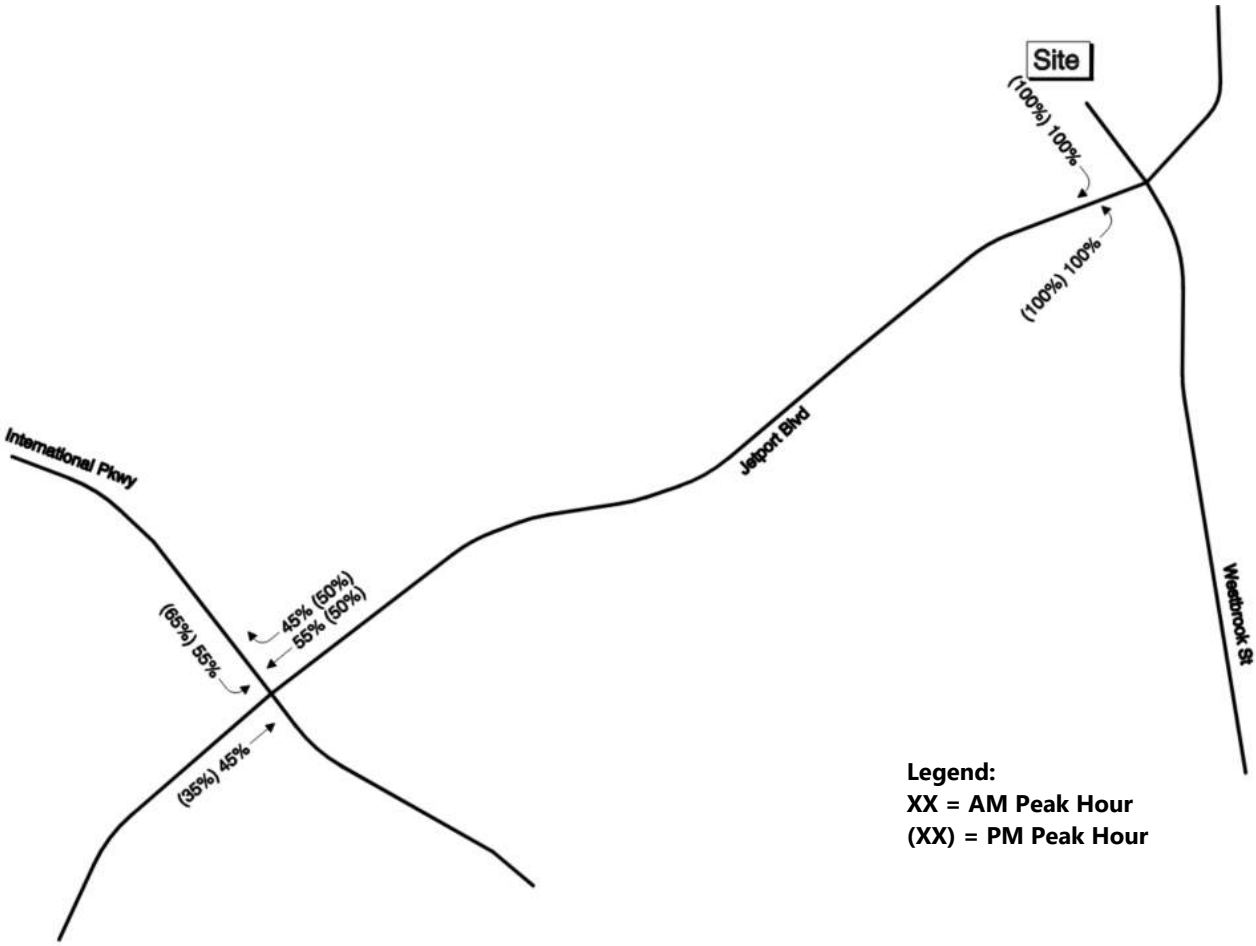
Based on the most conservative trip generation calculations, the proposed development will generate 69 trips during the AM peak hour, 71 trips during the PM peak hour and 88 trips during the Saturday peak hour. **Since the peak hour trip generation is anticipated to be less than the 100-trip threshold, a Traffic Movement Permit (TMP) from MaineDOT would not be expected to be required for this development.**

Trip Distribution and Assignment

A trip distribution pattern for the site was developed based on existing traffic patterns. The resulting trip distribution for the proposed project is presented in Figure 4 below:

Memorandum

Figure 4 Trip Distribution

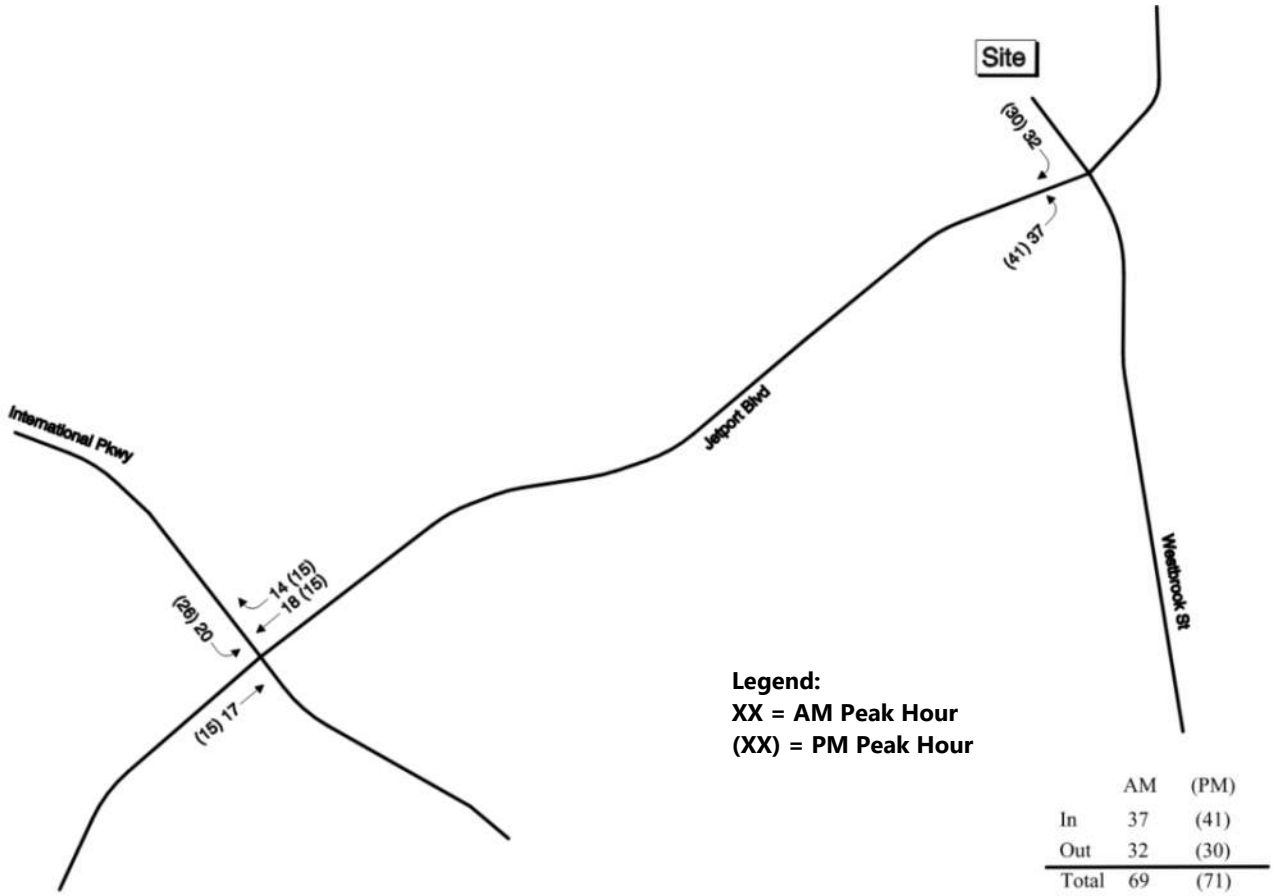


Using the distribution described above, vehicle trips were routed through the road network along the study area intersections. The resulting project generated trip assignment is shown in Figure 5.

Project generated vehicle trips for the morning and evening peak hours were added to the 2026 No-Build volumes to obtain the 2026 Build volumes as shown in Figure 6.

Memorandum

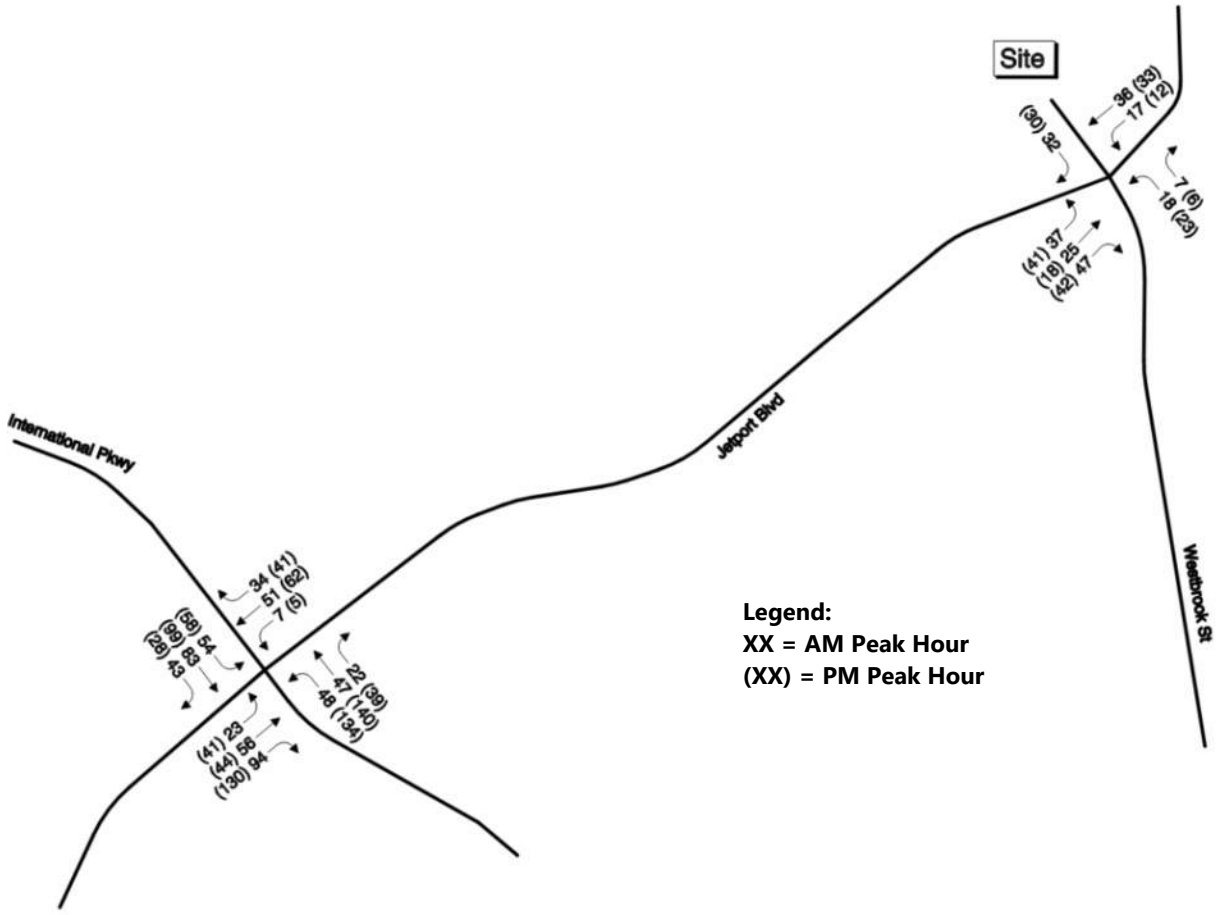
Figure 5 Trip Assignment



	AM	(PM)
In	37	(41)
Out	32	(30)
Total	69	(71)

Memorandum

Figure 6 2026 Build Traffic Volumes



Parking Generation

Parking generation estimates for the Project are based on standard Institute of Transportation Engineers' (ITE) data. The ITE Parking Generation Manual categorizes the same land uses provided in the trip generation manual and provides weekday (Monday-Friday) and weekend parking generation estimates for each use. Parking generation estimates for the proposed hotel were projected using data published in the ITE Parking Generation Manual based on the metrics for Land Use Code 310 – Hotel.

Parking generation for hotels is based on the number of rooms. VHB estimated peak parking demand using the ITE Parking Generation Manual (5th Edition) using both the average rate and fitted curve equations. Under each method, the peak parking demand for the hotel is calculated as:

- Average Rate: 88 parking spaces
- Fitted Curve: 96 parking spaces

A total of 105 parking spaces are being provided on the site.

All-Way Stop Analysis

The International Way and Jetport Boulevard intersection was evaluated using the multi-way stop control methodology outlined in the *Manual on Uniform Traffic Control Devices* (MUTCD)[1] to determine if multi-way stop control was warranted at this location.

The MUTCD provides criteria that should be considered for installation of a multi-way stop sign, including the following:

- Criteria A indicates that all-way stop control may be installed at an intersection where an engineering study indicates that:
  - 1. For a four-leg intersection, there are five or more reported crashes in a 12-month period or six or more reported crashes in a 36-month period that were of a type susceptible to correction by the installation of all-way stop control.
  - 2. For a three-leg intersection, there are four or more reported crashes in a 12-month period or five or more reported crashes in a 36-month period that were of a type susceptible to correction by the installation of all-way stop control.
- Criteria B indicates that all-way stop control may be installed at an intersection where an engineering study indicates that sight distance on the minor-road approaches controlled by a STOP sign is not adequate for a vehicle to turn onto or cross the major (uncontrolled) road.
- Criteria C indicates an all-way stop control may be installed at locations where all-way stop control is an interim measure that can be installed to control traffic while arrangements are being made for the installation of a traffic control signal at the intersection or for the installation of yield control at a circular intersection.
- Criteria D provides minimum volume criteria based on the following:

[1] Manual on Uniform Traffic Control Devices, FHWA, 2023

- 1. The combined motor vehicle, bicycle, and pedestrian volume entering the intersection from the major-street approaches is at least 300 units per hour for each of any 8 hours of a typical day; and
- 2. The combined motor vehicle, bicycle, and pedestrian volume entering the intersection from the minor-street approaches is at least 200 units per hour for each of any of the same 8 hours.
- 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants may be reduced to 70 percent of the values given in Items D.1 and D.2.

› Criteria E indicates all-way stop control may be installed at an intersection where an engineering study indicates that all-way stop control is needed due to other factors not addressed in the other all-way stop control warrants. Such other factors may include, but are not limited to, the following:

- 1. The need to control left-turn conflicts
- 2. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where all-way stop control would improve traffic operational characteristics of the intersection, or
- 3. Where pedestrian and/or bicyclist movements support the installation of all-way stop control.

Criteria D was the primary focus of this analysis as traffic signal warrants were not anticipated to be satisfied for Criteria C and crash thresholds are not met for Criteria A. Sight lines, as discussed in Criteria B, are discussed below,

The volume thresholds from Criteria D.1 and D.2 were met for all scenarios when the major street was considered International Way and the minor street was considered Jetport Boulevard. As such, the conditions for multi-way stop were satisfied as reflected in Table 5. Criteria D.3 does not apply as 85th percentile speeds do not meet the 40 mph criteria. Criteria E was checked and determined not applicable.

Table 5 Multi-Way Stop Criteria C Conditions

Scenario	Warrant Met	Condition C.1 Volume Any 8 Hour Avg > 300 vph Major Street	Condition C.2 Same 8 Hour Avg > 200 vph Major Street
Existing Conditions	Yes	Yes	Yes
No-Build	Yes	Yes	Yes
Build	Yes	Yes	Yes

Traffic Operations Analysis

Synchro/SimTraffic (Version 11) was utilized to determine the level of service (LOS) at the study area intersections. Level of service is the term that defines the delay conditions that occur on a given roadway or at an intersection when accommodating various traffic volume loads.

An existing conditions model of the study area was developed based on existing conditions volumes from 2024 and future conditions 2026. The Synchro/SimTraffic output includes capacity, delay, and 95th percentile queues. All model results reported in this evaluation are based on an average of five runs for each analysis scenario.

Table 4 below summarizes the operation analysis results at each study area intersection during the 2024 Existing, 2026 No-Build, and 2026 Build conditions without the implementation of an all way stop at both intersections.

Table 5 summarizes the same existing and no-build conditions and a 2026 Build condition with an all way stop at both intersections. As shown, all study area intersections are projected to operate with minimal delay under 2026 Build conditions (with and without an all way stop) with all approaches at LOS A. Vehicle queues are reasonable and are accommodated at all study area intersections.

Table 4 Intersection Analysis Summary Without AWS

1. Jetport Boulevard/ Westbrook Street

	2024 Existing Conditions						2026 No Build						2026 Build (No AWS)					
	AM			PM			AM			PM			AM			PM		
Movement	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]
Jetport EB LTR	1.2	A	--	1.0	A	--	0.9	A	--	0.8	A	--	1.5	A	9	1.6	A	10
Jetport WB LTR	0.6	A	14	0.6	A	11	0.6	A	11	0.5	A	15	0.6	A	11	0.6	A	9
Westbrook NB LTR	3.9	A	43	3.7	A	48	3.9	A	43	3.8	A	49	4.3	A	44	4.4	A	45
Site Driveway LTR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2.5	A	39	4.8	A	38

2. Jetport Boulevard/ International Parkway

	2024 Existing Conditions						2026 No Build						2026 Build (No AWS)					
	AM			PM			AM			PM			AM			PM		
Movement	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]
Jetport EB LTR	5.1	A	75	6.6	A	91	5.1	A	76	6.8	A	93	5.4	A	71	7.8	A	102
Jetport WB LTR	5.2	A	68	6.2	A	68	5.1	A	69	6.6	A	70	5.4	A	67	7.8	A	81
International NB LTR	1.1	A	28	1.6	A	51	1.0	A	27	1.5	A	46	1.0	A	24	1.6	A	52
International SB LTR	0.8	A	16	0.9	A	28	0.8	A	19	0.9	A	30	1.0	A	21	1.2	A	38

[1]Delay expressed in seconds per vehicle
[2]Level of Service - Unsignalized: (Delay Range: A: 0-10, B: 10-15, C: 15-25, D: 25-35, E: 35-50, F: >50)
[3]95th percentile queue length expressed in feet

Memorandum

Table 5 Intersection Analysis Summary With AWS

1. Jetport Boulevard/ Westbrook Street

	2024 Existing Conditions						2026 No Build						2026 Build (With AWS)					
	AM			PM			AM			PM			AM			PM		
Movement	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]
Jetport EB LTR	1.2	A	--	1.0	A	--	0.9	A	--	0.8	A	--	4.0	A	44	3.5	A	38
Jetport WB LTR	0.6	A	14	0.6	A	11	0.6	A	11	0.5	A	15	4.8	A	63	4.7	A	59
Westbrook NB LTR	3.9	A	43	3.7	A	48	3.9	A	43	3.8	A	49	3.8	A	42	3.7	A	45
Site Driveway LTR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2.6	A	39	4.7	A	38

2. Jetport Boulevard/ International Parkway

	2024 Existing Conditions						2026 No Build						2026 Build (With AWS)					
	AM			PM			AM			PM			AM			PM		
Movement	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]	Delay[1]	LOS[2]	Q95[3]
Jetport EB LTR	5.1	A	75	6.6	A	91	5.1	A	76	6.8	A	93	4.7	A	68	7.8	A	101
Jetport WB LTR	5.2	A	68	6.2	A	68	5.1	A	69	6.6	A	70	5.4	A	68	8.5	A	79
International NB LTR	1.1	A	28	1.6	A	51	1.0	A	27	1.5	A	46	4.8	A	52	1.6	A	52
International SB LTR	0.8	A	16	0.9	A	28	0.8	A	19	0.9	A	30	5.3	A	70	1.2	A	38

[1]Delay expressed in seconds per vehicle
[2]Level of Service - Unsignalized: (Delay Range: A: 0-10, B: 10-15, C: 15-25, D: 25-35, E: 35-50, F: >50)
[3]95th percentile queue length expressed in feet

Sight Distance

VHB followed the MaineDOT evaluation of sight distance. Sight distance is measured to and from the proposed driveway centerline at 10 feet back from the edge of the traveled way. The speed limit is posted as 30 mph on Jetport Boulevard. The minimum allowable sight distances can be seen in Table 6 below:

Table 6 MaineDOT Sight Distance Requirements

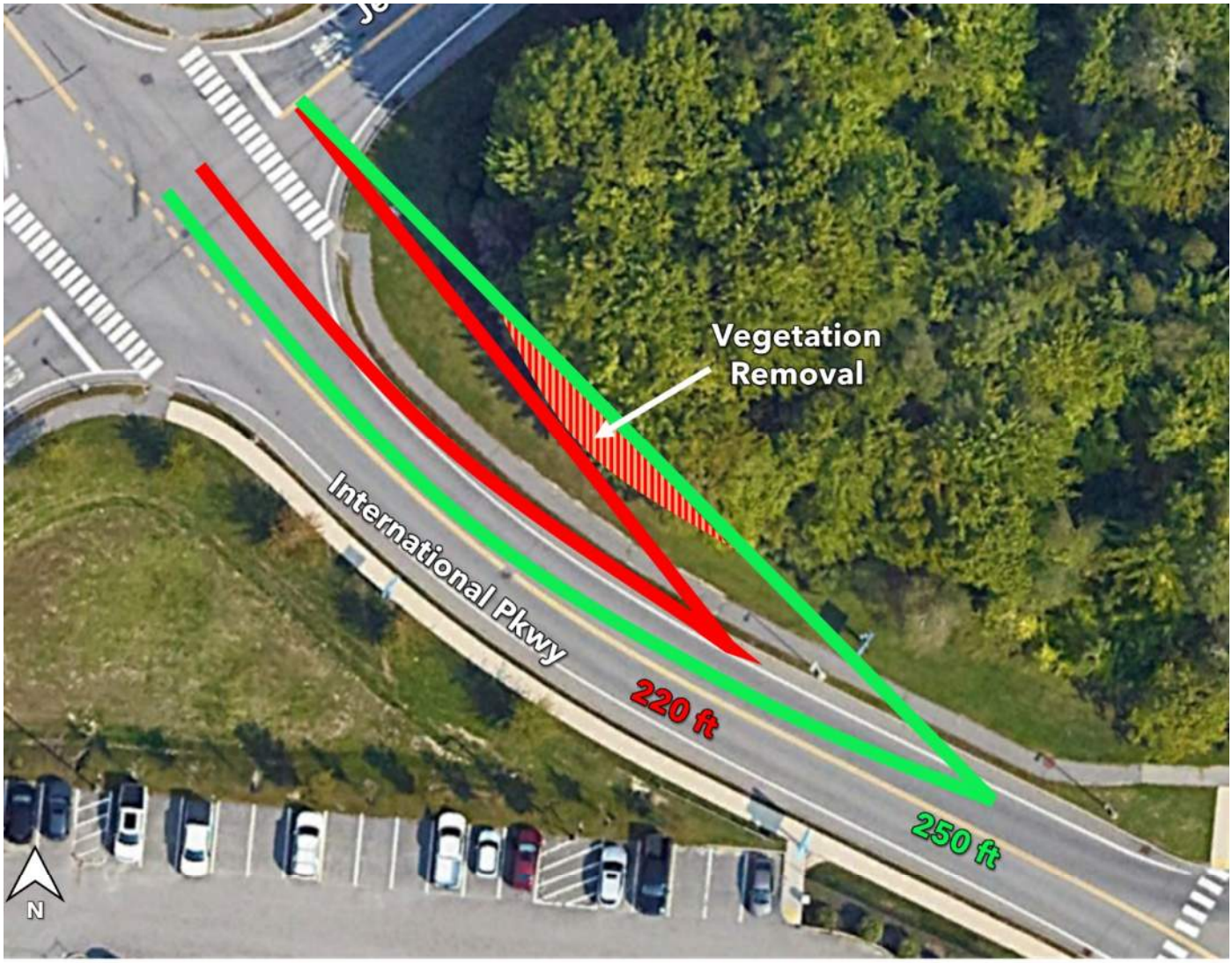
Posted Speed (mph)	Sight Distance (feet)
20	155
25	200
30	**250**
35	305
40	360
45	425
50	495
55	570
60	645

Based on a field visit, the sight distance at the proposed driveway exceeds the minimum 250 feet looking right before being blocked by vegetation. Looking left the sight distance meets a sight distance of 200 feet and then is blocked by vegetation. Site grading and vegetation removal will be conducted to ensure the minimum sight lines are met at this location.

The sight distance at the intersection of International Boulevard at Jetport Boulevard was also checked. As reported by METRO, the sight lines approaching Jetport from the south are limited by dense vegetation. The existing sight lines to the south from the westbound approach of Jetport Boulevard measures at 220 feet, which is just shy of an appropriate stopping sight distance at 30 miles per hour. An acceptable intersection sight distance of 250 feet can be achieved through vegetation removal as shown on the following page in Figure 7. Any vegetation removal in the location shown in Figure 7 is to be performed by others, as the applicant does not control the land in this area. All other sight lines are above the minimum threshold of 250 feet. In addition, a speed limit sign could be installed between the Jetport parking exit and Jetport Boulevard to bring awareness of the posted speed to those exiting the airport.

Memorandum

Figure 7 Vegetation Removal for Sight Lines



Conclusions

The following is a summary of the study's conclusions and findings:

- The development of a 119-room hotel will result in a trip generation of 69 trips during the AM peak hour, 71 trips during the PM peak hour, and 88 trips during the Saturday peak hour, and as such will not require a MaineDOT traffic access permit.
- The development will generate a peak parking demand of 96 spaces and provide 105 spaces.
- Conditions for a multi-way stop controlled analysis at International Way and Jetport Boulevard are currently satisfied. The concern raised by METRO regarding sight lines can also be addressed vegetation removal.
- Study area intersections are projected to operate at acceptable levels of service during all conditions and the project is anticipated to have minimal impacts to traffic operations.

ITE Trip Generation 11th Edition - Proposed

Total Site generated trips

Site Land Uses and Descriptions				AM PK HR ADJACENT STREET TRAFFIC										PM PK HR ADJACENT STREET TRAFFIC									
				directional dist.		average				regression		# trips			directional dist.		average				regression		# trips		
Code	Land Use	Size	Unit	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering Exiting	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering Exiting
310	Hotel	119	Dwelling Units	56%	44%	28	0.46	0.14	55	0.84	52	Average	55	31 24	51%	49%	31	0.59	0.22	70	0.78	60	Average	70	36 34

Based on ITE 11th Edition

	total	entering	exiting
AM Peak Hour Total Site Trips:	55	31	24

	total	entering	exiting
PM Peak Hour Total Site Trips:	70	36	34

Site Land Uses and Descriptions				AM PK HR GENERATOR TRAFFIC										PM PK HR GENERATOR TRAFFIC									
				directional dist.		average				regression		# trips			directional dist.		average				regression		# trips		
Code	Land Use	Size	Unit	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering Exiting	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering Exiting
310	Hotel	119	Dwelling Units	53%	47%	33	0.53	0.21	63	0.64	69	Regression	69	37 32	58%	42%	32	0.60	0.18	71	0.69	72	Average	71	41 30

Based on ITE 11th Edition

	total	entering	exiting
AM Peak Hour Total Site Trips:	69	37	32

	total	entering	exiting
PM Peak Hour Total Site Trips:	71	41	30

ITE Trip Generation 11th Edition - Proposed

Total Site generated trips

Site Land Uses and Descriptions				SATURDAY PK HR GENERATOR TRAFFIC											
				directional dist.		average				regression		# trips			
Code	Land Use	Size	Unit	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering	Exiting
310	Hotel	119	Dwelling Units	56%	44%	10	0.72	0.20	86	0.80	88	Regression	88	49	39

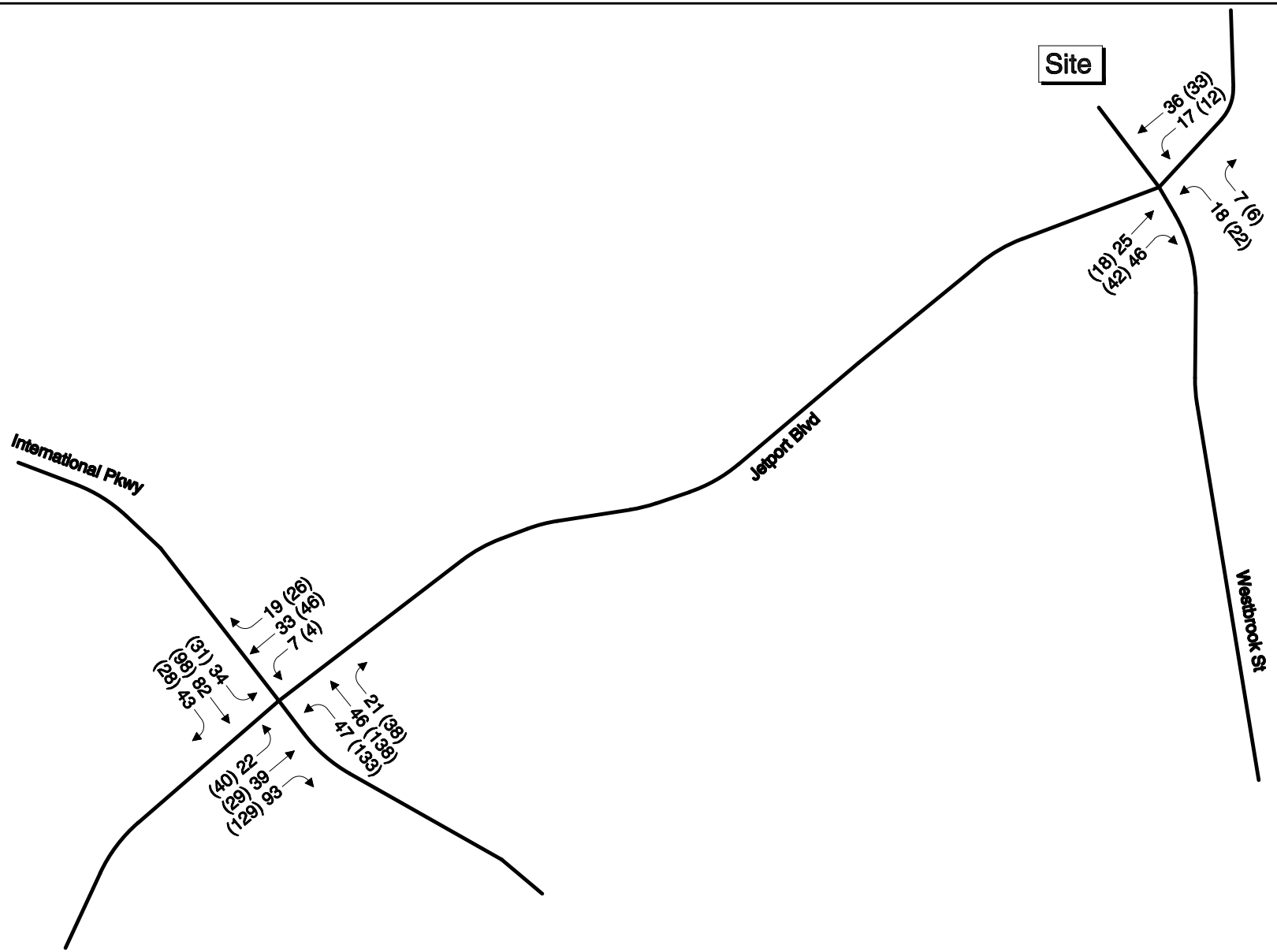
Based on ITE 11th Edition

	total	entering	exiting
Saturday Peak Hour Total Site Trips:	88	49	39

Site Land Uses and Descriptions				SATURDAY PK HR GENERATOR TRAFFIC											
				directional dist.		average				regression		# trips			
Code	Land Use	Size	Unit	% enter	% exit	# studies	Avg Rate	Std Dev.	Total by Avg	r^2	total by Eq'n	Method Chosen	Total Trips	Entering	Exiting
310	Hotel	119	Dwelling Units	56%	44%	10	0.72	0.20	86	0.80	88	Regression	88	49	39

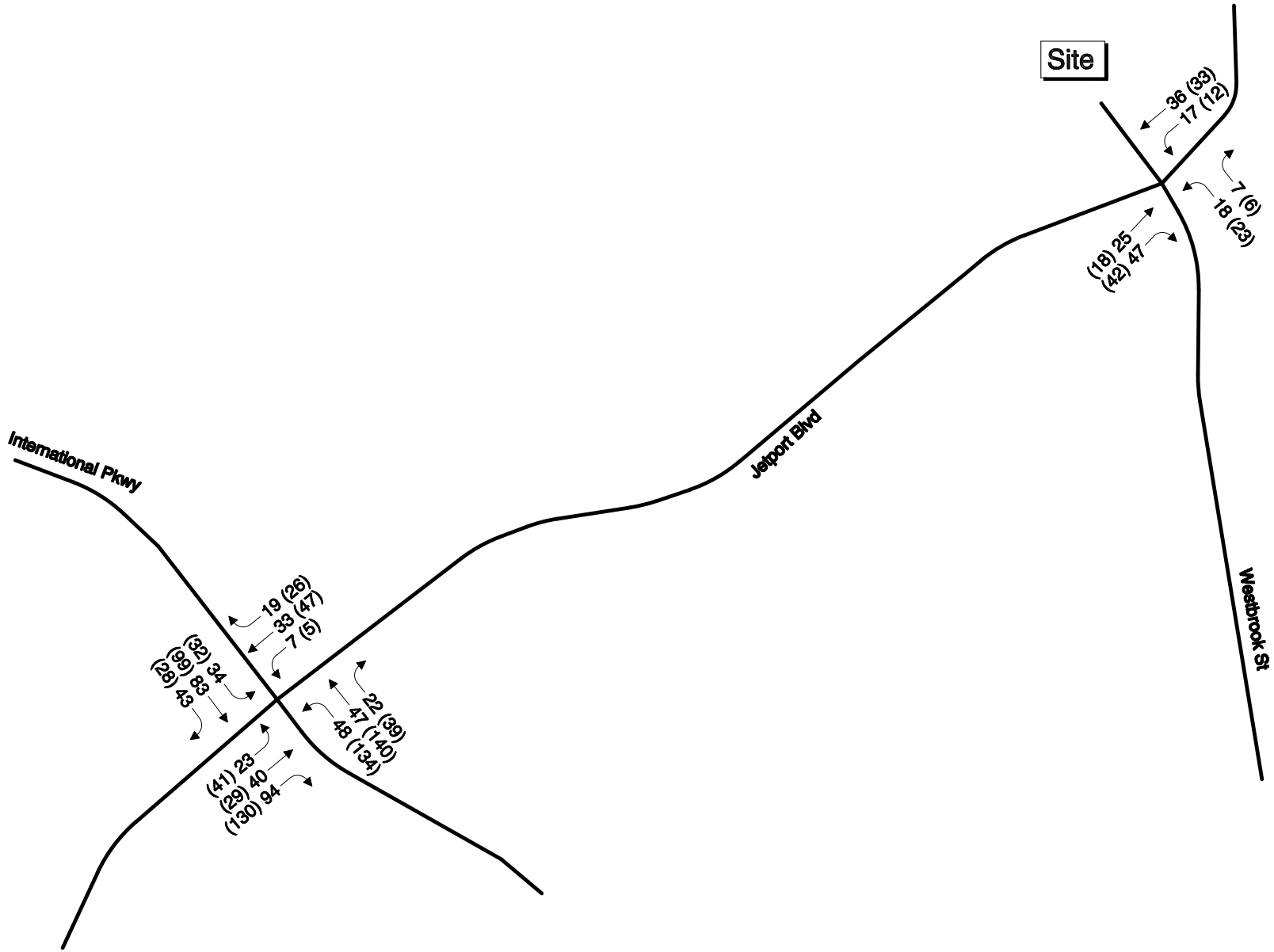
Based on ITE 11th Edition

	total	entering	exiting
Saturday Peak Hour Total Site Trips:	88	49	39



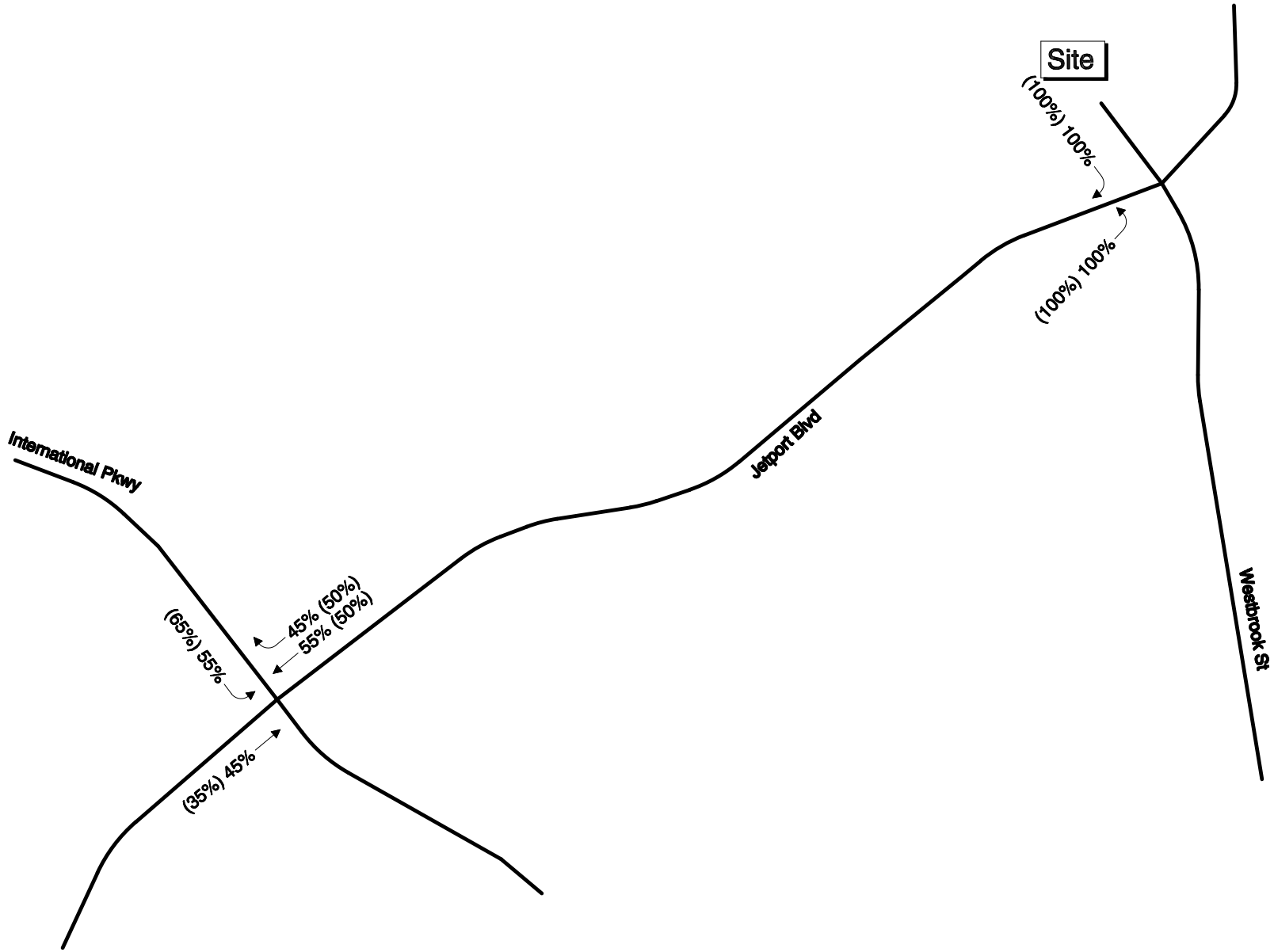
Not to Scale

Figure 1
2024 Existing Conditions
AM (PM)



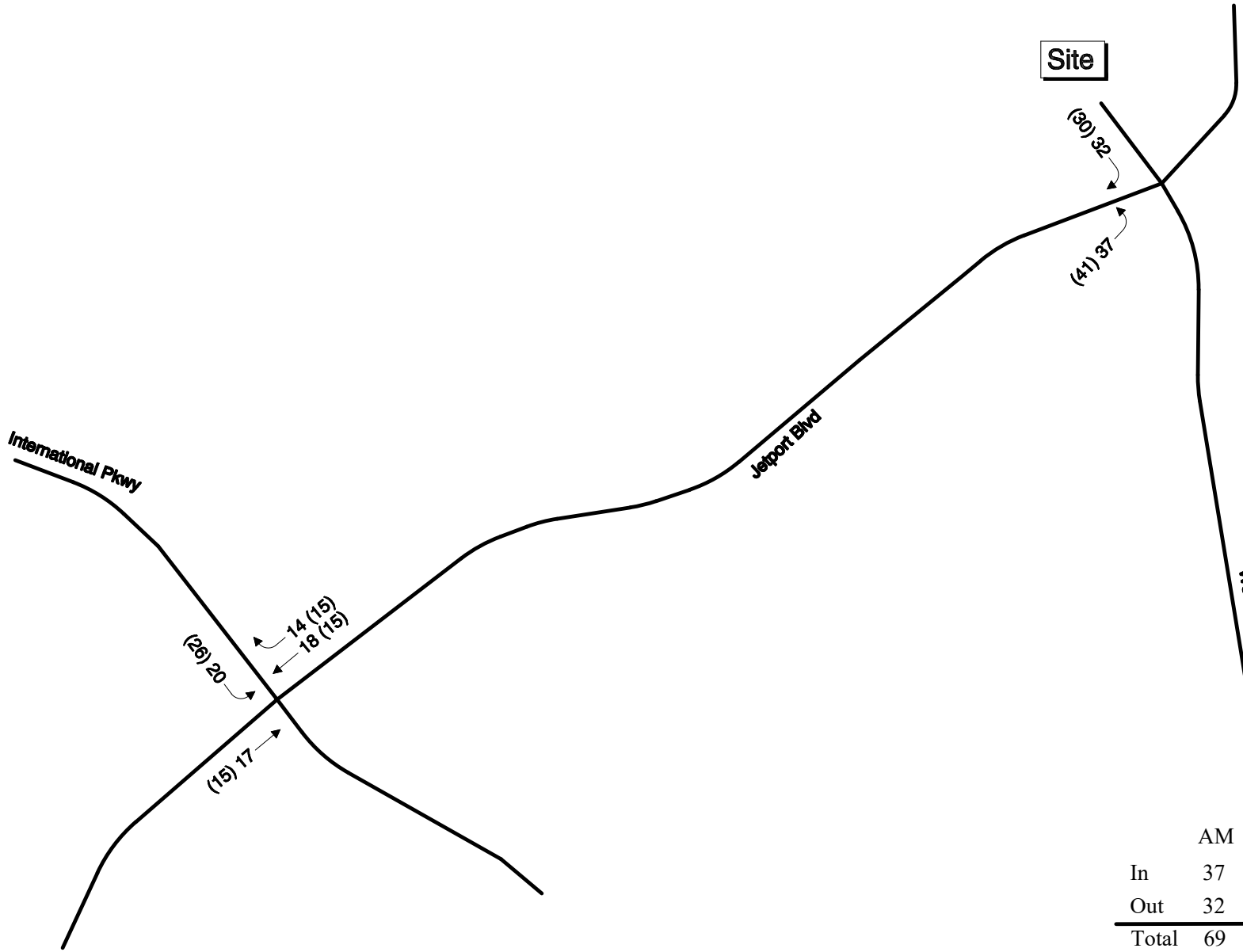
Not to Scale

Figure 2
2026 No Build
AM (PM)



Not to Scale

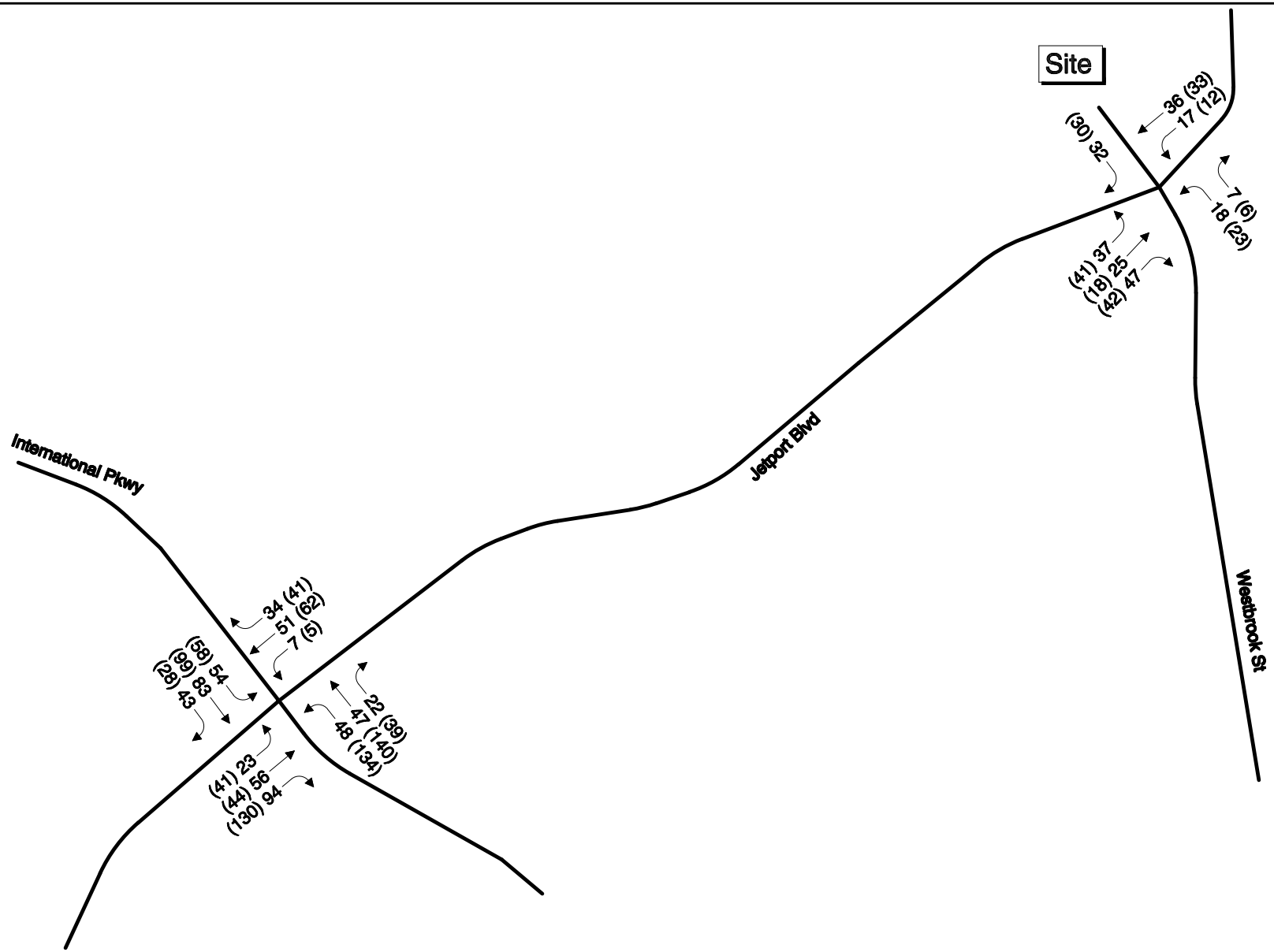
Figure 3
Trip Distribution
AM (PM)



	AM	(PM)
In	37	(41)
Out	32	(30)
Total	69	(71)

Not to Scale

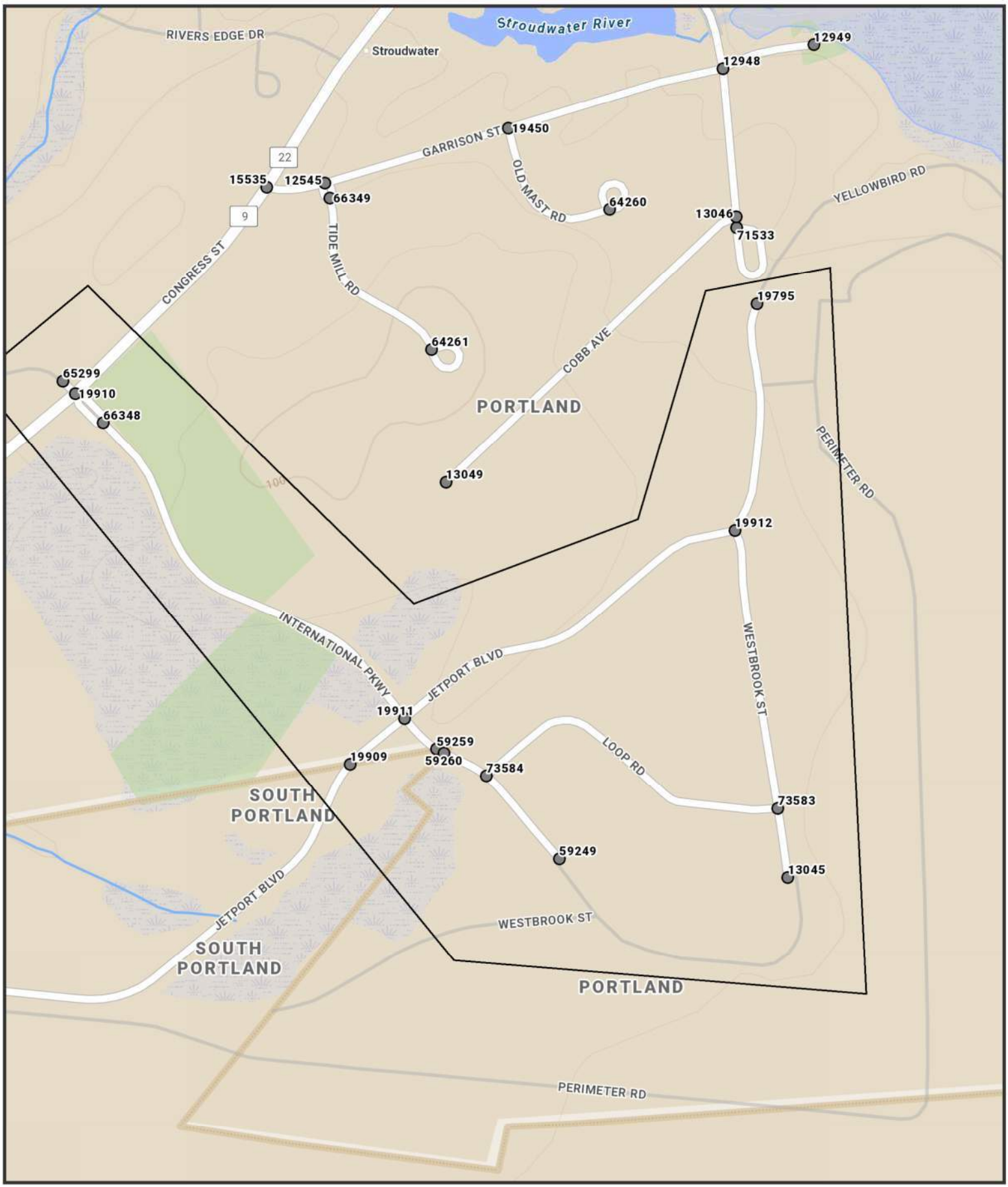
Figure 4
Trip Assignment
AM (PM)



Not to Scale

Figure 5
2026 Build
AM (PM)

PORTLAND JETPORT



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0.1 Miles

1 inch = 0.11 miles

Date: 1/3/2024
Time: 9:46:17 AM

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☑ Crash Summary I ☐ Section Detail ☑ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

Portland
Jetport Area

REPORT PARAMETERS

Year 2020, Start Month 1 through Year 2022 End Month: 12

Route: **3201952**	Start Node: **19910**	Start Offset: **0**	☐ **Exclude First Node**
	End Node: **65299**	End Offset: **0**	☐ **Exclude Last Node**
Route: **0566042**	Start Node: **19910**	Start Offset: **0**	☑ **Exclude First Node**
	End Node: **59249**	End Offset: **0**	☐ **Exclude Last Node**
Route: **3209501**	Start Node: **66348**	Start Offset: **0**	☑ **Exclude First Node**
	End Node: **19910**	End Offset: **0**	☑ **Exclude Last Node**
Route: **0566043**	Start Node: **19909**	Start Offset: **0**	☐ **Exclude First Node**
	End Node: **19911**	End Offset: **0**	☑ **Exclude Last Node**
Route: **3200062**	Start Node: **73583**	Start Offset: **0**	☑ **Exclude First Node**
	End Node: **73584**	End Offset: **0**	☑ **Exclude Last Node**
Route: **0561240**	Start Node: **13045**	Start Offset: **0**	☐ **Exclude First Node**
	End Node: **19795**	End Offset: **0**	☐ **Exclude Last Node**
Route: **0566043**	Start Node: **19911**	Start Offset: **0**	☑ **Exclude First Node**
	End Node: **19912**	End Offset: **0**	☑ **Exclude Last Node**

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
19910	3201952 - 0	Int of CONGRESS ST INTERNATIONAL PKWY UNUM PARK	9	15	0	0	2	4	9	40.0	7.918	0.63	1.06	0.60
												Statewide Crash Rate:	0.65	
65299	3201952 - 0.01	End of UNUM PARK Z RD	2	0	0	0	0	0	0	0.0	0.763	0.00	0.49	0.00
												Statewide Crash Rate:	0.12	
66348	0566042 - 0.03	Non Int INTERNATIONAL PKWY	2	0	0	0	0	0	0	0.0	1.745	0.00	0.41	0.00
												Statewide Crash Rate:	0.12	
19911	0566042 - 0.32	Int of INTERNATIONAL PKWY JETPORT BLVD	2	4	0	0	0	3	1	75.0	3.831	0.35	0.34	1.02
												Statewide Crash Rate:	0.12	
59259	0566042 - 0.35	TL Portland South Portland	2	0	0	0	0	0	0	0.0	3.377	0.00	0.35	0.00
												Statewide Crash Rate:	0.12	
59260	0566042 - 0.36	TL Portland South Portland	2	0	0	0	0	0	0	0.0	3.063	0.00	0.36	0.00
												Statewide Crash Rate:	0.12	
73584	0566042 - 0.39	Int of AIRPORT EXIT RD INTERNATIONAL PKWY	2	1	0	0	0	0	1	0.0	3.395	0.10	0.35	0.00
												Statewide Crash Rate:	0.12	
59249	0566042 - 0.46	End of INTERNATIONAL PKWY	2	0	0	0	0	0	0	0.0	1.374	0.00	0.44	0.00
												Statewide Crash Rate:	0.12	
19909	0566043 - 0	TL Portland South Portland	2	0	0	0	0	0	0	0.0	2.072	0.00	0.40	0.00
												Statewide Crash Rate:	0.12	
13045	0561240 - 0	End of WESTBROOK ST	2	1	0	0	0	0	1	0.0	0.117	2.85	0.20	14.13
												Statewide Crash Rate:	0.12	
73583	0561240 - 0.05	Int of AIRPORT EXIT RD WESTBROOK ST	2	0	0	0	0	0	0	0.0	0.881	0.00	0.48	0.00
												Statewide Crash Rate:	0.12	
19912	0561240 - 0.23	Int of JETPORT BLVD WESTBROOK ST	2	0	0	0	0	0	0	0.0	0.489	0.00	0.52	0.00
												Statewide Crash Rate:	0.12	
19795	0561240 - 0.38	End of WESTBROOK ST	2	0	0	0	0	0	0	0.0	0.100	0.00	0.09	0.00
												Statewide Crash Rate:	0.12	
Study Years:	3.00	**NODE TOTALS:**		21	0	0	2	7	12	42.9	29.125	0.24	0.40	0.60

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section Length	U/R	Total Crashes	Injury Crashes K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
19910	65299	5649123	0 - 0.01	3201952 - 0	0.01	2	0	0	0	0	0	0	0.0	0.00015	0.00	1436.02	0.00
Int of CONGRESS ST	INTERNATIONAL PKWY UNUM PARK Z RD			RD INV 3201952											Statewide Crash Rate: 332.58		
19910	66348	5649126	0 - 0.03	0566042 - 0	0.03	2	0	0	0	0	0	0	0.0	0.00026	0.00	664.13	0.00
Int of CONGRESS ST	INTERNATIONAL PKWY UNUM PARK Z RD			RD INV 05 66042											Statewide Crash Rate: 155.30		
66348	19911	3121633	0 - 0.29	0566042 - 0.03	0.29	2	1	0	0	0	1	0	100.0	0.00506	65.88	382.92	0.00
Non Int INTERNATIONAL PKWY				RD INV 05 66042											Statewide Crash Rate: 155.30		
19911	59259	1951926	0 - 0.03	0566042 - 0.32	0.03	2	3	0	0	0	0	3	0.0	0.00101	987.08	1020.20	0.00
Int of INTERNATIONAL PKWY	JETPORT BLVD			RD INV 05 66042											Statewide Crash Rate: 332.58		
59259	59260	1951930	0 - 0.01	0566042 - 0.35	0.01	2	0	0	0	0	0	0	0.0	0.00034	0.00	1314.98	0.00
TL Portland	South Portland			RD INV 05 66042											Statewide Crash Rate: 332.58		
59260	73584	4631498	0 - 0.03	0566042 - 0.36	0.03	2	0	0	0	0	0	0	0.0	0.00082	0.00	1075.00	0.00
TL Portland	South Portland			RD INV 05 66042											Statewide Crash Rate: 332.58		
73584	59249	4631499	0 - 0.07	0566042 - 0.39	0.07	2	0	0	0	0	0	0	0.0	0.00192	0.00	864.31	0.00
Int of AIRPORT EXIT RD	INTERNATIONAL PKWY			RD INV 05 66042											Statewide Crash Rate: 332.58		
66348	19910	5649127	0 - 0.03	3209501 - 0	0.03	2	0	0	0	0	0	0	0.0	0.00026	0.00	664.13	0.00
Non Int INTERNATIONAL PKWY				RD INV 3209501											Statewide Crash Rate: 155.30		
19909	19911	3119287	0 - 0.05	0566043 - 0	0.05	2	0	0	0	0	0	0	0.0	0.00100	0.00	574.88	0.00
TL Portland	South Portland			RD INV 05 66043											Statewide Crash Rate: 155.30		
73583	73584	4631502	0 - 0.22	3200062 - 0	0.22	2	3	0	1	0	0	2	33.3	0.00285	351.29	782.39	0.00
Int of AIRPORT EXIT RD	WESTBROOK ST			RD INV 3200062											Statewide Crash Rate: 332.58		
13045	73583	4631496	0 - 0.05	0561240 - 0	0.05	2	1	0	0	0	0	1	0.0	0.00012	2849.43	1415.55	2.01
End of WESTBROOK ST				RD INV 05 61240											Statewide Crash Rate: 332.58		
73583	19912	4631497	0 - 0.18	0561240 - 0.05	0.18	2	0	0	0	0	0	0	0.0	0.00042	0.00	1258.49	0.00
Int of AIRPORT EXIT RD	WESTBROOK ST			RD INV 05 61240											Statewide Crash Rate: 332.58		
19795	19912	4631503	0 - 0.15	0561240 - 0.23	0.15	2	0	0	0	0	0	0	0.0	0.00030	0.00	1342.10	0.00
End of WESTBROOK ST				RD INV 05 61240											Statewide Crash Rate: 332.58		
19911	19912	195462	0 - 0.25	0566043 - 0.05	0.25	2	0	0	0	0	0	0	0.0	0.00136	0.00	946.06	0.00
Int of INTERNATIONAL PKWY	JETPORT BLVD			RD INV 05 66043											Statewide Crash Rate: 332.58		
Study Years: 3.00				**Section Totals:**	1.40		8	0	1	0	1	6	25.0	0.01588	167.96	438.58	0.38
				Grand Totals:	1.40		29	0	1	2	8	18	37.9	0.01588	608.87	556.82	1.09

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	Injury Crashes K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
19910	65299	5649123	0 - 0.01	3201952 - 0	0	0	0	0	0	0				
19910	66348	5649126	0 - 0.03	0566042 - 0	0	0	0	0	0	0				
66348	19911	3121633	0 - 0.29	0566042 - 0.03	1	0	0	0	1	0	2021-14569	06/10/2021	0.26	C
19911	59259	1951926	0 - 0.03	0566042 - 0.32	3	0	0	0	0	3	2022-20693	07/23/2022	0.33	PD
											2021-12492	05/25/2021	0.33	PD
											2020-25411	10/22/2020	0.34	PD
59259	59260	1951930	0 - 0.01	0566042 - 0.35	0	0	0	0	0	0				
59260	73584	4631498	0 - 0.03	0566042 - 0.36	0	0	0	0	0	0				
73584	59249	4631499	0 - 0.07	0566042 - 0.39	0	0	0	0	0	0				
66348	19910	5649127	0 - 0.03	3209501 - 0	0	0	0	0	0	0				
19909	19911	3119287	0 - 0.05	0566043 - 0	0	0	0	0	0	0				
73583	73584	4631502	0 - 0.22	3200062 - 0	3	0	1	0	0	2	2021-23511	09/03/2021	0.06	A
											2022-28423	10/06/2022	0.06	PD
											2022-3483	01/07/2022	0.12	PD
13045	73583	4631496	0 - 0.05	0561240 - 0	1	0	0	0	0	1	2021-27993	10/15/2021	0.03	PD
73583	19912	4631497	0 - 0.18	0561240 - 0.05	0	0	0	0	0	0				
19795	19912	4631503	0 - 0.15	0561240 - 0.23	0	0	0	0	0	0				
19911	19912	195462	0 - 0.25	0566043 - 0.05	0	0	0	0	0	0				
				Totals:	8	0	1	0	1	6				

Crash Summary II - Characteristics

Crashes by Day and Hour

	AM												PM												
	Hour of Day																								
Day Of Week	**12**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**Un**	**Tot**
SUNDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	0	0	3
MONDAY	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2
TUESDAY	0	0	0	0	0	0	0	0	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4
WEDNESDAY	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2
THURSDAY	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	1	0	1	0	0	0	0	0	0	6
FRIDAY	0	0	0	0	0	0	0	1	1	1	0	0	1	0	2	0	1	0	1	0	0	0	0	0	0	8
SATURDAY	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	4
Totals	0	1	1	0	0	0	0	1	3	1	1	2	3	3	4	1	3	1	2	1	0	0	0	1	0	**29**

Vehicle Counts by Type

Unit Type	Total
1-Passenger Car	26
2-(Sport) Utility Vehicle	17
3-Passenger Van	3
4-Cargo Van (10K lbs or Less)	0
5-Pickup	12
6-Motor Home	0
7-School Bus	0
8-Transit Bus	2
9-Motor Coach	0
10-Other Bus	0
11-Motorcycle	0
12-Moped	0
13-Low Speed Vehicle	0
14-Autocycle	0
15-Experimental	0
16-Other Light Trucks (10,000 lbs or Less)	0
17-Medium/Heavy Trucks (More than 10,000 lbs)	0
18-ATV - (4 wheel)	0
20-ATV - (2 wheel)	0
21-Snowmobile	0
22-Pedestrian	0

Unit Type	Total
23-Bicyclist	0
24-Witness	2
25-Other	1
26-Construction	0
27-Farm Vehicle	0
28-Horse and Buggy	0
Total	**63**

Crash Summary II - Characteristics

Crashes by Driver Action at Time of Crash

Driver Action at Time of Crash	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Contributing Action	10	21	0	0	0	0	31
Ran Off Roadway	3	0	0	0	0	0	3
Failed to Yield Right-of-Way	4	0	0	0	0	0	4
Ran Red Light	0	0	0	0	0	0	0
Ran Stop Sign	0	0	0	0	0	0	0
Disregarded Other Traffic Sign	0	0	0	0	0	0	0
Disregarded Other Road Markings	0	0	0	0	0	0	0
Exceeded Posted Speed Limit	0	0	0	0	0	0	0
Drove Too Fast For Conditions	1	0	0	0	0	0	1
Improper Turn	0	1	0	0	0	0	1
Improper Backing	0	1	0	0	0	0	1
Improper Passing	0	0	0	0	0	0	0
Wrong Way	0	0	0	0	0	0	0
Followed Too Closely	7	0	0	0	0	0	7
Failed to Keep in Proper Lane	1	0	0	0	0	0	1
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	0	0	0	0	0	0	0
Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway	0	0	0	0	0	0	0
Over-Correcting/Over-Steering	0	0	0	0	0	0	0
Other Contributing Action	3	1	0	0	0	0	4
Unknown	0	0	0	0	0	0	0
Total	**29**	**24**	**0**	**0**	**0**	**0**	**53**

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Apparently Normal	26	24	0	0	0	0	50
Physically Impaired	0	0	0	0	0	0	0
Emotional(Depressed, Angry, Disturbed, etc.)	0	0	0	0	0	0	0
Ill (Sick)	1	0	0	0	0	0	1
Asleep or Fatigued	0	0	0	0	0	0	0
Under the Influence of Medications/Drugs/Alcohol	1	0	0	0	0	0	1
Other	1	0	0	0	0	0	1
Total	**29**	**24**	**0**	**0**	**0**	**0**	**53**

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	1	0	0	0	0	1
20-24	2	0	0	0	0	2
25-29	4	0	0	0	0	4
30-39	17	0	0	0	0	17
40-49	16	0	0	0	0	16
50-59	7	0	0	0	0	7
60-69	10	0	0	0	0	10
70-79	2	0	0	0	0	2
80-Over	0	0	0	0	0	0
Unknown	2	0	0	0	0	2
Total	**61**	**0**	**0**	**0**	**0**	**61**

Crash Summary II - Characteristics

Most Harmful Event

Most Harmful Event	Total	Most Harmful Event	Total
1-Overturn / Rollover	0	38-Other Fixed Object (wall, building, tunnel, etc.)	0
2-Fire / Explosion	0	39-Unknown	9
3-Immersion	0	40-Gate or Cable	0
4-Jackknife	0	41-Pressure Ridge	0
5-Cargo / Equipment Loss Or Shift	0	**Total**	**60**
6-Fell / Jumped from Motor Vehicle	0		
7-Thrown or Falling Object	0		
8-Other Non-Collision	0		
9-Pedestrian	0		
10-Pedalcycle	0		
11-Railway Vehicle - Train, Engine	0		
12-Animal	0		
13-Motor Vehicle in Transport	41		
14-Parked Motor Vehicle	8		
15-Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle	0		
16-Work Zone / Maintenance Equipment	0		
17-Other Non-Fixed Object	0		
18-Impact Attenuator / Crash Cushion	0		
19-Bridge Overhead Structure	0		
20-Bridge Pier or Support	0		
21-Bridge Rail	0		
22-Cable Barrier	0		
23-Culvert	0		
24-Curb	0		
25-Ditch	0		
26-Embankment	0		
27-Guardrail Face	0		
28-Guardrail End	0		
29-Concrete Traffic Barrier	1		
30-Other Traffic Barrier	0		
31-Tree (Standing)	0		
32-Utility Pole / Light Support	1		
33-Traffic Sign Support	0		
34-Traffic Signal Support	0		
35-Fence	0		
36-Mailbox	0		
37-Other Post, Pole, or Support	0		

Injury Data

Severity Code	Injury Crashes	Number Of Injuries
K	0	0
A	1	2
B	2	3
C	8	11
PD	18	0
Total	**29**	**16**

Road Character

Road Grade	Total
1-Level	27
2-On Grade	2
3-Top of Hill	0
4-Bottom of Hill	0
5-Other	0
Total	**29**

Traffic Control Devices

Traffic Control Device	Total
1-Traffic Signals (Stop & Go)	13
2-Traffic Signals (Flashing)	0
3-Advisory/Warning Sign	0
4-Stop Signs - All Approaches	0
5-Stop Signs - Other	6
6-Yield Sign	0
7-Curve Warning Sign	1
8-Officer, Flagman, School Patrol	0
9-School Bus Stop Arm	0
10-School Zone Sign	0
11-R.R. Crossing Device	0
12-No Passing Zone	1
13-None	7
14-Other	1
Total	**29**

Light

Light Condition	Total
1-Daylight	23
2-Dawn	0
3-Dusk	1
4-Dark - Lighted	5
5-Dark - Not Lighted	0
6-Dark - Unknown Lighting	0
7-Unknown	0
Total	**29**

Crash Summary II - Characteristics

Crashes by Year and Month

Month	2020	2021	2022	Total
JANUARY	0	0	1	1
FEBRUARY	1	0	2	3
MARCH	0	4	0	4
APRIL	0	1	0	1
MAY	0	2	2	4
JUNE	0	2	1	3
JULY	0	0	1	1
AUGUST	1	0	0	1
SEPTEMBER	0	3	0	3
OCTOBER	1	1	2	4
NOVEMBER	0	1	1	2
DECEMBER	1	0	1	2
Total	**4**	**14**	**11**	**29**

Report is limited to the last 10 years of data.

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five or More Leg Intersection	Driveways	Bridges	Interchanges	Other	Parking Lot	Private Way	Cross Over	Railroad Crossing	Traffic Circle-Roundabout	Total
Object in Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear End - Sideswipe	0	2	0	14	0	0	0	0	0	0	1	0	0	0	17
Head-on - Sideswipe	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
Intersection Movement	0	0	1	4	0	1	0	0	0	0	0	0	0	0	6
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Went Off Road	1	0	0	1	0	1	0	0	0	1	0	0	0	0	4
All Other Animal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycle	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jackknife	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thrown or Falling Object	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	**2**	**3**	**1**	**19**	**0**	**2**	**0**	**0**	**0**	**1**	**1**	**0**	**0**	**0**	**29**

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Blowing Sand, Soil, Dirt												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Blowing Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Clear												
Dark - Lighted	2	0	0	0	0	0	0	0	0	0	0	2
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	16	2	0	0	0	0	0	0	0	0	0	18
Dusk	1	0	0	0	0	0	0	0	0	0	0	1
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Cloudy												
Dark - Lighted	0	0	0	0	0	0	0	1	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	1	0	0	0	0	0	0	0	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Fog, Smog, Smoke												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Other												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Rain												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	1	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	2	2
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Severe Crosswinds												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Sleet, Hail (Freezing Rain or Drizzle)												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Snow												
Dark - Lighted	0	0	0	0	0	0	0	1	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	2	0	0	0	2
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**20**	**2**	**0**	**0**	**0**	**0**	**0**	**4**	**0**	**0**	**3**	**29**

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	515	526	540	521	511	525
Vehs Exited	510	525	545	516	511	521
Starting Vehs	5	4	8	3	6	2
Ending Vehs	10	5	3	8	6	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	131	130	131	125	128	129
Travel Time (hr)	5.9	5.8	5.8	5.6	5.8	5.8
Total Delay (hr)	0.6	0.5	0.5	0.5	0.6	0.5
Total Stops	261	246	258	241	269	254
Fuel Used (gal)	5.1	5.1	5.2	5.0	5.1	5.1

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	515	526	540	521	511	525
Vehs Exited	510	525	545	516	511	521
Starting Vehs	5	4	8	3	6	2
Ending Vehs	10	5	3	8	6	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	131	130	131	125	128	129
Travel Time (hr)	5.9	5.8	5.8	5.6	5.8	5.8
Total Delay (hr)	0.6	0.5	0.5	0.5	0.6	0.5
Total Stops	261	246	258	241	269	254
Fuel Used (gal)	5.1	5.1	5.2	5.0	5.1	5.1

1: Westbrook St & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.0
Total Del/Veh (s)	1.2	0.6	3.9	1.4
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.2	0.2	0.2
Total Del/Veh (s)	5.1	5.2	1.1	0.8	2.8
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	3.5
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St & Jetport Blvd/Westbrook Street

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	24	47
Average Queue (ft)	2	18
95th Queue (ft)	14	43
Link Distance (ft)	608	639
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	94	87	43	38
Average Queue (ft)	45	35	7	2
95th Queue (ft)	75	68	28	16
Link Distance (ft)	456	1250	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	739	708	752	728	718	728
Vehs Exited	742	707	753	732	717	729
Starting Vehs	9	7	7	12	6	8
Ending Vehs	6	8	6	8	7	5
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	167	157	161	162	160	161
Travel Time (hr)	7.6	7.1	7.4	7.4	7.3	7.4
Total Delay (hr)	0.8	0.8	0.9	0.9	0.9	0.8
Total Stops	323	302	328	323	323	322
Fuel Used (gal)	6.8	6.4	6.5	6.7	6.5	6.6

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	739	708	752	728	718	728
Vehs Exited	742	707	753	732	717	729
Starting Vehs	9	7	7	12	6	8
Ending Vehs	6	8	6	8	7	5
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	167	157	161	162	160	161
Travel Time (hr)	7.6	7.1	7.4	7.4	7.3	7.4
Total Delay (hr)	0.8	0.8	0.9	0.9	0.9	0.8
Total Stops	323	302	328	323	323	322
Fuel Used (gal)	6.8	6.4	6.5	6.7	6.5	6.6

1: Westbrook St & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1
Total Del/Veh (s)	1.0	0.6	3.7	1.3
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.3	0.2	0.2
Total Del/Veh (s)	6.6	6.2	1.6	0.9	3.2
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	3.9
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St & Jetport Blvd/Westbrook Street

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	31	60
Average Queue (ft)	1	21
95th Queue (ft)	11	48
Link Distance (ft)	608	639
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	118	85	85	43
Average Queue (ft)	53	37	16	6
95th Queue (ft)	91	68	51	28
Link Distance (ft)	456	1250	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	529	534	539	532	508	529
Vehs Exited	525	534	543	528	508	527
Starting Vehs	5	4	7	5	6	3
Ending Vehs	9	4	3	9	6	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	135	132	129	127	127	130
Travel Time (hr)	6.2	6.0	5.9	5.8	5.9	6.0
Total Delay (hr)	0.6	0.5	0.5	0.5	0.5	0.5
Total Stops	265	250	254	248	273	257
Fuel Used (gal)	5.3	5.2	5.1	5.0	5.0	5.1

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	529	534	539	532	508	529
Vehs Exited	525	534	543	528	508	527
Starting Vehs	5	4	7	5	6	3
Ending Vehs	9	4	3	9	6	6
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	135	132	129	127	127	130
Travel Time (hr)	6.2	6.0	5.9	5.8	5.9	6.0
Total Delay (hr)	0.6	0.5	0.5	0.5	0.5	0.5
Total Stops	265	250	254	248	273	257
Fuel Used (gal)	5.3	5.2	5.1	5.0	5.0	5.1

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1
Total Del/Veh (s)	0.9	0.6	3.9	1.3
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.2	0.2
Total Del/Veh (s)	5.1	5.1	1.0	0.8	2.8
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	3.5
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	WB	NB
Directions Served	LTR	LTR
Maximum Queue (ft)	19	47
Average Queue (ft)	1	18
95th Queue (ft)	11	43
Link Distance (ft)	601	638
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	94	88	43	42
Average Queue (ft)	45	35	6	3
95th Queue (ft)	76	69	27	19
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	741	735	759	744	738	743
Vehs Exited	743	735	760	749	742	746
Starting Vehs	9	7	7	12	8	8
Ending Vehs	7	7	6	7	4	5
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	166	162	162	163	166	164
Travel Time (hr)	7.7	7.6	7.5	7.6	7.8	7.6
Total Delay (hr)	0.8	0.9	0.9	0.9	0.9	0.9
Total Stops	338	325	330	315	323	326
Fuel Used (gal)	6.7	6.6	6.5	6.6	6.7	6.6

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.
No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	741	735	759	744	738	743
Vehs Exited	743	735	760	749	742	746
Starting Vehs	9	7	7	12	8	8
Ending Vehs	7	7	6	7	4	5
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	166	162	162	163	166	164
Travel Time (hr)	7.7	7.6	7.5	7.6	7.8	7.6
Total Delay (hr)	0.8	0.9	0.9	0.9	0.9	0.9
Total Stops	338	325	330	315	323	326
Fuel Used (gal)	6.7	6.6	6.5	6.6	6.7	6.6

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1
Total Del/Veh (s)	0.8	0.5	3.8	1.2
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.3	0.2	0.2
Total Del/Veh (s)	6.8	6.6	1.5	0.9	3.3
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	4.0
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	WB	NB
Directions Served	LTR	LTR
Maximum Queue (ft)	9	60
Average Queue (ft)	0	21
95th Queue (ft)	5	49
Link Distance (ft)	601	638
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	118	93	67	43
Average Queue (ft)	54	38	16	7
95th Queue (ft)	93	70	46	30
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	584	583	595	612	579	591
Vehs Exited	587	583	593	611	582	590
Starting Vehs	6	4	5	6	6	3
Ending Vehs	3	4	7	7	3	2
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	158	151	160	158	149	155
Travel Time (hr)	7.3	7.0	7.4	7.4	7.0	7.2
Total Delay (hr)	0.7	0.7	0.7	0.7	0.7	0.7
Total Stops	342	343	365	345	344	346
Fuel Used (gal)	6.3	5.9	6.3	6.3	5.9	6.1

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.

No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	584	583	595	612	579	591
Vehs Exited	587	583	593	611	582	590
Starting Vehs	6	4	5	6	6	3
Ending Vehs	3	4	7	7	3	2
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	158	151	160	158	149	155
Travel Time (hr)	7.3	7.0	7.4	7.4	7.0	7.2
Total Delay (hr)	0.7	0.7	0.7	0.7	0.7	0.7
Total Stops	342	343	365	345	344	346
Fuel Used (gal)	6.3	5.9	6.3	6.3	5.9	6.1

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.1
Total Del/Veh (s)	1.5	0.6	4.3	2.5	1.7
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.2	0.2	0.2
Total Del/Veh (s)	5.4	5.4	1.0	1.0	3.1
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	4.2
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	15	23	50	38
Average Queue (ft)	1	2	18	19
95th Queue (ft)	9	11	44	39
Link Distance (ft)	1233	601	638	141
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	86	77	32	30
Average Queue (ft)	46	40	6	4
95th Queue (ft)	71	67	24	21
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:45	3:45	3:45	3:45	3:45	3:45
End Time	5:00	5:00	5:00	5:00	5:00	5:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	839	846	836	857	799	837
Vehs Exited	845	850	834	856	794	835
Starting Vehs	12	12	6	10	7	7
Ending Vehs	6	8	8	11	12	10
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	198	193	200	194	189	195
Travel Time (hr)	9.4	9.3	9.5	9.3	9.0	9.3
Total Delay (hr)	1.2	1.3	1.2	1.2	1.2	1.2
Total Stops	412	412	451	434	412	424
Fuel Used (gal)	8.0	7.9	8.0	7.9	7.6	7.9

Interval #0 Information Seeding

Start Time	3:45
End Time	4:00
Total Time (min)	15

Volumes adjusted by Growth Factors.

No data recorded this interval.

Interval #1 Information Recording

Start Time	4:00
End Time	5:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	839	846	836	857	799	837
Vehs Exited	845	850	834	856	794	835
Starting Vehs	12	12	6	10	7	7
Ending Vehs	6	8	8	11	12	10
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	198	193	200	194	189	195
Travel Time (hr)	9.4	9.3	9.5	9.3	9.0	9.3
Total Delay (hr)	1.2	1.3	1.2	1.2	1.2	1.2
Total Stops	412	412	451	434	412	424
Fuel Used (gal)	8.0	7.9	8.0	7.9	7.6	7.9

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.0
Total Del/Veh (s)	1.6	0.6	4.4	4.8	2.1
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.3	0.2	0.2
Total Del/Veh (s)	7.8	7.8	1.6	1.2	4.0
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	5.0
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	18	19	53	44
Average Queue (ft)	1	1	20	15
95th Queue (ft)	10	9	45	38
Link Distance (ft)	1233	601	638	141
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	137	95	66	44
Average Queue (ft)	59	47	18	10
95th Queue (ft)	102	81	52	38
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:57	6:57	6:57	6:57	6:57	6:57
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	584	583	595	612	579	591
Vehs Exited	586	583	593	611	582	590
Starting Vehs	6	4	5	6	6	4
Ending Vehs	4	4	7	7	3	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	158	151	160	158	149	155
Travel Time (hr)	7.9	7.5	8.0	8.0	7.5	7.8
Total Delay (hr)	1.3	1.2	1.3	1.3	1.2	1.3
Total Stops	792	764	805	800	756	781
Fuel Used (gal)	6.7	6.3	6.6	6.7	6.2	6.5

Interval #0 Information Seeding

Start Time	6:57
End Time	7:00
Total Time (min)	3

Volumes adjusted by Growth Factors.

No data recorded this interval.

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	584	583	595	612	579	591
Vehs Exited	586	583	593	611	582	590
Starting Vehs	6	4	5	6	6	4
Ending Vehs	4	4	7	7	3	4
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	158	151	160	158	149	155
Travel Time (hr)	7.9	7.5	8.0	8.0	7.5	7.8
Total Delay (hr)	1.3	1.2	1.3	1.3	1.2	1.3
Total Stops	792	764	805	800	756	781
Fuel Used (gal)	6.7	6.3	6.6	6.7	6.2	6.5

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.1
Total Del/Veh (s)	4.0	4.8	3.8	2.6	4.0
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.2	0.2	0.2
Total Del/Veh (s)	4.7	5.4	4.8	5.3	5.0
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	7.5
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	53	84	46	34
Average Queue (ft)	24	30	18	19
95th Queue (ft)	44	63	42	39
Link Distance (ft)	1233	601	638	141
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	80	84	56	84
Average Queue (ft)	44	40	33	44
95th Queue (ft)	68	68	52	70
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:45	3:45	3:45	3:45	3:45	3:45
End Time	5:00	5:00	5:00	5:00	5:00	5:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	839	846	836	857	799	837
Vehs Exited	845	850	834	855	794	835
Starting Vehs	12	12	6	9	7	8
Ending Vehs	6	8	8	11	12	10
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	198	193	200	194	189	195
Travel Time (hr)	9.5	9.5	9.6	9.5	9.2	9.5
Total Delay (hr)	1.3	1.5	1.4	1.4	1.3	1.4
Total Stops	561	551	602	559	555	566
Fuel Used (gal)	8.1	8.0	8.2	8.0	7.7	8.0

Interval #0 Information Seeding

Start Time	3:45
End Time	4:00
Total Time (min)	15

Volumes adjusted by Growth Factors.

No data recorded this interval.

Interval #1 Information Recording

Start Time	4:00
End Time	5:00
Total Time (min)	60

Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	839	846	836	857	799	837
Vehs Exited	845	850	834	855	794	835
Starting Vehs	12	12	6	9	7	8
Ending Vehs	6	8	8	11	12	10
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	198	193	200	194	189	195
Travel Time (hr)	9.5	9.5	9.6	9.5	9.2	9.5
Total Delay (hr)	1.3	1.5	1.4	1.4	1.3	1.4
Total Stops	561	551	602	559	555	566
Fuel Used (gal)	8.1	8.0	8.2	8.0	7.7	8.0

1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.0
Total Del/Veh (s)	3.5	4.7	3.7	4.7	3.9
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

2: International Pkwy & Jetport Blvd Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.3	0.2	0.2
Total Del/Veh (s)	7.8	8.5	1.6	1.2	4.1
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Denied Del/Veh (s)	0.2
Total Del/Veh (s)	5.7
Denied Entry Before	0
Denied Entry After	0

Intersection: 1: Westbrook St/Site Driveway & Jetport Blvd/Westbrook Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	51	72	53	44
Average Queue (ft)	21	27	19	15
95th Queue (ft)	38	59	45	38
Link Distance (ft)	1233	601	638	141
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: International Pkwy & Jetport Blvd

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	137	91	66	44
Average Queue (ft)	59	48	18	10
95th Queue (ft)	101	79	52	38
Link Distance (ft)	456	1233	318	558
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Memorandum

To: City of Portland

Date: July 09, 2024

Project #: 55751.00

From: Jenn Conley, PE, PTOE

Re: Portland Jetport Hotel Transportation Demand Management Plan

Introduction

The Land Use Code for the City of Portland, Maine requires a Transportation Demand Management (TDM) Plan for commercial developments exceeding 50,000 SF. A TDM plan has been prepared to support the proposed 119 room hotel to be located at 1060 Westbrook Street in Portland, Maine and complies with the standards laid out in the Portland Technical Manual under Section 17.3 Transportation Demand Management. The proposed hotel is located within close proximity of the Portland International Jetport (Jetport) and the site access will be part of the intersection of Westbook Street and Jetport Boulevard. The site is bounded by Westbook Street to the east, Jetport Boulevard to the south and parking lots to the west and north. This TDM plan plays an important role in implementing strategies that are aimed at reducing single occupancy vehicle trips to and from the proposed hotel for both employees and guests. The following TDM plan demonstrates the commitments the proposed hotel operator will make in order to encourage employees and guests to make more sustainable multi modal commuting options including walking, bicycling, transit, carpooling, and shuttling. The hotel operator will complete ongoing annual surveying to monitor the implementation and success of the TDM plan.

Mobility Context

For a TDM plan to be successful in shifting drive alone vehicles trips to transit, carpool, walk, and bicycle trips, it is essential to understand the multimodal transportation system surrounding the site.

Located approximately a 1/3 mile north of the Jetport, the hotel is expected to serve a high number of air travelers. Hotel guests accessing the Jetport will be able to do so using the free shuttle service or walking. In addition, hotel guests and employees may travel via walking, biking, private vehicle, transit, or ride-hailing/taxis.

Walking and Bicycling Environment / Facilities

Existing Conditions

Sidewalks are currently provided on the east side of Westbook Street allowing pedestrians to access the Jetport from the site. A crosswalk is provided across Westbrook Street where it intersects with Jetport Boulevard, as well as across Jetport Boulevard west of the project entrance.

Sidewalks are also currently provided on the northwest side of Jetport Boulevard between the Embassy Suites Hotel driveway traveling towards International Parkway and all the way to Congress Street along International Parkway and Jetport Boulevard. There are currently no designated bicycle facilities within the site area.

Future Commitment

The project will be providing a connection along the site frontage to this existing sidewalk. Crosswalks are provided across Jetport Boulevard at the intersection of International Parkway at Jetport Boulevard for airport connections to the south and other connections to the north and west.

Public Transit

Existing Conditions

The Greater Portland Metro provides bus service with a stop to the west of the proposed site on Jetport Boulevard for Route 5 - Maine Mall. Route 5 serves riders between downtown Portland and the Maine Mall area with service to the Portland International Jetport seven days a week. In addition to walking, transit, shuttling, bicycling, and carpooling, commuters and guests have the option of using ride-hailing services such as Uber/Lyft and taxis. Although these services result in vehicle trips, they reduce the parking demand and allow for more flexibility.

Future Commitment

The project is committed to provide a free guest shuttle for ease of travel between the Jetport and the hotel. For employees, the project is committed to provide a 50% subsidize employee transit passes.

Baseline TDM Data

Baseline travel demand and supply data for the site has been quantified for the Traffic Impact Study submitted to City of Portland as part of the site plan review process. Baseline data includes estimated mode split, future trip generation estimates, and proposed parking supply and future demand estimates.

Trip Generation

As presented in the Traffic Impact Study completed for the proposed hotel, the site is expected to generate 69 morning vehicle trips, 71 evening vehicle trips and 88 Saturday peak hour vehicle trips based on ITE Trip Generation Manual Land Use Code 310 Hotel and assuming 119 hotel units. In order to be conservative, the traffic impact study methodology did not apply mode shares to the trip generation analysis. The hotel is planning to construct 89 parking spaces on-site to serve its guests and employees.

TDM Mode Split Target

The TDM plan establishes modal split targets for reducing vehicle trips and increasing multimodal trips. Since the site is an airport hotel with a shuttle that that runs to and from the terminal the non-auto mode share target for the site is anticipated at twenty percent. Although this target is for overall trips, it is quite likely that the employee trip mode share will include more non-auto trips than the visitor trip mode share.

TDM Coordinator

Per industry best practice, the hotel operator will appoint a designated TDM Coordinator. The TDM Coordinator will implement and manage the TDM plan and perform the annual survey to estimate mode shares for the employees. The TDM coordinator will identify barriers to employees and guests use of transit, bicycling, and walking. The TDM coordinator will complete the standard City of Portland TDM Reporting Form which is due each year on May 15th.

TDM Strategies

In order to reach the mode share target of twenty percent by non-auto modes, the hotel operator will commit to several strategies in order to encourage non single occupancy vehicle trips. In addition, these strategies will encourage employees as well as guests to use alternative modes of travel including the shuttle bus and walking.

Infrastructure/Transit/Mobility Improvements

Hotel Shuttle to Jetport

The hotel is committed to providing a free guest shuttle for ease of travel between the Jetport and the hotel.

Bicycle Parking

Employees that will be bicycling to work will have access to 6 secured bicycle parking spaces on-site.

On-site Showers and Lockers

Showers and lockers will be available to those employees that walk or bicycle to work at the hotel.

Pedestrian Access

As part of off-site mitigation, the hotel will install a new sidewalk along Jetport Boulevard connecting to the existing crosswalk across Jetport Boulevard to improve pedestrian connectivity between the hotel and the airport.

Ridesharing/Carpooling Opportunities

The hotel is committed to encouraging employees to use carpool opportunities. It is also anticipated that guests will use ridesharing options during their stay.

Information on potential carpooling opportunities will be posted in employee areas. Information collected during the annual surveys will be used to inform potential ride-share arrangements.

Incentives

Transit

As previously discussed, there is a Route 5 Metro bus stop located adjacent to the hotel site. It is anticipated that employees will take advantage of transit opportunities and Metro passes will be subsidized 50% for all employees.

Preferential Carpool Parking

Employees that carpool to work will be given the opportunity to park in preferential parking spaces closer to the door.

Emergency Ride Home (GOMAINE)

The hotel will join the Emergency Ride Home program through GOMAINE. This will provide employees that typically bike, walk, carpool, or take transit with the option of an emergency ride home if needed.

Information/Education/Marketing

New employee orientation packages will be distributed to inform employees about alternative mode options.

Monitoring and Reporting

A successful TDM plan includes monitoring and reporting in order to evaluate how effective the implemented strategies are. The TDM coordinator will conduct the annual survey to identify how employees are traveling to and from work and to evaluate progress towards the mode share target. The survey will collect information on commute modes, vehicle ownership, and barriers to alternative mode use. In addition, information on how often the shuttle is used by guests will also be collected. The results of the annual monitoring and surveying will be prepared and reported to the city by May 15th of each year.

ACORN ENGINEERING, INC.

Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

April 8th, 2024

Subject: 1060 Westbrook Street – Major Site Plan Application neighborhood meeting certification

I, Peter Heil, hereby certify that a neighborhood meeting was held on April 4th, 2024 at 145 Jetport Boulevard at 5:30 pm.

I also certify that on March 18th, 2024, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development.
2. Residents on the "interested parties" list.

Sincerely,



Peter F. Heil, P.E.
Project Manager
Acorn Engineering, Inc.

Included with this certification are:

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

A C O R N
ENGINEERING, INC.

Dear Neighbor: March 18, 2024

On behalf of Giri Hotel Management, we are pleased to invite you to a neighborhood meeting to discuss the Major Site Plan Application for the proposed redevelopment of 1060 Westbrook Street. The parcel is currently vacant and located within the AB Airport Business zoning district. The project proposes to develop the parcel into a 120-Room 3-story Hyatt Studios, with a 106-space parking lot, and other site, landscaping, and utility improvements.

A sign-in sheet will be circulated, and a record of the meeting will be taken. Both the sign-in sheet and record will be submitted to the Planning Board. If you have any questions, please call (207) 775-2655.

Meeting Location: Willow Room at the Hilton Garden Inn Jetport
145 Jetport Boulevard, Portland, ME 04102

Meeting Date/Time: Thursday, April 4, 2024, at 5:30 p.m.

Note: Under the City of Portland land use code, an applicant for a major site plan, master development plan, subdivision of over five lots, or zoning map amendment is required to hold a neighborhood meeting within 30 days of an application being deemed complete and no less than seven calendar days before a public hearing. Should you wish to offer additional comments on this proposed development, you may forward them by e-mail to planning@portlandmaine.gov or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.

Sign-in Sheet

Name	Email
Woody Howard	gibwoody@aol.com
Tom Ainsworth	Tainsworth@207@gmail.com
Mark Okrent	Mokrent@bates.edu
Getchen Halpert	Ghalpert@stny.rr.com
Hope Hampton	Hhampton1@gmail.com
Mathew Davis	Mathewwilliamdavis@gmail.com
Carter Waldren	Carterwaldren1966@gmail.com

Project Team	
Pete Heil, P.E.	Pheil@acorn-engineering.com
David Horne, E.I.	dhorne@acorn-engineering.com

Giri Portland Westbrook INC. – 1060 Westbrook Street
Major Site Plan Application

Neighborhood Meeting Minutes

April 4, 2023 / 5:30 pm
145 Jetport Boulevard – Portland

Project Team Attendees:

Pete Heil (PH): Civil Engineer/Presenter (Acorn Engineering)

David Horne (DH): Civil Engineer/Note Taker (Acorn Engineering)

The meeting started at approximately 5:35 pm.

Presentation:

Pete Heil:

- Welcomed audience to neighborhood meeting.
    - Neighborhood Meeting is a city requirement for the Major Site Plan Application.
    - Sign In sheet is available for everyone which will be submitted to the City and becomes public record along with the meeting minutes.
    - The planning board workshop is scheduled for April 23th at City Hall. Agenda has not yet been released, but can be found on the City's website typically the Friday before.
- Project Overview:
    - The project proposes a new hotel on the corner of Westbrook Street and Jetport Boulevard.
    - The project is proposing a 3-story hotel with 120 rooms and 106 parking spaces.
    - We have coordinated with our traffic engineer and they as well as DPW have suggested a new 4-way stop at the Jetport Boulevard/ Westbrook Street intersection, with the forth leg being the new project access drive.
    - Two Vegetated Underdrained Soil Filters will provide stormwater treatment and detention for the site and will ultimately flow to the stormwater system within Jetport Boulevard.
    - A new sidewalk is proposed to be installed along the Westbrook Street frontage of the parcel.

Comments, Questions & Answers:

Please note that the following questions and answers were not recorded verbatim and aim to represent and summarize the actual questions, answers, and discussion that took place at the meeting.

Neighbor: This public meeting should not be considered official because of the storm and the power outages.

- **Pete**: This meeting is the required neighborhood meeting as required as part of the City's Site Plan review requirements and meets the standards outlined within the land use code.

Neighbor: The car rental use adjacent to the site returns cars are racing along the street. Please take into consideration the safety of pedestrians walking along the street.

- **Pete**: As part of the proposed intersection improvements, a new 4-way stop is being proposed to address traffic at this intersection.

Neighbor: Have you taken into consideration utilizing the existing stormwater basin within the parcel? Also, the stormwater system from the Embassy Suites has not been working properly. Are you aware of that?

- **Pete**: After our due diligence researching the existing system, we are unaware of having rights to utilize the existing stormwater basin which is why we propose new stormwater BMPs separate from this system. We don't have plans for the Embassy Suites project, so we have not been able to analyze the stormwater conditions at that location and not proposing any connections to that system.

Neighbor: Who sold the land to GIRI Portland Westbrook INC.

- **Pete**: Toye Reality Holdings, LLC.

Neighbor: Has the sale gone through?

- **Pete**: I believe the sale closed sometime in 2020.

Neighbor: The primary entrance of the hotel is right at the intersection of Westbrook Street and Jetport Boulevard. There was a death at this location last summer. Is there a possibility of reconfiguring the site entrance to make it safer?

- **Pete**: We have had discussion with DPW to address the traffic concerns which is why we are proposing a 4-way stop at this location. We are proposing to trim back the existing tree line to provide more sight distance.

Neighbor: The expansion of the rental car business will result in more traffic. Have you accounted for this in your design?

- **Pete**: Our project submission has been submitted prior to the potential rental car expansion, and as such the design for those improvements will have to consider this project as part of their design.

Neighbor: There is a lot of noise and lights stemming from the rental company.

- **Pete**: Understood.

Neighbor: Why are the hotel rooms so close to the property line. Will there be a buffer between the building and the neighboring street?

- **Pete**: The FAA has provided us with a building envelope that we needed to comply with. We have explored numerous iterations of building footprints/orientations as part of our design process and based on requirements set forth by the FAA, the building footprint is located within the only area that meets such requirements, both horizontally and vertically in the site.

Neighbor: What are the setback requirements for this parcel.

- **Pete**: There are no side and rear setback requirements for this parcel within the A-B zone. There is a 20' front yard setback along Westbrook Street.

Neighbor: Will the site be above the existing grade?

- **Pete**: Excavation of the site will occur resulting in the building being set a few feet below the existing grade at an FFE of 85' in the western corner of the site. The site does have a fairly steep slope from the roadway entrance, which will require some fill to be brought into the site.

Neighbor: Is it possible to build a taller retaining wall to help the neighborhood privacy

- **Pete**: The wall has been designed to accommodate the proposed grading and a taller wall would limit flow away from the building and potentially create ponding issues for the hotel.

Neighbor: Have you considered a buffer between the retaining wall and the property line by coordinating with the neighboring parcel?

- **Pete**: Due to the allowable FAA building envelope and providing access around the building, there is limited space to provide additional buffering. We will evaluate as designs progress.

Neighbor: Where will the HVAC systems be located?

- **Pete**: Generally, the HVAC systems will be located on the top of the building, however a MEP has not yet been brought on and final designs are still to be determined.

Neighbor: Can a request be made to move the HVAC systems as far away from the neighbors as possible.

- **Pete**: This will be discussed with the MEP.

Neighbor: Can the project be moved plan right 20' to create room for a buffer?

- **Pete**: No, we are very constrained by the FFA building envelope.

Neighbor: The addition of a hotel in this location results in a significant loss to property value for the neighbors.

Neighbor: Why are there stormwater VUSFs?

- **Pete**: The VUSFs provide stormwater treatment and detention for the project in compliance with the City's regulations. The DEP has given delegated review authority for Stormwater Law to the City of Portland. Additionally, the City has their own regulations for stormwater treatment. To meet these requirements, we have proposed two stormwater BMPs within the site.

Neighbor: Have you done any wetland mapping for the site?

- **Pete**: Yes, the delineation has been completed by Flycatcher in 2020. We are avoiding disturbance to the existing manmade wetlands, including the existing stormwater detention area along Westbrook Street.

Neighbor: Can you explain the VUSFs a bit more?
- **Pete**: They are designed to treat 95% of all impervious surface and 80% of all developed area. The parking lot has a catch basin system that drains stormwater runoff to two VUSFs and the stormwater runoff from the roof of the building will be directed to the soil filters.

Neighbor: Have you considered a land swap?
- **Pete**: At this time, I am unaware of any potential land swap discussions.

Neighbor: Is there ledge within the existing site? Will there be blasting?
- **Pete**: Most of the existing site contains ledge. As of now, the project will require some ledge excavation. We have included notes about pre-blast surveys within our plan set but ultimately the methods of ledge removal is subject to future contractors means and methods and will be in conformance with the City's regulations.

Neighbor: How will we know if blasting will be required?
- **Pete**: It will be part of the building permit process. After Planning Board approval, the project will need to pull a building permit, which should include potential blasting information at that time.

Neighbor: How to you calculate the amount of parking spaces?
- **Pete**: The City of Portland has their own requirements. (1 space/ 4 rooms) as identified in the Land Use Code. Our traffic engineer has also completed a parking study to show the amount of parking we are providing is adequate for the project, in conformance with the ITE Parking Generation rates.

Neighbor: Is the amount of parking shown considered more than usual?
- **Pete**: The amount of parking shown is more than the City's requirement for the land use. However, our traffic engineer prepared a traffic study that shows the parking proposed is in conformance with the ITE parking generation rates for a hotel use.

Neighbor: Is there a better way to configure parking for a larger buffer?
- **Pete**: We are constrained by the existing site conditions primarily the FAA building footprint and additionally the grading throughout the site. We have evaluated a few different options for the site parking configuration and the parking lot shown is the most practical layout given these constraints.

Neighbor: If the driveway is blocked by the sun ice could potentially be a problem for the driveway/ walkway?

Neighbor: Would the driveway be less steep if it was moved down (to the north) Westbrook Street?
- **Pete**: Westbrook Street grades slopes down further up the road you go so the driveway slope would increase and be too steep if it were located any more north of where it is proposed, currently shown at 9.5%.

Neighbor: Is there a chance of moving the driveway within the abutting parking lot?

- **Pete**: That land is private property and need to have a driveway that connects to the public right of way.
- **Neighbor**: The car rental company to the south of the project may have interest in providing a shared access drive. Since they are in the middle of their own site plan, a discussion should be had with the City to address the multiple projects that are happening in and around the project area of interest.
- **Neighbor**: We have had discussions with Enterprise to improve the quality of the site including motion lighting.
- **Pete**: Understood. We have not heard of such agreements. Coordination of projects is always ideal but have not had any discussions with the abutter about shared easements at this time.

Neighbor: Will there be lighting proposed? Can we request the lighting to be motion sensitive? How tall is it?

- **Pete**: The parking lot pole mounted lighting is 20' and the wall mounted is 12' tall. The lights would likely be set on timers to dim lighting levels after hours.
- **Neighbor**: Can we lower the lights?
- **Pete**: If we lowered the lights there would be more lights proposed. All of the proposed lights are Dark Sky compliant.

Neighbor: What is Dark Sky compliance?

- **Pete**: It is a requirement by the city to reduce light pollution stemming from the site.

Neighbor: Can you explain the adjusted treeline?

- **Pete**: We will be trimming trees as part of this project to provide area for project, including the hotel, parking, the stormwater treatment area, and to provide more sight distance at the 4-way stop.

Neighbor: Will there be increased flow (stormwater) to the city system because of the added impervious surface?

- **Pete**: As flows leave the site we will retain and control peak flow runoff to be less than the pre-development conditions to not overburden the city stormwater system. The systems will also be providing treatment prior to entering into the City's system

Neighbor: Will there be a plan detailing how many trees will be cut? Can we have a diagram of how many trees will be planted?

- **Pete**: As part of the landscaping requirements with the city we are proposing 25 new trees to be planted around the site.

Neighbor: Is there a wetland where you proposing to be building the parking lot?

- **Pete**: No.

Neighbor: Is Westbrook Street one or two way.

- **Pete**: It is two ways.

Neighbor: Will the plants be native species?

- **Pete**: Yes, that is a requirement.

Neighbor: Were will the trees go?
- **Pete**: They will be planted in the landscaped islands and around the rear of the building as well as along the property line.

Neighbor: Will a light be proposed on the driveway?
- **Pete**: Yes, one light is proposed along the access drive to provide proper lighting coverage at the new intersection.

Neighbor: Where will the hotel sign go?
- **Pete**: We have not investigated this at this point. The project will require to file a separate sign application as part of the City's signage requirements.

Neighbor: Can you provide us with topo information into the neighboring street?
- **Pete**: Our topo is limited to the property line. The building height will be 37.5' above the FFE of 85'.
- **Neighbor**: Can you provide topo at the next meeting so it can give us context as to where the building will be in relation to the neighboring street?
- **Pete**: We will investigate this.

Neighbor: What will the colors look like.
- **Pete**: *Shows color scheme*
- **Neighbor**: That's an ugly building. White is a very reflective color and will take away from any landscaping.
- **Pete**: Understood. I cannot speak on the architectural narrative of the project.
- **Neighbor**: The colors of the building are a proprietary scheme provided by a hotel brand. There isn't much freedom when it comes to the choice of the color.

Neighbor: Will it (building height) be higher or lower than the Embassy Suites?
- **Pete**: It will be lower than the Embassy Suites.

Neighbor: Has there been a Hyatt Studios with other color scheme?
- **Pete**: We can follow up with the architect on this inquiry.

Neighbor: How wide are the rooms?
- **Pete**: Appears to be a little over 12' each.
- **Neighbor**: Taking out 6 rooms (2 per floor) on the lower branch of the hotel will allow the building to be shifted around 13' plan right. This would allow a larger buffer between the building and the property line. If the loss of rooms is a significant detriment to revenue maybe the smaller rooms on the right side of the building could be converted to larger rooms assuming there is a larger rate for those floorplans.

Neighbor: The zoning district has zero (side & rear) setbacks can you explain that?
- **Pete**: Anything within the A-B Airport Business Zone has no side and rear setbacks requirements however there is a 20' setback on Westbrook Street as identified in the City's Land Use Code.

Neighbor: Have you considered working with Enterprise to reestablish the wooded buffer between Enterprise and the neighborhood?

- **Pete**: At this time, this has not been coordinated with Enterprise and unaware of their plans.

Neighbor: When is construction scheduled to start?
- **Pete**: Ideally late summer/early fall 2024, but subject to final approvals and building permit process.

Neighbor: Is there anything that will hinder this projects approval?
- **Pete**: We have been coordinating with various sub-consultants to identify the site constraints, including geotechnical, traffic, and natural resources and have prepared our plans to limit the proposed impact as much as possible. At this point, we are comfortable with our proposal, but still awaiting final comments received through the permitting process.

Neighbor: Because the project is located in the airport business zone, is this project getting special rights?
- **Pete**: The project is in conformance with the A-B zoning district requirements.

Neighbor: What is the process at the planning board meeting.
- **Pete**: The first workshop with the Planning Board is our first presentation to the Board, which will be similar to tonight's meeting. We will provide a brief presentation and then the Board will ask opening questions, then open up public comment, and then turn back to the applicant for additional questions. Subject to the Board and Staff are comfortable to move the project forward after the workshop, a final hearing would be held after a comment response package has been submitted to address comments received.

Neighbor: What is the exact date the property was purchased?
- **Pete**: We are unsure of the exact date. I believe the sale closed in 2020.

Neighbor: Who is the city's third-party reviewer (stormwater).
- **Pete**: As part of the City's staff review process, along with their own departments internal review, they may contract out third party review, however all comments are incorporated into a single staff review memo through the Planning Department, so unsure who specifically the third party reviewer will be for this project.

Neighbor: If you're adding stormwater discharge to the existing drainage system which could be in disrepair, would the existing drainage system get rehabilitated as part of the project?
- **Pete**: The decision is ultimately up to DPW whether they would require the existing stormwater system be improved. The City does have the right to request the update of the existing stormwater system as necessary, however at this time we are unaware of any such requirements for this project.

Neighbor: Will there be wires for the lights?
- **Pete**: All electrical wires will be underground from the right of way to serve the project.

Neighbor: Does the sidewalk that is proposed go anywhere or end at the driveway?
- **Pete**: Yes, one of the comments we just received from the City was to extend the sidewalk across the driveway entrance and provide a new crossing across Westbrook Street at the 4-way stop.

Neighbor: We would like to request speed bumps.
- **Pete**: That is up to DPW to decide.

Neighbor: We will request another meeting as this is unacceptable to have this short of notice.
- **Pete**: Notices were sent out on March 18th, 2024.

Pete: Thank you everyone for coming.

The meeting concluded at approximately 7:00 pm.

The abovementioned material was as interpreted and recorded from handwritten notes. Please note and relay any discrepancies or disputed information in the recorded minutes to the below address so that they can be reviewed, revised, and resubmitted, as necessary.

Recorded by,



David Horne, EI
Design Engineer, Acorn Engineering, Inc.
Dhorne@acorn-engineering.com

ACORN ENGINEERING, INC.

Maya Balassa – City Planner
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101

April 16, 2024

Subject: Hyatt Studios Hotel Development
1060 Westbrook Street, Portland, ME
Comment Response Letter

On behalf of Giri Portland Westbrook Inc., we are pleased to respond to the comments that we received dated March 26th, 2024, related to the proposed hotel development project located at 1060 Westbrook Street in Portland, ME.

Comments Related to Transportation Standards

Impact on Surrounding Street Systems

Overview *– The hotel driveway is proposed to connect with the intersection of Westbrook Street and Jetport Blvd. and proposes to alter the intersection into a four-way stop. His application proposes to install a new section of sidewalk along Jetport Blvd. This project is not anticipated to generate more than 100 vehicle trips during peak hours and therefore a Traffic Movement Permit is not required. The applicant has provided a Traffic Impact Study.*

Comment *– A traffic operation analysis was performed at the Jetport Boulevard/Westbrook Street/Site Driveway and Jetport Boulevard/International Parkway intersections. The model analysis indicates both intersections will operate at acceptable levels of service during the AM and PM peak hour. It should be confirmed if the analysis reflected the All-way Stop condition at the Jetport Boulevard/Westbrook Street/Site Driveway intersection. The applicant shall provide the Synchro model files for review.*

Response – A synchro model has been analyzed with an all-way stop condition at both intersections and all approaches at both intersections still operate at a LOS A during both peak hours. Synchro files are attached.

Comment *– The applicant conducted an All-Way Stop analysis at the Jetport Boulevard/International Parkway intersection. Based upon their analysis, a multiway stop condition is not warranted. The applicant should note if the analysis was based on the new or old MUTCD and update the analysis if the old version was used. The applicant does recommend some vegetation removal which would improve sight distance, and this should be a requirement for their approval.*

Response – The analysis was based on the old MUTCD and the report has been updated to reflect new MUTCD requirements. An all-way stop is warranted at this location.

Comment *– The applicant provided a sight distance graphic which is acceptable. Staff and peer reviewers will work with DPW in identifying specific design details for the site driveway intersection and implementation of the all-way stop condition.*

Response – Understood. Thank you for your review.

Comment *– The applicant shall provide an accessible path from the sidewalk in the ROW to the proposed building.*

Response – The design has been updated to implement a walkway from the ROW to the proposed building. See Sheet C-10 for additional information. It should be noted that the walkway is 8.3% running slope and will require handrails and landings to provide accessible access.

Comment *– The applicant shall dimension existing conditions in the ROW in addition to the proposed improvements on the plan view sheets. For example, ROW, street, lanes sidewalk, esplanade driveways (and other improvements) widths as well as when a width changes.*

Response – The plans have been updated to show dimensions of various existing conditions within the ROW. Please see the Site Plan (Sheet C-10) and the Exisitng Conditions Survey for additional information.

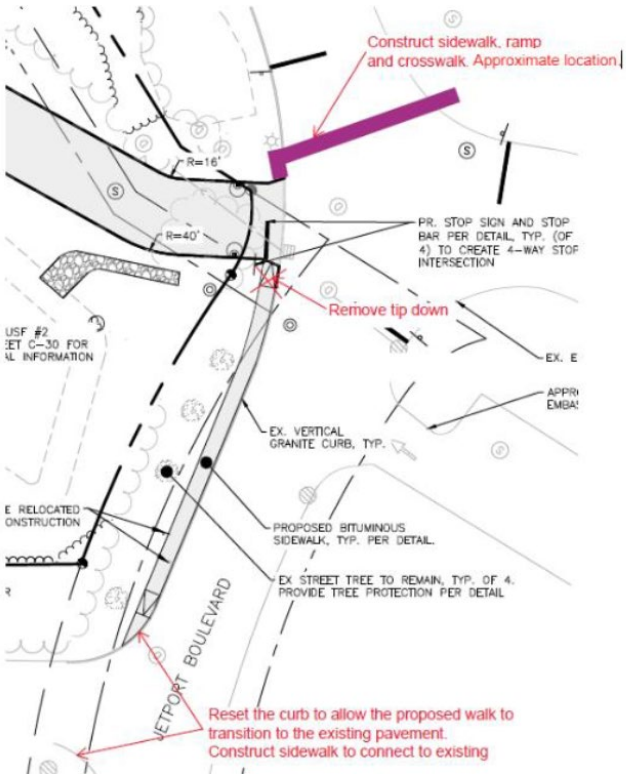
Comment *– The applicant will need to label and or provide spot grades and slopes for the proposed sidewalk, curb ramps and driveway improvements at grade breaks.*

Response – The grading plan has been updated to show spot grades and slopes for proposed sidewalk, curb ramps, and driveway improvements at grade breaks. See Sheet C-30 for additional information.

Comment *– The stop bar shall be painted outside of the limits of the driveway and sidewalk.*

Response –The stop bar location has been updated. See Sheet C-10 for additional information.

Comment *– The applicant shall construct compliant pedestrian ramps (with landings and sidewalk connections where needed) and a crosswalk leading to and from the property (across Westbrook Street) per the City's Technical Manual section one. The applicant shall construct complaint pedestrian ramps and a crosswalk at the intersection of Westbrook Street and Jetport Boulevard (see attached image of approximate location)*



Response – Thank you for the sketch above. The suggested crosswalk and curb ramps have been incorporated into the design as part of our site plan application. See Sheets C-10 & C-30 for additional information.

Access and Circulation

Overview *– Access to the site is provided via a 24' driveway connecting to the intersection of Westbrook St. and Jetport Blvd. Internal circulation within the parking area is provided by 24' drive aisles. Internal sidewalks are proposing to connect parking areas with the main hotel entrance points and to the rear outdoor seating area.*

Comment *– A pedestrian facility from the building to Jetport Boulevard and to the existing sidewalk system on Westbrook Street shall be provided.*

Response – The design has been updated to implement a walkway from the ROW to the proposed building. See Sheet C-10 for additional information.

Comment *– The applicant shall attempt to provide internal pedestrian circulation (walkways for the users) throughout the parking lots and connect to the building walkways.*

Response – Internal pedestrian circulation has been updated to provide additional walkways and crosswalks to connect the parking lot and the building walkways. See Sheet C-10 for additional information.

Comment *– The entrance to the property shall be constructed as a driveway not a roadway. The sidewalk and driveway shall be reconstructed in accordance with the City's Sidewalk and Driveway Apron Material Policy and current City standards. The applicant shall update the plans and provide spot grades and slopes for the proposed sidewalk. The sidewalk material shall be continued through the driveway aprons at grade with the proposed sidewalk and not in excess of 2% cross-slope per the current City standards.*

Response – The site entrance has been updated to conform to city standards including driveway apron material policy and cross slopes. Spot grades have been added to the plan set to clarify cross slopes are not in excess of 2% at the sidewalk locations. Please see sheets C-10 & C-30 for additional information.

Comment *– The driveway shall be constructed per the City Technical Manual Standard for COMMERCIAL/INDUSTRIAL DRIVEWAY APRON I-9B. Construct the sidewalk adjacent to the driveway apron to the property line and transitions the sidewalk to connect to the proposed sidewalk behind the curb.*

Response – The driveway has been updated to reflect the City of Portland detail I-9B. Please see sheets C-10 & C-30 for additional information.

Parking

Overview *– This application proposes a total of 106 parking spaces. The proposed parking will be utilized by short-term hotel guests, hotel staff and long term "park and fly" patrons. The applicant intends to provide long-term parking for hotel guests traveling from the Jetport. Six (6) bicycle parking spaces are provided as well as 21 level-two EV charging stations.*

Comment *– The number of parking spaces proposed is consistent with the ITE Parking Generation Manual and therefore reasonable. It should be noted that the 6th Editon of The ITE Parking Generation Manual estimates 78 spaces using the average rate and 103 spaces for the fitted curve method. The applicant should discuss the "park and fly" operations and how that may impact traffic levels and parking supply.*

Response – The hotel will prioritize parking for current hotel guests above any potential park and fly offerings based on the limited parking available.

It should also be noted that a parking space was lost to incorporate the pedestrian walkway to the ROW. The project now proposes 105 parking spaces.

Comment *– Some of the parking spaces are 21' long and exceed the city's standard. An explanation shall be provided.*

Response – The single 21'x11' parking space is an ADA EV parking spot that provides space for a wheelchair to maneuver around the vehicle and remain within the parking space. It is our understanding that this condition is a newer ADA recommendation.

Comments Related to Environmental Quality Standards

Preservation of Significant Natural Features

Overview *– The current site is undeveloped and consists of a cleared area covered by grass and low shrubs and several on-site trees located primarily at the front and sides of the parcel. The applicant has not submitted a full tree inventory and are currently investigating the quantity of trees 10 inches DBH or greater located within the limits of construction. Given the location of the building and parking facilities it is anticipated that a minimum of 30% of the trees 10 inches of greater will be preserved.*

Comment *– See comments in "Site landscaping and Buffers"*

Response – See below responses.

Site Landscaping and Buffers

Overview *– The application proposes 24 trees and approximately 55 shrubs to be located throughout the site. Four existing street trees will be preserved and two will be removed due to utility conflicts.*

Comment *– The tree planting details shows the tree planted at a depth where the trunk flare is below grade and the mulch is applied right up to the trunk, would you please provide a tree planting detail that shows the bottom of the trunk flare at or slightly above grade and the mulch tapered to the bottom of the trunk flare as detailing ANSI A300 Ch 6: Planting and Transplanting (See attached copy)*

Response – Please provide the *ANSI A300 Ch 6: Planting and Transplanting* detail. We will investigate and update the trunk flare once the details are received.

Comment *– Are the two street trees proposed for removal going to be replanted or is there underground infrastructure that would conflict.*

Response – The two street trees proposed for removal are unable to be replaced due to underground utility conflicts.

Comment *– Is it possible to include setback plantings along Westbrook Street to plant some larger growth form species on the grassy knoll behind the power lines?*

- *If that interferes with the drainage easement is it possible to include smaller growth form plantings along Westbrook St underneath the power lines?*

Response – It should be noted that the grassy knoll behind the power lines is a steep slope that grades up to a detention pond. It doesn't appear the applicant has R,T,I to the stormwater easement area and is not proposing any improvements within this area that may not be allowed within the easement.

Water Quality, Stormwater Management and Erosion Control

Overview *– A proposed stormwater drainage system will collect water on site through a new storm drain network that outlets into two (2) vegetated under drained soil filters before being discharged into the existing municipal storm drain network within Westbrook Street. Runoff from the site will be captured within the vegetated soil filters and be released over a period of 24 to 48 hours. The applicant has submitted a full stormwater management plan demonstrating compliance with Section 5 of the technical manual and Maine DEP chapter 500 standards. Full comments from the City's peer-review engineer are detailed below.*

Comment *– The project is required to provide stormwater management in compliance with Maine DEP Chapter 500 and City of Portland Technical Manual Section 5 regulations. The applicant is proposing the utilize vegetated under drained soil filters for stormwater management on the site. We have the following comments:*

- ***Basic Standards*** *– The applicant has provided for erosion and sedimentation control as required for the Basic Standards.*
- ***General Standards*** *– The project has provided two underdrained soil filters to treat the required amount of impervious and developed areas. The systems have been designed per Maine DEP Best Management Practices standards.*
- ***Flooding Standards*** *– The applicant has modeled the site to evaluate the Flooding Standard. There is a very small increase in flow modeled at one point of interest, but I agree that is negligible, and the total site runoff will be reduced by the proposed stormwater management systems in conformance with the flooding standards.*

Response – Thank you for your review.

Comment *– Guardrail Details were included, but I do not see locations shown on the plans. Based on proposed slopes guardrails may be necessary around the perimeter of the parking areas next to the proposed soil filters.*

Response – Guardrail locations are shown in between the parking areas and the soil filters. See Sheet C-10 for additional information.

Comment *– The retaining wall at the western side of the site is noted as designed by others. It is anticipated that there will be drainage from behind that wall, and outlet or connection locations should be anticipated.*

Response – A 4" underdrain is shown to relieve hydrostatic pressure behind the retaining wall. Ultimately the retaining wall and underdrain will be designed by others. See Sheet C-30 for additional information.

Comment *– I have a few recommendations based on my own experience:*

- *I'd recommend that the applicant evaluate their sewer pipe slopes to see if it would be reasonable to adjust and balance – currently there is a section of pipe with a slope of 0.005 followed by a pipe that is 0.08. This is not a requirement, but just a suggestion based on my own experience dealing with issues during construction.*

- *I'd also recommend moving the electrical/communications conduit to avoid the stormdrain crossing next to catch basin 2 if possible – based on typical electrical depths there may be a conflict at this location.*
- *I'd suggest double checking the foundation drain/roof drain connection sizes with the MEP on the project to ensure that 6" will be adequate – where there are a couple of connection locations, this may be ok, but the roof size is fairly large. I would also recommend using backflow preventers to prevent roof drain or site drainage backflow into the foundation drain during larger rain events.*

Response – Thank you for your recommendations. We will take them into account as the project progresses through the Site Plan Application process. See responses below:

- The slope of the proposed sewer pipe has been revised from 0.005 FT/FT to 0.05 FT/FT and a sewer drop manhole has been removed. Please See Sheet C-20 for the revised sewer network.
- Thank you for your comment. We do not foresee any utility conflicts at this time and will re-evaluate potential utility conflicts as the design finalizes prior to construction.
- A note has been added to coordinate the final roof drain size with MEP. We have also added a backflow preventer to the storm drain to prevent stormwater backflow into the foundation drain during larger rain events.

Comments Related to Public Infrastructure + Community Safety Standards

Public Utilities

Overview *– The applicant is awaiting confirmation of ability to serve from Central Maine Power and the Portland Water District, but this application does not anticipate overburdening existing sewer or stormwater utilities on Westbrook Street or Jetport Blvd. The site will connect to the existing Westbrook St. sewer via an 8" main. Underground electrical utilities will connect at Westbrook St. Onsite solid waste detention is provided.*

Comment *– The applicant appears to be aware of an existing private storm drainage line and easement running in a northerly direction adjacent to the site's easterly property line along Westbrook Street. As far as DPW can tell, this storm drain line was built in association with a development at 1050 Westbrook Street around 1989. It appears this private storm drain line discharges into the existing detention basin at the northern end of the site. The existing detention basin is depicted on the applicant's survey. DPW would suggest the applicant compete additional research to figure out where this private storm drainage routes through the property and submit the original private easement document to the Planning department as part of the overall right, title, and interest review for the project. It appears that the applicant is avoiding major impacts to this drainage line, but since the location of the pipe and its discharge into the detention pond is not known, that can't be formally concluded at this time.*

Response – Please refer to the attached ability to serve letters from CMP and PWD. The applicant and engineer have been researching the easement area since at least 2020, including reaching out to City archives in 2020, the Jetport, and digging through old files for adjacent properties that may have shown the original designs and calculations. It is unclear at this time from our research how the design was prepared, but have designed the site to

limit disturbance within the easement area as much as possible. Additional test pit locations have been called out on C-20 & C-30 prior to start of construction and note the contractor shall notify engineer of results. If there are new plans the City finds and can provide, please forward along and we can evaluate and incorporate into the plan set.

Comments Related to Site Design Standards

Massing, Ventilation and Wind Impact

Overview *– The proposed building is three stories in height and given its location is not anticipated to impact nearby buildings or streetscapes.*

Comment *– Please include full height and dimensions in future elevations.*

Response – We have updated the elevations to include the height of the building envelope. Please see plan titled "21. Elevation" for additional information.

Please let us know if you have any additional questions or comments.

Sincerely,



Pete F. Heil, P.E.
Project Manager
Acorn Engineering, Inc.

STORMWATER MANAGEMENT LAW
PERMIT APPLICATION

GIRI HOTEL MANAGEMENT
1060 WESTBROOK STREET REDEVELOPMENT

1060 WESTRBOOK STREET, PORTLAND, ME 04005



Prepared By:

ACORN ENGINEERING, INC.
500 WASHINGTON AVENUE, PORTLAND, ME 04103

PETER F. HEIL, P.E., CPESC
pheil@acorn-engineering.com

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RESOURCES

FOR DEP USE
L-_____
ATS# _____
FEES PAID _____
DATE RECEIVED _____

Stormwater Application Form

PLEASE TYPE OR PRINT IN INK

This application is for (Check the one that applies):	☒ **New application** ☐ **Amendment**		
1. Name of Applicant:	Giri Portland Westbrook Inc	**5. Name of Agent:**	Peter F. Heil PE
2. Applicant's Mailing Address:	225 W Squantum Street, Suite 202 Quincy, MA, 02171	**6. Agent's Mailing Address:**	500 Washington Avenue, Suite 200 Portland, ME, 04103
3. Applicant's Phone #:	(508) 345-3305	**7. Agent's Phone #:**	(207) 775-2655
4. Email address (REQUIRED-license will be sent via email:	apatel@girihotels.com	**8.E-mail address (REQUIRED-license will be sent via email**	Pheil@acorn-engineering.com
9. Location of Project: (Road, Street, Rt.#)	1060 Westbrook Street, Portland ME, 04102	**10. Town:**	Portland
		11. County:	Cumberland County
12. Type of Direct Watershed: (Check all that apply)	☐ Lake not most at risk ☐ Lake most at risk ☐ Lake most at risk, severely blooming ☐ River, stream or brook ☐ Urban impaired stream ☒ Freshwater wetland ☐ Coastal wetland ☐ Wellhead of public water supply	**13. Amount of Disturbed Area:**	Total Amt.= 2.56 acres
		14. Amount of Developed Area:	☒ 1 or more acres, but less than 5 acres ☐ 5 acres or more Total Amt.= 2.50 acres
		15. Amount of Impervious Area:	☐ less than 20,000 sq. ft. ☐ 20,000 sq. ft. to 1 acre ☒ 1 to 3 acres ☐ 3 or more acres Total Amount of Impervious Acres = 1.54 Acres
16. Applicable Standards: (Check all that apply)	☐ Stormwater PBR ☒ Basic standards ☒ General standards: BMP ☐ General standards: phosphorus ☐ Flooding standard ☐ Urban impaired stream standards ☐ Other:_____	**17. Type of Stormwater Control:**	☐ Vegetative (e.g. buffers) ☒ Structural (e.g. underdrained filters, ponds, infiltration structures)

18. Exceptions &/or Waivers Requested:	**BMP Standards▼**	**Urban impaired stream standard▼**	**Flooding Standard▼**
	☐ Pretreatment measures ☐ Discharge to ocean/major river segment ☐ Linear portion of project ☐ Utility corridor ☐ Redevelopment	☐ Developed area not landscaped or impervious ☐ Redevelopment	☐ Discharge to ocean/major river segment ☐ Insignificant increase in peak flow

19. Proposed Start Date and Brief Project Description:	The project proposes to develop the parcel into a 120-room 3-story Hyatt Studios, with a 106-space parking lot, and other site and utility improvements. The project is expected to start construction Fall 2024.				
20. Size of Lot or Parcel:	☐____ sq. ft., or	☐ 4.03 acres	**UTM Easting:** 394351	**UTM Northing:**	4834068
21. Title, Right or Interest:	☒ own	☐ lease	☐ purchase option	☐ written agreement	
22. Deed Reference Numbers:	Book#: 36933	Page: 204-206	**24. Map and Lot Numbers:**	Map #: 207 & 210A	Lot #: A-12 & B-7
23. DEP Staff Previously Contacted:		**25. Project started prior to application?**	☐ Yes ☒ No	**Completed?**	☐ Yes ☒ No

SIGNATURES / CERTIFICATIONS ON PAGE 2

26. Resubmission of Application?	❑ Yes➔ ☒ No	**If yes, previous application #**		**Previous project manager:**	
27. Written Notice of Violation?	❑ Yes➔ ☒ No	**If yes, name of DEP enforcement staff involved:**			
28. Detailed Directions to the Project Site:		Traveling Northbound on I-95 take exit 46 and turn right onto Skyway Dr. In 650 feet travel straight through the Johnson Rd. and Skyway Dr. Intersection and in one mile the destination is on your left at the intersection of Jetport Blvd and Westbrook St.			
29. Stormwater Permit by Rule Submissions▼		**30. Stormwater Application Submissions▼**			
❑ *This form (including signature page)* ❑ *Fee* ❑ *Topographic Map* ❑ *Plan or Drawing* ❑ *Photos of Area*		☑ This form (including signature page) ☑ Fee ☑ Proof of title, right or interest ☑ Certificate of good standing (if applicable) ☑ Photos of Area ☑ Copy of Public Notice		☑ Professional & Notice Certification ☑ Basic standards submissions ☑ General standards submissions ❒ Flooding standard submissions ❒ Other standard submissions ❒ Compensation Fee (if required)	
31. FEES, Amount Enclosed:		Delegated Review			
Does the agent have an interest in the project? If yes, what is the interest?: ❑ *Yes* ➔ ☑ *No*					

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following:

CERTIFICATIONS/ SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by

E-mailing the decision to the electronic address located on the front page of this application (see #4 for the applicant and #9 for the agent."

Signed: _____ **Title** Principal **Date:** 4/18/24

Notice of Intent to Comply with Maine Construction General Permit	**With this Stormwater Law application form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit (MCGP). I have read and will comply with all of the MCGP standards.** **Signed** _____ **Date:** 4/18/24

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (attached as Form G) within 20 days of completing permanent stabilization of the project site.

ADDITIONAL SIGNATURES/CERTIFICATIONS

The person responsible for preparing this application and/or attaching pertinent site and design information hereto, by signing below, certifies that the application for stormwater approval is complete and accurate to the best of his/her knowledge.

Signature: _____

Name (print): _____

Date: _____

Re/Cert/Lic No: _____

Engineer _____

Geologist _____

Soil Scientist _____

Land Surveyor _____

Site Evaluator _____

Active Member of the Maine Bar _____

Professional Landscape Architect _____

FORM D 5/2017

Fee Worksheet

Use this form to help determine the permit fee. The fee is based upon the amount of disturbed area associated with the project. THE EXAMPLE BELOW IS NOT BASED ON CURRENT FEES. To determine current stormwater licensing fees, please visit the Department's website at: http://www.maine.gov/dep/permits/

NOTE: Ditches, swales, ditch turn-outs, level spreaders, and similar Best Management Practices (BMPs) used solely to convey or discharge water to a vegetated buffer are not considered, by themselves, to constitute structural BMPs, provided that the applicant assumes that all water quality treatment takes place in the buffer. If any treatment is assumed within the BMPs used to convey water to the buffer, they are treated as structural BMPs for the purposes of determining the applicable fee (and review period). "Disturbed area" and "impervious area" are defined in Chapter 500, Section 2(F) and (L).

Example (a): If solely vegetative control measures are used (e.g. buffers), using an example fee of $250.00* for up to one acre of disturbed area, plus $125.00† for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.

Fee = $250.00+ [$125.00 x (1)] = $375.00

Your fee:

Current fee from fee schedule	plus	[1/2 current fee	times	# additional whole acres]	equals	application fee
$_____	+	[$_____	X	(____)]	=	$_____

Example (b): If any structural control measures are used (e.g. underdrained filters, ponds, infiltration systems), using an example fee of $500.00 for up to one acre of disturbed area, plus $250.00 for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.

Fee = $500.00 + [$250.00 x (1)]. Fee = $750.00.

Your fee:

Current fee from fee schedule	plus	[1/2 current fee	times	# additional whole acres]	equals	application fee
$ 610	+	[$ 305	X	(1)	] =	$ 915

* The total fee for the first acre of disturbed area is obtained by combining the processing and licensing fees contained in the current fee schedule.

† The fee for each additional whole acre of disturbed area is one-half the combined processing and licensing fee.

MAINE REAL ESTATE TAX-Paid

DLN 1002040102124

QUITCLAIM DEED WITH COVENANT
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS THAT **TOYE REALTY HOLDINGS, LLC**, a Maine limited liability company with a place of business in Fort Lauderdale Florida, for consideration paid, grants to **GIRI PORTLAND WESTBROOK INC**, a Maine corporation with a place of business in Quincy, Massachustts, with a mailing address of 225 West Squantum Street, #200, Quincy, Masssachusetts 02171, with **QUITCLAIM COVENANT**, the land, together with any improvements thereon, situated in the City of Portland, County of Cumberland, and State of Maine more particularly described in **Exhibit A** attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said TOYE REALTY HOLDINGS, LLC has caused this instrument to be signed and sealed this 14th day of July, 2020.

WITNESS:

TOYE REALTY HOLDINGS, LLC

By _____
Thomas A. Toye, III
Sole Member

STATE OF MAINE
COUNTY OF CUMBERLAND

July 14, 2020

Then personally appeared the above named Thomas A. Toye, III, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said limited liability company, before me.

_____
Notary Public/~~Attorney at Law~~

_____
Printed Name

GAIL A. SANBORN
A Notary Public of Maine
My Commission Expires December 17, 2022

EXHIBIT A
1060-1122 Westbrook Street, Portland, Maine
(Tax Map 207-A-12 & 210A-B-7)

A certain parcel of land on the west side of Westbrook Street in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning on the west side of Westbrook Street at the southeast corner of land now or formerly of Norman H. Greenberg et al;

Thence along Westbrook Street S 07° 09' 35" E 269.70 feet;

Thence along Westbrook Street S 05° 38' 55" W 140.74 feet;

Thence along Westbrook Street S 18° 50' 25" W 241.83 feet;

Thence along Westbrook Street S 07° 01' 05" E 56.07 feet to the north side of a 50 foot access easement;

Thence along Westbrook Street S 07° 01' 05" E across the end of the access easement 60.22 feet to the parcel of land conveyed to Joseph F. Boulos et al by deed dated October 21, 1988 and recorded in Book 8557, Page 130, which parcel is now or formerly owned by Portland Jetport Associates;

Thence along the Portland Jetport Associates parcel on a curve to the left having a radius of 40.00 feet, an arc distance of 30.91 feet;

Thence along the Portland Jetport Associates parcel on a curve to the left having a radius of 315.00 feet, an arc distance of 190.81 feet;

Thence S 51° 55' 25" W along the Portland Jetport Associates parcel 269.00 feet;

Thence S 38° 04' 35" E along the Portland Jetport Associates 299.00 feet to land now or formerly of Thomas A. Toye, III;

Thence S 50° 10' 25" W along the Toye parcel 287.30 feet to a monument at land taken by the City of Portland;

Thence N 38° 04' 35" W along land of the City of Portland 357.77 feet to a monument;

Thence N 30° 06' 35" W along land of the City of Portland 335.07 feet to a monument at land now or formerly of Edward S. Boulos, Jr.;

Thence N 47° 04' 00" E along the land of Boulos and the land of Greenberg 1208.23 feet to Westbrook Street and the point of beginning;

SUBJECT, HOWEVER to the following easements:

1. Drainage and detention basin easement conveyed to Joseph F. Boulos et al by deed dated October 2, 1988 and recorded in Book 8557, Page 130, and described as Exhibit B in that deed, and TOGETHER WITH the right to relocate and/or terminate this easement as described in Exhibit B.

2. Access and utility easement, in common, conveyed to Joseph F. Boulos et al by deed dated October 2, 1988 and recorded in Book 8557, Page 130, and described as Exhibit C in that deed.

Excepted from this conveyance are the following properties:

1. Deed from Thomas A. Toye, III to the City of Portland, dated October 16, 1997 and recorded in said Registry of Deeds in Book 13434, Page 266.
2. Deed from Toye Realty Holdings, LLC to Toye Realty Holdings III, LLC, dated January 8, 2001 and recorded in said Registry of Deeds in Book 15976, Page 325.
3. Deed from Toye Realty Holdings, LLC to Toye Realty Holdings II, LLC, dated January 8, 2001 and recorded in said Registry of Deeds in Book 15976, Page 327.

Meaning and intending to convey and hereby conveying the remaining portion of the premises conveyed by Thomas A. Toye, a/k/a Thomas A. Toye, III to Toye Realty Holdings, LLC, dated April 29, 1999 and recorded in said Registry of Deeds in Book 14717, Page 316.

TOYT105/1408126

FORM B 05/06

Public Notice: Notice of Intent to File

Please take notice that

Giri Portland Westbrook Inc, 225 W Squantum Street, Suite 202, Quincy, MA, 02171 (508) 345-3305

(Name, Address and Phone # of Applicant)

is intending to file a Stormwater Law permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 420-D on or about

March 22, 2024

(anticipated filing date)

This application is for a project that proposes to develop the parcel into a 120-room 3-story Hyatt Studios, with a 106-space parking lot, and other site and utility improvements at the following location 1060 Westbrook Street, Portland, Maine 04102

*(*project location*)*

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable).

The application will be filed for public inspection at the Department of Environmental Protection's office in (*Portland, Augusta or Bangor)* (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Portland, Maine

(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection.

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

FORM C 05/06

Public Notice Filing and Certification

The DEP Rules, Chapter 2, require an applicant to provide public notice for all Stormwater Law projects with the exception of minor revisions and condition compliance applications. In the notice, the applicant must describe the proposed activity and where it is located. **"Abutter"** for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.

2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.

3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

   ATTACH a list of then names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application.
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of, if required, and held a public informational meeting in accordance with Chapter 2. Rules Concerning the Processing of Applications, Section 14, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on N/A (Date).

Approximately - members of the public attended the Public Informational Meeting.



Signature of Applicant or authorized agent

3/22/24

Date

6. Certificate of Good Standing

Please see the attached Certificate of Good Standing from the Department of the Secretary of State for Giri Portland Westbrook Inc.



Corporate Name Search

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Wed Mar 13 2024 14:13:26. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
GIRI PORTLAND WESTBROOK INC	20200946 D	BUSINESS CORPORATION	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
06/30/2020	N/A	MAINE

Other Names **(A=Assumed ; F=Former)**

NONE

Principal Home Office Address

Physical	Mailing
2300 CROWN COLONY DRIVE SUITE 203 QUINCY, MA 02169	2300 CROWN COLONY DRIVE SUITE 203 QUINCY, MA 02169

Clerk/Registered Agent

Physical	Mailing
JEFFREY HOWES 110 COMMUNITY DRIVE AUGUSTA, ME 04330	JEFFREY HOWES 110 COMMUNITY DRIVE AUGUSTA, ME 04330

New Search

Click on a link to obtain additional information.

List of Filings View list of filings

Obtain additional information:

Certificate of Existence (Good Standing) (more info)

Short Form without amendments ($30.00)

Long Form with amendments ($30.00)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the troubleshooting page.



If you encounter technical difficulties while using these services, please contact the Webmaster. If you are unable to find the information you need through the resources provided on this web site, please contact the Division of Corporations, UCC & Commissions Reporting and Information Section at 207-624-7752 or e-mail.

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Section 7: Photographs



1. Standing at edge of existing driveway along Westbrook Street, facing west into the site.



2. Standing on the east side of the site, facing west.



3. Standing on the northwest side of the site. Facing southeast



4. Standing at the existing utility pole along Westbrook Street. Facing northwest looking into the site.

8. EROSION & SEDIMENTATION CONTROL REPORT

Prepared For:

Giri Portland Westbrook Inc
225 W Squantum Street, Suite 202
Quincy, MA 02171

Prepared By:

Acorn Engineering, Inc.
P.O. Box 3372
Portland, Maine 04104



February 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by Giri Portland Westbrook Inc to provide civil engineering services for the proposed work located at 1060 Westbrook Street, Portland, ME 04102. The site is currently comprised of open space and drainage/detention ponds. The site is proposed to be developed into a 120-room 3-story Hyatt Studios, with a 106-space parking lot, and other site and utility improvements.

The following Erosion and Sedimentation Control Report was developed in accordance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Appendix A and B (1), Amended August 12, 2015. This narrative also meets the standards required in the Maine DEP's Erosion & Sediment Control BMP's Manual, revised in 2016.

1.0 EXISTING CONDITIONS

The proposed project is located at 1060 Westbrook Street. Refer to the Boundary/Topographic Survey dated February 1, 2020 prepared by Spurwink Surveying inc. for existing conditions.

Abutting Uses:

- North AB Zone — Retail Services
- East AB Zone — United States Dept. of Transportation (Jetport)
- South AB Zone — Hotel & Motel
- West AB Zone — Multi-Use Commercial

0.3% of the existing site is comprised of impervious surface mainly an existing bituminous access drive isle. The average slope is moderate with grades dropping from West to East.

1.1 Existing Soils

Onsite soil information includes the following:

- Soil Conservation Service Medium Intensity Soil Survey for Cumberland County

Given the soils information, listed above, no onsite wastewater is proposed; the applicant does not intend to perform a more intense hydric soil boundary delineation because the waiver requirements set forth in the City of Portland Technical Manual – Section 7 – Soil Survey, Rev. 6/17/11;12/8/20 are met.

The area within and surrounding the project includes soil types listed in the table below. The susceptibility of soils to erosion is indicated on a relative "K" scale of values over a range of 0.02 to 0.69. Higher "K" values indicate more erodible soils.

Table 1 - "K" Value		
Soils Type	**Subsurface**	**Substratum**
Lamoine Silt Loam	0.37	0.24
Scantic Silt Loam	0.49	0.49

The soil "K" value for the soil, listed above, shows a low susceptibility to erosion. The site's susceptibility to erosion is from the Soil Conservation Service Medium Intensity Soil Survey for Cumberland County. Although soil "K" values for the soils show a moderate susceptibility to erosion, implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance given the sustained slope throughout the site.

1.2 Existing Erosion Problems

There are no existing signs of erosion.

1.3 Critical Areas

Critical areas that would require special attention during construction consist of the slopes adjacent to the existing manmade detention areas.

1.4 Protected Natural Resource

The client is not aware of the presence of any existing significant natural features located on the site as listed in Section 14-526 (b) 1. of the Land Use Code. The project is not located within a watershed classified as an Urban Impaired Stream by the Maine DEP.

1.5 Previous Construction Activity (5 years)

Acorn Engineering, Inc. is not aware of any construction-related activities within the project limits within the past 5 years.

1.6 Timber Harvesting

Acorn Engineering, Inc. is not aware of any timber harvesting within the past five years.

2.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

As part of the site development, the following temporary and permanent erosion and sedimentation control devices shall be implemented. Devices shall be installed as described in this report or within the plan set. See the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices for further reference.

2.1 Temporary Erosion Control Measures

The following temporary erosion and sedimentation control measures are planned for the project's construction period:

2.1.1 Crushed stone stabilized construction entrances shall be placed at all access points to the project site where there are disturbed areas. The following specifications shall be followed at a minimum:

- Stone size shall be 2-3 inches or reclaimed or recycled concrete equivalent.
- The thickness of the entrance stone layer shall be no less than 6 inches.
- The entrance shall not be less than 20 feet wide, however not less than the full width of points where ingress or egress occurs. The length shall not be less than 50 feet in length.
- Geotextile fabric (woven or non-woven) shall be placed over the entire entrance area.
- The entrance/exit shall be maintained to the extent that it will prevent the tracking of sediment onto public roadways.

2.1.2 Siltation fence or erosion control berm shall be installed down gradient of any disturbed areas to trap runoff borne sediments until permanent stabilization is achieved. The silt fence or erosion control berm shall be installed per the details provided in the plan set and inspected before and immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence line or berm. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence or berm, the barrier shall be replaced with a stone check dam.

2.1.3 Hay mulch including hydro seeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and November 1st on slopes of less than 15 percent shall be covered by fabric netting and anchored with staples in accordance with the manufacturer's recommendation. Mulch placed between November 1st and April 15th on slopes equal to or steeper than 8 percent and equal to or flatter than 2:1 shall use mats or fabric netting and anchored with staples in accordance with the manufacturer's recommendation.

2.1.4 At any time of the year, all slopes greater than 3:1 shall be stabilized with Double Net Erosion Control Blanket Bionet SC150BN by North American Green or Approved Equal, or Erosion Control Mix Slope Protection as detailed within the plans.

2.1.5 Westbrook Street and Jetport Boulevard shall be swept to control mud and dust from the construction site as necessary. Add additional stone to the stabilized construction entrance to minimize the tracking of material off the site and onto the surrounding roadways.

2.1.6 During demolition, clearing and grubbing operations, stone check dams shall be installed at any areas of concentrated flow. The maximum height of the check dam shall not exceed 2 feet. The center of the check dam shall be 6 inches below the outer edges of the dam. The contractor shall mulch the side slopes and install stone check dams for all newly excavated ditch lines within 24 hours of their creation.

2.1.7 Silt fence stake spacing shall not exceed 6 feet unless the fence is supported with 14-gauge wire in which case the maximum spacing shall not exceed 10 feet. The silt fence shall be "toed" into the ground.

2.1.8 Storm drain inlet protection shall be provided to storm drains using any of the following: hay bale drop inlet structures, silt fence drop inlet sediment filter, gravel and wire mesh drop inlet sediment filter, or curb inlet sediment filter. Barriers shall be inspected after every rainfall event and repaired as necessary. Sediments shall be removed when accumulation has reached ½ the design height.

2.1.9 Dust control shall be accomplished using any of the following: water, calcium chloride, stone, or an approved MDEP product. Dust control shall be applied as needed to accomplish dust control.

2.1.10 Temporary loam, seed, and mulching shall be used in areas where no other erosion control measure is used. Application rates for seeding are provided at the end of this report.

2.1.11 Stockpiles shall be stabilized within 7 days of formation unless a scheduled rain event occurs prior to the 7-day window, in which case the stockpile shall be stabilized prior to the rain event. Methods of stabilization shall be mulch, erosion control mix, or erosion control blankets/mats. Silt fence or a wood waste compost filter berm shall be placed downhill of any soil stockpile location.

2.1.12 For disturbance between November 1 and April 15, please refer to the winter stabilization plan in this report and the Maine Erosion and Sediment Control BMP manual for further information.

2.1.13 It is of the utmost importance that stormwater runoff and potential sediment from the construction site be diverted around the proposed underdrains until the trench is backfilled.

2.2 Permanent Erosion Control Measures

The following permanent erosion control measures are intended for post disturbance areas of the project.

2.2.1 All disturbed areas during construction, not subject to other proposed conditions, shall receive a minimum of 4" of loam, limed, and mulched. Erosion control blankets or mats shall be placed over the mulch in areas noted in paragraph 4.1 of this report.

2.2.2 All stormwater devices shall be installed, and tributary areas stabilized prior to receiving stormwater.

2.2.3 Refer to the Maine Erosion and Sediment Control BMP manual for additional information.

3.0 EROSION AND SEDIMENTATION CONTROL PLAN

3.1 The Erosion and Sedimentation Control Plan is included within the plan set.

4.0 DETAILS AND SPECIFICATIONS

4.1 Erosion Control Details and Specifications are included in the plan set.

5.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

Winter Construction consists of earthwork disturbance between the dates of November 1 and April 15. If a construction site is not stabilized with pavement, a road gravel base, 75% mature vegetation cover or riprap by November 15, then the site shall be protected with over-winter stabilization. Any area not stabilized with pavement, vegetation, mulching, erosion control mix, erosion control mats, riprap, or gravel base on a road shall be considered open.

The contractor shall limit the work area to areas that work will occur in during the subsequent 15 days and so that it can be mulched one day prior to a snow event. The contractor shall stabilize work areas prior to opening additional work areas to minimize areas without erosion control measures.

The following measures shall be implemented during winter construction periods:

5.1 Sediment Barriers

During frozen conditions, sediment barriers may consist of erosion control mix berms or any other recognized sediment barriers as frozen soil prevents the proper installation of hay bales or silt fences.

5.2 Mulching

All areas shall be considered to be denuded until seeded and mulched. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lbs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix must be applied with a minimum 4-inch thickness. Mulch shall not be spread on top of snow. The snow shall be removed down to a one-inch depth or less prior to application. After each day of final grading, the area shall be properly stabilized with anchored hay or straw or erosion control matting. An area shall be considered to have been stabilized when exposed surfaces have been either mulched or adequately anchored so that ground surface is not visible through the mulch. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, tracking or wood cellulose fiber. The cover will be considered sufficient when the ground surface is not visible through the mulch. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.

5.3 Soil Stockpiling

Stockpiles of soil or subsoil shall be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix. This shall be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.

5.4 Seeding

Between the dates of October 15th and April 1st, loam or seed shall not be required. During periods of above freezing temperatures finished areas shall be fine graded and either protected with mulch or temporarily seeded and mulched until the final treatment can be applied. If the date is after November 1st and if the exposed area has not been loamed, final grading with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

Dormant seeding may be placed prior to the placement of mulch or erosion control blankets. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs./1,000 s.f. All areas seeded during the winter shall be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75% catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.

5.5 Over winter stabilization of disturbed soils

By September 15th, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter:

- Stabilize the soil with temporary vegetation – By October 1st, seed the disturbed soil with winter rye at a seeding rate of 3lbs per 1,000 s.f., lightly mulch the seeded soil with hay or straw at 75 lbs per 1,000 s.f., and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1st, then mulch the area for over-winter protection.

- Stabilize the soil with sod – Stabilize the disturbed soil with properly installed sod by October 1st. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.

- Stabilize the soil with mulch – By November 15th, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 lbs per 1,000 s.f. on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.

5.6 Over winter stabilization of disturbed slopes

All stone-covered slopes shall be constructed and stabilized by November 15th. All slopes to be vegetated shall be seeded and mulched by September 1st. A slope is considered a grade greater than 15%. If a slope to be vegetated is not stabilized by September 1st, then one of the following actions shall be taken to stabilize the slope for late fall and winter:

- Stabilize the soil with temporary vegetation and erosion control mats – By October 1st the disturbed slope shall be seeded with winter rye at a seeding rate of 3 lbs per 1,000 s.f. and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1st, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap.

- Stabilize the soil with sod – The disturbed slope shall be stabilized with properly installed sod by October 1st. Proper installation includes the contractor pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor shall not use late-season sod installation to stabilize slopes having a grade greater than 3H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with erosion control mix – Erosion control mix shall be properly installed by November 15th. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 2H:1V or having groundwater seeps on the slope face.

- Stabilize the soil with stone riprap – Place a layer of stone riprap on the slope by November 15th. A registered professional engineer shall be hired to determine the stone size needed for stability on the slope and to design a filter layer underneath the riprap.

6.0 INSPECTION AND MAINTENANCE

A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct periodic visual inspections of installed erosion control measures. The frequency of inspection shall occur at least once every two weeks, as well as after a "storm event". A "storm event" shall consist of 0.5 inches of rain within a 24-hour period. The following Erosion and Sediment Control - Best Management Practices (BMP's) shall be inspected in the manner as described.

6.1 Sediment Barriers

Hay bale barriers, silt fences and filter berms shall be inspected and repaired for the following if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary check dam. Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits should be removed when deposits reach approximately one-half the height of the barrier. Filter berms should be reshaped as needed. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.

6.2 Stabilized Stone Construction Entrances

The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way. When the control pad becomes ineffective, the stone shall be removed along with the collected soil material and redistributed on site in a stable manner. The entrance should then be reconstructed. The contractor shall sweep or wash pavement at exits, which have experienced mud-tracking on to the pavement or traveled way. When washing is required, it shall be done on an area stabilized with aggregate, which drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or waterways.

6.3 Mulched Areas

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets must be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

6.4 Dust Control

When temporary dust control measures are used, repetitive treatment shall be applied as needed to accomplish control.

6.5 Stormwater Appurtenances

All underdrains, storm drains, and catch basins need to be operating effectively and free of debris.

6.6 Erosion and Sedimentation Control Inspections:

Acorn Engineering has personnel qualified to conduct Erosion and Sedimentation Control Inspections. For further information, contact:

Contact: Peter Heil, PE
Telephone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #15318
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's
- Maine DEP – Certified Third-Party Inspector
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #7071

The Contractor has sole responsibility for complying with the Erosion and Sedimentation Report/Plan, including control of fugitive dust. The Contractor shall be responsible for any monetary penalties resulting from failure to comply with these standards.

7.0 IMPLEMENTATION SCHEDULE

The following implementation sequence is intended to maximize the effectiveness of the above described erosion control measures. Contractors should avoid overexposing disturbed areas and limit the amount of stabilization area.

1. Install a stabilized construction entrance in all locations where construction traffic will enter and exit the site.
2. Install perimeter silt fence or erosion control berm.
3. Commence installation of drainage infrastructure.
4. Install all other erosion control devices as necessary throughout the remainder of this schedule.
5. Commence earthwork operations, associated with the roadway construction.
6. Commence installation of utilities.
7. Continue earthwork and grading to subgrade as necessary for construction.
8. Complete installation of drainage infrastructure, as well as other utility work.
9. Complete remaining earthwork operations.
10. Install sub-base and base gravels in paved areas.
11. Install paving, curbing and brickwork.
12. Loam, lime, fertilize, seed and mulch disturbed areas and complete all landscaping.
13. Once the site is stabilized, 90% catch of grass has been obtained, or mulching of landscape areas is complete, remove all temporary erosion control measures.
14. Touch up areas without a vigorous catch of grass with loam and seed.

15. Complete site signage and striping.
16. Execute proper maintenance of all temporary and permanent erosion control measures throughout the project.

The above implementation sequence should be generally followed by the site contractor. However, the contractor may construct several items simultaneously. The contractor shall submit to the owner a schedule of the completion of the work. If the contractor is to commence the construction of more than one item above, they shall limit the amount of exposed areas to those areas in which work is expected to be undertaken during the following 30 days.

The contractor shall re-vegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading or before a storm event. The contractor shall incorporate planned inlets and drainage systems as early as possible into the construction phase.

8.0 CONCLUSION

The above erosion control narrative is intended to minimize the development impact by implementing temporary and permanent erosion control measures. The contractor shall also refer to the Maine Erosion and Sediment Control BMP manual for additional information.

9.0 ATTACHMENTS

- Temporary Seeding Plan
- Permanent Seeding Plan
- Housekeeping Plan
- Hydrological Soil Group Map (Web Soil Survey)
- Stormwater Inspection and Maintenance Plan

TEMPORARY SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P2O5-K2O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of temporary seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.	Recommended Seeding Dates
Winter Rye	2.57	Aug-15 to Oct-1
Oats	1.84	Apr-1 to Jul-1 Aug-15 to Sep-15
Annual Ryegrass	0.92	Apr-1 to Jul-1
Sudangrass	0.92	May-15 to Aug-15
Perennial	0.92	Aug-15 to Sep-15

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to temporary seeding and mulching.

PERMANENT SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P2O5-K2O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of permanent seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.
Kentucky Bluegrass	0.46
Creeping Red Fescue	0.46
Perennial Ryegrass	0.11
Total	1.03

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Recommendations

Permanent seeding is recommended to be completed in the spring. Later summer seeding is allowed if completed prior to September 1st. If seeding cannot be accomplished during the periods recommended for permanent seeding, then the contractor shall perform temporary seeding per the temporary seeding plan.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to permanent seeding and mulching.

HOUSEKEEPING PLAN

The following housekeeping plan has is developed in accordance with Maine DEP Chapter 500 Stormwater Management standards. For additional information, reference Appendix C of Chapter 500.

1. **Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

NOTE: Any spill or release of toxic or hazardous substances must be reported to the Department. For oil spills, call 1-800-482-0777 which is available 24 hours a day. For spills of toxic or hazardous material, call 1-800-452-4664 which is available 24 hours a day. For more information, visit the Department's website at : http://www.maine.gov/dep/spills/emergspillresp/

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2. **Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

   See Chapter 500 Appendix D for license by rule standards for infiltration of stormwater.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

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3. **Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

NOTE: Dewatering a stream without a permit from the Department may violate state water quality standards and the *Natural Resources Protection Act*.

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4. **Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

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5. **Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

NOTE: Dewatering controls are discussed in the "Maine Erosion and Sediment Control BMPs, Maine Department of Environmental Protection."

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6. **Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

   (a) Discharges from firefighting activity;

   (b) Fire hydrant flushings;

   (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);

   (d) Dust control runoff in accordance with permit conditions and Section 3, above;

   (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;

   (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;

   (g) Uncontaminated air conditioning or compressor condensate;

   (h) Uncontaminated groundwater or spring water;

(i) Foundation or footer drain-water where flows are not contaminated;

(j) Uncontaminated excavation dewatering (see requirements in Section 5, above);

(k) Potable water sources including waterline flushings; and

(l) Landscape irrigation.

7. **Unauthorized non-stormwater discharges.** The Department's approval under Chapter 500 does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Section 6, above. Specifically, the Department's approval does not authorize discharges of the following:

(a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;

(b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;

(c) Soaps, solvents, or detergents used in vehicle and equipment washing; and

(d) Toxic or hazardous substances from a spill or other release.

(8) Additional requirements. Additional requirements may be applied on a site-specific basis.

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Cumberland County and Part of Oxford County, Maine



November 9, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



Map Scale: 1:1,240 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuB	Lamoine silt loam, 3 to 8 percent slopes	2.5	60.8%
Sn	Scantic silt loam, 0 to 3 percent slopes	1.6	39.2%
Totals for Area of Interest		**4.0**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cumberland County and Part of Oxford County, Maine

BuB—Lamoine silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2t0kc
Elevation: 10 to 490 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lamoine and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lamoine

Setting

Landform: River valleys, marine terraces
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine glaciomarine deposits

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 13 inches: silt loam
Bg - 13 to 24 inches: silty clay loam
Cg - 24 to 65 inches: silty clay

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)
Depth to water table: About 6 to 17 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: F144BY401ME - Clay Flat
Hydric soil rating: No

Sn—Scantic silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2slv3
Elevation: 10 to 900 feet
Mean annual precipitation: 33 to 60 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 90 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Scantic and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Scantic

Setting

Landform: River valleys, marine terraces
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Glaciomarine deposits

Typical profile

Ap - 0 to 9 inches: silt loam
Bg1 - 9 to 16 inches: silty clay loam
Bg2 - 16 to 29 inches: silty clay
Cg - 29 to 65 inches: silty clay

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: D
Ecological site: F144BY304ME - Wet Clay Flat
Hydric soil rating: Yes

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

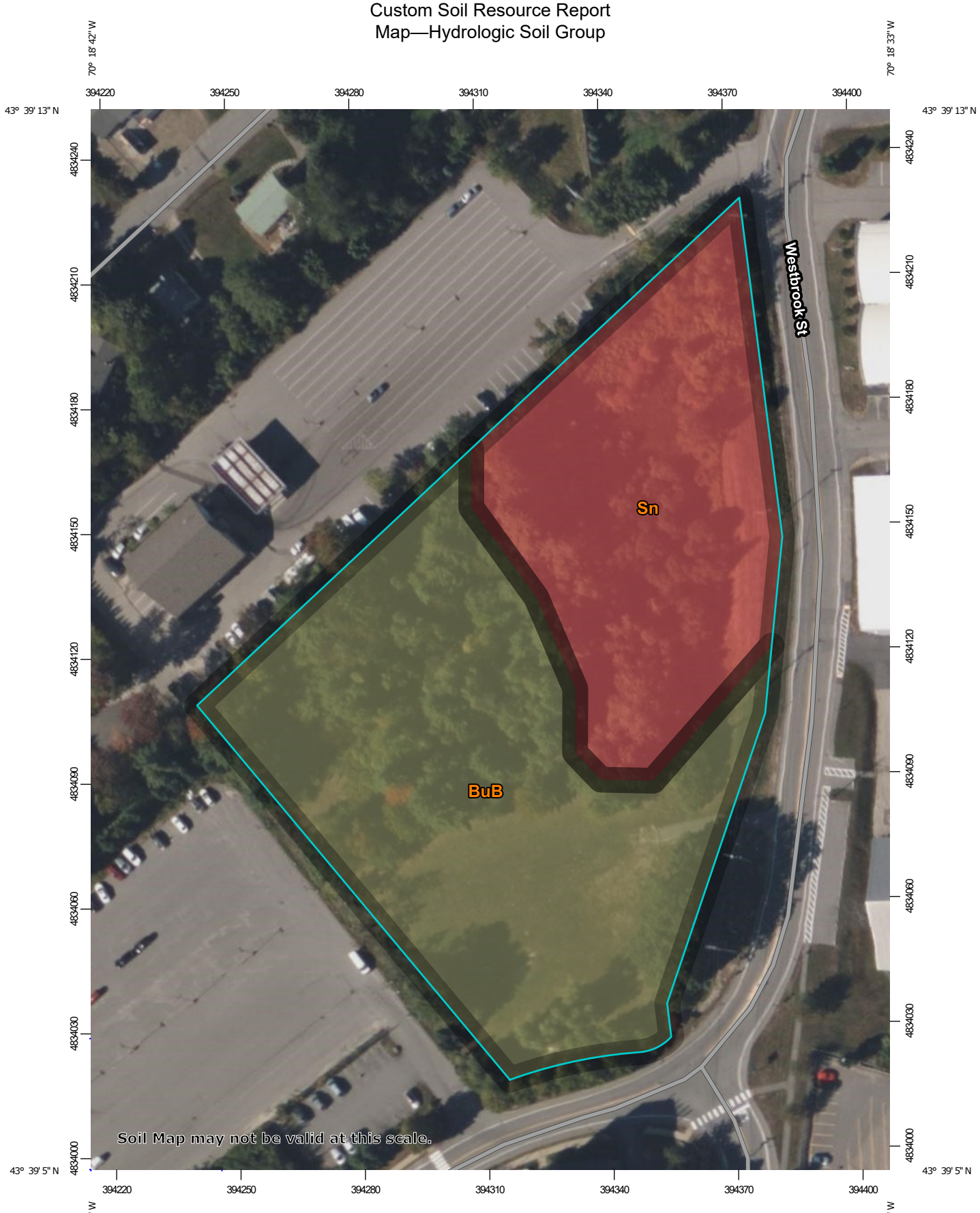
Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.



Map Scale: 1:1,240 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 15 30 60 90

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BuB	Lamoine silt loam, 3 to 8 percent slopes	C/D	2.5	60.8%
Sn	Scantic silt loam, 0 to 3 percent slopes	D	1.6	39.2%
Totals for Area of Interest			**4.0**	**100.0%**

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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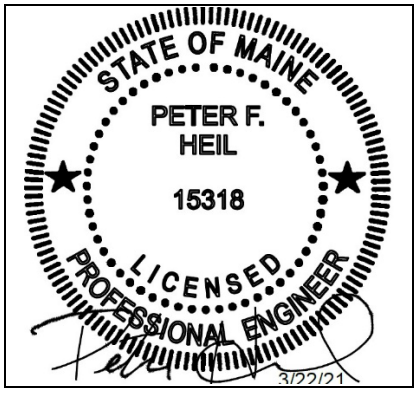
POST CONSTRUCTION - STORMWATER INSPECTION & MAINTENANCE PLAN

Prepared For:

Giri Portland Westbrook Inc
225 W Squantum Street, Suite 202
Quincy, MA 02171

Prepared By:

Acorn Engineering, Inc.
P.O. Box 3372
Portland, Maine 04104



February 2024

ACORN ENGINEERING, INC.

RESPONSIBLE PARTY

The owner, Giri Portland Westbrook Inc, and/or their successor shall be responsible for contracting with a qualified stormwater professional to implement the Inspection and Maintenance Plan. The qualified stormwater professional shall maintain a stormwater log (report) summarizing inspections, maintenance, and corrective action taken. The Qualified Stormwater Professional shall annually submit the Stormwater Log to the Department of Public Services prior to June 30th.

The following is an example of a qualified stormwater professional that the owner may contract through.

Organization: Acorn Engineering, Inc.
Attn: Peter F. Heil, PE, CPESC
Portland, Maine

Phone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #15318
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #7071
- Maine DEP – Certified Third-Party Inspector
- Maine DEP – Certification in Inspection and Maintenance of Stormwater BMPs

The inspection and maintenance criteria are based upon the Maine DEP - Stormwater Management for Maine, Volume III: BMPs Technical Design Manual. Refer to the Grading and Drainage Plan for the location of the BMPs

PURPOSE

This Inspection and Maintenance Plan has been individually tailored to this parcel's stormwater infrastructure, site characteristics, and their respective opportunities and limitations related to reducing the pollutant load on the receiving watershed. The maintenance of a parcel's impervious surfaces and stormwater infrastructure is critical to extending the long-term performance and effectiveness of Best Management Practices (BMPs). The Inspection and Maintenance Plan represents the parcel's minimum activities to meet the permit requirements. The parcel shall still be subject to any applicable Civil Site Plans, Permit Applications, Erosion and Sedimentation Control Plans Reports, Stormwater Management Plans, Inspection and Maintenance Manuals, and all Municipal, State, and Federal rules.

The applicant shall be responsible for retaining post construction and maintenance documents for at least 5 years. The Department of Environmental Protection's 5-year recertification will apply to this permit.

OPERATION AND MAINTENANCE ACTIVITY

Sweeping:

Annual sweeping of the driveways and parking areas following the snow melt for accumulated winter sand, if necessary. Appropriately dispose of all collected material.

Catch Basins:

Catch basins shall be inspected to confirm that the structure is operating properly.

- Inspect the presence of accumulated sediment or debris any sediment shall be removed. The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Sediment shall be removed when accumulation is within 6 inches of the outfall pipe invert. Legally dispose of accumulated sediment and debris from the bottom of the basin, inlet grates, and inflow channels to the basin.
- If the basin outlet is designed with a hood to trap floatable materials (e.g. Snout), check to ensure watertight seal is working.
- Appropriately dispose of all collected material.

Landscaped and Vegetated Areas:

Inspect all landscaped and or vegetated slopes and embankments on an annual basis. Vegetated areas with bare areas or sparse growth (<90% coverage) shall be revegetated. Mulch shall be applied to landscaped areas, as necessary. Dead or decaying landscaping (ground cover, shrubs, trees etc.) shall be replanted in accordance with the contract documents.

Vegetated Underdrained Soil Filter (VUSF):

The maintenance of the VUSF shall be in accordance with the following activities identified below and the most recent version of the Maine DEP Volume III BMPs Technical Design Manual Chapter 7.1 – Grassed Underdrained Soil Filters.

- The soil filter shall be inspected after every major storm within the first year to ensure the filter area is draining within a 48-hour period and no less than a 24-hour period, and that the grass is establishing. Thereafter, the filter should be inspected at least once every six months to ensure that is draining within a 48-hour period following a one-inch storm or greater. Appropriately dispose of all collected material.
- Soil filter modification shall occur if the filter bed is draining in less than 24 hours. The top six inches of the filter shall be replaced with six inches of loam, per the most recent Maine DEP specification. Soil filter replacement shall be replaced with fresh material on a yearly basis.
- The filter area shall not be fertilized unless it is absolutely necessary to facilitate vegetative growth.
- Weeding to limit growth of plants besides the grass will likely be necessary.

- If desired, mowing shall only occur by a handheld weed-wacker or push mower and should be mowed no more than two times per growing season to maintain grass heights of no less than six inches. Riding lawnmowers will not be permitted or accessible.
- Maintaining a healthy cover of grass will minimize clogging with fine sediments. If ponding exceeds 48 hours, the top of the filter bed should be rototilled to reestablish the soil's filtration capacity.
- The top several inches of the filter can be replaced with fresh material if water is ponding for more than 72 hours, or the basin can be rototilled, seeded and mulched. Once the filter is mature, adding new material (a 1-inch to 2-inch cover of mature compost) can compensate for subsidence.
- Ensure that all inlets and outlets within the flow splitter drain manhole are clear and functioning.
- The sediment forebays should be inspected to ensure that the entire surface area is covered by riprap. Sediment may need be removed annually depending on sand application and the upstream catch basin's effectiveness at trapping sediment in the deep sumps.

INSPECTION AND MAINTENANCE TABLE

Inspection and Maintenance Frequency	Spring or Yearly	Summer	Fall	As Necessary
Sweeping/Sand Removal	X			X
Catch Basins			X	X
Landscaped/Vegetated Areas		X		X
Vegetated Underdrained Soil Filters	X	X		X

A C O R N
ENGINEERING, INC.

General Standards

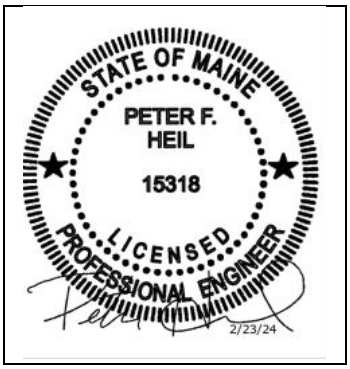
STORMWATER MANAGEMENT REPORT

Prepared For:

Giri Portland Westbrook Inc
225 W Squantum Street, Suite 202
Quincy, MA 02171

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



March 2024

INTRODUCTION

Acorn Engineering, Inc. has been retained by Giri Portland Westbrook Inc to provide civil engineering services for the proposed work located at 1060 Westbrook Street, Portland, ME 04102. The site is currently comprised of open space and drainage/detention ponds. The site will be developed into a 120-room 3-story Hyatt Studios, with a 106-space parking lot, and other site and utility improvements.

A stormwater analysis was prepared to demonstrate that the project will meet the following requirements of the City of Portland (the City):

- City of Portland Land Use Ordinance Article 14.6.2.D.
- City of Portland Technical Manual – Section 5 – Portland Stormwater Management
- Maine DEP Chapter 500 Stormwater Management.

EXISTING CONDITIONS

The proposed project site is located at 1060 Westbrook Street. A Boundary/Topographic Survey dated February 1, 2020, has been prepared by Spurwink Surveying inc.

The existing property consists mostly of wooded area with a portion of open space. A small bituminous access drive is also present on site. Stormwater is currently directed toward manmade ponds onsite and ultimately discharges into the municipal stormwater system within Westbrook Street.

Within the 4.03-acre site, a manmade wetland has been identified as a natural resource existing on site. Careful consideration of existing drainage areas in the project area must be taken. The project is not located within a watershed classified as an Urban Impaired Stream.

PROPOSED DEVELOPMENT

The development will be served by Portland Water District, Portland Department of Public Works (sewer/storm), Unitil (natural gas), CMP (electric), Charter (cable), and Consolidated Communications (telephone).

The proposed project will increase the site's impervious area by approximately 1.56 acres, which triggers the City's water quality requirement. Treatment and storage will be provided in the form of two Vegetation Underdrained Soil Filters (VUSF). These VUSF's will collect a majority of the sites stormwater and ultimately discharge to the municipal stormwater system within Westbrook Street. The project has been designed to meet Chapter 500 General Standards.

BASIC STANDARDS – EROSION & SEDIMENT CONTROL

The development shall provide erosion and sediment control, inspection and maintenance, and housekeeping standards as specified in Section 8: Erosion and Sediment Control Report and that the grading and construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on an adjacent downslope parcel.

GENERAL STANDARDS - WATER QUALITY

The development shall provide water quality treatment in accordance with the DEP Chapter 500 General Standards for no less than 95% of the new impervious area and 80% of developed area. Water quality treatment will be provided through the use of two Vegetated Underdrain Soil Filters (VUSF). The systems were sized to meet or exceed the requirements set forth within the MDEP Volume III: BMPs Technical Design Manual Section 7.1 Filtration BMPs have been shown to be very effective at removing a wide range of pollutants from stormwater runoff.

The treatment of the impervious & developed areas for the project are as follows:

Table 1 – Impervious Area Treatment Table

Impervious Area (SF)	Developed Area	Impervious Area with Treatment (SF)	Developed Area with Treatment (SF)
67,960	108,663	64,570 (95.01%)	88,953 (81.86%)

Based upon the project design, the two underdrained soil filters will treat a total of 64,683 SF of impervious area and 23,920 SF of non-impervious developed area, which exceeds the minimum requirements for both impervious and developed area. The VUSF soil filter areas are then sized upon the following equation based upon land coverage draining into the BMP:

$$[(\text{Imp. SF} \times 0.05) + (\text{Veg. SF} \times 0.02)] = \text{Filter Area (SF)}$$

The water quality volume is then analyzed to ensure the first 18" of ponding is capturing the required runoff. The required treatment volume is characterized by the following equation:

$$\left(\frac{\text{Imp. SF} \times 1.0"}{12"/1'}\right) + \left(\frac{\text{Veg. SF} \times 0.4"}{12"/1'}\right) = \text{Treatment Volume (CF)}$$

VUSF 1 (Land coverage draining into the BMP)

- Impervious Area = 39,189 SF
- Vegetated Area = 10,913 SF

VUSF 2 (Land coverage draining into the BMP)

- Impervious Area = 25,381 SF
- Vegetated Area = 13,470 SF

Table 2 – VUSF #1 Sizing Table			
Water Quality Volume Required (CF)	Filter Area Required (SF)	Provided Water Quality Volume (CF)	Provided Filter Area (SF)
3,629	2,177	5,929	2,178

Table 3 – VUSF #2 Sizing Table			
Water Quality Volume Required (CF)	Filter Area Required (SF)	Provided Water Quality Volume (CF)	Provided Filter Area (SF)
2,564	1,538	4,076	1,546

Pretreatment

Sediment pretreatment is provided by a sediment forebay at the inlet of each VUSF. The forebay is sized to accommodate a minimum of 10 storms per year based upon 500 pounds of sand per storm and a density of 90 pounds per cubic foot, in accordance with chapter 7.2 of the design manual.

WATER QUANTITY

The proposed project was modeled using HydroCAD to verify that the post-development conditions do not exceed the pre-development conditions. A 24-hour SCS Type III storm distribution for the 2, 10, and 25-year storm events were used. The corresponding rainfall amounts for these storms are 3.10", 4.60", and 5.80" respectively.

Due to the numerous variables, and inherent inaccuracies with the modeling program used to calculate stormwater runoff it is custom at Acorn Engineering, Inc. to round to the nearest whole number. However due to the small size of the project and the minimal existing flows, the stormwater runoff shall be rounded to the nearest tenth of a cubic feet per second (cfs).

Time of Concentration (T_c)

Due to the project site chiefly containing impervious area surrounded by wetlands a consistent time of concentration (T_c) of 6 minutes was applied to each respective subcatchment for both the pre and post-development conditions as applicable.

Pre-development Calculations

The pre-development model was broken into three separate subcatchments.

- Subcatchment 1 – This tributary includes about one third of the parcel and drains directly to the Westbrook Street municipal storm drain network. The land cover includes grass and wooded area.
- Subcatchment 2 – This tributary includes about one third of the parcel and drains directly to a detention pond location on the eastern side of the lot. The pond ultimately drains to the Westbrook Street municipal storm drain network. The land cover includes grass and wooded area.
- Subcatchment 3 – This tributary includes about one third of the parcel and drains directly to a man-made pond location on the northwestern side of the site. The pond ultimately drains to the Westbrook Street municipal storm drain network. The land cover includes wooded area.

A pre-development watershed map developed for this project can be viewed in Attachment A and a copy of the HydroCAD calculations is included within Attachment C, of this report. Peak flow rates for the storm events are as follows:

Table 4 – Pre-Development Peak Flow Rates

Drainage Area	2 – Year Storm Event (cfs)	10 – Year Storm Event (cfs)	25 – Year Storm Event (cfs)
POI 1	1.4	2.8	4.0
POI 2	1.4	2.6	3.7
POI 3	1.0	2.0	2.9
Total Runoff	3.8	7.4	10.4

Post-development Calculations:

The post-development model was broken into six separate subcatchments.

- Subcatchment 1.1 – This tributary includes a portion of the proposed hotel building and the northeast area of the proposed parking lot. This area is treated by vegetation undrained soil filter #1 and ultimately discharges into the municipal storm drain network.
- Subcatchment 1.2 – This tributary includes a portion of the proposed hotel building and the southern area of the proposed parking lot. This area is treated by vegetation undrained soil filter #2 and ultimately discharges into the municipal storm drain network.
- Subcatchment 1.3 – This tributary includes the eastern side of the lot and the drive aisle to access the site. This areas stormwater drains into the municipal storm drain network in Westbrook Street.
- Subcatchment 2 – This tributary area includes the northeast side of the lot and drains directly to a detention pond located on the eastern side of the lot. The pond ultimately drains to the Westbrook Street municipal storm drain network. The land cover includes grass and wooded area.

- Subcatchment 3 – This tributary area includes the northwestern side of the lot drains directly to a man-made pond location on the northwestern side of the site. The pond ultimately drains to the Westbrook Street municipal storm drain network. The land cover includes wooded area.

The following table represents a comparison of pre- development and post-development condition peak runoff rates for the proposed development and tributary area.

Table 5 – Comparison of Peak Flows						
Drainage Area	**2 – Year Storm Event (cfs)**		**10 – Year Storm Event (cfs)**		**25 – Year Storm Event (cfs)**	
POI 1	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	1.4	1.5	2.8	2.8	4.0	4.1
POI 2	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	1.4	0.2	2.6	1.0	3.7	1.7
POI 3	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	1.0	0.1	2.0	0.8	2.9	2.6
Total Runoff	**Pre**	**Post**	**Pre**	**Post**	**Pre**	**Post**
	3.8	1.8	7.4	4.1	10.4	7.0

It should be noted that the post development is reducing the runoff to the respective internal manmade pond point of interests within the site (R2 & R3) and minorly increasing the post development flow rate to POI #1 in comparison to the pre-developed condition. However, total peak flow rates in the post development are significantly reduced in comparison to the total predevelopment flow rates for the 2,10,25-year storms as the combined point of analysis enters into the City's municipal stormwater system within Westbrook Street.

A Post-Development Watershed Map created for this project can be viewed in Attachment B, and a copy of the HydroCAD calculations is included within Attachment C of this report. Lastly, vertical orifices are modeled in HydroCAD at the outlet structures of each VUSF. Please refer to the Grading and Drainage Plan and Details for additional information.

SOILS

Onsite soil information includes the following:

- Soil Conservation Service Medium Intensity Soil Survey for Cumberland County

The area within and surrounding the project includes soils types listed in the table below.

Table 6 – Hydrologic Soil Group	
Soils Type	**HSG**
Lamoine silt loam, 3 to 8 percent slopes	C/D
Scantic silt loam, 0 to 3 percent slopes	D

The HSG for the soils, listed above, show soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well to excessively drained

sands, with a high rate of water transmission. Implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance to provide proper stabilization of the site.

Conclusion

The proposed development was designed to meet the requirements implemented by the MDEP under the Stormwater Management Statute (38 M.R.S.A. § 420-D) as well as the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards. The proposed project as designed is not anticipated to cause flooding or erosion problems within the subject site, abutters' sites, nor within the right-of-way.

Attachments

Attachment A: Pre-development Watershed Map
Attachment B: Post development Watershed Map
Attachment C: HydroCAD Calculations

GENERAL NOTES:

REFER TO STORMWATER REPORT FOR MORE INFORMATION.

1	SUBCATCHMENT
	SUBCATCHMENT EXTENTS
POI 1	POINT OF INTEREST (POI)
POA	POINT OF ANALYSIS
1	POND
1	REACH



PERMITING
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY / DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **PRE-DEVELOPMENT WATERSHED MAP**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

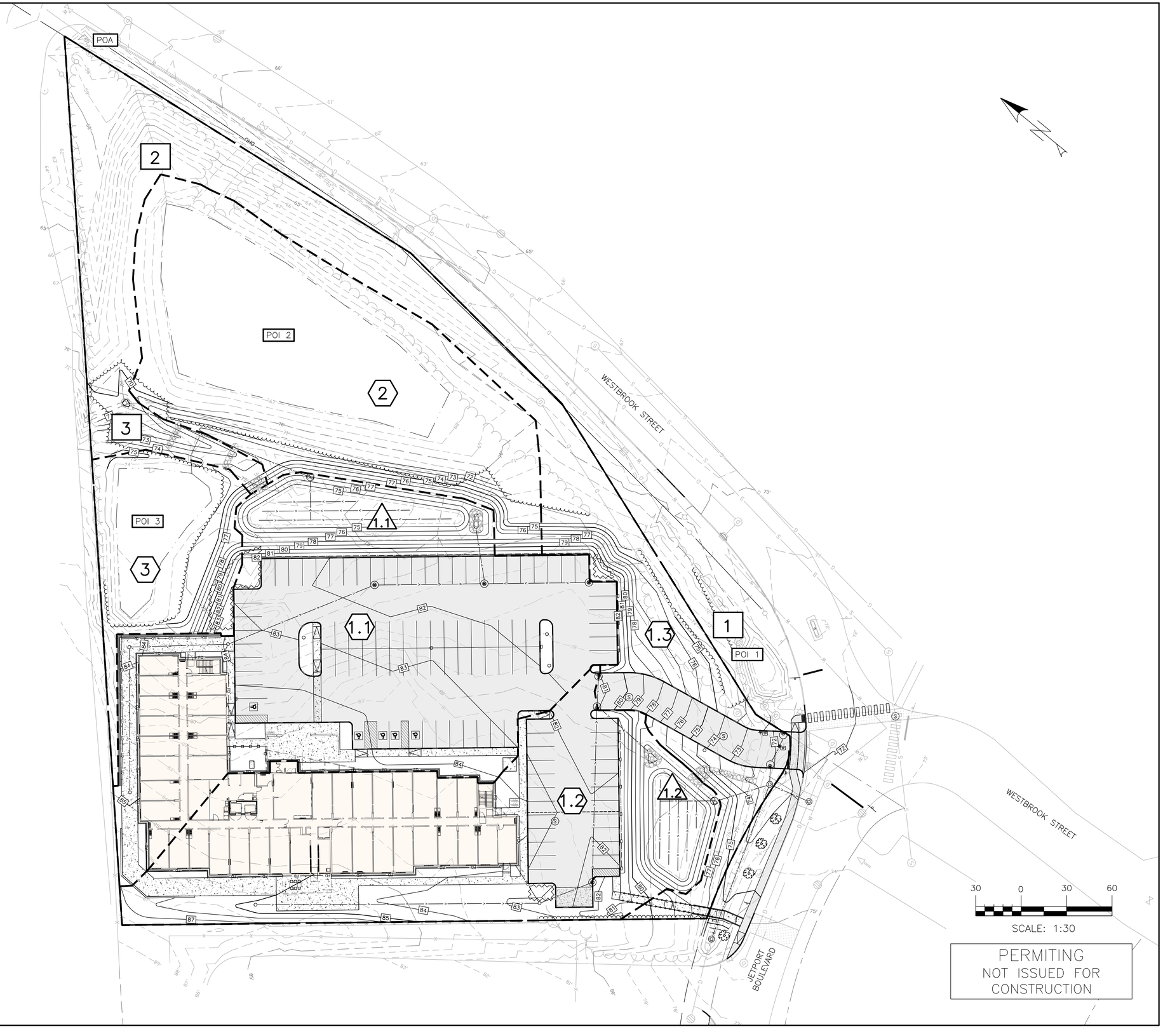
STATE OF MAINE
PETER F. HEIL
15318
LICENSED
PROFESSIONAL ENGINEER

DRAWING NO.
PRE

GENERAL NOTES:

REFER TO STORMWATER REPORT FOR MORE INFORMATION.

1	SUBCATCHMENT
	SUBCATCHMENT EXTENTS
POI 1	POINT OF INTEREST (POI)
POA	POINT OF ANALYSIS
1	POND
1	REACH



PERMITING
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY / DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024

DRAWING NAME: CONCEPT SITE PLAN

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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PO BOX 3372, PORTLAND MAINE 04104
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STATE OF MAINE
PETER F. HEIL
15318
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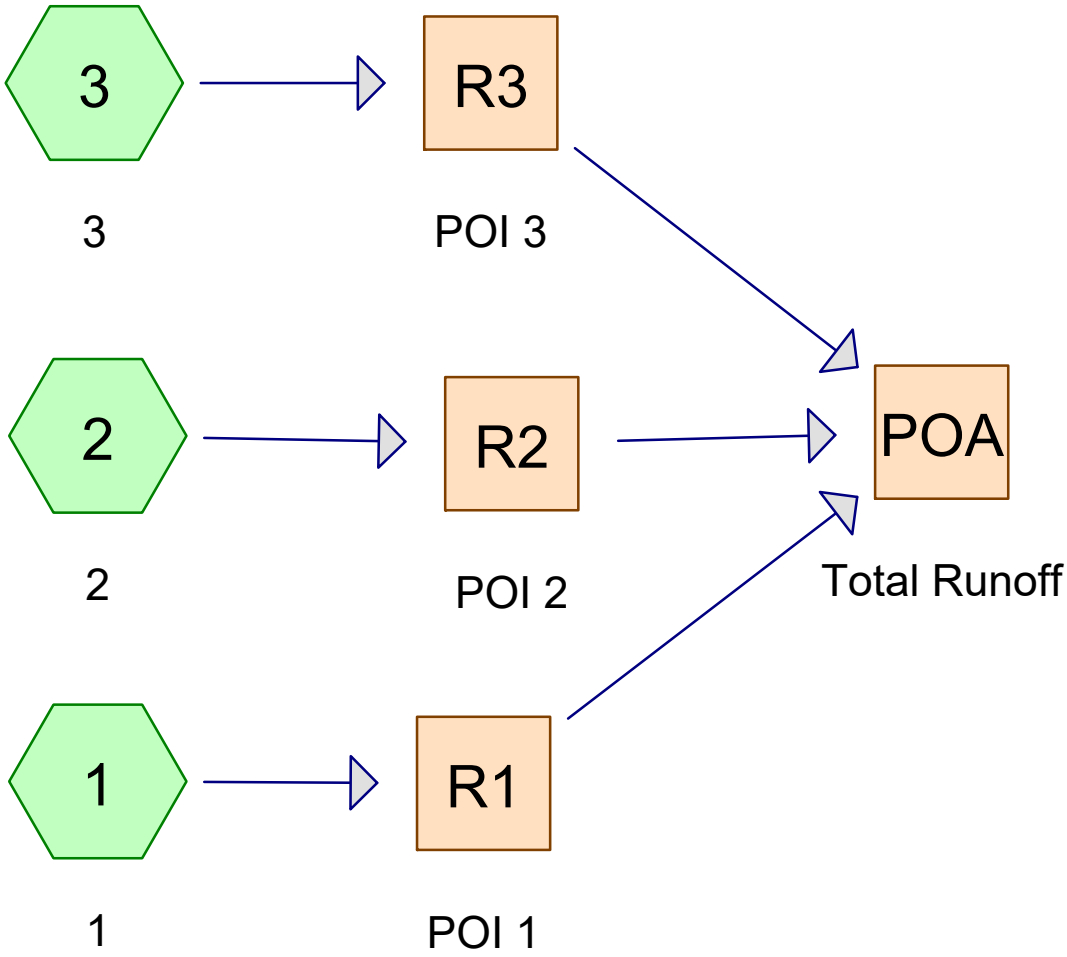
PROFESSIONAL ENGINEER

DRAWING NO.
C-10



Subcat Reach Pond Link

Routing Diagram for 1133_PRE-DEVELOPMENT
Prepared by HP Inc., Printed 2/23/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.225	80	>75% Grass cover, Good, HSG D (1, 2)
0.014	98	Paved parking, HSG D (1)
0.429	98	Water Surface, 0% imp, HSG D (2, 3)
2.362	77	Woods, Good, HSG D (1, 2, 3)
4.030	**80**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
4.030	HSG D	1, 2, 3
0.000	Other	
4.030		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.000	1.225	0.000	1.225	>75% Grass cover, Good	1, 2
0.000	0.000	0.000	0.014	0.000	0.014	Paved parking	1
0.000	0.000	0.000	0.429	0.000	0.429	Water Surface, 0% imp	2, 3
0.000	0.000	0.000	2.362	0.000	2.362	Woods, Good	1, 2, 3
0.000	**0.000**	**0.000**	**4.030**	**0.000**	**4.030**	**TOTAL AREA**	

Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=62,825 sf 0.98% Impervious Runoff Depth=1.26"
Flow Length=275' Tc=19.3 min CN=79 Runoff=1.43 cfs 0.152 af

Subcatchment 2: 2 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=1.53"
Flow Length=365' Tc=26.5 min CN=83 Runoff=1.45 cfs 0.174 af

Subcatchment 3: 3 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=1.20"
Flow Length=320' Tc=26.2 min CN=78 Runoff=1.01 cfs 0.122 af

Reach POA: Total Runoff Inflow=3.79 cfs 0.448 af
Outflow=3.79 cfs 0.448 af

Reach R1: POI 1 Inflow=1.43 cfs 0.152 af
Outflow=1.43 cfs 0.152 af

Reach R2: POI 2 Inflow=1.45 cfs 0.174 af
Outflow=1.45 cfs 0.174 af

Reach R3: POI 3 Inflow=1.01 cfs 0.122 af
Outflow=1.01 cfs 0.122 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.448 af Average Runoff Depth = 1.33"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

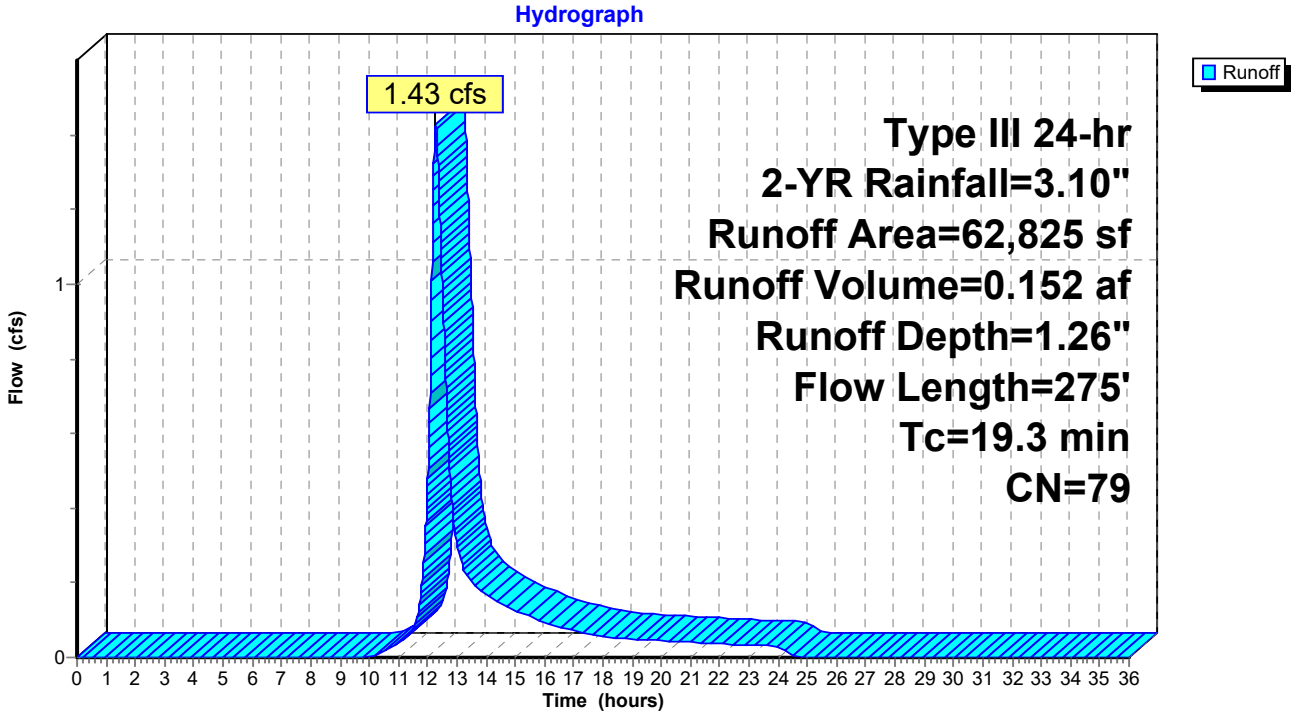
Runoff = 1.43 cfs @ 12.28 hrs, Volume= 0.152 af, Depth= 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
39,751	80	>75% Grass cover, Good, HSG D
22,459	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
62,825	79	Weighted Average
62,210		99.02% Pervious Area
615		0.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.3	96	0.0300	1.21		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.2	29	0.1550	1.97		**Shallow Concentrated Flow, SHALLOW C-D** Woodland Kv= 5.0 fps
19.3	275	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

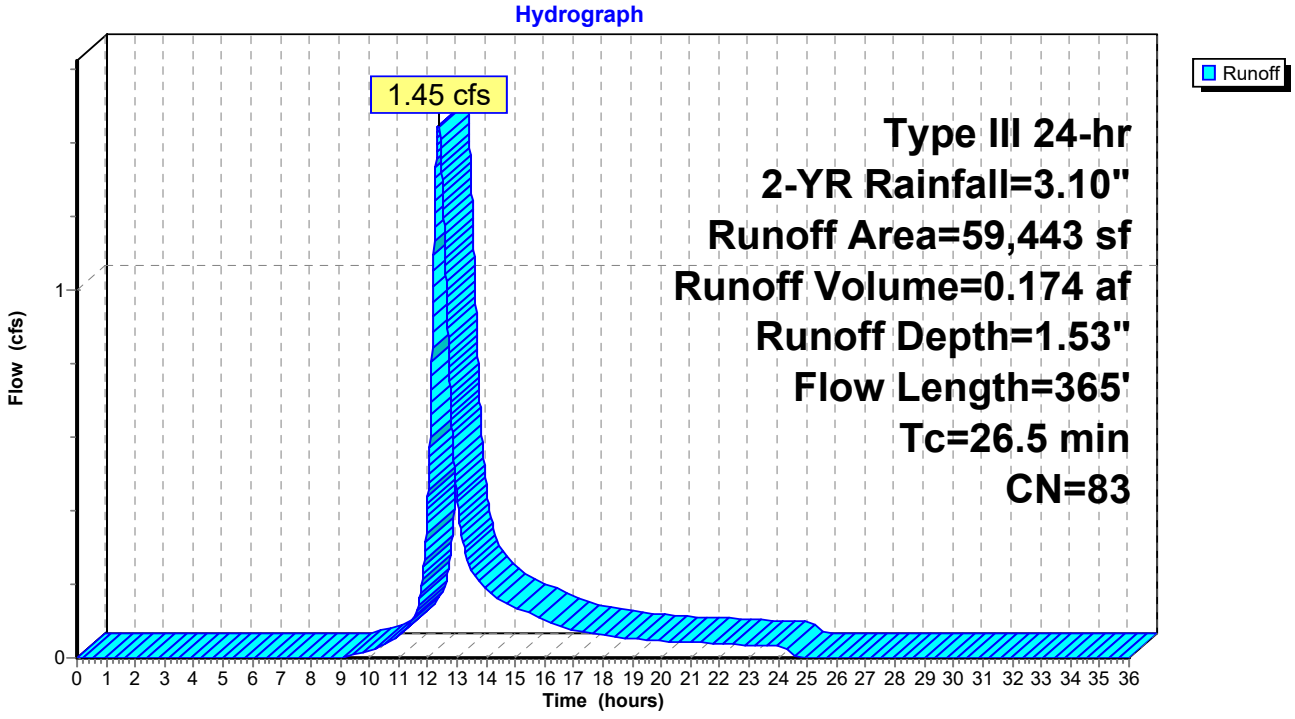
Runoff = 1.45 cfs @ 12.37 hrs, Volume= 0.174 af, Depth= 1.53"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

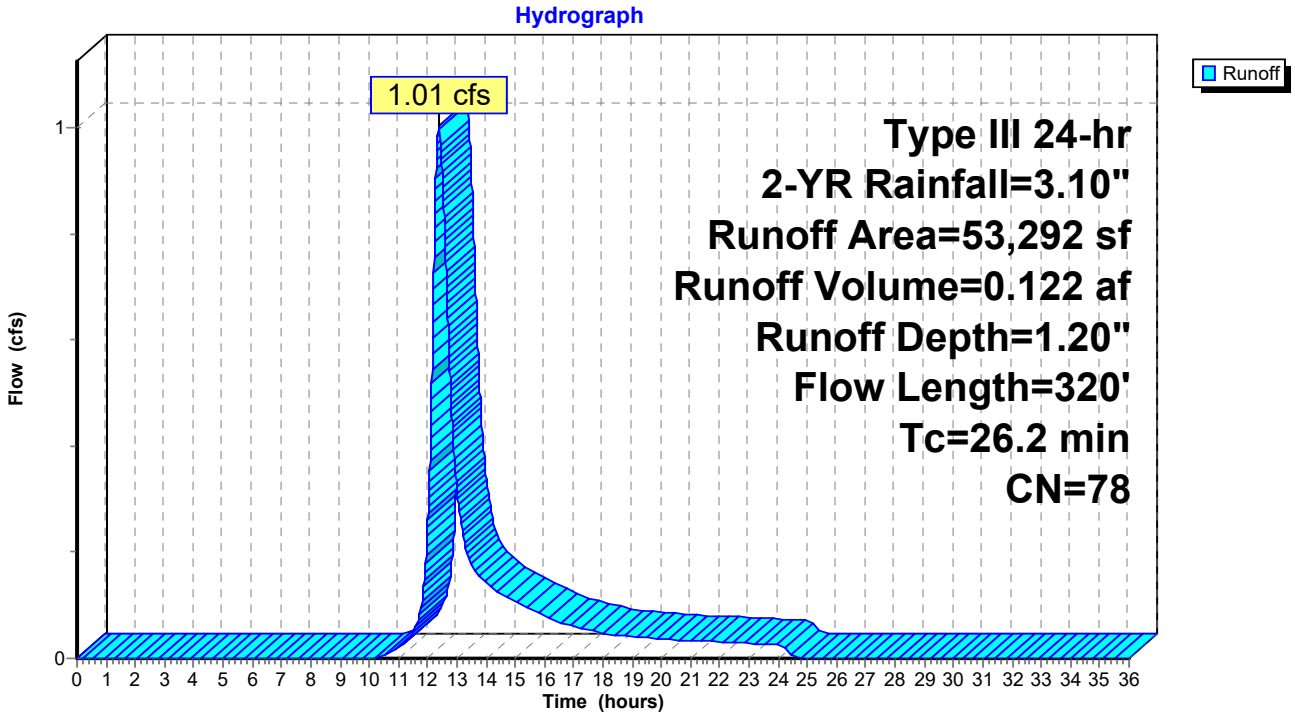
Runoff = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af, Depth= 1.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 3: 3



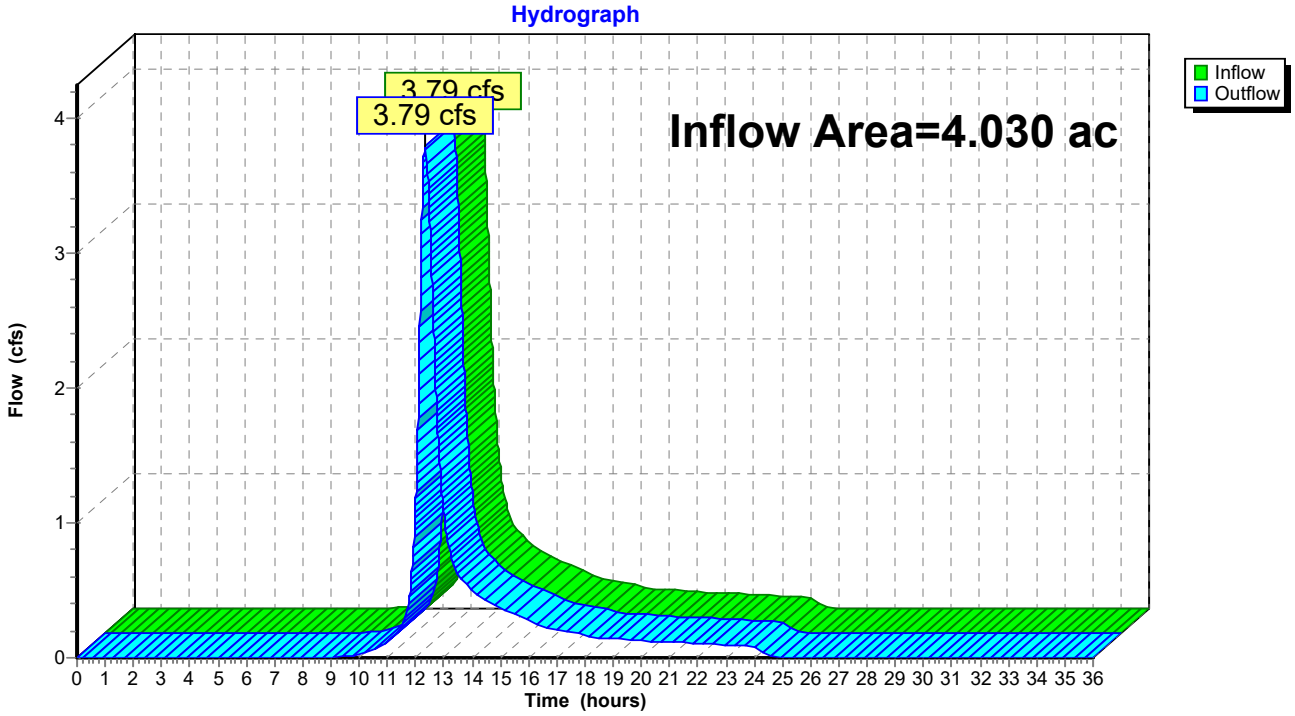
Summary for Reach POA: Total Runoff

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 1.33" for 2-YR event
Inflow = 3.79 cfs @ 12.34 hrs, Volume= 0.448 af
Outflow = 3.79 cfs @ 12.34 hrs, Volume= 0.448 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff



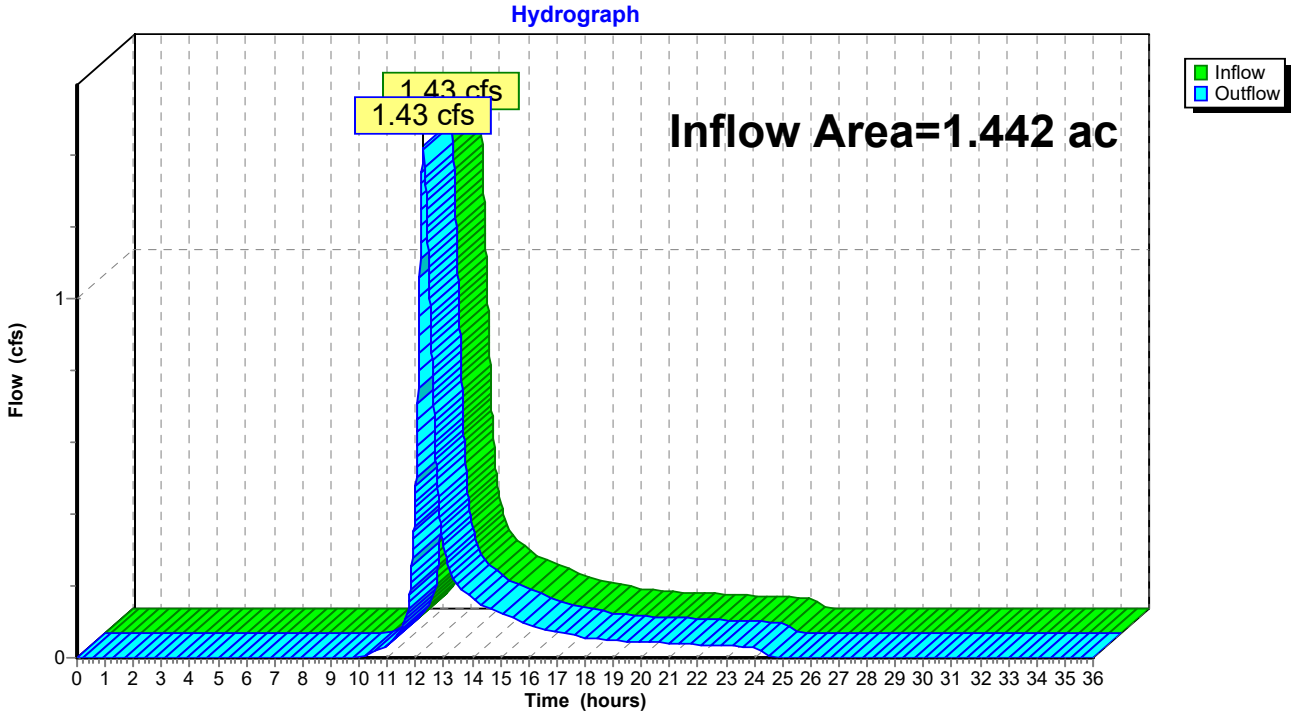
Summary for Reach R1: POI 1

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.442 ac, 0.98% Impervious, Inflow Depth = 1.26" for 2-YR event
Inflow = 1.43 cfs @ 12.28 hrs, Volume= 0.152 af
Outflow = 1.43 cfs @ 12.28 hrs, Volume= 0.152 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R1: POI 1



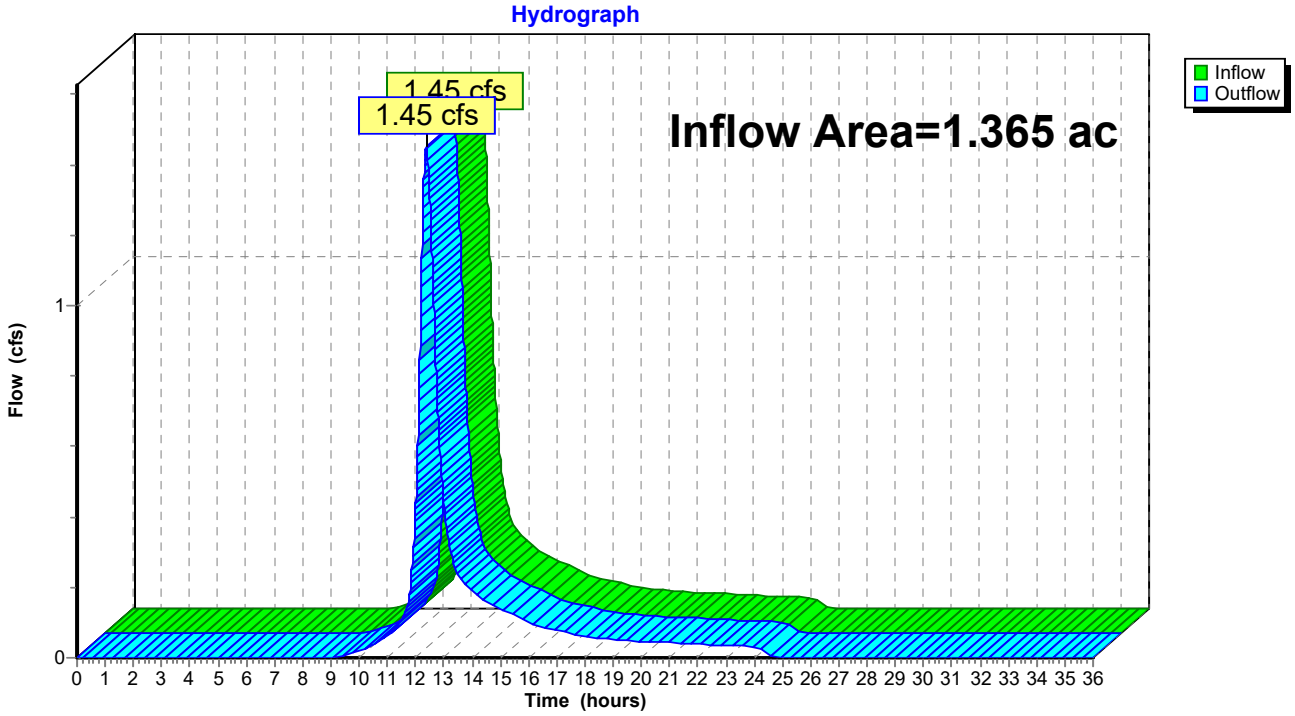
Summary for Reach R2: POI 2

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.365 ac, 0.00% Impervious, Inflow Depth = 1.53" for 2-YR event
Inflow = 1.45 cfs @ 12.37 hrs, Volume= 0.174 af
Outflow = 1.45 cfs @ 12.37 hrs, Volume= 0.174 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R2: POI 2



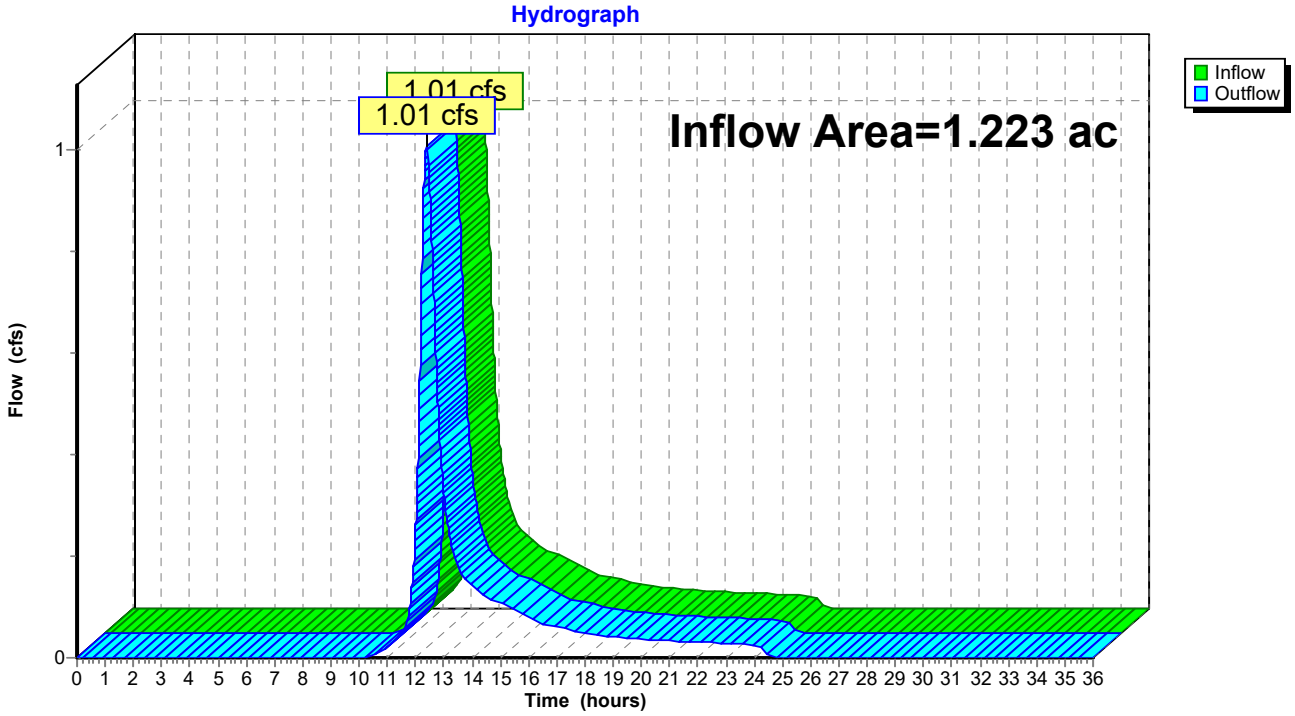
Summary for Reach R3: POI 3

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 1.20" for 2-YR event
Inflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af
Outflow = 1.01 cfs @ 12.38 hrs, Volume= 0.122 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R3: POI 3



Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=62,825 sf 0.98% Impervious Runoff Depth=2.46"
Flow Length=275' Tc=19.3 min CN=79 Runoff=2.84 cfs 0.296 af

Subcatchment 2: 2 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=2.81"
Flow Length=365' Tc=26.5 min CN=83 Runoff=2.69 cfs 0.320 af

Subcatchment 3: 3 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=2.38"
Flow Length=320' Tc=26.2 min CN=78 Runoff=2.05 cfs 0.242 af

Reach POA: Total Runoff Inflow=7.39 cfs 0.858 af
Outflow=7.39 cfs 0.858 af

Reach R1: POI 1 Inflow=2.84 cfs 0.296 af
Outflow=2.84 cfs 0.296 af

Reach R2: POI 2 Inflow=2.69 cfs 0.320 af
Outflow=2.69 cfs 0.320 af

Reach R3: POI 3 Inflow=2.05 cfs 0.242 af
Outflow=2.05 cfs 0.242 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.858 af Average Runoff Depth = 2.55"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

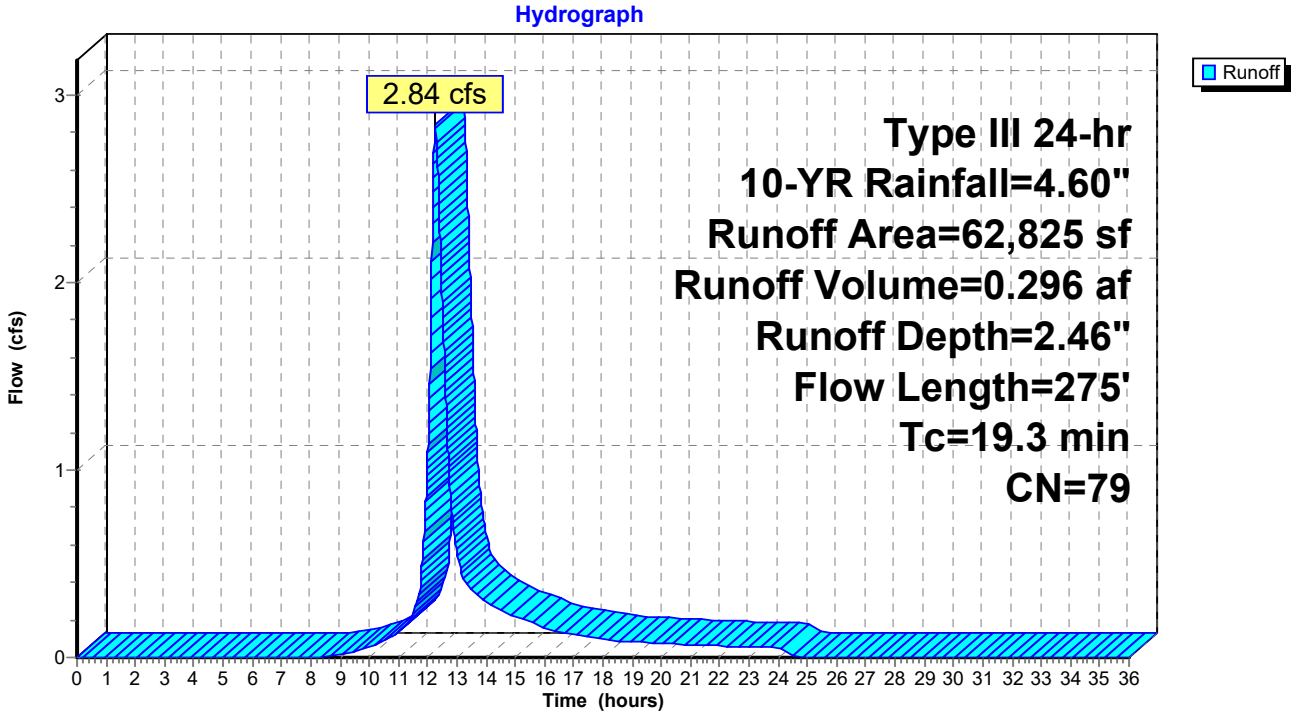
Runoff = 2.84 cfs @ 12.27 hrs, Volume= 0.296 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
39,751	80	>75% Grass cover, Good, HSG D
22,459	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
62,825	79	Weighted Average
62,210		99.02% Pervious Area
615		0.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.3	96	0.0300	1.21		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.2	29	0.1550	1.97		**Shallow Concentrated Flow, SHALLOW C-D** Woodland Kv= 5.0 fps
19.3	275	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

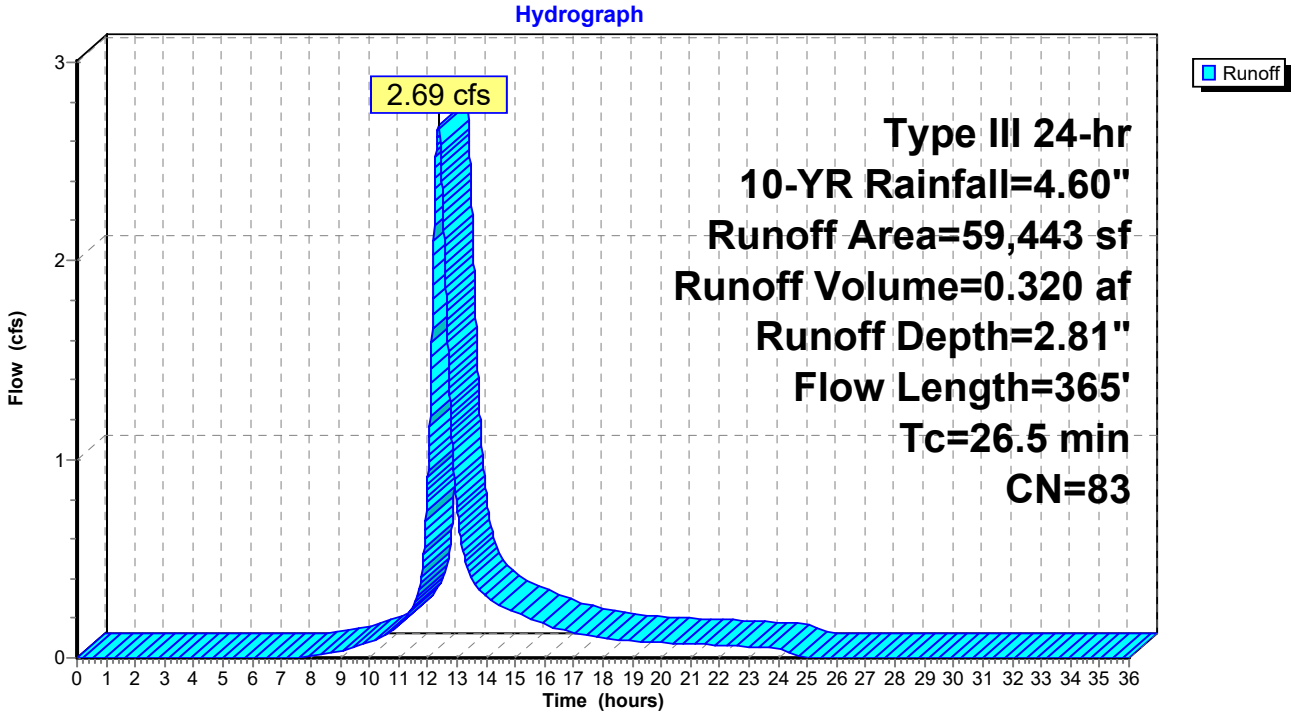
Runoff = 2.69 cfs @ 12.36 hrs, Volume= 0.320 af, Depth= 2.81"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

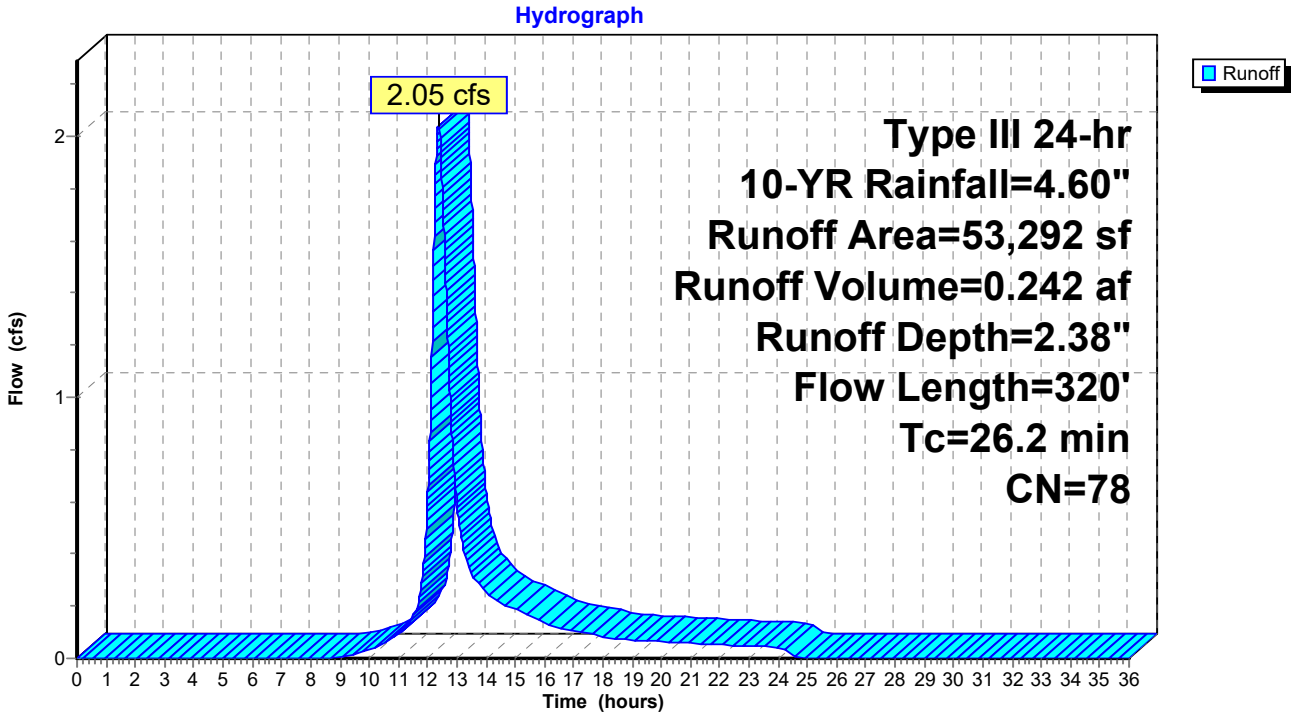
Runoff = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af, Depth= 2.38"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 3: 3



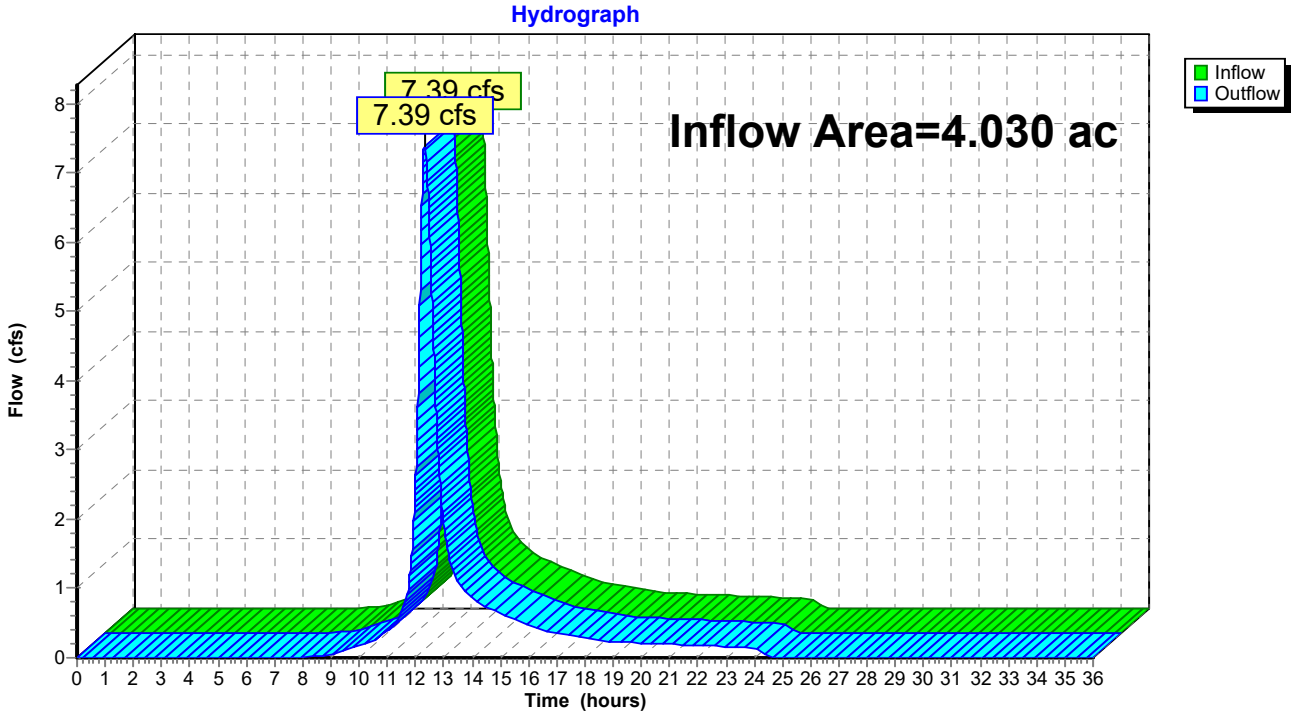
Summary for Reach POA: Total Runoff

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 2.55" for 10-YR event
Inflow = 7.39 cfs @ 12.33 hrs, Volume= 0.858 af
Outflow = 7.39 cfs @ 12.33 hrs, Volume= 0.858 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff



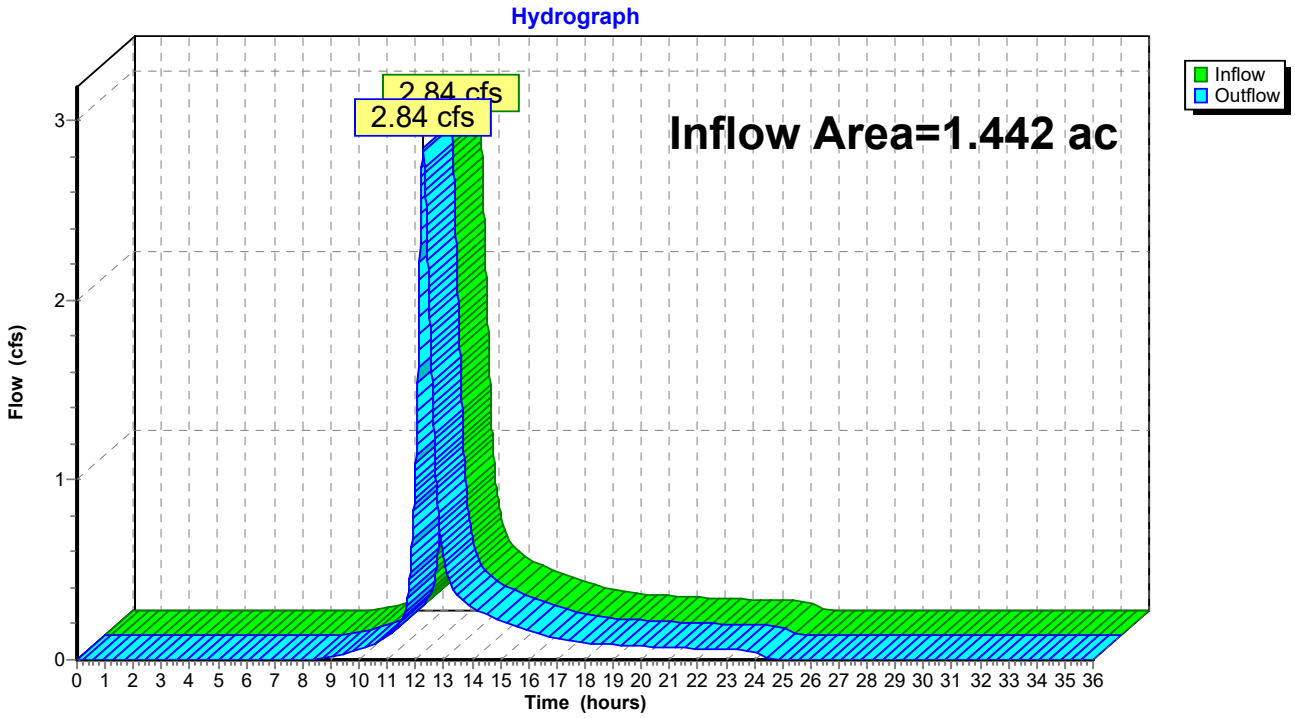
Summary for Reach R1: POI 1

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.442 ac, 0.98% Impervious, Inflow Depth = 2.46" for 10-YR event
Inflow = 2.84 cfs @ 12.27 hrs, Volume= 0.296 af
Outflow = 2.84 cfs @ 12.27 hrs, Volume= 0.296 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R1: POI 1



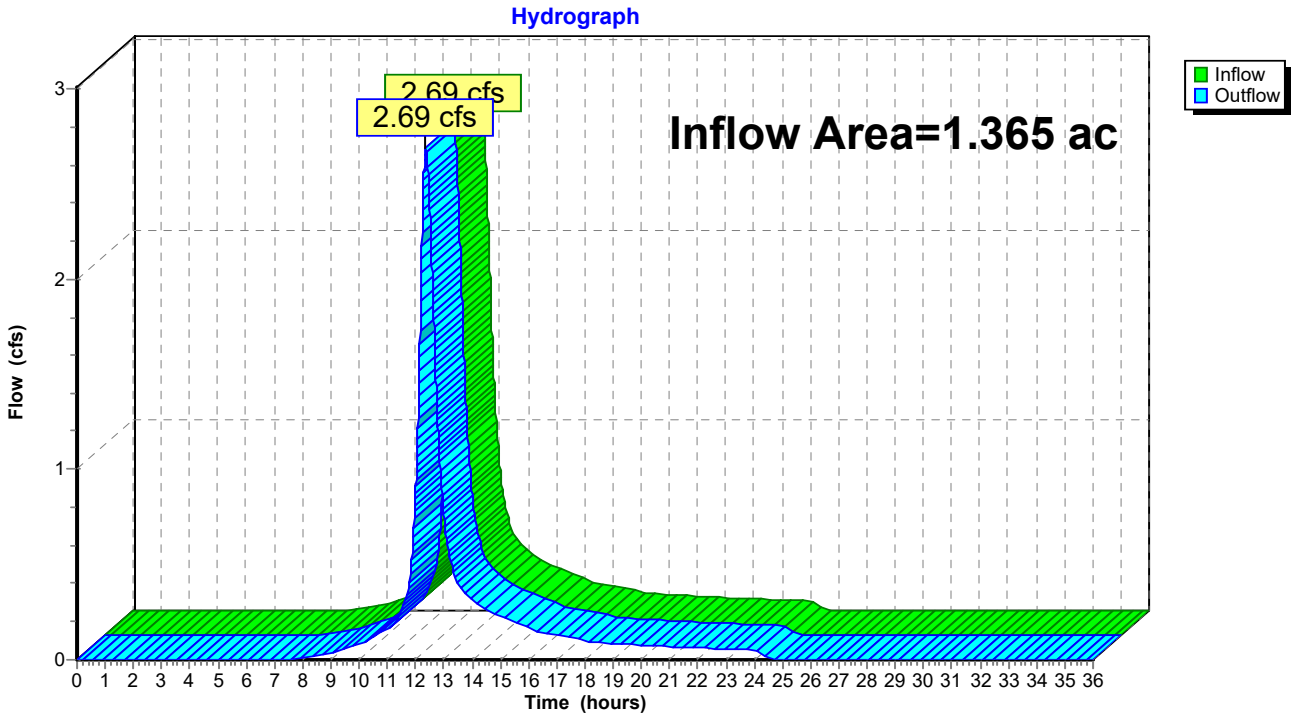
Summary for Reach R2: POI 2

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.365 ac, 0.00% Impervious, Inflow Depth = 2.81" for 10-YR event
Inflow = 2.69 cfs @ 12.36 hrs, Volume= 0.320 af
Outflow = 2.69 cfs @ 12.36 hrs, Volume= 0.320 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R2: POI 2



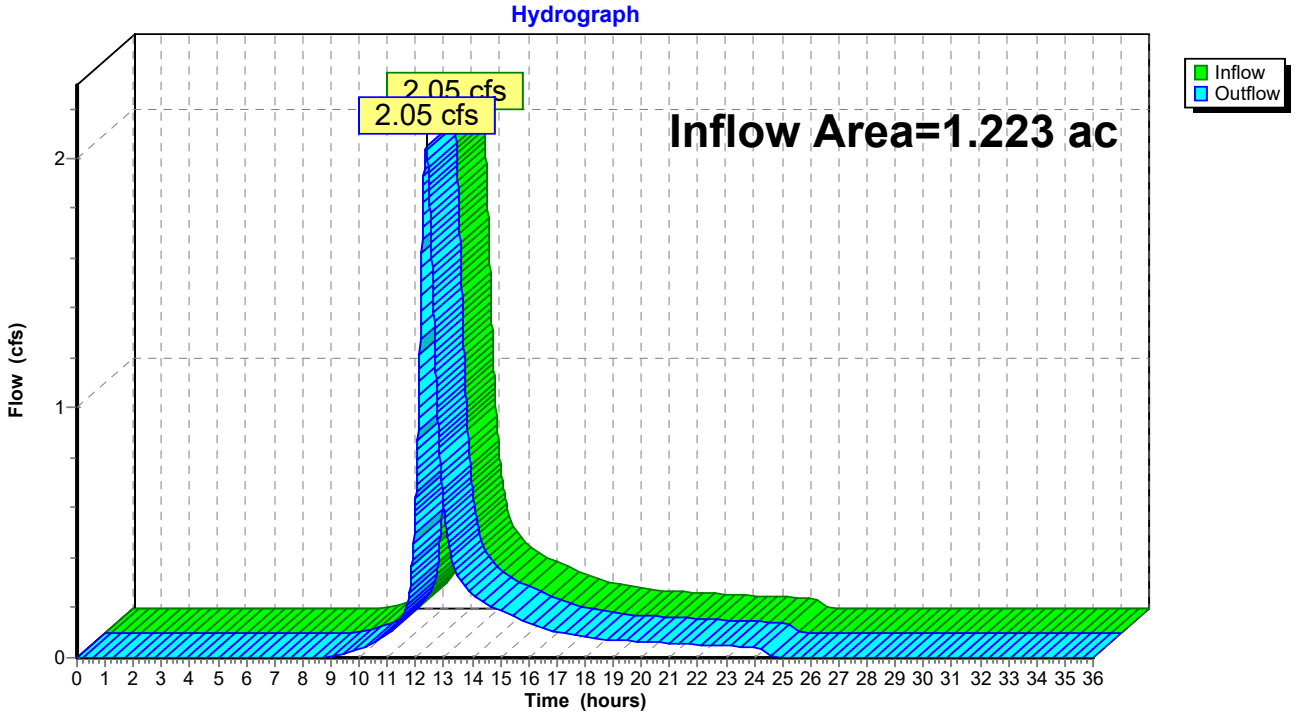
Summary for Reach R3: POI 3

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 2.38" for 10-YR event
Inflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af
Outflow = 2.05 cfs @ 12.37 hrs, Volume= 0.242 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R3: POI 3



Time span=0.00-36.00 hrs, dt=0.01 hrs, 3601 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: 1 Runoff Area=62,825 sf 0.98% Impervious Runoff Depth=3.50"
Flow Length=275' Tc=19.3 min CN=79 Runoff=4.05 cfs 0.421 af

Subcatchment 2: 2 Runoff Area=59,443 sf 0.00% Impervious Runoff Depth=3.91"
Flow Length=365' Tc=26.5 min CN=83 Runoff=3.71 cfs 0.444 af

Subcatchment 3: 3 Runoff Area=53,292 sf 0.00% Impervious Runoff Depth=3.40"
Flow Length=320' Tc=26.2 min CN=78 Runoff=2.94 cfs 0.347 af

Reach POA: Total Runoff Inflow=10.42 cfs 1.212 af
Outflow=10.42 cfs 1.212 af

Reach R1: POI 1 Inflow=4.05 cfs 0.421 af
Outflow=4.05 cfs 0.421 af

Reach R2: POI 2 Inflow=3.71 cfs 0.444 af
Outflow=3.71 cfs 0.444 af

Reach R3: POI 3 Inflow=2.94 cfs 0.347 af
Outflow=2.94 cfs 0.347 af

Total Runoff Area = 4.030 ac Runoff Volume = 1.212 af Average Runoff Depth = 3.61"
99.65% Pervious = 4.016 ac 0.35% Impervious = 0.014 ac

Summary for Subcatchment 1: 1

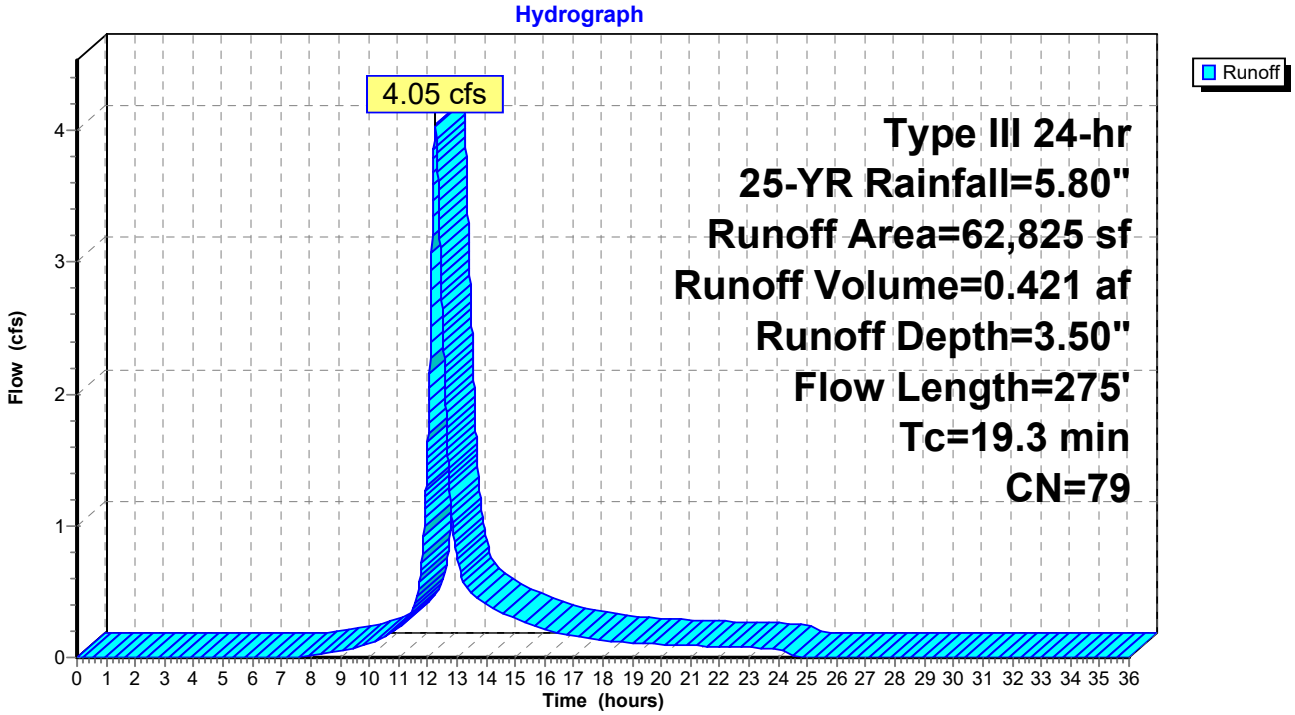
Runoff = 4.05 cfs @ 12.26 hrs, Volume= 0.421 af, Depth= 3.50"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
39,751	80	>75% Grass cover, Good, HSG D
22,459	77	Woods, Good, HSG D
615	98	Paved parking, HSG D
62,825	79	Weighted Average
62,210		99.02% Pervious Area
615		0.98% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
17.8	150	0.0270	0.14		**Sheet Flow, SHEET A-B** Grass: Dense n= 0.240 P2= 3.10"
1.3	96	0.0300	1.21		**Shallow Concentrated Flow, SHALLOW B-C** Short Grass Pasture Kv= 7.0 fps
0.2	29	0.1550	1.97		**Shallow Concentrated Flow, SHALLOW C-D** Woodland Kv= 5.0 fps
19.3	275	Total			

Subcatchment 1: 1



Summary for Subcatchment 2: 2

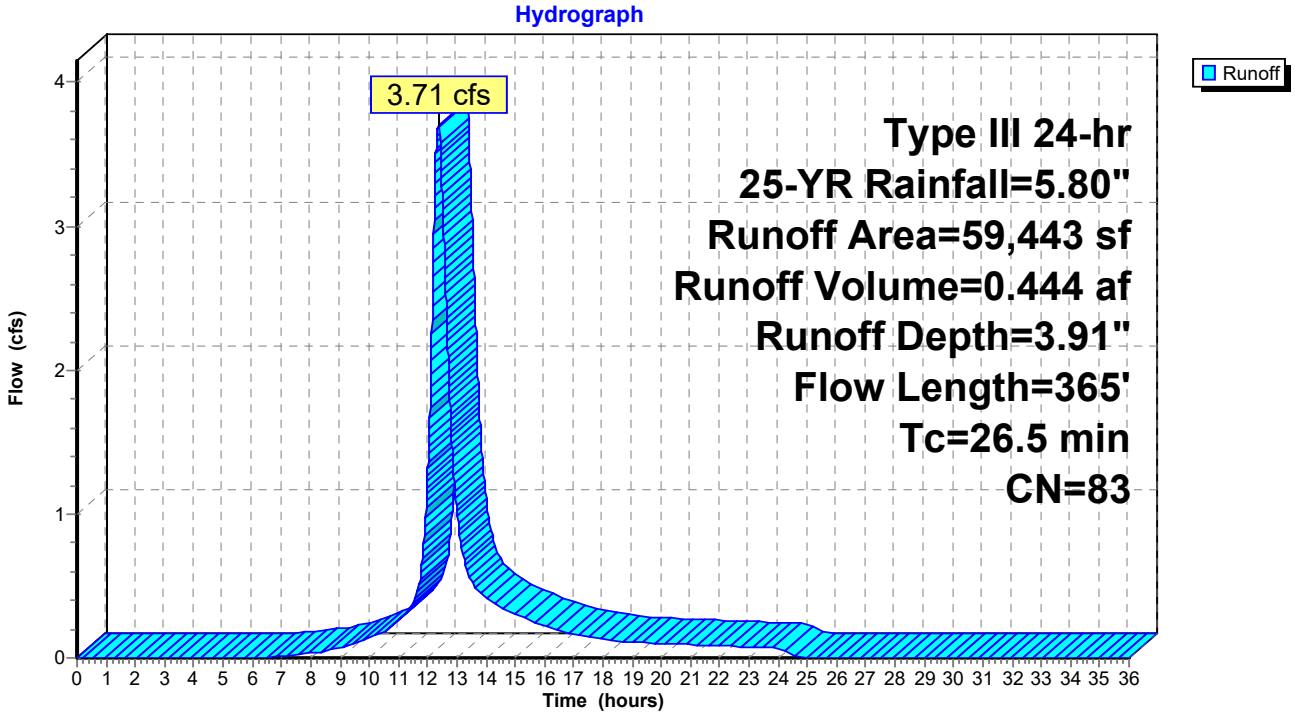
Runoff = 3.71 cfs @ 12.36 hrs, Volume= 0.444 af, Depth= 3.91"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
13,607	80	>75% Grass cover, Good, HSG D
30,855	77	Woods, Good, HSG D
14,981	98	Water Surface, 0% imp, HSG D
59,443	83	Weighted Average
59,443		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.8	215	0.0675	1.30		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.5	365	Total			

Subcatchment 2: 2



Summary for Subcatchment 3: 3

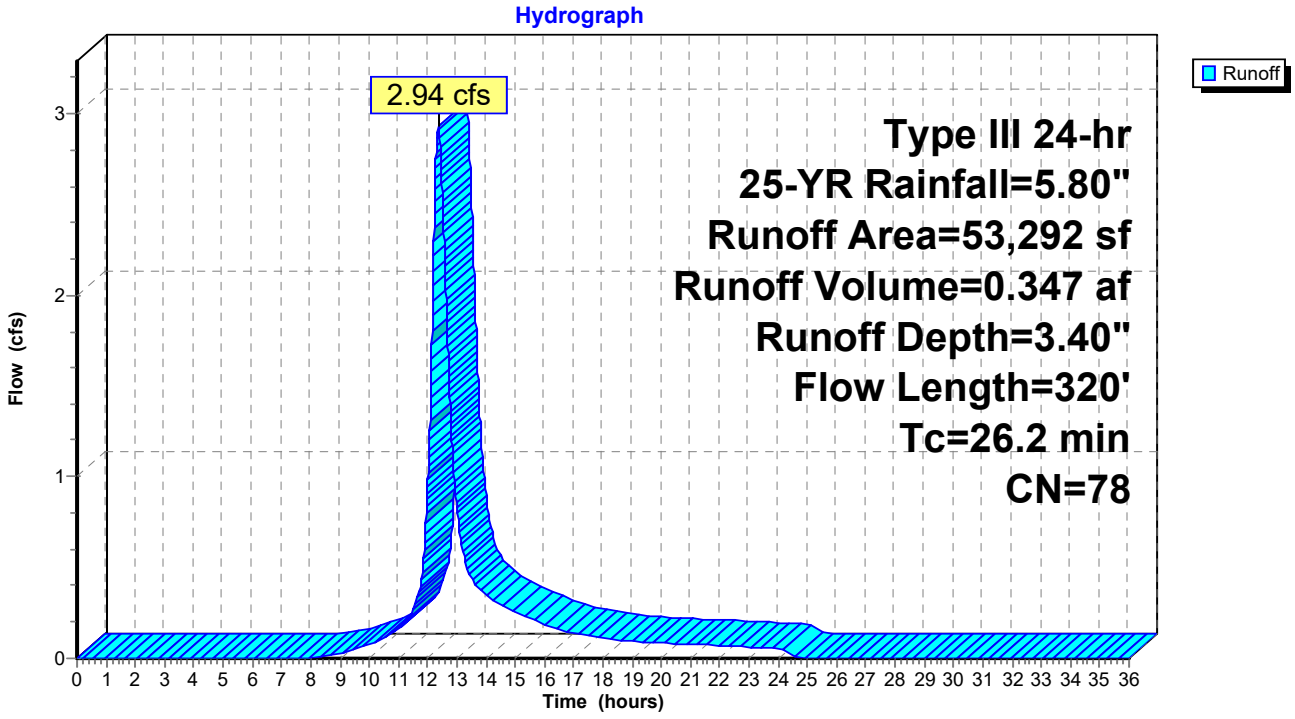
Runoff = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
49,580	77	Woods, Good, HSG D
3,712	98	Water Surface, 0% imp, HSG D
53,292	78	Weighted Average
53,292		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
23.7	150	0.0366	0.11		**Sheet Flow, SHEET A-B** Woods: Light underbrush n= 0.400 P2= 3.10"
2.5	170	0.0520	1.14		**Shallow Concentrated Flow, SHALLOW B-C** Woodland Kv= 5.0 fps
26.2	320	Total			

Subcatchment 3: 3



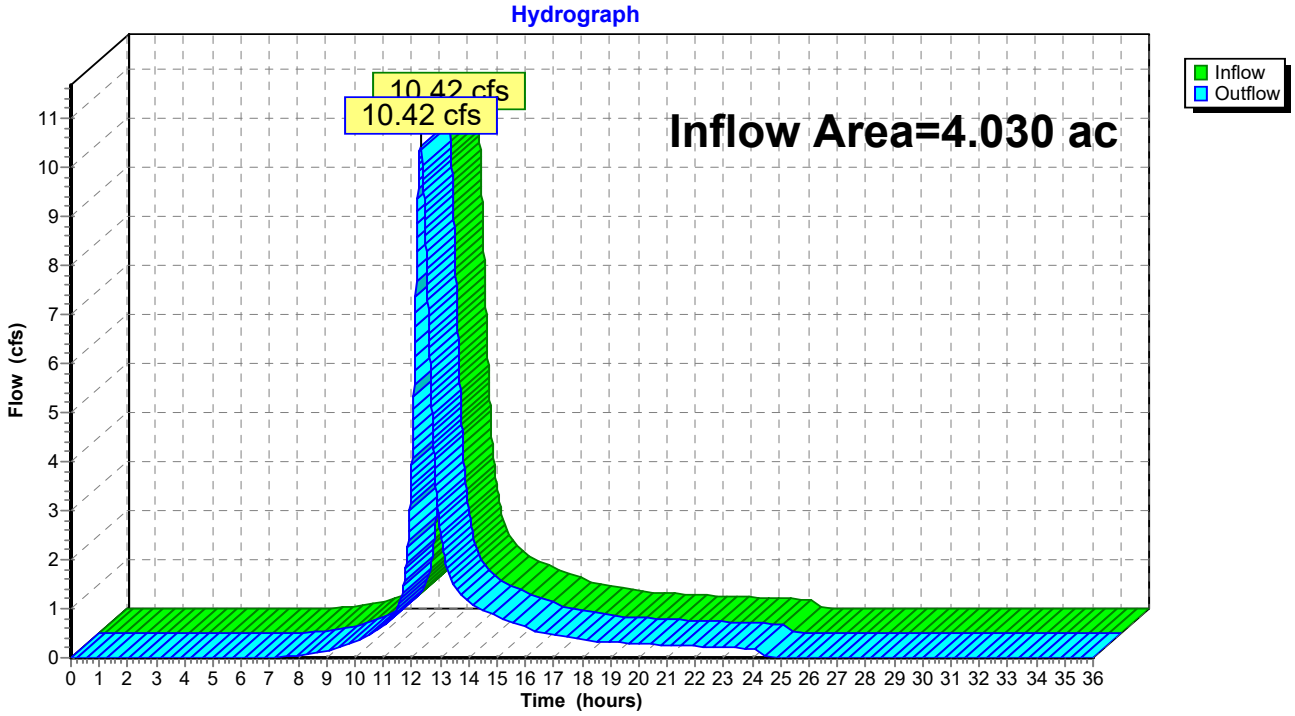
Summary for Reach POA: Total Runoff

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 4.030 ac, 0.35% Impervious, Inflow Depth = 3.61" for 25-YR event
Inflow = 10.42 cfs @ 12.32 hrs, Volume= 1.212 af
Outflow = 10.42 cfs @ 12.32 hrs, Volume= 1.212 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff



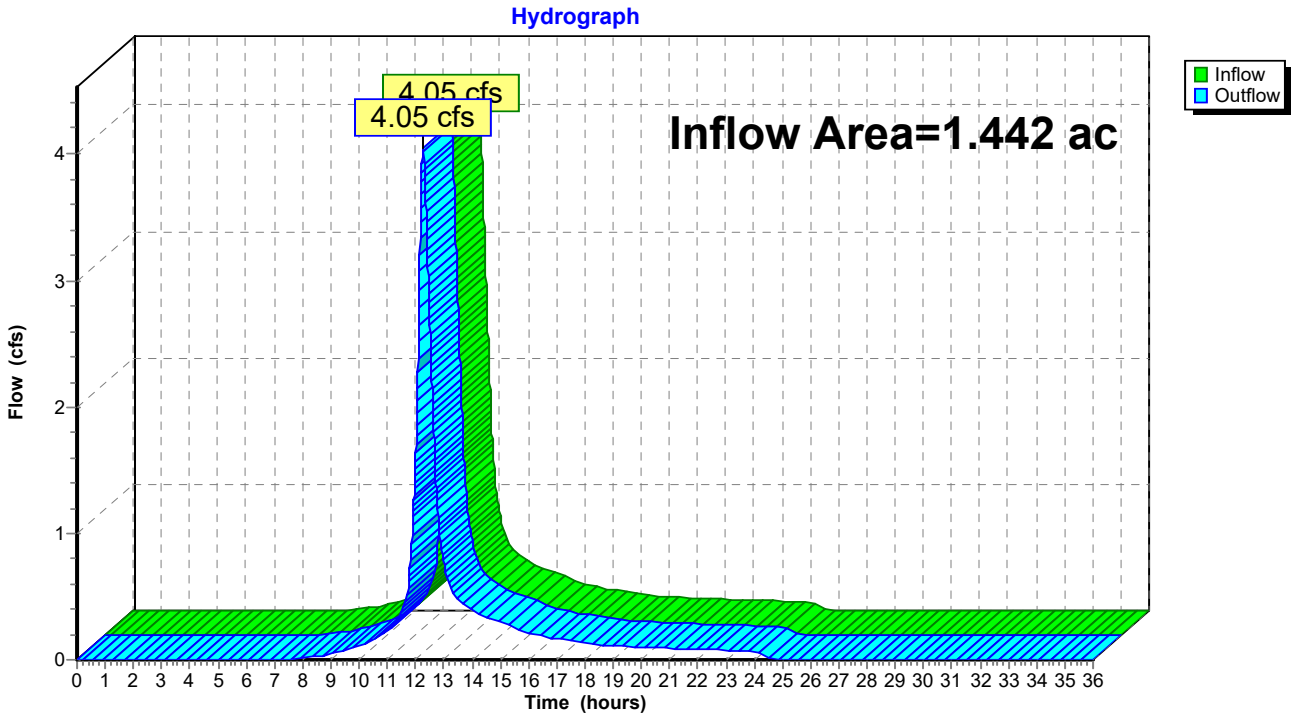
Summary for Reach R1: POI 1

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.442 ac, 0.98% Impervious, Inflow Depth = 3.50" for 25-YR event
Inflow = 4.05 cfs @ 12.26 hrs, Volume= 0.421 af
Outflow = 4.05 cfs @ 12.26 hrs, Volume= 0.421 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R1: POI 1



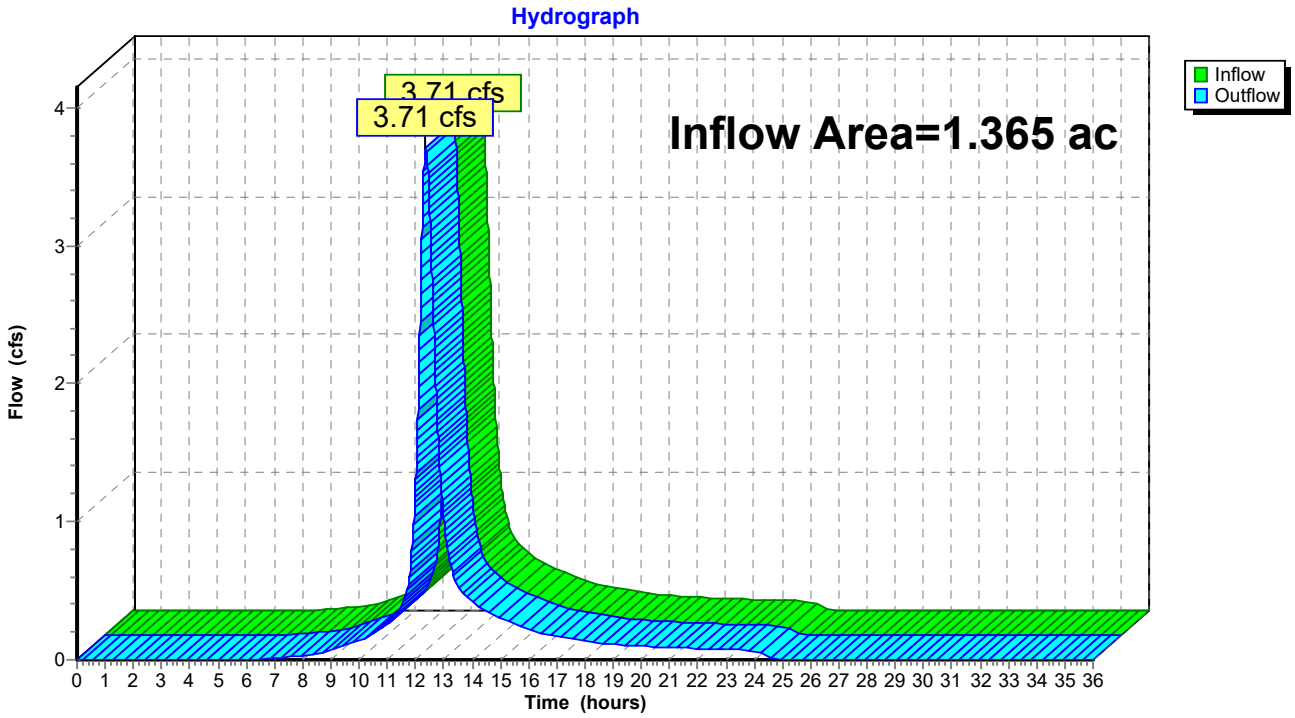
Summary for Reach R2: POI 2

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.365 ac, 0.00% Impervious, Inflow Depth = 3.91" for 25-YR event
Inflow = 3.71 cfs @ 12.36 hrs, Volume= 0.444 af
Outflow = 3.71 cfs @ 12.36 hrs, Volume= 0.444 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R2: POI 2



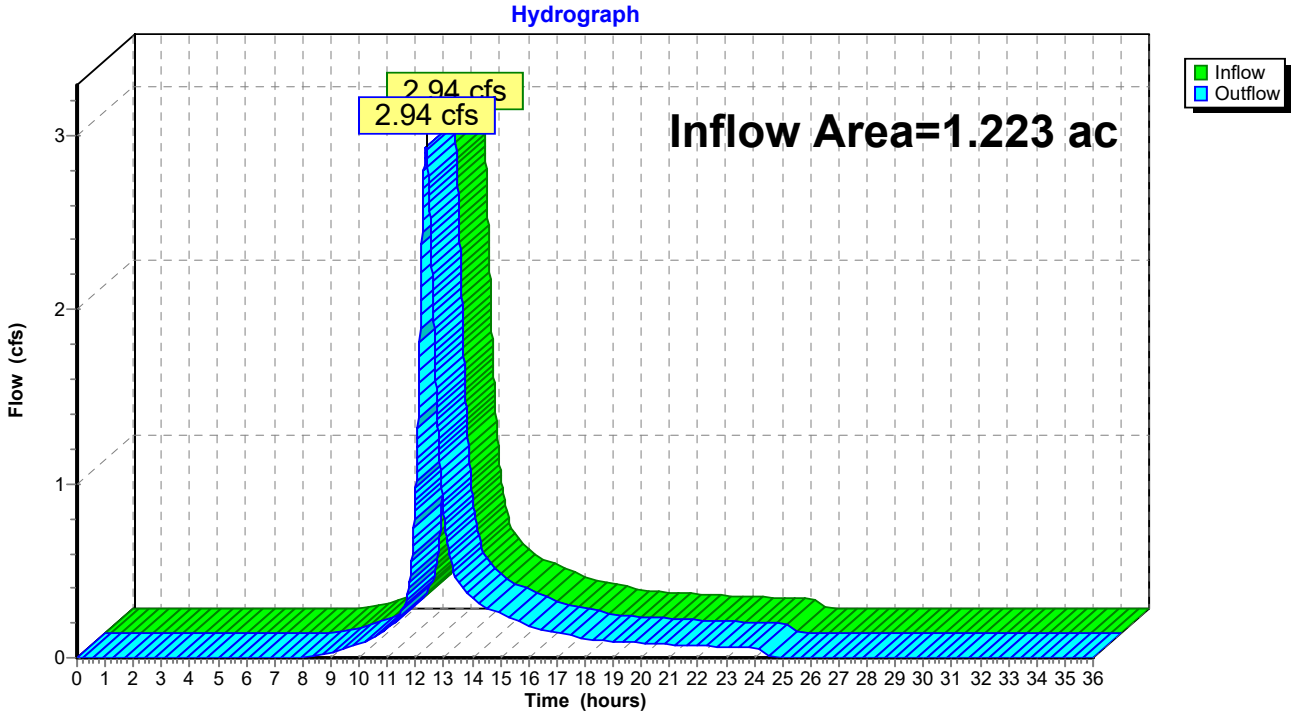
Summary for Reach R3: POI 3

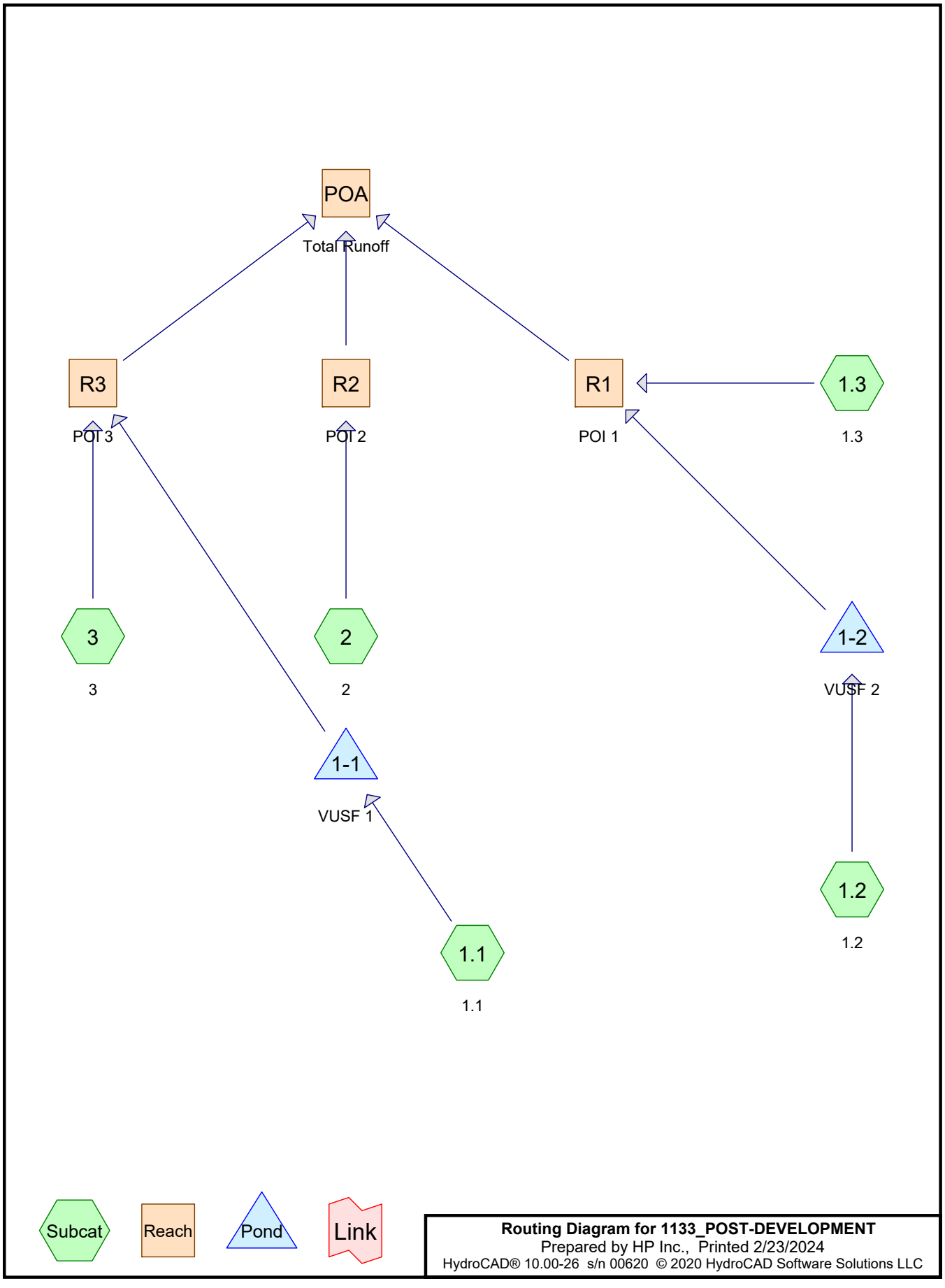
[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.223 ac, 0.00% Impervious, Inflow Depth = 3.40" for 25-YR event
Inflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af
Outflow = 2.94 cfs @ 12.37 hrs, Volume= 0.347 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.01 hrs

Reach R3: POI 3




POA
Total Runoff
R3
R2
R1
1.3
POI 3
POI 2
POI 1
1.3
3
2
1-2
3
2
VUSF 2
1-1
VUSF 1
1.2
1.1
1.2
1.1
Subcat
Reach
Pond
Link
Routing Diagram for 1133_POST-DEVELOPMENT
Prepared by HP Inc., Printed 2/23/2024
HydroCAD® 10.00-26 s/n 00620 © 2020 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.824	39	>75% Grass cover, Good, HSG A (1.1, 1.2, 2, 3)
0.523	80	>75% Grass cover, Good, HSG D (1.3)
0.660	98	Paved parking, HSG A (1.2, 1.3)
0.900	98	Paved parking, HSG D (1.1)
0.429	98	Water Surface, 0% imp, HSG A (2, 3)
0.384	30	Woods, Good, HSG A (2, 3)
0.310	77	Woods, Good, HSG D (1.3)
4.030	**76**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
2.297	HSG A	1.1, 1.2, 1.3, 2, 3
0.000	HSG B	
0.000	HSG C	
1.732	HSG D	1.1, 1.3
0.000	Other	
4.030		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.824	0.000	0.000	0.523	0.000	1.347	>75% Grass cover, Good	1.1, 1.2, 1.3, 2, 3
0.660	0.000	0.000	0.900	0.000	1.560	Paved parking	1.1, 1.2, 1.3
0.429	0.000	0.000	0.000	0.000	0.429	Water Surface, 0% imp	2, 3
0.384	0.000	0.000	0.310	0.000	0.694	Woods, Good	1.3, 2, 3
2.297	**0.000**	**0.000**	**1.732**	**0.000**	**4.030**	**TOTAL AREA**	

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	1-1	71.30	70.50	126.0	0.0063	0.013	12.0	0.0	0.0
2	1-2	71.45	68.72	30.0	0.0910	0.013	12.0	0.0	0.0

Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1.1: 1.1 Runoff Area=50,102 sf 78.22% Impervious Runoff Depth=1.67"
Tc=6.0 min CN=85 Runoff=2.26 cfs 0.160 af

Subcatchment 1.2: 1.2 Runoff Area=38,851 sf 65.33% Impervious Runoff Depth=1.20"
Tc=6.0 min CN=78 Runoff=1.23 cfs 0.089 af

Subcatchment 1.3: 1.3 Runoff Area=39,665 sf 8.55% Impervious Runoff Depth=1.39"
Tc=6.0 min CN=81 Runoff=1.47 cfs 0.106 af

Subcatchment 2: 2 Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=0.40"
Tc=6.0 min CN=61 Runoff=0.23 cfs 0.027 af

Subcatchment 3: 3 Runoff Area=11,372 sf 0.00% Impervious Runoff Depth=0.22"
Tc=6.0 min CN=55 Runoff=0.02 cfs 0.005 af

Reach POA: Total Runoff Inflow=1.76 cfs 0.382 af
Outflow=1.76 cfs 0.382 af

Reach R1: POI 1 Inflow=1.50 cfs 0.195 af
Outflow=1.50 cfs 0.195 af

Reach R2: POI 2 Inflow=0.23 cfs 0.027 af
Outflow=0.23 cfs 0.027 af

Reach R3: POI 3 Inflow=0.15 cfs 0.160 af
Outflow=0.15 cfs 0.160 af

Pond 1-1: VUSF 1 Peak Elev=75.27' Storage=4,185 cf Inflow=2.26 cfs 0.160 af
Outflow=0.14 cfs 0.155 af

Pond 1-2: VUSF 2 Peak Elev=75.18' Storage=2,330 cf Inflow=1.23 cfs 0.089 af
Outflow=0.05 cfs 0.089 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.387 af Average Runoff Depth = 1.15"
61.28% Pervious = 2.469 ac 38.72% Impervious = 1.560 ac

Summary for Subcatchment 1.1: 1.1

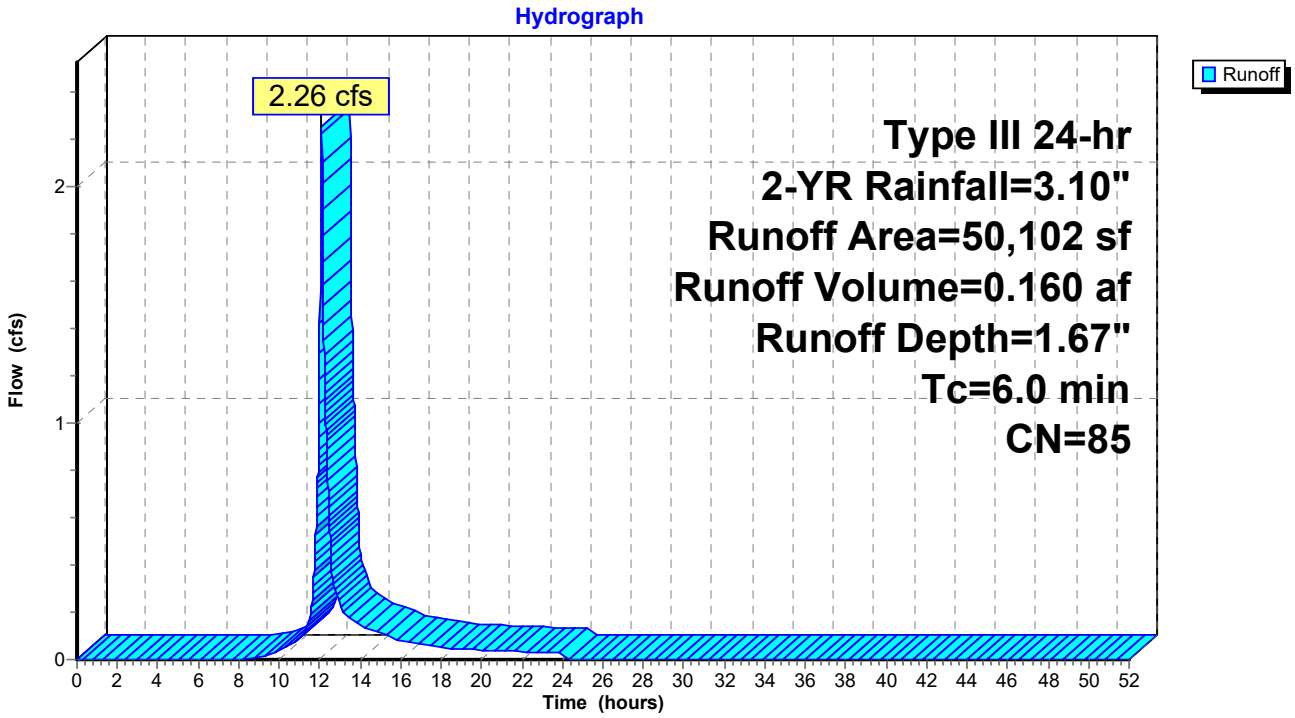
Runoff = 2.26 cfs @ 12.09 hrs, Volume= 0.160 af, Depth= 1.67"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
10,913	39	>75% Grass cover, Good, HSG A
39,189	98	Paved parking, HSG D
50,102	85	Weighted Average
10,913		21.78% Pervious Area
39,189		78.22% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.1: 1.1



Summary for Subcatchment 1.2: 1.2

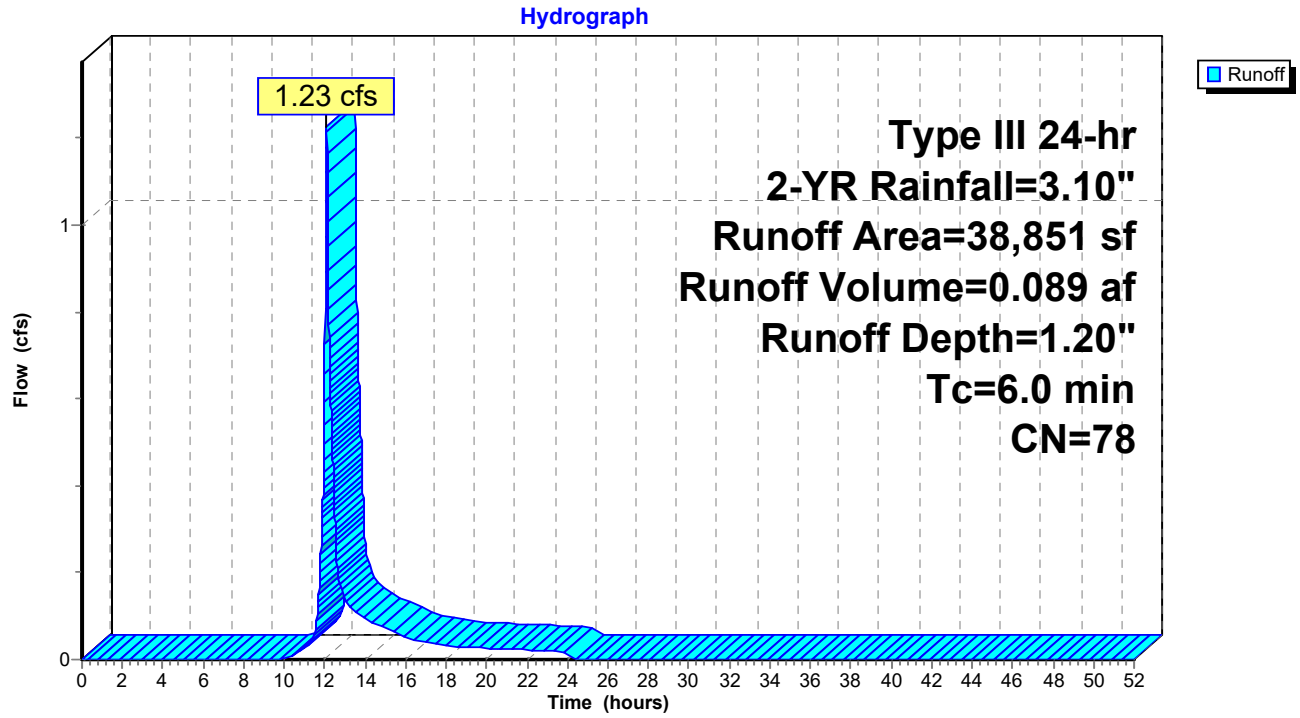
Runoff = 1.23 cfs @ 12.09 hrs, Volume= 0.089 af, Depth= 1.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
25,381	98	Paved parking, HSG A
13,470	39	>75% Grass cover, Good, HSG A
38,851	78	Weighted Average
13,470		34.67% Pervious Area
25,381		65.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.2: 1.2



Summary for Subcatchment 1.3: 1.3

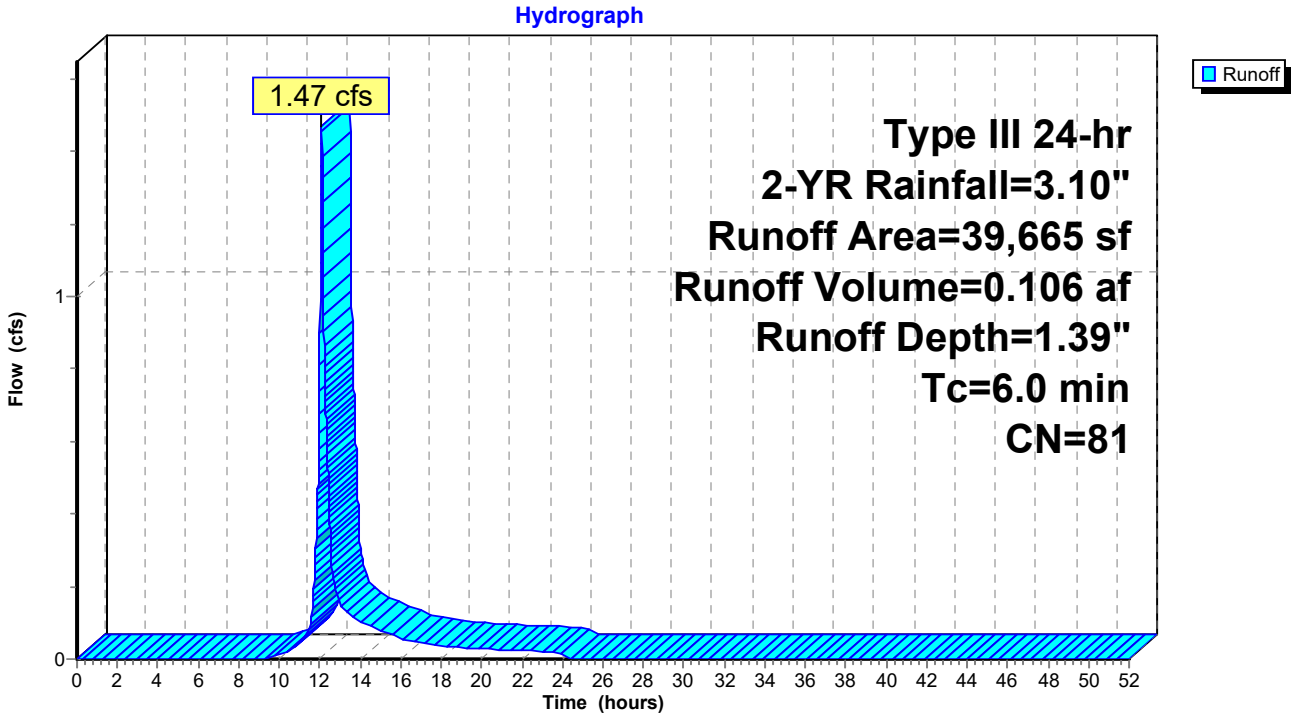
Runoff = 1.47 cfs @ 12.09 hrs, Volume= 0.106 af, Depth= 1.39"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
22,776	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
3,390	98	Paved parking, HSG A
39,665	81	Weighted Average
36,275		91.45% Pervious Area
3,390		8.55% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.3: 1.3



Summary for Subcatchment 2: 2

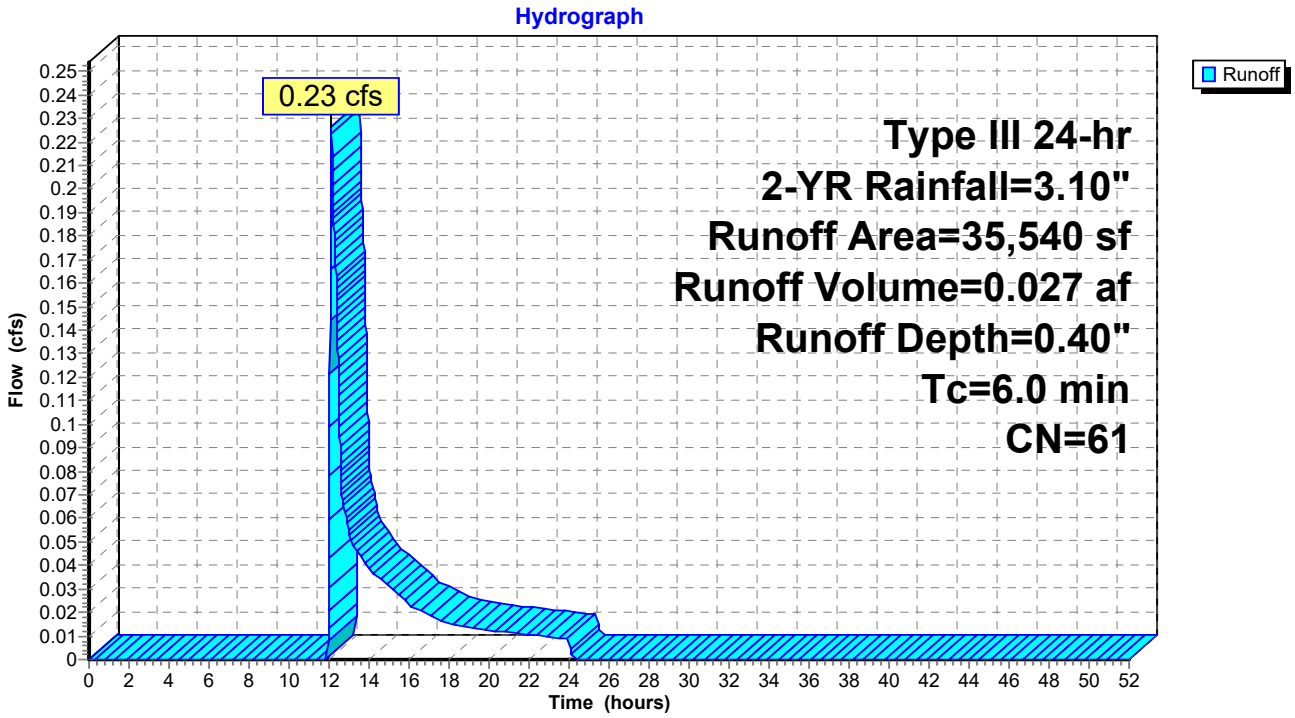
Runoff = 0.23 cfs @ 12.13 hrs, Volume= 0.027 af, Depth= 0.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

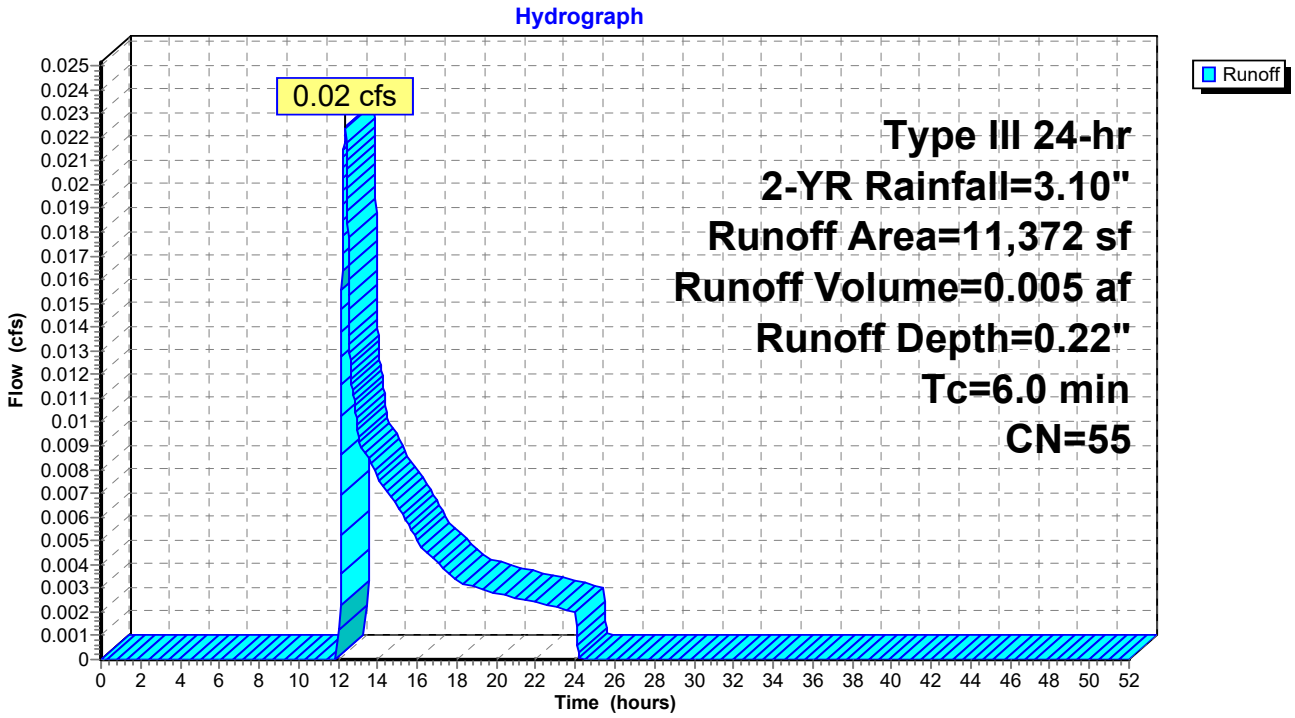
Runoff = 0.02 cfs @ 12.35 hrs, Volume= 0.005 af, Depth= 0.22"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-YR Rainfall=3.10"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,943	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,372	55	Weighted Average
11,372		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3

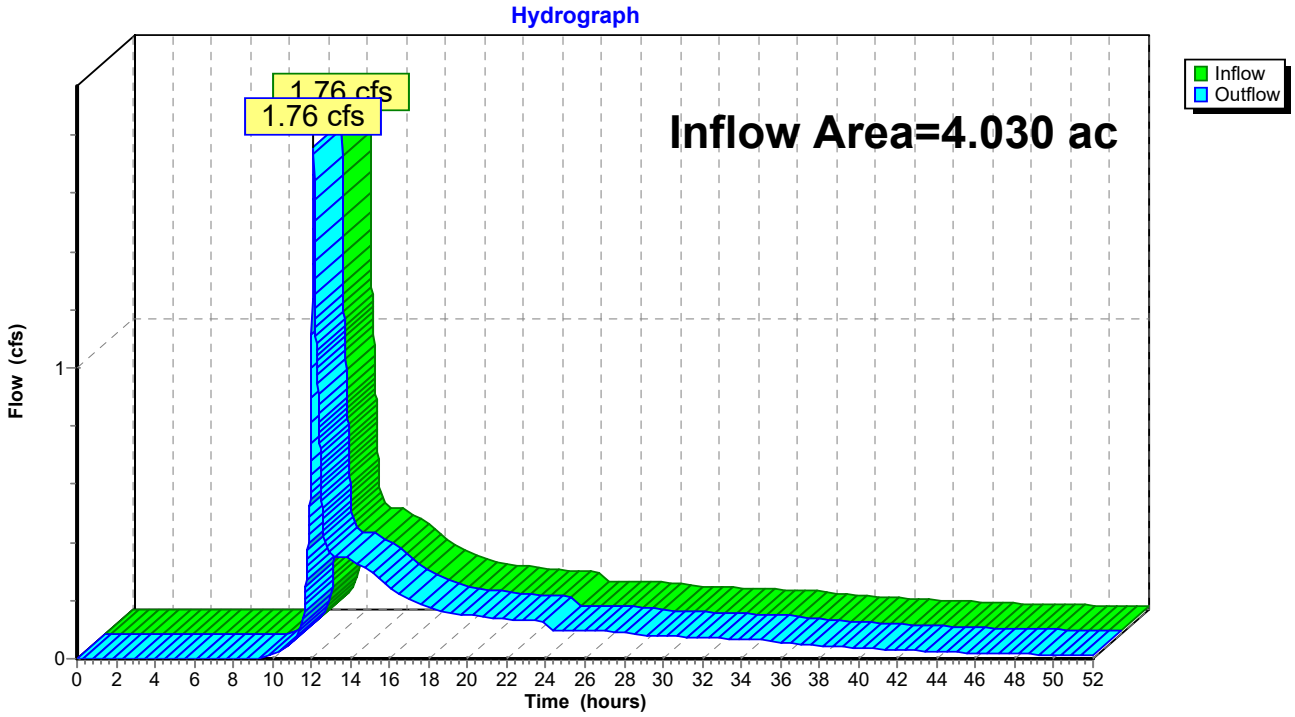


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 38.72% Impervious, Inflow Depth > 1.14" for 2-YR event
Inflow = 1.76 cfs @ 12.10 hrs, Volume= 0.382 af
Outflow = 1.76 cfs @ 12.10 hrs, Volume= 0.382 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

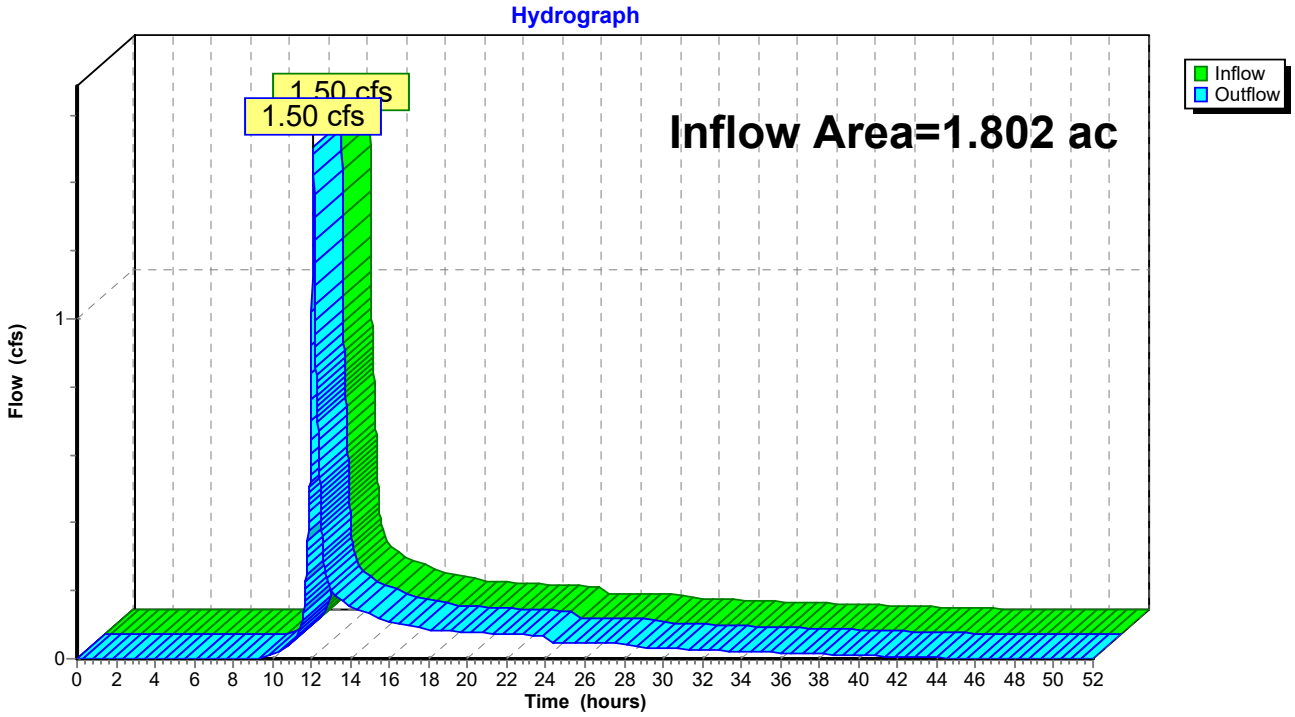


Summary for Reach R1: POI 1

Inflow Area = 1.802 ac, 36.64% Impervious, Inflow Depth > 1.30" for 2-YR event
Inflow = 1.50 cfs @ 12.09 hrs, Volume= 0.195 af
Outflow = 1.50 cfs @ 12.09 hrs, Volume= 0.195 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R1: POI 1

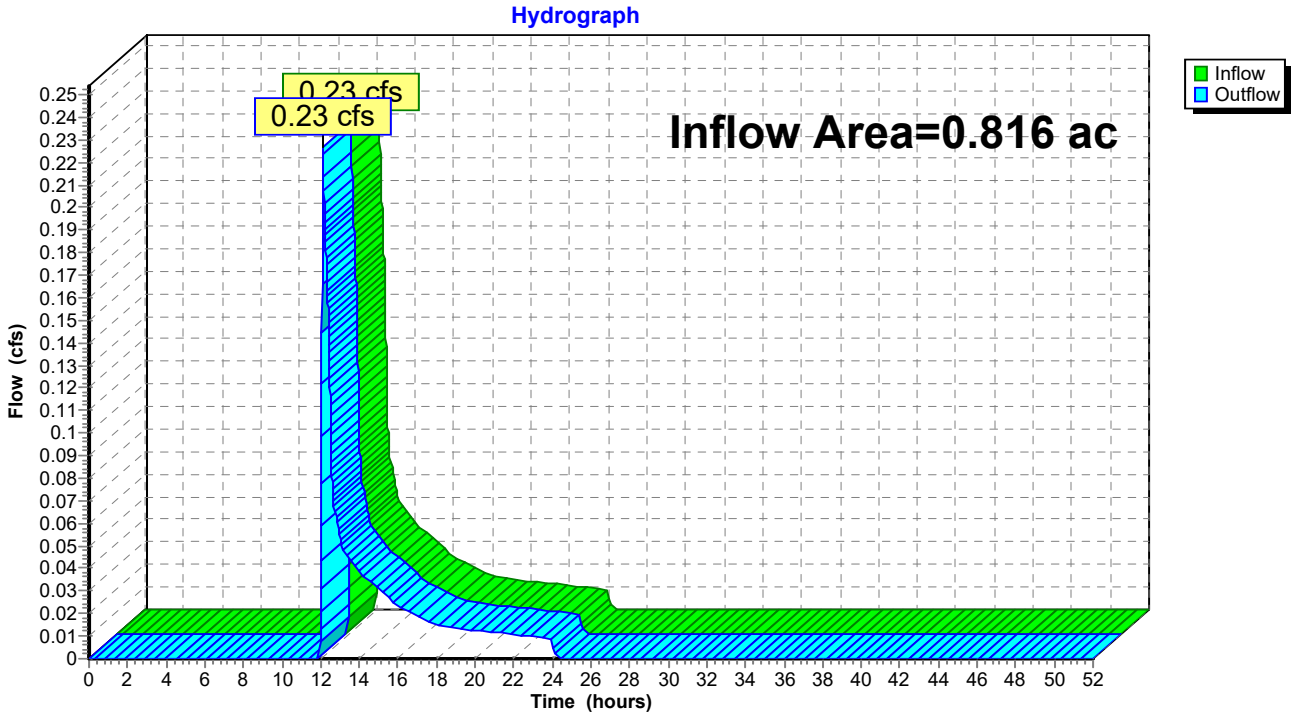


Summary for Reach R2: POI 2

Inflow Area = 0.816 ac, 0.00% Impervious, Inflow Depth = 0.40" for 2-YR event
Inflow = 0.23 cfs @ 12.13 hrs, Volume= 0.027 af
Outflow = 0.23 cfs @ 12.13 hrs, Volume= 0.027 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R2: POI 2

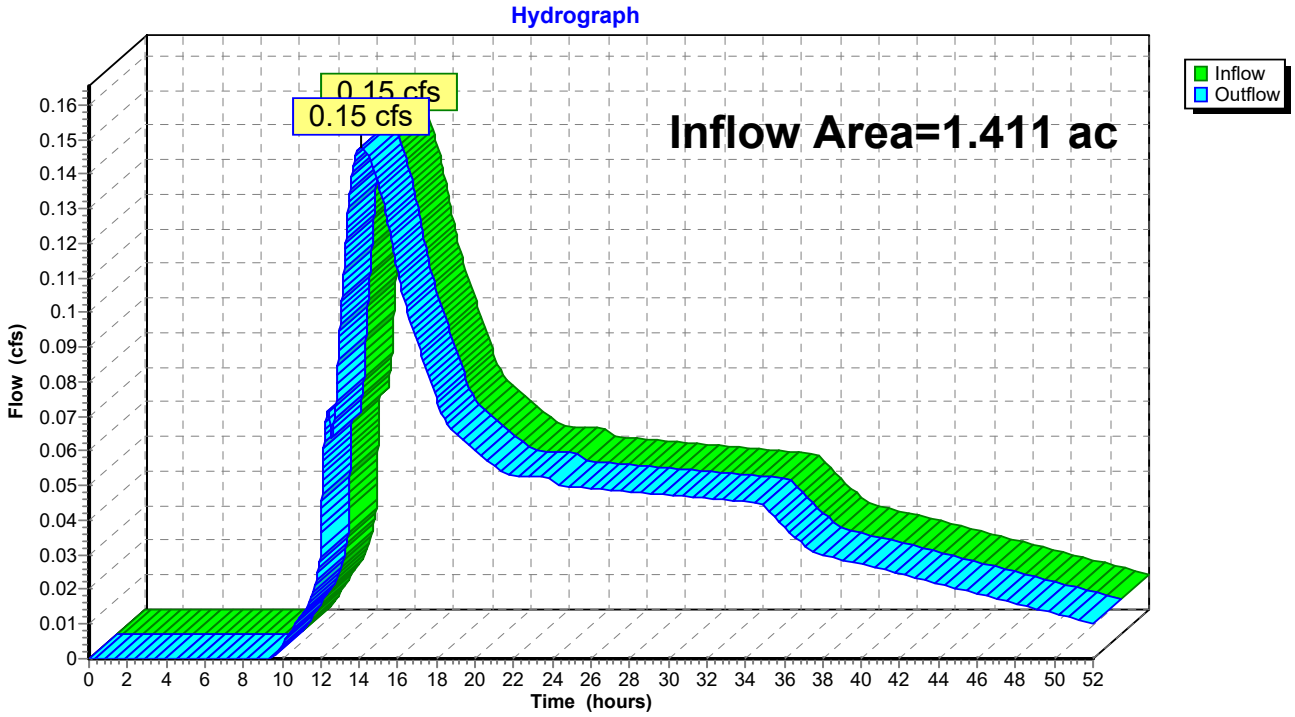


Summary for Reach R3: POI 3

Inflow Area = 1.411 ac, 63.75% Impervious, Inflow Depth > 1.36" for 2-YR event
Inflow = 0.15 cfs @ 14.07 hrs, Volume= 0.160 af
Outflow = 0.15 cfs @ 14.07 hrs, Volume= 0.160 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R3: POI 3



Summary for Pond 1-1: VUSF 1

Inflow Area = 1.150 ac, 78.22% Impervious, Inflow Depth = 1.67" for 2-YR event
Inflow = 2.26 cfs @ 12.09 hrs, Volume= 0.160 af
Outflow = 0.14 cfs @ 14.11 hrs, Volume= 0.155 af, Atten= 94%, Lag= 121.3 min
Primary = 0.14 cfs @ 14.11 hrs, Volume= 0.155 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.27' @ 14.11 hrs Surf.Area= 7,425 sf Storage= 4,185 cf

Plug-Flow detention time= 721.7 min calculated for 0.155 af (97% of inflow)
Center-of-Mass det. time= 704.6 min (1,532.1 - 827.5)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

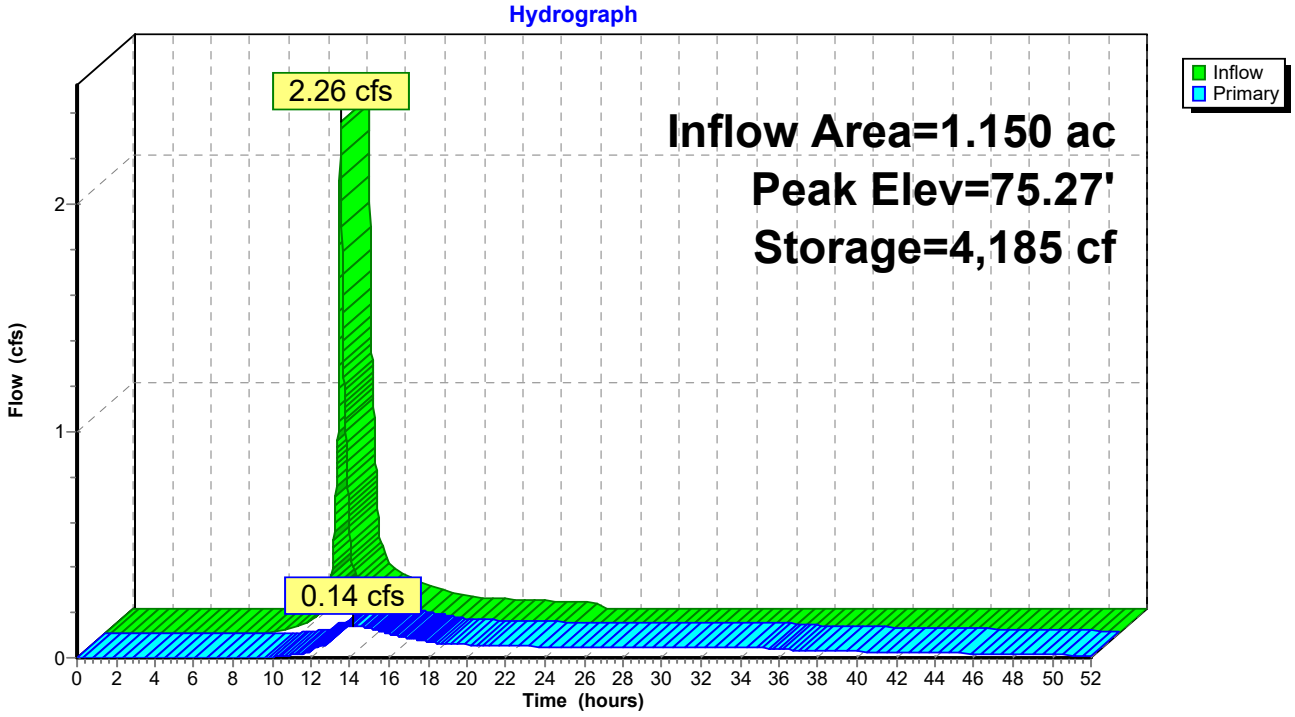
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.14 cfs @ 14.11 hrs HW=75.27' (Free Discharge)
- **1=Culvert** (Passes 0.14 cfs of 5.06 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 9.49 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.09 cfs @ 1.42 fps)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-1: VUSF 1



Summary for Pond 1-2: VUSF 2

Inflow Area = 0.892 ac, 65.33% Impervious, Inflow Depth = 1.20" for 2-YR event
Inflow = 1.23 cfs @ 12.09 hrs, Volume= 0.089 af
Outflow = 0.05 cfs @ 16.07 hrs, Volume= 0.089 af, Atten= 96%, Lag= 238.3 min
Primary = 0.05 cfs @ 16.07 hrs, Volume= 0.089 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.18' @ 16.07 hrs Surf.Area= 4,994 sf Storage= 2,330 cf

Plug-Flow detention time= 569.8 min calculated for 0.089 af (100% of inflow)
Center-of-Mass det. time= 569.5 min (1,420.4 - 850.9)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

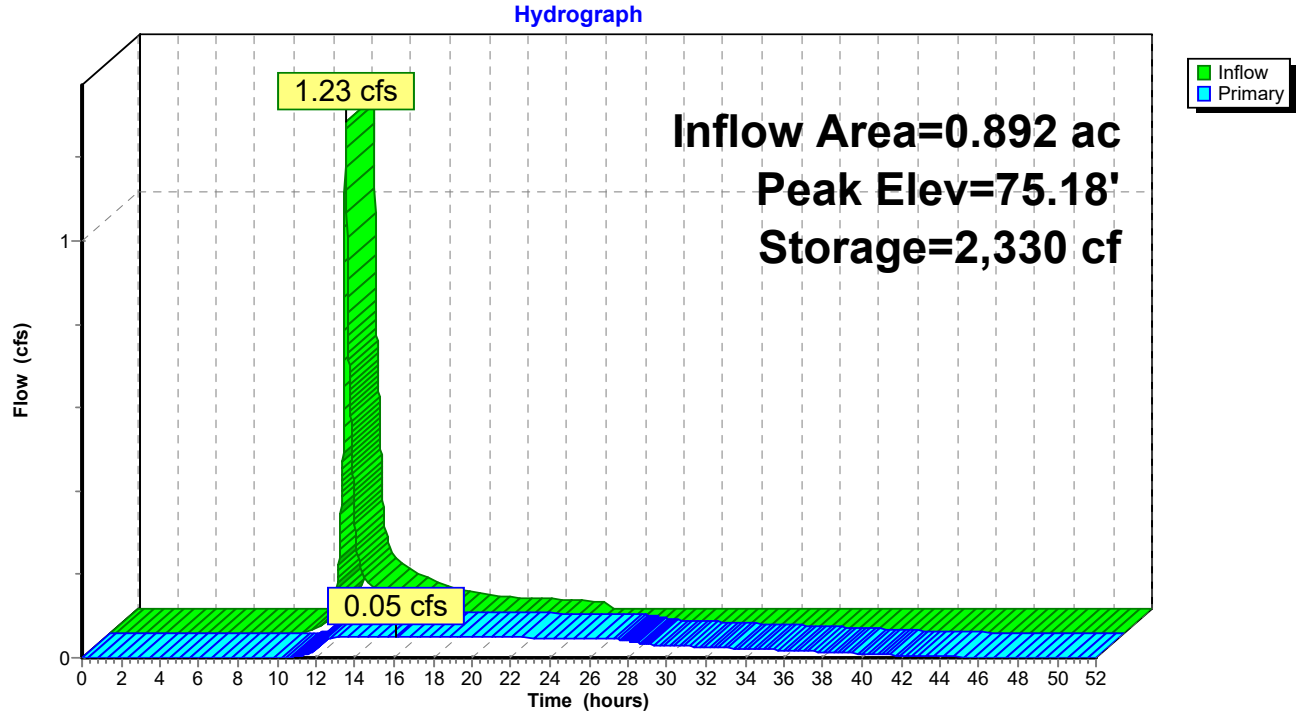
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.05 cfs @ 16.07 hrs HW=75.18' (Free Discharge)
- **1=Culvert** (Passes 0.05 cfs of 5.37 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 9.18 fps)
  - **3=Quantity Orifice** (Controls 0.00 cfs)
  - **4=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-2: VUSF 2



Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1.1: 1.1 Runoff Area=50,102 sf 78.22% Impervious Runoff Depth=3.00"
Tc=6.0 min CN=85 Runoff=4.02 cfs 0.288 af

Subcatchment 1.2: 1.2 Runoff Area=38,851 sf 65.33% Impervious Runoff Depth=2.38"
Tc=6.0 min CN=78 Runoff=2.48 cfs 0.177 af

Subcatchment 1.3: 1.3 Runoff Area=39,665 sf 8.55% Impervious Runoff Depth=2.63"
Tc=6.0 min CN=81 Runoff=2.81 cfs 0.200 af

Subcatchment 2: 2 Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=1.14"
Tc=6.0 min CN=61 Runoff=0.96 cfs 0.077 af

Subcatchment 3: 3 Runoff Area=11,372 sf 0.00% Impervious Runoff Depth=0.79"
Tc=6.0 min CN=55 Runoff=0.18 cfs 0.017 af

Reach POA: Total Runoff Inflow=4.09 cfs 0.752 af
Outflow=4.09 cfs 0.752 af

Reach R1: POI 1 Inflow=2.86 cfs 0.376 af
Outflow=2.86 cfs 0.376 af

Reach R2: POI 2 Inflow=0.96 cfs 0.077 af
Outflow=0.96 cfs 0.077 af

Reach R3: POI 3 Inflow=0.83 cfs 0.299 af
Outflow=0.83 cfs 0.299 af

Pond 1-1: VUSF 1 Peak Elev=75.85' Storage=6,094 cf Inflow=4.02 cfs 0.288 af
Outflow=0.76 cfs 0.281 af

Pond 1-2: VUSF 2 Peak Elev=75.85' Storage=3,735 cf Inflow=2.48 cfs 0.177 af
Outflow=0.30 cfs 0.176 af

Total Runoff Area = 4.030 ac Runoff Volume = 0.758 af Average Runoff Depth = 2.26"
61.28% Pervious = 2.469 ac 38.72% Impervious = 1.560 ac

Summary for Subcatchment 1.1: 1.1

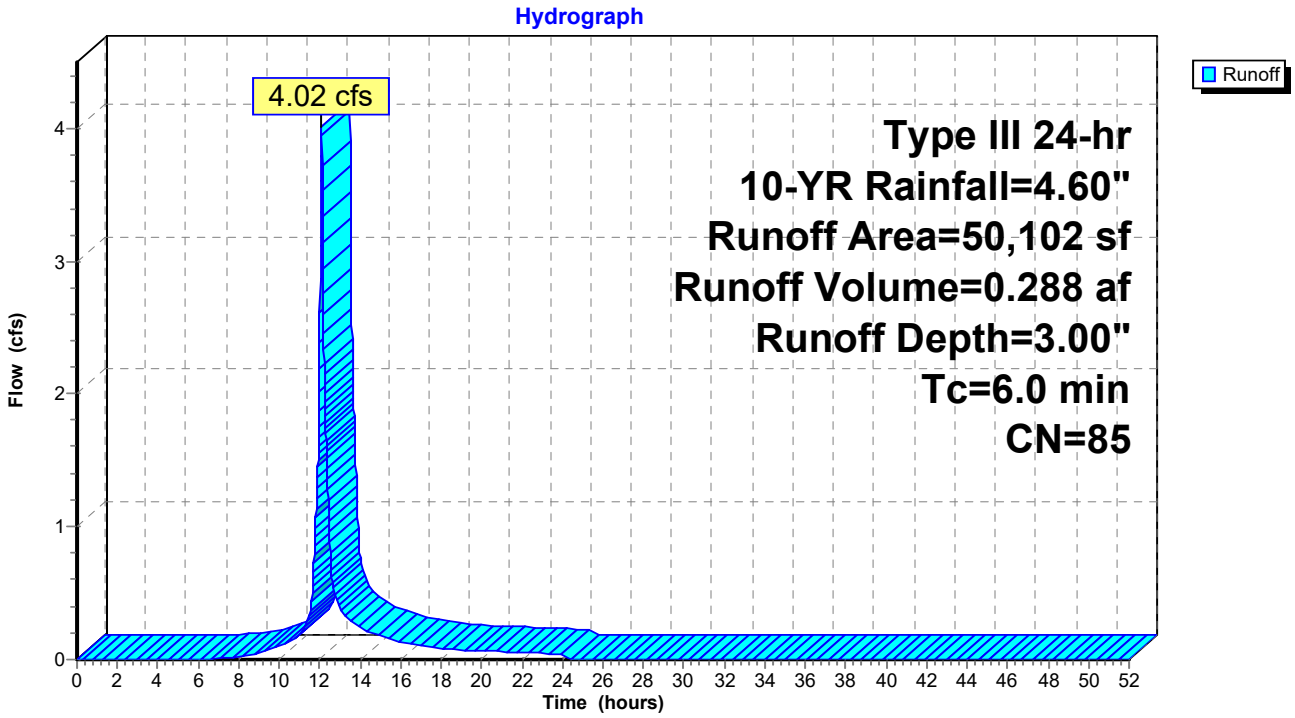
Runoff = 4.02 cfs @ 12.09 hrs, Volume= 0.288 af, Depth= 3.00"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
10,913	39	>75% Grass cover, Good, HSG A
39,189	98	Paved parking, HSG D
50,102	85	Weighted Average
10,913		21.78% Pervious Area
39,189		78.22% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.1: 1.1



Summary for Subcatchment 1.2: 1.2

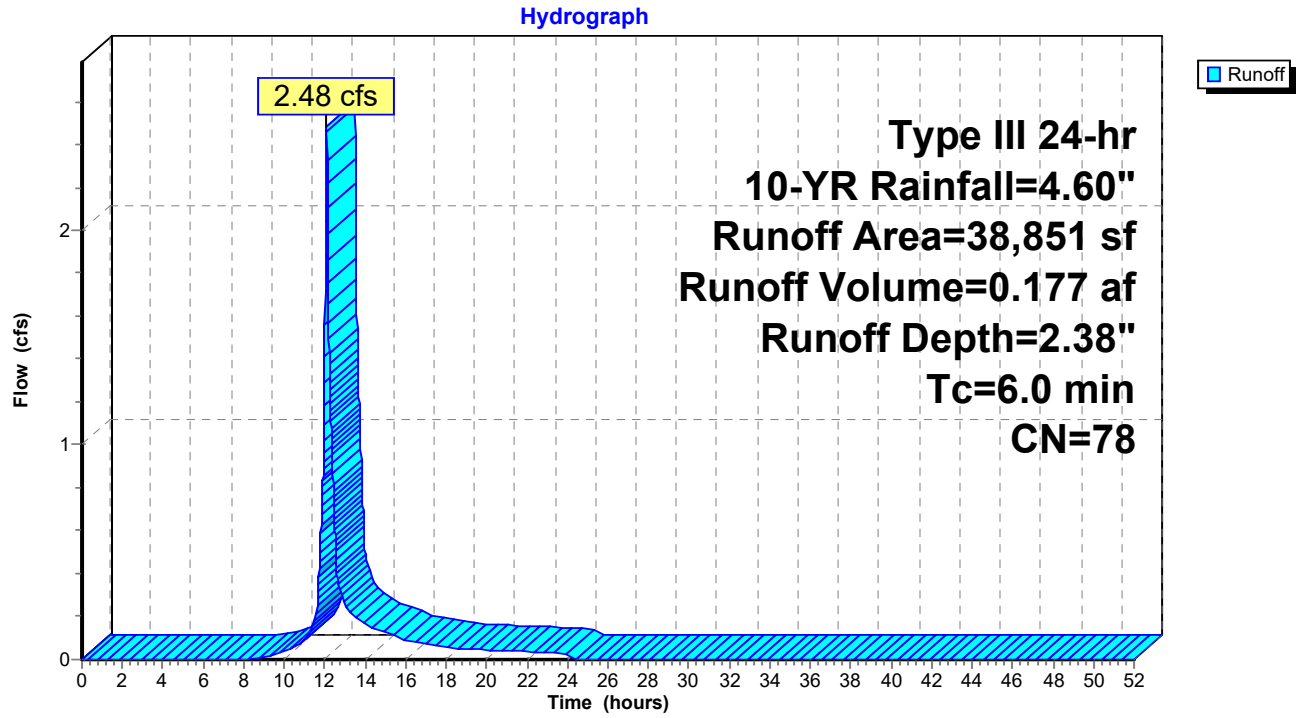
Runoff = 2.48 cfs @ 12.09 hrs, Volume= 0.177 af, Depth= 2.38"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
25,381	98	Paved parking, HSG A
13,470	39	>75% Grass cover, Good, HSG A
38,851	78	Weighted Average
13,470		34.67% Pervious Area
25,381		65.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.2: 1.2



Summary for Subcatchment 1.3: 1.3

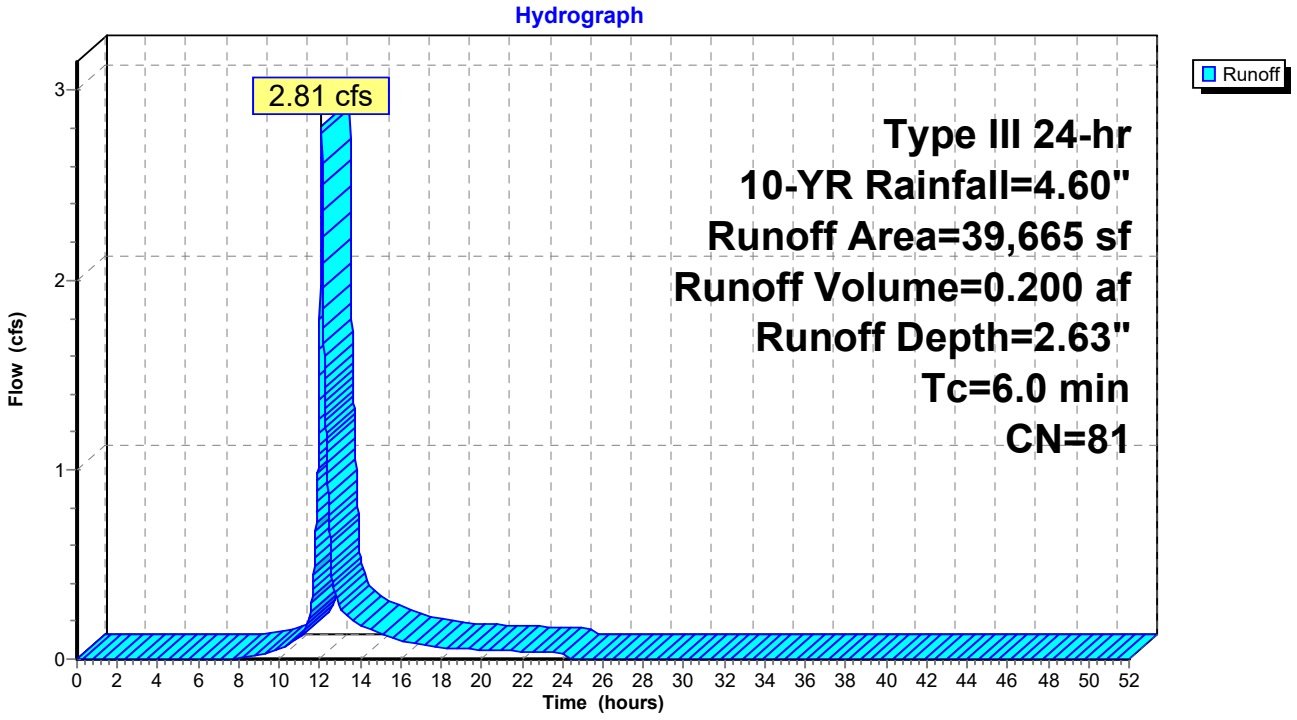
Runoff = 2.81 cfs @ 12.09 hrs, Volume= 0.200 af, Depth= 2.63"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
22,776	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
3,390	98	Paved parking, HSG A
39,665	81	Weighted Average
36,275		91.45% Pervious Area
3,390		8.55% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.3: 1.3



Summary for Subcatchment 2: 2

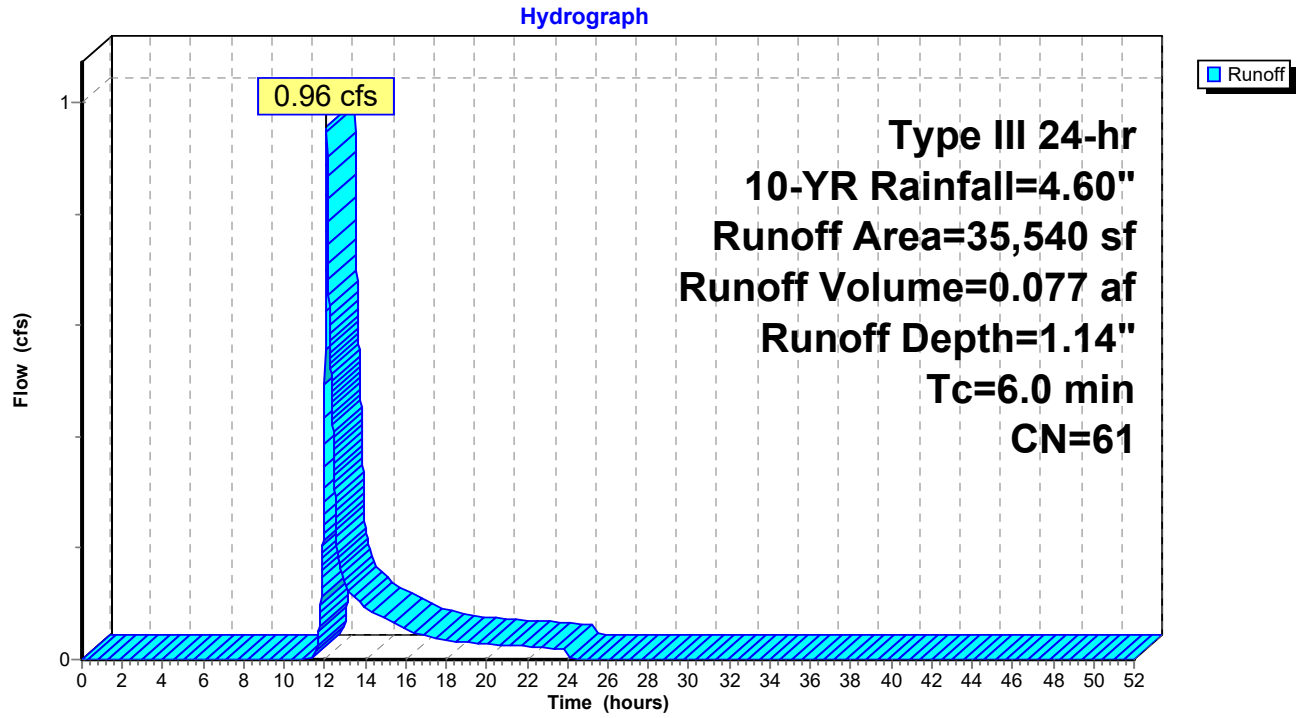
Runoff = 0.96 cfs @ 12.10 hrs, Volume= 0.077 af, Depth= 1.14"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

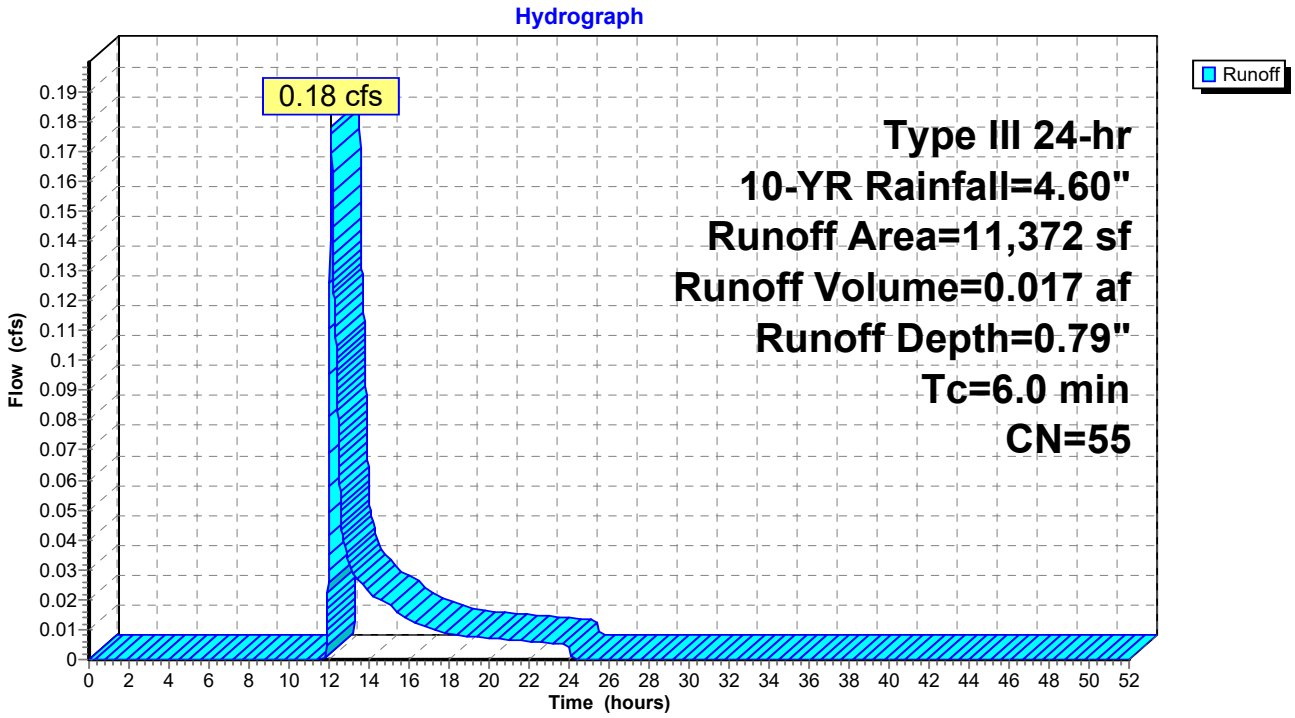
Runoff = 0.18 cfs @ 12.11 hrs, Volume= 0.017 af, Depth= 0.79"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR Rainfall=4.60"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,943	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,372	55	Weighted Average
11,372		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3

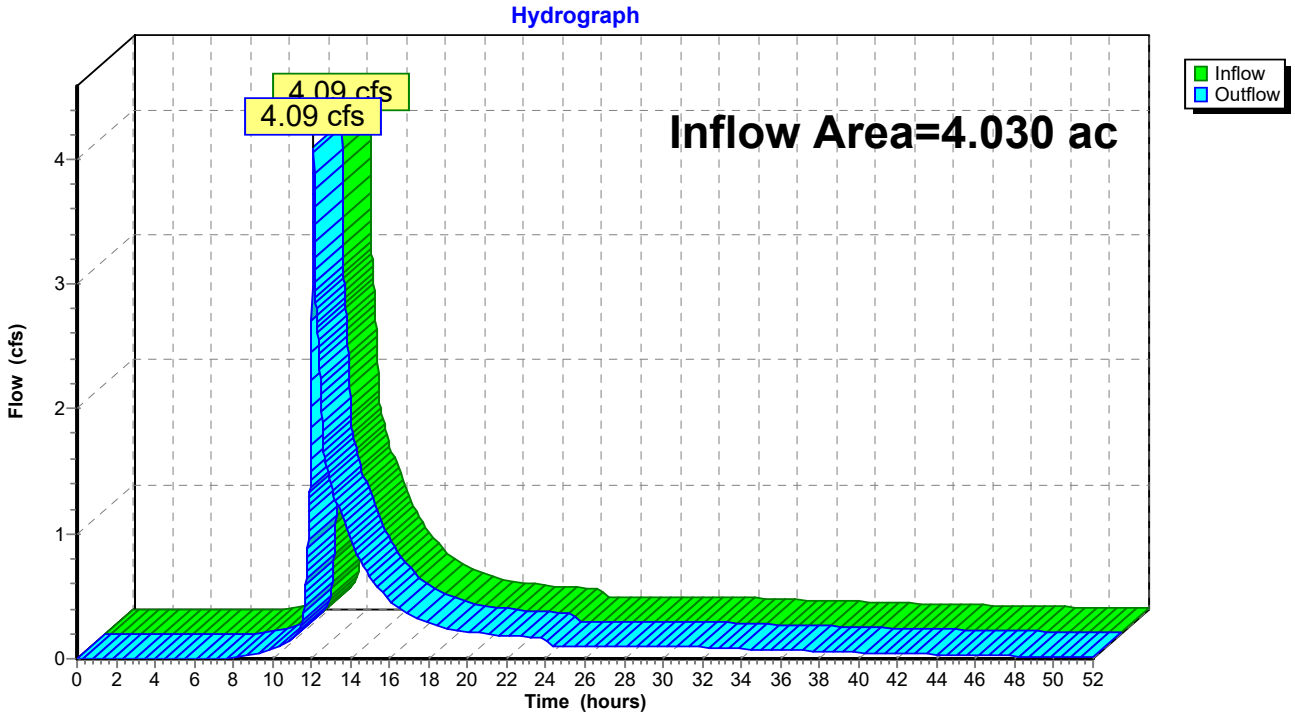


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 38.72% Impervious, Inflow Depth > 2.24" for 10-YR event
Inflow = 4.09 cfs @ 12.10 hrs, Volume= 0.752 af
Outflow = 4.09 cfs @ 12.10 hrs, Volume= 0.752 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

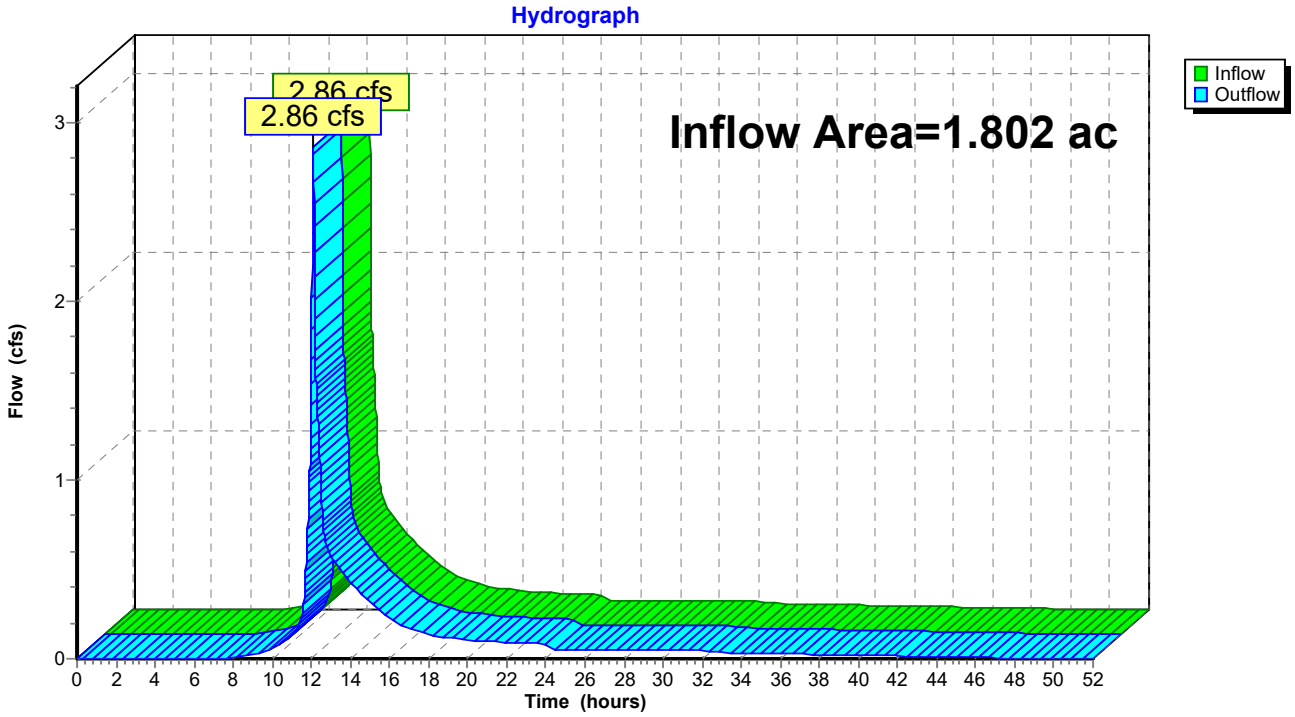


Summary for Reach R1: POI 1

Inflow Area = 1.802 ac, 36.64% Impervious, Inflow Depth > 2.51" for 10-YR event
Inflow = 2.86 cfs @ 12.09 hrs, Volume= 0.376 af
Outflow = 2.86 cfs @ 12.09 hrs, Volume= 0.376 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R1: POI 1

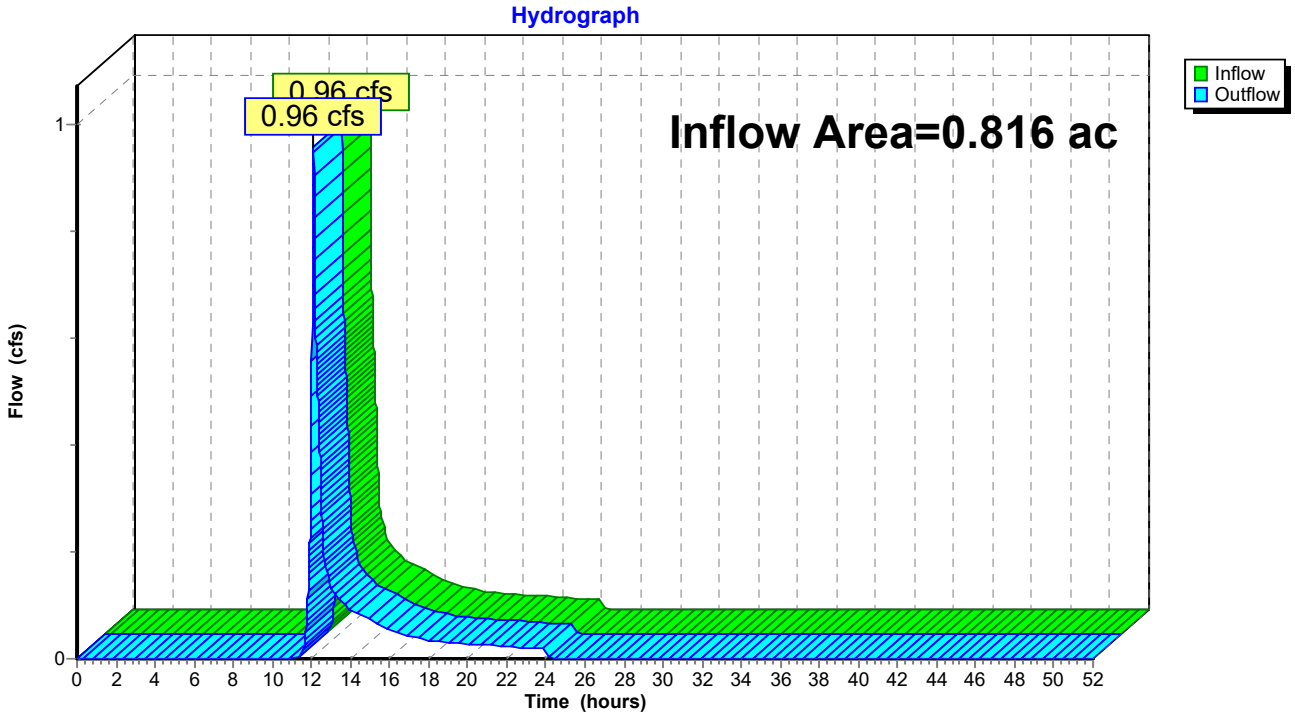


Summary for Reach R2: POI 2

Inflow Area = 0.816 ac, 0.00% Impervious, Inflow Depth = 1.14" for 10-YR event
Inflow = 0.96 cfs @ 12.10 hrs, Volume= 0.077 af
Outflow = 0.96 cfs @ 12.10 hrs, Volume= 0.077 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R2: POI 2

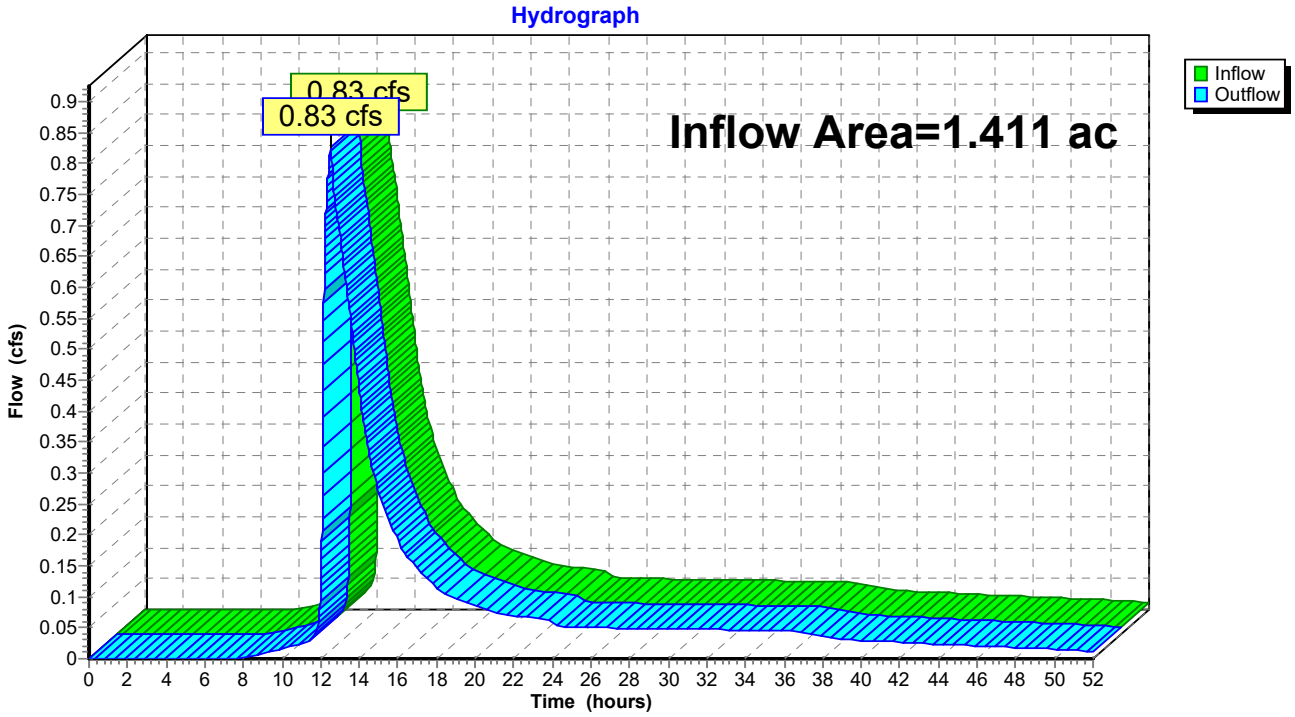


Summary for Reach R3: POI 3

Inflow Area = 1.411 ac, 63.75% Impervious, Inflow Depth > 2.54" for 10-YR event
Inflow = 0.83 cfs @ 12.52 hrs, Volume= 0.299 af
Outflow = 0.83 cfs @ 12.52 hrs, Volume= 0.299 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R3: POI 3



Summary for Pond 1-1: VUSF 1

Inflow Area = 1.150 ac, 78.22% Impervious, Inflow Depth = 3.00" for 10-YR event
Inflow = 4.02 cfs @ 12.09 hrs, Volume= 0.288 af
Outflow = 0.76 cfs @ 12.54 hrs, Volume= 0.281 af, Atten= 81%, Lag= 27.0 min
Primary = 0.76 cfs @ 12.54 hrs, Volume= 0.281 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.85' @ 12.54 hrs Surf.Area= 7,965 sf Storage= 6,094 cf

Plug-Flow detention time= 450.9 min calculated for 0.281 af (98% of inflow)
Center-of-Mass det. time= 438.3 min (1,249.1 - 810.8)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

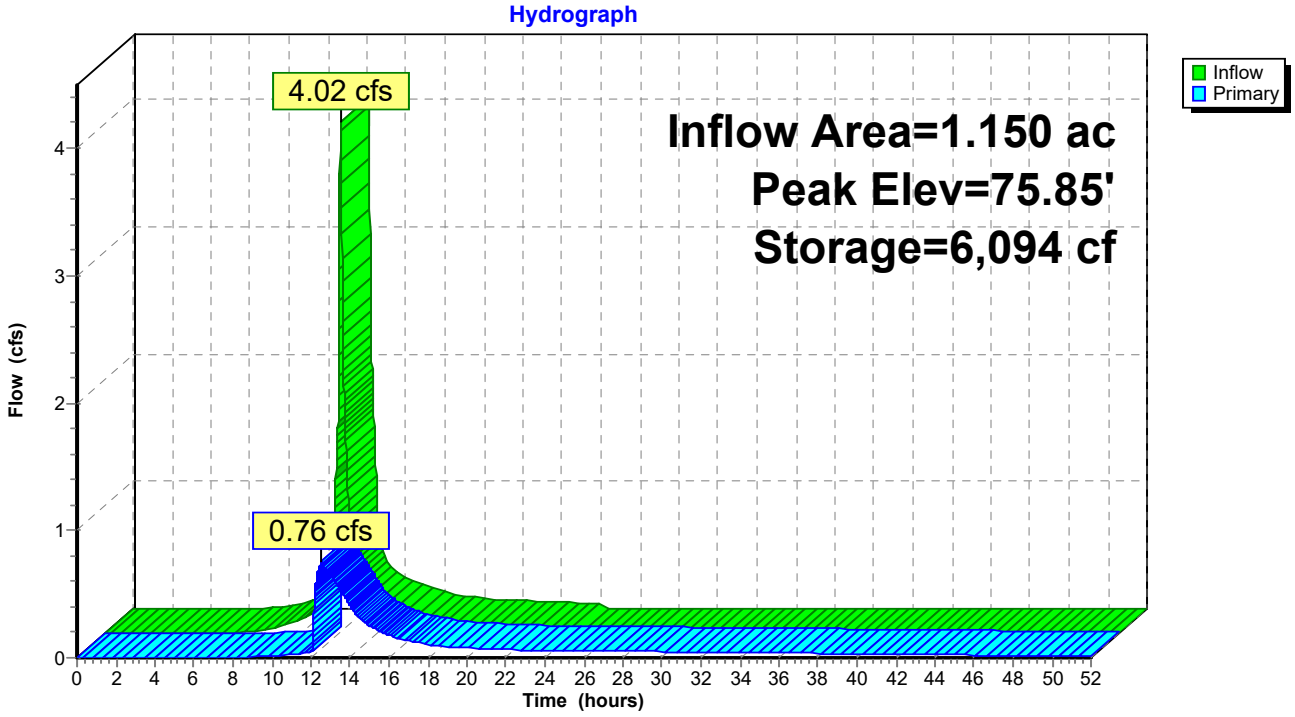
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.74 cfs @ 12.54 hrs HW=75.85' (Free Discharge)
- **1=Culvert** (Passes 0.74 cfs of 5.43 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.16 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.67 cfs @ 3.39 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 0.02 cfs @ 0.36 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-1: VUSF 1



Summary for Pond 1-2: VUSF 2

Inflow Area = 0.892 ac, 65.33% Impervious, Inflow Depth = 2.38" for 10-YR event
Inflow = 2.48 cfs @ 12.09 hrs, Volume= 0.177 af
Outflow = 0.30 cfs @ 12.83 hrs, Volume= 0.176 af, Atten= 88%, Lag= 44.4 min
Primary = 0.30 cfs @ 12.83 hrs, Volume= 0.176 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 75.85' @ 12.83 hrs Surf.Area= 5,366 sf Storage= 3,735 cf

Plug-Flow detention time= 447.9 min calculated for 0.176 af (100% of inflow)
Center-of-Mass det. time= 447.5 min (1,278.4 - 830.9)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

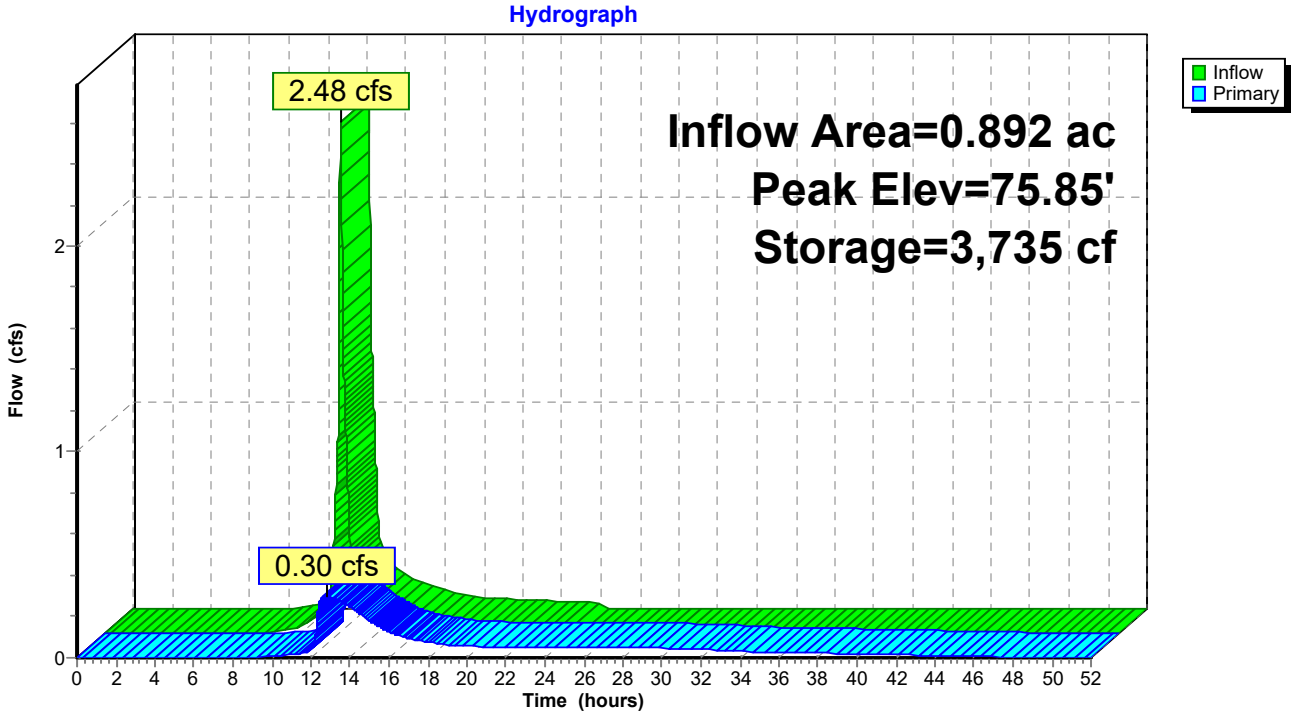
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=0.30 cfs @ 12.83 hrs HW=75.85' (Free Discharge)
- **1=Culvert** (Passes 0.30 cfs of 5.90 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.05 cfs @ 10.00 fps)
  - **3=Quantity Orifice** (Orifice Controls 0.24 cfs @ 2.79 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 0.00 cfs @ 0.14 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-2: VUSF 2



Time span=0.00-52.00 hrs, dt=0.01 hrs, 5201 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1.1: 1.1	Runoff Area=50,102 sf 78.22% Impervious Runoff Depth=4.11" Tc=6.0 min CN=85 Runoff=5.45 cfs 0.394 af
Subcatchment 1.2: 1.2	Runoff Area=38,851 sf 65.33% Impervious Runoff Depth=3.40" Tc=6.0 min CN=78 Runoff=3.56 cfs 0.253 af
Subcatchment 1.3: 1.3	Runoff Area=39,665 sf 8.55% Impervious Runoff Depth=3.70" Tc=6.0 min CN=81 Runoff=3.93 cfs 0.281 af
Subcatchment 2: 2	Runoff Area=35,540 sf 0.00% Impervious Runoff Depth=1.87" Tc=6.0 min CN=61 Runoff=1.70 cfs 0.127 af
Subcatchment 3: 3	Runoff Area=11,372 sf 0.00% Impervious Runoff Depth=1.40" Tc=6.0 min CN=55 Runoff=0.38 cfs 0.031 af
Reach POA: Total Runoff	Inflow=6.96 cfs 1.079 af Outflow=6.96 cfs 1.079 af
Reach R1: POI 1	Inflow=4.10 cfs 0.534 af Outflow=4.10 cfs 0.534 af
Reach R2: POI 2	Inflow=1.70 cfs 0.127 af Outflow=1.70 cfs 0.127 af
Reach R3: POI 3	Inflow=2.63 cfs 0.418 af Outflow=2.63 cfs 0.418 af
Pond 1-1: VUSF 1	Peak Elev=76.09' Storage=7,018 cf Inflow=5.45 cfs 0.394 af Outflow=2.42 cfs 0.388 af
Pond 1-2: VUSF 2	Peak Elev=76.07' Storage=4,245 cf Inflow=3.56 cfs 0.253 af Outflow=1.54 cfs 0.253 af

Total Runoff Area = 4.030 ac Runoff Volume = 1.086 af Average Runoff Depth = 3.23"
61.28% Pervious = 2.469 ac 38.72% Impervious = 1.560 ac

Summary for Subcatchment 1.1: 1.1

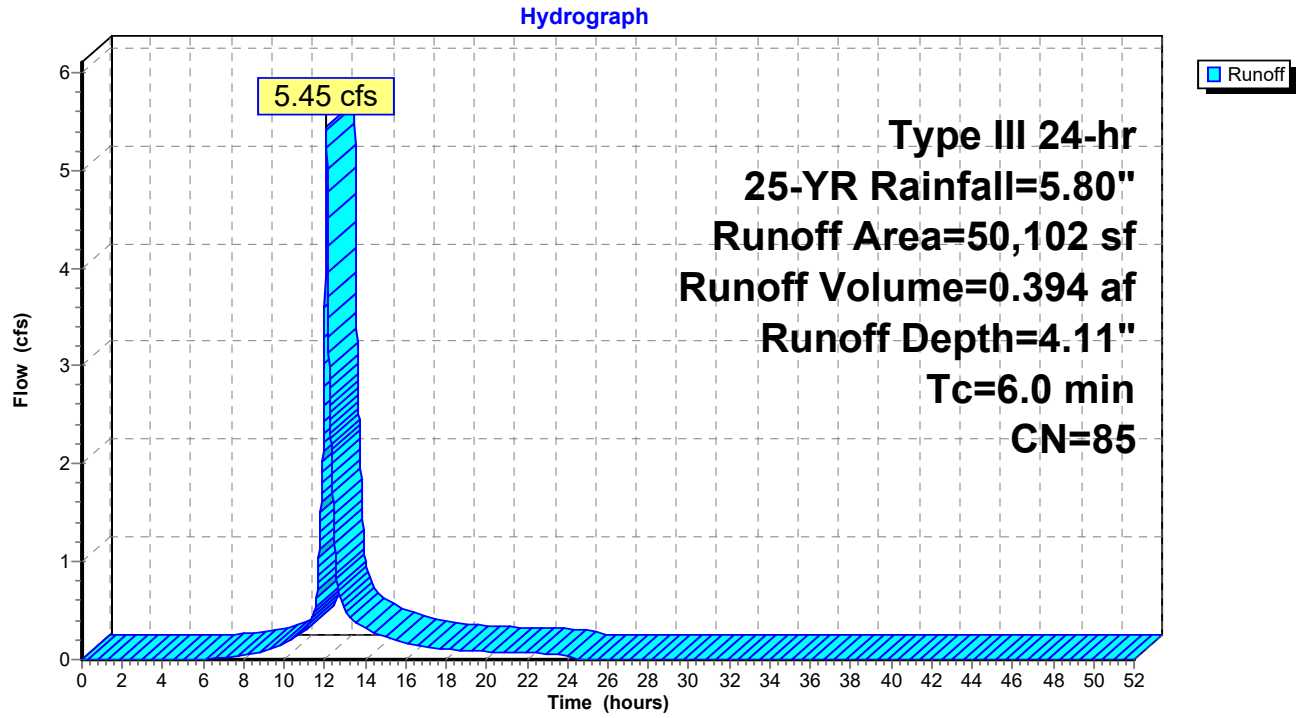
Runoff = 5.45 cfs @ 12.09 hrs, Volume= 0.394 af, Depth= 4.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
10,913	39	>75% Grass cover, Good, HSG A
39,189	98	Paved parking, HSG D
50,102	85	Weighted Average
10,913		21.78% Pervious Area
39,189		78.22% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.1: 1.1



Summary for Subcatchment 1.2: 1.2

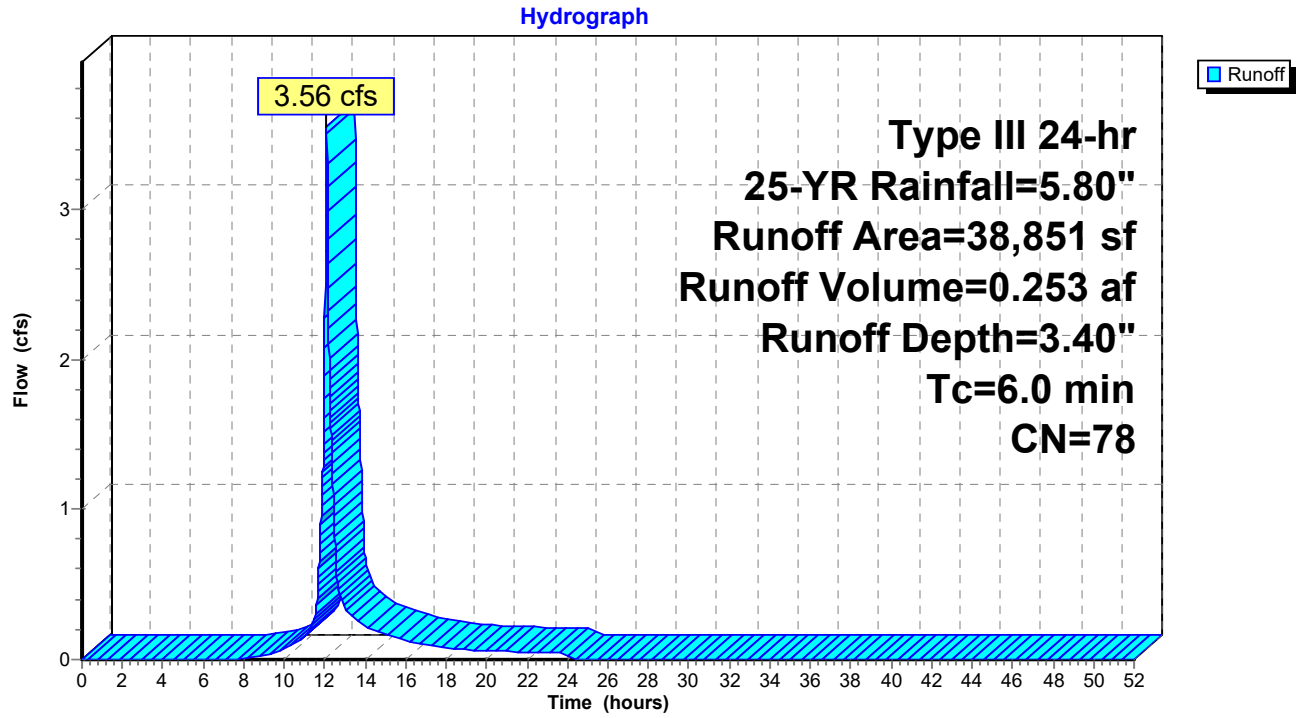
Runoff = 3.56 cfs @ 12.09 hrs, Volume= 0.253 af, Depth= 3.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
25,381	98	Paved parking, HSG A
13,470	39	>75% Grass cover, Good, HSG A
38,851	78	Weighted Average
13,470		34.67% Pervious Area
25,381		65.33% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.2: 1.2



Summary for Subcatchment 1.3: 1.3

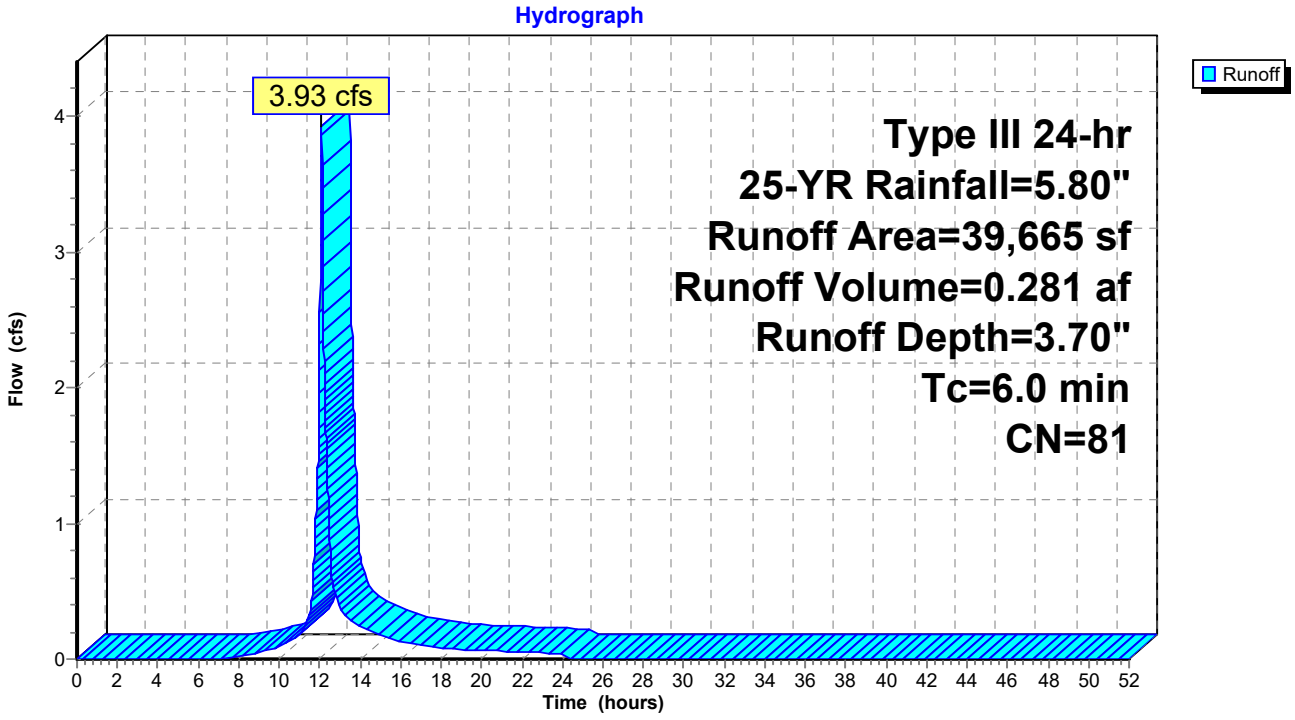
Runoff = 3.93 cfs @ 12.09 hrs, Volume= 0.281 af, Depth= 3.70"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
22,776	80	>75% Grass cover, Good, HSG D
13,499	77	Woods, Good, HSG D
3,390	98	Paved parking, HSG A
39,665	81	Weighted Average
36,275		91.45% Pervious Area
3,390		8.55% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 1.3: 1.3



Summary for Subcatchment 2: 2

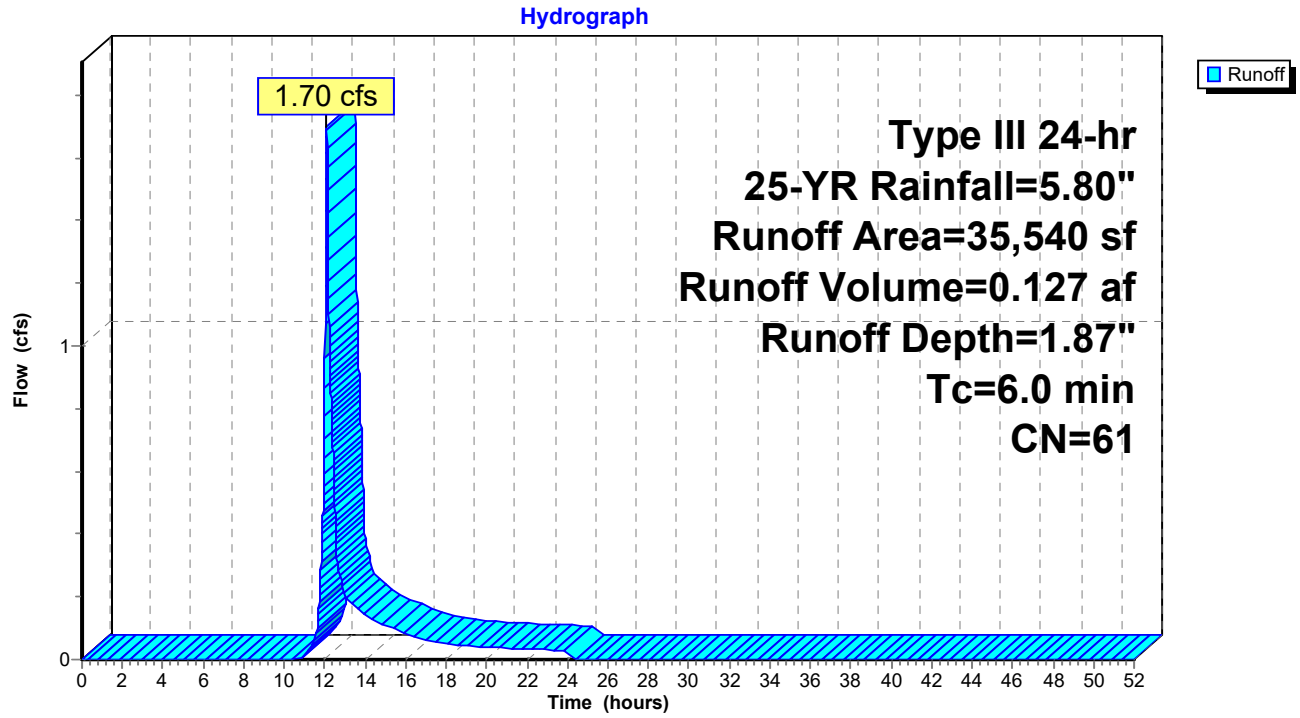
Runoff = 1.70 cfs @ 12.10 hrs, Volume= 0.127 af, Depth= 1.87"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
14,981	98	Water Surface, 0% imp, HSG A
7,560	39	>75% Grass cover, Good, HSG A
12,999	30	Woods, Good, HSG A
35,540	61	Weighted Average
35,540		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 2: 2



Summary for Subcatchment 3: 3

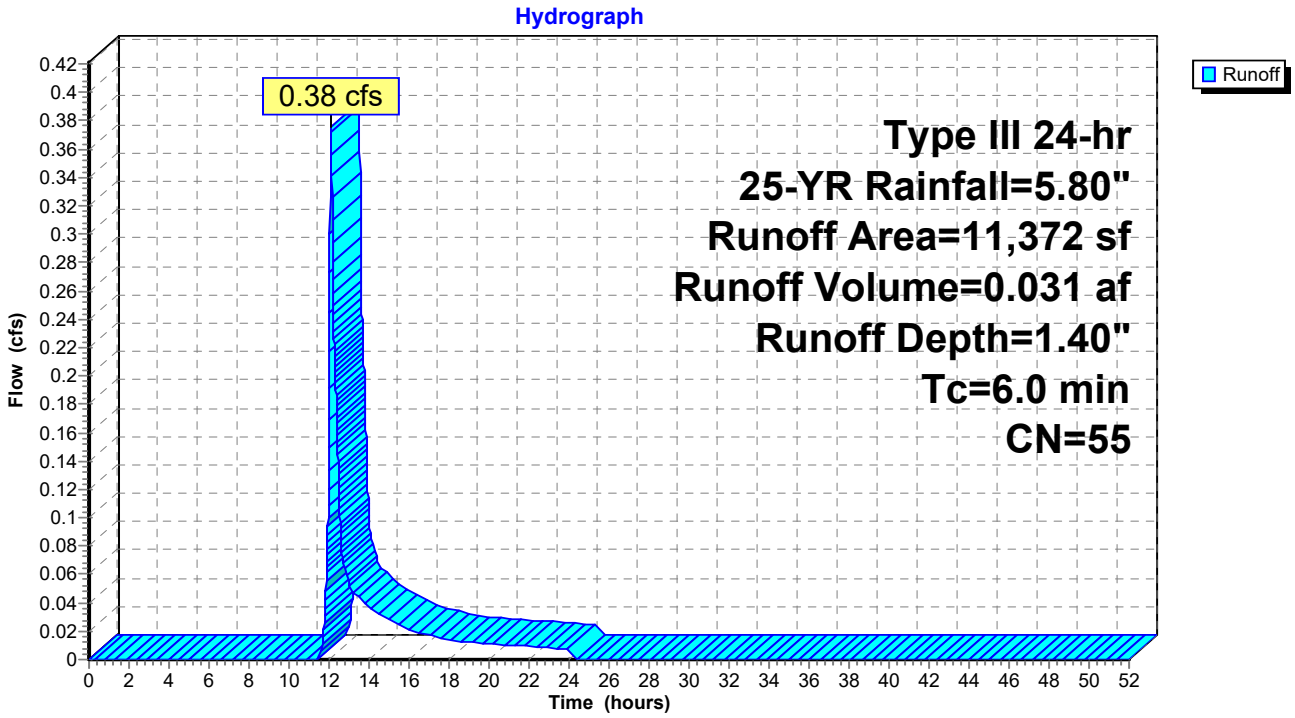
Runoff = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af, Depth= 1.40"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-YR Rainfall=5.80"

Area (sf)	CN	Description
3,712	98	Water Surface, 0% imp, HSG A
3,943	39	>75% Grass cover, Good, HSG A
3,717	30	Woods, Good, HSG A
11,372	55	Weighted Average
11,372		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct Entry**

Subcatchment 3: 3

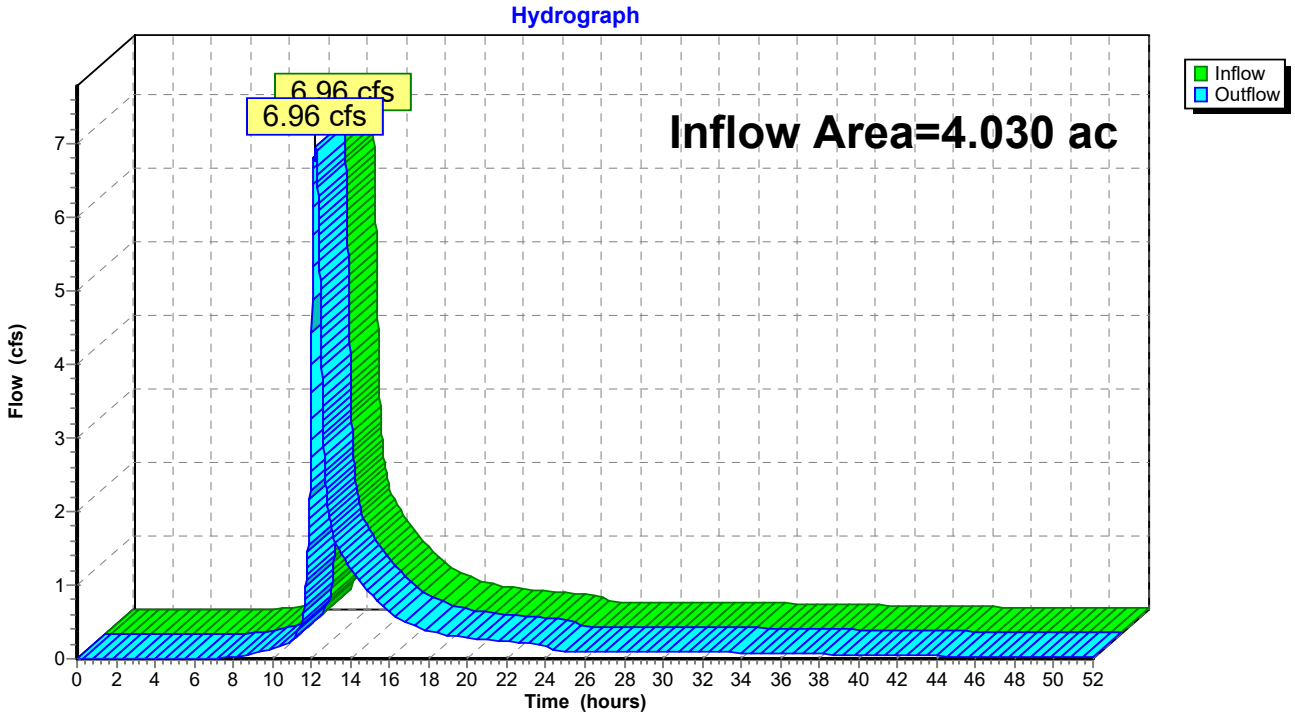


Summary for Reach POA: Total Runoff

Inflow Area = 4.030 ac, 38.72% Impervious, Inflow Depth > 3.21" for 25-YR event
Inflow = 6.96 cfs @ 12.23 hrs, Volume= 1.079 af
Outflow = 6.96 cfs @ 12.23 hrs, Volume= 1.079 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach POA: Total Runoff

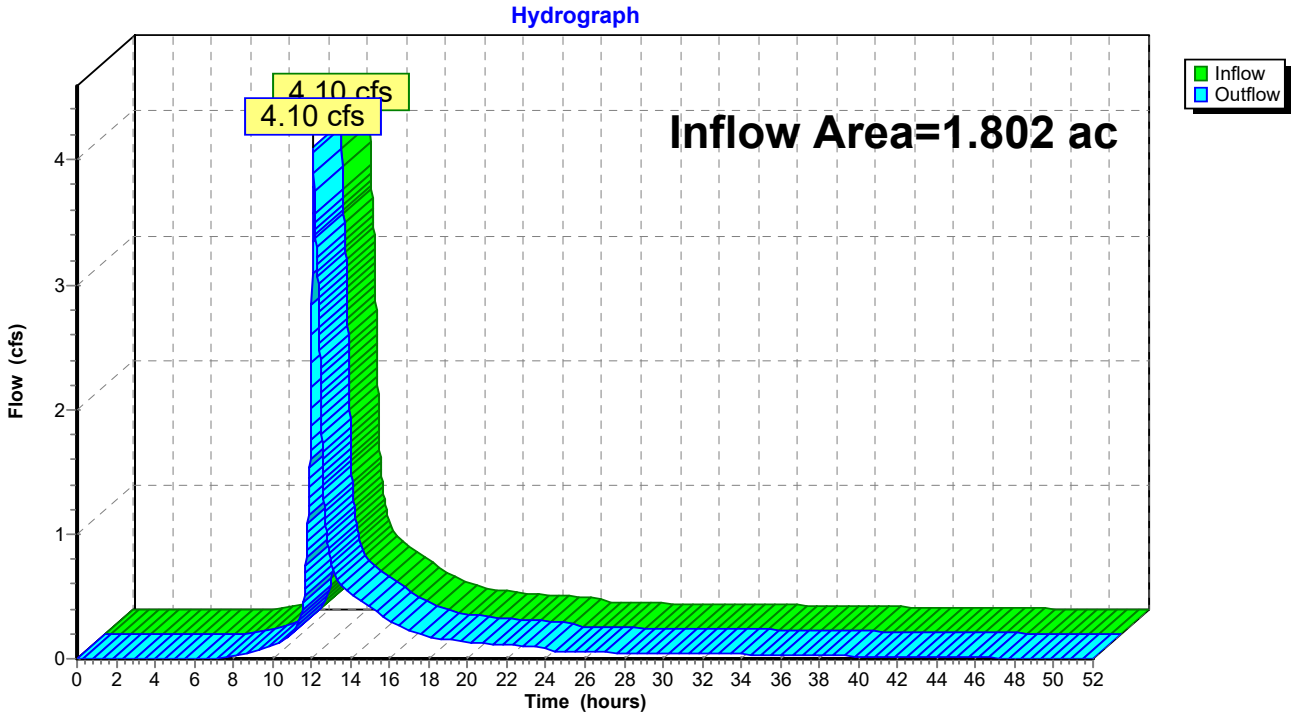


Summary for Reach R1: POI 1

Inflow Area = 1.802 ac, 36.64% Impervious, Inflow Depth > 3.55" for 25-YR event
Inflow = 4.10 cfs @ 12.09 hrs, Volume= 0.534 af
Outflow = 4.10 cfs @ 12.09 hrs, Volume= 0.534 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R1: POI 1

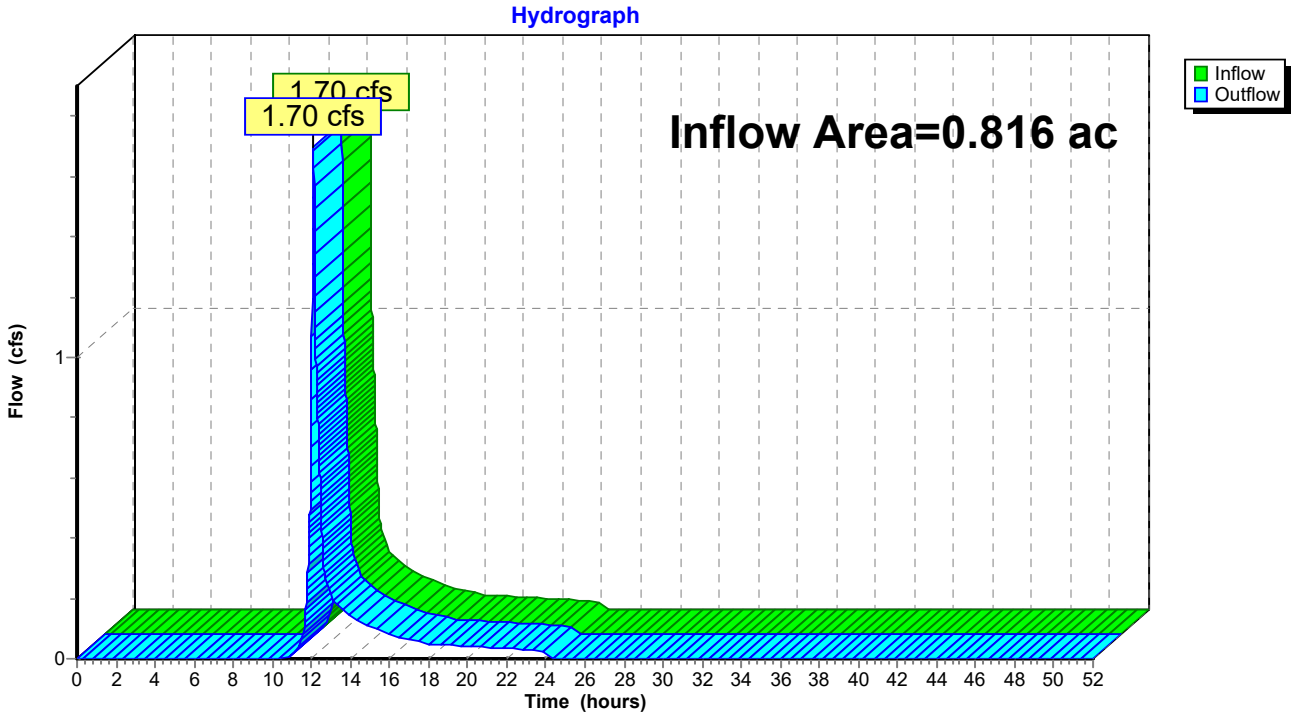


Summary for Reach R2: POI 2

Inflow Area = 0.816 ac, 0.00% Impervious, Inflow Depth = 1.87" for 25-YR event
Inflow = 1.70 cfs @ 12.10 hrs, Volume= 0.127 af
Outflow = 1.70 cfs @ 12.10 hrs, Volume= 0.127 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R2: POI 2

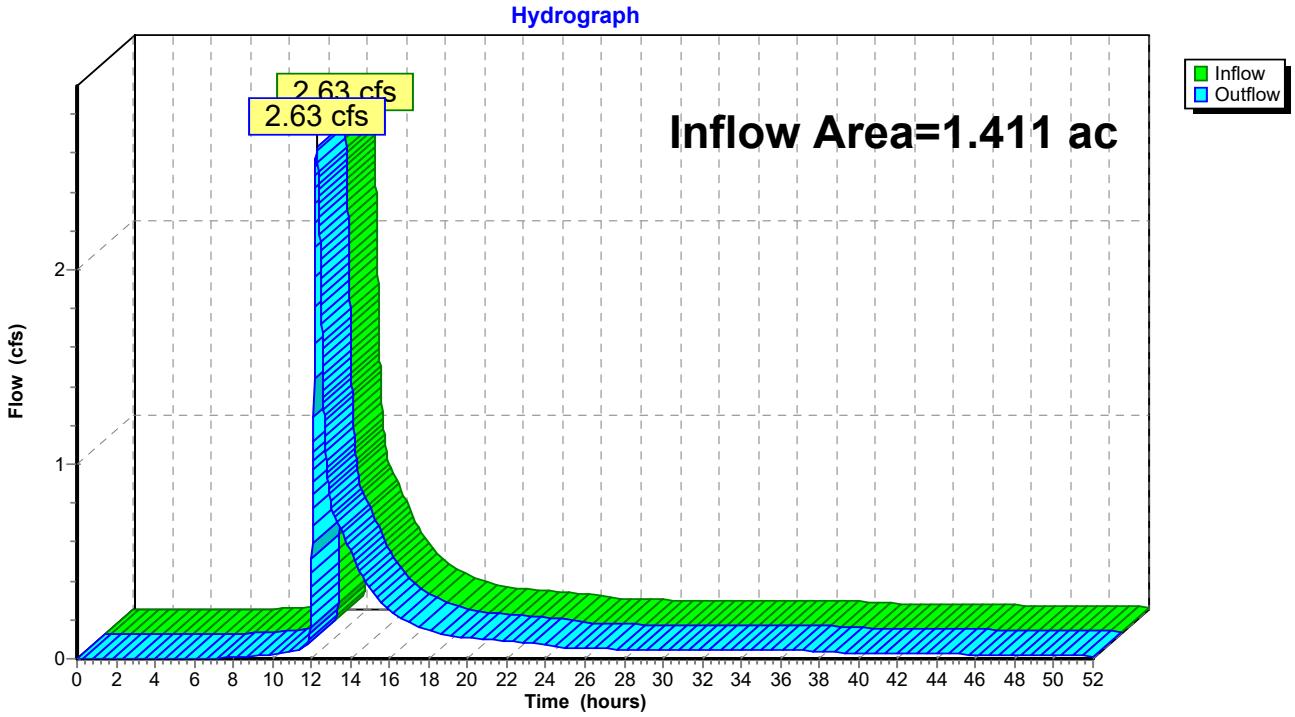


Summary for Reach R3: POI 3

Inflow Area = 1.411 ac, 63.75% Impervious, Inflow Depth > 3.56" for 25-YR event
Inflow = 2.63 cfs @ 12.27 hrs, Volume= 0.418 af
Outflow = 2.63 cfs @ 12.27 hrs, Volume= 0.418 af, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs

Reach R3: POI 3



Summary for Pond 1-1: VUSF 1

Inflow Area = 1.150 ac, 78.22% Impervious, Inflow Depth = 4.11" for 25-YR event
Inflow = 5.45 cfs @ 12.09 hrs, Volume= 0.394 af
Outflow = 2.42 cfs @ 12.27 hrs, Volume= 0.388 af, Atten= 56%, Lag= 11.3 min
Primary = 2.42 cfs @ 12.27 hrs, Volume= 0.388 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 76.09' @ 12.27 hrs Surf.Area= 8,224 sf Storage= 7,018 cf

Plug-Flow detention time= 346.5 min calculated for 0.388 af (98% of inflow)
Center-of-Mass det. time= 336.4 min (1,138.3 - 801.9)

Volume	Invert	Avail.Storage	Storage Description
#1	74.30'	14,007 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	72.80'	327 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 10.0% Voids
#3	71.30'	1,307 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 3,267 cf Overall x 40.0% Voids
		15,641 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.30	2,178	0	0
75.00	2,809	1,745	1,745
76.00	3,755	3,282	5,027
77.00	4,964	4,360	9,387
77.85	5,907	4,620	14,007

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
72.80	2,178	0	0
74.30	2,178	3,267	3,267

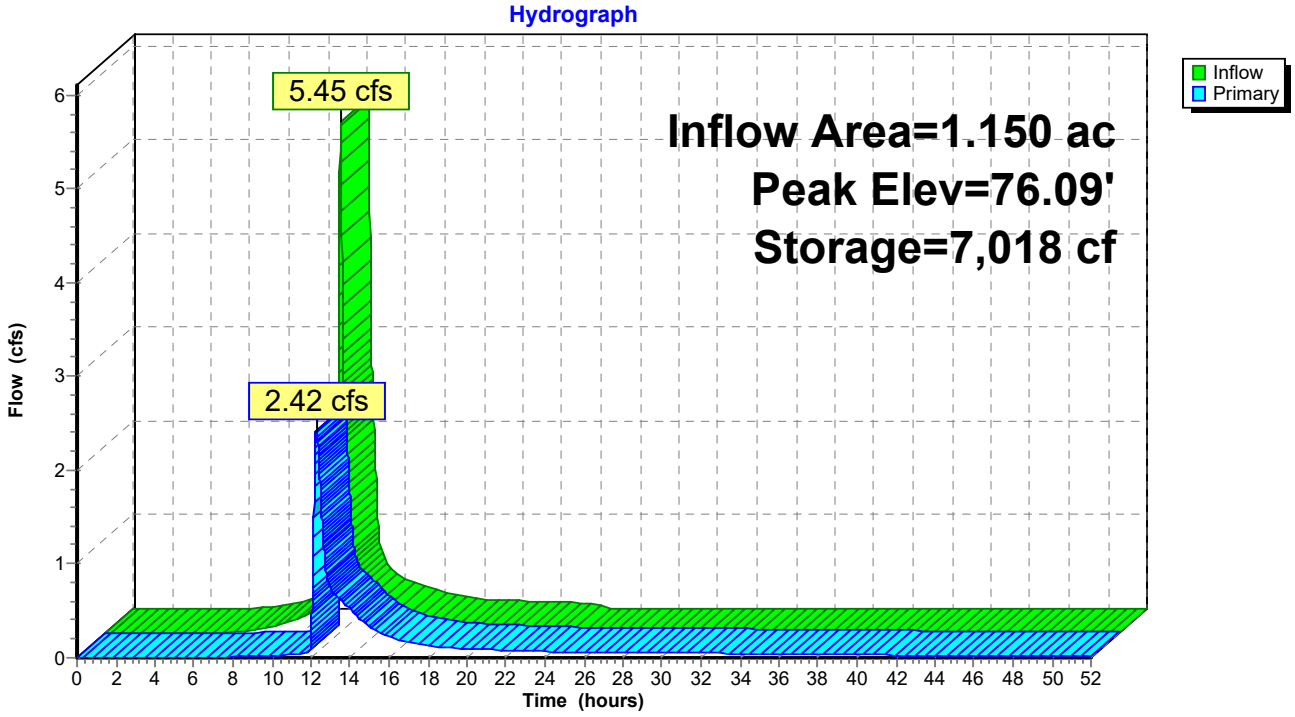
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.30	2,178	0	0
72.80	2,178	3,267	3,267

Device	Routing	Invert	Outlet Devices
#1	Primary	71.30'	**12.0" Round Culvert** L= 126.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.30' / 70.50' S= 0.0063 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.35'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.10'	**6.0" Vert. Orifice/Grate** C= 0.600
#4	Device 1	75.83'	**4.0' long x 0.5' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#5	Device 1	77.00'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.35'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=2.41 cfs @ 12.27 hrs HW=76.09' (Free Discharge)
- **1=Culvert** (Passes 2.41 cfs of 5.58 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.44 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.82 cfs @ 4.15 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 1.54 cfs @ 1.46 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-1: VUSF 1



Summary for Pond 1-2: VUSF 2

Inflow Area = 0.892 ac, 65.33% Impervious, Inflow Depth = 3.40" for 25-YR event
Inflow = 3.56 cfs @ 12.09 hrs, Volume= 0.253 af
Outflow = 1.54 cfs @ 12.30 hrs, Volume= 0.253 af, Atten= 57%, Lag= 12.8 min
Primary = 1.54 cfs @ 12.30 hrs, Volume= 0.253 af

Routing by Stor-Ind method, Time Span= 0.00-52.00 hrs, dt= 0.01 hrs
Peak Elev= 76.07' @ 12.30 hrs Surf.Area= 5,502 sf Storage= 4,245 cf

Plug-Flow detention time= 339.3 min calculated for 0.253 af (100% of inflow)
Center-of-Mass det. time= 338.9 min (1,159.5 - 820.6)

Volume	Invert	Avail.Storage	Storage Description
#1	74.50'	8,741 cf	**Storage (Prismatic)** Listed below (Recalc)
#2	73.00'	232 cf	**Soil Filter (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 10.0% Voids
#3	71.50'	928 cf	**Stone & Gravel Layer (Prismatic)** Listed below (Recalc) 2,319 cf Overall x 40.0% Voids
		9,900 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
74.50	1,546	0	0
75.00	1,803	837	837
76.00	2,356	2,080	2,917
77.00	3,124	2,740	5,657
77.90	3,729	3,084	8,741

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
73.00	1,546	0	0
74.50	1,546	2,319	2,319

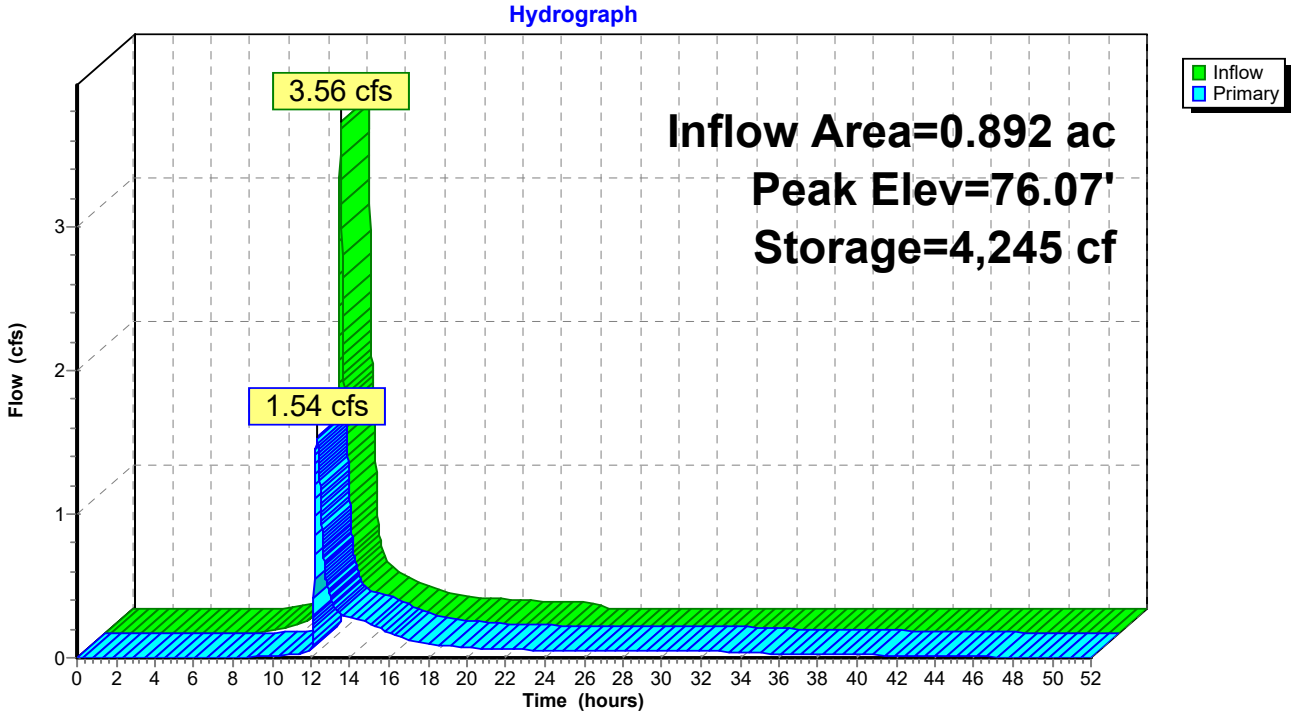
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
71.50	1,546	0	0
73.00	1,546	2,319	2,319

Device	Routing	Invert	Outlet Devices
#1	Primary	71.45'	**12.0" Round Culvert** L= 30.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 71.45' / 68.72' S= 0.0910 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.79 sf
#2	Device 1	71.50'	**1.0" Vert. WQ Orifice** C= 0.600
#3	Device 1	75.35'	**4.0" Vert. Quantity Orifice** C= 0.600
#4	Device 1	75.85'	**4.0' long x 0.6' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 Coef. (English) 2.78 2.87 3.00 3.20 3.25 3.27 3.30 3.31 3.32
#5	Device 1	77.15'	**8.0" Vert. Beehive OCS RIM** C= 0.600
#6	Primary	77.40'	**10.0' long x 7.0' breadth Emergency Spillway**

Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Coef. (English) 2.40 2.52 2.70 2.68 2.68 2.67 2.66 2.65 2.65 2.65 2.66 2.65 2.66 2.68 2.70 2.73 2.78

Primary OutFlow Max=1.53 cfs @ 12.30 hrs HW=76.07' (Free Discharge)
- **1=Culvert** (Passes 1.53 cfs of 6.06 cfs potential flow)
  - **2=WQ Orifice** (Orifice Controls 0.06 cfs @ 10.25 fps)
  - **3=Quantity Orifice** (Orifice Controls 0.31 cfs @ 3.58 fps)
  - **4=Broad-Crested Rectangular Weir** (Weir Controls 1.16 cfs @ 1.31 fps)
  - **5=Beehive OCS RIM** (Controls 0.00 cfs)
- **6=Emergency Spillway** (Controls 0.00 cfs)

Pond 1-2: VUSF 2



ACORN ENGINEERING, INC.

Eric Freeman – City Planner
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101

June 19, 2024

Subject: Hyatt Studios Hotel Development
1060 Westbrook Street, Portland, ME
Comment Response Letter II

On behalf of Giri Portland Westbrook Inc., we are pleased to respond to the comments that we received at the Planning Board Workshop Meeting held on April 23rd, 2024, related to the proposed hotel development project located at 1060 Westbrook Street in Portland, ME. Additionally, we received preliminary comments regarding the Transportation Demand Management Plan (dated April 19th, 2024).

It should also be noted that we received Wastewater Capacity Authorization from the Portland Department of Public Works, and they requested an estimated $7,000 to be paid by our project to increase the downstream pumpstation capacity. See Section P. Utilities for additional information.

Comments Related to Transportation Standards

Overview: *The TDM plan does provide information in all of the areas required per the Technical Manual including existing conditions related to Mobility Context, presenting Baseline Site Data, establishing a TDM Mode Split Target, identifying TDM Strategies and addressing annual Monitoring and Reporting.*

Comment: *Requesting additional information and/or detail on the following items:*

- *Potentially establishing finer grained TDM targets, distinguishing between hotel employees and hotel guests.*
- *Estimated on-site parking 'market rate' charges for hotel guests - a sampling of hotels in the immediate vicinity shows some hotels provide free parking while others charge a nominal fee per day.*
- *The potential for employer support for transit fares for hotel employees.*
- *Providing transportation alternatives options-alternatives information on the hotel's website for pre-trip planning purposes by hotel guests.*

Response: Please refer to the updated Transportation Demand Management Plan (Section T.1) for additional information.

Comments Related to Staff Memo

Comment: *The applicant has been asked to provide an updated site landscaping plan, that*

demonstrates compliance with this review standard, as well as the supplemental technical standards in Section 4 of the Technical Manual. Based upon the property's frontage, the applicant will be required to provide a minimum of 23 street trees (one tree per every 35 feet of street frontage) and 27 shade trees or planting equivalent (one shade tree or planting equivalent per every 30 feet of street frontage). The development is further required to provide a minimum of 42 parking lot trees or parking lot tree equivalent based upon the proposal to create 106 new offstreet parking spaces (two trees or one tree and three shrubs per every five parking spaces). This vegetation is required to be interspersed throughout the proposed parking area in landscaped islands to help screen, shade and break up contiguous areas of parking. As part of any future submission, staff will also be confirming that proposed landscaping satisfies required buffering and screening requirements.

Response: Detailed landscape plans have been provided (see sheets L-00 through L-06). These plans include an overall landscape plan (L-01) as well as planting plans (L-01 through L-05).

- In order to comply with the required parking lot landscape requirements, the parking layout has been modified to incorporate landscape islands throughout. The total number of off street parking spaces has also been reduced to 89. Trees and shrubs are proposed within planter islands, as well as immediately adjacent to the parking lot edges; proposed trees within the parking area now total 27 trees, while proposed shrubs total 27 shrubs. The project utilizes the (2) trees per (5) spaces requirement for half the proposed parking spaces, and (1) tree + (3) shrubs requirement for the second half of the proposed parking spaces. See sheet L-01 for a chart detailing the project's proposal to meet the requirements.

- In order to comply with the site landscaping and buffer requirements, the project is required to plant either 27 shade trees or a planting equivalent (based on the 813' street frontage). The project proposes 26 shade trees and 1,057 total plantings, and thus satisfies this requirement.

- The project does not satisfy the street tree requirement, whereby 23 total street trees are required. Four existing street trees are to be preserved, while no additional street trees are proposed in order to maintain an existing drainage easement; thus the project will make a monetary contribution to the tree fund based on the deficit of trees required.

- Due to the fact that the property does not abut any residential zones, it is our understanding that no further landscape screening is required.

<u>Comments from Planning Board Workshop</u>

Comment: *Please provide colored renderings of the building that provide additional information of proposed materials.*

Response: Please refer to the drawing titled 22. Perspective Views for colored renderings of the building and drawing titled 21. Elevations for additional information regarding materials.

Comment: *Provide site sections of the following:*

- *The corridor between the proposed building and the Enterprise parcel. Show the retaining wall and any fencing proposed.*

- *A site section of the proposed parking lot that shows new/existing trees.*

Response: As discussed at the Planning Board, we understand that the "site sections" are referring to the renderings. Please refer to the drawing titled 22. Perspective Views for additional information.

Please let us know if you have any additional questions or comments.

Sincerely,

Pete F. Heil, P.E.
Project Manager
Acorn Engineering, Inc.

Hope Hampton 9:45 AM (22 minutes ago)

to planni...@portlandmaine.gov, plan...@portlandmaine.gov, stroudwater...@gmail.com

Dear Planning Board Members,

I am a lifelong resident of Portland and a homeowner at 58 Cobb Avenue, one property away from the proposed GIRI Hotel/Hyatt Studios at 1060 Westbrook Street, which I am strongly against.

I have felt very lucky to be able to afford a house in my own hometown, which many of my contemporaries have not been able to do. I am very worried that a hotel in clear view of the homes on Cobb Ave is going to significantly decrease the comfort of our everyday lives and diminish our property values.

It may seem on paper that we live next to the airport zone, which is very true, but from our vantage point, besides the Enterprise business directly abutting our property, there is a large stand of trees that cuts off our neighborhood from the industrial setting of the airport. The proposed hotel will completely decimate this natural buffer.

Besides living next to the airport zone, we also live in a beautiful natural setting, at the confluence of the Stroudwater and Fore Rivers and in an important historic zone of Portland. The amount of migrating birds that we see is incredible. The neighborhood is also home to fox, porcupine, deer, turkeys, etc. Frogs are easily heard chorusing throughout the spring months.

Cutting down some of the last natural area between the airport and the residential zone will be detrimental to the local wildlife, and also remove the natural visual, sound and wind barrier. There are many tall, old growth trees that we can see directly from our property that will be cut. Replanting some small trees amongst a parking lot is not an equal replacement by any means.

As a Licensed Site Evaluator in the State of Maine, I work very closely with the development process in towns all throughout Southern Maine. Never have I seen a 0 foot setback allowed on any project. Building the hotel without any building setback or naturalized buffer completely ignores the existing neighbors of the property. All proposed property line tree plantings are along the line abutting a car park and maintenance facility, not along the sight lines of the residents who live here.

Without any forested buffer, hotel guests will be able to look directly into our yards and homes, especially in the 7-8 months of the year when there are no leaves.

It is disappointing that the city has not required a vernal pool study or a full tree survey of the lot. How can the city make a full judgement of this proposed development without this information? The wetland delineation was done in ice and snow cover, so I am perplexed that all potential vernal pools have been assumed to be man made or not in need of a survey to know if they provide habitat to a significant number of amphibians. “Natural - modified” and “manmade” are two close but very different definitions regulated by the State of Maine. In snow cover, I’m unclear how one can tell which definition applies to a potential vernal pool. If the pool is natural - modified, then the State has required buffers if the egg mass threshold exceeds significance (i.e. more than 20 spotted salamander egg masses or 40 wood frog, etc.) The wetland report clearly states that the natural resource consulting firm intends to review the pool in spring conditions. This was never done.

Thank you for your commitment to this city by being a member of the Planning Board. I strongly urge you, as our neighbors and official representatives, to consider the full impact of locating an airport hotel on this lot and the lasting negative impact it will have on the Stroudwater neighborhood and the local environment.

I have attached a bird's eye satellite view of the area and a photograph viewing the lot from our back property line for further context.

Best,
Hope Hampton
58 Cobb Ave, Portland
Licensed Site Evaluator #427

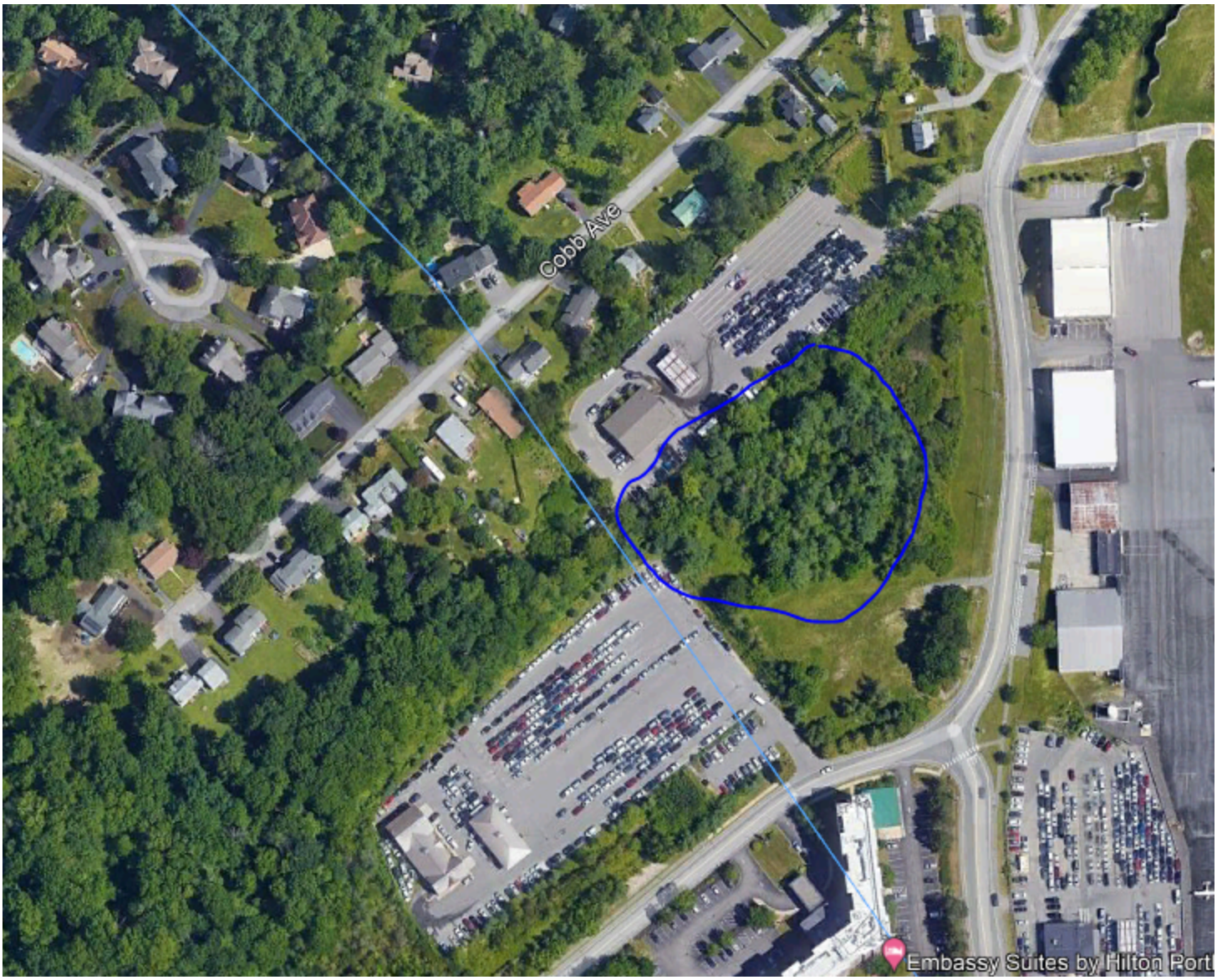
Questions:
What is the conditional use pertaining to this project?

How can screening be provided to the residents who already live here and pay taxes here to preserve our comfort of living?

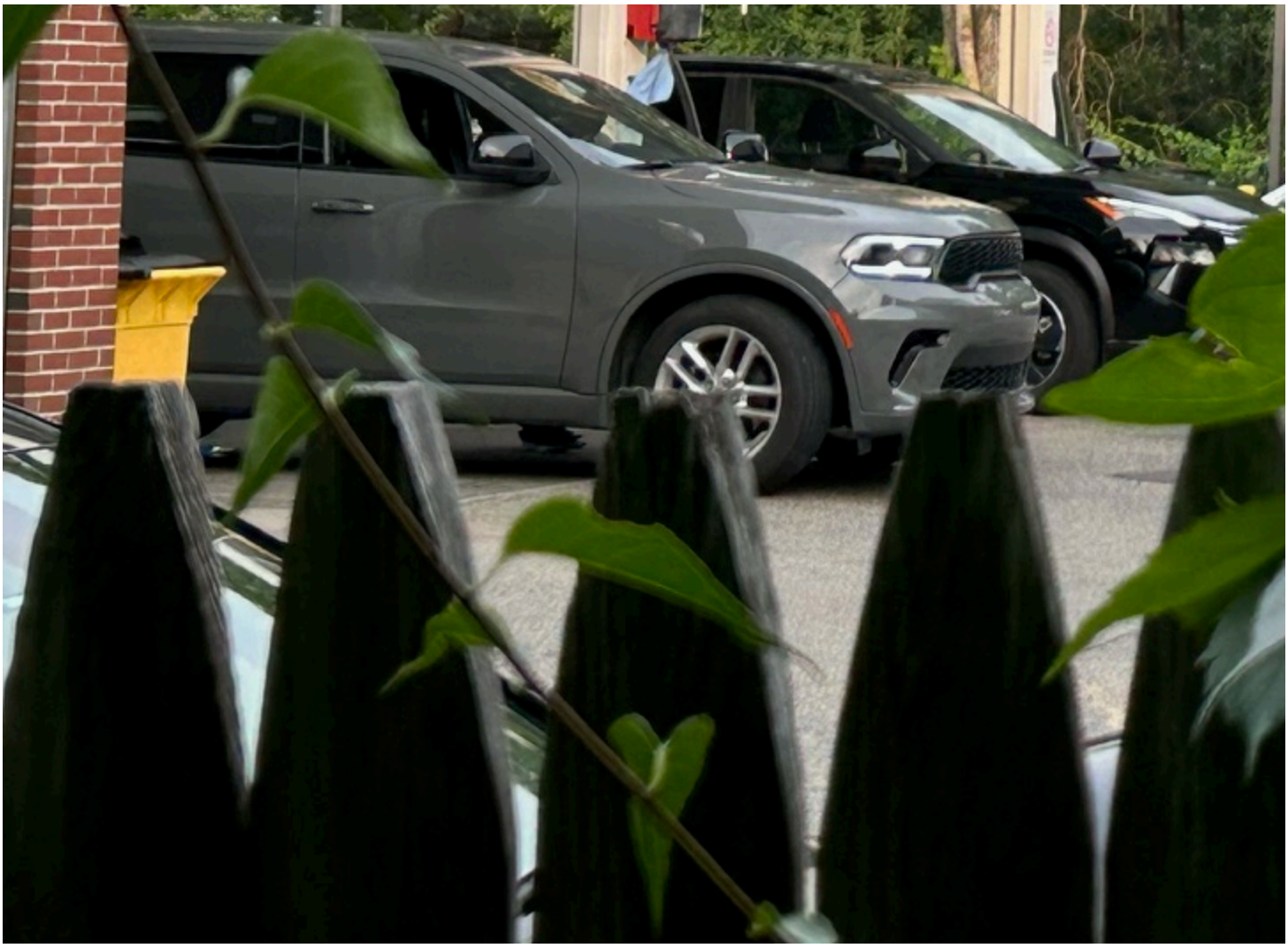
Is there a limited length of stay at this proposed hotel or can people live there long term?

How can the exterior colors of the hotel on the residential side blend in more with the local surroundings?

Is an airport hotel really necessary on this lot, when it already needs to be squeezed into a small space to accommodate the FAA in detriment to the residents of this city?







Thomas Ainsworth <tainsworth207@gmail.com>
to planningboard, Woody

The following is not submitted in opposition to the new hotel proposal at the Jetport. It is submitted in an attempt to make the structure as built a safer addition to our shared community.

1. The entry/egress as proposed is in the middle of deadman's curve where Yellowbird Road effectively begins. This is a blind corner on the only trucking and vehicle access to FAA and business facilities located on the south end of the north/south runway. Adding an uphill entry to the new hotel precisely at the sharpest part of the curve raises concern about vehicular entry/exiting from the hotel site, especially by visitors not familiar with Jetport traffic patterns. It is noteworthy that one person was killed in this area last year and no traffic changes or enforcement has occurred in this area since that most unfortunate event. Upgrading this intersection now enhances safety immediately, and is consistent with future PWM plans to obtain ownership of the rundown garage facility nearby and the former Thrifty Car Rental facility (which the City already owns) to make way for a new parking garage with vastly improved parking ingress and egress for public and private transportation.

2. Had the developer or the Planning Staff convened a Planning Summit (as requested of each) to address possible compromises from three projects being simultaneously proposed for this precise area, it is possible the hotel could obtain better fire lane and entry/ egress, Enterprise Rentals gain traffic controls and sidewalks, and PWM a much improved intersection ahead of any parking changes that may be approved. Such a Planning Summit was proposed to the developer in conjunction with a request its initial public meeting be rescheduled from the night a winter snowstorm had State and City officials pleading with the public to stay at home and not travel and a similar follow up request to Planning Staff was ignored.

3. Green screening should be optimised to help abate noise and light pollution and to better differentiate the shift of zoning from commercial to residential in this primarily residential area of the City. Similarly, use of low lighting focussed downwards which shuts off late at night (with motion sensor activation for obvious reasons) are mutually beneficial features for all parties.

4. Inclusion of rooftop solar would be an addition benefit to all concerned, but added expense is likely.

5. Removal of two hotel rooms stacked on each of three floors would also permit better ingress/egress and fire lane and parking at the site, in the event an easement for fire lane easement cannot be negotiated with Enterprise and the City.

Respectfully submitted,
Tom Ainsworth
12 Garrison St
Portland 04102

Sent from my iPad

HYATT STUDIOS HOTEL DEVELOPMENT

GIRI HOTEL MANAGEMENT

225 WEST SQUANTUM STREET, SUITE 200, QUNICY, MA 02171

LEGEND

EXISTING

REFER TO THE EXISTING CONDITIONS PLAN FOR ADDITIONAL INFORMATION

PROPOSED

	UNDERDRAIN
	GREEN SPACE
	UTILITY PAVEMENT CUTS
	STRIPING
	SEDIMENTATION BARRIER
	EDGE OF EX. PAVEMENT
	CURB
	SIGN
	LAMP OR LIGHT POLE
	UTILITY POLE
	GUY WIRE
	WATER VALVE
	FIRE HYDRANT
	SEWER MANHOLE
	CATCH BASIN
	DRAIN MANHOLE
UE UE	UNDERGROUND ELECTRIC LINE
W W	UNDERGROUND WATER LINE
64	MINOR CONTOURS (1 FT)
65	MAJOR CONTOURS (5 FT)
G G	GAS LINE
SD SD	STORM DRAIN LINE
S S	SEWER LINE
	EXISTING/PROPOSED BUILDING
OHE/T/C	OVERHEAD ELECTRICAL/TELEPHONE/CABLE
	PROPERTY LINE
	SETBACKS

UGE UGE
W W
64
65
GAS
S S
UGE

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CALL BEFORE YOU DIG
1-888-DIG-SAFE
1-888-344-7233

UTILITIES

SEWER

DEPARTMENT OF PUBLIC WORKS (DPW)
250 CANCO ROAD
PORTLAND, MAINE 04101
CONTACT: BRADLE ROLAND, P.E.
(207) 874-8834

ELECTRIC

CENTRAL MAINE POWER COMPANY (CMP)
162 CANCO ROAD
PORTLAND, MAINE 04103
CONTACT: KATHERINE DUMONT
(207) 828-2882

TELEPHONE

CONSOLIDATED COMMUNICATIONS
(FORMERLY FAIRPOINT)
45 FOREST AVENUE
PORTLAND, MAINE 04101
CONTACT: PAT MORRISON
(207) 745-9363

WATER

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PO BOX 3553
PORTLAND, MAINE 04104
ATTN: MEANS DIVISION
(207) 774-5961

CABLE

SPECTRUM CABLE
118 JOHNSON ROAD
PORTLAND, MAINE, 04102
CONTACT: STEVEN HOLMES
(207) 631-1618

NATURAL GAS

UNITIL SERVICE CORP
1075 FOREST AVENUE
PORTLAND, ME 04103
CONTACT: SCOTT CARPENTER
(207) 541-2536

PROJECT TEAM

DEVELOPER

GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREETM SUITE 200,
QUINCY, MA 02171
CONTACT: ANKUR PATEL
(508) 345-3305

ARCHITECT

MUSSACHIO ARCHITECTS
30 NORTH FOREST ROAD
WILLIAMSVILLE, NEW YORK 14221
CONTACT: RACHEL MALOY
(716) 631-9949 EXT. 106

CIVIL ENGINEER:

ACORN ENGINEERING, INC.
500 WASHINGTON AVENUE, SUITE #202
PORTLAND, MAINE
CONTACT: PETER HEIL, P.E.
(207) 775-2655

NATURAL RESOURCE SCIENTIST

FLYCATCHER, LLC
106 LAFAYETTE ST
YARMOUTH, ME 04096
CONTACT: DAVID BRENNEMAN
(207) 217-0959

TRAFFIC ENGINEER

VANASSE HANGEN BRUSTLIN, INC. (VHB)
500 SOUTHBOROUGH DR #105B
SOUTH PORTLAND, ME 04106
CONTACT: JENNIFER CONLEY, PE, PTOE
(207) 889-3150

GEOTECHNICAL ENGINEER

SUMMIT GEOENGINEERING SERVICES
210 MAINE AVENUE
FARMINGDALE, ME 04345
CONTACT: CRAIG COOLIDGE, PE
(207) 318-7761

SURVEYOR

SPURWINK SURVEYING, INC
182 SPURWINK ROAD,
SCARBOROUGH, MAINE 04074
CONTACT: JAMES A. MULLEN PLS
(207) 321-8966



VICINITY MAP
SCALE: NTS

ABBREVIATIONS

PARTIAL LIST OF ABBREVIATIONS AND THEIR CORRESPONDING MEANING. PLEASE CONTACT THE ENGINEER FOR ANY CLARIFICATION

APPROX.	APPROXIMATE
BC	BOTTOM OF CURB
BMP	BEST MANAGEMENT PRACTICE
BOT.	BOTTOM
CAD	COMPUTER AIDED DESIGN
CB	CATCH BASIN
CF	CUBIC FOOT
CIP	CAST IN PLACE
CL	CENTERLINE
CM	CONSTRUCTION MANAGER
CMP	CENTRAL MAINE POWER
CONC.	CONCRETE
CPP	CORRUGATED PLASTIC PIPE
CY	CUBIC YARD
DI	DUCTILE IRON PIPE
DIA.	DIAMETER
DIM.	DIMENSION
EA.	EACH
ELEC.	ELECTRICAL
ELEV.	ELEVATION
EQUIV.	EQUIVALENT
EST.	ESTIMATE
EX.	EXISTING
FFE	FINISH FLOOR ELEVATION
FT.	FEET
HDPE	HIGH DENSITY POLY ETHYLENE
ID	INNER DIAMETER
IN.	INCH
INV.	INVERT
L	LENGTH
MAX.	MAXIMUM
MDEP	MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
MDOT	MAINE DEPARTMENT OF TRANSPORTATION
M.E.P	MECHANICAL, ELECTRICAL, PLUMBING DESIGNER
MFG.	MANUFACTURED
MH	MANHOLE
MIN.	MINIMUM
O.C.	ON CENTER
OD	OUTSIDE DIAMETER
OHE/T/C	OVERHEAD ELECTRIC/TELEPHONE/CABLE
PC	PRECAST
PE	PROFESSIONAL ENGINEER
PL	PROPERTY LINE
PLS	PROFESSIONAL LAND SURVEYOR
PROP.	PROPOSED
PSI	POUNDS PER SQUARE INCH
PVC	POLYVINYL CHLORIDE
PWD	PORTLAND WATER DISTRICT
R	RADIUS
RD	ROOF DRAIN
RET.	RETAINING
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SDR	STANDARD DIMENSION RATIO
SF	SQUARE FEET
SMH	SEWER MANHOLE
SPEC.	SPECIFICATION
TC	TOP OF CURB
TW	TOP OF WALL
TYP.	TYPICAL
UD	UNDERDRAIN
UGE	UNDERGROUND ELECTRIC
VIF	VERIFY IN FIELD

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: COVER SHEET & LEGEND
PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102
CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
500 WASHINGTON AVE, SUITE 202, PORTLAND, MAINE 04104
PO BOX 3427 PORTLAND, MAINE 04104
(207) 775-2655

FILE: 1133_CIVIL
JN: 1133
SCALE: AS NOTED
DESIGNED BY: PFH
DRAWN BY: ZMS
CHECKED BY: WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-01

GENERAL NOTES:

1. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION FOR UTILITIES. OTHERWISE IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE ANY POTENTIAL CONFLICTS WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.

2. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL EROSION CONTROL MEASURES SHOWN ON THE PLAN. IF DEEMED NECESSARY BY THE OWNER OR OWNER'S REPRESENTATIVE (IF APPLICABLE), ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED AT NO ADDITIONAL COST TO THE OWNER.

3. THE CONTRACTOR SHALL PREPARE THEIR OWN MATERIAL SCHEDULE BASED ON THE PLANS AND FIELD VERIFICATION BY THE CONTRACTOR. ALL MATERIAL SCHEDULES SHOWN WITHIN THE PLAN SET ARE FOR GENERAL INFORMATION ONLY.

4. ALL CONSTRUCTION METHODS, TESTING AND MATERIALS SHALL CONFORM TO THE MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, THE CITY OF PORTLAND AND SERVICING UTILITY REQUIREMENTS, IF ANY. IN CASES WHERE THESE CONFLICT THE MOST STRINGENT SPECIFICATION SHALL APPLY AT NO ADDITIONAL COST TO THE OWNER.

5. THE SITE CONTRACTOR SHALL MAINTAIN A SET OF PAPER AND CAD DRAWINGS WHICH SHALL RECORD THE ACTUAL LOCATION, DIMENSIONS, ELEVATIONS, MATERIALS OF THEIR WORK, INDICATING THEREON ALL VARIATIONS FROM THE CONTRACT DRAWINGS. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH ONE COMPLETE SET OF REPRODUCIBLE RECORD DRAWINGS, IN .DWG FORMAT AND PAPER, STAMPED "AS-BUILT". IF AUTOCAD CAPABILITY IS NOT AVAILABLE, EXCLUDE FROM BID IN WRITING.

6. THE CONTRACTOR WILL REMAIN SOLELY AND COMPLETELY RESPONSIBLE FOR ENFORCEMENT OF AND COMPLIANCE WITH 1) ALL CONTRACT PLANS AND SPECIFICATIONS, 2) APPLICABLE INTERNATIONAL BUILDING CODE REQUIREMENTS, AND 3) ALL SITE WORKING CONDITIONS AND SAFETY REQUIREMENTS, DAY AND NIGHT, FOR BOTH PERSONS AND PROPERTY, IN EACH CASE BOTH BY THE CONTRACTOR AND ITS SUBCONTRACTORS. THESE INCLUDE ALL OSHA, NIOSH, U.S. EPA AND ANY OTHER APPLICABLE GOVERNMENTAL REGULATIONS.

7. EXISTING CONDITIONS, BOUNDARY SURVEY, AND TOPOGRAPHY FROM THE PLAN TITLED BOUNDARY/TOPOGRAPHIC SURVEY BY SPURWINK SURVEYING INC. PREPARED FOR ACORN ENGINEERING, INC. DATED 2/1/2020.

8. SUBSURFACE DATA HAVE BEEN OBTAINED BY THE GEOTECHNICAL ENGINEER IN REPORT DATED 11/22/2023 AND SHALL BE INCLUDED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL ALSO REVIEW THE REPORT PRIOR TO SUBMITTING A BID.

9. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCESS TO THE SITE AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY MARKINGS, SIGNAGE AND INCIDENTALS TO MAINTAIN A SAFE VEHICLE AND PEDESTRIAN ACCESS THOUGH THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL NOTIFY THE PORTLAND PUBLIC SAFETY DIVISION ROUTINELY REGARDING TEMPORARY IMPACTS OR CHANGES TO SITE ACCESS CONDITIONS.

10. CONSTRUCTION MANAGEMENT PLAN AND SITE LOGISTICS NARRATIVE SHALL BE REFERRED TO FOR ANTICIPATED PROJECT SCHEDULE AND CLOSURES. TRAFFIC CONTROL SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

11. CONTRACTOR TO DETERMINE SOIL CLASSIFICATION INDEPENDENTLY FOR TRENCH, SHORING, AND OTHER SIMILAR CONSTRUCTION MEANS AND METHODS APPLICATIONS.

12. NO HOLES, TRENCHES, OR STRUCTURES SHALL BE LEFT OPEN OR UNATTENDED OVERNIGHT IN ANY AREA ACCESSIBLE TO THE PUBLIC OR WITHIN THE PUBLIC RIGHT-OF-WAY.

13. THE CONTRACTOR SHALL CONDUCT A PRE-CONSTRUCTION SURVEY OF INTERIOR SUBGRADE AND ABOVE GRADE ACCESSIBLE WALLS, CEILINGS, FLOORS, ROOF AND VISIBLE EXTERIOR AS VIEWED FROM THE GRADE LEVEL. THIS SHALL BE COMPLETED AT A MINIMUM ADJACENT STRUCTURES. PROVIDE A COPY OF THE SURVEY TO THE OWNER. DOCUMENT WITH PICTURES AT A MINIMUM.

14. THE CONTRACTOR SHALL PROVIDE A GPS MODEL OF THE PROPERTY TO PROVIDE TO ACORN ENGINEERING.

15. THE CONTRACTOR SHALL SURVEY ROCK SURFACE PRIOR TO EXCAVATION AND DEVELOP VOLUME CALCULATIONS TO SHARE WITH THE ENGINEER, ACORN ENGINEERING INC. (ACORN), IF ANY.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL TREES AND SHRUBS ON THE PROJECT WHICH ARE NOT TO BE REMOVED.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY TRENCH PAVEMENT THAT HAS EXPERIENCED EXCESSIVE SETTLEMENT, CRACKING, OR OPENING OF JOINTS. REPAIRS MAY INCLUDE OVERLAY. REMOVAL OF WORK MAY BE NECESSARY AFTER THE FINAL ACCEPTANCE OF WORK OR PRIOR TO THE END OF THE WARRANTY PERIOD. THIS WORK SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.

CIVIL SITE NOTES:

1. THE CONTRACTOR SHALL SUBMIT IN WRITING ANY REQUESTS TO ACORN TO MODIFY THE CONTRACT DOCUMENTS.

2. ALL SHOP, ERECTION, AND CONSTRUCTION DRAWINGS SHALL BE CHECKED AND STAMPED BY THE CONTRACTOR PRIOR TO SUBMISSION FOR ACORN'S REVIEW. ANY UNCHECKED OR NON-STAMPED SUBMITTALS WILL BE RETURNED WITHOUT REVIEW.

3. CONTRACTOR SHALL THOROUGHLY INSPECT AND SURVEY EXISTING STRUCTURES AND SITE TO VERIFY CONDITIONS THAT AFFECT THE WORK SHOWN ON THE DRAWINGS. CONTRACTOR TO NOTIFY ACORN OF ANY DISCREPANCIES PRIOR TO PROCEEDING.

4. DETAILS SHOWN APPLY TO ALL SIMILAR CONDITIONS UNLESS OTHERWISE INDICATED.

5. ALTHOUGH ALL DUE DILIGENCE HAS BEEN APPLIED TO MAKE THE DRAWINGS AS COMPLETE AS POSSIBLE, NOT ALL DETAILS ARE ILLUSTRATED, NOR IS EVERY EXCEPTION CONDITION ADDRESSED WITHIN THE CONTRACT DOCUMENTS.

6. ALL PROPRIETARY CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ALL WORK, INCLUDING DIMENSION AND LAYOUT VERIFICATION, MATERIALS COORDINATION, SHOP DRAWING REVIEW, AND THE WORK OF ANY SUBCONTRACTORS.

8. UNLESS OTHERWISE SPECIFICALLY INDICATED, THE DRAWINGS DO NOT DESCRIBE OR DIRECT MEANS OR METHODS OF CONSTRUCTION.

9. THE CONTRACTOR, IN THE PROPER SEQUENCE, SHALL PERFORM OR SUPERVISE ALL WORK NECESSARY TO ACHIEVE THE FINAL COMPLETED STRUCTURE, AND TO PROTECT THE STRUCTURE, WORKMEN, AND OTHERS DURING THE CONSTRUCTION. SUCH WORK SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING, SHORING FOR CONSTRUCTION EQUIPMENT, SHORING FOR EXCAVATION, FORMWORK, SCAFFOLDING, SAFETY DEVICES AND PROGRAMS OF ALL KINDS, SUPPORT AND BRACING FOR CRANES AND OTHER ERECTION EQUIPMENT.

10. DO NOT BACKFILL AGAINST RETAINING WALLS UNTIL SUPPORTING SLABS AND FLOOR FRAMING ARE IN PLACE AND SECURELY ANCHORED, UNLESS ADEQUATE BRACING IS PROVIDED. PRIOR TO BACKFILLING, CONCRETE SHALL BE CURED PER STRUCTURAL ENGINEER'S SPECIFICATIONS.

11. TEMPORARY BRACING SHALL REMAIN IN PLACE UNTIL ALL FLOORS, WALLS, ROOFS AND OTHER SUPPORTING ELEMENTS ARE IN PLACE, IF APPLICABLE.

12. ALL PAVEMENT JOINTS SHALL BE SAWCUT AND APPLIED WITH TACK COAT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.

13. ACORN BEARS NO RESPONSIBILITY FOR THE ABOVE ITEMS, AND SITE OBSERVATION VISITS DO NOT IN ANY WAY INCLUDE INSPECTION OF THEM.

14. EXCAVATIONS ACCOMPLISHED AS PART OF THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH SUBPART P OF 29 CRF PART 1926.650-.652 (CONSTRUCTION STANDARD FOR EXCAVATIONS).

15. ALL TRENCH PAVEMENT REPAIR SHALL BE COMPLETED WITH THE USE OF A STREET PAVER WITH A SCREED WIDTH CAPABLE OF SPANNING THE FULL WIDTH OF THE TRENCH UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

SPECIAL INSPECTION NOTES

1. ALL SITE SOILS-RELATED WORK AND FOOTING EXCAVATIONS PRIOR TO PLACING FORMS SHALL BE REVIEWED BY THE PROJECT GEOTECHNICAL ENGINEER.

2. ALL SITE DRAINAGE-RELATED WORK SHALL BE REVIEWED BY ACORN.

3. NORMAL REVIEWS BY LOCAL BUILDING DEPARTMENT. NOTIFY 48 HOURS PRIOR TO REQUIRED REVIEW.

4. REQUIRED SPECIAL INSPECTIONS PER I.B.C. SECTION 1705.6 BY AN APPROVED SPECIAL INSPECTOR RETAINED BY OWNER. CONTRACTOR TO COORDINATE SPECIAL INSPECTIONS.

5. SPECIAL INSPECTOR SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE BUILDING OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR OPERATION REQUIRING SPECIAL INSPECTION.

5.1. DUTIES AND RESPONSIBILITIES OF THE SPECIAL INSPECTOR SHALL BE TO OBSERVE AND/OR TEST THE WORK ASSIGNED AND OUTLINE ABOVE FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS, ALL DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTOR FOR CORRECTION.

5.2. THE SPECIAL INSPECTOR SHALL FURNISH REGULAR REPORTS TO THE BUILDING OFFICIAL, THE ARCHITECT AND ENGINEER OF RECORD, AND OTHER DESIGNATED PERSONS. PROGRESS REPORTS FOR CONTINUOUS INSPECTION SHALL BE FURNISHED WEEKLY. INDIVIDUAL REPORTS OF PERIODIC INSPECTIONS SHALL BE FURNISHED WITHIN ONE WEEK OF INSPECTION DATES. THE REPORTS SHALL NOTE UNCORRECTED DEFICIENCIES, AND NET CHANGES TO THE APPROVED CONSTRUCTION DOCUMENTS AUTHORIZED BY THE ENGINEER OF RECORD.

5.3. THE SPECIAL INSPECTOR SHALL SUBMIT A FINAL SIGNED REPORT WITHIN TEN DAYS OF THE FINAL INSPECTION STATING WHETHER THE WORK REQUIRING A SPECIAL INSPECTION WAS, TO THE BEST OF THE INSPECTOR'S KNOWLEDGE AND BELIEF, IN CONFORMANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS AND THE APPLICABLE WORKMANSHIP PROVISIONS OF THE INTERNATIONAL BUILDING CODE. WORK NOT IN COMPLIANCE SHALL BE NOTED IN THE REPORT.

5.4. SPECIAL INSPECTOR SHALL BE EMPLOYED BY GIRI HOTEL MANAGEMENT AND COORDINATED BY THE CONTRACTOR.

LAYOUT NOTES:

1. MONUMENTS DELINEATING PROPERTY LINES OR RIGHT OF WAYS SHALL NOT BE DISTURBED DURING CONSTRUCTION OPERATIONS. IN THE CASE A MONUMENT IS DISTURBED, AT THE CONTRACTOR'S EXPENSE, THE MONUMENT SHALL BE RESET TO ITS ORIGINAL LOCATION AND ELEVATION BY A LICENSED PROFESSIONAL LAND SURVEYOR.

2. ALL DIMENSIONS ON THE FOLLOWING SHEETS TAKE PRECEDENT OVER SCALED DIMENSIONS. EACH DRAWING WITH A BAR SCALE MEANS THAT THE DRAWING/DETAIL HAS BEEN SCALED AS ACCURATELY AS POSSIBLE, AND THE BAR SCALE IS FOR GENERAL REFERENCE ONLY. IF NO BAR SCALE IS PRESENT, THEN THERE IS NO SCALE TO THAT DRAWING/DETAIL. AT NO TIME SHOULD DRAWINGS BE SCALED FROM. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, SPECIFICATIONS AND THE FIELD CONDITION SHALL BE IMMEDIATELY REPORTED TO ACORN FOR FURTHER DIRECTIONS BEFORE ANY ADDITIONAL WORK PROCEEDS.

3. SIGNAGE, STRIPING, AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

4. ALL TRAFFIC CONTROL SIGNS INDICATED ON THE SITE LAYOUT PLAN ARE TO MEET ALL REQUIREMENTS & CONDITIONS OF THE CITY OF PORTLAND, MAINE DEPARTMENT OF TRANSPORTATION AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

5. THE CONTRACTOR SHALL OBTAIN THE SERVICES OF A LICENSED PROFESSIONAL LAND SURVEYOR TO PROVIDE A MINIMUM OF TWO TEMPORARY BENCHMARKS WITHIN THE SITE AND TO LOCATE PROPOSED STRUCTURE CORNERS.

6. CONTRACTOR TO ENSURE THAT ACCESS, INCLUDING BUT NOT LIMITED TO WALKWAYS, DRIVEWAYS, AND MAILBOXES ADJACENT TO THE PROJECT REMAIN FUNCTIONAL AND AVAILABLE FOR USE AT ALL TIMES.

PERMITTING NOTES

1. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A MAJOR SITE PLAN APPLICATION AND AN STORMWATER MANAGEMENT LAW DELEGATED REVIEW APPLICATION FOR THE CITY OF PORTLAND AND A MAINE GENERAL CONSTRUCTION PERMIT WITH THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

2. THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

3. ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY REQUIRES A STREET OPENING PERMIT FROM THE CITY OF PORTLAND. ADDITIONALLY, COORDINATE WITH THE DEPARTMENT OF PUBLIC WORKS.

GRADING AND DRAINAGE NOTES:

1. TOPSOIL STRIPPED FROM THE SITE THAT IS SUITABLE FOR REUSE AS LOAM (MEETS THE REQUIREMENTS WITHIN SECTION 615 OF THE MDOT STANDARD SPECIFICATIONS, MOST RECENT VERSION AND IS FREE OF TRACEABLE AMOUNTS OF CONTAMINANTS) SHALL BE STOCKPILED WITHIN THE PROPOSED LIMIT OF WORK AREA. THE CONTRACTOR SHALL NOT ASSUME THAT ANY STRIPPED TOPSOIL WILL BE ACCEPTABLE FOR REUSE WITH THEIR ESTIMATE.

2. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY; NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING. DEWATERING SHALL INCLUDE TREATMENT OF SILT THROUGH THE USE OF A DIRTBAG BY ACF ENVIRONMENTAL OR APPROVED EQUIVALENT. FLOWS FROM DEWATERING ACTIVITIES SHALL NOT BE DISCHARGED INTO SANITARY SEWERS. SEE BORING LOGS FOR ADDITIONAL INFORMATION.

3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ANY EASEMENT OR TEMPORARY CONSTRUCTION RIGHTS AS NECESSARY BY PRIVATE ADJACENT LAND OWNERS. THE CONTRACTOR SHALL NOT DISTURB ANY SOIL BEYOND THE PROPERTY LINE WITHOUT NOTIFYING AND OBTAINING SUCH EASEMENT OR TEMPORARY CONSTRUCTION RIGHT FROM THE ADJACENT LAND OWNERS. PRIOR TO THE CONTRACTOR PRICING THE WORK, THEY SHALL PROVIDE ACORN WITH PROOF OF SUCH EASEMENT OR TEMPORARY RIGHTS. SHOULD EASEMENTS OR TEMPORARY RIGHTS NOT BE AVAILABLE, THE CONTRACTOR SHALL INCLUDE COST FOR BRACING AND SHORING AS NECESSARY.

4. THE MINIMUM SLOPE SHALL MEET OR EXCEED 1.0% IN ALL CASES WHERE NOT NOTED ON THE GRADING PLAN. SLOPES IDENTIFIED ON THE GRADING PLAN TAKE PRECEDENT. ALL SLOPES SHALL BE AWAY FROM BUILDINGS AND TOP OF PAVEMENT SHALL BE AT OR BELOW EXISTING FINISH FLOOR ELEVATIONS.

5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST GEOTECHNICAL REPORT DATED 11/22/2023 PREPARED BY THE PROJECT GEOTECHNICAL ENGINEER.

6. CONTRACTOR TO REVIEW EXISTING SOIL CONDITIONS, TEST PITS, AND BORINGS. THERE WILL BE NO ADDITIONAL PAYMENT FOR UNSUITABLE SOILS.

7. ALL STORM DRAIN PIPE SHALL BE SMOOTH BORE INTERIOR PROVIDING A MANNINGS ROUGHNESS COEFFICIENT OF N=0.012 OR LESS.

8. ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.

9. NATIVE SOILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LIMIT THE DISTURBANCE TO SUBGRADE SOILS. SHOULD THE SUBGRADE BECOME YIELDING OR DIFFICULT TO WORK, CONTACT ACORN. THE DISTURBED AREAS SHALL BE EXCAVATED AND BACKFILLED WITH COMPACTED SELECT FILL OR CRUSHED STONE AT NO ADDITIONAL EXPENSE TO THE OWNER.

10. ALL SUBGRADE PREPARATION IS SUBJECT TO THE RECOMMENDATIONS OF THE PROJECT GEOTECHNICAL ENGINEER, IF APPLICABLE.

EROSION CONTROL NOTES:

1. DISTURBED AREAS ARE DEFINED AS THOSE SURFACES WHERE EXISTING VEGETATION OR STRUCTURES HAVE BEEN REMOVED, EXPOSING NATIVE SOIL TO THE ELEMENTS.

2. ALL ROUTINE WORK ACTIVITIES SHALL BE CONDUCTED IN SUCH A WAY TO LIMIT THE AMOUNT OF DISTURBED AREA AT ONE TIME TO THE EXTENT PRACTICABLE.

3. PRIOR TO THE START OF ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL APPLICABLE EROSION CONTROL DEVICES SUCH AS PERIMETER SILT FENCE, AND OTHER APPLICABLE MEASURES. IN THE EVENT THE CONTRACTOR IS NOT SURE A EROSION CONTROL MEASURE SHOULD BE IMPLEMENTED, THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD TO CONFIRM IMPLEMENTATION OF ANY EROSION CONTROL DEVICES.

4. ALL GROUND AREAS GRADED FOR CONSTRUCTION SHALL BE GRADED, LOAMED, SEEDED AND MULCH SHALL BE APPLIED AS SOON AS POSSIBLE WITHIN 7 DAYS FOLLOWING THE COMPLETION OF ANY SOIL DISTURBANCE, AND PRIOR TO ANY STORM EVENT.

5. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY. THE CONTRACTOR SHALL REFERENCE THE APPROVED EROSION AND SEDIMENTATION CONTROL REPORT FOR TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES IN ADDITION TO THE PLAN SET. THE CONTRACTOR SHALL ALSO REFER TO THE MAINE D.E.P.'S PERMIT CONDITIONS, FINDINGS OF FACT AND ORDER (IF ANY), AND THE CURRENT MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.

6. PRIOR TO PAVING, THE CONTRACTOR SHALL REMOVE ALL SEDIMENT FROM STORM DRAINS, CATCH BASINS, AND APPURTENANCES.

7. REFER TO THE EROSION CONTROL DETAILS & NOTES FOR ADDITIONAL INFORMATION.

UTILITY NOTES:

1. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED UPON RECORDS OF VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO TEST PIT TO DETERMINE THE EXACT LOCATION AND ELEVATION OF UTILITIES TO COORDINATE WITH THE PROPOSED CONNECTIONS OR CROSSING. ANY DISCREPANCIES SHALL BE IMMEDIATELY REPORTED TO ACORN FOR FURTHER DIRECTIONS BEFORE ANY ADDITIONAL WORK PROCEEDS.

2. CONTRACTOR TO BYPASS EXISTING SEWER FLOW CONTROL AT CONNECTION TO EXISTING SYSTEM AT NO ADDITIONAL COST.

3. CONTRACTOR SHALL, AT NO ADDITIONAL COST TO THE OWNER, CONDUCT EXPLORATORY EXCAVATIONS AT LOCATIONS WHERE PROPOSED EXCAVATION WILL INTERSECT WITH EXISTING UTILITIES, PRIOR TO THE ORDERING OF STRUCTURES.

4. ALL NEW SANITARY MANHOLES SHALL BE VACUUM TESTED AND SHOWN TO PASS PRIOR TO BACKFILLING. TESTING SHALL BE COMPLETED IN ACCORDANCE WITH TECHNICAL REPORT #16 (TR-16): GUIDES FOR THE DESIGN OF WASTEWATER TREATMENT WORKS, PREPARED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION.

5. SEWER MANHOLES SHALL BE 4' ID UNLESS OTHERWISE STATED ON THE PLANS.

6. CONTRACTOR TO PROVIDE 5.5' OF COVER FROM TOP OF PIPE TO FINISH GRADE FOR WATER MAINS.

7. THRUST BLOCKS SHALL BE USED FOR THRUST RESTRAINT ON WATER MAINS. DETAIL AND LIMITS FOR THRUST BLOCKS ARE SHOWN WITHIN THE PLAN SET.

8. WATER INFRASTRUCTURE SHALL BE TESTED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT DOCUMENT "WATER AND SEWER CONSTRUCTION SPECIFICATIONS AND PROCEDURE", MOST RECENT REVISION.

9. ALL REQUIRED FITTINGS FOR THE WATER MAIN ARE NOT SHOWN ON DRAWINGS. CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY FITTINGS REQUIRED TO CONSTRUCT THE WATER MAIN IN ACCORDANCE WITH CITY OF PORTLAND, STATE OF MAINE, AND AMERICAN WATER WORKS ASSOCIATION STANDARDS AND REGULATIONS.

10. CONTRACTOR SHALL COORDINATE WORK REGARDING ANY WATER MAIN CONNECTION AND WATER MAIN SHUTDOWN WITH THE PORTLAND WATER DISTRICT AT LEAST SEVEN (7) DAYS PRIOR TO CONSTRUCTION.

11. ALL WATER PIPE INSTALLATION SHALL CONFORM WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS AND PROCEDURES, MOST RECENT EDITION.

12. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

13. SEWER, GAS, TELEPHONE, ELECTRICITY, CABLE, WATER AND ANY OTHER UTILITY CONNECTIONS SHALL BE REVIEWED BY PLUMBING, ELECTRICAL, AND MECHANICAL DESIGNER FOR CONSISTENCY WITH THEIR PLANS PRIOR TO CONSTRUCTION.

14. COORDINATE EXIT POINT FOR SECONDARY UTILITY SERVICES WITH THE ARCHITECT/ELECTRICAL ENGINEER. SECONDARY LINE LOCATIONS NOT PROVIDED BY ACORN WITHIN THE UTILITY PLAN.

15. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL THE NECESSARY PERMITS FOR THE INSTALLATION OF THE UTILITIES AND STORMDRAINS WITHIN THE PUBLIC RIGHT OF WAY. THE CONTRACTOR SHALL SUBMIT A MAINTENANCE OF TRAFFIC PLAN TO THE CITY IN ACCORDANCE WITH THE CITY OF PORTLAND TECHNICAL MANUAL PRIOR TO ANY WORK.

16. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL AT NO EXTRA EXPENSE TO THE OWNER.

17. ALL UTILITY PIPES SHALL SLOPE UNIFORMLY BETWEEN ELEVATIONS INDICATED ON THE DRAWINGS. NO CRESTS OR SAGS IN THE PIPING WILL BE PERMITTED. ALL HORIZONTAL AND VERTICAL BENDS IN PRESSURIZED PIPE LINES SHALL BE SUITABLY RESTRAINED WITH THRUST BLOCKS OR RETAINER GLANDS. RETAINER GLANDS ALLOWED FOR DUCTILE IRON PIPE ONLY. PROVIDE ALL BENDS, HORIZONTAL AND VERTICAL, AS REQUIRED TO MEET THE GRADES AND ALIGNMENTS INDICATED ON THE DRAWINGS.

18. ALL WASTEWATER PIPING, EXCLUDING BUILDING DRAINS, AND ALL PRESSURIZED PIPING, TO INCLUDE WATER MAINS, INSTALLED BENEATH STRUCTURES SHALL BE ENCASED IN CONCRETE.

19. WHERE NEW PIPING IS TO BE CONNECTED TO EXISTING PIPING, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL ADAPTERS, FITTINGS AND ADDITIONAL PIPE AS REQUIRED TO ENSURE A COMPLETE AND PROPERLY FUNCTIONING CONNECTION. CONTRACTOR TO VERIFY LOCATION, ELEVATION, ORIENTATION AND MATERIAL OF CONSTRUCTION. ADAPTERS AND FITTINGS ARE INCIDENTAL TO THE PIPE INSTALLATION.

20. WHENEVER POSSIBLE, WATER LINES SHOULD BE INSTALLED OVER WASTEWATER LINES. A MINIMUM SEPARATION OF 18 INCHES BETWEEN THE BOTTOM OF THE WATER LINE AND THE TOP OF THE WASTEWATER LINE SHALL BE MAINTAINED WHERE POSSIBLE. WHERE A WATER LINE CROSSES UNDER THE WASTEWATER LINE, A FULL LENGTH OF WASTEWATER PIPE SHALL BE CENTERED ABOVE THE WATER LINE SO THAT BOTH JOINTS WILL BE AS FAR FROM THE WATER LINE AS POSSIBLE,

21. THE CONTRACTOR SHALL ANTICIPATE THAT THE NATIVE SILT AND CLAY SOILS WILL NOT BE SUITABLE FOR PIPE TRENCH BACKFILL IN PAVED AREAS.

22. GROUNDWATER SHALL BE CONTROLLED TO A LEVEL OF AT LEAST ONE FOOT BELOW SUBGRADE OF THE PIPE OR STRUCTURE. THE CONTRACTOR SHALL MAINTAIN THE LOWERED GROUNDWATER LEVEL UNTIL CONSTRUCTION HAS BEEN COMPLETED TO SUCH AN EXTENT THAT THE STRUCTURES OR PIPES WILL NOT BE FLOATED OR OTHERWISE DAMAGED.

23. EXCAVATION TO SUBRADE IN NATIVE SILT AND CLAY SHALL BE COMPLETED WITH A SMOOTH EDGE BUCKET TO MINIMIZE SUBGRADE DISTURBANCE.

24. ALL ADJUSTMENTS TO FINISHED GRADE ARE TO BE COMPLETED BY THE CONTRACTOR. THE CONTRACTOR SHALL CONFIRM STRUCTURES THAT REQUIRE ADJUSTMENT WITH THE ENGINEER OR OWNERS REPRESENTATIVE PRIOR TO ADJUSTING FRAMES.

DEMOLITION NOTES:

1. THE FOLLOWING ITEMS ARE TYPICAL OF MATERIAL WHICH MAY BE ON SITE:
   - ROCK AND CONCRETE FOUNDATIONS
   - CONCRETE SLABS
   - BITUMINOUS ASPHALT PAVEMENT
   - CONCRETE PADS AND BLOCKS
   - FENCE POST AND FENCING
   - UNDERGROUND UTILITY LINES
   - ABOVE AND OR BELOW FUEL OIL AND PROPANE GAS TANKS
   - STORM DRAIN PIPES AND APPURTENANCE STRUCTURES
   - OTHER TRASH & MISCELLANEOUS SOLID WASTES

2. THE CONTRACTOR IS ADVISED TO VISIT THE SITE TO CONFIRM DEMOLITION ITEMS SINCE THE LIST IS NOT INCLUSIVE OF THE SITE CONDITIONS WHICH MAY BE ENCOUNTERED

3. ALL DISPOSAL OF DEMOLITION DEBRIS OR WASTE SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, & FEDERAL REGULATIONS. CONTRACTORS SHALL PROVIDE OWNER WITH APPROPRIATE "BILLS OF LADING" DEMONSTRATING PROPER DISPOSAL OF ALL MATERIALS.

4. ACORN COMPLETED A PHASE I - ENVIRONMENTAL SITE ASSESSMENT FOR THE PROPERTY. SEE REPORT DATED MARCH 10, 2020 FOR ADDITIONAL INFORMATION.

BLASTING NOTES:

1. ALL BLASTING ACTIVITIES SHALL BE IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL REGULATIONS.
2. APPLICANTS FOR ALL BLASTING OPERATIONS SHALL OBTAIN AN EXCAVATION PERMIT FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO ANY BLASTING.
3. PRE-BLAST SURVEYS ARE REQUIRED FOR ALL BLASTING OPERATIONS. THE BLASTING CONTRACTOR WILL HIRE AN INDEPENDENT SEISMOLOGIST OR BLASTING CONSULTANT TO PERFORM PRE-BLAST SURVEYS ON ALL STRUCTURES (CONTINGENT UPON PROPERTY OWNER AGREEMENT) WITHIN THE DISTANCES SPECIFIED BELOW. THE INDEPENDENT SEISMOLOGIST OR BLASTING CONSULTANT SHALL NOT BE AN EMPLOYEE OF THE CONTRACTOR, SUBCONTRACTOR, EXPLOSIVES MANUFACTURER, OR EXPLOSIVES DISTRIBUTOR.

SIZE OF BLAST	AMOUNT OF ROCK	SURVEY REQUIREMENT
SMALL	<50 CY	WITHIN 250' OF BLASTING SITE
MEDIUM	50 TO 300 CY	WITHIN 500' OF BLASTING SITE
LARGE	>300 CY	WITHIN 600' OF BLASTING SITE

PERMITING
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: GENERAL NOTES

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

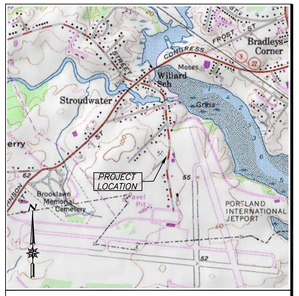
ACORN ENGINEERING, INC.
ENGINEERING, INC.
ACORN ENGINEERING, INC
PO BOX 2375 YORK, MAINE 04104
(207) 775-2655

USE OF PLANS SHALL NOT BE MODIFIED IN ANY MANNER WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE TO THESE PLANS BY ANYONE OTHER THAN ACORN ENGINEERING, INC., OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING



VICINITY MAP
N.T.S.

LEGEND

●	#5 REBAR WITH PLASTIC CAP STAMPED #2028 SET APRIL 4, 2017
◎	FOUND IRON PIPE (SIZE & TYPE AS NOTED)
⊖	FOUND PINCHED IRON PIPE
⊡	FOUND MONUMENT (SIZE & TYPE AS NOTED)
⊙	FOUND DRILL HOLE
⊕	FOUND IRON ROD
◒	FOUND CAPPED IRON ROD (NUMBER AS NOTED)
—▫—	SIGN
—○—	UTILITY POLE (NUMBER AS NOTED)
◡	GUY WIRE ANCHOR
	FIRE HYDRANT
	TREE
	SHRUB
———	BOUNDARY LINE
— — —	EASEMENT LINE
———	EDGE OF PAVEMENT
———	RIGHT-OF-WAY LINE
— — —	ABUTTER LINE
— · — · —	SETBACK LINE
∿∿∿	TREE LINE
OHU	OVERHEAD UTILITY
S	SEWER LINE
D	DRAIN LINE
W	WATER LINE
G	GAS LINE
N/F	NOW OR FORMERLY OWNED BY
1234/567	DEED BOOK AND PAGE (CCRD)
12-3-45	TAX MAP-BLOCK-LOT
(123.45)	PARENTHESIS DENOTE RECORD DATA

NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS MAINE STATE GRID, WEST ZONE ACQUIRED BY GPS MEASURMENT. ELEVATIONS AND CONTOURS ARE REFERENCED TO NGVD1929.
2. DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
3. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN A DEED FROM THOMAS A. TOYE TO TOYE REALTY HOLDINGS, LLC DATED APRIL 29, 1999 AND RECORDED IN DEED BOOK 14717, PAGE 316.
4. THE PARCEL SURVEYED IS IDENTIFIED ON THE CITY OF PORTLAND TAX ASSESSOR'S MAP 207, BLOCK A, PARCEL 12 AND MAP 210A, BLOCK B, PARCEL 7.
5. REFERENCE IS MADE TO THE FOLLOWING PLANS:
   a. "STANDARD BOUNDARY SURVEY OF THOMAS A. TOYE PROPERTY, WESTBROOK STREET, PORTLAND, MAINE FOR TOYE REALTY HOLDINGS, LLC" BY SEBAGO TECHNICS, INC DATED NOVEMBER 27, 2000 AND RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 201, PAGE 22.
   b. "PORTLAND INTERNATIONAL JETPORT, RECORDING PLAT" BY DUFRENE-HENRY, INC. LAST REVISED JUNE, 1987 AND RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BBOK 160, PAGE 60.
6. EASEMENTS OF RECORD
   a. DRAINAGE AND DETENTION EASEMENT CONVEYED TO JOSEPH F. BOULOS ET. AL. BY DEED OF BCD AIRPORT PARTNERS DATED OCTOBER 2, 1988 AND RECORDED IN BOOK 8557, PAGE 130 AND DESCIBED AS EXHIBIT B.
   b. ACCESS AND UTILITY EASEMENT CONVEYED TO JOSEPH F. BOULOS ET. AL. BY DEED OF BCD AIRPORT PARTNERS DATED OCTOBER 2, 1988 AND RECORDED IN BOOK 8557, PAGE 130 AND DESCIBED AS EXHIBIT C.
   c. AIR RIGHTS AND EASEMENTS THAT EXIST OVER THE SURVEYED PROPERTY INCLUDING AN ASR CRITICAL AREA DESIGNATION AS IS SHOWN ON PLAN REFERENCE 5.b.
7. THE SURVEYED PARCEL CONTAINS 175,560 SQUARE FEET OR 4.03 ACRES.
8. THE UTILITIES SHOWN ON THIS PLAN WERE FROM FIELD OBSERVATION ONLY. THERE MAY BE OTHER UTILITIES EXISTING THAT ARE NOT SHOWN. CONTACT DIG-SAFE (888)DIG-SAFE PRIOR TO ANY EXCAVATION WORK

Revisions:	By:	Date:	Change:

PROJECT: 202003	DRAWING NAME: 1060 WSBK ST.DWG	
DATE: FEBRUARY 1, 2020	SCALE: 1"=30'	FB 14 YES E. FB YES
FIELDED BY: J.A.M. & J.B.P.	FIELD DATE: JANUARY 2020	DRAWN BY: J.A.M.

Drawing Name and Location:
BOUNDARY/TOPOGRAPHIC SURVEY
1060 WESTBROOK STREET, PORTLAND, MAINE

Owner:
TOYE REALTY HOLDINGS, LLC
PO BOX 6285, CAPE ELIZABETH, MAINE 04107

Prepared For:
ACORN ENGINEERING, INC.
65 HANOVER STREET, PORTLAND, MAINE 04101

SURVEYING LAND PLANNING
Spurwink Surveying
INCORPORATED
182 SPURWINK ROAD, SCARBOROUGH, MAINE
tel 207.799.2654 cell 207.321.8966 e-mail spurwinksurveying@gmail.com

0 30' 60' 120'

STAMP AND SIGNATURE

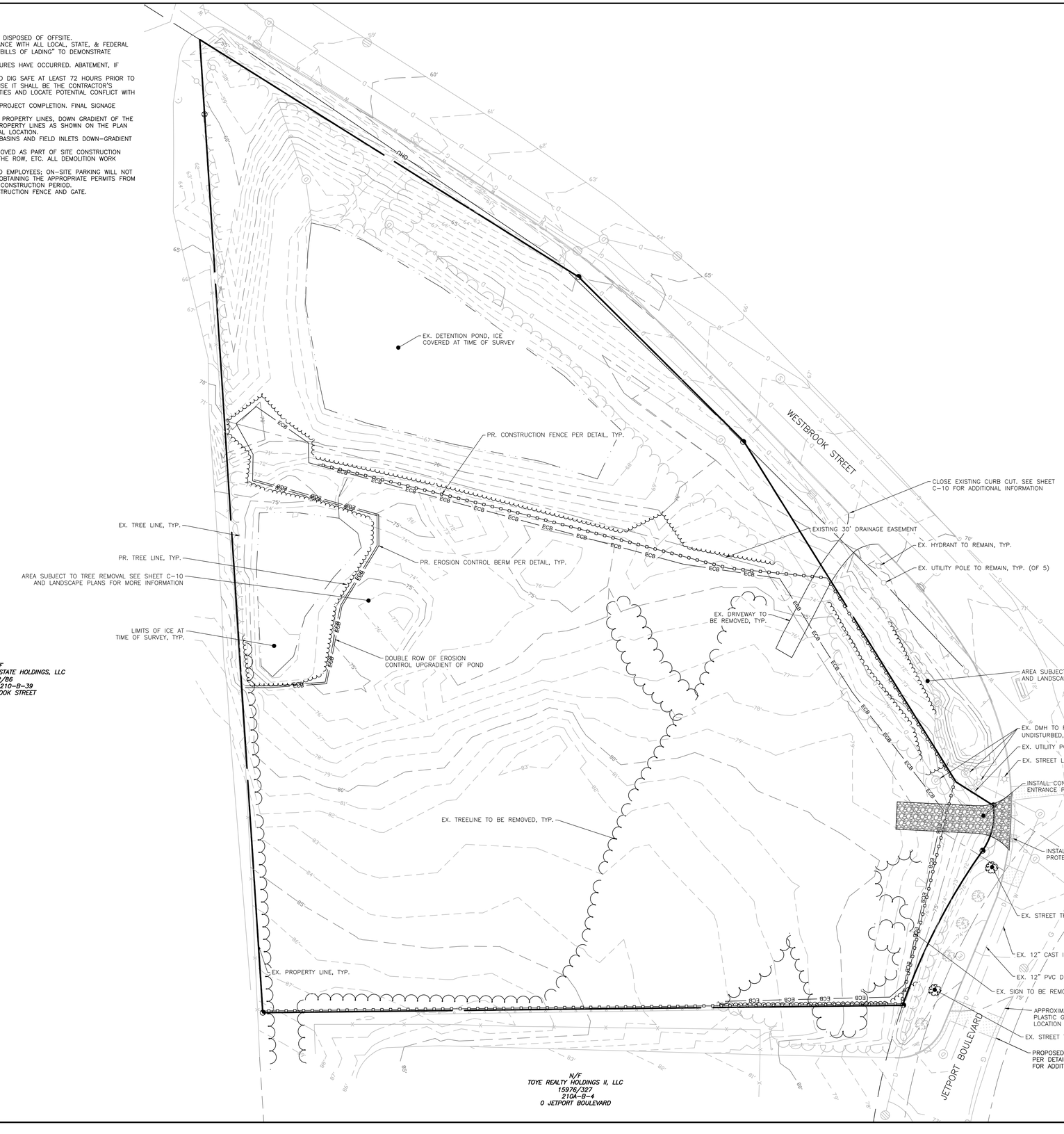
James A. Mullen MAY 4, 2020
JAMES A. MULLEN DATE
MAINE P.L.S. No. 2028

STATE OF MAINE · JAMES A. MULLEN PLS 2028 · PROFESSIONAL LAND SURVEYOR

IF THIS PLAN DOES NOT CONTAIN AN EMBOSSED SEAL, IT IS NOT AN ORIGINAL AND MAY BE VOID.
EMBOSSED SEAL ABOVE

GENERAL NOTES:

1. EXISTING ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
2. ALL DISPOSAL OF DEMOLITION DEBRIS OR WASTE SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, & FEDERAL REGULATIONS. CONTRACTOR SHALL PROVIDE OWNER WITH APPROPRIATE "BILLS OF LADING" TO DEMONSTRATE PROPER DISPOSAL OF ALL MATERIALS.
3. SITE DEMOLITION SHALL NOT OCCUR UNTIL PROPER ABATEMENT PROCEDURES HAVE OCCURRED. ABATEMENT, IF NECESSARY, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO EXCAVATION TO REQUEST EXACT FIELD LOCATION FOR UTILITIES. OTHERWISE IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE POTENTIAL CONFLICT WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.
5. ALL CONSTRUCTION SIGNAGE IS TEMPORARY AND WILL BE REMOVED AT PROJECT COMPLETION. FINAL SIGNAGE WORDING AND PLACEMENT LOCATION TO BE ACCEPTED BY THE CITY.
6. SEDIMENT BARRIERS TO BE PLACED DIRECTLY ON THE FRONT AND SIDE PROPERTY LINES, DOWN GRADIENT OF THE PROPOSED PROJECT WORK PER DETAIL; FENCES ARE OFFSET OF THE PROPERTY LINES AS SHOWN ON THE PLAN FOR CLARITY PURPOSES AND DO NOT NECESSARILY DEPICT THE PHYSICAL LOCATION.
7. CONTRACTOR SHALL PLACE CATCH BASIN INLET PROTECTION ON CATCH BASINS AND FIELD INLETS DOWN-GRADIENT OF ALL NON-STABILIZED SURFACES, PER DETAIL.
8. DEMOLITION PLAN IS NOT INCLUSIVE OF ALL EXISTING ITEMS TO BE REMOVED AS PART OF SITE CONSTRUCTION INCLUDING BUT NOT LIMITED TO LANDSCAPING, UTILITIES, WORK WITHIN THE ROW, ETC. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND REGULATIONS.
9. CONTRACTOR TO BE RESPONSIBLE FOR PROVIDING OFF-SITE PARKING TO EMPLOYEES; ON-SITE PARKING WILL NOT BE PROVIDED OR GUARANTEED. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING THE APPROPRIATE PERMITS FROM THE CITY FOR CLOSING ANY ON-STREET PARKING SPACES DURING THE CONSTRUCTION PERIOD.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR SNOW REMOVAL ALONG CONSTRUCTION FENCE AND GATE.



PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **CONSTRUCTION MANAGEMENT PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.
ENGINEERING, INC.
ACORN ENGINEERING, INC.
PO BOX 3257, PORTLAND, MAINE 04104
(207) 775-2655

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE WITHOUT OBTAINING SUCH PERMISSION SHALL BE AT THE USER'S SOLE RISK AND CLIENT AGREES TO INDEMNIFY AND HOLD HARMLESS ACORN ENGINEERING, INC.

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER
2/23/24

DRAWING NO.
C-03

GENERAL NOTES:

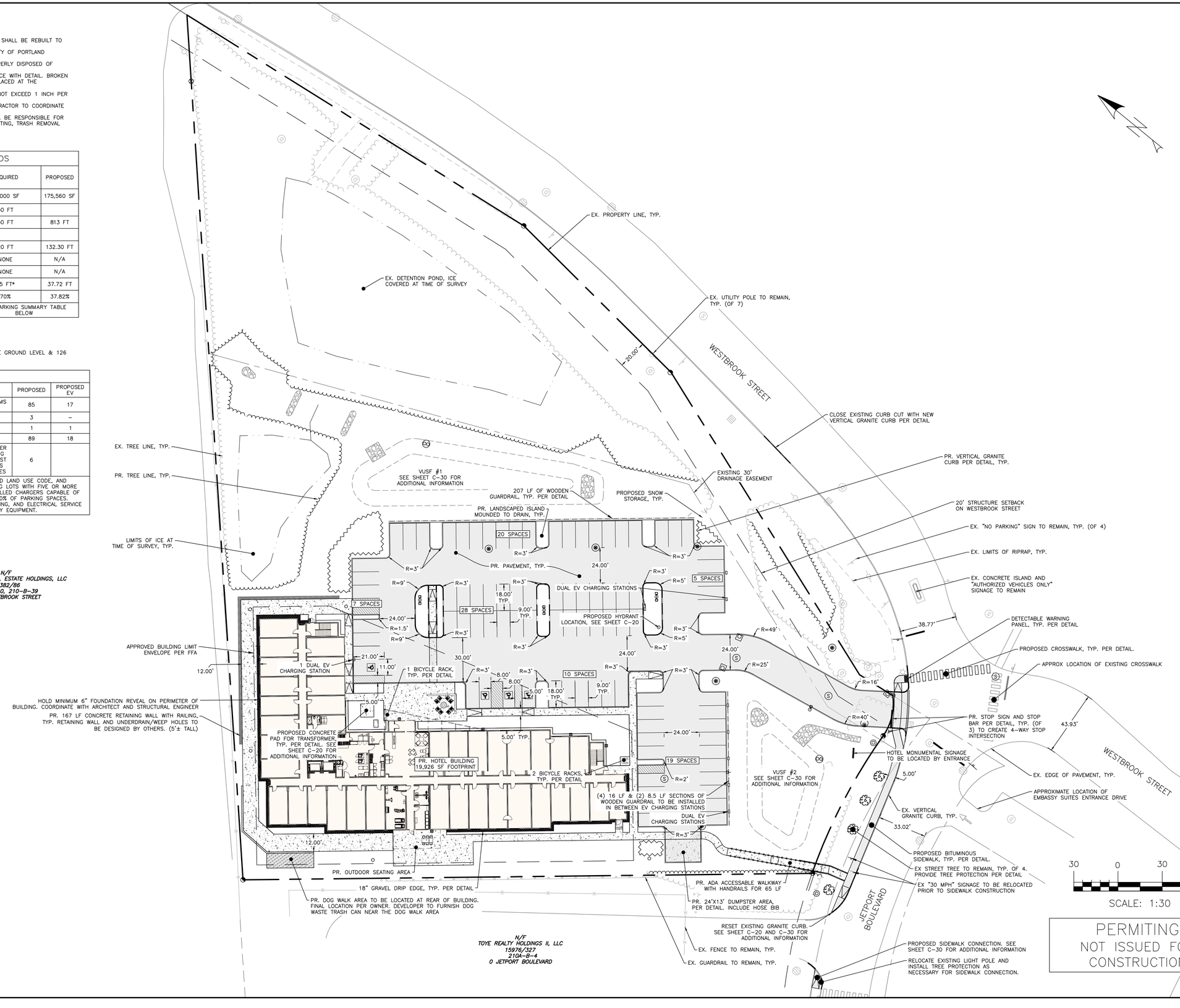
1. ALL SIDEWALK AND VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF PORTLAND STANDARD.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF PORTLAND STANDARDS.
3. ANY ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL.

SPACE AND BULK STANDARDS		
ZONE: A–B	REQUIRED	PROPOSED
MIN. LOT AREA	20,000 SF	175,560 SF
MIN. LOT WIDTH	50 FT	
MIN. STREET FRONTAGE	50 FT	813 FT
STRUCTURE SETBACKS		
FRONT (ALONG WESTBROOK STREET ONLY)	20 FT	132.30 FT
SIDE	NONE	N/A
REAR	NONE	N/A
MAXIMUM HEIGHT	45 FT*	37.72 FT
MAXIMUM IMPERVIOUS SURFACE RATIO	70%	37.82%
MINIMUM OFF–STREET PARKING	SEE PARKING SUMMARY TABLE BELOW	

SPACE AND BULK NOTES:
* PER FFA BUILDING ELEVATION IS RESTRICTED TO 52 FT ABOVE GROUND LEVEL & 126 FT ABOVE THE MEAN SEA LEVEL

PARKING SUMMARY				
	UNITS	SPACES REQUIRED	PROPOSED	PROPOSED EV
HOTEL	119	1 SPACE PER 4 ROOMS = 30 SPACES	85	17
ADA (8'X18')	–	–	3	–
ADA (11'X20')	–	–	1	1
TOTAL SPACES	–	30	89	18
BICYCLE PARKING		2 BICYCLE SPACES PER 10 VEHICLES PARKING SPACES FOR THE FIRST 100 VEHICLE SPACES REQUIRED = 6 SPACES	6	

* IN ACCORDANCE WITH SECTION 14.6.1 OF THE CITY OF PORTLAND LAND USE CODE, AND SECTION 1.14 OF THE PORTLAND TECHNICAL MANUAL, NEW PARKING LOTS WITH FIVE OR MORE SPACES SHALL INCLUDE ENERGIZED ELECTRICAL OUTLETS OR INSTALLED CHARGERS CAPABLE OF PROVIDING LEVEL 2 ELECTRIC VEHICLE CHARGING OR HIGHER TO 20% OF PARKING SPACES. REMAINING SPACES MUST BE SERVED BY SUFFICIENT CONDUIT, WIRING, AND ELECTRICAL SERVICE TO ALLOW FOR FUTURE INSTALLATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT.



N/F
PINGREE 2000 REAL ESTATE HOLDINGS, LLC
28382/86
204–A–10, 210–B–39
1128 WESTBROOK STREET

N/F
TOYE REALTY HOLDINGS II, LLC
15976/327
210A–B–4
0 JETPORT BOULEVARD

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 5/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/15/2024

DRAWING NAME: **SITE PLAN**
PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102
CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

THESE PLANS, NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND ANY USE OF THESE PLANS BY ANYONE OTHER THAN THE CLIENT FOR THE INTENDED PROJECT, OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
FALMOUTH, MAINE 04105
PO BOX 3257 (207) 775–2655

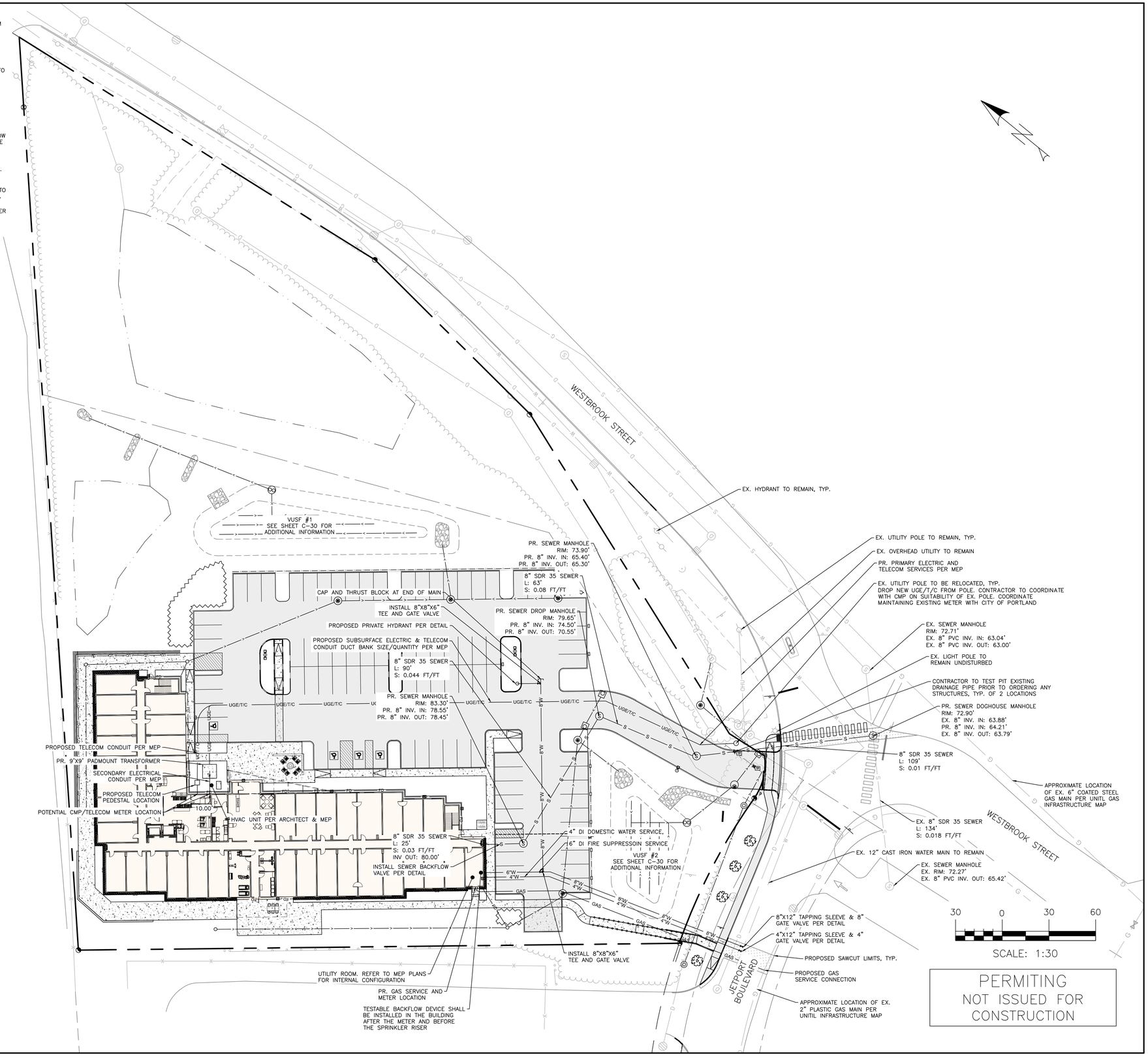
FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-10

GENERAL NOTES:

1. LOCATION OF PROPOSED CONNECTIONS ARE APPROXIMATE. CONTRACTOR TO CONTACT ENGINEER IF FIELD INFORMATION VARIES FROM INFORMATION ON PLANS.
2. CONTRACTOR IS TO BE CAUTIONED THAT CERTAIN LOCATIONS AND/OR ELEVATIONS OF EXISTING UTILITIES HAVE BEEN PROVIDED THROUGH UTILITY COORDINATION OR OTHER OBSERVATIONS. INFORMATION IS NOT TO BE RELIED UPON AS EXACT OR COMPLETE. CONTRACTOR TO FIELD VERIFY AND COORDINATE WITH UTILITY COMPANY AND DIG SAFE NO LESS THAN 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF ALL UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR TO NOTIFY ENGINEER OF ANY DIFFERENTIATIONS FROM EXISTING CONDITIONS, INCLUDING UTILITY INFORMATION, PRIOR TO ANY CHANGES.
3. FOR ALL UTILITIES, ACORN ENGINEERING DESIGN LIMITS END AT EXTERIOR WALL OF BUILDING. METERING OF UTILITIES TO BE COMPLETED BY M.E.P. UNLESS SPECIFIED OTHERWISE.
4. CONTRACTOR TO COORDINATE WITH ARCHITECT ON FINAL UTILITY CONNECTIONS WITHIN THE BUILDING.
5. SEWER UTILITIES: CONTRACTOR TO COORDINATE WITH ARCHITECT FOR FINAL SERVICE CONNECTION. SEWER UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL STANDARDS. VALVE FOR BACKFLOW PREVENTION SHALL BE INSTALLED WITHIN THE THE PROPERTY LINES FOR EACH CITY SEWER CONNECTION. CONTACT ENGINEER IF INVERT FIELD CONDITIONS VARY FROM DESIGN.
6. WATER UTILITIES: FINAL PIPE SIZING PROVIDED BY M.E.P. ENGINEER AND FIRE PROTECTION DESIGNER. INTERNAL METERING, BACKFLOW PREVENTION, AND PRESSURE REDUCERS TO BE COMPLETED BY M.E.P. ENGINEER. DOMESTIC WATER PIPE SIZES WILL DETERMINE THE FINAL WATER METERING OPTIONS. METER MAY BE SMALLER THAN PROPOSED WATER MAIN. WATER METERING, PRESSURE REDUCER AND BACKFLOW PREVENTION TO BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARDS. CONTRACTOR TO FOLLOW METERING GUIDELINES OF THE PORTLAND WATER DISTRICT AND CITY OF PORTLAND.
7. GAS UTILITIES: PROJECT GAS LOAD, GAS UTILITY DESIGN, AND FINAL GAS SERVICE LOCATION AND METERS TO BE DEFINED BY M.E.P. AND IN ACCORDANCE WITH UNITIL.
8. ELECTRIC UTILITIES: ELECTRIC DESIGN TO BE FINALIZED BY M.E.P. ENGINEER. ELECTRICAL LOAD TO BE DETERMINED BY M.E.P. ENGINEER. METER LOCATION AND TRANSFORMER SIZE, IF NECESSARY DEFINED BY M.E.P. M.E.P. TO FINALIZE SERVICE CONNECTION TO BUILDING. ALL ELECTRIC CONSTRUCTION SHALL CONFORM TO CMP GUIDEBOOK OF STANDARD REQUIREMENTS, MOST RECENT EDITION. DESIGN SUBJECT TO FINAL APPROVAL FROM CMP.
9. CABLE AND TELEPHONE PULLBOXES AND PEDESTAL LOCATIONS TO BE DETERMINED BY CONSOLIDATED COMMUNICATIONS AND CHARTER PRIOR TO CONSTRUCTION. CONTRACTOR TO COORDINATE INSTALLATION OF UNDERGROUND UTILITIES WITH ALL UTILITY COMPANIES INVOLVED.



PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 5/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/15/2024

DRAWING NAME: **UTILITY PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND SHALL NOT BE USED FOR OTHER PROJECTS OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PO BOX 7234 SOUTH PORTLAND, MAINE 04104
(207) 775-2655

FILE: 1133_CIVIL
JN: 1133
SCALE: AS NOTED
DESIGNED BY: PFH
DRAWN BY: ZMS
CHECKED BY: WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-20

BUILDING ELEVATION

1: 84.95'
2: 84.25'
3: 85.00'
4: 84.25'
5: 83.95'
6: 86.25'

AVERAGE GRADE: 84.78'
FFE: 85.00'
TOP OF BUILDING ELEVATION: 122.50'

BUILDING HEIGHT: 37.72'
MAX ALLOWABLE HEIGHT: 45'

INSTALL STONE CHECK DAM PER DETAIL, TYP.

12" SDR 35 SD
L: 123'
S: 0.006 FT/FT

PR. OCS (5'ø)
RIM: 77.00' (BEEHIVE GRATE ON OUTLET SIDE OF WEIR WALL PER DETAIL)
4" INV. IN: 71.40'
1" ORIFICE: 71.35'
6" ORIFICE: 75.10'
TOP WEIR WALL: 75.83'
12" INV. OUT: 71.30'

12" OUTLET 70.50'

PR. CB #8
RIM: 81.50'
12" INV. IN: 77.39'
12" INV. OUT: 77.29'

12" SDR 35 SD
L: 67'
S: 0.005 FT/FT

12" OUTLET 76.70'

PR. CB #7
RIM: 81.50'
12" INV. IN: 76.95'
12" INV. OUT: 76.85'

EMERGENCY SPILLWAY: 77.35'

VUSF #1

BW/TW: 84.00'±
RET WALL UD INV: 77.67'

PR. FIELD INLET
RIM: 83.85'
12" INV. IN: 78.00'
6" RD/FD INLET: 78.00
12" INV. OUT: 77.90'

INSTALL BACKFLOW PREVENTER PER DETAIL

WALL HIGH POINT:
BW: 77.00'±
TW: 84.75'±

4" SDR 35 UD
L: 66'
S: 0.0025 FT/FT

12" SDR 35 SD
L: 64'
S: 0.005 FT/FT

RET WALL UD INV OUT: 77.50'

BW: 78.50'
TW: 84.00'

PR. FIELD INLET
RIM: 83.75'
12" INV. IN: 78.42'
12" INV. OUT: 78.32'

12" SDR 35 SD
L: 94'
S: 0.005 FT/FT

4" SDR 35 UD
L: 97'
S: 0.0025 FT/FT

HOLD MINIMUM 6" FOUNDATION REVEAL ON PERIMETER OF BUILDING. COORDINATE WITH ARCHITECT AND STRUCTURAL ENGINEER

PR. 167 LF CONCRETE RETAINING WALL WITH RAILING, TYP. RETAINING WALL AND UNDERDRAIN/WEEP HOLES TO BE DESIGNED BY OTHERS. (5'± TALL)

TW/BW: 84.85'
RET WALL UD INV: 77.75'

PR. FIELD INLET
RIM: 84.92'
12" INV. OUT: 78.90'

TIPDOWN: 85.70'
PR: 86.25'
TC: 86.50'
BC: 86.00

TIPDOWN: 85.70'

PR: 84.95'
PR: 85.00'
PR: 84.25'

FOUNDATION DRAIN/ROOF DRAIN CONNECTION. COORDINATE FINAL ROOF DRAIN PIPE SIZE WITH MEP

TIPDOWN: 84.45'
TIPDOWN: 84.53'
TC: 85.03'
BC: 84.53'
TIPDOWN: 84.53'

PR: 85.00'
PR: 85.00'

FFE: 85.00'

TIPDOWN: 84.05'
TIPDOWN: 83.70'
TC: 84.12'
BC: 83.62'

PR: 84.25'
12" SDR 35 SD
L: 76'
S: 0.005 FT/FT
PR: 85.00'

PR: 83.95'
MECHANICAL ROOM FFE 85.00'.
(2) 6" RISERS PER ARCHITECT

PR: 85.00'

12" SDR 35 SD
L: 186'
S: 0.005 FT/FT

PR. FIELD INLET
WITH BEEHIVE GRATE
RIM: 84.75'
12" INV. IN: 78.76'
12" INV. OUT: 78.66'

FOUNDATION DRAIN/ROOF DRAIN CONNECTION. COORDINATE FINAL ROOF DRAIN PIPE SIZE WITH MEP

TC: 83.34'
BC: 82.84'

INSTALL BACKFLOW PREVENTER PER DETAIL

PR. FIELD INLET WITH BEEHIVE GRATE
RIM: 82.75'
12" INV. IN: 77.73'
6" RD/FD INLET: 77.73
12" INV. OUT: 77.63'

TC: 82.61'
BC: 82.11'

12" SDR 35 SD
L: 39'
S: 0.01 FT/FT

PR. CB #3
RIM: 81.85'
12" INV. IN: 77.25'
12" INV. OUT: 77.15'

TC: 82.90'
BC: 82.40'
TC: 82.75'
BC: 82.25'

12" SDR 35 SD
L: 101'
S: 0.005 FT/FT

TC: 82.55'
BC: 82.05'
TC: 82.50'
BC: 82.00'
TC: 82.50'
BC: 82.00'
TC: 82.50'
BC: 82.00'
TC: 82.15'
BC: 81.65'

TC: 82.35'
BC: 81.85'
TC: 82.35'
BC: 81.85'
TC: 82.00'
BC: 81.50'

TC: 83.65'
BC: 83.15'
TIPDOWN: 82.30'
TIPDOWN: 82.25'

12" SDR 35 SD
L: 64'
S: 0.005 FT/FT

PR. CB #6
RIM: 81.25'
12" INV. OUT: 77.29'

TIPDOWN: 83.57'
FLUSH CURB 83.66'

TC: 83.26'
BC: 82.76'

TC: 82.35'
BC: 81.85'

TIPDOWN: 83.75'
TC: 83.10'
BC: 83.60'
TC: 84.00'
BC: 83.50'
TIPDOWN: 83.18'
TC: 84.78'
BC: 84.28'
PR. 84.23'
FLUSH CURB 84.53'
TIPDOWN: 84.20'
TC: 84.70'
BC: 84.20'
PR. 83.90'

PR. 82.75'
TIPDOWN: 82.00'
TIPDOWN: 82.00'
TC: 81.60'
BC: 81.10'
PR. 83.45'
TC: 83.50'
BC: 83.00'

PR. 81.70'

PR. 76.22'

TC: 82.00'
BC: 81.50'
TC: 83.65'
BC: 82.15'

12" OUTLET 76.50'
EMERGENCY SPILLWAY: 77.40'
GRADE BREAK, TYP.

TC: 84.10'
BC: 83.60'
VUSF #2
TIPDOWN: 82.40'
TIPDOWN: 82.47'

TIPDOWN: 81.90'
TIPDOWN: 81.95'

PR. 81.60'
PR. 81.73'

PR. 79.15'
PR. 79.02'
TC: 82.25'
BC: 81.75'
TC: 82.37'
BC: 81.87'

PR. CATCH BASIN WITH BEEHIVE GRATE PER DETAIL
RIM: 73.00'
18" INV OUT: 68.75'

15" CPP OUTLET
INV. 73.21'

PR. 75.86'
TIPDOWN TO EX GRADE: 75.76'
TC: EX. 75.79'
BC: EX. 75.26'

TC: MATCH EX.
BC: MATCH EX.

TIPDOWN TO EX GRADE: 77.22'
TIPDOWN TO EX GRADE: 77.25'±
TIE INTO EXISTING CONCRETE LANDING
TIPDOWN TO EX GRADE: 77.35'±

TIPDOWN TO EX GRADE: 75.35'±

TC: 77.63'
BC: EX. 77.30'±

EX. DRAINAGE MANHOLE TO REMAIN
RIM: 69.74'

TC: MATCH EX.
BC: MATCH EX.

MATCH EX. CURB REVEAL

TC: 82.25'
BC: 81.75'

TC: MATCH EX.
BC: MATCH EX.

PR. CB #10
RIM: 82.00'
(2) 12" INV. IN: 76.76'
12" INV. OUT: 76.66'

PR. F-BASIN #1
RIM: 80.00'
12" INV. IN: 76.90'
12" INV. OUT: 76.80'

12" SDR 35 SD
L: 19'
S: 0.005 FT/FT

PR. F-BASIN #2
RIM: 79.65'
12" INV. OUT: 77.00'

PR. 79.60'

12" SDR 35 SD
L: 31'
S: 0.005 FT/FT

EX. DRAINAGE MANHOLE
RIM: 72.95'
EX. 12" INV IN = 67.42'
PR. 12" INV IN = 67.42'
CORE NEW CONNECTION)
EX. 12" INV OUT = 67.36'

12" SDR 35 SD
L: 25'
S: 0.005 FT/FT

PR. CB #9
RIM: 74.60'
12" INV. IN: 67.65'
12" INV. OUT: 67.55'

12" SDR 35 SD
L: 44'
S: 0.005 FT/FT

EX. DRAINAGE MANHOLE
RIM: 76.71'

2% CROSS SLOPE
WITHIN ACCESS AISLE

12" PVC OUTLET
INV. 67.73'

EX. 24" STORM DRAIN OUTLET UNKNOWN. CITY OF PORTLAND TO CAMERA AND NOTIFY ACORN OF RESULTS

EX. DRAINAGE MANHOLE TO REMAIN
RIM: 73.06'
EX. 12" INV. IN: 67.74'
EX. 12" INV OUT: 67.70'

EX. DRAINAGE MANHOLE TO REMAIN
(POTENTIAL WATER QUALITY UNIT)
RIM: 72.92'
12" INV. IN: 68.38'
12" INV. OUT: 68.28'

PR. F-BASIN #5
RIM: 71.95'
12" INV. IN: 68.50'
12" INV. OUT: 68.40'

TC: MATCH EX.
BC: MATCH EX.
71.48'
TIPDOWN: EX. 71.38'±

APPROXIMATE LOCATION OF EX. 24" STORM DRAIN PER RECORD DRAWING BY DELUCA-HOFFMAN ASSOCIATES, INC. (1998)
24" INV AT THIS LOCATION APPROX: 66.50' (CONTRACTOR TO TEST PIT THIS LOCATION PRIOR TO ORDERING ANY STRUCTURES)

TIPDOWN: EX. 71.40'±
71.98' (FLUSH CURB)
MATCH EX. 71.45'

12" SDR 35 SD
L: 20'
S: 0.005 FT/FT

APPROX. LOCATION OF EX UNMARKED CATCH BASIN. RIM TO BE RAISED TO GRADE AND REPLACED WITH SOLID DRAINAGE COVER. CONTRACTOR TO CONTACT ENGINEER OF RECORD IF FIELD VERIFICATIONS DIFFER FROM THESE PLANS
EX. 12" INV IN: 66.50' (CONTRACTOR TO VIF)
PR 18" INV IN: 66.05'
EX. 24" INV OUT: 65.95' (CONTRACTOR TO VIF)

PR. CB #4
RIM: 72.35'
12" INV. IN: 68.68'
12" INV. OUT: 68.58'

PR. 72.24' (GRADE BREAK, TYP.)

EX. DRAINAGE MANHOLE TO REMAIN
RIM: 71.89'
INV. IN: 68.11'
INV. OUT: 68.01'
MATCH EX. 71.70'±

72.58'
72.50' (FLUSH CURB)

EX. CATCH BASIN
RIM: 71.95'

72.05'

EX. 72.00'
EX. DRAINAGE MANHOLE TO REMAIN, TYP.
RIM: 72.27'

EX. CATCH BASIN TO REMAIN, TYP.
INV. IN: 67.00'±
INV. OUT: 66.62'±

APPROXIMATE LOCATION OF EX. 12" STORM DRAIN PER RECORD DRAWING BY DELUCA-HOFFMAN ASSOCIATES, INC. (1998)

TC: MATCH EX.
BC: MATCH EX.

18" SDR 35 SD
L: 23'
S: 0.005 FT/FT

PR. F-BASIN WITH BEEHIVE GRATE PER DETAIL
RIM: 72.50'
18" INV IN: 67.62'
18" INV OUT: 67.52'

EX. 12" PVC DRAINAGE MAIN TO REMAIN

INSTALL 6" OR SMALLER STONE WITHIN SWALE, TYP.

12" SDR 35 SD
L: 35'
S: 0.08 FT/FT

PR. OCS (5'ø)
RIM: 77.15'(BEEHIVE GRATE ON OUTLET SIDE OF WEIR WALL PER DETAIL)
4" INV. IN: 71.55'
1" ORIFICE: 71.50'
4" ORIFICE: 75.35'
WEIR WALL: 75.85'
12" INV. OUT: 71.45'

EX. DRAINAGE MANHOLE TO REMAIN
EX. RIM: 75.66'
EX. INV. IN: 70.03'
EX. INV. OUT: 69.61'

WESTBROOK STREET

JETPORT BOULEVARD

30 0 30 60

SCALE: 1:30

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 5/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/15/2024

DRAWING NAME: **GRADING & DRAINAGE PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

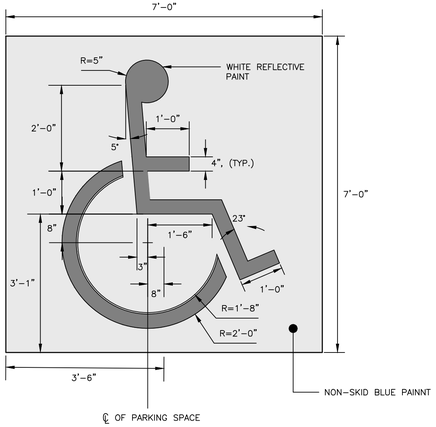
ACORN ENGINEERING, INC.
ENGINEERING, INC.
ACORN ENGINEERING, INC.
70 MAINE STREET, SUITE 1
YARMOUTH, MAINE 04104
PO BOX 3340
(207) 775-2655

THESE PLANS SHALL NOT BE MODIFIED, WITHOUT WRITTEN PERMISSION OR AUTHORIZATION FROM ACORN ENGINEERING, INC. AND IF SO MODIFIED, OR USED FOR ANY OTHER PURPOSE OR BY OTHERS, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

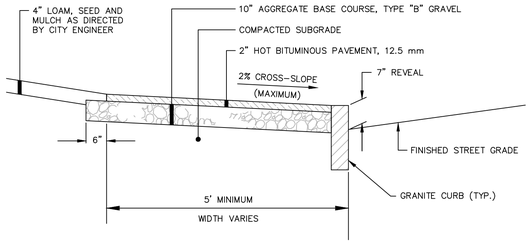
DRAWING NO.
C-30



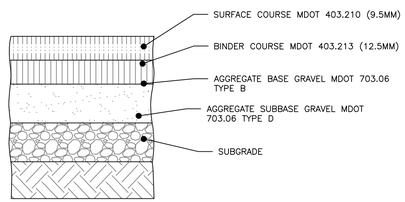
INTERNATIONAL BARRIER FREE SYMBOL
NOT TO SCALE

NOTE:

COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557



BITUMINOUS SIDEWALK
NOT TO SCALE

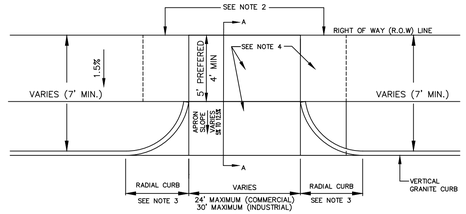


NOTES:

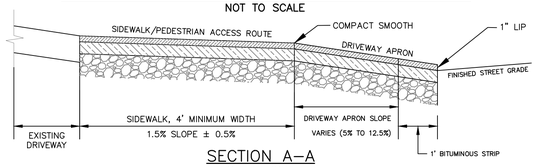
1. COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557
2. SURFACE AND AGGREGATE MATERIALS SHALL MEET THE CITY OF PORTLAND STANDARDS IN ADDITION TO MDOT STANDARDS.

THICKNESS OF LAYERS	
STANDARD	LAYERS
1-1/2"	SURFACE COURSE MDOT 403.210 (9.5mm)
2"	BINDER COURSE MDOT 403.213 (12.5mm)
3"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE A
15"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

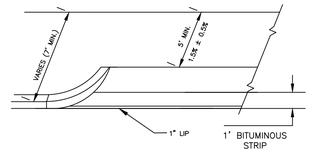
PRIVATE PAVEMENT PROFILE
NOT TO SCALE



STANDARD COMMERCIAL DRIVEWAY APRON LAYOUT
NOT TO SCALE

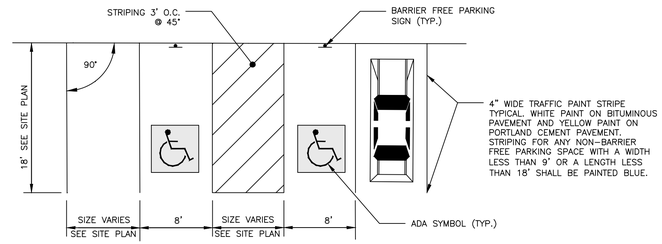


SECTION A-A
NOT TO SCALE

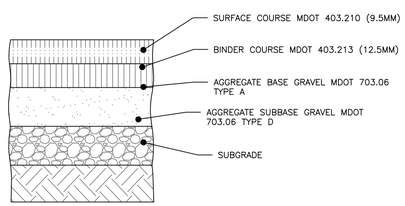


NOTES:

1. MATCH EXISTING GRADE AT R.O.W LINE. WHERE REQUIRED TO MEET A.D.A. AND DRIVEWAY APRON SLOPE REQUIREMENTS, A CONSTRUCTION EASEMENT MAY BE REQUIRED.
2. IF MATCHING THE EXISTING GRADE AT ROW CAUSES APRON SLOPE TO EXCEED RECOMMENDED %, SIDEWALK TRANSITION AREAS MAY BE ADDED, BUT SHALL NOT EXCEED 8.33%.
3. DRIVEWAY CURB RADIUS SHALL NOT BE LARGER THAN REQUIRED BY THE SITE'S DESIGN VEHICLE.
4. ALL MATERIALS IN ROW TO COMPLY WITH CITY'S SIDEWALK & DRIVEWAY MATERIAL POLICY. BITUMINOUS IN DRIVEWAY APRONS, WHERE APPLICABLE.



PARKING SPACE DIMENSIONS
NOT TO SCALE

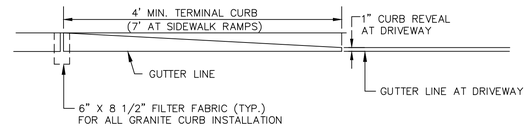


NOTES:

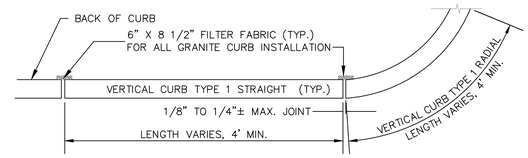
1. COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557
2. SURFACE AND AGGREGATE MATERIALS SHALL MEET THE CITY OF PORTLAND STANDARDS IN ADDITION TO MDOT STANDARDS.

THICKNESS OF LAYERS	
STANDARD	LAYERS
1-1/2"	SURFACE COURSE MDOT 403.210 (9.5mm)
2"	BINDER COURSE MDOT 403.213 (12.5mm)
3"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE A
15"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

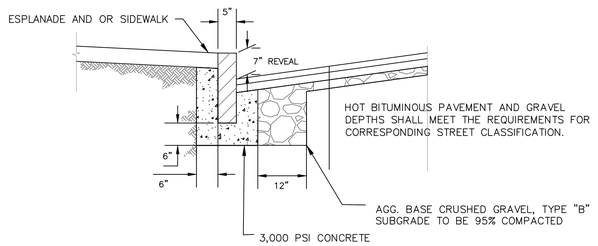
CITY OF PORTLAND LOCAL STREET BITUMINOUS PAVEMENT PROFILE
NOT TO SCALE



TERMINAL CURB PROFILE



VERTICAL GRANITE CURB PLAN VIEW

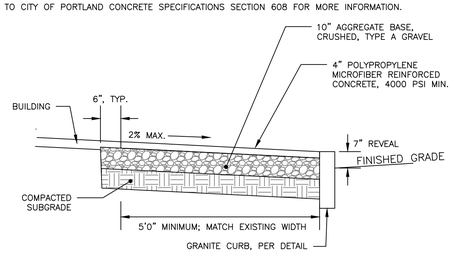


VERTICAL GRANITE CURB CROSS SECTION

NOTES:
1. INDIVIDUAL PIECES OF CURB SHORTER THAN 4 L.F. ARE NOT ALLOWED, WITH THE EXCEPTION OF RADIAL CURB.
2. THE MINIMUM HEIGHT OF THE CONCRETE BACKING SHALL BE 10-INCHES OR TO THE BOTTOM OF THE HOT MIX ASPHALT PAVEMENT, WHICHEVER IS GREATER, MEASURED FROM THE BOTTOM OF CURB.
3. CURBING SHALL BE SET IN A 6-INCH BED OF POURED IN PLACE 3,000 PSI CONCRETE MIX.
4. WOODEN SHIMS MAY BE USED TO SET CURB.

VERTICAL GRANITE CURB
NOT TO SCALE

1. AT A MINIMUM, TESTING SHALL CONSIST OF ENTRAINED AIR AND SLUMP TESTS ON SITE PRIOR TO POURING THE SIDEWALKS. ENTRAINED AIR TESTS SHALL BE DONE IN ACCORDANCE WITH AASHTO T152. TEST FIRST TWO LOADS AND EVERY THIRD LOAD THEREAFTER PROVIDED CONSISTENT RESULTS ARE ACHIEVED.
2. IF THE CONTRACTOR ELECTS TO USE WELDED WIRE FABRIC, THE FABRIC SHALL BE PLACED 2 INCHES ABOVE THE CRUSHED GRAVEL, AND 2 INCHES FROM ALL FINISHED EDGES, EXPANSION JOINTS AND CURBS. ALL FABRIC JOINTS SHALL BE OVERLAPPED A MINIMUM OF 1 FOOT AND BE PROPERLY TIED. IF THE CONTRACTOR ELECTS TO USE REBAR, ONLY 4-GAUGE WILL BE ACCEPTABLE. IF THE CONTRACTOR ELECTS TO USE A PRE-MIXED FIBER MESH, A SPECIFICATION SHEET MUST BE SUBMITTED AND PRE-APPROVED BY THE ENGINEER PRIOR TO ITS APPLICATION.
3. SLABS SHALL BE PLACED ALTERNATELY IN LENGTHS NOT TO EXCEED 30 FEET OR AS DIRECTED AND SHALL BE SEPARATED BY AN EXPANSION JOINT OF PREFORMED EXPANSION FILLER ½ INCH IN THICKNESS.
4. WHEN CONSTRUCTED ADJACENT TO A BUILDING, RETAINING WALL OR OTHER FIXED STRUCTURE, A ½ INCH THICK PREFORMED JOINT FILLER SHALL BE USED BETWEEN THE SLAB AND THE STRUCTURE.
5. THE SIDEWALK SURFACE SHALL BE SCORED INTO BLOCK UNITS NO GREATER THAN 40 SQUARE FEET AS DIRECTED. THE DEPTH OF THE SCORING SHALL BE AT LEAST ONE QUARTER OF THE THICKNESS OF THE SLAB.
6. ANY MATCHING INTO EXISTING SIDEWALKS SHALL BE DONE SO WITH A CLEAN VERTICAL FACE CONNECTION.
7. THE SURFACE SHALL BE FINISHED TO PRODUCE A BROOMLIKE "BRUSHED" PATTERN. NO PLASTERING OF THE SURFACE WITH MORTAR WILL BE PERMITTED. THE FINISH SHALL RESULT IN A SURFACE OF UNIFORM TEXTURE AND COLOR. ALL OUTSIDE EDGES OF THE SLAB AND ALL JOINTS SHALL BE ROUNDED WITH A ½ INCH RADIUS EDGING TOOL.
8. CONCRETE SHALL BE CURED FOR 72 HOURS. CURING SHALL BE BY MEANS OF THOMPSON'S WATER SEAL AS MANUFACTURED BY E.A. THOMPSON CO., INC. OF MEMPHIS, TENNESSEE, BOILED LINSEED OIL, WHITE PIGMENTED CURING COMPOUND, OR BY OTHER APPROVED METHODS. CONCRETE SIDEWALK TO BE SEALED WITH CONSOLIDECK SALTGUARD WB OR APPROVED EQUAL 28 DAYS AFTER PLACEMENT. FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR APPLICATION.
9. GENERAL CONTRACTOR TO COLLECT DELIVERY SLIPS AND TRANSFER TO THE OWNER.
10. REFER TO CITY OF PORTLAND CONCRETE SPECIFICATIONS SECTION 608 FOR MORE INFORMATION.



REINFORCED CONCRETE SIDEWALK
NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

SITE DETAILS - 1

DRAWING NAME:
PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102
CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

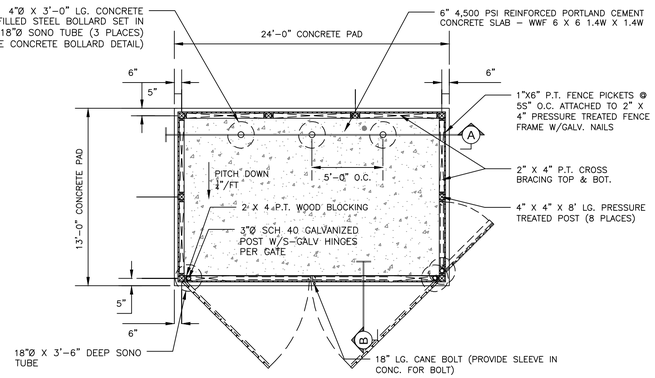
ACORN ENGINEERING, INC.
ENGINEERING, INC.
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND ANY MODIFICATION, WHETHER INTENTIONAL OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
P.O. BOX 4593, PORTLAND, MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

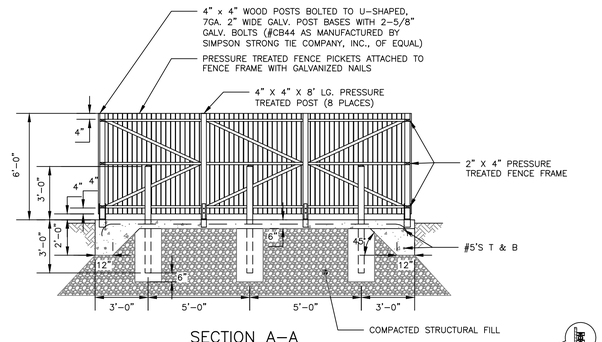
STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-40

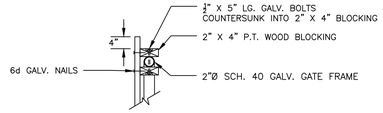


DUMPSTER ENCLOSURE PLAN AND DETAILS

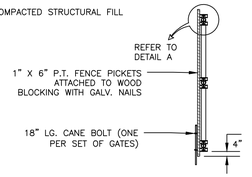
NOT TO SCALE



SECTION A–A



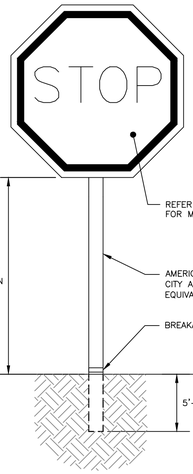
DETAIL A



SECTION B–B

NOTES:

1. ALL ASPECTS OF SIGN CONSTRUCTION SHALL BE IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION
2. SIGN POST CONSTRUCTION AND MOUNTING SHALL BE IN ACCORDANCE WITH CHAPTER 2A OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION.

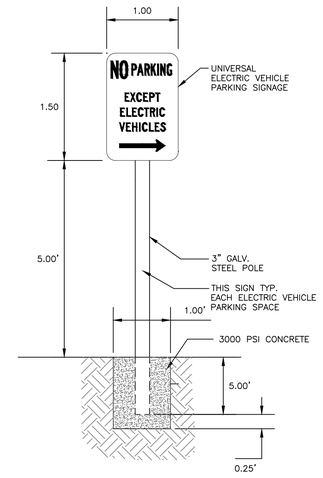


TYPICAL SIGN DETAIL

NOT TO SCALE

NOTES:

1. ALL ASPECTS OF RESERVED PARKING SIGN CONSTRUCTION SHALL BE IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION
2. SIGN SHALL BE CONSTRUCTED AS SIGN R7-111 UNDER THE "PARKING AND STANDING SIGNS AND PLAQUES" (R7 SERIES) WITHIN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION.
3. SIGN POST CONSTRUCTION AND MOUNTING SHALL BE IN ACCORDANCE WITH CHAPTER 2A OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION.

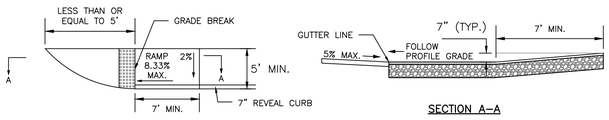


ELECTRIC VEHICLE PARKING SIGN

NOT TO SCALE

NOTES:

1. ALL PEDESTRIAN RAMPS SHALL COMPLY WITH ADA STANDARDS.
2. PEDESTRIAN RAMP CROSS SLOPE SHALL BE A MAXIMUM OF 2%.
3. ADJACENT SURFACE TO PEDESTRIAN RAMP SHALL BE FLUSH WITH THE BOTTOM OF THE PEDESTRIAN RAMP.
4. DETECTABLE WARNINGS SHALL SPAN THE WIDTH OF THE PEDESTRIAN RAMP.
5. FOR USE ONLY WHEN NO SIDEWALK IS PRESENT ON THE SIDE ROAD.



PLAN VIEW

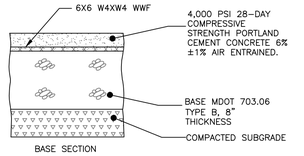
SECTION A–A

SIDE STREET PEDESTRIAN RAMP DETAIL

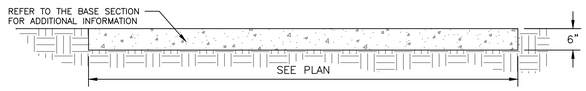
NOT TO SCALE

NOTES:

1. PROOFROLL AND COMPACT SUBGRADE
2. COMPACT AGGREGATES TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557.
3. FINISH WITH A STIFF, COARSE, FIBER BROOM.
4. REFER TO PLANS FOR DIMENSIONS.



BASE SECTION

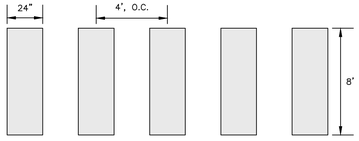


CONCRETE PAD DETAIL

NOT TO SCALE

NOTE:

1. CROSSWALKS TO BE BUILT IN CONFORMANCE WITH MUTCD STANDARDS, LATEST EDITION.
2. CROSSWALKS ARE TO BE PAINTED WHITE MEETING MAINE DOT SPECIFICATIONS.
3. BLOCKS TO BE PARALLEL TO THE DIRECTION OF CAR TRAFFIC.

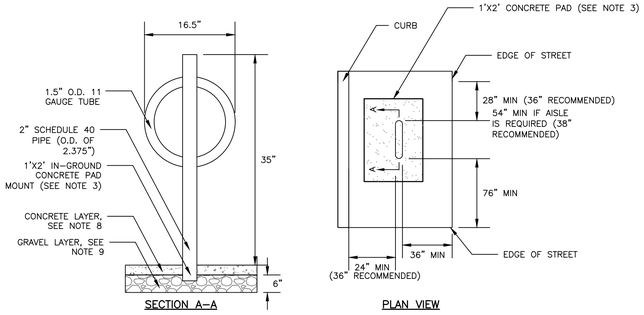


BLOCK CROSSWALK

NOT TO SCALE

NOTES:

1. BICYCLE RACK SHALL BE "DERO BIKE HITCH", AS MANUFACTURED BY DERO BIKE RACKS.
2. BICYCLE RACK SHALL HAVE CAPACITY FOR TWO BICYCLES.
3. BICYCLE RACK PARTS SHALL BE OF UNIFORM COLOR AND SHALL BE FINISHED IN ACCORDANCE WITH PRODUCT SPECIFICATION.
4. BICYCLE RACK SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S MOST RECENT INSTALLATION RECOMMENDATIONS, AND SHALL BE INSTALLED WITH AN IN-GROUND MOUNT UNLESS OTHERWISE APPROVED BY ENGINEER.
5. MINIMUM OFFSETS SHOWN. MANUFACTURER'S RECOMMENDED OFFSETS SHALL BE ENFORCED WHERE POSSIBLE.
6. MINIMUM DISTANCE BETWEEN BICYCLE RACKS SHALL BE 24". RECOMMENDED DISTANCE BETWEEN BICYCLE RACKS SHALL BE 36".
7. ALL OFFSETS ARE FROM OUTSIDE EDGES OF ITEMS.
8. CONCRETE SHALL BE 4000 PSI @28 DAYS. BOTTOM OF CONCRETE SHALL BE AT TOP OF SIDEWALK GRAVEL ELEVATION. DEPTH VARIES APPROX. 4"–7".
9. GRAVEL LAYER SHALL BE INSTALLED IN ACCORDANCE WITH CONCRETE SIDEWALK DETAIL, AND SHALL BE MAINEDOT 703.06 TYPE B.

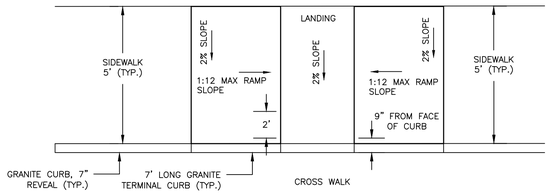


DERO BIKE HITCH

NOT TO SCALE

NOTES:

1. ALL RAMPS SHALL COMPLY WITH ADA STANDARDS
2. GRANITE CURB ADJACENT TO RAMP SHALL BE FLUSH WITH STREET
3. SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY

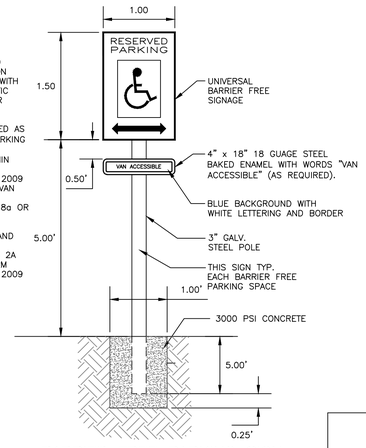


PARALLEL SIDEWALK RAMP LAYOUT FOR SIDEWALK WITHOUT ESPLANADE

NOT TO SCALE

NOTES:

1. ALL ASPECTS OF RESERVED PARKING SIGN CONSTRUCTION SHALL BE IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION.
2. SIGN SHALL BE CONSTRUCTED AS SIGN R7-8 UNDER THE "PARKING AND STANDING SIGNS AND PLAQUES" (R7 SERIES) WITHIN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION. VAN ACCESSIBILITY SHALL BE CONSTRUCTED AS SIGN R7-8a OR R7-8b.
3. SIGN POST CONSTRUCTION AND MOUNTING SHALL BE IN ACCORDANCE WITH CHAPTER 2A OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 OR MOST RECENT EDITION.



BARRIER FREE PARKING SIGN

NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024

DRAWING NAME: **SITE DETAILS – 2**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. AND ANY UNAUTHORIZED USE OF OR MODIFICATIONS TO THESE PLANS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
70 JOHN ROAD, CAPE ELIZABETH, MAINE 04104
PO BOX 3257 (207) 775-2655

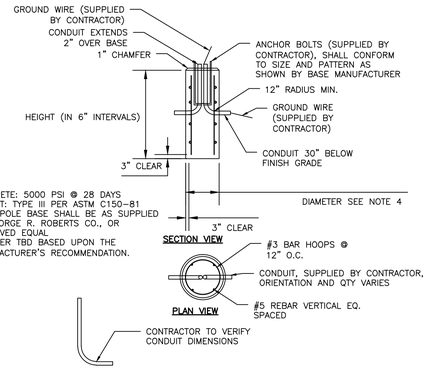
FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-41

SCHEDULE	
MIN DIAMETER	MIN EMBEDMENT
1.5'	5'

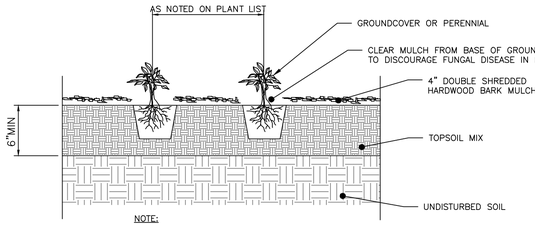
REVEALS	
APPLICATIONS	REVEAL
STREET/SIDEWALK	4"



NOTES:

1. CONCRETE: 5000 PSI @ 28 DAYS
2. CEMENT: TYPE III PER ASTM C150-81
3. LIGHT POLE BASE SHALL BE AS SUPPLIED BY GEORGE R. ROBERTS CO., OR APPROVED EQUAL
4. DIAMETER TBD BASED UPON THE MANUFACTURER'S RECOMMENDATION.

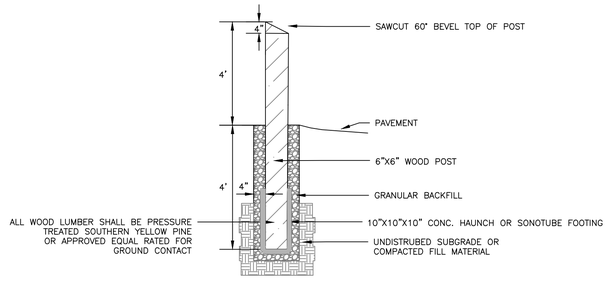
LIGHT POLE BASE
NOT TO SCALE



NOTE:

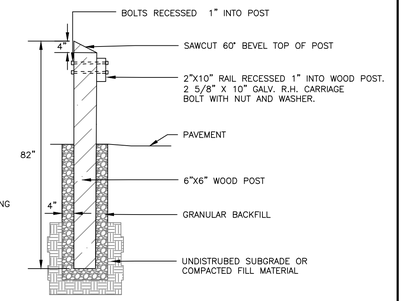
1, PLANTINGS SHALL CONFORM WITH ANSI A300 PLANTING STANDARDS

PERENNIAL PLANTING DETAIL
NOT TO SCALE



SIDE ELEVATION

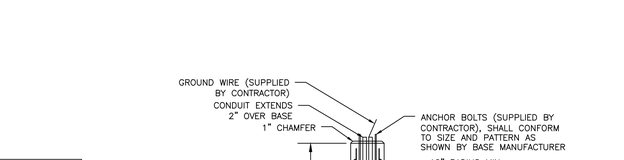
WOOD POST DETAIL
NOT TO SCALE



SIDE ELEVATION

NOTES:

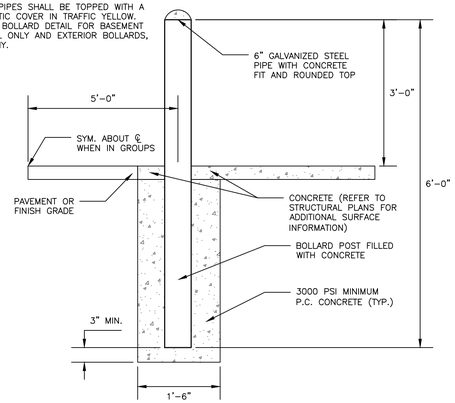
1. ALL DETECTABLE WARNING PLATES SHALL BE UNCOATED CAST IRON. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
2. CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MDOT CLASS A STRUCTURAL CONCRETE, MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
3. TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
4. SIZE: THE DETECTABLE WARNING PLATES SHALL EXTEND 24 INCHES MINIMUM IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE CURB RAMP, LANDING, OR BLENDED TRANSITION TO THE STREET.
5. ORIENTATION: THE DETECTABLE WARNING PANEL SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS 6 INCHES MINIMUM AND 8 INCHES MAXIMUM FROM THE CURB LINE. THE PANEL SHALL BE ORIENTED TO THE DIRECTION OF TRAVEL AS IDENTIFIED BY THE POINT OF EGRESS.



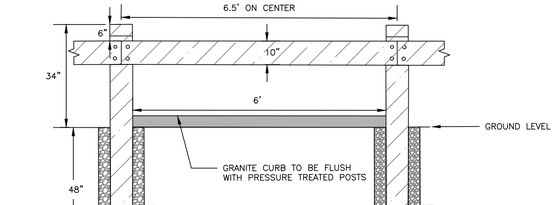
SIDEWALK RAMP DETECTABLE WARNING PANEL
NOT TO SCALE

NOTES:

1. ALL PIPES SHALL BE TOPPED WITH A PLASTIC COVER IN TRAFFIC YELLOW.
2. PIPE BOLLARD DETAIL FOR BASEMENT LEVEL ONLY AND EXTERIOR BOLLARDS, IF ANY.



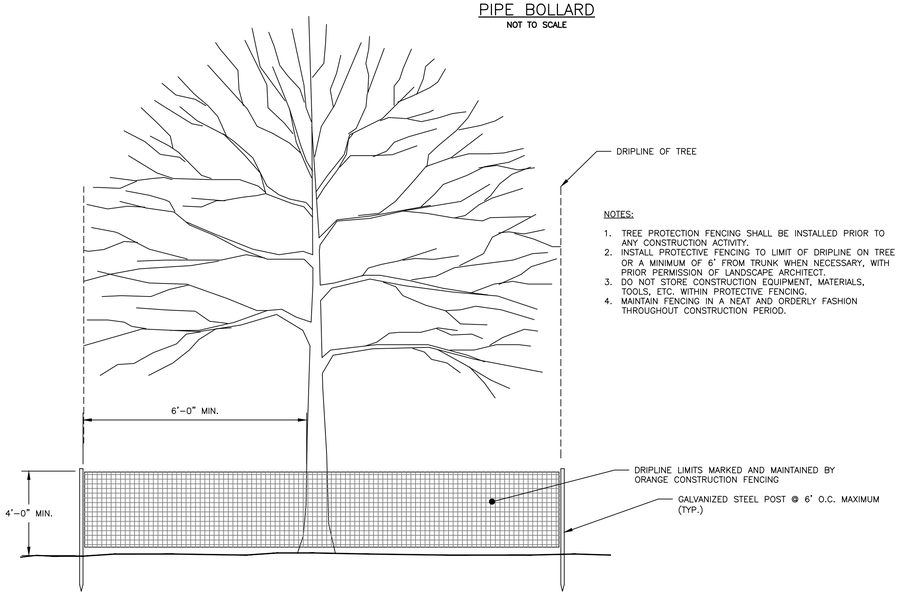
PIPE BOLLARD
NOT TO SCALE



NOTE:
1. ALL WOOD LUMBER SHALL BE PRESSURE TREATED SOUTHERN YELLOW PINE OR APPROVED EQUAL RATED FOR GROUND CONTACT

FRONT ELEVATION

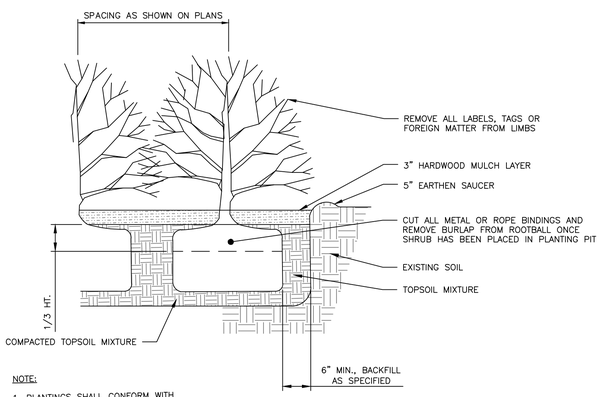
WOODEN GUARDRAIL DETAIL
NOT TO SCALE



NOTES:

1. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITY.
2. INSTALL PROTECTIVE FENCING TO LIMIT OF DRIPLINE ON TREE OR A MINIMUM OF 6' FROM TRUNK WHEN NECESSARY, WITH PRIOR PERMISSION OF LANDSCAPE ARCHITECT.
3. DO NOT STORE CONSTRUCTION EQUIPMENT, MATERIALS, TOOLS, ETC. WITHIN PROTECTIVE FENCING.
4. MAINTAIN FENCING IN A NEAT AND ORDERLY FASHION THROUGHOUT CONSTRUCTION PERIOD.

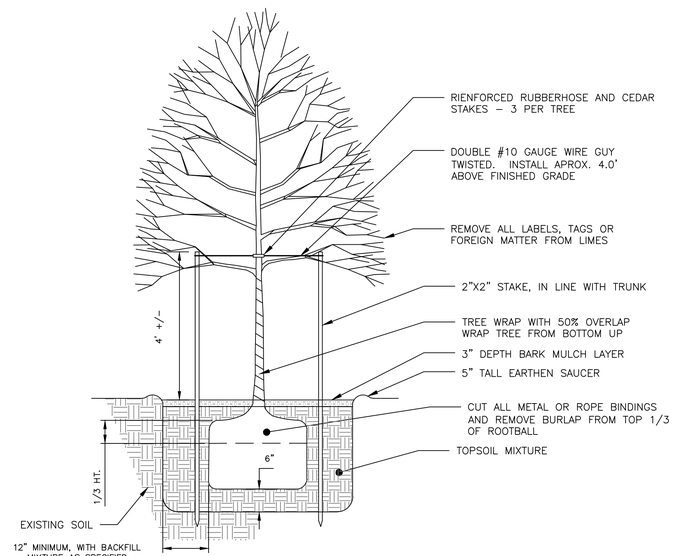
TREE PROTECTION DETAIL
NOT TO SCALE



NOTE:

1, PLANTINGS SHALL CONFORM WITH ANSI A300 PLANTING STANDARDS

SHRUB PLANTING DETAIL
NOT TO SCALE



TREE PLANTING DETAIL
NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024

DRAWING NAME: SITE DETAILS – 3

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.
CIVIL ENGINEERING AND LAND SURVEYING
PO BOX 1237 BATH, MAINE 04104
(207) 775-2655

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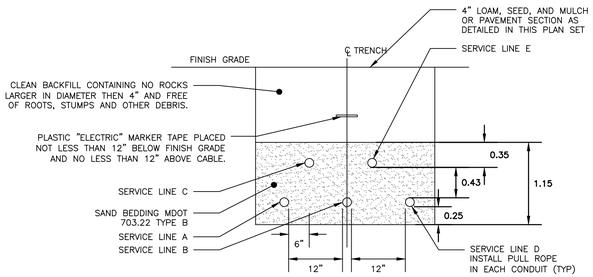
FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER
9/16/24

DRAWING NO.
C-42



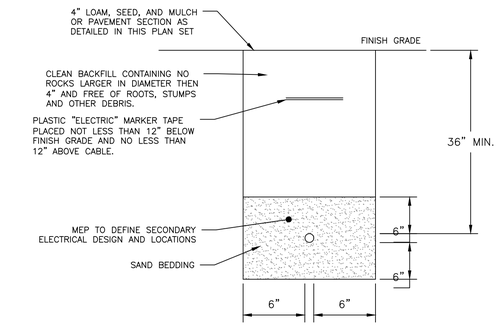
CONDUIT TYPE				
SERVICE	CONDUIT SIZE	GRASS AND PAVED AREAS	UTILITY	REMARKS
A	6"	SCHEDULE 40 PVC ELECTRICAL GRADE	PRIMARY POWER	SEE NOTE 1
B	6"	SCHEDULE 40 PVC ELECTRICAL GRADE	PRIMARY POWER	SEE NOTE 1
C	4"	SCHEDULE 40 PVC	COMMUNICATION	–
D	6"	SCHEDULE 40 PVC ELECTRICAL GRADE	SPARE	SEE NOTE 1
E	4"	SCHEDULE 40 PVC	CABLE	–

NOTES:

1. ONE CONDUIT CAPPED FOR SPARE, PROVIDE GALVANIZED STEEL LONG SWEEP AT RISER POLE AND EXTEND GALVANIZED CONDUIT TO 10" ABOVE GRADE AT POLE WITH STAND-OFF BRACKETS.
2. MINIMUM SEPARATION OF 24 INCHES BETWEEN PRIMARY CABLE/CONDUIT AND GAS LINES SHALL BE MAINTAINED.
3. CONDUITS WITHIN THE CITY RIGHT-OF-WAY SHALL BE ENCASED IN CONCRETE.
4. FINAL SIZE OF CONDUITS TO BE SPECIFIED BY MEP, ELECTRICIAN, OR DESIGN/BUILD ELECTRICAL CONTRACTOR.

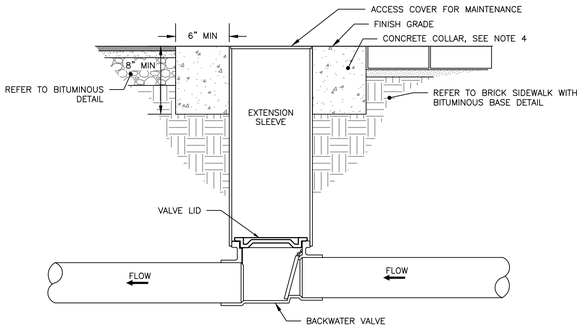
UTILITY TRENCH – PRIMARY AND SECONDARY POWER, TELEPHONE, AND CABLE

NOT TO SCALE



SECONDARY ELECTRICAL TRENCH

NOT TO SCALE



NOTES:

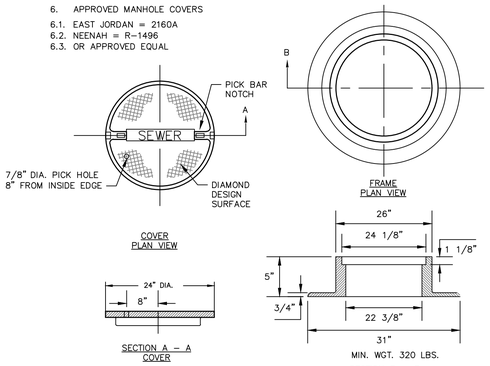
1. BACKFLOW VALVE TO BE PROVIDED BY AGRI DRAIN CORPORATION OR AN APPROVED EQUAL.
2. VALVE TO BE INSTALLED TO MANUFACTURER'S SPECIFICATIONS AND COMPLY WITH RULES AND REGULATIONS AS OUTLINED IN SECTION 2 OF THE CITY OF PORTLAND TECHNICAL MANUAL.
3. VALVE SHALL BE INSTALLED WITH A VALVE BOX AND COVER TO PROVIDE EASY ACCESS AND MAINTENANCE; VALVE COVER SHALL STATE 'SEWER' ON LID FLUSH TO SURFACE. REFER TO VALVE & BOX COVER DETAIL FOR ADDITIONAL INFORMATION.
4. CONCRETE COLLAR AT A MINIMUM 24-HOUR COMPRESSIVE STRENGTH OF 3,000 PSI.

BACKFLOW VALVE ASSEMBLY

NOT TO SCALE

NOTES:

1. ALL MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE, LOCATED 8" FROM THE CENTER OF THE COVER
2. ALL SANITARY AND STORMWATER/DRAIN MANHOLE COVERS SHALL BE 24" x 5".
3. ALL SANITARY MANHOLE COVERS AND SHALL HAVE "SEWER" CAST INTO THE COVER.
4. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
5. APPROVED MANHOLE FRAMES:
   5.1. EAST JORDAN = 1690Z
   5.2. NEENAH = R-1496
   5.3. OR APPROVED EQUAL
6. APPROVED MANHOLE COVERS
   6.1. EAST JORDAN = 2160A
   6.2. NEENAH = R-1496
   6.3. OR APPROVED EQUAL



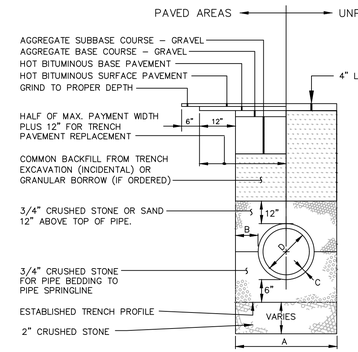
CAST IRON MANHOLE COVER AND FRAME

NOT TO SCALE

NOTES:

DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.

ANY ALTERNATE TRENCHING OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES.



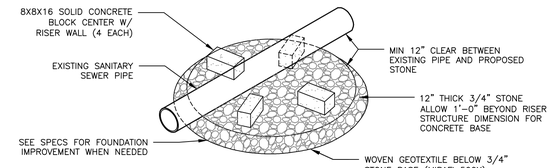
NOTES:

1. ALTERNATIVE CONSTRUCTION METHODS OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY.
2. IN PAVED AREAS, DEPTHS OF GRAVEL AND HOT MIX ASPHALT PAVEMENT SHALL MATCH THE GREATER OF EXISTING CONDITIONS OR THE REQUIREMENTS FOR THE CORRESPONDING STREET CLASSIFICATION.
3. DIMENSION B SHALL BE SUFFICIENT TO ALLOW CRUSH STONE BEDDING TO BE PLACED AND COMPACTED UNDER THE HAUNCHES OF THE PIPE; BUT IN ALL CASES DIMENSION B SHALL BE AT LEAST 9".
4. DIMENSION A IS THE MAXIMUM WIDTH ALLOWED FOR CALCUATING PAY QUANTITIES UNDER GRANULAR BORROW, CRUSHED STONE, STRUCTURAL EARTH EXCAVATION, AND STRUCTURAL ROCK EXCAVATION. DIMENSION A SHALL BE BASED ON PIPE DIAMETER D, AS SET FORTH IN THE FOLLOWING TABLE.

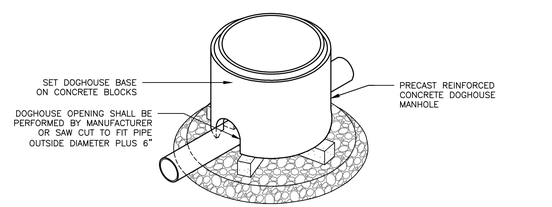
PIPE DIAMETER, D (INCHES)	MAX. TRENCH WIDTH, A (FEET)
4 – – – –	4.0
6	4.0
8	4.0
10	4.0
12	5.0
15	5.0
18 – – – –	5.0
21	5.0
24	6.0
27	6.0
30	6.0
36 – – – –	6.0
42	7.0
48	7.0

TYPICAL PIPE TRENCH INSTALLATION

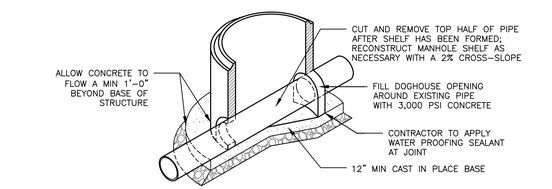
NOT TO SCALE



BASE ISOMETRIC VIEW



RISER ISOMETRIC VIEW



FOUNDATION SECTION VIEW

NOTES:

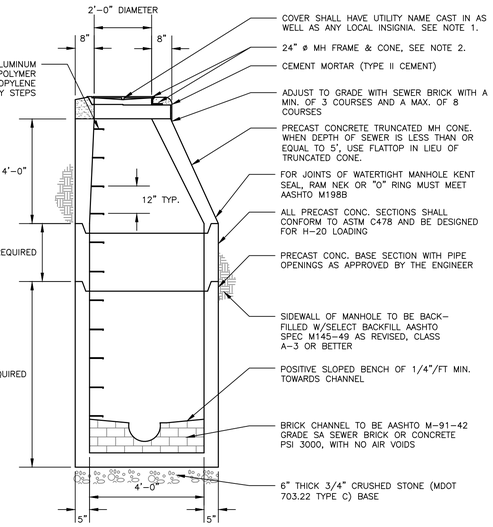
1. UNLESS OTHERWISE SPECIFIED, CONCRETE SHALL BE 4000 PSI @28 DAYS.
2. RECONSTRUCT INTERIOR MANHOLE INVERT AS NECESSARY TO ACCOMMODATE NEW PIPE.
3. THIS DETAIL IS INTENDED TO PROVIDE ADDITIONAL INFORMATION TO THE CONTRACTOR IN REGARDS TO THE CONNECTION OF THE DOGHOUSE MANHOLE BASE TO THE EXISTING SANITARY SEWER SYSTEM.
4. MANHOLES MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
5. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-478.
6. ALL MANHOLE RISERS SHALL BE ETHERIDGE 24" OR APPROVAL EQUAL.
7. ALL SANITARY MANHOLES SHALL HAVE A WATERPROOFING COATING APPLIED TO THE EXTERIOR SURFACE.
8. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 35.

DOGHOUSE MANHOLE DETAIL

NOT TO SCALE

NOTES:

1. MANHOLE COVER FOR SEWER MANHOLE SHALL BE ENGRAVED "SEWER", AND SHALL BE EITHER ITEM # 2160A AS MANUFACTURED BY EAST JORDAN CO. OR ITEM # 14960002 AS MANUFACTURED BY NEENAH FOUNDRY. MANHOLE COVER FOR STORM SEWER SHALL BE ENGRAVED "DRAIN", AND SHALL BE EITHER ITEM # 2160A AS MANUFACTURED BY EAST JORDAN CO. OR ITEM # 14960003 AS MANUFACTURED BY NEENAH FOUNDRY.
2. MANHOLE FRAME SHALL BE EITHER ITEM # 14960001, AS MANUFACTURED BY NEENAH FOUNDRY, OR ITEM # 1960Z, AS MANUFACTURED BY EAST JORDAN CO.
3. WITHIN CITY OF PORTLAND ROW, STORM DRAIN MANHOLE SHALL CONFORM WITH "STANDARD PRECAST SEWER MANHOLE DETAIL", WITH THE EXCEPTION THAT THE COVER SHALL BE MARKED AS "DRAIN". REFER TO CITY OF PORTLAND TECHNICAL MANUAL, SECTION 2 – SANITARY SEWER AND STORM DRAIN, FIGURE II-1
4. SUBMITTAL REQUIRED FOR MANHOLES, MANHOLE FRAMES & MANHOLE COVERS

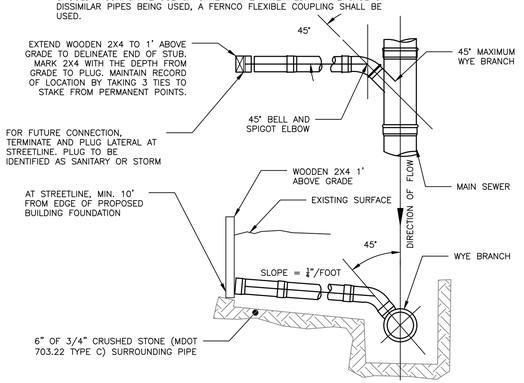


STANDARD PRECAST SEWER MANHOLE

NOT TO SCALE

NOTES:

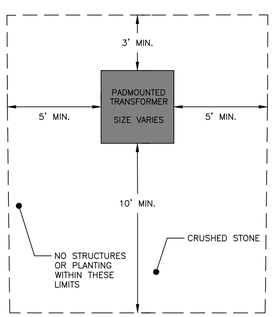
1. LOCATION WITH WARNING TAPE SHALL BE INSTALLED OVER CENTERLINE OF PIPE AT A MAXIMUM OF 24 INCHES BELOW FINISH GRADE.
2. SITE CONTRACTOR TO COORDINATE CONNECTION OF SEWER LATERAL TO HOUSEHOLD PLUMBING WITH ARCHITECTURAL CONTRACTOR
3. CONNECTION OF PROPOSED SEWER LATERAL TO HOUSEHOLD PLUMBING SHOULD INCORPORATE USE OF SIMILAR PIPE MATERIALS. IN THE CASE OF DISSIMILAR PIPES BEING USED, A FERNCO FLEXIBLE COUPLING SHALL BE USED.



SEWER AND STORM DRAIN TEE/WYE CONNECTION DETAIL

NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

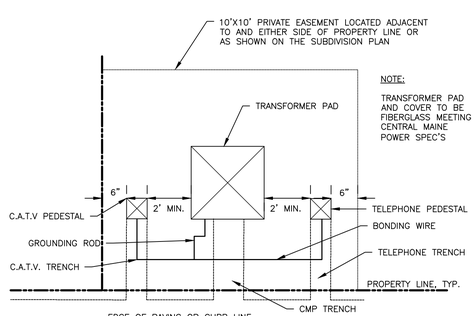


CMP TRANSFORMER SETBACKS

NOT TO SCALE

NOTES:

1. WHERE DANGER OF PLOW OR TRAFFIC DAMAGE EXISTS, BARRIERS CONSISTING OF CONCRETE FILLED 6 INCH IPS STEEL POSTS SET 4 FEET DEEP SHALL BE PROVIDED FOR PROTECTION (PRESSURE TREATED 6X6 INCH MIN. TIMBER POSTS MAY BE SUBSTITUTED IN RESIDENTIAL AREAS). POSTS SHALL NOT INTERFERE WITH TRANSFORMER ACCESS. GENERALLY THE POSTS SHALL BE LOCATED NEAR THE CORNERS OF THE TRANSFORMERS.
2. THE SETBACKS DEPICT CLEARANCES FROM OBSTRUCTIONS INCLUDING TREES, SHRUBS, AND FENCES.
3. THERE SHALL BE NO OPENINGS IN THE BUILDING WALL IN BACK OF, BESIDE, OR OVER THE TRANSFORMER UNLESS THE TRANSFORMER IS A MIN. OF 10 FEET FROM THE BUILDING.
4. SIDE CLEARANCES FROM DOORS OR WINDOWS SHALL NOT BE LESS THAN 10 FEET.
5. THERE SHALL BE A MIN. OF 10 FEET BETWEEN THE TRANSFORMER AND ANY GAS METER/REGULATOR, GAS RELIEF VALVE, GAS VENT DISCHARGE, GAS FILLING CONNECTION, OR PROPANE TANK. SOME INSURANCE COMPANIES MAY REQUIRE INCREASED CLEARANCES.
6. TRANSFORMER SHALL BE LOCATED FAR ENOUGH AWAY FROM BUILDING OVERHANGS SO THAT THEY WILL NOT BE SUBJECT TO DAMAGE BY FALLING ICE AND SNOW.
7. IF TRANSFORMER IS NOT INSTALLED IMMEDIATELY UPON THE INSTALLATION OF THE CABLE IN THE PAD, THE CONTRACTOR SHALL PROVIDE AND INSTALL A CMP APPROVED CONCRETE, STEEL, OR FIBERGLASS COVER OVER THE PAD OPENING TO ELIMINATE EXPOSURE OF THE CABLE.



TYPICAL TRANSFORMER DETAIL

NOT TO SCALE

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **UTILITY DETAILS – 1**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

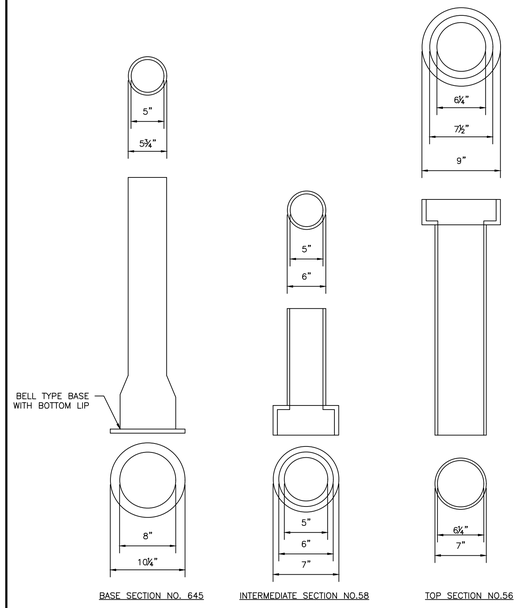
THESE PLANS SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS MADE TO THESE PLANS WITHOUT WRITTEN PERMISSION OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC
PO BOX 432, CAPE ELIZABETH, MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER
2/23/24

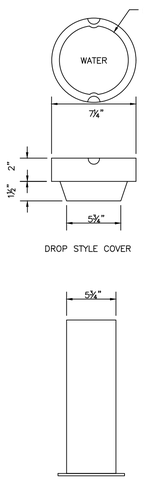
DRAWING NO.
C-43



BASE SECTION NO. 645 | INTERMEDIATE SECTION NO.58 | TOP SECTION NO.56

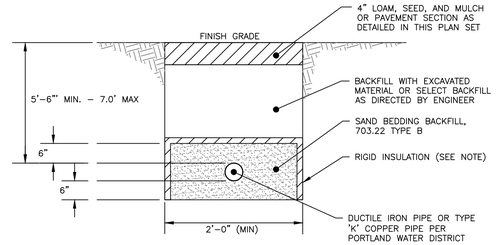
VALVE BOX & COVER
NOT TO SCALE

NOTES:
1. DIMENSIONS APPLICABLE FOR 5 ¼" BUFFALO VALVE BOXES
2. BASE SECTION MAY BE USED AS INTERMEDIATE SECTION

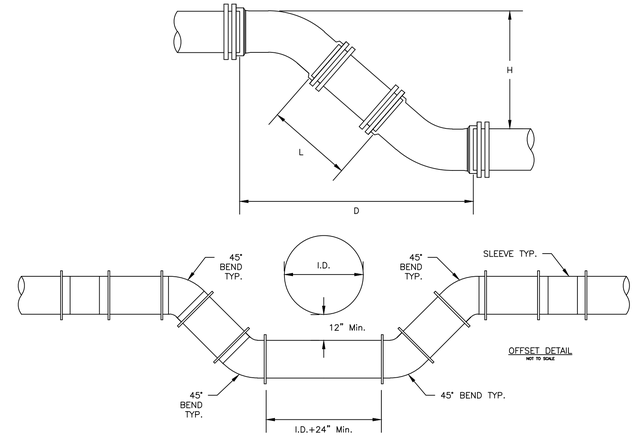


DROP STYLE COVER

NOTES:
1. THE WATER TRENCH SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARD DETAILS & SPECIFICATIONS.
2. IF LESS THAN 5'-6" OF COVER IS NECESSARY ADD 1 INCH OF "BLUE DOW" RIGID INSULATION FOR EVERY 12" LESS COVER.
3. 12" MIN. HORIZONTAL CLEARANCE BETWEEN PIPES IN JOINT TRENCH.



WATER SERVICE TRENCH SECTION DETAIL
NOT TO SCALE

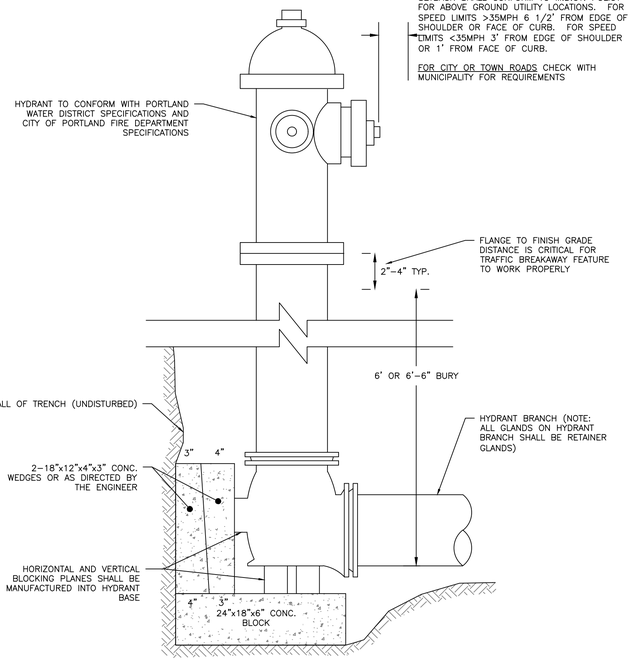


OFFSET DETAIL
NOT TO SCALE

	8" PIPE	
H	D	L
12"	1' 7-1/2"	0' 9-1/2"
13"	1' 8-1/2"	0' 10-7/8"
14"	1' 9-1/2"	1' 0-5/16"
15"	1' 10-1/2"	1' 1-11/16"
16"	1' 11-1/2"	1' 3-1/16"
17"	2' 0-1/2"	1' 4-9/16"
18"	2' 1-1/2"	1' 5-15/16"
19"	2' 2-1/2"	1' 7-3/8"
20"	2' 3-1/2"	1' 8-13/16"
21"	2' 4-1/2"	1' 10-3/16"
22"	2' 5-1/2"	1' 11-5/8"
23"	2' 6-1/2"	2' 1"
24"	2' 7-1/2"	2' 2-7/16"
25"	2' 8-1/2"	2' 3-7/8"
26"	2' 9-1/2"	2' 5-1/4"
27"	2' 10-1/2"	2' 6-11/16"
28"	2' 11-1/2"	2' 8-1/8"
29"	3' 0-1/2"	2' 9-1/2"
30"	3' 1-1/2"	2' 10-15/16"
31"	3' 2-1/2"	3' 0-5/16"
32"	3' 3-1/2"	3' 1-3/4"
33"	3' 4-1/2"	3' 3-3/16"
34"	3' 5-1/2"	3' 4-9/16"
35"	3' 6-1/2"	3' 6"
36"	3' 7-1/2"	3' 7-7/16"
37"	3' 8-1/2"	3' 8-13/16"
38"	3' 9-1/2"	3' 10-1/4"
39"	3' 10-1/2"	3' 11-11/16"
40"	3' 11-1/2"	4' 1-1/16"
41"	4' 0-1/2"	4' 2-1/2"
42"	4' 1-1/2"	4' 3-7/8"
43"	4' 2-1/2"	4' 5-5/16"
44"	4' 3-1/2"	4' 6-3/4"
45"	4' 4-1/2"	4' 8-1/8"
46"	4' 5-1/2"	4' 9-9/16"
47"	4' 6-1/2"	4' 10-15/16"
48"	4' 7-1/2"	5' 0-3/8"
49"	4' 8-1/2"	5' 1-13/16"
50"	4' 9-1/2"	5' 3-3/16"
51"	4' 10-1/2"	5' 4-5/8"
52"	4' 11-1/2"	5' 6-1/16"
53"	5' 0-1/2"	5' 7-7/16"
54"	5' 1-1/2"	5' 8-7/8"
55"	5' 2-1/2"	5' 10-5/16"

NOTE:
DIMENSIONS APPLICABLE FOR SIGMA COMPACT BENDS. FOR TYLER COMPACT BENDS, ADD 1/2" TO "D" DIMENSION AND SUBTRACT 1/2" FROM "L" DIMENSION. FOR OTHER FITTINGS REFER TO MANUFACTURER'S RECOMMENDATIONS.

TYPICAL MAIN OFFSET
NOT TO SCALE



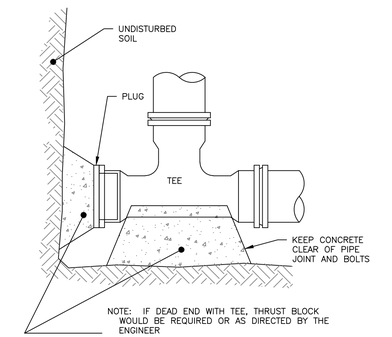
FOR STATE ROADS
SETBACK SHALL CONFORM TO M.D.O.T. POLICY FOR ABOVE GROUND UTILITY LOCATIONS. FOR SPEED LIMITS >35MPH 6 1/2' FROM EDGE OF SHOULDER OR FACE OF CURB. FOR SPEED LIMITS <35MPH 3' FROM EDGE OF SHOULDER OR 1' FROM FACE OF CURB.

FOR CITY OR TOWN ROADS CHECK WITH MUNICIPALITY FOR REQUIREMENTS

TYPICAL HYDRANT INSTALLATION DETAIL
NOT TO SCALE

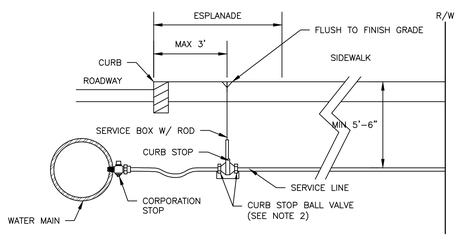
NOTES:
1. SAWCUT EXISTING PAVEMENT AND REMOVE 5' STRIP OF EXISTING PAVEMENT TO CREATE A UNIFORM AND RIGID BUTT JOINT TO CREATE SHIPLAP JOINTS BETWEEN THE PAVEMENT LAYERS.
2. APPLY BITUMINOUS TACK COAT AT AN APPLICATION RATE OF 0.10 TO 0.14 GALLONS PER SQUARE YARD TO EXISTING PAVEMENT JOINTS AND SURFACES PRIOR TO PLACEMENT OF NEW BITUMINOUS PAVEMENT.
3. THE NEW PAVEMENT SECTION SHALL MEET "PAVEMENT PROFILE DETAIL" AT A MINIMUM OR THE EXISTING PAVEMENT AND AGGREGATE BASE AND SUBBASE DEPTH WHICHEVER IS GREATER.

PAVEMENT SAWCUT WITH SHIPLAP JOINTS DETAIL
NOT TO SCALE

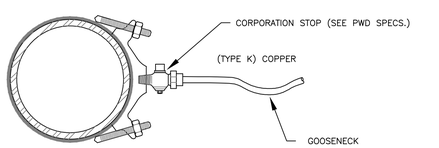


END SECTION

NOTES:
1. ALL MATERIALS AND INSTALLATION PROCEDURES MUST COMPLY WITH PORTLAND WATER DISTRICT (PWD) SPECIFICATIONS.
2. CURB STOP BALL VALVE TO BE MADE OF COPPER OR BRASS UNLESS OTHERWISE NOTED BY THE PORTLAND WATER DISTRICT.
3. SERVICE LINE TO BE MADE OF TYPE K COPPER.
4. CONCRETE BLOCKING SHALL BE ADDED TO THE BASE OF THE CURB STOP TO PROVIDE STRUCTURAL SUPPORT FOR THE CURB STOP AND SERVICE BOX.
5. CURB STOP TO BE INSTALLED IN PERVIOUS AREAS TO THE GREATEST EXTENT FEASIBLE. FOR LOTS IN WHICH THE CURB STOP MUST BE LOCATED IN A SIDEWALK OR DRIVEWAY, CONTRACTOR TO CONTACT PWD FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
6. CONTRACTOR TO COIL ACCESS PIPE ON PRIVATE PROPERTY PRIOR TO CONNECTION TO HOUSE. ACCESS PIPE TO BE ADEQUATELY MARKED IF BURIED OR PROTECTED IF STORED ABOVE GROUND.

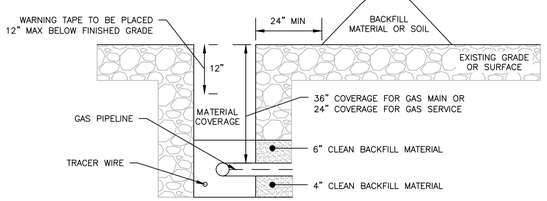


TYPICAL SERVICE CONNECTION
NOT TO SCALE

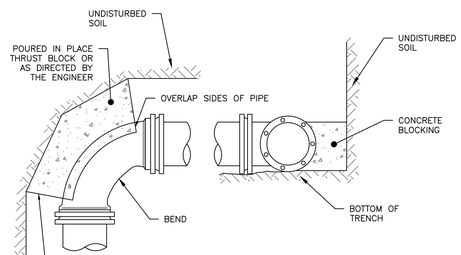


SERVICE SADDLE: 1-1/2" AND 2" C.C. THREAD
NOT TO SCALE

NOTES:
1. INSTALL MAINS WITH A MINIMUM OF 36" OF COVER AND SERVICES WITH A MINIMUM OF 24" OF COVER. EXCEPTIONS MAY BE MADE WITHIN SLATE AND FEDERAL CODES WITH THE PRIOR APPROVAL OF THE OPERATIONS CENTER MANAGER. INSTALL PLASTIC PIPE WITH SLACK SO EXTERNAL LOADING OR THERMAL CONTRACTION WILL NOT PLACE UNNECESSARY STRESS ON THE PIPE OR JOINTS. IN CASES WHERE A STOPPER FITTING OF OTHER NEW MATERIAL IS ADDED TO AN OLDER MAIN SUCH THAT THE MAIN HAS LESS THAN 24" OF COVE, THE CONTRACTOR SHOULD PROVIDE PERMANENT PROTECTION SUCH AS CONCRETE. WHENEVER A MAIN WILL BE INSTALLED WITH LESS THAN 24" OF COVER, NOTIFY THE OPERATIONS CENTER MANAGER OR THE DESIGNEE SO THEY CAN REQUEST APPROVAL FROM THE DEPARTMENT OF PUBLIC UTILITIES.
2. PROCEDURE – SEE FIGURE BELOW
   - 2.1. REMOVE ALL EXCESS WATER FROM THE TRENCH WITH PUMPS OR EQUIVALENT
   - 2.2. PLACE A LAYER OF SAND 4" DEEP IN TRENCH BOTTOM BEFORE LAYING THE PIPE IN THE TRENCH. THE OPERATIONS CENTER MANAGER OR COMPANY FIELD REPRESENTATIVE MAY ALLOW USE OF CLEAN FILL MATERIAL INSTEAD OF SAND PROVIDED IT IS CLEAN AND FREE OF ANY OBJECTS THAT MAY IMPINGE ON THE PIPE.
   - 2.3. FOR PLASTIC PIPE, INSTALL NUMBER 12 AWG SOLID COPPER WIRE (TRACER WIRE) WITH YELLOW INSULATION JACKET ALONG THE LENGTH OF THE SERVICE. THIS WIRE IS USED TO LOCATE THE PIPE. DO NOT PHYSICALLY ATTACH THE WIRE OR ALLOW THE WIRE TO TOUCH THE PLASTIC PIPE. KEEP THE TRACER WIRE AT LEAST 4" AWAY FROM THE PLASTIC PIPE. IF THE INSTALLATION IS TRENCHLESS, THE TRACER WIRE MAY BE LESS THEN 4" AWAY FROM THE PLASTIC PIPE.
   - 2.4. PLACE A MINIMUM OF 6" OF SAND OVER THE PIPE. THE OPERATIONS CENTER MANAGER OR COMPANY FIELD REPRESENTATIVE MAY ALLOW USE OF CLEAN FILL MATERIAL INSTEAD OF SAND PROVIDED IT IS CLEAN AND FREE OF ANY OBJECTS THAT MAY IMPINGE ON THE PIPE.
   - 2.5. PLACE WARNING TAPE IN THE TRENCH NOT MORE THAN 12" BELOW FINISHED GRADE. THE STANDARD WARNING TAPE IS YELLOW, NON-DETECTABLE TAPE, 6" WIDE.
   - 2.6. FILL THE REST OF THE TRENCH WITH CLEAN FILL MATERIAL, USING THE SPOIL WHERE SUITABLE AND ACCEPTABLE. IF THE ORIGINAL SPOIL MATERIAL IS NOT SUITABLE FOR USE AS A SUB-GRADE MATERIAL WHEN RESTORING ROAD SURFACES, USE MATERIAL REQUIRED BY STATE OR LOCAL AGENCIES. REMOVE ALL EXCESS SPOIL IN THE ACCEPTED MANNER.
   - 2.7. PROPERLY COMPACT THE TRENCH TO INSURE THE TRENCH WILL NOT SETTLE.
3. SEE GAS STANDARD 10.03 FOR A DESCRIPTION OF SUITABLE MATERIALS FOR PIPE BEDDING AND FINAL BACKFILL.



NATURAL GAS MAIN/SERVICE TRENCH DETAIL
NOT TO SCALE



TOP VIEW | END VIEW

REGULAR BEND

THRUST BLOCKING
NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: UTILITY DETAILS – 2
PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102
CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.
ENGINEERING, INC.
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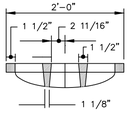
ACORN ENGINEERING, INC.
70 JOHN ROAD, SUITE 104
PO BOX 3235
(207) 775-2655

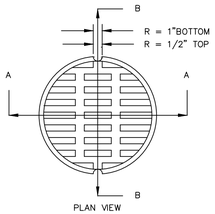
FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

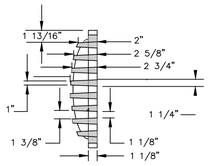
DRAWING NO.
C-44



SECTION A–A



PLAN VIEW

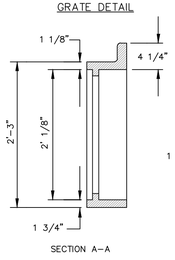


SECTION B–B

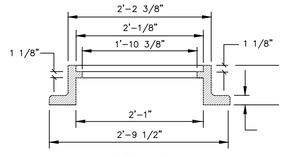
GRATE DETAIL

NOTES:

1. APPROVED CATCH BASIN FRAMES:
   1.1. EAST JORDAN = 7375Z
   1.2. NEENAH = R-3248
   1.3. OR APPROVED EQUAL
2. APPROVED CATCH BASIN GRATES
   2.1. EAST JORDAN = 2440M
   2.2. NEENAH = R-3248
   2.3. OR APPROVED EQUAL



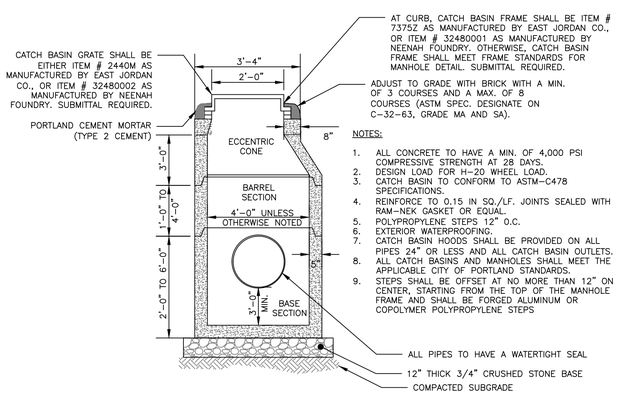
SECTION A–A



SECTION B–B

FRAME DETAIL

CATCH BASIN FRAME & GRATE
NOT TO SCALE



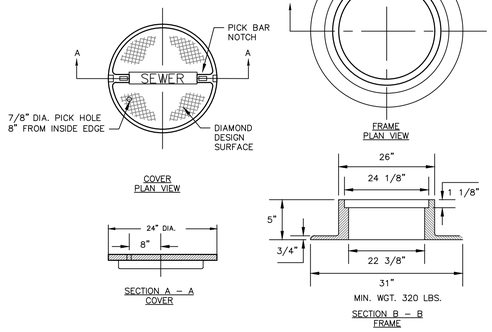
NOTES:

1. ALL CONCRETE TO HAVE A MIN. OF 4,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. DESIGN LOAD FOR H-20 WHEEL LOAD.
3. CATCH BASIN TO CONFORM TO ASTM-C478 SPECIFICATIONS.
4. REINFORCE TO 0.15 IN SQ./LF. JOINTS SEALED WITH RAM-NEK GASKET OR EQUAL.
5. POLYPROPYLENE STEPS 12" O.C.
6. EXTERIOR WATERPROOFING.
7. CATCH BASIN HOODS SHALL BE PROVIDED ON ALL PIPES 24" OR LESS AND ALL CATCH BASIN OUTLETS.
8. ALL CATCH BASINS AND MANHOLES SHALL MEET THE APPLICABLE CITY OF PORTLAND STANDARDS.
9. STEPS SHALL BE OFFSET AT NO MORE THAN 12" ON CENTER, STARTING FROM THE TOP OF THE MANHOLE FRAME AND SHALL BE FORGED ALUMINUM OR COPOLYMER POLYPROPYLENE STEPS

PRECAST CATCH BASIN/ DRAINAGE MANHOLE
NOT TO SCALE

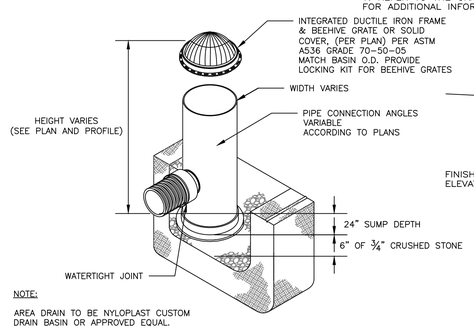
NOTES:

1. ALL MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE, LOCATED 8" FROM THE CENTER OF THE COVER
2. ALL SANITARY AND STORMWATER/DRAIN MANHOLE COVERS SHALL BE 24" x 5".
3. ALL SANITARY MANHOLE COVERS AND SHALL HAVE "SEWER" CAST INTO THE COVER.
4. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
5. APPROVED MANHOLE FRAMES:
   5.1. EAST JORDAN = 1690Z
   5.2. NEENAH = R-1496
   5.3. OR APPROVED EQUAL
6. APPROVED MANHOLE COVERS
   6.1. EAST JORDAN = 2160A
   6.2. NEENAH = R-1496
   6.3. OR APPROVED EQUAL



CAST IRON MANHOLE COVER AND FRAME
NOT TO SCALE

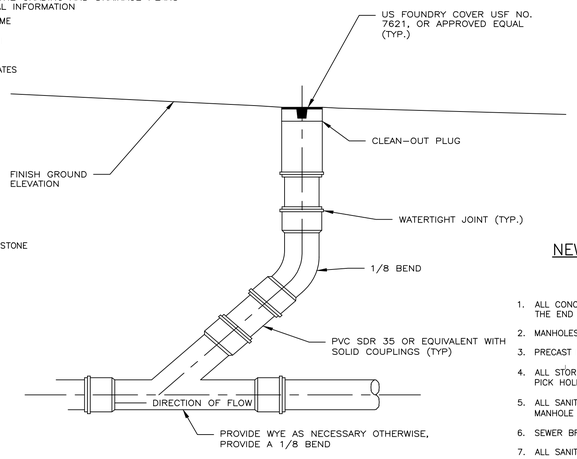
DESIGN NOTES:
1. REFER TO THE GRADING AND DRAINAGE PLANS FOR ADDITIONAL INFORMATION



NOTE:

AREA DRAIN TO BE NYLOPLAST CUSTOM DRAIN BASIN OR APPROVED EQUAL.

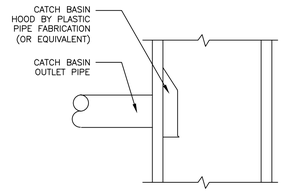
BEEHIVE DRAIN DETAIL
NOT TO SCALE



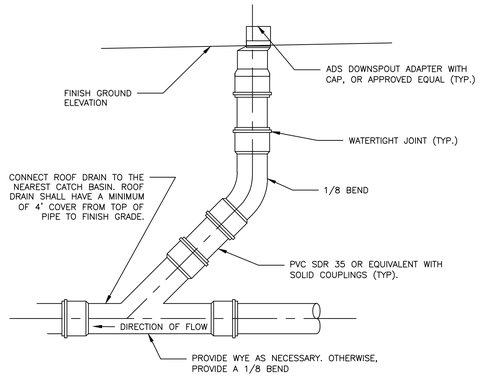
CLEANOUT DETAIL
NOT TO SCALE

NOTES:

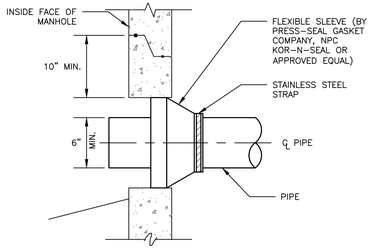
1. INSTALL HOOD ON ALL OUTLETS 24" OR LESS.
2. PREFERRED STYLE DESIGNED TO ELIMINATE CEMENTING OF THE TRAP.
3. REFER TO MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION REQUIREMENTS.



CATCH BASIN HOOD DETAIL
NOT TO SCALE



ROOF DRAIN DETAIL
NOT TO SCALE



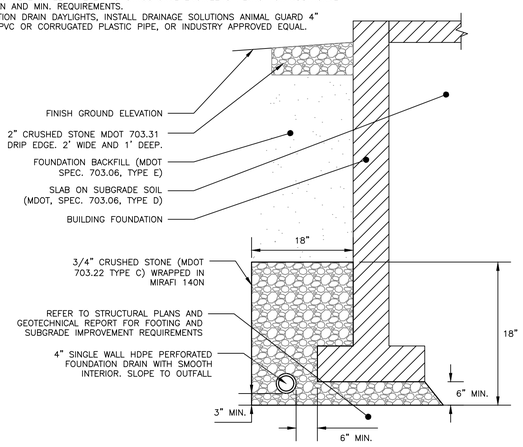
NEW PIPE TO NEW STRUCTURE CONNECTION DETAIL
NOT TO SCALE

1. ALL CONCRETE SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 lbs. PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
2. MANHOLES MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
3. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-478.
4. ALL STORM AND SEWER MANHOLE COVERS SHALL BE SOLD AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE LOCATED 8" FROM THE CENTER OF THE COVER.
5. ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
6. SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-32-63, GRADE MA AND SA.
7. ALL SANITARY MANHOLES SHALL HAVE A WATERPROOFING COATING APPLIED TO THE EXTERIOR SURFACE.
8. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 35.
9. EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.
10. ALL CATCH BASIN OUTLETS SHALL BE INSTALLED WITH A CATCH BASIN HOOD.
11. HYDROCARBON ABSORBENT BOOM IN ALL CATCH BASINS REQUIRED BY CONTRACTOR FOLLOWING PAVING. OWNER TO MAINTAIN/REPLACE FOR 1-YEAR FOLLOWING FINAL PAVEMENT.

GENERAL NOTES FOR STORM MANHOLES AND CATCH BASINS

NOTES:

1. REFER TO THE BUILDING ARCHITECTS AND STRUCTURAL ENGINEERING PLANS FOR THE BUILDING FOUNDATION, BACKFILL, ROOF DRAIN, SIDEWALK AND OTHER DETAILS.
2. PERFORATIONS IN UNDERDRAIN PIPE SHALL BE ORIENTED DOWN.
3. INSTALL STONE DRIP EDGE IN A LOCATIONS SUBJECT TO ROOF RUNOFF. WIDTH SHALL BE A MIN. 12" BEYOND THE PROJECTION OF THE ROOF EVE.
4. FOUNDATION WALL FOOTINGS SHALL BE CONSTRUCTED TO A MIN. DEPTH OF 4 FT BELOW ADJACENT FINISH GRADE UNLESS OTHERWISE SPECIFIED BY THE GEOTECHNICAL ENGINEER OR STRUCTURAL ENGINEER. REFER TO STRUCTURAL ENGINEERS PLANS FOR ADDITIONAL INFORMATION AND MIN. REQUIREMENTS.
5. IF FOUNDATION DRAIN DAYLIGHTS, INSTALL DRAINAGE SOLUTIONS ANIMAL GUARD 4" EXTERNAL PVC OR CORRUGATED PLASTIC PIPE, OR INDUSTRY APPROVED EQUAL.



FOUNDATION DRAIN DETAIL
NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **DRAINAGE DETAILS**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

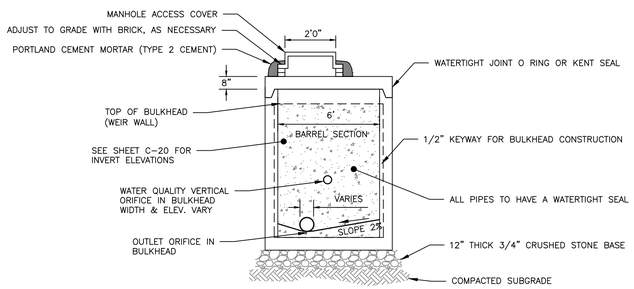
STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-45

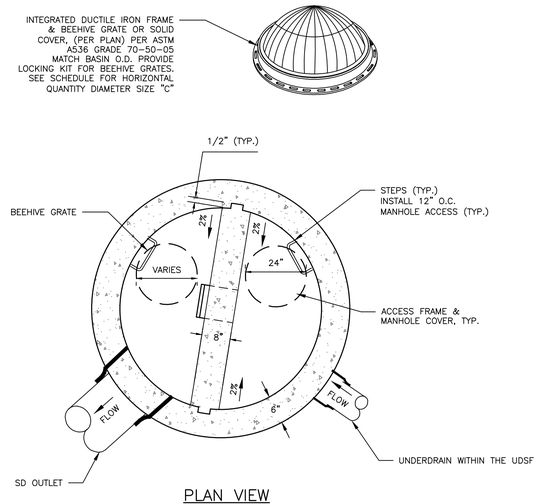
NOTES:

1. ALL CONCRETE TO HAVE A MIN. OF 4,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. DESIGN LOAD FOR H-20 WHEEL LOAD.
3. STRUCTURE TO CONFORM TO ASTM-C478 SPECIFICATIONS.
4. REINFORCE TO 0.12 IN SQ./LF.
5. JOINTS SEALED WITH BUTYL RUBBER.
6. POLYPROPYLENE STEPS 12" O.C.
7. STRUCTURE TO BE IN ACCORDANCE WITH APPLICABLE NOTES & SPECIFICATIONS OF "4'-0" DIAMETER PRECAST CATCH BASIN/DRAINAGE MANHOLE" DETAIL, SHEET C-45.

SCHEDULE			
ITEM		DIMENSION/ELEVATION	
OCS STRUCTURE		VUSF 1	VUSF 2
A	SD OUTLET	12"/71.30'	12"/71.45'
B	WATER QUALITY VERT. ORIFICE DRILLED IN BULKHEAD	1"/71.35'	1"/71.50'
C	WATER QUANTITY VERT. ORIFICE DRILLED IN BULKHEAD	6"/75.10'	4"/75.35'
D	TOP OF BULKHEAD (WEIR WALL)	75.83'	75.85'
E	UD INLET	4"/71.40'	71.55'
F	EMERGENCY SPILLWAY	77.35'	77.40'

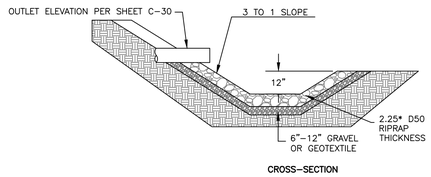


SIDE PROFILE



PLAN VIEW

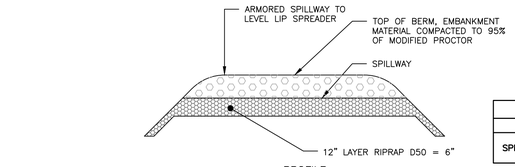
OUTLET CONTROL STRUCTURE
NOT TO SCALE



CROSS-SECTION

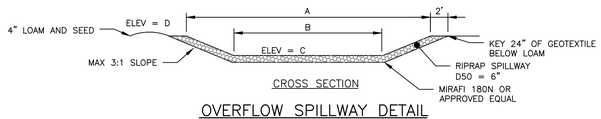
NOTE: RIPRAP SHALL BE DESCRIBED BY M.D.O.T. 703.26 EXCEPT SIZE SHALL BE AS SHOWN.

OUTLET PLUNGE POOL DETAIL
NOT TO SCALE



PROFILE

SCHEDULE		
	VUSF 1	VUSF 2
SPILLWAY WIDTH	10'	10'



CROSS SECTION

OVERFLOW SPILLWAY DETAIL
NOT TO SCALE

CONSTRUCTION OBSERVATION:

CONSTRUCTION OBSERVATION SHALL BE PROVIDED FOR EACH PHASE OF CONSTRUCTION BY ACORN ENGINEERING. THE CONTRACTOR OR OWNERS REPRESENTATIVE SHALL NOTIFY ACORN ENGINEERING A MINIMUM 48 HOURS OR 2 BUSINESS DAYS WHICH EVER IS GREATER PRIOR TO ANY OF THE PHASES OF CONSTRUCTION LISTED BELOW SO THAT THE FOLLOWING SITE VISITS MAY BE SCHEDULED.

VEGETATED UNDERDRAINED SOIL FILTER & BIORETENTION CELLS:

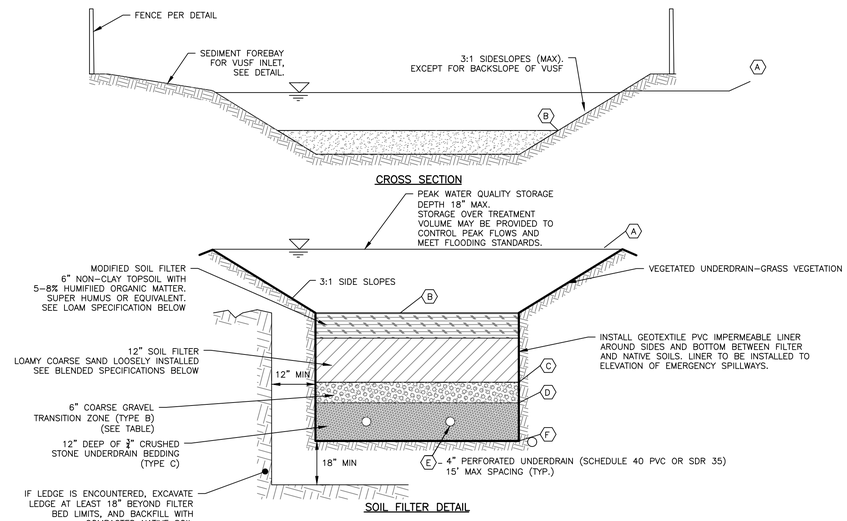
1. ONE SITE VISIT AFTER PRELIMINARY GRADING OF THE SOIL FILTER/BIORETENTION CELL GRADES.
2. ONE SITE VISIT DURING THE INSTALLATION OF THE IMPERVIOUS LINER
3. ONE SITE VISIT AFTER THE UNDER DRAIN PIPES ARE INSTALLED BUT NOT BACKFILLED.
4. ONE SITE VISIT DURING THE CONSTRUCTION OF THE SOIL FILTER LAYER.
5. ONE SITE VISIT DURING THE CONSTRUCTION OF THE TOPSOIL LAYER.
6. ONE SITE VISIT DURING OUTLET CONTROL STRUCTURE INSTALLATION.
7. ONE SITE VISIT AFTER SLOPES AND BANKS HAVE BEEN REVEGETATED AND STABILIZED.
8. ONE SITE VISIT DURING FLOODING OF THE FILTER OR BIORETENTION CELL, IF REQUIRED.

ROOF LINE DRIP EDGES:

1. ONE SITE VISIT AFTER PRELIMINARY CONSTRUCTION & GRADING OF THE ROOF LINE DRIP EDGE.
2. ONE SITE VISIT DURING INSTALLATION OF THE UNDERDRAIN.
3. ONE SITE VISIT DURING FILTER LAYER INSTALLATION.
4. ONE SITE VISIT DURING RESERVOIR LAYER INSTALLATION.

LEVEL LIP SPREADER & PLUNGE POOL:

1. ONE SITE VISIT AFTER PRELIMINARY GRADING OF THE LEVEL LIP SPREADER.
2. ONE SITE VISIT DURING STORMDRAIN INSTALLATION.
3. ONE SITE VISIT DURING CONSTRUCTION OF THE ENTRANCE DRAINAGE CHANNEL OR RIPRAP PLUNGE POOL.



SOIL FILTER DETAIL

NOTES:

1. THE SIDESLOPES SHALL BE STABILIZED WITH A MIN. OF 4" LOAM, EROSION CONTROL BLANKETS SC150BN BY NORTH AMERICAN GREEN OR APPROVED EQUAL AND A CONSERVATION SEED MIX. THE BOTTOM OF THE VEGETATED UNDERDRAIN SHALL BE STABILIZED WITH EROSION CONTROL BLANKETS SC150BN BY NORTH AMERICAN GREEN OR APPROVED EQUAL AND A CONSERVATION SEED MIX
2. LIGHT COMPACTION SOIL FILTER AND PIPE BEDDING MATERIAL. (90 TO 92% STANDARD PROCTOR). TESTING SHALL BE PERFORMED BY A QUALIFIED MATERIAL TESTING FIRM.
3. THE SOIL FILTER MEDIA SHALL NOT BE CONSTRUCTED UNTIL THE AREA DRAINING TO THE BASIN HAS BEEN PERMANENTLY STABILIZED.
4. THE SEDIMENT FOREBAY SHALL BE CONSTRUCTED PRIOR TO CONSTRUCTION OF THE SOIL FILTER AND INSPECTED AND MAINTAINED DURING CONSTRUCTION. MAINTENANCE SHALL INCLUDE REMOVAL OF ANY ACCUMULATED SEDIMENT.
5. MINIMUM UNDERDRAIN SLOPE 0.0025 FT/FT FOR POSITIVE DRAINAGE TOWARDS THE OUTLET.
6. TESTING: SIEVE ANALYSIS INCLUDING HYDROMETER TESTING FOR CLAY CONTENT FOR EACH LAYER SHALL BE PERFORMED BY A QUALIFIED SOIL TESTING LABORATORY AND SUBMITTED TO THE PROJECT ENGINEER FOR APPROVAL 2 WEEKS PRIOR TO CONSTRUCTION. ALL TESTING AND SUBMITTALS SHALL BE IN ACCORDANCE WITH THE MAINE DEP - TECHNICAL DESIGN MANUAL SECTION 7.2.5 TESTING AND SUBMITTALS.

SCHEDULE		
ITEM	VUSF 1	VUSF 2
(A) OVERFLOW SPILLWAY	77.35'	77.40'
(B) TOP OF SOIL FILTER	74.30'	74.50'
(C) TOP OF GRAVEL	72.80'	73.00'
(D) TOP OF STONE	72.30'	72.50'
(E) UNDERDRAIN INVERT	71.55'	71.75'
(F) BOTTOM OF STONE	71.30'	71.50'

6" SOIL FILTER BED - LOAM TOPSOIL SPECIFICATION	
SIEVE SIZE	% PASSING BY WEIGHT
#4	75-95
#10	60-90
#40	35-85
#200	20-70
1. CLAY FRACTION <2% PASSING THE #200 SIEVE. 2. LOAM SHALL BE LOOSE AND FRIABLE AND SHALL BE FREE FROM ADMIXTURE OF SUBSOIL, REFUSE, LARGE STONES, CLODS OR ROOTS OR RHIZOMES OR "WITCH GRASS" OR OTHER UNDESIRABLE GRASSES.	

SOIL FILTER BED - SUPERHUMUS OR EQUIV. SPECIFICATION	
SIEVE SIZE	% PASSING BY WEIGHT
1"	100
#200	0-5
MINIMAL CLAY CONTENT, NO MORE THAN 3-5% PASSING #200 SIEVE	

SOIL FILTER BED - LOAMY COARSE SAND SPECIFICATION	
SIEVE SIZE	% PASSING BY WEIGHT
#10	85-100
#20	70-100
#60	15-40
#200	8-15
1. CLAY FRACTION <2% PASSING THE #200 SIEVE.	

SOIL FILTER BED - TRANSISTION ZONE (TYPE B)	
SIEVE SIZE	% PASSING BY WEIGHT
1"	90-100
1/2"	75-100
#4	50-100
#20	15-80
#50	0-15
#200	0-5

SOIL FILTER BED - UNDERDRAIN BEDDING (TYPE C)	
SIEVE SIZE	% PASSING BY WEIGHT
1"	100
3/4"	90-100
3/8"	0-75
#4	0-25
#10	0-5

VEGETATED UNDERDRAINED SOIL FILTER (VUSF) DETAIL
NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **DRAINAGE DETAILS - 2**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.
ENGINEERING
PO BOX 3237, PORTLAND, MAINE 04104
(207) 775-2655

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JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
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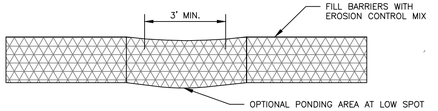
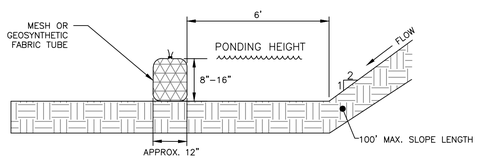
DRAWING NO.
C-46

NOTES:

1. FULL CONTACT WITH THE GROUND IS CRITICAL TO PREVENT SHORT CIRCUITING UNDER THE TUBE – THE GROUND SURFACE SHOULD BE SMOOTH AND LEVEL. IN WOODED AREAS, PROTRUDING ROOTS AND DEBRIS MAY NEED TO BE REMOVED. IN GRASSED AREAS, THE GRASS NEEDS TO BE EITHER MOWED OR COMPRESSED DOWN.
2. STAKING MAY BE NECESSARY ON STEEP SLOPES.
3. UPON FINAL STABILIZATION, THE TUBE CAN BE CUT OPEN AND THE MATERIAL SPREAD OUT ONTO THE GROUND. THE MESH MATERIAL SHOULD BE REMOVE.
4. LOOSE COMPOST MAY BE BACKFILLED ALONG THE UPSLOPE SIDE OF THE COMPOST FILTER SOCK, FILLING THE SEAM BETWEEN THE SOIL SURFACE AND THE DEVICE, IMPROVING FILTRATION AND SEDIMENT RETENTION.



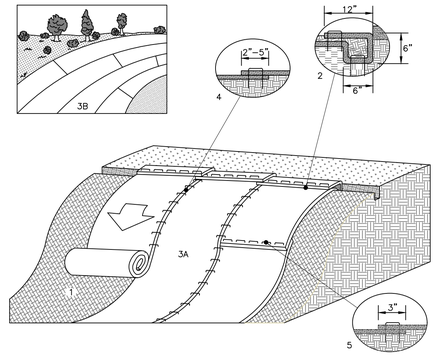
FRONT VIEW



SIDE VIEW

FILTER SOCK DETAIL

NOT TO SCALE



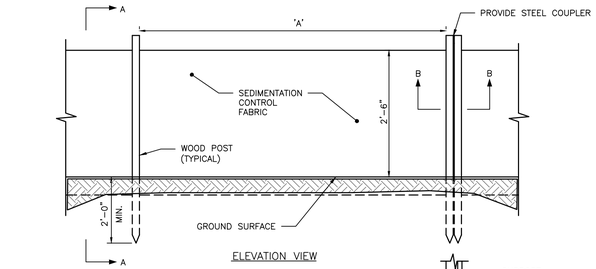
SLOPE
INSTALLATION DETAIL

1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (ECB), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE ECB IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF ECB EXTENDED BEYOND THE UP–SLOPE PORTION OF THE TRENCH. ANCHOR THE ECB WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND FOLD THE REMAINING 12" PORTION OF ECB BACK OVER THE SEED AND COMPACTED SOIL. SECURE ECB OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE ECB.
3. ROLL THE ECB (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE. ECB WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL ECB MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.
4. THE EDGES OF PARALLEL ECB MUST BE STAPLED WITH APPROXIMATELY 2" – 5" OVERLAP DEPENDING ON THE ECB TYPE.
5. CONSECUTIVE ECB SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE ECB WIDTH.

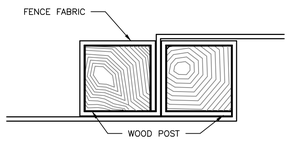
NOTE:
IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY SECURE THE ECB.

EROSION CONTROL BLANKET SLOPE INSTALLATION

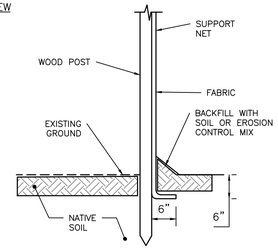
NOT TO SCALE



ELEVATION VIEW



SECTION B–B



SECTION A–A

SILT FENCE REINFORCEMENT	MAX. SPACING "A"
NONE	6'
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10'

SILTATION FENCE DETAIL

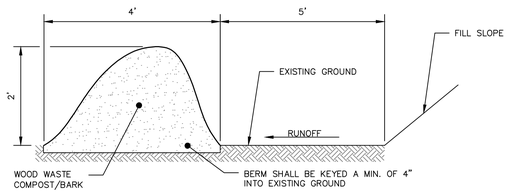
NOT TO SCALE

NOTES:

1. THE EROSION CONTROL MIX SHALL CONFORM TO THE FOLLOWING STANDARDS AND IN ACCORDANCE WITH THE MAINE DOT CHAPTER 700, SECTION 717.04(D):

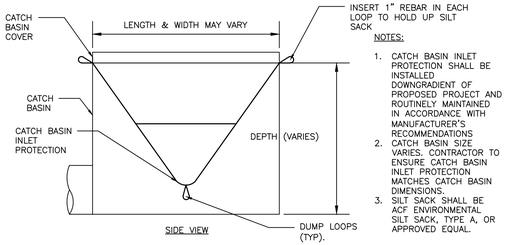
1.1. pH BETWEEN 5.0 – 8.0
1.2. PARTICLE SIZE (BY WEIGHT):
1.2.1. 100% PASSING A 150 MM (6 IN) SCREEN
1.2.2. 75 TO 85% PASSING A 19 MM (0.75 IN) SCREEN
1.3. SOLUBLE SALTS CONTENT < 4.0 MMHOS/CM
1.4. ORGANIC MATTER 20 TO 100% , DRY WEIGHT BASIS

2. THE BERM SHOULD BE PLACED, UNCOMPACTED, ALONG A RELATIVELY LEVEL CONTOUR, WHEN NECESSARY THE BERM MAY BE PLACED PERPENDICULAR TO THE SLOPE ALONG THE PROPERTY LINE TO CONTAIN THE SEDIMENT PROVIDED A BERM IS LOCATED AT THE BASE OF THE SLOPE.
3. THE BERM MAY BE USED IN LIEU OF SILTATION FENCE, AT THE TOE OF SHALLOW SLOPES, ON FROZEN GROUND, LEDGE OUT CROPS, VERY ROOTED FORESTED AREA OR AT THE EDGE OF GRAVEL PARKING AREAS.
4. WHERE A BERM IS USED AT THE BASE OF A SLOPE GREATER THAN 8%, ANOTHER MEASURE SHALL BE USED IN CONJUNCTION WITH A BERM, SUCH AS A SILT FENCE.
5. BERMS SHALL REMAIN IN PLACE UNTIL UPSTREAM AREA IS STABILIZED OR 90% CATCH OF VEGETATION IS ATTAINED. BERMS SHALL BE REMOVED OFFSITE OR BY SPREADING SUCH THAT NATIVE EARTH CAN BE SEEN BELOW.



EROSION CONTROL MIX BERM DETAIL

NOT TO SCALE

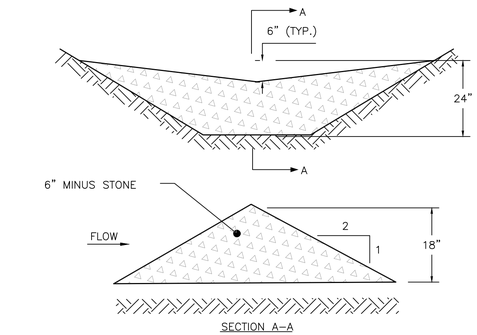


NOTES:

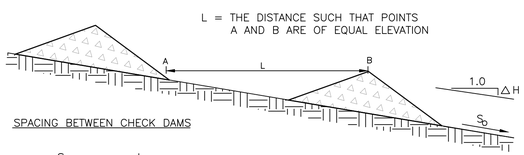
1. CATCH BASIN INLET PROTECTION SHALL BE INSTALLED DOWNGRADIENT OF PROPOSED PROJECT AND ROUTINELY MAINTAINED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS
2. CATCH BASIN SIZE VARIES. CONTRACTOR TO ENSURE CATCH BASIN INLET PROTECTION MATCHES CATCH BASIN DIMENSIONS.
3. SILT SACK SHALL BE ACF ENVIRONMENTAL SILT SACK, TYPE A, OR APPROVED EQUAL.

CATCH BASIN INLET PROTECTION

NOT TO SCALE



SECTION A–A

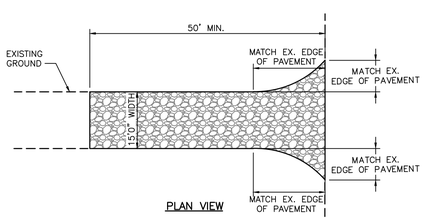


SPACING BETWEEN CHECK DAMS

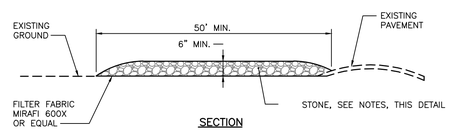
S_o (FT./FT.)	L (FT.)
0.020	75
0.030	50
0.040	40
0.050	30
0.080	20
0.100	10

STONE CHECK DAM

NOT TO SCALE



PLAN VIEW



SECTION

NOTES:

1. CONTRACTOR SHALL ADD STONE TO ENTRANCE AS MUD/SILT MATERIAL ACCUMULATES
2. STONE SHALL BE 2"–3" COARSE AGGREGATE
3. CONSTRUCTION ENTRANCE SHALL BE GRADED TO NOT ALLOW ANY STORMWATER TO BE CONVEYED OFF SITE. IN SITUATIONS WHERE THIS IS NOT POSSIBLE, ANY STORMWATER CONVEYED OFFSITE SHALL BE TREATED OR RETAINED IN A MANNER APPROVED BY ENGINEER.
4. WHEN NECESSARY, ON–SITE VEHICLES SHALL HAVE THEIR WHEELS CLEANED PRIOR TO LEAVING SITE.
5. CONSTRUCTION ENTRANCE SHALL BE GRADED IN A MANNER THAT PREVENTS TRACKING OF SEDIMENTS ONTO PUBLIC RIGHT–OF–WAY

STABILIZED CONSTRUCTION ENTRANCE

NOT TO SCALE

PERMITING
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024

DRAWING NAME: **EROSION & SEDIMENTATION CONTROL DETAILS**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

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LICENSED PROFESSIONAL ENGINEER

DRAWING NO.
C-47

1.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

AS PART OF THE SITE DEVELOPMENT, THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES SHALL BE IMPLEMENTED. DEVICES SHALL BE INSTALLED AS DESCRIBED IN THIS REPORT OR WITHIN THE PLAN SET. SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES FOR FURTHER REFERENCE.

1.1 TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES ARE PLANNED FOR THE PROJECT'S CONSTRUCTION PERIOD:

1.1.1 CRUSHED STONE STABILIZED CONSTRUCTION ENTRANCES SHALL BE PLACED AT ALL ACCESS POINTS TO THE PROJECT SITE WHERE THERE ARE DISTURBED AREAS. THE FOLLOWING SPECIFICATIONS SHALL BE FOLLOWED AT A MINIMUM:
- STONE SIZE SHALL BE 2–3 INCHES, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- THE THICKNESS OF THE ENTRANCE STONE LAYER SHALL BE NO LESS THAN 6 INCHES.
- THE ENTRANCE SHALL NOT BE LESS THAN 20 FEET WIDE, HOWEVER NOT LESS THAN THE FULL WIDTH OF POINTS WHERE INGRESS OR EGRESS OCCURS. THE LENGTH SHALL NOT BE LESS THAN 50 FEET IN LENGTH.
- GEOTEXTILE FABRIC (WOVEN OR NON–WOVEN) SHALL BE PLACED OVER THE ENTIRE ENTRANCE AREA.
- THE ENTRANCE/EXIT SHALL BE MAINTAINED TO THE EXTENT THAT IT WILL PREVENT THE TRACKING OF SEDIMENT ONTO PUBLIC ROAD WAYS.

1.1.2 FILTER SOCKS SHALL BE INSTALLED DOWN GRADIENT OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL PERMANENT STABILIZATION IS ACHIEVED. THE FILTER SOCKS SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THE PLAN SET AND INSPECTED BEFORE AND IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE SOCKS. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THE SOCKS, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.

1.1.3 HAY MULCH INCLUDING HYDRO SEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND NOVEMBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE COVERED BY FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN NOVEMBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT AND EQUAL TO OR FLATTER THAN 2:1 SHALL USE MATS OR FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.

1.1.4 AT ANY TIME OF THE YEAR, ALL SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH DOUBLE NET EROSION CONTROL BLANKET BIONET SC150BN BY NORTH AMERICAN GREEN OR APPROVED EQUAL, OR EROSION CONTROL MIX SLOPE PROTECTION AS DETAILED WITHIN THE PLANS.

1.1.5 MUD AND DUST FROM THE SITE TRACKED ONTO WESTBROOK STREET & JETPORT BOULEVARD SHALL BE REMOVED BY VACUUMING, PRIOR TO A PREDICTED RAIN EVENT, AND AS OTHERWISE DEEMED NECESSARY. ADD ADDITIONAL STONE TO THE STABILIZED CONSTRUCTION ENTRANCE TO MINIMIZE THE TRACKING OF MATERIAL OFF THE SITE AND ONTO THE SURROUNDING ROADWAYS.

1.1.6 DURING DEMOLITION, CLEARING AND GRUBBING OPERATIONS, STONE CHECK DAMS SHALL BE INSTALLED AT ANY AREAS OF CONCENTRATED FLOW. THE MAXIMUM HEIGHT OF THE CHECK DAM SHALL NOT EXCEED 2 FEET. THE CENTER OF THE CHECK DAM SHALL BE 6 INCHES BELOW THE OUTER EDGES OF THE DAM. THE CONTRACTOR SHALL MULCH THE SIDE SLOPES AND INSTALL STONE CHECK DAMS FOR ALL NEWLY EXCAVATED DITCH LINES WITHIN 24 HOURS OF THEIR CREATION.

1.1.8 STORMDRAIN INLET PROTECTION SHALL BE PROVIDED TO STORMDRAINS THROUGH THE USE OF ANY OF THE FOLLOWING: HAY BALE DROP INLET STRUCTURES, SILT FENCE DROP INLET SEDIMENT FILTER, GRAVEL AND WIRE MESH DROP INLET SEDIMENT FILTER, OR CURB INLET SEDIMENT FILTER. BARRIERS SHALL BE INSPECTED AFTER EVERY RAINFALL EVENT AND REPAIRED AS NECESSARY. SEDIMENTS SHALL BE REMOVED WHEN ACCUMULATION HAS REACHED ½ THE DESIGN HEIGHT.

1.1.9 DUST CONTROL SHALL BE ACCOMPLISHED BY THE USE OF ANY OF THE FOLLOWING: WATER, CALCIUM CHLORIDE, STONE, OR AN APPROVED MDEP PRODUCT. DUST CONTROL SHALL BE APPLIED AS NEEDED TO ACCOMPLISH DUST CONTROL.

1.1.10 TEMPORARY LOAM, LIMED, AND MULCH SHALL BE USED IN AREAS WHERE NO OTHER EROSION CONTROL MEASURE IS USED. APPLICATION RATES FOR SEEDING ARE PROVIDED AT THE END OF THIS REPORT.

1.1.11 STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS OF FORMATION UNLESS A SCHEDULED RAIN EVENT OCCURS PRIOR TO THE 7 DAY WINDOW, IN WHICH CASE THE STOCKPILE SHALL BE STABILIZED PRIOR TO THE RAIN EVENT. METHODS OF STABILIZATION SHALL BE MULCH, EROSION CONTROL MIX, OR EROSION CONTROL BLANKETS/MATS. SILT FENCE OR A WOOD WASTE COMPOST FILTER BERM SHALL BE PLACED DOWNHILL OF ANY SOIL STOCKPILE LOCATION.

1.1.12 FOR DISTURBANCE BETWEEN NOVEMBER 1 AND APRIL 15, PLEASE REFER TO WINTER STABILIZATION PLAN IN THIS REPORT AND THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR FURTHER INFORMATION.

1.1.13 IT IS OF THE UTMOST IMPORTANCE THAT STORMWATER RUNOFF AND POTENTIAL SEDIMENT FROM THE CONSTRUCTION SITE BE DIVERTED AROUND THE PROPOSED UNDERDRAINS UNTIL TRENCH IS BACKFILLED.

1.2 PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES ARE INTENDED FOR POST DISTURBANCE AREAS OF THE PROJECT.

1.2.1 ALL DISTURBED AREAS DURING CONSTRUCTION, NOT SUBJECT TO OTHER PROPOSED CONDITIONS, SHALL RECEIVE A MINIMUM 4" OF LOAM, LIMED, AND MULCHED. EROSION CONTROL BLANKETS OR MATS SHALL BE PLACED OVER THE MULCH IN AREAS NOTED IN PARAGRAPH 4.1 OF THIS REPORT.

1.2.2 ALL STORMWATER DEVICES SHALL BE INSTALLED AND TRIBUTARY AREAS STABILIZED PRIOR RECEIVING STORMWATER.

1.2.3 REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.

2.0 EROSION AND SEDIMENTATION CONTROL PLAN

2.1 THE EROSION AND SEDIMENTATION CONTROL PLAN IS INCLUDED WITHIN THE PLAN SET.

3.0 DETAILS AND SPECIFICATIONS

3.1 EROSION CONTROL DETAILS AND SPECIFICATIONS ARE INCLUDED IN THE PLAN SET.

4.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

WINTER CONSTRUCTION CONSISTS OF EARTHWORK DISTURBANCE BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15. IF A CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 90% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 15, THEN THE SITE SHALL BE PROTECTED WITH OVER–WINTER STABILIZATION. ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MIX, EROSION CONTROL MATS, RIPRAP, OR GRAVEL BASE ON A ROAD SHALL BE CONSIDERED UNSTABILIZED.

THE CONTRACTOR SHALL LIMIT THE WORK AREA TO AREAS THAT WORK WILL OCCUR IN DURING THE SUBSEQUENT 15 DAYS AND SO THAT IT CAN BE MULCHED ONE DAY PRIOR TO A SNOW EVENT. THE CONTRACTOR SHALL STABILIZE WORK AREAS PRIOR TO OPENING ADDITIONAL WORK AREAS TO MINIMIZE AREAS WITHOUT EROSION CONTROL MEASURES.

THE FOLLOWING MEASURES SHALL BE IMPLEMENTED DURING WINTER CONSTRUCTION PERIODS:

4.1 SEDIMENT BARRIERS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIX BERMS, FILTER SOCKS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.

4.2 MULCHING

ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75–LBS./1,000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4 INCH THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW SHALL BE REMOVED DOWN TO A ONE–INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA SHALL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. THE COVER WILL BE CONSIDERED SUFFICIENT WHEN THE GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORKDAY.

4.3 SOIL STOCKPILING

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR WITH A FOUR–INCH LAYER OF EROSION CONTROL MIX. THIS SHALL BE DONE WITHIN 24 HOURS OF STOCKING AND RE–ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL.

4.4 SEEDING

BETWEEN THE DATES OF OCTOBER 15TH AND APRIL 1ST, LOAM OR SEED SHALL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS NOT BEEN LOAMED, FINAL GRADING WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED.

DORMANT SEEDING MAY BE PLACED PRIOR TO THE PLACEMENT OF MULCH OR EROSION CONTROL BLANKETS. IF DORMANT SEEDING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4" OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS/1,000 S.F. ALL AREAS SEEDED DURING THE WINTER SHALL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 90% CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEDING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING.

4.5 OVER WINTER STABILIZATION OF DISTURBED SOILS

BY SEPTEMBER 15TH, ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% SHALL BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN ONE OF THE FOLLOWING ACTIONS SHALL BE TAKEN TO STABILIZE THE SOIL FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION – BY OCTOBER 1ST, SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3LBS PER 1,000 S.F., LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 LBS PER 1,000 S.F., AND ANCHOR THE MULCH WITH PLASTIC NETTING. MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 1ST, THEN MULCH THE AREA FOR OVER–WINTER PROTECTION.
- STABILIZE THE SOIL WITH SOD – STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
- STABILIZE THE SOIL WITH MULCH – BY NOVEMBER 15TH, MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 LBS PER 1,000 S.F. ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. IMMEDIATELY AFTER APPLYING THE MULCH, ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

4.6 OVER WINTER STABILIZATION OF DISTURBED SLOPES

ALL STONE–COVERED SLOPES SHALL BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15TH. ALL SLOPES TO BE VEGETATED SHALL BE SEEDED AND MULCHED BY SEPTEMBER 1ST. A SLOPE IS CONSIDERED A GRADE GREATER THAN 15%. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1ST, THEN ONE OF THE FOLLOWING ACTION SHALL BE TAKEN TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS – BY OCTOBER 1ST THE DISTURBED SLOPE SHALL BE SEEDED WITH WINTER RYE AT A SEEDING RATE OF 3 LBS PER 1,000 S.F. AND THEN INSTALL EROSION CONTROL MATS OR ANCHORED MULCH OVER THE SEEDING. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 90% F THE SLOPE BY NOVEMBER 1ST, THEN THE CONTRACTOR SHALL COVER THE SLOPE WITH A LAYER OF EROSION CONTROL MIX OR WITH STONE RIPRAP.
- STABILIZE THE SOIL WITH SOD – THE DISTURBED SLOPE SHALL BE STABILIZED WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES THE CONTRACTOR PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE CONTRACTOR SHALL NOT USE LATE–SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 3H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH EROSION CONTROL MIX – EROSION CONTROL MIX SHALL BE PROPERLY INSTALLED BY NOVEMBER 15TH. THE CONTRACTOR SHALL NOT USE EROSION CONTROL MIX TO STABILIZE SLOPES HAVING GRADES GREATER THAN 2H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH STONE RIPRAP – PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15TH. A REGISTERED PROFESSIONAL ENGINEER SHALL BE HIRED TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY ON THE SLOPE AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

5.0 INSPECTION AND MAINTENANCE

- A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROLS, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT PERIODIC VISUAL INSPECTIONS OF INSTALLED EROSION CONTROL MEASURES. THE FREQUENCY OF INSPECTION SHALL OCCUR AT LEAST ONCE EVERY TWO WORKING WEEKS, AS WELL AS AFTER A "STORM EVENT". A "STORM EVENT" SHALL CONSIST OF 0.5 INCHES OF RAIN OR SNOWMELT WITHIN A 24 HOUR PERIOD. THE FOLLOWING EROSION AND SEDIMENT CONTROL – BEST MANAGEMENT PRACTICES (BMP'S) SHALL INSPECTED IN THE MANNER AS DESCRIBED. THE SCOPE OF INSPECTIONS INCLUDE DISTURBED AND IMPERVIOUS AREAS, MATERIAL STORAGE AREAS, VEHICLE ACCESS POINTS & ANY OTHER EROSION CONTROL MEASURES NOT DIRECTLY LISTED. THE CONTRACTOR SHALL PERFORM REPAIRS AS NEEDED TO ENSURE EROSION CONTROL MEASURES PERFORM AS DESIGNED. IF CORRECTIVE ACTION IS REQUIRED, THE REPAIR WORK SHALL BE STARTED BY NO LATER THAN THE END OF THE FOLLOWING WORKDAY AND COMPLETED WITHIN ONE WEEK, OR BEFORE THE NEXT PREDICTED "STORM EVENT." THE CONTRACTOR SHALL PROVIDE ALL NECESSARY REGULATING AGENCIES WITH WRITTEN DOCUMENTATION DESCRIBING INSPECTION DATES AND NECESSARY WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS SPECIFIED IN THIS PLAN SET.

5.1 SEDIMENT BARRIERS

HAY BALE BARRIERS, SILT FENCES AND FILTER BERMS SHALL BE INSPECTED AND REPAIRED FOR THE FOLLOWING IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THEM. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES OF THE BARRIER, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THEM, SEDIMENT BARRIERS SHALL BE REPLACED WITH A TEMPORARY CHECK DAM. SHOULD THE FABRIC ON A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE–HALF THE HEIGHT OF THE BARRIER. FILTER BERMS SHOULD BE RESHAPED AS NEEDED. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHOULD BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.

5.2 STABILIZED STONE CONSTRUCTION ENTRANCES

THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. WHEN THE CONTROL PAD BECOMES INEFFECTIVE, THE STONE SHALL BE REMOVED ALONG WITH THE COLLECTED SOIL MATERIAL AND REDISTRIBUTED ON SITE IN A STABLE MANNER. THE ENTRANCE SHOULD THEN BE RECONSTRUCTED. THE CONTRACTOR SHALL SWEEP OR WASH PAVEMENT AT EXITS, WHICH HAVE EXPERIENCED MUD–TRACKING ON TO THE PAVEMENT OR TRAVELED WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.

5.3 MULCHED AREAS

ALL MULCHES MUST BE INSPECTED PERIODICALLY, IN PARTICULAR AFTER RAINSTORMS, TO CHECK FOR RILL EROSION. IF LESS THAN 90% OF THE SOIL SURFACE IS COVERED BY MULCH, ADDITIONAL MULCH SHALL BE IMMEDIATELY APPLIED. NETS MUST BE INSPECTED AFTER RAIN EVENTS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, RE–INSTALL THE NETS AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE. REPAIR AS NEEDED.

5.4 DUST CONTROL

WHEN TEMPORARY DUST CONTROL MEASURES ARE USED, REPETITIVE TREATMENT SHALL BE APPLIED AS NEEDED TO ACCOMPLISH CONTROL.

5.5 STORMWATER APPURTENANCES

ALL UNDERDRAINS, STORM DRAINS, AND CATCH BASINS NEED TO BE OPERATING EFFECTIVELY AND FREE OF DEBRIS.

5.6 THE APPLICANT BEARS THE RESPONSIBILITY OF MAINTAINING FOR AT LEAST FIVE (5) YEARS, THE INSPECTION FORMS AND DOCUMENTATION OF CORRECTIVE ACTIONS TAKEN DURING CONSTRUCTION.

5.7 EROSION AND SEDIMENTATION CONTROL INSPECTIONS:

ACORN ENGINEERING HAS PERSONNEL QUALIFIED TO CONDUCT EROSION AND SEDIMENTATION CONTROL INSPECTIONS. FOR FURTHER INFORMATION CONTACT:

CONTACT: PETER HEIL, PE
TELEPHONE: (207) 775–2655

QUALIFICATIONS:

- MAINE PROFESSIONAL ENGINEERING LICENSE #15318
- MAINE DEP – CERTIFIED IN MAINTENANCE & INSPECTION OF STORMWATER BMP'S CERT
- MAINE DEP – CERTIFIED THIRD–PARTY INSPECTOR
- CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) CERT. #7071

THE CONTRACTOR HAS SOLE RESPONSIBILITY FOR COMPLYING WITH THE EROSION AND SEDIMENTATION REPORT/PLAN, INCLUDING CONTROL OF FUGITIVE DUST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MONETARY PENALTIES RESULTING FROM FAILURE TO COMPLY WITH THESE STANDARDS.

6.0 IMPLEMENTATION SCHEDULE

THE FOLLOWING IMPLEMENTATION SEQUENCE IS INTENDED TO MAXIMIZE THE EFFECTIVENESS OF THE ABOVE DESCRIBED EROSION CONTROL MEASURES. CONTRACTORS SHOULD AVOID OVEREXPOSING DISTURBED AREAS AND LIMIT THE AMOUNT OF STABILIZATION AREA.

1. INSTALL A STABILIZED CONSTRUCTION ENTRANCE IN ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER AND EXIT THE SITE.
2. INSTALL PERIMETER SILT FENCE OR EROSION CONTROL BERM.
3. INSTALL ALL OTHER EROSION CONTROL DEVICES AS NECESSARY THROUGHOUT THE REMAINDER OF THIS SCHEDULE.
4. COMMENCE INSTALLATION OF DRAINAGE INFRASTRUCTURE.
5. RELOCATE EXISTING UTILITIES.
6. COMMENCE EARTHWORK OPERATIONS, WALL AND FOUNDATION INSTALLATION.
7. COMMENCE INSTALLATION OF UTILITIES.
8. CONTINUE EARTHWORK AND GRADING TO SUBGRADE AS NECESSARY FOR CONSTRUCTION.
9. COMPLETE INSTALLATION OF DRAINAGE INFRASTRUCTURE, AS WELL AS OTHER UTILITY WORK.
10. COMPLETE REMAINING EARTHWORK OPERATIONS.
11. INSTALL SUB–BASE AND BASE GRAVELS IN PAVED AREAS.
12. INSTALL PAVING, CURBING AND BRICKWORK.
13. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS AND COMPLETE ALL LANDSCAPING.
14. ONCE THE SITE IS STABILIZED, 90% CATCH OF GRASS HAS BEEN OBTAINED, OR MULCHING OF LANDSCAPE AREAS IS COMPLETE REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
15. TOUCH UP AREAS WITHOUT A VIGOROUS CATCH OF GRASS WITH LOAM AND SEED.
16. COMPLETE SITE SIGNAGE AND STRIPING.
17. EXECUTE PROPER MAINTENANCE OF ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.

THE ABOVE IMPLEMENTATION SEQUENCE SHOULD BE GENERALLY FOLLOWED BY THE SITE CONTRACTOR. HOWEVER, THE CONTRACTOR MAY CONSTRUCT SEVERAL ITEMS SIMULTANEOUSLY. THE CONTRACTOR SHALL SUBMIT TO THE OWNER A SCHEDULE OF THE COMPLETION OF THE WORK. IF THE CONTRACTOR IS TO COMMENCE THE CONSTRUCTION OF MORE THAN ONE ITEM ABOVE, THEY SHALL LIMIT THE AMOUNT OF EXPOSED AREAS TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDERTAKEN DURING THE FOLLOWING 30 DAYS.

THE CONTRACTOR SHALL RE–VEGETATE DISTURBED AREAS AS RAPIDLY AS POSSIBLE. ALL AREAS SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR BEFORE A STORM EVENT. THE CONTRACTOR SHALL INCORPORATE PLANNED INLETS AND DRAINAGE SYSTEMS AS EARLY AS POSSIBLE INTO THE CONSTRUCTION PHASE.

7.0 CONCLUSION

THE ABOVE EROSION CONTROL NARRATIVE IS INTENDED TO MINIMIZE THE DEVELOPMENT IMPACT BY IMPLEMENTING TEMPORARY AND PERMANENT EROSION CONTROL MEASURES. THE CONTRACTOR SHALL ALSO REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.

SEEDING PLAN

SITE PREPARATION

THE SEEDED AREAS SHALL BE FEASIBLY GRADED OUT TO PROVIDE THE USE OF EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION, AND MULCH ANCHORING. IF NECESSARY, THE SITE MAY REQUIRE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES OUTLINED IN THE EROSION CONTROL REPORT.

SEEDBED PREPARATION

FERTILIZER SHALL BE APPLIED TO THE SITE AT A RATE OF 13.8 POUNDS PER 1,000 SQUARE FEET. THE COMPOSITION OF THE FERTILIZER SHALL BE 10–10–10 (N–P2O5–K2O) OR EQUIVALENT. FERTILIZER SHALL NOT BE APPLIED TO INFILTRATION BASIN ONCE AMENDED.

LIMESTONE SHALL BE APPLIED TO THE SITE AT A RATE OF 138 POUNDS PER 1,000 SQUARE FEET.

SEEDING

THE COMPOSITION AND AMOUNT OF TEMPORARY SEED APPLIED TO A SITE SHALL BE DETERMINED BY THE FOLLOWING TABLE:

TEMPORARY SEED APPLICATION RATES

SEED	LBS / ACRE	RECOMMENDED SEEDING DATES
WINTER RYE	2.57	8/15 TO 10/1
OATS	1.84	4/1 TO 7/1 8/15 TO 9/15
ANNUAL RYGRASS	0.92	4/1 TO 7/1
SUDANGRASS	0.92	5/15 TO 8/15
PERENNIAL	0.92	8/15 TO 9/15
TOTAL	7.17 LBS/ACRE	

PERMANENT SEED APPLICATION RATES

SEED	LBS / ACRE
KENTUCKY BLUEGRASS	20.00
CREEPING RED FESCUE	20.00
PERENNIAL RYEGRASS	4.80
TOTAL	44.8 LBS/ACRE

MULCHING

MULCH SHALL BE HARDWOOD AND APPLIED AT A RATE OF 70 LBS – 90 LBS PER 1,000 SQUARE FEET. THE MULCH SHALL BE INSTALLED AT A MINIMUM DEPTH OF 4 INCHES. THE SEEDED AREA SHALL BE MULCHED IMMEDIATELY AFTER SEED IS APPLIED. MULCHING DURING THE WINTER SEASON SHALL BE DOUBLE THE NORMAL AMOUNT. REFER TO DETAIL FOR MORE INFORMATION.

CONCLUSION

PLEASE REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION PERTAINING TO TEMPORARY SEEDING AND MULCHING.

HOUSEKEEPING

1. SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.

NOTE: ANY SPILL OR RELEASE OF TOXIC OR HAZARDOUS SUBSTANCES MUST BE REPORTED TO THE DEPARTMENT. FOR OIL SPILLS, CALL 1–800–482–0777 WHICH IS AVAILABLE 24 HOURS A DAY. FOR SPILLS OF TOXIC OR HAZARDOUS MATERIAL, CALL 1–800–452–4664 WHICH IS AVAILABLE 24 HOURS A DAY. FOR MORE INFORMATION, VISIT THE DEPARTMENT'S WEBSITE AT : HTTP://WWW.MAINE.GOV/DEP/SPILLS/EMERGSPILLRESP/

2. GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE–TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, OR PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA, IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION.

SEE APPENDIX D FOR LICENSE BY RULE STANDARDS FOR INFILTRATION OF STORMWATER.

NOTE: LACK OF APPROPRIATE POLLUTANT REMOVAL BEST MANAGEMENT PRACTICES (BMPS) MAY RESULT IN VIOLATIONS OF THE GROUNDWATER QUALITY STANDARD ESTABLISHED BY 38 M.R.S.A. §465–C(1).

3. FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHOULD BE INCLU

Calculation Summary						
Label	Units	Avg	Max	Min	Avg/Min	Max/Min
ENTIRE AREA	Fc	0.25	3.4	0.0	N.A.	N.A.
PARKING LOT	Fc	0.92	2.5	0.3	3.07	8.33

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	Tag	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
	1	P3A	Single	COOPER: GALN-SA1B-730-U-SL3-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D1-FP COOPER CXX-FBC-AB	0.900	5197	44	44
	1	P3B	Single	COOPER: GALN-SA1D-730-U-SL3-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D1-FP COOPER CXX-FBC-AB	0.900	7066	65	65
	3	P5-2	Back-Back	COOPER: GALN-SA1B-730-U-SWQ-CXX	MTD ON 20' VALMONT POLE: DS330-400Q200-D2-FP COOPER CXX-FBC-AB	0.900	5486	44	264
	6	W2	Single	COOPER: ENC-SA1A-730-U-SL2-CXX	WALL MTD 12' AFG	0.900	2459	20.1	120.6
	1	W4FT	Single	COOPER: ENC-SA1C-730-U-T4FT-CXX	WALL MTD 12' AFG	0.900	3933	33.3	33.3
	4	W4W	Single	COOPER: ENC-SA1A-730-U-SL4-CXX	WALL MTD 12' AFG	0.900	2361	20.1	80.4

CHARRON REFLEX LIGHTING

Revisions

#	Date	Comments

Drawn By: Michael O'Brien
Checked By:
Date:2/21/2024
Contact: mobrien@charroninc.com
Scale: NTS

1060 Westbrook Street

Portland, ME

Page M of 1



ISSUED FOR	BY	DATE
CONCEPT	PFH	2/7/2020

DRAWING NAME: **SITE DISTANCE EXHIBIT**

PROJECT NAME: HYATT STUDIOS JETPORT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI HOTEL MANAGEMENT
225 WEST SQUANTUM STREET, SUIT 200, QUINCY, MA 02171

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ACORN ENGINEERING, INC.
PETER F. HAMM, PE
P.O. BOX 3357
PORTLAND, MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

DRAWING NO.
EX



Guest Room Count Breakdown

	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
KING (KSS)	18	19	19	56
KING WIDE (KSS-W)	1	1	1	3
KING CONNECTOR (KSS-C)	1	1	1	3
KING ACCESSIBLE - TUB	0	1	1	2
KING ACCESSIBLE - RIS	1	0	0	1
QUEEN / QUEEN (QQSS)	10	14	15	39
QUEEN / QUEEN WIDE (QQSS-W)	0	1	1	2
QUEEN / QUEEN CONNECTOR (QQSS-C)	3	3	3	9
QUEEN / QUEEN ACCESSIBLE - TUB	0	2	1	3
QUEEN / QUEEN ACCESSIBLE - RIS	1	0	0	1
	35	42	42	119

TRUE NORTH

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

HYATT STUDIOS

JETPORT - PORTLAND, ME

#223088

07-01-24

MUSSACHIO ARCHITECTS
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(716) 631-9949T (716) 631-0521 F
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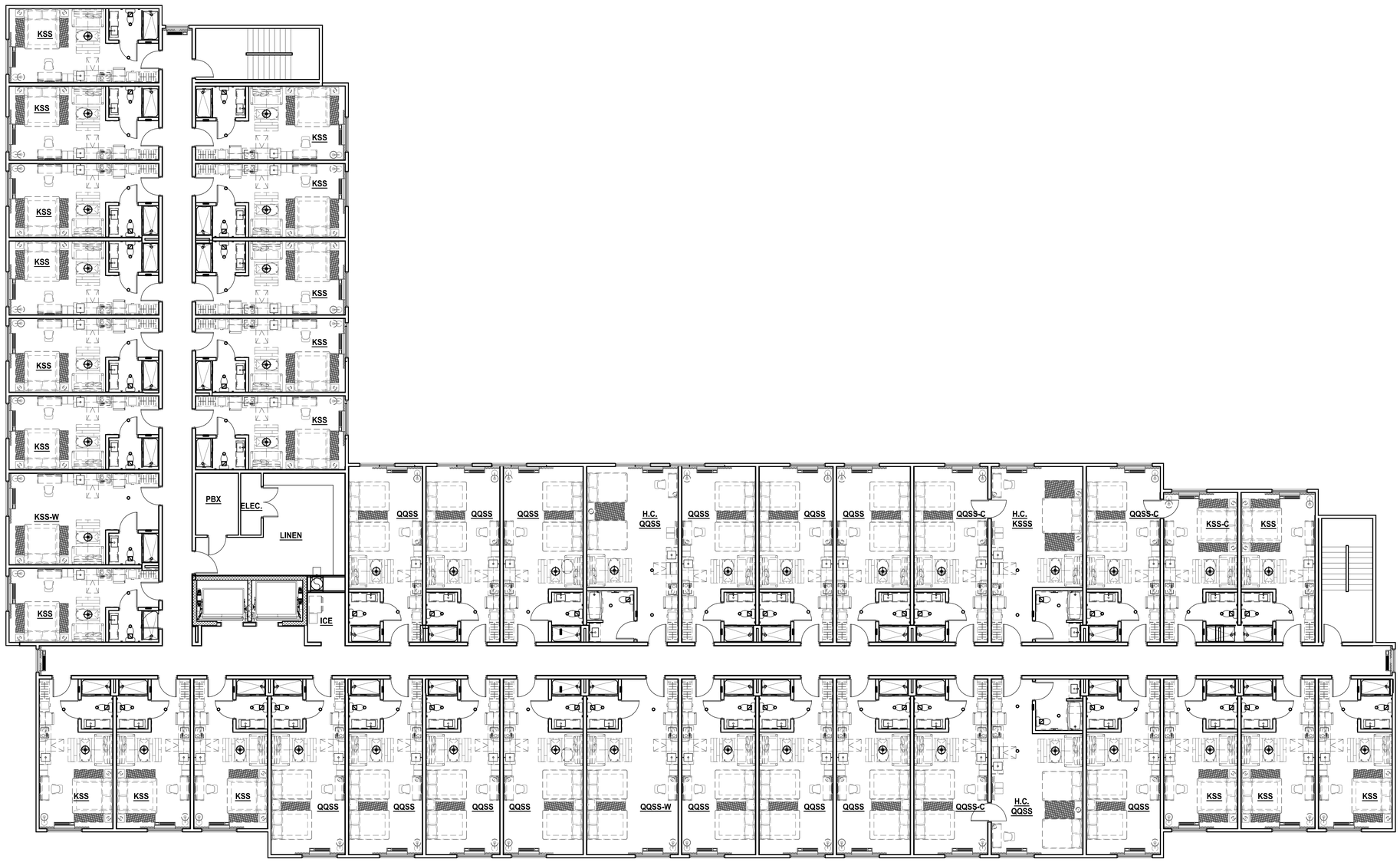

TRUE NORTH

SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

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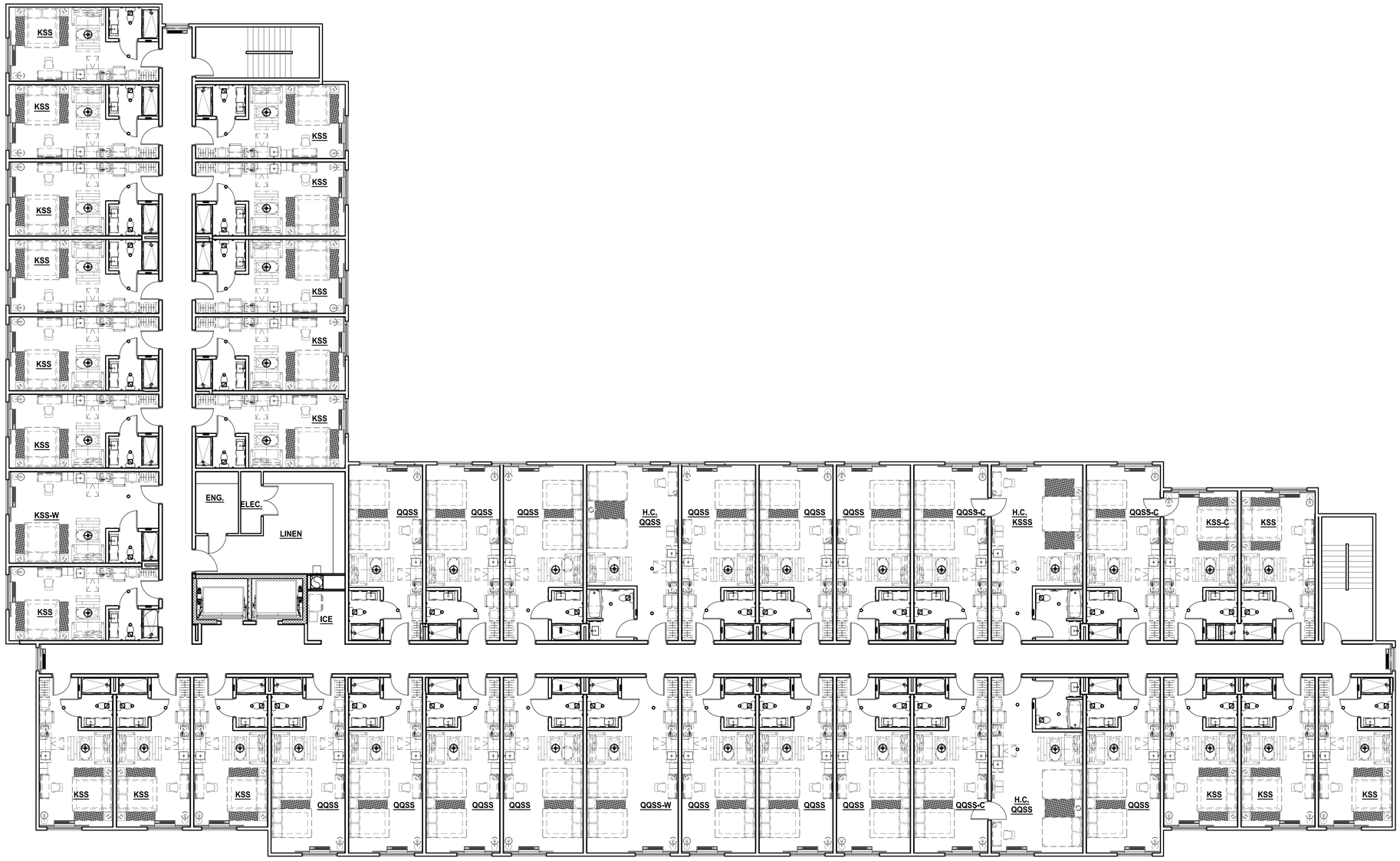

TRUE NORTH

THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

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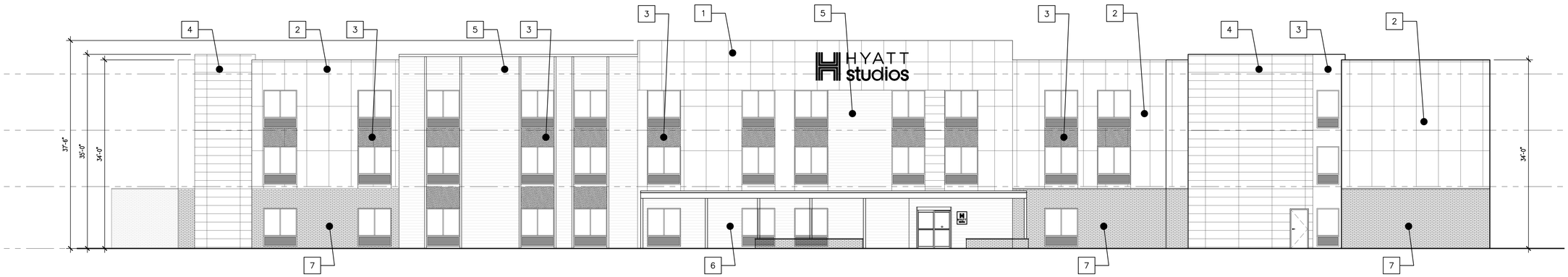
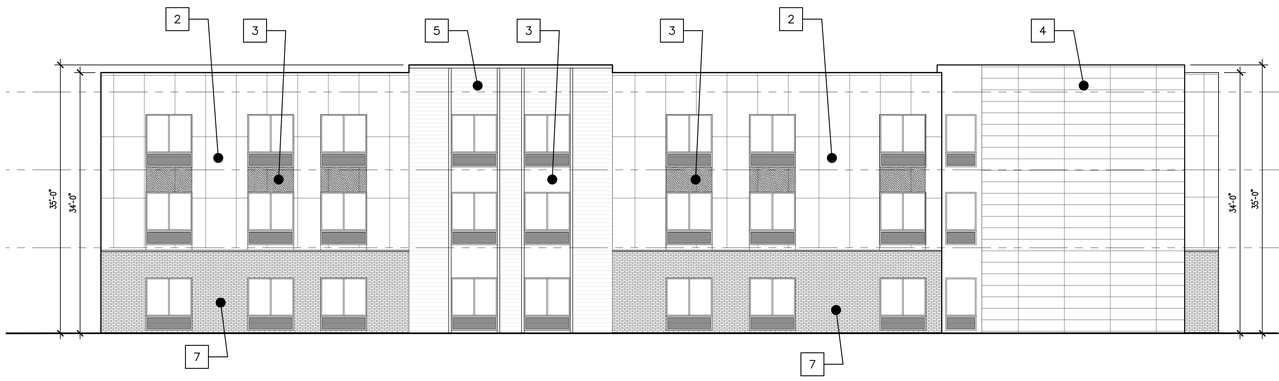


NORTH ELEVATION

SCALE: 1/8" = 1'-0"



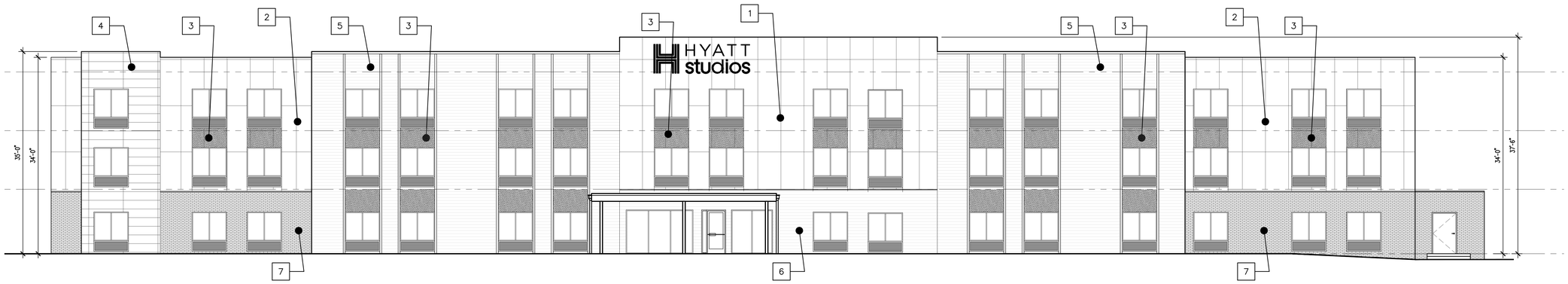
WEST ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

KEYNOTE LEGEND - EXTERIOR ELEVATIONS

TAG #	MATERIAL	MANUFACTURER	SIZE / COLOR
1	FIBERCEMENT PANEL	JAMIES HARDIE	ARTIC WHITE
2	FIBER CEMENT PANEL	JAMIES HARDIE	COBBLESTONE
3	FIBER CEMENT PANEL	JAMIES HARDIE	AGED PEWTER
4	FIBER CEMENT REVEAL PANEL	JAMIES HARDIE	18"H x 72"W, H AGED PEWTER
5	FIBER CEMENT LAP SIDING	JAMIES HARDIE	4"H, AGED PEWTER
6	FIBER CEMENT LAP SIDING	JAMIES HARDIE	6"H, RICH ESPRESSO
7	FIBERCEMENT BRICK PANEL	NICHIHA	MIDNIGHT
8	DOWNSPOUT	BY G.C.	
9	PTAC LOUVER	BY G.C.	PREFINISHED TO MATCH WINDOW FRAME
10	ROOF SCUPPER	BY G.C.	

GENERAL NOTES

1. GUTTERS, DOWNSPOUTS, DOOR HOODS, HOLLOW METAL STEEL DOORS, FRAMES, EXPOSED METAL FLASHING, AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR UNO.
2. GC TO COORDINATE SIGNAGE WITH SELECTED SIGN VENDOR. PROVIDE POWER, BLOCKING, ETC. AS REQUIRED.
3. ANY NON PROTOTYPICAL MATERIAL SUBSTITUTION NEEDS TO BE SENT TO HYATT FOR REVIEW.
4. REFER TO HYATT TECHNICAL STANDARDS FOR BUILDING EXTERIOR FINISHES AND CANOPY REQUIREMENTS.

HYATT STUDIOS

JETPORT - PORTLAND, ME

#223088

06-18-24

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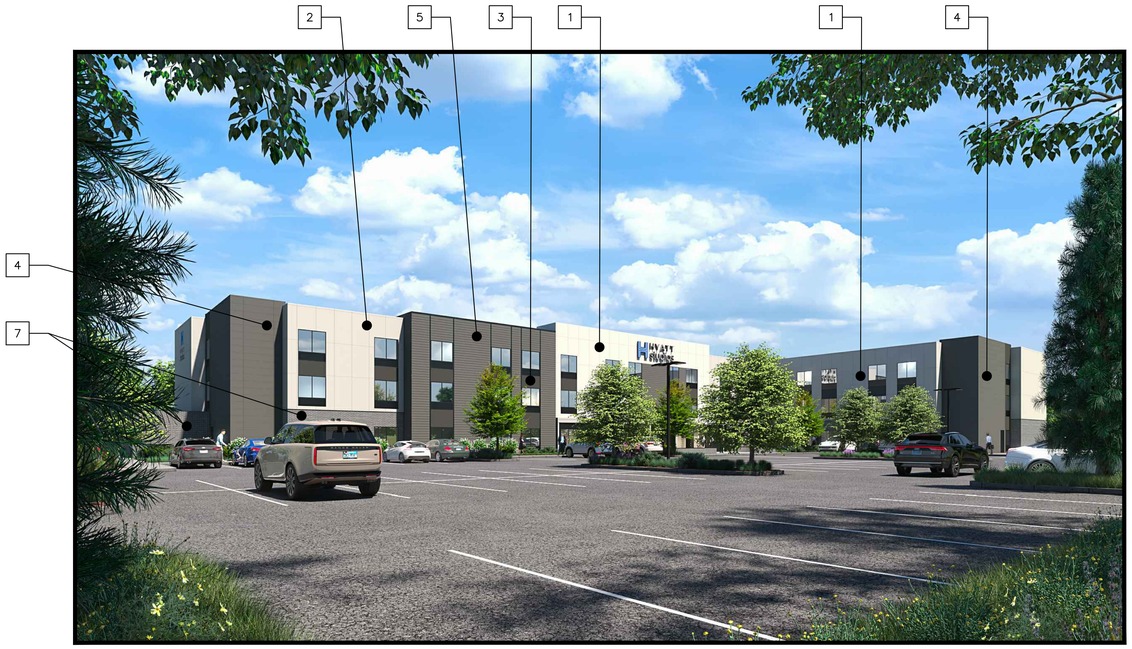

PERSPECTIVE VIEW - LOOKING WEST

SCALE: 1/8" = 1'-0"



PERSPECTIVE VIEW - LOOKING EAST (FROM JEEP & SUV RENTAL PORTLAND)

SCALE: 1/8" = 1'-0"

HYATT STUDIOS

JETPORT - PORTLAND, ME

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P:\2021-2025\2023\223088 Hyatt Studios Hotel, Jetport, Portland, ME\Drafting\Schematics\223088 Elev C.dwg, Elev C (2), 6/18/2024 11:31:47 AM

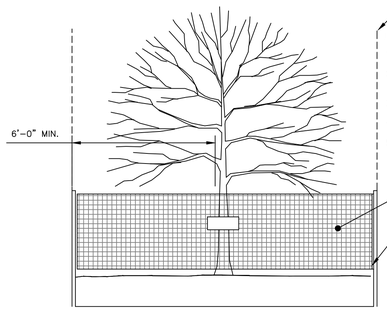
LEGEND

PROPERTY LINE	EXISTING TREE
DRAINAGE EASEMENT	EXISTING STREET TREE, SEE SURVEY
SETBACK LINE	TREE TO BE REMOVED
PROPOSED BUILDING OUTLINE	TREE PROTECTION FENCING
EDGE OF PROPOSED PAVING	
APPROXIMATE EDGE OF DISTURBANCE	

LANDSCAPE PRESERVATION STANDARDS			
EXISTING TREES 10–16" DBH	EXISTING TREES 10–16" DBH TO BE PRESERVED	TREES TO BE REMOVED	REPLACEMENT REQUIREMENT
41	4	37	37 TREES
EXISTING TREES > 16" DBH	EXISTING TREES >16" DBH TO BE PRESERVED		
23	6	17	32 TREES
TOTAL REQUIRED REPLACEMENT TREES	PROPOSED TREES (SEE L02–L05)	CONTRIBUTION TO TREE FUND IN LIEU OF INSTALLATION OF PROPOSED TREES	–
37+32=69 TREES	41	28	–

NOTE:

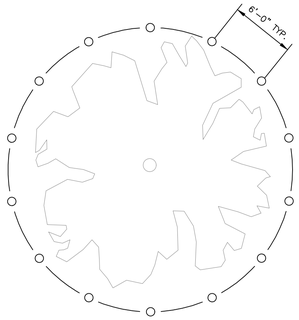
1. FOR STREET TREE REPLACEMENT REQUIREMENTS, SEE L–01



NOTES:

1. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITY.
2. INSTALL PROTECTIVE FENCING TO LIMIT OF DRIPLINE ON TREE OR A MINIMUM OF 6' FROM TRUNK WHEN NECESSARY, WITH PRIOR PERMISSION OF LANDSCAPE ARCHITECT.
3. DO NOT STORE CONSTRUCTION EQUIPMENT, MATERIALS, TOOLS, ETC. WITHIN PROTECTIVE FENCING.
4. MAINTAIN FENCING IN A NEAT AND ORDERLY FASHION THROUGHOUT CONSTRUCTION PERIOD.
5. POST AN 8.5X11" LAMINATED SIGN THAT READS "TREE PROTECTION ZONE" AT 20' INTERVALS ALONG THE TREE PROTECTION FENCING. ZIP–TIE SIGN TO METAL FENCING.

B. SECTION

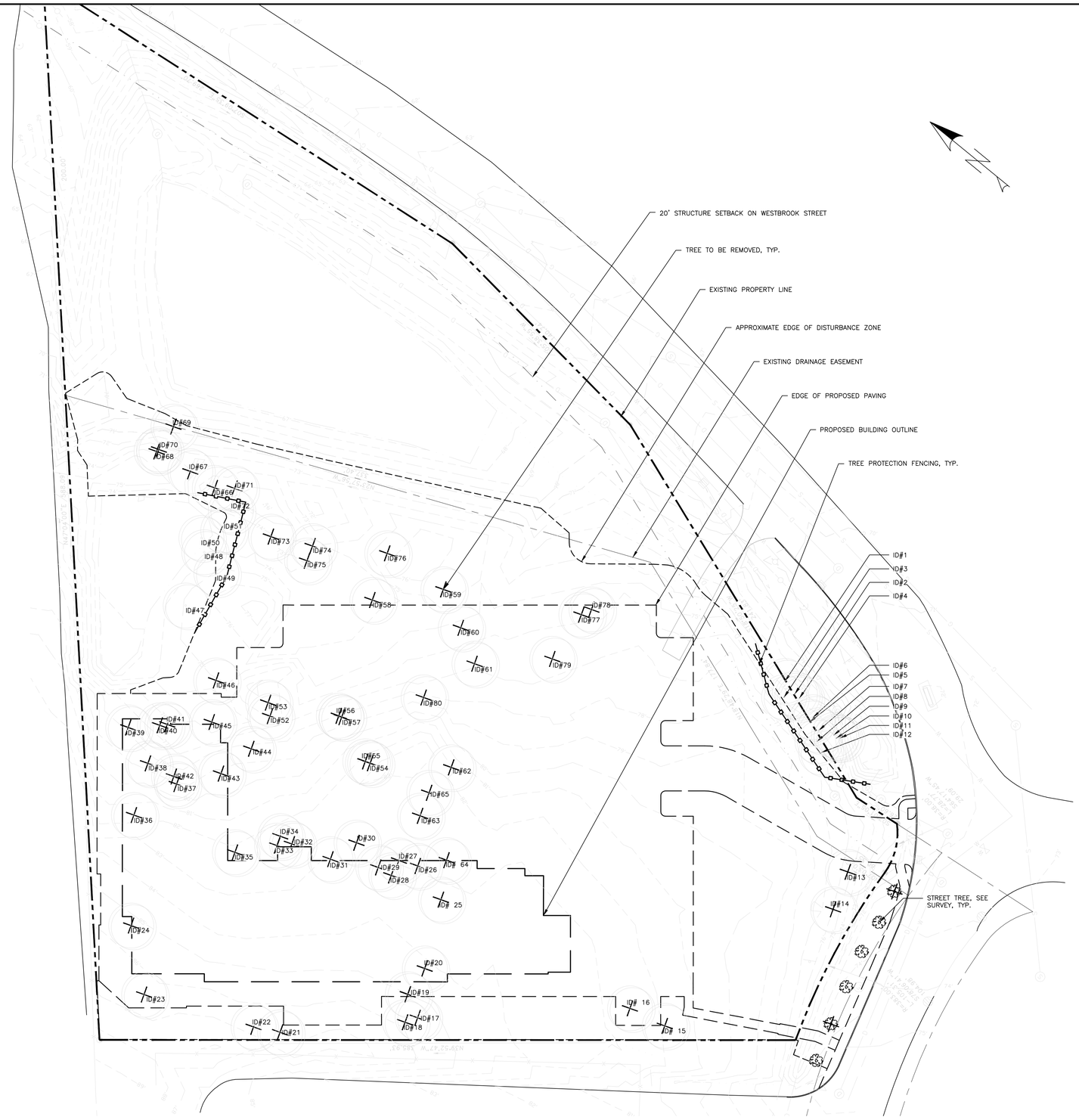


A. PLAN

TREE PROTECTION DETAIL
NOT TO SCALE

TREE PROTECTION NOTES:

1. PROVIDE TREE PROTECTION FENCING, PER THE DETAIL PROVIDING, SURROUNDING THE ROOT PROTECTION ZONE (RPZ) OF THE TREES TO BE PROTECTED IN PLACE.
2. TREE PROTECTION FENCING SHOWN ON THIS PLAN IS THE APPROXIMATE QUANTITY REQUIRED FOR TREE PROTECTION. CONTRACTOR IS TO SUBMIT A REVISED PLAN INDICATING FENCING LOCATIONS, AS WELL AS ACTUAL WORK LOCATIONS, TIMING, AND PROCEDURES FOR WORK AROUND TREES OR WHERE WORK WILL TAKE PLACE WITHIN THE UNFENCED TREE ROOT PROTECTION ZONE. ALL DEVIATIONS FROM THIS PLAN MUST BE APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT PRIOR TO IMPLEMENTATION.
3. AIRSPADE SOIL FROM ROOTS, AS NECESSARY, TO DETERMINE EXTENTS OF EXISTING ROOTS.
4. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITY SURROUNDING THE TREES TO BE PRESERVED, A LICENSED ARBORIST SHOULD ASSESS THE TREES TO DETERMINE IF ROOT PRUNING AND/OR THE PRUNING OF AERIAL LIMBS IS RECOMMENDED. ALL PRUNING TO BE COMPLETED BY A CERTIFIED ARBORIST.
5. DO NOT EXCAVATE OR DISTURB THE RPZ BEYOND WHAT IS NECESSARY IN ORDER TO IMPLEMENT THE PROPOSED SITE DESIGN.
6. THE OPERATION OR HEAVY EQUIPMENT OR MACHINERY IS PROHIBITED WITHIN THE RPZ.
7. FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITY WITHIN THE RPX, MULCH SOIL WITH MINIMUM 3" LAYER OF BARK MULCH UNTIL THE INSTALLATION OF THE PROPOSED LANDSCAPE PLAN.
8. FOR SYCAMORE TREES, MONITOR FOR ANTHRACNOS DISEASE AND TREAT AS NEEDED OR PREVENTATIVELY.
9. PROVIDE FERTILIZERS OR ADDITIONAL ORGANIC MATERIALS TO TREES TO BE PRESERVED, AS RECOMMENDED BY AN ARBORIST.
10. UNIFORM JOINT.



PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/31/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **TREE PRESERVATION AND REMOVAL PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.,
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775–2655

A C O R N

FILE:	AE_TREE SURVEY
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
STATE OF MAINE

DRAWING NO.
L-00

LEGEND

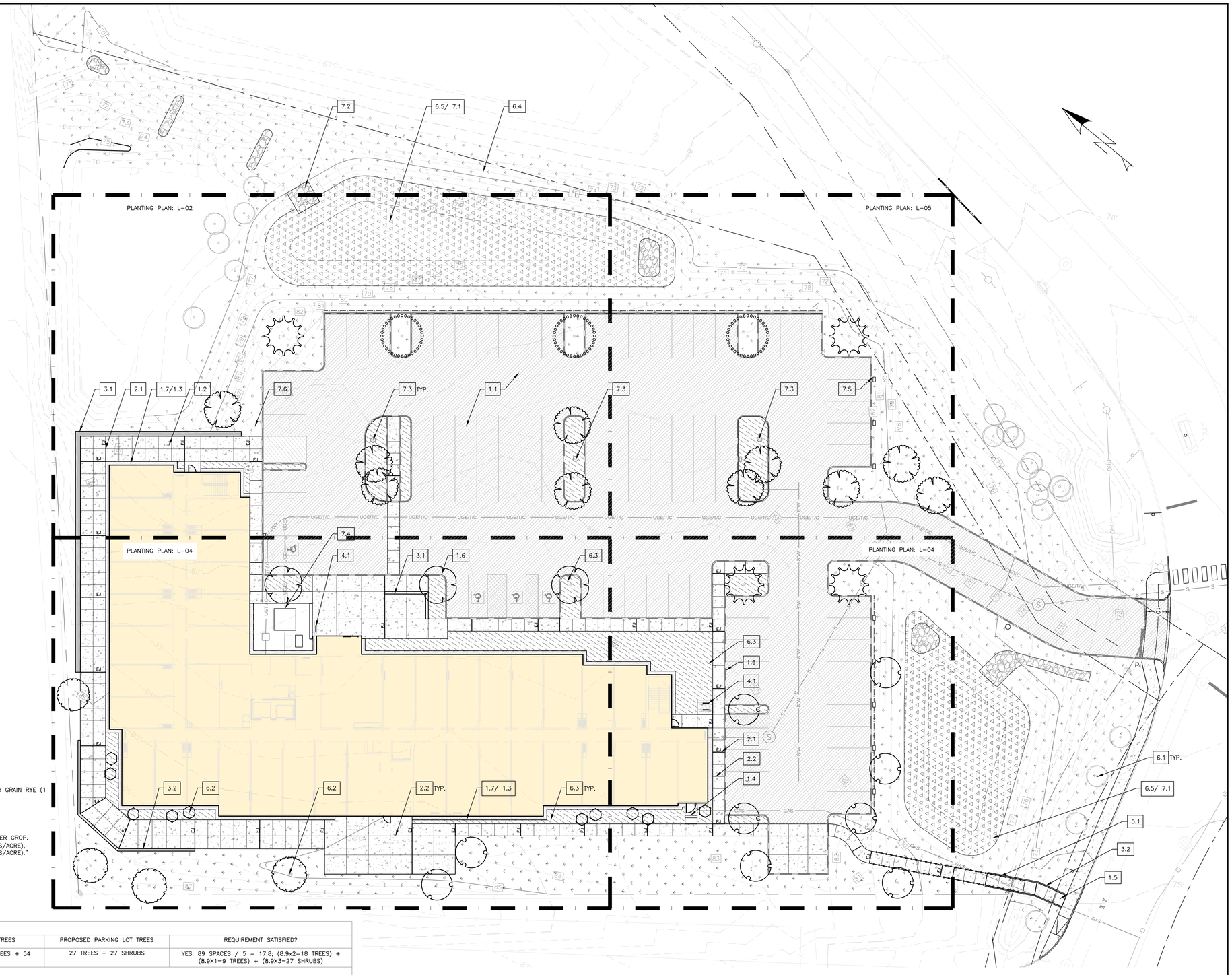
PROPERTY LINE		EXISTING TREE	
SETBACK LINE		PROPOSED TREE	
VERTICAL GRANITE CURB		PLANTING BED	
PAVING		SEEDING AREA: GRASS MIX	
EXPANSION JOINT	EJ	SEEDING AREA: WET MIX	
PLANTER EDGING			

SCHEDULE KEY NOTES

PAVEMENT, RAMPS, CURBS			
1.1	ASPHALT	PER CIVIL	
1.2	CONCRETE PAVING	PER CIVIL	
1.3	METAL HEADER	–	
1.4	STEPS	PER CIVIL	
1.5	RAMP	PER CIVIL	
1.6	STONE CURBING	PER CIVIL	
1.7	DRIP EDGE	PER CIVIL	
JOINTING			
2.1	EXPANSION JOINT	DETAIL PER CIVIL	LAYOUT PER LANDSCAPE PLANS
2.2	CONTROL JOINT	DETAIL PER CIVIL	LAYOUT PER LANDSCAPE PLANS
SITE WALLS/ EMBANKMENTS			
3.1	SITE WALL	PER STRUCTURAL/ ARCH.	
3.2	RETAINING WALL	PER CIVIL	
SITE FURNITURE			
4.1	BIKE RACK	DETAIL PER CIVIL	"BIKE HITCH" BY WWW.DERO.COM; (5) TOTAL
RAILINGS/ BARRIERS / FENCING			
5.1	HANDRAIL	PER ARCH.	
5.2	GUARDRAIL	PER ARCH.	
5.3	FENCE	PER ARCH.	
PLANTING			
6.1	EXISTING TREE		
6.2	PROPOSED TREE		SEE L-02 – L-05
6.3	PLANTING BED		SEE L-02 – L-05
6.4	SEEDING AREA: GRASS MIX		
6.5	SEEDING AREA: WET MIX		
MISCELLANEOUS SITE FEATURES			
7.1	STORMWATER BASIN	PER CIVIL	
7.2	RIP RAP	PER CIVIL	
7.3	LIGHTING		
7.4	TRANSFORMER	PER CIVIL	
7.5	EV CHARGING STATION	PER CIVIL	
7.6	SNOW STORAGE AREA	PER CIVIL	

SEEDING NOTES:

1. "GRASS MIX" IS TO BE COMPRISED OF THE FOLLOWING ELEMENTS:
   - 1.1. "PA NEW ENGLAND PROVINCE UPL GRASS MIX – ERNMX-250" BY ERNST SEED.
     - 1.1.1. APPLY PER THE MANUFACTURER'S RECOMMENDED RATE OF 20 LBS/ACRE
   - 1.2. COVER CROP, PER MANUFACTURER'S RECOMMENDATION: "USE EITHER GRAIN OATS (1 JAN TO 31 JUL) OR GRAIN RYE (1 AUG TO 31 DEC)."
     - 1.2.1. APPLY PER THE MANUFACTURER'S RECOMMENDED RATE OF 30 LBS/ACRE.
2. WET MIX IS TO BE COMPRISED OF THE FOLLOWING:
   - 2.1. "RETENTION BASIN WILDLIFE MIX– ERNMX-127," BY ERNST SEED.
   - 2.2. APPLY PER THE MANUFACTURER'S RECOMMENDED SEEDING RATE OF 0.5-1 LB/1,000 SQ FT WITH A COVER CROP.
   - 2.3. INCLUDE COVER CROP, PER MANUFACTURER'S RECOMMENDATION: "GRAIN RYE (1 SEP TO 30 APR; 30 LBS/ACRE), JAPANESE MILLET (1 MAY TO 31 AUG; 10 LBS/ACRE), OR BARNYARD GRASS (1 MAY TO 31 AUG; 10 LBS/ACRE)."
3. SEED IS TO BE PROVIDED BY:
   ERST CONSERVATION SEEDS
   8884 MERCER PIKE
   MEADVILLE, PA 16335
   (800) 873-3321



20 0 20 40

SCALE: 1:20

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

REQUIRED PARKING LOT TREES

TOTAL PROPOSED PARKING SPACES	PARKING TREE REQUIREMENT	TOTAL REQUIRED TREES	PROPOSED PARKING LOT TREES	REQUIREMENT SATISFIED?
89	2 TREES PER (5) SPACES OR 1 TREE + 3 SHRUBS PER (5) SPACES	(36 TREES) OR (18 TREES + 54 SHRUBS)	27 TREES + 27 SHRUBS	YES: 89 SPACES / 5 = 17.8; (8.9x2=18 TREES) + (8.9X1=9 TREES) + (8.9X3=27 SHRUBS)

REQUIRED STREET TREES

TOTAL STREET FRONTAGE AS MEASURED ALONG THE PROPERTY LINE	STREET TREE REQUIREMENT	TOTAL REQUIRED STREET TREES	TOTAL PROPOSED STREET TREES (EXISTING + PROPOSED)	REQUIREMENT SATISFIED?
813 LF	1 TREE PER 35' STREET FRONTAGE	23 TREES	4 EXISTING + 0 PROPOSED	NO

SITE LANDSCAPING AND BUFFERS

TOTAL STREET FRONTAGE AS MEASURED ALONG THE PROPERTY LINE	LANDSCAPING REQUIREMENT	TOTAL REQUIRED LANDSCAPING	TOTAL PLANTINGS PROPOSED	REQUIREMENT SATISFIED?
813 LF	(1) TREE OR (6) PLANTINGS SHRUB PER 30' OF STREET FRONTAGE	27 SHADE TREES OR 162 PLANTINGS	1,057 PLANTINGS	YES

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **HARDSCAPE AND MATERIALS PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

A C O R N

FILE:	AE_LANDSCAPE
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-01

PLANTING SCHEDULE

- PLANT QUANTITIES PROVIDED IN THE PLANTING SCHEDULE ARE PROJECT TOTALS.

TREES

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SPACING	SIZE	QTY	NOTES
	AMELANCHIER GRANDIFLORA	SERVICEBERRY	PER PLAN	2" CAL.	8	50% STANDARD, 50% MULTI-STEM; NATIVE
	BETULA LUTEA	YELLOW BIRCH	PER PLAN	2" CAL.	10	70% STANDARD, 30% MULTI-STEM; NATIVE
	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	PER PLAN	2" CAL.	3	NATIVE
	LIRIODENDRON TULIPIFERA	TULIP TREE	PER PLAN	2.5" CAL.	4	–
	PICEA GLAUCA	WHITE SPRUCE	PER PLAN	5–6" HT.	4	NATIVE
	PICEA ABIES 'ACROCANA' PINUS CEMBRA 'GLAUCA NANA' PINUS PARVIFLORA 'BERGMANI'	DWARF EVERGREENS	PER PLAN	#15	9	–
	PINUS STROBIS	WHITE PINE	PER PLAN	5–6" HT.	3	NATIVE

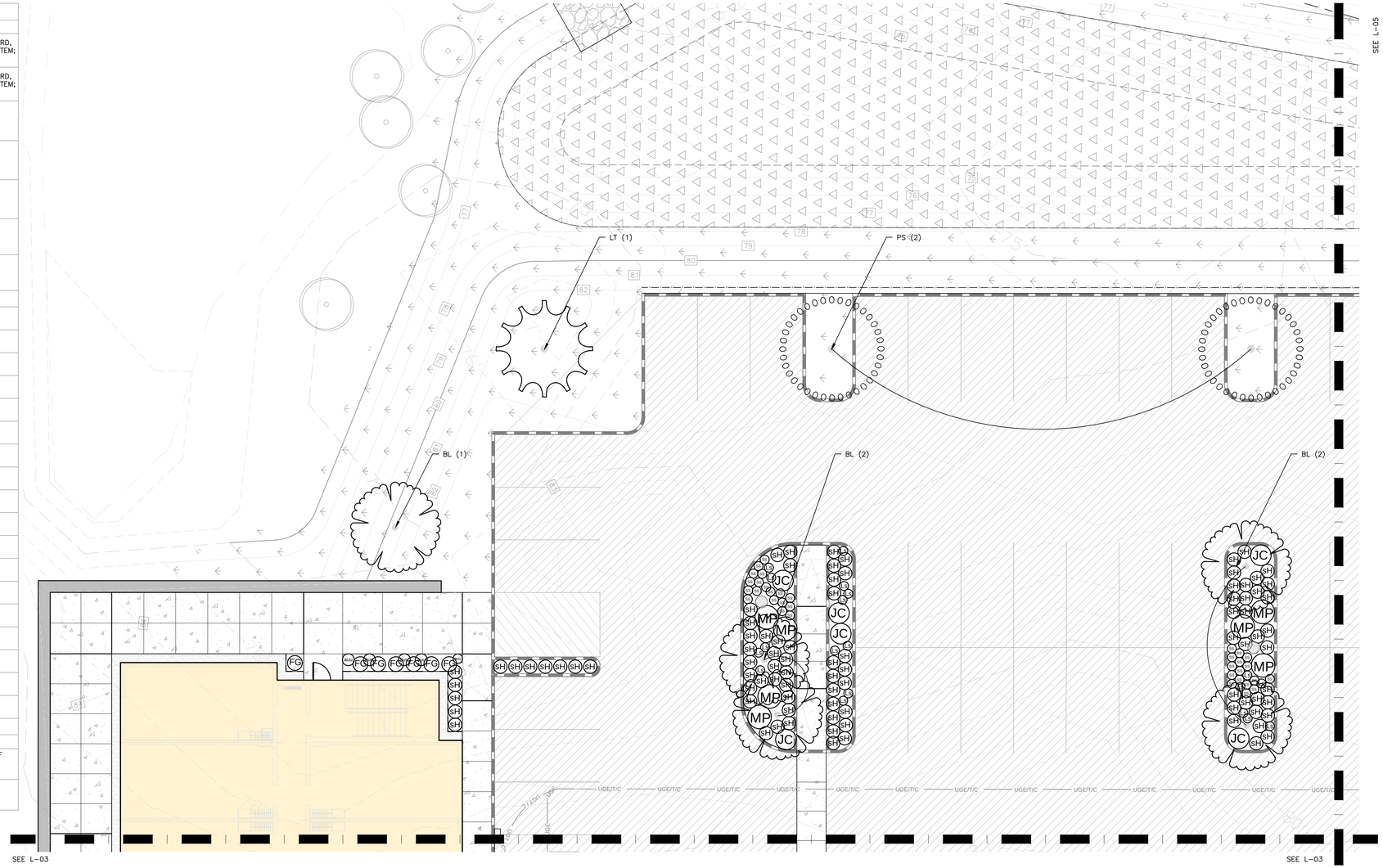
HERBACEOUS PERENNIALS/ SHRUBS

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SPACING	SIZE	QTY	NOTES
Actea	ACTAEA RACEMOSA	BLACK COHOSH	33" O.C.	5 GAL.	13	NATIVE
A	ASTER NOVAE–ANGLIAE	NEW ENGLAND ASTER	12" O.C.	1 GAL.	34	NATIVE
All	ALLIUM 'MILLENIUM'	MILLENNIUM ONION	18" O.C.	1 GAL.	18	–
Arcu	ARCTOSTAPHYLOS UVA–URSI	BEARBERRY	24" O.C.	1 GAL.	48	NATIVE
Calni	CLETHRA ALNIFOLIA	SWEET PEPPERBUSH	4'–0" O.C.	5 GAL.	28	NATIVE
cP	COMPTONIA PEREGRINA	SWEET FERN	30" O.C.	5 GAL.	33	NATIVE
Dp	DENNSTAEDTIA PUNCTILOBULA	HAY SCENTED FERN	18" O.C.	1 GAL.	286	NATIVE
Eryn	ERYNGIUM YUCCIFOLIUM	RATTLESNAKE MASTER	27" O.C.	1 GAL.	39	NATIVE
	FOTHERGILLA GARDENII	DWARF FOTHERGILLA	30" O.C.	5 GAL.	7	–
geo	GERANIUM 'JOHNSON'S BLUE'	JOHNSON'S BLUE GERANIUM	24" O.C.	1 GAL.	14	–
JC	JUNIPERUS COMMUNIS	COMMON JUNIPER	3.5' O.C.	5 GAL.	18	NATIVE
Ls	LIATRIS SPICATA	BLAZING STAR	18" O.C.	1 GAL.	50	NATIVE
MP	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	4'–0"	5 GAL.	32	NATIVE
Rfi	RUDBECKIA FULGIDA 'GOLDSTURM'	BLACK EYED SUSAN	18" O.C.	1 GAL.	23	NATIVE
SB	STACHYS BYZANTINA	LAMB'S EAR	18" O.C.	1 GAL.	13	–
SH	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	2" O.C.	1 GAL.	165	–
Sn	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	18" O.C.	1 GAL.	403	NATIVE
Vib	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	4'–0" O.C.	5 GAL.	7	NATIVE

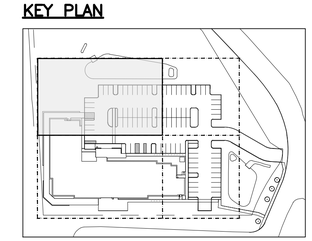
SEEDING

SYMBOL	SEED MIX	NOTES	AREA
	GRASS MIX	FOR MANUFACTURER, SEED MIX, APPLICATION DATE AND ADDITIONAL SEEDING NOTES, SEE L–01	34,850 SF
	WET MIX		9,350 SF

* 1,014 SHRUBS AND HERBACEOUS PERENNIALS OF 1,057 TOTAL PLANTS PROPOSED (95%) ARE NATIVE SPECIES.



KEY PLAN



10 0 10 20

SCALE: 1:10

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

LANDSCAPE NOTES:

1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. SUBSTITUTIONS TO THE PLANTING SCHEDULE ARE TO BE REVIEWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
3. ALL PROPOSED GREEN SPACES AND ASSOCIATED PLANT SPECIES ARE TO COMPLY WITH THE CITY OF PORTLAND STANDARDS.
4. CONTRACTOR TO VERIFY UTILITIES ON PROPERTY AND TO PROTECT DURING EXCAVATION FOR PLANTS.
5. CONTRACTOR TO MAINTAIN A ONE YEAR WARRANTY ON ALL PLANTINGS FOLLOWING INSTALLATION.
6. CONTRACTOR TO BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL PLANT MATERIAL AND LANDSCAPING IMPROVEMENTS UNTIL START OF THE WARRANTY PERIOD.
7. THE PROPERTY OWNER IS RESPONSIBLE FOR THE CONTINUED CARE AND MAINTENANCE OF THE LANDSCAPED AREA. PLANTINGS THAT SHOW SIGNS OF CONSTRUCTION DAMAGE WITHIN A ONE YEAR PERIOD FOLLOWING CONSTRUCTION SHALL BE REPLACED PRIOR TO ANY DEFECT GUARANTEE AT NO ADDITIONAL COST TO THE OWNER.
8. PLANT QUANTITIES LISTED IN THE PLANTING SCHEDULE ARE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE; CONTRACTORS ARE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE SCHEDULE AND THE DRAWING, THE DRAWING SHALL TAKE PRECEDENCE.
9. TOPSOIL SHALL BE FREE FROM SUBSOIL, STONES LARGER THAN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN 5% ORGANIC MATTER AND HAVE A PH SUITABLE TO THE LOCAL GROWING CONDITIONS.
10. MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMAN.
11. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
12. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL PROPOSED TREES TO THE LANDSCAPE ARCHITECT FOR REVIEW; THE LANDSCAPE ARCHITECT WILL MAKE FINAL SELECTIONS OF ALL TREES BY TAGGING TREES IN THE NURSERY.
13. ALL PLANT MATERIAL DELIVERED TO THE SITE, INCLUDING TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE LOCATED IN A TEMPORARY "NURSERY" IN A SHADED AREA PROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING TO THE SEASON AND PLANTS' REQUIREMENTS.
14. ALL TREE LOCATIONS ARE TO BE STAKED IN THE FIELD FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. FINAL LOCATIONS FOR ALL TREES ARE TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
15. ALL SHRUBS AND HERBS ARE TO BE LAID OUT IN THE FIELD, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
16. INSTALL ALL TREES, SHRUBS, AND HERBS PER PLANTING DETAILS.
17. ALL DISTURBED AREAS, INCLUDING THOSE NOT INDICATED ON THE PLANS, DUE TO CONSTRUCTION ACTIVITY OR THE STORAGE OF MATERIALS OR EQUIPMENT ARE TO BE REPAIRED. APPLY TOPSOIL AS NEEDED, TO MEET ADJACENT GRADES AND RE–SEED TO MATCH EXISTING OR PROPOSED LANDSCAPE. IF SITE CONDITIONS ARE UNCLEAR, CONTACT THE LANDSCAPE ARCHITECT TO VERIFY THE APPROPRIATE RE–SEEDING SPECIFICATION.
18. ALL PLANTING BEDS ARE TO RECEIVE 2" OF SHREDDED HARDWOOD MULCH; ALL TREE PLANTINGS ARE TO RECEIVE 3" SHREDDED HARDWOOD MULCH.
19. SEE PLANTING DETAILS.

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/31/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **PLANTING PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.,
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ACORN ENGINEERING, INC.
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(207) 775–2655

FILE:	AE_LANDSCAPE
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-02

PLANTING SCHEDULE

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TREES

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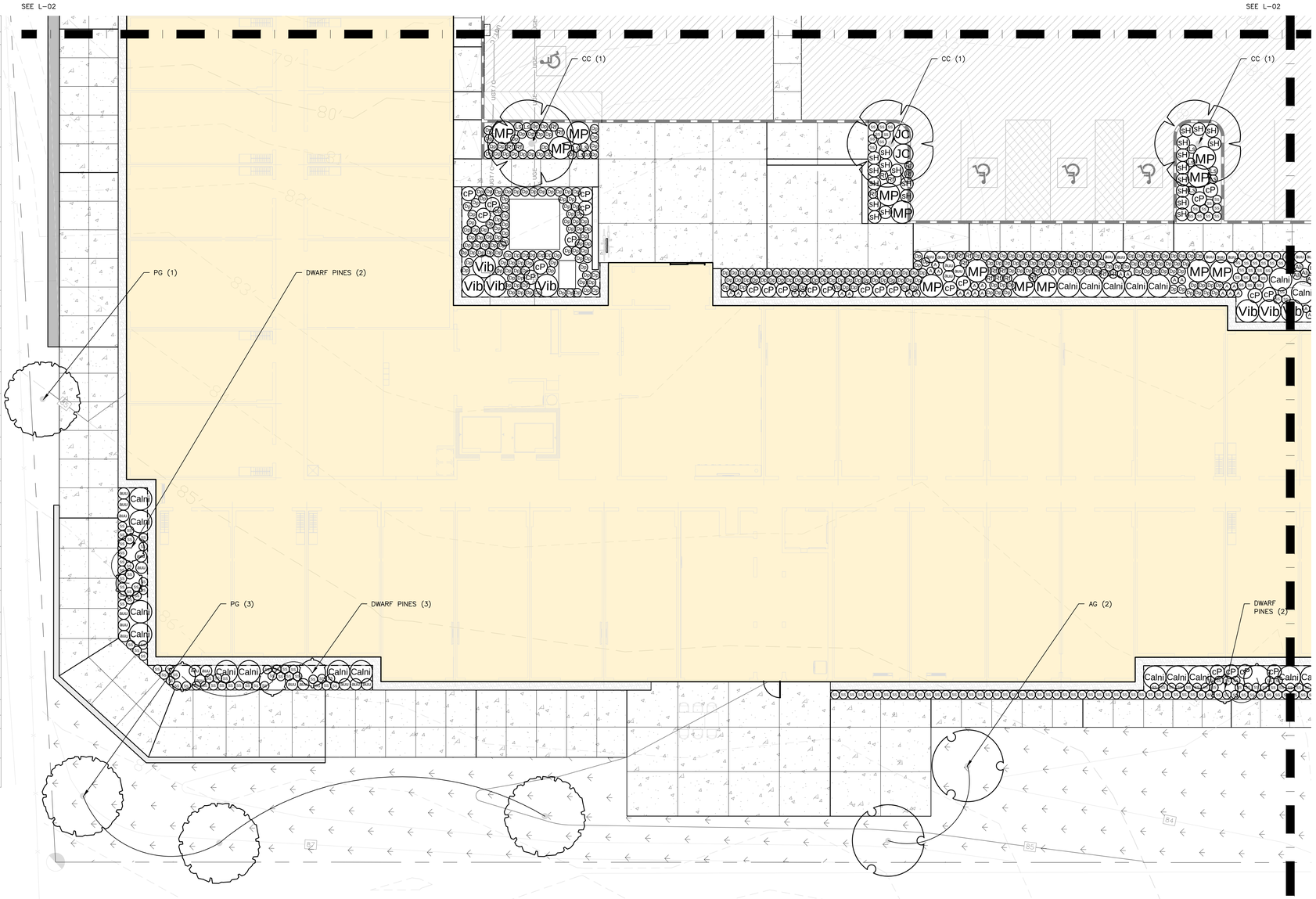

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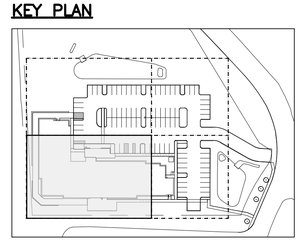
SCALE: 1:10

KEY PLAN



PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **PLANTING PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

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DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-03

PLANTING SCHEDULE

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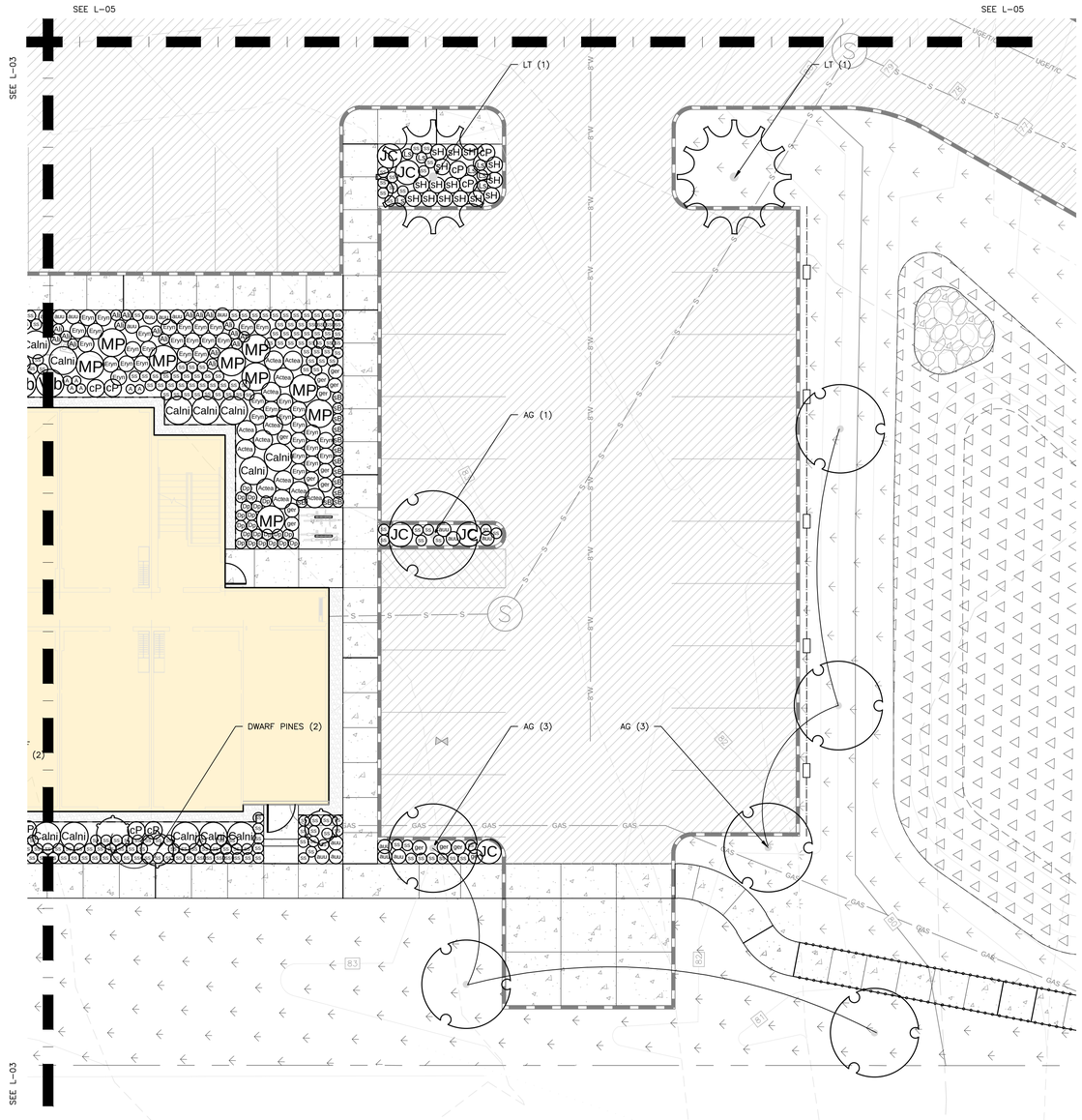
11. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL SHRUBS AND HERBACEOUS MATERIAL TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ACCEPTANCE.
12. THE CONTRACTOR SHALL SUBMIT NURSERY PHOTOGRAPHS OF ALL PROPOSED TREES TO THE LANDSCAPE ARCHITECT FOR REVIEW; THE LANDSCAPE ARCHITECT WILL MAKE FINAL SELECTIONS OF ALL TREES BY TAGGING TREES IN THE NURSERY.
13. ALL PLANT MATERIAL DELIVERED TO THE SITE, INCLUDING TREES, SHRUBS, AND HERBACEOUS PERENNIALS, SHALL BE LOCATED IN A TEMPORARY "NURSERY" IN A SHADED AREA PROTECTED FROM WIND AND WATERED REGULARLY, ACCORDING TO THE SEASON AND PLANTS' REQUIREMENTS.
14. ALL TREE LOCATIONS ARE TO BE STAKED IN THE FIELD FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. FINAL LOCATIONS FOR ALL TREES ARE TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
15. ALL SHRUBS AND HERBS ARE TO BE LAID OUT IN THE FIELD, ACCORDING TO THE LAYOUT PROVIDED IN THE PLANS, FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
16. INSTALL ALL TREES, SHRUBS, AND HERBS PER PLANTING DETAILS.
17. ALL DISTURBED AREAS, INCLUDING THOSE NOT INDICATED ON THE PLANS, DUE TO CONSTRUCTION ACTIVITY OR THE STORAGE OF MATERIALS OR EQUIPMENT ARE TO BE REPAIRED. APPLY TOPSOIL AS NEEDED, TO MEET ADJACENT GRADES AND RE-SEED TO MATCH EXISTING OR PROPOSED LANDSCAPE. IF SITE CONDITIONS ARE UNCLEAR, CONTACT THE LANDSCAPE ARCHITECT TO VERIFY THE APPROPRIATE RE-SEEDING SPECIFICATION.
18. ALL PLANTING BEDS ARE TO RECEIVE 2" OF SHREDDED HARDWOOD MULCH; ALL TREE PLANTINGS ARE TO RECEIVE 3" SHREDDED HARDWOOD MULCH.
19. SEE PLANTING DETAILS.



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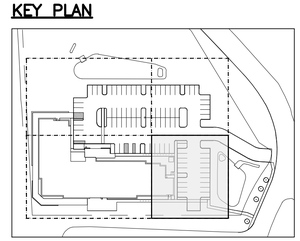
SCALE: 1:10

KEY PLAN



PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 7/31/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **PLANTING PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK, INC.,
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

THIS PLAN SHALL NOT BE MODIFIED, WITHOUT PERMISSION FROM ACORN ENGINEERING, INC. AND ALL ALTERATIONS, ANY ALTERATIONS, AUTHORIZED BY ACORN ENGINEERING, INC. MUST BE CLEARLY NOTED AS SUCH AND SIGNED BY THE LANDSCAPE ARCHITECT OF ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

A C O R N

FILE:	AE_LANDSCAPE
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-04

PLANTING SCHEDULE

* PLANT QUANTITIES PROVIDED IN THE PLANTING SCHEDULE ARE PROJECT TOTALS.

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SPACING	SIZE	QTY	NOTES
TREES						
	AMELANCHIER GRANDIFLORA	SERVICEBERRY	PER PLAN	2" CAL.	8	50% STANDARD, 50% MULTI-STEM; NATIVE
	BETULA LUTEA	YELLOW BIRCH	PER PLAN	2" CAL.	10	70% STANDARD, 30% MULTI-STEM; NATIVE
	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	PER PLAN	2" CAL.	3	NATIVE
	LIRIODENDRON TULIPIFERA	TULIP TREE	PER PLAN	2.5" CAL.	4	–
	PICEA GLAUCA	WHITE SPRUCE	PER PLAN	5–6" HT.	4	NATIVE
	PICEA ABIES "ACROCANA" PINUS CEMBRA 'GLAUCA NANA' PINUS PARVIFLORA 'BERGMANI'	DWARF EVERGREENS	PER PLAN	#15	9	–
	PINUS STROBIS	WHITE PINE	PER PLAN	5–6" HT.	3	NATIVE
HERBACEOUS PERENNIALS/ SHRUBS						
Actea	ACTAEA RACEMOSA	BLACK COHOSH	33" O.C.	5 GAL.	13	NATIVE
A	ASTER NOVAE–ANGLIAE	NEW ENGLAND ASTER	12" O.C.	1 GAL.	34	NATIVE
Al	ALLIUM 'MILLENIUM'	MILLENNIUM ONION	18" O.C.	1 GAL.	18	–
Arc	ARCTOSTAPHYLOS UVA–URSI	BEARBERRY	24" O.C.	1 GAL.	48	NATIVE
Calni	CLETHRA ALNIFOLIA	SWEET PEPPERBUSH	4'–0" O.C.	5 GAL.	28	NATIVE
cP	COMPTONIA PEREGRINA	SWEET FERN	30" O.C.	5 GAL.	33	NATIVE
Dp	DENNSTAEDTIA PUNCTILOBULA	HAY SCENTED FERN	18" O.C.	1 GAL.	286	NATIVE
Eryn	ERYNGIUM YUCCIFOLIUM	RATTLESNAKE MASTER	27" O.C.	1 GAL.	39	NATIVE
	FOTHERGILLA GARDENII	DWARF FOTHERGILLA	30" O.C.	5 GAL.	7	–
GH	GERANIUM 'JOHNSON'S BLUE'	JOHNSON'S BLUE GERANIUM	24" O.C.	1 GAL.	14	–
JC	JUNIPERUS COMMUNIS	COMMON JUNIPER	3.5' O.C.	5 GAL.	18	NATIVE
L	LIATRIS SPICATA	BLAZING STAR	18" O.C.	1 GAL.	50	NATIVE
MP	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	4'–0"	5 GAL.	32	NATIVE
R	RUDBECKIA FULGIDA 'GOLDSTURM'	BLACK EYED SUSAN	18" O.C.	1 GAL.	23	NATIVE
SB	STACHYS BYZANTINA	LAMB'S EAR	18" O.C.	1 GAL.	13	–
SH	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	2" O.C.	1 GAL.	165	–
SO	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	18" O.C.	1 GAL.	403	NATIVE
Vib	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	4'–0" O.C.	5 GAL.	7	NATIVE
SEEDING						
SYMBOL	SEED MIX	NOTES				AREA
	GRASS MIX	FOR MANUFACTURER, SEED MIX, APPLICATION DATE AND ADDITIONAL SEEDING NOTES, SEE L–01				34,850 SF
	WET MIX					9,350 SF

* 1,014 SHRUBS AND HERBACEOUS PERENNIALS OF 1,057 TOTAL PLANTS PROPOSED (95%) ARE NATIVE SPECIES.

LANDSCAPE NOTES:

1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. SUBSTITUTIONS TO THE PLANTING SCHEDULE ARE TO BE REVIEWED FOR APPROVAL BY THE LANDSCAPE ARCHITECT.
3. ALL PROPOSED GREEN SPACES AND ASSOCIATED PLANT SPECIES ARE TO COMPLY WITH THE CITY OF PORTLAND STANDARDS.
4. CONTRACTOR TO VERIFY UTILITIES ON PROPERTY AND TO PROTECT DURING EXCAVATION FOR PLANTS.
5. CONTRACTOR TO MAINTAIN A ONE YEAR WARRANTY ON ALL PLANTINGS FOLLOWING INSTALLATION.
6. CONTRACTOR TO BE RESPONSIBLE FOR THE WATERING AND MAINTENANCE OF ALL PLANT MATERIAL AND LANDSCAPING IMPROVEMENTS UNTIL START OF THE WARRANTY PERIOD.
7. THE PROPERTY OWNER IS RESPONSIBLE FOR THE CONTINUED CARE AND MAINTENANCE OF THE LANDSCAPED AREA. PLANTINGS THAT SHOW SIGNS OF CONSTRUCTION DAMAGE WITHIN A ONE YEAR PERIOD FOLLOWING CONSTRUCTION SHALL BE REPLACED PRIOR TO ANY DEFECT GUARANTEE AT NO ADDITIONAL COST TO THE OWNER.
8. PLANT QUANTITIES LISTED IN THE PLANTING SCHEDULE ARE PROVIDED TO THE CONTRACTOR AS A CONVENIENCE; CONTRACTORS ARE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS. IN THE EVENT OF A DISCREPANCY BETWEEN THE SCHEDULE AND THE DRAWING, THE DRAWING SHALL TAKE PRECEDENCE.
9. TOPSOIL SHALL BE FREE FROM SUBSOIL, STONES LARGER THAN 1" OR ANY UNDESIRABLE MATERIAL, CONTAIN 5% ORGANIC MATTER AND HAVE A PH SUITABLE TO THE LOCAL GROWING CONDITIONS.
10. MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMAN.
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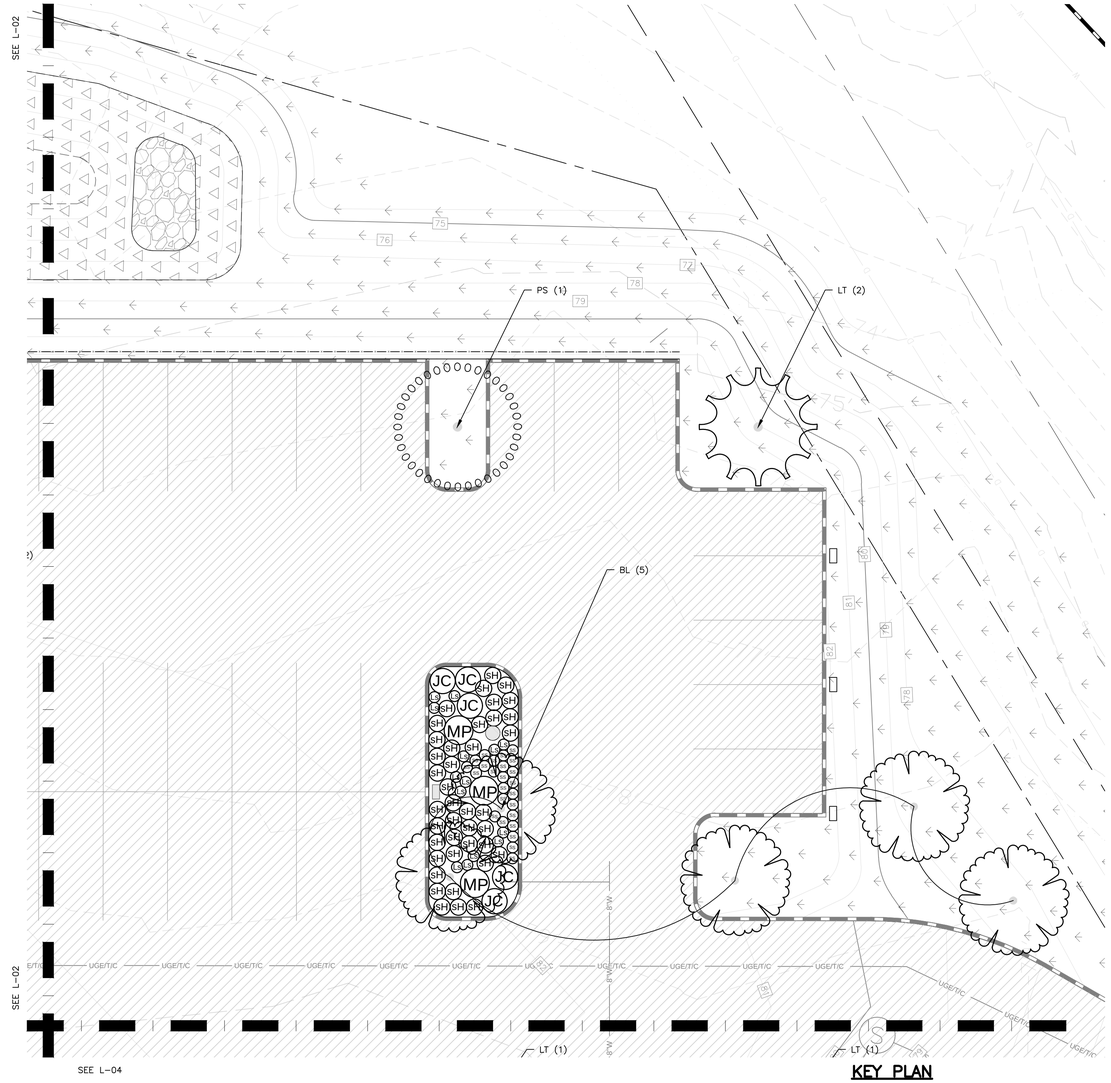
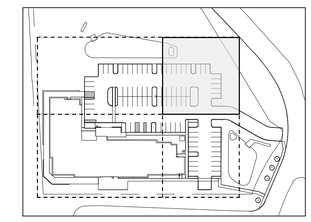


KEY PLAN



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PERMIT LEVEL
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ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **PLANTING PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK, INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

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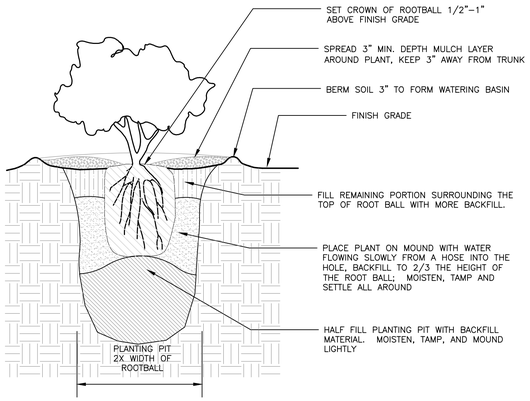
ACORN ENGINEERING, INC. 04104
PO BOX 3372, PORTLAND MAINE
(207) 775–2655

ACORN

FILE:	AE_LANDSCAPE
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-05



BACKFILL AMENDMENTS

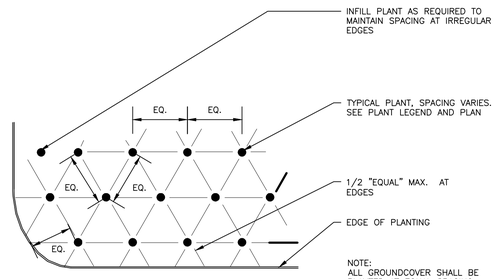
A) WHERE NATIVE TOP SOIL IS PRESENT IN PLANTING AREAS, NO SOIL AMENDMENT IS RECOMMENDED. THE NATIVE SOIL SHOULD BE SOFT AND FRIABLE. LARGE ROCKS AND CLODS ARE TO BE REMOVED FROM BACKFILL.

NOTES

A) PLANT PIT TO BE DUG TWICE AS DEEP AND TWICE AS WIDE AS PLANT CONTAINER.
B) PRIOR TO ANY BACKFILLING, FILL PLANTING PIT WITH WATER AND ALLOW TO PERCOLATE INTO SUBSOIL
C) FORM WATERING BASIN USING REMAINING BACKFILL AND NATIVE SOIL
D) WATER THOROUGHLY, FILLING THE BASIN WITH WATER AND SPRINKING AROUND TO SETTLE BACKFILL, MULCH AND BERM.
E) ALLOW TO SOAK IN AND REPEAT.

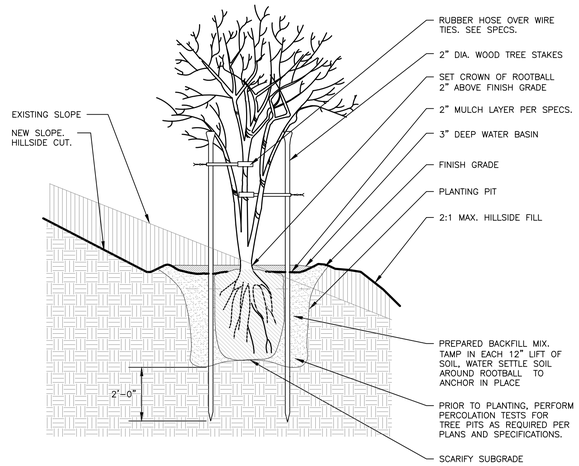
6 NATIVE SHRUB PLANTING DETAIL

N.T.S.



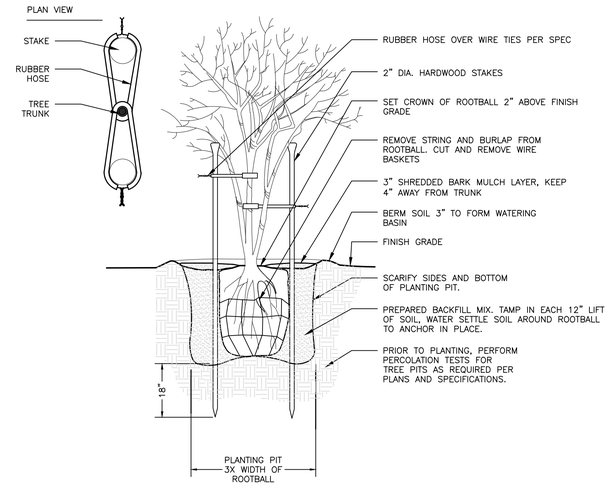
3 GROUNDCOVER SPACING

N.T.S.



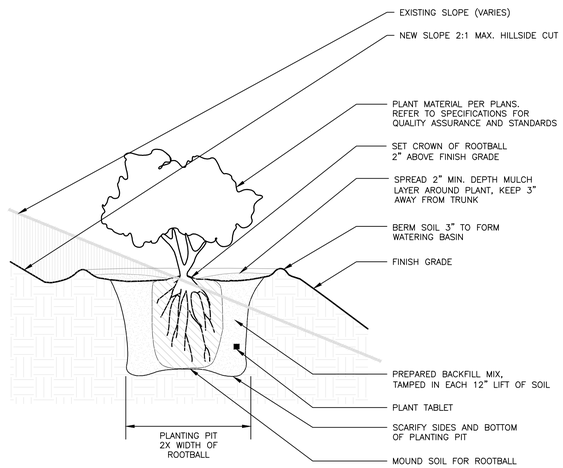
5 TREE PLANTING ON SLOPE DETAIL

N.T.S.



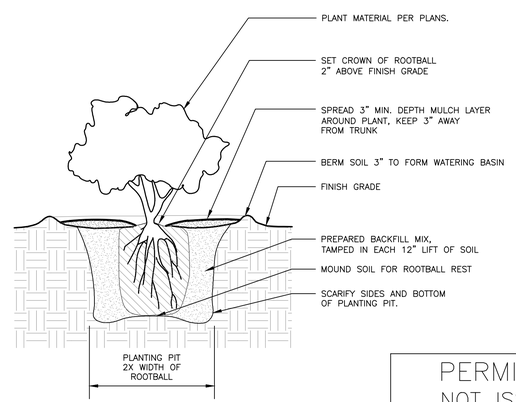
2 TREE PLANTING DETAIL

N.T.S.



4 SHRUB PLANTING ON SLOPE DETAIL

N.T.S.



1 SHRUB PLANTING DETAIL

N.T.S.

PERMIT LEVEL
NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **PLANTING DETAILS**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

A C O R N

FILE:	AE_LANDSCAPE
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SCALE:	AS NOTED
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CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-06

EXISTING TREE LIST

TREE ID	DIAMETER AT BREAST HEIGHT	SPECIES	COMMON NAME	>16"	NOTES
1	21.3"	QUERCUS RUBRA	RED OAK	Y	
2	18.14"	QUERCUS RUBRA	RED OAK	Y	NOT ON PROPERTY
3	14"	QUERCUS RUBRA	RED OAK		
4	17.8"	QUERCUS RUBRA	RED OAK	Y	NOT ON PROPERTY
5	12.73"	QUERCUS RUBRA	RED OAK		
6	13.68"	QUERCUS RUBRA	RED OAK		NOT ON PROPERTY
7	16.23"	QUERCUS RUBRA	RED OAK	Y	NOT ON PROPERTY
8	23.5"	QUERCUS RUBRA	RED OAK	Y	
9	16.55"	QUERCUS RUBRA	RED OAK	Y	NOT ON PROPERTY
10	15.60"	QUERCUS RUBRA	RED OAK		NOT ON PROPERTY
11	17.83"	QUERCUS RUBRA	RED OAK	Y	NOT ON PROPERTY
12	14.62"	QUERCUS RUBRA	RED OAK		
13	11.47"	PICEA GLAUCA	WHITE SPRUCE		TREE APPEARS TO BE TOPPED/ COVERED IN BITTERSWEET
14	10.50"	PICEA GLAUCA	WHITE SPRUCE		
15	15.5"	PINUS STROBRUM	WHITE PINE		
16	11.5"	FRAXINUS AMERICANA	WHITE ASH		HAZARD TREE
17	11.5"	MALUS SP.	CRAB APPLE		
18	13.37"	QUERCUS RUBRA	RED OAK		
19	23.26"	ACER RUBRUM	RED MAPLE	Y	
20	13.05"	ACER RUBRUM	RED MAPLE		
21	20.69"	PINUS STROBUS	WHITE PINE	Y	
22	21.96"	PINUS STROBUS	WHITE PINE	Y	
23	12.41"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
24	15.91"	ACER SACCHARUM	SUGAR MAPLE		
25	10.5"	ACER RUBRUM	RED MAPLE		
26	15.28"	ACER RUBRUM	RED MAPLE		
27	14.96"	PINUS STROBUS	WHITE PINE		
28	22.92"	PINUS STROBUS	WHITE PINE	Y	
29	14.96"	PINUS STROBUS	WHITE PINE		
30	10.18"	ACER RUBRUM	RED MAPLE		
31	10.18"	POPULUS TREMULOIDES	QUAKING ASPEN		
32	10.18"	PINUS STROBUS	WHITE PINE		
33	10.18"	PINUS STROBUS	WHITE PINE		
34	11.14"	POPULUS TREMULOIDES	QUAKING ASPEN		
35	20.69"	PINUS STROBUS	WHITE PINE	Y	
36	32.78"	PINUS STROBUS	WHITE PINE	Y	
37	10.5"	PINUS STROBUS	WHITE PINE		
38	12.09"	FRAXINUS AMERICANA	AMERICAN ASH		
39	14.32"	ACER RUBRUM	RED MAPLE		
40	10.82"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
41	10.5"	ACER RUBRUM	RED MAPLE		
42	12.41"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
43	10.18"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
44	Not Recorded	POPULUS TREMULOIDES	QUAKING ASPEN		DYING
45	10.18"	BETULA POPULIFOLIA	GRAY BIRCH		
46	17.5"	PINUS STROBUS	WHITE PINE	Y	
47	21.64"	PINUS STROBUS	WHITE PINE	Y	
48	30.56"	PINUS STROBUS	WHITE PINE	Y	
49	16.23"	ACER RUBRUM	RED MAPLE	Y	
50	16.87"	PINUS STROBUS	WHITE PINE	Y	
51	11.14"	PINUS STROBUS	WHITE PINE		
52	10.82"	POPULUS TREMULOIDES	QUAKING ASPEN		
53	11.46"	POPULUS TREMULOIDES	QUAKING ASPEN		DEAD
54	17.19"	PINUS STROBUS	WHITE PINE	Y	
55	15.91"	PINUS STROBUS	WHITE PINE		
56	10.18"	POPULUS TREMULOIDES	QUAKING ASPEN		
57	10.5"	POPULUS TREMULOIDES	QUAKING ASPEN		
58	16.23"	PINUS STROBUS	WHITE PINE	Y	
59	13.68"	PINUS STROBUS	WHITE PINE		
60	10.18"	PINUS STROBUS	WHITE PINE		
61	20.05"	PINUS STROBUS	WHITE PINE	Y	
62	27.05"	PINUS STROBUS	WHITE PINE	Y	
63	13.68"	PINUS STROBUS	WHITE PINE		
64	35"	PINUS STROBUS	WHITE PINE	Y	
65	11.77	PINUS STROBUS	WHITE PINE		
66	25.14"	PINUS STROBUS	WHITE PINE	Y	
67	10.18"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
68	10.82"	FRAXINUS AMERICANA	AMERICAN ASH		HAZARD TREE
69	12.73"	ACER SACCHARUM	SUGAR MAPLE		
70	18.46"	ACER RUBRUM	RED MAPLE	Y	
71	22.28"	PINUS STROBUS	WHITE PINE	Y	
72	23.55"	PINUS STROBUS	WHITE PINE	Y	
73	11.14"	PINUS STROBUS	WHITE PINE		
74	11.14"	QUERCUS STROBUS	RED OAK		
75	11.77"	PINUS STROBUS	WHITE PINE		
76	35"	PINUS STROBUS	WHITE PINE	Y	
77	11.77"	QUERCUS RUBRA	RED OAK		
78	14.32"	QUERCUS RUBRA	RED OAK		
79	10.5"	POPULUS TREMULOIDES	QUAKING ASPEN		
80	10.18"	BETULA POPULIFOLIA	GRAY BIRCH		

TREE RESULTS:

1. TOTAL TREES INDEXED IN TREE SURVEY: 80
2. TOTAL TREES INCLUDED IN INDEX OUTSIDE OF PROPERTY LINES: 7
3. TOTAL TREES CONSIDERED DEAD, DYING, OR HAZARD TREES: 9
4. TOTAL TREES INDEXED WITHIN PROPERTY LINES MINUS DEAD, DYING, OR HAZARD TREES: 64 "SITE TREES"
5. SITE TREES WITH DIAMETER AT BREAST HEIGHTS >10"<16": 41 TREES
6. SITE TREES WITH DIAMETER AT BREAST HEIGHT > 16": 23 TREES

LEGEND

PROPERTY LINE

DRAINAGE EASEMENT

EXISTING TREE OVER 10" D.B.H.

EXISTING STREET TREE



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COMMENT RESPONSE	PFH 5/29/2024

DRAWING NAME: **TREE INDEX**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.,
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

LANDSCAPE ARCHITECTURE

THIS PLAN SHALL NOT BE MODIFIED WITHOUT PERMISSION FROM ACORN ENGINEERING, INC. AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

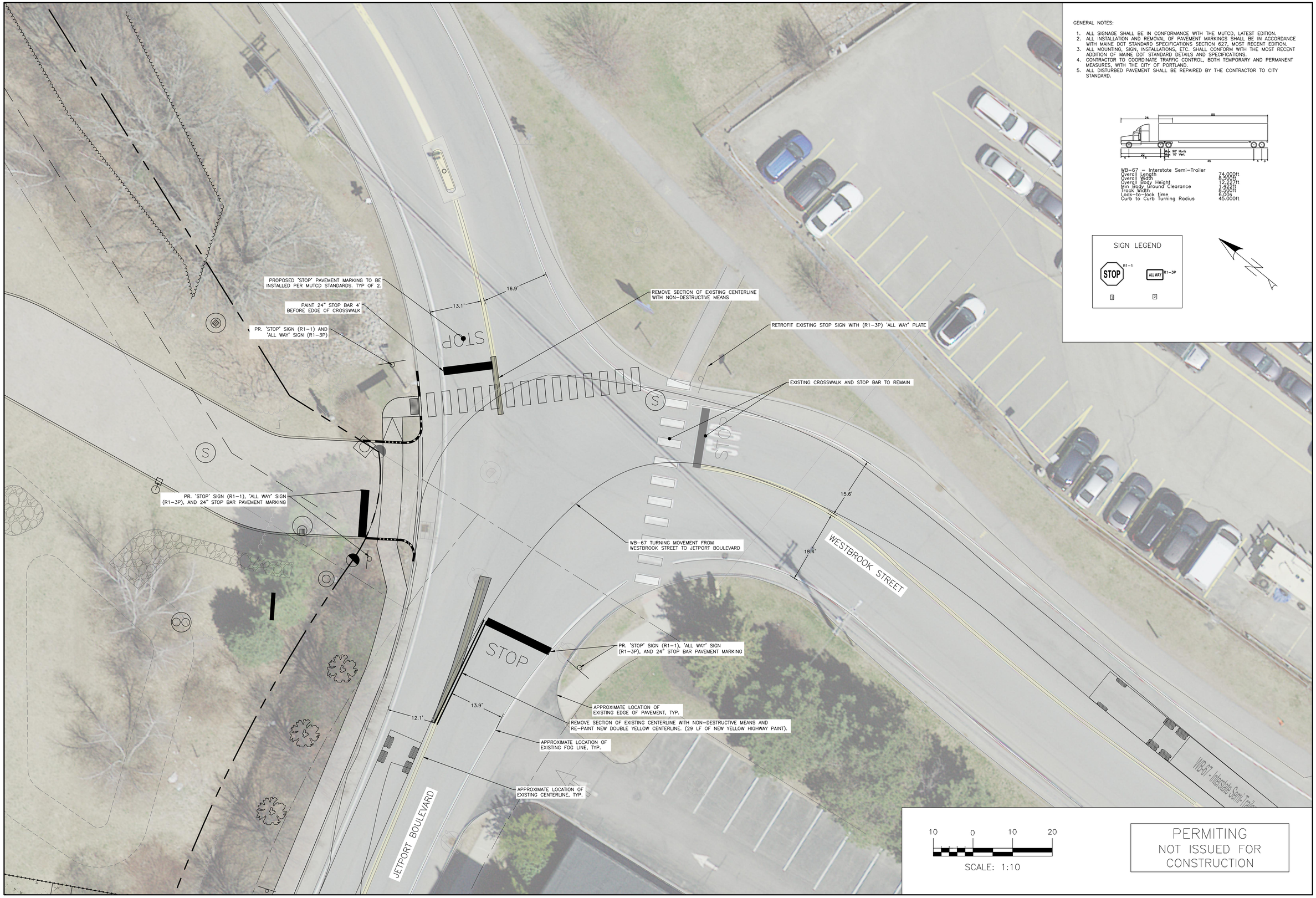
ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04104
(207) 775-2655

A C O R N

FILE:	AE_TREE SURVEY
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	ALDV
DRAWN BY:	ALDV
CHECKED BY:	PH

LICENSED LANDSCAPE ARCHITECT
ALEXIS LOPEZ DELVECCHIO
LAR5303
5/31/24
STATE OF MAINE

DRAWING NO.
L-TI



GENERAL NOTES:

1. ALL SIGNAGE SHALL BE IN CONFORMANCE WITH THE MUTCD, LATEST EDITION.
2. ALL INSTALLATION AND REMOVAL OF PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH MAINE DOT STANDARD SPECIFICATIONS SECTION 627, MOST RECENT EDITION.
3. ALL MOUNTING, SIGN, INSTALLATIONS, ETC. SHALL CONFORM WITH THE MOST RECENT ADDITION OF MAINE DOT STANDARD DETAILS AND SPECIFICATIONS.
4. CONTRACTOR TO COORDINATE TRAFFIC CONTROL, BOTH TEMPORARY AND PERMANENT MEASURES, WITH THE CITY OF PORTLAND.
5. ALL DISTURBED PAVEMENT SHALL BE REPAIRED BY THE CONTRACTOR TO CITY STANDARD.

WB-67 - Interstate Semi-Trailer

Overall Length	74.000ft
Overall Width	8.500ft
Overall Body Height	12.327ft
Min Body Ground Clearance	1.425ft
Track Width	8.500ft
Lock-to-lock time	6.0s
Curb to Curb Turning Radius	45.000ft

SIGN LEGEND

ISSUED FOR	BY DATE
ATS LETTER	PFH 1/26/2024
CSS	PFH 2/9/2024
MAJOR SITE PLAN	PFH 2/23/2024
COMMENT RESPONSE	PFH 4/16/2024
COMMENT RESPONSE II	PFH 5/6/2024
UNIT REVISION	PFH 7/9/2024
STORMWATER MODIFICATIONS	PFH 7/18/2024

DRAWING NAME: **INTERSECTION PLAN**

PROJECT NAME: HYATT STUDIOS HOTEL DEVELOPMENT
1060 WESTBROOK STREET, PORTLAND, ME 04102

CLIENT: GIRI PORTLAND WESTBROOK INC.
225 WEST SQUANTUM STREET, SUITE 200, QUINCY, MA 02171

ACORN ENGINEERING, INC.

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ACORN ENGINEERING, INC.
ENGINEERING, LAND PLANNING, SURVEYING
PO BOX 3201 PORTLAND, MAINE 04104
(207) 775-2655

FILE:	1133_CIVIL
JN:	1133
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED PROFESSIONAL ENGINEER

PERMITING
NOT ISSUED FOR CONSTRUCTION

DRAWING NO.
C-11