

# CITY OF PORTLAND, MAINE

## PLANNING BOARD



Brandon Mazer, Chair  
Maggie Stanley, Vice Chair  
Marpheen Chann  
Sean Dundon  
Bob Dunfey  
David Silk  
Austin Smith

### AGENDA PORTLAND PLANNING BOARD MEETING

The Planning Board will hold a remote meeting on Tuesday, June 8, 2021, 4:30 p.m. This meeting will take place using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit \*9. You will be un-muted by the host when it is time for public comment.

#### ZOOM MEETING INSTRUCTIONS:

You are invited to a Zoom webinar.

When: Jun 8, 2021 04:00 PM Eastern Time (US and Canada)

Topic: ZOOM Link - Planning Board Workshop and Public Hearing 06/08/2021

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83335298564>

Or One tap mobile :

US: +13126266799,,83335298564# or +19292056099,,83335298564#

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Webinar ID: 833 3529 8564

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For more information on how to use Zoom, please go to:

<https://www.portlandmaine.gov/remotepud>

Public comments will be taken for each item on the agenda and written comments should be submitted to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov)

## **WORKSHOP - 4:30 PM**

- i. City of Portland Design Manual (estimated time 4:30 - 5:30 p.m.) The Planning Board will hold a workshop to review the first three sections of the draft City of Portland Design Manual (Administration, Process, Context).

## **PUBLIC HEARING - 5:30 PM**

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATION AND REPORTS**
- 3. REPORT OF ATTENDANCE AT THE MEETING HELD ON MAY 25, 2021**

### Evening Hearing

387 Commercial Street: All members were present.

200 Federal Street: All members were present.

- 4. REPORTS OF DECISIONS AT THE MEETING HELD ON MAY 25, 2021**

- i. Level III Site Plan and Subdivision; 201(200) Federal Street; Redfern Downtown, LLC. Applicant. Stanley moved and Dunfey seconded a motion to waive Technical Manual Section 12.3.4, Light Trespass, to allow illumination levels to exceed 0.1 foot-candles at the property line. Vote 7-0. Stanley moved and Dunfey seconded a motion to find the proposed conditional use for workforce housing to meet the standards of Section 14-484 of the Land Use Code with two conditions of approval. Vote 7-0. Stanley moved and Dunfey seconded a motion to approve the subdivision with four conditions of approval. Vote 7-0. Stanley moved and Dunfey seconded a motion to approve the site plan with four conditions of approval. Vote 7-0. Stanley moved and Dunfey seconded a motion to approve a reduced parking requirement of 125 spaces with one condition of approval. Vote 7-0.
- ii. Level III Site Plan and Subdivision; 387 (383) Commercial Street; DPD Lot 3 LLC., Applicant. Stanley moved and Dunfey seconded a motion to find the proposed conditional use for workforce housing to meet the standards of Section 14-484 of the Land Use Code with one condition of approval. Vote 6-1, Dunfey opposed. Stanley moved and Dunfey seconded a motion to approve the subdivision with three conditions of approval. Vote 7-0. Stanley moved and Dunfey seconded a motion to approve the site plan with five conditions of approval. Vote 7-0.

- 5. NEW BUSINESS**

- i. Zoning Map Amendment; 99 Winter Street and 160 State Street; Thanos, LLC., Applicant. (estimated time 5:30 - 6:30 p.m.) The Planning Board will hold a public hearing to consider a zoning map amendment to map a B-3 Downtown Business Zone onto a parcel located at 99 Winter Street and 160 State Street. The Downtown Height Overlay Map is also proposed for amendments. The subject property is 28,953 square feet in size and is zoned R-6 Residential. The map amendment is subject to review and recommendation from the Planning Board to the City Council.



- ii. Zoning Map and Text Amendment; 165 Lambert Street; Maine Cooperative Development Partners, Applicant. (estimated time 6:30 p.m.) The Planning Board will hold a public hearing to consider a Zoning Map and Text Amendment application to facilitate a new mixed-use development at 165 Lambert Street. Actions sought via this application include amendments to the Land Use Code's Planned Residential Unit Development (PRUD) standards to modify the open space requirements and to allow vertically-stacked dwelling units for PRUDs located in the R-3 zone, along with changes to the Neighborhood Center definition to accommodate food service. The map amendment would rezone the subject parcel and adjacent parcels within the proposed rezoning boundary from R-2 Residential to R-3 Residential. The map and text amendment is subject to review and recommendation from the Planning Board to the City Council.



## Memorandum

### Planning and Urban Development Department

**To:** Brandon Mazer, Chair and Members of the Portland Planning Board  
**From:** Caitlin Cameron, Urban Designer, Kevin Kraft, Deputy Director  
**Re:** Workshop - City of Portland Design Manual Sections 1-3  
**Date:** May 28, 2021  
**Meeting Date:** June 8, 2021

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#### I. INTRODUCTION + PROJECT GOALS

Following the adoption of the Munjoy Hill Neighborhood Conservation Overlay and Recode Phase I, the Department of Planning and Urban Development began work on the City of Portland Design Manual overhaul. This work began with staff examination of the R-6 design standards in conjunction with a small working group but at the request of the Planning Board, expanded in scope to include a broader public process and an evaluation of the entire manual. The goal of this project is to reorganize, restructure, and where needed, revise and/or create new standards, in order to:

- Create more consistent standards where current standards are duplicative or unclear;
- Where prudent, consolidate similar standards;
- Simplify and clarify the standards content for easier interpretation;
- Ensure the standards are encouraging desirable design outcomes;
- Enhance clarity by providing new graphics; and
- Create a more accessible and user-friendly document.

At the March 23, 2021 Planning Board meeting, staff presented a communication item to the Planning Board that provided an overview of the Department's efforts to overhaul the *City of Portland Design Manual*, a preview of the new document, and outlined next steps and the review schedule going forward.

The purpose of the June 8, 2021 workshop is for staff to provide the Planning Board with an update on the Department's revisions and structural changes on the first three draft sections of the *Design Manual*:

- 1) Introduction + Administration
- 2) Design Review + Determination of Compliance
- 3) Context

#### II. PUBLIC ENGAGEMENT

##### Kick-off Meeting – January 14, 2021

The design manual overhaul process commenced January 2021 with a virtual kick-off meeting held via Zoom. During the kick-off meeting Planning Department staff presented the project and sought community input on the design review process and design outcomes in Portland. Approximately

40 members of the public attended to hear a presentation and provide comments and questions. The presentation slides and meeting recording are available on the project webpage: <https://www.portlandmaine.gov/2681/Design-Manual-Overhaul-2021>

### **Working Group**

To assist staff in overhauling the Design Manual a working group was formed to provide detailed input on specific sections. The working group includes individuals with expertise in design, design regulation, or the development review application process. Working group meetings are held virtually via Zoom and are open to the public for viewing. Following the meetings staff update the [project webpage](#) with relevant materials and post video recordings of each meeting. The group will meet a total of six times over the course of the next several months:

- Meetings #1-3 took place February to April, 2021 to cover the document structure and to discuss the idea of consolidating existing standards that are similar into General Design Standards.
- Meeting #4 took place on May 26<sup>th</sup> and covered the Special Design District – Waterfront standards.
- Meetings #5-6 will cover the Special Design District – R-6 zone.

### **Working Group Members:**

- Maggie Stanley (Planning Board representative)
- Julia Tate (Historic Preservation Board representative)
- Justin Barker
- Hans Breaux
- Erin Cooperrider
- Julie Larry
- Will Savage
- Kara Wilbur

### **General Public Input**

To ensure staff receive broader public input on the design manual's overhaul, draft documents will be posted online for public comment. During the month of April, the sections presented in this workshop were made available for the general public to view and provide comments on the topics of graphic design, user-friendliness, and content via Konveio, an interactive online engagement tool. Documentation of those comments with staff response are included as Attachment 2.

### **III. WORK TO DATE**

This workshop will cover the first three draft sections of the revised *City of Portland Design Manual* (Attachment 1). The work presented for this workshop includes internal review and general public comment on the following sections:

- 1) Introduction + Administration
- 2) Design Review + Determination of Compliance
- 3) Context

Revisions/new materials include:

- a. **DOCUMENT ORGANIZATION** – A major component of the overhaul process is consideration of the location and organization of design regulation in the City’s policy documents. The Table of Contents and first three sections reflect staff recommendations for the structure of the design manual itself.
- b. **GRAPHIC DESIGN** – A goal of this process is to align the graphic representation of the Design Manual document with other recent City documents such as Portland’s Plan 2030 and ReCode Phase I in addition to improving the overall layout. The firm VHB was brought on to consult on the layout, graphic standards, illustrations, and graphic design of the manual document. The draft being presented reflects this work to date.
- c. **ILLUSTRATIONS** – Illustrations are proposed to be added to the manual to assist with interpretation and provide examples. The staff presentation will show some examples of VHB’s work thus far and the intended function for those illustrations.
- d. **REVISED CONTENT** – The overhaul of the Design Manual seeks to take the existing content and reorganize and revise. To date, staff have drafted revisions to sections including Administration, Applicability, Process, and Context. Attachment 3 shows what content from the existing manual is proposed to be kept vs. removed or revised. Specifically, content was revised in order to:
  - i. Give direction on submission requirements
  - ii. Define design review applicability
  - iii. Make transparent the review process and entities
  - iv. Clarify the role and expectations of design review within the site plan approval process
  - v. Emphasize the importance of context analysis (new requirement, application form)
  - vi. Better explain terminology related to design and context
  - vii. Provide flexibility for situations that require deviations from design standards

#### IV. FOR THE PLANNING BOARD TO CONSIDER

- Evaluate illustrations for effectiveness, clarity
  - Tables
  - Drawings
  - Design Review Diagram
  - Flowcharts
- Comment on content revisions, especially
  - Applicability section
  - Deviations from Design Standards
- Reactions to new Context section
  - Context Considerations
  - Illustrations
  - Overall approach

**V. NEXT STEPS**

- Incorporate Planning Board comments into draft document
- Public comment period #2 – Draft General Design Standards, Illustrative Examples, and Definitions
- Working Group meetings #5 and 6 – focused on the Special Design District - R-6 Infill
- Planning Board workshop(s) will be scheduled later in the process, date TBD.

**ATTACHMENTS**

- 1) Draft City of Portland Design Manual – Sections 1 -3
- 2) Public Comment Period #1 – comments and staff response
- 3) Existing City of Portland Design Manual – redline text



# CITY OF PORTLAND DESIGN MANUAL

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**DRAFT**

5-25-2021



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# City of Portland Design Manual

## 1. INTRODUCTION + ADMINISTRATION

### AUTHORITY

The City of Portland has approved design standards for development in certain zones and/or of a certain development type subject to Site Plan Review, pursuant to the jurisdiction and authority of the Planning Board in Article 2 and Article 14, Site Plan, of the City’s Land Use Code.

### PURPOSE

Design review under the site plan ordinance is intended to inform the shape of development in applicable areas to ensure that buildings contribute to and enhance Portland’s built environment. In doing so, the design principles and standards applied during design review reinforce the collective values of the City of Portland to ensure that building design is responsive to the specific context of its neighborhood, street, or zone while being responsive to development programmatic needs and ordinance requirements.

The Design Manual includes standards that govern building design and the relationship between and effects of buildings and the public realm, Portland’s open spaces, and the city as a whole.

The Design Manual:

1. Explains the design review process
2. Describes context considerations to be studied and applied to proposals
3. Provides design principles with standards
4. Gives examples using illustrations

### APPLICABILITY

Development proposals subject to a Minor or Major Site Plan review, or Master Development Plan review as defined in Chapter 14 of the City of Portland Land Use Code are subject to the design standards of Section 14.6.4 and the design standards of the City of Portland Design Manual unless superseded by Historic Preservation review under Section 17.7 Certificate of Appropriateness of the Land Use Code.

### Exempt

Table 1 lists those uses and zones exempt from design review.

### Special Design Districts

Table 2 lists those zones and project types where Special Design District standards shall apply. Special Design Districts are specific standards adopted by the Planning Board to help projects be more intentionally responsive to unique neighborhood characteristics.

### General Design Standards

All remaining zones and projects types subject to design review and not located within a Special Design District (listed in Table 2) shall apply the General Design Standards in section 4 of this design manual.

TABLE 1: APPLICABILITY - USES/ZONES EXEMPT FROM DESIGN REVIEW

| Zone      | Exempted Use                  |                          |
|-----------|-------------------------------|--------------------------|
| R-1       | Single-family residential     | Handicapped Family Units |
| R-2       | Single-family residential     | Handicapped Family Units |
| R-3       | Single-family residential     | Handicapped Family Units |
| R-4       | Single-family residential     | Handicapped Family Units |
| B-4       | All uses                      |                          |
| I-L/I-Lb  | All uses                      |                          |
| I-M       | All uses                      |                          |
| I-H       | All uses                      |                          |
| ROS       | All uses                      |                          |
| RPZ       | All uses                      |                          |
| IR-1      | All uses but PRUD             |                          |
| IR-2      | All uses but PRUD             |                          |
| IR-3      | All uses but PRUD             |                          |
| I-B       | All uses                      |                          |
| All zones | ADU (Accessory Dwelling Unit) |                          |

TABLE 2: APPLICABILITY - SPECIAL DESIGN DISTRICTS

| Zone                                                                                | Special Design District Standards |
|-------------------------------------------------------------------------------------|-----------------------------------|
| R-6 Residential                                                                     | R-6 Residential Infill            |
| B-3 Downtown                                                                        | B-3 Downtown Urban Design         |
| B-7 Bayside Mixed-Use Urban District                                                | B-7 Bayside Mixed-Use             |
| USM Overlay                                                                         | USM Campus Design                 |
| WPDZ Waterfront Port Development                                                    | Waterfront                        |
| WCZ Waterfront Central Zone                                                         | Waterfront                        |
| EWPZ Eastern Waterfront Port                                                        | Waterfront                        |
| O-P Office Park                                                                     | Planned Unit Development          |
| IS-FBC India Street Form-Based Code                                                 | India Street                      |
| Project Type                                                                        | Special Design District Standards |
| Planned Residential Unit Development (PRUD) + Manufactured Housing Parks (any zone) | Planned Unit Development          |



## 2. DESIGN REVIEW PROCESS + DETERMINATION OF COMPLIANCE

### PRE-APPLICATION MEETING (OPTIONAL)

The applicant team is advised to enter the design process with a clear understanding of the applicable policies and standards in order to design the proposal accordingly. Pre-Application meetings are intended for this purpose. A pre-application meeting, though not required, is highly recommended early in the design process. These meetings can cover any aspect of the project such as zoning, life-safety, transportation features, site or building design, or the application process. Relevant to design review, the pre-application meeting includes discussion of context, applicable design standards, and submission requirements appropriate for the project. **These meetings are intended for informational purposes only, nor shall any advice or information provided by the City be construed as a decision.**

### DETERMINATION OF COMPLIANCE

Site plan applications must meet the applicable design standards by presenting the best design response achievable. The applicable design principles, guidelines, and/or standards in this manual must be met in order to receive Site Plan approval.

### DEVIATIONS FROM DESIGN STANDARDS

The Reviewing Authority may approve minor deviations from individual design standards within this manual in order to provide flexibility of interpretation as long as the intent of that design standard is met.

Minor deviations may be considered in order to accommodate:

- a. Environmentally sustainable features (such as passive house, alternative energy technology, solar orientation); or
- b. Accessibility and universal access; or
- c. Unique site factors or practical necessity that make meeting the design standard physically infeasible.

Approval for a minor deviation from a design standard will be granted if the applicant demonstrates to the satisfaction of the Reviewing Authority that the following are met:

- 1. The building design meets the intent of the applicable design standard as described by the principle statement, guideline, or original standard; and
- 2. The deviation is the least adjustment necessary.

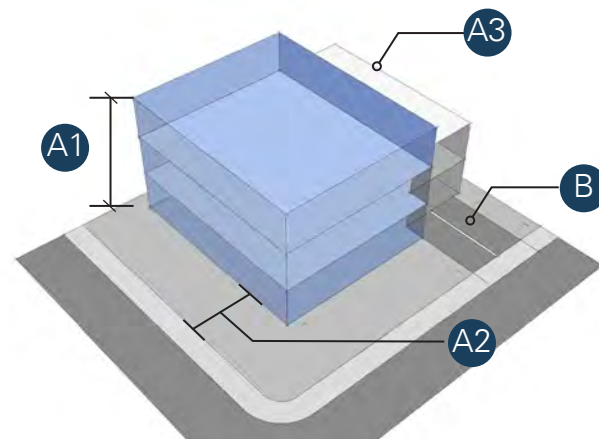
### SUBMISSION REQUIREMENTS

| In addition to the site plan submission requirements, applications subject to design review shall submit the following: |                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/>                                                                                                   | Completed context analysis (use template)                                                                                                                                                                         |
| <input type="radio"/>                                                                                                   | Context plan showing proposed building footprint(s) in relation to the Neighborhood buildings (1:50 or 1:100 scale showing at least two-block radius)                                                             |
| <input type="radio"/>                                                                                                   | Area photographs                                                                                                                                                                                                  |
| <input type="radio"/>                                                                                                   | A brief written narrative describing existing conditions, proposed project, site impacts, and how project meets the design standards                                                                              |
| <input type="radio"/>                                                                                                   | Renderings, street elevations, axonometric views, photomontages, photographs or other visual tools to depict the proposal in relationship to the Neighborhood context (as required – to be determined with staff) |
| <input type="radio"/>                                                                                                   | Representation of the proposed building materials – samples, renderings, illustrations, etc.                                                                                                                      |
| <input type="radio"/>                                                                                                   | Additional diagrams, illustrations, or similar to describe the project and how it meets the design standards (to be determined with staff)                                                                        |
| <input type="radio"/>                                                                                                   | Written request and justification for a Deviation from Design Standards (if applicable)                                                                                                                           |

## Zoning + Design Standards Relationship

In addition to meeting programmatic needs and zoning requirements, developments should also contribute to the overall neighborhood or streetscape character – the cumulative effect should be to reinforce and enhance the neighborhood character in which they are located. Proposals should also provide a high quality and comfortable experience at the human scale. These design objectives are accomplished by requiring that buildings meet the design standards set forth in the City of Portland Design Manual in addition to the applicable zoning and Technical Manual standards. The design process should be approached as a progression from the allowable building envelope as established by zoning to an increasingly refined design solution exhibiting a scale, form, facade composition, and level of articulation that responds to and reinforces its surrounding context.

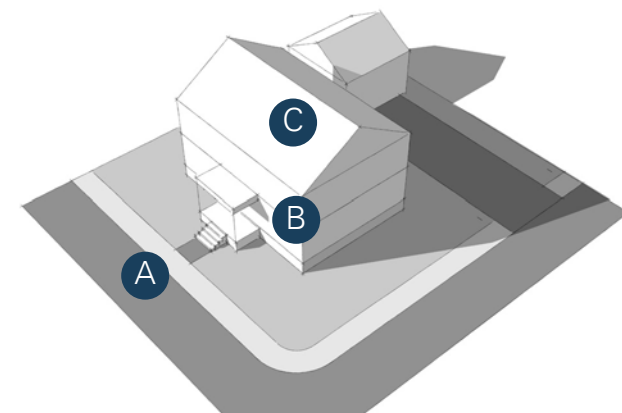
The City's Technical Manual also establishes standards (e.g. parking, landscape, sidewalk design) that may impact the site layout or building envelope and should be taken into consideration in the overall design.



### Zoning Envelope

The zone establishes a maximum building envelope through dimensional requirements. This envelope is the starting point for the design but should not be considered the final massing or form. Use, bulk, parking, and streetscape regulations layer on each other to help shape what is permissible through zoning on each property.

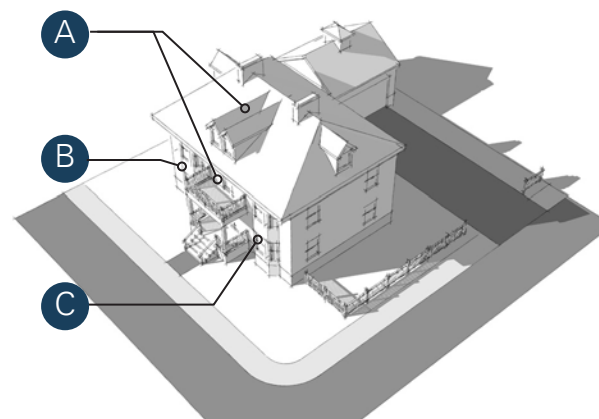
- A Zoning requirements include height (A1), setbacks (A2), stepbacks (A3), lot coverage, and open space
- B Zoning also includes parking requirements that may impact the building envelope including number of parking spaces, dimensions of parking components, or other Technical Manual standards



### Context/Scale/Massing

The design intent for a new building within its context is established through the Comprehensive Plan, zone purpose statement, and/or adopted neighborhood plans. The Context Analysis informs large-scale design moves to appropriately relate the building to its context. The building is shaped into massing, footprint, and forms that are harmonious with orientation, placement, scale, and proportions found in the context. The design should also convey the use of the building.

- A Relationship to the street and lot includes building placement, orientation, rhythm of building to open space, frontage type
- B Scale includes height, and building width
- C Massing/Form includes overall massing, and roof form



### Massing Variation/ Architectural Elements

The design continues to be refined from large-scale to more detailed elements in order to relate to the human scale, contribute to the streetscape, and create a balanced and harmonious building. ADA and Fair Housing requirements should be taken into consideration – successful design solutions mediate accessibility and the contextual relationship of the building to the street, entrance design, and circulation.

- A Massing Variation includes recesses and projecting elements, bay windows, porches, balconies, and dormers
- B Façade Composition includes proportion, balance and symmetry, pattern and rhythm of elements
- C Architectural Elements/Articulation includes surface treatments, trim, canopies/awnings, material selection and placement

DESIGN REVIEW PROCESS

Four review entities are primarily responsible for administering design standards:

- 1. Planning Authority / Staff
- 2. Planning Board
- 3. Historic Preservation staff
- 4. Historic Preservation Board

Applicants should discuss their project with staff at the earliest stage of plan development to determine which application requirements and approval will be necessary for a complete application.

City staff will conduct a preliminary design review (with multiple staff included) and will work with the applicant to revise and resolve issues that may arise before final review by the appropriate Approval Authority. Staff review will include 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 as well as an assessment of how the proposal does or does not meet the applicable design standards.

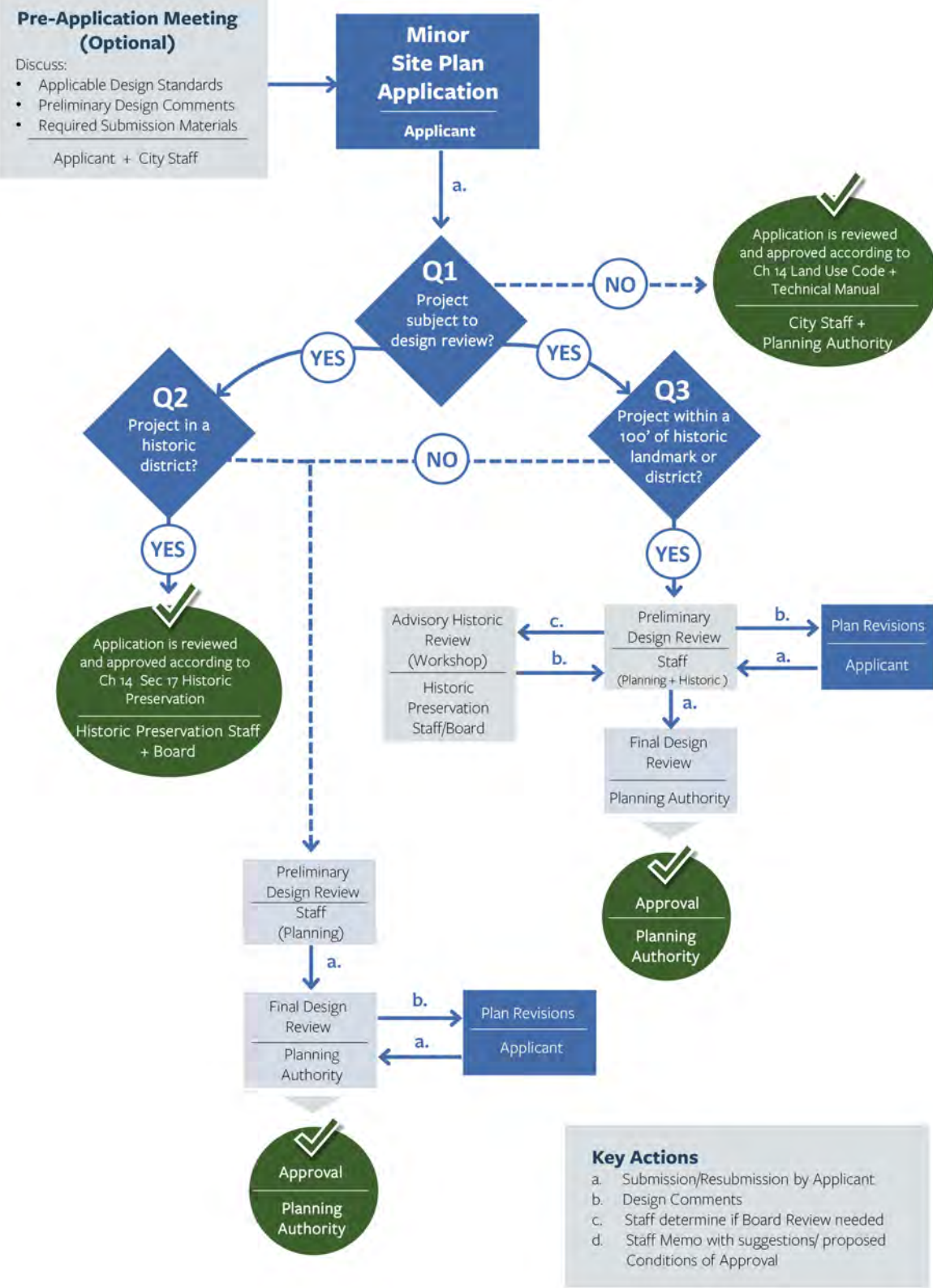
In the cases where a project is within 100’ of a Historic District/ Resource, Historic Preservation Staff and /or the Historic Preservation Board will be involved in the review process. In the case a project is within a Historic District, review is conducted by the Historic Preservation Program according to the process found in Sec. 17 Historic Preservation.

● = Review Authority for final design approval

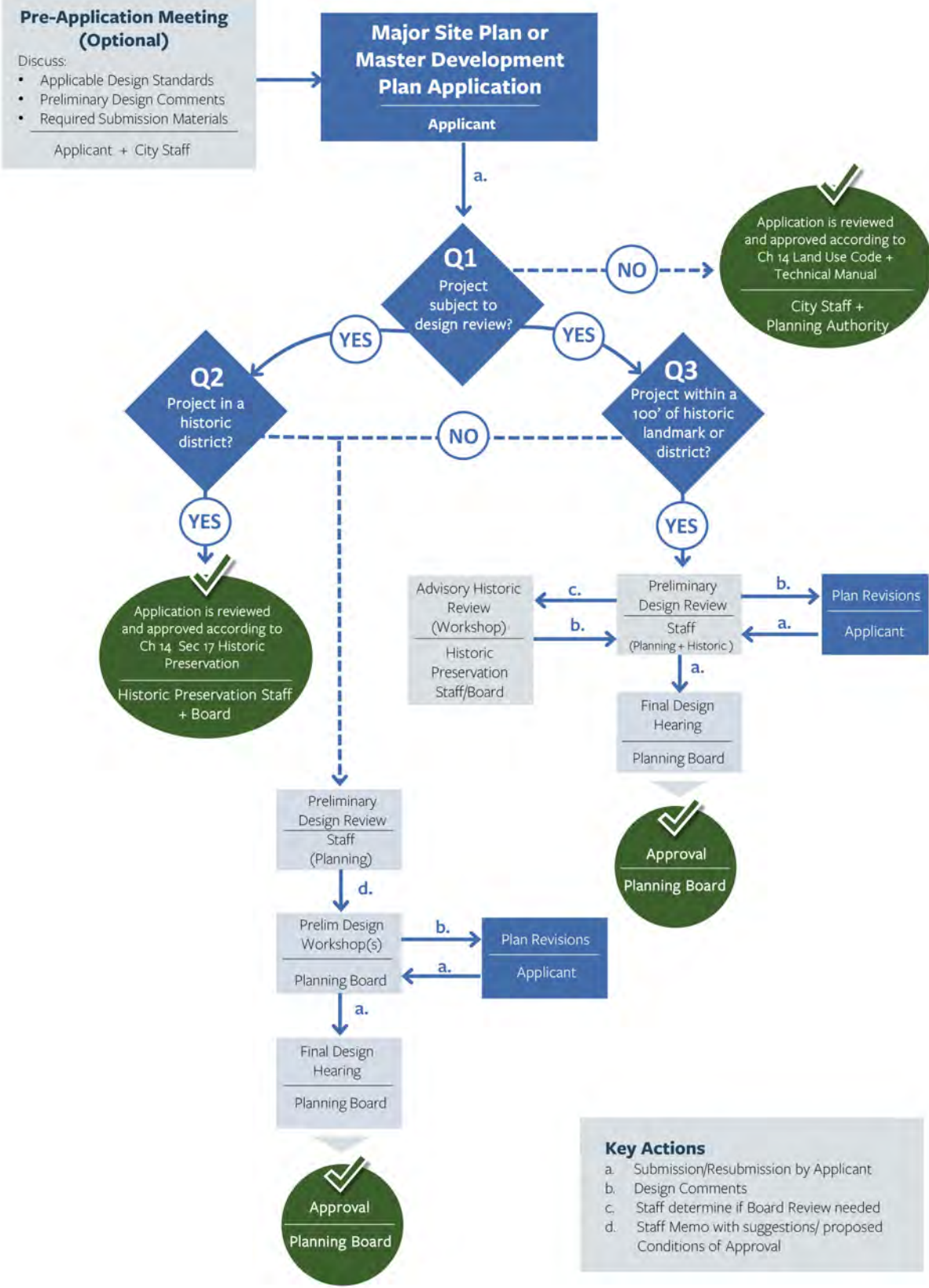
| Project Type                                                                                | Planning Staff | Planning Board                        | Historic Preservation Staff / Board | Applicable Design Standards                 |
|---------------------------------------------------------------------------------------------|----------------|---------------------------------------|-------------------------------------|---------------------------------------------|
| Alteration                                                                                  | ●              |                                       |                                     | Design Manual                               |
| Minor Site Plan                                                                             | ●              |                                       |                                     | Design Manual                               |
| Major Site Plan                                                                             |                | ●                                     |                                     | Design Manual                               |
| Master Development Plan                                                                     |                | ●                                     |                                     | Design Manual                               |
| New Construction/ Major Addition within 100’ of a Historic District, Landmark, or Landscape | ●<br>Minor     | ●<br>Major or Master Development Plan |                                     | Design Manual with Advisory Historic Review |
| Alteration within a Historic District                                                       |                |                                       | ●                                   | Historic Preservation Standards             |
| New Construction/ Major Addition within a Historic District                                 |                |                                       | ●                                   | Historic Preservation Standards             |



DESIGN REVIEW FLOWCHART:  
Minor Site Plan



DESIGN REVIEW FLOWCHART:  
Major Site Plan





### 3. CONTEXT

“Designing in context means providing enough visual linkages between existing buildings and a proposed project so as to create a cohesive overall effect.”  
- Fundamentals of Urban Design  
by Richard Hedman and Andrew Jaszewski

Individual buildings play a part in the overall drama of the street, neighborhood, and city. Each project will have a unique context of physical form, land use mix, surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood reinforce the predominant characteristic patterns and shall serve as a basis for a design solution.

The expectations for how a proposal should relate to its context will vary from zone to zone depending on the vision outlined in zone purpose statements or adopted neighborhood plans. The design principles and standards in this manual reflect this tailored approach.

#### CONTEXT DEFINED

Unless otherwise indicated, the City of Portland Design Manual shall **define “Neighborhood” as the context of buildings within an approximate two-block radius of the site.** Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site that contribute to and are compatible with the predominant character-defining architectural features of the Neighborhood. If the building is proposed on a corner lot, then buildings on the adjoining block shall also be considered. Building type and use (e.g. single-family, multi-family, mixed-use) shall also be included in determining context patterns of

building scale, massing, form. The Planning Authority/Board may determine other considerations for the proposed building in relation to the Neighborhood, due to unique characteristics of a given site, such as topography, adjacency to a park, or an anomalous building type. In such cases, the Planning Authority will determine the scope of the context to be considered.

#### CONTEXT ANALYSIS

In order to create or maintain a cohesive, ordered, and human-scale public realm, the applicant shall conduct a context analysis (using the template). Design review will rely on a context analysis as the basis for determining compliance with the applicable design standards. The context analysis will direct applicants and project reviewers to look closely at the Neighborhood character in order to design new buildings that enhance their surroundings and become part of a cohesive whole.

The “Context Considerations” section identifies the characteristics to study. The required context analysis should focus on physical elements and patterns, not style, and should observe what is consistent or varied, and how much variation exists.

The context analysis may reveal a lack of existing order or a context that does not meet the City’s goals and vision. Where there is little to no existing pattern of development, proposals shall be designed according to Portland’s urban design vision as described in guiding documents such as the Comprehensive Plan, adopted neighborhood plans, zone purpose statements, or the principle or intent statements within this Design Manual.



### Context Considerations

| Street + Block Configuration                                                                      | Building Placement                                                                                                                                          |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div>A</div> Street Type: Level of activity, width                                                | <div>E</div> Relationship to Street: Front yard setback, orientation/directional expression of facade, street priority                                      |
| <div>B</div> Block Design: Scale, regularity/pattern, mid-block permeability                      | <div>F</div> Rhythm of Building Spacing: Relationship of structures to open space/driveways, spacing between buildings                                      |
| <div>C</div> Access and Circulation: Access points for all modes, shared infrastructure           | <div>G</div> Relationship to Lot: Lot coverage, footprint scale/orientation, setbacks                                                                       |
| <div>D</div> Right-of-Way Design: Sidewalk width, furnishing zone placement/design, frontage type | <div>H</div> Entrances: Orientation, location                                                                                                               |
|                                                                                                   | <div>I</div> Street Wall Characteristics: Level of continuity, building silhouettes, frontage types, landscaping, fence/walls/screening, street furnishings |
|                                                                                                   | <div>J</div> Parking Placement: Relationship to street and buildings, access location/configuration, surface/structured parking, garage door placement/size |





## Context Considerations

### Building Characteristics

- A** Types and Uses: Consistency of building types, homogeneous or mixed uses, ceremonial/vernacular, public/private
- B** Scale: Height, ratio of height to street width, building width
- C** Massing and Footprint: Simple or complex, overall massing, footprint shape
- D** Form: Building form, Roof form and pitch, simple or complex
- E** Façade Composition: Overall proportion of facade, overall composition (symmetrical, asymmetrical), fenestration types, ratio and rhythm of solid to void, element arrangement and proportions
- F** Architectural Characteristics: Massing variation, presence/rhythm of projections, entrance features, regulating/reference lines, material finish, texture, and placement
- G** Accessory Buildings: placement, scale, setbacks, form



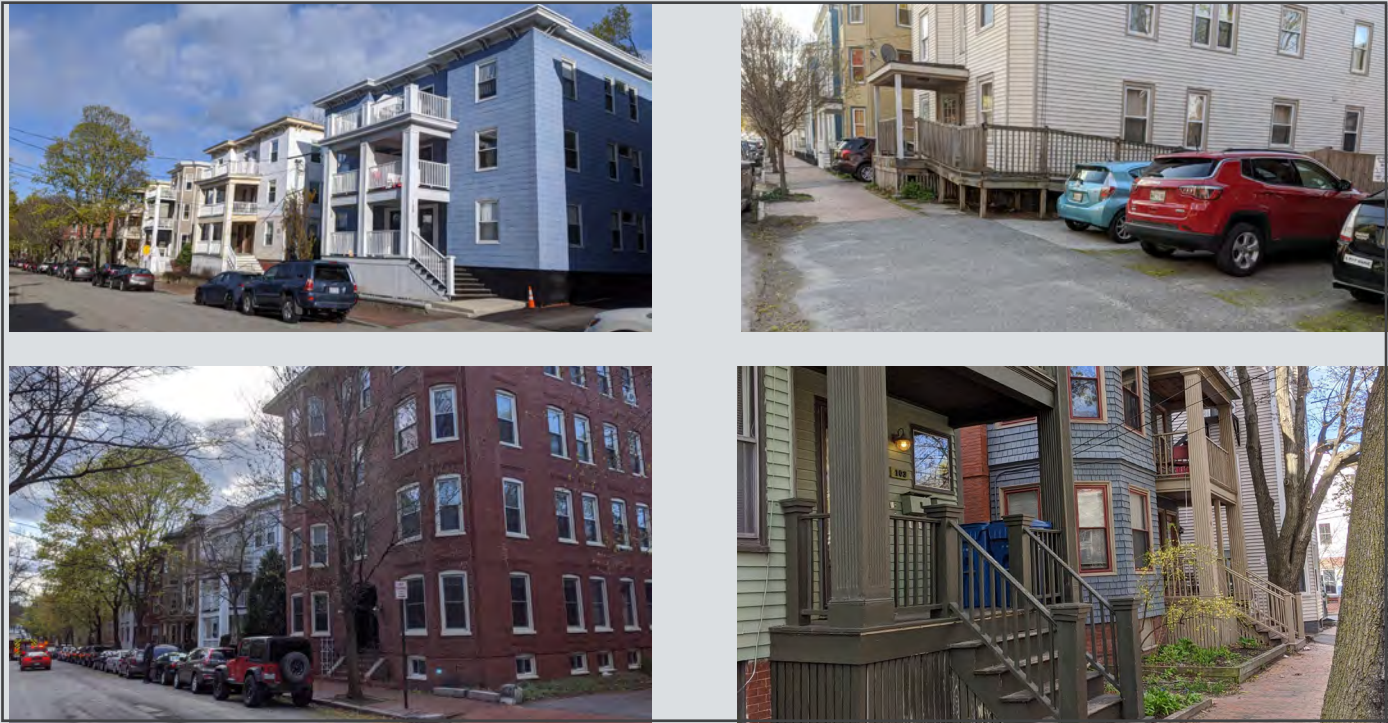
CONTEXT ANALYSIS: EXAMPLE 1  
(provided by applicant from template)



Define Context

|                             |                                                                                                                                                                                            |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Neighborhood                | Parkside                                                                                                                                                                                   |
| Zone                        | R-6                                                                                                                                                                                        |
| Relevant Documents          | - R-6 Zone Purpose, Dimensional Standards<br>- Portland's Plan 2030: Equitable/Secure/Authentic                                                                                            |
| Historic District/Resources | The project is not within a historic district or within 100' of a historic resource; The majority of the existing built context is historic, vernacular fabric approximately 100 years old |
| Topography/Natural Features | Grant Street is flat with high retaining wall at rear with Sherman Street at 10' – 12' higher elevation; The neighborhood slopes steeply from Deering Oaks up to Congress Street           |

|                                                   |                                                                                                                                                                                          |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Visibility (i.e. street view, long view, skyline) | Streets are closely occupied, heavy tree canopy; Not many long views of individual buildings                                                                                             |
| Street Type and Herarchy                          | Regular street grid, private uses, Cross-peninsula streets such as State, Mellen are wider, heavier traffic, mature street tree canopy mostly intact; on-street parking; narro sidewalks |
| Mix of building types and uses                    | Predominantly multi-family residential - triple-deckers, double-triples; Some larger apartment buildings, some double and single-family homes                                            |



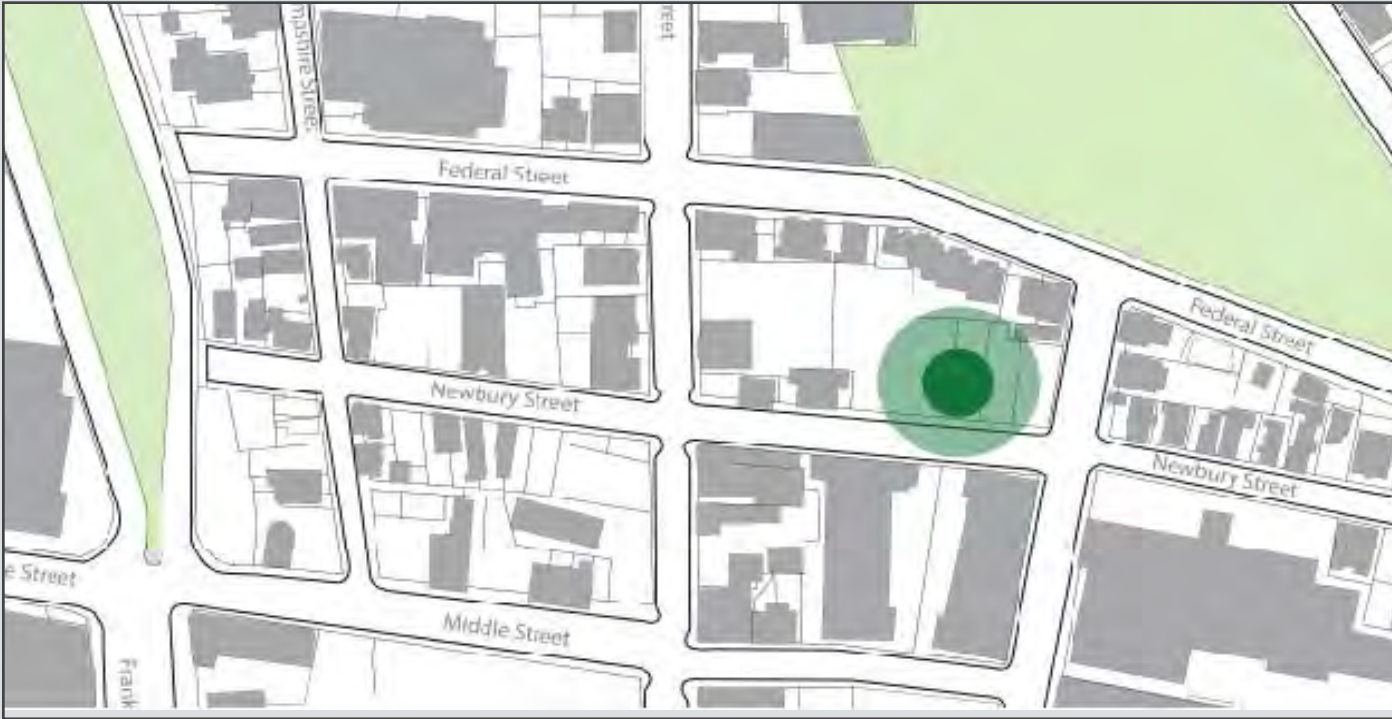
Describe Neighborhood Built Character

|                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Observe the streetscape and Neighborhood:<br>- What are the distinctive features and characteristics?<br>- What are the predominant patterns and built elements?<br>- Street/Parcel/Building Relationship                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"><li>○ Consistent building placement with small front yard for privacy, stoop/porches, bay windows</li><li>○ Buildings placed to one side of lot with side driveway, tandem side driveway parking or rear lot parking</li><li>○ Spacing is dense, little open space, few accessory structures</li><li>○ Facade/Entry orientation to the street</li><li>○ Ground floor elevated from street</li></ul> |

|                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scale/Massing/Form <ul style="list-style-type: none"><li>○ Height is 2.5 to 3 stories with a few 4-story multi-family buildings</li><li>○ Massing predominantly simple box with vertical facade proportion, simple rectangular footprints with massing variation</li><li>○ Clear primary roof forms, mostly flat roofs with very few additions, appurtenances</li></ul> |
| Architectural Elements <ul style="list-style-type: none"><li>○ Massing variation provided with stacked porches, bay windows that dominate front facade</li><li>○ Articulation provided by porch/stoop railings in contrasting materials/finishes, overhanging eaves</li><li>○ Fenestration has regular rhythm, few window types, vertical proportion</li></ul>          |



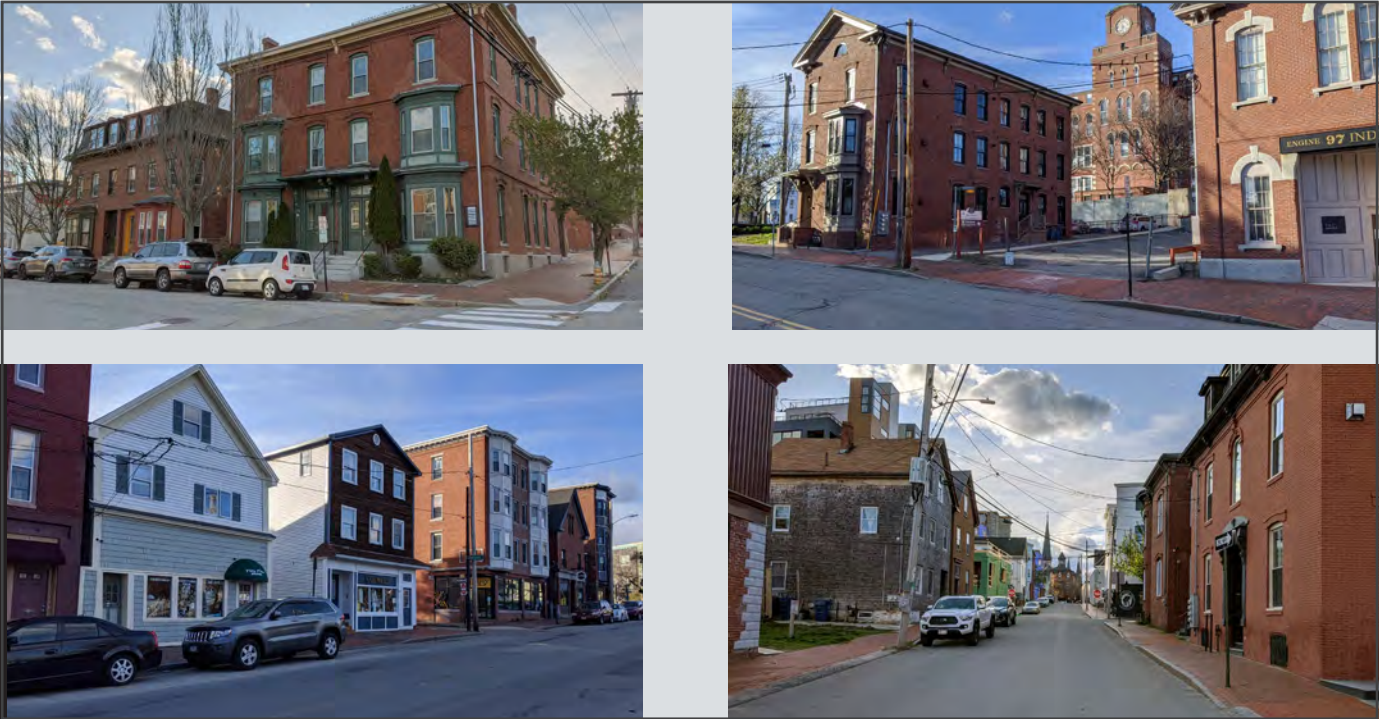
# CONTEXT ANALYSIS: EXAMPLE 2 (provided by applicant from template)



## Define Context

|                              |                                                                                                                             |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Neighborhood                 | India Street                                                                                                                |
| Zone                         | IS-FBC                                                                                                                      |
| Relevant Documents           | - India Street Sustainable Neighborhood Plan<br>- Portland's Plan 2030: Authentic/ Secure/Accessible/Complete Neighborhoods |
| Historic District/ Resources | The project is within 100' of the India Street Historic District and several landmarks nearby; cemetery                     |
| Topography/ Natural Features | Slope from waterfront to Congress Street with steep slopes on India Street; Water access                                    |

|                                                   |                                                                                                                              |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Visibility (i.e. street view, long view, skyline) | India Street view corridor to the waterfront; Some long views from downtown, downhill, Franklin Street                       |
| Street Type and Herarchy                          | India Street is the main street, all others smaller, more private streets; limited street tree canopy; most sidewalks narrow |
| Mix of building types and uses                    | Predominantly mixed-use with a few residential streets; building types varied in scale, use, era, form                       |



## Describe Neighborhood Built Character

|                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Observe the streetscape and Neighborhood:<br>- What are the distinctive features and characteristics?<br>- What are the predominant patterns and built elements?<br>- Street/Parcel/Building Relationship                                                                                                     |
| <ul style="list-style-type: none"> <li>Most buildings set close to the street with the exception of the institutional buildings</li> <li>Parking placed to rear of buildings, some side drives</li> <li>Dense building placement with little yard/open space</li> <li>Entrances oriented to street</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scale/Massing/Form <ul style="list-style-type: none"> <li>Residential buildings have a traditional form - vertical proportions, front-end gable roofs</li> <li>Residential buildings converted to commercial storefront and office</li> <li>Simple roof forms: Residential buildings - gable, mansard; Commercial buildings - flat roofs</li> <li>Recent industrial and commercial buildings long with flat roofs</li> </ul> |
| Architectural Elements <ul style="list-style-type: none"> <li>Massing variation: No predominant pattern, minimal, some bay window</li> <li>Residential entrances typically elevated with recessed door, canopy</li> <li>Comm storefront, at-grade entry</li> <li>Regular window pattern and rhythm, few window types, vertical proportions, punched openings and ground floor</li> </ul>                                     |



REVIEW COMMENTS ON DESIGN MANUAL DRAFT - ITERATION #1 (Sections 1-3)

|  | Comment # | Section         | Page # | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Category     | Staff Response                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--|-----------|-----------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 360       | all             | Cover  | Overall the type of improvements in layout, readability, consistency, and visualization presented here are great for usability. Very similar to the (mostly) non-substantive adjustments achieved on land use code during recode I. Even just comparing the "table of contents" to the existing document, this draft is already easier to use from a visual perspective.                                                                                                                                                                                                                                                                                                                    | General      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  | 347       | 2 Deviations    | 4      | Again, I think this entire section needs to be rethought. It is entirely too broad and opens a can of worms. Perhaps (a) and (b) could be justified if "minor deviation" is further defined. This needs to be read with my other comments on this section. The yardstick against which the minor deviations need to be measured should be the design standards and policies underlying the design standards -- not zoning or other general undefined policy considerations.                                                                                                                                                                                                                 | General      | The "Deviations from the Design Standards" section was revised based on the comments provided and staff will continue to assess throughout the drafting process - see below for further detail. The structure and rationale for this section was based on similar language in place within the IS-FBC zone.                                                                                                                                            |
|  | 350       | 2               | 6, 7   | I generally like this page and think it is useful to illustrate the relationship between zoning minimums and what is added by design standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | General      |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  | 356       | 2 Design Review | 8      | It seems like this should be modified so that you are identifying major POSITIVE or VALUED character-defining elements, based upon a section to be appended to the design manual identifying for each general neighborhood (e.g. Parkside, Munjoy Hill, etc.) what architectural elements characterize the neighborhood and are valued by the City as positive character-defining elements. This would help establish a baseline, inform applicants, and keep the context analysis from being a race to the bottom. New "big box condos" of poor design which are not respectful of existing structures should not be able to establish their own context so they become self-perpetuating. | General      | The Context section is meant to be a reference for applicants and reviewers. This section does not make statements about how projects should relate to the context since this will vary from zone to zone. Rather, this section defines context and points to those characteristics and patterns to be studied and considered when developing proposals. The City of Portland Design Manual will not include evaluation reports for each neighborhood. |
|  | 388       | 2 Design Review | 8      | I totally agree with this comment, which does not suggest replication but sensitivity to the existing context.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | General      | See above staff response.                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | 400       | 2 Design Review | 8      | Who establishes "positive" or "valued"? The document needs to clearly lay out a standardized process. Should there be a static list of "positive and valued" elements? That does not seem to meet the moment in terms of streamlining our code and design review process. New developments DO help modify the baseline of ever changing neighborhood context and that should be expected. Basing all new development off of the context as it exists in 2021 is not wise for a document that we hope to be relevant for decades into the future.                                                                                                                                            | General      | The intention is to remove words such as "positive" or "valued" that can have different interpretations and meaning.                                                                                                                                                                                                                                                                                                                                   |
|  | 352       | 3 Context       | 11     | I am not sure this is sufficient to capture what neighborhood representatives are concerned about. True, there need to be "visual linkages". But isn't it also worth mentioning that designing in context requires being respectful and not overwhelming the scale and massing of existing structures?                                                                                                                                                                                                                                                                                                                                                                                      | General      | Each zone will have a different dimensional standards and expectations on how new development should relate to its context. This section is calling attention to the need for an understanding of context and defines the parameters for context as a baseline.                                                                                                                                                                                        |
|  | 366       | 2               | 9      | Examples and illustrations are super helpful to illustrate jargon that's often vague or incomprehensible in the absence of guidance. The minimal renderings themselves feel clean, and also consistent with surround elements (e.g. font color)                                                                                                                                                                                                                                                                                                                                                                                                                                             | Illustration | We intend to continue to include more illustrations throughout for this reason.                                                                                                                                                                                                                                                                                                                                                                        |

|  | Comment # | Section           | Page # | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Category       | Staff Response                                                                                                                                                                                                                      |
|--|-----------|-------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 361       | Table of Contents | 3      | I'm unclear whether the colors of the bullets are intended to be substantive, for instance to indicate topics which will be similarly tagged throughout. I would recommend limiting decoration of components that are also functional (whereas the "watermark" background map for instance is inviting without also suggesting its meaning needs to be parsed).                                                                                                                                                                                                                                            | Graphic Design | The colors correspond to sections of the manual and are carried throughout the document to assist users to quickly find specific sections.                                                                                          |
|  | 363       | 1 Intro Admin     | 4      | I believe the typography here is consistent with the new land use document, but If not it should be :) And I can't wait for all municipal documentation to match this type of layout, which is really clean, and much easier to parse than the "plaintext" format of the existing design manual                                                                                                                                                                                                                                                                                                            | Graphic Design | The City of Portland Design Manual is following the graphic standards and design character established by Portland's Plan 2030 and Recode Phase I. Staff intend to use these graphic standards for policy documents moving forward. |
|  | 364       | 2 Submission Rq   | 7      | The use of slightly different table layouts appears to serve individual content while still sharing a single design framework. This type of flexibility within consistency definitely contributes to the usability of the document.                                                                                                                                                                                                                                                                                                                                                                        | Graphic Design |                                                                                                                                                                                                                                     |
|  | 368       | 2 Design Review   | 8      | Really helpful to use ideograms such as the Harvey bills in this matrix, which present an intuitive visual analog to indicate level or phase. Consistent use across related docs will make city code even more user-friendly (e.g. allowable uses per zone already shown in refactored land use code)                                                                                                                                                                                                                                                                                                      | Graphic Design |                                                                                                                                                                                                                                     |
|  | 369       | 2 Flow Charts     | 12     | Flowchart seems an appropriate way to present a complex workflow, and the different node types are clearly differentiated... though in terms of "content" I'm sure many would wish for less complexity in the first place. It may just be the embedded web interface, but this text is too small to be readable, at least as a raster image (i.e. zooming only reveals pixelated letters that appear blurry). I'm not sure the inclusion of two almost identical flows makes sense, though it's probably better than introducing even more complexity by trying to indicate different gates in one diagram | Graphic Design | Staff revised to simplify and enlarge the text. Staff are continuing to revise to enhance the graphics usability.                                                                                                                   |
|  | 389       | 2 Flow Charts     | 12     | I agree that text is too small!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Graphic Design | Agreed. Will be revised to include larger text.                                                                                                                                                                                     |
|  | 372       | 3 Context         | 12     | The simplicity of this stylized map is really helpful to highlight the specific information that's relevant in the current context. I know this one is more illustrative, but the contrast to many annotated city maps is telling, as they often suffer from unclear labeling &/o overlapping information. It seems to be an unfortunate reality that zones / districts / precincts / parcels / census blocks / whatnot never quite line up – but the kind of "less is more" approach to presenting information in context that's demonstrated here can really improve any visualization.                  | Graphic Design |                                                                                                                                                                                                                                     |
|  | 365       | 3 Context         | 12     | Consistency in layout creates a "learnable" interface that reduces mental load in trying to parse such dense & complex information. Once I get to this page I've already seen several presentations of textual information on the left, visual information on the right, and I don't have to think about where to look.                                                                                                                                                                                                                                                                                    | Graphic Design |                                                                                                                                                                                                                                     |
|  | 362       | 1 Table 1         | 5      | Bringing disparate information together in one table (or section etc) is really helpful for finding applicable items. I'm not even sure how I would go about assembling this particular table from the outgoing doc (a search on "exempt" only found 2 hits, one about historic preservation & the other about vision glass).                                                                                                                                                                                                                                                                              | Useability     |                                                                                                                                                                                                                                     |

|  | Comment # | Section         | Page # | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Category   | Staff Response                                                                                                                                                                                                                                                                        |
|--|-----------|-----------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 349       | 2 Design Review | 9      | What do you mean by "adopted policy documents"? Does this mean the comprehensive plan (eg Portland 2030?) and neighborhood plans (if any). If so, it would be useful to say that. If you intend more, please say that as well.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Useability | This was updated and clarified.                                                                                                                                                                                                                                                       |
|  | 351       | 2 Design Review | 10     | I think this is a useful explanation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Useability |                                                                                                                                                                                                                                                                                       |
|  | 354       | 3 Context       | 14     | I think this could benefit from clarification that there are buildings that do contribute to the positive character-defining architectural features that should be emulated, or at least valued. The goal isn't to just fit in with what is there if what is there is not a positive role model. There is some of this discussion, but it is not clear how one identifies the positive "predominant character-defining architectural features." Shouldn't as part of the Design Manual be a neighborhood by neighborhood analysis that identifies what is valued about the neighborhood and what establishes that context. This would be similar to a designation report for a historic district. | Useability | The expectation for how new development should relate to its context will vary depending on the zone or use. The General Design Standards and revised existing standards will include revisions and illustrations to better explain how new development should relate to its context. |
|  | 394       | 3 Context       | 14     | I like the idea of the DM stating a neighborhood by neighborhood analysis rather than having the applicant conduct the analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Useability | The context analysis defines the context and points to those characteristics and patterns to be studied by the applicant, staff recommend no changes to the context analysis.                                                                                                         |
|  | 357       | 3 Example       | 18     | This and the next analysis seem to be much larger than the 2 block radius you refer to in the "context definition." This seems to be a broader neighborhood analysis, not a Neighborhood context as you have defined it. Can you elaborate upon these two analyses by picking a site in each for a hypothetical proposed development and then illustrating how this broader analysis would be applied to a 2 block radius analysis?                                                                                                                                                                                                                                                               | Useability | The maps were revised to specify a hypothetical site to better clarify the analysis.                                                                                                                                                                                                  |
|  | 358       | 3 Example       | 20     | See my comment on "example analysis 1". It seems like to be useful this needs to be brought down to a 2 block radius analysis for a hypothetical proposed site. This is more like a designation report I was suggesting for each neighborhood, rather than an illustration of a site plan context analysis. I am also not clear on what of this would come from the applicant and what would be generated by City staff.                                                                                                                                                                                                                                                                          | Useability | The context analysis will be provided by the applicant from a template with their application submission. The graphics and labels were revised to try to clarify this.                                                                                                                |
|  | 371       | 3 Example       | 20     | This map is reminding me that the existing manual, and many other municipal documents, include things like full-page maps that cause the orientation to flip – which may presents as a “sideways” page, one that overflows the viewport, or one that shrinks and becomes unreadable without adjusting zoom back and forth. The current draft commits to a single landscape orientation throughout, which makes it more usable overall, and I feel this is a better choice even if certain specific content (e.g. workflows) may individually seem to indicate a need to maximize vertical space.                                                                                                  | Useability |                                                                                                                                                                                                                                                                                       |
|  | 377       | 1 Intro Admin   | 4      | The tone of this sentence suggests that the design review process might be slanted or prioritized to favor developer objectives. Not all developer objectives should be fostered by the design review. For instance, developers' objectives to evade the zoning ordinances, should not be given any consideration.                                                                                                                                                                                                                                                                                                                                                                                | Content    | The wording was revised. The intent (of the language in the existing manual) is to explain that the design standards are not intended to preclude or interfere with the programmatic needs of a project.                                                                              |
|  | 337       | 1 Intro Admin   | 4      | Perhaps this should say: "This Design Manual is also intended to illustrate how developer program objectives might be accommodated while meeting design standard requirements." As written it is confusing as to which "ordinance requirements" are meant (zoning? design review?) and might suggest, inaccurately, that developer program objectives have priority over design standards.                                                                                                                                                                                                                                                                                                        | Content    | Have revised wording accordingly.                                                                                                                                                                                                                                                     |
|  | 336       | 1 Table 2       | 5      | This seems inconsistent with the other listings. Is something missing?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Content    | The formatting was revised to clarify.                                                                                                                                                                                                                                                |



|  | Comment # | Section         | Page # | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Category | Staff Response                                                                                                                                                                                                                          |
|--|-----------|-----------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 374       | 2 Table 2       | 5      | Did you mean to include the IS-FBC in this table, as well?                                                                                                                                                                                                                                                                                                                                                                                                              | Content  | Yes. Resolved.                                                                                                                                                                                                                          |
|  | 380       | 2 Design Review | 6      | This section potentially guts the effectiveness of the design standards. It says, in essence, that a developer does not need to comply if it has a good reason not to. The "policy" of the design standards is too mushy a standard for a backup. This paragraph should simply be deleted.                                                                                                                                                                              | Content  | The intent is not to reduce the effectiveness of the design standards. There are circumstances where flexibility is warranted. Similar standards have been in place for the IS-FBC for several years and have not resulted in over-use. |
|  | 341       | 2 Design Review | 6      | The justification for a deviation from design standards not well enough described. It is not clear what policy goals are to be met. How about: "in order to provide flexibility of interpretation BUT ONLY IF THE POLICY GOALS UNDERLYING THE DESIGN STANDARD WHICH IS TO BE DEVIATED FROM ARE NONETHELESS MET IN AN EQUALLY SUCCESSFUL WAY."                                                                                                                           | Content  | This language was revised to refer to the Design Principles and Standards.                                                                                                                                                              |
|  | 343       | 2 Design Review | 6      | Are you intending to say that the general purpose statement of the zone (which is not binding on ordinance interpretation) should be allowed to override design standards? I thought you have stated that design standards must be met in addition to zoning requirements. This seems to be saying that a project can get approval for a deviation from the design standards if it is justified by the zoning purpose statement. I hope you don't mean to propose that. | Content  | This language was revised to refer to the Design Principles and Standards.                                                                                                                                                              |
|  | 342       | 2 Design Review | 6      | Are "standards" intended to mean "design standards?" Shouldn't these be a reason for denial of the project rather than allowing an inferior design?                                                                                                                                                                                                                                                                                                                     | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 345       | 2 Design Review | 6      | Again -- this is mixing together zone purposes as a potential reason for a deviation or failing to meet a design standard. "zone or policy purpose" - I am not sure what this is referring to -- is the policy purpose the design standard policy purpose? If not what policy is intended?                                                                                                                                                                              | Content  | This language was revised to refer to the Design Principles and Standards.                                                                                                                                                              |
|  | 344       | 2 Design Review | 6      | This (e) is way too broad -- any unique condition??                                                                                                                                                                                                                                                                                                                                                                                                                     | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 379       | 2 Design Review | 6      | Suggest drop "or address" as being too weak and inviting non-compliance.                                                                                                                                                                                                                                                                                                                                                                                                | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 340       | 2 Design Review | 6      | What is intended by the addition of "or address"? Is that a lower standard than meet? Similarly is "design criteria" meant to communicate something different than "design standards"?                                                                                                                                                                                                                                                                                  | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 339       | 2 Design Review | 6      | "the best design response achievable" seems like both too high ("the best") and possibly too low a bar if "achievable" is intended to be modified by a consideration of an overly ambitious development program. How about instead of "the best" something like "skillfully conceived response to the site and its context".                                                                                                                                            | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 338       | 2 Design Review | 6      | "site plan[no s] applications"                                                                                                                                                                                                                                                                                                                                                                                                                                          | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 376       | 2 Submission Rq | 7      | How is it determined that a project impacts a neighborhood, or not?                                                                                                                                                                                                                                                                                                                                                                                                     | Content  | Resolved.                                                                                                                                                                                                                               |
|  | 348       | 2 Design Review | 8      | This is the first mention I have run into of "technical standards". Does there need to be a sentence somewhere that addresses technical standards and how they relate to design standards. Are they generally very detailed, engineering standards that further refine the design response?                                                                                                                                                                             | Content  | The text was revised to clarify what the Technical Manual is an how it relates to the other documents.                                                                                                                                  |
|  | 382       | 2 Design Review | 9      | This is cryptic - How about simply dropping the sentence with the reference to Goal and Vision?                                                                                                                                                                                                                                                                                                                                                                         | Content  | This language was revised to refer to the Design Principles and Standards.                                                                                                                                                              |
|  | 381       | 2 Design Review | 9      | How about adding something like, "The design standards may require building dimensions less than those permitted by the zoning envelope under particular neighborhood circumstances."                                                                                                                                                                                                                                                                                   | Content  | Not necessary                                                                                                                                                                                                                           |
|  | 399       | 2 Design Review | 9      | I think that's made clear with the "starting point" sentence. Adding "neig                                                                                                                                                                                                                                                                                                                                                                                              | Content  | Resolved.                                                                                                                                                                                                                               |

|  | Comment # | Section       | Page # | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Category | Staff Response                                                                                                                                                             |
|--|-----------|---------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 359       | 2 Flow Charts | 12     | This appears to be a detour. The answer is not yes or no but somewhere                                                                                                                                                                                                                                                                                                                                                                                            | Content  | This is a "No" path.                                                                                                                                                       |
|  | 353       | 3 Context     | 14     | "expose" seems like the wrong word choice.                                                                                                                                                                                                                                                                                                                                                                                                                        | Content  | Resolved.                                                                                                                                                                  |
|  | 401       | 3 Context     | 14     | Agreed, "guide" or "inform" seem like better choices.                                                                                                                                                                                                                                                                                                                                                                                                             | Content  | Resolved.                                                                                                                                                                  |
|  | 355       | 3 Context     | 14     | Under what circumstances would the Planning Authority/Board "determine other considerations for the proposed building in relation to the Neighborhood"? Didn't this used to say you could determine a greater radius (which didn't seem appropriate)? But what is now meant by determining other considerations? Another geographic definition of context? Other criteria for measuring context?? What criteria would need to exist before this could be invoked? | Content  | This might be invoked if the proposal is in a location with little existing development nearby or an anomalous feature such as a cemetery or park is immediately adjacent. |
|  | 370       | 3 Example     | 19     | Actual photographic examples to illustrate ambiguous concepts like "context" are very helpful, not just from a document-user perspective, but also would seem to support reviewing bodies, as well as anyone wondering how they can make a persuasive case about a given application.                                                                                                                                                                             | Content  |                                                                                                                                                                            |

# City of Portland Design Manual

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### PREAMBLE

~~This Design Manual contained has been promulgated by the Planning Authority pursuant to Sections 14-498 of the City of Portland's Land Use Code following a public hearing of the Planning Board on May 11, 2010.~~

~~The Design Standards and Guidelines contained herein may be periodically modified following a Planning Board Public Hearing pursuant to Section 14-529 of the City of Portland Land Use Code.~~

~~The Design Standards and Guidelines and maps contained as appendices to this Design Manual were individually adopted by the Planning Board or City Council following public hearings, as listed below:~~

| <u>Appendix</u> | <u>Document Title</u>                                              | <u>Adopting Entity</u> | <u>Date of Adoption</u>                   |
|-----------------|--------------------------------------------------------------------|------------------------|-------------------------------------------|
| <u>1</u>        | Downtown Urban-<br>Design Guidelines                               | Planning Board         | January 18, 1991                          |
| <u>2</u>        | Pedestrian Activity-<br>District Map                               | City Council           | March 11, 2001<br>Revised: December, 2005 |
| <u>3</u>        | Downtown View-<br>Corridor Protection Map                          | City Council           | April 10, 2001                            |
|                 | Downtown Height-<br>Overlay Map                                    | City Council           | March 11, 2001<br>Revised: December, 2005 |
|                 | B1, B1b, B2, B2b-<br>Business Zone Design                          | Planning Board         | February 22, 2000                         |
| <u>4</u>        | University of Southern-<br>Maine (USM) Design-<br>Standards        | Planning Board         | May 23, 2006                              |
| <u>5</u>        | <u>Waterfront Design-<br/>Standards</u>                            | <u>Planning Board</u>  | <u>Date, 2020</u>                         |
| <u>6</u>        | <u>IOZ Maine Medical IDP-<br/>Chapter 5 Design-<br/>Guidelines</u> | <u>Planning Board</u>  | <u>May 1, 2017</u>                        |
| <u>7</u>        | <u>Master Development-<br/>Standards</u>                           | <u>City Council</u>    | <u>November 9, 2020</u>                   |
|                 | Bayside (B7) Design-<br>Standards                                  | Planning Board         | March 26, 2008                            |
|                 | B-6 Building Height-<br>Overlay & Building-<br>Envelopes           | City Council           | January 7, 2005<br>Revised: June 1, 2015  |
|                 | R-5 Small Residential Lot<br>Development and-                      | Planning Board         | May 11, 2010                              |



|  |                                                 |                |                                                                      |
|--|-------------------------------------------------|----------------|----------------------------------------------------------------------|
|  | Multiplex Design Standards                      |                |                                                                      |
|  | R-6 Infill Development Principles and Standards | Planning Board | April 13, 2004<br>Revised: February 23, 2007<br>Revised: May 8, 2018 |
|  | IS-FBC Building Design Standards                | Planning Board | November 2, 2015<br>Revised: October 18, 2017                        |

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APPENDICES



## 1. Introduction + Administration

### Authority

The City of Portland has ~~approved~~promulgated design standards ~~and guidelines in certain zones and/or of a certain type~~ subject to Site Plan review. ~~within certain zones and/or of a certain development type. The City of Portland Design Manual is a compilation of these design standards and guidelines,~~ pursuant to the jurisdiction and authority of the Planning Board ~~specific provisions contained in Article 2 and Article 14V, Site Plan of the City's Land Use Code.~~ Each section contained herein includes the specific provisions of Article V, Site Plan. Corresponding design standards and guidelines for each section, as applicable, are included in the appendices contained herein and include a reference to the applicable site plan ordinance provision to which it applies.

### Purpose ~~Note to Applicants:~~

Design review under the site plan ordinance is intended to ~~inform~~achieve the shape of development in applicable areas to ensure that buildings ~~that~~ contributes to and enhances Portland's built environment. ~~the goals, policies and vision for specific districts of Portland, and~~ In doing so, the design principles and standards applied during design review reinforce the collective values of the City of Portland to ensure that building design ~~that~~ is responsive to the specific~~overall~~ context of its ~~established~~ neighborhood, street, or zone. ~~The design standards and guidelines and the design review process are intended to~~ while being responsive to development ~~enter~~ programmatic needs objectives and ordinance requirements. ~~We advise that the development team enter the design process from the outset with a clear understanding of the applicable standards and design the development accordingly.~~

### The Design Manual:

- 1) Explains the design review process
- 2) Describes context considerations to be studied and applied to proposals
- 3) Provides design principles with standards
- ~~1-4)~~ 4) Gives examples using illustrations

### Applicability

Development projects subject to a Minor or Major Site Plan review or Master Development Plan review, as defined in the Chapter 14 Land Use Code, are subject to Sec. 14.6.4 and the design standards of the City of Portland Design Manual unless superseded by Historic Preservation review under Sec.17.7 Certificate of Appropriateness.

Exempt: Table 1 lists those uses and zones exempt from design review.

Special Design Districts: Special Design Districts are specific standards adopted by the Planning Board to help projects be more intentionally responsive to unique neighborhood characteristics.

General Design Standards: All remaining zones and project types subject to design review and not located within a Special Design District (listed in Table 2) shall apply the

General Design Standards in section 4 of the Design Manual.

Zones and development types subject to the City of Portland Design Standards and Guidelines and addressed in this manual include the following:

| Table 1 – Applicability - Design Standard Review Exemptions |                                                     |
|-------------------------------------------------------------|-----------------------------------------------------|
| Zone                                                        | Exempted Use                                        |
| R-1                                                         | Single-family residential; Handicapped Family Units |
| R-2                                                         | Single-family residential; Handicapped Family Units |
| R-3                                                         | Single-family residential; Handicapped Family Units |
| R-4                                                         | Single-family residential; Handicapped Family Units |
| B-4                                                         | All uses                                            |
| I-L                                                         | All uses                                            |
| I-Lb                                                        | All uses                                            |
| I-M                                                         | All uses                                            |
| I-H                                                         | All uses                                            |
| ROS                                                         | All uses                                            |
| RPZ                                                         | All uses                                            |
| IR-1                                                        | All uses but PRUD                                   |
| IR-2                                                        | All uses but PRUD                                   |
| IR-3                                                        | All uses but PUD                                    |
| I-B                                                         | All uses                                            |
| All zones                                                   | ADU (Accessory Dwelling Unit)                       |

| Table 2 – Applicability - Special Design Districts |                                   |
|----------------------------------------------------|-----------------------------------|
| Zone                                               | Special Design District Standards |
| R-6 Residential                                    | Residential Infill                |

|                                                                              |                                          |
|------------------------------------------------------------------------------|------------------------------------------|
| B-3 Downtown                                                                 |                                          |
| B-7 Bayside Mixed-Use Urban District                                         | B-7                                      |
| USM Overlay                                                                  | USM Campus Design                        |
| WPDZ Western Port Development                                                | Waterfront                               |
| WCZ Central Waterfront                                                       | Waterfront                               |
| EWPZ Eastern Waterfront Port                                                 | Waterfront                               |
| O-P Office Park                                                              | Planned Unit Development                 |
| IOZ Maine Medical Campus                                                     | IOZ Maine Medical IDP                    |
| <b>Project Type</b>                                                          | <b>Special Design District Standards</b> |
| Planned Residential Unit Development + Manufactured Housing Parks (any zone) | Planned Unit Development                 |

In addition, all development proposals must also adhere to any additional design standards where applicable such as those listed below (found in Sec.??)

- View corridor, landmark, and gateway protection map
- Pedestrian Activities District (PAD) Overlay

#### Commercial

All major or minor developments proposed in the following commercial zones:

- ~~RP Residential Professional Zone~~
- ~~B3 Downtown Business Zone~~
- ~~B7 Urban Commercial Business Zone~~
- ~~B5 and B5-b Urban Commercial Business Zones~~
- ~~B1 and B1-b Neighborhood Business Zones~~
- ~~B2 and B2-b Community Business Zones~~
- ~~EWPZ Eastern Waterfront Port Zone and B6 Eastern Waterfront Mixed Use Zone~~
- ~~IS-FBC India Street Form-based Code Zone~~

#### Residential

The following development types proposed in the following residential zones:

- ~~All major or minor development in the RP Residential Professional Zone~~

- ~~Planned Residential Unit Developments (PRUDs) in the R3, R5, and R5-A Zones and/or manufactured housing parks proposed in any zone.~~
- ~~Two family, special needs independent living units, multiple family and multiplex developments, small residential lot developments, lodging houses, bed and breakfasts, and emergency shelters proposed in any zone.~~
- ~~Small residential lot development proposed in the R6 Zone~~
- ~~Multiplexes and small residential lot development in the R5 Zone~~
- ~~All major or minor development in the IS-FBC India Street Form-based Code Zone~~

#### Institutional

~~All major or minor developments proposed in the following institutional zone:~~

- ~~University of Southern Maine (USM) Overlay Zone~~

## **2. Design Review Process + Determination of Compliance**

### **PRE-APPLICATION MEETING (optional)**

The applicant team is advised to enter the design process with a clear understanding of the applicable policies and standards in order to design the buildings/proposal accordingly. Pre-Application Development Review meetings are intended for this purpose. A pre-application meeting, though not required, is highly recommended early in the design process. These meetings can cover any aspect of the project such as zoning, life-safety, transportation, site or building design, or application process. Relevant to design review, the pre-application meeting includes discussion of context, applicable design standards, and submission requirements appropriate for the project. **These meetings are intended for informational purposes only, nor shall any advice or information provided by the City be construed as a decision.**

### **Review and Determination of Compliance:**

~~To be approved, s~~Site plans applications must **meet** adhere to the applicable design standards-  
~~taken as a whole, and by~~presenting the best design response to the standards achievable for  
~~the overall design program. A project shall be rejected as not meeting the applicable design~~  
~~standards if the project, taken as a whole, fails to meet or address applicable design criteria.~~  
The applicable design principles, guidelines, and/or standards in this manual must be met in  
order to receive Site Plan approval.

### **DEVIATIONS FROM THE DESIGN STANDARDS**

The Reviewing Authority may approve minor deviations from individual design standards within this manual in order to provide flexibility of interpretation as long as the intent of the design standard is met.

Minor deviations may be considered in order to accommodate:

- a. Environmentally sustainable features (such as passive house, alternative energy technology, or solar orientation); or
- b. Accessibility and universal access; or
- c. Unique site factors or a practical necessity that makes the design standard physically infeasible.

Approval for a minor deviation from a design standard will be granted if the applicant can demonstrate to the satisfaction of the Reviewing Authority or Board that the following are met:

- 1) The building design meets the intent of the applicable design standard as described by the principle statement, guideline, or original standard; and
- 2) The deviation is the least adjustment necessary.

#### **Submission Requirements**

| <u>In addition to the site plan submission requirements, applications subject to design review shall submit the following:</u> |                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>                                                                                                       | <u>Completed context analysis (use template)</u>                                                                                                                                                                         |
| <input type="checkbox"/>                                                                                                       | <u>Context plan showing proposed building footprint(s) in relation to the Neighborhood buildings (1:50 or 1:100 scale showing at least two-block radius) (see Context Analysis examples)</u>                             |
| <input type="checkbox"/>                                                                                                       | <u>Area photographs (see Context Analysis examples)</u>                                                                                                                                                                  |
|                                                                                                                                | <u>A brief written narrative describing existing conditions, proposed project, site impacts, and how project meets the design standards</u>                                                                              |
| <input type="checkbox"/>                                                                                                       | <u>Representation of the proposed building materials – samples, renderings, illustrations, etc.</u>                                                                                                                      |
| <input type="checkbox"/>                                                                                                       | <u>Renderings, street elevations, axonometric views, photomontages, photographs or other visual tools to depict the proposal in relationship to the Neighborhood context (as required – to be determined with staff)</u> |
| <input type="checkbox"/>                                                                                                       | <u>Additional diagrams, illustrations, or similar to describe the project and how it meets the design standards (to be determined with staff).</u>                                                                       |
| <input type="checkbox"/>                                                                                                       | <u>Written request and justification for a Deviation from Design Standards (if applicable)</u>                                                                                                                           |

Submissions for design review shall include the following:

- Context drawings, perspective renderings, photographic montages, or computer-generated graphics depicting the proposed development within the surrounding building and environmental context.
- Building elevation drawings and color renderings including the following:
  - Illustrations of all sides of all structures.
  - Detail views of major entries or prominent building features.
  - Notes and illustrations on all materials for wall finishes, doors and windows, canopies, awnings, and other building elements.
  - Color and building finish composition.
  - Physical material samples and catalogue specifications of major building finish materials.

Major Site Plans only:

A shadow study may be required for major site plans if the district or zone in which the development is proposed is subject to shadow standards contained herein and/or in Article V,



~~Section 14-526 of the City Code. Submittal requirements for shadow analysis are listed in the City of Portland Technical Manual.~~

~~For complex projects, the Planning Board may request that the applicant submit a study model in order to understand the proposed building complex and surrounding context.~~

~~Please also refer to the individual design standards contained herein for any additional details and special submission requirements for each zoning district or development type.~~

### **Design Review Process**

Four review entities are primarily responsible for administering design standards:

- 1) Planning Authority / Staff
- 2) Planning Board
- 3) Historic Preservation Staff
- 4) Historic Preservation Board

Applicants should discuss their project with staff at the earliest stage of plan development to determine which application requirements and approval will be necessary for a complete application.

City staff will conduct a preliminary design review (with multiple staff included) and will work with the applicant to revise and resolve issues that may arise before final review by the appropriate Approval Authority. Staff review will include 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 as well as an assessment of how the proposal does or does not meet the applicable design standards.

In cases where a project is within 100' of a Historic District/ Resource, Historic Preservation Staff and/or Board will be involved in the review process. In the case a project is within a Historic District, review is conducted by the Historic Preservation Program according to the process found in Sec. 17 Historic Preservation.

**BOLD X = Review Authority for final design approval**

| <u>Project Type</u>    | <u>Planning Staff</u> | <u>Planning Board</u> | <u>Historic Preservation Staff/Board</u> | <u>Applicable Design Standards</u> |
|------------------------|-----------------------|-----------------------|------------------------------------------|------------------------------------|
| <u>Alteration</u>      | <b>X</b>              |                       |                                          | <u>Design Manual</u>               |
| <u>Minor Site Plan</u> | <b>X</b>              |                       |                                          | <u>Design Manual</u>               |
| <u>Major Site Plan</u> |                       | <b>X</b>              |                                          | <u>Design</u>                      |

**City of Portland Design Manual**  
Adopted May 11, 2010

|                                                                                                   |                |                                           |          |                                                    |
|---------------------------------------------------------------------------------------------------|----------------|-------------------------------------------|----------|----------------------------------------------------|
|                                                                                                   |                |                                           |          | <u>Manual</u>                                      |
| <u>Master Development Plan</u>                                                                    |                | <u>X</u>                                  |          | <u>Design Manual</u>                               |
|                                                                                                   |                |                                           |          |                                                    |
| <u>New Construction/Major Addition within 100' of a Historic District, Landmark, or Landscape</u> | <u>X Minor</u> | <u>X Major or Master Development Plan</u> |          | <u>Design Manual With Advisory Historic Review</u> |
|                                                                                                   |                |                                           |          |                                                    |
| <u>Alteration/Addition within a Historic District</u>                                             |                |                                           | <u>X</u> | <u>Historic Preservation Standards</u>             |
| <u>New Construction/Major Addition within a Historic District</u>                                 | <u>x</u>       |                                           | <u>X</u> | <u>Historic Preservation Standards</u>             |

~~Enacted 04-13-04~~  
~~Revisions Approved 02-23-07~~  
~~Revisions Approved 05-08-18~~

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

Source content for "Context" and "Submission Requirements" sections of revised manual

~~I.~~ PURPOSE CONTEXT

"Designing in context means providing enough visual linkages between existing buildings and a proposed project so as to create a cohesive overall effect." Fundamentals of Urban Design by Richard Hedman and Andrew Jaszewski

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

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

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

Individual buildings play a part in the overall drama of the street, neighborhood, and city. Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood should serve as a basis for a design solution, which can reinforce the predominant positive characteristics of the surrounding development patterns. On corner properties, where the architecture has a greater visual impact upon adjacent public spaces, both public facades will be evaluated with equal care. The expectations for how a proposal should relate to its context will vary from zone to zone depending on the vision outlined in zone purpose statements or adopted neighborhood plans. The design principles and standards in this manual reflect this tailored approach.

~~Projects will be reviewed for consistency with R-6 Infill Development Design Principles and Standards. These principles and standards are interdependent and should be considered holistically. The applicant~~

~~must demonstrate that a proposal is consistent with the Design Principles. The standards are time-honored ways of achieving the Principles. The City's Design Manual contains examples of buildings that are consistent with the aims of the Design Certification Program.~~

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

#### **Context Defined**

Unless otherwise indicated, the City of Portland Design Manual R-6 Design Principles and Standards shall define "Neighborhood" as the context of buildings within a two-block radius of the site. Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. If the building is proposed on a corner lot, then buildings on the adjoining block shall also be considered. Building type and use (e.g. single-family, multi-family, mixed-use) shall also be included in determining context patterns of building scale, massing, form. The Planning Authority/Board may determine other considerations ~~that shall be made of~~ the proposed building in relation to the Neighborhood, due to unique characteristics of a given site.

#### **Context Analysis**

In order to create or maintain a cohesive, ordered, and human-scaled public realm, the applicant shall conduct a context analysis. Design review will rely on a context analysis as the basis for determining compliance with the applicable design standards. The context analysis will direct applicants and project reviewers to look closely at the Neighborhood character in order to design new buildings that enhance their surroundings and become part of a cohesive whole.

The "Context Considerations" section identifies the characteristics to study. The required context analysis should focus on physical elements and patterns, not style, and should observe what is consistent or varied, and how much variation exists.

The context analysis may reveal a lack of existing order or context that does not meet the City's goals and vision. Where there is little to not existing patterns of development, proposals shall be designed according to Portland's urban design vision as described in the Comprehensive Plan, adopted neighborhood plans, zone purpose statements, or the principle or intent statements within the Design Manual.

## ~~II.~~ **SUBMISSION~~ITAL~~ REQUIREMENTS**

~~In addition to the site plan submission requirements, applications subject to design review shall submit the following:~~  
~~The applicant shall submit a site plan and building elevations in accordance with final application requirements of the Site Plan Ordinance (Sec. 14-525). In order to illustrate neighborhood context for a proposal, the applicant shall submit~~

- ~~- Completed context analysis (use template)~~
- ~~- Context plan showing proposed building footprint(s) in relation to the Neighborhood buildings (1:50 or 1:100 scale showing at least a two-block radius)~~
- ~~- Area photographs~~
- ~~- A brief written narrative describing existing conditions, proposed project, site impacts, and how project meets the design standards~~
- ~~- Renderings, street elevations, axonometric views, photomontages, photographs or other visual tools to depict the proposal in relationship to the Neighborhood context (as required – to be determined with staff)~~
- ~~- Representation of the proposed building materials – samples, renderings, illustrations, etc.~~
- ~~- Additional diagrams, illustrations, or similar to describe the project and how it meets the design standards (to be determined with staff)~~
- ~~- Written request and justification for a Deviation from Design Standards (if applicable)~~
- ~~— photographs or other visual tools to depict the buildings within a two-block radius of the site in order to determine the building elements that contribute to and are compatible with the predominant character defining architectural features of the neighborhood.~~

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

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

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

## ~~II.~~ **DESIGN PRINCIPLES AND STANDARDS**

### ~~PRINCIPLE A~~ **Overall Context**

~~A building design shall contribute to and be compatible with the predominant character defining~~



*architectural features of the neighborhood.*

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

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

1. Scale and Form: height, massing, proportion of principal facades, roof shapes and scale of the architectural features of the structure.
2. Composition of Principal Facades: proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.
3. Relationship to the Street: walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

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

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

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

~~STANDARD A-3 **Relationship to the Street** Respect the rhythm, spacing, and orientation of residential~~

~~structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.~~

**(a) R-P RESIDENTIAL PROFESSIONAL ZONE**

- (1) **STANDARD.** For development within the R-P zone where there is a consistent established architectural style or character to the existing structures in the immediate vicinity in which the development is proposed, that the concurrently visible architectural style or character of the proposed development would not be incongruous to that established style or character.

**(b) B-3 DOWNTOWN BUSINESS ZONE**

**(1) STANDARDS.**

- a. In addition to applicable standards of Section 14-526 of the Land Use Code, development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines included as [Appendix 1](#) of this manual. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

1. Relationship to the pedestrian environment:

- i. General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:

- 1) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency (having a visible transmittance (VT) of .7 or higher) and contemporary design;
- 2) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;
- 3) Blank facades; and
- 4) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.

- b. Pedestrian Activities District (PAD): In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) overlay zone, as shown on the pedestrian activities district map, a copy of which is on file in

the department of planning and urban development, shall be designed and constructed to accommodate pedestrian-oriented uses at the street level. In determining such design, the following factors should be considered:

1. The exterior design of the street level building facade, including the placement of entrances, potential entrances, and window openings;
  2. The design and placement of impenetrable exterior building features such as columns, piers, bearing walls and retaining walls;
  3. The orientation of proposed street level uses to the street and the accessibility of floor area to the street by virtue of grade elevations and access;
  4. The adequacy of the interior layout of the first twenty (20) feet in depth of the building along specified streets to accommodate viable pedestrian-oriented uses;
  5. The continuity of street level uses as impacted by service entrances to parking structures or lots, drive-through facilities or other interruptions.
- c. Pedestrian activities district (PAD) encouragement areas: In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the Planning and Urban Development Department, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection b. of this section.
- d. Sidewalk areas and open space: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform to special City of Portland streetscape programs described in the Technical Manual, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:
1. Sidewalk, crosswalk, and street paving materials;
  2. Landscaping, planters, irrigation, and tree guards and grates;
  3. Lighting;
  4. Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and
  5. Sidewalk vendors and

sidewalk cafes. e. Relationship to  
existing development:

1. General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the *Downtown Urban Design Guidelines* (Appendix 1). Factors to be considered include the relationship to the following existing patterns:
  - i. Street walls and building setbacks;
  - ii. Open space;
  - iii. Building form, scale and massing;
  - iv. Facade proportion and composition;
  - v. Pedestrian circulation and building entrances;
  - vi. Parking.
2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:
  - i. Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;
  - ii. Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;
  - iii. Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and
  - iv. The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.
  - v. Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways,

radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);

- f. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the *Downtown Urban Design Guidelines* (Appendix 1);
- g. Wind impacts: The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;
- h. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;
- i. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the *Downtown Urban Design Guidelines* (Appendix 1);

**GUIDELINES.**

Please refer to [Appendix 1](#) of this manual, the Downtown Urban Design Guidelines, for applicable guidelines relating to how development in the B3 Downtown Business Zone may adequately comply with the above listed standards.

**(c) B-5 AND B5-B URBAN COMMERCIAL BUSINESS ZONES**

- (1) **STANDARDS.** Development located in the B-5 and B-5b zones shall meet the following additional standards:
  - a. Shared infrastructure: 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. Buildings and uses shall be located close to the street where practicable. Corner lots shall fill into the corner and shall provide an architectural presence and focus to mark the corner.
- c. Buildings shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street. Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.
- d. Parking lots shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.

**(d) B-1 AND B-1B NEIGHBORHOOD BUSINESS AND B-2 AND B-2B COMMERCIAL BUSINESS ZONES**

(1) **STANDARDS.** Development located in the B-1, B-1b, B-2, and B-2b zones shall meet the following additional standards.

- a. Urban Street Wall: In the B-1, B-1b, and B-2b zone it shall be required that buildings shall be located to create and preserve an urban street wall.
- b. Mixed Uses: In B-1b zone buildings shall be multi-storied with mixed uses.
- c. Building Entrances: In the B-1 and B-2b zone building entrances shall be oriented toward, located adjacent to, and directly accessible from, a sidewalk in a public right-of-way.
- d. Windows: In the B-1, B-1b, B-2, and B-2b zones windows shall be required along the street frontage of a building. Windows shall be transparent (with a visible transmittance (VT) of .7 or greater) and installed at a height to allow views into the building by passersby.
- e. Facade Character: In the B-1, B-1b, B-2, B-2b zones, active and public portions of buildings (e.g. doors, windows, entries, retail displays) shall be oriented to and, where possible, be located adjacent to the public sidewalk to create an active presence along the sidewalk.
  - 1. Where building facades situated along a public way have no interactive use or function, such facades shall be designed to provide sufficient architectural and graphic amenities to provide visual interest along the street and relate the building, and its use, to passersby.
- f. Building Design: B-1, B-1b, B-2, and B-2b commercial buildings shall be designed to be compatible with their residential and commercial neighbors. In the B-1

and B-1b zones building scale, roof pitch, and fenestration shall be designed to complement surrounding residential structures.

- g. Building Materials: Facade materials of buildings located in the B-1, B-1b, B-2, and B-2b zones shall be compatible with those materials of surrounding residential and commercial uses.
- h. Building Scale: In the B-1 and B-1b zones building scale must relate and be compatible with surrounding residential structures.
- i. Landscaping and buffers: In the B-1, B-1b, B-2 and B-2b zones buildings and associated parking areas must be screened to buffer abutting properties. A densely planted landscape buffer and/or fencing will be required to protect neighboring properties from the impacts associated with the development, including lighting, parking, traffic, noise, odor, smoke, or other incompatible uses. Where buildings are setback from the street, a landscaped area must be planted along the front yard street line.

#### **GUIDELINES.**

Please refer to [Appendix 2](#) of this manual, The B-1, B-1b, B-2, B-2b Design Guidelines, for applicable design guidelines for the B-1 and B-2 zones. In addition, the following design guidelines shall also apply:

- 1) Buildings located in the B-2 zone are specifically encouraged to adhere to the design guidelines contained in *the B-1, B-1b, B-2, B-2b Design Guidelines (Appendix 2)* of this section concerning the creation and preservation of an urban street wall.
- 2) In the B-1b and B-2 zones, buildings are specifically encouraged to adhere to the guidelines contained in *the B-1, B-1b, B-2, B-2b Design Guidelines (Appendix 2)* of this section concerning building entrances.

#### **(e) UNIVERSITY OF SOUTHERN MAINE OVERLAY ZONE**

- (1) **STANDARDS.** All major and minor development reviewed under the provisions of the University of Southern Maine Overlay zone shall be designed to create a quality and cohesive campus environment while integrating with and respecting the residential character of surrounding neighborhoods as demonstrated by compliance with the principles and standards of the University of Southern Maine Design Standards, included as [Appendix 3](#) of this manual.

#### **(f) B-7 BAYSIDE MIXED USE URBAN DISTRICT ZONE**

- (1) **STANDARDS.** Bayside mixed use urban district zone (B-7 zone) design standards:
  - a. Transportation Demand Management: All major development in the B-7 shall submit and implement a Transportation Demand Management (TDM) Plan, subject to the review

and approval of the Planning Board. The TDM plan shall employ elements such as public transit incentives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters and alternative transportation information sharing and other such strategies that reduce single occupancy vehicle trips to and from the development. The development shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland Technical Manual. The development may also participate in any City recognized TDM consortia (as may be developed).

- b. Design standards: All major and minor development reviewed under the provisions of the Bayside B-7 zone shall be designed to support the development of this urban neighborhood as a dense, mixed-use, pedestrian friendly neighborhood in accordance with the standards contained in the *Bayside (B-7) Design Standards*, promulgated by the Planning Board, and contained in the Appendix 4 of this section.

**(g) EWPZ EASTERN WATERFRONT PORT ZONE AND B6 EASTERN WATERFRONT MIXED USE ZONE**

- (1) **STANDARD.** Eastern Waterfront design standards: All major and minor development reviewed under the provisions of the eastern waterfront zones shall be designed to support the development of this urban neighborhood as a dense, mixed-use, pedestrian friendly neighborhood.

**(h) PLANNED RESIDENTIAL UNIT DEVELOPMENTS (PRUDS) IN THE R-3, R-5, AND R5-A RESIDENTIAL ZONES AND MANUFACTURED HOUSING PARKS IN ANY ZONE**

- (1) **STANDARDS.** Planned residential unit developments (PRUDS) in the R-3, R-5 or R-5A residential zones and manufactured housing parks in any zone shall meet the following standards:
  - a. Design relationship to site: The layout and design of buildings, roadways, parking areas, open space, recreation amenities, landscaping, drainage facilities and control mechanisms and other site improvements are organized to complement and accentuate the natural topography, vegetation, streams, water features, and other existing features of the site, and the solar orientation provides natural light within dwelling units, in outdoor open space and in recreation areas.
  - b. Internal design character and relationship to surrounding neighborhood: The design and layout of the development and buildings exhibit a cohesive design character and complement existing development in the surrounding neighborhood by virtue of such features as architectural style, height, scale and massing, character of exterior facades and roofs, circulation, open space, landscaping, and the transition of scale and massing with the surrounding neighborhood. Buildings with more than two (2) dwelling units or

greater than forty (40) feet in length shall provide variation in roof and facade character through changes in facade setback, roof configuration, and projecting or recessed building elements.

- c. Recreation and open space: All open spaces on the site shall be integrated into the development and designated on the site plan. Each development shall have the following features:

1. External buffers: An effective and permanent screening from neighboring properties and roadways;
2. Internal buffers: Areas planted, maintained and located in such a manner as to provide privacy between units and buildings and paved areas and screening of parking, utilities, roadways, waste collection facilities and storage facilities;
3. Passive recreational open space: Open spaces, designated and improved with such features as gardens, picnic areas, walking trails; benches and lawn and seating areas;
4. Active recreational open space: Open spaces designated and improved for active recreational use with facilities such as tennis courts, basketball courts, multipurpose game fields, swimming pools, and children's playgrounds; and
5. Private open spaces: Open spaces designated for the individualized use of unit owners such as yards, decks and patios;

**(i) TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS**

- (1) **STANDARDS.** Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

- a. Proposed structures and related site improvements shall meet the following standards:
1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;
  2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;
  3. Open space on the site for all two-family, special needs independent living unit, bed

and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;

6. Two-family or multiple-family dwellings shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. In no event shall any single-family dwelling in the R-5 or R-6 zone be converted in whole or in part to a lodging house.

**(j) MULTIPLEX AND SMALL RESIDENTIAL LOT DEVELOPMENT LOCATED IN THE R-5 ZONE**

(1) **STANDARDS.** Multiplexes and small residential lot development in the R-5 zone shall be designed to be architecturally compatible with the residential buildings in the surrounding neighborhood, as demonstrated by compliance with the R-5 Small Residential Lot Development and Multiplex Design Standards contained in [Appendix 6](#) of this manual.

**(k) SMALL RESIDENTIAL LOT DEVELOPMENT LOCATED IN THE R-6 ZONE**

(1) **STANDARDS.** Small residential lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R-6 Infill Development Principles and Standards, promulgated by the Planning Board and contained in [Appendix 7](#) of this manual. Any proposal required to obtain a certificate of appropriateness under Portland's historic preservation ordinance is exempt from the R-6 design review standard.

**(l) INDIA STREET FORM-BASED CODE ZONE: BUILDING DESIGN STANDARDS**

(1) **STANDARDS.** The IS-FBC Building Design Standards are contained in [Appendix 8](#) of this manual and applicable to all types of development within the zone.

# PLANNING BOARD REPORT

## PORTLAND, MAINE



160 State Street/99 Winter Street

Zoning Map Amendment

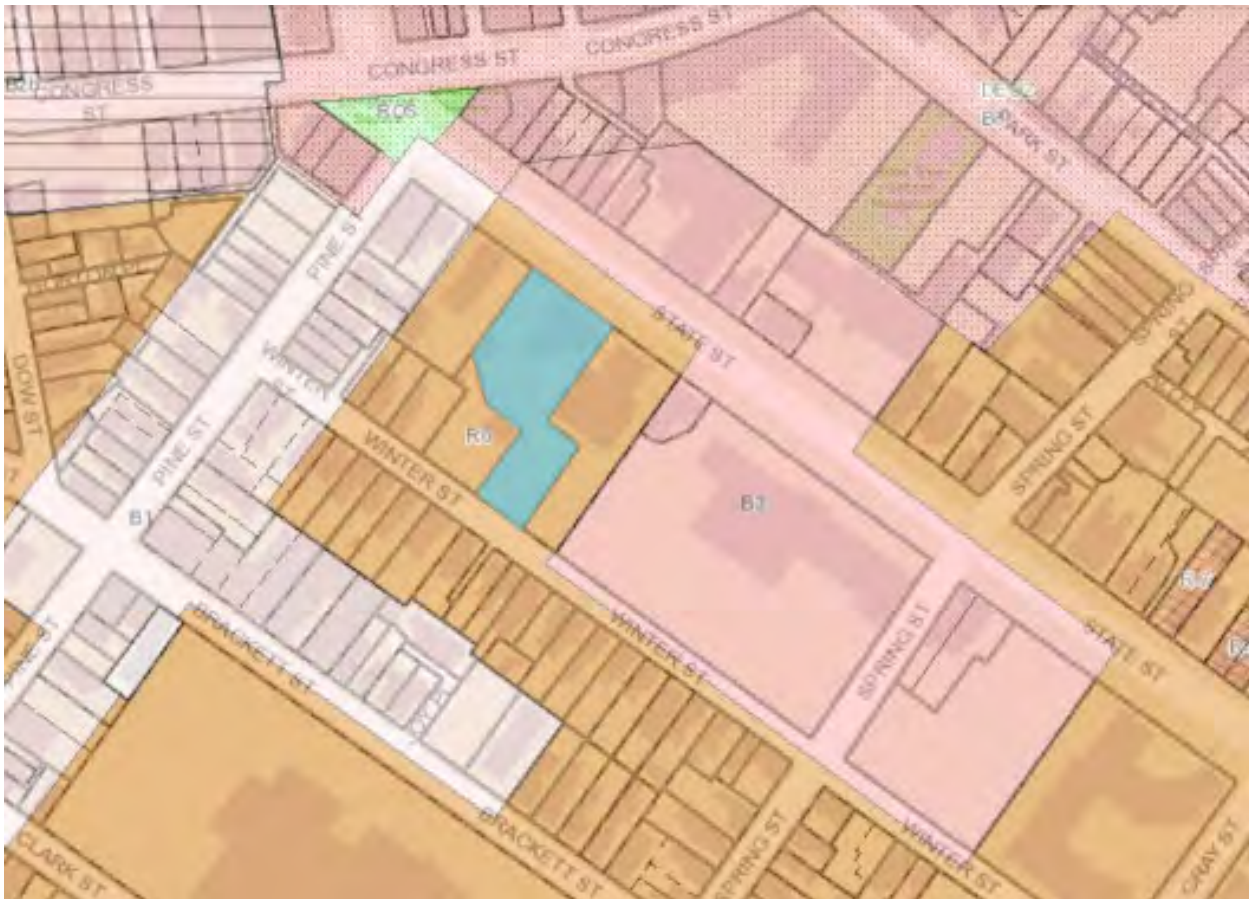
Thanos LLC, Applicant

ZN-001021-2020

CBL: 045 C004

**Submitted to:** Portland Planning Board  
**Public Hearing Date:** June 8, 2021

**Prepared by:** Andrew Tufts, Planner  
**Date:** June 4, 2021



*Existing zoning context of 99 Winter Street and 160 State Street. Site highlighted in blue*

### I. INTRODUCTION

Thanos LLC, seeks a zoning map amendment to map a B-3 Downtown Business Zone onto a parcel located at 99 Winter Street and 160 State Street (parcel 045 C004) in the West End neighborhood. The Downtown Height Overlay Map is also proposed for amendments. The subject property is approximately 28,953 square feet in size and is currently zoned R-6 Residential. The requested actions would facilitate the development of a multi-family residential development on an underutilized lot.



The Planning and Urban Development Department mailed 196 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the May 28 and 29, 2021 editions of the *Portland Press Herald*. The applicant held a Neighborhood Meeting on June 2, 2020.

**Owner/Applicant:** Thanos, LLC

**Applicant Team:** Peter Heil (Applicant Representative), Acorn Engineering; Josh Soley (Owner)

## II. PROJECT DATA

|                        |                                                                                                                 |
|------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning</b> | R-6 Residential                                                                                                 |
| <b>Proposed Zoning</b> | B-3 Downtown Business (R-7 Zone was formerly proposed)                                                          |
| <b>Existing Use(s)</b> | Lodging House (along State Street frontage)                                                                     |
| <b>Proposed Use</b>    | Multifamily Residential (along Winter Street frontage)<br>Lodging House to remain (along State Street frontage) |

## III. BACKGROUND & EXISTING CONDITIONS

### a. Current Land Uses and Zoning

The subject property is comprised of a single parcel that is bounded by Winter Street to the south and State Street to the north. The section of parcel abutting State Street is addressed as 160 State Street while the Winter Street frontage is addressed as 99 Winter Street. The property includes an existing three-story Greek-Revival building at 160 State Street built in 1807 as a private residence. In 1934 the building was purchased by the Bishop of Portland and operated as a nunnery (The Sisters of Precious Blood Convent) for 84 years. On February 7, 2020, the applicant, Thanos, LLC, received a Level II Site Plan approval from the City of Portland Planning Authority to redevelop the former monastery at 160 State Street into a 40-room lodging house.

At the rear of the lodging house, the property connects to a large walled former garden abutting Winter Street, and is the section of the parcel being considered for redevelopment. The area of the parcel on which the future development would be constructed is entirely porous and is roughly 9,100 square-feet in size, with 70 feet of frontage along Winter Street. In late 2018, the owner of the property elected to remove certain trees from the Winter Street parcel. The City Council has since adopted a Heritage Tree Preservation Ordinance (Order 26-20/21) which added restrictions and new processes for tree removal in historic districts moving forward.

In addition to the applicant's property, the surrounding immediate context includes State Street, a wide, historic thoroughfare identified as a priority corridor in the City's Comprehensive Plan that has wide sidewalks and established street trees lined with a variety of building types. The buildings fronting along State Street range from residential, retail, and large institutional uses such as Mercy Hospital to historic mansions converted to other uses including a funeral home, the Portland Club, and offices. Two historic landmark church complexes with garden spaces are located across the street and include community centers, a day care, and places of assembly. Further to the east beyond the church properties, the context becomes increasingly residential with a variety of scales and eras of buildings.

Spring Street has an intact historic fabric, as does the southwest side of Winter Street. The character of Spring and Winter streets is predominantly small-scale residential, with some exceptions. Most of these properties are protected by historic districts. A large portion on the north side of Winter Street between Spring and Pine streets is occupied by surface parking lots and the 1943 Mercy Hospital complex that was

recently the subject of a zoning map amendment (ZN-001163-2020) to rezone the Mercy Hospital and Morrison House site and adjacent parcels from R-6 to B-3. This rezoning was recommended for approval to the City Council by the Planning Board on December 15, 2020 and adopted by the City Council on February 22, 2021. This rezoning is expected to facilitate the adaptive reuse of the existing Mercy Hospital building into a mixed-use development including residential, commercial, and institutional uses as well as the development of two additional residential buildings. Further down Winter Street to the east is 100 State Street, a six-story tower in the park style multi-family building constructed in 1979 and a large surface parking lot. To the west, beyond Winter Street is Brackett Street. Brackett Street is comprised of a mix of uses including retail, commercial office space, Reiche Elementary School, and single and multi-family residential buildings.



*Mercy Hospital Complex and Portland Club surface parking lots – view from Winter Street*

Nearby Pine and Congress streets are mapped with mixed-use B-1 and B-3 zones, respectively. Congress Street, Portland's main thoroughfare, is located one block to the north of the subject property and is lined with a mix of dense, residential, commercial, and mixed-use buildings ranging between two to eight stories. Pine Street is generally characterized by a mix of residential, commercial, and mixed-use buildings with ground floor retail, including 40 Pine Street, a four story residential building with a ground floor market.

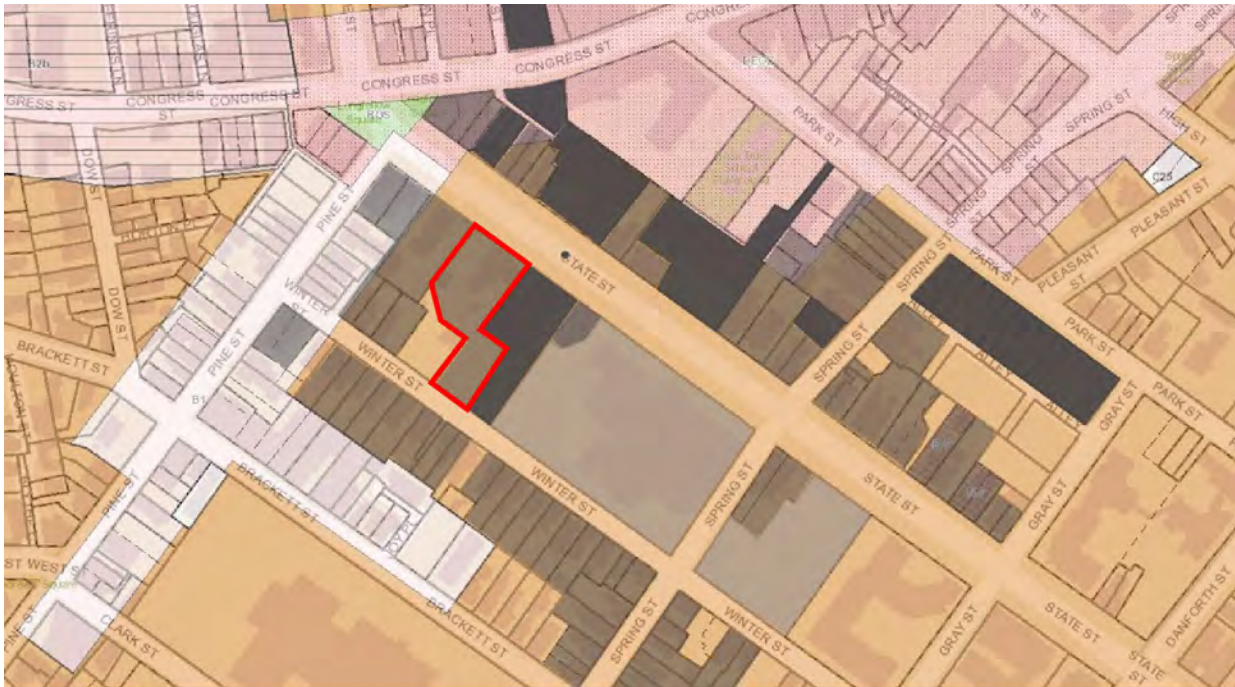
The site is accessible to public transit via METRO Routes 1, 7, 8, 9A, and 9B, which run along Congress, State, and Spring streets as well as South Portland Bus Routes 21, 24A, 24B, which run along York and High streets. METRO BREEZ Express Service to Falmouth, Yarmouth, Freeport, and Brunswick runs along nearby Congress Street.



*Subject Site: 99 Winter Street Existing conditions*

#### **b. Historic Resources**

The area under review is within the West End Historic District and is adjacent to the Congress Street Historic District. The applicant's property is a contributing structure. Any alterations, additions, or new construction contemplated at the subject property or adjacent sites would require historic preservation staff or Board-level review.



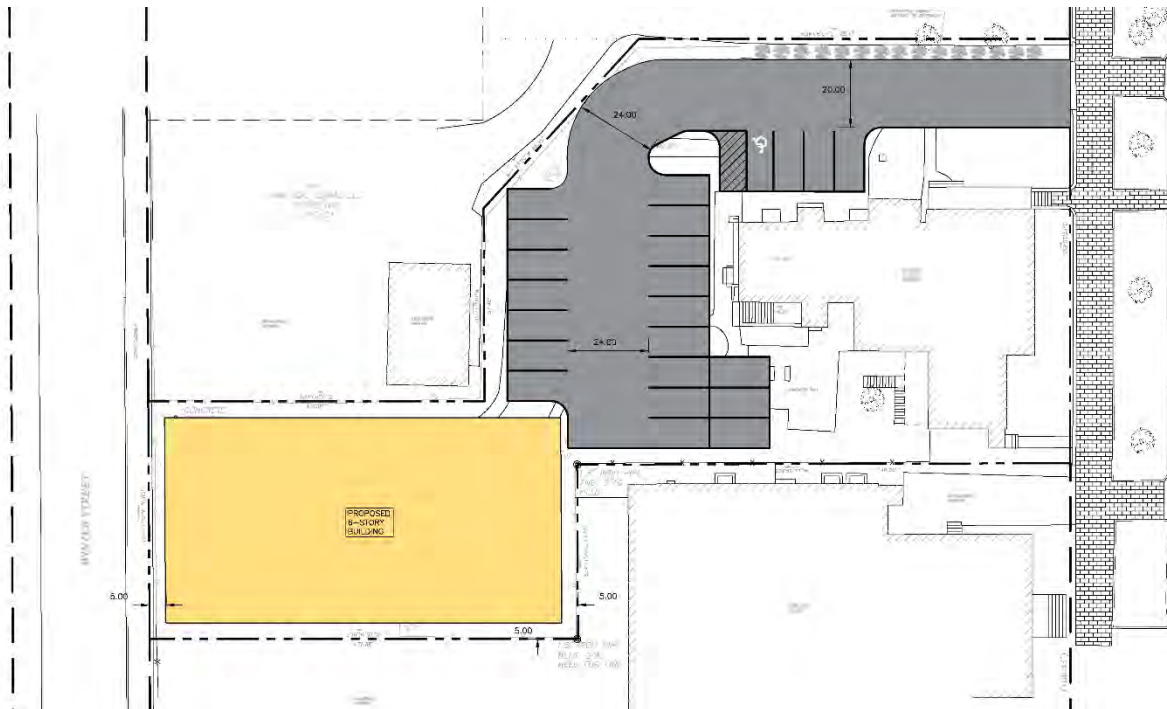
*Historic Resources (Landmarks – black; Contributing – dark grey; Mercy Proposal – light grey; Proposed Site – outlined in red)*

#### **IV. CONCEPTUAL DEVELOPMENT PROPOSAL**

The proposed rezoning would facilitate the development of a new six-story, multifamily residential building including workforce housing on the Winter Street portion of the property, which currently contains no structures. At this point in the process, the proposal for development remains conceptual in nature, as no site plan application has yet been submitted. Should the proposed rezoning be approved by the City



Council, a Major Site Plan application would be submitted. The site plan review process would require Planning Board review and approval and Historic Preservation design review. Areas such as street trees, parking, technical and design standards would be evaluated at that time.



*Approximate 99 Winter Street buildable area shown in yellow*

## V. PROPOSED ZONING MAP AMENDMENT

It should be noted that the applicant's original application requested a zoning map amendment to R-7. However, based on feedback received during prior Planning Board workshops and the recent adoption of the B-3 zoning map amendment at the nearby Mercy site and surrounding properties, the applicant has revised their request and is now seeking a zoning map amendment to change their site at 99 Winter Street and 160 State Street from the existing R-6 Residential zone to a B-3 Downtown Business zone.

B-3 is a high-density mixed-use zone mapped on the Portland Peninsula. Building heights in B-3 are governed by the Downtown Height Overlay Map, which specifies maximum base and overall building heights. In order to encourage low-income and workforce housing units in designated growth areas, eligible projects as defined under Land Use Code Sec. 18.2.2 located in the B-3 zone may receive a height bonus up to an additional 25 feet with the inclusion of affordable housing. Off-street parking is optional for developments within ¼ mile of fixed route transit service.

The proposed zoning map amendment to B-3 would result in an increase in density and would permit a broader range of uses within the proposed rezoning area, allowing for additional development of commercial and residential uses than could be provided under existing R-6 conditions. In addition to the zoning map amendment, the applicant would need to modify the Downtown Height Overlay Map, which regulates the height of parcels within the B-3 zone. A 65 foot height maximum facing State Street and a 35 foot height maximum to a depth of 65 feet along the smaller-scale, historic residential fabric of Winter Street is proposed.

**TABLE 18-C: BONUS FOR ELIGIBLE PROJECTS**

| % Low-income Units | % Work-force Units | Density Permitted <sup>1</sup> | Additional Height Permitted <sup>2</sup> | Setback Reductions <sup>3</sup> |
|--------------------|--------------------|--------------------------------|------------------------------------------|---------------------------------|
| <b>10%</b>         | <b>20%</b>         | 1.1 x base                     | N/A                                      | N/A                             |
| <b>20%</b>         | <b>40%</b>         | 1.2 x base                     | 10 ft.                                   | N/A                             |
| <b>30%</b>         | <b>60%</b>         | 1.3 x base                     | 10 ft.                                   | 5 ft.                           |
| <b>50%</b>         | <b>100%</b>        | 2.0 x base                     | 15 ft.                                   | 5 ft.                           |
| <b>75%</b>         | <b>N/A</b>         | 2.5 x base                     | 25 ft.                                   | 10 ft.                          |

*Article 18 Housing: Table 18-C Bonuses for Eligible Projects*

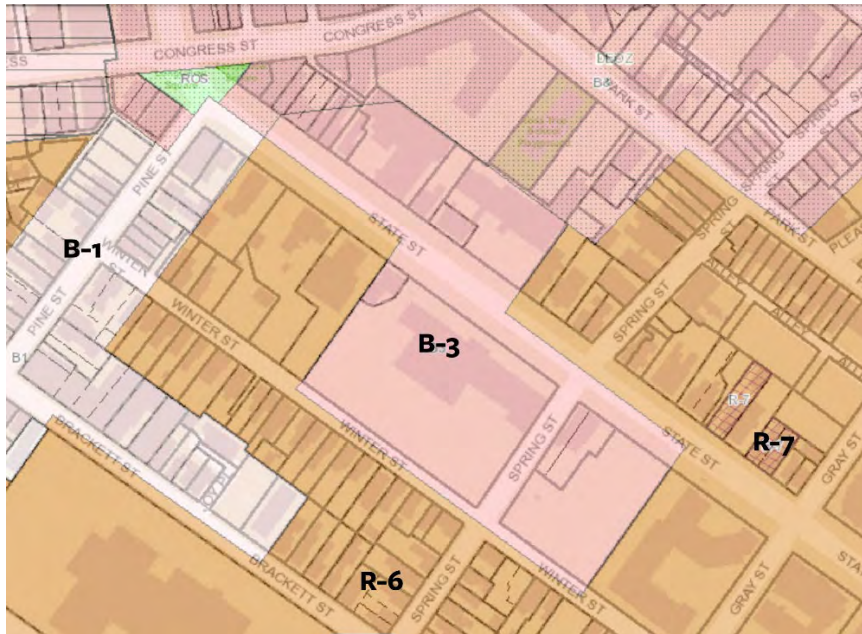
## VI. ZONING ANALYSIS

### A. Overview

City staff have previously provided a comprehensive analysis of potential zoning designations, including a comparison of purposes, permitted uses, and dimensional requirements under the existing R-6 zoning, the originally-proposed R-7 zoning, and the subsequently modified rezoning request to B-3.

During public review for the Mercy Hospital zoning map amendment application, there was discussion and agreement that the R-7 zone was not appropriate along Winter Street due to the zone's significantly more intensive dimensional standards, particularly in the context of the residential portions of Winter Street. R-7 dimensional standards allow maximum building heights of 50 feet with no stepback requirement. In addition, R-7 is the only residential zone in the city that allows eligible projects to receive a height bonus of up to an additional 25 feet with the provision of affordable housing. Therefore, a building in the R-7 zone may be able to achieve a theoretical maximum building height of 75 feet without a stepback, potentially yielding development out of context with the existing built pattern along Winter Street.

To avoid the R-7 scale concerns along Winter Street, Planning staff recommended that the Board consider rezoning the entire Mercy Hospital site and nearby parcels to B-3 due to the flexibility to control height provided by the Downtown Height Overlay Map and the ability to increase density in a transit oriented location within walking distance to many services and employment centers. Below is the B-3 zoning boundary and height overlay map recommended by the Planning Board on December 15, 2020 and adopted by the City Council in February of 2021 for the Mercy Hospital rezoning:



*B-3 map amendment boundary approved by the Planning Board on December 15, 2020 and adopted by City Council February 2021.*



*Downtown Height Overlay Map amendment approved by the Planning Board on December 15, 2020 and adopted by City Council February 2021.*

### **B. Existing Zoning: R-6 Residential**

The subject property's current R-6 Residential zoning encourages high-density residential development at a maximum density of 725 square feet per dwelling unit. R-6 allows a lot coverage of 60% and poses setback requirements of five feet on the front yard, 10 feet on the rear yard, and five feet on the side yard that can be reduced to zero provided that the cumulative side yards are not less than 10 feet. A maximum height of 45 feet is allowed with 10 foot side property line and 15 foot rear property line stepbacks after a base height of 35 feet.

The existing R-6 zoning is designed to promote dense, urban housing characteristics of the city's peninsula. The purpose of the R-6 zone, which can currently be found predominantly in the East and West Ends of the city, is to "set aside areas...for housing characterized primarily by multi-family dwellings at a high density" and to "conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

### **C. Proposed Zoning: B-3 Downtown Business Zone**

The proposed B-3 zoning designation, in contrast, is more explicitly designed for mixed-use development but also encourages increased housing opportunities by promoting dense urban housing characteristics. Relevant aspects of the purpose statement reads, *"to encourage increased housing opportunity downtown for a diverse residential population; to encourage excellence in urban design; to preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures; to reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups; and to provide for the relocation of residents who are displaced by development"*. It should be noted that the B-3 zoning map amendment recently recommended by the Planning Board and adopted by the City Council for the adjacent Mercy Hospital site and nearby lots will facilitate development that supports many of the values expressed in the purpose statement.

The B-3 zone would allow an increase in density, with no limit on residential density, permitting more dwelling units per lot area in a mixed-use, walkable, and transit oriented location. B-3 allows a lot coverage of 100% and poses no setback requirement. The dimensional flexibility offered by the B-3 zone and the sites lot depth and width would accommodate the development of a building with double loaded corridors which allows for the creation of efficient floorplates maximizing unit counts and access to light and air. The Downtown Height Overlay Map governs building heights and would allow any future develop to be constructed in a contextual manner. The introduction of new uses would support the existing mixed-use nature of the subject block and is consistent with the comprehensive plans vision for complete neighborhoods.

*Table 1: Comparison of Dimensional Requirements by Zone*

| <b>Table 1: Zoning Requirements</b> | <b>R-6 (existing)</b>                                                                    | <b>B-3 (current proposal)</b> |
|-------------------------------------|------------------------------------------------------------------------------------------|-------------------------------|
| <b>Lot Size (min)</b>               | Between 2,000 sf and 43,560 sf (one acre) depending on use                               | None                          |
| <b>Density (min)</b>                | 725 sf land area/du<br>250 sf land area/rooming unit, intermediate care facility, hostel | None                          |
| <b>Street Frontage (min)</b>        | 20'                                                                                      | 15'                           |
| <b>Front Yard (min)</b>             | 5' – principal + accessory structure                                                     | None                          |



|                                   |                                                  |                                                                   |
|-----------------------------------|--------------------------------------------------|-------------------------------------------------------------------|
| Front Yard (max)                  | None                                             | 5' street wall build-to line                                      |
| Rear Yard (min)                   | 10' – principal structures                       | None                                                              |
| Side Yard (min)                   | None                                             | None                                                              |
| Side Yard (max)                   | 5'-0' for attached townhouses on individual lots | None                                                              |
| Side Yard (Side Street, min)      | None                                             | None                                                              |
| Stepbacks                         | 10' side; 15' rear above 35' height              | Downtown Height Overlay Map                                       |
| Lot Coverage (max)                | 60%                                              | 100%                                                              |
| Impervious Area (max)             | n/a                                              | n/a                                                               |
| Landscaped Open Space (min)       | 20%                                              | n/a                                                               |
| Lot Width (min)                   | 20' 0' for attached townhouses                   | None                                                              |
| Building Height (max)             | 45'                                              | Downtown Height Overlay Map                                       |
| Building Height (min)             | n/a                                              | 35' within 50' of street                                          |
| Floor Area (max)                  | n/a                                              | Limited for buildings 125' in height or greater                   |
| Garage Door Opening (max)         | 9' or 40% façade width, not to exceed 20'        | n/a                                                               |
| Undifferentiated Blank Wall (max) | n/a                                              | 30'                                                               |
| External Effects                  | n/a                                              | Enclosed structure, noise, vibration/heat, smoke, materials/waste |
| Height Bonus eligible             |                                                  | Y                                                                 |

*Table 2 provides a comparison of the permitted uses for zones under consideration. Uses marked with a 'P' are permitted uses in the zone. A 'C' indicates a conditional use.*

| Table 2: Permitted Uses<br>(P=use is permitted within zone)<br>(C = Conditional use within zone) | R-6 (existing) | B-3 (current proposal) |
|--------------------------------------------------------------------------------------------------|----------------|------------------------|
| Single and two-family Family Residential                                                         | P              | P                      |
| Multi-Family Residential                                                                         | P              | P                      |

|                                                                                  |                                                                          |                                               |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------|
| (3-or more units)                                                                |                                                                          |                                               |
| Handicapped Family Units                                                         | P                                                                        | P                                             |
| Single-family Manufactured Housing                                               | P                                                                        |                                               |
| Lodging houses                                                                   | P<br><i>(*conversion of existing duplex or multi-family only)</i>        | P                                             |
| Live/Work                                                                        |                                                                          | P                                             |
| Cemetery                                                                         | P                                                                        |                                               |
| Parks/Recreation Use                                                             | P                                                                        |                                               |
| Home Occupation                                                                  | P                                                                        |                                               |
| Municipal Buildings and Uses                                                     | P                                                                        | P <i>(*county/municipal)</i>                  |
| Governmental Offices                                                             |                                                                          | P                                             |
| Special Needs Independent Living Units                                           | P<br><i>(*may not include other residential or permitted uses)</i>       |                                               |
| Bed and Breakfast                                                                | P<br><i>(*up to 4 guest rooms; conversion of existing building only)</i> | P                                             |
| Hostels                                                                          | P<br><i>(*10 guests or fewer)</i>                                        | P                                             |
| Wind energy systems                                                              | P/C                                                                      | P                                             |
| Accessory uses                                                                   | P                                                                        |                                               |
| Bed and Breakfast (5 to 9 guest rooms)                                           | C<br><i>(*conversion of existing building only)</i>                      |                                               |
| Sheltered care group homes (up to 12 residents, 500' radius between group homes) | C                                                                        |                                               |
| Elementary, middle , and secondary                                               | C                                                                        | P <i>(*public/private school of any type)</i> |
| Intermediate care facility (13 or more persons, long-term/extended care)         | C                                                                        |                                               |
| Places of assembly                                                               | C                                                                        | P                                             |
| Hospital                                                                         | C                                                                        |                                               |
| College, university, trade schools                                               | C                                                                        | P                                             |
| Utility substations                                                              | C                                                                        | C                                             |
| Professional office                                                              | C                                                                        | P                                             |
| Chancellery                                                                      | C                                                                        |                                               |
| Nursery school and kindergarten                                                  | C                                                                        | P <i>(*public/private school of any type)</i> |
| Off-street passenger car parking                                                 | C<br><i>(*for permitted uses)</i>                                        | P <i>(parking garages)</i>                    |

|                                                                      |   |                                |
|----------------------------------------------------------------------|---|--------------------------------|
| Surface Parking (with limitations)                                   |   | C                              |
| Day care facility/ Home baby-sitting services                        | C | P                              |
| Private Club                                                         |   |                                |
| Funeral Home                                                         |   |                                |
| Hostels (no more than 20 guests)                                     | C |                                |
| Business services                                                    |   | P                              |
| Personal services                                                    |   | P                              |
| Offices of Building Tradesmen                                        |   | P                              |
| Retail Establishments (excluding drive-through, gas station, lumber) |   | P                              |
| Drinking Establishment                                               |   | P                              |
| Beverage dealers                                                     |   |                                |
| Artist Studios                                                       |   | P                              |
| Clinics                                                              |   | P                              |
| Restaurants                                                          |   | P<br>(*excludes drive-through) |
| Neighborhood Center                                                  |   |                                |
| Billiard Parlors                                                     |   | P                              |
| Miscellaneous Repair (excluding auto repair)                         |   | P                              |
| Communications Studios/Broadcast Facilities                          |   | P                              |
| Health Clubs/Gymnasiums                                              |   | P                              |
| Theater/Performance/Exhibition Halls                                 |   | P                              |
| Convention/Meeting Facilities                                        |   | P                              |
| Hotels                                                               |   | P                              |
| Galleries                                                            |   | P                              |
| Registered Dispensary                                                |   | P                              |
| Marijuana Retail Store                                               |   | P                              |
| Small-scale marijuana caregiver                                      |   | P                              |
| Museums                                                              |   | P                              |
| Printing/Publishing                                                  |   | P                              |
| Banking Services (drive-up)                                          |   | C                              |
| Light Industrial (with limitations)                                  |   | C                              |
| Emergency Shelters                                                   |   | C                              |
| Temporary wind anemometer towers                                     | C | C                              |

## VII. POLICY ANALYSIS

Goals and policies of both the state and the city, as described in Portland's Comprehensive Plan, [Portland's Plan 2030](#), relevant to the proposed map amendment have been included below.

Several aspects of the proposed map amendment are consistent with Portland's Plan, including an emphasis on the need for housing, and particularly affordable housing; residential density that supports walkability and transit; the proximity of the development site to employment centers; and the principle of complete neighborhoods.

Portland's plan for Future Land Use also places emphasis on areas most important to its growth over the next ten years. It contains three maps including a map of identified corridors and nodes that are poised to accommodate additional growth. State Street is identified as a "priority corridor", prioritized for its potential to support growth, and its need for evaluation. State Street is a major arterial that can serve as an area that can support mixed-use, higher-density growth to take advantage of the transit benefits and services offered.

The applicant has highlighted two specific components of the Comprehensive Plan:

- **Economy: A Vibrant City**

The Economy Policy Guide says that the City actions should: *"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."*

The applicant has argued that while the current zoning does allow for a degree of density, it falls short of the requirements that would enable private financing. A rezoning that results in the reduction of setbacks, maximization of building coverage, and increased building heights would adequately change the economics of the project so as to facilitate the applicant's desired housing program.

- **Housing: A Livable City**

The Housing Policy Guide similarly calls for City actions to: *"Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas."*

The policy guide states that those who work in Portland should be able to live in Portland. Production of housing at this location would make this goal economically feasible by allowing for production of new units immediately downtown, near employment opportunities and excellent access to public transit.

The plan also highlights the importance of good design, contextual development, and sensitivity to neighborhood context as well as ensuring an appropriate balance of continuity and change in our historic districts as Portland grows; finding the balance of those goals is where the crux of the review of this proposal will be focused. Relevant Comprehensive Plan goals have been excerpted below:

### **Vision Statements**

- **Sustainable:** Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.

- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.
- Authentic: The uniqueness and integrity of our neighborhoods will be maintained and enhanced.

#### Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
- Continue to develop land use policies which support complete neighborhoods.

#### An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

#### A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.

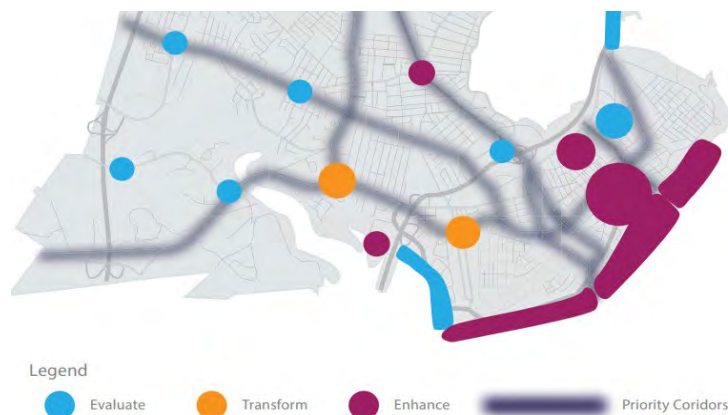
#### An Accessible City – Transportation

- 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.

#### Future Land Use

- Complete Neighborhoods
- Reinforce the Center

The applicant has also provided additional analysis of consistency with the comprehensive plan (Attachment D).



*Priority Nodes and Corridors Map from City of Portland's Comprehensive Plan*

## IX. DISCUSSION

### Workshop I

At the first Planning Board workshop, the applicant requested that the Planning Board consider a rezoning request to an R-7 zone to facilitate the development of a six-story residential building. The Planning Board

and staff expressed concerns with the scale of an R-7 zone for this portion of Winter Street, specifically because the R-7 has no stepback requirements and is eligible for height and density bonuses with the provision of affordable housing. These same concerns were raised during the Mercy Hospital rezoning proposal. During the workshop, Staff also presented the option of mapping a B-3 zone. The Planning Board voiced support for the B-3 zone, and encouraged the applicant and Staff to explore this further. The R-7 zone was eliminated as an option, with B-3 now as the preferred alternative.

B-3 is more intensive than the existing zoning both dimensionally and in terms of permitted uses. Although the applicant's indication of what uses are planned there in a future development includes only residential uses on Winter Street, there exists the possibility of some non-residential B-3 uses being introduced.

## **Workshop II**

Following the first workshop, Planning staff met remotely with neighborhood residents to provide an opportunity for open dialogue and allow neighborhood concerns to be heard. During that meeting neighbors expressed opposition to rezoning the site. In general, many of the questions and concerns expressed focused on issues of scale, compatibility with existing residential buildings on Winter Street, traffic generation, parking capacity, and the loss of vegetation/street trees. Some residents also questioned why the applicant needed to seek a rezoning at all, as a version of the proposed project could be constructed under the existing R-6 zoning. Historic Preservation (HP) staff also provided input on the proposed zone change. HP staff recommended that height limitations be considered carefully, specifically in the proposed 65 foot portion of the site nearest State Street due to the historic architectural value of the existing buildings that could potentially be impacted by future development if undertaken in a non-contextual manner.

At the second workshop, staff presented the B-3 zone alternative. In light of the recommendation by Historic Preservation staff to carefully consider future height impacts along State Street, Staff suggested that the portion of the site nearest State Street be mapped with a height limit of 45 feet and that a 35 foot height limit be mapped along Winter Street on the Downtown Height Overlay Map. The applicant explained that because the additional height would be restricted to the interior of the site due to the proposed 65 foot stepback from Winter Street, the building floorplate would be reduced and they would only be able to add seven additional units, which would not be enough to make the project financially viable and would limit the amount of new housing created in a transit oriented location. Various members of the Board spoke in favor of exploring additional allowable height beyond the stepback to encourage additional housing units.

## **Workshop III**

The Planning Board held a third workshop on May 11, 2021 to discuss a proposed rezoning of the 99 Winter Street and 152 State Street properties from R-6 to B-3 and to amend the Downtown Height Overlay Map. Following Board feedback at the second workshop, Planning staff revisited the proposed height limitations and stepbacks. The crux of the analysis was to carefully evaluate the appropriate height at which to map B-3 along State Street. This analysis took into consideration the built environment in the surrounding area, which includes a mix of building types that range in scale from single-family homes to multi-family buildings and, large institutions, as well as the recently approved zoning actions on this block undertaken as part of the Mercy Hospital rezoning application. Through this zoning analysis, Planning staff have been careful to evaluate any proposed height increases and its effect on the surrounding neighborhood. With respect to height, the adopted Mercy Hospital rezoning mapped building heights of 35 feet along Winter Street and 85 feet along State Street. Furthermore, the rezoning mapped 65 foot and 85 foot heights across State Street



to the north of the proposed rezoning area. The analysis also took the proposed rezoning area's transit oriented location and frontage along State Street into consideration, as the latter is a wide thoroughfare capable of accommodating additional height and density. Based on this analysis staff suggested that the Downtown Height Overlay Map be amended to map the portion of the sites nearest State Street with a height limit of 65 feet and that a 35 foot height limit be mapped along Winter Street to a depth of 65 feet. During Planning Board deliberation, members of the Board generally spoke in favor of the B-3 proposal and supported the additional height and density. Some members of the Board raised concerns with the introduction of new uses permitted under the B-3 zone and requested that staff provide additional details on the existing characteristics of the block and surrounding area.

The Board also asked staff why the B-3 was not being expanded to encompass the remaining R-6 lots on the block. Staff indicated that the City's preference would be to explore these parcels at a later date as part of the City's larger ReCode process. Staff also noted that at this time mapping the existing funeral home parcel would not bring the site into greater conformance with zoning. In addition, the three remaining R-6 lots on Winter Street are narrow ranging between 27 and 55 feet wide and are currently developed with three single-family homes, therefore there would be limited benefit from mapping B-3 on these parcels as future redevelop would not be expected.

**Planning Board Public Hearing Staff Recommendation:**

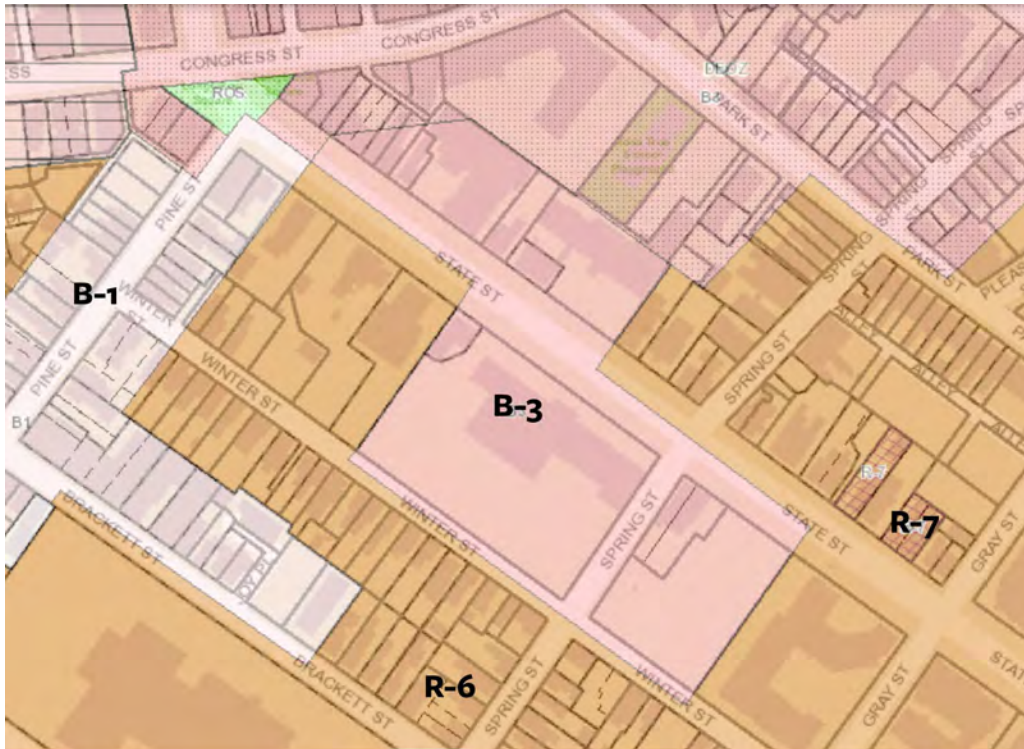
Based on the above factors, Planning staff recommend B-3 as an appropriate zone in this location. The Downtown Height Overlay Map, which would also be amended under this alternative, provides the needed flexibility to curate and control the maximum heights in this location on a granular level.

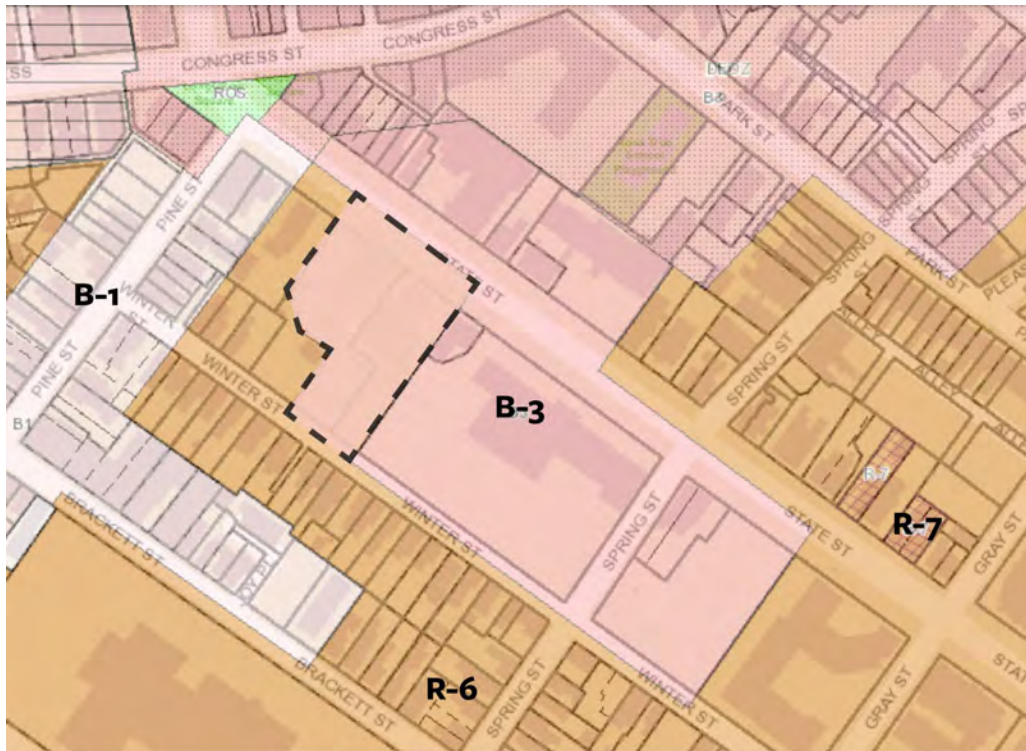
Staff also recommends that a height limitation of 35 feet be maintained to a depth of 65 feet within the block along Winter Street while mapping an interior height of 65 feet. By maintaining a height limit of 35 feet to a depth of 65 feet along Winter Street, the majority of height from a future building would be pushed towards the interior of the site nearest State Street. It should be noted that concerns raised by the public regarding neighborhood traffic, parking capacity, lack of street trees, and building scale and design will require careful consideration under future Major Site Plan review. As mentioned previously, any future development would also require Historic Preservation review, which would help to ensure that the building's character is contextually appropriate.

As is customary, staff also considered whether the proposed designation is potentially warranted for a broader area than the 99 Winter/160 State Street site. In this instance, staff are continuing to recommend that the Planning Board consider extending the proposed B-3 zone across the applicant's parcels (99 Winter/160 State streets) and to encompass one additional lot at 152 State Street that is currently improved with the historically landmarked Portland Club. Incorporating 152 State Street into the rezoning area will connect the recently adopted B-3 zone at the Mercy Hospital property with the applicant's parcels and will bring the 152 State Street site into greater conformance with zoning use standards. As mentioned above at this time staff are not recommending to extend the B-3 zone across the remaining R-6 parcels on the block. The lots are developed with single-family homes and an active funeral home. Rezoning to B-3 would not bring the lots into greater conformance with zoning nor would redevelopment be expected. Staff reiterate that these parcels may be explored at a later date as part of the City's larger ReCode process.

| Parcels          | Existing      | B-3           | R-6             |
|------------------|---------------|---------------|-----------------|
| 152 State Street | Portland Club | Permitted Use | Conditional Use |

|                            |                     |               |               |
|----------------------------|---------------------|---------------|---------------|
|                            | (Place of Assembly) |               |               |
| 99 Winter/160 State Street | Lodging House       | Permitted Use | Permitted Use |

*Existing Zoning Map*



*Proposed Zoning Map Amendment*

To maintain an appropriate height along Winter Street, staff recommend that the Downtown Height Overlay Map be amended within the proposed rezoning area to have a 35 foot height maximum to a depth of 65 feet from the parcel line fronting Winter Street and to map the remaining portions of the lots nearest State Street with a 65 foot height maximum. This would allow the Winter Street side to maintain a lower-scale while allowing the applicant to increase the height of a building towards State Street beyond the 65 foot step back area.



*Proposed Downtown Height Overlay Map*

**X. Neighborhood Outreach, Public Comment**

The applicant held the required neighborhood meeting virtually on Tuesday, June 2, 2020, via Zoom. Approximately 33 members of the public were in attendance. Project team attendees included:

- Jessica James (JJ): Communications/Presenter – (Longfellow)
- Peter Heil (PH): Civil Engineer/Presenter (Acorn Engineering)
- Zachary Stevens (ZS): Civil Engineer/Note Taker (Acorn Engineering)
- Harry Hepburn (HH): Architect/Presenter (Briburn)
- Dan Soley (DS): Owner/Applicant (Thanos LLC)
- Josh Soley (JS): Owner/Applicant (Thanos LLC)

The meeting began at 5:30 pm. The applicant's representatives provided an overview of the project, highlighting the proposed dimensional changes from the R-6 to R-7 zones. A variety of public comments were received and are included as an attachment to this report.

At the time of this writing, the Planning Department received sixteen public comments against the proposed rezoning. It should be noted that there were also comments in support of the proposed zone change, citing the appropriateness of mapping B-3 and the benefits a zone change would bring to the adjacent Portland Club site.

**XI. REQUISITE COUNCIL ACTION & STAFF RECOMMENDATION**

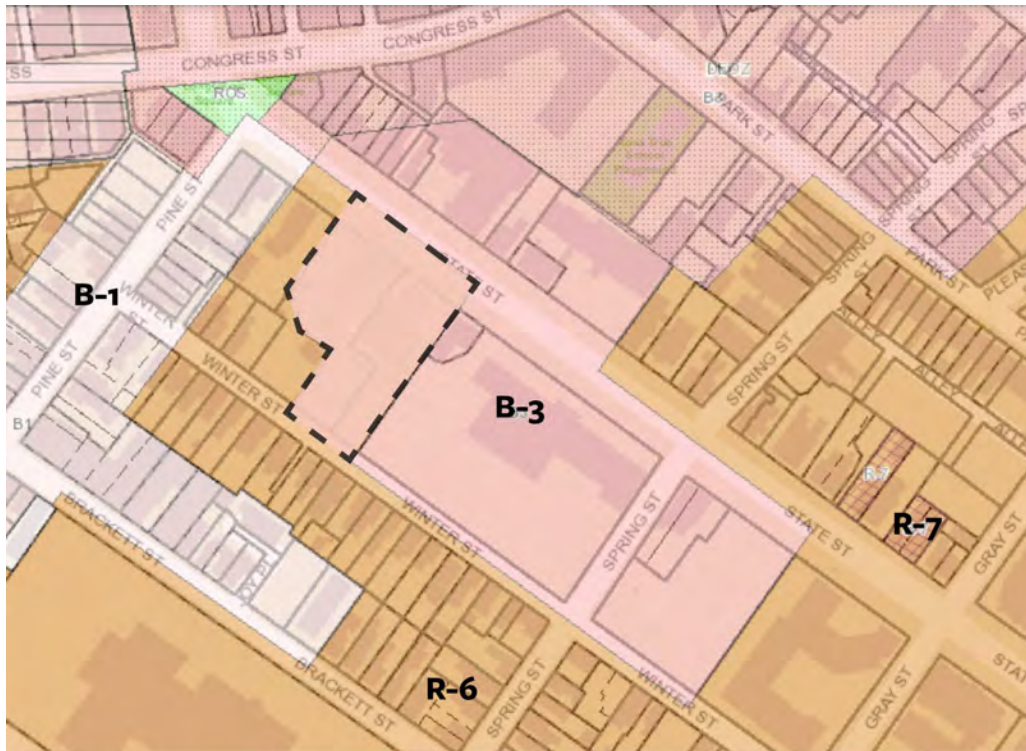
Any proposed rezoning, regardless of whether it is recommended by the Planning Board, must be approved by the City Council in order to take effect. Staff recommends that the Planning Board consider a positive recommendation to City Council for adoption of the map amendment for the expanded rezoning area, along with the related amendment to the Downtown Height Overlay map.

**XII. PROPOSED MOTIONS FOR MAP AMENDMENT**

1. On the basis of plans and materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, the information provided in public hearing on June 8, 2021 for the application ZN-001021-2020 (160 State/ 99 Winter Street), and/or other findings, the Planning Board finds that the proposed zoning map amendment from R-6 Residential to B-3 Downtown Business for the properties located at 99 Winter Street and 152-160 State Street **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council adoption of the zoning map amendment for 99 Winter Street and 152-160 State Street from R-6 Residential to B-3 Downtown Business for the area shown on the map below.





2. On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided in public hearing on June 8, 2021 for the application ZN-001021-2020 (160 State Street/ 99 Winter Street) and/or other findings, the Planning Board finds that the proposed Downtown Height Overlay Map amendment located at 99 Winter Street and 152-160 State Street **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council adoption of the Downtown Height Overlay Map amendment for the area of land that includes 99 Winter Street and 152-160 State Street as shown below.



### **Report Attachments**

1. Public Comment
2. R-7 Analysis

### **Applicant Submittals**

- A. Cover Letter
- B. Zoning Map Amendment
- C. Map Amendment Application Checklist
- D. Consistency with Comprehensive Plan
- E. Right, Title, and Interest
- F. Vicinity Map
- G. Neighborhood Character & Building Heights
- H. Proposed Map Amendment
- I. B-3 Massing Diagram
- J. Civil Plan Set



### **Zoning Context: Nearby R-7 Overlay Parcels**



R-7 zones mapped proximate to the subject property (indicated in red hatching)

There are a small number of parcels in the vicinity of 160 State Street that have been rezoned to R-7 from R-6. Each of these sites differs from the subject property in key ways, and there are several distinctions to make between these sites.

### **99 State Street**



In 2003, the property owner of 99 State Street received Planning Board approval in order to be able to convert the brick carriage house at the rear of the property from its existing use as a garage to a single-family residential structure. The applicant requested an R-7 designation because the development did not meet the R-6 setback

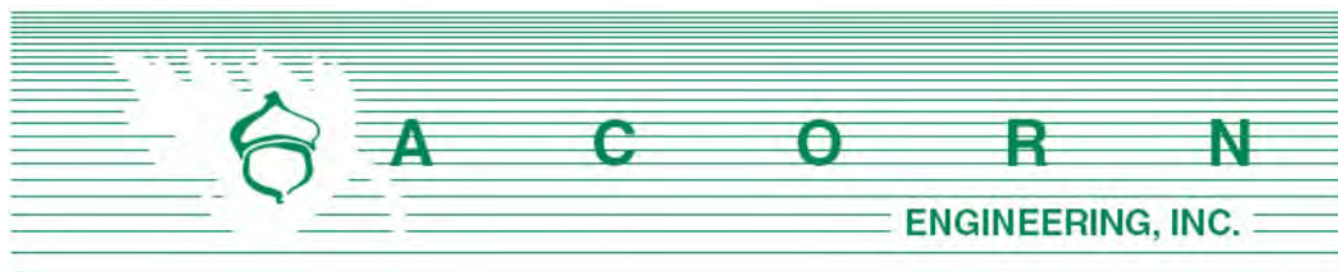
requirements. The rezoning allowed the carriage house to be utilized and converted to an additional unit on the site. The property could accommodate the required number of parking spaces for the four (4) residential units.

#### 91-93 State Street



In 2013, the property owner of 91 State Street applied for a zoning map amendment to map an R-7 overlay at this site in order to allow the existing building to be converted to market-rate residential space, resulting in ten (10) residential units. R-7 designation was requested because the proposed project could not meet the R-6 minimum land area per dwelling unit and the applicant was seeking to create compact living units. The dimensional requirements in R-6 call for 725 square feet of land area per dwelling unit, thus only five residential units are allowed under the R-6 zone. The R-7 zone has a maximum residential density of 435 square feet per residential unit, permitting a maximum of twelve (12) units on this site. Additionally, the R-6 zone states that alteration to multifamily dwellings shall not result in additional dwelling units of less than 600 square feet of floor area in size. The R-7 minimum dwelling unit size is 400 square feet of habitable floor area.

Of the two sites described above, both are fundamentally distinct from 160 State Street. Both properties include existing buildings of historic significance which were not to be altered externally or effect setbacks. The changes made to 99 State Street were to bring an existing legally nonconforming structure into conformance and add housing. The changes made to 91 State Street were strictly internal and based on added density to the existing structure. In contrast, the changes proposed at 99 Winter Street involve the construction of an entirely new structure on a vacant lot abutting residential buildings of a more modest scale.



Planning and Urban Development Department  
 Planning Division  
 City of Portland, Maine  
 389 Congress Street, 4th Floor  
 Portland, ME 04101

February 18, 2020

Subject: Map Amendment Application  
 99 Winter Street / 160 State Street

To Whom It May Concern,

On behalf of Thanos, LLC (c/o Josh Soley & Dan Soley), we are pleased to submit the accompanying package of submission materials for the proposed rezoning of the property located at 99 Winter Street / 160 State Street. The property is located in the R6 Residential Zoning District and proposes the designation of the R7 Compact Urban Residential Overlay Zone to the parcel.

The proposed project site is comprised of a single parcel, Chart 45, Block C, Lot 4, bounded by Winter & State Streets. The site has frontage on both State St & Winter St. The use of the existing convent building to a lodging house along State Street recently received Level II Site Plan approval. The 99 Winter Street project proposes to build a new 50-unit workforce apartment building on the Winter Street portion of the property, which currently contains no structures. The property has been surveyed by Spurwink Surveying and the project team.

The City's Code of Ordinances, Division 30, Affordable Housing, states the division's purpose is to promote an adequate supply of affordable housing for the city's residents. The purpose of this division is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in 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. By proposing workforce apartments, the project meets this divisions goals and assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing.

Per the City Ordinance, within the R6 Zone, the parcel is currently subject to the following dimension requirements (complete list requirements per City Ordinance are not provided):

| R6 Dimension Requirements       |                             |
|---------------------------------|-----------------------------|
| Min. Front Yard Setback         | 5 ft                        |
| Min. Rear Yard Setback          | 10 ft                       |
| Min. Side Yard Setback          | 5 ft                        |
| Structure Stepbacks above 35 ft | 10 ft - side / 15 ft - rear |
| Max. Lot Coverage               | 60%                         |
| Max. Height                     | 45 ft                       |
| Landscaped Open Space           | 20%                         |



This application proposes is to re-zone the parcel to include the R-7 Compact Urban Residential Overlay Zone. The change in zoning would allow development within the parcel to maximize building potential to accommodate compact residential development and to foster increased opportunities for compact in-city living representing a variety of income levels and household types and would reflect Comprehensive Plan's current goals related to housing production. The attached Consistency with Comprehensive Plan narrative further describes the project's conformance with the Comprehensive Plan.

If permitted, the R7 Dimension Requirements are:

| R7 Dimension Requirements       |                  |
|---------------------------------|------------------|
| Min. Front Yard Setback         | None             |
| Min. Rear Yard Setback          | 5 ft             |
| Min. Side Yard Setback          | 5 ft (no change) |
| Structure Stepbacks above 35 ft | N/A              |
| Max. Lot Coverage               | 100%             |
| Max. Height                     | 50 ft            |
| Landscaped Open Space           | N/A              |

By designating the parcel with the R7 Compact Urban Residential Overlay Zone, the project would also be eligible to the density, parking and dimensional bonuses and reductions, as specified in the Code, Section 14-488. Specifically, by providing a minimum 60% workforce units encouraged in the designated growth areas, the project would be eligible for the bonuses associated with having a minimum 60% workforce units, including 1.3 x base density and additional 10-foot height permitted (up to 60 feet).

This submission package is intended to meet the City's Submission Requirements as outlined in the Map Amendment Checklist and corresponding application. The following documents and drawings are to be uploaded onto the City's electronic submission site per the procedure outlined in the application:

Documents:

- A. Zoning Map Amendment Application
- B. Map Amendment Checklist
- C. Consistency with Comprehensive Plan
- D. Right, Title, and Interest

Drawings:

- E. Vicinity Map
- F. Proposed Map Amendment
- G. Civil Site Plan, Dated 1/31/20



Thanos, LLC and the 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 contact us within the next five (5) days.

Sincerely,



Peter F. Heil, P.E., CPESC  
Project Manager  
Acorn Engineering, Inc.



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# **Attachment A**

## **Zoning Map/Text Amendment Application**





# Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department  
Planning Division and Planning Board

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

## I. APPLICATION SUBMITTAL

### Pre-application meeting

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

### Zoning Amendment Application

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

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

## II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

### Zoning Application Fees

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

### **Fee for City Review Services**

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

### **Fee for Third Party Review**

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

### **Public Notices**

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

### **Third Party Review Fees**

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

### **Noticing/Advertisements Planning Board/City Council Review**

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

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

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

PROJECT ADDRESS: 99 Winter Street

CHART/BLOCK/LOT: 45/C/4

**DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:**

Proposed R7 Compact Urban Residential Overlay Zone to parcel ID  
045 C004001 (160 State St/99 Winter St), currently in R6 Zone.

|                                                                                                                                                                                                                         |                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>CONTACT INFORMATION:</b>                                                                                                                                                                                             | <b>Applicant's Contact for electronic plans</b><br>Name:<br>e-mail Address<br>work #                                                  |
| <b>Applicant – must be owner, Lessee or Buyer</b><br>Name: Josh Soley & Dan Soley<br>Business Name, if applicable: Thanos, LLC<br>Address: 100 Commercial Street, Suite 202<br>City/State :Portland, ME Zip Code: 04101 | <b>Applicant Contact Information</b><br>Work # 207-744-3084, Ext. 301<br>Home#<br>Cell # Fax#<br>e-mail: josh@mainerealtyadvisors.com |
| <b>Owner – (if different from Applicant)</b><br>Name: Same as applicant<br>Address:<br>City/State : Zip Code:                                                                                                           | <b>Owner Contact Information</b><br>Work #<br>Home#<br>Cell # Fax#<br>e-mail:                                                         |
| <b>Agent/ Representative</b><br>Name:<br>Address:<br>City/State : Zip Code:                                                                                                                                             | <b>Agent/Representative Contact information</b><br>Work #<br>Cell #<br>e-mail:                                                        |
| <b>Billing Information</b><br>Name: Same as applicant<br>Address:<br>City/State : Zip Code:                                                                                                                             | <b>Billing Information</b><br>Work #<br>Cell # Fax#<br>e-mail:                                                                        |
| <b>Engineer</b><br>Name: Peter F. Heil, PE, CPESC - Acorn Engineering<br>Address: P.O. Box 3372<br>City/State : Portland, ME Zip Code: 04101                                                                            | <b>Engineer Contact Information</b><br>Work # 207-775-2655<br>Cell # 802-238-7409 Fax#<br>e-mail: pheil@acorn-engineering.com         |

|                                                                                                                                                 |                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Surveyor</b><br>Name: James Mullen, PLS - Spurwink Surveying<br>Address: 182 Spurwink Road<br>City/State : Scarborough, ME Zip Code: 04074   | <b>Surveyor Contact Information</b><br>Work # 207-799-2654<br>Cell # Fax#<br>e-mail: spurwinksurveying@gmail.com              |
| <b>Architect</b><br>Name: Lucas Greco, RA - Briburn<br>Address: 28 Maple Street, Suite 202<br>City/State : Portland, ME Zip Code: 04101         | <b>Architect Contact Information</b><br>Work # 207-774-8482<br>Cell # 918-261-3002 Fax#<br>e-mail: lgreco@briburn.com         |
| <b>Attorney</b><br>Name: Mary Costigan - Bernstein Shur<br>Address: 100 Middle Street, PO Box 9729<br>City/State : Portland, ME Zip Code: 04101 | <b>Attorney Contact Information</b><br>Work # 207-228-7147<br>Cell # Fax# 207-774-1127<br>e-mail: mcostigan@bernsteinshur.com |

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

The applicant is the current owner of the property.

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

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

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

The use of the existing convent building to a lodging house along State Street recently received Level II Site Plan approval. The Winter Street portion of the property currently contains no structures.

**Current Zoning Designation(s):**

R-6 Residential Zone

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

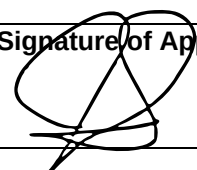
The project proposes to build a new 50 unit workforce apartment building on the Winter Street portion of the property.

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

## APPLICATION FEE:

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Zoning Map Amendment</b><br/> <u>  X  </u> \$2,000.00 (from <u>  R6  </u> zone to <u>  R7  </u> zone)</p> <p><b>Zoning Text Amendment</b><br/> <u>      </u> \$2,000.00 (to Section 14- <u>      </u>)<br/>         (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))</p> <p><b>Combination Zoning Text Amendment and Zoning Map Amendment</b><br/> <u>      </u> \$3,000.00</p> <p><b>Conditional or Contract Zone</b><br/> <u>      </u> \$3,000.00<br/>         (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)</p> | <p><b>Fees Paid</b><br/>(office use)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> <li>• Notices (\$.75 each)<br/>(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> <p>Third party review is assessed separately.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                           |                                             |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <p><b>Signature of Applicant:</b></p>  | <p><b>Date:</b></p> <p><b>2/19/2020</b></p> |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|

### Further Information

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





## **A Guide to Holding Neighborhood Meetings Portland, Maine**

Planning and Urban Development Department  
Planning Division and Planning Board

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

### **What type of development proposal requires a neighborhood meeting?**

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

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

### **Who must be invited to a neighborhood meeting?**

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

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

### **When and where must the neighborhood meeting be held?**

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

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

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

**When must invitations be sent?**

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

**What information should the invitation include?**

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

**Sign-up Sheets and Meeting Minutes**

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

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

**Certification**

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

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

**Attachments**

1. Neighborhood Meeting Invitation Format
2. Neighborhood Meeting Certification

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

### **Neighborhood Meeting Invitation Format**

#### **Applicant/Consultant Letterhead**

(Date)

Dear Neighbor:

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

Meeting Location: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Meeting Time: \_\_\_\_\_

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

If you have any questions, please call (telephone number of applicant or consultant).

Sincerely,

(Applicant)

#### **Note:**

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

## Neighborhood Meeting Certification

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

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

Signed,

\_\_\_\_\_

\_\_\_\_\_ (date)

Attached to this certification are:

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

---

# **Attachment B**

## **Map Amendment Checklist**

**CITY OF PORTLAND**  
**Planning & Urban Development Department**

| <b>MAP AMENDMENT<br/>SUBMISSION CHECKLIST</b><br>Please submit each document as a separate PDF file<br>Please confirm by electronically checking the boxes to the left |                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>GENERAL APPLICATION DOCUMENTS</b>                                                                                                                                   |                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Project Description</b> <ul style="list-style-type: none"> <li>Cover Letter with detailed project description</li> </ul>                                                                                                      |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Consistency with Comprehensive Plan</b> <ul style="list-style-type: none"> <li>Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.</li> </ul> |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Completed Checklist – Map Amendment Application (this document)</b>                                                                                                                                                           |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Right, Title and Interest</b> <ul style="list-style-type: none"> <li>Deeds, leases, or purchase and sales agreements</li> </ul>                                                                                               |
| <b>PLANS</b>                                                                                                                                                           |                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Vicinity Map</b>                                                                                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Proposed Map Amendment</b> (please use the Portland zoning map as a reference)                                                                                                                                                |
| <input checked="" type="checkbox"/>                                                                                                                                    | <b>Site Plan (if applicable)</b><br>Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.       |



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# **Attachment C**

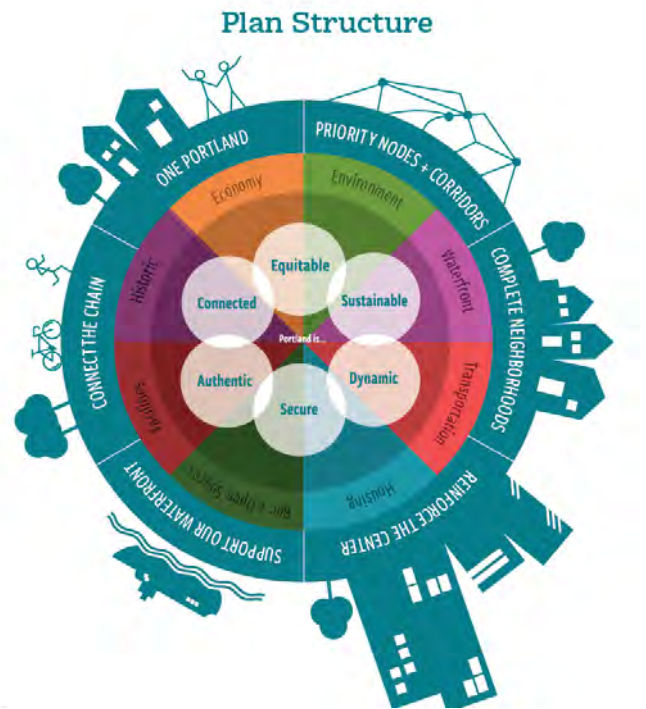
## **Consistency with Comprehensive Plan**

## COMPREHENSIVE PLAN REVIEW

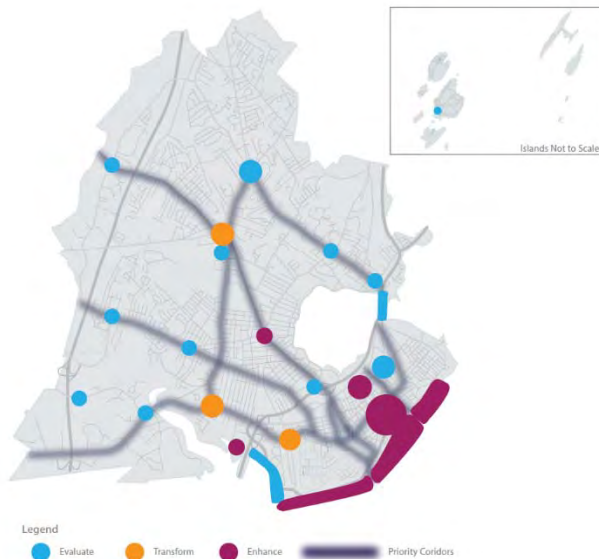
The 2017 Comprehensive Plan has a number of policy goals related to sustainable development and housing. This request to revise the dimensional requirements in this location on the peninsula helps meet those goals.

The Plan's Executive Summary emphasizes the need to "Reinforce the Center" through better housing and transportation. This location, on the peninsula, is extremely well located for housing that takes advantage of multimodal transportation options. By locating housing near job opportunities and other commercial activities, it also emphasizes downtown walkability. This strategy is emphasized later in the Future Land Use section as well.

This proposal also meets specific goals in the Plan's policy guides.



## MEETING THE CITY'S HOUSING PRODUCTION GOALS



At the core of Portland's Plan is housing production. The plan references the zoning ordinance amendments to allow for greater residential density in various zones, expand applicability of an existing 25% density bonus, increase allowable heights in some parts of downtown, reduce parking requirements to eliminate barriers to development, and incentivize residential and mixed-use development. Other recent changes to the ordinance have spoken directly to affordability: mandating the inclusion of affordable workforce housing within all residential development projects of 10 or more units. The Plan calls for production of a variety of housing types and

locations, with a focus on key nodes and corridors. The largest node of development is Downtown Portland. The Plan further sets a specific, but achievable, goal of reaching a population of 72,000 by 2027. That target will require production of 2,557 housing units, or almost 300 per year. While a change in the dimensional requirements in this location will not meet that goal by itself, it is part of an overall strategy to produce housing in a sustainable way that supports this primary development node.

## OTHER POLICY GOALS

### **Economy: A Vibrant City**

The Economy Policy Guide says that the City actions should: *“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.”*

The current zoning in this area, while allowing for some density, falls a little short of the requirements needed to make housing developments viable with private financing. By reducing/eliminating the setback requirements, maximizing coverage and allowing additional height, the economics of a project change and a significant housing development can be supported.

### **Housing: A Livable City**

The Housing Policy Guide similarly calls for City actions to: *“Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.”* In order to support the priority growth area of downtown Portland with private financing, some additional density is needed. This policy guide also states that those who work in Portland should be able to live in Portland. Production of housing at this location will make this goal economically feasible by allowing for production of new units immediately downtown, near employment opportunities.

## OTHER PLANS

The requested map change is also generally consistent with planning related to dimensional requirements in downtown and the inner ring neighborhoods, including the West End.

The R-7 Compact Urban Residential Overlay Zone encourages compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. As desired in the Code, the site is a prime example for in-city living within walking distance of downtown and other workplaces, shopping and community facilities and have access to public or private off-site parking or transit service.



*25 Projected Skyline with Recommended Height Limits*

Additionally, the R-7 Zone is intended to be located on the peninsula, including existing 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. The difference in the variations between the R-6 and R-7 zones are minor but have a significant impact on the development potential for the site.

---

# **Attachment D**

## **Right, Title & Interest**

DLN: 1001940060328

**KNOW ALL BY THESE PRESENTS,**

**THAT**, the Roman Catholic Bishop of Portland, a body politic and corporation sole, created and existing under the laws of the State of Maine, and having its chancery in Portland, County of Cumberland and State of Maine, in consideration of One Dollar (\$1.00) and other valuable considerations paid by Thanos LLC, a Maine limited liability company with an address of 100 Commercial Street, Suite 214, Portland, Maine 04101, the receipt of which consideration it does hereby acknowledge, does hereby remise, release, and convey, and forever quit-claim unto the said Thanos LLC, with Quitclaim Covenant, the following described real estate:

See attached Exhibit A.

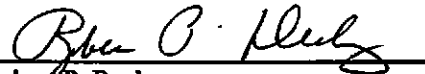
**To have and to hold** the same, together with all the privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns forever.

**In Witness Whereof**, the said Roman Catholic Bishop of Portland, a body politic and corporation sole, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Robert P. Deeley, Roman Catholic Bishop of Portland, thereunto duly authorized, according to the discipline and government of the Roman Catholic Church and the laws of the State of Maine, this 1 day of June, in the year of our Lord Two Thousand and Nineteen.

**SIGNED, SEALED AND DELIVERED  
IN PRESENCE OF**



**ROMAN CATHOLIC BISHOP OF PORTLAND**

By: 

Robert P. Deeley  
Roman Catholic Bishop of Portland

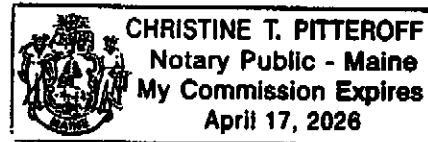
STATE OF Maine  
County of Cumberland, ss.

June 7, 2019

Personally appeared the above named Robert P. Deeley in his capacity as the Roman Catholic Bishop of Portland, a corporation sole, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of said corporation sole.

Before me,

Christine T. Pitteroff  
Notary Public



## Exhibit A

All that certain parcel of land, with the buildings thereon, situated on the Southwesterly side of State Street in said Portland, bounded southerly by land formerly of George F. Shepley; Easterly by said State Street; Northerly by land formerly of E. A. Norton, and Westerly by a line one hundred (100) feet from and parallel with Winter Street as it existed March 12, 1897.

EXCEPTING from the above described parcel that portion conveyed to CON-TUL, Inc., by deed of Sisters of the Precious Blood of Portland, Maine, dated October 31, 1974 and recorded in Cumberland County Registry of Deeds in Book 3618, Page 78.

Being a portion of the premises conveyed to Sisters of the Precious Blood of Portland, Maine by deeds of The King's Academy dated August 10, 1960 and recorded in Cumberland County Registry of Deeds in Book 2556, Page 401; and dated September 22, 1963 and recorded in said Registry of Deeds in Book 2918, Page 327.

Also, a certain lot or parcel of land with the buildings thereon situated on the Northeasterly side of Winter Street, in the City of Portland, in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the Westerly corner of land conveyed by Nehemiah Cram to Ether Shepley by deed dated October 17, 1837, and recorded in Cumberland County Registry of Deeds, in Book 155, Page 484; thence Southwesterly by land now or formerly of the Roman Catholic Bishop of Portland and land formerly of Heller M. Manning 7 rods 17 links to the Northeasterly side line of Winter Street; thence Southeasterly by Winter Street fifty-three (53) feet, more or less, to the Westerly corner of land conveyed by Nehemiah Cram to Lorenzo D. Mason by deed dated August 31, 1844, and recorded in said Registry of Deeds, in Book 187, Page 373; thence Northeasterly by said Mason land 7 rods 17 links to the Southwesterly side line of said Shepley land, now or formerly of The Portland Club; thence Northwesterly by The Portland Club land fifty (50) feet, more or less, to the point of beginning.

Being the premises conveyed to Sisters of the Precious Blood of Portland, Maine by Mercy Hospital by deed dated April 8, 1971 and recorded in Cumberland County Registry of Deeds in Book 3165, Page 771.

Also, a certain lot or parcel of land situated on the northerly side of Winter Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning on said northerly sideline of Winter Street at the most southerly corner of the parcel of land conveyed by the Roman Catholic Bishop of Portland to Con-Tul, Inc., by deed dated April 10, 1964, and recorded in Cumberland County Registry of Deeds in Book 2815, Page 75; thence by said northerly sideline of Winter Street N 40° 10' 30" W twenty (20) feet to a point;



thence through land now or formerly of Con-Tul, Inc., N 49° 49' 30" E one hundred (100) feet to land now or formerly of Sisters of the Precious Blood of Portland, Maine; thence by land now or formerly of Sisters of the Precious Blood of Portland, Maine S 40° 10' 30" E twenty (20) feet to land formerly of the Mercy Hospital and now or formerly of Sisters of the Precious Blood of Portland, Maine; thence by said land now or formerly of Sisters of the Precious Blood of Portland, Maine, S 49° 49' 30" W one hundred (100) feet to the point of beginning.

The area of the above described parcel being two thousand (2,000) square feet.

The above described courses being magnetic and of the year 1957.

That certain easement for use of an adjacent parking lot on land now or formerly of Con-Tul, Inc., for purposes of ingress and egress, which easement is expressly set forth in Quitclaim Deed with Covenant from the Sisters of the Precious Blood of Portland, Maine to Roman Catholic Bishop of Portland, dated August 13, 2018, and recorded in the Cumberland County Registry of Deeds at Book 35081, Page 287, has terminated and is not conveyed hereby.

Being the premises conveyed to Sisters of the Precious Blood of Portland, Maine by Con-Tul, Inc., by deed dated October 21, 1974 and recorded in Cumberland County Registry of Deeds in Book 3618, Page 56.

FOR SOURCE OF TITLE, reference may be had to Quitclaim Deed with Covenant from the Sisters of the Precious Blood of Portland, Maine to Roman Catholic Bishop of Portland, dated August 13, 2018, and recorded in the Cumberland County Registry of Deeds at Book 35081, Page 287.

The above-described premises are conveyed SUBJECT to the restrictions that the Grantee, Grantee's successors and assigns, shall not use the premises in any way relating to: 1) counseling regarding or performance of abortions; 2) sale of pornographic materials; or 3) erotic displays or activities. The burden of this restriction shall run with the land conveyed hereby to the Grantee. The benefit of this restriction is held by the Roman Catholic Bishop of Portland, corporation sole, its successors and assigns.

---

# Attachment F

## Vicinity Map



|                                                                                                                                                                                                                     |                    |                                                                                                                                                                                                               |                  |             |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|---------|
| 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. | FILE: 1123.1 CIVIL | <br><b>ACORN</b><br>ENGINEERING, INC.<br><br>ACORN ENGINEERING, INC. P.O. BOX 3372<br>PORTLAND, MAINE 04104 (207) 775-2655 | DRAWING NAME:    | ISSUED FOR  | BY      |
|                                                                                                                                                                                                                     | DATE: 2/17/20      |                                                                                                                                                                                                               | VICINITY MAP     | CITY REVIEW | DATE    |
|                                                                                                                                                                                                                     | JN: 1123.1         |                                                                                                                                                                                                               |                  |             | 2/17/20 |
|                                                                                                                                                                                                                     | SCALE: 1"=2,000'   |                                                                                                                                                                                                               |                  |             |         |
|                                                                                                                                                                                                                     | DESIGN BY: PFH     |                                                                                                                                                                                                               |                  |             |         |
| DRAWN BY: PFH                                                                                                                                                                                                       |                    |                                                                                                                                                                                                               |                  |             | REV     |
| CHECKED BY: WHS                                                                                                                                                                                                     |                    |                                                                                                                                                                                                               |                  |             | DATE    |
| DRAWING NO.<br>EX-01                                                                                                                                                                                                |                    |                                                                                                                                                                                                               | PROJECT NAME:    |             |         |
|                                                                                                                                                                                                                     |                    |                                                                                                                                                                                                               | 99 WINTER STREET |             |         |
|                                                                                                                                                                                                                     |                    |                                                                                                                                                                                                               | CLIENT:          |             |         |
|                                                                                                                                                                                                                     |                    |                                                                                                                                                                                                               | THANOS, LLC      |             |         |





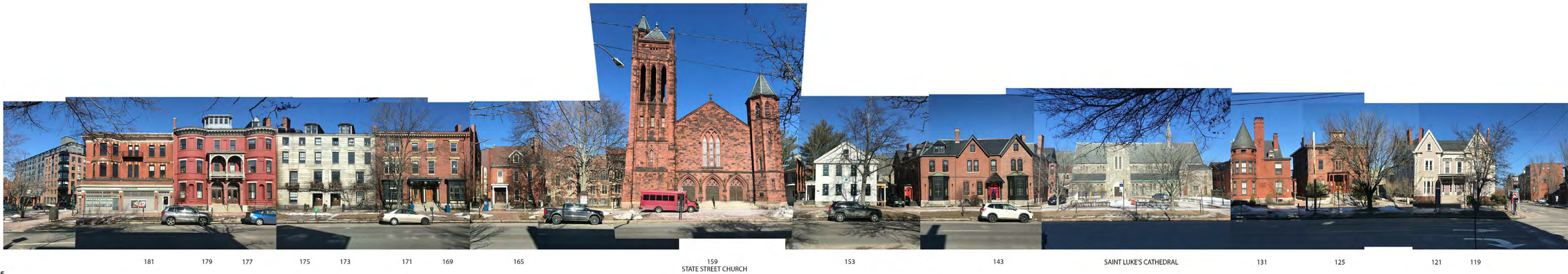
WINTER STREET - SOUTH SIDE



WINTER STREET - NORTH SIDE



STATE STREET - SOUTH SIDE



STATE STREET - NORTH SIDE

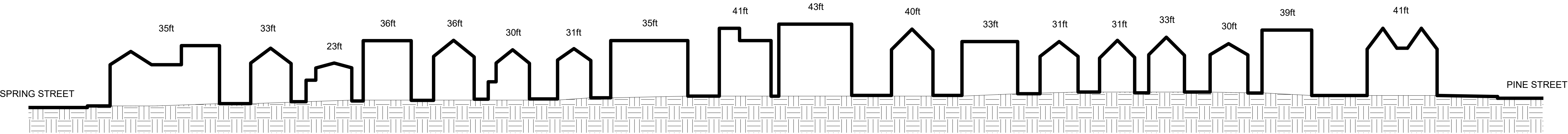
PHOTO MONTAGE - WINTER STREET & STATE STREET FACADES

WINTER STREET HOUSING

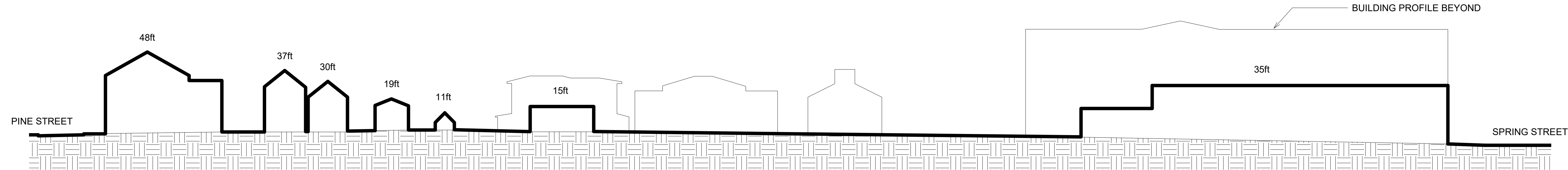
99 Winter Street

New Workforce Apartment Housing 03.04.2021

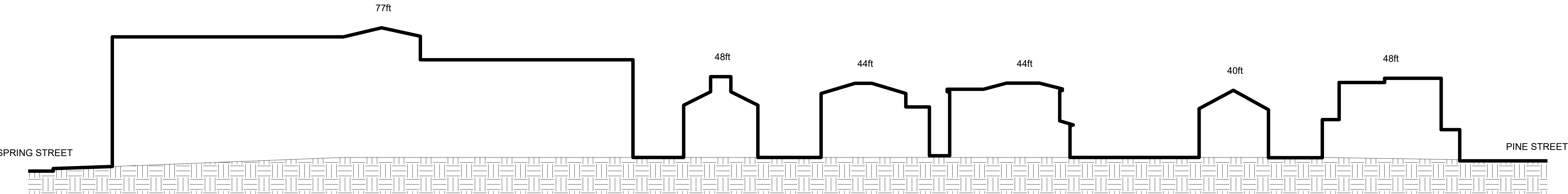




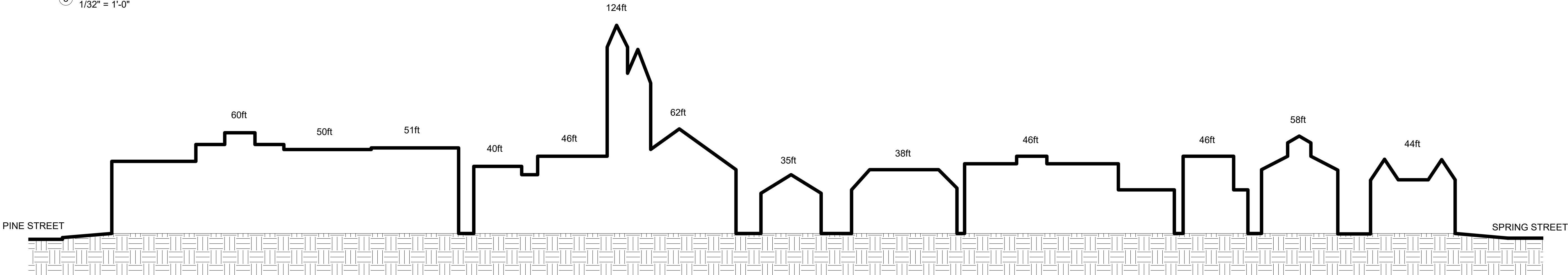
① WINTER STREET - SOUTH ELEVATION  
1/32" = 1'-0"



② WINTER STREET - NORTH ELEVATION  
1/32" = 1'-0"



③ STATE STREET - SOUTH ELEVATION  
1/32" = 1'-0"



④ STATE STREET - NORTH ELEVATION  
1/32" = 1'-0"

**NOTE:**  
BUILDING HEIGHT INFORMATION  
OBTAINED USING GOOGLE EARTH.  
HEIGHTS ARE BELIEVED TO BE  
ACCURATE WITHIN 5FT.

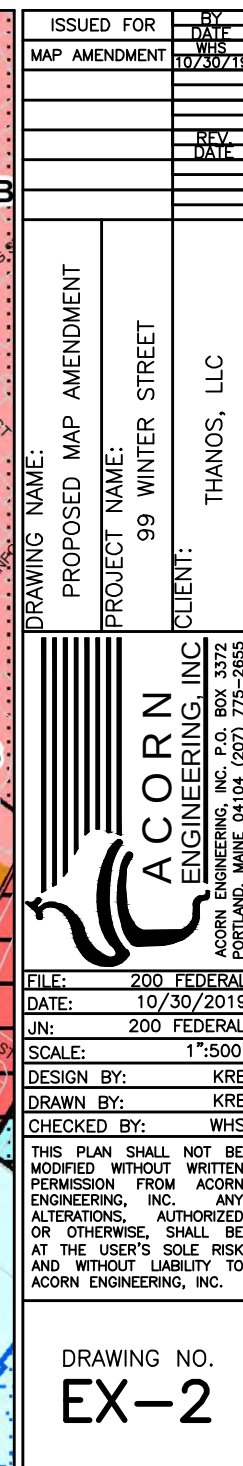
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# **Attachment G**

## **Proposed Map Amendment**



1. ZONING INFORMATION OBTAINED FROM  
CITY OF PORTLAND ZONING MAP,  
ADOPTER 1/17/01, LAST REV. 2/12/19.





**B-3 ZONING PROVIDES:**

±49 UNITS, MAJORITY WORKFORCE

45'- 0" MAX HEIGHT (35'- 0" + 10'- 0") EXTENDING 65' FROM WINTER STREET PROPERTY LINE. 85'-0" MAX HEIGHT AT REAR OF SITE.

NO SETBACKS REQUIRED. NO STEPBACK REQUIRED. (5' SETBACKS INTENDED ON FRONT, SIDES & REAR).

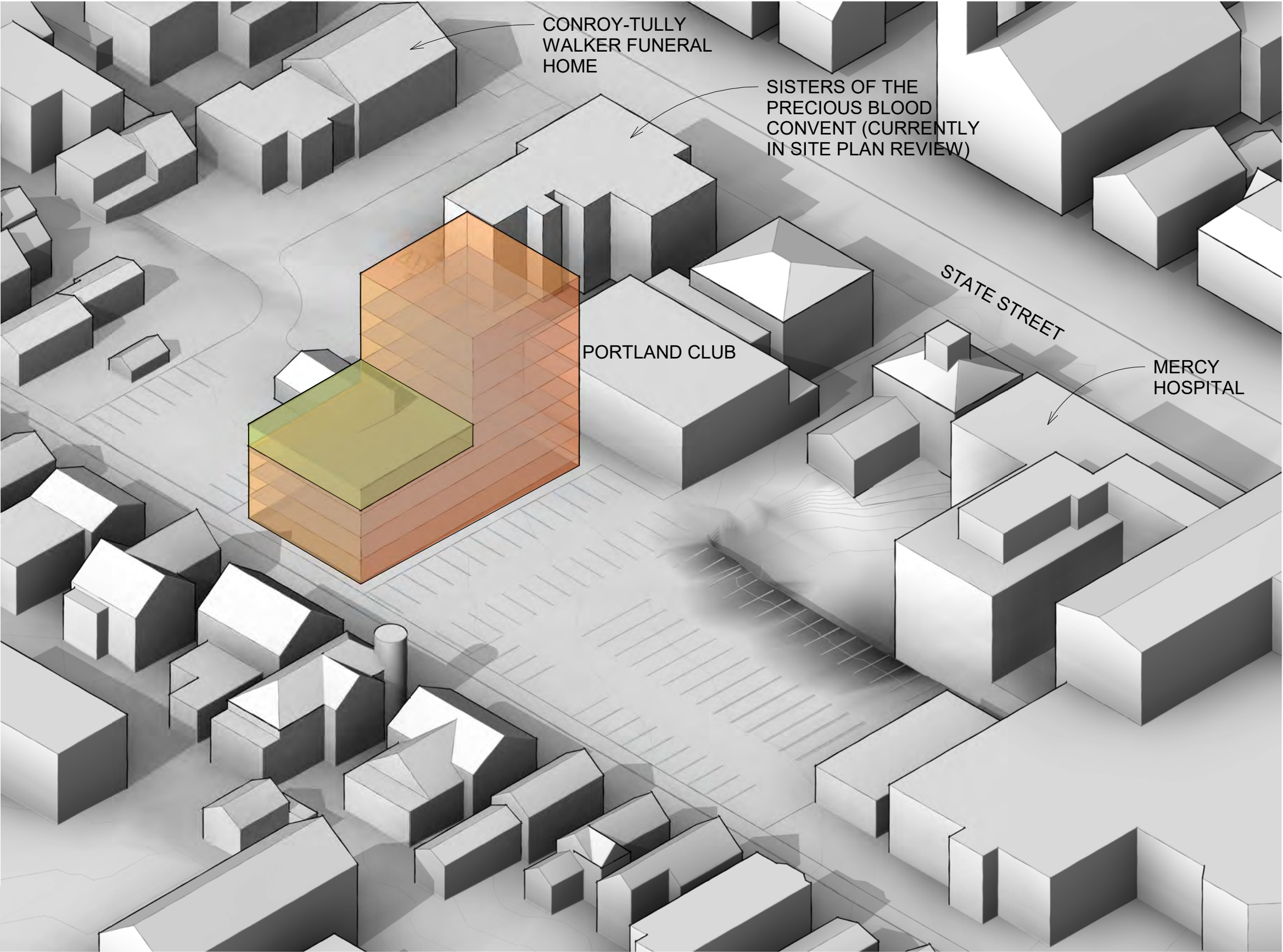
IMPROVED ECONOMICS OF PROJECT RESULTING IN GREATER FLEXIBILITY FOR BUILDING DESIGN, GREATER ABILITY TO DESIGN FINAL BUILDING THAT WILL NEGOTIATE THE SCALE OF EXISTING BUILDINGS ON WINTER AND STATE STREETS

OPEN SPACE - ADDITIONAL BUILDING VOLUME CREATES OPPORTUNITY FOR MORE OPEN SPACE

INCREASED DENSITY OF WORKFORCE HOUSING

CLOSER ALIGNMENT WITH PORTLAND COMPREHENSIVE PLAN GOALS

RECENTLY APPROVED FOR MERCY REDEVELOPMENT, POTENTIAL FOR SYNERGY BETWEEN DEVELOPMENT AND NEIGHBORHOOD



**WINTER STREET HOUSING**

Portland, ME | 01-12-21

**B-3 AXONOMETRIC**

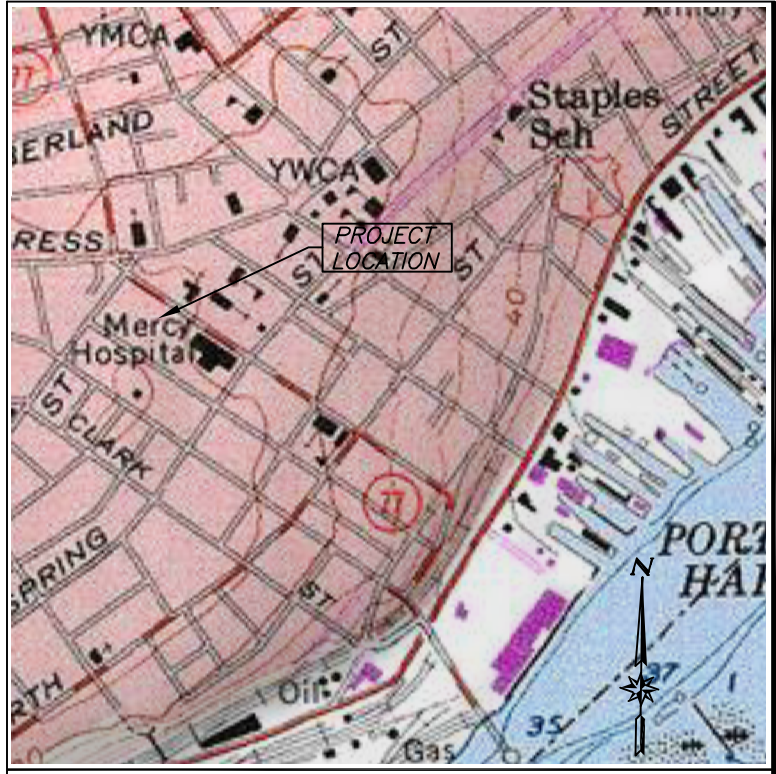
Att. H

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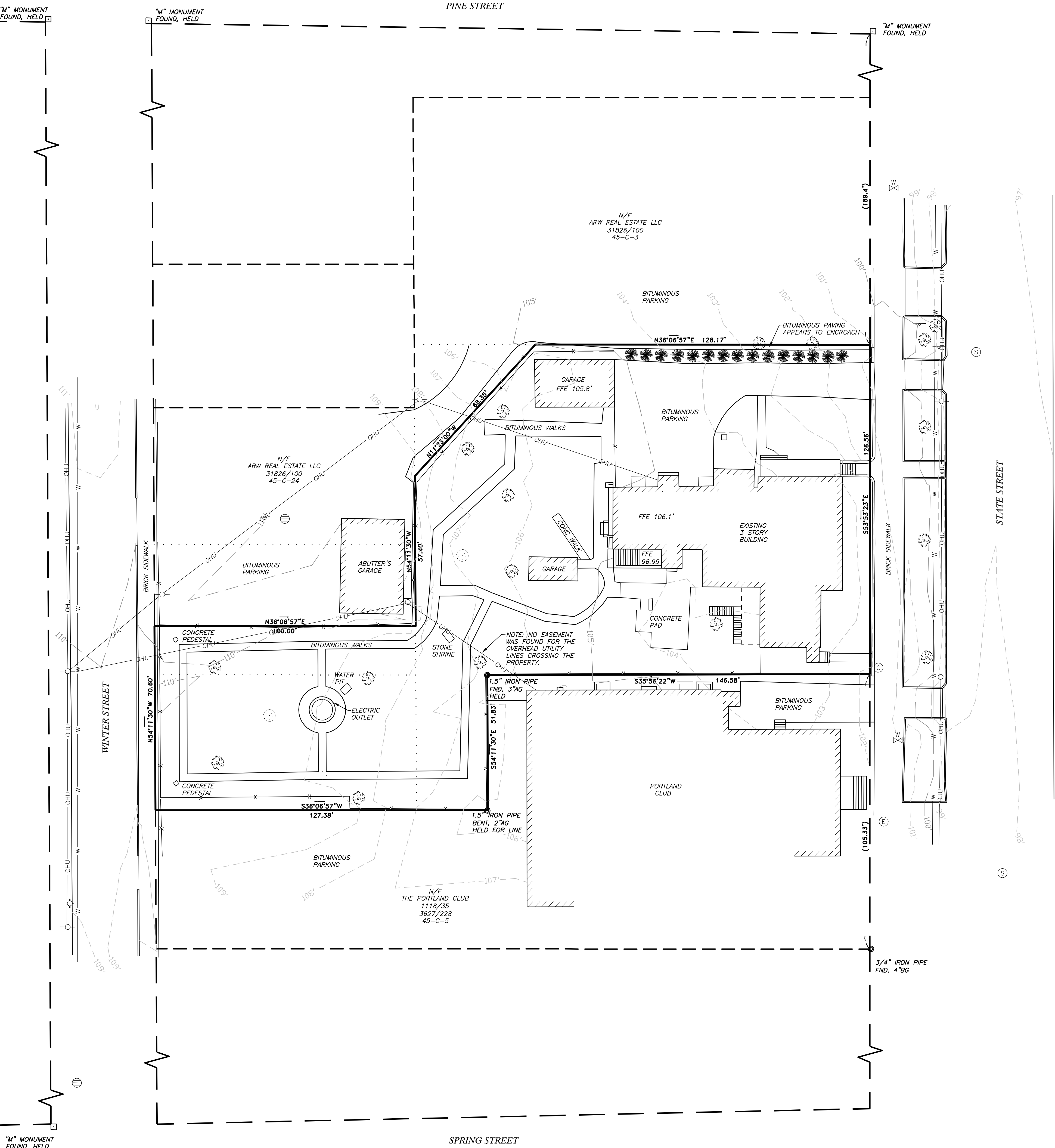
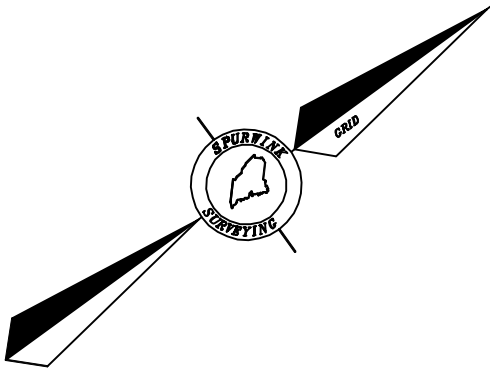
# Attachment H

## Civil Site Plan





VICINITY MAP  
N.T.S.



CERTIFICATION  
SPURWINK SURVEYING HEREBY CERTIFIES TO FIRST AMERICAN TITLE INSURANCE COMPANY, THANOS LLC AND STARK INDUSTRIES LLC THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND SURVEY AND TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT PRACTICE AND STANDARDS. THE SURVEYED LAND AS DEPICTED HEREON IS THE SAME LAND AS DESCRIBED IN THE DEED TO ROMAN CATHOLIC BISHOP OF MAINE RECORDED IN BOOK 35081, PAGE 287.

## LEGEND

- #5 REBAR WITH PLASTIC CAP STAMPED P.L.S. #2028
- FOUND IRON PIPE (SIZE & TYPE AS NOTED)
- FOUND IRON ROD
- FOUND CAPPED IRON ROD (NUMBER AS NOTED)
- UTILITY POLE (NUMBER AS NOTED)
- FOUND TREE
- FIRE HYDRANT
- CATCH BASIN
- DRAIN MANHOLE
- SEWER MANHOLE
- GUY
- BOUNDARY LINE
- EDGE OF PAVEMENT
- RIGHT-OF-WAY LINE
- SETBACK LINE
- INTERIOR LOT LINE
- ABUTTER LINE
- OVERHEAD UTILITY
- STOCKADE FENCE
- CHAIN LINK FENCE
- NOW OR FORMERLY OWNED BY
- DEED BOOK AND PAGE (CCRD)
- TAX MAP-BLOCK-LOT
- PARENTHESIS DENOTE RECORD DATA

## NOTES

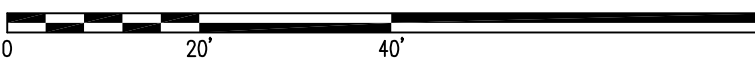
- THE BASIS OF BEARING FOR THIS SURVEY IS MAINE STATE COORDINATE SYSTEM, WEST ZONE. CONTOURS AND ELEVATIONS ARE REFERENCED TO NGVD1929.
- DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN A DEED FROM SISTERS OF THE PRECIOUS BLOOD OF PORTLAND, MAINE TO ROMAN CATHOLIC BISHOP OF PORTLAND DATED AUGUST 13, 2018 AND RECORDED IN DEED BOOK 35081, PAGE 287.
- REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a. "PLAN OF LAND IN SOUTH PORTLAND, MAINE MADE FOR JOHN C. JACOBSON" BY RALPH P. CUMMINGS, C.E. RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 23, PAGE 55.
  - b. VARIOUS STREET LINE SHEETS AND UTILITY PLANS ON FILE AT CITY OF PORTLAND ENGINEERING OFFICE.
- THE SURVEYED PARCEL CONTAINS 29,333 SQUARE FEET OR 0.67 ACRES.
- THE SURVEYED PARCEL APPEARS ON FEMA FLOOD MAP 230051 0013 B AND IS NOT IN A FLOOD HAZARD ZONE.
- 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.

| Revised:                                     | By: | Date:                              | Change:          |
|----------------------------------------------|-----|------------------------------------|------------------|
|                                              |     |                                    |                  |
| PROJECT: 2019016                             |     | PROJECT NAME: 160 STATE STREET.DWG |                  |
| DATE: APRIL 22, 2019                         |     | SCALE: 1"=20'                      | FB # 13 E. FB Y  |
| FIELD BY: J.A.M. & J.B.P.                    |     | FIELD DATE: APRIL, 2019            | DRAWN BY: J.A.M. |
| Drawing Name and Location:                   |     |                                    |                  |
| BOUNDARY SURVEY/EXISTING CONDITIONS PLAN     |     |                                    |                  |
| 160 STATE PORTLAND, MAINE                    |     |                                    |                  |
| Owner:                                       |     |                                    |                  |
| ROMAN CATHOLIC BISHOP OF PORTLAND            |     |                                    |                  |
| 510 OCEAN AVENUE, PORTLAND, MAINE 04103      |     |                                    |                  |
| Prepared For:                                |     |                                    |                  |
| THANOS LLC & STARK INDUSTRIES LLC            |     |                                    |                  |
| 100 COMMERCIAL STREET, PORTLAND, MAINE 04101 |     |                                    |                  |

SURVEYING LAND PLANNING  
**Spurwink Surveying**

182 SPURWINK ROAD, SCARBOROUGH, MAINE

tel 207.799.2654 cell 207.321.8966 e-mail spurwinksurveying@gmail.com

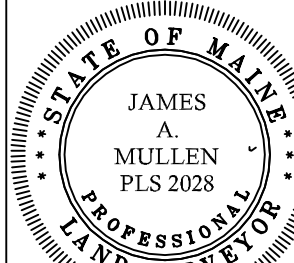


## STAMP AND SIGNATURE

James A. Mullen APRIL 30, 2019

JAMES A. MULLEN  
MAINE P.L.S. No. 2028

DATE



IF THIS PLAN DOES NOT CONTAIN AN EMBOSSED SEAL, IT IS NOT AN ORIGINAL AND MAY BE VOID.

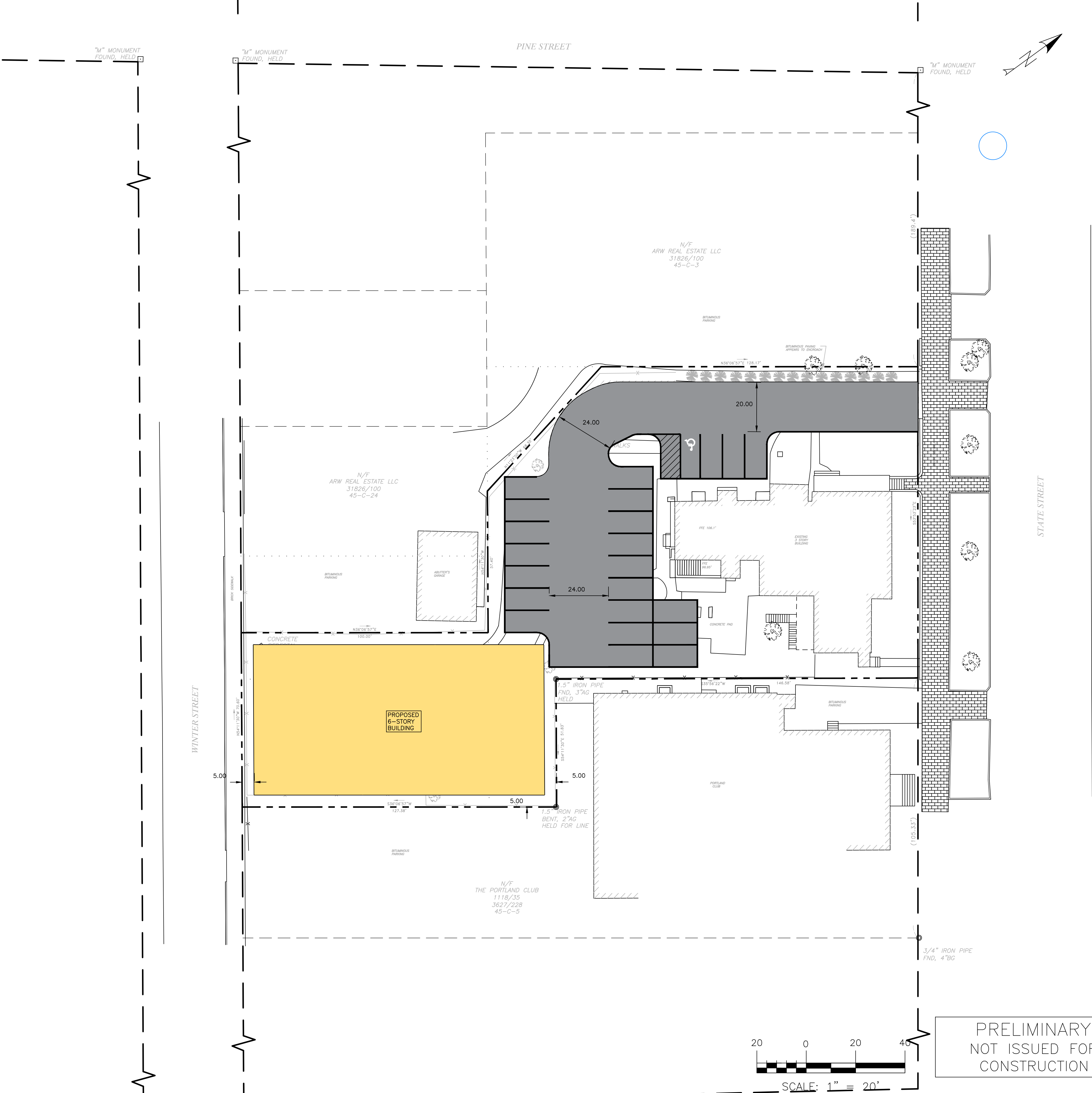
EMBOSSED SEAL ABOVE



| SPACE AND BULK STANDARDS                                               |                                    |                                             |
|------------------------------------------------------------------------|------------------------------------|---------------------------------------------|
| R-6 ZONE                                                               | EXISTING                           | ALLOWED                                     |
| MINIUM LOT SIZE                                                        | 29,333 SF                          | 2,000 SF                                    |
| MINIMUM LOT AREA/LODGING HOUSE ROOMING UNIT                            | 733 SF                             | 250 SF*                                     |
| STREET FRONTAGE                                                        |                                    |                                             |
|                                                                        | STATE ST - 126'<br>WINTER ST - 70' | 20'                                         |
| MINIMUM FRONT YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES      | 10.5'                              | 5'                                          |
| MINIMUM REAR YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES       | 10'                                | 10'                                         |
| MINIMUM SIDE YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES       | 4.5'                               | 5'                                          |
| MAXIMUM LOT COVERAGE                                                   | 37%                                | 60%                                         |
| MINIMUM LOT WIDTH                                                      | 71'                                | 20'                                         |
| MAXIMUM HEIGHT, PRINCIPAL AND ATTACHED ACCESSORY STRUCTURE             | <45'                               | 45'                                         |
| MAXIMUM HEIGHT, DETACHED ACCESSORY STRUCTURE                           | <18'                               | 18'                                         |
| LANDSCAPED OPEN SPACE REQUIRED                                         |                                    | 20%                                         |
| OFF-STREET PARKING                                                     | 4                                  | 1 SPACE FOR EACH 5 ROOMING UNITS = 8 SPACES |
| * 29,333 SF LOT SIZE / 250 SF/ROOMING UNIT = 117 ROOMING UNITS ALLOWED |                                    |                                             |

| SPACE AND BULK STANDARDS                                                                                                                                                                                                                                         |                                    |                                    |                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------------------|
| R-7 ZONE                                                                                                                                                                                                                                                         | EXISTING                           | PROPOSED                           | ALLOWED                                                                                                        |
| MINIUM LOT SIZE                                                                                                                                                                                                                                                  | 29,333 SF                          | 29,333 SF                          | NONE                                                                                                           |
| MINIMUM LOT AREA/LODGING HOUSE ROOMING UNIT (250 SF/ROOMING UNIT)                                                                                                                                                                                                | 40 ROOMING UNITS                   | 40 ROOMING UNITS                   | 117 ROOMING UNITS                                                                                              |
| MAX. RESIDENTIAL DENSITY/DWELLING UNIT (435 SF/DWELLING UNIT)                                                                                                                                                                                                    | NA                                 | 50 DWELLING UNITS                  | 87 DWELLING UNITS*                                                                                             |
| STREET FRONTAGE                                                                                                                                                                                                                                                  |                                    |                                    |                                                                                                                |
|                                                                                                                                                                                                                                                                  | STATE ST - 126'<br>WINTER ST - 70' | STATE ST - 126'<br>WINTER ST - 70' | NONE                                                                                                           |
| MINIMUM FRONT YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES                                                                                                                                                                                                | NA                                 | 0'                                 | NONE                                                                                                           |
| MINIMUM REAR YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES                                                                                                                                                                                                 | NA                                 | 5'                                 | 5'                                                                                                             |
| MINIMUM SIDE YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES                                                                                                                                                                                                 | NA                                 | 5'                                 | 5'                                                                                                             |
| MAXIMUM LOT COVERAGE                                                                                                                                                                                                                                             | NA                                 | < 100%                             | 100%                                                                                                           |
| MINIMUM LOT WIDTH                                                                                                                                                                                                                                                | NA                                 | STATE ST - 32'<br>WINTER ST - 71'  | 20'                                                                                                            |
| MAXIMUM HEIGHT, PRINCIPAL AND ATTACHED ACCESSORY STRUCTURE                                                                                                                                                                                                       | <45'                               | <60'                               | 60'**                                                                                                          |
| MAXIMUM HEIGHT, DETACHED ACCESSORY STRUCTURE                                                                                                                                                                                                                     | <18'                               | <18'                               | 18'                                                                                                            |
| LANDSCAPED OPEN SPACE REQUIRED                                                                                                                                                                                                                                   | NA                                 |                                    | NA                                                                                                             |
| OFF-STREET PARKING                                                                                                                                                                                                                                               | 4                                  | 23***                              | 1 SPACE FOR EACH 5 ROOMING UNITS = 8 SPACES<br>1 SPACE FOR EACH DWELLING UNIT = 50 SPACES<br>TOTAL = 58 SPACES |
| * 1.3 X 67 (BASE) DENSITY PERMITTED PER SEC. 14-488 W/ 60% WORKFORCE HOUSING                                                                                                                                                                                     |                                    |                                    |                                                                                                                |
| ** 50' MAX. BUILDING HEIGHT IN R7 + ADDITIONAL 10' PERMITTED PER SEC. 14-488 W/ 60% WORKFORCE HOUSING                                                                                                                                                            |                                    |                                    |                                                                                                                |
| *** SEC. 14-332.2 (b): PLANNING BOARD MAY ESTABLISH A PARKING REQUIREMENT FOR AFFORDABLE HOUSING UNITS FOR RENT OR SALE WITHIN AN ELIGIBLE PROJECT THAT IS LESS THAN ONE (1) PARKING SPACE PER AFFORDABLE HOUSING UNIT, REGARDLESS OF THE SIZE OF THE STRUCTURE. |                                    |                                    |                                                                                                                |

| PARKING SUMMARY       |                  |
|-----------------------|------------------|
|                       | # PARKING SPACES |
| EXISTING              | 4                |
| STANDARD (9'X18')     | 22               |
| ADA (8'X18')          | 1                |
| TOTAL PROPOSED SPACES | 23               |



ISSUED FOR  
ATTORNEY REVIEW

BY  
DATE  
MPB  
05/14/19

PHASE II CONCEPT

PROJECT NAME  
160 STATE STREET / 99 WINTER STREET

CLIENT  
JOSH SOLEY  
100 COMMERCIAL STREET, SUITE 214



ACCORD ENGINEERING, INC.

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACCORD ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR UNAUTHORIZED, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACCORD ENGINEERING, INC.

ACCORD ENGINEERING, INC.  
65 HANOVER ST, PORTLAND MAINE 04101  
(207) 775-2655

FILE: 1123.1\_CIVIL

JN: 1123.1

SCALE: AS NOTED

DESIGNED BY: WHS

DRAWN BY: ZMS

CHECKED BY: WHS

DRAWING NO.

EX-1

---

**Letter to the Planning Board Re: 99 Winter Street/ 160 State**

---

**Amy Grommes Pulaski** <amygrommes@gmail.com>

Jun 17, 2020 9:21 AM

Posted in group: **Planning Board**

Hello Andrew,

I am submitting to you, and the members of the planning board, a letter on behalf of the residents and neighbors of Winter Street regarding the zone change request for 99 Winter Street/ 160 State Street.

Please share with members of the planning board.

Also, when will this item be on the agenda?

Thank you.

Amy Grommes Pulaski  
68 Winter Street



City of Portland  
Planning Board  
389 Congress Street  
Portland, ME 04101

June 16, 2020

**RE: 99 Winter Street Development**

**To the City of Portland Planning Board members:**

Chair Brandon Mazer, Vice Chair Maggie Stanley, Marpheen Chann, Sean Dundon, Bob Dunfrey, David Silk, and Austin Smith.

Cc: Andrew Tufts, of the Planning Department

We, the neighbors of Winter Street, are aware of a zoning overlay request before you regarding 99 Winter Street. ***We request that the development adhere to the R-6 residential zone and reflect the design and scale of Winter Street, and that the R-7 overlay request be denied,*** for the following reasons.

- The "yellow zone" or urban core contains the Old Port and extends toward the West End but ends at State Street. The State street side of the property could handle increased density, typical of the R-7 zone. However, the Winter Street side of the property is smaller and residential in nature. The large developments that do exist on Winter Street – 100 State Street and Mercy Hospital - have design qualities that are consistent with the R-6 zone. Namely, these properties do not exceed the 45' height requirement of R-6, and are considerably stepped back from the edge of the street. The new building, under the R-7 overlay zone, would both exceed 45' height required of R-6, and, without required setback of the R-6 zone, would likely be located at/ on the sidewalk. This scale of development in the R-7 zone would be inconsistent with what currently exist on Winter Street.
- A notable concern between R-6 and R-7 is a significant change in lot coverage from 80% in R-6, to 100% in R-7. This too, is inconsistent with the current design and scale of Winter Street.
- The R-6 zone has setback requirements that are appropriate to the scale on Winter Street for larger developments, the R-7 zone does not require setbacks.
- The existing housing heights on Winter street are up to 3.5 stories in height, or less than 45', also consistent with the R-6 zone. If the R-7 overlay zone is approved, and the project pursues affordable housing as intended, and receives the density bonus allowed, the project could be allowed additional 25' in height. Buildings heights of 65' to 70' are not consistent with the current design and scale of the Winter Street streetscape.
- A density bonus, allowed under affordable housing developments, could allow up to 49 units in the R-6 zone, or 166 in R-7, depending on how deep the subsidy, would seem to overwhelm the site and the neighborhood.

Additionally, at the neighborhood meeting, the developers shared that they would have more design opportunities under the R-7 that would be constrained under the R-6. However, within any guidelines, skilled architects (such as the ones hired for this project) have endless options as to what the final design can and will be. It's simply not true that one set of guidelines (R-7) allows for more creative solutions over any other set of guidelines (R-6), as put forth by the developers in the neighborhood meeting.

We appreciate your work in ensuring consistency with Portland's Comprehensive Plan. We welcome a discussion and open dialogue on this development, and other developments on Winter Street. Thank you for your time and consideration of our request.

Submitted on behalf of,

The residents and neighbors of Winter Street, including:

1. Suzanne Hunt, 36 Winter St
2. Chrystal Wing, 36 Winter Street
3. Elizabeth Parsons, 44 Winter Street
4. Amy Grommes Pulaski, 68 Winter Street
5. Michael Pulaski, 68 Winter Street
6. Lauren Guite , 70 Winter St.
7. Regan Sweeney, 70 Winter St.
8. Katherine Gilbert, 92 Winter Street
9. Charles Morris, 92 Winter Street
10. Nathan Kimble, 100 Winter Street
11. David Shedd, 104 Winter St
12. Rose Marasco, 108 Winter Street
13. Honour Mack, 112 Winter Street
14. David Marsden, 112 Winter Street

THE RESIDENTS AND NEIGHBORS OF WINTER STREET

15. Seth White, 113 Winter St.
16. Lurette Saul, 113 Winter Street
17. Jennifer Rosenthal, 116 Winter Street
18. Casey Rosenthal, 116 Winter Street
19. Mary Clews, 117 Winter Street
20. Jennifer Defilipp, 119 Winter
21. Marc Smith, 119 Winter.
22. Heather Carlisle, 22 Pine Street # 1
23. Bob Brittingham, 22 Pine Street # 2
24. Pam Brittingham, 22 Pine Street # 2
25. Brooke Porter, 22 Pine Street # 4
26. Karen Farrell, 22 Pine St. #5
27. Maya Burton, 22 Pine St, #6
28. Sarah S Saul, Danforth Street
29. Mark Rossnagel, 766 Congress St. #11
30. Trisha Cobb as President of The Portland Club, 156 State Street
31. Laurence Reinhartsen, 59 State Street # 3
32. Gretchen Langner, 59 State Street # 3

**David Shedd**  
**P. O. Box 11375**  
**Portland, ME 04104**  
**(207) 838-1068**  
**[portlandmerentals@gmail.com](mailto:portlandmerentals@gmail.com)**

April 24, 2020

Brandon Mazer, Chair  
Planning Board City of Portland  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Mazer:

I have looked carefully at the documents submitted by: Thanos, LLC. re: the proposed application of changes to 160 State Street and 99 Winter Street.

I have a number of concerns about the submitted proposal and the developer which I would like you to evaluate and consider. With Mercy Hospital leaving and with the significant changes to this site and the neighborhood, we're looking at significant changes to an historic district. The city allowed buildings to be razed to create parking lots in that district, and that blighted the neighborhood for decades. These two projects will change this block as well...we need to make sure that we don't create MORE problems.

I purchased 104 Winter St. in 2002. At that point, it was a near-derelict that had been a known crack house a number of years earlier. Over the last 18 years, I have done major renovations and improvements to the house and grounds, and developed great tenants in an open, welcoming neighborhood. That has included installing and reworking a fence to remove a "corridor" from Brackett Street to Winter Street that had people sleeping in our yards, hallways, and basements...not a nice scenario. Overall, it has been a lot of work, but worth it.

Over the last few years, our neighborhood had been working to increase the quality of the area; more trees, better lighting, better walkability. Rose Marasco (my neighbor) and Elizabeth Parsons have been leading that charge, with the goal of making the neighborhood fit in better with what the West End is trying to be...more neighborhood, less "commercial." We've had significant problems with owners/tenants of buildings on State Street, and the neighborhood organization has been in regular meetings to try to resolve the issues.

.

I know they have met several times with Jeff Tarling, who is working to get tree replacements. And then, Thanos, LLC started cutting trees without notice or discussion; not exactly the definition of “good neighbors” (although fitting, given the name). Clearly, they have little understanding of the neighborhood and the character that both exists and that we are working toward, and also clearly no interest in finding out and being part of it.

That makes their request to reduce the required landscape space to zero, from the standard 20%, even more shocking and unacceptable than it would have been. As a general practice, it’s a bad idea to reward bad actors with concessions; they’ll keep taking advantage, not just in this situation but in every other opportunity with the city. They tried to do much of this without approval; now they want to get approval for it. I’m sorry, but that isn’t even reasonable.

Then, there is their request for a 50% height increase. My building, which is basically directly across from there, is in a historic district. I have had to work around various regulations, including paying thousands of dollars more for windows that met the district requirements...and now the goal is to have a huge, modern building directly facing it? That also makes no sense whatsoever, and would be a slap in the face to all of us who have worked hard to stay within the bounds of the district requirements.

I hope you will take my comments, as well as those of the other residents, into consideration. All of us have the good of the city in mind, not just that of our own pockets...we’re trying to create “homes,” not just apartments. Allowing major changes that void the work of us, and of Historic Preservation, does not move the city forward.

Sincerely,

David Shedd

CC:

Ms. Jennifer Munson, Planning Department  
Councilor Spencer Thibodeau, Chair, Sustainability & Transportation Committee  
Mr. Andrew Tufts, Planning Department  
& the Planning Board City of Portland



**Elizabeth C. Parsons  
44 Winter Street  
Portland, ME 04102**

22 April 2020

Mr. Brandon Mazer, Chair  
Planning Board c/o City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Requested rezoning of 160 State/99 Winter; Plan Number: ZN-001021-2020

Dear Mr. Mazer:

The following concerns two points related to current zoning laws; to *Portland's Plan 2030*; and to the joint planning process: *One Climate Future*. These points support my contention that granting this request *would negatively affect the existing neighborhood and adjacent property*—something disallowed under R7 provisions. It would also *run counter to values stated in the two planning documents*.

#### **Land use**

The zoning change request from R6 to R7 involves new construction out of scale in height and width to the neighborhood's context. This envisioned size would require reducing the amount of landscaped open space on the 99 Winter plot from 20% or zero. The proposed new construction would run basically to Winter Street and lot lines on either side of the property.

This area, though bounded by a fence, has been one of the largest pieces of open space in the neighborhood for decades. In fact, it was open for so long that approximately eight trees reached maturity there. By contrast, the rest of the upper and mid-Winter blocks have lost almost all tree cover due to replacement of housing by parking lots; municipal neglect; and over salting. If you visit 99 Winter now, you will see only three or four mature trees still standing there. This is because the new owners pre-emptively felled the rest last summer until a group of neighbors intervened. Had we not done so, the other trees—including a 150+ year old sugar maple—would have come down.

This incident was the impetus for a tree protection ordinance currently wending its way through City processes. The final draft should come before the entire Council very soon. Meanwhile, the City Arborist has deemed all the remaining trees at 99 Winter healthy. But it appears unlikely any would survive if the application as presented goes forward. This is particularly disturbing since an earlier renovation request for 160 State specifically notes protective measures for the sugar maple.

As both the City Arborist and Councilor Thibodeau can attest, Winter Street neighbors have been working for over three years to improve the quality of life in an area that has come to resemble an industrial back alley to businesses and organizations fronting on State Street. One of our main

aims has been to restore drastically depleted tree canopy. Progress has been very slow for reasons I won't go into here. Meanwhile, the respite to humans and wildlife provided by the Monastery's trees has been particularly prized.

So, allowing open space loss as the envisioned project requests would represent disregard for the City's comprehensive plan and current climate action planning. See, for example:

- the statement on complete neighborhoods (comp plan, p 79)
- the statement on urban design (comp plan, p 82)
- the statement on future land use policy (comp plan, p 88)
- the list of climate vulnerabilities in relation to transportation/land use and resilience planning components (oneclimatefuture.org).

### **Transportation**

Submitted plans also indicate the property owners intend to take advantage of provisions within the City's land use code that allow a reduced number of parking spaces for certain types of housing. Yet, the plan still calls for 23 parking spaces in an area where the sugar maple stands.

There are, however, numerous reasons for radically reducing the number of surface parking units:

- The comp plan highlights State Street as a priority corridor for enhanced public transit, access to which would be adjacent to 99 Winter.
- A chief objective of One Climate Future's transportation component is reducing single passenger car travel. Some strategies for doing so could include disincentives for driving. Reducing the parking requirement here would accord with that objective.
- Section 14-332.1 k. 3 of the City's code indicates the Board has flexible discretion to reduce parking requirements.
- It is questionable how many inhabitants of workforce housing would need or could afford private vehicles, especially as the recession we're now entering deepens.
- It is generally known that parking spaces cost developers money they'd rather not spend that way. Reducing the number of required spaces would help take pressure off the desire to build such a massive structure at 99 Winter.

So, tell the applicant "No. Figure out a way to make your project work within current regulations and visions." That's why we have these things. Grant leeway on parking requirements in favor of public transit options and open space. Specify that all mature trees remaining on the property be preserved and protected.

Sincerely,

*Elizabeth Parsons*

cc: Mr. Troy Moon, Sustainability Office  
Ms. Jennifer Munson, Planning Dept.  
Mr. Jeff Tarling, City Arborist  
Councilor Spencer Thibodeau, Chair, Sustainability & Transportation Committee  
Mr. Andrew Tufts, Planning Dept.

Elizabeth Parsons <ecparsons33@hotmail.com>

Dec 9, 2020, 7:26:11 AM (yesterday)



to planningboard@portlandmaine.gov, Andrew Tufts

Dear Planning Board members:

Several months have passed since I wrote to you about this planned project located a block from where I live (see copy of earlier letter attached). In the intervening time, nothing has happened to change my mind about the inappropriateness of imposing a little-used zoning designation on this neighborhood.

At the time of purchase, the applicant knew this property was zoned R6. So, some creative thinking and consideration of the context could undoubtedly yield a good project that would work within the current zoning. It's been done elsewhere in this neighborhood in recent years. Avesta's Carleton Street complex is one example; the project to be built next to the former Catholic Charities building at State and Danforth is another.

I respectfully urge the Board to deny this requested rezoning.

Sincerely,  
Elizabeth Parsons  
44 Winter Street

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**proposed rezoning of 160 State Street**

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**GABEL Landis** <landis.gabel@insead.edu>

Apr 24, 2020 4:57 PM

Posted in group: **Planning Board**

Dear Planning Board members,

I am writing to oppose the rezoning relevant to the proposed development of what was formerly the Precious Blood Monastery at 160 State Street.

The purpose of zoning regulations is to afford a secure barrier to the unending pressure for the sorts of development that would harm the esthetic, historic, or cultural assets of a neighborhood. That pressure is especially high in Portland now. If those responsible for zoning enforcement give way to the pressure, those values and the character of the city which drew many to it, will be irrevocably lost. It may be argued that the proposed development will contribute to the economic prosperity of the city, but that would ignore the loss of value felt by the neighborhood, both in the abstract and in terms of its property values.

I am a relatively new resident of Portland. I moved here to the West End in good part because of the very things threatened by this proposed development. It is out of scale (which is why the rezoning is needed), unattractive, and it will necessitate the removal of trees that the city needs more, not fewer, of. Indeed, there is an initiative underway to increase the tree cover within the city. This tree protection ordinance may go before the City Council in May. It would be a shame should trees be lost, including a notable old sugar maple, just as the city moves the other direction.

Thank you for considering my concern.

H. Landis Gabel

Emeritus Professor of Economics and Management

The Novartis Chair in Management and the Environment, Emeritus

INSEAD

E-mail: landis.gabel@insead.edu

## Development plan for Precious Blood Monastery.

Katherine Gilbert <kittyandcharles@gmail.com>

Apr 16, 2020 2:42 PM

Posted in group: **Planning Board**

Good morning Jennifer Munson and Andrew Tufts and other members of the Planning Board.

I am writing to register my concern regarding plans for the development of Precious Blood Monastery into a six-story, 50 unit, residential building with limited parking and no green space.

The height of six-stories, while even with the nearby hospital, is otherwise not in keeping with the surrounding buildings, resident or commercial. I would like to register my strong opposition to the height variance above the current 3 floors. In addition, I would ask that a minimum green space requirement be maintained in our 'Forest City'. Green space is not something we can regain once overbuilt. The green space standards are in keeping with Portland's long term goals with regard to climate maintenance. Similar variances have created darkened corridors in the East End of the City. State Street is one of Portland's Grand Boulevards. We need to consider carefully changes to this vibrant part of town and sponsor only development which enhances the city's character.

I live in a home on Winter street which has been in my husband's family for more than 100 years. My father-in-law grew up on a tree-lined street overlooking a public open space which is now a Mercy Hospital parking lot. He used to be able to see Casco Bay from third-floor. Now we face the back of Mercy and the parking area. We deal with the incumbent year-round noise from the hospital's industrial ventilation, idling emergency vehicles, night gas emissions, waste removal, deliveries, and seasonal snow clearing. We often feel as if Winter Street is treated as an alley rather than as the vital residential neighborhood that it is.

Over the past several years, Winter street residents have been working together to urge our State Street neighbors to take steps to improve their appearance on our street. To this end, we have encouraged our State Street neighbors to remove waste containers and replace hurricane fencing with plantings and/or architectural enhancements more in keeping with the residential nature of our street. In addition, we have met with the city arborist and are working to restore the trees along our sidewalks.

We are not opposed to development. In fact, many of us are looking forward to the proposed conversion of Mercy Hospital to a mixed-use residential and commercial development with green space. Our neighborhood has benefitted from the addition of much-needed housing with crosswalks, and local businesses where empty lots once stood. But we have also seen an explosion in construction and are witness to some of the negative consequences as well.

We urge you to consider the impact of a six-story, shadow casting, curb hugging, 50 unit structure, with limited parking, and no green space on our neighborhood. Maintaining even one of the zoning restrictions may be enough to help the planned construction fit into our fair Forest city, Portland. Please maintain the current zoning rules.

Please keep us posted regarding future public hearing and/or options for further discussion.  
Thank you for your consideration.  
Be safe and stay well.

Kitty and Charles

-- Katherine Gilbert and Charles Morris  
92 Winter Street  
Portland, ME 04102  
207-773-9009



## Google Groups

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160 State Street

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Lurette Saul &lt;lmsaul@yahoo.com&gt;

Apr 20, 2020 1:24 PM

Posted in group: **Planning Board**

To whom it may concern,

I'm writing in regards to the property on 160 State Street and the requests to rezone it. We are the closest neighbors on the side of the street on which the lot is located. Affordable housing is a critical need and I support and applaud efforts to create it. However I fail to see why rezoning this particular parcel of land, on a street which will shortly be entirely residential, is a good idea. Keep the parcel zoned as it is, so that Winter Street can remain a lovely place, without a towering building looming down on the homes below, blocking the sun from our yard.

Furthermore, though this is not specifically what is being addressed, I would like to mention the nearly 200 year old maple tree that is on the 160 State Street property. The Soleys cut down several other large canopy trees (suddenly, and without notifying the neighbors), and it was only through direct intervention that we were able to save the maple. Approving any action that would allow that maple to be cut down would be a stunning act of hypocrisy from a city claiming a 'climate action initiative' of the type detailed on your webpage.

I'm including a photo, from our living room window, of the maple as it stands now, just beginning to leaf out. 160 State Street, the former convent, is visible also. This is how close we are! We see squirrels nesting, and once in a while a hawk comes to sit in the branches look over the neighborhood. Some of our young daughters' first words were "big tree"!

PLEASE think this all the way through before you allow anything to happen that could affect this venerable tree.

Respectfully,

Lurette Saul  
lmsaul@yahoo.com  
415.577.4193  
113 Winter Street





May 15, 2020

Brandon Mazer, Chair  
Planning Board City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Thanos, LLC. proposed application of changes to 160 State Street and 99 Winter Street.

Dear Mr. Mazer:

I have looked at the documents submitted by: Thanos, LLC. Im trying to keep an open mind to the project but several pieces just don't seem to be fitting...

- 39 Units at 160 State
- 50 Units at 99 Winter
- Zero open space
- Height increase of 50%

Placing a six story building in what is now a neighborhood of two and three stores single and multi family properties, cramming 100 plus occupants on a small lot, little parking and no open space. This really seems like trying put the square piece in the circular hole. Great idea if you're the one collecting rent, not so great for neighborhood. Winter Street is a narrow one-way road with very limited parking. I currently can't see any merit to these requests. If this is approved I will be requesting to raze my property and build a six story 50 unit with zero landscaping. There's a good reason for zoning. Let's stay with it.

Sincerely,

Nathan Kimble  
100 Winter St  
Portland, ME 04102  
(207) 650-2487  
nathankimble@gmail.com

CC:

Ms. Jennifer Munson, Planning Department  
Councilor Spencer Thibodeau, Chair, Sustainability & Transportation Committee  
Mr. Andrew Tufts, Planning Department  
& the Planning Board City of Portland















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**99 Winter Street / 160 State Street Zoning Change Request**

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**Rosanne Graef** <rgraef@zwi.net>

May 18, 2020 7:09 PM

Posted in group: **Planning Board**

To Whom It May Concern,

I am writing to express my opposition to the request for a change from R-6 to R-7 zoning for this parcel. Approval of this request would result in significant negative impact on the neighborhood and its residents, as well as on prospective residents of buildings to be remodeled or constructed on this lot. If you visit Winter Street, you'll be struck by the paucity of street trees and the poor condition of those few that are barely hanging on. The lot in question was graced, until last summer, by mature deciduous trees which provided summer cooling, shade, pleasant views and a welcome natural respite for those living there and in the immediate surroundings. In addition, these trees provided habitat for birds and other creatures. When the lot changed hands, one of the first acts of the new owners was the sudden, unannounced cutting down of several of these large, healthy trees. Understandably their removal led to much despair among residents who developed a resolve to try to protect the remaining trees on this lot, as well as others, from unthinking and unnecessary destruction. Over the past few months, this proposed heritage tree protection ordinance has been making its progress through the review process of the Sustainability & Transportation Committee and hopefully will be moved forward to the full City Council.

It is my belief that this zoning request should be rejected, or at least tabled, until the tree protection ordinance has been thoroughly considered and voted upon by the members of the S & T Committee and, ultimately, the City Council. With 100% lot coverage allowed in the R-7, this application is an attempt to squeeze as much out of this development as possible and will undoubtedly result in the removal of the remaining trees on the lot. Actions such as this do not square with Portland's desire to be a livable city that demonstrates concern for the environment and the overall well-being of its current and future residents. Please reject this zoning change request.

Sincerely,

Rosanne Graef  
30 Salem St.

108 Winter Street  
Portland, Maine 04102  
April 22, 2020

Mr. Brandon Mazer, Chair  
Planning Board City of Portland  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Mazer:

I have looked carefully at the documents submitted by: Thanos, LLC. re: the proposed application of changes to 160 State Street and 99 Winter Street.

I have a number of questions and concerns on the submitted proposal which I would like you to evaluate and consider. With Mercy Hospital leaving and with the significant changes to this site, the importance of proceeding slowly, carefully, and wisely with this project, is a matter of major importance. These two projects will change this block of Winter Street forever. We need to get this right.

I live on this block, at 108 Winter Street. I bought my house in 2003 on auction from Mercy Hospital. It was quite a neglected house, but the integrity of the house had not been compromised and I have enjoyed restoring it. I moved to Portland when I was 29 years old (somehow, I am now 71) to establish the photography program at the University of Southern Maine. Portland is a city I love and over the years I have served on various city committees, representing the arts and the arts district.

A few years ago, I joined with Elizabeth Parsons, who was then President of the West End Neighborhood Association (WENA), to address some of the issues on the two blocks of Winter Street (from Pine Street to Gray Street) that needed improvement. Liz and I formed a very active group of 23 participants.

The group started by advocating for trees. Since 2003, many of the Winter St. trees (some very large) have died, and/or were removed. These trees were not replaced, and the tree wells were simply bricked over.

Next, we addressed the severe blight on Winter Street. This too has gotten much worse since 2003. Several of the businesses whose property fronts on State Street, started using their backyard, if you will, (meaning the streetscape of Winter Street), for the placement of their dumpsters, including food waste (in the summer the smell is pretty much unbearable), winter salt storage in a shipping container, (we did work with Mercy hospital to relocate this item), un-shovelled walkways, cigarette butts, and other blight.

These clear signs of neglect, combined with the highly visible trash and metal containers, seem to give permission to individuals to use these objects and spaces, as: a tagging site, a place to dump their no longer wanted furniture, large branches, and other garbage anywhere near the dumpster. I have seen this happen countless times. I watched two men dump a sofa off a truck, from my living room window. These places have also been sites, where because of the neglect and "cover" provided by the dumpster, encourages highly intoxicated individuals to gather. This



past Sunday there was someone passed out on the street in front of the parking lot across from me.

Our group of 23 has met several times with Jeff Tarling, who is working to get us tree replacements. But, our progress is very slow. Therefore, when several of us heard the chainsaws and watched a large streetscape being cut down on the 99 Winter Street side of the Thanos, LLC property, we immediately convened a meeting with the developer and several city officials.

Present at that meeting were: Spencer Thibodeau, Councilor District 2, Christine Grimando, Director, Planning Department, Ian Jacob, Historic Preservation, several members of our Winter Street group, including Elizabeth Parsons, and myself. It was a very emotional meeting. Several residents were crying and very distraught with what appeared to be to us: a removal of significant trees before a plan had been submitted and approved by the city. We did lose one large tree and several smaller that day. We were told the remaining major tree on the property, a 150 year-old sugar maple was also slated to come down. Shortly after the meeting, I was still on the property talking to the owner when Jeff Tarling came by, examined the tree and found it to be healthy.

To address the request from Thanos, LLC to reduce the required landscape space to zero, from the standard 20%, is completely unacceptable. They have already blighted the neighborhood and to further grant them a reduction to 0 % is really an insult to all who work for and care about this city. To me this seems especially so, in light of their skirting the rules and taking down trees before a plan was submitted. And, frankly, seeing my neighbors be so distraught, seeing the tree trimmers stop the cutting, and walk off the job that day, speaks to the intensity of this issue. If we did not act and come together, the site would now be completely felled of all trees. Exactly what they are asking you to do.

Regarding Thanos LLC, second request for the 50% increase of proposed building height over the guidelines, of the R6 zone. I also see no merit or reason for this request on this site. And I urge you to deny this request. It would set a really bad example for Portland. We have requirements because many of you and others have taken the time and care to think these issues through and have come up with standards that makes sense and take into account the greater good, and not the selfish good. Additionally, as I'm sure you are aware, Winter Street is in the West End Historic District. Many of us who own homes in the district, have filled out our forms, met with Preservation officials and have complied with the regulations. Developers, who are also individuals, should be held to the same highest standards within the Historic District.

I thank you for reading and considering my thoughts and observations. If I may provide you with any additional information please contact me.

Rose Marasco  
Visual Artist + Distinguished Professor Emerita of Art

207-780-1965  
[info@rosemarasco.com](mailto:info@rosemarasco.com)  
[www.rosemarasco.com](http://www.rosemarasco.com)

Mr. Troy Moon, Sustainability Office  
Ms. Jennifer Munson, Planning Department  
Mr. Jeff Tarling, City Arborist  
Councilor Spencer Thibodeau, Chair, Sustainability & Transportation Committee  
Mr. Andrew Tufts, Planning Department  
& the Planning Board City of Portland

Sarah Conly <sconly@bowdoin.edu>

Dec 31, 2020, 11:40:59 AM (6 days ago)



to planning@portlandmaine.gov, Elizabeth Parsons

To whom it may concern:

In point of fact, this concerns all of us. All of us on Winter St., on State St., on Pine and Spring Streets, and anyone in Portland who doesn't want their neighborhood sold to the highest bidder.

The Solely Brothers, not content with already planning to make a huge profit by developing the old monastery at 99 Winter St., want to change the zoning to R7. Good-bye sunlight on Winter St., good-bye quiet, and good-bye, neighborhood once a massive new building is here where there is at present a garden. There are plenty of places in Portland that could benefit from a bit of development, even a large development. Winter Street is not one of them. The West End is a historic residential neighborhood. Huge, soulless apartment buildings will destroy this. *Is this what you want?* You know if you enact this zoning change they will take full advantage of it and cram every square foot with as much construction as they can possibly fit in. Livability does not mean cramming as many people as possible into a small space. It's about preserving quality of life. Please do not allow this change.

Sarah Conly

110 Winter St., #4

Portland, ME 04102

**ZN-001021-2020**

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**Seth White** <whiteseth04@gmail.com>

Apr 21, 2020 6:44 AM

Posted in group: **Planning Board**

Dear Members of the Planning Board,

I live two lots down from the proposed project on the same side of the street. I am very much for affordable housing being built on this lot. I am very much against allowing this zoning amendment for this lot.

I suspect in these letters from neighbors you are hearing about a healthy 150 year old sugar maple at the heart of this project. I suspect you are hearing about the developers' covert modus operandi both in eliminating the only canopy on this stretch of Winter St. with zero community outreach (the venerable maple was spared only by direct action from residents), and in dealing with the resulting fallout with residents. Now these developers are essentially asking taxpayers to reward them with a variance that allows a six story building on a stretch of Winter St. with no buildings above three stories, and a 0% landscaped footprint in the name of workforce housing. I understand the city has certain incentives for developers to create workforce housing with a caveat that the project must remain affordable housing for the "longest period allowable under federal, state, and local law," but I've been unable to find out how long that actually is. Are we really to allow a permanent footprint that flies in the face of any sort of "climate action plan" for a tenuous short term promise of affordability?

Further, we are likely facing a very large recession or worse. It seems to my mind a particularly poor time to be awarding higher density residential variances until we as a community have a sense of how this crisis is playing out.

Please, please reject this application. Thank you for reading this.

Sincerely,

Seth White  
113 Winter St.

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**99 Winter Street aka 160 State Street**

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**Shawn Hunt** <hunt\_shawn@hotmail.com>

Apr 17, 2020 7:28 PM

Posted in group: **Planning Board**

Hello:

I'm just writing a quick note regarding a concern with the proposed 99 Winter Street/160 State Street development (former Precious Blood Monastery). This is a big change for our street. I am not writing fully opposed, but I have concerns.

I want to hear a *specific plan* about how trash/recycling and pet waste (if applicable) will be handled by the property management. What about cigarette butts?

With 50 new units (more than 50 people?) I am sure that without a plan this will get out of hand. With potentially high turnover in the many units, I anticipate a problem with abandoned furniture, junk, etc.

What is the plan?

With that number of units, I want strong reassurance that waste will be handled by a reputable private company -- or at the very least with strong and enforced guidelines from the property management. We will not tolerate poor waste management at this property.

Thank You,  
Shawn Hunt  
Pine Winter Condos





Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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**Fwd: 99 Winter Street/160 State Street Development**

1 message

**Suzanne Hunt** <shuntadoherty@gwi.net>

Thu, May 28, 2020 at 7:14 PM

To: atufts@portlandmaine.gov, planningboard@portlandmaine.gov

Cc: jmy@portlandmaine.gov

**Subject: 99 Winter Street/160 State Street Development**

City Staff and Planning Board Members;

First off, thank you for all you do, and thank you for your careful review of the proposed development at [99 Winter Street/160 State](#). In 1998 I was very fortunate to be part of the New Neighbors Program which allowed me to become the happy owner of a 3 unit apartment building at 36 Winter Street. Over these 22 years I have worked with the Historic Preservation Board and the Planning Department learning to follow all zoning requirements. I have witnessed many of my neighbors paying the same attention to zoning requirements.

Therefore when I received the proposed plans for 99 Winter Street I was dismayed. The proposal completely ignores the existing height and open space requirements for this zone. A professional developer surely was aware of the existing zoning requirements when the property was purchased. I see no reason why this development should be granted any variances. If a developer can ignore all pre existing zoning requirements why are the rest of us obeying them?

The height of the proposed apartment building is totally out of scale with Winter Street. The idea of reducing the green space from 20% to 0% seems ridiculous. Winter Street is a residential neighborhood and should be treated as such.

Thank you,

Suzanne Hunt  
[36 Winter Street](#)  
[Portland, Maine. 04102](#)  
772 6695

Sent from my iPad



Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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## Developers & Portland Assets

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Wayne@redhookdesignalliance.com &lt;Wayne@redhookdesignalliance.com&gt;

Wed, Apr 22, 2020 at 1:20 PM

To: atufts@portlandmaine.gov, jmy@portlandmaine.gov, planningboard@portlandmaine.gov

Cc: Anne Pringle &lt;oldmayor@maine.rr.com&gt;, vestal@chesterandvestal.com, karsny@yahoo.com, sarahmichniewicz@me.com, Larry Julie &lt;jlarry@portlandlandmarks.org&gt;

Andrew, Jennifer, and Members of The Portland Planning Board,

I'm taking a moment to write a note questioning why situations like this have become business as usual in Portland. The Soley brothers have recently submitted a development proposal for the 99 Winter side of the Monastery lot. They are asking for a zoning waiver to build a significantly larger structure than current zoning allows. The plans as they stand now would definitely involve taking down the 150+ year old sugar maple near the old Monastery building (to be replaced by surface parking) and would almost certainly take out the other remaining trees that were spared last summer.

The summation, as I read it, is that a 60' tall building will be erected in a zone where structures are limited to 45', by virtue of a "work force" housing exemption, a number of trees will be forever removed, including one of significant age and stature, and the Soley brothers will do well for themselves at the expense of the neighborhood. I think it will be interesting to observe the evolution of Portland without a cruise ship industry, with a significant decline in tourism, with a decimated restaurant population, and a workforce without work. A very interesting turn of events !!!

I guess my point is that while economies grow and decline, and the same for populations (Portland's population is in decline after all), it would be comforting to feel assured that you will protect our right to live in a green, pleasant, and human scaled city. I ask you to rise to the challenge.

Thanks for your stewardship,

Wayne Valzania

27 Merrill Street

Portland, ME 04101

City of Portland  
Planning Board  
389 Congress Street  
Portland, ME 04101

March 22, 2021

**RE: 99 Winter Street Development, Again.**

**To the City of Portland Planning Board members:** Chair Brandon Mazer, Vice Chair Maggie Stanley, Marpheen Chann, Sean Dundon, Bob Dunfey, David Silk, and Austin Smith.

**We, the neighbors of Winter Street, request that the development located at 99 Winter Street adhere to the R-6 residential zone and that the B-3 zone extension BE DENIED.**

**The size, height, and the scale of the B-3 is inappropriate for Winter Street.**

***Why the B-3 Is Inappropriate for Winter Street***

**The concerns that Winter Street neighbors raised for the R-7 zone are the exact same concerns that being raise for the B-3** (See memo attached dated 6/14/2020)

- The existing housing heights on Winter street are up to 3.5 stories in height, or less than 45', also consistent with the R-6 zone. If the B-3 overlay zone is approved, and the project pursues affordable housing as intended, and receives the density bonus as allowed, the project could be allowed additional 25' in height, the same height bonus as the R-7. **Buildings heights of 65' to 70' are not consistent with the current design and scale of the Winter Street streetscape, even with the 45' overlay zone for the entire site, building heights could still sore up to 70'.**
- The "yellow zone" or urban core contains the Old Port and extends toward the West End but ends at State Street. The State street side of the property could handle increased density, typical of the B-3 zone. However, the Winter Street side of the property is smaller and residential in nature. The large developments that do exist on Winter Street – 100 State Street and Mercy Hospital - have design qualities that are consistent with the R-6 zone. Namely, these properties do not exceed the 45' height requirement of R-6, and are considerably stepped back from the edge of the street. The new building, under the B-3 overlay zone, could exceed 45' height required of R-6, and, without required setback of the R-6 zone, would likely be located at/ on the sidewalk. **This size and scale of development in the B-3 zone would be inconsistent with what currently exist on Winter Street.**
- A notable concern between R-6 and B-3 is a significant change in **lot coverage to 100% in B-3 zone**, up from 80% in the R-6. This too, is inconsistent with the current design and scale of Winter Street.
- The R-6 zone has setback requirements that are appropriate to the scale on Winter Street for larger developments, the B-3 zone does not require setbacks.
- A density bonus, allowed under affordable housing developments, could allow up to 49 units in the R-6 zone, **with the B-3 this project could build 166 units on that site**, depending on how deep the subsidy, would seem to overwhelm the site and the neighborhood.

**The notion that offering the B-3 zone as a compromise for denying the R-7 zone for this parcel seems to heavily favor the developer and are not responsive to the community concerns. *We remain vigilant, the R-6 zone is most appropriate for Winter Street.***

### ***Why the Planning Board is Considering the B-3 Zone***

The B-3 is being proposed because it was recently approved for the Mercy Redevelopment project down the street. The New Height Redfern project was granted the B-3 zone for Winter Street for the following reasons:

- 1) The project is proposing congregate care, a use not allowed in the R-6 zone.
- 2) The project is proposing to match the height of the existing Mercy Hospital building on state street and required a zone with increased heights to reflect what is already built, as part of this campus.
- 3) The planning office discouraged the board to split a parcel into two zones (B-3 and R-6).

This was a specific project, and a specific use, that required a creative zoning response. New Height Red Fern and CHOM also agreed that B-3 was not appropriate for Winter Street and have maintained the dimensional requirements of the R-6 on Winter Street, including a 5' setback and 45' height restrictions (35' overlay height zone and a 10' affordable housing bonus).

### ***How Developers Differ***

New Height Red Fern and CHOM have worked tirelessly with the neighborhood to design their buildings to fit into the streetscape and respond to the concerns of the neighbors on this regard. They have enhanced community assets by adding front stoops and front doors, that enter directly into apartments and not stairwells. They have also created a pocket park for neighbors to use. The extra neighborhood meetings, and responsive design decisions of the developers New Height Redfern and CHOM and are the actions of a responsible developer, who want to make Portland a better place to live and work.

This has not been our experience or interactions with **Thanos Inc, developers of 99 Winter Street, who hosted only one required community meeting, and for which the developers themselves and have not directly communicated with neighbors at all** but instead hired an intermediary to do so. In addition, the applicant's stated desires for a rezone have consistently been about making the numbers/the economies of scale work. **Making the numbers work for a developer is NOT grounds for granting a rezoning request.**

It is a vast over reach of the planning office and the board to then offer the B-3 to Thanos Inc, and to stretch this zone beyond the original project to include other properties along Winter Street.

### ***Winter Street Neighbors Welcome Development & Housing***

Please let us be clear. We welcome development and affordable housing. Winter Street neighbors are already welcoming over 300 \*new\* units within the two square blocks between Winter and State Street that are already underway:

- Approximately 68 single occupancy rooms, efficiency and one-bedroom affordable units being constructed by Developer's Collaborative at 66 State Street;
- 99 affordable units between the two CHOM and PHA buildings that comprise part of the Mercy Hospital site redevelopment;
- 18 affordable units within the old Mercy building itself; and
- Over 150 market rate units, (in addition to the senior housing project by Monarch slated for the large Mercy parking lot)

It is not necessary to solve all of the regions housing crisis on Winter Street. The applicant could construct approximately 33 units within the current zoning.

### ***Size & Scale Matters***

**We believe that size and scale of development matters.**

**We believe retaining appropriate zoning in residential areas, is important to the planning board, the planning staff, and to Portland and the comprehensive plan.**

**We believe the size and scale of the R-6 zone is appropriate for Winter Street.**

**Therefore, we ask that you reject the expansion of the B-3 zone and retain the R-6 zoning for Winter Street** and require the developer to develop this parcel by right and in the zone for which they purchased the property.

We appreciate your work in ensuring consistency with Portland's Comprehensive Plan. We welcome a discussion and open dialogue on this development, and other developments on Winter Street. Thank you for your time and consideration of our request.

Submitted on behalf of,

The residents and neighbors of Winter Street, including:

Fred Clarke, 24 Winter Street

Chrystal Wing, 36 Winter Street

Suzanne Hunt, 36 Winter Street

Elizabeth Parsons, 44 Winter Street

Lin Parsons, 44 Winter Street

Michael Pulaski, 68 Winter Street



Amy Grommes Pulaski, 68 Winter Street

David Shedd, 104 Winter Street

Rose Marasco, 108 Winter Street

Sarah Conly, 110 Winter St., #4

Honour Mack, 112 Winter Street

David Marsden, 112 Winter Street

Lurette Saul, 113 Winter Street

Seth White, 113 Winter Street

Henry Clews, 117 Winter Street

Mary Clews, 117 Winter Street

Jennifer Defilipp, 119 Winter Street

Marc Smith, 119 Winter Street

Ginger Raspiller 150 Spring Street #5

Kenneth Swanberg 150 Spring Street #5

Kent Avery, 188 Spring Street

Demetra Giatas, 188 Spring Street

Gretchen Langner, 59 State Street

Larry Reinhartsen, 59 State Street

Ian Jacob, Past President of the West End Neighborhood Association.

Elizabeth Parsons <ecparsons33@hotmail.com>

May 9, 2021, 3:20:14 PM (yesterday)



to planningboard@portlandmaine.gov, Andrew Tufts, Christine Grimando, Deb Andrews, rwiener@portlandmaine.gov, Belinda Ray, Spencer Thibodeau, Andrew Zarro, Jeff Tarling, Alex Marshall, Troy Moon

To Planning Board Members, Planning Department and Historic Preservation Staff, Sustainability and Transportation Committee Members:

A zone change from R6 to B3 that the applicant seeks to maximize building footprint is unnecessary and inappropriate based on the following points:

1. Other affordable housing projects nearby have been, or are being, **completed successfully within R6 parameters.**
2. The applicant has **a Plan B that could go forward should the rezoning request be denied.**
3. The 99 Winter Street parcel is not, as a Planning Board member stated at the March 23rd workshop, a surface parking lot. For decades it was **a garden with mature trees and other plantings. It remains an open, unpaved spot today.**
4. The applicants' pre-emptive cutting of multiple mature trees on this parcel in the summer of 2019 provided the impetus for Portland to adopt a Heritage Tree Protection Ordinance. **The natural elements of this parcel, particularly the remaining mature trees, matter to the neighborhood and city for the following reasons:**
  1. Last year, Portland and South Portland adopted a joint Climate Action Plan, [One Climate Future](#). Multiple strategies for carbon reduction and increased community resilience involve **the integral role of tree canopies**. See for example: TLU 1.7; CR 2.2; CR 2.5; CR 4; CR 5.
  2. Mature trees sequester carbon in multiple ways while also offering significant cooling through shade protection. It can take as long as **30 years for new, smaller trees to match what is lost when mature trees are removed.**
  3. Intense emphasis on increased density without sufficient appreciation for context risks **repeating mistakes of the 1960s urban renewal effort**. Specifically, constructing large buildings for affordable housing without attending to natural surroundings raises questions about the extent to which lower income people are seen as needing/wanting/deserving trees/beauty/fresh air and so forth. The **disparity between low-income and high-income neighborhoods, known as tree equity**, is well-documented across the country.
  4. This parcel sits at the edge of an area our City Arborist has designated as particularly low in tree canopy. Portland's overall tree canopy has remained at about 25% for the past few decades, with the peninsula being a few percentage points below off peninsula. Given the climate crisis, foresighted urban communities around the country are now working towards 40% tree canopy. This is an aspirational goal for Portland that will involve concerted public and private effort. (See information provided in a [recent S & T Committee meeting](#).)
  5. While the parcel is subject to the Heritage Tree Ordinance, it is nonetheless highly likely that a maximum build out would imperil remaining mature trees. And paying a fee or installing a small street tree as recompense for losing mature trees is not an equivalent swap.

**So I urge the Planning Board to deny the B3 rezoning request while inviting the applicant to design an imaginative project under current zoning that will also help meet present and future socio-economic and ecological challenges.**

Sincerely,  
Elizabeth Parsons  
44 Winter Street  
Member, Sierra Club's Portland Climate Action Team  
Past President, West End Neighborhood Association



# PLANNING BOARD REPORT PORTLAND, MAINE

165 Lambert Street

ZN-001485-2021

Maine Cooperative Development Partners, Applicant

**Submitted to:** Portland Planning Board  
**Public Hearing Date:** June 8, 2021

**Prepared by:** Matthew Grooms, Senior Planner  
**Date:** June 4, 2021

## I. INTRODUCTION

Maine Cooperative Development Partners is requesting to rezone an approximately 13-acre parcel of land located at 165 Lambert Street from R-2 to R-3 Residential, and amend Articles 3, 6 and 7 of the Land Use Code with respect to uses permitted under 'place of assembly', as well as dimensional and site configuration requirements for a Planned Residential Unit Development (PRUD). These actions would facilitate the development of City-owned property in accordance with a Request for Proposals (RFP) released in June of 2020, soliciting proposals for an environmentally sensitive, age-inclusive and affordable housing proposal at this location. The applicant has entered into a Purchase and Sale agreement with the City, and has identified that a zoning map and text amendments is required to complete the project as presented in their bid.

Additionally, the City of Portland is requesting that 22 additional properties located within a two-block area, bounded by Summit Street, Lambert Street, Auburn Street and the City of Portland Municipal Boundary, also be rezoned from R-2 to R-3 Residential. This request is being made to further the City's aims of developing additional affordable housing within this vicinity, and to enable higher density housing in close proximity to public transportation.



Figure 1: Subject Property, 165 Lambert Street as seen from the corner of Washington Ave Ext. and Lambert Street



Figure 2: 165 Lambert Street Site

The public hearing was noticed to 88 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on May 28<sup>th</sup> and 29<sup>th</sup> 2021. The applicant held a Neighborhood Meeting on April 8, 2021. As of the writing of this memorandum, staff have received four public comments.

**Applicant:** Maine Cooperative Development Partners (Matthew Peters, Liz Trice)

## **II. PLANNING BOARD WORKSHOP**

The Planning Board held a workshop on April 13<sup>th</sup> to discuss a more limited proposal for the rezoning of the 165 Lambert Street property from R-2 to R-3 Residential, and to amend Ch. 14, Articles 6 and 7 to permit vertical unit configurations for PRUDs in the R-3 zone, and allow different forms of common open space, such as trails or gardens, to satisfy PRUD open space requirements.

At this meeting, staff informed the Planning Board of an earlier proposal by the applicant to rezone a portion of the 165 Lambert Street site to B-1 Neighborhood Business in order to allow for small-scale retail or service uses such as a market or café. Prior to the workshop, in meetings with the applicant, staff had recommended against this map amendment, citing recommendations in Portland's Plan 2030, which called for commercial zones to be concentrated in identified nodes and corridors, along with other concerns related to the viability of commercial uses in this location and lack of pedestrian infrastructure. During Planning Board deliberation, members of the Board requested that staff reconsider this proposal or a viable alternative that would allow for greater flexibility with respect to commercial uses.

The Board also noted that this application involved a map amendment for just one property. Meanwhile adjacent property, including a separate City-owned parcel that is similarly slated for disposition and redevelopment, was not included in this request for a map amendment. Staff indicated that the City's preference would be to rezone those adjacent properties as well, which are now included as part of this application.

## **III. EXISTING CONDITIONS**

The 13.39-acre subject property is a large contiguous area of undeveloped land in the R-2 Residential zone, split between two separate parcels owned by the City of Portland and located in North Deering, with frontage along Lambert Street, Washington Avenue Extension, and Auburn Street (ME-100). The property is entirely forested, with 5.43 acres of delineated wetlands and 4.17 acres of upland area suitable for development, as evidenced in a 2009 wetland delineation report prepared by Boyle Associates (Attachment 7).

The additional property to be rezoned consists of a City-owned 4.85-acre undeveloped parcel on the North side of Washington Avenue Extension, and 15.62 acres of developed land, containing 22 separate single-family properties. The City has issued a separate RFP soliciting affordable housing development proposals for this other City-owned property.

The surrounding immediate context is comprised largely of single-family residential development, though areas of commercial development exist both to the west along Riverside Industrial Parkway and Riverside Street, and to the north and south, along Auburn Street (ME-100). The site is accessible to public transit via METRO Route 9A/B which runs along both Washington Avenue and Auburn Street.

#### IV. BACKGROUND

##### A. RFP for Disposition of 165 Lambert Street

In June of 2020, the City of Portland released an RFP to dispose of three separate City-owned properties, with the property at 165 Lambert Street being among them (Attachment 7). The criteria for consideration centered around the ability to provide high quality and age-inclusive affordable housing at-scale, integrated with the surrounding community, and designed so as to conserve and enhance existing natural features on-site.

With respect to affordability, the RFP stated that all units developed shall be ‘affordable’, meaning that the combined cost of paying rent or mortgage, along with utilities, taxes, insurance and condo/HOA fees, does not exceed 30% of a household’s gross income. Units shall be limited to households earning between 60% and 120% of the area median income (AMI). For the bid selected, these stipulations are to be in effect for a period of no less than 30 years for home ownership units, and the maximum period allowed for rental units.

Aside from affordability requirements, the RFP requires that the development be designed in accordance with Portland’s Green Building Code, and in a manner that is compatible with the pattern, scale, massing and materials of surrounding development. Bids were also to be evaluated by how effectively they preserved and incorporated natural features of the site. The City of Portland retains the right to preserve a conservation easement on the non-developable portions of the site.

Maine Cooperative Development Partners were selected as the winning bid, and entered into a purchase and sale agreement with the City on January 4, 2021 for development of this site.

##### B. Purchase and Sales Agreement for 165 Lambert Street

The purchase and sale (P&S) agreement (Attachment 6) provides a 13-month due diligence period from the date of the agreement which would end in February of 2022. This due diligence shall include preparation of a survey of the site along with a new legal description for the property, both of which would need to be reviewed and approved by Corporation Counsel and DPW. Closing on the property is required to occur within 15 months following the signing of the P&S agreement, which would be April of 2022. After that point, the developer is required to begin construction on the project within 12 months of the closing. This would require construction to begin no later than April of 2023.



Figure 3: Wetland Delineation Plan



The agreement specifies that the developer shall be responsible for the creation of a certain number of residential units. The requirement as listed is, “the greater of 20 three-bedroom dwelling units or the maximum number of dwelling units feasible under the current zoning’.

## V. CONCEPTUAL DEVELOPMENT PROPOSAL

At this point in the process, the proposal for development remains conceptual in nature, as no site plan application has yet been submitted. Should the rezoning be approved by the City Council, a Major Site Plan application would be submitted by the applicant. The plans provided in support of the text and map amendment show a development with three separate built forms; mixed-use, live-work units, and townhomes, without specific detail on the number of units to be developed. Under this proposal, certain



Figure 4: Concept Plan A for 165 Lambert Street PRUD



Figure 5: Concept Plan B for 165 Lambert Street PRUD

units would be vertically arrayed, meaning that they would be stacked one on top of the other. This configuration is currently only permitted within PRUDs in the R-5 & R-5a zones, and is the focus of one of the proposed text amendments.

The conceptual site plan offers two separate alternatives for consideration, with site ingress and egress being provided from Washington Avenue Extension in both alternatives. Given that the development will be a PRUD, the site plan shows a series of trails across the site in both alternatives, which are intended to satisfy new open space requirements for a PRUD, as proposed within this application.

#### A. Mixed-Use Proposal along Washington Avenue Extension

Since its initial submission, a key component of this proposal has been to provide an easily accessible neighborhood gathering place. Initially, the applicant requested that the property's frontage along Washington Avenue Extension be rezoned to B-1, so as to allow retail and restaurant uses, with the idea being to provide a market and/or coffee shop, in addition to other maker or home occupation spaces. Based upon the characteristics of Washington Avenue Extension and recommendations in *Portland's Plan 2030* for future land use consideration, staff recommended against B-1 in this location, citing that this stretch of Washington Avenue does not operate as a major node or corridor within the City, offers limited accessibility to pedestrian infrastructure and traffic, provides no on-site parking and is surrounded by lower density neighborhoods that may not support the viability of retail.

Instead, staff has suggested that the applicant explore uses permitted under 'places of assembly', which are a conditional use in the R-3 Residential zone. This use may include neighborhood centers, community halls, and private clubs. In response to Planning Board feedback from the last workshop, staff are recommending a minor change (see Section VII.C of this report below for more information) to the neighborhood center definition to allow for ancillary food-service as part of any recreational, artistic, social, educational, health and cultural activities that may be hosted under that use. This may in part help achieve the applicant's mixed-use vision for the development.

## VI. MAP AMENDMENTS

#### A. 165 Lambert Street

The development site is zoned R-2 Residential, which is a low-density residential zone that limits residential forms to single-family dwellings. The City, in developing its criteria for this RFP, prioritized applications that were able to maximize the number of affordable units on-site. Recognizing that the R-2 zone allows for fairly limited density, the City openly acknowledges in its RFP that zoning amendments

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

|               | R-1                                       | R-2 | R-3 |
|---------------|-------------------------------------------|-----|-----|
| Residential   | Single-family dwellings                   | ●   | ●   |
|               | Two-family dwellings                      | ●   | ●   |
|               | Multi-family dwellings                    |     | ①   |
|               | Multiplex                                 |     | ①   |
|               | Congregate care facilities                |     | ①   |
|               | Handicapped family units                  | ●   | ●   |
|               | Planned Residential Unit Developments     |     | ①   |
|               | Special needs independent dwelling units  |     | ①   |
|               | Lodging houses                            |     | ①   |
|               | Sheltered care group homes                | ①   | ①   |
| Institutional | Elementary, middle, and secondary schools | ①   | ①   |
|               | Governmental uses                         | ●   | ●   |
|               | Hospitals                                 |     | ①   |
|               | Intermediate care facilities              | ①   | ①   |
|               | Long-term and extended care facilities    | ①   | ①   |
|               | Places of assembly (<10,000 SF)           | ①   | ①   |
|               | Places of assembly (>10,000 SF)           | ①   | ①   |
|               | Preschool facilities                      | ①   | ①   |
|               | Post-secondary schools                    |     | ①   |
|               | Bed and breakfasts                        |     | ①   |
| Comm.         | General offices (<5,000 SF)               |     | ①   |
|               | Hostels                                   |     | ①   |
|               | Agriculture                               | ●   | ●   |
|               | Cemeteries                                | ①   | ①   |
|               | Off-street parking                        |     | ①   |
| Other         | Parks and open spaces                     | ●   | ●   |
|               | Raising of domesticated animals           | ①   | ①   |
|               | Solar energy system (minor)               | ●   | ●   |
|               | Utility substations                       | ①   | ①   |

Figure 6: Dimensional Table Excerpt – Red arrows show new uses permitted under R-3, with blue arrows showing uses no longer permitted if property is rezoned.



may be appropriate to facilitate the type of development sought.

In their response to the RFP, Maine Cooperative Development Partners proposes to rezone the site from R-2 to R-3 Residential, as the R-3 zone allows for Planned Residential Units Developments (PRUD). A PRUD is a form of multi-family housing that is permitted on large lots in low- and medium-density residential zones. Coupled with new affordable housing density and dimensional bonuses and reductions as permitted under Article 18.2.4, the proposed development may include up to 60 residential units based upon the site's net land area of 4.53 acres.

While the intended outcome of this map amendment is to allow for the development of a PRUD, the rezoning would also unlock other uses as well. In general, there is little deviation between uses permitted in the R-2 and R-3 zones, with the most significant additions being PRUDs, hospitals, and off-site off-street parking for nearby commercial and industrial uses. Conversely, certain uses currently permitted in the R-2 zone would no longer be permitted, such as agriculture, cemeteries and post-secondary schools.

#### B. Additional Property to be Rezoned

Aside from the 165 Lambert Street site, the City is also recommending that 22 additional properties, located within a two-block area bounded on the West by Lambert Street, on the South by Summit Street, on the East by Auburn Street, and on the North by the City of Portland Municipal Boundary, be rezoned from R-2 Residential to R-3 Residential. This rezoning represents a logical extension of residential zoning that is mapped to the south of this site, along both Lambert and Auburn Streets, where a number of existing PRUDs already exist.

Among these 22 properties is a 5.13-acre City-owned parcel located at 622 Auburn Street, which has been selected for disposition. As with 165 Lambert Street, the City has issued an RFP soliciting development proposals for a new affordable housing project at this location, and has indicated in the RFP that zoning

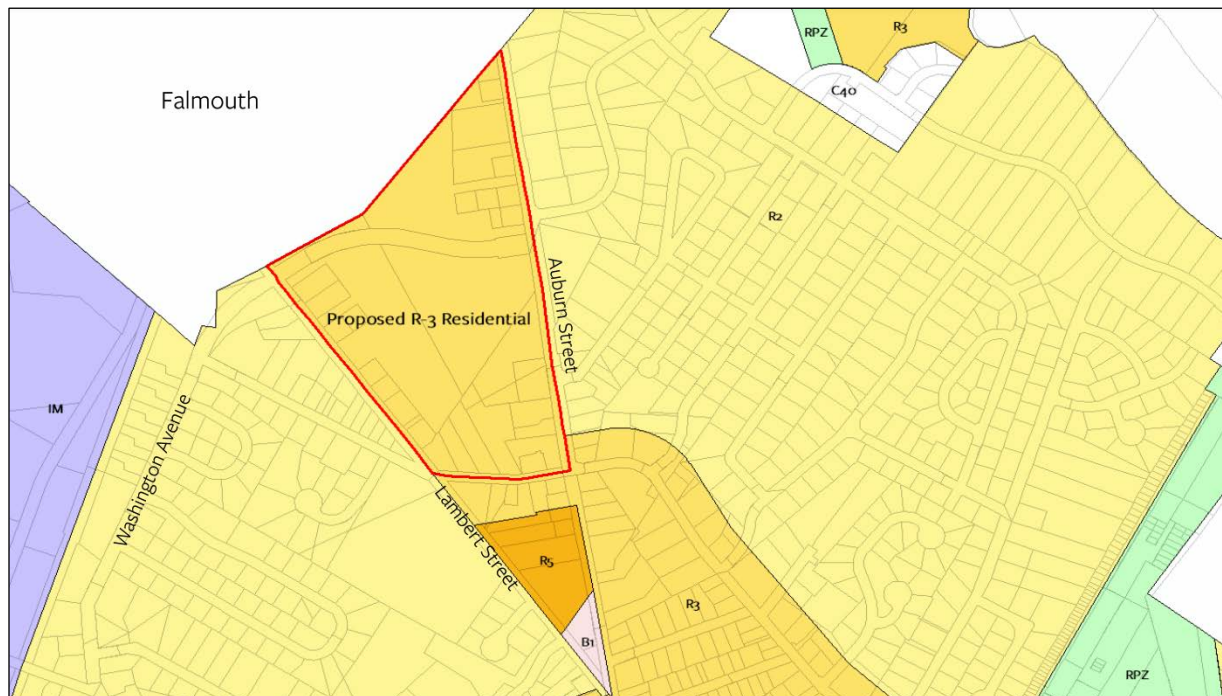


Figure 7: Map of properties suggested for rezoning

amendments may be necessary to maximize the site's development potential. In light of this, and so as to support and streamline the process for creating new affordable housing, staff are recommending that this site also be rezoned to R-3 Residential as part of this application. Given that 165 Lambert Street and 622 Auburn Street constitute the majority of land area within both of these blocks, it appeared prudent to rezone the entirety of both blocks. This rezoning is further supported by the proximity of these properties to public transit, which is a policy goal that is called out within *Portland's Plan 2030*.

The most substantial immediate impact of this map amendment would be to permit higher density housing on those properties suggested for rezoning, which in general would be limited to single-family housing. The City property at 622 Auburn Street is the only property currently large enough (>3 acres) to support a PRUD, and would therefore also be eligible to take advantage of the City's affordable housing bonuses for PRUDs. As most of the properties included within the map amendment boundary are currently developed, we do not anticipate significant redevelopment aside from the City owned sites at 165 Lambert Street and 622 Auburn Street.

With respect to lot conformity, the R-3 dimensional requirements are universally less restrictive than those of the R-2 zone. While we have not reviewed properties for conformance with R-3 dimensional standards, we would note that this map amendment would not exacerbate any areas of existing non-conformity.

Table 1: Comparison of Dimensional Requirements by Zone and Residential Form

|                                           | R-2 Zone                                                                                                                                                                                                       | R-3 Zone                                                                                                                                                                                                     |                                                       |                                             |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------|
| Purpose Statement                         | To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity. | To provide 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. |                                                       |                                             |
| Residential Form                          | Single-Family                                                                                                                                                                                                  | Single-Family                                                                                                                                                                                                | PRUD                                                  | PRUD w/ Affordable Housing Bonus            |
| Lot Area/<br>Dwelling Unit                | 10,000 SF                                                                                                                                                                                                      | 6,500 SF                                                                                                                                                                                                     | 6,500 SF                                              | 3,250 SF                                    |
| Minimum Lot Size                          | 10,000 SF                                                                                                                                                                                                      | 6,500 SF                                                                                                                                                                                                     | 3 acres                                               | 3 acres                                     |
| Front Setback                             | 25'                                                                                                                                                                                                            | 25'                                                                                                                                                                                                          | Setback from Property Boundary: 25' or 35' otherwise. | Minimum Setback from Property Boundary: 10' |
| Side Setback<br>(depends on # of stories) | 12-16'                                                                                                                                                                                                         | 8-16'                                                                                                                                                                                                        |                                                       |                                             |
| Rear Setback                              | 25'                                                                                                                                                                                                            | 25'                                                                                                                                                                                                          |                                                       |                                             |
| Lot Coverage                              | 20%                                                                                                                                                                                                            | 35%                                                                                                                                                                                                          | N/A                                                   | 40%                                         |
| Street Frontage                           | 50'                                                                                                                                                                                                            | 50'                                                                                                                                                                                                          | N/A                                                   | N/A                                         |
| Lot Width                                 | 80'                                                                                                                                                                                                            | 65'                                                                                                                                                                                                          | N/A                                                   | N/A                                         |
| Structure Height                          | 35'                                                                                                                                                                                                            | 35'                                                                                                                                                                                                          | 35'                                                   | 35'                                         |

|                              |     |     |                                           |                 |
|------------------------------|-----|-----|-------------------------------------------|-----------------|
| Max Units Per Building       | N/A | N/A | 2 d.u. < 5 ac.<br>6 d.u. > 5 ac.          | N/A             |
| Avg Units Per Building       | N/A | N/A | 5 d.u. > 5 ac.                            | N/A             |
| Building Length              | N/A | N/A | 100' w/out garages, or<br>140' w/ garages | N/A             |
| Common Recreation Open Space | N/A | N/A | 300 SF per d.u.                           | 200 SF per d.u. |
| Building Separation          | N/A | N/A | 16'                                       | 16'             |

Table 2: Total Development Potential for Property to be Rezoned

|                    | R-2 Zone (Existing)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | R-3 Zone       |          |                                     |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------|-------------------------------------|
|                    | Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Single-Family* | PRUD**   | PRUD W/ Affordable Housing Bonus*** |
| 165 Lambert Street | 58 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 89 units       | 30 units | 60 units                            |
|                    | Total Area = 13.39 acres<br>Net Land Area = 4.53 acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |          |                                     |
| 622 Auburn Street  | 21 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 32 units       | 27 units | 55 units                            |
|                    | Total Area = 4.85 acres<br>Net Land Area = 4.17 acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |          |                                     |
| Notes              | <p>* While single-family and multiplex development density allotments are not specifically tied to 'net land area' as with a PRUD, the substantial areas of wetland would likely significantly reduce the total number of units from what is included in the table.</p> <p>** PRUD density allotment is calculated using 'net land area', which subtracts watercourses, wetlands and areas of significant slope from the total site area. In the case of 165 Lambert Street, the net land area for the purposes of this review is estimated to be 4.53 acres, though that figure may change when more detailed plans are provided.</p> <p>*** The minimum lot area per dwelling unit is reduced by 50% for any PRUD development in which more than 50% of the units are low-income or workforce units for rent or for sale</p> |                |          |                                     |

## VII. TEXT AMENDMENT

Alongside the R-3 map amendment, the applicant is also requesting two text amendments; one to the Article 6 Use Standards, to allow PRUDs as either horizontally or vertically attached units, and the second, to the Article 7 Dimensional Requirements for PRUDs, which would make on-site open space requirements more flexible. Both text amendments were developed in close coordination with City staff with an aim towards not only achieving this particular vision for 165 Lambert Street, but also towards refining the existing rubric to better serve new PRUDs.



#### A. Horizontal and Vertical Dwelling Units

In the project description provided with this application, the narrative indicates that this amendment is being sought so as to enable the development of smaller homes that facilitate multi-generational living, which could better be achieved through the vertical stacking of dwelling units. The impact of this amendment would be limited to the R-3 zone, as PRUDs within the R-5 zone already permit both horizontally connected or vertically stacked units.

The draft amendment (Table 6-A, footnote 4) reads as follows:

*Must consist of ~~horizontally attached dwelling units or a series of such units in the R-3 zone and horizontally or vertically attached dwelling units in the R-5/R-5a zone~~, or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.*

#### 1. Staff Policy Analysis

At present, the PRUD is one of the few available forms of housing offered in low and medium density residential zones across the City that allow for higher on-site unit density. In recent years, affordable housing developers have made use of PRUDs in a number of off-peninsula locations in order to maximize the development potential of certain sites and build at a scale that makes providing affordable units more economical than one- or two-family development, otherwise permitted in these zones.

In order to mitigate the impacts of these higher density developments, the zoning maintains stringent rules around eligible lots and built forms. PRUDs are only permitted on substantially sized lots totaling more than 3 acres in the R-3 zone, with the total number of units dependent upon the area of developable land on-site. Sites are further constrained by the requirement to provide on-site recreational space and setbacks which exceed those required of a single-family dwelling, unless a development qualifies for additional relief under the affordable housing bonus. Buildings are limited in terms of the number of units permitted per building, the length of individual buildings, and a structure height that is equal to that permitted for single-family dwellings.

Without considering internal unit configuration, the presence of such controls already ensures a predictable range of building envelopes, unit counts and site designs; all of which account for the visual and physical impact such a development would have on public/private infrastructure and neighboring property. Further, as the applicant notes in their request, vertically attached units may allow for development with a smaller footprint and thus, a reduced environmental impact.

For these reasons, staff are supportive of this text amendment as drafted.

#### B. Recreation Open Space Requirements

The primary impetus for this second text amendment is to reduce overall environmental impacts from developing a large active-use field on-site for recreational purposes, which would necessarily result in the clearing of forest and wetland habitat areas. Instead, the proposal is to allow a variety of different passive and active use spaces to satisfy this requirement, and to eliminate the requirement that a portion of the space be level and of a certain width.

The draft amendment (Table 7-B, footnote 2) reads as follows:

~~Common Recreation open space area shall be designated on the site. The primary for recreation purposes of: Such open space recreation areas shall be for passive or active recreation. usable, level graded, dry, accessible and properly drained. Such spaces may include natural, landscaped or hardscaped elements. At a minimum, a contiguous area of 6,000 SF with a minimum dimension of 50 ft. shall be provided. which shall at least be usable as a multi-purpose field. Such recreation areas shall be located at least 25 ft. from dwelling units.~~

#### 1. Staff Policy Analysis

The existing language around recreation open space for a PRUD very specifically anticipates and calls for a large and flat open space such as a playing field, playground or tennis/basketball courts, and does not offer alternatives for other less traditional recreational spaces. Trails, community gardens, landscaped areas, outdoor amphitheaters and numerous other recreational type spaces would not satisfy the requirement as currently written.

As is the case with 165 Lambert Street, this requirement is prohibitive to certain sites that contain significant grade variation, or those with prominent natural features that may in turn be enhanced and highlighted as a source of on-site recreation.

The amendment as drafted attempts to address these shortfalls by overtly allowing a broader variety of open space areas, so long as the primary purpose of that space is for passive or active recreation. The text is intentionally less prescriptive, so that open space schemes may evolve as trends in recreation change. Understanding that isolated pockets of open space across a site are less valuable than larger contiguous areas, the amendment maintains a requirement for a 6,000 square foot contiguous open space area, though no longer would require that it be rectangular with a minimum width of 50 feet. Similarly, as open space areas may now take a variety of different forms, the amendment would eliminate the requirement that such spaces be a minimum of 25 feet from residential units.

It is important to note that this amendment would not only affect PRUDs in the R-3 zone, but in the R-5 and R-5a zones as well. In fact, the developer selected to develop another City-owned parcel off of Douglass Street requested a similar amendment, and it is understood that this text amendment would also benefit that project.

For these reasons, staff are supportive of this text amendment.

#### C. Neighborhood Center Definition

This third amendment is suggested in response to Planning Board feedback, which requested that staff reconsider allowing some form of commercial use as part of the project. While the City remains opposed to mapping B-1 along Washington Avenue Extension, we are supportive of opening up the 'Neighborhood Center' definition to more clearly permit certain types of service-based uses in residential zones. The language for this amendment is taken directly from the 'community hall' definition, which is very similar in nature and also grouped under the use, 'place of assembly', though only permitted in buildings already in existence.

The draft amendment (Article 3 Definitions) reads as follows:

***Neighborhood center.*** *A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.*

1. Staff Policy Analysis

The City's Zoning Administrator has confirmed that this change would permit an ancillary food-service use, such as a café, that could operate during the hours of operation of the neighborhood center. For example, this language is what permits private social clubs to operate a restaurant on their site. By tying the food-service use to the neighborhood center definition, we ensure that such uses are closely linked and supportive of activities already permitted within residential zones. This is envisioned as a more temporary solution, which may then be augmented by changes to the code that occur as part of ReCode.

Portland's Plan 2030 calls for all neighborhoods to be 'complete neighborhoods', where residents can conveniently access the amenities and resources needed in typical daily life. While not exhaustive, this list of amenities and resources may include grocery stores, gathering places, places for civic engagement, schools, and places for recreation. The ReCode effort is intended to bring the Land Use Code into alignment with the comprehensive plan, ensuring that regulations facilitate the goals and objectives listed in that document, which includes the fostering of complete neighborhoods. The City is keenly aware that certain neighborhoods, including many sections of North Deering, lack convenient access to the amenities that would make them 'complete', and will be looking to develop a consistent, city-wide approach to address issues around access to services and amenities.

For these reasons, staff are supportive of the text amendment as drafted.

**VIII. PUBLIC COMMENT**

As of the writing of this report, four written public comments have been received regarding this proposal. These comments pertain largely to on-site and on-street parking for the development, and anticipated impacts to wetlands along with the potential for flooding in nearby developed areas as a result of these impacts.

While these concerns are valid and should be addressed during a future site plan review, the application under consideration at this time is specifically for a zoning map and text amendment. The site plan provided is conceptual in nature and subject to future change once a full site evaluation is undertaken.

## IX. COMPREHENSIVE PLAN ANALYSIS

### Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed map and text amendments are included below. The map and text amendments align with these vision statements and goals, by creating a new opportunity for an affordable, environmentally sensitive and well-connected new housing development. The proposed text amendments would significantly reduce the overall environmental impact of the development, by allowing for smaller building footprints, and for the preservation of on-site forest and wetlands as a component of the site's open space scheme. Meanwhile, the map amendment allows for a PRUD style development, which increases the number of units that are permitted on-site, all of which will be provided as affordable units, with access to public transit.



### Vision Statements:

- Sustainable - Growth should respect and seek to preserve our spectacular natural resources.
- Secure - We will be committed to accessible housing and healthy food for all our residents.
- Authentic - The uniqueness and integrity of our neighborhoods will be maintained and enhanced.
- Connected - We will foster accessible linkages between where we live, work, shop, and play.
- Connected - We will enable meaningful access to the natural world and recreational opportunities as a central component of community health.

### Environment

- Continue to develop land use policies which support complete neighborhoods.

### Housing: A Livable City

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Reinforce existing housing tools, policies, and programs while continuing to explore emerging best practices.
- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.
- Consider the sale of City-owned land that may be appropriate for housing development.
- Consider incentivizing affordability restrictions as part of City-owned property transactions, as well as the potential to return improved properties to the City's tax rolls.
- Create, promote, and facilitate safe, affordable, and practical housing solutions that will meet the evolving needs of Portland residents as they age.

### Recreation & Open Space

- Pursue opportunities, in collaboration with partners, to create new open spaces in areas that are currently underserved.
- Pursue opportunities for new and enhanced walking and biking trails as a means of filling existing gaps and investigate paper streets, vacant land, medians, and other often overlooked areas for the potential for park linkages, trails, and other improvements to the urban landscape.

- Prioritize open space acquisition and programming toward creating linkages where there are gaps in the network, particularly between Stroudwater and the Fore River; Evergreen Cemetery and the Presumpscot River; Portland Transportation Center and Bayside; Martin's Point and the Back Cove; and the Western Waterfront and the Fore River.

#### Future Land Use

- *Complete Neighborhood* – 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.
- *Connecting the Chain* – Portland's Plan recognizes that physically integrated transportation systems, utilities, and open spaces provide the structure for the city's growth, and that a well-connected system is more efficient and more resilient. An integrated transportation system allows residents to access jobs, food, healthcare, and recreation from their homes while planning for an unbroken network of open space connects neighborhoods and improves access to the outdoors.

#### X. STAFF RECOMMENDATION

Planning staff recommend the map and text amendments as drafted and presented within this report for the Planning Board's consideration.

#### XI. REQUISITE COUNCIL ACTION

Any proposed rezoning, regardless of whether it is recommended by the Planning Board, must be approved by City Council vote in order to take effect.

#### XII. PROPOSED MOTIONS FOR THE PLANNING BOARD TO CONSIDER

##### A. Text Amendments

##### 1. Vertical Unit Configuration for PRUDs in the R-3 Zone

On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided during the public hearing on June 8, 2021 for application ZN-001485-2021, the Planning Board finds that the proposed text amendment to Land Use Code Table 6A, Footnote 4, Permitted and Conditional Uses in Residential Zones, to allow vertical or horizontal unit configurations within PRUDs permitted in any zone, as presented herein **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** adoption of the text amendment to the City Council.

##### 2. Common Open Space Requirements for PRUDs

On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided during the public hearing on June 8, 2021 for application ZN-001485-2021, the Planning Board finds that the proposed text amendment to Land Use Code Table 7B, Footnote 2, PRUD Dimensional Standards, to simplify requirements for common open space, as presented herein **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and



Therefore, the Planning Board **[recommends or does not recommend]** adoption of the text amendment to the City Council.

### 3. Neighborhood Center Definition

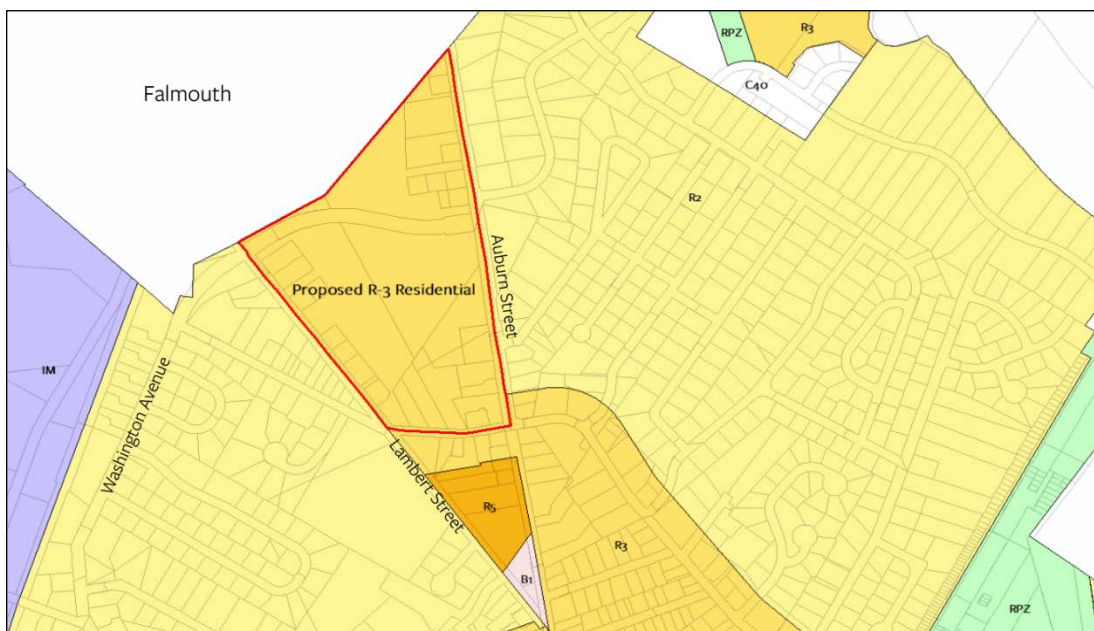
On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided during the public hearing on June 8, 2021 for application ZN-001485-2021, the Planning Board finds that the proposed text amendment to Land Use Code Article 3, 'Neighborhood Center' definition, to allow food-service as part of a neighborhood center, as presented herein **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning **[recommends or does not recommend]** adoption of the text amendment to the City Council.

### B. Map Amendment

On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided in public hearing on June 8, 2021 for the application ZN-001485-2021, the Planning Board finds that the proposed zoning map amendment for properties as follows (Summit Street: 431, 433, 449, 451, 457; Lambert Street: 117, 125, 145, 157, 159, 165, 179, 193, 201; Auburn Street: 544, 550, 564, 574, 622, 630, 640, 660, 668, 680, 690) from R-2 Residential to R-3 Residential **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council adoption of the zoning map amendment for the area of land that includes (Summit Street: 431, 433, 449, 451, 457; Lambert Street: 117, 125, 145, 157, 159, 165, 179, 193, 201; Auburn Street: 544, 550, 564, 574, 622, 630, 640, 660, 668, 680, 690) from R-2 Residential to R-3 Residential as shown.



## XIII. ATTACHMENTS

A. Documents

1. Project Description
2. Map and Text Amendment Checklist
3. Proposed Map Amendment
4. Proposed Text Amendment
5. Proposed Text Amendment (Neighborhood Center)
6. Consistency with Comprehensive Plan
7. Right, Title and Interest (P&S Agreement)
8. RFP for Disposition of 165 Lambert Street
9. Neighborhood Meeting Notice
10. Neighborhood Meeting Sign in Sheet
11. Neighborhood Meeting Presentation
12. Neighborhood Meeting Certification
13. Public Comment
  - a. PC1: Ed Eggleston (3.27.21)
  - b. PC2: Ed Eggleston (3.29.21)
  - c. PC3: Ed Eggleston (4.3.21)
  - d. PC4: Ed Eggleston (4.14.21)

B. Plans

- P1. Vicinity Plan
- P2. Conceptual Site Plan

Maine Cooperative Development Partners  
6 City Center, Fl 3  
Portland, ME 04101



February 8, 2021

Planning and Urban Development Department  
Planning Division  
City of Portland, Maine  
389 Congress Street, 4th Floor  
Portland, ME 04101

Subject: Zoning Map and Text Amendment Application - 165 Lambert Street

To Whom it May Concern:

Maine Cooperative Development Partners is pleased to submit an application for zoning amendments to facilitate the development of 165 Lambert Street into a mixed use, transit-oriented development providing affordable homes and community connectivity.

Maine Cooperative Development Partners creates neighborhoods for people of all ages, backgrounds, and incomes to live in harmony with nature and their neighbors. Our neighborhoods aim to provide a balance of green space, transit-orientation, walkability, community, privacy, and affordability. We believe members of our community deserve to live in places that support connections with family, neighbors and nature, and more time to develop purposeful lives. Grounding principles for this work are:

- Walkable neighborhoods
- Transit-orientation
- Healthy buildings
- Celebration of beauty, art, and the natural environment.

Maine Cooperative Development Partners is working with the City of Portland to develop the site at 165 Lambert Street to create Lambert Woods: an affordable, green, transit-oriented, walkable, neighborhood center surrounded by conserved forest and wetlands.

The site at 165 Lambert Street on Washington Ave is roughly 14 forested acres with 1,000' of frontage on Washington Ave, with a stop sign at either end. There are no existing homes along this section of Washington Ave. To the North is the Falmouth highway spur and the Falmouth Crossing shopping area is about a mile away along Auburn Street. To the West is the Riverside Industrial Parkway area. To the South and East are neighborhoods of mixed single family houses and Planned Residential Unit Developments (PRUDS) in R2, R3, and R5 zones leading to the Northgate Shopping Center 1.5 miles to the South.

The City of Portland is requiring income restricted homes for moderate income households that remain permanently affordable. After two neighborhood meetings, a site walk, and dozens of individual communications with members of the surrounding neighborhood, the strongest common themes are to protect habitat and to increase the walkability of the neighborhood.

To build our vision and meet the expectations of the City and Neighborhood, we are asking for two zoning amendments.

1. To build the housing required by the city and to protect habitat, we are asking for a zoning map amendment to change the site from R2 to R3. Additionally, we are requesting the PRUD recreation standard be modernized through a text amendment to reduce the amount of forest needed to be removed by allowing for passive and non-traditional recreation areas to count toward the open space requirement.
2. To build a diversity of housing types including smaller homes that facilitate multigenerational living, we are asking for a text amendment to allow for vertically stacked units in R3 PRUD.

Our proposed changes are supported by the policy goals of the City of Portland, regional agencies, and members of the community. Our requested changes will enhance the livability of the North Deering area and complement employment and industrial uses in the vicinity.

Enclosed are the following supporting documents:

- A. Application
- B. Policy Alignment Summary
- C. Vicinity Maps
- D. Schematic Site Plan
- E. Proposed Zoning Map
- F. Proposed Land Use Code Text Amendments
- G. Right, Title, and Interest (Purchase and Sale Agreement with City of Portland)

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Trice".

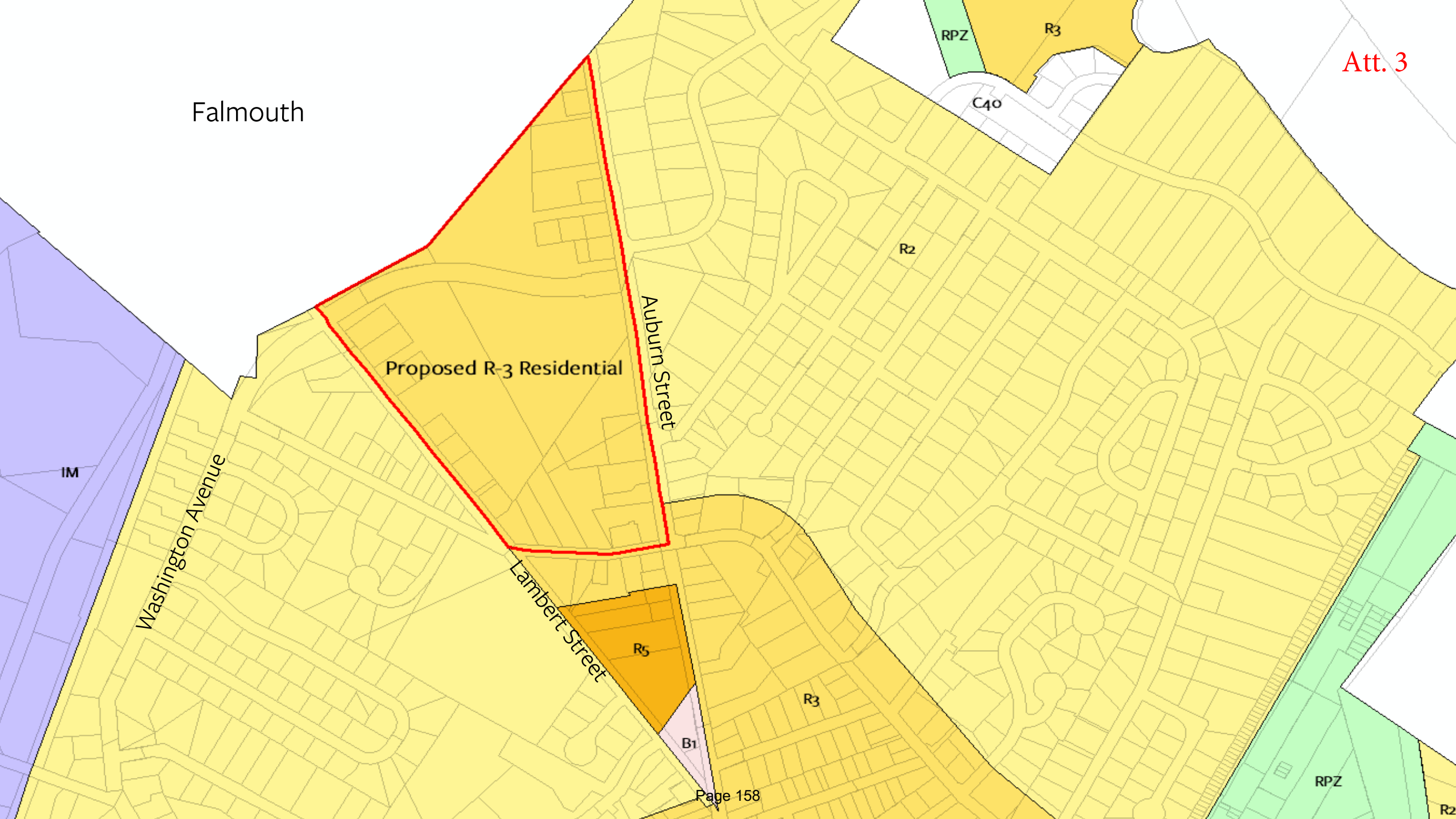
Liz Trice  
Maine Cooperative Development Partners

**CITY OF PORTLAND**  
**Planning & Urban Development Department**

| MAP AND TEXT AMENDMENT<br>SUBMISSION CHECKLIST                                                                                                                                                                                                  |                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Please submit each document <u>and</u> drawing as a separate PDF file<br>* Please submit all drawings in a <u>24 x 36 sheet size</u><br>* Please confirm each item by electronically checking the boxes to the left for each document/drawing |                                                                                                                                                                                                                                                        |
| <b>GENERAL APPLICATION DOCUMENTS</b>                                                                                                                                                                                                            |                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Project Description</b> <ul style="list-style-type: none"> <li>Cover Letter with detailed project description</li> </ul>                                                                                                                            |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Consistency with Comprehensive Plan</b> <ul style="list-style-type: none"> <li>Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.</li> </ul>                       |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Proposed Text Amendment</b> <ul style="list-style-type: none"> <li>Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.</li> </ul>                                                    |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Completed Checklist – Map and Text Amendment Application (this document)</b>                                                                                                                                                                        |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Right, Title and Interest</b> <ul style="list-style-type: none"> <li>Deeds, leases, or purchase and sales agreements</li> </ul>                                                                                                                     |
| <b>PLANS</b>                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Vicinity Map</b>                                                                                                                                                                                                                                    |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Proposed Map Amendment</b> (please use the Portland zoning map as a reference)                                                                                                                                                                      |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                             | <b>Site Plan (if applicable)</b><br>On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. |



Falmouth



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 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.

**Military personnel berthing.** A building, or portion thereof, which is primarily used as, and intended for, temporary living quarters for military personnel.

**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 States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

**Multi-family development.** The construction or creation of three or more dwelling units on any parcel of land or the addition of two or more dwelling units cumulatively within a three-year period.

**Multiplex.** A residential development consisting of three or more horizontally or vertically attached dwelling units, or a series of such attached dwelling units, and the construction of at least one building.

**Neighborhood center.** A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

**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.

**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.

**Office park.** Separate office buildings planned, constructed, or managed on an integrated coordinated basis.

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

|               |                                           | R-1 | R-2 | R-3            | R-4 | R-5/R-5a                       | R-6/R-6a         | Use Standards |
|---------------|-------------------------------------------|-----|-----|----------------|-----|--------------------------------|------------------|---------------|
| Residential   | Single-family dwellings                   | ●   | ●   | ●              | ●   | ●                              | ●                |               |
|               | Two-family dwellings                      |     |     |                | ●   | ●                              | ●                |               |
|               | Multi-family dwellings                    |     |     | ○              |     | ○ <sup>1</sup> /● <sup>2</sup> | ●                | 6.5.6(G)      |
|               | Multiplex                                 |     |     |                | ○   | ● <sup>1</sup>                 |                  | 6.4.12        |
|               | Handicapped family units                  | ●   | ●   | ●              | ●   | ●                              | ●                |               |
|               | Planned Residential Unit Developments     |     |     | ● <sup>4</sup> |     | ● <sup>4</sup>                 |                  |               |
|               | Special needs independent dwelling units  |     |     |                | ●   | ● <sup>1</sup>                 | ●                |               |
| Institutional | Lodging houses                            |     |     |                |     | ○ <sup>1,3</sup>               | ●                | 6.4.9         |
|               | Sheltered care group homes                | ○   | ○   | ○              | ○   | ○                              | ○                | 6.5.6(K)      |
|               | Congregate care facilities                |     |     |                |     | ● <sup>2</sup>                 |                  |               |
|               | Elementary, middle, and secondary schools | ○   | ○   | ○              | ○   | ○ <sup>1</sup>                 | ○                | 6.5.6(F)      |
|               | Governmental uses                         | ●   | ●   | ●              | ●   | ●                              | ●                |               |
|               | Hospitals                                 |     |     | ○              |     | ○ <sup>1</sup>                 | ○                |               |
|               | Intermediate care facilities              | ○   | ○   | ○              |     | ○ <sup>1</sup> /● <sup>2</sup> | ○                |               |
|               | Long-term and extended care facilities    | ○   | ○   | ○              |     | ○ <sup>1</sup> /● <sup>2</sup> | ○                | 6.5.6(F)      |
|               | Places of assembly (<10,000 SF)           | ○   | ○   | ○              | ○   | ○ <sup>1</sup>                 | ○                |               |
|               | Places of assembly (>10,000 SF)           | ○   | ○   | ○              | ○   | ○ <sup>1</sup>                 | ○                |               |
| Comm.         | Preschool facilities                      | ○   | ○   | ○              | ○   | ○                              | ○                | 6.5.6(I)      |
|               | Post-secondary schools                    |     | ○   |                |     | ○ <sup>1</sup>                 | ○                | 6.5.6(F)      |
|               | Bed and breakfasts                        |     |     |                |     |                                | ●/○ <sup>5</sup> | 6.4.4         |
|               | General offices (<5,000 SF)               |     |     |                |     |                                | ○                | 6.5.6(C)      |
| Other         | Hostels                                   |     |     |                |     |                                | ●/○ <sup>6</sup> | 6.4.8         |
|               | Agriculture                               | ●   | ●   |                |     |                                |                  |               |
|               | Cemeteries                                | ○   | ○   |                | ●   |                                | ●                |               |
|               | Off-street parking                        |     |     | ○              | ○   | ○ <sup>1</sup>                 | ○                | 6.5.6(H)      |
|               | Parks and open spaces                     | ●   | ●   | ●              | ●   | ●                              | ●                |               |
|               | Raising of domesticated animals           | ○   |     |                |     |                                |                  | 6.5.6(J)      |
|               | Solar energy system (minor)               | ●   | ●   | ●              | ●   | ●                              | ●                | 6.4.16        |
|               | Utility substations                       | ○   | ○   | ○              | ○   | ○                              | ○                | 6.5.6(L)      |

<sup>1</sup> In the R-5 zone only.

<sup>2</sup> In the R-5a zone only.

<sup>3</sup> Conversions of existing two-family or multiplex structures into lodging houses are permitted as a conditional use, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.

<sup>4</sup> Must consist of ~~horizontally attached dwelling units or a series of such units in the R-3 zone and~~ horizontally or vertically attached dwelling units ~~in the R-5/R-5a zone,~~ or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.

<sup>5</sup> Permitted if a conversion of a structure existing as of 3/3/97 to up to four guest rooms and conditional if a conversion of the same to five to nine rooms.

<sup>6</sup> Permitted if for no more than 10 overnight transient guests and conditional if for between 11 and 20 overnight transient guests. An owner, manager, or operator shall be a permanent resident of the building.

TABLE 7-B: PRUD DIMENSIONAL STANDARDS

|                                                                  | R-3                                                                                                                  | R-5                                  | R-5a <sup>3</sup>                    |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|
| Lot area <sup>1</sup> (min.)                                     | 3 ac.                                                                                                                | 2 ac.                                | 2 ac. <sup>4</sup>                   |
| Net land area per dwelling unit (min.)                           | 6,500 SF                                                                                                             | 3,000 SF                             | 1,600 SF <sup>4, 5</sup>             |
| Units per building (max.)                                        | PRUD < 5 ac.: 2                                                                                                      | 12                                   |                                      |
|                                                                  | PRUD > 5 ac.: 6                                                                                                      |                                      |                                      |
| Average number of units per building (max.)                      | PRUD > 5 ac.: 5                                                                                                      |                                      |                                      |
| Structure height (max.)                                          | 35 ft.                                                                                                               | 35 ft.                               | 55 ft.                               |
| Building length (max.)                                           | Without garages: 100 ft.                                                                                             | 140 ft.                              |                                      |
|                                                                  | With integral garages: 140 ft.                                                                                       |                                      |                                      |
| Length of accessory garage structure (max.)                      |                                                                                                                      | 60 ft.                               |                                      |
| Building setback from external subdivision property lines (min.) | 3 or fewer D.U. in building: 25                                                                                      | Bldg. Length 100 ft. or less: 25 ft. | Bldg. Length 100 ft. or less: 25 ft. |
|                                                                  | 4 or more D.U. in building: 35 ft.                                                                                   | Bldg. Length >100 ft.: 35 ft.        | Bldg. Length >100 ft.: 35 ft.        |
| Distance between detached PRUD dwelling units (min.)             | 16 ft.                                                                                                               |                                      |                                      |
| Common recreation open space area <sup>2</sup> (min.)            | 300 SF/D.U.                                                                                                          | 300 SF/D.U.                          | 200 SF/D.U. <sup>4</sup>             |
| Habitable space elevation                                        | No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units. |                                      |                                      |

<sup>1</sup> Areas of special flood hazard as defined in Article 12 shall be excluded from lot area calculations.

<sup>2</sup> ~~Common Recreation~~ open space area shall be designated on the site. ~~The primary for recreational purposes of. Such open space recreation areas shall be for passive or active recreation usable, level graded, dry, accessible and properly drained. Such spaces may include natural, landscaped or hardscaped elements. At a minimum, a contiguous area of 6,000 SF with a minimum dimension of 50 ft. shall be provided. Such recreation areas shall be located at least 25 ft. from dwelling units.~~

<sup>3</sup> In the R-5a zone, PRUD standards shall apply to PRUDs, multi-family development of 4 or more units, congregate care, and intermediate, extended, or long-term care facilities unless otherwise noted.

<sup>4</sup> Does not apply to intermediate, extended, or long-term care facilities but does apply to PRUDs, congregate care, and multi-family development of 4 or more units.

<sup>5</sup> Minimum land area per intermediate care facility resident: 8,000 SF lot area for first 35 residents, plus 350 SF for each additional resident.

<sup>6</sup> For PRUD standards in island zones, see Table 7-D.

TABLE 7-C: R-5 SMALL RESIDENTIAL LOT DEVELOPMENT DIMENSIONAL STANDARDS<sup>1</sup>

|                     |                                         |                    |
|---------------------|-----------------------------------------|--------------------|
|                     | Lot area (min.)                         | 5,000 SF           |
|                     |                                         | 7 ft. <sup>2</sup> |
| Side setback (min.) | Detached accessory (< 250 SF footprint) | 5 ft.              |
|                     | Side yard on side street                | 10 ft.             |
|                     | Lot width (min.)                        | 40 ft.             |
|                     | Street frontage (min.)                  | 40 ft.             |
|                     | Lot coverage (max.)                     | 50%                |

<sup>1</sup> Single-family homes may be built on small lots in the R-5 under small residential lot development dimensional requirements if the lot is: vacant; or used exclusively for parking; or contains structure(s) not used for residential purposes; or is created from a single lot division of a developed lot and results in a lot meeting the small residential lot dimensional requirements with the remaining developed portion meeting the standard dimensional requirements of the R-5 zone.

<sup>2</sup> 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.

## **Policy Alignment Summary**

The requested zoning amendments are well aligned with stated policy goals at a neighborhood, City, Regional, and State level. A common thread is increasing livability, reducing our region's impact on global climate change, and providing equity and opportunity for all types of households to access safe, affordable homes and affordable economic opportunities.

### **Alignment with City of Portland's Plan 2030 Concepts**

**One Portland:** Provide access to homes, services, and community connection for all Portland residents by proximity, universal design, and affordability.

A principle of Future Land Use as outlined in Portland's Plan 2030 is One Portland, which stresses the importance of providing development spread throughout the City and providing equitable access to homes, services, and community connection for all Portland residents by proximity, universal design, and affordability. The proposed development supports all the goals of the One Portland vision by creating a more equitable, universally designed mix of homes than the traditional single family style predominantly found in the existing neighborhood. The diversity of housing combines with the preservation of more natural space to ensure that a broad range of households have equitable access to the city's natural spaces.

**Connect the Chain:** Support Transit-Oriented Neighborhoods

Another principle for Future Land Use decisions is Connect the Chain, which focuses on supporting transit oriented neighborhoods. The proposed amendments will support a transit oriented development that will strengthen and support broader transit infrastructure improvements, such bus shelters, indoor space for bus drivers and riders to take a break or wait for a bus, better crossings for school children, and reduced wait times.

### **Alignment with One Climate Future**

**Support Public Transit Networks, Transit Oriented Development, and Land Use for Smaller Carbon Footprint**

The proposed development directly supports the goals of One Climate Future adopted by the Cities of Portland and South Portland, specifically those related to Transportation and Land Use and Climate Resilience. Significant relevant strategies include: TLU 1.1 Public Transit Networks, TLU 1.2 Inclusive Transit-Oriented Development, and TLU 1.7 Land Use for a Smaller Carbon Footprint. The transit oriented development is located along two bus routes connecting to multiple educational, institutional, and employment opportunities from North Deering to Downtown. Creating a strong node at the end of line opens up opportunities for flexible transit usage, supports expansion of existing infrastructure, and improves the inclusiveness and usability of the existing neighborhood. Climate Resilience strategies met by the proposed development include CR 2.1: Housing Affordability and Resilience and CR 2.5 Neighborhood Resources. The proposed amendment supports the goals of One Climate Future



by creating a residential center along Washington Ave integrated with green space and the city's existing transportation infrastructure.

Lambert Woods Neighborhood Center will result in lower Vehicle Miles Traveled (VMT) by Single Occupancy Vehicles by providing improved transit infrastructure, sidewalks, trails, and by providing places for neighbors to walk to. A cohesive neighborhood center will also build stronger community connections, civic engagement and disaster resiliency.

Supporting these proposed zoning amendments creates an opportunity for the immediate nature of this development to benefit the broader community and adjacent proposed homes through the preservation of additional green space made available to the community.

#### Alignment with 2019 Greater Portland Council of Governments Comprehensive Economic Development Strategy (CEDS)

In 2017, over 27% of households in Portland were cost burdened.

4% decrease in unfragmented habitat in Cumberland County 2008-2018

The proposed amendments address the challenges raised in the CEDS through the creation of housing that does not cost burden its residents and through the preservation of more of the existing unfragmented natural habitat.

#### Alignment with Maine 2021 Economic Recovery Committee Report

"Develop Robust Housing Policies and programs that enable Maine people to live and raise their families near their work. Create and preserve more affordable, efficient, and high-density housing options across the state through bonding, zoning, and land regulation.... Access to stable, affordable, and energy efficient housing is critical to attracting and keeping talent in Maine."

The proposed development expands housing options for middle income households, by providing a strong community design and limited equity cooperative ownership.

"Address Structural Inequities: Make Maine a diverse, equitable, and inclusive state where all Mainers can reach their full potential."

The proposed mixed income and multigenerational limited equity cooperative model is highly inclusive and facilitates people of different incomes and backgrounds to connect and build community relationships over time.

### Alignment with Maine Economic Development Strategy, 2020-2029

“Action E2: Establish an adequate and sustainable funding system for public transportation. Employers can and have started to provide assistance and incentives for its employees to carpool and use public transit. For public transportation, local governments can provide additional subsidies in order to expand bus lines and increase the frequency of service.”

“Action E3: Expand the production of workforce housing in Maine.

Increases in the cost of housing, particularly in southern and coastal Maine, are out-pacing wages. More production of affordable apartments and starter homes is needed to keep pace with demand... Local governments can reform their land use laws to permit higher-density (and thus lower- cost) housing.”

“Strategy G: Promote Hubs of Excellence

A Hub of Excellence is an area with conditions present for strong economic growth. What makes a hub economically competitive? Access to: (those relevant to our development listed)

- Cultural and social diversity
- Affordable housing
- Walkable neighborhoods
- Mass transit
- Arts and culture

The proposed zoning amendments support the policy goals of the Maine Economic Development Strategy by the creation of affordable, workforce housing, integrated with the Portland Hub of Excellence through public transit.

### Alignment with Neighborhood Desires

To date, we have hosted two neighborhood meetings, a site walk, and dozens of one-on-one conversations. We also include the notes from a recent District 5 neighborhood meeting.

Neighbors currently describe their neighborhood as “rural, yet close to town.” They love that herds of deer move through their spacious backyards, and they lament that traffic is increasing in quantity and speed. They don’t like that there are no sidewalks or crosswalks, and it doesn’t feel safe to walk. They wish to protect the habitat for the deer, slow the traffic, have sidewalks and crosswalks, and places to walk to.

9/13/17 North Deering Meeting

Desires:

Better bike facilities

Fix sidewalk gaps

More green space

A community center

More local businesses  
More affordable housing  
More transit  
Slow Traffic and cut-throughs  
Coffee shop  
More commercial zones - B1 and B2b

1/7/21 Lambert Neighborhood meeting

Desires:

Address undersized culvert under Lambert: floods 10-12 times/year  
Preserve deer corridors  
Protect southern portion of site  
Sidewalks and Crosswalks on Lambert, Washington and Auburn  
Solar  
Place for small outdoor gatherings  
Trail amenities  
Community garden space  
Small, well-lit retail spaces  
Fitness trail  
Reduce speed on Lambert

1/10/21 Site Walk

Desires:

Reduced traffic, Sidewalks, Crosswalk  
Preserve Deer Corridors & Habitat  
Increase bus service at night  
Return paper street on Lambert to neighborhood  
Minimize disruptions during development

1/21/21 Neighborhood Meeting

Desires: Same as above, plus Facilities for dog walkers

## PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT IS made this 4th day of January 2021 by and between the City OF PORTLAND, a body politic and corporate located in Cumberland County, Maine, (hereinafter referred to as “Seller” or “City”), and Maine Cooperative Development Partners, a Maine corporation, having a mailing address of 6 City Center, Fl. 3., Portland, Maine 04101 (hereinafter referred to as “Buyer”).

### RECITALS

WHEREAS, the CITY is the owner of approximately 13.3874 acres of land at or near 165 Lambert Street, Portland, Maine (the “Premises”) and did advertise RFP #20068 dated April 10, 2020, entitled Request for Proposals for Disposition of City-Owned Property Located at 165 Lambert Street, a copy of which is attached hereto as Exhibit A and incorporated herein (the “Request for Proposals”) (the Premises is identified in the City’s tax records as CBL 385 A001 and 386 C001 and is generally depicted on Attachment C to the Request for Proposals); and

WHEREAS, Buyer submitted a proposal dated June 16, 2020 in response to the Request for Proposals, a copy of which is attached hereto as Exhibit B and incorporated herein (the “Proposal”); and

WHEREAS, Buyer desires to purchase and develop the Premises, and the City desires to convey the Premises to Buyer, subject to the terms and conditions set forth herein.

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

1. **SALE.** City agrees to sell the Premises to Buyer, and Buyer agrees to purchase the Premises in accordance with the terms and conditions set forth in this Agreement. This Agreement is for the sale of land only.
2. **CONSIDERATION.** The purchase price for the Premises shall be One Dollar (\$1.00) (the “Purchase Price”).
3. **TITLE AND DUE DILIGENCE.**
  - a. **Due Diligence Period.** Buyer will have from the date of this Agreement until 4:00 PM Eastern Daylight Savings Time on the day that is thirteen (13) months after the date of this Agreement (the “Due Diligence Period”) to complete any surveys, environmental review, inspections, and title examinations, and to obtain any zone change, site plan approval, and any other permits and regulatory approvals required for the Project.
  - b. **Property Description.** The legal description of the Premises contained in the deed will be a survey description based upon a survey plan that will more specifically describe the Premises. The survey and description of the

Premises will be prepared by the Buyer at its sole expense and provided to the City for review two months prior to the expiration of the Due Diligence Period. City shall notify Buyer of any objections to the survey and description prior to the expiration of the Due Diligence Period.

- c. **Rezoning Contingency.** Buyer proposes to obtain the Portland City Council's approval to rezone the Premises (the "Rezoning Approval") to maximize residential density for its development of the Premises as described in the Proposal (the "Project"). The Buyer will be responsible for obtaining, at its sole expense, the Rezoning Approval and any other regulatory approvals required for the Project prior to Closing.
- d. **Financing Contingency.** The Buyer's obligation to close is contingent on obtaining construction and permanent financing for the Project that the Buyer, in its discretion, determines is sufficient to put the Project on a sound financial footing. That financing is anticipated to include, but not be limited to, the following: (i) permanent financing for the Coop in the form of a HUD Section 213 loan; and (ii) affordable housing tax increment financing from the City.
- e. **Title and Survey Objections.** Buyer will have until the end of the Due Diligence Period to deliver to City any written objections to title, environmental, or survey matters (other than the permitted exceptions identified herein) that materially affect insurability or use. Objections not made prior to the end of the Due Diligence Period will be deemed waived; provided, however, that objections pertaining to matters of record first appearing after the end of the Due Diligence Period may be made at any time prior to the closing.
- f. **Option to Cure.** In the event of a title or survey objection, City will have the option, but not the obligation, to cure the objection and will notify Buyer of its election within ten (10) business days after receipt of the objection. In the event that the City elects to cure the objection, it will have sixty (60) days from the date of the notice of election, or such other reasonable time as the parties may agree, to cure the objection. In the event that the City does not elect to cure the objection, or, having elected to cure the objection fails to timely do so to Buyer's reasonable satisfaction, Buyer will have the option to (1) terminate this Agreement (after which neither party will have any further obligation or liability to the other under this Agreement), (2) waive the objection and close, or (3) undertake the cure of such objection at its own expense (in which case it shall have 60 days to do so).
- g. **Deed.** City shall convey the Premises to Buyer at the closing in fee simple by a municipal quitclaim deed without covenant. Title shall be good and insurable title, free and clear of all encumbrances except (i) easements of record and easements described herein; (ii) easements for utilities servicing the property, (iii) zoning ordinances, and (iv) real estate taxes not yet due



and payable. Further, Buyer acknowledges that the deed shall contain a restriction stating that in the event that the Premises or any portion thereof shall be exempt from real and personal property taxes, by transfer, conversion, or otherwise, then the then-owner of the exempt portion shall make annual payments to the City in lieu of taxes in the amount equal to the amount of property taxes that would have been assessed on the exempt portion of the real and personal property situated on the Premises had such property remained taxable. Such restriction shall also confirm that Buyer and its successors and assigns shall possess and be vested with all rights and privileges as to abatement and appeal of valuations, rates, and the like as are accorded owners of real and personal property in Maine.

- h. Buyer's Right to Terminate. The Buyer may terminate this Agreement at any time during the due diligence period if, in the exercise of its sole discretion, it decides to not proceed with the Project by giving written notice of termination to the City in which case neither party shall have any further obligations to the other.

#### 4. INSPECTIONS.

- a. During the Due Diligence Period, Buyer and its employees, consultants, contractors and agents shall have the right, at Buyer's expense, to enter on the Premises at reasonable times in order to (i) inspect the same, (ii) conduct engineering studies, percolation tests, geotechnical exams, environmental assessments, and other such studies, tests, exams, and assessments, and (iii) do such other things as Buyer determines, it is sole discretion, to be required to determine the suitability of the Premises for Buyer's intended use (collectively, the "Inspections"). The City acknowledges that such Inspections may include the digging of test pits, which the City hereby approves.
- b. Buyer agrees to defend, indemnify and hold harmless the City against any mechanics liens that may arise from the activities of Buyer and its employees, consultants, contractors and agents on the Premises.
- c. Buyer shall exercise the access and inspection rights granted hereunder at its sole risk and expense, and Buyer hereby releases the City from, and agrees to indemnify, defend, and hold the City harmless against, any and all losses, costs, claims, expenses and liabilities (including without limitation reasonable attorney fees and costs) (collectively, "Damages") suffered by the City on account of any injury to person or damage to property arising out of the exercise by Buyer of its rights hereunder, except to the extent that such Damages result from the act or omission of the City.
- d. Buyer shall cause any contractors, consultants or any other party conducting the Inspections to procure automobile insurance, if applicable, and commercial general liability insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for

bodily injury, death and property damage, listing the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law; the forms of all such insurance to be subject to City's Corporation Counsel's reasonable satisfaction.

- e. In the event that Buyer does not purchase the Premises, Buyer agrees to either return the Premises as nearly as possible to its original condition after conducting the Inspections; provided, however, the City hereby acknowledges and agrees Buyer shall have no obligation to clean-up, remove or take any other action with respect to any disturbance of any pre-existing environmental contamination on the Premises caused by such inspections, studies, tests, exams, and assessments, and that Buyer shall have no obligation to clean-up, remove or take any other action with respect to any pre-existing environmental contamination disturbed thereby.
- f. The parties hereto acknowledge and agree that it is a condition to Buyer's obligations under this Agreement that the results of the Inspections be acceptable to Buyer in its sole discretion. If the results of such due diligence are not acceptable to Buyer in its sole discretion, and if Buyer exercises its right to terminate this Agreement, and neither party shall have any further obligations or liabilities under this Agreement except as expressly set forth in this Agreement.

- 5. **REAL ESTATE TAXES, PRORATIONS AND TRANSFER TAX.** Buyer shall be liable for all real estate taxes beginning as of the start of fiscal year following the closing and continuing thereafter. Because the Property is currently owned by the City of Portland, which is exempt from real estate taxes, no taxes were assessed or will be due for any portion of the current fiscal year, and no taxes will be prorated at the closing. Any utilities for the Property shall be prorated as of the closing. The Maine real estate transfer tax shall be paid for by Buyer in accordance with 36 M.R.S.A. § 4641-A. City is exempt from paying the transfer tax pursuant to 36 M.R.S.A. § 4641-C. The recording fee for the deed of conveyance and any expenses relating to Buyer's financing or closing shall be paid for by Buyer.
- 6. **DEFAULT AND REMEDIES.** In the event that Buyer defaults hereunder for a reason other than the default of the City, City may terminate this Agreement, and neither party shall have any further obligation to the other. In the event City defaults under this Agreement, and if Buyer is not then in default hereunder, Buyer shall have the right to pursue specific performance or terminate this Agreement, in which case neither party shall have any further obligation to the other.
- 7. **RISK OF LOSS.** The risk of loss or damage to the Premises by fire, eminent domain, condemnation, or otherwise, until transfer of title hereunder, is assumed by the City. The Premises is to be delivered in substantially the same condition as of the date of this Agreement unless otherwise stated. In the event City is not able to deliver the Premises as stated, Buyer may terminate this Agreement, and neither party shall have any further obligations or liabilities under this Agreement except as expressly set forth in this Agreement.

- 8. PROPERTY SOLD “AS IS, WHERE IS.”** Buyer acknowledges that Buyer has had an opportunity to inspect the Premises, and to hire professionals to do so, and that Premises will be sold “as is, where is” and “with all faults.” City, and its agents, make no representations or warranties with respect to the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the Premises, or as to the fitness of the Premises for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the Premises. Acceptance by Buyer of the Deed at closing and payment of the purchase price shall be deemed to be full performance and discharge by the City of every agreement and obligation contained herein.
- 9. ENVIRONMENTAL INDEMNIFICATION.** Buyer covenants and agrees to indemnify, defend, and hold the City harmless from and against any and all claims, damages, losses, liabilities, obligations, settlement payments, penalties, assessments, citations, directives, claims, litigation, demands, defenses, judgments, costs, or expenses of any kind, including, without limitation, reasonable attorneys’, consultants’, and experts’ fees incurred in investigating, defending, settling, or prosecuting any claim, litigation or proceeding, that may at any time be imposed upon, incurred by or asserted or awarded against Buyer or the City and relating directly or indirectly to the violation of or compliance with any federal, state, or local environmental laws, rules, or regulations governing the release, handling or storage of hazardous wastes or hazardous materials and affecting all or any portion of the Premises, except to the extent that such a claim results directly from the City’s release, handling or storage of hazardous wastes or hazardous materials on the Premises. This duty to indemnify, defend, and hold harmless shall be included in a covenant in the deed and shall run with the land conveyed and be binding upon Buyer’s successors, assigns, and transferees.
- 10. CLOSING.** Time is of the essence in the performance of this agreement. The closing shall be held at the offices of Buyer’s counsel at a time agreeable to the parties on or before the day that is fifteen (15) months after the date of this Agreement (the “Closing Date”). At the Closing:
- a. the City shall execute, acknowledge and deliver to Buyer a municipal quitclaim deed conveying to Buyer good and insurable title to the Premises, free and clear of all encumbrances except as otherwise set forth herein.
  - b. Buyer shall deliver the Purchase Price to the City.
  - c. Each party shall deliver to the other such other documents, certificates and the like as may be required herein or as may be necessary to carry out the obligations under this Agreement.
  - d. Buyer shall deliver evidence, reasonably satisfactory to City’s Corporation Counsel, that the entity receiving title to the Premises is in good standing

under Maine law, and that the individuals acting at Closing and executing documents on behalf of Buyer are authorized to do so.

# **11. BUYER'S POST CLOSING OBLIGATIONS; RIGHTS OF CITY TO REPURCHASE PROPERTY.**

- a. Within twelve (12) months after the Closing Date, Buyer shall commence construction of the Project, as the Project is generally described in the Proposal. The Buyer, in its discretion, may develop the Project in two phases. The first phase of the Project shall include the greater of 20 three-bedroom dwelling units or the maximum number of dwelling units feasible under the current zoning.
- b. Upon the issuance of a certificate of occupancy for all or a portion of the first phase of the Project or at such earlier time as the Buyer, in its discretion, may determine, the Buyer shall convey the Project to a Cooperative Affordable Housing Corporation (the "Coop") organized in accordance with the Maine Cooperative Affordable Housing Ownership Act, 13 M.R.S.A. §1741-1762, as may be amended (the "Act"). Notwithstanding anything to the contrary in the foregoing, the Buyer may retain the right to develop additional units on the Premises as a second phase of the Project which shall be conveyed to the Coop.
- c. Rent Restrictions. For a period of 99 years after the Project has been transferred to the Coop, all units and cooperative interests in the Project shall be affordable to low- and moderate-income households earning less than or equal to 100% of the area median income (AMI), adjusted for family size, in accordance with federal standards generally accepted at the time of incorporation under the Act. For purposes of this Agreement, "affordable" means that the percentage of income a household is charged in connection with its cooperative interest and other housing expenses, including utilities, shall not exceed 30% of the household's gross monthly income. Minimum household size allowed per unit and the formula for calculating maximum allowable monthly rent is detailed on Exhibit C, which is attached hereto and made a part hereof.
- d. Income Restrictions. In order to purchase a cooperative membership interest in, and reside in a unit owned by the limited equity cooperative, a household must not earn more than 100% of the AMI, adjusted for family size, as published by the U.S. Department of Housing and Urban Development ("HUD"). Household income is defined as adjusted gross income used by the IRS. This income test will be used only at the time of the household's purchase, and excludes transfers to family members or an estate beneficiary. At the time of initial sale of cooperative membership interests in the Coop, up to 20% of the cooperative membership interests may be sold to households earning up to 120% of AMI. All other sales and all subsequent sales of cooperative membership interests must be to households earning no more than 100% of AMI.
- e. Option to Repurchase. Unless the Project has been transferred to the Coop as set forth above, if Buyer, its successors, assigns, or transferees fails to commence construction of the Project on the Premises within 12 months after the closing, and construct the buildings which are part of the first

phase of the Project within thirty (30) months after closing, the City shall have the right, but not the obligation, to repurchase the Premises and the Project at the Purchase Price plus all documented, design, development, construction, and approval expenses incurred by Buyer, or successors, to that juncture. If the City exercises this right to repurchase, Buyer shall convey the Premises to the City and assign to the City all contracts, plans, and other documents related to the design, construction, and regulatory approvals for the Project. This right to repurchase shall be assignable by the City.

- f. The articles of organization for the Coop shall provide that in the event the Coop shall be dissolved, its assets will be distributed in accordance with § 1754(6) of the Act to the City or, at the City's option, to another organization permitted under § 1754(6) of the Act reasonably acceptable to the City.
- g. The provisions of this Section 11 will survive closing and will be included in greater detail in the City's deed to Buyer or in a Declaration of Covenants, Conditions and Restrictions executed before or at the time of Closing, which shall be recorded in the Cumberland County Registry of Deeds.

- 12. **ENTIRE AGREEMENT.** This Agreement represents the entire and complete Agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the acquisition or exchange of the Property hereunder. This Agreement cannot be amended except by written instrument executed by City and Buyer.
- 13. **NON-WAIVER.** No waiver of any breach of any one or more of the conditions of this Agreement by either party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
- 14. **HEADINGS AND CAPTIONS.** The headings and captions appearing herein are for the convenience of reference only and shall not in any way affect the substantive provisions hereof.
- 15. **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.
- 16. **TIME.** The City and Buyer each confirm and agree that each of the time periods set forth herein are essential provisions of the terms of this Agreement.
- 17. **GOVERNING LAW.** This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court. If any provision of this Agreement is determined to be



invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

- 18. NOTICE.** All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after the notice is delivered to an overnight delivery service with delivery confirmation, addressed to the recipients at the addresses set forth below. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein.

**FOR THE City:** City of Portland  
ATTN: City MANAGER  
389 Congress Street  
Portland, ME 04101

With a copy to: The Office of the Corporation Counsel at the same address.

**FOR Buyer:** Maine Cooperative Development Partners, 6  
City Center, Fl. 3, Portland, ME 04101

With a copy to: David C. Pierson, Esq.  
Eaton Peabody  
P.O. Box 15235  
Portland, ME 04112-5235

- 19. SIGNATURES; MULTIPLE COUNTERPARTS.** This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement.
- 20. BROKERS.** The CITY and Buyer each represent and warrant that they have not dealt with a real estate broker in connection with this transaction. Buyer agrees to indemnify and hold harmless City from any claims made by any broker should Buyer's representation in this paragraph be false. Subject to the limitations of liability set forth in the Maine Tort Claims Act, City agrees to indemnify and hold harmless Buyer from any claims made by any broker should City's representation in this paragraph be false. The foregoing indemnities shall include all legal fees and costs incurred in defense against any such claim, and shall survive closing.
- 21. RECITALS INCORPORATED BY REFERENCE.** The recitals set forth above are incorporated herein by reference and made a part of this Agreement.

**IN WITNESS WHEREOF,** the parties have caused this instrument to be executed on their behalf by their duly authorized offices or representatives, on the day and year first written above.

\_\_\_\_\_

Approved as to Form:

DocuSigned by:

Michael Goldman

Corporation Counsel's Office

**City OF PORTLAND**

DocuSigned by:

Jon P. Jennings

Jon P. Jennings Its City Manager

**MAINE COOPERATIVE  
DEVELOPMENT PARTNERS**

DocuSigned by:

Brian Eng

Brian Eng  
Its Principal

**CITY of PORTLAND, MAINE**  
**Request for Proposals for Disposition of City-Owned Property**  
**Located at 165 Lambert Street**  
**RFP #2020-3**

**I. NOTICE AND SPECIFICATIONS**

The City of Portland, Maine seeks proposals from qualified developers for the creation of residential housing at 165 Lambert Street. The site is designated on the City of Portland Tax Assessor's Map as lots CBL 385 A001, and 386 C001.

**Sealed proposals for the project, including an original, seven (7) copies, and one (1) digital copy, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:30 p.m., Tuesday June 16, 2020, at which time they will be publicly opened.**

Proposals shall be submitted, and returned in sealed envelopes plainly marked on the outside "Disposition and Development of Property Located at 165 Lambert Street".

Proposals that are late, unsigned or submitted via fax will not be accepted. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions must be submitted in writing to the Purchasing Office. These may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to [mff@portlandmaine.gov](mailto:mff@portlandmaine.gov) and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and proposers should not rely on. Proposers should not have contact with any City staff with regard to this proposal unless to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is", in its existing condition, with no warranties either expressed or implied.* The City makes no representations or warranties about of any of the information about the property set forth herein, which is provided to proposers for their convenience only. The successful proposer shall be responsible to inspect the property, or to hire its own professionals to do so. The City, and its agents, make no representations or warranties with respect to the title of the property, the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the property, or as to the fitness of the property for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the property. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

## **II. GENERAL INFORMATION**

### **Summary of Request:**

The City of Portland is committed to providing housing opportunities and has set a goal to evaluate the use of City-owned property to construct housing. As one-step in accomplishing this goal, the City of Portland will accept proposals for the development of housing on the lot located at 165 Lambert Street, which currently is vacant.

This request for proposals results from the December 16, 2019 approval by the Portland City Council (Resolve 10-19/20) of the recommendations of the Housing Committee to market the City-owned vacant property located at 165 Lambert Street.

The City of Portland uses the RFP process to ensure that public resources are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants.

### **Site Information:**

- a. Location:** 165 Lambert Street, as identified in the City of Portland Assessor's records as lot CBL 385 A001 and 386 C001 (See Attachment 2).
- b. Existing Conditions:** 165 Lambert Street is located on two parcels totaling 13.3874 acres with frontage on Lambert Street in the North Deering neighborhood. The surrounding context is predominantly residential with the majority of homes in the area being one-family structures. The topography is quite steep and much of the parcel is designated as wetlands. A large portion of Auburn Street storm drain discharges to this area.
- c. Current use:** Vacant lot.
- d. General Dimensions:** Together these lots are approximately 13.3874 acres or 583,157 square feet.
- e. Current Zoning:** R-2. The R-2 zone allows for the creation of single-family detached dwelling units on minimum lot sizes of 10,000 square feet. At 13.39 acres (583,157 square feet), this parcel could permit a maximum residential density of 58 single-family homes. However, there are extensive wetlands on approximately 8 acres on the site that will limit maximum development potential. For complete zoning requirements, please refer to Chapter 14, Land Use, of the City Code.
- f. Rezoning:** Higher density zoning that furthers exceptional projects and city goals as outlined in Section III will be considered. For example, the R-3 residential zone allows for Planned

Residential Unit Development (PRUD) on properties of 3 acres or more, and a higher maximum residential density of 6,500 square feet per dwelling unit. A PRUD would allow for alternative site layouts, and the ability to avoid impacts to on-site wetlands. It should be noted that changes to zoning require both Planning Board and City Council approval.

- g. Condition of the property at the time of disposition:** Wetlands present. See Boyle Associates report and Jones Associates report available online.
- h. Environmental Conditions:** Boyle Associates conducted a wetland delineation in July of 2009 and prepared a wetland sketch plan for the City of Portland; 4.53 acres of uplands were identified during their review. During a site visit in October of 2019, Jones Associates confirmed there had been no changes to the wetlands and the wetland delineations done by Boyle Associates were still appropriate to use. The City of Portland reserves the right to establish a conservation easement on the non-developable portions of the parcel. The Jones Associates report is available on-line.
- i.** Proposers are urged to investigate water sources and utility connection requirements with the Department of Public Works.

### III. CITY GOALS

The City's primary goals for the use of the property are:

1. Developments shall provide mixed income units. All units must be affordable to households earning 60% to 120% of the area median income – which 60% is now \$55,800 for a family of four and 120% is now \$111,600 for a family of four.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

Restrictions on the affordability of units must be in place for a minimum of 30 years for homeownership units, and the longest period allowed by law for rental units.

2. Development of mixed income homeownership or rental housing of excellent building and site design. Design principles should promote efficient use of land to create a development that is compatible with the existing pattern, scale, massing, and materials of the surrounding neighborhood. The development's buildings shall be designed to meet the City's Green Building Code.
3. Environmental preservation should be identified to retain a balance between development and conservation of open space important for wildlife, ecological, and environmental values.
4. Rezoning may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.



5. Developments shall create housing options that are age inclusive.

The general terms for this real estate transaction include:

- Units must be used as the principal residence of the owner/tenant and owner/tenant shall not use the unit for the conduct of business (except for a home occupation allowed under the City of Portland zoning ordinance) or as an investment property. Units shall not be rented for short-term periods of one to thirty days.
- The sale or long term lease of the property below fair market value may be considered to support housing development that meets the City's stated goals.
- Alternative Ownership Models. Alternative ownership models that will encourage a mixed income community with long term affordability for the maximum number of units, such as limited equity units, co-housing, cooperative, or a community land trust, may be considered in order to ensure the units affordability over time.
- Proposals must outline how they will maintain affordability.
- Other City Incentives. Other city financial incentives may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.

#### **IV. PROPOSED SCORING**

An internal staff Committee will review proposals received, and will apply the following selection criteria in reviewing and scoring the applications.

##### **Proposed use to achieve the City of Portland's goals**

**40 points**

1. Market Demand - 20 points
  - a. 20 points - all units meet the City's Goals and Terms noted in Section III
  - b. 15 points - at least 75% of the units meet the City's Goals and Terms noted in Section III
  - c. 10 points - at least 50% of the units meet the City's Goals and Terms noted in Section III
  - d. 0 points - project does not meet the City's Goals and Terms noted in Section III
2. Economic diversity - 10 points
  - a. 10 points - creates housing options which promote economic diversity in the neighborhood in which the development is located
  - b. 0 points - does not promote economic diversity
3. Age Inclusive – 10 points
  - a. 10 points – creates housing which is age inclusive
  - b. 0 points – does not create housing which is age inclusive

##### **Impact on surrounding neighborhood, including design.**

**25 points**

1. Project Design - 15 points
  - a. 15 points - the proposal is consistent with design characteristics
  - b. 10 points - the proposal is an adequate fit with neighborhood characteristics
  - c. 0 points - the design is a significant outlier

2. Amenities and unit design -- 10 points
  - a. 10 points - amenities & unit design are well thought out and appropriate for residents
  - b. 5 points - amenities & unit design are adequate
  - c. 0 points - amenities and unit design raise significant concerns that resident needs will not be adequately addressed

**Applicant's ability to complete project, including financial feasibility, development team experience, capacity, and timeframe for completion. 35 points**

1. Readiness to proceed - 15 points
  - a. 15 points - all projected sources of funding include letters of commitment or interest are projected at terms and conditions consistent with the City's prior experience with the funder
  - b. 10 points - most projected sources of funding include letters of commitment, letters of interest, or, if no letter is included, are projected at terms and conditions consistent with the City's prior experience with this funder
  - c. 0 points - one or more sources are projected on terms that are not consistent with the City's prior experience with the funder and are not documented by letter(s) from funder(s)
2. Track record of development team - 10 points
  - a. 10 points - every development team member has a successful track record with this type of project and at this scale
  - b. 8 points - all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
  - c. 5 points - two development team members, while having relevant experience, are new to this type of project or this scale of development
  - d. 0 points - the development team does not meet the criteria above
3. Current Capacity of development team - 10 points
  - a. 10 points - development team members have exceptional depth of human and financial resources to complete this project
  - b. 8 points - development team members have the human and financial resources to complete this project
  - c. 5 points - development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward
  - d. 0 points - the development team does not meet the criteria described above

**SUBMISSION INFORMATION**

Interested parties are asked to submit a concept development (including preliminary drawings) and a brief description of the project, no longer than two pages, to include the number and type of units, occupants (owners/renters) to be served, special features, the impact on the neighborhood and other ways the proposal meets the primary goals of the City. A general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities is also required. This RFP does not require detailed architectural drawings or development pro formas.

Photographs and maps of the site and area are required.

- a) **Developer:** Name, address, telephone, email, fax number of the proposed owner/developer and the name(s) of an alternative contact person(s).
- b) **Proposal:** Each proposal submitted must specifically outline the proposed use of the property and any proposed rezoning requests.
- c) **Financial Feasibility:** Provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets; a letter from a lending institution indicating the applicant's ability to finance the projected costs; and provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.
- d) **Timetable:** Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, closing, construction start-up, substantial completion, final completion, and occupancy. Include applications for public or private financing.
- e) **Developer Capacity:** Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also, discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.
- f) **Occupancy and Management Plan:** Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process to ensure mixed income and long-term affordability.
- g) **Purchase Price or Lease Terms:** Proposed purchase price or lease terms for this property.
- h) **Copies:** Seven (7) copies, with the original so marked, of each proposal shall be submitted.

## V. DISPOSITION INFORMATION

After proposals are opened, city staff will make a recommendation to the City Council's Economic Development Committee (EDC) and the Housing Committee (HC). The EDC and HC will make a recommendation to the City Council.

## VI. OTHER INFORMATION

Confidentiality: Proposals received by the City shall become a matter of public record, subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may, to the extent permitted by law, be held from public inspection, as provided in applicable Maine law, including, without limitation, 5 MRSA Sections 13119-A and 13119-B.



## **VII. LEGAL REQUIREMENTS**

The contract for the disposition of the property will be executed only after review and final approval by the City Council.

## **VIII. RESERVATION of RIGHTS**

The City of Portland reserves the right, at its sole discretion, to award as well as reject any and all proposals for the city-owned property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records, and to verify that the proposer is current in its financial obligations to the City.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, as well as negotiate with the successful proposer(s) should it be in the best in the best interest of the City to do so for a final purchase and sale agreement and ultimate sale or lease of the property.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees.

Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset, which shall be established by the contract, which shall be issued to the successful proposer

April 10, 2020

Matthew F. Fitzgerald  
Purchasing Manager

Attachments:

- A. Proposal Signature Page
- B. Portland Assessor's Record
- C. GIS Map
- D. Boyle Report available online
- E. Jones Associate Report available online

**PROPOSAL****NOTE: THIS PAGE IS TO BE COMPLETED AND RETURNED**

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered \_\_\_\_\_  
If Applicable

COMPANY NAME: \_\_\_\_\_  
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

FEDERAL TAX ID #: \_\_\_\_\_ DUNS #: \_\_\_\_\_

STATE OF INCORPORATION \_\_\_\_\_

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

In your organizations preceding completed fiscal year, did the organization receive:

(1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; AND

(2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements? ☐ Yes ☐ No

Does the public have access to information about the compensation of the executives in the organization through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (18 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986? ☐ Yes ☐ No

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. **This sheet must be signed and returned with the application package.**



Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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[Jobs](#)
[Volunteer](#)

This page contains a detailed description of the Parcel ID you selected.

[New Search!](#)
**Current Owner Information:**Best viewed at  
800x600, with  
Internet Explorer

**CBL** 385 A001001  
**Land Use Type** GOVERNMENTAL  
 Verify legal use with  
 Inspections Division  
**Property Location** 165 LAMBERT ST  
**Owner Information** CITY OF PORTLAND  
 389 CONGRESS ST  
 PORTLAND ME 04101

**Book and Page**  
**Legal Description** 385-A-1 386-C-1  
 WASHINGTON AVE 2119-  
 2217 AUBURN ST 600-  
 612 583157 SF

**Rental Registration** No  
**Acres** 13.3874

**Current Assessed Valuation:**

|                                  |                |                                         |
|----------------------------------|----------------|-----------------------------------------|
| <b>TAX ACCT NO.</b>              | 10005          | <b>OWNER OF RECORD AS OF APRIL 2019</b> |
| <b>LAND VALUE</b>                | \$558,700.00   | CITY OF PORTLAND                        |
| <b>BUILDING VALUE</b>            | \$0.00         |                                         |
| <b>MUNICIPAL TYPE</b>            | (\$558,700.00) | 389 CONGRESS ST                         |
| <b>NET TAXABLE - REAL ESTATE</b> | \$0.00         | PORTLAND ME 04101                       |
| <b>TAX AMOUNT</b>                | \$0.00         |                                         |

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).**Building Information:****Building 1**

**Year Built**  
**Style/Structure Type**

**Sales Information:**

| Sale Date | Type | Price  | Book/Page |
|-----------|------|--------|-----------|
| 1/1/1976  | LAND | \$0.00 | 3798/6    |

[New Search!](#)



# City of Portland Maine Parcel Viewer

+

-

▼

165 lambert

X

Q

Show search results for 165 la...



0 150 300ft

2,917,950.718 324,271.561 Feet

**JONES  
ASSOCIATES**  
Foresters, Surveyors and  
Environmental Consultants



Lori J. Paulette  
Economic Development Department  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Lori:

Enclosed is a sketch of the wetland delineation conducted by Boyle Associates in July of 2009 for Lot 15, i.e. 165 Lambert Street and 622 Auburn Street in Portland, Maine (Tax Map 385, Lot A-1 and Tax Map 385, Lot D-8). Lot position and size were based on the town tax map information and existing monumentation on the ground.

Based upon wetland delineations done by Boyle Associates, there is approximately 236727.92 square feet (5.43 acres) of delineated wetland between the two properties. A site visit was conducted and we observed that there had been no changes to the wetlands and that the wetland delineations done by Boyle Associates were still appropriate to use. There is a vernal pool mapped on Tax Map 385, Lot D-8, though we did not inspect it. During the informational review, which is discussed in more detail below, it was not listed as a significant vernal pool.

The Maine Office of GIS was used to conduct a review of available information regarding wetlands of special significance and stormwater qualifications. There were no wetlands of special significance observed during the review. When reviewing stormwater qualifications, it was observed that although the site is not in a lake watershed, the site is downstream of a watershed most at risk from new development, Highland Lake.

More information about the type of data that was reviewed from the Maine Office of GIS can be found on the Wetland Delineation Checklist, which is attached.

For Tax Map 385, Lot A-1, there is potential for development of one or two homes on the northerly 4.53 acres of upland with potential access only from Lambert Street, as it is our

280 Poland Spring Road  
Auburn, Maine 04210  
(207) 241-0235  
Email: [rjones@jonesai.com](mailto:rjones@jonesai.com)  
Website: [www.jonesai.com](http://www.jonesai.com)

understanding that Washington Avenue has restricted access. There is also the potential for abutter expansion.

For the southerly section of Tax Map 385, Lot A-1, it is likely that there is only potential for abutter expansion.

For Tax Map 385, Lot D-8, there is also potential for development of one or two homes on the northerly 4.17 acres of upland with potential access from Auburn Street through the right-of-way if the vernal pool on the property is non-significant. To determine if the vernal pool is significant, a more in-depth assessment would be needed during breeding season to conduct egg mass surveys. Optimal time for egg mass surveys would be between April and May. If the vernal pool is significant, there are standards set forth by the Maine Department of Environmental Protection that may influence the extent of potential development on the property.

Please contact Jones Associates at (207) 241-0235 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Jones".

Rick Jones

280 Poland Spring Road  
Auburn, Maine 04210  
(207) 241-0235  
Email: [rjones@jonesai.com](mailto:rjones@jonesai.com)  
Website: [www.jonesai.com](http://www.jonesai.com)





### WETLAND DELINEATION CHECKLIST

|               |                                                                                    |  |  |
|---------------|------------------------------------------------------------------------------------|--|--|
| Job #:        | 19-065PO                                                                           |  |  |
| Client:       | CITY OF PORTLAND                                                                   |  |  |
| Site Address: | 622 Auburn Street and 165 Lambert Street, Portland, ME 04103 (385-D-8 and 385-A-1) |  |  |

|                               |            |
|-------------------------------|------------|
| Wetland Scientist:            | Rick Jones |
| Date of Office Review:        | 10/2019    |
| Date(s) of Field Delineation: | 07/2009    |

#### Wetlands of Special Significance

| Yes | No |                                                                                                                                                                             |
|-----|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | X  | Does the on-site or immediately adjacent wetland contain a mapped and numbered DWA?                                                                                         |
|     | X  | Does the on-site or immediately adjacent wetland contain an Inland Waterfowl Wading Bird Habitat?                                                                           |
|     | X  | Does the on-site or immediately adjacent wetland contain a potential significant vernal pool?                                                                               |
|     | X  | Does the recent aerial photos of the on-site or immediately adjacent wetland show? Or are there any open water or emergent wetlands with areas greater than 20,000 sq. ft.? |
|     | X  | Does the on-site or immediately adjacent wetland contain a 100 year flood plain?                                                                                            |
|     |    | Does the on-site or immediately adjacent wetland contain a S1 or S2 community?                                                                                              |
|     | X  | Does the on-site or immediately adjacent wetland contain a significant wildlife habitat?                                                                                    |
|     | X  | Is the on-site wetland within 250' of a coastal wetland?                                                                                                                    |
|     | X  | Is the on-site wetland within 250' of a great pond?                                                                                                                         |
|     | X  | Does the site contain peatlands?                                                                                                                                            |

#### Stormwater Qualifications

|  |   |                                                                  |
|--|---|------------------------------------------------------------------|
|  | X | Is the site in the watershed of a Great Pond or Impaired stream? |
|  | X | Is the site in a lake watershed?                                 |
|  | X | Is the site in a watershed most at risk?                         |

Additional Comments:

FEMA flood zone FIRM:

Portland 2300510002C, Effective December 8, 1998

Falmouth 2300450011B, Effective October 16, 1984

Watershed:

|                      |                                         |
|----------------------|-----------------------------------------|
| HUC_8: 01060001      | Presumpscot                             |
| HUC_10: 0106000103   | Presumpscot River                       |
| HUC_12: 010600010306 | Highland Lake – Lower Presumpscot River |





## LEGEND

- PROPERTY BOUNDARY
- UPLAND AREA
- ▨ VERNAL POOL BOUNDARY
- ▨ WETLANDS

## NOTES:

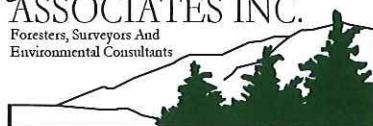
1. PROPERTY BOUNDARY OBTAINED FROM MAINE OFFICE OF GIS.
2. WETLANDS WERE REVIEWED, IDENTIFIED, AND DELINEATED BY BOYLE ASSOCIATES IN JULY 2009 FOR THE CITY OF PORTLAND'S WETLAND COMPENSATION OPPORTUNITIES ASSESSMENT. APPROXIMATE WETLAND BOUNDARIES ARE BASED ON GPS-LEVEL FIELD INVESTIGATION.
2. AERIAL IMAGERY OBTAINED FROM GOOGLE EARTH.

## WETLAND SKETCH PLAN CITY OF PORTLAND LOT 15 - 165 LAMBERT ST AND 622 AUBURN ST (385-D-8 AND 385-A-1) PORTLAND, MAINE

PREPARED BY:

**JONES  
ASSOCIATES INC.**

Foresters, Surveyors And  
Environmental Consultants



280 POLAND SPRING ROAD, AUBURN, MAINE 04210  
(207) 241-0235

PLAN DATE:

OCTOBER 18, 2019

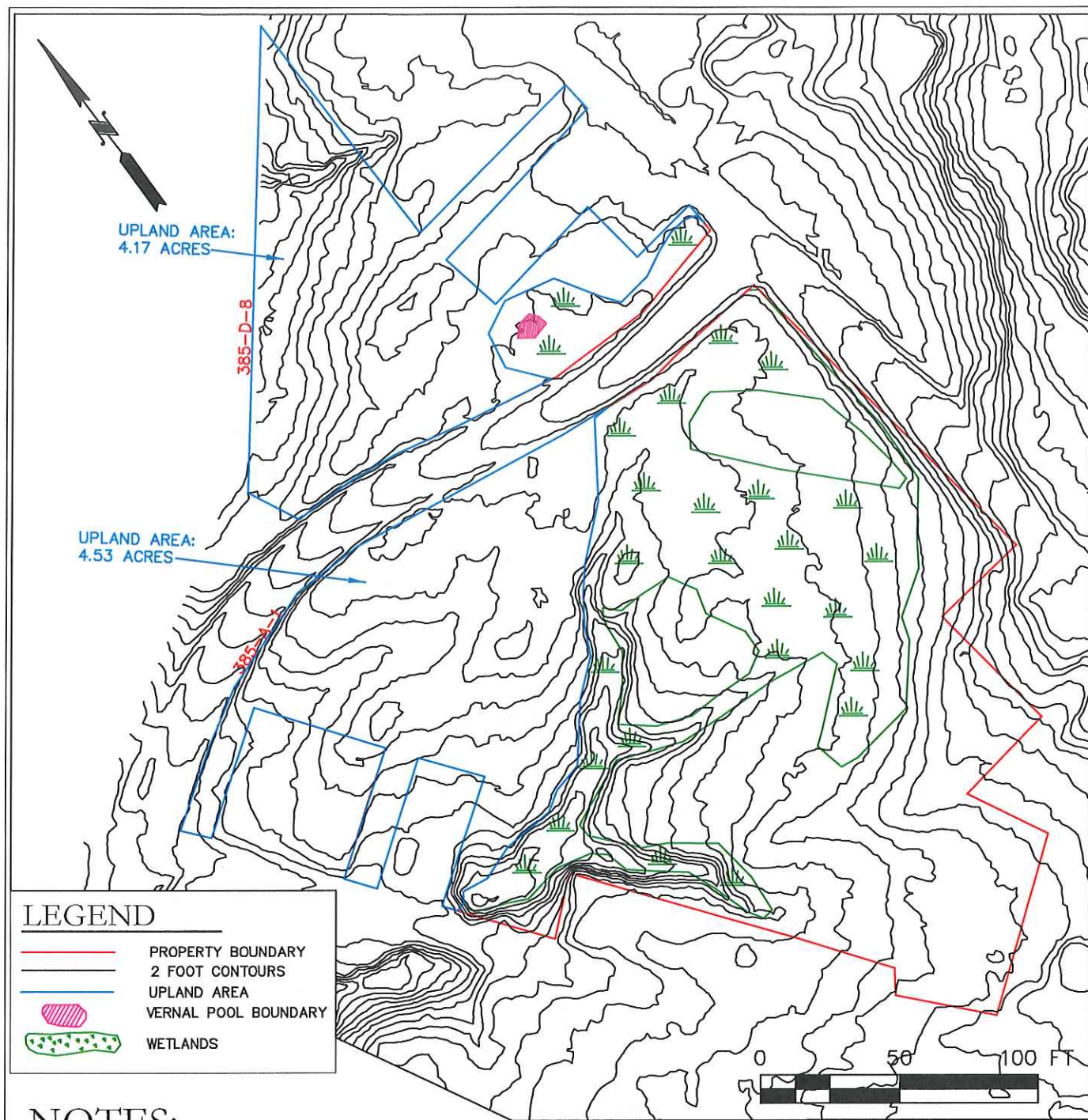
FIELD WORK DATE:

SEPTEMBER 2019

SCALE: 1"=100'

PROJ. #: 19-005PO





## NOTES:

1. PROPERTY BOUNDARY OBTAINED FROM MAINE OFFICE OF GIS.
2. WETLANDS WERE REVIEWED, IDENTIFIED, AND DELINEATED BY BOYLE ASSOCIATES IN JULY 2009 FOR THE CITY OF PORTLAND'S WETLAND COMPENSATION OPPORTUNITIES ASSESSMENT. APPROXIMATE WETLAND BOUNDARIES ARE BASED ON GPS-LEVEL FIELD INVESTIGATION.
2. 2 FOOT CONTOUR LINES OBTAINED FROM THE MAINE OFFICE OF GIS.

## WETLAND SKETCH PLAN

CITY OF PORTLAND  
LOT 15 - 165 LAMBERT ST AND 622 AUBURN ST  
(385-D-8 AND 385-A-1)  
PORTLAND, MAINE

PREPARED BY:

**JONES**  
ASSOCIATES INC.

Foresters, Surveyors And  
Environmental Consultants



280 POLAND SPRING ROAD, AUBURN, MAINE 04210  
(207) 241-0235

PLAN DATE:

OCTOBER 18, 2019

FIELD WORK DATE:

SEPTEMBER 2019

SCALE: 1"=100'

PROJ. #: 19-065PO



## Maine Cooperative Development Partners

6 City Center, Floor 3  
Portland, Maine 04101

[www.maine.cooperativehousing.com](http://www.maine.cooperativehousing.com)

March 25, 2021

Dear Neighbor,

**Please join Maine Cooperative Development Partners for a neighborhood meeting to discuss our plans for the Lambert Woods Neighborhood on the Washington Ave Ext and a proposed zoning amendment.**

**Date:** Thursday, April 8 Time: 7pm.

**Meeting Location:** Zoom Video or Phone (Details Below)

**Maine Cooperative Development Partners** is working with the City of Portland to create Lambert Woods: an affordable, green, transit-oriented, walkable, neighborhood surrounded by conserved forest and wetlands at the property (officially 165 Lambert Street) bounded by Washington Ave Extension, Lambert, Auburn & Summit Streets.

**In order to accomplish the goals of the project, we have requested two zoning amendments from the Portland Planning Board:**

- A change from R2 to R3 to meet the neighborhood's goals of conserving the majority of the forest habitat and the city's goals of housing.
- A text amendment to the R3 zone to allow vertical stacking of units, which will allow us to serve a range of households types and generations by having 1, 2 & 3 bedroom homes.
- We had originally requested a strip of B1 along Washington Ave Ext to allow for the possibility of small retail like a coffee shop or neighborhood market, but after discussing with city staff have retracted that request.



**Maine Cooperative Development Partners (MCDP)** creates neighborhoods for people of all ages, backgrounds, and incomes to live in harmony with nature and their neighbors. We aim to provide a balance of green space, transit-orientation, walkability, community, privacy, and affordability. We believe members of our community deserve to live in places that support connections with family, neighbors and nature, and more time to develop purposeful lives. Grounding principles for this work are:

- Walkable neighborhoods
- Transit-orientation
- Healthy buildings
- Celebration of beauty, art, and the natural environment.

## How do I learn more about MCDP and the project at 165 Lambert Street?

- **To receive materials and stay informed**, Please email us at [liztrice@gmail.com](mailto:liztrice@gmail.com) so that we can send you relevant materials and keep you apprised of changes going forward.
- **For more information**, maps, notes and presentations from previous neighborhood meetings, please visit: <https://www.mainecooperativehousing.com/lambert.html>
- **If you can't attend**, or have any questions, please call or email Liz Trice at [liztrice@gmail.com](mailto:liztrice@gmail.com), 207-613-5227 to share your thoughts.

We look forward to connecting with you.

Liz Trice, Matt Peters, and Brian Eng  
Maine Cooperative Development Partners Team

## Virtual Neighborhood Meeting Zoom and Phone Call-in Details:

**Date & Time: Thursday April 8 at 7pm**

**Join Zoom Meeting with computer or smartphone:**

<https://us02web.zoom.us/j/85153140672>

Meeting ID: 851 5314 0672

One tap mobile

+13017158592,,85153140672# US (Washington DC)

+13126266799,,85153140672# US (Chicago)

**To join by phone**, dial 1-301-715-8592, then enter Meeting ID: 851 5314 0672. Press \*6 to mute/unmute, \*9 to raise your hand.

Please Note:

*The Land Use Code requires that neighboring property owners and residents on an "interested parties list" be invited to participate in this neighborhood meeting. A [electronic] 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.*

*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](mailto:planning@portlandmaine.gov) or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.*



## Neighborhood Meeting Sign-In Sheet and Meeting Notes

### Meeting Sign-In Sheet

April 8, 2021

By Zoom

Project: 165 Lambert Street, Zoning Amendment

#### Members of the Public in Attendance:

| Name                           | Address                                     |
|--------------------------------|---------------------------------------------|
| Ed Eggleston                   | 660 Auburn Street,                          |
| Dave Smith, Alison Barker      | 1771 Washington, Good Park in North Deering |
| Diane Haley,                   | 57 Wellstone Drive                          |
| Emily Friedman & Seth Moore    | 39 Clark Street                             |
| Helene Anderson                | 431 Summit St                               |
| Jenifer Lloyd,                 | 657 Auburn Street,                          |
| Michael Litcher                | dropped off before Introductions            |
| Rachel Ackoff                  | Lewis Street                                |
| Ruth Bettinger                 | 551 Summit Street                           |
| Tim Vogel & Pauli Juneau,      | 10 Coachlight Lane                          |
| Karen Johnson                  |                                             |
| Bob Mentzinger                 | Cyprus Street,                              |
| Amy Johnson,                   | Auburn Street                               |
| Kellen White                   | 567 Auburn Street                           |
| Sue Luthie,                    | 555 Washington                              |
| Iphone                         | Didn't identify themselves or their address |
| Doug Sisko & Rosanne Sheridan, | 224 Summit Street                           |
| Cheryl Denis,                  | 21 Wendy Way                                |
| Kathy Kamin                    | Lambert Street                              |
| Tammy                          | No audio -                                  |

#### Developer and Consultant Team in Attendance

| Name                 | Email                                                                        |
|----------------------|------------------------------------------------------------------------------|
| Matthew Peters       | <a href="mailto:matt@elysiancommunities.com">matt@elysiancommunities.com</a> |
| Liz Trice            | <a href="mailto:liztrice@gmail.com">liztrice@gmail.com</a>                   |
| Brian Eng            | <a href="mailto:bri.d.eng@gmail.com">bri.d.eng@gmail.com</a>                 |
| Rob Liscord (Intern) | <a href="mailto:robert.liscord@gmail.com">robert.liscord@gmail.com</a>       |

### **Interested parties**

| Name, Organization                         | Email                                                                  |
|--------------------------------------------|------------------------------------------------------------------------|
| Angela King, Bicycle Coalition of Maine    | <a href="mailto:angela@bikemaine.org">angela@bikemaine.org</a>         |
| Jaime Parker, Portland Trails              | <a href="mailto:jaime@trails.org">jaime@trails.org</a>                 |
| Mary Davis, City of Portland               | <a href="mailto:mpd@portlandmaine.gov">mpd@portlandmaine.gov</a>       |
| Jesse Thompson, Kaplan Thompson Architects | <a href="mailto:jesse@kaplanthompson.com">jesse@kaplanthompson.com</a> |
| Phil Kaplan, Kaplan Thompson Architects    | <a href="mailto:phil@kaplanthompson.com">phil@kaplanthompson.com</a>   |

### **Notes:**

#### **I. Introductory Discussion: What do you want to see improved in the neighborhood:**

- Dave Smith - Good Park in North Deering
- Diane Haley - Interested in living in an intentional, walkable community, services within walking distance Emily Friedman & Seth Moore - More green space for growing food, more musicians in that green space
- Helene Anderson, Corner of Auburn and Summit,
- Jenifer Lloyd - being close to the city limit there is a lack of city services and attention to street clearing and other public works needs
- Rachel Ackoff - Interested in being a resident, would like to see places where people can live for the long haul.
- Ruth Bettinger - Interested in and care about the traffic flow, walkability, bikeability
- Tim Vogel & Pauli Juneau - interested in an intentional community
- Karen Johnson, Address - curious to see the setbacks and what the development will look like
- Amy Johnson - extended family might be interested in moving in
- Cheryl Denis - doesn't want this development and would like to see better sidewalks

#### **II. Meeting Slides presented by MCDP Team - Matt Brian and Liz:**

Attached.

Reference during presentation to to the Comprehensive Plan or "Portland's Plan"

<https://www.portlandmaine.gov/1861/PortlandsPlan2030>

#### **III. Questions and Comment Period:**



## **Organization of the Development and Cooperative**

Jennifer Lloyd - Noticed the name of "Cooperative" is the project going to be run as a cooperative?

MCDP Response: Liz - City's goal was to serve middle income people. We chose to organize the property as a cooperative which provides certain benefits (1) no individual mortgage; (2) significant incentive based on stable expenses to stay for the long term. But, residents cannot take the equity with them, when a resident leaves they only take the initial payment and some interest. This keeps the property value less for future owners.

- Jennifer - Idea of a cooperative is really exciting to her.

Doug - I am interested in how the project will be restricted to the targeted income bracket - will people have to prove they make a certain amount when purchasing a coop share and then have to show income throughout their ownership, or will they be able to earn more and still stay in the property and pass along to children regardless of children's income? I am just curious about maintaining the project as available to the targeted income.

MCDP Response: Liz - there will be an income test when you buy in only. If you stay in the unit you would not be forced to move if your income increases. There is no income test if you pass on to children. Only an income test if one resident leaves and another new resident comes in.

The project will also have residency requirements so an owner cannot leave and rent out an individual unit at a profit.

Seth - if you buy in with a share at \$15,000 and then you leave in 20 years - you would leave with \$15,000? How does it work?

MCDP Response: Brian - There is no requirement that there is appreciation. MCDP's plan is to target the share so it looks like a rental (first, last and security). But otherwise it would give residents more control than a rental. We want to make people's housing costs stable and give the residents the management control.

Follow up: Seth - Would the payment fluctuate or raise exponentially?

MCDP Response: Brian - the mortgage will remain fixed like ownership. Maintenance, reserves, & taxes might go up, but this will be balanced out by the stability in the mortgage. This will be an opportunity for residents to exercise control over their homes with the support of professionals from the cooperative development institute.

## **Development Design:**

Tim Vogel - What is the number of units planned?

MCDP Response: Matt - the goal is to fit as many homes into the site based on zoning requirements and reasonable based on what the design team thinks will fit. The goal to maximize the available affordable housing. Help to make North Deering a stronger neighborhood and avoid individuals needing to move out of town to find housing and then commuting in on Washington. The purchase and sale agreement with the city lays out a minimum requirement of units. But we expect 80-100 units, but it will depend on the wetland survey.

Jaime - Curious why the B1 was pulled off the table?

MCDP Response: Liz - our vision was a little coffee shop or market with a small patio. Some form will be possible through a non-commercial shared space under the concept of "neighborhood center" as allowed in B3. City staff have indicated that B1 at this site was not within the city's vision and that a B1 was more appropriate as clustered in commercial centers such as Northgate plaza. Instead, the city has said that within an R-3 you can still have a neighborhood center with some gathering spaces. It sounded like the B-1 would cause delay in the approval, so MCDP decided it is better to move forward without the B-1

Matt read the description/definition of neighborhood center from [Portland ReCode](#) (Zoning Code): "A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency."

Helene - will the design be similar to the Front Street Development?

MCDP Response: Liz - We're not familiar with the development on Front Street.

#### **Environment and Site:**

Jennifer - when was the buildable area identified and would like to think that the buildable portion doesn't reflect the current drought?

MCDP Response: Liz - Initially, the wetland location was evaluated in 2017 and rechecked recently by Jones environmental.

Matt - Question beforehand about stormwater runoff from the site:

MCDP Response: Matt - Met with the city and they also brought this up. Civil Engineer (Acorn Engineering) - will consider design parameters that require the site to allow stormwater to not run off the site and instead be managed within the site.

#### **Traffic in the Neighborhood:**

Karen - So much speeding traffic already!! Would be curious to see how the City plans on "calming" that!!

Helene - As someone who has lived in the neighborhood for 37, I moved here from East Deering because I was looking for more trees and space. How will this project affect me? I Keep hearing about trails, walking, and sidewalk, but also that there will be as many units as possible. Concerned that it will create a traffic problem. Discussed her experience with dangerous traffic. "I have been hit multiple times at Summit Street" (a) concern about traffic; (b) where will everyone park? (c) increased traffic issues pulling off the Washington Ave Extension.

Cheryl (In the Chat) - Will there be a traffic study done--in a non-Covid time? Traffic much lighter this year due to Covid & people working from home.

Jenifer - Traffic really needs to be addressed, not just for the one lot.

Cheryl - Hearing us talk about the concerns of traffic, what is your plan to address the traffic?

MCDP Response: Matt - we will get a traffic study as a part of the planning board. Will plan to provide off-street parking on the site.

Brian - traffic along the arterial roads in Portland is a chronic and city-wide problem. This is a concern of ours and something we want to address in our design. Folks race down the road is because it looks like a straightaway; the point of parking on the street is it provides a visual break and slows things down. Street parking takes away the instinct to speed. Hopeful some street parking will allow for people to visit and come to gather at the site.

Liz - In our initial conversation with DPW, we were led to believe that the new housing will not increase traffic in a significant way. Mark Dion is interested in having a light at Washington, Auburn and Garco.

Brian - we have heard the concerns with speed and want the design to reflect the fact that neighbors are fed up. We'll share your comments with the city and DOT and we hope to work together to meet the traffic goals. We don't want this area to just be a pass through. We want to use this project as a way to help address the neighborhood concerns by drawing attention to the neighborhood.

Angela King, Bike Coalition - more activity alongside a road - sidewalks, parking on the side - will reduce car speed. The Bike coalition will be doing demonstration projects - ie: bump outs that simulate crosswalks or other installations to see how it works before a permanent investment.

Virtual Poll: Would you support a traffic light at Auburn and Washington? Yes (9) 64% No (0) 0%, depends (5) 36%

### **Street Parking on Washington**

Helene - Concerned about the problem of traffic coming off Riverside and parking backing up the traffic along Washington Ave.

Jenifer - Thinks there might be a problem with cars backing up along Washington Ave which could cause problem for residents trying to exit the development.

Cheryl - Auburn and Lambert are commuting routes from Falmouth

Ed - Could parking go under the houses? Washington Ave is not the place to Park.

MCDP Response: Liz - we are hoping to have cars on the edge of the site but preserving the internal roadways for families and children to play.

Unattributed Question: Is there a minimum number of parking spaces required?

MCDP Response: Liz - No, but as a part of planning there has to be a parking demand study which will dictate the amount of parking that will need to be at the site.

### **Public Transit:**

Cheryl - what are the talks with Metro?

Dave - Thought about transit and school bus access: If housing is to be multi-generational, we need to consider the kids: Work with the school district to determine how they would develop routing to serve the development. You may want to design the drive to allow a bus to drive through to protect kids from traffic on Washington. Also, transit passengers would also have to cross Washington to access the site. Similarly, working with Metro to help manage safety for bus passengers.

MCDP Response: Brian/Liz - We envision a robust crosswalk that signals visually to slow down along Washington. That was another reason that we wanted B1, so that we could have the buildings right up against the right of way. MCDP has been in communication with METRO leadership about public transit to and from the site and related amenities.

### **Natural Space, Trails and Open Space Amenities**

Kathy - Police park along the roads, but the roads are definitely dangerous. Very concerned about the preservation of woods. Concerned about fitting in so many houses in such a little area. Great idea on paper, but reality has me concerned.

Helene - walking/trails for who, I don't foresee folks crossing Auburn street because of the traffic speed (cars and trucks) and lack of crosswalks on Auburn.

### **Comments about the Project Overall**

Ruth - Comment: I agree about the traffic concerns, but I do walk around the neighborhood - to the trails and to Northgate. See the development as helping to manage the traffic concerns.

Amy - Question about potential traffic light at Washington and Auburn - but worry about it backing up traffic. Amy also sees the trails behind the parcel as a benefit rather than just the woods. Amy would love the idea of having a community space in the facility. Love the idea of spaces where the community can gather such as her book group.

### **IV. Wrap Up, Closing Questions, and Next Steps:**

**Next Step:** April 13th - Planning Board Workshop on the zoning amendment request. There will be subsequent public hearing which has not yet be scheduled. a hearing to follow which is not yet scheduled.

### **Follow up Comments and Questions:**

- Find Project Updates at: <https://www.maine.cooperativehousing.com/lambert.html>
- Contact Liz Trice with Follow up Questions or Comments at: [liztrice@gmail.com](mailto:liztrice@gmail.com) , 207-776-0921

### **Next Steps on Broader Neighborhood Concerns:**

What is the best bet to address the traffic and neighborhood concerns?

Mary Davis - when you're going through a public process as a group, it provides an opportunity to influence change. But on the other hand, this is one development that won't fix all the problems in the neighborhood. The city has discussed public transit and other things that the city can do. Some of the concerns can be addressed through the Lambert planning process and others by continuing to have a dialog with your district counselor.

Brian noted that Mark Dion has been engaged before and he is a resource for the neighborhood.

**Mark Dion's Contact Information:**

Title: District 5  
Phone: 207-874-8685  
[mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov)

Term expires 2023

**Zoom Chat:**

Rob Liscord to Everyone (7:32 PM) <https://www.maine.cooperativehousing.com/lambert.html>

Cheryl Denis to Everyone (7:36 PM) At the original meeting in 2017, there was no desire expressed for developments. This was a discussion about what North Deering was missing, what we'd like to see.

Rob Liscord to Everyone (7:51 PM) For Everyone's reference, here is a link to the Portland's Plan that Matt mentioned: <https://www.portlandmaine.gov/1861/PortlandsPlan2030>

Liz to Everyone (7:52 PM) Planning board workshop is April 13. For anyone who came in late, you can see this presentation at <https://www.maine.cooperativehousing.com/lambert.html> We will also post the notes from tonight there.

Cheryl Denis to Everyone (8:06 PM) Will there be a traffic study done--in a non-Covid time? Traffic much lighter this year due to Covid & people working from home.

jeniferlloyd to Everyone (8:07 PM) Traffic is a big problem. By the time cars are coming along Auburn Street going either direction, they either haven't slowed down from getting off the highway, or their speeding up to get going with their commute! This project will compound the traffic problems exponentially. Something will have to be done to slow traffic on Auburn, and a light will be needed at the corner of Auburn/Washington/Garsoe!!!!

jeniferlloyd to Everyone (8:08 PM) Your residents will have difficulty getting in and out your one way road regardless of which way it flows/which end you put your entrance & exit. There is great potential to cause accidents at the corner of Auburn/Washington/Garsoe.

Amy Johnson to Everyone (8:09 PM) I would walk down Washington if there were sidewalks... I would prefer it to Auburn.

Doug + Rosanne to Everyone (8:10 PM) I am interested in how the project will be restricted to the targeted income bracket - will people have to prove they make a certain amount when purchasing a coop share and then have to show income throughout their ownership, or will they be able to earn more and still stay in the property and pass along to children regardless of children's income? I am just curious about maintaining the project as available to the targeted income.

Bob Mentzinger to Everyone (8:19 PM) That section of Wash Ave Ext. carries very little traffic. Parking does occur on that stretch. GP Metro buses sit there to stay on schedule.

Kathy Kamin to Everyone (8:21 PM) Disagree there are many houses here already!! People know it is not a raceway



Cheryl Denis to Everyone (8:21 PM) Disagree as one who has traveled these roads every single day--Wash Ave Ext is VERY busy

Kathy Kamin to Everyone (8:21 PM) A Church with tons of traffic in and out there too!!!!

Bob Mentzinger to Everyone (8:21 PM) Not a single home on that stretch of Wash Ave Ext. currently. Church is on Lambert and Summit.

Kathy Kamin to Everyone (8:22 PM) Washington Ave ext is extremely busy already!!!

Cheryl Denis to Everyone (8:22 PM) In a Covid year, it's still hard to get out from Wash Ave Ext onto Auburn--in a regular year, especially at commuting times?!!

Kathy Kamin to Everyone (8:23 PM) I live across from the Church I realize that. My point was that the Church brings in a lot of traffic.

Amy Johnson to Everyone (8:23 PM) I'd love to see a traffic study that models the impact of a light at wash ave. (wash ave at auburn/garsoe)

Bob Mentzinger to Everyone (8:24 PM) Alternate routes to Auburn include Summit and Blackstrap. Bus travel also an option. Traffic light at Auburn and Wash Ave Ext would actually be moved along by more development already be needed there

Cheryl Denis to Everyone (8:24 PM) No houses, Bob, but a LOT of cars & trucks--it is a truck route. I sit at my mom's and watch (& hear) the traffic.

jeniferlloyd to Everyone (8:25 PM) My hope is that these problems will be addressed as part of the project development. My preference as a neighbor in this neighborhood, is that it would be contingent that they are addressed - specifically traffic slowing and storm water drainage - in order for the project to go forward.

Bob Mentzinger to Everyone (8:27 PM) I hear the Turnpike from my house. Not sure your point

Amy Johnson to Everyone (8:27 PM) Thanks Brian, that addressed my question about how co-ops work. My knowledge is limited to what I know from TV. As in "Friends"... just sayin'

Bob Mentzinger to Everyone (8:35 PM) Yup. Popular bus layover spot.

jeniferlloyd to Everyone (8:38 PM) Hi, All - please excuse me for just speaking out during the meeting. For some reason the raised hand icon is not available on my screen tonight. I really appreciate all the input and the varied perspectives shared tonight. Thanks, and stay safe!

Me to Everyone (8:44 PM) [Liztrice@gmail.com](mailto:Liztrice@gmail.com) 207-776-0921 If you haven't given us your email already, please put it in the chat.

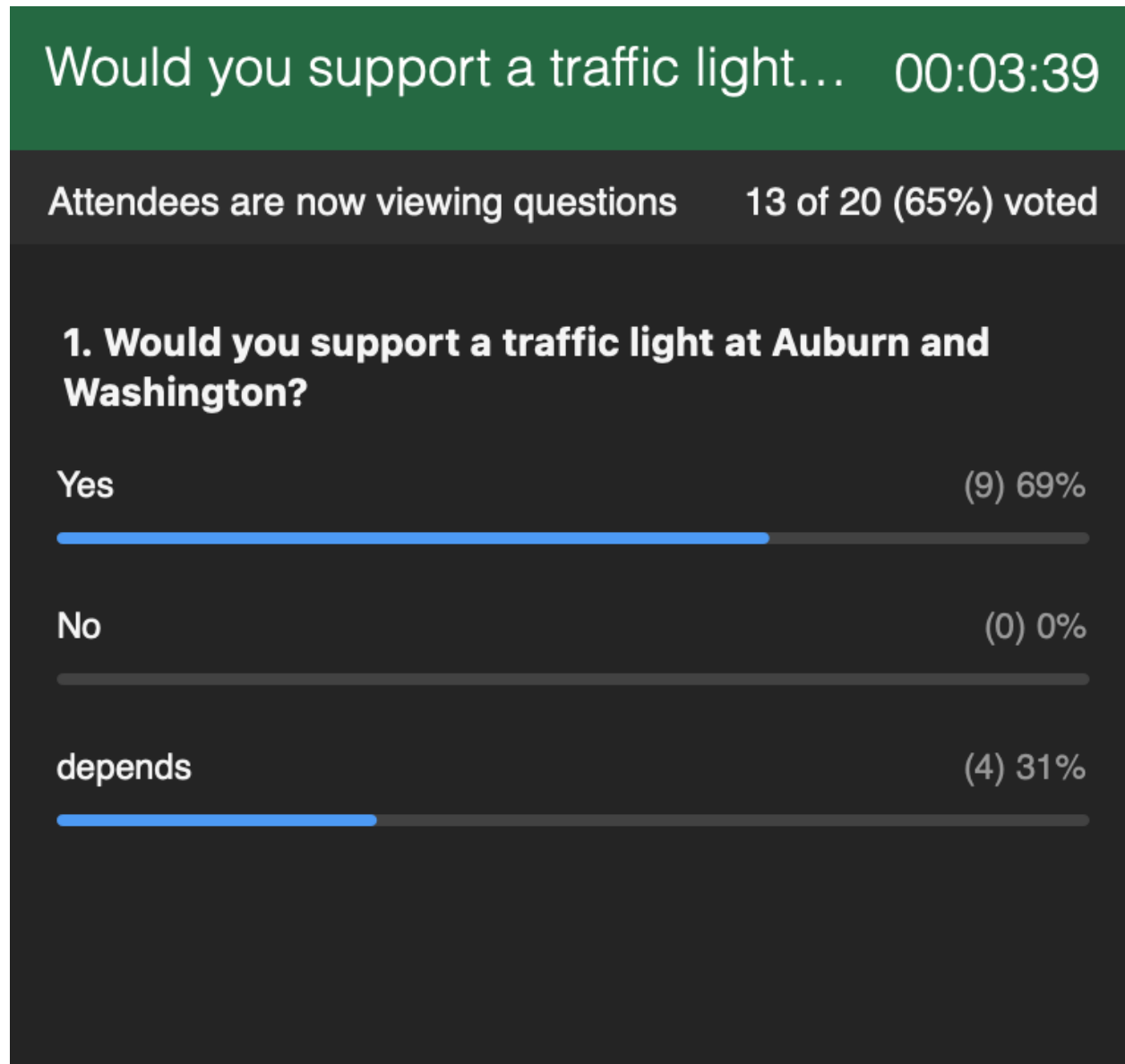
Ruth Bettinger to Everyone (8:46 PM) Thank you for that question, Liz, and the thorough answer, Mary.

Angela King to Everyone (8:47 PM) To reduce cars and paved parking lots/spaces, and help with drainage, Parking Maximums are being adopted in many cities:

<https://sustainablecitycode.org/brief/parking-maximums/>

Rob Liscord to Everyone (8:49 PM) All materials and updates for the Lambert project can be found here:  
<https://www.maine.cooperativehousing.com/lambert.html>

**Traffic Light Survey Response:**





# Lambert Woods Neighborhood Meeting

Thursday, April 8, 2021

Agenda:

Introductions

Review MCDP Goals and Project Background

Proposed Zoning Change

Discussion

# Maine Cooperative Development Partners



Liz Trice

Design &  
Community



Brian Eng

Investment &  
Partnerships



Matt Peters

Project  
Management

# Maine Cooperative Development Partners: Grounding Principles

**MCDP creates neighborhoods** for people of all ages, backgrounds, and incomes to live in harmony with nature and their neighbors. Our neighborhoods aim to provide a balance of **green space, transit-orientation, walkability, community, privacy, and affordability.**

We believe members of our community deserve to live in places that support connections with family, neighbors and nature, and more time to develop purposeful lives.

## **Grounding principles for this work are:**

- Walkable neighborhoods
- Transit-orientation
- Healthy buildings
- Celebration of beauty, art, and the natural environment.



## Introductions

City Councilors  
Staff & Organizations  
Neighbors

Where do you live?

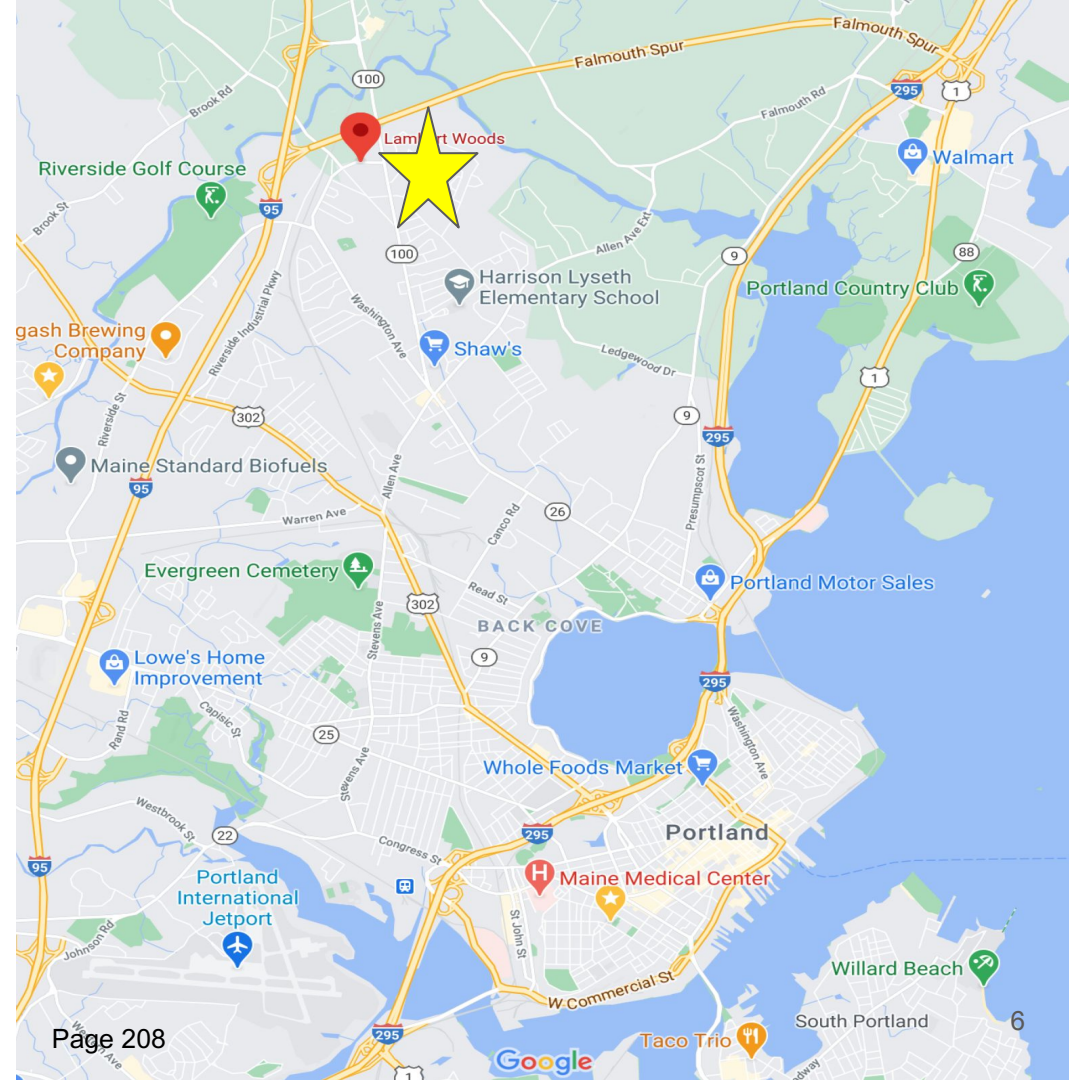
What would most improve  
your neighborhood?



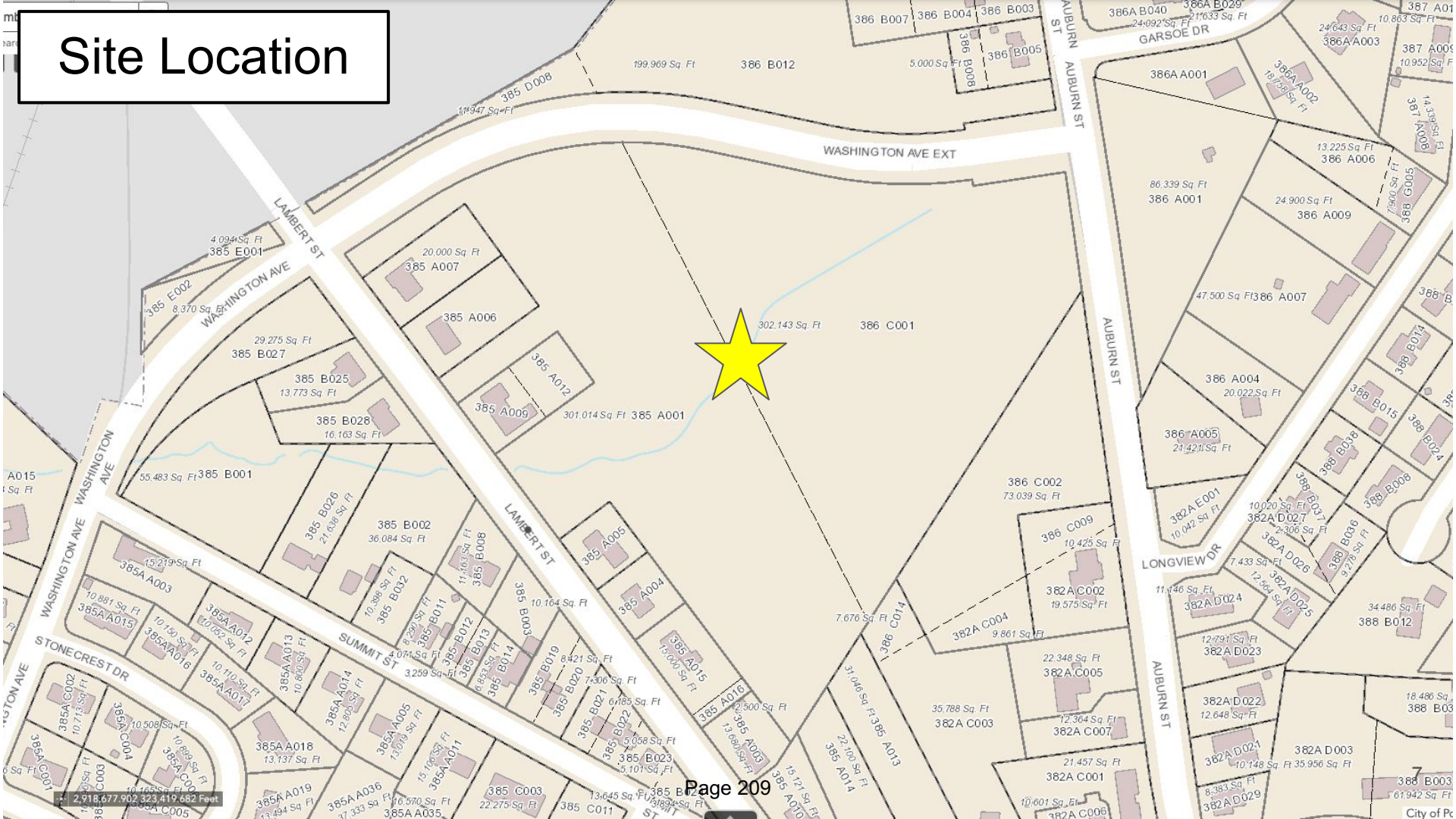
## April 8, 2021 - Goals for Today's Meeting:

1. Review the proposed development and zoning amendment
2. Hear what questions and comments you have about the proposal

# Site Location

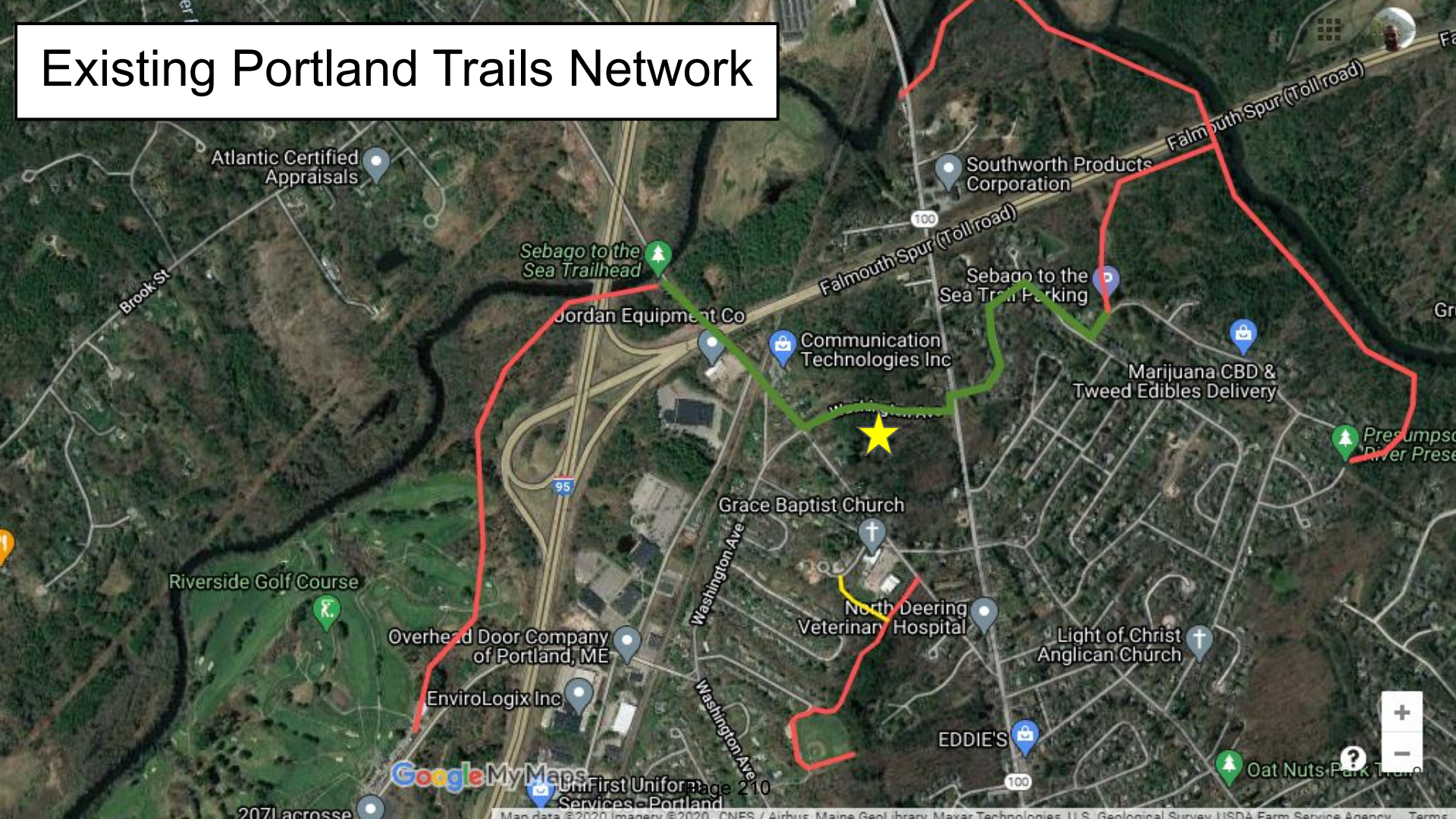


# Site Location





# Existing Portland Trails Network

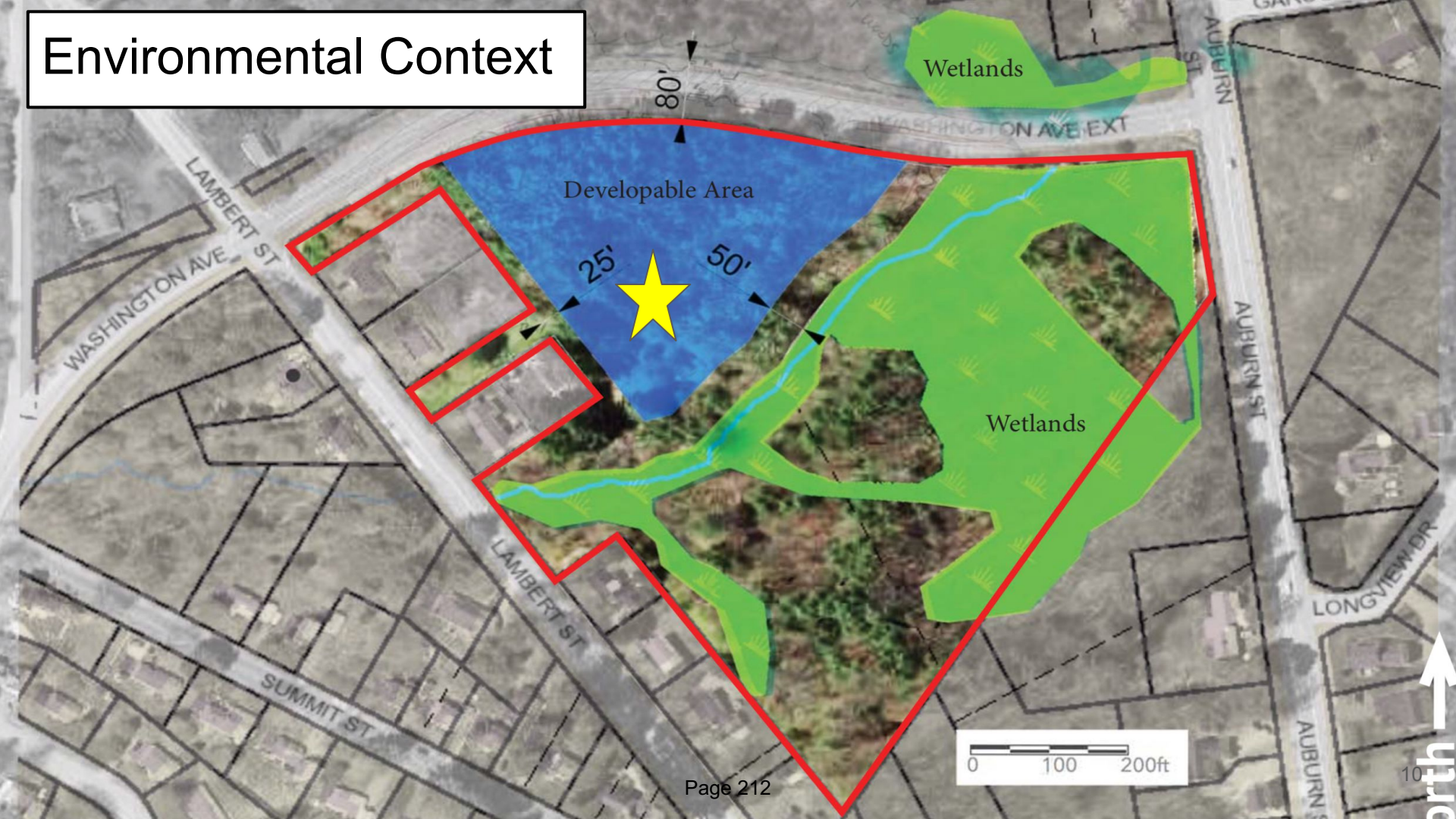




# Metro Bus Line #9

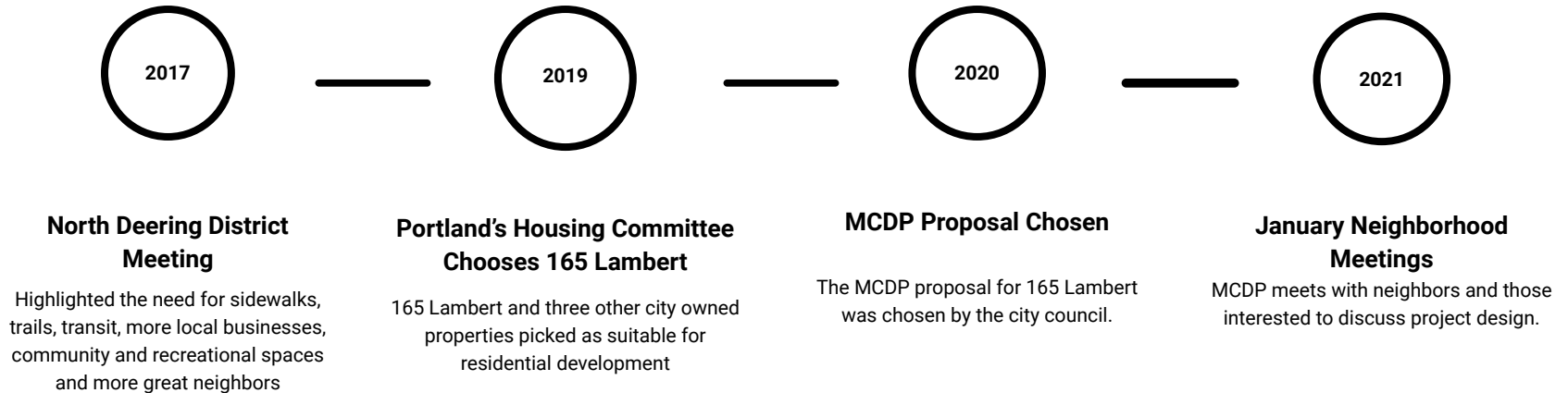


# Environmental Context





# 165 Lambert Street - the Process So Far:

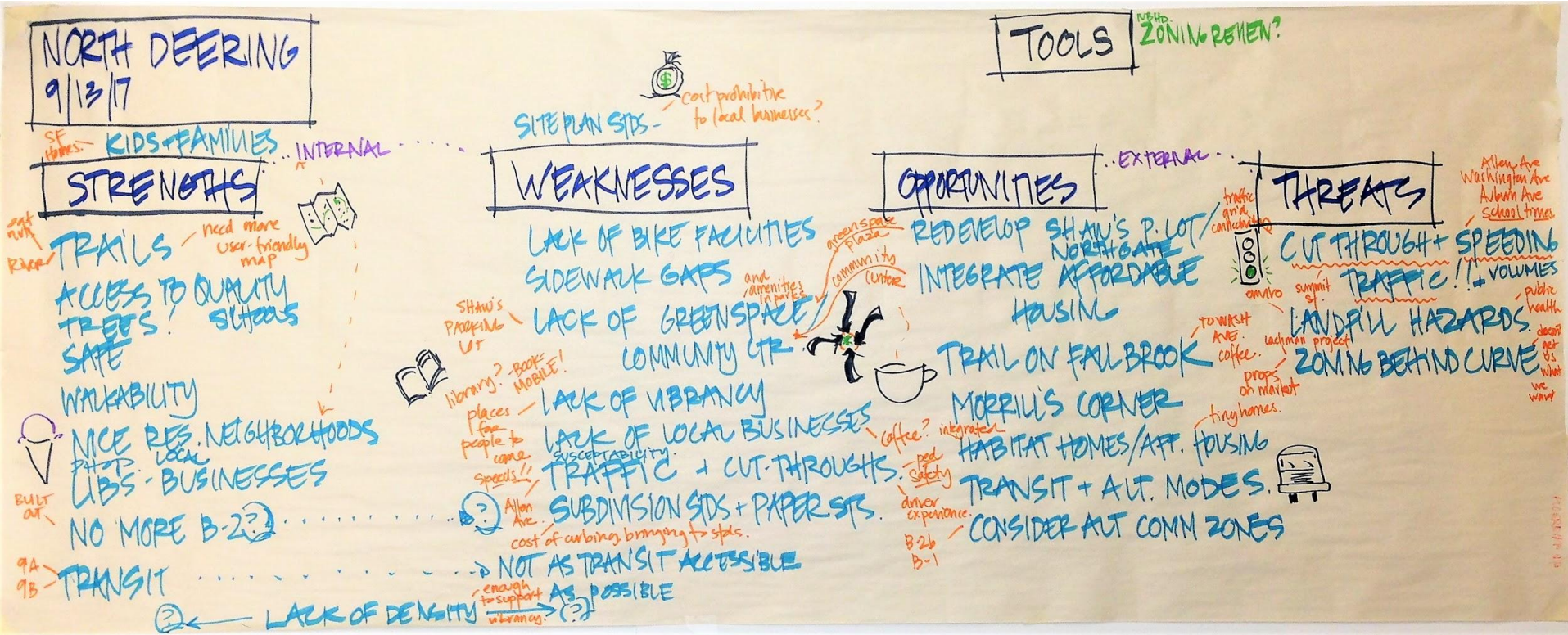


# Goals for 165 Lambert Street

Create an affordable, green, walkable, transit-oriented neighborhood center for all ages surrounded by conserved forest and trails.

- **Affordable:** Limited Equity Cooperative, serving a balanced mix of households with incomes ranging from about \$50,000-\$120,000/year
- **Green:** Emphasize healthy spaces, use minimal energy, optimize for solar
- **Walkable:** Safe for children to play, walkable to community spaces and nature
- **Transit Oriented:** Engaging with GPMetro to improve and connect buses
- **Forest and Trails:** work with Portland Trails to conserve the majority of site

# North Deering District Neighborhood Meeting 2017



# Community Needs & Desires - Common Themes Across Four Meetings:

## 9/13/17 North Deering

### Meeting

Sidewalks  
Slow traffic  
More transit  
Better bike facilities  
More green space  
A community center  
More affordable housing  
More commercial zones  
B1/ B2b  
More Local Businesses  
Coffee Shop

## 1/7/21 Neighborhood

### Meeting

Sidewalks and crosswalks  
Slow traffic  
Reduce traffic  
Trail amenities like fitness trail  
Preserve deer habitat & forest  
Community garden space  
Flooding Culvert at Lambert  
More Solar  
Place for community  
gatherings  
Small, well-lit retail spaces  
Wash/Auburn overload at rush  
hour

## 1/10/21 Site Walk

Sidewalks and crosswalks  
Slow traffic speeds  
Increase bus service at night  
Preserve Deer Habitat  
Return paper street to  
neighborhood  
Homes for family members of  
neighbors  
Retirement options for  
neighbors  
Minimize disruptions during  
development  
Stormwater concerns  
Concern for Climate crisis

## 1/21/21 Neighborhood

### Meeting

Reiterating the goals from  
prior meetings plus:  
- Dog walking &  
Facilities

# Development Description

Three story buildings on Washington with small shared neighborhood center spaces on first floor and sidewalks the length of Washington. (Deering Center)

One way road with two entrances off Washington

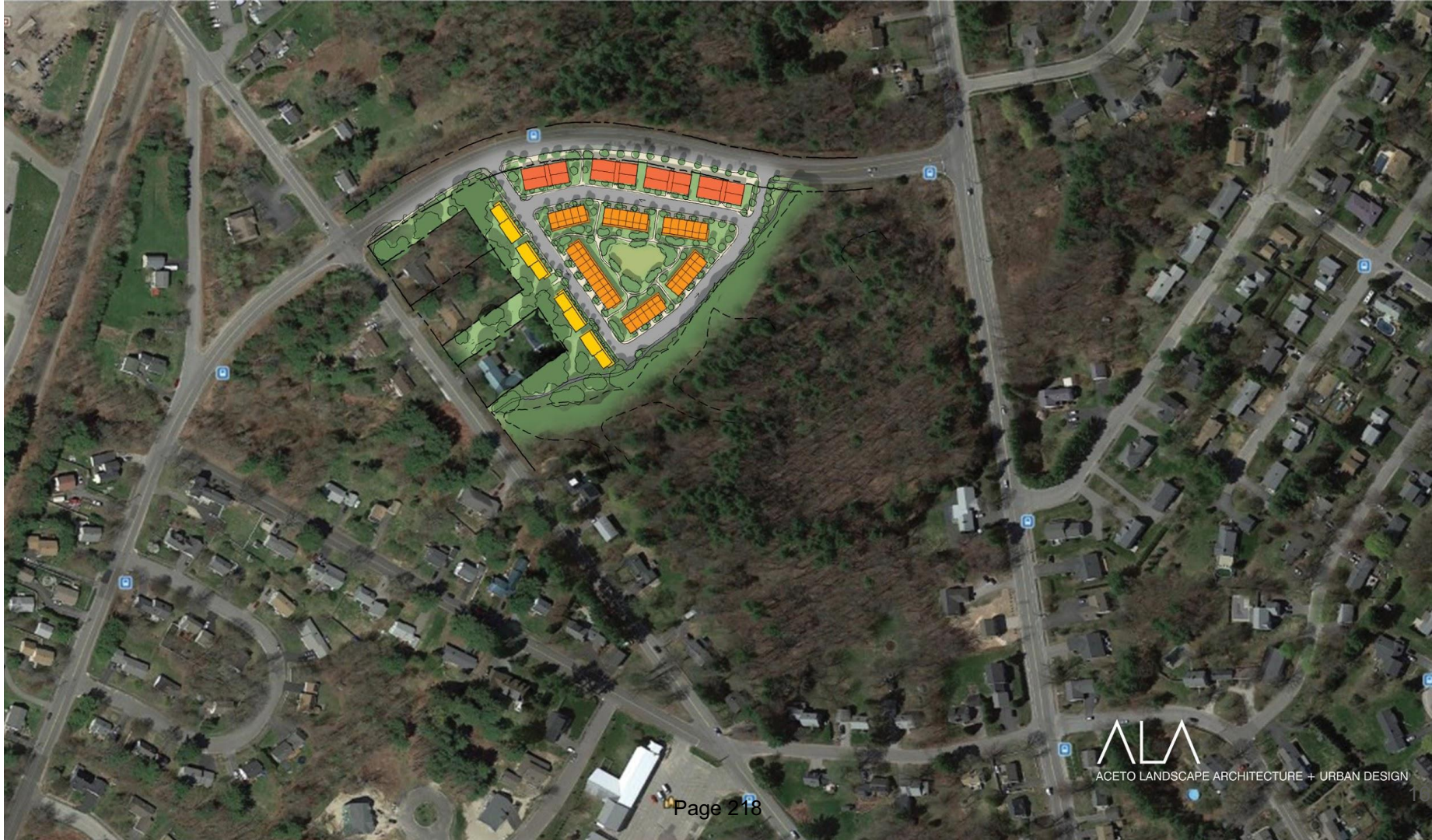
2 and 3 story buildings with gardens and yards

Preserved forest & habitat on majority of site

Spaces for community gatherings

Energy efficient design with solar





ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN



# ALTERNATIVE 'A'

## LAMBERT WOODS

SKETCH PLAN | 01-21-20



WASHINGTON AVE.

TRAIL CONNECTION

LAMBERT STREET

TRAIL CONNECTION

WETLAND

### PLAN LEGEND

-  MIXED USE (3 STOREY)
-  LIVE WORK (2.5 STOREY)
-  ROWHOUSE (2 STOREY)



ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN



# ALTERNATIVE 'B'

## LAMBERT WOODS

SKETCH PLAN | 01-21-20



WASHINGTON AVE.

TRAIL CONNECTION

LAMBERT STREET

TRAIL CONNECTION

WETLAND

### PLAN LEGEND

-  MIXED USE (3 STOREY)
-  LIVE WORK (2.5 STOREY)
-  ROWHOUSE (2 STOREY)



ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN



# Neighborhood Center Along Washington Ave





# Lambert Woods Lane within the Neighborhood





# Possible Neighborhood Improvements

Crosswalks

More sidewalks

Bus frequency & improved bus stops

Traffic calming

Pocket parks & trails

Neighborhood advocacy to city

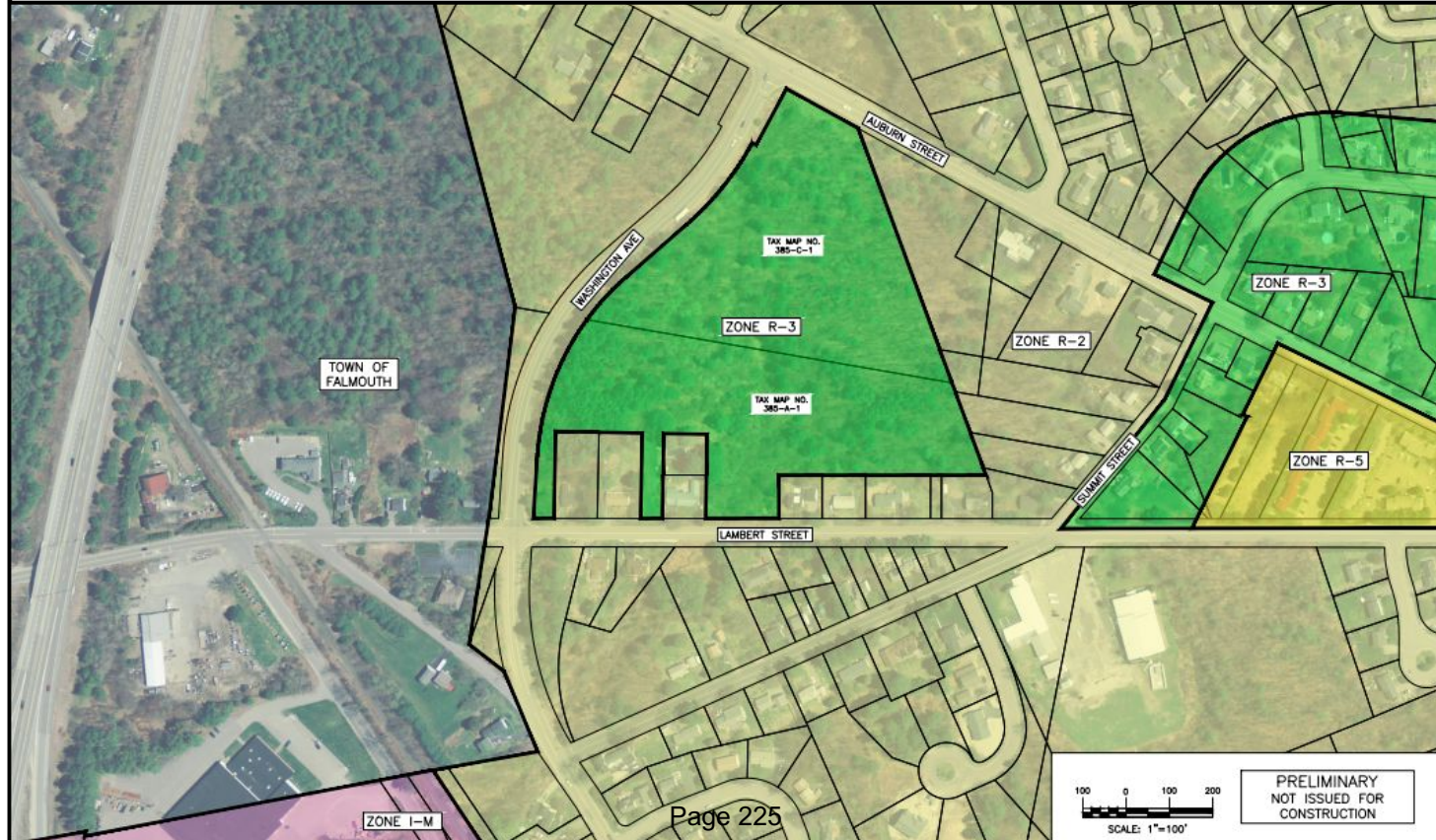
# Requested Zoning Amendments

In order to accomplish the goals of the project, we are requesting these zoning amendments:

1. Map change from R2 to R3 to meet the neighborhood's goals of conserving the majority of the forest habitat and the city's goals of age-inclusive, mixed income housing.
2. Text amendment in the R3 Planned Residential Unit Development (PRUD) guidelines to allow vertical stacking of units, which will allow us to serve a range of households types and generations by having 1, 2 & 3 bedroom homes.
3. Text amendment to "Common Recreation Area" to to allow us to count forest and gardens as open space rather than having to clear forest and plant grass.

Original request included a strip of B1 along Washington Ave to further goal of Complete Neighborhoods, which would allow for the possibility of neighborhood retail like a coffee shop, neighborhood market, bakery, or maker space. Request has been updated to only include R3.

# Proposed Map Amendment



# Process Going Forward

- April - May 2021: Planning board workshop and approval
- May - June 2021: Site Plan Design and neighborhood meetings
- Spring - Fall 2021: Planning Board site plan workshops & approval
- Fall 2021 - Fall 2022: Financing, construction design & planning
- Fall 2022: Construction starts

★ Summer 2024: Completion & occupancy

# Ideas, Questions, Feedback

[www.maine.cooperativehousing.com](http://www.maine.cooperativehousing.com)

Liz Trice

liztrice@gmail.com

(207) 613-5227



# Technical Appendix

# Proposed Text Amendments:

## Change to the Planned Residential Unit Development (PRUD) Design

**Showing Changes: PRUD's** - ~~“Must consist of horizontally attached dwelling units or a series of such units in the R-3 zone and~~ horizontally or vertically attached dwelling units ~~in the R-5/R-5a zone,~~ or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.”

**Without Markup: PRUD's** - “Must consist of horizontally or vertically attached dwelling units or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.”

**Why it matters:** To meet the goals of a mix of units, preserving forest, and affordability, we have to be able to cluster and stack smaller units in the PRUD of Lambert Woods.

# Proposed Text Amendments:

## Change to the Common Recreation Open Space Requirements

**Showing Changes;** “Common Recreation open space ~~area~~ shall be designated on the site, the primary ~~for recreational purposes of:~~ for passive or active recreation ~~usable, level graded, dry, accessible and properly drained.~~ Such spaces may include natural, landscaped or hardscaped elements. At a minimum, a contiguous area of 6,000 SF ~~with a minimum dimension of 50 ft.~~ shall be provided. ~~Such recreation areas shall be located at least 25 ft. from dwelling units.”~~”

**Without Markup:** “Common open space shall be designated on the site, the primary purposes of such open space areas shall be for passive or active recreation. Such spaces may include natural, landscaped or hardscaped elements. At a minimum, a contiguous area of 6,000 SF shall be provided.”

**Why it Matters:** The old common space requirements would require us to cut down forest to provide grassy open space. This change allows us to count forest as open space.

# Detailed Zoning Information from Portland ReCode

## R-2 Residential Zone (Existing):

“To provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.”

**What's allowed:** Single family homes, accessory dwelling units, agriculture including “nurseries, greenhouses and truck gardens”, parks, neighborhood centers and other non-commercial recreation spaces, home occupations (see below), municipal uses, and wind energy systems.

**Conditional uses allowed:** sheltered group homes for up to 12 individuals, schools, places of assembly including neighborhood centers, college, university, trade schools, utility substations, cemeteries, daycare facilities.

10,000 sf of land area per dwelling unit, 35' max height.

# Detailed Zoning Information from Portland ReCode

## R-3 Residential Zone (Proposed for Site):

“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. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.”

**What's allowed:** everything in R2, plus planned residential unit development (PRUD) consisting of horizontally attached dwelling units or a series of such dwelling units; alteration of structures to include 3 or more dwelling units, extended care facilities, hospitals.

6,500 sf of land area per dwelling unit, 35' max height.



# Detailed Zoning Information from Portland ReCode

## Neighborhood Centers

Both the R-2 and R-3 allow for places of assembly including neighborhood centers as a conditional use.

A neighborhood center is “A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency.”

# Detailed Zoning Information from Portland ReCode

## Home Occupations - Permitted in both the R2 and R3

“The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.”

- A home occupation shall not occupy more than five hundred square feet of floor area or more than twenty-five percent of the total floor area of such a dwelling unit, whichever is less
- Exterior signs shall be limited to one non-illuminated sign not exceeding a total area of two square feet, affixed to the building and not projecting more than one foot beyond the building;
- No outside storage of goods or exterior displays
- Shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects;
- There shall be no more than one (1) nonresident employed in the home occupation;
- Family day care or home babysitting services shall have no nonresident employees;
- No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood;
- No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property

## Home Occupations - Permitted in both the R2 and R3 - Allowed Occupations:

- Accountants and auditors;
- Answering services (telephone);
- Architects;
- Artists and sculptors;
- Authors and composers;
- Computer programming;
- Custodial services;
- Custom furniture repair and upholstery;
- Dentists, doctors, therapists, and health care practitioners;
- Direct mail services;
- Dressmakers, seamstresses and tailors;
- Engineers;
- Family planning services;
- Hairdressers (limited to no more than two (2) hair dryers);
- Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics;
- Interior decorators;
- Lawyers, justices of the peace and notary publics;
- Licensed family day care home or babysitting services
- Musicians or music teachers,
- Professional research services;
- Sales persons provided that no retail or wholesale transactions are made on the premises;
- Small appliance repair;
- Snow plowing provided that only one (1) snow plow vehicle is stored on or generated from the site;
- Special tutoring or instruction (not to exceed three (3) pupils at any given time);
- Stenographic and other clerical services.
- Small-scale marijuana caregiver, except that no more than one small-scale caregiver may operate out of any one dwelling unit.
- A home occupation that is not listed in paragraph (b) of this section but is similar to and no more objectionable than those home occupations listed

# Detailed Zoning Information from Portland ReCode

## **Home Occupations - Permitted in both the R2 and R3 - Disallowed Occupations:**

**Does not allow:** veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

# B-1 AND B-1b Neighborhood Business Zones

“To provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. This zone shall encourage mixed use buildings such as commercial first floor

**Allowed:** Any residential use in the abutting residential zone, multifamily on upper floors above commercial, combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage, Studios for artists, photographers and craftspeople including, but not limited to painters, sculptors, dancers, graphic artists and musicians, lodging houses (20 beds maximum), bed & breakfast, hostels of no more than 20 guests, neighborhood center, Not allowed: Bars, beverage container redemptions,

Max floor area per structure:10,000 sf, per establishment 5,000 sf, 2,000 for restaurant.

Max 100 peak hour vehicle trips.

Max Height 35'

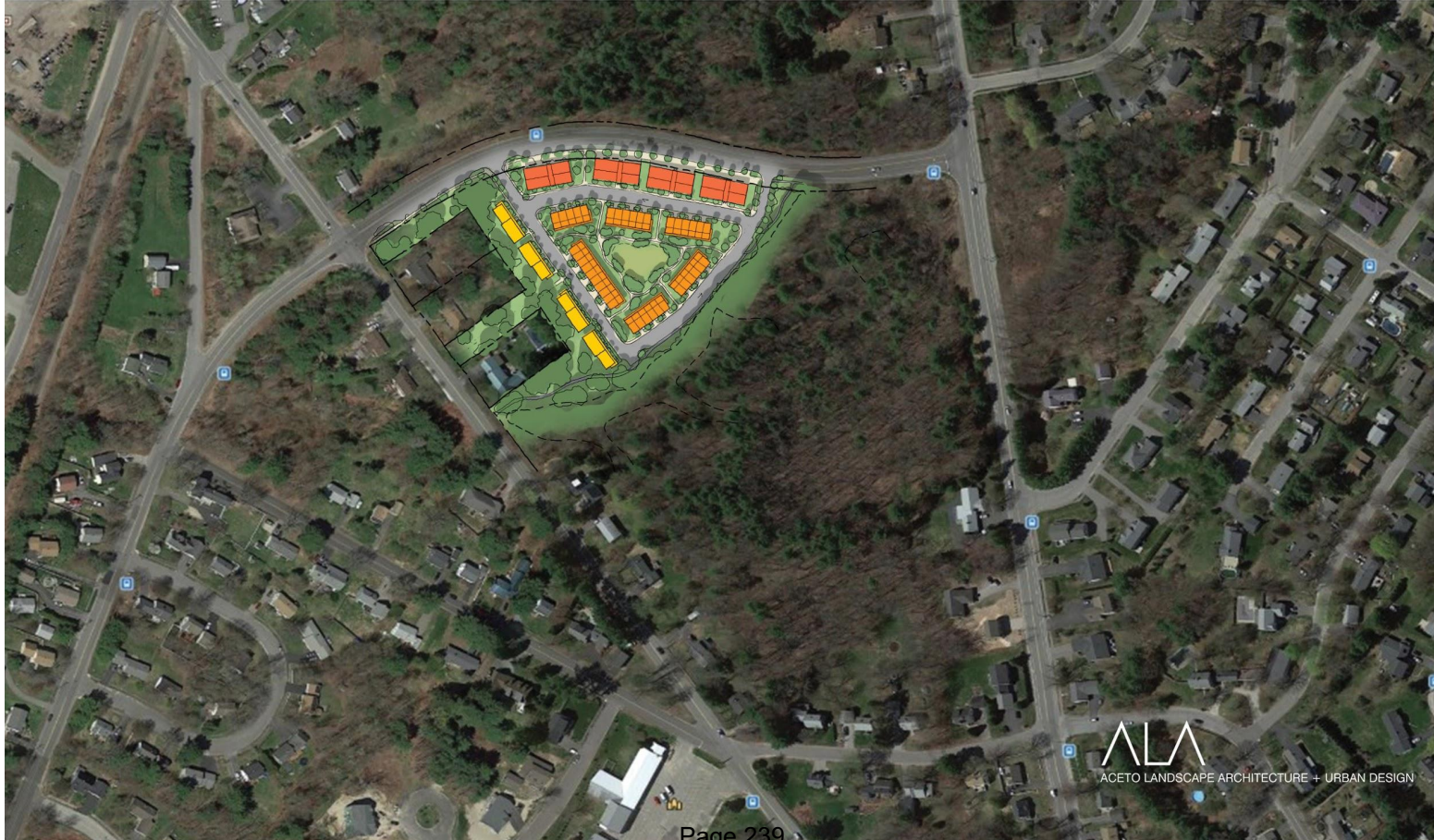
**No marijuana cultivation facility**, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of the following residential zones: R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-6A, or R-7.



# Phase I and Phase II Image - PRUD w/o R2 to R3



# Proposed Development w/ PRUD R2 to R3 Change





## Neighborhood Meeting Certification

I, Liz Trice, hereby certify that a neighborhood meeting was held on April 8, 2021 remotely by Zoom at 7:00pm for the Zoning Amendment application related to the proposed project located at 165 Lambert Street. I also certify that on March 24, 2021 invitations were mailed to the following:

- 1) All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a subdivision within an industrial zone or industrial zone change.
- 2) Residents on the “interested parties” list.

Signed,

A handwritten signature in black ink, appearing to read "Liz Trice", is enclosed in a thin black rectangular border.

April 9, 2021

Attached to this certification are:

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

Ed Eggleston <eeggleston@gmail.com>  
to planning@portlandmaine.gov

Mar 27, 2021, 8:47:34 AM (5 days ago)



**Good afternoon,**

**I have been talking to my neighbors about this project and with the removal of the B1 zoning, one of the concerns has been addressed.**

**There are four or five condominiums and apartment complexes in the area. ALL of these have parking lots and it would seem logical (to us), to assume that the renters of these units would be similar to future renters of the project.**

**Our concerns are two fold. Based on the developers descriptions of the property, it would seem that parking shown on the plans would not be sufficient.**

**Many of the neighbors have stated concerns about any future parking on Washington Ave Extended. This is a busy street with commercial traffic and we feel there is a potential safety issue.**

**The developer has stated in their presentations that few of the residents would have cars, so parking would not be an issue.**

**However, with the nearest full service grocery store about a mile away (not counting Eddie's Store which has limited groceries), we believe that more than a few of the future residents would have cars for both shopping and work and would need off-street parking.**

**Edward Eggleston  
660 Auburn Street**

Ed Eggleston <eeggleston@gmail.com>  
to planning@portlandmaine.gov

Mar 29, 2021, 11:21:21 AM (3 days ago)



**Good morning,**

One of the continuing concerns about the proposed project at 165 Lambert Street is resident parking. The plans show about 15 buildings and the developer is asking for a zoning change to allow multiple renters per building.

A number of neighborhood residents have said they do not want parking on Washington Ave extended. Even if parking is allowed, it most likely not be sufficient and there would be safety issues. (It is a busy street and crossing the street from any parking would not be very safe)

A survey of the area shows two points of interest:

1: The businesses in the area, Dentists, Condominiums, Apartments, stores (like Eddies), animal hospitals, all have dedicated off-street parking.

2: Aside from occasion short-term (visiting someone), there is no street parking on:

Washington Ave

Auburn Ave

Summit Street

Lambert Street

A number of the people living in the neighborhood request that the parking concerns be addressed prior to zoning change approval.

Thank you,

Ed Eggleston

660 Auburn Street



Ed Eggleston <eeeggleston@gmail.com>  
to planning@portlandmaine.gov

Apr 3, 2021, 4:17:31 PM (2 days ago)



**Good afternoon,**

**I just received your postcard about the planning meeting on April 13.**

**Based on comments during the two development zoom meetings, there seems to have been a lack of detail about the wetlands stream that runs in back of the proposed property housing.**

**There are also some concerns about resident parking which were mentioned in a previous email sent to the planning board by me.**

**Since the last developer meeting, I have been contacted by some former residents who lived a few blocks downstream on Ballpark Drive. The point that was discussed was flooding from the stream between two houses on Ballpark. (Note: there have also been some concerns by one or two of the current residents on Lambert street.)**

**The general concern from myself and some of the current neighbors is that a fair amount of the land will be covered by housing or pavement and possibly cause overflows in the stream.**

**The question is if the developer should consider a rainwater catchment pond to reduce stream flooding and resulting house / basement flooding as part of the development.**

**Thank you,**

**Ed Eggleston  
660 Auburn St, Portland, ME 04103**

Ed Eggleston <eeggleston@gmail.com>  
to planning@portlandmaine.gov

Apr 14, 2021, 12:41:35 PM (2 days ago)



**Good afternoon,**

I am one of the neighbors who have been tracking the 165 Auburn Project and I viewed the Planning Zoom meeting on Tuesday April 13. It was interesting.

As a neighbor, there were some interesting and some frustrating discussions while I watched and having talked to a number of my neighbors, thought it might be worth a few comments. The below are not in any order but worth a mention.

Based on Liz's statement of perhaps 200 residents, there will be cars and thinking everyone will use the bus is not likely. It is a good bus route but as with mass transit, it may not be a good fit for many of the residents. Given the low end of the financial range, I would expect a number of pickup trucks and other vehicles that residents would need.

The developer, (and especially Liz), seems to be fixated on the storefront image. (Like Deering center on Stephens Ave). As someone on the board mentioned, the best locations would be on the street corners but one end is wetland and the other is too small a space. While a coffee shop might be interesting, would the resident provide a sufficient number of customers to stay in business?

The housing in the immediate area to the proposed site is not very dense at all. In addition, as the development is in the middle of the block, I personally cannot see neighbors from outside the development walking into it very often.

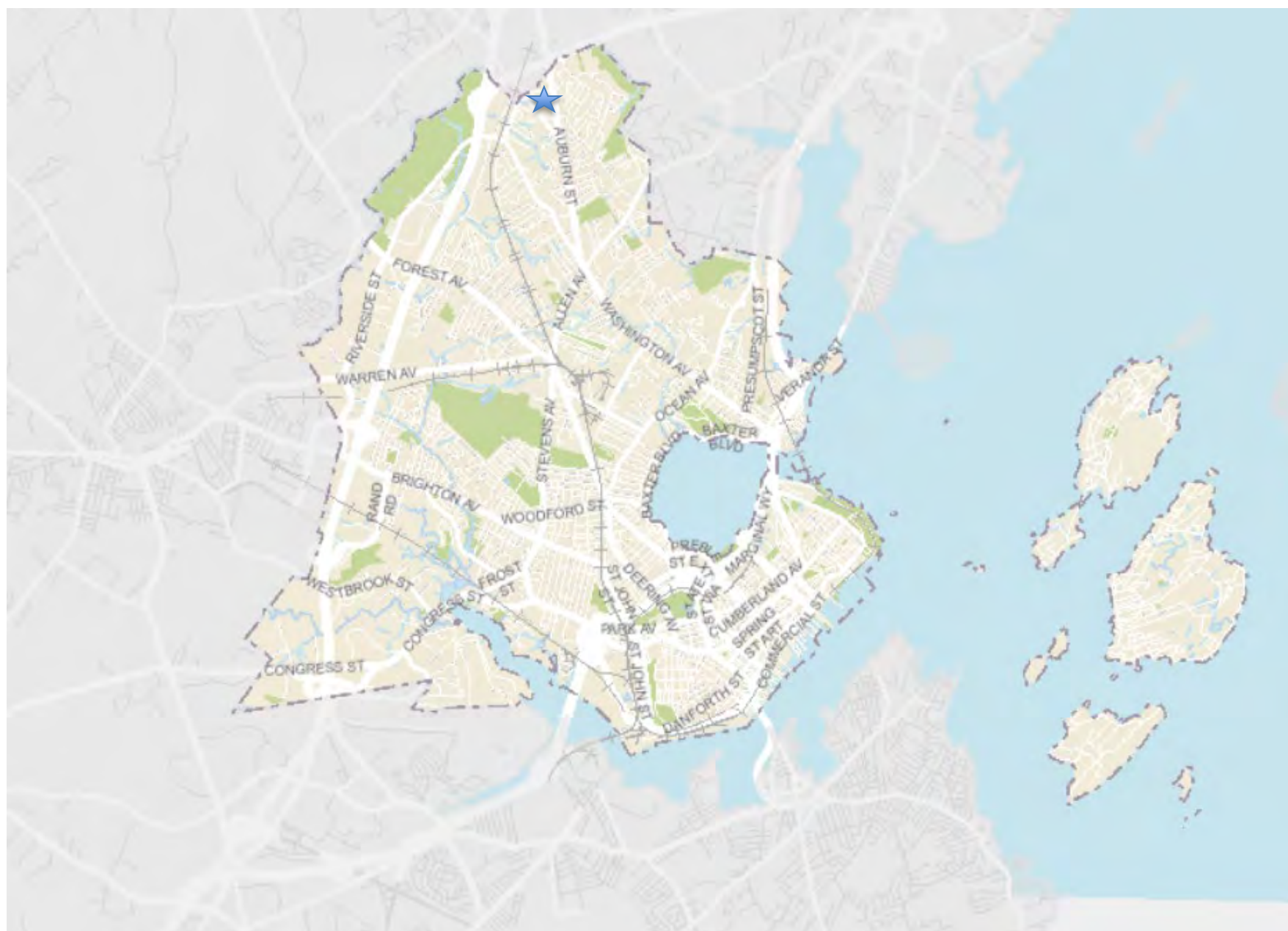
As far as a shared "public / green space". It may be a generational item but going into a high-density development where I am not a local is not something that I personally would be comfortable doing. If the residents have many children playing in the green space, are they going to be wary of strangers from outside?

As at least one or two of your board members mentioned, there is space around Allan's corner. And yes, it is a strip mall but there are a reasonable number of businesses there as well as available space.

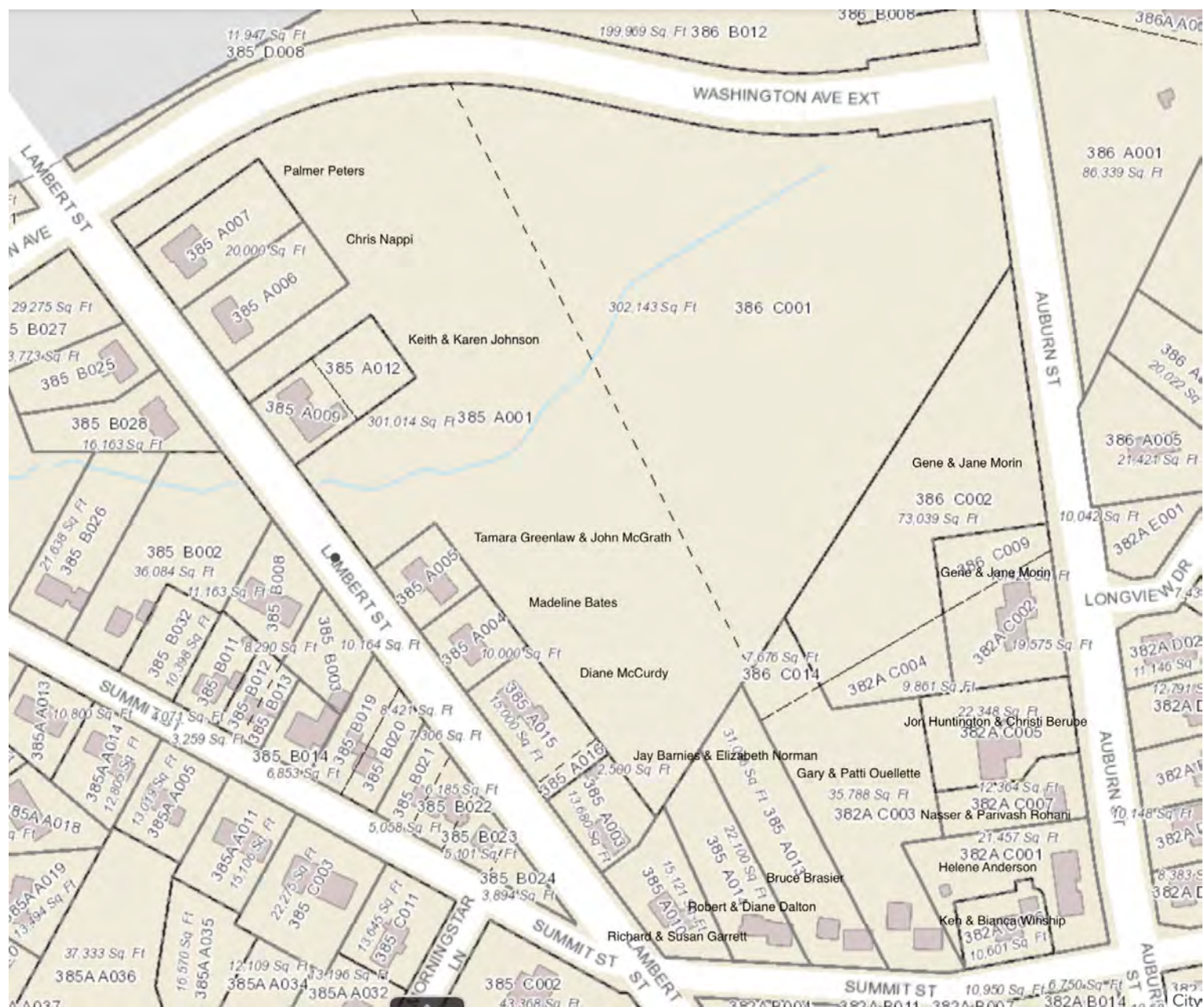
During the last zoom meeting, someone mentioned that with a desire to have a wide range of ages, there would be children of school age. If I were a parent of one of these children, I would prefer school bus pickup inside the development versus out on a busy arterial. (So part of the developments streets would have been be wide enough to have resident parking and school bus access)

In addition, as one or two board members mentioned, just having a sidewalk on that block of Washington would be nice, without sidewalks on the adjoining blocks of Washington, Lambert and Auburn, the Washington sidewalk would not likely be of much use. Good evening,

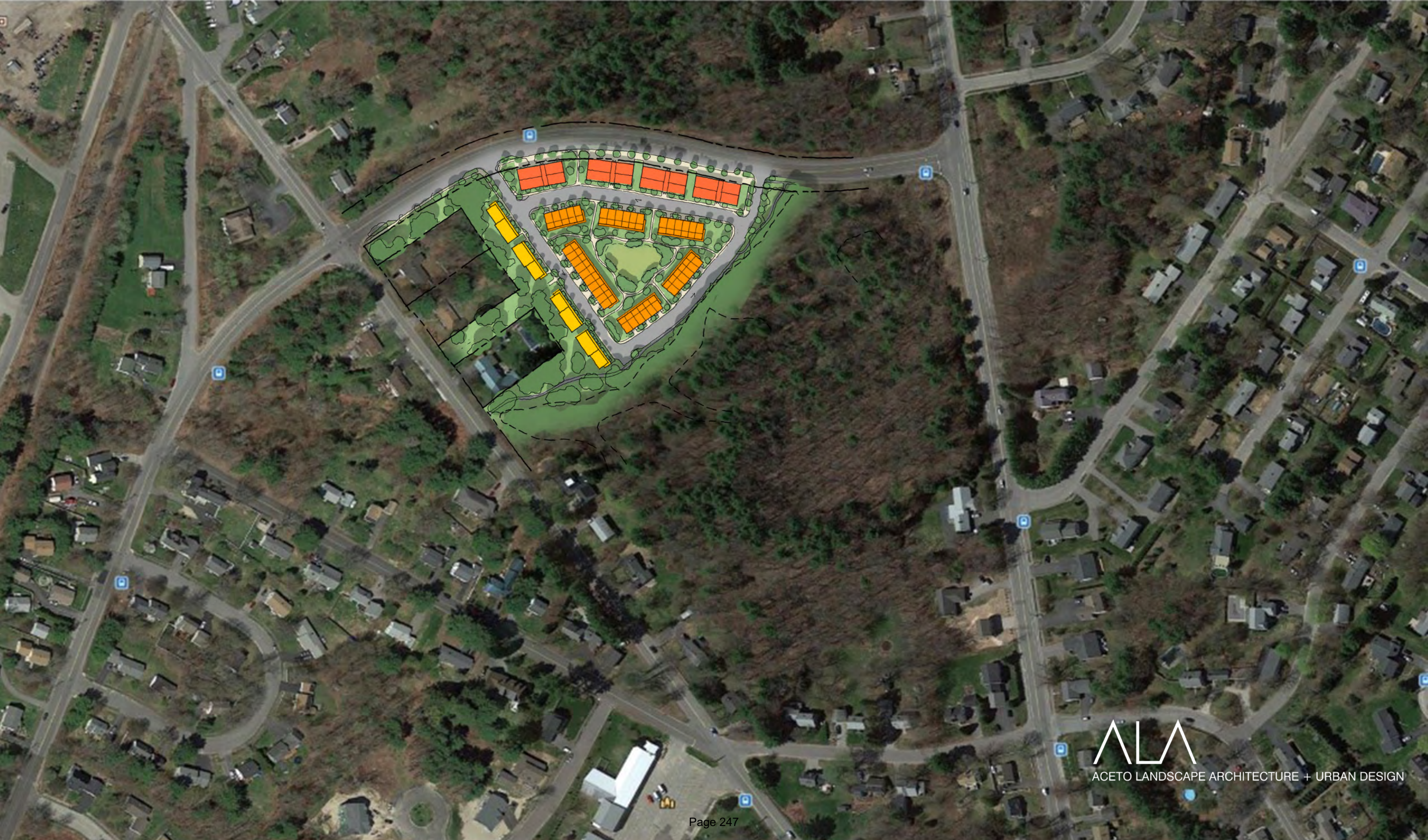
Ed Eggleston  
660 Auburn Street





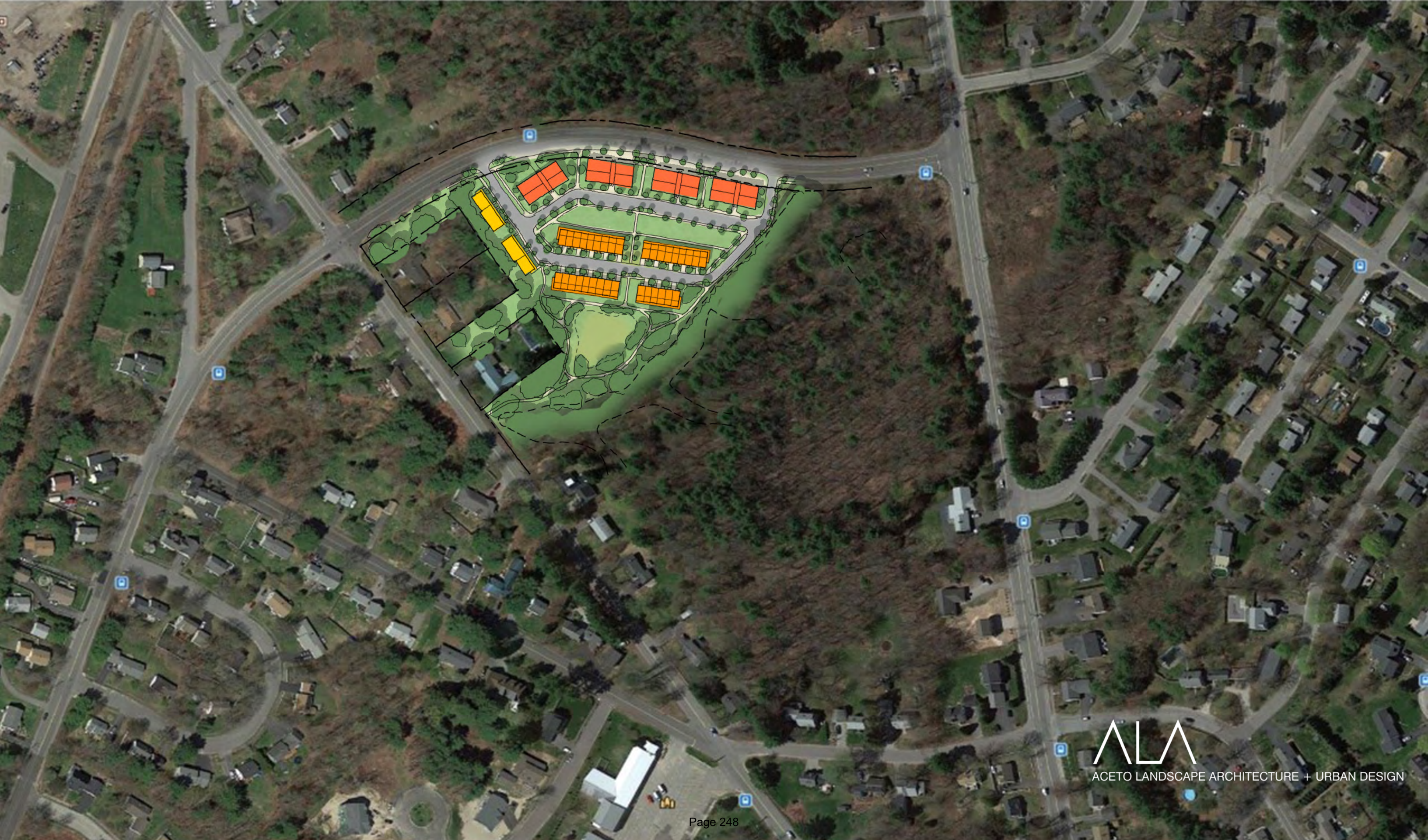






ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN





ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN



ALTERNATIVE 'A'

LAMBERT WOODS  
SKETCH PLAN | 01-21-20



ALTERNATIVE 'B'



WASHINGTON AVE.

TRAIL CONNECTION

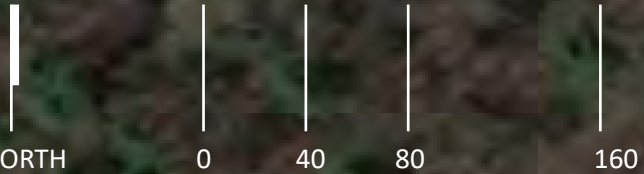
PLAN LEGEND

- MIXED USE (3 STOREY)
- LIVE WORK (2.5 STOREY)
- ROWHOUSE (2 STOREY)

WETLAND

TRAIL CONNECTION

LAMBERT STREET



LAMBERT WOODS

SKETCH PLAN | 01-21-20