

1. Legal Ad

Documents:

[7-25-18 LEGAL AD.PDF](#)

2. Agenda

Documents:

[HP AGENDA 7-25-18.PDF](#)

3. Munjoy Hill Neighborhood Conservation District

Documents:

[HP MEMO - MUNJOY HILL CONSERVATION DISTRICT.PDF](#)

4. 34 Wharf Street

Documents:

[HP MEMO - 34 WHARF STREET.PDF](#)

**LEGAL ADVERTISEMENT
HISTORIC PRESERVATION BOARD
CITY OF PORTLAND**

Public comments are taken at all meetings.

On **Wednesday, July 25, 2018**, the Portland Historic Preservation Board will meet at 5:00 p.m., Room 209, Portland City Hall to review the following items. (Public comments are taken at all meetings):

1. WORKSHOP

- i. Discussion re: Historic Preservation Board's Role in Demolition Review and Design Review in Munjoy Hill Neighborhood Conservation District
- ii. Preliminary Review of Proposed Exterior Alterations; 34 WHARF STREET; Portland House LLC, Applicant.

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION BOARD

Julia Sheridan, Chair
Bruce Wood, Vice Chair
Ian Jacob
Robert O'Brien
Penny Pollard
Julia Tate
John Turk

HISTORIC PRESERVATION BOARD AGENDA

July 25, 2018 at 5:00 p.m.

Room 209, City Hall, 389 Congress Street

Public comment is taken at all meetings

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATIONS AND REPORTS**
- 3. REPORT OF DECISIONS AT THE MEETING HELD ON 7-11-18**

The meeting was a workshop meeting and there were no public hearing items to report on.

4. WORKSHOP

- i. Discussion re: Historic Preservation Board's Role in Demolition Review and Design Review in Munjoy Hill Neighborhood Conservation District.
- ii. Preliminary Review of Proposed Exterior Alterations; 34 WHARF STREET; Portland House, LLC., Applicant.

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

WORKSHOP
MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT

TO: Chair Sheridan and Members of the Historic Preservation Board

FROM: Deb Andrews, Historic Preservation Program Manager

DATE: July 13, 2018

RE: July 25, 2018 **WORKSHOP – Discussion re: Historic Preservation Board’s Regulatory Role in Demolition Review and Design Review within the Munjoy Hill Neighborhood Conservation District**

Introduction

A workshop has been scheduled to familiarize Board members with the regulatory roles assigned to the Historic Preservation Board in the review of specific development activities within the recently-adopted Munjoy Hill Neighborhood Conservation District (MHNCD). The MHNCD, which was formally approved by the City Council on May 8th, is a zoning overlay district that imposes additional review standards and requirements applicable to the entire R-6 residential zone on Munjoy Hill. (There is also a small B-1 business zone on Munjoy Hill; the overlay does not apply to this area.)

As approved by the Council, the Historic Preservation Board will play a role in the demolition review process that now applies within the MHNCD. The HP Board will also review new construction proposals where an applicant opts for review under the “Alternative Design Review” process provided for in the *R-6 Infill Development Design Principles and Standards*. Note that while these roles are *related* to the Historic Preservation Board’s core responsibilities under the historic preservation ordinance, they are separate and distinct and the Board will be guided by different review standards.

On Wednesday, Planning & Urban Development Department Director Jeff Levine will describe the specific review functions assigned to the Historic Preservation Board within the MHNCD and the basis for these assignments. Mr. Levine will also describe how Planning staff envisions the demolition delay and design review processes unfolding as this new suite of planning tools for Munjoy Hill are put into effect.

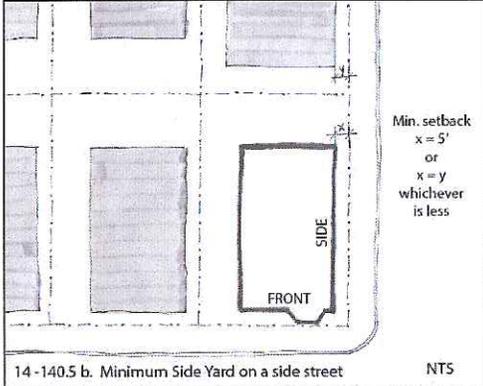
Attached for the Board's review is the applicable section of the Land Use Code describing the rules and regulations applicable within the Munjoy Hill Neighborhood Conservation District. Staff has highlighted key sections of the new code, but the Board is encouraged to review the entire document. Also attached is a copy of the *R-6 Infill Development Design Principles and Standards*, which apply in the review of all residential construction projects within an R-6 residential zone (except for those within a designated historic district, where the HP ordinance new construction standards apply).

Note that the R6 design standards, as currently written, are fairly specific and prescriptive. In this way, they are distinct from the historic preservation ordinance's new construction standards. The HP design standards are, by design, more general in nature and refer to broad areas of compatibility that need to be satisfactorily addressed in any new construction project. The HP design standards are intended to provide a greater level of flexibility—both to the project architect and the review board—in responding to the design cues and key compatibility factors that are present in a given context. The “Alternative Design Review” process provided for under in the R6 design guidelines is based on much the same premise: an applicant need not “tick every box” or meet each and every applicable review standard in order to be approved. The applicant must, however, meet the *intent* of the R6 design principles and standards and demonstrate that the project will be compatible with its immediate context. Given the Historic Preservation Board's considerable experience and expertise in design review, it seemed appropriate to direct applicants opting for Alternative Design Review to the HP Board for review.

ATTACHMENTS

1. Sec. 14-410.5, Munjoy Hill Neighborhood Conservation District
2. R-6 Infill Development Design Principles and Standards

<p>Maximum Height</p>	<p>35'; 45' for developments of 3 units or more on lots over 2000 sf. that include at least one "workforce housing unit for rent" or "workforce housing unit for sale", defined elsewhere in this ordinance. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.</p> <p>Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5' above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5' from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.</p>
<p>Minimum Side Yard Setback</p>	<p>Buildings of height up to 35': As per the underlying zoning Buildings more than 35': 10' for all side yards, except that a side yard no less than 5' is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.</p>
<p>Stepbacks</p>	<p>None</p>

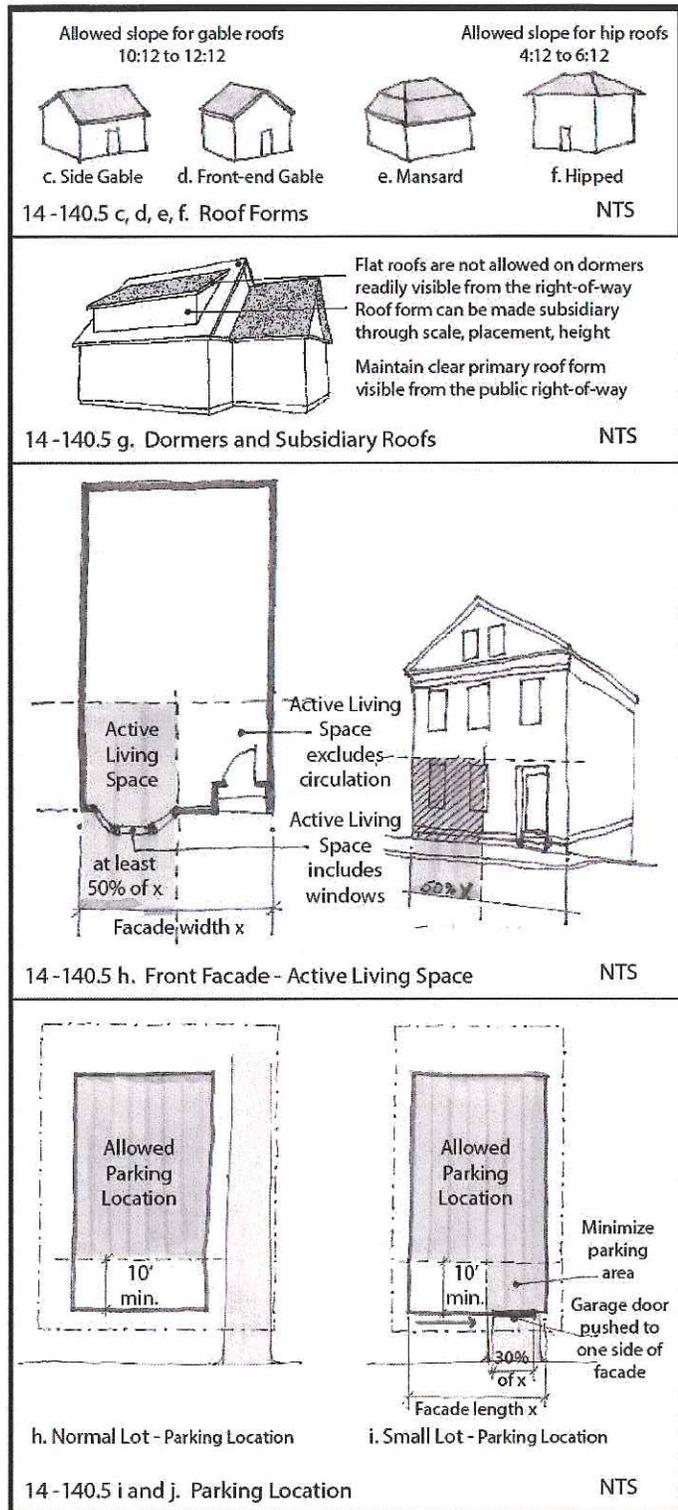
<p>Minimum Side Yard Setback on a side street</p>	<p>5'; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0' when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.</p>  <p>14-140.5 b. Minimum Side Yard on a side street NTS</p>
<p>Minimum Rear Yard Setback</p>	<p>Buildings of height up to 35': 10' Buildings more than 35': 15' As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'</p>

(d) **Design Standards.**

1. In addition, the following design standards shall apply in the District and shall supersede any conflicting design standards:

a. All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f., except that flat roofs are permitted in buildings of 3 or more units. This requirement may also be modified through (d)2 below. Dormers and cross gables are allowed but where readily visible from the public right-of-way shall be clearly subsidiary to the primary roof form (see Diagram 14-140.5.g);

b. The first floor shall contain active living space, such as a living room or bedroom, with



windows for at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;

c. Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9'. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade (see Diagrams 14-140.5.i-j).

2. Within the District, developments are only eligible for the R-6 "Alternative Design Review" as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

a. Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;

b. Alternative Design Review does not permit waivers of the additional design requirements in section (d)1 above except as explicitly stated; and

c. Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

(e) Demolition Review.

1. The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the

architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

2. Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

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

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

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

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

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

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

a. Determination of Preferably Preserved.

- i. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.
- ii. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.

- iii. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.
- iv. **Right to Appeal Planning Authority Determination:** After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the **Historic Preservation Board** with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.
- v. **Public Hearing:** The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.
- vi. **Final Determination of Preferably Preserved Building:** Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial

determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning Authority is not appealed, that determination shall be considered a final determination upon lapse of the appeal period in 4., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

5. Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in b. below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

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

b. Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:

- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
- Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In

this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under 7. below; or

- Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.

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

7. Enforcement.

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

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

8. A demolition review shall be reported to the City Council annually as a Communication.

(Ord. No. 141-17/18, 2-5-2018, expired on June 5, 2018; Order 221-17/18, 6-4-2018)

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14-141. Purpose.

Appendix 7

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

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

I. PURPOSE

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

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

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

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

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

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

II. SUBMITTAL REQUIREMENTS

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

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

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

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

II. DESIGN PRINCIPLES AND STANDARDS

PRINCIPLE A Overall Context

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

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

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

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

Appendix 7

2. **Composition of Principal Facades:** proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.
3. **Relationship to the Street:** walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

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

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

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

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

PRINCIPLE B Massing

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

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

Appendix 7

STANDARD B-1 Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. Special attention shall be given to the existing building massing on both sides of the street within the block of the proposed site.

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

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

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

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

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

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

PRINCIPLE C *Orientation to the Street*

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

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

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

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

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

PRINCIPLE D *Proportion and Scale*

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

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

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

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

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

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

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

PRINCIPLE E Balance

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

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

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

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

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

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

PRINCIPLE F *Articulation*

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

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

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

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

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

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

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

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

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

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

2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors.
3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches.
4. Pronounced and decorative cornices.

PRINCIPLE G Materials

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

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

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

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

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

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

IV. ALTERNATIVE DESIGN REVIEW (revised 5.8.18)

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

Appendix 7

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

In review, 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 review authority should consider buildings in the neighborhood that are comparable in size, scale, type, and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The review authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. In addition, when evaluating a proposed project, the review authority may grant design flexibility when social and environmental public benefits are proposed as part of the project. Examples include designs that accommodate sustainable design best practices, alternative energy sources, green roofs, or affordable housing units that may require a design character that varies from the predominant built patterns. The applicant shall provide documentation of the contextual characteristics as guidance for review.

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

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

WORKSHOP
34 WHARF STREET

TO: Chair Sheridan and Members of the Historic Preservation Board
FROM: Rob Wiener, Preservation Compliance Coordinator
DATE: July 18, 2018
RE: July 25, 2018 WORKSHOP – Preliminary Review of Proposed Ground
Floor Façade Alterations and Rooftop
Addition

Address: 34 Wharf Street
Applicant: Patrick Roche and Joseph Powers, Portland House, LLC

Introduction

Patrick Roche and Joseph Powers have requested a workshop to review preliminary concepts for alterations to the ground floor façade of 34 Wharf Street, as well as a rooftop addition. The two applicants have formed Portland House, LLC to convert the ground floor of 10 Dana Street and all of 34 Wharf Street into a co-working space combined with a café – called Omne House. They seek the Board’s feedback on their preliminary proposal, which calls for enlarging the first floor windows facing Wharf Street and facing the alley (a.k.a. an extension of Plum Street) next to 34 Wharf Street. Mr. Roche and Mr. Powers would also like to know the feasibility of adding a rooftop addition and a deck to the low, flat-roofed building.

Both 10 Dana Street (circa 1879) and the much lower, connected warehouse at 34 Wharf Street are contributing buildings in the Waterfront Historic District. The July 25 workshop will focus exclusively on the latter property – the purchase of which is currently being negotiated by the partner applicants. (Later reviews will consider possible lighting and signage changes at 10 Dana Street, but no exterior alterations are currently under review for that building.)

As the attached project summary indicates, design development is in the early stages of concept sketches; Mr. Roche and Mr. Powers have not engaged an architect yet, but have submitted drawings of existing conditions and proposed alterations to explore the feasibility of moving forward with the purchase and development of the property. Staff has added additional photos of existing conditions at the properties.

Subject Property – 34 Wharf Street

Although the original appearance of this modest warehouse addition to the former Chase Leavitt Block (10 Dana Street, built by Francis Fassett in 1879 for James P. Baxter,) is unknown and there is no 1924 photo of it, the simple character is evident today. The building was rehabilitated in 2001, when the (then) Historic Preservation Committee approved the ramp and other improvements for the restaurant, but the clear simplicity of the warehouse architecture was retained.

Another review by the Historic Preservation Board in 2005 approved extension of the awning down the entire ramp, and new shutters, fencing, and lighting. Another result in 2005 was the required removal of banners, a sign, conduit and lighting that had been added without approval to the façade in the years since 2001 – thereby restoring much of the historic simplicity of the building faces.

Although original hanging hardware is extant on the building, there are currently no shutters. Lighting on the front consists of four downlights that wash the walls, with discreetly managed conduit. Two spotlights to the right of the unused front entrance may have been for a former sign, but there is no bracket. Signage is limited to small wall signs at the corner and a glass-fronted menu display box.

Windows have been replaced with appropriate, black, multi-light windows, except for one on the Wharf Street face that has one light instead of six. To the right of the restaurant, a stone patio and gate at the former extension of Plum Street appear to accommodate outdoor dining.

Proposed Alterations

As the project summary indicates, the applicants would like to enlarge window openings on the first floor to add light to the interior and with the reopening of the front entrance, foster a more active connection to Wharf Street. The sketches show the front and west side with wider windows and some kind of canopy, but we have no details yet on the windows or whether the canopy might be a fabric awning or a projecting, constructed hood. The existing awning over the ramp would be removed. In front of the property on Wharf Street the applicants would like to create outdoor seating, but the Wharf Street cobbles extend all the way to the building, unlike the north side of the street where outdoor dining is situated on brick instead of cobbles.

On the roof the sketches show a glass walled addition that includes clerestory windows, surrounded by a railing and deck. Mechanicals are shown in one sketch – presumably set back from Wharf Street in the back corner, but no roof plan exists yet. How interior access to the roof is gained is unclear; one of the views shows an exterior stair on the rear.

No exterior changes are shown for 10 Dana Street at this time, though drawings indicate that new signage and lighting will be proposed if the project goes forward.

Staff Comments and Questions for Consideration

Among the challenges presented by the Omne House proposal is how to change and intensify the use of the building and animate the ground floor façade, while respecting its origins (and enduring character) as a simple warehouse on a utilitarian alley. Consideration of the proposal will focus partly on Standard 1 for Review of Alterations – what compatible uses and alterations can be made to the structure, that “require minimal alteration to the character-defining features of the structure?”

Many of the buildings facing Wharf Street have been altered dramatically to accommodate modern uses, and in some instances significant original architectural character and integrity have been lost. A careful approach to these alterations seems appropriate, given the relatively unspoiled façade of the subject property.

Following are questions for consideration:

- Given that the spare facades of the building appear to be probably largely consistent with or at least similar to original features, to what extent can window openings be changed, and what type of larger windows and opening treatments might be appropriate – if any? Should the small arched openings be altered, and if so, is there an approach to simple, utilitarian windows that would fit? Should any new windows be clearly identifiable as modern? Whether or not the existing arched window openings are original, staff would argue that they have acquired significance as features of the property.
- Can the modestly scaled warehouse support a modern rooftop addition, visually? Would a scaled back, lower addition be easier to envision as compatible?
- Can mechanicals be discreetly hidden on the roof?
- Many other details will have to be considered if these plans move forward, including roof access, signage, lighting, finish on the doors, and wall finish and railing details for the rooftop addition.

Applicable Review Standards

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (2) *The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*

- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*

Attachments:

1. Applicants' project description
2. Staff photos of existing conditions
3. Applicants' sketches and perspective drawings

Att. 1

June 28, 2018

City of Portland
Historic Preservation Board
389 Congress Street
4th Floor
Portland, ME 04101

Dear Historic Preservation Board,

Per the attached Application for Historic Preservation Review page 2, we've detailed our Project Description below:

Portland House LLC is planning to purchase 34 Wharf St (currently operating as Cinque Terre restaurant) and lease the contiguous, adjacent ground-floor space within 10 Dana St (currently operating as Vignola restaurant). Final negotiations are taking place prior to signing a Purchase & Sale contract, and we expect to take delivery of 34 Wharf by roughly October 1, 2018.

Our vision for the ~5,000 sq ft space is called Omne House, which will be a pay-by-the hour work lounge that combines features of modern day coworking with cafe culture. Guests will enjoy quality food and beverage in a hip, professional setting with a variety of ergonomic workstations that encourage both productive focus and collaborative socializing. We're especially enthusiastic about locating on Wharf St because of the opportunity to play a role in the renaissance of this historic central area by bringing a professional, up-market concept to district patrons and visitors.

Our proposed changes, in order of priority for the success of our business, include:

1. Expanding street-facing openings in the 34 Wharf St building to present a more welcoming façade to Wharf St pedestrians
2. Reviving 34 Wharf St entrance point (currently sealed off) with front stoop
3. Installing a roof deck and atrium on 34 Wharf St on which to serve food and beverage

Additionally, we plan to improve lighting and signage both on the interior and exterior of both 34 Wharf St and 10 Dana St, though we have not developed concepts for those changes and will present the Board with a separate review at that time.

Our proposed changes above are important to the success of Omne House because the original design and use of 34 Wharf St (storage facility, as we understand) is not compatible with the modern, pedestrian-friendly activity taking place on Wharf St, and especially with our concept. To improve the quality and volume of commerce on Wharf St, and to set Omne House up for success, we seek a bright, welcoming space that engages passers-by. We understand and fully embrace the Board's charter to preserve historical architecture within the City and have suggested designs that we feel achieve our goals in keeping with this.

We are currently in the due-diligence phase of this project, and as such have not selected final architects or contractors. The included conceptual drawings (see Exhibit A) represent our intentions for the space with the goal of receiving early guidance from the Board to aid our initial "go, no-go" project analysis. We are flexible in our aesthetic approach and are looking forward to engaging further with the Board on how to best move forward in a mutually agreeable manner.

Thank you very much for your time & consideration.

Patrick Roche
Co-Founder, Omne House



7/3/18

Joe Powers
Co-Founder, Omne House



7/3/18

PROPOSED CHANGES TO 34 WHARF STREET PROPERTY

1. Window Openings

- Expand ground floor window openings for better interior lighting, street exposure and architectural balance. The current window openings are about 2' x 2' letting very little air or light into the space. We are proposing something closer to 6' wide with an operable window - something inviting.
- A standing seam steel awning (roughly 18" deep) above the enlarged window opening can help tie into the more industrial roof structure of Atrium above.

2. Front Step and Entry

- Install a granite slab/step at the front door. The cobble street has sunk and left the door sill 16" from grade.

3. Rooftop Deck

- Mahogany or composite decking with steel cable railings around perimeter.
- Built-in benches, seating and planter boxes throughout open deck area.
- If a second egress is required, we propose a fire escape mounted to back of the building.

4. Atrium

- Roughly 16' x 24' Glass & Steel Atrium with stair access from mezzanine.
- Interior wet bar with window service to deck area.
- Vaulted ceiling with 4-sided transom.
- Operable glass accordion door openings on S/W and S/E sides.
- Green roof with plantings and evergreen trees.

5. Awning

- Remove current awning over side entrance to Cinque Terre space.

6. Patio Space

- Expand patio space along front of building for table seating on cobbles.
- Grade cobbles out 8' from building. Currently very contoured and present trip hazard.



Cinque Terre
CUCINA ITALIANA

Cinque Terre
CUCINA ITALIANA

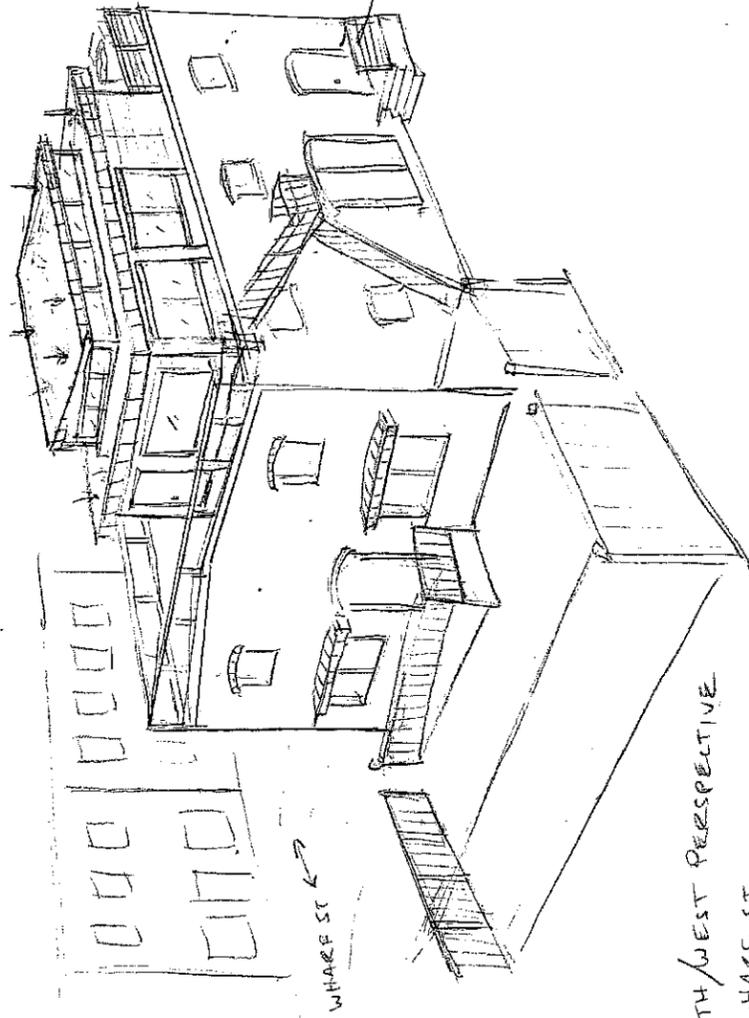


VEHICLE
LOADING
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STREET
CLOSURE
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PERIODIC
TRUCK
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UNITS CALL FOR MORE INFO TO THE



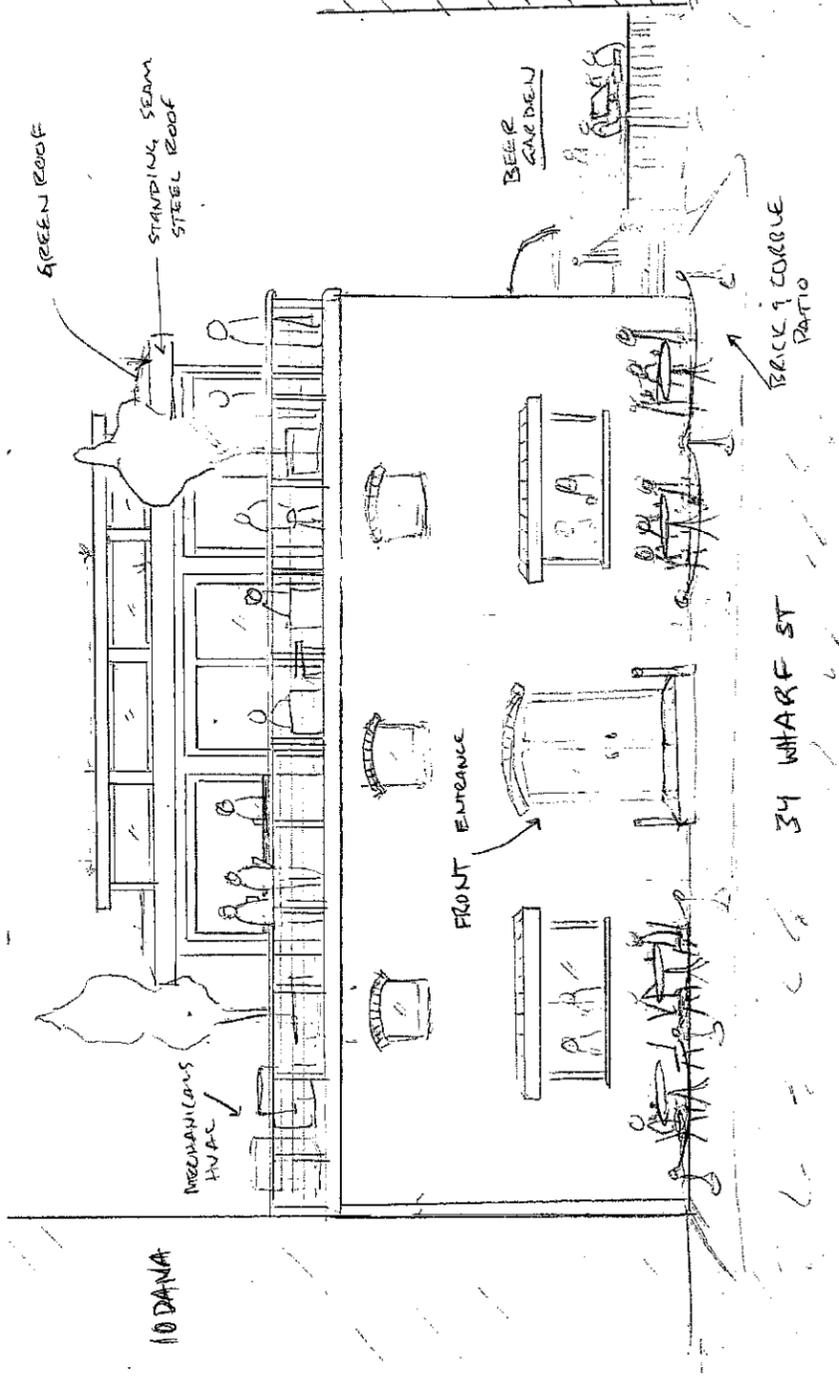
34 Wharf Street

CONCEPTUAL SOUTH/EAST ISOMETRIC



SOUTH/WEST PERSPECTIVE
34 WHARF ST
CONCEPTUAL

CONCEPTUAL - SOUTH PERSPECTIVE



10 DANA

FRONT ENTRANCE

GREEN ROOF

STANDING SEAM
STEEL ROOF

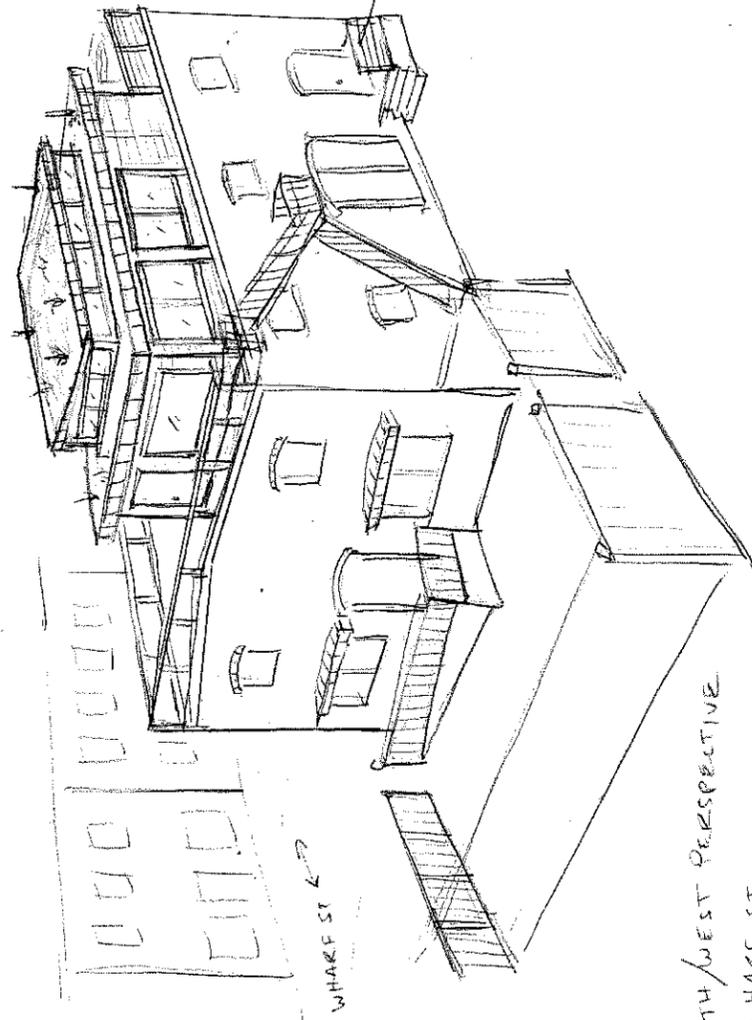
BEER
GARDEN

BACK COURSE
PATIO

34 WHARF ST

34 Wharf Street

CONCEPTUAL SOUTH/EAST ISOMETRIC



SOUTH/WEST PERSPECTIVE
34 WHARF ST
CONCEPTUAL

CONCEPTUAL - SOUTH PERSPECTIVE

