



# PLANNING BOARD REPORT PORTLAND, MAINE

Three unit residential condominium building  
30 Fox Street  
Level III Subdivision and Site Plan  
#2017-227  
CBL: 012 J004001  
Dyer Neck Development LLC, Applicant

Submitted to Portland Planning Board  
Public Hearing Date: April 10<sup>th</sup>, 2018

Prepared by: Jean Fraser  
Date: April 6<sup>th</sup>, 2018

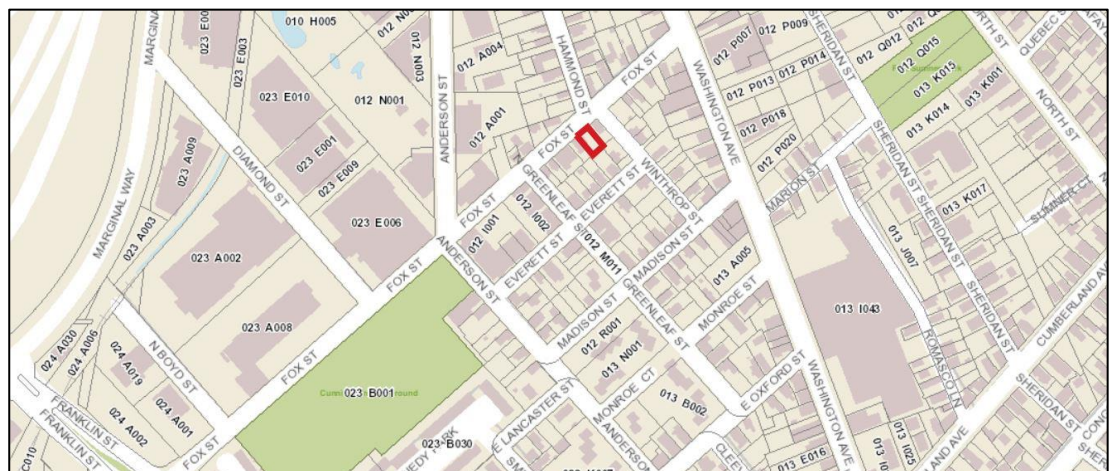
## I. INTRODUCTION

Bild Architecture, on behalf of Dyer Neck Development, LLC, is requesting final approval by the Planning Board to a Level III Subdivision and Site Plan application for a new three-unit four story residential building on a vacant site at 30 Fox Street, near the corner of Fox and Winthrop Streets in the R-6 zone. The Board considered the project at a PB Workshop on January 9<sup>th</sup>, 2018.

The proposed building is 39 feet in height with a footprint of 1,038 sq ft and total floor area of 3,712 sq ft. The building will comprise two 2-bed units and one 1BR unit, over a covered parking area for 2 cars.

Since the Workshop the applicant has sought to address neighbor and Planning Board comments and reduced the floor plan by one bedroom which allowed for the top floor, overhang and height to be reduced. The number of parking spaces was revised from 3 to 2, and the parking area beneath the building modified to increase vehicle maneuvering space.

**Applicant:** Dyer Neck Development, LLC (Simon Norwalk)  
**Consultants:** Bild Architecture (Evan Carroll); Plymouth Engineering (Jon Whitten); Surveyor; Owen Haskell, Inc



**Required Reviews and Waivers:**

<i>Review</i>	<i>Applicable Standards</i>
<b>Subdivision:</b> Construction of new building with 3 residential dwelling units	<i>Section 14-497</i> for the creation of 3 units.
<b>Site Plan:</b> Multifamily development	<i>Section 14-526</i> for the proposed multifamily residential development.
<i>Waiver Requests to Planning Board</i>	<i>Applicable Standards</i>
<p><b>Overhead utilities:</b> Waiver requested (<i>Att Z</i>) to connect overhead lines serving the site to an existing utility pole some ways away, based on the fact this would not pose a significant impact on the street scape.</p> <p><i>Staff comments:</i> The impact on the streetscape is not a waiver criteria and the waiver would not be supported on that basis. Further information is required regarding the financial hardship involved in placing the electrical service underground before the Department of Public Works could make a determination (see <i>Att 9</i>)</p>	<p><i>Site Plan Ordinance, Section 14-526(c)(3)(b)</i> - Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.</p> <p><i>Subdivision Ordinance, Section 14-499(h)</i> - All utility lines shall be placed underground unless otherwise approved by the Planning Board.</p>
<p><b>Parking Drive Aisle:</b> Waiver requested (<i>Att X</i>) for a parking drive aisle that is 13 feet wide, less that required under the Technical Standards.</p> <p><i>Staff Comments:</i> The Traffic Engineering reviewer supports a waiver for the proposed parking aisle width (<i>Att. 8</i>) (<b>Note:</b> the drive aisle into the site at the front meets the Technical Standards and is not part of this waiver)</p>	<p>Technical Standard 1.14 <i>Parking Lot and Parking Space Design and associated drawings I 27-I 29</i> would require that the aisle width behind the parking spaces to be 24 feet wide.</p>
<p><b>Sidewalk Materials:</b> Waiver requested (<i>Att Y</i>) to maintain the existing concrete sidewalk rather than comply with the Technical Standard Materials Policy that would require the sidewalk to be brick.</p> <p><i>Staff Comments:</i> DPW support a waiver from the brick requirement to allow the sidewalk at this location to be concrete. (see <i>Att 9</i>)</p>	<p><i>Appendix A to the Technical Standards</i> sets out the Sidewalk Policies and allow the Department of Public Works (DPW) to waive the requirements based on a number of criteria.</p>

**II. PROJECT DATA**

<i>SUBJECT</i>	<i>DATA</i>		
<b>Existing Zoning</b>	R-6		
<b>Existing Use</b>	Vacant		
<b>Proposed Use</b>	Residential (3 condominium units)		
<b>Residential mix</b>	Two 2-BR; one 1-BR		
<b>Parcel Size</b>	2,394 sq ft		
	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
<b>Impervious Surface Area</b>	323 sq ft	1254 sq ft	931 sq ft
<b>Building Footprint</b>	0	1577 sq ft	1,254 sq ft
<b>Building Floor Area</b>	0	3,712 sq ft	3,712 sq ft
<b>Parking Spaces</b>	0	2 (none required)	
<b>Bicycle Parking Spaces</b>	0	2 in ROW (2 are required)	
<b>Estimated Cost of Project</b>	\$750,000		

### III. EXISTING CONDITIONS

The site totals 2394 sq ft with a 38 foot frontage onto Fox Street. This lot and the lot to the west (with a single family home on a legally non-conforming lot) were both owned by the applicant. The applicant created a curb cut for the vacant lot and sold the lot with the home. To the east is a recently constructed single family home and to the south are the rear yards of similar residential properties. There are sections of existing fence along the boundaries and the concrete sidewalk is in good condition.



Looking west on Fox; site to right behind small house



The site

There is an existing street tree in the ROW frontage and street parking is allowed on that side of Fox Street.

### IV. PROPOSED DEVELOPMENT

The proposals are shown in the Plan Set and comprise a 4 story building with 5 feet setbacks on both sides and a 3.7 foot setback at the front. The building would accommodate three residential condo units, 1 on the second floor, 1 on the third floor, and a 2 two-story condo on floors 3 and 4. Two of the units have decks.

The ground floor parking area is open (no column and no garage doors) and accessed by a narrow drive from Fox Street that is partly under the cantilevered building.

The plan (*P4 Site Plan*) shows the removal of the callery pear street tree and replacement with a maple tree, along with stockade fencing around the site and some landscaping.

The main entrance is from a front door onto Fox Street, which leads into a stair lobby that is also accessible from the parking spaces.



### V. PLANNING BOARD WORKSHOP COMMENTS

The Planning Board supported the project in principle, but were concerned about the safety issues related to vehicles backing out of the site into Fox Street, and supported staff comments regarding the design. The applicant was encouraged to talk to the neighbors to try and address the concerns that were expressed during the public comment part of the Workshop and in the written public comments.

## **VI. PUBLIC COMMENT**

A total of 166 notices were sent to property owners within 500 feet of the site and interested parties, and a legal ad was published in the *Portland Press Herald* on April 2 and 3, 2018. The project is not required to hold a Neighborhood Meeting although the applicant was encouraged to hold a voluntary neighborhood meeting and this was held on January 24<sup>th</sup>, 2018 (details are in *Attachment T.*)

At the January Workshop written comments from both of the side abutting property owners were received which raised questions and concerns about the proposals (*PC1, PC2 and PC3*). The same neighbors (Sichterman is uphill and Hrenko/MacDonald are downhill and abut the parking drive aisle) offered comments in relation to the neighborhood meeting and the proposals as presented at that time (*PC4, PC5 and PC6*) and regarding the simulation of on-site vehicle access to the parking spaces (*PC7*). The neighbors have also commented on the final proposals (*PC8, PC9 and PC10*).

Staff consider that the final proposals have been revised substantially to address public comments, through the reduction of the massing and the reconfiguration of the ground floor parking area and its access. The proposed waiver has been reviewed carefully by the Traffic Engineering Reviewer (see *Att 8* and below) who considers the proposal to have addressed the safety concerns and to be consistent with other projects where similar waivers have been granted.

## **VII. RIGHT, TITLE, & INTEREST**

The application includes the deed trail for this site, establishing right, title and interest and also showing that it has been a separate lot since before 1957 (*Attachment C and staff comment Att 6*).

## **VIII. FINANCIAL & TECHNICAL CAPACITY**

The estimated cost of the project is \$750,000 and a letter from the Camden National Bank documents the financial capability of the applicant. (*Attachment D*).

## **IX. ZONING ASSESSMENT**

The site is within the R-6 zone and the proposals meet all of the dimensional standards of the R-6 zone. The front setback is 3.7 feet, which is the average of the setbacks of the neighboring properties.

On the east side the building is cantilevered over the drive access. In the plans reviewed at the PB Workshop the upper part of the building protruded 1.5 feet into the 5 foot setback area, which is allowed under the zoning ordinances. In response to neighbor and Planning Board comments the overhanging part of the building has been reduced so that it meets the 5 foot side setback.

A stepback at 35 feet is required under the R-6 zoning where a building is located within 10 feet of the side boundary and 15 feet of the rear boundary, and the building has been stepped back to meet this requirement.

Division 20 of the land use ordinance provides an exception for the off-street parking requirement for the first three units in the R-6 zone and a 1:1 requirement thereafter. The proposal for 3 units would not require parking spaces on site; the applicant has chosen to provide 2 parking spaces in the lower level which are dependent on a waiver for the width of the parking aisle.

The neighbor to the east (*PC1*) asked whether any zoning variances had been given to allow for this lot to be sold at a larger (conforming) lot size while the lot that previously was in the applicants ownership remains legally non-conforming. Staff consulted the Zoning Administrator who researched the deeds and determined that these lots had historically been separate lots and therefore under 14-430 the vacant lot could be developed as a lot of record (*Att. 6*).

## **X. SUBDIVISION REVIEW (14-497(a). Review Criteria)**

The applicant has submitted a draft Subdivision Plat in accordance with the Subdivision Ordinance (*Plan P2.*). The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

**1. Water, Air Pollution**

The site is currently vacant and the proposals are not expected to impact any water supplies or the air.

**2 & 3. Adequacy of Water Supply**

The applicant has provided evidence of capacity from the Portland Water District (*Attachment R*).

**4. Soil Erosion**

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

**5. Impacts on Existing or Proposed Highways and Public Roads**

The city’s consulting traffic engineer has reviewed the project and has commented that vehicles backing out of this site could present a safety hazard for Fox Street (*Attachment 8*). The proposals have been revised to address this concern as discussed under the Site Plan review below.

**6. Sanitary Sewer/Stormwater Disposal**

The proposal increased the impervious surface by 931 sq ft and include a roof dripline filter system to collect and treat the roof stormwater. The Peer Engineer has a number of preliminary comments that have been addressed in the final plans (*Attachment 9*.)

**7. Solid Waste** - the project will be served by the City trash collection service, and trash storage is included in the lower level.

**8. Scenic Beauty**

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

**9. Comprehensive Plan**

The project addresses several of Portland’s Plan’s housing goals.

**10. Financial and Technical Capacity – see VIII above.**

**11. Wetland/Water Body Impacts**

There are no anticipated impacts to wetlands.

**12. Groundwater Impacts**

There are no anticipated impacts to groundwater supplies.

**13. Flood-Prone Area**

The site does not lie within a flood zone.

**XI. SITE PLAN REVIEW (Section 14-526)**

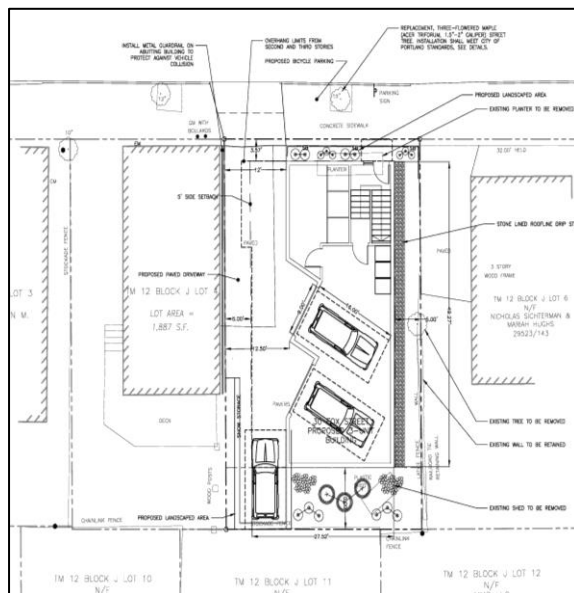
The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

**1. Transportation Standards**

*a. Impact on Surrounding Street Systems and b. Access and Circulation*

The proposal previously included three parking spaces (2 under the building and one at the end of the drive access, as shown right) and this layout would require parked vehicles to back out to leave the site:

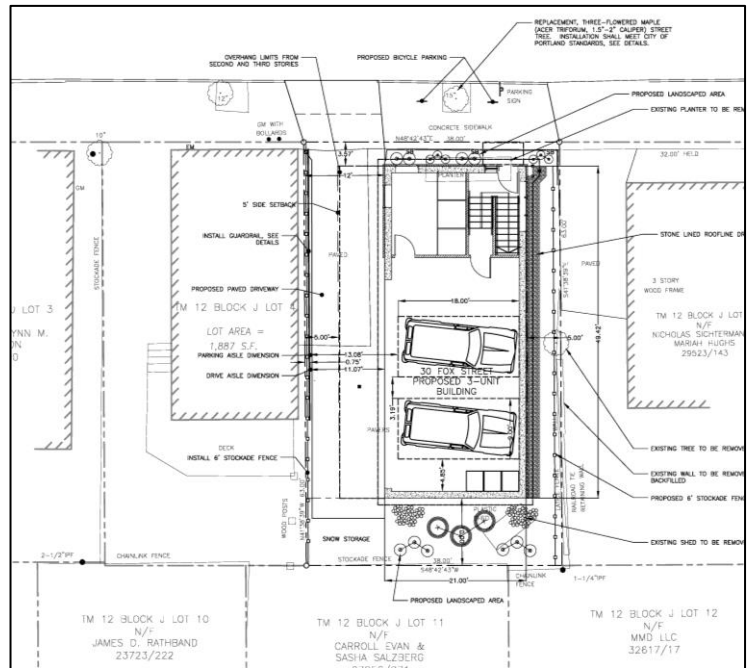
**PREVIOUS SITE LAYOUT:**



At the Workshop staff comments confirmed that at this location the vehicles must exit the site going forward for safety reasons (Attachments 4 and 8). Neighbors and staff raised a concern over the 11-12 foot width of the parking aisle as originally proposed, when the Technical Standard for perpendicular parking is 24 feet for the parking aisle.

The final layout has been revised as noted below:

- To include full size parking spaces under the building as there is space;
- To reduce the number of parking spaces to two, both under the building;
- Remove the garage doors and supporting column between the doors to create an open parking and maneuvering area;
- Provide a turning area at the end of the drive access so that vehicles can exit going forward;
- The parking aisle has been increased to 13 feet, with a waiver requested in respect of the Technical Standard.



The development of this final proposal has involved extensive revisions based on field simulations (most observed by reviewers who also checked the dimensions as marked on the site - videos are attached at *Plan P17*) of vehicles maneuvering into and out of the parking space based on various parking area dimensions. Several earlier designs were not supported by the Traffic Engineering reviewer Mr Errico, but this final layout and the associated waiver is supported by Mr Errico (Attachment 8) as quoted below:

*As documented previously and repeated below, City staff does not support the backing of vehicles from the proposed site based upon conditions on Fox Street and the impact vehicle maneuvers may have on safety. I have observed several vehicle simulations conducted on the project site performed by the Applicant. These simulations included several access/egress movements using both a Nissan Rogue and a Toyota Highlander. The Applicant conducted additional simulations (provided via video) using a Jeep Cherokee and a Subaru Outback as design vehicles. These later simulation maneuvers assumed wider garage door openings due to a redesign of the building column between the two doors. Subsequent to these simulation tests, the Applicant has redesigned the building and removed the building column, thus eliminating a key factor limiting vehicle circulation. Given the results of the simulation tests and the elimination of the building column, it is my professional opinion that vehicles will be able to perform appropriate maneuvers for head-out egress movements. Accordingly, I support a waiver from the City's Technical Standards for parking aisle width with the following conditions.*

- *The area in the rear of the site noted for snow storage shall be paved and be available for vehicle maneuvering. It is likely that vehicles will pull into this area and back into the garage opening, setting up a head-out egress movement.*
- *A maximum of two vehicles shall be permitted on the site.*
- *Backing maneuvers onto Fox Street shall be prohibited.*

*I would note that previously I did not support a waiver given the likelihood of backing maneuvers into Fox Street. This conclusion was based upon my focused review of the vehicle simulations and the how*

*the building column constrained turn movements. During initial conversations with the Applicant several months ago, I inquired about the need for the building support and noted that it was a major constraint to vehicle circulation. The review of vehicle circulation with the building column, while was feasible with mid-size vehicles, was not a condition that I could support. The elimination of the column eliminates a significant constraint and provides added flexibility on how to maneuver into and out of the garage. That changed my conclusion, from a situation where vehicle circulation to avoid backing into Fox Street was feasible but likely to lead to some unsafe movements to one where vehicle circulation can reasonably occur, thus avoiding a backing situation.*

*I would note that I have reviewed the barrier/guard rail design and I find it to be acceptable.*

The conditions of the waiver have been included in the motions for the waiver and the site plan, and the subdivision condition relating to the finalization of condominium documents also requires that these documents include the conditions so that future buyers are aware.

Both immediate neighbors have raised questions over the scale of the waiver and the ability for the associated conditions to be enforced. (PC2- PC10).

b. *Public Transit Access*

There is no public transit line on Fox Street. As such, no provisions for public transit access are required.

c. *Parking*

- Vehicle: The ordinance requirement for vehicle parking is one off-street space per unit, and in the R-6 zone parking for the first 3 units is not required. Two parking spaces are being provided, which exceed the zoning requirements.
- Bicycle: The ordinance requirement is 2 spaces; the applicants have proposed two spaces in the ROW.

d. *Transportation Demand Management*

The project is not required to submit a Transportation Demand Management Plan.

e. *Construction Management Plan*

The applicant has submitted a Construction Management Plan narrative and plan (*Att V* and *Plan P6*). Staff reviewers have a number of concerns and recommend a condition to request a final CMP for further review and approval.

## **2. Environmental Quality Standards**

a. *Preservation of Significant Natural Features and Landscaping and Landscape Preservation*

The proposals include landscaping in the rear yard area and along the front, but not on the sides. On the west side a guardrail is proposed to protect the existing house from the parking area, combined with a stockade fence that will run the entire length of the side property line (see location on the Site Plan in *Plan P4*. and the Guardrail Detail in *Plan P12*). To the east there is the drip edge and new stockade fencing along the property line, which have been added in response to the comments from the City Arborist Jeff Tarling in *Attachment 5*.

Along the rear of the site is an existing stockade fence for part of the property line, but there is a section of wire mesh fencing. A proposed condition of approval requires that section to be stockade fencing to match the new fencing along the east boundary.

b. *Street Trees*

The proposals currently would remove the existing street tree (20 year old pear tree) and replace it with a maple street tree. The City Arborist has recently advised – in response to the neighbors concern at losing the pear tree- that he would like the tree to be protected during construction and inspected by him just prior to the issuance of a CO. If he considers that the tree will not survive, then replacement as proposed would be recommended prior to the issuance of the CO.

Three street trees are required for this project, and the applicant has indicated they would make a contribution in lieu for the other 2 required trees ([Attachment R](#)).

**c. *Water Quality/Storm Water Management/Erosion Control-* see above under X Subdivision Review**

**3. *Public Infrastructure and Community Safety Standards***

**a. *Consistency with Related Master Plans***

The site fronts on an existing concrete sidewalk that will be partly taken up by utility connection work. The City's Sidewalk Policy requires a brick sidewalk at this location and the applicant has requested a waiver to allow reinstatement of the concrete sidewalk. The Department of Public Works supports this waiver ([Attachment 9](#)).

**b. *Public Safety and Fire Prevention***

The Fire Department has reviewed the proposals in terms of the impact on life safety access to the upper floors of the abutting house that is on the property boundary and 5 feet away from the footprint. The existing house does not have any windows facing the site other than bathrooms and therefore there is no concern from this viewpoint ([Attachment 1](#)).

**c. *Availability and Capacity of Public Utilities***

The capacity letter from CMP is awaited.

**4. *Site Design Standards***

**a. *Massing, Ventilation, and Wind Impact; Shadows; Snow and Ice Loading***

The project is not anticipated to result in any impacts in relation to these standards.

**b. *View Corridors***

The project does not abut a protected view corridor.

**c. *Historic Resources***

The site does not lie adjacent to or within 100 feet of a historic landmark, district, or landscape.

**d. *Exterior Lighting***

The applicant has submitted the lighting specifications but not the photometrics to assess whether these would meet the Technical Standards; a condition of approval requests this plan and clarification of the details.

**e. *Noise and Vibration***

The HVAC proposals have not yet been developed, and a suggested condition of approval is included to ensure that these meet ordinance standards.

**f. *Signage and Wayfinding***

No new signage or wayfinding is proposed.



g. Zoning-Related Design Standards



**As presented to January 2018 Workshop**



**As revised for April PB Hearing**

The design of the project has been revised to modify the fourth floor so its lower and set back from the front elevation, and the extent of the cantilever has been reduced so the overhang does not encroach into the 5 foot side setback. Windows have been added to the lowest floor.

The Final Design Review comments from the City’s Urban Designer Caitlin Cameron are as follows (*Attachment 7*):

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 30 Fox Street. The review was performed by Caitlin Cameron, Urban Designer, Matt Grooms, Planner, and Jean Fraser, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

**Findings of the Design Review:**

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design passes all of the criteria – please refer to comments below.

**Design Review Comments** (*red text denotes principles or standards that are not met*):

*Principle A Overall Context*

- *A-1 Scale and Form*: The building type proposed is similar to a triple-decker with an additional mass on the 4<sup>th</sup> floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing, and recessed 4<sup>th</sup> floor. **Applicant did not make changes to building width or position on the lot. Applicant made the following revisions to mitigate the scale impacts:**
  - **Reduced fourth floor footprint**

- **Fourth floor pushed back from the street to emphasize the 3<sup>rd</sup> floor roof line and to reduce the perceived scale of the building in relationship to the street and the downhill buildings.**
- **The fourth floor material palette is lighter in color.**
- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

*Principle B Massing – Met –* There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable, single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and side setback. **The concern about the perceived mass from the downhill view and its relationship to the smaller existing buildings was addressed by reducing the size of the fourth floor, pushing it away from the street, and using a lighter color clapboard material.**

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. **The fourth floor mass was made more recessive per staff comment.**
- *B-2 Roof Forms:* Flat and front-end gable roofs are those found in the context. The three-story mass has a flat roof and is contextual. **The fourth floor has a non-contextual monopitch roof.**
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. **The fourth floor plan was revised to make the footprint smaller, pushed back from the street – fourth floor is clearly recessive.**
- *B-4 Roof Pitch:* **The roofs are monopitch/ flat roofs.**
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

*Principle C Orientation to the Street – Met –* The project is oriented to the street with a street-facing door. **Window(s) added to the ground floor of the front façade to increase the building engagement with the street per staff request.**

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings.

*Principle D Proportion and Scale – Met –* The three-story mass and façade elements are proportionate and scaled to the overall building but the overall proportion is different from other buildings in the context because the cantilever is so wide. **The fourth floor scale was reduced as discussed above.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportions are not all proportions found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.
- *D-3 Porches:* The balcony included in this project is at least 48 sf.

*Principle E Balance – Met –* The building façade has a cantilever that creates a wide façade compared with the proportions found in the context. **Extent of cantilever affects the façade balance visible straight onward from Hammond Street.**

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.

- *E-3 Symmetricality:* Primary window compositions are arranged symmetrically around discernable vertical axes.

*Principle F Articulation – Met –* The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building. Detailing is consistent.
- *F-2 Window Types:* Four window types at street façade; consistent detailing.
- *F-3 Visual Cohesion:* Two materials are used with an accent color at window trim.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns, some material change.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, glass and sidelight, and the use of a canopy.
- *F-7 Articulation Elements:* The subsidiary roof of the 4<sup>th</sup> floor has an overhang of at least 6"; window trim is less than 4"; no building face offsets; 4th floor cornice includes exposed rafters, 3<sup>rd</sup> floor main roof form includes railing.

*Principle G Materials – Met –* This is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses clapboard as the primary material and fiber cement panel as a secondary material.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* Four window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.

## 2. Multi-family and Other Housing Types Design Standards

In addition, there are design standards that apply to all multifamily development including this proposal. These are more general standards that include design standards as well as several other standards as listed below with staff comments.

### **(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;*

Staff comment: The proposals have been evaluated in the context of the R-6 Design Standards (above) which cover the design elements mentioned in standards 1 and 2 in greater detail. Please refer to the Design Review comments in Attachment 7.

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;*

Staff comment: Two of the new units will have balconies.

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;*

Staff comment: This standard appears to be met.

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;*

Staff comment: The parking is located underneath the units and therefore is partially screened from the street. The abutting house does not have windows on the side facing the parking area.

### **XIII. STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed 3-unit residential development at 30 Fox Street.

### **XIV. PROPOSED MOTIONS**

#### **1. Waivers**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on April 10, 2018 for application 2017-227 relevant to Portland's site plan and subdivision ordinances, technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

#### **1. Electrical Service:**

The Planning Board [**finds/does not find**], based upon the Department of Public Works and Planning Department's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the 1) Site Plan standard (*Section 14-526(c)(3)(b)*) which requires that electrical service be placed underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost and 2) Subdivision standard (*Section 14-499(h)*) which requires that all utility lines be placed underground unless otherwise approved by the Planning Board. The Planning Board [**waives/does not waive**] these standards subject to the following conditions:

- a. That the applicant providing further cost information to document that the cost is extreme; and
- b. That the Department of Public Works (DPW) confirms that they support the waiver; and
- c. That if the waiver is supported by DPW, the final proposed overhead configuration shall be reviewed and approved by the Fire Department, Department of Public Works and Planning Authority; and
- d. If the waiver is not supported by DPW, the final electrical supply proposals shall be revised to the satisfaction of the Fire Department, Department of Public Works and Planning Authority

## **2. Parking Drive Aisle**

The Planning Board [**finds/does not find**], based upon the consulting traffic engineer's review (*Attachment 8*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) which requires that aisle width for right-angle parking be 24 feet, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The planning board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) to the parking drive aisle to be 13 feet (clear width) subject to the following conditions:

- a. That the rear of the site (noted for snow storage on the site plan) shall be paved and be available for vehicle maneuvering with snow removed from this area, to allow for vehicles to pull into this area and back into the garage opening and facilitating a head-out egress movement;
- b. That a maximum of two vehicles shall be permitted on the site;
- c. That backing maneuvers onto Fox Street shall be prohibited.

## **3. Sidewalk Materials:**

The Planning Board [**finds/does not find**], based upon the Department of Public Works comments (*Attachment 9*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (Appendix A) which requires brick material for the sidewalk at this location, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The planning board [**waives/does not waive**] the *Technical Manual* standard (Appendix A) based on the Department of Public works recommendation.

## **2. Subdivision**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on April 10, 2018 for application 2017-227 (30 Fox Street) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall provide condominium association documents for review by Corporation Counsel and the Planning Authority that meet the Subdivision ordinance standards and include the parking waiver conditions, snow storage prohibitions and other requirements as related to this approval.

## **3. Development Review**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on April 10, 2018 for application 2017-227 (30 Fox Street) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. That the rear of the site (noted for snow storage on the site plan) shall be paved and be available for vehicle maneuvering with snow removed from this area, to allow for vehicles to pull into this area and back into the garage opening and facilitating a head-out egress movement;

2. That a maximum of two vehicles shall be permitted on the site;
3. That backing maneuvers onto Fox Street shall be prohibited;
4. The applicant shall provide a final construction management plan for review and approval by the Planning Authority;
5. The applicant shall revise the site plan set to:
  - a. Add a note regarding the street tree regarding protection during construction and review by the City Arborist to determine if replacement is required prior to the issuance of a Certificate of Occupancy, the wording of such note to be agreed with the Planning Authority;
  - b. Add stockade fencing along the rear boundary where there is chain link fencing so that there is a continuous stockade fence around the sides and rear of the site, for review and approval by the Planning authority.
6. The applicant shall provide evidence of CMP capacity for review and approval by the Planning Authority;
7. Prior to installation of any site lighting, the applicant shall provide photometric plan and light specifications in conformance with the city's *Technical Manual* for review and approval by the Planning Authority;
8. That the applicant shall take all measures to protect the existing street tree on Fox Street and shall make a contribution for 2 street trees to the city's Tree Fund for review and approval by the Planning Authority;
9. That the applicant shall submit plans and associated information that clarify the location, screening and sound levels of all external heating, ventilation and other mechanical equipment and document that they meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority.

**ATTACHMENTS:**

**Attachments to the Report**

1. Fire Department comments
2. Peer Engineer prelim comments
3. Design Review prelim comments
4. DPW prelim comments
5. City Arborist comments landscaping

*Since PB Workshop*

6. Zoning Administrator confirmation re RTI
7. Design Review final comments
8. Traffic Engineer final comments
9. Peer Engineer and DPW final comments on waivers

## **Public comments**

- PC1 Sichterman 12.1.17
- PC2 Hrenko & MacDonald 12.27.18
- PC3 Sichterman 1.5.18
- PC4 Sichterman 1.18.18 re neigh mtg
- PC5 Hrenko & MacDonald 1.29.18
- PC6 Sichterman 1.30.18
- PC7 Sichterman 2.27.18 re site mtg
- PC8 Sichterman 4.4.18
- PC9 Hrenko & MacDonald 4.6.18

## **Applicant's Submittal**

- A. Cover letter and Final Application
- B. Description
- C. Right, Title and Interest Deeds
- D. Financial Capability
- E. Zoning
- F. Housekeeping
- G. Traffic
- H. Ability to Serve
- I. Stormwater
- J. Consistency with Master Plans
- K. Solid Waste
- L. Code
- M. Design Standards
- N. Crime
- O. Accessibility
- P. Lighting
- Q. Parking Waiver (no longer relevant)
- R. PWD Ability to Serve
- S. Response to review comments 12.18.17

(since PB Workshop)

- T. Neighborhood Meeting Certification & Notes
- U. Response to neighbors concerns 2.3.18
- V. Construction Management Plan Narrative
- W. Stormwater Report updated
- X. Parking Aisle Waiver Request
- Y. Concrete Sidewalk Waiver request
- Z. Overhead Electrical Waiver request
- AA. Wastewater Capacity letter
- BB. Video links re cars maneuvering

## **Plans**

- P1. Survey
- P2. Draft Subdivision Plat
- P3. Cover Sheet
- P4. Site Plan
- P5. Grading and Utility Plan
- P6. Construction Management Plan
- P7. Autoturn Exhibit
- P8. Erosion and Sediment Details

- P9. Details
- P10. Proposed Parking layout
- P11. Parking Aisle Waiver Diagram
- P12. Guardrail Detail
- P13. Floor Plans
- P14. Elevations
- P15 Building Section
- P16. Renderings