
Fwd: MHNO Response to R6 Overlay/Zone Changes

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Apr 30, 2018 at 9:23 AM

For the Munjoy Hill file.

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

----- Forwarded message -----

From: **Munjoy Hill Neighborhood Organization Portland** <jay.norris@munjoyhill.org>
Date: Mon, Apr 30, 2018 at 8:51 AM
Subject: MHNO Response to R6 Overlay/Zone Changes
To: "Levine, Jeff" <jlevine@portlandmaine.gov>

Good morning Jeff,

Thank you for allowing us to squeeze this in this morning.

We didn't take this response lightly and I hope the effort reflects that. Some felt it too detailed too soon. Others that it wasn't enough. But the message you see is indeed unanimous in our appreciation to you and to the suggestions we make in good faith. We hope they will be considered.

Thank you again for welcoming us as part of the process and for the listening sessions. You must have set a record for something in that effort alone.

Best to you,
Jay



Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG





MHNO Response R6 Overlay District.pdf

128K



The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Our Position on, Requests & Recommendations for Amendments to the Proposed R-6 Neighborhood Overlay District

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant.

We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District*, (*MHNCOD*). We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

- a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;
- b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the

applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.

- c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a “significant building” include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff’s proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization

Board of Directors

April 30, 2018