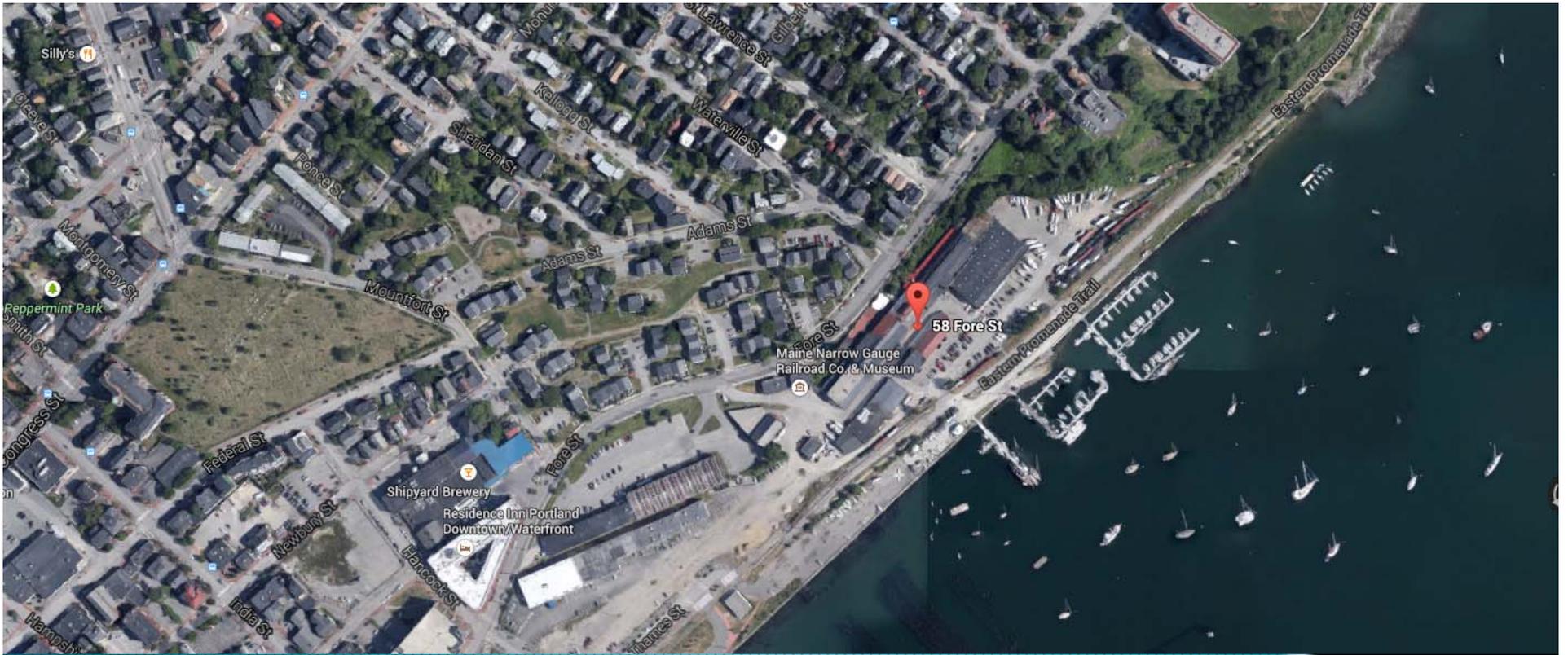


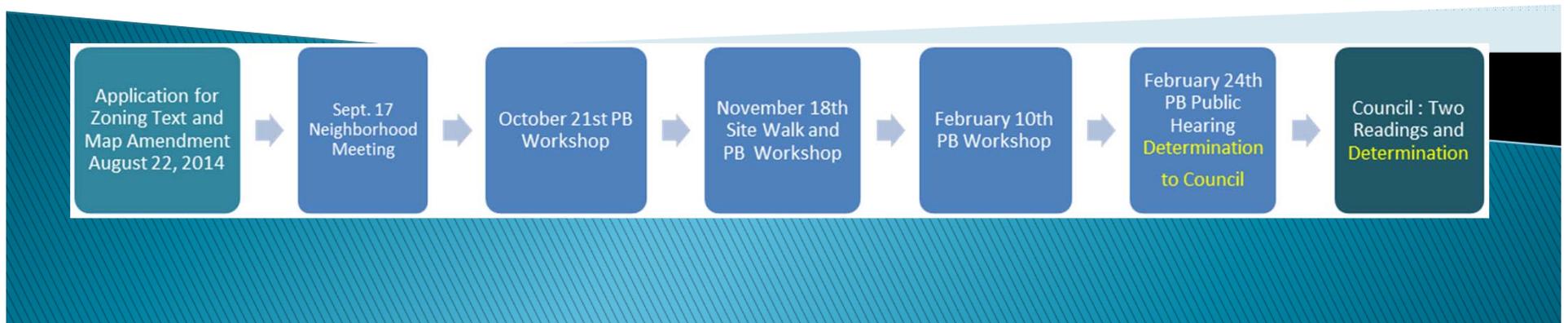
58 Fore Street Application for Zoning Map & Text Amendments



58 Fore Street Application Process

Zoning Map and Text Changes

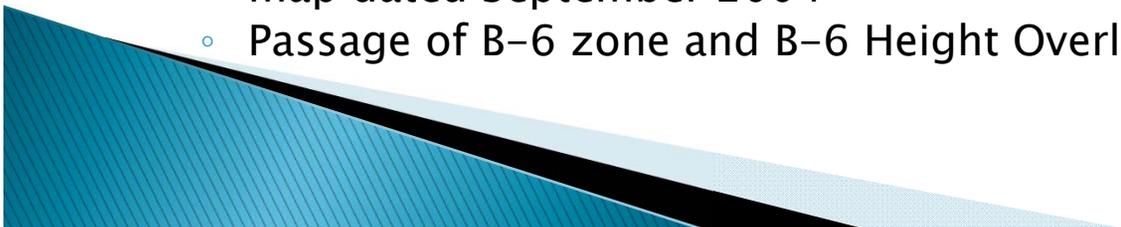
1. Application submitted August 2015
 2. October 21st Workshop
 3. November 18th Workshop and Site Walk
 4. February 10th Workshop
 5. February 24th Public Hearing
- ❖ Staff Meetings Since Application Was Filed in August 2014



Chronology of Adoption of Eastern Waterfront Height Study and B-6 Zone

- ▶ **January 2000.** Eastern Waterfront planning process begins
- ▶ **June 3, 2002.** A first phase of the Master Plan was accepted
- ▶ **September 10, 2004**
 - The Planning Board voted to recommend three Comprehensive Plan documents, and
 - To recommend adoption of B-6 zone & the B-6 Height Overlay.
- ▶ **October 4, 2004**
 - First Reading for Comprehensive Plan and Zoning Amendments. Policy map dated September 2004

Additional Council meetings October 18, 2004, November 1, 2004
- ▶ **November 29, 2004**
 - *No action taken on the Comprehensive Plan on November 29*
 - Amendment to Zoning Map
- ▶ **December 8, 2004**
 - Eastern Waterfront Comprehensive Plan Documents adopted with policy map dated September 2004
 - Passage of B-6 zone and B-6 Height Overlay



58 Fore Street – Zoning Map Existing and Proposed



MARITIME RESOURCES: Development in the eastern waterfront on piers, bulkheads, and on land within 75' of mean high water line, will give priority to compatible water-dependent and maritime uses.

Text Amendments

B-6 Eastern Waterfront Mixed Zone (Division 15.1)

- Private clubs or nonprofit social and recreational facilities
- Educational facilities
- Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area does not exceed 70,000 square feet at any one time.
- Museums and art galleries
- A new use of underground fuel storage
- An exemption from the noise standard has been modified to include temporary activities, festivals, events and concerts.
- In response to concerns raised during public comment, application was revised to include a standard prohibiting brew pubs with entrances on Fore St. east of Waterville St., and a standard limiting the hours, locations and other requirements of drinking establishment in the same area.



Text Amendments

Eastern Waterfront Port Zone (Division 17.5)

- A permitted marine use that references a max. fuel storage of 20,000 gallons has been substituted with similar language that appears in other zones, and provides for similar functions, except that the maximum has been removed.
- Marinas are proposed as a permitted use east of the Ocean Gateway facility (referenced by deed). **Marinas are currently a conditional use – the application proposes they remain conditional west of Ocean Gateway.**
- Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.
- A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.
- Setback from pier line: Notwithstanding the above requirements, a minimum setback of twenty-five(25) feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required, provided that marine offices, as defined in Section 14-301(b)(12), may be located up to five (5) feet from the edge of any pier, wharf or working edge of the hardened shoreline.



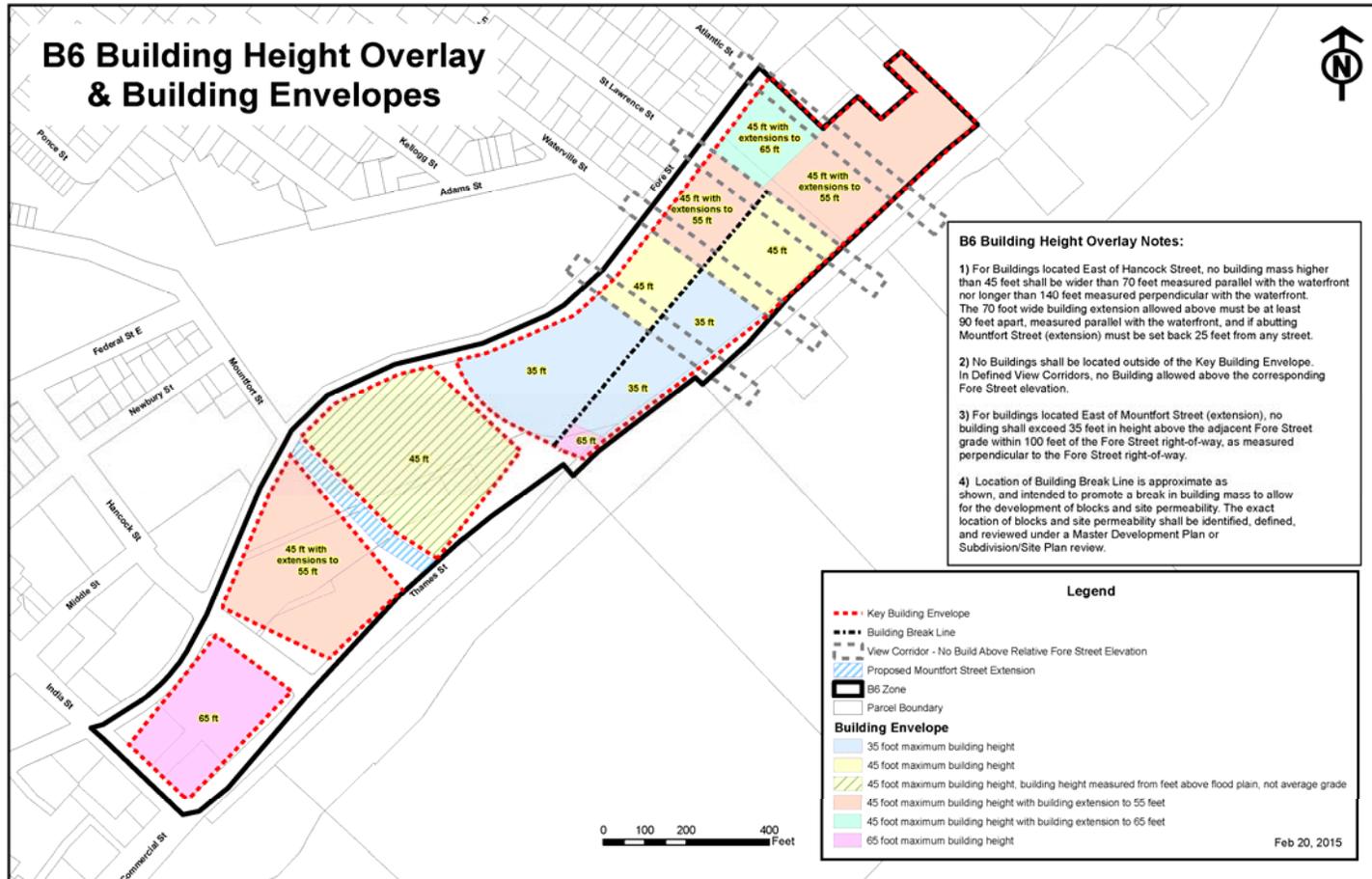
Text Amendments

Site Plan Massing and Permeability in B-6 and EWPZ

New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages and should promote permeability through and within the development at a scale compatible with the existing street networks of the Eastern Waterfront. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

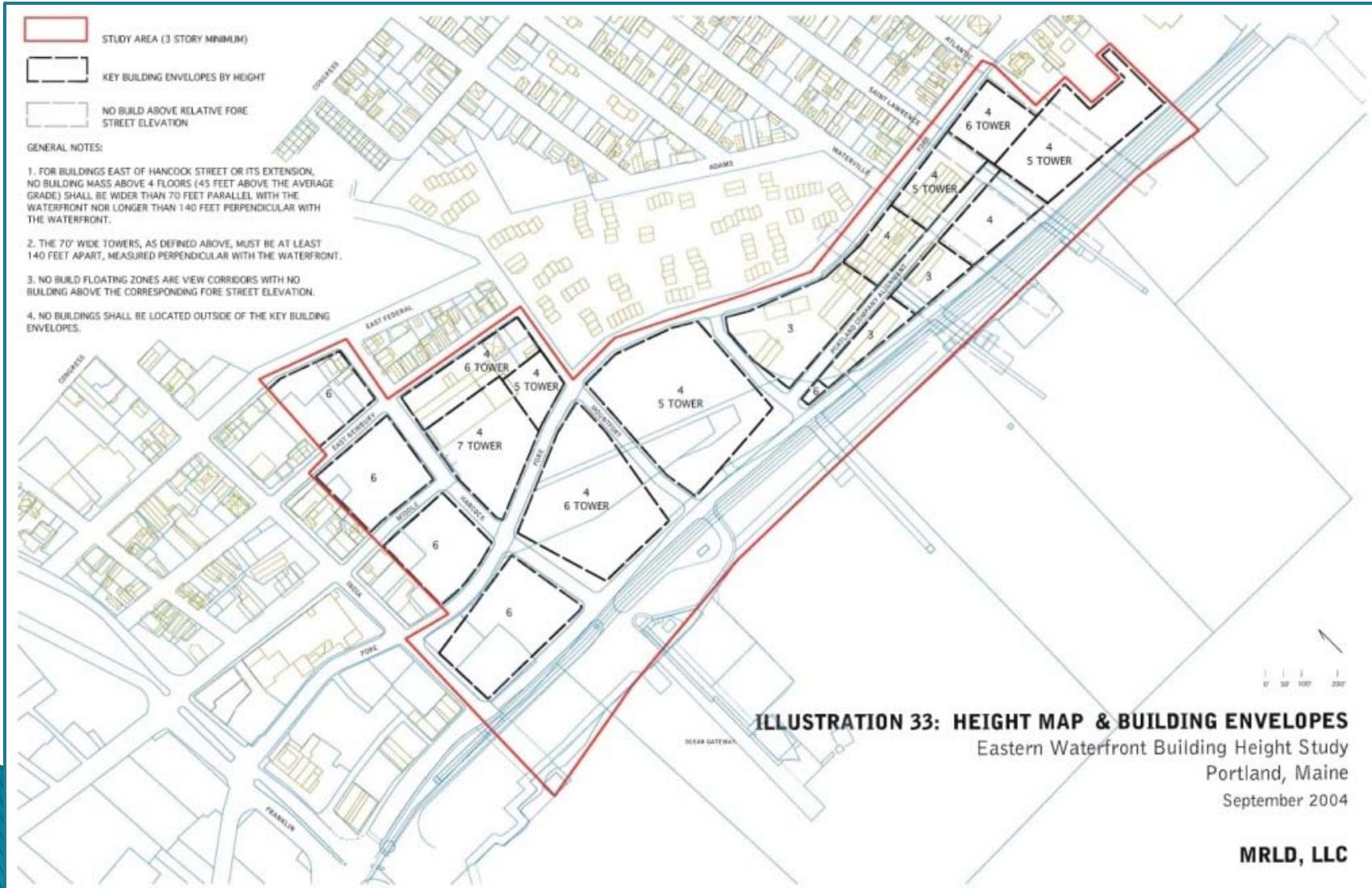


58 Fore Street - B-6 Height Overlay Map Existing and Proposed



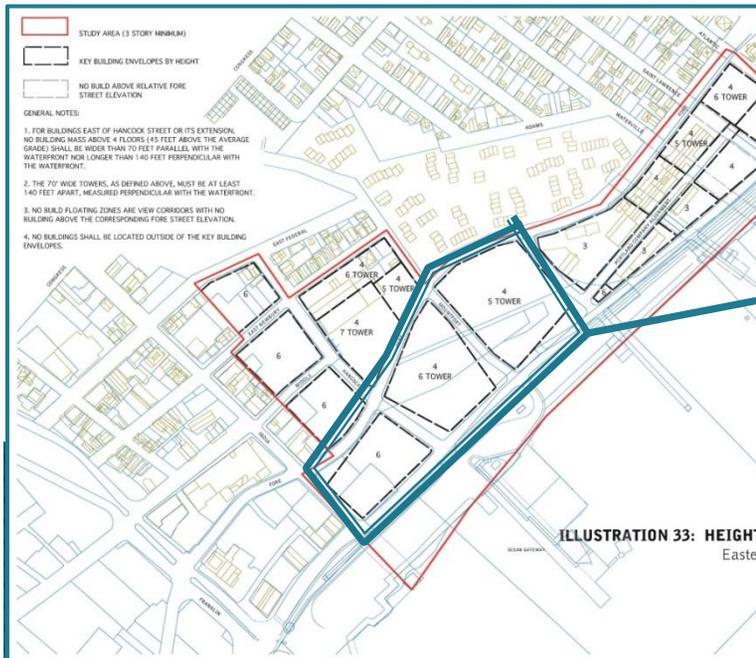
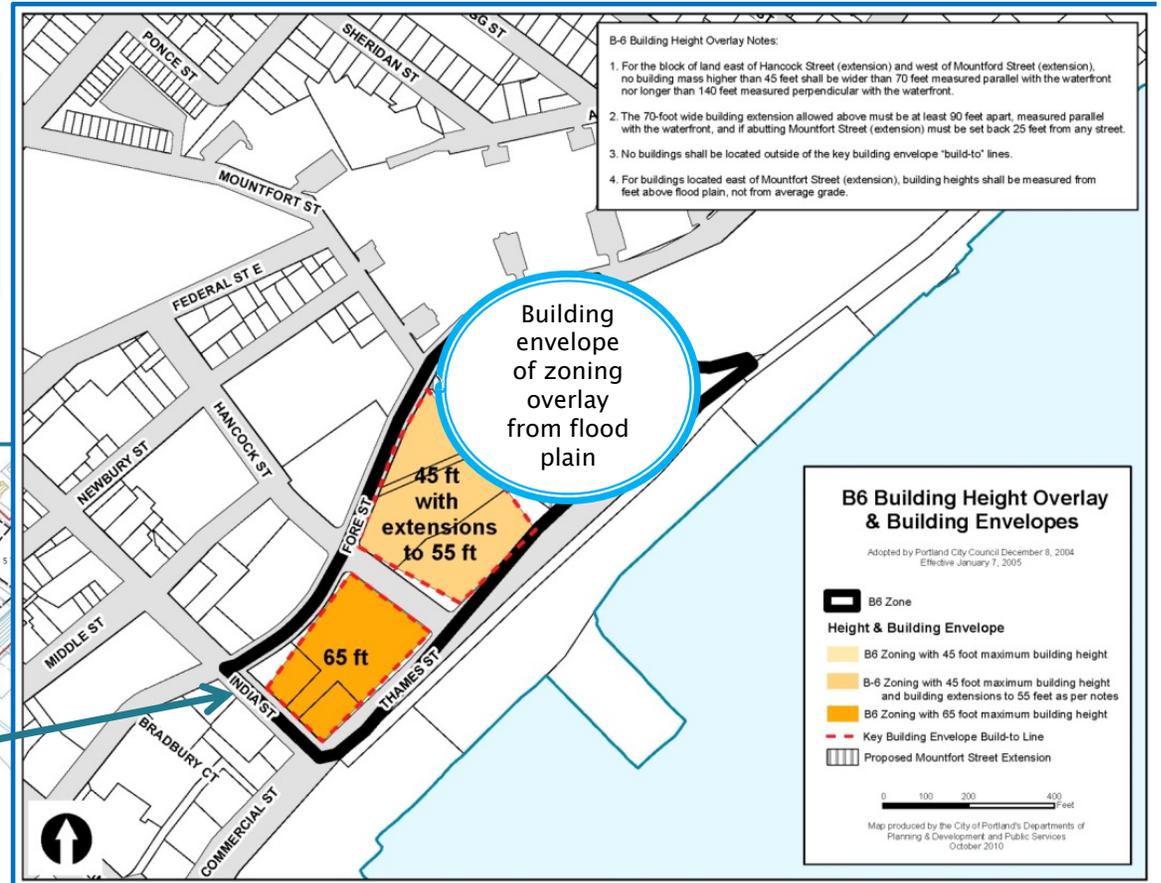
58 Fore Street

Eastern Waterfront Comprehensive Plan Documents



58 Fore Street Eastern Waterfront Comprehensive Plan Documents

Simultaneous implementation of Eastern Waterfront Master Plan, Height Study, B-6 Zone, and Height Overlay - Dec. 2004.



B-6 height = 65 feet or Height Overlay

Planning Board Review of Height Implications

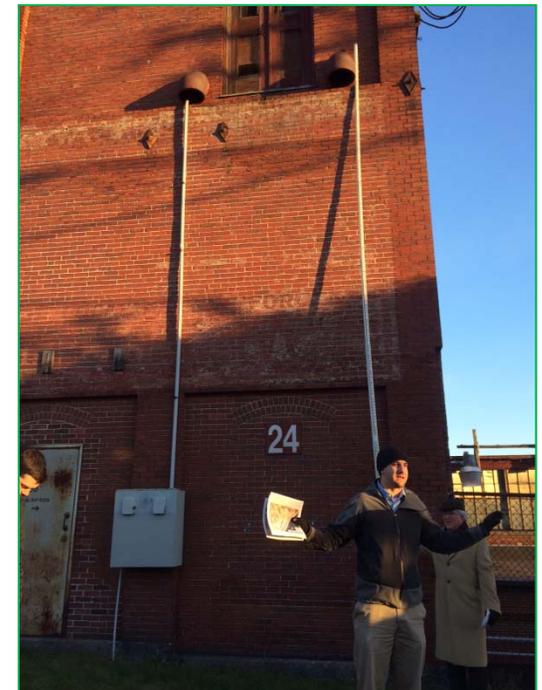
The Planning Board deliberated flood plain and average grade, discussed height impacts over 5 mo. period.

October 21st. Both flood plain and average grade measurements discussed at first workshop, October 21st.

November 18th. Workshop and Site Walk focused primarily on an in-depth discussion of height implications of rezoning. Visual cross sections presented by applicant to support their application.

February 10th. Workshop with new visuals showing maximum building envelopes from Fore, south towards water, and looking from water towards Fore Street.

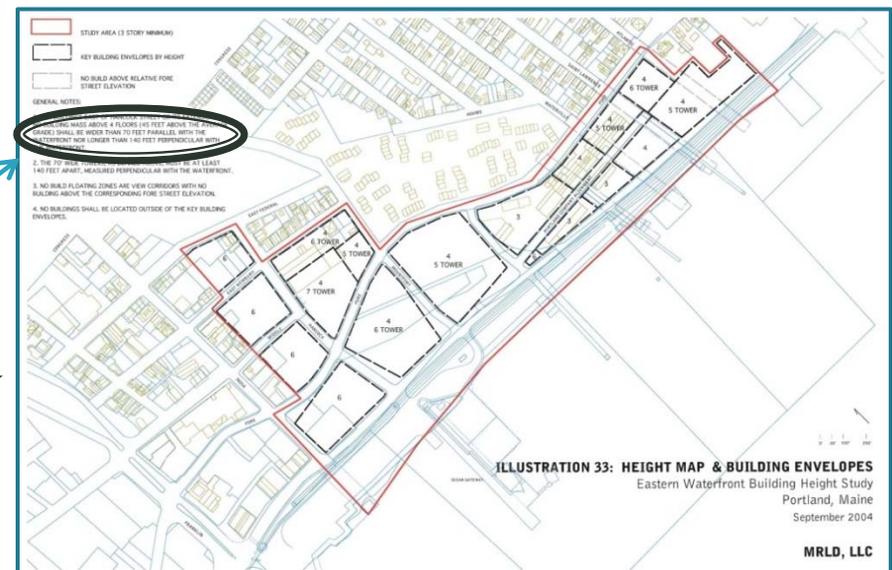
February 24th. Planning Board Public Hearing. Included additional text amendments for massing and permeability standards along Fore Street.



Planning Board Review of Height Implications

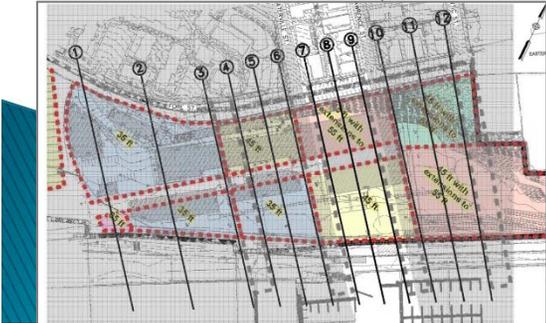
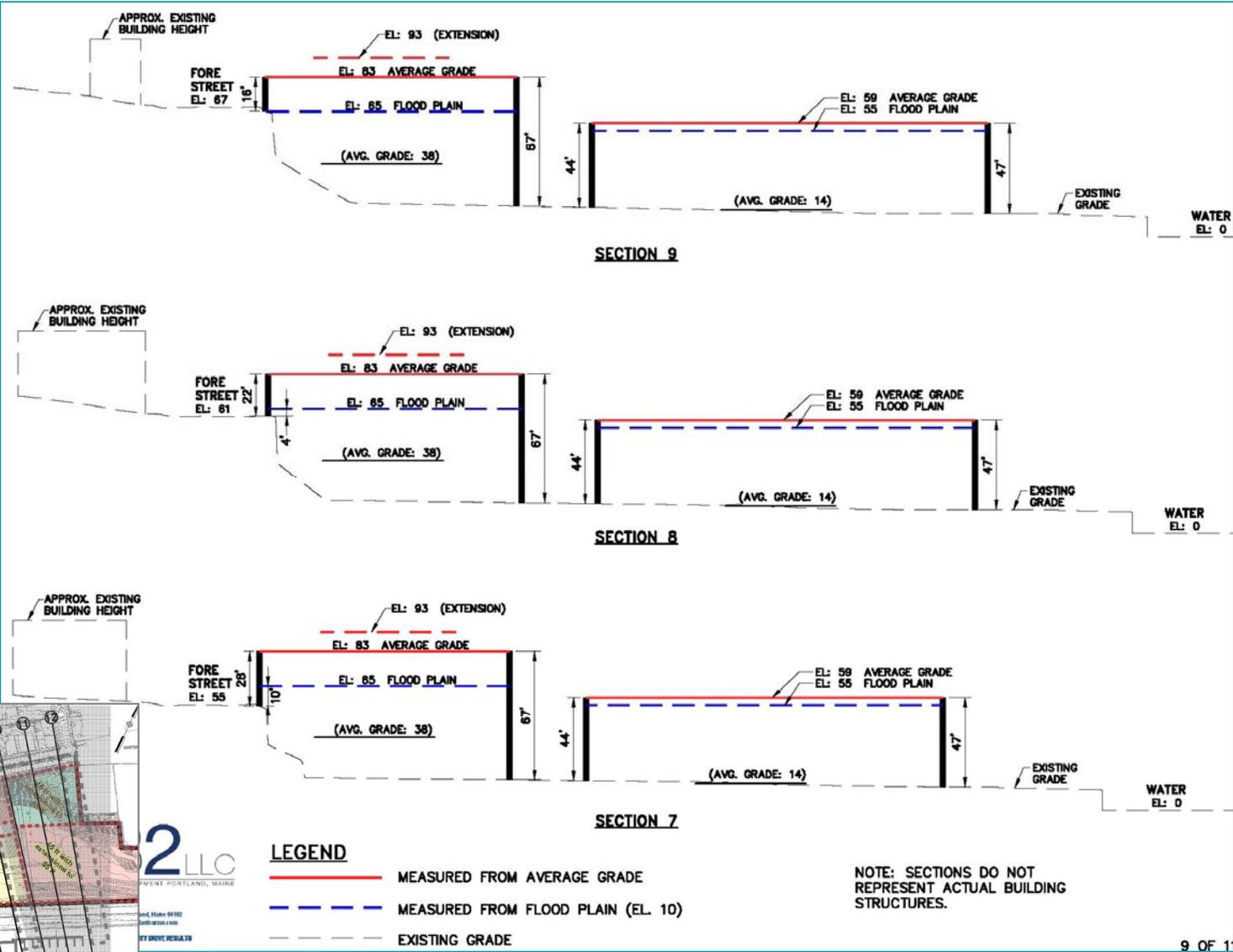
Staff evaluated average grade measurement as consistent with Comprehensive Plan for Nov. 18th workshop based on:

- ▶ EWMP documents contain no reference to flood plain.
- ▶ Height Study does not make an explicit *prescription* of measurement methods. Measuring from grade is specified in zoning (unless specified otherwise).
- ▶ The Height Study anticipates building above the grade of Fore St. with protected view corridors.
- ▶ Single reference to method references average grade (*For Buildings East of Hancock Street or its extension no building mass above 4 floors [45 feet above the average grade] shall be wider than 75 feet parallel with the waterfront nor longer than 140 feet perpendicular with the waterfront*).



Planning Board Review of Height Implications

Visuals Ex. 1, Nov. Workshop, showing comparisons of average grade and flood plain

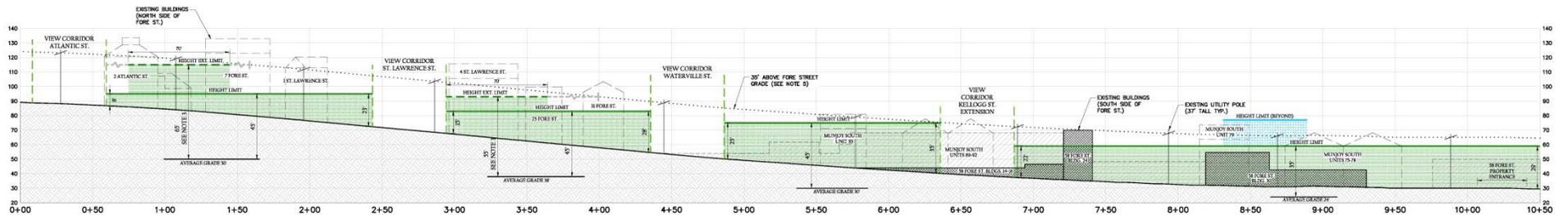


2 LLC
 PORTLAND, MAINE
 2000 Market Street
 Portland, ME 04102
 207.633.1234

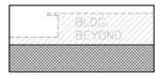
Planning Board Review of Height Implications Visuals Ex. 2, from Fore Street, Feb.10 Workshop

FORE STREET SECTION WITH B6 HEIGHT OVERLAY

As requested by Planning Board



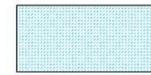
EXISTING OFF-SITE BUILDINGS FRONTING FORE STREET



EXISTING ON-SITE BUILDINGS, 58' FORE STREET



HEIGHT STUDY BUILDING ENVELOPES



HEIGHT STUDY BUILDING ENVELOPES (BEYOND)



EXISTING UTILITY POLE (37' HIGH)



35' ABOVE FORE STREET GRADE

- NOTES:
- SECTION DOES NOT DEPICT ACTUAL PROPOSED BUILDING STRUCTURES. THE HEIGHT MEASUREMENTS ABOVE FORE STREET GRADE (SHADED IN BLUE AND GREEN) REPRESENT THE MAXIMUM HEIGHT ALLOWED PER THE BUILDING HEIGHT STUDY BASED ON AN ANALYSIS OF THE BUILDING HEIGHT ENVELOPES. THIS IS NOT A DESIGN PROPOSAL. IT IS INTENDED TO PROVIDE A REASONABLE INTERPRETATION OF THE FORE STREET CORRIDOR BASED ON THE EASTERN WATERFRONT BUILDING HEIGHT STUDY.
 - EXISTING BUILDING SECTIONS DEPICTED ARE APPROXIMATE AS SHOWN. 8-8 MAXIMUM STRUCTURE HEIGHT: FORTY-FIVE (45) FEET.
 - NO BUILDING MASS HIGHER THAN 45 FEET SHALL BE WIDER THAN 70 FEET MEASURED PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET MEASURED PERPENDICULAR WITH THE WATERFRONT. THE 70 FOOT WIDE BUILDING EXTENSION MUST BE AT LEAST 50 FEET WIDE, MEASURED PARALLEL WITH THE WATERFRONT. EASTERN WATERFRONT BUILDING HEIGHT STUDY, SEPTEMBER 2004. HEIGHT EXTENSION LOCATIONS MAY VARY WITHIN THE LIMITS OF THE GREY LINES DEPICTED ON THE SECTION. HEIGHT EXTENSION LOCATIONS ARE RESTRICTED BY THE 30' MAXIMUM HEIGHT LIMIT ABOVE FORE STREET WITHIN 30' OF FORE STREET, AS PROPOSED ON THE B6 HEIGHT OVERLAY MAP.
 - AVERAGE GRADE IS THE AVERAGE OF THE FOUR CORNERS FOR EACH HEIGHT STUDY BUILDING ENVELOPE.
 - FOR BUILDINGS LOCATED EAST OF MOUNTBURY STREET (EXTENSION), NO BUILDING THAT HAS FRONTAGE ON FORE STREET SHALL EXCEED 35 FEET IN HEIGHT ABOVE THE ADJACENT FORE STREET RIGHT-OF-WAY GRADE WITHIN 30 FEET OF THE FORE STREET RIGHT-OF-WAY.
 - FIGURE WAS DEVELOPED BY LAYERING MULTIPLE SECTION CUTS ACROSS THE WATER, 58' FORE STREET SITE, FORE STREET, AND UPHILL OF FORE STREET. FIGURE DEPICTS BUILDING HEIGHT LIMITS WHEN VIEWING THE 58' FORE STREET SITE FROM AN OFF-SITE LOCATION UPHILL OF FORE STREET IN AN ORIENTATION THAT IS SQUARE WITH THE VIEW CORRIDORS.
 - SECTION SCALE: HORIZONTAL 1"=30'

CPB2 LLC
EASTERN WATERFRONT DEVELOPMENT PERFORMANCE

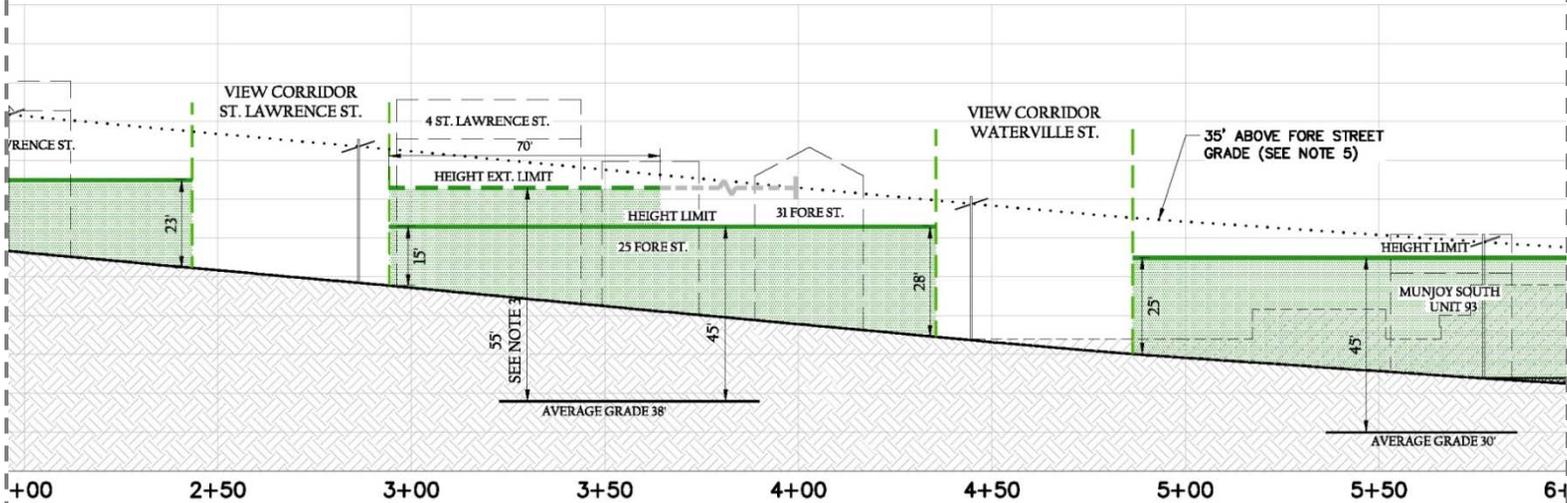


SOURCE DATA: B6 BUILDING HEIGHT OVERLAY & BUILDING ENVELOPES MAP, TOPOGRAPHIC BOUNDARY SURVEY FOR 58' FORE ST., CITY OF PORTLAND GIS DATA
DATE: DECEMBER 17, 2014

Planning Board Review of Height Implications Visuals Ex. 2, Detail

FORE STREET SECTION WITH B6 HEIGHT LIMIT

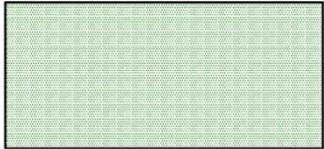
As requested by Planning Board



EXISTING OFF-SITE BUILDINGS FRONTING FORE STREET

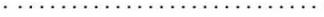


EXISTING ON-SITE BUILDINGS, 58 FORE STREET



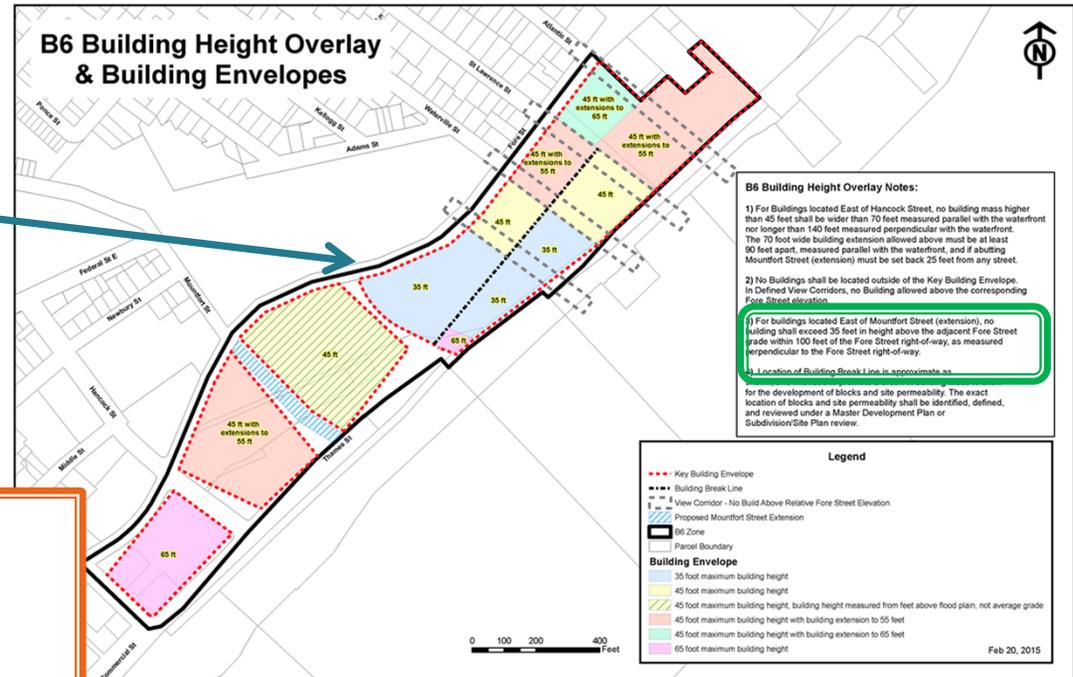
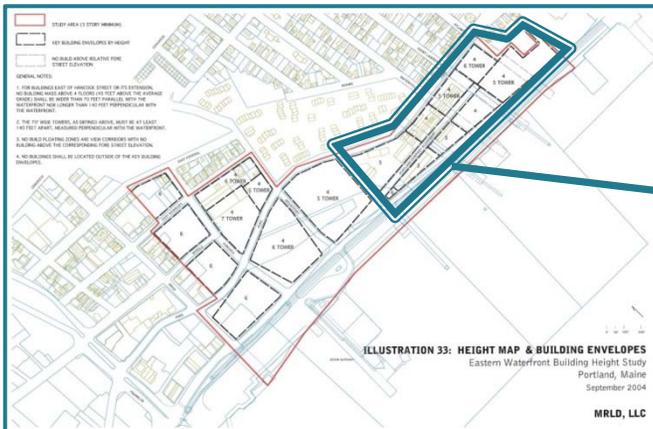
HEIGHT LIMIT

EXISTING UTILITY POLE (37' HIGH)



35' ST. GRADE

58 Fore Street – Zoning Building Height Overlay Existing & Proposed

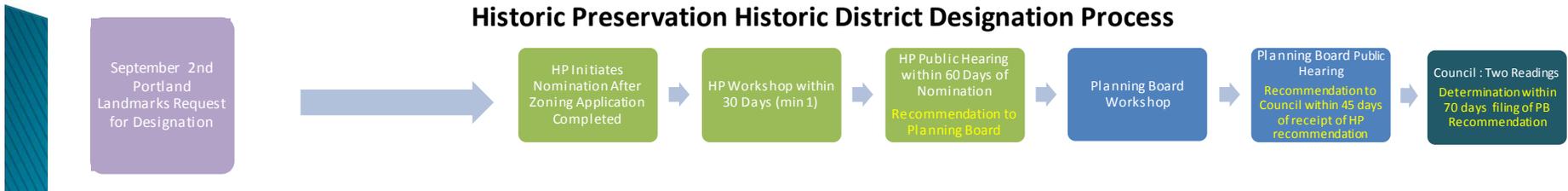
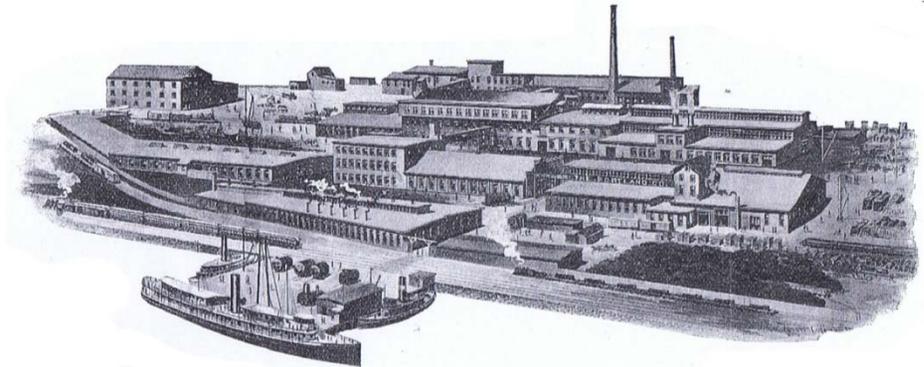


- ❖ August submission did not include height overlay
- ❖ V. 1. Direct interpretation of Comprehensive Plan
- ❖ V. 2. Additional provision – in no case shall height exceed 35 ft above Fore St. for 35 ft. of depth back from Fore St.
- ❖ V. 3. in no case shall height exceed 35 ft above Fore St. for 100 ft. of depth back from Fore St.

3) For buildings located East of Mountfort Street (extension), no building that has frontage on Fore Street shall exceed 35 feet in height above the adjacent Fore Street right-of-way grade within 100 feet of the Fore Street right-of-way.

Historic Preservation

- Designation Consideration Process has begun
- Final determination on district details must receive Council approval
- Preservation acts as an additional regulatory layer that can supersede zoning
- If all or a portion of the property is designated, future development proposals would go before the HP Board for review



Contract Zone

- ▶ Alternative tool to rezoning base zones
- ▶ Standards for a contract zone in the WSUZ would not allow for a range of uses outside of marine dependent/related. This could be addressed with a zone amendment
- ▶ Rezoning, and Master Development Plan offers greater flexibility over long term build-out
- ▶ Rezoning as fulfilment of Eastern Waterfront policy
- ▶ Applicant has not applied for this option



Public Access

Trail/Maine Narrow Gauge Railway not impacted by zone change.

Public access to water supported in Comprehensive Plan, and will be reviewed as a component of Master Development Plan/Site Plan.



58 Fore Street Application Process

1. Zoning Map and Text Changes
2. Historic Preservation Historic District Designation Process
3. Planning Board Masterplan Application Process
4. Planning Board Site Plan/Subdivision Application Process
5. Historic Preservation Certificate of Appropriateness

