



PORTLAND MAINE

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Planning & Urban Development Department

Penny St. Louis Littell, Director

Planning Division

Alexander Jaegerman, Director

SEPTEMBER 28, 2010

Eco Capital, LLC
C/O Paul Ledman
19 Ivie Road
Cape Elizabeth, ME 04107

Project Name: Cumberland Ave; 62; Development Of 3 Unit 3 Story Building with Parking
Project ID: 10-79900017
Project Address: 62 Cumberland Ave CBL: 013 - L-002-001
Planner: Shukria Wiar

Dear Mr. Ledman:

On August 10, 2010, the Portland Planning Board approved the site plan and subdivision plan for the development of three (3) units, three (3) stories building with parking at 62 Cumberland Avenue. Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 5-0 (Lewis and Silk absent) to approve the application with the following motions, waiver, and conditions as presented below.

WAIVERS

The Planning Board voted unanimously 5-0 (Lewis and Silk absent) to waive the Technical Standard, Section XV (H), submission requirements for photometric plans.

SITE PLAN REVIEW

The Planning Board voted unanimously 5-0 (Lewis and Silk absent) that the plan is in conformance with the site plan standards of the Land Use subject to the following conditions of approval:

- i. That the applicant shall submit a final site plans that displays the location of the bicycle racks and shall include a detail drawing of the proposed bicycle rack storage for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit a revised planting plan along Cumberland Avenue frontage, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, to an additional street tree and to improve the foundation and planters planting to meet City Standards for adequate buffering; and
- iii. That the developer shall submit a schedule of proposed light fixtures for review and approval by the Planning Authority prior to issuance of a certificate of occupancy.

SUBDIVISION REVIEW

The Planning Board voted unanimously 5-0 (Lewis and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the final recording subdivision plat will be completed to the satisfaction of the Associate Corporation Counsel and include a listing of any conditions imposed by the Planning Board, and will be submitted for the Planning Board's Signature; and
- ii. That the applicant shall submit a revised planting plan along Cumberland Avenue frontage, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, to an additional street tree and to improve the foundation and planters planting to meet City Standards for adequate buffering; and
- iii. That the developer shall contribute \$1000 towards the City's Residential Tree Program to cover the cost of purchasing and installation of five (5) trees in the vicinity of the project, in accordance with the provisions of Section 14-499 Required Improvements of the Subdivision Ordinance. The landscaping contribution shall be provided prior to issuance of a building permit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 10-79900017 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of Article V, Site Plan Ordinance.
4. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
6. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
7. The subdivision approval is valid for three (3) years.
8. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in

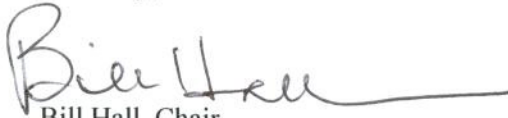
AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

9. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
12. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact **Shukria Wiar** at (756-8083 or shukriaw@portlandmaine.gov)

Sincerely,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services

David Margolis-Pineo, Deputy City Engineer
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

PLANNING BOARD REPORT PORTLAND, MAINE

Residential Three Unit Subdivision 62 Cumberland Avenue Site Plan and Subdivision Review Eco Capital, LLC, Applicant

Planning Board Report# 27-10

Submitted to: Portland Planning Board Public Hearing Date: August 6, 2010	Prepared by: Shukria Wiar, Planner Date: August 10, 2010
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I. INTRODUCTION

The applicant, Eco Capital LLC, has requested site plan and subdivision approval for the proposal to construct a three unit, three story plus basement condominium building on a vacant lot on the south side of Cumberland Avenue. Eco Capital is constructing the building with an owner-occupied unit and two residential condominium units.

The proposal is being reviewed as a site plan with the small residential lot design standards of the R-6 Zone and as a three unit subdivision.

A total of 89 local area property owners and interested citizens were sent notices of this Hearing and a notice also appeared in the August 2 and 3, 2010 edition of the *Portland Press Herald*.

Applicant	Paul Ledman of Eco Capital, LLC
Consultant	Jim Fisher and Lee Allen of Northeast Civil Solutions

II. PROJECT DATA

Existing Zoning:	R-6, small residential lot
Proposed Use:	Residential (currently vacant)
Parcel Size:	5171 sq ft
Proposed Total Building Floor Area:	3974 sq ft
Proposed Building Footprint:	1826 sq ft
Living floor area (3 floors):	5478 sq ft
Impervious Surface Ratio:	66%
Proposed Residential Units:	3
Proposed Parking Spaces:	4
Proposed Bicycle Parking Spaces:	2
Uses in Vicinity:	Residential

III. EXISTING CONDITIONS

The site is an open grassed vacant lot surrounded by 3 and 4 story residential buildings on a steeply sloped section of Cumberland Avenue near the intersection with Sheridan Street. It is set into the hill backing onto residential lots that front on Congress Street. Photographs are included in [Attachment B-6](#).

There is a panoramic view of the downtown Peninsula from the Cumberland Avenue sidewalk. The site abuts a vacant lot on the east and a two - family home on the west.



IV. PROPOSED DEVELOPMENT

The proposed development comprises a four-story flat roofed new building totaling 7,304 sq ft with a footprint of 1,826 sq ft (approx 29 ft by 68 ft). It ranges between 28 and 37 feet in absolute height from the ground to the roof line, with the average height of 32 feet per the zoning definition of height. The building has been designed as a contemporary interpretation of the triple decker buildings found in the vicinity (photos of nearby triple deckers are included in [Attachment B-6](#)).

A 3-car garage is located at the basement level, with three horizontal units above and a roof deck. Design features include three stacked windows and three stacked balconies on the front facade, with materials including polymer shingles, woodgrain vinyl clapboard and cement fiber boards on the front, and two (2) sizes of woodgrain vinyl clapboards on the two sides and the rear elevation. There will be a cement fiber boards around the base of the building.

V. PUBLIC COMMENT AND WORKSHOP SUMMARY

There were no comments in from abutters or the general public.

VI. STAFF REVIEW

The applicant submitted revised proposals on June 28, 2010 which included minor revisions to address areas of concern expressed by the development review staff ([Attachments 1-5](#)).

A. ZONING ASSESSMENT

The Zoning Administrator, Marge Schmuckal, has confirmed that the lot meets the definition of a small lot and may apply the small lot standards of the R-6 zone. The project is subject to subdivision review. The applicant has submitted a warranty deed that traces the ownership of the property back to September 30, 1985 showing that the property has been a separate lot since January 1, 2005 and not carved off from an adjoining lot. This verifies that the lot meets the definition for Small Residential Lot Development. There is an encroachment of an abutter's building onto this parcel. The applicant had stated in a cover letter dated June 28, 2010 that an outsale is proposed to rectify this encroachment as shown on the survey plan, [Attachment 1](#). According to the Zoning staff, the plans show that the R-6 Small Residential Lot

Development Standards will be met whether the proposed outsale of the rear portion of the property happens or not.

B. SUBDIVISION STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance and applicable regulations. A draft Subdivision plat has been submitted (Attachment C-3). Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

The proposal does not result in any pollution and soil erosion has been addressed by proposed erosion control details. The City's Engineering Reviewer has reviewed the plans and has no comments on the revisions but adds that the building sewers and drains shall be connected to the amine sanitary sewer lines by the use of wyes, tee-wyes, and saddles. Please see Attachment 2 for the detailed memorandum.

- 2/3. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The applicant has submitted a letter dated June 30, 2010 (Attachment A-5) confirming that sufficient water is available to serve this project.

4. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The applicant is proposing three garages in the basement and a surface parking lot at the end of the drive for the residential units. The Zoning Ordinance requires one parking space per unit on the Portland Peninsula, therefore only three parking spaces are required for this project. The garages and the surface parking space is accessed via a fifteen (15') feet driveway. There is no turn-around being proposed, thus the vehicles will be backing out on Cumberland Avenue. Tom Errico, Consultant Traffic Engineer, has reviewed the site plan by Northeast Civil Solutions and finds the project to be acceptable. While it is preferred that vehicles do not back onto Cumberland Avenue, Mr. Errico does not believe it will create a safety problem. Mr. Errico states in his memorandum dated 08.03.2010 (Attachment 3), "that the development could be modified to eliminate the exterior parking space, thus providing one parking space per unit, thereby allocating space for on-site circulation".

Please note that Mr. Errico's suggestion for the elimination of the one surface parking space is not included as a proposed condition of approval in the proposed motion and would need to be added based upon the Planning Board's review and discussion.

Section 14-526 (a)(2)(a) of the Subdivision standards require that for residential structures that there be two (2) bicycle parking spaces be provided for every five (5) parking spaces. Therefore, for this project, two bike racks are required.

A potential condition of approval:

The applicant shall submit a final site plans that displays the location of the bicycle racks and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit.

5. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7) and any other public or municipal utilities

Dan Goyette, Consulting Engineer with Woodard & Curran, has been asked to review the site plan

application for the proposed three-story building located at 62 Cumberland Avenue. The project includes the construction of a three-unit townhouse with a parking garage, and associated stormwater treatment measures. Currently, stormwater sheet flows through the property to the west and is collected in a closed drainage system approximately 30' southwest of the property on Cumberland Avenue. Construction of the building, parking, and walkway will create approximately 3,500 sq ft of impervious area and thus stormwater peak flows will increase. Due to the size of the parcel, any kind of aboveground stormwater treatment is impossible. Therefore, the applicant is proposing an underground detention system with under-drained soil filter to treat the runoff from the developed site. All of the stormwater will be directed to the underground system and eventually drain to the City storm sewer. Mr. Goyette has commented that the revised plans now are acceptable.

The applicant has submitted a maintenance plan for the stormwater system as part of their stormwater report (see pages 4 and 5 of the Attachment A-6 for a detailed plan). The owner will be responsible for the maintenance of the stormwater infrastructure. Records of all annually inspections maintenance work and certification must be submitted to the Department of Public Service.

A wastewater capacity letter has been submitted and is included in Attachment A-4. The applicant has submitted wastewater flow calculations and Public Services have issued a letter stating there is adequate sewer capacity for this project.

Section 14-499 (h) of the Subdivision standards states:

All utility lines shall be placed underground unless otherwise approved by the Planning Board.

The applicant is asking for a waiver of this standard as requested in the cover letter dated July, 29, 2010, to have electricity to run overhead. The applicant states that the proposed building is within 20' of an existing utility pole.

6. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

This subdivision standard requires that the proposal:

“Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.”

The proposal site is not within an historic district and is in an urban neighborhood surrounded by a variety of residential building types.

The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline.

Street Trees

The applicant is proposing to plant one street tree in front of the proposed building at this time. According to Jeff Tarling, City Arborist, there is space for an additional tree within the sidewalk area. Mr Tarling requests that there be foundation or other residential landscape treatment for the building. The applicant stated in a cover letter dated July 29, 2010 that ‘the area along the frontage of the property only allows for placing one tree between the existing tree and the proposed driveway. The front retaining walls are proposed as planters and t\other landscaping will be completed as the terrain allow”. A landscaping plan has not been submitted. A potential condition of approval:

That the applicant shall submit a Landscaping Plan, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, to an additional street tree and to improve the foundation and planters planting to meet City Standards for adequate buffering.

Since the applicant is proposing one street tree and there is one tree is existing. The applicant has confirmed that they will contribute to the street tree fund in respect of the other five required street trees (Attachment B-1). The contribution money will be used to plant all the street trees within the vicinity of the project area; we understand that Mr. Tarling is in agreement with a financial contribution to the Portland Tree Fund. The final amount of contribution to the fund will depend on the number of trees being proposed as part of the subdivision plan. As currently proposed with one street tree, the applicant will need to make a contribution of \$1000 for the five street trees instead of the required six trees. A potential condition of approval:

That the developer shall contribute \$1000 towards the City's Residential Tree Program to cover the cost of purchasing and installation of five (5) trees in the vicinity of the project, in accordance with the provisions of Section 14-499 Required Improvements of the Subdivision Ordinance. The landscaping contribution shall be provided prior to issuance of a building permit.

7. Comprehensive Plan (Section 14-497 (a) 9)

This subdivision standard requires that the proposal:

"(9) Is in conformance with the land development plan or its successor;"

A summary of the applicable references within Comprehensive Plan, prepared by Planning Staff, is outlined below.

Housing

Broader goals of the City's Housing policies include "*Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services and public amenities*" and to "*strive for innovation and creativity in the areas of urban design, expenditure of its financial resources, and the use and reuse of land and buildings to ensure that residential development fits within Portland's unique living environment*". Detailed policies include several policies of relevance:

Policy #1: **Ensure an Adequate and Diverse Supply of Housing for All**

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Objectives related to this policy refer to "*ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied, including but not limited to....higher density housing, such as row house, small lots....*" (1a); "*Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation*" (1c).

Policy #3: **Neighborhood Stability and Integrity**

Maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Objectives related to this policy include: "Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each

individual residential neighborhood” (3c).

Policy #5: **Portland’s Future: Sustainable Development**

Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services and public amenities.”

This policy includes objectives to “*Maximize development where public infrastructure and amenities, such as school, parks, public/alternative transportation, sewer lines and roads exist or may be expanded at minimal costs...encourage infill development on vacant lots along accepted city streets*” (5b); and “*Design housing using new technologies and materials that reduce costs and increase energy efficiency*” (5f)

8. Financial Capability (Section 14-497 (a) 10)

A letter of support from RBC Wealth Management dated July 30, 2010 has been submitted (Attachment ##)

9. Shoreland Impact (Section 14-497 (a) 11) and Flood Hazard (Section 14-497 (a) 13) and 10. Groundwater (Section 14-497 (a) 12), Wetlands (Section 14-497 (a) 14) and Streams (Section 14-497 (a) 15)

The proposal does not affect these features.

C. **SITE PLAN STANDARDS**

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

1. Traffic (Section 14-526 (a) 1), Vehicle and Bicycle Parking (Section 14-526 (a) 2a, b and c), and Bayside B-7 Transportation Demand Management (Section 14-526 (a) 30)

See **Subdivision Review**, Traffic (Section VI B 4).

2. Bulk, Location, Health, Safety Air (Section 14-526 (a) 3) and Bulk, Location, Height of Proposed Buildings (Section 14-526 (a) 4); Bulk, Location, Health, Safety Air and Height of Proposed Buildings

The proposed development comprises a four-story flat roofed new building totaling 7,304 sq ft with a footprint of 1,826 sq ft (approx 29 ft by 68 ft). The proposed building footprint is similar in size to many in the vicinity; this building is in conformance to the surrounding buildings, which are generally more linear in shape. The mass of the proposed building is indicated in the submitted street elevation (Attachment B-6 and C-11).

The actual height of the proposed building from the average grade is 32 feet. There are no roof appurtenances being proposed with this project; there is a roof deck being proposed for the top residential unit. The building has been designed as a traditional interpretation of the triple decker buildings found in the vicinity.

A three (3)-car garage is located at the basement level, with three horizontal units above and a roof deck. Design features include three stacked windows and three stacked balconies on the front facade, with materials including polymer shingles, woodgrain vinyl clapboard and cement fiber boards on the front,

and two (2) sizes of woodgrain vinyl clapboards on the two sides and the rear elevation. There will be a cement fiber boards around the base of the building.

The Site Plan standards state:

(3) The bulk, location or height of proposed buildings and structures and the proposed uses thereof will not cause health or safety problems as to existing uses in the neighborhood, including without limitation health or safety problems resulting from any substantial reduction in light and air, any significant wind impact, and any significant snow loading on any neighboring structure, where setbacks from property lines are not required by article III;

(4) The bulk, location or height of proposed buildings and structure minimizes, to the extent feasible, any Substantial diminution in the value or utility to neighboring structures under different ownership and not Subject to a legal servitude in favor of the site being developed;

The separation between the existing building on the west side of the property and the proposed building is approximately fifteen (15') feet. These two homes will be separated by a driveway and a three (3) foot retaining wall. The property on the east of proposed building is currently vacant and there is a side setback of approximately 8 feet. The abutting building to the rear of the parcel is encroaching onto this lot; the separation is approximately 13' from the deck to the abutting house.

The portion of the upper level on the proposed building is stepped back from the front façade and sits approximately 12' back. This level also has a roof deck.

The Board will need to consider whether the bulk and height of the proposed building results in substantial reduction of light and air and whether the impacts on value and utility have been minimized to the extent feasible. The property on the east of the property is vacant and the on the west is a two-family house.

3. Sewers, Storm drains, Water (Section 14-526 (a) 5), Soils and Drainage (Section 14-526 (a) 8), and Consistent with City Infrastructure (Section 14-526 (a) 11)

See **Subdivision Review** above, 5: Adequate Sanitary Sewer and Stormwater Disposal.

4. Landscaping and Buffering (Section 14-526 (a) 6) and Minimizes Disturbance or Destruction of Existing Vegetation (Section 14-526 (a) 7)

See **Subdivision Review**, Landscaping (Para. VI B 6)

5. Exterior Lighting (Section 14-526 (a) 9)

An exterior light in the recessed entrance area has been recommended by the Design Review staff; a lighting plan has not been submitted. A potential condition of approval:

That the developer shall submit a lighting plan of any proposed exterior lighting for review and approval by the Planning Authority prior to issuance of a building permit.

6. Fire and Emergency Access (Section 14-526 (a) 10)

The Fire Department has approved this project (Attachment 7).

D. DESIGN STANDARDS IN THE SITE PLAN ORDINANCE

1. Multi-family and Other Housing Types Design Standard (Section 14-526 (a) 15)

This standard includes the requirement:

b) The exterior design of the proposed special needs independent living unit, bed and breakfast or multiple-family structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, corner board and trim details, and façade 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;

This requirement is included within Standard 14-526 (28) and the R6 Design Principles and Guidelines (reviewed below at Para D3). Staff considers that this standard has been met.

2. Design Standards for R-6 Small Residential Lot Development (Section 14-526 (a) 28)

This standard state:

Small residential lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R6 infill development principles and standards, promulgated by the planning board and contained in the planning and development design manual. Any proposal required to obtain a certificate of appropriateness under Portland's historic preservation ordinance is exempt from the R-6 design review standards.

Principle A: Overall Context and Principle C: Orientation to the Street

The overall context principle addresses scale and form, composition of principal facades and relationship to the street.

Additional information is requested on the surrounding area in order to evaluate the neighborhood context with the proposed building. The staff notes that the first level of the residential building has no openings, except for the recessed front door and three solid garage doors. The façade along Cumberland Avenue is blank along the pedestrian level along the street. The staff encourages the applicant to explore ways to respect the rhythm, spacing and character defining architectural features for the front façade.

Options might include bringing the front door within 2 feet of the front façade and adding an exterior light in the recessed entry. The design standards encourage an emphasis and articulation of the main entrance. Other opportunities for fenestration could address the front and northeast facades. The staff requests that you provide additional information on the treatment of the front façade and the building's orientation to Cumberland Avenue, including a landscaping plan for the site.

Principle B and D: Proportion and Scale

Standards D-1 and D-2 refer to the windows and fenestration of the building. The upper floors of the building appear to have appropriate fenestration, although some of the windows appear square rather than rectangular. There are several different window types, so the applicant may want to consider simplifying the arrangement with two window types. It is the first level of the building that has limited openings and solid garage doors, which the staff feels requires additional articulation.

We therefore offer the following potential condition of approval if the Board believes it necessary to meet the Design Standards:

The location and design of the main entry create a more prominent and positive street entrance, through relocation of the front entry under the windows or other equivalent modification. The applicant shall also address the fenestration on the first level of living area for review and approval by the Planning Authority.

VII. MOTIONS FOR THE BOARD TO CONSIDER

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 # 27-10 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

- i. The Planning Board **waives / does not waive** the requirement of Section 14-499 (h) of the Zoning Ordinance for all utilities to be underground, to allow the electricity line to be overhead as shown on the Site and Subdivision Plan (Attachment C-3 to Report # 27-10).

SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 27-10, relevant to the Site Plan Ordinance and other 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:

Potential Conditions of Approval:

- i. That the final recording subdivision plat will be completed to the satisfaction of the Associate Corporation Counsel and include a listing of any conditions imposed by the Planning Board, and will submitted for the Planning Board's Signature; and
- ii. That the applicant shall submit a revised Landscaping Plan, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, to improve the foundation and planters planting to meet City Standards for adequate buffering; and
- iii. That the developer shall contribute \$1000 towards the City's Residential Tree Program to cover the cost of purchasing and installation of five (5) trees in the vicinity of the project, in accordance with the provisions of Section 14-499 Required Improvements of the Subdivision Ordinance. The landscaping contribution shall be provided prior to issuance of a building permit.

SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 27-10, relevant to the Site Plan Ordinance and other 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:

Potential Conditions of Approval:

- i. That the applicant shall submit a final site plans that displays the location of the bicycle racks and

shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit; and

- ii. That the applicant shall submit a revised Landscaping Plan, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, to an additional street tree and to improve the foundation and planters planting to meet City Standards for adequate buffering; and
- iii. That the location and design of the main entry create a more prominent and positive street entrance, through relocation of the front entry under the windows or other equivalent modification. The applicant shall also address the fenestration on the first level of living area for review and approval by the Planning Authority; and
- iv. That the developer shall submit a lighting plan of any proposed exterior lighting for review and approval by the Planning Authority prior to issuance of a building permit.

Attachments:

Planning Board Report Attachments

1. Memorandum, Ann Machado (on behalf of Marge Schmuckal), 08.03.2010
2. Memorandum, David Margolis-Pineo, 08.04.2010
3. Memorandum, Tom Errico, 08.03.2010
4. Memorandum, Jeff Tarling, 07.22.2010
5. Memorandum, Keith Gautreau, 07.23.2010
6. R-6 Infill Development Design Principles and Standards

Application Submittal

Attachment A: Excerpts of Revised Material, 06.04.2010

- A-1 Cover Memorandum from Applicant
- A-2 Warranty Deed
- A-3 Financial Capacity Letter, 07.30.2010
- A-4 Wastewater Capacity Letter, 07.07.2010
- A-5 Portland Water District, 06.30.2010
- A-6 Stormwater Management Report, June 2010

Attachment B: Excerpts of Revised Material, 07.29.2010

- B-1 Cover Memorandum from Applicant addressing staff comments
- B-2 Technical Capacity Letter
- B-3 Auto Turn template
- B-4 Warranty Deed
- B-5 Photographs of Site and Surrounding Neighborhood
- B-6 Color Rendering of the Building

Attachment C: Site Plan and Subdivision Plan

- C-1 Cover/Index/Vicinity
- C-2 Boundary Survey
- C-3 Site/Subdivision Plan
- C-4 Grading, Drainage and Erosion and Sedimentation Control Plan
- C-5 Erosion and Sedimentation Control Notes and Details
- C-6 Construction Details- Sheet 1

- C-7 Construction Details- Sheet 2
- C-8 Construction Details- Sheet 3
- C-8 Pre-Development Drainage Area Plan
- C-9 Post-Development Drainage Area Plan
- C-10 A-1.1 Floor Plans
- C-11 A- 12.1 Renderings of the Proposed Building