



Jeff Levine, AICP  
Director, Planning & Urban Development Department

April 29, 2016

Liv Chase  
Sunny Time Solar LLC  
Investment Core LLC etal  
P.O. Box 15372  
Portland, ME 04112  
Re: 49 Hancock, Falcon (Project Name),  
Investment Core LLC etal, Applicant/Owner

Dear Liv Chase:

You have submitted an application for site plan approval for a proposed project at 49 Hancock Street. In connection with your application, questions have arisen relating both to the level of site plan review and the applicable zoning. I write now to clarify.

First, and with respect to the level of site plan review, under the City's Site Plan Ordinance, the Planning Authority may grant administrative authorization to exempt a development proposal from complete or partial site plan review when it meets 11 criteria (Section 14-523 c). The criteria are as follows:

1. The proposed development will be located within existing structures, and there will be no new buildings, external demolitions, or building additions other than those permitted by subsection 2 of this subsection;
2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;
3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;
4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the Public Works Authority, with granite curb with at least four-inch reveal, and sidewalks are in good repair with uniform material and level

surface and meet accessibility requirements of the Americans with Disabilities Act;

5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;
6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;
7. There are no evident deficiencies in existing screening from adjoining properties;
8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the proposed right-of-way;
9. There are no current zoning violations;
10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and
11. There are no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.

The application you submitted for an administrative authorization (#2016-090) states the following as the project description on the application:

*Demolish existing rear portion of building and replace with a new building addition.*

The application and the plans show the demolition of the existing rear portion of the building and a new addition that is 497 square feet larger than the existing building extension. The total building footprint of the new addition appears to be 1,178 square feet. The site plan shows two curb cuts to be retained on the site. There is no information on stormwater management for the proposal.

Thus, the proposal does not meet criteria 1, 2 and 3 for administrative authorization. The application for that level of review is therefore denied as this proposal triggers a Level II site plan review under Portland's Site Plan Ordinance.

With respect to the applicable zoning requirements: As you know, this property is located within the India Street Form-Based Code zone. Because you submitted your site plan on April 19, 2016, well after the Council adopted that zone, it is subject to the new zoning and will be reviewed under the Form-Based Code. I understand that at one point you submitted a building permit application for a similar project and that you sought a determination on that plan from the Zoning Board of Appeals. The ZBA considered your request for approval to build an accessory structure, based upon the plans and elevations submitted and the interpretation appeal was denied

on March 19,2015. An administrative authorization application (#2015-014) had been submitted along with the building permit and the administrative authorization application was denied after the Board's decision. This application is an entirely distinct application (building permit v. site plan approval) it does not render your April 19, 2016 site plan application "pending" at the time the Council adopted the FBC. Thus, the IS-FBC applies and the proposal will be reviewed under those zoning provisions. Please also note that, if the addition exceeds the footprint of the existing building or 50,000 square feet total, then a Level III Site Plan Application is required.

I know that you were hoping that this plan would be exempt from site plan review, but the project is not eligible for an exemption. We look forward to receiving the appropriate site plan application for review.

Sincerely,

A handwritten signature in black ink that reads "Barbara Barhydt". The signature is written in a cursive, slightly slanted style.

Barbara Barhydt  
Development Review Services Manager

Cc: Jeff Levine, Director, Department of Planning and Urban Development  
Stuart O'Brien, Planning Director  
Ann Machado, Zoning Administrator  
Caitlin Cameron, Urban Designer  
Jennifer Thompson, Associate Corporation Counsel