

64-F-20

190 Vauvey St.

Florence House

Avesta Florence House



Site Plan Application

Department of Planning and Development
Portland Planning Board

Tab 1

<p>Address of Proposed Development: 190 Valley Street Zone: Conditional Zone</p> <p>Project Name: Florence House</p>		<p>Existing Building Size: 4,860 sq. ft.</p> <p>Existing Acreage of Site: 24,968 sq. ft.</p>	
<p>Proposed Building Size: 31,249 sq. ft.</p> <p>Proposed Acreage of Site: 24,968 sq. ft.</p>		<p>Tax Assessor's Chart, Block & Lot: Chart# 64 Block # F Lot# 20 Chart# 68 Block # A Lot# 11</p> <p>Property Owners Mailing address: C&D Associates 195 Rear St. John Street Portland, Maine 04102</p>	
<p>Telephone #: 207.772.5372 Cell Phone #:</p>		<p>Applicant's Name/Mailing Address: AVESTA Florence House, LP and Florence House Housing Corp. and Florence House Condominium Assoc. c/o AVESTA Housing 307 Cumberland Avenue Portland, Maine 04101</p> <p>Contact: John Mitchell or Betsy Melrose Telephone #: 207.774.4427 Cell Phone #: 207.831.2091</p>	
<p>Telephone #: 207.553.7780 x.228 Cell Phone #:</p>		<p>Applicant's Name/Mailing Address: AVESTA Florence House, LP and Florence House Housing Corp. and Florence House Condominium Assoc. c/o AVESTA Housing 307 Cumberland Avenue Portland, Maine 04101</p> <p>Contact: Deb Keller Telephone #: 207.774.4427 Cell Phone #: 207.831.2091</p>	

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking lot

Subdivision (\$500.00) + amount of lots 25 (\$25.00 per lot) \$625.00 + major site plan fee if applicable

Site Location of Development (\$3,000.00)

(except for residential projects which shall be \$200.00 per lot)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

After-the-Fact Review (\$1,000.00 + applicable application fee)

~Please see next page ~

From: susannah harden <sharden@hotmail.com>
To: <f@portlandmaine.gov>
Date: 10/23/2007 2:45:00 PM
Subject: Florence House public hearing

Hi Jean,

I wanted to share a little about my thoughts on the Florence St houses I will not be able to attend the public hearing this evening.

I am a local home owner on the west end, single mom of two young children, social worker. We live very near to a Shalom house. I would be proud to have Florence St as a part of our community. What better choice can a community make than to provide safe housing for our homeless? I do not know what the aversion is to having the residence on Valley St. but in my 14 years of residing in Portland on the peninsula, in varied neighborhoods fear or disturbances I have encountered have never been a result of this population. Providing a home to homeless women will provide safety and stability to a population whose day to day decisions have been about next meals and a safe place to sleep. This residence can provide opportunities for homeless women to take care of themselves and eventually participate in the community due to no longer having to live in survival mode. Community to me is about continuing to make choices that involve and support all our members despite their situations. Helping chronically homeless women only enriches and benefits Portland.

Thank you for your time,
Susannah Harden

http://club.live.com/star_shuffle.aspx?icid=starshuffle_wmailtoxtlink_oct
Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.

From: susannah harnden <sharnden@hotmail.com>
To: <fr@portlandmaine.gov>
Date: 10/23/2007 2:45:00 PM
Subject: Florence House public hearing

Hi Jean,

I wanted to share a little about my thoughts on the Florence St houses I will not be able to attend the public hearing this evening.

I am a local home owner on the west end, single mom of two young children, social worker. We live very near to a Shalom house. I would be proud to have Florence St as a part of our community. What better choice can a community make than to provide safe housing for our homeless? I do not know what the aversion is to having the residence on Valley St. but in my 14 years of residing in Portland on the peninsula, in varied neighborhoods fear or disturbances I have encountered have never been a result of this population. Providing a home to homeless women will provide safety and stability to a population whose day to day decisions have been about next meals and a safe place to sleep. This residence can provide opportunities for homeless women to take care of themselves and eventually participate in the community due to no longer having to live in survival mode. Community to me is about continuing to make choices that involve and support all our members despite their situations. Helping chronically homeless women only enriches and benefits Portland.

Thank you for your time,
Susannah Harnden

http://club.live.com/star_shuffle.aspx?icid=starshuffle_wmailtoextlink_oct
Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
APPENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. Conditions Removed:

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. Final Motion 3 (as revised):

[see next page]

3. [as revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire island (in the pull-off right-of-way) to match the sidewalk in the event the planted portion becomes unsightly.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
APPENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. Conditions Removed:

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. Final Motion 3 (as revised):
[see next page]

3. [as revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire island (in the pull-off right-of-way) to match the sidewalk in the event the planted portion becomes unsightly.

To: Michael Patterson, Chair and
Members of the Portland Planning Board
From: Robert Moldaver and Jeanne Handy
Re: Florence House hearing of October 23, 2007

Dear Planning Board Members,

We would like to again show our support for Florence House and the diligent work of Avesta Housing.

We know that this part of your process is more about clarifications of the site plan, building materials and changes to items like landscaping, appearance, lighting, and concerns about the experience of pedestrians.

We are sure that you will find the responses by Avesta and its partners to be thoughtful and professional. We hope that you will be able to continue to have swift support of the Florence House project overall as it moves forward.

As we have stated in previous letters to you, we see the vital needs in our community and look forward to the positive impacts that Florence House, and the fine staff from Preble Street, will bring to our neighborhood. The residents who will come to Florence House will be starting on a new path to better lives. They will take hold of opportunities that many of us take for granted and the result will be a powerful transformation that will lead them to want to give back to the neighborhood in positive, long lasting ways.

We are ready to welcome Florence House, especially with such thoughtful and effective development and management of this residential housing.

Thank you for your time.

Sincerely,

Robert Moldaver and Jeanne Handy
189 St. John St.
Portland, ME 04102

From: susannah harnden <sharnden@hotmail.com>
To: <jf@portlandmaine.gov>
Date: 10/23/2007 2:45:00 PM
Subject: Florence House public hearing

Hi Jean,

I wanted to share a little about my thoughts on the Florence St houses I will not be able to attend the public hearing this evening.

I am a local home owner on the west end, single mom of two young children, social worker. We live very near to a Shalom house. I would be proud to have Florence St as a part of our community. What better choice can a community make than to provide safe housing for our homeless? I do not know what the aversion is to having the residence on Valley St, but in my 14 years of residing in Portland on the peninsula, in varied neighborhoods fear or disturbances I have encountered have never been a result of this population. Providing a home to homeless women will provide safety and stability to a population whose day to day decisions have been about next meals and a safe place to sleep. This residence can provide opportunities for homeless women to take care of themselves and eventually participate in the community due to no longer having to live in survival mode. Community to me is about continuing to make choices that involve and support all our members despite their situations. Helping chronically homeless women only enriches and benefits Portland.

Thank you for your time,
Susannah Harnden

http://club.live.com/star_shuffle.aspx?cid=starsshuffle_wmailtoxtlink_oct
Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
ADDENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. Conditions Removed:

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. Final Motion 3 (as revised):
[see next page]

3. [as revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire island (in the pull-off right-of-way) to match the sidewalk in the event the planted portion becomes unsightly.

Materials submitted
Thurs Oct 4th 2007.

Cladding: Manganese 46 Siding
Made by Certainteed
"Bucreskin"

Tinted glass: Sun-Guard LE Series
Made by Guardian
Sun-Guard LE-63 on green 1/4" (6mm)
double glazed w/ 1/2" gap

Refrigerator: "Old Fort Blend"
10% BL, 10% Crossed
Morris Ratic Company

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
ADDENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. **Conditions Removed:**

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. **Final Motion 3 (as revised):** [see next page]

3. [as revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire island (in the pull-off right-of-way) to match the sidewalk in the event the planted portion becomes unsightly.

Oct 23, 2007
PB Hearing

Herence House Site Plan

(stated 8pm; Reb Keller + Becky met here)

① outlined beam of review + etto 3 proposed
orders to remove.

② Becky outlined site plan issues + what done.

- dumpster

- paint retaining wall new brick (nearest bldg)

- 4 ft. fence

- light repairs

- security cameras location - min. appearance

- safety fencing

Becky - re change from last week

- glazing of picture doors

- lighting / framing -
treat as picture course
of brick do not too low
aligns texture + shadow
line

- framing of windows + doors

- reviewed the 4 perspectives

- retd design of balcony/windows

etc. to treat 1st floor diff from upper 2 floors

Comments by Beard

Chair: retd Parkside Community design
their windows are integrated

MS Warren

No Shers.

- ref. perspective which doesn't show entire building; tree will mitigate a lot of blank wall - how can be mitigated by extending brick at 1st floor level to help break up bulk

early comment thought

MS. Heald - 213 St. John Street

Public Comment

- Regenerated blocks - ? and in nature; product? better?
 hydrangea may not work
- Better explained landscaping; art. is concrete which may be worse

Also a condition re round levels being contained w/in city strd and mitigated as far as poss.

add condition

Site Plan
Review
Condition

- MP = concerns re window styles / window design
- appears rest of Bld. comparable
- biggest concern is work w/
 Carrie to terrace

DeKellen - hand docs. re costs

Revey re msithead's proposition -

turning back change positions as
maybe raise to below minimum

alternance women's bathroom - could have

usmduus. were trying to respect

privacy of neighbors.

MF - why not foster usmduus

to break up wall or along ~~with~~ floor lines

Shalom agrees w/ Michael - no big wall.
eendit

Centr

①

Walk in usmduus - Carrie decide

②

Narva

③

Reer high wall needs usmduus + parma/briek

effort extent Hoy can

Q1

q. That appl. canh. to use in LLD better align... + to mitigate the blank

CO. II. LLD review + approval

11. That appl. will ... noise ... NAT. etc.

Shoban commented
Janice T commented
MP commented.

S-O +
Lessons
Sub-reward

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
ADDENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. Conditions Removed:

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. Final Motion 3 (as revised):
[see next page]

3. [has revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire the planted portion becomes (of-way) to match the sidewalk in the event the planted portion becomes unsightly.

① That the applicant continue to work w/ Urban Designer to refine the architecture to better align the windows to create a more unified design. *to mitigate St. John St. Residential w/ blank wall facing street*

② That the applicant shall provide *St. John St. Residential w/ blank wall facing street* approval screening design + materials for the rooftop appurtenances

③ That the applicant shall meet the noise levels of the City code and shall mitigate violations thereof.

Florence House Site Plan & Subdivision Review - HEARING Oct 23, 07
Staff Presentation

1. This project is seeking final Site Plan and Subdivision Review and relates to an approved Conditional Zoning Agreement (registered version is in Attachment 1)

2. The project has been reviewed in relation to:-

- Subdivision Ordinance requirements
- Site Plan Review Criteria 1-10, 15 and 27
- Conditional Zone Agreement

3. The applicant has submitted all the document in Submission B to address the issues that arose at the Workshop and to meet the requirements for the Management Plan, Neighborhood Meeting and submission of condominium documents.

4. There are 8 Conditions:

- 1 relates to the Management Plan
(3 have been corrected for error in Address # 1 - can see details later)
- 2 have been included to specify contributions towards the Valley Street traffic calming and to address the abutters concerns as to the impact on the Silver maple tree in the rear yard of 215 St John Street
- 4 relate to outstanding information regarding the design, materials and specification of building elements
- 1 relates to the future appearance of the island in the right-of-way

5. The applicant has provided additional information regarding the appearance of the building and the site as viewed from neighbors and passers by.

6. Board is recommended to give further consideration to the proposals in terms of their compliance with design criteria, as highlighted in the Memo from Carrie Marsh in Attachment 3h.

Street trees

Bumpster - Street trees

① ok 3 items identified

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on: October 23rd, 2007
Prepared for: October 23rd, 2007 Planning Board Hearing

Re: Florence House, vicinity of 190 Valley Street
ADDENDUM #1

1. Staff recommend the omission of three of the potential conditions with respect to the SITE PLAN Review included in the Hearing Report #47-07; the requirements of these conditions have been met by the applicant through updated or clarified information.

2. **Conditions Removed:**

The following conditions as set out and numbered in PBR#47-07 have been removed in full:

Condition vii: Re location of tinted windows: this plan has been submitted and shows tinted glazing on the large window overlooking the parking lot, the large window facing but set back from Valley Street at the main entrance, and the inner doors of the vestibule.

Condition ix: Re lighting trespass near neighbors: the updated photometric has been submitted, which takes account of the 4 foot high fence, and shows that there is no trespass along the boundary with residential abutters.

Condition xi: Re details for the handicapped ramps: the reviewers' comments related to a detail for a different location and the submitted detail for the loading ramp location is correct and the condition is not required.

3. **Final Motion 3 (as revised):** [see next page]

3. [as revised] That the plan is/is not in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

- i. That the applicant shall make a \$5,000 contribution to the City prior to the issuance of a building permit towards the implementation of traffic calming improvements on Valley Street between Congress Street and Commercial Street; and
- ii. That the applicant shall ensure that the approved Management Plan contained in this Report is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that Plan; and
- iii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Certificate of Occupancy, the location, size and design details of all signage; and
- iv. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the details, size, specifications and materials of the trim boards, window trim and cornice (which should be dimensional stock), awnings and segmental blocks; and
- v. That the applicant should adhere to the arboricultural practices shown on the submitted letters, plans and details and those outlined in the comments from the City Arborist of 10.18.2007 to protect the large Silver Maple tree in the rear yard of 213 St John Street. If during the first 2 years from Certificate of Occupancy this tree becomes unstable due to root loss or other construction damage related to the project, the applicant shall be responsible for pruning, removal and replacement of the tree if necessary and agreed with the owner. If removal and replacement is necessary, the replacement tree should be of 3 inch caliper of the same species (or other species as agreed with the owner); and
- vi. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, the design and specifications of the screened area that will hide the rooftop mechanicals; and
- vii. That the applicant shall submit for review and approval by the Planning Authority, prior to the issuance of a Building Permit, details, catalog cuts and illumination information regarding the proposed wall-mounted lights on the Valley Street elevation; and
- viii. That the applicant shall brick over the entire island (in the pull-off right-of-way) to match the sidewalk in the event the planted portion becomes unsightly.

+

From: Jean Fraser
To: Melrose, Betsy
Date: 9/8/2008 2:57:55 PM
Subject: Re: Extension for Florence House Site Plan Approval

Hello Betsy,

Please write to the Director of Planning requesting an extension to the site plan approval for Florence House (the subdivision approval runs for 3 years).

The operative ordinance is 14-525 (f) and my reading of that is that you could request an extension for a period of up to 2 years from the date of approval or up to 1 year from the entry of final judgement re the appeal, whichever is the latest.

I am running this e-mail by my colleagues in case they want to add or refine my interpretation.

Jean

<<< "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/5/2008 8:50:50 AM >>>
Hi Jean-

What is the process for getting an extension on the Site Plan approval for Florence House? The project was approved on October 23 and I'm not sure if we will have a substantial start before that date.

Thanks.

Betsy Melrose

Mitchell & Associates

70 Center Street

Portland, Maine 04101

Phone: 207.774.4427

Fax: 207.874.2460

www.mitchellassociates.biz

CC: Barhydt, Barbara; Jaegerman, Alex; Littell, Penny

From: Jean Fraser
To: BMeIrose
Date: 9/12/2008 4:50:01 PM
Subject: Florence House

Hello Betsy,

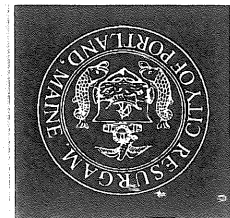
Sorry I missed you; as you saw I was part of an interview team and it was a long morning.

I attach the letter that went out today; needless to say some of it will have been overtaken by your envelope.

Please note that Penny is the Director of Planning and Urban Development; Alex is the Planning Director and would make the determination regarding an extension to the Site Plan approval. I assume she will pass it on to Alex.

Once I have a chance to digest what you have sent in I will get back to you....a brief meeting with Barbara and Bill might be necessary.

Thanks
Jean



Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

September 18, 2008

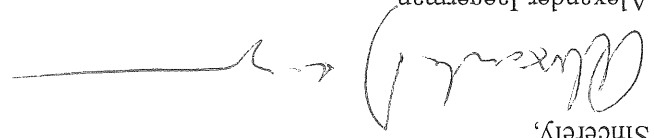
Betsy Melrose
Mitchell & Associates
The Staples School
70 Center Street
Portland ME, 04101

RE: Florence House
CBL: 68-A-11 and 64-F-20
Application ID: Vicinity of 190 Valley Street, Portland
Site Plan/Subdivision #2007-0156

Dear Betsy

Thank you for your recent letter requesting an extension to the Site Plan approval for the Florence House project located at 190 Valley Street. I understand that your request is based on the fact that an appeal regarding the conditional zoning agreement delayed progress on the development. In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your Site Plan approval to July 9, 2009, as based on the provisions of the City's Land Use Ordinance Section 14-525 (f) 2. If you have any questions, please contact Jean Fraser at (207) 874 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barbydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPietro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator

389 Congress Street • Portland, Maine 04101-3509 • Ph (207) 874-8721 or 874-8719 • Fax 756-8258 • TTY 874-8936
389 Congress Street, Portland, Maine 04101-3509 • Ph (207) 874-8721 or 874-8719 • Fax 756-8258 • TTY 874-8936

cc. Avesta Florence House LP; Florence House Housing Corporation (FHHC); Florence House
Condominium Association
C/O Debora Keller
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME. 04101

Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

September 18, 2008

Betsy Melrose
Mitchell & Associates
The Staples School
70 Center Street
Portland ME, 04101

RE: Florence House

**Vicinity of 190 Valley Street, Portland
68-A-11 and 64-F-20**

Site Plan/Subdivision #2007-0156

Application ID:

Dear Betsy

Thank you for your recent letter requesting an extension to the Site Plan approval for the Florence House project located at 190 Valley Street. I understand that your request is based on the fact that an appeal regarding the conditional zoning agreement delayed progress on the development.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your Site Plan approval to July 9, 2009, as based on the provisions of the City's Land Use Ordinance Section 14-525 (f) 2. If you have any questions, please contact Jean Fraser at (207) 874 8728.

Sincerely,

Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner/
Phillip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator

cc. Avesta Florence House LP; Florence House Housing Corporation (FHHC); Florence House Condominium Association
C/O Debora Keller
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME. 04101

Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

September 12, 2008

Ms. Penny St. Louis Littlell
Director of Planning
City of Portland
Planning and Urban Development Department
389 Congress Street, 4th Floor
Portland, Maine 04101

**RE: Florence House
190 Valley Street
Site Plan Approval Extension Request**

Dear Penny:

Mitchell & Associates, on behalf of Avesta Florence House L.P., Florence House Housing Corporation (FHHC) and Florence House Condominium Association, submits the following request for an extension of the Site Plan approval of the Florence House project located at 190 Valley Street.

Florence House was granted Site Plan approval by the Planning Board on October 23, 2007. An appeal regarding the conditional zoning agreement delayed development of the project. The Superior Court upheld the City Council's approval of the conditional zone agreement on July 9, 2008, please see attached decision. We request a one-year extension of the Site Plan approval from the date of the court decision. The approval extension date would be July 9, 2009.

Should you have any questions or require additional information, please feel free to contact me.

Sincerely,
Betsy Melrose
Betsy Melrose
Mitchell & Associates

Enclosure

cc. Deb Keller – Avesta Housing
Cito Selinger - Curtis, Thaxter, Stevens, Broder & Micolleau

RECEIVED
SEP 12 2008
City of Portland
Planning Division

file

Plaintiffs Michael Brenner, Daniel Chase, Tim Ly, Matthew Peters and Alan Prosser (collectively, "Plaintiffs") separately own properties on St. John Street in Portland, Maine. Defendants Avesta Housing Development Corporation, Avesta Florence House LP, Florence House Housing Corporation, Florence House Condominium Association (collectively, "Avesta") propose to construct and operate a project known as "Florence House" on a parcel located at 190 Valley Street in Portland, Maine ("the property"). The property is located between St. John Street and Valley Street within the B-2 Zone (Business-2 Zone). The B-2 Zone contains both residential and commercial properties.

BACKGROUND

Before the Court is an appeal brought pursuant to M.R. Civ. P. 80B by the Plaintiffs seeking judicial review of a decision by the City Council acting on behalf of the Defendant City of Portland to approve the conditional zoning agreement sought by Defendant Avesta Housing Development Corporation.

CITY OF PORTLAND, MAINE,
 AVESTA HOUSING DEVELOPMENT CORP.,
 AVESTA FLORENCE HOUSE LP,
 FLORENCE HOUSE HOUSING CORP., INC., and
 FLORENCE HOUSE CONDOMINIUM ASSOCIATION,
 Defendants

ORDER ON PLAINTIFFS'
 RULE 80B APPEAL

Plaintiffs
 ALAN PROSSER
 TIM Q. LY, MATTHEW PETERS and
 MICHAEL BRENNER, DANIEL CHASE,

RECEIVED

STATE OF MAINE
 Cumberland, ss, Clerk's Office
 SUPERIOR COURT
 JUL 09 2008

SUPERIOR COURT
 CIVIL ACTION
 DOCKET NO. AP-07-50

The property consists of a single lot approximately 25,000 square feet in area. Florence House would consist of three stories and a finished basement and contain approximately 31,272 square feet of floor space.

Florence House is designed to serve the homeless women population of Portland. Within the single structure constituting Florence House are two proposed units each of which would be separately owned. Condominium Unit 1 would consist of the basement and first floor of the building and serve as an emergency homeless shelter with ten beds (the total number of beds can be increased to twenty-five if necessary) and provide fifteen "safe haven" beds. Condominium Unit 2 would consist of the second and third floors and would contain twenty-five (25) single-room occupancy apartments. Florence House, unlike other homeless shelters in Portland, would remain open twenty-four hours a day as a condition of the conditional zoning agreement.

In April 2007, Avesta applied to the Defendant City of Portland (the "City") Planning Board seeking approval of a Conditional Zone Agreement ("CZA") that would allow it to construct Florence House on the property. A CZA was necessary because Florence House could not legally be constructed under the B-2 zoning regulations applicable to the property. The Planning Board held several workshops, which resulted in small changes in Avesta's application. In August 2007, the Planning Board voted to recommend that the City Council accept the CZA. The City Council voted unanimously to adopt the CZA in September 2007. This appeal followed.

DISCUSSION

By statute, municipalities may provide for conditional or contract zoning in their zoning ordinances so long as certain conditions are met:

The test for this Court's review of the City's approval of the CZA is whether "from the evidence before it the city council could have determined that the rezoning was in basic harmony with [the City's Comprehensive Plan]." *Labonta v. City of Waterville*, 528 A.2d 1262, 1265 (Me. 1987) (quoting *Haines v. City*

The Portland Land Use Code also contains provisions relating to conditional zoning. Under Portland Land Use Code sections 14-60 to 14-62, the City Council has the authority to rezone a property if due to "the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan."

30-A M.R.S.A. § 4352(8) (2008). The statute also contains notice and hearing requirements that must be met. *Id.* The growth management program that this statute requires every municipality to have is "a document containing the components described in section 4326, including the implementation program, that is consistent with the goals and guidelines established by subchapter II [entitled "Growth Management Program"];" 30-A M.R.S.A. § 4301(9).

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property.

8. CONDITIONAL AND CONTRACT REZONING. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

(emphasis added). Thus, the sole determination to be made by this Court with *Labonta*, 528 A.2d at 1265 (quoting *Haines v. City of Phoenix*, 727 P.2d at 343)

Faced with the multiple goals of protecting residential neighborhoods and promoting economic opportunity and commercial development... the city council was not required to refrain from permitting any intrusion whatever upon an area previously zoned residential. Rather it had the job of accommodating these multiple goals in a way to advance the overall best interests of the City and its people as defined by the comprehensive plan read as a whole. The test for the courts review of the city council's rezoning action is whether "from the evidence before it the city council could have determined that the rezoning was in basic harmony with the comprehensive plan."

applicant.

does not support the imposition of such a burden on a conditional zoning of the comprehensive plan." Plaintiffs' Rule 80B Brief, page 12. The law simply proposed conditional zoning agreement "is in basic harmony with all provisions The Plaintiffs first argue that Avesta has the burden of showing that its

A. The CZA Is Consistent with the City's Comprehensive Plan

arguments in turn.

The Plaintiffs in the instant case argue that this Court should invalidate the CZA on several grounds: first, because the CZA is not consistent with the City's Comprehensive Plan; second, because the CZA is not consistent with the existing and permitted uses within the original B-2 zone; and, finally, because the CZA constitutes illegal spot zoning. The Court will address each of these

A.2d 1018, 1023; *Adelman v. Town of Baldwin*, 2000 ME 91, ¶ 22, 750 A.2d 577, 585. City's Comprehensive Plan. *City of Old Town v. Dimoulas*, 2002 ME 133, ¶ 18, 803 proving that it is inconsistent with the growth management program, here the (omitted). The party challenging the conditional zoning has the burden of *of Phoenix*, 151 Ariz. 286, 727 P.2d 339, 344 (Ariz. App. 1986)) (internal quotations

respect to the CZA's consistency with the Comprehensive Plan is whether the two are in basic harmony, not absolute harmony.

The CZA contains the following declaration: "the Portland City Council has determined the rezoning and proposed development would provide needed housing in the City for low income individuals as is consistent with the housing component of the Comprehensive Plan, and would not negatively impact the surrounding business and residential community;" Record, page 1420 (hereinafter R. —). The Plaintiffs argue that the City erred in finding that the general goal in the Comprehensive Plan that housing be available for all persons regardless of income means that each neighborhood in the City must itself contain housing for people of all economic strata. In other words, Plaintiffs argue that "[g]eneral goals [in the Comprehensive Plan] provide no rational justification for why this particular piece of property should be rezoned to allow the construction of Florence House;" Plaintiffs' Rule 80B Brief, page 16. Instead, Plaintiffs argue, the City should have read beyond the general goal of providing housing to the more specific sections of the Comprehensive Plan that require that the integrity of existing neighborhoods be considered. The Plaintiffs also point to the *Future Land Use Plan*, one of the components of the City's Comprehensive Plan, which describes the B-2 Zone (in which the property is located) as primarily commercial and which states that no changes to the zone are anticipated. Thus, the Plaintiffs conclude, the CZA is not consistent with the Comprehensive Plan because the Comprehensive Plan indicates that residential goals "are to be achieved through development in other parts of the City," not in the B-2 Zone. Plaintiffs' Rule 80B Brief, page 22. Finally, emergency shelters like the one to be part of Florence House are currently permitted only in the B-3 Zone

and the Plaintiffs argue that nothing in the Comprehensive Plan indicates that such a shelter should be built in the B-2 Zone in which the property lies.

The Comprehensive Plan contains a number of goals and policy statements that are not necessarily compatible in all instances. This is why the Law Court has stated that comprehensive plans are to be read "as a whole." See, e.g., *Labonta*, 528 A.2d at 1265. Thus, the fact that the City of Portland's Comprehensive Plan sets forth goals of both maintaining neighborhood integrity and increasing housing opportunities for people of all income levels is not fatal to the CZA. When taken as a whole, it is clear that the CZA and Florence House

are in basic harmony with the Comprehensive Plan.

For example, the Comprehensive Plan calls for the maximization of housing where "public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist." R. 1599. The evidence before the City Council shows that the location of the property is on a transportation corridor and in a mixed-use area that provides several amenities. R. 1412. The Comprehensive Plan also calls for "varied and affordable" housing "to accommodate Portland's socially and economically diverse population." R. 1621. The City Council considered evidence that the YWCA had recently closed in determining that there is a particular need for the type of housing that Florence House would provide. R. 1387, 1390, 1393. The Comprehensive Plan also calls for "a continuum of housing...available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing..." which offer appropriate supportive services. R. 1623. It is clear that Florence House would provide such housing and supportive services.

The Plaintiffs' arguments with respect to the alleged inconsistencies between the CZA and the Comprehensive Plan are unpersuasive. The B-2 Zone in which the property lies is a mixed-use zone that permits both commercial and residential properties. Thus, the CZA does not intrude on the integrity of the neighborhood.¹ Nor is it sufficient for the Plaintiffs to argue that the City should seek to accomplish its residential goals (including providing more affordable housing) in other parts of the City. The B-2 Zone is a mixed-use zone that permits residential properties. Moreover, the Comprehensive Plan does not expressly limit its residential goals to certain areas within the City.

Finally, the fact that emergency shelters are presently permitted only in the B-3 Zone without any express authorization for them in the B-2 Zone is not sufficient to find that the CZA is inconsistent with the Comprehensive Plan. As set forth *supra*, the Comprehensive Plan sets forth the goal of increased housing in Portland for all people. The Comprehensive Plan does not require the City Council to find that the property is the best or only location on which Florence House could be built in the City. The City Council is merely required to find that the CZA is consistent with the Comprehensive Plan, which it did. Moreover, the Law Court has stated that "[t]he absence of language expressly allowing [a certain use]...does not necessarily mean that no development is allowed...[so long as that development] is not inconsistent with the Comprehensive Plan." *City of Old Town*, 2002 ME 133, ¶ 19, 803 A.2d at 1023.

¹ The Court notes that the Plaintiffs' arguments with respect to the City's proposed "Neighborhood Based Planning" program are irrelevant as the Plaintiffs admit that the City has not yet implemented this program. Plaintiffs' Rule 80B Brief, page 18.

The Plaintiffs' argument that Florence House violates several provisions of the zoning laws regulating the B-2 Zone cannot be disputed; after all, there would be no need for Avesta to seek conditional zoning if its proposed Florence House project met the existing zoning requirements. As there is no question that conditional zoning is permitted both by statute and under the Portland Land Use Code, the mere fact that a proposed building does not meet the existing zoning requirements cannot be sufficient to defeat the application for a conditional zoning. Indeed, 30-A M.R.S.A. § 4352(8)(B) itself requires only that the rezoned

neighborhood." Plaintiffs' Rule 80B Brief, page 31.

The Plaintiffs argue that the Florence House building would violate the minimum setback, open space and parking requirements applicable to other buildings in the B-2 Zone. The Plaintiffs also argue that the three uses included in Florence House (emergency shelter, "safe haven" beds and single room efficiency apartments) are not permitted uses in the B-2 Zone although the Plaintiffs concede that the "safe haven" beds and efficiency apartments are permitted in at least some circumstances. Thus, while the Plaintiffs argue that Florence House as a whole is not consistent with existing uses in the B-2 Zone, the Plaintiffs particularly argue that the three proposed uses within Florence House need not be combined and that the City "allowed Avesta's economic need for efficiency to trump all other considerations – including considerations about how combining the three uses amplifies the effects of Florence House on the neighborhood."

B. The CZA Is Consistent with the Existing and Permitted Uses within the Original Zone

For all of these reasons, this Court finds that the CZA is in basic harmony with the Comprehensive Plan.

area be consistent with the existing uses in the original zone, not that it comply with every zoning regulation in the original zone.

As the Plaintiffs concede that the "safe haven" beds and efficiency apartments can "reasonably be construed as residential uses" that are currently permitted in the B-2 Zone, Plaintiffs' Rule 80B Brief, page 28, the primary issue before this Court is whether the emergency shelter is a use consistent with the present uses in the B-2 Zone. The Court answers this question in the affirmative.

The terms of the CZA require that the Florence House emergency shelter, unlike other emergency shelters in the City, remain open twenty-four hours a day. Thus, the Florence House shelter is distinguishable from nighttime only shelters that often result in queuing on the street outside. R. 734. As the City points out, this makes Florence House analogous to an apartment building or to a hotel or motel, all of which are permitted uses in the B-2 Zone. In sum, the B-2 Zone is a mixed use zone that contains both multi-unit residences and commercial properties of various sizes, including several buildings larger than the proposed Florence House that produce more activity than the proposed Florence House. For all of these reasons, the Court finds that the CZA is consistent with existing uses in the B-2 Zone.

C. The CZA Does Not Constitute Illegal Spot Zoning

The Plaintiffs hint strongly several times throughout their brief that the CZA constitutes illegal spot zoning. Illegal spot zoning "is the 'process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.'" *City of Old Town*, 2002 ME 133, ¶ 20, 803 A.2d at 1024 (quoting *Vella v. Trician Marine Corp.*, 677 A.2d 1051, 1053-54 (Me. 1996)). A

determination of illegal spot zoning requires that the ordinance "(1) must pertain to a single parcel or a limited-area - ordinarily for the benefit of a particular property owner or specially interested party - and (2) must be inconsistent with the city's comprehensive plan..." *Id.* (quoting *Citizens Ass'n of Georgetown, Inc. v. District of Columbia Zoning Comm'n*, 402 A.2d 36, 39-40 (D.C. 1979)).

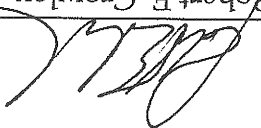
As set forth above, the Plaintiffs in the instant case have failed to show that the CZA is inconsistent with the City's Comprehensive Plan. As such, the CZA does not constitute illegal spot zoning. *Id.* ¶ 21, 803 A.2d at 1024 ("Because the City has failed to establish that this ordinance is inconsistent with the Comprehensive Plan, the ordinance does not constitute illegal spot zoning").

Therefore, the entry is:

The decision of the City of Portland City Council to approve the Conditional Zoning Agreement is AFFIRMED.

The clerk shall incorporate this Order into the docket by reference pursuant to M.R. Civ. P. 79(a).

Dated at Portland, Maine this 9th day of July, 2008.


Robert E. Crowley
Justice, Superior Court

September 12, 2008

Ms. Penny St. Louis Littell

Director of Planning

City of Portland

Planning and Urban Development Department

389 Congress Street, 4th Floor

Portland, Maine 04101

RE: Florence House

190 Valley Street

Site Plan Approval Extension Request

Dear Penny:

Mitchell & Associates, on behalf of Avesta Florence House L.P., Florence House Housing Corporation (FHHC) and Florence House Condominium Association, submits the following request for an extension of the Site Plan approval of the Florence House project located at 190 Valley Street.

Florence House was granted Site Plan approval by the Planning Board on October 23, 2007. An appeal regarding the conditional zoning agreement delayed development of the project. The Superior Court upheld the City Council's approval of the conditional zone agreement on July 9, 2008, please see attached decision. We request a one-year extension of the Site Plan approval from the date of the court decision. The approval extension date would be July 9, 2009.

Should you have any questions or require additional information, please feel free contact me.

Sincerely,
Betsy Melrose
Betsy Melrose
Mitchell & Associates

Enclosure

cc. Deb Keller - Avesta Housing
Cito Selinger - Curtis, Thaxter, Stevens, Broder & Micolleau

14-525(f)2.

copy to
Alex
draft reply.

Plaintiffs Michael Brenner, Daniel Chase, Tim Ly, Matthew Peters and Alan Prosser (collectively, "Plaintiffs") separately own properties on St. John Street in Portland, Maine. Defendants Avesta Housing Development Corporation, Avesta Florence House LP, Florence House Housing Corporation, Florence House Condominium Association (collectively, "Avesta") propose to construct and operate a project known as "Florence House" on a parcel located at 190 Valley Street in Portland, Maine ("the property"). The property is located between St. John Street and Valley Street within the B-2 Zone (Business-2 Zone). The B-2 Zone contains both residential and commercial properties.

BACKGROUND

Before the Court is an appeal brought pursuant to M.R. Civ. P. 80B by the Plaintiffs seeking judicial review of a decision by the City Council acting on behalf of the Defendant City of Portland to approve the conditional zoning agreement sought by Defendant Avesta Housing Development Corporation.

Plaintiffs
 MICHAEL BRENNER, DANIEL S. CHASE,
 TIM Q. LY, MATTHEW PETERS and
 ALAN PROSSER
 v.
 CITY OF PORTLAND, MAINE,
 AVESTA HOUSING DEVELOPMENT CORP.,
 AVESTA FLORENCE HOUSE LP,
 FLORENCE HOUSE HOUSING CORP., INC., and
 FLORENCE HOUSE CONDOMINIUM ASSOCIATION,
 Defendants
 ORDER ON PLAINTIFFS'
 RULE 80B APPEAL

STATE OF MAINE
 Cumberland, ss. Clerk's Office
 SUPERIOR COURT
 CIVIL ACTION
 DOCKET NO. AP-07-50

STATE OF MAINE
 Cumberland, ss. Clerk's Office
 SUPERIOR COURT
 RECEIVED
 JUL 09 2008

The property consists of a single lot approximately 25,000 square feet in area. Florence House would consist of three stories and a finished basement and contain approximately 31,272 square feet of floor space.

Florence House is designed to serve the homeless women population of Portland. Within the single structure constituting Florence House are two proposed units each of which would be separately owned. Condominium Unit 1 would consist of the basement and first floor of the building and serve as an emergency homeless shelter with ten beds (the total number of beds can be increased to twenty-five if necessary) and provide fifteen "safe haven" beds. Condominium Unit 2 would consist of the second and third floors and would contain twenty-five (25) single-room occupancy apartments. Florence House, unlike other homeless shelters in Portland, would remain open twenty-four hours a day as a condition of the conditional zoning agreement.

In April 2007, Avesta applied to the Defendant City of Portland (the "City") Planning Board seeking approval of a Conditional Zone Agreement ("CZA") that would allow it to construct Florence House on the property. A CZA was necessary because Florence House could not legally be constructed under the B-2 zoning regulations applicable to the property. The Planning Board held several workshops, which resulted in small changes in Avesta's application. In August 2007, the Planning Board voted to recommend that the City Council accept the CZA. The City Council voted unanimously to adopt the CZA in September 2007. This appeal followed.

DISCUSSION

By statute, municipalities may provide for conditional or contract zoning in their zoning ordinances so long as certain conditions are met:

The test for this Court's review of the City's approval of the CZA is whether "from the evidence before it the city council could have determined that the rezoning was in basic harmony with [the City's Comprehensive Plan]." *Labonta v. City of Waterville*, 528 A.2d 1262, 1265 (Me. 1987) (quoting *Haines v. City* is consistent with the city's comprehensive plan."

The Portland Land Use Code also contains provisions relating to conditional zoning. Under Portland Land Use Code sections 14-60 to 14-62, the City Council has the authority to rezone a property if due to "the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning

30-A M.R.S.A. § 4352(8) (2008). The statute also contains notice and hearing requirements that must be met. *Id.* The growth management program that this statute requires every municipality to have is "a document containing the components described in section 4326, including the implementation program, that is consistent with the goals and guidelines established by subchapter II [entitled "Growth Management Program"];" 30-A M.R.S.A. § 4301(9).

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property.

8. CONDITIONAL AND CONTRACT REZONING. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

of *Phoenix*, 151 Ariz. 286, 727 P.2d 339, 344 (Ariz. App. 1986)) (internal quotations omitted). The party challenging the conditional zoning has the burden of proving that it is inconsistent with the growth management program, here the City's Comprehensive Plan. *City of Old Town v. Dimoulas*, 2002 ME 133, ¶ 18, 803 A.2d 1018, 1023; *Adelman v. Town of Baldwin*, 2000 ME 91, ¶ 22, 750 A.2d 577, 585.

The Plaintiffs in the instant case argue that this Court should invalidate the CZA on several grounds: first, because the CZA is not consistent with the City's Comprehensive Plan; second, because the CZA is not consistent with the existing and permitted uses within the original B-2 zone; and, finally, because the CZA constitutes illegal spot zoning. The Court will address each of these arguments in turn.

A. The CZA Is Consistent with the City's Comprehensive Plan

The Plaintiffs first argue that Avesta has the burden of showing that its proposed conditional zoning agreement "is in basic harmony with *all* provisions of the comprehensive plan." Plaintiffs' Rule 80B Brief, page 12. The law simply does not support the imposition of such a burden on a conditional zoning applicant.

Faced with the multiple goals of protecting residential neighborhoods and promoting economic opportunity and commercial development... the city council was not required to refrain from permitting any intrusion whatever upon an area previously zoned residential. Rather it had the job of accommodating these multiple goals in a way to advance the overall best interests of the City and its people as defined by the comprehensive plan read as a whole. The test for the courts review of the city council's rezoning action is whether "from the evidence before it the city council could have determined that the rezoning was in *basic harmony* with the comprehensive plan."

Labonta, 528 A.2d at 1265 (quoting *Haines v. City of Phoenix*, 727 P.2d at 343) (emphasis added). Thus, the sole determination to be made by this Court with

respect to the CZA's consistency with the Comprehensive Plan is whether the two are in basic harmony, not absolute harmony.

The CZA contains the following declaration: "the Portland City Council has determined the rezoning and proposed development would provide needed housing in the City for low income individuals as is consistent with the housing component of the Comprehensive Plan, and would not negatively impact the surrounding business and residential community;" Record, page 1420 (hereinafter R. ____). The Plaintiffs argue that the City erred in finding that the general goal in the Comprehensive Plan that housing be available for all persons regardless of income means that each neighborhood in the City must itself contain housing for people of all economic strata. In other words, Plaintiffs argue that "[g]eneral goals [in the Comprehensive Plan] provide no rational justification for why this particular piece of property should be rezoned to allow the construction of Florence House." Plaintiffs' Rule 80B Brief, page 16. Instead, Plaintiffs argue, the City should have read beyond the general goal of providing housing to the more specific sections of the Comprehensive Plan that require that the integrity of existing neighborhoods be considered. The Plaintiffs also point to the *Future Land Use Plan*, one of the components of the City's Comprehensive Plan, which describes the B-2 Zone (in which the property is located) as primarily commercial and which states that no changes to the zone are anticipated. Thus, the Plaintiffs conclude, the CZA is not consistent with the Comprehensive Plan because the Comprehensive Plan indicates that residential goals "are to be achieved through development in other parts of the City," not in the B-2 Zone. Plaintiffs' Rule 80B Brief, page 22. Finally, emergency shelters like the one to be part of Florence House are currently permitted only in the B-3 Zone

and the Plaintiffs argue that nothing in the Comprehensive Plan indicates that such a shelter should be built in the B-2 Zone in which the property lies.

The Comprehensive Plan contains a number of goals and policy statements that are not necessarily compatible in all instances. This is why the Law Court has stated that comprehensive plans are to be read "as a whole." See, e.g., *Labonta, 528 A.2d at 1265*. Thus, the fact that the City of Portland's Comprehensive Plan sets forth goals of both maintaining neighborhood integrity and increasing housing opportunities for people of all income levels is not fatal to the CZA. When taken as a whole, it is clear that the CZA and Florence House are in basic harmony with the Comprehensive Plan.

For example, the Comprehensive Plan calls for the maximization of housing where "public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist." R. 1599. The evidence before the City Council shows that the location of the property is on a transportation corridor and in a mixed-use area that provides several amenities. R. 1412. The Comprehensive Plan also calls for "varied and affordable" housing "to accommodate Portland's socially and economically diverse population." R. 1621. The City Council considered evidence that the YWCA had recently closed in determining that there is a particular need for the type of housing that Florence House would provide. R. 1387, 1390, 1393. The Comprehensive Plan also calls for "a continuum of housing...available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing... which offer appropriate supportive services." R. 1623. It is clear that Florence House would provide such housing and supportive services.

The Plaintiffs' arguments with respect to the alleged inconsistencies between the CZA and the Comprehensive Plan are unpersuasive. The B-2 Zone in which the property lies is a mixed-use zone that permits both commercial and residential properties. Thus, the CZA does not intrude on the integrity of the neighborhood.¹ Nor is it sufficient for the Plaintiffs to argue that the City should seek to accomplish its residential goals (including providing more affordable housing) in other parts of the City. The B-2 Zone is a mixed-use zone that permits residential properties. Moreover, the Comprehensive Plan does not expressly limit its residential goals to certain areas within the City.

Finally, the fact that emergency shelters are presently permitted only in the B-3 Zone without any express authorization for them in the B-2 Zone is not sufficient to find that the CZA is inconsistent with the Comprehensive Plan. As set forth *supra*, the Comprehensive Plan sets forth the goal of increased housing in Portland for all people. The Comprehensive Plan does not require the City Council to find that the property is the best or only location on which Florence House could be built in the City. The City Council is merely required to find that the CZA is consistent with the Comprehensive Plan, which it did. Moreover, the Law Court has stated that "[t]he absence of language expressly allowing [a certain use]...does not necessarily mean that no development is allowed...[so long as that development] is not inconsistent with the Comprehensive Plan." *City of Old Town*, 2002 ME 133, ¶ 19, 803 A.2d at 1023.

¹ The Court notes that the Plaintiffs' arguments with respect to the City's proposed "Neighborhood Based Planning" program are irrelevant as the Plaintiffs admit that the City has not yet implemented this program. Plaintiffs' Rule 80B Brief, page 18.

The Plaintiffs' argument that Florence House violates several provisions of the zoning laws regulating the B-2 Zone cannot be disputed; after all, there would be no need for Avesta to seek conditional zoning if its proposed Florence House project met the existing zoning requirements. As there is no question that conditional zoning is permitted both by statute and under the Portland Land Use Code, the mere fact that a proposed building does not meet the existing zoning requirements cannot be sufficient to defeat the application for a conditional zoning. Indeed, 30-A M.R.S.A. § 4352(8)(B) itself requires only that the rezoned

neighborhood." Plaintiffs' Rule 80B Brief, page 31.

The Plaintiffs particularly argue that the three proposed uses within Florence House need not be combined and that the City "allowed Avesta's economic need for efficiency to trump all other considerations – including considerations about how combining the three uses amplifies the effects of Florence House on the Florence House as a whole is not consistent with existing uses in the B-2 Zone, permitted in at least some circumstances. Thus, while the Plaintiffs argue that Plaintiffs concede that the "safe haven" beds and efficiency apartments are efficiency apartments) are not permitted uses in the B-2 Zone although the in Florence House (emergency shelter, "safe haven" beds and single room buildings in the B-2 Zone. The Plaintiffs also argue that the three uses included minimum setback, open space and parking requirements applicable to other buildings in the B-2 Zone. The Plaintiffs argue that the Florence House building would violate the

B. The CZA Is Consistent with the Existing and Permitted Uses within the Original Zone

with the Comprehensive Plan.

For all of these reasons, this Court finds that the CZA is in basic harmony

area be consistent with the existing uses in the original zone, not that it comply with every zoning regulation in the original zone.

As the Plaintiffs concede that the "safe haven" beds and efficiency apartments can "reasonably be construed as residential uses" that are currently permitted in the B-2 Zone, Plaintiffs' Rule 80B Brief, page 28, the primary issue before this Court is whether the emergency shelter is a use consistent with the present uses in the B-2 Zone. The Court answers this question in the affirmative.

The terms of the CZA require that the Florence House emergency shelter, unlike other emergency shelters in the City, remain open twenty-four hours a day. Thus, the Florence House shelter is distinguishable from nighttime only shelters that often result in queuing on the street outside. R. 734. As the City points out, this makes Florence House analogous to an apartment building or to a hotel or motel, all of which are permitted uses in the B-2 Zone. In sum, the B-2 Zone is a mixed use zone that contains both multi-unit residences and commercial properties of various sizes, including several buildings larger than the proposed Florence House that produce more activity than the proposed Florence House. For all of these reasons, the Court finds that the CZA is consistent with existing uses in the B-2 Zone.

C. The CZA Does Not Constitute Illegal Spot Zoning

The Plaintiffs hint strongly several times throughout their brief that the CZA constitutes illegal spot zoning. Illegal spot zoning "is the 'process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.'" *City of Old Town*, 2002 ME 133, ¶ 20, 803 A.2d at 1024 (quoting *Vella v. Trician Marine Corp.*, 677 A.2d 1051, 1053-54 (Me. 1996)). A

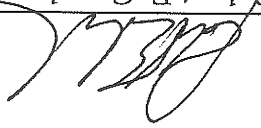
determination of illegal spot zoning requires that the ordinance "(1) must pertain to a single parcel or a limited-area - ordinarily for the benefit of a particular property owner or specially interested party - and (2) must be inconsistent with the city's comprehensive plan..." *Id.* (quoting *Citizens Ass'n of Georgetown, Inc. v. District of Columbia Zoning Comm'n*, 402 A.2d 36, 39-40 (D.C. 1979)).

As set forth above, the Plaintiffs in the instant case have failed to show that the CZA is inconsistent with the City's Comprehensive Plan. As such, the CZA does not constitute illegal spot zoning. *Id.* ¶ 21, 803 A.2d at 1024 ("Because the City has failed to establish that this ordinance is inconsistent with the Comprehensive Plan, the ordinance does not constitute illegal spot zoning").

Therefore, the entry is:

The decision of the City of Portland City Council to approve the Conditional Zoning Agreement is AFFIRMED.
The clerk shall incorporate this Order into the docket by reference pursuant to M.R. Civ. P. 79(a).

Dated at Portland, Maine this 9th day of July, 2008.


Robert E. Crowley
Justice, Superior Court

Note for file

Florence House

12.18.07

Ratny Mehra had asked re procedure for getting the subdivision plot signed + recorded.

BRs confirmed re procedure (see attached) -
1 mylar signed; copy made once recorded.

have of payments of performance guarantee +
any payments was discussed with Remy Witter
(Assoc Corp Counsel) and Barbara Banhardt
(Dev Review Manager) -

Agreed: 1. Performance guarantee payable before
signed plot released. PG to include
works within ROW + utility connections
(laterals to the site)
(Remainder to be paid when BR granted -
ensure inspections are aware) (at this
stage, PG to include retain mg walls).

2. Conditions relating to land in future
to be on plot and other subdivision
orders (eg. payments) to be completed
prior to signed plot being released.

From: Jean Fraser
To: BMeIrose
Date: 8/29/2008 4:44:45 PM
Subject: Fwd: Florence House Subdiv Plat

Betsy,

Re my recent e-mail regarding the submitted revisions: re the Plat this (below) was sent to you in Jan 2008 and you responded at that time that you would make those changes in due course. The recent submissions (Aug 12th, 2008) do not include these revisions so a revised version of the Plat should be submitted asap please.

I will speak to Penny next week regarding the Condo Docs and the License as we are still planning on having the Planning Board sign the Plat on Sept 9th; please note it will not be released for recording until we have the final revised plan set and payment of the Performance Guarantee, Inspection Fee and the infrastructure contributions.

Jean (Fraser)
 Planner
 874 8728

>>> Jean Fraser 1/7/2008 11:42:02 AM >>>
 Hello Betsy,

Penny Littell has reviewed the draft Subdivision Plat for Florence House and requests several changes:

--Para 4 of "GENERAL NOTES" add "for women only" to last line so that it reads: "4.rental efficiency apartments for women only on the second and third floors."

--Para 2 of "SITE PLAN CONDITIONS" should read (replace "contained in this report" with "for the condo"); "2. That the applicant shall ensure that the approved management plan for the condo is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that plan; and"

--Para 9. of SITE PLAN CONDITIONS, CONTINUED" should read (remove "Marsh" and add "the" before "Urban Designer"); "9. That the applicant shall submit for review and approval by the Urban Designer, prior to the issuance of a building permit, the design, materials and specifications for screening the rooftop apartments; and"

Call me if there are any questions.
 Jean (Fraser)
 Planner
 874 8728

CC: Barhydt, Barbara; Littell, Penny

From: Barbara Barhydt
To: Fraser, Jean
Date: 12/10/2007 2:59:02 PM
Subject: Re: Fwd: Subdivision Plat for Florence House

Hi Jean:

Any conditions regarding the recording plat must be met, such as an easement showing on the plat or the conditions listed on the plat. Once the plat is complete it can be signed with the date of the Planning Board approval. The plat cannot be recorded in the Cumberland County Registry of Deeds until the conditions of approval have been met (except for those that are tied to the certificate of occupancy), the performance guarantee is in place and the inspection fee has been paid. Then you or Phil can release the plat for recording. The applicant must return one mylar copy of the signed plat with the book and page on it along with paper copies.

Recently, I believe the general practice has been to have two mylar copies brought in for signatures. We have also had one copy signed and then a mylar copy of the original has been made and returned to the office with the paper copies when it has been recorded. I will discuss this step at our next staff meeting.

Bill was just in with an question from Lee Lowry who is arguing that a performance guarantee is not required for the recording of a subdivision plat. Stay tuned. He may be right, but we are checking with Penny.

If this does not answer your question or makes it more muddled, please come in to discuss it.

Thanks.

Barbara

>>> Jean Fraser Monday, December 10, 2007 10:50 AM >>>

Barbara,

Your redraft of the procedures for Subdivision Review does not include the final sign off part of it; the previous procedures state that before the Subdivision Plat can be signed the applicant must meet all the conditions (I am not sure if this means site plan ones as well as subdivision ones) and pay the Performance Guarantee and inspection fees (which in the case of FH would be substantial).

I don't believe they have met the conditions (altho' Penny may have cleared the condo docs and not mentioned it); I attach the approval letter which includes 2 conditions re subdivision (need for condo docs to be approved and payment of \$3000 for trees) and 10 conditions for site plan (key ones include payment of \$5000 for traffic calming before BP, details of some materials, lights, screening of rooftop plant; work with Carrie on windows etc (they have met with Carrie so that may be OK).

Could we discuss or could you please advise on what we would require them to do prior to having the Board sign the Plat.

Her ref to 2 mylars is from the previous procedure notes...and I think that is what Rick has always asked for though not what was done for Barclay Ave (Shukria and Molly also do something different from what I was told to do so this is an item for our next meeting). So again final direction for Betsy is needed.

Thanks
Jean

>>> "Betsy M" <BMeirose@mitchehellassociates.biz> 12/10/2007 10:04:42 AM >>>

Hi Jean-

The Subdivision Plat plan is ready for plotting and signatures. How many copies do you need? If I remember correctly, you like 2 mylars (one for public works and one for recording). I can make paper copies of the plan with the signatures.

Thanks.

Betsy Melrose
Mitchell & Associates
70 Center Street
Portland, Maine 04101
Phone: 207.774.4427
Fax: 207.874.2460

Betsy

From: Jean Fraser
To: BMelrose
Date: 9/9/2008 10:40:59 AM
Subject: Florence House Plat

Penny is in court today and just has not had time to check the Plat.

I have agreed with Barbara that we will ask the Board to sign it today but not release it until Penny has had a chance to sign off (and the other requirements are met re payments).

The Plat will be signed by four Board members: Hall; Patterson; Odokara; and Tevanian. Freund voted but is no longer on the Board; Silk and Lowry were recused and did not vote.

Since an extension to the Site Plan is likely to be given and the release of the Plat depends on payments of the contributions, Perf. guarantee etc there may be some benefit in waiting a bit longer on the Plat signing ie the Board could sign it on Sept 23rd.

Jean

CC: Barhydt, Barbara

From:

Jean Fraser

To:

BMeIrose

Date:

1/7/2008 11:42:02 AM

Subject:

Florence House Subdiv Plat

Hello Betsy,

Penny Littell has reviewed the draft Subdivision Plat for Florence House and requests several changes:

— Para 4 of "GENERAL NOTES" add "for women only" to last line so that it reads: "4.*rental* efficiency apartments for women only on the second and third floors."

— Para 2 of "SITE PLAN CONDITIONS" should read (replace "contained in this report" with "for the condo"); "2. That the applicant shall ensure that the approved management plan for the condo is forwarded to all those responsible for the building and its operation, and shall facilitate adherence to that plan; and"

— Para 9. of SITE PLAN CONDITIONS, CONTINUED" should read (remove "Marsh" and add "the" before "Urban Designer"): "9. That the applicant shall submit for review and approval by the Urban Designer, prior to the issuance of a building permit, the design, materials and specifications for screening the rooftop appurtenances; and"

Call me if there are any questions.

Jean (Fraser)

Planner

874 8728

CC:

Barhydt, Barbara; Littell, Penny

TRANSMITTAL SHEET

To: Penny Littell

From: Betsy Melrose

COMPANY: City of Portland Corporation Counsel

Date: December 28, 2007

PAGES: 1 Plan

CC: Jean Fraser

Re: Florence House Subdivision Plat

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS:

Hello Penny-

Included is a draft of the Subdivision Plat for Florence House for your review. We understand that certain conditions of approval need to be met before the plan can be recorded, but would like to start the process and give you the opportunity to review the plan.

Please let me know if any changes are necessary or if the plan is satisfactory as presented.

Have a Happy New Year.

Thank you.

Betsy Melrose

Been - please per + comment with my annual changes

From: Jean Fraser
To: Melrose, Betsy
Date: 9/9/2008 12:21:05 PM
Subject: RE: Florence House Plat

Betsy

We would like a plan showing the location of each item of plant and the noise spec for each one. We need to see how near they are to the boundary of the site and whether they would meet the max noise levels quoted in the B2 zoning ordinance. We are also wondering if there could be cumulative noise from several items being on at once?

Jean

<<< "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008 12:13:09 PM >>>
 Thanks Jean.

I am typing a response to you regarding the rooftop mechanicals right now. I'll send it in a few minutes.
 Betsy

-----Original Message-----
From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 12:10 PM
To: Betsy Melrose
Subject: RE: Florence House Plat

Hi Betsy

I have just heard that Shalom Odokara won't be here today so you would have had to wait until then anyway.

I am working on a letter responding to your letter of Sept 3 which should go out tomorrow; the main issue is re noise from the roof plant as we need to be absolutely sure that the neighbors are not going to be affected by that.

Jean

<<< "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008 11:26:41 AM >>>
 Hi Jean-

We will wait until the 23rd to have the plat signed to make sure Penny doesn't have any revisions.

Thanks.
 Betsy

-----Original Message-----
From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 10:41 AM
To: Betsy Melrose
Cc: Barbara Barhydt
Subject: Florence House Plat

Betsy

Penny is in court today and just has not had time to check the Plat.

I have agreed with Barbara that we will ask the Board to sign it today but not release it until Penny has had a chance to sign off (and the other requirements are met re payments).

The Plat will be signed by four Board members: Hall; Patterson; Odokara; and Tevanian. Freund voted but is no longer on the Board; Silk and Lowry were recused and did not vote.

Since an extension to the Site Plan is likely to be given and the release of the Plat depends on payments of the contributions, Perf. guarantee etc there may be some benefit in waiting a bit longer on the Plat signing ie the Board could sign it on Sept 23rd.

Jean

TRANSMITTAL SHEET

To: Jean Fraser
From: Betsy Melrose

COMPANY: City of Portland Planning Department
Date: September 12, 2008

PAGES: 2 full sized plans and associated documentation
CC: Deb Keller - Avesta Housing Architects
Rebecca Dillon - Gawron Turgeon Architects

Re: Florence House Conditions of Approval

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Hello Jean-
Included in this packet is information regarding the rooftop mechanical equipment location and sound level. Should you require any additional information, please do not hesitate to contact me.
Thank you.
Betsy Melrose

From: "Betsy Melrose" <BMelrose@mitchellassociates.biz>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 9/9/2008 12:22:17 PM
Subject: Rooftop Mechanicals at Florence House

Hello Jean-

The Energy Recovery Ventilation (ERV) units are the only mechanical equipment on site which exceed the decibel level measured 5 feet from the unit. Upon further investigation, these ERV units meet the decibel level requirement at the property line, as required in the ordinance. Please see unit information below from Bennett Engineering, Inc.

The ERV units are rated at 68.2 dBA (ERV-1) and 54.9 dBA (ERV-2) at 5 ft from the unit. This is reduced by 6dBA every time the distance doubles so at 40 ft from unit (18 dBA reduction), sound will be 50.2 dBA and 36.9 dBA respectively. The screen around the units will provide further reduction in sound levels.

These units are located within the rooftop mechanical screen. The shortest distance between the units and the property line is 30' (Valley Street property line). Therefore:

ERV-1
5 feet away = 68.2 dBA
10 feet away = 62.2 dBA
20 feet away = 56.2 dBA
30 feet away = 54.2 dBA

ERV-2
5 feet away = 54.9 dBA
10 feet away = 48.9 dBA
20 feet away = 42.9 dBA
30 feet away = 40.9 dBA

For additional information, these units are 60 feet from the rear

property line, therefore ERV-1 would be 48.2 dBA and ERV-2 would be 34.9 dBA.

These units are less than the 55 dBA required during the nighttime. Below is the text from the ordinance:

Sec. 14-187. External effects:

Every use in a B-2, B-2b and B-2c zone shall be subject to the

following requirements:

(b) Noise: Except as provided in 14-183(1)(iii)(2) (relating

to Drive-throughs), the volume of sound, measured by a

sound level meter with frequency weighting network

(manufactured according to standards prescribed by the

American Standards Association), generated shall not

exceed sixty (60) decibels on the A scale between 7:00

a.m. and 9:00 p.m. and fifty-five (55) decibels on the A

scale between 9:00 p.m. and 7:00 a.m., on impulse (less

than one (1) second), at lot boundaries, excepting air

raid sirens and similar warning devices.

If you need any additional information, please let me know.

Thanks.

Betsy Melrose

Mitchell & Associates

70 Center Street

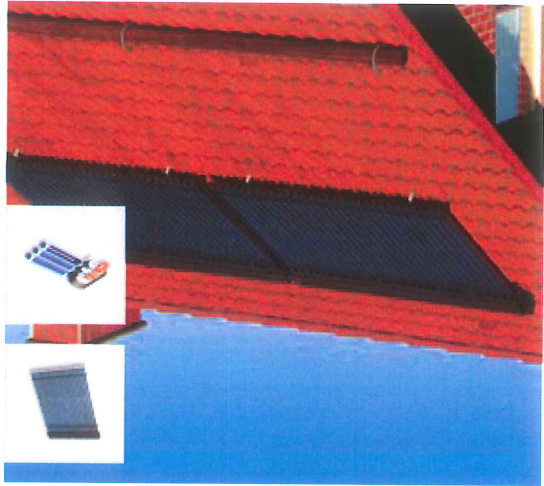
Portland, Maine 04101

Phone: 207.774.4427

Fax: 207.874.2460

www.mitchellassociates.biz

CC: "Rebecca L. Dillon" <rdillon@gawronturgeon.com>, "Anne Pelletier" <apelletier@gawronturgeon.com>, "Debra Keller" <dkeller@avestahousing.org>



VITOSOL 300-T
Vacuum tube collector

First class high performance vacuum tube collector

The Vitosol 300-T high performance vacuum tube collector operates according to the proven heat pipe principle. It consequently offers particularly high operational reliability. One of the specific applications of the Vitosol 300-T is in systems with long phases of high solar irradiation without heat transfer, so called stagnation phases. The dry connection of the heat pipe tubes inside the header and the integral temperature limiter ensure particularly high operational reliability.

Heat pipe principle for high operational reliability

In heat pipe systems, the solar medium does not flow directly through the collector tube. Instead, a process medium, which circulates in the copper pipe below the absorber, evaporates when subjected to solar irradiation, and transfers the heat to the solar medium via a heat exchanger.

Duotec: Twice the benefit

The condensers are completely surrounded by the patented Duotec twin-pipe heat exchangers. This absorbs the heat particularly well and passes it into the heat transfer medium flowing past it.

Simple installation and maintenance

The collectors are rapidly interconnected through the reliable stainless steel corrugated pipe plug-in connectors on installation. The individual tubes can be precisely aligned with the sun by axial rotation. The tubes are connected in a dry state, i.e. without contact between process and heating medium. Ensuring a perfect tube connection. It is also possible, for example, to replace individual tubes when the system is already filled.

Protection against overheating

The temperature limiter integrated into the Vitosol 300-T protects the system against overheating during longer idle periods.

Made from high-grade materials

High quality corrosion-resistant materials ensure reliability, operational safety and durability. Among

others, glass, aluminium, copper and stainless steel are used.

Benefits at a glance:

- Highly efficient vacuum tube collector based on the heat pipe principle for high operational reliability
- The absorber surfaces with Sol-titanium coating, which are integrated into the vacuum tubes, are not susceptible to contamination
- Efficient heat transfer through fully encapsulated condensers inside the twin-pipe Duotec heat exchanger
- Tubes can be rotated for optimum alignment with the sun, thereby maximising the energy yield
- Highly effective thermal insulation of the header casing for minimum thermal losses
- Integral temperature limiter controls the heat flow at very high collector temperatures
- Easy installation through the Viessmann assembly and connection systems
- Attractive collector design, header casing in RAL 8019 (brown)

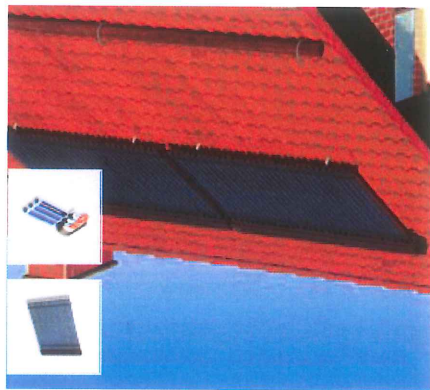
◀ back

▶ page up

Imprint | © Viessmann Werke GmbH & Co KG



VITOSOL 300-T
Vacuum tube collector



First class high performance vacuum tube collector

The Vitosol 300-T high performance vacuum tube collector operates according to the proven heat pipe principle. It consequently offers particularly high operational reliability. One of the specific applications of the Vitosol 300-T is in systems with long phases of high solar irradiation without heat transfer, so called stagnation phases. The dry connection of the heat pipe tubes inside the header and the integral temperature limiter ensure particularly high operational reliability.

Heat pipe principle for high operational reliability

In heat pipe systems, the solar medium does not flow directly through the collector tube. Instead, a process medium, which circulates in the copper pipe below the absorber, evaporates when subjected to solar irradiation, and transfers the heat to the solar medium via a heat exchanger.

Duotec: Twice the benefit

The condensers are completely surrounded by the patented Duotec twin-pipe heat exchangers. This absorbs the heat particularly well and passes it into the heat transfer medium flowing past it.

Simple installation and maintenance

The collectors are rapidly interconnected through the reliable stainless steel corrugated pipe plug-in-connectors on installation. The individual tubes can be precisely aligned with the sun by axial rotation. The tubes are connected in a dry state, i.e. without contact between process and heating medium. Ensuring a perfect tube connection. It is also possible, for example, to replace individual tubes when the system is already filled.

Protection against overheating

The temperature limiter integrated into the Vitosol 300-T protects the system against overheating during longer idle periods.

Made from high-grade materials

High quality corrosion-resistant materials ensure reliability, operational safety and durability. Among

others, glass, aluminium, copper and stainless steel are used.

Benefits at a glance:

- " Highly efficient vacuum tube collector based on the heat pipe principle for high operational reliability
- " The absorber surfaces with Sol-Titanium coating, which are integrated into the vacuum tubes, are not susceptible to contamination
- " Efficient heat transfer through fully encapsulated condensers inside the twin-pipe Duotec heat exchanger
- " Tubes can be rotated for optimum alignment with the sun, thereby maximising the energy yield
- " Highly effective thermal insulation of the header casing for minimum thermal losses
- " Integral temperature limiter controls the heat flow at very high collector temperatures
- " Easy installation through the Viessmann assembly and connection systems
- " Attractive collector design, header casing in RAL 8019 (brown)

◀ back

▶ page up

Imprint | © Viessmann Werke GmbH & Co KG

Mark

ERV-1

RPM 1223 ACFM 5600

OctBand1 80.6

OctBand2 80.4

OctBand3 76.0

OctBand4 73.7

OctBand5 73.2

OctBand6 73.2

OctBand7 70.3

OctBand8 63.1

Sones 16.2

DBA 68.2

LWA 79.2

<< Back

Print

Exit

Energy Recovery w/ Heating

ERV

STANDARD CONSTRUCTION FEATURES

Exterior housing constructed of galvanized steel • Energy recovery cassette with a desiccant wheel • Two blower and motor assemblies mounted with neoprene isolators • Forward curved steel wheels • Ball bearing motors • Fan shafts in permanently lubricated bearings • Corrosion resistant fasteners • Internally lined with galvanized sheet metal creating a double wall • Insulated with 1 inch, 3# density insulation • Internally mounted control center with motor starters, 24 VAC control transformer, control circuit fusing • Door interlocking disconnect switch • Motor mounted on adjustable plate • Adjustable motor pulleys under 10 hp • Static free belts

DESCRIPTION	Model	Elevation (ft)	Qty	Approximate Weight (lb)
	ERV-55H-15	0	1	2,700

--Weight does NOT include skid/cracking and may vary by 1% based on options selected.

ARRANGEMENT	EA Discharge Position	EA Intake Position	OA Discharge Position	OA Intake Position
End	End	End	End	End
EA Discharge Position	EA Intake Position	EA Discharge Position	EA Intake Position	EA Discharge Position

MOTOR SPECS

V/C/P	Enclosure	RPM	Efficiency
208/60/3	ODP	1725	HE

ELECTRICAL

Minimum Circuit Amps (A)	Max. Over Current Protection (A)
97.3	100.0

SELECTED OPTIONS & ACCESSORIES

Outdoor Air Intake Damper, Motorized, Insulated, Low Leakage VCD-34
 Exhaust Air Intake Damper, Motorized, Insulated, Low Leakage VCD-34
 Curb GKD-73 88/95-38-G12 with Duct Adapter



Fermatec, Exterior Only
 Exhaust Discharge Gravity Backdraft Damper
 120V NEMA 3R Service Outlet (ships loose - power by others)
 Temperature Sensors Mt'd By GFC: OAI OAAW OAD EAW RA
 Intake Hood w/2" mesh filters & Exhaust Hood w/birdscreen
 Outdoor Air Filter, 2" pleated (30% efficient)
 Exhaust Air Filters, 2" pleated (30% efficient)
 Listed to UL-1995
 Temp Control by Others
 Dirty Filter Sensor for both Outdoor and Exhaust filters
 Remote Panel w/, D, F, Lgt, Rot, Lgt.
 Water coil(s) piped internal to unit
 Rotation Sensor
 12.3 kW Preheater, 2 Stage, OA Temp & Wheel Pressure Activated
 Wheel VFD-control by others
 High Efficiency Motor
 Sub-Circuit Fusing

Heating Type	Coil Qty.	Heating Coil Model	Total Energy (MBH)
Hot Water	1	5WC1002B	247.0

HEATING ** Note: Piping to any coil is by others.

OUTDOOR AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size
6,000	1.25	2.341	1,353	6.6	7 1/2

EXHAUST AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size
5,600	1	1.597	1,223	5	5

OUTDOOR DISCHARGE FAN SOUND PERFORMANCE

Outlet Sound Power by Octave Band								
98	94	89	86	85	84	82	77	
62.5	125	250	500	1000	2000	4000	8000	
							Lwa	90
							DBA	79



Control Sequence for ERH

Standard Sequence of Operation

The ERH comes standard with a unit-mounted control center containing a door interlocking disconnect switch, motor starters, control circuit fusing, control transformer for 24 VAC control, and a terminal strip. A digital signal to the units terminal strip will energize the outdoor air fan, exhaust fan, and energy wheel. Typically, that signal is sent from a rooftop unit, building automation system, or occupied/unoccupied timer.

Tempering Sequence of Operation
 A hot water coil is provided in the unit. Valve and control of the valve is by others.

Options (Selected accessories are indicated by 'X' in box)

Dampers

- OA Damper: Damper mounted in OA intake. Opens when outdoor air fan is energized.
- EA Damper: Damper mounted in EA intake. Energized when exhaust fan is energized.

Frost Control

Frost control is initiated when OA temperature drops below the setpoint AND the pressure drop across the wheel increases to indicate frosting.

- Preheat: An electric preheater mounted in the OA intake heats OA to energy wheel frost threshold temperature when frosting is indicated. Preheater is single point wired to main unit disconnect.
- Timed Exhaust: OA fan cycles off for about 5 minutes every 1/2 hour when frosting is indicated.
- Modulating Wheel: Energy wheel modulates to lower speed when frosting is indicated.

Energy Wheel Control

- Stop Wheel: Energy wheel is shut down for periods of free-cooling when the OA enthalpy or temperature drops below a setpoint. When the OA temperature drops below 45 degrees (adj), the wheel will be re-energized for heating mode.
- Modulating Wheel: A VFD for the energy wheel is supplied to modulate the wheel to maintain a nominal 55 degree LAT off the energy wheel.
- Stop/Jog: A timer is included with either Stop Wheel or Modulating Wheel to periodically energize the energy wheel briefly if it is stopped for economizer to allow the wheel to self-clean.

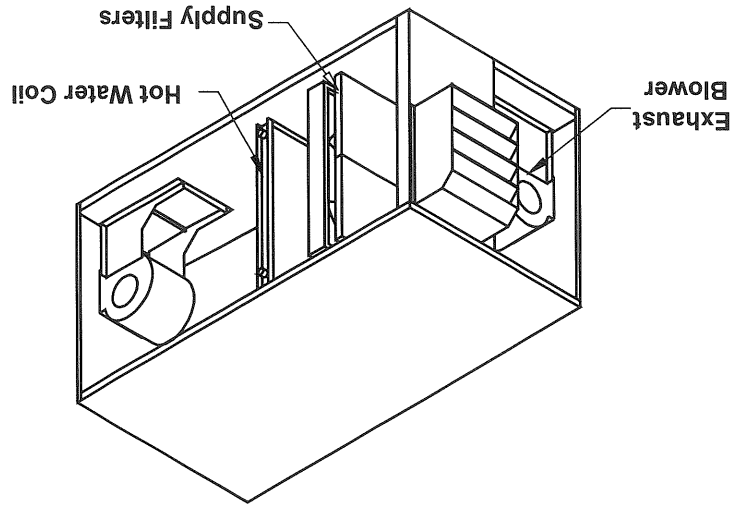
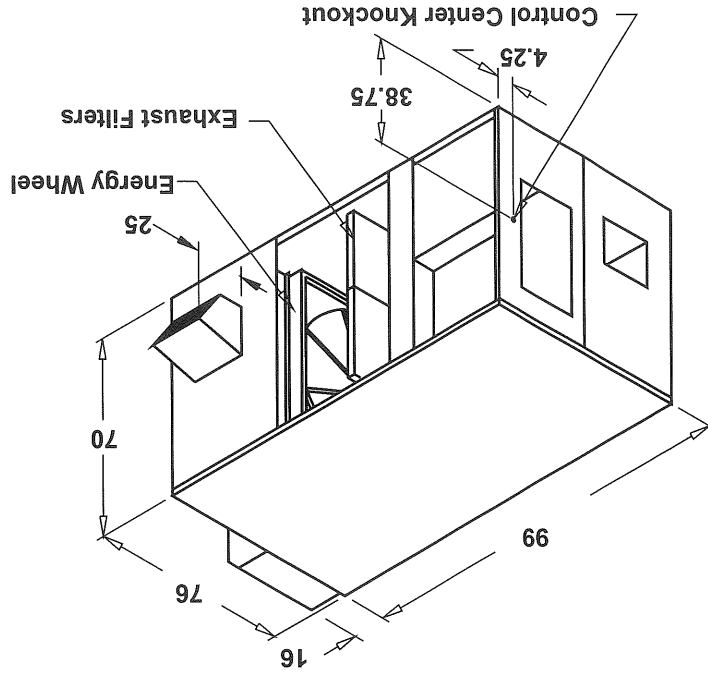
Variable Air Volume

- Modulating: One VFD will be provided for each fan. Each VFD is factory-programmed to accept a field-supplied 0-10V signal, but is easily convertible to receive a 4-20 mA signal instead.
- Multi-Speed: One VFD will be provided for each fan. Each VFD is factory-programmed to accept a field-supplied digital switching input to send it to high or low speed (1/2 speed, 1/3 speed, or full speed).

Other Accessories

- Rotation Sensor: Sends a digital signal to alarm DDC/BMS system that energy wheel is not rotating.
- Dirty Filter Sensor: Sends a digital signal to alarm DDC/BMS system that filters require changing.
- Sensors by Factory: See "Factory Mounted Sensors" submittal page for details

NOTE: All dimensions shown are in units of inches



Energy Recovery w/ Heating

ERH

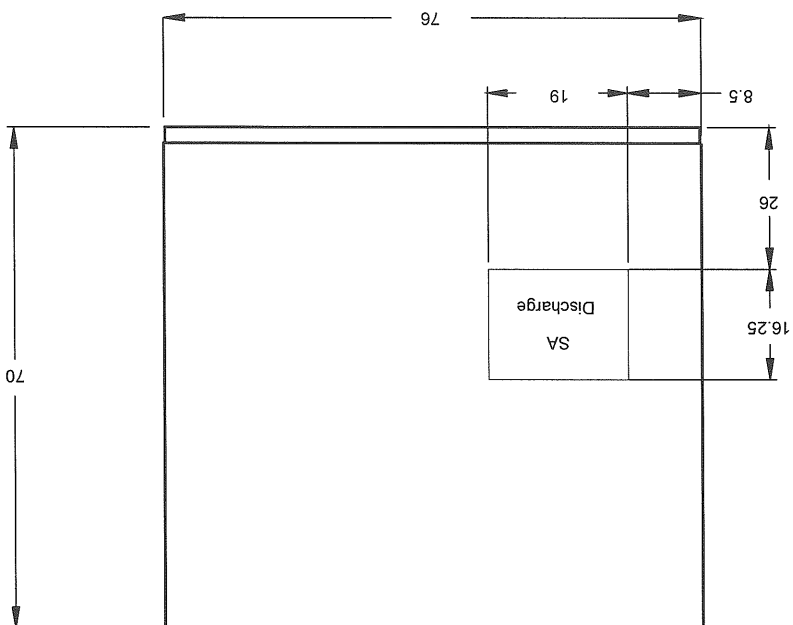
ERH-55H-15

Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1

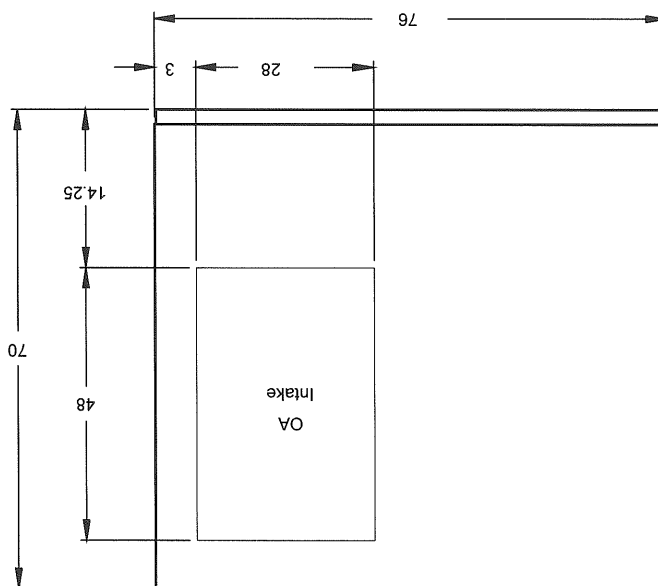


NOTE: All dimensions shown are in units of inches

Outdoor Air Discharge



Outdoor Air Intake



ERH-55H-15

ERH

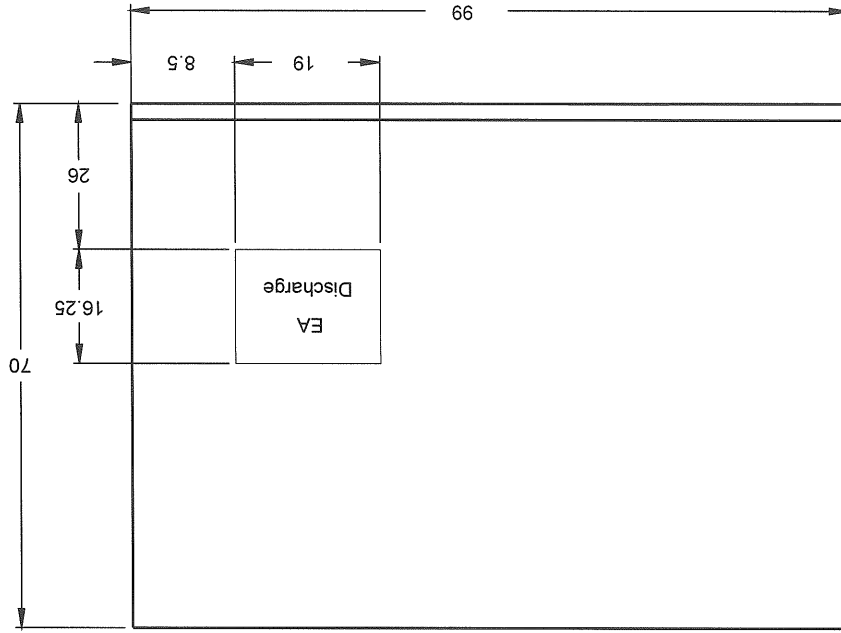
Energy Recovery w/ Heating



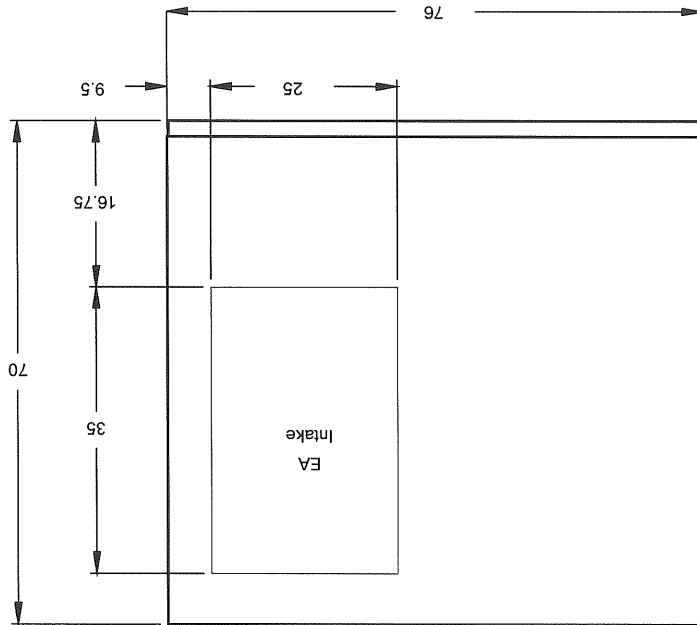
Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1

NOTE: All dimensions shown are in units of inches

Exhaust Discharge



Exhaust Intake



ERH-55H-15

ERH

Energy Recovery w/ Heating



Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1

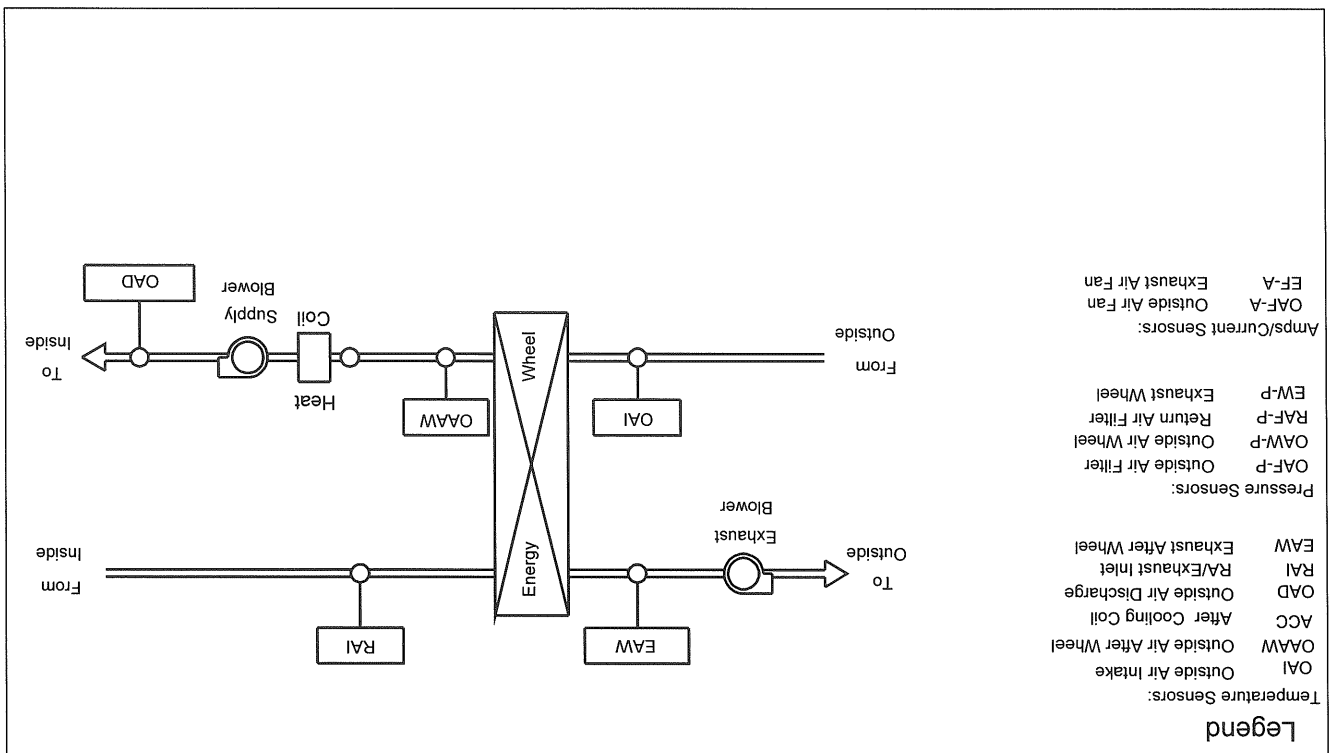
ERH-55H-15

Energy Recovery w/ Heating

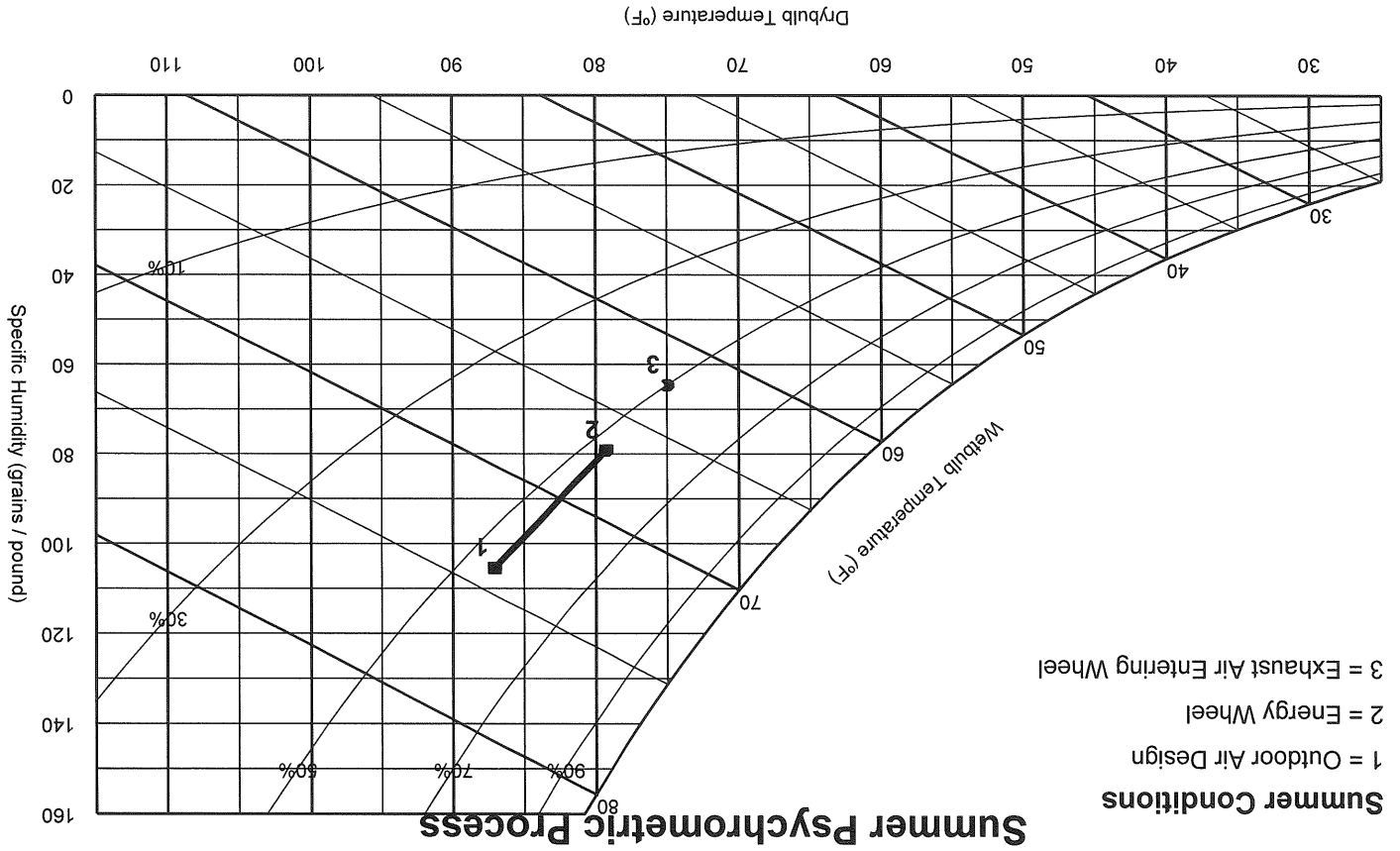
Factory Mounted Sensors

Sensors to be mounted at specific points in the unit. The sensors will be routed back to the unit control center to be interfaced with the field-mounted (by others) BMS Controller.

Temperature Sensors: 1K Ohm RTD



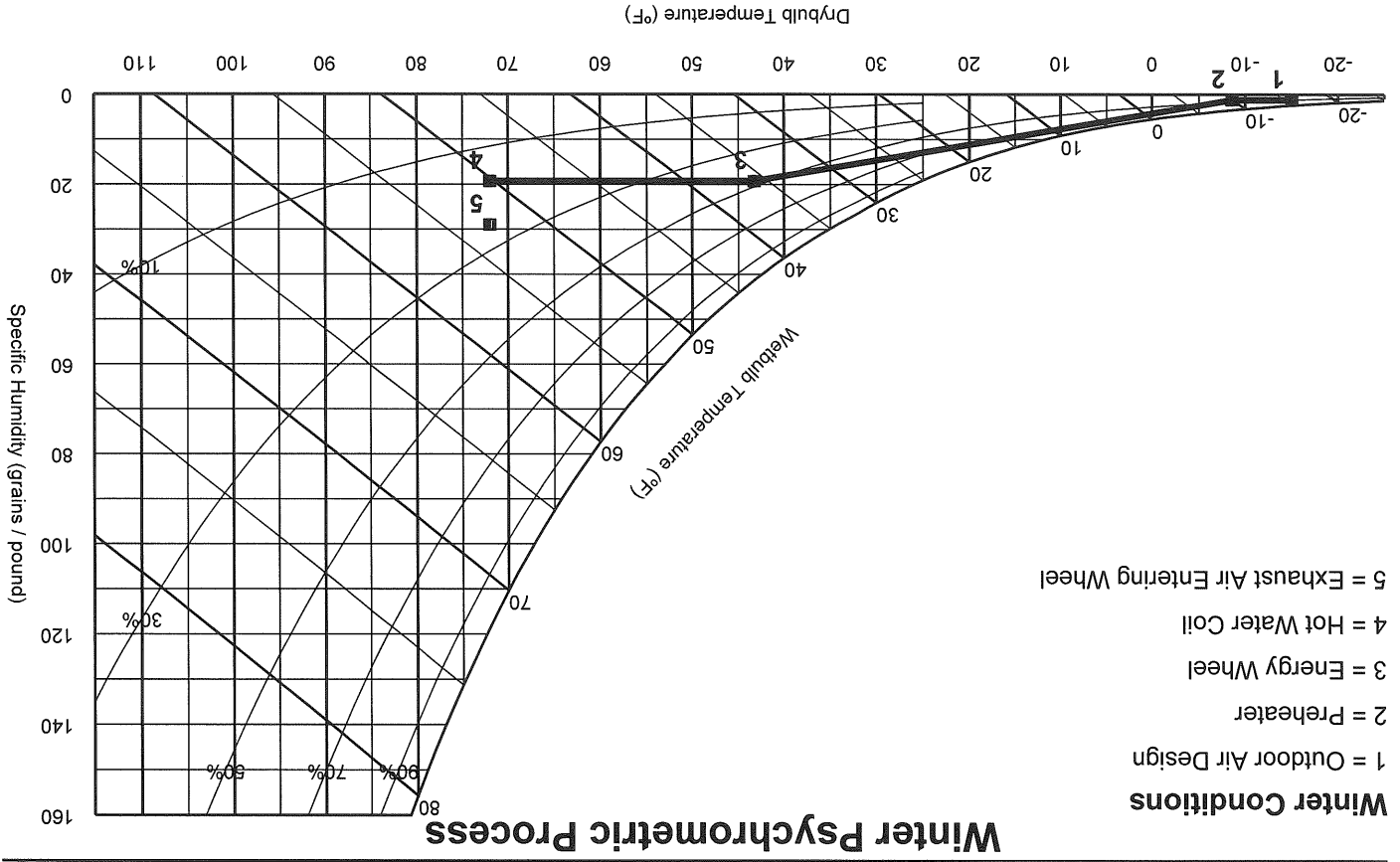
Outdoor Air Design	87.0	74.0
Energy Wheel	79.3	67.0
	Dry Bulb (F)	Wet Bulb (F)



Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1



Hot Water Coil	72	50
Energy Wheel	43.3	35.9
Outdoor Air Design	-15.0	-15.7
Dry Bulb (F)		Wet Bulb (F)



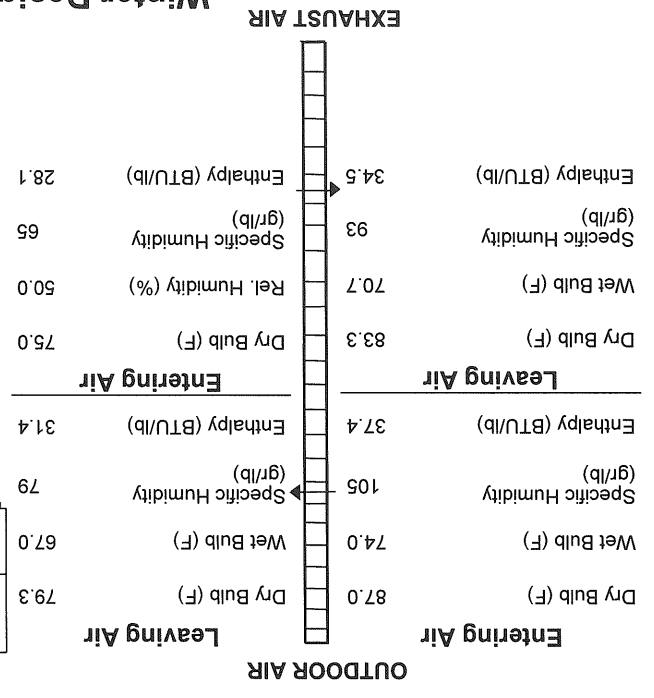
Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1



ERH Energy Recovery w/ Heating Energy Recovery Wheel Performance Summer Design Conditions

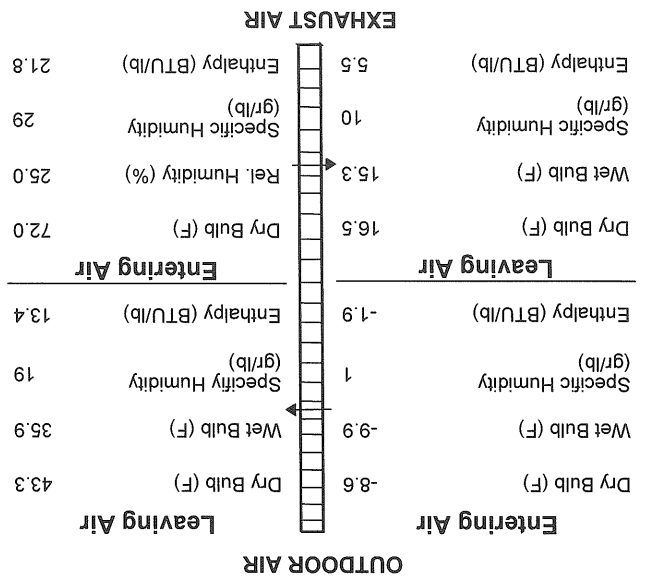
Model	Outdoor Vol. (CFM)	OA Wheel Effectiveness	Exhaust Volume (CFM)	EA Wheel Effectiveness
ERH-55H-15	6,000	64.3	5,600	68.9

OUTDOOR AIR COOLING LOAD REDUCTION		Reduction tons Saved	
OA Load w/o Energy Recovery	252,223.0	OA Load with Energy Recovery	89,987.0
(BTU/h)	21.02	(tons)	7.50



Winter Design Conditions

OUTDOOR AIR HEATING LOAD REDUCTION		Reduction BTU/hr. Saved	
OA Load w/o Energy Recovery	526,466.0	OA Load with Energy Recovery	187,831.0
(BTU/h)	338,635.0		





ERH

Energy Recovery w/ Heating Coil Performance

Heating Coil	Heating Type	Hot Water
Heating Coil Model:	5WQ1002B	
Rows Deep:	2	
Fins Per Inch:	10	
Face Velocity (ft/min):	541.4	
Energy (MBH):	247.0	
Entering Dry Bulb (F):	43	
Leaving Air (F):	81	
Heat Coil SP (in wg):	0.205	
Entering Fluid (F):	160	
Leaving Fluid (F):	120	
Fluid Type:	Propylene	
Glycol (%):	30	
Fluid Flow (GPM):	13	
Fluid PD (ft wg):	1.5	
Connection Size (in):	2.5	



Printed Date: 9/9/2008
 Job: 2689 Florence House
 Product Type: Energy Recovery
 Mark: ERV-1

ERH

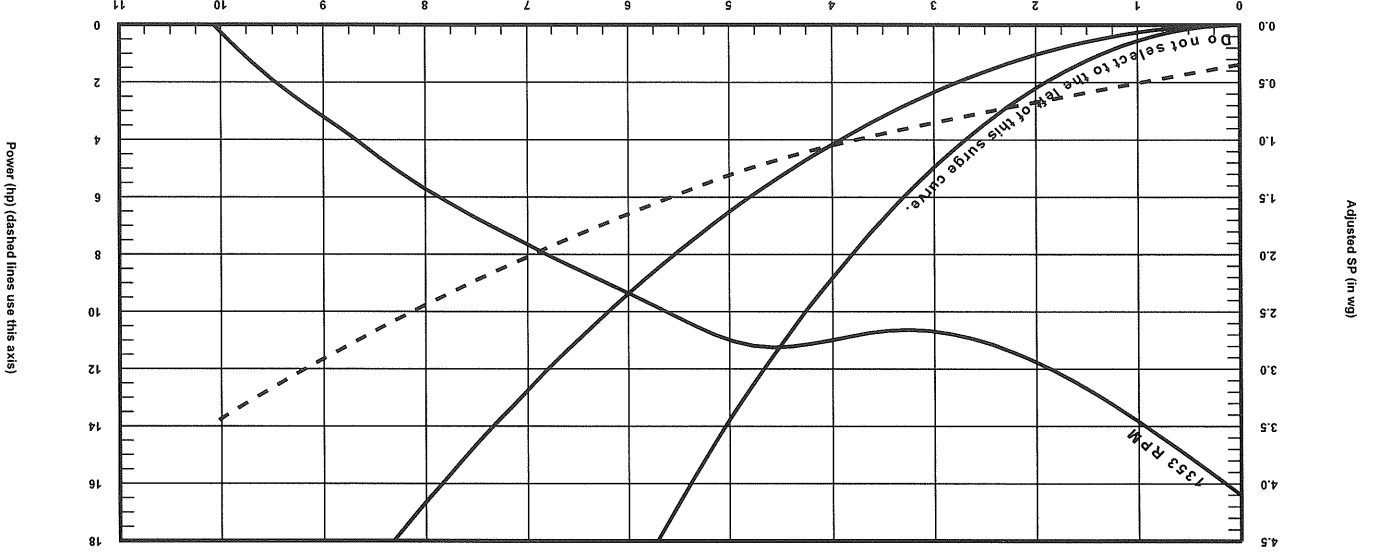
Energy Recovery w/ Heating

Air Performance Curves

ERH-55H-15

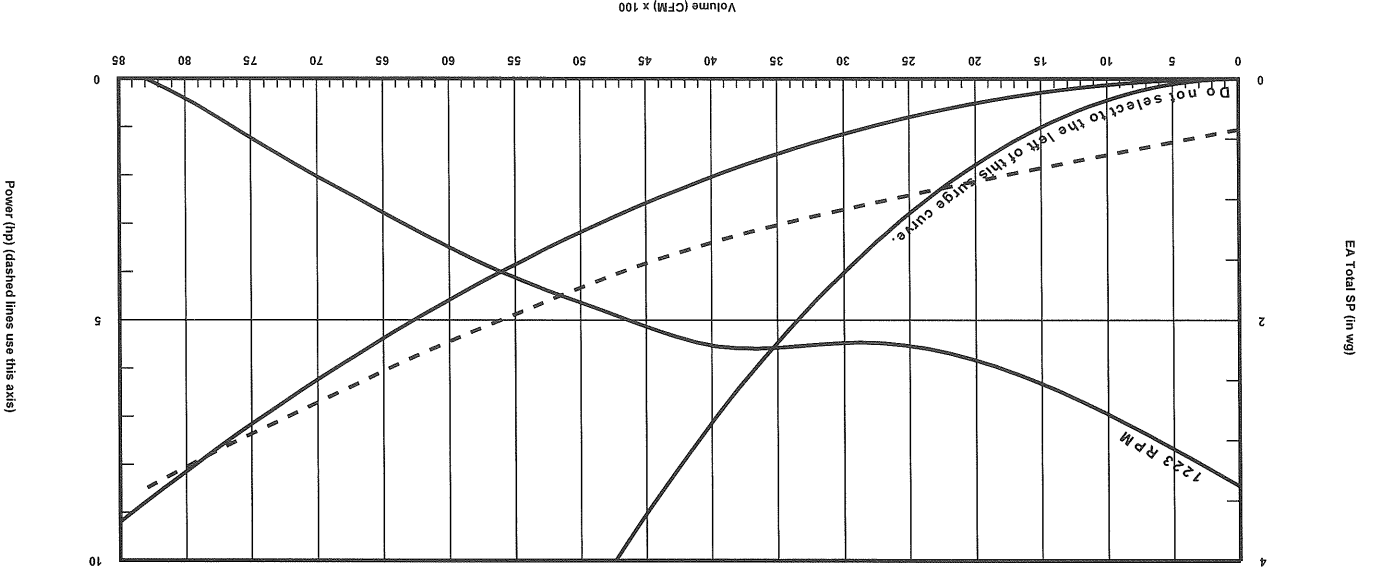
OUTDOOR AIR PERFORMANCE

Volume (CFM)	6,000
External SP (in wg)	1.25
Total SP (in wg)	2.341
FRPM	1,353
Operating Power (hp)	6.6
Motor Size (hp)	7 1/2



EXHAUST AIR PERFORMANCE

Volume (CFM)	5,600
External SP (in wg)	1
Total SP (in wg)	1.597
FRPM	1,223
Operating Power (hp)	5
Motor Size (hp)	5





Type: WHEEL
 Normal Airflow: (CFM) 5,800
 Tilt Angle (Heating/Cooling): N / A Deg
 Pressure Drop: (in wg) 1

Leakage Ratings

Test 1:	Test 2:	Test 3:	Optional Add'l Test(s):
-0.5	0	0.5	
2.0	1.2	1.0	
1.01	1.03	1.04	
0	0	0	

Thermal Effectiveness Ratings at 0" Pressure Differential

100% Airflow Heating Condition:	75% Airflow Heating Condition:	100% Airflow Cooling Condition:	75% Airflow Cooling Condition:	Sensible	Latent	Total
68.0	68.0	68.0	68.0	74.0	66.0	70.0
66.0	66.0	66.0	66.0	74.0	66.0	70.0
68.0	68.0	68.0	68.0	74.0	66.0	70.0
66.0	66.0	66.0	66.0	74.0	66.0	70.0
68.0	68.0	68.0	68.0	74.0	66.0	70.0
66.0	66.0	66.0	66.0	74.0	66.0	70.0
68.0	68.0	68.0	68.0	74.0	66.0	70.0
66.0	66.0	66.0	66.0	74.0	66.0	70.0

Trademark: Greenheck Model Number: ERH-55H-15

NOTE:
 scfm = Standard Cubic Feet per Minute
 EATR = Exhaust Air Transfer Ratio
 OACF = Outdoor Air Correction Factor
 N / A = Not Applicable

Energy Recovery component certified in accordance with ARI Standard 1060-2001. Actual performance in packaged equipment may vary.

Betsy Melrose

From: Betsy Melrose
Sent: Tuesday, September 09, 2008 12:21 PM
To: 'Jean Fraser'
Cc: 'Rebecca L. Dillon'; 'Anne Pelletier'; 'Debora Keller'
Subject: Rooftop Mechanicals at Florence House

Hello Jean-

The Energy Recovery Ventilation (ERV) units are the only mechanical equipment on site which exceed the decibel level measured 5 feet from the unit. Upon further investigation, these ERV units meet the decibel level requirement at the property line, as required in the ordinance. Please see unit information below from Bennett Engineering, Inc.

The ERV units are rated at 68.2 dBA (ERV-1) and 54.9 dBA (ERV-2) at 5 ft from the unit. This is reduced by 6dBA every time the distance doubles so at 40 ft from unit (18 dBA reduction), sound will be 50.2 dBA and 36.9 dBA respectively. The screen around the units will provide further reduction in sound levels.

These units are located within the rooftop mechanical screen. The shortest distance between the units and the property line is 30' (Valley Street property line). Therefore:

ERV-1

5 feet away = 68.2 dBA
10 feet away = 62.2 dBA
20 feet away = 56.2 dBA
30 feet away = 54.2 dBA

ERV-2

5 feet away = 54.9 dBA
10 feet away = 48.9 dBA
20 feet away = 42.9 dBA
30 feet away = 40.9 dBA

For additional information, these units are 60 feet from the rear property line, therefore ERV-1 would be 48.2 dBA and ERV-2 would be 34.9 dBA.

These units are less than the 55 dBA required during the nighttime. Below is the text from the ordinance:

Sec. 14-187. External effects.

Every use in a B-2, B-2b and B-2c zone shall be subject to the following requirements:

(b) Noise: Except as provided in 14-183(1)(iii)(2) (relating to Drive-throughs), the volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.

If you need any additional information, please let me know.

Thanks.

Betsy Melrose

Betsy Melrose

From: Betsy Melrose
Sent: Tuesday, September 09, 2008 1:15 PM
To: 'Jean Fraser'
Cc: Debora Keller; 'Anne Pelletier'; Rebecca L. Dillon
Subject: RE: Florence House Plat
Attachments: Florence House - Layout Plan.pdf; 100405 A201.pdf; Solar Hot Water.pdf

Hello Jean-

Attached is a rooftop plan showing the location of the mechanical ERV equipment. I also included our layout plan to which I added distance between the ERV units and the property line to accompany my last e-mail.

Bennett Engineers did look at the cumulative effect of the mechanical equipment and noted that it does not exceed ordinance requirements.

I'm not sure if this will be an issue, but as part of MaineHousing Green Design standards, solar domestic hotwater panels have been added to the roof. The collectors have been placed outside the mechanical screen, to ensure adequate light collection. There are 6 panels noted on the roof, in two separate rows, located to the south of the mechanical equipment screen. These panels would not exceed 32 SF each. I have attached information to show you what the panels look like.

Thanks.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 12:21 PM
To: Betsy Melrose
Subject: RE: Florence House Plat

Betsy

We would like a plan showing the location of each item of plant and the noise spec for each one. We need to see how near they are to the boundary of the site and whether they would meet the max noise levels quoted in the B2 zoning ordinance. We are also wondering if there could be cumulative noise from several items being on at once?

Jean

>>> "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008 12:13:09 PM >>>
Thanks Jean.

I am typing a response to you regarding the rooftop mechanicals right now. I'll send it in a few minutes.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 12:10 PM
To: Betsy Melrose
Subject: RE: Florence House Plat

Hi Betsy

I have just heard that Shalom Odokara won't be here today so you would have had to wait until then anyway.

I am working on a letter responding to your letter of Sept 3 which should go out tomorrow; the main issue is re noise from the roof plant as we need to be absolutely sure that the neighbors are not going to be affected by that.

Jean

>>> "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008
11:26:41
AM >>>
Hi Jean-

We will wait until the 23rd to have the plat signed to make sure Penny doesn't have any revisions.

Thanks.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 10:41 AM
To: Betsy Melrose
Cc: Barbara Barhydt
Subject: Florence House Plat

Betsy

Penny is in court today and just has not had time to check the Plat.

I have agreed with Barbara that we will ask the Board to sign it today but not release it until Penny has had a chance to sign off (and the other requirements are met re payments).

The Plat will be signed by four Board members: Hall; Patterson; Odokara; and Tevanian. Freund voted but is no longer on the Board; Silk and Lowry were recused and did not vote.

Since an extension to the Site Plan is likely to be given and the release of the Plat depends on payments of the contributions, Perf. guarantee etc there may be some benefit in waiting a bit longer on the Plat signing ie the Board could sign it on Sept 23rd.

Jean

Betsy Melrose

From: Betsy Melrose
Sent: Tuesday, September 09, 2008 1:15 PM
To: 'Jean Fraser'
Cc: Debora Keller; 'Anne Pelletier'; Rebecca L. Dillon
Subject: RE: Florence House Plat
Attachments: Florence House - Layout Plan.pdf; 100405 A201.pdf; Solar Hot Water.pdf

Hello Jean-

Attached is a rooftop plan showing the location of the mechanical ERV equipment. I also included our layout plan to which I added distance between the ERV units and the property line to accompany my last e-mail.

Bennett Engineers did look at the cumulative effect of the mechanical equipment and noted that it does not exceed ordinance requirements.

I'm not sure if this will be an issue, but as part of MaineHousing Green Design standards, solar domestic hotwater panels have been added to the roof. The collectors have been placed outside the mechanical screen, to ensure adequate light collection. There are 6 panels noted on the roof, in two separate rows, located to the south of the mechanical equipment screen. These panels would not exceed 32 SF each. I have attached information to show you what the panels look like.

Thanks.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 12:21 PM
To: Betsy Melrose
Subject: RE: Florence House Plat

Betsy

We would like a plan showing the location of each item of plant and the noise spec for each one. We need to see how near they are to the boundary of the site and whether they would meet the max noise levels quoted in the B2 zoning ordinance. We are also wondering if there could be cumulative noise from several items being on at once?

Jean

>>> "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008 12:13:09 PM >>>
Thanks Jean.

I am typing a response to you regarding the rooftop mechanicals right now. I'll send it in a few minutes.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 12:10 PM
To: Betsy Melrose
Subject: RE: Florence House Plat

Hi Betsy

I have just heard that Shalom Odokara won't be here today so you would have had to wait until then anyway.

I am working on a letter responding to your letter of Sept 3 which should go out tomorrow; the main issue is re noise from the roof plant as we need to be absolutely sure that the neighbors are not going to be affected by that.

Jean

>>> "Betsy Melrose" <BMelrose@mitchellassociates.biz> 9/9/2008
11:26:41
AM >>>
Hi Jean-

We will wait until the 23rd to have the plat signed to make sure Penny doesn't have any revisions.

Thanks.
Betsy

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, September 09, 2008 10:41 AM
To: Betsy Melrose
Cc: Barbara Barhydt
Subject: Florence House Plat

Betsy

Penny is in court today and just has not had time to check the Plat.

I have agreed with Barbara that we will ask the Board to sign it today but not release it until Penny has had a chance to sign off (and the other requirements are met re payments).

The Plat will be signed by four Board members: Hall; Patterson; Odokara; and Tevanian. Freund voted but is no longer on the Board; Silk and Lowry were recused and did not vote.

Since an extension to the Site Plan is likely to be given and the release of the Plat depends on payments of the contributions, Perf. guarantee etc there may be some benefit in waiting a bit longer on the Plat signing ie the Board could sign it on Sept 23rd.

Jean

DESCRIPTION

Model	Elevation (ft)	Qty	Approximate Weight (lb)
ERH-45L-15	0	1	2,250

--Weight does NOT include skid/crating and may vary by 15% based on options selected.

ARRANGEMENT

OA Intake Position	OA Discharge Position	EA Intake Position	EA Discharge Position
End	End	End	Side

MOTOR SPECS

V/C/P	Enclosure	RPM	Efficiency
208/60/3	ODP	1725	HE

ELECTRICAL

Minimum Circuit Amps (A)	Max. Over Current Protection (A)
59.9	60.0

ERH

Energy Recovery w/ Heating

STANDARD CONSTRUCTION FEATURES

Exterior housing constructed of galvanized steel • Energy recovery cassette with a desiccant wheel • Two blower and motor assemblies mounted with neoprene isolators • Forward curved steel wheels • Ball bearing motors • Fan shafts in permanently lubricated bearings • Corrosion resistant fasteners • Internally lined with galvanized sheet metal creating a double wall • Insulated with 1 inch, 3# density insulation • Internally mounted control center with motor starters, 24 VAC control transformer, control circuit fusing • Door interlocking disconnect switch • Motor mounted on adjustable plate • Adjustable motor pulleys under 10 hp • Static free belts

SELECTED OPTIONS & ACCESSORIES

- Outdoor Air Intake Damper, Motorized, Insulated, Low Leakage VCD-34
- Exhaust Air Intake Damper, Motorized, Insulated, Low Leakage VCD-34
- Curb GKD-62.38/82-G12 with Duct Adapter
- Permatector, Exterior Only
- Exhaust Discharge Gravity Backdraft Damper
- 120v NEMA 3R Service Outlet (ships loose - power by others)
- Temperature Sensors Mtd By GFC: OAI OAAW OAD EAW RA
- Intake Hood w/2" mesh filters & Exhaust Hood w/birdscreen
- Outdoor Air Filter, 2" pleated (30% efficient)
- Exhaust Air Filters, 2" pleated (30% efficient)
- Listed to UL-1995
- Temp Control by Others
- Dirty Filter Sensor for both Outdoor and Exhaust filters
- Remote Panel w/, D.F. Lgt, Rot. Lgt.
- Water coil(s) piped internal to unit
- Rotation Sensor
- 12.3 kW Preheater, 2 Stage, OA Temp & Wheel Pressure Activ
- Wheel VFD-control by others
- High Efficiency Motor



ARI Standard 1060

HEATING

** Note: Piping to any coil is by others.

Heating Type	Coil Qty.	Heating Coil Model	Total Energy (MBH)
Hot Water	1	5WQ1001B	67.1

OUTDOOR AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size (hp)
2,700	1.25	1.625	1,245	1.87	2

EXHAUST AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size (hp)
2,050	1	1.118	1,018	0.93	1

OUTDOOR DISCHARGE FAN SOUND PERFORMANCE

Outlet Sound Power by Octave Band								Lwa	dBA
62.5	125	250	500	1000	2000	4000	8000		
93	85	78	76	74	71	69	61	79	68

Control Sequence for ERH

Standard Sequence of Operation

The ERH comes standard with a unit-mounted control center containing a door interlocking disconnect switch, motor starters, control circuit fusing, control transformer for 24 VAC control, and a terminal strip. A digital signal to the units terminal strip will energize the outdoor air fan, exhaust fan, and energy wheel. Typically, that signal is sent from a rooftop unit, building automation system, or occupied/unoccupied timer.

Tempering Sequence of Operation

A hot water coil is provided in the unit. Valve and control of the valve is by others.

Options (Selected accessories are indicated by 'X' in box)

Dampers



OA Damper: Damper mounted in OA intake. Opens when outdoor air fan is energized.

EA Damper: Damper mounted in EA intake. Energized when exhaust fan is energized.

Frost Control

Frost control is initiated when OA temperature drops below the setpoint AND the pressure drop across the wheel increases to indicate frosting.



Preheat: An electric preheater mounted in the OA intake heats OA to energy wheel frost threshold temperature when frosting is indicated. Preheater is single point wired to main unit disconnect.



Timed Exhaust: OA fan cycles off for about 5 minutes every 1/2 hour when frosting is indicated.



Modulating Wheel: Energy wheel modulates to lower speed when frosting is indicated.

Energy Wheel Control



Stop Wheel: Energy wheel is shut down for periods of free-cooling when the OA enthalpy or temperature drops below a setpoint. When the OA temperature drops below 45 degrees (adj), the wheel will be re-energized for heating mode.



Modulating Wheel: A VFD for the energy wheel is supplied to modulate the wheel to maintain a nominal 55 degree LAT off the energy wheel.



Stop/Jog: A timer is included with either Stop Wheel or Modulating Wheel to periodically energize the energy wheel briefly if it is stopped for economizer to allow the wheel to self-clean.

Variable Air Volume



Modulating: One VFD will be provided for each fan. Each VFD is factory-programmed to accept a field-supplied 0-10V signal, but is easily convertible to receive a 4-20 mA signal instead.



Multi-Speed: One VFD will be provided for each fan. Each VFD is factory-programmed to accept a field-supplied digital switching input to send it to high or low speed (1/2 speed, 1/3 speed, or full speed).

Other Accessories



Rotation Sensor: Sends a digital signal to alarm DDC/BMS system that energy wheel is not rotating.

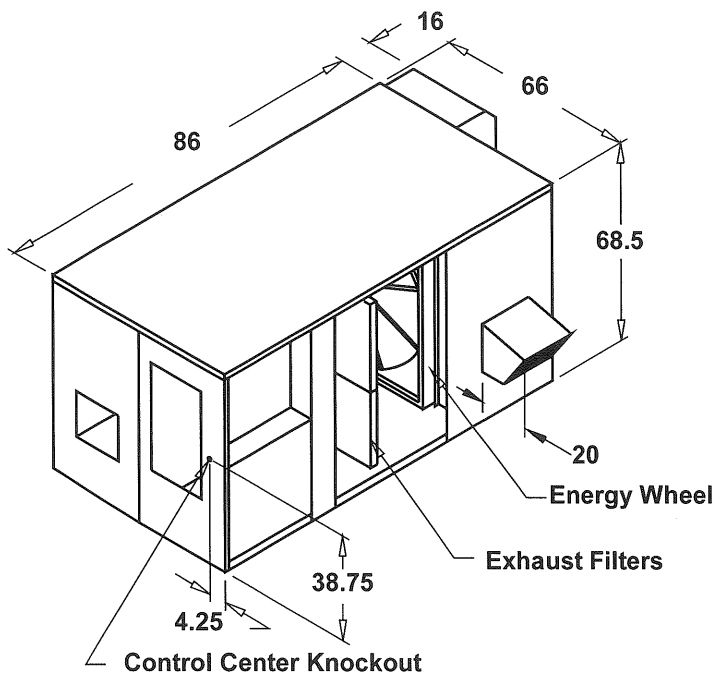
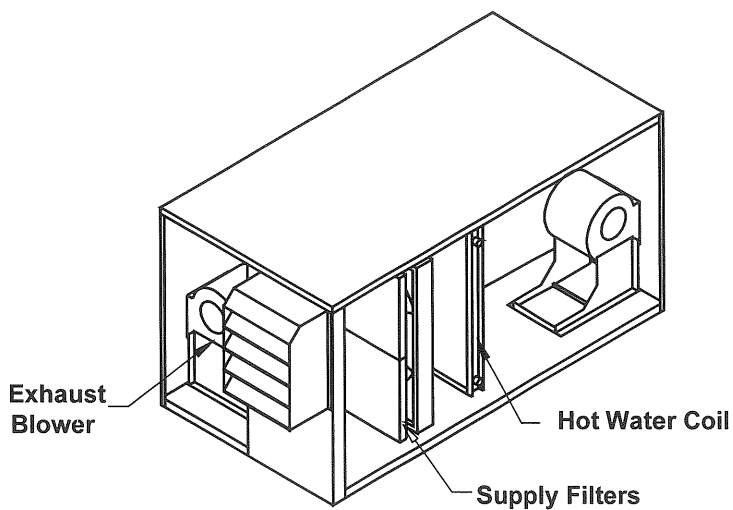
Dirty Filter Sensor: Sends a digital signal to alarm DDC/BMS system that filters require changing.

Sensors by Factory: See "Factory Mounted Sensors" submittal page for details

ERH-45L-15

ERH

Energy Recovery w/ Heating

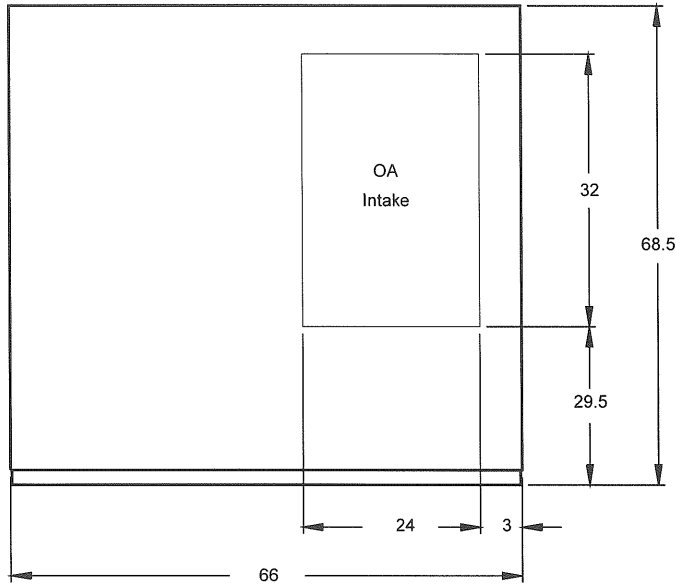


NOTE: All dimensions shown are in units of inches

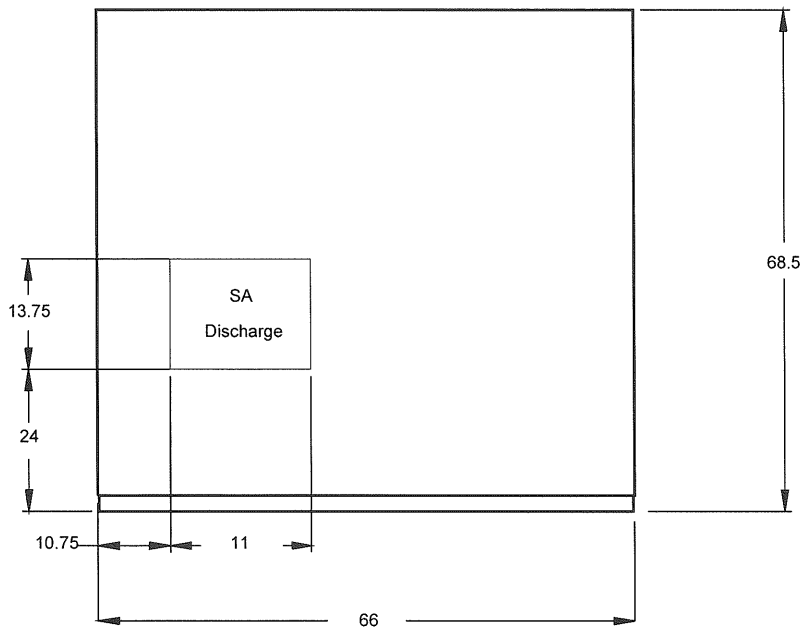
ERH-45L-15

ERH

Energy Recovery w/ Heating



Outdoor Air Intake



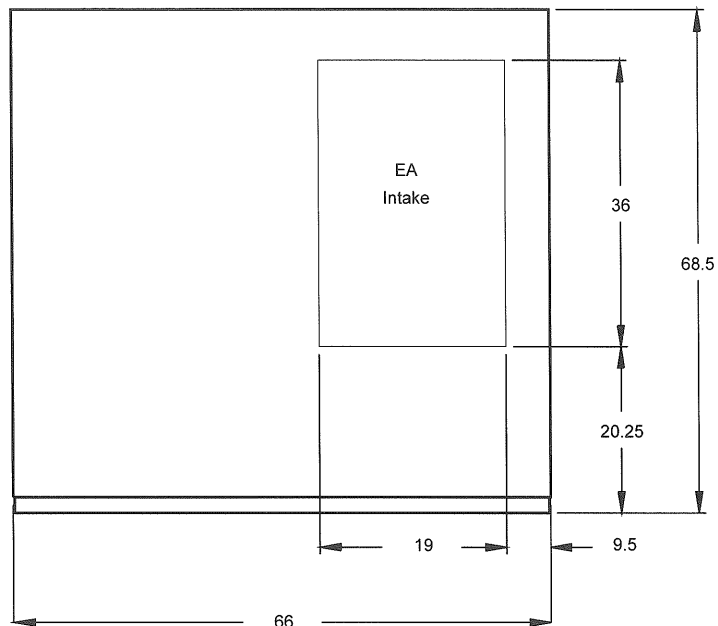
Outdoor Air Discharge

NOTE: All dimensions shown are in units of inches

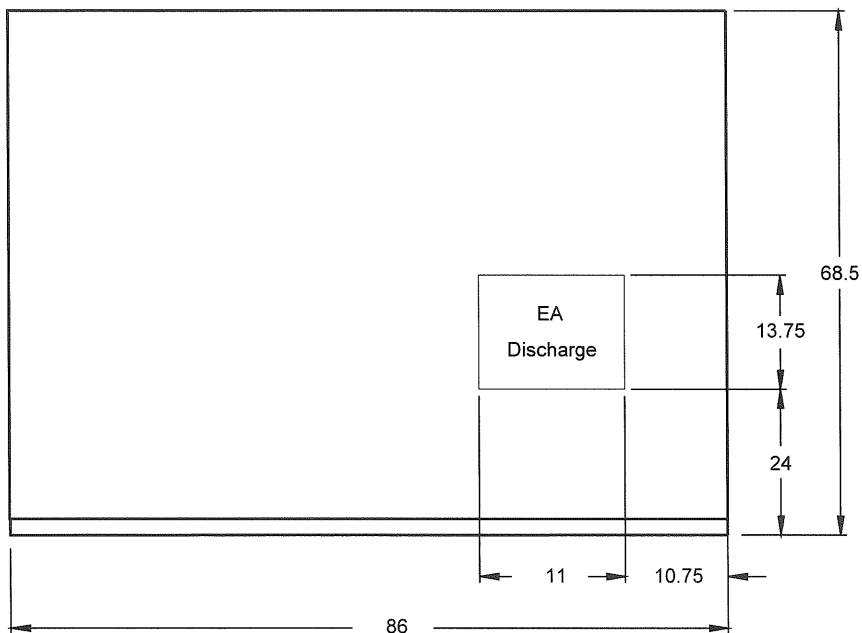
ERH-45L-15

ERH

Energy Recovery w/ Heating



Exhaust Intake



Exhaust Discharge

NOTE: All dimensions shown are in units of inches

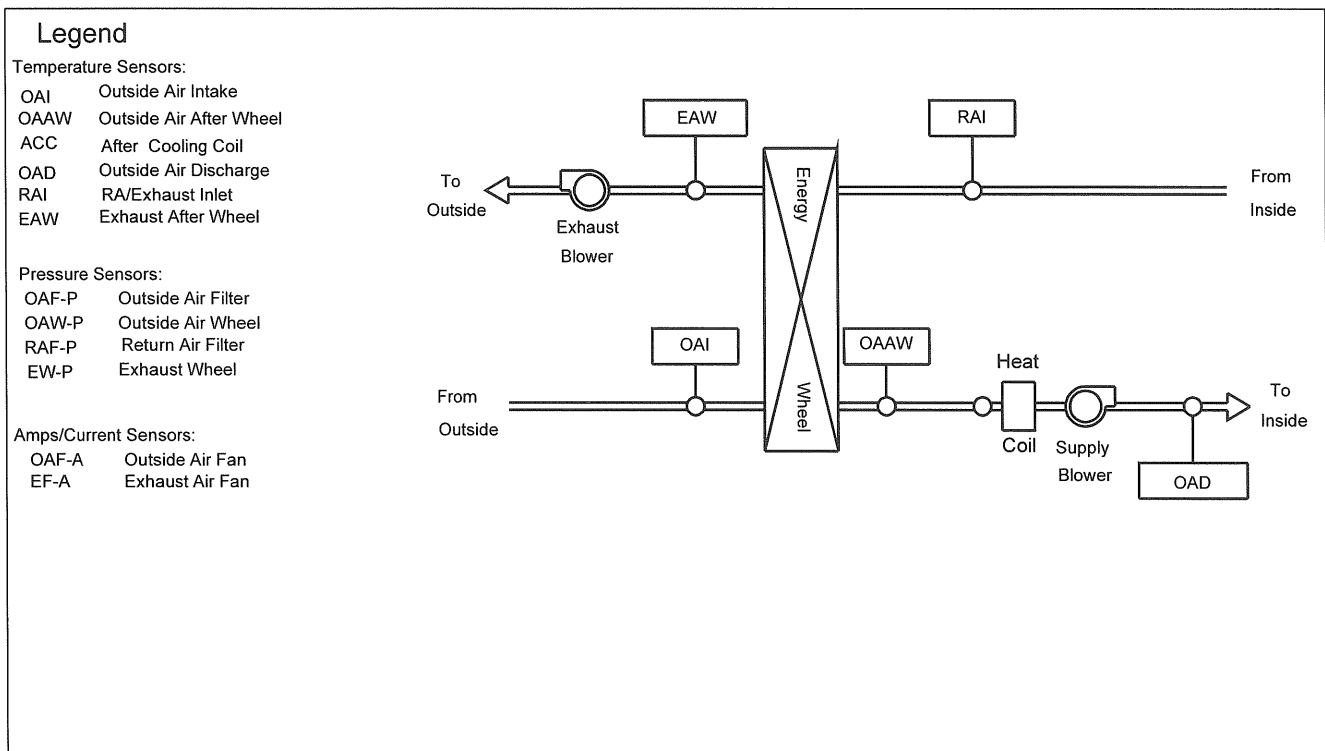
ERH-45L-15

Energy Recovery w/ Heating

Factory Mounted Sensors

Sensors to be mounted at specific points in the unit. The sensors will be routed back to the unit control center to be interfaced with the field-mounted (by others) BMS Controller.

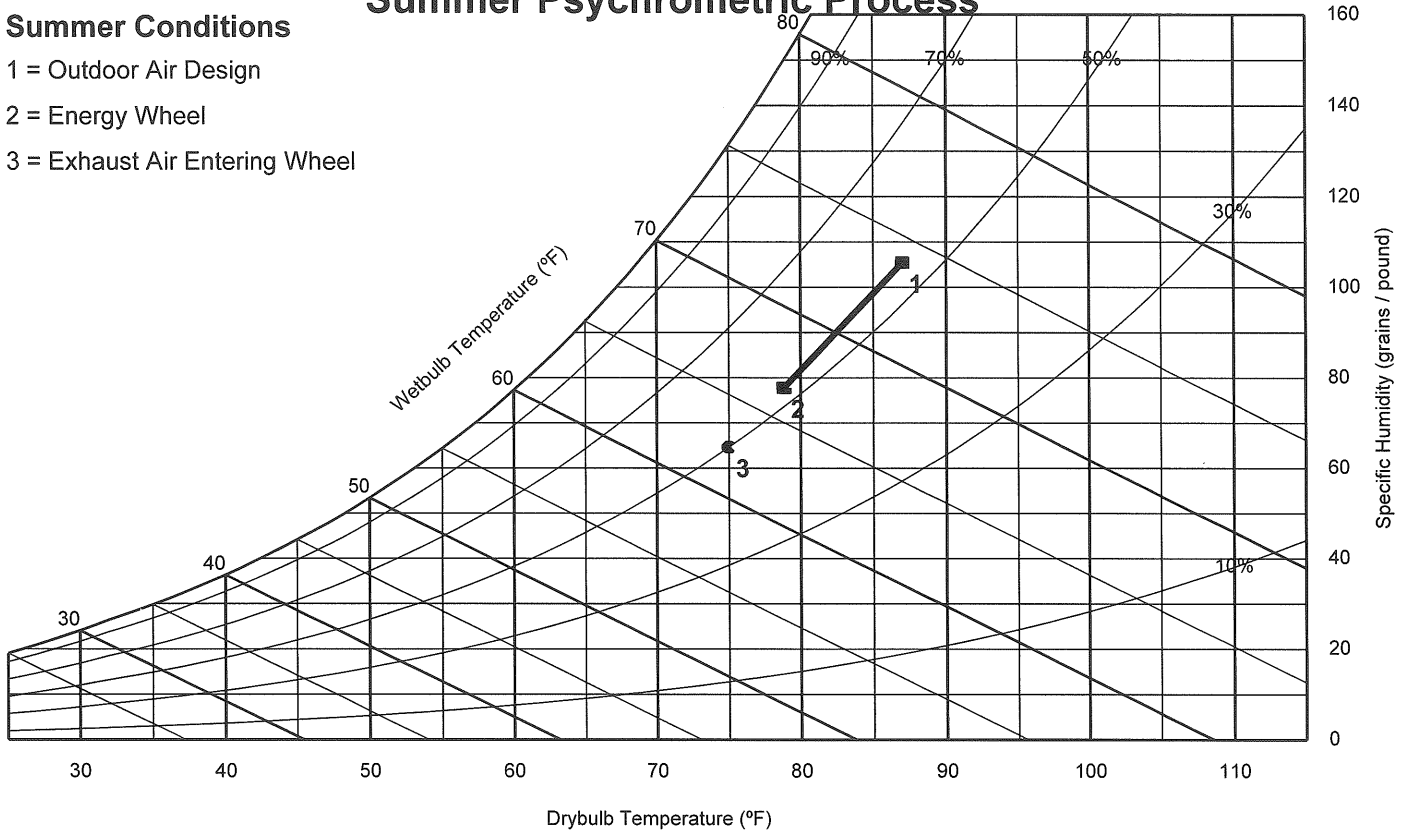
Temperature Sensors: 1K Ohm RTD



Summer Psychrometric Process

Summer Conditions

- 1 = Outdoor Air Design
- 2 = Energy Wheel
- 3 = Exhaust Air Entering Wheel

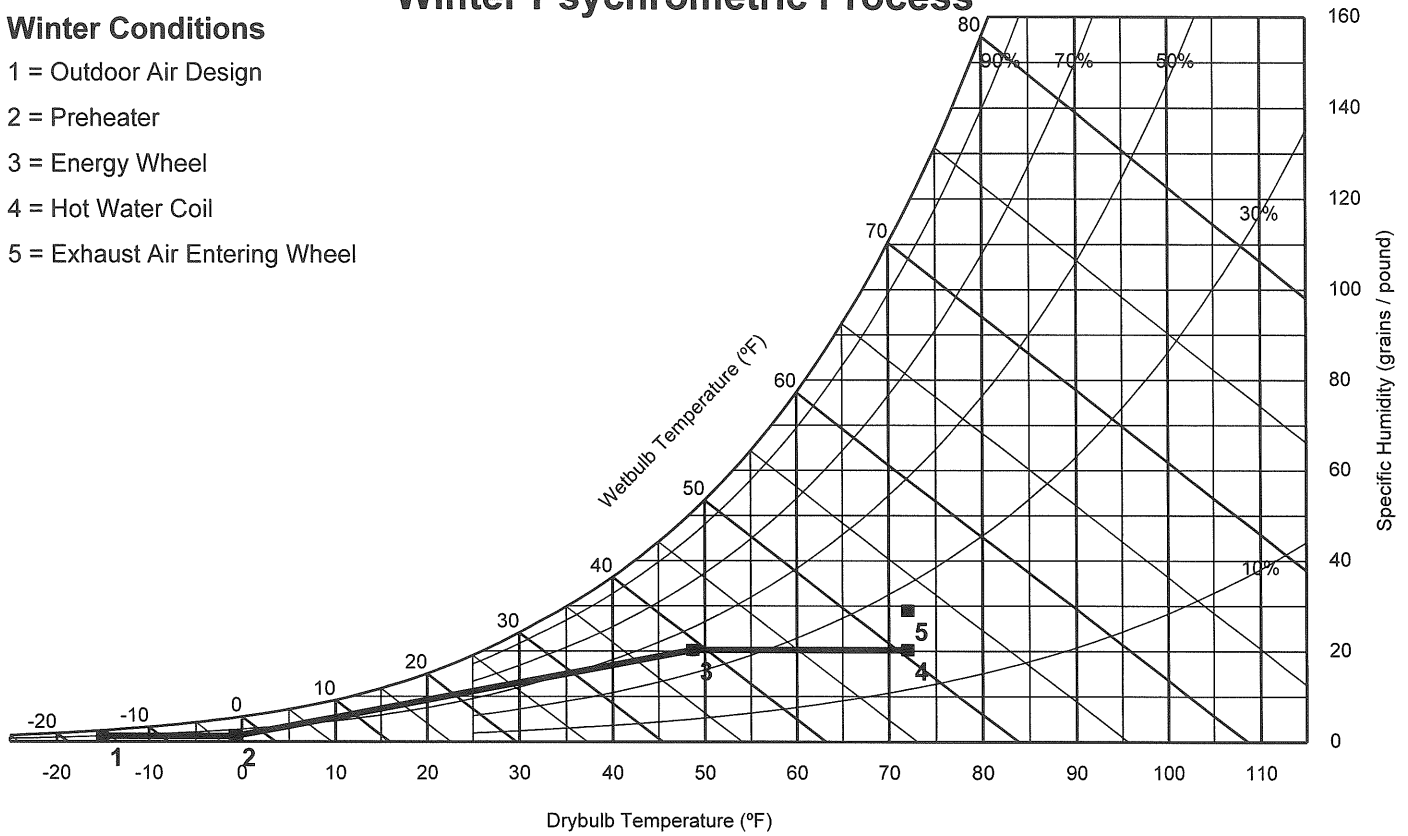


	Dry Bulb (F)	Wet Bulb (F)
Outdoor Air Design	87.0	74.0
Energy Wheel	78.9	66.5

Winter Psychrometric Process

Winter Conditions

- 1 = Outdoor Air Design
- 2 = Preheater
- 3 = Energy Wheel
- 4 = Hot Water Coil
- 5 = Exhaust Air Entering Wheel

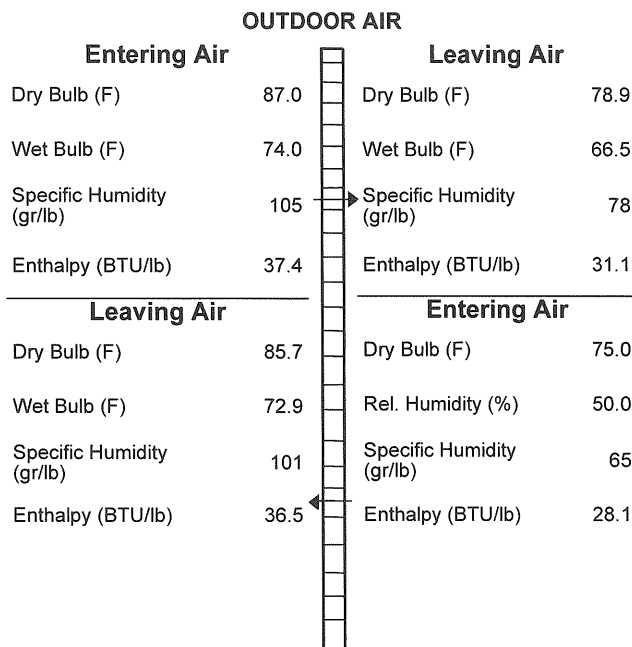


	Dry Bulb (F)	Wet Bulb (F)
Outdoor Air Design	-15.0	-15.7
Energy Wheel	48.7	39.2
Hot Water Coil	72	50

ERH Energy Recovery w/ Heating

Energy Recovery Wheel Performance

Summer Design Conditions

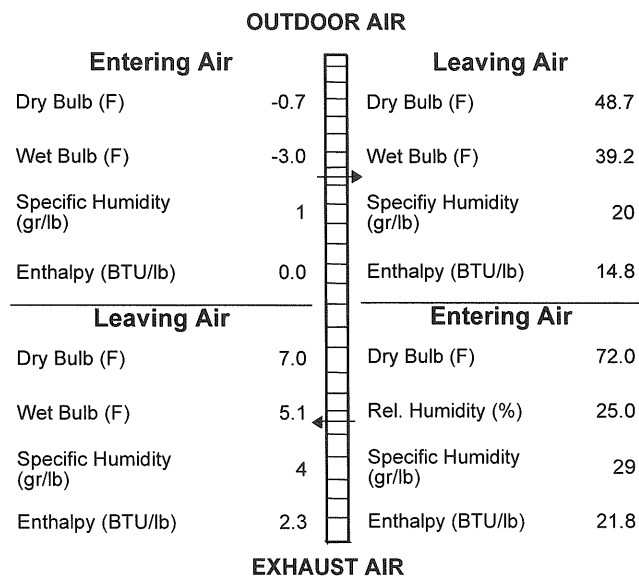


Model	Outdoor Vol. (CFM)	OA Wheel Effectiveness	Exhaust Volume (CFM)	EA Wheel Effectiveness
ERH-45L-15	2,700	67.9	2,050	89.4

OUTDOOR AIR COOLING LOAD REDUCTION

	(BTU/h)	(tons)
OA Load w/o Energy Recovery	113,500.0	9.46
OA Load with Energy Recovery	36,419.0	3.03
Reduction tons Saved		6.42

EXHAUST AIR Winter Design Conditions



OUTDOOR AIR HEATING LOAD REDUCTION

	(BTU/h)
OA Load w/o Energy Recovery	213,814.0
OA Load with Energy Recovery	68,607.0
Reduction BTU/hr. Saved	
	145,207.0

ERH Energy Recovery w/ Heating Coil Performance

Heating Coil

Heating Type	Hot Water
Heating Coil Model:	5WQ1001B
Rows Deep:	1
Fins Per Inch:	10
Face Velocity (ft/min):	385.7
Energy (MBH):	67.1
Entering Dry Bulb (F):	49
Leaving Air (F):	72
Heat Coil SP (in wg):	0.076
Entering Fluid (F):	160
Leaving Fluid (F):	131
Fluid Type:	Propylene
Glycol (%):	30
Fluid Flow (GPM):	4.8
Fluid PD (ft wg):	0.5
Connection Size (in):	1.5

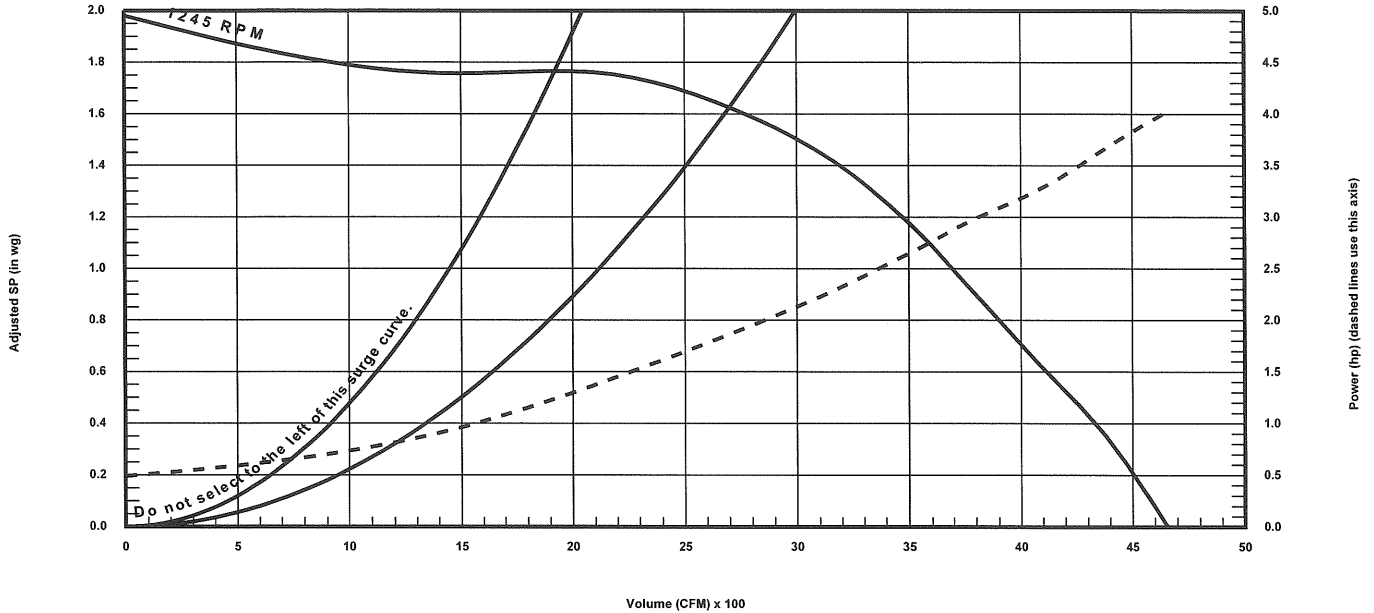
ERH Energy Recovery w/ Heating

OUTDOOR AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size (hp)
2,700	1.25	1.625	1,245	1.87	2

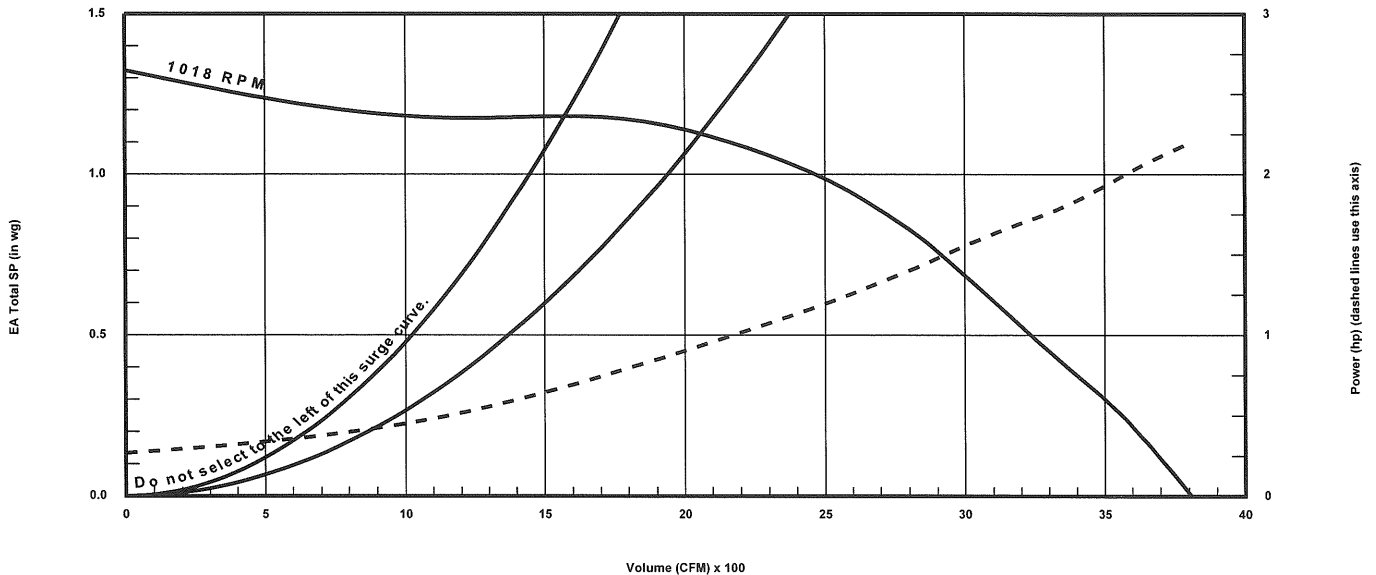
Air Performance Curves

ERH-45L-15



EXHAUST AIR PERFORMANCE

Volume (CFM)	External SP (in wg)	Total SP (in wg)	FRPM	Operating Power (hp)	Motor Size (hp)
2,050	1	1.118	1,018	0.93	1





Type: WHEEL Nominal Airflow: (CFM) 3,000

Tilt Angle (Heating/Cooling): N / A Deg

Pressure Drop: (in wg) 1

Leakage Ratings

	Pressure Differential	EATR	OACF	Purge Angle or Setting
Test 1:	-0.5	2.7	1.02	0
Test 2:	0	1.5	1.04	0
Test 3:	0.5	1.3	1.06	0

Optional Add'l Test(s):

Thermal Effectiveness Ratings at 0" Pressure Differential

	Sensible	Latent	Total
100% Airflow Heating Condition:	80.0	72.0	77.0
75% Airflow Heating Condition:	83.0	77.0	81.0
100% Airflow Cooling Condition:	80.0	72.0	75.0
75% Airflow Cooling Condition:	83.0	77.0	79.0
	Net Sensible	Net Latent	Net Total
100% Airflow Heating Condition:	80.0	72.0	77.0
75% Airflow Heating Condition:	83.0	77.0	81.0
100% Airflow Cooling Condition:	80.0	72.0	75.0
75% Airflow Cooling Condition:	83.0	77.0	79.0

Trademark: Greenheck

Model Number: ERH-45L-15

NOTE: scfm = Standard Cubic Feet per Minute
EATR = Exhaust Air Transfer Ratio
OACF = Outdoor Air Correction Factor
N / A = Not Applicable

Energy Recovery component certified in accordance with ARI Standard 1060-2001. Actual performance in packaged equipment may vary.

For Model ERH-45
Exhaust Inlet

Mark

RPM ACFM

OctBand1

OctBand2

OctBand3

OctBand4

OctBand5

OctBand6

OctBand7

OctBand8

Sones

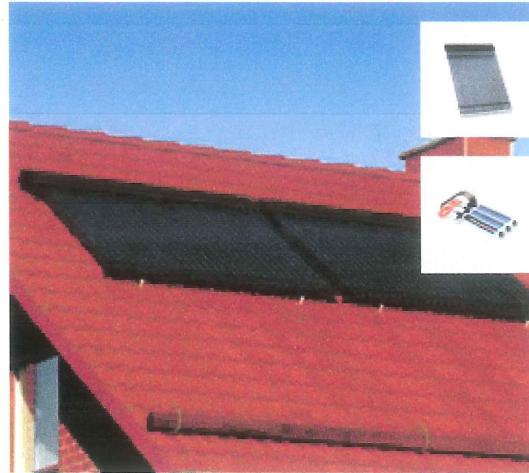
dBA

LwA



VITOSOL 300-T

Vacuum tube collector



First class high performance vacuum tube collector

The Vitosol 300-T high performance vacuum tube collector operates according to the proven heat pipe principle. It consequently offers particularly high operational reliability. One of the specific applications of the Vitosol 300-T is in systems with long phases of high solar irradiation without heat transfer, so called stagnation phases. The dry connection of the heat pipe tubes inside the header and the integral temperature limiter ensure particularly high operational reliability.

Heat pipe principle for high operational reliability

In heat pipe systems, the solar medium does not flow directly through the collector tube. Instead, a process medium, which circulates in the copper pipe below the absorber, evaporates when subjected to solar irradiation, and transfers the heat to the solar medium via a heat exchanger.

Duotec: Twice the benefit

The condensers are completely surrounded by the patented Duotec twin-pipe heat exchangers. This absorbs the heat particularly well and passes it into the heat transfer medium flowing past it.

Simple installation and maintenance

The collectors are rapidly interconnected through the reliable stainless steel corrugated pipe plug-in connectors on installation. The individual tubes can be precisely aligned with the sun by axial rotation. The tubes are connected in a dry state, i.e. without contact between process and heating medium. Ensuring a perfect tube connection. It is also possible, for example, to replace individual tubes when the system is already filled.

Protection against overheating

The temperature limiter integrated into the Vitosol 300-T protects the system against overheating during longer idle periods.

Made from high-grade materials

High quality corrosion-resistant materials ensure reliability, operational safety and durability. Among

others, glass, aluminium, copper and stainless steel are used.

Benefits at a glance:

- Highly efficient vacuum tube collector based on the heat pipe principle for high operational reliability
- The absorber surfaces with Sol-titanium coating, which are integrated into the vacuum tubes, are not susceptible to contamination
- Efficient heat transfer through fully encapsulated condensers inside the twin-pipe Duotec heat exchanger
- Tubes can be rotated for optimum alignment with the sun, thereby maximising the energy yield
- Highly effective thermal insulation of the header casing for minimum thermal losses
- Integral temperature limiter controls the heat flow at very high collector temperatures
- Easy installation through the Viessmann assembly and connection systems
- Attractive collector design, header casing in RAL 8019 (brown)

← back

→ page up

Imprint | © Viessmann Werke GmbH & Co KG

Adding Decibels

$$\text{SPL}_{1+2} = 10 \times \text{LOG}_{10} (10^{\text{SPL}_1/10} + 10^{\text{SPL}_2/10})$$

EXAMPLE:

$$\begin{array}{ll} \text{SPL}_1 = 50 \text{ dB} & \text{SPL}_2 = 55 \text{ dB} \\ 10^{\text{SPL}_1/10} = 100,000 & 10^{\text{SPL}_2/10} = 316,228 \end{array}$$

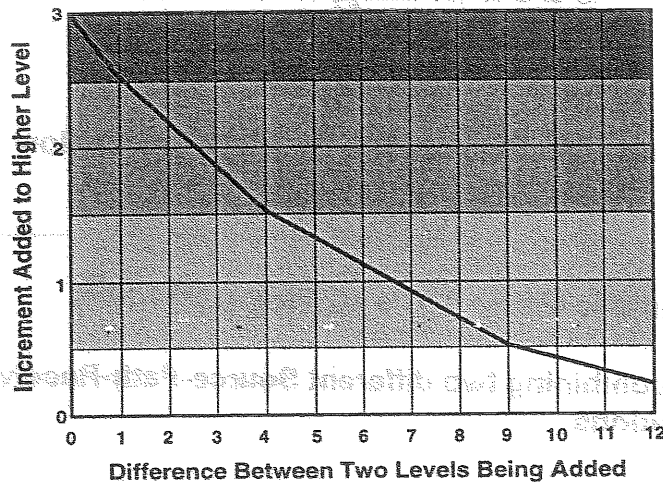
$$\begin{aligned} \text{SPL}_{1+2} &= 10 \times \text{LOG}_{10} (416,228) \\ &= 56.2 \text{ dB} \rightarrow \underline{56 \text{ dB}} \end{aligned}$$

©ASHRAE 1999

1-18

Logarithmic addition (adding logs is the same as multiplying "normal" numbers).

Adding Decibels (cont.)



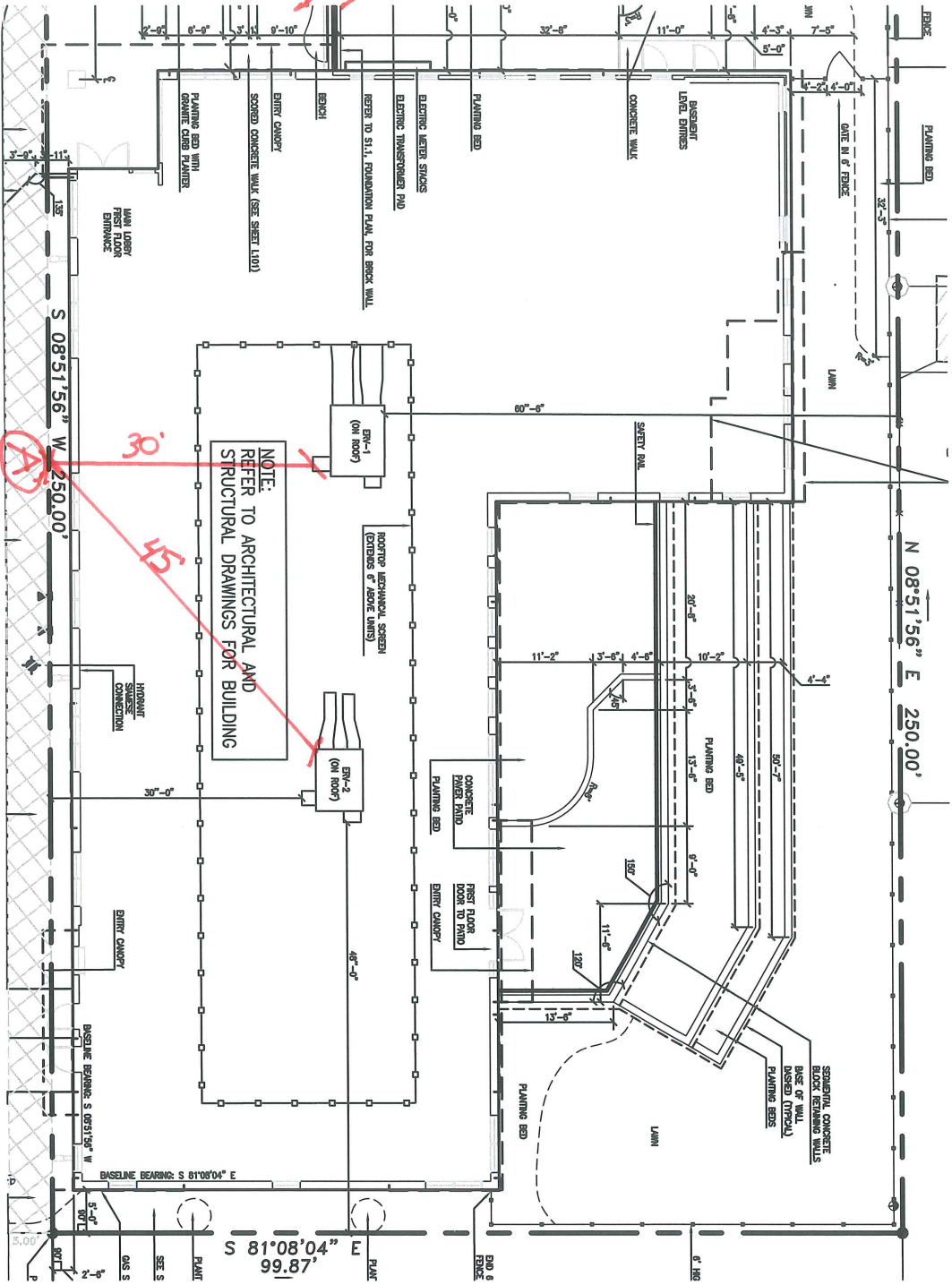
©ASHRAE 1999

1-19

Use this graph to avoid math errors when using the equation. A precision of ± 1 dB is okay.

9/12/2008

POINT A
ERV-1 = 54.20BA
ERV-2 = 35.90BA



NOTE:
REFER TO ARCHITECTURAL AND
STRUCTURAL DRAWINGS FOR BUILDING

A

30'

45'

S 08°51'56" W 250.00'

N 08°51'56" E 250.00'

BASELINE BEARING: S 81°08'04" E

S 81°08'04"
99.87'

PLANT
SEC. S
OAS S
5'-0"
1'-0"

PLANT

PLANT

PLANT

PLANT

$$\begin{aligned}\frac{ERV-1}{} &= 54.2 \text{ dBA} \\ \frac{ERV-2}{} &= 35.9 \text{ dBA}\end{aligned}$$

POINT A

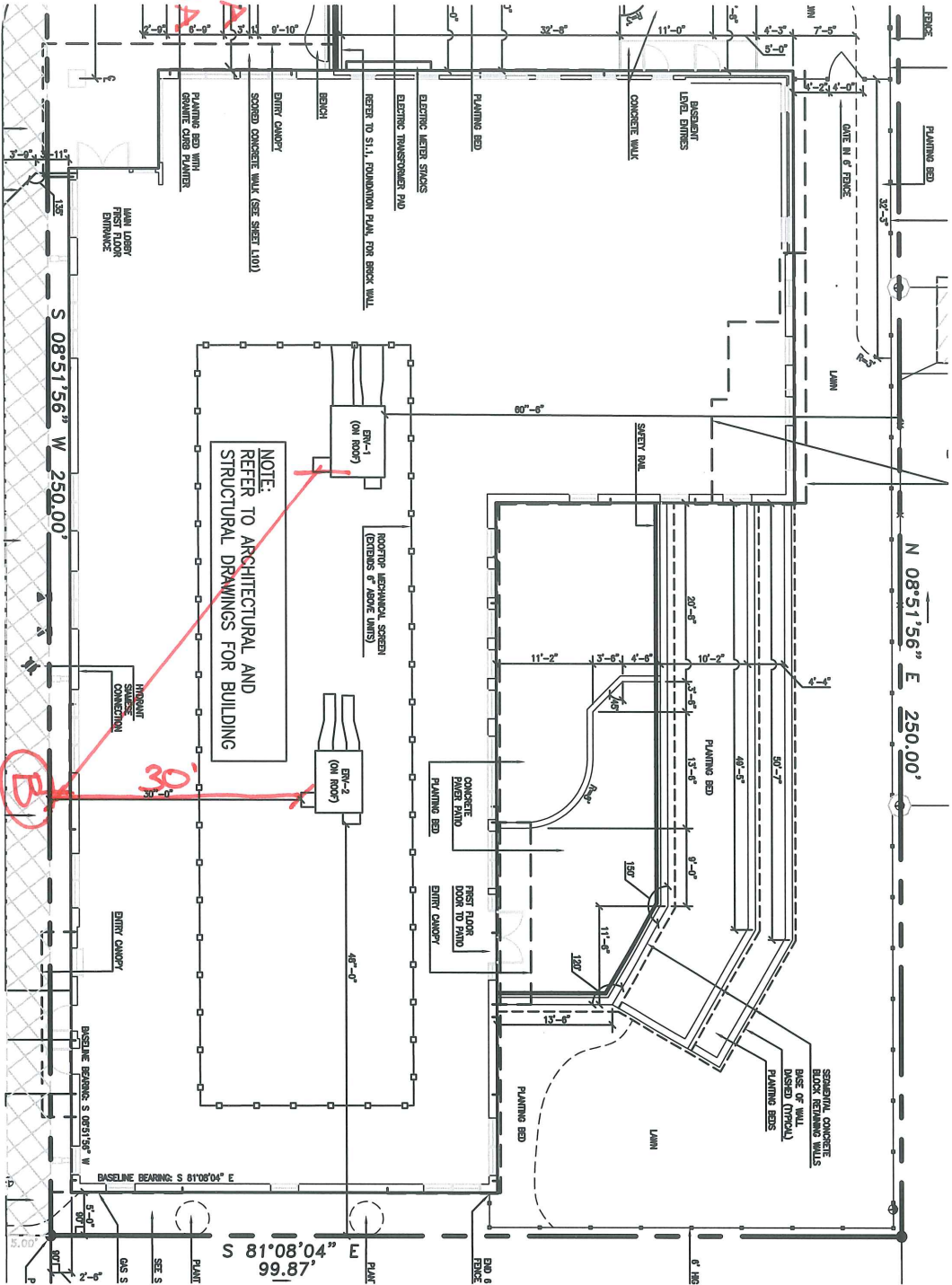
$$\begin{aligned}(ERV-1) + (ERV-2) &= 10 \times \text{LOG}_{10} \left(10^{(ERV-1)/10} + 10^{(ERV-2)/10} \right) \\ &= 10 \times \text{LOG}_{10} \left(10^{54.2/10} + 10^{35.9/10} \right) \\ &= 10 \times \text{LOG}_{10} \left(10^{5.42} + 10^{3.59} \right) \\ &= 10 \times \text{LOG}_{10} (263,027 + 3890) \\ &= 10 \times \text{LOG}_{10} (266,917) \\ &= 10 \times 5.42\end{aligned}$$

$$= 54.2 \text{ dBA}$$

9/12/2008

POINT B

ERN-1 = 48.203A
ERN-2 = 40.903A



$$\begin{aligned}\underline{\text{ERV-1}} &= 48.2 \text{ dBA} \\ \underline{\text{ERV-2}} &= 40.9 \text{ dBA}\end{aligned}$$

POINT B

$$(\text{ERV-1}) + (\text{ERV-2}) = 10 \times \text{LOG}_{10} (10^{(\text{ERV-1})/10} + 10^{(\text{ERV-2})/10})$$

$$= 10 \times \text{LOG}_{10} (10^{48.2/10} + 10^{40.9/10})$$

$$= 10 \times \text{LOG}_{10} (10^{4.82} + 10^{4.09})$$

$$= 10 \times \text{LOG}_{10} (60,069 + 12,303)$$

$$= 10 \times \text{LOG}_{10} (78,372)$$

$$= 10 \times 4.89$$

$$\boxed{= 48.9 \text{ dBA}}$$

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board
From: Jean Fraser, Planner
Date: Prepared on: September 21, 2007
Prepared for: September 25, 2007
Re: Site Plan and Subdivision Review
Florence House, vicinity of 190 Valley Street

INTRODUCTION

This Workshop is to consider the Site Plan and Subdivision application by Avesta Florence House LP, Florence House Housing Corporation (FHHC) and Florence House Condominium Association for development of a 31,272 sq ft building comprising 3 stories plus a partial daylight basement (footprint of 8,140 sq ft). It would be located on a 24,968 sq ft site at 190 Valley Street, between St John Street and Valley Street, which is currently occupied by a one story commercial building.

The proposed building is known as Florence House and would house approximately 50 homeless women in three types of supported housing with common facilities and 24 hour staffing.

The site is located within the B-2 Community Business Zone; the zoning requirements have been varied by a Conditional Zone Agreement (CZA) (Attachment 1) which was approved by the City Council on September 17, 2007.

The submitted proposals appear to be broadly the same as those referenced in the CZA, but the submitted application (termed Submission, in a separately bound attachment with blue cover) includes additional site plan information and excludes some of the graphic information that was submitted during the rezoning review. This Site Plan/Subdivision review is an entirely separate review and all comments attached to this Memorandum relate solely to the contents of the Site Plan and Subdivision Submission of September 4, 2007 (attached, separately bound; includes the Plan Set).

This Memorandum presents information that will assist the Planning Board in confirming or clarifying the following:

- The specific requirements which flow from the CZA and the process for considering if these have been met (eg Management Plan); and
- Any additional information required in order to determine whether the proposal meet the Citys Site Plan and Subdivision standards and complies with the Conditional Zone Agreement.

PROPOSAL

The applicant is proposing to construct a building with 3 levels of accommodation and a basement, with a main lobby and drop off area facing Valley Street (See Submission Plan Set). Access and parking for staff and apartment residents with cars is at the lower level, accessible only from St John Street via the alley shared with abutter "Alan Autos". The proposed layout and key features reflect the programmatic requirements of this type of housing, such as creating a single staffed point of access and providing facilities for support staff throughout the building.

Florence House will provide permanent, supported housing with common facilities and 24 hour staffing for approximately 50-65 homeless women and is based on nationally recognized strategies for ending homelessness. Three types of housing are included in one building to address the varied needs of these women for safety, privacy and support, plus community and support facilities as follows (see Submission Tab 6):

- 25 self-contained efficiency apartments are proposed for the second and third floors. Each unit contains a small kitchen area and a bathroom (also termed SROs - Single Room Occupancy). A community room, community kitchen, laundry room and staff offices are also located on these two floors, and access to these floors is via the main entrance off of Valley Street or the door from the parking lot.
- Other residential accommodation is located on the first floor, described as "Emergency Shelter and Safe Haven housing" (together comprising 15 safe haven bed spaces and 10 shelter beds, which can be increased to up to 25 shelter beds). This floor includes a commercial kitchen and dining area, laundry room, bathroom and washroom facilities and staff offices and is designed so that staff can monitor entrance and exit from the building, provide immediate support to residents of the first floor, and monitor activities at the efficiency apartments and common space.
- The lowest (semi basement) level includes, in addition to utilities and storage, 2 separate offices and a large office space to be shared by 16 staff over three shifts.

These floors/uses are divided into two condominium units as each is in a different ownership. Unit one is owned by FHHC and comprises the basement and first floor, and unit two is owned by Avesta Florence House LP and comprises the second and third floor. These are described in para 2 of the CZA (Attachment 1). The Conditional Zone Agreement limits the total number of beds on the first floor to 40; the building has a maximum capacity of 160 people by Code.