

66A-A-1

172 Falmouth St.

Nathan Clifford
School

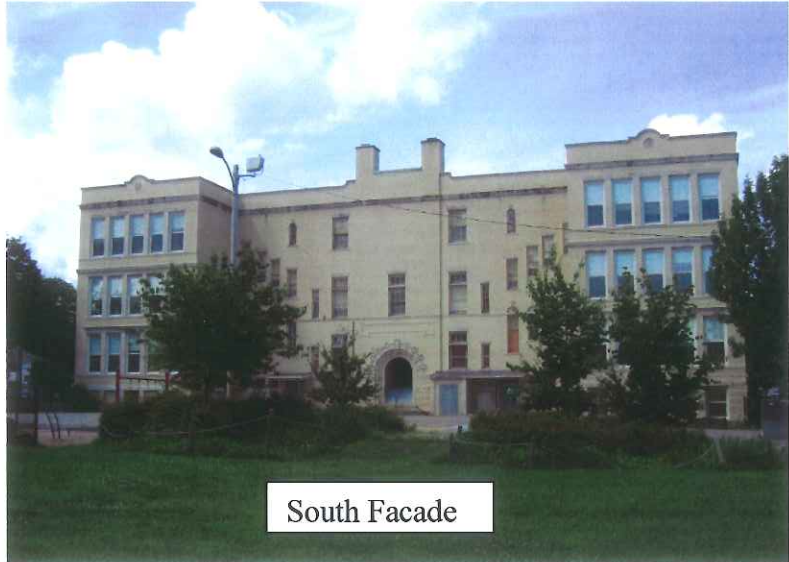
~~Boat~~ Reuse

~~Canoe~~

The building is three stories tall sitting on a raised basement, providing +/-46,000 square feet of interior space. The building is designed in a restrained Beaux Arts style executed in buff brick with limestone detailing. The building was recently designated as a local architectural landmark and is subject to protection by the City's Historic Preservation Ordinance.

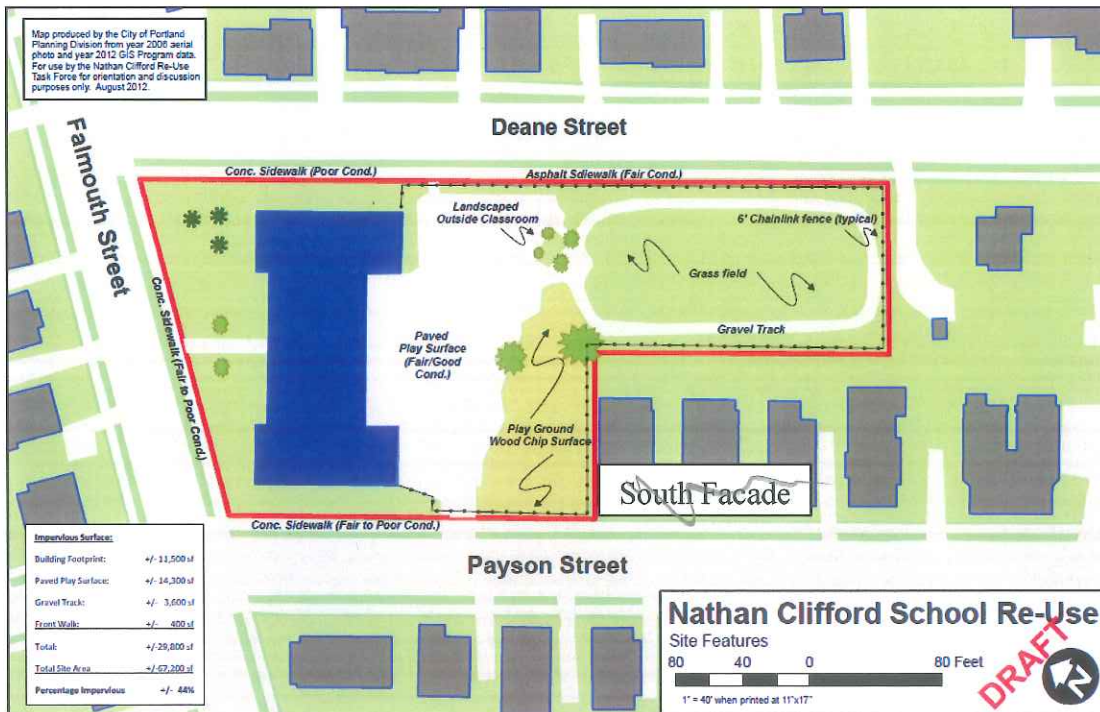


North Facade



South Facade

There is currently no parking on-site and vehicular circulation is accommodated on the adjacent public streets. Falmouth and Payson Streets are provided with concrete sidewalks and Dean Street is provided with a combination of concrete and asphalt sidewalks. The sidewalks on all adjacent streets range in condition from fair to poor.



IV. Proposed Development

The proposed redevelopment plan for the building is to re-use the upper three floors for 19 residential units and to use the basement level for common space for the building. The existing play areas are shown converting to parking and landscaping, and the field area will remain in public use. The project is more thoroughly described in the applicant's submitted material.

V. Project Data

Total Site Acreage:	62,000 sq ft +/-
Total Proposed Disturbed area:	35,000 sq ft +/-
Zone:	R-5 Residential
Existing Uses:	Vacant school
Proposed Use:	Residential

Predevelopment Impervious Area:	27,491 sq ft
Post-development Impervious Area:	29,475 sq ft
Percentage Impervious Area, total:	+47%

Proposed Building Footprint:	11,537 sq ft
Existing Total Building Floor Area:	11,537 sq ft
Proposed Total Building Floor Area:	46,148 sq ft

Required Vehicle Parking:	0 (Historic exemption)
Proposed Vehicle Parking:	38
Required Bicycle Parking:	8
Proposed Bicycle Parking:	8

VI. Issues for Review of Final Application

A full review of the proposal under site plan and subdivision standards will be provided with the next submission to the Planning Board.

Stormwater:

The following review comments were provided by reviewing engineer, Dave Senus, PE, Woodard and Curran.

Comments

- 1) The application is preliminary. As such, we anticipate that additional documents will be submitted with the final application, including confirmation of capacity to serve the development from utilities, details of the proposed underground utility installations, and a Construction Management Plan. Woodard & Curran will perform a review of the Final Application upon receipt of those documents.

- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We anticipate that a stormwater management plan including calculations, design sheets, and details, will be submitted with the final application. The stormwater management plan should address the following:
 - a) Basic Standards: Notes and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of Maine DEP Chapter 500.
 - b) General Standards: The project will result in a net increase in impervious area of approximately 1,984 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant has noted that they are contemplating the installation of one or more BMPs for stormwater quality treatment and that details for the proposed systems will be worked out prior to final plan submission. These details should include calculations demonstrating that the systems have been adequately sized to accommodate the stormwater runoff and that an appropriate percentage of impervious area will be treated as required by the General Standard.
 - c) Flooding Standard: The project will result in a net increase in impervious area of approximately 1,984 square feet. As such, the project is required to include stormwater management features to control the rate of stormwater runoff from the site. In the Final Submission, the Applicant should provide documentation demonstrating compliance with this Standard. The site is serviced by a combined sewer system; as such, the Applicant should seek to maximize onsite detention, infiltration, and/or reuse and should not hard-pipe any new stormwater discharges into the City's combined sewer system.
- 3) The Stormwater Management Plan will need to include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 4) Per Section 13 of the City's Technical Manual, the Applicant is required to submit a Boundary Survey that has been stamped by a Maine Licensed Professional Surveyor. At this time, only an unstamped existing conditions plan has been received. The Applicant has noted that Owen Haskell, Inc., is completing an ALTA Boundary and Topographic Survey Plan for the Site and that it will be forwarded upon receipt; this Survey should be included as part of the Final Submission Package.

Public Service Review:

Deputy City Engineer, David Margolis-Pineo, provided the following comments based on review of the preliminary submission.

The City of Public Services has the following preliminary comments on the proposed building conversion at 172 Falmouth Street.

1. Property plan will required a stamp by a licensed land surveyor. The presented plan is 14 years old and does not reflect the site's current condition. I believe an updated property survey is being completed and will be submitted. There is an existing catch basin located on the property which is not shown on the current survey. The catch basin needs to be shown on the survey as well as any piping going to or from the structure.
2. Currently the proposed rain gardens do not show an outlet. Can the additional proposed impervious area be kept below 1,000 sf to avoid the need for stormwater treatment?
3. The abutting sidewalk and curbing around the Nathan Clifford School is in need of repair/replacement. In lieu of spot repairs along Falmouth Street, the applicant is requested to replace the concrete sidewalk in its entirety on Falmouth Street including the crosswalk ramps at both Payson and Deane Streets. In addition, there are several sidewalk areas on both Payson and Deane St that are tripping hazards and need repair. City staff can work with the applicant to determine those locations and how best to address those areas needing repair. City staff will also provide guidance as to the correct alignment of the corner crosswalks. Some granite curbing re-alignment will be necessary.

There are four locations on Falmouth St where granite curbing is missing. I will work with the Operation's staff to have the City install curbing in those four areas. In addition, the City arborist has agreed to review the existing trees and remove trees that he feels should be removed. New trees will be planted where needed to fill voids on Deane, Payson and Falmouth St.

4. As required by code, all overhead utility lines must be feed to the site underground from the street right of way.
5. It would be desirable to eliminate the curb cut and concrete drive apron on Deane St and replace with a walk.

We have no further comments at this time.

In addition to storm water & OPS comments
Landscaping and Buffering:

sidewalk, street trees,
As of the writing of this memo, the landscaping plans for the project area evolving.

The plans in the packet show (Attachment P4, Sheet 3) the general layout of the parking and landscape features. Board members should note the location of parking, a dumpster, and a pedestrian pathway located abutting the Payson Street neighbor to the south of the subject

property. Staff encourages the applicant to move the dumpster further from the abutting property, and keeping it from having a significant visual impact on any abutting street. Staff has asked the applicant to consider an interior trash room. Regardless of the location of the dumpster, additional landscaping between the parking and the abutting property should be provided. A letter of concern from the abutting neighbor is provided in Attachment 1.

Lighting:

The applicant will need to provide a lighting plan prior to the next meeting with the Planning Board.

VII. Next Steps

The applicant is currently in negotiations with the City Council over the final terms for sale of the property. Pending resolution of the sale, the applicant has indicated their intention to submit final plans in time to schedule a Public Hearing with the Planning Board for the second meeting in November.

Attachments:

1. Public Comments

Applicant's Submission

- A. Application
- B. Application Cover Letter and Project Data
- C. Fire Safety Review Information
- D. Waste Water Capacity Application
- E. Context Maps
- F. Project Description and Background Information
- G. Conformity with Applicable Design Standards Narrative
- H. Material Provided to the City Council's Housing and Community Development Committee

Plan Set

City of Portland
 Development Review Application
 Planning Division Transmittal Form

A.1

Application Number: 2013-229 **Application Date:** 10/02/2013
CBL: 066A A001001 **Application Type:** Level III Site Plan Under 50,000 sq f
Project Name: Nathan Clifford Redevelopment
Address: 172 FALMOUTH ST
Project Description: Redevelopment of former elementary school into 19 units of residential apartments and new parking lot construction.
Zoning: R5

Other Required Reviews:

<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input checked="" type="checkbox"/> Historic Preservation
<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input checked="" type="checkbox"/> Other: Change of Use and Parking Lots
# Lots <u>19</u>	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Bill Needelman	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 10/10/2013

A.2

PROJECT NAME: Nathan Clifford School Development

PROPOSED DEVELOPMENT ADDRESS:

172-186 Falmouth Street, Portland, Maine 04101

PROJECT DESCRIPTION:

Redevelopment of former elementary school into 19 units of residential apartments and new parking lot construction.

CHART/BLOCK/LOT: Map 066A
Lots A001, A005, A006, A007
A008, A011, and A012

PRELIMINARY PLAN 10/01/13 (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer Name: Kevin Bunker Developers Collaborative Predevelopment, LLC Business Name, if applicable: Address: 17 Chestnut Street City/State : Portland, ME Zip Code: 04101</p>	<p>Applicant Contact Information Work # 207-766-1632 Home# Cell # 207-766-1632 Fax# e-mail: bunker.kevin@gmail.com</p>
<p>Owner – (if different from Applicant) Name: City of Portland Address: 389 Congress Street City/State : Portland, ME Zip Code: 04101</p>	<p>Owner Contact Information Work # Home# Cell # Fax# e-mail:</p>
<p>Agent/ Representative Stephen Bushey, P.E. Name: Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : South Portland, ME Zip Code: 04106</p>	<p>Agent/Representative Contact information Work # 207-775-1121 Cell # e-mail: sbushey@fstinc.com</p>
<p>Billing Information Kevin Bunker Name: Developers Collaborative Predevelopment, LLC Address: 17 Chestnut Street City/State : Portland, ME Zip Code: 04101</p>	<p>Billing Information Work # 207-766-1632 Cell # 207-766-1632 Fax# e-mail: bunker.kevin@gmail.com</p>

<p>Engineer Stephen Bushey, P.E. Name: Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : South Portland, ME Zip Code: 04106</p>	<p>Engineer Contact Information Work # 207-775-1121 Cell # _____ Fax# _____ e-mail: sbushey@fstinc.com</p>
<p>Surveyor John Swan Name: Owen Haskell, Inc. Address: 390 US Route 1 City/State : Falmouth, ME Zip Code: 04105</p>	<p>Surveyor Contact Information Work # 207-774-0424 Cell # _____ Fax# _____ e-mail: jswan@owenhaskell.com</p>
<p>Architect David Lloyd Name: Archetype, P.A. Address: 48 Union Wharf City/State : Portland, ME Zip Code: 04101</p>	<p>Architect Contact Information Work # 207-772-6022 Cell # _____ Fax# 207-772-4056 e-mail: lloyd@archetypepa.com</p>
<p>Attorney Maurice "Cito" Selinger Name: Curtis Thaxter Address: PO Box 7320 City/State : Portland, ME Zip Code: 04112-7320</p>	<p>Attorney Contact Information Work # 207-774-9000 Cell # _____ Fax# 207-775-0612 e-mail: mselinger@curtisthaxter.com</p>

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

<p>Level III Development (check applicable reviews) <input checked="" type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over \$300,00 sq. ft. (\$5,000) <input checked="" type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p> <p>Plan Amendments (check applicable reviews) <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)</p> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>	<p>Other Reviews (check applicable reviews) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input checked="" type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots <u>19</u> x \$25/lot = <u>\$475</u> <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input checked="" type="checkbox"/> Historic Preservation</p>
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Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

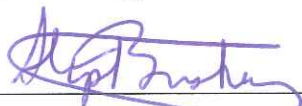
Refer to the application checklist for a detailed list of submission requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site <http://www.portlandmaine.gov/citycode/chapter014.pdf>

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 10/1/13
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PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
X		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
X		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
In Progress		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
N/A			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
N/A			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
N/A			Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed;
N/A			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;

- Continued on next page -

		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



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www.fstinc.com

October 1, 2013

Mr. William Needelman, AICP
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: Nathan Clifford School Redevelopment
Preliminary Site Plan Application**

Dear Bill:

On behalf of Developers Collaborative Predevelopment LLC we are pleased to provide the accompanying package of submission materials related to the proposed Nathan Clifford School redevelopment. This submission package is intended to meet the City's Preliminary Submission Requirements as outlined in the Level III Application procedures. As you are aware, the Applicant is in the process of entering into an agreement with the City of Portland for the purchase of the former Nathan Clifford School Site. Their proposed development consists of the redevelopment of the former school site into a 19-unit market rate housing project. The Applicant intends to purchase the approximately 1.4 acres of land area to develop the necessary parking, landscaping amenities and building area.

The development site is located within the City's R-5 Zoning District, and the proposed residential use complies with the permitted uses within the zone, including the residential density requirements in the zone that allow up to 22 units.

The Applicant is proposing to renovate the existing building. Approximately 46,000 s.f. of interior building space will be renovated for the proposed apartments, while exterior building work will include window replacement, brick repair and repairs to exterior finishes. The applicant also proposes to complete site improvements, including new parking lot construction and modest landscaping enhancements throughout the site to improve buffering from adjacent streets and to maintain the property's overall aesthetic appeal.

Specific elements of the site improvements plan include the following:

- The existing parking area at the rear of the school will be reconstructed to include the installation of granite curbing to define access aisles, parking areas and the site entrance off Payson Street. Thirty-eight parking spaces will be provided in the parking area, including a minimum of 2 ADA spaces. The existing pedestrian entrances off each street will remain.

Mr. William Needelman

October 1, 2013

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- A new recreational public access easement will be granted to the City over the entire area previously contemplated to contain duplex lot development. The existing landscape features of this area will be maintained and accessible to the public in perpetuity. This area will be maintained by the Applicant.
- The existing, almost entirely paved, rear of the school will be improved with the installation of raised sidewalks and landscaped fields around the perimeter of the proposed parking area.
- ADA access will be provided within the existing entrance off Deane Street. A new ADA ramp will be constructed to allow access from the parking lot to this entry door. Access to the building elevator will be through the Deane Street, street level doorway.
- Existing overhead power, telephone and cable will be upgraded to underground to continue service into the building. The existing water main service for fire supply and domestic service from Falmouth Street will continue in use.
- Existing chain link fencing surrounding the site will be removed.

Owen Haskell, Inc. is completing an ALTA Boundary and Topographic Survey Plan for the site and we will forward this to you upon its completion.

The Development Team will include Developers Collaborative as the Developer and Owner; CCB Construction, Inc. as Construction Manager; and Archetype Architects as Architect. Developers Collaborative will form an ownership entity which will include equity partners Richard Berman and Kevin Bunker, as well as possible additional cash investors and federal and state historic tax credit investors. Developers Collaborative has completed, and is currently involved in, a number of groundbreaking and award-winning projects. Each of these responds to diverse physical, economic, and community opportunities and constraints in a unique way that maximizes the smart growth potential of the particular site. Developers Collaborative is also known for working closely with neighborhoods and stakeholders to achieve results that work for all involved, and we intend to work very closely with the City and neighborhood to make sure this project is a major credit to the tax base and a wonderful new neighbor. General areas of Developers Collaborative specialization include:

- Public/Private Partnerships;
- Infill;
- Redevelopment;
- Mixed Use;
- Historic Rehabilitation;
- Affordable Housing; and
- Green Development.

Mr. William Needelman
October 1, 2013
Page 3

Brief biographical summaries highlighting our general experience are found below.

Kevin Bunker, a founding principal of Developers Collaborative, will be in charge of the project. Kevin founded Developers Collaborative with Richard Berman after graduating with distinction from the Harvard University Graduate School of Design with a Master in Urban Planning degree. A former municipal planner and lobsterman in the Rockland area, Kevin is a principal on current Developers Collaborative projects from Orono to South Portland. Kevin brings experience in complex financing models including tax increment financing, use of tax credits, and other public private partnerships. Kevin is also an activist promoting the causes of smart growth and downtowns at the state and local level, including as the board chair of GrowSmart Maine and as a Steering Committee member of the Maine Affordable Housing Coalition.

Richard Berman has been developing real estate in Maine since 1986. Trained as a landscape architect, Berman brings unique perspectives in design and community collaboration to all of his projects. His most recent projects include Brick Hill, the mixed-use redevelopment of the former Maine Youth Center in South Portland. This project created the model adopted by the Maine Bureau of General Services for the redevelopment of former State property. Other recently completed projects include Unity Village in Portland and West Falmouth Crossing. Mr. Berman has won numerous awards for his projects and is frequently asked to speak on his innovative community-based development style.

Laura Reading is the newest member of Developers Collaborative, joining after graduating in 2013 from the University of Michigan with a Master in Urban Planning degree. Laura brings experience in managing projects with successful collaborations of urban planners, architects, and landscape architects.

Developers Collaborative is one of Maine's leading historic tax credit developers; the Nathan Clifford School will be Developers Collaborative's 6th historic tax credit project. Developers Collaborative is particularly experienced in converting historic schools and institutional buildings to housing, including Gilman Place (Waterville, 2009); Healy Terrace (Lewiston, 2010); Emery School, Biddeford (2011); and Hyacinth Place (Westbrook, 2012). This list includes 2 MEREDA Notable Project award winners and 2 Maine Preservation Honor Award winners. Developers Collaborative has developed approximately 400 multi-family residential units in the last 6 years and typically develops 2-3 projects per year about the size of the Nathan Clifford School project. Annual development pipeline is typically \$15-20 million, a number that has stayed constant throughout the recession.

Accompanying this cover letter are the following materials:

- Site Plan Application
- Section 1: Written Description of Project
- Section 2: Evidence of Right, Title and Interest

Mr. William Needelman
October 1, 2013
Page 4

- Section 3: Written Assessment of Proposed Project's Compliance with Applicable Zoning and Land Use Requirements
- Full and Reduced Sized Plans

You will find in the accompanying materials, information including the Preliminary Site Layout Plan that provides greater detail for the proposed site development activities. Preliminary information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission.

The Development Team expects to continue to work with City Officials/Representatives on both the onsite and offsite components including, but not limited to:

- Completion of the Public Hearing/City Council process involving the sale of the subject property;
- Coordination with the City's Historic Preservation Office and Board;
- Coordination with utilities to confirm continued ability to provide service; and
- Coordination with City Officials on the public open space and recreational components of the site.

On behalf of the Nathan Clifford School Team, we look forward to your continued assistance on the project and we look forward to the October 22, 2013 workshop meeting with the Planning Board. Please find one (1) hard copy of the application materials including one set each of 11x17 and full size plans, along with a CD containing PDF files for all submitted materials. If you have any questions regarding these materials please contact this office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk

Attachments

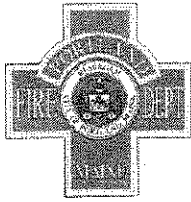
c: Kevin Bunker, Developers Collaborative Predevelopment LLC
David Lloyd, Archetype, PA

PROJECT DATA

B A.4

The following information is required where applicable, in order to complete the application.

Total Area of Site	62,000 sq. ft. +/-
Proposed Total Disturbed Area of the Site	35,000 sq. ft. +/-
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	27,491 sq. ft.
Impervious Area (Total Proposed)	29,475 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	11,537 sq. ft.
Building Footprint (Total Proposed)	no change sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	no change sq. ft.
Zoning	
Existing	R-5
Proposed, if applicable	---
Land Use	
Existing	Former Elementary School
Proposed	Residential Apartments
Residential, if applicable	
# of Residential Units (Total Existing)	0
# of Residential Units (Total Proposed)	19
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	None
# of One-Bedroom Units (Total Proposed)	10
# of Two-Bedroom Units (Total Proposed)	9
# of Three-Bedroom Units (Total Proposed)	None
Parking Spaces	
# of Parking Spaces (Total Existing)	Unspecified
# of Parking Spaces (Total Proposed)	38
# of Handicapped Spaces (Total Proposed)	2
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	Unspecified
# of Bicycle Spaces (Total Proposed)	8
Estimated Cost of Project	To Be Determined



PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST

C.1

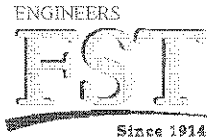


A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
- 2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
- 5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
8. Proposed fire protection of all structures
 - *As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)*
9. Hydrant locations
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1

C.2



FAY, SPOFFORD & THORNDIKE
778 Main Street, Suite 3
South Portland, ME 04106
Toll Free: 800.835.8666
Main: 207.775.1111
Fax: 207.879.0896
www.fstinc.com

October 1, 2013

Captain Chris Pirone
City of Portland Fire Department
380 Congress Street
Portland, ME 04101

**Subject: Nathan Clifford School Redevelopment
Fire Department Site Review Checklist**

Dear Captain Pirone:

In accordance with instructions in the City's Site Plan Review packet, please find enclosed the drawing necessary for your review of the proposed Nathan Clifford School Redevelopment project. We have listed each item in your checklist below, followed by our response.

1. *Name, address, telephone number of applicant.*

Developers Collaborative Predevelopment, LLC
17 Chestnut Street
Portland, ME 04101
207-772-7673

2. *Name, address, telephone number of architect.*

Project Architect: Archetype, PA
48 Union Wharf
Portland, ME 04101
Attn: David Lloyd, P.E.
207-772-6022

3. *Proposed uses of any structures (NFPA and IBC classification). **

Building	IBC Code	NFPA Code
Former School	R-2 – Type 3	Fully sprinkled per NFPA 13R

* to be confirmed by Archetype Architects

4. *Square footage of all structures (total and per story).*

Nathan Clifford School:

- Basement (Common Area) 11,537 SF
- First Floor – Residential 11,537 SF
- Second Floor – Residential 11,537 SF
- Third Floor – Residential 11,537 SF

TOTAL 46,148 SF

Captain Chris Pirone
October 1, 2013
Page 2

5. *Elevation of all structures.*

Not available at this time.

6. *Proposed fire protection of all structures.*

The building will have a sprinkler system with additional protection per code. Fire flows and requirements for system storage or booster pumping are subject to the fire system design which will be performed prior to the request for a building permit.

7. *Hydrant locations.*

Hydrants are currently located on Falmouth Street opposite the corner of Deane Street and on Payson and Deane Streets just south of the project site.

8. *Water main(s) size and location.*

The site is served by a 6" sprinkler service of Falmouth Street. The building is expected to have internal sprinkler risers and a Siamese fire pump connection on the Deane Street side of the building.

9. *Access to all structures (min. 2 sides).*

The accompanying site plan depicts the site access conditions from Falmouth Street, Deane Street, and Payson Street.

10. *A code summary shall be included referencing NFPA 1 and all fire department technical standards.*

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The project site is located in a downtown urban condition and is surrounded by public streets on three sides. The following street widths are currently available:

<u>Street</u>	<u>Width</u>
Falmouth Street	36 ft.
Deane Street	36 ft.
Payson Street	36 ft.

Per NFPA 1 – Chapter 18.2.3.3.1, there will be public street access within 50 ft. of at least one exterior door. Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 ft. from a Fire Department access road.

Captain Chris Pirone
October 1, 2013
Page 3

City of Portland Technical Manual – Section 3 Public Safety

3.4.1 Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Supporting Evidence: Not applicable

3.4.2 Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Supporting Evidence: As depicted on the site plans, the proposed building layout provides for minimum two sided access to all structures.

3.4.3 Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Supporting Evidence: The proposed development layout has contemplated emergency access conditions and provided for safe and efficient access along three public streets for emergency vehicles.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Supporting Evidence: All buildings will be provided with an exterior door that will be within 50' of a Fire Department access route.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Supporting Evidence: A minimum of 9 ft. vertical clearance will be provided below any overhead signage or utilities entering the site.

3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.

Supporting Evidence: Elevator design has not yet commenced but it is understood that this requirement must be met.

Captain Chris Pirone
October 1, 2013
Page 4

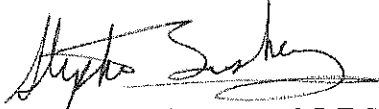
3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City Standards.

If you need any further information, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/smk

Attachments: Drawing C-2.1 Demolition Plan
Drawing C-3.0 Site Layout, Landscape & Utility Plan

c: Bill Needelman, City of Portland Planning Department
Kevin Bunker, Developers Collaborative
David Lloyd, Archetype, PA

*R:\SP-M101-Nathan Clifford School\Admin\Permitting\City of Portland - Level III Site Plan Application\SP-M101 2013.10.01
Pirone-Fire Dept Review.doc*

D.1



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South Portland, ME 04106
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Fax: 207.879.0896
www.fstinc.com

September 24, 2013

Mr. Frank Brancely
City of Portland
Department of Public Services
55 Portland Street
Portland, Maine 04101-2991

**Subject: Nathan Clifford School Redevelopment – Portland, Maine
Wastewater Capacity Application**

Dear Mr. Brancely:

Our office is working as a consultant to Archetype, P.A. and Developer's Collaborative in the redevelopment of the former Nathan Clifford School site on Falmouth Street in Portland. The project site is located on Map 66A/Lots A001, A005, A006, A007, A008, A011 & A012 according to the City of Portland Tax Assessor's Maps. On behalf of the developer, we are requesting a letter affirming that the proposed project can be served by the municipal wastewater treatment system.

The project will consist of the redevelopment of the site for a multi-unit residential living facility consisting of up to 22 units.

The projected water use using the typical City of Portland flows information is as follows:

Use	Design Flow
22 units at 180 gpd/unit =	3,960 GPD
38 parking spaces at 1 gpd/space =	38 GPD
Total Water Usage Required:	3,998 GPD

We are aware of the historical water use for the property; however, as a school we believe that the historical water use may be near or more than what is now proposed.

Based on this modest amount of flow, we trust that the existing wastewater collection and treatment system has adequate capacity to serve this project. We are in the process of completing the Site Plan Application for a submission to the City Planning Staff and would appreciate your response to the Planning Department.

D. z

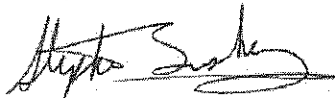
FAY, SPOFFORD & THORNDIKE

Mr. Frank Brancely
September 24, 2013
Page 2

If you have any questions concerning this request, please contact me.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk

c: David Lloyd, Archetype, P.A.
Kevin Bunker, Developer's Collaborative

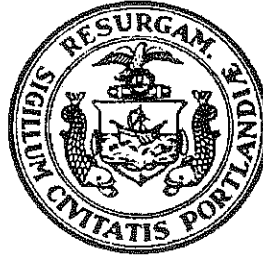
Attachment

R:\SP-M101-Nathan Clifford School\Admin\Permitting\Wastewater Capacity Request\SP-M101 2013.09.24 Brancely-WW Capacity.doc

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

D.3

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 10-01-13

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 172-186 Falmouth Street Lots A001, A005
 Chart Block Lot Number: Map 066A/ A006, A007, A008
A011 & A012

Proposed Use: Residential Apartments
 Previous Use: Elementary School

Existing Sanitary Flows: N/A GPD
 Existing Process Flows: None GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.
Existing service into Falmouth Street

Site Category:

Commercial (see part 4 below)	<input type="checkbox"/>
Industrial (complete part 5 below)	<input type="checkbox"/>
Governmental	<input type="checkbox"/>
Residential	<input checked="" type="checkbox"/>
Other (specify)	<input type="checkbox"/>

(Clearly, indicate the proposed connections, on the submitted plans)

2. Please, Submit Contact Information.

City Planner's Name: Bill Needelman Phone: 207-874-8722
 Owner/Developer Name: Developers Collaborative Predevelopment, LLC, Attn: Kevin Bunker
 Owner/Developer Address: 17 Chestnut Street, Portland, ME 04101
 Phone: 207-772-7673 Fax: _____ E-mail: bunker.kevin@gmail.com
 Engineering Consultant Name: Fay, Spofford & Thorndike, Attn: Stephen Bushey, P.E.
 Engineering Consultant Address: 778 Main Street, Suite 8, South Portland, ME 04106
 Phone: 207-775-1121 Fax: 207-879-0896 E-mail: sbushey@fstinc.com

(Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review)

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 3,998 GPD
 Peaking Factor/ Peak Times: x6
 Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

(Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet)

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: N/A

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

(Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet)

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: N/A GPD

Do you currently hold Federal or State discharge permits? Yes No

Is the process wastewater termed categorical under CFR 40? Yes No

OSHA Standard Industrial Code (SIC): http://www.osha.gov/oshstats/sicser.html

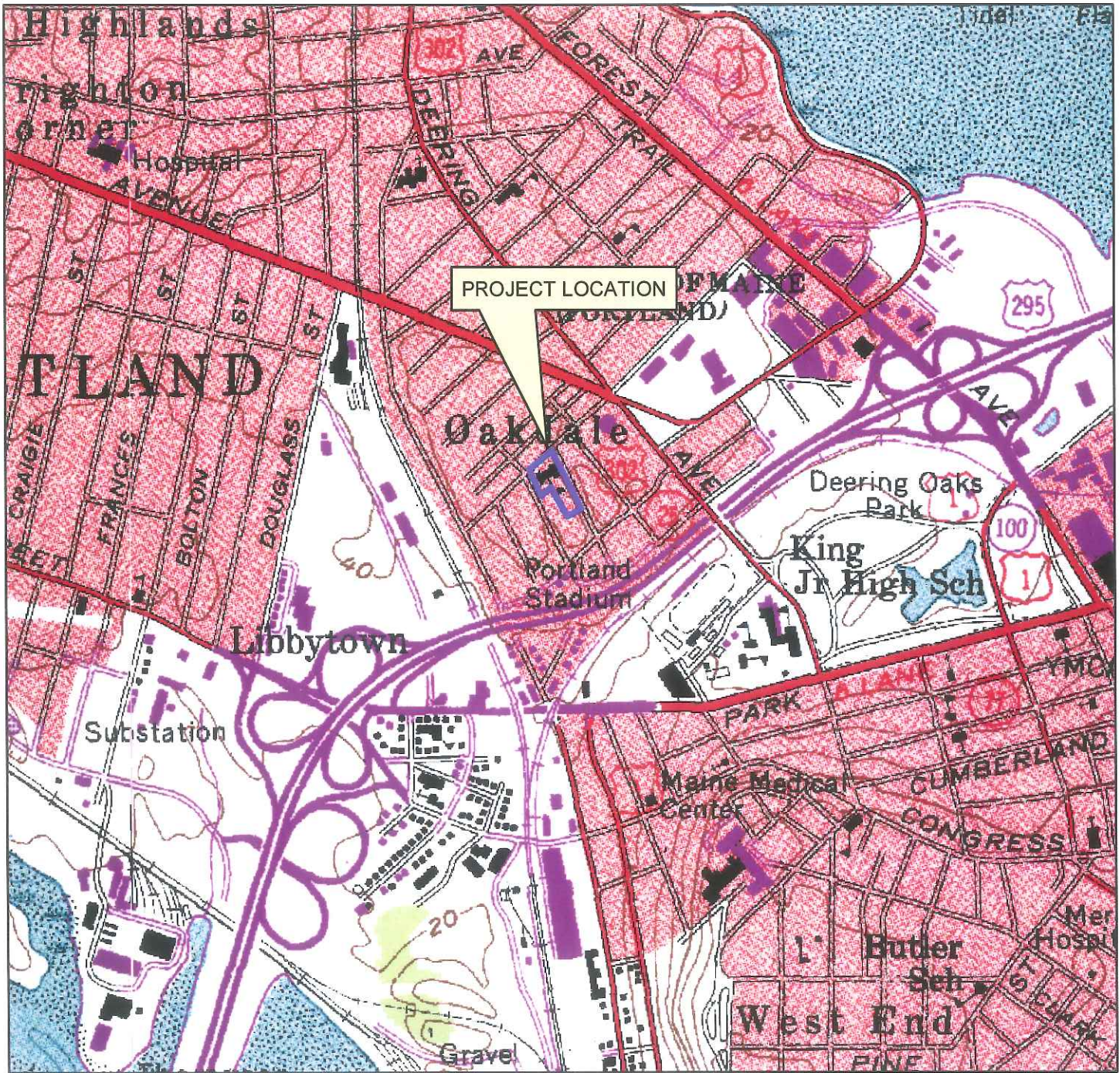
Peaking Factor/Peak Process Times: _____

(Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps)

(Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided below, or attached, as a separate sheet)

Notes, Comments or Calculation

See September 24, 2013 letter



**USGS LOCATION MAP
NATHAN CLIFFORD SCHOOL
PORTLAND, MAINE**

SOURCE: MAINE OFFICE OF GIS - MAPS

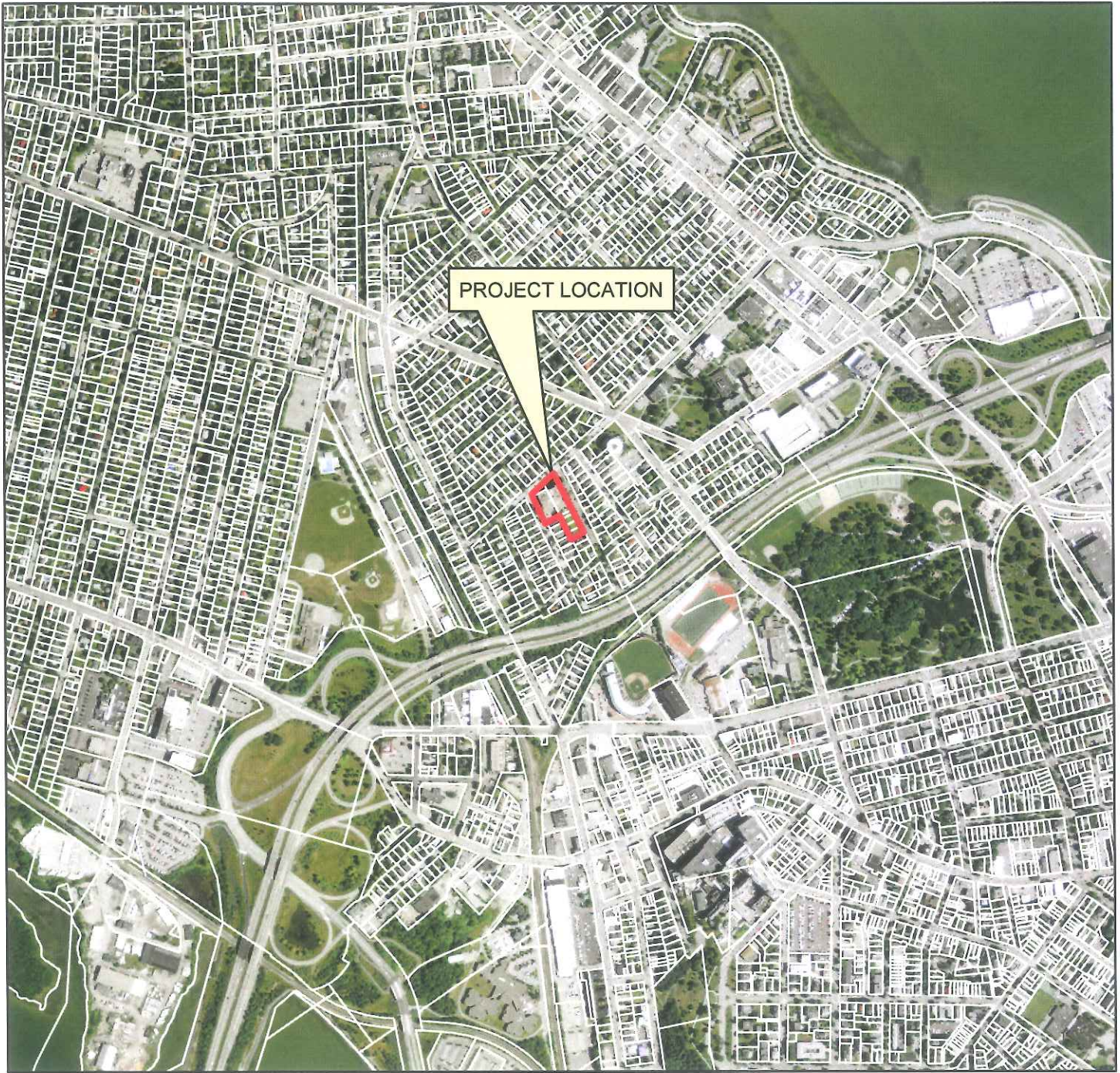


FAY, SPOFFORD & THORNDIKE, INC.
ENGINEERS • PLANNERS • SCIENTISTS
776 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2013
FILENAME: SP-M101_USGS
SCALE: 1 inch = 1,000 feet

FIGURE

1



TAX MAP
NATHAN CLIFFORD SCHOOL
PORTLAND, MAINE

SOURCE: CITY OF PORTLAND

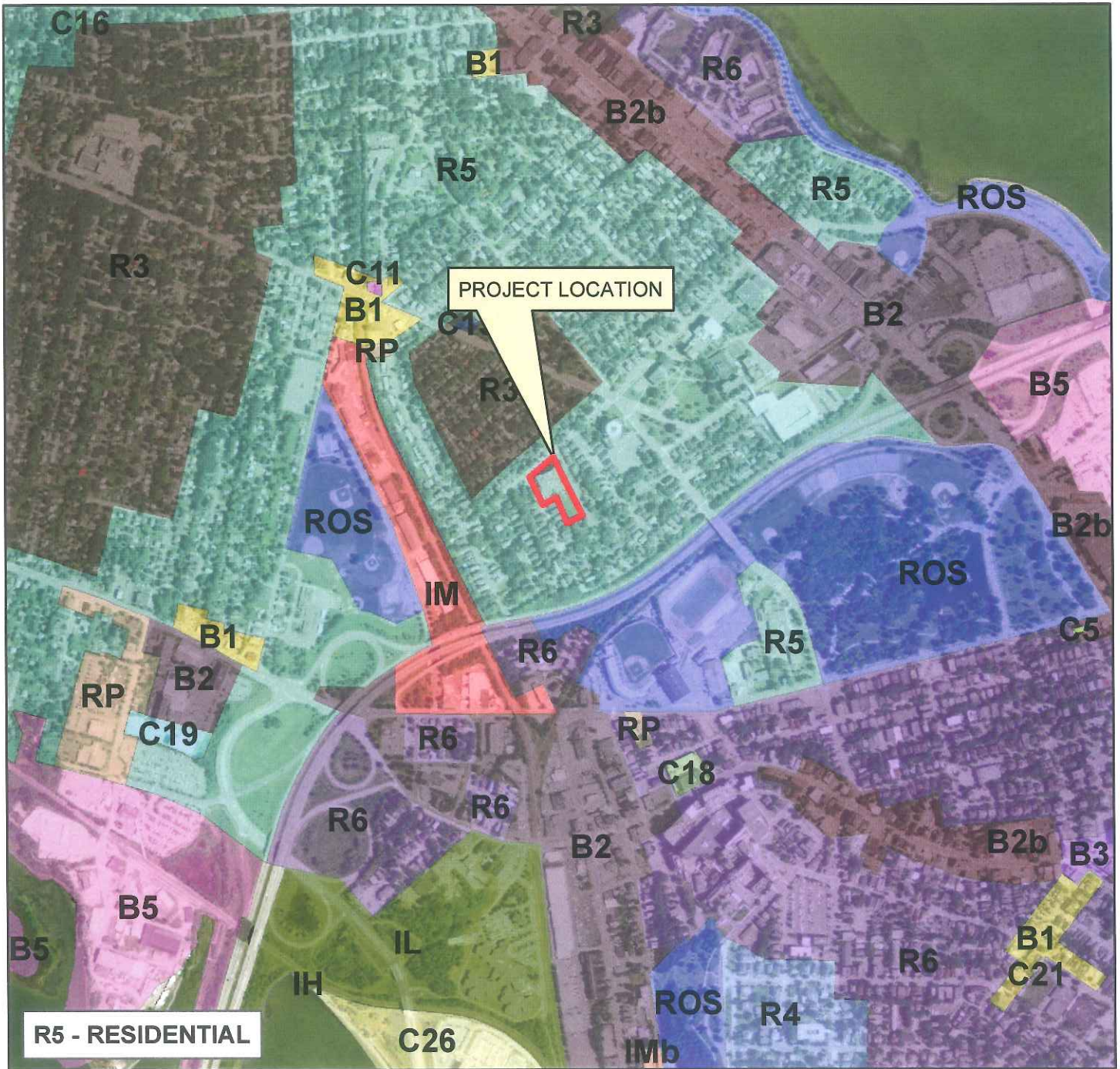


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 DATE: SEPT 2013
 FILENAME: SP-M101_TAX MAP
 SCALE: 1 inch = 1,000 feet

FIGURE

3



R5 - RESIDENTIAL



ZONING
 NATHAN CLIFFORD SCHOOL
 PORTLAND, MAINE

SOURCE: CITY OF PORTLAND

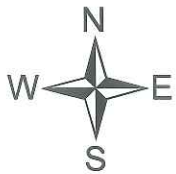
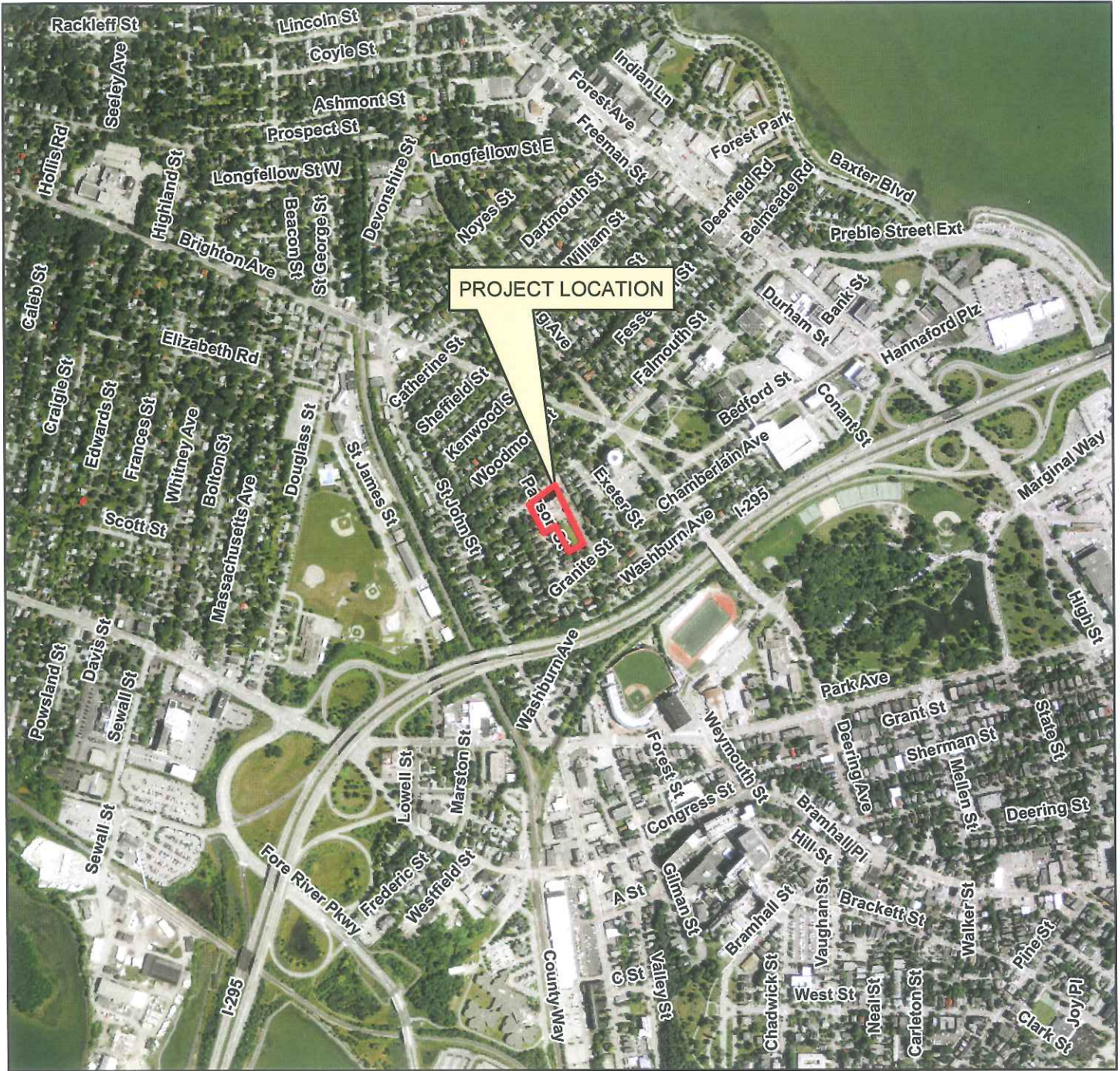


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 DATE: SEPT 2013
 FILENAME: SP-M101_ZONING
 SCALE: 1 inch = 1,000 feet

FIGURE

4



AERIAL PHOTOGRAPH
 NATHAN CLIFFORD SCHOOL
 PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS

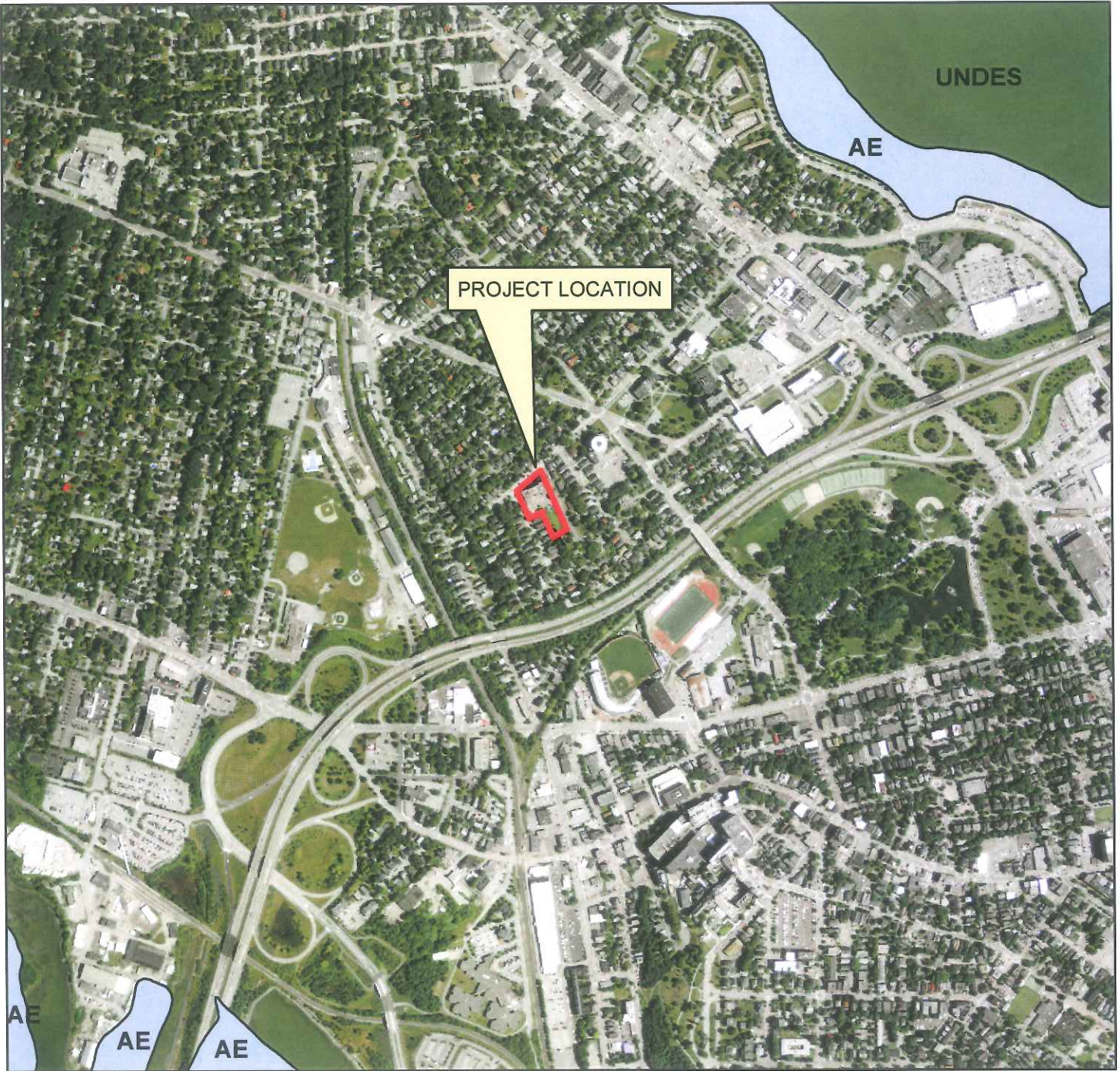


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 FILENAME: SP-M101_AERIAL
 SCALE: 1 inch = 1,000 feet

FIGURE

5



FLOOD MAP
 NATHAN CLIFFORD SCHOOL
 PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS



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 FILENAME: SP-M101_FLOOD
 SCALE: 1 inch = 1,000 feet

FIGURE

7



SOILS MAP NATHAN CLIFFORD SCHOOL PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS

FIGURE

8



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DATE: SEPT 2013
FILENAME: SP-M101_SOILS
SCALE: 1 inch = 1,000 feet



SAND AND GRAVEL AQUIFER MAP
NATHAN CLIFFORD SCHOOL
PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS

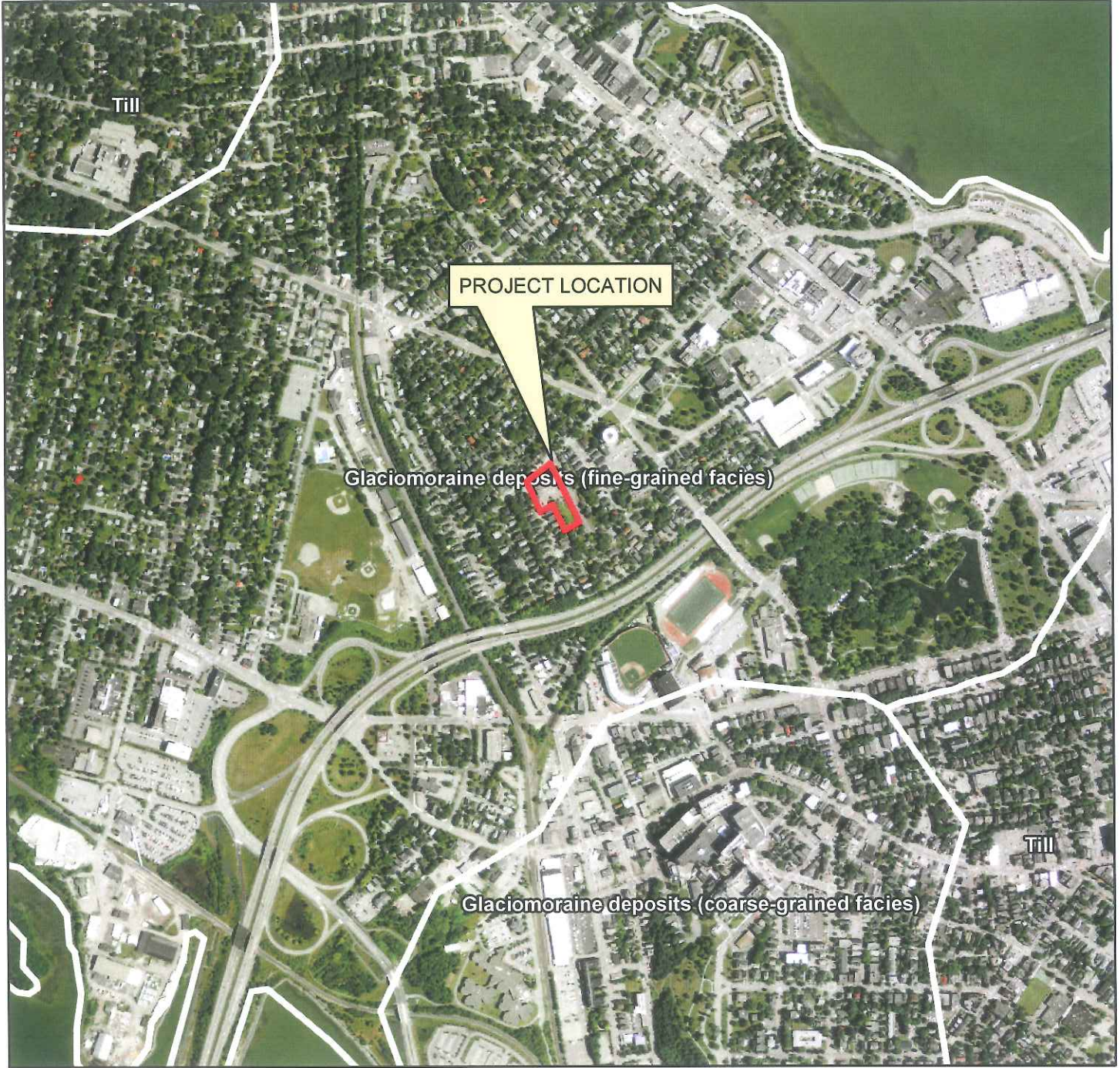


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 CHECKED: SRB
 DATE: SEPT 2013
 FILENAME: SP-M101_AQUIFER
 SCALE: 1 inch = 1,000 feet

FIGURE

9



**SURFICIAL GEOLOGY MAP
NATHAN CLIFFORD SCHOOL
PORTLAND, MAINE**

SOURCE: MAINE OFFICE OF GIS - MAPS



NWI MAP
 NATHAN CLIFFORD SCHOOL
 PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS



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 DATE: SEPT 2013
 FILENAME: SP-M101_NWI
 SCALE: 1 inch = 1,000 feet

FIGURE

11

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LIST OF ATTACHMENTS

Section 1: Attachment A – Existing Site Photographs

Section 2: Attachment B – City Council Housing Committee Packet

LIST OF PLANS

SHEET #	TITLE
C-1.0	COVER SHEET
C-1.1	GENERAL NOTES AND LEGEND
C-2.0	EXISTING CONDITIONS PLAN
C-2.1	DEMOLITION PLAN
C-3.0	SITE LAYOUT, LANDSCAPE AND UTILITY PLAN
C-4.0	GRADING AND DRAINAGE PLAN
C-7.0	DETAILS
C-7.1	DETAILS
C-7.2	DETAILS

1. DEVELOPMENT DESCRIPTION

1.1 PROJECT OVERVIEW

Developers Collaborative Predevelopment, LLC is working with the City of Portland to acquire the former Nathan Clifford School off Falmouth Street. The former school consists of an approximately 11,300 s.f. four story structure that is bounded by Falmouth Street, Payson Street and Deane Street. The developer proposes to renovate the building to construct up to 19 units of residential apartments. Site work will consist of parking lot development, site amenities and minor utility upgrades. The developer is seeking to work with City officials to maintain a common area for use by residents as well as the general public. The Applicant continues to work with the City Council Housing and Community Development Committee and Council as they complete the transaction agreements. Concurrently, the Applicant is seeking Site Plan and Subdivision Approval from the City of Portland Planning Authority. The objective is to obtain all approvals by the end of the year, if possible, to allow construction in 2014 and project completion by December 2014.

1.2 PROJECT PURPOSE AND NEED

The proposed project is considered a unique opportunity to transform a former school setting into a dynamic new moderate density residential setting within an established residential neighborhood. The project's community benefits include the following:

- Enhanced residential living opportunity and preservation and enhancement of a historic structure.
- A net increase in residential units.
- Revitalization of a centrally located neighborhood in proximity to City services and amenities.
- Maintenance of common area to complement the nearby neighborhood and residential uses.

1.3 EXISTING CONDITIONS

The site conditions are generally defined by the existing school, yard and surrounding land area. The existing structure is mostly oriented towards Falmouth Street with a small driveway off Payson Street. The site is reasonably maintained and continues to see moderate neighborhood use despite the school being closed.

The land area slopes from Payson Street towards Deane Street with approximately 10 or more feet of grade differential. Most of the grade differential is within a steep slope along the Deane Street frontage. There are several retaining walls along the property sides that overcome grade differences to the adjacent properties along Payson Street.

Public utilities including water, sewer, natural gas, power and communications are readily available in the area as the existing structure is currently served by these utilities. Power to the site will be installed underground; however, the details to this installation are not fully developed at the time of this submission.

The street conditions around the block are described as follows:

Street Name	Description	On-street Parking	Condition	Other
Falmouth Street	Approximately 36 foot wide paved way with two way traffic.	Yes. Observed parallel parking on at least one side of the street in front of the site.	Concrete sidewalk is in moderate condition with several areas that require improvement. Brick sidewalk on opposite side of street.	One catch basin located near Deane Street.
Payson Street	36 feet wide paved with on-street parking.	Yes. Allowed each side.	Good condition with sidewalk concrete.	
Deane Street	36 foot wide paved street with two way traffic.	Yes. Allowed each side	Brick sidewalk in moderate condition	

1.4 PROPOSED DEVELOPMENT

The development program includes the following components:

1.4.1 ON-SITE

Nineteen (19) units are proposed within the first, second and third floors of the building. The basement space will include tenant storage, lockers, fitness center, community rooms and lounge, and shared office space. The basement will also contain the building's mechanical, electrical and plumbing systems. A new elevator is also planned. Individual units will contain laundry space, kitchens, dens and bedrooms.

The project developer has not decided whether or not to seek LEED designation, but the building will conform to the most current International Energy Conservation Code.

The proposed project consists of minor interior building demolition and new interior construction for the 19-unit complex. The building's entrance will remain unchanged; however, the lower Deane Street entrance will become the ADA route as it will allow access to the elevator. The building will have a total of 3 floors of living space and the basement will have common area. The following summarizes the floor by floor layout:

Floor Level	Description
Basement	Contains at grade exterior access, elevator access, and access to common space.
First Floor	Contains 6 living units and stair access outside.
Second Floor	Contains 7 living units
Third Floor	Contains 6 living units.

Exterior improvements to the grounds will include the construction of a formal parking lot (38 spaces or 2 per unit). Site amenities may include benches, bicycle racks, playground space, and plantings. Linkage to the surrounding sidewalk systems will be maintained. The site is well landscaped now and the Applicant looks to maintain and enhance these features.

1.4.2 OFF-SITE

Site access is proposed via Payson Street primarily. It is expected that concrete sidewalk reconstruction may be required based on disturbance that will result from utility construction. Sidewalk improvements on adjacent streets should be limited to those areas adjacent the street intersections on Falmouth Street at a minimum. More extensive sidewalk repairs are subject to review with the Public Services Department.

1.5 LAND ORDINANCE REVIEW

1.5.1 OVERVIEW

The property currently lies within the City of Portland R-5 Residential District. The following Space and Bulk requirements apply to the R-5 Zone:

R-5 Residential Zone Summary Dimensional and Parking Requirements Applied to Nathan Clifford School		
Zoning Requirements	Current R-5 Zoning Standard	Nathan Clifford Current Condition
Lot Size	30,000 SF (for school)	67,200 SF
	Other sizes depending on use, 6,000 SF Minimum	
Lot Coverage (Building Footprint)	40% of Lot Maximum	11,500 SF (+/- 17%)
Lot Area Per Dwelling Unit	3,000 SF per unit for alteration of an existing structure to residential use	67,200 SF/3,000 SF = 22 units maximum
	Other residential development types have different requirements	
Building Height	35 ft.	Unknown: Approximated at 50+ feet
Minimum Street Frontage	50 ft.	
Minimum Yard Dimensions	Front: 20 ft.	19-62 Feet +/-
	Rear: 20 ft.	117 Feet + (more at track)
	Side: 8-15 ft.	18 Feet +/- (Deane); 19 ft. +/- (Payson)
Minimum Lot Width	60-90 ft.	100-200 ft. (Falmouth as front)
Parking	1 space per unit for residential in existing building.	+/- 14,000 SF of paved play area suitable for parking (+/- 43 cars at 320 SF per space)
	Use specific for other uses.	

1.5.2 SHORELAND ZONING

The site is not located within the Shoreland Zoning District.

1.6 STATE AND FEDERAL PERMITS

The project does not require any State or Federal permits other than State Fire Marshall approval. The development is subject to Site Plan and Subdivision approval by the City of Portland and Building Permit(s) are also required.

1.7 EASEMENTS OR OTHER BURDENS

Owen Haskell, Inc. is currently completing the property survey and it is expected that they will determine the applicability of any easements or encumbrances on the property. The applicant intends to cooperate with the City to establish proposed easements related to common areas and public access to the site.

1.8 TRAFFIC

The proposed project will not result in significant impacts to the surrounding street system. The project will result in fewer than 50 new peak hour trips when factoring the former school activities. Given the nature of the conditions of the surrounding streets, we foresee no major impact to the capacity conditions on these streets. Site lines and street conditions at the site entrance appear to be favorable. The applicant will continue to work with City officials regarding sidewalk improvements and related access conditions within the development area. No further Traffic analysis is currently proposed.

1.9 SOILS/GEOTECHNICAL REVIEW

A geotechnical investigation has not been performed for the site since there is no new building construction proposed. The site's soils conditions are believed to be adequate to support the modest amount of site work proposed.

1.10 NATURAL FEATURES

The development site does not contain any significant natural features including wetlands, vernal pools or other protected resource. The site has been developed for a period greater than 100 years and there is generally no land area that hasn't been disturbed or otherwise developed. Based on the age of the structure, we understand the City will be interested in the historic elements of the buildings.

1.11 UTILITIES AND STORMWATER

The proposed project will involve reuse of multiple existing utility services to the building. These services, including the water and sewer, will be maintained in accordance with the Portland Water District's and City's Public Services Division requirements. Natural gas will also continue in use. New utilities including power and communications will be extended into the building.

The City maintains a drainage system in Falmouth Street including a catch basin on the corner of Falmouth Street and Deane Street. The runoff flow regime from the development site will continue to discharge to the surrounding street gutters. We are currently contemplating the installation of one or more Best Management Practices (BMPs) related to water quality

treatment of storm runoff shed from the proposed parking lot. These BMPs may include a rain garden along the back edge of the parking lot or alternatively a Filterra® box filter or equivalent may be installed at the corner of the parking lot. Details for the proposed systems will be worked out prior to final plan submission.

1.12 ATTACHMENTS

Attachment A – Existing Site Photographs

ATTACHMENT A

Existing Site Photographs



PHOTO 1 – Payson Street Entrance



PHOTO 2 – Playground Equipment



FAY, SPOFFORD &
THORNDIKE
778 Main Street, Suite 8
South Portland, ME 04106
Toll Free: 800.835.8666
Main: 207.775.1121
Fax: 207.879.0896

Existing Site Photographs
Nathan Clifford School
Photos Taken 09-30-13 by Steve Bushey, P.E.



PHOTO 3 – Rear of Building



PHOTO 4 – Proposed ADA Street Level Entrance off Deane Street



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THORNDIKE
778 Main Street, Suite 8
South Portland, ME 04106
Toll Free: 800.835.8666
Main: 207.775.1121
Fax: 207.879.0896

Existing Site Photographs
Nathan Clifford School
Photos Taken 09-30-13 by Steve Bushey, P.E.



PHOTO 5 – Falmouth Street Frontage



PHOTO 6 – Deane Street Frontage



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778 Main Street, Suite 8
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Toll Free: 800.835.8666
Main: 207.775.1121
Fax: 207.879.0896

Existing Site Photographs
Nathan Clifford School
Photos Taken 09-30-13 by Steve Bushey, P.E.

2. TECHNICAL AND FINANCIAL CAPACITY

2.0 TITLE, RIGHT AND INTEREST

The applicant is currently negotiating with the City of Portland for the transfer of this property as evidenced in the accompanying City Council Housing Committee meeting information.

2.1 TECHNICAL CAPACITY

The applicant has assembled a highly qualified team of professionals to plan, permit, and develop construction documents for the project. The Team is working under the direction of Mr. Kevin Bunker of Developers Collaborative Predevelopment, LLC as Project Developer.

The Team services will be provided by the following companies and their respective team leaders:

2.2 CONSULTANT TEAM

<i>Civil Engineer</i>	Stephen R. Bushey, P.E. Fay, Spofford & Thorndike 778 Main Street, Suite 8 South Portland, ME 04106 (207) 775-1121 – Work (207) 879-0896 – Fax (207) 756-9359 – Cell sbushey@fstinc.com
<i>Surveyor</i>	John Swan Owen Haskell, Inc. 390 US Route 1, Unit 10 Falmouth, Maine 04105 (207) 774-0424 – Work (207) 774-0511 – Fax jswan@owenhaskell.com
<i>Architect</i>	David Lloyd Archetype, PA 48 Wharf Street Portland, ME 04101 (207) 772-6022 – Work (207) 772-4056 – Fax 207-671-9194 – Cell lloyd@archetypepa.com
<i>Attorney</i>	Maurice "Cito" Selinger Curtis Thaxter PO Box 7320 Portland, ME 04112-7320 (207) 774-9000 – Work (207) 775-0612 – Fax mnelinger@curtisthaxter.com

<i>Landscape Architect</i>	Anthony Muench 94 Commercial Street Portland ME 04101 (207) 761-6621 – Work amuench@maine.rr.com
<i>Lighting/Site Electrical</i>	Larry Bartlett Bartlett Design 942 Washington Street Bath ME 04530 (207) 443-5447 – Work (207) 443-5560 – Fax bartdes@blazenetme.net

2.3 EXPERIENCE OF PROJECT TEAM

The team of consultants retained by developer has expertise and experience in the design of similar residential housing projects. Resumes of key personnel for development team can be provided upon request.

The applicant also has significant experience in the development and management of large commercial projects as evidenced by information provided in this submission's cover letter. A listing of the additional real estate projects for which the Applicant's development team has been involved can be provided upon request.

2.4 FINANCIAL CAPACITY

The applicant has the means at its disposal for financing the proposed Nathan Clifford School Redevelopment project. Ultimately, the developer has the capacity to complete the project and will provide additional information as part of the Final Plan submission.

2.5 CONSTRUCTION COST ESTIMATE

A breakdown of the preliminary project cost includes the following:

- Site work \$300,000 includes demolition and parking area
- Structures \$5.1 million

These values are considered preliminary and approximate and are subject to change as building design and project layout is refined.

2.6 ATTACHMENTS

Attachment B – City Council Housing Committee Packet

Note: The current proposal is different from the original version shown to the Housing & Community Development Committee as the Committee asked Developers Collaborative to find a way to preserve more public open space and to try to find a way not to develop the duplex lots along Deane Street. The current preliminary plan reflects this request.

3. CONFORMITY WITH APPLICABLE DESIGN STANDARDS

The following statement is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

3.1 OVERVIEW

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

The development will fit in with the existing street system as it will use an existing access location off Payson Street. Based on the number of residential units the project is expected to have an insignificant impact on traffic in the neighborhood, particularly when the displacement of former school operations is considered.

2. Access and Circulation:

a. Site Access and Circulation.

- (i) The development provides access via Payson Street. Door controlled access will be provided at each end of the building and ample turning movement is provided at the street entrance. The proposed parking lot has been configured to meet the City's Technical Standards.
- (ii) Access and egress have been designed to avoid conflicts with existing turning movements and traffic flows.
- (iii) The site does not feature drive up services as mentioned in this requirement.
- (iv) Site access has been designed so as not to impede potential future connection to adjacent streets.

b. Loading and Servicing.

- (i) Not required. There will be adequate area along adjacent streets for infrequent periods of tenants moving in/out of the building.

c. Sidewalks.

- (i) Sidewalks are in place to connect to the sidewalks on Falmouth, Deane and Payson Streets. All sidewalk improvements shall conform to the City of Portland Technical Manual as shown on the project design drawings.
- (ii) The sidewalk ramps on Falmouth Street shall be improved to correct a deteriorated condition.

(iii) Internal sidewalks are proposed to allow access from entry doors to the sidewalks on adjacent streets.

3. Access and Circulation:

- a. The development will be served by the existing #3, #4 and #5 Metro service routes that have street stops at Hadlock Field and the nearby USM Campus. Transit service does not currently traverse Falmouth Street.
- b. A new Transit stop is not proposed.
- c. A new transit stop is not proposed based on the close proximity of nearby transit stops.
- d. Waiver: The applicant requests a waiver of the transit facility requirement.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) The applicant is providing parking on a 2 space per residential unit ratio which satisfies Section 14-332 (a) (2) of the code.
- (ii) The applicant has not prepared a TDM strategy.
- (iii) The applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.
- (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual.
- (v) Parking lots have been designed to withstand site conditions. The parking lot will be paved and graded to drain to a formal drainage system.

b. Location and Required Number of Bicycle Parking Spaces:

- (i) The project will include interior bicycle storage for each unit. Additional street racks will also be provided at one or more locations with the adjacent sidewalks systems.

c. Motorcycles and Scooter Parking:

- (i) The project does not provide designated motorcycle/scooter parking.

d. Snow Storage:

- (i) Snow storage management will employ two strategies;
 1. On-site snow storage around the perimeter of the site.
 2. Snow removal and offsite storage. Generally speaking the nature of the proposed site use precludes the need for significant snow removal.

5. Transportation Demand Management (TDM):

- a. A TDM plan is not required for the project.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

- a. The existing site retains no prominent significant natural features therefore no issue related to the preservation of these features applies.
- b. The applicant is not requesting a waiver from this standard.

2. Landscaping and Landscaping Preservation:

a. Landscape Preservation.

- (i) The site's existing tree population will be maintained. The applicant will discuss the condition of several existing trees with the City Arborist to determine their health and possible need for replacement. An existing specimen tree located at the rear of the school which we understood was specifically dedicated shall be maintained and the parking lot is designed to avoid cutting of this special tree.
- (ii) Not applicable.
- (iii) Adequate measures to protect existing vegetation during construction will be provided.
- (iv) The applicant will not require a waiver from this standard.

b. Site Landscaping.

(i) Landscaped Buffers:

- (a) There are no observable service or loading areas. The proposed dumpster area will have an enclosure for screening consisting of either wood or PVC.
- (b) The development will be designed to meet the understory planting requirements of Section 4 of the Technical Manual. The project landscape architect is currently reviewing the existing site plant material suitable for reuse and landscape understory compliance.
- (c) Not applicable.
- (d) The Applicant intends to preserve the site landscaping to the extent practicable.

(ii) Parking Lot Landscaping:

- a) The landscape architect is currently reviewing opportunities to satisfy these requirements by the placement of new trees and shrubs.

b) Not applicable.

c) Not applicable.

(iii) Not applicable.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

(i) All stormwater draining onto the site from adjacent properties will be accounted for in the pipe sizing and redirection to a new discharge location as necessary. Runoff from the site will continue to be directed to the City's storm drainage systems in the streets.

(ii) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

(iii) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

(iv) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

b. The Stormwater Management Plan will meet the requirements and goals stated in Section 5 of the Technical Manual.

c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.

d. N/A

e. The project is serviced by both a public wastewater system and public drainage system. The project will not pose a risk of groundwater contamination.

f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

(c) Public Infrastructure and Community Safety Standards.

1. Consistency with City Master Plans:

a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.

b. Not applicable.

2. Public Safety and Fire Prevention:
 - a. The site has been designed to promote safe and inviting public and residential access.
 - b. No changes to emergency access conditions within the surrounding streets is proposed.
 - c. Fire hydrants are located within the adjacent street system. The new buildings will be fully sprinklered.
3. Availability and Adequate Capacity of Public Utilities:
 - a. The applicant will secure letters from all applicable utilities stating their ability to serve this project.
 - b. All on site electrical lines will be underground.
 - c. All new utility infrastructures will meet the provisions of the Technical Manual.
 - d. The project has an existing sewer service connection.
 - e. The sanitary sewer collection system meets all applicable sections of the Technical Manual. A stormwater management system is not required based on the project size; however, stormwater BMPs will be introduced as part of the project site work.
 - f. The project will use an outside trash enclosure to store trash and recyclables temporarily until a contracted waste management company can pick up and dispose of the solid waste.

(e) Site Design Standards.

1. Massing, Ventilation and Wind Impact:
 - a. The bulk, location and height of the existing building does not result in adverse impacts to abutting properties.
 - b. HVAC venting is proposed to be directed to the building roof and directed away from public spaces.
2. Shadows:
 - a. The development is located in the R-5 Zone and this standard is not applicable to existing structures.
3. Snow and Ice Loading:
 - a. The proposed building is located such that accumulated snow and ice will not fall onto adjacent properties or public ways.

4. View Corridors:

- a. The project site is located outside the Downtown Vision View Corridor Protection Plan.

5. Historic Resources:

- a. The development is not located in a historic district, historic landscape district or City designated landmark.
- b. The development is not located adjacent to or within 100 ft. of a designated landmark, historic district, or historic landscape district.
- c. There are no known archaeological resources on the site.

6. Exterior Lighting:

a. Site Lighting.

- (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.

7. Noise and Vibration:

The project noise levels will be designed to meet the permitted levels as outlined in the R-5 Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof.

8. Signage and Wayfinding:

- a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

(i) The project is not located in a historic district or subject to Article IX.

(ii) Not applicable.

(iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

- a. The project is designed to be a high density development with multiple story building, onsite parking and attractive public space.

H.1

ATTACHMENT B

City Council Housing Committee Packet



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

H.2

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Housing and Community Development Committee
FROM: Greg Mitchell
DATE: September 20, 2013
SUBJECT: Nathan Clifford School Redevelopment

This memorandum will update you regarding the status of Nathan Clifford School redevelopment discussions and seeks Housing and Community Development Committee authorization to proceed with negotiations, with the Developer's Collaborative, to prepare a purchase and sale agreement.

Background

See attached memorandum from Bill Needelman outlining the process, which concludes with Developer Collaborative as the recommended developer for the Nathan Clifford School.

Public Benefits Association with Nathan School Redevelopment

- Property sale proceeds;
- Elimination of capital improvement and annual operating costs associated with City ownership of Nathan Clifford School;
- Conversion of tax exempt property to taxable property;
- Additional housing units to meet Portland's growing population;
- Preservation of an historic structure; and,
- Preservation of site open space.

Next Steps

Next steps include:

- **Project Proforma.** City staff reviewing Developer's Collaborative Proforma to agree with the sale price for Nathan Clifford School. It is noted that the Developer's Collaborative is offering \$200,000 to acquire Nathan Clifford School.
- **Purchase and Sale Agreement.** A purchase and sale agreement needs to be prepared to formalize this transaction.

City Staff Recommendations

City staff recommends the HCDC authorize staff to proceed with negotiations to prepare a purchase and sale agreement, with conditions, to present for public action at October HCDC and City Council meetings, if possible. It is noted that Developer's Collaborative has proposed an aggressive time line to proceed to take advantage of historic tax credits in 2014.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Mavodones and Members of the Housing and Community Development Committee
From: Bill Needelman, Senior Planner
Date: September 20, 2013
Re: September 25, 2013 Meeting – Recommendation of the Nathan Clifford Proposal Review Committee

Introduction:

The Nathan Clifford Proposal Review Committee was appointed to evaluate developer qualifications and development proposals for the re-use of the Nathan Clifford School and property. The Committee has completed their work and is recommending to the HCDC that the City negotiate a purchase and sale agreement with the *Developer's Collaborative*.

Background:

On July 15, 2013, the Nathan Clifford Proposal Review Committee was appointed to oversee the selection of a development team as recommended by the Nathan Clifford Re-Use Advisory Task Force. The Committee membership included:

- City Planning Department: Jeff Levine, Planning and Urban Development Director, Co-chair
- Neighborhood representative: Caroline Paras, Granite Street, Co-Chair
- City Economic Development: Greg Mitchell, Economic Development Director
- City Public Facilities Director : Anita LaChance
- Design professional: Paul Stevens, SMRT
- Greater Portland Landmarks: Carol DeTine, CH Studio
- Real estate professional: Sean Dundon, Blackstone Consulting

After issuing a Request for Qualifications (RFQ), two development teams (the *Developer's Collaborative* and *Community Housing of Maine - CHOM*) provided responses expressing interest in the school Property.

The *Developer's Collaborative* proposed 22 market rate residential apartment units with +/-18 units located in the school building and +/-4 units located in new structures on the school

property. *Community Housing of Maine*'s proposal showed 60 affordable residential apartments with up to 24 of those units located in new construction.

Both developers proposed to retain some degree of public access to the site for playground/open space use, and intended to use Historic Preservation Tax Credits. The CHOM proposal additionally relied on state and federal affordable housing incentives.

Review Process:

On August 14, 2013, the Proposal Review Committee met to evaluate the responses. Having evaluated both proposals against the criteria established in the RFQ, the Committee found that both development teams were well qualified; but, the proposals varied widely as related to adherence to the established "use" criteria. For residential re-use proposals, the criteria encourage residential density "generally consistent" with the existing R-5 zoning. (The R-5 zone would allow 22 residential units based on re-use of a non-residential structure and the square footage of the total school property.)

On the basis of the use criteria, the Committee voted unanimously to invite the *Developer's Collaborative* to meet with the Committee to further discuss their qualifications and proposal. The Committee further voted to reject the *CHOM* proposal as inconsistent with the use criteria (namely residential density) as stated in the request for qualifications document.

The Review Committee reconvened on September 4, 2013 to meet with the *Developer's Collaborative*. After hearing a presentation of the proposal and asking questions of the development team, the Committee unanimously approved a motion to recommend to the HCDC that the City accept the Developer's Collaborative proposal.

Review Committee Recommendation:

The Review Committee enthusiastically endorsed the Developer's Collaborative qualifications and proposal, finding that the material submitted met the applicable criteria in the RFQ. The Committee qualified their recommendation to suggest that the developers commit that their proposal will meet current zoning (assuming 18 units within the school building and no more than two new duplex buildings on the Deane Street portion of the grounds.) Additionally, the Review Committee requested that the development team provide for the HCDC's review a more detailed site plan, additional financial information for review of Economic Development staff, and to clarify their proposal regarding community use of interior and exterior use of the property.

Attachments:

1. Developer's Collaborative Presentation on Proposal to HCDC.

Nathan Clifford Residences

Housing and Community
Development Committee
Meeting

September 25, 2013



**DEVELOPERS
COLLABORATIVE**

Developers Collaborative:
Kevin Bunker
Richard Berman
Laura Reading

CCB, Inc:
Beth Sturtevant
Marc Belanger
Sean Ferguson

Architect:
Archetype Architects

H.6

Agenda

- Developers Collaborative Overview
- Nathan Clifford Re-Use
- Site Plan
- Zoning
- Floor Plans
- Historic Preservation
- Conditions Assessment
- Sources and Uses
- Timeline

Developers Collaborative: Historic Preservation



Developers Collaborative: Historic Preservation



Developers Collaborative: Historic Preservation



Developers Collaborative: Smart Growth



Developers Collaborative: Smart Growth



Nathan Clifford Re-Use

- Rehabilitate the building for residential use and provide publicly accessible open space
- 18 units: initially rentals, then maybe condos
- 2 duplex lots
- Target market: professionals and active retirees
- Convenient amenities: fitness center, storage space, shared flex space, and resident lounge

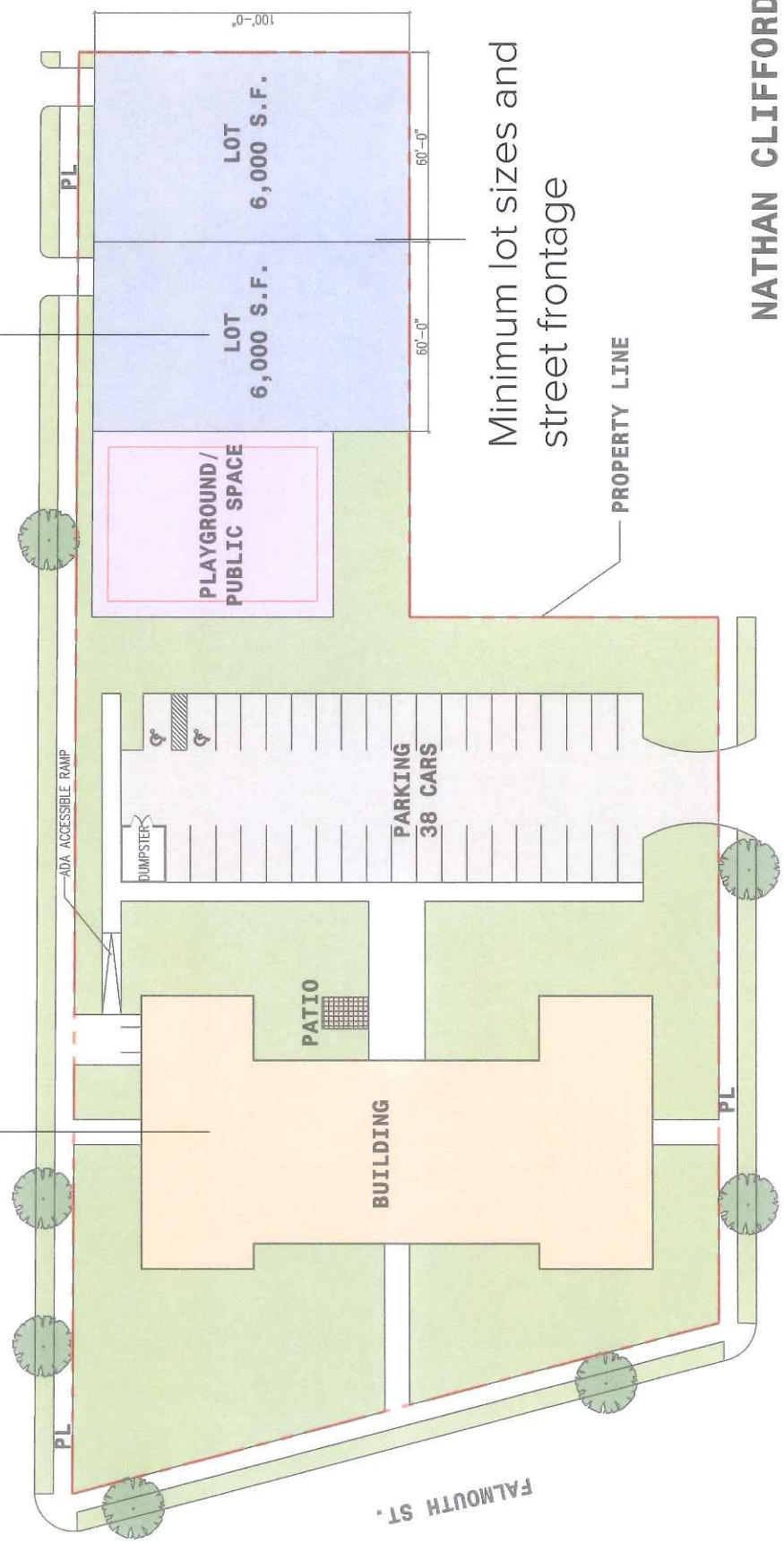


**NATHAN CLIFFORD
SITE PLAN
1/32" = 1'0"**

H.14

18 units on 55,200 sf of land

1-2 units per lot




Minimum lot sizes and street frontage

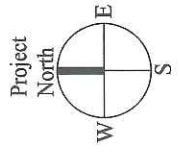
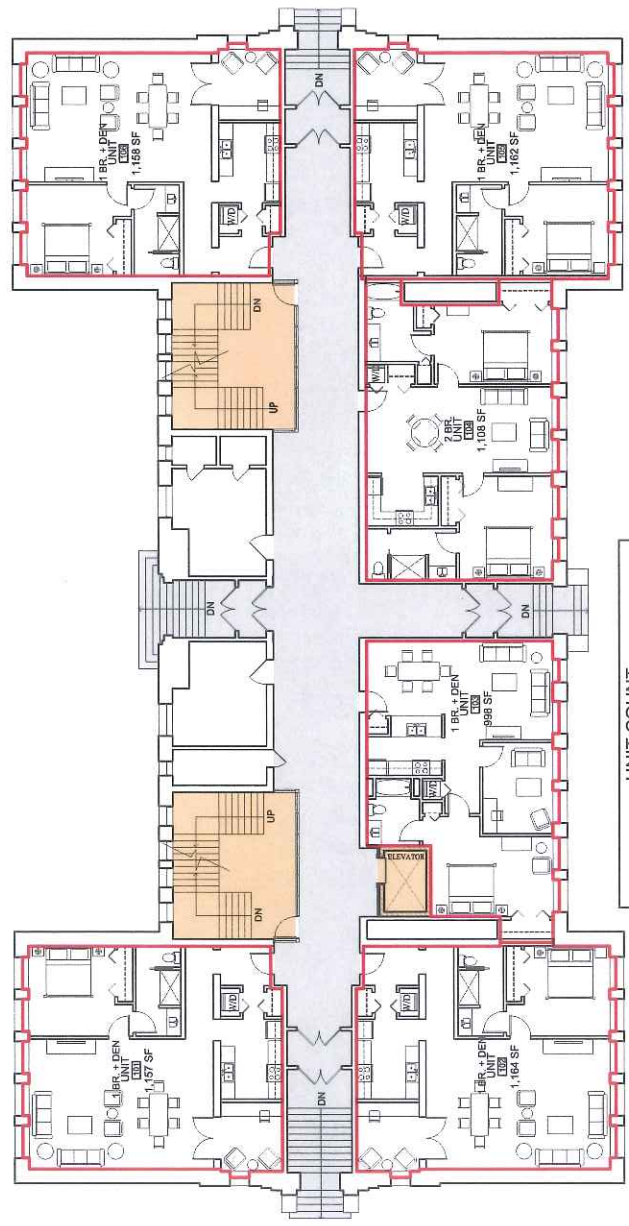
NATHAN CLIFFORD
SITE PLAN
1/32" = 1'0"



Lots: Neighborhood Context

91.14

 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	Project: NATHAN CLIFFORD 180 FALMOUTH STREET PORTLAND, MAINE	A0.1
	FIRST FLOOR PLAN Date: September 17, 2013 Scale: 1/16"=1'-0"	



UNIT COUNT	
FIRST FLOOR:	5x 1-BR. UNITS = 5,639 SF 1x 2-BR. UNIT = 1,108 SF + 6,747 SF
SECOND FLOOR:	3x 1-BR. UNITS = 2,970 SF 4x 2-BR. UNITS = 5,193 SF + 8,163 SF
THIRD FLOOR:	5x 2-BR. UNITS = 7,686 SF 8x 1-BR. UNITS = 8,609 SF 10x 2-BR. UNITS = 13,987 SF + 22,596 SF
TOTAL:	
GROSS SF PER FLOOR: 11,537 SF	

1 | FIRST FLOOR PLAN
SCALE: 1/16"=1'-0"

H. 17

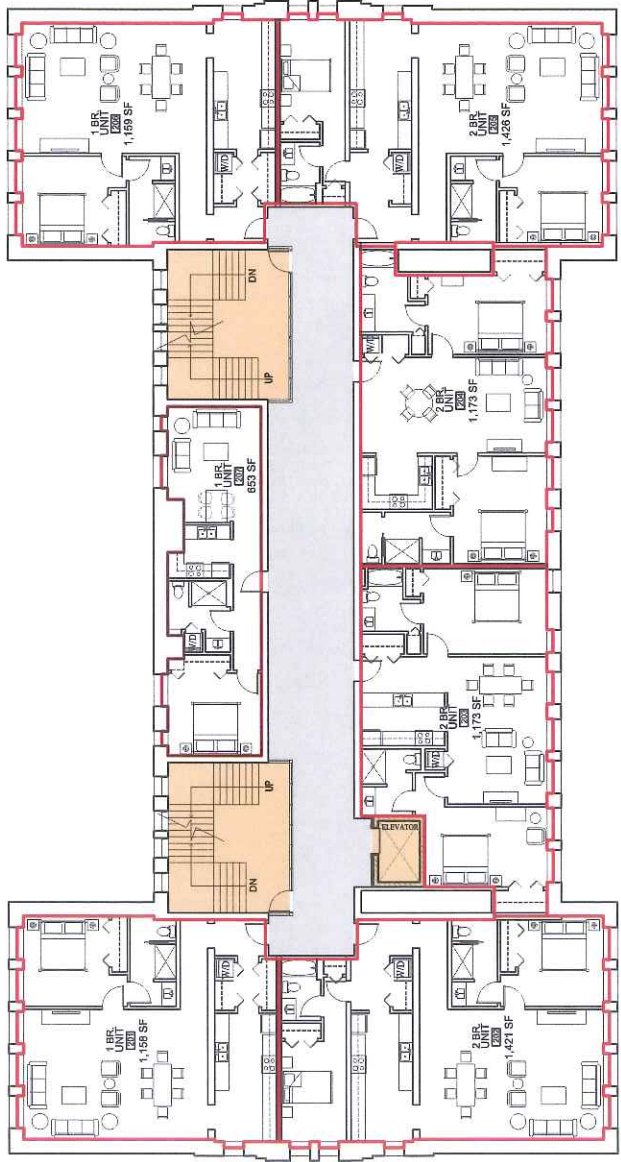
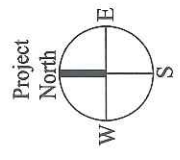
A0.2

Project: NATHAN CLIFFORD
180 FALMOUTH STREET
PORTLAND, MAINE

SECOND FLOOR PLAN

ARCHETYPE
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Date: September 17, 2013
Scale: 1/16"=1'-0"



1 | SECOND FLOOR PLAN
SCALE: 1/16"=1'-0"

81.18

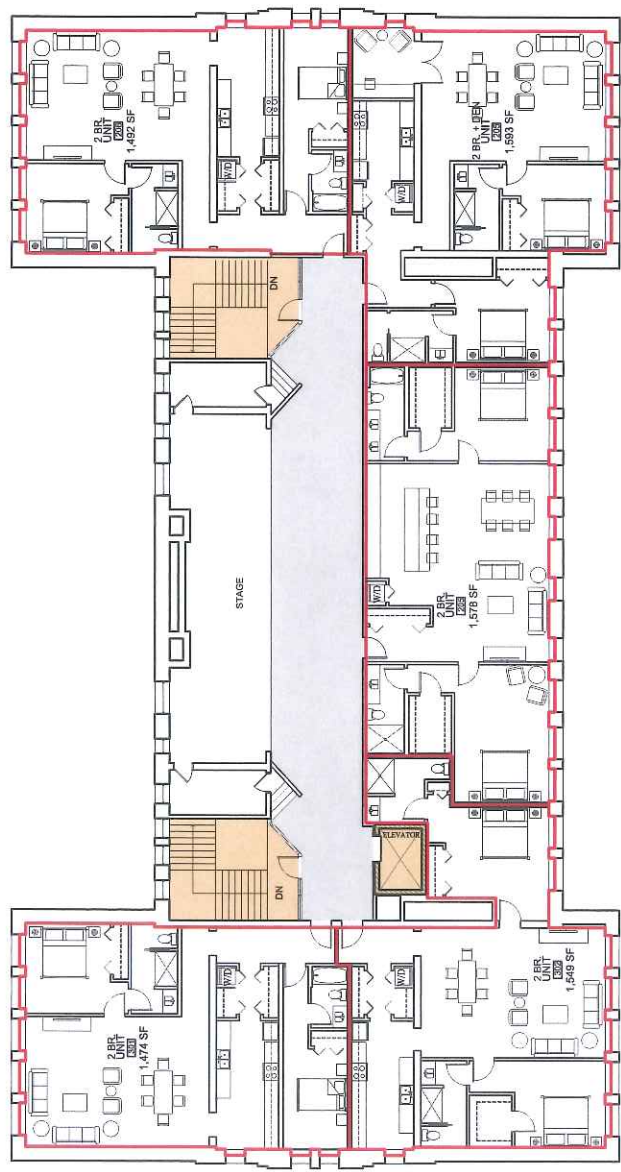
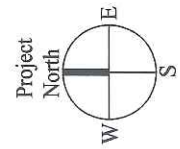
A0.3

Project: NATHAN CLIFFORD
189 FALMOUTH STREET
PORTLAND, MAINE

THIRD FLOOR
PLAN

ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Date: September 17, 2013
Scale: 1/16"=1'-0"



1 | THIRD FLOOR PLAN
SCALE: 1/16"=1'-0"

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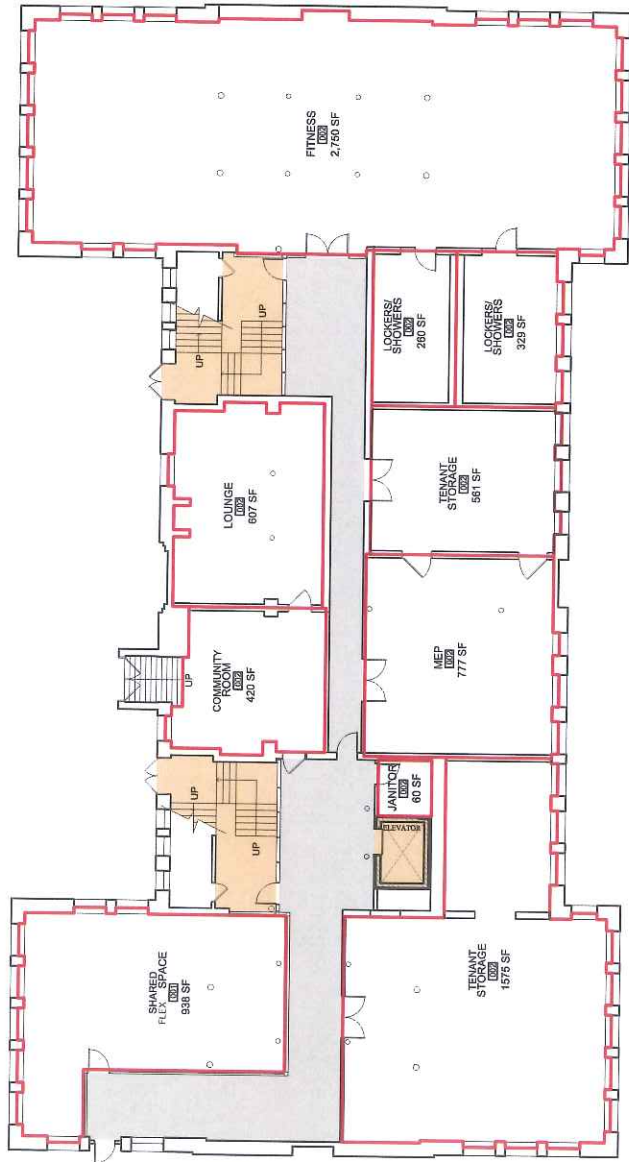
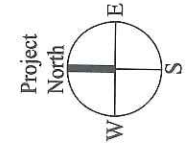
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Project: NATHAN CLIFFORD
180 FALMOUTH STREET
PORTLAND, MAINE

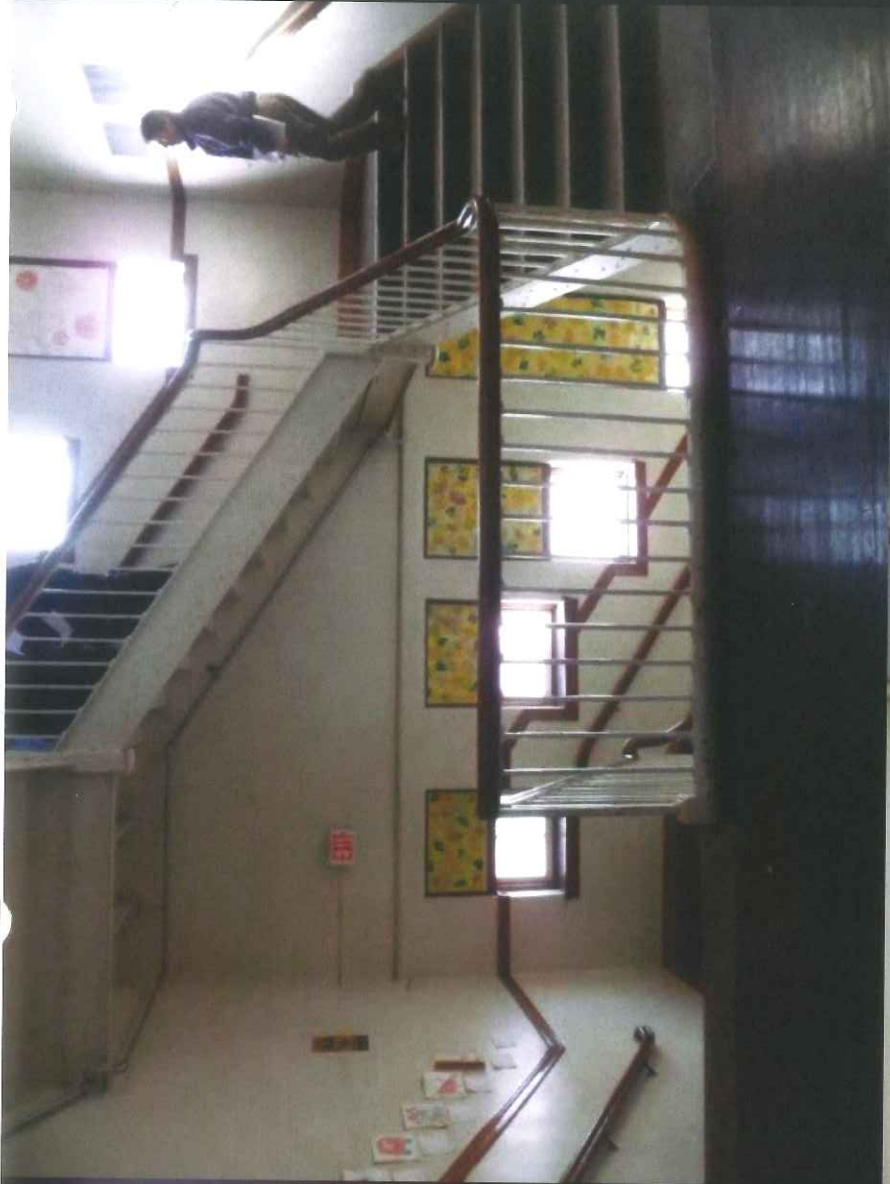
BASEMENT
FLOOR PLAN

ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

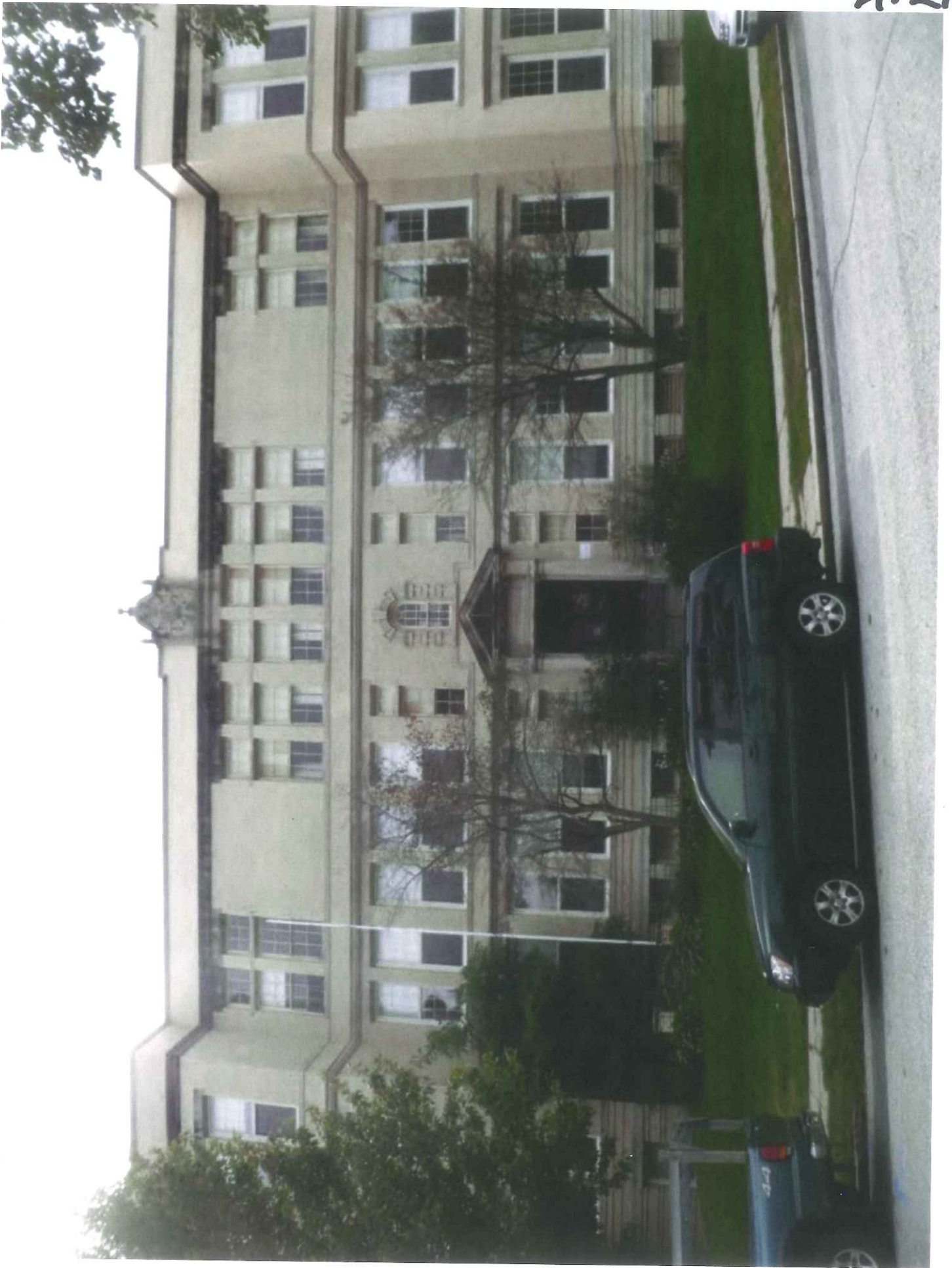
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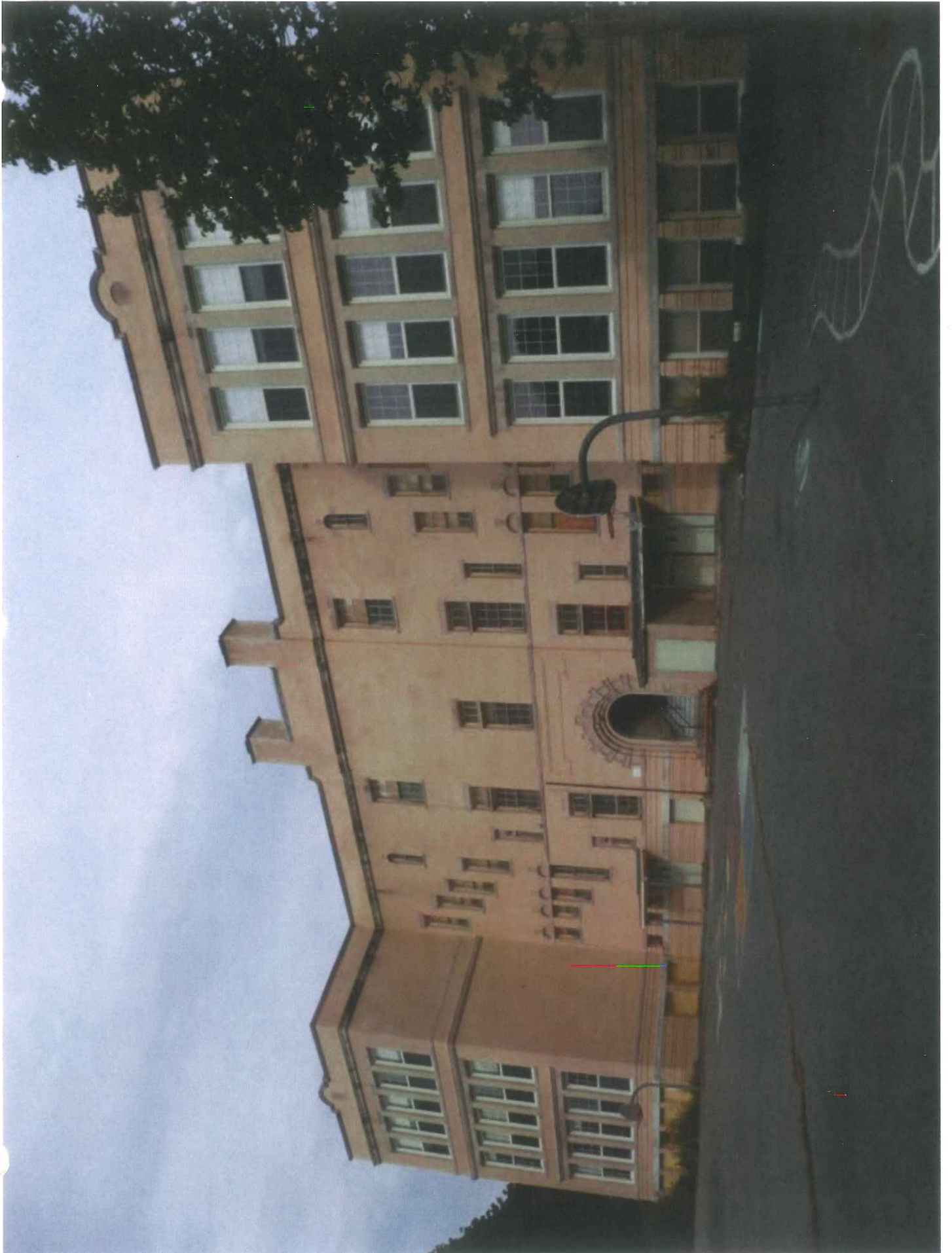
1 | BASEMENT FLOOR PLAN
SCALE: 1/16"=1'-0"



4.21



H.22



Conditions Assessment

Masonry Walls	\$127,992
Structural	\$164,256
Roof	\$183,240
Windows (replacement)	\$226,680
Total Cost of Repairs +20%	\$702,168

Sources and Uses

Uses	\$6,926,339
Acquisition	200,000
Hard Costs	5,326,887
Soft Costs	1,253,452
Financing Costs	146,000

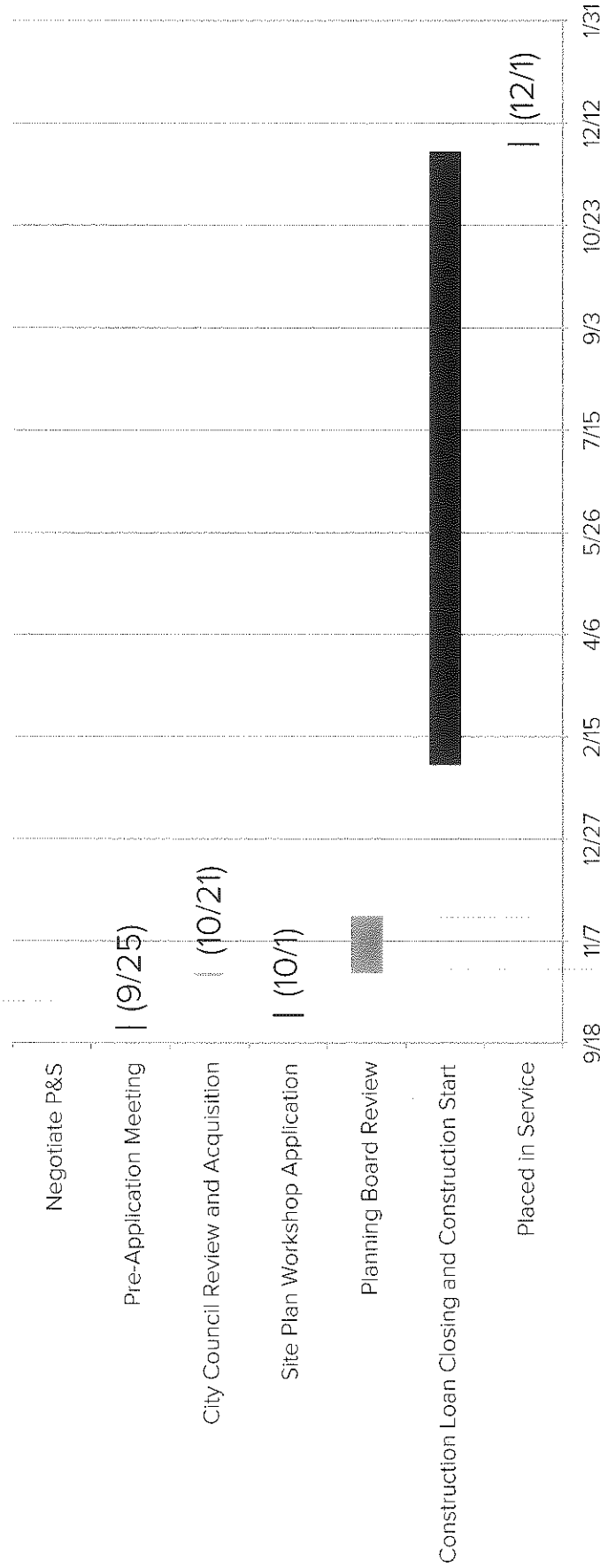
Sources	\$6,926,339
Historic Tax Credits	2,375,184
Equity	1,838,270
Debt	2,462,885
Lot Sales/Development	250,000

Timeline

- DC is prepared to move forward now.
- Market study, survey, and environmental studies have been commissioned.
- Detailed design work will need to wait until we have firm site control.
- We have all necessary financial resources in place now.
- We could execute a P&S very soon with only contingencies being title, environmental, and zoning.
- We would like to place our federal credits in service by the end of 2014.
- Given a 10 month construction schedule, that means we would like to get going on design work immediately.

Timeline

HCDC Recommendation to Council (10/9)



Workshop
(10/22)

Hearing
(11/26)

October 18, 2013

Memo To: William Needelman
Barbara Barhydt
From: David Margolis-Pineo
Re: 172 Falmouth St. – Nathan Clifford School

The City of Public Services has the following preliminary comments on the proposed building conversion at 172 Falmouth Street.

1. Property plan will required a stamp by a licensed land surveyor. The presented plan is 14 years old and does not reflect the site's current condition. I believe an updated property survey is being completed and will be submitted. There is an existing catch basin located on the property which is not shown on the current survey. The catch basin needs to be shown on the survey as well as any piping going to or from the structure.
2. Currently the proposed rain gardens do not show an outlet. Can the additional proposed impervious area be kept below 1,000 sf to avoid the need for stormwater treatment?
3. The abutting sidewalk and curbing around the Nathan Clifford School is in need of repair/replacement. In lieu of spot repairs along Falmouth Street, the applicant is requested to replace the concrete sidewalk in its entirety on Falmouth Street including the crosswalk ramps at both Payson and Deane Streets. In addition, there are several sidewalk areas on both Payson and Deane St that are tripping hazards and need repair. City staff can work with the applicant to determine those locations and how best to address those areas needing repair. City staff will also provide guidance as to the correct alignment of the corner crosswalks. Some granite curbing re-alignment will be necessary.

There are four locations on Falmouth St where granite curbing is missing. I will work with the Operation's staff to have the City install curbing in those four areas. In addition, the City arborist has agreed to review the existing trees and remove trees that he feels should be removed. New trees will be planted where needed to fill voids on Deane, Payson and Falmouth St.

4. As required by code, all overhead utility lines must be feed to the site underground from the street right of way.
5. It would be desirable to eliminate the curb cut and concrete drive apron on Deane St and replace with a walk.

We have no further comments at this time.

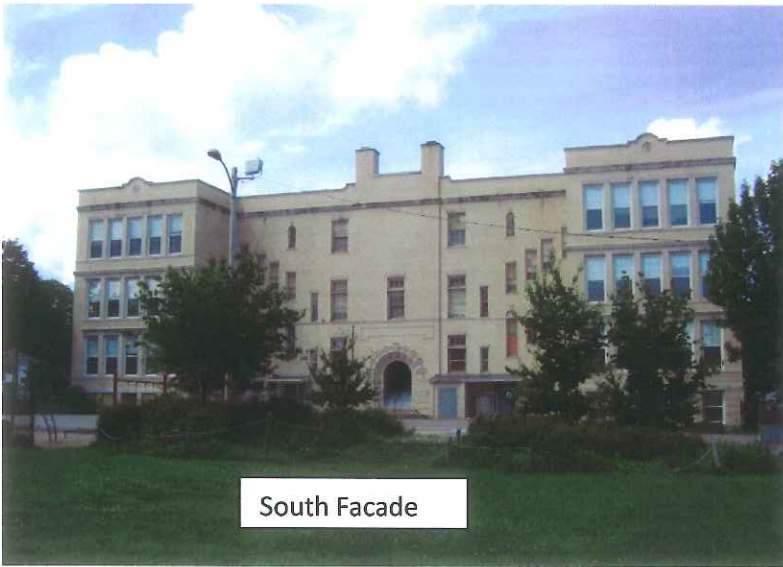
Building Facades and Details



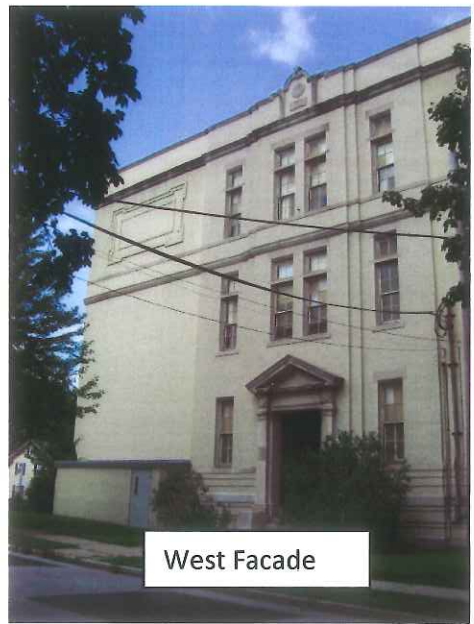
North Facade



East Facade



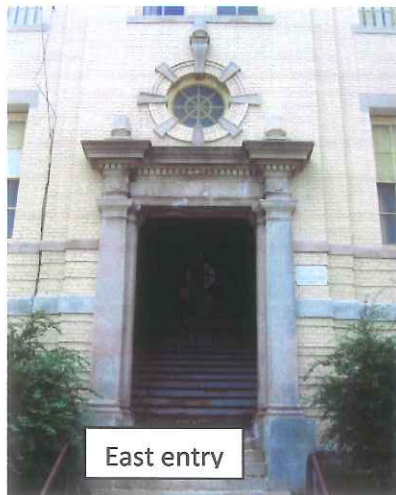
South Facade



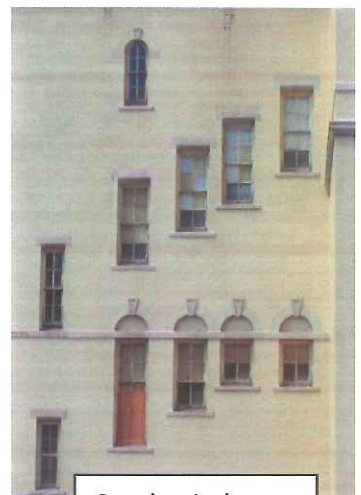
West Facade



North parapet medallion



East entry



South windows

Neighborhood Context, Falmouth Street



Neighborhood Context, Payson Street



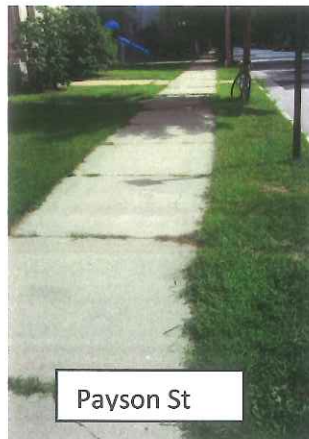
Neighborhood Context, Falmouth at Deane



Sidewalk Condition



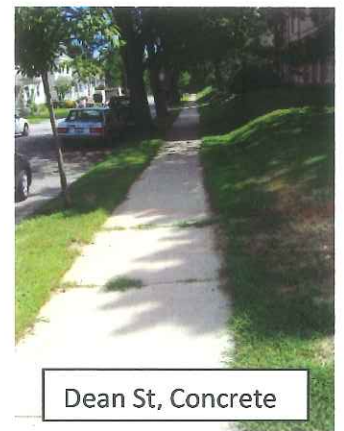
Falmouth St



Payson St



Dean St, Asphalt



Dean St, Concrete

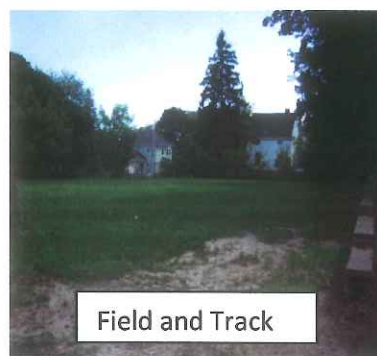
Site Features



Front Entry Walk



Outside Classroom



Field and Track



Play Areas

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

AGENDA
PORTLAND PLANNING BOARD

The Portland Planning Board will hold a meeting on October 22, 2013, Room 209, 2nd Floor, City Hall, 389 Congress Street. Public comments will be taken at both the workshop and public hearing.

WORKSHOP – 3:30 P.M.

- i. Level III Preliminary Site Plan and Subdivision Application; 79 Walnut Street; Munjoy Heights – Redfern Munjoy LLC. , Applicant. The Board will consider a proposal to construct a 29 unit residential development. The site is 69,288 sq. ft. and includes extending a private access way from Walnut Street on the former Sheridan Street ROW to serve the 29 townhomes. Parking is proposed in garages and on site for 34 vehicles. Two (2) residential buildings with a total of five (5) units are proposed to be demolished and a third home would be retained on a reconfigured lot with access from North Street.
- ii. Level III Site Plan Application; 172 Falmouth Street; Nathan Clifford School – Kevin Bunker of Developers Collaborative Predevelopment, LLC., Applicant. The Board will consider a proposal for redevelopment of the Nathan Clifford School into nineteen (19) residential units. The proposal includes creating a parking lot for 38 vehicles and a new recreational public access easement to be granted to the City for a portion of the property.

PUBLIC HEARING 6:30 P.M.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETINGS HELD ON OCTOBER 8, 2013:**
Workshop: O'Brien (arrived 4:10 pm), Dean, Dundon, Hall (arrived 4:00 pm) present; Boepple, Soley and Morrissette absent.
Public Hearing: O'Brien, Dean, Dundon, Hall, present; Boepple, Soley and Morrissette absent.
4. **REPORT OF DECISIONS AT THE MEETING HELD ON OCTOBER 8, 2013:**
 - i. Conditional Rezoning R-3 to Conditional B-2; 194 Auburn Street; C N Brown Co., Applicant. *The Board voted 3-1 (O'Brien opposed; Boepple, Soley and Morrissette absent) to recommend the proposed rezoning to the City Council, which motion failed due to lack of four affirmative votes. The Board then voted unanimously 4-0 (Boepple, Soley and Morrissette absent) to table this item to the next meeting on October 22, 2013.*

Nathan Clifford Redevelopment
Neighborhood Meeting Certification

I, Kevin Bunker, hereby certify that a neighborhood meeting was held on October 15, 2013, at 180 Falmouth Street at 5:30 PM.

I also certify that on October 4, 2013, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,



Kevin Bunker

Date: October 16, 2013

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



October 3, 2013

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for 19 residential units located at 180 Falmouth Street, in the Nathan Clifford School building.

Meeting Location: 180 Falmouth Street, 3rd Floor

Meeting Date: October 15, 2013

Meeting Time: 5:30 PM

The City code requires that property owners within 500 feet (except notices must be sent to property owners within 1000 feet for industrial zoning map amendments and industrial subdivisions) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Kevin Bunker at 207-772-7673.

Sincerely,

Kevin Bunker, Manager
Developers Collaborative Predevelopment LLC

Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plans was not submit. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

Nathan Clifford School Redevelopment
Neighborhood Meeting Minutes

Meeting Location: 180 Falmouth Street, 3rd Floor

Meeting Date: October 15, 2013

Meeting Time: 5:30 PM

Kevin Bunker started the meeting at 5:39 PM. Kevin introduced the project – 22 residential units that comply with the existing zoning, which was important to the Redevelopment Committee. The units will be market-rate because it seemed to fit in more with the neighborhood. Kevin explained that the units will rent for five years to comply with the use of historic tax credits, and then the units may become condominiums. As part of the historic preservation, certain elements need to be retained such as the stage and hallway widths. Basic units and layouts are seen in the floor plans on the board but we may have some interesting units here on the third floor with mezzanines.

Q. How many square feet would each unit be?

KB. Basic 2 bedrooms, up to 1400 sq ft.

Q. What rents are you looking for?

KB. We're looking at \$1.70/SF.

Q. How many units?

KB. Right now we're at 19 but we'll probably be up to 22. The HCDC would like to see us maximize the zoning. We'll have a similar bedroom count but it may either be fewer but larger units or a few more units that are slightly smaller.

Q. You're talking about going to the full 22 that is available? I would vote for fewer units.

KB. If the floor plan works that way.

Q. What are the parking requirements?

KB. There are no requirements because it's a historic building but we're proposing 2 spaces per unit. The planning board would like to see fewer parking spaces but we've heard from the neighborhood that street parking is an issue so we want to provide enough parking.

Q. Is it possible that there may be a zoning change with additional subdivisions in 5 years?

ES. Kevin will talk about the protections for the non-building space on the property. A zoning change would be a significant process.

KB. If it's really an issue we could have some deed restriction that prohibits future subdivision but it would be a difficult process in both construction and zoning to do is not a low-hanging fruit.

Q. How much money are you putting in to each unit?

KB. \$6.5-7 million project. \$700,000 – 1.1 million in cash. Debt and historic tax credit (2.4 million) sources would be similar.

KB. Regarding timeline, we're hoping to be finished by the end of 2014. Historic tax credits can be applied back 1 year and go forward 20 years. We're going to buy and use these tax credits ourselves. Our partner, Richard Berman, sold a big project in 2013 so he can use these tax credits. It's a tight deadline but we're working to meet it. Next Monday night we're at the city council to approve the purchase and next Tuesday we'll have a workshop with the Planning Board for site plan removal. We submitted our application on October 1 and we've been working hard to update it so on Tuesday we'll be talking about the changes we've made.

Q. Construction start date would be when?

KB. January or February.

KB. Now let's talk about the site. Our original proposal involved two 6,000 SF lots with duplexes on each lot and 18 units in the building. We knew open space was important so we set aside some space for the public. We've heard from quite a few people that the playground is used frequently so we're keeping it. Ed suggested that it was important for the neighborhood to keep all of the open space and asked if there was any way to make it work. We said the way to make it work was to pay \$1 for the building so we created two options to give to the council, \$1 and we would keep the entire open space or \$200,000 and we would have two 6,000 SF lots with a small public space. The committee chose the \$1 option but we've also committed to maintaining the space.

Q. What happens in 5 years when it turns to condos?

KB. The easement runs with the land so the easement is permanent and will not change.

Q. Will it deter condo owners?

KB. If they're deterred then that's ok.

ES. The condo association will be hiring someone to maintain the property and the building. I want to assure folks that if in 10 years from now maintenance is not taken care of the City can do the maintenance and put a lien on the property.

Q. Why not just divide the land? I don't feel comfortable having my kid use private property.

ES. The entire land is required to have the 22 units in the building. The City is unable to take care of existing parks but this property is guaranteed to be well maintained.

Q. I'll have no recourse if my child is injured. If I were buying a condo, I would not want a playground nearby. They won't sell well.

KB. There are always compromises in development. We're getting this beautiful building for a \$1 so we want to give something back to the City.

Q. I'm more worried about children playing on private property and not having any legal protections.

ES. It's harder to sue the City than it is to sue a private owner.

Q. What's the outside of the building going to look like?

KB. Same as it is now. There's not much we can change for historic preservation.

Q. I'm not worried about safety but will people buying high-end condos get annoyed with the playground?

KB. It will only be open during daylight. If the park is abused, we can shut the park down until the situation is remedied.

Q. There's a lot of playing here but I know it's loud playing. The property is accessed from Payson and Deane – will there still be two ways to access the property?

KB. We're not looking to create an enclave here. Residents may or may not have children but having the park here is part of the deal and we'll find people who are okay with that.

Q. There's a beautiful garden that neighbors planted with the help of a landscape architect so I'm wondering if the gardens are staying?

KB. First on access, we'll have stairs on Deane Street to enter the open space/playground. On Payson there will be a flat access trail, maybe ADA approved. On the plantings, we like the concept but we want to make it better and redo it. The idea that I have is using the round sinks in the basement as a fountain outside. My partner Richard always puts compasses in his park so that might happen. But we want to redo it and make it better.

Q. Will there be community gardening?

KB. We haven't heard any interest in that. We've heard more desire for open space.

Q. Regarding the process, Monday is not about site approval but about the transaction?

KB. Monday night is the Purchase and Sale contract and the easement that goes with it to set aside land for public use.

Q. How specific is the easement? Where is it?

KB. It's an exhibit in the contract (shows boundaries on site plan).

Q. The access on Payson is in the easement?

KB. We'll have to add that.

Q. How many fewer units will there be if the land is separated?

KB. Roughly 16 units, instead of 22. I'm not doing that deal but maybe someone else would.

ES. Right now the bulk of the open space is currently the field. What would the neighborhood really like to see? Open space/field? Bigger playground?

Q. In the public process, the neighborhood decided that open space was preferred so I don't think it's appropriate to raise that question now and rehash the issue. We voted not to have condos there.

KB. The question is what kind of open space, not about building on it.

ES. So what kind of open space? Leave it as a field? Garden? Playground?

Neighbor. There are a variety of people in the neighborhood with different aged kids and adults. More diversity is better. We're limited in space but if an adult couple can go and sit and drink coffee that would be good. So my thought is keeping it open to as many users as possible.

KB. We're trying to create a zone more for children, a garden/patio area for adults, and a space in between that's open to a variety of activities.

Q. Will there be gates?

KB. We want to take down the chain-link fence and not have a gate.

Q. I live next to the park. If it works well with the parent area and playground, why move it? Why not move the playground closer to the patio? Also, kids already jump over the fence and use my driveway so I would prefer if there was a fence there.

KB. That's good feedback and good to know.

Q. In that back corner, people drink beer and smoke. I worry about people doing those same activities on slides, etc. Can we keep the playground to how it is now?

KB. I'm wondering if the chain-link fence goes, maybe there should be some other type of fence.

Q. Neighborhood probably has some great ideas – is there a time that we can give our ideas?

KB. We'd love to hear your ideas if you want to come to our office and give your input. Most of this happens at the Planning Board level though.

Q. Is there a rationale for having the playground in the back corner?

KB. I think it activates the space instead of leaving that corner empty. Also keeping the playground away from cars is important.

Resident. Landscaping and a fence could really help control the use of that area.

KB. We've changed fences before in other projects. We can do that here. We're looking to get your input.

Resident. I think no fence is actually easier to control. Fences hide things.

KB. People on Deane Street should be able to see what's going on but maybe towards the houses there's a more solid fence.

ES. Is it safe to say that there is a consensus for some open space, some playground space, some patio space? Does anyone object to that?

Resident. I just have a concern about where things are placed and why things are being changed.

Resident. The park will be open only during the day so that addresses nighttime issues and the fence would address boundary issues.

Resident. Condo association would help manage the park. Right now neighbors have to call the police and watch out for it.

Resident. Personally, I'll have to deal with more problems if the playground is moved.

Resident. We'll be able to deal with the condo association instead of the police.

Resident. Two things – there should be adequate security lighting and I don't think we've answered Ed's question about the type of space.

ES. A third playground, a third open space, a third garden/patio/adult space – if anyone objects to that, this is the time to voice your opinion.

Resident. Seems like a shame to get rid of the playground equipment.

Resident. I wouldn't want a playground if I was the developer. I think it would affect resale value.

KB. There's too many people here that think the playground is important and if it costs us some money, it costs us some money.

Q. Will the fence issue be part of the easement?

KB. No but that can be a condition of planning board approval.

Q. So they can say you can never build a fence around a park?

KB. Yes.

Q. So who decides to put up a fence or not?

KB. The developer or the planning board.

ES. If neighborhood expresses support for or against a fence, the Planning Board will respond to that. I will argue that because of the grade differential on Deane Street, a fence makes sense to keep balls in and kids out of the road – even if just a short fence. But I trust Developers Collaborative – they know what they're doing and have a solid track record and a lot of experience with historic preservation. I'm confident that they care about what the neighbors want.

Q. I'm just concerned that if there is a fence it will be perceived as private.

KB. The challenge is balancing safety, accessibility, and making people feel welcome.

Resident. Open space keeps it open to the community. No fence.

Resident. Signs can tell people when the park is open and state that the park is public. I'm in favor of a fence.

ES. So maybe we don't solve the fence issue tonight.

KB. I think I've gone through most of what I wanted to talk about tonight.

ES. On Monday night, at 7 PM, City Council Chambers, we welcome public comment. I haven't seen the agenda so I don't know where it is on the agenda but it's nice to have neighbors express their opinion.

Q. Are you concerned about this passing?

ES. I'm not because it was a unanimous recommendation but I've learned to not expect a particular outcome.

Q. You said there's a meeting on Tuesday?

KB. Yes, room 209, I think 6:30 PM but I'll have to check on the time.

Q. How can the public be involved?

KB. The Planning Board process. The first meeting is next Tuesday night. We'll be talking about these issues.

Q. Should we express our particular vote to Ed?

KB. No.

ES. If you can, go to the Planning Board meeting. Over the next few weeks things will be changing and the final isn't for a few weeks after that first meeting.

KB. To be proactive, go the meeting but reach out to us out in between.

Q. When this gets sold, they can do whatever they want?

ES. No, the Planning Board still has to approve the site plan once the property is sold.

Q. They'd never be able to change that 5 years down the road?

Q. If the process isn't tracked, will it change in 5 years?

ES. If the lack of fence is causing safety and security issues, the City will address that with the condo association.

Resident. We're just worried about how much control we have in 5 years.

KB. Emailing me is the most direct but attend the Planning Board meetings to express your opinion. During the condo conversion, we'll continue to speak with the neighbors and work with them.

Q. 6-7 years down the road, can they do whatever they want with the property?

KB. No.

Q. So you'll be renting this at what price?

KB. For example, 1,000 SF unit would be \$1600-1700.

Q. Are you having low-income rentals?

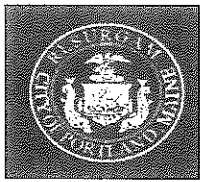
KB. No.

Q. Is there community space inside the building?

KB. I think the building will be a private building. There may be some function rooms that the public might use but there's no easement guaranteeing access to the basement to the public. We're still designing the basement space.

Q. Only for people in the building?

KB. Yes.



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

October 21, 2013

Christi Mitchell
National Register Coordinator
Maine Historic Preservation Commission
55 Capitol Street
State House Station 65
Augusta, Maine 04333

Dear Christi:

On July 24, 2013, the City of Portland's Historic Preservation Board reviewed the eligibility of Nathan Clifford School for designation as a local "Landmark" under Portland's historic preservation ordinance and for individual listing in the National Register of Historic Places. The Board's role was to make a recommendation to the Portland City Council regarding local designation and nomination to the National Register.

Following a presentation by consultant Julie Larry of TTL Architects, an opportunity for public comment (there was none) and deliberations, the Historic Preservation Board voted 6-0 (Romano absent) as follows:

Upon documentation provided in the draft National Register nomination form prepared for the City by TTL Architects, the Historic Preservation Board finds that the former Nathan Clifford School at 180 Falmouth Street meets the minimum criteria for designation as a local Landmark as set for the Article IX of the Land Use Code. Specifically, the Board finds that the historic school building meets designation criteria 1, 3, 4 & 5 of the historic preservation ordinance. Based on these findings, the Historic Preservation Board recommends to the City Council that Nathan Clifford School be designated a local "Landmark" subject to the protections afforded by the historic preservation ordinance.

The Board also recommends that the City Council move forward with the nomination of Nathan Clifford School to the National Register of Historic Places. The Historic

Preservation Board concurs with the consultant's findings that the building meets National Register Criteria A and C. The building is noteworthy for its role at the forefront of Portland's educational initiatives at the turn of the twentieth century and for its association with architects John Calvin and John Howard Stevens.

On September 16th, the Portland City Council reviewed the Historic Preservation Board's recommendations regarding local landmark designation and nomination to the National Register. The City Council voted unanimously to designate Nathan Clifford as a local "Landmark" and to support the building's nomination to the National Register. The Council's decision followed testimony from three members of the public: two in support and one opposed. (The individual who spoke in opposition expressed concern about the building's association with Nathan Clifford and his views on segregation.)

With respect to Nathan Clifford School's contribution to local preservation efforts, local and National Register listing is critical not only to the long term preservation of this important historic structure, but also to the continued stability and vitality of Portland's Oakdale neighborhood. When Nathan Clifford was closed as an elementary school in 2011, a key neighborhood focal point and center of activity was shuttered. National Register listing will provide access to historic tax credits, which will make possible the rehabilitation and reuse of the building as housing which, in turn, will strengthen and support surrounding neighborhood uses.

If you have any questions about the Historic Preservation Board's or City Council's deliberations, please do not hesitate to call.

Sincerely,



Deborah Andrews
Historic Preservation Program Manager

Cc: Mayor Michael Brennan
Mark Rees, City Manager
Jeff Levine, Director of Planning and Development
Alex Jaegerman, Planning Division Director
William Needelman, Senior Planner ✓

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 21, 2013

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 2) October 7, 2013

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 9 Proclamation Honoring Officer Robert Pelletier as Police Officer of the
(Tab 3) Month for September 2013 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

Order 70-13/14 Order Appointing Member to Long Creek Watershed Management
(Tab 4) District Board of Directors – Sponsored by Mayor Michael F. Brennan.

The Long Creek Watershed Management District (LCWMD) was created by Inter-local Agreement among the municipalities of South Portland, Portland, Westbrook and Scarborough. The agreement was executed in August 2009. There are up to 16 Governing Board members of the LCWMD. The Bylaws call for two (2) positions on the Board of Directors to be representatives from the City of Portland.

The City of Portland's two Board of Director positions have been consistently held by a representative from the City and a representative from a local nonprofit agency. Doug Roncarati, Department of Public Services, serves as the municipal representative and Curtis Bohlen, Casco Bay Estuary Project, serves as the nonprofit representative.

Doug was reappointed for his position by the City Council in the spring of 2013. The Department of Public Services mistakenly thought that Curtis's term did not expire for another year. Curtis's position, however, also expired in the spring of 2013. As such, staff hereby recommends that Curtis Boland be re-appointed for his position on the Board of Directors as one of the City of Portland's representatives.

Five affirmative votes are required for passage after public comment.

**Order 71-13/14
(Tab 5)**

Order Appointing Directors of the Portland Widows' Wood Society for the 2013-2014 Term – Sponsored by Mayor Michael F. Brennan.

The Portland Widows' Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widow Woods Society for the 2013-2014 term:

Henry L. Donovan	15 Clifford Street
Robert Duranleau	69 Pitt Street, South Portland
Michael Francouer	33 Autumn Lane
Cyrus Hagge	45 Turner Street
Cheryl Hallett, Treasurer	22 Pride Farm Road, Falmouth
Everett Ingalls	125 Neal Street
John C. Knox, President	44 Bramblewood Drive
Thomas M. Pierce	52 Foreside Common Drive, Falmouth

Five affirmative votes are required for passage after public comment.

**Order 72-13/14
(Tab 6)**

Order Appointing Members to Various Boards and Committees – Sponsored by the Nomination Committee, Cheryl A. Leeman, Chair.

This order appoints members to the following boards and committees:

Name	Board & Commissions	Expirations
Kevin R. Bolduc	Fish Exchange	10/31/2015
Jackie Wiegleb	CDBG	09/30/2016
Rhonda Juneau	CDBG	09/30/2016

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

LICENSES:

Order 73-13/14 (Tab 7) **Order Granting Municipal Officers' Approval of Saigon Restaurant, Inc. d/b/a Saigon Restaurant at 795 Forest Ave. Application for a Class III & IV Wine & Beer License – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 9/20/13. New City and State Applications. Change of ownership from sole proprietorship to corporation.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

Com 5-13/14 (Tab 8) **Communication Re: Appointment of Member to the Franklin Street Phase II Project Advisory Committee – Sponsored by Mayor Michael F. Brennan.**

This appointment is brought to the City Council pursuant to the Mayor's power under the Charter, Article II Section 5(1), to appoint the members and chairs of City Council committees and various ad hoc city committees subject to an override vote of at least six members of the City Council.

Due to work and scheduling conflicts, Katie Brown from Munjoy Hill Neighborhood Organization (MHNO) is unable to continue to serve on the Franklin Street Project Advisory Committee. Consequently, the MHNO has requested, and the Mayor hereby appoints, Sam Cohen, Secretary to MHNO, to serve as the MHNO representative on the Committee.

As a Communication this item requires no public comment or formal Council action.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 52-13/14 (Tab 9) **Amendment to City Code Sec. 14-49 (Zoning Map Amendment) Re: Conditional Rezoning for Dinosaur Enterprises LTD – Sponsored by the Planning Board, Carol Morrissette, Chair.**

On July 9, 2013, the Planning Board unanimously recommended that the City Council create a conditional zone for a fuel distribution business owned by Dinosaur Enterprises LTD on Great Diamond Island.

The proposed conditional zone is intended to allow continuation of a fuel distribution service on Great Diamond Island in a residential zone on a site that Dinosaur Enterprises has been operating on since 1988. Business-related activities allowed under the conditional zone are limited to the fuel distribution service.

Dinosaur provides gasoline and heating oil for Great Diamond Island residents and is the only source of fuel on the island. Fuel distribution uses are not listed as permitted uses in island residential zones.

The City has given notice to the property owner of this zoning violation and has required this issue be resolved by moving the operations to an appropriately zoned site or seeking a zoning amendment to allow the use at the Sunset Avenue site. Approval of the proposed conditional zone will resolve this issue.

This item must be read on two separate days. It was given a first reading on September 16th. Public comment and deliberations on this item will take place at this evening's 6:30 p.m. Special City Council meeting, and will continue at the 7:00 p.m. Regular City Council meeting. Please see the 6:30 p.m. Special City meeting agenda for backup on this item.

Five affirmative votes are required for passage after public comment.

**Order 46-13/14
(Tab 10)**

Order Designating 409 Cumberland Avenue Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

409 Cumberland Avenue Affordable Housing TIF (AHTIF) Development District is being proposed for property located on the corner of Cumberland and Forest Avenues. The development consists of 46 affordable units and 11 market-rate units of rental housing.

The proposal is for a 22-year TIF at 50% of the captured revenue or a minimum of \$34,200 of the total projected new taxes captured, as a reimbursement.

The developer's share of TIF revenue will be used to pay operating costs for the project.

The remaining TIF revenues will be allocated to the City and will be used to establish an Affordable Housing Development Revolving Loan and Investment Fund.

Full build-out is not anticipated until Year 3 of the District.

When completed, this project's increased assessed value is estimated at \$3.2 Million, which will yield \$1.5+ Million in new property taxes over the course of the 22-year TIF District. There will be no taxes captured during the first two years of the district while construction takes place. During years 3 to 22 of the district, 100% of the increased taxes will be captured, with 50% going to the Developer and 50% going to the City's Affordable Housing Loan and Investment Fund.

The developer's share of TIF revenues will either be 50% of the captured revenue or a minimum of \$34,200. The total aggregate amount of the developer's share of TIF revenue will not exceed \$684,000 over the term of the District.

Here is an overview of the TIF proposal related to the share of future estimated property taxes.

	<u>Dev. Share</u>	<u>City AH Share</u>	<u>City Genl Fund Share</u>
<u>Year 1-2</u>	<u>\$0</u>	<u>\$0</u>	<u>\$26,790 or 100%</u>
<u>Year 3-22</u>	<u>\$684,000 or 43%</u>	<u>\$900,750 or 57%</u>	<u>\$0</u>

The Avesta Housing 409 Cumberland Avenue project consists of 57 units of rental housing. Forty-six units will be affordable to households earning at or below 60% of the area median income. The remaining eleven units will be available at market rates. Total development costs are estimated at \$11,079,283. At full build-out, the development is projected to have a total increased assessed valuation of approximately \$3,229,800 and will pay approximately \$72,034 annually in increased property taxes, or \$1.58 Million over the life of the district.

In addition, with the tax sheltering benefits of TIF Districts, overall savings to the City during the term of the district averages an estimated annual amount of \$26,000+, or \$572,000+ over the life of the district.

The Housing and Community Development Committee met on January 23, 2013 and voted unanimously to forward this item to the City Council with a recommendation for approval.

At the September 9th City Council this item was postponed to this meeting.

On October 9, the Housing and Community Development Committee met to reconsider its prior vote related to City capture percentage to fund the

Housing Revolving Loan and Investment Fund. After review, the HCDC agreed to continue to recommend this item to the City Council.

Five affirmative votes are required for passage after public comment.

**Order 46 -13/14
(Tab 11)**

**Order Approving Credit Enhancement Agreement with Avesta 409
Cumberland, LP – Sponsored by Mark H. Rees, City Manager.**

This order is a companion order to the above order. It approves a credit enhancement agreement between the City and 409 Cumberland, LP ("Developer").

Under the terms of the Credit Enhancement Agreement, which is for a 22 year period, the City will return to the Developer from the new property taxes generated by the increased value in the property, beginning with the third Fiscal Year (FY16) and continuing 20 years thereafter, 50% of the captured revenue, or a minimum of \$34,200 yearly of the total projected new taxes captured, as a reimbursement. The amount of TIF funds returned to the Developer over the life of the district will be capped at \$684,000.

The developer's share of TIF revenue will be used to pay operating costs for the project.

This item must be read on two separate days. This is its first reading.

**Order 202-12/13
(Tab 12)**

**Amendment to Zoning Map Re: 159 Canco Road from I-L
Low Impact Industrial Zone to ROS Recreational Open Space Zone –
Sponsored by the Planning Board, Carol Morrissette, Chair.**

Though it is currently zoned IL or Low-Impact Industrial, neighborhood residents have historically used the property at 159 Canco Road as a passive recreational open space.

The site includes woodlands, wetlands, streams, a pond, and a number of hiking, biking, and cross-country skiing trails. As a result of a partnership with neighborhood residents, the Trust for Public Land and Portland Trails, the city now owns the 12.9 property. The City Council has placed it under a conservation easement to Portland Trails with the intent that it remains protected open space in perpetuity.

Upon conveying the conservation easement, the Council referred the issue of rezoning the property to the Planning Board and recommended that the zoning be changed to Recreation and Open Space (ROS) in order to align more closely with existing and potential uses on site.

conservation easement to Portland Trails with the intent that it remains protected open space in perpetuity.

Upon conveying the conservation easement, the Council referred the issue of rezoning the property to the Planning Board and recommended that the zoning be changed to Recreation and Open Space (ROS) in order to align more closely with existing and potential uses on site.

On March 19, 2013, the Planning Board voted unanimously (5-0, Soley and Dundon absent) to recommend a proposed zoning map amendment for the property at 159 Canco Road to change the zoning designation from Low-Impact (IL) to Recreation Open Space (ROS).

This item must be read on two separate days. At the August 5th City Council meeting this item was postponed to this meeting. Staff recommends that this item be postponed until the second City Council Meeting in January 2014 or January 22, 2014.

ORDERS:

**Order 74-13/14
(Tab 13)**

Order Approving Purchase and Sale Agreement for Nathan Clifford School Redevelopment – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item is being submitted to the City Council to authorize the City Manager to enter into a Purchase and Sale Agreement for Nathan Clifford School Redevelopment.

Transfer of control of the Nathan Clifford School from the School Department to the City was accepted by the City Council on February 6, 2012.

On June 18, 2012, the City Council then established the Nathan Clifford Re-Use Advisory Task Force to report to the HCDC with recommended preferred uses for the property, as well as a list of criteria for ranking potential uses and a process to review proposals. The Task Force completed its work November 2012, and the City Council approved the Task Force's recommendations on December 17, 2012. The Mayor then appointed the Nathan Clifford Proposal Review Committee (NCPRC) in July 2013 to oversee selection of a development team for its re-use.

The NCPRC issued a Request for Qualifications and two development teams, Developer's Collaborative and Community Housing of Maine, provided responses expressing interest in the property. The proposal from Developer's Collaborative included 22 market rate residential apartment units with +/- 18 units located in the

school building and +/- 4 units located in new structures on the school. Community Housing of Maine's proposal included 60 affordable residential apartments, with up to 24 of those units located in new construction.

After review of the two proposals, the NCPRC voted unanimously to recommend to the HCDC and City Council acceptance of the proposal submitted by Developer's Collaborative, finding that the material submitted met the applicable criteria in the RFQ. The Committee further qualified its recommendation that the proposal will meet current zoning, provide a more detailed site plan, provide additional financial information for review by Economic Development staff, and clarify its proposal regarding community use of the property.

The financial impact to the City includes property sale proceeds of \$1.00 dollar; establishment of a large conservation area for public use; and generation of property taxes estimated at \$78,000 per year.

At their meeting on October 9th the Housing and Community Development Committee met and voted 3-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 75-13/14
(Tab 14)**

Order Authorizing Purchase and Sale Agreement with Thompson's Point – Development Company, Inc. - Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item is being submitted to the City Council to authorize the City Manager to enter into a Purchase and Sale Agreement for a portion of the City's Riverside Street property.

The Thompson's Point Project developers are interested in acquiring 3 +/- acres of City-owned Riverside Street property to support the relocation of Suburban Propane from Thompson's Point.

Thompson's Point Project developers and Suburban Propane have entered into a Purchase and Sale Agreement that requires the Thompson's Point developers to acquire the Riverside Street property and construct facilities to support Suburban Propane's relocation from Thompson's Point. This relocation will then allow the Thompson's Point Suburban Propane and NNEPRA occupied properties to house a 730+/- parking garage and an event center.

The Thompson's Point development project, a \$100 million+ mixed use investment at that site, includes an event center, garage, office building, hotel, and restaurant. In June 2011, the development plan first came forward and has since evolved, with the most recent proposed acquisition of the Suburban Propane and NNEPRA sites

by Thompson's Point Developers and the Developer's relocation of Suburban Propane to Riverside Street.

The financial impact to the City includes property sale proceeds of \$285,000, minus any allowable deductions, and an increase in the City tax base. Up to \$25,000 could be deducted from the sale proceeds, depending on the costs associated with complying with the development of the driveway, the required drainage improvements, and possible trail-related improvements. Also, the City will contribute up to \$5,000 to the subdivision costs to create the parcel to be conveyed.

At their meeting on October 9th the Housing and Community Development Committee met and voted 3-0 to forward this item to the City Council with a recommendation for passage.

**Order 76-13/14
(Tab 15)**

Order Approving Health Care for the Homeless Continuity of Care Policy - Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic Chair.

Health Care for the Homeless ("HCH") is required to have a board approved continuity of care policy in accordance with Health Center Program Requirement number 6 (continuity of care). Continuity of care is the process by which the client and the primary care provider work together in ongoing health care management and coordination. For HCH, this means providing integrated primary, dental, mental health, substance abuse treatment and supportive services. HCH also maintains formal contracts with Maine Medical Center and Mercy Hospital for inpatient, specialty and diagnostic laboratory services.

This policy was reviewed and approved at the 10/3/2013 HCH Quality Assurance and Improvement Committee and by the Public Safety, Health and Human Services Committee on 10/8/2013 without changes.

At their October 8, 2013 meeting, the Public Safety, Health and Human Services Committee met and voted 4-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 77-13/14
(Tab 16)**

Order Approving Health Care for the Homeless Financial Access Policy – Sponsored by the Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

Health Care for the Homeless ("HCH") is required to have a board approved Financial Access Policy in accordance with Health Center Program Requirement number 7 (sliding fee discount). As a federally qualified health

center, HCH must assure access to services by individuals who qualify, regardless of a person's ability to pay. This policy was reviewed and approved at the 10/3/2013 HCH Quality Assurance Committee and by the Public Safety, Health and Human Services Committee on 10/8/2013 without changes.

At their October 8, 2013 meeting, the Public Safety, Health and Human Services Committee met and voted 4-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 78-13/14
(Tab 17)**

Order Declaring Portland Downtown District "Light Up Your Holidays Festival – Sponsored by Mark H. Rees, City Manager.

The Department of Public Services has been working with Portland's Downtown District to support several upcoming events where street closures and use of downtown squares will be needed. A Festival Declaration and Permit will be needed by the Portland Downtown District for the following Holiday events:

- Light Up Your Holidays Tree Lighting Ceremony, November 29;
- First Friday Art Walk, December 6;
- Merry Madness, December 12; and
- Horse Drawn Wagon Rides, multiple dates

For these events, the following Street closures are needed:

- Tree Lighting Ceremony, November 29: Congress Street will be closed between Brown Street and Elm Street from 12 PM – 9:00 PM. A bus only lane will be maintained between 12 PM – 3:30 to minimize disruption of bus service during preparations for the event.
- First Friday Art Walk, December 6: Congress Street from Brown Street to High Street and from High Street to State Street will be closed from 6 PM -8 PM (High Street will remain open for vehicle traffic).
- Merry Madness, December 12: Market Street closed from Milk Street to Middle Street from 4 PM -8 PM.

Background on each event is as follows:

Light Up Your Holidays Tree Lighting Ceremony: On Friday, November 29, 2013 from 5:30PM to 6:30 PM the annual tree lighting ceremony will be held in Monument Square and on Congress Street (with stage, entertainment and vendors). Organizers have asked to place a 20x24' stage on Congress Street (between Preble and Elm Street) facing Monument Square. This would necessitate the closure of that section of Congress Street to vehicular traffic from 12 PM to 9:00 PM, Friday. A special METRO bus lane through the closure is planned. For security, the tree lighting ceremony will also necessitate closing Federal Street Extension to vehicular traffic (from 5 – 7pm) and posted “no parking” 2pm - 7pm.

Vendors will set up on the sidewalks, in Monument Square and on the closed section of Congress Street. The festival area includes Congress Street (Preble to Elm Street) and all of Monument Square, Federal Street Ext., and the nearby sidewalks (One City Center sidewalk area and Monument Way), from Center Street to Temple Street and both sides of Congress Street in that area.

Horse Drawn Wagon Rides: Beginning Friday, November 29, PDD will sponsor horse-drawn wagon rides in the downtown between 4 PM - 8 PM. Rides will begin and end in Monument Square. They will occur Friday – Sunday between November 29 and December 22. Rides will also be offered on Thursday, December 12. Rides are free to the public. The festival area for required for these events includes Monument Square, Federal Street Ext. sidewalks, One City Center sidewalk areas, and Monument Way (and any adjacent sidewalks).

First Friday Artwalk: Portland's Downtown District is collaborating with Creative Portland to incorporate the First Friday Art Walk (Friday, December 6) into its holiday promotion. To support this effort, they have requested permission to close Congress Street between High St. and Brown St. and between State St. and High St. between the hours of 6 PM – 8 PM. (High Street would stay open to traffic.) PDD will organize and schedule holiday entertainment in Congress Square and Longfellow Square. Festival Grounds on December 6 include Congress Street itself (State to Elm), and the above mentioned squares and adjacent sidewalks (5 – 8pm).

Merry Madness: PDD plans to hold its annual "Merry Madness" on December 12. Organizers have requested permission to close Market Street (from Milk Street to Middle Street) to vehicular traffic from 6 PM to 9 PM to host a reception sponsored by the Portland Regency Hotel. The reception will be held in the Regency's large parking lot on Market Street, and includes refreshments as well as amplified music. PDD has requested permission for the Regency to expand its alcohol service to the parking lot area, where wine would be served to adults (21+) in a confined, secured area (a large tent). The Regency Hotel currently holds a Class IA FSE 40+

Rooms License. Festival Grounds on December 12 include Market Street itself (Milk to Middle), and adjacent sidewalks. PDD will work with city staff to provide a safe street closing and monitored alcohol service area. And will acquire any necessary licenses for refreshments and outdoor music.

Costs incurred by City Departments, (Police, Fire, Public Services) for the Tree Lighting Event will be in-kind. Costs associated with supporting the First Friday Artwalk and Merry Madness events to be charged to organizer, Portland's Downtown District. PDD will also pay fee licenses to the City Clerk's office as required and/or direct vendors to acquire licenses directly for the Clerk's office.

Staff has received letters of support from the Portland Downtown District, organizer of the events, METRO Transit District and from the Circus Conservatory. Department of Public Services staff recommends approval of the Festival Permit License and the street closures in support of these Holiday events.

Five affirmative votes are required for passage after public comment.

**Order 79-13/14
(Tab 18)**

Order Authorizing Wage Increase for City Manager and City - Sponsored Clerk - Sponsored by the Nomination Committee, Cheryl L. Leeman, Chair.

This order authorizes a 1% wage increase for the City Manager and City Clerk retroactive to July 1, 2013.

The City Council and the Nomination Committee reviewed and recommended this wage increase as part of the City Manager and City Clerk performance review process and the approved FY13 City budget included the necessary funds to implement this increase.

Five affirmative votes are required for passage after public comment.

**Order 80-13/14
(Tab 19)**

Order Authorizing Termination of Existing Thompson's Point Transit Oriented Development (TOD) Tax Increment Financing (TIF) District and Approving Amended and Restated Thompson's Point (TOD TIF) District and Adopting Amended and Restated Municipal Development Program for the District -Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Chair.

The Thompson's Point Project developers have secured a Purchase and Sale Agreement to acquire the Suburban Propane Thompson's Point property and to relocate them to the City's Riverside Street property.

In so doing, Thompson's Point Development Company is requesting that the geographic boundaries of the current Transit Oriented Development (TOD) Tax

Increment Financing (TIF) district be amended to include the Suburban Propane and Northern New England Passenger Rail Authority (NNEPRA) properties, as well as to amend its Development Program accordingly.

No changes to the financial terms of the Thompson's Point project developers Credit Enhancement Agreement (CEA) (for Phase 1) are proposed. Minor amendments to the CEA to reflect the amendments to the TOD TIF are included as the next companion Order.

Additionally, the Housing and Community Development Committee (HCDC) has proposed capturing for City use through the TOD TIF 25% of projected taxes associated with Thompson's Point Project Development for Phases 2 and 3.

When this TOD TIF was authorized by the Council in June 2011, the Thompson's Point Development Project, a \$100 Million+ mixed use investment at that site, included an event center, concert hall, parking garage, office buildings, hotel, and restaurant. It has since evolved with the most recent proposed acquisition of the Suburban Propane site by Thompson's Point Developers, and the Developer's relocation of Suburban Propane to Riverside Street. Because of this change, the TOD TIF amendments being proposed would expand the geographic area of the TIF district by adding +/- 3 acres, and amend the Development Program to substitute two existing historic brick buildings totaling 69,000 +/- sq. ft. as eligible development to receive TIF funds and for removal of a concert hall with 28,000 sq. ft.

The following is the financial impact to the city:

Proposed Tax Increment Financing Terms

Attached in the agenda backup is a marked revision of the original Thompson's Point Transit-Oriented Development and Tax Increment Financing (TIF) District Program and associated marked revision of the original Credit Enhancement Agreement (CEA). Highlights of the terms of the amended TIF District Program and the CEA are provided below.

Phase One Project Total Investment Value estimated at \$100,000+ million is going to yield a \$78,000,000 tax increment. The original TIF approval was based on a \$78,000,000 tax increment, and the amended TIF district is based on that same value.

Phase One Estimated Property Taxes

Here is an overview of the TIF proposal related to the share of future Phase One estimated property taxes.

	<u>Thompson Point Dev. Share</u>	<u>City TOD Share</u>	<u>City Genl Fund Share</u>
Years 1-30	\$32,806,687 or 54%	\$15,262,990 or 25%	\$12,968,776 or 21%

Notes:

Overall above TIF percentage is an average over thirty (30) years.

Years 1-10. 75% to the Project Developer; 25% to City/TOD.

Years 11-15. 60% to the Project Developer; 25% to City/TOD; 15% to City General Fund;

Years 16-20. 50% to the Project Developer; 25% to City/TOD; 25% to City General Fund;

Years 21-30. 40% to the Project Developer; 25% to City/TOD; 35% to City General Fund

The original approved CEA defines a single "Triggering Event" to be the first Tax Year when the Increased Assessed Value of the Property first equals at least five Million Dollars (\$5,000,000.00) to activate the TIF. The amended CEA defines two "Triggering Events" due to the delay of the event center and parking garage construction on the Suburban Propane and NNEPRA sites.

Included in Exhibit C-1 of the backup material are details associated with the Phase One annual estimates for property tax revenue and the arrangement to share future property taxes. Please note this attachment outlines the Project Developer terms under a credit enhancement agreement approach along with uses of the City share for the City General Fund and transit-oriented type investment. Also, this proposal is consistent with City TIF Policy.

Included in Attachment C-3 of the agenda backup are tax shelter benefits associated with Phase One.

Phase Two and Three Estimated Property Taxes

At the HCDC's direction, the estimated increased property taxes on Phase Two and Three development is shown below based on a \$20,000,000 tax increment, taking into consideration the request to have 25% of those new taxes for the municipal TOD program. These estimates are based on Phase Two and Three property taxes being realized beginning with Year 11 of the TIF district.

	<u>Thompson Point Dev. Share</u>	<u>City TOD Share</u>	<u>City Genl Fund Share</u>
Years 1-30	\$0 or 0%	\$2,932,217 or 25%	\$8,796,652 or 75%

Included in attachment C-2 of the backup material are the annual estimates for property tax revenue from Phase Two and Three for the TOD TIF and for the General Fund. Attachment C-4 is the estimated annual tax shelter benefits for Phase Two and Three.

At its meeting on October 9th the Housing and Community Development Committee met and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This item must be read on two separate days. This is its first reading.

Order 81-13/14

Order Terminating Credit Enhancement Agreement with Thompson's Point

(Tab 20)

Development Company, Inc. and Approving Amended and Restated Credit Enhancement Agreement with Thompson's Point Development Company, Inc. – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order is a companion order to the above order.

This agreement sets forth the parameters of the tax increment financing that will be paid to the developer over the thirty-year period of the development program. On June 8, 2011 the Housing and Community Development Committee voted 2-1 to recommend to the full Council that the amended CEA be approved.

This item must be read on two separate days. This is its first reading.

AMENDMENTS:

**Order 82-13/14
(Tab 21)**

Amendment to City Code Sec. 6.165-6.172 (Green Building Ordinance) Sponsored by Councilors David A. Marshall and Kevin Donoghue, Co-Chairs of the Transportation, Sustainability and Energy Committee.

Prior to 2012, the Green Building Ordinance required that City and non-City buildings receiving City money in amounts greater than \$25,000 attain LEED Silver through the United States Green Building Council program. In January 2012, the City Council approved amendments to the Green Building Ordinance based on the work of the Green Building Incentive Task Force and the Energy and Environmental Sustainability Council Committee. Those amendments included:

1. Substituting the requirement that projects receiving City funds attain the LEED Silver standard with the requirement that a project must exceed the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 90.1 or equivalent standard by 30% for new construction, 25% for existing buildings, and 20% for historical buildings. Buildings owned or occupied by the City must still meet the LEED Silver standard.
2. Allowing any third-party verifiable certification program and sign-off by a licensed engineer for meeting the standard for any project receiving City funds in demonstration of meeting the standard.
3. Amending the funding-level threshold for projects receiving City funds from \$25,000 to \$200,000.
4. Removing the stipulation that a change of use is considered a renovation.

5. Amending the threshold for meeting the standard for City projects from 5,000 square feet to 2,000 square feet and removing the dollar requirement threshold.
6. Removing the requirement that projects meet the Architecture 2030 Challenge since meeting 30% better than ASHRAE 90.1 is effectively the same performance level.
7. Defining specific criteria for granting a waiver due to financial burden (an additional up-front cost to the project of greater than 3%) or impact to a historic building. If a waiver is granted, the project must still “demonstrate all possible effort to maximize building performance.”
8. Amending the appeals body from the City Council to the Zoning Board of Appeals

At the time the amendments to the Ordinance were recommended to the City Council for amendment, the major impacts expected by amending the ordinance included:

- Reducing administrative time in verifying compliance with the standard and determining and administering waiver requests.
- Eliminating the cost associated with LEED certification for Projects receiving City funding that no longer choose to certify their building with LEED.

While the impact of reducing the cost of LEED certification has occurred, waiver requests specifically from projects participating in a TIF agreement have not decreased and the administrative burden of reviewing and granting waivers still exists. Staff is therefore proposing these amendments for consideration. They will:

- Clarify submission process and definitions
- Eliminate the “3%” waiver that allows for waivers for projects for which the incremental cost of meeting the ordinance is 3% of the cost of the projects
- Replacing the “3%” waiver with specific, non-cost-related criteria for waivers to be considered
- Renaming waivers “partial exemptions” to clarify that the highest possible green building standards must still be met; and
- Defining standards for partial exemptions.

The financial changes are not expected to have any financial impact on the City because they do not change the requirements for public buildings significantly.

This item must be read on two separate days. This is its first reading.

Order 83-13/14
(Tab 22)

Amendment to Portland City Code Chapter 28. Traffic and Motor Vehicles Section 84 (Violations) – Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

According to the Parking Division, a fairly common problem they observe is that individuals are illegally parking in spaces designated for the handicapped by utilizing altered hanging placards. Primarily these individuals are changing the expiration date on the placards to make it appear to parking enforcement that they are still valid. There are reported cases in which individuals have utilized a deceased relatives hang tag for years. The fact that there is no ordinance violation to enforce is a source of frustration to the parking officers who can clearly see the deception, and also to the public at large, especially those who rightfully use disabled tags.

Currently, under state law a police officer could issue a summons for such a violation under 29-A sec 512 (9-A). However, that does not give our parking enforcement officials a tool to use. Also an officer would have to wait for a driver to come back to the car to issue the summons in person. A parking official can simply leave a ticket on the windshield.

Staff recommends a severe enough penalty (\$200) to deter this behavior. This would also align with the current penalty for improper use of a disabled parking zone.

This item must be read on two separate days. This is its first reading.

LICENSE RENEWALS:

REQUEST FOR EXECUTIVE SESSION: