



September 12, 2017

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
amachado@portlandmaine.gov
(207) 874-8709

RE: The Cedars 630 Ocean Ave; Variance Appeal

Dear Ms. Machado:

The Cedars, located at 630 Ocean Ave, recently submitted a Variance Appeal through the law firm Jensen Baird Gardner & Henry. As explained in a letter written by Natalie Burns as part of the Variance Appeal, The Cedars believes that the Variance Appeal is unnecessary and would like you to review and approve the height of the building based on the mansard roof portion of the definition of height in Section 14-47.

The existing Atrium building, which is 3 stories in height, was previously approved by the City without a variance, because the City determined that the roof fell within the mansard roof definition as described above. The proposed building and roof structure are very similar to the Atrium and would be considered under the same definition.

As proof of our assertion, we have included the definition of a mansard roof and the plans of the proposed building that show the elevation, the roof plan, and building sections to further document the fact that the proposed building has a mansard roof.

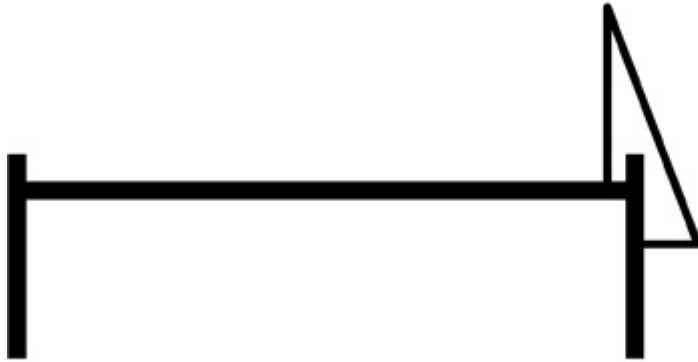
I. CITY CODE

As defined by the City Code, a building's height is defined as: The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs; **to the highest point of the roof beams or the highest point on the deck of mansard roofs**; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

As highlighted in yellow above, the building height calculation for a mansard roof is to the highest point of the roof beam or the highest point on the deck of mansard roofs.

II. MANSARD ROOF DEFINITION

There are many different types of mansard roofs. The mansard roof definition that The Cedars proposed building falls under is as follows:



The Gourmet Mansardic roof.

- Structurally, a conventional flat-roofed building with an appended projecting element.
- Formally, the slope projects out from the exterior wall.
- Used as an inexpensive decorative component, as a screen for e.g. roof-top equipment, or for purposes of signage and identification.

III. THE CEDARS ELEVATIONS AND ROOF PLANS

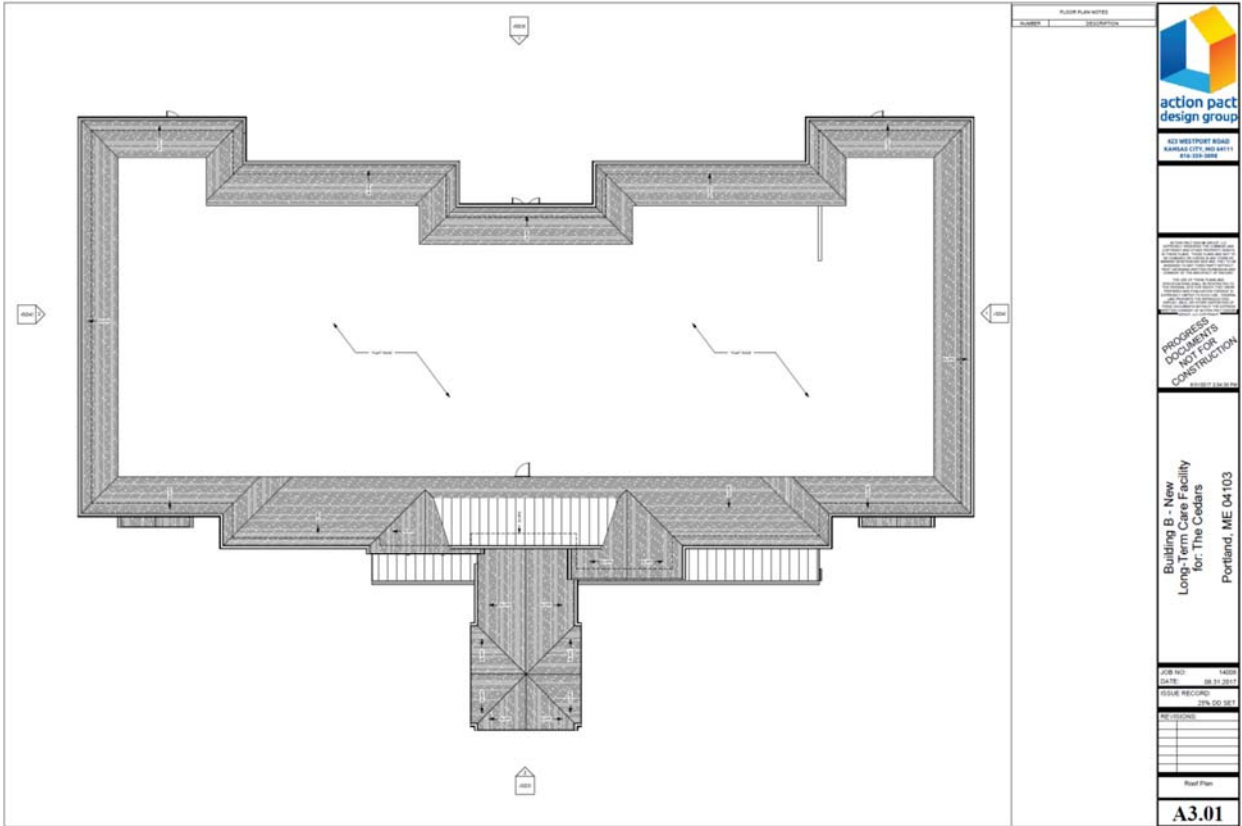
The proposed building elevation is shown below.





From the front building elevation, it is difficult to determine what type of roof is shown. However, from the East and West elevations above, you can see that the mansard roof is a roof element that stops and does not slope to a peak as in a typical pitched roof.

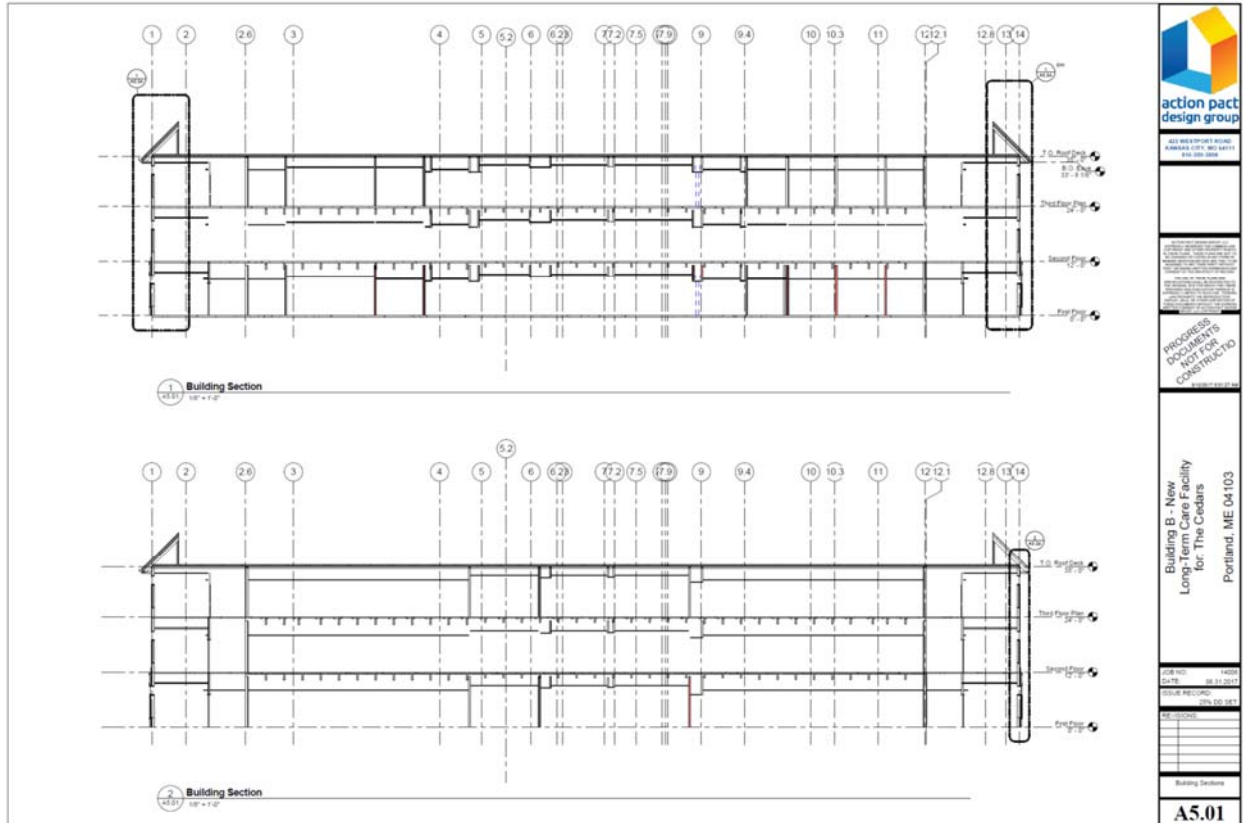
The clearest illustration of the mansard roof can be seen by looking at the roof plan. In the below roof plan, the mansard roof is shown as the gray shaded area that goes around the entire perimeter of the building. The vast majority of the roof, shown as the white area on the roof plan is the flat roof portion. Per the definition above, the proposed roof is a conventional flat roofed building with an appended projecting element used a decorative component and to shield roof top equipment.



IV. BUILDING HEIGHT CALCULATION

Based on the definition of a mansard roof, the proposed roof plans that illustrate a mansard roof, and the City's definition of height, we have calculated the building height as shown below in the building sections.

The top of the roof deck for the proposed building is shown below at 35' which meets the City's code requirements for building height.



1 Building Section
1/8" = 1'-0"

2 Building Section
1/8" = 1'-0"

3 Building Section
1/8" = 1'-0"

4 Building Section
1/8" = 1'-0"

action pact design group
200 WESTPORT ROAD
KANSAS CITY, MO 64111
816-359-3898

PROGRESS DOCUMENTS
NOT FOR CONSTRUCTION

Building B - New
Long-Term Care Facility
for The Cedars
Portland, ME 04103

DATE: 05-11-2017
ISSUE RECORD: 001, CC SET

Sheet: 001
Title: 001, CC SET

Scale: 1/8" = 1'-0"

A5.02

V. CONCLUSION

Due to the following facts and circumstances, we would like you to determine that The Cedars' proposed building meets the building height requirements and does not require a Variance Appeal:

- Existing Atrium building is 3 stories with the same mansard roof structure and was previously approved without a variance
- The proposed roof plan meets the definition of a mansard roof – a mostly flat roof with a decorative element around the exterior perimeter of the building
- Based on meeting the mansard roof definition, building height is calculated as the vertical measurement from grade to the highest point of the roof beams or the highest point on the deck of mansard roofs
- The top of the roof deck as shown in the building sections is 35 feet which meets the current zoning requirements

The Cedars appreciates your prompt attention to this matter so that we can keep the Project moving and, if you determine that the proposal meets the height requirements, cancel the Variance Appeal prior to the City's next meeting on September 21, 2017.

Respectfully Submitted,

Action Pact Holdings, LLC

A handwritten signature in black ink, appearing to read 'Martin Dickmann', followed by a long horizontal line extending to the right.

Martin Dickmann
Executive Vice-President